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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTIETH CONGRESS, FIRST SESSION

VOLUME XIX.

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VOLUME XIX, PART VIII.

CONGRESSIONAL RECORD,

FIFTIETH CONGRESS, FIRST SESSION.

was authorized to do, and the Congress of the United States saw fit without a dissenting voice to remunerate this attorney properly for that service. Such a case as that may occur at any point, in any one of the Territories of the Union.

Then comes the District of Columbia; and this presents a most important matter.

By the act of August 5, 1886, page 335, to provide for protecting the interests of the United States in the Potomac River Flats, proceedings were begun by the proper officers of the Government.

To the bill filed by the Attorney-General, in the supreme court of the District of Columbia, under section 1, there have been thirty-nine answers, making practically thirty-nine suits.

The questions involved go back one hundred years, and involve claims to titles to land and water for miles up and down the river. The research and labor necessary for a thorough examination of the records of the War, Treasury, and Interior Departments, the court records and papers on file in the Congressional Library have consumed months.

The undivided attention of an attorney, able and expert in the matters under investigation, will be needed to look after these suits, otherwise the Government will sustain heavy pecuniary loss. The best lawyers in the District are employed in the defense.

The civil business of the United States attorney's office of the District of Columbia has absolutely outgrown the capacity of the office to deal with it.

More than sixty cases are now on the docket, the force being insufficient; and the delay therefrom has been most injurious.

Many of these suits are against wealthy corporations, who are assisted by the ablest counsel in Washington. In some instances the Government is pitted against leading railroad companies, which, by reason of the insufficiency of the force in the United States district attorney's office, have every advantage. Unless Congress comes to the relief, the Government will be made to suffer enormous losses.

Now, in connection with that, as an illustration of the growing importance of that Department I hold in my hand a copy of the bill in equity in a single, solitary case relating to the North Carolina Cherokees, which has recently been filed by the Department of Justice, and is now pending in the court, embracing seventy pages of closely printed manuscript in the bill alone. Now, Mr. Chairman, it is perfectly manifest that no district attorney will be able to take up the class of litigation to which I have called the attention of the House and dispose of it to the best interest of the Government without the assistance of counsel.

I have but little information as to the character of the district attorneys in the different States of the Union. I assume that they are of the highest order of talent, of the very best men; but any man who has had experience in a court will see the embarrassment which must necessarily occur if the district attorney is compelled to take up and dispose of the current business of the court and in addition to that have these suits involving millions of acres of the public domain and millions of dollars to the Government without any competent assistance.

The Department of Justice, I believe, asked for $40,000 in their estimate. It was disallowed. They now come and ask upon this bill that you give them $20,000 in addition to what you have given; and I think in view of the explanation which I have now made, which should perhaps have been more fully made to the Committee on Appropriations than was heretofore made or than came out in the discussion of the subject upon this floor some weeks ago. In view of these facts, and in view of this additional work and accumulated work upon the Department of Justice of this high and important character, involving so much to the Government, that the Congress of the United States ought not to embarrass and cripple the Department, but on the contrary ought to give it the necessary assistance to carry on this work in a way that will be successful.

In conclusion, I have only this to say, for the Committee of the Whole as well as the Committee on Appropriations, that in presenting these statements I do not know anything about them except as they have been left by my colleague [Mr. OATES] with a request for me to present them to the House. I assume that they are correct, though I have no knowledge on that fact. But what I do insist is that in view of the explanation now made there should be no question as to the action of the Committee on Appropriations about making this appropriation.

What we all want to do, on both sides, is to do right, and the disposition of all parties concerned is to do right when we ascertain what it is. Now the Department of Justice has placed these things before the Committee of the Whole and it is for the committee to say itself and for the Committee on Appropriations to say, whether or not in view of this increasing labor they will make an appropriation which will enable that Department to preform it in a proper manner, and with these observations I will close, stating that when the proper place is reached I will offer an amendment with that view.

[Mr. STONE, of Missouri, addressed the committee. He withholds his remarks until they have been concluded. They will be found complete in the succeeding day's proceedings.]

Mr. BURNES. Will my friend yield to me for the purpose of moving that the committee now rise?

Mr. STONE, of Missouri. Certainly. I presume that I will retain the floor?

The CHAIRMAN. Of course the gentleman will be entitled to the floor when the committee again resumes its session.

Mr. BURNES. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the general deficiency bill, had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. The committee of conference on the Navy appropriation bill instruct me to make a report on the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

I ask unanimous consent that the report of the committee be confirmed and that certain amendments therein specified be non-concurred in, and others concurred in, and that a further conference be asked with the Senate on the disagreeing votes of the two Houses.

Mr. HOLMAN. I hope there will be some brief statement, at least, of the nature of these amendments.

Mr. ROGERS. I do not know anything about the bill; but I would like to have some little information as to the amendments of the Senate. How much is the increase?

Mr. HERBERT. The increase by the Senate is about $240,000.

Mr. ROGERS. What for?

Mr. HERBERT. For the construction of a practice vessel for the Naval Academy. That is the principal one. The committee is unanimous in its report.

Mr. CANNON. Let this report be printed, and let us have some time to examine it.

Mr. HOLMAN. Will the gentleman state how much is the largest item upon which non-concurrence is recommended?

Mr. HERBERT. I do not remember the exact figures——

Mr. HOLMAN. It seems to me that the gentleman had better have the direction of the House as to non-concurrence in some of these amendments.

Mr. CANNON. I hope the report will be inserted in the RECORD, so that we may have an opportunity of examining it, and the gentleman can call it up Monday morning.

The SPEAKER *pro tempore*. Without objection this report will be printed in the RECORD and lie over for the present.

There was no objection, and it was so ordered.

The report (by Mr. HERBERT) is as follows:

The Committee on Naval Affairs, who have had under consideration the Senate amendments to H. R. 10556, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes," submit the following report and recommendations:

There were seventy-five amendments reported in the bill as it came from the Senate. The committee, after full consideration of the same, recommend concurrence in the amendments numbered respectively as follows:

Amendments numbered 1, 2, 9, 10, 12, and 13.

Also, concurrence in Senate amendment numbered 16, with amendments in line 315, after the word "Mexico;" so as to make the remainder of the line read: "and the South Atlantic coast for navy-yards and dry-docks, and for."

They also recommend concurrence in amendments numbered 17, 19, 26, 30, 31, 32, 33, 36, 42, 43, 44, 50, 52, 54, 61, and 69.

The committee recommend non-concurrence in the amendments as follows:

Amendments numbered 3, 4, 5, 6, 7, 8, 11, 14, 15, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29, 34, 35, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 51, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75.

They also recommend that line 977 be amended by inserting after the word "construction" the words "steam machinery and armament."

Also, that the words "construction and steam machinery," where they occur in line 1031, be stricken out.

Also, that the word "or," where it occurs in lines 1033 and 1035, be stricken out, and that the word "and" be inserted in lieu thereof in each line.

Also, that the words "with their engines, boilers, and machinery," be inserted in line 1033, after the word "Congress" and before the word "and."

Also, that the word "armament," in line 1037, be stricken out.

They recommend concurrence in amendment numbered 75 with the following amendments, that is to say, strike out the words "and armament" in line 1042, insert between the words "Annapolis" and "to," in line 1044, the words "except when in emergencies it may be used for other purposes," and by inserting "sixty" in the place of "seventy-five" in line 1047.

PUBLIC BUILDING, ELMIRA, N. Y.

Mr. FLOOD. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 9380) for the erection of a public building at the city of Elmira, N. Y.

The SPEAKER *pro tempore*. The bill will be read, subject to objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office, and for other Government uses, at the city of Elmira, N. Y. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have

been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of New York shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of $75,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of the first section of this act.

Mr. HOLMAN. Let the report be read.

Mr. SPRINGER. Pending that, I understand that objection has been withdrawn to the request of the gentleman from Alabama.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read in this case, subject to the right of objection.

Mr. SPRINGER. Let us dispose of this other matter; objection is withdrawn.

Mr. HERBERT. I understand that the gentleman from Illinois withdraws his objection to the request for a committee of conference.

Mr. BURROWS. I think that the report ought to be printed and lie over until Monday.

The SPEAKER *pro tempore*. The report of the Committee on Public Buildings and Grounds will be read.

The report (by Mr. NEAL) was read, as follows:

According to the census report of 1880 the population of the city of Elmira was 20,641. It is now estimated to contain a population of 25,000 or 30,000. It is the geographical, commercial, and business center of the southern tier of counties of New York, and is the distributing point for mails to most of the offices and towns in the territory embraced in these counties, extending from 75 to 100 miles in all directions from Elmira. It has extensive business and manufacturing interests.

The post-office at Elmira is the depository for the fourth-class post-offices in the counties of Chemung, Schuyler, and Steuben, being more than one hundred and fifty in number.

The number of employés in the post-office at Elmira, including clerks and letter-carriers, is twenty-one.

The business transacted through this office during the fiscal year ending June 30, 1887, is shown in the appendix hereto annexed.

The gross receipts of the office for the same time were $48,247.37. The net revenue from the office was $27,912.

The committee are of the opinion that a public building should be erected at Elmira, but are further of the opinion that a public building can be erected there, including purchase of site, which will be sufficient to meet the present and reasonably prospective needs of the public service at that place for the sum of $75,000. The committee therefore report the accompanying bill as a substitute and recommend that it do pass, and that the original bill be laid on the table.

Mr. HOLMAN. This is simply for a post-office, and I would suggest that $50,000 ought certainly to be sufficient. I ask the gentleman to accept that amount.

Mr. FLOOD. Very well, I am willing to accept that.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, under the previous order the House stands adjourned until 11 o'clock on Monday.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 11028) granting a pension to William A. Mackroth—to the Committee on Invalid Pensions.

By Mr. BUNNELL: A bill (H. R. 11029) for the relief of Mary Vanbuskirk—to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 11030) granting a pension to Susan E. Latture—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 11031) granting a pension to James McKeag—to the Committee on Invalid Pensions.

By Mr. DARLINGTON: A bill (H. R. 11032) granting a pension to William J. Boone—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 11033) granting a pension to Benjamin H. Coursey—to the Committee on Invalid Pensions.

By Mr. McKENNA: A bill (H. R. 11034) granting a pension to Joseph Grubenstein—to the Committee on Invalid Pensions.

By Mr. TOOLE (by request): A bill (H. R. 11035) for the relief of James McGee—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DOCKERY: Petition of Robert Osborn, of Ray County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition of Catharine Holly, for a pension—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of L. A. Davidson and others, of Harrison County, and of W. M. Arnold and others, of Gilmer County, West Virginia, for an appropriation for the relief of the sufferers in the great flood of July, 1888—to the Committee on Appropriations.

By Mr. HOUK: Petition of the Woman's Christian Temperance Union of Tennessee, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. LEE (by request): Petition of George Smith, heir of George Smith, deceased, of Culpeper County, and of Granville S. Kelly, of Kelly's Ford, Culpeper County, Va., for relief—to the Committee on War Claims.

By Mr. McCOMAS: Petition of Thomas Frundle, of estate of Louisa G. Beall, of N. T. Haller, of Warren Garrott, of Jacob A. Miller, of Elizabeth Clagett and others, of Lemuel L. Beall, of estate of Michael Bartholow, of estate of B. T. Norris, of Magdelena Gross, of William S. Wilson, of Phillip Reich, of Cornelius Virts, of James H. Elgin, of Isaac Renn, of J. O. Myers, of John C. Fleming, of Henry G. Rhodes, and of David E. Miller, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of D. R. Miller and 40 others, citizens of Maryland, for the passage of House bill 9517—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Petition of soldiers and citizens of the National League, for pensioning all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of Martha McCurdy, and of John R. House, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. THOMAS: Petition of Helen A. DeRussey, for relief—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of William Swansey, of Jacob Pennington, heir of Margaret Pennington, and of John H. Bishop, of Cherokee County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINSON (by request): Petition of David Miller and others, of Orleans Parish, Louisiana, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

SENATE.

MONDAY, *July* 30, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of certain citizens of Hampton and Beaufort Counties, South Carolina, praying for the passage of certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PALMER presented the petition of L. M. Rogers and 83 others, citizens of Lenawee County, Michigan, praying for protective legislation on wool and woolen manufactures; which was referred to the Committee on Finance.

He also presented the petition of Thomas Older, of Lenawee County, Michigan, praying that wool may be admitted free of duty; which was referred to the Committee on Finance.

Mr. JONES, of Arkansas, presented the petition of W. D. Leiper and other citizens of Hot Springs County, Arkansas, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 1324) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes, reported it with amendments.

Mr. BOWEN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3348) for the relief of George K. Otis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5080) for the relief of C. B. Wilson, reported it without amendment.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits, reported it without amendment.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3392) granting a pension to Edward Gregory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3393) granting a pension to Morgan Welsh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3394) to create the Colmar land district, in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLAIR. At the request of the Federation of Labor I introduce a bill.

The bill (S. 3395) to amend chapter 184 of the laws of 1885, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," as the same was amended by chapter 22 of the laws of 1887, approved February 23, 1887, was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BERRY introduced a bill (S. 3396) for the relief of the heirs of Mark W. Izard, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 3397) granting an increase of pension to Caroline M. McDougal; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3398) for the erection of a public building at the city of Galesburgh, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3399) granting a pension to John L. Russell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3400) for the relief of Maria G. Dunbar; which was read twice by its title, and referred to the Committee on Pensions.

INDIAN DEPREDATION CLAIMS.

Mr. MITCHELL. I present amendments to the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations, which I ask to have printed and referred to the Committee on Indian Affairs. If there is no objection, I should like to have the amendments printed in the RECORD.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendments will be received, printed, and referred to the Committee on Indian Affairs. Is there objection to their appearing in the RECORD? The Chair hears none. It is so ordered.

The amendments are as follows:

First. Strike out the word "commissioners," in line 5, page 1, and insert in lieu thereof the word "judges;" and strike out the word "chairman," in line 6, of same page, and insert in lieu thereof the words "presiding judge."

Second. Strike out the word "commissioners," in line 9, page 1, and insert in lieu thereof the word "judges."

Third. Strike out the word "commissioner," in line 16, page 2, and insert in lieu thereof the word "judge."

Fourth. Strike out the word "commissioners," in lines 17 and 18, page 2, and insert in lieu thereof the word "judges."

Fifth. Strike out the word "commissioners," in line 1, section 2, page 2, and insert in lieu thereof the word "judges."

Sixth. Strike out lines 6, 7, 8, and 9, of page 2, and insert in lieu thereof the following:

"First. All claims for Indian depredations now on file in the Interior Department, or pending before Congress; and all such other claims which shall hereafter be presented in pursuance of this act, or any other act of Congress or treaty with any Indian tribe: *Provided*, That in determining the liability of the United States to pay such claims, or any part thereof, the question of limitation as to time and manner of presenting them, as prescribed by statute, shall be waived by the court."

Seventh. Strike out after the word "determination," in line 20, section 2, page 2, the following:

"The aforesaid court shall not consider any claim which has been heard and rejected by any Department or officer of the Government, authorized by law to adjudicate the same."

Or in the event that the amendment last proposed should not be adopted, then as an alternative the following amendment is proposed:

Insert after the word "rejected," in line 21, page 2, section 2, the words "or allowed;" and also insert after the word "same," in line 23, section 2, page 3, the following words:

"And all claims which have been heretofore heard and allowed by the Commissioner of Indian Affairs and Secretary of the Interior under any law of the United States are hereby declared to be valid existing claims against the United States, subject to appropriation by Congress."

Eighth. Strike out the word "commissioners," in line 26, section 2, page 3, and insert in lieu thereof the word "judges."

Ninth. Strike out the word "commissioners," in line 6, section 3, page 4, and insert in lieu thereof the word "judges."

Tenth. Strike out the word "commissioners," in line 10, section 3, page 4, and insert in lieu thereof the word "judge;" also in line 11, same section and page, strike out the word "commissioners," and insert in lieu thereof the word "judges."

Eleventh. Strike out the word "Secretary," in line 7, section 4, page 5, and insert in lieu thereof the word "Secretaries;" and insert after the word "War," in line 7, section 4, page 5, the words "and the Treasury;" and strike out in line 9, section 4, page 5, the following words:

"The Department of War;" and insert in lieu thereof the following words: "their several departments."

Twelfth. Strike out the word "commissioners," in lines 32 and 33, section 4, page 6, and insert in lieu thereof the word "judges;" also strike out the word "commissioners," in line 35, same section and page, and insert in lieu thereof the word "judges."

Thirteenth. Insert after the word "be," in line 11, page 5, section 4, the following words: "adjudged and determined, being."

Fourteenth. Insert a period after the word "involved," in line 20, section 4, page 5; and strike out the word "and," after the word "involved," in line 20 of same page, and insert in lieu thereof the words, "the petition."

Fifteenth. Insert after the word "agents," in line 23, section 4, page 5, the following words: "or other officers."

Sixteenth. Insert after the words "United States," in line 23, page 8, the following words: "stating the amount allowed to each claimant."

GEORGE W. SEAVER.

Mr. EDMUNDS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. N. S. Seaver, widow of George W. Seaver, deceased, late a clerk in the office of the Secretary of the Senate, an amount equal to six months' salary as such clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. RANSOM. I move that the Senate request the House of Representatives to return the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C., with the message of the Senate thereon.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to the House the concurrent resolution for printing 39,000 copies of the third annual report of the Commissioner of Labor.

The message also announced that the House had passed the bill (S. 288) for the erection of a public building at Sioux City, Iowa, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1914) for the relief of Mary E. Hopkins.

The message also announced that the House had passed the following concurrent resolutions; in which it requested the concurrence of the Senate:

A concurrent resolution to print, and 50,000 additional copies of, a special report on the white scale and other scale insects affecting the orange and other fruit trees in California;

A concurrent resolution to print 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations;

A concurrent resolution for the printing, and 20,000 additional copies, of a second edition of the special report of the Department of Agriculture on insects affecting the orange;

A concurrent resolution for the printing of the report of the Smithsonian Institution and of the National Museum for the years ending June 30, 1886 and 1887, in two octavo volumes for each year, 16,000 extra copies of each;

A concurrent resolution for the printing of 3,000 copies of the report of Lieut. Charles C. Rogers, United States Navy, on the Panama Canal, including illustrations and maps, bound in cloth;

A concurrent resolution for the printing of 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1885, and its accompanying documents and illustrations; and

A concurrent resolution for the printing of 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883) with proposed amendments of the Mills bill, to be prepared by the Committee on Ways and Means, to be printed for the use of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen;

A bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice;

A bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds;

A bill (S. 190) for the relief of W. H. Tibbits;

A bill (S. 196) to cancel certain reservations of lands, on account of live-oak, in the southwestern land district of the State of Louisiana;

A bill (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.;

A bill (S. 928) in relation to marriage between white men and Indian women;

A bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes;

A bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo.;

A bill (S. 2316) restoring the right of pre-emption to Jesse A. Corn;

A bill (S. 2624) to provide for the enlargement of the dimensions of the wharf at Fortress Monroe;

A bill (H. R. 24) for the relief of Eliza Russell;

A bill (H. R. 149) granting a pension to Rachel Burnes;

A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;

A bill (H. R. 160) granting a pension to Elizabeth B. Sailer;

A bill (H. R. 185) granting a pension to Samuel F. C. Garrison;

A bill (H. R. 486) granting a restoration of pension to Lydia Calhoun;

A bill (H. R. 490) granting a pension to George W. Pitner;

A bill (H. R. 621) granting an increase of pension to William M. Whaley;
A bill (H. R. 736) for the relief of Caroline T. Cockle;
A bill (H. R. 737) granting a pension to Joseph Peve;
A bill (H. R. 817) granting a pension to Mary Foster;
A bill (H. R. 8881) granting a pension to Hiram R. Ellis;
A bill (H. R. 945) granting a pension to Mary Kelley;
A bill (H. R. 965) granting a pension to George E. Wells;
A bill (H. R. 2140) granting a pension to Eliza Smith;
A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge at or near Burlington, Iowa;
A bill (H. R. 2233) granting a pension to Bernard Carlin;
A bill (H. R. 2531) granting a pension to Frederick W. Travis;
A bill (H. R. 2776) granting a pension to William Jack;
A bill (H. R. 3521) granting a pension to Emanuel Garcia;
A bill (H. R. 3764) for the relief of Mrs. Delilah Whipps;
A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson;
A bill (H. R. 3923) to place the name of Frederick Ronicke on the pension-roll;
A bill (H. R. 4069) granting an increase of pension to Elnathan Meade;
A bill (H. R. 4098) granting a pension to Eliza Trefren;
A bill (H. R. 4270) granting a pension to William C. Tilly;
A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;
A bill (H. R. 5383) granting a pension to George W. Flowers;
A bill (H. R. 5443) granting a pension to Isaac N. Johnson;
A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott;
A bill (H. R. 6193) for the relief of Edson Saxberry;
A bill (H. R. 6220) granting a pension to John Taaffe;
A bill (H. R. 6307) granting a pension to Sarah A. Corson;
A bill (H. R. 6764) to grant a pension to Muck-a-pec-wak-keu-zah, or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862;
A bill (H. R. 7093) granting an increase of pension to John A. Rolf;
A bill (H. R. 8075) granting a pension to Ann M. Arnold, widow of John Arnold;
A bill (H. R. 8428) granting a pension to James T. Bourland;
A bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll;
A bill (H. R. 8523) granting a pension to Susan F. Scott;
A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward;
A bill (H. R. 8677) granting a pension to Mary E. Forren;
A bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield;
A bill (H. R. 8794) granting a pension to Levi Little;
A bill (H. R. 8953) granting a pension to Eliza Mathews;
A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;
A bill (H. R. 9029) for the relief of Marshall Burtram;
A bill (H. R. 9034) granting a pension to Lydia Heiny;
A bill (H. R. 9119) granting a pension to George C. Chase;
A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyfforth;
A bill (H. R. 9183) granting a pension to William P. Riddle;
A bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond;
A bill (H. R. 9314) granting a pension to Mrs. Judith Deig;
A bill (H. R. 9318) granting an increase of pension to Charles Jewett;
A bill (H. R. 9344) granting a pension to James C. White;
A bill (H. R. 9467) granting a pension to William M. Dicken;
A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;
A bill (H. R. 9595) granting a pension to David A. Yeaw;
A bill (H. R. 9729) granting a pension to Malinda Hardin;
A bill (H. R. 9731) granting a pension to William A. Humes;
A bill (H. R. 9732) granting a pension to Sarah Riddle;
A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;
A bill (H. R. 9808) granting an increase of pension to Rebecca Manlove;
A bill (H. R. 9910) increasing the pension of William J. Heady;
A bill (H. R. 9920) granting a pension to Daniel K. Harris;
A bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood;
A bill (H. R. 10318) granting a pension to Mary C. Davis;
A bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;
A bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company; and
Joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there is no further morning business that order is closed.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 10540, being the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. ALLISON. I wish to offer three or four amendments from the Committee on Appropriations.

On page 115, after line 25, I move to insert:

To enable the Sergeant-at-Arms of the Senate to provide suitable rooms for the use of the folders of the Senate, $150. And he is authorized to lease such rooms for the space of four months.

The amendment was agreed to.

Mr. ALLISON. On page 108, after line 23, I move to insert:

Penitentiary in Wyoming Territory: For completion and necessary repairs of penitentiary building, in addition to the amount appropriated in the sundry civil appropriation act approved August 4, 1886, $10,000.

The amendment was agreed to.

Mr. ALLISON. On page 117, after line 6, I move to insert:

To enable the Architect of the Capitol to protect the paintings in the Rotunda by suitable railing or wire netting, in his discretion, $500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. ALLISON. On page 119, line 25, in the items for printing and binding for the Departments, I move to strike out "four" before the word "thousand," and insert "eight;" so as to read:

For the Department of Labor, $8,000.

The amendment was agreed to.

Mr. ALLISON. In line 20, on page 117, I ask unanimous consent, as the amendment there has already been agreed to, to change the sum from $2,213,000, which I believe is now in the bill, to $2,217,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 117, line 20, in the appropriations for "public printing and binding," after the words "two hundred and," it is proposed to strike out "thirteen" and insert "seventeen;" so as to read:

And for all the necessary materials which may be needed in the prosecution of the work, $2,217,000.

The amendment was agreed to.

Mr. BOWEN. I move to amend the bill on page 63, line 6, after the word "dollars," by inserting what I send to the desk.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 63, line 6, after the word "dollars," it is proposed to insert:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of $250,000. All titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for reservoirs for storing water and for rights of way for ditches and canals for the purpose of irrigation.

Mr. BOWEN. I desire to be heard briefly on the amendment.

Mr. ALLISON. I wish to say a word before the Senator from Colorado proceeds. That amendment, I believe, was reported by the Committee on the Improvement of the Mississippi River and was referred to the Committee on Appropriations. I am not certain that the amendment is in order, and therefore I reserve the right to make a point of order, but will hear the Senator from Colorado before making it.

Mr. BOWEN. Mr. President, in offering this amendment I desire the Senate to understand, and understand with great distinctness, that I am not engaged in the performance of an act of merely perfunctory character, because the very reverse is true. I am very much in earnest about it, and do most sincerely hope the Senate will give it the fair and candid consideration which the great importance of the subject demands.

This amendment has failed to receive the approval of the Committee on Appropriations, but I have reason to believe the committee is not a unit in this regard. Be this, however, as it may, I now bring it before this body, not for the purpose of antagonizing the committee, which I doubt not stands ready to be convinced, but with the view of taking the judgment of the Senate upon the subject.

It requires no argument to establish a universally accepted truth; and when I assert that if each and every individual in this country owned in fee a parcel of land it would not only conduce to the prosperity and happiness of each but would likewise constitute one of the most potential elements of strength to the Government, I consider I am simply enunciating one of those universally accepted truths. Assuming that I am, I will not pause to dwell at length upon the reasons that lead to such acceptance.

Let it suffice to simply call attention to the rapidly increasing population in our country and to the dense masses in our already overcrowded cities, together with the additional fact that these conditions exist in a country which is, comparatively speaking, only in its infancy.

Then let me ask all thoughtful persons to consider the question as to how long it will be before additional provision must be made for the efflux of people from the overcrowded portions of our country. So long as we have a surplus of unoccupied land we will not feel the pressure of an augmenting population; but, sir, let me say now that we have nearly reached the culminating point where we have no such land surplus. To make my meaning clear I wish it understood that I do not speak of the quantity of land considered necessary in the older countries of the world, where people are crowded together like sheep, eke out a bare existence, and live and die in utter hopelessness of ever bettering their condition, but that I do speak of what is necessary to our own people, who never have been, and I hope never will be, accustomed to such conditions; people born to freedom, constitutionally independent, and wholly unused to the cramped and pinched and pitiable surroundings of people in less favored lands.

With these qualifications and explanations I repeat what I said before, that our available surplus lands are well-nigh all appropriated; and I may add that the time is nearly on us when, if the people who may desire to secure and build homes of their own are to have such opportunities, we must do our part of the work here. It is idle to say wait until the exigency arises. The Bible says:

The wise man forseeth evil and avoideth it; the fool goeth on and is punished.

Let us heed this condensed wisdom and do that which, to be useful at all, must be done in apt time.

To those whose lives and lines of thought and effort have carried them away from an investigation of the question it may, and no doubt will, be a matter of surprise when I state that the "arid" lands of this country embrace, exclusive of Alaska, about four-tenths or nearly one-half of the entire area of the United States! Such, however, is true.

By arid lands I mean all land which is non-productive without irrigation; and this classification embraces the eastern portions of California, Oregon, and Washington, and nearly the whole of Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, Wyoming, and Montana, while the western portions of Dakota, Nebraska, Kansas, and Texas are in some seasons seriously affected by drought.

Habituated as we are to contemplate the vastness of the territory embraced within the limits of the United States in a general sort of way, sufficiently magnificent in its proportions to constitute a score of empires—ay, a world within itself—we swell with pride and satisfaction at the thought that this is our country; yet we find our enthusiasm dampened when the cold fact is announced that if we have to depend upon nature for the one single element of moisture we could not on nearly one-half of all this vast domain raise a single bushel of wheat.

On the other hand the evidence rises to the dignity of proof, of absolute conclusiveness, that whenever and wherever this one missing link in the great chain of conditions essential to success in agriculture is supplied these verdureless deserts change as if by magic and become the garden spots of the world. Look, for example, at the State of Colorado. Only thirty years ago the first movement of people to that country was made; they were not looking for farms, but for gold, and had no thought of engaging in agriculture. The plains were dry and desolate and the general outlook was anything but encouraging; and very many returned to the States. Some, however, remained, and little by little agriculture by means of irrigation began to engage the attention and efforts of the people. It was a success. Instead of watching the clouds and hoping for rain, they found they could do their own raining whenever they pleased by simply turning the water from their ditches. They also learned that their seemingly barren land was rich in all the elements essential to vegetable growth. From these small beginnings the interest grew with marvelous rapidity, and what do we see to-day?

Why, sir, wherever water can be commanded we see as successful agriculture as the sun of heaven shines upon anywhere, and that, too, right at the door of one of the finest mining regions in the world. These two great interests combined are building up a veritable empire. To say nothing of the lesser cities, towns, and villages—and we have them by the scores and hundreds—look at Denver, the "Queen City of the Plains," with its hundred thousand inhabitants now, and still moving forward with giant strides in her race for a quarter of a million in the near future, and then remember that only thirty years ago—at a period when some now here were even then serving the country as members of Congress—the sole occupants of the site were the buffalo, the antelope, the cayote, and the jack-rabbit; and that without water for irrigation the original occupants would still be holding the fort. What has been done there in the way of material development can be done to a greater extent all over the arid regions.

Is it necessary to bring forward an array of arguments or waste a moment's time to convince the Senate of the wisdom of reclaiming these lands? I think not. Senators may honestly differ as to when and how it shall be done; but there can be no dispute as to the general proposition that it should be done.

With equal confidence I assert that there can be no dispute as to the fact that the engineering part of this great work must be done first, and this is just what the amendment now under consideration contemplates.

It is well for us all to understand that the problem of irrigation is neither new nor tentative, for it is a fact that about half the cultivated land on the face of the globe, including parts of Mexico, Central and South America, Holland, Spain, Belgium, Portugal, Sicily, and Greece, and generally the Mediterranean coasts north of the rainless regions of Africa, Moravia, Poland, and parts of Russia, also in Syria, Egypt, and in many parts of Persia, India, and China, is utilized by that means; that without water held and controlled for that purpose, such lands would be as useless for agricultural purposes as the lava beds, and the present population of the world could scarcely subsist at all.

The subject has received world-wide attention for centuries upon centuries, and the volumes of books and reports on the subject would make an extensive library wherein all the phases of the subject are discussed and made clear. Hence I say it is not a mere experiment, but a tangible, fixed fact. I will not, however, pause to refer to authorities, but content myself by simply stating facts.

True it is that a large proportion of our arid lands will forever remain so, and for various reasons. Some are so situated that water can not be taken to them; some are so broken, uneven, and abrubt that irrigation would be impossible, even with the water at hand for the purpose, besides divers and sundry other causes affecting particular conditions. Still, the proportion which can be redeemed and made useful is sufficiently large to make their reclamation a matter of profound interest, especially when it is considered that when supplied with water these lands are the finest producers of cereals, vegetables, and fruits in the world. This is true, because plant-food has been accumulating on these lands undiluted by water for hundreds of years.

Irrigation in its primitive state involves only the utilization, by means of simple ditches, of the water streams existing in proximity to the lands to be cultivated. Such lands are first settled upon and improved, but as the country grows in population, we find that large canals are excavated, beginning higher up the more important streams and laid out with but slight grades. Through these the water is conducted for long distances and further back from the streams, thus covering larger areas of country, and making the cultivation of the soil on all lower ground feasible. These canals are sometimes constructed through and by the combination of the several land owners, sometimes by persons or corporations of larger means, who sell water rights to such as have not engaged, or do not desire to engage, in making these canals. From these main canals the water is diverted and measured by means of gates and weirs, and carried through ditches to the several places where it is needed, and there distributed broadcast, or through the furrows over the fields. The irrigating season, as a rule covers but few months in the year, and for the balance of the time the water is practicably wasted, running off through its natural channels.

In the region of country which I have already designated as "arid" the two methods I have already described are now being used, but practical experience has taught us that there is not enough water, thus managed and handled, to irrigate all our arid lands. Therefore, we are preparing for another advanced movement, looking to the storage of water in vast reservoirs to be filled during the parts of the year when the waters are not being used for irrigating purposes, but left running off to waste as already mentioned—a period embracing about three-quarters of each year—and we now appear before Congress with this purpose in view, asking that the great "catchment" basins be selected, surveyed, and withdrawn from market, to the end that they may hereafter be used for the only purpose for which they are of any use whatever. Without entering into any nice calculation, sufficient is known to warrant the assertion that the quantity of water which could thus be saved and stored up would be ample to redeem every acre of our arid lands.

This policy once adopted, various points are to be well considered in the execution of its details, chief among which is the question of evaporation. Water stored away in our lower altitudes and drier atmospheres loses largely from this source, hence the reservoir sites must be selected high up the mountains and nearer the sources of our streams. The loss from evaporation varies from 10 to 50 per cent., perhaps more. The higher up, where the atmosphere is more humid, the less, the lower down, the more. This, however, and other matters are details which I will not now discuss. Let it suffice to say that they are all well understood.

There has been an objection raised that, if these reservoir sites are surveyed and selected, the lands will be appropriated by speculators and land sharks. Allow me to say that there is not in existence a land law under which such a thing could be possible, and that I am not only willing but anxious that all necessary safeguards be adopted to render such things impossible.

We are not asking very much; nothing in fact to speak of when considered in connection with other appropriations. Look, for instance, at the river and harbor bill: Four hundred and thirty-two distinct items of appropriation, besides over five hundred and fifty more wherein the Secretary of War is directed to cause surveys to be made for various purposes, covering in all over $22,000,000 for the present fiscal year.

I take no exceptions to any of the projects, but simply mention these facts to show that as a comparative proposition we do present one which, all things considered, possesses very great merit, and I may fairly add

that in my opinion, while I sit here and vote millions for the purposes suggested by you and claimed to be useful and meritorious, I may in all reason and good faith ask for the pittance covered by my amendment, which is to be expended, not for the benefit alone of the people of that section of country, but for the grander purpose of furnishing homes for the homeless all over this broad land.

Is this desirable? Is it a laudable aspiration? Look around you and contemplate existing facts, paying no heed for the moment to the future, and what do we see in the older settled parts of this country? The prosperous farmer in the Eastern or Middle States raises his family of stalwart sons and they become past masters of the art of agriculture. The time arrives when these boys desire to start life for themselves, and, possibly possessed of a few dollars of patrimony, go West to seek new homes in new lands. In time they have families of their own.

They are the types of that American progress which causes the earth to yield up her hidden riches, which builds school-houses and churches, that erects the forge, the factory, and the mill, standing everywhere throughout the countless towns, villages, and hamlets of our happily endowed land. This is the history of our great development inward; but the time will come when this progress must be checked through the gradual processes of absorption of our arable public domain. What shall we do to anticipate? Or shall we anticipate at all?

We do not want money to improve our rivers, but we do want it to save their waters for the purposes I have indicated, thus being enabled to furnish our portion of commerce and to make subsistence so plentiful at home that nature's great store-houses of mineral wealth may be opened up and their increased products added to the world's wealth.

The appropriations for the Geological Survey are contained in the bill now under consideration, else I might well have insisted on placing this amendment upon the river and harbor bill, because I firmly believe that, so far at least as the Lower Mississippi River is concerned, that region would be more thoroughly protected from floods and overflows by a perfect reservoir system than by all the millions that have been and still are being expended there. Let me for a moment read what Major Powell says on this point. I consider him as good authority as any in all this land. I read from his recent report to the Secretary of the Interior:

> The development of irrigation along the base of the Rocky Mountains is of double importance because of its influence on the agriculture of the Lower Mississippi. To store up the water of the Missouri and its main affluents for the purpose of irrigation is to diminish the volume of that flood of the Lower Mississippi, which is most destructive by reason of its recurring in the heart of the farming season. Moreover, the great difficulty of the problem of the Lower Mississippi arises from the fact that the river normally makes a deposit there, thus clogging its course and giving to its channel an unstable position. The principal source of the sediment is the Missouri River, and it is carried forward chiefly during floods. With abolition of great Missouri floods the sedimentary load of the Lower Mississippi would be diminished, and the scouring power of the less-loaded floods from the Ohio and Upper Mississippi would establish for the Lower Mississippi a lower grade and a deeper channel. For every acre reclaimed to agriculture in Montana another acre will be reclaimed in Louisiana; and, in general, all land redeemed by irrigation on the great plains will be equaled by the lands redeemed from floods in the great valley of the Lower Mississippi.

I can add nothing which will strengthen his statement, which for clearness and perspicuity stands unrivaled.

Mr. President, I now come to the last point to which I desire to call the attention of the Senate.

The Congress and Executive are already committed to this work. At this very session of Congress the Secretary of the Interior has been directed by joint resolution, duly passed by both branches of Congress and approved by the President—

> By means of the Director of the Geological Survey to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes, with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of the construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes.

The proposed appropriation is for the purpose of carrying this joint resolution into effect. Without the appropriation we had just as well never have passed the resolution.

Will Congress put itself in such an attitude? Sir, one of the well-founded accusations preferred against our Government is that our executive and legislative branches are inert and indisposed to promptly recognize and aid in the advancement of scientific projects. This may be accounted for by the facts that our civilization is new, compared with that of the Old World, and that our resources seem to be so limitless and our people are so actively engaged in countless enterprises they have little time to pause and consider that a period must arrive when lines for the future must be distinctly drawn.

It is beyond question that the inventors of the steam-engine and magnetic telegraph pleaded vainly throughout long and weary years for Governmental aid in furthering or developing their discoveries. The inventors of the various implements and armaments which, during the late civil war, revolutionized the art and science of modern warfare were coldly, if not cruelly, treated by our Government, and other inventors in the same line are to-day meeting with like indifference, if not wholly repelled. It is a struggle always for recognition, and this is the effort I am making to-day in advocacy of this comparatively new—to us—but no less important proposition.

We appropriate vast sums in aid of river and harbor improvements. About $150,000,000 have been expended since 1789 on these improvements, whether meritorious or otherwise, but I do not doubt that valuable returns have been rendered therefor in the advancement of our coastwise and internal water commerce. Much of this outlay has been of experimental nature, in aid of projects advocated and recommended by our Army engineers, and Congress has not been illiberal in this particular. I claim the application of the principles underlying river and harbor improvements to the project so urgently recommended by the authorities of the Geological Survey, civil engineers of world-wide reputation, who should know whereof they speak.

The appropriation urged is strictly within the line of economy, because it is based upon considerations of the highest national importance and public polity, directly and indirectly affecting the happiness and welfare of the American people, for whom homes are needed, with all their concomitants of civilization and contributive wealth.

If the general reclamation of our arid lands can be accomplished, and of this there can be no reasonable doubt, the amount asked to inaugurate the experiment is but the veriest trifle. We can never attain success by standing idle, advocating a proposition involving important national considerations, and yet deliberately closing the doors of the Treasury against the necessary outlay. A wise policy demands the very reverse action.

The great and growing West is blossoming like the rose, but there are vacant places, deserts which can be made oases. The people's demands for homes must constantly increase proportionately with our increase of population. The public domain is being rapidly absorbed, and there is no provision for the future. The end must come and the door shut in the faces of our hardy, enterprising settlers, unless we can extend our area by reclaiming the arid lands. There will be no homestead or pre-emption privileges when the land offices are closed, and what then? Let the people and let the Senate ponder and reply.

Mr. STEWART. Mr. President, I regard this as the most useful and important item of appropriation which has been presented to this Congress.

Mr. BECK. Mr. President, has the question of order been made and decided? The chairman of the Committee on Appropriations raised a question of order, I believe.

The PRESIDENT *pro tempore*. The Senator from Iowa, the chairman of the committee, stated that he reserved the point of order, to decide whether or not to submit it hereafter.

Mr. BECK. So the right to make it will not be lost if the debate goes on?

Mr. STEWART. The people of the United States have not until recently been called upon to consider the question of irrigation, but it always has been a leading question among civilized people. It would be safe to estimate that two-thirds at least, certainly one-half, of all the agriculture which has been practiced by man from the beginning has been by the aid of irrigation. Ancient and modern Egyptians were and are compelled to irrigate to raise any crop. Italy and Austria also irrigate, although in those countries there are places where crops can be raised without irrigation.

Irrigation is practiced in more than half of France. It is absolutely necessary in the greater part of Asia. The Eastern empires of old supported vast populations by irrigation. Two hundred and fifty million people in India are generally supported by irrigation. Irrigation has been practiced on this hemisphere from the beginning. In Mexico and South America a large portion of the country requires irrigation to produce crops.

We have acquired a large section of country requiring irrigation. It is admitted that about two-fifths of the area of the United States, excepting Alaska, requires irrigation.

We have thus far proceeded to treat all land as if it were arable land, to survey it in the same way and to dispose of it under the same laws, except the statute known as the desert-land law, which is imperfect. The design of this law was good, and it has worked tolerably well, but it needs some modifications. Aside from that there has been no legislation by Congress looking to irrigation, except a general law which was passed in 1866 conferring rights to ditches and canals on the public lands for mining and agricultural purposes, and recognizing the use of water for those purposes.

There has been some incidental legislation in regard to that matter, such as a recognition of the difference between arable lands, timber lands, mineral lands, etc. In the various acts providing for the Geological Survey the fact that there is land requiring irrigation is recognized. The various acts making appropriations for the Geological Survey have provided for the classification of the lands, such as require irrigation and such as do not, such as are desert, such as are agricultural, and such as are mineral lands. You have appropriations in this bill for the Geological Survey, for topographical and geological surveys, and kindred subjects, nearly $600,000.

The most important part of this geological survey is the topographical survey. That is the foundation of the geological survey. You must have the topography in order to give the geology. This survey of the country for the purposes of ascertaining its topography and geology commenced when I was a member of the Senate many years ago. An appropriation was made for the purpose of a geological survey along the

line of the Pacific Railroad. Senator Conness, of California, proposed an amendment to the Army appropriation bill for that purpose, and I aided him to secure its adoption. I afterwards secured an appropriation to enable the engineers of the War Department to go on with the work, and it was conducted for a time under Lieutenant Wheeler. His was a very valuable topographical and geological work.

It was subsequently taken from the Engineer Department, which may or may not have been a mistake, for our young Army officers ought to have this exercise, and it would be for the benefit of the Army if they had it, although it is under the charge of a very competent and enthusiastic man, who goes into it with all his soul; and he has so acted that there is a general recognition of the usefulness of his work.

Congress has been making annual appropriations, and in this bill, as I before remarked, there are about $600,000 for this bureau. Strange as it may seem, while this work does make valuable books, good drawings, and pictures which are exceedingly fine and very instructive, while it collects good information which the world appreciates highly, yet the work in the field stops at the point where immediate necessity begins. It leaves out the most important part of such a survey by refraining from that which is needed to make it of practical utility for people desiring to make homes.

It should not only show the geology and topography, but it should show what lands are arable and where ditches and reservoirs should be made for the purpose of reclaiming such arable lands by irrigation. That is of the first importance. The topography must be determined, and that is the principal expense, while the matters relating to irrigation are vastly more important. There is no provision for practical segregation, so that the people can know what land can be brought under cultivation and what can not.

This amendment provides for the appropriation of $250,000 for the purpose of enabling the work now in progress in the field to be extended so as to provide homes for the people. The amendment is germane. Eighty per cent. of the proposed work is topography, the same work in which the bureau is now engaged, and for which a large amount is already appropriated in the bill. In fact it is of the same character precisely. It is adding to the information for which we are already paying $600,000 a year.

In after years the scientific world may be benefited by the Geological Survey, but what we want now is immediate benefit to the country. Let me appeal to the Senate to appropriate money for this purpose now. If we do not proceed with this at once it will be too late. This matter will not admit of delay. We can not delay this part of the survey for this reason, and I want the Senate to understand this particularly.

The ranges of mountains in this country have, as a rule, flat places, lakes, swamps, and places covered with grass at high altitudes, from which water is discharged through narrow gorges easily dammed. They are very numerous at the heads of all the great and small streams, some of them known as parks, some as lakes, and others as mountain meadows.

While these places are not fit, as a rule, to make homes, being too high, so that people can not live there during the winter on account of the deep snows, still cattle-men take stock there in summer, and they are using every means to get title so that they can make summer ranges. There are many places where they have already acquired title to these reservoir sites.

It is necessary to have these reservoirs in this region, because the snow and the rain come in the winter, and if it is not saved then it is lost forever. In the spring when the snow is melting in every locality I venture to say 95 per cent. of the water runs to waste within sixty days. In the winter it lies there in snow, but in the spring when the snow goes off it goes in a flow, which is injurious to the country below, injurious to the Mississippi Valley, and injurious to the whole country by causing floods. In California and in the interior it simply makes floods and does harm and no good. If it could be kept back sixty to ninety days and spread over the land you would have the most fertile country in the world.

There is no kind of land that can produce equal to irrigated land. You can raise a great number of crops by irrigation. The sediment that comes down with the water fertilizes the land, and you can raise and continue to raise crop after crop. It is, I say, the best land we have in the country, and there is a large extent of it.

The country that is desert, that is, the country that can not raise crops without irrigation, constitutes about two-fifths of the entire area of the United States. I do not wish to mislead by saying that we can irrigate all of this. We can irrigate about 5 per cent. of it as estimated by the chief of this Survey as it now is, without any preparation for storing the water, simply by turning on what water we can get, taking it in the crop season; and by storing it he estimates that we can utilize 14 per cent. of the whole of this land. There are places where you can by storing it utilize 50 per cent., and there are vast regions—sometimes you will find 300,000 or 400,000 acres in a body—that might be irrigated by the available waters if they were saved. If you do not make these reservoirs and commence the system now it will be too late.

It would be interesting if the Senate could examine the map of India as I had an opportunity to do. I saw a very elaborate survey of India brought here by an engineer named Mr. Breerton, who had been working on it for twenty years. The whole of that vast region was covered with little dots indicating reservoirs supplying one hundred and fifty million to two hundred million of people with water.

About forty years ago, however, England, finding that sometimes in dry years the reservoirs would not be filled, thereby causing drought and famine, undertook to dam and divert the large rivers, and by the expenditure of vast sums of money and magnificent engineering they have removed all danger of famine in India.

We now have this problem to deal with, and what we want to do is to take the preliminary steps and preserve the country so that we may have a proper system of irrigation and not allow the reservoir sites to be monopolized in such a manner as to render it impossible to utilize the waste waters, which now cause floods and benefit nobody.

Besides, we are now coming to a point when the Territories are being settled up and people want to make homes there. A good deal of harm has been already done by speculators by monopolizing the water. They have gone on the streams and made claims in such a manner as to obstruct settlement and the use of the water for irrigation, but in most cases you can still go above and store water to supply large areas. It is important now that this system should be commenced, and if you will give the country the information, if you will show the people the lands that can be reclaimed, show them where homes can be made, they will make the homes.

I am not here asking for an appropriation for the purpose of irrigation. I am simply asking for such surveys as are necessary to enable the people to utilize this vast region. It may be said that we should wait for the Committee on Public Lands to mature a land system. I call the attention of the Senate to the fact that it is unnecessary to wait for any action on the part of the Committee on Public Lands, and in fact this must precede any intelligent action on their part.

We must know before we legislate further how to dispose of these lands. We ought to know what lands we have; we ought to have the reservations for the reservoirs which we know are to be kept for the common good. We ought to have these reservoirs made at once. We ought to have the lines for the ditches and canals located at once, for their localities are determined by nature and not by the Committee on Public Lands.

The places where we are to have reservoirs in these mountains to store water and the lines of ditches to command the country and distribute that water are located by the laws of nature by the formation of the country; and when that is done, when we know where our source of supply is and the extent of that supply, how much land can be irrigated, where ditches have to be constructed in order to reclaim the lands, then we can pass a law for the disposal of the lands intelligently to prevent monopoly and to enable the people to acquire homes, but before you say your land shall be disposed of you must know what kind of land it is.

The desert land upon which no water can be brought, where there is no place for reservoirs, where there is not rainfall sufficient, where you only have a little grass for cattle or for sheep—that kind of land can be disposed of in one way under rules and regulations. In fact, there is a good deal of land in my State and in other places that never ought to be surveyed or sectionized, because it is not worth it. You can make some arrangement by leasing such lands to have them utilized. Every ditch which is diverted makes a new lease of water supply, and cattle can range from it further back into the mountains and deserts than they could from the river or water supply from which the ditch is taken.

In disposing of such land, not capable of irrigation, different rules and regulations will be necessary; but land which can be covered by water and can be reclaimed is the choicest part of the heritage of this country, and should be disposed of with great care, and the legislation should be such as to enable settlers to reclaim it, and also to prevent monopoly.

If you have the information before you, if you have your map of your reservoirs and your ditches, you can say to the people upon what terms they can get upon the land, build their reservoirs, construct their ditches, and reclaim the land. If you will give them this information, population will continue to flow into that country. It is a most desirable country; it is most healthful; it is a vigorous mountain country, abundantly productive, only requiring irrigation.

But if you say that you will wait until a plan has been devised by which to dispose of these lands, when no plan can be devised until you have the information, you will continue to wait, and the places for reservoirs will be picked up, your ditch lines will be obstructed, private rights will have intervened, the land will be taken up by cattlemen and others, and the day when it can be utilized for homes will be postponed indefinitely, until the population gets so vast, so pressing that the necessities of the country will require buying out the places for reservoirs and force a new development.

You should make your surveys in advance and give the people information of what there is. That is all we ask. With that information I promise you that there are people enough in the United States to avail themselves of it to make homes in the most healthful and productive part of the country.

If you can spend $600,000 a year for the purposes of science and the future, I do not object to that. We ought to do all that we can for science, to inform the world of what we have and to understand ourselves what we have in our country; but I say while you do that, and the surveyors are in the field making these topographical surveys, you ought to add a little more, so as to show the line of demarkation between the arable land and the land that can not be cultivated, and mark out the lines for ditches and reservoirs as a part of your topographical survey.

When you are working for science, which I approve, do something for the settlers, do something to prevent these lands being placed in a position where they can not hereafter be irrigated. This is the time. If you will pass this law and show the people of the West the land that can be reclaimed and how it is situated you may then go before the Committee on Public Lands and they can devise some scheme whereby the people can take land without danger of monopoly.

This appropriation is recommended by Major Powell, having these surveys in charge, and also recommended by the Interior Department. There are several communications from the Interior Department, which has considered this subject so far as its officers have been able, and the Secretary adopts the estimate of Major Powell.

There was a joint resolution passed requiring this investigation, which was introduced and reported from the Committee on Public Lands by the Senator fram Colorado [Mr. TELLER], requiring that this kind of investigation be made. As I said before, the statutes require that the Geological Survey shall also classify the land, but do not provide for making locations for these reservoirs and ditches; and in view of this condition of things a resolution was passed by the Senate in the following language:

Resolved, That the Secretary of the Interior is hereby directed to report to the Senate what appropriation is necessary to enable the United States Geological Survey to carry into effect the joint resolution "directing the Secretary of the Interior, by means of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States, and to report to Congress," approved March 20, 1888, and the several acts of Congress requiring such Geological Survey, under the direction of the Secretary of the Interior, to classify the public lands and furnish a map or maps showing the various divisions of the public domain suitable for agricultural, mineral, and other purposes; and particularly to segregate the lands susceptible of irrigation, where irrigation is required, from other lands, and designating places for reservoirs, canals, and other hydraulic works.

That was the resolution, and in response to it the Secretary of the Interior writes:

In response thereto I transmit herewith a report from the Director of the United States Geological Survey embodying his views as to the method of conducting the required investigation, and recommending that an appropriation of $250,000 be made for the purpose. I have no means to make any estimate other than the considerations presented by the Director. The examinations and study made by him have necessarily caused a delay in making response to the resolution which has been due to no other reason.

Very respectfully,

WM. F. VILAS, *Secretary*.

The PRESIDENT PRO TEMPORE OF THE SENATE.

Then here is a long letter from Major Powell explaining what is necessary to be done to carry out the design of the resolution in connection with the Geological Survey. Major Powell has also been before the Committee on Appropriations and given his testimony; but independent of testimony and independent of everything else here is a vast region of country requiring irrigation, without which it is useless and with which it will become a most productive part of the United States.

It is liable to be placed in such a position in a few years by monopoly of the sources of the streams so that irrigation will be very much retarded or prevented. It is necessary in order that settlements may go on that the people shall have immediate access to this country; they are there now desiring to make homes, and I say that this appropriation is absolutely necessary, and if we have any regard for the public lands, any regard for the settlers, we must let them know what we have and what we can do with it.

I hope that the amendment will be adopted and become a law, and that it will not be defeated on any technical ground. In fact I do not believe there is any technical ground of objection against it. It has been recommended by a committee. It merely increases the appropriation for a topographical survey, and it is simply to carry out laws that are now in force and for the purpose of inquiring into a subject absolutely necessary if the arid country is to be settled.

Mr. ALLISON. I make the point of order on this amendment that it is new legislation. I do not know that any other point of order will lie against it.

The PRESIDENT *pro tempore*. Does the Senator from Iowa interpose the point of order?

Mr. ALLISON. Yes, sir; to the legislative part of the proposition.

The PRESIDENT *pro tempore*. On the ground that it proposes general legislation?

Mr. ALLISON. That is the only ground upon which I make the point.

Mr. STEWART. I appeal to the chairman of the committee to withdraw the point. The last clause of the amendment, of course, is the only part to which it can apply, and I appeal to the committee to withdraw that, because this is an emergency. The places for the reservoirs are being taken by private parties, and a person who locates where there ought to be a reservoir knows it very well. If he gets in the high mountains he can see that this is to be a reservoir, and let those who go there hereafter take it subject to that. I hope that the chairman of the committee will withdraw the point.

Mr. ALLISON. I withdraw it, Mr. President.

Mr. TELLER. Do I understand that the Senator has withdrawn his objection?

Mr. ALLISON. I withdraw the point of order for the reason that if this amendment is to pass I think it is better with the legislative provision in than with it out.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Iowa to withdraw the point of order.

Mr. ALLISON. I do that because after the examination of these reports and the joint resolution No. 6, which was alluded to by the Senator from Colorado, I think this amendment is in order.

I think it is due, however, to the Senators who are interested in this matter and to the committee that sent this amendment to the Committee on Appropriations that I should state briefly the reasons why the Committee on Appropriations did not adopt it.

The committee summoned Major Powell, the chief of the Geological Survey, before it with a view of ascertaining what he would do with this $250,000 if it were appropriated and how he proposed to execute this great scheme of irrigation. He stated to the committee that the greater portion of this $250,000 would be expended in what he calls a topographical survey of the region; that is to say, if we appropriate now $250,000 for this purpose, 80 per cent. of it will be expended in the survey of the topography of this high mountain region. There is in this bill already a provision appropriating $200,000, in round numbers, or $199,000 for a topographical survey of the United States, every dollar of which is to be expended in the discretion practically of the Secretary of the Interior and the Director of the Geological Survey. I am aware that the Director now is expending this money in various portions of the United States in making topographical surveys.

So, if an appropriation was to be made for this purpose, it seemed to the committee that it would be wiser to make it in the course of the ordinary appropriations now embodied in this bill. The Director of the Geological Survey stated to the committee that if this money was appropriated, he would use it in making surveys of the highest mountain regions in our country, which would involve, of course, a topographical survey of the headwaters of the Missouri River, those great rivers which unite and form the Missouri.

The Committee on Appropriations did not believe it wise at this time to enter upon a work of such great magnitude as the location of reservoirs and the dedication of land for the purpose of building canals. This undoubtedly is a great work, and it undoubtedly will sooner or later be executed by the Government of the United States, because no private enterprise can engage in the work of diverting the headwaters of the Missouri or the headwaters of the Colorado, or the headwaters of the Platte, or any of those great interior streams.

But it seemed to me, and it seemed to the committee, that before entering upon this work it would be wise to make a further and more definite examination into the methods and the cost of this work, and in the mean time, while these estimates are being made and whilst proper legislation is being prepared for this purpose, it may be a wise thing to enlarge somewhat the general appropriation for topographical surveys. Therefore the committee did not feel or believe that it was wise now to enter upon this work without legislation looking for the segregation of these lands and the prevention of men following up this geological survey day by day and when a location is found suitable for a reservoir under the general land laws immediately picking it up as a homestead, or under the timber-culture law, or the pre-emption law. When a canal is set apart and located by this geological survey, there may come at once an enterprising American citizen who locates himself in the valley or in the pathway of this canal so that the Government of the United States would be bound sooner or later to pay him a large sum of money for the use of the land which he, under the general land laws, is entitled to take. Legislation is necessary on these points.

Therefore the Committee on Appropriations thought as preliminary to this great work it would be wise for the Committee on Public Lands, or some other committee of this body to examine with care the questions involved in it, and make such preliminary legislation as would justify and authorize the beginning of this great expenditure.

For these reasons the Committee on Appropriations did not see its way clear to recommend an appropriation of $250,000 for this specific work, and in this way to commit the Government, without the necessary knowledge as to the expenditure in the future, to a great scheme of irrigating the entire mountain region of our country.

Mr. TELLER. Mr. President, the proposition to appropriate $250,000 for information can not be said to commit the Government to anything. When we have appropriated $250,000 and obtained the information, if we get the information we desire, it may be found desirable for the Government to take some steps to enhance the value of this land by building reservoirs and selling the land at an enhanced price. It may be that the Government will decline to do that. The whole matter is simply one for information, and it in no way commits the

Government to any system, to any scheme, to any project whatever, and I am astonished that the committee can find no better objection to the amendment than that.

Mr. ALLISON. Will the Senator allow me to interrupt him for a moment?

Mr. TELLER. Certainly.

Mr. ALLISON. Major Powell, Director of the Geological Survey, stated that to locate the reservoirs and canals would cost from $4,000,000 to $5,000,000. Therefore it is not an appropriation of $250,000; it is the beginning of a much larger appropriation, which is involved, of course, in this appropriation of $250,000, and certainly if the Government of the United States shall enter upon the construction of these canals and the building of these reservoirs a much larger sum will be involved.

Mr. TELLER. The Senator is entirely mistaken as to what the Director of the Geological Survey said. He said he had already expended a million dollars for the topographical surveys of the United States, and that to complete the entire topographical survey of the United States would cost $4,000,000 more, and would take thirty years time in the way in which we were doing it. I hold the printed statement in my hand and can not be mistaken.

Mr. ALLISON. I should like to have the Senator read it.

Mr. TELLER. I will do so.

Mr. ALLISON. He said it would cost $4,000,000 or $5,000,000 to make the topographical survey of this region.

Mr. TELLER. Oh, no, he said nothing of the kind; and if he had said so it would not make a particle of difference.

The chairman asked:

Q. Are you through with your general statement?
A. Yes, sir; but I want to speak something about the cost.
Q. That is what we want to hear you upon.
A. To complete the survey as we have been going on—

He had been speaking of the topographical survey—

without laying out the reservoirs, without laying out the sites for headworks and canals and so on, would take about $5,000,000. We have expended about $1,000,000, so that it would now take about $4,000,000 to complete that work.

He is speaking of the general topographical work of the United States which must ultimately be done. He says that the way they have been going on it would take thirty years. The Senator from Kentucky [Mr. BECK] asked him:

Q. And what length of time?—A. At the rate we have been going on it would take between thirty and forty years.
Q. With ample means how long would it take?—A. It could be done in ten years.

Mr. ALLISON. If the Senator will yield I shall be obliged to him.

Mr. TELLER. Certainly.

Mr. ALLISON. When the Director of the Geological Survey spoke of $5,000,000 or $4,000,000, he had reference to the topographical survey of the mountain regions. It is certainly well known to those who have examined the subject that the completion of the topographical survey of the United States will cost $20,000,000, and I believe it will cost $30,000,000 before it is completed. He had reference to the topographical survey of the region to be involved in this improvement. The Senator knows very well that the entire region of Colorado has already had its topographical survey.

Mr. TELLER. Oh, no, not by any means; a good portion of it, some of it has.

Mr. ALLISON. A good portion of it has, and nominally nearly the whole of it. Of course I do not say that it has had such a close and definite survey as Major Powell is making, nor was the survey of Clarence King of that character; but there has been, as the Senator well says, a million dollars expended in topography in the mountain regions, and $4,000,000 more will be required. That is all there is of the statement of Major Powell.

Mr. TELLER. The Senator is entirely mistaken. He confounds the geological work with the topographical work. They are two distinct things. The vast amount of money which has been appropriated has been appropriated, not for the topographical but for the geological examination of the country, which is an entirely distinct thing. The one is an investigation into the earth and the other is an investigation on top of the earth.

Mr. ALLISON. If the Senator will allow me, I will state that every scientific man who has made a geographical survey has made a topographical survey accompanying it.

Mr. TELLER. Oh, no.

Mr. ALLISON. Major Powell in all his statements everywhere shows that where he is making a geological survey he accompanies it with a topographical survey. It is an essential as a preliminary part of the geological survey. So I confound nothing when I say that.

Mr. TELLER. The Senator from Iowa is very well posted, I admit, on all these questions; but on some of these points he is evidently a little mistaken. Now, I will go on with the statement of the Director of the Geological Survey, who ought to know something about this matter, if he does not.

Mr. ALLISON. He knows all about it.

Mr. TELLER. I read from Major Powell's statement before the Committee on Appropriations.

Mr. STEWART. Is it necessary to wait until you work up all the geological data in order to make the preliminary survey with a view to reservoirs?
Mr. POWELL. No, sir.
Mr. STEWART. That only refers to the local topography?
Mr. POWELL. To the construction of the maps.
The CHAIRMAN. Major Powell is speaking only of the topographical survey.
Mr. STEWART. No, of the geological.
Mr. POWELL. Not of the geological, but the topographical, survey which we are conducting over the country.
Mr. STEWART. Can you not vary your survey so that these reservoirs can be located more rapidly than that?
Mr. POWELL. We can with the necessary appropriations. We could do it in six years if sufficient appropriations were made.
Mr. STEWART. You could locate the reservoirs in five or six years?
Mr. POWELL. Yes, sir; we could make the maps, outline the catchment basins, and lay out upon the ground the headworks, the canals, and the reservoirs in six years, with sufficient appropriations.
Mr. STEWART. Do you not regard that as the most urgent work?
Mr. POWELL. Yes, sir.
Mr. STEWART. Because then settlement can take place, and the geological part of the work could go on afterwards just as well.
Mr. POWELL. Oh, yes. We are pushing the topography very far ahead of the geology all the time.
Mr. STEWART. Then, if you had the requisite appropriations you could locate the reservoirs and make the surveys for settlement in five or six years?
Mr. POWELL. Yes; but it would take about $5,125,000 to do it.

By the CHAIRMAN:

Q. At the rate of about $1,000,000 a year?
A. That is my estimate.
Q. That would complete the topography?
A. It would complete the topography. I have made a second estimate. I have been working the last three days on it.
Q. It would complete the surveys of the basins and districts?
A. Yes, the catchments.
Q. And locate reservoirs, canals, and so on?
A. Yes, sir.
Q. In other words, the additional cost of this contemplated survey would be about $1,250,000 over and above what you are now doing in the way of topography?
A. Precisely.

At the most it can only be a million and a quarter dollars, according to the statement, and according to the admission of the chairman of the committee. I skip some:

By the CHAIRMAN:

Q. Of course, topography is the first thing?
A. Topography is the first thing.
Q. It is the essential thing?
A. And the chief cost.
Q. If you run this whole area into a six years' term you must spend your $4,000,000 for topography, and then the remainder of the work can be done for a million and a quarter?
A. It could be done for a million and a quarter according to my estimate, and could be done *pari passu* with the other work.

By Mr. HALE:

Q. In round numbers it would cost about a million dollars a year?
A. About a million a year; but we could not use a million this year, because the engineers are not trained yet; they would have to grow.

At the utmost the estimate made by the Director of the Geological Survey is that to make a complete examination of all these natural reservoirs, and not only to do that, but to make the estimates and surveys of the canals, the location of headworks and all that, would not exceed a million and a quarter dollars.

It is possible that that is more than the Government of the United States can undertake to spend to irrigate four-tenths of its area. I do not believe it. What are we to do with the great population that is crowding upon us at the rate of ten or fifteen millions every decade, and the ratio of which is to rapidly increase with the increased number of population? It was estimated in the House of Representatives the other day that the next census would show a population of 64,000,000 people in this country. That was the estimate made by the chairman of the Select Committee on the Eleventh Census, of the House of Representatives. If the population will be 64,000,000 in 1890, what will it be in 1900? What will it be in the next decade thereafter, and the next after that?

The public lands that are capable of cultivation without irrigation are practically exhausted. Of course there are very many millions of acres of them, but they are the interior lands of the continent that are now left, while the land which has been irrigated and which can be irrigated is the pick of the world.

It is not necessary that the United States should go to the expense of building these dams, but they must be put upon the land of the United States. Much of the land that would be covered with water is away above any possibility of its ever being occupied by men for homes. Many of these dams would occupy an elevation of 8,000, 10,000, or 12,000 feet above the sea in regions valuable for nothing else but for storage purposes. Every stream that runs into the great rivers that come down into the Missouri, from the head of the Missouri River clear to the Rio Grande, is full of these basins made by the Almighty, which can be utilized by men for the purpose of peopling those great plains with a population that the Missouri Valley and the Mississippi Valley can not sustain.

I will not hold the Senate here to-day to talk about the advantages of irrigation; but every man who has given the subject thought and attention knows that the great and dense populations of the world have been supported from the beginning of the history of men in regions where they have utilized the soil by means of irrigation. Small farms will be the result in the region where they irrigate, not large farms,

and it will make homes for the people where they can not live without irrigation.

As I said, these streams have natural reservoirs, and if the Government will go to work and determine where the reservoirs are, their capacity, the expense of filling them with water, then under some general system of legislation the people of the States, the States themselves, the people who want to put their capital in enterprises, will utilize those basins to a large extent.

But the time will come when the Government of the United States will have to do what every other government in the world has done in the arid regions—put out its money to build reservoirs. If any man will examine and consider the vast amount of capital that went into reservoirs in India in its prime, before it was cursed by British misrule, he will be astounded when he reads of dams 60 miles long for no other purpose than to catch the rain that fell upon the plains lying above them. To-day the British Government is spending millions of pounds in restoring the old reservoirs and old canals in India. It is compelled to do it to prevent a recurrence of what took place within twelve years—the starvation of those people to the extent of more than 10,000,000 inhabitants.

The time will come when we shall be crowded with population and when we shall be required to do the same thing. Is it too much to ask now, in the days of our strength, of our richness, that we should at least know where the places are that we can put the water, and that we shall give to the people who may desire to put their money in these enterprises a knowledge of what it will cost them, how much the reservoirs will hold, their capacity, their cost, and their utility? That is all we ask, and I think we are entitled to it, not because it is local, not because the money is to be expended in Colorado, in Nevada, in California, or in Utah, Arizona, or New Mexico, but because it will eventually make homes for the people still living in New England, or the people who shall hereafter be born on the Atlantic coast and in other sections of the country. It is not a local interest; it is a general interest; and $250,000 is nothing at all in comparison with its magnitude and importance.

The other day there was passed through the Senate a bill appropriating twenty-two million and some odd thousand dollars for rivers and harbors. What did the great States lying in the interior of the continent get from that measure? What did the State I in part represent, situated on top of the continent, having its waters running both to the Pacific and to the Atlantic, get? Not a dollar, and it never did get a dollar from such a measure. The Government has done nothing at any time for the people of that section of the country, a section equal in extent to almost the entire inhabited region east of the Mississippi River.

The State that I represent in part has put into circulation more than $200,000,000 of bullion in the last ten years. We have paid our debts, we have erected our public buildings, and constructed our roads, and all those things we have done without any help from the General Government. We are not to be specially benefited by this system any more than the people of Massachusetts or the people of Iowa or the people of Illinois.

I know Senators say that it is entering upon a big undertaking. It is not, Mr. President. It is determining, first, whether we shall enter upon a big undertaking when we have the evidence before us. I have no doubt about our entering upon it in some shape and at some time, but the first thing to obtain is the information; and why should it be withheld? Who has the authority to do this work but the Government? Who else can do it in such a way that it will be valuable to the people of the whole country?

Take the Rio Grande of the West, rising within 12 miles of my home, and running through the States of Colorado, Nevada, Arizona Territory, and California to the Western coast. Whose interest is it that the water should be stored at the head of that stream? It is the interest of every State and Territory lying below. It flows through a valley that I say here without fear of contradiction is as rich as the Nile, and which will contain a population some day of immense numbers; and yet every foot of that land must be irrigated if it is to be made productive.

This measure is not local, it is not the interest of Nevada or Colorado, but it is the interest of the whole nation that the Government should be put in possession of the facts, so that a system of legislation may be devised when we know the facts which shall make these reservoirs valuable to the public, and shall prevent their appropriation by a few capitalists here and there.

Mr. President, the subject is a great one. I hold in my hand a letter which I received yesterday, written from Colorado, speaking of an area with which I am perfectly familiar. The writer says that by flooding 1,885 acres of land there could be 377,000 acres of land irrigated at a foot of water per acre, and when it has been irrigated two years 6 inches will irrigate it; or, in other words, it will double the area. This examination has been made by private capital. This alludes only to four places, but the examination of the thousands of places like unto these can not be made and will not be made by private capital.

I say, Mr. President, that it is a small sum to ask, and it is not entering upon any dangerous experiment, or any scheme, or any job. It is in the interest of the people who expect to make their living out of the soil, and of nobody else.

Mr. JONES, of Arkansas. Mr. President, I have no local or personal interest in this amendment, but I earnestly hope it will adopted. It seems to me that the statement made by the chairman of the Committee on Appropriations ought to be a sufficient reason to the Senate why the amendment should be adopted. He admitted the importance of the scheme, the great interest the people at large had in it, but said it was necessary for us to know more of it, and that it should be considered by the Committee on Public Lands, or by somebody else, so that we could understand better what we propose to undertake. The proposed appropriation of $250,000 is intended to accomplish exactly that purpose.

No great work is undertaken in this country by intelligent men without a preliminary examination for the purpose of ascertaining something about what is proposed to be entered upon. This appropriation proposes that the Geological Survey shall make an examination and furnish to Congress the information necessary to enable them to determine whether this scheme for the irrigation of this large amount of arid land is feasible.

In the published report made by Major Powell some time since the quantity of arid land in the country susceptible of irrigation is estimated at 1,000,000 square miles, a tract of country equal in extent to twenty large States, which is practically useless as conditions exist at the present time. If this land can be reclaimed by any reasonable expense, here is a great purpose, worthy of the best efforts of the United States Government and of the scientific men to take in hand and attempt to accomplish it.

In addition to all this, I feel interest in this scheme for the reason that a very large part of the State in which I live is liable to inundation. For forty years scientific men have been investigating the question as to how the swamps bordering the great rivers are to be reclaimed from annual overflow. A great engineer, Charles Elliott, devoted years of his life to the investigation of this question, between thirty and forty years ago, and wrote a volume which was published by the Smithsonian Institution, endeavoring to demonstrate that the only feasible plan for reclaiming these rivers from overflow would be to preserve their excessive waters in reservoirs near their sources. The plan or scheme has been entertained and considered by scientific men for a long while, and I do not understand how it can be said now that this first step proposed to be taken in that direction is premature.

If there has been a question considered carefully and with all the facilities which have been at the hands of men connected with it, this has been. It has been looked into as carefully as it can be without actual surveys.

The next thing to be done is to have examinations made so that scientific men may say to the committees of Congress exactly what can be done and what cost will be necessary to inclose an area of country which will hold so many cubic feet of water, and the estimated amount of rainfall that will be tributary to each particular reservoir. When those reports are made and those facts are furnished to Congress it will be possible for us to make some definite and general law by which to guide the Government in future. But we must have some facts to begin with. We can not pass a law now to provide for carrying out this scheme, because we have not the facts and data necessary to enable us to know what we are to do.

The chairman of the committee seemed to apprehend that when a survey shall be made under this appropriation speculators and schemers will follow along the survey and locate homesteads or otherwise take up tracts of country which would be selected as places for reservoirs. They are just as competent to go and make those selections to-day without any examination on the part of the Geological Survey as they will be afterwards. What information would be derived by the examiners in the field would not be made public. The ground lies open for the investigation of such persons now as much as it would then.

There is no danger, in my judgment, of any harm coming from this provision, but I should have no objection to having a clause added that all this land shall be reserved and shall not be subject to be taken up by private individuals until after this question has been settled and the location of these works has been fixed by the engineers of the Government.

Any man who has seen the results which have come from irrigation in many of our Western States, any Senator who has visited Southern California or any other part of the great tract of country where irrigation has been adopted, can form some conception of the immense benefits to result to civilized man from an intelligent system of irrigation. What has been done in that respect has gone along in a haphazard manner, and now many localities where irrigation has been adopted are suffering from the fact that there was no scientific plan in the first place adopted by which irrigation could be carried on in a regular and systematic way.

I think the Government of the United States should start in this matter where the beginning should be, and that it should make first an examination before there is any effort made to do any of the work.

I hope that the Senate will adopt the amendment.

Mr. MORGAN. Mr. President, I intend every time I get an oppor-

tunity to vote for a bill to inaugurate this irrigation experiment (I call it an experiment) out in those arid regions until something is ascertained by scientific examination to prove that it is right or else to prove that it is wrong.

There is a basis of agricultural power in what we call the sage-brush lands lying upon the crest of the Rocky Mountains and the Sierra Nevada Mountains that is equal to any area in the world if we can only get water upon it. The water is there, stored in the Rocky Mountains and in the Sierra Nevadas, which, as the Senator from Georgia [Mr. BROWN] very correctly remarked to me a moment ago, are Alps rising upon Alps. The mountains there as they drop towards the foot-hills become low. They rise towards the crest, become very high, and are snow-clad generally throughout the whole of the year. They drop from bench to bench and furnish a supply of water which if it could be utilized upon the plains would restore that country to what I suppose must have been its pristine agricultural power before the Humboldt River and its tributaries disappeared in some great convulsion of nature.

I hold it to be a duty to make all the use we can of the scientific information within our reach to determine whether that country can be reclaimed. If you pass over the Union and Central Pacific railways and look at the little oases that are around at the different stations where men have had the advantage of bringing water upon the land for a distance sometimes of 4, or 5, or 15 miles I think you will realize something about the productive capacity of that country. Such grass and fruits and alfalfa I never saw grow as are reared in those little places which are thus supplied with water.

I believe that that country can be reclaimed, and I think it can be done by the expenditure of a very small amount of money in the beginning by the Government of the United States upon the public domain. After a little while that experiment, which has been carried on in Colorado with considerable success, of storing water in reservoirs and carrying it out over the plains will fall into the hands of private men, and the ownership of these pockets or places in which the water can be dammed up will become private ownership, and they will pass to the situation, as they have done in California, of monopolizing the use of the water and preventing people who go out there to enter the lands with homestead and pre-emption claims from getting the benefit of it.

In the State of California, commencing back thirty years ago, the riparian proprietors passed up into the foot-hills of the mountains and commenced to dam the waters and divert them from their channels and carry them along with proper gradients, until some of the canals in California are now very nearly a hundred miles long, and they carry rivers in their ditches. These are in private ownership. I know that one river, I think it is the Grand River in California, was diverted in that way before California undertook by her local legislation to prevent it, and I think the canal that is led out from it is now about 100 miles long and it supplies one of the most beautiful and interesting countries in all of that wonderful State. It is called the "raisin belt," the belt in which is now being produced an enormous quantity of raisins annually, the best that are ever brought into any market in the world. The Senator from California on my left [Mr. HEARST] knows that I am stating that correctly, and that lands there now are worth $25 an acre. Lands which eight years ago were not worth $1 an acre easily sell for $25 an acre.

Our system of the disposal of the public lands is to encourage actual settlement by homesteaders. And I think that a necessary part of that system in those arid regions, as we call them, is to make some provision of law by which the control of the water shall be held in the hands of the Government and not be allowed to become a private monopoly. This amendment leads to that result. It provides for a preliminary survey of those areas upon which the water may be dammed up and put in reservations, and from there a supply can be obtained, it may be by Governmental expenditure or it may not be. But if you start one of these reservoirs in the Sierra Nevada Mountains or in the Rocky Mountains and get a sufficient supply of water to furnish a considerable area, and sell for 50 cents an acre the land that will be irrigated by that means, you will get more money than you need for all the improvements of that character that you put upon the soil.

There is another thing about this. There are no forests in that country; there are no trees. If that country could be supplied with trees as abundantly as any portion of the region around Washington City, or even much more sparsely supplied than any portion of this country in reach of Washington, the rainfall would come at once and continue forever, as long as the forests last. Palestine and a large portion of Syria was just as fertile a country as Southern Illinois, fertile as any part of the delta of the Mississippi, but has gone into a desert; and why? Merely because it has been stripped of its forests. The rains do not fall, and there is not a supply of water there.

That people have allowed their country to become a desert merely because they have not preserved their forests. Now you start these great fountains of water, these great reservoirs of water, and drain them upon the plains, and encourage the growth of forests, bushes, timber, trees, or whatever it may be in the way of foliage, and it will be but a short time until you see the rain belt, as it is often called, going into that region of country, as has been done even in Kansas. Ten years ago I passed through Western Kansas and it looked like a desolate country. You go through there now and you find, under our timber-culture laws, by the cultivation of crops and the persistence of the people in planting trees, etc., the rain belt is continually moving to Western Kansas, and probably it will not be twenty years from now until Western Kansas and Western Texas will be abundantly supplied with rainfall.

We owe it to the coming generations; we owe it to ourselves as trustees, holding in trust these great land grants for the benefit of the people of this country, that we should make any experiment which appears to be reasonable in order to inaugurate a system which will reverse this condition of affairs and bring this vast body of arid land into cultivation.

It may be said that this is an experiment; that it is a wild idea. Suppose it is; a great many wild ideas have been realized in a most remarkable degree. When I first came to the Senate I recollect I had never seen a telephone, except those the boys used to make by stretching a twine string between boxes across the street and whispering to each other. The Bell telephone was invented. I saw the first experiments made in Washington City with it. What is it now? An indispensable element in commerce, something that the world would not content itself a moment to dispense with.

A very wild idea this may be, but not wilder than that idea that Morse had when he conceived the telegraph and got Congress to assist in building a line between this city and Baltimore. We have the authority of some very able scientific men——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I ask that that be informally laid aside.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the unfinished business may be informally laid aside in order that the Senate may proceed with the consideration of the sundry civil appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORGAN. We have scientific men who in regard to this matter act upon established facts, not mere guesswork. You can go out there and measure the elevations of these plains and the corresponding elevations of the mountains above them, the water supply coming from the melting of the snow and the springs on the mountain tops, spoken of by the Senator from Colorado. We know that the water can be led down into the reservoirs and can be distributed, and we have seen that the practical effect of the distribution is to produce crops of unexampled excellence. So there is little experiment about it.

What we ought to do now is to have a topographical survey of the most important positions in the arid region of the country with a view to determine what lands ought to be held in reservations. It is not necessary to put it in this bill that these lands shall be held in reservations. The President of the United States has the power, without making any question of his statement of reasons at all, to hold any land in reservation, to keep it from sale. So if we send out this Geological Survey, and they make an examination and they determine the practicability of this irrigating process, then the President of the United States can hold it in reservation, and that answers the purpose we desire. Then you will find immigration going into that country, and perhaps it will not be thirty years from this day until that country is as well populated as Central Kansas or Western Missouri. So I am in favor of this plan, and I hope the Senate will agree to it.

Mr. MANDERSON. Mr. President, the amendment offered by the Senator from Colorado [Mr. BOWEN] is of a twofold nature. It proposes that we shall enter into the field of experiment and exploration, such as was so well described by the Senator from Alabama [Mr. MORGAN], such investigation to be to discover whether it is within the range of fair possibility that these great Western deserts so aptly described can be reclaimed, and by the process of irrigation or by that which flows from irrigation, an increase of rainfall, made arable; and as a second proposition, it proposes that all titles to lands hereafter acquired from the United States in that section of the country shall be subject to the right of the United States to build reservoirs and irrigating ditches for the purpose of reclaiming that which is now a desert and can produce nothing.

It may be, as suggested by the Senator from Alabama, that it is within the power of the President of the United States under general law to withdraw these or any lands from market; but certainly there can be no objection, if this experiment is to be entered upon, that there should be a provision in the legislative measure providing positively that the lands shall be withdrawn, thus taking them out of the domain of executive discretion or disposing of them under the general land laws, subject to the right in the United States to build the reservoirs and ditches.

Mr. President, I favor this amendment and will vote for it. I do so, as I believe, because of no selfish or local reason, but for the general good. It is within the recollection of any, even the youngest, member of the Senate when the great State which I have the honor in part

to represent was depicted upon the maps of this country as "the Great American Desert." It is not so now. During a residence of twenty years within the borders of the State of Nebraska I have witnessed wonderful changes in its soil and the capabilities of its production. By reason of increased rainfall, or perhaps a better wording would be to say because of a more even distribution of rainfall, I have seen the area of arable land in that State continually westernized, the western limit of its arable land moving steadily westward and the area of its arid soil constantly and very largely decreased.

I remember well when 150 miles west of the Missouri River was considered the western limit of land fit for cultivation. Now, perhaps for the reasons that have been suggested by the Senator from Alabama (although it is not the reason that is so important as the result), the greater part of the rich States of Kansas and Nebraska are subject to cultivation without irrigation. A small portion in the far western part of these States, for successful croppage year after year, would undoubtedly be benefited by irrigation, but irrigation has long ago ceased to be a necessity. It is no local object, therefore, that prompts me to the support of this amendment.

Several times in going over land to California, and in visiting portions of Colorado, Nevada, and other parts of the West, particularly the Territories, I have seen the lands that it is proposed to benefit and reclaim by the measure about to be inaugurated. I remember some years ago, in passing through the State of Nevada, traveling over what is known as the Humboldt Desert. I had never seen a spot so desolate, apparently so useless for all purposes as that great desert called the Humboldt Sink.

Mr. MITCHELL. Did you ever see a more fertile spot in the world when it is cultivated by irrigation?

Mr. MANDERSON. No, and I was about to say when interrupted, as the cars carried us through that great plain of alkali and ashes, and we experienced all the discomfort that comes from the slacking of the alkali dust upon our lips, our eyes were suddenly gladdened by fields of waving grain, showing as high a condition of cultivation as I have ever seen anywhere; grass was abundant and thick, and there were exhibited to us vegetables grown in these ash-heaps that challenged our admiration and were beyond description. All this result was simply for the reason that this land thus improved was "under-ditch," to use the parlance of the country, and that water had been conducted from the mountain sides to the barren alkali land, and made it blossom like the rose.

The old familiar story was told of the saying of a former member of this body, Senator Wade, of Ohio, who in passing over that part of the West, the State of my friend, who so strongly favors this amendment, said that Nevada resembled very much another place not to be mentioned to ears polite, in that all it needed to be made a paradise was water and good society. There is much of truth in the statement that at first seems somewhat shocking. Good society has undoubtedly come to that country, and I hope water will come in all sufficient abundance by reason of this and similar legislation.

Unquestionably, as a measure of economy, it is desirable that the Government should enter upon this course of experiment.

I do not know, Mr. President, that this is the best way to reach the result desired. I do not know that the Geological Survey Office is the best office or the Director of the Geoloical Survey the best man to accomplish this important work. For myself I should be glad to see matters of this kind pass in large degree under the control of those intelligent and painstaking gentlemen, educated at the public expense, constituting the Engineer Corps of the Army of the United States.

I say this without any desire to reflect upon the Director of the Geological Survey, for whom I entertain the highest respect, or upon his Department, which has accomplished great good; but the question who shall do this work is a matter for the future rather than for the present. The desirable thing now is that we should enter upon this course of experiment right speedily for the abundant reasons set forth by the different Senators who have spoken, particularly those from the State of Colorado, who are peculiarly well fitted to give us information on this important subject.

Mr. President, there are other reasons that prompt me to support this measure. There is no difficulty in ascertaining what are the rights of private owners of land along streams, whether they be navigable or not. The law-books are full of decisions settling the rights of riparian owners. If I am a private-land owner and through my lands there courses a stream it is not within the power of my neighbor who lives up stream to divert that water course to his private purposes and from me to my injury, and remedy would lie in law for such diversion.

But when you come to the diversion of streams from their natural course or from their general purposes by whole communities, by the inhabitants of great States, I submit there comes a new and very startling proposition for the courts to determine. I am led to this suggestion for this reason: There flows through the State of Nebraska from its western to its eastern boundary, running a length through the State of very nearly 500 miles, the Platte River. It is not a navigable stream at any point from its mouth to its source, although a wide and rapid river.

It is useful, however, for many purposes, not only for irrigation, but because of its length and width, spreading as it does over much territory, undoubtedly contributes in more or less degree to that increase of rainfall to which I have referred. Within a year or two, owing to the large settlement of agriculturists in the State of Colorado and the use by those cultivating the soil and by the ranchmen of that State of the waters of the north and south forks of the Platte River, there come times at seasons of the year when water should be abundant, and when the water of the Platte River is of the utmost importance to the residents of the State in which I live, that the bed of the Platte River along the lower levels almost needs irrigation to be worthy the name of river. The abundant use of the water from its tributaries by those who tap them for irrigating purposes threatens to destroy the Platte for the uses of Nebraskans.

This evil became so great within the last year that the governor of Nebraska, once a member of this body, Hon. John M. Thayer, addressed a communication to the governor of Colorado, calling his attention to this overuse of the waters of the two forks of the Platte River that caused it to become a dry stream, if that term can be understood, throughout much of the State of Nebraska, but the governor of Colorado very properly said that he did not see what there was within his power to do, and I do not apprehend that a suit could be maintained by the State of Nebraska against the State of Colorado for such diversion and such use of the waters of that great stream. It may be that, if Colorado through its State authorities was to take such action with the water a suit might lie; but I do not see how the evil can be remedied, when many thousands of citizens of the State of Colorado are making the use I have mentioned of the water near the sources of the river.

So nothing could be done apparently by the courts or the States for the purpose of remedying this difficulty. I submit, however, that one of the ways, perhaps the only way, by which the difficulty may be remedied, is that the Government of the United States should take hold of this matter, and prevent the improper or improvident use of the waters of these great rivers by those who live near their sources. By the building of reservoirs such as are contemplated by this amendment, it would be within the authority and power of the officers of the Government charged with that duty to see to it that there was maintained in these reservoirs a proper supply of water during the time when water was needed, either for purposes of navigation or for purposes of irrigation on the lower portion of the rivers. They could be filled when water was abundant, and in the dry season the rivers could remain untouched.

I received in the earlier part of the spring, in May, 1888, a letter from the governor of Nebraska, which is addressed to the Nebraska delegation in Congress, which I will read, because it suggests in somewhat different language that which I have already said, and presents the matter quite forcibly:

STATE OF NEBRASKA, EXECUTIVE DEPARTMENT,
Lincoln, May 7, 1888.

DEAR SIRS: I submit for your consideration a subject of large interest to the people of Nebraska, especially those of the western portion of it. I refer to the use of the waters of the Platte River. Complaints have frequently been made to me by farmers in our western counties that the waters of the North and South Platte during the drier seasons of the year are almost wholly absorbed by the ranchmen occupying the valleys of these streams—especially the latter—who have established a system of reservoir dams and irrigating ditches by which they seem to have acquired control of those streams.

It would hardly be a tenable position for them to assume that the Platte River was created for their especial use and benefit, but it is reasonable to believe that nature intended to bestow her bounties upon all alike, and the assumption is well founded also that the people of Nebraska possess as much moral right to the waters of the rivers in question as the people of Colorado, though the latter have the advantage of us in location. They have the physical power to take those waters, and it is freely conceded that there is not at present any legal means by which their power can be restrained.

I do not desire to deprive the ranchmen and farmers of Colorado of the use of those waters, but I do claim a fair share of them for the ranchmen and farmers of Nebraska. They are abundant enough for all those who dwell in the valleys of the North and South Platte from their headwaters, and of the main Platte to its mouth.

I believe the same facts exist and the same reasoning is applicable in regard to the Arkansas River in Kansas. It is true that does not interest our people personally, but enlightened and unselfish views should prevail, having reference to all sections equally interested.

Having given to this subject much careful consideration and earnest thought, I am led to believe that a feasible plan can be devised by which the end herein outlined can be accomplished.

If Congress can expend millions for constructing reservoirs in the Upper Mississippi to benefit the millers of Minnesota, why may not Congress expend a much less sum upon the two Plattes and the Arkansas for the benefit of the farmers of Nebraska, Kansas, Colorado, and Wyoming?

My plan would be for Congress to make an appropriation for the survey of the headwaters of the two Plattes and the Arkansas in Colorado, with the view to the building of reservoirs there to hold back the surplus waters from the spring rains and melting snows of the mountains and cañons.

A system of this kind, it appears to me, is practicable, and under proper restrictions and control the waters of those rivers can be utilized for the great advantage of all the people directly interested, as well in Nebraska and Kansas as in Colorado and Wyoming.

If a measure of this character were adopted and carried into execution a vast domain of public lands, now regarded as almost worthless, would be opened for settlement and made susceptible of a high degree of cultivation. The area of the public lands now open for settlement, and which attract the settler, is rapidly diminishing. As a result of the measure herein advocated, new fields will be opened for those seeking homes in the West where an immense population may be sustained, and will to a considerable extent meet the demand created by the exhaustion of the supply of public lands *now offered to* the settler.

It is difficult to conceive any good reason why Congress should not provide

for carrying this measure into effect, as well as to provide for the improvement of rivers and harbors. Furthermore, here is a field where a small portion of the surplus, now locked up in the Treasury, can be utilized for the public good and add largely to the wealth of the nation, for it does not require any great degree of foresight to be convinced that the outlay for this enterprise will be returned to the Government with manifold increase. This subject will challenge attention in the future, if not now, and will have to be met.

The present session of Congress being far advanced, the circumstances may not be auspicious for early action, but it is desirable that this matter should receive attention, and I therefore present it for your consideration.

Very respectfully, yours,

JOHN M. THAYER.

Senators C. F. MANDERSON and A. S. PADDOCK and
Representatives JAMES LAIRD, G. W. E. DORSEY,
and JOHN A. MCSHANE,
Washington, D. C.

P. S.—Since writing the above Congressional reports allude to an amendment to some bill offered by Senator PADDOCK, relating to irrigation, but not having seen the bill I do not know its scope and character.

J. M. T.

It was probably because of this letter and because as a member of the Committee on Public Lands his attention had been challenged to matters of this character that my colleague [Mr. PADDOCK], who is unfortunately absent, presented, I think by way of amendment to this bill, or if not by a bill that went to the Committee on Public Lands, substantially the measure that is presented by the Senator from Colorado.

It is suggested to me, and I remember now that the resolution introduced by him went to the committee of which he is chairman, the Committee on the Improvement of the Mississippi River, and was by him reported favorably from that committee and sent to the Committee on Appropriations. I regret very much that he is not here so that he could himself urge the adoption of this amendment, having given this matter the attention that its importance and the feasibility of the plan that is suggested by the amendment demands.

It has been suggested, Mr. President, that very great changes have been made by reason of the denuding of our forests and other causes on the one hand, producing arid soil and desert land, and on the other, by reason of the cultivation of the soil, producing that which is arable and fertile. I think those who have gone over our Western country and are familiar with its characteristics see there evidences of these changes.

A year or two ago it was my fortune to travel over New Mexico and Arizona, and my attention was called by a geologist, who was of the party, to what he claimed to be evidences of the fact that at some far-off period there were, in that country, irrigating ditches in great number. I think there can be no question but that that land, now in great part an arid desert, not fitted for the purposes of cultivation, hardly fitted in many parts for grazing, was at one time a fertile and a promising country.

It is not easy to conceive that those venturesome and intelligent Spaniards who with Cortez conquered Mexico and who followod Coronado in his wonderful expedition centuries ago in search of the famous seven cities of Cibola were tempted to march, as they did, to the far-off Arkansas and probably to the still farther Platte River, if the country through which they journeyed was at that time what it is to-day.

I have no question of the fact that great parts of New Mexico and Arizona were in that distant time countries of great fertility, maintaining a great and prosperous agricultural population, with a fairly advanced civilization, of which there are many evidences. I believe it is possible to reclaim these now waste places, and certainly under our civilization, so much greater than that of the past, we can bring these arid plains of the West again to be fertile farms, affording prosperous homes to a progressive people.

Mr. PLUMB. Mr. President, I have not been able to give my assent to this proposition, nor have I been convinced by the argument that has been made here, substantially all of which is trash. No one doubts that if water is placed upon grounds of the highest altitude, vegetation follows, and, of course, the traveler across the western wastes who has encountered one of these oases always remembers it, and he is to be pardoned for bringing it to mind on a proper occasion. But the question is a practical one in a different respect.

We have got a large area of public domain beyond the reach of present occupation, and that is the area which it is sought by this measure to begin to bring within the reach of cultivation. I am not one of those who think that a measure of that kind is of present importance, because I do not believe that it is the public interest to absorb all the public domain at the earliest possible day.

There are millions of acres of land in Kansas, in Nebraska, in Minnesota—why need I specify the States?—not 10 per cent. of the arable surface of the United States to-day is under cultivation. Why should men be enticed away from the places where they now live, where agriculture is as profitable as anywhere, from lands that are cheap enough to answer all the purposes of even the poorest, to go into spaces where the very meagerness of the population makes expensive everything they do far beyond what it would if they were working in some locality where they were surrounded by neighbors, by the appliances of civilization, by the means and facilities of transportation, of schools, of churches, and so on, which they would not need themselves to provide out of their meager means.

Why, Mr. President, should we not keep some portions of the national domain for the generations yet to come? I have at times been in love with the philosophy of Artemus Ward, who said as posterity had not done anything for him, he did not see why he should do anything for posterity.

The Senator from Massachusetts [Mr. HOAR] asks me would not as many inhabit it now as in the future, if some of them had it now? I say no. It is not the land. The land of course is not going to be absorbed, but it is the ownership of the land that I am speaking of. There is just as much land in the country, I suppose, as there was a thousand years ago, and no less, but the ownership of it is the material thing. The moment the United States Government ceases to be a great land-owner that moment land in private possession commences to go up. It is possible now to get cheap land in almost all the States, that is to say, comparatively cheap; but it is because the United States has a great area which it is constantly offering for nothing to homesteaders and pre-emptors that the price of land is kept down in the older States and within the reach of men of modest means. The moment the Government has disposed of its domain land will go up with fearful rapidity, and the men of the present and the men of the immediate future in large numbers, in countless thousands, will find themselves unable to get land.

I am not anxious to absorb this public domain; I am not anxious to live to see the day when the congestion of population around the great cities that produces disturbance can not be relieved by the going out of the population thus congested upon the public domain, where it can find, if not what it would like to have, something, at least, that will be conducive to independence and bring an ample support.

That is one reason why I am not willing now to do anything which will induce the population within the present areas to go out into these great altitudes upon the roseate anticipations which will be excited by the reports we shall get. There is no doubt about the fruitfulness of that soil; there is no doubt that, supplied with water, it will yield bountifully. That we all know; and even if we had the report, certainly we should not learn anything of that kind that we do not know now of the result of this experiment. I know the fertile brain of these gentlemen, and I suppose the Chief of the Geological Survey wants another job. We shall hear all about it on the finest letter-press; there will be the finest pictures the mind of man ever conceived of or the photographer's art ever produced as the result of it; there will be endless volumes and cart-loads of books, I may say, about it, and there will be employment for Congressmen's sons and relatives and friends.

The Geological Survey is the lying-in hospital of the Government. It never yet refused employment to a single relative of a Congressman or to any one who is supposed to be influential in regard to obtaining appropriations, and the appropriations they ask for are never refused, and, with one exception, it is the only appropriation made in the precise terms requested and never diminished in either House of Congress.

I venture to say for whatever it may be worth that the money that has been expended by the Geological Survey, as a rule, has been the worst expenditure since the Government was made. We have heard, of course, a great deal about ethnology, about the disappeared and the disappearing races on the American continent, a large portion of which, in my belief, has been pure invention, just as absolutely the work of the brain of man without the basis of fact as the tales of Munchausen.

When we do this I want it done, in the first place, under proper auspices. The time will probably come when the Government should do it, but it will not come until population presses upon these areas and demands that they be opened in order that the men who can not get land otherwise may there be supplied.

We have 60,000,000 of people in the United States. Make it 64,000,000; make it 100,000,000—still the comparative density of population is nothing. There is room for 400,000,000 people within the limits in which cultivation of the soil is carried on now, and there will be no overcrowding. Why, then, should we not preserve to some extent the existing condition of things? Why should we not rather seek to develop that which is within our own immediate range, and why not leave some of these areas for those who are to come after us and who by changing fortune or by means of successful enterprise or skill and determination, or of that feeling which bids a man to leave the place of his birth, may find comfortable means to go out into these high altitudes, these unexplored solitudes of the Rocky Mountains and of the great plains?

Mr. President, the Senator from Nebraska builds his support of this measure upon the belief that there will be more water in the South Platte. Let him put the men of Colorado who are supporting this measure upon the stand and ask them what will be the result of it, and they will tell him that for every drop Nebraska gets now it will not get half a one if this measure shall be carried out to its full fruition. Why, Mr. President, the area of cultivation, of irrigation in Nebraska alone will have no more water than falls upon that great arid watershed. This whole measure is conceived in utter disregard of the rights of the riparian proprietors on the Lower Platte and the Lower Arkansas and the Lower Mississippi. I do not mean to say that they are to be taken into question now. I am not arguing for that.

Mr. STEWART. Let me ask the Senator a question.

Mr. PLUMB. If the Senator wishes a chance to speak, I will make a motion to adjourn on his account.

Mr. President, the water that is necessary to cultivate all the land that is susceptible of cultivation upon the Upper Platte and the Upper Arkansas will take more than falls or than is carried off on the surface on which it falls in all that great area. The General Government has got no jurisdiction over what the Colorado man should do with the water that is taken out on the part on which he is engaged in enterprises upon his own land, and it can not defend or protect the rights of the riparian proprietor on the Lower Arkansas or the Lower Platte to the flow of the water to which he was accustomed when he bought his land, nor to any other flow. It will have to be settled, like all other questions of that kind which involve the infringement of the rights of one by another, by the courts. The Government storing water in Upper Colorado and feeding it out to the people in the lower valley of the Platte will be a spectacle that the Senator from Nebraska will not live to see; it will not come.

Mr. President, because in the first place I believe in retaining just as much as we can under a judicious system of the public domain for the future, because I am opposed to the expenditure by the present head of the Geological Bureau, because I am opposed to giving him any further privileges with the public Treasury, and because I see in this a means of speculation in the public domain, I am opposed to it.

I am thankful to the Senator who moved this amendment that he put the amount at $250,000. If he had put it at a million probably there would not be two votes against it in this body. We deal with these sums as though they were playthings, and when anybody says anything about appropriating the public money the answer is that a tremendous surplus has been piled in the Treasury which invites all sorts of extravagances and relieves us of all responsibility. I do not say anything, therefore, about the money itself. I know that is vain. But I do speak about it as I think from the higher standpoint of the public weal, of the interests of those who are to come after us, of things which may in themselves concern even the perpetuity of the American Republic; and I say that now is not the time; no need calls for it; every dictate of public policy, I think, is against it; and that, to my mind, is re-enforced because I believe the money will be extravagantly expended—not an argument against spending, but extravagantly spending it.

For these reasons, Mr. President, I am opposed to this amendment, although I have myself interest in this section of the country and feel towards Colorado almost as towards my own State, willing to do anything and everything I can to advance its interests, for a large portion of its population went from Kansas; not a town or a hamlet in that State but probably has more men who once lived in Kansas than almost any other State in the Union. I know them; I see them every year. I have watched the growth of that State. I know that the climatic changes in that State and all that great area which lies between the Rocky Mountains and the Missouri River during the past thirty-two or thirty-three years I have been a witness of it—it has come without anything being done to promote it except the labor of the pioneer. He has done it not always for his own profit; he has done it for the public interests, not so designing, but with that result, more than for his own benefit, and as he has worked his way westward, as he has cultivated the soil, as he has planted the trees, as he has built the domestic fire, as he has stimulated the building of railroads he has compelled climatic changes which have made that which was before uninhabitable not only inhabitable, but fruitful to the last degree.

He has not always lived to get the full benefit of it; he has done it for those who are to come after him, but he has done it; and that same process still continuing with the necessary and inevitable growth of the population westward, whether with or without inducement, will bring a similar change still further west. It has been left for the western pioneer to demonstrate the practical truth of the assertion of the good book, that the earth was made for man. Wherever there is soil good for anything, where human labor is brought to bear upon it, it can be made to yield. He has been the compelling agent which has brought about the final result.

Yet, Mr. President, twenty-five years ago when the pioneers first entered upon these great spaces, if the Government had then said "We want to know what is in the mountains, and we want some gauge of the great resources of the United States," it could have done something of this kind with a great deal better grace than it can do it now. Now, the men in Colorado have been going into every place where the water naturally flows, they have cut out ditches, as a result of which they have cultivated fields which before could not be tilled. They have made Colorado not only a mineral State but an agricultural State, and at this late day the Government comes in, and under the pretense of doing that which they have already done really, perhaps as a subject of speculation, as it will practically be, to spend money to publish abroad what the pioneer himself has done with his own labor and without help from the Government.

Mr. STEWART. Nothing has surprised me more than the reasons given by the Senator from Kansas against the adoption of this amendment, and I want to call attention to some of those unique, peculiar, and original objections. One of them was that it would deprive Kansas and the Lower Mississippi of water, and would therefore be in violation of the principle of riparian proprietorship. Now, it is well known that this water is only collected in flood times, that at other times these streams run dry, and I should like to have somebody figure out how the Lower Mississippi or Kansas could possibly be injured by relieving it of the surplus water.

This water that we would save runs to waste into the ocean. There is no human being that has got any beneficial interest in it. There is plenty of water in the ocean for the fish within it, so that no fish, no animal, nobody will be benefited by this water flowing to the ocean.

So far as that argument is concerned that taking some of the surplus of the water of the Platte River in time of flood and saving the Lower Mississippi and the lower valleys of the Platte from injury is a reason why this amendment should not pass, it is in keeping with every other reason and with all the reasons assigned by the Senator from Kansas.

Another reason was that he wanted to preserve the population for Kansas and did not want the population to go out into new Territories. I think that Kansas is pretty well settled. I do not believe that there are 5,000,000 acres of land in that State that have not been entered upon. All the best land has been filed upon in Kansas and the people are going west of Kansas.

Then, again, there is another reason. He says he wants to save these lands for posterity. He wants to save these mountainous Territories for posterity. How is he saving them for posterity? By what process? He says that this amendment squanders them, and he wants to save them. What is this amendment? This amendment does not dispose of an acre of land. On the contrary, it is an amendment to prevent the headwaters of these streams from being monopolized so that the land will be lost to settlement.

Every year thousands, if not millions, of acres of land are practically destroyed because the headwaters of streams are monopolized, and it becomes impossible to utilize them because there is no place to save the water. This amendment provides for reservations for reservoirs to store water so that it can be distributed on these lands.

I know that there is one class of men who are interested in keeping these rivers open to speculation and keeping these places for reservoirs open to speculation, and that is the cattle barons. They get a location at the head of a stream and command the whole situation. I have been surprised that we have not made these reservations, that we have not a place reserved for reservoirs so that the country can ultimately be settled.

I do not think it is quite generous in the Senator from Kansas, the chairman of the Committee on Public Lands, to advocate a proposition that shall exclude settlers from these Territories. If there is a chance to benefit the people by opening to them this section of country, which is better than the plains of Kansas, let them go there. It was supposed the whole country was free to them. There are Territories in the West that were organized as early as the Territory of Kansas; they have been organized for the last forty years, some of them.

People have lived there, made their homes there, and there are millions of people there now, and laws should be passed that will prevent the monopolizing of land and of water and make it possible to develop that region. I say they have just as good rights as any other people in the United States.

The Senator objects to the Geological Bureau and its Director. It is no time now to discuss the organization of that bureau. Its organization is an established fact. Its Director is competent, energetic, and enthusiastic. The bureau has in charge this work, and there is no other means of accomplishing it. No one proposes to abolish the bureau; $600,000 is already appropriated in this bill for the work which is connected with it. The amendment provides for $250,000 more to make the necessary exploration, surveys, and topographical work to secure the reservoirs and ditches, so that we can know what land can be irrigated.

This irrigation survey is but a small part, but it should go along with the other. It is a waste to have two sets of engineers doing this work. It is a part of the work you are appropriating $600,000 for, and it is a part of the work necessary if these lands shall be dedicated to settlers.

I know what the pioneer settlers want on this subject. I know how anxious they are that these rivers shall be preserved to the people, so that they may be spread over the land and make homes for the millions. I know we must take some action in that direction, and I know if it is not taken by some other committee besides the Committee on Public Lands, we may despair of ever having it done.

It is the first time I ever heard it announced by any member of that committee, or any member of Congress in either branch, that it was desirable to discourage settlement on any part of our continent. The people of the West who have gone there and made their homes have made an empire in those mountains that were not very long ago marked on the geography of the country as the unexplored regions of the great desert of America. Those people have built homes and have prosperous Territories there. If a policy is to be pursued by Congress to prevent the settlement of that region, to make it impossible to develop it, it will be a great disappointment to the pioneers and bad faith on the part of the United States, and a reversal of the policy of this Government.

The people feel a deep interest in this question more than in any other. They do not want to rob Kansas of her population, and there

is no danger of it. If the lands of Kansas are not already taken up they soon will be.

I tell you this is an anti-monopoly measure. This is a measure to preserve this land for the people. This is a measure to prevent the headwaters of these streams from being monopolized by a few, and every year I see the amount of land that can be irrigated is being diminished by a monopoly of the waters of the great desert country. One half of it is already gone and the other half will go too, and then we shall have to wait through a long series of years and buy out these monopolists in order to get a place to build dams to save the water and irrigate the land.

I am astonished, I say, that there should be such a policy hinted at—that anybody should suggest that relieving these great rivers of their flood waters by dams in the mountains could possibly be injurious to any one, or that anybody should claim here that we should not have proper legislation for the Territories of the West for fear population would go there. I am astonished that anybody should be unwilling that the necessary reservations should be made before they all fall into the hands of monopolists.

This scheme did not originate in the brain of Major Powell; it originated with the Senators from Colorado and myself. I introduced a bill in December last on this subject and had it referred to the Committee on Public Lands, which bill has not been reported, providing for the segregation of the lands that could be irrigated from those which could not be. I then offered a resolution in February last calling the attention of the Secretary of the Interior to this matter, and he sent a long report showing the desirability of doing what was proposed. I then had the honor to put in another resolution, which brought forth the report that has been alluded to here to-day.

The Senator from Colorado [Mr. TELLER] also introduced a bill and had it referred to the Committee on Public Lands, providing for this very investigation, and it was reported favorably and passed and is now a law, and this amendment is simply legislation to carry out the provisions of that law. This scheme originated with men who were familiar with that country and desirous that it should be preserved for the people.

When the question is one of giving away the public lands or to let corporations get more of them, I will go as far as any man to preserve them for the people. This amendment is in that direction and it ought to be a part of this law. There is no other relief available. We see that there can be no hope through the Committee on Public Lands, as their policy is against the development of that region. Their policy, as represented by their chairman, is against the settlers, against the hundreds of thousands of people who have made homes in that country and are now waiting for wholesome laws under which they can develop it.

Mr. PLUMB. I want to say just a word in regard to this. In the first place, Mr. President, I doubt whether the origination of this scheme belongs to the Senator. I will call attention to the testimony of Major Powell, on page 70 of the report of the Committee on Appropriations on this bill, in which he says:

> Twelve years ago I sent a volume of 200 pages as a report to Congress on this subject. What I wish to say further is, that if this irrigation work is to be done a general increase of my appropriations ought to be made. I could expand and get scientific men and experts to do both.

The Senator will have to take hold lower than he did a moment ago if he wants to get the credit of it.

Now, as to who shall get these lands and in support of what I said about the whole theory to put this into the hands of the wealthy people and not the poor settler, this occurred on page 67 of the testimony taken before the Committee on Appropriations:

> By Mr. BECK:
> Q. Suppose some fellow should jump that claim as soon as it was marked out and say, "Here is a good thing; we have got it from the Geological Survey," what is going to prevent a squatter from taking it?
> A. It is our purpose to mark it out so that the people will know what lands can be used for irrigation.
> Q. It is just giving a fellow an intimation of where he can get a big thing?
> A. Certainly; that is the very purpose.
> Q. Then your survey ought to include with it exclusion from private location.
> A. I think not; let me explain that to you.

Then he goes on to explain.

Mr. STEWART. Will it interrupt the Senator if I ask him if he has read this amendment?

Mr. PLUMB. Yes, I have read the amendment; but that will simply be a thing of to-day. The Senator will be here with all his volubility next year to ask that something shall be done next year to make those lands available, and that can only be done by millions of capital. Major Powell says in reply to a question of the Senator from Kentucky [Mr. BECK] on page 70 of this document:

> You must remember that the utilization of a large stream by the construction of a reservoir is going to take combined capital, amounting to $500,000, $1,000,000, or $5,000,000, as the case may be.

The poor settler who wants a little tract of land that he may cultivate is going to stand a good chance with a combination of that sort! That is all, Mr. President. The thing did originate just exactly as I said it did. It has been pressed for no purpose so far as we know—of course the Senator can state his own position, and I do not quarrel with him about it—but it was originated in the scheming brain of the head of the Geological Survey. He expects some day to be incorporated into the Constitution of the United States as an amendment, and if it was not for the hope that he would expend this money this would not have headway enough to have washed a handful of earth in the Arkansas Valley.

What I said about the water supply in the lower valleys related entirely to what the Senator from Nebraska had said. He said the absorption of the water already in the upper portion of those valleys makes the lower portion dry—dry as a powder-horn—during a large portion of the growing season. To the suggestion he makes that we shall get more water up there by reason of storage and thereby have some chance below, the answer is complete, as any one familiar with the subject well knows, and that is that with all the water that falls still there will not be enough to supply the immense areas adjacent to the sources of the Platte and the Arkansas.

Mr. MANDERSON. Will the Senator allow me to ask him a question?

Mr. PLUMB. I will.

Mr. MANDERSON. Is it not a fact that the present system of irrigation by most of the settlers in Colorado and along the headwaters of the springs and courses through Nebraska and Kansas is by adapting the stream above the land that they wish to place under irrigation and running a canal or ditch to their land, not by storing up the water in reservoirs?

Mr. PLUMB. Certainly it is. In other words, it takes the current supply.

Mr. MANDERSON. That is, they take direct from the current and not from the reservoir. That is the present system?

Mr. PLUMB. Yes.

Mr. MANDERSON. Would it not be infinitely better for those who live down stream if the Government should take a third of those rivers at flood tide, when there is an abundance of water, and draw them into reservoirs and then in the dry season draw from the reservoirs and let the natural stream pursue its course?

Mr. PLUMB. How would the people living along the bank get the benefit of the reservoir if the water from the reservoir was not put into the main stream?

Mr. MANDERSON. The water would be conducted from the reservoirs by ditches.

Mr. PLUMB. That can not be done. The reservoir must be made between hills. It can only be taken out at one point, and that point must always lead into the main stream. That, of course, is the trend of the depression to the main stream. For instance, the Arkansas runs 280 miles in the State of Colorado. The stream heads about 15 miles above Leadville. At every point where there is valley enough down the Arkansas ditches have already been cut out practically, and, of course, if the supply was greater there would be simply greater ditches and a greater supply, because the valley is already under partial cultivation now. If the cultivation were extended, as it naturally would be, and I have no objection to that, then, of course, more water would still be required, and that would take up more than all the water that ever falls in that country.

Mr. MANDERSON. If the Senator will allow me further, for I think our interests are almost identical, representing States which are so much alike, as it is now the parties living along the upper waters of these rivers, the Arkansas and Platte, exercise their own sweet will. They take without let, hinderance, or regulation direct from the stream.

Mr. PLUMB. Under their rights as riparian proprietors.

Mr. MANDERSON. Exactly. Would it not be better if in the valleys in the mountains where these streams head the Government should make great lakes by way of reservoirs, and supply the waters of the upper country in that way and allow those below to have the natural streams?

Mr. PLUMB. There can be no natural stream without this water. In addition to this the water must come in the natural stream. If it is taken through private agency, some ground subject to great absorption may shortly use the supply, and the areas there are so large that more water would be taken for those people. But I am not opposing it on their account. I am not saying that it is not proper they should come here and ask that it should be done. I did not base any portion of my argument upon the idea that it was to deprive the people of the Lower Arkansas of water. I only said that this amendment was not complete in the particular in which the Senator from Nebraska would have us believe it complete, the effect of it being to appropriate the entire water in such a way that the people of the Lower Platte and the Lower Arkansas would not have any, which is bound to be the result.

Mr. MANDERSON. They are doing it now.

Mr. PLUMB. We now at least fail to give legal sanction to it. I believe that the Lower Arkansas would be taken from the people who live along its banks by the absorption of the water in the upper headwaters of that stream. That is likely to happen. Perhaps it can not be helped, and I am not going to quarrel with the people who are seeking to use it; but what I said was that there is room enough and there is no necessity for appropriating these lands now. There is plenty of land in Nebraska. Why invite the people of Nebraska to go out there? Why invite the people of Kansas to go out there? If they go upon the

conditions now existing, by such inducements as are now held out to them, as people have done heretofore, to found homes there and build up a prosperous commonwealth there, it is all right. But it is one thing to let them go in that way, helping themselves and at the same time helping the public and contributing to the public interest, and another thing at this time by a process which absorbs the public domain too rapidly and unnecessarily, to cut off that supply of population not only in the great future, but for the immediate future, which, as I think, is fraught with the greatest possible consequences to the people of this country.

Mr. MANDERSON. I submit an amendment to the pending bill and move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report favorably an amendment submitted on the 28th instant by the Senator from Oregon [Mr. MITCHELL], intended to be proposed to the pending bill. I move that it be referred, without printing, to the Committee on Appropriations.

The motion was agreed to.

Mr. VOORHEES. Mr. President, I am not about to make a speech on this subject. I have no opinion to give as to the propriety or impropriety of attaching the amendment to the pending bill, though I do not see why it might not be done. As a rule, however, perhaps the wisest and safest course is to sustain our committees on questions of this kind.

However that may be, the right side of this question is advocated by those interested in those distant plains. I have been on them to a limited extent. In the future, and not in the very far future, there will be a development of wealth on them which bewilders the imagination now in trying to conceive of it. This process of irrigation will be adopted. It may be delayed, but it at last will come.

The Senator from Kansas [Mr. PLUMB] says the superintendent of the Geological Survey almost expects to be incorporated into the Constitution as a part thereof. If he were, there would be an acquisition of wisdom and usefulness to that instrument, and the general-welfare clause of the Constitution would be greatly enlarged, in my judgment. I look upon Major Powell as one of the most useful and scientific men of his age, and he will be remembered by his glorious works long after the rest of us are forgotten.

I did not rise, however, for the purpose of speaking, myself, on these points. I had furnished to me, without any request of mine, some days ago a memorandum which I shall ask the indulgence of the Senate to have read at the Secretary's desk. I do it as my contribution, although at second hand, to the knowledge which this debate will disseminate throughout the public mind, so that hereafter when the subject comes up again it may be referred to as a statement of important facts. It comes to me from a source of the highest credit and reliability, and as the result of very extensive research and scientific knowledge.

I understand that the proposition before the Senate is merely for the appropriation of money to investigate and survey the vast expanse of arid country with a view to its future development and usefulness. With the consent of the Senate, I ask that the memorandum that I send to the Secretary's desk may be read.

The PRESIDING OFFICER. If there be no objection, the paper will be read.

The Chief Clerk read as follows:

IRRIGATION IN THE UNITED STATES.

For more than a generation, indeed before exploration had thoroughly revealed the condition of the midcontinental plains, the possibility of supplying them with moisture and of reclaiming them to culture has been much considered. Repeatedly the attention of Congress had been called to the expediency of taking action looking to such a result, and ten years ago Maj. J. W. Powell, then in charge of the geographical and geological survey of the Rocky Mountain region, submitted to Congress an elaborate report on the whole arid region, accompanied with maps, suggestions, and recommendations as to a comprehensive policy of reclamation.

On the 13th of February last the Senate passed a resolution inquiring of the Secretary of the Interior whether it was desirable to authorize the Geological Survey to segregate those portions of the public domain capable of irrigation from other portions, and to select and reserve places for reservoirs, rights of way for ditches, etc. Subsequently a joint resolution was passed by both Houses and approved by the President directing the Interior Department, through the Director of the Geological Survey, to make the examination contemplated, as to the practicability of reservoirs, the capacity of streams, and all facts bearing on the questions of the storage and distribution of water throughout the infertile region.

This expressed desire to survey the region referred to does not necessarily imply a purpose to build reservoirs and establish a gigantic system of irrigation at the expense of the Government. The present plan is only to obtain information—information which in the nature of things can be acquired only by the Government—in order that corporations or co-operative owners of the arid land may hereafter organize means for its fertilization.

To be done economically and thoroughly the survey for irrigation ought to have been begun by the Government ten or fifteen years ago, before settlers had, by petty methods for utilizing the sources of supply, interfered with the establishment of a comprehensive system.

About one-third of the entire soil of the United States requires irrigation in order to be productive, estimated at 1,300,000 square miles.

This lies almost entirely within the Territories and west of the one hundredth meridian, which cuts in two Dakota, Nebraska, Kansas, and Texas, and is exactly half way between the seventy-fifth meridian, which emerges from the Atlantic and runs north and south through New Jersey, and the one hundred and twenty-fifth meridian, which skirts the Pacific coast at Portland, Oregon.

East of the one hundredth meridian some lands could be advantageously irrigated, and west of it there are table-lands to which water could not be carried, and broad belts, as in Oregon and Washington, so situated that irrigation is not required.

Of the 1,300,000 square miles unproductive without being artificially watered it is estimated that there are 300,000 square miles that are either mountain ranges, high levels not conveniently accessible, or drainless salt deserts, or mineral or timber lands where irrigation is not desirable, leaving 1,000,000 square miles, now virtually arid, which Major Powell estimates could be made productive if furnished with water.

This 1,000,000 square miles forms a vast empire. Out of this domain, if it could be reclaimed, could be carved thirty States of the size of Indiana; all of our States east of the Mississippi could be outlined upon its surface, and there would be enough land around the margin for twenty States like Massachusetts.

To the question, How best to make an effective preliminary survey? Major Powell has addressed himself, and has furnished to Congress an approximate estimate of method and cost.

Irrigation seems to have been one of the earliest auxiliaries to agriculture, and ever since the beginning of history countless millions of human beings have been enabled to survive on the earth by availing themselves of its benefits. Its experimental period long since passed, and it is now practicable to make a pretty close estimate of its adaptability to any given arid region.

One point which the Department is inclined to emphasize is the necessity of making the preliminary survey at once. The delay which has already taken place in beginning the work has cost the Government much money by permitting obstacles to a complete irrigation to multiply. It is not claimed to be essential that the plans for irrigation should be executed at once; but it is believed to be indispensable that the Government should immediately lay out the great work for the future—should make the needful surveys, ascertain what lands are infertile, and what water is available, and take possession of salient points of river and wild land before their further appropriation by settlers shall interfere with the enforcement of a comprehensive scheme for the general benefit. Every day that an appropriation for this survey is withheld the acquirement of vested rights goes rapidly on under conditions that will seriously hinder the Government in establishing a general system.

This is a case where delay is dangerous. The agriculture of the arid region, under the pressure of tremendous immigration, is developing, and its unregulated development involves the resort to transient expedients, at once costly and wasteful. The pioneer on the alkaline plains finds himself engaged in a desperate struggle for life, and he seizes the nearest streams that will fertilize his farm without due regard to the losses or gains of the pioneers who are coming later to settle the adjacent sections. Totally unrestrained by any interests but his own, he turns aside and exhausts the affluents that are most convenient to him, and which, properly economized, would be ample for a hundred times the service. Thus vested rights are constantly acquired which obstruct subsequent regulation and limitation by law.

As to the prospective value of this million square miles that might, through artificial watering, be secured to tillage, it is incalculable. It is not now generally salable at the Government price of $1.25 an acre, but when irrigated it would be worth at least $30 an acre, a total of $19,200,000,000, a sum three times as great as the cash value of all the farms in the United States in 1860.

For the irrigation of this area we have the annual precipitation upon 1,300,000 square miles of mountain, valley, and plain. This ranges from 5 inches or less on the driest plains to 30 inches on the mountains, and even 75 or 100 inches on the highest peaks, and the average for the whole region is not far from 15 inches. If all this could be applied to the land suited by configuration for cultivation it would afford about 20 inches of water annually for the whole area, or nearly double the amount which need be applied to crops during the growing season. The water which falls in the arid region would therefore fully meet the agricultural needs if only it could be stored until the proper season and then conveyed to the proper land.

But many causes unite in cutting down the amount of land that is profitably irrigable. There are three great classes of land in the arid region—the irrigable lowlands, the plateau forests on the elevations, and the pasturage lands between. It is not considered likely that more than 20 per cent. of the entire arid area will ever be reclaimed by the most elaborate irrigation. Placing it at 15 per cent., or 150,000 square miles, it still promises an area one-half as great as all the land now cultivated in the United States. At $30 an acre this would add $2,880,000,000 to the nation's wealth.

The general survey of all these lands is being proceeded with by the Department, but the estimate of irrigable possibilities requires special local surveys. Some streams furnish more water than can be used, and others far less than is needed, and the comparative eligibility of different streams depends on many considerations and on relations difficult to ascertain.

To determine the maximum of farming lands in a given district, the selection of sites for reservoirs, and a system of headworks and canals, it is necessary to ascertain—

1. The configuration of the ground by accurate topographic maps.
2. The determination and distribution of water from each catchment basin.
3. The adaptability of soils for irrigation.

Reports must be had on the rate of evaporation from different reservoirs, the rate of seepage from different soils, the adaptability of different soils to convey water, the need of different localities, the disposition of washed-out salts, the cost and maintenance of reservoirs, the effects of frost, the existence and extinguishment of vested rights, and the measurement of available water. A study must be made proportioned to the magnitude of the work.

From the experience of farmers in Utah the fact is deduced that a continuous flow of 1 foot of water per second will water from 80 to 100 acres of land. This has been fixed on as the unit of supply in making calculations.

A comprehensive system of irrigation sufficient to reach with artificial moisture most of the accessible lands of the arid region should include the storage of the water of the non-growing season, as well as the prompt distribution of the falling rains of spring and summer.

The plea that it is not the function of Government to undertake the irrigation of a million private farms and ranches, or that the national expenses are already sufficiently great without plunging into a new and stupendous enterprise which would entail the cost of many millions, has nothing to do with the question here presented, which is that the Government should at once incur a comparatively small expense in obtaining information of incalculable value. The knowledge that is sought by an irrigation survey is indispensable from any point of view. It can not be obtained by individuals, and unless the central plains are to be given up to permanent sterility the Government must seek it at once.

Congress is now asked to make provision for doing the work which it has directed to have done. An appropriation of $250,000 is asked to begin the survey of a million and a quarter square miles of arid land and to lay down the lines of knowledge on which 100,000,000 acres of such land can be redeemed from barrenness and delivered to the plow. This 100,000,000 acres would be worth, when irrigated, at least $2,800,000,000.

What is now asked, then, is that Congress shall appropriate $1 for every $11,200 of anticipated increase in national wealth, or 1 cent for every $112 which will be created by irrigation according to the most conservative estimate.

Mr. CALL. Mr. President, I think that this is a measure of the highest beneficence that has been presented for our consideration. If there be nothing in the theory of government outside of the idea some of our people have that the only function of government is to create a court and a penitentiary and protect its citizens in their personal liberty—if that be the only function of government, as some of us construe it to be, then we have no right to consider a proposition of this enlarged beneficence to the people.

But if it be a part and a chief part of its objects to establish such public policies as will make the earth more productive and a better habitation for the millions of the children of toil and poverty who under every form of government have been its subjects, then we have attained a higher plane of civilization, and we are to look to policies like this measure, which shall make each individual, however poor, comfortable and give him the opportunity of a home, and the men who devote themselves to these policies should be rewarded and not punished with severe criticism and harsh judgment, then this conception of Major Powell will give him the applause and the respect of our country and the aid of the Government in accomplishing it.

Whatever can be said upon this subject has been so well said and so much better said than I can say it by the Senator from Alabama [Mr. MORGAN] that I hesitate to express my own opinions. But as a member of the Senate I wish to record myself in favor of the policies on the part of the Government which will give to the people of this country better opportunities than have existed under any other form of government.

We are confronted with a condition of our civilization, which for some reason leaves the soil uncultivated in the older States and drives our people wherever public land can be found. We need not inquire why it is; the fact is so. From every State the tide of emigration has poured to the West, to the unoccupied lands belonging to the Government, and if we have a law which says they shall not enter and become the owners of them, they find a home upon them and make their living there. They are the American people and they realize the fact that the public domain of the Government is their heritage for their occupation, and they are right in my opinion.

Here is a vast area of land unsusceptible of present occupation and cultivation, but scientific inquiry, the investigation of this able and learned and laborious man—and whatever may be said of his administration of the office, it can not be said that it has not been disinterested, perfectly upright, and in the interest of the public service—Major Powell, has pointed out with every reasonable probability that it is possible to reclaim.

I submit the question, whose duty is it to prepare for that reclamation? What limited and narrow and impracticable theory of interpretation of the powers of government or of the wisdom of practical legislation shall say that if it be possible to make this vast area of public land the home of millions of industrious and worthy people it should not be done? What higher object of human effort or of wise legislation can be found than to make the desert land of the earth a bright and happy home for the children of toil—to make joy and happiness and abundance in the homes which now only know sorrow and penury and want?

Mr. President, there can be but one side to the question. This amendment does not preclude such legislation, if it shall be expedient, as will allow private co-operation to perform this work, to build these reservoirs, to create the canals and reservoirs which may be necessary. It only provides for the inquiry and points out the best method of doing it.

Who should be intrusted with this work? Is it the learned and practical scholar, surveyor, and geologist who has conceived the idea, and who in years of study and thought and calculation has satisfied himself until he thinks it is a demonstration that this great, beneficent work can be done? Is it the discoverer of this idea or some other person to whom the work of carrying out his own theory, his own idea, should be intrusted? I think Major Powell is very much the best person to whom it can be intrusted, and his bureau is the only one to which it can properly be committed.

Mr. President, there can be no doubt upon this subject. What do the engineers know about it? If the Government is to build these reservoirs there, probably the work may be intrusted to them, either the giving of contracts or otherwise; but what is the scientific knowledge that they possess on this subject compared with that which belongs to the Geological Survey, which requires all the higher sciences to be used in the daily performance of the duties which are imposed upon it, which is essentially a scientific bureau whose results are depended upon for accurate scientific knowledge?

This bureau is a credit to the Government, and under the able direction of Major Powell has given us a high standing amongst the nations in scientific investigation and research.

The practical utility of its operations is greater than we can see on the surface. It must not be forgotten that we are living in an age of wonderful discovery and practical use of the processes of nature, and that all knowledge is now being made the servant and ministers to the wants of man, and to the uses and necessities of a better and higher civilization which is only beginning to dawn upon us.

I am in favor of every method and every policy which is practicable and which leads to the improvement of the country and to making a better opportunity for our people for comfortable and abundant living and a better condition in life. Among those policies I have not heard of one which commends itself more to the thoughtful and intelligent mind than that of gathering the information, accurate and certain, which shall demonstrate the practicability, the cost, the specific method in which the vast surplus waters of the Rocky Mountains and the great streams that flow from them, and from all parts of our country, can be accumulated, stored, and thence distributed over the arid region of country.

I hail with great pleasure the opportunity of voting whatever reasonable sum is required for this purpose. I am not prepared to say that the sum mentioned here is too large or too small. I am, however, prepared to say that it will be in the hands of a discreet, upright, worthy, and capable servant of the Government, and that it will be administered for the purpose for which it is given.

The Senator from Alabama [Mr. PUGH] says decisively it ought to be a million dollars. He thinks we are legislating for posterity a thousand years hence. I think that we are gathering the information which will enable this Government to formulate a public policy which will immediately open these lands to the occupation of the poor people of the country, and that to withhold this legislation is to enable capitalists and rich men and corporations to take possession of the lands and extort a lifetime of labor from the people of the country who are obliged to make upon them their homes as the condition of occupying the heritage that belongs to the people.

My idea is, if you wish to allay discontent, the wise policies of Government are to provide the opportunities for labor, the opportunities for occupation of the soil, and its improvement for the people of this country. Of all monopolies the most hurtful is the ownership of the great body of the soil by those who neither live upon it nor labor upon it. This condition of things is the sure precursor of a popular discontent which not even standing armies can suppress.

But a people engaged in agriculture, owning their own land, under just laws and light taxes, will be the mainstay and defense of the Republic. I am, however, in favor of such a modification of this amendment as will withdraw the entire area of these lands to be benefited by this irrigation from entry until they can be opened to the homestead entry of the people, subject only to such tax or lien as will reimburse the people of the United States the money expended in their reclamation. This, however, can be done hereafter.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on agreeing to the amendment of the Senator from Colorado [Mr. BOWEN].

Mr. BECK. Let it be read again.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 63, after line 6, it is proposed to insert:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of $250,000. All titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for reservoirs for storing water and for rights of way for ditches and canals for the purpose of irrigation.

Mr. BECK. Mr. President, I think this discussion has developed the fact that the Committee on Appropriations was very wise in not taking any action in regard to this matter. The measure embodied in this amendment had been referred to the Committee on Public Lands, which committee I suppose was the proper committee to deal with it, and failing to have action taken upon it there, it was sent as an amendment to be added to the sundry civil appropriation bill to a committee which never had an opportunity to examine it at all.

Mr. TELLER. I should like to say to the Senator from Kentucky that he is mistaken about the amendment having been referred to the Committee on Public Lands.

Mr. MORGAN. I never heard of it there.

Mr. TELLER. The amendment was not referred to the Committee on Public Lands.

Mr. BECK. A bill for this purpose was referred to that committee, so the Senator from Nevada said.

Mr. TELLER. That was a bill to segregate the arid lands from other lands—an entirely different bill.

Mr. MORGAN. That bill applied to Colorado, did it not?

Mr. TELLER. No; the Senator from Nevada offered a bill, as I understand, for the purpose of segregating the arid lands from other lands. But that is not this measure by any means; it had no connection with it.

Mr. BECK. At any rate a proposition came to us dealing with this immense subject without having any approval from the Committee on Public Lands. I suppose that statement is correct. For one I agreed that whatever was done ought to be done in the Senate, and that our committee ought not to be required to deal with it.

We have appropriated for the Director of the Geological Survey, I

believe, somewhere about $600,000, of which $200,000 is for the very purpose of doing the topographical work which is now sought to be extended for a specific purpose. As the chairman of the committee very well said, if that is not enough let somebody move to make it more, but let it go on in the general work of the bureau.

Here is a proposition to which I objected in committee and to which I object now, "for the purpose of investigating the extent to which the arid regions of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works" necessary for the purpose. I put the question to the Director when he was before the committee, and I said, as I believe now, that if you are going to take $250,000, or $500,000 as was first proposed, but $200,000 is all he could use this year to carry on the work upon which he said he would have to expend five million one hundred and some thousand dollars according to his own statement, ought not some legislation to be had so that men shall not follow your surveyors, so that your own surveyors and others or corporations elsewhere shall not follow you when you make these segregations, and under the land laws of the United States take possession of those places and exclude all the world from them?

Mr. JONES, of Arkansas. Will the Senator from Kentucky allow me to ask him a question right there?

Mr. BECK. Yes, sir.

Mr. JONES, of Arkansas. Is it not the purpose of the amendment to authorize the Secretary of the Interior to withdraw from sale just such lands as may be by the survey found to be proper places for the reservoirs, not for the purpose of allowing Congress to determine whether or not we shall enter upon the work?

Mr. BECK. It does not say so.

Mr. JONES, of Arkansas. I do not think it can mean anything else.

Mr. BECK. But it says for the purpose of selecting sites. Let me read what the Director of the Geological Survey, whose paper was just now read at the desk, said to me when I asked him the question which I shall read. I had asked him what he was going to do after marking the sites for reservoirs and determining the ground for sites of canals and for headworks for irrigating purposes, and I put to him the following question:

Q. You mean by that the withholding from the public of such lands as in the opinion of the Geological Survey should be used for irrigating purposes?
A. It is to be decided hereafter what action should be taken.

By the CHAIRMAN:

Q. How would you segregate them?
A. Simply mark out on the ground.

By Mr. BECK:

Q. Suppose some fellow should jump that claim as soon as it was marked out and say, "Here is a good thing; we have got it from the Geological Survey," what is going to prevent a squatter from taking it?
A. It is our purpose to mark it out so that the people will know what lands can be used for irrigation.
Q. It is just giving a fellow an intimation of where he can get a big thing?
A. Certainly; that is the very purpose.

That was his answer: "That is the very purpose." Then he went on to tell us that it could not be done by any individual and what, in his opinion, it would require. He said:

You must remember that the utilization of a large stream by the construction of a reservoir is going to take combined capital amounting to $500,000, $1,000,000, or $5,000,000, as the case may be. In order that these places may be utilized capitalists have got to go on, or else a community there has got to organize to do it. My judgment is, the best way is for a community to organize.

The meaning of all that is that without any legislation in advance, without guarding the rights of the United States, without having a report from any committee, we are to appropriate sums of money for him to locate and mark out the sites so that they can be taken up by any corporation under existing laws without guarding the rights of the actual settler who is there now, and who has his little irrigating ditch, and whose land is now being utilized, because under the laws of the United States he has the right to do so. They can cut off and hold in reservoirs the waters at the heads of the streams and prevent the men who are living along the banks of those streams from using the water, and there are thousands of those men to-day, with their ditches made and their lands irrigated to the extent of 80 or 160 acres, as we have all seen them who have been in the West. It is proposed to locate a site so that some great corporation shall take all the water and lease it out to them, and make them pay water-rent for every drop they get from this time on. Until their rights are guarded no authority to locate reservoirs ought to be given, and no privilege to anybody else to acquire title ought to be given.

What right would the men have who are along the valleys leading from the mountains where those streams run who have dug their ditches? I know along the Big Horn Valley (I go there nearly every year) there are hundreds of thousands of acres, a front of nearly a hundred miles, and running down 20 miles from those mountains, filled up with people. In a single county that I know there were not over ninety people eight years ago, and there are now nearly 10,000 prosperous farmers, who have dug their own ditches, made their own irrigation, and occupied their own land, and yet it is proposed to build a reservoir somewhere in the mountains and hold the water in the reservoir and destroy them all unless some corporation should raise a million dollars or $5,000,000 or $10,000,000 and dig their canals, as provided for here, and lease the water to those people. Yet it is said it is done for their benefit!

These things can all be guarded, and they ought to be guarded by legislation in advance, and the rights of the actual settlers and of those who have acquired rights now should be preserved before location is made or before anybody has the power to take hold of the work.

We inquired into all these matters with Major Powell. He went on and told us, as he very properly said, what immense amounts of land could be irrigated. It is being irrigated fast enough by the actual settler to-day for all practical purposes, and irrigated better than any corporation with its $5,000,000 or $10,000,000 could do by building a great reservoir, which the United States would establish for them, by leasing the water and owning the land or the canal and doling out the water to them as the corporation may see fit.

The people of the United States can take care of themselves in that regard if the Government will just let them alone; and with only 64,000,000 population, with a territory larger than all Europe with its 300,000,000 or 320,000,000, settlement is going on very satisfactorily now. We have given the Geological Survey $200,000 to go on and develop all these things in the usual way. I have protested all the time and protest now against locating sites for reservoirs and other hydraulic works until the rights of the actual settler are protected by a carefully drawn law.

The amendment does not belong to this bill. It is entering upon a great scheme that, if the Government is going to do the work, will take hundreds of millions of dollars. The survey alone will take over $5,000,000, so Major Powell told us; and while he is a scientific man, and while he is an honest man, and all that can be said about him I agree to, he is an enthusiast when he starts a scheme of that sort. The calculation that was read from the desk of how many millions and hundreds of millions of dollars this land will be worth when it is irrigated and the water developed is just a specimen of how they all do. We asked him how he could do this work. He said:

Twelve years ago I sent a volume of 200 pages as a report to Congress on this subject. What I wish to say further is, that if this irrigation work is to be done a general increase of my appropriations ought to be made. I could expand and get scientific men and experts to do both.

Yes he could; and he would draw in all the scientific men in the country; and he is drawing them in now as fast as he can. They are all willing to come in with their theories, and they are all willing, with the surplus in the Treasury, which is so much talked about, to expend as much as possible of it, under the pretense that they are doing good, when in truth and in fact, in my opinion, unless laws are passed before this specific direction is given to guard the rights of the people, it will be done as he says, very properly, the British do in India, by great communities, great corporations acting together, or as he says they do in Spain, all of which is laid down in his report, by methods that are absolutely unsuited to the wants, the tastes, or the capacities of the American people, each acting for himself. If we were living in communities as he says they do in India, where Great Britain manages her system, if we were living as in Spain under a despotism where the authority of the Government manages everything, that might do.

All his account of how these things would have to be done to utilize the land shows that the communities must either organize or the Government must do it or the great corporations must do it all, and the settlers must pay their water rents and become the retainers of the corporations who own the reservoirs.

It is a scheme that we ought not to go into, in my opinion, in this form without the most careful consideration. If we are going to do anything I agree with what the chairman of the committee said—if $200,000 is not enough to go on with the scientific survey make it $300,000, but let it go on as a part of the general system without fixing on places as sites to attract speculators to hold the water to the detriment of the people who are there. If you are not going to do that, and that is thought to be the best thing to do, then guard the rights of the men who are there or who go there hereafter by careful legislation from some committee that has power to look into it; but do not attach it to an appropriation bill to go at loose ends.

Mr. TELLER. Mr. President, the imaginary evils which may arise under this provision—for they are purely imaginary—as suggested by the Senator from Kansas [Mr. PLUMB], will be taken care of by the local governments. In the first place, it is not proposed to appropriate a single drop of water anywhere by this amendment. If the Senator had read the concluding clause he would have found that nobody could follow around the survey. It is proposed here that "all titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for reservoirs for storing water, and for rights of way for ditches and canals, for the purpose of irrigation." Every man who buys a piece of land buys it with the right of the Government to allow a ditch to go across it. There is no danger of any monopoly.

The State of Colorado has taken possession of the water of the State by virtue of its constitution, and no ditch company or corporation of any kind can go and appropriate water and charge anything except what the public authorities say it may charge. The county commissioners where the ditch is fix the price at which the company may sell the water to the farmers.

Mr. STEWART. California has done the same thing.

Mr. TELLER. We had a good deal of trouble with a class of men who endeavored to appropriate the waters. An English company came in there and took our water and proposed to make the farmers pay $20 an acre, and in some places $40, and then to make them pay $1.50 an acre every year for the use of the water. But under our constitution the case was taken into the courts, and the courts held that they could not do it, and they were not allowed to do it. They county authorities go on and fix just what the company may be allowed to charge every year for the water. They fix it every year. The example of Colorado will be followed by every State in the Union where they have to irrigate. We were perhaps the pioneers in that respect.

I undertake to say that in no country in the world where irrigation is taking place has there been such care and attention given to preserving the water to the people as in Colorado, and it has formed the example for other States and Territories to follow, and I understand they are following it. The men who have their water rights are protected under the law just as they are protected in their rights of property. There is not a man in the State who has a farm who does not have an interest in it. Sometimes he buys the water and sometimes he owns the water, one or the other.

The Senator from Kansas said some rather hard things about the Director of the Geological Survey. I wish to say that he has had nothing to do with this movement. The joint resolution of March 20, 1888, was introduced by myself, and I know that the Director was never consulted about it in any shape or manner until after it was signed by the President, and then I consulted him myself.

The Senator from Kansas would have you understand that this is to take the people from Kansas and Nebraska and the other States, and immediately put them out on the arid plains. The Senator ought to know that it will take years and years before this work can be done. Very few of us will ever live to see the consummation of the plan.

What we want is the information. Then we can fix up a law that the Senator from Kentucky [Mr. BECK] talks about, when we know what we can do, when we know what the capacity of the streams is. What is the use of a man going and building a dam across a natural basin unless he knows how much water there will come into it through the year?

That can only be learned by scientific application and examination, and that is what we want. That is the first thing to be had.

Then these places can be utilized, and if they are reserved, as the amendment proposes they may be reserved, they can be utilized only as Congress says they can. Congress will provide upon what terms the dams may be filled and used; that the party shall make himself subject to the laws of the State; that he shall not have any monopoly. To-day there is nothing to prevent any man from going in there and taking one of these places and filling it up with water and selling it for whatever he can get, except where the States have controlled the matter.

Mr. PLUMB. Will the Senator let me interrupt him? What Colorado has done he states that the Government should do by this amendment.

Mr. TELLER. The Government is not to interfere with the States in regard to the matter. Nobody proposes to do that. We have not even asked the Government to build these reservoirs. We are building them ourselves, year by year. What we want to know is what amount of water in general may be saved. Take, for instance, the head of the Platte, which runs dry before it gets to Nebraska. Three or four times as much water could be sent down in dry seasons.

The agricultural season for irrigation does not exceed two months. Of course they can use and do use all the water, and there is enough for an ordinary season of two months, but there are at least eight months more when the water could be stored if there were dams built. The high water comes long before the people want to put it on the farms, and that is the time to store it.

Mr. President, the amendment is not pressed in the interest of a job as the Senator from Kansas would have it understood. It is pressed in the interest ot the great toiling masses of people who must live upon farms, and it is in the interest of the nation and the world that they should do so. The man who lives upon a farm is never an anarchist; he is never a communist; he is never a revolutionist. It is the men who live on farms who are the safety-valve of the nation and the world. The great cities are the pests which are a source of danger to the body-politic. The more men you can put on land to till it with their own hands, the better it is for the country.

It is the very highest necessity that every man who wants to work on land should have the opportunity to do so. If we pass, as we ought to pass, and as we undoubtedly will pass, a law to prevent any man from taking public land unless he lives on it and cultivates it (and we ought to have passed such a law years and years ago) there will not be any gobbling up of this land; there will not be any monopoly in water any more than there is in air.

Mr. HARRIS. Will the Senator from Colorado allow me to ask him if it is contemplated by the promoters of this scheme that the Government is to go on after this information is obtained and construct dams for the storage of water?

Mr. TELLER. It is not proposed that the Government shall do anything except to find out the facts. Then the Senator from Tennessee can pass upon those facts himself. He is a part of the legislative department, and I have do doubt, from what I hear, that he is likely to be here for many years to come, if he lives. I hope he will. He can then pass upon the question whether it would be politic for the Government to do it or not. The Government is not committed by this proposition.

Mr. HARRIS. The Government commits itself by it to the extent of a given amount of money to ascertain certain facts looking to the adoption of a policy *in futuro*.

Mr. TELLER. Certainly. That policy may be to say to the State of Colorado, "Within your borders you can store 10,000 acres of land with water. If you choose to store it we give you the land, but you must store it upon such and such terms; that is, it must be for the public good, and it must be for use by the public." The Government may not choose to say that to the State; it may say it to individuals It may say to the great capitalists of the East, "You may go on and fill these great basins; and if you do fill them you may fill them without paying us for the land, but you must be subject always to the constitution and laws of the State where the reservoirs lie, and they may have the right to fix the price at which you shall always sell when you have water."

Mr. HARRIS. If the Senator will allow me, would it not be just as legitimate to ask for the appropriations necessary to construct the dams and create reservoirs as to ask for an appropriation to ascertain the facts which are now sought?

Mr. TELLER. Does the Senator mean to ask if the power exists?

Mr. HARRIS. Of course, I mean that.

Mr. TELLER. The Senator can not raise any question about the power. There are $199,000 appropriated in this bill for topographical examinations, and that is all that this proposed appropriation is. This is for a special topographical examination, and that is all of it.

Mr. HARRIS. But when this examination is made, and the locations designated, does not the Senator contemplate that appropriations will be asked for in the sundry civil appropriation bill hereafter for the construction of the dams and the making of the reservoirs?

Mr. TELLER. Oh, not at all. When the Government has done this work it may conclude to say to the State of Colorado, "We will give you all this arid land if you will improve it," just as it said to all the States, "We will give you the swamp land if you will improve it by drainage." The principle is the same. The Government may conclude to do that. Congress is not bound to anything. When the information is before us, I think we may safely trust the American Congress to legislate upon the subject. We can not legislate without the information. That is all we want; that is all we expect to obtain by this measure. When that is done, I will join the Senator in devising some scheme by which the reservoirs may be filled with water.

Mr. HARRIS. I am very confident myself that it will be followed up by a request for appropriations to construct reservoirs.

Mr. TELLER. I think if the appropriation ought not to be made there will be virtue enough in us while we are here to prevent it; and we ought to assume that the men who will follow us will have equal virtue and equal knowledge upon this question. We need not be afraid to get the information for fear that an improper use will be made of it next year, or ten years or twenty years from now. This is work that it will take a long time to do. We want the information. Nobody doubts but that at some time this will have to be done by somebody, when the country is crowded with people. The Senator from Kansas says that will not be for a long time to come. Is it wiser to wait till the people are crowded one upon another? Had we not better get this information so that those who want to do the work can go on and do it?

The Senator says there will be no water in Kansas; that there will be none coming down into Nebraska. If all the plains were being irrigated there would be more water in the Platte River. It has been demonstrated that if you take 160 acres of land and put water on it, perennial springs will be running where no water ran before. I can point in Colorado, and so in every irrigated country, to springs of water where in the early days there were no springs at all. I can show you limpid and pure lakes filled with fish and water fit to drink, where there were none in early days, totally the result of irrigation, and sometimes where the irrigation is miles away it fills the whole country with water. Nebraska will have water where she does not have it now in the Platte, and so in the Arkansas River.

I stated to the Committee on Appropriations the other day that in one place there is an area of 20,000 acres that can be filled with water that would irrigate a million acres if it was full, but it requires a ditch of 20 or 30 miles long to fill it, and nobody wants to go and fill it; there is no way a man can buy the land; but if we enter on some system, which we shall do when we find what we can do, we shall say to some company, perhaps, or to the State of Colorado, "Fill that basin with water." To-day, if I fill it, I should be sued, perhaps, by the Government of the United States for destroying its land. We are not prepared, first, to get the legislation the Senator from Kansas talks about. First get the information and then let the legislation come afterwards.

Mr. REAGAN. Mr. President, I do not propose to discuss the general question before the Senate, but I desire to call the attention of the gentlemen who are considering it to the language of the closing part of this amendment:

All titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for reservoirs for storing water, and for rights of way for ditches and canals, for the purpose of irrigation.

I do not know what the meaning of the draughter of the amendment was when he said "all titles to the public lands hereafter acquired." I suppose it does not mean lands to be acquired by the Government. If it did that would be another question. He evidently has reference to lands to be acquired by private owners. That brings up the question so forcibly presented by the Senator from Kentucky, that when this survey shall be made and the points designated for reservoirs the lucky men who happen to find the places so designated will take up that land. Having taken it up——

Mr. BOWEN. Mr. President——

Mr. REAGAN. Let me make my statement, and I will conclude in a moment. Having taken it up the right of the Government is reserved.

All titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for storing water.

How subject? Not as vacant land, because it is preceded by the statement that the land is to be acquired. The title being acquired, all the right conferred by this amendment now exists, the right of condemnation; and when the public survey has designated one of these important places, and a private person or a corporation has taken possession of it, as undoubtedly will be the case, and the Government seeks to condemn it, it will then have to pay the augmented price; it may be the enormous price that may be demanded for it on account of its peculiar fitness for the construction of a reservoir.

I desire to call attention to this language because it seems to be treated as if some right of the Government was being reserved that is valuable. The Government can now condemn any land for public use by paying the price for it, and when the title is in a private party it can do no more under the amendment.

Mr. TELLER. I would like to suggest to the Senator from Texas that the Government has the right, supposing this survey was made, to withdraw the land without any law.

Mr. REAGAN. I know the Government has the right to withdraw it, but there is no provision in this clause for withdrawing it. The whole debate shows that there is no purpose to withdraw the land, but to go on and make a survey and leave it subject to be seized by the men who follow and watch the operations of the surveyor.

Mr. TELLER. If the Government reserves the right to flood it with water, I think that is all that is necessary.

Mr. BOWEN. I wish to call the attention of the Senator from Texas to the language of the amendment:

All titles to the public lands hereafter acquired shall be subject to the right of the United States—

I call attention of the Senator to the fact that there is no question as to the title to the public lands, and no question as to how the title to public lands can be acquired except from the Government. What public lands are there except those belonging to the Government. The language is broad enough to cover the whole question:

All titles to the public lands hereafter acquired shall be subject to the right of the United States.

Mr. REAGAN. I suppose that means acquired by individuals. It can not mean by the Government.

Mr. BOWEN. There is no means of acquiring public lands by individuals except from the Government.

Mr. JONES, of Arkansas. I suggest to the Senator that that is intended to provide for exactly the difficulty that the Senator from Texas awhile ago was complaining of. He said that as soon as these locations are made people will go and take up these lands. The intention of the amendment is to prevent exactly that thing.

Mr. BOWEN. And it does so thoroughly.

Mr. REAGAN. I may be somewhat obtuse; I may lack acuteness enough to comprehend language, but the reading of this is—

All titles to the public lands hereafter acquired—

By whom? Not by the Government of the United States, for it owns the lands. It must be by private individuals.

Mr. BOWEN. From the Government.

Mr. REAGAN. From the Government, of course, and after they have acquired title from the Government, the difficulty of the gentleman is that he does not seem to see the point I am trying to present, and that I can not present as well as the Senator from Kentucky did, that when these surveys are made the men who choose to follow the surveyor and ascertain where the selected place for a reservoir is, will, under the general land laws, sit down upon that land and take it up. There is nothing to prevent that in this, nothing in the amendment, nothing in the general law to prevent it.

Mr. HARRIS. The criticism of the Senator from Texas strikes my mind with force, that the right is reserved to the Government to subject the lands, even though acquired by private citizens, to this particular purpose. The amendment, however, ought to state the terms upon which they may be so subjected.

Mr. REAGAN. If the amendment means to reserve the land, it ought to say that the land is reserved, and when the land is acquired by private individuals, then the rights of the Government ought to be asserted. That is not the way to express the idea of reserving the land. There is nothing in the amendment that indicates a purpose to reserve the lands.

Mr. TELLER. If the Senator will allow me, I will make a motion to that effect.

Mr. REAGAN. I simply desired to call attention to it.

Mr. TELLER. I think the language used is sufficient, but if not I move to add the following:

And as fast as such sites for reservoirs shall be surveyed, such sites shall be in a state of reservation until the President shall otherwise order.

The survey will put it in a state of reservation until the President shall otherwise order.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

Mr. TELLER. That will meet the objection of the Senator from Texas.

The SECRETARY. It is proposed to add to the amendment:

And as fast as such sites for reservations shall be surveyed such sites shall be in a state of reservation until the President shall otherwise order.

Mr. BOWEN. There can be no objection to that.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

Mr. ALLISON. Mr. President, I think there may be a misapprehension as to the full effect of this amendment. This amendment is not for the purpose of acquiring information solely, as the Senator from Colorado [Mr. TELLER] stated. It is for the purpose of embarking the Government in a new field of activity as respects these lands. Now, under existing law, the Director of the Geological Survey does classify these lands; he does separate them. The law requires him to do so.

Mr. TELLER. Where is the law?

Mr. ALLISON. If the Senator has any doubt about it I can turn him to the law.

Mr. TELLER. I should like to see it.

Mr. ALLISON. It is found substantially repeated in this appropriation bill, on page 61, which, if I remember it rightly, is almost in the exact phraseology of the existing law as respects the duties of the Geological Survey:

For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, etc.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. TELLER. I wish to say that that has never been construed to be a general classification, but simply a distinction between mineral and other lands. I will venture to say that in the ten years that that has been the law—and it has been about ten years—there never has been an attempt to classify the lands as arid lands and non-arid lands.

Mr. ALLISON. Not only has that been done, but Major Powell presented to the Committee on Appropriations skeleton maps, showing not merely a classification of the mining lands, of the agricultural lands, and the arid lands, but also the irrigable lands, and those maps were in the committee-room, and if the Senator will allow me I will quote for a moment——

Mr. TELLER. I understand that.

Mr. ALLISON. The Director is required to make a classification of these lands, and Major Powell in his statement before the committee said that everything has been done that this amendment requires to be done, except only the location of reservoirs and the staking out of the canals, etc., for the purposes of irrigation.

I read from page 112 of the committee's report some questions put by me to Major Powell, and his answers:

Q. I would like to have you go on and state your plan.
A. The plan is to make a topographical survey of the whole region, and that we are proceeding to do already under the law.
Q. You do that under your general appropriation?
A. We do that under our general appropriation. We are going on to make that map, and in thirty years we shall have it done, as we are going on now. The first thing, then, is a topographical map. Upon that map we want to segregate and lay out the areas which can be redeemed by irrigation.

Mr. STEWART. I should like to ask the Senator from Iowa a question.

Mr. ALLISON. Let me finish this—

then to select the sites for canals and headworks, the dams and works necessary to divert the water from natural channels into artificial lakes. The sites for the reservoirs should be selected for that purpose. That is all, so far as the method has been laid before me, that it is proposed the surveys should do. The future policy of the Government in regard to those lands is not a question for a geological survey to discuss, yet I wish to say a few words on that subject.

So I agree with the Senator from Colorado that this amendment does not propose that the Government shall enter upon the construction of anals and reservoirs, but the amendment involves the idea that the

Government shall go into these mountain regions and, in addition to making a topographical map, which will show the irrigable lands, the mineral lands, and the agricultural lands, shall also segregate and separate by a survey the irrigable lands from other lands, and shall go there and separate or segregate that portion which is suitable for reservoirs, and then shall mark out and lay down upon that map surveys of canals, extending the system along the irrigable lands, and, if necessary, make reservoirs, one reservoir beginning, if you please, in the headwaters of the Missouri River and running along the valley of the Yellowstone, marking out a reservoir at the source of the Yellowstone and then going along that valley and at another point lower down make another reservoir, and carry this water along in this way until it reaches the plains below.

That is what Major Powell proposes to do by this survey. He proposes not only to make the topographical map, which he is now doing, but to go on and make these additional surveys.

I think that the criticism is well taken which says that this separation of irrigable lands by survey and the establishment of reservoirs can very well be postponed—I mean for the time being.

Mr. STEWART. I should like to inquire of the Senator right there if he knows to what extent, under existing law, the headwaters of these streams are being annually appropriated, and does he know how fast the difficulties are accumulating unless this survey is made and this reservation is made?

Mr. ALLISON. I have no doubt that difficulties are accumulating year by year with the settlement of the country, and that these difficulties have accumulated; but what I object to is the segregation of the irrigable lands by survey made and the establishment now of reservoirs until such time as we have more thoroughly completed the topographical survey.

The real trouble with Major Powell and with this appropriation is that we have limited in this bill the aggregate appropriation for Major Powell's Geological Survey to $402,000. He wants and estimated for $500,000.

No man in the Chamber has a higher opinion of Major Powell's scientific attainments than I have, or greater respect for his high ability. I regard him as an exceptional man in the scientific service of this Government; but is it not perfectly natural for him to chafe as he does under what he regards as an insufficiency of appropriation for the purpose of carrying on this great survey?

When this survey was begun it was intended as a survey for the public domain only, and by the insertion in this Chamber in 1879, or perhaps in 1881, of three little words in an appropriation bill, which authorized this survey to extend itself into the States of this Union, and by its extension into those non-public-land States, this great bureau was enlarged so as to contemplate and comprehend a complete geological survey of the entire area of the United States, and that survey now has been going on for some years under the annual appropriation of about $400,000.

It is apparent to every one who has examined into the details of that survey that at this rate of progress the survey will not be completed within this generation; that probably another generation will be required to complete it. Major Powell's pride and ambition are wrapped up in this survey, and he desires to complete it, and in this bill there are $199,000 appropriated for topographical surveys.

He tells us in his statement that 80 per cent. of this $250,000 would also be so used. Now, what I believe is the wise thing for Congress to do at this session, supposing, as I do, that the main measure will be wise to do in the future, is to enlarge this appropriation for topographical surveys and provide that this additional sum which is proposed shall be used in these high, mountainous regions and in the Territories of the United States, and that if any portion of the geological survey is postponed it shall be that portion which lies in the older States of this Union.

In the very nature of things this survey has been partial in the past. Major Powell has been compelled, and I suppose wisely, or at least he has done so, to send scientific parties into a few States of the Union. They have gone into the Southern and the Western and the Northeastern States as well. This survey, although we have appropriated now annually for nearly eight years $400,000, has not yet touched the State in which I live; he has not yet found it convenient, with this limited appropriation, to go into many of the States of the Union. Finding himself cribbed and confined by this limited appropriation by Congress, it is the most natural thing that he should seek to enlarge the area of his power and the extent of his surveys by asking for specific appropriations for specific purposes.

Mr. TELLER. I will say to the Senator that he did not know of it. Senators here asked for it, and not Major Powell.

Mr. ALLISON. I do not say that he originated this plan.

Mr. TELLER. He had nothing to do with it.

Mr. ALLISON. Very well, I accept that statement; I have no doubt it is exactly true, but I venture the statement that Major Powell favors this plan. It is his favorite plan, as the Senator from Colorado well knows. I remember, and the Senator from Alabama well remembers, that some two or three years ago we had that question under discussion in a committee of which he was a member and I was also a member, and that Major Powell brought forth his report of 200 pages, made ten years ago, in which he proposed that this system of irrigation should be carried on in an extensive scale in this country.

I am willing, and I believe it would be a wise thing to do, to enlarge the appropriation for topographical surveys. I am willing, for one, that those surveys shall be extended into this region in order that Major Powell may have in hand what he proposes to do in the future; but I submit now that for us to undertake the great work of segregating these irrigable lands by survey or laying out these reservoirs, without some legislation upon the subject that will take care of these areas after they are segregated and as this survey progresses, is premature action. That is what I say.

Mr. STEWART. Mr. President, if this thing is to be delayed the obtaining of scientific information of the rocks in the older States should be postponed, and a great deal of this work should be postponed; but if this legislation is delayed it will be useless in the future. One-half of the waters in those arid regions are already hampered by people acquiring title under your land laws, and there must be a reservation or your legislation segregating the arable lands from other land will be useless.

Mr. DAWES. It is within the power of the President, as I understand, to-day to take away these lands, segregate them, and keep them from the settler who goes in and appropriates the headwaters, just as much as it will be under this proposed system, because you do not require of him to do it under this system; you leave it to his discretion to do it under this system precisely as he exercises his discretion now, with this addition, that when you make these surveys you draw to these spots those who desire to appropriate the lands, and the lands will pass out of your control altogether.

Mr. STEWART. Let me reply to that.

Mr. DAWES. I want to say that I am for pressing this kind of work to the utmost, but along with it I favor such machinery as will save the land, not such machinery as will draw the attention to it of those who desire to appropriate it to themselves.

Mr. STEWART. Exactly; and if the Senator would read the amendment and understand it, he would see that it is just in the line of what he proposes to do.

Mr. DAWES. Let us hear what it is.

Mr. STEWART. The amendment is:

All titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for reservoirs for storing water, and for rights of way for ditches and canals, for the purpose of irrigation.

And in addition it has been already amended.

Mr. DAWES. That does not reach my idea. My idea is that when you make these reservoirs and provide for these ditches you should reserve the land for future use. Unless you do that, you only invite to these points those who desire to appropriate them.

Mr. STEWART. I understand the situation. There is no inviting about it at all. It is understood perfectly well. A lot of cattlemen are now monopolizing and trying to get locations at the headwaters. The object of this is to make it possible to get the reservation. That is the object of it, and if the language is not strong enough to make a reservation, let us amend it.

Mr. DAWES. I ask if ten cattlemen will not go there, after it is pointed out on the geological map where the reservoir must be, where one goes now?

Mr. STEWART. Let two hundred go or ten thousand go; if it is reserved they can not take it.

Mr. DAWES. What the Senator read to me does not cover it.

Mr. TELLER. I ask to have the amendment read which was accepted by my colleague.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

And as fast as such sites for reservoirs shall be surveyed, such sites shall be in a state of reservation until the President shall otherwise order.

Mr. STEWART. If this language is not sufficient to reserve the rights of the United States and reserve land for reservoirs, let us have it put in that condition. That was the intention, to make reservations and have them apply at once, because if you delay this matter you will have nothing to reserve, and it is all nonsense to talk about the public surveys calling attention to this matter. This country is overrun by the cattlemen and others intending to monopolize water and prevent the use of it for irrigation. That is constant. The intention of the language was to reserve from to-day rights of way for places for reservoirs, so that the country could be utilized.

You are going on now with your geological survey in other States, and if this language is not sufficient make it sufficient. That is the intention of it. I believe it covers it. If the wit of man can devise any further reservation, let us do it. It will not be worth anything ten years from now unless you act promptly. It is not worth now more than half as much as it was ten years ago. I think the language as originally framed was sufficient to reserve not only the places for reservoirs but for the lines of ditches.

All titles to the public lands hereafter acquired shall be subject to the right of the United States to make reservations for reservoirs for storing water, and for rights of way for ditches and canals for the purpose of irrigation.

The United States reserved the right to make these reservations, and no matter who goes on he goes with that understanding; there is no hardship, because the places are high in the mountains; and then the addition is that as soon as the survey is made it remains a reservation until the President shall otherwise order. The making this survey is nothing new in regard to public lands. Senators talk about its being a new principle. In surveying the public lands from the beginning there have been segregations of timber land, segregations of mineral land, and others; but there is no appropriation for this great work in your law. Your appropriations in this bill are for surveying public lands and sectionizing them.

Mr. ALLISON. Classifying them.

Mr. STEWART. I am glad that word is mentioned. Classifying them means arranging them according to the geological formation, and you will find it does not depend upon the topography how they shall be classified, but it depends upon the geological formation, whether it is granite, slate, lime, or some other formation. You classify the lands in that way, whether mineral and what kind of mineral, and you state generally whether land can be irrigated. I defy the Senator to take a map and show a line drawn between lands that can be irrigated and cultivated and lands that can not.

This necessary work has not been done; it has been neglected; and because it has been neglected the Senators from Colorado and myself commenced early at this session and called the attention of the Department and of Major Powell to it. Major Powell said nothing about it to us until we called his attention to it that that country was being filled up; under existing laws there were titles being acquired that would make irrigation hereafter impossible, and it was necessary to segregate the land and reserve places for reservoirs, and necessary to do it now, not to postpone it, not to do something else, not going on with a half-accomplished survey. You say it is a duty to segregate, and you want to do that. You want to go on and make a topographical survey and have it half finished, and go over it again. You will double the expense by proceeding in that way. It is very little expense when we first make a topographical survey to designate the places for the reservoirs.

Mr. DAWES. Mr. President, the amendment which has been read here does not reach the objection which lay in my mind. It is not touched by the amendment. The amendment only proposes to reserve the spot where the reservoir is to be and the line over which the ditches are to be run, and leaves all the land that is to utilize the water open to these men and pointed out by the survey for the very men who are to gather it up and appropriate it away from the settler in the future. That is my objection. If the Senator will make his amendment broad enough to reserve the lands to be irrigated as well as the spots on which the reservoirs are to be built, I will go with him in appropriating just as much money for that purpose as can be wisely and economically expended, and I will do what I can to draw off the work from the old States, if it be necessary, and devote it entirely to the preservation and development of the great wealth of these mountain and arid lands. But for the purpose of facilitating speculation——

Mr. MORGAN. If the Senator will allow me to interrupt him, there——

Mr. DAWES. Let me finish this remark. But for the purpose of facilitating and pointing out to those who are to gather their cattle on these hills and in these valleys around and appropriate all the land that is to be benefited by these reservoirs is the objection which lies in my mind.

Mr. MORGAN. The Senator fails to remember that no man can get a foot of this land except under the homestead law. A speculator can not get it. There is no private entry about it.

Mr. DAWES. My dear sir, I do not know much about public lands, and I never served on the Public Lands Committee; but I have seen something.

Mr. MORGAN. I state the law of the United States just as it is. There is no law applicable in that country to the public domain except the homestead law and the timber-culture laws.

Mr. DAWES. Are not all the land laws of the United States applicable there? Is it not the fact that under the existing land laws of the United States it so happens that men have got thousands and thousands of acres in one title without paying one dollar beyond appropriating the lands under existing laws? I do not know how it is done, but I only know it is done.

Mr. MORGAN. Such a thing as that might have occurred and probably has occurred in some instances by an abuse of the laws. I can not say there were not such abuses certainly, but I think there has been very much less than we are apt to imagine. But under the laws of the United States no man can acquire a title to the public domain in that country unless he is an actual settler on the public lands under some of the forms of entry—timber-culture, pre-emption, or homestead.

Mr. DAWES. It matters not whether it is done under an abuse of the existing land laws or in some other way. It is a fact that all Northern Dakota, all the region about there, is in great land holdings and a curse to the country, held by corporations of foreign capitalists; and now does the Senator think that the abuse will cease the moment the temptation becomes the stronger and the opportunity the greater? We have been talking session after session of the revision of the land laws. The Senator has helped me and helped others who had occasion to deal with this subject in covering lands that have been opened lately to the public in attempts to prevent the very thing that I am afraid will be applied to every acre of land that is to be irrigated by these reservoirs.

I repeat, if it can be made clear to me that when the reservoirs are reserved and the line of the ditches is reserved and all this plan, great as it is, shall be perfected, the extent of territory that is to be blessed by these proceedings shall be for the settler, when it is made certain that it shall be for the homesteader and him alone, I will go as far as any Senator on this floor in making an appropriation to carry out that end; but I do not want to draw the attention of the speculator and the land-grabber to the point where best he can profit under existing laws.

Mr. MORGAN. Mr. President, the speculator and the land-grabber, the cattleman and all that can go out to that country and make their selections of waters at the heads of the different streams just as intelligently, perhaps with quite as much wisdom as will obtain in such selections after we have made a topographical survey. They know exactly what they want; they know where the water is, and they know how to use it. We do not draw attention merely to the fact of the existence of advantages out there for the storage of water in reservoirs by making this survey. That is not the danger we have to encounter. The danger was stated by the Senator from Colorado.

These wise, sagacious men are out there now using the homestead and other laws of the United States; perhaps they employ a litte perjury along with it occasionally, in the exercise of their diligence to use the laws of the United States to seize upon these reservoirs of water, these places for storage of water, which the Government of the United States ought to protect against private ownership, which ought to be kept in public ownership, so that whenever we get ready either through the States or any other agency at all, we can build the dams and make the reservoirs and have the water in storage.

Now, the Senator from Massachusetts, because the homestead laws are abused occasionally, and are certainly liable to abuse, would not repeal the homestead laws; he would not repeal, perhaps, the timber-culture laws; he might not repeal the irrigation laws. I think the timber-culture and irrigation laws might very well be repealed; but whoever goes upon the public domain west of the Mississippi River and acquires title from the United States must do it in virtue of actual occupancy. He must make his home there, and he can not acquire title in any other way. So that shuts out the speculator in the first instance.

Perhaps, after a man gets his title he may have to sell to somebody who has more money than he has, and a company comes along and takes up his land. He can not prevent that except it be a foreign corporation, and foreign people are not able to make him go and do it. All we can do is in the initial step, in passing the title from the first holder, to guard it with all proper restrictions and guards. That we have done in our laws. The laws are ample on that question.

I do not know that they can be improved at all. So the danger that the Senater from Massachusetts apprehends does not exist, or if it does exist you can not provide against it unless you close your land offices and say that no more public land shall go under private ownership.

We ought to encourage the expansion of the population of this country into homesteads. The Senator from Colorado put that very powerfully before the Senate, and there is no one single point connected with the general policy of this country that is more valuable than inducing our people to go and scatter themselves abroad in agricultural pursuits upon the homesteads we grant them. It is a great and wise public policy. I have seen the necessity of having a different system in reference to my own State, by repealing the law which allowed private entry at a dollar and a quarter an acre, so that every person who gets a tract of land from the Government of the United States now must do it in virtue of an actual settlement upon that land. He can not do it in any other way.

Now we reserve these lands in these tops of the mountains, build dams, make reservoirs; we reserve the right to dig ditches, and in giving title to the land there is the condition attached by the amendment here that the Government reserves the right of making the reservoirs and the right of carrying the water by ditches across the land. That may probably, and I think will, save the necessity of a regular condemnation of the land under judicial procedure.

I think it a wise provision to put in here. We may find it necessary to improve it by some more specific legislation, but it was a wise provision in this amendment. It does reserve the reservoir; it does reserve the right of way for ditches, and it leaves the land as we are obliged to leave it, subject to homestead entry. I want the homesteaders to get the benefit of it. I do not want to shut these people out from it. It is in the general law. The law provides for it. The law could not be really amended so as to make it any stronger than it is now.

Mr. DAWES. Is it not just as much within our power to amend the law so that all these lands shall be open to homestead entry only,

as it is to amend the land laws so as to say that all the lands shall be subject to the right of the United States to construct reservoirs?

Mr. MORGAN. That goes off into a very broad field and in which there is a great deal of disputation in both branches of Congress. For instance, I will take the timber-culture system. No man can deny that that timber-culture system has worked a great amount of good. It has planted forests of trees in many Western States where heretofore there was not a bush growing, and, as I observed awhile ago, it is supposed, and I believe it is true, that it has attracted the rainfall to that section of the world.

We can not, on a bill like this, amend the whole land-law system of the United States, so as to strike out the timber-culture feature. It is a subject of serious debate whether it ought to go out of the law or not. And so in regard to the private right of irrigation, where a man or a number of men take a section of land and draw water upon it; they must pay for that land a dollar and a quarter an acre after they get the irrigation in.

Perhaps that might be well stricken out of the general law of the land, but yet there are some localities of the West where it would operate very injuriously to repeal that law. Some beautiful farms exist in the West now abounding in agricultural products that have grown up under this irrigation law, and it is rather a hard thing to get Congress to consent to change a system which has yielded substantial benefits in the past. So it is not necessary to put it on this bill.

This is a mere preliminary provision whereby the areas and localities may be ascertained for the storage of water, accompanied, however, with the additional provision here now that the mere survey segregates the land from the public domain to that extent that it is only open to homestead entry. That is the whole measure, and it seems to me it is a very wise provision and that there is actually no danger in it.

Mr. REAGAN. Mr. President, I offer what I send to the desk as a substitute for what has been offered. After the word "dollars," in line 12, this is to come in as a substitute for all that follows that word.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. After the word "dollars," in line 12 of the amendment, it is proposed to insert as a substitute the following:

And all the lands which may be designated for reservoirs, canals, and ditches for irrigation, shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law.

Mr. REAGAN. I will state the object I have in view in the proposed amendment. The language, as it stands, is certainly confused and uncertain, and at all events contemplates the investiture of titles in private parties. My amendment takes all trouble out of it, and provides that, if these surveys shall be made, the land designated for reservoirs, canals, and ditches for irrigation, shall be reserved from entry.

Mr. TELLER. I should like to suggest to the Senator from Texas that if he would strike out the word "ditches" his amendment would be all right. There is no probability that the ditches will be surveyed at all for years. The first thing is to find the reservoirs. You may want to run that water 50 miles down these streams or 200 miles, it may be, before you take it out, and it is not to be expected that there will be any ditches surveyed under this at all.

Mr. REAGAN. Following the suggestion of the Senator from Colorado, I will strike out the word "ditches."

Mr. BOWEN. We will accept that.

The PRESIDENT *pro tempore*. The amendment as modified will be reported.

The SECRETARY. The proposed modification is to strike out the word "ditches;" so as to read:

And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law.

Mr. CALL. Mr. President, I share the ideas of the Senator from Massachusetts [Mr. DAWES] in regard to this matter, and I think that land subject to irrigation ought to be reserved from entry and settlement as soon as these surveys are made. The amendment now proposed does not go to that extent. It reserves the sites of the reservoirs, but does not reserve the whole extent of the land now belonging to the United States which would be benefited by this improvement.

Mr. TELLER. I would like to make a suggestion to the Senator. I can show him the impracticability of reserving the land. For instance, I will suggest to the Senator that on the Laramie River there is a place which with probably half a million dollars can be made a great sea that would irrigate thousands and tens of thousands of acres below that may be surveyed, and yet there are thousands of acres below there that still may be watered by the Platte River, and if we should reserve all the land that could be watered we should reserve all the land that still has not been taken.

Take the Arkansas River. A number of large reservoirs could be built on the headwaters of the Arkansas River if they should be selected, and then to reserve all the land that could be irrigated from them would be to reserve thousands of acres that will be and could be irrigated by the natural flow of the stream. So it is utterly impossible to do that, because at the head of the stream there is an opportunity to make a reservoir ten or twenty years from now all the land will have been reserved. The whole thing would be valueless if that was done, and I know the Senator means to give sympathy and help accomplish what I desire.

Mr. CALL. It does not appear to me that there is any difficulty in making exceptions of those classes in the amendment by inserting the words "except such lands as are subject to irrigation independent of the reservoirs established by the Government." Any language of that kind will meet those cases which are suggested by the Senator from Colorado, "except all lands that may be or shall be irrigated by other methods."

There is another reason, Mr. President. While I am in favor of doing everything that will make this country habitable and give homes to the people, and require the land to be used for no other purpose than to give it to them upon the condition of occupation and settlement, some one has to pay the expense of this great work. The people of the United States not living there must pay the money by which this is to be done. Now, I think it is very proper that the money and the credit of the Government should be thus applied; but why should it not be made a charge upon this land? And if you give it to the people who are to occupy it, why not give it upon condition that its improved and increased value shall pay to the Treasury of the United States simply the cost of this improvement? That might be done by a tax upon water imposed by the Government by water rates. But the whole field of legislation in this respect will be in the hands of Congress if the lands shall be reserved.

Now it occurs to me that for this purpose this amendment should take effect, separating and reserving as soon as surveyed all the public lands of the United States that shall be benefited by this improvement, with an exception, to meet the cases suggested by the Senator from Colorado, of all such lands as may be irrigated without resorting to this method.

I think it would not be difficult to embrace both these ideas. I do not wish this movement, which is a movement in favor of the people and against the acquisition of this land by corporations, to be embarrassed by that suggestion. The interests of the land monopolists are against this improvement by the people of the United States, and I desire that it shall stand forth as a beneficent measure in the interest of the cultivators and the occupiers of the soil.

I am not unfriendly to corporations in the proper sense of the word. They are a great instrument of modern civilization. But we need not legislate for their benefit, and we are not legislating for their benefit when we seek to make the public lands of the country habitable and subject alone to ownership for occupation and settlement.

The PRESIDENT *pro tempore*. The question recurs upon the amendment proposed by the Senator from Texas [Mr. REAGAN]. Is the Senate ready for the question?

Mr. TELLER. I understood that was accepted by the mover of the original amendment.

The PRESIDENT *pro tempore*. The amendment last proposed by the Senator from Texas?

Mr. BOWEN. I accepted that amendment.

Mr. ALLISON. It has to be voted on.

Mr. TELLER. My colleague has a right to modify his amendment, as I understand.

The PRESIDENT *pro tempore*. The last amendment of the Senator from Texas was to strike out and insert certain other matter entirely. If the Senator from Colorado is quite sure it is understood, the Chair will announce that that amendment is agreed to; and the question now recurs upon agreeing to the amendment as amended. [Putting the question.] The "ayes" appear to have it.

Mr. REAGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. Will the Chair be good enough to restate the question.

The PRESIDENT *pro tempore*. On agreeing to the amendment of the Senator from Colorado [Mr. BOWEN] as amended on the motion of the Senator from Texas [Mr. REAGAN]. The entire proposition is now before the Senate for its action. The amendment will be read that there may be no misunderstanding.

The SECRETARY. On page 63, after line 6, it is proposed to add:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of $250,000. And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES]. If he were here he would vote "yea" and I should vote "nay."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is detained from the Senate by sickness in his

family. If he were here he would vote "yea." He is paired generally with the Senator from Georgia [Mr. BROWN].

Mr. BROWN. I voted because I was informed by the Senator's colleague [Mr. MITCHELL] that he would vote the same way if he were here.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. Does the other Senator from Vermont [Mr. EDMUNDS] know how his colleague would probably vote on this if he were present?

Mr. EDMUNDS. I do not, Mr. President, but I believe he would vote against it, as I do, for reasons that I did not take time to state.

Mr. HARRIS. I vote "nay" upon the suggestion of the Senator from Vermont.

Mr. MANDERSON (when Mr. PADDOCK's name was called). My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. If my colleague were here, he would vote "yea."

Mr. SABIN (when his name was called). I am paired generally with the Senator from West Virginia [Mr. KENNA]; but on this question I feel at liberty to vote.

Mr. WILSON, of Maryland (when his name was called). On this question I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here, he would vote "yea," and I should vote "nay."

The roll call was concluded.

Mr. CULLOM. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from New Jersey [Mr. MCPHERSON]. I do not know how either Senator would vote if present.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote if present, and therefore I withhold my vote. If he were here, I should vote "yea."

Mr. STEWART. I will pair him with the Senator from Indiana [Mr. VOORHEES].

Mr. HARRIS. The Senator from Indiana is already paired with the Senator from Texas [Mr. COKE].

Mr. COCKRELL (after having voted in the negative). I am paired with the Senator from Wisconsin [Mr. SAWYER], who is detained on account of illness, and understanding that if present he might possibly vote differently from what I have done, I withdraw my vote.

Mr. CALL. I desire to announce that my colleague [Mr. PASCO] is detained from the Senate by necessary business and is paired with the Senator from Illinois [Mr. FARWELL]. I desire to state that I think my colleague, if present, would vote "yea;" so that the Senator from Illinois is at liberty to vote.

The result was announced—yeas 29, nays 18; as follows:

YEAS—29.

Aldrich,	Farwell,	Manderson,	Spooner,
Blair,	Frye,	Mitchell,	Stewart,
Bowen,	Gibson,	Morgan,	Stockbridge,
Brown,	Hawley,	Payne,	Teller,
Call,	Hearst,	Ransom,	Wilson of Iowa.
Chandler,	Hiscock,	Riddleberger,	
Cullom,	Hoar,	Sabin,	
Evarts,	Jones of Arkansas,	Sherman,	

NAYS—18.

Allison,	Blodgett,	Hampton,	Saulsbury,
Bate,	Daniel,	Harris,	Vest,
Beck,	Dawes,	Plumb,	Walthall.
Berry,	Edmunds,	Pugh,	
Blackburn,	Gray,	Reagan,	

ABSENT—29.

Butler,	Eustis,	McPherson,	Stanford,
Cameron,	Faulkner,	Morrill,	Turpie,
Chace,	George,	Paddock,	Vance,
Cockrell,	Gorman,	Palmer,	Voorhees,
Coke,	Hale,	Pasco,	Wilson of Md.
Colquitt,	Ingalls,	Platt,	
Davis,	Jones of Nevada,	Quay,	
Dolph,	Kenna,	Sawyer,	

So the amendment was agreed to.

Mr. ALLISON. On page 57, line 5, after the words "General Land Office," I move to insert "and the Bureau of Education."

The PRESIDENT *pro tempore*. The amendment will be read from the desk.

The CHIEF CLERK. On page 57, line 5, after the words "Land Office," it is proposed to insert the words "and Bureau of Education."

The amendment was agreed to.

Mr. ALLISON. In connection with that amendment I ask to have printed in the RECORD a letter of the Secretary of the Interior, which I send to the desk.

The PRESIDENT *pro tempore*. The letter will be printed in the RECORD, if there be no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July 30, 1888.*

MY DEAR SIR: I observe that by the sundry civil bill, as it has been reported by the Committee on Appropriations to the Senate, the only repeal of the act of March 3, 1887, which required the removal of the General Land Office, Bureau of Railroads, and Bureau of Education to the Pension building, provided for is so much as relates to the Land Office. I do most sincerely think it will be a serious injury to the Educational Bureau and also to the Pension Bureau to compel the removal of the former into the Pension building. It can not but practically strangle the Bureau of Education for a considerable period, at least. and I can not see but that it must seriously interfere with its usefulness so long as it shall remain there. There are now about forty-three clerks and people employed in the Bureau of Education, and they have a large collection of books, models, educational appliances, and bric-a-brac of various character and all contributory to enlightenment. I have visited the Pension building and can not see how this can be stored, except in great part, in the fourth story. Practically, it becomes when placed there unavailable for use.

The appropriation in the legislative, executive, and judicial bill on account of the Bureau of Education is, altogether, $50,920. The rent of the building to be saved by this change is $4,000. In order to save this sum of $4,000 of rent I do not hesitate to say that this action will waste $25,000 of the appropriation for the bureau.

I have heard the idea expressed in casual conversation that the Bureau of Education was not an instrumentality of especial value, and I fear that this idea has had something to do with the willingness to cripple it by this removal.

I do not concur at all in the sentiment; but if the sentiment is to have any influence, and especially under the plea of economy, it should take an effective direction to accomplish the latter end; and this would require that, in case of this removal being insisted upon, a great part of the force should be discharged and the appropriation made for the conduct of the bureau diminished. I do not doubt that it could be diminished one-half, upon the theory of the removal, and as effective work be accomplished as if the same number of officers and employés shall be retained, now provided for, because they can not work to advantage in such quarters as can be assigned in the Pension Bureau.

The legislative bill has made provision for the rent of the building now occupied by the Bureau of Education only until the 1st of December next, appropriating $1,667 for that purpose, one-third of the annual rental. The time is short and the pressure upon Congress, and especially upon you, my dear sir, I recognize to be very great at this juncture. Is it not the part of wisdom to continue that bureau where it is for the remainder of this fiscal year, which will involve but $2,333 more (perhaps less than the cost of its removal), and review this subject at the next session with more attention than can now be allowed to it?

If it be possible for yourself, or some member of the committee, to give an hour or an hour and a half to a personal examination of the circumstances, I feel convinced you will recognize by a survey of the buildings and the property involved the imperative urgency and wisdom of the suggestion I venture to make.

The provision for the post-office within the area of the Pension building will make that building as thoroughly occupied as almost any Government building in the city, perhaps quite as much.

I have the honor to be, my dear Mr. Chairman,

Very respectfully, your obedient servant,

WM. F. VILAS, *Secretary.*

Hon. WM. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. BLAIR. In this immediate connection, if the chairman of the Committee on Appropriations will permit me, and I feel greatly gratified to hear him move that amendment, I will ask to have printed also in the RECORD, with the matter that he sent to the desk, other matter that I have here bearing on the same subject.

Mr. EDMUNDS. What is the other matter, Mr. President? The Senator ought to describe it.

Mr. ALLISON. I will explain this amendment briefly to the Senate.

The PRESIDENT *pro tempore*. The proposed communications desired to be inserted in the RECORD will be read, if there be no objection. The Senator from Vermont desires to know their contents.

Mr. EDMUNDS. I do not care to have them read. I asked the Senator from New Hampshire to state the substance.

Mr. BLAIR. I did not know that the Senator referred to me.

The PRESIDENT *pro tempore*. The documents sent to the desk will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., July 30, 1888.

DEAR SIR: I have recently made several visits to the Pension building with a view of learning what accommodations can be secured therein for the Bureau of Education. At your suggestion I give you the result of my observations and inquiries.

The building consists of three-columned arcades one above the other——

Mr. ALLISON. I hardly think the Senator will care to have the communication read in full.

Mr. BLAIR. I did not ask to have it read.

Mr. ALLISON. We do not really care to have a description of the Pension building.

Mr. PLUMB. Let the communication be read.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the matter proposed to be inserted in the RECORD may be read.

Mr. BLAIR. I will withdraw the matter, if the Senate will permit me. It is important matter, but I can use it at some other time just exactly as well, if the Secretary will return it to me.

The PRESIDENT *pro tempore*. The matter will be withdrawn if there be no objection.

Mr. BLAIR. There are ways enough to get pertinent matter into the RECORD.

Mr. SPOONER. I move to amend by adding at the foot of page 9 the matter that I send to the desk.

The PRESIDENT *pro tempore*. The Chief Clerk will read the proposed amendment.

The CHIEF CLERK. It is proposed to add at the end of page 9—

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase, or acquire by condemnation proceedings, or otherwise, a site, and to cause to be erected at the city of Atchison, in the State of Kansas, a suitable building for the use and accommodation of the post-office and other Government offices in said city, with fire-proof vaults extending to each story. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $75,000; and the sum of $75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and the completion of said building: *Provided*, That there shall be an open space of not less than 50 feet upon every side of said building, including streets and alleys, and that no part of said sum shall be expended

until a valid title to said site shall be vested in the United States and the State of Kansas shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. ALLISON. This is, I believe, one of a series of amendments intended to be proposed by the Senator from Wisconsin. I suppose the amendment to be in order, and therefore I leave the question to the Senate to decide.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair understands that there are a series of amendments of the same character to be submitted.

Mr. BECK. Let me inquire of the Senator from Wisconsin whether there has not been a bill passed by both Houses that covers this?

Mr. SPOONER. This bill has passed the Senate, but it has not passed the House. It is reported favorably by a standing committee of the Senate, the Committee on Public Buildings and Grounds, and was referred to the Committee on Appropriations twenty-four hours before this time; so that makes it in order under the rules.

Mr. BECK. Does the Chair decide the question of order?

The PRESIDENT *pro tempore*. The question of order has not yet been made. The Senator from Iowa [Mr. ALLISON] announced the opinion that the amendment was in order.

Mr. HARRIS. Do I understand the Senator from Wisconsin to say that that amendment was reported from the Committee on Public Buildings and Grounds?

Mr. SPOONER. That is what the Senator from Wisconsin has stated.

Mr. HARRIS. And a bill has already passed the Senate providing for the same building?

Mr. SPOONER. Yes.

Mr. HARRIS. I do not think there can be any question about the amendment being in order.

Mr. BECK. I desire only to say a word. I am not objecting to this particular provision, and I am very sure that a building for a post-office at San Francisco ought to pass if it is in order. I may exaggerate, but my recollection is that there are some forty-four or forty-five bills of this character that have now passed the Senate and are pending in the House. They are not yet law, and I understand that the Committee on Appropriations, as far as we were concerned, adopted the rule, and we suppose that that was the law; that until there was a law authorizing the construction of a building it was not in order in an appropriation bill to provide for it; that it was new legislation, no matter how it was recommended or how it was passed, or by what committee; that it was legislation absolutely new, there being no law authorizing the construction of public buildings at those places.

Now, what I rose to say was this: If the Senate decides otherwise, then I assume that all the forty or fifty bills that have passed the Senate but have not yet passed the House are also in order here, and will all have to go on this bill, because the Senate has recognized the propriety of these buildings being erected by passing bills for that purpose, so that it just opens the door.

Mr. VEST. Are there any buildings appropriated for in this bill except such as have been authorized by law?

Mr. BECK. No, not one. I believe I am right about that. There is no appropriation for a public building in this bill except for those that have been authorized by law.

Mr. ALLISON. No amendment has been recommended by the Committee on Appropriations for public buildings except in cases where bills authorizing their construction have passed both Houses and been signed by the President.

Mr. BECK. Now, if the Senator from Wisconsin proposes to tack onto this bill all the bills that have passed the Senate and not passed the House, that is for the Senate to determine, and I desire the matter to be fairly understood. I ask whether it is in order to have bills put on in that way?

Mr. ALDRICH. I submit an amendment to the sundry civil bill and move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. DANIEL. I also desire to offer an amendment to the sundry civil bill and move its reference to the Committee on Manufactures.

The motion was agreed to.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the amendment this day submitted by Mr. ALDRICH, intended to be proposed to the sundry civil bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Kentucky to raise the point of order on the amendment of the Senator from Wisconsin?

Mr. BECK. I believe I ought to do so.

Mr. SHERMAN. In order to enable the President of the Senate to examine——

The PRESIDENT *pro tempore*. The Chair does not require any interval for examination. [Laughter.]

Mr. SHERMAN. I desire to move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 31, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 30, 1888.

Samuel B. Herdman, to be postmaster at Newark, in the county of New Castle and State of Delaware, in the place of Stephen R. Choate, whose commission expired July 4, 1888.

Daniel L. Miller, to be postmaster at Goshen, in the county of Elkhart and State of Indiana, in the place of William R. Ellis, removed.

Christopher C. Duke, to be postmaster at Butler, in the county of Bates and State of Missouri, in the place of Nehemiah A. Wade, resigned.

PROMOTIONS IN THE NAVY.

In conformity with the act of Congress approved July 9, 1888, entitled "An act to fix the status in the Navy of certain cadet engineers," I nominate the following named cadet engineers to be assistant engineers in the Navy, to rank from 1st day of July, 1883, to follow in the order mentioned immediately after the name of Assistant Engineer William D. Weaver, namely:

Gustave Kaemmerling, Kenneth McAlpine, William Stewart Smith, Lloyd Bankson, Clarence H. Matthews [subject to physical examination], DeWitt C. Redgrave, Robert Stewart, jr., William W. White, Bias C. Sampson, Solon Arnold, Martin A. Anderson, Albert Moritz.

And the following-named cadet engineers to be assistant engineers in the Navy, to rank from the 1st day of July, 1884, in the order mentioned, immediataly after the name of Assistant Engineer Charles E. Rommell, viz:

Clarence C. Willis, Frank H. Conant, Harry G. Leopold, Robert B. Higgins, Willis B. Day, John C. Leonard [subject to physical examination], Ward P. Winchell, Andrew McAllister [subject to physical examination].

GROVER CLEVELAND.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Orlando M. Poe, to be colonel, July 23, 1888, *vice* Casey, appointed Chief of Engineers.

Maj. Samuel M. Mansfield, to be lieutenant-colonel, July 22, 1888, *vice* McFarland, deceased.

Maj. William R. King, to be lieutenant-colonel, July 23, 1888, *vice* Poe, promoted.

Capt. James B. Quinn, to be major, July 22, 1888, *vice* Mansfield, promoted.

First Lieut. Frederic V. Abbot, to be captain, July 22, 1888, *vice* Quinn, promoted.

Second Lieut. William E. Craighill, to be first lieutenant, July 22, 1888, *vice* Abbot, promoted.

Second Regiment Cavalry.

Second Lieut. Guy Carleton, to be first lieutenant, July 24, 1888, *vice* La Point, dismissed.

Ninth Regiment of Cavalry.

Second Lieut. Charles J. Stevens, to be first lieutenant, July 16, 1888, *vice* Gibbon, retired from active service.

Fourteenth Regiment of Infantry.

Second Lieut. Stephen J. Mulhall, to be first lieutenant, July 1, 1888, *vice* Gustin, appointed regimental quartermaster.

Seventeenth Regiment of Infantry.

Second Lieut. Edward I. Grumley, to be first lieutenant, July 15, 1888, *vice* Brennan, deceased.

Twenty-first Regiment of Infantry.

Second Lieut. Lawrence J. Hearn, to be first lieutenant, July 10, 1888, *vice* Wittich, appointed regimental adjutant.

Corps of Engineers.

Additional Second Lieut. Henry Jervey, to be second lieutenant, June 15, 1888, *vice* Kuhn, promoted.

Additional Second Lieut. Charles H. McKinstry, to be second lieutenant, July 22, 1888, *vice* Craighill, promoted.

Second Regiment of Cavalry.

Additional Second Lieut. Edwin M. Suplee, to be second lieutenant, July 24, 1888, *vice* Carleton, promoted.

Sixth Regiment of Cavalry.

Additional Second Lieut. Robert L. Howze, of the Fifth Cavalry, to be second lieutenant, July 7, 1888, *vice* Hodgson, promoted.

Ninth Regiment of Cavalry.

Additional Second Lieut. William J. D. Horne, to be second lieutenant, June 15, 1888, *vice* Gardner, promoted.

Additional Second Lieut. Guy H. Preston, of the First Cavalry, to be second lieutenant, July 16, 1888, *vice* Stevens, promoted.

Fourteenth Regiment of Infantry.

Additional Second Lieut. William R. Sample, to be second lieutenant, July 1, 1888, *vice* Mulhall, promoted.

Seventeenth Regiment of Infantry.

Additional Second Lieut. William R. Dashiell, of the Eighth Infantry, to be second lieutenant, July 15, 1888, *vice* Grumley, promoted.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 30, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ERMENTROUT, for one week, on account of important business.

To Mr. CLARDY, for ten days.

To Mr. GOFF, indefinitely, on account of important business.

REPORT OF COMMISSIONER OF LABOR.

The SPEAKER. On Saturday morning the House passed a concurrent resolution providing for the printing of a number of copies of the third annual report of the Commissioner of Labor, and it went to the Senate. It should have been a joint resolution, as it makes an appropriation out of the Treasury; and if there be no objection the Senate will be requested to return the resolution to the House in order that it may be corrected. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolution of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 24) for the relief of Eliza Russell;

A bill (H. R. 149) granting a pension to Rachel Burnes;

A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;

A bill (H. R. 160) granting a pension to Elizabeth B. Sailer;

A bill (H. R. 185) granting a pension to Samunl F. C. Garrison;

A bill (H. R. 486) granting a restoration of pension to Lydia Calhoun;

A bill (H. R. 490) granting a pension to George W. Pitner;

A bill (H. R. 621) granting an increase of pension to William M. Whaley;

A bill (H. R. 736) for the relief of Caroline T. Cockle;

A bill (H. R. 737) granting a pension to Joseph Peve;

A bill (H. R. 817) granting a pension to Mary Foster;

A bill (H. R. 881) granting a pension to Hiram R. Ellis;

A bill (H. R. 945) granting a pension to Mary Kelley;

A bill (H. R. 965) granting a pension to George E. Wells;

A bill (H. R. 2140) granting a pension to Eliza Smith;

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge at or near Burlington, Iowa;

A bill (H. R. 2233) granting a pension to Bernard Carlin;

A bill (H. R. 2531) granting a pension to Frederick W. Travis;

A bill (H. R. 2776) granting a pension to William Jack;

A bill (H. R. 3521) granting a pension to Manuel Garcia;

A bill (H. R. 3764) for the relief of Mrs. Delila Whipps;

A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson;

A bill (H. R. 3923) to place the name of Frederick Ronicke on the pension-roll;

A bill (H. R. 4069) granting an increase of pension to Elnathan Meade;

A bill (H. R. 4098) granting a pension to Eliza Trefren;

A bill (H. R. 4270) granting a pension to William C. Tilley;

A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;

A bill (H. R. 5383) granting a pension to George W. Flowers;

A bill (H. R. 5443) granting a pension to Isaac M. Johnson;

A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott;

A bill (H. R. 6193) for the relief of Edson Saxberry;

A bill (H. R. 6220) granting a pension to John Taafe;

A bill (H. R. 6307) granting a pension to Sarah A. Corson;

A bill (H. R. 6764) to grant a pension to "Muck-a-pec-wak-keu-zah," or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862;

A bill (H. R. 7093) granting an increase of pension to John A. Rolf;

A bill (H. R. 8075) granting a pension to Anna M. Arnold, widow of John Arnold;

A bill (H. R. 8428) granting a pension to James T. Bourland;

A bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll;

A bill (H. R. 8523) granting a pension to Susan F. Scott;

A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward;

A bill (H. R. 8677) granting a pension to Mary E. Forren;

A bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield;

A bill (H. R. 8794) granting a pension to Levi Little;

A bill (H. R. 8953) granting a pension to Eliza Mathews;

A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;

A bill (H. R. 9029) for the relief of Marshall Bertram;

A bill (H. R. 9034) granting a pension to Lydia Heiny;

A bill (H. R. 9119) granting a pension to George C. Chase;

A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyfforth;

A bill (H. R. 9183) granting a pension to William P. Riddle;

A bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond;

A bill (H. R. 9314) granting a pension to Mrs. Judith Deig;

A bill (H. R. 9318) granting an increase of pension to Charles Jewett;

A bill (H. R. 9344) granting a pension to James C. White;

A bill (H. R. 9467) granting a pension to William M. Dicken;

A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;

A bill (H. R. 9595) granting a pension to David A. Yeaw;

A bill (H. R. 9729) granting a pension to Malinda Hardin;

A bill (H. R. 9731) granting a pension to William A. Humes;

A bill (H. R. 9732) granting a pension to Sarah Riddle;

A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;

A bill (H. R. 9808) granting an increase of pension to Rebecca Manlove;

A bill (H. R. 9910) increasing the pension of William J. Heady;

A bill (H. R. 9920) granting a pension to Daniel K. Harris;

A bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood;

A bill (H. R. 10318) granting a pension to Mary C. Davis;

A bill (H. R. 10344) to grant a pension to Elizabeth O'Laughlin, the helpless invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;

A bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company;

Joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled "A joint resolution to provide temporarily for the expenditures of the Government;"

A bill (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen;

A bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice;

A bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which such suits shall be brought against said sureties upon said bonds;

A bill (S. 190) for the relief of W. H. Tibbits;

A bill (S. 196) to cancel certain reservations of land on account of live-oak in the southwestern land district of the State of Louisiana;

A bill (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.;

A bill (S. 928) in relation to marriage between white men and Indian women;

A bill (S. 1782) to authorize the leasing of the school and university lands, in the Territory of Wyoming, and for other purposes;

A bill (S. 2009) to reserve the homestead right of F. Vance, of Akron, Colo.;

A bill (S. 2316) reserving the right of pre-emption to Jesse A. Corn; and

A bill (S. 2624) to provide for the enlargement of the dimensions of the wharf at Fortress Monroe.

MARY E. HOPKINS.

Mr. FORAN. Mr. Speaker, I ask, by unanimous consent, that the House be discharged from the further consideration of the bill (S. 1914) for the relief of Mary E. Hopkins, and that the same be considered at this time.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary be, and he hereby is, authorized and directed to pay to Mary E. Hopkins, widow of Alfred Hopkins, late a captain in

the Navy of the United States, out of any money in the Treasury not otherwise appropriated, the sum of $5,156.64, being for the salary of said Alfred Hopkins, on leave pay, from the 21st day of November, 1882, to the 24th day of September, 1884.

Mr. SPRINGER. On a former occasion when unanimous consent was requested to consider this bill I objected, but since that time I have taken pains to examine it, and I am satisfied it is such a one as should be allowed, and I will, therefore, not object. The House had previously determined on the restoration of Hopkins to his rank, and therefore it is simply carrying out what the House has already ordered to be done.

Mr. HOLMAN. I think the report had better be read.

The SPEAKER. This is a Senate bill, and therefore there is no report accompanying the bill.

Mr. HOLMAN. Let the Senate report be read.

The SPEAKER. The Chair is informed that there is a House report on the same subject.

Mr. HOLMAN. I hope that will be read.

Mr. SPRINGER. I think if the report is lengthy the gentleman from Ohio [Mr. FORAN] can make a statement of the facts in less time than would be consumed by reading the report.

Mr. FORAN. I desire to say for the information of the gentleman from Indiana [Mr. HOLMAN] that Captain Hopkins was court-martialed in the time of Secretary Chandler, a few years ago. The House took up a bill for the purpose of restoring him to his rank, and during that discussion, while the gentleman from Illinois [Mr. SPRINGER] was in the chair, the House passed the bill and it went to the Senate. While pending there Captain Hopkins died, and this bill is to give the widow the amount of pay he would have received. The bill is a very meritorious one, and I think it should be passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FORAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the House bill on the same subject will be ordered to lie on the table.

There was no objection, and it was so ordered.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. STRUBLE. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 288) for the erection of a public building at Sioux City, Iowa, and that the same be considered in the House.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 288) for the erection of a public building at Sioux City, Iowa. Is there objection?

Mr. STRUBLE. The report made is of some length, and I ask by unanimous consent to make a brief statement of the facts. This is a city that has 30,000 inhabitants now, and is growing rapidly. For five years past United States court has been held there. That court has occupied the county court-house, but the business of the State courts has so much increased that there is now a conflict between the State courts and the United States courts in the matter of time of sessions and occupancy of room. The United States court occupies the auditorium and the State courts have to go to one of the smaller rooms of the court-house. The bill makes an appropriation for $150,000. The original proposition was for $200,000, but it has been reduced to $150,000.

The SPEAKER. Is there objection?

Mr. TRACEY. I object.

Mr. STRUBLE. I hope the gentleman will not insist on his objection.

COPYRIGHT BILL.

Mr. COLLINS. I ask by unanimous consent to have read and considered the resolution which I send up to the Clerk's desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That Thursday, the 6th of December, 1888, immediately after the reading of the Journal, be set apart for the consideration of Senate bill 554, "to amend Title LX, chapter 3, of the Revised Statutes of the United States."

Mr. ANDERSON, of Kansas. I would like an explanation of that.

Mr. ROGERS. Is that the copyright bill?

Mr. COLLINS. It is.

Mr. ROGERS. Then I object.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask by unanimous consent that we now consider and adopt a resolution providing that the roll be called, and that each member may have an opportunity to call up a measure.

The SPEAKER. For what length of time?

Mr. TOWNSHEND. For any length of time sufficient to complete the call of the roll.

Mr. BURROWS. That is a matter of such very great importance that it ought to emanate from the Committee on Rules.

PUBLIC BUILDING AT SIOUX CITY.

Mr. STRUBLE. Mr. Speaker, the gentleman from New York [Mr. TRACEY] has withdrawn his objection to the bill of which I asked consideration.

The SPEAKER. The gentleman from New York has withdrawn his objection. Is there further objection?

There was no objection.

The bill was read, as follows:

An act (S. 288) for the erection of a public building at Sioux City, Iowa.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation, or otherwise provide, a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office post-office, and other Government offices, at the city of Sioux City, Iowa. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury, involving an expenditure exceeding the said sum of $150,000: *Provided*, That of said sum not exceeding $50,000 shall be expended for the acquisition of said site: *And provided further*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. For the purpose of this act the sum of $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

Mr. HOLMAN. I hope the report will be read.

Mr. STRUBLE. If the gentleman will waive that request I shall be obliged to him as the report is rather long. I am perfectly willing to give the gentleman any information he desires about this bill.

Mr. HOLMAN. Well, I think the gentleman should make a statement as to the size of this city and the necessity for this building.

Mr. STRUBLE. It is a city of thirty thousand people and is growing rapidly. The United States courts have been held there for five years and there is a conflict as to the occupancy of the court-house between the two courts when they are in session, the court-room proper being occupied by the Federal court while the State court is compelled to hold its sessions in one of the smaller rooms in the building. The business of the place and of the United States courts is growing very rapidly. The post-office was made first class on July 1; the net revenue was over $24,000 last year. Furthermore, Iowa has had but $40,000 for public buildings this session; and it certainly is but just that she should receive fair consideration at the bar of this House.

Mr. HOLMAN. What is the amount of this appropriation?

Mr. STRUBLE. One hundred and fifty thousand dollars.

Mr. HOLMAN. Does not the gentleman think that is rather too much?

Mr. STRUBLE. I do not think it is too much for a growing city like that, which is increasing so rapidly in both population and business; on the contrary the amount should be much larger.

Mr. BAKER, of New York. Is this bill recommended unanimously by both Houses?

Mr. STRUBLE. It is reported unanimously by the Public Buildings Committees of both Houses, there being at this time a House bill on the Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. STRUBLE]?

There was no objection.

The committee recommended amendments as follows:

In line 12 strike out "$250,000" and insert "$150,000."
In line 22 strike out "$250,000" and insert "$150,000."
In line 35 strike out "$250,000" and insert "$150,000."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill (H. R. 7600) for the same purpose was laid on the table.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Now, Mr. Speaker, one gentleman on either side having had recognition, I ask unanimous consent that the roll be called for gentlemen to make requests for unanimous consent.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] objected to that a few minutes ago.

Mr. TOWNSHEND. But the gentleman from Michigan objected probably in order that his side of the House might have a hearing. Now they have had recognition, and, in the interest of all the members of this House and in the interest of fair play, I make the request that the roll be called for requests for unanimous consent, and that the call be continued until the names of all the members have been called.

Mr. ROGERS. I am compelled to object.

Mr. TOWNSHEND. Then let us have the regular order.

PUBLIC BUILDING, CHARLOTTE, N. C.

The SPEAKER. The House having passed the Senate bill to provide for a public building at Charlotte, N. C., if there be no objection the House bill for the same purpose (H. R. 8721) will be laid on the table.

There was no objection, and it was so ordered.

COMMITTEE ON MANUFACTURES.

The SPEAKER. The gentleman from New York [Mr. BACON] asks unanimous consent that the Committee on Manufactures may have leave to sit during the recess, in order to continue its investigation into the subject of "trusts." Is there objection?

Mr. BAKER, of New York. Are we going to have any recess, Mr. Speaker? [Laughter].

The SPEAKER. The Chair does not know.

Mr. BUCHANAN. We have leave now to sit during the sessions of the House.

A MEMBER. Are we going to have a report from that committee?

The SPEAKER. The Chair can not answer that question.

Mr. REED. Regular order.

Mr. BUCHANAN. I hope the regular order will not be called until this matter is disposed of. This consent is imperatively necessary in order to complete the work of the committee. We make a preliminary report this morning.

Mr. REED. From the Committee on Manufactures? I withdraw my demand for the regular order.

There was no objection.

Mr. TOWNSHEND. Regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. The regular order is the call of the States and Territories for the introduction of bills and resolutions.

AMALGAMATION OF HUMAN SPECIES.

Mr. WHEELER introduced a bill (H. R. 11036) to ascertain and exhibit the physical effects upon offspring resulting from the amalgamation of human species; which was read a first and second time, referred to the Committee on the Eleventh Census, and ordered to be printed.

THE POSTAL TABLET.

Mr. BAKER, of Illinois (by request), offered the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Committee on the Post-Office and Post-Roads be, and is hereby, directed to inquire into and report upon allowing an article known as the postal tablet, or private postal-card, the weight of which shall not exceed half an ounce, to pass through the mails at the rate of 1 cent for postage.

PUBLIC RESERVATION IN NEW MEXICO.

Mr. HOLMAN, by request, introduced a bill (H. R. 11037) to set apart a certain tract of land in the Territory of New Mexico as a public reservation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLERK FOR COMMITTEE ON ACCOUNTS.

Mr. HAYES offered the following resolution; which was read, and referred to the Committee on Appropriations:

Resolved, That the Committee on Accounts be allowed an annual clerk, to be paid out of the contingent fund of the House until March 4, 1889, at the rate of $2,000 per annum, and the Committee on Appropriations is hereby instructed to make provision for such clerk at the said rate of $2,000 per annum from March 4, 1889.

MESSENGERS IN HOUSE POST-OFFICE.

Mr. TARSNEY introduced a resolution continuing the three session messengers employed in the House post-office until the commencement of the second session of the Fiftieth Congress; which was referred to the Committee on Accounts.

COMMERCE.

Mr. CLARDY introduced a bill (H. R. 11038) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INVESTIGATION OF "TRUSTS."

Mr. BACON introduced a resolution to make immediately available funds to continue the investigation of "trusts," etc., by the Committee on Manufactures; which was referred to the Committee on Accounts.

ADDITIONAL TAXES UNDER ACT OF MARCH 3, 1875.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 11039) for the relief of certain persons who paid additional taxes assessed against them under the act of March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAND DISTRICT IN NEW MEXICO.

Mr. MCKINLEY introduced a bill (H. R. 11040) to create the Colmon land district in the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TEXAS STATE FAIR.

Mr. ABBOTT introduced a joint resolution (H. Res. 209) authorizing the several Executive Departments of the Government to loan to the Texas State fair and Dallas exposition certain articles for exhibit; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPORT OF COAST AND GEODETIC SURVEY.

Mr. RICHARDSON introduced a concurrent resolution to print 5,000 additional copies of the report of the United States Coast and Geodetic Survey, etc.; which was referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. PAYSON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That during the remainder of this Congress it shall be in order immediately after the approval of the Journal to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by standing committees of the House, and such reports printed, and Senate bills and resolutions on the Speaker's table or referred, which, or substantially similar, measures shall have received favorable action and report of appropriate House committees, in the following manner:

The Speaker shall call the standing committees in their order, when by direction of such committee so called one measure may be called up for consideration; if not more than five members object, such consideration shall proceed: *Provided*, That debate on each measure shall be limited to ten minutes, to be equally divided for and against the measure, exclusive of not exceeding five minutes which may be occupied in reading the committee report on the measure; this hour not to interfere with revenue or appropriation bills, or reports of conference committees.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 27) providing for the printing of a supplement to Wharton's Digest of International Law.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas.

The message also announced that the Senate disagreed to the amendment of the House of Representatives to the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. RANSOM, and Mr. PASCO.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and resolutions having been concluded, the regular order is now the call of committees for reports.

Mr. BURNES. I move to dispense with the morning hour for the call of committees.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. If the gentleman from Missouri [Mr. BURNES] will yield a moment I desire to have the House consider the report of the Committee on Naval Affairs on the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes. I ask unanimous consent that the House agree to the report submitted Saturday last recommending concurrence in certain amendments and non-concurrence in others; and I also ask that a conference with the Senate be requested.

There being no objection, the House proceeded to the consideration of the following report:

The Committee on Naval Affairs, who have had under consideration the Senate amendments to H. R. 10556, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes," submit the following report and recommendations:

There were seventy-five amendments reported in the bill as it came from the Senate. The committee, after full consideration of the same, recommend concurrence in the amendments numbered respectively as follows:

Amendments numbered 1, 2, 9, 10, 12, and 13.

Also, concurrence in Senate amendment numbered 16, with amendments in line 315, after the word "Mexico;" so as to make the remainder of the line read: "and the South Atlantic coast for navy-yards and dry-docks, and for."

They also recommend concurrence in amendments numbered 17, 19, 26, 30, 31, 32, 33, 36, 42, 43, 44, 50, 52, 54, 61, and 69.

The committee recommend non-concurrence in the amendments as follows:

Amendments numbered 3, 4, 5, 6, 7, 8, 11, 14, 15, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29, 34, 35, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 51, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75.

They also recommend that line 977 be amended by inserting after the word "construction" the words "steam machinery and armament."

Also, that the words "construction and steam machinery," where they occur in line 1031, be stricken out.

Also, that the word "or," where it occurs in lines 1033 and 1035, be stricken out, and that the word "and" be inserted in lieu thereof in each line.

Also, that the words "with their engine, boilers, and machinery," be inserted in line 1033, after the word "Congress" and before the word "and."

Also, that the word "armament," in line 1037, be stricken out.

They recommend concurrence in amendment numbered 75 with the following amendments, that is to say, strike out the words "and armament" in line 1042, insert between the words "Annapolis" and "to," in line 1044, the words "except when in emergencies it may be used for other purposes," and by inserting "sixty" in the place of "seventy-five" in line 1047.

The report was agreed to.

The SPEAKER. If there be no objection the House will ask for a conference with the Senate upon the disagreeing votes of the two Houses on this bill. The Chair hears no objection. The Chair will announce the appointment of the House conferees during the day.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask that the same order be made in reference to the Army bill that has just been made in reference to the naval bill, that is to say, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the Senate amendments, and consider them in the House.

Mr. SAYERS. I object.

The SPEAKER. The question is on the motion of the gentleman from Missouri to dispense with the morning hour.

Mr. SPRINGER. I hope unanimous consent will be given to file reports.

Mr. BURNES. After this motion is determined, I will make that request.

The motion to dispense with the morning hour was agreed to.

Mr. BURNES. Now I ask that all members having reports to make may be permitted to file them with the Clerk at the desk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

PUBLIC BUILDING, ALLENTOWN, PA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 10927) for the erection of a public building at Allentown, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

W. B. GREEN.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9179) granting a pension to W. B. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN L. KEARNEY.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9408) granting an increase of pension to Stephen L. Kearney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN WINCHELL.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 10662) to allow John Winchell arrears of pensions; which was laid on the table.

He also, from the same committee, reported back, in the nature of a substitute for the foregoing, a bill (H. R. 11041) granting an increase of pension to John Winchell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TEMPY M. JOHNSTON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9169) granting a pension to Tempy M. Johnston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. WILLIAM J. DULEY.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9310) granting a pension to Capt. William J. Duley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY HAMILTON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10882) granting a pension to Nancy Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FIDELIA E. MEAD.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 10016) granting an increase of pension to Fidelia E. Mead, widow of the late George L. Mead; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERMELIA SMITH.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10879) increasing the pension of Permelia Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON RYAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10629) granting a pension to Washington Ryan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATHANIEL CRAIN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10167) increasing the pension of Nathaniel Crain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH F. GARRETT.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 6501) to grant a pension to Joseph F. Garrett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH G. SCOTT.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY B. HOOK.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 1412) granting an increase of pension to Mary B. Hook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PIERRE BOTTINEAU.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 2713) granting a pension to Pierre Bottineau; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES SIMS.

Mr. BLISS also, from the Committee on War Claims, reported back favorably the bill (H. R. 9277) for the relief of James Sims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SYLVESTER STEARNS.

Mr. YODER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7516) to increase the pension of Sylvester Stearns; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL NEIKIRK.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7185) granting a pension to Samuel Neikirk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. BELL.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3911) granting a pension to James R. Bell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MALINDA FOREMAN.

Mr. YODER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2717) granting a pension to Malinda Foreman, widow and minor children of William H. Foreman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN T. BROWN.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 9014) for the relief of John T. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY VANBUSKIRK.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 11029) for the relief of Mary Vanbuskirk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INVESTIGATION OF TRUSTS.

Mr. BACON. Mr. Speaker, I have a report that I desire to have printed——

The SPEAKER. Unanimous consent has just been given to file reports.

Mr. BACON. I know, but this is a report that I desire to ask consent to have printed in the RECORD.

The SPEAKER. Without objection that order will be made.

There was no objection.

The report (from the Committee on Manufactures) was referred to the House Calendar.

It is as follows:

The Committee on Manufactures respectfully report that acting under the authority and direction of a resolution of this House passed on the 25th day of January, 1888, they have proceeded to investigate and inquire into the matters and things referred to in said resolution, and having examined witnesses and papers in relation thereto, they have been unable to complete such inquiry and investigation and respectfully report the following resolution with the recommendation that it do pass.

Your committee further report that the names of various combinations and trusts have been, from time to time, furnished to your committee, that the number of such combinations is very large, and that your committee in calling witnesses and taking testimony proceeded upon the following plan of investigation, *i. e.*, to inquire:

First. With relation to trusts or combinations in lines of business which are connected with or use articles in which there exists a competition in our markets between the domestic product and the foreign product imported and dutiable under our tariff laws.

Second. With relation to such combinations dealing in articles which are not imported into this country or are not subject to import duties.

Third. With relation to such combinations dealing in articles which are subject to taxation under the internal-revenue laws of the United States.

Your committee has particularly directed its inquiry into the methods of and the extent of the business done or controlled by the sugar trust and the Standard Oil trust, and respectfully submit herewith the testimony taken before it in relation to these two trusts.

In submitting this testimony your committee desire to call the attention of the House to the form of organization of these two trusts. Both of them are organized upon substantially the same plan. From the testimony it appears that there exists a certain number of corporations organized under the laws of the different States and subject to their control; that these corporations have issued their stock to various individuals, and that these individual stockholders have surrendered their stock to the trustees named in the agreement creating these trusts and accepted in lieu thereof certificates issued by the trustees named therein. The agreements provide that the various corporations whose stock is surrendered to the trustees shall preserve their identity and carry on their business. In the sugar trust agreement the provision is that the several corporations shall maintain their separate organization, and each shall carry on and conduct its own business.

In the Standard Oil Trust agreement it is provided that all property, real and personal, assets and business shall be transferred to and vested in the said several companies. The duties of the trustees are restricted to the receipt of the dividends declared by the various corporations and the distribution of the aggregate of them to the holders of the trust's certificates, pro rata, and to holding and voting upon the stock of the corporations. The trustees in both cases, upon the stand as witnesses, specifically denied that the trustees, as such, ever do any other business than to receive and distribute these dividends and exercise the only other functions given to them by the trust agreements—that is, to hold the stock of the various corporations and exercise the right of stockholders in such corporation.

The care with which the trustees avoid making any agreement relating to commodities appears from the testimony as to the arrangement made with the Oil Producers' Association in the fall of 1887. The officers of the Producers' Association testified that an arrangement was then made with the Standard Oil trust by which 5,000,000 barrels of oil belonging to the Standard Oil trust was set apart for the benefit of the association upon its agreeing to curtail the production of crude oil at least 17,500 barrels per diem. These witnesses undoubtedly understand that their arrangement was with the trustees of the Standard Oil trust. But the written agreement produced and now in evidence shows that it was made with and is signed by the Standard Oil Company of New York, one of the companies whose stock is held by the trustees, and that the Standard Oil trust or the trustees thereof as such are not parties to it, nor is either of them responsible for the carrying out of that agreement.

This form of combination was obviously devised for the purpose of relieving the trusts and trustees from the charge of any breach of the conspiracy laws of the various States, or of being a combination to regulate or control the price or production of any commodity; hence they assert that the corporations themselves which control and regulate the price of commodities and the extent of production, and have tangible property, remain with their organization intact and distinct, and not in combination with each other; that the stockholders who owned only the stock, and by well-settled legal rules had no legal title in the property of the corporations entered into the agreements and sold their stock in the corporations and accepted in payment trust certificates, and that the trustees receive and hold only the stock of corporations and have no legal title to any of the property of the corporations, and neither buy nor sell anything nor combine with any one to fix prices or regulate production of any commodity.

Your committee have deemed it proper to call attention to this feature of these combinations, because it is believed that it will be found that all trade combinations having similar aims either have adopted this method or speedily will do so; and also because the legislation which has been proposed to this House and referred to your committee has been directed against combinations to fix the price or regulate the production of articles of merchandise or commerce. It is plain that the two combinations, the testimony concerning which is herewith submitted, have been intentionally formed so as to avoid, if possible, the charge that the trust, as such, or the trustees in that capacity, either fixed the price or regulated the production of any article of merchandise or commerce.

Complaint having been made to him by citizens of the State of New York against the sugar trust, and one of the corporations whose stock it holds, the attorney-general of that State has, after hearing, directed prosecutions to be commenced against that trust and the corporation complained of upon grounds which are set forth in an elaborate opinion which is submitted as part of the evidence in relation to that trust, and as containing a careful statement of the law of that State so far as it affords any remedy against such trusts.

ANNIE GIBSON YATES.

Mr. BANKHEAD. I wish to ask, Mr. Speaker, unanimous consent to make a report recommending non-concurrence in Senate amendments to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, and agree to the conference asked by the Senate thereon.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of general appropriation bills. The Clerk will report the title of the unfinished business.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

Mr. BURNES. I desire, if possible, to proceed now with the question of the limitation of general debate. Some suggestions have been made in reference to it, and I presume the committee understands about all the differences on both sides. In the mean time some negotiations have taken place here, and some discussion also that probably has but little relevancy to the issues presented by the pending bill; and it might be well to agree now that the general debate between the gentleman from Illinois [Mr. PAYSON] and my colleague [Mr. STONE] should be concluded, say in thirty minutes, and that thereafter, there being no further desire for general debate, by unanimous consent it be concluded upon that part of the bill, then proceed to consider it section by section in committee, and when the final section is reached relating to the French spoliation claims there shall then be allowed general debate for a period of four and a half hours on each side.

Mr. STONE, of Missouri. I believe I am entitled to the floor.

The CHAIRMAN. The Chair did not so understand at the time the Chair recognized the gentleman on Saturday. At that time it was understood that the gentleman was being recognized in the time of his colleague, the gentleman from Missouri [Mr. BURNES]. In fact it is the universal custom of the House to recognize members of the committee having charge of the bill first, and not to allow the debate or the control of the debate to pass from the hands of the committee, and particularly of the member of the committee having control of the bill.

Mr. STONE, of Missouri. I do not see how the Chair could have reached any such understanding, for I went to the Chair and asked him to recognize me. I rose in my place and was recognized in my own right.

Mr. BURNES. The statement of the Chair is entirely correct; but the gentleman will remember that he applied to me for time. I told him——

Mr. STONE, of Missouri. I did go to my colleague and ask him for time, but I was recognized by the Chair in my own right.

Mr. BURNES. Well, how much time does my colleague want?

Mr. STONE, of Missouri. I wish to make a statement first. I went to the Chair and asked how much longer the general debate was going to run, or whether there was any limitation upon it. He said that no limitation had been put upon it; that the gentleman from Illinois [Mr. TOWNSHEND], as I understood, made some objection, although I do not know what the suggestion was exactly—at all events, that the general debate had not been closed—and told me that I could rise in my own right and take the floor.

Mr. BURNES. I wish simply to ask my colleague, if he will permit me, how much time he desires.

Mr. STONE, of Missouri. I claim the hour to which I was entitled.

Mr. ROGERS. In order to preserve the integrity of the proceedings, and that there may be no mistake about this, the RECORD shows, on page 7659, that when the gentleman from Missouri yielded the floor to his colleague on Saturday to move that the committee rise, he stated:

I presume I will retain the floor?

The CHAIRMAN. Of course the gentleman will be entitled to the floor when the committee again resumes its session.

The CHAIRMAN. That is correct, and the Chair so holds; but, at the same time, the Chair understood that the gentleman was occupying the floor in the time of the gentleman from Missouri [Mr. BURNES]. The Chair never would have taken the control of the floor from the gentleman from Missouri having charge of the bill.

Mr. HOLMAN. I hope it will be stated how much time has been occupied by the gentleman from Missouri.

The CHAIRMAN. The gentleman spoke for twenty minutes.

Mr. HOLMAN. I hope he will be allowed to have the balance of his time.

The CHAIRMAN. That would leave ten minutes of the hour remaining to the gentleman from Missouri [Mr. BURNES].

Mr. HOLMAN. I ask that his time be extended for the forty minutes.

Mr. BURNES. By unanimous consent let that arrangement be made.

The CHAIRMAN. Is there objection?

Mr. FARQUHAR. I object.

Mr. STONE, of Missouri. For the remainder of my own hour; that is all I ask.

The CHAIRMAN. But the gentleman from New York objects.

Mr. FARQUHAR. I do object decidedly. First of all, I do not know that I ought to give any reasons particularly for doing so, but I think the whole debate is extraneous to the bill, and at this stage of the session it is improper to have debate on a question where the attack is made originally by the gentleman from Missouri upon the gentleman from Illinois and the reply is made, which ought to wash out all elements of disturbance between the two. We are now considering a bill which is in the hands of the gentleman from Missouri [Mr. BURNES], and I object.

Mr. HOLMAN. There can be no agreement.

Mr. FARQUHAR. On an explanation from the gentleman from Missouri [Mr. BURNES] I withdraw my objection.

Mr. TOWNSHEND. What is the proposition?

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks unanimous consent that his colleague [Mr. STONE] be permitted to occupy the floor at this time for forty minutes, being the remainder of an hour; the gentleman having commenced his remarks when the House was last in Committee of the Whole on this bill.

Mr. REED. Is it the understanding that the gentleman from Illinois [Mr. PAYSON] shall have fifteen minutes at the close? Unless that is done I object.

Mr. BURNES. I appeal to my colleague to yield fifteen minutes of the time.

Mr. HOLMAN. Say ten minutes.

Mr. PAYSON. Unless I should desire it, I am quite willing that he gentleman should use it all.

Mr. TOWNSHEND. Before that is put to the House, I wish to understand the request.

The CHAIRMAN. The first proposition was that the gentleman from Missouri [Mr. STONE], now upon the floor, be permitted to speak for forty minutes, and the present proposition is that he be permitted to control thirty minutes of that time, and that the remaining ten minutes be given to the gentleman from Illinois [Mr. PAYSON], if he desires. Otherwise the time will be controlled by the gentleman from Missouri.

Mr. TOWNSHEND. I wish to make a parliamentary inquiry. Did I not understand the Chair to say that the gentleman from Missouri, having had the floor last, he was entitled to it, forty minutes of his time remaining?

The CHAIRMAN. The gentleman has time given to him by his colleague [Mr. BURNES] who is in charge of the bill.

Mr. STONE, of Missouri. I claim the floor in my own right.

The CHAIRMAN. The Chair could not recognize the gentleman except by consent of his colleague [Mr. BURNES], who has control of the debate on this bill. The Chair will again state the proposition. It is proposed that the gentleman from Missouri [Mr. STONE] be permitted to speak for thirty minutes, and that if the gentleman from Illinois [Mr. PAYSON] desires to occupy ten minutes after the conclusion of the remarks of the gentleman from Missouri, he may do so; but that otherwise the gentleman from Missouri may occupy the full forty minutes.

Mr. TOWNSHEND. Then I understand the proposition is simply this: That the gentleman from Missouri [Mr. STONE] may occupy the floor thirty minutes, and the gentleman from Illinois [Mr. PAYSON] ten minutes if he so desires.

The CHAIRMAN. That is what has been submitted at this time.

Mr. BUCHANAN. If this arrangement is perfected there will be nothing which will preclude gentlemen speaking to the bill itself.

The CHAIRMAN. That will depend upon the further order of the committee.

Mr. STONE, of Missouri. I object, unless I can have my own time. I will not agree to proceed at all unless that shall be conceded. I think I am entitled to the floor.

Mr. TRACEY. I call for the regular order.

The CHAIRMAN. The gentleman from Missouri [Mr. STONE] is assuming that he has taken the floor from his colleague, who has the management of the bill. That would be without precedent in parliamentary law.

Mr. STONE, of Missouri. I ask that I may occupy the time for forty minutes.

Mr. BURNES. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration House bill 10896, the general deficiency bill, and had come to no resolution thereon.

Mr. BURNES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills; and pending that motion I move that when the House shall again resolve itself into Committee of the Whole general debate upon that part of the bill preceding the last section be limited to forty minutes; thirty minutes of which shall be at the disposal of the gentleman from Missouri [Mr. STONE] and ten minutes under the control of the gentleman from Illinois [Mr. PAYSON].

Mr. STONE, of Missouri. I move to amend by making it fifty minutes, ten minutes to be under the control of the gentleman from Illinois [Mr. PAYSON], and forty minutes under my control.

Mr. BURNES. I hope that proposition will be voted down.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill No. 10896; and pending that moves that the general debate upon the whole bill, except the last section, be closed in forty minutes.

Mr. ROGERS. I would like my friend from Missouri [Mr. BURNES] to indulge me for just a moment. We will save time by allowing it to be fifty minutes instead of forty minutes, and I hope he will accede to that modification. The gentleman from Missouri [Mr. STONE] has prepared himself to make response to the speech of the gentleman from Illinois [Mr. PAYSON], and he ought to have an opportunity to do so.

Mr. BUCHANAN. He made the attack.

Mr. BURNES. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNES. We desire also, while proceeding with this bill section by section, to reserve the right of debate on the last section of the bill.

The SPEAKER. The Chair has so stated.

Mr. BURNES. Now, will it be in order to move that general debate upon the last section of the bill be limited to four and a half hours on each side?

The SPEAKER. Such a motion would not be in order except by unanimous consent. The motion already made is not in order, but the Chair supposed it was based upon an understanding, as no objection was made.

Mr. TOWNSHEND. The House does not understand the motion.

The SPEAKER. The motion is that general debate on all the bill, except on the last section, be limited to forty minutes.

Mr. TOWNSHEND. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. The point of order I make is that it is not competent for the House at this time to make such an order.

The SPEAKER. The Chair has so stated. The Chair has stated that, under the rules, the House can proceed without limiting the debate, but if limited at all it must be on the entire bill. The gentleman from Illinois [Mr. TOWNSHEND] makes the point of order against the motion, and the point is sustained. The question, then, is on the motion that the House resolve itself into the Committee of the Whole.

The question was put, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

Mr. BURNES. I now ask unanimous consent that general debate on the sections of this bill, exclusive of the last, shall be limited to fifty minutes, forty of which shall be under the control of my colleague from Missouri [Mr. STONE] and ten under the control of the gentleman from Illinois [Mr. PAYSON]; and that on the last section of the bill, when reached, general debate shall be limited to four hours and a half on each side.

There was no objection, and it was so ordered.

Mr. STONE, of Missouri. Mr. Chairman, my friend from Illinois [Mr. PAYSON] has just concluded a carefully prepared speech on the subject of land grants and forfeitures, which he delivered with some degree of emphasis. Just why the speech should be made at this time I am at a loss to understand. The House is considering an appropriation bill with which land grants and forfeitures have absolutely nothing to do. Three weeks ago we had the land-grant forfeiture bills before the House. At that time, on July 5, I addressed the House at some length in support of forfeiting all lands where the railroad companies had not complied with the law, and the gentleman from Illinois addressed the House in opposition to the view I was urging. I had supposed the debate which was had at that time, and which consumed several hours, would end the discussion on that subject at least for this session. But for some reason my friend and his party associates here seem not to be satisfied.

They revive it again unexpectedly and in connection with a measure where it is wholly impertinent. I suppose the gentlemen on the other side have concluded it is necessary to make some further defense of the land policies pursued during the period of Republican domination, and have spurred my friend to the front again to assume that arduous and somewhat perilous task.

My friend says there is not now, and never has been, anything in the nature of politics in the questions growing out of our public lands; that they are, and have always been, purely economic questions. That may be, but I had supposed that political parties are often divided on economic questions. There may be no politics in the public lands, but nevertheless it is a fact that both the great political parties of this day have made very definite and pronounced history in connection with our public lands.

In the speech I made here on the 5th of the present month I endeavored to epitomize that history so as to show the broad and radical difference in the policies which prevailed while the two parties were respectively in power. Upon the facts drawn from that history I made, as I had a right to make, such legitimate arguments as those facts justified in vindication of the policies and achievements of the Democratic party, and to the just condemnation of the policies and achievements of the party to which the distinguished gentleman from Illinois belongs.

To show that politics and parties have nothing to do with land grants and forfeitures the gentleman from Illinois calls attention to the grant of lands made to the State of Illinois in 1850, to be used by that State to aid in the construction of a railroad from Lake Michigan to the Ohio River, and says that is the first grant ever made by Congress to aid in the construction of a railroad. That is correct; that was the first grant of that kind. But the gentleman said also that when that grant was made in 1850 there was a Democratic Congress and a Democratic President. That is not correct. The President at that time was Millard Fillmore, and I think he was never accused of being a Democrat.

Mr. PAYSON. I should have said a Democratic Congress. The Executive at that time was a Whig.

Mr. STONE, of Missouri. I said, Mr. Chairman, in the remarks I took occasion to submit on July 5, that the Democratic party, as well as other parties previous to 1861, had made grants of the public lands to certain States of the Union to aid those States in the development and prosecution of enterprises of paramount importance to the States themselves. Those grants were asked for by the States and were made at their instance.

I printed in my remarks of that date a table containing an exhibit of every grant made from the foundation of the Government to this date, either to the States or to corporations, giving the dates of the several grants, the amounts covered by each grant, and the grantees in each instance.

The first grant named in that table as being made to any State to aid in the construction of a railroad is the grant referred to by my friend from Illinois.

There is nothing I wish to conceal, there is nothing the Democratic party could desire to conceal in all this history.

Proceeding further, my friend quoted a remark from my speech of July 5, in which I said substantially that when the Republican party came into control of public affairs in 1861 entirely new methods and policies were inaugurated with reference to the management and disposition of our public lands. That statement he controverts, and says that there is not a shadow of foundation in fact for it. The statement of my friend is that there is not a shadow of foundation in fact for it. I did make that statement, and I stand by it. It is literally true. I assert now that prior to 1861, when the Republican party assumed control of public affairs, not a solitary acre of the public lands was ever granted to a corporation.

Mr. PAYSON. That is conceded.

Mr. STONE, of Missouri. And I say that after the Republican party assumed control of public affairs on March 4, 1861, and between that date and 1874, that party did grant directly to railroad corporations tens of millions and hundreds of millions of acres of the public lands.

Mr. PAYSON. Would it interrupt the gentleman to ask him a question?

Mr. STONE, of Missouri. One moment. Let me ask you a question first. Do you concede, as you did a moment ago, that from 1861 to 1874, the Republican party, or Republican Congresses with the approval of Republican Executives, did grant directly to railroad corporations the public lands to the extent I have indicated?

Mr. PAYSON. I do not concede it. I regard myself as being very unfortunate in the use of the English language if I have not been able to make myself understood when I have said that the grants to which the gentleman refers were made by Congress between the years named by him, but were made without regard to politics one way or the other.

Mr. HOLMAN. But that does not answer the question.

Mr. STONE, of Missouri. Then the gentleman admits that between the years I have named grants of the character and to the amount I have indicated were made to corporations?

Mr. PAYSON. Grants of that character were made to the transcontinental routes, and to them only; the acreage of which grants will appear in the tables which I have furnished and which are identical with those which the gentleman himself used in his former speech.

Mr. STONE, of Missouri. Then my friend, while admitting the grants were made by Republican Congresses, seeks to break the force of my statement by saying that the grants were made without reference to the question of party. He admits the grants were made directly to railroad corporations, and made for the first time in that way during the years from 1861 to 1874, but says they "were made without regard to politics one way or the other."

But my friend well knows it to be a fact, admits it to be a fact, that in each of the Congresses making those grants there was an overwhelming Republican majority in both branches and very few Democrats in either. He also knows it to be a fact that during those years the Presidency and every department of the Government were in the control of the Republican party. Now, I insist, as I have a right to insist, that where a Congress overwhelmingly in the control of a certain political party shall enact certain measures into legislation, and those measures shall receive the executive approval of a President who belongs to the same party, that party must be responsible for the legislation. The rule is a just one, and can not be abrogated or denied if there is to be any such thing as party responsibility.

Why, sirs, the Democratic party prior to 1861 made some land grants to certain States to aid them in the construction of railroads and canals and wagon-roads and for river-improvement purposes. I presume that gentlemen attached to other political parties in both Houses of Congress voted for those measures; but I seek to escape no political or party responsibility for those measures.

Whatever grants were made while the Democratic party was in power that party is responsible for, and we stand ready now to defend them. We do not shrink from the full measure of that responsibility nor seek to share it with others. We do not plead the baby act. We were in power. The Government was in our control. We are not going to prowl through the musty records to see if some one or two or half dozen members of a minority party did not vote as we did, and sheltering ourselves behind a discovery of that sort, cry out, "Shake not thy gory locks at me; thou canst not say I did it." No, sir; we take the responsibility of power when power is given to us by the people. The grants made by the Democratic party prior to 1861 were very different from those made by the Republican party subsequent to 1861. I stand ready to defend those made prior to 1861. Now I ask my friend from Illinois [Mr. PAYSON], do you approve and defend the grants made between 1861 and 1874?

Mr. PAYSON. Does the gentleman desire an answer now?

Mr. STONE, of Missouri. I would be glad to have it now provided my friend does not take too much of my time.

Mr. PAYSON. Under the light of present experience I would not, as a legislator, vote for them. If I had been in Congress in 1862 I have no doubt that, with William R. Morrison and other gentlemen on the Democratic side of the House, I should have voted for those grants under the light which Congress then had.

Mr. HOLMAN. No; not in 1862.

Mr. PAYSON. In 1864, at the time the act amendatory of the Union Pacific act was passed. That was in the summer of 1864, the time Mr. Morrison referred to in the observations which I have had read from the Clerk's desk.

Mr. TOWNSHEND. Permit me to correct my colleague [Mr. PAYSON]. I do not think he will find that Colonel Morrison ever voted for a railroad land grant.

Mr. PAYSON. Oh, I beg my colleague's pardon. I have in my speech referred to the recorded vote of William R. Morrison. The gentleman will find it in the record, which I can get for him in one minute. Mr. Morrison appears in the list as having voted for the amendatory act——

Mr. TOWNSHEND. Yes; the amendatory act.

Mr. PAYSON. The Union Pacific amendatory act of 1864, in which the land grant and the subsidy were doubled.

Mr. STONE, of Missouri. I can not yield further. I have no interest in what Mr. Morrison or any other gentleman may have done on this question. That is an individual matter for which the individual alone is responsible. When I speak of the Republican party or the Democratic party I speak of them in the aggregate; I speak of the party as a body, as a political organization, not of what this individual or that may have done.

Now, my friend from Illinois says he would probably have voted for all these grants. Mr. Chairman, if I had been old enough to be in Congress in 1864 and had had the honor of a seat on this floor, I can not conceive of any sort of circumstances, I can not imagine any combination of influences, which could have induced me to cast a vote which would give 47,000,000 acres of the public lands of the United States to a single railroad corporation, as was done in the case of the Northern Pacific.

Mr. LONG. How do you account for the action of Senator Hendricks?

Mr. STONE, of Missouri. Well, there it is again. My friend propounds the same question already suggested—why did this individual or that cast a particular vote? My friend from Illinois [Mr. PAYSON] called attention to the fact that on some yea-and-nay votes an occasional Republican had voted against these grants and an occasional Democrat had voted for them. I am not speaking about the acts of individuals, but of parties. I do not know what may influence a single individual; I can not discuss that. Mr. Hendricks is a gentleman whose memory I revere, not only because of the position he held in the

party to which I am attached, but as well because of his superb abilities and high statesmanship. I am not here to criticise or to discuss his action as an individual. I do not know whether he voted for the Northern Pacific grant or not. If he did, it was exceptional. But however great Senator Hendricks may have been, he never was the Democratic party, any more than my distinguished friend from Massachusetts [Mr. LONG], who also possesses many of the gentle and noble qualities of the great, is the Republican party.

Mr. LONG. Unfortunately for the Republican party.

Mr. STONE, of Missouri. Unfortunately for the Republican party. [Laughter.] I am speaking of parties as such in the aggregate, as political organizations.

When I say that a certain Congress in 1864 passed a bill appropriating and donating 47,000,000 acres of our public lands to a single railroad corporation created by that very Congress, and when I look further and find that in that Congress there was an overwhelming Republican majority in both branches, and that the President who approved the act was a Republican, I do not want to inquire any further to see how this or that individual upon either side may have voted. The question of responsibility is fixed and settled.

Mr. PAYSON. Will it interrupt the gentleman if I ask him a question? Does he desire the House and the country to understand that such a measure as that is a party question simply because it is presented when a particular party is in power, and receives a majority vote of the members of that party?

Mr. STONE, of Missouri. I wish to be so understood. Whatever legislation of any character, good or bad, is passed by this House in this Congress, the Democratic party is responsible for it. I have heard you gentlemen say that a hundred times during the last six months.

Mr. PAYSON. Is it a party question? We pass private pension bills here every Friday night. Is it a Democratic measure which gives a pension of $8 per month to John Doe or Richard Roe? If the majority in this House votes to build a light-house on the Atlantic or Pacific coast, is that a party question?

Mr. STONE, of Missouri. I understand that you gentlemen are very much disposed to make pensions party questions on every possible occasion. [Laughter and applause on the Democratic side].

Mr. PAYSON. The gentleman begs the question.

Mr. STONE, of Missouri. Yes, I say in a broad sense that every piece of legislation of national importance which goes through this Democratic House at this session is legislation for which the Democratic party as such is responsible.

Mr. WEAVER. And if the party in power claims credit for the good things, why should it not be responsible for the bad things?

Mr. STONE, of Missouri. It ought to be. My friend from Illinois is trying to evade the responsibility of his party for the bad things.

Mr. PAYSON. Not at all.

Mr. STONE, of Missouri. Mr. Chairman, my friend has conceded substantially all I asserted—that after 1861 a very different policy was inaugurated with reference to the disposition of our public lands. He admits that prior to that time all grants were made to the States, to be under the control of the States, to be donated by them to corporations of their own creation and subject to their local legislation; the grants themselves were local, the corporations local, and everything was made subject to State control. He admits that after 1861 Congress went into the business of creating corporations and making enormous land grants directly to them, utterly ignoring the States. Prior to 1861 the grants were to the States; subsequent to 1861 they were to corporations. I can see a very marked difference between a grant to a sovereign State and a grant to a private corporation. I think my friend could see the difference too if he was not intentionally and obstinately blind. Not only did Congress give these private corporations our public lands, but also the bonds of the Government.

Mr. CASWELL. Is it not true that in the former grants, the grants to the States, the beneficiaries were virtually designated?

Mr. STONE, of Missouri. The grants made prior to 1861 were made to the States. In the case of the State of Illinois the grant of about 2,500,000 acres was made to the State to aid the State to construct a road across its territory from north to south, and the State granted the lands to a corporation chartered by its own Legislature to build the road and named it the Illinois Central Railroad Company. The grant was made to the State of Illinois to aid that State in the construction of that railroad. I have said that all the time; but I have said there was a marked difference between a grant to a State to aid in the construction of a local enterprise—a grant to the State itself for the construction of a railroad upon which the State itself can impose such conditions as it pleases, where it can direct the methods of construction and operation and surround the corporation with the limitations of its own authority—and——

Mr. TOWNSHEND. And the State of Illinois claimed 7 per cent. of the gross earnings of that Illinois Central Railroad.

Mr. STONE, of Missouri. Yes; I was just about stating that, and that runs indefinitely I believe.

Mr. TOWNSHEND. Yes, indefinitely, under which the State gets $500,000 a year.

Mr. STONE, of Missouri. Thereby paying into the State treasury, as the result of that that 7 per cent. tax on the gross earnings of the Illinois Central Railroad, $500,000 a year.

I say I can see a great difference between an act of that kind and an act creating a private railroad corporation and giving it forty or fifty millions of acres of the public lands.

Mr. PAYSON. Assuming it was a good thing to the people that a trans-continental line of railway should be constructed like the Union Pacific and Central Pacific, how could it be done better than by creating a corporation and granting the aid directly to it? As a practical measure what else could be done?

Mr. STONE, of Missouri. Those corporations were created ostensibly for the purpose of constructing railroads across the uninhabited prairies of the great West, to establish highways along which emigration might pour its currents, and to open up and develop the resources of the country. The grants of lands were made ostensibly to aid those corporations in that work. But the corporations after receiving the grants, instead of promptly prosecuting the work before them and opening up the country to the uses of civilized life, lay by and waited until the pioneers had gone on in advance, braving the perils of the frontier, and had built towns and cities and established great communities—waited until civilization had unfurled her banners everywhere, subdued the wilderness and filled the air with the music of young and prosperous industries, and then went creeping along the ways beaten by the feet of the multitudes who had gone on in advance and taken possession of the country.

Mr. PAYSON. The gentleman is criticising the method in which this was done. It is not the case of a grant to a State to aid in the construction of a local enterprise. In all the grants prior to 1861 the enterprises were local and none were interstate, but were in the several States and granted to the States.

Mr. STONE, of Missouri. Certainly.

Mr. PAYSON. Assuming that it was proper for the Government to aid in the construction of the trans-continental roads, how could the Congress have done it except by making the grants to such corporations?

Mr. STONE, of Missouri. That is, assuming that Congress was going to make the grants anyhow?

Mr. PAYSON. Yes, assuming it was not to be helped at all, could it have been done in any other way?

Mr. STONE, of Missouri. I presume it could have been done in some other way.

Mr. HOLMAN. The Southern Pacific grant was the other way.

Mr. PAYSON. I beg the gentleman's pardon. The Southern Pacific in the State of California does not operate a rood of road, and never did, and never assumed to, outside of the State of California. It was in connection with the Texas Pacific along the thirty-second parallel of latitude. The other was from the Needles to San Francisco, and the Atlantic and Pacific runs along the thirty-fifth parallel.

Mr. HOLMAN. Was not this entire grant through the States and Territories?

Mr. PAYSON. Not the grant on the Southern line.

Mr. HOLMAN. I beg your pardon. It was through New Mexico and Arizona to the extent of more than 12,000,000 acres.

Mr. PAYSON. No grant was made to the Territories. Now, I am assuming it could not be made in any other way than by a railroad corporation.

Mr. HOLMAN. Now, will my friend allow me a moment?

Mr. STONE, of Missouri. Certainly.

Mr. HOLMAN. The gentleman from Missouri contends that by the organization of these great corporations they were taken entirely beyond the local Territorial control. They were created by the Federal Government, and were roads leading from one State into or through another, and beyond the mere State control. All grants prior to the act of March 4, 1861, were made to the States for the benefit of local improvements; and these corporations were built up by the States by the grants of land, and were under their jurisdiction and control. The gentleman no doubt well remembers the extraordinary efforts that were made to consolidate the Southern lines—there being a multitude of small corporations—in order to place them beyond the control of the States and beyond the control of their Territorial jurisdiction; and subsequently the Central Pacific was placed under the control of a single corporation created in Kentucky, to carry it as far as possible beyond local State control. So I think there is an important difference, as the gentleman will remember, because prior to March 4, 1861, all these grants for the purpose of constructing railroads were made directly to the States, and were under the control of the States, whereas, since March 4, 1861, the policy has been changed and corporations have been created above and beyond local control, and subject only to Federal authority.

Mr. PAYSON. Now, I am sure the gentleman from Indiana desires to be entirely correct. Let me say this——

Mr. STONE, of Missouri. I must decline to yield further. I desire to be courteous, but I must use a part of my time myself.

[At this point, the hour of 5 o'clock having arrived, the committee rose and the House adjourned. On Monday, July 30, the House again being in Committee of the Whole for the consideration of the general deficiency appropriation bill, Mr. STONE, of Missouri, continued as follows:]

Mr. STONE, of Missouri. Mr. Chairman, when the committee rose on Saturday evening I was about to reply to a question propounded by the gentleman from Illinois [Mr. PAYSON]. I will read from the notes furnished me by the reporter concerning what was then said:

Mr. PAYSON. Assuming that it was proper for the Government to aid in the construction of the transcontinental roads, how could the Congress have done it except by making the grant to such corporations?

Mr. STONE, of Missouri. That is, assuming that Congress was going to make the grants anyhow.

Mr. PAYSON. Yes, assuming that it was not to be helped, could it have been done in any other way?

That is to say, the gentleman from Illinois desires to know whether, if it was the settled, fixed, unalterable purpose of Congress to make these enormous donations of the public lands for the purposes for which they were appropriated, any other or better way could have been devised than that which was adopted?

Mr. PAYSON. I know the gentleman does not wish to misstate, so I ask him to permit me to make a suggestion. What I said, or intended to say, was that if the transcontinental roads were to be built and were to be aided by Congress, without saying how much or how little, then, under the necessities of the case, the corporations themselves must be aided directly rather than through the intermediary action of the States and Territories. That is what I meant to say.

Mr. STONE, of Missouri. That is substantially what I was attempting to state. His question was, if Congress intended to aid in the construction of these lines of railroads, which the gentleman denominates transcontinental, could any better plan have been devised than to make the donations directly to the corporations themselves? Now that those donations constituted a great public wrong, that they were an outrage upon public right, I think will hardly be controverted in the light of present experience. What the gentleman from Illinois desires to know is if this great wrong was going to be perpetrated anyhow, whether the way in which it was done was not as good a way to do it as any other. Mr. Chairman, if a man standing in a public park of this city should be approached stealthily from behind and have his brains blown out, my friend might ask if that man was going to be murdered anyhow—if it was preordained and predestined that he was to be murdered, and that his assailant was to murder him, whether it was not just as good and expeditious a way to shoot his brains out and kill him as to creep up behind him and thrust a dagger between his ribs or strike him on the head with a bludgeon, or kill him in some other way?

Possibly it would make no difference; but none the less the homicide would be a crime whether it was done one way or the other. If some sneak-thief has determined to steal my watch, it matters not to me, so far as the property is concerned, whether he snatches it from my pocket or steals into my bedroom and slips it from beneath my pillow. But whether the theft be accompanied with robbery or with burglary it is still theft; the thing itself is wrong. I think my friend can properly apply the parallels I have drawn. The creation of these corporations and the granting to them of these vast areas of public lands was a thinly disguised public crime; the thing itself was an outrage, a public wrong, a shameless prostitution of the powers of Congress. Still, if Congress was determined to do this great wrong, perhaps it did not and does not make any difference whether it was committed in one way or another.

But I will endeavor to be more direct in my reply to the gentleman's question. If Congress had determined to do it—if, in the language of the gentleman from Illinois [Mr. PAYSON], it could not be helped; if those railroad lines were bound to receive public aid, it seems to me it would have been infinitely better to have taken the money necessary for the construction of the lines out of the public Treasury, built the roads, and turned them over as a free gift to the several companies, than to have taken these millions of acres of the public lands, the homes of future generations, and created them into great private landed estates in the dead hands of pitiless corporations. That would have been a better way, if, indeed, it was absolutely necessary that the property of the people should be absorbed in those enterprises.

But if, in the language of Dr. Lipscomb, a noted character in my district, Congress was "hell-bent and predetermined" on using the public lands for this purpose, then I say it would have been infinitely better to have donated the lands to the States and Territories through which the several lines of road were projected; to have put the lands in the hands of the States and made them subject to their control, so that gentlemen who desired franchises to build the roads would have been compelled to go to the Legislatures and local authorities of the States and Territories to obtain them. That would have been better than coming to Congress—better for the country, if not for the schemers. Congress had no business to embark in such enterprises.

It is said that the roads run through more than one State. Suppose they do. The Northern Pacific passes through the State of Minnesota, for instance. Why could not that portion of the lands granted to that corporation which lie in the State of Minnesota have been given to that State? Why not that portion in the State of Oregon to that State? Why not have made all the grants to the States and Territories through which these various roads were to run? The lands could have been given to the States and Territories, and those desiring to build the roads could have been sent to deal with the local authorities, and the local authorities could have imposed such conditions and limitations as might have subserved and conserved the public right and interest.

But, Mr. Chairman, I return from this diversion. I have been led entirely away from the straight line of my purpose by interruptions. My friend from Illinois [Mr. PAYSON] on Saturday, while this appropriation bill was under consideration, rose to deliver his carefully prepared speech in response to speeches made upon this side of the House three weeks ago, during the discussion of the forfeiture bill, in which discussion the gentleman himself then participated. He was not satisfied to leave the discussion where it stood. I suppose after prayerful reflection my friend and his party associates have felt the embarrassing necessity of further explaining in some way the unfortunate attitude of the Republican party with reference to the acquisition, control, and disposition of our public lands. The gentleman from Illinois, as a distinguished member on that side of the House, has been put forward to do what he can to allay a justly aroused and indignant public sentiment upon this subject.

I repeat, what the gentleman in his written speech controverted, but what I think he has now practically admitted, that when the Republican party came into power in 1861 a wide and radical departure from the methods which had previously prevailed was inaugurated. The policy of making grants to the States to be under their control, to be disposed of by them to aid in the prosecution of their own enterprises, was abandoned. Under the old régime, if corporations received any land at all, they received it from the States; the corporations were the creatures of the States; their charters could be forfeited by State authority if the local laws were not observed; the States could impose any conditions they pleased.

In the case of the Illinois Central the grant was made by the Legislature to aid in the construction of the railroad, and the company was hedged in by many salutary restrictions and had important obligations imposed upon it—among others that it should annually pay a certain per cent. of its gross earnings into the State treasury. My friend from Illinois [Mr. TOWNSHEND] has stated, what I suppose is generally known, that as a result of that legislation that company pays into the treasury of that State every year the sum of $500,000, which, I understand, is appropriated for the purpose of educating the children of the State.

That was the Democratic method and the method of all parties prior to 1861. After 1861, upon the accession of the Republican party to power, the States were ignored; the local authorities were forgotten or put aside; great corporations were created here by Congressional enactment; and areas of the public lands, larger in extent than many of the greatest empires of the world, granted directly to them. Wealthy, distinguished, and influential gentlemen came down to Congress and asked that they be incorporated under various names—the Northern Pacific, the Union Pacific, the Texas Pacific, etc.—that they be authorized to construct roads through the States and Territories, and that grants of the public lands be made to them. Whatever they asked they received.

The corporations were created and the grants made. Now, these corporations thus created owe no allegiance to the States. When suits are brought against them in any State they spurn the local courts and appeal to the Federal judiciary. They are not subject to the restraints of local authority, except in a very modified degree. No restrictions or limitations, or comparatively none, can be imposed upon them by State legislation. They assume to be in a large measure independent of the States, if not above them. That is the result of the policy adopted subsequent to 1861. I say it was a remarkable and radical departure from that which had prevailed previous to that period. Under the old policy the railroad belonged to the State; under the new, the State belongs to the railroad.

If I had time I would be glad to trace somewhat *in extenso* the history of this land-grant legislation. I had intended to do so, but I have not time to do it. I had intended in that connection to quote somewhat from a speech delivered a year or two ago by my friend from Illinois [Mr. PAYSON].

By the act of Congress in 1864, twelve gentlemen and their unnamed associates were constituted a corporation under the style of the Northern Pacific Railroad Company. To this corporation 47,000,000 acres of the public lands in the magnificent States and Territories of the Northwest were granted. Those gentlemen never paid a solitary dollar into the treasury of the corporation. They divided the stock among themselves, but paid nothing for it. Only one assessment was ever made upon the stock of the stockholders. There was one assessment on each of $12,500. For what? Not to go into the treasury of the company to be used in constructing the railroad, but to be used in procuring additional legislation from Congress. What additional legislation? Under the original act of 1864 work on the road was to be begun within two years thereafter. So much work was to be done each year, and the whole road was to be completed by July 4, 1876; and the original act did not confer any authority to mortgage the lands until they were earned by the construction of the road.

Now 1868 had come and no work whatever had been done on the

road. The grant then stood as forfeited by a failure of the company to begin work in accordance with the conditions of the grant. The additional legislation desired was an act extending the time for the commencement and completion of the work, and an act to authorize the company to mortgage the lands which had been granted to it. They came down to Congress after making this $12,500 assessment and secured the legislation they desired. The time for construction was extended from 1876 to 1879, and the right to mortgage the lands was granted to them by joint resolution in 1870. During all this time not the fractional part of a dollar had been expended in the construction or even looking toward the construction of the road.

These twelve gentlemen, beginning with J. Gregory Smith and ending with J. Edgar Thomson—Thomson without a "p"—and the same, I presume, of sweet and precious memory, whose name is associated with that great philanthropic and eleemosynary institution the Edgar Thomson Steel Works at Pittsburgh, an institution which a few weeks since was striving to reduce the wages of its operatives to a basis near the verge of starvation, while its chief officer, as he has himself confessed, draws $1,500,000 per year out of the business, and who is now pleasure riding with Mr. Blaine through the lowlands of England and the highlands of Scotland, recuperating their energies for another great struggle for protection against the "pauper labor of Europe"—these twelve gentlemen came here to the doors of Congress, knocked, and it was opened unto them, asked and it was given to them.

But I can not go further into that; my time will not permit. Such were the methods prior to 1861 and such the methods subsequent to 1861. Now, I want to call attention to a few general facts. The total grants made to the States from 1789 to 1861 were 36,029,674 acres. About 26,000,000 acres of those grants were made during Democratic administrations, and the remainder under Whig administrations. From 1861 to 1874, while the Republican party was master of the situation in Congress and out of it, while it had undisputed control of the executive, judicial, and legislative departments of the Government, there were granted in thirteen years 185,218,966 acres of the public lands.

There is a difference of 149,189,292 acres. In other words, in thirteen years under Republican domination and control there were granted 149,189,292 acres of land more than had been granted during the whole previous eighty years of our history.

Let me call the attention of the House to some of the lavish donations of our public lands which were made by that party. On the 1st day of July, 1862—now this is one day, remember—there was granted to the Union Pacific Railroad Company at one dab 12,000,000 acres, and on the same day 6,000,000 to the Denver and Kansas Pacific Railroads, making a total of 18,000,000 acres in one day.

Mr. HOLMAN. More than that.

Mr. STONE, of Missouri. No, that was all on that day.

Mr. HOLMAN. Were there not two other grants; the Central Pacific——

Mr. STONE, of Missouri. Yes, but I am speaking of this one day. On July 2, 1864, 9,000,000 acres were granted to the Central Pacific and Western, and on the same day, to the Hannibal and St. Joseph, and the Sioux City and Pacific, and the Burlington and Missouri River roads, 3,282,544 acres; and on the same day, to the Northern Pacific, 47,000,000, making 59,282,544 acres granted in a single day. That is a pretty good day's work. On July 27, 1866, there was granted to the Atlantic and Pacific 42,000,000 acres, and on the same day, to the Southern Pacific, 9,520,000 acres, making a total of 51,520,000 acres. That was another pretty good day's work. Again, on March 3, 1871, there was granted to a branch line of the Southern Pacific 3,520,000 acres, and to the New Orleans, Baton Rouge and Vicksburg 3,800,000 acres, and to the Texas and Pacific 18,000,000 acres, making a grand total of 25,320,000 acres granted on that day. That also was a good day's work. At least it was a fair average day's work. [Laughter.] And so, Mr. Chairman, I might go on through with the list. These vast grants were made until the total has aggregated 185,218,966 acres of our public domain.

Mr. Chairman, I have a book here, from which I wish to read just a little. It is a recent well-considered work by Dr. Strong.

It has been shown that we have room for at least a thousand millions. According to recent figures there is in France a population of 180.88 to the square mile; in Germany, 216.62; in England and Wales, 428.67; in Belgium, 481.71; in the United States, not including Alaska, 16.88. If our population were as dense as that of France we should have, this side of Alaska, 537,000,000; if as dense as that of Germany, 643,000,000; if as dense as that of England and Wales, 1,173,000,000; if as dense as that of Belgium, 1,430,000,000.

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Of the twenty-two States and Territories west of the Mississippi only three are as small as all New England. Montana would stretch from Boston on the east to Cleveland on the West, and extend far enough south to include Richmond, Va. Idaho, if laid down in the East, would touch Toronto, Canada, on the north, and Raleigh, N. C., on the south, while its southern boundary line is long enough to stretch from Washington City to Columbus, Ohio; and California, if on our Atlantic seaboard, would extend from the southern line of Massachusetts to the lower part of South Carolina; or, in Europe, it would extend from London across France and well into Spain. New Mexico is larger than the United Kingdom of Great Britain and Ireland. The greatest measurement of Texas is nearly equal to the distance from New Orleans to Chicago, or from Chicago to Boston. Lay Texas on the face of Europe, and this giant, with its head resting on the mountains of Norway (directly east of the Orkney Islands), with one palm covering London, the other Warsaw, would stretch himself down across the kingdom of Denmark, across the empires of Germany and Austria, across Northern Italy, and lave his feet in the Mediterranean. Dakota might be carved into a half-dozen kingdoms of Greece; or, if it were divided into twenty-six equal counties, we might lay down the two kingdoms of Judah and Israel in each.

Place the 50,000,000 inhabitants of the United States in 1880 all in Texas, and the population would not be as dense as that of Germany. Put them in Dakota, and the population would not be as dense as that of England and Wales. Place them in New Mexico, and the density of population would not be as great as that of Belgium. Those 50,000,000 might all be comfortably sustained in Texas. After allowing, say 50,000 square miles for "desert," Texas could have produced all our food crops in 1879—grown, as we have seen, on 164,215 square miles of land—could have raised the world's supply of cotton, 12,000,000 bales, at 1 bale to the acre, on 19,000 square miles, and then have had remaining, for a cattle range, a territory larger than the State of New York.

Texas has an area of 170,099,200 acres; Dakota has 95,424,000 acres; New Mexico, 78,451,200 acres. In either of those Territories, or in the State of Texas, we could put the entire population of the United States, according to the census of 1880, and it would not be as dense as it is in some of the leading countries of Europe. The German Empire has a population of 46,852,450 people, but the empire contains only 133,519,360 acres of land, or 36,579,840 acres less than is contained in the State of Texas.

France has 130,579,200 acres of land, supporting a population of 38,218,903; Great Britain and Ireland have an acreage of 77,805,440, and a total population of 35,246,633.

What a magnificent empire Texas is. Its extent, resources, and capabilities are well described in the work from which I have read. It is capable of supporting the entire population of the United States, yet in thirteen years the Republican party gave away a territory embracing 15,119,776 acres more than is embraced in that wonderful State. The combined populations of Great Britain, Ireland, and France aggregate 73,465,536 human beings; the combined acreage area is 208,384,640 acres, or only 23,165,674 acres in excess of the grants made by the Republican party between 1861 and 1874.

Great Britain and Ireland and the German Empire have a combined population of 82,099,083, and a combined area of 211,324,800 acres. Over 82,000,000 of people, comprising the two greatest empires of Europe, with all their centuries of history and civilization, have within their territorial limits only 26,105,834 acres more than were granted to these railroad corporations during thirteen years of Republican supremacy. In thirteen years we gave away to these railroads a territory capable of sustaining about 80,000,000 of human beings.

I wish I had time to pursue this view of this important and all-absorbing question. But I have not, for I must say a word in reply to the gentleman from Illinois as to what has been done in the way of reclaiming these lands.

My friend from Illinois said that the Republican party was as much entitled to credit for what has been done in that regard as the Democratic party. I wonder if he really believes that. He certainly remembers the Forty-seventh Congress. He was a member of it. It was a Republican Congress, both Senate and House. Mr. Keifer, of Ohio, was Speaker. The Judiciary Committee, of which the gentleman himself was a member, was presided over by Mr. REED, of Maine, the leader of the Republicans in this House. The first forfeiture bill ever introduced in Congress was introduced in the House during that Congress, and was referred to the Judiciary Committee. That was a bill to forfeit and restore to the people this very Northern Pacific grant. The Republican majority of that committee, through Mr. REED, reported the bill back to the House with a recommendation that it do not pass, while the Democratic minority of that committee favored its passage. The bill was never heard of after the reports were made.

The House in the two succeeding Congresses, the Forty-eighth and Forty-ninth, was Democratic. During those two Congresses a large number of forfeiture bills were introduced in the House and referred by Speaker CARLISLE to the Committee on the Public Lands and were promptly reported with a recommendation that they pass. They did pass the House, and a part of them passed the Senate, though the Senate pigeon-holed the most of them. It has been almost impossible to get forfeiture bills through that body. The gentleman knows that well enough, and has frequently said so. However, I need not have gone back of the present Congress to illustrate the difference between the two parties with reference to the reclamation of these lands. I might have taken the vote upon the forfeiture bill which was before the House only three weeks ago, and rested my whole case upon that. There were three propositions before the House, one to forfeit 78,000,000 acres, one to forfeit 54,000,000 acres, and one to forfeit 5,000,000 acres. The latter was the Senate proposition and had the support of the gentleman from Illinois.

The Republican proposition, mark you, was to close up this business by passing a bill to forfeit only about 5,000,000 acres of these granted lands. On that proposition the Republicans in both House and Senate were practically united. Out of the 153 Republican members of this House only 17 voted against it; but only 14 Democrats out of the 168 Democratic members of the House voted with the gentleman from Illinois in favor of that proposition. On the proposition to forfeit the largest amount, 78,000,000 acres, only 6 Republicans voted in favor of it. Nearly all the votes in favor of the measure were given by Democrats.

We passed the forfeiture bill here and returned it to the Senate, and that body insists on the forfeiture of only 5,000,000 of acres. My friend says that politics have nothing to do with all this. May be not. Mr. Chairman, we have just finished an interesting and extended debate on the tariff. It has attracted public attention in a remarkable degree. We have also just passed a tariff bill—a bill to reduce taxation. I look down a few years into the future and I fancy I can now see the gentleman from Ohio [Mr. MCKINLEY] and the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Maine [Mr. REED], and others who have led the debates in this House for a prohibitory tariff, standing up in the aisles of the House and repeating what I may properly designate the "Payson act."

Looking about them and beholding the blessing that will flow out to the country and to the people from the achievements of the Democratic party; with the grasp of monopoly released from the industries of the country and its hand withered and nerveless; with new life and new energy pervading all our industries whether on the farm, in the factory, or in the mine; with our merchant navy restored to its supremacy on the seas and carrying the commerce of the world; with all these promised blessings realized and with a prosperous, happy, and contented people, I expect to see these distinguished gentleman, who but yesterday were clamoring against any reduction of the burdens which oppress the people and the business of the country, standing up here in imitation of the gentleman from Illinois, and swearing there never was anything remotely akin to politics in the tariff. They will protest that the tariff is, and always has been, a purely economic question, and that Senators and Representatives have voted on it without reference to party lines.

The gentleman from Minnesota [Mr. NELSON], and the gentleman from New York [Mr. FITCH], and two or three other Republicans who supported the Mills bill will be pointed out as bright and shining examples of Republican tariff reformers. On the other hand, we will be reminded that no less an individual than Hon. SAMUEL J. RANDALL, and two or three other Democrats scarcely less distinguished, opposed the passage of the Mills bill. With such imposing facts we will be overwhelmed, and any credit we may claim for originating and enacting tariff legislation will be put to shame. Sir, there will be just as much reason for that contention, and it can be made with just as much propriety, as the claim here now put forward by the gentleman from Illinois that party politics had nothing to do with the land grants made during the days of Republican supremacy, nor with the reclamation of the lands during the later days of Democratic supremacy. In each instance the contention will rest upon the fact that some stray Democrat occasionally voted with the Republicans, and in like manner a stray Republican occasionally voted with the Democrats.

Mr. Chairman, it is pitiful that a great party should be brought to this desperate end. I like a brave man. I hate to see a grown man, or a party of grown men, running away from their own work, disowning their own progeny, and resorting to subterfuges to escape or to divide responsibility. A party that has courage enough to do a thing should have courage enough to face the responsibility of its work and to assume it. I close with insisting upon that much at least, in the name of American manhood. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate.

A message from the Senate by Mr. MCCOOK, its Secretary, announced that the Senate requested the House to return to the Senate the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.

GENERAL DEFICIENCY BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] is recognized for ten minutes.

Mr. PAYSON. If the gentleman from Missouri [Mr. STONE] desires to occupy five of the ten minutes assigned to me, I will cheerfully yield them to him.

Mr. STONE, of Missouri. I thank the gentleman. I do not care to speak further.

Mr. PAYSON. I shall occupy only a few minutes, sir, in answering the points made by the gentleman from Missouri. I am not to be diverted, in what I say now, from the line of argument which I presented to the committee on Saturday, which was an attempt on my part to show that action in the earlier days of the history of this legislation was not only not regarded as distinctively partisan, but that members divided with reference to it on economic lines, and that the same rule obtained as to the later grants of public lands made in aid of the transcontinental roads. That was my sole purpose, and is now. But I take a single moment to say that when the gentleman from Missouri [Mr. STONE] asked me on Saturday whether or not, had I been a member of Congress in 1862, I would have voted for the great grant made to the Union Pacific road, and I answered him by saying, "In the light of present experience perhaps not; in the light of what they were then experiencing who had charge of public affairs doubtless I would," I meant that answer to be understood in its broadest sense.

I need not do more than again call the attention of this House and the country to what was said by Mr. Morrison in the Forty-ninth Congress, he then occupying the position of leadership on the Democratic side of the House as chairman of the Committee on Ways and Means, when he recounted briefly but vividly the position of affairs when Congress was called to act on these questions. I can only call attention to his remarks quoted by me on Saturday. It was believed, Mr. Chairman, at that time by almost every one in public life that the building of a trans-continental line of road was a necessary factor in the preservation of the Union. That assertion made at that time by those in public life was never disputed; and when the gentleman from Missouri [Mr. STONE] is pleased to say that he can conceive of no situation, of no state or condition of affairs in this country that would impel him to vote for a grant of public lands in aid of the Union Pacific road, it may be that the preservation of this Union was not as dear to him in 1862, as it was to the men who then represented the great and the loyal North. [Loud applause on the Republican side.] Men who stood here voting away public lands, with a prodigality that now subjects them to criticism, to an enterprise that to them seemed vital as a war measure, should be judged in the light of the experience which they were then undergoing, and not by the reasoning that grows out of twenty years' retrospection. The knowledge that comes after the fact is worthless outside of any motive which actuates legislators in the performance of their duty. I would have voted for that act in that light.

Why, sir, in this very Chamber and from the White House, calls were being made for the best manhood and blood of the nation to effectuate the perpetuation of the Union. At that very date, sir, the prospects of the Confederacy were brightening. Only a few weeks later the sound of rebel artillery was plainly heard at the capital, and, indeed, even then the rebel soldiery were crowding alarmingly near the Chambers where Congress was deliberating.

California and the Pacific Slope must be saved to us, and it was believed this would do it and this alone; and shall it be said as against men who were willing then as legislators to call, and who are justified now in having called, for the expenditure of thousands of millions of treasure and hundreds of thousands of lives for that purpose, that they are to be criticised for the performance of the simple act of tying the Pacific coast to the North and to the East by bands of iron?

Mr. STONE, of Missouri. Will the gentleman allow me to interrupt him a moment?

Mr. PAYSON. With pleasure.

Mr. STONE, of Missouri. I understand that you justify these donations and grants upon the ground that they were necessary for the preservation of the Union?

Mr. PAYSON. Upon the ground that they were believed to be necessary by those who made them.

Mr. STONE, of Missouri. Now, is it not true that the largest grants were made in 1864, when the war was nearly done, and that the right to mortgage those 47,000,000 acres of land and steal them was granted in 1869, long after the war was over.

Mr. PAYSON. I am coming to that. I beg the gentleman not to anticipate me. But he is not accurate where accuracy is essential.

It is true that the greater grants and privileges were given to the Union Pacific by the act of 1864, as I said on Saturday, because the offers made in 1862 did not attract capital to the enterprise and it failed to start.

Then came the grant of 1864, so fiercely denounced. Was the war then believed to be nearly over? I beg the gentleman to remember that it was in this year that the party to which the gentleman belongs was "denouncing the war as a failure," and it was dark enough at the North. And the gentleman is again in error in asserting that the power to mortgage was given in 1869; it was given in this same act of 1864, and by that act its mortgage was made paramount to the Government lien for the subsidy bonds. This was all in 1864.

I am now trying to make perfectly clear the grounds of the answer which I made to the gentleman on Saturday, that had I been a member of Congress in 1862 with the light we then had I would have voted for the grant then made. I am on that point now.

I will say frankly that had I been a member of Congress when the other several acts passed I would not have voted for the Northern Pacific grants; I would not have voted for the Texas Pacific grant; I would not have voted for the Atlantic and Pacific grant. But, Mr. Chairman, that is simply my own idea as to the proper policy, and I am not questioning the motives of others who did vote for those grants.

Now, the gentleman from Missouri [Mr. STONE] says that he knows a better way of aiding the transcontinental lines than by granting the lands directly to the corporations. He says that his policy would have been to have made the grants to the States and Territories through which the roads were to pass, and to have had those States and Territories stand as trustees, that whatever grants were made to the trans-continental lines should have been placed under the control and direction of the States and Territories, if any such grants were made at all.

Mr. STONE, of Missouri. I think they ought not to have been made at all.

Mr. PAYSON. I understand that. The gentleman says they ought not to have been made at all, but that if they were made they ought

to have been made in that way. Now, Mr. Chairman, it is so easy for the gentleman to be mistaken as to the policy they would have pursued in a given case had they instead of others been called upon to act! I hold in my hand a list of the different Territories of the Union showing the dates when they were organized, and the record shows that at the time the first of these transcontinental lines was projected four of the Territories through which they run had no existence; and the great area of country through which those lines were to be constructed in order to tie the East and the North to the Pacific coast on the West was a vast unbroken wilderness, with no political organization whatever.

Who would have been the grantee, I ask the gentleman from Missouri, in the aid which was made to the lines of road traversing Dakota, Montano, Wyoming, Idaho, and Arizona when at the time the question was first agitated no such Territories were in existence or hardly contemplated? Is anything more than this statement required to demonstrate beyond the possibility of question that, conceding that these roads should have been aided (and it was not my purpose to discuss that question one way or the other), conceding that the roads should have been built, the aid could not have been given in any other way? That is all there is of it. The gentleman takes an abundance of time to argue against the policy of the Northern Pacific grant, and quotes from a speech of mine made two years ago on that subject. I stand by that now; but I am not to be diverted from the point of this debate, which is distinctive party responsibility upon the Republican party for the policy of grants in aid of railroads and credit claimed by the Democrats for all accomplished forfeitures. I hear but little from the gentleman on this now.

Mr. HOLMAN. My friend will allow me one question?

Mr. PAYSON. With pleasure, always.

Mr. HOLMAN. Is he not aware of the fact that when the act of 1864, in regard to the Union Pacific road was passed, it was abundantly shown and perfectly well understood at the time that the grant in bonds alone was ample for the construction of the road from some point on the Missouri to the Pacific coast. Mr. E. B. Washburne, of the State of Illinois, who bitterly opposed the measure, charged over and over again that the land grant which was enlarged by the act of 1864 was a mere naked gratuity, as the grant of bonds was more than sufficient to construct the road.

Mr. PAYSON. Of course, Mr. Chairman; but that only bears on the propriety of the aid proposed, and that proves what I have charged, that men did not divide on party lines.

Mr. HOLMAN. The gentleman finds of course here and there a Democrat voting for the amendatory act; but of the Democrats still in public life does he find any who gave support to that measure of 1864?

Mr. PAYSON. Do I find any gentlemen who supported it who are now Democrats in public life? Let me ask the gentleman from Indiana when did Senator VOORHEES, of Indiana, ever fail to uphold the banner of the Democracy upon every question of party politics? And did he not support and vote for the land grant to the Northern Pacific road?

Mr. HOLMAN. I think my friend will find only one or two Democratic votes.

Mr. PAYSON. Only one or two! Well, "the baby was a very little one," and therefore no charge ought to be made in regard to it. [Laughter.] Another Democrat who voted in the same way was Senator BECK, of Kentucky; another, Mr. Coffroth, of Pennsylvania; another, Mr. Eden, of my own State, who served here long with the gentleman from Indiana; Mr. Allen, of Illinois, was another. I could name more than you have fingers and toes, and then double the list, of prominent Democrats who urged the policy, propriety, and necessity of this grant of land.

Mr. HOLMAN. Oh, no; I think you have named all there were.

Mr. PAYSON. Mr. Speaker, I will give the list of the members of the gentleman's party so voting, and see who were supporting the measure now so roundly denounced for capital. Many of these gentlemen I know; the rest are vouched for as Democrats.

The Union Pacific bill passed the Senate on June 20, 1862, by a vote of 35 to 5, such Democrats as Cowan, Davis, Kennedy, Lane of Indiana, Latham, McDougal, Nesmith, Rice, Stark, Willey, and Wilson of Missouri voting ay, and only 5 against, namely, Howe, King, and Wilkinson, Republicans, and Pierce and Wright, Democrats.

In the House the Democrats who voted for the bill were Messrs. Allen, Biddle, Brown, Clements, Corning, Delaplaine, Edgerton, Haight, Hall, Leary, Menzies, Noell, Perry, Price, Rollins of Missouri, Steele, Ward, and Webster; while the Union Pacific amendatory act of 1864 was voted for and supported by the following Democrats:

Messrs. Baldwin, Brooks of New York, Coffroth, English of Connecticut, Kalbfleisch of New York, Julian, Knox of Missouri, Morrison of Illinois, Meyers, Odell of New York, Ross of Indiana, J. B. Steele, W. G. Steele, and Sweat.

The Northern Pacific grant bill was supported and voted for by the following Democrats: Allen of Illinois, Baldwin of Missouri, Boyd, Coffroth, Eden of Illinois, Eldridge of Wisconsin, Hall, King, Knapp, Lazier, McAllister, Nelson, Noble, Odell, Pruyn, J. B. Steele, W. G. Steele, Sweat, VOORHEES of Indiana, and Ward.

Senator Hendricks was an earnest supporter of the bill by voice and vote.

I call my friend's attention to what I said on Saturday.

I come to the Texas Pacific system. After full debate it passed the Senate without a division—not a Democrat voting against it. In the House the vote was taken first February 21, 1871, amending the Senate bill, and it going to a conference committee, the bill as reported passed March 3, 1871, by a vote of 125 to 64, receiving the following Democratic support and vote: Messrs. Archer, Axtell, BECK of Kentucky, Bethune, Booker, Buck, Connor, Corker, Dockery, Dox, Duke, Hambleton, Hamill, Hamilton, Heflin, Johnson, Jones, Manning, McKenzie, John Morrisey, Mungen, Meyers, W. W. Caine, Schumaker, Shober, J. S. Smith, Strader, Swann, Trimble of Kentucky, Wallace, Wilson, and Young—33.

My friend from Indiana [Mr. HOLMAN] will see there is a goodly list of the "Simon pure" "standing for iniquity," viewed from this day of light; but, sir, from it all the point I make is that these measures were never regarded as distinctively party questions.

Mr. HOLMAN. My friend would relieve his party from the responsibility of those measures.

Mr. PAYSON. And at the same time while I relieve my own party from responsibility I help out of difficulty substantially an equal number of distinguished gentlemen on the other side of the Chamber.

The CHAIRMAN. The time of the gentleman has expired.

The time allowed for general debate at this time has expired. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk, proceeding to read the bill, read the following:

For post-office at Minneapolis, Minn.: For approaches complete and for an additional elevator, $11,500.

Mr. VOORHEES. I move to amend by inserting, after line 3, on page 7, the following:

For custom-house and post-office at Port Townsend, Wash., for completion, $120,000.

Mr. Chairman, if I can have the attention of the House, I desire briefly to state the importance of a favorable consideration of this amendment. I have here a letter from the Supervising Architect of the Treasury Department, dated June 13, 1888, from which it will appear that the proposition I now submit is second in importance to no measure embraced within the scope of this bill. The Supervising Architect says:

TREASURY DEPARTMENT, OFFICE OF SUPERVISING ARCHITECT,
Washington, June 13, 1888.

SIR: Referring to our conversation of this morning, I have the honor to state that Congress has appropriated $120,000 for the construction of the custom-house at Port Townsend, Wash., and limited cost to the amount of appropriation.

By reference to resolutions passed by the Board of Trade of Port Townsend—

And I will state here that I have verified these statistics by a very careful examination, and can state upon my personal responsibility that the results arrived at by the Board of Trade at Port Townsend are entirely correct—

I find that the limit placed will be insufficient to secure the needed accommodations for the transaction of the Federal business, for the reasons:

First. That this port stands first in the number of American steam-vessels engaged in foreign trade.

Second. That it stands second in the tonnage of American steam-vessels engaged in foreign trade, New York being first.

Third. That the collections of this district have increased from $79,000 for the fiscal year of 1886 to about $250,000 for the fiscal year of 1887, as approximately estimated by the collector of customs.

Fourth. That the number of employés in this district is double the number employed at the time the original bill passed in 1884.

It is apparent therefore, from a full consideration of the subject, that the limit of the cost of the building should be extended from $120,000 to $240,000.

Respectfully, yours,

WILL A. FRERET,
Supervising Architect.

Hon. C. S. VOORHEES,
House of Representatives, Washington, D. C.

Let me refer briefly to the history of the appropriations for this public building. The original appropriation, which passed in February, 1885, was $70,000. Subsequently an additional appropriation of $12,000 was made for approaches and for heating apparatus. Still later, in the urgency deficiency bill of last winter, an additional appropriation of $38,000 was made, raising the limit to $120,000.

Since that time the Supervising Architect, after consultation with me, has suspended all building operations. There has not been a stroke of work done since the appropriation of $38,000 was made, and for sometime prior thereto. I hold in my hand a letter from the Supervising Architect, the substance of which communicates the fact that a further continuance of the work under the present plan, with the limit at $120,000, will not only not be in the line of public economy, but will involve a decided misapplication of the $120,000, since it appears from all the information obtainable that the superficial area of floor space in the building as at present designed is not as great as the superficial area of floor space in the rented building at present occupied by the customs department, and which affords no space whatever for the post-office or for the United States courts.

On the 18th of July the Supervising Architect addressed me this communication:

TREASURY DEPARTMENT, OFFICE OF SUPERVISING ARCHITECT,
Washington, July 18, 1888.

SIR: In addition to my letter of the 13th ultimo with reference to the United

States custom-house at Port Townsend, Wash., I desire to supplement the statement therein contained by calling your attention to the fact that all building operations have been suspended for the reason that the appropriation is not sufficient to provide the necessary accommodations for the public requirements in that city. My previous recommendation that the limit of the cost of the building should be extended from $120,000 to $240,000 is again renewed. This amount is based upon a computation requiring the requisite amount of floor space which the present appropriation and limit can not supply.

Respectfully, yours,

WILL A. FRERET,
Supervising Architect.

Hon. C. S. VOORHEES,
House of Representatives, Washington, D. C.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOORHEES. I would like to have a few minutes longer.

Mr. ROGERS. If the Chair will recognize me I will yield to the gentleman.

Mr. CANNON. I think, if the gentleman will allow me, when the chairman of the committee fails to make the point of order upon the proposition it occurs to me that it pretty well settles the question. There is no necessity to make a fight about it.

Mr. BURNES. I think it likely——

Mr. VOORHEES. I am very sure that I do not desire an extension of time for the purpose of precipitating a fight.

Mr. BURNES. The Committee on Appropriations have considered the matter——

The CHAIRMAN. The Chair will inquire if there is objection to permitting the gentleman from Washington Territory to proceed for five minutes.

Mr. VOORHEES. I very gladly yield to the chairman of the committee. He will no doubt state to the House such additional facts as I would state should I go on.

Mr. BURNES. The Committee on Appropriations, after a full hearing of the merits of this proposition, instructed the gentleman in charge of this bill, being impressed favorably with the showing made by the Delegate from Washington Territory, to interpose no point of order, and so my friend and colleague from Illinois can not shake his gory locks at me and say it was I who did it.

Mr. CANNON. I am not at all criticising the gentleman from Missouri, but simply desired to say to my friend from Washington, in view of the fact that no point of order was made upon the bill by any member of the committee or by all of the committee, that having failed to make the point of order, it occurred to me there was no necessity for an extended and elaborate debate in favor of the proposition, which was virtually conceded.

Mr. VOORHEES. I understood the gentleman was simply actuated by a spirit of kindness on his part towards me.

Mr. SAYERS. We did not consider it so over here.

Mr. BURNES. Not at all. But be that as it may, the Committee on Appropriations were unable to see any want of merit in the proposition. It seems to come from an important city, and a growing Territory. The business is increasing very rapidly, and the case came to us so absolutely strong, as presented by the gentleman from Washington [Mr. VOORHEES] that we felt the proposition ought to be considered upon its merits.

The committee instructed me, therefore, to interpose no point of order and leave the decision of the question to the House or to the Committee of the Whole as to whether on the merits it should be adopted. And I, for one, will say frankly, Mr. Chairman, that although prohibited from making this a part of the bill under the rules of the House, yet on the merits of the proposition I am decidedly in favor of the amendment.

Mr. VOORHEES. I am very much obliged to the gentleman from Missouri.

Mr. CANNON. It occurs to me that nobody on either side says nay.

The amendment was adopted.

The Clerk read as follows:

District of Columbia:

For the redemption of one certificate of indebtedness issued by authority of section 7 of the act of the Legislative Assembly, approved June 26, 1873, dated July 1, 1873, of the denomination of $50, with interest at the rate of 8 per cent. per annum, numbered 1371, payable July 1, 1874, $110.

Mr. ROCKWELL. I send an amendment to the desk to come in at this point.

The Clerk read as follows:

After line 5 insert:

"For salaries of three matrons for police stations at $600 each; for accommodations of matrons of police stations, $3,200, or so much thereof as may be necessary; in all $9,000, being for the service of the fiscal year 188-."

Mr. BURNES. I will suggest to the gentleman that the amount "$9,000" should be changed now to conform to the other portions of the amendment.

Mr. ROCKWELL. Yes; that should be $5,000, and I modify the amendment in that way.

The amendment was adopted.

The Clerk read as follows:

For payment of judgments: For the payment of judgments against the District of Columbia as follows:

* * * * * * *

James Stewart, $50, together with $3.20 costs.

Mr. BURNES. I send an amendment to the desk to come in on page 12, after line 22.

The Clerk read as follows:

Louisa Hilton and Mary Hilton, $762.50, together with $90.40 costs. Margaret and Catharine Harrigan $500, together with $46.50 costs; and in lines 24 and 25, strike out $7,846.06 and insert in lieu thereof "$9,245.46."

The amendment was adopted.

The Clerk read as follows:

After line 17, page 17, insert:

"To enable the Secretary of War to pay a reasonable additional compensation to the employés in the office of the Surgeon-General who were actually employed after office hours in disposing of accumulated pension work during the fiscal year 1887, at such rates as he may deem just and proper, but not exceeding 60 cents per hour to clerks (regardless of grade) and not exceeding 30 cents per hour to messengers, for the extra time actually employed, $13,429.20."

Mr. BACON. I offer the following amendment:

The Clerk read as follows:

To enable the Secretary of War to complete the monument at Washington's headquarters at Newburgh, N. Y., and of the statues thereon according to the plans adopted by the joint select committee of the Senate and House of Representatives, under the joint resolution of the two Houses, and for gates therein according to the recommendations of the Secretary of War contained in Executive Document 336, Fiftieth Congress, first session, to be expended under the direction of the Secretary of War, $32,000.

Mr. BURNES. I make the point of order upon that.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. There is no law authorizing the appropriation. It is in violation of Rule XXI.

Mr. BACON. I desire to be heard on that point. Mr. Chairman, I wish to state to the Chair what I suppose to be the condition of the law in regard to this matter. Many years ago, sir, the Congress of the United States adopted a joint resolution that there should be erected at this particular place, being the headquarters of Washington's army and the point where they disbanded, a temple of victory. The matter remained in abeyance until in the Forty-eighth Congress, as I recollect, when my predecessor offered a resolution, which was adopted, providing for the erection of the temple of victory in accordance with the former act of Congress, and providing that it should be erected under plans to be adopted by a joint commission to be assigned to that duty, and further provided that $25,000 should be then appropriated to commence the work.

The two Houses by their joint committees adopted plans and specifications for the erection of this monument, and the House subsequently, by a resolution, directed the expenditure of the money under the control of the Secretary of War. The Secretary of War and the Executive Department had nothing to do with the plans and specifications that were adopted by the joint committee of both Houses of Congress for the erection of this monument, and proceeded to make the expenditure under these plans and specifications. The Secretary of War has reported to the House, in reply to a resolution of inquiry passed by the House, that it will take $32,000 to complete the monument in accordance with the plans Congress has adopted.

The CHAIRMAN. Does the law fix the amount that shall be used?

Mr. BACON. It did not limit the amount. It appropriated $25,000, but did not limit it to that.

The CHAIRMAN. If there be no objection, the Clerk will continue the reading and the Chair will examine the act previous to ruling on the point of order.

The Clerk read as follows:

Signal Service:

For transportation of men and their baggage, and for transportation of material, being for the service of the fiscal year ending June 30, 1887, $255.92.

For Signal Service transportation, 1884 and prior years: To pay the claim of the Atchison, Topeka and Santa Fé Railroad Company for, $3.01.

Mr. BURNES. I desire to offer the following amendment.

The Clerk read as follows:

On page 18, line 7, add the following:

"For medical attendance and medicines for officers and enlisted men in the Signal Service, being for the fiscal year ending June 30, 1887, $248.03."

The amendment was agreed to.

The Clerk read as follows:

Quartermaster's Department:

Extension of military reservation at Fort Thornburgh, Utah: For payment for private property taken by the Government in extension of the military reservation at Fort Thornburgh, Utah, under the order of the commander of the post, of April 5, 1882, and the President's order of May 13, 1882, being the amount awarded by a board of officers June 10, 1882, as per their report approved by the War Department, $3,437.

Mr. MCADOO. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 19, after line 1, insert:

"For payment on account of Army transportation in 1882 and prior years unpaid by Congress and certified to by the accounting officers of the Treasury in House Executive Document 19, Fiftieth Congress, namely: to the Hoboken Land Improvement Company, of New Jersey, $15,800."

Mr. MCADOO. The merits of this matter have been so often discussed by myself and the chairman of the committee and by the House that unless gentlemen desire to raise objection I do not think it will be necessary to make an extensive argument as to the justice of this claim. Suffice it to say that it is the only claim of this kind allowed by the Treasury Department, all other claims being rejected.

Mr. BURNES. As the subject-matter of this claim has been several times before this House and has frequently been discussed at great length, I have noticed an evident disposition on the part of the House to make this allowance. It has been certified to by the accounting officers of the Treasury and by no less a one than the present Assistant Secretary of the Treasury. I can not say that my opinion has undergone any change. The Government of the United States in 1862 settled with this company for the use of their vessel, and paid that amount which the Government thought at the time was due; notwithstanding, this claim for additional payment is here. Some seventy-six days' use of the boat is in controversy. These days were lost to the vessel and to the Government.

By the terms of the charter-party it may be said, possibly, that the time was lost to the Government. But be that as it may, the Government settled at the time for what it regarded as just, and paid what was believed to be due. I have so long and so earnestly, session after session, opposed claims of this sort, I have so often been met with hostility in my efforts to defeat them, that I can go no further. I have appealed to my friend from New Jersey [Mr. MCADOO], and to other gentlemen who are good lawyers, to examine this matter for themselves, and to say upon their honor as Representatives and lawyers whether they believe this claim should be paid. They have decided in its favor and I do not propose to offer any opposition further than to state that if the gentleman from New Jersey is satisfied this claim ought to be paid, if this committee is satisfied it ought to be paid because it has received the sanction of the accounting officers of the Treasury, I shall not stand here longer in a vain fight, although I believe that the claim should be rejected.

Mr. CANNON. I am not aware, from any investigation that has been made, that any difference has been shown to exist between this claim and many others which would show whether it is a just claim or not. It is not in the power of the Appropriations Committee, who report this bill, to go through all these audited claims. Life is not long enough. If each day could be multiplied by ten, and if men could work without sleep from the beginning to the end of Congress we could not go through and examine each and all of these claims that are certified. It is true that the accounting officers of the Treasury under a former administration, and I believe under this Administration, have audited this claim and that it has met their approval. It is true, further, that all these claims and almost all classes of claims that have been thus audited and certified by the accounting officers of the Treasury to Congress are substantially proper. Now, there are other claims that rest upon the same foundation that this one does that are not included in this amendment.

I presume they have as much merit as this has. The claims I refer to are the Von Hoffman claim, which has been certified by the accounting officers of the Treasury, and also the claim of the Baltimore and Ohio Railroad Company. And there are many others of the same kind. Whether the Von Hoffman, which has been audited, is to go in there, or whether the Baltimore and Ohio claim has to go in there, I do not know. I suppose this will go and properly so, but it dictates the inquiry in my mind, which has occurred to me heretofore, and I suppose will time and again hereafter, that we deliberately in our proceedings make fish of one and foul of another. Having said that much about it I will say no more.

Mr. MCADOO. But this claim is the only one which has been certified to by the accounting officers of the Treasury, and the other claims were rejected.

Mr. CANNON. What is that?

Mr. MCADOO. The accounting officers of the Treasury have certified to this claim, but the other ones have been rejected.

Mr. CANNON. I beg the pardon of my friend. The contrary of that is true. The Treasury Department and the accounting officers, as I understand it, allowed all of these claims.

Mr. MCADOO. I am informed to the contrary.

Mr. CANNON. I have just verified my recollection by an appeal to the clerk of the committee, and he informs me that such is the fact; that all of these claims are upon the same footing.

Mr. BURNES. I desire to say but a few words in reply to my colleague [Mr. CANNON]. He is right in his statement that there are other claims equally certified by the accounting officers of the Treasury; but I can assure this committee that the other claims to which allusion has been made stand upon an entirely different footing. This claim has been pending for a long time. There was no question as to the loyalty of the party.

There was no question as to the fact that the property was chartered and used by the Government, and it is simply a question of law whether the Government should pay for some extra days during which the vessel was disabled. I say that much, and yet the other cases to which allusion has been made, while they are certified to as this is, they do not in my judgment stand upon any sort of meritorious ground.

Mr. ANDERSON, of Kansas. What is the amount of this claim?

Mr. BURNES. This claim is for $15,000, I believe.

Mr. ANDERSON, of Kansas. What for?

Mr. BURNES. The Government of the United States chartered a vessel or boat for use during the war on the coast down from New York. It agreed under the charter-party to pay $200 a day, I believe, for the use of the boat. There were some seventy-odd days during which the vessel was disabled and rendered no service to the Government, and the simple question arises whether the Government should pay for those days or not. The Government settled with the parties, paid them for every day that the Government used the vessel, but declined to pay them for the seventy-odd days during which it was unfit for use.

Mr. CANNON. The parties took the money and gave a receipt.

Mr. BURNES. Yes, the parties took the money and gave a receipt.

Mr. ANDERSON, of Kansas. Was the vessel disabled in the Government service?

Mr. BURNES. I am so advised.

Mr. ANDERSON, of Kansas. And under Government command?

Mr. BURNES. That is a question. The Government had sent a man to take charge of the vessel, but he seemed to be incompetent; and some one who was regarded as more competent was put in charge, I believe, by the owner of the boat.

Mr. BAYNE. The disablement was in consequence of that incompetency.

Mr. BURNES. That is in doubt.

Mr. BAYNE. But it has been fully ascertained by two or three officers who investigated the matter and have reported.

Mr. CANNON. I am not disputing the fact that it is a meritorious claim. As I understand, under the charter-party the Government was to pay $200 a day, and this claim is for the additional number of days the vessel was used. Under the proof it appears that this vessel was disabled, had to be laid up for repairs; and the question is whether that $200 a day should be paid for it while undergoing repair in Jersey City. They were injuries that all vessels are liable to.

Mr. BRECKINRIDGE, of Kentucky. How did that occur? Was it by carelessness on the part of those in charge? Can the gentleman tell how that collision occurred?

Mr. CANNON. If the gentleman will allow me. I was saying that this boat was taken by the Government under a charter-party at the rate, I believe, of $200 a day, and in the ordinary use of the vessel it became necessary to repair her, as it frequently does while vessels are in use, and she went in for repairs. The Government settled with the parties who owned the vessel for $200 a day for every day that it was in use, but refused to pay for the days that the vessel was being repaired, claiming that that was the proper construction of the charter-party.

The owners received the money as payment in full. Now it appears that the accounting officers of the Treasury construe this charter-party and say that a fair construction gives the owners of this vessel pay for the days that she was undergoing repairs as well as for the days that she was in actual use, and perhaps there are some decisions of the courts to that effect. At any rate the law officers of the Government have so held and have certified this account, and I am not here to dispute that their construction of the charter-party is a proper one. I am not combating the allowance of this particular claim, but I am complaining of the fact that the same law officers who audited and certified this account have certified other claims here year after year and administration after administration, and that we appropriate the money in the one case while we withhold it in the others.

Mr. BURNES. My friend from Illinois [Mr. CANNON], my colleague on the committee, seems to be of the opinion that there is some sanctity connected with the opinions of what he calls the law officers of the Government. I was not aware that there was any such sanctity about the opinions of the accounting officers of the Treasury. There is an express statutory provision which makes the decisions of the accounting officers of the Treasury merely advisory, and imposing upon Congress the duty of investigating and considering each claim that may be reported by those officers. The claims which they report are not sent here merely for appropriation; they are not sent here to be paid upon presentation as adjudicated claims; but the law makes it our duty to consider each and every such claim upon its merits, looking to the accounting officers of the Treasury merely for advice.

Mr. BAYNE. Do not those accounting officers invariably give to the Government the benefit of the doubt? Is not that the experience of the gentleman and of other members of the Committee on Appropriations?

Mr. BURNES. That is not my experience. I do not know what experience the gentleman from Pennsylvania [Mr. BAYNE] may have had, but it is not my experience that all accounting officers of the Treasury Department do give the Government the benefit of a doubt.

Mr. BAYNE. But in this case three Auditors and two Comptrollers have passed on this claim and certified it to be a legal liability on the part of the Government.

Mr. BURNES. I am not speaking of this particular claim so much as of other claims to which allusion has been made. Or rather, I am speaking to the duty of this Congress to investigate and consider these claims not as absolute verities sent here merely to be appropriated for, but to consider them on their merits before making appropriation to pay them.

Mr. CANNON. Of the many hundreds of claims appropriated for in this bill, how many has the gentleman or any other member of the

committee or any member of this Congress examined by sending for the papers and inquiring into their merits?

Mr. BURNES. My colleague would ask me to plead guilty to neglect of duty.

Mr. CANNON. I am trying to establish the practice of Congress.

Mr. BURNES. And my colleague would ask me to testify to his abandonment of duty. I can do neither one of those things, for the reason that we do give consideration to these matters, and, as a member of the Committee on Appropriations having this bill in charge, I can say that I have never prepared a deficiency bill without giving consideration to every item reported by the accounting officers of the Treasury.

Mr. CANNON. What does my friend call consideration?

Mr. BURNES. Well, such consideration as in my judgment may be necessary to protect the Government.

Mr. CANNON. Has my friend sent for the papers and gone over them and examined them in the one hundredth part of these cases?

Mr. BURNES. I have, in all cases that seemed to have any element of doubt or where there was the slightest suggestion of suspicious circumstances. Wherever any suspicion was aroused, or wherever the amount was large I have not hesitated to send for the papers and examine them as I would examine the papers in a case for a client in court, but I must confess that there are many little claims for soldiers, for horses lost in the Army, for allowances of various kinds for small amounts as to such claims.

I have generally come to the conclusion that there was nothing in them to excite suspicion, and that they made no duty for further consideration than could be given upon a mere glance. Therefore, sir, I have looked over all those items in such a manner as to give them what I believed to be the only practical consideration that was required. Whenever a claim comes before us that involves a large amount of money, or that is twenty-five or thirty years old, or that has been lying long before the Departments, or that is surrounded with circumstances suggesting inquiry, I have uniformly, in every such case, carefully examined the claim, and I think that is the duty of the Committee on Appropriations, as it is the duty of this House under express law.

Mr. CANNON. The only point I make is this, and I want to make it again, that as to the auditing of claims the Committee on Appropriations is not a body that is adapted to consider them judicially, and that, so far as my experience goes, it does not do so. Here and there in some of these audited claims—I doubt if one in a thousand—the committee have sent for the papers and gone through them, and after doing so they have not been any wiser, in my opinion, as a general rule, than they were before. In other words, the accounting officers of the Treasury, under the law and under a practice as old as the Government, substantially examine these claims and certify them to Congress, and then, as a general rule, they are appropriated for.

Mr. BAYNE. Mr. Chairman, I do not think this particular claim should bear the brunt either of the neglect of the committee or its inability to examine the numerous claims presented to it. This claim should stand upon its own basis. If it is right, it should be paid; if it is wrong, it should be rejected.

My experience with officers of the Government under former administrations and under the present Administration has uniformly been that a claim, to be allowed by these officers, must not only have equity in its favor, but it must be a legal claim against the Government. The Government officials are technical in their consideration of claims against the Government. If a claim has only equity in its favor they may recommend it to Congress, saying, "There is a strong equity in this case," but they will not allow the claim.

Before they allow any claim they find that there is a legal liability on the part of the Government to pay it. The equity in support of a claim may be strong—may entitle a particular claim to more favorable consideration than many a legal claim—natural justice may dictate the payment of the claim, because of its equitable basis, more strongly than if a legal liability were fastened upon the Government, yet the comptrollers and auditors, so far as my experience goes, will not allow any claim unless there is shown an absolute legal liability on the part of the Government. In these cases they find such legal liability. Why should we not pay the claim?

Mr. COBB. Does the gentleman believe that a legal liability exists in case a full receipt was given by these parties upon settlement?

Mr. BAYNE. No receipt in full was given; there was simply a receipt for the amount paid; no receipt was given for the whole claim.

Mr. COBB. I understood the fact to be that there was a controversy between the Government and the parties as to the amount of the demand, and that a receipt in full was given.

Mr. BAYNE. Oh, no; there was no receipt given in full satisfaction; there was a receipt given for the amount paid. Besides, I think this Government is too great and too honest to take advantage of any such thing as that.

Mr. COBB. But I understood you to say there should be a legal liability to pay before we appropriate for a claim.

Mr. BAYNE. And the three Auditors and two Comptrollers of the Treasury Department have found that there is a legal liability to pay this claim.

Mr. COBB. Did they take into consideration the receipt?

Mr. BAYNE. Of course they did; they knew all the circumstances; and they have found that the legal liability exists notwithstanding that receipt. This is a perfectly clear and just case. I think there should be no hesitation on the part of an honest Government in paying the claim.

Mr. ANDERSON, of Kansas. I desire to inquire whether the Appropriations Committee has, in the bill reported to the House, recommended the payment of this claim.

Several MEMBERS. Oh, no.

Mr. ANDERSON, of Kansas. Then this is an amendment offered in the House.

Several MEMBERS. Yes.

The question being taken on the amendment of Mr. MCADOO, it was agreed to, there being—ayes 37, noes 20.

The CHAIRMAN (Mr. DOCKERY). The Chair will now direct the Clerk to return to the amendment offered by the gentleman from New York [Mr. BACON], which will be again read.

The Clerk read as follows:

To enable the Secretary of War to complete the monument at Washington's Headquarters at Newburgh, N. Y., and the statues thereon, according to the plans adopted by the Joint Select Committee of the Senate and House of Representatives under joint resolution of the two Houses, and for gates therein according to the recommendation of the Secretary of War, contained in Executive Document No. 336, Fiftieth Congress, first session, to be expended under the direction of the Secretary of War, $32,000.

The CHAIRMAN. The Chair has taken counsel on this question with eminent parliamentarians of this body; and the opinion prevails in some quarters that this is a "very close question." The amendment seems to "change existing law;" and yet it is claimed to be in order under that clause of the rule which authorizes appropriations for the continuance of "such public works and objects as are already in progress."

Mr. CANNON. Will the Chair be kind enough, while referring to the rule, to cause the provision of existing law to be read?

The CHAIRMAN. The Chair was about to state the question. This point of order has been made under section 3 of Rule XXI, which prohibits the recognition of any amendment "changing existing law." The amendment appears to change existing law by repealing that provision of the joint resolution in question, which fixes the appropriation at $25,000; for this amendment proposes to increase the limit in the sum of $32,000. Another clause of the same section, however, would seem to authorize the amendment—the clause providing that appropriations shall be in order for "public works and objects already in progress." In view, therefore, of all the facts, the Chair has decided to submit the point of order to the decision of the Committee of the Whole.

Mr. CANNON. With reference to the merits of this proposition I would be right glad to know as a member of the committee what the language of the original provision of the appropriation is, not of the rule with which we are familiar, but the provision of law that authorized this work.

The CHAIRMAN. The Clerk will read the joint resolution to which the gentleman refers.

The Clerk read as follows:

[Public resolution—No. 24.]

Joint resolution concerning the erection of a memorial column at Washington's Headquarters, at Newburgh, N. Y.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2 and 3 of the joint resolution of Congress approved July 1, 1882, authorizing the Secretary of War to erect at Washington's Headquarters, in the city of Newburgh, N. Y., a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883, be, and the same are hereby, amended so as to read as follows: "That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in the erection of a suitable monument or column on the grounds belonging to the State of New York, and known as Washington's Headquarters, with such inscriptions and emblems as may properly commemorate the historical events which occurred at Newburgh and vicinity during the war of the Revolution: *Provided*, That the design for said monument or column, with the inscriptions and emblems to be placed thereon, shall be subject to the approval and adoption of the joint select committee directed to be appointed by the joint resolution to which this is an amendment: *And provided further*, That no part of the said sum of $25,000 shall be used in defraying the expenses of said centennial celebration."

Approved, March 3, 1883.

Mr. CANNON. That does not seem to be the original resolution, but amends it. In order to determine the question presented here it seems to me we should have the original resolution read.

The CHAIRMAN. The Chair has endeavored to obtain the original resolution, and will now cause it to be read.

The Clerk read as follows:

Whereas it is in contemplation by citizens of Newburgh, State of New York, to commemorate the proclamation of peace, the disbandment of the Army, and other notable Revolutionary events by appropriate centennial ceremonies, to be held at Washington's Headquarters, in said city of Newburgh, during the year 1883; and

Whereas the events in question, forming as they did the closing scenes in the struggle for independence, are in every respect worthy of being commemorated and should be perpetuated by the erection of some suitable memorial structure; and

Whereas it was near this place, in the log building known as "The Temple," that Washington by his appeal to the patriotism of the Army saved the country from military despotism; and

Whereas it is intended to purchase the grounds upon which the Temple stood, together with so much of the surrounding land as may be deemed necessary, and cause to be erected thereon a building of frame or logs in the original form or style of the said Temple as near as may be; and

Whereas it is further intended to purchase certain other adjacent grounds wherein rest the remains of the Revolutionary veterans who died during the encampment of the Army near Newburgh, and cause the same to be properly inclosed, to the end that they may be perpetually kept and maintained as a burial ground: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint select committee be created, to consist of five Senators to be appointed by the presiding officer of the Senate, and eight Representatives to be appointed by the Speaker of the House of Representatives, whose duty it shall be to make, independently of itself or in connection with the trustees of Washington's Headquarters and the citizens' committee, all necessary arrangements for a befitting celebration of the centennial ceremonies commemorative of Washington's refusal to accept a crown, the proclamation of peace, the disbandment of the army, and other notable Revolutionary events, to be held at Washington's Headquarters, in the city of Newburgh and State of New York, in the year 1883.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to expend, out of the moneys hereinafter appropriated, a sum not to exceed $10,000 in the erection of a suitable monument or column on the grounds belonging to the State of New York and known as Washington's Headquarters, with such inscriptions and emblems as may properly commemorate the historical events which occurred at Newburgh and vicinity during the war of the Revolution.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for the purpose mentioned in the preceding section, and for aiding in defraying the expenses of said centennial celebration, and for the purposes mentioned in the preamble hereto, the same to be disbursed under the direction of the said joint committee at such times and in such manner as will best promote the objects and intent of this resolution: *Provided*, That no part of the amount appropriated by this act shall be paid except on bills and vouchers approved by the Secretary of War as just and proper charges; and that no bills shall be contracted, or liabilities incurred on account of the United States in excess of the appropriation hereby made.

Approved July 1, 1882.

Mr. BACON. These two resolutions having been read together, it will perhaps facilitate the understanding of the committee as to what is desired here, if I should state the change which was worked by the last resolution upon the former one. At the beginning it was proposed to have a celebration which should be a joint celebration, the expense of which was to be borne one part by the government of the State of New York and one part by the Government of the United States. Subsequently that portion of it which charged any portion of that expense upon the Government of the United States was repealed by the House by the resolution which has been read here, and no portion of it was borne by the Government of the United States; and the effect of the two resolutions, as I understand them, is this, that the Government of the United States determined to erect upon the reservation held by the State of New York, on the grounds upon which stands Washington's Headquarters, the ground upon which the army was disbanded, and upon which Washington took leave of the officers of the army, a monument which should commemorate these events in the life of our nation, and left the form and manner of the monument to be determined by a commission to be appointed for that purpose, and who should determine as to the plan of the same.

The executive department of the Government had nothing to do with it except to construct a monument in accordance with the plans which the legislative branch had, in the manner stated, adopted. Now, the Department has gone on with this work under its charge. It has reached a certain point of completion and the monument has been partly built, but the monument has not been closed by gates, it is in an unfinished state, and it is not creditable to the Government that it should remain longer in that condition.

The appropriation which I have suggested provides the amount which will be necessary for the completion of the work which Congress has already ordered.

The CHAIRMAN. The gentleman is addressing himself to the merits of the proposition instead of to the point of order.

Mr. CANNON. I would like to address myself to the point of order for a moment, and I do it for the reason that I do not want to see a ruling made here in Committee of the Whole on a point of order which may involve us in a great deal of trouble if not in inextricable confusion hereafter. As I understand the two resolutions the State of New York as a matter of fact owns certain lands about Newburgh, and wanted to get up a centennial celebration, and wanted the Government of the United States to take part in it as well as the State. New York State had already begun the erection of a monument at its own cost, and they had proceeded to have a trustee appointed, created by law of New York, touching the work.

Mr. TIMOTHY J. CAMPBELL. Will the gentleman allow me a moment? I desire for the information of gentlemen to state that the State of New York ceded the lands to the Government of the United States for the specific purpose of this monument.

Mr. CANNON. So far as the resolutions are concerned, and so far as the committee or the House has any knowledge, the Government of the United States has nothing to do with the ownership of this property. It does not own a foot of the land as far as any information to us is concerned. Men did just as they do now. Some colleague in that Congress, an estimable gentleman, no doubt, who desired to have something done that would promote improvements in his district, a very laudable object, I presume, and in good nature and in good temper, as we are acting here to-day, succeeded in securing the enactment by Congress of the first resolution to help to construct, or at least to contribute something towards the construction of, a monument upon grounds that the Government did not own.

Mr. TIMOTHY J. CAMPBELL. They do own them.

Mr. CANNON. Now, the second resolution was passed; $25,000 was appropriated further, and I suppose has been expended. Under the first resolution—and the gentleman will correct me if I am incorrect—the money was spent. Then comes the resolution appropriating $25,000 more——

Mr. BACON. I hope the gentleman will pardon me. There is but one appropriation of $25,000. The $10,000 appropriation for the celebration was recalled and was never used, and the only amount was $25,000.

Mr. CANNON. Very well. So that there were $25,000 used as a donation by the United States Government, for the improvement of lands it does not own, under that law or resolution.

Mr. BUCHANAN. But under the order of the Congress of the United States to commemorate most memorable events in our history.

Mr. CANNON. And on property of the government of the State of New York.

Mr. BUCHANAN. And under the dominion of the American flag.

Mr. CANNON. Oh, the gentleman can not by the play of words befog this matter.

Mr. BUCHANAN. No, I am not befogging it; the gentleman is.

Mr. CHEADLE. Will the gentleman from Illinois permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. CHEADLE. I understand the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] to say that the New York State government ceded this land to the United States Government.

Mr. CANNON. I understood him to say that, too, but has the gentleman the act? Will he show us anything in support of it?

Mr. TIMOTHY J. CAMPBELL. Oh, yes; the gentleman can easily find the facts. Why, the very centennial celebration last year will furnish sufficient evidence of that fact.

Mr. CANNON. But the gentleman has not the act of the State of New York ceding this property. Besides that, it takes two to make a contract. Now, if the action of the United States Government has been had with reference to accepting this donation I would like to see that evidence.

The State of New York can not cede land to the Government of the United States without the consent of the Government, and there is nothing in either of these joint resolutions that shows that the Government ever accepted it so far as anything appears officially to this Congress. It spent the $25,000 as a mere donation on property belonging to the State of New York to be used for the purpose of erecting a monument.

Now, then, my point is this——

Mr. TIMOTHY J. CAMPBELL. What does the Secretary of War say?

Mr. CANNON. That has not been read and I have not read it, and I do not know whether the gentleman has or not.

Mr. TIMOTHY J. CAMPBELL. The gentleman from New York [Mr. BACON] has it.

Mr. CANNON. If it sheds any light upon this matter, let us have it read. It is not sufficient for gentlemen living as they do in various States to say we want to build a monument to commemorate a national event. To make an appropriation to build a monument upon ground that belongs to the State is one thing, and to build a monument to be under the control of the United States is another thing. To make an appropriation in Congress to help the State of New York build a monument to be controlled by New York is still another thing.

Mr. BOUTELLE. On this point, in regard to the control of the property on which this monument is to stand, if I am correctly advised, I should state that it is in the hands of an association.

The CHAIRMAN. The gentleman can only be heard on the point of order made by the gentleman from Missouri.

Mr. CANNON. I want to be heard on the point of order, and the point I want to call attention to is that this is an appropriation by the Government of the United States to complete a work that belongs to the State of New York. I say it is not such a work of the United States in line of construction as comes within the reading of the rule. I would be glad to hear from the gentleman from New York about that.

Mr. BOUTELLE. I was about to endeavor to shed what little light I have upon that point.

Mr. CANNON. There ought to be no legislation until the State of New York should grant to Congress or the Government this land, and if it is a work of the Government of the United States in progress there is an official way to ascertain the fact. There should be two things, namely, an act of the Legislature of the State of New York and an act of Congress authorizing the expenditure of money; and in the absence of these two things it is not a work of the United States in progress.

Mr. BOUTELLE. I desire to speak to the point of order, and upon that point I want to ask the gentleman from New York [Mr. BACON] if a state of facts something like this does not exist: That the State of New York has ceded to an association of patriotic citizens quite an

extensive tract of land in the city of Newburgh, N. Y., on the Hudson, on which are located the historic headquarters of George Washington, for the purpose of establishing and maintaining a public park for the commemoration of the occupancy of that place by the great commander of the Revolutionary forces; that those patriotic citizens have for years maintained and improved these grounds and this historic place; and if it was not directed by laws of the State of New York, and that now it is proposed to erect a monument at that point of a more permanent character than the structure of a house, toward the completion of which, upon this ground, a commission has been appointed by the State of New York for the purpose of superintending this national commemoration? It is a matter of national history, and the Government should contribute a portion of the expense to complete the monument upon that spot. Is that the fact?

Mr. BACON. Substantially.

Mr. CANNON. Who owns the land?

Mr. BOUTELLE. The land is owned by the Washington Headquarters Association.

Mr. CANNON. A private corporation?

Mr. BOUTELLE. A public corporation for a public purpose—to commemorate a national event and to protect matters of historic, national interest.

Mr. NUTTING. Will the gentleman from Illinois [Mr. CANNON] allow me a moment?

Mr. CANNON. Certainly.

Mr. NUTTING. The property was first owned under precisely the same circumstances as the Regents of Mount Vernon own the property on the Potomac—an association for the purpose of preservation.

Mr. CANNON. Is that such a work in progress as comes within the meaning of the third clause of Rule XXI, authorizing an appropriation to be made? That is all I want to know.

Mr. BACON. That is the question to which I would like to address myself for a single moment.

The CHAIRMAN. The Chair has stated to the committee that the question is, Shall the point of order made by the gentleman be sustained? Does the gentleman desire to be heard for a moment further on that?

Mr. BACON. I understand that the point of order was submitted to the committee, and I desire to be heard a single moment in response to the gentleman from Illinois [Mr. CANNON]. I want to be entirely frank about it, and I want the House to understand that the ground upon which this monument is to be erected, and is now in process of erection, was many years ago acquired by the State of New York and put into the hands of certain patriotic gentlemen as trustees, to hold and preserve it as a public reservation and to preserve the site of the old building made memorable by the important events heretofore referred to. These gentlemen have served without pay always, and out of their own means and out of the funds of the community and by appropriation from the State of New York preserved that property to the present time.

The legal title to the land is held by the trustees. They had no charge of the erection of this monument. Now, sir, I entirely fail to see what the question of ownership of the land has to do with determining whether it is a public work in progress. If the Government of the United States chose to erect buildings upon somebody's else land, what has that to do with the question raised by the point of order? It is a public work whether the ground on which it stands belongs to the United States or to sombody else. I do not think that there can be a successful dispute that the Government of the United States has begun a public work on these grounds and that it ought to complete it.

Congress adopted the resolution that it should be erected; it appointed a joint committee to adopt a plan upon which it should be erected. The Government has commenced its erection according to that plan; it expended the money under the direction of the Secretary of War, and the building, so far as it is erected, has been built under instructions and under the supervision of an engineer of the War Department. At no point has anybody, except the Government of the United States, interfered with it; and I assert that it is a public work in progress of construction by the United States upon any possible interpretation of that phrase in the rule.

The CHAIRMAN. The Chair will submit the question to the committee; but before doing so begs leave to say that being only a temporary occupant of this position, he feels some hesitation in passing upon the point of order, because of the contrariety of views presented by different parliamentarians. The Chair entertains no doubt, however, as a personal opinion that this amendment is obnoxious to the rule, but will submit the question to the committee for its decision. The question is, Shall the point of order presented by the gentleman from Missouri [Mr. BURNES] be sustained?

Mr. BURNES. Mr. Chairman, in order that every gentleman may vote intelligently upon this question, and in order that we may ascertain how far gentlemen will discriminate or be influenced in the consideration of a point of order by the merits or the demerits of a proposition, I desire to call attention to the language used in the original resolution. By that language it is expressly stated that these grounds are the property of the State of New York.

There is no pretense that they are not the grounds of the State of New York, and the appropriation originally made appropriated a fixed sum of money, $10,000 of which might be used for the purpose of erecting a suitable column. There was no undertaking of a public work; the appropriation simply gave the right to use $10,000 for the erection of this column, and the subsequent appropriation of $25,000 was limited to such use, with the provision that no liability in excess of that amount should be created against the Government. Now, is that a public work? Does the Government of the United States undertake public works upon ground belonging to a State?

Mr. BUTTERWORTH. I understood Colonel CAMPBELL [Mr. TIMOTHY J. CAMPBELL] to say that these grounds had been conveyed to the United States.

Mr. BURNES. Well, if Colonel CAMPBELL or any other colonel asserts that it is his duty to show the record of title.

Mr. BUCHANAN. Does not the Government do public work upon almost every bend of the Mississippi River?

Mr. BURNES. That is provided for by another provision in the rules, so far as public works on rivers and harbors are concerned.

Mr. BOUTELLE. I do not see why the question of the gentleman from New Jersey does not go directly to the proposition of the gentleman from Missouri. The gentleman from Missouri asked whether the Government of the United States prosecutes public work upon lands not ceded to the United States. Now, if it does prosecute public works upon any river or harbor, or in any State, upon lands not ceded to the United States, it seems to me that that fact answers the gentleman's question.

Mr. BURNES. The Government of the United States has perfect and complete jurisdiction over every navigable stream, and it is no part of the purpose of Congress to appropriate for the banks of the river. Our appropriations are made for the improvement of the navigation of the river and for that alone.

Mr. BOUTELLE. Oh, no.

Mr. BURNES. Undoubtedly. Without such an understanding no river and harbor bill could ever pass Congress or receive the sanction of the President of the United States. There is no doubt about that. We go upon the ground, and the river and harbor bill goes upon the ground, that the money is appropriated for the improvement of the navigation.

Mr. BOUTELLE. You do not pretend that the works upon the banks of the Mississippi are conducted upon grounds owned by the United States?

Mr. BURNES. I claim that the Government has complete jurisdiction over the whole Mississippi.

Mr. BOUTELLE. Over the banks?

Mr. BURNES. Over the entire waters, currents, and channels of the river?

Mr. BOUTELLE. I am speaking of the improvements on the land.

Mr. BURNES. I know of no such public works. I know of no authority for any such works.

Mr. BOUTELLE. It would take but very little trouble to call the gentleman's attention to some very extensive ones.

Mr. BURNES. I know of none whatever. All the public works of the United States on the Mississippi look to deepening the channel, confining the river to its bed, and improving the navigation. It is for that purpose that the appropriations are made, and if you undertake to pass a river and harbor bill upon any other principle you will never pass it through this Congress or any other.

The CHAIRMAN. The question is, Shall the point of order taken by the gentleman from Missouri [Mr. BURNES] be sustained?

The question was taken; and there were—ayes 46, noes 13.

Mr. BACON. No quorum.

The CHAIRMAN. The point is made that no quorum has voted. The Chair will appoint to act as tellers the gentleman from New York [Mr. BACON] and the gentleman from Missouri [Mr. BURNES].

The Committee of the Whole proceeded to divide.

Mr. BACON (after the count had been continued for some time without the appearance of a quorum) withdrew the point of order.

The CHAIRMAN. The point of "no quorum" being withdrawn, the point of order is sustained by the vote of the Committee of the Whole. The Clerk will proceed to read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Judicial:

Fees and expenses of marshals: For fees and expenses of marshals, United States courts, being a deficiency for the fiscal year 1887, $50,000.

Mr. SAYERS. I move to amend by inserting after the paragraph just read the following:

To supply a deficiency in the appropriation for defending suits in claims against the United States, as reported by the Attorney-General, $129.17.

In explanation of this amendment I send to the desk certain papers to be printed in the RECORD:

DEPARTMENT OF JUSTICE, *Washington, July 19, 1888.*

DEAR SIR: In compliance with my promise made yesterday to furnish you

statement showing the deficiency of $129.17 in defending suits in claims against the United States, found in Executive Document No. 376, Fiftieth Congress, first session, page 22, being a letter from the Secretary of the Treasury transmitting estimates of appropriations to supply deficiencies, I send you detailed statement.

The expenses were necessarily incurred; were for cross-examination of witnesses made upon agreement in cases where if such expense had not been incurred testimony would have been taken *ex parte*. It will be observed that a considerable portion was taken at remote points. The accounts have been duly audited.

Trusting that you will at the right time offer the proper amendment to the deficiency bill,

I am, very respectfully,

F. P. DEWEES. *Assistant Attorney.*

Hon. J. D. SAYERS.

DEFENSE OF SUITS IN COURT OF CLAIMS.

Amount on hand		$413.70
A. M. Watson, Pittsburgh, Pa	$90.00	
Charles E. Yeater, Sedalia, Mo., 8 cases	248.80	
Williams & Turney, Dallas, Tex	10.00	
Allan R. Joy, Livingston, Mont	30.00	
Lafayette Dawson, Sitka, Alaska	39.50	
S. W. Willis, Jackson County, Alabama	8.07	
John McBrooks, Memphis, Tenn., 5 cases	80.00	
Robert Miller, United States commissioner	35.00	
Baltimore and Ohio Express	1.50	
Total deficiency		129.17
	542.87	542.87

The amendment was agreed to.

The Clerk read as follows:

For payment of regular official fees provided by law for official services of United States district attorneys, being a deficiency for the fiscal year 1887, $41,923.08.

Mr. SMITH, of Arizona. I offer the following amendment:

At the end of line 17, insert—

"For payment to Joseph Campbell, of Phœnix, Ariz., for assisting in prosecution of certain fifteen Apache Indians charged with murder before the United States court at Phœnix, Ariz., $1,500."

Mr. BURNES. I reserve a point of order on that amendment until I hear the statement of my friend from Arizona.

Mr. SMITH, of Arizona. Mr. Chairman, I wish to be heard only a moment, and I think my explanation will show that the point of order is not well taken. Section 363 of the Revised Statutes empowers the Attorney-General, in cases where he deems it necessary, to employ counsel to aid the regular district attorneys in the prosecution of cases in the Federal courts. When fifteen Apache Indians demanded separate trials before our court in Arizona it was impossible for the district attorney, with the business on his hands, to attend to the matter. Besides, those Indians were defended by able counsel, and the Attorney-General very wisely employed equally able counsel in the prosecution of the cases. In some of these cases appeals were taken, and the fee of $1,500 is certified by the judge of the court, as required by law. The fact of the appointment of this attorney by the Attorney-General disposes, it seems to me, of the point of order. The services have been rendered and there is no place in which provision can be made for payment except in this deficiency bill, unless this man be relegated for relief to a private bill, and we know how soon that would be passed. There is a letter from the Attorney-General, which I believe I have, appointing Mr. Campbell as assistant to the district attorney in these cases.

Mr. BLOUNT. Why may not this item be paid out of the fund just voted in this bill?

Mr. SMITH, of Arizona. I understand from the Department it can not be so paid. Here is a letter from the Department of Justice on this subject:

DEPARTMENT OF JUSTICE, *Washington, June* 25, 1888.

SIR: Inclosed are copies of papers of the 13th instant, being a letter of the special assistant attorney, Joseph Campbell, and of his account, and approval thereof by the court, for expenses in the trial of certain Apache Indians at the May term of the second district court of the Territory of Arizona, forwarded for presentation to Congress for action; the services having been incurred under the appointment of Judge Porter, of the second district court, who assured the Department that he would try to secure from Congress an appropriation in payment for Mr. Campbell's services.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

The SECRETARY OF THE TREASURY.

The acting Attorney-General was mistaken in the statement which would seem to imply that Mr. Campbell's sole employment was under the appointment of Judge Porter. Although it is true that Judge Porter in the first instance appointed Mr. Campbell to assist in the prosecution of these cases, yet before the trials commenced the Attorney-General wrote a direct formal appointment of Mr. Campbell. The mistake made in the statement of Mr. Jenks was, I presume, the only reason this appropriation was not put in the bill by the committee.

Mr. BURNES. The gentleman from Arizona [Mr. SMITH], in whose integrity I have the fullest confidence, assures me that the appointment in this case was made by the Attorney-General prior to the rendition of the service. There is no doubt that the law gave the Attorney-General power to make the appointment; but I have had nothing placed before me as a member of the committee indicating that the Attorney-General did in fact appoint this gentleman to prosecute these cases. I am now assured that such a letter is in possession of the gentleman from Arizona.

Mr. SMITH, of Arizona. I can not lay my hand upon it at this moment, but I will print it in the RECORD.

Mr. BURNES. With that understanding, I withdraw the point of order.

The letter referred to by Mr. SMITH, of Arizona, is as follows:

DEPARTMENT OF JUSTICE, *Washington, May* 21, 1888.

SIR: You are hereby appointed an assistant to the attorney of the United States for the Territory of Arizona, to assist him in the prosecution of the cases against certain Apache and Maricopa Indians, charged with murder.

Your compensation will be determined by the Attorney-General upon the completion of your services, your account for such services to be verified by affidavit and approved by the United States district attorney.

Execute the customary oath of office and forward the same to this Department without delay.

A. H. GARLAND,
Attorney-General.

JOSEPH CAMPBELL, Esq.,
(Through Owen T. Rouse, esq., U. S. attorney, Territory of Arizona),
Phœnix.

The CHAIRMAN. The Chair will suggest that the amendment be modified so as to read "to enable the Attorney-General to pay," etc. That will prevent giving it the force of a private claim.

Mr. SMITH, of Arizona. That will be satisfactory to me.

The amendment as modified was adopted.

The Clerk read as follows:

For payment of regular official fees provided by law for official services of United States district attorneys, $300.

Mr. BURNES. In line 19, on page 30, I wish to offer an amendment to insert, after the word "attorneys," the words "being a deficiency for the fiscal year 1886."

The amendment was adopted.

The Clerk read as follows:

Pay of assistant attorneys: For payment of regular assistants to United States district attorneys who were appointed by the Attorney-General at a fixed annual compensation, and to reimburse them for the reduction of 20 per cent., more or less, made at the beginning of the fiscal year 1888, $40,550.

Mr. ROGERS. I now send up, in accordance with the suggestion I made on Saturday, the amendment which I wish to propose to this paragraph of the bill.

The Clerk read as follows:

At the end of the paragraph, between lines 3 and 4, page 31, insert: "To enable the Attorney-General to continue to employ able and skillful lawyers in cases wherein he deems their services absolutely necessary, and to pay for services already rendered and to be rendered under existing contracts, $30,000.

Mr. BURNES. I desire to submit to my friend from Arkansas a provision which I would like to have inserted as a part of the amendment, if the committee shall see fit to adopt the amendment, in the following words:

Provided, That this appropriation shall not be taken as indicating an intention on the part of Congress to waive the provisions of section 3679 of the Revised Statutes in case of future accounts of this character.

Mr. ROGERS. What is that section?

Mr. BURNES. That is the section which provides that no Department of the Government shall expend in any one year more than the actual amount of the appropriations therefor.

Mr. ROGERS. I have no objection to the modification; but it does not occur to me as being necessary.

Mr. BURNES. I do not know that it is necessary, but as the amendment is in some conflict with it, I think it better to incorporate the proviso.

Mr. ROGERS. Very well.

The CHAIRMAN. If there be no objection, the two propositions will be treated as one amendment.

Mr. ROGERS. I have no objection to it.

On Saturday last, Mr. Chairman, I argued at some length as to the propriety of the modification which my amendment suggests here. It is only necessary now to make a very brief remark, since I do not deem it important to go further into the question of details at this time. I do think, however, in this connection, that I ought to have read the closing paragraph of the Attorney-General's report for the year 1887, as it invites attention to a matter which I think the country will be compelled by force of circumstances to give attention to at an early date. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

REORGANIZATION OF THE DEPARTMENT OF JUSTICE.

There has been no reorganization of the Department of Justice since its establishment in 1870. Of course, additional officers have been provided for new districts when created, but the appropriations for United States courts have for years averaged very nearly the same amount, while the business of the Department has constantly grown, until it has assumed its present vast proportions; and the increase of its force has not kept pace with the increase of business.

A great deal of this work is of a kind not to be expressed in statistical tables in such form as to convey an adequate idea of its important or laborious character. Nor can the results achieved by it be shown in that way or by the exhibition or enumeration of material objects produced. Quite recent acts of Congress—the Bowman act, the French spoliations act, and the act giving circuit and district courts of the United States concurrent jurisdiction with the Court of Claims—have thrown an immense amount of business upon the Department, to which the determination of the Government to protect the public domain from plunder has added a large and increasing number of land frauds and timber-trespass suits. Bureaus in other Departments have expanded into proportions never thought of at their formation. In this Department only the work has grown. I take it that in disbursing the appropriations placed under the Department of Justice the question what will best subserve or protect the

interests of the Government is first to be considered, and I am convinced that an examination of the way in and purposes for which these have been and are expended will show, if the amount and character of the work done under them is intelligently considered, the difference in favor of the latter which I have mentioned, and that such increases in them as may have been asked for are rather in the direction of economy than extravagance.

Very respectfully, your obedient servant,

A. H. GARLAND, *Attorney-General.*

Mr. ROGERS. There is one additional observation that I would like to make by way of inviting the attention of the House to the question of the organization of that Department as at present constituted. The entire force attached to the Department available for the purposes for which the Depertment was originally created, consists of the Attorney-General, the Solicitor-General, and two Assistant Attorneys-General. The Attorney-General and the Solicitor-General argue all cases before the Supreme Court of the United States, and the two Assistant Attorneys-General argue cases, one of them before the Court of Claims and the other before the Supreme Court of the United States when he may be so directed by the Attorney-General, or the Solicitor-General when acting as Attorney-General. So that these four officers constitute really the entire force of the Department, and all of the litigation of the Government in the District of Columbia devolves upon and must be carried on by them.

It is true there are some law clerks, I do not now recollect how many, but I believe four or five or six, who are also lawyers, there, and assist in these cases at times in the way of taking proofs, preparing papers, and matters of that kind, but these constitute really the force of the Attorney-General's Department; and of cource the remainder of the force, the clerks in the office, are required to keep up the records and do the mere clerical duty of the office. So when you come to consider the question of organization, it is not, with reference to a Government like ours, a very elaborate or extravagant one, especially in view of the fact that litigation in which the Government is engaged has grown largely within the last few years.

Mr. CANNON. I wish to ask a question. Is this an appropriation for the fiscal year 1889?

Mr. ROGERS. Yes, sir; for the current year.

Mr. CANNON. And upon the deficiency bill that appropriates for the deficiencies of last year?

Mr. ROGERS. That is precisely what it is, as I understand it.

Mr. CANNON. I want to ask why it should not have been upon the sundry civil bill, where it properly belongs?

Mr. ROGERS. I will state my understanding. I have already said that I was not here when the appropriation bill in question was considered, but took my family away because of sickness.

Mr. CANNON. I was not here either.

Mr. ROGERS. But it seems the appropriations committee did not think the information as to the estimates of the Department, was sufficient to justify them in making the appropriation, and they cut down the estimate of the Department on the sundry civil bill from $40,000, to, I believe, the sum of $15,000, if my memory serves me right. So this is simply asking us now, as I explained on Saturday evening last, to make an appropriation to meet the expense of special attorneys and the necessities of the office which have not yet been provided for.

I do not know. I am not prepared to answer the question as to whether or not this bill carries only the deficiency of the last fiscal year. I suppose it carries it for last year as well as this.

Mr. HOOKER. I will inquire of the gentleman from Arkansas whether his amendment looks to the payment for future services in which attorneys are to be employed.

Mr. ROGERS. It looks to the compensation of attorneys already employed, as well as those that are to be employed in case of necessity. I put a statement of the cases in the RECORD on Saturday. There are a great number which have recently been instituted in relation to public lands, and timber trespasses, and that sort of thing.

Mr. BUCHANAN. I looked in vain in the report for any explanation of the paragraph from line 21 to 24, inclusive, on page 30, and lines 1 to 3, on page 31, appropriating a sum of $40,550 to make up some reduction of 20 per cent., more or less. I would like to ask the gentleman from Missouri how that reduction came to be made. As I understand it, from the wording of the bill, these are the regular assistants, and their salaries are at a fixed annual compensation. How was it that this deficiency arose? How was it that this 20 per cent. came to be deducted from their salaries?

Mr. BURNES. At the commencement of the present fiscal year the Department found it necessary, as we are informed, to apportion the whole sum appropriated for the whole service. In doing so, and in order to make the service effective, and to enable it to go around, it was necessary to reduce the compensation 20 per cent., because there was not money enough, by 20 per cent., to pay the attorneys.

Mr. BUCHANAN. Then, as I understand it, the force has been increased, and the compensation has been decreased.

Mr. ROGERS. The gentleman from New Jersey, if I have not failed to catch what has passed between him and the gentleman from Missouri, is asking if the salaries were not decreased. I will explain that.

Mr. BUCHANAN. I simply asked if the force had increased and the compensation decreased.

Mr. ROGERS. Oh, they were decreased. In other words, it arose in this way: The Appropriation Committee, in consulting with the Treasury Department in reference to the fees of the regular district attorneys and the assistant district attorneys, were advised to separate the two classes of persons, so that the exact sum should be appropriated for the payment of the regular district attorneys, and also recommended that the appropriation should be made for the assistant district attorneys.

In making that division of the two classes of officers an error was fallen into in the sum allowed for the assistant district attorneys. The allowance for the salaries was too small to cover the salaries of the regular assistants. I think it was done inadvertently, and it ought to be corrected and the salaries restored.

Mr. BUCHANAN. I want to ask whether they would disburse it on these claims the gentleman from Pennsylvania [Mr. SOWDEN] called our attention to the other day.

Mr. ROGERS. You are speaking of the telephone cases.

Mr. REED. He means the Pan-Electric.

Mr. BUCHANAN. I simply want to know where that $40,000 came from, and what disposition was to be made of it.

Mr. ROGERS. On that subject I have no information whatever. I assume what was stated by my friend from Alabama [Mr. OATES] in debate the other day was correct. I presume it came in the ordinary way; that this amount that is now reported by the Committee on Appropriations came out of the round sum for the employment of special attorneys; but as to that, I am not specifically informed.

Mr. BUCHANAN. Will the gentleman accept an amendment to that amendment by making it so that it will not pay the balance of these fees which the gentleman from Pennsylvania [Mr. SOWDEN] spoke of the other day; or does he know whether it would be applied to the payment of those claims?

Mr. ROGERS. Upon that subject I have no information whatever. Mr. Chairman, I stated on Saturday, when I occupied the floor, that the paper I introduced was handed me by my friend Colonel OATES, who is thoroughly informed on this subject, but who has gone to New York to take part in the investigation of the foreign immigration without giving me the details. I suppose, of course, that if this $30,000 is appropriated it will be added to the $15,000 already appropriated; and if anything is due on account of the cases referred to it would be paid out of this sum, but I do not know whether anything is due or not.

Mr. BUCHANAN. The gentleman admits that a portion of it may go that way. Will he state that he believes the Government had the legal right to institute that proceeding?

Mr. ROGERS. Mr. Chairman, I am not going into that. I do not propose to review the action of the Department in that matter.

Mr. BUCHANAN. I wanted to know whether it was authorized or not.

Mr. ROGERS. I believe that the Judiciary Committee of the House, of which I am a member, in the Forty-ninth Congress, with perhaps one, or may be two, exceptions, I do not remember now, decided that the Attorney-General had power to institute a suit of that kind if he saw fit. I do not undertake to decide between the Judiciary Committee and the courts.

Mr. BUCHANAN. Did the court so decide?

Mr. BURNES. The gentleman from Arkansas is not quite as accurate in that statement as he usually is in his statements. I think he has probably made a mistake.

Mr. ROGERS. I intended to be accurate, and think I am substantially so.

Mr. BURNES. In the appropriation for this service for the fiscal year 1887, it was the intention of the committee to appropriate a certain sum for the payment of regular assistants to the United States attorneys; but the language used to accomplish that purpose was not very apt, and the Department of Justice construed it to mean that they had a right to pay out of that fund not only the regular assistant attorneys but also any special counsel that might be employed under the law. Therefore the requirement upon the Department to pay for such special service reduced the aggregate amount which was intended for the regular assistants, but which, as I say, the language of the appropriation seemed to authorize the Department to use also to pay for special service.

The amount appropriated for assistant attorneys would have been sufficient if we had used in the bill of that year the language that we use this year. This year's appropriation is confined to the regular assistants of the United States attorneys.

The discharge of the obligations imposed upon the Department by the employment of special counsel depleted the amount for the regular assistants to the extent of, as is estimated, 20 per cent. Therefore, in appropriating this 20 per cent. now, we appropriate it to pay the regular assistants that which is precisely their due, and which would have been paid out of the regular appropriation if the language of the former bill had been the same as the language of the present bill.

Mr. BUCHANAN. I understand the gentleman now to say that the language used in lines 21 and 22 of the bill applies to regular assistants to United States attorneys. By that does he mean the regular assistants in each district, or assistants employed in some particular way?

Mr. BURNES. The regular assistants in each district. It is not intended to be used to pay for services rendered by special counsel in any case.

Mr. BUCHANAN. I desire to offer an amendment to the amendment.

The amendment to the amendment was read, as follows:

Strike out the words "already rendered and;" so that the provision will read: "And to pay for services to be rendered under existing contracts, $30,000.'

Mr. BUCHANAN. Mr. Chairman, I will state in a few words that my sole purpose in offering this amendment is to prevent any further payment to some gentlemen who, in my judgment, have already been enormously overpaid for their services in connection with special litigation.

Perhaps the language of my amendment is too sweeping, but I am willing to modify it so as to effect that purpose and that purpose alone. A number of the objects mentioned by the gentleman from Arkansas [Mr. ROGERS] in his remarks on Saturday last are very praiseworthy. In this bill we provide for a more thorough enforcement of the law against contract labor; and whatever appropriation is necessary to enable the Department of Justice to more thoroughly enforce the laws on that subject that we have upon the statute-book ought to be, and I have no doubt will be, cheerfully granted.

But while providing for that, we should be careful how we legalize these back claims, which have no semblance of justice. In other words, I do not want any of this money to be diverted from that use to pay a man a hundred dollars for sleeping all night. [Laughter.]

Mr. SOWDEN. Mr. Chairman, I think the amendment offered by the gentleman from Arkansas [Mr. ROGERS] should not be adopted. This question was fully discussed pending the consideration of the sundry civil bill, and a similar amendment, submitted by the gentleman from Alabama [Mr. OATES], was rejected by the House. The sundry civil bill as it passed the House contained a provision appropriating $10,000 for the payment of special attorneys employed under the direction of the Attorney-General. The Senate Committee on Appropriations amended this provision by increasing it from ten to fifteen thousand dollars.

The appropriation of so small a sum for this purpose will have a tendency to abolish the vicious and expensive system of employing special attorneys to assist the United States district attorneys. These law officers, with their regular assistants, ought to be able satisfactorily to transact the legal business intrusted to them. If this amendment should be adopted it would increase the appropriation provided for in the sundry civil bill for the payment of special attorneys from fifteen to forty-five thousand dollars. This is an enormously large sum of money to be expended for this purpose when the public business should be transacted by those regularly employed in the public service.

Now, so far as the appropriation of $40,550 provided for in the paragraph under consideration is concerned, I would like to have the gentleman in charge of this bill indicate to the House the character of the different items which make up this amount. Does this bill include an appropriation of nine hundred and eleven dollars and some cents, the balance claimed by Grosvenor P. Lowrey, one of the special attorneys of the Government in the Bell telephone suit, and who has already received over $12,000? It will be remembered that this is the gentleman who charged the United States $15 an hour while engaged in familiarizing himself with the intricacies of the law involved in the Bell telephone suit; $100 a day while traveling from New York to Cincinnati and return; $100 a day while there, besides a fee of $500, and $171.50 for traveling expenses for himself and clerk and a hotel bill of $70. Surely these special attorneys are an expensive luxury.

Mr. BURNES. My friend from Pennsylvania will understand that the amendment offered by the gentleman from Arkansas [Mr. ROGERS] speaks for itself, and that it does not purport to give the elements that demand the expenditure of this amount.

Mr. SOWDEN. I have reference now to the appropriation in this bill of $40,500 for the payment of assistant attorneys.

Mr. BURNES. If the gentleman refers to the item at the bottom of page 30, I beg to say to him that no part of that amount can possibly be paid to Mr. Lowrey or anybody else who is employed as special counsel, because the whole of this money goes exclusively to the regular assistants of United States attorneys all over the country.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. BUCHANAN] to the amendment of the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I do not think that amendment ought to be adopted. If the gentleman from New Jersey desires to single out the Pan-Electric fees, let him do it if he thinks that is a proper thing to do.

Mr. BUCHANAN. It is not proper even as to all of those, but it is proper as to some of them.

Mr. ROGERS. But I speak of the fact that the gentleman's amendment is broad enough to cover not only what he is striking at, but also other proper services which may have been rendered in any other proper litigation. The amendment provides that the Department shall be prohibited from paying for services which may have been rendered in pursuance of law and in pursuance of contracts already made and for a proper purpose. I submit again in this connection that there can be no such thing as government if you strike out of it confidence.

It is utterly impossible to have anything like civil government if you say that the different departments have no confidence in the other departments, and the effect of an amendment like this is to say that we have no confidence in the Department of Justice in the discharge of the duties imposed upon it, and that therefore we shall undertake to instruct it as to what it shall and what it shall not do. The amendment it seems to me is entirely too broad.

Mr. BUCHANAN. Does the gentleman know of any other services rendered under contract and not paid for that are not provided for in this bill?

Mr. ROGERS. I do not; but does my friend know that there are not a number of cases of that kind? Indeed I do not profess to know anything about whether there are or not.

Mr. BUCHANAN. The gentleman will remember that he is undertaking to amend the bill.

Mr. ROGERS. The gentleman has proposed an amendment, and it is his amendment I am discussing.

Mr. BUCHANAN. I propose to curtail the operation of your amendment.

Mr. ROGERS. I do know of one case which occurs to me, and for which provision has just been made, where it was found that the fund was about to be exhausted, and the Department was confronted with the provision requiring it not to make contracts in excess of previous appropriations.

An important piece of litigation was going on in the city of Philadelphia; the parties were there, under notice duly served, taking depositions; and the Department of Justice in that particular case was compelled either to recall the counsel representing the Department and permit the testimony to be taken *ex parte*, or to allow its counsel to continue to act until the testimony had been taken. I allude to this case (for which, as I have said, provision has just been made) to illustrate the importance of not adopting an amendment which may prevent the Department from doing that which under the circumstances ought to be done.

Mr. BUCHANAN. But the gentleman must remember that his amendment undertakes to bring into this bill a new feature in legislation, a provision giving the Department of Justice what may be called a contingent fund of $30,050 to be expended solely in its discretion. Such a provision, if adopted, ought to be carefully guarded.

Mr. ROGERS. Oh, there is nothing new about it. You may go back twenty years and you will not find a time when there was not a contingent fund of this kind, and appropriated without any sort of restriction. There are numerous precedents in that regard.

But having addressed these suggestions to my friend from New Jersey as a lawyer, let me say to him that his amendment, if adopted, will not accomplish anything, because the sundry civil bill already carries an appropriation of $15,000 for expenditures of this kind—an appropriation without any limitation whatever. The Department of Justice can, if it chooses, take that fund and use it for the very purposes that he is now endeavoring to prevent. So that his amendment will not accomplish anything except to say to this Department in reference to this fund what has never been said before when a similar fund has been voted, "You shall not use this fund for such purposes as are customary and proper."

Mr. BUCHANAN. Then the $30,000 proposed in the gentleman's amendment is in addition to $15,000 in the sundry civil bill, making $45,000 in all.

Mr. ROGERS. I have so stated.

The question being taken on Mr. BUCHANAN'S amendment to the amendment of Mr. ROGERS, it was disagreed to.

The question then recurred on the amendment of Mr. ROGERS.

Mr. FARQUHAR. Is the proviso of the gentleman from Missouri attached to this amendment?

The CHAIRMAN. It is a part of it.

Mr. ROGERS. I accepted that.

The amendment of Mr. ROGERS was rejected; there being—ayes 24, noes 30.

Mr. HERMANN. I desire to ask the gentleman from Missouri whether the clause preceding this, providing for the payment of the fees of district attorneys, applies exclusively to the deficiency for the fiscal year ending June 30, 1887. Was there any deficiency reported to his committee for the fiscal year ending June 30, 1886, or does any such deficiency exist?

Mr. BURNES. Only about $300.

Mr. HERMANN. I was under the impression there was a deficiency in regard to the payment of many of the district attorneys for that year.

Mr. BURNES. The clause in the bill is intended to cover all the deficiencies that have been reported to us as occurring in 1886.

Mr. HERMANN. The language is "being a deficiency for the fiscal year 1887."

Mr. BURNES. Three hundred dollars is all that has been reported to us as a deficiency for 1886.

Mr. HERMANN. Then I am satisfied.

Mr. BUCHANAN. Before we pass from this part of the bill I ask

unanimous consent that permission be given to return to it hereafter. I think the gentleman from Arkansas [Mr. ROGERS] or some of us will be able to draught an amendment which will accomplish the specific object he seeks in a manner to be acceptable to the House.

The CHAIRMAN. The gentleman from New Jersey asks that permission be given to return hereafter to this part of the bill in order that an amendment in the same direction as that which was offered by the gentleman from Arkansas [Mr. ROGERS] may be submitted.

Mr. ROGERS. Mr. Chairman, I have only this to say: I have no objection to return to the paragraph and put it in. My action has been taken at the suggestion of the Solicitor-General, Mr. Jenks, and the House saw fit in its judgment to reject the proposition, and therefore I have nothing further to say about it. Of course I have no more interest in it than any other member on the floor?

The CHAIRMAN. The Chair will submit the request of the gentleman from New Jersey again. Is there objection?

Mr. DUNN. I demand the regular order.

The CHAIRMAN. Objection being made, the Clerk will proceed with the next paragraph of the bill.

The Clerk read as follows:

Support of prisoners: For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, being for the service of the fiscal year 1886, $12,675.04.

Mr. BURNES. I offer the amendment I send to the desk, to come in after line 15.

The Clerk read as follows:

Pay of bailiffs, United States courts: For pay of bailiffs and criers; of expenses of district judges directed to hold court outside of their districts; of meals for jurors when ordered by the court; of compensation for jury commissioner at $5 per day, not exceeding three days for any one term of the court; for stenographic clerk for the Chief-Justice, and for each of the associate justices of the Supreme Court at a sum not exceeding $1,600 each, $25,000.

Mr. ROGERS. I do not understand the full purport of that amendment, and would like to reserve the point of order for the present.

Mr. BURNES. In answer to the gentleman from Arkansas, I would simply say that this is the regular estimate coming to us from the Department of Justice. It seems to be an absolute deficiency so far as the pay of baliffs is concerned. The multiplication of courts, and tendency to increase expenditures by judges of courts, who have control in most instances, have made this a deficiency, and have rendered it absolutely necessary for the appropriation to be made.

So far as the private secretaries to the judges of the Supreme Court are concerned, that is a proposition that every gentleman understands for himself. They have been authorized by law.

Mr. ROGERS. I do not see how this changes existing law.

Mr. BURNES. I do not think it changes existing law.

Mr. ROGERS. Does it limit the number of bailiffs?

Mr. BURNES. No, sir; it is to pay for services already rendered, and for no other purpose whatever.

Mr. ROGERS. Let the amendment be again reported.

Mr. TIMOTHY J. CAMPBELL. For the information of the gentleman from Arkansas I can state to him that the bailiffs have received no salary inside of three months.

Mr. ROGERS. Let us have the amendment read.

The amendment was again reported.

Mr. ROGERS. I have no objection.

The amendment was adopted.

Mr. KERR. I move to strike out the last word.

Mr. Chairman, the session of Congress is believed to be drawing near its close, and yet no action has been taken by this branch of Congress to comply with the public demand for such modifications of the pension laws as will afford relief to the large number of disabled soldiers and widows and orphans of deceased soldiers who are now dependent on the assistance of friends and of the communities and States in which they reside.

The President, on the 6th day of July, sent to the Senate the veto of the private pension bill of Mary Ann Dougherty in which he stated that he could not "spell out" the principle on which the bounty of the Government was bestowed through the instrumentality of a flood of private pension bills, and added the following advice:

It seems to me that it would be well if our general pension laws would be revised with a view of meeting every meritorious case that can arise. Our experience and knowledge of any existing deficiencies ought to make the enactment of a complete pension code possible.

The fact that this communication was sent to the Senate after the adjournment of the St. Louis convention, which made no declaration on this subject, has suggested the inquiry whether it was not made to supply that defect in the Democratic platform. But the fact that it came so late in the session, when it will be difficult to comply with the recommendation, rather than in the annual message or earlier in the session, has in some minds raised doubts of its perfect sincerity.

But assuming that it is entirely sincere, it seems to me it is incumbent on the committee and the House and those who control its action to take immediate steps to comply with this recommendation of the Executive, and thus redeem the pledge made by the Government to the men who risked life and health for its preservation.

The House recently passed a bill appropriating $250,000 for the care of disabled soldiers in soldiers' homes. I am aware that it was contended on the other side of the House that Congress did not have constitutional power to pass such a bill, and the Democratic platform adopted at St. Louis reaffirms the old doctrine of strict construction for the first time since 1856; but it ought not to be questioned that the United States has the power to care for all who have been injured in their means of support by their sacrifices in war in its defense, and if the power is conceded the duty to exercise the power should not be in doubt.

This is the performance of a plain obligation. If the Government should fail of this duty the burden would necessarily fall on local aid either by friends or the State or community, and Congress should not compel communities or States to submit to taxation for the purpose of raising money to discharge obligations that properly belong to the Government of the United States, and than which no duty is more sacred. There certainly is no excuse for this at the present time, when in the opinion of many the danger from a large Treasury surplus is the greatest danger that threatens the country. The duty of some action is conceded to relieve these unfortunates, and surely Congress should not adjourn until some action on the subject is taken.

The fact that the recommendation of the Executive has been addressed to the Senate, which has passed a bill affording a great measure of relief, rather than the House, that has thus far taken no action, should not deter the House from considering the subject. A petition has been signed by the almost solid delegation on this side of the House urging action. If the President were in earnest, considering how faithfully his recommendations have been followed on other subjects, it is doubtful if the party of the majority would dare to defy an earnest request for legislation on this subject urged by him and supported as it is by the unanimous desire of the members on this side of the House.

A committee representing the Democratic majority of this House has the power to fix a day for the consideration of this measure, and the country will hold that party responsible if this Congress adjourns without having been permitted to provide the relief demanded by a patriotic people.

The chairman of the Committee on Invalid Pensions, who stands before the country as candidate for governor of Indiana on the Democratic ticket, in his speech which was printed in the RECORD this morning, but which, I understand, was not delivered in this House, makes use of the following language in reference to the bill which the majority of the committee of the House for some mysterious reason has submitted as a substitute for the bill recommended by the Grand Army of the Republic which recently passed the Senate:

It must be borne in mind that this pension is not for any disability contracted in the service. If it was the length of service should of course not be considered, for the man who incurred a disability the day after he entered the service is clearly entitled to as much as one who suffered the same disability near the end of a long term. These considerations can be confidently submitted to the candid judgment of a just and liberal people, and I believe will meet the approval of that large body of the survivors of those who defended the Union, who I know believe in even-handed justice between comrades as well as between citizens.

I am quite well aware that some of the most conspicuous of the newspapers assuming to be the organs of the soldiers assailed the rate fixed by the last bill, but subsequently they became clamorous for its passage, and others have maintained its justness from the very beginning of the agitation of this question.

If this principle is established now it is not too much to expect that it will obtain in the universal pension bill, which all admit is fast approaching and sure to become a law.

The condition of dependence was eliminated by the Democratic majority of the House committee and the bill made to apply to all who are disabled, and so that which the great representative body of the ex-soldiers regarded as obnoxious and offensive was willingly remedied; and upon this question the substitute proposed may be fairly considered to be, as far as expressed, the policy of the Democratic party, while the Senate bill, with a condition of dependence necessary to be proven to entitle one to a pension, may be justly said to be the policy of the Republican party upon this great issue.

I say this because such a bill not only met the approval of the Republican Senate, but again was indorsed by all the Republican members of the House committee.

The chairman is not correct in saying that this pension is not proposed to be given for disability contracted in the service. There is a large body of disabled men who need the Government aid and who are dependent, but who are not able to prove that their disability was caused by their service, and who yet feel sure and the people feel sure that that disability is mainly due to the hardships, exposures, and sicknesses they suffered, but which they are not able to prove at *this* late day. The chairman of the committee says very truly that the money appropriated as proposed in the substitute would "disburse in small sums and go directly to the people and quickly reach the avenues of trade, and will go to those who will spend it because they need it."

This would be more certainly true under the provisions of the Senate bill than under the House substitute. I can not agree with the hopeful view taken by the chairman of the committee in regard to the early passage of a pension bill in the speech from which I have quoted. There is a seeming purpose "to hold the word of promise to the ear" of the invalid soldiers of the country while by substitutes, by tardy recommendations, by refusals to consider their claims by the party in control of the House, "they break that promise to the hope."

The passage of the bill recommended by the Grand Army of the Republic, and which the Senate approved and sent to this House, would afford a great relief. It would prevent that great body of men, who

are presumably disabled because in the hour of the country's danger they went forth in its defense, from being compelled to rely on private charity or the local aid of the States. When this is accomplished it will be time to consider a measure of justice to the soldiers who are not in present need. The chairman of the committee should not burden a measure which has the double purpose of doing justice to worthy soldiers, their widows and orphans, and relieving the States from a burden, with an additional provision which involves a debatable claim.

My excuse for offering these extended remarks at this time is because of the appearance in the RECORD of this morning of the speech of the chairman of the Committee on Invalid Pensions [Mr. MATSON], to which I desired to make some suitable response.

During the delivery of the foregoing remarks the hammer fell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KERR. I move to strike out the last two words.

The CHAIRMAN. There is an amendment pending.

Mr. KERR. Then I will content myself with simply asking leave to print additional remarks.

There was no objection.

Mr. BURNES. I heartily sympathize with my friend from Iowa who has just taken his seat, for I know full well that he is not happy over the healthy condition of things existing in regard to the soldiers of the Republic whose just rights and honors are found to be safe in the keeping of the present Administration. It is sometimes, however, found to be necessary, or at least appropriate, to make a slight cut through the mere coating with which a sham solicitude regarding pensions to worthy and suffering soldiers is too often covered. This is effectively and fairly done by the simple observation that no administration of the General Government since the war has shown a more commendable disposition to do full justice to the soldiers of the Union or to make more tender or liberal provisions for their widows and orphans than the present national Administration.

Furthermore, Mr. Chairman, I call the attention of the gentleman from Iowa to a patriotic duty devolving upon us all in connection with this very bill, and which shall put to the test the real love of gentlemen for the needy soldiers and those dependent upon them.

In this bill are appropriations for near ten thousand soldiers, their widows and orphans; appropriations for money due them for bounty, back-pay, commutation of rations, horses lost in the service, etc. They are in need of the sums found due them, and they need them at once.

Propositions to load this bill with stale, extraneous, and worthless claims, thereby endangering its passage and threatening to so gorge it as to deprive it of the approval of its friends and of the country, are being widely made, and all who look first to the interests and rights of the soldier should join the Committee on Appropriations in opposition to such claims and help gladden the hearts of the ten thousand soldiers named in the hill.

I ask that the Clerk read the next paragraph.

The CHAIRMAN. The Chair will assume the *pro forma* amendment to be withdrawn.

The Clerk, under the head of "House of Representatives," read as follows:

To pay to the widow and legal heirs of the late J. T. Updegraff, a member-elect to the Forty-eighth Congress, who died before the time of its organization, $6,000.

Mr. BURNES. I desire to offer some amendments. I send them to the Clerk's desk.

The Clerk read as follows:

On page 34, after line 20, insert the following:

To pay accounts for stenographic work done for the committees of the House during the present session by other than the official stenographers, and which are recommended by the Committee on Accounts, namely, to A. Johns, $566.75, and to James O. Clephane $82.50, in all $609.25; and such claims to be audited by the Committee on Accounts, and paid on their approval by the Clerk of the House.

For compensation of a page in the enrolling-room of the Clerk's office, recommended by the Committee on Accounts, from and including August 1, 1888, to July 1, 1889, at $60 per month, $660.

To pay John D. O'Connor for services as clerk to Committee on the Eleventh Census from the 9th to the 17th of January, inclusive, $54.

To reimburse Thomas Bell for expenses incurred from July 1, 1886, to March 1, 1888, for assistance as laborer in the folding-room, $200.

Mr. BURNES. Unless objection is made I need not make any statement in regard to these items.

The amendments were agreed to.

Mr. SAYERS. I ask by unanimous consent to consider this amendment.

The Clerk read as follows:

To reimburse the five Official Reporters of proceedings and debates of the House of Representatives for moneys paid by them so far during the present session for clerical hire and extra clerical services, $1,000 each—$5,000.

The CHAIRMAN. Is there objection?

Mr. HOLMAN. I believe this is a new departure.

Mr. BURNES. I do not know what the amount has been heretofore, but I will state to my friend from Indiana that this has been an expensive session for the Official Reporters. It has been lengthened out, and is likely to be lengthened out still further; and I believe that under the circumstances this should be allowed.

Mr. HOLMAN. What is the largest amount that has been allowed?

Mr. BURNES. I believe between $600 and $700.

Mr. REED. I do not make any objection. The experience of this session, as I believe, would admonish us to employ additional reporters, because I think the work which our present corps has had to perform has been plainly too severe for them to endure; and the real remedy in the future would be to have an addition made to the force so that they can have an opportunity to do thorough reporting, and that they should not be overworked, as they have been this session. They have had a very severe test in having sessions from 11 o'clock until 5, which have been an outrage, not only upon them but on all, and they have had night sessions also. I think they should have some spare time; and I think they should have sufficient compensation, but the true remedy is to have an additional force.

The CHAIRMAN. Is there objection?

Mr. SAYERS. Before the gentleman from Indiana says anything I would like to furnish the committee some facts concerning the labors of the corps.

Mr. HOOKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. The question is whether the amendment of the gentleman from Texas [Mr. SAYERS] is not subject to an amendment. Can I offer an amendment to the amendment of the gentleman from Texas?

The CHAIRMAN. The amendment is not yet before the committee.

Mr. SAYERS. Mr. Chairman, I want to state that from the beginning of the session up to and including July 18 there have been 677 more columns reported than were reported for a like time during the Forty-ninth Congress, and there have been reported in the House during this session 3,500 columns more than were reported in the Senate. These stenographers are required, of course, to hire clerical assistance in order to prepare the matter so that the RECORD shall be ready for the House when it meets the next morning. I do not remember that they have failed a single time, and I am told that they have been confined until late hours in the night, even when there were no night sessions, in order to get the matter ready for the Public Printer. Here is a comparative statement of the work done in the Forty-ninth Congress and in the present Congress:

Comparison of time and amount of debate reporting in the House of Representatives between the first session of the Forty-ninth Congress and the first session of the Fiftieth Congress, from commencement of each session up to and including July 18th of each session.

Congress.	Number of working days.	Number of working hours.	Number of columns reported.
First session, Forty-ninth Congress.....	167	937	7,660
First session, Fiftieth Congress.....	170	947	8,337
Increase in Fiftieth Congress	3	10	677

The time and amount of debate reporting in the Senate during the same number of days in the first session of the Fiftieth Congress is: Number of working days, 133; number of working hours, 596¾; number of columns reported, 4,775; making a difference between the Senate and House work as follows:

The House reporters worked 37 days more (or 350 working hours more) and reported 3,562 columns more than the Senate reporters from the commencement of the first session of the Fiftieth Congress up to and including July 18, 1888.

From these facts I think that the House ought to make this allowance.

Mr. HOLMAN. I do not design to interpose an objection to this allowance; but at the same time I think it is greatly to be regretted hat there is such a steady increase in the expenses of this House. Every session of Congress some occasion arises for an increased appropriation of money. Every session shows a large increase upon its predecessor. But I concede that in this instance the claim has a better foundation than in former years. There has been an immense amount of work done by the reporters. While I am willing that this allowance shall be made, I do not want to establish a precedent in these matters. I shall make no objection in this case.

The CHAIRMAN. The Chair hears no objection to entertaining the amendment.

Mr. HOOKER. I send to the desk an amendment to the amendment of the gentleman from Texas [Mr. SAYERS].

The Clerk read as follows:

To enable the Clerk of the House to pay, at the close of the present session, to the officers and employés of the House borne upon the annual roll a sum equal to 10 per cent. of their annual compensation, and to pay those borne upon his roll a sum equal to 10 per cent. of their aggregate compensation for this session at its close, a sufficient sum is hereby appropriated.

Mr. HOLMAN. I wish to reserve the point of order upon that amendment.

Mr. HOOKER. I understand that the gentleman made no point of order on the amendment of the gentleman from Texas [Mr. SAYERS], and inasmuch as my proposition is an amendment to that amendment, the question might arise whether the point of order does not come too late. I heartily concur in the amendment offered by the gentleman from Texas [Mr. SAYERS], and I do so for the reason that I think

there are no officers in the employ of the Government who more honestly earn their compensation than do the stenographic corps of the House of Representatives. Their labors are extremely arduous. The education necessary to the proper performance of those labors is one very difficult to acquire, and I am told by skilled stenographers here and elsewhere that there are remarkably few who attain perfection in this wonderful art of transcribing on the instant the words as they flow warm from the lips of the speaker, and who preserve it, because, like other difficult arts in every department of science, mastery of it can be maintained only by constant and assiduous practice.

The work of the corps of stenographers of this House who take down with such wonderful accuracy every word that falls from our lips, even when the House observes the most perfect order, as it sometimes does when there are not more than half a dozen gentlemen speaking at the same time [laughter]—the skill and accuracy with which they follow the thread of our proceedings through the babel of confusion which prevails here, is a matter of astonishment and amazement to me when I read the RECORD every morning.

They perform this work with great skill and ability, and they deserve to be considered by this House, especially at this session, when, in addition to the regular work of the day, there have been a great many night sessions, entailing the prolongation of their labors sometimes into the wee sma' hours, for, after taking down here the words which we utter, they are compelled to sit up sometimes for hours in transcribing their cabalistic characters, in order that we may read our proceedings in the RECORD next day.

I think, sir, that the amendment of the gentleman from Texas is an eminently proper one, and that these officers who perform this difficult and valuable service for the House and for the country should receive this consideration. But while I think this amendment is a proper one, I think that the amendment I have offered also commends itself to the judgment and the sense of fairness of members.

As to all the other officers and employés of the House, all the clerical force who have been necessarily compelled to be constant in attendance and hard at work during the days and nights of this long session, which now seems likely to extend even beyond the summer months—as to those officers and employés it seems entirely proper and reasonable that they too should receive consideration at the hands of the House. In former years it was the custom at the close of a long session of Congress to pass a resolution giving one month's extra pay to all the employés, and I understand that that custom continued until about two years ago, when somebody raised the point that it was an unwise expenditure of money. My amendment is offered instead of such a resolution.

Mr. Chairman, the payment of legitimate compensation for services rendered is, it seems to me, wise economy. When a public officer is inadequately paid for the performance of his work, it is not only unjust to him, but it is bad economy for the Government and the people whom he serves.

I therefore concur most heartily in the amendment which has been offered by my friend from Texas [Mr. SAYERS]. At the same time, I insist that the clerical and other force of the House should be recognized as equally entitled to compensation for the extra service they have been compelled to render by reason of the unusually protracted session of this Congress. It will be observed that the amendment which I offer does not propose to take effect until the adjournment of Congress, which, if we may judge from the present outlook, from the speculations of the newspapers, and from what we can anticipate as to the occurrences at the other end of the Capitol, will, in all probability, be the 1st or the 15th of September, if not the 1st of October.

As for myself, if the session should continue that long, I do not see any reason why we should not go on and let this session of Congress merge into the next, and allow the public business to proceed without interruption. Indeed, I avail myself of this occasion to say that I think the time is not far distant when the sessions of Congress will necessarily continue all the year round except the short recess, which ought to be taken during the summer solstice. I am going to prepare, if no other gentleman does so, a bill proposing a different period for the assembling of Congress, in order that, instead of having a long and a short session, the two sessions may be equalized. By this means we can avoid the necessity which now recurs every two years of sitting during the extreme heat of the summer months. I think, therefore, if the amendment of the gentleman from Texas, in which I heartily concur, be adopted, my amendment to that amendment ought to receive the favorable judgment of the Committee of the Whole.

Mr. HOLMAN. I wish to submit a few remarks in reply to those of my friend from Mississippi [Mr. HOOKER]. I always regret to differ with my distinguished friend. His proposition, if I understand it correctly, is to pay an additional compensation of 10 per cent. to all the annual employés of this House.

Mr. CANNON. And also session employés.

Mr. HOLMAN. Yes, it embraces also session employés. Mr. Chairman, there is no act which we can perform so pleasant as one which gratifies this large body of promising young gentlemen—around us here in the public employment. If our liberality which is to gratify them were performed at our own expense—not at the expense of the hard-working people of this country—the pleasure we would experience in the exercise of this liberality would be without alloy. But the question is whether we can afford to gratify them and please ourselves at the expense of the public Treasury.

Mr. HOOKER. My friend from Indiana [Mr. HOLMAN] will allow me to suggest that, while I have no doubt he has a great many hard-working constituents, I question very much whether a single one of those constituents works harder than does the honorable gentlemen from Indiana, their Representative.

Mr. HOLMAN. That is a very kind remark; and it is one which can be applied much more truthfully to my friend from Mississippi. [Laughter.]

But while, sir, it is a pleasant thing to gratify our friends by increasing their salaries, it is the most unpleasant duty which a member of this House is ever called upon to perform—and I have felt obliged to perform it often—is to object to a measure of liberality of this kind proposed in behalf of the public employés with whom we are constantly and daily associated. That is an unpleasant duty; yet I must insist that there are some duties we are compelled to perform; there is some limit to the generosity or liberality of this House at the expense of our constituents.

The truth is, Mr. Chairman, the best paid employés of this Government are those of the House and the Senate. This is natural, as they are constant associates of members of the House and Senate. Of course all gentlemen here know that fact. Most of us have friends and intimate associates among this force of employés.

Mr. BUCHANAN. That is true of gentlemen on your side.

Mr. HOLMAN. It is now especially the case with gentlemen on this side. We have friends from our own districts on this force; so that this question becomes somewhat, and unpleasantly, personal, and nothing would induce a member to raise his voice against a proposition of this sort unless it were a sense of public duty. But I for one have objected to this kind of legislation when the other side of the House was in power, and can not pursue a different course now.

But, sir, upon what principle can this proposition be sustained? The seats on this side of the House are filled with gentlemen who occupy them by virtue of the pledges made to the people that economy should prevail in every department of the public service. But for that pledge we would not be here. Can we deliberately add 10 per cent. to the salaries of the employés of this House now drawing ample salaries? Of course the same proposition will follow as to the employés of the Senate, who are still better paid. These gentlemen, excellent and worthy as they are, and however well they perform their duties, are, everything considered, the best paid employés of this Government. I did not feel justified in objecting to the proposition to increase the compensation for the time-being of the Official Reporters of the House.

We must all admit that their duties have been unusually arduous. Their work confines them here not merely during the sessions of the House, but for hours and hours afterward, frequently until the small hours of the morning. We have kept them employed unremittingly day and night for a long period of time; and hence I felt that, so far as that part of the proposition was concerned, objection ought not be made.

A MEMBER. And they have been at great expense for the pay of their assistants.

Mr. HOLMAN. It is suggested to me that they have also been compelled to incur unusual expense in the employment of assistants to do the large amount of work thrown upon their hands. But, sir, I think the House would not be justified in adopting a sweeping proposition to increase the compensation of all the employés of this House 10 per cent. I am certain it ought not to be done. I think this side of the House can not do so consistently with the pledges we have made to the people and the duty we owe them. I must, therefore, insist on the point of order I have raised.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Indiana has made a point of order upon the amendment to the amendment. The Chair is inclined to sustain the point of order.

Mr. HOOKER. If the Chair is disposed to rule that my amendment is not germane to the amendment already offered, I would like to be heard for a moment before the Chair makes a final decision.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HOOKER. The proposition has been made by the gentleman from Texas to pay additional compensation to certain of the officials of the House because of unusual expenses incurred by them, to wit, the Official Reporters. That question is now before the House, whether by unanimous consent or otherwise, or whether it was in the regular order, it does not matter so far as the question of parliamentary procedure is concerned. It being in order now, either by consent or otherwise, for the consideration of the committee, it is undoubtedly subject to amendment, and any objection which might be made to an amendment could not be tenable unless it was an objection which could be made to the subject-matter itself.

I submit therefore, Mr. Chairman, that inasmuch as the House has agreed to consider the subject-matter of the increase of the compensation of a part of its employés, it follows as a matter of course that the subject-matter being now before the House and under consideration

and within the control of the House, that it is subject to amendment or alteration. If that were not so, Mr. Chairman, you would be placed in this awkward predicament: You would be compelled to vote upon the substantive proposition of the gentleman from Texas, denying the House its ordinary parliamentary power of legislation to amend by enlargement, curtailment, or in any other way. It therefore limits the power of the House, to rule as the Chair has indicated its intention of ruling; and the parliamentary power of the House to change, alter, or amend a proposition which has been offered by consent would be entirely destroyed. I therefore submit to the Chair that if the amendment is before the House for consideration at all it is subject to all amendments to which any proposition may be subject under the law. Otherwise, of course, the mere consent to consider a proposition would be a restriction on the power of the House to adopt such parliamentary modifications as the judgment of the House might approve.

Mr. HOLMAN. The proposition having been admitted by unanimous consent, it stands exactly on the same footing as if it had been in the original bill. It will be a very dangerous doctrine to adopt as a proposition of parliamentary law that when a subject of that kind is pending before the House it may be susceptible of amendment by the addition of a proposition that is foreign to the bill and not admissible under the rules of the House.

Mr. HOOKER. Will the gentleman allow me a question?

Mr. HOLMAN. Certainly.

Mr. HOOKER. Do you claim as a principle of parliamentary law that if this had been in the original bill it would not have been subject to amendment?

Mr. HOLMAN. No; if it had been in the original bill it would have been subject to the point of order, I said; and if the point of order had not been made it would have been before the committee for consideration. But that fact would not have warranted the consideration of an amendment which was clearly subject to the point of order when the point was made against it.

The CHAIRMAN. The Chair is of opinion that the subject of the amendment is different from the pending proposition. The pending proposition is to pay a sufficient sum to cover certain expenditures made by these officers of the House. The Chair would entertain any amendment that might be submitted to increase or diminish that amount as being in order, that being before the House by unanimous consent; but a proposition to increase the compensation of the employés generally of the House, or of the Members of the House or of the Senators, by introducing another provision not authorized by law, is not germane and in order as an amendment to a provision to pay the stenographers.

For that reason the Chair sustains the point of order made by the gentleman from Indiana.

The question is on the amendment of the gentleman from Texas, which will be again reported.

The amendment was again read.

Mr. HENDERSON, of Illinois. I would like to inquire of the gentleman who presents the amendment whether the late Mr. Edwards, one of the Reporters of the House, would get any portion of the compensation proposed? I want to say here that I have no doubt in the world, from my own personal knowledge of his condition, that his death was largely due to overwork in the House, and provision ought certainly to be made in his behalf, if the amendment in its present form does not cover it.

Mr. SAYERS. I am not able to furnish the gentleman from Illinois with the information he asks.

Mr. HENDERSON, of Illinois. It ought to be extended to him to reimburse him in a fair proportion for the sums paid by him. I understood that there had been some difficulty with reference to the payments to his successor, and that is the reason I ask now for information.

Mr. HOOKER. Let it be amended in that form.

Mr. HENDERSON, of Illinois. I move, therefore, to include in it the late Mr. Edwards, or the representatives of Mr. Edwards's estate.

Mr. SAYERS. I am informed by the gentleman from Arkansas that it has been customary to give to the family of the deceased employés of the House one-half of one year's salary.

Mr. CANNON. That will not cover the point here, though. When did Mr. Edwards die?

Mr. SAYERS. About ten days ago, I think.

Mr. CANNON. There would be, of course, manifest impropriety in paying to his successor, who has occupied the position but a very short time, as much as would be paid to the other stenographers who have been working during the whole of the session. It ought to be made to include the present stenographers and Mr. Edwards, and the division could be made between his legal representatives and his successor.

Mr. SHAW. If the gentleman will permit me, there is now pending before the Committee on Accounts a proposition to pay to the legal representatives of Mr. Edwards one-half of his annual salary for one year, and I have no doubt that it will be soon reported to the House.

Mr. CANNON. But that does not cure this, because a stenographer who has been here but two weeks would certainly not be entitled to the same compensation that those who have worked during this entire session should be entitled to.

Mr. BUCHANAN. I suggest as a modification of the suggestion of the gentleman from Illinois that the payment in this case be made to the widow of Mr. Edwards.

Mr. HENDERSON, of Illinois. I do not think I would accept that. I think it had better go to the legal representatives.

Mr. BAKER, of New York. I understand the widow is the proper person to receive the compensation in this case.

Mr. HENDERSON, of Illinois. If that is the judgment of the committee, I have no objection.

Mr. SAYERS. I will modify the amendment so as to exclude the successor of Mr. Edwards.

Mr. CANNON. It ought to be to include Mr. Edwards, and also his successor, so that a division might be fairly made between them.

Mr. SPINOLA. The amendment ought to be so modified as to provide specifically for the family of this deceased employé of the House.

Mr. BAYNE. I desire to make the amendment include the late J. K. Edwards—$750 to be paid to the widow of the late J. K. Edwards and $250 to his successor.

Mr. BAKER, of New York. I desire to ask if a successor has been appointed to Mr. Edwards?

Mr. THOMPSON, of Ohio. I move to amend the amendment of the gentleman so that it will provide that $900 be given to the widow of the late J. K. Edwards and $100 to his successor.

Mr. DOCKERY. Will the gentleman allow me to suggest that no successor has been appointed?

Mr. BAKER, of New York. Well, then, let it all go to the widow.

Mr. BAYNE. I withdraw my proposition. I want it all to go to the widow.

Mr. LONG. I ask, by unanimous consent, that this be passed over, that during the evening the gentleman from Texas [Mr. SAYERS] may perfect the amendment he desires to offer.

The CHAIRMAN. Is there objection? The Chair hears none, and it is so ordered.

Mr. TARSNEY. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 20 insert the following:

"To pay Samuel D. Craig for extra services connected with the preparation of the Calendar and indexing the same for the first session of the Fiftieth Congress, $600."

Mr. BURNES. I make the point of order on the amendment, but will reserve it if the gentleman desires.

Mr. TARSNEY. I offer this amendment inasmuch as the House last Friday passed a resolution for the payment of this sum to Mr. Craig. It was passed upon a report of the Committee on Accounts, which is to be found on page 7611 of the RECORD. This was a service performed by him in the preparation of the Calendar for this House, something that this clerk has never yet been called upon to do. The Committee on Accounts are unanimously, as I understand the report, in favor of it, but said that they had no jurisdiction but to submit a resolution to the House, and the House on last Friday adopted that resolution; and therefore this is but carrying out the recommendation of the House that it be offered as an amendment to this bill.

The CHAIRMAN. The Chair is informed that that resolution instructed the Committee on Appropriations to report this as an amendment to this bill.

Mr. TARSNEY. It did. I have the resolution here, if you will permit me to read it. This is the resolution reported from the Committee on Accounts:

Resolved, That there be paid to Samuel D. Craig the sum of $600 for extra services in connection with the preparation of the Calendars and indexing the same for the first session of the Fiftieth Congress, and that the Committee on Appropriations be directed to provide for the payment of said sum in the bill (H. R. 10836) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes.

The CHAIRMAN. The Chair is of the opinion that the rule which would otherwise prevent the consideration of this amendment has been suspended by the operation of the resolution passed by the House, and that the resolution is now in order.

Mr. BURNES. The gentleman who is the beneficiary of this provision occupies a seat at the desk and is receiving a salary of $3,000 a year. Just exactly what his duties may be I am not advised, but I apprehend it will be considered he is receiving a just, reasonable salary for all the work that he is called upon to perform.

The fact that he is occupying the position he is is evidence that the salary paid is sufficient for this work. He is a representative, agent, or servant of the House, and it is his business to obey the orders of the Clerk, and perform any labors that may be laid upon him. If the pay is insufficient for his work, give him $3,600; but I say to you, gentlemen of the committee, that if you raise that salary to $3,600, you should raise them all along the line. There is no reason why you should not raise the salary of every individual that holds a position at that desk if you raise the salary of this clerk.

Mr. TARSNEY. Permit me to say that the services for which this compensation is claimed are reported by the Committee on Accounts as not pertaining at all to the ordinary duties of the tally clerk of this House. It is extra work that has been imposed upon him, which has

never been performed by any gentleman in his position on this floor, and it is work which requires him also to work extra hours, to work in the night and to work early in the morning, in order that the Calendar may be properly prepared for us, instead of compelling us to search over the records so as to find the information. If this House were to direct one of its officers here to perform the duties of a page, and he did it, or the duties of a messenger, and he did so, that would be an extra service; it would not be a part of the regular duties imposed upon him when he accepted his office here. Why should we not pay him, instead of employing another to perform the same service and add one more to the roll of employés? We are receiving the benefit of this labor. It must necessarily be imposed upon somebody else if not performed by this gentleman; and if one of our employés outside of his regular line of duties performed this work, why not pay him, instead of somebody else? It strikes me that it is equitable and fair, and that the Committee on Accounts made this report after fully considering the matter. Therefore I hope the amendment will be adopted.

Mr. CANNON. As a member of the minority I am perfectly content that the majority who control this House of Representatives and designate its employés shall pay them whatever they choose; but I do not want you to do it under false pretenses. For aught that I know the gentleman mentioned in this resolution ought to have $3,600; yet I do have the impression that he does not any more deserve it than the reading clerks and the other clerks at the desk do. I am satisfied that if you will examine this index you will find it is a reference to the cases on the Calendar, arranged alphabetically. How much time it takes to prepare it I do not know, but I should think it would not be a very onerous work. All that I am going to do is to protest against increasing the salary of this gentleman $600 for this work, and therefore I will move to strike out of the resolution the statement that this increase of pay is for making this index, because that is a mere pretext.

Mr. SOWDEN. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. SOWDEN. Were not the salaries of all the clerks at the desk increased at the end of the last session of the Forty-ninth Congress $600 with the exception of this one?

Mr. CANNON. I do not recollect; but we are legislating now in the Fiftieth Congress. Understand, I am not opposing this appropriation. You gentlemen on the other side control this House and I am willing that you shall pay its employés what you please. I shall have some remarks to submit before I get through in the way of reply to the annual contribution offered by the gentleman from Indiana [Mr. HOLMAN] to the literature of "economy," but I do not care to submit them on this question, and I have risen merely to make one single point. If you want to increase this salary $600, increase it, but do not offer as an excuse for your action something which does not exist in fact.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Strike out the words "for extra services in connection with the preparation of the Calendar and indexing the same for the first session of the Fiftieth Congress" and insert the words "in addition to," so that the provision will read: "To pay Samuel D. Craig in addition to his present salary $600."

Mr. SOWDEN. Mr. Chairman, I send to the Clerk's desk a copy of the RECORD showing the report of the Committee on Accounts upon this resolution and the action of the House upon that report, which I ask to have read.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to Samuel D. Craig, out of the contingent fund of the House, the sum of $600, in full compensation for preparing an index of the Calendars of the House for the first session of the Fiftieth Congress.

The Committee on Accounts, to whom was referred the resolution providing for the payment out of the contingent fund of the House to Samuel D. Craig the sum of $600 for extra services in the preparation of the Calendars, having considered the same, report that, in the judgment of your committee, the amount asked is very reasonable. The extra work on the Calendars is 40 per cent. at least in excess of any previous session, and there has been added an index (prepared by Mr. Craig) which has been of great benefit to the members as well as the public at large. The compilation of this index alone is well worth the sum asked, and the committee would recommend the passage of the resolution if the same were a legal charge upon the contingent fund; but as it is not, your committee therefore report the following substitute and recommend its adoption:

"*Resolved*, That there be paid to Samuel D. Craig the sum of $600 for extra services in connection with the preparation of the Calendars and indexing the same for the first session of the Fiftieth Congress, and that the Committee on Appropriations be directed to provide for the payment of said sum in the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes."

The SPEAKER *pro tempore*. The question is on agreeing to the substitute proposed by the Committee on Accounts.

The substitute was adopted.

The resolution as amended was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. CANNON] to the amendment of the gentleman from Arkansas [Mr. ROGERS].

Mr. SOWDEN. I raise the question of order. It is not in order to introduce an amendment of that character at this time. We are operating under the order of the House. The House ordered the Committee on Appropriations to report an appropriation of $600 for the payment of Mr. Craig in the resolution just read. Now, the gentleman proposes to change the order of the House by the introduction of this amendment.

Mr. BURNES. I would like to know what are the duties of Mr. Craig. I ask the chairman of the Committee on Accounts [Mr. SHAW] what duty Mr. Craig has to perform except that of a tally clerk?

Mr. SHAW. I am advised that he prepares the Calendar. That, I think, is part of his duty. During this session, at the request of the Clerk, he has added to it an index, which, if the gentleman has had occasion to consult, he has doubtless found exceedingly convenient. It is the duty of Mr. Craig twice a week to put upon this Calendar all matters that are presented for consideration, and also to see that the index is properly kept up, that bills which have passed the House are struck from the Calendar and new ones added to the list, so that he is kept constantly on the alert.

Mr. BURNES. Now, then, we have the information. The tally clerk has nothing to do except to keep tally and to make this index.

Mr. SHAW. And the Calendar.

Mr. BURNES. The making of the Calendar is a part of his duty. It appears that he has improved the Calendar by adding an index, and if he does any extra work at all it is not in the making of the Calendar, but in the preparation of this index. So I understand the statement of the chairman of the Committee on Accounts. This gentleman receives $3,000 for performing the duties of tally clerk and making the Calendar. Now, because he has, with commendable industry and kindness, made an improvement upon the Calendar, does that give him a claim for extra compensation for extra work? Is he overburdened to such an extent by the preparation of this index that he should be paid $600 over and above his salary for it? I feel, Mr. Chairman, that this House will surely not enter upon such legislation as this.

Mr. SOWDEN. It has already done it.

Mr. BURNES. I wish to say another word. The reading clerks get $3,000 a year each, and what work do they do? I need only ask the question. Members of this House have seen them toiling and struggling night and day in the performance of duties that almost placed their lives in jeopardy. Shall they receive no more than the tally clerk? Think of it a moment, Mr. Chairman, and let this House determine in a spirit of justice whether it will raise this salary to $3,600 and leave those other clerks at $3,600.

The CHAIRMAN. The gentleman from Pennsylvania has made a point of order against the amendment to the amendment. The Chair is of the opinion that the amendment to the amendment is in order. The House instructed the committee to report the original proposition in this bill. It was not in the bill; and it was in order to move its insertion. The proposition being in order, and before the Committee of the Whole, it is in order to submit any amendment to it which is germane. Therefore the Chair entertains the amendment to the amendment.

The question being taken on the amendment to the amendment, it was disagreed to.

The question recurring on the amendment, it was rejected.

Mr. SAYERS. I now ask the Committee of the Whole to recur to the amendment which was passed over in regard to the stenographic corps.

The CHAIRMAN. The Committee of the Whole will now recur to that amendment. The Clerk will report the amendment as now submitted by the gentleman from Texas [Mr. SAYERS].

The Clerk read as follows:

To reimburse the five Official Reporters of the proceedings and debates of the House of Representatives for moneys paid by them so far during the present session for clerical hire and extra clerical services, $1,000 each, $5,000; $1,000 of which shall be paid to the widow of the late J. K. Edwards, he having been one of the said five Official Reporters as herein provided for.

The amendment was agreed to.

Mr. MATSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the amendment last adopted the following:

"To pay Alexander Vangeuder the sum of $500 as compensation for services rendered as assistant clerk to the Committee on Invalid Pensions during the second session of the Forty-ninth and the first session of the Fiftieth Congresses."

Mr. BURNES. I reserve a point of order on that amendment.

Mr. MATSON. I wish to say a word in behalf of this amendment, and I trust that I may prevail upon my friend from Missouri [Mr. BURNES] not to insist on the point of order. Such an appropriation as this has been made, I think, three or four times heretofore, as perhaps gentlemen may remember. The beneficiary named in the amendment is the clerk detailed from the Pension Office to assist the Committee on Invalid Pensions in its work. The proposition contained in the amendment would make his pay equivalent to that of a per diem or session clerk of the House of Representatives.

He has been found by the committee, and I may say by the House, to be a very valuable aid in our work. He is a sort of oracle on pension matters here in the House, and as I know furnishes to members a great deal of valuable advice. In addition to that, he has charge of the Pension Office papers which are sent back and forth between the Committee on Invalid Pensions and the Pension Office. He is thus required to make a great many trips, and is put to some extra expense.

This sort of an appropriation has been made heretofore in his behalf, and I hope the gentleman from Missouri will not insist upon his point of order.

Mr. BURNES. Mr. Chairman, I regret to be obliged to insist upon this point of order; but in the absence of contrary instructions from the committee which I represent it would be improper for me not to make it. I would like to accommodate my friend from Indiana, as he knows.

This gentleman, however, to whom the amendment refers is in the regular employment of the Government; he is getting his salary as an employé in the Pension Bureau. I do not think he will resign or will suffer materially if this additional compensation be refused. Still, on the appeal of the gentleman from Indiana, I would waive this point if I dared to do so. But the committee expects me to make points of order wherever they can properly be made.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON, of Illinois. I move to amend by inserting, after the amendment last adopted, the following:

To pay to Howard A. Wiltberger $75 for forty-five days' work in the folding-room, and to Charles Brereton $158 for work in the folding-room.

Mr. BURNES. I make a point of order upon that amendment. I am willing to reserve it until the gentleman from Illinois can be heard.

Mr. ANDERSON, of Illinois. Mr. Chairman, this amendment proposes to provide payment, as I understand, for work which these boys did in the last Congress. They were placed in the folding-room by Mr. Donelson and did the work to which they were assigned. I think there is no question raised on that point. The only difficulty was that the Doorkeeper at that time had no authority to put these boys to work. He did so, however, assuming that he had authority. The boys entered on their duties without knowing anything about the lack of authority on the part of the Doorkeeper, and they performed their work faithfully. One of them is now a page here and an intelligent and faithful boy.

Mr. HOLMAN. How many are there?

Mr. ANDERSON, of Illinois. It provides for the payment of two persons.

Mr. HOLMAN. I think it ought to go in.

Mr. ANDERSON, of Illinois. I know one of these boys. They have received no pay whatever for the work.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON, of Illinois. I do not know that the gentleman insisted upon the point of order.

Mr. HOLMAN. Let me ask if they were paid anything at all.

Mr. ANDERSON, of Illinois. No, sir; they received no pay whatever for this work.

Mr. HOLMAN. But did they receive compensation for any work in which they were engaged?

Mr. ANDERSON, of Illinois. No, sir, I think not. I think they performed this work and it was found afterwards that the officer of the House had exceeded his power in authorizing it to be done; hence they could not be paid in the regular way. I hope the point of order will not be made.

Mr. BURNES. It seems that this does not come very regularly, nor has it been certified by any officer of the House. My friend will see the impropriety of making an appropriation under those circumstances; and while I regret exceedingly to be compelled to make the point of order, yet I feel it to be my duty to do it, as I have no authority from the committee to do otherwise.

The CHAIRMAN. The Chair must sustain the point of order if the gentleman insists upon it.

Mr. BURNES. I move that the committee now rise.

Mr. O'FERRALL. Will the gentleman yield to me for a moment to have an amendment read?

Mr. BURNES. I will yield for that purpose.

Mr. O'FERRALL. I am directed by the Committee on Elections to offer the two amendments which I send to the desk.

The Clerk read as follows:

To pay JOHN M. GLOVER the sum of $2,000 in full of all expenses incurred by him in the contested-election case of Frank *vs.* Glover, in the Fiftieth Congress.

Also to pay to Nathan Frank the sum of $2,000 in full of all expenses incurred by him in the contested-election case of Frank *vs.* Glover in the Fiftieth Congress.

Mr. REED. I would like to ask if that covers the actual expenses to which these gentlemen have been subjected.

Mr. O'FERRALL. Neither of the appropriations here pays the entire expenses incurred by these gentlemen; but I understand that there is existing law which limits the amount in such cases to $2,000, regardless of what may have been the expense incurred.

Mr. REED. That existing law can be abrogated if the House sees proper to do so.

Mr. O'FERRALL. I suppose not on this appropriation bill.

Mr. REED. If nobody makes objection.

Mr. O'FERRALL. I am not authorized to report more than that by the Committee on Elections. That is the amount which has been allowed in all cases.

Mr. REED. I think there has been no greater wrong to individuals than that law.

Mr. O'FERRALL. I agree with the gentleman. I have suffered from it myself.

Mr. REED. It is a thorough injustice in every point of view.

Mr. O'FERRALL. The law limits the amount to $2,000. I can recollect an instance, and but one instance, where the amount has been exceeded. In the case of Massey *vs.* Wise, where there was a contest from the State of Virginia at large in the Forty-eighth Congress, there was a larger allowance made. But it has been the uniform rule of the committee to allow but $2,000 for expenses, and below that, even though the amount expended may have been largely in excess. If the sum of the expenses exceeded $2,000, the law only allowed that amount, but if they did not reach $2,000, the amount allowed was the sum of the expenses only.

Mr. REED. The gentleman does not know the amount expended here?

Mr. O'FERRALL. No, sir; but I think in each case it is considerably over $2,000.

Mr. REED. Every one who has ever had a contested-election case knows that neither the expense of prosecuting the contest nor of defending it is at the option of the member whose seat is contested. Under our present absurd system of taking evidence in contested-election cases and absurd method of deciding them, a man may be dragged all over his district and forced to pay out large sums of money, as high in one instance that I now recall as $8,000, and yet Congress by that law prevents him from receiving more than $2,000. It has had no tendency to lessen the amount of expenses, because that is a matter evidently beyond his control. It has been an outrage for a long time, and ought to be abrogated.

Mr. WEAVER. I want to say a word in order to bear testimony to the absolute accuracy of the statement made by the gentleman from Maine. I know from my personal knowledge of the facts the expenses which are entailed upon a man by these contests. I have had experience of it myself in a contest in my own State; and other members here know the same thing to be true, of being dragged all over the district and all over the State perhaps, sometimes out of a State, to ake testimony and then foot the bill out of your own pocket.

Mr. O'FERRALL. There are many living witnesses to the great wrongs which have been done under this law. I have felt it myself. In the Forty-eighth Congress I had a contest, and my expenses were over $4,200, for which I received but $2,000. I have asked no more since. The committee believe if more is granted in any case that it would open the door to a vast number of claims of this character and we would be flooded with applications for relief because of just such expenditures as that.

Mr. REED. We should pay no more in these election cases than the actual expense warrants, and the only proper method is to have the testimony taken in accordance with the rules of law. If we could have these election cases brought before a district judge for preliminary hearing, then, instead of the immense mass of testimony we now have, most of it utterly irrelevant, we should have the evidence contained within twenty-five pages. I had an election case once which resulted in a unanimous report of the Committee on Elections in my favor, and the unanimous action of the House. There was absolutely nothing to find out; and yet the testimony made a considerable bulk. I venture to say that if it had been taken before a district judge there would not have been twenty-five pages of legitimate testimony; and the same remark will apply in most of these contested-election cases. I call the attention of this House to the matter, because I hope at some time to present a bill on this subject, providing for a preliminary examination and preliminary disposition of these cases so that they will not be the discredit that they are to-day.

Mr. BURNES. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

RETURN OF A SENATE BILL.

The SPEAKER *pro tempore*. The Chair will lay before the House a request from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 30, 1888.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C., with an amendment of the Senate thereto.

The SPEAKER. If there be no objection, the request of the Senate will be granted.

There was no objection, and it was so ordered.

DAILY HOUR OF MEETING.

Mr. MILLS. I ask, by unanimous consent, that the hour for the

daily meeting of the House be changed from 11 o'clock to 12 o'clock. [Applause.]

There was no objection, and it was so ordered.

COMMITTEE ON LABOR.

Mr. MILLS. I ask, by unanimous consent, that Monday, the 6th day of August, be set apart for the Committee on Labor. We took a day from them, and ought to give it back to them.

Mr. ROGERS. On the suggestion of the gentleman from Alabama [Mr. OATES], who is absent, unless you except from that the convict-labor bill I will object.

Mr. MILLS. I hope my friend will not do that, because we took that day from them and ought to return it.

Mr. ROGERS. I promised the gentleman from Alabama that if this exception were not made I should object, and I do so.

Mr. MILLS. I will ask that Tuesday, the 7th day of August, after the morning hour, be set apart for the consideration of bills reported by the Committee on Labor.

The SPEAKER *pro tempore*. Is there objection?

Mr. ROGERS. I repeat my statement. I object unless the bill in regard to the transportation of the products of convict labor be excepted from the order.

Mr. MILLS. I can make no exception.

FOREIGN IMMIGRATION.

Mr. MCADOO, by unanimous consent, introduced a joint resolution (H. Res. 210) calling for information from American consuls in foreign countries relative to immigration to the United States and providing for an investigation as to alleged infraction of existing laws; which was read a first and second time, and referred to the Committee on Foreign Affairs, and ordered to be printed.

PUBLIC BUILDING AT OMAHA, NEBR.

Mr. DIBBLE. I rise to a privileged report, which I send to the Clerk's desk to be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 182) to provive for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill, and agree to the same with the following amendments:

1. In third line, first page, strike out the words "proceedings in accordance with the laws of Nebraska" and insert in lieu thereof the words "or otherwise."

2. In tenth line, first page, after the word "dollars," insert "and the cost of said site shall not exceed the sum of $400,000."

And that the Senate agree to the same.

SAMUEL DIBBLE,
JOHN MCSHANE,
ROBT. P. KENNEDY,
Managers on the part of the House.

JOHN C. SPOONER,
W. B. ALLISON,
G. G. VEST,
Managers on the part of the Senate.

The following statement of the House conferees, submitted under the rule, was read:

The managers on the part of the House on the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building at Omaha, Nebr., respectfully submit the following statement:

The Senate in the bill provided for $1,200,000 as the limit of cost for site and building. The House amended by substituting provision for a site only, not to exceed in cost $400,000. The effect of the conference report is to provide for a limit of $1,200,000 for site and building complete, and also that of this sum not more than $400,000 shall be expended for the site.

SAMUEL DIBBLE,
JOHN MCSHANE,
ROBT. P. KENNEDY,
Managers on the part of the House.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, in accordance with previous order, stands adjourned until 12 o'clock to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HERMANN: A bill (H. R. 11042) for the relief of Motier Howe—to the Committee on the Public Lands.

By Mr. HOLMAN: A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 11044) granting a pension to Francis Lambert—to the Committee on Pensions.

By Mr. LYMAN: A bill (H. R. 11045) for the relief of Sam Rice Post, No. 6, Grand Army of the Republic, Department of Iowa—to the Committee on Military Affairs.

By Mr. MCCLAMMY: A bill (H. R. 11046) granting a pension to Seyborn Casteen—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11047) granting an increase of pension to John M. Barron—to the Committee on Invalid Pensions.

By Mr. A. C. THOMPSON: A bill (H. R. 11048) for the relief of A. F. Shriver—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 11049) to refer the claim of W. B. Alsobrook *et al.* to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 11050) to refer the claim of E. R. Chattin to the Court of Claims—to the Committee on War Claims.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 10242) granting a pension to Benjamin Hewitt—from the Committee on Pensions to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of T. H. B. Miller, for relief—to the Committee on Ways and Means.

By Mr. C. E. BROWN: Petition of Jacob A. Remley, captain Company A, Fifth Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. COLLINS: Petition of Mary E. Ottiwell, dependent sister of Nathaniel D. Ottiwell, for a pension—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition of citizens of Shelby County, Alabama, for amendments to the interstate-commerce bill—to the Committee on Commerce.

Also, petition of Mary B. Nicholson, of De Kalb County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. HERMANN: Petition of citizens of Oakland, Oregon, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. NUTTING: Petition and resolutions of U. S. Grant Post, No. 327, Grand Army of the Republic, in favor of Senate bill No. 2797—to the Committee on Naval Affairs.

Also, petition of W. E. Sparrow and 58 others, of Oswego County, New York, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of Matilda Purley, of Greensburgh, La., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER: Petition of D. D. Brewer, heir of King Brewer, of Wayne County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petition indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. BOOTHMAN: Of Samuel Scott and 159 other ex-Union soldiers of Clark County, Ohio.

SENATE.

TUESDAY, *July* 31, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. REAGAN presented the petition of P. H. Hinson and 23 other citizens of Madison and Grimes Counties, Texas, praying for the passage of additional amendments to the interstate-commerce act, prohibiting any railroad company from transporting commodities in cars belonging to the shipper, and giving fines imposed for violations of the interstate-commerce law to the informer; which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of 32 citizens of Ohio, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PLUMB presented a petition of citizens of Wallace County, Kansas, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. HISCOCK, from the Committee on Patents, to whom was referred the bill (H. R. 593) for the relief of James Albert Bonsack, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (H. R. 6753) for the relief of P. Gough Edelin, reported it with an amendment.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 8012) for the relief of M. M. Gibson, reported it without amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind., reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 3829) for the relief of Wesley Montgomery, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills and joint resolution, reported them severally without amendment:

A bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas;

A bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico;

A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster; and

Joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

Mr. BOWEN, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the sundry civil bill, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 925) for the relief of Matthew W. Berryman, reported it without amendment.

Mr. RIDDLEBERGER. I report from the Committee on Manufactures favorably an amendment intended to be proposed to the sundry civil appropriation bill, which I ask may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator desire to have the amendment printed?

Mr. RIDDLEBERGER. I presume it is not necessary to have it printed.

Mr. EDMUNDS. Let it be read, then.

The PRESIDENT *pro tempore*. The proposed amendment will be read for information.

The CHIEF CLERK read as follows:

It is provided that any surplus arising from appropriations made to either of the Departments by act of May 28, 1888, for participation in the centennial exposition of the Ohio Valley, may be transferred and used for the same purposes to participate in the expositions to be held in the cities of Augusta, Ga., and Richmond, Va., which are to begin in the month of October of the present year.

ELLIOTT JOHNSTON.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report favorably with an amendment the bill (H. R. 8285) to remove the political disabilities of Elliott Johnston, and as usual in such cases, as it saves time, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the Judiciary was, in line 3, after the words "that the," to strike out "legal and;" so as to make the bill read:

Be it enacted, etc., That the political disabilities imposed by the fourteenth amendment of the Constitution of the United States, by reason of participation in the late rebellion, be, and they hereby are, removed from Elliott Johnston, of Accomac County, in the State of Virginia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

UNION PACIFIC RAILROADS.

Mr. FRYE. I am instructed by the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission, to submit a report, accompanied by a bill.

The bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, was read twice by its title.

Mr. FRYE. I desire to say a word in relation to the report.

The bill now reported is the Outhwaite bill as reported to the House of Representatives, containing many amendments over the bill as it came from the commission originally. The report made in the Senate is signed by all the members of the committee. The Senator from Minnesota [Mr. DAVIS] being absent he authorized the chairman of the committee by a telegram to sign the report for him.

The bill relates only to the Union Pacific and Central Branch, having nothing whatever to do with the Central Pacific.

The committee find much greater difficulty in formulating an adjustment and a settlement with the Central Pacific than with the Union Pacific, and are not prepared at the present time to make any report touching that road. It is barely possible that it may be necessary to amend this bill when it is under consideration.

The bill provides for finding the present worth of the debt of the United States against this corporation, and I desire that a statement of the processes may be printed in the RECORD. I will read it. It is as follows:

STATEMENT MADE TO EXPLAIN THE METHOD OF FIGURING ADOPTED IN THE PROPOSED BILL.

Under the actions of 1862 and 1864, the Union Pacific and Kansas Pacific Railroad Companies received the bonds of the United States, payable in thirty years and bearing 6 per cent. interest to the amount of $33,539,512. The interest on these for thirty years is $60,371,121.60; making the total sum which the United States bound itself to pay for the companies $93,910,633.60. This sum, except as herein stated, is under the decision of the Supreme Court, not due from the companies till the maturity of the bonds, say July 8, 1897.

The original acts required certain payments, namely, one-half the amount earned by transportation for the Government and 5 per cent. of the net earnings, and these payments are made annually. These payments to June 0, 1888, amount to $15,980,652.10. As nearly as can be estimated the future payments of the same kind would average each year $675,000.

With these data the position of the debt may be stated thus: The United States on July 1, 18-8, was in the position of a creditor who holds a note for $93,-910,633.60, upon which was paid $15,980,652.10, leaving a balance of $77,929,981.50 of which $675,000 is payable at the end of each year for eight years and the balance is payable at the end of nine years, or July 8, 1897.

If the debtor wishes to pay the entire debt in cash now, *i. e.*, nine years before it is due, he is entitled to a discount. The amount of this discount should be such that the creditor taking his money and investing it at the current rate of interest would at the maturity of the debt have in his hands a sum exactly equal to the debt then due. As the United States can easily get 3 per cent. on its money this rate is adopted, and as the interest on an investment is payable semi-annually the discount should be made with semi-annual rests. Or, to put it in another way, as the debtor under the proposed settlement instead of paying cash is to give his bonds and pay interest on them semi-annually, it is only fair that the interest should be allowed on the same principle, which is adopted in charging it.

If, however, the entire debt were discounted with semi-annual rests for nine years, the Government would lose the advantage of interest on the annual payments of $675,000 to which it is entitled by its contract. To avoid this injustice the discount is made without rests, whereby an injustice is done the debtor to the extent of more than a million dollars, as the following tables show:

Table 1 gives the result of fixing the present worth by discounting at compound interest with semi-annual rests and without making any allowance for the annual payments of $675,000.

Table 2 gives the result where the discount is made in the same way, but proper allowance is made for the annual payments.

Table 3 gives the result where the discount is made at simple interest, as in the proposed bill.

	Table 1.	Table 2.	Table 3.
Principal of bonds	$33,539,512.00	$33,539,512.00	$33,539,512.00
Interest for thirty years at 6 per cent	60,371,121.60	60,371,121.60	60,371,121.60
Total	93,910,633.60	93,910,633.60	93,910,633.60
Payments on bond and interest account to June 30, 1888 (payment for last year estimated)	15,980,652.10	15,980,652.10	15,980,652.10
Balance	77,929,981.50	77,929,981.50	77,929,981.50
Present worth of this sum on June 30, 1888	59,570,452.00	60,212,904.12	61,351,634.00
Sinking fund June 30, 1888 (estimated)	8,399,503.67	8,399,503.67	8,399,503.67
Balance for which bonds and mortgage are proposed	51,170,948.33	51,813,400.45	52,952,130.33

In other words, if the annual payments are ignored and a fair discount made, there is an error against the United States of $642,552.12. By adopting the plan of simple discount this error is corrected, and the company is overcharged $1,138,729.88.

The actuaries of the New York life-insurance companies have been requested to take this matter and see whether, without too much complication of statement, they can arrive at a statement which shall be exactly fair to the company and to the Government, and it is barely possible, if that statement comes, that the committee may wish to offer it as an amendment to the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and the report will be printed.

Mr. FRYE, from the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission, to whom were referred the following memorials and resolutions favoring the passage of what is known as the Outhwaite Union Pacific funding bill, asked that the committee be discharged from their further consideration, and that they lie on the table; which was agreed to:

Resolutions of Board of Trade of Pierce, Nebr.;

Resolutions of the Oakley (Kans.) Board of Trade;

Two memorials and joint resolutions of the Board of Trade of the city of Stromsburgh, Nebr.;

Memorial and resolutions of the Board of Trade of South Omaha, Nebr.;

Memorial of the village trustees of Pierce, Nebr.;

Resolutions of the Omaha Board of Trade of Omaha, Nebr.;

Preamble and resolutions of the Omaha (Nebr.) Board of Trade;

Resolutions of the Board of Trade of Council Bluffs, Iowa;

Resolutions of the Board of Trade of Atchison, Kans.; and

Resolutions of the Chamber of Commerce of Lawrence, Kans.

GEORGE W. SEAVER.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Vermont [Mr. EDMUNDS] July 30, 1888, to pay to the widow of George W. Seaver, late a clerk in the office of the Secretary of the Senate, an amount equal to six months' salary, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Mrs. N. S. Seaver, widow of George W. Seaver, deceased, late a clerk in the office of the Secretary of the Senate, an amount equal to six months' salary as such clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

RELATIONS WITH CANADA.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. HOAR] July 24, 1888, to report it with an amendment. I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That a committee of seven Senators be appointed by the Chair whose duty it shall be to report upon the relations of commerce and business existing between the United States and the dependencies of Great Britain in North America, including the effect upon the commerce and carrying trade of the United States of the Canadian system of railways and canals now existing and in contemplation, and the prospect of the displacement of any existing industries of the United States by industries established there; also whether the obligations of existing treaties and of international law are and have been observed by the said dependencies toward the people of the United States, and the number, amount, and character of the existing claims against Great Britain by reason of the violation of such obligations toward the people of the United States in said dependencies.

Said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk, messenger, and stenographer, and to sit anywhere in the United States during the session and during the recess of Congress.

Any subcommittee by them appointed may exercise the same powers as the full committee.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was to add to the resolution:

And all necessary expenses of such committee or subcommittee shall be paid out of the contingent fund of the Senate upon vouchers duly approved.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. HOAR. I ought to make one observation in regard to the resolution which has just been passed.

The resolution comprehends in its terms the matter of the railroad relations, but I understand the Committee on Interstate Commerce propose to take up that subject and to discuss it. It is not, therefore, my purpose to engage in that particular department or in any way to interfere with the proposed investigation by that committee.

Mr. CULLOM. I simply desire to say that the Interstate Commerce Committee, by the consent of the Senate, expect to enter upon a thorough investigation of the relations between the United States and Canada connected with the subject of transportation both by rail and water; and it was only on account of an understanding with the Senator from Massachusetts that I made no objection to the passage of the resolution just adopted.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. WILSON, of Iowa. I ask the Chair to lay before the Senate Senate bill 288, which has been returned from the House of Representatives with amendments.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 288) for the erection of a public building at Sioux City, Iowa.

Mr. WILSON, of Iowa. I move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. WILSON of Iowa, and Mr. DANIEL were appointed.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 3402) for the relief of John M. Harrell, of the State of Arkansas; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

He also introduced a bill (S. 3403) for the relief of S. S. Stearns; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLODGETT introduced a bill (S. 3404) authorizing the Secretary of the Treasury to appoint commissioners to investigate certain claims for damages done to planted oysters in Raritan Bay in 1881; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO APPROPRIATION BILL.

Mr. PALMER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 10540, being the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER] to make an appropriation for the erection of a public building at Atchison, Kans.

Mr. SPOONER. I ask leave to report from the Committee on Public Buildings and Grounds an amendment to the pending bill.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations.

Mr. BECK. The pending amendment is the amendment offered yesterday by the Senator from Wisconsin [Mr. SPOONER].

The PRESIDENT *pro tempore*. The Chair begs leave to state about that amendment, that it was perhaps improvidently announced as agreed to before the point of order had been submitted. The Senator from Kentucky stating that he desired to submit a question of order upon the various amendments proposed by the Senator from Wisconsin, the Chair asks that the announcement made may be reconsidered, by unanimous consent, for the purpose of enabling the Senator from Kentucky to interpose the point of order. If there be no objection, that order will be taken.

Mr. BECK. I desire to make the point of order that it is legislation upon an appropriation bill; that it is not the law of the land that a building should be erected at that point at present. I do not know what other grounds there are, but I object to the amendment that it is not proper to go on the pending bill, and I desire to state the reasons why I object if I may be allowed to do so.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Kentucky that, properly speaking, the point of order is not debatable.

Mr. BECK. I ask unanimous consent.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Kentucky will be allowed to proceed. The Chair hears no objection, and the Senator from Kentucky will proceed.

Mr. BECK. I desire to state the only object I had in view in interposing the objection——

Mr. RIDDLEBERGER. Do I understand that there is to be general debate on the point of order, or that only one side is to be heard?

The PRESIDENT *pro tempore*. The Chair has no doubt that if one side is heard the Senate will permit the other to be heard also.

Mr. HOAR. Will the Chair again state the point which is raised?

The PRESIDENT *pro tempore*. The Senator from Kentucky interposes a point of order upon the amendment proposed by the Senator from Wisconsin, which was pending when the Senate adjourned last evening.

Mr. BECK. Mr. President, all I desire to say is that I am not making this objection or point of order, whatever it may be considered, because of any hostility to the bill as an independent proposition. There are a number of bills which have passed the Senate for public buildings in which I have acquiesced and believe they ought to become laws, at least I know of nothing to the contrary, notably one, as I said yesterday, has great merit, being for a post-office in the city of San Francisco. They are occupying there an old post-office building which I understand was built when San Francisco was hardly more than a village, while now it is a great city. They ought to have a suitable post-office building, of course. But the bill for that purpose has not passed both Houses, and is therefore not a law.

The Committee on Appropriations inserted in this bill, as I understand, provision for every public building where a bill authorizing it has become a law. We have not inserted such provisions where the bills have not passed both Houses and been signed by the President.

I will state the reason I have for apprehending serious complication if we insert such an amendment as is now proposed on the sundry civil appropriation bill, which it is well known must pass, as it provides for the ordinary running of the Government. By this bill the Light-House Service, the Life-Saving Service, and a great many important works and indispensable services are provided for, so that the sundry civil bill must become a law or the Government can not be run in an

orderly way. Now, the proposition to attach Senate bills for public buildings which are not yet laws, which the House has not had a chance to consider—at least, we have a right to assume that it has not—and which the President has had no chance to examine, is simply for the Senate to say that hereafter, not merely on this bill, but in all time to come, the rule of the Senate shall be that whenever it passes a bill for a public building or for any other local matter that is not general legislation, no matter how important, it will attach it to the sundry civil appropriation bill, and force the House to act upon it and agree to it or that the bill shall not pass. The effect will be to force the President to sign the bill whether he objects to the particular appropriation for public buildings or not. The decision in this case, in my opinion, will settle that question now and for all time to come. I confess to an earnest desire to avoid complications of that sort.

Therefore, I went to Mr. Smith, the superintendent of the document-room, this morning in a hurried way and obtained from him a list of bills which have passed the Senate at this session, most of which are now pending in the House of Representatives. The list may not be accurate; I think some of the bills have been passed; but the list that he gave me, which I made a note of, runs up to a very large sum of money—$9,723,000, besides two or three other bills running up to about $350,000 more that he said he could not tell exactly what had become of. I then went to the House of Representatives to see how many of those bills had passed, taking the Senate list with me. The Clerk of the House advised me that all he could find which had passed the House was one at Tallahassee, Fla., $75,000; one at Omaha, Nebr.; one at Wichita, Kansas, $100,000; one at Newark, N. J., $350,000; one at Sacramento, Cal., $50,000; one at Youngstown, Ohio, $75,000, which was vetoed; one at Charlotte, N. C., $85,000; and one at Milwaukee, Wis., $300,000.

The list of Senate bills which was furnished me by the superintendent of our document-room is as follows:

S. 20, custom-house, Portland, Oregon	$350,000
S. 21, post-office, Salem, Oregon	75,000
S. 105, court-house, etc., Pueblo, Colo	200,000
S. 129, post-office, Chester, Pa	75,000
S. 132, post-office, etc., New Orleans (originated in House)	400,000
S. 154, court-house, etc., at Milwaukee (originated in House)	400,000
S. 164, post-office at Pawtucket	60,000
S. 165, post-office, Woonsocket	50,000
S. 182, post-office, etc., Omaha, Nebr	500,000
S. 217, post-office, Jacksonville, Fla	118,000
S. 218, post-office, Key West, Fla	175,000
S. 281, post-office, Kansas City, Mo	250,000
S. 288, post-office, court-house, etc., Sioux City, Iowa	150,000
S. 289, post-office, Fort Dodge	75,000
S. 327, post-office, Stillwater, Minn	50,000
S. 347, post-office, Youngstown, Ohio	75,000
S. 349, post-office, Akron, Ohio	75,000
S. 351, post-office, Zanesville, Ohio	75,000
S. 384, post-office, Dover, N. H	75,000
S. 385, post-office, Nashua, N. H	60,000
S. 601, post-office, Newark, N. H	350,000
S. 658, post-office, Beatrice, Nebr	40,000
S. 785, post-office, Jackson, Miss	6,000
S. 786, post-office, Vicksburg, Miss	100,000
S. 907, post-office, Charlotte, N. C	85,000
S. 955, post-office, Boulder, Colo	50,000
S. 1062, post-office, Wilmington, Del. (additional)	100,000
S. 1083, post-office, Tallahassee, Fla	75,000
S. 1177, post-office, Fortress Monroe	10,000
S. 1200, post-office, Lansing, Mich	100,000
S. 1291, post-office, Staunton, Va	50,000
S. 1234, post-office, Roanoke, Va	50,000
S. 1318, post-office, Altoona, Pa	75,000
S. 1322, post-office, Hastings, Nebr	75,000
S. 1333, post-office, Cheyenne, Wyo	80,000
S. 1365, post-office, Newport News	100,000
S. 1549, post-office, Hudson, N. Y	75,000
S. 1553, post-office, Oakland, Cal	250,000
S. 1554, post-office, Sacramento, Cal	200,000
S. 1646, post-office, Troy, N. Y	400,000
S. 1732, post-office, Pensacola, Fla. (to complete)	32,000
S. 1776, post-office, Atchison, Kans	75,000
S. 1789, post-office, Los Angeles, Cal	300,000
S. 1816, post-office, New London, Conn	25,000
S. 1864, post-office, San Diego, Cal	200,000
S. 1876, post-office, St. Albans, Vt	30,000
S. 1913, post-office, Emporia, Kans	75,000
S. 1924, post-office, Wichita, Kans. (to complete)	100,000
S. 1931, post-office, San Francisco, Cal	650,000
S. 1940, post-office, Sterling, Ill	40,000
S. 1941, post-office, Helena, Mont	80,000
S. 1974, post-office, Fort Worth, Tex	75,000
S. 1978, post-office, Paterson, N. J	25,000
S. 1981, post-office, Muskegon, Mich	100,000
S. 2121, post-office, Burlington, Ia	75,000
S. 2164, post-office, Norfolk, Va	150,000
S. 2277, post-office, Lynchburgh, Va	30,000
S. 2278, post-office, Petersburgh, Va	30,000
S. 2319, post-office, Waterbury, Conn	75,000
S. 2442, post-office, Detroit, Mich. (increase limit)	1,500,000
S. 2475, post-office, Winona, Minn. (limit increased)	150,000
S. 2546, post-office, Peoria, Ill. (to complete)	12,000
S. 2662, post-office, Salt Lake, Utah	200,000
S. 2788, post-office, Virginia City, Nev	25,000
S. 2789, post-office, Reno, Nev	60,000
Grand total	9,723,000

This list of bills, furnished me from our document-room, as I said, runs up to about $9,723,000, of which perhaps bills to the amount of a million dollars have been agreed to in the House of Representatives, and there may be two or three bills now in the sundry civil bill embraced in the list, for I have not had time to revise it; some may have passed both Houses which carried their own appropriations with them. The list shows enough to make good what I say about the complications the insertion of any of these measures into this will lead to, because I assume that if any one is inserted all will be; as all have passed the Senate, and are therefore on an equal footing. I repeat that in my opinion attaching all or any of these public building bills of the Senate to the sundry civil appropriation bill, before they have been acted upon by the House and before they have been examined by the President, simply because they have passed the Senate, is not good legislation; that it tends to produce discord between the two Houses. I fear that it will be regarded in the other end of the Capitol as an invasion of their rights and as an attempt to coerce them to pass these bills simply because the Senate has done so. There is enough of that sort of feeling always growing up between the two Houses in Congress and in all other legislative bodies to make it well to avoid it whenever we can.

It may be that the House of Representatives have not done what we think they ought to have done, but that is not our business. They have a right to do what they please, and we have no right, in my judgment, to try to force them to do anything they do not want to do, whether we like or dislike their action; and I claim the same rights for the Senate that I accord to the House.

The sundry-civil appropriation bill provides for carrying out existing laws and for executing and perfecting measures which have been already provided for. That we have done in regard to public buildings in every instance, and I think we have done it well. We have done it better than the House did, because in all the small appropriations for buildings costing $100,000 and less we have inserted in this bill the full amount necessary to erect the building. The House had confined the appropriation to one-half, but we thought it was more economical to do it in the way we have proposed, making the contracts all at once and finishing it in one year instead of two, and we have adopted that rule.

If we enter upon the wide field now proposed I do not see where we are to stop.

I assume that every one of those forty or fifty bills which passed the Senate has as much right to go on this bill as the one now proposed. The technical steps may not have been taken, they may not have been referred to the Committee on Appropriations for one day, but they can all be referred this morning and be in order to-morrow morning, and I presume from our experience yesterday, when we consumed all day on a single item relating to the irrigation of public lands, we can run all this day on some other question.

The Committee on Finance, I understand, proposes to offer the direct-tax bill as an amendment to this bill; that will add, if it passes, $17,000,000 more. The bill itself now appropriates some $25,000,000 or $26,000,000; the direct-tax bill will make it about $42,000,000; and now from $7,000,000 to $10,000,000 more are to be added for public buildings. This bill alone before we get through with it, if we keep on as we are doing, will contain appropriations of larger sums of money than ever were expended in most if not all of the years of Mr. Buchanan's administration for all the purposes of the Government.

As I said, whether the proper steps have been taken in regard to all the public-building bills or not, it can be done this morning in five minutes, and they will all be in order to-morrow and they will all be attached to the bill. It is no excuse to say that some Senators failed to take the proper steps while others have taken the proper steps by referring the amendments to the Committee on Appropriations. I suppose this particular building has no more merit than any other building. It has as much as most of them perhaps; it has not as much as the San Francisco building, which I suppose will follow, though the necessary steps may not have been taken to make it in order by a reference to the Committee on Appropriations. But, if it is not, it can be done in one day.

Having stated my objections I shall ask, with all respect to the Chair, a vote of the Senate and a call of the yeas and nays to determine whether we propose to establish a precedent like this and are going to make for all time every public-building bill that has passed the Senate that the House refuses to consider, or fails to consider, or that the President has not had a chance to see, or has failed to act upon, or has vetoed, part of the great sundry civil appropriation bills which must pass in order that the Government may be carried on properly, decently, and in order. I do not believe in forcing the present or any other House of Representatives or the President of the United States—either the present President or any other President—because whatever precedent we set now is going to apply to all time, to pass or approve Senate bills. I insist that the President shall have the opportunity of passing upon the propriety or impropriety of every measure which this or the other House may propose.

Mr. SPOONER. It may be, Mr. President, that the rule ought to be amended in accordance with the reasoning and the policy indicated by the Senator from Kentucky so as to place it absolutely beyond question that no such amendment shall be made by the Senate to the sundry civil appropriation bill. But as I understand it, the question now pending is whether this amendment is in order under an existing rule

of the Senate, and the other questions, as to whether the amendment shall be adopted if the Chair shall decide it to be in order, are to be debated hereafter.

The Senator from Kentucky makes the point of order, I understand, that the amendment is not in order because no law has been passed providing for the construction of a public building at Atchison, Kans. It seems to me there can be no question as to the amendment being in order under the rule. While I have been in the Senate but a comparatively short time, I remember that the rule was construed by the distinguished Senator from Ohio [Mr. SHERMAN] while he occupied the chair as the President *pro tempore* of the Senate to render admissible an amendment like the one which is now pending.

In order to enable the Senate to place an amendment of this kind on the sundry civil appropriation bill the rule does not require that a law shall have already been passed, which involves, of course, that a bill shall have passed both Houses and that it shall have been approved by the President. I should like to call the attention of the Senator from Kentucky to the language of Rule XVI:

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill—

That, of course, is not this case—

or to add a new item of appropriation—

That is this case—

unless it be made to carry out the provisions of some existing law—

The Senator argues as if that were the end of the rule, but it is not—

or—

The disjunctive "or" is used, it will be observed—

treaty stipulation, or act, or resolution previously passed by the Senate during that session—

That is not all—

or—

Which is this case—

unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

As I said to the Senate yesterday, this amendment is moved by direction of a standing committee of the Senate—the Committee on Public Buildings and Grounds. The rule dealing with the details, subdivision 2 of it, is as follows:

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

The rule in this respect was complied with, so that as to this amendment it stands thus——

Mr. BECK. Go on a little further. Read on.

Mr. SPOONER. I will get to that in a moment. It stands thus: It is offered by direction of a standing committee which reported it favorably to the Senate with a recommendation that it be referred to the Committee on Appropriations, and it was referred to that committee twenty-four hours before the time arrived for its consideration. The only other point made by the Senator from Kentucky is that this is new legislation.

Mr. BECK. Read on down.

Mr. SPOONER. I will read on down.

In like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce; also amendments to bills establishing post-roads, proposing new post-roads, shall, before being considered, be referred to the Committee on Post-Offices and Post-Roads.

Of course that does not relate to or bear upon this question. Now I read from subdivision 3:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Mr. BECK. What I contend is that it is general legislation, no matter who rules to the contrary.

Mr. SPOONER. That, as I understand it, is the Senator's main point. The Chair will observe that this does not inhibit an amendment which constitutes new legislation. The Senate, although perhaps to follow the Senator from Kentucky it ought to do so, has not seen fit thus far to so tie its hands as to preclude it from putting new legislation upon an appropriation bill. New legislation is not prohibited. General legislation is prohibited.

Then the Senator from Kentucky argued to the Senate that this amendment providing for the erection of a public building at Atchison, Kans., whose force is spent when the appropriation is expended, is general legislation within the meaning of that rule. This question has been under debate before, and it has been decided in the Senate.

Mr. BECK. Both ways, too.

Mr. SPOONER. It has been decided one way which it seems to me is in accordance with reason, and in a way that I venture to say no Senator can successfully attack.

In 1884—and I discuss this question now, not only with reference to this amendment, but with reference to some which are to follow it—in 1884, when the naval appropriation bill was pending, an amendment was offered to it providing for the construction of two new cruisers, and connected with the mere item of appropriation was a considerable amount of legislation, providing how the contract should be let, and the amendment contained certain prohibitions upon the action of the Secretary of the Navy. The point was made that it was new and general legislation within the meaning of the rule. I believe the Senator from Vermont [Mr. EDMUNDS] was the occupant of the chair at that time, and I desire, if the Senator from Kentucky will give attention, to read—it is very brief—his decision upon the point. I submit to the Senator that his definition of general legislation is absolutely accurate and in every way defensible. He said:

The Chair has examined the Journals—

I believe the Senator from Kentucky had the honor to make the point of order at that time against the amendment proposing the construction of the two cruisers—

The Chair has examined the Journals as to analogous amendments at former sessions, and finds himself, as he thinks, fully supported. The distinction is a very broad and obvious one between the general legislation named in the rule and a provision of this character. "General legislation," in the general sense (there are exceptions, however), is legislation that is permanent and regulates the conduct of affairs, and does not exhaust itself of its own force, as every item or provision in appropriation bills properly does.

This amendment is to provide for doing an act which when once done the statutory part of it is entirely exhausted and the law is no longer in force; it has been executed. That is widely different from a regulation even in respect of the conduct of officers of the Navy, which regulation would be a general provision that would continue in force until repealed. The Chair therefore thinks, however great the enactment of the subject is, that within the rule it is in order. The question is on agreeing to the amendment.

This item of appropriation for the construction of a public building at Atchison proposes to appropriate $75,000. The remainder of the amendment is a simple direction by Congress as to the expenditure of the money, and when the money shall have been expended the law is exhausted, it is executed, it is the end of it. It never becomes a part of the permanent law of the country. It is not in any sense, I submit, general legislation within the meaning of the rule.

The Senator has said (it does not bear at all on the question of order, but h may refer to it for a moment) that if this amendment is in order it is In order to attach by amendment to the bill every public-building biill which has passed the Senate. If my construction of the rule is a correct one, it was within the power of Senators to make in order every public-building bill which has passed the Senate and has not passed the Houseof Representatives, but Senators have not chosen to avail themselves o f the rules in that respect.

Mr. BECK. Why not do it this morning?

Mr. SPOONER. I doubt if it could be done this morning.

Mr. BECK. It is required to be done within twenty-four hours.

Mr. SPOONER. I have supposed that the bill would probably be acted upon to-day. But at any rate the amendments, and they are very few, which I propose to offer to the bill were offered under the rule, by standing committee favorably reporlted, and it seems to me they are in order.

Mr. DAWES. In that connection I should like to inquire of the Senator, as he, I observe, offered these amendments, by what rule did he make his selection?

Mr. SPOONER. The Senator from Wisconsin made no selection.

Mr. DAWES. The Senator offered out of the number a series of amendments.

Mr. SPOONER. The amendments offered by Senators were reported from the Committee on Public Buildings and Grounds.

Mr. DAWES. I was under the impression that the Senator offered the amendments himself.

Mr. SPOONER. Oh, no; I have no interest in the amendments.

Mr. DAWES. Then my inquiry is not pertinent.

Mr. SPOONER. I have offered no amendment for Wisconsin.

Mr. DAWES. I did not say the Senator had. I did not mean to be impertinent. The Senator knows I did not intend that.

Mr. SPOONER. Oh, I know that.

Mr. BECK. Before the Senator from Wisconsin sits down, I desire to ask him a question.

Mr. SPOONER. Certainly.

Mr. BECK. I hold in my hand sixty-six bills, if I have counted them correctly, which have passed the Senate, providing for public buildings. He says he is going to offer only a very few of these. Is there any one of these sixty-six bills which has passed the Senate which does not stand upon an equal footing and have the same right that the bill he has now offered as the pending amendment?

Mr. SPOONER. I think very few of the sixty-six bills have been put into shape to be in order as amendments to this bill.

Mr. BECK. The chairman of the Committee on Public Buildings and Grounds has them all under his control, and if he had taken the same steps with any one of the sixty-six that he has with these they would all be in order, would they not?

Mr. SPOONER. The Committee on Public Buildings and Grounds has not of its own motion, as originating with it, reported a single amendment to this bill. Every amendment which the committee has

reported as an amendment to this bill has been offered by some Senator as intended to be proposed as an amendment to this bill, and referred to that committee and reported by it upon that reference.

Mr. BECK. Then the committee with sixty-six bills, as I count them, as I see them enumerated on the Calendar, only reports back such as some vigilant Senator sees fit to hand them, and all the others who are not so vigilant will lose their bills.

Mr. SPOONER. It has reported back only those amendments which the Senate itself has referred to that committee and has charged that committee with acting upon. That committee has acted upon the order of the Senate. I can not see, however, that the number of bills has anything to do with the proper construction of the rules.

Mr. MITCHELL. The Committee on Public Buildings and Grounds has no authority to report an amendment, unless that amendment has been referred to the committee and reported as an amendment to this bill.

Mr. VEST. I want in justice to myself to make a single observation about this amendment in a prefatory way. I wish to say that I have very little regard for the ruling of the Senate as to points of order upon amendments to general appropriation bills. In fact my ten years' experience here has taught me one lesson, if no other, and that is that the rules of order always give way to party exigencies or to individual wishes. I have never known a case yet in which the plainest rule could not be set aside on a point of order if the legislation which was in view met with the approval of a majority of the Senate. That has been invariably the case. Therefore I do not rise so much to discuss the point of order as to make some other remarks on this amendment.

As a member of the Committee on Public Buildings and Grounds I have been solicited—I use the word in the parliamentary sense—I have been solicited by various Senators and Representatives to agree that the Committee on Public Buildings and Grounds should recommend as amendments to the sundry civil bill certain public building appropriations. My response has always been, and I declare it now here openly, that any action of the Senate which did not put upon the general appropriation bill all the public buildings would be unjust and improper. There is no reason, there is no justice in taking any one bill or any number of bills, singling them out, and putting them as amendments upon the appropriation bill. If one single appropriation for a public building—I mean, of course, those which have only passed the Senate, and not the House of Representatives—shall be put on this bill, I intend to insist that every one of them in that condition shall be put on.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. SPOONER. Does he insist that the Committee on Public Buildings and Grounds, after having reported a bill for the erection of a public building at some designated point, that bill having passed the Senate, still has any jurisdiction of that subject, so that it could, without any order of the Senate, without the introduction of an amendment or a new bill, of its own motion report that proposition as an amendment to the sundry civil bill?

Mr. VEST. I do not understand the Senator's question.

Mr. SPOONER. Take this amendment. A bill was introduced in the Senate for the erection of a public building at Atchison. It was referred to the Committee on Public Buildings and Grounds. That committee acted upon it and instructed a favorable report upon it. It passed the Senate. Does the Senator claim that that committee might to-day, if it saw fit, report another bill on that subject—that there is anything on that subject within the jurisdiction of the committee?

Mr. VEST. I do not see how that affects the proposition I am discussing.

Mr. SPOONER. It affects the right of the Committee on Public Buildings and Grounds to report as amendments to this bill all the bills which have been before it.

Mr. VEST. I do not see any relevancy in what the Senator says to what I am debating. I simply say, as a matter of parliamentary right——

Mr. BECK. Before the Senator goes on, I should like to ask a question. I do not profess to be a parliamentarian——

Mr. SPOONER. Nor do I.

Mr. BECK. I know half a dozen pages in both Houses who are better parliamentarians than any Senator or Representative. I have not, therefore, any particular relu ctance in confessing that I do not know anything about the subject. But after a bill has passed the Senate and passed at this session, do I understand the Senator from Wisconsin to say that it is in order when it comes back to his committee to be acted upon favorably by that committee again, and be sent to the Committee on Appropriations as an amendment to an appropriation bill?

Mr. SPOONER. Every one of these amendments has been again offered in the Senate and referred by the Senate to the Committee on Public Buildings and Grounds, and reported from that committee as an amendment proposed to be offered to this bill, and that has been the practice for years.

Mr. VEST. Mr. President, that is of no consequence compared to the real question before the Senate——

Mr. SPOONER. I beg pardon of the Senator for interrupting him.

Mr. VEST. The question before the Senate to-day is not a point of order, but whether we shall put these public-building bills, these appropriations for public buildings, upon a general appropriation bill and coerce the House of Representatives into passing these bills.

Now, I do not claim any extraordinary disinterestedness, but I speak simply here as a Senator in the discharge of a very plain duty, to my mind. I hold in my hand a bill which passed the Senate months ago for a public building in the city where I reside, one of the first that passed the Senate, at an expense of $1,200,000, and went to the House of Representatives, and there it is doomed for some reason and has not been heard of since. Other bills have come back, but this bill is there yet. Does any Senator expect me to sit silent here and permit other amendments in the shape of appropriations to go on this bill without being just to my constituency—without offering this as an amendment also? Do I expect any other Senator to do it? In plain language, if we put on one of these bills we must put on all, and I insist upon it, and that means an increase in the aggregate on this sundry civil bill of over $7,000,000. Any other course would be unjust, and I give notice now that it will not be done; not one or five or ten of these bills will be put upon this bill as amendments without the Senate voting on all and each of them separately as amendments. That is all I propose to say about it.

Mr. RIDDLEBERGER. Mr. President, there is a distinction which ought to be drawn here that does not seem to have occurred to the Senator from Kentucky or the Senator from Missouri; and when the Senator from Missouri serves notice that no five or six of these bills shall be passed as amendments or passed upon as amendments to this appropriation bill without considering all the public-building bills, he simply serves notice that he intends to do what he is advising us against—to violate the rules of the Senate.

There are two provisions under which we can offer these bills as amendments to this appropriation bill. The one is the clause which says that all bills which have passed the Senate may be offered as amendments. The other clause is that all amendments which are properly reported from a standing committee of the Senate may be voted upon and passed as part of this sundry civil appropriation bill.

The difference between the amendment offered and the bill which the Senator from Missouri proposes to offer and insists upon having passed is this: Bills which are to be offered as amendments by the Senator from Wisconsin are no longer bills. They were bills and as such passed. Then they were taken and the entire part from the line "In the Senate of the United States," down to and including the enacting clause, was stricken out, and the rest of it was offered in this printed form as an amendment, just as if it had been written with pen and ink. It was offered here under the rules, referred to a standing committee of the Senate, and by that committee reported back to the Senate again in the form the Senate was asked to act upon it. The committee acted upon it as an amendment to this bill, not as a bill itself, but as an amendment to an appropriation bill, and if the President of the Senate will look at the amendments he will find them in that form. I speak not as a member of the Committee on Public Buildings and Grounds, but I speak as one who prepared some of these amendments, who presented them to the Senate two days ago, and they have been acted upon as far as any personal industry could do it by that committee, and been brought back here under the rules of the Senate, referred to the Committee on Appropriations, and by that committee reported back to the Senate. For that reason they occupy here a very different position from the bill of the Senator from Missouri which he says yet slumbers in a committee elsewhere. Is his a bill? But there are bills that have gone to the House of Representatives that represent these bills, but as they come here now they are amendments offered within the last two days, reported upon by a standing committee, then by the Committee on Appropriations, and are within the purview of two principles laid down in the rules that govern amendments to appropriation bills.

Now, sir, if there be any partisan business in this I do not understand it. I say if I undertake to take another chance of passing a bill and bring it within the rules of this body it is my privilege to do it, and it ill becomes a Senator to say that it is done for partisan purposes and to the neglect of bills of other Senators. I undertake to repeat that we have no bills there to put on the appropriation bill. We have amendments there, and each of these amendments is simply the printed copy of the bill with all that constituted it a bill stricken from it. If it had been rewritten and entered here there certainly could have been no objection. Those Senators who left their bills in committee, who did not undertake to bring amendments in here in lieu of their bills and offer them, have no right to complain of us, and have no right furthermore to censure either the committee or those who have been more industrious than they themselves, or possibly less neglectful than they themselves of the interests which they are here to represent.

I say that distinction ought to be noted, and especially in view of the criticism that has been passed upon this action by the Senator from Kentucky. He says there are sixty-six of these bills and sixty of them he knows can be brought in here. All of those that are in

the committee as bills can not be brought in, only those that are there as amendments can be put upon this bill, and they have been passed upon by a standing committee and then in turn by the Committee on Appropriations.

If you want to find where the partisan part of this debate comes in you will find it in the speech of the Senator from Kentucky; you will find it in that reference to the possibility, as he says, of bringing in here sixty-six bills, when that Senator ought to know that it is not possible to do it unless the Senate would itself annul all the rules that relate to this entire matter.

Mr. SHERMAN. I do not rise to debate this question of order, for I think it is a question that has been settled. I have no doubt at all that this is clearly within the rules of order. Each committee of this body has a right to offer a new item of appropriation referred to it and send it to the Committee on Appropriations; and the "legislation" referred to in the rule is general legislation, not special legislation relating to the particular item of appropriation. That has been settled so often that it is not worth while to discuss it.

My object in rising is to state that I can not, with my sense of fair play, vote for any of these public buildings, singled out and offered as amendments to an appropriation bill. As a class of legislation it is vicious to the last degree. The general idea of a general appropriation is that there should be no matter in it except that which is to be provided for by existing law; and I should vote for a rule, absolute and peremptory, not to allow in any case any item of appropriation in a general appropriation bill that was not provided for by existing law. That is not the general rule of the Senate, because it does provide for new items of appropriation to be reported from the different standing committees.

But the injustice of this proceeding is very marked indeed. The Senator from Wisconsin offers certain amendments that some Senators have sent to the Committee on Public Buildings and Grounds, and he reports them to be referred to the Committee on Appropriations, and in that way makes them legal, so that they are proper amendments; but would it be right and fair and just to select these amendments from the mass of propositions in regard to public buildings and put them on a general appropriation bill and say to the President, "You shall not veto these items, although they are not provided for by existing law; we take away from you your constitutional power to object to the passage of a bill."

Mr. SPOONER. We can vote it down.

Mr. SHERMAN. That is what I propose to do. We ought either to make this thing a general matter by postponing it until to-morrow and let the Committee on Public Buildings and Grounds take out those public buildings that they think are of vital importance and ought properly be put on as amendments to the appropriation bill, and then put them on. But to select three or four or five or six among the least important and force them upon this bill is not only unusual, but I think it is unfair—not unfair in the sense of referring to the conduct of any member here, but unfair as between the several representatives of these various propositions.

Mr. SPOONER. If the Senator will allow me a word in that connection I will say that I do not know who has made any selection of bills. This committee has reported no bills and no amendments to the pending bill which were not introduced by Senators as amendments intended to be offered to this bill which have not as such been referred by the Senate to the committee.

Mr. SHERMAN. I exonerate the Senator from Wisconsin from making any preferences or selections. He has only taken the amendments sent to him; but is it right that individual Senators should take out their particular bills, especially those that have not been finally acted on heretofore, and bring them in here and put them on a general appropriation bill and thus give them an advantage over other bills that every Senator here would vote for?

Mr. SPOONER. The only one of the amendments in my hand which has not been acted upon by the Senate before is one from the Senator's own State.

Mr. SHERMAN. My impression is it ought not to be put on this bill. I would not vote for it; but I will tell you what I will do. I would put the vetoed bills on immediately if they are strong cases, if they are as meritorious as they are. There are bills in the Committee on Public Buildings and Grounds now from my own State. Why should not they be offered as amendments to this bill?

Mr. HAWLEY. I beg pardon for making a *sotto voce* remark. I said they were not in order. The vetoed bills, if passed at all, must be passed by a two-thirds majority, whereas on the rest of the bills it is sufficient to have a simple majority to pass them.

Mr. SHERMAN. If the Senate is justified in taking up new propositions not provided for by existing law and putting them on this bill to prevent a veto, it is clearly also justified in putting them on as amendments to this bill in order to avoid a veto. Now, take those two vetoed bills. They were passed unanimously by both Houses; bills in regard to Youngstown and Zanesville, Ohio. The veto, speaking respectfully of the President, is utterly without cause in my judgment. No more meritorious bills have been passed here. They received unanimous votes in both Houses of Congress. Shall they be ignored and no effort made to pass those bills because the President has sent his vetoes here? When you take up a proposition that has not been considered in either House to erect a public building, and especially when it is proposed to take a great number of bills which have passed the Senate, and which the House has refused to consider, and attach them to this appropriation bill—is that right? Is it proper legislation for us to put a mass of these propositions on this bill and say to the other House, "Take these at the risk of defeating your sundry civil bill, involving twenty or thirty millions of the most important expenditures of the Government?" It is not wise legislation, unless the thing is made general. Unless the Senate makes up its mind that it will put on this bill appropriations for all the public buildings which it thinks are proper to be passed we ought not to do it in particular cases.

There is one for my own State proposed here, introduced by my colleague. I do not think it is fair and just to put through the provision in regard to Canton when we refuse to do it in regard to places like Youngstown and Zanesville.

Mr. SPOONER. The Senator will allow me to suggest that the Youngstown bill can be called up at any time. It has passed both Houses, and the Senate can be called upon under the Constitution to vote upon the President's veto of it.

Mr. SHERMAN. But we know how difficult it is to get a vote of two-thirds over a veto. Although those bills passed both Houses unanimously, yet if there should be an effort made to pass them over the President's veto we know what is the common fate of such bills. One or two have escaped, I believe, even that ordeal, but only one or two. On the other hand, you take these bills which have not been acted upon in the two Houses, some of which have not been acted upon in either House, and put them on here and give them the privilege of avoiding the President's veto, compelling him to sign them *nolens volens* because he can not afford to defeat the passage of this great measure affecting great Departments of the Government.

It is not fair legislation. If we are going to do it with regard to any, we ought to take out the bills we should stand by in regard to public buildings and put them on as amendments. It is very easy to do that. Half a dozen Senators here ask that this bill go over until to-morrow for that purpose. No public interest is involved by postponing the bill until to-morrow. You do not hasten the passage of the bill an hour by refusing to put it over till to-morrow. It will not hasten our adjournment an hour to push it now. By that we can make the amendments proper and in order. But is it right, because certain Senators get an advantage, to put in their appropriations for public buildings and get them on this bill where the President can not veto them? And that is the case of buildings bills for which have not been passed by both Houses. It is not right. Therefore, I do not care whether it comes from my State or any other State, I shall vote against any proposition of this kind unless it is made general; and if a point of order is made, the bill will have to lie over until to-morrow, although I do not believe that any Senator in view of the facts would make a point of order in order to give an advantage to particular bills over others. Then let the Committee on Public Buildings and Grounds, if they will, select out from among those bills that the House refused to present for action those which are important.

Mr. SPOONER. They have gone from that committee; they have been acted upon by that committee; they have been reported by that committee; they have passed the Senate; they are even beyond the jurisdiction of this body unless they are introduced by way of amendment to appropriation bills.

Mr. SHERMAN. On the contrary, the Committee on Public Buildings and Grounds have a right as an original force, under the rules of the Senate, to report any bills in regard to public buildings and grounds; and if the Senate has passed certain bills which they have reported heretofore and they think it wise instead of depending on the ordinary course of legislation to get their bills through on an appropriation bill, if they think it is justifiable under the circumstances to put those bills in the form of amendments to this appropriation bill, they have a perfect right to do so, just as the Committee on Finance or any other committee of this body has a right to report an original bill.

I think it is unfair to take up these measures in the way now proposed. It is said there will be less than a million dollars involved in the committee's amendments that are proposed and now fixed up for presentation, but at the same time you ignore probably eight or nine million dollars of appropriation for public buildings, almost any one of which is more important than the most important of those proposed to-day in the last hours of the session. I say it is not right; it is not the right way to do it, and I shall vote against these amendments on their merits without regard to the point of order.

Mr. DANIEL. I think the Senator from Missouri [Mr. VEST] rather misapprehends the scope of the amendment which has been reported by the Committee on Public Buildings and Grounds. He gives us notice that if these amendments are insisted upon he proposes to take the whole body of public-building bills which have passed this body and march them as a battalion into this measure, and insist upon their passing. A little child can lead a horse to water, but in the Senate it will take at least forty men to make him drink. If the Senator were to undertake such a plan as that, and if he has to make enlist-

ments enough upon his side to succeed, it will probably be fatal to the whole measure.

For that Senator's State a bill has already been passed for one public building at this session of Congress which has become a law. There are many cases in other States where there are crying needs for public buildings, and in which the fate of measures has not been so fortunate.

Now, the Committee on Public Buildings and Grounds, without a disposition to be unfair to any public consideration that might address itself to that committee, after looking over the field and seeing that in some States by the diligent attention, perhaps, of its representatives; by the fact, perhaps, that those representatives were upon committees that dealt with these subjects, and therefore had them immediately drawn to their attention and to their interest; by reason of the fact, perhaps, that in the other House the member having it in charge was fortunate enough to get recognition from the Speaker, and get the bill passed through those agencies which are the inevitable concomitants of parliamentary bodies, some at least have been fully or fairly provided for and others totally neglected.

No less than four or five bills have passed this body for public buildings in the State which I have the honor in part to represent; not one of them has been so fortunate as to pass the other body yet; and we all know that at this session of Congress our co-ordinate branch of legislation has been so occupied by other public measures which exacted their attention that they have not had the opportunity presented they have in ordinary sessions of Congress to take in hand and deal with this subject-matter in the manner that they would otherwise do.

Now, sir, so far as the rules of this body are concerned, it has been shown so amply by the Senator from Wisconsin [Mr. SPOONER] that there is no point of order which can be raised against these bills that the gentlemen who intimated their intention to raise such points must necessarily have abandoned their opposition, and the question is before us whether or not we will at the proper time give fair and due consideration to those propositions to insert provisions for public buildings in this bill, which seem to appeal to the equity of this body in the just distribution of the patronage of the Government in that line, which is due to the several States.

I would not favor, and I imagine there are few here who would favor, the proposition to put all public building measures in this bill simply because they have been adopted by the Senate. That would be something quite extraordinary; but, on the other hand, why is it not just, why is it not proper, why is it not equitable and legitimate in every sense to insert in this bill such provisions for public buildings as may seem to have the strongest considerations to support them, and which might seem to be just in the equitable distribution of the surplus to make accommodations for the people?

The Senator from Missouri has time and again assailed upon this floor the provisions which the Senate has been making for public buildings; but I notice, sir, whenever his State comes along, when a proposition which strikes even to his home at Kansas City, or at Springfield, or anywhere else where there is a fair public demand for a public building, his scruples do not seem to actuate him to oppose them, and he prefers to fire his darts at other people, while at the same time he makes proper provision for his own constituents.

I do not complain of the Senator from Missouri because he diligently represents his own people in securing for them the proper public accommodations which they require, but I do not see that his position is a rampart which it is very becoming for him to stand behind when he is firing darts at others who neither seek nor desire more than he himself.

Mr. President, I do not regard these provisions for public buildings as objectionable on the ground of extravagance or as opposed to any fair public policy. Every one knows that there is a great surplus lying in the Treasury and every one knows there are also all sorts of demands made upon Congress for the disbursement and distribution of that surplus in many directions. In what direction can it better be disbursed than by making those public conveniences of post-offices and custom-houses which, if we do not absolutely need to-day, we are certain to need to-morrow in the rapid growth of our country and in the rapid increase of its business?

It is infinitely better, sir, for the whole people of this country that their money should be distributed to secure the proper accouterments and equipments of Government in its enlarged and liberal sense than in going to Wall street and paying 27 cents on the dollar for debts which are not yet due and which are bearing small rates of interest.

If this Government could be individualized; if one cool-headed, deliberate, sensible business man could personate the Government of the United States; if he had in charge the business of these many republics which compose this Union, and if he had a surplus in his pocket, let me ask the Senator from Missouri or any other Senator here if he would not deem that he was doing a judicious and wise thing to fit up his establishment with modern methods, with all the proper improvements, and make court-house and custom-house and post-office fulfill their mission, as they ought to do, in a reputable and, if you please, in a liberal style, rather than to go looking after his creditor who has a note maturing years after, which there will be no difficulty about his paying, and offering him a bonus of 26 or 27 cents on the dollar to surrender that note now?

There is no merchant, there is no business man in the country who would not pursue, if this were a private matter, the method which the Senate is pursuing in making proper provision for public buildings.

For myself, sir, and, I hope, for the Senate, the Senate will insist upon inserting in this sundry civil bill provision for all proper public improvements which appeal to its good sense and to its fair economy. Then if it goes to the other House, it will be for them to say what they will do with it. But this is clearly within our functions, and within our rule; it is clearly consistent with public policy; it is in consonance with sound economy, and I can not conceive of any good reason that can be assigned against it.

Mr. VEST. I am not vain enough to suppose that my legislative or individual record is of sufficient importance to detain the Senate for a single moment; but I simply want to make this observation, and I shall appeal to the RECORD in order to substantiate it: So far from opposing public buildings, I have reported more bills for public buildings to the Senate, outside of my own State, since I have been a member of the Committee on Public Buildings and Grounds, than any other member of that committee, excepting my venerable friend from Vermont [Mr. MORRILL], who is now detained from the Senate by illness.

In addition to that, so far from being amenable to the charge made by the Senator from Virginia [Mr. DANIEL], I have reported at this session, and urged the passage of, a general law providing for post-office buildings in every town of the United States where the revenues for three years preceding amounted to a certain sum. I have reported, as the records show, and advocated time and again liberal expenditures for public buildings on the ground that it was a good investment for the people of the United States, if, for no other reason, because it placed before the people always the insignia of nationality, the flag of the Government, the property of the Government, and bound together by the common tie of interest all the different sections of the Union.

That is my record, known to all the older members of the Senate. For ten years I have labored as industriously as any one in the Committee on Public Buildings and Grounds, and my brother Senators know that I have surpassed even the bounds of extreme goodness in reporting bills for other States than my own.

The Senator alludes to the fact that a bill passed this Congress to erect a public building in Missouri. That is true. It was a bill which passed the last Congress and was vetoed by the President, and after that time the objection he had to the measure was removed by the action of Congress in locating Federal courts at that town. The bill came from the House, not originated by myself, and I discharged the plainest and most ordinary duty of a Senator in securing the passage of a measure which the member from that district had already secured the passage of by the other House.

Now, let me make one other remark. I have, next to representing my own State on this floor, attempted to represent old Virginia.

Mr. DANIEL. I did not throw any criticism upon the Senator on that score.

Mr. VEST. The Senator's remark was in the direction that I had discriminated for my own State. I tell the Senator now to go to the record and see how many public buildings have been put in the State of Virginia in the last five years. His immediate predecessor was chairman of the Committee on Public Buildings and Grounds, and if any committee of this body was ever put to the sole function of erecting public buildings in a State, it was done by the former chairman of that committee in behalf of the State of Virginia; and whilst I was not allied to that Senator by any political or personal ties, I made no opposition to those bills and the record shows that more public buildings in proportion to population have been put in the State of Virginia within the last five years than in any other State in this Union, with the exception of the State of Maine. I speak from memory, but the record is easily accessible and the correctness of my statement can be verified or disputed.

Mr. DANIEL. The Senator is entirely mistaken.

Mr. VEST. Well, I think not. Mr. President, I will find out in a very few moments. I did not apprehend that this point would arise in the discussion, but it is very easily settled. But suffice it to say that so far from legislating for my own State, which is to a certain extent my duty, I have endeavored upon all occasions to make liberal appropriations for public buildings throughout the United States without regard to section or political affinity.

I object to this amendment unless the other amendments go in, because, as the Senator from Ohio [Mr. SHERMAN] most justly observed, it is parlimentary coercion of the House of Representatives and of the President of the United States in behalf of a few bills which have no superior merit over others. If the Senate sees proper to put all these bills on as amendments, I make no opposition; I will raise no point of order. Under the former rulings of the presiding officers, indorsed by the Senate, this amendment is in order; but I object to it upon general legislative grounds. I say it is not the proper way in which to secure the passage of these bills. I am as anxious to secure the passage of the bills for public buildings in the State in which I reside as any other

Senator can possibly be. I did not offer any of them as an amendment because I neglected my duty, but because I did not think the Appropriations Committee would consent to these amendments, and because my own judgment and conscience were not entirely in favor of this course of isolating out and segregating certain measures here and forcing them upon a general appropriation bill at the expense—for it is nothing else—of other legislation of the same character.

If the Senate sees proper to take these bills and put them on, I shall make no further opposition; but I do object to taking out specifically certain bills and putting them upon this general appropriation bill, and thereby making a discrimination in favor of the activity or attention to business of certain Senators at the expense of other Senators who have not offered these amendments and caused them to be reported here by the Committee on Public Buildings and Grounds. There never was a minute in which I could not put in that amendment here. As a member of that committee all that it was necessary for me to do was to ask my colleagues to agree to it. But I did not think the Committee on Appropriations would contemplate the amendments at all; and I said then and I say now that if one of those amendments goes on all should go on. We should make no distinction. That is the full extent and the whole of my argument.

Mr. DANIEL. Mr. President, the Senator from Missouri misapprehended the point of my criticism. I had not charged or intimated that he was selfish, that he was illiberal, that he was unjust. I do not think so, for I recognize just what he has stated for himself, that he has been perfectly fair in so far as his vote and his influence have gone; but I intended to criticise his position that it was right to pass every bill because one was put in; and the fact that he did not seem to discriminate and recognize that one measure might be more meritorious than another, that one might be backed by larger considerations of justice and fairness than another; and furthermore it did not seem to me quite the appropriate thing that he who had been fortunate in having a portion, at least, of the bills which he thought just to his State passed, should insist on having all other bills for his State passed, because in some States where no provision had been made to meet the public demands it was proposed here in this bill to rectify that fact and to secure some degree of equalization.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky insist on his point of order?

Mr. BECK. It seems to be generally understood that my point of order is not well taken.

Mr. SPOONER. That has not been decided.

Mr. REAGAN. Mr. President, I want to call attention simply to the construction of the first clause of the sixteenth rule, and I will read so much as seems to me to be applicable:

> And no amendments shall be received to any general appropriation bill * * * to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

If the words "or act or resolution previously passed by the Senate during that session" were stricken out there could be no difficulty in construing this clause, and it is insisted that the words "or act or resolution previously passed by the Senate" enlarge the power of the Senate to vote in such an amendment as that proposed by the Senator from Wisconsin [Mr. SPOONER]. I take it that in using the words "act or resolution previously passed by the Senate" the Committee on Rules and the Senate understood what they were doing, and that they did not mean a bill which had passed the Senate or a resolution which had passed the Senate and not passed the House, but that they meant "act or resolution" in the legal sense—that is, that it was a finished act. You could not presume, certainly, that the Committee on Rules and the Senate meant to adopt a rule and then nullify the rule in the very same clause by providing, in the first place, that no amendment should be received to add a new item of appropriation unless some bill for it had passed the Senate, because that it would seem to be strange, and would leave out of sight the reason for the rule.

For what do we appropriate? To carry out some law, to execute some policy of the Government. A bill which has passed the Senate only is not a law; it is no part of the policy of the Government; and I take it then that we must attach the legal sense to the words "act or resolution;" that is, an act or resolution that has passed both Houses of Congress. The words, "previously passed by the Senate during that session," it seems to me have reference simply to a law, an act so passed.

The second clause provides that—

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation.

It seems to me that has reference to and is controlled by the first section, that an amendment shall not "increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session." It seems to me that the second clause is built upon the first and contemplates the full execution of the first clause, and then goes on to amplify the provisions of the first clause of the amendment.

All I desire to do is to call attention to that construction. Of course I do not assume to be able to give information to the Presiding Officer of the Senate as to the meaning of the rules, but it seems to me that construction deserves consideration.

Mr. BECK. After hearing the discussion, and indeed having very great doubts myself as to whether the point of order was well taken, I will withdraw the point of order, because I think the amendment is in order. I will, however, ask a vote on the merits of the proposition, not that I object to it, but I object to the policy of inserting bills that have only passed the Senate and have not passed the House of Representatives, or been submitted to the President, on an appropriation bill like this; and, therefore, while I shall not vote against the amendment, it is not because of any objection to the proposition itself, but because I am unwilling to vote to insert it and similar bills on the sundry civil bill, for the reason that it may give us trouble both on principle and policy in dealing with the other House.

I shall ask for the yeas and nays on the adoption of the amendment.

The PRESIDENT *pro tempore*. The point of order being withdrawn, a he question recurs on agreeing to the amendment, on which the Senetor from Kentucky [Mr. BECK] asks that the yeas and nays may be ntered on the Journal.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were here, I should vote in the negative.

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is still detained from the Senate. He is paired with the Senator from Georgia [Mr. BROWN]. If my colleague were here he would vote "yea."

Mr. FARWELL (when his name was called). I am paired with the Senator from Florida [Mr. PASCO].

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is absent. I believe he has a general pair with the Senator from New Hampsbire [Mr. BLAIR].

Mr. BLAIR. I will pair with him at any time the Senator from Mississippi [Mr. WALTHALL] says so.

Mr. WALTHALL. I thought there was a general pair between the Senators.

Mr. BLAIR. The colleague of the Senator came to me yesterday morning and said he was doing some work, and might be detained from the Senate, and desired to refer the question of my voting to his colleague.

Mr. REAGAN. I asked the Senator from Mississippi [Mr. GEORGE] as he was going out this morning if he was paired, and he said he was paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. Does the Senator from Mississippi know how his colleague would vote on this question if he were present?

Mr. WALTHALL. I do. I heard him express himself before he went out. He would vote "nay."

Mr. BLAIR. Then I withdraw my vote. I voted in the affirmative.

The PRESIDENT *pro tempore*. The Senator from New Hampshire withdraws his vote. The roll-call will proceed.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "nay."

Mr. MANDERSON (when Mr. PADDOCK'S name was called). My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. If my colleague were present, he would vote "yea."

Mr. SABIN (when his name was called). I am paired generally with the Senator from West Virginia [Mr. KENNA], but on this question I feel at liberty to vote, and vote "yea."

Mr. SPOONER (when Mr. SAWYER'S name was called). My colleague [Mr. SAWYER] is detained from the Senate to-day by illness, and is paired with the Senator from Missouri [Mr. COCKRELL].

The roll-call was concluded.

Mr. CALL. I wish to announce that my colleague [Mr. PASCO] is paired with the Senator from Illinois [Mr. FARWELL]. I do not know how my colleague would vote on this question if present.

Mr. BROWN. I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present, I should vote "nay," and I suppose he would vote "yea."

Mr. COCKRELL (after having voted in the negative). At the request of the Senator from Wisconsin [Mr. SPOONER] I paired with his colleague [Mr. SAWYER] yesterday evening, who was absent on account of sickness. Does the Senator know how his colleague would vote?

Mr. SPOONER. I do not, but I think he would vote "yea."

Mr. COCKRELL. Then I withdraw my vote, as I voted "nay."

Mr. CULLOM. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from New Jersey [Mr. MCPHERSON].

The result was announced—yeas 21, nays 23; as follows:

YEAS—21.

Aldrich,	Evarts,	Payne,	Stockbridge,
Bowen,	Ingalls,	Plumb,	Teller,
Cameron,	Jones of Nevada,	Riddleberger,	Wilson of Iowa.
Chandler,	Manderson,	Sabin,	
Cullom,	Mitchell,	Spooner,	
Daniel,	Palmer,	Stewart,	

NAYS—23.

Allison,	Call,	Hampton,	Saulsbury,
Bate,	Coke,	Hawley,	Sherman,
Beck,	Dawes,	Jones of Arkansas,	Vest,
Berry,	Edmunds,	Morgan,	Walthall,
Blackburn,	Gibson,	Pugh,	Wilson of Md.
Blodgett,	Gray,	Reagan,	

ABSENT—32.

Blair,	Eustis,	Hearst,	Platt,
Brown,	Farwell,	Hiscock,	Quay,
Butler,	Faulkner,	Hoar,	Ransom,
Chace,	Frye,	Kenna,	Sawyer,
Cockrell,	George,	McPherson,	Stanford,
Colquitt,	Gorman,	Morrill,	Turpie,
Davis,	Hale,	Paddock,	Vance,
Dolph,	Harris,	Pasco,	Voorhees.

So the amendment was rejected.

Mr. SPOONER. In view of the decision of the Senate as to the policy of amending the sundry civil bill by rejecting the proposition I offered, I shall not offer any more of the amendments reported by the Committee on Public Buildings and Grounds of the same character; but I desire to offer an amendment—

For the purchase of site and the erection of a building thereon for court-house, post-office, and other purposes, at Opelousas, La., $50,000.

The case is this: The House passed the bill and the Senate passed the bill and it is now in the hands of the President. By inadvertence the appropriation clause was omitted, and there is no reason to suppose the bill will not meet the approval of the President. The Federal court is held at this place. The appropriation is a small one. The reports of the committees of both Houses have been unanimous in favor of the bill; and I hope, as this is clearly distinguishable from the other set of propositions, that it will not be objected to.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. On page 9, after line 24, at the foot of the page, it is proposed to insert:

For the purchase of site and erection of a building thereon for court-house, post-office, and other purposes at Opelousas, La., $50,000.

The PRESIDENT *pro tempore*. The question is on the amendment. [Putting the question.] The "noes" appear to have it.

Mr. SPOONER. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "nay," and I presume he would vote "yea."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. FARWELL (when his name was called). I am paired with the Senator from Florida [Mr. PASCO].

Mr. GIBSON (when his name was called). I vote "nay," and I ask the indulgence of the Senate to make a very brief statement.

The PRESIDENT *pro tempore*. Debate not being in order pending the roll-call, is there objection to the Senator from Louisiana making a statement? The Chair hears none.

Mr. GIBSON. Mr. President, the bill now before us is an act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and the amendment offered by the Senator from Wisconsin, as I understand it, is to erect a public building in the town of Opelousas, parish of St. Landry, in my State. I have offered the bill for this purpose Congress after Congress for many years, and I regret that the Senator from Wisconsin, without consulting me, now presents it as an amendment on an appropriation bill limited for the next fiscal year, just after a similar amendment for a public building has been voted down in the Senate by a decisive majority. Its defeat, therefore, is certain.

Mr. SPOONER. If the Senator will permit me a moment, I will state——

Mr. GIBSON. I expect I shall meet the point the Senator desires to make.

Mr. SPOONER. I desire to correct the Senator.

Mr. GIBSON. I do not hear the Senator, but I take it that the difference between the previous amendment and the one now proposed by him is this, that the bill for the public building in Kansas had only passed the Senate, whereas the bill for the public building in Opelousas has also passed the House. But neither has been approved by the President; and therefore the relation they hold to the President is identical. In either case it would deprive the President of the exercise of his independent judgment.

The Executive shares with Congress the legislative power by the exercise of the veto, and I submit that all such bills should not be offered as amendments on the sundry civil bill, carrying, as this bill does, over $25,000,000 for the expenses of the Government for the next fiscal year. I voted just now with a majority of the Senate against putting bills to erect public buildings on the sundry civil bill, and having so voted in respect of such an amendment for Kansas, I feel that I must be consistent and vote against an amendment for a public building in my own State.

It must be clear to every one that the amendment now offered by the Senator from Wisconsin will be defeated, and therefore in casting my vote in the negative with a majority of the Senators I do not in any measure lessen the chances for a public building in Opelousas, a matter I know to be of the highest public importance and one I have for many years had at heart.

That bill I carried through the Senate, and it is now before the President. If vetoed by the President it would be stricken from the sundry civil bill in conference even if the amendment offered by the Senator from Wisconsin should be adopted, of which there is no possibility in view of the vote just taken, and if approved by the President the proper place for the appropriation is on the deficiency bill, unless the judgment of the Senate shall change.

I trust the President may approve the bill to erect a public building in Opelousas. That town is in the center of the largest parish—outside of the parish in which the city of New Orleans is located—the great parish of St. Landry, one of the most populous, most intelligent, and prosperous parishes in the State of Louisiana, where the amount of business done in the court of the United States that holds its sessions there, and the post-office, justifies and demands a public building in which the records may be preserved and the public business transacted.

The amount asked for is only $50,000, and I believe the President will sign the bill now before him. At all events, the Senate has settled the question so far as it is concerned by its action on the bill for a public building in Kansas, and in view of the facts and circumstances I deem it my duty to vote in the one case as in the other.

Mr. SPOONER. The Senator from Louisiana referred to the vote just having been taken by the Senate as on a proposition for the erection of a public building in my State.

Mr. GIBSON. I beg pardon; in Kansas I meant.

Mr. SPOONER. I am glad to have the Senator correct his mistake. I offered this amendment in the utmost good faith, having a similar one for the State of Iowa to offer, not supposing that it would meet the opposition of any Senator.

As I stated, the bill for this building passed the House of Representatives without objection upon the unanimous report of the committee; it passed the Senate without objection on the unanimous report of its committee; but by mere inadvertence the appropriation clause was omitted from the bill. The only object of this amendment is to remedy that defect.

There is no attempt to constrain the President, and, of course, no attempt to constrain either House, for the proposition has met the approval of both Houses. I regarded and still regard the proposition as entirely distinguishable from that upon which the Senate has voted, and announced to the Senate upon offering this amendment that I intended to follow it up with a similar one of $40,000 for Ottumwa, Iowa, but that in view of the decision of the Senate upon the Atchison amendment I should offer no more amendments like that one. Of course I would not ask the Senate to pass a bill appropriating money for a public building in any State against the protest of the Senator from the State in which it is located. I therefore ask unanimous consent, if it may be granted, to withdraw the amendment. If that can not be done I shall vote against the amendment myself.

Mr. HOAR. I should like to ask my honorable friend from Wisconsin——

The PRESIDENT *pro tempore*. The Senator will pause. The Chair has been led into an error from want of familiarity with the rules, and has wrongfully permitted the roll-call to be interrupted. The rule requires specifically that Senators shall record their names without debate, and provides further:

Nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Therefore, the Chair has erred in permitting the roll-call to be suspended and allowing anything to be said whatever.

Mr. HOAR. I hope the Chair will continue his error for half a minute longer.

The PRESIDENT *pro tempore*. The Chair feels bound to retrace his erroneous footsteps as early as possible, and will therefore decline to hear any further debate while the roll-call is pending.

Mr. HOAR. I will take an appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. After the roll-call. [Laughter.]

Mr. HOAR. No, now.

The PRESIDENT *pro tempore*. After the roll-call. The roll-call will proceed.

The Chief Clerk proceeded with the call of the roll.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. CALL (when Mr. PASCO'S name was called). My colleague [Mr. PASCO] is detained from the Senate by business. He is paired with the Senator from Illinois [Mr. FARWELL]. I do not know how

my colleague would vote if present, and the Senator from Illinois is at liberty to vote if he so desires.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll-call was concluded.

Mr. HARRIS. Being paired with the Senator from Vermont [Mr. MORRILL], and not knowing how he would vote, I simply announce my pair and withhold my vote. I should vote "nay" but for the pair.

Mr. JONES, of Arkansas. I have agreed to pair with the Senator from New York [Mr. HISCOCK], who is detained from the Senate, and release the Senator from Oregon [Mr. MITCHELL] so that he can vote.

Mr. MITCHELL. Very well; I vote "nay."

Mr. BLAIR (after having voted in the affirmative). I am paired with the Senator from Mississippi [Mr. GEORGE]. I withdraw my vote.

Mr. FRYE. I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. CHANDLER (after having voted in the affirmative). I desire to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from New Hampshire withdraws his vote.

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. CULLOM. The Senator from Rhode Island [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. SPOONER. If my colleague [Mr. SAWYER] were present I have no doubt under the circumstances he would vote "nay," and I therefore state to the Senator from Missouri [Mr. COCKRELL] that he is released from his pair on this question and may vote if he chooses.

Mr. COCKRELL. Then I vote "nay."

Mr. MCPHERSON. I am paired with the Senator from Connecticut [Mr. PLATT]. I do not know how he would vote. I should vote "nay" if I were not paired.

The result was then announced—yeas 6, nays 33; as follows:

YEAS—6.

Bowen,	Daniel,	Teller,	Wilson of Iowa.
Cameron,	Evarts,		

NAYS—33.

Aldrich,	Coke,	Manderson,	Saulsbury,
Allison,	Cullom,	Mitchell,	Spooner,
Bate,	Dawes,	Morgan,	Stockbridge,
Beck,	Gibson,	Payne,	Vest,
Berry,	Gray,	Plumb,	Walthall,
Blackburn,	Hampton,	Pugh,	Wilson of Md.
Blodgett,	Hawley,	Ransom,	
Call,	Hearst,	Reagan,	
Cockrell,	Jones of Nevada,	Riddleberger,	

ABSENT—37.

Blair,	Farwell,	Jones of Arkansas,	Sawyer,
Brown,	Faulkner,	Kenna,	Sherman,
Butler,	Frye,	McPherson,	Stanford,
Chace,	George,	Morrill,	Stewart,
Chandler,	Gorman,	Paddock,	Turpie,
Colquitt,	Hale,	Palmer,	Vance,
Davis,	Harris,	Pasco,	Voorhees.
Dolph,	Hiscock,	Platt,	
Edmunds,	Hoar,	Quay,	
Eustis,	Ingalls,	Sabin,	

So the amendment was rejected.

Mr. SPOONER. I offer an amendment to come in at the end of the bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the bill—

That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections made from said States and Territories and the District of Columbia or from any of the citizens or inhabitants thereof or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto.

That all moneys still due to the United States on the quota of direct tax apportioned by section 8 of the act of Congress approved August 5, 1861, are hereby remitted and relinquished.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to them under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same to the governors of the States and Territories, and to the commissioners of the District of Columbia: *Provided*, That where the sums, or any part thereof, credited to any State, Territory, or the District of Columbia, have been collected by the United States from the citizens or inhabitants thereof, or any other person, either directly or by sale of property, such sums shall be held in trust by such State, Territory, or the District of Columbia for the benefit of those persons or inhabitants from whom they were collected, or their legal representatives: *And provided further*, That no part of the money collected from individuals and to be held in trust as aforesaid shall be retained by the United States as a set-off against any indebtedness alleged to exist against the State, Territory, or District of Columbia in which such tax was collected: *And provided further*, That no part of the money hereby appropriated shall be paid out by the governor of any State or Territory, or by any other person, to any attorney or agent under any contract for services now existing or heretofore made between the representative of any State or Territory and any attorney or agent. All claims under the trust hereby created shall be filed with the governor of such State or Territory, and the commissioners of the District of Columbia, respectively, within six years next after the passage of this act, and all claims not so filed shall be forever barred, and the money distributable thereto shall belong to such State, Territory, or the District of Columbia, respectively, as the case may be.

Mr. HOAR. Mr. President, the Senator from Wisconsin very kindly allows me, as I wish to be absent from the Chamber a little while, to offer an amendment, which I think will meet with no opposition, and his amendment may be laid aside for the moment.

The PRESIDENT *pro tempore*. The amendment will be laid aside informally, and the amendment of the Senator from Massachusetts received.

Mr. HARRIS. I wish to raise the question of order on that amendment.

The PRESIDENT *pro tempore*. On the amendment proposed by the Senator from Wisconsin?

Mr. HARRIS. The amendment proposed by the Senator from Wisconsin.

Mr. HOAR. Will the Senator from Tennessee allow that to stand aside a moment?

Mr. HARRIS. The amendment may be read; I have no objection to that. My point of order is that it is general legislation proposed to a general appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee did not understand the request of the Senator from Massachusetts, which was that the amendment of the Senator from Wisconsin might be temporarily laid aside, as the Senator from Massachusetts was compelled to leave the Chamber, to allow him to offer an amendment.

Mr. HARRIS. Oh, yes. The amendment of the Senator from Massachusetts, then, is not an amendment to the amendment of the Senator from Wisconsin?

Mr. HOAR. No, sir; it is a separate amendment.

Mr. HARRIS. Certainly I have no objection to that course.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts [Mr. HOAR] will be stated.

The CHIEF CLERK. On page 117, after line 2, it is proposed to insert:

Catalogue of the Congressional Library: To enable the Librarian of Congress to complete the catalogue of the Congressional Library and have the same printed as soon as may be with due regard to the excellence and thoroughness of the work, $18,000.

Mr. HOAR. I desire to say one word. The cataloguing of the Library of Congress has been suspended now for nearly twelve years, and I have no doubt that a suitable catalogue would multiply the value of the Congressional Library by ten to every member of this body. Mr. Spofford estimates that that sum can reasonably be expended for the current year. The recommendation comes from the Committee on the Library.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER], upon which the Senator from Tennessee [Mr. HARRIS] raises the point of order that it proposes general legislation, and therefore can not be received. The Chair has no doubt upon the subject. The Chair holds that the point of order is well taken.

Mr. RIDDLEBERGER. I present an amendment to come in at the point indicated in the amendment for the public building in Atchison, Kans.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. At the end of page 9, it is proposed to insert:

For post-office at Staunton, Va.: For the purchase of site and completion of building, $50,000; and the Secretary of the Treasury is hereby authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fireproof vaults, for the use and accommodation of the post-office and the internal-revenue office, and for other Government uses, at the city of Staunton, Va. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $50,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building, which sum is hereby appropriated; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 50 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Virginia shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. RIDDLEBERGER. Mr. President, it will be noticed that that is an amendment and not a bill. It is printed as an amendment. It was reported from the Committee on Public Buildings and Grounds on the 28th instant, and this is the 31st. It was referred to the Committee on Appropriations on Saturday last. It comes here under a rule of the Senate, which was construed, as was read in the Senate this morning, as far back as 1884, from which construction no appeal has ever been taken and no exception has ever been made to it, and under that construction of the rule the Senate has proceeded from that time until now.

That construction was rendered, as the Senator from Wisconsin said,

on a proposition to amend an appropriation bill for the construction of three cruisers—two or three, I am not certain which, although I was upon the Committee on Naval Affairs. The amendment provided even for the plan of the vessels; it provided for the method of letting the contracts; it provided for everything that was necessary for the carrying out of the entire purposes and objects of the measure, and the then President *pro tempore* of the Senate held that it was not general legislation, and the Senate accepted that decision and has accepted it, until to-day we see the spectacle of a "solid South" voting against it.

I, sir, want to put them on record again; I want to know who they are. I do not want to impugn their motives on this floor, but I want them to carry home their record with them and let the Southern people test them, and let them test what will be the temper of those people. They will answer them as they deserve, in my judgment, to be answered. On the pretense that it is general legislation, contrary to a judgment from which they have not dared to appeal in four years, they attempt this morning to defeat this legislation, and they say that this is to some extent partisan legislation. Why, the bill from which this amendment is taken has been in the House of Representatives now for months, and I am prepared to say that I hear it from authority that is indisputable that there are members of that House on committees who do not hesitate to ask the question, "Who offered these bills in the Senate?"

I voted against the amendment for the court-house in Louisiana. I did it because the Senator from that State said he did not want it in this bill. I never vote for him or anybody anything he does not want. We build court-houses and custom-houses and post-offices in Virginia for different uses, anyhow, from those to which they are put sometimes in Louisiana.

Mr. President, I do not suppose if I were to prolong this discussion from now until the end of the session that I should effect any lodgment in the minds of Senators who it seems have resolved that no appropriations shall be made unless they are made in their own State first, or unless all are taken together. According to the plan of these Senators there can be no methodical legislation on this bill. There can be only one amendment acted upon at a time, but we are met at the threshold with the declaration that you must have all of these amendments, accept them all, or none; and that is an utter impossibility in any legislative body. A county board of supervisors would hardly pass upon more than one appropriation at a time. Even where they have a dog law to enforce, to tax dogs, to pay for sheep, they would not pass an appropriation to pay for more than one farmer's sheep at a time.

I have offered the amendment because I know it comes within the rule. Its defeat will be my victory. I therefore offer it so as to give these Senators an opportunity to again ease their consciences as to this manner of appropriating the public money. It is about the first time I ever heard of a Democrat or a body of Democrats voting against an appropriation of the public funds. I have known them frequently to speak against such appropriations, but rarely, if ever, to vote against them.

They can find it constitutional to appropriate $10,000 for garden-seeds for Texas, but Texas can not find it in the Constitution to construct a public building in the town of Staunton or in the city of Atchison. Constitutional they can find it to run shovel and plow through little dry streams under the title of a river and harbor bill, but they can not find it within their conscientious view of the Constitution to construct a public building in any one of the Virginia towns or in any other town or city, ay, even where the Government has gone to the expense of constructing a public building and where the cities have grown to double or treble or quadruple the population by the time the buildings are constructed, and now they are inadequate, and when we ask for a certain sum of money, a small sum, $30,000 in one case, only to enlarge the capacity of the building so as to save the necessity of constructing another building, it is not within the purview of the Constitution!

Mr. President, the insinuation has been thown out this morning that the State of Virginia had gotten more than her share, or possibly quite as much as her share, and that we had no right to complain. I am not complaining of any lack of her share; I am not thinking of that. We are not dividing out, we are not issuing shares; but I would ask the Senator from Missouri to tell me how many public buildings Virginia got when my former colleague was chairman of the Committee on Public Buildings and Grounds. The Senator says that he reported more bills for public buildings than any other member of the committee except the Senator from Vermont [Mr. MORRILL] who is absent. I should like to ask him whether he reported any for Virginia, or whether he can name one that was reported by my former colleague for that State? I can name one for him, and I guess that will cover the catalogue—a court-house at Harrisonburgh, where the county had been furnishing the United States a public building ever since the war without one dollar of cost to the Government, and then we passed a bill to erect one for the paltry sum, I think, of about $50,000, including land purchase and all.

Mr. President, I ask for the yeas and nays on the adoption of this amendment and hope it will be the pleasure of the Senate to adopt it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Virginia [Mr. RIDDLEBERGER], upon which he asks that the yeas and nays may be entered upon the Journal.

The yeas and nays were ordered.

Mr. EVARTS. May I ask that the amendment be read?

The PRESIDENT *pro tempore*. The amendment is for a public building at Staunton, Va. Does the Senator desire to hear it read in full?

Mr. EVARTS. No, sir.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. If he were present, I should vote "nay."

Mr. STOCKBRIDGE (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

The roll-call was concluded.

Mr. MCPHERSON. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], who is absent from the Chamber. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS].

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BLACKBURN] is recorded as having voted.

Mr. MANDERSON. Then I will vote "yea."

Mr. BROWN. I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here, I should vote "nay."

Mr. JONES, of Arkansas. I am paired with the Senator from New York [Mr. HISCOCK], but as it appears that a quorum has not voted, I take the liberty, after conversation with his colleague, to break the pair and vote "nay."

Mr. FRYE. To make a quorum I will vote.

Mr. CULLOM. The Senator from Rhode Island [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. SPOONER. Is there a quorum voting?

The PRESIDENT *pro tempore*. A quorum is not recorded.

Mr. SPOONER. Then I record my vote in the affirmative.

Mr. BROWN. To make a quorum I will vote. I vote "nay"

The result was announced—yeas 16, nays 23; as follows:

YEAS 16.

Bowen,	Frye,	Mitchell,	Stewart,
Chandler,	Ingalls,	Plumb,	Stockbridge,
Daniel,	Jones of Nevada,	Riddleberger,	Teller,
Evarts,	Manderson,	Spooner,	Wilson of Iowa.

NAYS—23.

Allison,	Brown,	Hawley,	Ransom,
Bate,	Cockrell,	Hearst,	Reagan,
Beck,	Coke,	Jones of Arkansas,	Vest,
Berry,	Cullom,	Morgan,	Walthall,
Blackburn,	Dawes,	Payne,	Wilson of Md.
Blodgett,	Hampton,	Pugh,	

ABSENT—37.

Aldrich,	Eustis,	Hoar,	Saulsbury,
Blair,	Farwell,	Kenna,	Sawyer,
Butler,	Faulkner,	McPherson,	Sherman,
Call,	George,	Morrill,	Stanford,
Cameron,	Gibson,	Paddock,	Turpie,
Chace,	Gorman,	Palmer,	Vance,
Colquitt,	Gray,	Pasco,	Voorhees.
Davis,	Hale,	Platt,	
Dolph,	Harris,	Quay,	
Edmunds,	Hiscock,	Sabin,	

So the amendment was rejected.

Mr. FRYE. I move to amend the bill, on page 3, at the end of line 23, after the word "dollars," by inserting the following additional item:

For post-office and custom-house at Eastport, Me.: For additional amount for foundation of building, $8,000. If, in the opinion of the Secretary of the Treasury, a safe foundation can not be provided for this sum, or the interests of the Government require it, then he is hereby authorized to sell or exchange the present site and purchase or procure another; and for that purpose he may use so much of this appropriation as may be necessary.

I desire to state that Congress appropriated $100,000 for building a custom-house and post-office at Eastport to take the place of one that was burned about a year ago, when nearly the whole city was swept out of existence. The city seems to be located on a solid ledge. The Government selected a site and proceeded to put in the foundation when, singularly enough, on the north side of it the ledge suddenly dished, and from 20 to 25 feet deep they have found quicksand. The engineer in charge has reported to the Secretary of the Treasury two methods by which he thinks this may be obviated, and the one he regards as the better will involve an expense of about $8,000. The Secretary of the Treasury has sent a communication to the Senate, which I had yesterday to show the chairman of the committee, but have not by me now, in which he recommends that something be done here.

Lest a safe foundation may not be secured at this spot, he asks for the necessary legislation to enable him to exchange this site for another by exchange or by purchase, and this amendment simply authorizes the Secretary to do that; if he thinks it better to try the foundation he may do so, and if he thinks it is not better, to try then to exchange that site for another and use so much of this as is necessary.

Several SENATORS. That is right.

The amendment was agreed to.

Mr. JONES, of Arkansas. I move to insert what I send to the desk after line 8, on page 68 of the bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 68, after the amendment already agreed to, in line 8, it is proposed to insert:

The sum of $2,800 to be paid to the treasurer of the "Old Settler" or "Western Cherokee" Indians, for and on account of the value of the old Cherokee agency in the State of Arkansas, as well as the value of a certain saw and grist mill provided in article 4 of the treaty of 1828, and eight railway corn-mills provided for in the fourth article of the treaty of 1834 with said Indians: *Provided*, That the same shall be taken and accepted as a full and final discharge of all claim against the United States growing out of said treaties on account of said Cherokee agency and said saw and grist mills.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa will state his point of order.

Mr. ALLISON. It is a private claim.

Mr. JONES, of Arkansas. I confess——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Arkansas proceeding? The Chair hears none.

Mr. JONES, of Arkansas. I confess that I do not appreciate the force of the point made by the Senator from Iowa that this is a private claim. It is a claim originating under a treaty of the United States with the Cherokee Indians. In 1817 part of the Cherokee Nation removed to Arkansas, and in 1828, by a treaty made with the United States, that band of Cherokees who are known as the Old Settlers agreed to remove to their present residence west of the State of Arkansas. At the time of the treaty of 1828 an agreement was made by the Government of the United States that, amongst other considerations for their moving west, the Government should erect for them a certain saw and grist mill. By the treaty of 1832 the Government of the United States agreed, in lieu of the saw and grist mill to be erected under the treaty of 1828, that it would erect eight patent railway corn-mills. One of those mills was erected; seven of them were not. This is for the benefit of the Cherokee Nation, and it seems to me it is hardly amenable to the point of order of its being a private claim, especially as it is carrying out a treaty stipulation. I will wait until the Chair rules on the point of order before I say any more.

The PRESIDENT *pro tempore*. The fourth clause of Rule XVI reads:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The Chair has no knowledge whether this is a just claim under the treaty, but the amendment is obviously within the rule, because the clause of the treaty under which the amendment is proposed to be made is cited on the face thereof.

Mr. ALLISON. I will state, if the Chair is disposed to hold that it is in order, that it is not to carry out the provision of a treaty, as I understand it, but it is to get rid of a provision of a treaty.

The PRESIDENT *pro tempore*. The Chair has no means of knowing whether the allegation is true or not; but the amendment in form, the Chair thinks, is within the rule.

Mr. ALLISON. I made a hasty examination yesterday, the Senator from Arkansas stating to me that he intended to propose this amendment, and from a long report, which I read, I think instead of carrying out a treaty it is to settle with some individual who has a claim because the treaty was not carried out.

Mr. JONES, of Arkansas. I have no personal interest in this matter, and I have no desire to have the amendment adopted unless it meets the approval of the entire Senate. I have presented the amendment at the request of the attorney of the Old Settler Cherokee Indians. The facts are stated in the report for and against the bill—for this provision, I will confess, probably unlike a good many things that are brought into the Senate, has two sides to it—all the facts are set out in the report to which I called the attention of the Senator from Iowa yesterday.

There was an agreement made in the treaty of 1828 between the United States and this western band of Cherokees who had been living in the Territory of Arkansas for eleven years, that if they would remove to the territory occupied by the Cherokees west of the present State, a number of things would be done, amongst other things a saw and grist mill was to be erected for the benefit of these people. In 1832 that condition was changed by the treaty, and the Government agreed to erect eight patent railway corn-mills, as they were called, and three or four years ago the representative of these Old Settler Cherokees came here and presented a bill to make an appropriation of $16,000, as they recited in their bill, to pay for the Old Cherokee reservation in Arkansas, to pay for a saw and grist mill that was to be erected for the Indians, and to pay for these eight patent railway corn-mills.

The considerations upon which the Government agreed to erect the mill in 1828 were that the old Cherokee reservation in Arkansas should be ceded to the Government. It was a tract of land on the Arkansas River 100 miles or so to the east of Fort Smith. The Government, if it had erected the saw-mill, would have paid for the land, but as it did not erect the saw-mill and agreed to erect eight patent railway corn-mills in lieu of it, they were entitled to pay for one of the items and one only; they were not entitled to pay for the saw and grist mill and also for the eight patent railway corn-mills.

The question was submitted to the Commissioner of Indian Affairs, and in a long letter reciting all these facts, he stated that the Indian agent of the five civilized tribes had been directed to investigate the question, and he reported that of the eight mills which were agreed to be erected, but one has been erected, and that had been done at an expense of about $400, and that seven of the mills that were to have been constructed as a part of the consideration for the land had not been erected at all. It is on the report of the Commissioner of Indian Affairs that these seven mills that were to be erected, by a contract between the United States and the Indians, have never been erected, that this appropriation is asked for. Four hundred dollars apiece for seven of these mills amounts to $2,800.

If the report of the Commissioner of Indian Affairs can be relied upon, if the report of the special agent of the Department who has investigated this question is entitled to any respect at the hands of Congress, it is a perfectly plain case that these Old Settler Cherokees are entitled to this $2,800 and that they have been for a great many years, and it seems to me but right and proper that the item should go on the appropriation bill and the amount be appropriated.

Mr. BECK. I do not know anything about this matter, but this is dealing with a thing of the past. The sundry civil bill, with the exception of some few items, generally deals with things that will happen hereafter. The deficiency bill will come before the Committee on Appropriations in a very few days, when all cases of this kind that have occurred in the past can be dealt with. Upon that bill the Senator from Arkansas can attend to this measure and look over it carefully and look at the reports carefully. None of us have had a chance to examine it, unless it be the chairman who looked at it yesterday. Would it not be well to attach the amendment to that bill, as it appears to be in order on that bill? Such a course might save some discussion and some trouble, and the question could be more properly and probably more rapidly disposed of.

Mr. JONES, of Arkansas. This amendment was sent by the Committee on Indian Affairs to the Committee on Appropriations with a recommendation that it be put on this bill, and when the Committee on Appropriations had the sundry civil bill under consideration I sent the amendment to the committee with the report, and if the members of the committee did not see it, I am sure it is no fault of mine.

Besides, this is not in the ordinary sense a deficiency. It is a thing that extends forty or fifty years back. I presume it would be as objectionable on the deficiency as on the sundry civil bill, and as the Government of the United States admit the liability, and as it is a small matter, it seems to me we might as well dispose of it now as at any other time.

I do not wish to be captious about this thing, and if the Committee on Appropriations desire time to look further into the matter, I shall be glad to have them do so, but it seems to me, under the circumstances, it might be well to dispose of it now.

Mr. ALLISON. I ask that the report be read.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas [Mr. JONES].

Mr. ALLISON. I hope the Senator from Arkansas will send up the report made by the Committee on Indian Affairs. This is a private claim and nothing else.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. JONES, of Arkansas. I send the report to the Secretary. It is Senate Report No. 839, made at the first session Forty-ninth Congress, by the Committee on Indian Affairs.

The Chief Clerk proceeded to read the report, which is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 1601) to provide for the settlement of certain Cherokee claims, have had the same under consideration, and report as follows:

About the year 1817 a part of the Cherokee Nation moved west of the Mississippi River and settled in what is now the western part of Arkansas. These people have been since known as the "Old Settlers," or Western Cherokees.

In 1828 a treaty was made with them by which they agreed to remove to the country they now occupy, and in said treaty the following provision is found:

"It is further agreed that the property and improvements connected with the agency shall be sold under the direction of the agent, and the proceeds of the same applied to aid in the erection, in the country to which the Cherokees are going, of a grist and saw mill for their use."

In the subsequent treaty of February 14, 1833, the following language is found:

"And said United States will cause to be erected on said lands, for the benefit of said Cherokees, eight patent railway corn-mills, to be erected according to the stipulations of the fourth article of said treaty of 6th of May, 1828, from the avails of the old agency."

On June 23, 1834, Congress made an appropriation of $1,600 for the purchase of the corn-mills for the Cherokees, and in 1844 eight patent railway corn-mills

were purchased by the Indian agent and paid for by the United States, costing $200 each.

It seems that one of these mills was erected and the other seven were not. This bill is intended to compensate the Cherokees for the failure of the Government to erect these mills.

Hon. H. L. Muldrow, Acting Secretary, under date of April 22, 1886, writes as follows:

"DEPARTMENT OF THE INTERIOR, *Washington, April* 22, 1886.

"SIR: I have the honor to acknowledge the receipt of your letter of 1st instant, inclosing for examination and report S. No. 1601, entitled 'A bill to provide for the settlement of certain Cherokee claims.'

"The subject having been referred to the Commissioner of Indian Affairs, I transmit herewith, for the information of the committee, a copy of his reply of 20th instant.

"The Commissioner recites the provision of the eleventh article of the Cherokee treaty of 1846, noted in the bill, and the resolution of the Senate referred to, and states that he is unable to see what 'relation the sum of $16,000 proposed by the bill to be appropriated and paid to the "Old Settler" or Western Cherokee Indians, bears either to the Senate award of the 5th of September, 1850, or to the eleventh article of the treaty of 1846.'

* * * * * * *

"If, however, the intention of the bill be to pay these Indians the sum of $16,000 with interest thereon, as a money compensation for the eight patent railway corn-mills named in the bill," which were to be furnished under the provisions of the treaty of 1834 in lieu of the grist and saw mill stipulated in the treaty of 1828, "no objection can be made to the purpose of the bill, as the Government is manifestly under an obligation to erect the said patent railway corn-mills or pay the money compensation therefor."

The Commissioner expresses the view that the amount named in the bill is excessive, and that whatever amount is appropriated in settlement of the claims should be paid to the Cherokee Nation; and he has caused a bill to be draughted, a copy of which is herewith inclosed, intended to meet the views in the case as expressed by him, which provides for the payment of the sum of $2,800 with interest thereon from June 28, 1834, at the rate of 5 per cent. per annum until paid; to be in full of all claims, etc., which he suggests may be adopted as a substitute for S. No. 1601.

The report of the Commissioner has the concurrence of this Department.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 20, 1886.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a communication, dated the 1st instant, from Hon. H. L. DAWES, chairman of the Senate Committee on Indian Affairs, referring for examination and early report a bill (S. 1601) entitled "A bill to provide for the settlement of certain Cherokee claims."

This bill authorizes and requires the Secretary of the Treasury to pay, out of the Treasury of the United States, to the "Old Settler" or Western Cherokee Indians the sum of $16,000 with interest thereon, as provided by Senate resolution of September 5, 1850, based upon the eleventh article of the Cherokee treaty of 1846: *Provided*, That the same shall be taken and accepted as a full and final discharge of all claims against the United States arising from or growing out of all treaties made with the "Old Settler" or Western Cherokee Indians for or on account of the value of the Old Cherokee agency, in the State of Arkansas, as well as for the value of a certain grist and saw mill provided for in the Cherokee treaty of 1828, and eight railway corn-mills provided for in the treaty of 1834.

In reply I have the honor to report that the eleventh article of the Cherokee treaty of 1846 is as follows:

"Whereas the Cherokee delegations contend that the amount expended for the one year's subsistence, after their arrival in the West, of the Eastern Cherokees, is not properly chargeable to the treaty fund, it is hereby agreed that that question shall be submitted to the Senate of the United States for its decision, which shall decide whether the subsistence shall be borne by the United States or the Cherokee funds, and if by the Cherokees, then to say whether the subsistence shall be charged at a greater rate than $33.33 per head; and also the question, whether the Cherokee Nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum." (9 Stats., page 875.)

The resolution of the Senate approved September 5, 1850, based upon said eleventh article of the treaty of 1846, is, in words, as follows:

"IN THE SENATE OF THE UNITED STATES, *September* 5, 1850.

"*Resolved by the Senate of the United States (as umpire under the treaty of* 1846), That under the circumstances, the Cherokee Nation are entitled to the sum of $189,422.76 for subsistence, being the difference between the amount allowed by the act of June 12, 1838, and the amount actually paid and expended by the United States, and which excess was improperly charged to the treaty fund in the report of the accounting officers of the Treasury.

"*Resolved*, That it is the sense of the Senate that interest, at the rate of 5 per cent. per annum, should be allowed upon the sums found due the Eastern and Western Cherokees, respectively, from the 12th day of June, 1838, until paid."

In accordance with this award, Congress, in the Indian appropriation act, approved September 30, 1850, appropriated conditionally the aforesaid sum of $189,422.76, and the further sum of $532,896.90, to the "Old Settler" or "Western Cherokees" in full of all demands under the fourth article of the treaty of 1846 (9 Stats., page 556), which sums have been fully disbursed and paid over, under protest on the part of the Old Settlers, to the respective parties in interest.

From the extended debate which arose in the Senate on the 5th of September, 1850, on the resolutions aforesaid, it was clearly brought out that only two questions were submitted for the decree of the Senate, namely, subsistence and interest (see pages 1334-1340 Appendix Congressional Globe, Thirty-first Congress, first session).

I can not, therefore, see what relation the sum of $16,000 proposed by the bill to be appropriated and paid to the "Old Settler" or Western Cherokee Indians bears either to the Senate award of the 5th of September, 1850, or to the eleventh article of the treaty of 1846 (see House Report 2651, Forty-eighth Congress, second session).

If, however, the intention of the bill be to pay these Indians "the sum of $16,000 with interest thereon" as a money compensation for the eight patent railway corn-mills named in the bill and provided for in the Cherokee treaty of 1838, which was proclaimed April 12, 1834 (7 Stats., page 416), which were to be erected in lieu of the grist and saw mill according to the stipulation of the fourth article of the treaty of 1828 (7 Stats., page 312), then no objection should be made to the purpose of the bill, as the Government is manifestly under an obligation to erect the said patent railway corn-mills or pay a money compensation therefor.

Congress, by the act of June 28, 1834 (4 Stats., page 705), made an appropriation for the purchase of these corn-mills, and the Second Auditor of the Treasury, in a communication to this office, dated November 14, 1877, transmitted a copy of a voucher filed with the account rendered by P. M. Butler, Cherokee agent and special disbursing officer of the appropriation in question, which is as follows:

The United States to James Bonbright Dr., 1844.

For eight patent railway corn-mills, as per fourth article treaty of 1833, at $200 each	$1,600

Received, Fort Gibson, November 30, 1844, of Pierce M. Butler, Cherokee agent, $1,600, in full of the above account.

JAMES BONBRIGHT.

I certify on honor that the above account is correct and just, and that I have actually, this 13th day of November, 1844, paid the amount thereof.

P. M. BUTLER, *Cherokee Agent.*

Showing that the eight mills were duly purchased; but from subsequent investigation made by this office, through Indian Agent John O. Tufts, it appears that evidence of the erection of only one of these mills could be obtained, and nothing is known of what became of the other seven.

The cost of the eight railway corn-mills, with the expense of their erection, should form a basis for an estimate of the amount the Government would have expended had the stipulations of the treaty in that respect been fully executed at the time, as was contemplated, by the appropriation made June 28, 1834. To this amount should be added the interest thereon, not from the 12th of June, 1838, as designated in the Senate resolutions, but from a period not later than the proclamation of the treaty, April 12, 1834, or the date of the appropriation June 28, 1834, until paid. Had the cost of transportation and other expenses incident to their erection been equal to the cost of the mills, the account would stand thus:

Cost of seven mills, $200	$1,400
Cost of erection	1,400
Interest on $2,800 for fifty-two years, at 5 per cent	7,280
	10,080

I therefore think the sum of "$16,000, with interest," an excessive amount to pay for said corn-mills, which is the only claim the Cherokees could have on the Government in consideration of the cession of the Old Cherokee agency in the State of Arkansas.

There is a question as to whether the "Old Settler" or Western Cherokees are entitled to whatever may be due in respect of the corn-mills in question, to the exclusion of other portions of the Cherokee people, or as to whether the whole Cherokee Nation is not entitled to whatever may be found due in that respect.

It would appear by reference to the treaty of 1817 (7 Stats., 156) that the land in Arkansas was granted to that part of the Cherokee Nation then residing on the Arkansas River, now known as the "Old Settler" or Western Cherokees.

The land in Arkansas was ceded to the United States by the treaty of 1828 (*Id.*, 311), by the fourth article of which the Government agreed to erect a grist and saw mill for the Cherokees in their new home (Indian Territory), and in lieu of which the patent railway corn-mills were to be erected as stipulated in the fourth article of the treaty of 1833 (*Id.*, 416).

It is presumed that the "Old Settler" or Western Cherokees base their claim upon the fact that the lands in Arkansas appear, by the treaty of 1817, to have been given them exclusively, and the further fact that the mills were to be erected upon lands in the Indian Territory, for an interest in which they had surrendered their lands in Arkansas. But by reference to the preamble to the treaty of 1828 it will be seen that the purpose of the Government in ceding the lands described in the second article, namely, the lands in Indian Territory, was to secure a permanent home to the whole Cherokee Nation, as well those in Arkansas as those residing east of the Mississippi who might wish to join them in the West; and by reference to the fourth article of the treaty of 1846 (9 Stat., 872) it will be observed that it was therein determined that the "Old Settler" or Western Cherokees had no exclusive title to the land ceded to the Indians by the treaty of 1828, but that the same was intended for the whole Cherokee Nation.

If, then, the land given to the Cherokees by the treaty of 1828 was for the benefit of the whole Cherokee Nation, all benefits accruing under that treaty, unless expressly reserved, belong to the Cherokee Nation, and therefore the Old Settlers or Western Cherokees have no exclusive right to anything that may be due in respect of the aforesaid corn-mills. It is evident that if the mills had been erected in the Indian Territory, as the Government agreed to do, they would have been for the use of the whole nation.

If it be the purpose of the present bill to pay the value of the corn-mills not erected, and cost of transportation and other expenses which would have been incident to their erection, with interest, then, in my opinion, said bill should be so amended as to make the payment to the Cherokee Nation.

I have caused to be draughted a bill intended to meet this view of the case, and, with your concurrence, have the honor to recommend that the same be forwarded with the suggestion that it be adopted as a substitute for Senate bill No. 1601.

For a history of the status of the land known as "The Old Cherokee Agency" I would respectfully refer you to the following public documents (copies of which I am unable to submit), namely: House Report No. 1146, Forty-seventh Congress, first session; House Report No. 2021, Forty-eighth Congress, first session; Senate Report No. 908, Forty-seventh Congress, second session; Senate Report No. 287, Forty-eighth Congress, first session.

I return herewith the communication of Senator DAWES with the bill, and submit herewith a copy of this report and draught of proposed substitute.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

This committee regard the estimate of General Atkins as reasonable and adopt the same, but do not agree to the payment of interest thereon.

Whether this money should be paid to the "Old Settlers" or Western Cherokees or to the Cherokee Nation, is a question not free from difficulty. The honorable Commissioner of Indian Affairs concludes that it should go to the nation, but from this opinion this committee are forced to dissent.

The land which was conveyed to the Government as the price of the erection of these mills was the property of the "Old Settler" Cherokees. That part of the tribe residing east of the Mississippi were not parties to the treaty, and while the stipulation to erect a mill provided that it should be placed in the country now occupied by the Cherokee Nation, there is no evidence of any intention to so place the mill for the benefit of the Eastern Cherokees, but it was to be erected in the country to which the Western Cherokees were themselves ready to move.

A circumstance to be considered in this connection is that at that time there was no agreement even with the Eastern Cherokees for their removal, and they did not remove until 1835 to 1837. Under these circumstances it seems that no intention on the part of the Western Cherokees to make the Eastern Cherokees equal beneficiaries in this matter with themselves could be inferred.

Your committee therefore report the accompanying bill as a substitute for bill S. 1601, and recommend that it pass.

The reading having proceeded to the conclusion of the letter of Acting Secretary Muldrow,

Mr. EDMUNDS. I think the reading of the report has gone far enough

to show what article of the treaty of 1833, erroneously called 1834 in the amendment, is referred to. On looking at the article, it appears perfectly plain to me that assuming that the United States did not build the mill the article provides for, the amendment, in order to be in order, must be an amendment to carry out that article, and that is to build a mill. So I do not ask for any further reading of the report as far as I am concerned. I think the point is sustained.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment.

The amendment was rejected.

Mr. PLUMB. I move to amend the bill on page 108, after line 11, by inserting:

Provided further, That supplies which are the result of prison labor shall not be purchased for use at the National Home for Disabled Volunteer Soldiers.

Mr. REAGAN. I make a question of order on that. It is general legislation.

Mr. EDMUNDS. It is a limitation on the expenditure.

The PRESIDENT *pro tempore*. The Chair would hold, without further advice, that this is a legislative direction as to the method of expending money appropriated, and therefore that it is not open to the point of order. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. STOCKBRIDGE. I offer an amendment to come in at the end of the bill.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. At the end of the bill it is proposed to add:

That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum not exceeding $15,000, to be expended in the purchase of that part of what is now known as Battery Island Station, containing about 58,300 square feet, situated at the mouth of the Susquehanna River, some 3½ miles below Havre de Grace, Md., now occupied by the United States Fish Commission for a fish-hatching station, under lease from the present owner, Thomas B. Ferguson: *Provided*, That no part of said purchase money shall be paid until the full and absolute conveyance to the United States of said property and the approval of the same by the Attorney-General.

Mr. STOCKBRIDGE. I wish to state in regard to this amendment that it provides for the purchase of Battery Island near Havre de Grace, where the principal hatching station is situated for shad. This island has been occupied under lease for some years, and the Government has made quite a large expenditure there, and has all the necessary appliances for prosecuting this very important work. The lease has expired, and the owner of the island proposes to sell it to the Government for the sum of $15,000. The Committee on Fisheries have conferred with the Commissioner of Fish and Fisheries on this subject and he strongly favors the purchase, and the committee report it unanimously.

Mr. PLUMB. I did not hear the statement that the Senator made as to the value of the Government improvements upon the island.

Mr. STOCKBRIDGE. The Commissioner of Fish and Fisheries reports that the Government has expended on the island something like $76,000.

Mr. VEST. We can not hear the Senator.

Mr. STOCKBRIDGE. The Commissioner reports an expenditure by the Government of some $76,000 upon the island, which would be largely sacrificed if it was given up.

Mr. PLUMB. Then may I ask the Senator how it came that these improvements, and of comparatively permanent character, as I judge they are, because they can not be removed, the Senator says, came to be made upon a tract of land to which the Government had no title?

Mr. STOCKBRIDGE. I can only say in reply that the Government held a lease for some years and has occupied the island for some ten years; some six years with the tacit consent of the owner and for the last three years under a lease.

Mr. PLUMB. That lease has expired?

Mr. STOCKBRIDGE. That lease has expired.

Mr. PLUMB. In whom is the title to this land?

Mr. STOCKBRIDGE. The title of the land is in Mr. Ferguson.

Mr. PLUMB. He is an employé of this department, is he not?

Mr. STOCKBRIDGE. He is not now; he was formerly.

Mr. PLUMB. He was at the date these improvements were made on the island?

Mr. STOCKBRIDGE. He was deputy fish commissioner at that time.

Mr. PLUMB. It seems to be rather a provident transaction on his part altogether, and may perhaps be the occasion of some regret that he is out of the service now.

Mr. STOCKBRIDGE. I would say to the Senator that Mr. Ferguson claims nothing based upon the value of these improvements. In the judgment of the committee who considered this matter the price at which he proposes to sell the island is a fair price for the property without regard to any improvements which have been made upon it. The Commissioner also states that, in his judgment, it is the best location for a hatchery that can be secured, and he strongly advises the purchase.

Mr. VEST. I wish to ask the Senator a question for information. I understand that this amendment comes from the Committee on Fisheries?

Mr. STOCKBRIDGE. It does.

Mr. VEST. I should like to know how the money was appropriated for the improvements on the island. What committee made the report for $76,000? I understand there were $86,000 expended there for buildings, and the Government was paying at the time the nominal rent of a dollar a year.

Mr. STOCKBRIDGE. That is correct.

Mr. VEST. I want to know what committee here reported in favor of spending $86,000, as I understand it—$76,000 the Senator says—upon real estate to which the Government had not the shadow of title.

Mr. REAGAN. It is about half an acre.

Mr. VEST. I will say to my friend from Texas, it does not make any difference about the size of the island. Here is an extraordinary fact developed. It must have been done upon the report of some committee, because under the general law no Cabinet officer would have a right to direct the expenditure of the money without subjecting himself to impeachment. How was the money expended upon property to which the Government had no title? That is the most extraordinary fact that I have heard here in my service as a Senator.

Mr. STOCKBRIDGE. I will say in reply to the inquiry of the Senator that I have that information in a book before me, but I have not sifted it out to present it to the Senate. However, quite a large part of the amount was expended out of the appropriation for rivers and harbors in dredging adjacent to the property. Part of the amount was expended out of the current expenditures made for fish and fisheries, but a large proportion of it was made out of the river and harbor appropriation for the improvement of the navigation of the river.

Mr. VEST. But I understood the Senator to say—I have no personal knowledge about it—that a large amount of this money was expended for buildings.

Mr. STOCKBRIDGE. Oh, no; for improvements.

Mr. VEST. What sort of improvements?

Mr. STOCKBRIDGE. If I said "buildings" I spoke inadvertently. There was comparatively a very small part of the money expended in buildings.

Mr. VEST. How much?

Mr. STOCKBRIDGE. The Government has built a timber protection about the island. There was a large excavation made which was necessary for the transaction of business, and the earth which was excavated was deposited within timber embankments, so as to increase the size of the island.

Mr. VEST. Has the Senator any knowledge as to what this property was worth prior to the improvements, and what has been the increase of value by reason of the money spent there by the Government?

Mr. STOCKBRIDGE. I will state that nothing is asked for the betterments which have been made upon the property. The same price per foot is asked for the property that the Government paid for a small amount of ground upon the island for the purpose of erecting a light-house. The same price per foot is asked for the old survey, not including the accretions which have been made by the operation of the improvements. The committee were satisfied that this property would readily command the price which the owner asks for it, and that it was a reasonable sum and not based upon the value of any improvements which the Government has put upon it.

Mr. PLUMB. I wish to say that the little affection I have had heretofore for river and harbor bills has been somewhat taken away altogether by the statement made by the Senator from Michigan that the improvement of this island, which has resulted in the necessity for its purchase in order to save the Government from loss, and probably its purchase at a price larger than its original value, was the work of a river and harbor bill which, not satisfied with the ordinary jurisdiction it covers, which is quite broad, has got into this business.

Mr. VEST. I suppose I ought to take my share of blame for not knowing everything that comes from the committee of which I am a member. I am a member of the Committee on Commerce. I have worked on that river and harbor bill, but I never heard of that appropriation before. I never before heard that there was any improvement of private property made by the Government in any river and harbor bill, or I should have opposed it in committee and in the Senate.

If this thing was in any river and harbor bill, and I am curious to know in what phrase it was put there, I should like to know the terms of the appropriation. I never heard of it before. It may have been my negligence. I have tried, I may say without self-praise, to do my duty on that committee, but I never heard before that there was ever any such expenditure as $86,000 upon any island or half-acre of land in connection with fish and fisheries.

Mr. EDMUNDS. I happen to have a little knowledge about this matter, which came to me incidentally, after Professor Baird, who was the Commissioner of Fish and Fisheries, died. There was a struggle, as there always is in this civil-service country of ours, for the honor of being the successor to Professor Baird. Major Ferguson had been the assistant commissioner of fish and fisheries for three or four years, appointed under a special act of Congress authorizing an assistant commissioner.

As the chairman of the Committee on Fisheries has said, Major Ferguson while a citizen of Maryland bought this island from the State, or somebody who owned it. It was a low, almost water-washed island.

It happened to lie right in the line of navigation below Havre de Grace, where the iron railway bridge of the Pennsylvania road crosses the mouth of the Susquehanna, along which a great number of coal steamers, principally, and sailing vessels come to Havre de Grace to load up, which is a great coal-moving place, as everybody knows. In some river and harbor bill or bills, about which I know nothing and therefore can not speak, there was a provision, and, so far as river and harbor bills go, an obviously proper one, for clearing out that channel.

Mr. VEST. That was all right.

Mr. EDMUNDS. This little island had been occupied at one time by the State of Maryland, when Major Ferguson was her commissioner of fisheries, for shad hatching. It is one of the most favorable localities for it, where probably the largest number of shad have been successfully hatched of any place in the United States. Putting their two forces together a small appropriation out of which Professor Baird could build a wooden structure, etc., for carrying on the fish hatching, and the clearing of that channel, instead of dredging up and carrying it off 3 or 4 miles somewhere to dump it on shore, they put in wooden cribs not a dozen rods from the place of the dredging, or perhaps less, and dumped the sand and the mud over inside of those wooden cribs to hold it, and thus protected the shores of the island and made the little structures for the purpose of fish hatching able to stand and to be used, so that the fish vessels and the coal vessels could come alongside, the coal vessels coming there, as I say, in great numbers.

Any one every day when he goes to or comes from New York can see a great number of vessels lying there loaded with coal and a great number filled up to go away.

How much money was spent for the building I do not know, but everybody who knew Professor Baird, the purest and most scrupulous man I ever knew, must see that it must have been a very small item. How much the engineers spent in clearing that channel and building the crib and dumping the mud over into it I do not know. It was certainly cheaper than it could have been done by carrying it anywhere else, because it was right at hand.

I ought to add a word, as Major Ferguson has been referred to, in justice to him, although he was a gallant rebel soldier. I should not say "although," but keeping in mind that fact, whatever prejudice an extreme Northern man and black Republican may have, of course would not be in his favor. After Professor Baird died and the scandal was started in the newspapers about the misuse of money in junketing expeditions and all sorts of screeds of that kind, the President of the United States had an investigation made on his own account, as he had a perfect right to do, and as it was his duty to do, as the Commissioner reported to him, to know what had been the conduct, not only of Major Ferguson as Fish Commissioner, but of Professor Baird also, although nobody had ever suggested that Professor Baird could have been otherwise guilty than by inadvertence. I have not seen the report that the three gentlemen selected by the President to make the investigation made to him, but one of them, a gentleman of the highest respectability and of the most astute intelligence and care, and not having any extreme sympathy with Major Ferguson either, informed me that the report of that investigating commission of the President's, unanimously made and in writing, as everybody knew it would, entirely exonerated Professor Baird from ever having spent or used a penny of public money, or a pound of public coal, or a Government baked potato for anybody who came to visit him.

He had always with the most scrupulous overcare and fidelity charged everything of that kind up to himself. Even when Senate committeemen investigating the fisheries went to Wood's Holl, where Professor Baird's headquarters were at the time he died, to spend a night there to make inquiries about the fishing business, we were the guests of Professor Baird, and his money and not that of the United States paid for our food and our lodging. Not only that, but the commission reported that Mr. Ferguson's conduct had been in every respect scrupulously honest and honorable, and that there was not a stain or a suspicion of stain upon any of his connection with any of his transactions that the newspaper stories had given out. I think it is due to him to say that.

Mr. HAMPTON. Mr. President, I am very glad to hear what the Senator from Vermont has said, and he has forestalled in a great part, and in a great deal better manner than I could have said it, what I proposed to say.

This island was bought by Major Ferguson a good many years ago, for it was a very famous ducking and fishing station. Professor Baird thinking it was a very admirable position for a hatchery, proposed to rent it. Major Ferguson with a very great sense of delicacy, as he was assistant fish commissioner, declined to rent it to the Government, though at that very time he was offered $600 a year for the rent of the place for fishing purposes, and the ducking privileges were very great besides. He told Professor Baird, however, that he might make a lease at a nominal rent of a dollar a year and use it for the Government. Professor Baird did that; he established a fish hatchery there, and it has become the most successful hatchery in the United States.

As the chairman of the Committee on Fisheries will tell you, we had the present Fish Commissioner before us and he said that more shad had been hatched there this season than at any other place in America. We put the question to him as to the improvements on the place. If the Government does not choose to keep it they have six months to remove their improvements, but the present Commissioner tells us that if those buildings were removed they would be practically worthless.

Mr. TELLER. They are cheap buildings, are they not?

Mr. HAMPTON. No, they are not cheap buildings.

Mr. TELLER. They are frame buildings?

Mr. HAMPTON. I do not know as to that.

Mr. EDMUNDS. I have seen them. I think they are small wooden structures.

Mr. HAMPTON. They can not be used for anything else, and it would be not only a loss of the cost of the buildings but a loss of all the work that the Government has done in protecting the island.

The question that then came before the committee was whether it was better for us to recommend the purchase of the island at $15,000 or whether the United States should lose $85,000. As to the value of the island, I will state that it was sold at auction, before Major Ferguson bought it, for $10,000, and he has informed me that if the Government does not wish to take it he can name a club that would give for the year's ducking privileges double that amount. But with the high sense of honor and of delicacy which has marked all his transactions with the Government, he said that if they wished to take it they might do so at precisely the price per foot—at the same rate the Government had paid to the former owners for the site of the light-house now upon it. That would make within a fraction of $15,000.

I will state as another evidence of Major Ferguson's delicacy in this matter that the steamer Halcyon was bought, and if I am not mistaken the money was appropriated to pay for it; but other uses were found for it, and when he was dropped as Fish Commissioner that vessel was thrown back on his hands. He asked me to go with him to the President to say that if the Government wanted it they might take it at exactly what it cost him, but at the same time he showed the President a telegram from New York in which he was offered $17,000 for the vessel, $5,000 or $6,000 more than he asked the Government for it. He is doing precisely the same thing now with this island that he did with the vessel.

Mr. TELLER. I visited this island some five or six years ago. I think the buildings are of wood and of material that will be practically of no value if taken off the island. It seems to me that the Government could not afford to take the material off the island, and that really the Government ought to buy the island. I do not know anything about the value of the island, that is, whether it is worth $15,000 or $25,000, but certainly it is a very valuable location for the purpose for which it has been used. I do not suppose the Government could probably duplicate it for the money that it has spent there and the money that it is proposed to charge for the island. In fact I doubt whether the Government could find in that vicinity anywhere so valuable a place for the purpose for which this island has been used. If the committee are satisfied that $15,000 is a fair price, it does not seem to me that there ought to be much question about the Government buying it.

Mr. DAWES. I joined as one of the Committee on Fisheries in this recommendation with great cheerfulness, the more so because I had been somewhat prejudiced against Major Ferguson, growing out of the contest for the succession to Professor Baird. There had been a good deal of talk before the Committee on Fisheries in regard to these improvements upon his island that the Government had no real hold on; but I must confess that my examination of the matter in the Committee on Fisheries very much changed my mind in reference to Major Ferguson. I have seen no more honorable transaction than that of his in connection with the island and his offer to sell it to the Government.

Mr. VEST. I should like to ask the Senator from Massachusetts a question for information. I made no charge against either Professor Baird or Major Ferguson.

Mr. DAWES. I wish to say that I have not heard the discussion, and I do not know anything that has been said in reference to it except what was said by the Senator from Vermont [Mr. EDMUNDS] after I returned to the Chamber.

Mr. VEST. I am a personal friend of Major Ferguson, as to that matter, and I signed his petition to have him appointed Fish Commissioner. But I wanted to know whether it was possible that I had helped to prepare and had voted for a river and harbor bill that expended eighty-odd thousand dollars of Government money on an island in the Susquehanna River for the purpose of hatching fish, and that I did not know it. I never heard of any such appropriation, and I do not know yet from anything any Senator has said here how the dams to hatch fish there were paid for under an appropriation in the river and harbor bill. I can understand very well how money was taken for the channel; that was all right; but I do not understand the other uses to which it was applied.

Mr. DAWES. Let me state what I desire to say, and then I will leave the floor to the Senator from Missouri.

Mr. VEST. Oh, I do not want the floor.

Mr. DAWES. Here is about half an acre, an island, in the center of which the United States already owns sufficient for a light-house. It may go into other people's hands, and then the United States will

be upon an island on which somebody else owns everything except enough for the light-house.

Mr. TELLER. How did we get the land for the light-house?

Mr. DAWES. We got that by negotiations with the original owner, not with Mr. Ferguson. Here is a square piece right in the center of it which belongs to the United States. What those who executed the commission of the river and harbor bill did has been described by the Senator from Vermont.

Mr. VEST. That was for the channel.

Mr. DAWES. That was for the channel, but they had to put what they took out of the channel somewhere, and they put it in the nearest possible spot, and that was by the side of the island, and so protected the island, and after it was there Professor Baird utilized it, and enlarged the island with it.

Mr. VEST. Where did the money come from to do that?

Mr. DAWES. There was no fault on the part of Major Ferguson.

Mr. TELLER. Do the eighty-odd thousand dollars used on the island include the cost of filling it up from the channel?

Mr. DAWES. I suppose some of the expenditure is accounted for in that way; I do not know that it is all so accounted for; but upon this enlargement of the island Professor Baird doubtless expended a great deal of money, utilizing it necessarily for the purpose for which the island was intended, and he made there the best hatching place there is.

After all that has transpired, when this man had it in his power either to exact an enormous sum from the United States or subject the United States to an enormous loss, he offers this island for this reasonable amount. When I came into the committee-room of the Committee on Fisheries, understanding all that had transpired before, I had no idea we could get the island for $15,000. I had supposed if we got it at all we should have to pay $30,000, and I do not hesitate to say that it would be better for us to pay $30,000 for that island than to let it go, and let all we have done there go with it.

Mr. STOCKBRIDGE. I shall not detain the Senate to say anything further with regard to the desirableness of the location of the island or the conduct of Major Ferguson in connection with it, or anything of that kind. I will simply refer the Senator from Missouri to the fact that in 1881 there was an appropriation in the river and harbor bill of $6,954.15 expressly for work at that point.

Mr. VEST. Yes; that was on the channel.

Mr. STOCKBRIDGE. And appropriations were made at subsequent dates. I read from the last report of the Commissioner of Fish and Fisheries:

In addition to the improvements mentioned above, which were made at the expense of the commission, $5,000 were spent in deepening the channel and in extending and strengthening the piers and breakwaters. This included the building of a crib or breakwater 495 feet long, extending from the southwest part of the island to form an inclosure for raising carp. This work was done by the Engineer Corps of the Army in accordance with the provisions of the river and harbor bill approved July 5, 1884.

There are several other citations of the same kind in the report, referring to specific appropriations in the river and harbor bills. Quite a large part of the expenditure there was made in pursuance of those appropriations, made expressly for the purpose, and then the Commissioner of Fish and Fisheries made other expenditures.

Mr. VEST. If the Senator will pardon me, I was on the Committee on Commerce, and what I asked about was as to the terms of the appropriation in the river and harbor bill. I know very well that the committee recommended appropriations for improving that channel. We unquestionably made appropriations and the Corps of Engineers superintended the work as to channel improvements. What I asked about was the expenditure on the island to construct fish-ponds and so on, with which the river and harbor bill certainly had nothing to do. That was not within our province.

Mr. STOCKBRIDGE. Those expenditures were made out of the appropriations for the Fish Commission.

Mr. VEST. But the statement was made here that the money was appropriated by the river and harbor bill. I simply wanted to say that I never heard of any such appropriation for fish and fisheries.

Mr. STOCKBRIDGE. The statement made in the report is that there were specific appropriations at that time.

Mr. VEST. There is no question about appropriations having been made at the time for the channel.

Mr. STOCKBRIDGE. There is no question about that. There is no question, I think, as to the propriety of buying this island and of the fact that the price proposed to be paid for it is low.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Vermont to propose an amendment to the amendment of the Senator from Michigan.

Mr. EDMUNDS. Yes, a mere phrase about the legal title.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 11, of the amendment, after the word "conveyance," it is proposed to insert "of a perfect title thereto;" so as to make the proviso read:

Provided, That no part of said purchase-money shall be paid until the full and absolute conveyance of a perfect title thereto to the United States of said property and the approval of the same by the Attorney-General.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BROWN. After line 24, on page 74, I move to insert:

That the sum of $10,000 is hereby appropriated to bore, construct, and equip an artesian well at the United States arsenal, in the village of Summerville, near the city of Augusta, Ga., the money to be expended under the direction of the Secretary of War.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. BROWN. The Augusta arsenal is located on an elevated position near the city of Augusta, Ga. I believe it is the only arsenal now maintained in the Southern States east of the Mississippi River. The location is very eligible and the position in every way all that could be desired.

There has always been more or less difficulty, however, about getting water enough for the uses of the arsenal. The common well that has been dug there is from 175 to 200 feet deep, I understand, and the supply is still rather inadequate. There is from $150,000 to $200,000 worth of Government property there, which would be entirely at the mercy of the flames in case of fire, as there would be no chance with the present supply of water to protect it.

In that section of country, not immediately in Augusta, but in the lower portion of Georgia, there has been no difficulty about securing water by boring artesian wells. It is not anticipated that there will be any difficulty in boring a well as contemplated at the arsenal near Augusta. The water supply is very inadequate, and it is very necessary to have a better supply, and practically it must be had in some manner. The people there and the officer in charge and some of us on this floor think the better way to secure the necessary supply would be to bore an artesian well at once and get a bountiful supply. It is believed that it can be done for $10,000, the sum mentioned in the amendment.

This is, I believe, about all I care to say on the subject. It is a necessity, and the officer in charge is very anxious about it. I trust there will be no objection on the part of the Senate to inserting the provision in the bill.

Mr. ALLISON. I feel compelled to make a point of order on the amendment. It was not estimated for and was not reported from any committee.

Mr. BROWN. I beg the Senator's pardon. It was not reported from a committee, but it was referred to the committee of which the Senator is chairman some time since.

Mr. ALLISON. I know it was referred to the Committee on Appropriations, but it was not estimated for.

Mr. BROWN. It is estimated for as much, I presume, as any other portion of the appropriations for arsenals. In the event that the water supply is entirely exhausted at the arsenal, I suppose the appropriation would necessarily and incidentally cover the digging of a well or the procuring in some manner of a proper supply of water, and it is not necessary to have a separate estimate for that purpose. If the well had gone entirely dry and it was necessary to appropriate $100 to dig a common well, I suppose it would not be necessary to have an estimate from the Department before an appropriation could be made. If one of the kitchens had been burned down belonging to the commandant's house, and it was necessary to build another, we should not need an estimate by the Department to have it done, but it would come under the general appropriation as one of the necessary incidents for protecting the property and taking care of the comfort of the force there.

I do not think, therefore, that by any just rule you can say it is necessary to estimate for every little item. Let us see how that matter stands in reference to some other arsenals provided for in the bill. I turn to page 70, under "Armories and arsenals," and I find among other things:

Office furniture and fixtures, and connecting water arrangements with elevated tank and reservoir, $9,000.

That is one of the provisions already in the bill for another arsenal, where connecting the water arrangements is specifically appropriated for. I do not suppose there is any special estimate for that particular portion of the expense at the Rock Island arsenal.

Then, again, I find under the head of "Rock Island bridge:"

For the immediate construction of a temporary dam to furnish water-power for said arsenal, and to be used as a coffer-dam when the permanent dam is reconstructed, $275,000.

There the water supply and bridge come in, which is one of the incidents of taking care of the arsenal. It is one of the necessities of appropriation, and though it is a very large sum it was agreed to without any hesitation by the committee.

I suppose the chairman will hardly state that he has an estimate for every little item of expenditure at the arsenals. This is simply an item to bore a well so as to procure a supply of water.

The PRESIDENT *pro tempore*. Does the Senator from Iowa insist upon his point of order?

Mr. ALLISON. No, sir; I believe not.

Mr. CULLOM. He withdraws it.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws the point of order. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BROWN.]

The amendment was agreed to.

Mr. MANDERSON. On page 3, after line 12, I move to insert:

For court-house and post-office, Omaha, Nebr.: Paying the city of Omaha for paving of streets and alleys adjacent to said building, heretofore paid for by the city of Omaha, $3,017.75.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. SHERMAN. On page 67, after line 8, I move to insert:

To pay John F. Cook the balance due him as collector of taxes for the District of Columbia for the fiscal year ending June 30, 1880, $1,000.

Mr. BECK. I raise the point of order on that amendment.

Mr. SHERMAN. I will say that this amendment is covered by the fourth clause of the sixteenth rule. It happened to be an omission in appropriating for a salary provided for by existing law. I will read the clause of the rule so that the Senate will see that it covers the amendment.

Mr. BECK. Does not the item belong to the District appropriation bill?

Mr. SHERMAN. No, not at all. The fourth clause of Rule XVI provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

I have here a letter from the District commissioners which will explain the amendment in a few words. The commissioners of the District of Columbia state that the law expressly provided a salary of $4,000 for the collector.

Mr. PLUMB. Let me make a suggestion about the proposed payment. The amendment provides that it shall be paid out of the Treasury of the United States, but the salary of the collector of taxes is payable out of the funds of the District of Columbia, derived one-half from taxation and the remainder from the Treasury of the United States.

Mr. SHERMAN. If that is the case, I have no objection to having the payment provided for in that way. The clause immediately preceding in the bill provides "one-half of said sum to be paid from any money in the Treasury not otherwise appropriated, and one-half out of the revenues of the District of Columbia."

Mr. PLUMB. Then the amendment should take a place so as to become subject to that provision.

Mr. SHERMAN. I am willing to add that clause to the amendment. There is no doubt about this amount being due, and that the omission to pay it was an oversight. I should like to have the letter of the commissioners read so that it will appear in the RECORD.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

OFFICE OF COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, July 24, 1888.

SIR: The commissioners have the honor to make the following response to the resolution of the Senate of 23d instant, directing them to report the balance due, if any, to John F. Cook, as collector of taxes for the District for the fiscal year ended June 30, 1888.

The only claim for a balance of that character of which the commissioners have knowledge, is for the fiscal year ended June 30, 1880, which they presume is intended by the resolution, and that the year 1888 contained in said resolution is an inadvertence.

The claim aforesaid is based upon the several laws providing for the office of collector of taxes by which the salary of that officer is fixed at $4,000 per annum. The appropriation for the salary of this office for the fiscal year ending June 30, 1880 (volume 20, pages 405, United States Statutes at Large), was only $3,000, while all the preceding and subsequent appropriations therefor by Congress were for the amount prescribed by law, namely, $4,000.

The commissioners are aware of no reason for this reduction.

Very respectfully,

S. E. WHEATLEY,
Acting President Board Commissioners, District of Columbia.

Hon. JOHN J. INGALLS,
President pro tempore United States Senate.

Mr. ALLISON. This a deficiency——

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Ohio is entitled to the floor. Does he yield?

Mr. SHERMAN. All I wish to add is that to meet the suggestion of the Senator from Kansas, that this is to be paid partly out of the District treasury, I will adopt as part of the amendment the words which are found in lines 6, 7, and 8, on page 67, so as to make it conform to other appropriations in the bill for the District of Columbia.

The PRESIDENT *pro tempore*. The words to be added to the amendment will be stated.

The CHIEF CLERK. It is proposed to add to the amendment the following words:

One-half of said sum to be paid from any money in the Treasury not otherwise appropriated, and one-half out of the revenues of the District of Columbia.

Mr. ALLISON. This may be a proper amendment. I do not know precisely the situation as respects Mr. Cook's salary. This is the first time my attention has been called to it.

Mr. SHERMAN. The amendment was referred to your committee.

Mr. ALLISON. When was it referred?

Mr. SHERMAN. A week or two ago.

Mr. ALLISON. Oh, it was referred to our committee and we passed it over, I remember, for consideration on the deficiency bill. It clearly does not belong to this bill, whatever else may happen to it. It is a deficiency for a prior year. It is not for the expenditures of the current fiscal year.

Mr. SHERMAN. I hope the Senator will not object to placing the amendment on this bill. I may forget it if it is passed over now.

Mr. ALLISON. I shall be sure to give it attention. I wish to call the attention of the Senator to one difficulty which I am afraid may lie in this amendment; and that is, if we adopt it we shall make a precedent which will apply to a thousand other officers, because we have been appropriating in various appropriation bills since 1876 less sums than the statutes provided in the way of salaries. If Mr. Cook's case comes in that category I shall not be willing to make this appropriation for him; but if it shall turn out that for some reason there was an omission in the statutes of 1880, whereby he only received $3,000 when he should have received $4,000, I will see that it is placed on the deficiency appropriation bill.

Mr. SHERMAN. I wish the Senator to have all the facts before him, and then I hope that we shall agree to put the amendment on this bill. There is a letter on the files which I have just sent for, which ought to have been printed, from Mr. Cook himself, in which he sets out that this does not fall within any of the classes of cases to which the Senator from Iowa refers; but that it was an oversight. I have no doubt it is a correct statement that he makes.

Mr. ALLISON. I make the point of order that this is a deficiency. The amendment will have attention in connection with the deficiency bill, I promise the Senator.

Mr. SHERMAN. That is not a point of order, but if the Senator says he will look into it I do not want to press it now.

Mr. PLUMB. The Senator will remember that the habit of the House of Representatives was, upon a change of the political complexion of that body, to reduce the salaries of nearly all the bureau officers. The salaries of nearly all were reduced below the amount fixed by the permanent law of the land. That was carried on, and many of the salaries have never been restored to this date. They have been from time to time advanced towards the amount of the statutory salary, and some of them have got up to the full measure required by the statute; but I have no doubt that if this is the character of claim which it appears to be, and which I suspect it is from the fact that Mr. Cook has been so patient, waiting eight years before making any disclosure about it, it will involve the payment to certainly ten thousand people of sums to make up the differences between the amount appropriated for their salaries in the respective appropriation bills and the amount named in the statute for the offices which they respectively held.

Mr. SHERMAN. The letter will explain the whole matter, and will show the Senator that it is not one of the cases to which he refers.

Mr. PLUMB. I will require something more than Mr. Cook's mere statement, especially in view of the fact that he waited eight years, right under the view of Congress all the time.

Mr. SHERMAN. His answer to that is reasonable, that he had gone out of the office, and did not press the matter at the time, and did not know what was justly due him. Let his letter be read.

The PRESIDENT *pro tempore*. Does the Senator from Ohio call for the reading of the letter?

Mr. SHERMAN. I call for the reading of the letter. It is the letter on which his claim is founded.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

No. 1005 SIXTEENTH STREET, WASHINGTON, D. C.,
May 28, 1888.

HONORABLE SIR: By the act of the first Legislative Assembly of the District of Columbia (session first, chapter 108, section 7, folios 142 *et seq.*), approved August 23, 1871, the salary of the collector of taxes for said District was fixed at $5,000, which provision of law was amended by act of Congress, approved June 20, 1874 (United States Statutes at Large, volume 18, chapter 337, proviso to section 2, folios 116 and 117), by a reduction of 20 per cent., thereby making said salary $4,000 per annum.

There has been no other subsequent amendment or repeal of this provision of law, and for all years subsequent to this amendment the appropriations have been in accordance to said act as so amended in the sum of $4,000 per annum for the salary of said collector, except in the appropriation made for said officer in the act of March 3, 1879 (United States Statutes at Large, volume 20, chapter 182, section 3, folio 405), for the fiscal year ending June 30, 1880, when by some mistake or failure to appropriate in accordance with law only $3,000 was appropriated.

I respectfully ask, impelled so to do from a sense of what is fairly and justly due, that the balance so due me under the act creating and continuing the office, and providing the salary, and as amended by Congress, and as failed to be provided for in full in the act of March 3, 1879, or in any subsequent act, may be provided for my use, and that the same may be included in the provisions of the sundry civil or general deficiency appropriation bill of this session.

A note of inquiry addressed to the honorable commissioners for said District will confirm the foregoing statement, and the books of the office of the auditor of said District will show the same correct.

With respect, yours,

JOHN F. COOK.

Hon. JOHN SHERMAN.

Mr. PLUMB. On Mr. Cook's own statement this is precisely the case to which I referred. It is absolutely on all fours, upon Mr. Cook's statement, with thousands of other cases which we shall be in-

mediately called upon to meet by an appropriation for deficiencies of salaries and so on.

Mr. SHERMAN. Why should he not have the salary given to him by law?

Mr. PLUMB. One reason is because the law-making power changed its mind in regard to the salary that year and determined that he should have but $3,000, and it changed the law to that effect, as the Supreme Court decided it was perfectly competent for it to do. Of course there may be some other fact which does not appear there, which would take this case out of the category and entitle him to the money, although the fact that he waited for eight years makes me think that it is the precise case which I think it is. At all events, it ought to be investigated before we go into it, to determine whether the Senate is prepared now to say that we will pay the difference in amount to every Indian agent, to every consul, to every minister, to every head of a bureau, and to every other official whose salary has been reduced in appropriation bills below the amount named in the permanent statutes.

Mr. BECK. Each appropriation bill contains a provision that whatever they are allowed shall be in full for the services of that year.

Mr. PLUMB. But that was inserted two or three years ago to cover the possible effect of an anticipated decision of the Supreme Court.

Mr. HARRIS. If the Senator from Kansas will allow me, I had occasion to examine this question, because precisely a similar case to the one suggested by the Senator from Ohio was referred to me as a subcommittee. I find in the legislative appropriation bill that for the last twelve or eighteen years (I do not remember the precise date; it certainly commenced as far back as 1876) there is a distinct provision that the sums appropriated for the various objects of appropriation shall be in full satisfaction. Although nearly every salary appropriated for in that bill for the last twelve or more years has been lower than the salary fixed by general law, the bill distinctly provides that it shall be in full compensation for the services.

The Senator from Kansas is quite right when he says that upon the principle suggested by the Senator from Ohio there are at least a thousand cases, that would amount to many thousands of dollars, which would be involved if we entered on this system of legislation now—making good those salaries. I do not think the provision appears, however, in an appropriation bill except the legislative bill—the provision that it shall be in full satisfaction—but it does appear in each of the legislative appropriation bills for the last twelve or more years.

Mr. TELLER. I understand that the Supreme Court has decided that question, and decided that a provision in an appropriation bill providing for the payment of a less amount is, in fact, fixing the salary. *Pro tanto* it is a repeal of the other, and the words suggested by the Senator from Tennessee [Mr. HARRIS] are not necessary at all. The very fact that we say the officer shall be paid $2,000 where the salary is $2,500, the Supreme Court say, is the end of it, and that he is not entitled to the difference.

Mr. SHERMAN. In the first place, no such provision has been quoted as in the law of 1879. The provision referred to was in a subsequent law. I am perfectly willing to let this go over and let the Committee on Appropriations examine it, but I am satisfied that this salary being fixed by law it ought to be paid.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator to withdraw the amendment?

Mr. SHERMAN. Yes; and let it go back to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That course will be taken if there be no objection.

Mr. STEWART. I offer an amendment, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nevada will be read.

The SECRETARY. On page 57, after the word "dollars," in line 22, it is proposed to insert:

That no part of the money appropriated by this act shall be used in the investigation of any case, or the prosecution of any person, in the mountain regions of the United States for cutting or removing for domestic purposes dwarfed or scrub timber unfit to be sawed or hewn into lumber of commercial value.

Mr. STEWART. This does not change the law as it has been understood for the last thirty or forty years in the mining regions in the interior of the country. The miners have been in the habit of cutting the scrub timber that was scattered about in the clefts of the mountains for the purpose of fuel. They also used the sage-brush for that purpose. The timber would never be available if it were not for the mining done in the region, nobody would be there. This confines it to scrub timber. Timber that can not be made into boards or hewed can not have much value. An act was passed some years ago intended to cover this precise deficiency, which act I will read:

An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

SEC. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months.

Approved June 3, 1878.

There is a question whether this law shall have a narrow construction, so as to be confined to the cutting of timber upon the mining claims, or whether it was manifestly intended, as it was understood for years and acted upon by all parties, to cover the mineral region where they have been cutting this timber. It will be observed that the act itself allows them to cut for building purposes; and the amendment only prohibits prosecution with the use of this money for such timber as is not fit for building purposes—material that has no commercial value for timber, either in a hewn or sawed state. It simply prevents prosecution with this money for cutting scrub timber.

I offer this for the reason that some question has arisen in the last year with regard to which there is a difference of opinion. I think it would be well to guard this appropriation—it is a large one, $75,000—so that all parties may be advised, and so that no misunderstanding shall occur and no oppression be practiced. There were a few arrests made in Nevada during the last year, but the court discharged the men, and I understand that there has been some other investigation. I do not apprehend any convictions, because it has been sanctioned so thoroughly for years. But still, in making a large appropriation like $75,000 for this purpose, it might as well be so fixed that there can be no misunderstanding about it.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

Mr. CALL. I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Florida will be read.

The SECRETARY. After the amendment already adopted, on page 46, after line 7, it is proposed to add:

Ten thousand dollars, to be expended, in the discretion of the Secretary of the Treasury, for the discovery and the recovery of the property of the United States held in adverse possession to the Government.

Mr. ALLISON. I hope the Senator from Florida will make some explanation of the amendment, and show where it is estimated for, and so on.

Mr. CALL. That amendment, Mr. President, is offered in pursuance of existing law, and is of a character that perhaps it would be better if it had not been made a subject of public discussion. However, I will state that information has been placed before the Senate from the Treasury Department exhibiting the fact that there is some valuable property of the Government held in adverse possession, and that there is no legal reason why it may not be recovered. The evidence is before the Senate.

I think the chairman of the Committee on Appropriations was advised of it. It was brought to the attention of the Government through some distinguished officers of the Navy of the United States, and I can see no possible reason why this money should not be placed at the disposal of the Secretary of the Treasury for that purpose.

The evidence is abundant, and the subject has come to the attention of the Government through some of the most distinguished officers of the Navy. If it is necessary to enter more fully into the subject I shall be entirely willing to do so, but I take it that the public interest will be entirely served by accepting the facts as contained in the papers which are before the committee.

Mr. SHERMAN. I will ask that the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The amendment of Mr. CALL was read.

Mr. SHERMAN. Mr. President, this is not the first time that such appropriations have been asked for and that such appropriations have been granted. Years ago various provisions of law were enacted to authorize contracts to be make to find out and recover Confederate property. Probably just at the close of the war they were useful, because certain property was recovered, but in most cases the cost was more than the outcome. I think this provision, if the Secretary of the Treasury is prevailed upon to use it, will result simply in giving some gentleman a pleasure trip to Europe to look around for property that if described would be probably of no avail.

I have read something of this matter in the newspapers lately, to the effect that some vessel had been built for the Confederate service and become private property, or was taken under a private name by some persons having claims against the Confederate government, and that, as it is claimed now that the United States is the heir at law to the

property of the Confederate government, we might recover that vessel. A moment's reflection must convince Senators that the hope is an illusive one.

Twenty-three years have elapsed since the close of the Confederacy; its vessels have gone into private hands, and the probability, therefore, is that they are worn out and wasted in service, and also that they have passed through many hands. There is no probability whatever of the Government ever recovering this vessel. If it were property in England the uniform decisions of the courts of England have been against the recovery of such property. The matter went to the highest courts there, and it was held that this property and all property of the Confederate States in England was subject to the debts of the Confederate States, and it was decided that this property would go for the payment of those debts, because much of the debt was held abroad, but that the property of the United States was also held abroad for the debts of the Confederate States; that if we took their property we were to be responsible for their debts.

While I was Secretary of the Treasury we tried to recover property of that kind, and we are constantly advised by the chief law officers of the Government not to allow a decision to be arrived at; that it was better to abandon such property rather than attempt to reclaim it. Now, after twenty-three years, this apparition appears again, and we are asked to send a messenger over there to recover it, and to expend $10,000 for that purpose, without the slightest chance of getting anything in return.

The amount is small, it is true, and might be paid out of the Treasury without any great loss; but I think we had better not expend it. I think we had better let the Confederate property go, wherever it is. If we should ever recover it we should recover it with all the responsibility involved.

Mr. EVARTS. As the Senator from Ohio has referred to the subject, and the motion is made to appropriate this money, I desire to say that very early after the close of the rebellion a question was raised as to whether this Government should pursue some considerable masses of property, altogether perhaps in England, that had been and were the property of the Confederate States.

Some very eminent lawyers in the confidence of the administration advised that that course should be taken. I advised against it and refused any countenance whatever to the proceedings. Although efforts were made to draw a distinction between true succession to a decayed and defunct government which would carry obligations for its unsatisfied debts, I was not able to see it and have always advised against it. The experiment was made, however, to a certain extent, under the direction and advice of the lawyers to whom I have referred, and it went through the courts in England with a considerable scrutiny, but as far as I can now recall and as far as the courts proceeded the English tribunals, I think, never went any further than to say that if the United States were the successors of the Confederate States we must pay their debts before we took this property out of England. That is my view of the situation.

Mr. CALL. Why the Senators here should assume in the advance of an investigation sought to be made a state of facts to preclude and prevent an investigation seems to me to be somewhat strange.

Suppose a vessel built by the Confederate States, and paid for, was under charter at the termination of the war, and the charter parties having rendered service neither to the Government of the United States nor to the Confederate States, as we call them—suppose a party of that kind, availing himself of the opportunity of committing a fraud, should remain in possession of that vessel, an ironclad superior to anything in our Navy, and it should be found in the West Indies and reported by a distinguished admiral, as the facts show in this case, to be there ready to menace the possessions of the United States in the event of war, why should not that private property held by a man that has no claim upon either Government be recovered by the United States, which by law has declared it to be the property of the United States?

Here are the Revised Statutes, as the Senator from Ohio knows, time and time again declaring that property under those circumstances belongs to the United States, and that it was the duty of the President of the United States to recover it. Here is the statute (I suppose it is familiar to every one) imposing that duty on the President and in force to-day. Why should it not be enforced? Will it be pretended by the Senator from New York that any lawyer or any court has ever said that for the United States to assert its right against that property, that ship, would burden it with the debt of the Confederacy?

There might have been a decision in England very properly, and in any country, that the lien of the creditor on the article created by his labor remained, whether against the Confederate States Government or the United States or any one else, but there is no court that has decided—I venture and I challenge the production of such a decision—and no lawyer that ever has asserted that a victorious Government became the successors to the debts of the conquered people. Why, Mr. President, should we embarrass so clear a case as this with an assumption of that kind?

Now, the facts upon which this amendment is predicated are simply these: That a distinguished admiral of this country pointed out a vessel asserted to have been notoriously built and paid for and not subject to any lien, and it is asserted that there is also an immense amount of other property as to which no settlement has ever been passed, and nothing can be said in opposition to the proposed amendment but the vague and general declarations of the Senator from Ohio on the subject. It is asserted that there are millions upon millions of dollars' worth of property involved, and the law stands here to-day imposing upon every Senator and upon the President of the United States the duty of this investigation.

Why shall we shield people that have no meritorious claim on either Government? Why, at least, shall there not be an investigation of the facts? That is all we ask for here. Why this solicitude in the very advance of an inquiry into the subject that it shall be hushed up?

Who is to be hurt by it? There is no imputation upon any one, and if there is any person in possession of property which was paid for with the money of the Confederate States, it ought to be disclosed, more particularly if it is some person who was never actuated by any sentiment of patriotism on either side. I undertake to say that the evidence in this case before the committee of the Senate shows the statements I have made to be true and upon unimpeachable testimony—testimony of gentlemen of character, who are personally acquainted with the facts in the case.

I therefore ask that this amendment authorizing an appropriation for an inquiry be adopted, in pursuance of the existing law to carry out a duty imposed by the statute upon the President of the United States, the facts being shown in the papers now before the Senate.

Mr. COCKRELL. Did I understand the Senator from Florida to say that there was a report here from the Treasury Department giving information and showing that——

Mr. CALL. That there were papers? Yes, sir.

Mr. COCKRELL. I should like to see them.

Mr. CALL. There is a large mass of them. The Senator has had opportunity to see them for several days.

Mr. COCKRELL. I have wanted to see them. Where are those papers?

Mr. ALLISON. The papers will be here in a moment.

Mr. COCKRELL. This, Mr. President, is a proposition to appropriate $10,000 for the discovery of property alleged to have belonged to the Confederate States and therefore to belong now to the United States. This is not a new question before Congress. The fairy tales that have been told of the wealth of the defunct Confederacy, some twenty-odd years after its collapse, are only equaled by the fables we hear of the immense wealth stored in England belonging to American heirs. According to these reports as to estates in England that belong to heirs in America, the amounts, if added together, would be equivalent to the entire value of all the property, real, personal, and mixed, in England.

This is not a new question, as I have said. On the 26th day of November, in the year 1867, two years and a half after the close of the war, the House of Representatives of the United States passed a resolution calling upon the Secretary of the Treasury for a report in regard to this immense wealth of a dead confederacy, a bankrupt confederacy, and in pursuance of that resolution the Hon. Hugh McCulloch, the Secretary of the Treasury, submitted to the House of Representatives a report dated April 17, 1868, being House Executive Document No. 304, Fortieth Congress, second session—submitted on the 21st day of April, 1868—and referred to the Committee on Foreign Affairs and ordered to be printed. Now, sir, in this document, which I hold in my hand, is a detailed statement in regard to this property and the efforts to recover it. The Secretary says:

TREASURY DEPARTMENT, *April* 17, 1868.

SIR: I have the honor, in reply to a resolution of the House of Representatives of November 26, 1867, calling for certain information from this Department concerning efforts for the recovery of Confederate property in Europe, and of contracts with agents or attorneys in relation thereto, and also information concerning a settlement made with the firm of Fraser, Trenholm & Co., to report as follows:

This inquiry involves analyses of numerous and complex legal documents, proceedings, and correspondence regarding the same, the preparation of which has been unavoidably delayed in consequence of other engagements of the special counsel employed—

Of the special counsel employed—

by the Government to superintend those proceedings, as well in Europe as in the United States.

I did not understand whether the Senator from New York [Mr. EVARTS] said he was counsel for the Government in those matters or not.

Mr. EVARTS. No. I stated that the subject was matter of consultation with the Government, and eminent lawyers had advised the Government that it was entitled to proceed at law, but I said I had advised against it, and declined to have anything whatever to do with it.

Mr. COCKRELL. I go on:

The exertions of the Government to recover Confederate property abroad have not been confined to Europe, but have been extended to other parts of the world, and especially to the West Indies, in which those exertions have been diligently and successfully prosecuted.

But, as the resolution of the House applies only to such efforts made in Europe, those only will constitute the subject of this communication.

Proceedings to this end commenced soon after the cessation of hostilities in the Southern States.

Not twenty-three years after the war closed, but immediately after the close of the war. The Secretary continues:

The consul for the United States at Liverpool (Mr. Dudley) received information from the consul of the United States at Havana (Mr. Minor) of the shipment

at Havana on board the British ship Aline of a cargo of cotton, supposed to belong to the Confederate government and consigned to the commercial house of Messrs. Fraser, Trenholm & Co., at Liverpool, which house consisted professedly of four persons, namely: Theodore D. Wagner, James T. Wellsman, and William L. Trenholm, all citizens of the United States residing at Charleston, S. C., together with Charles K. Prioleau, formerly a citizen of the United States, but now a naturalized subject of Great Britain. Thereupon Mr. Dudley, on the arrival of the cotton at Liverpool, filed a bill in chancery in the name of the United States against the cotton on board, consisting of 1,360 bales or thereabouts, and charged as of the value of £50,000, demanding the same from the consignees as the property of the United States. A copy of the bill is annexed to this report and marked A.

The cause came on for preliminary hearing before Vice-Chancellor Wood, on a motion in behalf of the United States to enjoin the cotton or its proceeds in the hands of Messrs. Fraser, Trenholm & Co.; and on the 25th of July, 1865, after hearing affidavits on both sides, the court was of opinion that the United States were entitled to the relief prayed for, as the successors of the Confederate Government by conquest, but that Messrs. Fraser & Co. held valid liens against the cotton or its proceeds on account of contracts made by them as authorized agents of the Confederate government, and therefore decreed to enjoin only a part of the proceeds and left that in the hands of Mr. Charles K. Prioleau, a member of the firm, he giving bonds to hold and account for the same as receiver of the court.

These proceedings had been instituted by Mr. Dudley of his own motion, under the sense of his public duty, and without opportunity of previous communication with the Department of State.

On receiving information of what had been done, the Secretary of State, with authority of the President, approved and adopted the act in behalf of the United States.

But the grounds on which the court had decided the preliminary question of injunction and the decision itself were deemed to be unsatisfactory and injurious to the United States; it being conceived that any and all public property found in possession of the pretended Confederate government was held by it tortiously as against the Government of the United States; that such property did not come to the United States by right of conquest merely, the same being actual property of the Uuited States, whose tax power had been usurped by rebels in arms; that the proceeds of all taxes levied by the Confederates as a pretended government were and always had been the property of the legitimate sovereign; that by the defeat of the military forces of the Confederates the Government of the United States did not recover possession of what was its own; and that the claims of lien set up by Messrs. Fraser, Trenholm & Co. could not lawfully attach to any property of the Confederates coming into their possession after the final defeat of the Confederates and the dissolution of the so-called Confederate government, on the happening of which dissolution any such pretended agency of Messrs. Fraser, Trenholm & Co. must necessarily expire by operation of law. These considerations were communicated by the Secretary of State to the proper diplomatic and consular representatives of the Government abroad, with instructions to proceed, in conformity therewith, to take steps for the recovery of any pretended public property of the Confederates which might come to their knowledge.

This shows, Mr. President, that all the United States officials abroad, in Europe and the West Indies, were directed to make diligent search, immediately after the surrender, and seize and take all property supposed to belong to the Confederacy.

Counsel were also employed in the United States to collect evidence in all parts of the country, and to advise and direct generally in the prosecution of suits, preparation of pleadings, and instruction of the officers of the Government in Europe.

The result of all these arrangements has been the actual recovery of property of the Confederates to a large amount, with much more which it is confidently believed will in due time be recovered.

Meanwhile, in the suit of the United States against Fraser, Trenholm & Co., the defendants had, on the 28th of November, 1865, put in their answer, a copy of which is hereto annexed and marked B; soon after which the matter became complicated by reason of bills of discovery being filed on the one hand by the United States against Fraser, Trenholm & Co., and on the other by Fraser, Trenholm & Co. against the United States.

On the bill filed against the United States by Fraser, Trenholm & Co. the latter insisted that a sworn answer should be put in by, and in the name of, the President of the United States, or of some other principal officer of the Government. This pretension the United States resisted; and on hearing in the court of chancery, Vice-Chancellor Wood decided that Fraser, Trenholm & Co. had no right to demand such sworn discovery from the President of the United States; but intimated an opinion that the answer should be sworn to by some other principal officer of the Government.

This pretension, also, the United States steadily resisted, showing that such a sworn answer to a bill of discovery could not be demanded in England from any high officer of the British Government, and that no law of the United States authorized any officer thereof to make such sworn discovery in the name of the Government. Accordingly the United States filed an answer to this bill under its great seal, certified by the Secretary of State, which answer and the bill itself are hereto annexed and marked C and D.

Thereupon, Messrs. Fraser, Trenholm & Co. demurred to the bill of discovery filed by the United States, on the ground that the President of the United States was not joined in the suit, and on hearing of the demurrer before Vice-Chancellor Wood, he sustained it and dismissed the bill. But on appeal to the court of appeals in chancery, consisting of the lord chancellor and lords justices, the decision of the vice-chancellor was overruled, and the bill of the United States maintained.

The United States, on the 17th of January, 1867, had filed an amended bill, to which the respondents replied by answer, filed August 28, 1867, of which copies are annexed, marked E and F.

Anterior to this date, Mr. Morse, consul of the United States at London, had, without authority, entered into an agreement with Fraser, Trenholm & Co. for the settlement of the controversy with them; to which act there will be specific reference in the sequel of this report. Founding on that agreement, as constituting an admission by the United States of a large balance of account being due to Fraser, Trenholm & Co., greatly exceeding any assets in their hands, they applied to the court to dismiss the original bill for the recovery of the cargo of the Aline, and might have prevailed in that motion, but for the timely arrival of a communication to the minister of the United States in England, by telegraph, from the Department of State, disavowing the act of Mr. Morse. And although a dismissal of the suit was thus prevented, yet the vice-chancellor was induced, by the tenor of the admissions in the agreement of Mr. Morse, to discharge the sureties of the receiver, leaving the fund on the sole responsibility of Mr. Prioleau.

In view of the persistent and partially successful endeavors of Messrs. Fraser, Trenholm & Co., in England, to evade any accounting, to embarrass the main suit by vexatious delays, to escape proper responsibility, and otherwise to defeat the just claims of the United States, it was deemed expedient to institute proceedings against Messrs. John Fraser & Co., of Charleston, S. C., which consisted, in part or in whole, of the same persons, if not absolutely the same in interest, as the house of Fraser, Trenholm & Co., in Liverpool, but charged in the bill as also comprehending George A. Trenholm, formerly titular secretary of the treasury of the pretended Confederate States. Accordingly, a bill was filed in the circuit court of the United States in the district of South Carolina, against the members of the firm of John Frazer & Co., in the name of the United States, demanding of them an account of all their acts as agents of the Confederate government, and that they be enjoined from conveying away, encumbering, or disposing of any estates acquired since they became agents of the so-called Confederate States, and that such property be decreed to the United States. This bill was filed in May, 1867, and the desired injunction granted by the circuit court. To which bill an answer was afterwards filed by the defendants, as appears by the bill and answer hereto annexed, marked G.

Meanwhile, the house of Fraser, Trenholm & Co., in Liverpool, had become bankrupt, and the managing partner in England, Charles K. Prioleau, who had conducted the defense against the United States, now made a desperate attempt to obtain the dismissal of the bill of the United States there, on the plea of the pendency of the general bill of discovery in the United States. The effect of this, if done, would be to relieve Mr. Prioleau at the expense of his partners in the United States, to deprive the Government of its hold of the property there, and to throw the whole weight of the claims of the Government upon the property of the house of John Fraser, Trenholm & Co., of Charleston.

Hence it became of interest to the copartners in the United States not only to put a stop to controversy and costs, but so far as possible to satisfy the claims of the Government out of the property in England; to effect which negotiations were entered into between them and the counsel on the one hand and the counsel of the United States on the other hand, under the supervision of the Secretary of State and the Secretary of the Treasury, the result of which was the conclusion of an agreement on the 5th day of September, 1867, which was approved by the President of the United States, and a copy of which is hereto annexed, marked H.

This agreement, conceived in the idea of the United States receiving, and Fraser, Trenholm & Co. paying, precisely that which the United States may lawfully claim in a court of chancery, neither more nor less, is in substance as follows:

1. That in the suit pending in England for the recovery of the cargo of the ship Aline, judgment shall be entered for the United States with costs.

2. That all other specific property of every kind, whether ships or other property, and all moneys belonging to the Confederate States at the time of their dissolution, which at any time after that date came into the possession of Messrs. Fraser, Trenholm & Co., or the proceeds thereof, if sold, shall be delivered up to the United States.

3. That Fraser, Trenholm & Co. shall consent to a decree in the pending suit for an account to be rendered by them, in due form of law on oath, before a master in chancery, as demanded by the United States, and whatever amount of money such accounting shall show to have been due by the defendants to the Confederate States at the time of their dissolution shall be paid to the United States.

4. Fraser, Trenholm & Co. are to deliver up, or account for, all ships or other specific property of the Confederate States, unless the same be subject to express legal or equitable antecedent claims of theirs, valid in law, on contracts made during their agency for the Confederates.

5. That the property of the copartners shall be held by the Government under the injunction of the circuit court in South Carolina, and under the statutory lien as security for the foregoing conditions; and if those conditions be not complied with in a reasonable time, then the Government shall take judgment against the parties or their property in the United States.

This agreement was concluded in the city of Washington, and there is no correspondence on the subject in this Department.

A copy of the agreement hereinbefore spoken of as having been entered into by Mr. Morse is annexed, marked I. The correspondence relating thereto was communicated to the House of Representatives by message of the President, under date of January 28, 1867.

The two agreements are then copied, and the Secretary continues:

Such is the difference between these two agreements. And, in the judgment of this Department, therefore, while the agreement made by Mr. Morse in London was unwise as well as unauthorized, and would have been wholly unproductive of any beneficial result to the Government, that entered into at Washington secures to the United States reasonable expectation of obtaining from Messrs. Fraser, Trenholm & Co. all the money or other property to which the United States are lawfully and justly entitled.

During the period in which the Government was prosecuting in England the suits against Fraser, Trenholm & Co., it was prosecuting various other suits, some of which have terminated successfully, and others of which are still pending in the different courts of Great Britain.

The Government has recovered by suit in admiralty four of the cruisers of the Confederate government, namely, the Sumter, the Tallahassee, the Shenandoah, and the Rappahannock, together with some other miscellaneous parcels of property, amounting in proceeds to $160,476.

In these cases the Government has steadily contended that it has the right in law to take possession of any public property of the Confederates, wherever it may be found, whether at home or in foreign countries; claiming power to do this summarily and as of right, and, of course, in the United States or on the high seas, and demanding of the foreign courts of law in foreign countries that they shall co-operate in enabling the United States to reclaim such property by suit, if brought into the ports of any such foreign government.

To this pretension of the United States there was opposition at the outset, fraudulent sales and pretended liens being set up by agents of the Confederates, especially in England, and in the courts of admiralty as well as of chancery. But all such obstacles were at length overcome, and the sovereign rights of the United States in these respects definitely recognized and established.

Suits are pending in England against sundry parties, among which are the Blakeney Ordnance Company, to recover ordnance contracted for by the Confederates, as also against two of the financial agents of the Confederates, namely: James B. Ferguson and Colin McRae. In these two latter suits an important legal question arose, which has served to delay their prosecution. To the bills of discovery and account against them respectively defendants demurred, alleging that they had been or might be prosecuted in the United States under acts of confiscation and forfeiture, and that, therefore, they ought not to be compelled to make discovery in England, which might be used against them here.

This question was argued in the case of the United States *vs.* McRae, before Vice-Chancellor Wood, who sustained the demurrer and dismissed the bill. But, on appeal, whilst the court of appeals concurred with the vice-chancellor in opinion as to the sufficiency of the demurrer, still it held that the United States were entitled to an account, and, therefore, reversed so much of the decree of the vice-chancellor as dismissed the bill. It was on account of this decision that the idea was conceived in Congress at this session of the enactment of a law touching discoveries in equity, which was passed some weeks since, and the enactment of which will serve greatly to facilitate the prosecution of these suits in England.

The whole question was before Congress, and Congress then passed

such a law as was deemed necessary to make all those prosecutions successful. Now, listen to this:

The archives of the so-called Confederate government, now in the possession of the United States, show that many millions were received and disbursed by McRae on Confederate loans in Europe, and the object of the suit is to reach any balance which may have remained in his hands at the time of the extinction of the confederation.

One suit only has been instituted in France, but that is of considerable importance. It is a suit against the wealthy ship-building firm of Arman Fils & Co., to recover a large sum of money placed in their hands to be employed in the construction of a ship or ships of war for the use of the Confederate government. That cause has not yet come to issue. Inquiries continue to be made under the authority of the Department—

Listen to this—

Inquiries continue to be made under the authority of the Department in pursuit of all persons in England holding money or other property of the Confederates; and wherever information has been obtained sufficiently specific to justify the expense of suit, suit has been instituted; and in some instances such property has been obtained without suit, on the voluntary surrender of it by conscientious parties.

Now, mark, this was in 1867.

But exaggeration has existed as to the amount of balances of money or other property now remaining in the hands of agents of the Confederates abroad, other than those against whom suits have already been brought. Proffers of service in this respect are from time to time made, which always receive attention when the parties thus volunteering appear to possess any trustworthy knowledge or means of knowledge. In some cases, however, the proffers of such service are without avail, owing to the information offered being too indefinite or uncertain to afford any guidance to the efforts of the Government. The only person employed by the Government in Europe as its agent in reference to any of these matters has been Mr. H. B. Titus, of the State of New Hampshire. He had been previously employed as an agent of the Department in the Southern States, and was selected for the new service in the ordinary course of business and without special recommendation. No contract was made with him for a share of the property recovered.

Mr. L. B. Brasher, of Tennessee, who had also been employed in the Southern States, having by letter represented to the Department that he possessed valuable information in this respect, was referred to the consul of the United States at London, to act under the direction of the latter, and with the understanding that in case of success he should receive a share of property recovered. This authority was given to Mr. Brasher, also, in the ordinary course of business and without special recommendations. He, however, did not go to Europe, although his brother, B. P. Brasher, went professedly in his stead, but without any authority from the Government. The Department is not informed that he has recovered any property, nor has he received any compensation. Copies of the correspondence on the subject are annexed, marked L.

The compensation of Mr. Titus and that of the counsel for the Government have been drawn from the direct proceeds of property collected in Europe.

And the names of persons employed by Government in this behalf, and the payments made to them, appear in the document hereto annexed, marked K.

The heads of departments of the United States have at all times heretofore been deemed to possess authority to retain counsel or attorneys, when the public service requires it, in the prosecution of suits not within the official duty of the Attorney-General or district attorneys of the United States, and the Treasury Department, in doing that here, has acted in accordance with the established practice of the Government.

With great respect, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

Mr. President, that shows precisely what was done immediately on the collapse of the Confederacy—that the United States Government, through its agents in all foreign countries, instituted the closest investigation, and instituted suits and prosecuted them in France, in England, and in the United States, and wherever a particle of property could be found or traced to which the Confederacy had any right.

Mr. CALL. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. CALL. Will the Senator please state what information he has as to what was the result of those suits—what became of them?

Mr. COCKRELL. I have no further information than is stated there.

Mr. CALL. Do these documents state what became of those suits?

Mr. COCKRELL. Not all of them. The suits were pending, however.

Mr. CALL. Or of any of them?

Mr. COCKRELL. Yes, some of them. They recovered four vessels.

Mr. CALL. That was in the Trenholm case.

Mr. COCKRELL. Oh, no.

Mr. CALL. Does the Senator know of any account anywhere given of the results of the numerous suits referred to in that paper?

Mr. COCKRELL. No, I do not. I have not investigated the subject.

Mr. CALL. Did the Senator ever hear anybody say?

Mr. COCKRELL. I never asked for information. The Treasury Department doubtless has it. There is no question about that.

Mr. CALL. Does the Senator from Missouri know that fact?

Mr. COCKRELL. Well, I presume that the Treasury Department at that time had power in regard to the subsequent proceedings, just as it had in regard to the proceedings detailed here.

Mr. CALL. You presume that?

Mr. COCKRELL. Yes. I do not know it, as a matter of course. I have not known it, because I have not seen it, but I know to a moral certainty that Mr. Hugh McCulloch or any other Secretary of the Treasury, I do not care who he is, would, as a matter of course, give attention to these questions. It was his duty to do so, and he would have been liable to impeachment if he had not done so.

Mr. CALL. Does the Senator know if these suits are still pending?

Mr. COCKRELL. I do not know. If they are, however, it is not $10,000 that you want, with which to send out spies or detectives, but an amendment which would enable the Government to proceed against the administrative officers, and institute prosecutions in the name of the United States.

Mr. CALL. Well, the Senator can amend my amendment if he thinks that is the proper thing to do.

Mr. COCKRELL. If there are suits pending it would be necessary for the Senator to provide for suits against the administrative authority who have the matter in charge, and not to undertake to find whether there is any such property or not.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. COCKRELL. Certainly.

Mr. CALL. There is not a word said about "spies" or about sending out anybody to "detect" anything.

Mr. COCKRELL. Now, Mr. President, I want to read the basis on which the proposed expenditure of this $10,000 is grounded.

On the 13th instant the Senate passed a resolution calling on the Secretary of the Treasury to furnish such evidence as might be in the Treasury Department relating to property of the United States, or to which the United States has a valid claim, which is held in adverse possession against the United States, with such recommendation as to its recovery as he might consider best for the public interest. In response to that the Secretary of the Treasury transmitted this letter to the Senate dated July 26, 1888:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 26, 1888.

SIR: I have the honor to acknowledge the receipt of the following resolution adopted in the Senate on the 13th instant:

"*Resolved*, That the Secretary of the Treasury be directed to furnish the Senate such evidence as may be in the Treasury Department relating to property of the United States, or to which the United States has a valid claim, which is held in adverse possession against the United States, with such recommendation as to its recovery as he may consider best for the public interest."

In response thereto I transmit herewith the reports of the Solicitor of the Treasury and the Commissioner of Internal Revenue, respectively (inclosures Nos. 1 and 2), containing statements in regard to the property of the United States in charge of these officers.

I also transmit herewith the original reports, with accompanying papers (inclosures numbered 3 to 10, inclusive), of Mr. H. B. Littlepage, lately employed as an agent of the Treasury Department. This agent performed his duties under direction of the Solicitor of the Treasury, and his reports were made to that officer.

These reports and accompanying papers contain all the evidence or information in possession of the Department relative to the property therein referred to. The Department is unable to determine what a further investigation might develop respecting the interest of the United States in this property; but if further investigation is deemed advisable it will be necessary for Congress to make an appropriation therefor.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

The PRESIDENT *of the United States Senate.*

The exhibits are, first, the report of the Solicitor of the Treasury dated July 17, 1888. The report of the Solicitor of the Treasury, being inclosure No. 1 of the Secretary of the Treasury, does not show any information in regard to this property, and does not refer at all to Confederate property. Exhibit No. 2 is the report of the Commissioner of Internal Revenue, and he knows nothing about these matters, gives no information whatever, and only refers to property in the United States.

Now, Mr. President, we come to exhibit No. 3, the letter of H. B. Littlepage to the Solicitor of the Treasury, dated October 19, 1887. Here is Mr. Littlepage's letter:

[Inclosure No. 3.]

WASHINGTON, D. C., *October* 19, 1887.

SIR: Having been notified of my employment "to assist in the prevention and detection of frauds upon the customs revenue," after my several conversations with you, I infer that my special assignment will be to recover such properties belonging to the late Confederate States as have been fraudulently or improperly diverted or concealed.

In order that I may get to work effectively, it will be necessary for me to go to the following places in Virginia: the cities of Richmond and Norfolk, and the counties of Clarke, King William, Washington, and Accomac.

After getting through in Virginia I should like to go to Philadelphia, New York City, Boston, and Halifax, N. S.

My purpose in visiting each of these places is to obtain evidence in regard to the Confederate property of which I have already written you.

I shall make every effort to keep my expenses as low as possible, and to make my services valuable and creditable to the Treasury Department.

Above all, I desire that my "special assignment" shall be kept a profound secret.

I am, most respectfully, your obedient servant,

H. B. LITTLEPAGE.

Hon. ALEXANDER McCUE,
Solicitor of the Treasury.

Exhibit No. 4 is a letter of the Solicitor of the Treasury to H. B. Littlepage, dated October 20, 1887. It reads as follows:

[Inclosure No. 4.]

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., October 20, 1887.

SIR: I am in receipt of your letter of the 19th instant informing me of your employment by the Secretary of the Treasury to assist in the prevention and detection of frauds upon the customs revenue.

It appears that you have been more especially assigned to recover certain property of the Government which has been fraudulently or improperly di-

verted or concealed, and that you are required to operate under my directions and report results to me.

You state that in order to obtain necessary evidence and work effectively it will be advisable for you to go to certain places in the State of Virginia, namely, the cities of Richmond and Norfolk, and the counties of Clark, King William, Washington and Accomac; and afterwards to the cities of Philadelphia, New York, Boston, and Halifax, Nova Scotia.

You are therefore authorized and directed to proceed, as soon as practicable, to the above-named cities and counties of Virginia, for the purpose of obtaining evidence and making investigations relative to the property referred to in your letter, and to make full reports thereof to me.

The propriety of authorizing you to proceed for like purpose to the other mentioned places, or any of them, will be hereafter determined.

Very respectfully,

A. MCCUE, *Solicitor.*

H. B. LITTLEPAGE, Esq., *Washington, D. C.*

Next we come to Exhibit No. 5, which is the report of H. B. Littlepage to the Solicitor of the Treasury, dated November 17, 1887. That report reads as follows:

[Inclosure No. 5.]

WASHINGTON, D. C., *November* 17, 1887.

SIR: In compliance with your letter of October 20, authorizing and directing me to proceed to the places in Virginia mentioned in my letter to you of October 19, for the purposes mentioned therein, I went via Baltimore to King William County, Virginia, my home, to examine my old Confederate papers, made and received while in Europe, under the orders of the then Confederate States government, to obtain accurate data.

I found that in the winter of 1864 I was ordered to the Confederate ship of war the Texas, alias the Pampeiro. The Texas was built at Glasgow, a first-class sloop of war, pierced for ten of the heaviest guns then carried and A1 in every respect. Her armament and equipment were put aboard of a brig to be taken aboard the Texas off the coast of England. Capt. Terry Sinclair, of the Confederate States navy, superintended her construction, and, together with Captains North and Bullock, adopted her model and outfit. Her original cost was $1,400,000, and the work upon her was paid for as it progressed. She was to have been commanded by Capt. T. Sinclair, to whom I was ordered to report for duty. William C. Whittle was ordered to her as executive officer, and Lieutenants Marmaduke, Trigg, and Browne, with myself, her watch officers. All of the above-named officers are personally well known to me, and, excepting Captain Sinclair and possibly Captain Whittle, all I have said or may say as to the Texas will be corroborated by written statements from each.

The Texas, or Pampero, as she was then called, started out to sea, but having been reported as a Confederate cruiser, upon a close inspection, her outfit was overhauled, and even her crockery, cutlery, and linen were found marked "C. S. S. Texas." The Texas, alias Pampeiro, was then seized, rather than carry her through the courts, and to probably share the fate of the Alexandria. Sinclair secured her release by guarantying that she should not go into the hands of the Confederates until they should be entitled to have her. He then chartered her, and when a few months afterwards the Confederacy collapsed she was sailing under the same charter policy.

She was fully paid for, and every dollar by the Confederate government. She unquestionably belongs to the United States Government.

The Texas, alias Pampeiro, is still a ship of great value, and only a few years ago she was trading between Edinburgh and Copenhagen. It was within my knowledge that the Texas, alias Pampeiro, belonged to the Confederacy, not only from my private letters from Captain Sinclair speaking of her superior qualities, but my orders were to report to him for duty on board the "Confederate States sloop of war Texas."

Now mark. This is evidence and proof of ownership by the Confederate government from some man who says he was ordered to command this vessel!

I found among my private papers other statements which point to valuable sources, which I have not had time to follow up.

From King William County, I went to Richmond, Va., to ascertain where I could find Captain Trigg, formerly of the Texas.

Learning that he was not at his home in Washington County, but was attending a court in southwest Virginia, I went to Norfolk, Va., to see Captains Whittle and Mayo. I can find Captain Trigg at almost any time, and he will not only sustain all I have said regarding the Texas, but testify as to other valuable Confederate properties in Europe which should come into possession of the United States Government.

They have just been lying there quietly for twenty-three years; they have just been waiting for the United States or somebody else to put hands on the personal property.

Capt. W. C. Whittle assisted Commodore S. Barron, who acted as chief of bureau of orders and detail. Whittle could give much valuable information, but to get it, he should be handled with great caution. He would greatly prefer that his old Confederate friends should be benefited by his silence to informing upon them to the Government; besides, his near connections are directly interested. I hope, nevertheless, to be able to get much valuable matter from him.

Capt. W. R. Mayo, of Norfolk, will furnish a statement in regard to several Clyde-built steamers which were paid for by the Confederate Government, and should now belong to the United States. Many of the Clyde-built steamers, used for blockade running, are still very valuable; most of them were new when the war ended and all were selected for their good qualities. When the Confederacy collapsed these valuable steamers, bought and paid for by the Confederate States, were caught in the hands of their captains or agents and were kept or disposed of by them without authority. They properly belonged to the United States, but as they were not claimed, their captains or agents either kept them or made such disposition of them as they could.

That, Mr. President, is the foundation for recovering blockade runners! There were seven of them that belonged to the Confederate government. Here we have the records of the Confederate government, just as they were made out, showing what belonged to that government. They do not show it. There is no pretense that they show it. Here is a vessel that runs the blockade, and because it runs the blockade of the Confederacy it belongs to the Confederate government!

I also found among my papers full descriptions of the two Confederate rams built on the Mersey under the supervision of Captain Bulloch, and were paid for by the Confederate agent as the work progressed upon them. These two powerful rams, then called the El Tousson and Monnassaire (pretending to be for the Chinese Government), made a trial trip with Confederate officers aboard to inspect and to thoroughly test them. They proved to be entirely satisfactory and each had her complement of Confederate naval officers. Like the Texas, their guns and equipments were to be taken on board at sea, but when starting they were seized by the British authorities, and they were finally disposed of by their Confederate agents, and they are now in the British navy and were recently seen by Admiral Luce at Bermuda.

This is the wonderful discovery of this distinguished naval officer, Admiral Luce. He sees at Bermuda a vessel in the British navy, owned by the British Government and sailing under the British flag, and we are to propose to capture that as having been a Confederate vessel, to take that property as belonging to the Confederacy, when this statement shows that the English Government seized the vessel when she attempted to go to sea.

They were built under the supervision of Confederate naval officers, were paid for by Confederate financial agents.

How does he know that they were paid for by Confederate financial agents? Here we have had suits pending against all these financial agents, yet he knows more than they do! And he can get more information than we could get out of them!

And but for having been fraudulently disposed of, they should now belong to the United States. These two valuable ships, or their value, can be recovered.

Making England, I suppose, pay for the one that she condemned!

In addition to the above report, I beg to file an itemized statement of Confederate properties unrecovered by the United States Government, but which might have been recovered had proper steps been taken. I believe that a large amount of the property described may yet be recovered, although so many years have elapsed.

I am, most respectfully, your obedient servant,

H. B. LITTLEPAGE.

Hon. ALEXANDER MCCUE,
Solicitor of the Treasury.

Here is a postscript:

P. S.—I have omitted to state, that before leaving Washington I opened an extensive correspondence with the view of ascertaining where I could find the officers or other persons from whom I could obtain information.

Among the replies to my letters I received a letter from Capt. H. H. Marmaduke, of the class of '58 United States Naval Academy, and who was with me in Europe. He is familiar with many of the facts recited, and, in reply to my letter, he stated that he could meet me in Washington at any time not ater than November 12. I returned to Washington in time to meet him and talked over matters fully and freely with him. He stated that he could specifically testify to the fact that he was ordered to one of the Confederate rams now in the British navy—

Now in the British navy—

that they were constructed by direction of and under the supervision of Confederate naval officers, and that they were paid for by the Confederate agent—that they belonged to the Confederacy, and that after their trial cruise, when they were fully inspected and tested by the Confederate officers detailed for that purpose, they returned to the Mersey and soon afterwards started to sea as Confederate cruisers; that they were Confederate property when the war ended and that their subsequent appearance in the English navy can not properly be accounted for.

Well, I suppose England could properly account for how she got those vessels, just as well as the United States could account for any of our vessels.

Mr. EDMUNDS. Mr. President, if I may make a sugestion, they can all be accounted for, for they all belonged to the British navy at that time. Every one of the cruisers was built by British money and Confederate cotton, and they were just as much a part of the British forces then as they are now.

Mr. COCKRELL. But the Senator from Florida claims that they belong to the United States now.

Mr. EDMUNDS. Oh, no; they belong to the British.

Mr. COCKRELL—

Captain Marmaduke will also testify to the fact that after the rams were detained by the English authorities he received orders to report to Capt. Terry Sinclair, Confederate States navy, for duty on board the Confederate States steamer Texas, alias Pampeiro, and that she was a Confederate vessel, paid for by the Confederate government, and that she belonged to the Confederacy when the war ended.

As soon as I can safely obtain them I shall ask to file with this report written statements from each of the above-named officers confirmatory of all I have stated.

Respectfully,

H. B. LITTLEPAGE.

Then comes another letter or report from Mr. Littlepage, dated December 20, 1887:

[Inclosure 5 A.]

WASHINGTON, D. C., *December* 20, 1887.

SIR: Inclosed herewith please find statements relating to property which belonged to the Confederate States when they collapsed, and which then should have become the property of the United States.

The gentlemen furnishing the statements, namely, Messrs. Moore, Marmaduke, Trigg, and Browne, all resigned from the United States Navy upon the outbreak of the war, and were sent abroad during the war in connection with Confederate matters there. Their statements corroborate my own as to the rams built on the Mersey by Messrs. Laird & Co. for the Confederates, and also as to the Texas, alias Pampeiro, and as to many of the Clyde-built steamers mentioned by me, besides giving facts in regard to others, and reminding me of the rams built in France for the Confederates, personal information of which I already possessed, but failed to mention in my former report.

This property so clearly belonged to the United States Government when the war ended, that these gentlemen have expressed to me their greatest surprise that none of it has been recovered, and have also stated that they believed that a large amount of it might still be recovered, even after the lapse of so many years. In addition to the inclosed written statements, I have recently obtained important information as to the whereabouts of some of the property mentioned. Two gentlemen, one of whom was an officer on the Alabama and the other an officer on the Shenandoah, told me that they had recently been guests at the house of Captain Sinclair, who had charge of the Confederate

steam-ship Texas, alias Pampeiro, and that all the crockery, linen, cutlery, etc., that they saw in his house was marked "C. S. N." One of these gentlemen told me that of his own knowledge Sinclair had sold at public auction since the war a brig-load of arms, equipments, clothing, and supplies, which were provided to fit out the Texas for a long cruise, and that Sinclair was getting the full benefit of the Texas when it was so well known that she was built for and paid for by the Confederate States government.

The Texas, alias Pampeiro, was, from the latest accounts I have been able to get, running under a charter policy, between Edinburgh and Copenhagen. I have also ascertained that The City of Petersburg and Old Dominion, two new Clyde-built steamers belonging to the Confederacy when the war ended, were recently running between Liverpool and Dublin. I have, in addition to the above, recently learned the residence of two paymasters in the Confederate States navy who were abroad during the war, and who will be able to give me much detailed and valuable information as to deposits of Confederate funds abroad, and as to the purchase of ships and other property.

I have recently gotten the names of some of the officers who were ordered to the Confederate rams built by Laird & Co. on the Mersey, and which were recently seen flying the British flag at Bermuda by Admiral S. B. Luce and the officers of the North Atlantic squadron. I shall soon be able to get the names of all the officers ordered to them and the evidence that they were built for the Confederacy under the supervision of Captain Bulloch, Confederate States navy, and that they were paid for by the Confederate Government.

I am, most respectfully, your obedient servant,

H. B. LITTLEPAGE.

Hon. ALEXANDER MCCUE,
Solicitor of the Treasury.

I believe that there are some gentlemen on this floor who had some knowledge of the Confederate Government, and some who were in the Confederate service; and I shall be very frank in expressing the opinion that they will be astonished when they ascertain the immense wealth of the Confederacy at the time of the collapse.

Mr. BLAIR. Is it necessary, I will ask the Senator, to use that word "Confederacy" so much—"Confederate States?"

Mr. COCKRELL. What would the Senator have—"Rebel States?"

Mr. BLAIR. Anything the Senator pleases, but do not say "Confederate." I do not think it is proper.

Mr. COCKRELL. If the distinguished Senator from New Hampshire will just tell me any word in the English language that will tickle his ear when applied to the "rebels" or "Confederates" or whatever he cares to call them, I shall be only too happy to use it.

Mr. BLAIR. I only express my feelings in the matter. If the Senator will continue to injure them I can not help it. I only request him not to do so.

Mr. COCKRELL. Well, I have a tender regard for the Senator's feelings.

Mr. BLAIR. If the Senator will permit me, there are other Senators who have tender feelings, and may be as tender about the matter as I am.

Mr. COCKRELL. I beg their pardon if there are. I am only reading what my friend from Florida has brought into this discussion.

Mr. CALL. I protest against the Senator saying that I brought the matter into this discussion. I have nothing whatever to do with his reading these papers.

Mr. COCKRELL. These papers were sent to the Senate in response to a resolution of the Senator from Florida, and they are the foundation upon which this amendment is proposed.

Mr. CALL. They belong to the Senate in executive session.

Mr. COCKRELL. Now, here is a precise description of the property or proceeds:

[Inclosure 6.]

Property or proceeds now in Europe, Great Britain, and some parts of the American continent, that belonged to the so-called "Confederate States," as follows:

Item No. 1: Consists steamer last secured by bond in Liverpool and New Orleans	$48,600.00
Item No. 2: Specie, cotton, army and navy equipments, and stores in hands of Fraser, Trenholm & Co., and their agents, about	3,700,000.00

The report I have read shows that the United States commenced suit against Fraser, Trenholm & Co. in 1865, sued them in England and sued them in the United States, and prosecuted the suits to a vigorous conclusion.

Mr. CALL. How much did they get?

Mr. COCKRELL. I do not know. They got all they had, and they made a written agreement with them to surrender to the United States every particle of property they had.

Mr. CALL. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. CALL. The Senator is asserting the correctness of that position. I ask him how much, if he knows, the United States actually recovered?

Mr. COCKRELL. I do not know, but I know that this firm made a written contract with the United States about suits brought against them in which they themselves offered to surrender and deliver every particle of property belonging to the collapsed Confederacy which was in their hands or under their control.

Mr. CALL. In order that we may see how much value can be placed on the Senator's criticism on that paper, I will state to him that the papers he has there show that a very large part of the amount named there was paid by Trenholm, Fraser & Co. to the United States.

Mr. COCKRELL. Then is it still due to the United States? Here is the Senator coming in and contradicting his own statement.

Mr. CALL. When the Senator gets through his long statement I will show that he is fighting a figure of his imagination, a figure in the air. Of course it is not the amount that they settled that is in question.

Mr. COCKRELL. Then it is $100,000 more than they settled?

Mr. CALL. Can not the Senator understand that the paper to which he refers was made out years ago?

Mr. COCKRELL. No; it is a list of property now.

Mr. CALL. It is taken from the records of the Department showing the property which the Government had information might probably or possibly be recovered.

Mr. COCKRELL. Let me understand it. Then I confess I have been wholly misinformed.

Mr. CALL. Entirely.

Mr. COCKRELL. Then this is not a statement made out by Mr. Littlepage of information that he has as to property belonging to the Confederate government?

Mr. CALL. If the Senator will now put his mind to it, perhaps he will understand it. [Laughter.] It is very plain to me. I understand that years ago investigations commenced and a schedule was made out, by Confederate officers like Mr. Littlepage, who fought gallantly throughout the war and distinguished themselves, but who thought that it was part of their duty to state the truth to the United States—of the property of which they were personally cognizant in one form or another as the property of the Confederate States—not professing to speak with the perfect accuracy of the dotting of an "i" or the crossing of a "t," but from the ordinary sources of information.

With that schedule, Mr. Littlepage, knowing as to the items in respect to the foreign disbursements of the Confederate government, takes that paper and presents it as a part of the information which he has inquired into, as to some portions of which, as his report shows, he speaks from personal knowledge, and as to some portions from the testimony of others, and as to some not at all.

Mr. COCKRELL. I am very thankful to the distinguished Senator for that information. This has been published and has been reported here as a statement of the Confederate property, which was furnished by Mr. Littlepage. Instead of that—instead, now, of being a list of Confederate property discovered by him, it is a list taken from the Treasury Department, and which is of record in the Treasury Department, and which they have had a record of for the last twenty years.

Mr. Littlepage says:

In addition to the above report, I beg to file—

What?—

file an itemized statement of the Confederate property unrecovered by the United States Government, but which might have been recovered had proper steps been taken. I believe that a large amount of the property stated might have been recovered, although a very large number of years have elapsed.

Here he says that he files in the Treasury Department a statement which, it seems, was already there.

Mr. CALL. I do not know whether the statement is all there. It is wholly immaterial. I have stated to the Senator that that schedule which he has was prepared by Confederate officers and reported to the Government and that Mr. Littlepage files it. Whether he finds it to have been on the files or not before I do not know. He files it as containing items which by his specific report he has personal knowledge of or is informed of.

Mr. COCKRELL. He goes on and gives other items:

Item No. 3: —— —— had the (*a*) Hausa, (*b*) Falcon, and (*c*) Goelyn, half of which belonged to the Confederacy, $750,000.

Item No. 4: —— —— & Co. hold proceeds and stores amounting to $500,000.

Item No. 5: —— —— must account for cargo of steamer Greyhound, $375,000.

Item No. 6: Heavy ordnance and ammunition (offered to be delivered in August, 1867) in the hands of well-known parties in London, $140,000.

Item No. 7: Proceeds of the steamer Pelican in the hands of London commission merchants, $60,000.

Item No. 8: Proceeds of eight steamers, (*a*) Ravensbury, (*b*) City of Richmond, (*c*) Whisper, (*d*) Abigail, (*e*) Florence, (*f*) Louisa Wallace, (*g*) Eugenie, (*h*) Ptarmigan, purchased since the close of the rebellion by responsible parties; original cost, $985,000.

Item No. 9: Confederate Government money in the hands of a well-known Confederate agent in Paris. His own admissions acknowledging the fact can be proved by evidence in our possession, $983,100.

Item No. 10: A London Confederate agent is accountable for proceeds of steamer Edith, $60,000.

Item No. 11: Steamer Lydia, docked at Hull under the control of an English Confederate agent at that place in June 1867; cost, $100,000.

Item No. 12: Italian buff shoes, 125,000 pairs, and 200,000 pairs of blankets; cost, $506,292.50.

Item No. 13: Danish frigate, under the control of London and Copenhagen bankers; cost, $1,400,000.

Item No. 14: Proceeds of steamers (*a*) Cyclone and (*b*) Tornado, and other property in the hands of the contractor of the above-named frigate, $500,000.

Item No. 15: Proceeds of the Rappahannock, seized and resold since the rebellion by United States consul at Liverpool, and purchased again with Confederate money, $35,000.

Item No. 16: Proceeds of steamers (*a*) Palmerston and (*b*) Alexandria, in the hands of London Confederate agents; cost, $200,000.

Item No. 17: Steamers (*a*) Rattlesnake and (*b*) Mary Augusta, under control of London ship-builder; cost, $312,000.

Item No. 18: Steamer Harriet Pinckney, or proceeds consigned to commission merchants in London, and by them secured for $90,000.

Item No. 19: The (*a*) Old Dominion and (*b*) City of Petersburgh, consigned to Steam Navigation Company in Liverpool; original cost, $350,000.

Item No. 20: Proceeds of Colonel Lamb in the hands of Fraser, Trenholm & Co.; cost, $200,000.

Item No. 21: Proceeds of steamers (*a*) Wierbrendra, (*b*) Wyvern, and (*c*) Scorpion, in the hands of Fraser, Trenholm & Co.; original cost, $1,900,000.

Item No. 22: Two sets of Enfield rifled machinery to be accounted for by Fraser, Trenholm & Co., $410,000.

Item No. 23: Seven tons of bar-silver that can be traced by our agents, worth $233,333.33.

Item No. 24: Eighty chronometers, spoils of the Florida and Alabama, which can be traced by above agents, estimated at $40,000.

Item No. 25: Rifled cannon machinery, packed and in good order in hands of responsible parties, in London, cost $1,000,000.

Item No. 26: The (*a*) Ruby, the (*b*) Rosine, the (*c*) Penguin, the (*d*) Owl, the (*e*) Lark, consigned to Fraser, Trenholm & Co., estimated at $750,000.

Item No. 27: Postage-stamps, a portion of which were recovered in August, 1868, in Canada, can be secured for our Government. The remainder is estimated to be worth, $28,000.

Item No. 28: Cotton shipped to Fraser, Trenholm & Co., or order, "since the rebellion," worth, as estimated by the shippers themselves, $3,000,000.

Item No. 29: Sixteen cases of specie in the hands of a rebel agent at St. George's, Bermuda, which can be shown by a reliable witness in London, value not known.

Item No. 30: Money and Confederate machinery in the hands of a Confederate agent, and can be proved to be worth, by a member of the London bar, $250,000.

Item No. 31: Rebel iron-works in Scotland, which can be recovered by our Government, worth, as reliably stated, $300,000.

Item No. 32: The steamer Peterhoff and the Springbok and cargo can be shown to our Government to have been Confederate; not known.

Item No. 33: The original contract between the Confederate government at Richmond and Erlanger & Co., the banker, at Paris, is where I can control it; not known.

Item No. 34: Money deposited to the credit of the rebel government in Vienna, Brussels, Frankfort-on-the-Main, Amsterdam, Paris, and London, amounting, as can be shown to our Government, to $11,000,000.

The late Postmaster-General of the institution which my friend from New Hampshire [Mr. BLAIR] does not like to have called the Confederacy doubtless did not know of that $11,000,000 belonging to the Confederacy.

Mr. BLAIR. I do not like to have it so called because it might creep into the statutes some time.

Mr. CALL. I should like to ask the Senator from Missouri a question.

Mr. COCKRELL. Certainly.

Mr. CALL. Does the Senator know whether the late Postmaster-General of the Confederate States or the rebel States, as you may please to call them, in the course of his business would have known anything about transactions relating to government property of this character?

Mr. COCKRELL. No, I do not know anything that he would have known about it—not a thing.

Mr. CALL. Then the Senator ought not to say anything about it.

Mr. COCKRELL. I do not know what he did know about it.

Mr. CALL. Then you ought to say so.

Mr. COCKRELL. Then come the following items:

IN THE UNITED STATES.

Item No. 1: Consists of iron works and lands, together with flouring mills, machine-shops, foundries, and railroads in Marion and Davis Counties, Texas, cost to the Confederate government as can be shown to ours, $3,000,000.

Item No. 2: Confederate mineral lands and iron works in Northern Alabama, estimated at $1,000,000.

Item No. 3: Two steamers and proceeds of 1,400 bales of cotton, together with other goods in and around Memphis, estimated at $1,000,000.

Item No. 4: Not described, but is alleged by a responsible party in Baltimore to be worth $1,000,000.

Item No. 5: Consists of railroad, railroad-iron, and saw-mills, and warehouses, and merchandise in store—all in the State of Alabama.

Item No. 6: Cotton that belonged to the Confederate government shipped from Brownsville, Galveston, and Matamoras, amounting to many millions of dollars, since the termination of the war, as can be shown by the rebel agents employed and in correspondence with our agents, as can be shown to our Government.

Now I come to the letters giving information, and upon which we are asked to expend money in the prosecution of pretended claims:

[Inclosure No. 7.]

ACCOMAC COURT-HOUSE, VA., *November* 27, 1887.

DEAR SIR: In reply to your confidential letter, which came to hand a few days ago, I have to say, in regard to Confederate property belonging to that government, I was a naval officer and was ordered abroad in the spring of 1863 and ran the blockade in the steamer Antonica, which belonged to the Confederate government. She took out a cargo principally of cotton.

While in Europe I was ordered to a Confederate ship on the Clyde, then called the Pampeiro. While in Europe it was generally known to the Confederate naval officers, including myself, that two ironclads, rams, were built under the supervision of the Confederate naval officers at Laird's ship-yard, called the El Tousson and Monnassaire, which were at that time the most powerful ships afloat, and said to have cost $1,000,000; afterward detained by the British Government as possible violators of the "foreign-enlistment act." I am also aware that a large ship, iron plated, was built on the Clyde, and was under Confederate management.

I left Liverpool, England, in October, 1864, in the steamer Laurel. She was under the English flag, and was commanded by an Englishman named Ramsey. She belonged to the Confederate government.

I was at sea on the Confederate States ship Shenandoah, six guns. She cos £40,000; was left in Liverpool in November, 1865.

I give you my recollection in this hasty letter. Many facts might be called up if sufficient time were given.

I will say, however, that there were many Clyde-built steamers belonging to the Confederate States government in the same ports that I visited.

Yours, respectfully,

ORRIS A. BROWNE.

Capt. H. B. LITTLEPAGE,
Washington D. C.

The next one is the letter of Captain Marmaduke, which I am very anxious to read.

Mr. CALL. I shall be glad if the Senator in reading Captain Marmaduke's letters would state what he knows in regard to him.

Mr. COCKRELL. I will say that Captain Marmaduke is a gentleman of very high character and standing. He belongs to one of the oldest and best families in Missouri. His father was lieutenant-governor and then governor of Missouri, and his brother was the late Governor John S. Marmaduke, of that State. Captain Marmaduke's letter is as follows:

[Inclosure No. 8.]

PULLMAN'S PALACE CAR COMPANY,
Jacksonville, Fla., December 5, 1887.

MY DEAR PETE: I am in receipt of your confidential letter of recent date, and would have answered you sooner but for a press of urgent business which called me away from Jacksonville.

I am glad to learn that the Government is at last taking steps looking to the recovery of some of the vast amount of property which belonged to the Confederacy at the time of the collapse, scattered about over countries outside of the late Confederate States.

You asked me as to the two "Laird rams" El Tousson and El Mounassin, and any other information that I may have touching naval matters and properties abroad.

It is reaching away back with memory to bring these matters up now, after the lapse of a quarter of a century, but I will cheerfully tell you all that I am able to recall on such short notice.

You will, of course, remember that I, like yourself, was one of some sixty officers sent abroad to man the various ships that our government was building in various European ports.

My first assignment was to the iron-clad ram El Mounassin, then in process of construction at Birkenhead by the Messrs. Laird Brothers. This was, as I remember, in 1863.

This vessel and El Tousson were being built ostensibly for the Khedive of Egypt, but the construction was under contract between Messrs. Laird and Captain Bullock, C. S. N., agent of the Confederate government, who supervised the work.

The work on those vessels so far progressed that El Mounassin was launched, and El Tousson also, I think. I know the Mounassin made a successful trial trip on the Mersey, and on board of her, *incognito*, were several Confederate officers.

The armament and equipment of these vessels, as understood at the time, was provided by Captain Bullock. A short time after this trial trip was made this vessel and the Tousson were seized by the English Government, and the "broad arrow," representing in technical language the Queen's Own, was printed on the bows of the ships.

These two vessels, according to Captain Marmaduke (and doubtless his memory is correct in regard to that matter), were seized by the British Government, no doubt confiscated, because "the broad arrow, representing in technical language the Queen's Own, was printed on the bows of the ships."

After this I next heard of these two splendid ships as forming part of Her Majesty's "channel fleet"—

Afterwards the next heard of them was forming a "part of Her Majesty's channel fleet"—

under changed names which I do not now recall.

In my capacity as an officer assigned to one of these ships I learned that Messrs. Laird & Co. were paid for them as the construction progressed by moneys furnished indirectly by Captain Bullock.

After the retention and seizure of these two rams I received orders to report to Capt. Terry Sinclair for duty on board of a ship called the Texas, alias Pampeiro, building on the river Clyde, at Glasgow, but was directed by Captain Sinclair to repair to the quiet little French city of Amiens, to there maintain an *incognito* and await further orders. I remember now with some amusement how I passed for some weeks as "Mr. Mathews."

The Texas was completed, her battery and equipment were provided, and plans made to deliver them on board the ship at some point outside of the waters of Great Britain.

I remember also that her linen, crockery-ware, etc., were marked "C. S. N." This vessel was afterward seized by the English Government, and Sinclair was censured for having talked too much and for being otherwise indiscreet in the matter.

At this distant date I am unable to recall who were the officers assigned to this ship, though I think that George Shyrock, since dead, was her executive officer. I know that he and I often, after the war was ended, while we were both living in St. Louis, used to talk those pleasant days over together, and we both wondered what had become of all the ships and other property which we knew to have been in the possession of Confederate agents in Europe. I never knew what became of the Texas.

After the experience of the Texas, I, with a lot of other fellows, was sent back to the Confederacy, and in the course of the war I was on duty on the fleets at Savannah, Charleston, and Wilmington.

From the last two ports, as you know, blockade-running was a nightly pastime when the "moon was right." Some of these "fly-by-night" steamers were owned by the Confederate Government, commanded by Confederate officers, and laden with Government cargoes of cotton, naval stores, etc., bringing on return voyages Government supplies. The question most naturally arises, what become of all this property?

I remember distinctly having been the guest for two or three nights on board of his ship at Charleston, of the captain of the blockade-runner Confederate States, which at the time was loaded with a cargo of Government cotton waiting for the dark (?) moon.

The ship made a successful run to the Bermudas, or Nassau; Charleston following shortly afterwards; she never returned. I regret that I am unable to recall the name of the captain. He was an Englishman and held a lieutenant's commission in our service. This ship and cargo might be easily traced. She flew the Confederate flag.

Finally, my dear fellow, the enterprise that you are engaged upon seems to me to be filled with opportunities. I think you ought to be able to find out what became of some of the money and property which was left over "when we broke," and of which I don't think there has ever been any accounting.

I have written you rather a wordy letter without giving you much information, but it will take time and tact for you to work this thing out, but I believe there are chances in it, and I wish you all success.

Your friend, sincerely,

H. H. MARMADUKE.

There are two other letters here.

Mr. CAMERON. Will the Senator from Missouri yield for a motion to adjourn?

Mr. COCKRELL. In a moment I shall be through. Here are two other letters, one from Thomas L. Moore, and a copy of a letter from Daniel Trigg, which may be printed in the RECORD.

The PRESIDENT *pro tempore*. The letters will be printed as requested, if there be no objection.

The letters are as follows:

[Inclosure No. 9.]

NEW YORK, *December* 11, 1887.

DEAR SIR: In reply to your confidential inquiries relating to my experience in Europe during the late war between the States, I have to say that I was a lieutenant in the Confederate States navy. In May, 1864, I was ordered to report to Capt. G. T. Sinclair for duty on board the Confederate States steamer Texas. I knew at the time that this vessel was being fitted for sea in the river Clyde under the fictitious name of Pampeiro. She was afterwards detained by the British Government, and was only released by Captain Sinclair chartering her for two years to run between Edinburgh and Copenhagen.

The following November I was ordered to the Confederate States steamer Rappahannock, Capt. Charles Fauntleroy, then in the harbor of Calais, France. I served aboard the Rappahannock as executive officer until the early spring of 1865, when she was sold, by whom and to whom I can not say.

My orders were then to return home and report to the secretary of the navy in Richmond.

I am, sir, very truly, yours,

THOS. L. MOORE,
225 West Twenty-third Street.

H. P. LITTLEPAGE, Esq.

[Inclosure No. 10—A copy.]

ABINGDON, VA., *December* 11, 1887.

MY DEAR PETE: I returned home last night after an absence of several days attending court in another county, and received your letter this a. m., which you may be sure I will consider as strictly confidential. I have long thought that there was a great deal in the matter which you are after, and I have no doubt but the Government has been swindled out of vast sums in property and money, and possibly a great deal of it might be still recovered if the proper steps are set on foot.

I am unable to answer the question which you ask. After the lapse of twenty-five years I find that my recollection of things has considerably dimmed, especially about those which I have had no occasion to recall or remember. But I suppose, if intelligently pursued, that it could be definitely ascertained what ships were built abroad by the Confederate States government, what was paid on them, and how disposed of. I remember after the war going from Calais to a Chilian port being run into at sea by a Peruvian man-of-war, the Union, and near by was her sister ship, the America, both built for the Confederacy somewhere in France. I have an account of the affair in an old journal which I kept, and to which I referred.

Now, this might be a matter worth investigating, as the Confederacy had paid for these ships, and after the war they were legitimately the property of the United States Government.

I wish you could come out here. I think there is much in your scheme. If you can, you had better come out here this week. I can make it a point to be at home and meet you at any time. Come and let us talk the matter over.

Yours truly,

DANIEL TRIGG.

H. B. LITTLEPAGE, Esq.,
Washington, D. C.

Mr. COCKRELL. Mr. President, I have simply laid all these matters before the Senate in order that they may understand the exact situation. I do not apprehend that there is a solitary Senator who would not be willing to use any reasonable exertions to secure for the United States any property which can be secured in any way which belonged to the Confederacy; but the question is whether now, after the lapse of twenty-three years and after the United States, immediately upon the close of the war, used the greatest possible diligence and ransacked England, France, and all Europe, America, the the West Indies, and every other place, and brought suits against everybody who was supposed to have been connected with the Confederate government and to have represented it—whether after all that has been done we shall open up this question again and make an appropriation and send men abroad to hunt up and try to trace and identify this and that property as having once belonged to the Confederate government. It is simply an absolute waste of so much money and may complicate the United States Government in troubles from which it may not very easily extricate itself.

Mr. CAMERON. I move that the Senate adjourn.

Mr. ALLISON. I ask the Senator from Pennsylvania to withdraw the motion until we can get a vote on this amendment.

Mr. CALL. That will be impossible, Mr. President. I want to say something upon it.

ALLEGED NAVAL DESERTIONS.

The PRESIDENT *pro tempore*. The absence of one of the conferees on the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, requires the announcement of another manager on the part of the Senate; and in place of the Senator from Maine [Mr. HALE] the Chair appoints the Senator from Pennsylvania [Mr. CAMERON].

PUBLIC BUILDING AT CHARLOTTE, N. C.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C., returned, at the request of the Senate, with the amendment of the House of Representatives.

Mr. RANSOM. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

REPORT OF COMMISSIONER OF LABOR.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return to the House of the concurrent resolution for printing 39,000 copies of the third annual report of the Commissioner of Labor; which was agreed to.

REPORTS ON SCALE-INSECTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That a special report on the white scale and other scale-insects affecting the orange and other fruit trees in California be printed, and that 50,000 additional copies be printed, of which 25,000 copies shall be for the use of members of the House in whose districts the orange is grown, 12,500 for the use of Senators in whose States the orange is grown, and 12,500 for the use of the Department of Agriculture.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That a second edition of the special report of the Department of Agriculture on insects affecting the orange be printed, and that 20,000 additional copies be printed, of which 10,000 shall be for the use of members of the House in whose districts the orange is grown, 5,000 for the use of Senators in whose States the orange is grown, and 5,000 for the use of the Department of Agriculture.

CRUISE OF THE CORWIN IN 1884.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department.

CRUISE OF THE CORWIN IN 1885.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed, at the Government Printing Office, 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1885, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department.

ROGERS'S PANAMA CANAL REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth at the Government Printing Office, and including illustrations and maps, 3,000 copies of the report of Lieut. Charles C. Rogers, United States Navy, on the Panama Canal; of which number 1,000 copies shall be for the use of the House, 500 copies for the use of the Senate, and 1,500 copies to be distributed by the Secretary of the Navy.

SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Smithsonian Institution and of the National Museum for the years ending June 30, 1886 and 1887, in two octavo volumes for each year, 16,000 extra copies of each, of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

PRINTING OF TARIFF BILL.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883), with proposed amendments of H. R. 9051 (Mills bill) to be prepared by the Committee on Ways and Means, be printed for the use of the House.

RICHMOND AND DANVILLE RAILROAD.

Mr. CAMERON. I move that the Senate adjourn.

Mr. DANIEL. I ask unanimous consent to take up the bill (S. 2774) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia.

I will state that I am authorized by the Senator from New Jersey [Mr. MCPHERSON], who a few days ago objected to the consideration of the bill, to say that he withdraws his opposition.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. CAMERON. I would rather not do so.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania declines to yield.

Mr. DANIEL. All right, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 1, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 31, 1888.

The House met at 12 o'clock m.

The House was called to order by the Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 31, 1888.

DEAR SIR: I am compelled to leave the city for two days on important business, and you will therefore please lay this communication before the House, in order that it may choose a Speaker *pro tempore* to serve during my absence.

Very respectfully,

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The CLERK. Clause 7 of Rule I provides that when the Speaker is absent and omits to make an appointment, the House shall proceed to elect a Speaker *pro tempore* to preside during his absence. The election of a Speaker *pro tempore* is now in order.

Mr. MILLS. I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That Hon. BENTON MCMILLIN, a Representative from the State of Tennessee, be and is hereby elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

Mr. MCMILLIN accordingly took the chair as Speaker *pro tempore* and was greeted with applause.

The SPEAKER *pro tempore*. The House will be in order.

Prayer was offered by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

Mr. MILLS. I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Clerk be directed to inform the Senate that the House has elected Hon. BENTON MCMILLIN, a Representative from the State of Tennessee, as Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

BUSINESS FROM THE COMMITTEE ON LABOR.

Mr. MILLS. I now renew the request I made yesterday that Tuesday, the 7th day of August, be set apart for the consideration of reports from the Committee on Labor, excluding the bill in relation to convict labor. As there seems to be some objection to that bill, I ask that it be excepted from the order.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas [Mr. MILLS]?

Mr. SPINOLA. Reserving the right to object, I wish to say to the gentleman from Texas that if the bill in relation to convict labor is to be excluded, I certainly shall object.

Mr. MILLS. It will be impossible to get unanimous consent without excluding that bill from the order.

Mr. SPINOLA. Then, sir, let that part of the business of the House of Representatives stand just where it is. The State of New York has already taken steps toward abolishing convict labor in her prisons, and I am not willing to allow Pennsylvania, or any other State, to manufacture goods and flood the State of New York with them.

Mr. LONG. Regular order.

Mr. MILLS. I want to say to the gentleman that I have made this request at the instance of the labor people themselves; so that I am not chargeable with the impolicy of it, if there be any.

Mr. LONG. I withdraw my demand for the regular order.

Mr. FARQUHAR. I want to emphasize the remarks of my colleague from New York [Mr. SPINOLA]. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. FARQUHAR. I object totally to making any exceptions as to the bills of the Labor Committee.

The SPEAKER *pro tempore*. Objection is made, and the regular order is demanded.

GEORGE M. OCHILTREE.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 4659) for the relief of George M. Ochiltree, with amendments of the Senate thereto; which was referred to the Committee on Military Affairs.

PUBLIC PARK, ST. AUGUSTINE, FLA.

The SPEAKER *pro tempore* also laid before the House the bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park and other purposes.

Mr. DOUGHERTY. Mr. Speaker, at my request some time ago when that bill came over from the Senate it was laid on the Speaker's table. It is a bill which proposes to give jurisdiction to the city of St. Augustine over a piece of Government land lying in that city, which is now an eyesore, and the purpose of the bill is simply to give the city police jurisdiction over it, in order that they may make it into a park. The bill takes no money out of the Treasury, and it provides that the Government can at any time resume possession of the land. I ask unanimous consent that it be read.

Mr. BACON. I demand the regular order.

The SPEAKER *pro tempore*. This is the regular order.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. RAYNER. I call for the regular order.

The SPEAKER *pro tempore*. Objection is made. The bill will be referred to the Committee on Public Lands.

Mr. DOUGHERTY. I ask that it be referred to the Committee on Public Buildings and Grounds.

Mr. PAYSON. I object to that.

The SPEAKER *pro tempore*. Objection is heard, and the bill will be referred to the Committee on Public Lands.

PUBLIC BUILDING, MUSKEGON, MICH.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1981) to provide for the erection of a public building for the use of the post-office and other public offices at the city of Muskegon, in the State of Michigan; which was read twice, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CEMETERY, CENTRAL CITY, COLO.

The SPEAKER *pro tempore* also laid before the House a bill (S. 3305) setting apart a tract of land to be used as a cemetery for the Independent Order of Odd Fellows of Central City, Colo.; which was read twice, referred to the Committee on Public Lands, and ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. LANHAM, by unanimous consent, the Committee on Claims was discharged from the further consideration of bills of the following titles; and they were referred to the Committee on War Claims:

A bill (S. 1671) for the relief of the heirs of Martin Kenofsky; and

A bill (H. R. 7839) for the relief of the legal representatives of William Johnnot, Joseph Torrey, and Thomas Blackwell.

PEREZ DICKINSON.

The SPEAKER *pro tempore* laid before the House a bill of the following title, with the message that the Senate disagreed to the amendments of the House and asked a conference:

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

Mr. STONE, of Kentucky. Mr. Speaker, the Senate having disagreed to the amendments adopted by the House to this bill, I ask that the House insist on its amendments and agree to the conference requested by the Senate.

There being no objection, it was ordered accordingly.

The SPEAKER *pro tempore* subsequently announced the appointment of Mr. STONE of Kentucky, Mr. STOCKDALE, and BROWER as conferees on the part of the House.

ANNIE GIBSON YATES.

The SPEAKER *pro tempore* announced the appointment of Mr. BANKHEAD, Mr. HUTTON, and Mr. FINLEY as conferees on the part of the House on the bill (H. R. 7708) to increase the pension of Annie Gibson Yates.

NAVAL APPROPRIATION BILL.

The SPEAKER *pro tempore* also announced the appointment of Mr. HERBERT, Mr. MCADOO, and Mr. THOMAS of Illinois, as conferees on the part of the House on the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

BUSINESS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. HERBERT. I ask unanimous consent that Tuesday, the 7th of August, immediately after the reading of the Journal, be set apart for the consideration of bills and reports from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. Is there objection?

Mr. BURROWS. I understood the regular order had been called.

The SPEAKER *pro tempore*. The regular order is insisted upon.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports; but, if there be no objection, the Chair will submit several personal requests.

By unanimous consent, leave of absence was granted as follows:

To Mr. PATTON, indefinitely, on account of important business.

To Mr. COWLES, for ten days from and after Thursday next, on account of sickness in his family.

To Mr. HARE, for ten days, on account of important business.

Mr. ENLOE. I ask leave of absence for my colleague, Mr. PHELAN, for ten days, on account of important business.

There being no objection, leave was granted.

PUBLIC BUILDING AT OMAHA, NEBR.

Mr. DIBBLE. I call up the privileged question which was pending at the adjournment yesterday.

The SPEAKER *pro tempore*. The conference report which was pend-

ing as a matter of privilege when the House adjourned last evening is now called up by the gentleman from South Carolina [Mr. DIBBLE]. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill, and agree to the same with the following amendments:

1. In third line, first page, strike out the words "proceedings in accordance with the laws of Nebraska" and insert in lieu thereof the words "or otherwise."

2. In tenth line, first page, after the word "dollars," insert "and the cost of said site shall not exceed the sum of $400,000."

And that the Senate agree to the same.

SAMUEL DIBBLE,
JOHN McSHANE,
ROBT. P. KENNEDY,
Managers on the part of the House.
JOHN C. SPOONER,
W. B. ALLISON,
G. G. VEST,
Managers on the part of the Senate.

The following statement of the House conferees, submitted under the rule, was read:

The managers on the part of the House on the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building at Omaha, Nebr., respectfully submit the following statement:

The Senate in the bill provided for $1,200,000 as the limit of cost for site and building. The House amended by substituting provision for a site only, not to exceed in cost $400,000. The effect of the conference report is to provide for a limit of $1,200,000 for site and building complete, and also that of this sum not more than $400,000 shall be expended for the site.

SAMUEL DIBBLE,
JOHN McSHANE,
ROBT. P. KENNEDY,
Managers on the part of the House.

Mr. DIBBLE. I move the adoption of this report.

Mr. CRISP. Mr. Speaker, I desire to call the attention of the House to the conference report in this case. It is quite possible that the House may agree to it; yet I desire that this shall not be done without an exact understanding on the part of the House of the situation in which, by the report, we are placed.

The Senate passed a bill for the erection of a public building at Omaha, the limit of cost, including the site, being $1,200,000. That bill when it came to the House was referred to the Committee on Public Buildings and Grounds, by which committee a report was made, not adopting the Senate bill, but recommending that the bill be amended by striking out all after the enacting clause and providing that $500,000 be appropriated for the site and that the question of the erection of the building be remitted to the future.

In the House the bill was amended by providing that the amount appropriated for the site should be $400,000, in which condition it went over to the Senate. The Senate disagreed to the House amendment, and a conference between the two Houses was asked. The House granted the conference, and now we have the result of that conference in the report which is before us. The report is that the House recede from its amendment to the Senate bill and agree to the same, whereby, Mr. Speaker, the bill that this House passed, carrying $400,000, is now before us carrying $1,200,000, the conferees on the part of the House and Senate having agreed upon that sum. I am not, sir, questioning the right of the conference committee to agree to that; but I desire to arrest the attention of the House so that they may see and understand the evils resulting from legislation through conference committees.

Mr. Speaker, the conferees appointed by the House of Representatives are supposed to represent the sentiment of the House. They are charged with the duty of enforcing, as far as in them lies, the views of the House. I do not mean to be understood to say that they have not the right to compromise and accept concessions and yield them, but I mean, sir, that there should be an effort, an earnest effort, on the part of the House conferees to carry out the wishes of the House.

I ask you, sir, what has been the practice of the conference committees of this House in the past, and notably with reference to bills reported from the Committee on Public Buildings and Grounds? Until this morning I had never seen this conference report. It was put in just before adjournment last evening without being read, and is brought before us now for consideration.

Mr. DIBBLE. Was it not printed in the RECORD.

Mr. CRISP. I was about to say, sir, that until this morning—I believe I did say so—I had not seen the report, nor did I know what the report was; but this morning as I was looking over the RECORD, as I daily try to do, I saw this report, and it appeared to me most extraordinary that without one word of explanation, without any allegation that the conferees on the part of the House had made the slightest effort to enforce the views of the House, this report should be brought in recommending that the House recede from its position and agree to the original Senate bill.

The conferees on the part of the House are members of the Committee on Public Buildings and Grounds. They are the same gentlemen who reported to the House a bill for this same purpose, not carrying $1,200,000, but one providing an expenditure of $500,000. I ask you, then, sir, had we not the right to expect of the conferees to endeavor at least in the conference to support and maintain the views of the House. If they have done so in the present instance I am as yet not informed of the fact.

As I said before, for I only intend to occupy a few moments of the time of the House, until this morning I had never seen the report. But when I saw it I concluded to try and look a little into the history of conference reports with reference to public buildings this session. I have been unable to examine the entire record, but in every single case that I have examined, every one without exception, the conferees on the part of the House have agreed to the larger sums fixed by the Senate. So far as my investigation goes there is not a solitary exception. I have only had time to look into a few cases. At Wichita, Kans., the House enlarged the limit of the appropriation $30,000. The Senate enlarged it a hundred thousand dollars; it went into conference and the House conferees gracefully yielded to the wishes of the Senate. In the case of the Bridgeport (Conn.) building the House fixed the limit at $100,000; the Senate fixed the limit at $150,000. It went into conference and the House conferees gracefully yielded to the wishes of the Senate in that regard.

Mr. SOWDEN. Was there not a report in that case from the House committee recommending $150,000? And the bill appropriating that amount was agreed upon in the Senate.

Mr. CRISP. The gentleman asks me if the House Committee on Public Buildings and Grounds did not report a bill for $150,000. I accept his statement, but the House of Representatives, which at least has revisory power over the Committee on Public Buildings and Grounds, passed the bill for $100,000. At Bay City, Mich., the House passed a bill appropriating $150,000. The Senate appropriated $200,000. It went into conference and the House conferees again gracefully yielded to the larger sum fixed by the Senate in that case.

These, Mr. Speaker, are the only cases that I have been able to find.

Mr. SOWDEN. What did the House do in the case of Indianapolis?

Mr. CRISP. That is not pertinent at all to the question I am discussing.

Mr. SOWDEN. It is exactly pertinent, because there the Senate increased the appropriation, and the House, without reference to the Committee on Public Buildings and Grounds, on motion of the gentleman from Indiana, adopted the bill of the Senate making the increase.

Mr. CRISP. The House, Mr. Speaker, can adopt any bill that it chooses. It can appropriate as much as it pleases for such purposes. That is the action of the House and not of the committee. But that is not the point. My point is that when the House fixes a sum and there is a disagreement between the two Houses and a conference is agreed upon, the conduct of such conference is committed to three gentlemen appointed by the Speaker to represent the honor and dignity of the House. They do not represent themselves alone, they do not represent alone the committee reporting the bill; they represent the entire House. It is their bounden duty to carry out as far as practicable the expressed wish of the House; and yet, during this Congress, in every case, as I have shown, House conferees appointed on disagreeing votes of the two Houses on public building bills have receded from the position taken by the House and agreed to that of the Senate, which has always been for larger appropriations.

Now see how this operates. I want to call the attention of the House to this great evil, for so I regard it.

Some gentleman rises and asks unanimous consent to consider a public-building bill. Some other gentleman—say the gentleman from Indiana [Mr. HOLMAN]—objects and says, "there is too much carried in that bill; if you will accept an amendment reducing it $50,000 I will withdraw my objection and permit its consideration." The gentleman interested in the bill says, "I am willing to accept the amendment." It passes here for $50,000 less than reported to the House, and the members of the House console themselves with the reflection that they have saved something, that they have cut down the bill, and that, in that case at least, there will be no extravagance. The bill goes to the Senate. The Senate disagrees to the amendment put on the bill by the House and ask a conference. The conferees are appointed by the Speaker of the House, and we all know how these appointments are made. They meet with the Senate conferees and discuss the matter, and invariably, as far as my researches have gone, they consent to the increase proposed by the Senate, and it is brought back here as a privileged report and has the right of way.

Mr. HOPKINS, of Illinois. Will the gentleman yield for a question?

Mr. CRISP. Certainly.

Mr. HOPKINS, of Illinois. The inquiry I wish to make is this: Do you state to the House, or are you prepared to say that the action of the committee was not proper and that public justice was not done?

Mr. CRISP. I know of no higher tribunal to determine what is right and what is public justice on a question of this sort than the House, of which the gentleman and myself are members. Where that House, by a vote, determine that a certain sum is the amount that ought to be appropriated, my point is that the agents of the House, the conferees, when they meet in conference, ought at least to make a semblance of insisting upon the wishes of the House as expressed by the votes of its members.

Mr. HOPKINS, of Illinois. Are you prepared to charge in the House this morning that those conferees have abandoned their duty?

Mr. CRISP. I am making an argument to direct the attention of the House to an evil practice. The gentleman can not put me in the position of arraigning individuals. The rules of the House provide that there shall accompany every conference report an explanation thereof. That explanation is not only intended to inform the House exactly what changes have been made in the bill as it passed the House, but I think it should give some reason why the conferees have receded from the position of the House, if they have so receded. This is a good-humored discussion. There is no question of fault-finding about it.

Now, take this Omaha bill. The conferees were my friend from South Carolina [Mr. DIBBLE], the chairman of the Committee on Public Buildings and Grounds; my friend from Nebraska—from Omaha—[Mr. MCSHANE], and some other gentleman, who I do not now recollect. These gentlemen are intrusted with the conference on the part of the House. Now, with the utmost respect for my friend from Nebraska—and he is my friend—I ask the House to imagine how earnestly he would wrestle with the Senate conferees to prevent the spending of $1,200,000 for the erection of an ornamental building in the city of Omaha. Just fancy that picture. [Laughter.]

It is very likely, indeed highly probable, that if I had been just exactly situated as he was I should not have very earnestly resisted myself. This argument is not made with the view of criticising the gentleman from Nebraska, but with the view of criticising an evil practice. Now, if there are any cases where the Senate conferees have receded and agreed to accept the smaller amount fixed by the House, gentlemen on the Committee on Public Buildings and Grounds can easily refer to them. I do not say that there are no such cases; I mean to say that I have not heard of them. I mean to say that I have called your attention to every single case that I have found, and in every one of them the House has accepted the Senate amendment.

Now, Mr. Speaker, I am not familiar with the merits of this bill, but I do say that it strikes me as an extraordinary proposition that in a city the size of Omaha $1,200,000 should be expended for a public building. It is a significant fact that the House Committee on Public Buildings and Grounds in their report on the Senate bill did not advise this House to pass a bill carrying $1,200,000.

That proposition appears here now for the first time indorsed by any member of this House. Gentlemen know how these conference reports are made. They are often brought in, as this was, just as the House is about to adjourn; they are not carefully considered by members, but are generally agreed to at once, and in that way the judgment of the House as expressed by a deliberate vote is very often thwarted, and we do what we would not do if the matter was carefully considered.

Now, Mr. Speaker, I have said about all that I desire to say upon this question. As I have already remarked, I may not be able to defeat this report. The mover of it, the gentleman from Nebraska [Mr. MCSHANE], is, as I have said, my personal friend; and it is exceedingly unpleasant to throw any obstacle in the way of the bill of a gentlemen who occupies that relation to you. And yet, sir, this is so glaring a case of the absolute defeat of the will of the House through this method of conference that, having had my attention called to it, I felt that I would not be justified in remaining silent and allowing it to be adopted by the House without entering my protest.

Mr. BRECKINRIDGE, of Kentucky. I see in the RECORD that an amendment has been offered in the Senate to put on the sundry civil appropriation bill all the appropriations that have been passed by the Senate at this session for the erection of public buildings in the whole country, aggregating, as I am informed, somewhere between nine and ten million dollars, probably nearer the latter than the former sum. That amendment, as I understand, is now pending in the Senate, so that we shall probably be confronted in a few days with the question whether this Congress can afford to put on the sundry civil bill, at one session, appropriations for the erection of public buildings amounting to nearly ten millions of dollars. I merely desired before the gentleman took his seat to have this point before the House, as it relates to the whole subject of public buildings. I know nothing of the merits of this particular case except what has appeared here.

Mr. CRISP. I am very glad the gentleman from Kentucky [Mr. BRECKINRIDGE] has called attention to that fact. I did not expect, though I see no impropriety in it, to discuss the general question of the legislation generally, that has been had or that is to be had by this Congress on the subject of public buildings. I may, however, say that in my opinion the present system of considering these measures is altogether wrong. There seems to be an idea that, there being a large amount of money in the public Treasury, all kinds of schemes should be devised to take it out. You find bills introduced at this session of Congress providing for the erection of public buildings in towns so insignificant that you are unable to discover any reason to prompt a hope of success even in the mind of the introducer of the bill, except the fact that such measures are not very carefully considered, and the further fact that there is a large surplus which may be reduced somewhat in this way.

Mr. MILLIKEN. Will the gentleman permit a question?

Mr. CRISP. Yes, sir.

Mr. MILLIKEN. How would my friend change the system? Would he have all the public-building bills put into one omnibus bill, like the river and harbor bill, so that they might come up in a combination and each one help the others, rather than come up as they do now, separately on their individual merits? Does the gentleman think that would be an improvement? I ask simply for information, because the gentleman is a wise man.

Mr. CRISP. The suggestion of my very good friend from Maine that each of these public-building bills now stands upon its own merits is somewhat amusing in the light of what we all know of the methods by which they are pushed through the House. My friend from Maine [Mr. MILLIKEN], I believe, is a member of the Committee on Public Buildings and Grounds. My friend from Maine, I believe, had a public-building bill of his own. How many of the gentlemen on that committee have had public-building bills I do not know, but I can call to mind some half a dozen.

Mr. MILLIKEN. I had a little one, but it was stopped at the White House. [Laughter.]

Mr. CRISP. Exactly. And that "little one" illustrates the point I have made. My friend from Maine could hardly rise seriously in this House—he might try to look serious, but he could hardly feel so inside—my friend, I say, could hardly get up here and seriously insist that the little town for which he procured the passage of that public-building bill is of such magnitude or importance that the public business there requires a building.

Mr. MILLIKEN. In reply to that, I will say to the gentleman that that town comes entirely within the limits of the bill which was presented the other day in the House by the gentleman from Georgia [Mr. BLOUNT] and was discussed here. The bill which I presented here passed the House, and was vetoed by the President under false information.

In his veto message he states that the local postmaster informed him that a suitable lot at Bar Harbor would cost from $25,000 to $30,000, which was more than the bill appropriated for lot and building. A lot, however, entirely suitable could have been procured for $12,000, though it is true the owners reduced the price to secure a post-office for the town; but if the bill presented the other day by the gentleman from Georgia [Mr. BLOUNT] had passed, this very town would have got a public building under that bill. Therefore, the gentleman will see that I could not have been so amused "inside" as he supposed. [Laughter.]

Mr. CRISP. Mr. Speaker, in view of the gentleman's well-known zeal on behalf of his constituents, and in view of his magnified idea of the importance of Bar Harbor, I withdraw and take back what I said about his inside. [Laughter.]

But still his statement that each of these bills stands on its own merits is somewhat amusing. Why, sir, could they be more closely linked together if they were all in one bill, as the river and harbor appropriations of the country are?

Mr. MILLIKEN. I think they could.

Mr. CRISP. Observe a vote taken in this House on a public building bill; find out the members who have bills pending for the erection of public buildings in their district and see whether each does not vote for every other's bill. I admit that after a member has secured the passage of his own bill he may have a spasmodic attack of economy and vote against the bill of everybody else; but that is not the rule.

Mr. BUCHANAN. Is not this the rule, that after a member gets his bill through he has "important business" at home, and gets leave of absence? [Laughter.]

Mr. CRISP. Possibly that may be so. But the fact remains, whatever the reason, that no matter how much want of merit in any proposition may appear to us who have no public-building bills pending, there seems to be carried to the mind of every member who has such a bill pending an absolute conviction that the bill to be voted on is an exceedingly meritorious measure.

Mr. MILLIKEN. The gentleman will allow me to say that if these public-building measures were bound together as are the river and harbor appropriations no man would get his bill through first, and then skulk off home. Every man would be interested until all the different measures had been passed.

Mr. CRISP. Mr. Speaker, that is a question for gentlemen having bills to settle amongst themselves. If they can make the combination stronger, if they can prevent certain gentlemen after they have secured their part of the spoils from departing and leaving other gentlemen to look out for their measures as best they may, that is a matter for them. But for myself I do not propose to aid them. I would like every one of these measures to stand on its merits.

Now, coming back to this particular bill, a friend has called my attention to the fact that there is now in Omaha a public building, erected in 1872, at a cost, if these figures are right, of $352,000. According to this report—and I take it for granted, as the report is made by my friend from that city [Mr. MCSHANE], it presents the advantages and charms of Omaha in a rose-colored hue—according to this report the population of that city is 112,000. It has a court; it has a post-office; it has internal-revenue offices; it has all those things that

prosperous and enterprising cities of that size and character have. But it has also what a great many cities of that sort have not—it has already a public building which cost $352,000.

Mr. HOOKER. Built by the Government?

Mr. CRISP. Yes.

Mr. BYNUM. Will the gentleman state when that building was erected?

Mr. CRISP. I will hand the statement to my friend from Mississippi [Mr. HOOKER] to ascertain that fact, as the paper has just come into my hands. This proposition is to give $1,200,000 more to Omaha for a public building; and I confess that unless some better reason than any with which I am now acquainted shall be presented I for one shall feel constrained to vote against it.

I reserve whatever time I may have.

Mr. DIBBLE. Mr. Speaker, the gentleman from Georgia [Mr. CRISP] has seen fit to deliver to the House conferees a lecture for alleged delinquency of duty on their part. I shall not follow the gentleman in his wandering remarks on the subject of public buildings in general. As to the necessity of a public building at Omaha, that question has already been decided by this House—by that majority in whose dignity and authority the gentleman places such implicit confidence and which is to him the source of ultimate decision. When the House of Representatives decided that in its judgment a lot should be purchased in the city of Omaha for $400,000, it then decided in effect that the lot was to be used for the erection of a public building, and it reserved the right to say in the future what limit should be put on the cost of the erection of that building. It is not pertinent to this question to discuss the needs of Omaha.

They have been discussed, they have been sifted, and upon them the decision of the House has been made. This question has nothing to do with the proposition presented by the gentleman from Kentucky as to the action of the Senate on another bill now being considered by the Senate in relation to certain appropriations for public buildings. That has nothing to do with the present proposition, has no relation to the Committee on Public Buildings and Grounds, and is simply calculated to divert the minds of the House from the true issue now presented.

Mr. Speaker, I have a word to say in relation to the committee of conference, of which I have been a member. In the first place, this bill received from the full Committee on Public Buildings and Grounds very careful consideration. It came to us as a proposition from the Senate, a body which has as much to say about these matters as we have, which has a right to submit propositions for public buildings. It came to us as a proposition from that body to appropriate $1,200,000 for this public building. We gave to that proposition the consideration which it required.

We found that Omaha was a city of 112,000 people, that in the last sixteen years its population had increased seven times, that it was a growing and progressive city, and that the demands of the public business were not met by the present accommodations. It was the judgment of our committee, Mr. Speaker, that it would be wise in the first instance to secure a proper site for a public building, and that site having been purchased, that at the next session of Congress, when the title was secured, to take up the matter of the building. That was the judgment of the committee, and we went to work to inquire what a site that was suitable would cost the Government. The result of this investigation satisfied the committee, and they so reported, that the site would probably cost in the neighborhood of $500,000, and we placed that limit upon the purchase of a site.

And now we come to the part on which the gentleman from Georgia lays so much stress.

Mr. HOOKER. Will the gentleman from South Carolina permit me a moment, to ask at what time the appropriation was made of $360,000 for the construction of a public building at Omaha, and how that sum was expended?

Mr. DIBBLE. It was made and the money was expended about the year 1870, I think.

Mr. HOOKER. Expended in what way?

Mr. DIBBLE. In putting up a public building which suited the demands of a city——

Mr. DORSEY. Of less than 30,000 people.

Mr. DIBBLE (continuing). Which had about 15,000 population. Whether it was properly expended or not, I do not know; but the building was put up for a city of 15,000 people, whereas the present population is 112,000, and manifestly a building adapted to a city of 15,000 does not accommodate a city of 112,000. But, as I said before, on that question the House has passed its judgment and decided to purchase the site and put up a larger building

Now, what was the proceeding in this House? I do not care, Mr. Speaker, to hit back with animadversions or intimate that the gentlemen who oppose these public buildings are either those who have no prospects of public buildings in their own districts or have already been supplied. That has nothing to do with the question. It is a question for the House to decide purely as a business proposition, and I for one, whatever may be the disposition of the gentleman from Georgia, am willing to accept as a presumption in the first instance that the members of the House come here to do their duty both to their own constituents and to the country at large honestly and without such motives as would deserve animadversion.

Let us return to the question as to what was done in this House. This bill was in Committee of the Whole House on the state of the Union. The members here will remember—for it was sufficiently intensified by repetition on every bill—that a small minority by filibustering attempted to deprive the House of an opportunity of presenting these measures.

The action of the House in relation to this bill in cutting down the amount was in this instance, as in others, controlled by a minority of the House. The proposition was presented to the House through the decided majority of the House, a majority which can not be gainsaid, because the votes will show it, and the minority of the House said, "We will resort to dilatory tactics, we will filibuster unless you submit to deductions." Under these circumstances the House passed the bill for $400,000, after a deduction of $100,000 had been forced upon the majority of the House by the minority.

Now, I am going down to the bottom facts of the case. There is the technical action of the House for $400,000; there is the real fact that this House would have sustained the judgment of the committee had it not been for a minority that were resorting to dilatory tactics to command their own views on these subjects.

The bill went back to the Senate with this proposition; it amounted to this: We said in our reply to the Senate, you propose to erect a public building there at a cost of $1,200,000 for the site and building. We propose to concede that we shall expend $400,000 for the purpose of procuring a site, and will reserve the price to be paid for the building for future action. That is the proposition that went back from the House. The gentleman from Georgia has attempted to present to this House in his usual eloquent and plausible way that the House was not willing to appropriate for Omaha more than $400,000, while the Senate was willing to give $1,200,000, and that we yielded $800,000 to the Senate in the conference.

That was not the proposition at all. The question of the amount was left indefinite by the House; but the House did say that for the site alone without the building, we are willing to give one-third of that amount, but leave for the future the question whether the building shall be erected for $800,000, the balance of the $1,200,000, or for $600,000, which would be less, or for a million of dollars, which would be more. That was what we left for future determination. We just said to the Senate: We will decide on the price of the site and postpone the consideration as to the price of the building; but we did not say that we would not give $1,200,000 for the site and building. So that it is not a just statement of the question to say that there is a difference between the proposition of the House and that of the Senate, acceded to by the House conferees, of $800,000. There was no such difference. The difference is only with reference to the mode of proceeding, and yet that amount is flung out before the House in the eloquent manner of the gentleman from Georgia as if it were the real issue between the two bodies.

Now, Mr. Speaker, while I was of the opinion, and am of the opinion still, that it would have been wise for the Government to have bought the site and reserved this question for the future, yet I can not look at this proposition to appropriate $400,000 for the site of this building, except as one committing the House to legislate to expend $1,000,000 or more for the site and building together. What does the House buy the site for? Why, it is to put a building on it. What does the House spend $400,000 for; to erect a hundred thousand dollar building? Why, for site and building for the place when it had 15,000 people the House spent $360,000, and for the building alone $350,000.

In view of these facts, is it to be supposed that the House was going to buy the site and put up a one or two hundred thousand dollar building? That would satisfy the economy of the gentleman from Georgia, perhaps, but there is no business and no economy in it. It may "serve to point a moral or adorn a tale" to some constituency where they have no necessity for buildings of a public character, and are not informed as to the requirements in large cities with an increasing population, but there is no substantial economy in the proposition.

Now, what have we in the city of Omaha? Why, we have there a private corporation erecting a building to-day—the New York Life Insurance Company—at a cost of $1,000,000. Another edifice is being built by a single individual at a cost of $750,000. Those are private buildings being built in that city to-day. I believe, Mr. Speaker, that it is the most economical for the Government, when it has to build a a public building in a large and growing city, to face the matter as a private individual would face it. What do we need in the way of accommodation? what will it cost to give that accommodation? and then appropriate the sum, putting limits around it to protect the administration of the fund within those limits by the executive branches of this Government, and require them to construct a building according to the amount of money the House appropriates.

When that system is adopted, fairly and properly, then we will not have them coming back here and asking an increase of the limit from

Congress. The fund will be expended with more economy where safeguards are placed upon the expenditure of these funds, and in order to place proper safeguards over the appropriation, in the first instance, it must be sufficient for the purpose for which it is designed. Now, this was the situation, as I have stated, between the two Houses. The question was not a question of amounts, it was a question of policy, whether to appropriate now for the site and building both, or for the site alone. We went as managers on the part of the House, charged with the proposition of the House in this regard. Now, I do not propose, Mr. Speaker, to go into the details of what occurred in the conference committee.

It is neither parliamentary nor appropriate to do so; but this I can say in answer to the attack made upon this conference committee, that the conferees met on three several occasions in relation to the Omaha bill. The occasions were at considerable intervals, and while I do not know how long, it has been several months since this matter has been in conference. The conferees met and could not agree. They met again, and could not agree, and it was only after three conferences that the conferees agreed upon a report which substantially is a compromise between the two Houses. The proposition of the Senate was: for site and building, $1,200,000, without any limit as to the cost of the ground.

Our best advices were that the ground would probably cost $500,000. The question, then, before the conference committee resolved itself into this compromise, that we concede to them what they had in the original bill, so far as passing upon an appropriation for the building, as well as the site. But we put in the bill the proposition of the House as it passed the House, that the site should not exceed in cost $400,000. That proposition was an original proposition of the House. It was not in the Senate bill. The Senate left the cost of site unlimited. That put the limit which the House had placed on this matter, and we put it, while in our judgment the site was not likely to be obtained for anything less than the $500,000, with the probability that in the acquisition of the site the citizens of the place would have to contribute money in order to make up the deficiency.

Now as to the question whether the committee of conference on the part of the House has been derelict in its duty as the servants of the House and has been reckless in its assault upon the public Treasury. We have submitted a business proposition. We have by the result of this conference restrained and limited the Senate proposition in the essential particular. Suppose that the Senate proposition had been adopted without the House proviso, which we inserted in the conference, there would have been $1,200,000 appropriated.

There would have been at least $500,000 of that expended for the site, leaving $700,000 only for the building. Then there would probably be a demand hereafter for an additional appropriation of perhaps one or two hundred thousand dollars more by reason of the insufficiency of the amount. We introduced that element of restriction in the Senate bill. Therefore it was not a surrender on the part of the House or of its conferees to the demands of the Senate. It was a mutual concessiom, the Senate on their part conceding the limit for the price of the site fixed by the House, and the House conceding the present provision for the erection of the building as well as for the purchase of the site. I consider it a compromise.

The gentleman has been pleased to say that he has never known of a conference committee to yield anything on the first conference. Is that what conference committees are appointed for? Are we simply to go through the motions first?

Mr. CRISP. The gentleman misapprehended me. I did not say on the first conference. I said that no case had come to my attention where the House conferees had failed sooner or later to surrender to the Senate.

Mr. DIBBLE. I am glad that the gentleman did not take the position which I understood him to take.

Then for the purpose of this argument the gentleman admits that we were put on that committee of conference to give and take, that we were put there to make a compromise; and when the House consents to a conference the purpose is to adjust differences between the two Houses. Now, Mr. Speaker, as long as I have the honor to be a member of this House I shall never knowingly surrrender any of its dignity; I shall never admit that the body at the other end of the Capitol is superior to this, or has any right to dictate to this House as to its action. But, Mr. Speaker, I shall always concede to the co-ordinate branch of the legislature its equal dignity and its equal right with the House to insist. We met to adjust the difference between the two Houses, and, as I have shown the House, we did adjust that difference.

We inserted into the Senate proposition the substance of the House proposition. We got what the House said they wanted, and we yielded to the Senate as to the matter that would in any case have to come up hereafter, the appropriation which would have been the inevitable result in the future if the House bill alone had passed. Mr. Speaker, suppose the Senate had yielded everything, and the House bill had passed appropriating $400,000 for a site, the site would have been purchased, but would that have been the end of it? Would $400,000 have been the entire expenditure?

The next question would have been, what sort of a building should be put up? and that would be a question for future legislation. The purchase of a site costing $400,000 would have involved an expenditure for a building of an amount in the neighborhood of $800,000. I have here the report of the Supervising Architect, which contains all the buildings that has been erected for the large cities in this country, and it shows that the modern buildings in cities as large as Omaha have invariably cost as much as $800,000.

Therefore the only thing we yielded to the Senate was that we agreed to make this expenditure a single, complete proposition instead of making two of it. For my part I thought it was enough to buy the site at this time, but I did not think there was anything so vital in that point that it should not under any circumstances be yielded. In fact, upon the floor of the House when the Omaha bill was under discussion a gentleman who is in the habit of voting in accordance with the views expressed by the gentleman from Georgia, and who was associated with the gentleman from Georgia [Mr. CRISP] at that time in opposition to the bill, criticised severely the Committee on Public Buildings and Grounds because they had not submitted the whole expenditure as a single proposition.

That criticism was made by the very gentlemen who were associated in their views with the gentleman who has now criticised the action of the committee of conference. In the debate at that time I stated for the committee that that was not a vital question, that either mode might be adopted, that it seemed good to the committee to propose at that time only an appropriation for the site, but that provision for the building must be made later. Now, Mr. Speaker, I think the House is fully advised as to this whole matter. So far as the Committee on Public Buildings and Grounds are concerned they propose to obey the will of the House. They are in the hands of the House expressing its will by its majority, and I therefore ask the previous question upon the adoption of the resolution.

Mr. CRISP. I ask the gentleman to withhold that demand for a few minutes.

Mr. DIBBLE. I think, Mr. Speaker, I must insist on the previous question.

Mr. CRISP. Then I ask the House to vote it down, in order that I may have at least five minutes to reply to the gentleman.

Mr. DIBBLE. If the gentleman needs five minutes for a reply, I will yield it to him out of my time. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has twenty-eight minutes left.

Mr. DIBBLE. I yield five minutes to the gentleman from Georgia.

Mr. BUCKALEW. I would like to put to the gentleman from South Carolina a question from a business point of view.

Mr. DIBBLE. I have yielded five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, the gentleman from South Carolina plants himself before the House squarely upon the proposition that this report is a "compromise" between the House and the Senate. How he arrived at that conclusion, Mr. Speaker, you and the members of this House have heard. The Senate passed a bill providing for an appropriation of $1,200,000 to buy a site and erect a building in the city of Omaha. The House passed a bill providing that $400,000 should be appropriated to buy the site, and that the building should not be erected, because nothing was said in that regard. The committee of conference held their meetings; they met three times, as the gentleman has stated, and struggled to induce the Senate conferees to recede—you know they must have struggled with my friend from Nebraska [Mr. MCSHANE], a member of that committee. They had three meetings, and then they "compromised"—that is, the Senate agreed that $400,000 of the $1,200,000 should go for the purchase of a site, and the remainder for the building. The gentleman says that if they had not done this they might have been compelled to spend $500,000 for the land, and then they would have had only "only" $700,000 for the building.

Why, Mr. Speaker, it seems that some gentlemen have so much familiarity with large amounts of money that when they refer to $700,000 they say "only $700,000," as if that were a mere bagatelle. Eight hundred thousand dollars is the amount proposed to be expended for a public building in a city of 112,000 population, according to the figures of its friends; a city with an existing public building, a handsome marble structure which cost $352,000, a building of such a character that, as has been remarked pending this debate by a gentleman who recently visited that city, he was struck with the fact that the building in size and importance was out of proportion to the town; he thought it was beyond the necessities of the place.

The fact of the existence of a public building is absolutely ignored. The friends of this measure do not say what they propose to do with it, but they propose to appropriate $1,200,000 to erect another building. The House, as I think, improvidently passed a bill providing for the expenditure of $400,000 for the purchase of a site. The conferees bring in a bill carrying $1,200,000, but providing that $400,000 shall be used for purchase of site, and the gentleman from South Carolina tells us that they "compromised with the Senate!" If you can make

that sort of a "compromise," Mr. Speaker, in all your controversies, you will be exceedingly fortunate. It is what they call a "jug-handle" compromise, all on one side.

Mr. KERR. I wish to inquire whether the proposition to construct this building has ever been considered by a committee of this House?

Mr. CRISP. Why, sir, the very report submitted by the gentleman from Nebraska says:

> The Senate bill as amended authorizes the expenditure of $500,000 for the purchase of a site in the city of Omaha whereon in the future is to be erected a public building.

Mr. BUCHANAN. It could not be erected in the past.

Mr. CRISP. But the House bill did not contemplate an appropriation for the erection of a building. The Senate bill did. The committee of conference, according to the gentleman from South Carolina, "compromised" by agreeing to the Senate bill——

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. CRISP. With pleasure.

Mr. DIBBLE. Is the gentleman aware that the House bill used this language:

> To purchase a site to be used for the construction thereon of a building suitable for the accommodation of the post-office, the courts of the United States, and other Government offices in said building?,

Now, I ask whether that does not indicate that Congress proposed not only to purchase a site but to put a building on it afterward?

Mr. CRISP. My proposition is that the House bill was improvidently passed. How many gentlemen in this House when they voted for the bill knew that there was already at Omaha a $352,000 marble building, in which all the business of the Government at that point was transacted?

I think this report should be voted down. There is no evidence—absolutely none—that the present building is insufficient; yet we are asked to hasten into the expenditure of $1,200,000 when there seems to be no public necessity for it.

[Here the hammer fell.]

Mr. DIBBLE. I regret very much, Mr. Speaker, that the gentleman from Nebraska [Mr. MCSHANE] is absent to-day on account of sickness, and on that consideration I will yield five minutes to his colleague [Mr. DORSEY].

Mr. DORSEY. Mr. Speaker, the city of Omaha is not within the district that I have the honor to represent in this House, but I am well acquainted with the city and conversant with its needs as though it was a part of my own district.

Let us view this question as a plain business proposition, and in that light let us examine the question, "Is this building needed for the wants of the Government in that city?" It is true, sir, that there is a public building there, a building as I am now informed which cost originally $352,000, although I am satisfied that a building of the same character could be erected to-day for $150,000. It is entirely too small for the business of the Government conducted within it, and it is becoming more and more apparent every day as that city rapidly grows how utterly inadequate the building is.

In the first place, we have a post-office there at which one hundred and eighty mails per day are received and distributed. Within this building is the office of the collector of internal revenue for the district embracing Nebraska and Dakota, in which over two and a half millions of revenue are collected yearly. Then the judges of the United States district and circuit courts have their offices and chambers there, and the United States marshals and United States district attorney have offices in the building, and if, Mr. Speaker, you could see, as I have seen, that post-office building crowded with hundreds of men waiting for the mail, impossible absolutely to obtain admission owing to the crowded and meager facilities afforded to the clerks of the post-office there, I am satisfied that you would admit without question that a much larger building was absolutely demanded for the wants of that business alone.

Now, it is the intention, as I understand the present proposition, to purchase a site and erect a building, and divide the business done between the present building and the new one proposed to be constructed. Omaha has to-day a population exceeding 112,000 people; it is growing very rapidly, and within a few years—a very few years—it will ask additional facilities for the transaction of the public business. This building, I understand, is recommended by the Supervising Architect of the Treasury, is strongly urged by every officer of the Government whose attention has been called to the matter, and in my judgment it is so badly needed that I hope there will be no question as to the passage of the bill in the House.

Again, sir, let us take this as a mere business proposition, and if, in the judgment of the House, it is not needed, vote down the report of the conference committee; but if it is, vote them the money and let us do as a Government with regard to the Government business there just what individuals have done in regard to private matters. Within the last year four handsome bank buildings have been erected at a cost ranging from $150,000 to $500,000 each. The New York Life Insurance Company is putting up a building, simply as an investment, at an actual cost of $1,000,000, and the proprietor of the Omaha Daily Bee is erecting an office which I am informed will cost in the neighborhood of three-quarters of a million of dollars—simply a private enterprise, erected as an investment to meet the rapidly growing wants of the city for offices; and when we consider what private enterprise has done, it certainly is a recommendation to us to vote in favor of the pending proposition.

It is not necessary to consume the time of the House further to detail additional facts in reference to this matter showing the demand for this building. I hope the action of the House will be to adopt the report of the conference committee.

Mr. DIBBLE. Now, Mr. Speaker——

Mr. MAISH. Will the gentleman from South Carolina yield to permit me to ask a question?

Mr. DIBBLE. Certainly.

Mr. MAISH. Can the gentleman from Nebraska state the dimensions of the present public building at Omaha?

Mr. DORSEY. I can not; but it is a very small building.

Mr. MAISH. The gentleman can not give the number of square feet it occupies?

Mr. DORSEY. No, sir; it is quite a small building. As I heretofore said a moment ago, when the site was purchased it was intended to enlarge the building, but owing to the fact that the adjacent property was in such a position that it could not be sold, the building was necessarily erected on a site which was manifestly too small.

Mr. MAISH. If the gentleman can not give the dimensions in feet, he can not answer the question I desired to ask.

I want, however, to propound another question. We authorized a short time ago the sale of the United States barracks there. Could not the land on which the barracks were located be utilized for a public building?

Mr. DORSEY. No, sir; that site is 2 miles distant from the present location.

Mr. MAISH. Why, it was represented as being right in the city.

Mr. DORSEY. Well, it is in the city; but you must remember that Omaha has between 112,000 and 120,000 people. It extends over a very considerable area, and the site of the barracks is fully 2 miles from the proper site for the post-office building.

Mr. MAISH. But I mean it is within the boundaries of the city?

Mr. DORSEY. Yes, it is within the corporate limits; but not anywhere near the point where a post-office would be needed for the convenience of the patrons.

Mr. BYNUM. In what county is Omaha situated?

Mr. DORSEY. In Douglas County.

Mr. BYNUM. Does the gentleman know the population outside of the city?

Mr. DORSEY. Not exactly; but I suppose it is from 15,000 to 18,000.

Mr. BYNUM. I ask because I notice that the entire vote was only 8,000 in 1884.

Mr. DORSEY. That does not represent anything like the population. In 1885 we took a census in Nebraska, at which time Omaha showed a population of about 35,000. At the school census last taken Omaha shows a population of 112,000. I will state to the gentleman that we take our school census every year, upon which we can base the estimate of our population as accurately as if we had the regular Government census to guide us. It is a rapidly-growing city and the growth is continuous.

Mr. DIBBLE. I find that in the fiscal year 1887 the postal receipts of Omaha were $161,250 and the net receipts were $119,000. That is the post-office alone. I have not the figures here of the customs.

I now move the previous question on the adoption of the report.

The previous question was ordered.

The question recurred on the adoption of the report.

Mr. CRISP. On that I demand the yeas and nays.

The yeas and nays were ordered, 45 members voting in favor thereof.

The SPEAKER *pro tempore*. The yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and it was decided in the negative—yeas 81, nays 92, not voting 151.

YEAS—81.

Anderson, Iowa	Farquhar,	Lyman,	Rowell,
Atkinson,	Finley,	McCullogh,	Ryan,
Bankhead,	Funston,	McKinley,	Sawyer,
Bayne,	Gay,	Milliken,	Scull,
Boothman,	Gear,	Moffitt,	Smith,
Boutelle,	Gest,	Morrill,	Sowden,
Bowden,	Grout,	Neal,	Stephenson,
Brown, Ohio	Harmer,	Nelson,	Struble,
Buchanan,	Hermann,	Newton,	Symes,
Burrows,	Hiestand,	Nichols,	Thomas, Ky.
Butterworth,	Hogg,	Nutting,	Thomas, Wis.
Caruth,	Hopkins, Ill.	O'Donnell,	Turner, Kans.
Chipman,	Houk,	Osborne,	Wade,
Cogswell,	Hudd,	Parker,	West,
Cooper,	Hunter,	Perkins,	White, Ind.
Crouse,	Kean,	Phelps,	Wilkins,
Dalzell,	Kennedy,	Plumb,	Wilkinson,
Dibble,	Lagan,	Pugsley,	Yost.
Dingley,	Lawler,	Rice,	
Dorsey,	Lehlbach,	Robertson,	
Dougherty,	Lind,	Romeis,	

NAYS—92.

Abbott,	Cobb,	Kilgore,	Richardson,
Allen, Mich.	Cothran,	Laffoon,	Rogers,
Allen, Miss.	Crisp,	Lane,	Rowland,
Anderson, Miss.	Culberson,	Lanham,	Sayers,
Anderson, Ill.	Cutcheon,	Latham,	Shaw,
Baker, Ill.	Dargan,	Lee,	Simmons,
Barnes,	Davidson, Fla.	Long,	Spinola,
Blount,	De Lano,	Maish,	Springer,
Bound,	Dockery,	Martin,	Stone, Ky.
Breckinridge, Ark.	Enloe,	Matson,	Taylor, E. B., Ohio
Breckinridge, Ky.	Flood,	McComas,	Tracey,
Browne, T. H. B., Va.	Forney,	McCreary,	Turner, Ga.
Bryce,	Fuller,	McKinney,	Vandever,
Buckalew,	Grimes,	McMillin,	Walker,
Burnes,	Hall,	McRae,	Washington,
Butler,	Hayden,	Morgan,	Weaver,
Bynum,	Herbert,	O'Ferrall,	Wheeler,
Candler,	Holman,	O'Neall, Ind.	Whitthorne,
Cannon,	Hooker,	Outhwaite,	Wickham,
Carlton,	Hovey,	Owen,	Williams,
Caswell,	Hutton,	Payson,	Wise,
Catchings,	Jackson,	Penington,	Yardley,
Cheadle,	Kerr,	Rayner,	Yoder.

NOT VOTING—151.

Adams.	Davidson, Ala.	Johnston, N. C.	Reed,
Allen, Mass.	Davis,	Jones,	Rockwell,
Anderson, Kans.	Dunham,	Kelley,	Russell, Conn.
Arnold,	Dunn,	Ketcham,	Russell, Mass.
Bacon,	Elliott,	La Follette,	Rusk,
Baker, N. Y.	Ermentrout,	Laidlaw,	Scott,
Barry,	Felton,	Laird,	Seney,
Belden,	Fisher,	Landes,	Seymour,
Belmont,	Fitch,	Lodge,	Sherman,
Biggs,	Foran,	Lynch,	Shively,
Bingham,	Ford,	Macdonald,	Snyder,
Blanchard,	French,	Maffett,	Spooner,
Bland,	Gaines,	Mahoney,	Stahlnecker,
Bliss,	Gallinger,	Mansur,	Steele,
Bowen,	Gibson,	Mason,	Stewart, Tex.
Brewer,	Glass,	McAdoo,	Stewart, Ga.
Brower,	Glover,	McClammy,	Stewart, Vt.
Browne, Ind.	Goff,	McCormick,	Stockdale,
Brown, J. R., Va.	Granger,	McKenna,	Stone, Mo.
Brumm,	Greenman,	McShane,	Tarsney,
Bunnell,	Grosvenor,	Merriman,	Taulbee,
Burnett,	Guenther,	Mills,	Taylor, J. D., Ohio
Campbell, F., N. Y.	Hare,	Montgomery,	Thomas, Ill.
Campbell, Ohio	Hatch,	Moore,	Thompson, Ohio
Campbell, T. J., N. Y.	Haugen,	Morrow,	Thompson, Cal.
Clardy,	Hayes,	Morse,	Tillman,
Clark,	Heard,	Norwood,	Townshend,
Clements,	Hemphill,	Oates,	Vance,
Cockran,	Henderson, Iowa	O'Neill, Pa.	Warner,
Collins,	Henderson, N. C.	O'Neill, Mo.	Weber,
Compton,	Henderson, Ill.	Patton,	White, N. Y.
Conger,	Hires,	Peel,	Whiting, Mich.
Cowles,	Hitt,	Perry,	Whiting, Mass.
Cox,	Holmes,	Peters,	Wilber,
Crain,	Hopkins, Va.	Phelan,	Wilson, Minn.
Cummings,	Hopkins, N. Y.	Pidcock,	Wilson, W. Va.
Darlington,	Howard,	Post,	Woodburn.
Davenport,	Johnston, Ind.	Randall,	

So the report of the committee of conference was not adopted.

The following pairs were announced:

For this day:

Mr. ELLIOTT with Mr. HENDERSON, of Iowa.

Mr. CAMPBELL, of Ohio, with Mr. WOODBURN.

Mr. MILLS with Mr. BINGHAM.

Mr. CRAIN with Mr. GROSVENOR.

Mr. FRENCH with Mr. RUSSELL, of Connecticut.

Mr. FISHER with Mr. BAKER, of New York.

Mr. WILSON, of West Virginia, with Mr. KEAN.

Mr. COX with Mr. BELDEN.

Mr. PEEL with Mr. O'NEILL, of Pennsylvania.

Mr. ERMENTROUT with Mr. ADAMS.

Mr. MAHONEY with Mr. THOMAS H. B. BROWNE.

Until further notice:

Mr. STEWART, of Georgia, with Mr. JOHNSTON, of Indiana.

Mr. PHELAN with Mr. BUTLER.

Mr. TILLMAN with Mr. ANDERSON, of Kansas.

Mr. RANDALL with Mr. KELLEY.

Mr. LANDES with Mr. DUNHAM.

Mr. O'NEILL, of Missouri, with Mr. MCCORMICK.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. DAVIDSON, of Alabama, with Mr. PATTON.

Mr. GREENMAN with Mr. SHERMAN.

Mr. FORD with Mr. STEELE.

Mr. LODGE with Mr. BURNETT.

Mr. MORSE with Mr. WHITING, of Massachusetts.

Mr. GLOVER with Mr. BROWNE, of Indiana.

Mr. PERRY with Mr. SPOONER.

Mr. BELMONT with Mr. DAVENPORT.

Mr. SCOTT with Mr. CLARK, of Wisconsin.

Mr. JONES with Mr. JOSEPH D. TAYLOR.

Mr. CLEMENTS with Mr. KETCHAM.

Mr. BIGGS with Mr. MORROW.

Mr. COMPTON with Mr. GOFF.

Mr. MANSUR with Mr. WARNER.

Mr. THOMPSON, of California, with Mr. MCKENNA.

Mr. HOGG with Mr. GALLINGER.

Mr. OATES with Mr. GUENTHER.

Mr. MCSHANE with Mr. LAIRD.

Mr. PIDCOCK with Mr. HIRES.

Mr. CLARDY with Mr. WADE.

Mr. HATCH with Mr. CONGER.

Mr. GRANGER with Mr. ROCKWELL.

Mr. STEWART, of Texas, with Mr. WEBER.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, on this bill.

Mr. HENDERSON, of North Carolina, with Mr. LAIDLAW.

Mr. RUSK with Mr. HOLMES.

Mr. STEWART, of Vermont, with Mr. BUCKALEW, on all political questions, for two weeks from July 23.

Mr. MOORE with Mr. DARLINGTON, on all questions, Monday and Tuesday.

Mr. WADE. I am paired with my colleague [Mr. CLARDY], but have an arrangement which permits me to vote on this bill.

The result of the vote was announced as above stated.

Mr. DIBBLE. I move that the House insist upon its amendment, and ask a further conference.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSTON, of Indiana, indefinitely, on account of illness.

To Mr. ELLIOTT, for ten days.

To Mr. BINGHAM, for one week.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. 8285) to remove the political disabilities of Elliott Johnson.

The message also announced that the Senate disagreed to the amendments of the House to the bill (S. 288) for the erection of a public building at Sioux City, Iowa, requested a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. WILSON of Iowa, and Mr. DANIEL.

REVOCATION OF THE WITHDRAWAL OF LANDS.

Mr. HOLMAN. I have a report of the Committee on Public Lands on House bill 11006, providing for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes. I desire to have the bill read. It is a bill securing certain lands to bona fide settlers, and I think it comes within the privilege of the Committee on Public Lands. I will not press the bill beyond its reading if there is objection to it.

The bill, with the amendments reported by the committee, was read, as follows:

Be it enacted, &c., That section 5 of an act entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864, and section 7 of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March 3, 1865, and also section 5 of an act entitled "An act making an additional grant of lands to the State of Minnesota, in alternate sections, to aid the construction of railroads in said State," approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed.

SEC. 2. That the provisions of section 4 of an act approved June 2, 1864, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,' approved May 15, 1856," be, and the same are hereby, repealed, so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory; and all withdrawals of lands within indemnity limits heretofore made for the benefit of any road or roads, under or by virtue of said grants or any of them, and any reservations of lands made under said provisions of the act of June 2, 1864, shall be revoked, and the Secretary of the Interior is authorized and directed to restore said lands to settlement and entry, after affording due opportunity, by such notice as he may consider proper to give to claimants under said grants, or any of them, to show cause why said restoration should not be made.

SEC. 3. That whenever, in the opinion of the Secretary of the Interior, a grant of lands heretofore made by the United States to aid in the construction of any rail or wagon road, canal, or other work of internal improvement has been adjusted, and he deems it advisable that said adjustment should be finally closed on the books of the Land Office, he shall cause such notice to be given, by advertisement or otherwise, as may seem to him proper, warning parties interested to come forward within three months and show cause why such adjustment should not be at once closed. If a proper showing be made he shall, as speedily as may be, determine the matters involved, awarding to said parties whatever they may be entitled to, and thereupon, or if no such showing be made, he shall at once direct the Commissioner of the General Land Office to close finally the adjustment of said grant and the same shall not thereafter be reopened. And after the closing of any such adjustment the Secretary shall revoke all withdrawals theretofore made for such grant, and restore to settlement and entry the land remaining undisposed of. But all lands restored to the public domain under the provisions of this act shall be disposed of to bona fide settlers only under the homestead laws, except section 2301 of the Revised Statutes: *Provided*, That in case any of such lands shall be, at the time of their restoration as aforesaid, actually occupied in good faith as a settler by any person who entered upon such land prior to the 1st day of January, 1888, and who had already exhausted his homestead right under existing laws, such person shall, notwithstanding, be allowed to enter again under the homestead laws the tract so occupied, not exceeding 160 acres: *Provided*, the privilege given hereby be exercised by formal entry at the proper land office within six months after such restoration.

SEC. 4. Nothing in this act shall be construed as ratifying or confirming any

grant or certification of land heretofore made by Congress, or any Executive order made touching any public lands, or as recognizing the validity of any such Executive order.

Mr. HOLMAN. I will state, Mr. Speaker, that this bill, with the exception of certain amendments that were last read, was framed by the Secretary of the Interior, and was transmitted to the House through the President during the present session of Congress, and of course referred to the Committee on Public Lands. The object of the bill is this: In certain grants of land for railroad purposes in the State of Iowa the granting acts in effect withdraw the indemnity lands. They do not therefore seem to stand on the same footing as lands withdrawn by Executive order, and the Secretary is not certain of his power to restore them to the public domain under the general provisions of law, and for that reason the Secretary of the Interior asks the power to restore these lands and close the accounts of the corporations affected. Of course this in the main applies where the indemnity withdrawal was excessive. About 700,000 acres of this class of land in the State of Minnesota will be restored to the public domain, mainly, I think, of land granted to the St. Paul, Minneapolis and Manitoba Railroad, and other railroads of Minnesota.

Mr. STRUBLE. Does it apply to lands pertaining to the Sioux City and St. Paul road?

Mr. HOLMAN. No, I think not; for that is covered by the general forfeiture bill we have already passed, because the road, or at least a part of it, was not actually completed within the time prescribed by law. This bill, as I understand it, applies to roads which were completed within the time, and it applies only to the withdrawn indemnity lands. Now, Mr. Speaker, if no gentleman desires to be heard, I ask the previous question upon the bill.

Mr. LIND. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. LIND. This bill as it is now worded purports to authorize the Secretary of the Interior, after certain preliminary steps have been taken, to adjudicate the grant, to be absolutely closed?

Mr. HOLMAN. Yes.

Mr. LIND. Now I wish to ask the gentleman if there is not danger of such a thing as this occurring: In Minnesota and some of the other States (as to Minnesota I know it to be a fact) lands in the granted limits have been erroneously certified to the State for the benefit of the railroad company. Under the act of March 3, 1887, the Secretary of the Interior was directed to institute suit, in conformity with the decision of the Supreme Court of the United States in the Dunmeyer case, to recover those lands. I made an application in behalf of settlers in my district for such a suit over a year ago, but no action has yet been taken. Now, as to the particular railroad in question, the Winona and St. Peter, all the lands within the indemnity limit have been certified, so that the grant is practically closed already. Suppose the Secretary should, as soon as this bill becomes a law, cite that company to show cause why its grant should not be considered as settled and they showed no cause, and he decided that the grant was adjudicated and settled——

Mr. HOLMAN. He is required to do so, in terms, if the excess of indemnity lands has been restored.

Mr. LIND. Well, my question is, would that cut off the right of the Government to bring suit on behalf of the settlers to recover the lands within the granted limits that had been erroneously certified? If it would, I wish to offer an amendment to guard against that.

Mr. PAYSON. It would not.

Mr. HOLMAN. If by any possibility the bill could interfere with the right of the Government to recover those lands, of course it ought not to pass in its present form, but the last section expressly prevents that.

Mr. PAYSON. But if the gentleman from Indiana will permit me to make a suggestion, it can not by any possibility interfere with that right. We prevented an amendment to the bill this morning which provides that nothing in the bill shall be construed as ratifying or affirming any grant of land heretofore made by Congress or any executive order made touching any public lands, or as recognizing the validity of any such executive order. That is the last section of the bill.

Mr. HOLMAN. Let the last section be again read.

The last section was again read.

Mr. LIND. I move to amend by inserting after the word "grant" the words "or certification."

Mr. McCULLOGH. Mr. Speaker, there is a provision in this bill for application by the settler within six months for additional homestead land. Now, ought there not to be some public notice required? People who live on farms do not often read acts of Congress, and it seems to me that if you allow only six months, the settler who has his homestead and who has cultivated an additional 160 acres of land ought to have some definite notice, in the county paper, for instance.

Mr. HOLMAN. He can take only a quarter-section under the homestead law.

Mr. McCULLOGH. I know; but this bill provides that where he has improved other lands alongside of his homestead, he may within six months go and make an entry.

Mr. HOLMAN. That is not the provision.

Mr. McCULLOGH. Well, there is something in the bill about "six months;" and I say the settler ought to have notice.

Mr. HOLMAN. Great precaution has been taken by the committee against doing any possible injustice. I call the previous question on the bill.

Mr. PARKER. I wish to inquire of the gentleman in charge of this bill whether the lands mentioned in it overlap, or have any connection with, or any relation to, the lands known as the Des Moines River lands?

Mr. HOLMAN. No; I think it does not apply to the Des Moines River lands. They are covered by another bill now pending.

Mr. PARKER. I did not know but what these lands might overlap them.

Mr. HOLMAN. No; this bill applies only, as I understand it, to grants where the road was constructed within the time prescribed by law, and applies only to indemnity lands.

Mr. NELSON. I ask the gentleman from Indiana [Mr. HOLMAN] to yield to me.

Mr. HOLMAN. How much time does the gentleman desire?

Mr. NELSON. Only a minute.

Mr. HOLMAN. I yield one minute to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Speaker, this bill relates mainly to lands in Minnesota. The withdrawal of indemnity lands, as they are called, was in this case made under the authority of a statute, being known as a legislative withdrawal as distinguished from an executive withdrawal. The Secretary of the Interior and the Land Department are of opinion that it is doubtful whether after the land grant has been adjusted and there is found to be an excess of indemnity lands, the Secretary of the Interior has authority without legislative sanction to restore that excess to market, to make it again a part of the public domain, open for homestead settlement. Hence, the object of this bill, so far as relates to Minnesota, is simply to authorize the Secretary of the Interior, whenever a land grant is adjusted and there is an excess of indemnity lands, to restore those lands to the public domain and make them open to homestead settlement. That is all there is in the bill, as I understand.

Mr. HOLMAN. I call the previous question.

The previous question was ordered; and under the operations thereof the amendments reported by the Committee on the Public Lands were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT OMAHA, NEBR.

The SPEAKER *pro tempore* announced the appointment of Mr. DIBBLE, Mr. McSHANE, and Mr. KENNEDY as conferees on the part of the House in the further conference with the Senate upon the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.

LAND PATENT IN ARKANSAS.

Mr. WHEELER. I rise to submit the report of a committee of conference. I send the report to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said House amendment insert the following:

Provided, That nothing herein contained shall prejudice adverse rights occurring prior to the 4th of March, 1861, the date of the location of said warrant, and that, should conflicting claims be presented, the rights of the claimants shall be adjudicated by the Department as in other cases.

And the House agreed to the same.

WM. S. HOLMAN,
JOS. WHEELER,
L. E. PAYSON,
Managers on the part of the House.

H. M. TELLER,
JAMES H. BERRY,
Managers on the part of the Senate.

The statement of the House conferees, submitted in accordance with the rule, was read, as follows:

STATEMENT OF THE HOUSE CONFEREES.

The House amendment as proposed to be amended by the conferees of the two Houses will read as follows: "Provided, nothing herein contained shall prejudice adverse rights accruing prior to the 4th of March, 1861, the date of the location of said warrant, and that, should conflicting claims be presented, the rights of the claimants shall be adjudicated by the Department as in other cases."

It will be seen that the provisions agreed upon by the conferees do not change the substance of the original amendment, except not to interfere with conflicting claims which arose prior to the date of the location of the land warrant in question. The House conferees recommend that the amendment as reported be concurred in.

Mr. WHEELER. I move the adoption of this report.

The report was adopted.

Mr. WHEELER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL MILITARY AND NAVAL MUSEUM.

Mr. TOWNSHEND. I desire to submit a privileged report from the Committee on Military Affairs, the consideration of which will take but a moment.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *July* 23, 1888.

Mr. TOWNSHEND submitted the following resolution; which was referred to the Committee on Military Affairs:

"*Resolved*, That the Secretary of War and the Secretary of the Navy be directed to inform the House of Representatives what collections suitable to be embodied in a national military and naval museum are now in existence in their respective Departments, and what materials for the collections can be found in any of the arsenals, posts, navy-yards, and stations, and what further steps should be taken in order that an effective permanent exhibition may be made in this city illustrative of the history of military and naval invention, organization, construction and equipment in the United States and of the principal battles in which United States troops have been engaged, and they are respectively authorized in their discretion to detail one or more officers to aid in the preparation of the reports called for in this resolution, which reports shall contain any suggestions they may desire to make in regard to the establishment of a national and military and naval museum in the city of Washington of a scope and character similar to the museums now in existence in the principal cities of Europe."

The Committee on Military Affairs, to whom was referred the resolution calling upon the Secretary of War and the Secretary of the Navy for information as to what collections suitable to be embodied in a national military and naval museum are now in existence in their respective Departments and what materials for such collection can be found in any of the arsenals, forts, navy-yards, stations, etc., report the same back to the House with the recommendation that it be adopted.

Mr. TOWNSHEND. This is simply a resolution of inquiry, which the Committee on Military Affairs report back favorably, asking its adoption.

The resolution was adopted.

Mr. TOWNSHEND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DAVIDSON, of Florida. Let us have the regular order.

Mr. BURNES. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

Mr. BURNES. I now ask unanimous consent that gentlemen having reports to make from committees may file them with the Clerk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

EQUESTRIAN STATUE OF EX-PRESIDENT ZACHARY TAYLOR.

Mr. DAVIDSON, of Florida, from the Committee on the Library, reported back favorably the bill (S. 2787) for the erection of an equestrian statue of ex-President Zachary Taylor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC PARK, GOVERNOR'S ISLAND, N. Y.

Mr. SPINOLA, from the Committee on Military Affairs, reported back favorably joint resolution (H. Res. 176) granting permission to the park commissioners of New York City to improve and beautify Governor's Island in connection with a public park, to be laid out on said island and on land adjoining and connecting therewith; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills, and the Clerk will report the pending amendment to the deficiency bill, which is the unfinished business.

Mr. TOWNSHEND. I ask that the pending bill be laid aside in order to take up the Senate amendments to the Army appropriation bill.

Mr. SAYERS. Mr. Chairman, before making objection I would like to know whether the Army appropriation bill is on the Calendar of the House.

The CHAIRMAN. It is on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. SAYERS. I have been furnished with the Calendar of yesterday, and it is not on it.

The CHAIRMAN. It has been placed upon the Calendar, possibly, since the Calendar was published.

Mr. SAYERS. When was it placed upon the Calendar?

The CHAIRMAN. On Saturday it was referred to the Committee of the Whole House on the state of the Union.

Mr. SAYERS. But it was not placed upon the Calendar.

Mr. TOWNSHEND. It ought to be there, and the House so ordered.

Mr. CHAIRMAN. It may not be on the printed Calendar, but it is on the Calendar in the possession of the Clerk. The Calendar is not printed every day.

Mr. SAYERS. I would like to know whether or not it has been actually placed upon the Calendar.

Mr. TOWNSHEND. The Journal shows that it has been; for on last Saturday the House referred the bill to the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The Clerk informs the Chair that it is upon the Calendar.

Mr. SAYERS. I understand that it was referred to the Calendar; but what I wish to know is whether the Calendar the Clerk has actually contains the indorsement of that reference; in other words, whether the bill is upon the Calendar or not.

The CHAIRMAN. It is on the Calendar.

Mr. SAYERS. I should like to know if it was put on when it was ordered by the House, or if it was put on the Calendar this morning?

The CHAIRMAN. At the time it was ordered by the House. It is the duty of the Clerk to make up the Calendar from day to day, as ordered by the House. The Public Calendar, however, is printed but twice a week.

Mr. SAYERS. This is dated on Monday, and it does not contain that bill.

Mr. TOWNSHEND. If the gentleman will look at the bill he will see by the indorsement upon it that it was placed on the Calendar last Saturday.

Mr. SAYERS. I understand that. The only objection I make is that it is not actually on the Calendar. I do not question that the order was made.

Mr. TOWNSHEND. It is on the Calendar, unless the Clerk has been derelict in his duty.

Mr. SAYERS. But not placed there on last Saturday.

The CHAIRMAN. The Chair has already stated that it is on the Calendar.

Is there objection to the request of the gentleman from Illinois?

Mr. SAYERS. I object.

Mr. TOWNSHEND. Then I object to the consideration of the present bill, and under the rules that objection must be reported to the House. I raise the question of consideration as between these two appropriation bills.

The CHAIRMAN. The gentleman from Illinois objects to the consideration of the deficiency bill, and asks that it be passed over for the present, and to that the gentleman from Texas objects. The committee will rise and the Chair will report that objection to the House.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration general appropriation bills, had reached the consideration of the bill H. R. 10896 (the deficiency appropriation bill), when objection was made to passing over the bill, whereupon the committee rose and the Chair reported the objection to the House.

The SPEAKER *pro tempore*. The question is, Will the House pass over the bill to which reference is made?

The question was taken; and on a division there were—ayes 59, noes 28.

Mr. BURNES. Mr. Speaker, a quorum not having voted, I demand tellers.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BURNES and Mr. TOWNSHEND were appointed tellers.

The House again divided; and the tellers reported—ayes 97, noes 67.

So the House directed the committee to pass over the bill.

The Committee of the Whole resumed its session.

The CHAIRMAN. By order of the House the bill (H. R. 10896) is passed over for the present, and the Clerk will report the next appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial service, and for other purposes.

Mr. TOWNSHEND. I object to the consideration of that bill, and ask that it be laid aside in order to reach the consideration of the Senate amendments to the Army appropriation bill. I hope my friend from Texas [Mr. SAYERS] will agree that by unanimous consent this may be done, so as to save the time going back into the House.

Mr. SAYERS. I will state to the gentleman from Illinois that my objection to the consideration of the Army appropriation bill at this time is predicated upon the character of the amendments that have been offered by the Senate to the House bill. Now, if the gentleman

from Illinois will agree that after a very short debate, for I merely want to explain to the House the character of the amendments, a vote shall be taken on instructing the conferees not to concur in such Senate amendments as we may agree upon, or make any compromise in reference thereto until the report is made and it is ordered by the House, we will have no trouble, and we will get through in a very few minutes.

Mr. TOWNSHEND. If I correctly understand the gentleman from Texas, there are three or four amendments relating to the appropriation for heavy ordnance and establishing a gun factory, and upon these amendments he asks that a vote be taken.

Mr. SAYERS. And repairs of fortifications.

Mr. TOWNSHEND. And the gentleman desires that upon these amendments the vote shall be taken in the House.

Mr. SAYERS. Yes.

Mr. BUCHANAN. Do I understand that this vote is to be taken in the House without debate sufficient to develop the character of these amendments?

Mr. TOWNSHEND. So far as the length of debate is concerned I can not control it, but I will simply state that the Committee on Military Affairs——

Mr. BLOUNT. I wish to ask the gentleman from Illinois if it is not true that the appropriations for heavy ordnance which were put in the bill by the Senate have heretofore been regarded by the House as properly belonging to the fortifications bill.

Mr. TOWNSHEND. Since I have been a member of this House, now twelve years, I have no recollection of any such provision having been in the bill making appropriation for fortifications.

Mr. BLOUNT. I only wish to say this in reference to that appropriation, that it has got to be the practice on the part of the Senate to attach provisions to House bills which are greater than——

Mr. TOWNSHEND. I do not wish to interrupt my friend from Georgia, but the only question for the House is what we are to do with these amendments.

Mr. BLOUNT. My friend need not be so uneasy about it.

Mr. TOWNSHEND. I call for the regular order.

Mr. BLOUNT. If the gentleman wants to run that kind of a schedule on the House, he will find before he gets through that he can not do so.

ARMY APPROPRIATION BILL.

The CHAIRMAN. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 10234) making an appropriation for the support of the Army for the fiscal year ending June 30, 1889.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the Senate amendments to this bill. The Clerk will read the first amendment.

The Clerk read as follows:

On page 5, in line 103, after the word "of," insert "not exceeding fifty."

Mr. TOWNSHEND. I move non-concurrence in that amendment.

The CHAIRMAN. Is there objection? The Chair hears none, and it is so ordered. The Clerk will read the next amendment.

The Clerk read as follows:

On page 5, in line 104, after the words "contract surgeons," insert "not exceeding one hundred and sixty."

Mr. TOWNSHEND. I am directed by the Committee on Military Affairs to ask non-concurrence in that amendment.

The CHAIRMAN. If there be no objection, this amendment will be non-concurred in. The Chair hears none, and it is so ordered. The Clerk will read the next amendment.

The Clerk read as follows:

On page 5, in line 105, after the word "and," insert "not exceeding fourteen."

Mr. TOWNSHEND. I am directed by the Committee on Military Affairs to ask non-concurrence in that amendment.

The CHAIRMAN. Is there objection? The Chair hears none, and it is so ordered.

Mr. SAYERS. I suggest to the gentleman from Illinois that he can take a vote in gross upon all the amendments down to the twenty-sixth, on page 19. There is where the trouble begins.

Mr. TOWNSHEND. I will accept the suggestion of the gentleman from Texas [Mr. SAYERS] and ask that the House vote in gross upon all amendments except those amendments that are designated.

The CHAIRMAN. Will the gentleman from Texas please designate the amendments to which he refers?

Mr. SAYERS. Amendment 26, amendment 27, amendment 33, and amendment 35.

Mr. TOWNSHEND. I suggest to my friend from Texas [Mr. SAYERS] that he does not want concurrence in amendment 35. That relates to the purchase of additional land at West Point.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that the House non-concur in all the Senate amendments except those numbered 26, 27, 33, and 35.

Mr. TOWNSHEND. Mr. Chairman, my motion for the present is this: I ask unanimous consent to non-concur in all amendments up to No. 26, not including that amendment.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. I now ask to have the same order made as to amendment No. 35, which relates solely to the purchase of additional ground at West Point for educational purposes. Has the gentleman from Texas any objection to letting the House non-concur in that amendment?

Mr. SAYERS. No, sir; I have no objection, down to section 3.

Mr. TOWNSHEND. Then I ask unanimous consent to non-concur in section 2, of amendment 35.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. Now, Mr. Chairman, I am instructed by the Committee on Military Affairs to ask the House to non-concur in all the other amendments, and I make that motion.

Mr. HOLMAN. That embraces section 3?

Mr. TOWNSHEND. All the remaining amendments.

The CHAIRMAN. The Chair is of the opinion that the committee can not non-concur in a portion of a Senate amendment and concur in another portion of it. As these are amendments between the two Houses, the rule is that the committee can only concur with an amendment, or without an amendment.

Mr. TOWNSHEND. Then, Mr. Chairman, my motion now is, acting under instructions from the Committee on Military Affairs, that the House non-concur in all the remaining amendments.

The CHAIRMAN. That will include No. 35.

Mr. TOWNSHEND. That includes 26 and all the remaining amendments.

Mr. SAYERS. I move to amend the motion of the gentleman from Illinois [Mr. TOWNSHEND] so as to provide that the House non-concur in the amendments designated by him, and that the conferees upon the part of the House be instructed not to agree to these amendments or to any modification of them until report shall have been made to the House, and the House, by a yea-and-nay vote, shall have instructed them otherwise.

Mr. HOOKER. I hope the gentleman from Texas will reduce his amendment to writing.

Mr. BLOUNT. I hope the gentleman from Texas [Mr. SAYERS] will yield to me for a moment before insisting on that motion. I wish to ask the gentleman from Illinois [Mr. TOWNSHEND] his reason for asking non-concurrence in these items, and, if he will allow me to go a little further before he answers, I want to ask him whether or not his objection goes to the extent that he does not consider these appropriations as germane to the Army bill?

Mr. TOWNSHEND. The first question that the gentleman from Georgia asks me I am ready to answer. He perhaps misunderstands my position. I am instructed by a unanimous vote of the Committee on Military Affairs to ask non-concurrence in these amendments, and I have made that motion. The gentleman from Texas [Mr. SAYERS] has moved to amend my motion. I am with the gentleman from Georgia upon that proposition. I am the mover of the motion to non-concur upon every amendment.

Mr. BLOUNT. But if my friend will listen to me for a moment, he will find that I have not misunderstood him at all. I have asked for his reasons for moving non-concurrence. There might be many reasons.

Mr. HOOKER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. Before the gentleman from Georgia proceeds any further, I ask to have the amendments read so that the House may understand what question is pending.

The CHAIRMAN. The Clerk will report the amendments, beginning with amendment numbered 26.

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN. Is it in order to move to non-concur in these amendments in gross? Have we not a right to have a separate vote on each amendment?

The CHAIRMAN. It is in order to move to concur in all the amendments. It is the privilege of any gentleman to demand a division.

Mr. BUCHANAN. I demand a division. Gentlemen from the interior may fix this matter to suit themselves, but the coast has something to say.

The CHAIRMAN. The Clerk will report amendment numbered 26.

The Clerk read as follows:

Page 14, after line 27, insert: "For repairs to sea-wall and wharf at Willets Point, N. Y., $2,500."

Mr. SAYERS. Mr. Chairman, I desire to ask——

Mr. BLOUNT. If the gentleman from Texas will permit me, I now renew my question to the gentleman from Illinois [Mr. TOWNSHEND]. I ask his reasons for recommending non-concurrence in the amendments relating to fortifications. Before he answers let me make myself understood. The gentleman's answer awhile ago was that he concurred with me, and that his committee had instructed him to move non-concurrence. For myself, and I am sure I am not alone on this side of the House, there is a feeling that this amendment is not germane to this bill. Under the rules of the House the subject to which this relates has been referred to another committee, to wit, the Committee on Appropriations, and we are not willing that the Senate shall sub-

vert our modes of procedure by taking from a committee which may perhaps be unfavorable to the views of the Senate the consideration of a subject which this House has referred to it, and referring that subject to another committee which may perhaps entertain a different view.

It is from that standpoint I wish to ask my friend from Illinois whether he is asking non-concurrence because he wants to defer to the will of this House, as indicated in its rules, that this matter shall not be treated in that way, but must be put upon a proper bill by the Senate and be considered and acted on by the proper committee of this House—whether that consideration has entered into the view of the Military Committee in instructing the gentleman to make this motion.

Mr. TOWNSHEND. Does the gentleman want an answer now?

Mr. BLOUNT. Yes, sir.

The CHAIRMAN. The Chair desires to state that the motion which the gentleman from Texas desires to submit is not in order at this time. The Committee of the Whole can only recommend to the House non-concurrence; and when the question comes before the House the gentleman from Texas may then move non-concurrence with instructions. The Committee of the Whole can not appoint conferees and can not instruct them. The only report this committee can make is a recommendation of concurrence or non-concurrence. Upon the report of the Committee of the Whole, it will be the province of the House to determine whether the conferees who may hereafter be appointed shall be instructed in reference to their duty on this bill.

Mr. BLOUNT. I hope the Chair will allow the gentleman from Illinois [Mr. TOWNSHEND] to make a response to my question. I was not making any motion, but asking for information.

The CHAIRMAN. The Chair had no wish to interfere with any of the gentleman's rights in regard to the discussion of this bill.

Mr. BLOUNT. I understand the Chair would not purposely do so.

The CHAIRMAN. The Chair was stating the parliamentary procedure, according to which, in the opinion of the Chair, it is in order to move to concur or non-concur in all of these amendments, but it is also the privilege of any member to call for a separate vote on any amendment. In order to preserve the regularity of parliamentary proceeding the amendments will now be read by the Clerk.

Mr. BLOUNT. Does the Chair decline to allow the gentleman from Illinois to answer my question?

The CHAIRMAN. Not at all; but the Chair declines to entertain any business until the question has been properly placed before the Committee of the Whole. When the question has been properly stated it will then be open for discussion.

Mr. BLOUNT. I have seen sometimes a different practice, when members have been allowed to obtain information.

The CHAIRMAN. The correct practice, in the opinion of the Chair, is to have the question properly stated in the first instance to the Committee of the Whole.

Mr. ROGERS. Mr. Chairman, is it not true that under the rules we can dispose of these amendments one at a time, instead of having them all read before we dispose of any?

The CHAIRMAN. The reading of the amendments was demanded; and as the motion which had been made covered all the amendments, it was the duty of the Chair to direct the Clerk to read all the amendments. It is the privilege of any member to call for a division of the question.

Mr. ROGERS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. My point of order is, that when one of these amendments has been read it is the right of any member to demand a division of the question and a vote upon that amendment.

The CHAIRMAN. The Chair so stated.

Mr. ROGERS. As I understand, one amendment has been read, and a division on that has been demanded.

Mr. CUTCHEON. Is not the pending motion that of the gentleman from Illinois, to non-concur?

The CHAIRMAN. The motion of the gentleman from Illinois was to non-concur in all these amendments; and the reading of them was demanded, as the Chair understood.

Mr. CUTCHEON. The gentleman from New Jersey demanded a division of the question.

The CHAIRMAN. That was the gentleman's right; but before the question can be put upon non-concurring in any of these amendments they must all be read, if it is insisted upon, because the motion of the gentleman from Illinois included them all. The Clerk will read the remaining amendments.

Mr. LONG. I ask unanimous consent that the reading of all the amendments together be dispensed with, and that they be considered *seriatim*

Mr. TOWNSHEND. Will my friend from Massachusetts [Mr. LONG] allow me to suggest that the only amendments on which the gentleman from Texas desires to have an expression of the views of the House are those pertaining to the proposition relating to the establishment of a gun factory, the purchase of steel for coast-defense guns, etc. Now, it strikes me we shall economize time by allowing all these amendments to be read, and acting on them in gross.

Mr. BUCHANAN. There is objection to acting on them in gross.

The CHAIRMAN. Objection being made to dispensing with the reading, the Clerk will read all the amendments.

The Clerk resumed the reading of the amendments.

Mr. TOWNSHEND (interrupting the reading). All the amendments, from 28 to 32, inclusive, relate to an entirely different subject, and I ask my friends from Massachusetts and Texas to agree that these may be non-concurred in in gross, as they do not relate to the question about which the gentleman from Texas makes his objection.

The CHAIRMAN. Without objection, these amendments will be non-concurred in in gross.

There was no objection, and it was so ordered.

Amendment numbered 33 was read, as follows:

(33) For the manufacture or purchase and tests of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, and increased facilities for their manufacture, powders, fuzes, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $600,000: *Provided*, That all purchases of materials under this provision, excepting samples, shall be of American manufacture: *Provided*, That of the above sum $10,000 may be used for increasing facilities for the manufacture of projectiles.

Mr. TOWNSHEND. The next amendment, numbered 34, relates to the Signal Service, and bears no relation to the proposition to which the gentleman from Texas desires an expression of opinion.

The CHAIRMAN. Without objection, the Clerk will report the next amendment.

The Clerk read amendment numbered 35, as follows:

(35) SEC. 2. That the Secretary of War be authorized to enter into negotiations for the purchase of the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, or so much thereof as he may deem necessary for the purposes of the Military Academy, and to receive offers for the sale of their interest in such land from such of the heirs of said Kinsley as are competent and willing to sell such interests; and the Secretary of War is authorized to submit all offers so made and the question of the value of said 225 acres to a board to consist of three Army officers and three competent civilians, who shall make due investigation and report concerning said value; and the Secretary of War shall submit said offers and the report of said board, with his opinion, to Congress, at its next session. The expenses of said board and compensation at the rate of $10 a day for not more than ten days for each of the civilian members shall be paid from the appropriation for contingencies of the War Department.

SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000.

SEC. 4. For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

SEC. 5. The material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made shall agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers specified in the advertisement at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the material for said guns shall be manufactured in the United States.

SEC. 6. For the purchase of submarine mines, for needful casemates, cable galleries, and appliances to operate submarine mines; for continuing torpedo experiments and for practical instruction of engineer troops in the details of torpedo service, $500,000.

SEC. 7. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000.

SEC. 8. The appropriations provided for in sections 3, 4, 6, and 7 shall be available until expended.

The CHAIRMAN. Under the demand for a division the vote will be first taken on amendment numbered 26, which the Clerk will again report.

The Clerk read as follows:

For repairs to sea-wall and wharf at Willets Point, New York, $2,500.

Mr. SAYERS. Mr. Chairman, I suppose that what I have to say on this subject may as well be said now as at any other time, and I would like very much to have the attention of this committee to two propositions which I shall submit to them.

The first proposition involves the dignity and the power of this House to regulate its own methods of procedure. This is a very grave question, and members should not lightly nor rapidly pass over its consideration.

Mr. Chairman, I wish to state, in the first place, that I have no personal feeling in this matter. I have been resisting the immediate consideration of these amendments to the Army appropriation bill only that the House might have an opportunity not only of considering them in reference to the effect which their adoption might have upon the power and dignity of the House, but also because of their relation to an extravagant expenditure of the public money, which is not at all necessary at this particular time.

By turning to amendment numbered 26, which has just been read,

it will be found that this, the first amendment of which I complain, provides for the repair of a sea-wall and wharf at Willets Point, New York, and proposes to appropriate the sum of $2,500 for this purpose. At the commencement of the Forty-ninth Congress, when the power of this House, so far as the question of considering and reporting bills was concerned, was under consideration, the House allotted certain powers to the different committees, and it was especially provided that the question of fortifications should belong solely and exclusively to the Committee on Appropriations.

The Committee on Rules in reporting these rules uses this language:

The fortification bill, being one relating jointly to Army and Navy fortifications and the general public defense, is left with the Committee on Appropriations.

Now, the Committee on Appropriations has not neglected that duty. A bill has been reported to this House providing for repairs of all kinds, in accordance with the policy heretofore pursued by Congress. While the Army bill was pending the gentleman from New York [Mr. TRACEY], I believe, proposed an amendment, and after much discussion by gentlemen who are well acqainted with parliamentary usage and procedure, the chairman of the committee, upon a question of order being raised as to the propriety of the amendment being placed upon the bill, sustained the point of order, and that was the last of it in this House, so far as the Military Committee is concerned, until now.

I will ask the Clerk to read the amendment to which I have just referred, which is found on page 5804 of the RECORD, and also to read the ruling of the Chair as found upon page 5810.

The Clerk read as follows:

Amendment to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

For the manufacture or purchase and test of cannon and carriages; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, powders, fuzes, and implements, their trial and proof; for experiments in the means of protecting torepdo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving-ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $500,000.

For the erection of the necessary structures, and for the purchase or manufacture of machinery, tools, and fixtures, to enlarge the present plant at the Watervliet arsenal, West Troy, N. Y., including the erection of two sets of officers' quarters at a cost of not exceeding $10,000 each, $126,000.

Mr. RANDALL. I raise the point of order against that amendment.

* * * * * * *

The CHAIRMAN (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that the proposed amendment, if reported at all, should be reported in the bill known as the fortifications bill, which, by Rule XI, clause 3, is committed to the Committee on Appropriations; and also that the clause in the second paragraph of this amendment providing for the erection of "necessary structures" comes within the provisions of clause 3, of Rule XXI, as not being a work already authorized by law. The Chair is of opinion that the second clause of this proposition, namely, that which provides for the erection of the necessary structures to enlarge the plant at Watervliet arsenal is not an object heretofore authorized by law. "Additional structure" would cover any kind of a public building which the Department might deem necessary for this purpose. Hence this is not a work previously authorized by law, and that part of the amendment is obnoxious to clause 3, of Rule XXI, and the point of order is sustained.

As to the other point, there might, perhaps, be some doubt as to what bill this should be reported in. The attention of the Chair has been called by the gentleman from New York [Mr. TRACEY] and others to clause 11 of Rule XI, which provides that all legislation in reference to the military establishment and the public defense, including appropriation for its support, shall be referred to the Committee on Military Affairs. The attention of the Chair has also been called to the decision of the gentleman who occupied the chair when the naval appropriation bill was under consideration at the last session of Congress. At that time the Chairman of the committee held that a proposition for the purchase of guns for the use of the Navy was an object previously provided for by law and that the appropriation was a continuation of such work.

The present occupant of the chair, had he presided at that time, would doubtless have made a similar decision; but if it were now proposed to appropriate a sum of money for the armament of ships it certainly would not be contended that that was in order upon this bill, although it might be held to be necessary for the public defense. The words "the public defense," in clause 11 of Rule XI, refer to such public defense as is committed to the Army of the United States, and as clause 3 of this rule has committed the subject of fortifications to the Appropriations Committee, all provisions for public defense to be made by fortifications should go to that committee, just as all provisions for the public defense relating to the Navy should go to the Committee on Naval Affairs.

The Secretary of War has transmitted to the committee certain letters, among them one from the Chief of Ordnance, to the effect that this appropriation is desired for the armament of fortifications. The Chair will take cognizance of the fact that the proper officials of the Government who have communicated this matter to Congress have stated that the appropriation is for the purpose of providing armament for fortifications, and such being its object, it should be reported in the fortifications bill as provided in clause 3 of Rule II.

For these reasons the Chair sustains the point of order as to both propositions.

Mr. SAYERS. This ruling, Mr. Chairman, was concurred in by the committee, and I have never, either publicly or privately, heard this ruling called in question.

I would have no objection to a simple non-concurrence if the members of the Committee on Military Affairs had not in the most solemn and emphatic form committed themselves to the policy of these amendments. In making this remark I do not intend to reflect upon any member of that committee, but in order that this committee may well understand that in the absence of direct and positive instructions these amendments, when they go into a conference between the two Houses, will have no opposition on the part of the conferees of the House.

I wish to call attention to House bill 8465. The provisions of that bill are word for word the same as these Senate amendments. Who prepared that bill? The gentleman from New York [Mr. TRACEY] and the gentleman from Michigan [Mr. CUTCHEON] both introduced bills of a kindred character and had them referred to the Committee on Military Affairs, and bill 8465 has been reported to the House by that committee in lieu of them; the report of the committee upon the bill concluding with the statement that each and every member was in favor of the propositions as contained therein. The provisions of this bill are identically the same as these amendments. Now, what is the action of the Senate when the Army bill reaches that body? It had already had the experience of two years upon this very question.

All during the Forty-ninth Congress there was a struggle between the House and the Senate as to whether these amendments should pass into law or not; and they failed. The Committee on Appropriations had made its record, and so soon as the Army bill went into the Senate that body abandoned its effort to induce the Committee on Appropriations to agree with it and the amendments were put upon the Army bill, which under the rules of this House is not the appropriate place for them. What, then, is the proposition? It is simply this—the Senate has by its action, in placing these amendments upon the Army bill, which the House had previously decided to be within the exclusive jurisdiction of the Committee on Appropriations, practically nullified one of the most important rules which have been established for its government.

This is the question, and it is a very important one. Will the House without objection or protest, yield up the right to regulate and to control its own methods of procedure?

The Senate might with equal propriety have attached these amendments to a bill emanating from the Judiciary Committee of the House and affecting only the jurisdiction of the Federal courts.

I do not question the power of the Senate in this matter. Each House has the perfect right to adopt, for its own government, such rules and regulations as it may deem proper, provided only that they are consistent with the Constitution. In this each House is entirely independent of the other.

But what I would impress upon the committee is this, that neither House ought, in an indirect manner and to accomplish a purpose, annul or modify any rule or regulation of the other. There can be no question but that under the rules of the House the subject-matter of these amendments is exclusively within the jurisdiction of the Committee on Appropriations. It has been so decided, and the decision has never been controverted. If the action of the Committee on Military Affairs, in preparing and reporting House bill 8465, is any indication of the true opinion of that committee, and its sincerity can not be called in question, then it may be safely said that the members of that committee are in strict accord with the Senate as to the subject-matter of these amendments. Such being the case, Mr. Chairman, it becomes the more important that the House should express itself in the most emphatic manner before they go into the hands of the conferees of the two Houses.

If no expression is given by the House upon the subject, then I respectfully submit that the settlement of the differences between the Houses will require but small time and will be one merely of form. The conferees on the part of the House will have in their minds agreed to the amendments before the conference shall have been held. I sincerely believe that this is a question of great importance, and this House should deal with it in a calm and dispassionate manner, yet so firmly as to obviate any future difficulty of a similar nature. Let the precedent as involved in the action of the Senate in this matter be once firmly established and acquiesced in and it is my firm conviction that there will be but little safety in the methods established by either House for its own procedure, because it may be practically and effectually annulled by the other body, though in an indirect manner, as in the present instance. Each House should respect the rules and regulations of the other. In no other way can harmony be preserved and wise legislation be promoted.

Again, Mr. Chairman, in these amendments will be found a provision for the immediate purchase of $5,000,000 worth of steel. Why is this? Can there be a pressing necessity for so large an expenditure at this time? Is war pending? Are there any rumors of war? Why, sir, with our present appliances such a quantity of steel could not be profitably consumed in twenty years. We are informed by the very best authority upon the subject, that the Watervliet arsenal as now constituted, can only consume about $200,000 worth of steel per annum.

If the $750,000 item embraced in these amendments be appropriated, we are advised by the same authority, a most active and intelligent officer in the Ordnance Bureau, that it can not be properly expended within a shorter time than four years from this date. Where, then, is the urgency or propriety for so large a purchase of steel at this time? It may be an easy way to reduce the surplus in the Treasury. It may be very beneficial to a very few manufacturers. It may be of small moment to some gentlemen upon this floor.

But the necessity does not now exist for so large an appropriation. It would be a useless and an extravagant expenditure. Besides this, steel is becoming cheaper every year, and a proper regard for economy would suggest that the Government should be in a position to avail itself of the falling prices.

For these reasons, Mr. Chairman, I am clearly of the opinion that

the conferees on the part of the House should be instructed not to agree to these amendments or to any modification of them.

Mr. TOWNSHEND. The remarks that have been made by the gentleman from Texas would have been more pertinent if they had been reserved until a motion should have been presented to this House asking for concurrence in the amendments that have been placed upon this bill by the Senate. The motion that I have submitted in obedience to the instructions of the Committee on Military Affairs is to non-concur in these amendments, and it seems that the gentleman from Texas is heartily in accord with the Committee on Military Affairs in that proposition. I therefore do not see that there is any ground for the point of order at this time upon the motion before the committee. As the gentleman has, however, made some remarks in regard to the rightful jurisdiction of these two committees, it is proper that I should say to the House that the Committee on Military Affairs has already in reference to the Tracey and Cutcheon bill, and the action of the Committee on Military Affairs upon it, read and examined the rules of the House, and come to the conclusion that it had full jurisdiction of the bills that it reported upon that question; and I will now say that the Committee on Military Affairs was warranted in that by one of the rules which confers upon it jurisdiction in military affairs.

In order to show that the Committee on Military Affairs was warranted in assuming that it had jurisdiction, I refer to the rule of the House which confers jurisdiction upon the several committees. I ask attention to the eleventh clause of Rule XI. After stating in the beginning that "all proposed legislation shall be referred to the committees named in the following rule, as follows," it provides that subjects relating "to the military establishment and the public defense, including the appropriations for its support, and for that of the Military Academy," shall go to the Committee on Military Affairs.

The House, then, by its rules has conferred upon the Committee on Military Affairs jurisdiction on all subjects relating to the military establishment and the public defense and the Military Academy. Now, what is the nature of this bill?

Mr. BLOUNT. Will the gentleman allow me to make a suggestion just there?

Mr. TOWNSHEND. I am discussing the bill which the gentleman has been criticising.

Mr. BLOUNT. I am not going to take you away from that. My question is right in that line. The gentleman, the chairman of the Committee on Military Affairs, has been reciting the jurisdiction of his committee, and he has read the rule on that subject, which provides that all subjects relating to the military establishment and to the public defense, including the appropriations for its support and that of the Military Academy, shall be referred to that committee. I wish now to ask the gentleman whether he wishes the House to understand that he thinks that the subject of appropriations for fortifications is carried by that language to the Committee on Military Affairs?

Mr. TOWNSHEND. The gentleman presents an entirely different question from that presented by the gentleman from Texas. I am now addressing myself to the position taken by the gentleman from Texas [Mr. SAYERS]. When I get through with him, then I shall be ready to meet the gentleman from Georgia [Mr. BLOUNT].

Coming back now to the question raised by the gentleman from Texas, I have read the rule which defines the jurisdiction belonging to the Committee on Military Affairs. The House has assigned to that committee all subjects relating to the military establishment; further, all subjects relating to the public defense; further, all subjects relating to the Military Academy. That is the jurisdiction of the Military Committee. Now, I maintain that the bill which the gentleman has referred to, and which the Military Committee some months ago reported favorably to this House, relates exclusively to the public defense and the military establishment, and I defy any gentleman to show that there is one word in that bill which does not relate to the military establishment and to the public defense.

Mr. CANNON. Will the gentleman allow me a question right there?

Mr. TOWNSHEND. I am now simply seeking to vindicate the action of the Committee on Military Affairs in reporting the bill to which gentlemen have referred here.

Mr. CANNON. My question is right in that line. The gentleman claims that his committee has jurisdiction of all matters pertaining to the public defense; would that include revenue bills?

Mr. TOWNSHEND. No, sir; because the raising of revenue is not a military operation; it is not a military act.

Now, Mr. Chairman, the Committee on Military Affairs, upon examination of the bill that was presented to it, came to the conclusion that it had jurisdiction, and I maintain that from the reading of the rule there can not be a single particle of doubt in the mind of any intelligent man that the Committee on Military Affairs had full jurisdiction in that case.

Having jurisdiction of the question, and the bill being before us and the Committee on Military Affairs being of the opinion that something should be done to provide means for the defense of our coasts and harbors, they presented to this House a bill which they believe is a wise and economical measure and which should be speedily passed. That bill is now upon the Calendar. What further did that committee do? When we came to prepare the military bill we confined ourselves to the precedents and the practices of this House which have prevailed here ever since I have been a member, and I will say now to my friend from Texas [Mr. SAYERS] that if he will examine the military bill as it left the Committee on Military Affairs and left this House, he will fail to find a single provision in it which is not in accordance with the practice and precepts of this House governing the preparation of Army appropriation bills.

Mr. SAYERS. Neither the gentleman nor any member of the House has heard me question any item in the military bill as it was reported by the committee. What I am questioning is what has been put upon the bill by the Senate.

Mr. TOWNSHEND. I am simply seeking to justify the action of the Military Committee in what it has done. My friend from Texas [Mr. SAYERS] seemed to be criticising the committee for having assumed to report back to this House a bill which had been referred to that committee by the unanimous action of the House. What should we have done with that bill? This House had passed judgment upon the nature of what is known as the Cutcheon and Tracey bill when it sent it to the Committee on Military Affairs, and that was the time for the gentleman from Texas to have raised this question; and, as he is so jealous of the jurisdiction of the Committee on Appropriations, I ask him why he did not, as a vigilant member of that committee, which we all know him to be, question at that time the right of the House to refer the bill to the Committee on Military Affairs?

Mr. SAYERS. In answer to the gentleman I will say that the first time I ever heard of the bill was after the Senate began to work upon your military bill. I then examined the Calendar and found the other bill, and saw that you and the Senate were walking into the same hole. [Laughter.]

Mr. TOWNSHEND. I am sorry that my friend confesses to the House that he was more neglectful of his duties as a member of the Committee on Appropriations than I thought he was.

Mr. SAYERS. When the gentleman has worn his uniform and sword about four years longer he will find that it is impossible to watch the boys when they are running about at night. [Laughter.] He will find that he can not always keep his men inside of the line. The gentleman has had his sword and cockade on only a few months yet, and there is still danger of the sword getting between his legs and tumbling him over. [Laughter.]

Mr. TOWNSHEND. Mr. Chairman, I do not understand it to be necessary that a member of Congress should wear a cockade or a military uniform in order that he may be qualified to represent the constituency that sent him here either as to questions affecting the military establishment or any other question concerning the interests of this Government.

But the gentleman is begging the question. I desire to hold him to this fact: That the House has twice conferred jurisdiction upon the Committee on Military Affairs over the bill to which he has alluded: first, when the rules were formed; and, second, when the House at this session, by its own deliberate act and without any question being raised, intrusted that bill to the Committee on Military Affairs. In response to the demand of the House for action on that bill the Committee on Military Affairs have exercised their conscientious convictions by reporting it favorably to the House.

Mr. SAYERS. I am informed that a point of order has already been raised on that bill reported by you.

Mr. TOWNSHEND. I can not understand how a point of order can have been raised against it when it has been reported, placed on the Calendar, and never reached for consideration. The gentleman may be able to conceive how a point of order can be raised on a bill that has not been called up for action. But that is a matter of no consequence—a mere trifle.

Mr. BLOUNT. If the gentleman from Illinois [Mr. TOWNSHEND] will allow me, I will inform him that points of order can be reserved at the time a bill is reported from a committee, and that I made such a reservation in this case.

Mr. TOWNSHEND. But, Mr. Chairman, let me come back to the point. The gentleman from Texas seems to be very much alarmed at the extravagance shown by this amendment. I am very much surprised that the gentleman should make a point like that, for I hold in my hand a bill reported from the Committee on Appropriations by the gentleman from Texas himself, which contains not only these identical provisions carrying all the money covered by the Senate amendment, but more than that, an increased appropriation.

Mr. SAYERS. I do not want the gentleman to make any mistake. Instead of appropriating $5,000,000, we propose to appropriate $1,500,000.

Mr. LAIRD. The "mistake" is that the gentleman from Texas and the Appropriations Committee do not propose to do anything and the Military Committee does.

Mr. TOWNSHEND. I hold in my hand the bill reported by the gentleman from Texas. It is entitled:

A bill making appropriations for fortifications and other works of defense—

That word does not occur in the definition of the jurisdiction conferred on the Committee on Appropriations; it does occur in the state-

ment of the jurisdiction conferred upon the Committee on Military Affairs—

for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Sir, the only committee which has transcended its jurisdiction in this matter is the Committee on Appropriations.

As my friend from Pennsylvania [Mr. MAISH] suggests, the Committee on Appropriations not only seeks to provide for a few old forts that the Government possesses, but has undertaken to make provision for field guns. And by their bill they propose to deny to the Committee on Military Affairs jurisdiction in regard to the erection of seawalls, a matter not legitimately within the jurisdiction of the Committee on Appropriations.

But I have been led away from the purpose with which I arose. The gentleman says it is extravagant to appropriate $6,000,000, as the Senate has done, for public defense or the fortification of the coast; but he himself came in last week with a bill asking this House to appropriate $19,481,000 for these same purposes. Here is the bill; and here is the report which the gentleman wrote to accompany it. I will read some extracts from that report.

Mr. SAYERS. Read it all.

Mr. TOWNSHEND. It is too lengthy to be published entire. I do not want to encumber the RECORD. What does the gentleman say? He says:

The estimates upon which the bill is based will be found in the Book of Estimates for the fiscal year 1889, pages 177 and 178, and aggregate $8,239,000.

And what does he do with the estimates upon which this bill purports to be based? He ignores the estimates; he doubles the amount proposed in the estimates, and asks this House to pass a bill which will cause an appropriation of over $19,000,000. He says in this report:

The accompanying bill appropriates $6,202,670, and if the provisions of section 6 of the bill result in the procurement for the Government of the guns, mortars, and carriages therein described, a further appropriation will be necessary of not exceeding, in the aggregate, $13,215,438.

And this amount, added to the sums directly appropriated by the bill, makes over $19,000,000.

Now, then, I have simply desired to put the House in possession of these facts in order to show that the Committee on Military Affairs exercised its rightful jurisdiction in reporting the bill. Upon the question of extravagance, if there has been extravagance, it is not upon the Military Committee the charge would rest, but upon the Appropriations Committee in overriding the estimates of the Department more than double.

But let us get down to the real question before the House. The gentleman confesses that the Army appropriation bill reported from the Military Committee was a bill entirely within the jurisdiction of the committee. It came from the committee without a clause in it which he could question. It passed the House without the addition of a clause to it which the gentleman would question. Now, the Senate passed certain amendments and placed them upon the bill. Have we sought in that to arrogate to ourselves jurisdiction? Not at all.

When the Senate amendments came before the Military Committee, they unanimously authorized me to report the bill back with the recommendation to non-concur in every amendment. We have not sought anywhere to arrogate to ourselves a single scintilla of authority that had not been conferred upon the committee by the rules of the House; and I stand here now asking this House to non-concur in these amendments, and to send them to a committee of conference, and permit the conferees to meet and do as they ought to do, act upon their own judgments and upon such information as the Senate conferees may give them; and when so acting upon their conscience and judgment as Representatives of the House, they come back with a report from that committee, then it will be in order for the House to determine whether that action meets with its sanction or otherwise.

I reserve the remainder of my time.

Mr. SAYERS. The gentleman from Illinois, being hard pressed, referred in the close of his argument to a bill that has been reported to the House by the Committee on Appropriations. He was, however, very disingenuous. He alluded to the amount of appropriation for which that bill provides without reference to the time in which it is to be expended. Now, I am desirous that the report which accompanies that bill may appear in the RECORD in order that every member may have the opportunity to read it and to ascertain for himself the true character of every provision recommended by the committee. The gentleman from Illinois was opposed on last Saturday to the incorporation of the Senate amendments in the RECORD. He said it would be too expensive; but he comes here to-day and indirectly advocates the immediate expenditure of $5,000,000 for steel to be wasted, or utilized, as the case may be, by the ordnance officers of the Government.

Mr. TOWNSHEND. I am sure my friend from Texas does not want to misrepresent my position. I am asking the House to reject that proposition. But my friend places me in the position, or endeavors to do so, of prejudging the action of the House.

Mr. SAYERS. The gentleman has placed himself in that position and he can not get out of it, because the gentleman concurs in the report of a bill which has come to the House from his committee and which is identically the same as some of the Senate amendments.

Mr. TOWNSHEND. As to the policy of making appropriations, I am in favor of it. That I do not deny. But as to the question whether they should go upon the Army appropriation bill, I have not been called on to determine.

Mr. SAYERS. The gentleman is growing nervous. The bill, Mr. Chairman, as reported by the Committee on Appropriations, does provide for the expenditure of about $13,000,000 for the manufacture of guns, but it proposes to expend only $1,500,000 for the purchase of steel. There is a wide difference between the Senate amendments and the fortification bill reported by the Committee on Appropriations, taken as a whole.

The Senate amendments would confine the manufacture of guns to the Government. The fortification bill, now pending in the House and reported by the Committee on Appropriations, indicates a different and, I believe, a wiser policy. It not only contemplates the improvement of the Watervliet arsenal and supplies it with a sufficient amount of steel—say $1,500,000, not $5,000,000, as the gentleman from Illinois and the Senate would have—but it also looks to the manufacture of ordnance by the private industries of the country. By so doing it creates competition between the Government arsenal and the outside world. This I consider of the very highest importance. It will not do to rely upon the Government alone for the construction of guns. France tried it, and in the hour of her greatest emergency the policy proved fatal to her.

The bill reported by the Committee on Appropriations provides for the purchase of guns, only after they have been sufficiently tested and proven to be equal to the very best, wherever manufactured. Until so tested and accepted not a dollar of the public money is expended for them. The Government takes no risk whatever. The manufacturer assumes all the risk. If his guns meet every requirement, he is paid for them. If they should fail, he is the loser, not the public Treasury.

Again, it is estimated by a most intelligent expert—an experienced officer of the Army—that all of these guns can not be manufactured before the expiration of thirteen years.

The bill also provides for a commission, to be appointed by the President—three from the Army and three from civil life—and that no action can be taken without the concurrence of five members.

Annual reports are to be made to Congress by the commission, and appropriations are made only as they may become necessary. The interests of the Government are most carefully guarded. But that the bill may be the better understood, I submit to the committee the report which accompanies it, and I ask for the report the most careful perusal by every member of the House:

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates upon which the bill is based will be found in the Book of Estimates for the fiscal year 1889, pages 177 and 178, and aggregate $8,239,000.

No appropriation has been made for fortifications and the armament thereof during the past two fiscal years.

The fortification appropriation act for the fiscal year 1886, which was the last one passed, appropriated $725,000.

The accompanying bill appropriates $6,202,670, and if the provisions of section 6 of the bill result in the procurement for the Government of the guns, mortars, and carriages therein described, a further appropriation will be necessary of not exceeding, in the aggregate, $13,215,438, and in sums of not more than $2,500,000 in any one fiscal year.

The following statement is submitted, more fully explaining the provisions of the bill and by way of analysis;

Section 1 appropriates as follows:

For the protection, preservation, and repair of fortifications and other works of defense, $100,000.

For construction of sea-walls and for earth embankments, $117,000.

For torpedoes for harbor defense, $200,000.

Section 2: Provision is made in this section of the bill for the procurement of certain experimental guns and carriages and their test, in order to establish types for the service; the development of new powders and of steel projectiles for armor-piercing purposes. Suitable projectiles of this class have not as yet been worked up in this country. Besides providing for various experiments with powders, projectiles, fuses, etc., for the purchase of machine guns, and for the purchase of two 3.2-inch aluminum bronze field-guns, if found satisfactory after test, provision is also made to enable the Department to alter about seventy-five carriages of those on hand, to adapt them to improved service guns, and to purchase material for and manufacture about twenty-five field guns with their carriages complete. Provision is also made for the incidental expenses of the proving-ground and carrying on tests there, and for the compensation of draughtsmen while employed on ordnance construction.

The object of this section is to enable the Department to go on with its current work in the production of guns, carriages, etc., in establishing types for the service, and providing a small supply for issue.

Section 3 provides for the completion of certain guns the construction of which was undertaken by the Ordnance Department under authority of law, and which could not be completed within the time during which the appropriation was applicable.

Section 4: This section provides for the erection of an army gun factory at the Watervliet arsenal, for the finishing and assembling of heavy ordnance, in accordance with the recommendations of the Gun Foundry Board. For this purpose $750,000 are to be appropriated. Of this sum $350,000 are for the buildings and shrinking-pit requisite for the manufacture of guns up to 16-inch caliber; $380,000 are for the machinery, tools, etc., requisite for the manufacture of guns up to 12-inch caliber, that being the limit to which the Department thought it advisable to proceed at the outset with an establishment of this character; and the remaining $20,000 are for the erection of two sets of officers' quarters. These quarters are now essential, as more officers will be required at the arsenal in connection with the work contemplated to be done there. The estimate for tools and machines is above that given by the Gun Foundry Board, and is necessitated from the tools being manufactured in this country, many of them being of very large size, as the gun lathes, and must be specially made to order.

This section also appropriates $1,500,000 for the purchase of rough-finished, oil-tempered, and annealed steel for high-power guns for coast defense, of 8, 10, and 12 inch calibers. This sum should procure about 2,115 tons of steel forgings, which should furnish the material for about thirty 8-inch guns, twenty-four 10-inch guns, and twelve 12-inch guns. The finished weights of these guns will be 14 tons, 30 tons, and 51 tons, respectively, and the length of bore about 32 calibers.

The deliveries of the smaller forgings will begin within eighteen months from the date of contract, and the larger forging within from two and one-half to three years; all the forgings should be delivered within four years from the date of contract. The necessary contracts for the erection of the shops at Watervliet and procurement of tools and machinery would be promptly negotiated—as assurances are given that they will be—and the shops will be completed and in full working order within three years.

The work should begin on the 8-inch guns as soon as the first forgings are delivered. It is expected that the entire sixty-six guns enumerated will be completed within five years from the date of the first delivery of the forgings, or six and one-half years from the date of this act. No appropriation is made for the finishing and assembling of these guns at this time, as it is not needed during the present fiscal year. The amount that will be ultimately required for the finishing and assembling of these guns will be about $760,000. With the shops fully equipped and working to their full extent the output should be twelve 8-inch guns, seven 10-inch guns, and five 12-inch guns per annum. They will also admit of turning out, in addition, a limited quantity of field and siege guns.

Section 5. Under this section the Secretary of War is authorized to procure, under contract, a number of 12-inch breech-loading rifled mortars, cast-iron, hooped with steel, similar in construction and equal in power, accuracy, and endurance to the 12-inch experimental breech-loading, steel-hooped, rifled mortar now at the ordnance proving-ground. This experimental breech-loading mortar has been fired about two hundred rounds (a similar mortar, but muzzle-loading, has endured a test of four hundred rounds) and has given a range of about 6 miles, using a shell of 630 pounds weight. It is strong, works satisfactorily, and has given an accuracy of fire that promises no inferiority to the Krupp steel mortar when it shall be mounted upon a suitable platform and carriage.

As this mortar can be produced now in this country, and mortars are in great demand for coast defense, some seven hundred have been recommended for that purpose by the Fortification Board. It is believed that the procurement of a lot of fifty or more, which the amount appropriated in this section will provide, is a step in the right direction. The steel hoops and breech-mechanism forgings should be delivered within three years, during which time the cast-iron bodies could also be procured, and the mortars themselves should all be completed within five years from the date of contract.

Section 6 is drawn with a view of opening the field of gun construction to parties outside of the Government, to excite competition among the manufacturing establishments of the country to compete for this class of work, and thus result in the ultimate establishment of one or more gun establishments, independent of Government gun factories. Accordingly the section provides for the creation of a mixed board of civilians and army officers. There are three civilians and three officers, making a board of six members, with the provision inserted that no action shall be taken by the board except with the concurrence of at least five members thereof. This board has general authority to examine and make recommendations in regard to inventions and designs for heavy ordnance, carriages, platforms, protections, torpedoes, and other defensive appliances which may be submitted to it.

Provision is made in this section for the presentation of experimental guns and carriages, to be subjected to test as directed by the board; for the payment for such experimental guns and carriages, should they prove to be satisfactory; and the award of contracts for the procurement of a quantity of similar guns and carriages to the parties presenting them. The bill contemplates that breech-loading steel guns of 12, 14, and 16 inch calibers, cast-iron breech-loading guns of 12-inch caliber, and 12-inch breech-loading cast-iron mortars will be presented to the board for test; and sufficient provision is made in the appropriation for the payment for at least two such types of each gun, mortar, and carriage, if successful, except for the 12-inch steel guns, for which sufficient is given to pay for five test guns; but the contracts are to be awarded only to the party presenting the best of such guns or carriages.

It is required that the experimental guns shall equal in accuracy of fire, endurance, and power the best existing guns of a like caliber of whatever material made; that the 12-inch cast-iron mortar shall equal in the same respects the 12-inch breech-loading steel-hooped mortar now at the proving-ground at Sandy Hook. Subject to these conditions, the bill provides that the Secretary of War shall contract, at a price reasonable in the opinion of the board, for the following guns, namely:

For not less than fifty 12-inch breech-loading steel guns.
For not less than twenty 14-inch breech-loading steel guns.
For not less than twenty 16-inch breech-loading steel guns.
For not less than thirty 12-inch breech-loading cast-iron guns.

For not less than fifty 12-inch breech-loading cast-iron mortars, with carriages to correspond; subject to the proviso, that the carriages contracted for shall not exceed in number the guns and mortars that at the time of the contract have been contracted for.

The estimated money value of these contracts may reach to $13,255,438, which is proportioned as follows:

For the purchase of steel guns	$8,804,980
For the purchase of 12-inch cast-iron guns	750,000
For the purchase of 12-inch cast-iron mortars	300,000
For the gun-carriages	3,446,457
For the mortar-carriages	350,000

It is estimated that in order to complete and test the experimental guns and mortars named in the bill the time required will be approximately as follows:

For the 12-inch cast-iron mortars, sixteen months.
For the 12-inch cast-iron guns, twenty months.
For the 12-inch steel guns, four years.
For the 14-inch steel guns, four and one-half years.
For the 16-inch guns, five years.
The carriages to be tested with the guns.

And that fifty 12-inch cast-iron mortars can be completed ready for delivery in three years, thirty 12-inch cast-iron rifles in nine years, fifty 12-inch steel guns in ten years, twenty 14-inch steel guns in eleven years, and twenty 16-inch steel guns within thirteen years from the date of the act.

The prospective expenditures under the contracts to be made will be distributed approximately as follows:

Between the date of the act and June 30, 1892	$1,165,000
Between June 30, 1892, and June 30, 1895	600,000
Between June 30, 1895, and June 30, 1898	7,500,000
Between June 30, 1898, and June 30, 1901	4,000,000

Or the guns and carriages may all be completed and delivered in about thirteen years from this date. These estimates are based upon the representations of the manufacturers of cast-iron guns, and on the supposition that the producers of steel guns will provide facilities for manufacture at least equal to those proposed for the Government by the Gun Foundry Board.

A sum of $1,937,670 has been allotted for expenses attending the transportation, test, and purchase of the successful test guns, mortars, and carriages. And an additional sum of $500,000 to enable the board to make all needful and proper investigations, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, projectiles, fuzes, torpedoes, armor plates, multicharge guns, etc., and methods of conversion of Parrott guns, and to make such further test of the 12-inch breech-loading cast-iron rifle now at Sandy Hook as they may deem desirable, and for other general experimental purposes.

The expenses of the board are limited to $20,000 per annum. These three items for test, experiments, and expenses of board amount to $2,477,670, which is the sum appropriated by the bill for the purposes of the board; it is made available for six years, the same period as named in the bill during which the board shall continue. Provision is made in this section that the Government shall not thereby be involved in an expenditure in any one fiscal year in excess of $2,500,000. The board is required to make annual report of its operations to the President of the United States for transmission to Congress, and must submit estimates of appropriations necessary to carry out contracts authorized in the bill, together with an itemized statement of expenditures.

The following letters from the Chief of Ordnance contain information concerning the Watervliet arsenal and the guns now under fabrication by the War Department:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., May 5, 1888.

SIR: In reply to your letter dated April 30, 1888, requesting items of information in regard to six guns and one mortar under fabrication by the Ordnance Department, I have the honor to submit the following, namely (naming the guns in the order given upon the printed slip "Section 5," inclosed with your letter):

1. One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars, on Woodbridge plan:
   Cost to date $15,000
   Estimated additional cost to complete 20,000
   Estimated time required to complete, eighteen months.
2. One 10-inch breech-loading steel-hooped gun:
   Cost to date $26,395
   Estimated additional cost to complete 7,500
   Estimated time required to complete, ten months.
3. One 10-inch breech-loading rifle, cast-iron, wire-wrapped:
   Cost to date $24,000
   Estimated additional cost to complete 1,500
   Estimated time required to complete, three and a half months.
4. One 8-inch breech-loading steel-hooped gun:
   Cost to date $18,885
   Estimated additional cost to complete 5,000
   Estimated time required to complete, eight months.
5. One 12-inch breech-loading rifle, cast-iron, steel-tubed:
   Cost to date $29,230
   Additional cost to complete 10,000
   Estimated time required to complete, three months.

The $10,000 required to complete this gun is covered by contract with the South Boston Iron Works, extended by urgent deficiency bill approved March 30, 1888. No further appropriation is needed for completing the gun.

6. One 12-inch breech-loading rifle, cast-iron, hooped, and tubed with steel, on the French system:
   Gun completed, cost $49,568

This gun has been accepted and paid for under contract with the South Boston Iron Works, extended by urgent deficiency bill approved March 30, 1888.

7. One 12-inch breech-loading mortar, cast-iron, hooped with steel:
   Mortar completed, cost $13,466

In regard to carriages for these guns, the Department has on hand several of old type, or such as have been constructed for proof purposes, and the test or proof-firing of all the guns can be made without purchasing additional carriages for that purpose. In order, however, to test improved types of carriages, a matter which the Department has been compelled to postpone in recent years owing to lack of appropriations, the following estimates for carriages to be purchased for use in connection with the proof of these guns are herewith submitted, namely:

8. For one 10-inch hydro-pneumatic disappearing gun-carriage	$20,000
For one gun-carriage shield	8,000
For foundations for carriage	3,000
9. For one 10-inch hydraulic barbette gun-carriage	15,000
For foundations for carriage	2,500
10. For one 12-inch hydro-pneumatic mortar-carriage	9,000
For foundations for carriage	2,500

From the preceding it will be seen that the four guns first named are not yet completed, whilst for the two remaining guns and one 12-inch rifled mortar one of the guns and the mortar are completed, and the money is available for the completion of the other gun.

A summary of all the items gives:

Cost of six guns and one mortar to date, being the total amount expended or covered by outstanding contract	$186,564
The estimates submitted for appropriations to be made are:	
Estimated additional cost required to complete four unfinished guns	34,000
Estimated aggregate amount required for firing test of six guns and one mortar, as itemized upon the printed slip "Section 5," inclosed with the committee's letter dated April 30, 1888	124,000
Estimated cost of three carriages of improved type (items 8, 9, and 10) with foundations, etc.	60,000

Respectfully, your obedient servant,

CHAS. S. SMITH,
Capt., Ord. Dept. U. S. Army, Acting Chief of Ordnance.

The CHAIRMAN SUBCOMMITTEE ON FORTIFICATION BILL,
Committee on Appropriations, House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., July 25, 1888.

SIR: In response to your letter of this date, I inclose a sketch of the Watervliet arsenal, showing its location, site of buildings, etc.

The extent of the arsenal grounds is 105 acres, valued at $150,000.

The inventory value of all the buildings, motive power, and shop fixtures therein, is $832,287.

The workshops consist of, namely: Workshop, two stories, 282 feet by 51 feet; workshop, two stories, 654 feet by 54 feet; blacksmith-shop and brass foundry, one story, 222 feet by 47½ feet; and these are used for the manufacture of artillery carriages, artillery harness, infantry and cavalry equipments.

There are also store-houses and magazines for the storage and issue of the above manufactures and powder and niter.

The average annual disbursements at this arsenal during the past twelve years has been about $125,000 per year.

One of the large lumber store-houses, a two-story brick building, 392 feet by

50 feet, which cost $19,860, has been converted into a gun-shop, and a shrinking-pit dug in it, all at an expense of about $20,000, and in it has been concentrated all the available gun machinery from the other arsenals—about $50,000 worth—many of them more or less worn.

Watervliet arsenal was established in 1816, and has continued to be one of our most important arsenals for manufacture, storage, and issue.

The present capacity of this shop for building guns is about fifty field-guns, one 8-inch and one 10-inch gun per annum.

It is practicable to build a 12-inch gun in this shop nearly within a year in place of the 10-inch. There are now being fabricated at Watervliet arsenal the following guns, namely: Twenty-five field-guns, one 8-inch and one 10-inch built-up steel gun. This arsenal was selected by the Gun Foundry Board as the most suitable of all the Government arsenals for the establishment of a gun factory, in respect to its location, extent of ground, fine building sites for gun-shops, security from hostile operations, and facilities for transportation of freight of all kinds both by water and rail.

The main shop buildings in use for the work done at the arsenal prior to the establishment of the gun-shop there in 1887 are all located below the canal, and are unsuited both in position and character for alteration or use as a part of the gun factory. Careful examination in this respect was made both by the Gun Foundry Board and by a board of ordnance officers appointed in 1887 to make recommendation in regard to plans for the alteration of the brick timber-shed for the present gun-shop, which is located on high ground, with good rock foundations, and contiguous to the ground selected by the Gun Foundry Board as a site for the proposed gun factory.

The inclosed map shows five sets of officers' quarters, namely:

Commanding officer's quarters.

Post surgeon's quarters, and quarters for three assistants, one of whom is post quartermaster and post commissary.

In the Book of Estimates, page 176, is an item for two sets of officers' quarters, not to exceed $10,000 each. These quarters are necessary now under existing circumstances, in order that more officers may be stationed there and placed on the work now going on, and in the event of a large appropriation being made these quarters will be an absolute necessity, otherwise the officers will have to live outside the arsenal and receive commutation of quarters; a proceeding undesirable in every respect and not for the interest of the Government.

Respectfully, your obedient servant,

S. V. BENÉT.
Brigadier-General, Chief of Ordnance.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

Concluding, Mr. Chairman, the bill emanating from the Committee on Appropriations not only properly cares for the Government works, but it also calls upon the manufacturers of the country and says to them if they will produce and deliver guns acceptable in every respect and equal to the best in the known world, the Government will, after they have been fully and satisfactorily tested, accept their productions, and will pay for them, but the Government can not and will not take any risk.

Under the plan which is advised by the Committee upon Military Affairs, the Government will manufacture its own guns, and of course will take all risk as to defects, accidents, and failure of good results. Which is the better policy Congress must decide. For myself I have no hesitancy in expressing the opinion that it will be the part of wisdom to adopt the course recommended by the Committee on Appropriations.

Mr. CUTCHEON. I did not expect that this debate would come on at this time and I am not prepared to submit any lengthy remarks; but I think the committee ought to face the situation just as it presents itself to them to-day. We have before us the Army appropriation bill with certain Senate amendments attached. The question of order which might have been raised here, as to whether they would have been germane when the bill was pending in the House and upon its passage, has nothing whatever to do with the present situation. They are here and are either to be concurred in or non-concurred in, one or the other, and we have to face that question. We can not dictate to the Senate as to what amendments they shall put upon our appropriation bills, and when their amendments come here all we have to do is either to concur or non-concur in them.

What is the situation that we find before us here? I have in my hand a report from the Committee on Appropriations submitted by the gentleman from Texas [Mr. SAYERS], made, I think, on July 26, and I find that one of the first sentences is this:

No appropriation has been made for fortifications and the armament thereof during the past two fiscal years.

We all have a very distinct and vivid recollection of the fact——

Mr. BUTTERWORTH. Before my friend passes to the consideration of the merits or demerits of the Senate amendments I would like to hear him on these two propositions: first, as to the right of the Senate to attach an amendment to an appropriation bill which is at war with the provisions of the rules of the House; and, second, if they have done so in this case, what is the proper proceeding for the House to pursue to enforce its rules and maintain its dignity?

Mr. CUTCHEON. I will reply briefly; I do not think either House can control the other. I remember distinctly in the Forty-seventh Congress, of which my friend from Ohio was a member, that the Senate took a little internal-revenue bill and attached to it a measure providing for the revision of the entire tariff schedules of the Government. The House passed it and my friend from Ohio voted for it. They do such things very frequently; and yet the Constitution remits all matters relating to the revenue—all bills for raising revenue—to the House of Representatives, and the rules of the House place them in the Committee on Ways and Means.

Mr. BUTTERWORTH. I think, however, that is not a parallel case. There was no rule of the House which prevented such an amendment in the House.

Mr. CUTCHEON. If my friend will permit me, I do not think it will be profitable to discuss at any considerable length the question of comity between the two Houses, or what the Senate has done or ought to do with our bills. The only question presented is what we shall do with the pending measure. The bill is here with the amendments, and we must deal with those amendments as a part of the bill. There is, as I before said, but one of two things to be done, that is to concur or non-concur in these amendments.

But let me finish the quotation from the report of the gentleman from Texas:

The fortifications appropriation act for the fiscal year 1886, which was the last one passed, appropriated $725,000.

So that two years ago we had $725,000 for fortifications and armament, and since then nothing. This Congress assembled on the 5th day of December, I believe, and they sat here until the 26th day of July, and not a single word was heard from the Committee on Appropriations or the Subcommittee on Fortifications in regard to an appropriation for armament or for fortifications. Meanwhile an appropriation bill for the Army was passed by the House and went to the Senate; and they, looking over the field and seeing that the committee of the House, which is clothed with privilege, had done absolutely nothing, and that the only possible chance to secure anything in the way of armament, steel, or plant, was to do just what they did, they took the bill of the House, or the substance of the bill, which had been favorably reported by the Committee on Military Affairs unanimously, as stated by the gentleman from Texas, and put it on the Army bill and sent it back here. That was done; the substance of that bill is attached to the Army bill, and is now before the House for consideration. On the very day that the Army appropriation bill with Senate amendments was returned and submitted by the Speaker the gentleman from Texas made haste to vindicate his jurisdiction over the subject-matter by reporting a fortification bill after the Senate had put the amendments upon this House bill. Now, the gentleman from Texas knows perfectly well from the history of past fortification bills in the House and Senate that it is an utter and absolute impossibility for that bill of his to become a law at this session of Congress. But if we are to have anything, whatever it is, in the nature of provision for armament, whether we should have field batteries or fortifications, we shall have to get it on this bill and by this very conference.

The bill reported by the gentleman from Texas [Mr. SAYERS] is a lengthy bill, a complex bill. As the gentleman from Illinois [Mr. TOWNSHEND] has said, it not only carries every provision that the Senate has attached to this bill, but many besides. For instance, here is a contingent appropriation, as he states in his report, providing for $13,255,438 to be expended if certain tests and experiments prove satisfactory; to be made under the direction of a board to be composed of three civilians and three Army officers or persons in public service, and this board is to continue for a period of six years. And there is to be an appropriation of $20,000 a year for the pay and expenses of this board. The amendments of the Senate make no provision for these experiments except in the matter of projectiles and a few things of that kind. The thirty-third amendment is also substantially and almost *verbatim* a section in the bill reported by the gentleman from Texas [Mr. SAYERS]. Then the complaint of the gentleman from Texas is not simply because the Senate provides for a gun-factory, or guns and gun-steel; not that these are not proper subjects of appropriation, not that they are not right, not that this House ought not to make such appropriations, but simply a question of form instead of substance; in other words, the whole contention is merely a matter of jurisdiction of the committee.

Now, I submit to the candor and consideration of this House whether, when we have been two full years without an appropriation, and when, almost seven months after the Committee on Appropriations was constituted, we see for the first time a fortification bill in this House, and we have an opportunity possibly by conference with the Senate to secure what all admit is needed, whether or not we shall reject that opportunity and postpone this important and necessary legislation for another year simply because it comes from the Military Committee, or rather because it comes in the form of Senate amendments upon the House bill. The chairman of the Military Committee has said that "we do not ask concurrence upon the part of the House; we only ask formal non-concurrence in order that this bill may go to the conference committee, and that there, after a full and free conference, we may decide upon the best thing to do."

Now, what do the Senate amendments propose? They are brief; they are explicit; they are easily understood; they are not ambiguous. In the first place, the Senate amendments propose to create an Army gun factory. We have now a Navy gun factory, but the Navy gun factory can not make guns for both Army and Navy. The beginning of this Army gun factory is already organized at Watervliet, in New York. This question of location has been submitted to various boards. The Gun-Foundry Board has reported in favor of Watervliet. The Flagler board has reported in favor of Watervliet. The War Department has concurred in these reports, and has moved all its gun machinery there, and that is why I think we ought to adopt it. But we are asked to non-concur in this legislation here simply because it comes from the Senate instead of from the Fortifications Committee of this House.

But there is also in the gentleman's bill the same provision for this same gun factory at Watervliet. The next provision of the Senate amendment, which is amendment 33, is for the manufacture or purchase and testing of cannon and carriages.

Now, I submit that the armament of the Army is a matter for the Military Committee.

The armament of the artillery of the Army is just as much a matter for the Military Committee as the armament of the infantry or cavalry. It makes no sort of difference whether the armament be of light field batteries or the armament of heavy batteries, it is part of the Army. The Army must operate the heavy batteries as well as light batteries. The Army must garrison the fortifications where the heavy guns would be placed, and these guns are a parcel of the armament of the Army.

What is the next provision? Having provided for the erection of an Army gun factory it then provides for the material with which to operate the gun factory. It provides for the purchase of a certain amount of gun steel. The bill of the gentleman from Texas does the same; the only difference is the amount.

Now, upon this the Military Committee report in favor of $5,000,000 worth of gun-steel, and his committee favors $1,500,000 worth of gun-steel. The object of the larger amount is simply this: to make the contract large enough to induce private parties or corporations to create the necessary plant to produce gun-steel for heavy guns. If you authorize the purchase of only $1,500,000 worth there is no such inducement. No institution can afford to create a plant sufficient to make steel for 8, 10, or 12 inch guns for a contract of a million and a half. There is to-day one institution, and only one, that can create these forgings for the 8-inch guns. That is the Bethlehem Steel Works in Pennsylvania; and to authorize a purchase of a million and a half is to give the contract to them, because there is nobody to compete with them. Instead of inviting competition as the gentleman desires, it is absolutely destroying competition by giving the contract to the only institution prepared to take it.

Mr. BUTTERWORTH. I suppose that in the preparation of this bill the gentlemen of the Military Committee conferred with the officers of the Ordnance Corps?

Mr. CUTCHEON. We did.

Mr. BUTTERWORTH. I do not know what testimony they gave to you, but they assured us that $1,500,000 for the purchase of steel was ample and more than they could use, and if an appropriation is to be made for four or five million dollars' worth of steel, after they have told us that $1,500,000 is ample, there must be some reason for it.

Mr. CUTCHEON. I will say to the gentleman from Ohio that the House bill in its present form was draughted in the Ordnance Office by the Chief of Ordnance. We sent up to him House bill 1555, which was the bill originally introduced by myself, and we received back from the Ordnance Office House bill 8465, which, without the change of a word or any change except the transposition of a section, was the bill reported.

Mr. BUTTERWORTH. It is proper I should say to my honorable friend, if he deems it no interruption, that the soul of the Ordnance Office, its aggressive energy and ability, was before our committee, and I appeal to my colleagues here whether I am not correct in the statement that he assured us that $1,500,000 was ample.

Mr. SAYERS. He said that it was an abundance, and that it would last them for six years.

Mr. CUTCHEON. I understand perfectly that $1,500,000 is sufficient for all the steel that can be worked within the ensuing year; but I do maintain that when we have before us a general plan of fortifications reported by the fortifications board it is wise economy that in inviting proposals, the very object of which is to create private plants, and numerous private plants, which may compete with each other, we should offer contracts large enough to induce the creation of such plants.

Mr. SAYERS. Captain Smith, of the Ordnance Bureau, says that all the steel he can possibly consume for one year in the present condition of the Watervliet arsenal is $200,000 worth.

Mr. GEAR. In the present condition of the arsenal.

Mr. SAYERS. Yes, sir. And he further says that it will take him at least four years to expend the $750,000 in improving the appliances at Watervliet to manufacture 8-inch, 10-inch, and 12-inch guns.

Mr. CUTCHEON. Now, Mr. Chairman, we do not want any scarecrows here. Let us look at the provision as it stands in the Senate amendment. It reads:

> For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

Before the steel can be accepted it must be created. Before the forgings can be created the plant must be established. This money will not be paid out this year. A good deal of it will not be paid out next year, nor the year after, but the Secretary of War ought to have authority to offer a contract sufficiently large to induce these companies to create a plant sufficient to produce the steel. It is required that the steel shall begin to be delivered, the small forgings in eighteen months and the large forgings in three years. This steel will not be delivered until three, four, or five years from this time, but we want to put a sufficient appropriation under the control of the Secretary of War to enable him to give out proper contracts. Contracts that shall encourage and induce competition, and eventually cheapen the cost to the Government.

Mr. RYAN. Have we not got plants that will make 12-inch guns now?

Mr. CUTCHEON. I think not. They can make 6 and 8 inch guns but not 10 and 12 inch guns. I believe that the Bethlehem Works are preparing to make heavier forgings.

Mr. RYAN. Is not this limited to 12-inch guns?

Mr. CUTCHEON. No; it provides for 8-inch, 10-inch, and 12-inch guns. We have three establishments that can produce 6-inch guns, one that can produce 8 and 10 inch guns, and none that can make 12-inch guns at the present time.

Mr. RYAN. Have not the Department got a contract out now for 12-inch guns?

Mr. BURNES. They have.

Mr. RYAN. Then we must have a plant that can supply those guns.

Mr. CUTCHEON. Not at present; but they take the contract and then prepare themselves to do the work. Section 5 provides that the material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days, in the newspapers most likely to reach the said manufacturers. It simply provides for the manner of making the purchases, the same as the bill of the gentleman from Texas does.

Section 6 provides for the purchase of submarine mines. Section 7 provides for the purchase of submarine torpedoes, etc. Now I desire to say that there is not a single provision in the Senate amendments that is not in the bill of the gentleman from Texas, except simply as to the amount of steel. The gentleman therefore admits the propriety of this legislation. He is in favor of the legislation, and he knows that he can have it now to a certainty; and yet, upon a mere punctilio, upon a mere point of parliamentary etiquette, he would reject the Senate amendment and thereby destroy the possibility of this legislation at the present session of Congress; because, Mr. Chairman, unless we accept this opportunity, even if the gentleman should get a chance to bring up his bill hereafter and send it to the Senate, it would not reach them until they were in the very midst of the discussion of the tariff bill, and when they get through with that, if they ever get through with it, they will want to go home.

He knows perfectly well what the fate of this bill was in the Forty-ninth Congress; that in the first session it went to conference and staid in conference during the recess; that the two Houses of Congress continued the conference through the entire second session, and that the bill died in conference at the end of the Forty-ninth Congress.

If this is right legislation, as the gentleman admits by reporting such legislation himself—and I have his report in my hand—if it is legislation which the country needs, if the Senate has sent it to us in such a form that we can now secure this legislation, then, although the Committee on Military Affairs has instructed its chairman to report in favor of non-concurrence in all these amendments in order that we might have at once a full and free conference with the Senate, I am here as one member of that committee to say that I do hope the amendments will prevail, that they will be finally concurred in and become a part of the legislation of this country.

While I shall vote with my committee in favor of non-concurrence, yet if the gentleman from Texas [Mr. SAYERS], when the proper time comes, shall endeavor to secure instructions to the committee of conference in regard to their action, I shall oppose with whatever ability I may have all such instructions. I want to see a committee of three gentlemen of the House and three gentlemen of the Senate sit down and consider this bill in view of its provisions, in view of the history of past legislation, in view of the necessities of the country, and, untrammeled, do that which to them may seem wisest and best to be done.

Mr. BLOUNT. Mr. Chairman, the frank manner in which the gentleman from Michigan [Mr. CUTCHEON] has met this issue relieves me of some little difficulty I might have had in expressing my own conceptions of the situation. The gentleman has told us that the Senate of the United States, in view of the past struggles to obtain appropriations for coast defenses, cast their eyes in the direction of the House to speculate as to what might be accomplished here, and found that two bills had been introduced and referred to the Military Committee of this House; that these bills contained very important provisions for coast fortifications which were acceptable to them, and so they selected the Army appropriation bill upon which to place this amendment. They calculated that their best way to operate upon this House was to take away from the Committee on Appropriations a subject which had been committed to it by the House under its rules, and to give the subject to a committee which, under our rules, has no jurisdiction of it; because, considering the action of individual members, they believed that by this method they could reach a result satisfactory to themselves.

I believe the gentleman from Michigan has stated the matter frankly;

I believe this is just what the Senate mean—that they distrust the Committee on Appropriations of this House and did not intend to put this amendment on the fortification bill, because they did not believe they could do anything in this matter with the Committee on Appropriations. And they had some reason for that opinion. Similar provisions to this were placed upon the fortification bill in the last Congress by the Senate. This House entertained ideas on this subject entirely different from those of the Senate. The Senate was persistent in presenting its views. The two Houses could not agree on a plan; they disagreed; and the fortification bill failed. And no great city was destroyed; no harm has come to the country; it is a bill that may fail without creating apprehension in the mind of anybody anywhere throughout the land. I say, therefore, that the Senate reasoned perhaps well when they said, "We have tried the Appropriations Committee of the House, which is the true representative of the House on this class of questions, and we will now go to some other committee; we will go to the Military Committee, which entertains different views; and putting this amendment on the Army appropriation bill we shall get into conference with a class of gentlemen who are not averse to our views on this subject."

Now, what is the proper response on the part of this House? You have in your rules declared specifically that questions relating to fortifications shall go to the Committee on Appropriations for consideration and recommendation to the House. You have established modes of procedure which have been sanctioned from the beginning of this Government and sanctioned by parliamentary bodies amongst all the intelligent nations of the earth. You have divided your work among various committees who are to advise you upon the subject of legislation. You are now told—and I believe truly told—by the gentleman from Michigan that the Senate, because it does not like the Committee on Appropriations which this House, through its Speaker, has seen fit to select, because it does not like the rules which this House has seen fit to prescribe in relation to matters of this kind; because it does not like the results which have come from our system of doing business, is going to endeavor to call forth by this legislation upon the Army appropriation bill a conference committee to which this subject is not regularly intrusted by the House.

My friend from Illinois [Mr. TOWNSHEND], in discussing this question, read from Rule XI to show the jurisdiction of the Committee on Military Affairs. When I called his attention to the fact that the subject of fortifications was referred to the Committee on Appropriations and asked him how in the light of the language of the rule he could maintain that appropriations for fortifications could go properly to his committee, he answered me by saying that he was addressing himself to the argument of the gentleman from Texas. And the only answer I ever got from the gentleman on this subject after that, on rereading that language, was the remark that no intelligent man could doubt that the Committee on Military Affairs had jurisdiction of this subject of fortifications.

Yet the gentleman from Illinois was, I believe, a member of the Committee on Appropriations, and was on the conference committee on the fortification bill which made this issue with the Senate in the last House. The gentleman certainly was intelligent then. The chairman of the Committee of the Whole, as has been shown by the proceedings read to the House, has ruled in opposition to the view of the gentleman. His view has been controverted by various gentlemen in this House on many occasions. Therefore, he does not meet this question by any such answer.

The proper means of ascertaining the meaning of "appropriation for fortifications" is by going to your fortification bills and seeing what subjects have been embraced in those bills. You will find that the Committee on Appropriations in such bills has uniformly reported provisions for this class of fortifications, and this has been done without any question. Thus you have the conclusion of the House of Representatives as to what a fortification bill is.

There can therefore be no question in my mind, Mr. Chairman, that if this proposition were reported to this House on the Army appropriation bill by the Committee on Military Affairs, you would again rule, as you have ruled in the past, that it is not germane to the bill.

Now, sir, I ask if something is not due from that high body at the other end of the Capitol to this, the other branch of the legislative body assembled here, the representatives of the American people? I ask if it is worthy of that body to attempt to do what the gentleman from Michigan has said was their purpose? I ask if it is worthy of this House to submit to it? I ask if this House, and especially gentlemen on this side of the House, are willing to justify their claim to such domination by the precedent cited by the gentleman from Michigan, to wit: the action of the Senate in taking a little internal-revenue bill of the House, attaching as an amendment a tariff bill to it, and thus taking jurisdiction of the whole subject of the tariff, and passing a bill as an alleged amendment to the other? Are gentlemen on this side of the House willing to conform to that precedent? Are they willing to sanction it?

I apprehend, sir, that there is no man on this side of the aisle who would indorse that action; and the same purpose is evidenced here. It is to take the jurisdiction from the persons to whom the House has committed it, to take the jurisdiction from the persons whom you have authorized to make recommendations for you, and to give it to others having no jurisdiction of the question.

I have nothing to do with the merits or demerits of the question. I do not undertake to set up my opinions against those of the distinguished gentleman from Illinois, the chairman of the Committee on Military Affairs and his associates on that committee, as to the merits or demerits of these amendments. Nor will I undertake to question the wisdom of the Committee on Appropriations in reporting their bill, many of whom have for years made it a specialty to study the necessities of the Government in reference to fortifications. I will not obtrude upon this Committee of the Whole my opinions of the merits of the measure in any shape. But, sir, being forewarned as to the purpose contemplated, I am unwilling that that purpose shall be sanctioned by my vote.

The gentleman from Illinois, when I first asked him as to the inclination of his mind on this subject, and referred to this question of non-concurrence in the amendments, and sought to probe him further to ascertain whether he was in favor of engrafting that sort of legislation on the bill, answered, "Why, I am in accord with the gentleman from Georgia." And yet it appeared thereafter, and the gentleman declares that it is the will of the House and the will of the country, that the measure which his committee has reported is demanded, and that they are endeavoring to "conform to that will." Who gave to the gentleman the authority to ascertain the will of this side of the House, or the will of the people of the country upon the subject? So far as I know, sir, there are no gentlemen in this House, and no body of its members authorized by it, except the Committee on Appropriations, to indicate to this House what is proper to be done; and I would rather take the opinion of that committee as to the will of the people than that of the gentleman from Illinois, as I believe they are more familiar with the opinions of the country, and that their action is more likely to be in accord with the sentiment of the people than the action of any other person or persons acting upon a measure which is properly within the jurisdiction of that committee alone.

Now, Mr. Chairman, as to my friend from Illinois, I want him to understand, and his committee, that my action in this matter, and the observations I have seen fit to indulge in, have no relation at all to the capacity of those gentlemen, or reflect in any manner upon their high character. I accepted with pleasure the assignment made in the organization of the House of the gentlemen of that committee, as I did with reference to the Committee on Appropriations. But, sir, if there is any question upon which this House should be careful, it is in the matter of public expenditures. It has been regarded, so far as my observations are concerned, as highly important that there should be chosen by the House some of its most gifted members, some of its most careful members for the Committee on Appropriations, because the matter of the expenditure of the public money involves the matter of taxation, and the matter of taxation involves the highest questions of which a legislative body can possibly have cognizance.

I trust, Mr. Chairman, therefore, that before this bill shall be intrusted to a conference, that the House will see to it that the conferees, whoever they may be, are instructed to inform the Senate that they never will submit to the claims suggested by the gentleman from Michigan. Sir, I am anxious to see this Army bill pass; but I am anxious to stand beside the rights of this House, and I would rather see it fail a thousand-fold than see the Senate dominate this body. [Applause.] And for one, sir, I say I am ready to join hands with other gentlemen and declare that I will resort to any parliamentary tactics to prevent this outrage upon this House. It is not technical opposition. It is wise. It is in conformity to our rules that have been established to prevent error, and to present the wisest counsel to the House. It is no party question. It belongs to this House, and for one, sir, I am prepared to insist that we conform to the rules that we have seen fit to adopt.

One word more, Mr. Chairman. It may be argued that this point of order does not apply in the Senate. That is not the question I raised. I have seen legislation not at all in harmony with the bill to which it was attached put on various bills of this House, and it seems to me—I will not charge it because it is not parliamentary—but it does seem to me that on many occasions the Senate of the United States has willfully passed aside appropriation bills to put their amendments on other bills for purposes similar to that indicated by the gentleman from Michigan. Therefore I want it to be understood that we will not be controlled by the Senate. I am glad that this question has been presented as the gentleman from Michigan has presented it. He has done it truthfully and boldly, and it is just the same as the question came before the House when the tariff bill of 1883 was put on a little internal-revenue bill.

Mr. TOWNSHEND. I intended to resume the floor for the purpose of closing debate, but I believe the gentleman from Maine [Mr. REED] desires to be recognized, and I yield the floor to him.

Mr. REED. I am very glad to hear from the gentleman from Georgia that this is not a party question; and I should be very much astonished if the House of Representatives undertook to assume the position which he assumes on this question. The Senate of the United States

is an independent body. The House of Representatives is also an independent body. Each one of them under the Constitution has the right, the permanent right, to make rules for its guidance, but neither one of them has any right to make rules for the guidance of the other.

A proposition so fundamental as that I never expected to see disputed by a gentleman of the character and standing of the gentleman from Georgia. Nor did I expect to hear him argue the proposition he has presented. His proposition, in a word, is this: That because the rules of this body distribute certain bills to certain committees therefore the Senate must conform to the House rules in the amendment of these bills. Did any man ever hear that right contended for in this way before? How can this House insist that the Senate shall conform to its rules? By parity of reasoning the Senate rules would also envelop the House, and we should find ourselves covered by rules not made, according to the Constitution, by the body controlled by them, but by another body separate and independent. Can language add anything to the absurdity of such a position as that? We have the right to amend Senate bills according to our will and pleasure, and no man on earth would resent an attack upon our right thus broadly stated more quickly than the gentleman from Georgia. We could not live under such a regulation for an instant. We have the right to amend any Senate bill to the full extent of our wisdom and judgment.

If we choose to control that judgment by certain rules that is an expression of our will and nothing else. We can not control the other body by our rules any more than it can control us, and is the House to be allowed to be betrayed into a position in conflict not merely with the Senate of the United States, for we could stand that, but with common sense, which we can not stand? How is it possible to answer that idea? How is it possible for gentlemen to do by indirection what they can not do by direction? Can this House say to the Senate, "We will not pass these amendments of yours even if we agreed to them with our judgments, because you have violated our rights by amending a bill which you had a perfect right to amend, and we are determined to limit your right of amendment to such an extent that you must amend in accordance with the rules we have set up in this House?"

Just think of it; just think of the position this House would be in on a question of this sort raised on an appropriation bill as important as that which carries the expenses of the Army of the United States. No conference committee could stand upon it. No sensible man in this House could look a United States Senator in the face and make any such kind of talk. Gentlemen may do so here. They may lash themselves into a state of fury about this matter and talk about breasting the Senate. Why, you can not breast anybody on that. No man can for an instant sustain himself in a controversy with a man who is half-way intelligent upon any such ground as that. The House of Representatives is an independent body. The Senate of the United States is equally independent, and we are undertaking to fetter them in their amendments to our bills, a thing which everybody knows is not within our power. Such a course is not reasonable. It will not be pretended that it is reasonable, nor will the House upon a pretense of that kind permit itself to be put in such an absurd position as that.

To come now to the merits; let us here consider what is here presented to us. We have a great country with an immense extent of seacoast. It is true that there is not one chance in a hundred of war, there is not one chance, perhaps, in a thousand for war, and yet if we should ever have war there awaits us, unless we are better prepared than we are to-day, a national humiliation more terrible than was ever inflicted upon any nation on the face of the earth.

Modern guns we have not kept up with. Exhausted and wearied by our long war, we threw aside all improvements in gunnery and allowed ourselves to drift away behind the rest of the world—we who at the close of the war were the foremost military nation under the sun. Now, while we are in that condition, what is the state of affairs on the other side of the water? Nay, what is the condition in South America among those little states? Why, they have great guns capable of throwing with accuracy—I hardly dare to state how far, but more than half a dozen miles.

We have not a gun to-day in this country that can compete with guns that can be sent over here in ten days from the coast of England—not a gun. Their ships could lie outside of the farthest range of any gun that we have, and could lay every city upon our Atlantic and Pacific coasts under tribute. That would be not only a pecuniary loss, but it would be a weightier loss than that; it would be an utter disgrace to us. What are we to do then? Are these guns to be built in an instant? Can we do as nations used to do, prepare ourselves for war after the declaration of war? Every man here knows that we can not. In from ten to twenty days after a declaration of war by any European power this country would be at the mercy of that power, and not a gun could be built to meet their 16-inch guns in, I venture to say, less than three years, and I should be inside of the truth if I said in less than five years.

There are two plans between which we have to choose. The first is to build the gun which is now known to be the best gun in the world, the built-up steel gun, which will carry a projectile the distance which the European guns can carry. The nature and power and capacity of that gun are as well known and ascertained as the power and capacity of the mogul type of railroad engine. The proposition on the one part is to build that kind of a gun in reasonable numbers, and $5,000,000 is unreasonable only because it is too small an amount for us to expend for that purpose.

The other proposition is—and it is a proposition which I have no special interest in—that we shall build some gun that is going to be invented to-morrow or next day. I say the plain dictate of common sense for a nation as wealthy as ours is to build the best gun that can be built to-day, because it will not become obsolete during its lifetime, even if better guns be invented; and then if there is any better gun that can be built to-morrow, let us build that, too. But let us attend to the business of to-day.

There is another matter behind this that we want to consider.

The building of these guns requires trained, skilled workmen, workmen not merely trained individually, but trained to work together. One of the strongest reasons why we have not built anything better than a 10-inch gun is that we have not had the necessary skilled and trained labor, and it takes a long time for men to learn how to do this work effectually. Let me give you an example. When the Bessemer Steel Works at Johnstown were set up the best they expected them to do was sixteen turns a day; but after training their workmen they managed to do forty-eight turns, I think, with the same workmen with whom they had expected to do only sixteen.

Mr. BURNES. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, and had come to no resolution thereon.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, under its previous order, stands adjourned until 12 o'clock to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BOOTHMAN: A bill (H. R. 11051) granting a pension to Wesley McTaylor—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 11052) granting a pension to Clara M. Owen—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 11053) for the relief of Jay Lyndon Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11054) for the relief of Samuel J. Barnard—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11055) granting a pension to Daniel Shrawder—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11056) granting a pension to Ann Maher—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 11057) granting a pension to Margaret Gray—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 11058) for the relief of Charles C. Pickett—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 11059) for the relief of Seaborn Fossett—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 11060) for the relief of John Amstutz, sr.—to the Committee on Claims.

Also, a bill (H. R. 11061) erecting a monument at Fort Recovery, Mercer County, Ohio—to the Committee on the Library.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BANKHEAD: Petition of Isaac Hewitt, of Tuscaloosa County, and of Richard Files, administrator of Louisa C. Stevenson, of Walker County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ENLOE: Petition of E. F. Jones, of George W. Haughton, of B. E. Craven, and R. E. Carter, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. FORNEY: Papers in the claim of Asa Williamson, of Cleburne County, Alabama—to the Committee on War Claims.

By Mr. FUNSTON: Petition to place the name of Jay Lyman Harrison on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HOUK: Petition of Jacob Snider, and of Charles Schneider, of Knox County, Tennessee, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Petition of citizens of Hopkins County, Kentucky, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of citizens of Morton's Gap, Ky., in favor of House bill No. 8716—to the Committee on Labor.

By Mr. POST: Petition of Stephen S. Tripp, to pension Margaret Gray, mother of Wilson S. Gray, of Company G, Eleventh Illinois Cavalry—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of Heloise Hawkins, widow of Austin R. Hawkins, of Louisiana, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. HENRY SMITH: Petition of G. Schnesitzer and 19 others, in favor of a general pension act—to the Committee on Pensions.

By Mr. A. C. THOMPSON: Petition of citizens of Vesuvius, Lawrence County, Ohio, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. WILKINS: Petition of citizens of West Washington, D. C., relative to the Freedman's Savings Bank and Trust Company—to the Committee on Banking and Currency.

The following petition in favor of House bill 9716, for the better protection of free labor from convict labor, was received and referred to the Committee on Labor:

By Mr. CLARDY: Petition of 20 citizens of Pilot Knob, Mo.

SENATE.

WEDNESDAY, *August* 1, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

GROUNDS OF WALLACH SCHOOL LOT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication in response to a resolution offered by the Senator from New Hampshire [Mr. BLAIR], which will be read.

The communication was read, as follows:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, July 31, 1888.

SIR: The commissioners of the District of Columbia have received a copy of a resolution passed by the Senate on the 28th of July instant, requesting them to inform the Senate whether "they contemplate diverting part of the grounds of the Wallach school lot to other than school purposes; and if so, by what authority, for what purpose, and the reasons therefor." In response the commissioners beg leave to say that they have had under consideration the selection of a site "for erecting an engine-house in the southeastern section of Washington," for which provision is made in the act of Congress approved July 18, 1888, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889," etc., and among other properties adapted for the purpose in question have examined and considered the advantages offered by the Wallach school lot. No decision has been reached as yet by the commissioners with respect to the site referred to, and all questions involving their authority to use the Wallach school lot will be determined before any decision is reached touching that lot. It may be well to call attention to the fact that the engine-house in question must from the nature of the case, no provision being made for the purchase of a site, be erected upon the ground belonging to the District of Columbia.

Very respectfully,

W. B. WEBB, *President*.

Hon. JOHN J. INGALLS,
President pro tempore United States Senate.

Mr. BLAIR. It may be that there is some defect in the provision with reference to the construction of the proposed engine-house. Perhaps the proper provision has not been made for the purchase of a lot. I submit if that is the case, if the law is defective, the defect should be supplied rather than that the commissioners should go on and trespass upon those premises which have already by act of Congress and by provision of law been set apart for the necessary accommodation of the city of Washington.

It seems that the commissioners set about doing this without consulting Congress at all. If they can be allowed to locate fire-engine premises on the school lots of the city in one part of it they can everywhere, and trespasses of that kind, it seems to me, should not be entered upon without first obtaining authority from Congress so to do.

I have some private information that I was not in possession of when I offered the resolution. I am informed that parties interested, perhaps under the commissioners themselves, have circulated petitions in that neighborhood bringing some official pressure to bear upon the inhabitants there, upon parties who have hitherto been remonstrating with considerable vehemence, to secure their acquiescence in the location of this proposed engine-house upon one of the school lots of the city, a lot which ought to have been improved long since in accordance with the original provision with reference to it.

It is, however, a matter proper to go to the Committee on the District of Columbia, and I feel very sure that in the care of that committee the school interests of the city will be properly secured.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on the District of Columbia and printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of John Fitzpatrick, of Washington, D. C., praying to be granted certain relief; which was referred to the Committee on Foreign Relations.

He also presented a memorial of citizens of Strafford, N. H., remonstrating against any change in the Bureau of Animal Industry as at present constituted, etc.; which was ordered to lie on the table.

He also presented a petition of citizens of Strafford, N. H., praying for the adoption of police regulations to prevent the manufacture and sale of adulterated articles and the use of misleading brands on food, medicines, and liquors for exportation from the country or from one State to another; which was referred to the Committee on Agriculture and Forestry.

Mr. BECK presented a petition of citizens of Hardin County, Kentucky, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MCPHERSON presented a memorial of James R. Haskell, of New York City, relative to armament of fortifications and the use of dynamite projectiles in multicharge guns; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2221) for the relief of Seth Wheeler, reported it with an amendment, and submitted a report thereon.

Mr. PLUMB. I am instructed by the Committee on Agriculture and Forestry to report favorably, with amendments, the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the Department of Agriculture.

The bill is now reported in precisely the same shape in which it has been heretofore reported. It was recommitted to the committee and the committee on consideration instruct me to report it back the same as before. It was printed when reported formerly, and it will not be necessary to again print it. I ask that the order to print be omitted.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar without printing.

Mr. PLUMB. I give notice to the Senate that I shall at a very early day ask the Senate to consider the bill with a view to its passage.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9672) granting a pension to Eliza A. Williamson;
A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed;
A bill (H. R. 5232) granting a pension to Andrew Mucklin;
A bill (H. R. 9387) for the relief of Emanuel H. Custer;
A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;
A bill (H. R. 775) granting an increase of pension to John D. Jones;
A bill (H. R. 9792) to increase the pension of Charles S. Baker; and
A bill (H. R. 2507) granting a pension to Russell L. Doane, of Peck, Salinac County, Michigan.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 508) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 5092) for the relief of Charles L. Bradwell, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1088) for the relief of Charles W. Denton, of Oregon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3364) to provide for an American register for the steamer Saginaw, of New York, reported it without amendment.

Mr. CULLOM. From the Committee on Interstate Commerce I report back the bill (S. 3187) making an appropriation of $150,000 to enable A. de Bausset to build an air-ship to convey passengers and freight through the air, and for other purposes, and at the request of the party interested ask to have it referred to the Committee on Naval Affairs.

The report was agreed to.

COURTS IN LOUISIANA.

Mr. HOAR. I am directed by the Committee on the Judiciary to report favorably, without amendment, the bill (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein.

This is the same as a Senate bill on the subject. The various bills of this class relating to different States were reported from the Committee on the Judiciary the other day, and the Senate passed them at the time they were reported. This bill was accidentally not included with the others, and if the Senator from Louisiana [Mr. GIBSON] should ask it I have no doubt the Senate would pass it at this time.

Mr. GIBSON. I ask the consent of the Senate that the bill be now considered.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks unanimous consent that the bill reported by the Senator from Massachusetts may be now considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair understood the Senator

from Massachusetts to say that a Senate bill on the same subject had been passed.

Mr. HOAR. I will look into that. I do not think the bill has passed; but there is a Senate bill on the same subject, which should be indefinitely postponed.

The PRESIDENT *pro tempore*. It should be indefinitely postponed to avoid confusion.

VENEZUELA STEAM TRANSPORTATION COMPANY.

Mr. EVARTS. I report from the Committee on Foreign Affairs the joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company with amendments and a written report. I also hand in the papers with the report.

Mr. MORGAN. I desire to have the joint resolution read, if there is no objection.

The PRESIDENT *pro tempore*. The joint resolution will be read at length as proposed to be amended, if there be no objection.

The Chief Clerk read as follows:

Whereas it appears from the correspondence transmitted to the Senate by the message of the President of the 2d day of February, 1872, (Ex. Doc. No. 28, second session, Forty-eighth Congress), and on the 12th of April, 1888, (Ex. Doc. No. 143, first session, Fiftieth Congress), that since the year 1871, indemnity has been repeatedly demanded by the executive department of the United States from the Venezuelan Government, but without avail, for the wrongful seizure, detention, and employment in war and otherwise of the American steam-ships Hero, Nutrias, and San Fernando, the property of the Venezuelan Steam Transportation Company, a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States, under circumstances that render the Republic of Venezuela justly responsible therefor; and

Whereas all the diplomatic efforts of the Government of the United States repeatedly exerted for an amicable adjustment and payment of the just indemnity due to said corporation and its officers, citizens of the United States, upon whose property and persons the aforesaid wrongs were inflicted, have proved entirely unavailing: Therefore,

Resolved, etc., That the President of the United States be, and he is hereby, authorized and empowered to take such measures as in his judgment may be necessary to promptly obtain indemnity from the Venezuelan Government for the injuries, losses, and damages suffered by the Venezuela Steam Transportation Company of New York, and its officers, by reason of the wrongful seizure, detention, and employment in war or otherwise of the said company's steamers Hero, San Fernando, and Nutrias by Venezuelan belligerants in the year 1871, and to secure this end he is authorized to employ such means or exercise such power as may be necessary.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. MORGAN. Did the Senator from New York ask for the printing of the accompanying documents?

The PRESIDENT *pro tempore*. He did not.

Mr. MORGAN. I move that they be printed.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the accompanying papers be printed.

Mr. EVARTS. The whole mass?

Mr. MORGAN. The whole mass.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

GUIANA AND VENEZUELA BOUNDARIES.

Mr. EVARTS. I offer a Senate resolution, by direction of the Committee on Foreign Relations. The President transmitted to the Senate on the 26th of July, 1888, papers that were called for regarding the dispute between the Government of Venezuela and the Government of Great Britain, concerning the boundaries between British Guiana and Venezuela. They have been referred to the Committee on Foreign Relations. The subject is still there. The resolution is to provide for the printing of the papers.

The PRESIDENT *pro tempore*. The resolution will be received and referred to the Committee on Printing.

Mr. EVARTS. Unless it can be now acted upon.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the resolution be now read and considered.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate —— copies of the message of the President transmitting report of the Secretary of State, with accompanying correspondence, relating to the pending dispute between the Government of Venezuela and the Government of Great Britain concerning the boundaries between British Guiana and Venezuela.

Mr. MANDERSON. Under the rule I presume the resolution will go to the Committee on Printing. Is there a request to have it now considered?

Mr. EVARTS. I ask that it may be considered now. The usual number is desired.

Mr. MANDERSON. If the usual number is to be printed a reference may be waived.

The PRESIDENT *pro tempore*. The clerks will insert the proposed amendment. The Chair understands that the resolution refers to the documents which have already been ordered to be printed on motion of the Senator from Alabama.

Mr. EVARTS. No, sir.

Mr. MORGAN. It is a different affair entirely.

The PRESIDENT *pro tempore*. The proposed amendment to the resolution will be stated.

The CHIEF CLERK. In the blank insert the words "the usual number of;" so as to read:

Resolved, That there be printed for the use of the Senate the usual number of copies of the message of the President, etc.

The PRESIDENT *pro tempore*. The resolution will be so modified, if there be no objection, and the question is upon agreeing to the same as modified.

The resolution was agreed to.

REPORT ON LIQUOR TRAFFIC.

Mr. MANDERSON. I ask that the Senate consider the resolution submitted by the Senator from New Hampshire [Mr. BLAIR] authorizing the printing of Senate Report 1727 in relation to alcoholic liquors, etc., reported from the Committee on Printing with an amendment, and now on the Calendar.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That —— extra copies of Senate Report No. 1727, upon the "joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors," be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of the resolution.

The motion was agreed to.

The amendment of the Committee on Printing was to fill the blank with "5,000;" which was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 3405) for the relief of Albert Grant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 3406) to establish the rank of Arza B. Gilson, of Havana, Ohio, as major of the One hundred and sixty-sixth Ohio Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3407) for the relief of J. F. Bailey & Co. and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 3408) to authorize the construction of a street railway and wagon-road over the Rio Grande between the city of El Paso, Tex., and Paso del Norte, Mexico; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO A BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

DESERT-LAND APPLICATIONS.

Mr. STEWART submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be directed to furnish the Senate with a list of canceled desert-land applications, with the names of the applicants, and the amounts paid to the United States on such applications respectively, and to state whether, in his opinion, such applicants, or any of them, are equitably entitled to be reimbursed for the money paid on such applications to the United States, or any part thereof, and also to state what legislation is necessary to enable the Commissioner of the General Land Office to settle with such applicants on equitable principles.

The PRESIDENT *pro tempore*. Does the Senator from Nevada ask for the present consideration of the resolution?

Mr. STEWART. I do.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HARRIS. It had better be printed and go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over under the rule.

MISSISSIPPI RIVER BRIDGE AT WINONA, MINN.

Mr. SABIN. I move that the Senate proceed to the consideration of the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, in section 6, line 36, after the word "as," to strike out "Congress" and insert "Secretary of War;" so as to read:

And the said structure shall be changed or removed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law when the public good shall, in the judgment of Congress or the Secretary of War, so require, without any expense or charge to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SABIN. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. SABIN, and Mr. MCPHERSON were appointed.

BRAZOS RIVER IMPROVEMENT.

Mr. COKE. I ask unanimous consent to take from the table the bill (H. R. 10165) for improving the mouth of the Brazos River, Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS NEAR DENVER.

Mr. TELLER. I move that the Senate proceed to the consideration of the bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. E. PARKER.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (S. 3038) for the relief of P. E. Parker.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the words "the sum of," to strike out $2,366.95 and insert $1,793.16; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said P. E. Parker, out of any money in the Treasury not otherwise appropriated, the sum of $1,793.16, in full compensation for the losses sustained in money on payment of said judgment.

Mr. HARRIS. I desire to make a brief statement of the facts, which I think will satisfy my friend from Arkansas [Mr. JONES] and the Senate that the amendment ought not to be agreed to.

One Frank Travis was an internal-revenue collector, and as such collector he became a defaulter, and suit was brought against his sureties upon his official bond. It seems that service was obtained first upon Parker, and a judgment rendered against him, and subsequently against the other sureties, but execution being issued upon the judgment the entire estate of Parker was levied upon and sold. It brought twenty-three hundred and some odd dollars in money. The amount specified in the bill is the amount for which Parker's property had been sold.

But it appearing subsequently that Congress had imposed upon the internal-revenue collector additional duties out of which sprang the defalcation, all the sureties were released from liability under the bond and under the judgment. No one of the sureties has suffered to the extent of a cent except Parker. His whole estate was sold and sold for $2,300. The costs of that suit, however, being deducted from the amount of money received as the proceeds of the sale, leaves the $1,700 that the committee have reported in favor of returning to Parker.

If there is any justice in returning one cent of the money so collected from Parker, it seems to me that the whole amount for which his property was sold should be returned to him, so that he may be put on a footing of absolute equality with the other sureties relieved.

I do not think the amendment ought to be agreed to. Of course if I can not induce the Senate to disagree to it, Mr. Parker will be glad to get anything. He was absolutely ruined by reason of the suretyship, since which time Congress has relieved him and all other sureties, but his money has gone into the Treasury.

Mr. JONES, of Arkansas. The facts in this case as they appeared to the Committee on Claims have been fairly stated by the Senator from Tennessee. There was a levy upon the property of this claimant, claimed to be worth $10,000, which was sold at public auction for about $2,300. Of that sum about $1,700 went into the Treasury of the United States.

After a judicial investigation of the obligations of the sureties on the bond, in subsequent proceedings it was ascertained judicially that there was no obligation on the part of these people to make the deficit good. This, however, had not been ascertained by Mr. Parker at the time the proceedings were had against him.

It might be held that, if the property was worth $10,000, by reason of the fact that the property was sacrificed at public sale and sold for less than $10,000, the Government ought to indemnify him for it; but I presume nobody will make any such claim. It might be held that whatever the property brought at public sale might be returned to him; or it might be held that the Government should return whatever it received from the sale of the property. That is exactly the point.

My impression was that as Mr. Parker had evidently suffered wrong in this matter, and his property was sold, the Government ought to make restitution to him of whatever it received, and as subsequent judicial investigation shows wrongfully received; that the amount of money the Government received ought to be returned to him.

However, if the Senate is willing to give him the amount of money for which his property was sold, amounting to several hundred dollars more than the Government received, I shall make no opposition. The Senate understands the facts as stated by the Senator from Tennessee, and after this statement of mine it understands what is involved in the case.

Mr. PLATT. Will the Senator state what became of the difference between what the Government received and what the property was sold for?

Mr. HARRIS. It went for the payment of the costs of the litigation.

Mr. JONES, of Arkansas. It was consumed in costs.

Mr. PLATT. Then I should think the Government ought to pay back what the property brought.

Mr. HARRIS. That is exactly my point. Of course what the property brought must be taken as its measure of value. I raise no question about that; but Congress has decided that on that judgment so erroneously rendered these sureties shall not suffer by reason of that suretyship; and to put Mr. Parker upon a footing of equality with the other sureties you must return to him the proceeds of the sale of his property.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the preamble, which the committee propose to strike out.

Mr. HARRIS. The preamble had better remain as it is, as it is necessary to an understanding of the bill.

The preamble was agreed to.

PUBLIC BUILDING AT JACKSON, MICH.

Mr. PALMER. I move that the Senate proceed to the consideration of Order of Business 1990, being the bill (H. R. 8592) for the erection of a public building at Jackson, Mich.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 11, before the word "thousand," to strike out "fifty" and insert "seventy-five;" and in line 20, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office, and for other Government uses, at Jackson, Mich. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States; nor until the State of Michigan shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PALMER. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. DANIEL, and Mr. PALMER were appointed.

SIDE TRACK FOR BALTIMORE AND POTOMAC RAILROAD.

Mr. FARWELL. I move that the Senate proceed to the consideration of Order of Business 1969, being the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington.

The PRESIDENT *pro tempore*. If there be no objection the bill will be considered as in Committee of the Whole.

Mr. HOAR. Let the bill be read at length for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Baltimore and Potomac Railroad Company is hereby granted permission to extend a side track from the main line of its track, in the city of Washington, into square No. 1025, between Twelfth and Thirteenth streets and M and N streets southeast, under such conditions and regulations as may be imposed by the commissioners of the District of Columbia for the protection of the public in the use of streets affected and otherwise.

SEC. 2. The right of Congress to amend, alter, or repeal the franchises herein granted are hereby expressly reserved.

Mr. HAWLEY. I should like to inquire whether this gives the right to go upon private property.

Mr. FARWELL. Not at all.

Mr. HAWLEY. To occupy one of the reservations?

Mr. FARWELL. Not at all. It is over near the Eastern Branch.

Mr. HAWLEY. What is the necessity of the legislation?

Mr. FARWELL. To cross a street with a side track.

Mr. CALL. I hope the Senator from Illinois will not press that bill at this time. That is a bill upon which the Senator from Vermont [Mr. MORRILL] addressed the Senate, and in which, I think, the Senator from Maryland [Mr. GORMAN] feels an interest.

Mr. FARWELL. If the Senator will allow me I will make an explanation. This is a bill that does not involve that question at all. It is simply to permit this railroad company to build a side track down on a block near the Eastern Branch towards the navy-yard to enable them to take their coal. It is not connected with the question of railways in the city streets at all.

Mr. CALL. It is not the bill, then, to which the Senator from Maryland objected?

Mr. FARWELL. No, sir.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, and had agreed to other amendments of the Senate with amendments, in which it requested the concurrence of the Senate; that it asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. MCADOO, and Mr. THOMAS, of Illinois, managers at the conference on the part of the House.

The message also announced that the House had passed a resolution providing that the Clerk be directed to inform the Senate that the House had elected Hon. BENTON MCMILLIN, a Representative from the State of Tennessee, as Speaker *pro tempore* during the temporary absence of the Speaker.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas.

The message also announced that the House had non-concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.; that it further insisted upon its amendments to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. MCSHANE, and Mr. KENNEDY the managers at the further conference on the part of the House.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. HUTTON, and Mr. FINLEY the managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STONE, of Kentucky, Mr. STOCKDALE, and Mr. BROWER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;

A bill (S. 102) for the relief of Lucinda McGuire;

A bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875;

A bill (S. 1076) granting a pension to the widow of John Leary, deceased;

A bill (S. 1575) granting an increase of pension to William Wallace Young;

A bill (S. 1762) granting a pension to Benjamin A. Burtram;

A bill (S. 2124) granting a pension to John Bush;

A bill (S. 2313) granting a pension to Ellen J. Snedaker;

A bill (S. 2366) granting a pension to Mrs. Emaline Anderson;

A bill (S. 2413) granting an increase of pension to Ernst Hein;

A bill (S. 2448) granting a pension to Catharine McQuade;

A bill (S. 2449) granting a pension to James W. Bowman;

A bill (S. 2520) granting a pension to James White;

A bill (S. 2571) granting a pension to Edwin E. Chase;

A bill (S. 2578) granting a pension to Nathan B. Rarick;

A bill (S. 2609) granting a pension to H. H. Russell;

A bill (S. 2655) granting a pension to Lydia Hawkins;

A bill (S. 2656) granting a pension to widow and minor children of Patrick Frawley;

A bill (S. 2653) granting a pension to Mary Curtin;

A bill (S. 2700) granting increase of pension to Allen Blethen;

A bill (S. 2779) granting a pension to Eliza M. Scandlin; and

A bill (S. 2830) granting an increase of pension to Elvira M. Dorman.

KENTUCKY ROCK GAS COMPANY.

Mr. BLACKBURN. I ask the consent of the Senate to consider at this time House bill No. 8783, Order of Business on the Senate Calendar 1947, being a bill to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio and Salt Rivers, and will state that it has been reported by the Senator from Maine [Mr. FRYE] from the Committee on Commerce unanimously without amendment as passed by the House. I ask for its consideration now.

Mr. HOAR. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The Chief Clerk read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. CAMERON. I move at this time that the Senate proceed to the consideration of Order of Business 1989, being the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHMOND AND DANVILLE RAILROAD.

Mr. DANIEL. I ask consent of the Senate to call up Order of Business No. 1842, House bill 5663, authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill has previously been considered as in Committee of the Whole. The amendment will be reported.

The amendment reported from the Committee on the District of Columbia was, in section 2, lines 4 and 5, after the word "purposes," to strike out:

And the city of Washington shall be a terminal point on said railroad and entitled to all privileges and facilities of other terminal points.

The PRESIDENT *pro tempore*. The word "thereon" at the end of line 7 should be stricken out. The Secretary will report that amendment.

The CHIEF CLERK. In line 7 strike out the word "thereon;" so as to make the section read:

SEC. 2. That it shall be lawful for said Richmond and Danville Railroad Company to hold, use, occupy, and convey any real estate heretofore purchased or which may hereafter be purchased by it for corporate uses and purposes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DANIEL. I move that the Senate ask a conference with the House of Representatives on the amendments made to the bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DANIEL, Mr. SPOONER, and Mr. FARWELL were appointed.

The PRESIDENT *pro tempore*. Senate bill 2774, authorizing the

Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia, being a bill on the same subject, will be indefinitely postponed.

APPRAISERS' WAREHOUSE IN NEW YORK.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Iowa.

Mr. BECK. I desire to say to the Senator from Wisconsin that on examination I withdraw the objection I made the other day to the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes.

Mr. SPOONER. The Senator from Iowa yields to me to enable me to ask unanimous consent of the Senate to call up Calendar number 1812.

I ask consent of the Senate to take up Calendar No. 1812, being the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes. The bill has been read and the committee amendments adopted, and I understand the Senator from Kentucky [Mr. BECK] to withdraw his objection to the passage of the bill in its present form.

Mr. BECK. Yes, sir. I rose to say that after examination and consultation with the Senator and with the Secretary of the Treasury I have come to the conclusion to let it go as it is.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes.

The PRESIDENT *pro tempore*. The bill having been read at length and the amendments agreed to it will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORT WALLACE RESERVATION.

The PRESIDENT *pro tempore*. The Senator from Iowa gave notice of his intention to call up the sundry civil appropriation bill.

Mr. ALLISON. I now do so, but will yield to the Senator from Kansas, who wants to ask for a conference.

Mr. PLUMB. No, I said it was a bill which had already passed the Senate, but the House passed a bill of its own, and as it is a matter of considerable importance to some settlers upon a military reservation, and the amendment already adopted by the Senate committee will make it necessary to have a conference, I want to put the bill through as early as possible. That is all.

Mr. ALLISON. Several Senators appeal to me for the consideration of bills that they say will take no time. I wish to have the sundry civil bill before the Senate, and then I will yield for a few minutes.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate do now proceed to the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, which is before the Senate as in Committee of the Whole. The question recurs on the amendment proposed by the Senator from Florida [Mr. CALL]. The Senator from Iowa yields to the Senator from Kansas.

Mr. PLUMB. I ask unanimous consent to consider Order of Business 2008, being the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment to strike out section 2, in the following words:

SEC. 2. That the Union Pacific Railroad Company is hereby granted the preference right, for the period of three months after the appraisement herein provided for, to purchase the southeast quarter of the northeast quarter of section 24, township 13 south, range 39 west, and fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace, the same being now occupied by said railroad company for depot and other purposes, at such price as may be fixed, without reference to the improvements thereon, by the Secretary of the Interior, not less than $2.50 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate ask for a conference with the House of Representatives on the amendment of the Senate to the bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. TELLER, and Mr. BERRY were appointed.

MUSTER AND PAY OF OFFICERS AND ENLISTED MEN.

Mr. HAWLEY. I ask unanimous consent to take up Order of Business 1890, being the bill (H. R. 1560) to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes.

Mr. ALLISON. I will yield for the consideration of this bill if it takes no time and leads to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to revive and extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 4, 1884, as amended by the act approved February 3, 1887, for a period of five years from the 3d of June, 1887, and the limitation heretofore imposed by law on the presentation by officers or soldiers of claims for the loss of horses and equipments in the military service during the late war is suspended for the period of three years.

Mr. HAWLEY. The bill is unanimously reported from the Committee on Military Affairs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT ON PRINCETON BATTLE-FIELD.

Mr. EVARTS. I ask that Order of Business No. 1985, being the bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000, be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

J. SCHRIBER & CO.

Mr. PAYNE. I ask that the Senate take up Order of Business 1819, being the bill (S. 1493) for the relief of J. Schriber & Co., of Cleveland, Cuyahoga County, Ohio.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause the claim of J. Schriber & Co., of Cleveland, Cuyahoga County, Ohio, for internal-revenue stamps, which were destroyed, as they allege, by fire in the burning of their factory, in Cleveland, Ohio, on the 28th day of April, A. D. 1882, to be reopened. And that said J. Schriber & Co. be allowed to make proof, according to law, of the amount of internal-revenue stamps which were affixed to packages of fine-cut tobacco, which had never been out of their factory, and which were destroyed by the said fire; and upon their making satisfactory proof of such loss, that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated by law, such sum as will be sufficient to reimburse them therefor, according to section 3426 of the Revised Statutes as amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEDURE.

Mr. BECK. I do not rise to object to this bill, but I desire to give notice that after this morning I shall object to bills being taken up in this way if we can not proceed to the regular call of the Calendar. I have made that motion two or three times and pressed it as hard as I could. The mode in which we are now proceeding simply makes the President of the Senate the autocrat of this body to recognize any one he pleases or any bills he likes or they like, and bills that are on the Calendar entitled to real consideration can not be heard. My people have half a dozen House bills which I have tried to get up time and again. It is no fault of the President of the Senate. My bills have no right of precedence over those that stand ahead of them, and others have no right to precedence over those that stand behind them. I shall endeavor to-morrow morning to go to the Calendar regularly so as to give each bill a chance. I have tried it two or three times. I will try it again.

Mr. HOAR. The Senator from Kentucky made one observation just now which might, I think, bear a meaning which I am quite sure he did not himself intend.

Mr. BECK. I do not know what it was.

Mr. HOAR. The Senator said that this method of procedure made the President of the Senate the autocrat of this body and enabled him to have such bills passed as he pleased. Now, my experience and I think the experience of every gentleman on both sides of the Chamber has been that whenever any of these little times of vacation come, when the Senate is not urging any particular bill with great earnestness, the President of the Senate, the present occupant of the chair as well as his predecessors, has with entire impartiality to both sides of the Chamber recognized Senators in the order in which they have asked him at the desk to be recognized, and there has been no instance of favoritism either between the two sides of the Chamber or between individual Senators or between individual measures. I am quite sure the Senator from Kentucky did not mean to imply anything to the contrary, but his expression would seem to carry that implication.

Mr. BECK. The Senator need not have given himself the trouble

to make that explanation to the Senate or to the country. I said that the Senate by this mode of proceeding necessarily compelled the President of the Senate to select from time to time those who get the floor. Now, I deny the right of Senators to go and put their names down on the President's list and get precedence by putting their names down; and yet the President of the Senate can not avoid it when they do. That is not the orderly way to do business. That is what I object to. I presume he would recognize me as quickly as anybody else; he always has, and always will, I think; but I want to get at business in an orderly way, and to-morrow morning I shall make the motion that the Senator from Tennessee has tried to do, and let us try to go on regularly with the Calendar for a day or two.

I am not complaining of the fairness of the President of the Senate in any shape or form, but the method of doing business necessarily produces these results, and if I used any offensive words, such as "autocrat," I did not mean them in any such sense. I meant that it prevented all from having a fair hearing; that is all, and we force the President to do it.

The PRESIDENT *pro tempore*. Before this subject passes from consideration the Chair begs the indulgence of the Senate to make a single observation.

The Chair has been subjected to great embarrassment by importunities, natural and reasonable, from members of the Senate for action upon bills in which they are concerned. The rules require the presiding officer to recognize the first Senator who rises in his place and addresses the Chair. When several rise simultaneously and address the Chair it is obviously impossible for that rule to be literally executed, and therefore, to avoid embarrassment, by the exercise of arbitrary authority and apparent partiality, the Chair has followed the practice of setting down upon a list alternately those who desire to be recognized, first upon one side of the Chamber and then upon the other, in the order in which they have applied, as being the only equitable and practicable method of escaping from the difficulties which the Chair experiences in consequence of the applications that are made for recognition.

The Chair has endeavored to be absolutely impartial and just to all persons desiring to pass bills, and if there be any other method that can be suggested, the Chair will be very glad indeed to listen to it and to comply with the wishes of the Senate.

Mr. HARRIS. I am in sympathy with the suggestion of the Senator from Kentucky, to devote the morning hour to the Calendar in its regular order, and hope it may be proceeded with in that way. But I desire to say, in connection with what has already been said, that when we fail to do that the practice of the Chair is the only one that can prevail, and that so far as I have been able to observe—and I have been a pretty close observer here for eleven and a half years—I am glad to say that absolute impartiality has characterized the conduct of the Chair continuously and always, as well the present presiding officer as every other who has occupied that chair. If we are going to take up bills upon motion in a scramble such as we have had this morning, the Chair is compelled to adopt the practice that has prevailed and that is prevailing here this morning by taking note either upon paper or otherwise of the order in which Senators rise and desire the floor, dividing equally between the two sides of the Chamber and in the order of their applications.

JOHN W. DURR.

Mr. ALLISON. Mr. President——

Mr. MORGAN. I ask the Senator from Iowa to yield to me that I may call up Calendar No. 1773, being the bill (S. 3248) for the relief of John W. Durr.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3248) for the relief of John W. Durr. It provides for the payment to John W. Durr, of Montgomery, Ala., of $125, in repayment of that sum overpaid by him on cash entry No. 20428, which said entry was made at the land office at Montgomery, Ala.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINE OF WATER-PIPE IN DAWES COUNTY, NEBRASKA.

Mr. MANDERSON. I would not appeal to the Senator from Iowa were it not for the fact that I wish to move the consideration of a bill which of its kind is of importance. I ask for the consideration of Order of Business 1920, being the bill (S. 3331) to grant to the city of Chadron, Nebr., the right to lay pipe-lines across certain tracts of land.

Mr. ALLISON. I yield to the Senator.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

The bill was reported from the Committee on Public Lands with an amendment, to add the following proviso:

And provided further, That before entering upon said lands said city of Chadron shall file with the Secretary of the Interior a plat of the ground proposed to be used as aforesaid, and whenever said grounds shall cease to be used for the purpose for which granted they shall become the property of the adjoining proprietors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. Now I ask that the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. The pending amendment, offered by the Senator from Florida [Mr. CALL], will be read.

The CHIEF CLERK. After line 7 of page 46 it is proposed to insert:

Ten thousand dollars, to be expended, in the discretion of the Secretary of the Treasury, for the discovery and the recovery of the property of the United States held in adverse possession to the Government.

Mr. CALL. Mr. President, this is a very small matter brought forward by officers of the Navy of the United States who had distinguished themselves in the late war, and some who had belonged to the Confederate States service. I had supposed that under such an indorsement as that it would not have excited any very great degree of opposition; but small as it is, and worthy and honorable as were the motives of these officers and soldiers of both sides in proposing it, it seems to have excited a great deal of apprehension on the part of some persons.

Now, Mr. President, the amendment is founded upon the Revised Statutes, section 5308, which provides that, whenever the owner of any such property—that is, property engaged in the war, or in any war or any insurrection against the United States—

consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

That is the statute of the United States which is the law to-day. It has been replied, in answer to that, by the Senator from Missouri [Mr. COCKRELL], in a very elaborate argument upon this subject, in which the correspondence, that was intended to be secret and on file in the Treasury Department, has been made public and notice given to all such persons, if there are any such who hold this property, to get it out of the way.

It has been stated that there was no necessity for this, that the subject had already been very fully examined; but the very report from which the Senator read contradicted in direct terms his statement. In Executive Document No. 304, Forty-ninth Congress, second session, a former Secretary of the Treasury, Mr. McCulloch, says:

The result of all these arrangements has been the actual recovery of property of the Confederates to a large amount, with much more which it is confidently believed will in due time be recovered.

"With much more which it is confidently believed will in due time be recovered." This was on the 17th of April, 1868, and the Secretary of the Treasury has furnished here all the official documents on file in his Department. There is no account of this "how much more it is believed will be recovered." There is no evidence that this matter did not drop right at that point, where it has remained in profound obscurity.

Now, in these papers are the statements upon the point of the practical use of this amendment.

There is the evidence of several former officers of high standing now in private life, to the effect that they personally know of a vessel, whose locality has been traced out and indicated, which is not accounted for in these papers, and which they state they have reason to believe is in the original hands where it was when the war terminated. Is this a matter of no importance, not even worthy of investigation?

Now, Mr. President, what excuse has the Senator for ignoring this fact, if this law is obligatory upon him, when respectable men of veracity and standing state it over their own signatures?

But that is not all that is remarkable. Here are three witnesses of the highest character who state this fact of property as to which there has been no investigation, no proceeding taken, whose locality is known.

But that is not all. The Senator from New York [Mr. EVARTS] and the Senator from Ohio [Mr. SHERMAN] have refused to consider this matter, the Senator from Ohio stating that nothing could be done in relation to this subject; and the Senator from New York, that he had advised against it in former years.

But here is the official correspondence of the State Department under Mr. Seward, with Mr. Adams in England, declaring officially the status of the United States Government in respect to this property. I will read it in order that it may be seen that the Senator from New York was wrong, that the Government did commit itself, that it did require suit to be brought in the courts of England, and that said suit, in consequence of a subsequent agreement here with one particular person, was discharged, but discharged by virtue of an unauthorized arrangement made by a consul in Europe whose action was disavowed by the Government. That is not at all material to this case.

It does not affect it, but it is a little singular that, upon a small matter like this, propositions entirely untrue in regard to the public status of this Government should be advanced. Mr. Seward says:

Mr. Morse alleges in his justification that the arrangement would have re-

sulted beneficially to the United States in securing a considerable sum of money or equivalent property, and in stopping legal expenses. He failed to consider that, as the suits in chancery then stood, property to be recovered and legal expenses had ceased to be of primary importance, those considerations having been superseded by considerations affecting our national honor generally, and more especially in regard to our relations with Great Britain.

The transaction referred to with Trenholm, Fraser & Co. was settled, I have no reason to doubt, honorably and justly. This little matter now in question has no reference to them or their affairs, nor to any one else in this country. Why there should be so much trepidation and alarm about a small matter like this I can not understand. Surely we can trust the Secretary and the President not to hurt any one.

Mr. President, I stated that there never had been any investigation, and that a great amount of property, which has doubtless to a large extent disappeared, has been left without even a history of the Confederate government and its transactions abroad being written, so far as the United States Treasury is concerned. Even as a matter of public history, a contribution to the history of the war and its results, and the resources of the Confederacy, the literature of the day will be greatly enlarged and benefited by the inquiry proposed by this amendment.

I have here the book of Captain Bulloch in regard to the secret service of the Confederate States in Europe. Captain Bulloch was an officer and a gentleman of high standing and of distinguished ability and fine intelligence, as I am informed. What does he say in regard to this matter?

Within about three months after the surrender of General Lee, a case involving the title to some alleged Confederate property was brought before the late vice-chancellor, Sir W. Page Wood (afterwards Lord Hatherley). That learned and most conscientious judge laid down the rule, that "whenever a government *de facto* has obtained possession of property, as a government, and for the purposes of the government *de facto*, the government which displaces it succeeds to all the rights of the former government and to the property they have so acquired."

I quote this to show how frivolous the objections made to this investigation, first, that the United States will make themselves liable for the debts of the Confederate States; second, that nothing can be recovered; and, third, that it is in bad taste for a Confederate to move in this matter.

That being the public law as interpreted in the courts of Great Britain, and not this figment of the imagination, which has no kind or foundation, of the Senator from Missouri, that there could be a possible succession to the debts of the Confederacy, that having been settled in the courts of England, Captain Bulloch says:

I will undertake to say that all of the official representatives of the late Confederate government in Europe would have accepted it, and would have loyally assisted any reputable and duly authorized agent of the United States in winding up affairs, so as to secure to that government their just rights. But it did not suit Mr. Seward's purpose to proceed in accordance with Vice-Chancellor Wood's interpretation of the law. He manifestly wished not only to get possession of the Confederate property, but to punish those who had dealt with the insurgents.

Persons whom no one knew anything about were sent to England to spy out the land and to discover if there was any Confederate property within reach. Arrangements were made with those persons that they were to receive a portion of the property which might be recovered through their efforts. The persons referred to were soon in consultation with the Liverpool consul, and it was generally known that they were traveling about the country and making inquisitorial inquiries into the alleged transactions of various tradespeople with the late Confederate agents.

It will, I think, be admitted that these were not dignified proceedings, and it is at least doubtful whether any respectable government ever before attempted to settle important matters by such means. Mr. Seward could hardly have supposed that any Confederate agent who had due regard for his own personal honor, or who retained any loyal feeling of obligation to those who had come into business relations with him, would either approach or permit himself to be approached by those "commission agents." I wish to cast no reflection upon them personally, but their office was one that would not have tempted a representative of the Confederate government to join in their explorations.

It is worthy of mention that the plan of getting possession of Confederate property through such means did not result in much pecuniary profit. By a return published in the Congressional document referred to above it appears that the gross proceeds of the property thus obtained in England during the years 1866 and 1867 amounted to $144,157.15, the greater portion of which accrued from the sale of the Shenandoah, which realized $108,632.18, against which are charged disbursements to the amount of $90,308.76.

This book contains all the information that has ever been furnished upon this subject, and in this letter of the Secretary of the Treasury, and in the letter of Mr. Dudley, who represented the United States Government, it is stated that this property is scattered throughout Europe in the hands of various persons, and Captain Bulloch in detail indicates, and a portion of that schedule, I apprehend, is made from statements made by him in regard to this property.

Is it a matter of no interest to this Government, leaving out of view the provisions of the law, that something should be known in regard to the operations and resources of the Confederate government in Europe during the war? I undertake to say that there is no information upon the files of the Department, and I think this resolution has brought all that there is there except what is contained in this book of Captain Bulloch, and that does not show the ships which are now reported by these intelligent officers as afloat and in private hands that have been in any way either investigated or accounted for.

I do not speak of the Confederate vessels which were bought by the British Government and the money paid over and which have never been accounted for. I am not seeking to bring anybody to account. I do not think it would be a proper thing for me, having been one concerned in the late war, to pretend to any excessive zeal upon this subject. I do not. My sympathies were with those engaged in that struggle. I have no shame in regard to it. I am a loyal citizen of the United States and a Senator here and obedient to the laws.

I had no hesitation in bringing this amendment here at the request, not of those who rendered faithful service in the Confederate States navy, not of those who shared its honors and its emoluments, and who now enjoy those of the United States, but at the request of those men who gave their blood and fought as private soldiers for what they believed to be right, and what was dear to them from tradition and sympathy of blood and kindred, men in the humbler walks of life, whose belief expressed itself in action, in self-sacrifice, in privation, and every form of suffering.

But, Mr. President, this little matter of an appropriation of $10,000 for the employment of some Confederate soldiers in a useful service to the United States seems to have excited a great deal of apprehension, a great deal of opposition, notwithstanding Captain Bulloch, the Confederate agent abroad, in his book asserts that this is what the Government should have done, that it should have appointed agents in sympathy with those people who could have approached them and ascertained the facts in regard to it, and he asserts that it has never been done to this day, notwithstanding it was urged and a distinguished officer of the United States Navy seems to have favored it, whose name has been brought here by the Senator from Missouri without any kind of warrant, for Admiral Luce, who, I am impressed with, from my intercourse with him, as an officer and a man who would do honor to any naval service or to any pursuit or occupation in life, a man thoroughly versed in the knowledge of his profession, a gentleman in all the amenities of life, who happened when he was in charge of the squadron in the West Indies, having rendezvoused at Key West and becoming acquainted with me called my attention to the fact as a Senator from Florida of the accessibility of Key West with its magnificent harbor, its command of the Gulf of Mexico, to attack from the West Indies, and to the fact as a matter of general notoriety that vessels built with Confederate money, as was notoriously stated, were then there in the hands of private commercial people who had rendered no service to either side, and for whom neither side had any sympathy, and left me with the idea that at least in the judgment of men of the Navy an inquiry should be had into the subject.

Why should that excite the Senator from Missouri into such a demonstration as he has made? He says Admiral Luce's great discovery! A reflection on this officer for having told to me what he saw, not for public use, not to be proclaimed to the people in possession of these ships, not professing it to be a discovery, but simply a fact that these vessels, better, as he said, than any in the Navy of the United States, and two of them were the Confederate rams which are referred to in Captain Marmaduke's statement as having been bought by the British Government from the Messrs. Laird, a full account of which is contained in this book of Captain Bulloch.

Now, Mr. President, who can deny that here is ground at least for inquiry, if it be no more than a contribution to history? Who is to be hurt by it? Are these gallant gentlemen whose lives have been so indorsed and approved, whose services in the Confederate States navy have attracted the admiration and respect of their opponents—are they the spies to whom the Senator referred? Can not they be trusted? Can not the Secretary of the Treasury be trusted with this little amount of money to ascertain what has become of this property, which Captain Bullock, the secret agent of the Confederate States navy, in his book refers to, and of which you have no kind of record in your Departments, and which have never been even investigated?

Why, Mr. President, there is nothing in all that. I can not see that there is even a reasonable ground for opposition to this amendment. I presume that the Secretary of the Treasury will not send anybody to Europe unless there should be found a necessity for it. I never dreamed of anybody going to Europe under this amendment. Neither do I suppose any one else ever did, except the Senator from Ohio; but suppose they should, that is not a very great thing, and the Republic would survive it.

I do think that when a great power which has made history, a power which can not be erased from the history of the century, because it was a profound conviction of the people founded upon tradition and the teachings of generations manifesting itself in action, in heroic action, giving birth to men like Lee and Jackson, whom all time will honor for their elevated character, whose statues should now, in the interest of humanity, stand side by side in the national Capitol with those of the great men who maintained the Union—when that great power which existed in history and maintained a war founded upon honest conviction, which taxed the resources of this great Government and people to their utmost for years, and then dissolved and disappeared, and there does not appear to be even a record of their great resources abroad, of the large quantity of the cotton and munitions of war, which are exhibited here in some kind of detail, but not professedly with any great accuracy by Captain Bulloch; and when he points out the fact that an inquiry such as this and in the hands of gentlemen such as these who are familiar with the facts, as a matter of history alone, if for no other purpose should be gone into, and these

unimpeachable witnesses point out the fact that some of these magnificent vessels, their name, their locality pointed out, which are not accounted for, and which his book shows not to have been accounted for, are still in the hands of some persons that possess them under charter-parties which were taken as a feint to prevent them from being held by the British Government under the diplomatic arrangement between this country and England, and held, as these gentlemen say, by men to whom neither side owes either sympathy or obligation.

Does it hurt my friend from Missouri that some Confederate officer who graduated at Annapolis and who followed his advice and instruction in abandoning the United States flag and fighting with distinction and honor, now poor and starving, and with a family depending upon him, may get employment and render good service to history and to the country? Is it an object that should excite his virtuous and patriotic indignation as a Senator of the United States that $10,000 should be expended in this investigation to be used in the employment of these Confederates to render this service to the Government and the truth of history?

Mr. President, I do not care to say more upon this subject; I feel no great interest in it. I introduced the amendment because it is in pursuance of a requirement of existing law, because the Secretary of the Treasury under the advice of the Senator from Virginia [Mr. DANIEL], of the Senator-elect from Virginia, Mr. Barbour, and myself, and of an admiral of the Navy and some officers of the Confederate States navy recommended Mr. Littlepage for this position and employment, and he did good service until the funds of the Treasury Department were exhausted and a deficiency occurred; and I here venture to say, notwithstanding the slighting allusion that has been made to him, that there is no officer of the late Confederate government who rendered more gallant service than did Captain Littlepage on board the Merrimac in her distinguished contest with the Monitor. I venture to say that among those who represented the Confederate States flag there is no officer who served and no private who made a higher and brighter record as a man of gallantry, fidelity, and courage than he did at that time.

Now, Mr. President, I cite to those who desire to act intelligently on this subject the law, the statute of the United States. I cite the statement of Captain Marmaduke of his services on board one of these ships, of his being commissioned on her, of her being actually in commission from the Confederate States. I cite the statement that she is now running upon the high seas under a charter-party given to evade the diplomatic arrangements made between Great Britain and the United States, and a charter-party in which they were required to give security that she should not be turned over to the Confederate States, and the statement that she still remains without change and without investigation through these twenty-one years, subject to the just demand of the Government, in the hands of persons to whom neither side, I am informed, owe any obligation of gratitude.

That is all I care to say upon this subject. I have no desire to mix myself up in it in one way or another. It is the right thing to do. It is right in respect to the history of the country; it is right in respect to the necessities of the public service; it is right in respect to sworn obligations of the Senators of the United States, and I can see no inconsistency and no bad taste supporting it in a man who was concerned in the Confederate war, proud of its traditions and of the honor and character that were made by the people of those States in that service, and a firm and faithful discharge of the duties of a citizen and a Senator of the United States.

I can see no reason why there should not be a faithful and correct account rendered of these transactions of the Confederate government abroad. I can see no reason why, if any person has any of that money or that property, he should not now render, as should have been done long ago, a correct and faithful statement in regard to it, the more especially when in the legitimate and proper service of the Government of the United States in doing this duty some good men will find employment and compensation.

But as regards this little matter it concerns nothing more than the single ship which was referred to in the testimony of these gentlemen; and I undertake to say here, notwithstanding the Senator from Missouri made light of it, he can not contradict the statements made by Captain Marmaduke and by Mr. Littlepage and by several Confederate officers of distinction, which render the probability very great if not a matter of absolute legal proof, that there is property yet which should be inquired into, not in this country, but sailing upon the high seas, which it is important and it is to the honor and dignity of this Government at least, and to its character in conducting its business with some order and method, should be looked into.

I think it will be somewhat difficult to give any intelligible and plausible reason for the earnest effort to suppress and prevent even an inquiry into this subject. Admitting all that the opponents of this amendment say, it does not present the least reason why this amendment should not be adopted.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment offered by the Senator from Florida [Mr. CALL].

Mr. CALL. I should like to have the yeas and nays on that.

The yeas and nays were ordered.

Mr. EDMUNDS. I dislike to prolong this debate, and will not for more than one minute, simply to say that a committee of which I was a member some years ago had special occasion to investigate this whole subject as far as we could then obtain any knowledge, and were satisfied, from what had already been done, that it was a perfectly useless waste of the public treasure to undertake to pursue the assets of the late corporation of the Confederate States any further, and that the wisest thing we could do would be to treat the assets as we were taught to treat "the late unpleasantness"—by forgetting it and letting it go.

I hope this amendment will not be agreed to.

Mr. CALL. I ask the Senator from Vermont if he has seen and read the statements of the different officers in regard to the specific facts in relation to this vessel?

Mr. EDMUNDS. I have seen them.

Mr. CALL. If the Senator from Vermont has not seen them yet, there are three respectable gentlemen of distinguished veracity who testify to the present locality and the circumstances under which this vessel passed into the hands of those now having her, and if he has not seen these statements and does not attach any importance to them and knows nothing about them, then I submit to the Senator that his remarks upon an investigation some years ago on other evidence, in regard to which no one knows anything but himself, even if it convinced his judgment then, can not reasonably do so at this time. In short, his objection is entirely unreasonable, and can not be founded on any theory which can be the basis of a reasonable opinion.

Mr. EDMUNDS. That may be perfectly true. We may locate this vessel as in old fox-hunting times when I was a boy we could locate a fox in the bottom of a narrow cave 100 feet in the mountain, but the thing was how were you going to get the fox out. Every cent of money spent in these pursuits will be lost and nothing will be gained by it. That is all.

Mr. CALL. If we are to decide things by mere statements of that kind, then there is no answer that can be made. The proposition of the Senator is that is so because it is so. But as to the correctness and comparison of a specific statement of three witnesses, some of them officers of the Union Navy and some of the Confederate navy, who served on that ship, who state the specific facts upon their veracity as men, that a vessel which was built and paid for by the Confederate government is now upon the high seas, designating the port and the hands in whose possession she is; that she was placed under a charter-party under bonds not to be delivered to the Confederate government; that she was under that charter party at the termination of the war, and that she has continued to run under it—if these facts stated here in these papers are true, and if the statute of the United States is obligatory upon the Senator from Vermont on his oath and his conscience, that if there be such property the President of the United States should be required to take it, and Senators here should furnish him the means to do it; if all these facts are to be set aside by the simple declaration of the Senator that it is like a fox in a hole, why, well and good.

That is the state of facts in regard to it; that is the evidence, and I have cited it. I have cited the report of Captain Bulloch, and, as is shown, there has never been an attempt to get possession of this vessel. What money has been paid to suppress the information, what officials have been corrupted to betray the honor and interest of the United States I know not; but I do know that it is plainly the imperative duty of every Senator to see that the money of the United States is obtained to relieve the people from taxation and to be used for public purposes.

Men with Confederate sympathies should not be restrained from doing their duty. The money should be obtained. The one-legged and one-armed maimed and disabled soldiers of the Confederate war who followed their honest opinions should not be deprived of the opportunity of appointment under this provision, and charity to them would be better than to leave it in the hands of those who have defrauded the Government of the United States of its rights. The Senator from Vermont can not evade his duty by such a pretense as has been made here.

Mr. GIBSON. I have great respect for the sentiments and sympathies of the Senator from Florida [Mr. CALL], but I differ from him entirely in respect to the expediency and propriety of this investigation.

In the first place, we have no request from the President of the United States or from the Secretary of the Treasury or from any Executive Department of the Government for an appropriation for this specific purpose; and in the absence of such a request, with all the information they have in their possession, I submit that it would not be proper for Congress to vote such an appropriation as this.

Mr. President, the presumption is that the Southern Confederacy made a complete and honorable surrender of all its assets to the Government of the United States. I believe that the officers of the three Confederate armies that were surrendered made a surrender in accordance with the terms and conditions which were imposed upon them at that time, and that the naval force, whatever it might be and wherever it was, made likewise an honorable surrender according to the terms which were imposed upon these armies and upon these forces of the Confederacy, whether on land or on sea. The terms imposed were such as became the commanders of the great armies of the Northern States, victorious in a gigantic war against the armies of the people of the Southern States. I had myself the honor to be a commissioner for

the surrender of one of these armies, and I bear willing testimony to the courtesy and kindness with which the commissioners on the part of the Federal Army treated us and to the generosity of the terms which were extended to us, and to the firmness of the Federal commanders, especially General Grant, when relentless politicians demanded victims for slaughter and vengeance.

Under these circumstances I submit that at this late day it is not proper to call in question the validity, the integrity of the surrender that was made by the officers representing the Confederate forces on land and on sea. Such an investigation, I am informed, was undertaken many long years ago. It amounted to nothing.

The representations of the fabulous wealth that was hid away in Europe or in distant seas, in the possession of Confederate officers, lost to their own sense of honor, were shown to be mere flags of wind. It is very much like the stories circulated by adroit lawyers or shysters about possessions belonging to American heirs in England and in France, Belgium, and Holland. I remember a few years ago the celebrated J. P. Benjamin, at that time the leader of the English bar, as he had been one of the leaders of the American bar, and whose learning and genius gave luster to this Senate, told me that so frequently were communications sent to him on that subject that he had found it necessary to issue a circular and give it to the public press, notifying the people of the United States that in nearly all instances these claims were set up for great estates in England upon fraudulent representations, and were intended merely to fill the pockets of the persons who offered their services to these absent heirs. Recently one of the representatives of the United States to Belgium or Holland has given public notice warning our countrymen against such representations made in order to deceive them.

Mr. HOAR. If the Senator will pardon me, it was Mr. Phelps, the minister to England.

Mr. GIBSON. And I think Mr. Bell, of Belgium, likewise.

So I submit it is not necessary, under all these circumstances, that we should embark in this enterprise, this voyage of discovery to ascertain whether or not there be some property hid away somewhere by delinquent officers of the late Confederate States.

Sir, the Confederate States died a manly and a noble death on the field of battle many long years ago, and all that was left of them was that sentiment of honor which the men who carried the musket in the ranks and the officers who wore wreaths on their collars inherited from a proud ancestry and which I believe will be transmitted to and abide with the people of the Southern States so long as our mountains shall lift their summits to the skies or our rivers flow to the sea.

I would inscribe upon its memorial tablet the epitaph penned by the greatest of our race for his own:

> Good friend, for Jesus' sake forbear
> To dig the dust inclosed here:
> Blest be the man that spares these stones,
> And curst be he that moves my bones.

Mr. DAWES. My position in the Committee on Appropriations, where this whole subject was pretty thoroughly examined, and the position I take here is this: We have here a suggestion of such a peculiar character, and which must be pursued in such a delicate way, in which the Government itself must take the lead and take the charge and be responsible at every step, that we ought not to embark in it unless the President of the United States or the Secretary of the Treasury says that he has in his possession such information as justifies him in recommending such a step.

Now, without discussing the question whether there does exist or does not exist any considerable property which, under any possible construction, could come from the Confederate government to us which has not come, it seems to me so plain and so palpable that it is a matter of national conduct that if we pursue it a single step the whole investigation will rest upon the Government of the United States itself, and sooner or later, if there is anything at all in it, it must be diplomatic to some extent at least.

Unless the Government of the United States will take upon itself the responsibility of saying "we have such information in our possession that justifies us in asking for a sum of money to pursue further the investigation," then it should not be undertaken at all. I did not stop to inquire into the probable cause, the *prima facie* case presented by the Senator from Florida. Be it good or be it bad, be it of substance or of air, nobody should undertake this work but the Government of the United States, and that Government upon its responsibility and its sense of obligation in the administration of public affairs. The moment any official like the Secretary of the Treasury or the President of the United States shall say to Congress, "This is a matter which I have reason to believe ought to be pursued," the Congress of the United States will be willing to respond, and I do not think the Congress of the United States ought to respond unless it be to some substantial and responsible appeal from the executive department.

Mr. CALL. Will the Senator from Massachusetts allow me to ask him does not the amendment leave it entirely in the hands of the Government, and do not these facts which are here submitted furnish sufficient evidence to move the judgment of the Senator to give him the opportunity of ascertaining whether or not this investigation should be had?

Mr. DAWES. I say I did not look at the papers. The Senator says that appeals have been made, so that somebody should be responsible for initiating this action, and they have been made without response. Can the Senator tell me why, if these things are before the executive department of the Government, and they think this an object that ought to be pursued, the executive department have not asked for it?

Mr. CALL. I ask the Senator if there is any more obligation on the part of the executive department to do what is right than there is on the Senate?

Mr. DAWES. All this matter is before the Department. All this matter has been in the Department for twenty years. It has been brought before the Committee on Appropriations by the earnest zeal, the honest zeal of the Senator from Florida. The Senator from Florida has had this answer presented to him time and again, and he has been told that if he would bring the responsible indorsement of the Department wherein all this has been these many years, the committee would respond to it; and I have no doubt the Senate would.

Mr. REAGAN. Mr. President, I do not propose to enter into the general discussion of this subject, but as I shall vote against the amendment proposed by the Senator from Florida I wish to state the facts which will show that I am not animated by any desire to prevent any investigation or ascertainment as to the existence of any property which belonged to the Confederacy and which ought to be taken possession of by the United States.

This matter comes before us without the official recommendation of any officer of the Government. It comes before us on the application of a man who wants employment. The matter had been investigated from year to year by the Government, and directly after the close of the war. One of the Secretaries of the Treasury has already informed the Senate as to his belief in the impropriety of making this appropriation.

The statements contained in these papers show that the man who makes them believes that in thirty-seven items of property and money which he says belonged to the Confederacy and ought to be recovered by the United States, there was nearly $36,000,000 worth.

Mr. CALL. Will the Senator allow me to say——

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from Florida?

Mr. REAGAN. I would be glad to make my statement without interruption. This man believes that there is nearly $36,000,000 worth of such property, and then he states that there were a number of other items besides, the value of which he does not give. He states that a number of vessels which would make a respectable fleet for the United States belonged to the Confederacy and ought now to belong to the United States, besides the millions of money and property in foreign countries, and in addition this man states that there are large amounts of money and property in the United States in the same condition.

Among them he makes a statement that there is in railroads, mills, and foundries, etc., in Davis and Marion Counties, Texas, $3,000,000 worth of property which ought to belong to the United States, which was the property of the Confederacy. Mr. President, there was not a railroad in Marion County until long after the war, and therefore the Confederacy did not own what did not exist. If the Confederate government ever owned a dollar of property in that county I do not know of it.

There was a foundry in Marion County before the war that made cast-metal, pots, ovens, and such things. Since the war it makes that kind of ware and plows, and perhaps some pig-iron. But it was private property before the war; it is private property yet; and if the Confederate government ever had work done there I have no conception of it or knowledge of it. Taking that as an example, what credit are we to give to statements so recklessly made?

The papers in this case make one think that "Mulberry Sellers" should retire from the stage and one as much superior to him in the prolific character of his imagination as he was to ordinary matter-of-fact people ought to take his place. Can it be that $37,000,000 worth of property belonged to the Confederacy that ought now to be acquired by the United States, a quarter of a century after the war, and after the Government has exhausted all its efforts to acquire such property as it could which belonged to the Government and abandoned the subject? A man comes in and wants a job, and he brings such a story as this!

Mr. President, if there was any foundation for it the Secretary of the Treasury would know it, because in the archives of his Department are all the facts that are needed. It is for these reasons, for the extravagance of the statements, for the unreliability of the statements, for the unreasonableness of them, and in the absence of any recommendation by those in authority, that I shall vote against the proposed amendment.

Mr. ALLISON. I move to lay the amendment on the table.

Mr. CALL. I ask the Senator from Iowa to withdraw that motion for a moment. It would be hardly fair to me to make it now after the statement of the Senator from Texas. Of course there is some courtesy due.

Mr. ALLISON. I will withdraw it for a moment with the under-

standing that I shall renew it when the Senator from Florida concludes.

Mr. CALL. I wish to say that I deny the statement of the Senator from Texas, and I ask him to produce the proof of it. I say that no gentleman I know of whose testimony is in this record has made a statement of the kind he refers to. I ask him to produce the proof of it. I deny the statement.

Mr. REAGAN. Here it is in the papers which were read. I am not familiar with the papers. I only glanced at them.

Mr. CALL. Then the Senator ought not to say that.

Mr. REAGAN. The very first one of the items read by the Senator from Missouri [Mr. COCKRELL] is as follows:

Item No. 1: Consists of iron works and lands, together with flouring mills, machine-shops, foundries, and railroads in Marion and Davis Counties, Texas, cost to the Confederate government, as can be shown to ours, $3,000,000.

Mr. CALL. Who made that statement? The Senator said that somebody who wanted employment made that statement.

Mr. REAGAN. The man who makes the items of property made it. Mr. Littlepage gave in that as one of the items that belonged to the Confederacy.

Mr. CALL. Mr. Littlepage's name is not upon that paper. He never made such a statement. He has no connection with it. I so stated yesterday, and I defy the Senator from Texas to produce any evidence of it. He has reflected upon the character and the good judgment and the good sense of a gentleman of high character and standing without a particle of evidence.

Mr. REAGAN. The Senator has investigated this subject and knows who made the statement. Who did make it?

Mr. CALL. I stated yesterday that these items, as I was informed, had been compiled from the statements of Confederate officers, much of it in this book here.

Mr. REAGAN. By whom?

Mr. CALL. I do not know by whom, but it was——

Mr. REAGAN. Does the Senator doubt that Mr. Littlepage compiled that statement and put in the papers?

Mr. CALL. I do. I have no evidence that Mr. Littlepage had anything to do with it. I stated that it was compiled from the records of the Department, and referred to by him as containing items of which he had knowledge.

Mr. President, I wish this matter to stand fairly before the Senate and not to be condemned upon improper ground, and not upon censures and reflections upon men as good as any others. Mr. Littlepage did not originate this investigation. It came from officers of the Union Navy who saw in it an opportunity of promoting the interests of the public service and at the same time giving useful and needful employment to some deserving men of the Confederate States service who had stood all the dangers but had received none of the benefits of official rank.

Mr. REAGAN. It is immaterial who made the statement. It is certainly a very extravagant and a very false statement. That is the ground upon which we are asked to make this appropriation.

Mr. CALL. Not at all. No one has asked that an appropriation should be made on the ground of this item. The specific item on which the appropriation was asked has been stated and reiterated until it has become tedious to state it again.

This information was sent here in response to a resolution asking the Secretary of the Treasury to send all the papers of which he had any knowledge on file in his Department, and why Mr. Littlepage should be connected with it because there are some letters of his in reference to the subject I can not imagine, nor why he should be assailed in this way, nor Admiral Luce—who had nothing to do with it—or any one else.

Mr. President, the Senator from Louisiana [Mr. GIBSON] made a speech upon this subject, and he might as well have talked about the moon or the north pole or the south pole. There is no question here as to the good faith of Confederate officers in surrendering property. This matter has nothing to do with the Confederate army or with what they did in the surrender. Why take that ground? Why impute to any one an impeachment of Confederate officers and their good faith in this matter?

Here is the statement of Captain Bulloch, the secret officer of the Confederacy abroad, in regard to agents charged with this money, stating facts with particularity, showing that this property was not surrendered, and yet the Senator from Louisiana says he has no doubt that it was all surrendered. He has no reason for this opinion; he gives none; he can give none, and he is contradicted in his statement by Captain Bulloch.

Mr. President, I am not going to prolong this debate any further. I offered the amendment, as I said, not because I cared anything about it, but at the request of some very intelligent and reputable officers of the United States Navy and of the Confederate States navy. I do not sympathize with the Senator from Louisiana in his opinion that the dust of the Confederacy should be buried, and that good friends would let it alone. The Confederate States will live in history for the great and heroic characters that they developed.

There is no need to let their dust remain undisturbed. There are written in the immortal pages of history the endurance, the heroic virtue, the illustrious characters of men like Lee, Jackson, and others; and I am glad to know that the heart of the North and its soldiers respond to that sentiment. I am not ashamed of the Confederate States, and I do not wish its dust to remain undisturbed. That government and its place in history can not be overlooked. It has no dust, but it has the immortal glory, the heroic character of noble self-sacrifice. Its memories are not connected with the abstraction of Confederate property, or an attempt to protect those who unlawfully hold it against honor and duty.

I confess my sympathies are all with the rank and file of the Confederate soldiers, with the widows and children of the nameless dead, whose bodies lie in unmarked and unknown graves, of whose fortitude, privations, bravery, wounds, and death no record tells, for whose desolate homes no pension or bounty from a generous government comes, whose widows and children have no heritage, but the widow's tale of the brave and gallant father who at the bidding of duty as he understood it marched forth with a brave but sad heart never again to gladden his home with his presence.

For him and them and for the survivors who went into battle and came home with nothing but wounds and the consciousness of duty bravely performed—for these my heart opens with affection and solicitude. If consistent with duty to the Government and others honorable and useful employment can be given to them without detriment to the just claims of others I shall not fail to do it.

I am disappointed to find that this feeling does not find place with all of us. I am disappointed that other views and feelings and opinions of public duty and policy seem to be of sufficient weight to induce a majority of those, who, like myself, are enjoying the honor and emolument of official position under the United States, rather to protect the possessors of ill-gotten property of the Confederate States in their wrongful appropriation of this public property, than to give employment to Confederate soldiers of character and merit who are in want in securing it for the Government. Once secured, the generous sentiments of the Union soldier would require its disposition in some form of public benevolence for their benefit.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Iowa to move to lay the amendment on the table.

Mr. ALLISON. I do.

Mr. CALL. I withdraw the amendment.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered the amendment can only be withdrawn by unanimous consent.

Mr. CALL. I ask unanimous consent to withdraw the amendment.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COKE. I object. I prefer a vote on the amendment.

The PRESIDENT *pro tempore*. The Senator from Texas objects to the request of the Senator from Florida to withdraw the amendment.

Mr. ALLISON. Then I renew my motion to lay the amendment on the table.

Mr. REAGAN. I desire, in response to what has been said, to read a paragraph from what Mr. Littlepage said:

In addition to the above report—

That is, the report which he makes—

In addition to the above report, I beg to file an itemized statement of Confederate properties unrecovered by the United States Government, but which might have been recovered had proper steps been taken. I believe that a large amount of the property described may yet be recovered, although so many years have elapsed.

I simply present that to show that Mr. Littlepage presented the paper to which reference was made.

Mr. CALL. I said Mr. Littlepage presented it, but nowhere did Mr. Littlepage state that it was a correct list. He says he believes the larger part of the property enumerated might be recovered, and he believes if proper steps had been taken it might all have been recovered. So does Captain Bulloch and so does Mr. Dudley, the representative of the United States, in the papers now before the Senate, which I have read.

Mr. REAGAN. The Senator misremembers the statement. He does not say "the larger part."

Mr. CALL. The Senator just read it.

Mr. REAGAN. Mr. Littlepage says:

In addition to the above report, I beg to file an itemized statement of Confederate properties unrecovered by the United States Government, but which might have been recovered had proper steps been taken.

Not a part of it, but all of it.

Mr. ALLISON. I move to lay the amendment on the table.

Mr. CALL. I ask unanimous consent to withdraw the amendment without putting the Senate to the trouble of a vote.

Mr. ALLISON. That was objected to.

Mr. COKE. I object. I want a vote on it.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Iowa to lay the amendment of the Senator from Florida on the table.

The motion was agreed to.

Mr. EVARTS. On page 94, at the end of line 17, I move to insert:

For the completion of the monument at Washington's Headquarters at Newburgh, N. Y., and of the statues thereon, according to the plans adopted by the

joint select committee of the Senate and House of Representatives, under joint resolution of the two Houses, and for gates therein, according to the recommendation of the Secretary of War contained in Executive Document numbered 336, Fiftieth Congress, first session, to be expended under the direction of the Secretary of War, $32,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. EVARTS. I do not know whether the Committee on Appropriations will desire to oppose the amendment or not. It is for the completion of the monumental structure at Newburgh commemorative of the great transactions at the close of the Revolutionary war. A structure has been erected there, completed, and accepted by the Government, and the money paid for its construction, in some sense for its completion; but the original plan of the structure provided for four external statues. The plan approved by the Government contained that arrangement of the structure.

The present estimate is that $5,000 each for those statues will be required; and then in the form of the structure, which is not an obelisk but a structure more commemorative, as it was supposed, of the situation of things. There are four large open archways of entrance. The plan did not provide for the gates to these entrances, and the estimates for bronze gates at each of those four entrances will cost $3,000 each, making altogether an estimate of $32,000, which is sent in by the Secretary of War, with a more specific and complete statement of Colonel Wilson, United States Army. I hope there will be no opposition made to the insertion of the amendment.

Mr. REAGAN. Newburgh was the headquarters of General Washington during very important operations of the Revolution, when he was engaged in the effort, which proved successful, of preventing the English forces coming through Canada from forming a line across the Hudson with the forces at New York City. Historians have believed that if the English army had been able to succeed in making that junction and isolating New England from the other States the fate of the Revolution might have been very different from what it was.

The place is connected with most important historical associations. The Government has already authorized the construction of a monument, which is a very creditable one, commemorative of the incident referred to. A good many things have been collected there which are connected with that period of the Revolution.

I trust that the amendment offered by the Senator from New York will be adopted, to complete and perfect the monument already begun.

The amendment was agreed to.

Mr. EVARTS. On page 51, after line 10, I move to insert:

To enable the Secretary of State to purchase from John H. Haswell, chief of the Bureau of Indexes and Archives in the Department of State, the manuscript of "The Chronological History of the Department of State and the Foreign Relations of the Government from September 5, 1774, to July 1, 1885," prepared by him, the sum of $6,000 is hereby appropriated.

And the Public Printer is hereby authorized, upon the requisition of the Secretary of State, to cause to be printed and bound in cloth, for the use of the Department of State, 5,000 copies of the above-mentioned work.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. EVARTS. If no objection is made to the amendment, I will read a single clause from the report of Secretary of State Frelinghuysen, who describes this work. Mr. Frelinghuysen said:

The work has been compiled by Mr. Haswell with the greatest regard for completeness and accuracy—about twelve years having been consumed by him (outside of his regular duties at the Department) in its preparation—and he has succeeded in arranging its contents in such a form as to facilitate in the highest possible degree a reference to any particular subject or to the official history of any individual, thus insuring its value as a handbook of reference. Many important facts in the early history of our foreign relations not hitherto known have been discovered by the author in his exhaustive researches among the Government archives, and are here presented for the first time; and his work is of especial value because it completes the imperfect records of the early period of this Department, many of which were destroyed during the war of 1812.

The present Secretary of State, Mr. Bayard, mentions this item among the estimates which he furnished to the Committee on Appropriations.

I take great pleasure myself in saying that Mr. Haswell was and is one of the best and most intelligent employés in a responsible position, and that this record which he presents from 1774 to the present day is of real importance to the Government. The amount proposed to be appropriated is only $6,000, and it is the work of twelve years out of office hours.

Mr. ALLISON. I will say that this amendment has been before the Senate at nearly every session of Congress for the last ten years.

Mr. EVARTS. I should think not so long.

Mr. COCKRELL. It is an old stager.

Mr. ALLISON. I suppose it should be put on the bill. I do not know that we could resist it successfully.

Mr. EVARTS. I can hardly think that this proposed item of appropriation has been before the Senate for such a length of time.

Mr. ALLISON. I may be mistaken; it may be only eight years, but I know we have considered it on every sundry civil appropriation bill for some years past.

Mr. EVARTS. Mr. Frelinghuysen's recommendation was in 1884, and I do not think there was any during my time.

Mr. ALLISON. I think before the Senator's time as Secretary of State there was probably a recommendation.

Mr. EVARTS. I should hope really that the manuscript might be printed and proper compensation given to this gentleman.

Mr. PLUMB. The amendment brings up a rather pertinent inquiry, which I think perhaps somebody ought to make. I should like to inquire of the Senator from New York if he knows of anybody else about the State Department who has anything he would like to sell to the Government which has been the result of his official service? Changes of administration have occurred, and changes are liable to occur again. There ought to be some rule, either that when these people go out they shall have something in the nature of a gratuity to compensate them for the agony of departure, or that there shall be a general shaking of clothes, and that they shall not take away anything which really belongs to the Government.

We shall be liable, of course, to surprises of this kind, growing out of the fact that some diligent person, not finding the Government service sufficient to occupy his laboring hours, has employed himself in making buttons or books or something else, which in due time he asks Congress to buy.

Mr. EVARTS. Mr. Haswell is at the head of the Bureau of Archives, and is fully employed during the hours of service. In a period of twelve years, as the Secretary states, outside of office hours he has completed a valuable document which will be of daily use in the Department, and be of occasional service to a multitude of others. There was no obligation on his part to perform this work out of office hours. His salary does not cover anything beyond his office hours.

It is purely a question whether the Government will publish a work which was produced in the Department, and which could not be produced except by some one in the Department. Neither the intelligence nor the means of prosecuting or verifying the facts can be in the hands of any one but an inmate of that establishment. Therefore the question is narrowed down to this: A foreign agency introduced there can not produce the result. This gentleman can produce the result. He is under no obligation to produce it except by reasonable expectation of compensation for the work if it is valuable.

If the Senator from Kansas will not take the word of the present Secretary of State and of the late Secretary, Mr. Frelinghuysen, that it is a valuable work, I can not convince him by anything that I could say; but I have rescued at least Mr. Haswell from any opprobrium or any reproach. He is at the head of an important function there which occupies all his time, and this work of his can not be done except by one having access to the archives; and it has been done by him outside of his regular services. The work, then, must be omitted from the means and resources of this Government if this $6,000 is not allowed.

Mr. PLUMB. I do not think it can be charged upon anybody that he has been immoral in trying to get money out of the Treasury of the United States. That is a wholesome, a useful, and it is getting to be a somewhat universal occupation. Therefore I can not impute to this person anything in the nature of dishonor or even impropriety in this matter. But at every Congress some one we have employed, and whose services we are supposed to have, seems to have been using the most valuable part of his time in doing something that he expects to have pay for outside of his salary.

Mr. EVARTS. Will the Senator allow me to ask on what evidence that rests?

Mr. PLUMB. This gentleman has been in the employ of the Government during this period of time, and if this was a proper thing to be done it was his duty to do it under the compensation which he has been receiving.

Mr. EVARTS. The point is that he performs his duties there during the whole hours for his salary, and all of this work has been done outside of those hours.

Mr. PLUMB. That is entirely incredible. It is well known, I think, and the Senator from New York himself during the period that he occupied the State Department probably had occasion to know, that the work of the Department is not very arduous, unless possibly in exceptional cases. I once had the responsibility of naming a clerk in one of the Departments in this city, a man who came from the West, a man of intellectual and physical ability, not extraordinary, however, certainly in a physical way. He was assigned to a desk in the Department in which he was appointed and given a certain amount of work to do, which he performed in about two hours. Thereupon, very naturally (and I say very naturally according to the standard which has been the custom outside the Departments), he inquired of his chief for something more to do. His chief said to him, "That was a day's work which you have done here in these two hours. You must accustom yourself to spread this work out over the entire working period of the day." Of course he was prompt to comply as far as possible, and yet it took a number of weeks to really get his muscles in a condition whereby he could move them slowly so as to get through in eight hours what, if he had been left to himself, under his disposition to do all that he ought to do, he could have done in two hours.

I simply do not believe on the testimony of anybody that any clerk in a Department of the Government has done work of this kind in over hours, having himself worked the entire period of eight hours, if that is the period which he should work in the Department for the Government. It has been done in hours of course at odd times, and when probably there was nothing else pressing to be done.

Mr. President, we employ the services of these people, and a man has no more right to do work of this kind, expecting to reap a compen-

sation for it from the Government, than he has to patent an article for which the Government furnished him the material, and that the Court of Claims has recently decided could not legally be done.

Of course the Senator from New York is not here to say that this is a legal claim, but I say it is not a moral claim. On the contrary, the purchase of this manuscript would involve us constantly in things of the same kind, by which we are inducing the servants of the public, as we call them, to be inventing ways whereby they can disregard the public duties and engage in private speculations which some day they will expect to unload upon the Government.

I do not question the value of this work. The Secretary of State knows about that, and I am willing to take his judgment of it. I have no doubt an entire diary of the State Department, giving the habits of the various Secretaries and all that sort of thing from the beginning of the Government, would be interesting, and it would take the place no doubt of some of the celebrated memoirs of former generations. But apart from the value of the work itself I simply say that this is a bad precedent.

Mr. EVARTS. The Senator from Kansas seems to think that this is a personal narrative of the Secretaries of State. The work is a chronological history of the Department of State and the foreign relations of the United States from the time of the organization of the first Colonial Congress, in September, 1774, down to the present time.

I did not catch the name of the employé, if his name was uttered, who could do in two hours more than anybody else had been able to do before in a day. Perhaps the Senator did not name him. But I can say that the State Department is not overfurnished with employés; that no such imputation has ever been made; and that patronage has scarcely any play in the conduct of affairs there—no more under the present Administration than under previous administrations.

We are brought distinctly to the proposition that this is a valuable work; that if the Government suffers for the want of the work it will be its injury; that nobody but inmates of that Department could make this work; that this is an honorable and excellent gentleman, about whom all agree who have had to do with him; and that successive Secretaries of State pronounce the work useful to us.

Now, it is said, upon generalities, that people are idle; that this work could be done during office hours; and the Senator can not believe on any statement that anybody in the employment of the State Department is really worked. Of course I can interpose on a question of fact nothing that will be additional to what is certified by the Secretaries of State. But the Government is either to have this work or go without it, and I much regret that the name of Mr. Haswell, who is so well known to all who have to do with the State Department, should be made the occasion of aspersions of idleness.

I hope, Mr. President, that the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was rejected.

Mr. EVARTS. On page 115, after line 15, I move to insert:

To provide for the laying out and constructing a macadamized roadway or carriage drive through the grounds of the Botanical Garden of the United States, under the supervision and direction of Col. John M. Wilson, Commissioner of Public Buildings, the sum of $4,800.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. EVARTS. This is a report from the Library Committee, and so far as I know, the desirability of having this driveway extended through the Botanical Garden is generally admitted. I desired from the Architect of the Capitol, Mr. Clark, his estimate, which he carefully made, of what it might cost, and the sum named in the amendment is that named by him. Everybody in the Senate is as familiar with the situation and with the reasons why this improvement should be made as I can be or can be supposed to be.

Mr. BECK. Mr. President, the Committee on Appropriations considered this amendment and refused to insert it. I was one of those opposed to it in the committee, and I am opposed to it now. We are laying off carriage drives for gentlemen all over this city. We are improving the Potomac flats, at a cost of several million dollars, where they can drive *ad libitum* over miles of roadway. They have the Soldiers' Home; they have all the great parks; and here is a little botanical garden, where people can walk between the Capitol and Third street, and they want now to invade that with their carriage drives. I do not think it ought to be done. It will involve tearing up the two rows of trees that grow from one gate to the other; and I have never been able to see any sort of necessity for it.

The persons who use carriages have plenty of places to drive, and when there is one little place where people can go and walk and take their children and not be run over by the carriages of the distinguished gentlemen who want to drive through it, it is sought to invade that place and get in there, too. That, it seems to me, is really going too far. There ought to be some place where people can go without being liable to be run over by the gentlemen in carriages.

Mr. MCPHERSON. Is it proposed to make a drive through the Botanical Garden?

Mr. BECK. Yes; through the center of it, tearing away the rows of trees so as to make a carriage drive. That is the proposition of the Committee on the Library. Our Committee on Appropriations do not agree to it. Of course the Committee on the Library can do pretty much as they please.

We have just inserted $32,000 to finish the monument at Newburgh.

Everything is done on a grand scale that comes from the Committee on the Library. When my friend from Texas [Mr. REAGAN] rose, I thought he was going to oppose that amendment, and I looked with perfect amazement when he came out advocating it more earnestly than anybody else, and of course I had no right to say a word on the subject after that. There is a monument which we made a contract to build for $25,000. A joint committee of the two Houses was appointed. Secretary Bayard, then a Senator, and the Senator from Connecticut [Mr. HAWLEY], then a member of the House, were selected out of the joint committee to make the contract, and they bargained for $25,000. We have paid that $25,000. Now, it takes $20,000 more to put in some beautiful little statuettes inside, as there were some places left where they could be conveniently put. I thought perhaps we could do that. Not content with that, the Committee on the Library wanted $12,000 for four gates.

There are not ten farmers in any county in Kentucky who would not be glad to get $3,000 to build them a house on 500 acres of land, and yet we have authorized four gates at $3,000 a gate, that we were never under any obligation to place there, and I suppose gates could be put there for $500. Then we are to put a watchman there and give him $500 this year. Next year he will complain and the Library Committee will report that other watchmen get $1,000 and this watchman must get $1,000 too, and he will be maintained there as long as time lasts. And now we are to have the Botanical Garden invaded, and the walk that people can take through there without being run over by carriages is to be broken up.

There is no end to the drives in this city; there is no end to the expenditure that has been made to enable gentlemen to drive; but there is a little corner where they can not go through, where they think they would like to go through in coming to the beautiful monument that is standing weeping over our extravagance at the foot of the Capitol Grounds, and they must come through the center of the Botanical Garden because it is too much trouble to go around on either side of the garden. I hope the Senate will not agree to it. I believe I shall call for the yeas and nays upon agreeing to the amendment just to see whether it will or not.

Mr. EVARTS. This subject was brought to the attention of the Committee on the Library by other Senators, and it did not originate with that committee. But I have not before heard that there was any objection felt as to the impropriety of extending the drive from the public grounds, if it is right that that drive should have been provided, and bringing it into connection with the drives in the Capitol Park, which is all that is to be accomplished by opening this road in continuance of the drive through the other public grounds.

It does not interfere with the Botanical Garden in any other respect than the roadway which will occupy some portion of that inclosure. The gates can be preserved, to be closed at suitable hours, so that it would be open as a drive less freely than in the other public grounds.

I am sorry that the Senator from Kentucky should have thought it worth while to reproach the Committee on the Library for this expenditure by recurring to another item that has already been adopted without objection by the Senate, and that is for the monument at Newburgh.

I believe, as I understand the matter, there is a very general desire that the drive should not be interrupted and every person thus approaching the Capitol Park be diverted to a rumbling pavement at one end and the other of the Botanical Garden.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment. The Chair understands the Senator from Kentucky to ask for the yeas and nays.

Mr. BECK. I will take a division first.

The amendment was rejected—ayes 5, noes not counted.

Mr. EVARTS. On page 117, after line 2, I move to insert:

To enable the marshal of the Supreme Court of the United States, under the direction of the court, to obtain the oil portraits of John Rutledge, Oliver Ellsworth, and Morrison R. Waite, to be hung in the robing-room of the court with those of the other Chief-Justices already there, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. EVARTS. On page 117, after line 2, following the amendment already accepted, I move to insert:

For the purchase of the 10,928½ pages of transcripts of state and historical papers of great value relating to the early history of the United States, taken and prepared by Mr. B. F. Stevens from the archives of England, France, Spain, and Holland, such purchase being recommended by the present Secretary of State and his predecessor, and the late United States minister to England, Mr. Lowell, the sum of $15,000.

The amendment was agreed to.

Mr. EVARTS. On page 117, after the amendments already agreed to, I move to insert:

To provide for the safe-keeping and preservation of such historical documents and papers as shall be presented to the Library of Congress or placed in its custody, the sum of $1,000.

Mr. BECK. I should like to know why that can not be done under the general arrangements we have.

Mr. EVARTS. I will make a few observations on the matter. This subject has been brought to the attention of the Committee on the Library by eminent men engaged in historical pursuits and in the preparation of valuable historical works. They have, of course, access to whatever is to be found in the stores of the public offices here. They may find them also in the States, in the protection given to and the collection of such historical papers in the States, and by voluntary associations, historical societies, antiquarian societies, etc. But all these investigators discover that there are distributed all over the old States and in the newer States by transportation from their original source valuable papers possessed by families, not always recognized or known of themselves as important until some search is made to discover some additional documentary evidence bearing upon our history.

The result of these examinations is that a great many persons having these documents would be willing to present them to the Government if they knew they would be cared for and properly arranged. Others, not willing to part with a family possession, would be glad to deposit them where they would be safe and would be useful.

It is supposed that when the new Library building is constructed a reasonable provision may be made in space and for the arrangement of the stores, if they shall increase; but until then the Committee on the Library were of the opinion that this appropriation should be made, after consultation with Mr. Spofford, who, we all know, is a hard-working man and does everything that can properly be done. He was of opinion that a provision of a thousand dollars would be all that he would require for the additional service which would be brought into requisition by this experiment.

I can not think that a thousand dollars for so salutary an object is to be objected to, even if it should turn out that it may not involve so much of necessity or of usefulness as is proposed. But my own judgment is in concurrence with the historical writers who brought the matter to my attention, that this is a very valuable provision, and will lead to the deposit and safe-keeping of works and documents that in every accidental fire in depositories dispersed through the States may, as year passes after year, deprive us of any such protection and safe-keeping.

I hope, therefore, the Senate will not object to this recommendation of the Library Committee to appropriate a thousand dollars for this purpose.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was agreed to.

Mr. EVARTS. On page 117, to come in after the amendment just offered, I move to insert:

For the purchase of the unfinished painting by Benjamin West, of the Peace Commissioners at the Treaty of Paris, $1,500.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. EVARTS. This picture, which is in England, was brought to the attention of the Secretary of State by Mr. Lowell, then our minister. It is a historical painting as interesting as any scene of historical interest can present. It is a picture by Benjamin West, then in a position of great eminence in his art, of the conference of the British and American plenipotentiaries in the conclusion of the treaty of 1783. Unfortunately, it is an imperfect picture, as the only ones who are produced and preserved in the work of the artist are the American commissioners and one of the English. The space in the other portion of the conference-room is unoccupied by the English plenipotentiaries, so that this is an unfinished work of Mr. West.

Mr. Lowell commended its purchase as a reasonable one. It is now in the ownership of an English nobleman, who is willing to part with it on considerations that if the Government wants it it can have it at what, if he undertook to sell it at private sale, he could get, or he might get more.

The picture is a small one. We have a photograph of it which has been in the Library Committee room.

I have no more to say than that the subject is interesting. The artist was eminent. What has been preserved in portraits is valuable, and the picture can be procured, not at an extravagant price, nor indeed from any one who is seeking to dispose of it. If we should like to have it we can obtain it for $1,500. I hope, therefore, that the appropriation will be allowed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York [Mr. EVARTS].

The question being put, there were on a division—ayes 14, noes 18; no quorum voting.

The PRESIDENT *pro tempore*. Is a further count demanded?

Mr. EVARTS. Not by me.

Mr. EDMUNDS. The Chair has announced a vote that shows no quorum.

The PRESIDENT *pro tempore*. The Chair has announced the vote, which discloses the want of a quorum. It is the duty of the Chair under the rule to direct the roll of the Senate to be called, unless by unanimous consent the rule be dispensed with to enable the Chair to count the Senate.

Mr. EDMUNDS. I ask unanimous consent that the Chair count the Senate in order to see if a quorum is present.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection. [A pause.] There is a quorum present, as an actual count by the Chair discloses. The question will be again taken on the amendment proposed by the Senator from New York. Does the Senator from New York desire to have the Senate again divided?

Mr. EVARTS. I will ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New York asks that on the question of agreeing to the amendment proposed by him the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. BECK. Mr. President, this is a proposition to pay $1,500 for an unfinished picture.

Mr. EVARTS. It was left unfinished by the artist, Mr. West. It is a hundred years old. The work was unfinished in respect of the figures, but it includes all the American figures and one of the English.

Mr. EDMUNDS. Where is it?

Mr. EVARTS. It is in England, in the possession of Lord Belper.

Mr. BECK. Have we any information indicating to us that this picture is one so far advanced as to be anything like a likeness of the people it is intended to represent?

Mr. EVARTS. Certainly; it is a very good likeness of the Americans, Mr. Laurens, Mr. Jay, Mr. Adams, and Dr. Franklin.

Mr. BECK. We have been buying a great many pictures and some that are rather worthless ones. There is one hanging up in the Capitol now, called "Farming in the Northwest," 20 feet or 30 feet long. I do not know what we paid for it, but it is not worth a penny. It is no more like farming in the Northwest than farming in the moon. We do not know what farming in the moon is like, but there it is; and now we are going into the purchase of an unfinished picture, and I suppose we shall give somebody ten times what the picture is worth, and hang it up in the Library building when we finish it and get somebody else to tell whom it represents. It seems to me we are going a great deal too far when we are hunting up unfinished pictures to spend our money upon.

Mr. HOAR. Mr. President, this is a picture by one of the most famous artists of his day, and it is especially interesting to us from the fact that he was a native American, an artist who was famous for the accuracy of his portraiture, Benjamin West. He painted the royal family. Though a man of humble origin, I think, here, he raised himself by his genius to a very high social position in England, as well as in his profession. He was president of the Royal Academy. He was the favorite of George the Third, and he was a man whose patriotic American spirit never failed, although he was a dweller in England. At the close of the war he exhibited to King George the Third a picture in which he put the stars and stripes on an American ship. The King was at first inclined to be much offended, but on second thought his own royal spirit came to him and he told West that he was right, and that he liked him for his courage and independence.

This particular picture, made by this great artist, is a picture of one of the two or three greatest events in American history, the signing of the treaty of peace of 1783. It represents four of the very greatest Americans, and as far as it is completed it is an original portraiture of John Adams, John Jay, Benjamin Franklin, and that most gallant and most unfortunate of our patriots of the Revolution, Henry Laurens, of South Carolina, who spent, as is well known, some years during the Revolutionary war as a prisoner in the Tower.

I suppose there are twenty societies in this country in our principal cities (I can vouch certainly for two that I now think of) who would greedily purchase this picture at a price much larger than that which is asked for it; but the person into whose possession it came thought it was fitting first to offer it to the Government, to which it ought to belong.

I agree with the honorable Senator from Kentucky that there has been some extravagance and some bad judgment in the matter of purchasing the works of art with which we have undertaken to adorn this Capitol. Sometimes we have been, all of us, more or less influenced by a certain sympathy for the artist. Sometimes the artist has been a woman. I think as much of that mistake has come from the neighborhood of the honorable Senator from Kentucky as from any other part of the Senate Chamber. I think that Senator is quite as likely to respond to an appeal from a person in distress, or a woman, an artist who has some peculiar claim to sympathy, as in the case of the eminent artist who has now a picture before us, coming from his own State. I think that Senator is quite as likely to yield to those emotions which are generous and commendable as any member of the Library Committee.

But whatever mistakes we may have made in that way have nothing to do with the particular question which is before the Senate. Is there anybody here who, if he were undertaking to adorn an elegant private mansion, and had offered to him this painting, which though

unfinished yet is still so far finished as to have an admirable portraiture of these gentlemen, would not think he was fortunate if he could acquire an original picture of John Jay, Henry Laurens, Benjamin Franklin, and John Adams engaged in this great and conspicuous work of their lives, for the small sum of $1,500?

Mr. BECK. Has any member of the Library Committee seen this picture?

Mr. HOAR. They have seen photographs of it.

Mr. EVARTS. We have photographs of it.

Mr. BECK. But the original picture has never been seen by any member of that committee?

Mr. EVARTS. The picture is in the possession of Lord Belper, in England, and of course is not offered here for sale in any proper sense. Mr. Lowell saw it in Lord Belper's collection.

Mr. BECK. Then we are acting upon the judgment of Mr. Lowell, and not upon the judgment of any member of the Committee on the Library?

Mr. EVARTS. We have the representation, first, of the reputation of Mr. West; second, Mr. Lowell's examination of the picture and his recommendation of it; and, third, a photograph, which is a well-taken representation of the portraits. We never can get any nearer to it than we are now. It will not be brought over here for anybody to look at that I know of. Mr. Bayard has the photograph, which gentlemen can see, and it is a true photograph of the picture, like photographs of pictures we have now.

Mr. EDMUNDS. It is not an exact photograph of the picture as it actually looks?

Mr. EVARTS. Yes, it is, exactly. It is spoken of here as if the photograph did not give us any idea of what the picture is. It gives us every idea of what the picture is, and when there is superadded to it that the artist was a man of genius and of fame, and that the occasion of the group was most interesting to us, and these great Americans are preserved there in life portraits, then you have everything that can be done.

Mr. EDMUNDS. How do you know about the authenticity of the picture?

Mr. EVARTS. The authenticity is not to be doubted anywhere.

Mr. EDMUNDS. Has Mr. Lowell examined the picture?

Mr. EVARTS. He has examined it and recommended it.

Mr. EDMUNDS. What are the evidences of the authenticity of the picture?

Mr. EVARTS. Let me read what Mr. Lowell says in a letter from Mr. Bayard, addressed to me, as chairman of the Committee on the Library:

DEPARTMENT OF STATE, *Washington, December* 28, 1887.

DEAR SIR: A photograph of an unfinished picture by Benjamin West, and containing the portraits of the three American commissioners for the treaty of Paris in 1783, was sent me a few weeks ago by Mr. Lowell, from whose note I transcribed the following:

"I send you through the legation bag a photograph of an unfinished picture, by West, containing the portraits of our commissioners for the treaty of Paris. The unfinished half was to contain the English members of the commission. The faces, as you will see, are finished, and the figures more or less so. I have seen the picture and thought it a very interesting one. The three who are seated are Adams, Franklin, and Laurens. I forget who those standing are, but one of them, I think, is Oswald. Lord Belper, who owns the picture, knows who they are.

Jay was the fourth, whom Mr. Lowell could not identify. Any one familiar with the features of Chief-Justice Jay sees at once that Chief-Justice Jay makes up the fourth. Mr. Lowell continues to say:

"Lord Belper is willing to sell it for £300, which does not appear to me high. I doubt if it would fetch that at auction, but am inclined to think he could get that or more at private sale. Its pedigree is clear. Indeed, no one familiar with West's pictures and sketches, as I happen to be, could question its authenticity."

Mr. Bayard then proceeds:

This photograph is now at this Department, and I shall be glad to submit it for your inspection.

As an authentic work by a native American artist, depicting an incident of such historical interest to Americans, I recommend that authority be given by Congress for the purchase of the original at a sum not to exceed that named by Mr. Lowell, £300, and shall be glad, if your committee approve the suggestion, if you will bring the matter to the attention of the Senate.

I informed the Secretary of State that the committee had decided to propose this amendment, and on the 22d of May, 1888, Mr. Bayard writes:

I learn with satisfaction by your note of the 10th instant that your committee will place upon the proper appropriation bill the sum ($1,500) requisite for the purchase of Benjamin West's unfinished picture of the American plenipotentiaries for the treaty of 1783.

Mr. EDMUNDS. What is the size of the photograph?

Mr. EVARTS. It is almost the size of one of these desks.

Mr. ALLISON. May I call the attention of the Senator from New York to the fact that in this bill we have appropriated $10,000 for the purchase of pictures, and that under it the Library Committee will be able to make this purchase? I think we had better let it rest on that appropriation.

Mr. EDMUNDS. I think so.

Mr. EVARTS. The Library Committee, I suppose, is quite able to very usefully employ the fund of $10,000 which is in this bill so far, but may not appear when it leaves the other House. But it is not necessary to expend that $10,000 in advance. All purchases by the Library Committee are presumably, and actually I may say, more judicious and upon more protective inspection and judgment than purchases made under the bills that are introduced by different Senators and passed through naming the sums that are permitted to be paid. I do not like in advance to take this sum from the $10,000 when the Committee on Appropriations reduced the amount proposed by the Committee on the Library from $15,000 to $10,000. If the committee will restore the original amount I will withdraw this amendment. If, now, opposition is made to this, I ask that the yeas and nays be taken.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. DAWES (when his name was called). I paired yesterday for several days with the Senator from North Carolina who sits near me [Mr. RANSOM]. I do not know how he would vote on this, and therefore I withhold my vote.

Mr. BROWN (when Mr. DOLPH'S name was called). I am paired with the Senator from Oregon [Mr. DOLPH], and as this seems to be a party question I withdraw my vote. I have already voted inadvertently in the affirmative.

The PRESIDENT *pro tempore*. The vote of the Senator from Georgia will be withdrawn.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], but on leaving the Senate this forenoon he told me he should be absent, and asked me to vote as I thought fit on these amendments. I will therefore vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I see his colleague voted "nay," and I will therefore take the liberty to record my vote in the same way.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. KENNA] announced a pair with the Senator from Minnesota [Mr. SABIN]. The Senator from Minnesota has voted.

Mr. KENNA. The Senator from Minnesota was not in the Chamber when I made the announcement. I now vote "nay."

Mr. COCKRELL. I am paired generally with the Senator from Wisconsin [Mr. SAWYER], who is absent by reason of sickness; but on this question I am permitted to vote, and I vote "nay."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote if here. If he were here, I would vote "yea."

The result was announced—yeas 23, nays 24; as follows:

YEAS—23.

Allison,	Evarts,	Hiscock,	Sabin,
Blair,	Farwell,	Hoar,	Sherman,
Blodgett,	Frye,	Mitchell,	Spooner,
Bowen,	Gibson,	Palmer,	Stewart,
Chandler,	Gray,	Plumb,	Teller.
Cullom,	Hawley,	Riddleberger,	

NAYS—24.

Bate,	Edmunds,	Jones of Arkansas,	Reagan,
Beck,	George,	Kenna,	Saulsbury,
Berry,	Hampton,	Morgan,	Vest,
Brown,	Harris,	Pasco,	Walthall,
Cockrell,	Hearst,	Payne,	Wilson of Iowa,
Coke,	Ingalls,	Pugh,	Wilson of Md.

ABSENT—29.

Aldrich,	Davis,	McPherson,	Stanford,
Blackburn,	Dawes,	Manderson,	Stockbridge,
Butler,	Dolph,	Morrill,	Turpie,
Call,	Eustis,	Paddock,	Vance,
Cameron,	Faulkner,	Platt,	Voorhees.
Chace,	Gorman,	Quay,	
Colquitt,	Hale,	Ransom,	
Daniel,	Jones of Nevada,	Sawyer,	

So the amendment was rejected.

Mr. EVARTS. I offer an amendment to come in on page 117, after those adopted, which I send to the desk and ask to have read.

The PRESIDENT *pro tempore*. The Chief Clerk will report the proposed amendment.

The CHIEF CLERK. On page 117, after the amendments already agreed to, it is proposed to insert the following:

To enable the Joint Committee on the Library to purchase the library of books, maps, and pamphlets left by Professor Arnold Guyot, the sum of $4,500.

Mr. EVARTS. I will say, Mr. President, that this is the library of the celebrated geographer and scientist, Mr. Guyot, which is offered in bulk for purchase for the Congressional Library. It was brought to our attention under the auspices of Miss Henry, the daughter of the celebrated head of our Smithsonian Institution, from her knowledge of the value of the works. Mr. Spofford examined it very carefully. It was offered at $6,000, and Mr. Spofford was of opinion that it was worth $6,000, but it contained many, or some, volumes that were duplicates

of what we already had in the Library, and that therefore it was not for the Government to obtain the whole bulk of the library at that price. In it, he was of opinion, there were works that could not be easily obtained by the Government, and that the maps, which were also included in the purchase and which are numerous and valuable, could not easily be replaced if they should pass out of the opportunity of the Government now to obtain them.

The family of Mr. Guyot, on this representation, offered to take $4,500 in concession to the fact that a portion of the library is duplicated, and Mr. Spofford reports to the Committee on the Library thus:

LIBRARY OF CONGRESS, *Washington, D. C., July* 13, 1888.

The accompanying letter from Miss Henry offers to give the Guyot collection of books, maps, and pamphlets to the Government at the sum of $4,500, as she has been induced to make this reduction from the original price of $6,000 by the consideration that there are a good many duplicates of works already in the Library of Congress.

Under the circumstances, as there are many maps in the collection which are very rare, and our collection of works in geography and cartography is in much need of enlargement, I think the sum of $4,500 reasonable for so rare and in some respects unique collection.

Very respectfully,

A. R. SPOFFORD,
Librarian of Congress.

Hon. W. M. EVARTS,
Chairman of Joint Library Committee.

This opportunity to obtain this library will pass away if we do not now avail ourselves of it. I hope, therefore, that this amendment will be allowed.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment of the Senator from New York.

The amendment was agreed to; there being on a division—ayes 26, noes 15.

Mr. GIBSON. I now offer an amendment to the pending bill, on page 22, line 18, after the word "Louisiana," to insert what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 22, line 18, after the word "Louisiana," it is proposed to insert:

At Chicot Pass, and to mark a navigable channel along Grand Lake, Louisiana.

This is done, Mr. President, in accordance with a request of the Chief of the Light-House Board, Vice-Admiral S. C. Rowan, who, under date of July 31, 1888, writes as follows:

The board, therefore, has the honor to ask that the current sundry civil appropriation bill be amended by the insertion of the following words on page 22, line 18, after the word "Louisiana" and before the word "Mississippi," namely, "at Chicot Pass, and to mark a navigable channel along Grand Lake, Louisiana."

No further appropriation will be needed for the purpose, as the expense of maintaining these lights was included in the lump sum of the estimate and of the appropriation proposed, but it appears that if the omission of the above proposed words is not cured it may become necessary to put out the lights.

It is hardly necessary for me to add anything as to the reputation of the chairman of the Light-House Board.

The PRESIDENT *pro tempore*. Will the Senator forward his amendment in writing, so that it may be inserted by the clerks?

Mr. GIBSON. I will do so.

Mr. ALLISON. I make the point of order on the amendment that it is not estimated for.

The PRESIDENT *pro tempore*. It will be first reported at the desk.

The Chief Clerk read the proposed amendment of Mr. GIBSON.

The PRESIDENT *pro tempore*. The Senator from Iowa raises the point of order on the proposed amendment that it is not estimated for by the head of any Department.

Mr. ALLISON. This appropriation for lighting rivers is regularly estimated for in the Book of Estimates, naming the rivers. Of course if we add one we must add another and another, until this entire appropriation bill will be very much enlarged.

The PRESIDENT *pro tempore*. By unanimous consent, although the point of order is not debatable, the Chair will hear the Senator from Louisiana [Mr. GIBSON], if he desires to speak on the question.

Mr. GIBSON. This amendment was offered at the request of the president or chairman of the Light-House Board, and I suppose that it has had the approval of the Secretary of the Treasury. It appears that these lights are at necessary and proper places, and I should think that the amendment would not be repugnant to the rule, or that it came within the rule that amendments should come from the head of a Department.

The PRESIDENT *pro tempore*. The Chair is compelled, under the rule, to hold that the point of order is well taken.

Mr. DANIEL. I offer an amendment to come in on page 9. I send the amendment to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 9, after line 20, insert—

For extension of public building at Lynchburgh, Va., $30,000, upon plans and specifications to be approved by the Secretary of the Treasury.

Mr. DANIEL. I simply state that this has been recommended by the Supervising Architect of the Treasury, and that the report in the case shows that it is absolutely needed for public accommodation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Virginia. [Putting the question.] The noes appear to have it.

Mr. DANIEL. Let us have a division.

Mr. SPOONER. I ask that the amendment be again read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment of Mr. DANIEL.

The amendment was rejected—ayes 14 (less than a quorum voting in the affirmative), noes not counted.

Mr. TELLER. I offer an amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill the following:

That the amount necessary to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove to the Cherokee Nation, in the Indian Territory, at the rate of $53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848, there is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.

Mr. ALLISON. I will make the point of order on that amendment if I can. It is not estimated for.

The PRESIDENT *pro tempore*. Under what provision of the rule does the Senator interpose his point of order?

Mr. ALLISON. I understand it to be a claim. It is not an appropriation estimated for.

Mr. TELLER. I will say that this comes from the Committee on Indian Affairs, reported favorably, and has been to the Committee on Appropriations for more than twenty-four hours.

Mr. ALLISON. I understand that.

Mr. TELLER. It was estimated for in 1885. I do not suppose it has been estimated for since.

The PRESIDENT *pro tempore*. That would not bring it within the rule.

Mr. TELLER. As I understand the rule, it is not necessary that it should be estimated for if it has been reported from a standing committee and referred to the Appropriations Committee.

The PRESIDENT *pro tempore*. The Chair supposes it would be obnoxious to that part of the rule preventing the consideration of a private claim——

Mr. TELLER. This is not a private claim.

The PRESIDENT *pro tempore*. Will the Senator pause a moment? The Chair supposes it would be obnoxious to that part of the rule preventing the consideration of a private claim unless it should be brought within the rule by a treaty stipulation referred to on the face of the amendment. If the Senator will forward to the Chair the clause of the treaty referred to, the Chair will examine it and ascertain whether it is in order or not.

Mr. TELLER. I will send up and let the Chair look at the report made by the Commissioner of Indian Affairs in 1885.

The PRESIDENT *pro tempore*. The Chair has not the time to read the report of the Commissioner of Indian Affairs, but will inspect the clause of the treaty if the Senator will forward it.

Mr. TELLER. Well, I do not know, Mr. President; it is not my place to state to the Chair exactly where the provision is.

The PRESIDENT *pro tempore*. The Chair will then hold that the amendment is out of order.

Mr. TELLER. I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Senator from Colorado appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. TELLER. This, Mr. President, is an amendment to carry out existing treaties. It is not a private claim; it is to carry out a large number of treaties. It is manifestly impossible, on a question of order, that any Senator who offers an amendment of this kind can point the Chair to the several treaties, and it is not to be expected. It can not be done. I do not know that the Chair has to take judicial notice of what the treaties are.

The PRESIDENT *pro tempore*. The Chair is only required to take notice of the rule.

Mr. TELLER. I suppose that the Senate is, at least, if the Chair is not.

We made a treaty with the Indians a great many years ago, in which we agreed to pay their expenses of removal to the Indian Territory. The Chair will find the treaty in the seventh volume of the Statutes, on page 482. The United States there agreed to remove these Indians west of the Mississippi, and the price fixed for the removal and one year's subsistence was at the rate of $53.33 per head. So that this is for the purpose of carrying out a treaty. I will call the attention of the Chair to the latter part of Rule XVI, which has been frequently cited in the Senate, and which the Chair, I suppose, has read, and which the Senate has read:

or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Now, Mr. President, this has been moved by the direction of a standing committee—by direction of the Committee on Indian Affairs. It is to carry out existing law—a treaty. It has the approval of two Secre

taries of the Interior. I do not know that there has been for the last year an estimate for it. It is not necessary that there should be, in order to bring it within the rule. I will ask to have the petition of the Indians read. Then the Senate can do just exactly what it pleases with it. It is not a matter of any concern of mine any more than it is that of any other Senator.

The PRESIDENT *pro tempore*. The memorial will be read.

The Secretary read as follows:

Memorial in behalf of certain Cherokee Indians.

To the Senate and the House of Representatives of the United States of America in Congress assembled:

The undersigned, in behalf of those Cherokee Indians formerly residing in North Carolina who have recently removed, at their own expense, to the Cherokee country in the Indian Territory, as their duly accredited agent for that purpose, respectfully represents:

That prior to the year A. D. 1884, there were about three hundred and fifty Cherokee Indians, hitherto known as the North Carolina Cherokees, who, in order to avail themselves of the future home provided for all the Cherokee Indians by the treaties with the United States of A. D. 1835 and 1846, in the Indian Territory west of the Mississippi River, availed themselves of the provisions of the eighth article of said treaty and removed to that country at their own expense.

That the eighth article of said treaty of 1835 provides for such removal of the Cherokee Indians as follows:

"Such persons and families as, in the opinion of the emigrating agent, are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full of all claims for the same $20 for each member of their family; and in lieu of their one year's rations they shall be paid the sum of $33.33 if they prefer it." (Rev. Ind. Treat., p. 70.)

That a large number of those Cherokees formerly residing east of the Mississippi River, who removed themselves to their country in the Indian Territory, and subsisted themselves for one year after their removal to their new homes, have heretofore made application to the Commissioner of Indian Affairs to be paid their commutation money for their said removal and subsistence provided for by said eighth article of said treaty, which has not as yet been paid to them.

Your memorialist heretofore submitted to the Commissioner of Indian Affairs the following communication in behalf of these claimants more than three years ago:

WASHINGTON, D. C., *January* 2, 1885.

SIR: Please find inclosed a list of claims of North Carolina Cherokees, who have removed from North Carolina to the Indian Territory, for the cost of their removal and subsistence, under the eighth article of the treaty of December 29, 1835.

"The majority of these claims were filed in your office November 20, 1877, and the balance in March and April, 1878. The evidence in these cases is on file and they are ready for payment. I respectfully request that you call the attention of the Appropriation Committees of the Senate and House to these claims and recommend their early payment. The cost of removal and subsistence of a part of those who removed from North Carolina to the Indian Territory was paid out of the civilization fund, which fund was subsequently reimbursed by Congress, as I am informed, and justice and right call for the payment of these claims which have been pending for many years. Many of the claimants are poor and needy, and I sincerely trust that you will again call the attention of Congress to their claims.

"Very respectfully,

"J. M. BRYAN,
"*Agent and Attorney of Claimants.*

"Hon. HIRAM PRICE,
"*Commissioner of Indian Affairs.*"

Whereupon the Commissioner, Hon. Hiram Price, communicated to the Secretary of the Interior the following report and recommendation for the payment of these claimants:

"DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
"*Washington, February* 6, 1885.

"SIR: I have the honor to submit herewith a copy of a communication, dated Washington, D. C., January 2, 1885, from J. M. Bryan, agent and attorney for Cherokees, requesting that the attention of the Appropriation Committees of House and Senate be invited to the claims of certain Cherokees, in order to secure for them the removal and subsistence money they are entitled to receive under the provisions of the treaties of 1835, 1836, 1846, and an act of Congress approved July 29, 1848 (9 Stats., page 264).

"By the eighth article of the New Echota treaty of December 29, 1835, with the Cherokees (7 Stats., page 482), the United States agreed to remove these Indians West, the price for removal being fixed at $20, and one year's subsistence at $33.33 for each of such persons, who might prefer to remove themselves.

"By the third article of the supplementary treaty of March 1, 1836 (7 Stats., page 488), the sum of $600,000 was allowed to the Cherokees, in lieu of all claims of every nature and description against the United States, including the expenses of their removal.

"By the eleventh article of the treaty of August 6, 1846 (9 Stats., page 873), the question whether the amount expended for the one year's subsistence should be paid out of Government or Cherokee funds was submitted to the Senate for decision, as also the question, if the Cherokees were to pay, whether the subsistence should be charged at a greater rate than $33.33 per head.

"The fourth section of the act of July 29, 1848 (9 Stats., 264), directed the Secretary of War to ascertain the number of Indians remaining at the ratification of the New Echota treaty (May 23, 1836), and the Secretary of the Treasury to set apart a sum equal to $53.33 for each individual reported by the Secretary of War, upon which interest was to be paid at 6 per cent. per annum, on such per capita.

"The fifth section provided for the payment of the $53.33 for the removal and subsistence of such individual members as might thereafter desire to remove, upon their removal west, which amount was to be charged to the general Cherokee fund, and reimbursed therefrom.

"This fund, under the act of March 3, 1875 (18 Stats., 447), was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected, and, under the act of August 15, 1876 (19 Stats., 197), the balance of this fund, after certain payments therefrom, was placed to their credit upon the books of the Treasury Department, to bear interest at 5 per cent. per annum; and the Secretary of the Interior is authorized to use annually, for agricultural implements and for educational purposes among said Indians, so much of the principal of said fund as with the interest annually accruing thereon shall amount to $6,000.

"In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary means to enable the Department to effect their removal as stipulated in the eighth article of their treaty of 1835.

"I therefore respectfully recommend that Congress be requested to appropriate, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary, to pay the cost of the removal and subsistence of those members of the tribe who have removed, as well as those who may hereafter desire to remove, at the rate of $53.33 per head.

"I inclose herewith a draught of an amendment to be incorporated in the deficiency or sundry civil bill hereafter to be acted upon by Congress.

"Very respectfully,

"H. PRICE, *Commissioner.*

"The Hon. SECRETARY OF THE INTERIOR.

"ESTIMATE.

"For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the removal and subsistence expenses of those members of the Eastern band of Cherokees who have removed, as well as for those who may hereafter desire to remove, to the Cherokee country, Indian Territory, at the rate of $53.33 per head: *Provided*, That the sum of $2,930.50, expended for the removal of one hundred and sixty-one members of said band in 1881, be deducted per capita from the $53.33 for each individual, being the amount specified in the eighth article of the treaty of December 29, 1835, $20,000."

This recommendation was transmitted by Secretary Teller, through the President, to Congress on February 7, 1885. (House Ex. Doc. No. 208, second session, Forty-eighth Congress.)

Your memorialists afterwards, in January, 1886, addressed the following communication to the present Commissioner of Indian Affairs:

"WASHINGTON, D. C., *January* 20, 1886.

"SIR: I respectfully beg leave to call your attention to a claim of North Carolina Cherokees, who removed from North Carolina to the Cherokee Nation, Indian Territory, about ten years ago.

"The list of these claimants that I am representing is on file in the Indian Department, and every claim fully proven, as to number of persons and date of removal.

"The claim is for their removal and subsistence for one year.

"Under Cherokee treaty of 1846 provision is made that on all moneys due the Cherokees the United States Government agrees to pay 5 per cent. interest from the 12th of June, 1838.

"Therefore we think it is reasonable and just that these claimants should receive interest on the several sums due them from the date of their removal west, as it was their own funds placed in the hands of the United States Government for this special purpose, and to draw interest at the rate of 6 per cent. per annum.

"It has been near nine years since these claims have been presented to the Government for payment.

"I also submit a report from the Interior Department, dated February 10, 1885, for your information, on these claims, and I respectfully ask that you will have their money appropriated and paid.

"Very respectfully,

"J. M. BRYAN, *For Claimants.*

"Hon. J. D. C. ATKINS,
"*Commissioner Indian Affairs.*"

Thereupon Commissioner Atkins made and submitted to Secretary Lamar the following report and recommendation in respect to these payments:

"DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
"*Washington, February* 20, 1886.

"SIR: I have the honor to submit herewith a copy of a communication, dated Washington, D. C., January 20, 1886, from J. M. Bryan, attorney, inviting attention to certain claims of North Carolina Cherokees for removal and subsistence money they are entitled to receive under the provisions of the treaties of 1835, 1836, 1846, and an act of Congress approved July 29, 1848 (9 Stats., page 264).

"By the eighth article of the New Echota treaty of December 29, 1835, with the Cherokees (7 Stats., page 482), the United States agreed to remove these Indians west, the price for removal being fixed at $20 and one year's subsistence at $33.33 for each of such persons who might prefer to remove themselves.

"By the third article of the supplementary treaty of March 1, 1836 (7 Stats., page 488), the sum of $600,000 was allowed to the Cherokees in lieu of all claims of every nature and description against the United States, including the expenses of their removal.

"By the eleventh article of the treaty of August 6, 1846 (9 Stats., page 873), the question whether the amount expended for the one year's subsistence should be paid out of Government or Cherokee funds was submitted to the Senate for decision, as also the question if the Cherokees were to pay, whether the subsistence should be charged at a greater rate than $33.33 per head.

"The fourth section of the act of July 29, 1848 (9 Stats., 264), directed the Secretary of War to ascertain the number of Indians remaining at the ratification of the New Echota treaty, May 23, 1836, and the Secretary of the Treasury to set apart a sum equal to $53.33 for each individual reported by the Secretary of War, upon which interest was to be paid at 6 per cent. per annum on such per capita.

"The fifth section provided for the payment of the $53.33 for the removal and subsistence of such individual members as might thereafter desire to remove upon their removal west, which amount was to be charged to the general Cherokee fund and reimbursed therefrom.

"This fund, under the act of March 3, 1875 (18 Stats., 447), was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected, and under the act of August 15, 1876 (19 Stats., 197), the balance of this fund, after certain payments therefrom, was placed to their credit upon the books of the Treasury Department, to bear interest at 5 per cent. per annum, and the Secretary of the Interior is authorized to use annually, for agricultural implements and for educational purposes among said Indians, so much of the principal of said fund as, with the interest annually accumulating thereon, shall amount to $6,000.

"In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary means to enable the Department to effect their removal, as stipulated in the eighth article of their treaty of 1835.

"I therefore respectfully recommend that Congress be requested to appropriate, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary, to pay the cost of the removal and subsistence of those members of the tribe who have removed, as well as those who may now or hereafter desire to remove, at the rate of $53.33 per head.

"I inclose herewith a draught of a bill covering the amount required to carry out the objects specified.

"Very respectfully,

"J. D. C. ATKINS, *Commissioner.*

"Hon. SECRETARY OF THE INTERIOR."

"A bill for the removal of the Eastern Cherokee Indians to the Indian Territory.

"*Be it enacted, etc.*, That for the amount necessary to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have re-

moved themselves, as well as those who may now or hereafter desire to remove to the Cherokee Nation, in the Indian Territory, at the rate of $53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848, there is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior."

This report and recommendation was transmitted to Congress by Secretary Lamar February 25, 1886 (Senate Executive Document No. 84, first session Forty-ninth Congress).

Your memorialist further represents that many of these Cherokees removed as far back as A. D. 1871 and 1872; they have, therefore, been kept out of their money expended by them respectively in their removal and subsistence all this time, although their applications asking to be paid this commutation money have been on file for several years with the Commissioner of Indian Affairs with the result aforesaid.

Your memorialist also represents that he is informed and believes that, as the payments asked for by these Indians are provided for by the treaty stipulation aforesaid, an appropriation therefore is authorized by law.

Wherefore, in their behalf as their agent and attorney, your memorialist prays that, for the purpose of paying for the removal and subsistence expenses of those members of the Eastern band of Cherokees who have removed, as well as for those who may desire to remove to the Cherokee country, Indian Territory, at the rate of $53.33 per head, there be inserted a clause in some appropriate appropriation bill at the present session of Congress, appropriating the sum of $20,000, or so much thereof as may be necessary for that purpose, to be expended under the direction of the Secretary of the Interior, as in duty bound he will ever pray.

J. M. BRYAN,
Agent and Attorney for Claimants.

Mr. JONES, of Arkansas. Mr. President, the ruling of the Chair in this case is clearly right. While it would be impossible for me to attempt to give the Senate all the facts that are involved in this case, I think that in a minute or two I can show the Senate enough to satisfy any one that the ruling of the Chair is exactly proper.

This is not based on any treaty. This claim is not to carry out any treaty, but, on the contrary, is directly in the face of the treaty made time and time again between the Cherokee Indians and the United States.

A committee of the Senate in 1850 in reporting upon a case parallel to this, arising under the treaty of 1846, which of itself grew out of the treaty of 1835, made a report to this Senate, in which they used this language:

The whole history of the negotiation of this treaty shows that the $5,000,000 was the maximum sum which the United States was to agree to pay, and that this was not so much a consideration for the lands and possessions of the Indians as an indemnity to cover the necessary sacrifices and losses of the surrender of one country and the removal to another.

Mr. TELLER. What did the Senator read that from? I did not catch it.

Mr. JONES, of Arkansas. From a report of the Senate Committee on Indian Affairs of August 8, 1850. It was discussing the question referred to Congress for an appropriation on the finding of the Senate Committee on Indian Affairs under Article IV of the treaty of 1846.

This particular clause that I have read about relates back to the treaty of 1835, in which the Government of the United States agreed to pay the Cherokees $5,000,000 for their lands and for their removal West, as the Government understood it, and as the agents of the Government reported. The Cherokees claimed afterwards that it was not the intention of the Government that they should bear the expenses of their removal West, but that the Government should pay them. For the purpose of avoiding any difficulty, the Government, in 1836, appropriated $600,000 to remove these people West, and that was to include the expense of their removal and all claims of every nature and description against the Government of the United States.

The terms made by agreement were that the $600,000 should be added to the $5,000,000 given in 1836, the Government thus yielding to the demands of the Indians that the $5,000,000 was not intended to include the expense of removal, and adding the $600,000, which was to remove them and to cover every demand that the Indians had against the Government. But even after that agreement was made only a handful of Indians went West. They made additional demands on the Government so that other appropriations should be made. In 1838, two years afterwards, the Government appropriated $1,047,067 for the removal of those Indians. After that 2,495 Indians went West, but part of them did not go, and they claimed that the Government construction of this agreement was not a correct one, and insisted on having another treaty, which was the treaty of 1846.

Under that treaty there is a direct and specific agreement for the ascertaining of what was fair between the Indians and the Government—this question especially of removing West. This had been included in both treaties, but it came up again in 1850. On that the committee reported, and on that the Government made an additional appropriation of $887,480.15.

While the Government agreed in 1835 to give the Indians the magnificent country that they occupy West, in lieu of the country that they then occupied on this side of the Mississippi River, and at the same time agreed to pay them $5,000,000, which was intended on the part of the Government to pay all the expenses of their removal, they receded from their agreement, insisting on having it gone over again. They succeeded on three several occasions in having three additional amounts, until they have been paid altogether $2,534,547.15 on this account, in which they were not entitled to one cent, not a single, solitary nickel.

This claim comes in now for an additional payment for the removal of other Indians. After the Government did all that it was entitled to do, and paid $2,500,000 to these Indians, not one cent of which it was under any moral or legal obligation to pay, these people come in here again.

This claim, I would also say, Mr. President, is a mere bagatelle compared with the other claims that are just as legal and equitable and which have as good foundation as this, that have not come in, but will come in if Congress yields step by step—will come in one after another for an appropriation. This is a question that ought to be carefully looked into by the Senate. If there is a dollar due these Indians it ought to be paid, but I submit that this is no way to settle a question of so much importance.

There is on the Calendar another proposition to pay this band of Cherokees another amount.

Mr. TELLER. It does not include this matter at all.

Mr. JONES, of Arkansas. I know that; but it is on the same footing. I do not believe that the Senate will ever pay a dollar of it after it has been fully investigated and understood.

It seems to me that I have now shown enough, without going any further into details, to satisfy the Senate that this is not for the purpose of carrying out any treaty stipulation, and it can not under any circumstances be held that the ruling of the Chair is erroneous.

Mr. TELLER. The Senator says there is another large claim of these Indians pending which he does not suppose will ever be paid. I think very likely the Senator is correct about that. There are many claims pending under treaties that never will be paid, I presume. The other claim referred to by the Senator from Arkansas went through the Interior Department under a provision of Congress requiring that Department to inquire into the claim and determine whether it was due to the Indians or not. The Department passed upon it and determined that it was due. It then went to the Court of Claims and the Court of Claims decided that it was due. I think it ought to go on an appropriation bill, but it is too large, undoubtedly, to go on this bill, amounting as it does to three or more millions of dollars. I presume that when it comes here, the Indians not having any representative here, it will very likely be defeated in the Senate, as it is possible this amendment may be.

It is true that Congress made a very liberal appropriation for those people who were to go to the Indian Territory. All of them did not go. The money was exhausted. Exactly where it went it is not worth while to inquire. The Indians did not all go out. There was enough, probably, to cover the expenses of all of them if they had all gone, but they did not go; and as they went from time to time Congress furnished more money to pay their expenses. Some of them still remain—some that have not gone yet. It has been the policy of the Government to get them to go there. Everybody wants them to go. It has been the desire of the people of North Carolina that they should go.

From time to time these appropriations were made just as the Senator from Arkansas has said. The last appropriation left some money in the hands of the Department that could have been applied to this; but in 1875, on the theory that no more of them would go—although there had been some of them already gone that had never been paid (between 1871 and 1875 some had gone that never were paid)—but on the theory that they were not going, perhaps, Congress appropriated this sum for another purpose, therefore rendering it impossible for the Department to send them there—to pay those who had gone or to pay those who should go thereafter. The Commissioner of Indian Affairs on the 6th of February, 1885, says:

This fund, under the act of March 3, 1875, was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected under the act of August 15, 1876.

There was a diversion of this money. He goes on further, and concludes:

In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary means to enable the Department to effect their removal, as stipulated in the eighth article of their treaty of 1835.

The eighth article of the treaty of 1835 provided that they should have this amount of money whenever they went. The late Commissioner continues:

I therefore respectfully recommend that Congress be requested to appropriate, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary, to pay the cost of the removal and subsistence of those members of the tribe who have removed, as well as those who may hereafter desire to remove, at the rate of $53.33 per head.

When this matter was referred to Mr. Atkins, February 20, 1886, he uses almost the same language—that he respectfully recommends that there be appropriated—

out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary.

The Senator from Arkansas says that this matter ought to be examined. There is nothing that has been better examined anywhere than this claim that this tribe make that they are entitled under the treaty of 1835 to this payment. It may be that there has been enough money appropriated, but nobody claims that the moneys have been paid out in

accordance with the provisions of the treaty. It seems to me that this provision is a reasonable one, for the Department to carry out existing treaties, and that it ought to be appropriated for.

Mr. HARRIS. I move to lay the appeal on the table.

Mr. TELLER. Why, Mr. President, I had not yielded the floor.

Mr. HARRIS. I beg the Senator's pardon. I supposed the Senator was through.

Mr. TELLER. The anxiety of the Senator to prevent any proper elucidation of this subject seems to be very great. I do not know, however, that I can say anything more on the subject than I have said.

Mr. HARRIS. I repeat that I beg the Senator's pardon. When I come to get the floor myself I shall again move to lay the appeal on the table, where it ought to go.

Mr. TELLER. I am quite willing that the Senator may do that. I believe I am willing that he may do it now, because I understand, Mr. President, that it is perfectly impossible to secure a prompt and proper compliance by Congress with treaties with Indians. For many years there has been no practical, actual pretense that this is done. I do not believe, myself, it is necessary to do it unless it is for the interest of the Indians, but I believe that when there is a plain statutory provision, a plain law of the land, under which these Indians have acted, they are entitled to their money as much as any man who holds a United States bond, and a great deal more.

This amendment, Mr. President, is in order. It is to carry out existing law. It is not a private claim. It has been before the proper committee. It has been before the Department. It is in no sense a claim by which there can be any danger that the Government will pay that which it does not owe, and, so far, nobody pretends that the Government does not owe it. The Government will have the opportunity, through its own agents, through its own Department, through its own machinery, to determine who has gone there and who is entitled to this money and who not. Now, if the Senator from Tennessee desires to move to lay this amendment on the table, he will have an opportunity of doing so.

Mr. HARRIS. I believe I have the floor now in my own right. I move to lay the appeal on the table.

Mr. TELLER. On that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] moves to lay the appeal on the table, on which motion the Senator from Colorado [Mr. TELLER] asks that the yeas and nays may be recorded on the Journal.

Mr. EDMUNDS. Will the Chair kindly state what the decision of the Chair was from which the appeal was taken?

The PRESIDENT *pro tempore*. The decision of the Chair was that the amendment proposed by the Senator from Colorado, which will be read if the Senator desires——

Mr. EDMUNDS. I understand what the amendment was.

The PRESIDENT *pro tempore*. The decision of the Chair was that that amendment was not in order, upon the ground that it was a private claim, and was not provided for in a treaty.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll-call was concluded.

Mr. PASCO. If it is necessary in order to have a quorum, I will vote "yea."

The result was announced—yeas 31, nays 8; as follows:

YEAS—31.

Allison,	Coke,	Hampton,	Pugh,
Bate,	Colquitt,	Harris,	Reagan,
Beck,	Cullom,	Hawley,	Riddleberger,
Berry,	Daniel,	Jones of Arkansas,	Sherman,
Blair,	Edmunds,	Mitchell,	Walthall,
Blodgett,	George,	Pasco,	Wilson of Iowa,
Brown,	Gibson,	Payne,	Wilson of Md.
Cockrell,	Gray,	Plumb,	

NAYS—8.

Call,	Palmer,	Sawyer,	Stockbridge,
Frye,	Platt,	Stewart,	Teller.

ABSENT—37.

Aldrich,	Eustis,	Jones of Nevada,	Saulsbury,
Blackburn,	Evarts,	Kenna,	Spooner,
Bowen,	Farwell,	McPherson,	Stanford,
Butler,	Faulkner,	Manderson,	Turpie,
Cameron,	Gorman,	Morgan,	Vance,
Chace,	Hale,	Morrill,	Vest,
Chandler,	Hearst,	Paddock,	Voorhees.
Davis,	Hiscock,	Quay,	
Dawes,	Hoar,	Ransom,	
Dolph,	Ingalls,	Sabin.	

So the appeal was laid on the table.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in Committee of the Whole?

Mr. ALLISON. On page 55, lines 6, 7, 8, and 9, I move to strike out the words:

This appropriation shall be disbursed by the Secretary of the Interior as provided by the act authorizing the construction of said building, approved April 15, 1886.

I desire to make a brief explanation of this amendment. This clause relates to the prosecution of the work on the Library building. I shall be obliged to ask unanimous consent to do this, as the clause to be modified is part of an amendment already agreed to. I hope there will be no objection to it. Under the amendment originally proposed by the Committee on Appropriations, the money is to be disbursed by the Secretary of the Interior. Section 1153 of the Revised Statutes provides:

It shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; but no compensation shall be allowed him for such disbursement.

Mr. BECK. All you have to do is to strike out the words indicated.

Mr. ALLISON. The object is to place the amount of this appropriation under the immediate control of the engineer officer making the expenditure, as is the rule in all cases of this character. I hope there will be no objection to striking out those words.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. On page 55, line 6, after the word "therewith" it is proposed to strike out all down to and including "1886" in line 9, as follows:

This appropriation shall be disbursed by the Secretary of the Interior as provided by the act authorizing the construction of said building, approved April 15, 1886.

Mr. TELLER. I do not intend to object to the amendment proposed, but I want to call the attention of the Senator to the fact that the section read does not have anything to do with this kind of case. That refers entirely to the officer's duty as an engineer. This is where you put an additional burden upon him.

Mr. ALLISON. I will propose an additional amendment to make that entirely plain after the pending amendment is agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. On page 55, line 3, I move to insert, after the word "expended," the words "and disbursed."

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, on page 57, lines 14 and 15, to strike out "clerk-hire, rent, and other."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 57, in lines 14 and 15, it is moved to strike out the words "clerk-hire, rent, and other;" so as to read:

Contingent expenses of land offices: For incidental expenses of the several land offices, $155,000.

The amendment was agreed to.

Mr. ALLISON. Now, I offer an amendment at page 10, after line 2. I ask that it be read, and I desire to make a brief explanation of it.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 10, after line 2, it is proposed to insert:

Purchase of lots 11 and 12, square 689, Washington: For the purchase of lots and buildings thereon, being lots Nos. 11 and 12 of the subdivision of square numbered 689, on the original plat of lands of the city of Washington, bounded north by South B street, east by New Jersey avenue, west by South Capitol street, $277,692; this sum being the amount of the appraisement of said land and buildings made under the authority of provisions of the sundry civil act approved March 3, 1887.

Mr. ALLISON. This contemplates the purchase of the ground known as the Butler property, south of the Capitol. It contains 12,000 square feet and has on it a substantial building——

Mr. EDMUNDS. Only 12,000 square feet?

Mr. ALLISON. Twelve thousand square feet, I believe.

Mr. EDMUNDS. There must be more than that a great deal.

Mr. ALLISON. Twelve thousand one hundred and thirty-one square feet of land, independent of the parking and streets, and the buildings thereon.

The building to which I have alluded is now occupied in part, and has been for many years, by the Coast Survey. We are paying for it a rental of $6,000 per annum. The front building is now occupied by committees of the House of Representatives. The center building—there are three buildings—is not occupied or leased by the Government. There is a considerable amount of vacant space not now built upon. The Senate Committee on Appropriations have believed for some time that it was a judicious thing to buy this property, and reported in favor of it two years ago. Instead of making the purchase, the House of Representatives insisted that we should have first an appraisal of the property to ascertain whether or not it was of the value claimed by General Butler. So we inserted in the sundry civil act of March 3, 1887, a provision authorizing the Secretary of the Treasury to direct an appraisement of this property. It was appraised at the sum of $277,692. The Committee on Appropriations believe that under existing circum-

stances it is a wise and judicious thing to purchase this property; and with that statement I leave the matter to the Senate.

The buildings are occupied now in part by the Government, and we are paying, I believe, $7,800 rental to General Butler for a portion of this property.

Mr. EDMUNDS. For less than 12,000 square feet of ground?

Mr. DAWES. It ought to be added that, besides the regular rental that we are paying, the House of Representatives is also paying for committee-rooms there at this moment quite a large sum of money in the way of rental.

Mr. ALLISON. I included that in the statement I made.

Mr. EDMUNDS. Do I understand that the sum is $277,000?

Mr. ALLISON. Two hundred and seventy-seven thousand six hundred and ninety-two dollars.

Mr. EDMUNDS. And that it is proposed that the United States Treasury shall pay $277,692 for about 12,000 square feet of ground with a good stone building on it, which I think it is if it is a stone one? I say, with great respect to everybody else, that it is five times more than it is worth.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. ALLISON. The positive and direct statement of the Senator from Vermont——

Mr. EDMUNDS. It is only an opinion of mine.

Mr. ALLISON. I know, but it shakes my faith in all our examinations. There must be an extraordinary mistake somewhere if the Senator from Vermont is correct in saying that we are paying five times too much for these three great buildings at the southwest corner of New Jersey avenue and B street, having a frontage, I believe, of 84 feet and extending back to the other street, one of them a fire-proof building, erected and made fire-proof in every respect, and for which we pay $6,000 a year rental. For one building we pay $6,000 a year—for one-third of the property.

Mr. EDMUNDS. I am correct in saying that my opinion is as I stated, if the quantity of ground is that represented by the Senator from the paper he has read, of about 12,000 square feet, which is not twice as much as the ground of the House I live in and the house the Senator lives in. There is a mistake about it somewhere. It is impossible that any 12,000 square feet of land, if it was covered with gold dust, I was going to say, could be worth any $277,000.

Mr. BECK. I do not know the number of square feet in this property, but there are three large houses on it, and one of the houses used by the Coast Survey was built absolutely fire-proof for our use, and my recollection is, though I am not very sure about it, that the last time we had the matter before us we required General Butler to reduce, or he voluntarily reduced, the cost to be paid for the buildings.

Mr. CULLOM. Does the amendment specify the exact number of square feet to be purchased?

Mr. BECK. I can not say. I have never seen the amendment until just now when the chairman of the committee offered it.

The PRESIDENT *pro tempore*. The amendment will be again read.

Mr. CULLOM. I think there must be a mistake as to the quantity of land.

Mr. SHERMAN. It is 84 feet front and 150 feet deep.

Mr. EDMUNDS. Then the price is simply enormous.

The PRESIDENT *pro tempore*. Does the Senator from Illinois desire to have the amendment again read?

Mr. CULLOM. No, sir.

Mr. ALLISON. The Senator from Vermont I think rather criticises my statement. I find on further examination of the paper before me that I was somewhat mistaken. General Butler says:

> I propose to sell to the United States, etc., my property on New Jersey avenue, B and South Capitol streets, in the city of Washington, containing 12,131 square feet of land, independent of the parking and streets, with the buildings thereon.

That would seem to indicate that it was 12,000 square feet. Now he goes on further:

> The number of square feet of floor space and the cubical contents of these buildings, respectively, are as follows:
>
> | | |
> |---|---|
> | First building, square feet floor space | 9,377 |
> | Second building, square feet floor space | 9,377 |
> | Third building, square feet floor space | 16,117 |

Mr. EDMUNDS. That would be the three stories.

Mr. ALLISON. So it would. The number of square feet floor space in all the buildings is 34,871.

> These buildings are all built of brick and stone, with vaulted outside walls, 22 inches thick, upon foundations extending down to the bank where the Potomac River originally flowed, so that in a period of fifteen years they have never perceptibly settled. They are all as thoroughly finished as they can be. The partition walls are all of brick, 18 inches thick between the several buildings, and the walls dividing the houses into rooms 12 inches thick from foundation to top. Every room, except those in the basement, is supplied with a fireplace, chimney, and ventilating shaft.

Mr. EDMUNDS. May I ask the Senator if under the former provision of the act of Congress the appraisal was made of the value of this property?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. At how much?

Mr. ALLISON. Two hundred and seventy-seven thousand six hundred and ninety-two dollars.

Mr. EDMUNDS. Who were the appraisers?

Mr. ALLISON. Thomas J. Fisher, Thomas B. Entwisle, and W. H. Clagett.

Mr. EDMUNDS. I think they had better try it again before we buy the property.

Mr. ALLISON. I submit the matter to the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Iowa [Mr. ALLISON].

The amendment was rejected.

Mr. MITCHELL. I have a simple amendment that I presume is subject to a point of order. I shall offer it, however, and ask to have some documents read, and then, if the chairman of the committee feels justified in withholding the point of order, I shall be obliged.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The CHIEF CLERK. In the clause making appropriations for "lighting of rivers," on page 22, after the word "Oregon," in line 20, it is proposed to insert:

> On the Snake River, Washington Territory.

Mr. ALLISON. I make the point of order on that amendment.

Mr. MITCHELL. I ask that the papers be read.

The PRESIDENT *pro tempore*. The Chair would feel compelled under the precedents established to rule the amendment out of order.

Mr. MITCHELL. I desire to have the papers read so as to have them appear in the RECORD.

The PRESIDENT *pro tempore*. They can be inserted without reading if the Senator desires, or will he have them read?

Mr. MITCHELL. It will be sufficient to insert them in the RECORD without reading them.

The PRESIDENT *pro tempore*. They will be printed in the RECORD and the point of order will be sustained.

The papers are as follows:

> TREASURY DEPARTMENT,
> OFFICE OF THE LIGHT-HOUSE BOARD,
> *Washington, July 24, 1888.*
>
> SIR: There is herewith inclosed a copy of a letter received at this office from the inspector of the thirteenth light-house district with reference to the establishment of lights in the Snake River, one of the tributaries of the Columbia. As the law stands at present, the board will be unable to comply with the recommendation, as the Snake River is not specifically mentioned. The insertion of it in line 20, page 22, of the sundry civil bill as now before the Senate would enable the board to establish the lights, which would no doubt be of value to those navigating both the Snake and the Columbia.
>
> Respectfully, yours,
>
> R. D. EVANS,
> *Commander United States Navy, Naval Secretary.*
>
> Hon. J. H. MITCHELL,
> *United States Senator, Washington, D. C.*

> OFFICE OF UNITED STATES LIGHT-HOUSE INSPECTOR,
> THIRTEENTH DISTRICT,
> *Portland, Oregon, July 16, 1888.*
>
> SIR: I respectfully recommend the establishment of stake lights on the Snake River, Washington Territory.
>
> From Lewiston down for about 70 miles the boats run regularly. In the summer when the river is high and nights short the boating is not difficult. But in the fall of the year, when the wheat is being brought out, there is a great deal of business, and the river is low. There are several rapids, and range lights at four or five places would be of great assistance.
>
> The agent of the company operating most of the boats has requested me to establish the range lights. From ten to fifteen lights will be required. If authorized, I can establish and maintain all that are needed at a cost of about $1,500 per year or less.
>
> Respectfully,
>
> U. SEBREE, *Inspector.*
>
> LIGHT-HOUSE BOARD, *Washington, D. C.*

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Is a separate vote desired on any of the amendments made as in Committee of the Whole?

Mr. REAGAN. I desire a separate vote on the amendment to give $50,000 to the widow of Professor Baird.

The PRESIDENT *pro tempore*. Is a separate vote desired on any other amendment made as in Committee of the Whole?

Mr. PLUMB. Before the bill is passed I should like to ask the Senator from Iowa about the time which he thinks will elapse before this bill will finally become a law, taking into account the delays incident to a conference on a bill having had so many amendments made to it. I do this especially with reference to the time that the Senate is liable to be detained in session, which relates, of course, to the convenience and comfort of Senators, and no one, I think, is more liable to be posted upon that proposition than the Senator from Iowa, the chairman of the Committee on Appropriations, and a member of another very important committee of this body. There are probably some other appropriation bills that have not yet passed, about which also, I have no doubt, the Senate will be glad to be informed.

Mr. ALLISON. I ask that the amendments not reserved be acted on now and then, I shall be glad to answer the Senator from Kansas.

The PRESIDENT *pro tempore*. Is a separate vote desired on any amendment made in Committee of the Whole other than that reserved by the Senator from Texas [Mr. REAGAN]? If not, the Chair will put

the question on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question recurs on the amendment reserved, which will be stated.

The CHIEF CLERK. On page 49, after line 19, the Senate, as in Committee of the Whole, inserted the following:

To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, $50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, including rent of rooms for the use of said commission, from February 25,1871, to the time of his death, in August, 1887.

The PRESIDENT *pro tempore*. Will the Senate concur in this amendment?

Mr. REAGAN. I ask for the yeas and nays on concurring in the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. DAWES (when his name was called). As I have already stated, I am paired with the Senator from North Carolina [Mr. RANSOM], but I have an impression that he voted "yea" on this amendment when it was considered as in Committee of the Whole. I should vote "yea" myself if at liberty, and if any one can state positively that the Senator from North Carolina so voted heretofore, I will vote "yea" myself.

The PRESIDENT *pro tempore*. Does the Senator wish his vote recorded?

Mr. DAWES. I will withhold my vote until I can ascertain that fact.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Does his colleague know how he would probably vote on this question if he were present?

Mr. EDMUNDS. I am exceedingly confident that my colleague thought it was one of the most just things Congress could possibly do.

Mr. HARRIS. Then I withhold my vote. If it were not for the pair I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. SABIN (when his name was called). I am paired generally with the Senator from West Virginia [Mr. KENNA], but on this question I feel at liberty to vote, and vote "yea."

So the roll-call was concluded.

Mr. BROWN (after having voted in the negative). I am paired with the Senator from Oregon [Mr. DOLPH]. I have voted, but as I see the other Senator from Oregon [Mr. MITCHELL] has voted "yea," I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Georgia withdraws his vote.

Mr. DAWES. I learn that the Senator from North Carolina [Mr. RANSOM] voted "yea" when this amendment was before the Senate as in Committee of the Whole, and I therefore vote "yea."

Mr. GIBSON. I announce my pair with the Senator from California [Mr. HEARST].

Mr. EVARTS. I am paired generally with the Senator from Alabama [Mr. MORGAN]; but I understand I am at liberty to vote on this question, and I vote "yea."

The result was announced—yeas 28, nays 11; as follows:

YEAS—28.

Allison,	Dawes,	Hiscock,	Sabin,
Beck,	Edmunds,	Ingalls,	Sawyer,
Blackburn,	Evarts,	Manderson,	Spooner,
Blair,	Frye,	Mitchell,	Stewart,
Call,	Gray,	Payne,	Stockbridge,
Cullom,	Hampton,	Platt,	Teller,
Daniel,	Hawley,	Riddleberger,	Wilson of Iowa.

NAYS—11.

Bate,	Chandler,	George,	Reagan,
Berry,	Cockrell,	Jones of Arkansas,	Walthall.
Blodgett,	Coke,	Pugh,	

ABSENT—37.

Aldrich,	Farwell,	McPherson,	Sherman,
Bowen,	Faulkner,	Morgan,	Stanford,
Brown,	Gibson,	Morrill,	Turpie,
Butler,	Gorman,	Paddock,	Vance,
Cameron,	Hale,	Palmer,	Vest,
Chace,	Harris,	Pasco,	Voorhees,
Colquitt,	Hearst,	Plumb,	Wilson of Md.
Davis,	Hoar,	Quay,	
Dolph,	Jones of Nevada,	Ransom,	
Eustis,	Kenna,	Saulsbury,	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in the Senate?

Mr. EVARTS. I offer in the Senate the amendment for the purchase of the portraits of the signers of the treaty of 1783.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 117, after the amendment already agreed to, after line 2, it is proposed to insert:

For the purchase of the unfinished painting, by Benjamin West, of the Peace Commissioners at the Treaty of Paris, $1,500.

Mr. EVARTS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. DAWES (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]; but I see his colleague votes "nay," and I will also vote "nay."

Mr. EDMUNDS. I will say that I have no knowledge, information, or belief——

The PRESIDENT *pro tempore*. Debate is not in order during the roll-call.

Mr. EDMUNDS. The Chair is quite right. I was merely explaining a pair, which customarily has been allowed.

The roll-call was continued and concluded.

Mr. BROWN. I am paired with the Senator from Oregon [Mr. DOLPH]. I do not know how he would vote if he were present, but I should vote "nay."

Mr. HARRIS. I did not hear the complete statement of the Senator from Vermont [Mr. EDMUNDS], and I should be glad to hear it, as I followed him in voting, because I am paired with his colleague [Mr. MORRILL], and I wish to do whatever the Senator from Vermont thinks proper in the matter.

Mr. EDMUNDS. The Chair has announced that I was not at liberty to speak.

Mr. HARRIS. Not at that time.

Mr. EDMUNDS. The roll-call is yet in progress.

Mr. HARRIS. I will ask the Senator from Vermont if he has any information or idea how his colleague, if present, would vote upon this question?

Mr. EDMUNDS. Is it in order, Mr. President, for me to reply?

The PRESIDENT *pro tempore*. It is not under the rules.

Mr. HARRIS. As I am unable to obtain any information, and recognize the fact that I am paired with the Senator from Vermont [Mr. MORRILL], I withdraw my vote. I have voted "nay," but I withdraw it.

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his vote.

The result was announced—yeas 24, nays 18; as follows:

YEAS—24.

Allison,	Frye,	Manderson,	Sawyer,
Blair,	Gibson,	Mitchell,	Sherman,
Call,	Gray,	Palmer,	Spooner,
Chandler,	Hawley,	Platt,	Stewart,
Cullom,	Hiscock,	Riddleberger,	Stockbridge,
Evarts,	Hoar,	Sabin,	Teller.

NAYS—18.

Bate,	Coke,	Jones of Arkansas,	Walthall,
Beck,	Edmunds,	Payne,	Wilson of Iowa,
Berry,	George,	Pugh,	Wilson of Md.
Blackburn,	Hampton,	Reagan,	
Cockrell,	Ingalls,	Saulsbury,	

ABSENT—34.

Aldrich,	Davis,	Hearst,	Quay,
Blodgett,	Dawes,	Jones of Nevada,	Ransom,
Bowen,	Dolph,	Kenna,	Stanford,
Brown,	Eustis,	McPherson,	Turpie,
Butler,	Farwell,	Morgan,	Vance,
Cameron,	Faulkner,	Morrill,	Vest,
Chace,	Gorman,	Paddock,	Voorhees.
Colquitt,	Hale,	Pasco,	
Daniel,	Harris,	Plumb,	

So the amendment was agreed to.

Mr. SHERMAN. I have no amendment to offer, but I wish to say a few words in regard to one amendment which has been adopted. I did not vote on the proposition simply because, while I was very much in favor of the allowance to Mrs. Baird of a reasonable sum, I thought the amount voted was too large, and therefore did not vote at all.

But I wish to state that the Senate has set a precedent in this matter. In the case of Professor Baird's predecessor, Professor Henry, a very eminent man and perhaps even more eminent in some respects than Professor Baird, he was allowed by the generosity of Congress $500 a year for the twenty-two years he served at the head of the Light-House Board, a scientific position, where he rendered great service to the Government. He died and the claim was made, and I had the honor of submitting it, and Congress generously allowed $10,000, expended for a house in which Professor Henry's wife and children now live. The amount of $50,000 for fifteen years' services of Professor Baird seems too large, but if it followed the precedent in Professor Henry's case, or even if twice the amount was given that was allowed to Mrs. Henry, I should have voted for the amendment with pleasure.

Mr. EDMUNDS. Mr. President, having now the right to speak on the question of the engrossment of the amendments and the third read-

ing of the bill, I will say that the cases of Professor Henry and Mr. Baird were entirely different; but if you take the $500 a year extra allowance to Professor Henry for twenty-two years, that would make $11,000 of that. Then $11,000 more was given to Professor Henry; that made $22,000. He got $500 a year, it is stated, extra allowance during that period of time.

Mr. SHERMAN. That was the only allowance ever made to Professor Henry, to my knowledge.

Mr. EDMUNDS. I think the Senator is quite mistaken in that respect, but no matter about that.

The difference between these two cases is so wide and obvious that if the Senator knew the facts I am sure he would agree to the proposition before the Senate; and that was this, that the amount of labor and responsibility as distinguished between a member of the Light-House Board and the enormous labor that was imposed upon Professor Baird in this administrative work is too obvious to require any length of time to state it. I merely refer to it. But during the whole of these fifteen years, when the Fish Commission work of propagating, etc., was going on Professor Baird furnished, as Professor Henry did not, the rooms and appliances necessary to carry on that work out of his own private fortune and out of his own private rent; and if those rooms, thus necessarily occupied for the public interests, had been hired by the United States in the regular way from anybody else at an average of the rate that the United States is paying in this city of Washington all the time, it would take up a great deal more than half of this $50,000. Then, when you add to that the furniture, the attendance, the fuel, the lights, and everything which, besides the mere rent, goes into the account against the Treasury when we hire rooms and furnish them and take care of them, it would take one-half of the remainder that is left.

So that, for the mere service of Professor Baird for these fifteen years which destroyed his life, you give his widow really about $10,000 or $12,000; and as to the rest you are merely returning the money that he actually spent out of his own pocket to promote your service.

Mr. SHERMAN. Mr. President, I am perfectly willing to be generous, and if we measure the work of both these officers at what it is really worth to science and the world, we could not pay for it in money. I agree to that. Both of these gentlemen were scientific men, who devoted their lives to their pursuits.

The idea, however, of paying $50,000 for fifteen years' work seems to be an exaggeration, and it would be more in accordance with the character of Professor Baird to make the sum moderate. He never made any claim for any of this during his lifetime. He rented a house probably worth $1,000 or $1,200 a year, a very respectable residence, and he occupied it and devoted a portion of it to scientific purposes, some of which was out of doors and some of which was indoors. At the same time I think a very reasonable sum would be to allow from $15,000 to $20,000, and it would be more in accordance with the well-known position of Professor Baird, who never, I believe, in his lifetime made a demand for this sum, nor did Professor Henry, and I think it was greatly to their credit.

I simply wished to explain why, though present in my seat, I did not vote upon that proposition. I trust that in the committee of conference the conferees on the part of the Senate may be able to estimate carefully the items that go to make up this sum.

Mr. CHANDLER. Mr. President, may I ask what is the question before the Senate?

The PRESIDENT *pro tempore*. Shall the amendments be engrossed and the bill be ordered to a third reading?

Mr. CHANDLER. I desire to avail myself of the opportunity which has been occasioned by the debate between the Senator from Vermont [Mr. EDMUNDS] and the Senator from Ohio [Mr. SHERMAN] to say that for the reason given by the Senator from Ohio for not voting at all I voted against the amendment giving to the heirs of Professor Baird $50,000.

I disagree entirely with the argument that the Congress of the United States can not vote money in a case of this kind unless the Government of the United States owes a debt which can be recovered in the Court of Claims. I agree entirely with the argument of the Senator from Massachusetts [Mr. HOAR] and the Senator from New York [Mr. EVARTS] that there rests in this Government the power to recognize the services of those citizens who have been able in their lifetime to render distinguished service to the country or to illustrate the patriotism of an American citizen, and therefore it was with no misgivings on the question of the power of Congress to make this donation that I declined to vote for the $50,000.

I am willing to vote as a miscellaneous donation, but not as services or rent due but not collected, for the sum of $25,000. I am not willing to vote for the sum of $50,000; and as I am not willing to vote for that sum, I concluded that the natural and legitimate and appropriate method of expressing that dissent was to vote "nay" when the yeas and nays were called.

Mr. HAWLEY. Just a single remark. In estimating the sum to be given here I would not only take into consideration the actual expenditures of that distinguished professor, but I would measure that donation, if you choose to call it so, by his distinguished services in general. In estimating what his labors were worth we have some guide in the sum that is fixed in the annual compensation of his successor. Professor Baird was, in a measure, the originator and builder of this greatly improved system. Mr. McDonald takes it from Mr. Baird well established in the general confidence, and we give him $5,000 a year, and for fifteen and a half years that would be nearly $80,000. I am content to vote for the $50,000.

The PRESIDENT *pro tempore*. Shall the amendments be engrossed, and the bill be ordered to a third reading?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. ALLISON. Before the passage of the bill I desire to answer the inquiry made a few moments ago by the Senator from Kansas [Mr. PLUMB].

I will say in response to his inquiry that there now remain undisposed of five of the regular appropriation bills, namely, the Navy bill, the Army bill, the bill which has just now passed the third reading, the general deficiency bill, and what is known as the fortifications bill. The Navy bill is now in conference and will likely be disposed of either in the last few days of this week or the early days of next. The Army bill is pending in the House of Representatives, as I believe, now being disposed of there upon amendments attached to it in the Senate. The general deficiency bill has not yet passed the House, nor has the fortifications bill. The general deficiency bill has been partially considered by the House, but the fortifications bill has only been reported within a day or two.

As to the time it will take for the consideration of this bill in the House of Representatives, of course it is impossible for me to say, but I think it may be said that there are fewer important amendments put upon it by the Senate than on any similar bill that has passed for many years. Therefore I think the sundry civil bill can be disposed of very readily either by the House consenting to the amendments which we have placed upon it or by conferences which can be had within a very brief space. So I think it may be safely assumed that next week we can dispose of all the appropriation bills. I think they can be disposed of next week, provided the House takes them up promptly and considers them so that the differences can be reconciled.

Mr. STEWART. I should like to ask the chairman if he has a bill for to-morrow morning.

Mr. ALLISON. I desire to say one word further. Not only will the Committee on Appropriations have no more bills to-morrow morning, but they are not likely to have any for some days to come, because the only two remaining bills for action here are the deficiency bill and the fortifications bill, neither of which has yet passed the House of Representatives.

Mr. STEWART. I should like to call up the Chinese bill to-morrow morning, if I can.

The PRESIDENT *pro tempore*. The Senator from Iowa is entitled to the floor.

Mr. ALLISON. I have stated the situation of the appropriation bills. I ought to say, perhaps, in connection with that statement that on last Saturday the Senate passed a bill extending last year's appropriations until the 31st day of August, so that so far as I know the business of the Appropriations Committee can be disposed of within the next ten days or two weeks.

The Senator from Kansas made an inquiry respecting another matter, on which I think probably I should perhaps say a word, and that is the tariff bill now pending in the Finance Committee. I presume he asks me that question because I have, in connection with some of my associates on that committee, been making some examination of that subject. Of course it is not possible for me to say when that tariff bill can be presented to the Senate. The chairman of the Committee on Finance can state more nearly, perhaps, than I can upon that subject; I will only say that so far as I am concerned, and so far as I have heard, it is the intention to bring that bill into this Chamber at the earliest practicable moment and have it considered here with all due speed consistent with its careful consideration.

Mr. GIBSON. Can the Senator from Iowa tell us whether the tariff bill will be here next week?

Mr. ALLISON. I can not.

Mr. GIBSON. Can the Senator from Ohio tell us whether the tariff bill is likely to be here next week or the week after?

Mr. SHERMAN. I do not know. No one can tell.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

The bill was passed.

JACKSON, MISS., MUNICIPAL ELECTION.

Mr. PUGH. By leave of the Senate heretofore granted, I present the views of the minority of the Judiciary Committee in the matter of the investigation of the last municipal election in Jackson, Miss.

The PRESIDENT *pro tempore*. The minority report will be received and printed.

Mr. PUGH. Let it lie on the table with the majority report.

The PRESIDENT *pro tempore*. Will the Senator have it printed?

Mr. PUGH. Yes; let it be printed.

The PRESIDENT *pro tempore*. The resolution accompanying the report of the committee has been placed on the Calendar so that the views of the majority and minority may be printed together, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1106) providing for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8285) to remove the political disabilities of Elliott Johnston.

The message further announced that the House insisted upon its amendment to the bill (S. 899) for the relief of Mary M. Briggs, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANE, Mr. FRENCH, and Mr. THOMPSON, of Ohio, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4659) for the relief of George M. Ochiltree; agreed to the conference asked by the Senate on the said bill and amendment, and had appointed Mr. YODER, Mr. TILLMAN, and Mr. GEAR managers at the conference on the part of the House.

HOUR OF MEETING.

Mr. SHERMAN. I move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow instead of 12 o'clock.

Mr. HAWLEY. And, I suggest as an amendment, that it adjourn at 5 o'clock. There can be no objection to regular hours of work.

Mr. EDMUNDS. We can not fix any time for adjournment.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow. [Putting the question.] The noes appear to have it.

Mr. SHERMAN. I think we had better understand the matter. I think I shall call for a division, or the yeas and nays, because we ought to go on and finish the long debates that are likely to occur on the fisheries treaty; and there is another measure hanging here——

The PRESIDENT *pro tempore*. Debate can only proceed on the motion by unanimous consent. The Chair hears no objection, and the Senator from Ohio will proceed.

Mr. SHERMAN. I will say that the hour of meeting is a matter of perfect indifference to me. I would as lief come here at 11 o'clock, or 12 o'clock, or any other hour, but I made the motion at the request of several Senators. There is the fisheries treaty which is under debate, and it is likely to provoke considerable discussion. There is also the Chinese bill, as it is called.

Mr. STEWART. And the Washington Territory bill.

Mr. SHERMAN. And the Washington Territory bill.

Mr. PLATT. And admission bills for other Territories.

Mr. SHERMAN. There are pressing matters which ought to be voted upon at the present session. The committee work is pretty well done at this session, except perhaps the Finance Committee and the Committee on Appropriations.

Mr. COCKRELL. Other committees have work.

Mr. SHERMAN. I will take the sense of the Senate and a majority will decide the question. I move that, until otherwise ordered, the Senate meet at 11 o'clock.

Mr. EDMUNDS. That is not in order. Stick to your original motion.

Mr. SHERMAN. Very well; I move that the Senate meet at 11 o'clock to-morrow, and on that motion I call for the yeas and nays.

The PRESIDENT *pro tempore*. Does the Senator from Ohio ask for the yeas and nays?

Mr. SHERMAN. I do.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that on agreeing to the motion that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock, the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. DAWES. May I ask unanimous consent to say that if the Senator from Ohio will postpone his motion to-day he will accommodate some Senators very much, who have a very important committee meeting to-morrow, which must be dispensed with entirely if the session is to commence at 11 o'clock.

Mr. EDMUNDS. The Senate will go on with the speech-making.

Mr. SHERMAN. The speech-making will go on.

Mr. DAWES. The only objection I have to the motion is that I happen to have to-morrow a very important committee meeting.

Mr. SHERMAN. You can go on with the committee meeting, and I presume it will not disturb any one.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, the roll-call will proceed on agreeing to the motion of the Senator from Ohio that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired on this question with the Senator from Oregon [Mr. DOLPH].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. DAWES (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]; otherwise I should vote "yea."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote, and I therefore withhold my vote.

The roll-call was concluded.

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], and withhold my vote.

Mr. HARRIS (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Vermont [Mr. MORRILL].

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his vote.

Mr. BECK (after having voted in the negative). I am paired with the Senator from Maine [Mr. HALE]. He allows me to vote when I please, but I think I ought to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Kentucky withdraws his vote.

Mr. PADDOCK (after having voted in the affirmative). I am paired with the Senator from Louisiana [Mr. EUSTIS], but I voted. I think I had better withdraw my vote.

Mr. HOAR. That will leave us without a quorum.

The PRESIDENT *pro tempore*. The Senator from Nebraska withdraws his vote.

Mr. SABIN (after having voted in the affirmative). As the withdrawal of votes is in order, I will state that I am paired with the Senator from West Virginia [Mr. KENNA], and as I am doubtful whether my pair would allow me to vote on this question, I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Minnesota withdraws his vote.

The result was announced—yeas 20, nays 16; as follows:

YEAS—20.

Allison,	Frye,	Mitchell,	Sherman,
Blair,	Hiscock,	Platt,	Spooner,
Chandler,	Hoar,	Plumb,	Stewart,
Cullom,	Ingalls,	Riddleberger,	Stockbridge
Edmunds,	Manderson,	Sawyer,	Teller.

NAYS—16.

Bate,	Cockrell,	Gray,	Pugh,
Blackburn,	Coke,	Hampton,	Reagan,
Blodgett,	George,	Hawley,	Saulsbury,
Call,	Gibson,	Payne,	Walthall.

ABSENT—40.

Aldrich,	Davis,	Hearst,	Quay,
Beck,	Dawes,	Jones of Arkansas,	Ransom,
Berry,	Dolph,	Jones of Nevada,	Sabin,
Bowen,	Eustis,	Kenna,	Stanford,
Brown,	Evarts,	McPherson,	Turpie.
Butler,	Farwell,	Morgan,	Vance,
Cameron,	Faulkner,	Morrill,	Vest,
Chace,	Gorman,	Paddock,	Voorhees,
Colquitt,	Hale,	Palmer,	Wilson of Iowa,
Daniel,	Harris,	Pasco,	Wilson of Md.

The PRESIDENT *pro tempore*. No quorum has voted.

Mr. TELLER. I move that the Senate adjourn until to-morrow at 11 o'clock.

Mr. HARRIS. I ask the Senator from Colorado to withdraw that motion for a moment, that I may ask the Chair to announce, from view, that there is a quorum present, in order that I may submit a conference report.

Mr. EDMUNDS. There is no quorum.

Mr. HARRIS. There is no voting quorum, but——

The PRESIDENT *pro tempore*. The want of a quorum was disclosed on the vote last taken.

Mr. HARRIS. The want of a voting quorum was disclosed; that is true.

The PRESIDENT *pro tempore*. By unanimous consent the roll-call may be dispensed with, and the Chair may ascertain by count whether a quorum is present.

Mr. TELLER. If my motion is in order, I ask that it be put.

Mr. BLAIR. How can it be in order under the rules?

Mr. EDMUNDS. The Constitution gives us the right to adjourn from day to day.

Mr. COCKRELL. The motion is not in order.

Mr. HOAR. The motion is in order by the new rules, I think.

The PRESIDENT *pro tempore*. The rule, in the opinion of the Chair, forbids the motion of the Senator from Colorado to be entertained by the Chair, a motion to adjourn only being in order now.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 2, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 1, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. LONG. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. LONG. To ask unanimous consent to have a bill considered at this time.

The SPEAKER *pro tempore*. The Chair can not recognize any gentleman for that purpose until certain matters are disposed of.

ELLIOTT JOHNSTON.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 8285) to remove the political disabilities of Elliott Johnston, with an amendment of the Senate thereto.

The amendment was read, as follows:

Page 1, lines 3 and 4, strike out the words "legal and."

The amendment was agreed to.

PUBLIC BUILDING, SIOUX CITY, IOWA.

The SPEAKER *pro tempore* also laid before the House the bill (S. 288) for the erection of a public building at Sioux City, Iowa, the Senate having disagreed to the amendments of the House to the said bill and asked for a committee of conference on the disagreeing votes of the two Houses.

Mr. DIBBLE. I ask unanimous consent that the House agree to the conference requested by the Senate.

The SPEAKER *pro tempore*. It does not require unanimous consent; it is a privileged matter; and if there be no objection, the conference will be agreed to and the Chair will appoint the conferees later.

There was no objection, and it was so ordered.

MARY M. BRIGGS.

The SPEAKER *pro tempore*. The Chair appoints as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (S. 899) for the relief of Mary M. Briggs, the gentleman from Illinois, Mr. LANE, the gentleman from Connecticut, Mr. FRENCH, and the gentleman from Ohio, Mr. THOMPSON.

ENROLLED BILLS.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2449) granting a pension to James W. Bowman;
A bill (S. 2124) granting a pension to John Bush;
A bill (S. 1762) granting a pension to Benjamin A. Burtram;
A bill (S. 2448) granting a pension to Catharine McQuade;
A bill (S. 2520) granting a pension to James White;
A bill (S. 2653) granting a pension to Mary Curtin;
A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;
A bill (S. 2313) granting a pension to Ellen J. Snedaker;
A bill (S. 1575) granting an increase of pension to William Wallace Young;
A bill (S. 2413) granting an increase of pension to Ernst Hein;
A bill (S. 2571) granting a pension to Edwin E. Chase;
A bill (S. 2366) granting a pension to Mrs. Emeline Anderson;
A bill (S. 2830) granting an increase of pension to Elvira M. Dorman;
A bill (S. 2779) granting a pension to Eliza M. Scandlin;
A bill (S. 2700) granting an increase of pension to Allen Glethen;
A bill (S. 2609) granting a pension to H. H. Russell;
A bill (S. 2578) granting a pension to Nathan B. Rarick;
A bill (S. 1076) granting a pension to the widow of John Leary, deceased;
A bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley;
A bill (S. 2655) granting a pension to Lydia Hawkins; and
A bill (S. 102) for the relief of Lucinda McGuire.

REPORT OF COMMISSIONER OF EDUCATION, 1887–'88.

Mr. MAISH. I call for the regular order.

Mr. COBB. I desire to submit a resolution for reference.

The SPEAKER *pro tempore*. The regular order is demanded, which is the call of committees for reports.

Mr. MAISH. I withdraw the call, in order that the gentleman may introduce his resolution.

Mr. COBB, by unanimous consent, introduced a concurrent resolution to provide for printing the report of the Commissioner of Education for 1887–'88; which was referred to the Committee on Printing.

MONUMENT TO VICTIMS OF PRISON-SHIPS.

Mr. SPINOLA. Is it in order for me to ask at this time that a report of the Committee on Military Affairs be printed in the RECORD?

The SPEAKER *pro tempore*. It can be done only by unanimous consent.

Mr. SPINOLA. I ask that the report of the Committee on Military Affairs on the bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of the prison-ships at Fort Greene, Brooklyn, N. Y., be printed in the RECORD.

The SPEAKER *pro tempore*. The Chair is informed that this report was printed in the RECORD at the time when the bill was under consideration. If so, the second printing is unnecessary.

Mr. SPINOLA. If it has not been printed in the RECORD, I ask that it may be.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

The report (not heretofore published) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of the prison-ships at Fort Greene, Brooklyn, N. Y., do respectfully report:

After the battle of Brooklyn, Long Island, Augnst 17, 1776, when the American army under General Washington was defeated and compelled to retire to the northern part of Manhattan Island, the British prison-ships anchored in the Wallabout Bay were crowded with American naval prisoners who underwent experiences of a horrible nature, probably unequaled in the history of modern warfare.

Of these ships there were the Whitby, Prince of Wales, Good Hope, and the Old Jersey, or "Hell," as it was called by those who were confined in her—often more than a thousand at a time—in consequence of the sufferings they endured.

They all lay in the channel between what is now the Cob Dock and the inner shore of the bay, the Old Jersey being at the west side, nearly opposite what is now the west entrance to the New York navy-yard. The prisoners were crowded together in these dismantled ships or hulks, poorly fed, and badly treated, and they died by thousands. It is estimated that between 11,000 and 12,000 prisoners perished on these vessels, it being claimed that the mortality on the Old Jersey alone amounted to five a day.

The prison-ships were originally the transport vessels in which cattle and other supplies for the British army had been brought to America in 1776, and which had been anchored in Gravesend Bay and occupied by the prisoners taken in the battle of Brooklyn. Upon the occupation of the city by the British these soldiers were transferred to the prisons on shore and the transports were devoted more especially to the marine prisoners, whose numbers were rapidly increasing, owing to the frequent capture of American privateers by the king's cruisers.

The first prison-ship anchored in the Wallabout was the transport Whitby. She was moored near Remson's mill, which was on the west shore of the bay, near Martyn's Point, or Martyr's Hook, as it was subsequently called, about the 20th of October, 1776, and crowded with prisoners. Here the prisoners had bad provisions, worse water, and even these rations were small. No medical man attended the sick, disease had full sway, and pestilence reigned supreme. Hundreds died from pestilence or starvation, and the sand beach between the ravine in the hills—where Little street, Brooklyn, now is—and the shore became filled with graves in the course of two months.

In May, 1777, two large ships were anchored in the Wallabout, when the prisoners were transferred from the Whitby to them. These ships subsequently took fire, and some of the prisoners were burned in them before they could be removed to other vessels. In 1779 the Prince of Wales and the Good Hope were used as prison-ships. The latter was burned in 1780, and then the Stromboli, Scorpion, and Hunter, all nominally hospital-ships, took their place in the Wallabout. There were nearly a dozen others, but of all the Old Jersey won pre-eminence in the sad history of the prison-ships. She was originally a sixty-gun ship and had a long and honorable career, but, being unfit for further active service, in 1776 was converted into a prison-ship. She was dismantled, her port-holes were closed and securely fastened, and their places supplied by two tiers of small holes, each about 20 inches in diameter, with two iron bars crossed at right angles. Caged in the body of this hulk, with little light and almost no fresh air, packed together like animals, poorly fed on what was sometimes spoiled and wormy food, and given water that was stagnant, the prisoners died off like flies. It was no wonder that they gave their horrible hole of suffering, pestilence, and death the nickname of "Old Hell."

The horrors of these ships are a matter of history. The foul air, confinement, darkness, hunger, thirst, the slow poison of the malarious locality, the torments of vermin, the suffocating heat in summer, the excessive cold in winter, the horrible brutality of the officers and the guards, who would frequently fire among or bayonet the prisoners for some trivial or pretended offense, the almost total absence of hope, are things too sickening to dwell upon.

At the expiration of the war the Old Jersey was abandoned where she lay. The dread of contagion prevented any one venturing on board, but it was not long until the worms, which had been at work upon her timbers, made way for the water to rush in, and she went down into the waters of the Wallabout, carrying with her the only record of the names of thousands of sufferers which had been inscribed upon her inner planks.

The dead from these ships had been taken on shore and buried in trenches dug in the sand, and for years after the war their bones were found all around the bend of the bay, but more especially on the west side. We are informed by parties connected with the navy-yard that even now in making excavations they find the bones of human beings, supposed to have been victims of the prison-ships.

For several years after the war was over the bones of those who suffered martyrdom in these ships for the cause of liberty were to be seen, scarce covered, on the banks of the Wallabout, or strewn upon its shores, and bleaching in the winter's storm and summer's sun. Several patriotic individuals endeavored to have the attention of Congress directed to the subject, but no formal movement was made to give the bones proper interment until 1792, when the citizens of Brooklyn, at a regular town meeting, resolved that the bones which had been disinterred and collected by John Jackson should be removed and buried in the graveyard of the Reformed Church and a monument erected over them.

John Jackson was a native of Queens County, Long Island, who removed to Brooklyn soon after the Revolution. About 1791 he purchased what was known as the Remsen estate, situated on the Wallabout, which comprised about 30 acres of land, 35 of pond, together with the old Remsen mill and dwelling. This farm was partly on what was known as Martyr's or Martyn's Hook, where Little street runs down to the water, and extended as far west as Gold street, and east into the navy-yard. It was in making improvements on the farm that Mr. Jackson found large quantities of the bones in cutting away the high banks which then formed the shore of the bay. In 1801 he sold 40 acres of this farm to the United States for a navy-yard, it being the west portion of the yard, north of the present York street entrance. When the committee of the town meeting above mentioned applied, in 1793, for the privilege of removing the bones, Mr. Jackson refused, as he had other plans in view. He was an influential member and a sachem of the Tammany Society, or Columbian Order. He offered this society an eligible piece of ground on his property in the Wallabout at a point

which is now at the east end of Front street, by the navy-yard wall, for the purpose of erecting a suitable sepulcher, which the society accepted.

In 1803 a memorial to Congress was prepared and sent to Washington, but nothing was done by this body. In the mean time, Benjamin Aycrigg, shocked at the exposed condition of the remains, made a contract in 1805 with an Irishman living in the Wallabout "to collect the bones as far as may be without digging," and deliver them to him at a stipulated price, which was done, and the remains thus collected formed a portion of those afterward placed in the Tomb of the Martyrs. In 1808 the Tammany Society appointed a committee and proceeded to take steps toward the long-talked of sepulcher. They initiated an extensive correspondence, published stirring appeals, and invited patriotic citizens all over the country to make a national affair of it. The public took hold zealously, and showed so much interest that the corner-stone of the tomb was laid on the 13th of April, 1808. An imposing military and civic procession formed at Fulton Ferry, under Major Aycrigg, grand marshal, and marched through Main, Sands, Bridge, and Jackson (now Hudson) streets, Brooklyn, to the vault on Jackson street adjoining the navy-yard. Benjamin Romaine, grand sachem of Tammany, assisted by the Wallabout committee, laid the corner-stone of the vault, upon which was the inscription:

"In the name of the spirits of the departed free, sacred to the memory of American seamen, soldiers, and citizens who perished on board the prison-ships of the British at Wallabout during the Revolution.

"This is the corner-stone of the vault erected by the Tammany Society, or Columbian Order, which contains their remains, the ground for which was bestowed by John Jackson, Nassau Island. Season of blossoms. Year of the discovery the 316th, of the institution the 19th, and of American Independence the 32d.

"April 6, 1808."

Ceremonies were completed by the interment of thirteen mammoth coffins, and orations by the most distinguished men of the day.

Subsequent to the interment the excitement was kept up for awhile. Some money was collected, and then the martyrs' tomb dropped out of public notice. Stiles, in his "Wallabout Prison-Ship Series," speaking of the Tammany demonstration, gives this peroration:

"The pious tribute of the living to the dead is always solemn and affecting; a society in mourning for a hero is interesting to every one who beholds it, but a nation of freemen bending in tears over the tomb of eleven thousand martyrs to the cause of liberty is a sight never before exhibited and presents a sublime theme for the historian and the poet. Happy, happy Columbia! May returning years still find thee as thou art this day—grateful to thy heroes, the nurse of liberty, at peace with the world."

After the great procession the tomb, unfinished, was left to take care of itself.

When the grade of Jackson street was altered the walls of the vault were infringed upon, and finally the very lot with the tomb upon it, containing the moldering dust of these eleven thousand heroes, was sold for taxes.

Benjamin Romaine, a true patriot, who had been a soldier in the war, came forward and bought the lot rescuing the remains from desecration. He erected an ante-chamber over the vault and appropriately adorned it. This was in 1839. Mr. Romaine held the place sacred, and in order to protect it from desecration he appropriated the tomb as a burial place for himself and family. At his death, in 1844, his body was placed in a coffin which he had long kept for himself in the vault. Two years before his death a committee of citizens petitioned the Legislature for leave to remove the bones for the purpose of appropriate sepulture, but Mr. Romaine protested. He said:

"I have guarded these sacred remains, with a reverence which perhaps at this day all may not appreciate or feel, for more than thirty years. They are now in their right place, near the Wallabout and adjoining the navy-yard. They are my property. I have expended more than $900 in and about their protection and preservation. I commend them to the protection of the General Government. I bequeath them to my country. This concern is very sacred to me. It lies near my heart. I suffered with those whose bones I venerate. I fought beside them; I bled with them."

In consequence of this remonstranee nothing was done.

Ten years later a large meeting of citizens of Brooklyn resolved—"That the time has arrived when the cities of New York and Brooklyn can not, without criminality, longer delay the necessary efforts for rearing the monument to the martyrs of the prison-ships;" and an organization was formed, entitled the "Martyrs' Monumental Association," in which each senatorial district in the State of New York and each State and Territory in the Union was represented. They set to work, selected a site on Fort Greene, secured plans for the monument, agitated the subject, and solicited donations. But once more enthusiasm died, and two more decades had almost passed before anything was done.

The common council of the city of Brooklyn having granted the association an appropriate lot on Fort Greene, called Washington Park, the site was utilized in 1873. In that year a brick vault, 25 by 11 feet, was completed in the side of the hill facing toward the junction of Myrtle avenue and Canton street, it being the nearest point toward the Wallabout. By this time the vault on Hudson avenue (formerly Jackson street) had become so dilapidated from neglect that the remains were in an exposed state, many of the old coffins being broken or defaced. Twenty-two new boxes were procured, the old coffins placed in them, and on the 17th day of June, 1873, all that remained of the mortal part of the 11,000 martyrs of the prison-ships was quietly removed to the vault at Washington Park. There was no ostentation this time; it was simply a labor of love.

After nearly a century of neglect, relieved occasionally by spasmodic bursts of patriotism, the bones were at last placed in a spot where it is believed they will rest undisturbed until time shall be no more. So quietly was the removal performed, and so little interest does it seem to have elicited, that the daily papers of the day did not make any mention of it. The vault was covered with asphalt and the surface restored, and there are few people in the city to-day who know where these bones lie buried. The base-work of the intended ornamental stone superstructure has been constructed, upon which it is intended to erect the monument proposed by the accompanying bill.

This chosen site of Fort Greene is a lofty eminence looking down upon the Wallabout, where the prison-ships were anchored; it also commands a view of the whole city of Brooklyn and the surrounding country upon which in 1776 the battle of Long Island was fought. During the battle this battery was known as Fort Putnam, in honor of General Putnam, who was the immediate commander of the American Army during the illness of General Greene. From this eminence General George Washington, Commander-in-Chief, became the agonizing witness of the rout and slaughter of Sullivan's command, and during the whole engagement directed the movements of the American Army. It was here that he signed the order to retreat, when he saw that resistance in the face of overwhelming forces was useless. On this spot he encouraged the suffering soldiers with words of hope during the last day of the battle until the night brought the fog that made retreat possible.

Immediately after this memorable retreat the British, having gained absolute possession, used Brooklyn for the incarceration of the prisoners of war.

News of the barbarous and inhuman treatment of these prisoners reached Congress in 1781, when a special committee was appointed consisting of Mr. Boudinot, Mr. Sharpe, and Mr. Clymer, who submitted the following resolutions:

"*Resolved*, That it appears to Congress that a very large number of marine prisoners and citizens of the United States, taken by the enemy, are now close confined on board prison-ships in the harbor of New York.

"That the said prison-ships are so unequal in size to the number of prisoners as not to admit of a possibility of preserving life in this warm season of the year, they being crowded together in such a manner as to be in danger of suffocation, as well as exposed to every kind of putrid and pestilential disorder.

"That no circumstances of the enemy's particular situation can justify this outrage on humanity, it being contrary to the usage and custom of civilized nations thus deliberately to murder their captives in cold blood, as the enemy will not assert that prison-ships equal to the number of prisoners can not be obtained so as to afford room sufficient for the necessary purposes of life.

"That the enemy do daily improve the distresses to enlist and compel many of our citizens to enter on board their ships of war, and thus to fight against their fellow-citizens and dearest connections.

"That the said marine prisoners, until they can be exchanged, should be supplied with such necessaries of clothing and provisions as can be obtained to mitigate their present sufferings.

"That therefore the Commander-in-Chief be, and is hereby, instructed to remonstrate to the proper officer within the enemy's lines on the said unjustifiable treatment of our marine prisoners, and demand in the most express terms to know the reasons of this unnecessary severity towards them; and that the Commander-in-Chief transmit such answer as may be received thereon to Congress, that decided measures for due retaliation may be adopted, if a redress of these evils is not immediately given.

"That the Commander-in-Chief be, and is hereby, instructed to direct the supplying of the said prisoners with such provisions and light clothing for their present more comfortable subsistence as may be in his power to obtain, and in such manner as he may deem most advantageous for these United States."

There is no question that these men were martyrs to the cause of liberty; that those who survived the war and were honored by the grateful care of their Government and esteemed until the close of their lives for their patriotism and valor were entitled to much less than these unfortunate victims of cruelty and hardship, and that the least that the Government can do at this time is to erect to them a monument upon which shall be inscribed a record of their service and the story of their martyrdom.

The propriety of the erection of such a monument by the nation will not be questioned in view of these facts.

These helpless victims were prisoners of war, belonging not to any city or State, but to the whole country; captured by the enemy while in the service of their country in both the Army and Navy; citizens of all the original thirteen States, and numbered more than were slain in all the battles, both by land and sea, of that long and desperate struggle for freedom.

Had these victims been less arduous in their patriotism or less firm in their devotion to liberty; had they purchased their lives by enlisting in the service of the enemy, as they were daily importuned to do, and this army of 12,000 valiant men been added to the forces against which Washington and his compatriots were fighting the struggle of our forefathers would have no doubt been greatly prolonged.

There has been laid before the committee the following concurrent resolutions relative to erection of a monument to the "martyrs of the prison-ships" at the Wallabout during the Revolutionary war, passed by the senate and assembly of the State of New York, February 28, 1888:

"Whereas the "Society of Old Brooklynites," of the city of Brooklyn, has presented a petition to the Congress of the United States for the erection of a monument to commemorate the virtues and patriotism of more than 12,000 soldiers and sailors who perished on board the prison-ships at the Wallabout during the Revolutionary war; and

"Whereas those unhappy victims were citizens of the United States, prisoners of war, captured while in the service of this country during its long and desperate struggle for freedom, when the Government was too feeble to afford them protection or relieve their sufferings: Therefore,

"*Resolved* (*if the assembly concur*), That the Senators and Representatives in Congress from this State be and they hereby are earnestly requested to use all honorable means in their power to secure the passage of the bill (H. R. 1687) having for its object the erection of a monument to the memory of the 'martyrs of the prison-ships.'

"*Resolved* (*if the assembly concur*), That a duly certified copy of the foregoing preamble and resolutions be forwarded to each Senator and Representative in Congress from this State."

Also the following resolution from the Kings County board of supervisors, passed January 19, 1888:

"Whereas the 'Society of Old Brooklynites,' of the city of Brooklyn, have petitioned the Congress of the United States for an appropriation to fitly commemorate by a monument the 'martyrs of the prison-ships' of the Revolutionary war; and

"Whereas the board heartily approves of the motives and patriotic zeal displayed by the said society in the noble effort to inspire devotion to country, perpetuating the virtues of those who sacrificed their lives for republican principles, thus stimulating future generations to emulate their patriotism: Therefore, be it

"*Resolved*, That the board of supervisors of Kings County does hereby approve of and indorse the honorable and praiseworthy efforts of the 'Society of Old Brooklynites' to obtain a fitting monument to be placed over the remains of those who perished at the birth of this Republic.

"*Resolved*, That we most cordially extend to the 'Society of Old Brooklynites' our earnest support and encouragement, and express the hope that their efforts will be rewarded by the people through their Representatives in Congress."

Similar resolutions were also adopted by the board of aldermen.

Also the following petition from the "Society of Old Brooklynites," who have been mainly instrumental in preserving these relics and in bringing these historical facts before this committee:

"*To the Senate and House of Representatives of the United States in Congress assembled:*

"Your petitioners, an incorporated society of the city of Brooklyn, under the title of 'The Society of Old Brooklynites,' would respectfully represent:

"That the remains of more than eleven thousand five hundred martyrs to the cause of liberty lie entombed in this city, who died during our Revolutionary war on board the prison-ships of the British at the Wallabout, and which were buried on our shores during that memorable struggle, many of which were by the action of the waves washed out of their shallow graves, their bones scattered along the beach, exposed to the summer's sun and winter's storms until the year 1808, when the Tammany Society, or Columbian Order, of the city of New York, had them collected and buried with imposing ceremonies, in which the governors of several States, mayors of cities, and civil, military, and ecclesiastical dignitaries from all parts of the country took part.

"The place of burial was on Jackson street in this city, and the tomb—a temporary wooden structure, in which they were placed—became so dilapidated, by reason of changes made in the surroundings and from natural decay, that the sacred remains were again exposed to the gaze of the multitude, until the park commissioners of this city, with the sanction of the city government, prepared with great care and expense a permanent and imperishable tomb for their reception on the historic ground of Fort Greene—a charming elevation in Washington Park in this city, overlooking the scene of their sufferings and death—to which the sacred remains were cheerfully removed and deposited.

"These devoted patriots, from every one of the original thirteen States, were

prisoners of war, taken by the British army and navy, and numbered more than were killed in all the battles, both by sea and land, in that long and desperate struggle for freedom.

"When it is remembered that constant and unremitting efforts were made by the British officers to induce these prisoners to purchase their freedom and save their lives by enlisting in the service of the enemy; that many, probably the majority, of them had families who were suffering by reason of their absence; that to remain in these horrible prisons was almost certain death; and that under all these circumstances they remained faithful to the cause in which they had enlisted, and preferred death to dishonor, we must concede that they earned the title of martyrs of the prison-ships, and deserve such recognition from the Government, to aid in the establishment of which they sacrificed their lives, as will show to the world that republics are not ungrateful, but that we cherish their memories, honor their devotion to their country, and will erect such an enduring monument to commemorate their virtues as will stimulate future generations to emulate their patriotism.

"We therefore most respectfully ask that your honorable body will make an appropriation of not less than $100,000 toward the erection of a suitable monument to be erected at or near the spot where their sacred remains now lie, the site for which will be donated for that purpose by the city of Brooklyn.

"This society will most cheerfully give all the aid in their power toward the accomplishment of the object of this petition."

Also the following petition, signed by 25,000 citizens of the United States:

"*To the Senate and House of Representatives of the United States in Congress assembled:*

"Your petitioners, citizens of the United States, do respectfully and earnestly pray your honorable body to hear and grant the petition of the Society of Old Brooklynites and to cause the erection of the long-delayed monument to the martyrs of the prison-ships."

Your committee therefore recommend that the bill do pass with the following amendment:

"*Provided*, That the money appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and design shall first be approved by him."

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask that the call of committees for reports be dispensed with and that members be allowed to file reports with the Clerk.

Mr. GEAR. I want to make a report from the Committee on Military Affairs.

The SPEAKER *pro tempore*. Does the gentleman from Iowa [Mr. GEAR] object?

Mr. GEAR. Yes, sir.

The SPEAKER *pro tempore* proceeded to call the committees for reports.

SOLOMON LUSK.

Mr. CROUSE, from the Committee on War Claims, reported back favorably the bill (H. R. 2490) for the relief of Solomon Lusk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS NEWMAN.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 5375) for the relief of Thomas Newman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE M. OCHILTREE.

Mr. GEAR. I am directed by the Committee on Military Affairs to report back, with the amendment of the Senate, the bill (H. R. 4659) for the relief of George M. Ochiltree. I am directed by the committee to ask that the Senate amendment be non-concurred in, and that the House agree to the conference asked by the Senate.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore* subsequently announced the appointment of Mr. YODER, Mr. TILLMAN, and Mr. GEAR as conferees on the part of the House upon the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FISHER, indefinitely, on account of important business.

To Mr. DORSEY, indefinitely, on account of sickness in his family.

To Mr. EZRA B. TAYLOR, indefinitely, commencing on the 3d instant.

To Mr. LEHLBACH, for five days, on account of important business.

To Mr. ALLEN, of Massachusetts, an extension of his leave of absence for ten days from Thursday next, on account of illness.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I believe it is now in order to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. I desire, however, to ask unanimous consent that the Senate amendments to the Army appropriation bill be now considered in the House as in Committee of the Whole, in order to avoid the trouble of going into Committee of the Whole and back again into the House. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the Army appropriation bill with the Senate amendments, and that those amendments be now considered in the House as in Committee of the Whole. It will then be in order for the gentleman from Texas [Mr. SAYERS] to offer his amendment in the House.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the Army appropriation bill, and that the Senate amendments thereto be considered in the House as in Committee of the Whole.

Mr. BLOUNT. I object. I think this is so important a matter that the regular proceeding should be adhered to.

Mr. TOWNSHEND. Then I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) and resumed the consideration of the Senate amendments to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889.

The CHAIRMAN. The pending question is upon the motion of the gentleman from Illinois to non-concur in the remaining amendments of the Senate.

Mr. TOWNSHEND. Mr. Chairman, how much time have I left?

The CHAIRMAN. The Chair can not state at this moment, as the clerk who keeps account of the time is absent just now.

Mr. TOWNSHEND. While that matter is being looked up I ask that the Committee of the Whole agree now to some limitation of time upon this debate. I ask the gentleman from Texas [Mr. SAYERS] to indicate some length of time which will be satisfactory to him.

Mr. SAYERS. Not yet. Several gentlemen desire to be heard. I may not care to occupy but little additional time myself, but I prefer not to make any arrangement as to the time just now.

Mr. TOWNSHEND. I hope my friend from Texas will recognize the importance of limiting the discussion.

Mr. SAYERS. We will limit it after a little while. The Army is provided for already for thirty days.

Mr. BLOUNT. Even if it was not, that is no reason for not giving this matter full consideration.

Mr. HOOKER rose.

Mr. BURNES. I would like to inquire what is now before the committee.

The CHAIRMAN. The question before the committee is the motion of the gentleman from Illinois to non-concur in the amendment No. 26 to the Army appropriation bill.

Mr. BURNES. We have reached the military bill by passing over the deficiency bill?

The CHAIRMAN. The committee resumed the consideration of the unfinished business, which was the Army appropriation bill.

In response to the gentleman from Illinois, the Chair is informed by the Clerk that thirty minutes of the gentleman's time yet remain.

Mr. TOWNSHEND. I will not claim that time now. I understand the gentleman from Missouri desires to address the House.

Mr. HOOKER. I had intended to ask to be recognized now, but if the gentleman from Missouri desires to proceed I will yield with a great deal of pleasure.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri.

Mr. BURNES. Mr. Chairman, I have not been in the habit of thrusting myself into a debate unless it seemed to me absolutely and indispensably necessary. I can only say now, in making a seeming departure from my regular course, that the illness and absence of the distinguished chairman of the Committee on Appropriations [Mr. RANDALL], who is a member of the subcommittee on fortifications, afford me an incentive and perhaps a justification.

I shall premise the remarks I will submit on this occasion by calling attention to the fact that the subcommittee in charge of the fortifications bill now on the Calendar of the Committee of the Whole was composed of my colleagues from Texas [Mr. SAYERS], from Alabama [Mr. FORNEY], the honored chairman of the Appropriations Committee [Mr. RANDALL], from Ohio [Mr. BUTTERWORTH], and from Kansas [Mr. RYAN].

The views I shall present are my own, but it is believed that they are in accord with those of the distinguished gentleman whose absence has caused me to speak.

I listened on yesterday with much interest and attention to the argument of the distinguished gentleman from Maine [Mr. REED], and it is almost idle to say, what nearly every member upon this floor concedes, that when he states his propositions to the House he follows them to their logical conclusions with an accuracy that is excelled by but few. He stated his propositions yesterday in reply to the distinguished gentleman from Georgia [Mr. BLOUNT], and upon the proposition so stated by him his argument was logical, close fitting, and unanswerable. But upon the propositions as laid down by my friend from Georgia, the argument of the distinguished gentleman does not, in any sense, apply. What was the proposition, or what were the several propositions of the distinguished gentleman from Maine?

He stated first that the Senate of the United States was a co-ordinate—a co equal—branch of the legislative power of the Government

with the House. Who disputes it? Certainly not my honored friend from Georgia. He laid down as a proposition that we had no right to dictate to the Senate of the United States upon what bill it should place its legislation. Who disputes it? Conceding every proposition that he made, and then what is left for us but the very ground upon which the distinguished gentleman from Georgia leaves it, namely, that while we concede equality to the Senate and its right to put upon any House bill it pleases such legislation as it may have the power to originate under the Constitution of the United States, we claim for this House a perfect equality of right. This House has the same rights on its part that the Senate has in its own behalf, and, inasmuch as the Senate is the co-equal of the House, except in so far as it can not originate appropriation bills, so the House is the equal of the Senate in all respects with the exclusive right to originate revenue or appropriation bills.

This is no partisan question. We represent the majority of the House to-day. But how soon may that side of this Chamber represent the power, the dignity, and the honor of the House and be charged with the duty of enforcing and preserving its rules.

Mr. GEAR. Very soon. [Laughter.]

Mr. BURNES. It may be soon, which God forbid. It may be late, as I believe it will be.

Mr. TOWNSHEND. It never will be.

Mr. BURNES. Brother TOWNSHEND says it never will be.

Mr. RYAN. That settles it. [Laughter.]

Mr. BURNES. As he is our prophet I accept it, too, as it is supported by the unanimous voice on my side of the House. [Renewed laughter.]

Now, Mr. Chairman and gentlemen, I desire to appeal to your love and respect for the body of which we are all members, to your own self-respect, to the honest pride of American Congressmen, and to their sense of duty in maintaining the rights and prerogatives of the House against Senatorial usurpations. I desire to lift you from your knees before that grand Sanhedrim—some times called a social club—at the other end of this Capitol and place you upon your feet as free and independent men, knowing your rights and the rights of the House, and having the courage to maintain and protect them.

What is your right? You have made rules and regulations for the government not of the Senate but for the government of the House. It is not the Senate's business, we will say, to observe or enforce your rules, but it is manifestly the business of the House to enforce its own rules and maintain its own dignity. Throughout the Forty-ninth Congress, when my friend from Illinois [Mr. TOWNSHEND] was a member, and a leading member, upon the Committee on Appropriations, this question of making appropriations for fortifications was agitated between the two Houses. Bills came and bills went, and they went and came, every time to and from the Committee on Appropriations and the Subcommittee on Fortifications. The same differences existed then that exist to-day. The same disposition of the Senate to carry through its measure by any practicable means that existed then is apparent now. The conflict between the Senate and the House in the Forty-ninth Congress had some curious features, to which allusion should be made, and the members on both sides of the Chamber ought to take notice of them. The Senate was urging upon this branch of Congress the very measures which now appear as amendments on the bill of the Committee on Military Affairs. They were the issues then as they are the issues now. Your Committee on Appropriations with a veteran spirit of legislation steadily resisted the propositions which the Military Committee has been quick to approve; and it seems fair to assume that because of this eager approval by the committee the Senate Committee on Appropriations has leaped over the established and known comity between the two Committees on Appropriations, the customs of legislation between them, and the well-known rules of the House of Representatives, known as fully by the Senate committee as by the House committee, and all to transfer jurisdiction over a vast field of proposed national expenditure to a committee of the House committed in advance to the policies of the Senate committee.

But I am delaying an explanation of my remark that there were some curious features about this proposed legislation. During the first session of the Forty-ninth Congress there was reported to the Senate of the United States a bill entitled "A bill to encourage the manufacture of steel for modern Army ordnance, armor, and other Army purposes, and to provide heavy ordnance adapted to heavy modern warfare and other purposes." This bill provided for the establishment of a gun foundry at the Watervliet arsenal, West Troy, N. Y., and authorized the purchase of 10,000 gross tons of gun steel. Pending the consideration of this bill in the Senate, the House, during the same session of the Forty-ninth Congress, passed the regular appropriation bill providing for fortifications and other works of defense. The Senate passed that bill with amendments appropriating $6,000,000 for the purchase of gun steel, and provided for the erection of the gun foundry at the Frankford arsenal, Philadelphia.

I will only allude to the motives influencing gentlemen elsewhere, by calling attention here and now to this significant change in legislation proposed by the Senate, and to leave it to the consideration of thoughtful members to determine the reason for such sudden change in the minds of those behind this proposition. Then Watervliet was a mere incident; Philadelphia was the right place. But your committee yielded not. The question was higher and more sacred than that of a mere location. It was above all personal considerations, or ought to have been, and was with the House subcommittee. Now, it is Watervliet again, as the change to Frankford did not increase the activities of support of the Senate amendments.

There is yet another question in this connection that I would call to the attention of the House. The Senate amendments under consideration embrace in substance and effect the features of one of the regular, distinctive appropriation bills, which, under the rules of the House, is assigned to the jurisdiction of the Committee on Appropriations.

If this House should, by its action, concur in this amendment, placed in violation of its rules and of the joint parliamentary practices of the Senate and House upon an appropriation bill emanating from a committee having no jurisdiction, it will give warrant to the Senate, in the future, to usurp the rights and even the constitutional privileges of the House, among which is the sole right in the House of originating appropriation bills. For the fortification appropriation bill, which the House directs by its rules to be made by the Committee on Appropriations, has been made in the Senate and has been tacked on to the bill of a committee which did not originate it, and had not the power to originate it.

There is now pending in the Senate a bill (S. 62) for the purpose of providing fortifications and other defenses recommended by a board appointed by the President of the United States. This bill proposes an appropriation of $126,377,800. If the action of the Senate now under consideration is not met with stern opposition on the part of the House, may we not expect at the next session that the Army appropriation bill will be returned to this body with an amendment of the Senate embracing this bill, appropriating out of the moneys in the Treasury, either now or hereafter to be collected, this startling sum of $126,377,800?

Mr. CUTCHEON. Will the gentleman permit a question?

Mr. BURNES. I am very weary in this heated caldron, and would rather not be interrupted.

Mr. CUTCHEON. Do I understand you to say that the fortification bill of the last Congress located the works at Frankford arsenal, Philadelphia? If I do so understand you, I have a bill before me which you will find at——

Mr. BURNES. I did not hear what the gentleman said.

Mr. CUTCHEON. It says to be located——

Mr. BURNES. Give me your question again.

Mr. CUTCHEON. It says to be located at such place as the Board of Ordnance shall determine.

Mr. BURNES. I say that in the original bill that was reported in the Senate it was proposed to establish the gun foundry at Watervliet, but the amendment placed upon the fortification appropriation bill embraced, in all respects, the substance of that bill, except that it was proposed to establish the gun foundry at the Frankford arsenal, in Philadelphia, instead of at the Watervliet arsenal.

Mr. CUTCHEON. The House bill in the Forty-ninth Congress does not locate it at Frankford but leaves it to be determined by a board of ordnance at such place as they shall determine. In the last hours of the last Congress——

Mr. BURNES. I am not talking about what was reported from a conference committee in the dying hours of the session, either by the chairman of the Committee on Appropriations or any one else; I am speaking of the action of the Senate in amending the House bill by the insertion of the Frankford arsenal as the place of location, and in daring impudently and wrongfully to invade privileges of the American House of Representatives and requiring that we should sacrifice our rules at its behest and renounce the constitutional right of the House to originate bills of appropriation. The motive is a proper subject of inquiry.

Mr. TOWNSHEND. You are speaking about what occurred in the last Congress, not in the present, of course.

Mr. BURNES. I think there is no misunderstanding about what I have said in regard to this proposition.

Mr. Chairman, the representatives of the United States assembled in this House owe a duty to themselves as well as to the people of this great country and their public Treasury. Will you not look into the quality and motives of legislation that comes to us from another body? That is the question, and it is intimately connected with the preservation of the rights, the usefulness, the dignity, and the honor of the American House of Representatives, and the orderly, economical, and constitutional appropriation of the public revenues for the proper administration of the General Government.

Perhaps I ought not to go further, yet I can not forbear. In deference to my estimate of one of the purest men who ever sat in the American Congress I make a further observation. When this changed proposition—Frankford nor Watervliet—came to the head of the Committee on Appropriations he saw in it only the mistaken estimate that local considerations might prevail over the interests and rights of the people, over wholesome and necessary legislation, and over just and proper expenditures. Whatever, therefore, may have been the motive of this Senate amendment made to the House bill in the Forty-ninth Congress,

its author turned to Watervliet and turned his back on unappreciative Frankford. Like a weary dove, long on the wing, he finally lit, a wiser, perhaps a better man. His fight is now located. Watervliet is the incident, the sale of $5,000,000 worth of steel by some oversupplied baron the object.

Mr. CUTCHEON. Will the gentleman allow me to interrupt him for a moment?

Mr. BURNES. I can not resist the gentleman from Michigan, and yield.

Mr. CUTCHEON. Did I understand the gentleman to say that it was Mr. RANDALL'S desire that these works should be located at the Frankford arsenal?

Mr. BURNES. Of course you did not.

Mr. CUTCHEON. I so understood the gentleman.

Mr. BURNES. Nobody else did, I hope.

Mr. CUTCHEON. In the colloquy which occurred on this subject in the last Congress Mr. RANDALL said:

I wish to say, in reply to the insinuation of the gentleman from New York, and I appeal to my colleagues on the committee to substantiate my statement, that I never favored Frankford at all.

Mr. BURNES. Precisely; and I have been endeavoring to show that even under the tempting bait of $126,000,000 proposed to be ultimately expended at Frankford the chairman of the Committee on Appropriations never wavered for an instant. Favors to his own State or people could not make him see as right that which his judgment taught him was wrong. I ask the Clerk to read the Senate amendment to the fortification bill of the last Congress.

The Clerk read as follows:

For the purchase, manufacture, and erection of the necessary tools and machinery for the finishing and assembling of heavy ordnance at the Frankford arsenal, Philadelphia, Pa., for guns in process of construction, gun-carriages, projectiles, fuses, powder implements, and materials for the trial and proof of such ordnance, and to complete the two 10-inch breech-loading steel guns now under fabrication, their trial and proof, and all necessary expenses incident thereto, including the compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $400,000; to be available until expended.

Mr. BURNES. Mr. Chairman, I ought not to leave this subject without saying that while I have done honor to the gentleman who is, perhaps, entitled to the chief honor in this matter, I should not omit rendering a just tribute to the other members of the Committee on Appropriations of both parties, who watched this proposed legislation closely throughout the whole of the Forty-ninth Congress, and who stood, I believe unanimously, against the Senate proposition and in favor of that of the House; and while I am not authorized to speak for them now, and they are abundantly able to speak for themselves, I trust in God they will speak out, whether upon the one side or the other. I trust they will speak out and give the House to understand that they too have felt, as we all have felt, that this proposition of the Senate was a labored effort to accomplish an appropriation of more money than ought to be now appropriated for the purchase of steel rather than by a desire for the utilization of Watervliet, the utilization of Frankford, or the protection of the interests of the Government and the people of the United States.

Mr. CUTCHEON. I want to ask the gentleman one more question. Is it not a fact that all three of the measures now under consideration, the Senate amendments, the fortification bill reported by the gentleman from Texas [Mr. SAYERS], and the Senate bill, all name Watervliet as the location? Is not that true?

Mr. BURNES. I have not examined with reference to that subject.

Mr. CUTCHEON. I have.

Mr. BURNES. I presume the gentleman has done so and that he states the truth about it. I am not speaking of the propositions now pending further than to say that they do not commend themselves to the judgment of the Committee on Appropriations, nor, as I believe, to the representatives of either party upon that committee. Mere questions as to location should have no influence. The necessities, the practicable wants of the country as a whole should be the supreme consideration.

Mr. CUTCHEON. One more question. Is it not a fact that since the bill of the Forty-ninth Congress was before us a board has been appointed by the Secretary of War known as the Flagler board, of which Colonel Mordecai was a member, and that that board recommended Watervliet?

Mr. BURNES. I beg that the gentleman will not interrupt me further. He has his own time. I care nothing for Watervliet, have no feeling against it.

Mr. Chairman, I come to a consideration which I regard as of great importance, not only to this House, but to the people of the whole country.

In strict justice, perhaps, to myself, I ought to say that I have no fear of the invasion of this country by any foreign foe. I have no apprehension; I see no necessity for the expenditure of $120,000,000 to $150,000,000 at this time for national defense, and therefore I am not in favor either of the one bill or of the other. I presume the majority of the Committee on Appropriations are in favor of some legislation in this direction, with which, however, I have never been able to agree. I do not believe in this legislation. I believe that it is partial legislation. I believe that it is the expenditure of millions of the people's money on account of an imaginary or pretended risk that a very few of the 60,000,000 of our people may incur. I can see why my distinguished and energetic friend from the district of Troy may be alarmed, because he has Watervliet there to represent. I can understand that. I am sure that he feels an apprehension that an armed fleet from Great Britain or Germany or France will sail up the Hudson River into the heart of his district and lay his prosperous towns and cities under tribute. But I do not share the apprehension at all.

Yet, as was suggested by the distinguished gentleman from Maine [Mr. REED], there may be one chance in a thousand that we may have difficulty with some foreign nation or may have a foreign war. Now, to meet that possible chance are we to undertake the expenditure of a sum of money so vast as that proposed when the same amount would give us a navy that could command the oceans around the globe; or what is more important still, could protect every mile of our seacoasts against the combined navies of the world. Already we are moving unitedly in this direction, and the present able administration of the Navy Department is alive to the safety, the defense, and the glory of our country and its flag. Shall we learn from a consideration of the fact that neither England, nor Germany, nor France, nor Russia, nor any other first-class power places any reliance upon an established manufactory of this sort? No one of those governments maintains such an establishment as is proposed in this bill. Why? Because Germany and the other European states prefer to leave this work to their Krupps and their other able and distinguised private citizens who, under proper support from the government, are making the very best guns in the world.

But we do not stop there. If any government of Europe, from which some of my friends may apprehend an attack, should attack us, what do we want more than terms of equality in the conflict? Those powers have no government big gun manufactory on which they mainly rely. Why shall we fear assault any more than they? Besides, we are in a condition of protection and defense fully equal to any of them. What have we to fear?

Mr. CUTCHEON. They have the big guns however.

Mr. BURNES. Yes, sir; and we are going to have the "big guns." We have the "big guns" now being made, and we have furthermore the very best establishment for that purpose in the world. I ask the Clerk to read the paragraphs marked on pages 4 and 5 of the report of the present distinguished Secretary of the Navy, one of the ablest that has ever been at the head of that Department, and who enjoys the perfect confidence and esteem of the members of this House on both sides of that aisle.

The Clerk read as follows:

The Navy Department had, in the summer of 1886, as an experiment, consolidated in one advertisement all of its requirements for armor and gun-steel for ships of war then authorized, stipulating that it should be of domestic manufacture and giving an average of two and a half years in which to produce and deliver it, which covered the time necessary for the procurement of a plant. A period of about seven months was allowed for the submission of bids, in order to afford an opportunity for full investigation by expected bidders. The Department also opened correspondence upon the subject with the principal steel manufacturers of the country. The interest awakened by the discussion and investigations already had was stimulated somewhat by the influence of the Department, and resulted, when the bids were opened, in a contract with the Bethlehem Iron Company, under which a plant for the production of armor and gun-steel is being erected at Bethlehem, Pa., second to none in the world, it is believed. (Appendix, page 459.) The efforts of the Department were generously seconded by the Naval Appropriation Committees of the two Houses, the sum of $4,000,000 having been inserted in the appropriation acts for the purposes indicated.

The bids were opened on the 22d day of March last, and, coming at a time when the failure of Congress to make provision for the country's defense was being generally regretted, caused a feeling of quite universal congratulation throughout the country. It marked a most important step in the progress toward national independence, most sincerely desired, it is believed, by the larger portion of our people.

* * * * * * *

In like manner the contracts for armor and gun-steel are made at prices within 25 per cent. of the European price for the similar article, not greater than the difference in labor between the two countries, notwithstanding the heavy outlay for plant (estimated at $2,500,000) necessary to be made to undertake the contract.

Mr. TRACEY. Will the gentleman allow me a word by way of correction? I presume he would not intentionally make a misstatement.

Mr. BURNES. Certainly I would not. I yield to the gentleman.

Mr. TRACEY. It might as well be said here now that so far from its being the fact that the European governments have no government gun factories, Germany is the only one that has none. England has its gun factory at Woolwich; France, an army gun factory at Bourges and a naval gun factory at Ruelle; and Russia has at Obookhov a very large government gun factory.

Mr. BURNES. Mr. Chairman, a word will suffice on that point. England maintains just about such an establishment as ours at Watervliet; but England buys the Krupp and Armstrong guns from private parties. None of the governments mentioned rely upon their national establishments for big guns. That is enough for that.

Mr. Chairman, I recall with emphasis to the hearts and consciences of members on the other side and doubly so to those on this side of the House, that in this country, as the Secretary of the Navy tells us, private enterprise has established at Bethlehem, Pa., a plant for the making of these guns, which plant is the best in the civilized world. Not only that, but the guns can be made within 25 per cent. of the

cost of the Krupp guns and other European guns. So that we can make these guns for less money than they are made in Europe, allowing for the difference between American and European wages.

Mr. CUTCHEON. The gentleman will allow me to say that Secretary Whitney does not propose to assemble and fabricate his guns at Bethlehem, but has a gun factory here in the District of Columbia where that is to be done.

Mr. BURNES. I wish I had some military prestige, as I would like to meet the gentleman upon equal terms. [Laughter.] It makes no difference whether the material only for the guns or the guns are made at Bethlehem or elsewhere.

Mr. TRACEY. Mr. Chairman——

Mr. CUTCHEON. I do not suppose the gentleman wants to leave this matter under misimpression or misapprehension.

Mr. BURNES. I will make this statement and you can draw your own conclusions. I do not seek, of course, to make any misstatement or create a misimpression, but if there is any mistake it is by the Secretary of the Navy, for I adopt his own words; they are not my own so much as his. He tells you that American enterprise, American industry, American citizens, and American capital are now engaged in Bethlehem, Pa., with the prospect of creating the best establishment in the world, and of making guns within 25 per cent. of the guns in Krupp's works, and in other leading establishments in Europe.

Mr. CUTCHEON. And the gentleman ought to know that the steel forgings made there they propose to work up in the Government factory in the District of Columbia.

Mr. BURNES. I rely entirely on what the Secretary says, and which has been read from his report. Beyond that I am not informed as to the facts. Indeed, I do not care to look beyond the information possessed by a Secretary of the Navy who has our united and unreserved confidence.

Now, then, friends of American industry, American enterprise, American labor, and American principles—and I am one of them—will we put the Government into a controversy and competition with private enterprise and capital? Shall the Government turn manufacturer, farmer, mechanic, or laborer when our own citizens are so engaged? Must the Government turn competitor in industrial pursuits when her wants can be supplied by private enterprise, and when the only incentive seems to spring from the greed of somebody who desires to contract now for $5,000,000 of steel?

The rights and dignity of American labor are involved in this present proceeding. He who labors merely under the restraints and exactions of Government employment is shut out from the field of independent enterprise, and too often becomes a mere machine, dwarfed in both mental and physical force. A government should do nothing that private enterprise and labor can as well perform, and I hope the day is soon to come when American workingmen in American shops and fields will supply their own Government and the governments of the earth with every article or commodity that their necessities may require. Especially do I hope that our own Government will cease enlarging its establishments, cease the spread of its paternal wings, and rely entirely upon our people for what it needs in peace or war, as it has to rely upon their courage and valor when the country is to be saved or defended.

Mr. CUTCHEON. Is not the gentleman aware of the fact that the Senate amendment proposes exactly what he suggests; that these products are to be manufactured in American establishments, in American shops, by American labor, except perhaps samples of high explosive?

Mr. BURNES. I say to the gentleman from Michigan that the Government should stand aloof, and let the people, let the private enterprise, and the spirit of American industry and progress have full play in the making of big guns as in the making of small-arms. Let the deathless spirit of our home labor, enterprise, and craft recreate our industrial pursuits and add to them every aid and incentive within the power of a just and equal government of the people.

Mr. CUTCHEON. We propose to manufacture the army guns just as the navy guns are now manufactured.

Mr. BURNES. You propose to do it by a Government establishment, over which the "popinjays" of the War Department will preside. You do not propose an opening of the doors to a full and free competition—citizen with citizen—but of the Government against all. American citizens, American capital, and American enterprise are incompetent to compete with the Government, especially for such things as the Government undertakes to manufacture.

Mr. CUTCHEON. I think the gentleman ought to withdraw the word he has applied to the ordnance officers at all events, because in that Department there are young men who are distinguished in their studies, and able and competent as any in the world.

Mr. BURNES. Let us see. As I understand, a representative of the War Department was before the Senate of the United States giving his views and advice in support of this measure. If I am in error in that statement the gentleman from Illinois [Mr. TOWNSHEND] is responsible.

I am here with testimony by half dozen or more witnesses that a very intelligent representative of the Department appeared before the Committee on Appropriations of the House, and upon a careful examination said that one and one-half million of dollars would be sufficient to purchase all the steel the Watervliet arsenal could manufacture or use in the next five years. Now you want to buy $5,000,000 worth of steel, as alleged by the advice of a representative of the Ordnance Department, and my friend, the gentleman from Michigan, has asked me to recall an accidental and playful word of criticism when I said the popinjays of the War Department would have charge of the proposed works. Referring to the man who gave advice to the committee of the Senate in favor of a $5,000,000 purchase of steel, as against the better and sounder advice given to the House committee in favor of $1,500,000, I am not quite sure that the term popinjay is not too flattering.

Mr. BUTTERWORTH. I understood the gentleman from Michigan to say that the head of the Ordnance Department had appeared before the committee of the Senate. It was not the head of the Ordnance Department who appeared before the House committee, but Captain Smith, of the Department. It is quite possible therefore that one representative of the Department appeared before the Senate committee and another one before the House committee.

Mr. BURNES. It was Captain Smith who appeared before the committee of the House and satisfied all of us that an appropriation of $1,500,000 was an ample amount to purchase all the steel that could be used by the Watervliet arsenal within the next five years. Now we are told that some representative of the same bureau went to the Senate committee and asked for $5,000,000 instead of $1,500,000. My faith is in Captain Smith, and he is an able, honest, and fearless gentleman.

Mr. REED. But the gentleman from Michigan objected to the use of the word "popinjay."

Mr. BURNES. Well, that is a question of fact, and it ought to be susceptible of demonstration if one officer comes to the House committee, as Mr. Smith did, and another one goes to the Senate committee, as it is alleged, with a different story.

Mr. REED. I must say I do not think it is a question of fact, but rather of imagination.

Mr. BURNES. I will say that probably by the time the gentleman from Maine gets through with an investigation, he will find that there is more justice than imagination in the poetic designation of popinjay as applicable to the Ordnance Bureau, for if it appear that while one of its representatives is here advising an appropriation of one and a half millions of dollars to cover the expenditure for a certain purpose, there is another representing the same bureau making quite a different representation to the other branch of Congress, the designation is a mild form of well-merited criticism upon others than Mr. Smith (who impressed us most favorably), and who are perhaps his superior officers.

Mr. CUTCHEON. As a matter of fact the House bill was formulated and sent to the committee by the Chief of the Ordnance Bureau himself. But I understood the gentleman to use the word in the plural without reservation. Now I simply respond to that that the term should not be allowed to stand without contradiction, because we have as brilliant young men in the Ordnance Department as in any other department of the Government, Captain Smith and Captain Birnie.

Mr. BURNES. Well I do not know that "popinjay" is a very offensive term as applied to military men in times of peace. [Laughter.]

In reply to my friend from Maine, I wish to say that I have not attempted to do more than state the facts, and one of the facts is that Mr. Smith appeared before the committee of the House and represented that one and one-half millions of dollars would purchase all the steel that could be used at Watervliet in the next five years.

Mr. TRACEY. Now, Mr. Chairman——

Mr. BURNES. Now, what is the point?

Mr. REED. That was stated before what committee?

Mr. BURNES. I merely refer you to the statement on the other side, to wit: the speech of my friend from Illinois on yesterday.

Mr. REED. But before what committee was the statement made?

Mr. BURNES. Before the Committee on Appropriations, and I refer the gentleman to his and my friend, the gentleman from Illinois [Mr. CANNON].

Mr. REED. Was that statement printed?

Mr. BUTTERWORTH. I think it was all taken down.

Mr. BURNES. It has not been printed, I think.

Mr. TRACEY. I have the report here of the testimony.

Mr. BUTTERWORTH. Reference was made, I will state, to the purchase of $5,000,000 worth of steel. It was suggested that in purchasing that large amount they might get it at a reduced price, and like Toodles' coffin, it would be handy to have it in the house in case it was needed. I am interpolating Toodles' coffin. [Laughter.]

Mr. REED. I am afraid my friend from Ohio is interpolating the other suggestions also.

Mr. BUTTERWORTH. There was no suggestion to the Committee on Appropriations by any ordnance officer of economy in the buying of $5,000,000 worth of steel except that in buying the large quantity better rates might be secured. There was no pretense that over $1,500,000 would be needed for use for the next five years.

Mr. REED. I understand that Mr. RANDALL two years ago recommended the purchase of $6,000,000 worth.

Mr. BUTTERWORTH. That is an error. There were conditions under which quantities of steel could be purchased.

Mr. CUTCHEON. Were you not a member of the conference committee in the Forty-ninth Congress, which reported on this bill recommending $16,000,000?

Mr. REED. The very conference committee which recommended the $6,000,000.

Mr. BUTTERWORTH. We recommended it in what connection? Only in case it was needed in the fabrication of certain guns, but not as a bulk purchase of steel ingots or forgings for guns, without reference to the necessities of the service. The committee was not opposed to the manufacture or purchase of guns. The exact reverse is true, but they were opposed to steel rings. The purchase of five or six million dollars' worth of steel, without reference to whether it could be used or not, was objectionable.

Mr. REED. Steel rings!

Mr. BUTTERWORTH. I understand the situation with which we had to deal, and I submit if the gentleman will confine himself to his own reservation and there indulge in his caustic remarks he will find ample opportunity to develop his ability. [Laughter and applause on the Democratic side.] I am not calling in question the wisdom nor underrating the necessity of making ample provision for purchasing steel and providing a suitable plant, and the bill we have reported does all that, but I am answering a question propounded to me.

The committee of the last Congress did report in favor of purchasing steel in ample quantity, but in connection with it, my friend will observe, provision was made for employing private enterprise, as well as public officers and agencies—in the procurement of guns. The objection to the bill then as now was that it provided for drawing upon the resources of the United States and not merely upon the ability of the Ordnance Department. And in case guns were produced by and at the cost, expense, and sole risk of private enterprise, and the gun or guns so produced should meet the public requirements and be equal to every requirement of the service in the matter of range, accuracy of fire, and power of endurance, a given number of such guns should be purchased no matter by whom produced, the point being to get the best gun and at the most reasonable price. That was the idea, and as a result, instead of drawing only upon the Ordnance Department or a few officers of that corps, we proposed to draw against the entire resources of this country, its genius, its capital, its patriotism, and its enterprise, and there was the rock upon which we split. We proposed to purchase all the steel we confessedly needed. Other gentlemen insisted that we should purchase three times as much or nothing. We proposed to provide an ample plant and have the Ordnance Corps go ahead and manufacture guns, or rather assemble them; but that was not acceptable unless we consented to shut out all individual enterprise or competition, and permitted a few officers to be the sole judges as to whether a private manufacturer should have any show to supply the Government with guns.

We had some hot exchanges because the gentleman from Maine thought he took a broader view of the situation than some of the rest of us, while we deemed his plan to be unjust; but that is not a matter of consequence now.

I beg the pardon of my friend from Missouri [Mr. BURNES]. I did not desire to take him off the floor; but I want time enough to say that we asked the officers of the Ordnance Department who appeared before us during the past two months concerning the quantity of steel required by the Ordnance Corps. Captain Smith, who seems to be a clear-headed, earnest, and patriotic officer——

Mr. HENDERSON, of Iowa. And who ought to be promoted.

Mr. BUTTERWORTH. And who doubtless merits promotion, as my friend suggests. I have confidence in his judgment; and he agreed with the committee except in one matter—he wanted the Ordnance Department to have original and exclusive jurisdiction in judging of all guns brought in competition with work invented or fabricated by that department; that they should decide first and finally as between the guns, and that there should be no appeal from their judgment and no one associated with them in making the tests.

Mr. CUTCHEON. Being experts.

Mr. BUTTERWORTH. Experts, indeed! Wisdom will not die with them, I think, in this country nor anywhere. This country abounds in men of genius ready and ripe in practical experience to produce anything that the exigencies of the public require, and if they can produce the best or a better gun there is neither wisdom nor justice in excluding them from the field of competition. But I will say that I asked Captain Smith, and though I do not profess to give the exact language used, I asked him this substantially: "Captain Smith, do you not think it would be a little hard on your competitors to have you sit as sole judge on the article brought into competition with the one produced by yourself?" Well, he admitted that there might be some reason in adding to the judges. And my friend will agree that if he and I were in competition that we would prefer that the gentleman from Maine [Mr. REED] or the gentlemon from Kansas [Mr. RYAN] should sit in judgment along with me rather than that I should be the sole judge. Would you not?

Mr. CUTCHEON. I rather think so.

Mr. BUTTERWORTH. I think so, too. And that is what is proposed. We propose to draw upon scholarly men in the matter of passing upon the merits of guns produced by private enterprise, experienced and skilled in the art, so as to enable them to sit in judgment on certain tests and decide whether the inventive genius, ability, and patriotism of this country has produced a gun that this Government ought to purchase. Now, there was a difference between Captain Smith and ourselves; and I will here pay the tribute due to the worth of that officer to say that he appeared to be just and fair. I will not apply to him the term used by my friend from Missouri in the heat of debate, because in this instance it is not deserved.

I asked him about this: "Captain, would you not draw upon the resources of the whole country, its patriotism, capital, and inventive genius?" He replied, "Yes, sir; I think that would be proper;" and this House knows there is no surer agent than genius and capital combined, inspired by the hope of honor and profit. And the only difference of consequence between Captains Smith and Burnie and the committee was as to the limit of the jurisdiction of the Ordnance Bureau in a matter of passing judgment on the guns produced——

Mr. SAYERS. Will the gentleman from Ohio allow me to ask him a question?

Mr. BUTTERWORTH. I only obtained the floor with the consent of the gentleman from Missouri for the purpose of answering a question.

Mr. SAYERS. Did not Captain Smith say that one million and a half dollars' worth of steel was abundance at this time?

Mr. BUTTERWORTH. Undoubtedly he did; and the figures given were the result of careful calculations by the officers mentioned. There appeared to exist no trace of doubt in the mind of the representative of the Ordnance Corps that $1,500,000 for the purchase of steel would be sufficient to meet all requirements for five years. The purchase of the larger quantity was merely a question of possible advantage in making better terms.

Mr. SAYERS. Did not Captain Smith further state to the committee that a million and a half for steel was an abundance at this time?

Mr. BUTTERWORTH. I have stated that. Undoubtedly he did, and the figures received from the Secretary of War show that it is abundant. He said that all they could possibly do they could do with the material that would be purchased with that appropriation.

Mr. CUTCHEON. There is not any doubt about that, if you want to buy only the steel that you need this year.

Mr. BURNES. Mr. Chairman, the best military authority on this continent so far as I am concerned—the best military authority to me—is the distinguished soldier a part of whom is sleeping in the dust of Southern battle-fields and the balance of whom is occupying a seat on the other side of this House. I mean the distinguished soldier and statesman, General HENDERSON, of Iowa. He tells me he thinks I ought to withdraw the word "popinjay," and I do so very cheerfully, because I was so pleased and delighted with the frank and honorable demeanor of Captain Smith that on his account I can forgive the $5,000,000 Senate representative. Indeed, I was only led into the observation, which I now withdraw, because of a remark made by the gentleman from Illinois [Mr. TOWNSHEND] from which I inferred that the Ordnance Bureau had sent representatives to talk one way here and a different way in the Senate. But I withdraw the remark, and take great pleasure in doing so.

The Committee on Military Affairs of this House, as shown by the gentleman from Texas [Mr. SAYERS] on yesterday, had indicated its disposition to favor unanimously the amendment of the Senate which is now under consideration. That committee introduced and reported a bill to this House which committed it to the support of the Senate proposition. It was the object of the Senate committee doubtless to avoid the House Committee on Appropriations. They well knew our rules, because we have been legislating and conferring with them for years and years under them, and conferring constantly in the line of the rules. They undertook to put this proposition upon a bill that they knew did not have jurisdiction of it. Now, even if it were true that the Senate may be said to have the power, as the gentleman from Maine claims it has, to put this provision upon any bill it pleases, we certainly have the same right to take it out of that bill in which the Senate placed it and put it in another bill where it belongs under the rules of the House.

The dignity and honor of the House, the integrity of its organization, and the autonomy of its committees demand that this latest effort at usurpation should be sternly rebuked. The Committee on Appropriations makes no appeal for itself. It is fighting a battle for the House, for right over wrong, for justice against injustice. It has given long and patient study to the subject of guns for fortifications (sometimes with the gentleman from Maine). It differs from the Senate committee and that committee knows it well. It has presented its views to the House in plain terms, and they are both conservative and patriotic.

The Committee on Appropriations (of the House) is conscious of duty well and properly performed, and it respectfully submits that these Senate amendments should be stricken from the bill where they now are.

Mr. Chairman, the gentleman from Illinois [Mr. TOWNSHEND], in forty-three minutes of a speech, undertakes to argue a point of order,

and he says that by the rules of the House his committee—his present committee, not his former one—has jurisdiction over this amendment. The position taken by the gentleman can not be supported by a single argument, a single authority, a single precedent, or the judgment of a single official of this House. The Committee on Rules, when it came to take away from the Committee on Appropriations jurisdiction of certain appropriation bills and to distribute them among the other committees respectively, made a full and decisive report upon the subject. I need not remind the House that at the head of the committee making that report was the distinguished Speaker of this House, and that its membership includes Messrs. RANDALL, MILLS, REED, and CANNON. That Committee on Rules, then, reported the rules now in force to the House, and in doing so they said in their official report:

The fortification bill, being one relating jointly to Army and Navy fortifications and the general public defense, is left with the Committee on Appropriations.

Then the Committee on Rules, in the very act giving the Military Committee any power or jurisdiction over the subject of appropriations, emphatically negatived the present claim of the gentleman from Illinois. And when it was done where was the gentleman from Maine? Evidently he was at hand, agreeing and consenting to the report, or we should have heard from him in unmistakable hostility. But, sir, if that be not authority enough, as it certainly ought to be, I will call attention to a decision of Speaker CARLISLE, which finally and irrevocably settles this question of jurisdiction.

Mr. REED. I want to hear that.

Mr. BURNES. And I do not believe that even the learned logician from Maine can longer oppose the position we have taken after hearing the decision alluded to.

I read from the RECORD:

MANUFACTURE OF HEAVY ORDNANCE, ARMY WARFARE.

The SPEAKER also laid before the House the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for other purposes.

Mr. MCADOO. Mr. Speaker, I make the same point of order with reference to this bill that the gentleman from Michigan made with regard to the preceding bill, that under clause 11 of the eleventh rule, which provides—

"That all proposed legislation relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs"—

that this bill should be so referred.

Mr. REED. I ask that the bill be read for the information of the House.

The bill was read at length.

Mr. REED. I make the same parliamentary inquiry as to this bill that was made with reference to the other; that is to say, if it goes to the Committee on Appropriations, will that committee be at liberty to report at any time?

The SPEAKER. The Chair will state that so much of this bill as relates to the procurement of ordnance—guns—has usually, the Chair thinks, been included in the sundry civil appropriation bill when any appropriation was made for that purpose at all, and the remainder of the bill, providing armor for fortifications, is a subject over which the Committee on Appropriations has jurisdiction by the express terms of the rule of the House. The Chair thinks, therefore, this bill properly belongs to the Committee on Appropriations.

Could anything be plainer or more decisive? This bill almost in terms was before the distinguished Speaker of the House when the attention of the distinguished gentleman from Maine was called to the proposition, and the Speaker held that it was referable properly to the Committee on Appropriations.

Mr. REED. Does the gentleman from Missouri regard that as a precedent for his action?

Mr. BURNES. Will the gentleman from Maine repeat his question?

Mr. REED. Does the gentleman from Missouri regard this as an authority upon this question?

Mr. BURNES. I certainly do, for it settles the question of jurisdiction by the highest authority of the House, and leaves us no alternative but to maintain the integrity of our rules and the jurisdictions of our committees or ignobly surrender to an impudent assumption of the Senate——

Mr. REED. And that, therefore, upon a point of order this Senate amendment would be stricken off?

Mr. BURNES. Well, I do not say that.

Mr. REED. Why not, if that is a decision of this question?

Mr. BURNES. Because the point I make is this: That the Senate has willfully disregarded our rules and attempted to confer jurisdiction in violation of them.

Mr. REED. Oh, "willfully."

Mr. BURNES. In my judgment, willfully and impudently; for they knew our rules—knew the House alone could originate bills of appropriation, and had through the whole of the Forty-ninth Congress contested face to face with the representatives of the House committee in conference. Hence, I say it willfully placed this proposition upon the Army appropriation bill because the Military Committee had formed and expressed an opinion with regard to this kind of legislation more favorable to it than that which the Committee on Appropriations had declared.

Mr. REED. That is, they put it on this bill because they thought they could pass it better in this way than the other?

Mr. BURNES. Exactly.

Mr. REED. And that you regard as a violation of the rules of the House?

Mr. BURNES. I think it is. The intention was bad. With full knowledge of our rules and rights as an equal under the Constitution the Senate proposes to indirectly originate an appropriation bill contrary to the Constitution and contrary to rules which, as to this subject, they are bound to take notice of.

Mr. REED. Can the Senate violate the rules of the House?

Mr. BURNES. Technically, we may say the Senate can do as it pleases. I started out with that proposition.

Mr. REED. I wish you had kept on with it, because if you had you would have been safe.

Mr. TOWNSHEND. I wish to correct the gentleman from Missouri in justice to the Senate.

Mr. BURNES. My time is rapidly coming to a close. The gentleman can occupy his own time hereafter.

Mr. ROGERS. I would like to ask the gentleman from Missouri whether he has examined the matter so as to be able to state to the House the historical aspect of this question; that is to say, exactly how this bill, which is an exact counterpart of the one reported from the Committee on Military Affairs, and now on the Calendar, ever got to that committee, so as to be reported back to the House.

Mr. TOWNSHEND. If the gentleman from Missouri will allow me, I can give the exact historical facts on that question.

Mr. BURNES. I see my time is about to expire. Sir, I like equity and justice as well as law; and I think in view of the fact that I have been considerably interrupted while on the floor I ought, by common consent, to have ten minutes longer.

Mr. REED. I move that the gentleman's time be extended.

The CHAIRMAN. The gentleman from Maine [Mr. REED] asks unanimous consent that the gentleman from Missouri [Mr. BURNES] be allowed to proceed ten minutes longer. Is there objection? The Chair hears none.

Mr. TOWNSHEND. Now, I hope the gentleman from Missouri will allow me to answer the gentleman from Arkansas [Mr. ROGERS].

Mr. BURNES. The gentleman will have his time. The history of this bill is easily told. I can merely state it historically, as suggested by my friend from Arkansas. My friend from Illinois [Mr. TOWNSHEND], the distinguished chairman of the Committee on Military Affairs, was during the Forty-ninth Congress a member of the Committee on Appropriations, but at the opening of this Congress he was transferred from that committee to the chairmanship of the Committee on Military Affairs. While a member of the Committee on Appropriations he was a part and parcel of the struggle between that committee representing the House and the committee on the part of the Senate. He was familiar with the efforts which were made; he knew the position of the Senate and the position of the House; and I would be doing great injustice to the parliamentary knowledge of that distinguished gentleman if I should say he was not familiar with the rules of the House. Be that as it may, the gentleman, having taken part in this controversy, is transferred to a position at the head of the Committee on Military Affairs; and his committee—I can not say just now who introduced the bill—reports a bill the counterpart of the Senate amendments. All of us understand how references of bills are frequently obtained in violation of the rules of the House.

Mr. TOWNSHEND. In justice to myself—I do not ask anything but simple justice—I want to say to the gentleman from Missouri that while I was a member of the Committee on Appropriations no such controversy arose as the one we have here to-day, and no such question as that involved in the Cutcheon bill ever presented itself during the whole time I was upon that committee. This is an entirely different question from any that came up while I was a member of the Committee on Appropriations.

Mr. BURNES. Here is the bill which, if I had time to read it, would not be in harmony with the statement of the gentleman. This question was before us throughout the Forty-ninth Congress; and what may have been the position of the gentleman I need not undertake to state; but that the bill was before that committee through the Forty-ninth Congress goes without saying, because everybody ought to know it as a fact.

Mr. TOWNSHEND. The point is, and I do not want my friend to get away from it in order to do me injustice—the point is simply this that the Military Committee reported the Tracey or Cutcheon bill, providing for the establishment of a gun factory, and authorizing the purchase of steel forgings. That is all the question presents. But the question that the gentleman from Missouri raises is that the bill did not belong to the Committee on Military Affairs. Now, I assert, without fear of successful contradiction, that no such issue came up in the last Congress, or in the prior Congress, or in any Congress of which I have been a member. It was not then, is not now, a question whether such mode of dealing with the subject, in the shape of amendments, belonged to the Army bill or to the Appropriations Committee. What I hold is that what is known as the "Cutcheon or Tracey" bill was reported, after being referred to the Committee on Military Affairs, and that committee had jurisdiction, and properly reported the bill. But no such issue as my friend suggests has ever arisen during my service in Congress.

Mr. BURNES. Now, the point before the committee is plain. Con-

ferees are to be appointed upon the bill reported from the Committee on Military Affairs to represent the House in a conference with the Senate upon these amendments, and upon one of them specifically, which proposes to appropriate $5,000,000 for the purchase of steel. That is the issue, and that this House will do well to bear in mind, because it is not competent to say what the Speaker may or may not do, but if conferees from the Military Committee should be appointed the novel spectacle will be presented of having excluded as conferees those who under the rules of the House have the subject-matter of the conference in charge, and furthermore we shall recognize thereby the right of the Senate to originate an appropriation bill in lieu of one lawfully authorized under the Constitution.

In other words, the House by constitutional procedure provides for a fortification appropriation bill. That bill the Senate ignores, and makes—originates—a fortification appropriation bill of its own, and tacks it to a bill having no jurisdiction over the subject.

It can not be disguised that the Senate has knowledge of a quondam courtesy in the House by which they expect conferees on the part of the House from a committee friendly to the amendments—committed in advance to them. Shall the scheme be carried out? Shall the rights of the House be handed over bodily to the Senate and $5,000,000 be taken from the Treasury and invested in steel that the Government will not need in a decade of years?

If this mode of legislation is now recognized, or if conferees favorable to it be appointed and thereby the success of Senatorial cunning over the rules and honor of the House should be secured, it will not be the fault of the Committee of the House on Appropriations, who protest against it and oppose the steel. [Laughter.] I mean the purchase of the steel, for I do not want my language to be offensive to any member of the House or Senate.

Mr. MAISH. The Committee on Appropriations is in favor of something to that effect themselves.

Mr. BURNES. The Committee on Appropriations has its bill on the Calendar. That bill, when the proper time comes, is to be considered. The House has jurisdiction of the subject. We will all have something to say when that bill comes up for consideration. "Sufficient unto the day is the evil thereof." Let us simply say that the Committee on Appropriations has taken jurisdiction, has reported a bill which is upon the Calendar ahead of the military bill, and the gentleman from Michigan and the gentleman from Illinois can offer the Senate amendment as an amendment to that bill, and test the judgment of the House through the channels which the rules have established for that purpose.

Mr. Chairman, I owe the House an apology for this protracted effort in discharge of a duty to an absent friend. I know he will be grieved if this House, in which he has served so long and with such great distinction and usefulness, should neglect to protect its rights or its honor from this shameless assault. He has seen the jurisdiction of the Committee on Appropriations invaded so often and to such a degree that I doubt not he has reached the solemn conclusion that another invasion of its powers—an invasion as now proposed—and the committee will be a thing of the past. Gentlemen who voted to distribute certain appropriation bills to other committees at the first session of the Forty-ninth Congress are no doubt now in the mood of that devisee in the will case, alluded to by our genial friend from Mississippi [Mr. ALLEN], who, owing to the trouble of conducting the contest of the case in court, almost wished that "Dad hadn't died." So you gentlemen are no doubt almost sorry that you ever invaded the jurisdiction of that committee and took from the Appropriations Committee of the House the military bill and gave it to the Military Committee, to say the least of it.

Mr. Chairman, for your indulgence and for that of the Committee of the Whole House I sincerely thank you and them. I have tried to avoid wounding any one, and hope I have succeeded. Regarding the honor of the House as involved, I have not been able to be as gentle and forbearing as I trust my habit is; but as saintliness in manners and expression is not always expected in our sudden debates, I feel confident I will be pardoned for every word that may seem either harsh or unkind to any one. [Applause.]

Mr. HOOKER. I have not——

Mr. REED. Will the gentleman yield to me for a moment?

Mr. HOOKER. For how long?

Mr. REED. About five minutes.

Mr. HOOKER. Very well.

Mr. REED. Mr. Chairman, I shall not attempt to reply to the gentleman from Missouri upon the question involved in the point of order. If I was not able to convince the House last night, I shall certainly not be able to convince it to-day; but I do desire to refer to one statement made by the gentleman from Ohio [Mr. BUTTERWORTH] as to the use of the expression "steel rings." I do not know what he alludes to, but I beg leave to call his attention to the fact that the testimony of Captain Smith, who is now entirely exonerated from the charge of being a "popinjay," covers one point.

Mr. BUTTERWORTH. I did not desire to intimate that there was any steel ring or any tendency in that direction.

Mr. REED. The tenor of your remark was precisely in that line, and it supplies precisely and exactly the point I desire to speak of. Now, Captain Smith has been rehabilitated not only by the statement of the gentleman from Ohio, but also by the statement of the gentleman from Missouri, and Captain Smith's testimony has, I think, contrary to the statement which has been made in this House, been printed. That statement is not that a million and a half is sufficient, but simply that that would occupy the factory for a certain time in building certain sorts of guns; but Captain Smith makes a plain declaration that even this appropriation of a million and a half dollars would not prevent all competition. In other words, it would send all that money to one single establishment and prevent the Government of the United States from having the benefit of competition, thereby subjecting it to all the evils of a steel ring if it were instituted.

His proposition was two millions and a half; but I can not well understand how he did not make the larger proposition, for he knew that he was in the presence of a hostile committee, a committee that took knowledge of his functions that he was one of the competitors, as they say. Why, as I understand it, the Ordnance Bureau is made to judge and decide upon this question of guns after examining them all, and if they have taken upon themselves any other functions they ought to be turned out of the place and more suitable and proper men put in their place; but after Captain Smith has been complimented as he has been by the gentleman from Ohio and by the gentleman from Missouri, I take it for granted that he can not be charged with occupying a preposterous position and being a judge in the employ of the Government and passing judgment upon his work in competition with that of others.

As I understand it, the ordnance board has the duty to construct guns and to superintend their construction. Why in the world are they not suitable judges of the propriety of other work submitted to them? They are responsible for it. The Committee on Appropriations have presented a bill here which establishes one of those commissions which I think are the pest of modern civilization, one of those commissions which are created for the purpose of getting rid of the constituted officers of the Government.

Because certain men have discovered that they can not satisfy the regular Government officials, therefore it is attempted to establish another board that they will satisfy, and this is urged upon the ground of fairness. I tell you there is no fairness about this system unless it is carried to this extent and create a new board for every dissatisfied man.

We know that all those who can not satisfy the board want a new one. Why, the original bill that was prepared by the subcommittee of the Committee on Appropriations actually proposes that there shall be guns made by the Navy Department and by the War Department, and that there should be a contest between them and outsiders, and if the outsiders beat, the outsiders should have an appropriation, and if the Navy and Army beat them they should not.

Now, I have been over this matter somewhat. It is my "reservation" to a certain extent, if I may be allowed to quote the language of the gentleman from Ohio, because I had the honor of serving upon a commission that was appointed to examine into this matter and it did examine into it, and I am certain that I did examine it faithfully on my part.

I want to state to this House that ever since the time this commission was formed the object of the Appropriation Committee has been, as I think, to prevent the building of guns. I mean that has been the result of their action.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. HOOKER. How much longer would you require to finish your remarks?

Mr. REED. I thank the gentleman for his courtesy, but I will take another opportunity to address the House and will not further trespass on the gentleman's time.

Mr. HOOKER. I listened with very great attention to the argument of the distinguished gentleman from Georgia [Mr. BLOUNT] yesterday, to the argument made by the gentleman from Texas [Mr. SAYERS], and to the argument made by the gentleman from Missouri [Mr. BURNES] this morning. And when we come to consider what is the question before the House the speeches delivered would strike the stranger as singularly malapropos with regard to the subject-matter under discussion.

What is the question before the committee? It is simply a question of non-concurrence in certain amendments which have been presented by the Senate to a bill which had been introduced into this House, referred to the Committee on Military Affairs, reported back to this House, passed by the House and sent to the Senate, and to which that body has seen fit to put certain amendments.

Now, it was said by the distinguished gentleman from Georgia [Mr. BLOUNT] and repeated to-day by the gentleman from Missouri [Mr. BURNES] that in putting these amendments upon this bill, which was reported from the Committee on Military Affairs and sent to the Senate, the Senate has been guilty of an infringement of the rules of the House, and has done something which is derogatory to the honor and dignity of the House. Mr. Chairman, the statement of the proposition

is a singular one. Under the Constitution the Senate and the House have equal rights in matters of legislation, and whenever a subject-matter has been introduced into this House, referred to the appropriate committee, reported back by the committee, and passed by the House, it goes to the Senate with all the rights accruing under the Constitution, and, under the organization of the Senate, to that dignified body, to make any amendments, alterations, and changes that to it may seem proper.

Never before in the history of the legislation of this or any other country, or in the mind of any man who claimed to be a student of parliamentary law, has it been asserted that the independent action of a co-ordinate legislative department of the Government was an infringement of the rules of the other House. How do they exist under the Constitution? Sir, the Senate of the United States, disregarding the principle of numbers, consists of men elected by sovereign States to represent those sovereign States, each State in the Union being entitled to two Senators; and in that august body, under the terms of the Constitution, Delaware with her 77,000 inhabitants, with but a single Representative upon the floor of this House, from the inauguration of the Constitution down to the present day—Delaware, I say, in the Senate stands upon perfect equality with New York, with her five millions of people.

Ay, more, Mr. Chairman, we have heard a good many criticisms of vetoes and discussions of the veto power and opinions, and the impropriety of the exercise of that power; but the Senate has a veto upon the action of the House, the House has a veto upon the action of the Senate, and the Executive has a veto upon both, all being designed, in the language of the great interpreter of the Constitution, to strike another key in the popular voice and bring it out in fuller and more perfect harmony.

I have said, sir, that Delaware, with her population of 77,000, stands in the Senate of the United States upon a perfect equality with New York, with her population of 5,000,000. More, Mr. Chairman, not only has each State in the Union an equal representation upon the floor of the Senate, but that equal representation can not be changed except with the assent of every State in the Union, so that upon a proposition to change it Delaware, with her 77,000 inhabitants, has a right to put her veto upon all the other States and the people of all the States in the Union. The change can not be made as long as Delaware says, "I forbid."

The Senate, therefore, thus constituted—emphatically denominated by Mr. Calhoun the favorite of the Constitution—the Senate thus constituted, representing, as it does, the States and disregarding the principle of numbers, when it comes to the question of the right to legislate has its own powers, with which this House has no right or authority to interfere, any more than the Senate has right or authority to interfere with the rules of the House. I was therefore astonished when my honorable friend from Georgia [Mr. BLOUNT], who is usually so calm, and cool, and circumspect, and sensible about everything, almost tore a passion to tatters yesterday when he got to talking about the infringement by the Senate of the dignity of the House; and the ardor of his speech, and the eloquence of his speech, and the vehemence of his speech has been admirably imitated to-day by the honorable gentleman from Missouri [Mr. BURNES]. Those gentlemen seem to want to alarm the House with the idea that the Senate intends some great encroachment upon the powers of the House.

I must confess that I am unable to see it when I come to scan the purport of the amendments which the Senate has proposed to this bill, and more especially am I not alarmed either by the war-like manner of the gentleman from Georgia [Mr. BLOUNT], or the terrible, gigantic, and menacing aspect of the gentleman from Missouri [Mr. BURNES] [laughter]—more especially, I say, am I not alarmed when I look at the Senate amendment and see that it simply proposes the question whether or not there shall be an appropriation made for the military arsenal at Watervliet; especially when I remember that these honorable gentlemen, who seem now, with all their military ardor, shivering in their shoes over the encroachments of the Senate, have absolutely given their assent to a bill which lies here on the desks of members, accompanied with a report by the distinguished gentleman from Texas [Mr. SAYERS], which proposes an appropriation of $19,000,000 for the same purpose.

But, Mr. Chairman, I wish to come back now to the actual question before the committee.

What is the motion of my honorable friend the chairman of the Committee on Military Affairs? It is a motion to non-concur in the Senate amendments and appoint a committee of conference to confer with the Senate upon the subject of those amendments. That is all. That is the simple proposition, and yet the honorable gentleman from Texas [Mr. SAYERS] and the honorable gentleman from Georgia [Mr. BLOUNT] representing the Committee on the Post-Office and Post-Roads, and the honorable gentleman from Missouri [Mr. BURNES] say, "You must not consent to the committee of conference, or if you do you must not appoint upon it any member of the committee which brought the bill in and passed it through the House, because they may have the idea that under the rules of the House this measure is proper." Sir, as I said before, all this debate in my judgment is premature. After you had non-concurred in the Senate amendments and had appointed your committee of conference, and after that committee had made its report, then, upon the question of agreeing to that report would have been the proper time and the proper place for this debate.

If you can not confide in the men who are appointed at first, the House has a right to change its conferees; and I say, sir, that there is nothing in the argument which has been brought forward here, that there is a disposition on the part of the Senate to infringe upon the authority and the powers of the House. I am not alarmed by the amendments of the Senate, and more particularly ought not those gentlemen to be alarmed who belong to a committee which has reported a bill appropriating $19,000,000 for the same purpose as that proposed in the Senate amendments.

But, sir, it is said that this is a subject-matter which properly pertains under the rules of the House and under parliamentary law to the Committee on Appropriations. For a long time in the history of the Congress of the United States the Committee on Appropriations dominated every other committee in this House; for a long time the representatives of the people sat here and permitted that committee to dominate and control every question, because it held the purse-strings and was enabled to give or to withhold the money for this purpose, that purpose, or the other purpose, as it saw proper, and no other committee possessed the power to make any appropriation until the rules were amended in the Forty-ninth Congress, and the power of bringing in appropriation bills was divided among the committees of the House.

The Committee on Appropriations had for many long years assumed to itself almost the entire functions of legislation; it had had an absolute power in this House which nobody had dared to resist, and had used that power to such an extent that finally the House rose in its strength and said: "We will divide those great powers which you have so long held in your single hand and have used with such despotic sway; we will divide and distribute them among the respective committees to which they properly belong." Sir, it has been said that the possession of power always draws power to it. It is well known to those who are familiar with the history of this contest in the Congress of the United States that the Committee on Appropriations fought that division of power.

The honorable gentleman from Georgia [Mr. BLOUNT], who gained what legislative experience and knowledge and skill he may possess while he was a pupil in the Committee on Appropriations, was one of those who opposed the division of that power. The change was made, but his great services are not lost to the country, because he is still at the head of an important committee of this House, the Committee on the Post-Office and Post-Roads, the proper management of which is so important and so essential to the business interests of the country.

But, sir, I am surprised at the gentleman's present position. He goes back to his old love, and insists that you are going to rob the Committee on Appropriations of some of its rightful power if you agree to the proposition of my friend from Illinois to non-concur in the Senate amendments and appoint a committee of conference in accordance with the respectful request of the co-ordinate branch of the legislative department of the Government.

When we look at the rules themselves as they have been amended—though I do not consider this a question now to be discussed, but inasmuch as it has been discussed I will refer to it—when you look at the terms of the rule, what do you find? The argument of the gentleman from Missouri [Mr. BURNES], like that of the distinguished gentleman from Texas [Mr. SAYERS], has been based upon the theory that the power to appropriate for fortifications belongs under the rules to the Committee on Appropriations, as if the statement of that proposition and the reading of the rule did not definitively settle that question. Nobody has ever challenged that proposition.

Everybody concedes that appropriations upon the subject of fortifications belong to the Committee on Appropriations. What is the meaning of "fortifications?" The word means defenses established on the seacoast or in the interior—forts equipped and manned. But forts are equipped and manned oftentimes by soldiers with small arms in their hands, as well as by the thundering guns that line the parapet of the fortification. And would you say that because there has been confided to the Committee on Appropriations the right to make appropriations for fortifications hence there is no power in any other committee to provide for the making of a gun, small or large, for the defenses of those fortifications?

The mistake—and I wish to call special attention to it—is in the misconstruction of the word "fortifications." Fortifications are simply a part of the defenses of the country—not all. The term "public defense," as used in the twelfth clause of Rule XI is broad and emphatic. Under that clause of the rule "all proposed legislation" relating "to the military establishment and the public defense, including the appropriations for its support, and for that of the Military Academy," are referred "to the Committee on Military Affairs." All legislation relating to the public defense! The language in this case is broad, generic, comprehensive, all-sweeping, including alike defenses on the water's edge and defenses in the interior. The language in reference to the Committee on Appropriations is narrow and circumscribed—"fortifications"—a single specific and distinct subject-matter, which

is still left, as we all concede, in the hands of the Committee on Appropriations. There is the distinction, palpable, absolute, uncontradicted—a distinction which no man can question.

By this division of power between the two committees all bills relating to the "public defense" are referred to the Committee on Military Affairs. Therefore, the bill introduced by the gentleman from the Albany district of New York [Mr. TRACEY] and the bill of the gentleman from Michigan [Mr. CUTCHEON] were properly referred to the Committee on Military Affairs and received its consideration. The committee reported back a measure to the House, and it was passed. No objection was made, either when the bill was introduced or when it was brought back or when it was passed. Where were then the guardians of the Appropriations Committee who are now so jealous of its rights? Where were then the guardians of the dignity and honor of this House when they allowed this assumption of power and authority? There was no question raised about the power of this committee to pass upon every question that it did pass upon. The Watervliet provision was embodied in an appropriation of $720,000 for the purpose of perfecting the arsenal at that point. The other amendment of the Senate refers to the question of the purchase of material for larger guns.

Now, I want to call the attention of the House very briefly to the amendments which the Senate has offered to this bill. The Senate, in considering the bill making appropriations for the support of the Army, made many amendments, all of which—thirty-six in number, I believe—have been non-concurred in on the motion of the chairman of the Committee on Military Affairs, with the exception of two, one of which refers to the establishment of the gun factory at Watervliet, and the other to the purchase of the material for the construction of heavy artillery. These are the two amendments of the Senate upon which gentlemen say the House ought not now to take any action at all; for that is the effect of it. I do not see how the House can dispose of these questions except upon a motion to non-concur.

We should not concur in them, say the gentleman from Georgia [Mr. BLOUNT], the gentleman from Texas [Mr. SAYERS], and the gentleman from Missouri [Mr. BURNES]. What then do they want us to do? The Senate has put on these amendments in the exercise of its functions and powers, as to which we are no judges, upon the same principle on which it is claimed the Senate can make no judgment as to the rules which shall govern this House. If that be true, as argued by the gentleman from Missouri, then we have no right to say to the Senate, "You have put upon this bill amendments in contravention of the rules of our House." In what attitude do you gentlemen stand who feel so keenly and sensitively the dignity and honor of this House, and want to defend it against the Senate and against one of your own committees organized in this House? In what attitude do you stand? You allowed the bill to be introduced; you referred it to this committee; it was reported back; you passed it without a word of dissent, so far as that bill was concerned.

And now, when the Senate, acting equally within the scope of its authority, assumes to put upon it a simple appropriation, an appropriation of $720,000, for the purpose of fitting up the military arsenal at Watervliet, N. Y., and proposes to appropriate $5,000,000 to purchase steel for the manufacture of heavy ordnance, you say, "Oh, no; we can not admit that; it is an infringement upon the rights of the House." Is it an infringement? The House has, under the rules, the power to determine the question as to whether it shall be referred to one committee or the other. And what notice had the Senate, if the Chairman please, that the House doubted the power of the Senate to make such an amendment as would be germane to the subject-matter of the bill? They have simply proposed these two amendments and I call the attention of the House to them.

Now, sir, it has been said by the honorable gentleman from Missouri [Mr. BURNES] that we ought not to concur in the amendments of the Senate, nor ought we to take action to non-concur. What should we do, then? Is the legislation upon this important subject to stop? Does the gentleman from Missouri or the gentleman from Texas intend to press the fortifications bill introduced by the Committee on Appropriations to a determination at this session of Congress? Are they prepared to say now they intend to propose it for consideration, to press it to consideration, a bill which, instead of $720,000 appropriation for the arsenal at Watervliet and $5,000,000 to purchase steel for heavy ordnance, appropriates large amounts of money aggregating a total sum of $19,000,000?

Mr. SAYERS. Will my friend allow me to correct him just there? I merely want to state that there is no appropriation of $5,000,000 for steel, but of one and one-half millions of dollars only, instead of five.

Mr. HOOKER. I understand; but the aggregate amount of the bill is nineteen millions of dollars. You say it is to cover a period of thirteen years in which to expend it.

Mr. SAYERS. And I said another thing, that the $19,000,000 is not all appropriated now. It goes through a series of years; and they are to come to Congress and get the appropriations just as they are needed. Congress retains the control of the whole matter.

Mr. HOOKER. So they do under the Senate amendments in the bill now pending before us. Unless the man from whom the steel is bought submits to tests, and these tests are satisfactory, not a dollar can be paid.

Now, it was hardly fair and candid in the honorable gentleman from Missouri, who has assailed the Military Committee upon the ground that they may favor the idea that there is power in this House to refer questions of defense to that committee—he is hardly actuated by his usual fairness when he introduces a Senate bill here which proposes the appropriation of $120,000,000, and endeavors to frighten the committee from its propriety by the enormous aggregate of the appropriations suggested in that bill. I say he was not as fair as he usually is in all matters of discussion. It is an effort of the Appropriations Committee to hold on to all the power which it has, and to deny to the other committees, that resisted its advances, the right to exercise the functions that these various committees have intrusted to them by the rules of the House.

But, Mr. Chairman, in support of the position I take, there has been a memorable case lately decided in this House. The present permanent Chairman of this committee decided it when the question was raised as to the right and power of the Committee on Indian Affairs to make an appropriation to pay a final judgment of the Supreme Court of the United States. The very gentleman who presides in the chair as permanent Chairman [Mr. SPRINGER], when the point of order was made that the question belonged to the Appropriations Committee, decided, and properly decided—*pari passu*, a case exactly like this—that the power belonged to the Committee on Indian Affairs. The Appropriations Committee then, as they do here, claimed the power and right to control the question of appropriating money even to pay this judgment of the court of last resort in this country. But the Chair held, and rightly, that the question there presented belonged to the Committee on Indian Affairs.

Mr. CUTCHEON. Will the gentleman yield to me for a moment? In regard to making this appropriation, I desire to call the attention of the committee to a report of a conference committee in the last Congress on this very subject. Mr. RANDALL, then speaking for the conference committee, says:

> The Senate bill involves, as the majority of the House conferees construe it, an expenditure approaching or above $40,000,000, while the House bill, which the majority of the conferees of the House were willing to adopt, appropriates seventeen millions.

This is his own language.

Mr. HOOKER. Now, it will be seen, Mr. Chairman, with reference to the amount which has been put upon this bill by the amendments of the Senate, whether rightfully or wrongfully we will not now stop to discuss, that the only way of determining the question presented, as to whether or not the amendments are germane, and should receive the consideration of the House, is to submit to or acquiesce and respond to the request of the Senate to appoint a conference committee, and let that committee acting in conjunction with the committee of the Senate examine and report upon the subject-matter.

It will be found that there are paragraphs numbered 3, 4, 5, 6, and 7, of amendment No. 35, which embrace these items of expenditure. I am free to say that there is one of these amendments, in the following words—

> SEC. 7. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000—

which should go properly to the subcommittee of the Appropriations Committee, which introduced the bill for the armament of fortifications and coast defenses generally. It may be that there are others, but however that question may be, all that is asked is that this matter shall be non-concurred in, that it shall go to the conference committee, and that we will confer upon the matter and make report to the House; and when we do, then comes the question as to whether the House will adopt whatever report the conference committee may see proper to advocate.

Recommendations will then come from the committee, but I do not see what they can effect, unless the object be to block the legislation of this body and leave this country in the condition in which it now is. It was stated in a memorable speech made by one of the most distinguished Senators in the other branch of this Government only a short time ago—a year ago last winter—that there was one Government in Europe, Italy, effete Italy, which had one armed vessel that could enter the ports of New York, Boston, and Philadelphia, and sweep everything with destruction and desolation, and that the whole Navy of the United States would be powerless to resist it, even if that Navy was assembled at a single point. Now, what of our defenses?

As the gentleman from Missouri [Mr. BURNES] says, we are not in a condition now in this country to put up great guns on our coast and protect the great ports of New York, Philadelphia, and Boston, and all others. What guns have we in this country? What fortifications have we to protect the ports? As I have said, Italy itself possesses one single armed vessel, with guns of so formidable a character, with a capacity to carry so far, and with such destructive projectiles that the United States Navy, if assembled, could not resist it. Shall we stand in that attitude? Shall we remain so naked? It may be there

are no wars or rumors of wars threatened, on the horizon, but, sir, are we not to make any preparation until the war begins?

Sir, it is a very well known fact that whenever nations tend to war now, with the telegraph wires which belt the earth and the submarine cables which lie on the bottom of the sea, intelligence being quickly transmitted from one part of the world to another, that the very best way to maintain peace is not to wait until war is declared before preparation is made. It must be made before. We have a vast seacoast, which stretches from New York to Galveston and from California to Alaska, to defend, with an army of only 25,000 which this bill proposes to provide for. With this vast coast to defend by an armament by sea and by land, though our numbers be great and our resources unquestioned, our population amounting now to over 60,000,000 of people, we might be powerless to resist even the feeblest of powers that the events of the day might bring us in conflict with.

I say, therefore, that unless it be the purpose and object to obstruct consideration of this question by the bill from the Fortifications Committee, which is intended to present the very same purposes and objects, it appears to me to prevent legislation upon this important subject. The very object seems to be to prevent the passage of the military bill itself, upon which the Senate in its wisdom has seen fit to put this proposition. The whole proposition of the gentleman from Illinois is simply to non-concur in the amendments and confer with the Senate in reference to these amendments which are objected to in the House. As my colleague from Illinois has said, under our rules we have the right to consider questions of military defense.

What is the meaning of the word "defense?" It means a general defense; and the word "fortification" means and designates an altogether different mode of defense. It grants, therefore, to the Military Committee jurisdiction of all questions relating to public defense—unlimited, unrestrained, and unconditioned—and reserves to the Committee on Appropriations simply to decide and determine the appropriate and proper mode for the fortifications. It does not involve the construction of arms, small or great. It does not involve the construction of artillery either to be used for the forts or for the general defense of the country. The Military Committee is intrusted with the general defense.

I say therefore, Mr. Chairman, that the committee and the House can not extricate themselves from the position in which they now stand save by voting for the proposition of the chairman of the Committee on Military Affairs and appointing this committee of conference, and when their report is returned to this House to say whether for any reason suggested to it that it will accept or reject the report coming from the Military Committee.

I think, Mr. Chairman, that the position which I have assumed upon this question is unanswerable, and that it has up to this time not been answered.

Upon the question of the power of the two Houses conferring with each other upon subjects about which they disagree I desire to have read as a part of my remarks an extract from Mr. Cushing on "parliamentary law" in reference to the powers of committees of the two Houses conferring with each other, and before the Clerk shall read this I will simply ask that the other be printed in the RECORD.

I say, therefore, in closing, that by a construction of the rules the language of the rule itself reserves to the Committee on Appropriations the measures relating to fortifications, but it confers upon it, no more than to other committees of the House, powers which are not stated in the rule.

I ask that paragraphs 822 and 827 in Cushing's Law and Practice of Legislative Assemblies be read, and reserve the remainder of my time.

The Clerk read as follows:

SEC. 822. It is not always a matter of indifference, even when there may be a fit occasion for a conference, at what time, or by which House, the conference is requested; for, as it is the duty of the two Houses, on all occasions, to maintain a good understanding and co-operation with one another, and to allow each to proceed, in the discharge of their respective duties, with perfect freedom and independence, it would not be proper for one, by means of a conference, to interfere with, and anticipate, or endeavor to influence, the proceedings of the other, until that other has first acted upon the subject in question. Thus, while a bill which has passed in one House and been sent to the other is there pending and under consideration, it is irregular for the former to take any notice of the proceedings in the latter, and to demand a conference thereon. This rule, which lies at the foundation of the freedom and independence of the two Houses, as regards one another, was established at a very early period of parliamentary history, and though originally restricted in its terms to bills, the principle of it is so obviously convenient and proper that for a long course of years it has been extended and applied as a general rule to resolutions and all other matters which have been communicated from the one House to the other and are there pending and under consideration. For example, if the Commons, at a conference, communicate a resolution to the Lords and request the concurrence of the latter, they must wait until some answer is returned before demanding another conference on the same subject. When the Lords are prepared with an answer it is for them to demand a conference with the Commons for the purpose of communicating it to them.

SEC. 827. When a message is sent from the one House to the other for a conference, it is received, treated, and acted upon, in the same manner as other messages; and, in order to preserve harmony and a good correspondence between the two Houses, it should be answered as soon as the convenience of the House will admit. The House of which the conference is requested may simply agree, and it would be unparliamentary to refuse a conference which was demanded on parliamentary grounds; or it may disagree; in such case, the reason for disagreeing should be stated; or if it is the House of Commons, of which the conference is requested, it may agree to the conference, but disagree as to the time or place, in which case the reasons should also be stated, and the Lords will thereupon, if they see fit, appoint some other time or place. But it does not appear to be according to parliamentary usage nor would it consist with convenience, to agree, on condition, or with some amendment or modification, as to the subject-matter of the conference; such an agreement may be considered as a refusal of conference, and treated as such. Thus, where in answer to a request of the Commons for a conference, the Lords informed them by message that they agreed to the conference "always provided, that nothing be offered at the conference that may anyways concern their lordships' judicature," the Commons resolved "that by the Lords' answer there is no grant of a conference upon the matter, as it was desired by this House," and also that a conference be desired with the Lords on the subject of that answer. When a proposition for a conference has been considered, the answer is to be returned by a message; if agreed to at once, the answer may be returned by the same messengers; if disagreed to at once, either wholly or as to time or place, the most regular course seems to be for the House disagreeing to return an answer by messengers of its own; if the answer is not resolved upon immediately, it must be returned in that manner, whatever it may be.

Mr. HOOKER. I reserve the balance of my time.

The CHAIRMAN. The gentleman has eighteen minutes remaining.

Mr. TOWNSHEND. Mr. Chairman, I desire now to have an understanding as to the length of this debate, and I ask unanimous consent that we agree upon a limit.

Mr. SAYERS. I suggest that there are several gentlemen who desire to speak on this question, and I think the debate ought to continue for an hour and a half or two hours, say until 4 o'clock.

Mr. TOWNSHEND. If it can be agreed upon, so that the House will be bound by the action of the committee, that a vote shall be taken upon this amendment in the House at 4 o'clock, I shall have no objection to the debate continuing until that time.

The CHAIRMAN. Will the gentleman please state his proposition definitely?

Mr. TOWNSHEND. I ask unanimous consent that the final vote shall be taken in the House upon the motion to non-concur at 4 o'clock.

Mr. BLOUNT. Before that is submitted I wish to ask the gentleman how the time is to be divided? It is now twenty minutes past 2 o'clock.

Mr. TOWNSHEND. I am willing that the time shall be equally divided.

Mr. CANNON. Why not discharge the Committee of the Whole from the further consideration of this bill and let it be considered in the House, and then take the vote at 4 o'clock, not only upon the motion to non-concur, but also upon the resolution, which somebody no doubt will offer, expressing the sense of the House that the House conferees should not consider these particular amendments.

Mr. TOWNSHEND. I am willing to accept the suggestion of my colleague from Illinois.

The CHAIRMAN. That arrangement can not be made in Committee of the Whole.

Mr. TOWNSHEND. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND. I now ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Army appropriation bill and the Senate amendments thereto, that all general debate upon the bill and amendments close at 4 o'clock, that at that hour the previous question shall be considered as ordered, and the final vote taken upon the motion to non-concur.

Mr. SAYERS. And also upon an amendment to be offered to the motion to non-concur, or a resolution, as suggested by the gentleman from Illinois.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill 10234, the Army appropriation bill, that the previous question be considered as ordered upon the pending proposition and amendments thereto, that the debate thereon be closed at 4 o'clock, and that the previous question be then considered as ordered.

Mr. CANNON. We may want to offer some other amendments.

The SPEAKER *pro tempore*. Unless that right be reserved, it will be cut off by this motion.

Mr. SAYERS. I wish to ask the gentleman from Illinois [Mr. TOWNSHEND] how the time between now and 4 o'clock is to be divided. Is one half of it to be allowed to those in favor of his motion and the other half to those opposed to it?

Mr. TOWNSHEND. In reply to the gentleman from Texas [Mr. SAYERS] I will say that although most of the time has been occupied in opposition to the position of the Committee on Military Affairs, I am willing that the time from now until 4 o'clock shall be equally divided.

Mr. SAYERS. Let it also be understood, Mr. Speaker, that I shall have an opportunity to offer a resolution in lieu of the one proposed by the gentleman from Illinois.

Mr. TRACEY. Will that be in order?

The SPEAKER *pro tempore*. The gentleman from Texas asks to

modify the request of the gentleman from Illinois, so as to allow an amendment or resolution to be voted upon in connection with this proposition, but not to be debated beyond the hour indicated.

Mr. BUCHANAN. To that part I object. I will not consent to a limitation of time upon a resolution which is not offered and the terms of which I do not know.

Mr. TOWNSHEND. Do I understand the gentleman from New Jersey to object?

The SPEAKER *pro tempore*. The gentleman objects.

Mr. CUTCHEON. The gentleman from New Jersey wants to understand what is the resolution to be offered.

Mr. TOWNSHEND. I yield to allow the proposition of the gentleman from Texas [Mr. SAYERS] to be read.

Mr. SAYERS. I ask that this resolution be read for the information of the House.

The Clerk read as follows:

Resolved, That the House insist upon its disagreement to Senate amendments 26, 27, 33, and 35 to House bill No. 10234 (the Army appropriation bill), and that the House request of the Senate a committee of conference on said bill; and it is hereby declared to be the judgment of this House that the managers on the part of the House should insist upon the disagreement to said amendments, and should not consent that appropriations for fortifications should be placed on the Army bill, as that subject has been referred to the Committee on Appropriations, and all matters relating thereto may be placed on the fortification bill.

Mr. TOWNSHEND. What does the gentleman from Texas propose?

Mr. SAYERS. I propose to offer that resolution in lieu of the simple motion to non-concur.

The SPEAKER *pro tempore*. The resolution has only been read for information.

Mr. TOWNSHEND. I do not believe that this resolution of the gentleman from Texas would be in order. If I understand the rules correctly, the custom has been—and it has been held as proper under the rules by those who have presided over the House—that there should be at least one free conference without instruction, and then, when the conferees have acted and made their report, it is in order to offer a resolution of instructions. That is the regular order of proceeding in reference to a conference report. I for one, however, am willing that the House may give an expression upon the proposition suggested by the gentleman from Texas. I do not think it ought to be adopted; I do not think it is in order; but for the purpose of reaching final action on this bill I am willing that the House may have an opportunity to vote upon the gentleman's amendment and adopt it, if the House is willing to so instruct.

Mr. CANNON. I may also want to offer an amendment.

Mr. TOWNSHEND. My proposition is that the House simply non-concur. The gentleman from Texas proposes to instruct the conferees. I say that is not usual, and in my judgment is not in order; but to promote harmony, to economize time, and to secure early action on this bill, I am willing that a vote be taken on that proposition.

Mr. LAIRD. As I understood the resolution, it contained a clause concerning the reference of this subject-matter to the Committee on Appropriations.

Mr. TOWNSHEND. I did not so understand.

Mr. HOOKER. I raise the point of order that the proposition offered by the gentleman from Texas is not germane to the subject now before the House.

The SPEAKER *pro tempore*. The Chair will state that the resolution was simply read for the information of the House.

Mr. HOOKER. If it be offered, I shall raise that point of order upon it.

Mr. TOWNSHEND. Then I make simply this motion—that the Committee of the Whole on the state of the Union be discharged from the further consideration of the Army appropriation bill, that the Senate amendments thereto be considered in the House as in Committee of the Whole, and that all debate upon the bill be closed at 4 o'clock, when the previous question shall be considered as ordered upon the motion to non-concur and upon any amendments that may be in order.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the Army appropriation bill; that debate on the same in the House be closed at 4 o'clock, and that the previous question be then considered as ordered upon the motion to non-concur in the pending amendments and agree to a conference. Is there objection?

Mr. BAYNE. I object.

Mr. BLOUNT. I rise to a parliamentary inquiry. I wish to know whether the motion of the gentleman from Illinois, if carried, would not necessarily preclude the House from considering the proposition of the gentleman from Texas?

The SPEAKER *pro tempore*. The Chair thinks it would, unless there were an exception made allowing such an amendment or resolution to be offered.

Mr. BLOUNT. I hope there will be no objection to allowing the House to vote on it.

Mr. HOOKER. I give notice that I shall make the point of order upon the proposition of the gentleman from Texas that it is not germane to the motion before the House, and ought not to be considered.

Mr. BLOUNT. I object to the proposition of the gentleman from Illinois unless we can agree upon the modification suggested by the gentleman from Texas.

The SPEAKER *pro tempore*. There is objection by the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from Georgia [Mr. BLOUNT].

Mr. TOWNSHEND. I then submit the motion that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Army appropriation bill, and that all debate——

A MEMBER. All general debate?

Mr. TOWNSHEND. That all debate upon the bill and Senate amendments be closed in one hour.

Mr. BAYNE. I make the point of order against that.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAYNE. Why, that the motion is not in order that the House shall go into Committee of the Whole, and that all debate be limited without considering propositions under the five-minute rule.

The SPEAKER *pro tempore*. The Chair will state that except by unanimous consent there could be no order of the House limiting debate upon any paragraph that has not been reached.

Mr. TOWNSHEND. Then I modify the motion according to the ruling of the Chair.

Mr. HOOKER. There are but two amendments of the Senate, as I understand it, not yet acted upon.

Mr. SAYERS. There are more than that.

Mr. HOOKER. Well, three or four; one is in reference to the Watervliet arsenal and the other for the purchase of steel for heavy armament.

Mr. SAYERS. There are two others.

Mr. HOOKER. Well, say four amendments in all. Now, the gentleman wants debate under the five-minute rule. We are not considering a bill at all, but certain amendments.

Mr. BAYNE. I have an amendment that I desire to offer.

Mr. HOOKER. I am speaking to the point of order as to whether you can offer an amendment. There are four amendments, as I understand it, of the Senate to be acted upon.

The SPEAKER *pro tempore*. The gentleman is correct.

Mr. HOOKER. And the motion of the gentleman from Illinois to limit debate and consider the previous question ordered at 4 o'clock is in order, because there is no bill to consider here, but only certain amendments which have already been read in Committee of the Whole, and on which debate has been had for some time.

Mr. BAYNE. I propose to move an amendment to one of the amendments pending from the Senate. I propose to ask that these amendments be read, and shall ask concurrence in one of them with an amendment. No motion that can now be made can exclude me from that right, and the right to debate it; and until this proposition of the Senate shall have been read, and the debate upon each one of the paragraphs has taken place under the five-minute rule, no motion that can be made now to close debate can be in order. I shall object to anything that will interfere with my right in that matter.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. I understood in Committee of the Whole the amendment to which the gentleman from Pennsylvania referred had been read.

Mr. BAYNE. My amendment was not. I have not yet offered it.

Mr. TOWNSHEND. I refer now to the pending Senate amendments. I ask this question: Is it not in order for me to move that all debate be closed upon the amendments, there being two only remaining, both of which have been read?

The SPEAKER *pro tempore*. The closing of debate upon any general appropriation bill, or any bill considered in Committee of the Whole by paragraphs, is not competent, except that the House may close debate upon any single paragraph of or amendment to the bill.

Mr. TOWNSHEND. Both of these amendments have been under debate since yesterday afternoon.

Mr. BLOUNT. Under general debate.

The SPEAKER *pro tempore*. The Chair thinks that under the rules of the House the amendments of the Senate must be considered by sections.

Mr. BLOUNT. Just as the original bill.

The SPEAKER *pro tempore*. It is the logical way.

Mr. BLOUNT. That is right.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole to further consider the Senate amendments to the Army appropriation bill, and pending that motion that all general debate be closed in one hour; upon which I ask the previous question.

Mr. BLOUNT. I object to that motion.

Mr. BAYNE. I hope the gentleman will not undertake to do that. It will facilitate matters to adopt another course.

Mr. TOWNSHEND. What is the gentleman's proposition?

Mr. BAYNE. Well, I want some time on this myself. Say that you close the debate at half past 4 o'clock.

Mr. TOWNSHEND. Very well; I am willing to modify it to the extent that general debate be closed at 4 o'clock, and on that I call the previous question.

Mr. SPINOLA. Before that I wish to ask a question for information.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPINOLA. I understood, sir, on yesterday that the questions under consideration were these Senate amendments, commencing with No. 33, and that section 2 had not been concurred in.

Mr. TOWNSHEND. They have not been.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

Mr. SAYERS. I wish to ask the gentleman if he proposes that the time shall be equally divided?

Mr. TOWNSHEND. That has already been settled.

Mr. SAYERS. The gentleman did not so specify in his motion.

Mr. TOWNSHEND. I will repeat it, and put it in writing if it be necessary to satisfy the gentleman.

The previous question was ordered, under the operation of which the motion to close all general debate at 4 o'clock was agreed to.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Pending the motion that the House resolve itself into Committee of the Whole the Chair will, with the consent of the House, submit some personal requests.

By unanimous consent, leave of absence was granted as follows:

To Mr. MATSON, for three days, on account of important business.

To Mr. BACON, indefinitely, on account of important business.

ARMY APPROPRIATION BILL.

The motion of Mr. TOWNSHEND was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. By order of the House all general debate on the Senate amendments to this bill will be closed at 4 o'clock, the time to be equally divided.

The Chair will recognize the gentleman from Ohio to control the time in opposition and the gentleman from Illinois to control the time in favor of the amendments.

Mr. BUTTERWORTH. Mr. Chairman, I think it is to be regretted this debate has taken so wide a range. It really related to parliamentary procedure, as to what this House ought to do to maintain its own dignity and sense of self-respect in the matter of conducting its business. My friend from Maine lays down a proposition, the soundness of which nobody disputes, and then assaults it with characteristic energy, and of course is successful in establishing that he is right.

Nobody in this House has disputed the right of the Senate to prescribe rules for its own proceedings. Nobody has questioned that this House enjoys the same right. Nobody questions that the Senate has the power to attach whatever amendments it sees fit to any bill that goes before that body.

The CHAIRMAN. The Chair would state that a parliamentary error has been made by the Chair in yielding the control of the time in opposition to the Senate amendments to the military bill to the gentleman from Ohio. The gentleman from Texas has been recognized to control that time.

Mr. SAYERS (to Mr. BUTTERWORTH). I yield whatever time you desire to complete your remarks.

Mr. BUTTERWORTH. Clearly the Senate has the right, in the sense that the word "right" is used as signifying power and authority. It is not the existence of that power and authority I call in question. I use the word "right" in a different sense, which is expressive of fitness, propriety, justice, taking into consideration the obligations that rest upon the Senate to observe that comity which should deter that body from taking any action in disregard of the rules of this House, which are ordained to secure proper and orderly methods in matters of legislation.

And it will not be denied that it has been the custom of this House and of the Senate to compel an observation of the methods prescribed by those rules. I am not mistaken in saying that the Senate absolutely refused to consider amendments attached to an appropriation bill by the House because the rules of the Senate forbade such amendments to an appropriation bill.

And, sir, it is known to all of us that, in deference to the Senate, we changed the rules of this body in order that the reasonable requirements of the rules of the Senate might not be disregarded. We abdicated our right to legislate on appropriation bills.

In other words, we did not attempt to compel the Senate to violate its own rules in the conduct of its business. And now the question presented is, will the Senate compel this House or ask this House to trample its rules under foot And will we do it, or will we maintain our own dignity by a proper adherence to the rules, in the observance of which alone can we hope to avoid being treated by the Senate as if this were a town meeting and not a deliberative legislative body of equal dignity with the Senate. Now, I am not insisting or suggesting that the Senate desires to disregard the rights of this body. There may have been an apprehension, possibly, as has been suggested here, that a fortification bill would not be reported, and deeming it proper, if not objected to by the House, they attached to the military bill the amendments in question which cover matter which belong to the fortification bill. But the reason for doing that did not in fact exist, and it is this palpable violation of the rules of this House and the violation of the comity which must obtain between the two Houses that I resist.

I am surprised to hear my friend from Illinois say that under the wording of the rule which determines and limits the jurisdiction of the several committees of this House, it is perfectly competent for the Military Committee to take jurisdiction of the subject-matter of the Senate amendment. The claim is utterly untenable. If he will read the rules and construe them as a whole he will find the jurisdiction of the several committees is plainly marked out, and this House will not question that the jurisdiction of the subject-matter of the amendments now under consideration belongs to the Committee on Appropriations and the subcommittee having charge of fortifications. They will not question that. The language is too clear and the line of precedent too well established to permit of any doubt.

Now, was there such an exigency as to authorize the Senate, in defiance of its own rules and in utter disregard of the rights of this House, to attach to the military bill that which had no proper place there? That they did it is sure. Are they justified in it?

What is the object of having rules? If they may disregard the rules of this House in the matter of amending bills, they may attach to any single appropriation bill—the agricultural bill, for instance—amendments making all the appropriations authorized by law to carry on the Government, and thus, by refusing to observe the reasonable rules which we have ordained for the proper conduct of the business of this House, usurp the rightful constitutional jurisdiction of this body to "originate money bills." It is absolutely necessary in making appropriations to carry on the different branches of the Government that rules be prescribed governing the preparation of bills, having reference to the subject-matter and the convenience of the House in the conduct of its business. Under the authority of the Constitution we have made such rules, and among other things they provide for the preparation of appropriation bills, fixing and limiting the jurisdiction of each committee and designating the subject-matter which may be embraced in each bill.

The jurisdiction of the Military Committee is clearly pointed out; and if all the items which may be included in either bill are not named in the rule there are items which confessedly belong exclusively to the fortification bill, and those very items have been by the Senate included in amendments made to the military bill while it was under consideration in that body. There was the same fitness and propriety in adding amendments making appropriations for the Navy and the Indian Department, and for pensions, etc.

The fact that we can not control the action of the Senate has nothing to do with the case. The fact remains that we can control our own action and observe our own rules, one of which in express terms forbids the Military Committee from assuming jurisdiction of fortifications, and the Senate can not by virtue of an amendment to an appropriation bill confer upon the Committee on Military Affairs of this House a jurisdiction which the rules of the House in express terms deny to that committee. Clearly if it were otherwise the jurisdiction of the several committees of this body would depend upon the pleasure of the Senate rather than upon the rules of this House.

The result would be that the Committee on Invalid Pensions might, by the action of the Senate, be clothed with full and ample jurisdiction to make appropriations for the Navy, the Army, consular and diplomatic service, and so on. And thus two things would result. First, the Senate would, by way of amendments to a pension appropriation bill, originate every other "money bill" in the catalogue of appropriation bills; and, secondly, nullify the most important rules of this House.

In assigning to different committees of this body the duty of preparing certain appropriation bills, we do not thereby abdicate our constitutional right to originate others covering other subjects. It is the right of the Senate to amend bills, but not to enlarge or extend the jurisdiction of that body or abridge the jurisdiction of this.

I have said thus much in defense of the rightful authority of this body and in advocacy of our dignity and independence as a co-ordinate branch of Congress. One other matter. My friend from Maine [Mr. REED] assumes that the Committee on Fortifications, or the subcommittee, are opposed to the building of guns and the establishment of a Government plant. That is an assumption. He ought to know better than that, if he has examined the subject at all.

Mr. REED. It is an assumption that is borne out by history.

Mr. BUTTERWORTH. It is an assumption that is borne out by a certain kind of history, which discloses only a part of the truth. The full history is that unless all possible competition in the production of guns was shut out, unless every individual, every firm, every manufacturer was shut out and a very few individuals permitted to exercise unquestioned control in the production of armament and guns, no appropriation was wanted.

Mr. REED. Captain Smith says that your million and a half appropriation will shut them out—*i. e.*, shut out competition.

Mr. BUTTERWORTH. It is not that particular competition that is the production of steel to which I call attention.

Mr. REED. I know it is not.

Mr. BUTTERWORTH. The gentleman mentioned by my friend

[Mr. REED], Captain Smith, of the Ordnance Bureau, testified that we make ample provision for the Ordnance Bureau in the fortification bill. In the first place, we give $750,000 to establish and complete a plant at Watervliet arsenal. It was the full amount asked. Not a penny was abated from the estimate. The sum named will provide machines and tools for assembling and completing heavy guns. We go beyond that, and while the Senate amendment to the Army bill provides only for 8 and 10-inch guns, we provide for 10, 12, 14, and 16 inch guns, which are absolutely necessary, Captain Smith says, for proper coast defense. We have provided for the purchase of steel, limiting the price; we have made an appropriation to purchase all the steel they want, all they can use for five years in building steel guns or built-up steel guns, which Captains Smith and Birnie believe to be the best type of gun invented up to this time.

To purchase this steel we give the full estimate, $1,500,000, required to procure steel sufficient to keep the bureau up for at least five years. So the Ordnance Bureau is not abridged in any respect, as some gentlemen would have this House believe. Now, my friend said yesterday something which was very significant in this connection, namely, that in the manufacture of steel the product at first was limited—I do not remember the number of tons that he named, perhaps 16 tons per day—but he said that within a few years the product was doubled and thribled owing to improved methods, etc.

Mr. REED. I never said that.

Mr. BUTTERWORTH. Well, it is the fact nevertheless, and I so understood you.

Mr. REED. Nor anything like it. I was not talking on that subject. But I know how the gentleman has been led into that mistake.

Mr. BUTTERWORTH. Well, possibly the gentleman was not talking about the precise matter I have in my mind, but nevertheless it is the fact that with improved methods and increased facilities the quantity and quality has been increased and improved.

Mr. REED. I was talking about trained workmen.

Mr. BUTTERWORTH. Well, that is an element in producing better results both in matter of quantity and quality of output. So it will be seen that we have made ample appropriations to keep the Ordnance Department of the Army busy for five or six years. This is not and can not be disputed. Nor can it be doubted that we have provided them all the funds they require for plant and material. Now, what else can they ask, and what is there in addition that can in good conscience be demanded?

It is known to every gentleman upon this floor that the art of manufacturing steel and steel guns is growing and developing as rapidly as any other art, and the chances are that in the future as in the past, possibly next year or the year after, we may be able to get the steel at very greatly reduced cost, and steel guns of better quality and on better terms than we could get to-day. Then, since we provide for purchasing a sufficient quantity of steel to last the Ordnance Bureau, working at its topmost bent, for five or six years, what on earth is the present necessity for buying three or four times that quantity, as proposed in the Senate amendment, and which my friend from Maine advocates by the testimony of the officers referred to? One million five hundred thousand dollars' worth of steel is ample for all purposes for five years at least, and yet because we object to buying three or four times as much it is urged that we are opposed to building guns, having provided for the purchase of all we can possibly need within five years.

We are assailed for objecting to the purchase of what we confessedly do not need and could not use within the time mentioned. Whether the interests of the steel manufacturer or the Government would be subserved by the immediate purchase of vast quantities of steel which by all the evidence will not be needed within five or six years, this House and the country can determine. But my friend says that if we limit the purchase to fifteen hundred thousand dollars the competition may be restricted or cut off. No danger of that. The danger of loss is far greater in purchasing at present large quantities of steel from six to ten years before it is needed for any purpose whatever. And just here it is interesting to note the jealous care with which competition in the purchase of steel is guarded, while all competition in the manufacture of guns is completely shut out and prohibited. Why, sir, one of the loudest complaints in regard to the pending fortification bill reported to this House is that it provides for competition in the matter of guns. We have provided that when any individual, firm, or manufacturing company shall produce and bring to the Government a better gun than that which we have the Government will take that gun if the terms are reasonable. The gentleman from Maine [Mr. REED] knows very well that men do not fabricate guns as mere experiments, nor can they go to the expense incident to the production of heavy guns unless there is a chance of selling to the Government in case the gun produced stands the prescribed test and meets every requirement of the service.

Private enterprise can not afford to. The expense of these experiments must, in the end, rest upon the Government, always provided the experiments are of such a character as to promise good and satisfactory results; and if my friend from Iowa says to the Department, "I will, at my own expense, cost, and risk, produce a 14-inch steel gun and guaranty that it shall be the best in use, and if it is not better than the guns you now have, or the equal of any gun, I do not ask you to purchase it or pay for the testing; I will stand the loss; but if I do fabricate such a gun, if I do make the best gun yet tendered to the public, then I ask you to pay for it and give me an order for the manufacture of such number of guns as will prove fairly remunerative to me," is not that reasonable?

Is that anything but plain, practical business sense? If it is not I do not know what is. Now, my friend says that the Ordnance Board alone should pass upon that gun, and that it is their exclusive right and their duty to sit in judgment to determine between that gun and one of their own invention and construction, and that their test and their judgment shall be final, being subject to no review and from which there shall be no appeal. With that proposition I have no sympathy whatever. My friend says the Ordnance Department can not be a competitor with any individual. He is in error there. They admit that they are now in competition with the Navy Department.

Mr. REED. That is a different kind of gun.

Mr. BUTTERWORTH. Oh. I understand that the competition is to produce the best gun and vindicate the wisdom and experience and knowledge of the officer of the corps. That there is competition can not be denied. It is a worthy ambition; but I say to the gentleman, and he will agree with me in his heart whether he does with his lips or not, that in addition to prescribing test of the quality, power, range, and endurance of the guns, eminent engineers and officers should stand by to determine which is the better arm. To say that there are no men outside of the Ordnance Bureau competent to sit with the officers of that bureau to decide upon the excellence of a gun is absurd. We all know better.

I agree with my friend that often these commissions or boards have in a degree proved a failure. But that does not even tend to prove that a board would not be useful in this case. You [addressing Mr. REED] were on a commission to make certain investigations.

Mr. REED. A totally different affair.

Mr. BUTTERWORTH. I understand it is; but you were upon such a commission. No matter about the affair.

Mr. REED. Why are you comparing them, if you understand they are totally different?

Mr. BUTTERWORTH. Because there is an analogy between them.

Mr. REED. Oh, an analogy!

Mr. BUTTERWORTH. You were equal to the emergency, were you not?

Mr. REED. I usually am——

Mr. BUTTERWORTH. I know you usually are; and taking your own judgment you always are; but I want to call attention——

Mr. REED. I want to be equal to the present emergency, if I can.

Mr. BUTTERWORTH. The gentleman, nobody questions, labored industriously and intelligently to reach a proper result. Now, there are in this country mechanical engineers, metallurgists, and others familiar with the fabrication of arms, who are competent, standing by the side of these officers, to judge whether the gun produced to be tested fully meets all the requirements of that test in the matter of accuracy of fire, range, and power of endurance, and whether it excels others with which it competes. Now, is it not fair, if the Government is asked to buy ordnance manufactured by a private establishment in preference to that manufactured by the Ordnance Corps, that we should have impartial judges to determine the relative merits of the competing arms?

Mr. FARQUHAR. I would like to ask how the Navy Department is getting along building guns now?

Mr. BUTTERWORTH. Well, they are not getting along rapidly. Government work never does.

Mr. FARQUHAR. Are they getting along?

Mr. BUTTERWORTH. Well, they are getting along slowly.

Mr. FARQUHAR. Satisfactorily to the Navy Department or to the Secretary of the Navy?

Mr. BUTTERWORTH. Well, I will not say how satisfactorily the work may be going on to the Navy Department or the country. That is not of consequence. We are not interfering with the Army or the Navy; we are not abridging the powers, the duties, or the opportunities of the Ordnance Bureau. Not a word to that effect is correct. We are giving them all the machinery and plant they ask; and they name the amount required. We are giving them all the money they ask, and they fix the amount themselves. We are giving them all the assistance they ask, and they determine what it shall be. We are permitting them to make the guns they say are best, and they select them themselves. We are allowing them to adopt the type of gun which they prefer, which they in part invented. In all things, you see, they are given *carte blanche*.

Now, here are sixty millions of people; and I think we are not immodest in saying that they are as full of productive and inventive genius as any people on the earth. All we ask or have sought to do, after providing amply for the Ordnance Department, is that individual citizens, firms, or manufacturing establishments shall not be absolutely shut out from competing for supplying the Government with that which it confessedly needs in the line not only of steel forgings but steel guns and other kinds of guns; that they shall be permitted to enter the lists and supply the guns if they will supply a better article than can

be obtained elsewhere or produced by the Ordnance Corps. When they bring to the Government a gun and say, "Here is a gun which for endurance, accuracy of fire, and range is superior to any other;" if that can be established, why should not the gun be accepted and that private enterprise encouraged?

Mr. REED. That gun is in their minds now, is it not?

Mr. BUTTERWORTH. Well, there is some difference of opinion whether it is or not. All we ask is that if it materializes into a better gun than any competitor it shall stand a fair chance in the field of competition.

Mr. REED. It is not in existence.

Mr. BUTTERWORTH. If we pursue your course, it is liable to remain in their minds, since encouragement in producing it is denied. All inventions originate in the mind.

Mr. LAIRD. If we leave it to the Committee on Appropriations it always will be there.

Mr. REED. Yes; that is the truth about it.

Mr. BUTTERWORTH. That is not the truth about it, and the reading of the bill we have reported shows how far from correct your statement is.

Mr. CUTCHEON. It looks like it when they do not bring in their bill until the 1st of August.

Mr. BUTTERWORTH. The time of reporting the bill has nothing to do with the character of its provisions.

My friend knows that the gentleman [Mr. RANDALL] who was on the subcommittee to prepare this bill was sick nigh unto death; and we delayed its consideration in the hope that he would soon join us. This delay is the excuse for this interference or trespassing upon the jurisdiction of another committee by reason of the apprehension that his sickness might delay action beyond what was proper. That is the excuse you gentlemen might offer. I do not know that any excuse is in fact offered.

Mr. CUTCHEON. How long did that sickness continue?

Mr. FARQUHAR. Let me ask the gentleman from Ohio, when did the country hear a report on this very question in the Forty-ninth Congress?

Mr. REED. On the last day.

Mr. FARQUHAR. In the last hours of the last day of that Congress.

Mr. BUTTERWORTH. And I know better than the gentleman does just what caused the delay.

Mr. HOOKER and others. Let us have the reason.

Mr. BUTTERWORTH. The reason is not exactly in the direction you have suggested. I am as patriotic as you are. I have as just appreciation of what is due to the dignity of this House as you have. I realize as fully as you can the importance of defending the coast of my country. I agree with you as to the necessity for appropriations, and we go along step by step in doing everything, until the committee propose to draw against the resources of this whole country by opening the door to competition. Then you gentlemen draw the line, and say "No." It is not sufficient that we have provided all that is needed, all that is asked for, everything in the shape of plant, everything needful in the shape of money and material, all in accordance with the estimates.

The only cause of complaint is that we have not provided what is confessedly not needed, and have provided competition which beyond question is needed.

There are three officers of the United States Government who think, or our friends think, can provide for all our wants better than all our people combined, and that we shall rely on these three officers, and on them alone. We do not differ, gentlemen, about anything except as to the matter of utilizing the individual enterprise, the capital, and patriotism, and genius of this country. You and I agree as to the importance——

Mr. CUTCHEON. And we do not differ about the other.

Mr. BUTTERWORTH. You and I agree as to the importance of having this work done. We do not differ, then, except as to that single proposition, and as to the quantity of steel which we provide for purchasing. We make provision for the erection of a plant at Watervliet, supposed to be the best place, all things considered. We acted upon advice, selected that point, which, as I understood, is recommended by experts, civilians, and soldiers as well.

We provided for furnishing all the steel ingots that they may require. We provided for furnishing everything else that they may need in the next five or six years, but, unfortunately, we went beyond and it is supposed incurred the displeasure of three of the officers of the Government; or, what is more likely, their champions elsewhere in that we have attempted to draw against the accumulated stock of genius, wisdom, and experience of sixty millions of people in this matter——

Mr. CUTCHEON. You refer to the thirteen million test appropriation?

Mr. BUTTERWORTH. Oh, I do not refer to any tests at all. I am dealing with a proposition embodied in a clause in a bill, which provides simply for competition in the matter of producing guns, just as we have competition in the production of everything else needed for and used by the Government. Now, Captain Smith says that is fair and is right, and beyond that——

Mr. FARQUHAR. Will the gentleman now yield for one or two questions?

Mr. BUTTERWORTH. I can not yield; I have but little more time.

Mr. FARQUHAR. I want to get at some points in this connection. First of all, you ask the competitors in this country to produce for you a perfect gun——

Mr. BUTTERWORTH. Oh, no. We do not expect to get that. We will hardly attain to perfection in this world.

Mr. FARQUHAR. Now, there is not a single recommendation for the last five years in these debates but that that proposition has been brought forward and overturned. I look to this bill now simply as a business proposition. When you put $800,000 into a plant, buy steel ingots, and leave it to one or two men, a commission possibly, to pass upon the tensility and powers of the steel, and it is thrown out, where is the remedy——

Mr. BUTTERWORTH. Oh, well, I can not yield now to the gentleman to make a speech. My friend will perceive that he is ambling off into quite an argument. Nobody proposes to interfere in the direction he suggests, as I take it. He greatly misapprehends the provisions of the bill he is criticising.

Mr. FARQUHAR. But yet, as I understand you, you want them to produce a perfect gun.

Mr. BUTTERWORTH. There is no use in talking about a perfect gun. We are talking about the best gun that can be produced as well as the best steel that we can produce in this country, and that in supplying both there shall be fair competition. Now, first we fit up a plant to do the work, and provide the necessary amount of money, and then say to the Ordnance Bureau "In order to permit you to proceed with the manufacturing guns, we will give you all the money and material necessary;" but we also say to private competitors engaged in the same kind of business in this country, "If you can give us a better gun, why, let as have it, and we will purchase from you."

Mr. FARQUHAR. What government does that?

Mr. BUTTERWORTH. Every government on the face of the earth that is not office-ridden does it. Germany does it, France does it, Italy does it, England does it, and so do all nations except our own.

Mr. REED. Does either one of these governments overslaw its own officers and say that they are not to exercise any judgment in reference to the matter? Your bill proceeds upon the false theory that the Ordnance Corps is building guns in competition with certain outside parties. They are not engaged in any such thing, but in building guns which have already been decided upon, and the nature of which, as I said last night, is just as thoroughly well understood as any ordinary piece of mechanism that is constructed by man.

Mr. BUTTERWORTH. The gentleman entirely misapprehends the provisos of our bill. It neither does, nor squints in the direction he suggests. The officers mentioned are very far from being overslawed. We only seek to see to it that the private enterprise and individual right and opportunity shall not be overslawed by a few individuals, whether officers or civilians. Neither the opportunity nor the jurisdiction of the officers is abridged, but the just, right, and proper privileges of the citizens of the country are somewhat released from distressing and hampering restrictions. An examination of the bill we report will satisfy the gentleman that his criticisms are ill-conceived and unjust.

Now, it is not intended to introduce the production of guns into the field of competition, except to say to our manufacturers and to the people generally, "If you will meet every requirement of the service in the production of guns, if you can furnish to us the character of arm that is ascertained by test to be the best, then we say in determining between the gun so produced and that which the Government manufactures at its own arsenal, at least a part of the board that sits in judgment should not be of those competing." That is the difference between the gentleman from Maine and myself. He would make the competing officers (true, he says they are not competing officers) the sole and final judges between themselves and the private manufacturer.

We claim that our manufacturers and artisans have as much skill and ability and genius as our officers, *notwithstanding the fact* that we hold the latter in high estimation. When we enter upon the purchase of guns we insist that the judgment of the officers intrusted with that duty shall be exercised to enable them to utilize every gun produced by the genius and skill of this country, until by their tests and experiments they have succeeded in getting that which is of all the best. But the gentleman seeks to create the impression that because we seek to utilize every proper available resource we are unfriendly to the manufacture of guns. My friend is unjust in that, and unjust to me when in the midst of a sentence he ambles in to make some observations. When he desired me to yield to him he could have asked.

Mr. REED. Will the gentleman yield for a single moment?

Mr. BUTTERWORTH. My friend knows the time was equally divided between the sides, and his colleague will yield him such time as

he desires. If his friends had no time at their disposal I would willingly yield.

I only want to make one statement, and then I will yield the floor. I am appealing to this House to maintain its own dignity, as the Senate maintains its dignity. We do not want to violate the rules of our own body by permitting amendments in palpable violation of the rules of the Senate and against the rules of the House. This I am not willing to acquiesce in. There is a bill pending here that meets all the requirements of the situation; a bill that is in order, and conforms to the rules of both the Senate and House. The amendments sent to us from the Senate conform to neither, but are an inexcusable violation of both. The bill reported by the Committee on Appropriations does all that is demanded by the necessities, and in the matter of supplying our needs draws on the resources of the whole country. It provides that we shall pay for nothing that does not meet every proper requirement; to pay for nothing that does not stand the test of wise and prudent experiment and just judgment; to pay for nothing that does not meet the exigency that calls for its production; and yet it is endeavored to make it appear that I am unfriendly to the fabrication of guns and to providing for the public defense.

I agree that there is only one chance in a hundred for war, and I agree also that the best peace-preserver is to have such guns along our coast that no man-of-war dares to approach within range of our cities. [Applause.]

But there is a way of reaching that result by pursuing orderly methods—the usual and well-considered methods we have prescribed, and which the Senate have prescribed, and which we are willing to accept, as far as they are concerned, and they must regard so far as the maintenance of the prerogatives and dignity of this body demand. We are nearer the people than they are. This is the only representative body in our Federal system. We can hear the heart-throbs of the people; they can not. We recognize that we may grow and develop the art of war as well as the arts that pertain to peace, and we propose to give full scope to that development and so achieve in that field greater and grander results than any other nation or people.

I yield to the gentleman from Texas.

Mr. REED. Will the gentleman from Kansas [Mr. RYAN] yield to me for awhile?

Mr. RYAN. I have not control of the time.

Mr. TOWNSHEND. I desire to make the suggestion that the debate shall be alternated from side to side, and I now yield to the gentleman from Michigan [Mr. CUTCHEON] so that he may, if he desires, yield the time to the gentleman from Maine [Mr. REED], in order that he may reply as he desires to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. CUTCHEON. I have five minutes, which I now yield to the gentleman from Maine.

Mr. REED. I desired the floor to confront the gentleman from Ohio [Mr. BUTTERWORTH] who has made as thorough a misstatement, unintentionally undoubtedly on his part, of this situation as could possibly be made. I may be the reverse of an "angel" again in doing it, but I shall persevere. He has used the word competition in two different senses in the same comparison, which would amount to saying to this House that the board of ordnance is a manufacturing corporation in competition with others; and he asks if there should not be allowed a third board, composed of outsiders who might decide between them and the manufacturers with whom they are in competition.

Now, I say that it is the fundamental error of this whole discussion, and upon it is founded everything which the gentleman from Ohio has said, excepting alone that which he has been kind enough to say of me. Now, I say to you that under the laws of the United States the ordnance board are themselves constituted the judges, and they have decided that a certain gun is the best gun that can be built as far as modern science now shows, and in this decision they are backed up by the whole civilized world.

Now, long ago a certain set of men who have been unable to convince this board that their guns, which exist only in their own minds up to date, will be better guns than those which the civilized world in its judgment has approved and which alone we have got to meet in battle, began to ask that a new board shall be appointed to try the issue between them and the judges constituted by law; and they did it for the purpose of throwing opprobrium upon those who have carefully listened to their plans and found that they did not convince their judgments. How totally different is this from the picture presented by the gentleman from Ohio, to be a board constituted to decide between them and another set of manufacturers.

You are undertaking to reverse the decisions of your own constituted judges. What have we here as sensible men to do. The fictitious question is about appealing from the officers whom we have trained up at the public expense to decide upon this question, who have declared in favor of the gun of which the whole world is in favor; the very gun we have to meet; and the real question is, shall we build that gun. The gentlemen say we will build a few, and we will establish a board for the very purpose of breaking the decision of our constituted judges in order to build other guns which may or may not prove to be satisfactory. Let us rise to the height of the real information and the real facts which surround this question.

This is not a question of producing a lot of wood-screws; it is not a question of producing coils of hoop-iron. It is a question of producing an engine which it takes five years to build, and we have already wasted more than five years in this kind of conflict, in this effort on the part of some members of the Committee on Appropriations to accomplish one of two objects, either to overthrow the Board of Ordnance or not to build any guns at all. I accord to the gentleman from Ohio [Mr. BUTTERWORTH] perfect sincerity.

I think he is governed by his great idea that some general notion of patriotism and invention is going to do better than invention has already done. That is always a possibility, and the gentleman is seduced by that idea into opposition to the only practical proposition that has been before the House for years. There is another class into whose hands the gentleman unintentionally plays, and that class is a set of men who believe that no guns whatever ought to be built, that we are strong enough to defend ourselves in all possible emergencies; but I believe I demonstrated yesterday that this country is not and can not be in that position, and that no country can be in that position which is liable to be attacked by arms the like of which can not be fabricated in less than five years. What, then, is our duty at the present moment, single and simple?

It is to go to work to build guns which will meet the guns that are to come against us. If we do that it is all that we can hope to do for the present. So far as the future is concerned, let us meet that when it comes; but our trouble now is that we are not abreast of the present, and what I demand is that this House shall take practical action to bring us up abreast of the present, and not let us lose ourselves in those clouds of patriotism, of capital, of "sixty millions of people," all those glittering generalities which never yet built a cannon. [Applause.]

We have got a very plain course before us, and that is the common-sense course, to get up with the present, to be abreast of the times. And what is opposed to it? Why, some hopes as to the possible achievements of inventors in the future. What else is opposed to it? The dignity of the House, which can not endure that the Senate of the United States, an independent body, shall amend our bills unless they do it in accordance with our rules! Why, to sensible men these two objections to the sensible amendments of the Senate are really too absurd for discussion, and if personal feeling and committee feeling had not mingled with this matter I do not believe there would be the slightest hesitancy on the part of the House in concurring with the amendments of the Senate. [Applause.]

Mr. CUTCHEON. Neither do I.

Mr. ROGERS. Mr. Chairman, notwithstanding the ridicule of the gentleman from Maine [Mr. REED] of the position which the House has assumed of protecting its own dignity, there are some observations that I desire to submit to the House in that direction. When the effort was made in the Forty-ninth Congress to take from the Appropriations Committee several appropriation bills and distribute them to other committees of the House I was found among the earnest advocates of that change. Subsequently, when, as I believed, the Committee on Appropriations had usurped powers which did not belong to them by putting amendments upon a bill in violation of the rules, I assaulted the Committee on Appropriations on that proposition.

Still later, when controversy arose between that committee and another committee of the House with reference to a particular appropriation, I still upheld the integrity of the committee to whom that subject had been intrusted as against the claims of the Appropriations Committee. And now I stand here to-day to preserve the integrity of the jurisdiction of the Appropriations Committee against what I conceive to be an usurpation upon the part of another committee of this House, namely, the Committee on Military Affairs. In view of the fact that the gentleman from Missouri [Mr. BURNES] has quoted the ruling of the Speaker of this House, as well as the rulings of one of the chairmen of the committee [Mr. SPRINGER], himself a good parliamentarian, upon this precise point now presented, and has supplemented that by quoting the specific report of the Committee on Rules, it is perhaps a waste of time for me to say that the jurisdiction of this question clearly belongs to the Committee on Appropriations.

But I invite attention to one single feature of the rule which of itself demonstrates that either the Military Committee have no jurisdiction over the "military establishment" or that it has no jurisdiction over the "public defense," one or the other; the Military Committee can take either horn of the dilemma. In the original rules of the Forty-eighth Congress this provision reads as follows:

Subjects relating to the military establishment and the public defense, other than appropriations for its support.

And in the first part of the provision, containing the words "to the military establishment and the public defense," there was no comma or punctuation whatever.

But in the new rule, unlike any other provision in the rules, the language remains the same, but the punctuation is changed as follows:

Subjects relating to the military establishment—

Then comes a comma—
and the public defense—
Then comes a comma—
including the appropriation for—
For what?
for its support.

Not for their support, but for its support. What does "it" refer to? Does "it" refer to "the public defense?" If it does, you have no jurisdiction over "the military establishment." Does "it" refer to "the military establishment?" If it does, you have no jurisdiction over "the public defense." You may take either horn of the dilemma you please.

Mr. TOWNSHEND. We take both.

Mr. ROGERS. That usurpation of "taking both" is what I protest against, and in the interest of the integrity of our proceedings.

Having said that much, I now come to another question. In the Thirty-fourth Congress there was a delay for nearly two months in the organization of this House. The Senate after its organization, in its anxiety to expedite business, originated, passed, and sent to this House two appropriation bills.

What did this House do with them? In accordance with that provision of the Federal Constitution which provides that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills," the House laid those bills on the table and refused to consider them at all.

I now read what General Atkins, of Tennessee, then said on that subject, and my excellent and capable friend, the clerk of the Appropriations Committee, tells me he has verified these statements and that they are true:

The Constitution having invested this House with the power of originating all revenue or money bills, as a necessary and logical deduction it has ever been the uniform practice of the Senate to concede to the House the right to originate the general appropriation bills with one or two exceptions, in which cases the House as promptly denied the power of the Senate, and asserted its exclusive right to originate them. As in the Thirty-fourth Congress, the House failing for over two months to organize, the Senate passed two of the general appropriation bills and sent them down to the House, whereupon the House at once laid them upon the table, refusing either to consider them or refer them to a committee. This power was again conceded by the Senate in the case of the tariff-compromise bill of Mr. Clay, in 1833.

The great lights of the Senate in that day took the ground that the bill trenched upon the prerogatives of the House, and was therefore unconstitutional. Mr. Webster was prominent in declaring it unconstitutional, and Mr. Clay himself conceded it virtually by taking up an exactly similar bill that had passed the House and had it substituted for his own, laying his upon the table.

Now, let us look at this question in another view. Here in our rules is a provision giving jurisdiction over fortifications to the Committee on Appropriations; here in our rules is another provision giving jurisdiction over the military establishment and appropriations for its support to the Committee on Military Affairs. The Committee on Military Affairs reports the Army appropriation bill, over which subject-matter it has jurisdiction, the House passes it, and it is sent to the Senate. The Senate substantially, though indirectly, places upon the bill a separate, independent appropriation bill, embracing a subject over which the Committee on Military Affairs has no jurisdiction whatever, to wit, fortifications.

Mr. TOWNSHEND. That is a matter of opinion, whether it has or not.

Mr. ROGERS. Let me go on in my own time. That is the attitude in which we are placed. Yet we are told that we, the representatives of the people, those who come fresh from the people every two years, are to surrender the power and authority conferred upon us by the Constitution, the power to originate these measures, and, moreover, that other provision of the Constitution which gives the House of Representatives the right to establish its own rules of procedure, is to be subverted, nullified, and the orderly and decent disposition of the public business in the House of Representatives set at defiance.

Mr. Chairman, that is what I protest against. And, sir, when either by inadvertence or error a committee of this House has sent to it a bill over which it has no jurisdiction, and when that bill comes back, seeks to have it considered, I insist that the House should do with such committee as it did with the Appropriations Committee in the Forty-ninth Congress, rebuke it for its usurpation of power, in order that we may preserve our system and methods of disposing of the public business.

Mr. CUTCHEON. To what does the gentleman refer?

Mr. ROGERS. I allude to the bill in the Forty-ninth Congress of which the gentleman from Indiana [Mr. HOLMAN] had control.

Mr. HOOKER. May I ask the gentleman a question?

Mr. ROGERS. No, sir; not at this time.

Mr. HOOKER. I do not wish to interrupt the gentleman without his consent.

Mr. ROGERS. Very well; I will hear the gentleman.

Mr. HOOKER. Why did not the House "rebuke" the Committee on Military Affairs when they reported the bill, and when it was passed in the House?

Mr. ROGERS. That is about as irrelevant a question as I supposed it would be. We know that these things are done inadvertently; erroneous references are constantly made; corrections of such errors are made every day. Members do not hear everything that takes place in the House. No answer is needed to a question like that.

Now, Mr. Chairman, let us stop and look at the consequences of this method of procedure. On yesterday, if you will refer to the public records, you will find that in the Senate of the United States (if I may be permitted to allude to those proceedings) an attempt was made to place on the sundry civil appropriation bill appropriations for public buildings; not only that, but also an amendment in regard to refunding the direct tax. And it was said then and there that if provision was put on the bill for one public building, provisions for every one of the public buildings should be put on that sundry civil bill, amounting to nine millions, I believe. Thus there would be taken away from this House and from the Committee on Public Buildings and Grounds that jurisdiction which properly belongs to them in the orderly, decent, respectful method of disposing of public business. Moreover, that bill would place the President in the position of being coerced to sign it with all these public-building appropriations in it, or else veto it and cripple the Government. Would we submit to such an unusual, unjustifiable proceeding?

Mr. CUTCHEON. Is it not customary in this House to put provisions for public buildings on the sundry civil bill?

Mr. ROGERS. The gentleman will please excuse me. His remark is entirely irrelevant to the issue I am making.

I say that the proposition now presented is an initial point in a policy which looks to subverting and destroying the responsibility of the separate committees of this House for the legislation intrusted to their care. It is against this I protest.

Mr. Chairman, if the Senate of the United States in its judgment sees fit to refuse to observe that unwritten law of courtesy and comity between the two Houses which looks to the orderly, decent, and respectful consideration of the public business, I conceive it my duty to enter my protest, and if necessary to sit here until the 4th day of next March protesting in every proper way consistent with parliamentary law against such a proceeding. And I never will, Mr. Chairman, willingly, knowingly surrender the power conferred upon this House by the Constitution and which is properly exercised by the representatives of the people—never. [Applause.] We may just as well make the stand here as later on when they seek to go further.

It is due to the Senate of the United States to say that when the attitude in which it was sought to place the House and the President was brought to its attention it voted down by a yea-and-nay vote the proposition to place public buildings on the sundry civil bill out of the usual and regular method of proceeding with regard to them. So they conceded by their own practice, by their own votes, by the unwritten law between the two Houses, that that was improper and could not be justified. Not only did they do that, but most distinctly did the ablest gentlemen on both sides of the Senate Chamber condemn it openly and above board as improper and unwarranted. Shall we in the House do less? Have we less respect for ourselves than they concede to us? If so, Mr. Chairman, we are unworthy to represent our constituency and to be intrusted with the powers vested in us by the Constitution of the United States. [Applause.]

Mr. TOWNSHEND. I now yield five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, allow me to call the attention of the committee to certain general considerations germane to the merits of this matter. The Committee on Military Affairs now and heretofore have tried to give the country some means of defense, and in attempting to do this they have heretofore, as now, met with the opposition of the Committee on Appropriations. We are trying to defend the coast and harbors of the country in a manner demanded by the safety and honor of the nation, and the only opposition we have ever met with during my service in Congress is the opposition of the Committee on Appropriations. That committee prefer their own dominion to the safety and defense of the country.

We are here to-day seeking to do for the coast and harbor defense of this country exactly what the Committee on Naval Affairs has been permitted to do for the defense of the country's property and honor on the seas.

Under the present rules the Committee on Appropriations claims the exclusive jurisdiction over all matters pertaining to the public defense. Conceding this claim, sir, as justified by the rules as construed in the Forty-ninth Congress, what of it? The country is interested not in their possession but their use of power.

The present rule under which they claim and exercise this power was adopted by and has been in force since the Forty-sixth Congress; for ten years this committee has had this power and refused to use it, except to defeat action, and now the only use to which they propose to put it is to defeat affirmative action which they for ten years have failed, refused, or neglected to take. If this statement of the attitude of this committee toward this legislation is not correct, will not some gentleman of that body tell me why it is that they never formulated a bill for the purpose of the common defense until the Army appropriation bill as amended by the Senate was returned to the House?

The failure of this committee to act in the past explains their attitude of obstruction to the only possible action that can be taken now,

and compels thoughtful men to believe that their activity to-day is born rather of a determination to dominate our councils than to originate or permit legislation.

It is not my purpose, Mr. Chairman, to thrash over the dry straw of a profitless discussion about conflicts of jurisdiction between this and the other House of Congress, a discussion in which the opponents of legislation seek to supplement an unreasonable opposition by an unjustifiable prejudice.

Had the Senate jurisdiction of the Army appropriation bill? If they did, then how can this House call in question the limits of that jurisdiction? Under the Constitution the Senate, as the House, are and must be the judges of their own power, and conceding this, as we must, as a fundamental condition inherent in this as in all legislative bodies, be estopped from setting our limits to the exercise of their power.

The only technical question now within the reach of the House is the question whether the management of the Army appropriation bill as an entirety now under the rules of the House properly belongs in the hands of its Military Committee.

If this be conceded that ends all contention on this point—and upon this the gentlemen have expended their energy.

The sole question rightfully involved in this discussion is whether the Congress wants any legislation whatever looking to the armament of this country for coast and harbor defense.

The animus of the opposition to the House Army bill as amended by the Senate is not based on any fear of or resentment to an invasion of the powers of the House or an infraction of its rules; it is inspired solely and alone by opposition to the legislation contained in the Senate amendments to the House bill.

HISTORY OF THIS LEGISLATION.

March 13, 1888, the bill H. R. 8465 was reported to the House as an evidence that the Military Committee meant to secure legislation if in their power.

The House, of course, understands that the bill providing for public defense (H. R. 8465) is the bill from which the Senate in substance took its amendments, added to the House Army appropriation bill now under consideration.

The anxiety of the Committee on Appropriations to secure legislation can be argued from the fact that the fortification bill of that committee was reported July 26, 1888, after the Army bill amended by the Senate was passed by that body with amendments and returned to the House.

Discussing the merits of the Senate amendments, the principal objection seems to be that the amount of steel, $5,000,000, to be purchased is too much. If $5,000,000 on the Army bill is too much, what is to be said of the $19,000,000 covered by the bill of the Committee on Appropriations? The point sought to be made and the ground of the objection is that the $5,000,000 provided for rough gun-steel in the House bill is to be expended in one year. This is not so. The sum, by the terms of the bill, is to be expended in three years, and this gives the yearly amount said to be sufficient by the captain of Ordnance, Smith, namely, $1,500,000.

Mr. Chairman, the naked question presented to the House is whether it will refuse the arrogant effort of the Committee on Appropriations to usurp power, or whether it will rob the country of its needed defense provided by this bill, which stands now within the possibility of passage.

Sir, where are our defenses of which gentlemen speak; of guns or carriages for guns; of emplacements for guns and carriages; of defensive works of earth or iron or other devices known to war for the protection of guns if in possession; of shot, or shell, or powder? There are none; we are defended to-day solely by our fame and the convenience of those that would be our enemies.

The old forts and earth-works are gone, the guns rusted to uselessness, the arsenals empty, the very *locus* of the ordnance upon which the defense and honor of the nation rest is forgotten, and for the resurrection of its fallen and forgotten defenses the country has looked to the Committee on Appropriations since the day of the adoption of these rules in the Forty-sixth Congress, and has looked in vain.

Can you complain that the nation, looking upon her desolated defenses, shall, through her Representatives on this floor, ask for an intelligent and fearless resolution to act or refusal to act in her defense at once?

This is not a question of committee. It is a question of country and its needed defense, and I demand that this bill, which is the only hope for legislation at the hands of this Congress, shall not be killed by an immaterial quibble over courtesies or committees, but passed in deference to a great land whose peace is menaced by its helplessness.

Mr. BAYNE. The distinguished gentleman from Maine [Mr. REED] has stated that commissions are the pest of modern civilization. I agree with him, and am somewhat inclined to think the commission appointed to locate a national foundry is not wholly an exception to the rule which he has laid down. I confess to very great surprise when I read in the bill that the national foundry was to be located at Troy, N. Y., in pursuance of the recommendation of the commission. I do not believe it was a natural location at all, and I can not imagine that it was.

I favor, however, to some extent, the construction of large guns, so that we may have a coast defense, and if there were no other way by which large guns could be obtained than by a national foundry I would favor the project. I shall vote, therefore, for the proposition of the Committee on Military Affairs, but with some degree of reluctance. I entirely agree with my friend from Ohio [Mr. BUTTERWORTH] in the expression that the resources of the country should be called upon with reference to the construction of cannon. I can not help but think the officers of the Ordnance Department are not entirely just in their decisions. I am informed that one of these officers is the patentee of a cannon himself.

I can not believe a man who took out a patent upon a gun which he invented would be a very impartial judge of a gun invented by another man. I believe all the resources of the country should be sought; but I disagree with my friend from Ohio on one point. I insist the Ordnance Bureau should be consulted in this matter so long as it is a part of our system, but that does not exclude us from availing ourselves of the best information to be obtained elsewhere. I believe outsiders will present models for guns, and public opinion will come to the rescue, and in the course of time the best will be taken.

Mr. CUTCHEON. Will the gentleman allow me a single question in order to prevent a misapprehension?

Mr. BAYNE. I have so short a time I can not yield. I propose to offer an amendment to section 3 by striking out the words "Watervliet arsenal, West Troy, N. Y.," and to insert "Allegheny arsenal, Pittsburgh, Pa."

It seems to me that if this Gun Foundry Commission or Board desired to secure the best place for a national foundry and had taken into consideration all the facts, it would have chosen Pittsburgh, Pa., in preference to any other point in the whole country, and for many reasons. First, because it is centrally located; secondly, because it is in the interior part of the country, not easily approached by an enemy from without; thirdly, because we have all the materials, scientific men, skilled artisans, and everything requisite for the construction of guns. Any foundry that might be established at West Troy, N. Y., will obtain their steel from Pittsburgh. It will have to be transported from Pittsburgh to West Troy, be worked up there, and then it will have to be transported again to its point of destination.

Then West Troy is not well protected. The Hudson River is navigable to that point, and the same forces that could invade the coast at New York City could go to West Troy and destroy the national foundry. So that to locate a foundry at a place like that is rather an anomaly.

We have, moreover, in Pittsburgh the really skilled mechanics, and we have the most remarkable facilities for transporting heavy ordnance that are to be found anywhere in the world. The Pennsylvania Railroad Company agrees to transport a hundred-ton cannon. We have water communication by which we can transport the heaviest ordnance everywhere through the South and Southwest. Having all these facilities, having skilled artisans, having the material, and having the means for manufacturing the best possible steel, I think it must be apparent to the minds of everybody that the best location for this national foundry would be Pittsburgh.

Mr. HOOKER. What depth of water have you?

Mr. BAYNE. Ordinarily we have not a great depth of water, but when the flood season comes we run out boats drawing 8, 9, and 10 feet of water. We have abundant facilities for taking out in one fleet 600,000 bushels of coal in barges occupying nearly four acres. A hundred-ton gun could readily be put upon one of these barges and shipped out during the flood.

Now, sir, I suppose there is little prospect of getting a national armament unless we establish a national foundry. This Government seems to be so niggardly with reference to making contracts with outsiders, and then it seems to be so slow in paying them when they are made, that there are few who are willing to contract for a plant necessary to make these large guns. But we have now a new method of making guns.

My friend from Maine says that it takes five years to make one of these built-up guns. We are now making a gun which will not take more than five months, and if that gun shall prove a success it will totally obviate the necessity for the long delay. That gun is a solid casting of steel, bored out and rimmed down. One of these guns is now at the navy-yard.

Suppose that system should revolutionize the methods of making large cannon. Suppose that gun, after having been tested, should turn out to be an excellent gun, as good as those that are built up, then of course that would be the plan that would be hereafter adopted, because we can make those guns in five months instead of taking five years. And if we make them in five months, where do you want the material and where do you want your gun foundry? You want the foundry where the material is. Where is the material?

Why, at Pittsburgh. The very material out of which this gun was made was cast in Pittsburgh, and why a national foundry should be established at a point like West Troy, N. Y., where these heavy castings would have to be taken from Pittsburgh for the purpose of making the gun is one of those mysteries that can not be explained upon any business principles. It is susceptible of some sort of an explanation, I presume; but it can not be explained upon business principles, because if that is to be the gun of the future it certainly should be made where the material is.

Another advantage that would result from the location of the national foundry at a point like Pittsburgh would be that outside sources would be drawn upon. We have men among us, men distinguished

for their knowledge of the fabrication of guns and all other kinds of steel and iron manufactures. Those men would criticise the work done in a national foundry. They would say what they thought about the character of the work. We have newspapers, too, which would publish such criticisms. It must be apparent that where there are the most people who know how a thing should be done is the best place to have the thing done. Therefore I hope the committee will adopt my amendment when it shall be offered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON. I wish to say to the gentleman from Pennsylvania that we had a cast-steel experimental gun in our bill, but it was stricken out because the Navy Department was already experimenting in that direction.

Mr. DUNN. Mr. Chairman, I doubt the propriety of any more talk in the House upon this subject, but perhaps it may clear the atmosphere if we get at the real question presented for our consideration. Now, I confess that on yesterday evening I was a little shaken up and put upon consideration as to whether or not the House was not about to be invaded in some dreadful manner by some wicked and evil-minded persons who had not the fear of our rules before their eyes; but after I had taken time to deliberate and collect my thoughts and settle my nerves I concluded that after all there was not much blood upon the moon [laughter], and so concluded that this was all a "tempest in a teapot."

There is but one question presented for consideration. The gentleman who argued this question yesterday did not contend that there was any question presented of the privileges of the House, but they did contend that there was some great question presented of the dignity of the House, whatever that may be. It is contended that the amendments are contrary to the rules of the House; and again that it is some sort of violation of the privileges of the House.

All will agree that the Senate and the House are independent, coordinate bodies. One of the exclusive privileges of each is to adopt rules to govern its own procedure independently of the other, and neither one is bound by the rules of the other, nor bound to take notice of them. Questions of the privileges of each House are not matters created by or dependent upon rules. Those questions do not stand upon the rules of the House or of the Senate. They stand upon no such flimsy basis. If they did, they would long ago have been brushed away. They are fixed and settled by the Constitution and laws of the country. Neither House is bound by the rules of the other.

Each House is bound to take notice of and respect the privileges of the other. Now what have we presented here? A question of order? Certainly not. That was presented when the bill was brought in by the Committee on Military Affairs, and these amendments, or provisions similar to them, were stricken out on a point of order made in the House, because they were not within the jurisdiction of the committee; and the House then went on and passed a supply bill for the Army and sent it to the Senate. That body, in the exercise of its constitutional function, made certain amendments. With those amendments this House is called upon to deal before the bill can become a law. Can anybody make a point of order against those amendments under the rules of the House, and have them ruled out? If so, the gentleman from Texas [Mr. SAYERS] ought to have made the point and had them ruled out, but he has confessed that he could not do it. The rules of the House do not apply to such a case. It is not a question of the privileges of the House. One of the great constitutional privileges of this House is the privilege to originate all bills raising revenue, and, by immemorial custom, acquiesced in by the other House, and the common law of the parliament, to originate all bills for appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNN. I would like a few minutes more.

Mr. TOWNSHEND. I have yielded five minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. I yield one minute of my time to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. Has this constitutional privilege of the House been invaded? All will agree that that question is not presented here. The Senate have not originated in this instance either a bill raising revenue or a bill making an appropriation. They have simply amended this bill.

They have put on amendments which, not in amount, but in substance and in purpose, have been agreed upon by the Senate and by the Committee on Military Affairs and by the Committee on Appropriations. So that the simple question presented, and the only question is, shall we agree to these amendments of the Senate or disagree to them, or agree to them with an amendment reducing the amount? Now, the dignity of the Appropriations Committee will be perfectly conserved, and the purpose of the committee will be accomplished, if they will move to non-concur in the Senate amendments and substitute their own bill for those amendments. We will all vote for that, and thus their purpose will be accomplished.

Mr. TOWNSHEND. I have agreed to yield five minutes to the gentleman from New York [Mr. SPINOLA], one minute of which has been yielded to the gentleman from Arkansas [Mr. DUNN].

Mr. SPINOLA. Mr. Chairman, as one member out of eight from the city of New York, I desire, without taking any part in this controversy between the two Houses (for I have no time to do so) to call attention to a single question which was propounded by the gentleman from Ohio [Mr. BUTTERWORTH] to Captain Smith, when he was under examination on this question before the Committee on Appropriations:

Mr. BUTTERWORTH. You regard this country as practically in a defenseless condition?

Captain SMITH. I do.

Mr. BUTTERWORTH. If a war should break out to-morrow with England, the cost of a thousand plants and a thousand guns might be lost in one or two cities alone within ninety days?

Captain SMITH. Yes; roughly speaking.

Now, what we want in the city of New York is the guns. We want this House to appropriate the necessary money to purchase steel, and then to have guns made of the very best kind known up to the day of their construction.

The question which I have read, as put by the gentleman from Ohio in the examination before the Committee on Appropriations, is a pertinent one. It does not matter how pleasantly disposed England may appear toward us at the present time, or how she may smile upon us, if war should suddenly arise with that nation the city of New York would be in a defenseless condition and unable to protect herself. Our deep waters would be of easy access to the ironclads of England. She has to-day the best ships afloat, with 20 inches of armor, which no gun now in existence on the American continent could penetrate. We have in course of construction one gun fit for such a contest, if it were in proper position.

Sir, if a war with England should break out suddenly, from four cities on the seaboard—Boston, New York, Philadelphia, and Baltimore (leaving out Portland and all the others), a ransom would be demanded sufficient to pay the entire debt of England, and not only that, but the exchequer would be examined to see how much had been charged against the American colonies during the war of the Revolution, and how much it cost Great Britain to carry on the war of 1812. To these amounts the interest would be added, and those cities would be told that they must make good these sums.

Let me ask this House whether it is prepared to place the seaport cities of the country in a position where they could be called on, as they would be in the event of such a war, to pay the entire debt of England and all the expenses of the two wars with that country in which we have been engaged?

My time is too limited to discuss this question properly. With these remarks, I surrender the residue of my time to the chairman of my committee [Mr. TOWNSHEND] to be disposed of as he thinks proper.

Mr. TOWNSHEND. I yield the remainder of the time to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Chairman, the only issue in this long debate is whether the House shall concur or non-concur in the Senate amendments. The sole ground on which opposition is offered to non-concurrence without instructions is a matter of dignity, the Committee on Appropriations assuming that if the House should fail to non-concur without instructions its dignity will have been sacrificed to the usurped authority of the Senate.

Mr. Chairman, the Appropriations Committee claims special jurisdiction over this matter by virtue only of the fact that, according to the rules of the House, it has control of the fortification bill when one is reported. But that committee takes holiday, as it were, whenever it suits it in regard to the reporting of any fortification bill at all. It is only now and then that it does such a thing. It would not in all probability have done so now if the Senate had not incorporated in the Army appropriation bill the substance of a bill which the House Committee on Military Affairs had almost unanimously reported to this body; so that unconditional non-concurrence is what the Committee on Military Affairs wants, while non-concurrence with instructions to incorporate substantially the Appropriation Committee's fortification bill is what that ambitious and jealous committee desires. It is merely fighting to reassert its ancient universal jurisdiction.

Sir, it is a well-known fact that since our civil war the United States have done but little towards improving their Navy or their Army. Apprehending no invasion from abroad, no insurrection at home, we have failed to do anything in the way of experimentation, and we have permitted the world to go on improving both its military and its naval appliances while we have been waiting to see what costly experiment and science might develop in other lands.

Sir, we do not need any fortifications. Our civil war demonstrated that a mound of dirt is the best fortification that human skill can use in erecting a fort. We need only guns, ordnance and ordnance stores for our forts. Provision in this respect, by converting the Washington navy-yard into a gun factory, has been made for equipping the Navy; and this bill simply proposes to do the same thing for the Army, and provides plenty of steel for both branches of the service as well as to secure suitable guns for fortifications. I am sorry, sir, that I can not even begin my remarks fairly before I have to stop. As I see the Chairman's gavel is up, I can but go down in my seat.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to non-concur in the amendment of the Senate numbered 26.

The amendment was read, as follows:

Insert:

"For repairs to the sea-wall and wharf at Willets Point, New York, $2,500."

Mr. TOWNSHEND. I move non-concurrence in that amendment.

The amendment was non-concurred in.

The twenty-seventh amendment of the Senate was read, as follows:

Insert the following:

"For repairs to the works on old Fort Barrancas, in Pensacola Bay, Florida, $1,000, or so much thereof as shall be necessary."

Mr. TOWNSHEND. I move non-concurrence in this amendment.

The amendment was non-concurred in.

The thirty-third amendment of the Senate was read, as follows:

For the manufacture or purchase and tests of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, and increased facilities for their manufacture, powders, fuses, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $600,000: *Provided*, That all purchases of materials under this provision, excepting samples, shall be of American manufacture: *Provided*, That of the above sum $10,000 may be used for increasing facilities for the manufacture of projectiles.

Mr. TOWNSHEND. I move non-concurrence in this amendment.

The amendment was non-concurred in.

The Clerk proceeded to read the amendment numbered 35.

Mr. TOWNSHEND. Mr. Chairman, that amendment embraces seven sections of the bill. It has been read over time and again, and has been inserted in the RECORD in the proceedings of yesterday. The first portion of it relates to the purchase of real estate adjoining the military reservation at West Point. The third, fourth, fifth, sixth, and seventh sections relate to the establishment of the gun factory and the purchase of steel forgings, and that I understand is the portion of the amendment to which the gentleman from Pennsylvania [Mr. BAYNE] wishes to offer an amendment. I ask, therefore, for the purpose of saving the clerks the necessity of again reading this lengthy amendment, that the gentleman from Pennsylvania may now be permitted to offer his amendment.

Mr. CANNON. Let the several paragraphs of the Senate amendment be subject to amendment, as they are reached in their order.

Mr. CUTCHEON. I desire to make a suggestion. As section 2 of the amendment relates to West Point, in regard to which the committee has unquestioned and conceded jurisdiction, that that portion of the amendment be non-concurred in.

Mr. TOWNSHEND. The Chair has already held that that being a portion of section 35, it could not be considered separate from the rest of the amendment. My motion is to non-concur in the entire amendment No. 35, which embraces also that point.

The CHAIRMAN. Is the request of the gentleman from Illinois to dispense with the reading of the amendment objected to?

There was no objection.

Mr. TOWNSHEND. Now my motion is to non-concur in this amendment 35.

Mr. BAYNE. I move to concur, with the amendment which I send to the desk.

Mr. CANNON. Before that I desire to raise a question of order.

Mr. CUTCHEON. I ask unanimous consent that section 2 of the amendment be unanimously considered as non-concurred in. It relates to West Point.

Mr. TOWNSHEND. I have already made that request; it was made on yesterday and the Chair stated that it could not be done.

Mr. CUTCHEON. It can be done by unanimous consent, I presume.

The CHAIRMAN. Not even by unanimous consent.

The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The amendment of Mr. BAYNE was read, as follows:

In section 3 strike out in lines 4 and 5 the words "Watervliet arsenal, West Troy, N. Y.," and insert "Allegheny arsenal, Pittsburgh, Pa.;" so that if amended it will read as follows:

"SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Allegheny arsenal, Pittsburgh, Pa., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000."

Mr. TOWNSHEND. I make the point of order upon that amendment, that it is not in order in the Committee of the Whole——

The CHAIRMAN. But the motion is to concur with an amendment.

Mr. TOWNSHEND. I hold that it is not in order.

Mr. RYAN. I do not understand the proposition of the gentleman from Pennsylvania, whether it is to concur in section 3 of the Senate amendment, or to concur in the whole amendment of the Senate with an amendment.

The CHAIRMAN. It must be to concur in the whole amendment, or otherwise it would be out of order.

Mr. BAYNE. I made the motion in that form.

Mr. TOWNSHEND. To concur in amendment No. 35 of the Senate with the amendment suggested by the gentleman?

Mr. BAYNE. That is my motion.

Mr. TOWNSHEND. I raise the question of order upon it anyway.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. FARQUHAR. I make the further point of order against the amendment that the selection of Allegheny arsenal for the location of this establishment is not in accordance with the recommendations of the Gun Foundry works.

The CHAIRMAN. That is not a question of order, the Chair thinks.

Mr. BAYNE. The inquiry of the gentleman from Illinois [Mr. CANNON] was whether or not the respective sections of this amendment should be taken up and amended separately.

Mr. CANNON. The Chair has held that to be in order.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania to concur with an amendment.

The motion was rejected.

Mr. CANNON. Now, I desire to amend the motion to concur with the following amendment, which I ask to have read.

The Clerk read as follows:

Resolved, That it is the sense of this House that the managers on the part of the House, in conference on House bill No. 10334, should not agree to the Senate amendment numbered 33, and to sections 3, 4, 5, 6, and 7 of Senate amendment numbered 35, or agree to a modification of the same.

Mr. TOWNSHEND. I raise the point of order upon that.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. The point of order is that it was decided on yesterday by the then occupant of the chair that it is not competent to instruct conferees in Committee of the Whole.

Mr. CANNON. We are considering this bill in Committee of the Whole. It is not competent to concur or non-concur in the Committee of the Whole, but it is competent for the Committee of the Whole to consider this bill under any parliamentary motion, and agree upon any recommendation that it sees proper to make to the House. If the amendment should be adopted to the motion of my colleague, then the committee could recommend to the House that there should be non-concurrence with this expression of opinion on the part of the committee, and if the House adopted it that would be the end of it.

Mr. TOWNSHEND. The gentleman has not answered the point of order I made. He shows no reason why the decision of the Chair on yesterday afternoon should be overturned.

The CHAIRMAN. The present occupant of the chair is only temporarily occupying it, and does not feel like overriding, even if his judgment was in that direction, the action of the permanent occupant of the chair. He thinks that the proposition at this time is not in order.

Mr. CANNON. Is the motion to non-concur in order?

The CHAIRMAN. It is.

Mr. CANNON. Then, certainly any parliamentary motion that is germane thereto as an amendment is in order, and must necessarily be so. I think the present occupant of the chair must have mistaken the ruling of yesterday.

Mr. TOWNSHEND. My friend must admit that the committee can not appoint conferees. None have been appointed; and we can not instruct them until they are appointed.

Mr. BURNES. The gentleman is mistaken in that. It has been decided heretofore that the House could instruct its conferees even before appointed.

Mr. TOWNSHEND. But not in the committee. The question is to instruct the conferees.

Mr. HOOKER. In Committee of the Whole?

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. My parliamentary inquiry is whether or not the pending motion is that the committee recommend to the House to non-concur in the Senate amendment? Is that not the pending motion?

Mr. CANNON. I will settle the whole question by withdrawing the amendment.

Mr. TOWNSHEND. All right.

Mr. CANNON. Now, I rise for the purpose of debating the pending motion.

The CHAIRMAN. The gentleman from Illinois will be recognized for five minutes, under the rule.

Mr. CANNON. In the five minutes I have I do not want to discuss the question about the jurisdiction of the Committee on Appropriations and that of the Committee on Military Affairs. I think it is conceded upon all hands that if this matter were here without the amendments from the Senate the Committee on Appropriations would have jurisdiction under the rules of the House. I want to talk a minute about the merits of this proposition. It was first a proposition to expend $750,000 at the New York arsenal at Troy. That proposition is well enough. I am not objecting. The Committee on Appropriations, that has jurisdiction under the rules, has a proposition for the same thing; so that there is no point there. Practically it is outside of the question altogether.

What is the next Senate amendment? The proposition is to purchase $5,000,000 worth of steel to make guns. The fortifications bill reported by the Committee on Appropriations, now on the Calendar, proposes to buy a million and a half dollars' worth of steel; and right there upon these two propositions develops very largely this contest. I am inclined to think after investigation and listening to this discussion that it is not wise to buy $5,000,000 worth of steel, because the report of the Secretary of the Navy states that we already have a contract of $4,000,000 in connection with the Navy that brings a plant that cost two and a half millions in Pennsylvania.

The complaint has been made that there was no plant sufficient to

make these large guns; but we have got a plant; and there were half a dozen bids when the contract was given to the works at South Bethlehem. By the report that was made we have got as good a plant to make the steel forgings for 12-inch guns as any in the world, at a price not exceeding $2,500,000.

Mr. SOWDEN. Will the gentleman yield for a question?

Mr. CANNON. I have no time to yield; I will later. This steel is bought at 40 cents a pound under this contract. It brings a plant with a capacity enough for all time to come in this country in peace or in presence of war to make all the steel you want. Now, is it wise to expend this $5,000,000 in steel before it is needed? Is it wise to buy it ten years in advance of necessity and contract for it at present prices? I think not. The Committee on Appropriations who introduced the fortification bill think not, and therefore put it at one million and a half instead of $5,000,000 worth.

Now, then, one further word. This is substantially the difference between the two committees (waiving all questions of dignity) so far as the making of guns in connection with the Ordnance Office is concerned. Now the Committee on Appropriations put in a single clause in this bill which makes a proclamation to everybody in the United States who makes steel, "Make guns as perfectly as you can at your own expense. Compete with each other and then bring your guns to the Government of the United States and have them tested, and if a board of three civilian engineers, and three Army officers to be appointed by the President of the United States, says that any one of you has the best gun in the world, we will make a contract with you."

I think that is a pretty good scheme and a pretty good proposition. The Committee on Appropriations has made that proposition. The Committee on Military Affairs has not. In this matter everybody wants to make an appropriation. But I think it would be wise on the part of this House to express the opinion that the House conferees of the Committee on Military Affairs should not consider these items in the amendments of the Senate except to strike them off; and then the bill of the Appropriations Committee, which is on the Calendar and contains both of these propositions, can be called up and considered, and sent over to the Senate in the ordinary way. That is my notion, and I think that is the way it should be done.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WHEELER. Mr. Chairman, I believe that in all matters pertaining to the Government the utmost economy should be exacted, but it is equally important that we should distinguish between that economy which is true and that which is only apparent. I am convinced we should at once inaugurate measures which at least promise to enable us to keep pace with the other great nations of the earth in matters of national defense. In 1865 our monitors amazed and perplexed European nations. Now, in everything that pertains to naval armament and national defense, we are very far behind many other nations.

My friend from New York, General SPINOLA, says, very correctly, that these powerful and thoroughly-equipped nations could and probably would in case of war threaten to destroy our seacoast cities, under penalty of a ransom amounting to millions of dollars. I have heard no one contend that such a result is not quite possible, and the only answer I have heard advanced is that we would finally equip ourselves and compel the impudent nation to make full restitution.

No doubt we would do so; but would it not be well, by a small and judicious and timely expenditure, to make such a humiliation impossible?

Some gentlemen say that better guns will be invented, and therefore we ought to wait until we can spend our money to secure the best style and most perfect pattern. It should be remembered that a country must have men specially educated and trained to the execution or performance of the class of work necessary to provide the best character of armament, and even if better guns are invented at some future day we might find it difficult to construct them unless we had workmen of experience.

I have a great respect for the distinguished gentlemen of the Appropriation Committee, and would be among the last who would invade their prerogatives, but I think they will admit they have not accorded the question of armament the consideration it merits.

It is immaterial to the House, as it is to the country, which committee controls the matter. The committee which will act is the one wanted at this time. The country demands prompt, but cautious, intelligent, and conservative action.

It really seems to me that the question of national armament is one of such importance that a separate committee should control the subject.

National armaments run so imperceptibly into the matters connected with both naval and military affairs that it is sometimes difficult to determine to which branch they most appropriately belong. It appears to me that it would be very proper to have a committee composed of seven members of this House to whom all questions pertaining to armament should be referred. Three members of this committee might also be members of the Naval Committee and four might be members of the Committee on Military Affairs.

I am unalterably opposed to a large army, and I do not know a better way to prevent the necessity for an augmentation of our military force—so important to be avoided—than to keep up with the world on the question of material armament.

A gun does not eat rations, wear clothes, or draw pay, but it is always on hand for duty, and can easily be moved to the place where it is most needed.

There is another aspect of the subject worthy of careful thought. Any day questions may arise which require diplomatic correspondence. While the utmost courtesy should characterize this correspondence, the dignity of the nation demands that the language of its officials should frequently be firm and decided, and the world should be made to know that we are prepared to back our words with action should such a course be necessary.

Our people do not seem to fully appreciate the efforts made by foreign governments to maintain a military and naval organization.

These nations have found that measures of defense can not be perfected without constant and determined exertion.

We have had quite recent exemplification of the fact that nations whose martial process once electrified the world have been crushed because they neglected to give these matters the consideration which their importance demanded.

The people of France have never lost that love of military glory which they inherited from the great Napoleon and the soldiers and leaders of his time, yet on account of the imperfect preparation caused by inferior administration during the imperial reign of his nephew France was overcome by a people who for a century they had regarded as by no means their equal in all that pertains to war.

Mr. SAYERS. Did not France have abundant guns?

Mr. WHEELER. No; that was the great trouble. When the armies of France were put in the field they found themselves without proper armament for successful war. Their guns, ammunition, and equipments of all kinds were inferior and by no means equal to those of their recently-despised adversaries, and it was on account of this want of preparation that proud, martial France was in a few months overrun by the better equipped and better organized armies of Kaiser William, of Prussia. There was nothing lacking in the courage and soldierly spirit of generals and other officers and the rank and file of the French army, but all their woes were due to their being hurled into war with imperfect and inadequate preparation.

That the same spirit still exists in the hearts of Frenchmen is indicated by their devotion to any leader who gives even a faint promise of the restoration of their former great prestige.

It was because Boulanger seemed to give such promise that the French people so earnestly flocked to his standard, and it was only when further developments indicated that they were mistaken in his qualification for this one great purpose that their support became less zealous.

Our people are so patriotic, brave, determined, and zealous that we are too apt to rely upon these noble qualities of Americans, and pay too little regard to material elements of defense. We should always bear in mind that the blood of such a people is too precious for one drop to be unnecessarily spilled.

To illustrate the great disparity of our ability to defend ourselves against attack, I beg to call the attention of the House to a list of some of the vessels of foreign nations which have been recently built.

I prepared the data contained in this table two years ago, and gave a list of these ships in two tables which appeared in my speech in Congress of June 18, 1886.

I have condensed them in this table, but I should say that late improvements by foreign governments have made the disparity against us even greater than is shown by these figures.

Guns afloat ranging possibly 9 or 10 miles or upward.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
England	Conqueror	12	24 0	2	12
	Colossus	18	26 3	4	12
	Edinburgh	18	26 3	4	12
	Collingwood	18	26 3	4	12
	Rodney	18	25 3	4	13.5
	Benbow	18	27 0	2	17
	Camperdown	18	27 3	4	13.5
	Howe	18	27 3	4	13.5
	Anson	18	27 3	4	13.5
	Hero	12	24 0	2	12
	Renown	18	27 3	2	16.25
	Sanspareil	18	27 3	2	16.25
	Inflexible	24	25 4	4	16
France	Amiral Duperré	21.6	26 9	4	13 4
	Dévastation	15	24 11	2	10.6
	Foudroyant	15	24 11	4	13.4
	Terrible	19	24 7	2	16.5
	Tonnant	17¾	16 9	2	13.4
	Vengeur	13¾	16 9	2	13.4
	Am. Baudin	21¾	26 0	3	16.5
	Formidable	21¾	26 0	3	16.5
	Furieux	19¾	21 7	2	13.4
	Indomptable	19¾	24 7	2	16.5
	Caïman	19¾	24 7	2	16.5
	Requin	19¾	24 7	2	16.5
	Marceau	17¾	27 3	2	13.4
	Hoche	17¾	27 3	2	13.4
	Magenta	17¾	27 3	2	10.6
	Neptune	17¾	27 3	3	13.5
	Brennus	17¾	26 8	4	13.4
	Charles Martel	17¾	26 8	4	13.4

Guns afloat ranging possibly 9 or 10 miles or upward—Continued.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
France	Friedland	7⅞	29 4	2	10.6
	Redoubtable	14	24 10	4	10.6
	Duguesclin	9½	24 10	4	9.5
	Bayard	9½	24 10	4	9.5
	Turenne	9½	24 10	4	9.5
	Vauban	9½	24 10	4	9.5
	Fulminant	13	21 4	2	10.6
	Tonnerre	13	21 4	2	10.6
Italy	Italia	18.9	30 3	4	17
	Lepanto	18.9	29 6	4	17
	Ruggiero di Lauria	17.7	25 11	4	17
	Andrea Doria	17.7	29 6	4	17
	F. Morosini	17.7	25 11	4	17
	Duilio	21.7	28 0	4	17
	Dandolo	21.7	28 9	4	17
Germany	Salamander	8	10 2	1	12
	Natter	8	10 2	1	12
	Hummel	8	10 2	1	12
	Sachsen	17.25	19 8	4	10.2
	Baiern	17.25	19 8	4	10.2
	Wurtemberg	17.25	19 8	4	10.2
	Baden	17.25	19 8	4	10.2
	Wespe	8	10 2	1	12
	Viper	8	10 2	1	12
	Biene	8	10 2	1	12
	Mücke	8	10 2	1	12
	Scorpion	8	10 2	1	12
	Basilisk	8	10 2	1	12
	Cameleon	8	10 2	1	12
	Crocodile	8	10 2	1	12
China	Ting Yuen	14	20 0	4	12
	Chen Yuen	14	20 0	4	12
Russia	Catherine II	24	27 0	4	12
	Tchesme	24	25 0	4	12
	Sinope	24	25 0	4	12
Denmark	Tordenskiold	8	15 0	1	13.8
Brazil	Riachuelo	11	20 0	4	9

This table shows that there are now mounted upon vessels of foreign navies 129 guns which throw a projectile 10 miles and upward, and that the caliber of these guns varies from 12 inches to 17 inches, and they throw projectiles which weigh as high as 2,000 pounds. It also appears that there are now afloat in foreign navies 66 guns which throw projectiles weighing from 900 to 1,250 pounds a distance of at least 9 miles.

My friend from Mississippi, Colonel HOOKER, was quite right in stating that the city of New York could be destroyed by foreign vessels running up New York Bay and bombarding the city, but it will appear that the range of their guns is such that the bombardment could be made effective without requiring the vessels to enter the bay, as some parts of the city could be reached by missiles weighing 2,000 pounds fired from vessels lying in 30 feet of water off Coney Island.

It will also be observed that Boston, San Francisco, Charleston, Savannah, and many other large cities could be reached by these destructive projectiles fired from vessels lying far beyond the range of the guns upon which we depend for the defense of these cities.

I will also append a table which I have prepared, showing the relative strength of the navies of the world, giving the number of ships, number of available ships, the *personnel*, the annual expenditure, and the total population of the countries to which the vessels belong.

Naval strength and annual expenditure of different countries.

Nations.	Total ships.	Available ships.	Total personnel.	Annual expenditure.	Population.
Great Britain	388	336	58,000	$56,928,850	35,246,633
France	436	308	67,636	46,884,161	37,405,290
Russia	197	185	28,400	25,326,000	98,356,100
United States	89	68	11,300	16,021,080	60,000,000
Italy	76	60	12,032	11,529,710	28,452,639
Germany	99	96	13,000	9,802,880	45,194,172
Spain	145	142	21,700	7,466,538	16,625,860
Brazil	34	34	5,800	6,100,000	10,108,291
Austria-Hungary	49	44	9,800	5,369,295	37,741,413
Holland	138	138	10,500	5,032,450	1,400,000
China	49	49	.....	5,000,000	434,626,000
Chili	10	10	1,600	4,359,893	2,400,396
Turkey	100	100	40,400	4,000,000	25,036,480
Denmark	59	59	1,300	3,081,892	2,096,400
Argentine Republic	25	25	1,500	2,915,000	2,400,000
Japan	31	29	7,000	2,103,630	36,700,118
Portugal	26	26	3,500	1,918,789	4,550,699
Sweden	58	57	4,000	1,448,064	4,465,668
Greece	25	25	3,450	885,635	1,979,423
Norway	32	32	1,000	470,000	1,806,900
Roumania	10	10	700	123,000	5,376,000
Mexico	5	5	720	.....	9,389,461

I have prepared another table, which I also append, showing the strength of the armies of the civilized world:

Countries.	Regular army.	Population.
Austria-Hungary	*a* 312,998	37,741,413
Argentine Republic	7,518	2,400,000
Belgium	47,084	5,520,009
Bolivia	3,021	2,080,000
Brazil	13,500	10,108,291
Canada	*b* 1,460	4,324,810
Chili	13,926	2,400,396
China	300,000	434,626,000
Colombia	*c* 5,000	2,951,323
Cuba	*d* 22,000	1,521,684
Denmark	35,727	2,096,400
Egypt	10,900	17,419,980
France	*e* 425,897	37,405,290
Germany	*f* 427,274	45,194,172
Great Britain	138,110	35,246,633
Greece	*g* 29,368	1,979,423
Guatemala	2,180	1,278,311
India, British	*h* 125,957	252,541,210
Italy	*i* 870,958	28,452,639
Japan	*k* 44,426	35,700,118
Luxembourg	377	209,570
Mexico	*l* 20,635	9,389,461
Netherlands	65,113	4,060,592
Nicaragua	703	275,815
Norway	*m* 18,750	1,806,900
Persia	30,000	7,000,000
Peru	13,200	3,050,000
Portugal	33,994	4,550,699
Roumania	19,512	5,376,000
Russia	780,081	98,356,100
Servia	18,000	1,700,211
Spain	*n* 128,454	16,625,860
Sweden	40,758	4,600,000
Switzerland	117,500	2,846,102
Turkey	160,417	25,036,480
United States	*o* 26,578	60,000,000
Uruguay	4,500	447,000
Venezuela	3,000	2,075,245

a. Illustrated Naval and Military Magazine, page 247, No. 22.
b. Report Lieut. H. Bliss, January 7, 1886, and pamphlets accompanying "Illustrated Military and Naval Magazine" No. 21.
c. Report of United States minister to United States of Colombia, December 27, 1880, to State Department.
d. Revue de l'Etrangere, No. 641, February, 1866, page 233. This 22,000 is in addition to the 128,454 which is given as the strength of the Spanish army.
e. Report John P. Wisser, lieutenant, United States Army, February, 1885.
f. As increased. (Report of Andrew White, minister to Germany, April 15, 1880.) Later: unofficial reports state the force to be 445,000.
g. Revue de l'Etrangere, No. 631, page 379.
h. Of which 64,367 are natives.
i. Of which 226,013 were actually under arms, June 3, 1885 (Revue de l'Etrangere, No. 639, page 126). The budget for 1886-'87 provided for 232,988 men (Revue de l'Etrangere, No. 642, page 289).
k. In 1875. According to the new system the army will probably be increased to 82,506 by the end of 1887. (See Report of consul-general to Japan, April 5, 1885.)
l. Essay on Resources of Mexico, Albert Todd, first lieutenant, First Artillery.
m. Revue de l'Etrangere, No. 629, page 248.
n. Includes 9,416 men stationed in the Philippine Islands. (See Revue de l'Etrangere, No. 641, page 233.)
o. Not including the enlisted men of the Signal Corps, and including Indian scouts.

It is true that in our country we do not depend on the regular Army, but I cite the strength of those armies to show the large number of men kept under arms by foreign nations.

It has been urged, and may be again, that the distance which separates us from any possible foreign foe furnishes us with an insurmountable natural safeguard against invasion. This may have been true at one time, but the great perfection to which the skill and ingenuity of man have brought the transportation of armed forces in latter days, shows that distance from an enemy can no longer be relied on as a guaranty of immunity from attack.

The experience of England within the last ten years has shown that a transport of 2,000 tons burthen will convey at least six hundred soldiers with their necessary army equipage and stores; and to carry by sea the same number of men, together with their cavalry, artillery, and artillery horses and wagons, about twice as much tonnage would be required.

The tonnage of the English steam marine now amounts to between 6,000,000 and 7,000,000 tons.

We therefore see that England could transport, to any point accessible by water, one million men, with their arms, equipments, and stores.

Mr. TOWNSHEND. Mr. Chairman, unless we can have an agreement as to how much debate there is to be on this amendment, I shall move that the committee rise to limit debate.

Mr. SAYERS. There are two or three gentlemen who desire to speak, and probably we shall want ten minutes on our side.

Mr. TOWNSHEND. I ask unanimous consent that all debate upon this amendment shall close in twenty minutes, the time to be equally divided—ten minutes on each side.

There was no objection, and it was so ordered.

Mr. CUTCHEON. Mr. Chairman, in the five minutes that have been allotted to me I desire to address myself to the question whether

or not the dignity, the privileges, or the rights of the House of Representatives have been violated or invaded by the Senate in the amendments which have been put upon this bill. The rule provides that to the Military Committee shall be referred all matters pertaining "to the military establishment and the public defense, including appropriations for its support and for that of the Military Academy." I suppose there will be no controversy that all matters pertaining to the Military Academy and its support belong to the Committee on Military Affairs. That disposes of section 2 of amendment 35, which relates exclusively to the Military Academy. To the Military Committee are also committed all matters pertaining to the regular Army. Amendment 33, the first of the controverted amendments, relates entirely to the currrent operations of the Ordnance Bureau in regard to experiments in guns for the field and siege service, gun-carriages, powders, fuses, and implements, their trial and proof.

This amendment relates exclusively to the regular Ordnance Bureau of the Army. That bureau is a regular and recognized part of the Army. Anything that relates to the operation or maintenance of that bureau and its current operations relates to the maintenance of the Army and must be conceded to belong to the Military Committee.

This brings us to section 3 of amendment 35, the first seriously controverted amendment. That amendment relates to the gun factory. This amendment provides for—

the erection, purchase, or manufacture of the necessary buildings or other structures, machinery, tools, fixtures, etc.

For what? For "an army gun factory."

Not for a heavy ordnance factory; not for a siege or coast defense gun factory, but for an "army" gun factory. In other words, it is for a factory for the construction of arms for arming the Army with ordnance; and if there is anything in the world that clearly belongs to the Military Committee it is jurisdiction of the construction of an "army gun factory." That disposes of that.

The next amendment provides for what? Simply for the purchase of material to operate the "army gun factory." As to the amount, it makes no difference whether it be a million and a half, two millions and a half, or five millions; it is steel to operate the "army gun factory," and if the Military Committee have jurisdiction of the army gun factory, as they must have, just as certainly as the Naval Committee have jurisdiction of the naval gun factory, then the material for its operation also is within their jurisdiction.

It does not follow that the conferees may not reduce this amount, and for my part, I say here and now that individually I would concede that it should be reduced half way to meet the Appropriations Committee; I am willing that it shall be reduced to two and a half millions, though I believe that it would be unwise and poor economy.

The next section simply regulates the manner of the purchase and delivery of this material, and that goes along with the fourth section and stands with it upon the same footing. Therefore that covers every section except the sixth and seventh.

Section 6 provides for submarine mines and submarine galleries and their concomitants for harbor defense, to be operated by the Engineer Corps, and section 7 provides for torpedoes, controllable from the shore, also to be operated by the Engineer Corps of the regular Army.

These sections relate emphatically to "the military establishment" and "the public defense" committed to the Army. Certainly it does not relate to the public defense committed to the Navy. It does not relate to a "fortification" in any accepted sense of the word. It relates to the Army and to the public defense committed to the Army.

But there is another and more conclusive reason why this House is estopped from claiming that these amendments are a trespass upon its privileges or dignities—whatever that may mean. At the beginning of this session I introduced into this House a bill (H. R. 1555) "to provide for the public defense." It was referred, under the rules, rightfully to the Committee on Military Affairs. It was considered by that committee, referred to the Secretary of War and to the Chief of Ordnance. Modifications were suggested by the War Department. The committee concurred in the amendments, and without dissent reported back the bill, and it now stands upon the Union Calendar of the House.

The Senate took this House bill (H. R. 8455, substitute for 1555) and omitting two sections attached it almost *verbatim* to the Army appropriation bill coming from the same committee. Finding this bill upon our Calendar, relating to the Army and the public defense, I submit that the Senate had every reason to suppose that they were acting strictly in accordance with the rules of the House.

But, Mr. Chairman, rather than to see the gun factory provision fail, for one I would be willing to see these two sections go off the bill, rather than "privileges and dignities" of the House should be outraged.

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, I wish to say only a few words in reply to the gentleman from Alabama [Mr. WHEELER]. I desire to speak of him with the utmost respect, and I am sorry he is not here.

Sir, I have never in my life seen a West Point officer who did not imagine that within the circumference of the Army was contained all the genius for war and for military appliances that was necessary to put the Government upon a safe and substantial military basis.

My friend from Alabama was very unfortunate in his illustration with regard to France. Up to the period of the Franco-Prussian war the guns used by the Government of France were manufactured by a government arsenal; the private industries of France had nothing to do with the manufacture of guns. What was the consequence? When the war came on and the French Emperor called upon the ordnance department to furnish the necessary armament he found the whole department honeycombed with incompetency and fraud, so that the French army was not able to meet the German forces upon the field of battle on equal terms.

Now, what is the proposition submitted to this House by the Committee on Appropriations? We say to the House, "Give to the Government sufficient money to put its arsenal in proper condition, and $1,500,000 with which to purchase steel, which would be sufficient to last that arsenal for more than six years." What else do we propose? We propose to appeal to the private industries of the country, North and South, East and West, to manufacture guns of a suitable character which the Government shall buy.

But the gentleman from Maine [Mr. REED] ridiculed the idea of a commission. He wants these guns which are to be manufactured by private parties to be submitted to the Ordnance Department alone. Let me say to the gentlemen on the opposite side in reference to these private manufactories that for more than one month the manufacturers have been before our committee; they have told us that ever since the close of the war they have been knocking at the doors of the Ordnance Department in order to gain admission and have been refused. They have further stated to us that if this board is to be constituted of Ordnance officers alone, they would rather we should pass no bill at all.

What has the Committee on Appropriations done? It has recommended the appointment of a board to consist of three civilians and three officers of the Army, with a requirement that in all these matters at least five of the six members of the board shall agree. This, while giving protection to the Government, is fair and just toward these private manufacturers.

Mr. HOOKER. I would like to ask the gentleman how Germany obtained her arms when she succeeded in whipping France.

Mr. SAYERS. Germany obtained her arms from her private industries alone. The Government of Germany does not to-day manufacture a gun; it is that German citizen, Mr. Krupp, who furnishes Germany with her guns, the most powerful on the earth.

Now, let me say this to both sides of the House: Agree to this amendment if you will, and we shall simply have dumped into the Ordnance Bureau $5,000,000, which can not be expended within fifteen or twenty years if the work is honestly done. On the other hand, we propose to give to the Government money sufficient to operate its arsenal, while at the same time we say to the manufacturers, "You have said you can manufacture these guns, that you have the material and money to do so. Now, if you will come forward and make guns of suitable character, we will buy them for the Government." That is the proposition of the Committee on Appropriations. It is a fair, patriotic, just, and liberal proposition, which should commend itself to the sound judgment of this House and the country.

[Here the hammer fell.]

Mr. TRACEY. Mr. Chairman, the desire of the Appropriations Committee is to have the House instruct the conferees to decline to accept as a whole or in part any of the several specified amendments which the Committee on Appropriations claim should be treated in the fortifications bill. The gentleman from Georgia [Mr. BLOUNT] has expressed indignation with the action of the Senate in adding these amendments.

But, Mr. Chairman, we are to bear in mind that there are two ways under the rules of this House by which a measure may be defeated, one on a point of order and the other by voting the motion down. It sometimes occurs that under a point of order a motion may be lost, and yet the majority of the members desire that the legislation be effected. It then it again comes up in order, by reason of a Senate amendment, the dignity of the House is satisfied when a motion to non-concur is carried and conferees named. When the bill is reported to the House again, if members are not content, it is not difficult to ask that a vote be taken on the question of declining to accept the report.

But, Mr. Chairman, if the House gets just what it wants as a result of the conference, I see no reason to quarrel with the Senate. The gentleman from Texas [Mr. SAYERS] has my sincerest respect and confidence, and I believe if we could pass such a bill as he personally would make, a wise conclusion would be reached. Indeed it should be known that the country has to thank him for putting his foot down and crushing a fortification bill, the passage of which would have had the effect of paying many millions in excessive profits. I do not know who draughted it, and I do not want to know. It may be that the maker was deceived; fortunately the gentleman from Texas was not.

But while giving praise that is due to the gentleman from Texas I am frank to confess that to those who desire that something be accomplished this session the outlook is not encouraging, if we depend upon the passage of a fortification bill. We know that in the Senate one amendment proposing an expenditure of $121,000,000 and another

$38,000,000 will be urged. Is it not better, then, to leave this conference committee untrammeled and to await their report? A vote was taken yesterday on the question of considering this bill, and by a majority of 30 in a total vote of 164 the House determined to consider it.

I believe the majority here have desired for months to pass the bill reported from the Military Committee. For some reason the Committee on Rules has not given a day to consider it. The gentleman from Texas declares that these amendments of the Senate are practically that bill made up from portions of bills introduced here by the gentleman from Michigan [Mr. CUTCHEON] and myself. It is for the majority of this House to determine whether now it shall cut off all probability of settling this question by leaving it to the uncertainty of a fortification bill, or whether it will await the report of the conference committee on a subject that confessedly had its origin in this House.

We sympathize in the pride of committee felt by the gentleman from Texas and also with the pride of the gentleman from Georgia [Mr. BLOUNT] when he seeks to defend the dignity of the House. But, Mr. Chairman, if I am not mistaken in the temper of this body it wants this conference committee to act wisely, waste nothing, and to report back in favor of such legislation as is best for the country, all of which can be done under the rules of the House, quite in order, even if disappointing to some of our members.

MESSAGE FROM THE SENATE.

The committee having risen informally, a message from the Senate, by Mr. MCCOOK, its Secretary, was received, announcing that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000;

A bill (S. 3331) to grant to the city of Chadron, Nebr., the right to lay pipe lines across certain tracts of land;

A bill (S. 3248) for the relief of John W. Durr;

A bill (S. 3038) for the relief of P. E. Parker;

A bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.; and

A bill (S. 1493) for the relief of J. Schriber & Co., of Cleveland, Cuyahoga County, Ohio.

The message further announced that the Senate had passed with amendments House bills of the following titles, in which amendments the concurrence of the House was requested. Also, that the Senate requested a conference with the House thereon, and had appointed conferees severally on the various bills, as follows:

On the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.—Mr. SAWYER, Mr. SABIN, and Mr. MCPHERSON.

On the bill (H. R. 8592) for the erection of a public building at Jackson, Miss.—Mr. SPOONER, Mr. DANIEL, and Mr. PALMER.

On the bill (H. R. 8310) to provide for the disposition of the Fort Wallace military reservation in Kansas—Mr. PLUMB, Mr. TELLER, and Mr. BERRY.

On the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia—Mr. DANIEL, Mr. SPOONER, and Mr. FARWELL.

On the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes—Mr. SPOONER, Mr. EVARTS, and Mr. DANIEL.

The message further announced that the Senate had passed without amendment bills of the following titles, namely:

A bill (H. R. 10165) to improve the mouth of the Brazos River in Texas;

A bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side-track into square No. 1025 in the city of Washington;

A bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore determined by the executive department of the Government as lying within the limits of certain railroad grants, and afterwards held to lie without such limits;

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio and Salt Rivers; and

A bill (H. R. 1560) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, and for other purposes;

The message also announced that the Senate requested the House to return to the Senate the bill (S. 283) granting an increase of pension to Elvira M. Dorman.

Also, that Mr. CAMERON had been appointed a conferee on the bill (H. R. 1508) to relieve certain bounty or enlisted men of the Navy and Marine Corps from the charge of desertion, in place of Mr. HALE.

Also, that the Senate returned, in compliance with the request of the House, the concurrent resolution providing for the printing of 39,000 copies of the third annual report of the Commissioner of Labor.

And further, that the Senate agreed to the amendment of the House of Representatives to the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

[Mr. RYAN withholds his remarks for revision. See APPENDIX].

Mr. BURNES. I ask unanimous consent that the gentleman's time be extended.

Mr. TOWNSHEND. I have but a few minutes in which to close, but I hope the House will make that arrangement.

Mr. RYAN. I will not take more time at present, but if this bill comes back here again I shall avail myself of the opportunity to address the House at greater length.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, to non-concur in the Senate amendments.

The amendments were non-concurred in.

Mr. TOWNSHEND. I move that the Committee do now rise and report the bill to the House with a recommendation that the Senate amendments be non-concurred in.

Mr. SAYERS. I desire to ask information, as I intend to offer an amendment and resolution in the House, whether if not made in committee I will be precluded from doing so in the House?

The CHAIRMAN. The Chair does not think that affects the gentleman's rights. So far as offering an amendment in the House is concerned, the failure to offer it in the committee would in no way militate against the right to do so.

The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration Senate amendments to the bill (H. R. 10234), the Army appropriation bill, and had directed him to report the same to the House with a recommendation that the Senate amendments be non-concurred in.

The SPEAKER *pro tempore*. Is a separate vote asked upon the amendments?

Mr. TOWNSHEND. I apprehend that gentlemen will not object to the vote being taken in gross upon all the amendments except those numbered 26 and 35.

The SPEAKER *pro tempore*. If there be no objection, the vote will be taken in gross on all other amendments.

Mr. SAYERS. I desire to ask unanimous consent——

Mr. BUTTERWORTH. The attention of the gentleman from Texas [Mr. SAYERS] was called away while the Chair was making the announcement that the amendments were non-concurred in. I think there are only two excepted. That is my understanding.

Mr. TOWNSHEND. I do not know what the gentleman understands. I will see to it that they do get a vote upon the amendments they desire a separate vote upon. My motion only contemplates those amendments which do not relate to the establishment of the gun foundry and the purchase of steel.

Mr. SAYERS. There are two other amendments which I would suggest be voted on separately—amendments numbered 27 and 33.

The SPEAKER *pro tempore*. There are four amendments reserved. If there be no objection the recommendation of the Committee of the Whole on the remaining amendments indicated by the gentleman from Illinois will be non-concurred in.

There was no objection, and it was so ordered.

Mr. SAYERS. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House insists upon its disagreement to the Senate amendments 26, 27, 33, and 35 to House bill 10234 (the Army, ppropriation bill), and that the House request of the Senate a committee of conference on said bill. And it is hereby declared to be the judgment of this House that the managers on the part of the House should insist upon the disagreement to said amendments, and should not consent that appropriations for fortifications should be placed on the Army bill, as that subject has been referred to the Committee on Appropriations, and all matters relating thereto may be placed on the fortification bill.

Mr. TOWNSHEND. I make a point of order on that resolution. As it is about the hour of adjournment, I will reserve the discussion of the point until to-morrow.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. WILKINS. I ask unanimous consent to make a report from the Committee on Banking and Currency on the bill (S. 1138) reimbursing the depositors of the Freedman's Savings and Trust Company for losses incurred by failure of said company.

There was no objection; and the bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced as conferees on the bill (S. 288) for the erection of a public building at Sioux City, Iowa, Mr. DIBBLE, Mr. NEWTON, and Mr. POST.

LEAVE TO PRINT.

Mr. BUCHANAN. I ask that general leave be given to print remarks upon the Army appropriation bill, which has been before the House to-day.

There was no objection, and it was so ordered.

Mr. DOCKERY. I desire to make a privileged motion. I desire to

enter a motion to reconsider touching the action of the House on the conference report on Senate bill 182.

The SPEAKER *pro tempore*. If there be no objection, the motion will be entered.

OHIO CENTENNIAL.

Mr. OUTHWAITE. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of a bill (S. 3182) and that it be considered in the House. I also ask unanimous consent that for this purpose the time of adjournment be extended for a period not to exceed five minutes.

The title of the bill was read, as follows:

A bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government, the Department of Agriculture, the Government Printing Office, and Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. BRECKINRIDGE, of Arkansas. Let the gentleman make a statement, subject to the right to object.

The SPEAKER *pro tempore*. Is there objection to the extension of the time for five minutes?

Mr. BRECKINRIDGE, of Arkansas. I do not object to that.

Mr. CANNON. I think we had better adjourn.

The SPEAKER *pro tempore*. Does the gentleman from Illinois object?

Mr. CANNON. What is the proposition?

The SPEAKER *pro tempore*. The gentleman from Ohio asks an extension of the time of this day's session for five minutes for the consideration of this bill.

Mr. CANNON. Five minutes is not sufficient time in which to consider it.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. CANNON. I think it had better go over until to-morrow.

Mr. KILGORE. I object.

The SPEAKER *pro tempore*. Objection is made. The hour of 5 o'clock having arrived, the House under its previous order stands adjourned until 12 o'clock to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HATCH: A bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith—to the Committee on the Judiciary.

By Mr. C. L. ANDERSON: A bill (H. R. 11063) for the relief of Charles T. Murphy—to the Committee on Claims.

By Mr. BLISS: A bill (H. R. 11064) for the relief of William Blanchfield—to the Committee on Military Affairs.

By Mr. CHEADLE: A bill (H. R. 11065) authorizing and directing the Secretary of War to pay $263.10 to James E. Southard—to the Committee on Military Affairs.

By Mr. CHIPMAN: A bill (H. R. 11066) for the relief of Catherine Happe—to the Committee on Invalid Pensions.

By Mr. COMPTON (by request): A bill (H. R. 11067) to prevent fraudulent transactions on the part of commission merchants and other consignees of goods—to the Committee on the District of Columbia.

By Mr. HOUK: A bill (H. R. 11068) granting an increase of pension to W. H. Kirk—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 11069) for the relief of William A. Flinn—to the Committee on Military Affairs.

By Mr. LANHAM: A bill (H. R. 11070) to authorize the construction of a street railway and wagon-road over the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico—to the Committee on Commerce.

By Mr. McCREARY: A bill (H. R. 11071) for the relief of Robert Wilson—to the Committee on War Claims.

Also, a bill (H. R. 11072) for the relief of W. N. Stokes—to the Committee on War Claims.

Also, a bill (H. R. 11073) granting a pension to Abraham A. Fowler—to the Committee on Invalid Pensions.

By Mr. McCULLOGH: A bill (H. R. 11074) granting a pension to Samuel McCutchin—to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11075) granting a pension to John F. Heacock—to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 11076) for the relief of Mrs. Mary Amanda Nash—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 11077) to refer the claim against the United States of S. G. Grimmett to the Court of Claims—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 11078) to establish the rank of Arza B. Gilson as major—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 11079) to remove the charge of desertion from the record of Jacob F. Ruff—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 11080) to pension Mary Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11081) to pension A. T. Barard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11082) to pension James Wertz—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. E. BROWN: Petition of Francis A. Campbell and 40 others, of Harrison, Ohio, to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. BUTLER: Petition of Marie P. Evans, executrix of S. Duncan Linton, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COMPTON (by request): Petition of James Williams, for the payment of his war claim—to the Committee on War Claims.

By Mr. HERBERT: Petition of R. J. A. Stringer, and of Emily Daniel, widow of William J. Daniel, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MATSON: Petition of A. B. Gampton and 4,000 others, ex-Union soldiers of Indiana, for the passage of the arrears bill—to the Committee on Invalid Pensions.

By Mr. J. E. RUSSELL: Petition of Edward Sliney, of Paxton, Mass., for relief—to the Committee on Military Affairs.

By Mr. WALKER: Petition of J. A. Morrison and others, citizens of the Fourteenth district of Missouri, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WASHINGTON: Petition of heirs of Granville P. Brown, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition of citizens of Niagara County, New York, to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. WHEELER: Petition of Solomon G. Grunnett, administrator of Valentine Cagle, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of Mary Lynch, to have her name placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of citizens of Chesterfield County, Virginia, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. PHELPS: Of citizens of New Jersey.

SENATE.

THURSDAY, *August* 2, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

RELATIONS WITH CANADA.

The PRESIDENT *pro tempore*. The Chair announces as the membership of the select committee under the resolution of the Senator from Massachusetts [Mr. HOAR], adopted on the 31st ultimo, to investigate and report upon the relations of commerce and business between the United States and Canada, Messrs. HOAR, ALLISON, HALE, DOLPH, PUGH, EUSTIS, and BLODGETT.

ANNIE GIBSON YATES.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SAWYER], not now in his seat, called the attention of the Chair to this bill yesterday and intimated a desire to have a conference with the House of Representatives on the bill and amendments.

Mr. CULLOM. I move that the Senate insist on its amendment and agree to the conference requested by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. BLAIR, and Mr. FAULKNER were appointed.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives, concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. BECK. In the absence of the chairman of the Committee on Ap-

propriations, I move that the Senate insist on its amendments disagreed to by the House, and agree to the conference requested by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. FARWELL, and Mr. BECK were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 1106) providing for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of Mark H. Spaulding, of Northampton, Mass., praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. PAYNE presented a petition of 42 citizens of Hamilton County, Ohio, praying for the passage of certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3257) authorizing the United States engineer in charge of the harbor improvement of Mobile River and Bay to act as a member of the Mobile River Commission, as established by the laws of the State of Alabama, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3258) for the relief of Dr. John B. Read, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3283) granting a pension to Reuben Ash, reported it with amendments, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown;

A bill (H. R. 9463) granting a pension to Lucy A. Jordan;

A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin; and

A bill (H. R. 8617) granting a pension to Henry Crotsley.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 5494) for the relief of John T. Robeson, reported it without amendment, and submitted a report thereon.

Mr. HARRIS. I ask the unanimous consent of the Senate to consider the bill at this time. If it takes two minutes I shall withdraw the request. It is simply to refund certain moneys recommended by the Secretary of State.

Mr. BECK. I object. I want the Senate to go to the Calendar under the rule as soon as the routine business is through.

The PRESIDENT *pro tempore*. The Senator from Kentucky objects, and the bill will be placed on the Calendar.

COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DAWES July 12, 1888, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee as may be appointed by the chairman thereof, to continue during the recess of Congress the investigation authorized by the resolution of March 1, 1887, with the authority and in the manner and to the extent provided in said resolution; and also to visit any reservations where, in the opinion of said committee, it may be necessary to extend their investigations.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3409) granting a pension to Wilberforce C. Eaton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3410) granting a pension to John Akey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BOWEN introduced a bill (S. 3411) for the relief of Martin Graham; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HISCOCK introduced a bill (S. 3412) to grant leaves of absence with pay to inspectors of customs and clerks in the customs service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 3413) to ratify and confirm an agreement with the Cœur d'Alene tribe of Indians, residing on the Cœur d'Alene reservation, in the Territory of Idaho, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORMAN introduced a bill (S. 3414) granting a pension to Emma Matilda Selfridge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3415) providing for two additional associate justices of the supreme court of the Territory of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. SAWYER (by request) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PATENT OFFICE ATTORNEYS' FUND.

Mr. PLATT. I offer the following resolution and ask for its present consideration:

Resolved, That the Commissioner of Patents is hereby directed to communicate to the Senate the names of all persons who had money on deposit with Levi Bacon, financial clerk of the Patent Office, in what was called the "attorneys' fund," at the time of the death of said Bacon, in 1887, and the amounts so deposited by each of said persons, together with the charge against said persons for copies and other dues; also, whether such deposits were made in pursuance of any order of the Commissioner of Patents, and, if so, what order; also other information as to the practice of the office relative to the method of accounts kept by said financial clerk with attorneys and others.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed, so that we can see it.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

Mr. PLATT. I wish the Senator from Missouri would withdraw his objection for a moment.

Mr. COCKRELL. I withdraw the objection. I am not objecting to the resolution, for I think I am in favor of it, but I did not exactly understand it from the reading.

Mr. PLATT. In 1887 there was a financial clerk, as he was called, in the office of the Commissioner of Patents. He died, and he was said to have been a defaulter. Attorneys had deposited money with him to pay in advance for copies and matters of that sort. What I want to get is the information as to the amount of deposits and the charges against attorneys, etc.

The Commissioner of Patents in his last annual report recommended that something should be done about the matter, and the object of the resolution is to call upon him for all the information which there is, so that we may be able to act intelligently upon the subject, and follow out, if possible, the recommendations of the Commissioner in his annual report.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I have no objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

DESERT-LAND APPLICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nevada [Mr. STEWART] coming over under objection. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to furnish the Senate with a list of canceled desert-land applications, with the names of the applicants, and the amounts paid to the United States on such applications respectively, and to state whether, in his opinion, such applicants, or any of them, are equitably entitled to be reimbursed for the money paid on such applications to the United States, or any part thereof, and also to state what legislation is necessary to enable the Commissioner of the General Land Office to settle with such applicants on equitable principles.

Mr. STEWART. In explanation of the resolution I will say that quite a number of citizens of my State and in other places have taken up desert lands in good faith and have settled upon them. I know instances where they have lived upon the land ten or fifteen years, going upon it even before the desert-land law was passed. They took the lands up under the desert-land law, supposing that they could acquire title under it. Some of the land could not be irrigated. They have paid their money, and some have paid the entire amount, and they lived upon the land, but it is above where it can be reached by water, and the applications are canceled.

There are other cases in my State where persons have taken up land, but the water has been insufficient and they have been disappointed, having taken it up during the years when there was an abundance of water, and then for a long series of years they could not get water at all; and those applications have been canceled. I have a large number of letters in my desk reciting cases of hardship.

I introduced the resolution for the purpose of calling the attention of the Secretary of the Interior to the matter and ascertaining if any

legislation is necessary in order to enable the Department to settle with those parties upon equitable terms. It is simply to get information on this subject to see if anything can be done. Those who entered upon the land in good faith and are living on it, who paid their money, perhaps ought to have their money returned. Where they have attempted to take the land for speculation and have been unable to comply with the terms of the law, there should be a different rule.

The object of the resolution is simply to get the information from the Secretary of the Interior as to what ought to be done and what the facts are.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 3038) for the relief of P. E. Parker;

A bill (S. 3248) for the relief of John W. Durr; and

Joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks and so forth in the District of Columbia; agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. LEE, Mr. CAMPBELL of Ohio, and Mr. ROWELL managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 288) for the erection of a public building at Sioux City, Iowa, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. NEWTON, and Mr. POST managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1914) for the relief of Mary E. Hopkins;

Joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands;

Joint resolution (S. R. 27) for the printing of a supplement to Wharton's Digest of International Law;

Joint resolution (S. R. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1887; and

Joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual Report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected."

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. BECK. I call for the regular order, the Calendar under Rule VIII.

Mr. SHERMAN. The Calendar being in order, I move that the Senate proceed to the consideration in open executive session of the fisheries treaty.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar under Rule VIII is in order, pending which the Senator from Ohio moves that the Senate proceed to the consideration in open executive session of the fisheries treaty. The question is on agreeing to the motion of the Senator from Ohio.

Mr. BECK. I ask for the yeas and nays on that motion. We have the morning hour broken up every day.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that on agreeing to the motion of the Senator from Ohio the yeas and nays may be entered on the Journal.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. DAWES (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. I should vote "yea" if he were here.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. BECK (when Mr. HALE'S name was called). I forgot at the moment I voted that I am paired with the Senator from Maine [Mr. HALE], who is absent. I withdraw my vote.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "nay" if the Senator from Vermont were present.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BROWN (after having voted in the negative). As this seems to be a party question, and as I am paired with the Senator from Oregon [Mr. DOLPH], I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Georgia withdraws his vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The result was announced—yeas 24, nays 22; as follows:

YEAS—24.

Allison,	Edmunds,	Ingalls,	Sawyer,
Blair,	Farwell,	Jones of Nevada,	Sherman,
Bowen,	Frye,	Mitchell,	Stewart,
Cameron,	Hawley,	Platt,	Stockbridge,
Chandler,	Hiscock,	Plumb,	Teller,
Cullom,	Hoar,	Riddleberger,	Wilson of Iowa.

NAYS—22.

Bate,	Coke,	Jones of Arkansas,	Reagan,
Berry,	George,	McPherson,	Saulsbury,
Blodgett,	Gibson,	Morgan,	Vest,
Butler,	Gorman,	Pasco,	Wilson of Md.
Call,	Gray,	Payne,	
Cockrell,	Hampton,	Pugh,	

ABSENT—30.

Aldrich,	Dawes,	Kenna,	Spooner,
Beck,	Dolph,	Manderson,	Stanford,
Blackburn,	Eustis,	Morrill,	Turpie,
Brown,	Evarts,	Paddock,	Vance,
Chace,	Faulkner,	Palmer,	Voorhees,
Colquitt,	Hale,	Quay,	Walthall.
Daniel,	Harris,	Ransom,	
Davis,	Hearst,	Sabin,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The reading of the Journal of the last open executive session will be dispensed with, if there be no objection. The Chief Clerk will report the treaty by title.

The CHIEF CLERK. A treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818; signed at Washington, February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Alabama [Mr. MORGAN] that the further consideration of the treaty be postponed until the Wednesday after the first Monday in December next.

Mr. RIDDLEBERGER. Mr. President, the vote just taken I think conclusively settles the only question that can possibly be in controversy from this time on in respect to this treaty, and that is, that the Republican party of this country is opposed to the ratification of the pending treaty, and that the Democratic party is in favor of its ratification. Senators who but a year ago made strong and logical arguments against it—Senators who came from the committee-room in which the treaty is supposed to have been considered—have changed their views at this session.

We find that on the other side of the Atlantic Ocean the treaty is being considered as a party question, and we have a right to consider it as such on this side. We have no prerogative of right to propound an interrogatory to a minister on this floor, and we can not get an answer to such an inquiry as they do over there; but we have a right to judge from the documents here as to whether this is a representative American Government or whether it is a pro-English government.

I do not propose to discuss the details of the fisheries treaty. I propose to bring it to the consideration of the Senate simply as a question which concerns the people of this country—others than those engaged in the catching of bait and the curing of fish.

Sir, if it were that, and that only, I would defer to the Senators and to the Representatives at the other end of this Capitol from the Eastern section of this country, and say to them that I am ready for one to help you to protect your interests; but the treaty involves more than that. I would go to their rescue here with my vote; and I would expect every American citizen to come to the rescue of the people of the Atlantic coast with his vote if any commercial interest of ours was involved in a matter of treaty with Great Britain.

When I offered my resolution some months ago to consider this question in open session, I had then in my possession documents which I was not permitted to give to the public, and which led me to believe that this treaty involved more than the mere question of fisheries rights between Canada and the Eastern States. It concerns the people of the whole Atlantic coast. It concerns the people of the Chesapeake Bay. The Senator from Maryland [Mr. WILSON] did not seem to comprehend what he delivered himself of in the speech in which he said he would invoke the power of the Federal Government to prevent Canadian fishermen from coming into the Chesapeake Bay.

I have upon this table an opinion rendered by one of the ablest jurists of this country, in which he says that, taking the sixth and twelfth articles together, there can be no question but that the United States Government surrenders the entire right of fishing in the Chesapeake Bay up to the Patapsco River, and then along the entire Atlantic coast within 3 miles of that coast. I would rather have the judgment of that gentleman than the judgment of the Senator from Maryland, because he is a jurist of prominence and acknowledged eminence, who has given this question his thought, who has studied it, who has looked at every line and sentence of the treaty. He comes not as a representative of any party, but if he can be considered as a representative of any party I can only reply that he is a Democrat—an American Democrat.

Such is the opinion of Judge Levi Woodbury, of Massachusetts, and I desire here, because I do not want to make my remarks any longer than necessary, to put his opinion on record as a part of the remarks which I have to make. Leaving off a part of it, I shall quote only that which refers to the Chesapeake Bay and the Atlantic coast.

I quote first from the Senator from Maryland [Mr. WILSON], who said:

Who would not feel outraged if our Government could and should grant the rights of fishery in the Chesapeake Bay, for instance, to the people of Canada, whereby their fishermen should be induced to swarm down into our waters and give us a taste of the bitter experiences which those people have had for a century to endure? And I have not the least doubt if a bay just like the Bay of Chaleurs deeply penetrated the territory of New England, so as virtually to become a part thereof, with its shores dotted with cities and towns, and with a great local commerce from shore to shore, and Great Britain should claim the right to fish in its waters up to a line within 3 miles of its coasts, or otherwise to interfere with their dominion over it, the old Bay State would be the first, with holy horror and martial fervor, to summon her sister States to the rescue, and doubtless hundreds of thousands of men would spring to the front to rescue her from the voracity of the British lion.

Judge Woodbury says:

I think there can be no reasonable doubt that Article XII will justify a British claim to participate in all our coast, bay, sound, and river fisheries, and will preclude Congress or the States from passing any laws on the subject without the consent of the British. This right to fish and land, to dry and cure, must be extended to them on all our Atlantic coasts. No reservation is made outside of the State lines, or of the 3-mile line, or of private rights now vested. The treaty will become supreme over State constitutions and laws.

It follows that the Canadians and Newfoundlanders can participate within the 3 miles of the coast of the United States in all the local fisheries, river, bay, and coast; the shad, herring, lobster, crab, terrapin, bass, baitfish, oyster, shrimp, clams, turtle, sponge, and snapper fisheries of the Southern coasts are all laid open to them as fully as the cod, hake and haddock, lobsters, etc., of the Eastern States. State laws are annulled—

I ask the Senator from Maryland to note this—

State laws are annulled, and the entire existing private rights in bays and rivers now protected by law are wiped out by this one article of the treaty. Delaware and Chesapeake Bays, the sounds of North Carolina, South Carolina, Georgia, Florida, and their rivers are made free to the fishing of the Canadians and Newfoundlanders, in season and out of season, in any mode they please to employ.

Mr. President, I should be willing to rest the whole case upon that one opinion. I would take the twelfth article and read it, but I take it for granted that every Senator here is acquainted with it. It is the shortest article, I think, in the whole treaty.

I recollect that since this matter came before the Senate in open executive session the governor of Florida has expressed an opinion upon it in which he said that the coast of that State would not be safe from the ravishment of the Canadian fishermen. I know that that has been the general opinion expressed by prominent men along the Atlantic coast. I know that that is the opinion expressed by prominent gentlemen and men who have given thought and study to this subject in regard to the Chesapeake and Delaware Bays—men who have something else to do than consider who may possibly be elected the next President of the United States, men who think as intelligently as the Senator from Alabama [Mr. MORGAN] did a year ago before special messages were sent in here, men who were studying the rights and interests of their people—have said that the twelfth article of the treaty would give the Canadian fishermen the very rights which Judge Woodbury says can not be denied by any judicial tribunal under the treaty; and that, moreover, it annuls the power of the States under their constitutions and laws to prohibit any interference with their rights in these bays and these rivers, and along their coast; and that the Democratic party of the Senate proposes to give away the last vestige of right that the States have to protect their own interests against Great Britain and against Canadian fishermen. I am not surprised at it, Mr. President.

As I said in the outset, I do not propose to discus this question in detail. That has been done by Senators who understand it; but I propose to say something upon its bearings upon other questions, upon other matters, its political effect, because the politics of this country is the essence of the liberty of its citizens. I know that the word "politics" is sometimes used as opprobrium; but the last analysis of it is that it means the greatest good to the greatest number, and the recognition of the voice of the greatest number as it is expressed.

I find that in reviewing these papers, while we were shut up here in executive session, deliberating as to whether we should open these doors, there went forth to the people of Great Britain, on the other side of the Atlantic, and I may say, to its subjects on this side, from the mouth of Sir Charles Tupper, a statement which has never yet been denied, that—

Secretary Bayard assured the conference that if the fisheries irritation were allayed there would be no obstacles to arranging for a free interchange of natural products in accordance with the policy of the Democratic party.

That is in quotations.

What has happened?

This is a continuance of the quotation:

Already we have the American chairman of Ways and Means introducing a bill to make free a number of articles that we send to the United States, and on which we paid last year duties amounting to $1,800,000.

Is any Senator prepared to deny that Mr. Bayard, the Secretary of State, made a private contract outside of that which was submitted to the Senate, as Secretary of State, carrying with him all of that authority which seems to belong to that high office? I ask, has any Senator denied that statement? If not, then it means that the fisheries treaty intended to lead up to free trade, and that being the case we have a right to consider the entire free-trade question in considering it.

But while I am on the matter of the conversations and correspondence of the Secretary of State, I have in my possession copies of two letters for which I think I can vouch. One is dated Gloucester, Mass., April 28, 1885, and it is as follows:

GLOUCESTER, MASS., *April* 28, 1885.

SIR: The officers of the Fishery Union desire to present the interests of their pursuits in this emergency to the attention of yourself personally or to the President.

GEO. STEELE,
President Fishery Union.

The reply of the State Department is as follows:

DEPARTMENT OF STATE, *Washington, D. C., May* 2, 1885.

SIR: The interests which your association represents have already received and shall continue to receive the most earnest and abundant consideration on the part of this Department; and knowing this you will probably see little need for incurring the inconvenience of sending just now a personal delegation to Washington to present your views.

T. F. BAYARD.

GEORGE STEELE.

There are two other letters which I have read in manuscript, but which do not appear in the message and documents, one addressed to a gentleman in Canada and one addressed in turn from that gentleman to Mr. Bayard. Those letters do not appear here. I have read them, and, as I was led to believe, in their original manuscript. I telegraphed for them yesterday, but I have failed to get them up to this time. I repeat I have read them, and if they are not genuine letters then I was misled. I am told that this book, "Executive Document No. 113," has been revised. I am not prepared to say that that is true, and that of all the documents which were in the original those two letters are the only ones that are not here. Let the Secretary answer.

If Senators who have not studied this question will take Senate Executive Document No. 113 and read just that portion of it which relates to fisheries from page 288 through, they will have more information than I could give them if I were to stand upon this floor a week. I propose to leave that part of the question just there.

Mr. President, it is not to be denied, and it not being denied, it is conceded, that the Secretary of State had a private conversation in which he gave forth what I have just read, to the effect that the ratification of this fisheries treaty would lead us to free trade. Then it is proper to discuss that question in connection with the fisheries treaty. It is proper that the people of the United States should know what kind of an Administration this is. Now is the time and this the forum before which this question should be presented. Here is the place where Senators take position on great public questions, and their utterances go before the country as unbiased opinions to be used in a campaign away from here; but this is the place where the explanation ensues. I arraign this Administration and the Democratic party that backs it as a pro-English organization, as is proved by the record. They bring to us from the other side of this Capitol the Mills bill, as it is called.

Whether that is an American measure or an English measure I propose to settle by the record which I have from the English press; and in reading it, I do so only that it may be made part of our record, what I want to get before the people, knowing, as I do, that a single objection will prevail unless I read all as a part of my remarks.

[London Times.]

It would be hardly possible to put the free-trade case more clearly or more strongly, and yet, such is the force of words, President Cleveland shrinks from the use of the term "free trade," and in fact declares that those who taunt him with being a free-trader are deceiving the country. It is certain that the arguments which President Cleveland urges are those which Cobden used to employ forty-five years ago, and which any English free-trader would employ now.

That import duties stifle production and limit the area of a country's markets is purely a free-trade argument. As such we are very glad to see President Cleveland using them, though we are sorry for the popular infatuation which makes it dangerous to give them their right name.

[Saturday Review.]

It must be taken to prove that the President and the Democratic leaders have finally decided that they have nothing to gain by keeping any longer with the protectionists. They have, from whatever motive, resolved to adopt a free-trade policy. Nothing can be more explicit than the President's language: "The simple and plain duty which we owe the people is to reduce taxation to the amount requisite to meet the necessary expenses of the Government and to restore to business and to the country the money accumulated in the Treasury." In America this means free trade.

[Haddingtonshire Courier.]

Cleveland's message will, no doubt, provoke an immense amount of hostility on the part of many who have hitherto been favorable to him. This much is certain, and another fierce contest is impending in America over the principle at issue. If it terminates, as it may be hoped it will do, in the direction of a relaxation of those imposts that now so vexatiously hamper commercial intercourse between Great Britain and the United States, we may look to an impetus being given to our home trade that will go far to make up for the depression of late years.

[London Globe.]

As a rule, the Presidential contest has very little interest for the Old World. On the present occasion, however, an issue is involved which very closely concerns Europe, more particularly Great Britain. Mr. Cleveland has taken his stand on free trade, and, although the party managers have considerably planed down his platform, he is universally recognized in the States as pledged to initiate a new departure in fiscal policy. Nor can there be any doubt that he would act up to this understanding were he elected. The central issue of the contest lies between the maintenance of the present fiscal system intact and its modification in the direction of free trade. And on that broad question Mr. Cleveland's candidature naturally and necessarily carries English sympathy.

[London Standard.]

To American ears the whole message must be redolent of Cobdenism in a slightly modified form; more particularly the enunciation of the principle that the exaction of more revenue than is really required for the public service "is an indefensible extortion and a culpable betrayal of American fairness and justice." This remarkable utterance will be certain to exercise an absolutely paramount influence on the next Presidential election. Party names and party ties are thrown into hotch-potch. The governing issue of the contest will lie between protection and free trade.

[London Saturday Review.]

President Cleveland has devoted himself entirely to the tariff. It is impossible to recast this without touching directly the pockets of every citizen of the United States and indirectly influencing the commercial interests of the world. The President is careful to state that he frankly declares his indifference to the charge of favoring free trade. His policy, he says, may be called by that or another name, but it is the policy he recommends to Congress, and which, he does not affect to deny, must alter the terms on which foreigners have access to the American market, and on which Americans compete with foreigners abroad.

[London Daily News.]

The President feels compelled to characterize the attempt to brand him as a free-trader as deception, but for all that the electoral conflict now in progress is a conflict between free trade and protection, and nothing less.

[London Times.]

As was to be expected, the protectionists have taken the alarm, and, as our correspondent at Philadelphia informs us, they are organizing for a determined resistance. They are no doubt right in believing that, whatever may be said of preserving the essence of the protective system and of ignoring free trade, the tariff can not be reduced to the strict proportions of a revenue corresponding to the limited and diminishing necessities of the Federal Government without admitting a great flood of foreign competition.

[London Standard.]

Mr. Cleveland demands in effect that there shall be a tariff for revenue purposes only. No tinkering with the tariff will suffice; no readjustment of duties will do. The only reform that common sense can accept is one which unaffectedly substitutes the principle of unimpeded imports for that of tariff regulations.

[London Saturday Review.]

It may be taken for granted that the President has not acted without previously consulting the leaders of the Democratic party and securing their approval. He and they have taken up again the old free-trade policy of the South Carolina politicians, unconnected with what in the jargon of American politics was called the sectional question.

[London Post.]

We shall be much mistaken if the effect of this state communication will not be to strengthen considerably the case of free-traders in all parts of the world. It will be regarded as a step in the right direction by all who believe in the soundness of free-trade principles.

[London Daily News.]

The stone now set rolling will not stop until it has broken the idol of protection in pieces.

[Glasgow Herald.]

President Cleveland may say to others, and think what he chooses, but he has precipitated the inevitable struggle between free trade and protection in the United States, and that is tantamount to saying that he is on the side of free trade.

["A Member of Parliament" to New York Herald.]

To convert the United States is indeed a triumph. The Cobden Club will henceforth set up a special shrine for the worship of President Cleveland and send him all its publications gratis. Cobden founded free trade; Cleveland saved it. Such is the burden of the song all through England to-day.

[Cable dispatch to the New York World.]

LONDON, *December* 10.

The English papers continue to devote much space to what they call "Mr. Cleveland's declaration in favor of free trade." From the average English comment the public here has been led to believe that free trade is now as good as adopted in the United States. It is considered here (in England) that free trade with us (in America) is just what is needed to revive drooping English industries.

[People's Journal, Dundee.]

A great sensation has been created by President Cleveland's message, and if the policy which it indicates be carried out it will produce almost as much effect in this country as in America. The tariff reform which the President recommends goes as far, at least, as the abolition or the reduction of the duties on raw materials. Should Congress give effect to this proposal its immediate result would be an enormous stimulus to English industry.

[London Pall Mall Gazette.]

English free-traders would be well advised if they moderated the ecstasy of their jubilation over President Cleveland's message. Every word which they say in its favor will be used as a powerful argument against the adoption of its recommendation.

That is just what I am doing now.

Mr. President, the Senate can see the close association between the adoption of free trade and this fisheries treaty. But I find in that connection that it is provided as a concession to Canada, in the treaty, that the Administration will strive to secure Congressional action for the free entry or full interchange of salt, coal, and lumber from the Dominion. It is not only a fisheries treaty, it is not only a promise of the Secretary of State, but it is a promise from the entire Administration that they will admit salt and coal and other things, and add them to the free-list "when imported from the Dominion of Canada; that this Administration will exert its best endeavors to do this thing." That draws the line distinctly between the two parties, between the Administration here and the Republicans of this country, as I understand them, and the principles which they propose to assert in the coming campaign, and in all time, until possible circumstances may bring about a condition of affairs where they can better subserve the interests of the people of the United States than they can do now by abandoning that principle.

Mr. President, in this connection I present an extract from a speech delivered in the House of Representatives by a free-trader, in which he says:

Even the corsets of Connecticut, around which hover so many happy associations, or the brier-wood pipes of Knickerbocker are not safe from the interchangeable piracies of the tariff. Oh, the beauty of reciprocal rascality! Gentlemen seem to take umbrage because we call these tariffs, which take from one class to give to another, robbery. But I have the best ethics for the statement that the right of property is violated by the individual by cheating, stealing, robbery, or violation of contract; and universally, just as these crimes prevail, production languishes, industry diminishes, and the richest soil fails these few and impoverished inhabitants. But when Government lays its powerful grip on the property of the citizen to bestow that property on favored enterprises, it is none the less robbery because done under the forms of law.—*Mr. Cox (Democrat, New York), tariff debate*, May 17.

Mr. President, I have here a book which was written by the same gentleman who delivered that speech in the House of Representatives, a speech from which what I have just read is an extract, and since I have read this book I have not been at all surprised that he should have said just what he did, that we were all robbers, all rascals, all plunderers, who favored a protective tariff. The book is called "A Buckeye Abroad." It was written by a gentleman who was then a member of the Ohio Legislature, when he was thirty years old, written after he returned from a tour of Europe, and, being from Ohio, he gave it the title of "A Buckeye Abroad." He says in the book:

We took a pilot aboard and received from him one newspaper, which was cut into shreds and devoured by fourteen passengers at once. The breath of the fresh landscape is around.

Now, he was getting away from Scotland and Ireland, he was getting away from Germany, and, as this paragraph will show to you directly, he was getting in sight of the cliffs of England and breathing the air of a new civilization. He continues:

Now, I can write like a native of this round earth, for land is all about us. The cliffs of old England stand out in definite outline. Light-houses and mansions attest the presence of a superior civilization. How many thronging associations flit through the mind as I recall that here, not in fancy's eye, but in reality, stands the little isle of power, the home of old Coke and Cromwell, of Spencer and Cowper, of Chatham and Canning, and all the host of glorious minds with whom so much of life has been passed! Ay, in very truth, my eye has greeted the land of William Shakespeare and Guy Fawkes, John Milton and Titus Oates; the ideal realm of John Falstaff and Little Nell; the theater of Roundheads and Cavaliers. Yonder, verily, just over to my right, actually grew into life that vigorous feudalism out of which rose the fabric of our own common law. These remembrances come over me wildly and strangely. Old England! Yes; God bless her! With tears in my eyes I beseech Heaven's best benison upon her. I forget her as the land of ruth and wrong; I remember her only as the land of noble deeds and generous hearts. Her literature, from Chaucer's first uncouth song to Disraeli's last sarcasm, floats through the memory like a vivid power, transforming every prejudice into praise and every wrong into glory.

England—

Says the author of this book—

England, say what we will, stands confessedly the Christian realm. Her history, from the time at least of Elizabeth, is full of her influence upon the policy of the world in opening the way for the Gospel.

Not satisfied with the politics he observed and after hoping that there would be no association of church and state, I find here what I would not prefer to read in the Senate, this paragraph:

I hope the Pope will create no cardinals for America. It was rumored that Bishop Hughes was to have a hat. The ill success attending the Wiseman experiment in England will prevent Papacy from creating any cardinals in Protestant countries. His Holiness, who seems to fancy our chargé here sufficiently to consult with him, informed him that there was no foundation for the rumor of an American cardinal. Mr. Cass—

I believe he was a Democrat—

rather advised him against the step; although he explained how perfectly easy the matter would be received in our tolerant country.

The author says further:

Priests meet us on every hand. Rome is thronged with them. As I write long processions of monks in black and white crape and in brown robes move under our window, chanting for the dead body which they bear. Some rich man has died and left a pall apiece to these poor monks to sing his soul out of purgatory.

Such is this book. I do not propose to bring into the Senate a question of religion, but I propose to show what free-trade Democracy is. I have read from this gentleman's own speech, which I had a right to do, because it has become public property now, that we are rascals and rogues and plunderers. Here is his book; and the debates of the House of Representatives, that body in which he delivered the speech a paragraph from which I have read, will show that when he was arraigned on that floor he pleaded the baby act, and said he was a boy when he wrote it. He was thirty years of age when he wrote it. He was a member of the house of delegates of the "Buckeye" State, hence the title of the book, and in one year subsequent to that he was made minister from this country to Peru. A Protestant as a Buckeye. A Catholic in New York, a Protestant in Ohio, he denounces the priests and the clergy. He buys his own books. Such is Democracy. Such is England *vs.* America. I guess now, sir, the only saving clause is that, having pleaded boyhood in that case, he will plead dotage in this.

As I said, the fisheries treaty involves more than a mere passing view of it would show. Still that is enough for me. I say it is politics on both sides of the ocean. We hear of what is called Democracy pure and simple. Jeffersonian Democracy, that Jeffersonian Democracy which says that the people of this country shall not hear debate on a matter that concerns everybody, as I may express it, from Passamaquoddy Bay to the Gulf of Mexico. And yet here is the report—five Republicans reporting in favor of considering this treaty in open session and four Democrats signing a report against it. That is Democracy pure and simple! Shut out the people of this country from hearing what you have to say! Let them know nothing of what is going on here that may disturb their commercial interests or even their productive interests along the coast! That is Democracy pure and simple; that is Jeffersonian Democracy, as you call it.

Mr. President, there is nothing more apparent than this, that the other side of this Chamber was made subservient to the will of the Administration, and they, therefore, indorse this treaty, and the Administration, with the Democratic representation here, has taken its position and can not, ought not to be, and shall not be, so far as I am concerned, allowed to deny it.

When it came to a vote on this matter, not a Democrat in this Senate voted to open the doors and let the people hear the discussion, and not a Republican voted against it; yet they call themselves the Democracy "pure and simple," the Jeffersonian Democracy. If the President of the Senate will just keep his ears shut for a moment, I will say that such was almost the fact in the consideration of the extradition treaty. When it was proposed to return people from this country to England for the commission of misdemeanors or to bring them from there here for nothing less than the committing of a felony, that treaty was postponed until next December, and in order to relieve the Senate at that time to do what they refused to do then, but two Senators on the other side of the Chamber, voted to continue the extradition treaty until next December.

Mr. President, why do we want a treaty with that government anyway? We shall never have a national government until we have whipped England for her deeds. She never leaves her foot-prints on any soil where she does not leave them with something that marks the same impress where she can put it down again. Our boasted Monroe doctrine is being annulled and wiped from the face of the earth to-day, and we find gentlemen on the other side of the Chamber saying we must arbitrate or we must fight. Has any one asked us to arbitrate? Has any one challenged us to fight? When either of the two propositions shall be submitted here it will be time for the American Congress to consider one or the other. An American Congress will consider either the one or the other when it is presented. Then it will be time for the American people to send other and better and more courageous men than we to represent them in this body and in the other. I would make no proposition of compromise. There is no such suggestion made to us. We have nothing before us but the ratification of this treaty, which involves everything that is dishonorable to us from the tearing down of the American flag on the Canadian coast to the time when an American Secretary of State could affix his name and the seal of this great Government to such a compromise on paper.

I ask why do we want to make a treaty with such a government, anyhow? We had a treaty under which certain criminals were to be extradited, and here are over three volumes of our books full of the Winslow case, in which England stood off and said, "No, you can not have him, unless you agree that you will not try him for anything else than that offense for which he is extradited;" and from that day to this he never has been surrendered.

England has never kept a treaty; she has never made one that she did not violate—I challenge a refutation of that statement—and especially with this Government. That is a case which stands prominently forward all the time, the only case that came up under the treaty of 1841, and there she refused to conform to the terms of her own treaty and asks us now to make another which concedes to her the entire right to fish on the whole Atlantic coast, up through the Chesapeake Bay (the opinion of the Senator from Maryland [Mr. WILSON] to the contrary notwithstanding) to the Patapsco River, and which concedes everything to her and gives us nothing in return.

That, I undertake to say and repeat, is the Democratic theory, and I want the Democrats to take it and keep it to the front, and let it be there, for it has been theirs from the beginning, and let it be theirs to the end. The Republicans have stood out boldly against it, and the party that stands out boldly against any concession of this Government of sixty millions of people, with territory enough to take the world in—the party that stands out, I say, in favor of a Government of sixty millions of people, with territory that is capable of taking in the whole world, is the only party that is fit to govern.

What do you want with a treaty with a government that recognizes no rights among its own citizens; a government that has an unwritten constitution; its judges created for life; a common law that was its pride and is to-day the pride of Americans, for they respect it as they got it from the mother country, as we once called it; impanels a jury with a lord chief-justice on the bench and a jury hears all the evidence, and the lord chief-justice says to the jury after laughing, "There is no case made; you bring in your verdict this way; I am the judge not only of the law, but of the facts"—a violation of the fundamental principles of that unwritten constitution and of the common law of that country and of all civilized countries?

Mr. President, I ask why do we want a treaty with a government that does not respect treaties, and does not respect the rights of its own citizens under its own constitution and its own laws? If this Senate arraigned a man under a crimes act, and appointed three judges of the United States Supreme Court to try him, would it not either appoint a committee to know whether he was a fit associate for Senators here, or would they not let the law take its course, and that man be arraigned for his crimes? Yet we find this government with which we propose to deal to-day by treaty, taking a member of Parliament and naming three judges of its own creation to pass upon his guilt or his innocence! I would sooner have a treaty of commerce with the Fiji Islanders. It becomes the so-called American Democracy to make such a treaty, but it ill becomes the Republican party whose name is derived from that which Jefferson himself assumed when he organized the first Republican party in this country.

We see there as the very basis of this proceeding in that Parliament which is to pass upon this matter, that a member, supposed to have as much right and privilege there as any other, asks by what warrant of right this member of Parliament is taken out, and Mr. Balfour, for instance, called the secretary for Ireland, says, "I am responsible," and that is the answer of the government to a question that involves the personal liberty, and possibly the life, of a member of Parliament. No warrant, no precept, except that the secretary for Ireland says, "I am responsible." Why do we want a treaty with such a government as that? I repeat, sir, that the duty of this Government is to let that government know that the liberty for which our forefathers fought, and which they won, is still cherished, and that we have nothing in common with a government that does not recognize the forms of law at least.

There has been case after case of that sort within the last few weeks. Here is what is called a government leader in the British Parliament asked if he did not have a conference with the editor of the London Times, Mr. Walter, before he made a certain report. He made an equivocal denial of it, and, losing his temper, he was caught in a trap and was obliged inadvertently to confess that he had met him, and then stated that the omission of the words "and others," after the name of "Parnell," was occasioned by a slip of the tongue in reading the bill. There is the greatest of English premiers, Gladstone, confronting that Parliament and its leader, confronting this entire administration, and he says to them that this conduct on the part of the government is censurable. I say we want no treaty with such a government.

I said, Mr. President, in starting that I intended to discuss this question without going into details. I have given the opinion of Judge Woodbury. I have no desire to go further with it except to say, which is almost a repetition, that all that has transpired in connection with this fisheries treaty indicates the policy of this Democratic Administration. It is pro-English from the President to the last Cabinet officer. Nothing has been left undone that would bring about free trade in this country; and what I have read here as proceeding from Mr. Bayard, the Secretary of State, to Sir Charles Tupper, never having been denied must be accepted as the truth, that the adoption of the fisheries treaty would lead to the adoption of free trade by the United States.

The Republican party represents the protection sentiment of this country. The Democratic party represents the free-trade element. I do not undertake to say that no Senator on this floor with Democratic proclivities will deny it absolutely; but, sir, when I hear a vote cast on this floor I know it is on one side or the other. I know it is for the Administration or against it, and there can be no doubt about the position of the Administration. When I hear at one time the Senator from Alabama [Mr. MORGAN] make a speech opposed to the fisheries treaty or any other kind of a treaty, and I hear him afterwards advocate the other side of it, I have a right to conclude that there is some Administration medicine working around in the Senate Chamber and working with the Democratic representation influence.

I know of Senators on that side of the Chamber who say that they

are for protection; others say they are for tariff for revenue but opposed to "war taxes;" but when I hear them say that they are opposed to removing the tax on tobacco, then I have a right to go home with my doubt, for if there be any war tax, it is the internal-revenue tax. The tax on tobacco is an "internal-revenue tax," the most inquisitorial and most offensive that has been known. All internal-revenue taxes are offensive, and the tariff is the only tax that we have had from the very foundation of this Government down to this time, with two interregnums, when we have had what is called by the great American demagogues the war tax.

I say, Mr. President, that I arraign the Democratic party right here and now, and especially the Southern element of it, as being democratic in nothing but in name. I could illustrate to you by calling the name of one State that has two Senators on this floor, where, if you were to withdraw to-day the entire system of protection, two-thirds of their own people would be starved to death in ten years; and yet the Senators from that State sit here perfectly complacent, relying upon a Republican majority to take care of their interests, because they prefer the Confederate idea and to be called Democrats. That is the policy.

Mr. President, if I have detained the Senate longer than it expected, it is simply because what I have had to say is somewhat rambling, because, not anticipating this contingency, I had no preparation at all, and I am sorry if I have interfered with any business of the Senate.

Mr. MORGAN. Mr. President, there are some questions connected with the discussion of this treaty that ought to be disposed of upon the resolutions which I had the honor to offer in the Senate, and while I can not ask this executive session of the Senate to pass upon those resolutions, the remarks that I propose to submit to-day have reference to that phase of the case; and so I will ask the Chief Clerk to read the resolutions that they may go into the RECORD in this connection.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Whereas in the report of the Committee on Foreign Relations on the treaty now pending in the Senate between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888, the question is presented whether the President had authority to negotiate such a treaty without the previous consent of the Senate; and

Whereas in said report the question is also raised whether the persons appointed by the President, without the advice and consent of the Senate, as plenipotentiaries to negotiate and sign said treaty were lawfully appointed, and whether said document is a treaty duly negotiated for the consideration and action of the Senate; and

Whereas said committee declare in said report that the matters to which said treaty relates were not fit subjects for negotiation with the Government of Great Britain, and that the time for negotiation with that Government on these subjects had passed; and

Whereas the Senate will consider said treaty on its merits, and declines to adopt the views of the committee as expressed in their report as to the constitutional powers of the President in negotiating treaties; and also declines to affirm that the time for negotiation with Great Britain on the subject of our fishing rights or the commercial rights of our fishermen has passed, or that the existing difficulties on these subjects are not subjects of negotiation: Therefore,

Resolved, That in the opinion of the Senate the treaty signed by Thomas F. Bayard, William L. Putnam, and James B. Angell, as plenipotentiaries of the United States, in conjunction with the British plenipotentiaries, on the 15th day of February, 1888, and sent to the Senate by the President as a treaty duly negotiated for the consideration and action of the Senate, is properly authenticated as a treaty made by the President of the United States, acting within his constitutional powers, and is lawful and valid as a negotiation.

Resolved, That in the opinion of the Senate the time has not passed for negotiation with Great Britain as to the just interpretation of any part of Article I of said treaty of 1818 upon any point of sincere disagreement between the two Governments as to the true meaning of the same, and that no act of Congress has declared that such time for negotiation has passed, nor has the time for such negotiation passed in respect of any commercial rights that may be claimed, or that may be needed, for our fishermen in any of the harbors or ports of the British possessions of North America, and that the existing matters of difficulty, including the claims of our fishermen for damages wrongfully sustained, are subjects for treaty negotiation.

Mr. MORGAN. Mr. President, the country has already been advised through the action of a caucus of the Republican party that this treaty is doomed to defeat, and in speaking upon it and in acting in reference to it my purpose is to save to the Government of the United States as good an attitude as we are able to preserve to it under the very peculiar situation of affairs that will exist after this treaty shall have been rejected. If I were opposed to this treaty, if I believed that it was a sacrifice of the honor and interests of the people of the United States, I would nevertheless insist upon the adoption of the resolutions which I have had the honor to present to the Senate and which I will now discuss, not touching in the remarks I shall submit to-day the merits of the treaty at all. I would insist upon these resolutions for the purpose of disembarrassing our future diplomatic or other relations with Great Britain, so that we might have some chance to provide the means by which the two Governments could get in accord, either in the amendment of the treaty or in providing for further commercial rights and privileges as between the two adjoining countries here, Canada and the United States, and for the purpose of putting our Government and Great Britain in respect of this matter upon the same diplomatic ground that has always been claimed and always been secured by our foreign agencies, by our treaty-making power, and by that of all the nations of the earth, the right to communicate to the Government of Great Britain what are our views upon this question, the right to receive from her the statement of her views upon the question, the right to deliberate upon the respective statements, the right to agree by reciprocal concessions, if it becomes necessary to do so, in order to secure what may be termed, fairly, justice and equity between the two countries.

I can not conceive of a more unfortunate situation than for the Government of the United States, possessing the enormous power that it has, to make a declaration such as is set forth in the report of the majority of the committee in very distinct form, which I will presently quote, that this is not a fit subject for negotiation in the first place—the fisheries treaty and the fisheries relations—and, secondly, that the time for negotiation has passed.

I do not believe either of those statements, and I am quite sure that on that Committee of Foreign Relations there were Senators, very important ones, too, who held the reverse of this doctrine, though they afterwards signed that report, or authorized it to be brought in. What were their motives for the change of opinion it is not for me to say.

I do not impute motives to anybody. I think a man has a right to change his opinion any half-hour that he pleases, if he has reason to change, so as to convince him that he was once in error and desires to rectify his attitude. But it is something that this country will receive, as I believe, with very serious doubt when it is stated on such authority that this question which has been in dispute for seventy years between the United States and Great Britain has arrived at that stage where it is no longer the subject of negotiation and that the time for negotiation in respect to it has passed. I desire by the vote of the Senate to free this question from any such unnecessary embarrassment as that.

If we desire to reject the treaty upon what we call its merits, if we desire to reject it *in solido*, without attempting to improve it or to reform it by amendment in any way as a negotiation coming from this Senate of the United States with the sanction of two-thirds of the body, let us reject it, Mr. President, by our vote, but let us accompany that rejection with the declaration made necessary—I grant you it would not have been necessary but for this report of the majority—that the time has not passed for negotiation with Great Britain about the fisheries. The subject is still a subject of proper negotiation. We have other very unsettled fishing rights in the United States in regard to which Great Britain is our nearest neighbor and the largest participant, if it has any participation at all, and those are the rights of fishery on the coast of the Pacific Ocean, in Alaska, and in the Aleutian Islands and in whatever possessions we have there, and the corresponding rights of fishing opposite to and connected with the coasts of British Columbia or the British possessions on the northwest.

I suppose, indeed I understand, that that is a subject of very careful consideration now by the two Governments, and that there is possibly a serious question raised as to whether the claim of Russia, which she had over the Behring Sea that it was a closed sea as to the fishery (which claim she sold to us, or partitioned to us one-half of when we bought Alaska from her), can be sustained under the law of nations, or whether that assertion of right on the part of Russia at the time she sold Alaska to us is to be confirmed, or is to be modified, or is to be rejected. Now, as compared with the fisheries on the northeastern coast, those on the northwestern coast, Alaska and the neighboring islands, are perhaps worth ten times as much as the fisheries on the northeastern coast ever were or ever will be. They are as yet somewhat unexplored; but the vast banks lying in Behring Sea upon which codfish are found, and halibut and haddock and numbers of other ground fish are found in vast numbers, betoken the fact that in times to come there will be one of the chief sources of supply of all the northern part of this hemisphere for food fishes.

So, therefore, we might just as well say that the fisheries of the Northwestern coast were not the subject of negotiation and that the time for negotiation in respect to them had passed, as to make that declaration in respect to those on the Northeastern coast. We desire to have treaty arrangements and regulations with Great Britain about the Northwestern fisheries; it is very important that we should have; and how are we to deal with them if we are met with a declaration in respect to the fisheries on the Northeastern coast on the part of the Senate that the time for negotiation has passed and that the question is no longer one for negotiation? What reply do we expect Great Britain to make in answer to that proposition in regard to the great Northwestern fisheries, which it is now so necessary should be regulated by treaty agreement?

When two great governments have a dispute as to their rights or relations, especially when the controversy grows out of the interpretation of a treaty, each of them has the sovereign right, and will always assert it, of taking its own attitude towards the question and will act in the matter with supreme independence. The reasons that influence its action are its own, and it is under no duty of explaining them. Either government can stand upon the ground it chooses to assume and refuse to discuss any question or topic that may be included in the controversy. The responsibility for such an attitude is a matter that rests with the other government to assert and enforce.

No such matter can be forced into discussion between them, because each is the supreme and final judge of its own rights. The *ultima*

ratio regum is a judgment of the sovereign power, from which there is no appeal but to arms. The refusal to discuss the interpretation of a treaty necessarily presents an issue between the treaty powers that can only be determined by force, in some form, to be exerted by the treaty power complaining of its violation against the other. Where discussion has been exhausted also, the treaty powers having failed to agree, they are in the same attitude towards each other as if both, or either of them, had refused to enter upon the discussion.

The controversy ends and the conflict begins at that point, while a treaty is confessedly in force, neither party having abrogated it, nor having signified an intention to do so, or to assert a release from its obligations. It can not be in abeyance or dead, and can not be disregarded at the pleasure of either party. It is as vital, as obligatory, as compulsory as a law to the contracting powers as are the honor, dignity, and sovereignty of both governments through which it was inspired with its authority.

Governments living under a treaty are equally bound to good faith and fair dealing in its honest execution by sanctions that are stronger than those which operate between persons, concerning their private rights and interests, and by obligations that are as sacred as any that the moral sense of the best people enforce in their dealings with each other.

Those who comprise the *personnel* of the ruling powers in the treaty states have their own dignity and reputation to guard in the faithful observance of these great compacts, but a still more sacred obligation and a more delicate duty is found in the public trust with which they are clothed.

The trusts of government include the peace of the country, the security of the lives of men, women, and children; their liberties, their property, their homes, their industries, their society, their honor, and their religion. The highest and noblest care of such as are in authority must be to guard these trusts.

The fisheries articles of the treaty of 1818 are, by the clear avowal of the United States and Great Britain, in full force and effect, and both governments are bound by their sovereign honor to give complete effect to every stipulation they contain.

Many discussions and contentions have grown up in the effort to preserve and execute the mutual rights and obligations that are imposed by the treaty of 1818 upon both governments.

These controversies, except in the affair of Fortune Bay, which arose and was settled under a different treaty, that of 1871, have been between the local provincial governments on the one side and those in command of our fishing vessels on the other side. None of them have been mere private controversies between individuals. The local governments have dealt directly with the rights of our citizens, secured to them by treaty with Great Britain.

However much the treaty of 1818 may excite the pride and warm up the affections of the Senator from Massachusetts [Mr. HOAR], plainer and less highly lettered men can see in the wreckage that floats around that rock in a sea of troubles that if it had contained some provision that would have regulated the jurisdiction, the tribunals, and the method of procedure in cases where controversies should arise, the treaty of 1818 would have brought peace instead of discord, and security to our fishermen instead of the frequent invasion of their rights through the action of the provincial courts.

That treaty is utterly silent on this vital subject. All this sensitive plexus of the most intricate rights is left by that treaty uncovered and exposed to the assaults and buffetings of the provincial or other governments without having reserved to our Government the right to dispute their authority or to modify their action, except by appealing to the general laws of nations or else to arms.

The fisheries treaties of the great maritime nations all contain explicit and carefully guarded provisions for the trial of such controversies, but the loved cynosure of the Senator from Massachusetts is more perfect in his eyes because, as to the rights and liberties of our fishermen, it is both deaf and dumb. This present negotiation, so abhorrent to the thoughts and so offensive to the conscience of that Senator, because it amends the treaty of 1818 by some wise and needful provisions for the security of our fishermen, does not go as far as he or the five wise men from the East he has named as the best men to make treaties would have gone in that direction.

Mr. HOAR. May I ask the Senator a question?

Mr. MORGAN. Yes, sir.

Mr. HOAR. Does he think the treaty of 1818 would have been improved if it had contained a provision that the trial of our fishermen when they were exercising their own right should be before the Canadian tribunals with the burden of proof on them?

Mr. MORGAN. I think it is greatly improved by the present negotiation.

Mr. HOAR. That is not my question. I understand the Senator thinks that.

Mr. MORGAN. I do not propose to answer any irrelevant question.

Mr. HOAR. Oh!

Mr. MORGAN. It is very greatly improved, although the RECORD, by mistake, put me down the other day, I believe, as having stated that there was no particular advantage in this negotiation in that regard. But there Mr. Bayard found this subject, so important and so dangerous, with our private citizens on one side and the provincial governments on the other, with no guide to the adjustment of their rights but the laws of nations. No statesman who had preceded him had ever intimated a desire for any other regulation except on one occasion Mr. Seward suggested to the British Government as a *modus vivendi* that the officers of the navy of the respective governments should upon the fishing grounds take jurisdiction and settle whatever complications and troubles might arise. Mr. Bayard sought for better arrangements and found it a difficult task. He did this by attempting to amend a treaty that was pronounced indefinite and unsatisfactory in its language and too general in its definitions by such men as Webster, Everett, Evarts, and by almost every one who ever had a duty to perform connected with its execution.

Mr. Bayard could not abrogate this treaty; he was bound by his oath, as every man in this Senate is bound, to accept and enforce it as a part of the supreme law while it remains in force. His duty was confined to its honest execution. Congress can abrogate this treaty by a law duly enacted, but until that is done it is upon us an immovable obligation.

Neither Congress nor any other department of this Government has indicated in any form or at any time a purpose to abrogate this treaty. It stands to-day by our own agreement as a valid and binding obligation, and under our own Constitution as a part of the supreme law of the United States.

Mr. EVARTS. The Senator will allow me to ask a question. Supposing the treaty of 1818 were abrogated by this nation or by Great Britain, what would be the subsisting arrangement between the two countries respecting the fisheries?

Mr. MORGAN. Inasmuch as ours was a perpetual renunciation of the fishing rights except within a certain area, I judge we should have no treaty rights in respect of the fisheries, and that was the great misfortune of the treaty of 1818, that we renounced forever——

Mr. EVARTS. I understood the Senator to say the other day that he was in favor of abrogating it.

Mr. MORGAN. I said, and I repeat to the honorable Senator from New York now, that when a bill is brought in here to abrogate that treaty and to assert the rights which were abandoned by our negotiators which arose under the treaty of 1783 and which were the fruits of the Revolutionary war, although I know it would lead to war, I will join with him in making an effort to recover the fruits of the Revolutionary war.

Mr. EVARTS. Then it is worth while to fight for the Revolutionary rights, but not for the rights of 1818?

Mr. MORGAN. I would adhere to them and hold on to them and not give them up. It is not worth while to fight about a matter you do not intend to give up. You had better try to amend it and live under it. If we have to wear a yoke, let us put something that is as soft as possible under the collar if we can, so as to prevent the rubbing.

Mr. EVARTS. I do not wish to interrupt the argument, but to know what your position is as to the effect of abrogating the treaty of 1818; whether you think there would then be no treaty whatever, in your judgment?

Mr. MORGAN. My proposition is that until it is abrogated, while it is upon the statute-book, my oath binds me to stand up to it and execute it fairly. I am bound to do it. I understand that the supreme law of this land binds me in honor and in conscience by my oath to obey it. I look upon the treaty of 1818 as being as much a part of the law of the United States—the supreme law, as it is styled in our Constitution—as the judicial acts upon which rest the judicial system of the United States. And yet I believe that treaty to be the sorest spot in our history. While it stands I will execute and obey it as a man and a legislator according to what I believe is its just and honest interpretation. When I can find a party of Americans who are willing to declare that it is pernicious to the welfare of our people and that it was a craven surrender of the chief part of our rights won in the great Revolutionary war, I will go with that party for an open and manly attack upon it. I will vote for its repeal, for its abrogation, for denouncing it as having been violated by Great Britain, as it has been. I will, with such a party, make a clear and open demonstration against it; but I will not attempt to evade it and slip by it, leaving it behind me as a convenient bomb-proof to which I can retire in security when making a raid to capture other concessions from Great Britain that are admitted on all hands to be foreign—utterly foreign—to the treaty of 1818.

Looking upon this treaty as a part of the law of the United States, and it is written on our statute-books as a part of our laws, the question for us to consider is whether we shall amend it or repeal it, or leave it still to be executed by Great Britain on her own interpretation of its provisions. We can release the United States from its obligations under this treaty at any hour we choose by any act of Congress having that effect. "Shall we do it?" is a question that we have not so far even looked squarely in the face.

We can amend the treaty, but only with the consent of Great Britain, the other party to the compact. We can enforce our construction

of the treaty against the judgments of the provincial courts when our ships are seized, but the choice of means by which this shall be done is a matter that concerns both our honor and interests. If we declare the treaty has been violated by Great Britain and that therefore it is abrogated at our election, and that its renunciations were revoked, and that we therefore resume our rights in the fisheries as they were conceded in the treaty of 1783, we know that such a declaration must mean war. If we make this same declaration and declare further that we mean to support it by nibbling off some of the profits that the Canadians make in having full trading rights in our ports, that may not mean war, but to borrow a phrase from the political platform of the great Republican party, it would be a very pusillanimous and cowardly attitude for a great and powerful government.

The question made most prominent in the report of the majority of the committee on this treaty is whether we will negotiate for its amendment, so that it shall fully present the understanding between the United States and Great Britain, or shall we try to compel Great Britain to accede to our interpretation of it, and to grant us other commercial privileges in her ports, to which the treaty makes no reference, by excluding the Canadians from all trade and traffic with our people?

To resort to any plan of retaliation which ignores the existence and force of the treaty while claiming that it is in full force, and equally to resort to lateral pressure to compel or induce Great Britain to comply with our construction of the treaty, can only be justified, according to our own honor, after a fair and candid effort to secure such results by direct and open negotiation. We have nothing to conceal as to our demands. We need have no fear in formulating them, and have no occasion to resort to any finesse, artifice, evasion, or indirection in trying to get our full rights under this treaty; above all we are not in the unhappy condition of being forced to "stoop to conquer" where our rights are involved and justice is denied us.

I have always understood, and that has been the burden of all our diplomatic correspondence, and of all the debate that has occurred in both Houses of Congress, and especially of the speeches that have been made on this treaty, that our complaints of the conduct of Great Britain and Canada related to the misconstruction of the treaty of 1818, and the abuse of the rights, powers, and restrictions that it included.

Whatever other troubles we have had, whether relating to the fisheries in the waters of Behring Sea, the exactions of tolls for passing our vessels through Canadian canals that discriminated against our commerce, the Monroe doctrine, the right to pass with our vessels through the Straits of Canso, the right of our fishermen to buy or catch bait in Canadian waters or ports, and to trade with those people, are matters apart from the treaty of 1818, and should be settled on their own merits.

We can not expound the treaty of 1818 by construction or by force so as to include any of those matters which are foreign to it without changing its structure and making of it a new creature.

Indirect means, temporary constructions made under the pressure of circumstances, are not the methods for reforming the treaty and increasing our rights under it. When the circumstances are changed and the pressure is removed, the treaty, like a bent bow, will come back to its original condition, and will again become the subject of trouble and of danger.

As the treaty itself, through its various interpretations by various people in authority in the United States, in Great Britain, and in her provinces, and at various times during seventy years, has been the real cause of all our troubles about the fisheries, I have thought, and still believe, that it was an incubus upon our country, and would remain such until it was amended or repealed.

Others differ with me in that opinion. They desire to hold on to the treaty to prevent, as they insist, the loss of all our fishing rights secured by it in the Canadian fisheries; all the rest, not so secured, having been forever renounced in that treaty. They also object to the amendment of that treaty. They demand that it shall stand for the protection of such rights as it secures to our people, and that we shall resort to retaliatory action upon Canadian commerce for the purpose of compelling Great Britain to accept our construction of the treaty, and for the further purpose of gaining other commercial advantages in Canadian ports, to which the treaty, as they admit, has no sort of reference.

The exact issue between Senators who oppose the amendment of the treaty of 1818 and those who favor such amendment is as I have just stated it. If the treaty is to be clung to as the repository and security of our fishing rights in Canadian fisheries (and I see no remedy for it until the event foretold yesterday by the prophet of the Sierras—the Senator from Nevada—has come to pass, and the inevitable war with Great Britain has ended), I prefer its amendment to the temporary and harassing expedient of gaining by retaliation to-day an advantage that may be lost or repented of to-morrow, or that will only continue for a brief period of time.

If our rights in Canadian fisheries are worth anything, they are worthy of the support of a treaty engagement with Great Britain that is clearly understood and honestly maintained on both sides.

Retaliatory measures relating to commercial intercourse can not continue for any considerable period without resulting in permanent non-intercourse, which means the destruction of our commerce with Canada, the extension of this ruin to all our export and import trade with Great Britain, and the general prostration of our industries, and universal bankruptcy amongst our own people.

Those who imagine that Great Britain can not do without our wheat and cotton will be surprised to find that a transfer of the British capital now employed in American railroads, manufactures, cattle herds, and invested in American stocks will open the wheat lands of Canada and India and will push the cotton growth into formidable competition with us in all her eastern possessions, and in Egypt, and in her South American colonies.

Those who consider that Canada is held to her allegiance to the British Empire by slender threads, and that her proximity to us makes her a British hostage for the security of the peace, forget that the quarrel we are now promoting is the quarrel of Canada; that there are ancient grudges between us and the refugee tories who fled to Canada after the war of the Revolution and engaged in the fisheries for support; that these ancient quarrels still linger in the tree, like wind-rifts, though hidden by the bark, and that they are as easily aroused and excited to anger against us as we are against the British, and that we despise the tories of the Revolution no more intensely than they hate us.

Annexation, absorption, or conquest of Canada will not be a love feast for many years to come, and will never be acceptable to Canadians until Great Britain has become hostile to her people and her interests. Great Britain could better renounce her control over the Suez Canal than the Canadian Pacific Railroad. Her fortress at Gibraltar is not so important as her possessions on Vancouver Island. The future supplies of wheat, lumber, and fish that Canada will send to Great Britain are worth more than the $500,000,000 she would expend in burning the cities on the lakes and the seaboard of the United States.

True, we could take Canada and other British possessions, but what this free Republic, that governs only through the consent of the governed, could do with a people and a country like Canada, when subjected to our power by conquest, is a problem that needs to be solved before we set out on the expedition that is to result in the subjugation of Canada. It is a long and perplexing calculation that we must make when we count the cost of retaliation and non-intercourse with our nearest neighbor. I think it is easier, cheaper, and more honorable to live in peace with Canada than it could be even to extend our limits to the north pole at a time when such a policy with such a result would bring in a brave and strong people by force and against their will.

I therefore prefer negotiation to retaliation. We have negotiated in part. The President has opened the negotiation and now submits his work to the Senate for our advice and consent. We are engaged in determining what advice we will give the President and how far we will consent to what he has done.

In this stage of our work we are negotiators, just as the President is. We can shape this treaty as we choose, through our right to amend it. If Great Britain does not accept our amendments, that ends the matter. If she should accept, then we have a treaty that must be satisfactory to two-thirds of the Senate.

The Senate can not fail to remember, or, if we forget, the country will remember, that we are clothed with all the powers of negotiation, through the President as the executive head of our Government, to improve this negotiation so that it shall express the will of two-thirds of this body.

No treaty can contain a sentence or clause that does not meet the approval of two-thirds of this body. Are we prepared to admit that we are not equal to the test of formulating a fisheries treaty with Great Britain that will secure to our people every right and every privilege that is claimed for them in this debate? If this treaty does not suit us, let us write one, to which two-thirds of the Senate will agree, that does suit us, and advise the President to submit it to Great Britain for ratification or rejection. We can in this way formulate our contention as to our fishery rights and the commercial rights of our fishermen so that they can not be misunderstood. Without this consensus of opinion in the Senate we shall pass through this debate and reject this treaty without furnishing to the world any distinct idea of what we believe to be the true definition of the rights that we claim.

No man can ascertain from this debate any distinct proposition on which even a majority of the Senate are agreed, to say nothing of what two-thirds of the Senate would unite in asserting. All that we will have established is that the Senate will neither propose a negotiation with Great Britain that will settle the fishery disputes, nor will it assent to that which the President has concluded, nor will it amend that negotiation. We refuse to negotiate, and are driven to the ground assumed by the Committee on Foreign Relations, that the fisheries are not a fit subject for negotiation, that the time for negotiation has passed, and that both the Senate and the Congress have instructed the President that his business and duty are confined to retaliation under the act of March, 1887.

Mature reflection has convinced me as to two facts that were absolutely controlling in the situation we occupy in reference to the northeastern British provinces in connection with the fisheries.

First, that all our rights of fishery within the territorial jurisdiction, being the joint rights of a tenancy in common with the people on those coasts, they can only be enjoyed, beneficially, by agreement between the countries and by good will amongst the fishermen; and second that intercourse in such joint enjoyment of the fisheries can not be properly or safely regulated by means of retaliatory laws or proceedings.

I can conceive of nothing more difficult than the task of preserving to our fishermen their full and just rights in a joint fishery on the distant coasts of Newfoundland and Labrador, amongst a people whose commerce and ships are excluded from our ports and whose jealousy of their rights in respect of their sole means of subsistence is further inflamed by unfriendly or hostile relations between their government and ours. I can scarcely see that it is possible that our fishermen can safely and peacefully enjoy the rights left to them by the treaty of 1818 while the two countries are engaged in repressing and destroying the commerce of each other, with all the irritations that such relations will engender, unless we send out our war ships, if we should have any, to convoy and protect our fishing fleets.

A treaty right is of little worth if it must be constantly protected by an armed force.

This joint ownership of the fisheries is the great controlling fact that makes it indispensable that its enjoyments should be regulated, controlled, and secured by agreement with the other joint owner, rather than by disagreement, contention, strife, retaliation, and retorsion.

We have seen that, with the best efforts of both governments to promote harmony and peace among the men whose ships visit the same waters to gather, annually, the rich harvest of the fisheries, by treaties with broad provisions for reciprocity, we have been frequently driven to the verge of war by their jealousies and disagreements.

Neither party has ever tried the efficacy of retaliation to prevent or cure these troubles. If we are forced now to this resort it is a certain result that we shall lose the benefit of our joint fishing rights under the treaty of 1818, unless we send out our fishermen under the convoy of our Navy.

It goes without saying that any exercise of force by either party in the fishing waters to correct an injustice or prevent an abuse would almost certainly lead to hostile collision between our men of war and to open hostilities.

These and many like reasons impress me with the conviction that the nature of our rights in the fisheries of the British provinces compels us to prefer the certainty and security of treaty agreements for their regulation to that uncertain and doubtful expedient which is found in unfriendly retaliation.

Therefore, I could only admit the conclusion that the time for negotiation with Great Britain about our fishing rights had passed, with the most serious apprehensions that the time had arrived to state our demands in the clearest manner, and to enforce them by all the means in our power.

If there is a middle ground between our refusal to negotiate and the declaration of an ultimatum, to which we will adhere to the uttermost, in reference to this joint right of fishery in the provincial waters, it is certainly very debatable ground. It is not ground upon which these sovereign nations confront each other in open and upright controversy to settle great questions definitely and fairly in whatever form of contest may be required. It is rather the ground over which the raider steals a march in search of booty, and hopes to exhaust his antagonist by cutting off his supplies and destroying his resources.

This might be good strategy in war, but it is a very weak and shambling policy in respect of our commercial dealings. Rather than resort to this policy, for which we made ample provision by law in 1850, in a statute that is still in force, and under the worst experience we have ever had of the harsh execution of the British view of the treaty of 1818, we have given the Canadians twenty-four years of importation of free fish out of the thirty-eight years since 1850, and in 1870, when the Republican party was in full possession of the Government, they put fresh fish on the free-list and have kept it there to this hour.

Neither Mr. Lincoln, Mr. Johnson, General Grant, Mr. Hayes, or Mr. Arthur ever attempted to resort to the retaliatory law of 1850 to meet any of the many acts of alleged aggression and the constant denial of trading privileges to our fishermen, although they were as severe and defiant as they were ever before or since the twenty-four years during which they held the Presidency, with complete control of every branch of the Government, including the judiciary and a majority in both branches of Congress, that was eager to record their decrees. More than three hundred cases of seizure of our fishing vessels by the provincial authorities had occurred during and antecedent to their possession of the Government, and except the pious episode of the Sunday fishing in Fortune Bay, not one of the five Cabinet officers now in this body, Mr. CAMERON, Mr. EVARTS, Mr. SHERMAN, Mr. TELLER, and Mr. CHANDLER, who held high places in those administrations, can show a line in print that contained even a movement in the direction of a proclamation of non-intercourse or retaliation upon Canada under the law of 1850.

There were the grievances, old and new, quite as aggravated and galling to our pride and damaging to our interests as any that have occurred since Arthur's administration; there was the law of 1850 on the statute-book, giving the Secretary of the Treasury and the President all the power that was needed to retaliate upon Canada, and here are the ex-Secretaries of the Treasury, of the Interior, of the Navy, of War, and of State, abusing with coarse epithets the present Administration and putting that abuse in a report from a committee of the Senate, and in speeches on this floor, because the President sought to come to a fair agreement with Great Britain, if that were possible, with the consent of the Senate, before resorting to the act of 1850, or that of 1887, to compel that Government to do us justice.

Those ex-Secretaries demand that the door of negotiation shall be immediately shut, so as to force Mr. Cleveland to the sole alternative of retaliation, and the probable result of open hostilities with Great Britain, while for twenty-four years they and their powerful party neither retaliated nor treated, and very mildly complained about the wrongs of our fishermen, some fresh and some old and moss-grown with neglect. Why did they not retaliate? Why did they not force the country into war? The answer is too plain and too humiliating to be stated with composure by any American.

In the treaty of 1871 we, in effect, condoned every previous cause of complaint and merged the wounded pride and the uncollected damages for past wrongs to our fishermen in the new arrangement, by which we admitted fish to our markets free of duty, and agreed to pay a sum which turned out to be $5,500,000 for peace, fraternity, and poor fishing along the Canadian coasts.

In fact we used these inducements in order to make it easier for Great Britain to agree with us on the Alabama claims, and some other arrangements for the use of the lakes as channels of trade and commerce.

These ex-Secretaries and their party, having resorted to negotiation instead of retaliation, made this treaty of 1871 to cover the very questions that now exist; that appeared in flagrant wrongs in 1869 and 1870, and then subsided for ten years under this five-and-a-half-million-dollar poultice and appeared again in 1885; and now they are here crying out against a President for negotiating a treaty, and sending it to them for ratification, amendment, or rejection, which is a fair, direct, and just settlement of these disputes. Why may we not now treat with Great Britain about these same troubles and misunderstandings on the basis of mutual concession, in order to reach a common and satisfactory agreement, when these ex-Secretaries paid Great Britain five and a half million dollars for the purchase of ten years' peace on these same questions?

They denounce this treaty in their national party platform as a pusillanimous and cowardly surrender, and are scarcely less sparing of epithets towards it and the President in their speeches in the Senate after they have given free fish to Canada and $5,500,000 in money for the right to fish within the 3-mile limit as fixed by the treaty of 1818 and to land on certain coasts and shores for the purpose of drying their nets and curing their fish. This was the only additional liberty secured to our fishermen, for which these ex-Secretaries and their party paid these enormous sums and gave them the right also to fish in our waters, on our seacoasts and shores north of 39° north latitude, extending this privilege 3 degrees farther south on our shores than was done in the treaty of 1854.

Our fishermen needed the commercial privileges for which we now clamor in such belligerent notes in 1871 quite as much as they are needed now. They were as important then as they are now, but the treaty of 1871, sent to the Senate by General Grant and confirmed without opposition, made no allusion to any commercial rights for our fishermen. The negotiators had their instructions from the President, in which these commercial rights were distinctly called to their attention, but the treaty contained no word on the subject. Senators scout a negotiation as being pusillanimous and cowardly, because it does not make as full provision for the commercial rights of our fishermen as they now claim, while remembering that they and their party made the treaty of 1871 without an allusion to such rights. They made additions to our treaty rights under the treaty of 1818 in these words:

ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the seacoasts and shores, and in the bays, harbors, and creeks of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

They stopped with these additions to our side of the subject and gave to the Canadians full fishing rights on our coasts down to 39° north latitude. Can any of the five Secretaries or the Senators who were in this body in May, 1871, answer to our despoiled fishermen why it was that this treaty of 1871 admitted all fish and fish-oil free of duty and

mulcted us in a sum of $5,500,000, and gave British fishermen the equal rights with ourselves to fish on our shores down to 39° north latitude? Were not all these gentlemen on the British side of that question? Let them answer these questions, or else forever after hold their peace on the subject of pusillanimous and cowardly treaties and from any further accusations against us that we are espousing the British or Canadian side of this controversy.

What has become of the recent lofty boast of American statesmanship, that we intend to demand and secure commercial rights for our fishermen in the ports of Canada? What was done to secure those rights in the treaty of 1871? Who moved in that direction? Who intimated a desire for such commercial rights in 1871? None of the able ex-Secretaries, none of the Senators on this floor; and yet there are many here now who were either in this House or the other in 1871.

Mr. EVARTS. Will the Senator allow me to raise a point of consideration? The Senator must be aware that during the prevalence of the treaty of 1871 all these commercial rights were conceded, practically.

Mr. MORGAN. No, the Senator uses the wrong word. "Concede" does not cover the subject. That is not the fact.

Mr. EVARTS. I do not say the treaty, but the action.

Mr. MORGAN. Nor in any other way.

Mr. EVARTS. The action.

Mr. MORGAN. A mere indulgence was granted to us, precisely of the same character as is granted now under the *modus vivendi* established in the protocol of the present treaty.

Mr. EVARTS. I had not asked the Senator's attention to any other consideration than the mere fact that during the prevalence of the treaty of 1871 these commercial privileges were enjoyed by our people.

Mr. MORGAN. That was not in consequence of the treaty, but because of the changed commercial relationship between those people and our people, whereby it became more profitable to the Canadians to have our people in their ports than it would have been to have excluded them. When we came to settle the damages in the Halifax Commission upon this very question the British representative put in a demand for the privileges of commerce enjoyed under that treaty. Our reply to it was, "The treaty is silent on the subject, and what you have granted us in the way of commerce has been a mere gratuity for your own advantage and benefit, and one that you could withdraw at any time." Therefore it was not conceded.

Mr. EVARTS. I did not state it as a concession. I merely asked whether the Senator agreed that during the period of time the treaty of 1871 was in force commercial privileges as we claim them for fishermen were enjoyed.

Mr. MORGAN. That is very true.

Mr. EVARTS. Very well; that is all I wanted to ask.

Mr. MORGAN. That is very true; they were enjoyed as an act of grace and favor by the Canadians to our people, and for their own private advantage and benefit.

Mr. PUGH. Will my colleague allow me to suggest that the fact that commercial privileges were enjoyed while the treaty of 1871 was in force is no reason why they were not provided for in the treaty itself?

Mr. MORGAN. Surely not.

Mr. PUGH. Those commercial privileges were not enjoyed prior to the formation of the treaty of 1871, and the fact that they were enjoyed while that treaty was in operation is no answer to the failure of the Government to provide for them in the treaty of 1871.

Mr. EVARTS. Will the Senator allow me?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from New York?

Mr. MORGAN. Certainly.

Mr. EVARTS. I had no purpose of interposing the inquiry either to derange the argument of my friend from Alabama, or to anticipate my own on that subject. My purpose was to see whether we can agree about the fact, and then the reasoning may go on so far as you please on your side.

Mr. MORGAN. We agree about the fact that under the benign influences of the treaty of 1871, which gave free fish and free oil to the citizens of both countries, and which made a large promise of money to the Canadians for the value of their fisheries over and above the value of their enjoyment of our fisheries, they were in very good humor, received us very kindly and very hospitably; but the moment that treaty was put an end to they flared up again, and getting back on the hard lines of the treaty of 1818 they undertook to enforce it according to their own interpretation.

There was no object during the pendency of the treaty of 1871 for excluding our men under the treaty of 1818, or making any point at all, because they had the right to go up to the shores and fish on any part of the coast, just as much right as the Canadians themselves had.

If you put this treaty in force you will find that the same state of affairs will occur again in Canada which occurred under the treaty of 1871. Peace will prevail and our fishermen will enjoy the advantages of the joint enterprises or ventures of fishing in those waters with as much security, as much peace, as much quiet, as they did the operation of the treaty of 1871. But the difference would be that by this treaty we should have secured the right by a treaty obligation, while in the treaty of 1871 our Republican friends left it to be begged or borrowed from the Canadians as they might see proper to grant in according to their grace and free will.

We should enjoy also the guaranties of this treaty without paying any money for it, or without paying free fish for it, or paying anything else for it. If the treaty is carried into effect it will produce precisely the same condition of peaceful intercourse that occurred under the treaty of 1871, which made no provision except to gratify the Canadians and keep them in good humor, and prevent them in that way from interfering with our rights.

It is a common notion frequently advanced in debate that the treaties of 1854 and 1871 were intended to be temporary arrangements. If they were so intended, they were disgraceful escapes from the questions and troubles engendered by the treaty of 1818, which the present Administration has met boldly and settled fairly on principle.

But they were intended to be permanent arrangements, unless they proved injurious to the one or the other of the treaty powers. The reciprocity treaty of 1854 went down under a prejudice against Canada that grew up during the war of the rebellion. The treaty of 1871 went down, as to the fisheries articles, because we found that the treaty was costing us in money many times more than the value of the privileges of the inshore fisheries.

It is yet a very serious question whether we have not lost greatly by the abrogation of the treaty of 1854. Thus we see that the treaty before the Senate is the first and only one in which any commercial privileges have been secured to our fishermen, or in which a serious effort has been made to secure them. I will go into this subject more fully when I shall attempt hereafter to discuss the merits of this treaty in open executive session.

It is in reference to the commercial privileges of our fishermen, and alone in reference to these alleged rights, that the startling doctrine is asserted, and the rash attitude is taken in the report of the majority of the Committee on Foreign Relations that the fisheries are no longer a proper subject of negotiation, and that the time for negotiation with Great Britain has passed.

What commercial privileges do we thus demand for our fishermen? The answer seems to be "the same that we accord to Canadian fishermen." The answer is not candid, for we do not accord to Canadians the right to take fish anywhere within 3 miles of our seacoast or to land and dry fish on any of our shores, and especially do we not allow them the liberty to fish within 3 miles of the shores of the coasts, bays, harbors, and creeks of the dominions or domain of the United States. They have no such treaty rights, and we have never granted such fishing rights to them by any statute, whether the bays are 6 miles wide or as wide as Boston Harbor, or Long Island Sound, or Delaware Bay, or Chesapeake Bay.

They have only the same commercial rights in our ports that we extend to all ships of commerce, while we have a treaty right for fishing privileges and to enter their bays, etc., for shelter or repairs and to obtain wood and water.

One thing is certain in respect of the commercial rights of Canadian fishermen in our ports of entry, and that is, that they are admitted, not for the sake of comity and as an act of grace and hospitality, but because their presence in our ports increases the trade of our merchants, mechanics, outfitters, and dealers in fishing-tackle, provisions, and the equipment of fishermen. Our people have many things to sell to Canadian fishermen in exchange for their fares, while the Canadians have little to sell to us besides bait and fish. We want their trade, while a narrow policy, as I think, induces them to reject the trade of our fishermen. The retaliation that would exclude their trade from our ports would lessen our profits much more than theirs.

But this is what we are told we must demand until their ports are as free to our fishermen as ours are to them.

All such demands are entirely apart from the treaty of 1818, and so we are distinctly informed in the report of the majority of the committee. But they insist that these demands shall be made and enforced by retaliation. If we succeed in getting what we require by this species of force, how long will the privilege continue if it is not secured by a treaty engagement? The answer is, that this having been accomplished by pressure, when that is removed the privilege will cease. I can think of nothing more hopeless as a permanent adjustment of our troubles than this temporary and uncertain expedient.

But it is this wild and unstable device that so strongly addresses itself to the judgment of Senators, that for fear it may not be resorted to they demand that no negotiation shall be entered upon with reference to the fisheries troubles. It is for the vague hope of advantage from this expedient that the President is censured for attempting to treat with Great Britain and to secure broad and useful privileges for our fishermen in a form where we can enforce them.

An untried experiment which all nations consider as leading in the first steps to be taken to the very verge of war, and is therefore resorted to only when all reasonably hope of agreement is extinguished, is held up as our only means of securing our full and just rights with reference to commercial advantages for our fishermen, about which we have not even proposed to treat with Great Britain.

In the summing up of our contentions under the treaty of 1818 as

to its proper interpretation our Government instructed its commissioners in the joint high commission that made the treaty of 1871 as to the remedies they would provide for the injuries our fishermen had sustained. I will read them.

8.—REMEDIES.

These are the instructions to our negotiators who negotiated the treaty of 1871. Here are the remedies:

It is suggested that this class of questions may be adjusted, either—
I. By agreeing upon the terms upon which the whole of the reserved fishing-grounds may be thrown open to American fishermen, which might be accompanied with a repeal of the obnoxious laws, and the abrogation of the disputed reservation as to ports, harbors, etc.—

No commercial privileges yet mentioned—

or, failing that—
II. By agreeing upon the construction of the disputed renunciation—

Mr. Bayard had attempted to agree upon the construction of the disputed renunciation. So he follows Mr. Fish's instructions upon that point—

upon the principles upon which a line should be run by a joint commission to exhibit the territory from which the American fishermen are to be excluded—

Mr. Bayard did that also—

and by repealing the obnoxious laws, and agreeing upon the measures to be taken for enforcing the colonial rights, the penalties to be inflicted for a forfeiture of the same, and a mixed tribunal to enforce the same.

Mr. Bayard proposed all that, and succeeded in all of it, too, except in the mixed tribunal.

It may also be well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American colonies.

Yet the gentleman who works the political end of the Republican party on the other side, the Senator from Virginia [Mr. RIDDLEBERGER], got up to-day and charged the Democratic party with desiring to admit fish free and to have all manner of free trade with Canada. Here in the instructions given by Mr. Fish to the negotiators in 1871 he directs them to propose to Great Britain free fish and fish-oil to be admitted into both countries.

In addition to the authorities hereinbefore cited, there is in the archives of the Department of State a copious and well-arranged memoir upon the subject of the fisheries, by Richard D. Cutts, esq., of the Coast Survey, which will be placed at the disposal of the commissioners.

That concluded the instructions on the subject of the fisheries.

Mr. GEORGE. Has that memoir been printed?

Mr. MORGAN. It has been printed in parts. Extracts have been printed. The larger part of it is in manuscript in the State Department.

Nothing is suggested here as to commercial rights, nothing as to retaliation. All is to be accomplished by agreement under the compensatory and reciprocal inducement of admitting fish to both countries free of duty. This was our Republican plan of 1871. Our fishermen will not fail to contrast it with the plan of 1888, greatly to the advantage of the latter.

But I do not propose to discuss the merits of this treaty on these resolutions. They relate to the question whether this is a proper subject for negotiation; whether the time for negotiation has passed, and whether this treaty has been negotiated by persons duly and constitutionally empowered to conduct a negotiation.

The opinions of the Senate and of Congress and of individual Senators expressed in debate, have been referred to by the majority of the Committee of Foreign Relations to support their report on this treaty and to justify Senators in denouncing other Senators for alleged abandonment of their convictions under the lash of party discipline and under the pressure of Presidential influence.

I accord to other Senators what I claim for myself, that in their earlier discussions of these questions, and before a party caucus compelled the majority to conduct their part of these negotiations in the presence and hearing of all the people of the world who choose to listen, there was a reserve in statement and argument which was creditable to the Senate and was then compelled by the rules of this body.

The state of opinion in the Senate at the time when the President was anxiously investigating the best means of composing our fisheries troubles with Great Britain must have been an important fact to influence the line of policy he was to pursue. For however valuable our views may be, or however little worth they are intrinsically, they are the opinions of men whom he is bound to consult, of negotiators who may amend, reverse, or ratify his negotiations, or who may scout his action as being without authority.

The following resolution was offered in the Senate by the Senator from Massachusetts [Mr. HOAR] February 24, 1887:

Resolved, That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, change, or abolition of any of our existing duties on imports.

That Senator must have forgotten, when he wrote that resolution, that fresh fish had been made free by his own party.

The Senator's mind grasped the fact that it would be proper, and was necessary "in regard to existing difficulties with her province of Canada" that "negotiation should be undertaken with Great Britain." He sought to prevent any "reduction, change, or abolition of any of our existing duties on imports" by means of such negotiation. The negotiation he then looked forward to has been had, and Mr. Bayard has steadfastly refused to make any change, or to attempt to make any increase, reduction, or abolition of duties on any imports in this treaty. The Senator had seen fresh fish put upon the free-list in a Republican Congress in 1870, and in the Republican treaty of 1871, and he feared a much larger addition to the free-list by a Democratic President.

If anything could induce that Senator to entertain, for one moment, a reasonably tolerant opinion of the President and Secretary of State, I would hope that the close and literal compliance, in this negotiation, with the expressed opinions of the Senator, in excluding from this negotiation all manner of interference with the tariff on fish or any other features of our tariff laws, would incline that Senator to a more indulgent view of the motives that influenced this treaty and the wisdom that guided in its negotiation. On the 3d of March, 1887, the Senate adopted the following resolution:

Resolved, That in the opinion of the Senate the appointment of a commission, in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America—

That included both coasts, you see—

ought not to be provided for by Congress.

This resolution took the place of all other resolutions on this subject. It raised the question whether Congress should create, by law, a commission—

To be charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America—

or whether the Constitution should be observed in its control of such questions, by placing that control in the hands of the President and the Senate. It was in the debate on this resolution that some opinions were expressed that will show how rapidly and how curiously we have traveled to reach the ground now solemnly assumed by the Committee on Foreign Relations, that the fisheries are not proper subjects for negotiation with Great Britain, and that the time fo such negotiation has passed. I supposed then, as we all know now, that whenever the treaty of 1818 is improved it must be done by treaty.

If we retaliate upon British commerce until we have punished them into the full acceptance of our construction of that treaty and superadd the privileges of free commerce and trade to our fishermen, we could not be content to have all these valuable results to be again disputed when changes in the administration of the Canadian or British Government might cause these concessions to be withdrawn or modified. The time for treaty making will have then arrived instead of having been long passed. And so, if in this game of battledore and shuttlecock in which our most vital interests are to aid the sport of our most reckless statesmen, there should grow up such excitement and ill-blood that war should supervene; at the close of the contest the time for negotiation will again arrive. It is idle under any circumstances, except in impending war when we intend to strike the blow, to declare that the time for negotiation has passed. Unless we mean to resort to force, such vain fulminations only convince mankind that we are a nation of braggarts.

Pressure is right when we wish to get a reluctant power to settle our disputes with them by treaty, but when it is employed to prevent negotiation it can only mean a resort to force. I thought in 1887 that we were using the pressure of resolutions and laws to impress Great Britain with the necessity for treaty relations that were better understood and that should be more justly executed. True, none of us could then afford to say openly all that we believed or felt on these subjects. There were then, as now, some facts vitally affecting these questions that we could not even allude to. To-day, while we are here making a pretense before the country that we are discussing our relations with Great Britain openly and fully, there is laid upon the table of the Committee on Foreign Relations by a solid Republican vote the unpublished parts of two letters of Edward Everett, official letters, sent to our Government while he was minister to Great Britain, that would throw a flood of light upon both the American and British contentions about the fisheries.

I asked the Senate in resolutions to remove the injunction of secresy from these letters, that I might let the people into all our secret sources of information. The Committee on Foreign Relations refused even to report the resolution back to the Senate, and we must argue this treaty openly upon facts that we do not choose to reveal to our own people, and can not, therefore, be permitted to state in the Senate.

So, I appreciate the reserve under which Senators have been compelled to debate the resolutions and bills relating to this subject, that we have been compelled to consider and discuss. I will not resort to the strategem, which I consider immeasurably mean, unworthy, and unjust, of holding a Senator who spoke on these subjects in 1887, to his responsibility for utterances in which he did not dare to expose the secret counsels of his colleagues, or even to state fully and frankly his own opinions, lest he might betray his country into some unfortunate attitude.

With this allowance to all concerned, I will proceed to read some

things that were said in debate on this floor in the earlier stages of this present controversy. The honorable Senator from Maine [Mr. FRYE] had the floor. He said:

I call attention now, Mr. President, to the treaty of 1818, the provisions of which, I suppose, have been in force since the abrogation of the fishery clauses of the "treaty of Washington." In the negotiation of this England evinced neither magnanimity nor sentiment, and our commissioners neither sagacity nor courage. The times were not propitious for us. Waterloo had been fought; the allies had entered Paris; Napoleon had abdicated, and England was arrogant. We deliberately surrendered all of our fishery rights, and a blow was dealt that industry from which it has never recovered. By its terms England laid the foundation for ceaseless demands, and invited her colonies to the enactment of penal laws and the commission of outrages in their name which would disgrace any civilization.

That was done under the terms of the treaty:

I call attention to Article I: "and the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominion in America, not included within the above-mentioned limits"—

Adds the Senator—

with a proviso that our fishermen might enter these bays, etc., for shelter or to repair damage, to purchase wood and take water, but for no other purpose whatever. We reserved to ourselves only the commonest rights of hospitality and renounced all commercial privileges whatsoever.

We "renounced all commercial privileges whatsoever" by the treaty of 1818, says the Senator from Maine.

But, to be accurate, I ought not to say "renounced all commercial privileges," for up to that time, under England's peculiar colonial policy, we had enjoyed no such privileges.

Mr. COKE. May I ask the Senator who were the American commissioners in the negotiation of the treaty of 1818?

Mr. FRYE. I did know, but I have forgotten who they were.

In 1819 the English Parliament passed an act construing this article, making it an offense if our vessels had fished, were then fishing or preparing to fish, within the shore-line, and the colonial courts held that when a vessel within the shore-line was preparing to fish outside of it she was liable to seizure and condemnation.

Further, England claimed that this 3-mile line was to be measured outside of a line drawn from headland to headland, which would include gulfs half as large as the Gulf of Mexico. It is true that on the protest of our Government she subsequently instructed her officers not to enforce the law under this claim, but she has never renounced it.

In April, 188[illegible], the Senator from Maine said that England had never renounced that claim.

For several years we had but little trouble under this treaty; then it came in a perfect avalanche. England and her colony coveted our increasing market, and as usual, without a scruple, went for it. They seized vessel after vessel, condemned them in colonial courts on the testimony of colonial witnesses, refused them shelter, drove them to sea in storms, seized and searched on the high seas, broke up voyages, until in fact the perils of the sea on the banks were not greater than the dangers of the law within the shore-line. Our Government interfered again and again. Mr. Van Buren sent the Grampus into those waters in 1839; Mr. Pierce ordered a fleet there; the Kearsarge and the Mississippi cruised there, and in the presence of our armed vessels our fishermen were undisturbed, but immediately on their withdrawal the outrages were renewed.

The records of the Halifax Commission are full of evidences of illegal seizures; of seizures and condemnations on complaints of the most trivial and inconsequential character; of every conceivable outrage and wrong; of every violation of the rights of hospitality and friendly intercourse. In the pursuit of these unjustifiable methods England and her colony had but one purpose—to force open our markets, and in 1854 their efforts were crowned with success in the ratification of the so-called "reciprocity treaty," reciprocal, however, largely only in name. They opened their fisheries to us, and we our markets to them. I am confining myself, Mr. President, strictly to the question in issue, and, therefore, do not discuss the other features of that treaty.

There was a terrible list of outrages and wrongs, including every phase of what we contend is the misconstruction by Great Britain of the treaty of 1818, carried into actual effect by seizure of our ships, wrongs rated up, year by year. When Mr. Bayard came to treat on this subject he found all this mass of wrong and injustice, and he found that contention of the headlands in his front. It had been practiced long, and with perfect impunity, for no administration had resented it. The "grand old party" which was in possession of this Government for twenty-five years did not resent it all. It all went by as pleasantly as the dream of a sleeping maiden. All was agreeable among the ex-Secretaries and the great men who led the Republican party. They were all smooth and quiet. Notwithstanding that, the Senator from Maine was able in April, 1886, to get up in this body and utter this terrific denunciation against the conduct of Great Britain.

Mr. Bayard found it all there. What has he done with it? He has made a means by which it will not occur again. He has reserved these questions, one by one, that were not condoned and given up in the treaty of 1871 by the Republican party, for future adjudication, and they will be adjudicated, not waived, not condoned, not forgotten.

Now, you see how the situation is changed. You see what advice was given by one of these honorable negotiators, a man in high place, and deservedly so in the Senate for his ability and knowledge of the fisheries question. You see the advice he gave to the President of the United States, then, in his speech, and what the President had a right to conclude would meet his approbation, a treaty that would settle forever the headland theory, still contended for by Great Britain, and one that would check and put down these misinterpretations and misconstructions.

The Senator from Maine went into particulars a little farther on in his speech. The honorable Senator from Delaware [Mr. GRAY] was seeking some information from him. This occurred between them:

Mr. GRAY. I thank the Senator for allowing me to call his attention to that, because it seems to me it was apropos to something he said about executive aggression interfering with the rights of the American fishermen.

Mr. FRYE. I referred, Mr. President, to the aggression of the treaty-making power. I was glad to notice in the Tribune that our consul-general at Halifax seemed to have been better informed than our Secretary of State at Washington.

Mr. GRAY. He seems to have taken the same view precisely as the Secretary of State, so far as anything I have seen from him is concerned.

Mr. FRYE. Did not the Senator notice the two dispatches, one sent in the morning and the other in the evening, which I read the other day?

Mr. GRAY. I did. I will not interrupt the Senator now to say what I think about those dispatches; but I think they are entirely consistent with the position taken by Consul-General Phelan.

Mr. FRYE. The worst outrage which they can commit is the very one which they contend there they have a right to commit, and that is to prevent our vessels from buying bait and ice. What other commercial privileges, let me ask the Senator from Delaware, do we want of Canada than to let our vessels buy bait and ice there? There is nothing else on earth we want to buy there.

That is a pretty strong statement coming from very high authority, from a gentleman reared upon the coast, almost at the Bay of Fundy. Said the Senator from Maine:

What other commercial privileges, let me ask the Senator from Delaware, do we want of Canada than to let our vessels buy bait and ice there? There is nothing else on earth we want to buy there.

Mr. GRAY. I was not talking about commercial privileges. I was talking about the activity of the consular agents.

Mr. FRYE. The consular agent seems to admit there that we can not buy bait and ice.

Mr. GRAY. He has not said anything about that, I think.

Mr. FRYE. That very statement made in the New York Tribune says so, that the Canadians can put men on board our vessels, if they stay there a month, and put them there to see to what? To see that we do not fish or buy bait. All on earth we want to buy there is bait and ice.

I should think if that was all we wanted there at that time we do not want much more there now.

Mr. TELLER. We do not get that; that is the trouble. We do not get the right to buy bait there.

Mr. MORGAN. You will get it if you ratify this treaty.

Mr. TELLER. We could get it under certain circumstances and conditions.

Mr. MORGAN. The conditions are not onerous, merely that a man will take out a license by which he identifies himself as a fisherman. That is all. He does not pay anything for it. That is all he would have to do, and he can buy all the bait and all the ice or anything else he wants there. That is secured by this treaty.

Mr. GEORGE. That is all the Senator from Maine said we wanted to buy there?

Mr. MORGAN. That was all. They have not anything else to sell, he said.

Mr. EVARTS. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Alabama consent to be interrupted?

Mr. MORGAN. Yes, sir.

Mr. EVARTS. What do fishermen want to buy there besides bait and ice?

Mr. MORGAN. I never was up there in my life. I suppose if they could find some chickens they would like to buy them, possibly some potatoes. I do not know what else.

Mr. EVARTS. The Senator from Maine [Mr. FRYE] was certainly right in saying that all our fishing vessels in the quality of fishing vessels had occasion to ask of hospitality and trade there was to be allowed to buy bait and ice.

Mr. MORGAN. They are allowed to buy those and all other supplies for voyages homeward or outward. They have nothing to do but merely to register their license, and they do not have to pay anything for that under the proposed treaty. Now I will follow the Senator from Maine a little further.

Mr. GEORGE. Before the Senator goes on I wish to ask him if he is reading a statement which the Senator from Maine [Mr. FRYE] made in the last Congress?

Mr. MORGAN. Yes, sir; made in April, 1886. The Senator from Maine then referred to the increase of Canada's export of fish to this country since 1871. In 1871 it was $84,742.59, in 1881 it was $2,559,312.52, and in 1884 it was $3,886,358.39. He proceeds:

I have not the official figures of the great lake fisheries, but am informed that they fairly participate in this gain. In fact, it is beyond dispute that the life of the Canadian fisheries depends largely upon the freedom of our markets. Now, sir, what advantages have accrued to us from the Washington treaty?

1. "Wood, water, and shelter." But we had those before, and now, too, under the treaty of 1818.

2. Of commercial privileges. None under the treaty.

3. The right to take fish within the 3-mile limit. What has this been worth to us? The right to take capelin and squid for bait would have been of value, but the moment we undertook to avail ourselves of it we found cables cut, nets destroyed, all manner of damage inflicted, and nothing else could have been expected. The people around those shores, living on the small bays and harbors, have only one resource upon which they can depend for money, the capture of capelin and squid for bait, to be sold to the fishermen. Men, women, and children engage in it with the hook and line. One of our vessels with its huge seine can sweep a little bay clean. Who can blame these people for defending to the bitter end their only source of supply, the sole barrier between them and starvation? Our fishermen speedily gave up this advantage under the treaty and have purchased their bait of these poor people at a cost of over $100,000 annually. The shore and gulf fisheries have been absolutely worthless.

In connection with the graphic, earnest, and sympathetic remarks of the Senator from Maine, which do great credit to his magnanimity and his generosity as a man, I desire to refer to the fact that there are some delimitations of bays here—Fortune Bay, the Bay of Miramichi, and a part of Chaleurs where the bays are 10 miles from shore to shore, and at that point there is a fixed delimitation in the treaty.

I do not know that I can account fully for all this fixed delimitation, but referring to the remarks I have just read from the Senator from Maine, which were antecedent to the treaty, if the President of the United States found nothing else to respond to but that touching appeal to his generosity and magnanimity which the Senator from Maine so earnestly presented in behalf of those poor people, it seems to me that would have been quite a sufficient influence to have shut those little bays off in which our fishing is of no advantage to us and in which when we had the right to fish there for capelin and other bait we refused to exercise it and would buy bait from those poor people at the cost of a hundred thousand dollars a year. That, it seems to me, addressing itself to the sense of humanity of a people like ours, rich in everything, with the abundance that Providence has bestowed upon us, would be rather a strong and persuasive argument.

Those poor people stretch their huts around the coast, and the incoming of foreign ships, or any ships indeed, unless they are under the control of local laws, would have a natural tendency to break up their little local fisheries, their weirs, and their nets, etc. More than that, sparse communities like those have a very weak hold upon the elements of municipal control sufficient to hold in check a fleet of many thousand fishermen when they have a right to go there, away from the responsibility of home.

If we had communities situated in the same manner I should say that I would dislike very much indeed to understand that any foreign power, British power or any other, had the right to go at will within a little land-locked bay, anchor their ships, sweep about with their seines, and take from the people there all their means of subsistence when it came in. I should dislike that, and I must sympathize and concur with the Senator from Maine when in speaking of these people he says that they—

have only one resource upon which to depend for money, the capture of capelin and squid for bait, to be sold to the fishermen.

There is another reason for it. The United States have engaged with great success and have furnished a very excellent example to their neighboring and other governments upon the subject of the propagation of food fishes. I am informed by the reports of the fisheries of Canada that especially in the Bays of Chaleurs and Miramichi they have their national fish hatcheries established just as we have at Wood's Holl. I should say that it would be a very prudent thing not only for Canadian interests, but also for the interests of the people who consume food-fishes the world over, that these hatcheries should not be liable to intrusion.

I can see in that a very good reason why we might have found it to our advantage as well as to the advantage of the Canadians that fixed lines of delimitation should be put there so that our fishermen or the fishermen of any other country could not intrude.

I did not propose, however, to dwell upon that branch of the subject. I will look into it a little more closely and see if I can find out more about it. I will follow the Senator from Maine [Mr. FRYE] a little further.

In speaking of the value of the inshore fisheries the Senator from Maine [Mr. FRYE] said:

Carefully compiled statistics for the whole period of twelve years show an annual average of 96¾ vessels engaged in the gulf fisheries and within the shore-line. The average annual catch in the gulf was worth in our market $194,659; within the shore line, $64,882. That would give each vessel in the gulf, $2,010; in the shore-line, $673. Now, an American vessel in the gulf, to pay expenses of outfit, insurance, depreciation of vessel, crew's share, and master's commission, must take four thousand dollars' worth of mackerel. So that every mackerel taken either in the gulf or in the shore-line actually cost nearly twice what it was worth. During the whole twelve years our vessels took about seven hundred and fifty thousand dollars' worth, and they cost them more than $1,200,000. The statistics of the last half of the treaty period make a still worse showing. Formerly it was not unusual for us to have 500 mackerel vessels at a time in the gulf, but in 1879 we had 44; in 1880, 34; in 1881, 3; in 1882, 1.

W. A. Wilcox, of the United States Fish Commission, in his report for 1885, says:

"The few vessels that fished in the Gulf of St. Lawrence at times found mackerel very scarce, at times very plenty, but they were small and of poor quality. With the hopes of finding larger and better fish soon, the vessels in many cases forwarded their catch by rail or steamer to Boston or Gloucester, the same selling for $2.12½ to $3.50 per barrel, frequently not bringing enough to pay the cost of barrels, salt, freight, insurance, and commission, not mentioning time, labor, and expense of the voyage. The crews fishing on shares in many cases received nothing, and the vessels' expenses exceeded their gross receipts.

* * * * * * *

"On November 21 schooners Spencer F. Baird, William McDonald, and W. H. Jordan arrived at Gloucester from a six weeks' cruise in the Gulf of St. Lawrence and off the Nova Scotia shore, none of these vessels having caught a single mackerel during the entire trip.

"Vessels from Gloucester, Mass., are the only ones that entered provincial ports for the purpose of obtaining barrels and supplies. These purchased 9,572 empty fish-barrels, valued at $7,425.95, and paid in addition $9,759.05 for provisions, and $331.26 harbor dues."

It needs no argument outside of these figures to show that the right accorded us to fish in the Gulf of St. Lawrence and within the 3-mile shore-line is absolutely worthless.

I think the President of the United States in negotiating this treaty might have taken that as a veritable fact, coming from the Senator from Maine, who is an acknowledged authority upon this question, who really understands it as well as anybody, and who has the frankness always to speak what he thinks about everything. I remember that the Senator from Massachusetts insisted that the Senator from Maine ought to have been consulted as well as himself, and he said that the Senator from Maine would have made one of the very best of experts to have negotiated a treaty. If he had started out with the proposition, which is here stated, that the right accorded to us to fish in the Gulf of St. Lawrence, the whole of that great gulf, 3 miles of that shore-line, is absolutely worthless, he probably would have felt no qualms whatever in giving it up. But we did not do it. The President of the United States did not go as far as the Senator from Maine invited him to go in his speech. Did any Senator here ever deny that proposition? There was no denial of it. It was the truth and could not be denied.

Mr. MORGAN. Is not the right to fish with bait worth something?
Mr. FRYE. Within the shore-line?
Mr. MORGAN. Yes.
Mr. FRYE. No, sir; it is not. How are you going to take your halibut?
Mr. MORGAN. I refer especially to mackerel.
Mr. FRYE. Mackerel fishing there I think is practically worthless to us; but halibut fish can be taken with bait. We wish to buy bait in Canada for that.
Mr. President, why is it that a privilege formerly of immense value has become valueless? Simply for the reason that there has been a radical change in the manner and methods of fishing, as suggested by the Senator from Alabama.

Now he accounts for it, states his sum, and adds it up, and then proves it.

Mr. GEORGE. There has been no change in the habits of the fish up there?

Mr. MORGAN. Not at all.

Mr. GEORGE. Simply a change in the method of catching them.

Mr. MORGAN. There has been a change in the method of catching them. The Senator from Maine [Mr. FRYE] continues:

The entire worthlessness to us of the privileges accorded by the Washington treaty, the gradual but certain destruction of our fishing industry, the alarming decrease of our fishing fleet and of the sailors manning it, were known of all men, and the earliest day it could, under the terms of the treaty, be done, I introduced a resolution into the Senate instructing the President to give notice of its abrogation as to the fishing clauses. The resolution was reported back from the Committee on Foreign Relations unanimously, and passed both Houses of Congress without dissent or division. July 1, 1885, should have released us from this bondage, but months before that long-desired day arrived our fishermen heard with amazement and indignation that Secretary Bayard was making, without the interposition of the Senate, a new treaty, extending certain provisions of the old one, with a new agreement that—

Now, I will call attention for a moment to the ideas of the Senator from Maine about Canada. He said:

The right of our fishermen to-day to buy bait and ice rests on precisely the same basis as the right to purchase any other article they have to sell; and should this right be denied, Congress can promptly and effectually retaliate by excluding British colonial shipping from our ports. In these regards our intercourse with these colonies depends entirely on legislation, not on treaties. There is not the slightest danger of Great Britain assenting to any interruption of these privileges, to any interference with this intercourse. Newfoundland, a few years since, passed a law prohibiting the sale of bait and ice to our fishermen, but Great Britain refused her assent to the legislation.

Mr. President, I assert, without fear of contradiction by any man engaged in the fishing business, I do not mean importer of fish, that we have nothing to ask of Canada. She has no control over, nor exclusive interest in, any waters where we desire to fish for cod, haddock, halibut, or mackerel. Then what is there for a commission to settle, so far as we are concerned? Canada, I admit, does seek something of us. Our market is to her an absolute necessity. But, under a recent ruling of the Secretary of the Treasury, that solidly-frozen halibut, frozen for weeks, brought into Gloucester by the vessel-load, were "fish fresh for immediate consumption," and not dutiable, a market is opened up to Canada for at least 600,000,000 pounds of fish annually.

The Republicans let in 600,000,000 pounds of fish annually from Canada without paying any duty at all. The Democrats had not anything to do with it except to sit by and see it done. The Senator from Maine continued:

I said we asked nothing of Canada, but we do demand of our Secretary of the Treasury that in construing our tariff laws, if he is in doubt, we and not Canada shall have the benefit of the doubt. Since that item was put into our tariff law the whole method of preserving fish fresh has changed. Then they must be consumed at once, or cured by salt or smoking, but now with freezing processes, refrigerators on fishing vessels, on steamers, on cars, and in every great market, fish are kept fresh as long as they are preserved good by curing. If the Secretary will wisely reconsider this decision, and find some way to rule that small herring, brought in fresh to-day, and to-morrow boiled in oil and made sardines, shall be admitted free of duty, his conclusions will be much more beneficent for his countrymen.

Mr. MORGAN. Can we not get the decision of the Supreme Court of the United States to find out whether he is right or not?

Mr. FRYE. The Senator from Vermont calls my attention to an act of 1823 which authorizes the President to issue proclamation at any time without any further enactment.

Mr. EDMUNDS. When there is discrimination made against our vessels in British ports.

Mr. MORGAN. That is what I understood the law to be. It is not necessary to have any additional Congressional action about it. The President by proclamation can declare non-intercourse.

Because I made that statement at that early day, with the approbation of all the Senators around me, I have been held up as a very inconsistent sort of man in my opinion. I found myself lately very unexpectedly to be a very high authority, being quoted by every one of the Senators who spoke on the other side of this question as if I had a right to commit the Government of the United States to my personal opinion. I admit that I stand on better ground as authority than Mr. Woodbury, or Mr. Spofford, or Mr. Trescot. I concede that they are

very much more learned men than I am, but they are and have been all the time employed as counsel in the case, paid a regular salary for their opinions; and these briefs of hired counsel are brought to the Senate of the United States, and it is announced that those gentlemen are all Democrats, and they want to show the Democratic party of the United States what a terrible mistake Senators are making in following Mr. Cleveland and Mr. Bayard, who are working for the good of the country instead of going to the briefs of the hired counsel, Mr. Woodbury, Mr. Trescot, and Mr. Spofford. I believe all three of those gentlemen were among the "five wise men of the East" whom we were advised by the Senator from Massachusetts [Mr. HOAR] to select to negotiate treaties.

The Senator from Maine was one of them. With the Senator from Maine denying that our rights inshore there were worth anything, denying that the privilege of catching bait was worth anything, as it was more emphatically denied in the report that he joined me in from the Committee on Foreign Relations a little subsequent to the debate from which I have been reading, if we had them altogether I do not know what sort of a medley we should have made of it. I doubt if we could agree at all. Still, I am sorry, after all, that Mr. Bayard did not increase his commission to eight, and bring in the five wise men and put them to work on this treaty. Perhaps that would have satisfied somebody.

It has been alleged, and very unjustly to me, that I have changed my position upon this question. I have read the resolution which was pending before the Senate, reported from the Committee on Foreign Relations, in which the ground was taken that Congress had no right to provide a commission, because the Constitution of the United States had put it entirely within the power of the President to negotiate a treaty upon any question without the advice and assistance of Congress. But the ground was taken further by those who were willing to vote for the resolution in the language in which it was couched, that if Congress had the right to create the commission Congress must instruct the commission, and must ratify the action of the commission, and execute its action; and that that was a power which was entirely foreign to our constitutional system. The Senator from Maine [Mr. FRYE] said in the course of that debate:

Mr. FRYE. I thought that I accorded to the Secretary of State entire honesty of purpose in this matter. I complained that he did not give a hearing to the president of the Fishery Union. If he had, neither the President nor the Secretary of State would have fallen into this diplomatic trap which had been set for them here in Washington.

That is, by the celebrated negotiator, Sir Lionel Sackville West. The Senator from Maine continued:

Now, Mr. President, who seeks another commission?

This was in 1886:

In the light of the history I have sketched, of treaties with Great Britain touching our fishing interests, of the awards and judgments of commissioners having hitherto the consideration and settlement of differences between us and our Canadian neighbors, is there a single ray of encouragement for us to enter again upon this dangerous pathway? What have we to gain by it?

I declare that no man in the United States has asked for another commission, and that no man's name in the United States can be given who has sought another commission at the hands of the President or Secretary of State.

Mr. MORGAN. I should like to ask the Senator from Maine what he means by another commission? Does he mean a commission like that which met at Halifax, or a commission like that which negotiated and settled the treaty of 1871?

Mr. FRYE. I mean precisely what the President says—a commission to consider and settle the fishery rights. I mean any commission.

Mr. MORGAN. Let me ask the Senator from Maine, so that we may understand each other, does he hold that it is the duty of the Government from this time forward to abstain from all effort to settle any disputed questions that may arise or have arisen on the construction of the treaties or the effect of the provincial or British laws upon this subject of the fisheries? Does he intend to close the door against all future negotiations and leave the matter standing precisely as it is, without any effort on the part of the Government of the United States either to correct it or to participate in bringing the two governments to a common understanding as to what the rights of our people are?

Mr. FRYE. I have no power, and if I had I do not know that I would exercise it, to prevent negotiations being made for a treaty touching Canada and her trade and our trade through the usual and ordinary channels, where it would take a two-thirds vote of the United States Senate to ratify any treaty so made.

Mr. MORGAN. Now, I concur with the Senator from Maine that whatever questions remain unsettled between these two governments ought to be settled in the ordinary channels of diplomacy, and ought to be settled ultimately by a two-thirds vote of the Senate upon a treaty submitted to them. I agree to that, but I do not think that it is exactly fair to characterize the suggestion of the President that we should act through a commission as being one entirely parallel with or at all akin to that unfortunate misadventure of our commission which settled the Halifax difficulty in a manner so extremely distasteful to us. I do not understand the President in his recommendation to propose a commission which shall by its action in advance conclude all questions between the governments as to the fisheries, but that it is to negotiate; and I concur with the Senator from Maine that the proper functionaries of the United States Government to negotiate treaties are specified in the Constitution of the country, and they are the diplomatic agents, whoever they may be, authorized by law and empowered by the appointment of the President and the confirmation of the Senate to act in the matter of negotiations, and then the Senate of the United States has the power to ratify or to reject their action.

I do not hold to the doctrine, nor do I understand that the President holds to it in his message, that the Congress of the United States by a mere enactment can empower commissioners to negotiate unsettled diplomatic questions between these two countries in such a way as that their conclusions will become binding upon the country, although the Senate may never have anything to say about the matter in the ratification of the result of their work.

Mr. FRYE. Then the language of the President of the United States was exceedingly unfortunate in his message; and the Senate will bear me witness that I have as yet said nothing touching a reciprocal treaty. I have entered as yet no objection to the treaty-making power negotiating, because I regard the protection of the two-thirds vote in the Senate as ample.

So the Senator from Maine and myself occupied the same ground. Will those honorable Senators who have accused me of abandoning diplomacy in favor of a resolution of retaliation do themselves the justice to appear in the light of honest, sincere truth before the world by correcting their statement? I do not know whether they will and I do not care; it is for them to say.

I wish to show what I had to say in the same year about the then state of the question. In a colloquy which occurred between the Senator from Delaware [Mr. GRAY] and myself, I replied to one of his suggestions, which I need not read, as follows:

Mr. MORGAN. Unquestionably we can do that. Our men in going there do not go under the license of the treaty of 1818; they go under the license of the British statute, and if the statute is in existence at the time they go there we should not hesitate to resent any wrong done to our people, any of them, for the performance of any innocent act, innocent at the time. What might be the result of it after we had had our controversy, I do not know. We might be forced back to the treaty of 1818, because they might repeal their laws and we repeal ours and thereby proclaim again non-intercourse between the British provinces and the United States. That might be the result of it. But all this is now answering a beneficial purpose. It shows the impolicy—

That is the point to which I want to call attention—

It shows the impolicy of discussing any question of this kind as a mere problem, not upon an existing state of facts, not upon an issue made up between us and Great Britain, but upon a supposititious state of facts, conjectural entirely, and so far as I can understand this whole business we are dealing from beginning to end with it as a conjectural matter, and not something that actually exists, and not something that actually claims the attention of the Government, at least this branch of it.

Now notice the embarrassment here in speaking about what we should do in a certain case. Here are Senators who have to vote upon all the treaty relations that become laws between this and other countries; here we are debating a question that is not up upon a state of facts that is only imaginary, and we are quoting very gravely propositions of law and tracing out their analogies and their history, and we are saying also in this state of the case, "I would do thus and so," and some other Senator says, "In this state of case I would do thus and so." All this debate has been brought before the Senate of the United States by what I conceive to be a mistaken call upon the Congress of the United States for its assistance in conducting this matter.

The Congress of the United States has no assistance to grant in this case, and ought not to be called upon to grant it. If we were settling the issues of a war, as we were in 1871, and if we were settling questions of damages that were still open between ourselves and foreign countries growing out of alleged breaches of treaty obligations, then it might become necessary for Congress, in order, perhaps, to give emphasis or some direction, or make some ancillary provision of law, to indulge in anticipation for the pupose of creating a great commission to go out and settle the question. Nevertheless when we came to settle that most important question that we have ever had since the war of 1812, the question of the Alabama claims, connected with which, by British ingenuity, was some almost indefinite claim in respect of the breach of the fisheries treaty, we did not come to the Congress of the United States and ask them to enact a law creating a great high commission. There were ten commissioners who negotiated the treaty of Washington, five on a side, but there was no statute and no joint resolution authorizing the making of that great commission.

I then went on to discuss the subject of the duty of Congress to create a commission for the purpose of considering the fisheries question.

Mr. GRAY. I will ask the Senator from Alabama if the passages he has read occurred in the same debate in 1886?

Mr. MORGAN. They are found in the same debate, which the Senator has noticed here time and again sent around in hand-bill form to inform the people of the United States of my opinions, keeping out of view the whole pith and substance of my statement. It is bad enough for a Senator of the United States to be compelled to refer in this open manner to anything that he has to do as a negotiator for his country in the execution of these very delicate duties. It is bad enough, as we all know, that under the embarrassment of his apprehension that he will say something which might betray his country into a difficulty, he has to bear these burdens and undergo and encounter these difficulties; but when he does and says all that he can to put himself right in regard to the duty of the President to negotiate instead of a commission to be created by Congress, and in regard to the duty of the President to negotiate in preference to retaliation—it is very hard to have his colleagues on this floor get up and select passages from his speeches which do not represent him fairly and truly.

I would beg pardon of the Senate for these allusions to myself were it not that they have been harped upon so frequently and so laboriously by Senators. They certainly must have had very poor material for argumentation when they had to drop the treaty and take me up.

But there is one Senator on this floor to whose remarks I desire to call attention. He generally states them concisely and perspicuously and in most admirable style. In 1887, on the retaliation bill, he seemed to anticipate what might happen hereafter about it, and so he made the speech from which I shall read. It is due to the Senator from Missouri [Mr. VEST] that I should lay his speech in considerable part before the Senate. He said, January 24, 1887:

Mr. VEST. Mr. President, it goes without saying that if the rights of the humblest citizen of the United States should be attacked by any foreign power there would exist a unanimity of sentiment on the part of the people of the United States that those rights should be protected, that the glory and honor of the American people must be preserved. As the Senator from Alabama in front of me [Mr. MORGAN] has very well said, there would be no geographical or sectional differences if any such issue were ever made, and it would be found that the men who were arrayed against each other in battle very lately would stand together in solid phalanx in defense of these rights and of this honor. All this talk which runs beneath any such thing as a war with other peoples of the world is premature. It is enough for us to meet any such contingency when it is absolutely impossible to avoid it.

As for myself, I can say that I have no such prejudice in favor of England or her institutions as prevents me now from declaring that I would not hesitate one single instant as to the consequences if the issue of individual rights or na-

tional honor should be presented to this Congress. But it becomes us to consider well every step that we take in regard to this most serious complication. Whatever else may be said about England and her people, they have in their veins the same blood of conquest and aggression that runs through our own veins; and when it comes to a question of right and of English honor, I am not afraid to say, in spite of any misconception or prejudice in this country against England, that no people that ever lived in history have been more valiant or would suffer more to defend their rights or their national honor.

The Senator from Missouri had read a statement from Mr. Phelps in some of his correspondence, and he remarked upon it as follows:

I have read this for a double purpose; to show the real points at issue, which it seems to me to have not been sufficiently set forth in the course of this discussion, and in the second place, to show that our representative abroad has been true to his country and has asserted the full measure of the rights of the American people, and not only individual rights but our national honor. The negotiations are still pending, as we are informed by the Secretary of State, with the hope that they may come to a favorable adjustment.

Negotiations were pending.

This measure now comes to us, for which I expect to vote, in the nature of a proposition for a commercial embargo. It is, if not war, the half-sister of war. We know in the history of this country war was the result of the embargo which cast its shadow over the last years of Mr. Jefferson's administration, and upon which he vainly relied to prevent a war with Great Britain. That embargo ruined our own people, and the war of 1812 burst upon the country with a British army that ravaged our borders as the vessels of Great Britain ravaged our commerce upon the seas.

This power in this bill is the most extraordinary declaration of war known to civilized nations, and this bill contains most extraordinary phrases, the meaning of which I do not pretend to give. It is said here that the President of the United States shall do so and so, that it shall be his duty within his discretion to declare this embargo against commerce; it shall be his duty within his discretion. What is meant by that "discretion" I leave to the able Senator from Vermont in charge of this bill. If the President has "discretion" why point out his "duty?" If we say to him it is his "duty," why give to him the "discretion?" It is "his duty within his discretion" to put this embargo upon the commerce of the United States with this foreign nation.

But that is not all. I stated that I should vote for the bill, and I vote for it, I am frank to say, because it contains the single provision that the President of the United States shall have discretion in regard to this matter. I would not vote for it as a mandatory bill. I would not take the responsibility of saying that the President of the United States should declare this embargo when these negotiations are still pending and when we know the full result of what a war with Great Britain must mean. It is well enough to talk in a rhetorical style about a war with Great Britain. The world in arms can not conquer this country upon our own soil—nor five such worlds in arms, it may be said without exaggeration. The United States united are invincible in any such struggle as that. But in a maritime war, who could answer for the result? Who wants to risk the gage of battle in any such fashion as that? Who wants to invite such a contest, no matter how high his patriotism or what his military ardor? Who can think for one minute of the enormous loss, not only of life, but of property, which must follow from any such struggle, situated as we now are?

No Senator on this floor attempted to correct that construction put by the Senator from Missouri upon that act of 1887, which is now called a law of retaliation, and which the majority of the committee insist is obligatory upon the President, and that he has no right to decline to execute it or to resort to his constitutional treaty-making power in advance of an attempt to execute it. It is right there, Mr. President, that this committee undertakes, by an act outside of this treaty, and that has nothing to do with its merits, to put this country in an attitude where the President of the United States is bound to resort to retaliation, because they not merely reject the treaty which he has made, but they say in terms, and time and again it has been quoted in debate here, which I will include in my remarks, though I shall not stop just now to read it, that the time for negotiation has passed with Great Britain, and that this is not a fit subject of negotiation. I should like to know what right the Senate of the United States or any of its committees has to say that.

Mr. TELLER. May I ask the Senator if he refers to the committee's report?

Mr. MORGAN. I do.

Mr. EVARTS. Will the Senator allow me to ask what portion of that report he refers to. Is it the clauses contained on page 34?

Mr. MORGAN. I will state to the Senator that the portions to which I refer are contained on pages 24, 25, and 34 of the report of the majority. I will read the portions.

Mr. EVARTS. I did not intend to put the Senator to the inconvenience of reading. I only wanted a reference to the portions to which he referred.

Mr. MORGAN. On pages 24, 25, and 34 of the report of the majority of the committee.

Mr. EVARTS. I found the extract on page 34. Those clauses I recognized.

Mr. MORGAN. On pages 24 and 25 the Senators will find the others.

Mr. President, why did this committee see proper, in rejecting this treaty, to make that demand upon the Senate, so that if their action in reporting that the treaty be rejected should be ratified by a majority of this body, we should stand committed to the declaration that the President had violated his duty in disobeying what they considered to be and announced to be a final injunction of Congress that this subject should hereafter be one of retaliation and not of negotiation.

I call that an act of outrageous presumption on the part of that great committee—a dangerous act of outrageous presumption. We have no more right to instruct the President of the United States that he shall cease negotiations than we have a right to require him to resign his office, not a bit; and whenever in the course of affairs his judgment recommends to him the exercise of the treaty-making power, it is his right and his duty to exercise it, and send his work here for ratification or rejection or amendment by the Senate.

After doing that, this committee, with a stiff presumption, an unaccountable affectation of authority and dignity, set themselves up to advise the British Crown. We beg your Majesty that you will not take this abortion that the President of the United States has negotiated with your commissioners and its rejection as being an evidence on the part of the United States of a hostile purpose—that is the idea—but that you will provide in such a way as that our fishermen shall have full commercial privileges and enjoy the same rights and advantages in your Canadian ports that your fishermen enjoy in ours. To say nothing of the presumption of it, look at the humiliation of it, begging the British Queen for grace and favor after you have rejected a treaty here upon the ground that she is no longer entitled to have a negotiation offered her.

Our offense, as you will please to understand it, is not against your royal Majesty at all or your Government; it is against Grover Cleveland. We want to give him a wipe as we go along, and a very serious one, and having done that by denouncing him as a presumptuous negotiator of a treaty, in the face of our resolution and in the face of our law giving him the privilege of deciding it and making it his duty to decide whether the United States has reason or not for retaliation, we have flattened him out, and now we turn to your Majesty to assure you very humbly that we did not mean any offense towards you! That is the meaning of it. I should like to see an Irishman with a mouth big enough to gulp that thing down!

This little political finesse, this attempt to cast odium and slur upon the President of the United States, and then to turn around to the Queen of Great Britain and beg of her to escape the consequences, is one of the most humiliating attitudes that a great committee ever took; it is regular toadyism to the British power. I do not think a record of that sort was ever made before, and I challenge the gentlemen who follow me to explain what they meant about it, and why they put that address to the British Crown in the conclusion of their report. I have it here, and I will read it.

Mr. GEORGE. Let us have it.

Mr. MORGAN. It is as follows:

The committee can not but hope that if these ill-advised negotiations, which, as is known to all the world, can not properly commit the United States in any degree until they shall have received the constitutional assent of the Senate, shall fail to meet the approval of this body, Her Majesty's Government will take measures to secure justice and fair treatment in her North American dominions to American vessels and American citizens, in all respects and under all circumstances, and that that Government will see the justice and propriety of according to American vessels engaged in the business of fishing all the commercial rights and facilities in her North American ports that are so freely and cheerfully accorded to her own in the ports of the United States, and that thus the friendship and good feeling which ought to exist between neighboring nations may be finally established and secured.

We would expect to see that signed by the Secretary of State, but instead of that it is signed "JOHN SHERMAN, GEO. F. EDMUNDS, WM. P. FRYE, WM. M. EVARTS, J. N. DOLPH," Senators. So mote it be, Amen. They ought to have wound up with the doxology. What is the use of posing after such a statement as that? Is that taking the British side of the question when they bow the knee of humility before the Queen of Great Britain and put up a prayer to save them against the President of the United States, or is it taking the American side?

Mr. EVARTS. Does the Senator think that the expression of a great nation towards another great nation that that nation would do justice is a petition? That is all we have said.

Mr. MORGAN. The difficulty in the case is that five Senators of the committee are not a great nation. If the Senator from New York really feels that he and his colleagues in the majority are a great nation, that is all right; but so far from being a great nation, they are mere Senators.

Mr. EVARTS. It was expressed in the name of the American nation.

Mr. MORGAN. What right had you to do it? How do you represent the American people in diplomacy?

Mr. EVARTS. Oh, you can comment upon it as much as you please, but that does not alter the case.

Mr. MORGAN. What right has the Senator or any body of Senators to represent the American people in diplomacy? The Constitution gives us no such function. It is an arrogant act of presumptuous impertinence to do it, and that is the whole of it.

Mr. EVARTS. What I object to is the alteration of the text.

Mr. MORGAN. I did not misquote the text.

Mr. EVARTS. A petition you expressed it.

Mr. MORGAN. Oh, what else is it?

The committee can but hope that your Majesty's Government will take measures—

They do not say "pray," but they might as well have said it, for that is what it means.

Mr. EVARTS. I thought the Senator denounced it as "arrogant presumption."

Mr. MORGAN. I did denounce it as arrogant presumption. The Committee on Military Affairs, or the Committee on Post-Offices and Post-Roads, had just as much right to make a recommendation to Great Britain as the Committee on Foreign Relations. The Constitution of

the United States fixes our functions here, and in so far as we are concerned with this treaty we have nothing to do with it, unless it be to amend, to ratify, or to reject it. That is all we can do; and that ought to be done under the curtain of secrecy, where nobody could distinguish one Senator from another in his action on the matter. It ought not to be the action of a political majority, born in a political caucus, as this was.

Now, I pass over to the next question in this case, to which I will make a very brief reference. It is alleged in this report very gingerly, in quite a tentative and easy way, that the President of the United States had no right to appoint these negotiators. The Senator from New Hampshire [Mr. CHANDLER] came to the conclusion that he had the right to appoint one, so he fixed up an amendment, or rather he put in a resolution, which denied the right to appoint Messrs. Putnam and Angell, but admitted the right of the President to appoint Mr. Bayard. If there was one negotiator there that was a good negotiation, there is no right to make any complaint of it.

But I wish to show now a case in point. When we met to negotiate the treaty of 1871, the broad subject of entering upon a negotiation was brought to the attention of the Senate by the President. I suppose that nobody will say that General Grant was a weak man or that he did not have self-respect or that he was afraid of the opinions or other people. He laid before the Senate what he thought was a proper subject for their consideration, the subject of a general treaty with Great Britain. He appointed the negotiators by and with the advice and consent of the Senate, and they went on until they negotiated a treaty; that is to say, they conducted the negotiation to something where it was about to reach a conclusion, and thereupon General Grant, without consulting the Senate, appointed the negotiators to negotiate the great treaty of 1871.

Why did he apply in the first instance to the Senate on the subject of conducting such a negotiation, and why did he in the second instance speak of his own power and act upon his own power in the appointment of the negotiators to the office they held? It was because in the first instance it was a subject of great public policy that he wished to have considered by the Senate of the United States, and he took their advice on the broad question of public policy, and the commissioners were appointed by and with the advice and consent of the Senate. That was the joint high commission. They did not sign the treaty.

When the President of the United States came to embody that treaty as it was formulated in a paper, a document, and send it to the Senate of the United States, he issued under his own hand his own authority to the negotiators, without referring it to the Senate, showing that the President of the United States had in that case a most thorough and complete conception of what were his constitutional powers in the appointment of negotiators, the employment of men to represent him in a matter of negotiation, and showing also that when he wished the advice and consent of the Senate on a broad subject of general national policy he thought it was his right, his privilege, and his duty to invite the attention of the Senate to it. I have the commissions here. It is not necessary to read them, but they run just exactly as I have stated.

That, with a number of cases in which the Senate has not been consulted, it would seem, would be quite sufficient to establish the proposition that Mr. Cleveland had the right to appoint negotiators to negotiate this treaty; but at the very outside it can not be denied that Mr. Bayard was a competent negotiator; and if he was, the President was clearly within the line of his constitutional duty.

I was a little surprised at the making of that question and very much gratified that the Senator from Ohio [Mr. SHERMAN] did not seem to attach the slightest importance to it in committee, although that Senator always stands by his party and votes with it every time it calls upon him, I believe. I am very sorry the party has not been more considerate in rewarding that honorable Senator for his great devotion to its interests. I think they ought to have done it. It turns out in this day and time that almost "any fellow" can get a place if he just happens to be in the right part of the roof when the lightning strikes.

Before I close upon this subject of the act of 1887, I want to call attention to a joint resolution which was reported yesterday from the Committee on Foreign Relations by the Senator from New York [Mr. EVARTS], which reads thus:

> That the President of the United States be, and he is hereby, authorized and empowered to take such measures as in his judgment may be necessary to promptly obtain indemnity from the Venezuelan Government for the injuries, losses, and damages suffered by the Venezuela Steam Transportation Company of New York, and its officers, by reason of the wrongful seizure, detention, and employment, in war or otherwise, of the said company's steamers Hero, San Fernando, and Nutrias by Venezuelan belligerents in the year 1871, and to secure this end he is authorized to employ such means or exercise such power as may be necessary.

Mr. GIBSON. In connection with this question has the Senator from Alabama given any consideration to the resolution offered by the Senator from Ohio [Mr. SHERMAN], by which all disputes between our own and foreign governments were to be referred to arbitration, which was recently adopted by the Senate?

Mr. MORGAN. I wish to say to the Senator from Louisiana, that that was done during the campaign; that was before the Chicago nomination, and I did not care about referring particularly to it. [Laughter.]

Now, Mr. President, suppose the Congress of the United States, having all these great controversies and these great amounts of damages, these quarrels and disputes about the fisheries, when they came to pass the act of 1887 had put in the concluding words that are in this joint resolution, then there might have been some reason for saying to the President, "You have not followed our advice and you have not made war, you have not used the forces of the United States for the purpose of collecting our demands against the British Government or enforcing our rights;" but when we come to a poor little country like Venezuela, we have not any difficulty of that sort. Why? Because we know she can not help herself. A mere threat against a small power is enough, and the President of the United States would be derelict in his duty in this case, if Venezuela did not pay up on his demand, if he did not send some of our rotten hulks down there and fire a few guns against Laguayra or some other place in Venezuela; but when you come to Great Britain, the British lion, whose tail you so industriously twist just now, you are very particular not to say anything at all that would lead the Government of Great Britain to suppose that you really meant war, and yet you do, and you complain of the President because he has not made it.

This is the sum and substance of this case. Will it do to say "We do not expect war; it will not come; it will not be one of the fruits of this line of procedure?" Will it do to say that? Why, Mr. President, I fear not. War may not occur. Why should it not? One thing I will say to the Senate, and they know that I speak the truth. If Great Britain had passed an act of this kind against us and undertook to enforce it, she would feel our claws. A Democratic administration—whatever might be done by a trafficking Republican administration—would plant itself by the rights of the country and would say to Great Britain, "That means a threat against us of war, and we intend to meet it with efficient means and overcome what you may attempt to do."

What is the use of trumpeting these high-sounding belligerent phrases and resorting to these measures that are scarcely less than war if you not mean anything but a trade and traffic?

The people of the United States, Mr. President, may find sooner than we expect that there is at least a rumor, an apprehension, a prospect of belligerency in this country, and that is enough to shake a great many men to the dust. Our commercial interests of the most important character and in all parts of this country are poised upon very narrow centers. The least little disturbance of the financial condition of the country often shakes them to a fall, and here with our money locked up in the Treasury and no relief from taxation, with the country apprehending bankruptcy continually because of the congestion of money here and its scarcity in the places where it ought to have free circulation, what is to prevent a sudden contraction of the currency, a hoarding of money as in war times? What does it mean to hold out to the people of the United States the prospect even that in consequence of these difficulties there may be belligerency between the United States and Great Britain?

You can not name two nations on this earth that would inflict upon each other such damages, such losses, such terrible slaughter as would occur if we should engage in a war with Great Britain. God only knows what the outcome of it would be. It might be that Canada would swing into our possession, and that we should have hitched on to us a hostile and dissatisfied people that perhaps might otherwise have come into a condition of friendliness towards us, when we could assimilate them into our great body politic. All this is because it is supposed for party purposes a few votes can be had for the Republican party by conducting this treaty matter in this way.

Senators on the Democratic side, let me say to you that I believe the American people have better sense and better conscience than to be controlled by considerations of this kind. Let us do our duty to this treaty and to our country in the calamities which its rejection shall bring upon it, let us stand by our country through thick and thin, then whatever may happen the responsibility will be upon that side of the Chamber and upon that caucus that was held out here in a room, and not upon us.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the motion of the Senator from Alabama [Mr. MORGAN].

Mr. TELLER. I desire to submit a few remarks, but I do not care about going on at this late hour.

Mr. SHERMAN. If the Senator from Colorado does not wish to go on now, I should like to ask unanimous consent to consider a bill.

Mr. TELLER. I will go on, of course, if it is desired by the Senate; but I suppose we shall adjourn in half an hour.

Mr. SHERMAN. I desire to pass a little bill.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. TELLER] is entitled to the floor on the pending question.

Mr. CULLOM. The Senator says he would prefer not to proceed with his remarks to-night.

Mr. SHERMAN. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

CREDENTIALS.

The PRESIDENT *pro tempore*. The Senate being now in legislative session, the Chair lays before the Senate the executive certificate of the election of honorable JONATHAN CHACE as Senator from the State

of Rhode Island for six years from the 4th of March, 1889, which will be read and placed on file.

The credentials were read and ordered to be placed on file, as follows:

By his excellency Royal C. Taft, governor, captain-general, and commander-in-chief of the State of Rhode Island and Providence Plantations:

Be it known that JONATHAN CHACE, of Lincoln, in the State aforesaid, qualified according to the Constitution of the United States for a Senator in the Congress thereof, was, by the Legislature of said State in conformity with law, on the 13th day of June, A. D. 1888, elected a Senator from said State in the Congress of the United States for the term of six years, commencing on the 4th day of March, A. D. 1889.

In testimony whereof, I have hereunto set my hand and caused the seal of said State to be affixed at Providence this 7th day of July, in the year of our Lord 1888, and of the Independence of the United States of America the one hundred and thirteenth.

ROYAL C. TAFT.

By his excellency the governor.
[SEAL.] SAM'L H. CROSS, *Secretary of State.*

Mr. HOAR. I ask leave to call the attention of the Senate to the credentials just presented from the Legislature of the State of Rhode Island as a model for that class of papers.

Mr. STEWART. I ask that those credentials be printed, so that we can send them out to the different States as a public document.

Mr. HOAR. That will do very well.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the credentials be printed.

The motion was agreed to.

JACOB G. BOSTALTER.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. The Senator from Nevada [Mr. STEWART] is entitled to the floor on the unfinished business.

Mr. SHERMAN. Pending that, I move that the Senate proceed to the consideration of Order of Business 1818, House bill 5259.

Mr. STEWART. Let the unfinished business be temporarily laid aside.

Mr. SHERMAN. I have no objection to its being temporarily laid aside.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the unfinished business be informally laid aside for the purpose of considering the bill named by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5259) to relieve Jacob G. Bostatter from the charge of fraudulent enlistment.

The bill was reported from the Committee on Military Affairs with amendments, in lines 7 and 9, respectively, by changing the spelling of the name from "Bostatter" to "Bostalter;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the rolls and records of the War Department now in his office, or under his control, any and all charges of fraudulent enlistment now standing on said rolls against Jacob G. Bostalter, late private in Company H, Thirty-eighth Regiment Ohio Volunteer Infantry, and that said Jacob G. Bostalter be restored to all rights lost or suspended by reason of any such charge.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to relieve Jacob G. Bostalter from the charge of fraudulent enlistment."

AIDS TO NAVIGATION OF MISSISSIPPI.

Mr. GIBSON. I ask unanimous consent that the pending business may be laid aside informally, and that the Senate proceed to the consideration at this time of Order of Business 1945, House bill 5067, reported from the Committee on Commerce.

The PRESIDENT *pro tempore*. Does the Senator from Nevada yield to the Senator from Louisiana?

Mr. STEWART. I do.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks unanimous consent that the unfinished business be informally laid aside for the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River.

The bill was reported from the Committee on Commerce with an amendment, in line 12, after the word "dollars," to insert:

And the sum of $27,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

So as to make the bill read:

That there be established additional aids to navigation off and near the passes at the mouth of the Mississippi River, in the State of Louisiana, as follows: Higher and more powerful lights at or near the outer ends of the jetties at the South Pass, to replace those now in existence; a steam or hot-air fog-signal at or near the end of the east jetty; a higher and more powerful light on one of the jetties at the Head of the Passes; and a fog-signal at or near Cubit's Gap, in said Mississippi River; the entire cost of which shall not exceed the sum of $27,500, and the sum of $27,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GIBSON. I move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. GORMAN, and Mr. GIBSON were appointed.

HOUR OF MEETING.

Mr. WILSON, of Iowa. I ask the Senator from Nevada to yield to me for a few minutes, that I may call up a bill?

Mr. STEWART. Allow me to make a motion, and then I will yield. I move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILSON, of Iowa. I ask the Senator to withdraw the motion until I can have a bill acted upon.

Mr. STEWART. The Senator can do that in the morning.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. DAWES (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM], or I should vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GEORGE (when his name was called). I desire to inquire whether the Senator from New Hampshire [Mr. BLAIR] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. GEORGE. I will not vote then, as I am paired with him.

Mr. GIBSON (when his name was called). I am paired with the Senator from Nevada [Mr. JONES]. If he were present, I should vote "nay."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. BATE (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Oregon [Mr. MITCHELL].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I should vote "yea," if he were present.

Mr. COKE (when Mr. REAGAN'S name was called). My colleague [Mr. REAGAN] was obliged to leave the Chamber to-day. He is paired with some Senator, but I do not remember who it is.

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If I were at liberty to vote I should vote "yea."

Mr. GEORGE (when Mr. WALTHALL'S name was called). My colleague [Mr. WALTHALL] is absent on account of indisposition.

The roll-call was concluded.

Mr. BECK. I desire to announce my pair with the Senator from Maine [Mr. HALE].

The result was announced—yeas 15, nays 13; as follows:

YEAS—15.

Allison,	Hawley,	Riddleberger,	Stockbridge,
Chandler,	Hiscock,	Sawyer,	Teller,
Cullom,	Hoar,	Sherman,	Wilson of Iowa.
Edmunds,	Mitchell,	Stewart,	

NAYS—13.

Bate,	Cockrell,	Morgan,	Wilson of Md.
Berry,	Coke,	Payne,	
Blodgett,	Gray,	Pugh,	
Call,	Hampton,	Saulsbury,	

ABSENT—48.

Aldrich,	Dawes,	Hearst,	Plumb,
Beck,	Dolph,	Ingalls,	Quay,
Blackburn,	Eustis,	Jones of Arkansas,	Ransom,
Blair,	Evarts,	Jones of Nevada,	Reagan,
Bowen,	Farwell,	Kenna,	Sabin,
Brown,	Faulkner,	McPherson,	Spooner,
Butler,	Frye,	Manderson,	Stanford,
Cameron,	George,	Morrill,	Turpie,
Chace,	Gibson,	Paddock,	Vance,
Colquitt,	Gorman,	Palmer,	Vest,
Daniel,	Hale,	Pasco,	Voorhees,
Davis,	Harris,	Platt,	Walthall.

The PRESIDENT *pro tempore*. There is not a quorum voting. The Secretary will call the roll.

The Secretary called the roll of the Senate, and the following Senators answered to their names:

Allison,	Cullom,	Hoar,	Sabin,
Bate,	Dawes,	Ingalls,	Saulsbury,
Beck,	Edmunds,	Manderson,	Sawyer,
Berry,	Evarts,	Mitchell,	Sherman,
Blodgett,	Faulkner,	Morgan,	Spooner,
Brown,	George,	Paddock,	Stewart,
Call,	Gibson,	Palmer,	Stockbridge,
Chandler,	Gray,	Pasco,	Teller,
Cockrell,	Hampton,	Payne,	Wilson of Iowa,
Coke,	Hawley,	Platt,	Wilson of Md.
Colquitt,	Hiscock,	Pugh,	

The PRESIDENT *pro tempore*. Forty-three Senators having answered to their names, further proceedings under the roll-call will be dispensed with, if there be no objection. The question recurs on agreeing to the motion of the Senator from Nevada [Mr. STEWART].

Mr. STEWART. I will withdraw that now, and give notice that I shall renew it every day until we can agree upon meeting at 11 o'clock.

Mr. EDMUNDS. I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. COKE. I make the point of order on that motion that, in the absence of a quorum, the general rule requiring the adjournment to be until 12 o'clock the next day can not be changed.

The PRESIDENT *pro tempore*. The presence of a quorum has been ascertained by the last roll-call. The Chair agrees fully with the Senator from Texas that the hour of 12 o'clock having been fixed by the action of the Senate, by a majority, as the hour of meeting is a standing order that can not be changed by less than a majority; but the motion of the Senator from Vermont [Mr. EDMUNDS] is in order, because a quorum has been disclosed to be present on the roll-call.

Mr. COKE. I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn until 11 o'clock to-morrow.

Mr. EDMUNDS. At the request of my friend from Iowa [Mr. WILSON], I withdraw that motion for the present.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. WILSON, of Iowa. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nevada has withdrawn his motion, the Chair understands.

Mr. STEWART. I have.

Mr. GIBSON. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Iowa; but the Senator from Louisiana has a right to make the motion to adjourn.

Mr. GIBSON. I withdraw it to enable the Senator from Iowa to get up his bill.

ADDITIONAL ASSOCIATE JUSTICE FOR WYOMING.

Mr. WILSON, of Iowa. I desire to ask that the Senate, by unanimous consent, proceed to the consideration of Senate bill 1324, Calendar No. 1994.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1324) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 5, after the word "any," to strike out "two" and insert "three;" and in line 9, after the word "court," to insert "unless one of the other justices is disqualified to sit in such action;" so as to make the section read:

That hereafter the supreme court of the Territory of Wyoming shall consist of a chief-justice and three associates justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "court," to strike out "in manner now provided by law" and insert "by and with the advice and consent of the Senate;" and in line 6, after the word "qualified," to insert "and who shall, when appointed, be a resident of said Territory;" so as to make the section read:

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court, by and with the advice and consent of the Senate, who shall hold his office for the term of four years, and until his successor is appointed and qualified, and who shall, when appointed, be a resident of said Territory.

The amendment was agreed to.

Mr. WILSON, of Iowa. Those are the only amendments reported.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN DEPREDATION CLAIMS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RETIREMENT OF GENERAL PLEASONTON.

Mr. HAWLEY. The Military Committee instruct me to ask that the Senator from Nebraska [Mr. MANDERSON] be placed on the conference committee relating to the bill authorizing the retirement of General Pleasonton, in place of the Senator from Minnesota [Mr. DAVIS], who is necessarily absent. I ask that the Senator from Minnesota be excused and that the Senator from Nebraska be put in his place.

The PRESIDENT *pro tempore*. On account of the inability of the Senator from Minnesota [Mr. DAVIS] to serve, the Chair will designate as one of the managers of the conference on the part of the Senate on the bill (H. R. 2972) authorizing the President to appoint and retire General Pleasonton with the rank and grade of colonel, the Senator from Nebraska [Mr. MANDERSON].

HOUR OF MEETING.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of executive business.

Mr. HOAR. Will the Senator yield to me to offer a resolution?

Mr. CHANDLER. I yield for that purpose.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That, until otherwise ordered, the hour for the daily meeting of the Senate shall be 11 o'clock a. m.

Mr. HOAR. I ask for the present consideration of that resolution.

Mr. COCKRELL. Not to-day.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. The resolution lies over under the rule, and will be printed.

EXECUTIVE SESSION.

Mr. CHANDLER. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 3, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 21, 1888.

POSTMASTERS.

Samuel J. Robinson, at Towson, Baltimore County, Maryland.
Miss Lucy Hocker, at Eminence, Henry County, Kentucky.

Executive nomination confirmed by the Senate August 2, 1888.

POSTMASTER.

Theodore W. Miller, postmaster at London, Madison County, Ohio.

PROMOTIONS IN THE NAVY.

Gustav Kaemmerling, Kenneth McAlpine, William Stewart Smith, Lloyd Bankson, Clarence H. Mathews [subject to physical examination], De Witt C. Redgrave, Robert Stewart, jr., William W. White, Bias C. Sampson, Solon Arnold, Martin A. Anderson, Albert Moritz, to be assistant engineers in the Navy, to rank from 1st day of July, 1883, to follow in the order mentioned immediately after the name of Assistant Engineer William D. Weaver.

Clarence C. Willis, Frank H. Conant, Harry G. Leopold, Robert B. Higgins, Willis B. Day, John C. Leonard [subject to physical examination], Ward P. Winchell, Andrew McAllister [subject to physical examination], to be assistant engineers in the Navy, to rank from the 1st day of July, 1884, in the order mentioned, immediately after the name of Assistant Engineer Charles E. Rommell.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 2, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE AT WINONA, MINN.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn., with amendments of the Senate thereto.

Mr. WILSON, of Minnesota. I ask unanimous consent that the House concur in the Senate amendments, which are merely formal.

There was no objection, and it was so ordered.

FORT WALLACE MILITARY RESERVATION.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 8310) to provide for the disposition of the Fort Wallace military reservation in Kansas, with amendments of the Senate thereto.

Mr. TURNER, of Kansas. I ask unanimous consent that the House non-concur in the Senate amendments and agree to a conference.

Mr. HOLMAN. I hope my friend will allow the amendments to be read.

The Clerk read the amendments in part.

Mr. HOLMAN. I do not ask for any further reading of the amendments. I understand the matter now.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas [Mr. TURNER]?

There was no objection, and it was so ordered.

PUBLIC BUILDING, JACKSON, MICH.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., with amendments of the Senate thereto.

Mr. O'DONNELL. I ask unanimous consent that the House non-concur in the Senate amendments and agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

RICHMOND AND DANVILLE RAILROAD COMPANY.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia, with amendments of the Senate thereto.

Mr. LEE. I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* appointed as managers of the conference on the part of the House Mr. LEE, Mr. CAMPBELL of Ohio, and Mr. ROWELL.

JOHN W. DURR.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3248) for the relief of John W. Durr; which was read twice.

Mr. HERBERT. I ask unanimous consent that that bill be now put upon its passage. The amount involved is only $125.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay John W. Durr, of Montgomery, Ala., $125, out of any money in the Treasury not otherwise appropriated, in repayment of that sum overpaid by said Durr on cash entry No. 20128, which said entry was made at the land office at Montgomery, Ala.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama [Mr. HERBERT]?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, WILKES BARRE, PA.

The SPEAKER *pro tempore* also laid before the House the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.; which was read twice, and referred to the Committee on Public Buildings and Grounds.

PIPE-LINES, CHADRON, NEBR.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3331) to grant to the city of Chadron, Nebr., the right to lay pipe across certain tracts of lands; which was read twice, and referred to the Committee on the Public Lands.

BATTLE OF PRINCETON.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor; which was read twice, and referred to the Committee on the Library.

J. SCRIBNER & CO.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1493) for the relief of J. Scribner & Co., of Cleveland, Ohio; which was read twice, and referred to the Committee on Claims.

P. E. PARKER.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3038) for the relief of P. E. Parker.

Mr. ENLOE. Mr. Speaker, a bill exactly like that has been reported by the Committee on Claims in the House; but despairing of getting recognition here I carried it over to the Senate and got the Senators from my State to have it passed there, and I now ask unanimous consent to have the Senate bill considered at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee?

Mr. HOLMAN. Let the bill be read.

The bill was read, as follows:

Whereas in the year 1867 one Frank Travis was appointed collector of internal revenue for the western district of Tennessee, who executed bond on the 9th day of May, 1867, in the sum of $100,000, with P. E. Parker as one of his securities; and

Whereas afterward the said Travis became a defaulter and suit was instituted against sureties in the United States circuit court at Memphis, Tenn., in 1874; and

Whereas judgment was obtained against said securities in April, 1875, for $29,747.41, upon which execution was issued and levied on the property of said P. E. Parker, which said property was sold and brought the sum of $2,366.95, which was turned into the Treasury; and

Whereas by act of Congress approved March 3, 1881, the securities were released from liability on the bond or by judgment, upon the ground that after the signing of the bond by the securities Congress increased the duties and liabilities of the collector, thereby changing the contract; and

Whereas prior to this act the Government had collected from the said P. E. Parker the aforesaid sum of $2,366.95: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said P. E. Parker, out of any money in the Treasury not otherwise appropriated, the sum of $2,366.95, in full compensation for the losses sustained in money on payment of said judgment.

Mr. HOPKINS, of Virginia. I call for the regular order.

Mr. ENLOE. I ask the gentleman from Virginia to give me his attention for a moment. This is a bill to relieve a man who has been absolutely ruined by an unjust judgment. He is to-day sixty-five or seventy years of age, and is working in the fields for a living. He kept a country store near the place where I was born; he gave me the first pocket-knife I ever had; and when I came here I went to work to get this bill through. [Applause.] I have tried hard to get recognition to bring it up in the House; I have almost worn out a good pair of shoes walking down from my seat to the front here to get recognition to have this bill passed; and now that it has passed the Senate and has come over here, I trust that there will be no objection to its immediate consideration.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

Mr. BUCHANAN. Before the Chair "hears none," I desire to say a word.

The SPEAKER *pro tempore*. The Chair can not hear the gentleman's objection unless he makes it.

Mr. BUCHANAN. I addressed the Chair twice.

The SPEAKER *pro tempore*. The Chair will not cut the gentleman off.

Mr. BUCHANAN. Reserving the right to object, I simply want to say that there must be some arrangement made in which we shall have more reciprocity in these recognitions. There has been already one recognition on the other side, and now there is another asked; and the moment we get through with that the regular order will probably be called, and to-morrow morning the recognitions will begin again on that side of the House.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New Jersey——

Mr. BUCHANAN. It is not the Chair's fault, but the fault of circumstances.

The SPEAKER *pro tempore*. After the remark of the gentleman, it is due the Chair should state that a number of bills had come over from the Senate, and when they were laid before the House gentlemen interested in certain bills asked their consideration at the present time. It was not a question of recognition by the Chair.

Mr. BUCHANAN. I understand that; and therefore I am freer to say what I am now saying—that there must be some arrangement to secure more reciprocity in these recognitions, or there will be constant and permanent objection from at least one member of this House.

Mr. HOLMAN. In reference to the bill which has been read, the reason is clear enough why the sureties should be released; but I ask the gentleman from Tennessee [Mr. ENLOE] to state on what ground the committee favors the release of the principal.

Mr. ENLOE. The bill does not propose to release the principal at all. This gentleman, P. E. Parker, was on the bond of Frank Travis, who was collector of internal revenue for the western district of Tennessee. Travis proved a defaulter——

Mr. HOLMAN. This bill, then, is for the relief of one of his sureties.

Mr. ENLOE. That is it. Mr. Parker was one of the sureties, and the only one who made an effort to meet his obligations. The Government sacrificed $10,000 worth of his property, and simply ruined him.

Mr. HOLMAN. Upon that explanation, I see no objection to the proposition.

Mr. BAKER, of New York. I do not rise to object, but to express the hope that the bill may be allowed to pass, because I am sure that our friends on the Democrotic side will then allow two bills to be passed by unanimous consent on the Republican side, one of which I hold in my hand. [Laughter.]

Mr. ENLOE. I hope we shall have a vote on the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. ENLOE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, House bill No. 1032, of similar import to the Senate bill just passed, will be laid on the table.

There was no objection, and it was ordered accordingly.

RENT OF CITADEL ACADEMY, CHARLESTON, S. C.

The SPEAKER *pro tempore* also laid before the House the joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy; which was read a first and second time.

Mr. DIBBLE. I ask unanimous consent that this resolution be now taken up and passed.

Mr. HOLMAN. Let it be read first.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, authorized and directed to investigate and report the amount due to the State of South Carolina for rent of the Citadel at Charleston, S. C., from August 20, 1867, to February 2, 1882, including the sum equitably due to the State of South Carolina for the loss by fire of the west wing of the said building while in the occupation of the United States, and the appropriation by the United States of the bricks of the said wing to other Government uses; and that he report the result of such investigation to Congress.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this joint resolution?

Mr. KERR. When did this claim accrue?

Mr. DIBBLE. Between 1867 and 1882.

Mr. KERR. Then it is not a war claim?

Mr. DIBBLE. No, sir.

Mr. TOWNSHEND. Before final action is taken on this resolution I ask that the gentleman from South Carolina may have an opportunity to explain it.

Mr. BAKER, of New York. It is all right.

Mr. TOWNSHEND. I would like to hear an explanation.

Mr. DIBBLE. The bill proposes nothing more than to get from the War Department and Quartermaster-General a report, which, as the bill provides, is to be submitted to Congress for its information and as a basis for any action it may take. This resolution embraces no final legislation, but simply provides for bringing the information before Congress. I will ask the Clerk to read the last clause of the resolution.

The concluding portion of the resolution was again read.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPRAISERS' WAREHOUSE, NEW YORK CITY.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, said bill having been returned from the Senate with amendments.

Mr. DIBBLE. I move that the House non-concur in the amendments of the Senate and agree to the conference requested.

Mr. HOLMAN. I wish to inquire whether by these amendments the amount is increased or diminished?

Mr. DIBBLE. The amount is increased, and for that reason I move that the House non-concur.

The SPEAKER *pro tempore*. If there be no objection, the Senate amendments will be non-concurred in and a conference agreed to. The Chair hears no objection. The conferees on the part of the House will be announced later in the day.

IMPROVEMENT OF MOUTH OF BRAZOS RIVER, TEXAS.

The SPEAKER *pro tempore* also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *August* 1, 1888.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2831) for improving the mouth of Brazos River, Texas.

The SPEAKER *pro tempore*. If there be no objection, the request of the Senate will be complied with. The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSK, indefinitely, on account of important business.

To Mr. YODER, indefinitely, on account of important business.

To Mr. BIGGS, indefinitely, on account of sickness.

To Mr. BLANCHARD, for one week, on account of illness.

WITHDRAWAL OF PAPERS.

On motion of Mr. LAWLER, by unanimous consent, leave was granted to withdraw from the files of the House, without leaving copies, papers in the case of N. H. Van Zandt.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same, namely:

A bill (S. 1914) for the relief of Mary E. Hopkins;

Joint resolution (S. 27) providing for the printing of a supplement to Wharton's Digest of International Law;

Joint resolution (S. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual Report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected;"

Joint resolution (S. 17) to provide for printing additional copies of the map of the edition of 1886, prepared by the Commissioner of Public Lands; and

Joint resolution (S. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1815 to 1887.

OHIO CENTENNIAL.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to discharge the Committee on Appropriations from the further consideration of the bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government, the Department of Agriculture, the Government Printing Office, and Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 18, 1888, and put it upon its passage.

Mr. WISE. If this bill is considered will it be in order to offer amendments?

The SPEAKER *pro tempore*. It will be.

Mr. WISE. Then I want time to offer an amendment, and to be heard upon it.

The SPEAKER *pro tempore*. It will of course be in the discretion of the House as to the debate upon the bill.

Mr. BRECKINRIDGE, of Arkansas. I would suggest to my friend from Ohio not to bring up that bill at this time, as it will likely lead to prolonged debate. It seems to me, in fairness, by reason of certain recognitions on this side, that some similar recognition should be accorded to the other side of the House. If discussion begins on this bill and continues for some time it will most likely result in a demand for the regular order.

The SPEAKER *pro tempore*. The Chair is informed that the last recognition was for a public building on the other side of the House. Besides that, the gentleman was recognized to call up this bill last evening just preceding the hour for adjournment.

Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope it will be read.

The bill was read at length.

Mr. OUTHWAITE. Now, Mr. Speaker——

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. OATES. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

GUSTAVUS W. SMITH.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY S. LOGAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

back with the recommendation that it be indefinitely postponed, the bill (S. 257) granting a pension to Mary S. Logan.

There being no objection, the bill was considered, and the recommendation of the committee was concurred in.

ASSISTANTS TO CHIEFS OF BUREAUS, NAVY DEPARTMENT.

Mr. WISE, from the Committee on Naval Affairs, reported back favorably the bill (S. 1438) to provide for the appointment of assistants to the chiefs of bureaus in the Navy Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 5694) of the same title, reported back by the Committee on Naval Affairs, was laid upon the table.

Mr. WISE. The chairman of the Committee on Naval Affairs is not present, but has requested me to obtain consent that he may file a minority report hereafter.

The SPEAKER *pro tempore*. Without objection the report may be filed to accompany the report of the committee.

There was no objection.

LANDS TO TOWN OF MOSCOW, IDAHO.

Mr. HERMANN, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 6842) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I now call up the unfinished business of yesterday.

(The Speaker here resumed the chair.)

The SPEAKER. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER. The question is on non-concurring in the amendments of the Senate, as recommended by the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. If that is the only question before the House——

The SPEAKER. That is the only question. A resolution was read yesterday afternoon and put into the RECORD, but which was not in order when offered.

Mr. TOWNSHEND. Then I ask a vote.

The SPEAKER. The Chair is about to submit the question to a vote.

The question is on non-concurring in the Senate amendments.

The amendments were non-concurred in.

Mr. TOWNSHEND moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. Mr. Speaker, I ask leave to withdraw temporarily the resolution which I asked to be printed in the RECORD. In doing so, Mr. Speaker, I wish it to be distinctly understood that I do not yield the question, but will present it again for the consideration of the House before the amendments are finally acted upon.

The SPEAKER. That is not pending, the Chair thinks, and will be withdrawn.

Mr. HOOKER. What is the request of the gentleman?

The SPEAKER. The gentleman desires to withdraw the resolution read on yesterday, which is not, in fact, pending.

Mr. SAYERS. I shall not offer any resolution at this time.

Mr. TOWNSHEND. Then there is no further motion pending?

The SPEAKER. There is nothing pending.

Mr. TOWNSHEND. I move that a conference be requested with the Senate upon the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 10936) making appropriations to supply the deficiences in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The pending proposition was read, as follows:

Insert the following:

"To pay to John M. Glover the sum of $2,000 in full of all expenses incurred by him in the contested-election case of Glover *vs.* Frank in the Fiftieth Congress; and to pay to Nathan Frank the sum of $2,000 in full of all expenses incurred by him in the contested-election case of Glover *vs.* Frank, in the Fiftieth Congress."

The amendment was agreed to.

Mr. COTHRAN. I ask unanimous consent to recur to a section of the bill that has already been passed, for the purpose of offering an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 32, after line 15, insert the following:

"And for support of prisoners of United States courts, balance for the fiscal year ended June 30, 1887, the sum of $25,000."

The CHAIRMAN. Is there objection to returning to this section of the bill and to the offering of this amendment? The Chair hears none. The question is now on the adoption of the amendment.

Mr. COTHRAN. I send to the Clerk's desk a communication which I wish to have read.

The Clerk read as follows:

TREASURY DEPARTMENT, *August* 1, 1888.

SIR: I have the honor to transmit herewith for the consideration of Congress copy of a communication from the Attorney-General of the 31st ultimo, submitting an estimate of deficiency in the appropriation for "support of prisoners. United States courts," for the fiscal year ended June 30, 1887, of $25,000.

Respectfully yours,

C. S. FAIRCHILD, *Secretary.*

The SPEAKER *House of Representatives.*

DEPARTMENT OF JUSTICE, *Washington, July* 31, 1888.

SIR: I have the honor to request that there be transmitted to Congress an estimate for an appropriation for the support of prisoners for the fiscal year 1887 of $25,000, to be added to the deficiency bill now before the House of Representatives as an amendment. The deficiency appropriation for this same purpose heretofore made at this session was based upon a statement of the amounts due for the support of prisoners in thirty-four districts, not quite one-half of the whole number. Outstanding accounts due in districts not included in that statement, as well as some included therein, which have not been paid—the district of South Carolina, for instance, where nearly $3,000 are due—make it necessary for the Department to ask for this additional appropriation.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

The SECRETARY OF THE TREASURY.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RICHARDSON. I ask unanimous consent to recur to the section immediately preceding the one we are considering, in order that I may offer an amendment which I send up to the Clerk's desk.

The Clerk read as follows:

Insert after line 21 the following:

"To pay 15 per cent. in addition to the amount paid for day labor to the employés of the Government Printing Office, such as compositors, pressmen, stereotypers, laborers, press-feeders, RECORD folders, counters, engineers, machinist, firemen; and proof-readers, revisers, copy-holders, make-up, and imposer of the bill force, who were and are exclusively employed on the night forces of the Government Printing Office, but exclusive of compositors on the RECORD, during the first session of the Fiftieth Congress, $10,000, or so much thereof as may be necessary: *Provided*, That in estimating the said 15 per cent. credit shall be given the Government for whatever has been paid or is now being paid the said employés above the rates for day work."

The CHAIRMAN. Is there objection to returning to this portion of the bill?

Mr. BURNES. I would not be considered as refusing any courtesy to the gentleman from Tennessee [Mr. RICHARDSON], but his amendment is subject to a point of order, and I might as well make objection now and have the amendment excluded as to let it come up and make the point of order afterwards.

The CHAIRMAN. Objection is made.

Mr. RICHARDSON. Will the gentleman withdraw his objection in order that I may make a statement?

Mr. BURNES. I will withhold my objection in order that the gentleman may make a statement.

Mr. RICHARDSON. This amendment is intended to provide compensation to certain employés of the Government Printing Office who are employed on night work only. They go there at 7 o'clock in the evening and are continuously employed until 3 o'clock in the morning. They receive the same compensation for eight hours' work at night as do persons employed on similar work during the day. This amendment simply provides that inasmuch as they work at night instead of during the day they shall be paid 15 per cent. in addition to what is paid to day employés for the same class of work. I think it is manifestly proper that they should be so paid.

Mr. BURNES. The express statutes governing this case give to the Public Printer absolute power to fix the wages of his employés, and in the face of such a statute the amendment of my friend would, of course, be out of order; and therefore we may as well stop it now by objection.

Mr. RICHARDSON. Do I understand the gentleman to say that the Public Printer has power under the law to pay the night force more than is paid the day force for the same length of time on the same class of work?

Mr. BURNES. The law provides that the Public Printer shall fix the compensation of these individuals, provided that he shall not pay more than 40 cents an hour. Therefore the power is with the Public Printer to pay them up to 40 cents an hour, and in the face of that statute I can not accede to the amendment.

Mr. RICHARDSON. I ask if the effect of the gentleman's argument is that the force employed during the day may be paid at a rate of compensation below 40 cents, and that then these employés, in whose interest this amendment is offered, could be paid an additional compensation not to exceed 40 cents an hour?

Mr. BURNES. I will say to my friend from Tennessee that there may be a fault in the law, but so long as it is the law we are bound by it on an appropriation bill.

Mr. HEARD. I will ask my colleague whether the rate of compensation allowed to the day force is equal to 40 cents an hour?

Mr. BURNES. There is no discrimination so far as I know between the compensation paid to the day force and that paid to the night force, but the Public Printer can make such discrimination from 40 cents an hour down.

Mr. HEARD. As I understand my colleague's reply, it is to the effect that the rate of compensation for day work now is 40 cents. That being so, there is no way for the Public Printer to discriminate so as to pay more for the night work unless he reduces the compensation of the day force. He can not increase the compensation of the night force above that figure.

Mr. BURNES. In answer to my colleague I will call his attention to the fact that very few of these employés receive 40 cents an hour. The great majority of them receive less than 40 cents an hour, and therefore as to that class of employés the Public Printer can increase their compensation if he desires to do so.

Mr. HEARD. My question is answered. I realize that there ought to be a difference between the compensation paid for night work and that paid for day work, and I desired only to know that the law gave the Public Printer such power as would enable him to make a discrimination in favor of those who do night work.

Mr. RICHARDSON. I think the gentleman from Missouri [Mr. BURNES] is mistaken. I think the men are all paid 40 cents an hour. Do I understand the Chair to exclude the amendment?

The CHAIRMAN. Objection is made to returning to the section.

Mr. BURNES. I suggest to my friend from Tennessee that we might as well stop the amendment here, as it would be subject to the point of order, and there is no object in extending to him a barren courtesy from which no fruit could possibly grow.

The Clerk read as follows:

To pay to the widow and legal heirs of the late J. T. Updegraff, a member-elect to the Forty-eighth Congress, but who died before the time of its organization, $6,000.

Mr. SHAW. I offer the amendment which I send to the Clerk's desk, to come in after line 20.

The amendment was read, as follows:

To equalize the salaries and pay of forty-three persons engaged in the performance of the duties of messengers of the House of Representatives, as mentioned and designated in House Miscellaneous Document No. 263, Fiftieth Congress, first session, $4,582, said amount to be so applied as to make the compensation of each of said persons, as nearly as may be, $100 per month for the time they are so employed.

Mr. SHAW. This amendment is for the purpose of equalizing the pay of the messengers of the House. Some of them are now receiving $70 a month and others $100 a month, while all are rendering like service. This discrimination, to say the least of it, is invidious and unjust, and ought to be corrected, and I trust there will be no objection to this amendment.

The amendment was again read.

Mr. CANNON. I reserve the point of order on that.

Mr. DOCKERY. The gentleman from Maryland asks unanimous consent that it be considered now.

Mr. KERR objected.

The Clerk read as follows:

Page 35, line —:
"To pay Turner K. Hackman for services rendered as riding page for twenty days previous to the organization of the present Congress, $50."

Mr. SHAW. I offer the amendment which I send to the desk, to come in after line 5.

The amendment was read, as follows:

To pay Edward W. Coughlan for services rendered as messenger to the Committee on Accounts during the first session of the Fiftieth Congress, $150.

Mr. DOCKERY. I would like to have an explanation of that.

Mr. SHAW. This young man has rendered service to the Committee on Accounts during the entire session; he has acted as messenger or page to that committee, and I have been authorized by the committee to offer this resolution. There is constant communication between the Committee on Accounts and the Chief Clerk of the House, and every member of the committee, as well as the Chief Clerk, if he were permitted to testify, would say that the services of this young man have been indispensable.

Mr. DOCKERY. Is he on the roll?

Mr. SHAW. He is not. We did not know that we should require the services of a page, and therefore did not ask the House to allow us one, as we might have done. If he had been appointed in the usual way, his pay would have been $60 a month, which would have amounted to a great deal more than the sum named in this amendment.

Mr. DOCKERY. I shall not object; but according to my recollection this is the first time that we have had an application from the Committee on Accounts for an expenditure of this kind.

Mr. CANNON. Is this young man in the employ of the Government?

Mr. SHAW. No, sir; he is not in the employ of the Government in any regular way.

The question was taken; and on a division the amendment was rejected—ayes 26, noes 30.

The Clerk read as follows:

To pay Charles Carter for extra services rendered during the second session of the Forty-ninth Congress, $50.

Mr. HOLMES. I offer the amendment which I send to the desk, to come in on page 35 after line 19.

The amendment was read, as follows:

To pay Ralph T. Moses for services rendered as assistant folder in the seal-room from December 5, 1887, to July 25, 1888, $125.

Mr. HOLMES. This young man has done the work, and has not received any pay. He has rendered bona fide service in the seal-room, and I think he ought to be allowed reasonable compensation therefor. I ask unanimous consent that the amendment be adopted.

Mr. BURNES. I should like to hear a statement of the ground upon which this appropriation is asked for.

Mr. HOLMES. On the ground that the service has been actually performed and has not been paid for.

Mr. BURNES. Is this man upon the roll?

Mr. HOLMES. He is not. He was put to work there and has not been paid for it.

Mr. BURNES. By whose authority was he put to work without being on the roll?

Mr. HOLMES. I am not advised what officer of the House put him there.

Mr. BURNES. I feel compelled in such a case as this to interpose an objection.

Mr. HOLMES. I think the gentleman from Missouri will see the propriety of this employé receiving pay for services actually rendered.

Mr. BURNES. I see no authority for the employment.

Mr. HOLMES. It is one of a class of cases constantly occurring in this House and in the various Departments of the Government.

Mr. BURNES. But no officer of the House reports that this young man has been employed or has rendered service.

Mr. BUCHANAN. I personally know that he rendered service during that time. A part of the service was rendered to myself in sealing documents for me.

Mr. HOLMES. He sealed documents for every member of the House, I presume, during that time. I trust the gentleman from Missouri will not object.

Mr. OUTHWAITE. Has not this young man since been put on the rolls by a resolution of the House?

Mr. HOLMES. I do not know how that may be.

Mr. BURNES. I am just informed that he was put on the roll by a resolution of the House.

Mr. BUCHANAN. This is to pay him for a time when he rendered service prior to being placed on the rolls by that resolution. I know personally that he was here and performed service.

Mr. HOLMES. I do not understand that he was ever paid for the time covered by this amendment. If I believed he had been paid, I would not of course offer the amendment. The gentleman from Ohio [Mr. BOOTHMAN], a member of the Committee on Accounts, informs me that the time named in this amendment was not covered by the resolution placing him on the roll.

Mr. BLOUNT. It appears, Mr. Chairman, that this person was put on the rolls for some weeks prior to authority for his employment, although since that time he was placed on the rolls by authority of a resolution of the House. In itself, this matter seems innocent, but I recall the fact as you will, Mr. Chairman, that some years ago just such transactions as this, occurring in a number of instances, so outraged the sentiment of this House and the country as to force the resignation of the person who was then Doorkeeper. I do not believe that any officer of this House should take upon himself authority to bring any charge against the Government by such action, with the expectation of having the House cure the difficulty by a resolution. What I now say is not for the purpose of casting any reflection upon the present officer, for I do not undertake to say that he is not efficient and honorable. But this is a single instance of what, as I have said, became at one time a scandal before the country; and I want to say here and now to the Doorkeeper, or any other officer of this House, that from now on I shall resist to whatever extent I may be able any such illegal action on the part of any officer of the House.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BLOUNT] object to the consideration of the amendment?

Mr. BLOUNT. I do not object in this case; but I was not willing to have the amendment pass without recalling to the House the scandals which have grown out of such an exercise of power on the part of the Doorkeeper. If he may do such a thing in one instance, he may do it without limit. I hope he will take notice that such a thing is not to occur again.

The CHAIRMAN. There being no objection, the amendment is before the Committee of the Whole for consideration.

Mr. BURNES. I wish to say on behalf of the Doorkeeper that he did not undertake to employ this boy at all. The boy, having once before been compensated for voluntary service, concluded that he could get compensation again. He simply performed this work voluntarily, ex-

pecting to get compensation. He took his chances, as he had done before. Therefore the Doorkeeper is not at all censurable in this transaction. If the Committee of the Whole sees proper to adopt the provision for payment in this case, I have no objection.

Mr. HOOKER. It should also be remarked in defense of the Doorkeeper that his action was indorsed by a subsequent resolution of the House placing this young man on the roll, so that there can be no reflection at all in this matter on the Doorkeeper.

Mr. BUCHANAN. The case, then, stands in this position: For a period of time this young man was here performing work for which he has not yet been paid. I personally know that he did render the service. He did work for myself during that period, and I saw him doing it for others. Subsequently, by resolution of the House, he was placed on the rolls. This amendment is simply to compensate him for the time he was here performing this work prior to his being placed on the rolls. Gentlemen here accepted his services, and we ought to pay for them. That is the whole situation.

The amendment of Mr. HOLMES was agreed to.

The Clerk read as follows:

To enable the Clerk of the House to pay George W. Knox for hauling books and placing them in the rooms in the terrace of the House wing of the Capitol, $222.77.

Mr. HOLMAN. I ask unanimous consent to submit the amendment I send to the desk, involving about $40, and also ask that a certificate accompanying the paper be read.

The Clerk read as follows:

To pay W. D. Hunter for thirty-eight days' work during the recess of the Forty-ninth Congress, at the rate of $40 per month.

Mr. HOLMAN. I ask that the accompanying certificate be read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., August 1, 1888.

I hereby certify that W. D. Hunter was employed in the House document-room for thirty-eight days during the recess between the Forty-ninth and the Fiftieth Congresses, for which he was not paid, at the rate of $40 per month.

C. H. HARRIS,
File Clerk House Document-Room.

The amendment was adopted.

The Clerk read as follows:

To pay E. B. Wade, clerk of the Committee on Printing, for services to June 15, 1888, as clerk to the Select Committee Investigating the Government Printing Office, $500.

Mr. FARQUHAR. I wish to offer an amendment to this paragraph.

The Clerk read as follows:

To pay Edward S. MacDonald for services rendered to Select Committee Investigating the Government Printing Office, $50.

Mr. BURNES. I shall feel compelled to make objection unless there be some suitable reason given for this amendment.

Mr. FARQUHAR. I will state that this amendment is to pay for the services of a messenger employed in the investigating committee, which should have been embodied in the preceding paragraph of the bill just read, providing for the payment of the clerk of the committee.

The service was rendered by this young man, but the gentleman from New Hampshire [Mr. GALLINGER] failed to bring in the matter at the time that the preceding item was brought in and for which payment is recommended. I want to state further that the minority claim to have paid out over $200 for services on this committee.

Mr. BLOUNT. Let me ask why it is that this matter has not been submitted to the Committee on Accounts?

Mr. FARQUHAR. I might ask the same with reference to the paragraph read a few moments ago, and which was adopted.

Mr. BLOUNT. And I should have concurred entirely in the propriety of that. I did not expect another like this to follow so soon or I would have objected to the other provision to which consent was given.

Mr. BURNES. I do not think that there was objection to the preceding paragraph of the bill. That came before the committee from the Committee on Printing through its chairman as the request of the committee, and from a respectable committee of the House, transmitting through its chairman a request that that item of expenditure be allowed. The committee could not do otherwise than to make an allowance for the payment as asked, on account of an obligation which the committee had assumed, and for a service that was reported to have been fairly rendered.

Mr. FARQUHAR. That is just it.

Mr. BURNES. But this comes in no such way. The committee never asked, nor did any member of the committee, so far as I know, for this allowance.

Mr. FARQUHAR. I want to say, and I think the chairman of the Committee on Printing will bear me out, that this matter was submitted in the Committee on Printing at the same time, and more than that it was agreed upon by the committee that it was a just claim. I simply rest the proposition upon that statement.

Mr. RICHARDSON. Let it be again reported.

The amendment was again read.

The CHAIRMAN. Is there objection to the consideration of the amendment?

Mr. BURNES. I shall certainly interpose an objection unless the gentleman will state, or some one representing the Committee on Printing, that this liability has been incurred at the instance of the committee, and its payment is asked by the committee.

Mr. LONG. The chairman of the committee is present.

Mr. FARQUHAR. The chairman can answer the question.

Mr. RICHARDSON. As I understand it, this young man was retained by my colleague on the minority of the committee, the gentleman from New Hampshire [Mr. GALLINGER]. He spoke to me about it a few days ago, and said he had incurred this liability serving him and the minority of the committee. The committee itself did not take any action, it is proper for me to say, and did not employ the young man; but I know he was there and rendered service to my colleague representing the minority; and I am quite sure he rendered him valuable service. I interpose no objection.

Mr. BRECKINRIDGE, of Arkansas. He was not appointed by the committee?

Mr. RICHARDSON. He was not.

Mr. BURNES. I think, in view of the statement of the gentleman from New York, backed up by the statement of the gentleman from Tennessee, that I shall interpose no further objection, the services being rendered, and apparently the case presents a proper question for our action.

Mr. BRECKINRIDGE, of Arkansas. What is the status of the question?

The CHAIRMAN. Unanimous request is asked to submit the amendment.

Mr. BRECKINRIDGE, of Arkansas. I shall object to it under my understanding of the case. It seems to be a claim to pay for private services. Let the committee pay such expenses themselves.

The Clerk read as follows:

To pay George Winters and L. B. Cook $200 each, being the difference between their pay as conductors of the elevator and $1,200 per annum from July 1, 1886, to July 1, 1888, $400.

Mr. CANNON. Mr. Chairman, an amendment was offered some little while ago by the gentleman from Maryland under this head, and I do not know that I understood fully its meaning and object. I would desire that the objection be withdrawn, at least so that we may understand what is the scope of the amendment touching the equalization in pay of certain messengers performing duties as doorkeepers. I do not know who offered it, but I think the gentleman from Maryland.

The CHAIRMAN. It was offered by the gentleman from Maryland to equalize the pay of messengers, involving some $4,000. Is there further objection?

Mr. CANNON. I want to understand what the resolution does. As I understand it, these persons who are employed about the doors here have been found insufficient in numbers, and details have been made from the Doorkeeper's roll of the lower-priced employés, perhaps $60 or $65 a month, to perform in fact the duties of doorkeepers here.

Mr. BURNES. That is correct.

Mr. CANNON. This is not a proposition, then, to decrease anybody's pay?

Mr. BURNES. No, sir.

Mr. CANNON. But to increase the pay of certain employés from $60 or $65 to what?

Mr. BURNES. To $100 a month.

Mr. CANNON. During the session?

Mr. BURNES. Some during the session and some are annual, I think.

Mr. CANNON. But during the session?

Mr. BURNES. During the year.

Mr. CANNON. During the whole year?

Mr. SHAW. It would be during the whole year if they were all on the annual roll. There are two who are on the session roll; the others are on the annual roll; and this amendment is for the purpose of equalizing their pay. Some of them receive but $70 a month. You can find at the different doors of the House, on either side, one man who is receiving $70 while another is receiving $100 for rendering exactly the some character of service.

Mr. CANNON. Then it is rather equalizing than increasing the salaries.

Mr. SHAW. To those who receive but $60 it is an increase to $100.

Mr. CANNON. I will ask another question. When does the payment cease?

Mr. SHAW. Those who are on the annual roll will continue to draw their pay at $100, while those on the session roll will receive it during the remainder of the session and then it will cease and they will go their way as they have heretofore.

Mr. CANNON. Their services end with the session?

Mr. BURNES. Some do and some do not.

Mr. CANNON. What do you ask?

Mr. SHAW. That we appropriate sufficient money to equalize the pay and to make it $100 for those who are on the session roll.

Mr. CANNON. During the session or during the year?

Mr. SHAW. During the time they are employed.

Mr. CANNON. Somebody said that I objected.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] objected.

Mr. CANNON. Then it is not necessary for me to say I did not.

Mr. STONE, of Missouri. I object.

Mr. SHAW. I think it was the gentleman from Iowa [Mr. KERR] who objected.

The CHAIRMAN. The committee has now reached that part of the bill relating to judgments of the Court of Claims, beginning at page 37 and ending at the bottom of page 51. If there be no objection the Clerk will pass these over. Is there objection?

The Chair hears no objection, and the Clerk will read the next section.

The Clerk read as follows:

FOX AND WISCONSIN RIVER IMPROVEMENT.

For payment of judgments and awards recovered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, and reported to Congress by the Attorney-General in Senate Executive Document No. 181, Fiftieth Congress, first session, namely:

Mr. HOVEY. I move *pro forma* to strike out the last word.

Mr. Chairman, it has not been my intention to labor again to procure recognition by the Chair this session for a second speech, but finding a publication in the Sunday number of the CONGRESSIONAL RECORD, in which allusion is made to some remarks made by me in this House in April, I have concluded that it is my duty to reply.

The publication to which I refer purports to be the "Speech of Hon. COURTLAND C. MATSON, of Indiana, in the House of Representatives, Saturday, July 28, 1888."

I need not say to the members of this House that no such speech was delivered on that day and that no allusion is made to it in the Congressional proceedings of that Saturday.

In this printed speech my colleague [Mr. MATSON] labors to show that the Democratic party is, and has been, the true friend of the ex-soldiers of the United States.

In this Herculean task I do not wonder that he has preferred to print his speech in the RECORD rather than meet with prompt replies to his bold and unfounded assertions.

The Representative on this floor who does not know that the Republican party in this House this session has earnestly labored from the first day to the present hour to procure the consideration of pension legislation, and that the Democratic party here has as earnestly and persistently labored to prevent it, is an imbecile who should be sent to some asylum for safe-keeping.

There can not be found an intelligent man who has watched the proceedings of this House who does not fully understand the motives and attitude of the respective parties on this subject, and that the Democratic party, from the President down to his lowest follower, is strongly opposed to all pension legislation.

In my first speech in this House, on the 20th of April, I said:

On the 4th of January last I offered a service-pension bill, No. 1320, granting a pension of $8 per month for life to every honorably-discharged officer, soldier, or sailor who had served in the Army of the United States not less than sixty days between March 4, 1861, and July 1, 1865. This bill was the same day referred to the Invalid Pensions Committee. On the same day I offered bill No. 1319, granting a bounty of 160 acres of land to every officer, soldier, and sailor engaged in the military or naval service of the United States during the late rebellion of the so-called Confederate States. On the 16th of January last I offered a bill, No. 5052, "to equalize the payment and do justice to the officers, soldiers, and sailors of the United States in the late rebellion who were paid in currency commonly called 'greenbacks,'" which was referred to the Committee on Military Affairs.

I had hoped that at least one of these bills might possibly meet with the favor of one of those omnipotent committees, and be reported to this House for fair discussion, so that a vote on the ayes and noes might be taken; but, like many other bills which have been introduced for the relief of the ex-soldiers of the late rebellion, neither of them has been reported; and they, too, have been smothered or filed in the unremembered pigeon-holes of the committee-rooms. Our ex-soldiers and sailors seem to be forgotten. Even the President in his message made no allusion to them, their services, or their sufferings, and his henchmen and partisans are following silently and closely in his footsteps.

Mr. TOWNSHEND. I ask to correct the gentleman in reference to his statement about a bill referred to the Military Committee.

Mr. HOVEY. I can not yield.

Mr. TOWNSHEND. I hope the gentleman will not violate the proprieties of the House. He refers to a bill that had no relation to the work before our committee, and which was sent back to the House and transferred to another committee, and that is what I want to call attention to.

Mr. HOVEY. I can not yield to an interruption.

The Committee on Invalid Pensions is composed of nine Democrats and six Republicans, the Committee on Public Lands nine Democrats and five Republicans, and the Committee on Military Affairs eight Democrats and six Republicans, so that the Democrats of those committees have the power to report to this House any bill referred to them, or they can crush, by refusing to report, every bill offered in favor of the ex-soldier. The responsibility is theirs; and I assure them they will be well remembered hereafter by the men whose rights they have so unfeelingly ignored.

Now, Mr. Chairman, it seems to me that the committees to whom those important bills have been referred dare not bring one of them before this House for fair discussion and action. The people who do not understand the gag rules of this House are watching with wonder and blaming their Representatives for not forcing a vote on the most important questions of the day.

It must not be forgotten that my colleague, the honorable and gallant Colonel MATSON, is the chairman of the Invalid Pensions Committee, my much esteemed and ancient friend, Mr. HOLMAN, chairman of the Committee on Public Lands, and my colleague, Mr. TOWNSHEND, of Illinois, whose district joins mine across the Wabash River, is chairman of the Committee on Military Affairs.

If I am correctly informed, no report has been made by the said committees on either of my bills, and hence under the rules of this House it is impossible to press either of them for further legislative action.

With over one hundred and ninety bills in favor of the rights of ex-soldiers, referred to said committees, no day or days have as yet been set apart for their consideration.

Hundreds of thousands of soldiers at this and former sessions have petitioned for redress and relief in vain. Their petitions now are never read in the session of the House, but are buried in the box at the feet of the Speaker, and are then sent silently to the archives of the nation!

Verily that great and grand old right of petition has lost its ancient force and grandeur. Its denial once by George III was assigned in the Declaration of American Independence as one of the causes which led to the liberty of this country. May its virtual suppression here fail to lose that which it formerly helped to gain.

That there has been a studied and systematic course of opposition pursued by my colleagues on the other side of this House against all general pension legislation can not be honestly denied by any member.

To show how this denial has been systematically pursued I will present a few facts that can not be controverted.

My colleague, Mr. JOHNSTON, of Indiana, in his speech in this House on the 10th of July, shows what efforts he has made to have days assigned and set apart for such legislation. He says:

On the 21st day of May last I offered the following preamble and resolution:

"Whereas the Committee on Invalid Pensions of this House has reported House bill No. 9961, by Report No. 2120, entitled 'A bill relating to the arrears of pensions,' with recommendation that it do pass; and

"Whereas said committee in said report estimate that said bill, if passed, will cause the expenditure of $250,000,000; and

"Whereas all political parties profess to be in favor of granting to the Union soldiers of 1861 to 1865 liberal pensions for service rendered; and

"Whereas on the 19th day January last, House bill No. 3345, granting a pension to all such soldiers, was referred to said committe; and

"Whereas it is important that said several propositions should be disposed of before any bill is passed materially reducing the revenues of the country: Therefore,

"*Resolved*, That the Committee on Invalid Pensions be discharged from the further consideration of said House bill No. 3345, and that said bill, and said bill No. 9961, reported by said committee, be made a special order for Friday, the 25th day of May, and that the consideration thereof shall continue from day to day until they are disposed of."

This resolution, asking that these bills should be considered, was, by the ruling of the Speaker, sent to the Committee on Rules, and, strange to say, since the introduction of that resolution there has never been a report from that committee, although Mr. CANNON, of Illinois, representing the minority of the committee, stated publicly upon this floor that the Republicans composing the minority had gone to the Speaker, who is *ex officio* chairman thereof, and requested that the committee be called together for the purpose of taking action thereon, and further stating that there had been no meeting of the committee.

Fearing that the Speaker, in the multiplicity of duties that are crowding upon him, had overlooked the matter, I again, on the 9th day of June, offered the following resolution:

"*Resolved*, That Wednesday, the 13th day of June, after the morning hour, be set apart for the consideration of House bill No. 9961, granting arrears of pensions and providing for the payment thereof; and that the consideration thereof shall be continued from day to day until the same is disposed of"—

which also went to the Committee on Rules, and which has suffered the like fate of its predecessor.

The CONGRESSIONAL RECORD will show other efforts in the same direction without success.

In May last the Republican members of the House, becoming dissatisfied with the many evasions and long delays in regard to pension legislation, signed a request or petition and delivered it to the Committee on Rules, of which the Speaker, Mr. CARLISLE, is chairman. I now present to the House a copy of the same:

To the Committee on Rules of the House of Representatives:

GENTLEMEN: The undersigned members of the House of Representatives, feeling the great need of prompt legislation for the relief of Union veterans and their dependent ones, respectfully urge your committee to set apart, at as early a day as possible, three or four days for the consideration of general pension legislation.

J. C. Burrows, D. B. Henderson, E. H. Funston, George W. Steele, William Cogswell, James O'Donnell, E. B. Taylor, Jacob Romeis, George W. Crouse, Nils P. Haugen, Henry W. Seymour, J. Lyman, J. J. Belden, William Warner, M. M. Boothman, Nelson Dingley, jr., Francis W. Rockwell, H. J. Spooner, H. F. Finley, William W. Grout, J. H. Ketcham, Smedley Darlington, John Lind, M. S. Brewer, Oscar L. Jackson, Robert M. Yardley, C. P. Wickham, John A. Hiestand, A. R. Anderson, G. E. Bowden, Louis E. Atkinson, Franklin Bound, O. B. Thomas, E. S. Osborne, Edward Scull, J. B. Cheadle, Thomas Ryan, J. T. Maffett, Knute Nelson, Thomas S. Flood, Th. H. Bayley Browne, A. J. Hopkins, Binger Hermann, William E. Mason, William McKinley, jr., C. H. Grosvener, John G. Sawyer, Charles E. Brown, B. W. Perkins, J. H. Rowell, John M. Farquhar, Daniel Kerr, Charles S. Baker, Thomas M. Bayne, John B. Weber, W. G. Hunter, George M. Thomas, L. B. Caswell, J. G. Cannon, R. R. Hitt, John Dalzell, John Kean, jr., W. H. Wade, J. T. Johnston, E. N. Morrill, J. H. Gallinger, C. A. Boutelle, John D. Long, R. M. La Follette, H. C. Lodge, William W. Morrow, Henry H. Bingham, L. E. Payson, A. C. Thompson, Benjamin Butterworth, Richard Guenther, Robert P. Kennedy, George Hires, John Nichols, F. C. Bunnell, George West, Jehu Baker, E. H. Conger, J. W. Stewart, W. D. Owen, W. G. Laidlaw, P. S. Post, John H. Gear, Charles N. Brumm, O. S. Gifford, Alvin P. Hovey, William D. Kelley, Welty McCullogh, E. P. Allen, B. M. Cutcheon, William E. Fuller, S. L. Milliken, J. J. Pugsley, A. X. Parker, John A. Anderson, George E. Adams, William Vandever, Albert P. Fitch, S. V. White, A. J. Holmes, John Patton, J. McKenna, Charles H. Allen, Thomas J. Henderson, H. C. McCormick, W. A. Gest, S. R. Peters, G. G. Symes, N. Goff, E. S. Williams, David Wilber, J. Laird, Charles A. Russell, J. Yost, W. O. Arnold, Joseph D. Taylor, George W. E. Dorsey, Thomas M. Browne, Ralph Plumb, Charles O'Neill, I. S. Struble, J. S. Sherman, L. C. Houk, N. Felton, Stephen T. Hopkins E. J. Turner, N. W. Nutting, William Walter Phelps.

And now, Mr. Chairman, we are here on the 2d day of August with all our requests ignored and unheeded, and the petitions and prayers of thousands of ex-soldiers unread and disregarded. The history of legislation presents no parallel to this outrage upon the rights of the people.

Need I ask why these ex-soldiers are refused a hearing? Need I ask who refuses them? The Democratic side of this House dare not vote upon the bills which I have presented, for they know it would be the political death-knell of every Northern Democrat who should vote against either of them. They know the Presidential election in November is close at hand, and that they are in danger of the veto of either the President or their constituents.

Do you ask for still stronger proof that the Democracy as a party are still opposed to the ex-soldiers as the majority of them were from 1861 to 1865? You have the answer in the President's message, and the provisions of the Mills tariff bill which they have lately passed in this House by a majority of 13.

Does not every ex-soldier know that if that bill becomes a law, it must necessarily destroy all hopes of future pensions? There would be no surplus nor revenue to pay the soldier.

Mr. MCMILLIN, of Tennessee, Mr. MILLS's ablest lieutenant in the debate on the tariff, said:

Mr. Chairman, what is the bill that we present for your consideration? It is a bill which proposes to take $878,000 off of chemicals; $1,756,000 off of earthen and glass ware; $11,480,000 off of sugar; $331,000 off of provisions; $227,000 off of cotton goods; $2,042,000 off of hemp, jute, and flax goods; $12,330,000 off of woolens; $3,000 off of books and papers, and $1,090,000 off of sundries. It is also proposed to add to your free-list flax, hemp, jute, chemicals, salt, tin-plate, wool, and other things, amounting to $22,189,000, making in all a tariff reduction of $63,720,000. It proposes to made reductions in the internal revenue of $24,455,000, or a grand total of tax reductions from tariff and internal-revenue sources of $78,176,000.

Sir, when that grand reduction of our revenue takes place, if it ever does, we must bid farewell to all future taxation to raise a revenue to pay our ex-soldiers their just demands.

THE WAR TAX.

We are told that our revenue is now derived from "war taxes." Mr. MILLS and his colleagues on the tariff debate have repeated this over and over again. "The war tax," "the war tax," "the war tax" has been ringing through this Chamber for the last month, until the walls almost retain and reverberate its echo.

Now, it must be clear that if it is a war tax, our great surplus in the Treasury, which now amounts to over $130,000,000, should be primarily expended for war debts.

1. To the ex-soldiers who made it possible for our Government to pay any debts; and

2. To the bondholders who supplied our Government with the "sinews of war" during the late rebellion.

The bondholders should be fully paid, but we should not entirely forget a little of the inside history. Bonds were bought with "greenbacks" at a discount; many of them were purchased at 70 cents to the dollar, when greenbacks were not worth more than 60 or 70 cents, thus making the actual cost to the bondholders about 50 cents to the dollar. These bonds have since risen in value until they are now held as high as $1.28 in gold, and they have drawn interest from the date of their issue.

The soldier in his financial operations has not fared quite so well, for he was compelled to receive his "greenbacks" when on a general average they were not worth more than 60 cents to the dollar, and he has never received either principal or interest for his losses on his depreciated paper. If the ex-soldier did not love "Uncle Sam" so well, and if a suit at law could be brought for the difference between the greenback and the gold dollar, there is no court in the world where justice is administered where he could not obtain a judgment. There can be no shadow of doubt upon his rights.

PENSION BILLS.

The pension bill vetoed by the President in 1887 only provided for ex-soldiers where there was a "total inability to procure their subsistence by daily labor."

The Grand Army bill referred to by my colleague [Mr. MATSON] defines the disability to be that "which totally incapacitates them for the performance of manual labor." The substitute reported to this House for the Senate bill also defines the disability to be that "which totally incapacitates them for the performance of manual labor."

But my colleague, the chairman of the Invalid Pension Committee [Mr. MATSON], leaves no room to doubt what his views are in regard to pensions which should now be given to his comrades.

In his House bill No. 1329 he clearly draws the line that would cut off all from such relief except those "who are now disabled, and are dependent upon charity for a sustenance," and requires that the disability must be such "as would incapacitate them for any manual labor, and who are dependent upon public charity for their sustenance."

In other words, no ex-soldier under his bill could apply for a pension without first swearing he was a pauper, and then sustaining his claim by proving that he was an object of charity and wholly unable to perform any manual labor.

I can not concur in favoring such a bill, but on the contrary would most gladly extend and grant a pension to every soldier who has served sixty days and who has received an honorable discharge. That service, discharge, and proof of his identity would be all the red tape that I would require. But my gallant comrade and colleague draws a line where supplication and beggary begin, and Charity comes with open hand to the rescue. I want no charity for the men who fought with me; I want justice, that justice which has been meted out to all the soldiers of the United States who stood by the Stars and Stripes in other days. God forbid that any soldier who fought by my side, or under our glorious banner, should be compelled to beg our Government, which he faced death to save, for a pittance to keep him from the poor-house.

The men who stood shoulder to shoulder on the crimsoned fields of death for the preservation of our Government should never be required by any act of Congress to beg their bread like paupers. Such laws, in my opinion, would be deep stains upon our statute, and I can not understand how any true soldier could consent to place his comrade in that degrading condition.

Sir, I deeply regret the position of my colleague [Mr. MATSON], for with his prestige as a soldier, his talent, force, ability, and position he may be able to check and defeat the enactment of laws which would throw rays of sunshine over many a now gloomy household of his comrades, who boldly faced death under his commands.

My colleague warmly espouses the principles of the Mills tariff bill. He says:

I am now and have been constantly since that overshadowing issue was made a consistent and earnest friend of every measure that has been proposed for relief from overtaxation. I yield to no one in devotion to this cause, for I believe it to be the cause of all the people, and the soldiers are only a part of the great body-politic.

The substance of this, if I understand it, is that the ex-soldier's rights must give way to the omnipotency of the Mills tariff bill, to the wisdom of free-trade reformers. This no doubt is loyal and true Democracy as held and taught by the leaders of the party. But my friend, seeing the effects of the Mills bill in reducing the revenue out of which pensions must be paid, as a panacea, threatens to tax the rich men of our country to raise the funds out of which the soldier shall be paid. That is a long way off; we have the surplus now; why wait "for dead men's shoes?" I will admonish my friend that before such an act will ever pass this House the last tombstone placed above the graves of our veterans will have its marble crumbled into dust. Such promises are more than vain.

To avoid the dilemma in which he finds the President and his party on pension legislation, my friend makes a defense something in the nature of an old English plea, called in law Latin an *absque hoc*, or to make it a little more intelligible, if possible, "without this, that." He says:

At no time since the 4th of March, 1861, has the Democratic party been charged with the full responsibility of Government. The ridiculous rates given in some cases where the fractions of a cent are computed, and of which my distinguished colleague General HOVEY saw fit on the floor of this House recently to complain so bitterly, are the results of laws enacted while the Republican party had full control of the Government. When he holds these up to the contempt he is simply displaying the wrongs done to the soldiers by his own party.

Now, Mr. Chairman, I shall not stop to inquire who enacted such ridiculous rules and laws. Here is the part of my remarks to which my colleague alludes:

We are flippantly told that our pension laws are ample and the most beneficent in the world, and that no ex-soldier has the right to find the least fault with the generosity and paternal care of our Government.

Yes, we have pension laws where the red-tape appendages, employés, and machinery alone, not including any pensions, cost our Government over $1,000,000 annually to dole out a pittance that would starve a dog to thousands of helpless men, widows, and orphans!

Sir, we ought to be ashamed of our niggardly legislation, for our nation is too great for such pitiful parsimony. The one hundred and fifty-one rounds in the Jacob's ladder which leads the veteran to the Pension Department are simply ridiculous.

I have read where the noble Brutus proposed to "coin his heart and drop his blood for drachmas," but it was reserved for our Solons, who framed our pension laws, to measure the value of our veterans' blood by the fraction of one copper cent!

Only think of the blood and wounds of our soldiers being valued at $2.12½ per month; at $2.66⅔ per month; $4.66⅔ per month. The fraction of one copper cent by halves and thirds being set apart in fifteen of the one hundred and fifty-one grades to our maimed, broken-down, and wounded soldiers! These wise men must have had Shylock's famous "balance" to weigh their brother's blood, and after they had weighed the blood they must have examined every wound with a strong political microscope before they could figure pensions down to the fraction of one copper cent!

I may say that the Commissioner of Pensions (General Black) was my comrade, as we were at one time in the same army, and I have always regarded him as a gallant soldier and entertained for him great respect. I blame him not in his official capacity, for I believe he has been only acting in obedience to the command of his superiors in office. By his last report, in June, 1887, he shows that there were then on the pension-rolls 1,131 persons who received $1 per month, 30,823 who received $2 per month, and 65,946 who received $4 per month, and on the pension-rolls to-day there are over 100,000 persons who are now receiving 3½ to 13 cents per day! What magnificent generosity from a Government that has been saved and preserved by their valor, their sufferings, and their blood! These are some of the pensions about which we hear such loud and bombastic boastings.

I feel sure that my comrade and colleague feels ashamed to see such rules and laws governing our Pension Department; I am sure I do. Let us snatch the child from the fire. We will have time enough to inquire about its parentage afterwards. Give us legislation and let us

wipe out all such flummery without regard to the source from whence it came.

Now, Mr. Chairman, here is a bill of fare collected and collated by my comrade and colleague [Mr. GROSVENOR] of Ohio on the 12th day of June last:

House bill 5068, to amend the act for the arrears of pensions; House bill 4986, to provide a hearing in pension cases; House bill 4952, to amend the law as to the commencement of pensions; House bill 5623, to amend the law relative to pensions; House bill 5642, to regulate evidence in pension cases; House bill 5674, to grant pensions to dependent soldiers; House bills 5036 and 5678, to amend the acts granting pensions; House bill 5627, to increase the rate for total disability in pension cases; House bill 5637, to increase the rate of pension for loss of both hands; House bills 4970, 5611, and 5662, to grant service pensions to soldiers of the war of the rebellion; House bill 5655, to extend the act of 1886 as to pensions; House bill 1633, as to accrued pensions; House bill 4277, to allow rejected pension cases to be appealed to the supreme court of the District of Columbia: House bill 1751, to repeal limitations on the time of filing applications for pensions; House bills 1318, 1330, 1359, 1377, 1384, 1545, 1556, 1717, 1723, 1751, 1824, 3350, and 3429, to repeal the limitation on arrears of pensions; House bill 1724, to grant arrears of pension in cases of total disability; House bills 1453, 3348, 4339, and 4343, to grant pensions in cases of loss of limb; House bills 1457 and 3399, to grant pensions in cases of special-act pensions; House bills 1381 and 1722, to increase the pension of minor children: House bills 1379, 1380, 1499, 1505, 1688, and 1728, relative to dependent pensions; House bills 1823, 1996, 3396, and 3430, to regulate evidence in pension cases; House bill 1572, to grant pensions to soldiers disabled after enlistment and before muster; House bills 1329, 1379, 1392, 1454, 1505, 1559, 1744, 1789, 3262, 3355, and 4413, to grant pensions to disabled dependent soldiers; House bill 1421, to establish a uniform grade of rating for pensions; House bill 3347, to grant pensions to persons not mustered into the United States service; House bills 1362, 1784, 3249, 4356, and 4411, to increase the rates of pension for total disability; House bill 1725, to increase the minimum rate of pensions; House bill 1537, to increase rates of pensions for loss of both arms; House bill 1459, to increase rates of pensions for disability equal to loss of limb; House bill 4340, to increase rates of pensions for loss of both arms or feet; House bills 1331 and 1726, to allow pensions for additional disabilities; House bill 1421, to abolish distinctions of rank in pension cases; House bills 1456, 3309, and 4356, to increase the rates of pensions for loss of an eye; House bills 1317, 1326, 1375, 1382, 1408, 1570, 3434, 4337, and 4356, to increase rates of pension for deafness; House bill 1922, to increase rate of pension for loss of jaw; House bills 1381 and 1722, to increase rates of pensions for minor children; House bill 1544, to grant pensions to soldiers on reaching sixty years of age; House bills 1320, 1391, 3345, 4273, 4292, 4296, and 4344, to grant service pensions; House bills 1457 and 3395, to grant arrears to persons allowed pensions by special act; House bill 1422, relating to special-act pensions; House bill 1730, relating to special act to allow rerating of pensions; House bills 1383, 1500, and 1739, to restore pensions to widows of second husbands; House bill 1557, to fix the date of the commencement of pensions; House bills 1288, 1316, 1721, 1744, 3308, 3354, 4292, and 4347, to grant pensions to widows; House bill 6137, to repeal the arrears act; House bill 6690, to establish a court of pensions; House bill 6639, to allow cumulative pensions; House bill 6143, to regulate evidence in pension cases; House bill 6363, to allow pensions to soldiers disabled by act of another soldier; House bill 6111, to extend the pension laws to nurses; House bill 6654, to increase rate for loss of part of hand; House bill 6705, to increase rate for disability to perform manual labor; House bill 6829, to increase rates for loss of eyes; House bills 6647 and 6829, to increase rate for loss of limb; House bill 4384, to extend the act of 1880 for pensions; House bill 6669, for service pensions; House bill 6173, to extend the pension laws to steam-boat men; House bill 6553, to define the law relative to the commencement of widows' pensions; House bill 7046, to allow arrears of pensions to restored pensioners; House bill 7426, to allow arrears of pensions in cases of loss of limb; House bill 7063, to grant pensions to parents of more than one son dying by means of wounds or disease; House bill 7090, to increase rate of pensions in cases of gunshot fracture of the femur; House bill 7415, to increase rates for total disability; House bill 7054, to grant service pensions; House bill 7761, to repeal the statute of limitations on pension cases; House bill 1420, to pension prisoners of war; House bill 7736, to increase rates for loss of limb; House bills 7758 and 7792, to increase rates for loss of sight; House bill 8061, to restore pensions to widows of second husbands; House bills 8357 and 8360, to allow pensions in cases of loss of limb; House bill 1688, relative to pensions for dependent parents; House bill 1537, to increase rates for loss of both arms; House bill 8392, to allow additional pensions for other disabilities to those pensioned for loss of limb; House bill 8688, to pay arrears of pensions to surviving children of soldiers in pension cases; House bill 8378, to grant service pensions; House bill 9060, to allow pensions in case of loss of limb; House bill 9069, to fix rates of pensions by rank held at date of discharge; House bill 9277, to increase the rate of pensions for total disability; House bill 9743, to repeal the prohibition of pensions to volunteers who may previously have been conscripted into the Confederate service; House bill 9737, for the equalization of pensions; House bill 9737, to grant service pensions; House bill 10055, to fix the rates of pensions for loss of sight; and House bill 10055, to grant pensions to widows and children, at divers times during the present session of Congress were duly referred to the standing Committee on Invalid Pensions.

It can not be denied that this House has had a sufficient number of bills before it from which a selection could be made to eradicate any evil that may exist under our laws in regard to pensions. The committee of which my colleague, Mr. MATSON, is chairman, can easily have all these evils removed if it will only give us three or four days of fair and honest legislation, but up to this hour that committee has not been assigned a single day for general pension legislation.

Poor Committee on Invalid Pensions! It has been shorn of all its jurisdiction over general pension legislation, and its labors are now confined to a few short nights on private pension bills, which are only permitted to be set up like ten-pins that the President may have the pleasure with his wit and sarcasm to knock down with his veto balls!

VETOES.

The President's vetoes are defended by my colleague and eulogized as being the essence of perfection. He says:

And so the President in the discharge of his duty, not with malice or ill-will towards the claimant, but with a desire to do his duty only, states the facts upon which he founded his objections. I challenge any of his loud accusers to show any single instance in which he has animadverted unnecessarily against the claimant. When this wholesale charge is made, ask for the specification. Let the case be cited, and the facts and the criticism go together.

Yes, let us have the facts where such facts are fairly and legally obtained, but it must not be overlooked that much of what the President calls facts is procured by the Pension Department and is entirely *ex parte*. The soldier is seldom present, nor has he a chance of meeting his accusers face to face and cross-examine the witnesses who testify against him before the inquisitorial examiners of the Pension Department.

Remembering this, the President should not unnecessarily tarnish the character of any one. His exalted position should forbid it. But he has not hesitated to give such loose evidence or statements all the sanction of his high official authority.

I will quote a few of his charges, flings, and sarcasms that he has used in vetoing the pension bills of poor and broken-down ex-soldiers who were defending our country whilst he, the President, was out of danger and at his ease in Buffalo.

In the veto of the bill passed for John W. Ferris, June, 1886, he uses the following language:

The ingenuity developed in the constant and persistent attacks upon the public Treasurer by those claiming pensions, and in the increase of those already granted, is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

Again, in the case of John W. Luce, June, 1886:

It is alleged that the examinations made by the Pension Bureau developed the fact that the deceased soldier was a man of quite intemperate habits. June, 1886.

In his veto in the case of Alfred Denny, June, 1886, who swore that he was injured by being thrown forward on the pommel of his saddle, the President becomes facetious and says:

The number of instances in which those of our soldiers who rode horses during the war were injured by being thrown forward on their saddles indicates that those saddles were very dangerous contrivances.

The innuendo clearly points to the charge that many claimants of that kind were perjured. I most earnestly advise the President not to try any saddle of that kind himself, or he might change his opinion.

In the case of Edward Ayers, May, 1886, the President in his veto says:

It is reported to me by a report from the Pension Bureau that after the alleged wound and in May or June, 1863, the claimant deserted and was arrested in the State of Indiana and returned to duty without trial.

Here the President fastens on the ex-soldier a stain and a crime, the penalty of which would have been death, on the authority of a mere report.

In the case of David W. Hamilton, May, 1886, he says:

If he had filed his application earlier it would have appeared in better faith, and it may be that he would have secured the evidence of his family physician if it was of the character he described.

His delay in filing his claim, in the mind of the President, seems conclusive proof of perjury.

Every soldier who has served in the Army will realize the injustice of the charge as made by the President. Many poor soldiers, from pride, have been restrained for years from presenting their just claims for a pension.

The wit and humor of the President rise again to the surface in his veto of the bill of Andrew I. Wilson, in June, 1886.

Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability.

Other cases might be multiplied in his numerous vetoes, but I deem it unnecessary to make more public his charges against soldiers of drunkenness and loathsome diseases.

It should not be forgotten that in all his vetoes of private pension bills he virtually accuses every claimant and many witnesses with willful perjury, and the reports upon which he promulgates his libelous charges are founded on one-sided reports and rumors. If he were not shielded by his Presidential mantle actions for libel could be successfully brought against him on many of his vetoes. It should be remembered that he judges the claimant from his standpoint and not by the testimony of the claimant and his witnesses under oath, backed by the full indorsement of the Senate and House of Representatives. Surely in such cases the power and cruelty of the one man is very great.

PRESIDENT'S APPROVAL OF ACTS.

My colleague goes into extacies over the approval by the President of the following acts: Widow's act, March 12, 1886; act of August 4, 1886, increasing pensions to crippled soldiers; act granting pensions to Mexican soldiers; act of June 7, 1888, granting arrears to widows of soldiers. If these acts were approved by the President without the coercion of political pressure, he is entitled to credit for simply performing a humane duty; but it might be important to inquire who formulated those bills? Did the President ever suggest or recommend the passage of any bill or measure for the relief of the soldier? "I pause for a reply."

I should be pleased if some great statesman would inform me where the difference is between a private bill for a pension and a general pension law, so far as it relates to the power of Congress in making such enactments. Why should the President hold that the general law con-

trolled all subsequent legislation? Surely Congress has power to pass either, and complaint can not be made because the later law differs from a statute formerly enacted. The President seems to treat the general pension law as a Constitution, and annuls by its force all subsequent minor acts that do not conform to it.

I have but a few more words to say in regard to the extraordinary speech of my colleague. It is evident on its face that it was not made to be heard in this House; and it was not. Between the lines it has the ring of "stump oratory," as though it had been manufactured for that purpose. It will not be misunderstood by any one who takes the trouble to read it. No difference now whether its publication was regular or irregular; it is in the CONGRESSIONAL RECORD of Sunday and can be transmitted by mail under his frank to all his constituency, and unanswered it is a pretty good electioneering document.

There are some seeming inconsistencies in my colleague's remarks and different bills that I do not fully understand.

He admits that a universal pension bill "is fast approaching and will soon become a law." Why not now? Will there ever be a better time? In his pauper bill (No. 1329), which I ask to be printed with my remarks, he allows pensions only to those who are incapacited from the perfomance of any manual labor and who are dependent on public charity for their sustenance and $8 per month; but to accommodate all, in the bill reported by him from his committee as a substitute for the Senate bill he cuts down the pension to a cent a day for services performed!

He admits that with the grand surplus in the Treasury we could easily pay all the arrearages of our ex-soldiers; yet during all these months his party, or he himself, has failed to procure any days for the consideration in this House of any of the more important bills that have been referred to his committee. It is strange how badly he, or we, have been treated; but facts are stubborn things. His committee has had more bills referred to it than all the other committees combined. They have nearly all had their days set apart to them, but he has had none for general pension legislation. The ex-soldiers seem to have no rights that this House is bound to respect.

Mr. Chairman, a grand panorama seems passing before me. There are nearly one million men in the column. They look worn and thoughtful, and prematurely old. Many of them are poorly clad, and some are in tatters. About twenty thousand have fallen by the wayside and carried to the poor-houses. Some are armless, some on crutches, some emaciated, and writhing with wounds long since received in battle and which are still running and unhealed! But few of the great mass seem prosperous, for all have passed through that ordeal which leaves poverty behind it. Still they march forward with heads erect. Their step is the proud measured step of the soldier. There is still pride in their bearing, for they know they are the remnant of that band of heroes who saved our nation from ruin and wreck.

Mr. Chairman, these are the men whose petitions by hundreds of thousands remain in our archives unread. These are the men whose just prayers are unheeded and unanswered by the nation they have saved! [Applause.]

EXHIBIT A.—HON. C. C. MATSON'S PAUPER BILL.

A bill for the relief of honorably discharged soldiers and sailors who are now disabled and dependent upon charity for a sustenance.

Be it enacted, etc., That all persons who have served one year or more in the military or naval service of the United States, in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now, or who may hereafter be, suffering from mental or physical disability not the result of their own vicious habits or gross carelessness, and which incapacitates them for the performance of any manual labor, and who are dependent upon public charity for their sustenance, shall, upon making due proof of these facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive $8 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same on the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

Mr. CHEADLE (when the hammer fell during the delivery of the foregoing remarks) said: I ask unanimous consent that my colleague be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] is recognized.

Mr. HOVEY. I ask unanimous consent to be permitted to continue and complete my remarks. I want about thirty minutes. We have been meeting here day after day for eight months, and I have listened to all of you, and now I desire an opportunity to retain the floor while I conclude my remarks.

Mr. BURNES. I will yield ten minutes further.

Mr. HOVEY continued his remarks for ten minutes, when the following proceedings took place:

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ANDERSON, of Iowa. Mr. Chairman, I ask that unanimous consent be accorded the distinguished member from Indiana to conclude his remarks. I hope the House will grant this favor, as the gentleman is making an interesting speech on an important question at a very interesting time.

Mr. BURNES. How much additional time does the gentleman desire?

Mr. HOVEY. About thirty minutes.

Mr. BURNES. I ask unanimous consent that the time of the gentleman be extended for fifteen minutes, and that fifteen minutes be reserved for the gentleman from Indiana [Mr. HOLMAN] to reply.

Mr. HOLMAN. I shall not ask more than five minutes.

There was no objection; and the request of Mr. BURNES was agreed to.

Mr. HOVEY resumed his remarks, and at the expiration of the fifteen minutes the following took place:

Mr. BURNES. I have a proposition to make which I think will be acceptable to my friend from Indiana. He has now occupied the greater part of an hour, and, in deference to his distinction and his merit as a soldier and a statesman, I ask unanimous consent that he be allowed to go on and finish his speech, and that we on this side shall have a like time to reply.

There was no objection, and it was so ordered.

Mr. HOVEY resumed and concluded his remarks.

Mr. BURNES. I now yield the floor to my friend from New Hampshire [Mr. MCKINNEY].

Mr. HOLMAN. Before my friend from New Hampshire begins I ask him to give me five minutes to say a few words in reply to my colleague who has just taken his seat.

Mr. MCKINNEY. I will yield five minutes to the gentleman.

Mr. HOLMAN. I was not present during the first part of my colleague's [Mr. HOVEY'S] remarks; but I understand that he referred to a bill introduced by him granting bounty lands to the soldiers of the Union Army which was referred to the Committee on Public Lands, and that he complained that that bill had not been reported back. Is that correct?

Mr. HOVEY. I so understand the facts.

Mr. HOLMAN. Was that your statement?

Mr. HOVEY. That is my understanding.

Mr. HOLMAN. Then in reply to my colleague I wish to call attention to the history of the efforts at bounty-land legislation since the beginning of the late war, and to show who is to blame for the failure to secure bounty lands to the soldiers of the Union Army. On the 18th day of December, 1861, almost at the beginning of the late war, when the homestead bill was pending which ultimately became the homestead law, I offered an amendment to the bill providing for extending to the soldiers of the then existing war the provisions of the act of March 3, 1855, which had granted or enlarged the grants of bounty lands to all the soldiers of the preceding wars.

That proposition was in the following words:

And be it further enacted, That the provision of an act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, shall extend to and be construed to embrace the officers, soldiers, and seamen who have been engaged in the military or naval service of the United States since the 12th day of April, 1861, or who shall be engaged in such service during the present war: *Provided, however*, That no officer, soldier, or seaman shall be entitled to the benefit of said act unless he shall have been engaged in the service aforesaid for a period of not less than sixty days, or been honorably discharged on account of wounds received or sickness incurred while in the line of his duty in such service: *Provided further*, That the widows and children of officers, soldiers, and seamen who shall die from wounds received or sickness incurred while in the service of the United States, as aforesaid, shall be entitled to the benefits of said act. And this act, except this section, shall not go into operation for the period of one year after the close of the war in which we are engaged.

In a House overwhelmingly Republican that proposition was defeated, and it was defeated upon the express ground, as I have heretofore stated in this House, and as is shown by the debate on the proposition, that the tendency of the measure was to monopolize the public lands through large purchases of the bounty land warrants. The homestead law was approved finally on the 20th of May, 1862, and although that argument of the monopolizing tendency of the bounty land policy was accepted as a reason sufficient for the action of the House in defeating my proposition, the policy of making grants of public lands to corporations was immediately entered upon, the great grant to the Union Pacific system of corporations of 28,000,400 acres of land being made on the 1st day of July, 1862, when the amount of those grants had reached more than one hundred and eighty-one millions of acres of the most fertile lands of the public domain. I again, on the 12th day of December, 1872, brought forward a bill granting bounty lands to the soldiers of the Union Army, as follows:

A bill to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

Be it enacted, etc., That every private soldier, musician, and officer who served in the Army of the United States, during the late war, for ninety days, and was honorably discharged, including the troops mustered into the service of the United States by virtue of the third section of an act entitled "An act making appropriations for completing the defenses of Washington, and for other purposes," approved February 13, 1862, and every seaman, marine, and officer, and other person who served in the Navy of the United States or in the Marine Corps, during the late war, for ninety days, and who was honorably discharged, and the widow of any such soldier, musician, seaman, or officer, or if there be

no such widow his orphan children under twenty-one years of age shall be entitled to enter a quantity of public lands (not mineral) not exceeding 160 acres or one quarter-section, which shall be composed of contiguous tracts, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, or other lands subject to entry under the homestead law of the United States, and receive a certificate of such entry without payment of any Government fees.

SEC. 2. That such entry shall be made in the name of the person entitled as above to make the same by application in person, or by agent, under such regulations as the Secretary of the Interior shall prescribe; and the patent for the land so entered shall be issued only to such soldier, musician, seaman, or officer, or to his widow or orphan children, provided for in the first section of this act, who made the entry; but no sale of such land, or of any interest therein, or power of attorney authorizing such sale, or other contract or agreement in anywise affecting or concerning any such land, made, executed, or entered into prior to the issuing of the patent therefor and the actual delivery of the same to the person to whom issued, shall be of any effect whatever, but every such sale, power of attorney, contract, or agreement shall be null and void.

SEC. 3. That the Secretary of the Interior shall prescribe rules and regulations to carry the several provisions of this act into effect.

This bill passed the House on the 12th day of December, 1872, on a yea-and-nay vote—yeas 118, nays 54; but the recognized leaders of the Republican side of the House voted against it, including Mr. Coburn, Mr. Dunnell, Mr. Garfield, Mr. HOAR, Mr. HAWLEY, Mr. KELLEY, Mr. Roberts, Mr. Sargent, Mr. Twichell, Mr. William A. Wheeler, and others equally prominent. It was not a party vote, for many Republicans voted for it and some Democrats against it. Of the gentlemen now members of this House Mr. BUTLER, Mr. COX, Mr. RANDALL, and myself voted for it; Mr. KELLEY against it.

I placed the measure upon two grounds: first, as an act of justice to the soldiers of the Union Army; and second, as a means of resisting and counteracting the alarming policy which was then in progress of granting away the public domain to corporations. That measure passed the House, but it passed against the opposition of leading Republican members. It went to the Senate, and was sent to the Committee on Public Lands, from which it was reported adversely by Mr. STEWART, of that committee; and it was indefinitely postponed, or at least it was never heard from again.

The following is the beginning of the report made on this bill to the Senate on the 12th day February, 1873, after full deliberation, for, as I have stated, it passed the House on the 12th of December, 1872. The soldiers of the whole country in overwhelming numbers petitioned the Senate to pass it, yet in a Senate overwhelmingly Republican not one word was spoken in its support. But the following is the beginning of the report, which sufficiently indicates its character:

Mr. STEWART, from the Committee on Public Lands, to whom was referred the bill (H. R. 1665), to enable honorably discharged soldiers and sailors, their widows, and orphan children, to acquire homesteads on the public land of the United States, submitted an adverse report thereon; which was ordered to be printed.

The report proceeds as follows:

That this bill, if enacted into a law, would provide for the disposition of at least 320,000,000 of acres of selected public lands. That the whole area of the public domain, exclusive of Alaska, is less than one thousand millions of acres. From this must be deducted as valueless or unsuitable for settlement or reserved by law for other purposes, the lakes, the swamp-land grant of 1850, the railroad grants yet unpatented, the sixteenth and thirty-sixth sections of each township granted for common schools, the Indian Territory and other reservations for the Indians, the mineral lands, the uninhabitable mountains, the alkali deserts, and all other waste lands.

These deductions are variously estimated at from two-thirds to three-fourths of the whole amount of the public domain, or from 666,000,000 to 750,000,000 of acres. This would leave from two hundred and fifty to two hundred and thirty-four million acres of public lands fit to be occupied by settlers. The highest, and probably a very exaggerated, estimate of the amount of such lands is 400,000,000 of acres. If the 320,000,000 of acres required to satisfy the terms of the bill under consideration could be found, exclusive of the necessary deduction above noted, all reasonable expectations would be answered. A minute discussion of the amount of the arable lands in the public domain is, however, unnecessary. It is quite evident that most if not all the public lands suitable for cultivation would be required to satisfy the terms of the bill, and there would be a strong probability that those who were unfortunate enough to be last would find no lands to enter.

And so ended the second and last attempt to secure to the soldiers of the Union Army a freehold in the land of their country in conformity to a traditional policy which was unbroken from 1787 down to the period when the party of my distinguished colleague came into power.

The first measure, that of 1861'-62, was defeated because, in the opinion of the Republican leaders, it would tend to monopoly; the second, that of 1871-'72, was defeated because there was not land enough to secure the soldiers their freeholds. But, strange enough, between those two periods the same party as represented in Congress had granted away the following lands:

	Acres.
To States for railroad corporations	17,775,624
To railroad corporations direct	163,643,944
Grand total	181,419,568

Now, sir, that 181,419,568 acres thus given over to a most wicked and infamous monopoly includes the most choice tracts of your public lands, the most fertile parts of your once great public domain extending from the Mississippi River to the Pacific Ocean, selected with care by the skillful agents of the corporations to whom they were so generously granted. And granted too by Congress and by the leaders of a party that could not think of granting lands to the Union soldiers for fear of monopoly!

And now, sir, after sixteen years have elapsed since that adverse report was made to the Senate, after 181,419,568 acres of the very cream of your public domain, a territory more than eight times as large as the good State of Indiana, have been given by Republican Congresses to a few elegant gentlemen who made money out of the war instead of Union soldiers who imperiled their lives in upholding the Union, and the widows and orphans of those who fell in battle—after sixteen years, during which, under the pre-emption law and other laws, your public domain has been left exposed to a most infamous system of land piracy and monopoly by which vast portions of the lands which should have been the homes of your Union soldiers and laboring people, have been seized upon and appropriated by great capital interests, and are placed forever beyond their reach.

And all this under the pre-emption and other laws, which a succession of Houses of Representatives under Democratic control have earnestly sought to repeal, and thus secure the remaining lands for homes for your people under the homestead law, without as yet securing the co-operation of the Senate, while the monopoly of the little that remains of valuable public land still goes on, with only here and there a fragment of the magnificent public domain which existed on the 4th day of March, 1861, when the Republican party came into power, left within the reach of the workmen of this country—a domain which, husbanded with the wisdom, prudence, and patriotism displayed by all former parties from 1787 down to March 4, 1861, would have secured free homes to our landless people for a century to come.

With all this and after all of this, with a mere remnant of the public domain adapted to agriculture left, with this record before the country a gentleman on that side of the House gravely proposes that Congress shall grant bounty lands to the Union soldiers! What a patriotic policy! Give to corporations and monopoly, to capitalists of Europe and America, to English and Scottish Lords, the grand domain of your fertile lands, and to the soldiers of the Union Army your barren wastes, sterile mountains, and the ice fields of Alaska! No one can be deluded or deceived by this. All men know, and none better than the soldiers of the Union Army, that the lands which ought to have been theirs according to the traditional policy of the Republic—the millions of acres which ought to have been the freeholds of the men who defended the Union in the hour of its deadly peril, the homes of those whose labor creates and upholds the public wealth—have been given by Congress to corporations and monopoly, and are now enlarging imperial private estates. Restore to your public domain the vast millions of acres of fertile lands you have given to corporations and surrendered to monopoly, and then justice can be done to the Union soldier who imperiled his life for the Union, to the widow and orphan whose husband and father fell on the field of honor in defense of his country.

My own record shows how gladly I would aid in securing such result.

Mr. MCKINNEY was recognized.

Mr. HOVEY. Mr. Chairman, one word——

The CHAIRMAN. The gentleman from New Hampshire is recognized.

Mr. HOVEY. Can I not be allowed to reply to my colleague?

The CHAIRMAN. Only by unanimous consent.

Mr. HOVEY. I want a minute in reply to show how fallacious all that he has said is.

Mr. HOLMAN. I hope my friend will have a minute to reply.

Mr. HOVEY. I want to say this——

The CHAIRMAN. The gentleman from New Hampshire [Mr. MCKINNEY] has been recognized.

Mr. MCKINNEY. How much time does the gentleman from Indiana [Mr. HOVEY] want?

Mr. HOVEY. A minute or a minute and a half.

The CHAIRMAN. The Chair hears no objection to the gentleman from Indiana [Mr. HOVEY] occupying one minute.

Mr. HOVEY. Mr. Chairman, it is not important to me what the past legislation of this House has been. I stand here for my constituency; I demand justice for the soldiers who fought beside me, and I want them to have the same rights their fathers had. What rights had their fathers in regard to public lands? Why, sir, down to the war of 1861, every soldier who had served one day in battle or fourteen days in the Army of the United States was entitled to 160 acres of land. My colleague [Mr. HOLMAN] says we have no land; we have an area of public land more than thirty-five times as large as the State of Indiana.

Mr. HOLMAN. I did not say we had no land. I said we had only 75,000,000 acres available for agriculture, without irrigation.

Mr. HOVEY. If you will not give the soldiers bread, give them at least the stones; give them your rocks and your mountains. [Applause.]

Mr. Chairman, I wish to append to my remarks a table in regard to the extent of our public domain:

THE PUBLIC DOMAIN.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 13, 1888.

SIR: I am in receipt of your letter of the 10th instant, relative to certain statistics relating to the public lands, and in reply thereto herewith inclose a table showing the estimated area of the public domain disposed of, and the estimated area remaining to June 30, 1887.

Under date of April 9, I transmitted you a statement giving the area of the public lands surveyed and the estimated area unsurveyed to June 30, 1887.

Very respectfully,

S. M. STOCKSLAGER,
Commissioner.

Hon. A. P. HOVEY,
House of Representatives.

Statement showing the area of land in each State and Territory, with the area surveyed and unsurveyed to June 30, 1887.

States and Territories.	Area of States and Territories.	Surveyed up to June 30, 1887.	Area remaining unsurveyed on June 30, 1887.
	Acres.	*Acres.*	*Acres.*
Ohio	25,581,976	25,581,976	.....
Louisiana	28,731,090	27,067,762	1,663,328
Indiana	21,37,760	21,637,760	.....
Mississippi	30,179,840	30,179,840	.....
Illinois	35,465,093	35,465,093	.....
Alabama	32,462,115	32,462,115	.....
Missouri	41,836,931	41,836,931	.....
Arkansas	33,410,063	33,410,063	.....
Michigan	36,128,640	36,128,640	.....
Florida	37,931,520	30,704,518	7,227,002
Iowa	35,228,800	35,228,800	.....
Wisconsin	34,511,360	34,511,360	.....
California	100,992,640	71,988,476	29,004,164
Minnesota	53,459,840	42,316,088	11,143,752
Oregon	60,975,360	39,867,995	21,107,365
Kansas	51,776,240	51,776,240	.....
Nevada	71,737,600	32,793,702	38,943,898
Nebraska	47,077,359	46,989,039	88,320
Colorado	66,880,000	58,184,750	8,695,250
Wyoming	62,645,120	47,093,498	15,551,622
New Mexico	77,568,640	46,580,485	30,988,155
Utah	54,064,640	13,078,172	40,986,468
Washington	44,796,160	21,281,622	23,514,538
Dakota	96,596,480	47,865,153	48,731,327
Arizona	72,906,240	13,804,538	59,101,702
Idaho	55,228,160	10,350,554	44,877,606
Montana	92,016,640	18,540,335	73,476,305
Alaska	369,529,600	.....	369,529,600
Public Land Strip	3,672,640	.....	3,672,640
Total	1,775,028,547	946,725,505	828,303,042

DIVISION OF ACCOUNTS, GENERAL LAND OFFICE, *April* 9, 1888.

Mr. HOLMAN. You have given all the lands to corporations, and now you propose to give the "stones" to the soldiers.

The CHAIRMAN. The gentleman from New Hampshire [Mr. MCKINNEY] is recognized for thirty-five minutes.

Mr. MCKINNEY. Am I not allowed more time than that?

The CHAIRMAN. The gentleman from Indiana [Mr. HOVEY] occupied forty minutes, and a like time was granted to the side on the right of the Chair. The gentleman from New Hampshire yielded five minutes of that time to the gentleman from Indiana [Mr. HOLMAN].

Mr. MCKINNEY. I was not aware of that arrangement or I would not have yielded.

Mr. BUCHANAN. I rise to a parliamentary inquiry. What measure is now under consideration?

The CHAIRMAN. If the gentleman desires the Clerk will read the title of the pending bill. Unless unanimous consent is given for an extension of time, the Chair can not recognize the gentleman from New Hampshire for more than thirty-five minutes.

Mr. MCKINNEY. Mr. Chairman, it is with some degree of diffidence that I rise in this House to speak upon a subject that may not be considered germane to the question before us for consideration at this time; but I feel that it devolves upon some member on this side to answer the statements that have been made in the Halls of Congress and throughout the country that the Democratic party and the present Administration is unfriendly to the Union soldier, who in the hour of peril to the Union and the old flag went forth as brave men in defense of that which had been left them by their fathers as the richest legacy that can come to any generation—a united country and a free people.

I am not here to-day as an apologist for my party; I am only here to state the facts as they exist, and to show to the people of this country that the Democratic party is true to those who fought the country's battles, and that during the three full years that the present Administration has been in power, the Union soldiers have received greater consideration than they ever received in a like period during the twenty years of Republican administration after the war was over. Every Republican upon this floor and every intelligent man in the country knows this to be true; but for mere partisan purposes they have perverted the facts, and sent broadcast through the land the statement that the present Administration and the party that supports it is the enemy of the Union soldier. A simple investigation of the pension-rolls will show how false this statement is.

In order that we may make the comparison most just to the Republican party we will compare the last three years of the Republican administration with the three full years of the Democratic administration.

The annual report of the Commissioner of Pensions for the fiscal years 1883, 1884, and 1885 show certificates issued as follows:

Original	108,121
Increase	79,248
Miscellaneous	3,852
Total claims admitted during the last three years of Republican rule	191,221

The records of the Pension Bureau for the fiscal years 1886, 1887, and 1888 show certificates issued as follows during these years:

Original	156,226
Increase	181,173
Miscellaneous	22,055
Total claims admitted during first three years of Democratic administration	359,454
Excess of certificates issued under Democratic administration	168,233
Net increase to pension-rolls during the last three fiscal years of Arthur's administration	59,428
Net increase to pension-rolls during first three fiscal years of Democratic administration	104,875
Excess of net increase under Democratic administration	45,447

FUNDS DISBURSED.

During the last three years of Republican rule	$183,399,216.31
During three years of Democratic administration	217,399,757.30
Excess of disbursements by Democratic administration	34,000,541.01
New names added to the pension-rolls during last three years of Republican administration	92,215
First three years of Democratic administration	172,132
Excess of new names added by Democrats	79,917

This does not indicate that the soldiers have suffered under Democratic administration of the Pension Bureau. With no increase of force in the Department, but with a decrease, without superior opportunity for collecting evidence, the administration of General Black has shown almost 100 per cent. of increase of work performed and of certificates issued. The work of the Department has been brought up to date; old claims have been disposed of; and the bureau is now doing current work, and every claim is assured of prompt consideration when the claimant presents the necessary evidence required by law. If we will turn to the workings of the special examiners' division we will find the comparison equally favorable to the present administration.

Mr. KERR. Do you not recognize a necessity for additional pension legislation?

Mr. MCKINNEY. We will talk about that hereafter.

Mr. KERR. Why not now?

The CHAIRMAN. The gentleman from New Hampshire declines to yield.

Mr. MCKINNEY. Unanimous consent has been given to the gentleman more than forty times to talk as he pleased.

Mr. KERR. Never once.

Mr. MCKINNEY. I propose to occupy my own time.

We make the comparison between the years 1884 and 1885, under Commissioner Dudley, with the years 1886 and 1887, under Commissioner Black. The reason for not comparing with the three full years is because the report of the Commissioner for 1888 is not yet complete.

For 1884:	
Examiners in field	351
Cases investigated	7,452
Reports made	2,187
Depositions taken	18,484
For 1885:	
Examiners in field	308
Cases investigated	9,831
Reports made	29,224
Depositions taken	189,743
Credibility reports	23,623

Expense account for the two years, $514,269.18. Of this sum $343,551 was charged as traveling expenses; average cost of investigating, $52.31 per case.

UNDER DEMOCRATIC ADMINISTRATION.

For 1886:	
Examiners in field	277
Cases investigated	12,715
Reports made	29,395
Depositions taken	171,380
Credibility reports	23,246
For 1887:	
Examiners in field	253
Cases investigated	31,010
Reports made	26,399
Depositions taken	140,544
Credibility reports	33,192

Total expenses for two years, $427,404, of which sum $153,180.20 was charged for traveling expenses. Average cost of investigation, $13.78 per case.

This work was done with an average force of sixty-four examiners less than were employed by Mr. Dudley. The result was the investigation under Mr. Black of 43,725 cases as against 17,283 cases under Mr. Dudley, a saving in traveling expenses alone of $190,271; a saving

in total expense account to the Government of $86,865; a saving in each case investigated of $38.53. In other words, it costs under the present administration only 26½ per cent. as much to investigate a special case as it did under Mr. Dudley. It seems to me that every honest man must admit by this comparison that both the soldier and the Treasury have been greatly benefited by a Democratic administration, as compared with the administration preceding it. I heard two Republicans now on this floor make the statement that every facility was offered under the present Commissioner for a speedy adjudication of pension claims. One of the best friends of the soldier in the United States Senate, a Republican, told me that during the fourteen years he had been in Congress, the Pension Bureau had never been in so good condition, nor the ruling of the Department so liberal and just to the soldier as it is under General Black.

If we will turn to the record of appointments under the present administration of the Pension Bureau we will find the comparison is not to the glory of the Republican party. Of 416 appointments made by General Black from March 17, 1885, to June 30, 1887, 230 were soldiers or soldiers' kindred, and 186 were civilians—a net difference in favor of soldiers of 44, or about 24 per cent. General Black has appointed 29 ex-Union soldiers in excess of the total number dropped from the rolls by death, discharge, resignation, or otherwise; and this with 150 employés less than were on the rolls during the fiscal years of the previous administration would make a net difference in favor of the soldier of 179, or about 12 per cent. more soldiers, sailors, or their widows and kindred upon the pay-rolls than were ever upon the rolls in the history of the office. Three hundred and seventy soldiers or their kindred occupy the higher positions in the bureau, paying $1,200 a year and upwards, against 292 civilians—a difference in favor of the soldier of 27 per cent.

Mr. Chairman, the Democratic party can well afford to go to the country with this record, and it will only be by a false representation of the facts that the ex-Union soldiers will fail to see their true interests and recognize who are their true friends. There will be no extra force of examiners sent into the doubtful States between now and election to promise pensions in return for votes; neither will the examining boards be overrun with soldiers ordered for examination in order that our party under a false pretense may capture the votes of the veterans; but we will present to them the simple facts and figures, and trust to their intelligence and loyalty to cast their votes as may seem best to them for their own interests and the interest of the Government their loyalty helped to save.

But the Republicans will say, Oh, General Black is all right; we find no fault with the administration of the Pension Bureau; but it is the President himself that we find fault with; we believe he is not the friend of the Union soldier. Now in order that we may know if this be true, let us examine his record upon this question, and if he has proven himself the enemy of the Union soldier. we will all join our forces in condemnation of him and his administration.

We can only judge of a man's character by his daily life. We judge of a man's sentiments regarding any question before him by his treatment of that question. President Cleveland has had ample opportunity to show his feelings toward Union soldiers, and we have no hesitancy in placing his record before the country as a representative of the Democratic party. Had he been opposed to further pensioning the soldiers he would have vetoed the pension legislation that has passed Congress since he has been President. Yet what are the facts? On March 19, 1886, there was an act passed increasing widows' pension from $8 to $12 per month. The benefits of this bill applied to 102,568 widows, and amounts to $4,923,264. President Cleveland signed the bill. He approved the act of August 4, 1886, which increased the pension of 10,092 pensioners to the amount of $1,089,936. He approved the act of January 29, 1887, known as the Mexican war pension bill, applying to 21,704 pensioners, amounting to $2,083,584. He approved the act of June 7, 1888, granting arrears of pensions to widows from the date of their husbands' death, estimated to apply to 10,000 widows, averaging $108 each, amounting to $1,080,000. Total benefits of these acts applying to 144,364 pensioners of $9,176,784.

This does not indicate that the President is opposed to pensioning soldiers and their widows. He has never vetoed but a single general pension law, and that was the bill known as the dependent pension bill. It is not necessary for me to attempt here to defend that veto. It has been defended largely by the soldiers themselves; many Grand Army posts have commended the act. The leading Republican papers all over the country have commended the veto, and you will find but few of any party who defend the bill as it was passed, or who criticise the President for exercising the veto power in its disapproval. In his veto of this bill he calls the attention of Congress to the fact that statutes which, like pension laws, should be liberally administered as measures of benevolence in behalf of worthy beneficiaries, should admit of no uncertainty as to their general object and consequences. He then shows most clearly that there would be great doubt about the interpretation of the language of the bill, whether it was meant to apply only to those who were wholly unable to earn their support by labor, or whether it applied to all who were in any degree mentally or physically disabled, thus including the thousands who are receiving already a pension below the $12 a month contemplated in the bill.

The chairman of the Committee on Pensions in the House claimed there was no provision for pensioning any one who has a less disability than a total inability to labor, and that it was a charity measure. The chairman of the committee in the Senate dissented from this construction of the bill, and declared that it embraced all soldiers who are disabled to any considerable extent. Others held the same view of the bill. If this construction of the bill was correct, the result would have been entirely different from the purpose of those who framed it. There is not a single sentence in that veto message that casts an unkind reflection upon the soldier in any way. On the contrary, he expresses sympathy with them, and only withheld his signature on the ground that the bill was not explicit in its terms and would fail to accomplish the object aimed at by its promoters. I here insert extracts from leading Republican papers of the country, commendatory of the President's veto, and will append more fully in the RECORD:

President Cleveland's reasons for declining to approve the dependent-pension bill are sound and sufficient.—*Worcester (Mass.) Spy.*

This is an entirely new departure in the matter of pensions (except where many years have intervened), and one which does not receive the approval of the majority of the veterans of the war or of the public generally.—*Hartford Courant.*

President Cleveland is entitled to credit and thanks for the manly and sensible stand he has taken, and we are sure the country will applaud and sustain him in it.—*Albany Express.*

The veto will be generally approved by public sentiment throughout the country. For the position finally taken he deserves credit, and it will be freely extended to him on every hand.—*Troy Times.*

Undoubtedly the country is with him.—*Buffalo Express.*

The country is with him in reprobating the present tendency of Congress to pension extravagance. The President's veto, being sanctioned by the country, will probably operate as a check to this form of extravagance, and prove in consequence a great public service.—*Philadelphia Press.*

President Cleveland's veto of the pauper pension bill will be generally approved.—*Philadelphia Bulletin.*

In vetoing the pauper pension bill the President has performed a brave and worthy act.—*Philadelphia Enquirer.*

In common fairness and justice to the President we must heartily commend his action.—*Pittsburgh Chronicle-Telegraph.*

The President did well to veto it.—*Wheeling Intelligencer.*

The objection to the bill was that it opened the door for vast abuses. The way these could come to pass is strongly stated by the President.—*Cincinnati Commercial.*

It was a courageous act for Mr. Cleveland to face the demagogues in Congress with a veto of a general outdoor relief pension bill, but he has done it without hesitation, and justified himself at every point.—*Chicago Tribune.*

That was a good place for a veto. Public sentiment will sustain this act of the Executive.—*Minneapolis Journal.*

Senator QUAY, chairman of the Republican national committee, in the Philadelphia Bulletin of February 19, 1887, said:

The men who did the actual fighting and have some pride in their record resent the idea of being pauperized. That veto message is the best thing that President Cleveland has set his hand to, and if I were in the Senate now I would vote to sustain it.

As I said before, it is unnecessary for me here to defend this act of the President. It is sanctioned by the people of this country, and will never be used against him except by those whose partisanship is stronger than their patriotism.

Again, the President is charged with unfriendliness to the soldier because of his vetoes of private pension bills. Let us investigate his conduct in this regard and see whether he has been less just to the soldiers than he ought to have been under the circumstances.

PRIVATE PENSION BILLS.

The number of private pension bills approved by President Cleveland, or allowed to become laws by him by limitation, to July 24, 1888, were 1,264.

The number of private pension bills approved or allowed to become laws by limitation during the entire period of Republican administration were 1,524, or only 260 more in twenty years after the war than President Cleveland has approved in three years and five months. There is a little doubt that before the present Congress adjourns President Cleveland will have approved more private pension bills than all the Republican Presidents from Lincoln to Arthur.

Private pension bills approved by—	
President Grant	485
President Hayes	303
President Arthur	736
President Cleveland	1,264
Average per year under—	
Grant	60
Hayes	75
Arthur	184
Cleveland	360

During President Cleveland's administration he has vetoed of private pension bills 199; bills failed for want of signature, 55. And for this he is called the enemy of the Union soldier—a strange way to show his enmity. Had he desired to show his opposition to pensioning soldiers how much better he could have done it by vetoing the 1,264 and allowing the 199 to pass.

I do not believe there is a single Representative on this floor that believes the President has selected these 199 soldiers and soldiers' widows in order that he might show his opposition or contempt for the Union soldier; nor is there a Representative who would dare risk his reputation before the country on such a statement. The President's only thought has been justice to the worthy soldiers who did honest service for the country and who are justly entitled to recognition from the Government. He has freely expressed himself in his veto mes-

sages as desiring to show every consideration to those who are justly entitled to a pension, but he has refused to approve pensions for those who have utterly failed to show any connection between their present disabilities and their army service. In this he has been just to those who are deserving.

There is not a member here who does not know that if the President had not given more attention to the bills passed by this House and the Senate than the House and the Senate gave them, great injustice would have been done in many cases. Twice during this present Congress has he received bills the second time for his signature. He has vetoed seven bills passed by Congress where the pensioner was already receiving a larger pension granted by the Pension Bureau than the bill passed by Congress called for. He has vetoed bills that were passed for the relief of soldiers, because on examination of the evidence on file in the Department he was convinced that the soldier would receive justice through the Department and be entitled to arrearages which he would lose by the special act. The veto of Senate bill 7540 saved to the beneficiary $5,760. The veto of Senate bill 1067 saved to the beneficiary $1,074. These amounts were paid to them shortly after the veto through the Pension Office.

Another of the same kind has been adjudicated by the Department, and the soldier is now receiving $50 per month. Four bills were vetoed on the ground of desertion and dishonorable discharge; on the same grounds General Grant vetoed nine special acts, all of this nature that came before him. Seventeen special acts were vetoed because the applicants were not in the military service at the time of the incurrence of the disability for which relief was asked. On the same grounds President Grant vetoed two private acts, all that came before him of this character. Ten were vetoed because the claimant is now receiving pension commensurate with the degree of disability found to exist on examination by a competent board of surgeons. President Grant vetoed three private acts for the same cause, all that came before him of this nature.

A few days ago the President vetoed a private act because the applicant had deserted the Union forces on capture by the Confederates, and served nine months in the Confederate army before recapture. This bill was presented by a Republican friend of the soldier, and is the first attempt to pension those who served in the Confederate army. Yet the Republican party calls President Cleveland an enemy of the Union soldiers for his vetoes; but President Grant, though guilty of the same acts, and for the same cause, was a patriot and a friend of the soldier. Consistency, thou art indeed a jewel; but never found in the Republican party. President Cleveland discovered that under all previous administrations the consular officers of the Government abroad had charged our pensioners now residing abroad for verifying their papers. He thereupon issued an order directing that such service should be rendered them free of charge.

These statements alone are sufficient to prove to every honest citizen of this country that President Cleveland has shown more true love for the honest soldier by his careful consideration of their rights than has Congress by its ill-considered and ill-advised legislation for those who could not prove their claim. A Senator said a few days ago, in discussing the President's vetoes, that after the House and Senate had investigated a claim and passed upon it, it was preposterous for the President to set up his judgment against it. Now, that Senator knows, and the members of this House know, that in the average pension claim there is never any investigation either by the House or by the Senate; and I do not believe they are thoroughly investigated by the Pension Committee.

It would be impossible for the committee as a body to investigate every claim. Each case is referred to a subcommittee of one, and I think the committee will not deny that they usually accept the report of the subcommittee. In a single sitting of seventy minutes the Senate has passed one hundred and forty-seven private pension bills. What consideration did these bills receive by the members of that body when they were passing them at the rate of more than two a minute? In this House every Friday night we pass from thirty to forty private bills, and unless the bill calls for a larger sum than is allowed in such cases by law, there is seldom any discussion upon them. Each member present is satisfied to let the others pass if he can get his own bill through. I yield to no man in a desire to do exact justice to every deserving Union soldier, and where there is a doubt I would always resolve that doubt in favor of him who loyally defended the Union.

But I confess, with some degree of shame, that too often here we act the part of cowards instead of the part of statesmen; and it ill becomes us to criticise the President for exercising his prerogative as the Constitution which he has sworn to uphold directs. As gooda man as there is on the Invalid Pension Committee in this House, and a Republican, said to me that in nine cases in ten the President is right in his veto; that many bills are allowed to pass without sufficient evidence. If, according to his statement, the President is right nine times where Congress is right once, then he can well afford to go to the country on his record; and on these grounds I am willing to advocate him as the true friend of the true soldier.

SOLDIERS IN OFFICE.

President Cleveland has not been unmindful of the soldier in the appointments he has made. Of the seventeen pension agents appointed by President Cleveland, sixteen were soldiers in the Union Army, and the seventeenth, Mrs. M. A. Mulligan, is the widow of a distinguished Federal soldier who was killed in battle. Mr. S. L. Wilson, the eighteenth pension agent, appointed by President Arthur, who lost both legs at the battle of Gettysburgh, has been continued in office by the present Administration. Thus every dollar of the nearly $80,000,000 that is distributed each year to soldiers by the Government passes through the hands of veterans who defended the Union.

The following is the list of some of the Union soldiers that President Cleveland has appointed to office: General Rosecrans, General Corse, General Sigel, General Black, General Bragg, General Buell, General McMahon, General Franklin, General Davis, General Bartlett, Colonel McLean, and Colonel Denby, and hundreds of others who have been appointed as postmasters and to fill offices in various departments of the Government; and I stand here to assert that there never was a time in the history of the Government since the war when there were more soldiers employed in the service than now. The charge is made that soldiers have been discharged from office. That is true in some cases; but Democratic soldiers have been appointed instead. A man who did his duty in the Army, but who because of his conviction of right voted the Democratic ticket since the war closed, never received any recognition from the Republican party. Oh, no; they were allies of the Confederacy.

Is it anything wrong that when the Democrats came into power the Democratic soldier should have recognition? There are hundreds of Republican soldiers in the service now who have been kept there by this Administration. Will some Republican please give to the country a list of Democratic soldiers who were in the service under Republican administration. It would be excellent reading during the coming campaign. This Administration has in every way shown its kindly feelings toward the ex-Union soldier by granting pensions to those who were deserving and by appointing them to positions of honor and trust; and any attempt to bring discredit upon the Administration or the party it represents because of its unfriendly attitude toward the soldier will utterly fail when the records of its acts are made known to the people.

RETURN OF REBEL FLAGS.

One other sin this Administration is charged with, and that is the attempt to return the Confederate flags to the States in which the organizations belonged from which they were captured. I deem it wise here to submit the action of the President in that matter and the correspondence which took place between Adjutant-General Drum, the Secretary of War, and the President, that the people may know that the scheme was conceived in the mind of a Republican, that it never had executive action in its favor, and that the only return of Confedate flags by the Government took place under a Republican administration. In April, 1887, the Adjutant-General of the Army, an appointee of President Hayes, whose tenure is fixed by law, wearing the button of the Grand Army of the Republic, addressed a letter to the Secretary of War in which he suggested the propriety of returning all flags, Union and Confederate, to the authorities of the respective States in which the regiments which bore these colors were organized, for such final disposition as they may determine.

Mr. BOUTELLE. What Republican does the gentleman from New Hampshire refer to?

Mr. McKINNEY. General Drum.

Mr. BOUTELLE. General Drum is a good Republican, you say?

Mr. McKINNEY. Yes, sir.

Mr. BOUTELLE. You are sure about that?

Mr. McKINNEY. Yes, sir, I am quite sure of it.

Mr. BOUTELLE. Are you as sure of the fact in question as of his Republicanism?

Mr. McKINNEY. I am sure that General Drum first suggested the return of these flags in a letter to the Secretary of War; and if he is not a Republican I would like the gentleman to show the reason why.

Mr. BOUTELLE. The gentleman also said, I believe, that the only flags returned to Confederates were returned by Republicans?

Mr. McKINNEY. I do say so.

Mr. BOUTELLE. I undertake to say that no flag was ever returned by any Republican official to any person connected with the late Confederacy.

Mr. McKINNEY. This proposition was never discussed by the Cabinet, and no formal action was ever taken on it, or any order signed by the President. It was, however, submitted to him with other routine matter, and approved in a perfunctory way, on the statement that such action had been customary in the Department under previous administrations. General Drum's letter was as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 30, 1887.

SIR: I have the honor to state that there are now in this office (stored in one of the attic rooms of the building) a number of Union flags captured in action but recovered on the fall of the Confederacy and forwarded to the War Department for safekeeping, together with a number of Confederate flags which the fortunes of war placed in our hands during the late civil war.

While in the past favorable action has been taken on applications properly supported for the return of Union flags to organizations representing the survivors of the military regiment in the service of the Government, I beg to sub-

mit that it would be a graceful act to anticipate future requests of this nature, and venture to suggest the propriety of returning all the flags, Union and Confederate, to the authorities of the respective States in which the regiments which bore these colors were organized, for such final disposition as they may determine. While in all the civilized nations of the world trophies taken in the war against foreign enemies have been carefully preserved and exhibited as proud mementoes of the nation's military glories, wise and obvious reasons have always excepted from the rule evidences of past internecine troubles which by appeal to the arbitrament of the sword have disturbed the peaceful march of a people to its destiny.

Over twenty years have elapsed since the termination of the late civil war. Many of the prominent leaders, civil and military, of the late Confederate States are now honored representatives of the people in the national councils, or in other eminent positions lend the aid of their talents to the wise administration of the affairs of the whole country, and the people of the several States composing the Union are now united, treading the broader roads to a glorious future.

Impressed with these views, I have the honor to submit the suggestions made in this letter for the careful consideration it will receive at your hands.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

General Drum therefore wrote letters to the governors of all the States offering the return of such flags; but before any of the flags were sent or delivered, the President gave further consideration to the matter, and wrote the following letter to the Secretary of War:

EXECUTIVE MANSION, *Washington, June* 16, 1887.

I have to-day considered with more care than when the subject was orally presented me, the action of your Department directing letters to be addressed to the governors of all the States offering to return, if desired, to the loyal States the flags captured in the war of the rebellion by the Confederate forces, and afterwards recovered by Government troops, and to the Confederate States the flags captured by the Union forces, all of which have been packed in boxes and stored in the cellar and attic of the War Department.

I am of the opinion that the return of these flags in the manner thus contemplated is not authorized by existing law nor justified as an executive act.

I request, therefore, that no further steps be taken in the matter, except to examine and inventory these flags and adopt proper measures for their preservation. Any direction as to final disposition of them should originate with Congress.

Yours, truly,

GROVER CLEVELAND.

The SECRETARY OF WAR.

The fact, therefore, is that under this Administration not a single rebel flag has been returned or given up. I do not stop to read the correspondence; it will be found in the RECORD——

Mr. BOUTELLE. I would like the gentleman to elaborate that point.

Mr. McKINNEY. Read it, if you want to, in the RECORD; you will have plenty of time to read it. I want to finish my speech.

Mr. BOUTELLE. I understood the gentleman to say he was giving the facts. Now, I would like to hear them.

Mr. McKINNEY. I will make my speech; and if the gentleman wants to reply, he will have time to do so if he gets the floor.

Mr. BOUTELLE. I can do that; but I want you to state the facts.

Mr. McKINNEY. Under this Administration not a single rebel flag has been returned or given up, but under the administration of Edwin M. Stanton twenty-one such flags were surrendered to the survivors of the organizations from which they were captured.

Mr. CUTCHEON. Surrendered to whom?

Mr. McKINNEY. To the survivors of the organizations from which they were captured. Those now in the hands of the Government are in a room in the upper story of the building of the War Department where they can be easily visited and examined.

Mr. BOUTELLE. I hope the gentleman——

The CHAIRMAN. Does the gentleman from New Hampshire yield?

Mr. McKINNEY. I do not. Let the gentleman make his statement when I get through.

Mr. BOUTELLE again endeavored to be heard.

The CHAIRMAN. The gentleman from New Hampshire declines to yield.

Mr. BOUTELLE. But the gentleman said——

Mr. McKINNEY. No matter what I said. You can reply to it in your own time, not in mine.

Mr. BOUTELLE again rose.

Mr. McKINNEY. Mr. Chairman, I decline to be interrupted. If the gentleman is a gentleman he will reply in his own time.

The CHAIRMAN. The gentleman from New Hampshire declines to yield, and is entitled to proceed without interruption.

Mr. McKINNEY. Mr. Chairman, whatever of the captured Confederate flags were returned to those who bore them in the war were returned by the officials of the Republican party. I am glad, however, that they were not all returned, for there are many good men on this floor who were of age and in good physical condition when the war broke out, but whose patriotism never led them in sight of a rebel flag while the war was being prosecuted. I presume it was because it was not safe to investigate them at that time; but now as they read the history of that mighty struggle their patriotism is aroused, the blood boils in their veins, and the thought of returning these flags that were captured by their brave brothers is more than they can endure.

But luckily for their peace of mind, these flags are safe from the hands of the enemy. They are stored in the attic of the War Department, where they may go at any time and under the guidance of a Democratic official they may feast their soul upon the tattered and moth-eaten emblems of the lost cause. Go, brethren, go, and look upon the trophies of brave and noble men, and remember while you look upon them that none of the glory that shall surround the history of those who bore them off the field in triumph will ever crown the history of your lives; and bear in mind, and enforce it upon your children and friends, that this Administration has returned no rebel flags.

Mr. BOUTELLE. What does the gentleman mean by "return?"

Mr. McKINNEY. I do not yield to the gentleman.

Mr. BOUTELLE. I want to know what the gentleman means by the word "return," in that connection.

Mr. McKINNEY. I repeat, I do not yield to you. I will yield to that gentleman nothing.

A MEMBER on the Democratic side. Sit down.

Mr. McKINNEY. But there is another charge——

Mr. BOUTELLE. Who said that?

Mr. McKINNEY. Mr. Chairman, I must insist that I may be permitted to proceed without interruption.

The CHAIRMAN. The Chair hopes gentlemen on the floor will assist the Chair in preserving order.

Mr. BOUTELLE. I was inquiring who it was in response to my inquiry said "sit down."

Mr. McKINNEY. Yes, you are always "inquiring." But there is one other charge that has been brought against the President. He has appointed rebel brigadiers to office, which is an offense to every ex-Union soldier who sacrificed for his country when these brigadiers were attempting to destroy it. Now we had an idea that all citizens of this country stood upon an equality; that every citizen entitled to vote under the Constitution had an equal right to compete with his fellows for any office he might desire to hold; and also that the appointing power had a right to select from the various States in the Union such citizens as might be considered for place. Now as regards rebel brigadiers, I did not know we had any in this country. We did have them during the war; they were a part of that class of men who seceded from the Union, set up a government of their own, and declared their allegiance to it, and renounced the Union of which they had before been a part. But we of the North denied their right to go out of the Union. We declared they could not secede; and as an earnest of the faith that was in us we enlisted large armies, and at the point of the bayonet we enforced our idea. After four years of war, after the best blood of the nation, both North and South, had been shed, the Northern Army was victorious. The South laid down their arms, and General Grant commanded the armies of the South to go home and take their horses with them, to till their farms and raise bread for their wives and children. The Northern idea had been victorious; secession was a failure; the Union was as broad as ever, and reached from ocean to ocean, and from Canada to the Gulf.

The people of the South were refractory children of the Union and deserved such punishment as the nation saw fit to inflict. The Republican party was in power in every branch of the Government; they extended to these children of the South the hand of brotherhood; they invited them back again to the old home from which they had wandered, and like the prodigal of old, they should be received again with joy. They were invited to re-form their State governments according to the Constitution and send their Senators again to the halls of legislation, to elect from among their citizens representatives to the halls of Congress, and once more we should dwell together in peace and love.

Was not this what the Republican party said to the South? The South accepted the olive branch; they returned to their first love; they renounced the Confederacy; they proclaimed once more their allegiance to the Union; they sent their representatives to the halls of legislation, and were once more at peace with themselves and with the entire people. But when in the exercise of their right the voters of this country elected a majority of Democrats to this House this same Republican party that had invited them here set up the cry of rebel brigadier against them. And every Northern Democrat who voted with them was proclaimed an ally of the Confederacy. I have no apology to offer for those who rebelled against the Government that had nurtured them.

A MEMBER. Have not they all stated that?

Mr. McKINNEY. I have not a word to offer in palliation of their crime against the flag which had so long protected them; but I do say that it does not lie in the mouth of the Republican party, by whose own acts they are here, to raise the cry of rebel brigadier. They are here as a part of this nation, the mightiest on this earth. They have not refrained from joining the Representatives from the North in voting appropriations for the support of the Government. They have not lifted their voice against the appropriation of the hundreds of millions of dollars that have been voted to the Union soldiers as a reward for their loyalty and sacrifice—the best possible evidence that they have accepted the result of the war, and are ready to join hands with us in bearing the flag of freedom to nobler heights than it has ever attained in the past. But let us see if this cry of rebel brigadier is because those men were once members of the Confederate army, or whether it is because they are members of the Democratic party.

Was General Longstreet a Union soldier? No; he was a rebel major-general; one of the strongest supports of General Lee in his defense of

Richmond. When the war ended he soon saw where his greatest interest lay, and he cast his lot with the Republican party. That party did not cry out to him rebel brigadier, but bade him welcome, and appointed him to the important office of collector of the port of New Orleans, and afterwards United States marshal of the district of Georgia.

Was General Mosby a Union man? No; he was also a rebel brigadier. He carried on his warfare after the style of the guerrilla. He seldom faced our forces on the open field, but hanging on the mountain side watching the little band of Union scouts in the valley, like as a lion pounces upon his prey, he pounced upon the little squad of men and shot them down or bore them away as prisoners of war.

No man in the Confederacy was so despised by the Union soldier as General Mosby. But when the war was over, seeing his opportunity, he proclaimed allegiance to the Republican party, with what result? He was welcomed to their fold, and sent across the ocean as minister to a foreign land.

Thousands of Union soldiers who bore evidence of honorable service for their country, equally well qualified for the position, were passed over, that this particularly obnoxious Confederate general might be honored. [Applause.] Was General Mahone a Union soldier? No; he was also a rebel. He, observing where his personal interests lay, proclaimed his allegiance to the Republican party, and the whole power of a Republican administration was turned to his assistance that he might deliver a State into the hands of that party. And if the inside of the contract by which the agreement was made could be opened to the world, it would bring a blush of shame to the cheek of every loyal American. But why continue this list? Every intelligent citizen knows that there were hundreds of them.

I did not think when preparing this that I might also have called attention to one Mr. Chalmers, of the shoe-string district fame in Mississippi, a man charged with ballot-box stuffing and every other crime known to the law, a man who was sent away from the House because he was elected by fraud, and yet when the Democratic party would no longer stand by him he proclaimed his allegience to the Republican party, the party took him up, and in the last Republican convention he made a speech as the Republican delegate, and is now one of the most lovely and sweet fellows in the world. [Laughter and applause on the Democratic side.] No one who knows him believes him an iota better than when he was turned out of the Democratic party because he was a fraud and a scoundrel. [Laughter.]

Gentlemen here at my side are calling my attention to some thirty or forty more rebel brigadiers who are in the same position, and yet I will not stop to mention them specifically, but I have included them under the general head of "Promiscuous."

The great sin, then, in the eyes of the Republican party does not consist in the fact that a man has been a rebel brigadier. No matter how strong a fight he made against the Union, no matter though he disregarded every rule of civilized warfare, no matter though he was the last to lay down his arms and acknowledge the supremacy of the Constitution, all that was necessary was to proclaim allegiance to the Republican party, and though his sins were as scarlet he became as white as snow, and they gathered him to their bosom as one who was worthy of all honor, and the smile of love that wreathed their countenances was like the sweet smile of a young mother when she looks upon the face of her first born. [Laughter.]

Mr. Chairman, the sin of having been a rebel is nothing in the eyes of the Republican party as compared with the sin of being a Democrat. That is the one sin they can not forgive. No matter how true they have been to the Government, no matter how bravely they fought for the Union, to vote the Democratic ticket is the one unpardonable sin. And twenty-three years after the war is over, when a new generation has grown up who only knows of the war through history and the stories of the war told them by their gray-haired veteran fathers, the leader of the Republican party proclaims to the world that such men as Hancock and McClellan, who so nobly defended the Union in the hour of its peril and shed their blood for its perpetuation, were allies of the Confederacy.

Is it any wonder that the people in their indignation overthrew that party and proclaimed that henceforth they would follow the old Stars and Stripes rather than the Republican flag, the bloody shirt? [Applause on the Democratic side.] Thank God, our country is once more united. [Applause.] Our people are bound by the ties that can never be severed; and once more we have a government of the people, by the people, and for the people. Notwithstanding the dire consequences that the Republican party prophesied would follow the election of a Democratic President, under the administration of Grover Cleveland our national integrity has been maintained. We have paid three hundred millions of dollars of our national debt; the business of the country is prosperous; our people are happy.

More soldiers have been pensioned than ever before in the same period since the war. More money is being distributed to the needy. More soldiers are in office, and the bow of promise to our country is more radiant than it has ever been in the past; and when next November comes the voters of this country in the exercise of the noblest right that ever was conferred upon the people of any nation will render their verdict at the ballot-box in favor of him who knows no North, no South, no East, no West, but who has administered the Government for the benefit of the whole people—Grover Cleveland. [Prolonged applause.]

During the delivery of the foregoing remarks the hammer fell.

Mr. HENDERSON, of Iowa. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

There was no objection.

Mr. McKINNEY then resumed and concluded his remarks as above.

Mr. KERR. I ask the gentleman from New Hampshire before he takes his seat to answer my question as to whether there is not necessity for additional pension legislation?

Mr. McKINNEY. I would like very much, Mr. Chairman, to publish some other matter that I did not read during the course of my remarks.

There was no objection.

APPENDIX A.

THE PRIVATE PENSION VETOES—PRESIDENT CLEVELAND'S REASONS FOR THE VETO OF THE PRIVATE PENSION BILLS—PRESERVING THE RIGHTS OF ALL PENSIONERS AND MAINTAINING THE HONOR OF THE PENSION-ROLL—NEARLY EVERY VETO SUSTAINED BY THE ACTION OF REPUBLICAN COMMISSIONERS OF PENSIONS.

ANDREW J. HILL.

Vetoed because proposed beneficiary's name is Alfred J. Hill. The bill would be inoperative.

ABIGAIL SMITH.

Vetoed for the reason that the bill would reduce the pension she is receiving under the general law.

LOUIS MELCHER.

After less than three months' service was discharged August 16, 1861, for "lameness caused by previous repeated ulcerations of the legs, extending deeply among the muscles and impairing their powers and action by cicatrices, all existing before enlistment." Claim consequently rejected by Pension Bureau. The cicatrices showed beyond doubt the previous existence of this difficulty, and the term of service was too short to have developed and healed repeated ulcerations in a location previously healthy. (Veto upholds surgeon's certificate made at time of discharge, and upon which the Pension Office based its action.) Commissioner Dudley rejected this claim in 1884.

ELIZABETH S. DE KRAFFT.

Vetoed to save her arrearages to which she is entitled under the general law. The only effect of this bill would be to reduce her pension.

ELIZABETH LUCE.

Husband applied for pension shortly after his discharge, January, 1864, alleging disability from being thrown forward on pommel of his saddle when in service. No record to that effect and no such evidence could be produced. Surgeon's certificate at discharge states disability arose from "organic stricture" existing at time of enlistment. Claim rejected. Twenty years after he died of chronic gastritis. Soldier's death did not result from disability or injury contracted in military service. Claim for pension rejected in 1868 by Commissioner Barrett; August, 1883, by Commissioner Dudley, and January, 1885, by Commissioner Clarke.

CARTER W. TILLER.

Claim filed in Pension Office 1877 as dependent father, which was rejected. Claimant enjoyed a fair salary as a policeman ever since his son's death. The latter deserted, and ten months thereafter died. This claim was rejected in July, 1879, by Commissioner Bentley.

ELEANOR C. BANGHAM.

In July, 1885, upon special examination, pensioner admitted her husband suffered from epilepsy from early childhood, and that he committed suicide during a despondent mood following an epileptic fit. Pension withdrawn, it being apparent that his epilepsy was not contracted in service.

DAVID W. HAMILTON.

In his application for pension November, 1879, fourteen years after his final discharge from the Army and just prior to the expiration of time for filing claims for pension arrearages, and after the death of his family physician, he admitted that he suffered from hydrocele as early as 1856. His claim was rejected by the Pension Office on the ground that his alleged disability existed prior to his enlistment. This claim was rejected by Commissioner Dudley in 1883.

JAMES C. CHANDLER.

Applied twice for pension. In his first application, 1869, he alleged that in April, 1862, he was run over by a wagon and injured in his ankle. The records show that he was discharged less than two months afterwards for chronic bronchitis. In his second application he alleged he contracted typhoid fever in May, 1862, resulting in "rheumatism and disease of the back in region of kidneys." Yet in January, 1864, he again enlisted, was pronounced sound, and served until mustered out, September, 1865.

JOHN D. HAM.

Claimed that while riding from his home to join a regiment his horse fell on his ankle and injured him; never joined any regiment, but returned home; the next year was drafted, accepted as physically sound, and served out his term. Seventeen years afterwards applied for a pension for injury to his ankle, which was denied after investigation by the Pension Bureau, by Commissioner Dudley, December, 1883.

EDWARD AYERS.

The application to the Pension Bureau rejected on the ground that investigation proved that the injury complained of was sustained when a boy; that there is no record to show that he was injured in the Army. He deserted in May, 1863, and was subsequently arrested and returned to his regiment. This claim was rejected by Commissioner Baker in 1873, and twice by Commissioner Dudley—1882 and 1884.

DUDLEY B. BRANCH.

Alleged hernia from a fall while getting over a fence June 9, 1862, but served more than a year afterward, and in 1863 was transferred to the invalid corps for an entirely different disability. Did not apply for pension until thirteen and a half years after his fall (December, 1875), and his claim was rejected by Pension Bureau for want of satisfactory evidence. No reason why exception should be made and bureau overruled. Claim rejected June, 1883, by Commissioner Dudley.

REBECCA ELDRIDGE.

Husband was pensioned at $2 per month for slight wound which did not incapacitate him for manual labor. Over fifteen years after his discharge, while working about a building, he fell backward from a ladder, fractured his skull, and died same day. For this the bill proposed to pension widow. Vetoed because not pensionable. This claim was rejected by Commissioner Dudley in August, 1882.

MRS. ANNIE C. OWEN.

Husband mustered as second lieutenant December 14, 1861; discharged October 16, 1862; lived nearly fourteen years afterward and never applied for pension. Twenty-one years after his discharge his widow applied; alleged that he received two shell wounds on July 1, 1862, and died in 1876, from neuralgia of the heart some way caused by such wounds. There is no record of the wounds. Widow's claim was rejected by Pension Office; death not result of Army service. Claim was filed in 1883 and rejected by Commissioner Black in 1886.

J. D. HAWORTH.

This bill proposes to pension claimant for disability which had its origin in causes existing prior to enlistment, and not the result of Army service. This claim was rejected by Commissioner Bentley in 1880.

M. ROMAHN.

In 1882 claimed pension alleging that in winter of 1862 he incurred varicose veins from standing guard excessively. No record of his disability appears, and evidence of same being insufficient his claim was rejected by the Pension Bureau. He then made application to Congress and added another allegation, that in May, 1885, he was injured in breast and shoulder by a railroad accident while on detail duty. Rejected by Commissioner Dudley in 1884.

SIMMONS W. HARDEN.

In application filed 1866 alleged he was injured by fall from a wagon while in service. Fourteen years later he claimed that he was afflicted with enlargement of lungs and heart from over-exertion at a review. His Army record makes no mention of either of these troubles, but shows that he had at some time dyspepsia and intermittent fever. (Veto upholds rejection by Pension Office.) This claim was rejected in 1868 by Commissioner Barrett, and again in 1884 by Commissioner Dudley.

THOMAS S. HOPKINS.

Enlisted June, 1862, discharged June, 1865. Filed claim November, 1880, and in June, 1881, was granted $50 per month for debility resulting from malarial fever and chronic diarrhea. This bill proposes to waive the limitation law of 1879 so that the beneficiary may claim $9,000 arrearages. It was subsequently altered to meet President's suggestions, and approved.

JOHN HUNTER.

Discharged July 13, 1865, expiration of term. Served twelve months. Fourteen years after discharge he filed claim for pension because of gunshot wound in leg while in skirmish. Though aided by the Bureau, it could not be shown that the injury was due to the service, and there being no record of his alleged wound his claim was rejected. Evidence recited in House Committee report fails to show continuous disability from wound, even if received. This claim was rejected in December, 1884, by Commissioner Clarke.

JOEL D. MONROE.

Enlisted August, 1864, and mustered out with regiment June, 1865. Fifteen years after filed claim alleging tree fell on him, injuring his eyes; and also that he contracted rheumatism in service. Rejected by Pension Office. No record of either disability, nor proof furnished that either originated in service. Claim rejected by Commissioner Black.

FRED J. LEESE.

Discharged June 4, 1865, after serving nine months. No record of disability. Eighteen years after discharge he filed claim which is still under investigation in Pension Office.

CORNELIA R. SCHENCK.

Husband enlisted August, 1861, mustered out October, 1864. No record of any disability in service; lived eleven years after discharge; never claimed disability, and died of inflammation of the stomach, etc., December, 1875. Ten years later his widow applies for pension and her claim is now under examination in Pension Bureau.

WILLAM H. BECK.

Enlisted in 1861; re-enlisted as a veteran volunteer in 1864; mustered out April, 1866. Thirteen years after discharge (1879) filed claim in Pension Office, alleging epilepsy incurred in 1863, caused by jar from heavy firing. Six months after the date of alleged injury he re-enlisted upon a medical certificate of perfect soundness, and served more than two years thereafter. No evidence to support bill. This claim was rejected, 1881, by Commissioner Bentley.

MARY J. NOTTAGE.

Husband enlisted 1861; discharged 1862 for "disease of urinary organs," which had troubled him for years. He died of consumption seventeen years after, without having made any claim for pension. In 1880 widow claimed pension, which was rejected. Disease was not contracted in the service.

JAMES E. O'SHEA.

Enlisted 1861; discharged 1864. Claimed pension for saber wound in head received March, 1862, and gunshot wound in leg in autumn of same year. Records are silent as to wounds, but show that in 1864 he was found guilty of desertion and sentenced to forfeit all pay, etc., for time absent.

JOHN S. WILLIAMS.

Alleged his shoulder was dislocated in 1862 while ferrying troops across a river; served afterwards until 1865. No record of such injury. Claim rejected in 1882 by Commissioner Dudley.

HENRY HIPPLE, JR.

Sixteen years after discharge discovered that during his service in Army, August, 1862 to May, 1863, he contracted rheumatism but received no treatment for it while in the Army, nor attendance by physician since discharge. Claim filed 1879. No facts shown to entitle him to pension. Rejected in 1882 by Commissioner Dudley.

JOHN W. FARRIS.

After having been allowed pension in 1885 for chronic diarrhea, claimed increase for sore eyes contracted 1884, in consequence of his previous ailment, etc. The bill contemplated pensioning him for disease of the eyes, which the medical referee of Pension Bureau reports "can not be admitted to be a result of chronic diarrhea."

ELIJAH P. HENSLEY.

In 1868 was granted pension dating from 1865, and drew until 1877, when upon evidence that the injury for which he was pensioned was not received in line of duty, his name was dropped from rolls. Appealed to Secretary of Interior, who sustained action of Pension Bureau.

ROBERT HALSEY.

Seventeen years after close of the war he filed claim in Pension Office, alleging that in 1863 he contracted fever affecting lungs, kidneys, and stomach. A board of surgeons in 1882 found disease of kidneys, but no indication of lung or stomach trouble. Three years later medical referee reported no disease of lungs or trouble since filing claim, and that the kidney difficulty had no relation to Army service. Veto sustains rejection by Pension Commissioner Black.

ALFRED DENNY.

Entered service June, 1863, as captain and assistant quartermaster. After remaining in that position less than a year he resigned to accept a civil position. Twenty years afterwards he filed claim in Pension Office, alleging that in August, 1863, he was thrown forward on the horn of his saddle, rupturing right side and subsequently of left side. The records disclose no evidence of any accident or disability. Claim rejected in 1884 by Commissioner Dudley.

MARRILLA PARSONS.

No claim filed in Pension Office. Her step-son enlisted in 1861, and subsequently died of consumption. No facts even are shown that the disease resulted from military service. Step-parents are not under the law entitled to pensions.

JACKSON STEWARD.

This case is pending in Pension Bureau, and no reason why it should not take its course.

ANNA A. PROBERT.

Husband, who was a druggist, died in Memphis of yellow fever, in 1878.

SAMUEL MILLER.

In 1880 filed claim in Pension Office, which was rejected. Board of surgeons failed to discover any evidence of disease. Rejected by Commissioner Dudley in 1883.

CLARK BOON.

Filed claim in 1874, alleging lost his health while prisoner at Tyler, Tex. In October, 1874, filed affidavit that he contracted disease of heart and head in the service. In January, 1878, he abandoned allegations as to disease, and asked for pension on account of gunshot wound in ankle. Pension was granted in 1880 on theory of medical board that it was "possibie that applicant was entitled to a small rating for weakness of ankle." Not entitled to an increase. This claim was rejected in 1878 by Commissioner Bentley.

HEZEKIAH TILLMAN.

Claim for increase still pending in Pension Bureau.

CHARLES SCHULER.

Claim is pending in Pension Bureau and undetermined.

MARIA HUNTER.

Claimant's petition in Pension Bureau is pending undetermined.

JOSEPH TUTTLE.

Claims as dependent father. When soldier was nine years of age claimant abandoned the boy, who lived among strangers until 1861, when he enlisted and was killed in action in May, 1862. Claimant exhibited such indifference that he was not aware of his son's decease for two years thereafter. He is not entitled to profit by the death of this patriotic boy. Rejected by Commissioner Black in 1886.

ANDREW J. WILSON.

Drafted February, 1865; discharged following September on account of "chronic nephritis and deafness." In 1882 filed claim in Pension Office alleging that in June, 1865, he contracted rheumatism. As claims were rejected he repeatedly set up other complaints, none of which were sustained by the evidence. Now under examination by Pension Bureau.

MARY S. WOODSON.

Husband was discharged October, 1863, on account of disease of heart. He left home in 1874 and has not since been heard of. Rejected in 1884 by Commissioner Dudley. There is no other evidence.

SARAH HARBAUGH.

Soldier discharged September, 1864. Received wound in ankle May, 1863. Died of heart disease October, 1881. No connection between cause of death and Army service. Rejected by Commissioner Dudley in 1883.

BRUNO SCHULTZ.

Applied for pension several years ago and rejected. Since then the case has been opened and is now awaiting additional evidence. Rejected in 1877 by Commissioner Bentley.

WILLIAM BISHOP.

Was enrolled as a substitute March 25, 1865, when high bounties were paid. Was admitted to hospital April 3, with measles. Returned to duty May 8, and mustered out with a detachment of unassigned men, May, 1865. Fifteen years afterwards (1880) filed claim alleging measles had affected his eyes and spinal column. Rejected by Commissioner Dudley in 1881.

JULIA CONNELLY.

Husband was mustered into service October 26, 1861. He deserted November 14, 1861. Visited his family December 1, and was found drowned near his home December 30, 1861.

LOUISA C. BEEZELEY.

Husband was enrolled as a farrier in September, 1861. Discharged July, 1862, on account of "old age." Thirteen years afterwards he died. He never claimed pension. In 1877 his widow filed claim that he died from disease contracted in service, which was found to be erroneous. Rejected in 1882 by Commissioner Dudley.

CHARLES A. CHASE.

Enlisted September, 1864. Mustered out June, 1865. Fifteen years thereafter filed claim alleging disease of kidneys and liver from exposure, October, 1864. There is no record of alleged disease and no proof of its contraction in Army. Rejected in 1884 by Commissioner Dudley.

GILES C. HAWLEY.

Enlisted in August and discharged in November, 1861, "on account of deafness." Seventeen years thereafter (1878) he filed a claim in Pension Office alleging that from exposure and excessive duty his hearing was seriously affected, which was rejected. Since pensioned under the general law.

MARY ANDERSON.

Husband was pensioned on account of chronic diarrhea. In 1882 he was found dead on the railroad track. Pension Office rejected claim because death was not connected with military service.

HARRIET WELCH.

Husband fell from the cars in 1877 and was killed. The widow's claim was, by the Pension Office, rejected on the ground that death did not result from military service. Rejected in 1884 by Commissioner Dudley.

JAMES BUTLER.

On the 11th of September, 1864, while at his home after enlistment, but before his company was organized, he fell into a cellar, fractured his leg, and was discharged. In December, 1864, his claim for pension was rejected by the Pension Office, and again in 1871. The claimant was never mustered into the service of the United States, and his injury was not received in the performance of duty.

JAMES H. DARLING.

Discharged in 1862. Filed claim in Pension Office alleging rheumatism. Rejected on account of not being result of army service. Medical examination in 1877 and again in 1882 showed that he was not entitled to pension.

SALLIE WEST.

Disease which produced husband's death had not its origin in his military service.

MARTHA M'ILWAIN.

Husband lost a leg in 1862 and was pensioned for disability. In 1883, while under the influence of liquor, he took morphine, from which he died. The death was not due to military service.

ALICE E. TRAVERS.

Husband was discharged June, 1866. He was a druggist, and was in the habit of taking opiates. He died, 1881, from an overdose of morphine. He never applied for a pension. The claim was properly rejected by Pension Office in 1886.

WILLIAM H. STARR.

Case is pending in Pension Bureau, awaiting additional evidence. It should be concluded there before special legislation is resorted to.

PHILIP ARNER.

Discharged from service in July, 1864. In fall of 1865 he was taken ill, since which time he has been troubled with lung difficulty. Pension Office rejected claim 1883. Absolutely no allegation of any incident of his service related to his sickness.

MARY NORMAN.

Soldier was mustered out June, 1866. Was drowned while trying to cross Roanoke River in 1868. In 1881 the claim was rejected because death was not due to military service. Rejected in 1881 by Commissioner Bentley.

MARY A. VAN ETTEN.

Soldier was drowned near his residence in New York in 1875. The widow presented her claim ten years after husband's death. Rejected in 1885 by Commissioner Black.

JAMES D. COTTON

This claim is pending in the Pension Office and undetermined as to the dependence of claimant at date of soldier's death.

DAVID T. ELDERKIN.

Enlisted August, 1862; he was dishonorably discharged June 11, 1863, with forfeiture of all bounty, pay, and allowances. In 1882 he filed claim in Pension Office, which was rejected. Rejected by Commissioner Black.

GEORGE W. GUYSE.

Filed claim in Pension Office 1878, alleging gunshot wound received in skirmish, 1863. Examining surgeon, 1884, reports that he finds no indication of gunshot wound. Three of his comrades who originally testified in his behalf afterwards denied that the wound was received in service. The evidence tends to show that he cut his knee after his discharge. The Pension Office properly rejected claim.

MARY ANN MILLER.

Her husband enlisted in 1861 and went into camp near Cincinnati. June 3, 1861, he went into the city on a private affair and was killed in altercation with some unknown person. His death was not connected with military service. Claim rejected in 1879 by Commissioner Van Aernam.

NEWCOMB PARKER.

Vetoed for claimant's benefit, to save him the pension allowed him prior to passage of bill, of which this act would have deprived him if signed.

JOHN S. KIRKPATRICK.

Sixteen years after discharge alleges varicose veins contracted in 1862, yet served until discharged, 1864. No record of any disability.

WILLIAM BOONE.

While celebrating the Fourth of July at his home was injured by discharge of a cannon. Injury not in line of duty.

WILLIAM DERMODY.

Mustered out July 17, 1865. On July 23 was wounded in personal fight, not in line of duty. Rejected in 1881 by Commissioner Bentley.

ABNER MOREHEAD.

Applies, 1879, to be restored to pension-roll, having been dropped therefrom in 1876 because disability for which he was pensioned was shown to have existed prior to enlistment, and testimony taken afterwards by special examiner conclusively established such fact.

JOSEPH ROMISER.

Was not in a State or United States organization at time of injury for which pension was claimed, and not pensionable.

ARETUS F. LOOMIS.

Vetoed to save pensioner four years pension of which the act as passed would have deprived him.

ROXANA V. ROWLEY.

Husband, after little over three months' service, tendered his resignation as first lieutenant on account of incompetency. In 1880, fifteen years after discharge, he applied for pension, alleging disease of liver while in service. The physician attending him before enlistment stated that claimant was so afflicted as early as 1854, and regarded as incurable. Soldier died 1881; his widow applied 1882; her claim rejected by Commissioner Dudley because the disease existed prior to enlistment.

MRS. MARGARET A. JOCOBY.

Husband disappeared in 1875, and never heard of by her since. In 1885 she applied for pension on ground that he partially lost his mind from deafness and chronic diarrhea in service. His death from such cause has not a particle of proof to rest upon.

ELIZABETH M'KAY.

Never applied to Pension Bureau; but bill is based on her allegation that husband contracted chronic diarrhea in 1862, and died from effects thereof in 1874. He was discharged June, 1864, with loss of all pay and emoluments; had applied in 1870, alleging various disabilities, none of them of the nature of diarrhea. There is no medical testimony to support widow's claim.

JAMES T. IRWIN.

Applied 1876, rejected 1879, his various allegations not well founded. Again applied September, 1884, alleging disease of heart contracted twenty years prior. Allegations not supported by examining surgeons in three different examinations. Rejected in 1879 by Commissioner Bentley.

WILLIAM H. NEVIL.

Pensioner been drawing since 1865 the same amount provided by this bill. Its passage would be valueless to him.

H. L. KYLER.

Drew pension since 1864 for neuralgia and eye disease. Pension stopped 1880 on proof he had been under treatment for those very ailments five years before entering Army. Enlisted for one hundred days only. Dropped from rolls in 1882 by Commissioner Dudley.

FANNIE E. EVANS.

Claimed her husband contracted hernia, 1863. He never claimed pension, and died, 1883, of apoplexy. Rejected, 1884, by Commissioner Dudley.

JAMES CARROLL.

Alleged wound while securing recruits for Company B, Third North Carolina Mounted Volunteers. Name not borne on any of those company rolls, and for that reason his claim was rejected by Pension Bureau. A claim to same effect by one Perkins, claiming same service and injury, was allowed in 1873, but pension stopped, 1877, on same ground as Carroll's. Investigation showed that while plundering their neighborhood with a number of men they had collected they were hunted down by home guards and shot at the time they stated. Claim rejected in 1883 by Commissioner Dudley.

EDWARD M. HARRINGTON.

Filed claim in Pension Bureau, 1879. Injuries not related to Army service.

LEWIS W. SCANLAND.

Applied for pension 1884, alleging he contracted chronic diarrhea in Black Hawk war of 1832. On examination by board of surgeons, 1884, he did not claim to have diarrhea for a good many years, but claimed to be affected with constipation, except at times when taking medicine for it. Rejected by Commissioner Dudley in December, 1884.

ROBERT H. STAPLETON.

Applied in 1883, alleging injury while acting as lieutenant-colonel in 1862. Examination in 1882 showed three left ribs fractured, which, if result of injury received in 1862, must have been then apparent. By law claims of this description must, to be valid, be successfully prosecuted prior to July 4, 1874. Claimant's delay to apply is not explained. His rank does not indicate his ignorance of the law. Rejected by Commissioner Dudley in 1883.

SALLY ANN BRADLEY.

Husband, after long service, was discharged 1865; afterwards pensioned for gunshot wound, and died 1882 from a cause not claimed as from military service.

MARIA CUNNINGHAM.

Husband applied for pension in 1876, alleging shell wound in head. Claim rejected, as no disability appeared from that cause. Died in 1877 from other causes. Claim rejected by Pension Bureau because cause of soldier's death was not shown to have had its origin in military service. Rejected in 1885 by Commissioner Black.

MRS. CATHARINE M'CARTY.

Filed claim 1886 alleging her husband died in service from overdose of colchicum. Evidence indisputably shows that the day previous to soldier's death a comrade asked him to smell and taste some medicine, which he did, became very sick, and died next morning. Death not result of Army service. Rejected by Commissioner Dudley in 1882.

MARGARET D. MARCHAND.

Husband entered the Navy in 1828, was retired 1870, and died of heart disease 1875. Claim filed in Pension Office 1883 and rejected because no evidence furnished to prove death resulted from naval service. Rejected in 1883 by Commissioner Dudley.

JOHN TAYLOR.

Has received pension since 1865—has been twice increased, once by Pension Office, and again by special act, 1882. The increase here applied for was denied by Pension Office because he was already receiving pension "commensurate with his disability."

AUGUSTUS FIELD STEVENS.

Discharged October 3, 1861, after serving less than two months. Rejected by Pension Bureau in 1882, after full examination. Rejected by Commissioner Dudley in 1882.

MARY KARSTETTER.

Husband drew pension since June, 1865, for gunshot wound in left hand, and died August, 1874, of gastritis and congestion of kidneys. Widow applied 1882, alleging soldier died of wounds received in battle, and that he was injured while in Army by a horse running over him, which is not supported by evidence and has no necessary connection with cause of husband's death. Rejected by Commissioner Dudley in 1884.

DANIEL H. ROSS.

Filed claim in Pension Bureau and died February, 1886. Bill vetoed so as to save the widow's rights.

JENNETTE DOW.

Husband employed in railroading fifteen years after muster-out; died 1882, of apoplexy. Widow applied 1883, claiming he died of wound received in Army. Pension Office rejected claim.

MARY J. HAGEMAN.

Husband, pensioner for wound, died August, 1884, twenty years after discharge, from typho-malarial fever. His widow's application was rejected by Pension Bureau because the disease was not due to military service. Rejected by Commissioner Black in 1885.

WILLIAM H. WEAVER.

Applied twelve years after discharge. After six special examinations by Pension Bureau to ascertain the truth and deal fairly by this claimant, his claim was rejected because disease for which he claimed pension was shown to have existed prior to his enlistment.

RACHEL BARNES.

Husband committed suicide by hanging. It was proposed in this bill to pension beneficiary as widow by reason of soldier's death. His death, however, is not connected with his military service. Rejected by Commissioner Dudley in 1883.

DUNCAN FORBES.

Increase of pension. Has been liberally pensioned from January, 1865, and served three years in Navy since that time without further disability.

GEORGE W. CUTLER.

After several allegations made at different times, each giving different causes, none substantiated as arisen from the service, his pension claim remains as originally rejected in 1865. Veto upholds rejection. Rejected by Commissioner Barrett in 1865.

ANN KINNEY.

Husband was pensioned, 1865, for wound; died 1875. Widow claimed pension, alleging his death was from effects of the wound. He was addicted to periodical sprees, and in one of these, while creating a disturbance, was taken by city marshal and placed in lock-up, where he died suddenly an hour afterward. Rejected by Commissioner Bentley in 1878.

SUSAN HAWES.

In 1883 her son attempted to board a moving freight train, made a misstep, and car-wheel passed over his foot. Two physicians called in deemed amputa-

tion necessary and administered preparatory anæsthetic, but patient died before amputation, two hours after accident. His death is not attributable to his military service. Rejected by Commissioner Black in 1885.

ABRAHAM POINTS.

Discharged June 28, 1865; in 1878 applied for pension on ground of stiffened elbow joints and sore eyes contracted in service. No such record of these disabilities, but his neighbors and acquaintances of good repute showed conclusively that these disabilities existed prior to his enlistment. Rejected in February, 1885, by Commissioner Clarke.

MRS. AMELIA C. RICHARDSON.

Remarried 1858. In 1862 her son by former husband enlisted and died in service 1865. He had not lived with his mother after her remarriage, and there is no competent evidence that he contributed to her support after that event. At the time of his death his step-father was earning $70 per month and owning considerable property, part of which still remains to him. Not dependent.

WILLIAM DICKENS.

Vetoed to benefit claimant, as the bill, if passed, would have deprived him of back pension already granted him from 1864 to date.

BENJAMIN OBEKIAH.

Beneficiary has already been six months on pension-roll for same amount fixed by this bill.

MRS. MARGARET DUNLAP.

Beneficiary is mother of a soldier who was, in 1864, killed by one of his comrades in a personal row. Rejected in 1872 by Commissioner Baker. The injury was not received in line of duty.

WILLIAM LYNCH.

Discharged 1859. Twenty-four years afterward, April, 1884, claimed pension for rheumatism contracted in 1857–'58 in Utah. Claim still pending in Pension Bureau.

ALEXANDER FALCONER.

Case is provided for by a general law recently approved.

JAMES BAYLOR.

In this case no advantage would accrue to beneficiary under special act, and justice will be done him under general law. Rejected in 1879 by Commissioner Bentley.

MRS. CATHARINE SATTLER.

Soldier was wounded in battle August, 1864, and discharged by amputation of left fore-arm March, 1865. Subsequently the same year he was married to beneficiary and pensioned; pension increased 1866. October 31, 1867, drew his monthly pay of $50 as United States watchman at New York City; disappeared that day, and on November 13, 1867, his body was found in North River, New York City. Was strong and healthy at time of death. Nearly seventeen years afterward, in 1884, his widow on above facts applied for pension, which was denied November, 1884, as soldier's death was not due to his military service. Rejected by Commissioner Dudley.

FRANKLIN SWEET.

Already on pension-rolls for the same amount named in the bill.

ROBERT K. BENNETT.

Soon after enlistment, September, 1862, was detailed to cook-shop, and five months thereafter was received into hospital from which he was discharged from the service three weeks later for "varicocele to which he was subject four years before enlistment." Seventeen years afterward claimed pension for hernia and piles contracted in service. Claim rejected 1883. Medical examination, made 1882, states no evidence or symptons of disability resulting from Army service. Rejected in 1883 by Commissioner Dudley.

JESSE CAMPBELL.

His claim, rejected 1881, was reopened January, 1887, and he has been pensioned under the general law.

LOREN BURRITT.

Pensioned since 1886, and now draws $72 monthly pension, the highest under general laws. There are over one thousand other pensioners of this class on the rolls worthy of the same special legislation, and all should be treated alike. Unfair to make two rates for same disability.

ABRAHAM P. GRIGGS.

Enlisted August, 1861, entered hospital January, 1863. Discharged the service therefrom November, 1863. His discharge certificate states "worthlessness, obesity, and imbecility, and laziness," "totally unfit for the Invalid Corps, or for any other military duty." Nearly twenty years after his discharge claimed pension for rheumatism. A board of United States examining surgeons report no pensionable disability existing, and that he is able to work. Claim rejected in 1885 by Commissioner Black.

CUDBERT STONE.

Over sixteen years after discharge claimed pension for piles contracted in service. Claim rejected in October, 1884, by Commissioner Dudley, on ground that disability originated while undergoing court-martial sentence, therefore not in line of duty. The committee recommend pension be granted beneficiary "by reason of faithful service to his country," whereas in his thirty-nine months' service with no record of disability, thirty-five months were passed in desertion or imprisonment therefor.

CHARLOTTE O'NEAL.

Husband resigned from service June, 1862. Seven months thereafter he died of disease which, it is admitted, had no relation to Army service.

JOHN REED, SR.

Filed application in Pension Office, 1887, alleging he was dependent upon deceased soldier for support; that his wife died in 1872, and filed an affidavit of a man who alleged he was present at her death. This was in 1883 rejected. This claimant, in 1859, abandoned his wife and family, and never thereafter contributed to their support. The soldier's mother was granted a pension in 1862, and enjoyed it until 1884, when she died. His claim was false, and was supported by false testimony.

JOHN D. FINCHER.

Twenty years after discharge from service (1882) he filed claim for pension, which was rejected, because in 1882 and again in 1885 he was examined by a board of surgeons, who report no disability.

JACOB SMITH.

Vetoed because this bill proposes to reduce the pension of a worthy soldier.

RACHEL ANN PIERPONT.

Vetoed because its approval would reduce the amount she is now receiving.

MARGARET R. JONES.

Is now receiving the highest pension allowed by law in such cases. No reason for an exception in her case.

ANTHONY M'ROBERTSON.

Applied for pension 1874. In November, 1886, the highest rate allowed by general law was granted him, to date from 1863.

WILLIAM H. MORHISER.

The bill proposes to allow him pay and allowances for a period for which the records show he has already been paid.

ANN WRIGHT.

Vetoed because she receives under general laws the same amount here proposed. Rejected in 1882 by Commissioner Dudley.

SARAH HAMILTON.

Husband of claimant deserted May, 1863. June, 1864, arrested as a deserter; returned to duty September, 1864. In 1872 he applied for pension, alleging injury to left leg, causing varicose veins, sustained in February, 1863, which was granted. He died in 1883 of apoplexy, which had no relation to his injury. Rejected in 1883 by Commissioner Dudley.

HANNAH R. LANGDON.

Husband served six months as an assistant surgeon, when he resigned. In 1880 filed application for pension, alleging chronic diarrhea and piles. Granted pension January, 1881, and died following September of consumption. Widow's claim was rejected by Pension Bureau because death was unconnected with disease for which pension had issued or with his military service. Rejected in 1883 by Commissioner Dudley.

BETSY MANSFIELD.

Filed claim in 1882, alleging dependent parent. Evidence disclosed not dependent.

LAURA A. WRIGHT.

Nearly twenty years after the war her husband committed suicide. No result from wound.

H. BROKENSHAW.

Received at draft rendezvous 25th March, 1865, mustered out 30th June, 1865. Eighteen years after (1883) he filed application alleging that March 25, 1865, he hurt his ribs in a scuffle with recruits, which was rejected—not incurred in line of duty. Rejected in 1886 by Commissioner Black.

HANNA C. DEWITT.

Vetoed because a precise duplicate of this act was passed by present Congress, and signed by the President.

MORRIS T. MANTOR.

Filed claim in Pension Office in 1882, and denied because no pensionable disability existed.

WILLIAM P. WITT.

Enlisted in one hundred days' service. No record of disability. Twenty years later filed claim, alleging chronic diarrhea, rheumatism, liver disease, and impaired hearing. No evidence to sustain either complaint excepting deafness, which did not result from Army service. Rejected in 1886 by Commissioner Black.

CHLOE QUIGGLE.

Husband enlisted in February, 1865, mustered out in September, 1865. In 1882 he died of disease not incident to Army service. Rejected by Commissioner Dudley in 1884.

WILLIAM H. BRIMMER.

Was a wagon-master; dsscharged May, 1865; no record of any disability; twenty-three years after filed claim for pension, alleging rupture in 1864. Unsupported by sufficient evidence.

WILLIAM SACKMAN, SR.

His discharge states his disability "caused by falling off his horse near Fredericktown, Mo., while intoxicated." "A discharge would benefit the Government as well as himself." The surgeon who made the certificate in reply to Pension Office says, "I remember the case distinctly; I made the examination in person, and read the statement to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent." Rejected by Commissioner Dudley in 1883.

MARY SULLIVAN.

Vetoed because a precise duplicate of this was signed by the President July 1, 1886. Rejected in 1884 by Commissioner Dudley.

EMILY G. MILLS.

Husband, a retired naval officer, was accidentally shot and killed, 1873, by a neighbor who was attempting to shoot an owl. Not a pensionable case.

GEORGIA A. STRIKLETT.

Widow's claim is based upon allegation that he was wounded with buckshot by bushwhackers while recruiting in 1863. No record of such wounds. Soldier made no claim for pension. The evidence shows that he was killed by a pistol shot in an altercation with another man. Rejected in 1885 by Commissioner Black.

THEORORA M. PIATT.

Her husband served in the volunteer army as major and afterwards entered the regular Army and was subsequently placed on the retired list, where he remained until April, 1885, when he died by suicide. He was practicing law in Kentucky. Not pensionable.

NANCY F. JENNINGS.

Her husband was discharged June 24, 1862. Never applied for pension. Died 1877 of apoplexy. Not result of Army service. Rejected in 1886 by Commissioner Black.

SALLY A. RANDALL.

Her first husband enlisted in the war of 1812 and was discharged in 1814. Died April 12, 1831. Never applied for pension. Death not result from military service.

CYRENIUS G. STRYKER.

Filed claim 1879, alleging injury to spine September, 1862. Repeated medical examination failed to reveal any disability, and was rejected accordingly. Rejected by Commissioner Black in 1886.

WILLIAM H. HESTER.

Claims injury to eyes by sand blowing into them in a storm in 1869. It is conceded in the report of the committee to which this bill was referred that the claim was largely supported by perjury and forgery, but that claimant was believed to be innocent. The evidence in the Pension Office clearly establishes the whole case to be fraudulent and sustained wholly by perjury.

ROYAL J. HIAR.

Alleged disease not result of Army service. Rejected March, 1885, by Commissioner Clarke.

ELLEN SHEA.

Soldier never claimed pension. No record of any disability. In 1884 lost his life in a snow-slide in Colorado. Not a result of Army service. Rejected January, 1885, by Commissioner Clarke.

FARNAREN BALL.

Soldier died in 1872 from overdose of laudunum. Not entitled to pension. Rejected by Commissioner Black in 1885.

ELIZABETH BURR.

Husband enlisted for and served one hundred days in 1864. Never applied for pension. Died April, 1867, of dropsy. Thirteen years afterward his widow claimed pension on ground that the dropsy was contracted in service. Claim rejected by Pension Office as not sustained by evidence.

CHARLES GLAMANN.

Served to July, 1865. No record of injury or sickness except an attack of remittent fever. Fifteen years later claimed pension, alleging he was accidently struck and injured in left arm with a half brick by a comrade, doubtless result of personal altercation.

MARY F. HARKINS.

Husband pensioned for wound in right foot; died seventeen years after his discharge "from rupture of the heart." Widow's claim for pension, on ground that death was the result of the wound in foot, was properly rejected by the Pension Bureau on ground that the death cause was not the result of the wound. Rejected in 1884 by Commissioner Dudley.

ELLEN SEXTON.

Her husband, discharged 1864 for disability arising from vicious indulgence, died in 1875 of consumption. The cause of his death is not due to the Government service.

DOLLY BLAZER.

Husband mustered out June, 1865; never applied for pension, and died thirteen years afterward of yellow fever. Disapproved for reason that his death was not due to his military service. Rejected in 1886 by Commissioner Black.

ELIJAH MARTIN.

Vetoed because the proposed beneficiary is dead.

VIRTUE SMITH.

Husband was pensioned in 1867 for wound. Pension twice increased. Held Government clerkship sixteen years, and died in 1880, aged 64, of consumption. Up to 1877 was in excellent physical condition. His death was not related to his military service.

LIEUT. JAMES G. W. HARDY.

While traveling in recruiting service, 1864, placed his arm outside railroad-car window, when it was struck by something outside, and one of the bones broken. Had no right of action against railroad company. His fracture was not properly adjusted for ten months, during which time he remained in service. Pension Office rejected his claim. His injury was evidently the result of his carelessness.

MARY MINOR HOXEY.

Husband was pensioned, 1871, for wounds, and in 1879 was allowed arrearages from time of his discharge. He died December, 1881, of consumption while drawing pension of $17 per month. In 1884 his widow was allowed pension at same rate (also pension for two minor children, now attained the age of sixteen years), and still receives it, the same as allowed to all widows of her class. The bill proposed an increase of her pension, which would be unjust to other claimants equally meritorious.

JOHN A. TURLEY.

Interfered in altercation on steam-boat, under charge of an officer, and fallig, struck his head fatally. The bill proposed to pension his widow therefor. His death, however, was not the result of his military service.

MARY ANN DOUGHERTY.

Her widow's pension, secured in 1878, through fraudulent testimony and much false swearing on her part, and stopped upon discovering her husband was alive and himself drawing a pension. The bill in this case now proposes to grant her pension for injury she alleged to have receive while making cartridges in United States arsenal. Records show no such woman was ever employed there.

POLLY H. SMITH.

Husband, in 1870, after sixteen years' service, was placed on retired-list as officer on account of incapacity arising from fistula, developed in 1868. Fifteen years after his retirement, while attempting to raise a trunk to his shoulder, he suddenly died of heart disease. It is not seen how cause of his death can be connected with his service or incapacity therefrom.

JOEL B. MORTON.

Claimed pension for death of his son, Calvin Morton, in Custer massacre, 1876. The casualty records of the massacre, though very complete, contain no mention of such a soldier. Pension Bureau now searching for proof of son's service, which, if obtained, will secure claimant justice under general law. War Department records show Morton was alive and drawing pay two years after his death as claimed by this bill.

JULIA WELCH.

Her widow's pension claim having been rejected by Pension Bureau because soldier died from disease which bore no relation to any complaint contracted by him in Army, the veto upholds such rejection as correct. Rejected in 1886 by Commissioner Black.

MARY ANN LANG.

Husband was pensioned for wound in nose and died February, 1881, of dropsy. Widow's claim, filed 1884, was rejected on ground that soldier's fatal disease was not the result of his military service. Reputable medical evidence shows that soldier died of liver trouble from long and excessive drinking of beer and liquor; drinking harder towards the last of his life, though warned by his family physician. The medical referee of Pension Bureau, to whom appeal was taken for reversal of rejection by Pension Bureau, sustains the rejection. Rejected in 1886 by Commissioner Black.

NATHANIEL D. CHASE.

His claim in Pension Office begun June, 1864, renewed 1870, reopened 1880, and now pending, awaits further information and evidence to substantiate it. The Pension Bureau is competent to judge of his pensionability. Rejected in 1864 by Commissioner Barrett, and in 1882 by Commissioner Dudley.

HARRIET E. COOPER.

Her husband, a major, resigned 1863, on account of business affairs. Was afterward pensioned for rheumatism, and died twenty years afterward from chronic alcoholism, according to his attending physician's testimony, upon which rejection of her claim by Pension Office was based. The veto sustains action of Pension Office, which the bill endeavors to set aside.

WILLIAM M. CAMPBELL, JR.

Enlisted August 5, 1862, mustered out July 16, 1865, was a deserter for one year and seven months, and arrested and court-martialed. He alleges that in February, 1862, he contracted mumps from impure virus in vaccination. As he was not in United States service at that time, the proposed bill "seems neither to have law nor meritorious equity to support it." Rejected in 1880 by Commissioner Bentley.

VAN BUREN BROWN.

Eighteen years after discharge claimed pension, alleging various disabilities. His case, full of uncertainty and contradiction, was very thoroughly examined by Pension Bureau, rejected, subsequently reopened, re-examined, and again rejected. Three medical examinations failed to disclose any pensionable disability. Rejected by Commissioner Black in 1885 and 1887.

SARAH E. M'CALEB.

Her husband was discharged June, 1865. Died 1878 by suicide. No ground for pension shown. Rejected in 1883 by Commissioner Dudley.

DAVID A. SERVIS.

Alleges comrade put powder in his pipe, which exploded and injured his eyes; no record thereof or of any disability, although served two and a half years thereafter, when regiment was mustered out June, 1865. Never made claim until twenty-two years later.

ANNA MERTZ.

Her husband, who served as captain, resigned June, 1863. December 1, 1884, more than twenty years after his discharge, died from an overdose of morphine self-administered.

JOHANNA LOEWINGER.

Husband pensioned for chronic diarrhea, died July, 1876. A coroner's inquest found verdict of suicide by cutting his throat with a razor. His death was not caused by his military service.

STEPHEN SCHIEDEL.

Served from October, 1861, to October, 1864, without record of injury or disability. Sixteen years after discharge claimed pension, alleging injury to back and shoulder in June, 1862. Medical examinations disclosed injury to hand and arm and some rheumatic trouble all incurred since discharge, but do not sustain the injury for which he claimed pension. Death not result of military service.

ELISHA GRISWOLD.

Was discharged February, 1866. Filed claim 1880, alleging that while in prison in January, 1866, he fell from a swing and hurt his head and shoulder. No record of injury. Not result of army service. After this claim was rejected, in March, 1888, he filed another, alleging diarrhea and malarial poisoning.

CHARLES GLAMANN.

Served from September, 1864, to July, 1865; was injured in left arm by a brick thrown by a comrade in a personal altercation.

BRIDGET FOLEY.

Husband enlisted in August, 1862, and was discharged when he reached Washington for rheumatism contracted before he enlisted. He never applied for a pension, but died in 1873 of consumption. Cause of death had no relation to Army service.

TOBIAS BANEY.

Enlisted February, 1865, and was discharged in January, 1866. Claim for disability from palpitation of the heart. This case has been repeatedly examined by the Pension Bureau since 1878 and always rejected as unworthy. No reason why that Bureau's conclusion should not stand in this case as in others.

AMANDA F. DECK.

Husband was pensioned for a wound received in shoulder in an Indian fight in 1864. He was killed in 1883 in a personal difficulty not connected with his Army service.

THOMAS SHANNON.

Soldier in regular Army. While on leave at Rio Grande, Texas, in 1872, was injured by an explosion of powder at a 4th of July celebration. Rejected by Commissioner Baker.

THERESA HERBST.

Husband was in Union Army and captured by the Confederates at Gettysburgh. He then joined the rebel army and fought in its ranks for ten months, when he was taken prisoner by the Union forces. He died of heart disease in 1868. The President says:

"I will take no part in putting a name upon our pension-roll which represents a Union soldier found fighting against the cause he swore he would uphold; it would have been a sad condition of affairs if every captured Union soldier had deemed himself justified in fighting against his Government rather than to undergo the privations of capture."

JOHN F. BALLIER.

Claimant is now drawing under general law the full amount fixed by this bill.

WOODFORD M. HOUCHIN.

Disability is no wise attributable to Army service. The claim has been thoroughly examined and rejected by Commissioners Bentley, Dudley, and Black.

MARY FITZMORRIS.

The claimant is now receiving under general law the precise sum named in this bill.

APPENDIX B.

[From the Worcester (Mass.) Spy, Republican.]

President Cleveland's reasons for declining to approve the dependent pension bill are sound and sufficient. If it should become a law it would enormously increase the annual expenditure for pensions, adding probably to the list of pensioners nearly or quite as many as are now enrolled. The bill would open great opportunities for fraud. Comparatively few of the added pensioners would be either needy or deserving, and many of them never saw an enemy or encountered any of the hardships or dangers of war. We believe it is a fact, though it is not generally known, that the amount paid annually by the United States in military pensions exceeds considerably the pay of the soldiers in any of the great European armies, and the amount has increased enormously for some years past, and is likely to grow rather than diminish for many years to come. It is right that veterans disabled in the service by wounds or disease should be liberally pensioned, and a grateful country will not grudge the expense, but the bill which the President declines to approve goes much further than that, and further than is reasonable or just.

[From the Boston Traveler, Stalwart Republican.]

President Cleveland in vetoing the dependent soldiers' pension bill has undoubtedly put himself in harmony with the overwhelming sentiment of the country. Whatever his motives may have been, the country is to be congratulated on his act. It is not regarded as probable that the bill can be passed over his veto. Many of those who voted for it in the first instance will hesitate to vote for it the second time. The enormous draft on the Treasury it would necessitate in the event of its becoming a law was not at first appreciated, and its defects and dangers were not understood.

[From the Hartford Courant, Republican, Senator HAWLEY's paper.]

The President has vetoed the dependent pension bill. After the reasons he has assigned for vetoing numerous individual pension bills, where the proof was not clear that the disability of the applicant was the result of service in the Army or Navy, he could not honestly find it possible to approve a general pension bill, which proposed to grant pensions by wholesale to persons unable to

earn their support, whether or not their inability resulted from disease or injuries received in the service. This is an entirely new departure in the matter of pensions, except where many years have intervened, and one which does not receive the approval of the majority of the veterans of the war or of the public generally.

[From the Boston Transcript, Independent Republican.]

Whatever clamor is raised against President Cleveland for manfully discharging his duty by vetoing hasty and shambling legislation for the purpose of catching a few thousand soldier votes, will not survive a careful reading of the reasons which Mr. Cleveland gives as justifying his negative of the dependent pension bill.

The President discusses this whole question of pension granting in a dispassionate manner, as one who holds the scales fairly between the old soldier and the general community who must pay the taxes.

[From the Providence (R. I.) Journal, Independent Republican.]

The President has done himself credit by vetoing the dependent pension bill, and will earn more of the esteem of self-respecting veterans than the politicians who advocated and voted for it. The country can pardon a good many minor errors in a chief magistrate who has the courage to perform such an act of duty against clamor, misrepresentation, and mistaken sentiment. There will be no use in trying to make political capital out of the President's veto of the dependent pensions bill. The country has had such an experience with the arrears-of-pensions bill in the amount of the expense and the injurious effects upon the recipients of the bounty that it distrusts these measures and will approve their defeat. The President has done the country a good service, and will get the credit for his courage and patriotism from all right-thinking citizens irrespective of party.

[From the Buffalo Express, Republican.]

Undoubtedly the country is with him. The voice of the press is as truly the voice of the people as the voice of the people is the voice of God. The people of course include the old soldiers. Mr. Cleveland's veto nails the libelous lie that the majority or better element of veterans desired the passage of the pauper pension bill, which was an insult to their patriotism. The Democratic President proved a more watchful agent of the people than either the Democratic Representatives or the Republican Senators.

[From the Newark Daily Advertiser.]

It must be admitted that a bill so broad and generous, even lavish in its provisions as this is, must needs open a wide door to fraud and deception of various degrees of magnitude. Briefly, the bill is open to an indefinite variety of constructions. It was certain to encourage fraud. It would not reach so many of the deserving as of the undeserving.

[From the Philadelphia Press, Republican.]

Many of the President's criticisms to the bill are well founded. No one seems to know with certainty whether it would have cost the nation $5,000,000 or $50,000,000. The bill was drawn with such liberality and vagueness of language that there is grave reason to fear that had it or should it become a law it would impose upon the national Treasury a host of men who do not need or do not deserve this liberal bounty of a too lavish government.

[From the Philadelphia North American, Republican.]

President Cleveland's veto of the dependent pension bill will be heartily approved by the sober sense of the Republic. It will of course be condemned by those whom it disappoints, and unscrupulous demagogues of the baser sort may try to make party capital out of it. But thoughtful and intelligent citizens of both parties will rejoice that the President has had the moral courage to put this check upon a movement which threatened not only to bankrupt the Treasury but to demoralize the public mind, to destroy the spirit of manly independence in thousands of now self-supporting men, and to set the stigma of mendicancy and pauperism upon the honored veterans of the war of the rebellion.

[From the Philadelphia Telegraph, Republican.]

President Cleveland yesterday did what all good citizens, and especially all patriotic ex-soldiers and sailors, expected he would do when it was announced that the so-called dependent pension bill had finally passed both branches of Congress—the Senate without division and the House by a vote of 180 yeas to 76 nays—by sending in a veto message in which he discusses the whole subject at great length and gives abundant reasons why such a measure should not become a law. This bill is the worst and most extravagant of a number of excessively extravagant pension bills that have been enacted in a spirit of demagogism, and it is little better than an insult to every man who served in the Federal Army or Navy during the civil war for better reasons than those strictly relating to bounty, wages, and opportunities for plunder.

[From the Philadelphia Bulletin, Republican.]

President Cleveland's veto of the pauper pension bill will be generally approved. The measure was one of those pieces of hasty legislation, passed in deference to popular sentiment, with but little regard to consequences.

The veto message is a direct, logical document, questioning very properly the wisdom of adopting the service-pension principle, and exposing the faulty construction of the bill.

[From the Albany Express, Republican.]

The dependent-pension bill, which President Cleveland vetoed last week, is a measure that never should have passed, and would not, it seems to us, if Senators and Representatives had not deliberately shirked what many of them must have known and felt, and which some of them even admitted, to be a duty. Its passage resulted largely from moral cowardice—a common but most pernicious failing on the part, unfortunately, of too many public men. What would have happened if the President had been similarly weak we can all see very clearly, now that our attention has been particularly called to it. President Cleveland is, therefore, entitled to credit and thanks for the manly and sensible stand he has taken, and we are sure the country will applaud and sustain him in it. It is good to note, for once, that the political press of the country, without distinction of party, is substantially agreed in sustaining the President, and in giving him credit for firmness and courage at a time when those qualities were in great demand.

[From the Poughkeepsie Eagle, Republican.]

The people of the United States owe recognition to the courage of President Cleveland for his action in refusing to sign the dependent-pension bill. All parties desire to honor and treat fairly and liberally those who fought in defense of their country, but this has already been done. As the President says, history shows no record of any soldiers who were paid as well while in service, or who have been provided for as bountifully since their discharge. Nobody regrets this, and nobody thinks there has been too much done, but there is a limit to all things, and when the pension appropriation is equal to two-thirds of the cost of the entire military establishment of Germany, it is certainly time to stop.

[From the Utica Herald, Republican.]

President Cleveland vetoes the so-called dependent-pension bill. The principle which has governed pension legislation heretofore has been that pensions should be given only for wounds or disabilities incurred in Army or Navy service. This bill proposed an enlargement of the pension idea—to pension for service as well as for injuries received in service. It created a new class of pensioners, a class difficult of ascertainment. When this bill was before Congress nobody was able to tell how much money it would take from the Treasury. The chairman of the House Pension Committee thought it would cost not more than $6,000,000. When the arrears bill was before Congress official assurance was given that it would cost less than $25,000,000. It has cost at the present time $218,000,000. It is deemed a reasonable estimate that the dependent bill would add at least $70,000,000 annually to the pension payments. The claim agents would fatten anew on the opportunities so flexible a measure would present. Veterans all over the country have spoken out against this measure. There was perceptible nowhere, except among demagogues and claim agents, a demand for it.

[From the Buffalo Commercial Advertiser, Republican.]

The dependent pension bill was passed by both Houses of Congress without very careful scrutiny, and its full bearings were not clearly understood by the country until it was in a fair way of becoming a law. The result of the general study of the measure that has been going on since then is that public sentiment, so far as it is reflected by the press of the country, is almost wholly against it. The objections to the measure raised by Republican and Democratic papers alike are substantially those set forth at length in the President's veto message. The bill was loosely drawn, and in its present form ought not to have received the approval of Congress.

[From the Rochester Herald, Republican.]

President Cleveland has vetoed the pauper pension bill which a truckling Congress passed. The premises are sound and the conclusions irresistible. Now, what is Congress going to do about it? There will undoubtedly be an effort to pass the bill over the veto, but it does not seem possible that it can succeed.

[From the Syracuse Journal, Republican.]

The nearly unanimous voice of the press of the country, reflecting the prevalent opinion, is heeded by the President in his veto of the dependent pension bill. Congress was not courageous enough to face the claim agents' lobby. Now that it has heard the voice of the nation it will not presume to exercise again the power it seemed to have, and a wholesome check will be put upon such sweeping pension legislation.

[From the Troy Times, Republican.]

The veto by the President of the dependent pension bill will be generally approved by public sentiment throughout the country. It was, indeed, the wisest act with which he can be credited during his administration thus far. For the position finally taken he deserves credit, and it will be freely extended to him on every hand. Dissatisfaction will find expression chiefly among the claim agents and attorneys who originated this intended "strike" upon the Treasury, and expected to make large gains by it.

[From the Paterson (N. J.) Press, Republican.]

The Press is willing to go as far as reason will allow in urging the granting of pensions to veterans of the Union Army. But it is a serious question whether justice to worthy veterans demands that the dependent pension bill, which has just been vetoed by the President, should be passed over the veto; and principally for this reason is it doubtful: The pension business, everybody knows who knows anything about it, is infected with abuses of a very grave character. In fact, it is a question whether under the operations of the pension ring the larger portion of the pensions appropriations does not now yearly fall into the hands of pension agents rather than go to the men who ought to be benefited. If it were possible to remove this notorious abuse of a generous nation's bounty, we do not believe that any really patriotic American would object to the very last degree of liberality in spending the surplus revenue in alleviating the wants of Union veterans or those dependent upon them, even though their needs might not be directly traceable to service in the Army or Navy of the Republic. How far, indeed, this dependent pension bill meets the approval of the best class of Union veterans is itself a question. It is a difficult problem to solve. On the whole, with such knowledge as we have on the subject, it seems to be better to have no further legislation of a general nature affecting pensions, but to allow applications to be dealt with on their individual merits.

[From the Norristown (Pa.) Herald, Republican.]

There is a very general disposition to give the President credit for his veto of the dependent pension bill. In fact, he seems to have made out a pretty case.

[From the Pittsburgh Chronicle-Telegraph, Republican.]

In common fairness and justice to the President, we must heartily commend his action in vetoing the dependent pension bill. His veto messages are plain, straightforward, manly statements of facts, and should have weight with all fair-minded persons regardless of political bias. The matter of granting pensions has been carried to such an excess by Congress that it was absolutely necessary that a check should be put upon it, and the dependent pension bill offered just the opportunity needed.

It was a measure tending to foster greed at the expense of patriotism. We know that this is not the popular side of the question, but the side for the moment most popular is not necessarily the right side. Going to the root of the whole business, patriotism has very little to do nowadays with the passage of pension legislation. Congressmen long ago saw that it was an easy way to gain favor with the soldier element, and have carried it to an unreasonable and unjustifiable length, and President Cleveland does right in calling a halt.

[From the Wheeling (W. Va.) Intelligencer, Republican.]

Nobody was able to give any reliable estimate of the number of persons who would come forward as claimants under the dependent pension bill, and therefore it was impossible to form any idea of the amount of money that would be required to satisfy the claims. This is a fatal objection to the bill, and the President did well to veto it, notwithstanding it passed Congress by so large a majority. There is good reason to believe that many who voted for the measure in Congress did so in the belief that it would be vetoed. It is not possible that it will be passed over the veto.

[From the Cincinnati Commercial-Gazette, Republican.]

The objection to the bill was that it opened the door for vast abuses. The way these could come to pass is strongly stated by the President.

[From the Cincinnati Times-Star, Republican.]

The pauper-pension bill was wrong in principle, and would have led to endless abuses in practice. It was not demanded by the soldiers who did the fighting, and who do not ask a penny in charity from the Government. In plain English it was "a levy on the rifle-pits for the benefit of the ambulance brigade," and any veteran knows what that means. It would have increased taxation by about $70,000,000 a year, but this was a secondary consideration not sufficient to condemn the bill had it been just. Pension laws need amending, but this would have been a dangerous departure.

[From the Minneapolis Journal, Republican.]

The President has vetoed the dependent-pension bill. That was a good place for a veto. Public sentiment will sustain this act of the Executive. It is generally regarded as unworthy of the country and a mark of ingratitude to hesitate to meet any demand made in the name of the veterans of the late war, but this measure seems to have been inspired more by a desire to revive the failing

business of the pension agencies than to aid the dependent parents of veterans of the war.

[From the Chicago Tribune, Republican.]

President Cleveland's message returning the dependent-pension bill to Congress is by all odds the ablest state paper the President has written. The document is remarkable, indeed, for close, clear analysis, strong reasoning, and unimpeachable conclusions. Since the complete exposure the President has made of this loosely drawn and dangerous bill any Democrat who votes to pass it over the veto will very likely incur a judgment of political death at the hands of his party, and Republicans who yield it demagogic support will need much better reasons than they have yet made public to justify themselves before the people.

It was a courageous act for Mr. Cleveland to face the demagogues in Congress with the veto of a general outdoor-relief pension bill, but he has done it without hesitation, and justified himself at every point. The bill involves a "tremendous addition" to the burdens of the Government and the imposition on the laboring and tax-paying classes, and added to the present tax for pensions would make a load heavier than the support of any standing army in Europe. In point of demagogy, fraud, waste, injustice, and appalling expense to the people of the United States, this bill transcends anything ever passed in Congress, or by the Parliament of any other country. Let every man, whether he has been for or against the bill, read the veto message carefully before he expresses any opinion on the rightfulness of the Executive negative.

"THE PRESIDENT WAS RIGHT."

This is what George W. Childs says of the pension vetoes:

[From the Philadelphia Ledger, July 13.]

There have been but few Presidents of the United States who have so conspicuously displayed so high a degree of moral courage in the discharge of the duties of their office as Mr. Cleveland has done, and in nothing else has he exhibited his elevated sense of responsibility so much as in his vetoes of sundry private pension bills. This, which should have been universally recognized as meritorious, has been by many of his partisan opponents set down against him as an offense. His motives are impugned, his conduct misrepresented, and he is held up to the contumely of all those who have fought their country's battles as one who is indifferent to their valor, unappreciative of their services, opposed to conceding them the reward which is justly theirs.

There is nothing in the vetoes of the President to prove these grave charges; there is nothing in them to give even the color of credibility to them. So far have the President's political opponents pursued their opposition to him in this respect as to contend that his numerous vetoes of these private pension bills is a flagrant abuse of the constitutional exercise of the veto power, and an insult to the legislative department of the Government. That is as false a contention as could be made; the Constitution is mandatory to the effect that "every bill" passed by the House and Senate shall, before it becomes a law, be presented to the President of the United States. If he shall approve it, he shall sign it; but if he shall not approve it, he shall return it to the House in which it originated, with his objections, and then the bill shall become law only by a vote of two-thirds of each House.

The known facts regarding these private pension bills similarly determine the propriety of the President's vetoes. He does what neither the Senate nor the House does; he devotes time, labor, and thought to the consideration of every separate pension bill presented to him, and according to their merits or defects he approves or disapproves them. In marked contrast with what the President has done in diligently, carefully inquiring into the merits of the bills presented to him for his approval is the unconsidered, reckless conduct of the Senate in passing them, illustrated by the uncontested statement of Senator BUTLER, in yesterday's debate, that in a single session of seventy minutes that body had passed 147 private pension bills.

In one of his veto messages last week the President said that the idea of Congress seems to be "that no man who served in the Army can be the subject of death or impaired health, except that they are chargeable to his service. Medical theories are set at naught, and the most startling relation is claimed between alleged incidents of military service and disability or death. Fatal apoplexy is admitted as the result of quite insignificant wounds, heart disease is attributed to chronic diarrhea, and suicide is traced to Army service in a wonderfully devious and circuitous way. * * * This course of special legislation acts very unfairly. Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws."

All this is the truth, as case after case has established it, and yet the hue and cry of unscrupulous partisanship has so perverted the good conscience and devotion to duty of the President as to make him seem an enemy of the soldiers and his conduct an offense to them. No one who has read the President's veto messages in which he has stated his objections to those bills which he has disapproved can fail to perceive that he has, in every case, acted in entire good faith with respect to the claims of our soldiers. The pension list, he said, should be made a roll of honor, a record of the great, heroic deeds of brave men, and be not marred by the appearance of the names upon it of those who are unworthy of the distinction and benefits it should confer.

That the President was right, that Congress was wrong in the matter of the overwhelming proportion of the vetoed bills is proved by the fact that Congress has recognized, except in the very rarest instances, the validity of his objections. It was in its power to set aside his vetoes in any case if it were right and he wrong, but in how many cases has it done so? In so exceedingly small a number as to testify to his general wisdom, courage, and integrity in connection with these bills.

In this regard it is worth the while of the people to consider that there is something better than partisan supremacy; that fidelity shown in the administration of the Government is much better, and that there can be no partisan necessity so strong as to warrant the condemnation, through misrepresentation, of the Executive for doing that which it is his duty to do. In this private pension business the President has been engaged in correcting the errors of Congress. He has done it at the risk of having his motives misrepresented, his conduct denounced, his patriotism questioned, his popularity impaired; but, conscious of being right, determined to do right, he has gone resolutely on in the faithful discharge of his duty. That is what he should be encouraged to continue to do, and by no others more than by the brave men who fought the battles of their country, and who should now stand shoulder to shoulder with the Commander-in-Chief of the Army in his efforts to make the pension list a roll of honor and every pension certificate a token of valor and patriotism.

[General Sherman to the Grand Army, St. Louis, June 12, 1887.]

Honest men differ widely on this question of pensions to our old and feeble comrades. We all want to do what is right, but differ as to the means. All we know is that after twenty-odd years after the civil war the Government of the United States under Republican and Democratic rule pays out to our old soldiers of the Union Army about $60,000,000 per year and a few thousand to the Mexican war veterans, regardless of locality, and not one cent to the rebels of the South whom we fought in the civil war. We old soldiers of the civil war have not yet just cause to make an issue on the question of pensions to our infirm and wounded comrades. I advise you to go right along, prepare the way for the Grand Army of the Republic at its session of Wednesday, September 28, 1887, at St. Louis, and receive them as they deserve, as honored guests; also, the President of the United States, with such other honored guests as may grace the occasion. If any of our comrades feel hurt at the association, they can remain at home, but the sun will rise each morning, the seasons will follow each other in quick succession, and the world with its myriads of people will go right along just the same.

The bill was very imperfect—

said ex-Congressman Negley, of Pensylvania, a leading Republican of that State—

and the President, I think, showed mature judgment in writing the veto he did.

General H. V. Boynton, the veteran Republican correspondent at Washington, who was a brave soldier during the war, talks in a similar strain:

To me the bill seems to be a mixture of good and bad, with the bad predominating. The claims of dependent parents do not need argument. There is also a large class of dependent soldiers, many—to the disgrace of the country—in poor-houses; many more dependent on relations, who, however willing, are sorely burdened with their charge. A nation which has been saved by the aid of such men ought not to hesitate to contribute liberally to their support. But the trouble is that while the bill aids these classes, it also opens a wide door for the undeserving, the shirks, and similar classes, with whom good soldiers have nothing in common. The pernicious features of the bill are such as now constantly arise from that view of a pension bill which prompts too many politicians to ask as the first question how a bill can be framed to catch the most votes, either for themselves or their party. With such attempts at legislation the honorable soldiers of the country never had the least sympathy.

[Harrisburg corrrespondence Pittsburgh Dispatch, Republican.]

QUAY WOULD SUSTAIN CLEVELAND'S VETO.

Colonel QUAY received a letter to-day from a corporal in his old regiment, a man who was pretty thoroughly shot to pieces in the war, asking him to oppose any attempt to pass the dependent-pension bill over the President's veto.

"The old man is a little previous," said the Senator-elect, speaking of the letter; "he doesn't quite understand that I haven't a vote in the Senate this session. But he has the right idea about that bill. At least he speaks the sentiments of every real soldier I have heard express an opinion on the subject. The men who did the actual fighting and have some pride in their record as soldiers don't want to be pauperized. There is not a man in my Grand Army post in favor of it. I don't think any considerable number of Grand Army posts can be got to support the movement to pass the bill over the President's veto. That veto message is the best thing President Cleveland has put his hand to, and if I were in the Senate I would vote to sustain him."

APPENDIX C.

PRESIDENT CLEVELAND'S APPEALS FOR JUSTICE TO ALL WORTHY PENSIONERS BY THE PASSAGE OF GENERAL LAWS THAT SHALL GIVE TO LIKE CASES LIKE PENSIONS.

[From Cleveland's first annual message.]

While there is no expenditure of the public funds which the people more cheerfully approve than that made in recognition of the services of our soldiers living and dead, the sentiment underlying the subject should not be vitiated by the introduction of any fraudulent practices. Therefore it is fully as important that the rolls should be cleansed of all those who by fraud have secured a place thereon, as that meritorious claims should be speedily examined and adjusted. The reforms in the methods of doing the business of this bureau which have lately been inaugurated promise better results in both these directions.

[From Cleveland's second annual message.]

The report of the Commissioner of Pensions contains a detailed and most satisfactory exhibit of the operations of the Pension Bureau during the last fiscal year. The amount of work done was the largest in any year since the organization of the bureau; and it has been done at less cost than during the previous year in every division.

On the 30th day of June, 1886, there were 365,783 pensioners on the rolls of the bureau.

Since 1861 there have been 1,018,735 applications for pensions filed, of which 78,834 were based upon service in the war of 1812. There were 621,754 of these applications allowed, including 60,178 to the soldiers of 1812 and their widows.

The total amount paid for pensions since 1861 is $808,624,811.57.

The number of new pensions allowed during the year ended June 30, 1886, is 40,857—a larger number than has been allowed in any year save one since 1861; the names of 2,229 pensioners which had been previously dropped from the rolls were restored during the year, and after deducting those dropped within the same time for various causes a net increase remains for the year of 20,658 names.

From January 1, 1861, to December 1, 1885, 1,967 private pension acts had been passed. Since the last-mentioned date, and during the last session of the Congress, 644 such acts became laws.

It seems to me that no one can examine our pension establishment and its operations without being convinced that through its instrumentality justice can be very nearly done to all who are entitled under present laws to the pension bounty of the Government.

But it is undeniable that cases exist, well entitled to relief, in which the Pension Bureau is powerless to aid. The really worthy cases of this class are such as only lack by misfortune the kind or quantity of proof which the law and regulations of the Bureau require, or which, though their merit is apparent, for some other reason can not be justly dealt with through general laws. These conditions fully justify application to the Congress and special enactments; but resort to the Congress for a special pension act to overrule the deliberate and careful determination of the Pension Bureau on the merits or to secure favorable action when it could not be expected under the most liberal execution of general laws, it must be admitted, opens the door to the allowance of questionable claims, and presents to the legislative and executive branches of the Government applications concededly not within the law and plainly devoid of merit, but so surrounded by sentiment and patriotic feeling that they are hard to resist. I suppose it will not be denied that many claims for pension are made without merit, and that many have been allowed upon fraudulent representations. This has been declared from the Pension Bureau not only in this, but in prior administrations.

The usefulness and the justice of any system for the distribution of pensions depend upon the equality and uniformity of its operation.

The American people, with a patriotic and grateful regard for our ex-soldiers—too broad and too sacred to be monopolized by any special advocates—are not only willing but anxious that equal and exact justice should be done to all honest claimants for pensions. In their sight the friendless and destitute soldier, dependent on public charity, if otherwise entitled, has precisely the same right to share in the provision made for those who fought their country's battles as those better able, through friends and influence, to push their claims. Every pension that is granted under our present plan upon any other grounds than actual service and injury or disease incurred in such service, and every instance of the many in which pensions are increased on other grounds than the merits of the claim, work an injustice to the brave and crippled, but poor and friendless soldier, who is entirely neglected or who must be content with the smallest sum allowed under general laws.

There are far too many neighborhoods in which are found glaring cases of inequality of treatment in the matter of pensions; and they are largely due to a yielding in the Pension Bureau to importunity on the part of those, other than the pensioner, who are especially interested, or they arise from special acts passed for the benefit of individuals.

The men who fought side by side should stand side by side when they participate in a grateful nation's kind remembrance.

Every consideration of fairness and justice to our ex-soldiers, and the protection of the patriotic instinct of our citizens from perversion and violation, point to the adoption of a pension system broad and comprehensive enough to cover every contingency, and which shall make unnecessary an objectionable volume of special legislation.

As long as we adhere to the principle of granting pensions for service, and disability as the result of the service, the allowance of pensions should be restricted to cases presenting these features.

Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy or the tender mercies of social and political influence, with their unjust discriminations.

The discharged soldiers and sailors of the country are our fellow-citizens, and interested with us in the passage and faithful execution of wholesome laws. They can not be swerved from their duty of citizenship by artful appeals to their spirit of brotherhood born of common peril and suffering, nor will they exact as a test of devotion to their welfare a willingness to neglect public duty in their behalf.

EXTRACTS FROM VETOES OF PRIVATE PENSION BILLS.

In his message returning to Congress the first pension bill disapproved, that of Andrew J. Hill, vetoed for the reason that the pensioner's name was Alfred J. Hill and that the proposed bill would be inoperative, the President took occasion to say:

The policy of frequently reversing, by special enactment, the decisions of the bureau invested by law with the examination of pension claims, fully equipped for such examination, and which ought not to be suspected of any lack of liberality to our veteran soldiers, is exceedingly questionable. It may well be doubted if a committee of Congress has a better opportunity than such an agency to judge of the merits of these claims. If, however, there is any lack of power in the Pension Bureau for a full investigation it should be supplied; if the system adopted is inadequate to do full justice to claimants, it should be corrected; and if there is a want of sympathy and consideration for the defenders of our Government the bureau should be reorganized.

The disposition to concede the most generous treatment to the disabled, aged, and needy among our veterans ought not to be restrained; and it must be admitted that is some cases justice and equity can not be done nor the charitable tendencies of the Government in favor of worthy objects of its care indulged under fixed rules. These conditions sometimes justify a resort to special legislation; but I am convinced that the interposition by special enactment in the granting of pensions should be rare and exceptional. In the nature of things if this is lightly done and upon slight occasion, an invitation is offered for the presentation of claims to Congress, which upon their merits could not survive the test of an examination by the Pension Bureau, and whose only hope of success depends upon sympathy, often misdirected, instead of right and justice. The instrumentality organized by law for the determination of pension claims is thus often overruled and discredited, and there is danger that in the end popular prejudice will be created against those who are worthily entitled to the bounty of the Government.

In another case he says:

We have here presented the case of a soldier who did his duty during his Army service, and who was discharged in 1865 without any record of having suffered with rheumatism and without any claim of disability arising from the same; he returned to his place as a citizen, and in peaceful pursuits, with chances certainly not impaired by the circumstance that he had served his country, he appears to have held his place in the race of life for fifteen years or more. Then, like many another, he was subjected to loss of sight, one of the saddest afflictions known to human life.

Thereupon, and after nineteen years had elapsed since his discharge from the Army, a pension is claimed for him, upon a very shadowy allegation of the incurrence of rheumatism while in the service, coupled with the startling proposition that this rheumatism resulted, just previous to his application, in blindness. Upon medical examination it appeared that his blindness was caused by amaurosis, which is generally accepted as an affection of the optic nerve.

I am satisfied that a fair examination of the facts in this case justifies the statement that the bill under consideration can rest only upon the grounds that aid should be furnished to this ex-soldier because he served in the Army, and because he a long time thereafter became blind, disabled, and dependent.

The question is whether we are prepared to adopt this principle and establish this precedent.

None of us are entitled to credit for extreme tenderness and consideration toward those who fought their country's battles; these are sentiments common to all good citizens; they lead to the most benevolent care on the part of the Government and deeds of charity and mercy in private life. The blatant and noisy self-assertion of those who, from motives that may well be suspected, declare themselves above all others friends of the soldier, can not discredit nor belittle the calm, steady, and affectionate regard of a grateful nation.

An appropriation has just been passed setting apart $76,000,000 of the public money for distribution as pensions, under laws liberally constructed, with a view of meeting every meritorious case; more than a million of dollars was added to maintain the Pension Bureau, which is charged with the duty of a fair, just, and liberal apportionment of this fund.

Legislation has been at the present session of Congress perfected, considerably increasing the rate of pension in certain cases. Appropriations have also been made of large sums for the support of national homes where sick, disabled, or needy soldiers are cared for; and within a few days a liberal sum has been appropriated for the enlargement and increased accommodation and convenience of these institutions.

All this is no more than should be done.

But with all this, and with the hundreds of special acts which have been passed, granting pensions in cases where, for my part, I am willing to confess that sympathy rather than judgment has often led to the discovery of a relation between injury or death and military service, I am constrained by a sense of public duty to interpose against establishing a principle and setting a precedent which must result in unregulated, partial, and unjust gifts of public money under the pretext of indemnifying those who suffered in their means of support as an incident of military service.

Again he says:

In speaking of the promiscuous and ill-advised grants of pensions which have lately been presented to me for approval, I have spoken of their "apparent Congressional sanction" in recognition of the fact that a large proportion of these bills have never been submitted to a majority of either branch of Congress, but are the results of nominal sessions held for the express purpose of their consideration and attended by a small minority of the members of the respective Houses of the legislative branch of Government.

Thus, in considering these bills, I have not felt that I was aided by the deliberate judgment of the Congress; and when I have deemed it my duty to disapprove many of the bills presented, I have hardly regarded my action as a dissent from the conclusions of the people's representatives.

I have not been insensible to the suggestions which should influence every citizen, either in private station or official place, to exhibit not only a just but a generous appreciation of the services of our country's defenders. In reviewing the pension legislation presented to me, many bills have been approved upon the theory that every doubt should be resolved in favor of the proposed beneficiary. I have not, however, been able to entirely divest myself of the idea that the public money appropriated for pensions is the soldiers' fund, which should be devoted to the indemnification of those who, in the defense of the Union and in the nation's service have worthily suffered, and who, in the days of their dependence resulting from such suffering, are entitled to the benefaction of their Government.

This reflection lends to the bestowal of pensions a kind of sacredness which invites the adoption of such principles and regulations as will exclude perversion as well as insure a liberal and generous application of grateful and benevolent designs. Heedlessness and a disregard of the principle which underlies the granting of pensions is unfair to the wounded, crippled soldier who is honored in the just recognition of his Government. Such a man should never find himself side by side on the pension-roll with those who have been tempted to attribute the natural ills to which humanity is heir to service in the Army. Every relaxation of principle in the granting of pensions invites applications without merit and encourages those who for gain urge honest men to become dishonest. Thus is the demoralizing lesson taught the people, that as against the public Treasury the most questionable expedients are allowable.

In another case he says:

I can not spell out any principle upon which the bounty of the Government is bestowed through the instrumentality of the flood of private pension bills that reach me. The theory seems to have been adopted that no man who served in the Army can be the subject of death or impaired health except they are chargeable to his service. Medical theories are set at naught and the most startling relation is claimed between alleged incidents of military service and disability or death. Fatal apoplexy is admitted as the result of quite insignificant wounds, heart disease is attributed to chronic diarrhea, consumption to hernia, and suicide is traced to army service in a wonderfully devious and curious way.

Adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress, since nearly all the beneficiaries named in these bills have unsuccessfully applied to that bureau for relief.

This course of special legislation operates very unfairly.

Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws. It operates unfairly by increasing in numerous instances the pensions of those already on the rolls, while many other more deserving cases from the lack of fortunate advocacy are obliged to be content with the sum provided by general laws.

The apprehension may well be entertained that the freedom with which these private pension bills are passed furnishes an inducement to fraud and imposition, while it certainly teaches the vicious lesson to our people that the Treasury of the national Government invites the approach of private need.

None of us should be in the least wanting in regard for the veteran soldier, and I will yield to no man in a desire to see those who defended the Government when it needed defenders liberally treated. Unfriendliness to our veterans is a charge easily and sometimes dishonestly made.

I insist that the true soldier is a good citizen, and that he will be satisfied with generous, fair, and equal consideration for those who are worthily entitled to help.

I have considered the pension list of the Republic a roll of honor bearing names inscribed by national gratitude and not by improvident and indiscriminate alms-giving.

I have conceived the prevention of the complete discredit which must ensue from the unreasonable, unfair, and reckless granting of pensions by special acts to be the best service I can render our veterans.

In the discharge of what has seemed to me my duty as related to legislation and in the interest of all the veterans of the Union Army, I have attempted to stem the tide of improvident pension enactments, though I confess to a full share of responsibility for some of these laws that should not have been passed.

I am far from denying that there are cases of merit which can not be reached except by special enactment; but I do not believe there is a member of either House of Congress who will not admit that this kind of legislation has been carried too far.

My aim has been at all times, in dealing with bills of this character, to give the applicant for a pension the benefit of any doubt that might arise and which balanced the propriety of granting a pension, if there seemed any just foundation for the application; but when it seemed entirely outside of every rule, in its nature or the proof supporting it, I have supposed I only did my duty in interposing an objection.

It seems to me that it would be well if our general pension laws should be revised with a view of meeting every meritorious case that can arise. Our experience and knowledge of any existing deficiencies ought to make the enactment of a complete pension code possible.

In the absence of such a revision and if pensions are to be granted upon equitable grounds and without regard to general laws, the present methods would be greatly improved by the establishment of some tribunal to examine the facts in every case and determine upon the merits of the application.

Other extracts are as follows:

If such speculations and presumptions as this are to be indulged, we shall find ourselves surrounded and hedged in by the rule that all men entering an army were free from disease or the liability to disease before their enlistment, and every infirmity which is visited upon them thereafter is the consequence of army service.

* * * * * * *

Before the passage of the bill herewith returned, the Commissioner of Pensions, in ignorance of the action of Congress, allowed his claim under the general law. As this decision of the Pension Bureau entitles the beneficiary named to draw a pension from the date of filing his application, which, under the provisions of the special bill in his favor, would only accrue from the time of its passage, I am unwilling that one found worthy to be placed upon the pension-rolls by the Bureau to which he properly applied should be an actual loser by reason of a special interposition of Congress in his behalf.

* * * * * * *

I am by no means insensible to that influence which leads the judgment toward the allowance of every claim alleged to be founded upon patriotic service in the nation's cause. And yet I neither believe it to be a duty nor a kindness to the worthy citizens for whose benefit our scheme of pensions was provided, to permit the diversion of the nation's bounty to objects not within its scope and purpose.

It is not a pleasant thing to interfere in such a case. But we are dealing with pensions and not with gratuities.

* * * * * * *

I believe her case to be a pitiable one and wish that I could join in her relief. But unfortunately official duty can not always be well done when directed solely by sympathy and charity.

* * * * * * *

A disabled man and wife and family in need are objects which appeal to the sympathy and charitable feelings of any decent man, but it seems to me that it by no means follows that those intrusted with the people's business and the expenditure of the people's money are justified in so executing the pension laws as that they shall furnish a means of relief in every case of distress or hardship.

THE ONLY "REBEL PENSION" BILL PRESENTED VETOED BY CLEVELAND.

After his capture he joined the Confederate forces and in 1865 was captured by General Stoneman while in arms against the United States Government. He was imprisoned and voluntarily made known the fact that he formerly belonged to the Union Army. Upon taking the oath of allegiance and explaining that he deserted to the enemy to escape the hardship and starvation of prison life, he was released and mustered out of the service on the 11th day of October, 1865.

He was regularly borne on the Confederate muster-rolls for probably nine or ten months. No record is furnished of the number of battles in which he fought against the soldiers of the Union, and we shall never know the death and the wounds which he inflicted upon his former comrades in arms.

He never applied for a pension, though it is claimed now that at the time of his discharge he was suffering from rheumatism and dropsy, and that he died in 1868 of heart disease. If such disabilities were incurred in military service they were quite likely the result of exposure in the Confederate army; but it is not improbable that this soldier never asked a pension because he considered that the generosity of his Government had been sufficiently taxed when the full forfeit of his desertion was not exacted.

The greatest possible sympathy and consideration are due to those who bravely fought, and being captured as bravely languished in rebel prisons.

But I will take no part in putting a name upon our pension-roll which represents a Union soldier found fighting against the cause he swore he would uphold; nor should it be for a moment admitted that such desertion and treachery are excused when it avoids the rigors of honorable capture and confinement.

It would have been a sad condition of affairs if every captured Union soldier had deemed himself justified in fighting against his Government rather than to undergo the privations of capture.

Mr. HENDERSON, of Iowa. Mr. Chairman, I ask unanimous consent, and I have no doubt that the gentleman in charge of the bill will readily accede to it, that our side of the House be granted some time to reply to the remarks of the gentleman from New Hampshire.

Mr. McKINNEY. I was replying to a gentleman on that side of the House, the gentleman from Indiana.

The CHAIRMAN. The gentleman from New Hampshire occupied thirteen minutes additional time at the request of the gentleman from Iowa.

Mr. HENDERSON, of Iowa. I thought it was more than that. I thought it was at least twenty.

Mr. BOUTELLE. I move to strike out the last word.

Mr. HENDERSON, of Iowa. I ask that our side be granted thirty minutes.

Mr. SPINOLA. Say thirty minutes on each side.

Mr. HENDERSON, of Iowa. Well, if the gentleman wants time on that side, let us say forty on each side.

Mr. SPINOLA. Very well; we might just as well devote the balance of the day to this discussion and make it a field day.

The CHAIRMAN. The Chair will submit the request of the gentleman from Iowa to the committee.

Is there objection to allowing forty minutes on each side?

Mr. STONE, of Missouri. I object.

Mr. HENDERSON, of Iowa. Then I renew my former request for thirty minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. STONE, of Missouri. I object to that, and demand the regular order.

Mr. SPRINGER. How much time will it take to make an equal division of the time?

The CHAIRMAN. It would require about fifteen minutes on the left of the Chair to equalize the time used by the gentleman from New Hampshire.

Mr. McMILLIN. I hope the gentleman from Missouri will withdraw his objection.

Mr. SPRINGER. I ask unanimous consent that fifteen minutes at least be allowed to gentlemen on the other side of the House.

Mr. STONE, of Missouri. In deference to what seems to be the wishes of the committee, I will withdraw my objection.

Mr. BURNES. I trust my friend from Iowa will be allowed thirty minutes.

Mr. HENDERSON, of Iowa. I am not asking it for myself, but for our side of the House.

Mr. BURNES. How much time will the gentleman want for himself?

Mr. HENDERSON, of Iowa. I do not know that I shall occupy any time myself.

Mr. BURNES. Let us give the gentleman thirty minutes to be occupied as he sees proper.

The CHAIRMAN. Is there objection?

Mr. BURNES. If it is understood that we are then to stop this electioneering business and proceed with the regular order in the House, I think there will be no objection by any one.

The CHAIRMAN. The Chair hears no objection.

Mr. HENDERSON, of Iowa. Now I yield that time to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, I shall not attempt to follow the gentleman from New Hampshire [Mr. McKINNEY] in all his line—I will not say of argument, but of oration. I wish to traverse a single field, and that will be the field of pension legislation. The mission of the gentleman from New Hampshire has been to attempt to prove that the Democratic party is entitled to the credit of the increased number of pension certificates issued within the past three years, and that the present Democratic Administration has therefore been a better friend of the soldier than the Republican administrations preceding. That is the position I shall attempt to traverse. And I now lay down this primary proposition, that every man, woman and child borne upon the pension-rolls of the United States to-day is there by virtue of the action of the Republican party or the representatives of that party, except those who have been restored to the roll after having been dropped therefrom for participation in rebellion against the Government. [Applause.] That is my first proposition.

The distinguished gentleman from Indiana [Mr. MATSON] printed in the RECORD on last Sunday a well-considered and elaborate speech, in which he made the following statement:

Let me suggest that whatever defects there may be in the pension laws are the legacies of Republican rule. NO PARTY DURING OR SINCE THE CIVIL WAR HAS HAD THE POWER TO ENACT ANY LAW EXCEPT THE REPUBLICAN PARTY. From the 4th of March, 1861, to the 4th of March, 1875, there was undisputed sway; and again from the 4th of March, 1881, to the 4th of March, 1883, there was a Republican majority in both branches of Congress and a Republican President was in the executive chair.

If "no party during or since the war has had power to enact any law except the Republican party," then surely the credit of all pension laws which have been enacted belongs to the Republican party.

It is true that up to 1874, when the Revised Statutes were compiled, there was not a word in the law, not a section nor a statute, relating to the subject of pensions that had not been put there by the Republican party, and with the single exception that I have named, and there is not now a single section that has been placed there except by their action.

Admittedly down to March 4, 1875, when the Democratic party returned to power in this House, the credit of all pension legislation which existed belonged to the Republican party.

Mr. Chairman, how does it stand since that date? I affirm that every important item of pension legislation since that date were either Republican measures or owed their enactment to Republican votes. I have myself examined the record and here give the result:

In order that these votes may be more readily referred to, I here append them in tabulated form.

It will be noted, first, that only in one case (that of the widows' increase bill) were there more Democrats voted for than against any bill; second, that in all these votes there was but one Republican vote against one of them, and that was from the State of Florida. This table, taken from the official record, ought to settle now and forever the attitude of the Democratic party toward pension legislation:

Tabulated statement of votes on pension bills.

Name of bill.	Democrats for.	Democrats against.	Republicans for.	Republicans against.
Repeal of arrears limitation, Forty-sixth Congress	48	**61**	116	**0**
Mexican pension bill, with Senate amendments, Forty-eighth Congress, first session	39	**84**	87	**0**
Mexican pension bill, with Senate amendments, Forty-eighth Congress, second session	57	**84**	72	**1**
Widows' increase, Forty-ninth Congress	80	**66**	118	**0**
"Senate bill, 1886," Forty-ninth Congress (never reported back in the House)	7	**14**	27	**0**
Dependent-pension bill, Forty-ninth Congress	66	**76**	114	**0**
Dependent-pension bill, Forty-ninth Congress (to pass over President's veto)	37	**125**	138	**0**
On all the bills (aggregate)	334	**510**	572	**1**

That table, Mr. Chairman, is worth more than any of the gentleman's flights of rhetoric. It shows that not one of all those bills could have passed upon the Democratic vote. This table is the barbed spear that will impale the claims of the Democratic party. It is like the "damned spot" on Lady Macbeth's hand. "All the perfumes of Arabia" can not sweeten it.

But the gentleman referred to the great increase of pension certifi-

cates in the last three years over the number issued in the previous three years. These tables are all printed by Colonel MATSON in his speech. It appears, according to these tables, that this excess of certificates issued numbers 168,231. Where does that excess come from? It is shown in a communication, also included in Colonel MATSON'S speech as an exhibit, namely: The excess arises from the act of March 9, 1886, increasing pensions of widows, orphans, and dependents; from the act of August 4, 1886, increasing pensions to crippled soldiers or amputation cases, and the act of January 29, 1887, known as the Mexican pension bill, and the act of June 7, 1888, giving arrears to widows.

Under these first three acts there have been issued 133,364 new and additional certificates. Of these 112,660 were under the two acts first named. This was merely the mechanical operation of withdrawing the old and issuing the new certificate, the old certificate being the only proof required.

Now, my inquiry is, Mr. Chairman, who is entitled to the credit of these three acts? To whom is due the legislation which produced the increase? Down to 1874 unquestionably the Republican party is entitled to the credit of every pension law. I maintain that since that time, with the single exception which I have before named, they are entitled to the credit of the pension legislation by virtue of which this increase of pension certificates has occurred. The first statute referred to by the gentleman from New Hampshire [Mr. MCKINNEY], and also by the gentleman from Indiana [Mr. MATSON], is the act approved March 19, 1886, granting an increase of pension to widows, minors, and dependents.

I do not know how many gentlemen introduced bills in that Congress for that purpose in the House. I know, for one, I did; I know it went to the Pensions Committee and a bill was reported back; I know also that it passed this House, and by what vote did it pass the House? I find, by reference to the RECORD, that it was passed under a suspension of the rules on the 1st of February, 1887. I find that upon the vote 80 Democrats voted for the bill and 66 Democrats voted against the bill, and as two-thirds was required under the rules to pass it, by the Democratic vote alone it would have been defeated. I find that 118 Republicans voted for the bill, and I find that not one single Republican voted against it. [Applause.]

The Republican party in this House passed that law, and it could not have been passed at the time it was passed except by the Republican vote. Sixty-six Democrats voting against the widows' bill would have defeated it, if it had depended upon the Democratic vote, by a very considerable majority. I therefore claim that credit for the "widows' increase pension bill," and of the 102,568 certificates issued under it, is due to the Republican party of this side of the House, because it would have been defeated by the vote of the sixty-six gentlemen on the other side of the House.

Now what are the facts in regard to the next act to which the gentleman refers; an act for which he claims the credit for the Democrats; the act approved August 4, 1886, increasing the pension of men who have lost an arm or a leg, sometimes called the amputation bill. I introduced a bill of that kind in the Forty-eighth Congress, in pursuance of the petition of the Grand Army of the Republic, and I introduced it again in the Forty-ninth Congress. I do not know what other gentlemen introduced similar bills, but I do know that the gentleman from Iowa [Mr. HENDERSON] did. It was not my particular number that was reported back.

I think it was Mr. MATSON'S or Mr. HENDERSON'S bill that was reported back, and that came before the House. What was the vote? (That is House bill 2056, first session of the Forty-ninth Congress.) It passed the House of Representatives without division; it went to the Senate and was there amended and the rates increased. It came back to the House. On June 28, 1886, for the first time, I asked consideration of that bill by unanimous consent. Mr. Morrison, of Illinois, objected, and it was not then considered, but later on, August 2, 1886, Colonel MATSON, as chairman of the committee moved, under suspension of the rules, to take up the bill and pass it, and it was taken up and passed by the following vote: Yeas 166, nays 51, divided as follows: Democrats voting for the bill 75, Democrats voting against the bill 51; Republicans voting for the bill 91, Republicans voting against the bill—not one. [Applause.] And so it was passed by Republican votes. Had it been left to the Democratic vote under the suspension of the rules, the bill would have been defeated by more than 25.

Under that bill there have been issued additional certificates to the number of 10,092; and I claim this issue of certificates to the credit of the Republicans on this side of the House.

What is the next bill to which the gentleman refers and claims credit for the Democratic side? It is what is called the Mexican pension bill. Well, now, perhaps neither side can claim any very great credit for the passage of that bill; but I desire to state the true history of the Mexican pension bill. It was introduced in this House by General Frank Woolford, of Kentucky, a most excellent and patriotic gentleman. It was a very simple measure when it was introduced. It provided that any man who had ever had his name on the army-roll of the Mexican war for a single day during the years 1845, 1846, 1847, or 1848, even if he had not been within a thousand miles of Mexico, should have a pension for life at $8 a month without any limitation of service, disability, age, dependence, or anything else.

That bill in that form came before this House, and I, for one, opposed it with whatever ability I had. I regarded it as a legislative monstrosity; but it passed the House in that form by a vote as follows: Democrats for the bill, 123; Democrats against the bill, 12. Republicans for the bill, 33; Republicans against the bill, 56—a majority of 111 Democrats for the bill and a majority of 23 Republicans against it. That bill went to the Senate, and the Senate struck out everything after the enacting clause and put a decent bill in its place.

I here incorporate in my remarks precisely what took place in the Senate:

The PRESIDENT *pro tempore*. Objection being withdrawn, the bill will be read at length.

The Chief Clerk read the bill, and the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment of the Committee on Pensions was, in line 4, section 1, after the words "that the Secretary of the Interior be, and he is hereby, authorized and directed to," to strike out the following words:

"Place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives.

"SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities."

And in lieu thereof to insert:

"Place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

"SEC. 2. That pensions under section 1 of this act shall be at the rate of $8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8 per month.

"SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

"SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

"SEC. 5. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

"SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States."

Mr. CONGER. What is the section repealed?

Mr. BLAIR. The section repealed is this:

"SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States."

That is repealed, but the act contains a provision that no person shall be pensioned whose disability was contracted in opposition to the Government of the United States.

Mr. CONGER. Is that repealed absolutely, or only so far as it affects this act? Let that clause be read again.

The PRESIDENT *pro tempore*. The repealing clause will be again read.

The Chief Clerk read section 5 of the amendment of the Committee on Pensions.

Mr. WILSON, of Iowa. That is all right.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Pensions.

The amendment was agreed to.

That bill came back here—not the bill that went from this House, but the Senate bill—and it passed the House by a vote of 247 yeas to 5 nays; the nays being three Democrats and two Republicans. The vote was non-partisan, and therefore I say that neither side can claim the exclusive credit.

But I claim that the Mexican pension bill, as it became a law, was

strictly a Senate bill, was a Republican measure, and was altogether different in character from the Democratic measure that originally passed the House. Under that law there had been issued 21,704 additional certificates up to the time when the Commissioner made this report. That gives, under these three acts, 133,364 additional certificates out of the 168,000 additional certificates which the gentleman claims should be credited to the Democratic party, and which I claim should of right be credited to the Republican party.

This accounts for the vast majority of the increases. As for the rest, the present Commissioner ought to have turned out more. It will be observed by reference to the tables printed by the gentleman from Indiana [Mr. MATSON], which are the same used by the gentleman from New Hampshire [Mr. MCKINNEY], that of the whole number of certificates issued by Commissioner Black in three years, 181,173 were increases of pensions which had been granted by Republican Commissioners, and in which for the most part there was nothing but an examination by a board and a new certificate or the merely mechanical operation of withdrawing the old and issuing the new certificate.

Not only that, but Commissioner Black had at his hand the accumulated material of more than twenty years, an increased force of examiners and experts, and instead of having his bureau scattered in detached and ill-adapted buildings, as Commissioner Dudley did, he has had the most commodious and the most convenient building for the dispatch of business that the Government has ever possessed in this capital. I could not detract from the credit justly due General Black. But he has only been administering Republican laws, and he is in full sympathy with the Republicans in the matter of pensions. And just here I desire to call attention to the difference between the making and the administering of law. General Black is an efficient administrator of the law. But the *law* itself confers the right to the pension, not the Commissioner. Those who made the law and conferred the right are entitled to the credit for the increase.

There is still another law the credit of which is claimed for the Democratic party, the "widows' arrears act," which passed at the present session of Congress, and was approved June 7, 1888. Let us look at that for a moment and see where the credit of it belongs. I have searched the RECORD in vain to find whether any other gentleman introduced a widows' arrears bill; that is, a bill to date the pensions of widows back to the death of their husbands. I know that I did introduce such a bill, and the gentleman from Kansas [Mr. MORRILL] introduced a bill declaratory of the existing law. Those two bills went to the committee and were never reported back; but upon the pension appropriation bill my Republican friend from Iowa, Mr. CONGER, moved an amendment almost in the terms of the bill I had introduced, giving arrears to widows from the date of the death of their husbands.

The chairman of the subcommittee in charge of that bill, the gentleman from Ohio [Mr. FORAN, Democrat], raised a point of order against the amendment, but the Chairman of the Committee of the Whole [Mr. HATCH, of Missouri, Democrat] overruled the point of order, and the amendment was adopted without a division. The bill with that amendment went to the Senate. There it was debated at great length. There a motion was made by the Senator from Missouri [Mr. COCKRELL] to strike out all words that would apply to widows whose pensions had been theretofore allowed, namely, the words "which have been or." This would have cut off all widows whose pensions have been allowed from July 1, 1880, to this date, about 10,000. A division was had, and the vote was as follows: For striking out, 20—every man a Democrat. Against striking out, 23, of whom 22 were Republicans, and 1 Democrat. All honor to that lone Democrat!

So the amendment of Mr. CONGER was concurred in by the Senate and became a law, and ten thousand widows may thank a Republican of the House and the Republican Senate for their arrears. That amendment was Republican in its origin, was introduced here by a Republican, and the point of order against it was made by the Democratic chairman of the subcommittee; it went to the Senate and there it was retained in the bill by a strict party vote, except one, the Republicans voting in favor of it and the Democrats against it.

I have now gone over all the new pension legislation the credit of which is claimed by the gentleman from New Hampshire for the Democratic party, and I have undertaken to show that every one of these measures, the widows' increase bill, the amputation bill, the Mexican pension bill, and the widows' arrears bill, every one of them, was passed by Republican votes, and would not have passed if left to the Democratic side. Such is the fostering care of the Democratic party of the soldiers of the country and of the soldiers' widows.

Now, Mr. Chairman, a few words in regard to another subject which the gentleman from New Hampshire has discussed.

As I said awhile ago, I can not follow him in his flight. I do not dare attempt it, for in his oratory he swept through the firmament like a comet, from horizon to horizon, paling the stars and the planets as he passed with the brilliancy of his electric flashes. [Laughter.] I can not undertake to follow him, but I want to say a few words in regard to the vetoes. The gentleman tells us that the present President of the United States has signed more private pension bills than any other President has ever signed; but he does not tell us how many such bills the President has vetoed, nor what is the proportion between the number of his vetoes and the number of the vetoes of other Presidents.

I claim that the issue is not how many bills a President signs. That is not the test of his friendliness to the legislation. The test is, what proportion of the bills sent to him does he treat in a friendly manner? I undertake to say that President Cleveland has vetoed more pension bills than all the Presidents of the United States from George Washington down. Not only that, but he has vetoed twenty-five times as many as all the other Presidents of the United States from Washington down. In the Forty-ninth Congress there were sent to President Cleveland for his action 949 pension acts. Of those 949 he vetoed 124; he disapproved but allowed to become law without his signature 156, and 55 he failed to sign, which failed for want of his signature; making a total of 281 out of the 749 presented to him that he failed to approve.

I have recently had occasion to investigate this matter, and I here give the result of that investigation. The account stands thus:

Grant approved 575, disapproved 8; Hayes approved 307, disapproved NONE; Arthur approved 736, disapproved NONE. All three approved 1,614, disapproved 8. Or three Republican Presidents disapproved 1 in 202.

But 5 of the 8 vetoed by General Grant were vetoed for the benefit of the claimants, and making that deduction it would leave but three vetoes or 1 in 538.

Now, how stands it with President Cleveland? During the first two years of his administration Congress sent to him for approval 949 acts. The Constitution (Article I, section 7, clause 2) directs that "If he (the President) approve (an act) he shall sign it." Therefore if he does not sign he does not approve.

Of these 949 acts President Cleveland—

Vetoed and returned	124
Disapproved without returning	156
Pocketed and defeated	1
Total disapproved	281
Approved and signed	668

Or he disapproved 1 act for every 2.37 that he approved, or nearly 1 in 3. Republican vetoes, 1 in 202; Democratic vetoes, 1 in 2.37. So much for this piece of Democratic special pleading. According to the statement of his champion [Mr. MCKINNEY], the President has to date signed 1,264 bills, and has failed to sign 410, or almost exactly 1 in 3.

During the twenty-four years of Republican administration, extending from Lincoln to Arthur, inclusive, there were but 8 vetoes of pension bills—all by President Grant—5 of which were in the interest of the beneficiaries of the bills.

In three sessions of Cleveland's administration the pension vetoes already number 199, without counting the 156 disapprovals where the bills were allowed to become law without the President's signature; failed for want of signature 55. Therefore we make this comparison:

Vetoes of pension bills in twenty-four Republican years, 8, or 1 in three years.

Vetoes of pension bills in three Democratic years, 199—199 in three years, or, counting the failures to sign, 410 in three years.

The gentleman says that General Grant vetoed some pension bills. General Grant, during the eight years of his administration, vetoed 8 pension bills only. Five of those were, as I have before said, vetoed in the interest of the beneficiaries because they had already been allowed at the Pension Office a better stipend than they could obtain by the bills. Three he vetoed because the proposed beneficiaries were deserters from the service.

Mr. TOWNSHEND. May I ask the gentleman a question?

Mr. CUTCHEON. Certainly.

Mr. TOWNSHEND. How many pension bills were passed during the first four years of General Grant's administration, and how many have been passed during Mr. Cleveland's administration?

Mr. CUTCHEON. I can answer that in a few moments. I believe it is stated by the Department that during the first term of General Grant's administration 321 special acts were approved; during his second term 254. During the first Congress of President Cleveland's administration there were sent to him 949 private pension bills.

Mr. TOWNSHEND. How many did he approve?

Mr. CUTCHEON. Of these he approved 668. But, Mr. Chairman, with all due deference to the gentleman, it seems to me that is a very narrow device. The President has absolutely nothing whatever to do with the number of pension bills sent to him. That is a matter for Congress exclusively; and during a part of General Grant's administration, as the gentleman well knows, the Democratic party was in power in one branch of Congress and controlled absolutely the number of pension bills sent to him. The question is not how many did they approve, but how many did they refuse to approve. In eight years

Grant refused to approve 8. In two years Cleveland refused to approve 281. That is the test.

My point, Mr. Chairman, is just this, that the President has absolutey nothing to do with the number of pension bills sent to him. The only question is, how does he treat them when they come to him? Does he treat them in a friendly or an unfriendly way? I am justified in saying that the general course of treatment of President Cleveland toward pension bills sent to him has been unfriendly. He has already vetoed more than 199 pension bills, besides the 156 he disapproved without vetoing them. At one fell swoop he struck down the dependent pension bill, which would have benefited thousands and tens of thousands of needy veterans who were suffering in the almshouses of the country. His course as a whole has been adverse to pension legislation. I will say nothing here of the undignified and unbecoming language in which many of the vetoes were couched. I will give him credit for having improved in that respect.

But, Mr. Chairman, there is one other matter on which I wish to speak for a moment, and then I shall yield the floor to other gentlemen. I want to make a brief allusion to what the gentleman from New Hampshire [Mr. MCKINNEY] said about the order for the return of what are called the "rebel flags." The gentleman says that no flag was ever returned under the order of President Cleveland, and that therefore the President is to be held up as an example of patriotism and virtue. But, Mr. Chairman, I have this to say, that it is nothing to the credit of the President, who made the order, that the flags were not returned. It was the voice of the great loyal North and Northwest that came thundering down upon him like a cyclone that stopped the order and turned it back. [Applause.]

The following is the substance of General Drum's letter to the Secretary of War:

* * * * * * *

While in the past favorable action has always been taken on application, properly supported, for the return of Union flags to organizations representing survivors of the military regiments in the service of the Government, I beg to submit that it would be a graceful act to anticipate future requests of this nature, and venture to suggest the propriety of returning all the flags (Union and Confederate) to the authorities of the respective States in which the regiments which bore those colors were organized, for such final disposition as they may determine.

* * * * * * *

Impressed with these facts, I have the honor to submit the suggestion made in this letter for the careful consideration it will receive at your hands.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

The indorsement of the Secretary upon this letter is as follows:

WAR DEPARTMENT, *May* 26, 1887.

The within recommendation IS APPROVED BY THE PRESIDENT, and the Adjutant-General will prepare letters to governors of those States whose troops carried their colors and flags now in this Department, with the offer to return them as herein proposed, the history of each flag and the circumstances of its capture or recapture to be given.

WILLIAM C. ENDICOTT,
Secretary of War.

So President Cleveland did approve the order, but when he discovered that he had made a grave mistake he prudently retreated.

But, Mr. Chairman, I want to be distinctly understood. This is a matter for the President only. I do not know and I never heard that anybody in the late Confederacy (if I may use that expression) ever asked for the return of those flags. Those flags were bravely defended with life and blood, and with courage equal to that exhibited in any struggle; and when the flags went down the great body of those who had fought under them in the Confederate army accepted the situation, and they never asked for the return of those flags. They recognized the fact that the flags were the symbols of their cause, and when the cause was lost the flags went with the cause.

What would they do with them if they had them? Mr. Chairman, a flag means something. That flag over your head means something. It means something to me and to my comrades who followed it upon many a bloody field. It means country, it means Constitution, it means liberty, it means law, it means all the thronging future with its momentous possibilities. [Applause.]

It means homes and firesides; it means our children, and it means our kindred and our posterity that shall come after us down to the latest generations. That is what we fought for. [Applause.] That is what our comrades died for. It may be that the President did not realize this. It has never been burned into him in battle fires as it has been into some.

What did the other flag mean? You men who bore it bravely, you know what it meant. It meant the doctrine of the right of secession, and you yourselves now say that the doctrine of secession is dead. It meant the dissolution of this magnificent Union, and you yourselves say now that this is a grand, magnificent, indissoluble Union of indestructible States. [Applause.] It meant war against the Constitution of your country. Does it mean that to you now? If you had received the flags, moth-eaten, tattered, torn, battle-rent as they are, what would you have done with them?

No, my friends; no, my brothers; I speak with malice to no one, with charity to all; it is better that they should rot and be moth-eaten in the attics of the War Department than that they should ever be returned to the hands that bravely bore them on the battle-field. Out of the tomb of the lost cause they will bring neither light nor glory nor honor. Let them rest. They no longer mean what they meant then; they can never mean it again, and God helping us we never intend that the symbols of disunion, secession, and war against the Constitution shall ever again go back into the hands that bore them on the battle-fields of the rebellion. [Loud applause.]

I now yield what time is remaining to the gentleman from Maine [Mr. BOUTELLE], if he desires it.

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. CUTCHEON. As I do not see the gentleman from Maine in his seat, I will yield it back to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. I will reserve the remainder of the time, unless the gentleman from Maine, whom I now see in the Hall, desires to occupy it.

Mr. BOUTELLE. I have no use for the six minutes.

Mr. HENDERSON, of Iowa. Then I shall reserve it.

The CHAIRMAN. The Clerk will resume the reading of the bill.

Mr. BURNES. I wish to offer an amendment before leaving this part of the bill.

The Clerk read as follows:

Page 41, line 7, strike out "Casper" and insert "Caspar."
Page 47, line 30, strike out "Hunter" and insert "Hunker."
Page 50, lines 11 and 12, strike out "Horenburg" and insert "Hovenburg."
Also, on page 59, line 9, insert "Harry H. Bodwell, $1,459.54; Edward T. Strong, $111.20; C. Mark Cole, $4,097."
And in lines 20 and 21 strike out "$46,239.31" and insert "$51,837.05."

The amendment was adopted.

The Clerk read as follows:

For expenses of United States courts, 1879 and prior years, $128.04.

Mr. MORROW. I offer an amendment to come in after line 14.

The Clerk read as follows:

Amend, on page 59, after line 14, by inserting the following:
"For balance of fees of A. L. Rhodes as assistant United States attorney in the cases of the San Francisco Savings and Trust Society *vs.* Irwin and Boulden *vs.* Phelps, involving title of Mare Island, California, including the navy-yard, $4,000."

Mr. BURNES. I make the point of order against that amendment; that is not germane in the first place, and then that it is an expenditure unauthorized by law.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. MORROW. In reply to the point of order, I desire to call the attention of the gentleman from Missouri and the Chair to a note appended to page 5 of the document I hold in my hand, which is a letter from the Secretary of the Treasury, transmitting a supplemental list of claims allowed by accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, embodied in Executive Document No. 377, of this session of Congress. The account is set forth there as the account of "A. L. Rhodes, special assistant United States attorney; fees of district attorneys of United States courts, 1887, and prior years," to which is appended this note:

NOTE.—The Attorney-General, on February 24, 1888, approved an account for $4,000 in favor of Mr. Rhodes as special assistant United States attorney, apportioning it among fiscal years as follows: $1,000 payable from appropriation for 1885; $1,000 payable from appropriation for 1886, and $2,000 payable from appropriation for 1887. The appropriation for each of those years being exhausted, the First Auditor reported the whole account to this office disallowed, basing his action on section 3679, Revised Statutes.

This office, though regarding the action taken by the Auditor as correct under section 3679, Revised Statutes, has not certified the account, but has chosen thus to bring the matter to the attention of Congress, in order that an appropriation may be made to pay it, if Congress so desires.

Now, it may possibly be that under a strict construction of that particular section of the law to which reference is made (section 3679 of the Revised Statutes), which restricts the appropriations for contracts where the money is not in the Treasury to pay the contracts, that the amendment would be inadmissible; but I desire to say that the most that can be claimed against this amendment is that the aggregate of the expenditure under that particular head was in excess of the amount appropriated, though it did not follow that this particular contract was in itself in excess of that amount, so that when you come to the final adjudication of these particular accounts, and the contracts were found to be in excess of the amounts appropriated, this strictly might fall under that rule. But I hope the gentleman from Missouri will not insist upon the point of order if the Chairman shall determine the point as well taken, but will allow this claim, the character of which I am satisfied no one will dispute, to be considered on its merits, and let the committee decide the question.

The CHAIRMAN. The Chair understands the gentleman from Missouri to make the point of order that the appropriation is not authorized by existing law.

Mr. BURNES. It is right in the face of the existing law, and the gentleman will so concede.

Mr. MORROW. All I concede is that the appropriations for that year were deficient and that the contracts were made, and necessarily made in excess of the appropriations.

But, if the Chair will permit me, I want to appeal to the gentleman from Missouri not to insist upon the point of order. This was a contract made with one of our leading attorneys in California, who discharged the duties most efficiently and faithfully——

The CHAIRMAN. The Chair thinks the gentleman had better get the attention of the gentleman from Missouri, since he makes his appeal to him.

Mr. MORROW. I am now appealing to allow this to go in, and I am stating these reasons: The Attorney-General made this contract with Mr. Rhodes (ex-chief-justice) to perform these services. It was to defend the title to Mare Island, an exceedingly valuable property of the United States. It is admitted that the contract for the services was exceedingly moderate, and that Judge Rhodes has performed, even for the compensation here proposed, services that were very valuable. The result of his services has been to save the title of this property to the United States. Now, here is a contract made by an officer of the United States who had authority to make the contract; the services have been performed; there is nothing remaining to be done on the part of the attorney; and the compensation ought therefore to be paid.

Mr. BURNES. In so far as the gentleman appeals to me, I yield to that appeal; but he can not appeal to me successfully in this case as a representative of the rules. Therefore I am compelled to insist upon the point of order, as the admission of this amendment would be a direct and palpable violation of the rules of the House.

Mr. MCKENNA. I would like to ask the gentleman a question. Is it within the competency of the Attorney-General of the United States to employ special counsel in a case? If it is, and he does so, then certainly to make appropriation to pay for those services would be within existing law.

Mr. BREWER. I desire to call attention to a case which arose on this very bill the other day, in which it was stated that the Attorney-General had power under the law to employ special counsel and permission was given to put an appropriation upon this bill for a case exactly like this.

Mr. MCKENNA. In a matter of this kind, if there be any doubt, I think the doubt ought to be resolved as against the point of order. The suit in which these services were rendered involved the swamp and overflowed land on Mare Island. That suit was decided against the Government and is now before the Supreme Court of the United States on appeal. The other case involved the yard itself. And surely, Mr. Chairman, under such circumstances as this, the fee being small and the counsel employed having performed the services, if there be any doubt, it should be resolved against the point of order.

Mr. ROGERS. During a discussion the other day upon an amendment offered by myself to put upon this bill an additional $30,000 to enable the Attorney-General to pay attorneys for services they had already rendered, together with those which are likely to become necessary during the current year, the question was put to me by my friend from New Jersey [Mr. BUCHANAN], who is not now present, as to whether or not there were any cases of the character now presented by the gentleman from California. At that time I had made no inquiry into that matter whatever; but I have since gone to the Treasury Department and made inquiries to ascertain whether there were cases of the description just mentioned. I find that there was not only this particular case which the gentleman from California has presented, but another case where the Attorney-General had employed counsel under the direction of Congress, or rather had employed counsel in pursuance of law, to look into the title to the Potomac flats; and no doubt there are others, though I did not ask how many there were; neither did I investigate into this matter at all. These services are rendered in pursuance of law, and the gentleman from California is entirely correct in stating (and I can turn to the statute in an instant if necessary) that the Attorney-General has power to employ these parties.

There are certain restrictions upon the employment, such as that employment must be made before the work is performed; but that the power exists there is no question. The amendment I sought to put on this bill was to enable the Attorney-General to discharge these liabilities incurred under the law. It was voted down, improperly voted down in my judgment. Every case of that description stands upon precisely the same basis as the case now presented by the gentleman from California. Services of this description now remain unpaid, and yet no provision has been made on the part of the Government in the sundry civil bill or in this bill for the payment for these meritorious services.

I remarked at the time when the amendment was presented that there was a misapprehension of this matter, because I think the House had in mind the case of Mr. Lowrey's fees in New York, and refused to make the appropriation on that account. I want to state that I learn from my friend from Alabama [Mr. OATES], who I believe is now present, that Solicitor General Jenks, who alone of the officers of the Department of Justice has had anything to do in the way of employing counsel connected with the Bell telephone case, says that he does not intend to pay Mr. Lowrey any more of the fee he claims against the Government.

Now, what the House ought to do, and what the committee ought to do, is to pass the amendment which I offered the other day and appropriate $30,000 in this deficiency bill to enable the Department of Justice to do that which Congress has called upon it to do. This amendment as offered I have not a shadow of doubt ought to be adopted. The employment of special attorneys is a matter left to the discretion of the Attorney-General, and is imposed upon him as a matter of public duty.

Mr. MORROW. I think under the authority of the Attorney-General, conferred upon him by law, he is to employ counsel, and that it is in order on this bill to appropriate money for the payment of services rendered under that employment. Now, this is a case where the Attorney-General did employ counsel in an emergency. A suit was brought in which valuable services were rendered. He had to employ an exceedingly able lawyer, who has rendered faithful service, and the Government has been benefited thereby. Now, the question is, will this House pay this lawyer for the service he rendered in accordance with the contract which the Attorney-General was authorized to make under the law?

Mr. BURNES. I agree largely with the gentleman from Arkansas [Mr. ROGERS] as to the propriety of paying these claims. They are like a thousand other meritorious claims pending before Congress for which some provision ought to be made. I call the attention of the Chair to section 3679 of the General Statutes, which reads:

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of that appropriation.

Now, I am satisfied with my friend from Arkansas that the interests of the Government demand that liberal appropriations should be made for the employment of general counsel, and able general counsel in many cases; but that is not the question before us now; we will reach that at some other stage.

The CHAIRMAN. If the point of order is insisted upon, the Chair will be compelled to hold that it is well taken.

Mr. MORROW. It seems that the other day this very question was raised by the gentleman from Arizona [Mr. SMITH], who called attention to section 363 of the Revised Statutes.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken, but if the gentleman chooses he can take the judgment of the committee.

Mr. MORROW. I desire to call the attention of the Chair to section 363 of the Revised Statutes, which provides that—

The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain in the name of the United States such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of their compensation, and shall have supervision of their conduct and proceedings.

The CHAIRMAN. But that section is qualified by the other section, which restricts the Attorney-General to the amount of the appropriation for the fiscal year.

Mr. BURNES. The gentleman from California [Mr. MORROW] does not seem to understand. But while the Attorney-General has the power to employ counsel in cases like this, yet in making contracts for the employment of counsel he is limited by the amount of the appropriation.

The CHAIRMAN. That is the statement which the Chair has just made, and if the sections read are the only sections of the law bearing upon the subject, the Chair thinks the point of order is well taken.

Mr. MCKENNA. But, Mr. Chairman, it does not appear here that when this contract was made it was in excess of the appropriation.

The CHAIRMAN. The fact that there is a deficiency would seem to indicate that it was.

Mr. MCKENNA. No, sir; because it may be that the money was disbursed in other ways after the contract was made and before the time of payment.

The CHAIRMAN. That might possibly prove to be true upon investigation, but it does not affect the point of order.

Mr. MCKENNA. Well, if the contract was within the law when it was made, it is not put outside of the law by the subsequent expenditure of the moneys for other purposes.

The CHAIRMAN. But the point the gentleman raises involves a question of fact, not a point of order. The presumption is that this is beyond the appropriation, or else this deficiency would not be asked for. The section of the law which the gentleman has read authorizes the Attorney-General to employ, but the other section which has been read by the gentleman in charge of the bill limits the employment within certain bounds fixed by the appropriation.

Mr. MCKENNA. Would not that ruling make the whole deficiency bill out of order, because manifestly there have been deficient appropriations or there would be no necessity for further appropriations now.

The CHAIRMAN. The Chair thinks it would make out of order everything sustaining a relation to this bill like that sustained by this particular item. The point of order is sustained.

The Clerk read as follows:

Claims allowed by the Sixth Auditor for deficiency in postal revenues, 1885 and prior years, except the claim numbered 6800 in said Executive Document No. 377, $2,677.04.

Mr. RAYNER. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting, after line 9, page 66, as follows: To pay M. C. Mordecai, mail contractor, as per order of the Postmaster-General, dated January 2, 1861, for allowance of one month's extra pay for discontinuance of service, allowed by the Sixth Auditor of the Treasury in Executive Document No. 26, item 138, of the Forty-seventh Congress, $3,333.33.

Mr. BURNES. If the amendment offered by the gentleman from Maryland [Mr. RAYNER] is before the committee I desire to make the point of order against it, but I will reserve the point until the gentleman has an opportunity to be heard.

Mr. RAYNER. I will ask to have read the letter which I send to the Clerk's desk.

The Clerk read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D.C., July 20, 1883.

SIR: Your letter of the 10th instant, addressed to the honorable Postmaster-General requesting to be informed what amount, if any, remains unpaid of the one month's extra pay allowed M. C. Mordecai, on discontinuance of service under his contract on route from Charleston, S. C., to Key West, Fla., has been forwarded to this office.

In reply, I have the honor to inform you that no part of the one month's extra pay allowed Mr. Mordecai, under the orders of the Postmaster-General dated January 2, 1861, which amounts to $3,333.33, has yet been paid by this office, for lack of the necessary appropriation.

This claim was taken to the Court of Claims in 1883, and is known in said court as cause No. 13412, but what action, if any, has been taken by said court in the case, this office has not been advised.

Very respectfully,

D. McCONVILLE, *Auditor.*

Hon. I. RAYNER,
House of Representatives.

Mr. RAYNER. Mr. Chairman, this is an eminently just claim which ought to have been paid long ago, and I do not think that any point of order will lie against it. It arises upon a contract between the Government and the claimant to carry the mails from Charleston to Key West, by way of Savannah, for a compensation of $40,000 a year; the contract providing that in case the mail should be discontinued the contractor was to receive an extra month's pay. There was an express provision in the body of the contract that "the Postmaster-General may curtail or discontinue the service in whole or in part, he allowing one month's extra pay on the amount dispensed with."

Now, the service was discontinued, and the Postmaster-General at that time, and his successor, both approved the validity of this claim and said that it ought to be paid. It then went to the accounting officers of the Treasury Department, who decided that it ought to be paid. It then went to the Court of Claims, and they decided that it ought to be paid, but that it was barred by limitation, and therefore they could take no action in regard to it unless under authority of a special act of Congress. The money has been due for over twenty years, and it certainly ought to be paid without further delay.

Mr. BLOUNT. Does this case stand upon any other footing than ante bellum mail contracts generally?

Mr. RAYNER. Yes, sir. This is not a claim for transporting the mails. This is a claim under a contract in which the Government agreed that in case the mail should be discontinued they would allow the contractor a month's extra compensation. They did discontinue the service, but the compensation has never been paid.

Mr. BLOUNT. But was not the contract for carrying the mails?

Mr. RAYNER. Yes, sir; but this claim is not for the service of carrying the mails. This is a claim for a month's extra compensation arising out of the discontinuance of that mail service.

POST-OFFICE DEPARTMENT, *Washington, January 2, 1861.*

SIR: The Postmaster-General orders that the service on the route No. ——, from Charleston, S. C., via Savannah, Ga., to Key West, Fla., and back, twice a month by steam-ship "Isabel, or other steamers, if necessary," under contract with you of 3d October, 1860, at the sum of $40,000 per year, for and during the term commencing the 15th day of October, 1860, and ending the 30th day of June, 1864, be discontinued, and one month's extra pay allowed on the amount dispensed with.

This order is to take effect immediately.

I am, very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster-General.

M. C. MORDECAI, Esq.,
Charleston, S. C.

Mr. BLOUNT. What is the date of that order?

Mr. RAYNER. January 2, 1861. The claimant had been carrying the mails under his contract, and the Government discontinued his service. The Postmaster-General directed that this one month's extra pay should be paid to him, according to the explicit provision of the contract that the Postmaster-General might curtail or discontinue the service in whole or in part by allowing one month's extra pay. The matter then went to the accounting officers of the Treasury, and they allowed the claim. Afterward it went to the Court of Claims, which declared that the claim ought to be allowed; but there being no special act of Congress authorizing its payment, and the claim being barred by the statutory limitation, the court held it had no jurisdiction to find final judgment. It has been admitted during various administrations of the Post-Office Department that the money is due. The claimant has been here year after year pressing his demand for the payment of that which has been admitted by the Government to be honestly due him.

Mr. DINGLEY. Will the gentleman state again the date of the order of the Post-Office Department?

Mr. RAYNER. January 2, 1861, was the date of that order. The mails had been carried under this contract for about six months.

Mr. DINGLEY. For what reason was the contract discontinued?

A MEMBER. The war was just beginning.

Mr. RAYNER. This was of course just before the opening of the war; but the Government continued after that time to carry the mails in a great many of the Southern States, endeavoring to keep up the mail service as well as it could. The service under this contract was discontinued without any notice to the claimant; and in the order of discontinuance the Postmaster-General allowed this one month's extra pay. Mr. Holt, who succeeded to the office of Postmaster-General, passed favorably upon the validity of the claim.

Mr. DINGLEY. Is it not a claim that should take the usual order which claims take before Congress?

Mr. RAYNER. It has taken that order. It has been before the Court of Claims.

Mr. DINGLEY. Has it been before the Committee on Claims and reported favorably?

Mr. RAYNER. It has not. The language of the Court of Claims is the following:

On the 3d day of October, 1860, just before the organization of the rebellion against the United States, by the passage of ordinances of secession by some of the States, the claimant entered into a written contract with the Postmaster-General to carry the mails by steam-ships from Charleston, S. C., to Key West and back, twice a month, commencing October 15, 1860, and ending June 30, 1864, at the compensation of $40,000 a year.

The Legislature of South Carolina passed an ordinance of secession December 20, 1860, and other Southern States soon did the same. The mail service in all those States became disorganized even before the passage of those ordinances; and yet during that time, as well as afterwards and until the goverment of the Confederate States was fully organized, the mails continued to be carried somewhat irregularly on most of the routes under existing contracts with the United States.

In the case of Reeside *vs.* The United States (8 Wall., 38, and 7 Ct. Cls. R., 89) the Supreme Court say in relation to the condition of affairs then existing:

"The policy of the Government was to conciliate the people, and to separate them, if possible, from the leaders; and one of the means used for this purpose was to continue these mail and postal accommodations so long as any hope existed of preventing the rebellion or continuing peaceful relations."

As to this particular route now under consideration, however, the Postmaster-General availed himself of a reservation in the contract that—

"The Postmaster-General may curtail or discontinue the service in whole or in part, he allowing one month's extra pay on the amount dispensed with."

And on the 2d day of January, 1861, he made an order to take effect immediately, of which the claimant was duly notified, that the service under their contract should be "discontinued, and one month's extra pay allowed on the amount dispensed with."

Thereafter the claimant performed no further service.

By the express terms of the contract, as well as by the order of the Posmaster-General, the United States thereupon became indebted to the claimant in the sum of $3,333.33, for the amount of one month's extra pay, and that obligation has never been discharged.

That this sum was and still is due to the claimant can not be doubted, and is conceded on the part of the defendants.

Mr. DINGLEY. Has this been adjudicated by the Court of Claims?

Mr. RAYNER. The court decided the facts in favor of the claimant, but could not give judgment because of the statutory bar. That is the statement of the court at the end of the opinion. This claim has hung on in Congress year after year. The claimant, who has been long waiting for his money, is now in almost destitute circumstances.

Mr. BURNES. Mr. Chairman, I have no disposition to defeat this claim by pressing a point of order against it, although I am satisfied that the age of the claim and its date justify us in looking to the question which has not been passed upon—the loyalty of the claimant. Now, mark you, I am probably no less disposed to the payment of claims, whether the claimant was loyal or disloyal, than other members on this floor, if the claims are just and honest claims against the Government. But the settled and constantly pursued policy of Congress for twenty-seven years has been against the payment of claims like this. Whether the point of order is good or bad, I leave it for the Chair to decide, simply saying that I trust this House under no circumstances will at this time undertake to depart from its settled policy and make appropriations for claims like this. Rather, sir, let this claim take its chance, like all kindred claims, before the committees of this House whose duty it is to deal with such claims, and let us leave the appropriation bills free from matters of this kind.

Mr. RAYNER. What is the point of order that the gentleman makes against this claim? I would like to know.

Mr. BURNES. Well, I will say because it is a claim. Because there is an element of claim in it that has not been passed upon either by the courts of the country or by the accounting officers of the Treasury, namely, the loyalty of the claimant.

Mr. RAYNER. Why, the Court of Claims and the accounting officers of the Treasury have both passed upon it, and it does not come within the law which provides that money within the Treasury not paid out within two years shall be covered back into the Treasury, because of the fact that the appropriation for the payment was never actually made. I have the allowance here and a statement of the accounting officers of the Treasury. He is a loyal man now. I do not think there is any proof or even any charge of disloyalty at this time.

I do not see, therefore, that there is any point about that, nor should it enter into the question; nor does it come within that provision of law to which I have referred, the two years' limit, because it has not yet been provided for, although the Treasury officials have allowed it and the Court of Claims have passed upon it; and had it not been for the limitation on that court they would have given judgment for the amount of the claim. This allowance was made on the 14th day of June, 1878, in the estimate for payments under this head:

Estimates for the payment of claims allowed by the accounting officers of the Treasury Department under the provisions of section 4 of the act of July 14, 1878, payable from appropriations the balances of which have been exhausted or carried to the surplus fund, etc.

Under which head appears the following:

M. C. Mordecai, mail contractor: For allowance of one month's extra pay, per order of the Postmaster-General dated January 2, 1861; for discontinuance of service, $3,333.33.

J. H. ELA.

Everything has been done that could be done in support of the case. It has been allowed by the Sixth Auditor, and also by the report of the Court of Claims; and, as I have said, the judgment would have been entered but for the reason that the court had not jurisdiction owing to the time that had elapsed since the claim originated.

Mr. HOPKINS, of Illinois. Did the Court of Claims hold that as the only reason for the disallowance?

Mr. RAYNER. The court say that there is no defense of disloyalty set up. The court refers to the Revised Statutes, section 3480, which made it unlawful for any officer to pay any amount, claim, or demand against the United States which accrued or existed prior to the 13th of April, 1861, "in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who, during such rebellion, was not known to be opposed thereto and distinctly in favor of its suppression." This question, then, of loyalty is something new, set up now, although this claim has been going on this way for twenty-five years.

Mr. HOPKINS, of Illinois. But the United States may have thought the defense of limitation was sufficient.

Mr. RAYNER. Yes, but they passed upon the validity of the claim. They acted on it, and they go on to say:

The original cause of action accrued more than six years before the filing of the petition in this court by the claimant, and his claim is not one of those for the payment of which provision was made by the act of March 3, 1877. The court therefore has no jurisdiction of the case, and the petition must be dismissed.

The court held that under the provisions of the act of March, 1877, the court had no jurisdiction in the premises. But they passed upon the facts. You have the contract with the Government and you have an express provision in the contract that the contractor shall be paid this money; that is to say, one month's compensation in the event of a discontinuance of the service by the order of the Department.

Mr. BLOUNT. The gentleman refers to the act of March 3, 1877. Is that the appropriation bill providing for certain *ante bellum* claims which had been acted upon and sent up from the Sixth Auditor?

Mr. RAYNER. I think likely it is. But let me state that this case does not belong to that class of claims. This is for payment for a breach of contract for carrying the mails and for actual service. It is on a contract which agreed to give the contractor one month's pay, provided the Government should discontinue the route during the pendency of the contract. It is a distinction which the Court of Claims clearly makes; that is to say, it comes under the head of a contract on which the service was discontinued.

Mr. BLOUNT. The Government contracted with him to carry the mails?

Mr. RAYNER. Yes, sir.

Mr. SHAW. And the Government terminated the contract.

Mr. RAYNER. Yes; on account of which this balance became due.

Mr. SHAW. That provision is made in all contracts to give the contractor a month's pay where the service is discontinued; and it is provided in the case now before us that an extra month's pay was to be given in case of a discontinuance.

Mr. RAYNER. The court have passed upon that, and they say:

The claimant would be entitled to judgment in his favor if his claim was embraced in the description of those for which the appropriation is thus made.

Referring to the act to which I have heretofore called attention. But they say also—

That this sum was, and still is, due to the claimant can not be doubted and is conceded on the part of the defendants.

Mr. HOPKINS, of Illinois. Are any of these claims, for which appropriation was made, from the South?

Mr. RAYNER. I do not know how that may be.

Mr. DOCKERY. This is no more a deficiency than hundreds and thousands of other claims of like character which may be sought to be appended to this bill.

The CHAIRMAN (Mr. CRISP in the chair). The Chair will be compelled to hold, unless the gentleman can cite some statute law authorizing the expenditure, that the point of order is well taken.

Mr. RAYNER. The only law that I can cite, Mr. Chairman, is the action on this claim by the Court of Claims, to which I have called attention, the allowance by the Auditor of the Treasury of the claim, and the statement on the part of the Postmaster-General that the claim should be paid. Now, the law which provides that money which has been unpaid and lying in the Treasury for two years shall revert to the Treasury does not apply to this claim at all, because there has been no appropriation for this particular amount. But we claim under the decision of the Auditor of the Treasury, and of the Court of Claims, and the opinion of the Postmaster-General.

Mr. DIBBLE. Mr. Chairman, I will just submit to the Chair this point in relation to the question which the Chair asked in reference to the power of the House to act upon this claim now, that the law which authorized the payment of this allowance to the claimant in this case is the law which authorized the Postmaster-General to make the contract, which had a provision inserted in it that in case he made a breach of the contract by a discontinuance of the route there should be paid one month's compensation to the contractor. The law which authorized the making of the contract imposed also the obligation on the part of the Government to pay the money that is now claimed.

The Postmaster-General had exercised that function under existing law, and the legal obligation under that law attaches to the Government; and therefore it comes within a class of cases which are authorized by existing law. It was authorized by existing law that the Government should pay that one month. The Government has declared the contract off with one month's pay, and have therefore authorized it by existing law. Nothing in the world is necessary now but the appropriation; and this is the place for it.

Mr. RAYNER. The other day there was a claim passed here of the same character as this claim. I think a point of order was raised against it, but was withdrawn. It was in reference to transportation during the war. The amendment was offered by the gentleman from New Jersey [Mr. MCADOO], and the point of order was withdrawn, as I understand, on the ground that the claim had been passed upon by the Treasury officials. The case of the gentleman from South Carolina is the same thing substantially. The contract here provided that the claimant should be paid so much. The Treasury Department has allowed the claim, and the Court of Claims has also declared in favor of its payment. Two Postmaster-Generals have agreed that it was just. The service was discontinued. The claimant has waited twenty years for the payment of his claim. He has proved that it is a valid claim, and that it is due from the Government.

The CHAIRMAN. The Chair does not understand that because a claim is just and has been allowed by the Department, it is therefore necessarily authorized by law. The Chair understands the rule to mean that on a general appropriation bill no amendment shall be in order except, in the language of the rule, for expenditures "previously authorized by law." The attention of the Chair has not been called to any law authorizing this expenditure, and he therefore sustains the point of order.

Mr. DOCKERY. I move to strike out the last word. Mr. Chairman, it is not my purpose to detain the House but a few moments, as it is simply my desire to submit a brief financial exhibit of the condition of the national Treasury. The President in his last annual message referred to the "condition confronting" Congress and the country, and urged the immediate reduction of Federal taxation, so as to decrease the growing volume of revenue which was daily augmenting the surplus in the Treasury until it then aggregated $79,466,695.30. That untoward "condition" is to-day more pronounced, as the surplus which "confronted" us on the threshold of this session has been increased in the sum of $53,051,056.25.

I desire to invite attention to the condition of the Treasury, as shown by the Treasury books on the 1st of this month, as contrasted with its condition on the 30th of June last. During the month of July the Secretary of the Treasury purchased of 4½ per cent. bonds $659,200 and paid as premium on them $48,531. He also purchased $353,700 of 4 per cent. bonds, paying on this last class of bonds $95,701.38 as premiums, the entire purchase aggregating $1,157,132.38.

The purchases prior to July 1st, amounted to $26,776,850, on which premiums were paid amounting to $5,609,950.40, so that the entire purchase of bonds since the 23d of April last, with the premiums that have been paid, amount to $33,543,932.78.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. DOCKERY. Certainly.

Mr. BUCHANAN. Has the gentleman figured out how much less that premium is than the amount would have been if the interest on the bonds were paid at maturity?

Mr. DOCKERY. I have not, and I do not believe it is sound business policy to tax the people and pay 27 per cent. on a debt not yet matured.

Mr. BUCHANAN. I asked the question because there seems to be some statement of a saving that has been effected in connection with the Treasury statement.

Mr. DOCKERY. That is very true; but speaking from a business standpoint, I confess that I have but very slight admiration for that sort of "saving."

Mr. Chairman, the revenues of the Government for the month of July were $33,613,590.40. The average daily income of the Government during the same period was $1,084,308.35—more than a million dollars pouring daily into the Treasury—whilst the daily average bond purchases amounted to but $32,677. The surplus of idle and unpro-

ductive money in the Treasury on the 30th day of June last, which was $129,272,205.90, has augmented until it now swells to the enormous aggregate of $132,517,751.55, an increase in one month of $3,245,545.65! And yet, Mr. Chairman, with this startling "condition" confronting us we have occupied days and weeks, and other days and weeks are to be consumed in discussing the mere "theories" underlying the different systems of taxation.

Mr. HOPKINS, of Illinois. Can the gentleman state to the House how many bonds are due in two years?

Mr. DOCKERY. There yet remains about $220,000,000 of the 4½ per cent. bonds which mature September 1, 1891.

Mr. HOPKINS, of Illinois. What provision is the Administration making for paying these bonds?

Mr. DOCKERY. The law provides that there shall be annually set aside a certain sum of money—I think about $50,000,000 (a sinking fund)—for the payment of these and other bonds of the United States.

Mr. HOPKINS, of Illinois. Would it not be better policy to take the fifty or sixty millions deposited in the national banks and for which the Government is getting nothing and use it in buying these bonds?

Mr. DOCKERY. The Government issued its circular, and has been in the market ever since the 23d of April last endeavoring to purchase bonds, and has been able to buy only $33,543,932.78, and those at an enormous premium. The difficulty which President Grant foresaw when he was the Chief Executive has come to pass. The moment the Government goes into the market to buy bonds, that very moment they begin to appreciate. That is the difficulty confronting the Secretary of the Treasury to-day.

Mr. HOPKINS, of Illinois. Is not the difficulty in the manner in which the Government has gone to work to buy the bonds, rather than in the fact of buying them?

Mr. DOCKERY. I think not. The Government has simply advertised, just as a private individual would advertise if he desired to purchase a certain number of bonds.

Mr. LAIRD. As a business man, what do you say to the enhancement of the value of the fours and four-and-a-halfs by the manner in which their purchase has been conducted? The four-and-a-halfs could have been bought for 107 or less if the bid had been asked in that way.

Mr. DOCKERY. I do not know that I exactly catch the drift of the gentleman's question, but will say that all of the four-and-a-halfs have been purchased for less than 8 per cent. We may differ as to methods, but if I understand the criticism implied by the interrogatory, I must say that I do not think it well founded, as in my opinion any other plan for purchases would have been followed by the appreciation of the bonds.

Of course I imagine that no policy which this Administration could devise would be exactly satisfactory to our friends on the other side; but if I were going to purchase bonds I do not know what course I could pursue except to advertise in some way the fact that I desired to purchase, and then if my friend from Illinois [Mr. HOPKINS] had bonds to sell, I suppose he would offer them, in which event I would accept or reject as the prices seemed either reasonable or exorbitant.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. If I understand the complaint of the gentleman from Missouri [Mr. DOCKERY], it is that this side of the House has pursued a policy which has resulted in increasing the surplus in the Treasury, or rather in preventing a reduction of the revenue, sought on the other side through the Mills bill. Now, I desire to say, with respect to this complaint, that gentlemen on this side of the House who have opposed the Mills bill and have contended for a revenue bill of another character have been as earnest as gentlemen on the other side to secure such a reduction of the revenue as would prevent a surplus. Nay, more; for more than a year and a half we have been ready at any time to vote for a proposition on which the other side agrees with us, and has inserted in the Mills bill, for the reduction of the revenue by abolishing the tax on tobacco, except perhaps cigars, and that notwithstanding this side of the House has stood ready for a year and a half to vote for that proposition and reduce the revenue $25,000,000, and notwithstanding gentlemen upon the other side have sought to obtain recognition to put on its passage a bill thus reducing the revenue, no such recognition has been given.

And notwithstanding at any time this session the majority of the Ways and Means Committee might have taken advantage of this agreement of both sides, and passed a bill reducing the revenue and the surplus to this extent, yet they have declined to do this. And why have they declined? Evidently in order that there might be an increasing surplus as a lever to be used to secure the overthrow of the system of protection of home industries in this country.

Mr. NELSON. Will the gentleman allow me a question?

Mr. DINGLEY. I do not yield now.

Mr. NELSON. Is there any popular demand for the repeal of the tobacco tax?

Mr. DINGLEY. I decline to yield.

Mr. NELSON. Do the people want the tobacco tax repealed?

Mr. DINGLEY. I decline to yield at this time. I simply say that the other side of the House have voted to incorporate in the tax reduction measure which they have proposed a proposition to abolish this tax, and nearly all of this side of the House would be ready to vote for that proposition under all the circumstances; and that in view of this, gentlemen on the other side would have seized upon what was practicable and passed such a bill if they had been half as desirous of reducing the revenue as they profess to be.

Mr. NELSON. Who wants the repeal of the tobacco tax?

Mr. DINGLEY. I decline to be interrupted, for the gentleman's question has nothing to do with the point I am considering. Mr. Chairman, I want to say further that this side of the House have been ready from the beginning to give their votes for the passage of a bill reducing the revenue, which should protect the industries of this country. Gentlemen will understand this, and know full well the lines on which a tax-reduction bill would receive our support. There will probably come to gentlemen upon the other side of the House, as well as to this side, before we adjourn, a bill from the Republican Senate embodying the Republican and protection views of the manner in which the revenue and surplus should be reduced, and the reduction proposed by that bill will be as much as the bill which has been proposed by the other side by the bill which has passed the House; and the "average" duty of the dutiable list will be no more than that proposed by the Mills bill, but the mode of distributing this "average" will be very different from that proposed in this bill, which retains a duty of 68 per cent. on sugar and 100 per cent. on rice, but places wool and farm products on the free-list. When a protection bill shall be returned to us from the Senate as a substitute for the Mills bill we shall see if gentlemen on the other side will be as eager to reduce the revenue when the industries of the country are to be preserved as when they are to be destroyed.

Now, Mr. Chairman, with reference to the point suggested by the gentleman from Missouri, that the idle surplus of the Treasury is daily increasing, and is now over one hundred and thirty millions, why is it that with $222,000,000 of the bonds of this Government bearing 4½ per cent. interest and due in three years, and over seven hundred millions of 4 percents—bonds which can be purchased at such a rate that they will yield the Government more than 2 per cent. for its money lying idle now and in part for nearly a year past; why is it, when this can be done, that from last October to April not a single bond was purchased, notwithstanding the Government was loaning this money to pet banks without interest? I know the excuse, but every gentleman in this Hall knows that the excuse had no foundation, for precisely the same law authorizing the purchase was on the statute-book then that there is now. Surely, so long as the interest-bearing debt of the Government can be anticipated by purchase at rates which yield the Government at least 2 per cent. for its money, there is no excuse for increasing the surplus in the Treasury; and if it is increased the country will have the right to infer that this is done to maintain a lever to push Congress into adopting such a revision of the tariff as will overthrow the protective system. [Applause on the Republican side.]

Mr. BYNUM. One word in reply to the gentleman from Maine [Mr. DINGLEY]. He says that that side of the House have been unanimous in favor of the reduction of the tobacco tax. I am not violating any secret of the Committee on Ways and Means in the statement I am about to make, because by a resolution of that committee its records have been made public. During the consideration of the bill which was introduced in the House, when the internal-revenue portion was under consideration a motion was made by the gentleman from Pennsylvania [Mr. KELLEY] to repeal the entire tobacco tax. The gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Maine [Mr. REED] voted in favor of the motion, while the gentleman from Ohio [Mr. MCKINLEY], the gentleman from Indiana [Mr. BROWNE], and the gentleman from Michigan [Mr. BURROWS] voted against it. [Applause on the Democratic side.] So that there was a majority of the gentleman's own side in the Committee on Ways and Means recorded against the proposition to which the gentleman has so generously proffered the solid support of his party.

Mr. LAIRD. How did the Democratic members of the committee vote?

Mr. BYNUM. They voted against it, of course.

Mr. DINGLEY. The gentleman knows very well that the particular proposition relating to the tax on tobacco inserted in the bill passed by the House could have been incorporated into a bill alone and passed in this House at any time.

Mr. BYNUM. The gentleman stated that his party and his side were united in favor of this proposition. I merely called his attention to the vote on that single measure in committee and to the fact that a majority of his own side voted against it. His party, I undertake to say, will not support a measure repealing the tax on cigars, cigarettes, and cheroots.

Mr. DINGLEY. I do not know what was the particular proposition in the Ways and Means Committee to which reference is made, but the gentleman from Indiana well knows that a proposition relating to the tobacco tax similar to that incorporated in the Mills bill would have passed this House at any time by a large majority; and I suggest to the gentleman that if he and his associates are half as anxious as they pretend to be, they will take advantage of this situation and re-

port such a bill immediately. I predict, however, that they will not do so, because they know it will pass.

Mr. COMPTON. Mr. Chairman, I desire to say that I represent what is in large part a tobacco-growing district; and I think I have as much at heart and appreciate as fully as any man representing such a district the interest and welfare of my people. I have heard it charged time and again—and some of my friends on this side seem to be nervous under the accusation—that the Republican party are in favor of abolishing all the taxes on tobacco, and that the Democratic party has refused to accede to a proposition to reduce the tax upon tobacco. What does the Mills bill do? If I understand it correctly it reduces the tax on tobacco by about $23,000,000, taking the tax off leaf-tobacco, chewing-tobacco, and smoking-tobacco, and leaving it only upon cigars and cheroots.

Now, as a representative of a tobacco-growing district and as a Democrat, I want to say to my Republican friends I am ready to meet them upon that square issue alone. In view of the proposition which has been presented here—a compromise proposition from top to bottom—the prime object of which is to reduce the surplus revenue now in the Treasury and prevent a financial crisis in the country, I invite the Republican opposition in the district in which I am a Democratic candidate, to meet me on that issue before the tobacco growers there; and I have no hesitation in saying, that as men devoted to their principles as Democrats, and devoted also to their country as good citizens, the people of my district will accept that issue squarely, and will defeat our political opponents whenever they see fit to make the issue. I am willing to accept that as the only issue in my district.

Mr. FUNSTON. Are you opposed to taking the tax off tobacco?

Mr. COMPTON. I am not. I have voted, as you did not, to take the tax off leaf-tobacco, chewing-tobacco, and smoking-tobacco, retaining a limited tax upon cigars and cheroots. Why did you not vote for that?

[Here the hammer fell.]

Mr. BURNES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendment, in which the concurrence of the House was requested, the bill (H. R. 10540) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the Senate insisted on its amendments to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes; disagreed to certain amendments of the House to the Senate amendments, and agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. FARWELL, and Mr. BECK.

SUNDRY CIVIL BILL.

Mr. FORNEY. Mr. Speaker, I ask that the sundry civil bill, with the amendments of the Senate, be referred to the Committee on Appropriations, and ordered to be printed.

There being no objection, it was so ordered.

LEAVE OF ABSENCE.

Mr. BLISS, by unanimous consent, obtained leave of absence until Saturday next, on account of important business.

LEAVE TO PRINT.

Mr. HOLMAN, by unanimous consent, obtained leave to extend in the RECORD his remarks delivered to-day.

UNITED STATES COURTS IN NEBRASKA.

Mr. ROGERS. I rise to a privileged question. I ask the Clerk to read the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, and agree to the same.

JOHN H. ROGERS,
JOHN S. HENDERSON,
Managers on the part of the House.

JAMES F. WILSON,
WM. M. EVARTS,
RICHARD COKE,
Managers on the part of the Senate.

The following statement of the House conferees, submitted in accordance with the rule, was read:

STATEMENT BY THE HOUSE CONFEREES.

The amendment of the Senate is a substitute for the House bill. The House bill divides the State of Nebraska into divisions, assigning certain counties to each division, and locates the courts at five places. The Senate amendment does not divide the State into divisions, and locates the courts at four places instead of five, dropping the town of Kearney. In other respects the conferees of the House think the bills are substantially the same.

The report of the committee of conference was agreed to.

Mr. ROGERS moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of conferees as follows, namely:

On the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., Mr. DIBBLE, Mr. NEWTON, and Mr. POST, and on the bill (H. R. 1666) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, Mr. DIBBLE, Mr. COX, and Mr. KENNEDY.

ELIZA A. CUTLER JONES.

Mr. BAKER, of New York. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6619) for the relief of Eliza A. Cutler Jones, and that the same be now put upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That there be paid Mrs. Eliza A. Cutler Jones, of Scottsville, Monroe County, New York, the sum of $5,000, in five annual installments of $1,000, each, out of any money that may hereafter be appropriated for the use and benefit of the Cheyenne Indians.

Mr. BRECKINRIDGE, of Kentucky. Let the report be read.

The report (by Mr. BIGGS) was read, as follows:

Your committee find that Henry C. Jones, the son of the claimant in this case, with several others, while engaged in the survey of public lands in the State of Kansas, near Fort Dodge, in March, 1874, was ruthlessly murdered by a roving band of Cheyenne Indians; that Congress, recognizing the justness of claims of this kind, has paid to Mrs. O. F. Short and Mrs. James Shaw, whose husbands and sons constituted the other members of the party at the time of the massacre, $5,000 each as compensation for their loss.

Your committee think therefore that the claimant, who is now old and infirm, should receive a similar amount as compensation for the loss of her son, who was then a youth of twenty-one years, unmarried, and upon whom she depended for support, and accordingly recommend the passage of the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. From what committee does that bill come?

Mr. BAKER, of New York. From the Committee on Indian Depredation Claims. I will state that it takes no money from the Treasury——

Mr. BRECKINRIDGE, of Kentucky. But it takes it from the Indians.

Mr. BAKER, of New York. Yes; under the law for depredations committed by them.

Mr. SYMES. It takes it from the Indians who engaged in the raid, and committed the depredations for which the claim is lodged.

Mr. BAKER, of New York. I hope my friend from Kentucky will not object.

Mr. HOLMAN. Have the Indians been heard?

Mr. BRECKINRIDGE, of Arkansas. Does this come out of the funds belonging to the Indians?

Mr. BAKER, of New York. It does.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BURNES. I am bound to object.

Mr. BAKER, of New York. I hope the gentleman will not object. This is a particularly meritorious case.

Mr. BURNES. I must object for the simple reason that there are housands of these claims equally meritorious with this. It has been the law all the time to take them out of the Indian money. Let it go through the usual channel.

LUCY M. SWINNEA AND MARY E. HANSERD.

Mr. MORGAN. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd.

Mr. HOPKINS, of Illinois. Let the bill and report be read, subject to the right of objection.

The Clerk proceeded to read the bill.

Mr. BUCHANAN. I rise to a question of order. The hour of 5 o'clock has now arrived.

The SPEAKER *pro tempore*. The point of order is well taken. The hour of 5 o'clock having now arrived, the House stands adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FISHER: A bill (H. R. 11083) for the relief of David O. Ramsey—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 11084) for the relief of the executors of the late John Grant—to the Committee on Claims.

By Mr. O. B. THOMAS: A bill (H. R. 11085) to authorize the building of a bridge over a part of the Mississippi River nearly opposite La Crosse, Wis.—to the Committee on Commerce.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of Anti-Monopoly and Settlers' Rights Association of Colorado, relative to certain public lands in Colorado—to the Committee on the Public Lands.

By Mr. BAYNE: Petition of citizens of Allegheny, Pa., for amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. FITCH: Petition of citizens of Brooklyn, N. Y., for the removal of duties on dental instruments—to the Committee on Ways and Means.

By Mr. HIRES: Petition of citizens of Camden County, New Jersey, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of Rankin R. Lannan, of Coffee County, Tennessee, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Mary Wheeler and of Anthy Ann Williams, of Limestone County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. BOOTHMAN: Of Matthew Curren and 26 others, and of Elijah V. Clark and 43 others, ex-Union soldiers, of Rhode Island.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. C. R. BRECKINRIDGE: Of citizens of Turnip, Ark.

SENATE.

FRIDAY, *August* 3, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department in regard to the item "heating apparatus for public buildings," contained in the sundry civil appropriation bill for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of June 4, 1888, certain records of the Navy Department concerning the United States steam-ship Tennessee; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

JACOB G. BOSTATTER.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Ohio [Mr. SHERMAN] desires to ask the Senate to take some action in reference to the bill (H. R. 5259) to relieve Jacob G. Bostatter from the charge of fraudulent enlistment.

Mr. SHERMAN. The Senate yesterday passed the bill changing the name of "Bostatter" to "Bostalter" by an amendment erroneously reported from the Committee on Military Affairs. I ask the Senate to agree to the bill as it passed the House. I move to reconsider the vote by which the bill was passed so as to correct the spelling of the name.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate reconsider the vote by which the amendment was concurred in and ordered to be engrossed, and the bill to be read a third time and passed.

The motion to reconsider was agreed to.

Mr. SHERMAN. I ask that the amendment reported by the Committee on Military Affairs be disagreed to.

The PRESIDENT *pro tempore*. If there be no objection, the amendment by which the name was changed from "Jacob G. Bostatter" to "Jacob G. Bostalter" will be disagreed to.

Mr. SHERMAN. Now let the bill be passed just as it passed the House. Their spelling of the name was correct.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The title was amended by the Senate. That amendment will also be disagreed to.

PETITIONS AND MEMORIALS.

Mr. MANDERSON. I present a very voluminous petition from one Giles Otis Pearce, a resident of Nebraska. He sets forth a great many grievances and wrongs perpetrated upon him by officials of the United States. After reading the petition somewhat carefully, I am at a loss to understand just what is the nature of the grievances, but the petitioner claims some $5,000,000 from the Government as damages, and asks that his case may be sent to the Court of Claims. I do not know what to do with the petition except to refer it to the Committee on the Judiciary for its investigation.

The PRESIDENT *pro tempore*. The petition will be received and referred to the Committee on the Judiciary, if there be no objection.

Mr. PAYNE presented a petition of citizens of Athens and Meigs Counties, Ohio, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. BECK presented seven petitions of citizens of Boyle County, Kentucky, praying for the passage of the per diem pension bill; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3414) granting a pension to Emma Matilda Selfridge, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 78) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses, reported it with amendments.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3415) for the relief of John W. Coleman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 3417) granting a pension to George E. Fernald; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3418) for the erection of a public building at York, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL (at the request of a member of the House of Representatives) introduced a bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

On motion of Mr. CULLOM, it was

Ordered, That J. W. Chickering be granted leave to withdraw from the files of the Senate the papers relating to his case, no adverse report having been made.

POSTAL CRIMES.

Mr. VEST submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to return to the Senate the enrolled bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to request the Senate to return to the House of Representatives the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., with the action of the House thereon.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, and agreed to the same.

The message returned to the Senate, in compliance with its request, the bill (S. 2831) for improving the mouth of the Brazos River, Texas.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. NEWTON, and Mr. POST managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. COX, and Mr. KENNEDY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1560) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, and for other purposes;

A bill (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein;

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio River;

A bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants and afterward held to be without such limits;

A bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side-track into square No. 1025, in the city of Washington; and

A bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi, at Winona, Minn.

PUBLIC BUILDING AT OMAHA, NEBR.

Mr. SPOONER. I ask that the Chair lay before the Senate the message from the House of Representatives relating to Senate bill 182.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *August* 3, 1888.

Ordered, That the Clerk be directed to request the Senate to return to the House of Representatives the conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a building thereon at Omaha, Nebr.

Mr. SPOONER. I move that the request be granted, and that the conference report and accompanying papers be returned to the House of Representatives.

The motion was agreed to.

CANADIAN LINES OF TRANSPORTATION.

Mr. CULLOM. I offer a resolution and ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, directed to ascertain and report to the Senate whether any railroad lines located in the United States are owned, operated, or controlled by the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or any other Canadian railroad corporation; whether commerce originating in the United States is diverted from American to Canadian lines of transportation, and, if so, to what extent and by what means; and whether there is any discrimination in the charges made for tolls, or otherwise, against American vessels which pass through the Welland and St. Lawrence Canals.

Said committee is further directed to inquire fully into the question of the regulation of the commerce carried on by railroad or water routes between the United States and the Dominion of Canada, and to report what legislation on the subject, if any, is necessary for the protection of the commercial interests of the United States or to promote the enforcement of the "act to regulate commerce," approved February 4, 1887.

In making the inquiries required by this resolution said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk and a stenographer, to sit during the recess of Congress, and to do whatever is necessary for a thorough investigation of the subject. Any subcommittee may exercise the powers hereby granted to said committee, and the expenses of said investigation shall be paid from the contingent fund of the Senate upon vouchers duly approved.

The PRESIDENT *pro tempore*. As this resolution creates a charge upon the contingent fund of the Senate, it must be referred, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CULLOM. Before that is done, if the resolution has to be referred, I should like to say one or two words in regard to it.

The PRESIDENT *pro tempore*. The Senator from Illinois can proceed by unanimous consent. The Chair hears no objection.

Mr. CULLOM. Mr. President, some days ago I introduced a resolution which is now on the Calendar, as I am informed by the Presiding Officer, which was in the same line with this; but on further investigation, after introducing the first resolution, I concluded that there ought to be more scope given to the investigation, and I have therefore introduced the one which has just been read, believing that such an investigation as is indicated in the resolution should be made by some committee of the Senate of the United States.

I do not undertake in advance to say what the situation is fully, because I am not able to say what it is; but I have investigated enough to satisfy me that the commercial interests of our own people, and I may say almost the honor of our own country, demand that something should be done to protect the interests of the American people as against the encroachments of the corporations that are being conducted by our neighboring government of Canada.

It is well known to the country that there are two great lines of railroad built by the people, and aided by the Canadian Government in part and by the British Government, which lines skirt along upon our border from one end of the country to the other, from ocean to ocean. Take, for instance, the Canadian Pacific Railway. It begins its line at Halifax, runs from there to Quebec, crosses over the St. Lawrence River at that place, and skirts along upon the St. Lawrence River and along our border until it reaches Vancouver, on the Pacific Ocean. That line, it is well known, is reaching into our country and purchasing or building railroads, for instance, to Duluth and to Minneapolis and other places in our own jurisdiction and country for the purpose of feeders to the main line of the Canadion Pacific.

What I say now is largely upon newspaper and other information which I do not regard as absolutely reliable, but it is understood, I think, generally that they have control now of the road running from Sault Ste. Marie to Duluth, and also another one running from the same place to Minneapolis, and are reaching out into this country, as I say, and getting control of feeders for the main line, so that very much of the commerce that ought to be carried on within our own jurisdiction is now carried on outside of our jurisdiction and on Canadian soil.

Not only is that true, Mr. President, but the British Government or the Canadian Government, some time ago established a line of steamers connecting with the western terminus of the Canadian Pacific, running to China and Japan and Hong Kong, for the purpose of securing the commerce from those governments and peoples to be carried, not on American roads, but upon the Canadian Pacific, and dropped down from one point to another along the Pacific line into the United States at St. Paul, Minneapolis, Chicago, New York, and Boston, and the various centers of business in the United States.

Whatever may be the exact fact in relation to the situation, I think there is no Senator here who would disagree with me in saying that whatever can be done consistently with our relations to the Canadian Government, and under our Constitution, ought to be done, so that the commerce of the western world that comes to our borders should come upon American soil, and be carried upon American roads, instead of being carried around us upon the north.

My purpose in introducing the resolution and securing an investigation on this subject is to recommend whatever seems by the facts to be justified in legislation to secure to our own people the advantages that would be attained by the transportation of the products from the western world through our own country instead of around it and dropping into our own cities at nearest points.

I understand from reports that the Canadian Government has already an arrangement by which a subsidy of about $300,000 a year is paid by the Canadian or British Government to some three or four steamers which ply between Vancouver or the Pacific Ocean on our western border and the nations west of us, and that that line of steamers is established for the purpose of diverting the trade from China and Japan which would naturally come to the Union Pacific road, or to the Northern Pacific road, or to the Southern Pacific road, and be carried across our own country upon our great trans-continental lines, to the Canadian Pacific on our northern border.

In relation to the subsidy that had been given by the Canadian or or British Government to a line of steamers running from our western coast to those far-away countries, the purpose, as I said, was to give to the Canadian Pacific the traffic that comes from those countries which would naturally come to the roads which belong to the people of the United States and run through our own country, the result of which has been that so far as the article of tea is concerned the Canadian Pacific to-day is carrying, I believe, 42 per cent. of the product of tea that is brought to this country, and which the American people are using.

If it can be done with propriety, certainly the product that is used by the American people, of whatever character, that comes from those western countries, as well as from others, for that matter, for our people, ought to be carried upon our own roads.

Mr. HOAR. I should like to ask the Senator from Illinois a question with his leave. I received by the mail, either yesterday morning or last night, a pamphlet upon the subject of Canadian transportation, which stated that the British Government had just granted a subsidy of £60,000 to a single steam-ship line from Vancouver, or some point of the British possessions in the Pacific, to China. I should like to ask the Senator from Illinois if he has also that information in a shape which he regards as authentic?

Mr. CULLOM. I have already spoken of the fact that the Senator from Massachusetts alludes to. I have the same information, the same document or pamphlet, perhaps, to which the Senator has referred (the annual report of the Canadian Pacific Railroad for 1887), showing that there has been £60,000, or $300,000, a year, in round numbers, granted as a subsidy to three ships, perhaps, that run between the Pacific coast

and the nations of China and Japan, etc. By the aid of that subsidy those ships are running between our country and those countries, and are carrying, as I said awhile ago, a large part of the traffic that comes to our people—notably, the article of tea, the Canadian road carrying 42 per cent., and I have no information as to any other that comes into the United States.

Mr. HOAR. I should like further to ask the Senator—I was called out for a moment when he stated the fact before, perhaps he has stated it fully—whether it is also true that the condition of the subsidy to those three ships is that they are to be at the service of the British Government in case of war?

Mr. CULLOM. Those ships are so built, I understand, as to be used as cruisers and war vessels in case occasion should require. That is the statement made to me.

Mr. EDMUNDS. The British Government always requires that in respect of such contracts.

Mr. CULLOM. The Senator from Vermont says that is always required by the British Government, a fact which I did not know.

Mr. MITCHELL. I can give the Senator from Illinois another item of traffic that this subsidized British line is engaged in, and has been for a good many months now under the subsidy. It is bringing in Chinese from Hong-Kong and other ports of Asia at the rate of about 4,000 a month and landing them in British Columbia, and they are pouring down in a great variety of streams into this country all along the border.

Mr. CULLOM. That is a fact I was not aware of and a situation that should not be allowed a day longer than the time when it can be stopped.

Now, I have another suggestion as a reason why I think this investigation ought to be made, and that is embodied also in the resolution. It has been stated through the newspapers and otherwise that the Canadian Government was discriminating against our vessels laden with grain or whatever going east in case they should go through the Welland Canal and not go any farther on the St. Lawrence River, but take the Erie Canal through our own country. I have a document in my hand called for, I believe, by a resolution of the House, a communication from Mr. Thompson, Acting Secretary of the Treasury, in which he states, among other things:

The Canadian regulations operate as a discrimination against American ports, American railroads and canals, and American vessels.

The matter was brought to the attention of Congress in the report of the Commissioner of Navigation for 1887, and in the letter addressed to you January 23, 1888, and the attention of the Secretary of State has been invited to the subject.

In this, as I have shown, the Acting Secretary states unqualifiedly that there has been discrimination against American vessels laden with wheat or grain or goods going east, if they pass though the Welland Canal and fail to go any farther in the direction of foreign ports, to Montreal or wherever else, but decide to come into our own country with their loads of grain in preference. I see in this paper a report of an officer of the Government, Mr. Morton, I believe, commissioner, in which he says, quoting a paper from the Canadian council, as follows:

The order in council, G. 251, of April 20, 1888, is as follows:

"His excellency in council has been pleased to order, and it is hereby ordered, that the special rates of toll of 2 cents per ton adopted last year for the passage through the Welland and St. Lawrence Canals of certain cereals, wheat, Indian corn, pease, barley, and rye, when shipped for Montreal, or for any other port east of Montreal, be continued during the forthcoming season of navigation and no longer, such toll covering the Welland and the St. Lawrence Canals."

* * * * * * *

It appears that on the payment of 20 cents per ton toll in the Welland Canal a free pass is given through the St. Lawrence canals, and that a refund of 18 cents per ton is allowed from the toll paid on the Welland Canal, if the proper papers showing such payment and that the cargo has been forwarded are produced at the department at Ottawa.

Showing a discrimination against the American vessel if it went through the Welland Canal and did not go any farther, but went into the United States. Again:

Under the present system of discriminating in favor of shipments down the St. Lawrence and against shipment through the United States, the use of the canals is not secured to the citizens of the United States on terms of equality with the inhabitants of the Dominion, there being a discrimination virtually in favor of said inhabitants and an infringement of the spirit, at least, of the treaty. Citizens of the United States using the canals and shipping over our territory are on a less favorable footing than the inhabitants of Canada using the canals and shipping by routes running through their territory.

I am not advised that the Secretary of the Treasury has authority to impose tolls upon vessels passing through the Sault Ste. Marie or the St. Clair Flats Canal, and bound for Canadian ports, and understand that legislation would be necessary for the exercise of such authority. In view of the action of the Canadian Government, and the construction which it appears to attach to the section cited above, it would seem proper for Congress to authorize the collection of tolls on vessels passing through the Sault Ste. Marie Canal to offset the discrimination aforesaid. And after investigation I have no doubt of the power of Congress to legislate accordingly. It is suggested, however, that the collection of the tolls be placed under the Secretary of War rather than of the Treasury, the former being already charged by law with certain jurisdiction over the property.

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The agreement in the treaty as to the use of the St. Clair Flats Canal by Canadian citizens on terms of equality with citizens of the United States seems to have been absolute, while the agreement as to the use of the Welland Canal by citizens of the United States was conditional upon the adoption of the regulation by the Canadian Government. If the British Government has carried out its agreement to urge upon the Government of Canada to secure to United States citizens the use of the Welland and of the other Canadian canals on terms of equality with Canadian inhabitants, it would seem that its efforts have met with small success.

As the matter stands there is a material discrimination by the existing Canadian regulations against American ports, American vessels, and American railroads and canals in the matter of the shipment of grain and other merchandise through the Welland Canal for exportation.

This document, as Senators will see, refers to the treaty of 1871, made between the United States and the British Government or Canada, in which the British Government proposed as one of the provisions of the treaty to use its good offices in trying to prevail upon Canada to do so and so; in other words, to treat Americans equally fairly with their own citizens. But, as the commissioner here states, if they undertook to do it they have very greatly failed in their effort, because it appears very plainly that discrimination against the American people has been going on.

What I am saying to-day is said more for the purpose of drawing the attention of the country to the situation, so that we may get whatever information or light the people may furnish us as to the condition of affairs existing between this country and Canada in our commercial relations. Their conduct has been largely based upon the treaty of 1871, as I said. A portion of it, as has been repeated here very frequently within the last month or two in the discussion of the fisheries treaty, has been abrogated by the American Government, but that portion which applies to the inland commerce, the commerce upon our vessels and our railroads or their railroads, has not been abrogated. I desire to read the article of the treaty of 1871 which applies to the particular subject under discussion.

ARTICLE XXIV.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue, as the governments of the said possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

The articles of the treaty relating to fisheries, as I said, have all been abrogated, but the article which I refer to, relating to goods passing through the respective possessions, has not been abrogated; and it seems to me that this is another evidence that whenever the American Government makes a treaty it makes a mistake, because that provision of the treaty to-day is probably in the way of the American nation in doing what it ought to do and what it must do eventually in order to protect the American interests and the commerce of this country.

Mr. EDMUNDS. Is not that article terminable on notice?

Mr. CULLOM. I was going to refer to that point. The very beginning of the article is, "It is agreed that for the term of years mentioned in Article XXXIII," which is the term of ten years, which term of ten years has expired. Then under Article XXXIII a provision is made as to the manner of getting rid of an article by authorizing the President of the United States to give notice, and in two years after that time the treaty will be abrogated and considered of no effect. My judgment is that this is one of the things which ought to be done now by this Government, or as soon as it can be done, so as to get rid of that provision of the treaty, which seems to stand in the way somewhat of the American people doing what is necessary to be done in order to protect our interests.

Mr. President, I shall not take up the time of the Senate longer, further than to say that the Congress of the United States has undertaken to regulate commerce under the Constitution, carrying out unquestionably a clearly defined constitutional power, and one which it seems to me ought to have been carried into effect many years before it was.

It is said by some that the act of Congress regulating commerce within the United States places the railroads of the United States at a disadvantage because of the encroachment upon our trade and commerce by the Canadian Government. There may be something in that statement, but I undertake to say that the American people will not let go of the right to regulate commerce within the United States because a power adjoining us may perhaps be taking advantage of it.

In other words, the American people will demand not only that Congress shall regulate commerce within the United States but that the Government shall take such steps as will protect the American people in the conduct of its commerce in connection with any other government that may be undertaking to interfere with it. If the treaty to which I have referred is in the way, we have the power to get rid of it. If any legislation is necessary in order to protect our commerce and our railroads on American soil, it is the duty of the Congress of the United States to enact it.

I have, as I said, simply called the attention of Congress to this subject this morning in the hope that the country generally may take it up and consider it, and that we may eventually, and very soon, arrive at a correct conclusion as to what our duty is in the premises in the Congress of the United States.

Mr. GORMAN. Mr. President, I ask the permission of the Senate to say a few words.

A week or ten days since the Senator from Illinois, the chairman of the Committee on Interstate Commerce, introduced a resolution looking to the general investigation of this question. I asked that it might be laid aside for a few days, with a view of offering an amendment to it. The Senator kindly consented; and he has this morning remodeled his resolution, after conference, so as to embrace the entire subject, as I understand it.

The Committee on Interstate Commerce have for the past two years given a good deal of attention to the question of transportation within the United States, and they have necessarily had their attention drawn very sharply to the question of transportation through Canada and the rights of the Canadian railroads to transport goods in bonded cars. I agree with the honorable Senator from Illinois that the Interstate Commerce Committee should necessarily have charge of the question and make a further examination.

I find, however, the Senator from Massachusetts [Mr. HOAR] had a resolution passed, I think upon the 31st of July, appointing a select committee of this body to be charged with the duty of examining this question in all of its details and all the commercial relations between this country and Canada. So it is possible we may have two committees investigating the same subject. It may be that the intention of the Senator from Massachusetts was to investigate another branch of it which is broader and deeper and looks to the whole commercial relations between this country and Great Britain.

Mr. HOAR. If the Senator will pardon me for a moment, I beg to say that the resolution which I offered was introduced before that of the Senator from Illinois; but the Senator from Illinois shortly after introduced his resolution, and I informed him that it seemed to me quite proper that the Committee on Interstate Commerce which had already investigated the subject of our railroad transportation in this country between the States (which is so intermingled with our relations with the transportation interests of Canada and Canada's relations with ours) should still retain charge of that whole subject and should pursue the investigation, and that it would be the purpose of the committee appointed on my motion, so far as I could control it, it was not my own purpose at any rate if I should be upon the committee, to undertake to go into this particular investigation, but to make a general report upon our entire commercial relations with Canada, which involves the exchange of products, a subject far outside of the mere transportation relation, to avail ourselves of the conclusions and facts found by the Interstate Commerce Committee in making a general statement of the result, but beyond that I do not think there will be any desire to go into it.

Mr. GORMAN. I am very glad to hear the statement of the Senator from Massachusetts, for I think the subject is probably broad enough for the two committees with the division of labor suggested by him.

Mr. President, I consider this one of the most important, if not the most important, questions that is before the American public at this time. The transit trade had its origin in an emergency. It was inaugurated as an expedient for subserving the interests of the United States. It began about the 1st of April, 1855, upon the completion of the railway suspension-bridge across the Niagara River at a point 2 miles below the falls, the Great Western Railway of Canada extending from that point to a point opposite the city of Detroit, in connection with the New York Central and the Michigan Central. We then, for the first time, permitted a foreign railway company to come in competition with and to share a part of the business from our side, and carry it over that road through to its termination in Canada.

Of course at that time it was not perfectly understood. The construction of that bridge was a great event in the history of this continent, and nobody at that time anticipated that Canadian railroads would become great rivals of the American roads or would seriously jeopardize the business of this country. So matters drifted along until 1866, when Congress, acting under the pressure, I have no question, of those who were engaged and interested in the Canadian roads and their branches in the United States, who came here and asked for it, passed an act which permitted the Secretary of the Treasury—and it has been by some of the best lawyers construed to be more than a permission, a requirement—to permit goods that were sealed in cars to pass from Canada through our territory and back into Canada without paying duty; in other words, opening up absolute free trade on all the goods which passed over the territory of the United States back into Canada. And that act stands to-day unrepealed.

In 1871, when the treaty of Washington was negotiated, the Canadians in that treaty, as my friend from Maine [Mr. FRYE] believes on the fisheries question, outgeneraled the American commissioners and secured not only in the thirtieth article of that treaty, which has since been abrogated, but in the twenty-ninth article, the incorporation of two or three words which gave the Canadian roads the right to this transit trade until that article shall be abrogated. I do not think it can be denied that the last clause of the second paragraph of Article XXIX grants to Canadian railroads the right to convey goods, wares, and merchandise in transit without payment of duty from the United States through the said possessions to other places in the United States; and it constitutes a privilege greater in magnitude than all the rest of the treaty put together, and yet it stands without any intimation whatever of granting to the railroads of the United States the obvious reciprocal privilege of transporting goods from one part of the Dominion of Canada to another part of the Dominion.

So we came to 1885, when the Secretary of the Treasury, the late Mr. Manning, a man with strong, good sense, not a lawyer, but always going to the kernel of every question that he undertook to investigate, said at once and said it publicly in a document sent to the Congress of the United States, there is but one way to settle all questions in dispute between our Government and Canada, and that is to prohibit the transportation of goods through the United States, prevent that and we will get all the rights that we demand for your fishermen and all the rights that are required for our railroad interests; and he, on the 2d of July, 1885, issued circular No. 102, which prohibited the transit of Canadian goods through the United States.

Subsequently the question was examined by the law officers of the Government, and he was advised that not only under the act of 1866, but under the treaty of Washington, made in 1871, he had not the right to prevent this transit of goods in Canadian cars; and from that time, July 24, 1885, when that decision was made, Congress has never done anything on the subject, although I called attention to the fact when we were considering a resolution relating to the fishery question, and I offered a resolution authorizing and directing the President of the United States to prohibit this transit of goods in Canadian cars, not only with a view to the fishery rights, but with a view also to this transit of goods within our own country. I am sorry to say that the resolution received only a few votes.

So whatever trouble comes from this entire question comes from the legislation of Congress in 1866 and from the treaty of Washington made in 1871, and your failure to act by taking the matter in hand, as I believe it should have been taken, and controlling it and disposing of it by Congress.

Mr. HOAR. May I ask the Senator from Maryland to yield to me to put a question?

Mr. GORMAN. With great pleasure.

Mr. HOAR. I ask whether the power or authority which the Senator's resolution proposed to confer upon the President, or at any rate which it proposed to request him to use, was not contained in the statute of 1887?

Mr. GORMAN. I did not hear the Senator; there is so much confusion.

Mr. HOAR. I asked whether the statute of 1887 giving the President the power, which has been referred to so often in debate, did not confer upon the President full authority to do all that was contemplated by the resolution to which the Senator from Maryland refers?

Mr. GORMAN. I believe I am one of the four or five lay members of this body, for I think all are lawyers but four or five, and I would not attempt to venture an opinion except as a layman. I do not think such power is conferred, and when I find that there is such an absolute difference of opinion between distinguished lawyers as to the construction of it I take the common-sense view that the President has not the power.

Mr. FRYE. I should like to ask the Senator from Maryland a question. Was there not a transportation of goods immediately after the building of the bridge across the Niagara River, and did that not continue up to the enactment of the law of 1866?

Mr. GORMAN. It did.

Mr. FRYE. Can the Senator inform the Senate under what authority that transportation in bond was had over that road and over that bridge?

Mr. GORMAN. I do not think there was any authority at that time. As I have said, the construction of that bridge was one of the great events of this continent. It was not thought by anybody at that time, not dreamed of, that it would be a competing line for the transportation of American goods, and the Treasury Department, or the President, whoever gave the order—I am not sure but it was the Treasury Department—gave it, I think, without any authority of law, so far as I am able to find. They permitted it, and it continued down to the passage of the act of 1866.

Mr. FRYE. I offered a resolution, which was adopted a few days ago, calling on the Department for the history of that whole transaction.

Mr. GORMAN. I am delighted that the Senator did so.

Mr. FRYE. A reply was received, but it was not the history I was seeking. I think it announced that during all those years, without any law at all, these goods were allowed to pass in bond across this Canadian bridge.

Mr. GORMAN. Now, Mr. President, as stated by the Senator from Illinois, while we have acted in perfect good faith, while we have permitted Canadian cars to come and go freely and without hinderance, and

while they have been getting an undue proportion of this trade, they have discriminated against us in every particular. It has been stated by the highest authorities that by rebates and drawbacks, both for railroad transportation and for transportation through their canals, an advantage of at least 18 cents a ton has been given where wheat and other productions of the Northwest have been carried in Canadian vessels, thus driving out and preventing American vessels from participating in that trade.

When the Canadian Pacific Railway was incorporated, subsidized by Great Britain, then began for the first time a formidable raid upon our American commerce and transportation interests that means something. The British Government has given that road a sufficient amount of money to build it through a barren wilderness, to operate it, and to maintain it, and has given it the exclusive right to build a railroad within 300 or 400 miles of its territory, so that an American company can not be organized and extend its lines through the Dominion of Canada.

The only instance is the one of the Manitoba road, which occurred only within the past year and a half, where they took forcible possession because the people of Manitoba wanted that road as a competing line. The British Government or the Canadian Government gave the Canadian Pacific $10,000,000 because of the violation of the contract. They have extended that road to Puget Sound in perfect operation, but it was yet comparatively valueless unless they could obtain further foothold in the United States. So they have obtained from Maine, they have obtained from Vermont, and from other States bordering on Canada, the right to come in and through American organizations obtain charters for the construction of railroads with the money with which the British Government or Canadian Government subsidized them, and the State of Maine to-day and the State of Vermont (whether they have the perfect legal right to do it or not, I will not venture to express an opinion) are being used for the purpose of diverting this great commerce from our American ports.

Whether one of the United States has the right to grant such a charter as the State of Maine has granted to the International Railway Company, and permit its operation as a part of the through line of the Canadian Pacific, when it is an open and notorious fact that it is a subsidized road of Canada, receiving $175,000 per annum for ten years from the Dominion Government, I submit to the Senator from Massachusetts, is a question for his most careful consideration, and if a State can exercise such power then to report what remedy we have, for it is an undeniable fact that this International road which passes through Maine to St. John, N. B., and to Halifax, N. S., will, when completed, enable the Canadian Pacific to reach Halifax and compete not only for the trade of the great Northwest, but it will give them an advantage of at least two days' time between Japan and Liverpool over the American line, which means the absolute monopoly of that trade. Now, let me read the distances by their road from Montreal to St. John and to Halifax by routes wholly within the British provinces:

TO HALIFAX—ROUTES WHOLLY IN THE PROVINCES.

	Miles.
Montreal to Quebec, Canadian Pacific	172
Quebec to Halifax, Intercolonial	678
Total distance from Montreal to Halifax	850

INTERNATIONAL ROUTE THROUGH THE STATE OF MAINE.

Montreal to Farnham, Canadian Pacific	49
Farnham to Waterloo, Canadian Pacific	20
Waterloo to Sherbrooke, Canadian Pacific	29
Sherbrooke to State line, International	78
State line to Mattawamkeag, International	110
Mattawamkeag to Vanceboro, Maine Central	56
Vanceboro to Harvey	25
Harvey to Salisbury	105
Salisbury to Moncton, Intercolonial	13
Moncton to Halifax, Intercolonial	188
Distance from Montreal to Halifax through the State of Maine	673
Line through Maine shortest by	177

TO ST. JOHN, N. B.—ROUTES WHOLLY IN THE PROVINCES.

Montreal to Quebec, Canadian Pacific	172
Quebec to Moncton, Intercolonial	490
Moncton to St. John, Intercolonial	89
Total	751

INTERNATIONAL ROUTE THROUGH THE STATE OF MAINE.

Montreal to Vanceboro, as above	342
Vanceboro to St. John, New Brunswick Railway	90
Total	432
Line through Maine, shortest by	319
St. John route through Maine, shortest by	319
Halifax route through Maine, shortest by	177

DISTANCES FROM LIVERPOOL.

Provincial route.

Liverpool to Halifax	2,480
Halifax to Montreal (line through Maine)	673
Montreal to Vancouver	2,905
Liverpool to Vancouver	6,058

United States route. Mills.

Liverpool to New York	3,130
New York to San Francisco	3,271
	6,401
Provincial route shortest by	343
Liverpool to Yokohama (United States route)	11,281
Liverpool to Yokohama (Provincial route)	10,047
Provincial route shortest by	1,234

The great saving of distance by the British line is in the ocean service. That makes about two days in favor of the Britsh route as against the American line, which means a monopoly of this entire trade.

Mr. President, if my figures are correct, it becomes a serious question—a very serious question. There is also a personal aspect of the case, with all of these rights obtained from our Government, with all these untold millions poured out by the Canadian or British Government to subsidize these roads, to enable them to be constructed at a cost much below that of the American roads, and to be operated at a loss, if it becomes necessary, to break up or bankrupt our lines of transportation.

They have obtained these rights in Vermont and Maine, and in other States. Those are not the only two States, for there are any number of roads in the West, controlling, as I believe, the approach to the bridge across the Sault Ste. Marie. It is said other roads are about to pass under Canadian control. It is a great temptation, it has been too great for our enterprising American citizens. Boston and New York and Philadelphia, and other cities and some States of the Union have contributed enterprising men, who are ready to share in the profits of this great bounty that the British Government has given, and it becomes a serious question when you look at the distinguished men who are associated with these Canadian or British enterprises.

Turn, Mr. President, to the great railroad record in Poor's Manual, and you will find some of the names boldly proclaimed, without the slightest hesitation, of Americans who associate themselves in these enterprises. You will find the names of some of the most distinguished men in the United States. There are some who are candidates for high offices. One of the candidates for the second office in the Government is a director in the Canadian Pacific road. I will read the list. I take this statement from Poor's Manual:

The following is a list of the officers and directors of the Canadian Pacific and International Railway Companies:

CANADIAN PACIFIC.

Sir George Stephen, president; William C. Van Horne, vice-president; Sir Donald Smith, director; R. B. Angus, director; E. B. Osler, director; William Whyte, general superintendent; Sanford Fleming, director; Levi P. Morton, W. L. Scott, and others.

INTERNATIONAL IN MAINE.

Sir George Stephen, director; William C. Van Horne, president; Sir Donald Smith, director; R. B. Angus, director; E. B. Osler, director; William Whyte, director; Sanford Fleming, director.

Now, Mr. President, I submit that it is time for the American Congress, without regard to party, to recognize this condition of affairs. These Americans whose names I have read are the directors in the Canadian Pacific road and branches. They had a perfect right to become such.

Mr. MITCHELL. May I ask a question?

Mr. GORMAN. With great pleasure.

Mr. MITCHELL. Has the Senator from Maryland taken the trouble to examine who the directors are in the companies that control the roads running through Northern Michigan?

Mr. GORMAN. I have not. I do not know who they are, but I desire this committee to ascertain the directory in every one of them.

Mr. MITCHELL. I say if the Senator will examine those records he will find that the present chairman of the Democratic national committee is one of them.

Mr. GORMAN. I have no doubt of it. He is another enterprising railroad man, but he is not a candidate for the office of Vice-President of the United States. He is a private citizen.

I do not believe there ought to be any politics in this question, but as the Senator has brought it out so pointedly, I say to him that I do not believe any man who is a candidate for a high office, be he either a Democrat or a Republican, who if elected might become President of the United States, could properly accept the office until he had purged himself of every interest in these British enterprises. It is not a question of politics; I have not brought it in for that purpose. I know that the whole of this question has been sought to be made one of politics, but I think it will remain forever a blot upon the history of the Senate that these great questions between England and the United States have been kicked around here as a political foot-ball. It is the first time it has been in the history of the country, and the Republican party is the only party that has ever attempted it.

But, Mr. President, to me it is more than politics. I did not introduce it here for any party advantage. Mistakes have been made by both parties in the past. In 1855, when the Democrats controlled the country, they ought never to have permitted the Canadians to cross at Niagara Falls without proper regulations. In 1866, when you had two-thirds of both Houses, you made an immense blunder by passing the

act which gave them that right; and in 1871, when the Government was still in your possession, you perpetuated it and made it absolutely necessary for us to continue it so long as the treaty of Washington remains in force.

Mr. MITCHELL. I should like to ask the Senator from Maryland one question. I understand a different construction has been placed on the act of 1866 than that which he places upon it now; and the construction recently placed upon it is different from that adopted by the late Secretary of the Treasury, Mr. Manning, on account of an opinion of a law officer of the Government at that time. I ask the Senator who was that law officer? Was it the Attorney-General, or some other law officer?

Mr. GORMAN. I have stated the action of Secretary Manning in that matter, who was not himself a lawyer. He said that to stop this trade was an absolute necessity to American interests, and one of the law officers of the Government examined the question, taking the act of 1866, which some good lawyers hold is only permissive, in connection with the twenty-ninth article of the treaty of Washington, which stands, and I do not know that anybody ever questioned that under that article of the treaty they had a perfect right to this transit. The Department then reversed its action and permitted these goods to go through.

Mr. MITCHELL. I understand all that; but what I want to know of the Senator is, if he will be kind enough to tell me, whether it was the present Attorney-General of the United States, the Solicitor-General, or the Solicitor of the Treasury who placed this construction on the legislation of 1866.

Mr. GORMAN. I am not prepared to say who gave the opinion, but that is the law and there is the treaty, and there this Administration has stood and stands to-day, bound by the law and bound by the treaty, and from the day that this matter first came here for discussion England has, I think, the key to the whole situation, not only as to your transportation but as to all the balance of the roads of Canada. We have sat from December until now, and neither the Foreign Relations Committee nor any other committee of this body has taken this matter up for the purpose of disposing of it as in my judgment it should have been disposed of, by closing up and wiping out the whole transaction.

The point I make in bringing the names of these distinguished Americans here is this: that we know how men will follow their interests; we know when they invested in the Canadian roads and placed themselves in a position to get a part of the English bounty they had a perfect right to do it; that is, they had a legal right to do it. They are men of such distinguished character and consequence in this country that we are bound to take note of it, not as partisans, but as American citizens, and make it impossible for these roads to destroy our interests, if they can go so far; and I hope the Senator from Massachusetts [Mr. HOAR] will look into the question and ascertain whether a State of this Union, whether Maine or Vermont or Michigan or the others that have granted these great rights to these Canadian roads, had a right to do it, or whether Congress has not the exclusive control over interstate commerce, whether it passes only between our own States or over part of the Canadian territory.

It is a great question, Mr. President, and one which we can not shirk any longer. It is one that is not necessarily and should never in any phase of it in my judgment have been brought in here as a partisan question. I, as a Democrat, and the Senator from Massachusetts, as a Republican, but both Americans, ought to be here to-day in private council, not discussing these matters as partisans, but aiding this Administration, counseling with it, advising it, and instructing it, if you will, so as to promote not only the great transportation interest but everything that follows in its wake.

If the table of distances I have given be correct—and I think they are, because the table is taken from an English quarterly review, where they advertise this route—they have the advantage of two days between Japan and Liverpool in point of time over the American lines. They have a subsidized line of steamers from the terminus of the Pacific route on that great sheet of water, Puget Sound, to Japan. With their subsidized lines on the Pacific and their advantages over us in the carrying trade on the North Atlantic, unless something is done we shall make an absolute and total surrender of all that great trade to which this country is entitled, because it was the pioneer in constructing the lines across the plains at a cost of hundreds of millions of dollars. It will be pusillanimous in us if we do not lay aside partisanship and take this question and meet it as Americans.

Mr. GRAY. May I ask the Senator from Maryland whether any part of this British subsidy goes to the railroad chartered and built or to be built in the State of Maine?

Mr. GORMAN. I can not speak with absolute accuracy, but from the best information I have been able to obtain the amount that is being received by the road that runs through the State of Maine—and I have here somewhere a small map showing its exact location—from the Canadian Pacific, which of course is the Canadian Government, is $175,000 a year for ten years.

It will be seen, if the Senator will look at the map, that it is in almost a direct line between Montreal and Halifax, passing through the northern part of Maine and then down through Nova Scotia. It is owned by the Canadian Pacific. It is organized by a charter granted by the State of Maine, the majority of the directors being American citizens, some of whose names I have read.

I could furnish the Senate, as it appears in Poor's Manual, the list of all the directors in this road. Its charter is obtained from the State of Maine; it is subsidized by the Canadian Pacific, and I say that if it is permitted to go on, not only will it absorb the trade, but what is more it is bringing into close business relations with it that class of American citizens who have a power and influence in shaping the affairs of their own Government.

That ought not to be longer tolerated, and I cite you this remarkable case of a gentleman running for the office of Vice-President of the United States, being a director in such a corporation, as well as prominent Democrats, although not candidates for office; and the Senator from Oregon has called my attention to one or two of them who are private citizens, but men of worth and standing and wealth. That is all wrong from the American standpoint.

I am delighted that the Senator from Illinois has introduced this resolution.

Now let it go on and be probed to the bottom, and he and I know, as members of the committee of which he is chairman, that it has been impossible for us to get at the facts with a view of intelligently making legislation for our own roads. It can not be done without a thorough and complete investigation, and the fact does stand out to-day that except for the coercion by some of the American interests the Canadian Pacific would bankrupt the Northern Pacific, the Union, and the Central; they can not compete with it to-day for the through traffic.

The Canadian road does open the door, as the Senator from Oregon has said, also to the introduction of the Chinese, against whom we are constantly legislating. Let us stop this transit in bond and confine them to their own lines in Canada, and we can make any arrangement that is right and proper, not only for our fishing interest, but we can make it so as to exclude the Chinese and make them our agents to do it, or else you will bankrupt the Canadian Government.

Mr. TELLER. The Senator states that our roads, the Northern Pacific, the Union Pacific, and the Central Pacific, can not compete with the Canadian Pacific. Will he please tell us why?

Mr. GORMAN. I have stated to the Senate that it is because the difference in distance between Japan and Liverpool is about 1,200 miles in favor of the Canadian route. I do not give the exact figures—it is equal to two days in time between Japan and Liverpool. Therefore for all of that through trade it would be utterly impossible for our roads to compete with them.

When it comes to domestic trade the fact that the Canadian Pacific road has had enough money from the Canadian Government not only to build the road, but that it is being maintained as a line not merely for transportation, but as a military necessity, they are in position to make any rate to take the traffic; they are moderate about it, because they are still anxious to get more of our American citizens to join them and still further extend their lines into our territory, but they are making such rates that our roads can not possibly carry the goods whenever it is necessary for them to control traffic as against our interests. It is the same with their steam-ships. They are subsidized, paid a liberal compensation at least for carrying the mails, and we have not one upon the ocean.

I remarked a moment ago that twenty-five years since the American people spent hundreds of millions to get this trade, and we have since 1866, when the country has been in peace, with no partisanship about it, when you had absolute control of both branches of Congress and the Executive; and now when we have only the Executive and one branch of Congress, here we stand trying to get partisan advantage over each other while this whole trade, the trade of a hemisphere, is passing away from us to an insignificant people in point of population. Sixty millions of Americans, strong enough, as my friend from Missouri [Mr. COCKRELL] has said, to meet the world, are outgeneraled and our business is being taken away by our neighbors on the north. I say, Mr. President, it is time that we should meet these questions, not as partisans, but as patriots.

I know the struggle it will be in Maine and Vermont and in Michigan, if you please, and some other States where Canadian money and English money are building these roads and making this enterprise profitable to their local interests. Great as my friend from Vermont is, I doubt very much whether he is prepared to come up and drop all partisanship and take up this question and wipe out the local interests along that border and join the Democratic party, not as Democrats, but as Americans, in protecting this great American interest.

Mr. EDMUNDS. When I join the Democratic party it will have one quality besides the only democratic quality it has now, and that is its name, and to that party I have belonged ever since I was old enough to vote and I expect to belong to it. The fault of the Democratic party is that the only democratic thing about it is its name. It has had the House of Representatives for ten or twelve years, the tribunes of the people, those who are immediately expected to take care of these great interests, and who, so far as revenue in any way is con-

cerned, have the sole right to begin; and we have never heard a hint or an intimation of any attempt to rectify these prodigious evils that my friend from Maryland has now for the first time discovered.

It is possible that some interests of the State of Maryland (as he refers to Vermont interests) in the form of the Baltimore and Ohio Railroad Company, of which I believe he is an honored and certainly a most valuable director, if he is, may have led him into an intenser concern in this subject than the general patriotism which we know fills his body as it does all others would have led him to do. It is perfectly right that it should be so, because when we have a Senate or a Congress of men who have no business interests in this world we shall have a very poor set of people to represent the interests of the United States.

Mr. GORMAN. I hope the Senator will permit me to say a word.

Mr. EDMUNDS. With pleasure.

Mr. GORMAN. I am very glad that the Senator has referred to the fact that I am a director of a railroad. I am; but I am not a private director in any road in the United States. When the great road which Maryland created, in which she put her money, was permitted or about to be permitted to pass under the control of a syndicate as powerful as that which controls the Canadian roads, I was selected as a public man to protect the interests of my State, and to prevent this syndicate from taking the Baltimore and Ohio. Now I trust my friend will purge himself as I have.

Mr. EDMUNDS. I will purge myself by saying that I was never a director in any railroad whatever. So enough for that. But I do not see the difference between the attitude of my distinguished friend as a director for the State of Maryland and director for private interests, for the interests of the State of Maryland are in the stock which she holds, except so far as regards the interest she has and her people have as one part of the body of the people of the United States.

It is of no consequence therefore whether my friend is a director, representing the stock of the Democratic gentlemen who sit on the other side of the Chamber or of Republicans who sit on this side or any other citizens of the United States, or whether he represents the stock owned by all the citizens of Maryland as represented in its governor or in its treasurer or in whomsoever's name the stock stands. But, I repeat I only allude to that to show, as my friend has referred to Vermont, how he may be inspired to perhaps something of exaggeration brought about by the particular and local circumstances under which we exist.

Now I will come to Vermont. In the State of Vermont, so far as I know or believe, there is only one line of railroad track that is in any way controlled by any foreign corporation whatever, and that is that part—in all about 20 miles, or, I should say, from 20 to 30 miles, certainly not over 30—of the Grand Trunk line from Montreal to Portland, in the State of Maine, which nearly thirty years ago was built across the very northeast corner of the State of Vermont, a then almost entirely unsettled region of forest land, to enable that line to get from Canada into the State of Maine under a charter which was granted, as all our charters are required to be granted, to citizens of Vermont as a corporation, and it required, unless the laws have recently been changed, that the majority of its directors should be citizens and residents of that State.

It is perfectly true that that Canadian railway, the Grand Trunk Line, is really the controller of that road. The Vermont citizenship and the Vermont directorship practically amount to nothing. I certainly do not wish to disguise it or palliate it; that is the fact everywhere. Wherever in a State one line of railway wishes to get control of another means of communication and has the capital to do it, it employs its capital and gets a corporation of citizens of the other State organized and they make their arrangements of leasing the corporation or whatever, and the control is just where it was before in the one State; and that is true in Maryland as it is in Massachusetts or New York or New Jersey or Pennsylvania. We all know it, and there is no help for it; neither the Republican party nor the Democratic party can interfere with the private business interests of men or their public spirit so far as concern the dominion where they have a right to apply themselves—dominions that grant charters of incorporation either to one person as they can in California, or to everybody as they do in California, or to a combination of a hundred people as they do in Vermont. That, therefore, may be laid out of the case.

But I will add as to Vermont that for every one of those 20 or 30 miles of that foreign railroad in the State of Vermont controlled by a foreign corporation, there are 50 miles, I think I should be safe in saying 100 miles, of railway in the Dominion of Canada that are controlled by the Vermont corporations, and that are feeders for our lines and for New York and Pennsylvania and New England. It depends on the enterprise of the people, upon the capital they have, and what they want to do. So much for Vermont.

My friend from Maine, when he comes in, can explain how the matter stands in Maine. That is the end of the small share in this local business that Vermont has. Now I come, Mr. President, to the more general question. I suppose there is one other thing that may be taken as true on both sides of the Chamber without my friend from Maryland suspecting me or anybody else on this side of being intensely partisan about it, and that is that the physical geography of the globe can not be changed either by the St. Louis or the Chicago platform or by President Cleveland or his successor, President Harrison. The round globe will be just where it is, and if it is 500 miles shorter from Japan to Liverpool in a line across Canada by the borders of Hudson's Bay, it will remain 500 miles shorter, and without going through our country; and if it is 300 miles shorter than it is by way of New York by going through our country, it will be 300 miles shorter.

The globe will stay just where it is. We can not change the physical geography of this globe, and if it turns out to be cheaper to carry goods from Yokohama or Hong Kong to Liverpool by this route through Canada we can not stop it. It has even been proposed to build a line from Hudson's Bay which will make it nearly 1,000 miles shorter. That would seem to be a totally preposterous proposition on account of the climate, but it is seriously proposed; it is mentioned in one of the very English reviews that my honorable friend has referred to as a grand scheme, and it is said that the Canadian Government has really had a public ship up there making surveys and soundings with reference to building a short line of railroad from the west side of Hudson's Bay straight west to connect at the nearest point with the line for the Pacific coast, so as to make a still shorter line by, I think, 1,100 miles from Liverpool; but there is your physical geography, and with your physical geography is the physical condition of the climate of the globe that no party and no government can change.

I believe, therefore, that my honorable friend did immensely wrong when he said that this Canadian Pacific line, whether it goes through Maine or whether it does not, the Canadian Pacific line that extends west from the northern part of Lake Huron to the Pacific coast, can ever compete with any American line except that it competes at a loss and goes to ruin or is aided by its Government, as it is. There are seven months in the year when, at whatever risk, the actual cost of transporting a million chests of tea or a million boxes of silk from the eastern coast of Asia to the eastern coast of the Atlantic, whether it be Halifax, or Portland, or Boston, or Baltimore, or Savannah, will not be one-half by way of American lines that it is by the other; and when you add to that as a growing concern of fact that your American lines are, every one of them, capable of doing and are doing an immense local business, that a prosperous, industrious population furnishing the material and the means of railroad employment has been built up along them and is building up every day, any American citizen who flushes himself in this Presidential campaign into a great fever on the subject of competition as against American interests of these Canadian lines for Asiatic business is falling into an immense delusion.

It is true that so long as the money can be found to run at a loss and to carry goods at half what it costs to do it, and with no local business ever capable of being built up to help it, just so long, like the cutting of rates between the great trunk lines in our country when they carry for half cost, they will get the patronage of everybody who has anything to send and to whom it is convenient to send that way. That is human nature; but somebody has got to foot the bill, and those who foot the bill will stand the loss, and so long as the British Government or the Canadian Government think that for their great political interests it is desirable to build up these lines and pay for them, so be it; that is their affair; we can not help it; but it must be said, as the Senator has intimated in a very small degree, that the contrast between Government encouragement and assistance of the enterprise and the commerce and the trade and the manufactures of Great Britain and her colonies to that of the United States is very great.

As he says, they subsidize railways, they subsidize steam-ships; they establish colonies; they establish confidence, and they promote trade. They resent and get reparation for wrong to their subjects instantly. The Government of the United States, as at present constituted, does not do so. The Senate of the United States has year after year endeavored in some small degree, not half what it ought to have done, to promote American interests by the Nicaragua Canal, which will command the trade of the globe, railroad or no railroad. It has endeavored to stimulate South American and other commerce by the smallest of mail subsidies to steam-ships, and the Democratic House of Representatives says no and the Democratic Senators in the mass say no.

There are some honorable and patriotic exceptions. I do not mean to impute a want of patriotism to those who voted the other way; they voted according to what they think. The Democratic President says no, and he takes out of the hands of the Senate—it is a public fact I can state—the treaty which was to give us the Nicaragua Canal and allow us to be the masters of the world. And yet the Senator from Maryland stands up here and says we are partisans on this side and they are patriots all on the other. If I were to quote somebody, I should say:

O Shame, where is thy blush?

That is the undeniable history, not half stated now, because I do not intend to take the time to state it. That is where we have stood as parties; and when we come to a later event, referring to the treaties affecting Canadian and American affairs, the Senator has intimated that the divisions of the Senate as they appear in the debate—we have had no vote yet on the fisheries business—are partisans on this side, not on that. And yet it is not eighteen months ago—too long, I suppose, for anybody on the other side to remember it—that this Senate, unanimously, taking in the patriots with the partisans over here, on the yeas and nays, stood up for American rights and directed the President what he

ought to do, and gave him the power to do it. But eighteen months afterwards, now, the British lion has opened its mouth, as the Irish phrase is, and as the Senators on the other side appear to hope, is to swallow us all by making a new treaty which is still better for British interests than any we have had before; and yet it is we who are alleged to be partisans, although we stand on the same ground that we did only eighteen months ago, and it is they who have reversed their position. That is enough, I think, for the present as to the partisanship matter.

Let us see a little further how this matter stands. The Senator says that the act of 1866, passed by a Republican Congress, as it was, and voted for, as I believe, by what few Democrats there were in it in both branches, there having been no party division, has been injurious to American rights in respect of allowing the Canadians to cross the Niagara River, and so on. My belief is—but I speak under reserve, for I have not examined the matter, and have forgotten about it in detail—my belief is that until the present Democratic Administration came in the construction put upon the act of 1866 was quite more favorable to American interests and less favorable to British interests than that which the late Mr. Manning acted upon under the advice of a Democratic law officer of the Government, probably one of the civil-service reform Democrats, the question to whom being under the civil-service Democratic commission would be whom he last voted for, how much he contributed, and how many votes he was able to—I was about to use a very impolite expression—I will say to obtain for his candidate.

That is where we stand on the act of 1866, in my humble opinion, with great respect to everybody else. The construction that Mr. Manning's Democratic law officer has put upon that act is incorrect. But, as usual, where there is a doubt upon a statute under this Administration, that doubt is always solved in favor of the foreigner, not because the Administration loves the foreigner, but on account of the generosity of its disposition, its love of human mercy and human nature, it always makes the point against its own people and gives the benefit of the doubt to the others. Well, when free trade comes in, as the world is all one family and we have no questions of home concern at all, of course that will be a most useful and Christian and capital idea to act upon; but in the present condition of the world, when it is supposed that a government has something to do peculiarly attached to the interests of the people that it is created to govern, it is going a little too far, to speak with great modesty on that subject, I think. So much for the act of 1866.

Now we come to the treaty of 1871, which is just as clear as anything can be, open to be revoked by either party on a certain notice, that gave to the railways and other business interests of the United States the right to carry goods across Canada from one place in the United States to another in unbroken packages, in sealed cars, and so on, convenient transit to American interests in the State of New York, particularly the great railway and business and commercial systems of that State, and, of course, correlatively, of the States west of Canada. Michigan, Illinois, and the whole Northwest found it convenient to carry their goods across the southern part of Western Canada as the shortest and cheapest line of transportation between New York and the Northwest. One line of the railroads that was built to carry that traffic, like the Grand Trunk line in Maine on the other hand, was built by American capital and is controlled by American power at this very moment. I refer to the Canada Southern road. American interest, American investment, American enterprise did in Canada exactly what the Grand Trunk people—the British Government really, because they furnished the money; the Grand Trunk line is a losing concern to-day standing on its own bottom; it can not pay interest on a cent of its stock; it is a continual contribution from the home government that keeps it alive and makes it a going concern—they did exactly what the Grand Trunk line did, carry across Maine Canadian goods to the sea and from Canada to their own ports.

That was reciprocal. It appeared to be fair. When it comes to be for the interest of the people of the United States to abolish all that both in Maine and in Southern Canada, I say amen. I do not know that the time has come; I incline to think it has, and I believe it will be better for the people of the United States on the whole, Vermont or no Vermont, Central Vermont Railway or no Central Vermont Railway, if every pound of American goods that passes from one part of the United States to another passes always within the lines of our own country, and I will agree to-day with my honorable friend from Maryland to see to it that the general interest is preserved whatever may be the local interest of Maryland or Vermont or Maine or Michigan.

The only thing is to ascertain whether the time has come to do it. But the time has not come to do it, in my opinion, for the reason stated by my friend; that is to say, the reason that this new trans-continental line, almost within the borders of the frozen zone and really within the borders of seven months of almost impracticable transportation, is a menace to the prosperity of our commerce. It is British money and British power coming from their treasury and their capitalists for wider objects than mere Canada, but to put the circle around the globe for all their possessions, that leads them to this lavish expenditure. If we should act correspondingly for our interests in the ways I have suggested (and as we in this body have tried over and over again to do and have been defeated by gentlemen on the other side and their coadjutors elsewhere), we should not stand even in the present state of temporary embarrassment where we are. That is all I have to say.

Mr. GORMAN. Mr. President, I have been a member of the Senate for some years, and I have been associated with it in various capacities from my earliest childhood. No man in this country has a higher respect for this body than I have. No Senator has ever heard me utter a word that reflected upon any brother Senator.

In what little I have had to say I have tried to discuss the question that was before the Senate, and therefore there can be no earthly excuse for the Senator from Vermont, whose learning and ability are respected and recognized by all, in the personal allusion that he has made to me in this connection, except that he has revived the methods used when he practiced in the lower courts before he came into the Senate—long before he reached a higher atmosphere both in law and in statesmanship—that he learned when he had no case before the court to abuse his opponent. I know of no other reason why he should have made that personal allusion to myself.

In what I said I referred to no individual and to no party. I do not intend to say more about my personal relations, because they are public and represent the public interest.

The Senator from Vermont should have been the last member of this Senate, under the circumstances, to refer to the connection of any of his brother Senators with business or railroad enterprises. He himself may not be a director representing a public or a private interest.

I have never charged him with it. I have said to him, what is true of every man, that possibly the local interests of his State had warped his judgment. That is true of us all. I made no personal reference to him. I did not allude to the fact that as a great lawyer and advocate, while discussing here and determining great questions as an adviser to the President, his business relations, with his time and his services, had been taken and paid for by great corporations in the country. That does not make any difference to the Senate.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. EDMUNDS. I ask unanimous consent that the Senator from Maryland be allowed to go on.

Mr. CULLOM. I also ask that the Senate consent to the disposition of the resolution.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the unfinished business be informally laid aside to enable the Senate to continue the consideration of the pending resolution. It is so ordered, if there be no objection.

Mr. GORMAN. Now, Mr. President, that is not the way for Senators to treat each other on this floor. There is a school of hypocrites, Pharisees, that has grown up in this country, coming from both parties, who have through the public press and on the rostrum and wherever opportunity has offered, traduced public men and intimated that they were controlled by corrupt or bad or personal motives.

It has gone on until I have sometimes thought that both Houses of Congress have cowed under the charges of these men, whose reputation does not compare with that of the Senator from Vermont, or mine, or that of any other gentleman on this floor. I say to the Senator that he is doing an injustice to his party, he is doing this body an injustice, and it is an outrage upon the individual when he descends to that low plane. I think that we ought all of us, without partisanship, help to maintain the dignity of the body and the respect of its individual members. I hope never to be led into personalities while I am a member of this body. I do not believe that this is the theater for personalities and low personal flings.

As to the Senator from Vermont, I referred to him because of his standing in his party. He is the great leader of his party; he is recognized here as the one authority, the organ of the party, to correct, by introducing such bills as may be necessary, any inequalities in the law, to make provision for any discrimination against American interests.

He is the one man who, until very recently, of all others in this body, Democrat or Republican, in looking at these great questions and determining them as between this and other governments, has taken, I think I may take the liberty to say, the broad and manly view, the American view, the one that has lasted from the foundations of the Government until now, when (so he has been reported in the papers to have said), no man could think of taking your enemies into public consultation when you are determining a question which affected their and your interests.

So long as he stood upon that ground as an American, so long as, the leader of his great party, he held to the traditions of the past and the only rule under which we ought to discuss affairs with a foreign nation, I respected his judgment, but when he fell from that pedestal down to the political—I will not say mire—but to the political level of his party, so that he might have an opportunity to excite opposition to the President and to give him opportunity to proclaim on the floor of the

Senate who is to be Mr. Cleveland's successor, when he is ready, as he seems to be, to jeopardize our interest with another government merely to aid him and his party, he has lost a part of his Americanism.

Now, the Senator from Vermont says that the act of 1866, under which this decision was made, has been improperly construed by Democratic officials. It is the identical construction that has been given since the passage of the act. The only difference is that the constituents of my friend from Oregon and the constituents of the Senator from California organized on the Pacific Ocean an American line of steamers, no politics in their organization, as I understand, and they came to the Treasury Department to bond their goods and to be permitted to ship them through over the Canadian Pacific. The law officers of the Government under a Democratic administration said: "Yes; we have given the same rights to every other transportation line in the United States, and we will give it to you men on the Pacific."

There may have been something said about it in the Treasury Department, for we Democrats take great pride in the fact that we acquired that territory when the Democratic administration controlled every branch of the Government. We made it possible for you to become a part of the Union, and we wish to encourage your enterprise out there and make you feel as if you really belonged to the United States; and it is a matter of pride that the first war-ship that ever floated on the Pacific, built of American material and by American workmen, was built under a Democratic administration.

Mr. HOAR. I desire to ask the Senator from Maryland under what administration it was that Great Britain acquired the territory between 49° and 54° 40′?

Mr. GORMAN. The Senator from Massachusetts and all of us know from our school-books as to that. He can not take me off on that line.

Mr. HOAR. I can not get you north of 49°.

Mr. GORMAN. The Senator from Vermont says that the construction of the act of 1866 was all wrong; that a Democratic official had given a construction broader than had been given before and against the American interests; and yet the Senator from Vermont, the leader of his party, if he will permit me to say so (he gets almost everything he wants; he is an autocrat here, with power to pass almost any measure he wants, certainly the power to pass any measure that affects alone the great interests of this country)—there he has been as chairman of the Judiciary Committee, the organ of this body, the one man we all look to in such matters, and he has been silent since 1885 until the fisheries treaty came here. There has been no attempt on his part to correct this inequality, this mistake, if it be a mistake.

The House of Representatives, he says, is Democratic. That is true. In the discussion and consideration of other great measures they have not taken up this question, because it belongs here. Here it has been since December, or early in the session. This question coming up under this treaty which is under discussion, has brought the whole matter before the public. So far as I know, my friend from Maine [Mr. FRYE], who is always diligent and anxious to look after this interest, is the only member of this body—and he, I think, is not a member of the Judiciary Committee—who has called the attention of the Senate to it, and therefore the responsibility, if there is any in this body, centers upon my friend from Vermont. "No guilty man shall escape."

Mr. President, I will not detain the Senate longer.

Mr. CULLOM. Mr. President, I think I have secured pretty well so far as the Senate is concerned a development of this subject, probably to the advantage of the country. I introduced the resolution and made the remarks which I did, utterly ignoring any question of partisanship whatever. I have not regarded it as a party question and do not now; but I do insist that it is the duty of the Congress of the United States, especially of this Senate, to make the investigation that is indicated in the resolution, and so far as I am concerned I propose, while I am a member of the Senate, to do whatever I may be able to do to protect the interests of the American people against the encroachments of the Canadian people or Government or any other outside power.

Now, Mr. President, so far as this subject is concerned, I believe it has not been before the Senate since I have been a member of it until now. I have been engaged, as the Senate knows, a considerable portion of my time since I have been here in the investigation of the question of regulating commerce in the United States, and under the Constitution of the United States. The Committee on Interstate Commerce at the present session heard a very distinguished gentleman of our country, General Wilson, a citizen of Delaware, upon this question of the encroachment by the Canadian people and Government upon American commerce. The committee had its attention called to this subject directly, and it has seemed to me that it was the duty of the Congress of the United States to take hold of the question and ascertain exactly what ought to be done with reference to the subject.

I want to say now that so far as I am concerned I shall continue to do whatever my judgment indicates is necessary to be done to protect American people and American commerce as against the people of other nations or provinces; and if it is necessary in order to protect the American people that the flag of the American nation shall float over Canada, I will be in favor of that. Let us see exactly what our rights are under treaty obligations, and if the treaty of 1871 is in the way of giving protection, let us take steps to abrogate it at the earliest moment.

I hope, Mr. President, that there may be unanimous consent given to dispense with the rule requiring the resolution to be referred to the Committee on Contingent Expenses, and that it may be adopted now by the Senate.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. CULLOM] asks unanimous consent to suspend a rule.

Mr. HOAR. If the Senator asks for unanimous consent I will delay what I was about to propose.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the rule of the Senate which requires a resolution making a charge upon the contingent fund to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate may be in this case suspended in order that the resolution may be acted upon now. Is there objection? The Chair hears none.

Mr. HOAR. I move that the Senate now proceed to the consideration——

Mr. CULLOM. Let my resolution be adopted first.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. HOAR. I move that the Senate now proceed to the consideration of the resolution submitted by me yesterday.

The PRESIDENT *pro tempore*. Does the Senator ask unanimous consent or move to proceed to its consideration?

Mr. HOAR. I move.

Mr. STEWART. Will not that displace the unfinished business?

The PRESIDENT *pro tempore*. That will displace the unfinished business. The Senator from Massachusetts moves that the Senate do now proceed to the consideration of the resolution named by him, which will be read.

Mr. STEWART. I object to displacing the regular order.

The PRESIDENT *pro tempore*. This motion will displace the regular order if it be agreed to.

Mr. HOAR. I ask unanimous consent then.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent for the present consideration of a resolution which will be read.

Mr. COKE. I object.

Mr. HOAR. I move, then, that the Senate proceed to the consideration of the resolution.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now proceed to the consideration of a resolution which will be read by the Secretary.

The Secretary read the following resolution, submitted yesterday by Mr. HOAR:

Resolved, That until otherwise ordered the hour for the daily meeting of the Senate shall be 11 o'clock a. m.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the resolution.

Mr. HOAR. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I will announce my pair for the day with the Senator from Maine [Mr. HALE], who is necessarily absent from the Senate.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON] for the day. He has been called home. I make the announcement, which will hold good for to-day. If he were here, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were here, I should vote "yea." My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. MITCHELL. The Senator from Georgia [Mr. BROWN] is paired with my colleague [Mr. DOLPH], who is still detained from the Senate by sickness in his family. If my colleague were here, he would vote "yea."

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is absent and

is paired generally with the Senator from Oregon [Mr. MITCHELL]. If he were here, my colleague would vote "nay."

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. BERRY] calls the attention of the Senator from Oregon [Mr. MITCHELL] to the absence of his colleague [Mr. JONES, of Arkansas].

Mr. BERRY. My colleague is absent, and is generally paired with the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL (after having voted in the affirmative). I had not observed that he was absent. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws his vote.

Mr. EVARTS. I am paired.

Mr. BECK. I announced my pair with the Senator from Maine [Mr. HALE]. The Senator from Indiana [Mr. VOORHEES] is absent, however, and I transfer my pair with the Senator from Maine to him, and I vote "nay."

Mr. FAULKNER. The Senator from Indiana [Mr. TURPIE] is absent, and I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Indiana, and I vote "nay."

The result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Allison,	Dawes,	Hoar,	Spooner,
Blair,	Edmunds,	Ingalls,	Stewart,
Bowen,	Farwell,	Palmer,	Stockbridge,
Chace,	Frye,	Riddleberger,	Teller,
Chandler,	Hawley,	Sawyer,	Wilson of Iowa.
Cullom,	Hiscock,	Sherman,	

NAYS—22.

Bate,	Colquitt,	Pasco,	Vance,
Beck,	Faulkner,	Payne,	Vest,
Berry,	George,	Pugh,	Walthall,
Call,	Gibson,	Ransom,	Wilson of Md.
Cockrell,	Gorman,	Reagan,	
Coke,	Morgan,	Saulsbury,	

ABSENT—31.

Aldrich,	Dolph,	Jones of Arkansas,	Platt,
Blackburn,	Eustis,	Jones of Nevada,	Plumb,
Blodgett,	Evarts,	Kenna,	Quay,
Brown,	Gray,	McPherson,	Sabin,
Butler,	Hale,	Manderson,	Stanford,
Cameron,	Hampton,	Mitchell,	Turpie,
Daniel,	Harris,	Morrill,	Voorhees.
Davis,	Hearst,	Paddock,	

So the motion was agreed to.

Mr. HOAR. I understand the vote was on the motion to proceed to the consideration of the resolution.

The PRESIDENT *pro tempore*. The Senate having decided to proceed to the consideration of the resolution offered by the Senator from Massachusetts [Mr. HOAR], the question now is on agreeing to the resolution.

Mr. COKE. I offer the following amendment to the resolution:

And the hour for adjournment shall be at 5.30 o'clock p. m.

Mr. EDMUNDS. I make the point of order that that is a change of the rule.

The PRESIDENT *pro tempore*. Will the Senator indicate the rule that would be changed?

Mr. EDMUNDS. It is an addition to the rules by adding that much. The standing rule is that the daily hour of meeting shall be 12 o'clock m., unless otherwise ordered.

The PRESIDENT *pro tempore*. That is not a rule; it is an order.

Mr. EDMUNDS. But still it is a rule all the same.

The PRESIDENT *pro tempore*. Not technically speaking. The Chair understood the Senator from Vermont to raise the point of order under the rules that the motion to amend by the Senator from Texas [Mr. COKE] was not in order.

Mr. EDMUNDS. That was my point.

The PRESIDENT *pro tempore*. And the Chair asked the Senator to state what rule of the Senate it would violate.

Mr. EDMUNDS. I thought it was the rule, for I did not know the difference between an order and a rule, but I think it is a rule nevertheless. In my mind that does not make any difference. The rule only provides for changing the daily hour of meeting; and to fix the daily hour of adjournment would be to change the standing rules and orders—I did not know that there was any difference, I confess—by fixing a permanent law which does not now exist. What we are now doing is acting under a permanent law of the Senate, whether you call it a rule or an order, which authorizes us to change a particular thing, and that is the hour of meeting.

The PRESIDENT *pro tempore*. Under the point of order made by the Senator from Vermont, the resolution of the Senator from Massachusetts would be out of order. The Chair thinks that the hour of meeting is fixed on the first day of the session by the adoption of an order, that until otherwise ordered the Senate shall meet at 12 o'clock. The rules are silent both about the time of meeting and the time of adjournment, and the Chair would be glad to have his attention called to any rule of the Senate which is violated by the proposed amendment of the Senator from Texas.

Mr. HOAR. Will the Chair indulge me in one observation? It seems to me that the resolution offered by me would not be out of order——

The PRESIDENT *pro tempore*. The Chair did not so hold.

Mr. HOAR. Even under the view of the Senator from Vermont, because the standing order is "until otherwise ordered," which implies the authority of the Senate to make an order at any time. Of course if it be by resolution it will go over one day, as this resolution has done. I hope the Senator from Vermont, instead of raising this very doubtful question of order, which I investigated before I offered the resolution, will allow the question to be settled by a motion to lay the amendment on the table. It is obvious that it would be absolutely destructive to all control of the Senate over its business to have an iron rule fixing the hour for adjourning. You can never complete anything if it is in the power of anybody by simply keeping up until 5 o'clock to destroy the day. I move to lay the amendment on the table.

Mr. COKE. If the Senator will allow me, I desire to modify my amendment. I ask permission——

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Texas appeals to the Senator from Massachusetts to withdraw his motion to enable him to modify his proposed amendment.

Mr. HOAR. I will do that.

Mr. COKE. I desire to modify my amendment so as to fix the time of adjournment at 5 o'clock instead of 5.30.

The PRESIDENT *pro tempore*. The proposed modification will be stated.

The CHIEF CLERK. It is proposed to add to the resolution:

And that the daily hour of adjournment shall be at 5 o'clock p. m.

The PRESIDENT *pro tempore*. Speaking upon the point of order, the Chair knows of no reason why the Senate has not the same right to fix the hour for the termination of its sessions as it has to fix the hour of their commencement. There is nothing that the Chair knows, either in the rules or in the nature of things, which would prevent the Senate from controlling by an order the hour when its daily adjournment should occur. But the Senator from Massachusetts moves to lay the amendment on the table. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. COKE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I have transferred my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Indiana [Mr. TURPIE], and therefore vote. I vote "nay."

Mr. BECK (when Mr. HALE'S name was called). The Senator from Maine [Mr. HALE] is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I will take the liberty of voting "yea" upon this question, believing that he would so vote if he were here.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were here, I should vote "yea."

Mr. MANDERSON (when Mr. PADDOCK'S name was called). My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll-call was concluded.

Mr. BROWN. I am paired with the Senator from Oregon [Mr. DOLPH].

The result was announced—yeas 24, nays 23; as follows:

YEAS—24.

Allison,	Edmunds,	Hiscock,	Sherman,
Blair,	Evarts,	Hoar,	Spooner,
Bowen,	Farwell,	Ingalls,	Stewart,
Chandler,	Frye,	Palmer,	Stockbridge,
Cullom,	Harris,	Riddleberger,	Teller,
Dawes,	Hawley,	Sawyer,	Wilson of Iowa.

NAYS—23.

Bate,	Coke,	Gray,	Ransom,
Beck,	Colquitt,	Hampton,	Reagan,
Berry,	Faulkner,	Morgan,	Vest,
Blodgett,	George,	Pasco,	Walthall,
Call,	Gibson,	Payne,	Wilson of Md.
Cockrell,	Gorman,	Pugh,	

ABSENT—29.

Aldrich,	Dolph,	Manderson,	Saulsbury,
Blackburn,	Eustis,	Mitchell,	Stanford,
Brown,	Hale,	Morrill,	Turpie,
Butler,	Hearst,	Paddock,	Vance,
Cameron,	Jones of Arkansas,	Platt,	Voorhees.
Chace,	Jones of Nevada,	Plumb,	
Daniel,	Kenna,	Quay,	
Davis,	McPherson,	Sabin,	

So Mr. COKE'S amendment was laid on the table.

Mr. GEORGE. I ask that Senate bill 788 be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent for the consideration of a certain bill.

Mr. HOAR. I object.

Mr. GEORGE. I desire merely to have the bill indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects. The question recurs on agreeing to the resolution of the Senator from Massachusetts.

Mr. COCKRELL. I do not know that it would make any material difference, but I suggest to the Senator from Massachusetts to change the phrase "until otherwise ordered" to "unless otherwise ordered;" so that at any time when the Senate may desire to change the hour of meeting it can do so without having to introduce a resolution.

Mr. EDMUNDS. The two phrases mean precisely the same thing.

Mr. HOAR. I do not see any distinction, but if the Senator likes the phrase he suggests better, I have no objection to that change.

Mr. COCKRELL. I think it would not be subject to the objection I stated.

The PRESIDENT *pro tempore*. It is in the power of a majority of the Senate at any time, notwithstanding the passage of the resolution, to adjourn upon any day until 12 o'clock on the following day.

Mr. HOAR. I do not wish to tie up the Senate myself in that respect.

Mr. COCKRELL. I understand that.

The PRESIDENT *pro tempore*. Does the Senator from Missouri insist on the proposed change?

Mr. COCKRELL. Not at all.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution of the Senator from Massachusetts [Mr. HOAR].

The resolution was agreed to.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the following bills were presented to the President July 14, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, had become laws without his approval:

A bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation;

A bill (S. 2536) granting to the Oregon Railway and Navigation Company the right of way through the Nez Percé Indian reservation; and

A bill (S. 2807) to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian reservation in Washington Territory, and for other purposes.

The message also announced that the bill (S. 2137) for the relief of Rosaloo Sage was presented to the President July 18, 1888, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his approval.

The message further announced that the bill (S. 2657) granting an increase of pension to Emily J. Stannard was presented to the President July 21, 1888, and not having been returned by him to the House of Congress in which it originated within ten days prescribed by the Constitution, had become a law without his approval.

The message also announced that the President had on July 31, 1888, approved and signed the following acts:

An act (S. 735) making an appropriation for the erection of a lighthouse on highland (mainland) to the westward of Crooked River, Florida; and

An act (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army.

The message further announced that the President had on August 1, 1888, approved and signed the following acts:

An act (S. 1650) for the relief of Maj. Gen. W. W. Averell;

An act (S. 1612) to provide for the closing of parts of two alleys in square 132, in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick;

An act (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation, of Washington, D. C., the right to sell a portion of their cemetery lands;

An act (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein;

An act (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia;

An act (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia; and

An act (S. 2493) to perfect the quarantine service of the United States.

The message further announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 1629) granting a pension to Erastus B. Burnham;

An act (S. 1716) granting a pension to Mary L. Williams; and

An act (S. 1867) granting a pension to Mrs. Mary L. Ristine.

COURTS IN NEBRASKA.

Mr. WILSON, of Iowa, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, and agree to the same.

JAMES F. WILSON,
WM. M. EVARTS,
RICHARD COKE,
Managers on the part of the Senate.

JOHN H. ROGERS,
JOHN S. HENDERSON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. No action is necessary by the Senate.

BRAZOS RIVER IMPROVEMENT.

Mr. COKE. I ask the Chair to lay before the Senate the bill (S. 2831) for improving the mouth of the Brazos River, Texas, with a view to moving its indefinite postponement.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 2831) for improving the mouth of the Brazos River, Texas, which has been returned from the House of Representatives in compliance with the request of the Senate.

Mr. COKE. A House bill on the same subject having been passed, I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

COURTS AT MISSISSIPPI CITY.

Mr. GEORGE. I desire a similar order, and for the same reason, in reference to Senate bill 788.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 788) to provide for holding terms of the United States courts at Mississippi City, returned from the House of Representatives in compliance with the request of the Senate. A House bill on the same subject having been passed, the Senate bill will be indefinitely postponed, if there be no objection.

ADMISSION OF WASHINGTON.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. STEWART. Mr. President——

Mr. GRAY. Will the Senator from Nevada yield to me?

Mr. STEWART. Temporarily.

ADJOURNMENT TO MONDAY.

Mr. GRAY. I move that when the Senate adjourn to-day it be to meet on Monday next, at 11 o'clock.

The PRESIDENT *pro tempore* put the question, and declared that the ayes appeared to prevail.

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Indiana [Mr. TURPIE], and vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote on this question, and I am not sure how I would; so I withhold my vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I should vote "nay," if he were here.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I should vote "nay," if I were not paired.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call having been concluded, the result was announced—yeas 21, nays 19; as follows:

YEAS—21.

Bate,	Cameron,	Gray,	Saulsbury,
Beck,	Cockrell,	Morgan,	Vest,
Berry,	Coke,	Pasco,	Wilson of Md.
Blodgett,	Faulkner,	Payne,	
Butler,	George,	Pugh,	
Call,	Gorman,	Reagan,	

NAYS—19.

Allison,	Dawes,	Hiscock,	Sherman,
Blair,	Edmunds,	Hoar,	Stewart,
Bowen,	Evarts,	Palmer,	Teller,
Chace,	Frye,	Riddleberger,	Wilson of Iowa.
Cullom,	Hawley,	Sawyer,	

ABSENT—36.

Aldrich,	Farwell,	Kenna,	Ransom,
Blackburn,	Gibson,	McPherson,	Sabin,
Brown,	Hale,	Manderson,	Spooner,
Chandler,	Hampton,	Mitchell,	Stanford,
Colquitt,	Harris,	Morrill,	Stockbridge,
Daniel,	Hearst,	Paddock,	Turpie,
Davis,	Ingalls,	Platt,	Vance,
Dolph,	Jones of Arkansas,	Plumb,	Voorhees,
Eustis,	Jones of Nevada,	Quay,	Walthall.

So the motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6619) for the relief of Eliza A. Cutler Jones;

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd; and

Joint resolution (H. Res. 210) authorizing the printing of the third annual report of the Commissioner of Labor.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas, agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. HOLMAN, Mr. WASHINGTON, and Mr. TURNER of Kansas, managers at the conference on the part of the House.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business in open session.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed in open executive session to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britian concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Alabama [Mr. MORGAN], to postpone the further consideration of the treaty until the Wednesday after the first Monday in December next. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. Mr. President, since the discussion of this question commenced in open session there has been a good deal said on the part of those who favor the ratification of the treaty about the partisan character of the opposition to it, and when on our part we retort that the friends of the treaty on the other side are moved by the same considerations, when we read the record which we think justifies us in the assertion, we are charged at once with an unfair attack upon our associates in this Chamber.

The first discussion of this question in open session occurred, if I am not mistaken, on the 7th day of June of this year, when the Senator from Alabama [Mr. MORGAN], a member of the Committee on Foreign Relations, addressed the Senate. It was the Senator from Alabama who first made a charge that Senators on this floor were actuated by the desire to make political capital; and yet later, on at least two occasions, the Senator from Alabama has complained of the unfair treatment he is receiving at the hands of his associates, because the charge had been made on this side that the support of the treaty is mainly derived from the fact that the Senators who defend it are anxious to support the Administration, and not because of the merit of the treaty.

When the Senator from Alabama addressed the Senate on the 7th of June he said:

I am glad to know that no political party ever before attempted thus to impose upon a question of foreign policy the embarrassments of domestic party politics. It rejoices me to find that the party that would attempt to do such a thing makes this broad confession that all its other policies have failed to engage the confidence of the people. In its wild distress it thus addresses itself to the task of doing what it hopes will enable it to regain power by a united appeal to a supposed restless desire of our people for strife and war and to old resentments towards Great Britain, recently intensified amongst our Irish population by the conduct of that Government towards their friends in Ireland. The party that made this decree in its caucus, that this treaty should neither be amended nor ratified, feels the sad need of a new issue for its campaign.

They need another issue where prejudice can set free the tongue of clamor until the voice of reason can not be heard.

Later, in the same connection, he said:

The Senate, in the effort to sit in supreme judgment upon the situation of the country, and to force it into an attitude that no other branch of the Government recognizes, should find some safe and undeniable ground for its lofty isolation and some more cogent reason than the political solicitudes and aversions that have marked all the proceedings thus far upon this treaty, and that are so obvious in the critiques, the irony, the disparagement, the bad temper, and the scarcely-concealed contempt which the report unjustly loads upon the President.

Again:

This case had been hauled before the country in the period of an eager canvass for the Presidency, doubtless with a view to exciting the antagonism of Irish voters against the present Administration, because of its alleged subserviency to British influence, and it is asserted this treaty proves the fact.

The Senator from Alabama having first made this charge, he ought not to be surprised, in view of his record (which I think it is perfectly proper to present to the Senate as I intend to do) that I should retort from our side that we have not changed our attitude upon this subject at all, and that only a short time ago he was with us in sentiment by his voice and by his vote. Every Democratic Senator save one who has discussed this subject has charged the Republican majority of the Senate as being moved by improper motives in their opposition to this treaty. The only exception that I recollect now is the honorable Senator from Delaware [Mr. GRAY], who first addressed us on this subject. I do not now recollect, and I listened with great care to his remarks, that he made any such insinuation or any such charge.

So far as I am concerned I am disposed to concede to my associates on this floor as much patriotism as I claim for myself. I do not think because the Senators have allowed themselves to be cajoled into the belief that party success or some other reason should carry them to the support of this treaty it necessarily follows that they are lacking in patriotism. I propose to find some other reasons for them than a lack of patriotism. I have never charged that they are not as careful of their oaths as we are. Yet we were told in substance by the Senator from Alabama [Mr. PUGH], who subsequently addressed the Senate, that we were not administering upon this treaty under the sanction of our oaths. The Senator from Delaware [Mr. SAULSBURY], who subsequently addressed the Senate, also charged upon us the same thing. The Senator from Maryland [Mr. WILSON] who addressed the Senate also charged that we were guilty of not treating this proposition for an amendment of the old treaty, as he said, with proper consideration, and that we were moved solely by a desire to further our political ends and to enhance and increase the success of the Republican party.

The Senator from Alabama [Mr. MORGAN], who first addressed the Senate upon this subject, does not deny that there were some things in his speeches in the Senate in 1886 and 1887 which at least give color to the charge that he has changed his attitude upon this subject, but he says in substance that he did not feel at liberty, the Senate then and there being in open session, to make a full and complete statement of what was in his mind as to our rights under the treaty of 1818; that he was then dealing in the open Senate and he was restrained from expressing his true sentiments. He was dealing with the American Senate and with the American people, and we had a right to suppose that the Senator expressed to us his whole mind upon the subject and that he had retained nothing. If he had desired to say more to us he knew then, as he knows to-day, that upon his suggestion any Senator on that side or on this side, if he had something that was proper to say in secret session, would have joined with him when he presented the matter to the Senate; and it only requires two Senators to close the doors.

He knows there never has been a case discussed in open Senate that when the doors have been closed a Senator so desiring has not been allowed to communicate to the Senate with closed doors what he did not care to communicate to the Senate with open doors.

So the Senator can hardly escape the conclusion we drew, that for some reason he changed his mind. The Senator says he has a right to do so. I do not complain when a Senator changes his mind. I do not find any fault with the fact that the Senator to-day supports what he before declared was not at all necessary. I do not find any fault because of the fact that he and his associates on that side of the Chamber occupy an entirely different position from what they occupied before. They have an undoubted right so to do, if circumstances have changed their views upon the subject.

What I complain of, and what I complained of when I had the floor a few days since, is that they charge on us, as the Senator from Maryland [Mr. GORMAN] did to-day, that this is the most disgraceful exhibition which has ever been seen in the American Senate; that we are simply as partisans here before the country attempting to find fault with a treaty that we know was in fact a proper treaty to be made. I find fault because this matter is exactly what it was two years and a half ago, what it was a year and a half ago, when it came before the Senate, while the condition of the Democratic minority is exactly the reverse of what it was on other occasions.

I propose to submit some of the remarks made by the Senator from Alabama [Mr. MORGAN] when he addressed the Senate in 1886. I know the Senator said in his speech yesterday:

So I appreciate the reserve under which Senators have been compelled to debate the resolutions and bills relating to this subject that we have been compelled to consider and discuss. I will not resort to the stratagem, which I consider immeasurably mean, unworthy, and unjust, of holding a Senator who spoke on these subjects in 1887 to his responsibility for utterances in which he did not dare to expose the secret counsels of his colleagues or even to state fully and frankly his own opinions, lest he might betray his country into some unfortunate attitude.

He said the other day that if I had as high appreciation of my position as a Senator as I ought to have, and as he thought I did not have, I would not expose the weakness of the Government in a certain transaction, referring, I suppose, by way of illustration, to the treaty with Mexico. I deny that there was any restraint put on the Senator from Alabama. I deny that that discussion did not take the broadest field that it was possible to take. The Senator went into it as fully and completely as he could have done in executive session. He might have

been restrained from saying things he might have said as to the character of Great Britain, or her methods of diplomacy, or something of that kind, but he presented every fact which he could have presented with reference to this treaty. At least he reached the conclusion that we came to, precisely as we did.

The Senator does not seem to be in the Chamber at this moment. I do not want to read any extracts from the Senator's speech that will do him injustice. I do not care, of course, to read the whole speech. If the Senator himself on his return, or if any Senator, thinks I have done him injustice I will read any portion that should accompany what I shall read; but I shall endeavor to read enough to make it apparent to the Senate that the Senator did not at that time favor a new treaty, but that at the time he entertained the idea that there was no necessity for a treaty, and that was the whole intention and purpose of the Senate when it passed upon the question by its vote on what was called the Frye resolution.

The Senator from Maine [Mr. FRYE] had addressed the Senate on the subject. Then the Senator from Alabama [Mr. MORGAN] said:

In listening to the remarks of the Senator from Maine, and also in what investigation I have been able to give this subject, I am unable to ascertain that there is really an unsettled question between the United States and Great Britain in regard to the fisheries of the northeastern coast. I have inquired of Senators who have had long experience in the diplomatic affairs of the country, to ascertain, if I could, whether there was any open question of damages, any claim of damages arising between the Governments respectively out of any supposed breach of our fisheries treaties or our fisheries laws; and I can hear nothing of that kind. The Halifax Commission seems to have settled for good and all every controversy, sounding in damages at least, which has been promoted or urged by the citizens of the countries on either side.

Those considerations out of view, the next question would be whether there is any want of certainty in our treaty relations with Great Britain upon this subject. I conceive that there is no want of certainty in our treaty relations, and there is scarcely room for a difference in interpretation of what our treaty relations actually are. The two treaties which have settled the actual and what we might term the permanent rights of the people of the United States and of the Dominion country in regard to the fisheries are the treaties of 1783 and 1818.

Then, after some other remarks, he adds:

So that the field is entirely clear in respect of the actual state of treaty relations between the United States and Great Britain, and those treaty relations rest upon the treaties of 1783 and 1818.

Now, the question arises, of course, whether the treaty of 1783 has been entirely superseded by the treaty of 1818, and I believe that the better opinion of the publicists and of those who have been officially connected with the discussion of this subject, on our side at least, is that all the rights we acquired under the treaty of 1783 were repeated in a different form in the treaty of 1818; and when we wish to know what are the real treaty rights of the people of the United States in respect of these fisheries we go to that treaty and to no other place.

Skipping much that he said of the same general character, he proceeded:

A broader right of fishery than that can not be conceived of; no restriction or restraint upon it at all, except that in conducting their business they should not trespass or intrude on private property on the shore in drawing their fish or mending their nets or whatever other use they might have for the shore.

Then he quotes a portion of the treaty of 1818. Now comes the part we yielded, the renunciation. After quoting that, he says:

That I consider the treaty foundation in regard to the fisheries between the United States and Great Britain. It seems to me a very clear one. I can scarcely understand how it is the subject of misconstruction or misunderstanding at all. It will be observed that in this proviso the language employed and the evident purpose of it was to extend to our fishermen a peculiar privilege in the bays, harbors, inlets, and creeks into which they might resort, in favor of our fishermen.

He continued in the same strain for some time, and added:

There is nothing in that article which I have just read to indicate that the fishermen of the United States were considered in any sense a piratical people, or a people who were intruding upon the rights of the people of the British-American provinces; that their traffic was in any sense an unlawful traffic or injurious to the people with whom we traded. On the contrary, this very privilege and license of entering into their bays was given to us for the purpose of promoting the welfare of the people along the coast of the British possessions.

The Senator from Delaware [Mr. GRAY] called his attention to a point, and said:

Mr. GRAY. I want to ask if the Senator's construction of that proviso is quite as broad as he has just stated, and whether under it all American fishermen are not excluded from the bays, harbors, etc., except for four purposes—shelter, repairing damages, purchasing wood, and obtaining water? And then does not the last clause, "and for no other purpose whatever," negative any idea that there was any privilege to take bait or to carry on a general trading venture?

To that the Senator from Alabama replied:

Mr. MORGAN. At that time it did certainly negative the idea of carrying on a trading venture, carrying on general commerce with that people in 1818.

Mr. GRAY. I call the Senator's attention to the force of the last clause, "and for no other purpose whatever."

Mr. MORGAN. I have that in my mind. I repeat that this was a privilege guarantied to our fishermen as one of the benefits of the concession which we made in giving up the rights we had under the treaty of 1783, and it was a right that no commercial vessel of the United States at that time enjoyed, for no commercial vessel of the United States at that time could enter a Canadian harbor for any purpose, unless it might be driven in by stress of weather and might throw itself on the general hospitality of the people under the laws of nations; but there was no legislative right to go there guarantied to us by the Government of Great Britain, and there was no treaty provision, and therefore we had nothing to go on.

I will express the conviction again that this proviso in the treaty was a large indulgence to our fishermen far beyond that enjoyed by any of the commercial vessels of the United States, and was so intended. It was a restrictive advantage, I grant you, but still the only one that was enjoyed by any class of vessels of the United States at that time.

I think, perhaps, I had better read the whole of his remarks following, so that I may not be charged with garbling:

As I remarked before, afterward the policy of Great Britain changed, and she began to open up the trade of her colonies to us; first the East Indies, then the West Indies, and after a while she came around and opened up her North American possessions to us for general traffic. That was done entirely by statute, various enactments moving on the general line until the final enactment, made at a time almost contemporaneous with our laws on the same subject, opened the ports of the British possessions in America freely to our ships of commerce, our vessels of every kind. Those statutes do not discriminate against fishermen, nor do they discriminate in favor of vessels engaged in commerce other than fishing vessels. It is a broad, sweeping statute of Great Britain, admitting our vessels of whatever kind or character freely into those ports, whereupon, or at least almost contemporaneously with it, we passed a law of a similar character permitting British vessels to come here. Every vessel of the United States is included in that privilege granted by British law, without exception and without qualification. Every vessel that has a register or an enrollment under the flag of the United States, and that has papers which authorize that ship to go to sea for traffic, is a vessel that may go into any Canadian port to do anything that any other ship may do there.

The treaty of 1818 is totally perverted in its application to this state of the case. A certain class of the provincial lawyers seem to assume that the treaty of 1818 gives to the fishermen the only rights they have got, and because those rights are restricted in the treaty therefore they can not do anything except what the treaty itself conferred upon them the power to do, when the fact is that the British statute, making no discrimination against them at all, permits them to go in equally with all the vessels of commerce of every kind and character that go into their ports.

Now, why should we take a class of vessels that in the treaty of 1818 had this great beneficial arrangement made in their favor, a class of vessels that were encouraged to trade in the British possessions, and when a general law is passed, without any discrimination against them, you presume to hold that that class of vessels, which were originally favored and have never met with disfavor at all, are excluded from the effects of this law because there was a treaty in 1818, in which they got a certain privilege or favor in advance of the rights of commercial ships? It reverses the whole theory of proper construction of the existing arrangements between the Government of the United States and Great Britain. The question between us and the British Government is whether or not they have any law that excludes a fishing ship from their ports. They have no law that excludes a fishing ship from their ports; they have not put it into any statute. If they had done any such thing as that, their fishermen would not have been buying fish and recruiting their crews and getting their supplies, everything of that kind, in our harbors. We passed a law for the purpose of conferring upon the British people an equivalent in right to that which they had conferred upon our fishermen. Their own people construed their law by coming here. They are here every day. They are in the ports of the Northeast to-day buying their bait and their supplies and trafficking with our people at will and pleasure.

The Senator continued in the same strain. I do not find that there was any restraint upon him. I do not find that he did not speak frankly and freely as to our rights. Speaking, then, of our fishermen going into those ports, he said:

That is no violation of any law of Great Britain, and certainly not a violation of the treaty of 1818.

Why is it, let me ask, that a ship that goes in there with all the tackle necessary for fishing for mackerel, but being a purely commercial ship, not having a crew shipped for the purpose of fishing, not having any fishermen aboard, can go into one of the ports of the British possessions, buy what it chooses to buy, and go out again without obstruction; and yet if a fisherman goes in there, a man whose business it is to fish, he is condemned if he undertakes to buy anything but wood and water or claim anything but shelter? The argument is not reasonable; it is not a proper construction of the British law; and when we have said that we have said all that can be said about it. If there was no law but the treaty of 1818, then our fishermen could not go there, except for shelter, for wood, and for water, but the British Government has enlarged that by granting to us the commercial privilege in a sense of reciprocity for certain like privileges that we have granted to them. That is the state of the law of this case.

If that be so, it seems to me there is no difficulty at all either in construing or in handling this matter. As I remarked before, I can not see that there is any difficulty in the construction of the treaty of 1818 taken by itself. All the rights that are guarantied there and that have not been enlarged by statute of Great Britain obtain, and there is no difficulty in the construction of them. There is no difficulty in the construction of the British statutes on this subject. But, then, we are not called upon to construe them. What we are called upon to do is to protect our people against any wrong construction that they may put upon their own laws, by a power that we reserve expressly in the hands of the President of the United States. That is, when the President of the United States is satisfied that the British people have legislated in hostility to our commerce or that they have construed their own laws in hostility to our commerce, we have the right to suspend intercourse with them either absolutely or partially. That power is given to the Executive, and he does it by proclamation. That is an indispensable power, for the reason that there is no diplomatist, no set of diplomatists who have ever lived who can arrange between themselves all the rights of the people of two different states or nations in respect of a subject that is so intricate, so involved, that has so many instances about it as this subject of conducting the fisheries.

Then he said:

I do not wish to volunteer any opinions about this subject before a question gets before the Senate and I am compelled to act upon it; but my convictions are very strong; they are fixed; indeed I may say that we can get along with the people of Great Britain on this subject without any further treaty at all and without any further legislation. If any one were to ask me what provision of a treaty I would frame to compose and settle any question of fundamental law between us and Great Britain in respect of the fisheries, I could not suggest it, or if I were asked to propose an amendment to the statutes of the United States so as to put the control of this intricate subject more completely in the hands of our own Government I could not frame the amendment to the statutes. I would not know how to do it. I believe that both the treaty stipulations and the situation under the statutes are about as complete as we are ever able to make them. There may be other interests, and there are other interests lying between the people of the British possessions and the United States that I would like very much indeed to see promoted by further negotiation, but I can not call to mind, there is no suggestion to my mind of, any improvement that we could make under existing conditions of our rights in the fisheries of the Northeastern coast.

Then the Senator from Mississippi [Mr. GEORGE] inquired as to his view upon the question of ice and bait. In reply the Senator from Alabama said:

Mr. MORGAN. It would hardly be expected, I think, that the diplomatic powers of two great governments should enter into a negotiation to determine the distinction between ice and bait on one side and bacon and flour on the other as

articles of commerce; neither of them is mentioned in the treaty, but I should think it was unfortunate for the civilization of this age, especially I should think it unfortunate for the character of the publicists of this age, if they should find it necessary to interpret the meaning of ice and bait so as to exclude them within the commercial list, when everybody would admit that flour and bacon are included in the commercial list.

Whatever is legitimate traffic, whatever is not contraband, is lawful traffic in any port to which you have the lawful right of access; and if it is ice and bait it is just as much commerce as if it was flour and bacon. You can not claim ice and bait under the treaty, you can not claim flour and bacon under the treaty, but beyond question a merchant ship has the right to go there and buy flour and bacon and a fisherman has the right to go there and buy flour and bacon if also he is a commercial ship, for a fisherman may have two characters, and every one of them I believe has two characters. One is a business or vocation of catching fish, and the other is of dealing in freights or in merchandise, traffic, barter, or exchange just as they wish. We do not send any ships out of our ports, as I understand, exclusively, for the purpose of fishing, but we arm every one of them with a sea pass and give them the protection of an enrollment or a registry, so that they are American ships in every sense of the word and commercial ships in every sense of the word.

* * * * * *

Mr. GEORGE. The Senator from Maine says that right is denied, as I understand him. The right to buy bait and the right to buy ice is denied by the colonial authorities.

Mr. MORGAN. I understand that while it was denied by some of the British people there, the authorities of Great Britain are not denying it. At all events whenever it is authentically notified to the President of the United States that that right is denied, and he believes that is a right secured to us under the reciprocal advantages, as I will call them, of parallel legislation between the two countries, he has nothing to do but resort to that act of Congress and say, "I proclaim as President of the United States a suspension of trade until this matter is rectified."

Mr. GEORGE. He has that power under the law now.

Mr. President, this was before the act of 1887. This was in April, 1886. The Senator from Alabama proceeded:

Mr. MORGAN. He has that power now. I was speaking of the legal situation. I was trying to state to the Senate that I did not know how to improve it either in putting the matter to new negotiations to define our treaties, or in putting it to new legislation to define or to protect our rights. It would take a great deal of negotiation to go over the whole field and to prescribe everything that a fisherman might do and that any other class of ships might do. Therefore I think that the Government should leave the matter just where it is, and I do not think Congress can be persuaded to repeal the act. I have not heard yet from any source whatever a suggestion with regard to its amendment.

Mr. President, so far as I know that covers the whole case. With this view in my mind, I did not believe that it was necessary that the Congress of the United States should create a grand joint commission to negotiate about the matter.

Then he goes on to say that if the President of the United States thought proper he had the right independent of Congress to make such negotiations. That is what he now insists, and on that I do not propose to take any issue with him. I am free to admit that whatever the Senate may have said upon that subject the President of the United States has a right to proceed to negotiate, and when we have defeated this treaty, although we may have defeated it, as the Senator states, to give an understanding to the world that, so far as we are concerned, we think the time for negotiation is passed, yet we do not bind the Executive. On that subject he and I are not at variance. After some other things were said, the Senator from Mississippi [Mr. GEORGE] made the following inquiry, to which I will read the response of the Senator from Alabama:

Mr. GEORGE. I wish to ask the Senator, is there not some danger, with the different interpretation of the rights of our fleets, of a collision being brought about?

Mr. MORGAN. I think there is; but I do not think we can relieve it by negotiation. I think we can relieve it by enforcing the law on both sides. I think there is some danger because there are enterprising citizens on both sides who would be willing to get up a fuss between the two countries.

Mr. GEORGE. May there not be something done to avoid it?

Mr. MORGAN. I do not know how you can do it unless by an arbitration law such as is proposed between the railroad companies and the strikers. If difficulty actually exists and is formulated by either government, then I should say that would lead to a negotiation of some kind for the purpose of relieving it. Irresponsible men as far as diplomacy is concerned, who are getting up these troubles, can not very well be restrained by our action.

Then the Senator from Alabama goes on and supposes a case:

I will suppose a case. I am not aware that it exists, but I will suppose that some of the Gloucester fishermen desire to intensify American feeling a good deal just at this time for the purpose of holding on to the existing tariff on fish, and knowing that some thick-headed official in some Canadian port would deny to them the right to buy a barrel of flour or a barrel of sugar or to buy bait or something else under the treaty of 1818, if we should go back to that, and the moment they go there and make the request, this official comes out and says, "If you do not leave these coasts in your piratical enterprise of buying ice from our people we will have you arrested." Thereupon the Yankee gets his back up because he started out to get it; there is a capture made; they take him into court, libel his ship, put an officer on board, take him into a provincial court and condemn him. I do not believe the provincial court has any jurisdiction of it under the treaty at all.

I call the attention of the Senate to that because this treaty confers upon the provincial courts of Canada and the courts of Great Britain the right to try the very questions of which the Senator says he does not believe the courts have jurisdiction. The Senator from Alabama proceeded as follows:

We can see that by a maneuver of this kind it is very easy to startle the American people, very easy to arouse them, and a speech against free bait made in the Senate of the United States with the background of a little flurry of that kind, by some smart fellow who went there for the purpose of getting up a row, would more than likely prevent any change of the duties on fish.

* * * * * * *

Mr. MORGAN. The Senator from Mississippi asks me if there are not difficulties. I am expecting difficulties all the time, not between the governments, but I am expecting difficulties between private enterprising men who want to raise rows and whose business interests lie in the direction of getting up a fuss. I rather look for them, and I do not see any way in the world to prevent them unless we had some law on our statute-book which would punish a man for undertaking to bring his country into turmoil and discontent with other governments. But so far as I have heard yet in the matter of buying ice and buying bait and shipping crews, or buying anything else, our American fishermen have got a right to go there and get these things although they are fishermen, for that is conceded to them under British law.

Then he was asked by the Senator from Delaware [Mr. GRAY]:

What in his opinion is the duty of the Government of the United States in the supposititious case which he puts, of a vessel having been seized for attempting to buy bait in a provincial port?

To which he replied as follows:

Mr. MORGAN. I think then it would be a good occasion for the Secretary of State to ascertain all the facts in the first place, and whether or not the Government of Great Britain espoused the cause of that official, and whether in making the espousal of his cause the Government of Great Britain violated its own plain laws or violated its laws as we understand them; and if the question grew into that magnitude that the Government of Great Britain had determined through the instrumentality of this man to inflict a wrong upon us as a people, I do not know where I would go. I know there is one direction I would not go; I would not back out of it. I would try to have it settled peaceably according to the American spirit.

The Senator from Alabama said later on:

Still I hope that the discussion of it will lead the people of Great Britain to understand that whatever rights we have under the treaty of 1818 we consider are perfectly clear, and what rights we have under the British statute we consider entirely clear, and that if we should unfortunately differ in our opinion with them about what our commercial rights are, we have the power in our own hands to rectify it; and that is the whole case.

That is in perfect keeping with what the Senator said in January, 1887, when the bill was before the Senate. The Senator is inclined to criticise our conduct in relation to the bill, and to say that we are endeavoring to get the President into difficulties. Yet he said then:

Mr. MORGAN. Mr. President, I was a member of the committee who reported this bill, and it received my cordial approbation. I was also a member of the subcommittee which formulated the bill, and it was carefully considered there in connection with the evidence which had been collected, not only from their own investigations under the order of the Senate, but also from the archives of the State Department as far as we had access to those archives.

He declared that it was the duty of Congress to arm the President with the authority which the statute did. In speaking of these transactions the Senator from Alabama spoke of them, in the language of the late Secretary of the Treasury, as being brutal methods. He also said:

There is no war in this measure. There is peace in it, and nothing else. But if we allow the existing condition to go on there will be war in it, and that beyond our control, for I must say that I applaud the spirit of those men who, knowing that their rights are interfered with; who, understanding that their rights are distinctly expressed by Mr. Phelps in this dispatch, by Mr. Bayard in his communications with the foreign office of Great Britain and with Mr. West, by the Senate of the United States, and by Congress in various legislative acts and resolutions; by President Grant in his message of 1870, by the concurrent opinion of almost every American statesman—knowing that they are right, have been emphatically clear in their self-restraint.

But these men will at last say to themselves: "We can not afford to starve; we can not afford to burn our ships or turn them to a different trade; we can not afford to give up the avocations of our lives and go into some new pursuit; we are fishing lawfully upon the high seas, and if we happen to enter within 3 miles of a Canadian coast it seems we are likely to be overhauled and our flag hauled down, our officers and men insulted, our property taken and confiscated, and no damages returned to us. We do not intend to stand it; we will fight." And the first man that is killed, yes, the first blood that is dropped in a controversy of that kind upon the Canadian coast will be the tocsin of war, and the people of the United States would be plunged into it just as rapidly as they were by John Brown's raid at Harper's Ferry, perhaps more; and they would go into it unanimously on this occasion, for you will find just as much support on the Gulf of Mexico as you will on the coast of Maine for American fishermen in defense of their rights.

It can hardly be claimed by the Senator from Alabama, after his attention is called to those statements, that he spoke under restraint. It can hardly be pretended by anybody that he was not speaking what at that time he believed to be the true condition. Nobody will do him the injustice to say that he stood here before the Senate imposing upon us and imposing upon the country that which he did not believe. When he said we needed no new treaty he believed it. When he said our treaty rights were too plain for controversy he believed it, and he had said only what the Secretary of State had said, and what all of the illustrious predecessors of the Secretary of State had said who had passed upon this question, without a single exception.

I was one who listened to the speech of the honorable Senator on both occasions to which I have referred. I took it that as a member of the Committee on Foreign Relations he had given care and thought to the subject, and that our treaty rights were exactly as he put them before the Senate. It is my duty to look into these matters, and yet I trusted and believed in him, because I had not given the subject as much attention as he had, and I relied upon his extraordinary zeal in the direction he had been charged as a member of the committee.

If his brother Senators yielded assent to his views then, what ought to be said of the poor New England fisherman who was told that his rights were unquestioned to go into those harbors and buy bait and ice? The Senator did not mean to lead them into a trap. He believed then, just as he said, that the treaty of 1818 needed nothing but a firm enforcement of its provisions. That was all we needed to do, for he declared that while Canada had made these claims Great Britain had never made them.

I wish to call the attention of the Senate to the fact that no ship or vessel of any kind was ever seized for buying bait and ice until within the last three years. I challenge the Senator or his associates to produce a single case where the seizure was for that cause prior to 1885.

Yesterday, when the Senator from Alabama was addressing the Senate, he took occasion to speak of the conduct of the Committee on Foreign Relations in reporting to the Senate this treaty. He asserts that the Senate committee declared that the time for negotiations had passed. The committee declared that there was nothing to negotiate on so far as that treaty was concerned.

They took exactly the same position that the Senator from Alabama himself had taken as a Senator on this floor before the whole world. They took exactly the same position that he as a member of that committee had taken in 1887. But the Senator from Alabama said yesterday:

It is in reference to the commercial privileges of our fishermen, and alone in reference to these alleged rights, that the startling doctrine is asserted and the rash attitude is taken in the report of the majority of the Committee on Foreign Relations that the fisheries are no longer a proper subject of negotiation and that the time for negotiation with Great Britain has passed.

Yet that is exactly what the Senator asserted here on this floor more than once in the two speeches to which I have called the attention of the Senate.

So I do not think it lies in the mouth of the Senator from Alabama to arraign us on this side and to charge that we have been guilty of attacking this treaty for the purpose of getting votes for the Republican party, when we take the very same position that he took, the very same position that the Secretary of State took, the very same position that Mr. Phelps, our minister to Great Britain, took on this question.

The Senator from Maryland [Mr. WILSON], who addressed the Senate a few days since, took exception when I said he had presented the Canadian side of the case more strongly than it was ever presented by any Canadian authority. In that speech he declared, as did the Senator from Alabama practically yesterday, that this had been a subject of controversy for seventy years. I have heard that statement repeated in every speech which has been made on the opposite side. There were twenty-five years after that treaty was made when the British Government never addressed a word to the American Government as to contentions concerning the treaty. That will be found in Mr. Rush's letter, which was put in the RECORD by the Senator from Massachusetts [Mr. HOAR]. That was the case for twenty-five years, as I read to the Senate the other day, which I do not need to read again.

When the Secretary of State says this is a new claim, made for the first time in 1843, notwithstanding the statement made by the Senator from Maryland that the British Government had all the time insisted upon this construction of the treaty and had enforced it, I stand here to-day and say they never enforced it an hour, unless it was within the life of the present Administration. They never said we could not buy bait; they never said we could not buy ice in any way that was authoritative. I am speaking now of the construction of the treaty of 1818 practically. While they said they adhered to the view the Canadian authorities had advanced, yet they did not think it was worth while to enforce it, and they declined over and over again to allow the Canadian authorities to administer upon the treaty according to their contention, as the Senate can see by a reference I have here. December 31, 1877, Governor Sir John H. Glover wrote from Canada to Earl Carnarvon as follows:

[Dispatches and correspondence in reference to the traffic in bait and ice.]

Governor Sir John H. Glover to Earl Carnarvon.

GOVERNMENT HOUSE, 31*st December*, 1877.

MY LORD: I have the honor to inclose a minute of my executive council, giving their opinion as to the injurious results to the fisheries of Newfoundland from the barring for bait for exportation, as pointed out in the senior naval officer's report inclosed in your lordship's dispatch No. 68.

2. At the same time, my ministers, in anticipation of legislative action upon this important subject, deem it advisable to request me to have it brought under your lordship's consideration before the next session, which annually meets neor the end of January.

3. From the admission of the Americans to rights of fishery on this coast under the Washington treaty, more difficulty will be experienced than heretofore in the carrying out of the local acts regulating the taking of herring; but with additional steam aid it is hoped that more efficient protection will be afforded in those parts where breaches of the law will probably occur.

4. There is a strong feeling extant against the American fishermen, who this year with numerous vessels visited many of the fishing stations, before free from their intrusions, their chief object being to procure fresh bait and ice, which they did in large quantities, for their bankers, to the alleged injury of our inshore fishermen. This year there has been in several places a failure in the fishery, which to a large extent is attributed to this American interference.

5. The effect of the recent decision at Halifax, as reported, disallows this traffic under the treaty, and from the opinion prevailing my ministers surmise that more stringent legislation will be demanded effectually to check this traffic than at present exists, and that a large majority in the legislature on both sides will press for the adoption of such a policy.

6. Should such be insisted upon, it appeared probable to my ministers that it would embrace prohibition to colonial fishermen to supply or aid in supplying, or to export, fresh bait, which would in that respect apply equally to the French with the Americans, but the latter would have the advantage of taking for themselves if they pleased to do so; and it is conceived that the exercise of this right would not be so prejudicial as the practice that has lately existed in taking away the colonial fishermen from their own fishing to procure a supply of bait and ice for the Americans.

7. It may be safely asserted that with the experience derived from the operation of the Washington treaty there would be no probability of the legislature extending the concession to fish in our own waters.

I have, etc., etc.,

JOHN H. GLOVER.

To this the Government replied, among other things:

With this report before them, Her Majesty's Government can not but feel uncertain whether any failure in the bait fishery of Newfoundland would be remedied by the adoption of the measures proposed by the house of assembly, and whether the practice which is complained of, and which it is sought to prohibit, has been sufficiently proved to have diminished the actual quantity of bait visiting the coast; although the increased competition of the Americans may have made it less easy for the local fishermen to secure the bait they require for their own fishing.

9. But, apart from this view of the question, Her Majesty's Government deem the present moment inopportune to effect any such change in practice as that which it is desired should be established; they are giving their most careful consideration to the whole question of the fisheries, both as regards United States subjects and the subjects of France, and they feel that a satisfactory solution of the several important points at issue might be considerably hindered by action in the direction suggested by the assembly.

10. You will be so good as to communicate this dispatch to your Government.

I have, etc.,

M. HICKS-BEACH.

This was in accordance with the former instructions which had been given. In 1879 Mr. Babson and Mr. Foster were detailed by the State Department, as I understand, for the purpose of examining these questions as to our fishermen's rights, etc., and they reported to the then Secretary of State, Mr. Evarts. They quote the dispatch of Sir M. Hicks-Beach, and they say:

This dispatch of Sir M. Hicks-Beach follows the course pursued by one of his predecessors, the Duke of Newcastle, who, during the time the reciprocity treaty was in force, wrote to the governor of Newfoundland "that no act can be allowed which prohibits expressly, or is calculated by a circuitous method to prevent, the sail of bait." (Duke of Newcastle to Sir A. Bannerman, August 3, 1863.)

Mr. Phelps contended for the right of the American fishermen to buy ice and bait in a letter which he sent to Lord Rosebery, June 2, 1886, and which is found in Senate Executive Document No. 113, page 118, as follows:

The British Government has repeatedly refused to allow interference with American fishing vessels, unless for illegal fishing, and has given explicit orders to the contrary.

On the 26th of May, 1870, Mr. Thornton, the British minister at Washington, communicated officially to the Secretary of State of the United States copies of the orders addressed by the British Admiralty to Admiral Wellesley, commanding Her Majesty's naval forces on the North American station, and of a letter from the colonial department to the foreign office, in order that the Secretary might "see the nature of the instructions to be given to Her Majesty's and the Canadian officers employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada." Among the documents thus transmitted is a letter from the foreign office to the secretary of the Admiralty, in which the following language is contained:

"The Canadian Government has recently determined, with the concurrence of Her Majesty's ministers, to increase the stringency of the existing practice of dispensing with the warnings hitherto given, and seizing at once any vessel detected in violation of the law.

"In view of this change and of the questions to which it may give rise, I am directed by Lord Granville to request that you will move their lordships to instruct the officers of Her Majesty's ships employed in the protection of the fisheries that they are not to seize any vessel unless it is evident and can be clearly proved that the offense of fishing has been committed and the vessel itself captured within 3 miles of land."

In the letter from the lords of the Admiralty to Vice-Admiral Wellesley of May 5, 1870, in accordance with the foregoing request, and transmitting the letter above quoted from, there occurs the following language:

"My lords desire me to remind you of the extreme importance of commanding officers of the ships selected to protect the fisheries exercising the utmost discretion in carrying out their instructions, paying special attention to Lord Granville's observation that no vessel should be seized unless it was evident and can be clearly proved that the offense of fishing has been committed and that the vessel is captured within 3 miles of land."

Lord Granville, in transmitting to Sir John Young the aforesaid instructions, makes use of the following language:

"Her Majesty's Government do not doubt that your ministers will agree with them as to the propriety of these instructions, and will give corresponding instructions to the vessels employed by them."

These instructions were again officially stated by the British minister at Washington to the Secretary of State of the United States in a letter dated June 11, 1870.

Again, in February, 1871, Lord Kimberly, colonial secretary, wrote to the governor-general of Canada as follows:

"The exclusion of American fishermen from resorting to Canadian ports, except for the purpose of shelter, and of repairing damages therein, purchasing wood, and of obtaining water, might be warranted by the letter of the treaty of 1818, and by the terms of the imperial act 59 George III, chapter 38, but Her Majesty's Government feel bound to state that it seems to them an extreme measure, inconsistent with the general policy of the Empire, and they are disposed to concede this point to the United States Government under such restrictions as may be necessary to prevent smuggling, and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects."

And in a subsequent letter from the same source to the governor-general the following language is used:

"I think it right, however, to add that the responsibility of determining what is the true construction of a treaty made by Her Majesty with any foreign power must remain with Her Majesty's Government, and that the degree to which this country would make itself a party to the strict enforcement of the treaty rights may depend not only on the literal construction of the treaty, but on the moderation and reasonableness with which these rights are asserted."

I am not aware that any modification of these instructions or any different rule from that therein contained has ever been adopted or sactioned by Her Majesty's Government.

Judicial authority upon this question is to the same effect. That the purchase of bait by American fishermen in the provincial ports has been a common practice is well known. But in no case, so far as I can ascertain, has a seizure of an American vessel ever been enforced on the ground of the purchase of bait or of any other supplies. On the hearing before the Halifax Fisheries Commission in 1877 this question was discussed, and no case could be produced of any such condemnation. Vessels shown to have been condemned were in all cases adjudged guilty, either of fishing, or preparing to fish, within the prohibited limit. And in the case of the White Fawn, tried in the admiralty court of New Brunswick before Judge Hazen in 1870, I understand it to have been distinctly held that the purchase of bait, unless proved to have been in preparation for illegal fishing, was not a violation of the treaty, nor of any existing law, and afforded no ground for proceedings against the vessel.

So much for the statement of the Senator from Maryland as to the denial of commercial rights, who insisted that we had no commercial rights as fishermen, and as I recollect his words he said substantially that it was a crime for us to so assert.

The Senator from Maryland also dealt with the subject of the 3-mile limit. He said that Great Britain will not surrender these points to which she has so steadily adhered and which she has so steadily insisted on and enforced. I wish to say to the Senator from Maryland that in all his reading he will not find a single case where the British Government have attempted to enforce the Canadian theory that we were prohibited from going into those bays. I say that every time the British Government have spoken upon this subject they have restricted it to within 3 miles, not of the bays, but within 3 miles of the coast or within 3 miles of the land. The British Government have been careful to say "land" on every occasion, and I challenge the Senator to find a single case where they instructed the Canadian authorities that they did not instruct them with the view of maintaining our contention of the treaty and not the Canadian contention.

How can it be, the Senator asks, that the great and strong and high-strung nation of Great Britain are called upon to yield that which they have practically enforced for so many years? They have never enforced it. The headland theory was as absolutely dead as it could be. If they had not abandoned it, they had at least abandoned all efforts to put it in force. Mr. Tupper declared in his speech to the Canadian Parliament that it had been abandoned; that there was a practical abandonment and renunciation of the right asserted under the headland theory. They had declined over and over again to allow the Canadian authorities to enforce it. And now we are told if we do not accept this treaty the English view will be taken and will be enforced. If it is taken at all, it will be because back of them are the American President and Secretary of State with the statement that we had no rights except those which they conceded to us as to the headlands and commercial privileges.

The Secretary of State knew exactly what the contention of the British Government was. He knew exactly the attitude of the British Government. He knew that there never was a time when they proposed to enforce the Canadian view. He could not have been ignorant of that, for this is what he said, among other things, in a letter to Mr. West, May 20, 1886:

I beg to recall to your attention the correspondence and action of those respectively charged with the administration and government of Great Britain and the United States in the year 1870, when the same international questions were under consideration and the status of law was not essentially different from what it is at present.

This correspondence discloses the intention of the Canadian authorities of that day to prevent encroachment upon their inshore fishing grounds, and their preparations in the way of a marine police force, very much as we now witness. The statutes of Great Britain and of her Canadian provinces, which are now supposed to be invoked as authority for the action against the schooner David J. Adams, were then reported as the basis of their proceedings.

In his note of May 26, 1870, Mr. (afterwards Sir Edward) Thornton, the British minister at this capital, conveyed to Mr. Fish, then Secretary of State, copies of the orders of the Royal Admiralty to Vice-Admiral Wellesley, in command of the naval forces "employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada."

All of these orders directed the protection of Canadian fishermen and cordial co-operation and concert with the United States force sent on the same service with respect to American fishermen in those waters. Great caution in the arrest of American vessels charged with violation of the Canadian fishing laws was scrupulously enjoined upon the British authorities, and the extreme importance of the commanding officers of ships selected to protect the fisheries exercising the utmost discretion in paying especial attention to Lord Granville's observation, that no vessel should be seized unless it were evident, and could be clearly proved, that the offense of fishing had been committed, and the vessel captured within 3 miles of land.

This caution was still more explicitly announced when Mr. Thornton on the 11th of June, 1870, wrote to Mr. Fish:

"You are, however, quite right in not doubting that Admiral Wellesley, on the receipt of the later instructions addressed to him on the 5th ultimo, will have modified the directions to the officers under his command so that they may be in conformity with the views of the Admiralty. In confirmation of this I have since received a letter from Vice-Admiral Wellesley dated the 30th ultimo, informing me that he had received instructions to the effect that officers of Her Majesty's ships employed in the protection of the fisheries should not seize any vessel unless it were evident, and could be clearly proved that the offense of fishing had been committed and the vessel itself captured within 3 miles of land."

Nowhere can gentlemen find that the British Government ever attempted to sustain the Canadian authorities except on paper. All that was required of the American Government was to say: "We adhere to the construction put upon the treaty of 1818, unquestioned for twenty-five years; we adhere to the practical construction that you put upon it ever since the question was raised by the Canadian government." If that had been done, as the Senator from Alabama said in 1886, there would have been no need of a new treaty upon this subject. Our rights are not to be enlarged by Great Britain and they are not enlarged in the slightest degree in this treaty.

I call attention to the instructions given in 1871 in what is published in Executive Document No. 113 as Appendix B. This is the language:

APPENDIX B.

In such capacity your jurisdiction must be strictly confined within the limits of "3 marine miles of any of the coasts, bays, creeks, or harbors" of Canada, with respect to any action you may take against American fishing vessels and United States citizens engaged in fishing. Where any of the bays, creeks, or harbors shall not exceed 6 geographical miles in width, you will consider that the line of demarkation extends from headland to headland, either at the entrance to such bay, creek, or harbor, or from and between given points on both sides thereof, at any place nearest the mouth where the shores are less than 6 miles apart; and may exclude foreign fishermen and fishing vessels therefrom, or seize if found within 3 marine miles of the coast.

That is in keeping with the entire declaration of the British Government upon this question.

Jurisdiction.—The limits within which you will, if necessary, exercise the power to exclude the United States fishermen, or to detain American fishing vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks, or harbors. Her Majesty's Government are clearly of opinion that by the convention of 1818 the United States have renounced the right of fishing not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek.

It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce any rights in this respect which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or a creek which, though in parts more than 6 miles wide, is less than 6 geographical miles in width at its mouth. In the case of any other bay, as the Bay des Chaleurs, for example, you will not interfere with any United States fishing vessel or boat, or any American fishermen, unless they are found within 3 miles of the shore.

"*Action.*—You will accost every United States vessel or boat actually within 3 marine miles of the shore along any other part of the coast except Labrador and around the Magdalen Islands, or within 3 marine miles of the entrance of any bay, harbor, or creek which is less than 6 geographical miles in width, or inside of a line drawn across any part of such bay, harbor, or creek at points nearest to the mouth thereof not wider apart than 6 geographical miles, and if either fishing, preparing to fish, or having obviously fished within the exclusive limits, you will, in accordance with the above-recited acts, seize at once any vessel detected in violating the law, and send or take her into port for condemnation; but you are not to do so unless it is evident, and can be clearly proved, that the offense of fishing has been committed, and that the vessel is captured within the prohibited limits." (Session Papers, volume IV, No. 4, 1871.)

APPENDIX C.—*The secretary of state for the colonies to the governor-general.*

DOWNING STREET, *October* 10, 1870.

SIR: I inclose a copy of a memorandum, which I have requested Lord Granville to transmit to Sir E. Thornton, with instructions to communicate with you before addressing himself to the Government of United States on the subject to which the memorandum relates.

The object of Her Majesty's Government is, as you will observe, to give effect to the wishes of your government, by appointing a joint commission, on which Great Britain, the United States, and Canada are to be represented, with the object of inquiring what ought to be the geographical limits of the exclusive fisheries of the British North American colonies. In accordance with the understood desire of your advisers it is proposed that the inquiry should be held in America.

The proposal contained in the last paragraph is made with a view to avoid diplomatic difficulties which might otherwise attend the negotiation.

I have, etc.,

KIMBERLY.

Governor-General the Right. Hon. Sir JOHN YOUNG, G. C. B., G. C. M. G.

The Secretary of State used the following language in July, 1887:

The treaty of 1818 related solely to fisheries. It was not a commercial convention, and no commercial privileges were renounced by it. It contains no reference to ports, of which it is believed the only ones then existing were Halifax, and possibly one or two more in the other provinces, and these ports were not until long afterwards opened by reciprocal commercial regulations to vessels of the United States engaged in trading. * * * The purchase of bait and other supplies by the American fishermen * * * is not regarded as inconsistent with any of the provisions of the treaty of 1818. * * * Neither the treaty of 1854 nor of 1871 gave commercial privileges; yet during the existence of these treaties no question was ever made of the right of American fishermen to purchase bait and other supplies in Canadian ports.

On the 13th of July, 1886, Secretary Bayard wrote to Hon. Charles Levi Woodbury, of Boston, as follows:

DEPARTMENT OF STATE, *Washington, July* 13, 1886.

SIR: Your letter dated July 7, with twelve affidavits of Gloucester fishermen alleging their long-continued custom of purchasing bait in places and ports in Nova Scotia to be used in deep-sea fishing, has been received, and shall be placed on file for future reference in connection with claims for compensation growing out of the unlawful prevention of this usage by the Canadian authorities.

I am, etc.,

T. F. BAYARD.

Not only did the American minister and the Secretary of State take that position, but the Senators in this body and the members of the House who discussed this question in 1887, took the same position. Yet to-day we find one at least of the Senators from Alabama, the Senator from Mississippi [Mr. GEORGE] who has spoken on this subject, the Senator from Maryland [Mr. WILSON], and the Senators from Delaware all insisting to the contrary. I can not say that the Senator from Alabama [Mr. PUGH] intends to insist on a different view, for I could hardly determine what he meant to say upon that subject; but all the other Senators on that side who have spoken on this question insist that there was no right to buy bait. The President of the United States in his message to the Senate declared that there was no right to buy bait. The Secretary of State in an interview in the Boston Herald declared that there was no right to buy bait.

Mr. PLATT. Perhaps that was unauthorized.

Mr. TELLER. A Senator says "Perhaps that was unauthorized." If so, I have not heard of its being denied by the Secretary of State, any more than I have heard the other interview of which I spoke the other day denied by the Secretary of State. This is what he is supposed to have said in the Boston Herald, and I have no doubt what he did say, because it has never been questioned, and it has been referred to on one or two occasions in the Senate:

But, say the critics, the treaty does not secure us the right to buy bait and

other fishing supplies unless we admit fish, and fish, whale, and seal oil free of duty as a consideration. How else, I would ask, could we get that right? It was expressly excluded from the treaty of 1818.

He had declared that the right was not excluded by the treaty of 1818, but that it came to us by the commercial arrangement of 1830, which was the position of the senior Senator from Alabama, and which was the construction that our Government had put on it ever since that time.

What Canada does say is that if she becomes our partner in the fishing business, supplying us with bait and seines and other fishing supplies, she shall be allowed to share the market with us. But this is all over and beyond the real and substantial advantages secured to us by the treaty.

What have Canadians said about it? Mr. Tupper's speech before the Canadian Parliament has been read so often that I do not need to read it again—wherein he spoke of the advantages. Let us see what some of the others said about it. The Montreal Gazette said:

We secure every right for which we have contended in the correspondence of the last two years. The Americans are debarred from the "touch and trade" and transshipping privileges. We have obtained everything we ever claimed.

The St. John (New Brunswick) Sun said:

The advantages of our present position will be sufficiently evident when the next controversy arises, which will be when the first American fisherman is prevented from doing something he wants to do. Should he be prevented from purchasing bait, forwarding supplies, or shipping a crew on our coast, the usual outcry will be raised, charges of brutal treatment and of uncivilized conduct will be made, and the President will be invited to retaliate by proclaiming non-intercourse. It will then be open to Mr. Foster to remind the Secretary of State that he has himself admitted the right of Canadians to do these things, and has agreed to a formal treaty recognizing that right. Nor will it be longer open to Mr. Bayard to use the language which he has rather freely employed heretofore, and which more clamorous politicians and less responsible men of his nation have used more freely than he. The President may retaliate, but if he does he will be retaliating to a nation which is doing what the President and his Cabinet and the President's chosen commissioners have admitted to be within the right of that nation to do.

I do not wonder that Senators on the other side are somewhat sensitive on this subject. I do not wonder that they do not want to be brought to the test whether the President will enforce the law we put on the statute-book in 1887 with such unanimity, with only two dissenting votes, one in each body, when they will be met by the declaration of the President himself, in an official message to this body, in which he says substantially that we have got all we could expect, when the President says that the Canadian construction of this treaty is a proper construction.

I do not believe that there is any danger of the threat we have heard so often, that the President will enforce that law to the destruction of the great interests of the Northwest; but if he does, if he thinks it is necessary for the protection of the New England fishermen and the maintenance of the honor and dignity of the nation, the people of the great Northwest will not find any fault, provided it is done for that purpose and not for the purpose of assisting the Canadian Government and the British Government in compelling us to grant to them free fish, which it has been said over and over again by the Secretary of State and by our minister to Great Britain and by members of the Senate on both sides was the great purpose and object of the outrages upon our fishermen.

I can not omit before closing to call attention to what Mr. Tupper said on this particular question in connection with what I read a moment since. Mr. Tupper proposed to plead an estoppel on us. Much of what he said has been read. After having detailed what the American Government had done in the way of legislation and the danger to Canadian commerce, he said:

This was the condition of things when I went down last Easter to see Mr. Bayard at Washington. If you compare the condition of things to-day with the condition of things that existed then, there is no man, I care not how partisan he may be, how unfriendly to this Government he may be, who can judicially look at the position of this question then and now, without coming to the conclusion that we have emerged from midnight darkness into the light of day under the auspices of this treaty. It may be said, Suppose that the treaty is rejected by the United States Senate—a not impossible contingency—I need not tell the House that one of the advantages we enjoy under British institutions is that we are saved from the extreme and violent antagonisms of party that every fourth year the Presidential election brings about in the United States. Now, any man who knows anything of the politics of the United States, knows that however good a measure is, however valuable, however much it commends itself to the judgment of every intelligent statesman in that country, it is a matter almost of honor on the part of the party in opposition to prevent the Government of the day from doing anything that would give them any credit or strengthen their hands in the country; that on the eve of a Presidential election it is next to impossible to induce a Republican majority in the Senate to sanction anything that a Democratic administration has carried through, however valuable it may be.

Mr. President, that is a base slander upon the American people. We have not been in the habit of making these questions a test of party fealty. That is a portion of the "combine" between the present Democratic party and the Canadian party, and this Canadian member of the partnership is speaking exactly as the American portion of it has been speaking on this floor and as the Secretary of State has spoken on more than one occasion and as he has spoken by letter.

But, sir, take the very worst contingency—suppose this treaty is rejected by the Senate, what then? Will we be relegated back to the position we stood in a year ago? Not at all. If our efforts, by mutual conciliation, by concessions on both sides, to find a common ground, that we could present to all the parties to this treaty, as an honorable and equitable agreement that might be fairly accepted, if these efforts had failed, if, after three months' negotiations, we had broken up with embittered relations, because we found that it was impracticable to get any common ground of meeting on which the Governments of the two countries could agree, there is no question that matters would have stood in a worse position than that in which they stood when we undertook these negotiations. But, sir, that is not the position. Let the Senate of the United States to-morrow reject this treaty—I trust they will not do so; I have a hope that there is independent statesmanship enough in the great Republican party of the United States, who have the power at their disposal to-day in the United States Senate, to allow that sentiment of patriotism to overweigh the party advantages they might hope to obtain by preventing the present Administration from settling this vexed question; but when they remember that for seventy years—

There, I suppose, is where the Senators have got the data on which they insist that for seventy years this has been a bone of contention between the two Governments—

these questions have been agitated which are now disposed of, they may see that if they should come into power themselves at any early date it would be an advantage to have this vexed question between the two great English-speaking nations of the world set at rest, that there may be no renewal of the difficulties which have existed so long a time. But let me take the very worst contingency, that of the rejection of this treaty, and how do we stand? Why, sir, let me read from a letter of the Secretary of State of the United States, written to the citizens of Boston, who invited him to go there to deliver a speech upon the treaty. In Mr. Bayard's letter, of 26th March, he says:

"I am convinced that the welfare and true interest of our country and a just and wise treatment of the British American population on our northern frontier alike counsel the adoption of the treaty. In its initiation, negotiation, and conclusion, I can truly say for my associates and myself no views but those of a single-minded, patriotic intent have been allowed place or expression, nor can a trace or suggestion of partisanship be justly alleged. The sole and difficult question to which the treaty relates, the fishery rights of one nation in the jurisdictional waters of another, began with the first dawn of our recognized independent existence as a nation, and ever since has conspicuously presented itself at intervals, exciting bitter controversy, and never been satisfactorily or permanently disposed of. Meanwhile the surrounding circumstances have importantly changed in advance with rapid and vast growth.

"The treaty of 1818 remains unaffected in its terms by seventy years of such material progress and development on this continent as we of to-day are the witnesses. Unless the treaty of 1818 shall be wholly abrogated and recurrence necessarily had to the dangerous status that John Quincy Adams so ably but unavailably discussed with the Earl of Bathurst, in 1815, and which had resisted all efforts of negotiation, and at Ghent in the year previous, it is manifest that a joint and equitable construction in consonance with their existing relations and mutual needs must be agreed upon between Great Britain and the United States, and this, I affirm, is done by the present treaty."

Again he says:

"Conciliation and mutual neighborly concessions have together done their honorable and honest work in this treaty—paved the way for the relations of amity and mutual advantage."

Now, sir, I ask you whether all the time, all the trouble expended in this matter is not amply compensated for by the declaration of the Secretary of State of the United States bearing his tribute and his testimony to this treaty as a fair, equitable, and just interpretation of the treaty of 1818. And what more, sir? Let me read from the message of the President of the United States:

"As a result of such negotiations a treaty has been agreed upon between Her Britannic Majesty and the United States, concluded and signed in this capital, under my direction and authority, on the 15th of this February instant, and which I now have the honor to submit to the Senate with the recommendation that it shall receive the consent of that body, as provided in the Constitution, in order that the ratifications thereof may be duly exchanged and the treaty carried into effect. The treaty meets my approval, because I believe that it supplies a satisfactory, practical, and final adjustment upon a basis honorable and just to both parties of the difficult and vexed question to which it relates. A review of the history of this question will show that all formal attempts to arrive at a common interpretation satisfactory to both parties of the first article of the treaty of October 20, 1818, have been unsuccessful, and with the lapse of time the difficulty and obscurity have only increased.

"Negotiations in 1854, and again in 1871, ended in both cases in temporary reciprocal arrangement of the tariffs of Canada and Newfoundland and of the United States, and of the payment of the money award by the United States, under which the real questions in difference remain unsettled, in abeyance, and ready to present themselves anew just as soon as the conventional arrangements were abrogated.

"The situation, therefore, remained unimproved by the results of the treaty of 1871, and a grave condition of affairs, presenting almost identically the same features and causes of complaint by the United States against Canadian action and British default in its correction, confronted us in May, 1886, and has continued until the present time.

"The four purposes for which our fishermen under the treaty of 1818 were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of 3 marine miles are placed under a fair and liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have embarrassed and obstructed them so seriously.

"The enforcement of penalties for fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland is to be accomplished under safeguards against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays, and inconvenience and unnecessary expense.

"The hospitality secured for our vessels in all cases of actual distress, with liberty to unload and sell and transship their cargoes, is full and liberal.

"The provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818, for the contention has been steadily made in the correspondence of the Department of State and by our minister at London and by the American negotiators of the present treaty.

"The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefits in the conviction that mutual advantage and convenience are the only permanent foundation of peace and friendship between States, and that with the adoption of the agreement now placed before the Senate, a beneficial and satisfactory intercourse between the two countries will be established so as to secure perpetual peace and harmony.

"In connection with the treaty herewith submitted I deem it also my duty to transmit to the Senate a written offer or arrangement, in the nature of a *modus vivendi*, tendered after the conclusion of the treaty on the part of the British plenipotentiaries, to secure kindly and peaceful relations during the period that may be required for the consideration of the treaty by the respective governments and for the enactment of the necessary legislation to carry its provisions into effect if approved.

"This paper, freely and on their own motion, signed by the British conferees, not only extends advantages to our fishermen, pending the ratification of the treaty, but appears to have been dictated by a friendly and amicable spirit."

I ask you to contrast that language with the position we occupied a year ago in regard to the great republic to the south of us? Let the Senate reject the treaty to-morrow, and I ask what is the changed position of Canada? Yesterday we stood face to face with a non-intercourse bill, sustained by the united action of the Senate and House of Representatives, sustained by almost the whole press, Republican and Democratic, of the United States, sustained with

few exceptions by the prejudiced, irritated, and exasperated people of 60,000,000 lying on our borders. What, I repeat, is our position to-day? If that treaty were rejected by the Senate to-morrow we have gained that vantage-ground, that we stand in the position of having it declared by the Secretary of State of the United States and by the President of the United States that Canada has been ready to make, and that Her Majesty's Government, on behalf of Canada, through her plenipotentiaries, have made an arrangement with the plenipotentiaries of the United States that is fair, just, and equitable, and that leaves that country no possible cause of complaint. What is the result? The result will be this: That let a fisherman complain to-morrow of our interpretation of the treaty, of the enforcement of our most extreme construction of the treaty, the answer to him is this: Nobody is to blame for the inconvenience you suffer except the Senate of the United States. Your President, the Executive of your country; the Democratic party from end to end of the United States, declared it was a fair settlement. They represent an undoubted majority, in my judgment, of the people of the United States to-day, and I believe they will represent it to-morrow. We stand in the position that instead of being alone with the whole United States, President, Government, and people all against us, all denouncing us as adopting a harsh and barbarous interpretation of an old, antiquated treaty for the purpose of forcing reciprocity upon them, we occupy the vantage-ground of having these men out of their own mouths declaring that nothing has been wanting on the part of the Government of Her Majesty, or on the part of the Dominion of Canada to place this question on a fair and equitable basis, such as might honorably be accepted by the United States. I hold we have accomplished that without injuring in the slightest degree the fisheries of Canada, without injuring Canadian interests to any extent whatever.

We have made concessions, as I have said, but we have made them with the avowed object of placing all our people, not only the fishermen, but the agriculturist, the lumberman, every man in this country in a better relation with the United States than he was before. What is the result? As I have said Mr. Bayard told us, the American plenipotentiaries told us that there was but one way of obtaining what we wished. You want greater freedom of commercial intercourse. You want relaxation in our tariff arrangements with respect to natural products in which you are so rich and abundant. There is but one way to obtain it. Let us by common concession be able to meet on common ground and remove this irritating cause of difficulty between the two countries out of the way, and you will find that the policy of this Government, the policy of the President, and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you propose, and accomplish steadily that which you would desire, is the only way by which it can ever be attained.

Those were not empty words, those were the sober utterances of distinguished statesmen, who pointed to the avowed policy of the Government of the United States as the best evidence of the sincerity of what they said. What has happened already? Already we have action by the financial exponent of the Administration of the United States, I mean Mr. MILLS, the gentleman who in the United States Congress represents the Government of the day, and stands in the position most analogous in the United States to the finance minister in the House, the chairman of the Committee on Ways and Means, who propounds the policy of the administration in the House.

How is he elected? The Democratic party, sustaining the Government, selects a man as Speaker of the House of Representatives who is in accord with the policy of the Administration for the time being, and Mr. CARLISLE, the Speaker of the House of Representatives, nominates the chairman of the Committee of Ways and Means and all the members of the committee, and therefore the chairman of that committee occupies the position of representing the Government in bringing forward such bills as will represent the views and sentiments of the Democratic party in the United States supporting the Administration. What have we seen? The ink is barely dry upon this treaty before he, as the representative of the Government and chairman of the Committee of Ways and Means, brings forward a measure to do what? Why, to make free articles that Canada sends into the United States, and upon which last year $1,800,000 of duty was paid.

Some honorable MEMBERS. We paid?

Sir CHARLES TUPPER. I ask, sir, if that is nothing?

Some honorable MEMBERS. Who paid?

Sir CHARLES TUPPER. I do not intend to insult both the great political parties of this country who have since 1854 and long before maintained that the interests of Canada—the interests of British North America—were intimately bound up in obtaining free intercourse with the United States for our natural products; I do not intend to insult the two great parties in this country by telling them that they were fools, that they did not know what they were doing. Down to the present hour we have adopted the policy on both sides of the house and we have pledged ourselves to the people to do everthing that lay in our power to obtain a free market for the natural products of our country with the United States, and I say you must answer me the question as to whether that was an act of supreme folly or whether it was wise statesmanship on the part of both parties in this country to adopt that policy before you ask me such a question as "who pays the duty?"

I say that under this bill which has been introduced and which I believe will pass, for it does not require two-thirds of the Senate, where the Republican majority is only one in the whole House, to pass the bill; it requires a majority of one only, and I am very sanguine that this bill will pass during the present session. Modified it may be, but I am inclined to think the amendments will be still more in the interests of Canada than as the bill stands to-day. If this is the case I think we may congratulate ourselves upon securing the free admission of our lumber, upon which was paid during the last year no less than $1,315,450. On copper ore, made free by the Mills bill, we paid, or there was paid—to make it meet the views of the honorable gentlemen opposite more correctly—$96,945. On salt, $21,992 duty was paid. This is rendered free by the Mills bill. I am sorry to find, as I hoped would be the case, from the first copy of the bill that came to me, that potatoes were not included amongst vegetables. I am sorry to find there is a doubt as to whether the term "vegetables not specially enumerated" will not exclude potatoes.

In grappling with this policy of making the natural products of the two countries free you do not expect any person who wants to carry a bill to put a heavier load upon his shoulders than he is able to carry, lest he may break down and do nothing. You expect him to take it in detail, and, as I believe, you will find the policy contained in this bill, of making those natural products of Canada free, carried out until you have perfect freedom of intercourse between the natural products of Canada and the United States of America. Of wool we sent last year 1,319,309 pounds of one kind and a variety of other kinds, upon which a duty was paid to the extent of $183,852. Now, as I say, on articles of prime importance and interest to Canada the removal of duty by the Mills bill amounts to no less than $1,800,193. You will be glad to hear that I do not intend to detain the house any longer. In discharge of the duties—the very onerous and important duties—of one of Her Majesty's plenipotentiaries at that conference I have steadily kept in view what in my heart and judgment I believed were the best interests of Canada. In the measure which I have the honor to submit to this house I believe will be found embodied a bill which it is of the most vital importance to Canada to pass.

As it stands to-day the Government of the United States have only my signature to sustain the course that has been taken. I was not there as the representative of the Government of Canada, nor can my signature to the treaty necessarily imply the approval and support of even the Government of Canada. I occupied on that occasion the position of one of Her Majesty's plenipotentiaries, charged not only with the responsibility of what I owed to Canada but also the responsibility of my duty to the Empire. I can only say, sir, that I felt I would best discharge my duty to the Empire by steadily keeping in view the interest of Canada. I believe, sir, that there is no way in which any public man in this country can promote the interests of the great empire of which we form a part better or as well as by taking such a course of public action as will build up a great British community on this northern portion of the continent of America.

I believe, sir, that we owe it to the Empire as well as to ourselves steadily to keep in view every measure that will conduce to the rapid progress of Canada, the development of our inexhaustible resources, and the building up of a great and powerful British dominion on this side of the Atlantic. I say, sir, that in the discharge of my duty I have steadily kept that conviction in view, and I believe the course which has been pursued will not only commend itself to the judgment and support of the great majority in this house, but that the great majority of the people in this country will feel that in the adoption of this treaty we are taking a step that is calculated to conduce to the progress and greatness and best interests of Canada.

That is Mr. Tupper. That is the other part of this combination which has been made. I have an extract from a Canadian paper that reads well; it must be cheering to the American people. The Montreal Gazette, speaking of Mr. Cleveland, summarizes his services in this way:

Canadian people have a special and deep interest in the Presidential contest in the United States. * * * The fishery treaty might possibly be ratified by the Senate if Mr. Cleveland's administration is approved by the people.

It will not be. I can assure the Canadian portion of this partnership that no matter whether he is elected or whether he is defeated, this treaty will not be ratified by the American Senate.

* * * There can be no doubt that the chances of its ultimate acceptance will be greatly increased if Mr. Cleveland's administration is indorsed.

There is, however, an even more important reason why Canadians should wish for the success of Mr. Cleveland. The great issue of the day among our neighbors is tariff reform. * * * Mr. Cleveland's success meaning the passage of the Mills bill, and the passage of the Mills bill meaning a free market in the United States for our lumber, wool, iron ore, salt, and some other products. Canadians will watch with deep interest the progress of the campaign and the final outcome.

There is not any question but what there is great interest in Canada as there is in Great Britain over the coming election, not wholly in the interest of the treaty, but in the interest of the opening of our ports to British goods as near to free trade as is possible under the condition of things that now exists.

I want to allude to the position taken by the Senator from Maryland [Mr. WILSON], whom I charged with having stated the Canadian position stronger than the Canadians themselves. I have alluded to the fact that the Senator stated that the British Government had enforced these supposed rights for many years, and that he would utterly fail in the reading, which, he said, had convinced him that this was a proper treaty to be signed, against his first impressions, to find any attempt on the part of the British Government to enforce it. But he says that there has been an American construction of the same kind. He says that the great men of our country connected with this question have always said the same thing, and he quotes Daniel Webster. He quotes a portion of what Daniel Webster said, and then adds:

Other and leading American statesmen have again and again conceded that the controversy as to the true construction of this treaty was a most difficult and delicate contention. And what is even more significant, the practical conduct of our Government during this long period has virtually admitted that our rights under this treaty are so ill-defined, uncertain, and liable to dispute that it has been safer and more honest to trust to diplomacy for relief than boldly and confidently to proclaim ourselves to be clearly in the right and then to adopt the policy of retaliation or to appeal to the arbitrament of arms.

I deny the conclusions the Senator draws. There has been no time that this Government has not insisted and maintained a practical enforcement of its construction of the treaty of 1818. There has been no time, unless it is since this new treaty was signed, that even this Administration has not insisted on the practical working of the treaty of 1818 exactly as its predecessors had done.

The Senator reads to us what Daniel Webster said, for the purpose of sustaining the Canadian side of the case, but he did not read it all. He read "that the unfortunate construction of words," etc., but he did not read the context, he did not read the conclusion, he did not read the statement which he could not have overlooked, that Daniel Webster said that this was not a proper construction of the treaty. He did not allude to the fact that when it came before the American Senate, every Senator who spoke upon the subject, without reference to his party feeling or party affiliation, declared that the American construction was the true and proper construction of the treaty.

Let me call the attention of the Senate to what Mr. Webster did say upon this subject. It would have been well for the Senator from Maryland to have continued his researches far enough to have searched this part of the proclamation:

Not agreeing that the construction thus put upon the treaty is conformable to the intentions of the contracting parties, this information is, however, made public to the end that those concerned in the American fisheries may perceive how the case at present stands, and be upon their guard. The whole subject will engage the immediate attention of the Government.

This proclamation was written while the Secretary of State, it is supposed, was at his home. The Senator from Maryland grows facetious when he says that a greater man than Ignatius Donnelly had arrived

who raises the question whether this was really written and signed by Mr. Webster himself. If the Senator had extended his inquiry a little further, or if he had been more careful to read the American documents instead of the Canadian documents, he would have found that in the Senate that question was bruited at the time. I have not any doubt but this must be treated as an official document of the Secretary of State. I have no doubt that it was written by other hands than his, but it has his name attached to it, and it has the seal of the Government attached to it. Therefore, so far as it affected the then intercourse with Great Britain, it would be treated as an official document of state. If the Senator had extended his investigations into reading the speeches made by the members of the Democratic Senate in 1852, he would have found this statement, not made by a Democrat, it is true, but a defender then of the Secretary of State, who said:

I am surprised that any doubts should be raised as to the proclamation being the act of the Government. I do not understand how a Senator or a citizen can officially know that the Secretary of State is at Marshfield or elsewhere, when the seal and date of the Department affirm that he is at the capital. I would like to know where or when this Government or this Administration has disavowed this proclamation.

So, then, it does seem that it was a question bruited then, whether the Secretary of State was responsible or whether some subordinate was responsible for the utterances in that proclamation. It might have been well for the Senator from Maryland to have read what the Secretary of State said when addressing his neighbors at Marshfield. On the 25th day of July, 1852, he said:

It would not become me to say much on that subject until I speak officially and under direction of the head of the Government; and then I shall speak. In the mean time, be assured that that interest will not be neglected by this Administration under any circumstances. The fishermen shall be protected in all their rights of property, and in all their rights of occupation. To use a Marblehead phrase, they shall be protected "hook and line, and bob and sinker." And why should they not? They are a vast number who are employed in that branch of naval enterprise. Many of the people in our own town are engaged in that vocation. There are among you some who, perhaps, have been on the Grand Bank for forty successive years. There they have hung onto the ropes in storm and wreck. The most important consequences are involved in this matter. Our fisheries have been the very nurseries of our Navy. If our flagships have met and conquered the enemy on the sea, the fisheries are at the bottom of it. The fisheries were the seeds from which these glorious triumphs were born and sprung.

Then he goes on at some length. There was no indication that the Secretary of State proposed to surrender a single thing. The contention was just what it always had been, and it was the contention of Mr. Marcy, who presided over our foreign affairs as Secretary of State. He declared in a letter to Mr. Rush what our contentions had been, and the same contentions that we then had we are now making and always have made; and Mr. Rush, who was the minister to Great Britain for seven years after the treaty of 1818, declared that he had never heard these contentions of ours questioned, and he declared them to be the true meaning of the treaty. Who do you suppose knows better, the Senator from Maryland or Mr. Rush, who took part in the treaty? Who knows better what it means, Mr. Rush and Mr. Gallatin and the men who were concerned in it, or the Senator from Mississippi or the Senator from Alabama or the Senators from any other section of the country? That was the opinion of all the contemporaries of that time, and we are adhering to the same opinion and the same construction that was given from that time and has been given at all times in the State Department until our case was given away by this Democratic Administration.

Mr. President, the Senator from Alabama complains of the Committee on Foreign Relations. I am not a member of the committee, but he says our side of the committee have humiliated themselves before Great Britain and the world; that they have put up an humble petition, an humble prayer, to Great Britain. Why, Mr. President, I have read the report with care, and I do not find anything of the kind in that report. I find an expression of opinion by the committee, but I find nothing else. I do not find the words that the Senator from Alabama put in when he said that "the committee can but hope that your Majesty's Government will take measures." I find no such words in the report of the committee. I find that the committee said this, and this is all they did say on the subject:

The committee can not but hope that if these ill-advised negotiations, which, as is known to all the world, can not properly commit the United States in any degree until they shall have received the constitutional assent of the Senate, shall fail to meet the approval of this body, Her Majesty's Government will take measures to secure justice and fair treatment in her North American dominions to American vessels and American citizens, in all respects and under all circumstances, and that that Government will see the justice and propriety of according to American vessels engaged in the business of fishing all the commercial rights and facilities in her North American ports that are so freely and cheerfully accorded to her own in the ports of the United States, and that thus the friendship and good feeling which ought to exist between neighboring nations may be finally established and secured.

To whom was the committee addressing itself?

To the American Senate and through them to the American people, and not to the British Government at all. It is no prayer, it is no petition; it is a hope expressed by them; a hope which I think, in view of the past history of that country, the committee were not justified in indulging. I think he who has read the history of Great Britain in its intercourse with other nations will bear me out when I say that in the annals of history there has been no nation that has been so regardless of the rights of others as the English nation. Great as it may be, and full of great deeds and great purposes, it has been always a nation ready to take that which it could get and keep that which it got without regard to the right of the transaction, and we have not any reason and our committee have not any reason to hope that that nation will deal fairly with us, unless we compel them by a determination expressed on our part to see that they obey the provisions of the existing treaty and the laws enacted by mutual agreement on both sides for the purpose of establishing general intercourse between these two countries.

England never did keep an engagement with any people in the world who were not ready and willing to compel obedience to what she had agreed. Her conduct in diplomacy and everything else is against the suggestion made by the committee. There is no reason to hope that Great Britain will concede to our American fishermen that which is the plain intent of the treaty of 1818, and that which she declared for twenty-five years by her silence was ours by right of treaty, that which by her failure to enforce for many years she had practically abandoned, unless she feels the power of the Government of the United States.

I do not know that I quite agree with the Senator from Virginia [Mr. RIDDLEBERGER], who said yesterday that this never would be a free nation until we should whip England a third time. I know one thing, we shall never be a free nation unless we assert that which belongs to us, unless we are ready and willing to stand up for that which is ours clearly, and which, in the provision of the treaty of 1783, is ours whether it be boundary or independence.

Great Britain made a treaty with us in 1783, by which she was to return to us the possession of the Northwest. She only returned that to us when we were ready by war to compel her to return it. During the Revolutionary war she incited the savages of the country to the murder and rapine of our defenseless frontier settlers, and when the war of 1812 came, brought about by her disregard of international rights, by her proceeding in defiance of her treaty stipulations with us, who has forgotten the wicked Dartmoor prison where she put our men and smothered them to death?

Who has forgotten that in all her wars she has been the most aggressive, the most blood-thirsty, the most destructive of the human race, until it has become a proverb, growing out of her conduct, that the Anglo-Saxon is the cruelest of all men? Who would expect Great Britain to yield anything except by demand and by the knowledge that we have the power to enforce the demand? Who has forgotten, who does not remember, that before the war she attempted to incite division between the North and the South, that she built up abolition societies everywhere, as we supposed in the North, because of her hatred of slavery, and yet when the South attempted to establish a government based upon human servitude Great Britain as a nation sympathized with her?

Great Britain through all that struggle attempted to find some pretext for open hostilities with us. Under the pretense that she wanted to collect a debt in Mexico she put on our southern border an army, with France and Spain, for the purpose of giving aid and encouragement to the Confederacy, for the purpose of establishing human slavery *in perpetuam*, and she justified the declaration of Jefferson, who declared that she would destroy the liberties of the world that she might sell a bale of furs. You can not expect much from a nation that to-day and at this hour is legislating for the purpose of putting citizens of that country upon trial in a court that is unknown to the law, in a court that, even by its constitution, will be an outrage upon the fundamental principles of free government, a nation that is sending her brightest and her best men to jail for simply appearing at a public meeting to protest against the wrongs that their fellow-men are suffering at the hands of the consolidated power of that great nation.

Oh, you can not expect much from her, and the committee might be criticised for saying that anything of that kind should be hoped for. When you see it stated openly and practically undenied that the policy is to take the brightest and best of the Irish and put them in prison and keep them there until they shall die in order that the people may be subdued, you can not expect much from that Government unless you bring to it the strong hand of a great people like ours. Two of their great men have gone to their graves, the victims of British brutality and British hate, simply because they dared to stand in a public meeting and proclaim their opposition to the most odious and barbarous laws of the age. England for three hundred years has oppressed the people of a neighboring isle with all sorts of cruelties and wickedness that would shame the very savages of the wilderness. By her political methods and her economic methods she has oppressed Ireland, once a prosperous and happy land with more than 8,000,000 people, and has reduced them in this year of our Lord 1888 to less than 5,000,000.

By her course of procedure at one time, and within a short time, she put a million and a quarter of Irish people in the grave, starved to death, or dying with sickness from starvation, dying in a land that had food for twice the number of its inhabitants. Ireland fruitful, rich, able to support to-day twice its population, stands there with its people starving! Why? Because of the economic administration of Great Britain in Ireland for the benefit of the people of Great Britain! Three million of the Irish people have left their homes in three decades.

Mr. Parnell stated some time ago, when in this country, that one-third of the people of the United States were Irish or of Irish descent. I do not know whether that is true or not, but I know that there is enough of that Irish blood in this country which runs through the veins of some of our best and noblest men, to see to it that this country shall not be a mere dependency of Great Britain, but that we shall assert our rights when we know what they are, with as much tenacity as any citizen of that proud country ever did.

Now, Mr. President, I do not think that the committee were justified in saying that they hoped Her Majesty's Government would yield what was rightfully ours. We shall get it, I repeat, only when we say to them, "These rights are ours, and we propose to have them, peacefully if we can, forcibly if we must." I do not think myself that there is any authority that will deter the American people from asserting their rights. I do not think the fear of war, I do not think the fear, as the Senator from Alabama suggested yesterday, that England could destroy five hundred millions of property on our coast and our lakes, is going to deter us from standing here and everywhere demanding that which is ours, that which our fathers bought with their blood, that which we have in every administration from the beginning of the Government down to this hour asserted to be ours, without exception, even including this present Democratic Administration. And no man need say to me that that which the earliest of our fathers claimed as a right, that which every man who followed claimed as a right, I am claiming now as a right simply because I am a Republican. I am claiming it because I am an American, and I know that back of me and back of every man who takes that position will be the great mass of the people, independent of party affiliation; and I say to the Democrats on that side of the Chamber you can not carry your own political party when it comes to degrading the great name of the American people.

Mr. President, yesterday when the Senator from Alabama concluded his address to the Senate he turned to the Democratic side of the Senate and said, "Fellow Democrats, let us be true to the Government," and when he said that he looked into the faces of three-fourths of those on the Democratic side of the Senate who had been in arms against the Government of the United States, who had forfeited every right they had to citizenship and to liberty and to life, and yet the Government of the United States never spilled a drop of blood after the war was over and gave them the privilege of coming here and sitting here to make laws and to pass upon treaties!

But does the Senator believe that the American people will be edified when he turns to his late Confederate associates and says, "The men on the other side of the Chamber are not patriots; they do not act in the interest of the Government; they act for party purposes and party purposes alone, and although we have belied our record, although we have gone back on that which we asserted, although we are compelled to go back on the assertions of the Secretary of State and the minister to Great Britain, yet we are the patriots and we alone are to be trusted?" Ah, Mr. President, he will not fool anybody. We heard that before the war, and we have been hearing it ever since. The great American heart lies in the North. It was the great American heart that was touched when Sumter was fired on; it was the great American heart that stood all the hardships and the expense of the war and brought these people back in close connection with the Government, rightfully there now, and we will welcome them to all that we claim for ourselves, but we will not here or anywhere else permit it to be said that they have more virtue, more patriotism, more love for American manhood and American integrity and American glory than we.

The PRESIDENT *pro tempore*. Will the Senate agree to the motion of the Senator from Alabama [Mr. MORGAN]——

Mr. REAGAN. If it is in order I ask unanimous consent for the passage of a little bill.

The PRESIDENT *pro tempore*. It is not in order in open executive session. Is the Senate ready for the question on the motion of the Senator from Alabama to postpone the further consideration of the treaty until the Wednesday after the first Monday in December next?

Mr. VANCE. Mr. President——

Mr. MORGAN. I desire to move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. Does the Senator from North Carolina [Mr. VANCE] desire to be recognized on the pending question?

Mr. VANCE. I desire to announce that I shall be pleased to have the privilege of the floor on this question on Monday next.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from North Carolina when the consideration of the treaty is resumed.

HOUR OF MEETING.

Mr. HOAR. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now adjourn——

Mr. MORGAN. Does that take precedence of a motion to go into legislative session?

The PRESIDENT *pro tempore*. It does. The Senator from Massachusetts [Mr. HOAR] moves that the Senate do now adjourn until to-morrow morning at 11 o'clock. Is the Senate ready for the question?

Mr. VANCE. Has not an order already been made that when we adjourn to-day we adjourn until Monday next?

The PRESIDENT *pro tempore*. It has been so ordered.

Mr. VANCE. I suppose the proper motion, then, would be to reconsider the vote by which that order was adopted.

The PRESIDENT *pro tempore*. The Chair thinks that the motion of the Senator from Massachusetts is in order. The question is on agreeing to the motion. [Putting the question.] The "noes" appear to have it.

Mr. HOAR. I ask for a division.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. What is the question—to adjourn until Monday or until 11 o'clock to-morrow?

The PRESIDENT *pro tempore*. The motion is that the Senate do now adjourn until to-morrow at 11 o'clock. The Secretary will call the roll.

The Secretary called the name of Mr. ALDRICH.

Mr. BUTLER. If I am not wholly misinformed, I think an order upon that subject has already been made.

Mr. HOAR. Debate is not in order.

The PRESIDENT *pro tempore*. Perhaps while the Senator from South Carolina was absent, the Senate agreed, on motion of the Senator from Delaware [Mr. GRAY], that when the Senate adjourn to-day it be to meet on Monday next at 11 o'clock. The Senator from Massachusetts [Mr. HOAR] now moves that the Senate adjourn until to-morrow at 11 o'clock.

Mr. BUTLER. I beg to correct the Chair in one respect. I was present when the order was made.

The PRESIDENT *pro tempore*. The Chair begs the Senator's pardon.

Mr. BUTLER. And I took great pleasure in voting for that proposition to adjourn until Monday. I do not like to be put on record as voting against it.

Mr. COCKRELL. Pending the motion of the Senator from Massachusetts, I move that the Senate do now adjourn.

Mr. RIDDLEBERGER. I rise to a point of order, sir.

The PRESIDENT *pro tempore*. The Senator will state his point of order.

Mr. RIDDLEBERGER. That the roll-call has commenced and the name of the Senator from Rhode Island [Mr. ALDRICH] has been called, and, according to a previous ruling of the Chair, that roll-call can not be interrupted.

The PRESIDENT *pro tempore*. The roll-call does not properly commence until there has been a response. There had been no response.

Mr. RIDDLEBERGER. I beg pardon; I thought a roll-call was a roll-call without a response.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] moves that the Senate do now adjourn.

Mr. STEWART. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present, I should vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but I transfer the pair to the Senator from Indiana [Mr. TURPIE], who is absent, and vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

The roll-call was concluded.

Mr. TELLER (after having voted in the negative). I am paired with the junior Senator from Delaware [Mr. GRAY]. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Colorado withdraws his vote.

Mr. BUTLER (after having voted in the affirmative). As this grave question of adjourning appears to have reached to the magnitude of a party question, although I believe my pair would vote "yea" if present, I expect I had better withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from South Carolina withdraws his vote.

Mr. FRYE (after having voted in the negative). Has the Senator from Maryland [Mr. GORMAN] voted?

The PRESIDENT *pro tempore*. He has not.

Mr. FRYE. Then I withdraw my vote. I am paired with him.

Mr. PLATT. I desire to announce my pair with the Senator from

New Jersey [Mr. MCPHERSON]. If he were here, I should vote "nay" with the greatest pleasure.

Mr. MANDERSON. My colleague [Mr. PADDOCK] and the Senator from Louisiana [Mr. EUSTIS] are paired.

Mr. BATE. My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

Mr. GEORGE. My colleague [Mr. WALTHALL] is necessarily absent, and is paired with the Senator from Wisconsin [Mr. SPOONER].

The PRESIDENT *pro tempore*. The Chair calls the attention of the junior Senator from Wisconsin [Mr. SPOONER] to the fact that a pair has been announced between him and the Senator from Mississippi.

Mr. SPOONER. He was here when I left the Chamber awhile ago and I thought he was still present. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws his vote.

The result was announced—yeas 16, nays 18; as follows:

YEAS—16.

Bate,	Coke,	Hampton,	Reagan,
Berry,	Faulkner,	Morgan,	Saulsbury,
Call,	George,	Payne,	Vance,
Cockrell,	Gibson,	Ransom,	Wilson of Md.

NAYS—18.

Allison,	Cullom,	Hoar,	Stewart,
Blair,	Dawes,	Palmer,	Stockbridge,
Bowen,	Edmunds,	Riddleberger,	Wilson of Iowa.
Chace,	Hawley,	Sawyer,	
Chandler,	Hiscock,	Sherman,	

ABSENT—42.

Aldrich,	Eustis,	Jones of Nevada,	Quay,
Beck,	Evarts,	Kenna,	Sabin,
Blackburn,	Farwell,	McPherson,	Spooner,
Blodgett,	Frye,	Manderson,	Stanford,
Brown,	Gorman,	Mitchell,	Teller,
Butler,	Gray,	Morrill,	Turpie,
Cameron,	Hale,	Paddock,	Vest,
Colquitt,	Harris,	Pasco,	Voorhees,
Daniel,	Hearst,	Platt,	Walthall.
Davis,	Ingalls,	Plumb,	
Dolph.	Jones of Arkansas,	Pugh,	

The PRESIDENT *pro tempore*. A quorum not having voted, the roll will be called.

Mr. EDMUNDS. The motion is lost.

The PRESIDENT *pro tempore*. The motion is lost, but the absence of a quorum being disclosed, the Secretary will call the roll.

Mr. GEORGE. I desire to announce that my colleague [Mr. WALTHALL] is necessarily absent.

The roll was called, and the following Senators answered to their names:

Allison,	Colquitt,	Hoar,	Riddleberger,
Bate,	Cullom,	Ingalls,	Saulsbury,
Berry,	Dawes,	Manderson,	Sawyer,
Blair,	Edmunds,	Mitchell,	Sherman,
Brown,	Evarts,	Morgan,	Spooner,
Butler,	Faulkner,	Palmer,	Stewart,
Call,	Frye,	Pasco,	Stockbridge,
Chace,	Gibson,	Payne,	Teller,
Chandler,	Hampton,	Platt,	Vance,
Cockrell,	Hawley,	Ransom,	Wilson of Iowa,
Coke,	Hiscock,	Reagan,	Wilson of Md.

The PRESIDENT *pro tempore*. The calling of the roll discloses the presence of forty-four Senators.

Mr. HOAR. I suppose my motion is next in order, to adjourn until 11 o'clock to-morrow.

Mr. COCKRELL. Mr. President——

Mr. HOAR. I object to anything but the regular order.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. That is not in order. I have made a motion to adjourn to 11 o'clock to-morrow.

Mr. COCKRELL. I desire only to ask the Senator a question.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Missouri proceeding?

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. Objection being made, the question recurs on the motion of the Senator from Massachusetts [Mr. HOAR], that the Senate do now adjourn until 11 o'clock to-morrow.

Mr. COCKRELL. I now move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair thinks that no business has intervened between the motion to adjourn and the same motion now again submitted by the Senator from Missouri, and therefore it would not be in order.

Mr. MITCHELL. Is legislative business in order?

The PRESIDENT *pro tempore*. It is not in order. The question therefore recurs——

Mr. COCKRELL. Do I understand the Chair to decide that a motion to adjourn is not in order?

The PRESIDENT *pro tempore*. It is not in order now, because the Senate has just passed upon it and there has been no intervening business.

Mr. COCKRELL. There was no quorum at that time, and there has been a roll-call since, which has disclosed that there is a quorum present.

The PRESIDENT *pro tempore*. But the motion to adjourn was lost. There were 16 in favor of the motion and 18 against it. It is in the power of less than a quorum either to adjourn or refuse to adjourn. The motion to adjourn was lost; no business has since that time transpired, except the calling of the roll to ascertain whether a quorum was present, and the Chair does not think that is intervening business. Therefore, the Senate having just passed upon a motion to adjourn, the Chair thinks it can not be made again until business shall have intervened, and the only business pending now before the Senate is the motion of the Senator from Massachusetts that the Senate adjourn until to-morrow at 11 o'clock, which takes precedence of the motion to proceed to the consideration of executive business.

Mr. COCKRELL. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were here, I should vote "yea."

Mr. TELLER (when his name was called). I am paired with the junior Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. If the Senator from Kentucky were here, I should vote "yea."

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

At this point the Clerk of the House of Representatives appeared below the bar of the Senate, bearing a message from the House.

The PRESIDENT *pro tempore*. Is there objection to the Senate receiving a message from the House of Representatives before the result of the vote is announced?

Mr. RIDDLEBERGER. If there is a quorum and it is not contrary to order.

The PRESIDENT *pro tempore*. It is contrary to order; but is there objection?

Mr. EDMUNDS. I object. Let us stand by the order.

Mr. RIDDLEBERGER. I object.

The result was announced, as follows:

YEAS—17.

Allison,	Cullom,	Hoar,	Stockbridge,
Blair,	Dawes,	Riddleberger,	Wilson of Iowa.
Bowen,	Edmunds,	Sawyer,	
Chace,	Hawley,	Sherman,	
Chandler,	Hiscock,	Stewart,	

NAYS—7.

Bate,	Gibson,	Payne,	Saulsbury.
Call,	Hampton,	Ransom,	

ABSENT—52.

Aldrich,	Dolph,	Jones of Arkansas,	Pugh,
Beck,	Eustis,	Jones of Nevada,	Quay,
Berry,	Evarts,	Kenna,	Reagan,
Blackburn,	Farwell,	McPherson,	Sabin,
Blodgett,	Faulkner,	Manderson,	Spooner,
Brown,	Frye,	Mitchell,	Stanford,
Butler,	George,	Morgan,	Teller,
Cameron,	Gorman,	Morrill,	Turpie,
Cockrell,	Gray,	Paddock,	Vance,
Coke,	Hale,	Palmer,	Vest,
Colquitt,	Harris,	Pasco,	Voorhees,
Daniel,	Hearst,	Platt,	Walthall,
Davis,	Ingalls,	Plumb,	Wilson of Md.

The PRESIDENT *pro tempore*. Upon the motion of the Senator from Massachusetts the yeas are 17, the nays 7. The absence of a quorum being disclosed, there——

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. HOAR. Let us hear what the Chair decides.

The PRESIDENT *pro tempore*. The Chair announces that the calling of the roll discloses the absence of a quorum.

Mr. HOAR. I respectfully submit to the Chair that it does not require a quorum. This vote is that the Senate adjourn until to-morrow at 11 o'clock.

The PRESIDENT *pro tempore*. The Chair does not agree with the Senator from Massachusetts, and holds that the motion of the Senator from Missouri [Mr. COCKRELL] is in order. The question recurs on the motion of the Senator from Missouri that the Senate do now adjourn.

Mr. HAWLEY. Did the Chair declare the vote taken just now?

The PRESIDENT *pro tempore*. Seventeen to 7. The question is on the motion of the Senator from Missouri. [Putting the question.] By the sound, the "ayes" have it.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I announce for the remainder of the day that I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. TELLER (when his name was called). I am paired with the junior Senator from Delaware [Mr. GRAY].

The result was announced, as follows:

YEAS—16.

Bate,	Coke,	Hampton,	Reagan,
Berry,	Colquitt,	Morgan,	Saulsbury,
Call,	George,	Payne,	Vance,
Cockrell,	Gibson,	Ransom,	Wilson of Md.

NAYS—18.

Allison,	Cullom,	Hoar,	Stewart,
Blair,	Dawes,	Palmer,	Stockbridge,
Bowen,	Edmunds,	Riddleberger,	Wilson of Iowa.
Chace,	Hawley,	Sawyer,	
Chandler,	Hiscock,	Sherman,	

ABSENT—42.

Aldrich,	Evarts,	Jones of Nevada,	Quay,
Beck,	Farwell,	Kenna,	Sabin,
Blackburn,	Faulkner,	McPherson,	Spooner,
Blodgett,	Frye,	Manderson,	Stanford,
Brown,	Gorman,	Mitchell,	Teller,
Butler,	Gray,	Morrill,	Turpie,
Cameron,	Hale,	Paddock,	Vest,
Daniel,	Harris,	Pasco,	Voorhees,
Davis,	Hearst,	Platt,	Walthall.
Dolph,	Ingalls,	Plumb,	
Eustis,	Jones of Arkansas,	Pugh,	

The PRESIDENT *pro tempore*. On the motion of the Senator from Missouri, the yeas are 16 and the nays are 18. The motion is not agreed to, and the want of a quorum being disclosed by the state of the vote, the Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Colquitt,	Hoar,	Sabin,
Bate,	Cullom,	Ingalls,	Sawyer,
Berry,	Dawes,	Manderson,	Sherman,
Blair,	Edmunds,	Mitchell,	Spooner,
Bowen,	Evarts,	Morgan,	Stewart,
Brown,	Faulkner,	Palmer,	Stockbridge,
Butler,	Frye,	Pasco,	Teller,
Chace,	Gibson,	Payne,	Wilson of Iowa,
Chandler,	Hampton,	Ransom,	Wilson of Md.
Cockrell,	Hawley,	Reagan,	
Coke,	Hiscock,	Riddleberger	

The PRESIDENT *pro tempore*. The call of the roll discloses the presence of forty-two Senators, more than a quorum. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, and asked a conference with the Senate on the disagreeing votes of the two Houses thereon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska;

A bill (H. R. 8285) to remove the political disabilities of Elliott Johnston;

A bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.; and

A bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas.

HOUSE BILLS REFERRED.

The bill (H. R. 6619) for the relief of Eliza A. Cutler Jones was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd was read twice by its title, and referred to the Committee on Claims.

The joint resolution (H. Res. 210) authorizing the printing of the third annual report of the Commissioner of Labor was read twice by its title, and referred to the Committee on Printing.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 3, 1888.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives. Has the House appointed conferees, may I ask?

The PRESIDENT *pro tempore*. They have not; at least no conferees are announced in the message on the part of the House of Representatives.

Mr. RIDDLEBERGER. When a motion has been made to adjourn until to-morrow at 11 o'clock and another motion has been made simply to adjourn, and the Chair has ascertained that no quorum voted on either of those propositions, and then there was a call of the Senate which disclosed that there was a quorum present, may I ask whether there is any motion in order or any other business in order except to take the vote on the motion to adjourn?

The PRESIDENT *pro tempore*. The rules provide that messages from the House of Representatives may be received at any stage of business, except when the Journal is being read or when the Senate is dividing.

Mr. RIDDLEBERGER. Is it in order when there is a motion to adjourn pending?

The PRESIDENT *pro tempore*. Yes.

Mr. ALLISON. I move that——

Mr. PLATT. Are we not in open executive session now; and, if so, can we transact legislative business?

The PRESIDENT *pro tempore*. By unanimous consent.

Mr. ALLISON. I move that the Senate agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and the President *pro tempore* announced the appointment of Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN.

Mr. HAWLEY. I rise with some delicacy to make a suggestion. The matters in conference between the two Houses relate to the amendments providing for heavy ordnance, coast defenses, etc.——

The PRESIDENT *pro tempore*. There being no objection, the Senator from Connecticut will be allowed to proceed.

Mr. HAWLEY. The rule, I understand, is positive—the usage of the Senate certainly, and, I believe, the rule—that two of the conferees shall be Senators friendly to the action of the Senate.

As I have said, it is a matter of delicacy with me to make the suggestion; but the usual committee of conference appointed in such cases consists of the subcommittee of the Committee on Appropriations that has the subject-matter in charge. The Senators from Kansas [Mr. PLUMB] and Maryland [Mr. GORMAN], two members of the subcommittee, are on record, by their speeches, as being very strongly opposed to the amendment in question. I call the matter to the attention of the chairman of the Committee on Appropriations.

Mr. HOAR. Are there any other matters technically or formally involved?

Mr. HAWLEY. There are some other matters technically involved.

Mr. HOAR. I should like to be permitted to make one observation with reference to what the Senator from Connecticut has said.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Massachusetts will proceed.

Mr. HOAR. I was myself at one time, in regard to an amendment on one of the appropriation bills, in very much the same condition as the Senator from Connecticut now is. There was an amendment to an appropriation bill that I advocated with great earnestness and which the Senator from Kansas [Mr. PLUMB] resisted with all his zeal and ability—and everybody knows that that Senator's zeal and ability are very great, for he is thoroughly in earnest—and the Senate agreed by a very small majority to the amendment which I had moved.

The Senator from Kansas was put upon the conference committee. I then made to the Chair the same suggestion which the Senator from Connecticut has now made to the Senate. The President of the Senate at the time was the then Senator from Illinois, Mr. Davis, and the conclusion was come to that, as there were several other matters in issue, he could not pick out one rather than another, and say that that alone must be considered in making up the conference committee on the part of the Senate, and he pursued the usual rule to appoint members of the Committee on Appropriations. The result was that the Senator from Kansas held on to my amendment, going before the House conferees with the same tenacity with which he had fought it in the Senate. If I had been on the conference committee myself I should have lost it. As it was, it was saved.

Mr. ALLISON. May I say a word?

The PRESIDENT *pro tempore*. The Chair will state that, in theory, the managers of a conference on the part of the Senate are appointed by the Chair. In fact, they are designated by the friends of the measure; and, upon appropriation bills, have been uniformly the subcommittees of the Committee on Appropriations having in charge the particular bill. The Chair is ready to be instructed, or to take the sense of the Senate on the question.

Mr. ALLISON. May I say one word in reply to the Senator from Connecticut?

The PRESIDENT *pro tempore*. If there be no objection the Senator from Iowa may proceed.

Mr. ALLISON. The Chair has stated the usual custom respecting appropriation bills. I think I can say in connection with what has been said by the Senator from Massachusetts, that it has been the uniform custom of the Appropriations Committee, without reference to their action in the Chamber, to stand by the views of the Senate relating to all items in appropriation bills. The theory, as I understand it, of these conference committees is that the members of the committee on the part of the Senate shall represent the Senate, and not the views of the persons comprising the committee.

Mr. HAWLEY. I withdraw my suggestion, Mr. President. I made no motion—only a suggestion, and I withdraw even that.

The PRESIDENT *pro tempore*. The managers of the conference will stand as previously announced.

ADJOURNMENT.

Mr. HOAR. I ask leave to make one observation.

The PRESIDENT *pro tempore*. The Chair hears no objection to the Senator from Massachusetts proceeding.

Mr. HOAR. While I am of opinion that at the time of adjournment, without regard to the question of a quorum, it is in the power of the Senators present to adjourn to a day certain, or to an hour certain, notwithstanding the existence of a previous order of the Senate, fixing another time to which the Senate shall adjourn—and I think that a consideration of what would be the condition of the Senate on the first day, before they had passed their usual standing order to meet at 12 o'clock, will demonstrate that—yet I am informed that after the vote to-day several Senators on both sides of the Chamber went to Atlantic City, relying on the vote of the Senate to adjourn until Monday. Under those circumstances I think, myself, that it would be questionable, and subject to debate, whether it would be just to those Senators to insist on a motion which would practically reverse the earlier action of the Senate. I therefore move that the Senate do now adjourn.

Mr. RIDDLEBERGER. I understand it is not proper to make a motion to adjourn after having made remarks. I desire to state to the Senate just this——

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Virginia may proceed.

Mr. RIDDLEBERGER. A motion to adjourn is not debatable—certainly not before any more than after. I desire simply to say that it is apparent to the Senate that what is to be called a tariff bill is to be brought in here in conflict with the fisheries treaty; and the tactics of the opposition to both is to adjourn at every time they can, and to meet at the latest hour they can.

I mean to raise this further point to-morrow morning, that that business which has come into this Senate after the disclosure of a failure of a quorum on a roll-call is not law, and can not be made law, because there was no motion in order after the disclosure of the want of a quorum except to revert to the original motion to adjourn.

The PRESIDENT *pro tempore*. If there be no objection, the Senate will proceed to the consideration of legislative business; and the Senator from Massachusetts [Mr. HOAR] moves that the Senate do now adjourn.

The motion was agreed to; and the Senate (at 5 o'clock and 25 minutes p. m.) adjourned to Monday, August 6, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 3, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PAUL BUTLER.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to pay a judgment of the Court of Claims in favor of Paul Butler for royalty on hook attachments, used at the national armory; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BACON, until Tuesday next, on account of important business.

To Mr. DARGAN, for ten days.

To Mr. WEST, indefinitely, on account of important business.

PUBLIC BUILDING, OMAHA.

The SPEAKER. Some days ago the House refused to agree to the report of a committee of conference on the bill providing for the erection of a public building at Omaha. Since then the motion to reconsider that vote has been made, and is still pending. It is necessary, therefore, to withdraw that report from the Senate; and if there be no objection an order will be made directing the Clerk to request its return.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 1560) to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes;

A bill (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein;

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio River;

A bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, afterward held to lie without such limits;

A bill (H. R. 9077) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington; and

A bill (H. R. 10604) to authorize the Winona and Southwestern Railroad Company to build a bridge across the Mississippi River at Winona, Minn.

ANNUAL REPORT OF COMMISSIONER OF LABOR.

The SPEAKER. The Senate, in accordance with the request of the House of Representatives, has returned to the House the concurrent resolution the title of which the Clerk will read.

The Clerk read as follows:

Concurrent resolution authorizing the printing of 39,000 copies of the third annual report of the Commissioner of Labor.

Mr. RICHARDSON. Mr. Speaker, that should have been a joint instead of a concurrent resolution; and I ask unanimous consent to reconsider the action of the House heretofore taken, with a view to amending the resolution to make it a joint instead of a concurrent resolution.

The SPEAKER. Without objection, that order will be made; and the question is on ordering the joint resolution to be engrossed and read a third time.

There was no objection.

The joint resolution (H. Res. 210) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HISTORY OF THE DISTRICT OF COLUMBIA.

Mr. BREWER, by unanimous consent, introduced by request a bill (H. R. 11086) providing for the purchase of the manuscript and copyright of the History of the District of Columbia; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ELIZA A. CUTLER JONES.

Mr. BAKER, of New York. My friend from Missouri [Mr. BURNES] has withdrawn objection to the bill presented, and I desire to have it considered this morning.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6619) for the relief of Eliza A. Cutler Jones.

The SPEAKER. Is there objection to the present consideration of the bill?

The bill was read, as follows:

Be it enacted, etc., That there be paid Mrs. Eliza A. Cutler Jones, of Scottsville, Monroe County, New York, the sum of $5,000, in five annual installments of $1,000 each, out of any money that may hereafter be appropriated for the use and benefit of the Cheyenne Indians.

Mr. BYNUM. I ask that the report be read.

The report was read, as follows:

The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 6619) for the relief of Eliza A. Cutler Jones, submit the following report:

Your committee find that Henry C. Jones, the son of the claimant in this case, with several others, while engaged in the survey of public lands in the State of Kansas, near Fort Dodge, in March, 1874, was ruthlessly murdered by a roving band of Cheyenne Indians; that Congress, recognizing the justness of claims of this kind, has paid to Mrs. O. F. Short and Mrs. James Shaw, whose husbands and sons constituted the other members of the party at the time of the massacre, $5,000 each as compensation for their loss.

Your committee think therefore that the claimant, who is now old and infirm, should receive a similar amount as compensation for the loss of her son, who was then a youth of twenty-one years, unmarried, and upom whom she depended for support, and accordingly recommend the passage of the bill.

The SPEAKER. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. This claim I have no doubt is a good claim as far as the merits are concerned, but it belongs to the class of claims for the settlement of which we have just provided, so far as the action of the House is concerned, a tribunal, in a bill passed for a commission on Indian depredation claims.

Mr. BAKER, of New York. I beg my friend's pardon. That bill pertains to property destroyed.

Mr. BRECKINRIDGE, of Arkansas. I should like to ask the gentleman who had charge of that bill whether it covered this character of claims?

Mr. BAKER, of New York. This is precisely the same as other cases that have been paid off.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman from Tennessee [Mr. WHITTHORNE], who had charge of the bill establishing this commission, whether this claim would come under the jurisdiction of that commission?

Mr. WHITTHORNE. I do not think so.

Mr. BYNUM. I think it does.

Mr. BAKER, of New York. This is for a son who was murdered; and the other cases where there were parties killed at the same time have all been provided for by former action of the Government.

Mr. TOWNSHEND. Why was this not provided for?

Mr. BAKER, of New York. I do not know. This money is taken from the annual annuities of the Indians; it does not come out of the Treasury at all.

Mr. PEEL. What is the amount?

Mr. BAKER, of New York. Five thousand dollars.

Mr. BUCKALEW. I understand this is an appropriation out of a trust fund—out of the annuities due these Indians under treaty.

Mr. BAKER, of New York. It has been done in the other cases.

Mr. BUCKALEW. But this is a trust fund out of which this appropriation is to be made. Now, I desire to know whether these Indians or any agent for them have been heard? We are acting in this matter, as I understand, without hearing the Indian side of the subject.

Mr. BAKER, of New York. The same action has been taken in the cases of the others who were murdered in that party.

Mr. TOWNSHEND. I would like the gentleman from New York [Mr. BAKER] to explain to the House why this claim was left out when the other claims were settled.

Mr. BAKER, of New York. That I am unable to explain.

Mr. SPRINGER. I would like to ask a question. It is stated that this is to be paid out of any money hereafter to be appropriated for the benefit of the Cheyenne Indians. We do not know that there will be any other moneys due them.

Mr. HOPKINS, of Illinois. If there be not, then it will not have to be paid.

Mr. SPRINGER. I do not know that we have any money that will be due them. I would like to have the bill read again.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUCY M. SWINNEA AND MARY E. HANSERD.

Mr. MORGAN. I ask to have the Committee of the Whole discharged from the further consideration of the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd, and that it be now considered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay Lucy M. Swinnea and Mary E. Hanserd each the sum of $640, the same being their respective shares of the value, as found by the Southern Claims Commission, of certain property taken for the use of the army of the United States known as the Army of East Tennessee.

Mr. HOPKINS, of Illinois. I would like to have the report read.

The report (by Mr. STOCKDALE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd, respectfully report:

John B. Bridgforth, of De Soto County, Mississippi, died in 1852, the owner of about 2,000 acres of land, situate in said county. He left surviving him four minor children—two sons, William D. and Thomas H. Bridgforth, and two daughters, Lucy M. and Mary E. Bridgforth.

About May, 1863, the Federal forces encamped in the neighborhood and took property belonging to these minors of the value, as hereinafter more particularly stated, of $2,560.

The two sons resided with their guardian, Thomas P. Bridgforth, the daughters with their guardian.

A claim was made on behalf of the sons before the Southern Claims Commission for their one-half of the property taken, but the guardian of the daughters made no claim for their interest.

The commission found that the property taken, consisting of 15 mules, 8 oxen, 14 cows, 2,000 pounds of bacon, 100 bushels of corn, 4 stacks of fodder, was of the value of $2,560, and the one-half of this was allowed and paid to the two sons; but no action having been taken on behalf of the two daughters, nothing was allowed and paid to them, all of which fully appears by reference to the records and files of the commission in the case now on file in the Treasury Department. These two daughters have since intermarried, Lucy M. with Mr. Swinnea and Mary E. with Mr. Hanserd.

It is doubtless due to the fact that no attention was given to the matter that the interests of these parties were not presented to the commission and they were not paid their shares respectively.

Your committee see no reason why they should not be paid the same sum that was paid to their brothers, namely, $1,280, or $640 to each. The claim is obviously a just one, and we therefore recommend the passage of the said bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order.

PUBLIC BUILDING, NEW BERNE, N. C.

Mr. SIMMONS. I ask unanimous consent to call up the bill (H. R. 4318) to provide for the erection of a public building at the city of New Berne, N. C.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order.

The SPEAKER. The regular order is demanded.

STATUES OF RICHARD STOCKTON AND GENERAL PHILIP KEARNY.

The SPEAKER laid before the House the following communication:

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, July 25, 188-.

SIR: I have the honor to inform you that in response to the invitation of Congress to each of the States "to provide and furnish statues, in marble or bronze, of two distinguished persons who have been citizens thereof, and illustrious for their historic renown, or from distinguished civil or military services," to be placed in the old hall of the House of Representatives in the Capitol of the United States, the State of New Jersey has furnished a marble statue of Richard Stockton, member of the Continental Congress from New Jersey, and a signer of the Declaration of Independence, eminent as a jurist, a patriot, and a statesman, and a bronze statue of Philip Kearny, captain and major of dragoons in the war with Mexico, and major-general in the United States volunteer army, who, distinguished in two countries for his conspicuous bravery and military accomplishments, lost his life in the service of his country at Chantilly, Va., September 1, 1862.

These statues, now in the National Statuary Hall at the Capitol, are herewith presented to the Congress of the United States by the State of New Jersey as her contribution to the collection of statues of illustrious Americans.

Very respectfully,

ROBT. S. GREEN,
Governor of New Jersey.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. PHELPS. I ask unanimous consent for the present consideration of the resolution which I send to the desk, setting apart August 21, at 2 o'clock in the afternoon, for the consideration of a concurrent resolution in connection with the matter of the communication just read.

The resolutions were read, as follows:

Resolved, That Tuesday the 21st day of August, at 2 o'clock in the afternoon, be designated and set apart for the consideration of the following concurrent resolution:

"*Resolved by the House of Representatives (the Senate concurring)*, That the thanks of Congress be presented to the governor, and through him to the people, of New Jersey for the statues of Robert Stockton and Philip Kearny, whose names are so honorably identified with the history of the State and of the United States.

Resolved, That these works of art are accepted in the name of the United States and are assigned places in the old hall of the House of Representatives, already set aside by act of Congress for the statues of eminent citizens, and that a copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of New Jersey.

Mr. HOLMAN. I suggest to the gentleman from New Jersey that he name an earlier day.

Mr. PHELPS. As this resolution is a concurrent resolution, it seemed both necessary and courteous in fixing the date to consult with

the Senators from the State of New Jersey, and it seemed more in harmony with their views and their convenience to select the day named in the resolution, their purpose being to have the same day fixed in the Senate, so that the concurrent resolution may be disposed of at the same time in both Houses.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker——

The SPEAKER. Does the gentleman withdraw his demand for the regular order?

Mr. BRECKINRIDGE, of Arkansas. I withdraw the demand for the regular order for the purpose of having considered the pending bill only, as I understand that this side of the House is behind as to bills of this character, and that this one will about equalize the matter.

Mr. GROSVENOR. I understand the gentleman from Arkansas [Mr. BRECKINRIDGE] to state that he withdraws the demand merely for the purpose of having one bill from that side of the House passed.

Mr. BRECKINRIDGE, of Arkansas. That is exactly my statement.

Mr. GROSVENOR. I object.

Mr. SIMMONS. I wish to say to the gentleman from Ohio [Mr. GROSVENOR] that the last bill of this character which passed here came from his side of the House.

Mr. GROSVENOR. I have been six weeks trying to get recognition to pass a little bill, but the whole time of the House has been dealt with in this way.

Mr. BRECKINRIDGE, of Arkansas. I will say to the gentleman from Ohio that if there are any bills on that side of the House that are not in the nature of public-building bills, I will yield——

Several MEMBERS on the Republican side. Regular order.

Mr. GROSVENOR. One or two gentlemen over there have taken up the entire time of the House.

The SPEAKER. The regular order is demanded and there is nothing before the House. The regular order is the call of committees for reports on bills of a private nature.

BRIG. GEN. ABSALOM BAIRD.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the joint resolution (S. R. 59) authorizing Brig. Gen. Absalom Baird, United States Army, to accept from the French Republic a diploma conferring the decoration of Commander of the National Order of the Legion of Honor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAM RICE POST.

Mr. GEAR, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 11045) for the relief of Sam Rice Post, No. 6, Grand Army of the Republic, Department of Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY G. CONRAD.

Mr. LANE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 751) granting a pension to Henry G. Conrad; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BAUMANN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3503) granting a pension to Henry Baumann; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN C. BRIGHT.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3489) granting a pension to Benjamin C. Bright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GERTRUDE FEESE.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8578) granting a pension to Gertrude Feese; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET E. ADAMSON.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2939) granting a pension to Margaret E. Adamson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY MORRISON ELLIOTT.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. COTRILL.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3255) granting a pension to Mary E. Cotrill, widow of U. B. Cotrill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. BRIDGET HACKETT.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 2050) granting a pension to Mrs. Bridget Hackett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT BIVANS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 9944) granting a pension to Robert Bivans; which was laid on the table, and the accompanying report ordered to be printed.

FRANCIS M. SCOTT.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 10619) granting an increase of pension to Francis M. Scott; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE SCHAEFER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 8533) to amend an act entitled "An act granting a pension to George Schaefer," approved July 6, 1886; which was laid on the table, and the accompanying report ordered to be printed.

ELISHA BLACK.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 102) granting a pension to Elisha Black; which was laid on the table, and the accompanying report ordered to be printed.

EMELIA MUMM.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10494) granting a pension to Emelia Mumm; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACKSON CHAPMAN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2721) granting a pension to Jackson Chapman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY POLOCK.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2567) granting a pension to Nancy Polock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY STURGESS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2913) granting a pension to Mary Sturgess; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN BUTLER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1766) granting a pension to Stephen Butler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATRICK WELCH.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3130) granting a pension to Patrick Welch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY A. HAYES.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3144) granting a pension to Nancy A. Hayes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM F. PIKE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3166) granting a pension to William F. Pike; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTIAN WINKEL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3186) granting a pension to Christian Winkel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC N. HAWKINS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3221) granting a pension to Isaac N. Hawkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM THIELDS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3035) granting a pension to William Thields; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 2244) to grant a pension to Ruth N. Bentley;
A bill (H. R. 2227) for the relief of Josiah Elkins;
A bill (H. R. 7951) granting a pension to Gustav E. Peters;
A bill (H. R. 170) granting a pension to Charles Banks;
A bill (H. R. 8150) granting a pension to Jesse Campbell;
A bill (H. R. 3157) granting a pension to Mary Baker;
A bill (H. R. 10302) granting a pension to Louisa A. Nicholson;
A bill (H. R. 208) granting a pension to Calvin C. Pratt;
A bill (H. R. 8893) to place the name of Sarah E. Zaring on the pension-roll;
A bill (H. R. 5469) granting a pension to John Crapsey, father of Agelo M. Crapsey;
A bill (H. R. 7170) granting a pension to James Ball;
A bill (H. R. 2240) granting a pension to John C. Adams;
A bill (H. R. 2532) for the relief Fredericka Eichler; and
A bill (H. R. 2270) granting a pension to Mrs. Laura M. Cheek.

BENJAMIN F. BURNHAM.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 7988) to increase the pension of Benjamin F. Burnham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTA BROWN.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. 2977) granting a pension to Henrietta Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JANE FLYNN.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. 1683) granting a pension to Mrs. Jane Flynn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. M'KINNEY.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3650) granting a pension to James M. McKinney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. KRUNK.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 10769) granting a pension to John M. Krunk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILTON WALLEN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 10032) granting a pension to Milton Wallen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS RAINS.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 1085) granting a pension to Thomas Rains; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM TAYLOR.

Mr. WALKER, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. 2836) granting a pension to William E. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY L. TANNER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10705) granting a pension to Mary L. Tanner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA J. COLE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3230) granting a pension to Martha J. Cole; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL SHONG.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2514) granting a pension to Michael Shong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATHEW O. REGAN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3118) for the relief of Mathew O. Regan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. DURFEE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 3052) granting an increase of pension to George W. Durfee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back the bill (S. 3150) granting a pension to William Schaffer with the recommendation that the same be referred to the Committee on Pensions.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection, and it was so ordered.

ADVERSE REPORTS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with an adverse recommendation Senate bills of the following titles; which were severally referred to the Private Calendar, and, with the adverse report, ordered to be printed, namely:

A bill (S. 3330) for the relief of William H. Thomas; and
A bill (S. 2490) granting a pension to Nicholas T. Lawrence.

ELIZA CAMPBELL.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5793) granting a pension to Eliza Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY DOCKHAM.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9264) for the relief of Mary Dockham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID KEYS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5546) granting a pension to David Keys; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IDA M. HOWELL.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2667) for the relief of Ida M. Howell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL INDUSTRIAL INSTITUTE, WASHINGTON.

Mr. CANDLER, from the Committee on Education, reported back favorably the bill (H. R. 10177) to incorporate the trustees of the National Industrial Institute in Washington, D. C.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS, JOHNSON CITY, TENN.

Mr. ROGERS, by unanimous consent, from the Committee on the Judiciary, reported, as a substitute for the bill H. R. 5685, a bill (H. R. 11087) to establish a circuit and district court at Johnson City, Tenn.; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 5685 was ordered to be laid on the table.

FORT WALLACE MILITARY RESERVATION, KANSAS.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House on the bill (H. R. 8310) to provide for the disposition of Fort Wallace military reservation in Kansas the gentleman from Indiana, Mr. HOLMAN, the gentleman from Tennessee, Mr. WASHINGTON, and the gentleman from Kansas, Mr. TURNER.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

Mr. BURNES. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNES. I desire to antagonize the consideration of the Private Calendar with the unfinished business of yesterday.

The SPEAKER. The gentleman can do that in two ways. He may induce the House to refuse to agree to the motion of the gentleman from Texas, or he can move to dispense with the consideration of private business. Then the consideration of the unfinished business in the Committee of the Whole on the state of the Union would have precedence.

Mr. BURNES. Then I move to dispense with the consideration of private business for to-day.

The motion of Mr. BURNES was agreed to—ayes 74, noes 57.

Mr. BURNES. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. STONE, of Kentucky. I would like to ask the gentleman from Missouri [Mr. BURNES], now that the consideration of bills on the Private Calendar has been dispensed with, to allow me to make a motion that Wednesday, August 15, after the reading of the Journal, be set apart for the consideration of bills reported by the Committee on War Claims.

Mr. BURNES. I have no objection.

Mr. HOPKINS, of Illinois. I shall object to that unless two days are set apart for the consideration of bills from the Committee on Invalid Pensions.

Mr. STONE, of Kentucky. My special reason is——

The SPEAKER. Objection is made, and the question recurs on the motion of the gentleman from Missouri [Mr. BURNES] that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

Mr. BURNES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 9, page 66, insert:

"SEC. 4. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year of 1885, and prior years, and which have been certified to Congress under section 2, act of July 7, 1884, as fully set forth in House Executive Document 393, Fiftieth Congress, first session, there is appropriated as follows:

"War Department claims allowed by the Second Auditor and Second Comptroller: Pay of two and three years volunteers of 1871 and prior years, $32,039.30; bounty to volunteers and their widows and legal heirs in 1871 and prior years, $30,660.65; bounty act of July 28, 1866, prior to July 1, 1880, $5,749.40; pay, etc., of the Army for 1886 and prior years, $2,539.95; pay, etc., of the Army for 1887, $19.32; traveling expenses of California and Nevada volunteers prior to July 1, 1885, $136.54; contingencies of the Army 1885, and prior years, $1,376.15.

"War Department claims allowed by the Third Auditor and Second Comptroller: Refunding to States expenses incurred in raising volunteers, $3,405.87; horses and other property lost in the military service prior to July 1, 1885, $14,149.27; commutation of rations to prisoners of war and to soldiers on furlough prior to July 1, 1885, $2,348.50."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The Committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, without amendment, the bill (H. R. 5259) to relieve Jacob G. Bostatter from the charge of fraudulent enlistment.

The message also announced that the Senate insisted on their amendment to the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River, and asked for a conference on the disagreeing votes of the two Houses on said bill.

The message also announced that the Senate insisted on its amendment, non-concurred in by the House, to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates; agreed to the conference asked by the House, and had appointed as conferees on the part of the Senate Mr. SAWYER, Mr. BLAIR, and Mr. FAULKNER.

The message also announced that the Secretary of the Senate had been directed to return to the House of Representatives, in compliance with its request, the conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon, at Omaha, Nebr.

The message further announced that the Senate had appointed Mr. MANDERSON in place of Mr. DAVIS as one of the conferees on the part of the Senate on the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton with the rank and grade of colonel.

The message also announced that the Senate had passed the bill (S. 1324) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; in which the concurrence of the House of Representatives was requested.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. LAIRD. I have the consent of the gentleman from Missouri to recur to page 61 for the purpose of offering an amendment prior to going into discussion of the French spoliation claims.

The amendment was read, as follows:

After line 9, page 61, insert:

"For the payment of claims for arrears of pay and bounty to Union soldiers, or their legal representatives, already certified by the accounting officers of the Treasury Department and to be certified up to and including June 30, 1889, $1,300,000, as follows:

"Pay, etc., of the Army, $15,000; pay of two and three years volunteers, $530,000; bounty to volunteers and their widows and legal heirs, $630,000; bounty under act of July 28, 1866, $125,000; total, $1,300,000."

Mr. BURNES. I have consented that my friend from Nebraska [Mr. LAIRD] may present that amendment, but it is subject to a point of order. That point of order I make, which is that it changes existing law.

Mr. REED. There is no objection to offering the amendment.

Mr. BURNES. It may be as well to exclude it now.

Mr. REED. I understand the question is simply upon the point of order.

Mr. LAIRD. I wish to make one suggestion to the gentleman in charge of this bill. Of course it is manifest to him and to every member of the House who has attended to the reading of the amendment, and who is conversant with the history of these claims, that this is simply in anticipation of the allowances that will be made by the accounting officers in the course of business. This amendment makes it possible for these claimants to receive their pay in the order of the allowances, instead of having to wait for a year or more for the action of the committee and the Congress. I do not concede that it is subject to the point of order, but even though it be so, it is not taking any advantage of the Government, while it is doing a thing which in conscience ought to be done for these claimants.

Mr. REED. Will the gentleman from Missouri [Mr. BURNES] have the kindness to state what existing law he regards this as in conflict with?

Mr. BURNES. In objecting to the consideration of this amendment, I do it because the proposition is not in order, inasmuch as it changes existing law; and in answer to the gentleman from Maine [Mr. REED], I refer him to the act, called the "covering-in act," of March 3, 1874.

Mr. REED. The gentleman surely does not consider that this amendment is in conflict with that law, because that act simply provides for covering in unexpended balances which used to be employed, but which are no longer employed.

Mr. BURNES. The law requires the accounting officers of the Treasury to certify these claims to Congress for consideration. That is the existing law; so understood, so stated in the statute. This is to appropriate $1,300,000 in advance of the certification, and therefore I object to the further consideration of the proposition.

Mr. REED. Mr. Chairman, it seems to me very plain that this is not in opposition to any existing law, because all these accounts are certified under laws which already exist, and this is only a question of making an appropriation to pay them. Congress can just as well, the House can just as well, make the appropriation in advance of the decisions which are to be made by the accounting officers in accordance with law as make it afterwards. Such was the custom some time ago with regard to these claims, and it is a custom which certainly ought

to be kept up, for it has been a very great disadvantage to the people who are the creditors of the United States that they have been kept out of their money, some of them for years, simply to give Congress an opportunity, through its Appropriations Committee, to revise the decisions of the constituted officers of the Government; which decisions every one knows are as hard against the creditors of the United States as anybody on earth could be found to make, except a subcommittee of the Committee on Appropriations of the House of Representatives.

It is just as proper for Congress to make an appropriation in advance of the actual decision of the auditors and comptrollers as it is for Congress to make an appropriation for the completion of a public building, the construction of which has already been authorized by law, in advance of the receipt of the contractor's bid. I certainly hope that the Chair will so decide this question, that men who have been adjudged in accordance with law to be creditors of the Government may receive their pay.

I remember a poor man in my district, a soldier, who had been kept out of a small sum, less than $100, which belonged to him, and who was obliged to wait over a year in order to obtain an amount which, to my knowledge, he sadly needed. I am very sure that that case has a great many parallels, and I think the amendment of the gentleman from Nebraska [Mr. LAIRD] is in accordance with sound sense, with decent humanity, and is in no way in conflict with the best interests of the United States Government. For my part I would rather that once in awhile a claim should pass the auditors which could not pass the Committee on Appropriations than that all men, but especially men of this class, who are creditors of the United States, should have their claims postponed month after month and year after year. It takes long enough to get a claim through, Heaven knows. The officers of the Government, all of them, in the executive department, when they receive a claim of this kind, seem to sit down and endeavor to find how they can escape payment of it, and when we add to that difficulty a new revision of these claims by the Committee on Appropriations, I do think that we are saddling these creditors of the Government with a grievance which is too heavy to be borne. Therefore, unless the strict letter of the law will justify the Chairman in ruling this amendment out, I hope the House will have an opportunity to vote upon it, because I am sure that its justice and righteousness will commend it to every man who hears me.

Mr. LAIRD rose.

Mr. BURNES. Mr. Chairman, I think I have been sufficiently indulgent toward the gentleman from Maine [Mr. REED] and the gentleman from Nebraska [Mr. LAIRD]. If this were a new question I might be entirely willing to yield further and to have time occupied in the continued discussion of this matter. But, sir, it is no new question. This proposition is in contravention of the settled policy of Congress ever since 1874. It is in contravention of the practice which has prevailed here, and of the decisions of this House upon this very question.

Now, I will only say as a matter of history and as a warning to members of the House, that it has been but a year or two since a chief of division in the Department under consideration manufactured applications in horse cases, manufactured the testimony, and got away with some $12,000 of the money of the Government.

Mr. REED Did the Committee on Appropriations revise that matter or examine into it?

Mr. BURNES. I say that the fraud has been ascertained, the facts have been ascertained.

Mr. REED. Did the committee pass on those cases?

Mr. BURNES. I am not prepared to say——

Mr. REED. If they did, and if those claims escaped that safeguard, it would appear that we must have another.

Mr. BURNES. Perhaps the committee did not carefully scan the action of these accounting officers of the Treasury——

Mr. REED. Then it is evident that their scanning is of no good.

Mr. BURNES. Very well; because the Committee on Appropriations may make a mistake with regard to the examination of some of the ten thousand claims which come before them, that is no reason why we should undertake to change existing law upon an appropriation bill.

Mr. REED. There is no existing law in this case.

Mr. BURNES. But the fact that what I have stated has been done is a sufficient warning to us to follow the law which provides that Congress shall receive these reports of the accounting officers of the Treasury and give them consideration.

Mr. REED. That is, follow a law that did not prevent this loss.

Mr. BURNES. Follow a law that did not prevent this loss.

Mr. REED. Precisely. Then what is the object of following it?

Mr. BURNES. We had better follow it and be more prudent, more scrutinizing in the future.

Mr. WILSON, of Minnesota. Because an accident or an oversight happened in one instance it does not follow that the course of procedure in general is not a sound one.

Mr. REED. But it is perfectly evident that this catch-all of the Appropriations Committee does not do any good.

Mr. WILSON, of Minnesota. The rule which the gentleman from Missouri insists upon would tend very much to multiply the chances against such a loss.

Mr. BURNES. Let me say in answer to my friend from Minnesota [Mr. WILSON] and to the gentleman from Maine [Mr. REED] that although the Appropriations Committee did not discover this fraud, it was discovered in time to prevent the loss of the money.

Mr. REED. Discovered by whom?

Mr. BURNES. By Government officials.

Mr. REED. Then why not leave these matters to them?

Mr. BURNES. It does not make any difference by whom it was discovered. But if there had been a permanent appropriation that man would have drawn that money and carried it with him to Canada or elsewhere.

Mr. REED. To a poor fellow who has been kept out of his money for a year it is a very unsatisfactory answer to be told that the Government can not prevent thieving.

Mr. BURNES. But if there had been a general appropriation, as the gentleman desires, the man to whom I have referred could have drawn the money and carried it off.

Now, surely it is doing no injustice to insist that we should understand what we are paying before we pay it. Therefore, Mr. Chairman, I insist upon my objection to the consideration of this proposition.

Mr. REED. But there is no objection pending now. The question is now on the point of order.

Mr. BURNES. I have stated emphatically all the way through that I would not consume the time of this House in discussing the point of order any further.

Mr. REED. But the Chair announced that there was no objection to entertaining the amendment; and we have been discussing the point of order.

Mr. BURNES. I beg your pardon. The Chair surely did not so announce. While I was willing to hear the gentleman, I thought it just as well to settle the question at once on an objection to the consideration of the amendment.

Mr. REED. Then you have not much confidence in your point of order.

The CHAIRMAN. The Chair stated, in answer to a question of the gentleman from Maine, that the Chair heard no objection, and that the amendment was received subject to a point of order.

Mr. REED. Yes; the Chair repeated that statement.

Mr. CANNON. In addition to that, the gentleman from Missouri, as well as the gentleman from Maine and the gentleman from Nebraska, discussed the point of order; and there are two or three others of us who want to be heard upon it.

Mr. LAIRD. I wish to say one word on this point.

Mr. BURNES. I wish to make this suggestion. I may have been unfortunate in expressing myself, but it was my intention to object to the consideration of this amendment regardless of the point of order. I also made the point of order and reserved it so as to enable the gentleman to present his views.

Mr. REED. It is too late to make the objection now.

The CHAIRMAN. The Chair understood the gentleman from Missouri to say that he would not object to the consideration of the amendment, but that it was subject to a point of order and that he made the point of order against it.

Mr. REED. That is what he said.

The CHAIRMAN. The Chair so understood; and the Chair submitted the question whether there was objection. No objection being heard, the gentleman from Maine thereupon made the inquiry whether this amendment was before the Committee of the Whole. The Chair stated that it was before the committee, subject to the point of order.

The gentleman from Nebraska [Mr. LAIRD] will now be heard on the question of order.

Mr. LAIRD. Mr. Chairman, the immense advantage to a large number of people which will arise from the passage of this provision of course cuts no figure in the discussion of the technical questions raised as to the construction of the rules of the House, and their application to the pending proposition. But manifestly that is obvious to every member of this committee, and as much so probably to the gentleman in charge of the bill as to any other.

The rule invoked here, upon which the Chairman of this committee is asked to decide this amendment out of order, it occurs to me, and I submit accordingly, is entirely negative. If the Chair will permit me I will call his attention to the fact that up to 1870 the rule was that the appropriations were made in anticipation of the allowance by the auditing officers of the Government. Then the rule was changed, so that the appropriations followed instead of preceding it—not, as I understand the statute, for the purpose of referring the audited claims to the revision of the Committee on Appropriations, but because the vast weight and volume of the claims arising from the various incidental matters growing out of the war had so diminished that it was supposed not to amount to a public calamity to refuse payment until after the allowance of the claims, and thereupon the appropriation by Congress to meet such allowance.

Now, then, instead of there being a statute, to the existence of which this amounts to a violation, it is simply an absence of law; and the

gentleman pleads the significance of the repeal of the statute which formerly and promptly provided for the anticipation of these claims the same as though it were a statute. I submit that there is no law or statute to which the amendment suggested by myself amounts to a violation; while on the other hand it is true that all appropriations are made now in anticipation of the action of the accounting or law officers of the Government, as this appropriation is sought to be made, not in defiance of existing law, but in consonance with the right execution of it, which is to be presumed by the accounting officers of the Government.

Every consideration of public policy, of public decency, and of public conscience requires the adoption of the amendment.

Mr. CANNON. A word upon the point of order, Mr. Chairman, and to do that I want to call the attention of the Chair specially to the proposed amendment. It appropriates $1,300,000 for the following purposes: Pay, etc., of the Army, $15,000; pay of two and three year volunteers, $530,000; bounties to volunteers, etc., $620,000, and bounty under the act of July 25, 1866, $125,000.

Now, the Chair must take notice of existing law, and when the Chair does so it understands that these claims against the Government are all claims of record. That is to say, the services are shown upon the Army rolls; and then after that service is ascertained, these claims pass through the Second Auditor's Office as to certain items, and certain other auditors as to certain other items, and then through the hands of the First and Second Comptrollers, and all through the regular accounting officers of the Treasury, each passing upon the claims that are of record and existing under the former law. The facts go hand in hand with the law—the facts appearing of record.

My recollection and understanding are that formerly it was held that the appropriations for the payment of these claims or demands against the Government were permanent, and that the covering-in act, to which the gentleman has referred, by implication or otherwise, repealed the permanent appropriations. Now, if that be true, if it is merely an appropriation—the permanent appropriations—and the permanent appropriations having been repealed, and there being no money appropriated to pay the existing claims, existing of record, they have, under the practice of the Department, to be certified to Congress for the consideration of Congress, and when so certified Congress has been in the habit in the deficiency bill, as it does in this, of making appropriations therefor. That, as I understand it, is the fact. The permanent appropriations, therefore, having been repealed in 1874 for the payment of these claims, what is there in the law, or under the rules of the House, in providing for the service of the fiscal year 1889—twelve months from the 30th day of June last—prohibiting the appropriations of money to pay these claims as they may be ascertained by the accounting officers of the Treasury?

I know of no law, I know of no rule, I know of no practice of this House that would prohibit it. Certainly there is nothing in the way of public policy, certainly there is nothing in the way of precedent that prohibits it. If the gentleman complains that this may breed fraud and therefore the point of order should be sustained, I call the attention of the Chair to the fact that all appropriations for the Army and for the public service that we make in this and other bills for the coming fiscal year are utilized and the money paid without its passing under the scrutiny of Congress. It only passes these same accounting officers.

Take the pay of the Army; take the thousands, yes, tens of thousands of objects for which we appropriate money for the coming fiscal year, Congress has no further control over the money after it is appropriated for the coming fiscal year. The service is performed, the matter passes over to the auditor and comptroller and the money is paid. Now, where is the risk? Observe how this appropriation is guarded. "Pay of the Army $15,000; two and three year volunteers and bounty under the act of July 28, 1866." If the act appropriates for services to be performed for the coming year, why can not we appropriate for these services which have been performed and are of record? There is not half as much chance for fraud in this case as there is in the cases where we appropriate for the coming fiscal year. Why, I find nothing in the law that prohibits this appropriation anywhere, and I find everything in sound public policy and from the standpoint of humanity that would authorize this appropriation to be made in payment of the small amounts to multitudes of soldiers who have waited for a quarter of a century for a pittance which was due them.

Mr. BUTTERWORTH. Will the gentleman permit me a moment? As I understand the law does authorize this——

Mr. CANNON. Certainly.

Mr. BUTTERWORTH. To determine the liability, and there is no law authorizing an appropriation after this determination has been obtained.

Mr. BUCHANAN. This is for none except those authorized by law.

Mr. BUTTERWORTH. Where there is a law determining the liability of the Government and recognizing the obligation to pay when judgment is arrived at.

Mr. BURNES. I will answer my colleague. In the first place I call attention to the fact that this is a general deficiency bill making appropriation for the payment of obligations incurred in the past. The proposition submitted would make an appropriation extending into the future. In the second place——

Mr. CANNON. Will the gentleman allow me?

Mr. BURNES. I would rather that you address the committee again and let me alone.

Mr. CANNON. Well, then, I will do it. [Laughter.]

Mr. BURNES. In this bill every claim of the soldier for commutation, back pay, bounty, and loss of horses up to the 15th day of July is incorporated. Following usual precedents, when the bill shall have reached the Senate, that body will call for a still later report which will be within a week of the passage of the bill, and before the bill becomes law the claims certified to will have been appropriated for. That has been the usual practice. Now, the law which I have sent to the Chair is explicit to me. The law requires the accounting officers to ascertain and certify these claims to Congress, not for payment, but to certify them to Congress for consideration, and it must have force and effect upon the gentleman who occupies the chair of this committee. If they are to be sent under the law to Congress for consideration, what a mockery of justice, what a mockery in language it is to say that we will appropriate in advance and pay before consideration!

Now, sir, it is useless to dwell on a proposition so plain; but I call your attention emphatically to it, that every presiding officer must give force and effect to every statute; and this statute requires these accounting officers of the Treasury to send these claims to Congress, not for appropriation, not for payment, but it requires them to send those claims for consideration. It means necessarily consideration before payment. Now, having called your attention to that proposition, I desire to call your attention to a further fact. This question has been before this House before. It was brought up here in the last session of Congress; indeed, I believe it was brought up when the deficiency bill was under consideration this present year. The point was made when the same question was before the Committee of the Whole House at this session of Congress, and was then determined in favor of the law and in favor of the continued, constant, consistent action of the Committee on Appropriations. That which has become the settled policy of Congress, that which has received the sanction of both Houses of Congress for fourteen years, will not, I trust, be ruthlessly disturbed at this time upon this general appropriation bill. I have said, and I again repeat, that it has been the settled, consistent, and continued policy of Congress, never disturbed and rarely doubted, to take these claims and consider them, and after consideration to pay them; because it is absurd to say that we will pay and then consider.

Mr. Chairman, I am well aware that your long service in Congress and your knowledge of the facts which have been stated will enable you to reach a conclusion more accurate and reliable, perhaps, than anything I may be able to offer about the matter. It is absolutely certain that it has been the established action of Congress. But now as to the policy, as my friend from Illinois made some remarks about it, and I think I will close with that. By means of this law, and through this law, and directed by this law, which requires consideration before payment, this House has, during the period that I have been a member, saved to the Treasury a very large sum of money. I wish to call your attention to the fact that in the Forty-eighth Congress, under this very heading, under the head of horses, commutation, rations, etc., because they were transportation claims, there were allowed claims aggregating, I will say, in round numbers, $100,000.

If there had been an indefinite general appropriation, those claims would have been paid before consideration, and we would have considered them after the money was gone; but the Committee on Appropriations detected the wrong done, and subsequently——

Mr. REED. Did the Committee on Appropriations detect it?

Mr. BURNES. Yes, sir; it did.

Mr. REED. You had not ascertained that fact when you were last on your feet.

Mr. BURNES. I was speaking then of a different proposition.

Mr. REED. What is this case?

Mr. BURNES. I was speaking a while ago about the matter of the defalcation of the chief of a division.

Mr. REED. And what is this hundred thousand dollar matter that you are speaking of now?

Mr. BURNES. This hundred thousand dollars was for claims in behalf of certain insurance companies issuing policies upon steam-boats during the war at Louisville, Ky., and perhaps somewhere else.

Mr. REED. Which claims were discovered to be wrong by the Committee on Appropriations?

Mr. BURNES. These insurance companies' claims were allowed at the Treasury and incorporated into the report.

Mr. REED. Are those the ones that were allowed by Mr. Maynard?

Mr. BURNES. I will answer you in a moment.

Mr. REED. Are they the same claims?

Mr. BURNES. They were disallowed by him upon a review, and the Committee on Appropriations placed itself in harmony with the accounting officers of the Treasury, so that that $100,000, which would otherwise have been paid out, were saved, with the approbation of the accounting officers of the Treasury as well as of this House.

Mr. REED. That is, the second opinion of the accounting officers was against the claims, whilst the first one was for them?

Mr. BURNES. I believe you are right, sir.

Mr. REED. Then how do we know which opinion was correct?

Mr. BURNES. The first opinion was in favor of the claims, and when the Committee on Appropriations raised the issue in considering the estimate or the reports of the accounting officers of the Treasury, then it was that, upon a review of the finding of those officers, at the instigation of the Senate of the United States, the accounting officers set aside or changed——

Mr. REED. Changed their own decision. Is that in a public document?

Mr. BURNES. I can not undertake now to tell my friend from Maine when those officers changed, because I think the same gentlemen did not make both decisions.

Mr. REED. Well, I want to get the information because I am curious about this matter. One set of men decided that the claims were right and another decided that they were wrong, and you adhere to the last decision.

Mr. BURNES. The first set of men decided in favor of the claims and incorporated them in their report. The wrong was discovered by the Committee on Appropriations and objection was made, and the matter was brought to the attention of the House, and the House sustained the committee, and the claims were stricken out. We refused to appropriate for them.

Then, the claimants having appealed to the Senate, the Senate demanded that there should be a review, and, we assenting in conference, a review was agreed to, and upon that review, which I presume was made by a different set of men and upon a very elaborate argument presenting the facts and the law, the action of the former accounting officers was declared improper.

Mr. REED. So that, after all, it may be that some citizen suffered rather than the Government?

Mr. BURNES. It may be; but I have not heard from those complaining citizens since, and I can say that the citizens interested were simply made citizens by law; they were corporations without a soul to be saved; they were insurance companies.

Mr. REED. Of course I understand that whatever a corporation does is wrong; that idea I am used to in the House here; but I have noticed that those decisions which meet the approval of the Committee on Appropriations are always decisions against the claimant. For instance, the Supreme Court of the United States was not able to convince the Committee on Appropriations——

Mr. BURNES. My friend from Maine [Mr. REED] always wants to say something that is a little mean against the Committee on Appropriations. But the Committee on Appropriations can stand a good deal.

Mr. REED. I think so.

Mr. BURNES. It has stood a good deal.

Mr. REED. I think so.

Mr. BURNES. And foremost in the fight against the Committee on Appropriations has always been the able and the logical and the forceful gentleman from Maine.

Mr. REED. You are doing me too much honor.

Mr. BURNES. But I appeal not for the Committee on Appropriations. I appeal for honest government and for, as the Scriptures tell us, hearing a matter before we decide. A friend near me suggests that the gentleman from Maine does not know anything about the Scriptures and that therefore I am talking to him in an unknown tongue. [Laughter.]

Mr. REED. Well, even if I do not, I rather guess we are on a par in that respect.

Mr. CANNON. I merely want to call the attention of the Chair to two statements which the gentleman from Missouri [Mr. BURNES] makes. One is that this is a deficiency bill and can not carry an appropriation for the coming fiscal year. Let me read the title of the bill:

A bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

I call special attention to the last clause:

And for other purposes.

This bill all through carries appropriations for the coming fiscal year. The gentleman from Missouri himself, a short time ago, placed upon the bill by way of amendment an appropriation not for the last fiscal year. There are a number of such items reported by the Committee on Appropriations or offered by way of amendment, and they become admissible under these words in the title, "for other purposes."

The gentleman from Missouri also says that the law requires the officers of the Treasury Department to certify these claims. Let us see what there is in that point. Under the ordinary operation of law an appropriation lapses at the end of two years, that is to say, when an appropriation has been in operation two years any money which may not have been paid out for the service of the proper fiscal year is covered into the Treasury. If payment from an appropriation is made within two years, the payment is made without being certified to Congress, and such would be the case after the lapse of the two years were not the money covered into the Treasury. Whenever the money is covered into the Treasury the accounting officers certify the account or claim to Congress. The permanent appropriation in reference to claims of this kind was repealed in 1874; and as there is no money appropriated to pay these claims, they are, like other audited or allowed claims, certified to Congress. Now, I propose, as the gentleman from Nebraska [Mr. LAIRD] and others propose, that money be provided to pay during this fiscal year such of these claims as may be audited.

Mr. HENDERSON, of Iowa. Mr. Chairman, I want to correct an impression which may have been left on the mind of the Chair by my friend from Missouri [Mr. BURNES] in alluding to what was done on this subject in the last Congress. The impression his remarks may have conveyed to the Chair was that this question had been raised in the last Congress and a ruling made adverse to the entertaining of this proposition. Now, I have a distinct recollection of that matter as it occurred at the time; I was myself the one who made the assault upon the custom which has obtained since 1874. I made no motion, as my friend from Nebraska has now done. There was no question raised, there was no ruling made by the Chair, but I opposed as vigorously as I was able the policy under which we were operating, because I believed it a very wicked one—the policy which excluded from prompt consideration by the Government claims for arrearages and bounties—this class of claims covered by the amendment of my friend from Nebraska. I wish, therefore, to state to the Chair my distinct recollection that there was no adverse ruling made in the last Congress. So much for one of the points made by my friend from Missouri.

Having discussed this policy in the last Congress, I have listened with interest to what has been said this morning, but without having my opinion changed. I think, however, the only question now before us is this cold question of order—whether the amendment offered by the gentleman from Nebraska is in conflict with any existing law. I have listened attentively to hear my friend from Missouri quote any law with which this amendment conflicts, and I have heard none. He rests his case upon two propositions—first, custom, and secondly, the law which requires the accounting officers to send to Congress these allowances. Custom is not a law of this House. One line of legislation may have obtained last year, and another may obtain this year. We are tied down closely enough by the Constitution of the United States, without having the legislative discretion withheld from a wise consideration of what is best for the country. The gentleman is too good a lawyer to claim that custom can be quoted as against the amendment of the gentleman from Nebraska.

Mr. BURNES. I am glad my friend admits that my position is sustained by custom. Now, I wish to call his attention to the fact that the Speaker of the House at this session of Congress decided that, an express rule of the House having been violated constantly, the practice in violation of that rule having continued ever since he had been in the chair, therefore, although the terms of the rule were express, absolute, and unconditional, yet the custom having been in contravention of the rule, he would continue to follow the custom.

Mr. REED. That was a question of interpretation.

Mr. HENDERSON, of Iowa. We have no rule in this case; and when questions in regard to the construction of the rules arise, the Speaker may well refer to custom for the construction of a rule. But you must have the foundation of a rule on which to rest in order to make the argument of my friend from Missouri applicable to this case. Here we have no rule in conflict with the amendment of the gentleman from Nebraska. The accounting officers of the Treasury are required by law to send these matters here for our consideration, that we may appropriate money to pay them. The law creating these accounting officers and sending these matters to them for consideration provides who shall determine the legitimacy of these claims. That is the purpose of the lawmakers; and it is a well-settled rule of law that when the statute provides a mode of procedure for the consideration of certain questions, it also provides that the officers charged with that duty shall consider them.

Now, I submit to the Chair that there has been an utter failure here to point out any law with which it is in conflict. I do not intend to go into the policy of the question. I think it is an outrage that these bounty claims, so long standing, so old, so just, belonging to poor people throughout the country, should be made an exception and payment refused for one, two, three, four, and even five years, and claimants kept waiting all these years before a settlement can be obtained. I have received myself in almost every mail letters bearing upon this question, and asking that the Government should do justice to this worthy and needy class of people to whom they belong. I appeal to the Chair, therefore, for a ruling upon this question in the interest of humanity.

The class of cases covered by the amendments are only two, bounties and back pay. These are all that are covered by it in fact. It does not let in any railroad companies or "soulless corporations;" but these are claims of people having a soul and a body, although the latter is not always comfortably clothed, and so we may eliminate all the soulless rascals from our consideration. I hope we will have a favorable ruling.

Mr. BURNES. I beg the indulgence of the committee for a few moments longer.

It is always gratifying to me to hear the distinguished gentleman from Iowa gush, as he always does, when he talks of the "poor people" of this country. We are taking care of the poor people, and have been doing so for years and years just as fast as their claims are adjusted and the amounts ascertained.

He speaks of having "received letters," and also of the fact of these claims having been delayed in their consideration four or five years. We appropriate year by year up to date for these claims; but here is what we do not appropriate for, and this may account, not for the solicitude of gentlemen, but for the solicitude with regard to this matter in other respects. Sir, I hold in my hand certified claims ascertained by the Treasury Department and reported to the first session of the Forty-ninth Congress, and I find under this head, "Horses and other property lost in the military service"—a very ordinary caption, "Horses and other property"—the following allowances:

Globe Mutual Insurance Company of St. Louis, Mo.	$4,000.00
The St. Louis Floating Dock Insurance Company	4,000.00
The Magnolia Fire and Marine Insurance Company of Cincinnati, Ohio	2,333.33
The Phœnix Insurance Company of New York	5,000.00
The Magnolia Fire and Marine Insurance Company of Cincinnati	3,000.00
City Insurance Company of Cincinnati	3,000.00
Eureka Insurance Company of Pittsburgh, Pa	5,000.00
Phœnix Insurance Company of St. Louis, Mo	5,000.00
American Insurance Company of Cincinnati, Ohio	4,000.00
National Insurance Company of Cincinnati, Ohio	3,000.00
Central Insurance Company of Cincinnati, Ohio	3,000.00
United States Insurance Company of St. Louis, Mo	5,000.00
American Central Insurance Company of St. Louis, Mo	5,000.00
Eureka Fire and Marine Insurance Company of Cincinnati, Ohio	4,574.19
Citizens' Insurance Company of Cincinnati, Ohio	1,744.52
American Insurance Company of Cincinnati, Ohio	1,744.52
Magnolia Fire and Marine Insurance Company of Cincinnati, Ohio	2,287.10
City Insurance Company of Cincinnati, Ohio	2,287.10
American Central Insurance Company of St. Louis, Mo	3,787.09
Boatmen's Insurance and Trust Company of St. Louis, Mo	3,787.09
The Sun Mutual Insurance Company of New York	5,860.00
The Commercial Mutual Insurance Company of New York	2,441.67
The Atlantic Mutual Insurance Company of New York	5,860.00
The Washington Marine Insurance Company of New York	4,500.00
The American Insurance Company of Cincinnati, Ohio	4,667.00

These were the "horse claims" that under the amendment of the gentleman from Nebraska would have been paid before consideration by Congress.

Mr. LAIRD. Oh, no; let me correct the gentleman; this item does not cover that account at all. It refers only to back pay and bounty.

Mr. BURNES. I trust the gentleman from Nebraska will be easy and keep himself quiet for a few moments. I say if the amendment of the gentleman had been in operation at the time the accounting officers of the Treasury allowed these claims, as "claims for lost horses, and property lost in the military service," amounting to about $95,000, it would have stood and would have been paid as for "horses lost." And so you see wisdom, law, and rule all require us to consider well before committing ourselves to such a proposition.

Mr. REED. Are you opposed to paying these claims to these people if they are due? Is there any statute that says a corporation shall not be paid in this country?

Mr. BURNES. No, sir.

Mr. REED. What is the objection, then, to paying them? From the language of the gentleman it would seem as if there was some sort of outrage committed every time a payment is made to a corporation, no matter on what ground it is based.

Mr. BURNES. Now my friend waited a long time to make a complaint about corporations, but I wish to call his attention to a fact connected with this report. That is the argument under the decisions of I. H. Maynard, the Comptroller, that these claims shall be disallowed, and disallowing them. If the gentleman means by that that I differ from the judgment of Mr. Maynard, he is mistaken; and if he means that I am opposing these claims because they are claims of corporations, he is mistaken. I oppose this method of legislation because corporations are generally the thieves that slip in to the accounting officers of the Treasury and get claims allowed for the loss of horses which have no relation to the loss of horses at all.

Mr, LAIRD. How do you know?

Mr. BURNES. My observation is the basis of my suggestion.

Mr. HENDERSON, of Iowa. Just a word. I am not going to follow my friend from Missouri in his expressions of gush.

Mr. BURNES. None of these insurance companies are at Dubuque.

Mr. HENDERSON, of Iowa. As I said, I am not going to follow my friend in his expressions of gush. It has reached a point that if a man in discussing a question of policy alludes to the poor people of the country he is charged with "gush." If he talks about corporations, no matter how severely, he is misrepresented. I do not want to be driven from a cool consideration of this question by that line of talk. Now, all this talk about insurance companies does not apply here to this amendment. The amendment is specific. I hold it in my hand. It is to pay arrears of pay and bounty already certified by the accounting officers of the Treasury Department——

Mr. BURNES. What is the date of the document you allude to?

Mr. HENDERSON, of Iowa. Certified and to be certified up to July, 1889.

Mr. BURNES. Those certified to are in the bill.

Mr. HENDERSON, of Iowa. Not at all. This is for the next year. This amendment which we are now considering is for the benefit of these poor people of whom I have spoken. It extends to June 30, 1889, and is for $1,300,000. If it was in the bill the amendment would not be necessary now.

Mr. BURNES. Provision is made for all claims that have been allowed up to the 15th of July.

Mr. HENDERSON, of Iowa. So I understand; but this amendment is to settle those cases not covered by this bill. The desire is to settle these claims which the law provides for as they are allowed, just as the soldiers' pensions are paid when they are found due and payable.

Mr. REED. We should, of course, be inclined to admit a statement made about how much the Committee on Appropriations has done in the way of preserving the money of the Government but for the fact that I remember one case where it cost the Government over $100,000. It seems that its judgment in that relation could hardly be superior to the judgment of the Supreme Court of the United States, and it delayed the passage of a bill which had the sanction of the Supreme Court of the United States in a manner which cost the United States more than $100,000, so that I beg leave to offset that against this imaginary case where the committee is supposed to have saved the Government money.

Now, the proposition is this: During the whole of the next fiscal year there will be from time to time claims which will be certified to be correct and payable by the United States Government, and these certificates will be made by the authorized officials of this Government, who, we are bound to presume, will be as honest as the Committee on Appropriations and who have more thorough methods of investigation. Now, then, at the end of the next year this committee will make appropriations which will pay these bills. But every man who has had a bill certified during the month of July will have to wait at least until the next 4th of March to obtain a dollar of his money. That is not only the fact in regard to that individual, but it has been erected by this Committee on Appropriations into asystem.

I say that system is a gross wrong to the creditors of the Government; and this is so evident to the gentleman from Missouri that he makes no reply to that direct charge. But he says if you run the claims through the Committee on Appropriations there will be more delay, and therefore more chance of detecting any rascality. Now, I submit to this House that that is a very strange position. Do you believe the possibility of the detection of false claims against the Government by the Committee on Appropriations is worth the inconvenience to which you put every solitary creditor of the United States? If you say some Government officers will steal the Government ought to bear the loss, and not the creditors the inconvenience; and so far as my experience is concerned (and I have been here ten years), I would not give the one-quarter of a tenth of 1 per cent. for any protection that the Committee on Appropriations gives. I never have seen, and defy the gentleman to point out to me, one single instance where they have saved the Government against the dishonesty of Government officials. I venture to say that the saving will not be a quarter of a tenth of 1 per cent. I venture to say it will be nothing at all. It is simply that the committee is desirous of keeping power, is desirous of having all these matters stay in its hands. Why, when the Government appoints its own officers and those officers admit its indebtedness, and these gentlemen, except in a few instances, always pay these claims after the delay of a year, is it right or is it wrong to establish the system of paying the money when the Government officers declare it to be due? No man need be here in Washington to know that every Government official in the Departments, from the very nature of the case, sits down to consider claims against the Government, not for the purpose of approving them, but for the purpose of seeing if he can discover any way by which to prevent their payment. Why do I say that that is natural? Because the official gets no advantage from the payment of an honest claim that is disputed. On the contrary, he is liable to get opprobrium from the newspapers. The whole tendency is against the claimant.

Every Government official instinctively assumes an attitude of opposition to a claim. I had a little experience once with regard to the claim of a constituent of mine amounting to $150. The case was so absolutely plain that there could be no reasonable dispute about it. The like of it had been paid time and time again, but the first officer before whom it came had given it a bad "slam" and it took six months' work to get it through. I followed it up with pretty much the feeling that a man has with reference to a salmon that he is fishing for; he does not care so much about the salmon as he does about catching it. [Laughter.] But, as I have said, it took six months' work to get through that plain little claim, because somebody had messed it up when it first got before the Department. That case gave me an insight to the feeling that exists among Department officials with reference to claims against the Government, and I say that if we can not trust the interests of the Government with people who approach these claims with that kind of feeling, if we have got to add to the difficulties in the way of the claimant the scrutiny of the gentleman from Missouri and his colleagues on the Committee on Appropriations, the operations of whose minds we have seen so often in this House, it is pretty hard for the creditors of the United States. [Laughter.]

This is not a new enactment. It is simply a proposition to provide for the payment of claims adjudicated according to law. And there is no more reason for saying that this is an attack upon existing law than there would be for insisting that it was an attack upon existing law for us to appropriate for a building the construction of which was already authorized by law, or for the maintenance of the Army and the Navy, until we had had the bills brought in before the Committee on Appropriations and audited by them. That is not the way to conduct a government; it is not a way in which the Army and the Navy could be carried on, and it is not a decent way in which to treat the creditors of the Government of the United States.

Mr. LAIRD. Mr. Chairman, I want to call attention to a distinction. The gentleman from Missouri [Mr. BURNES] does not challenge our legal right to consider this amendment, but he challenges the proposition on account of the abuses which he assumes are liable to arise if it is adopted. That is, he assumes that the officers of the Government will violate this law, and argues that therefore the law should not be passed. And, Mr. Chairman, the instance cited by the gentleman from Missouri is in no wise germane to this proposed amendment. It does not belong to the class of claims named in the amendment. By no possible construction of this amendment could anybody lug in the claim of an insurance company, or any such claim. This amendment is limited in its terms to the soldiers of the late war or their legal representatives, and is confined to certain classes of claims, two in number. The gentleman has been pleased to animadvert on some of the sentiments expressed by gentlemen in support of the legal proposition and of this proposed policy. If anybody were disposed to be so impolite toward the very polite gentleman from Missouri, he might describe the gentleman's efforts to condemn an amendment to pay these soldiers' claims upon the ground that the auditing officers might abuse the law by allowing claims of insurance companies and other corporations, as a piece of small pettifogging.

Mr. BUTTERWORTH. The amount due is to be determined simply by an inspection of the record.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Nebraska [Mr. LAIRD] has submitted an amendment to come in after line 9, page 61, of the bill. The head-line of this paragraph of the bill is, "War Department: Claims allowed by the Second Auditor and Second Comptroller," and this amendment is "for the payment of claims of arrears of pay and bounty to Union soldiers or their legal representatives, already certified by the accounting officers of the Treasury Department or to be certified, up to and including June 30, 1889, $1,300,000, as follows." Then follows a detailed statement of the amounts under each particular act of Congress under which the liability arises.

The Chair is of the opinion that whatever may be audited at this time or during this fiscal year is an expenditure previously authorized by law; and the Chair is also of opinion that it is immaterial whether the claims were allowed during the past fiscal year or in the present fiscal year, this not being a question of allowance or time of allowance, but a question of whether there is a legal obligation to pay, and whether the claims have been previously authorized by law. That point in the argument, the Chair is of opinion, is not well taken.

The point which seems to the Chair to govern this matter is contained in clause 2 of the act of July 7, 1884 (Statutes at Large, volume 23, page 256), as follows:

That the Secretary of the Treasury shall at the commencement of each session of Congress report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives, and the Presiding Officer of the Senate, who shall lay the same before their respective Houses for consideration.

The Chair understands this provision of law to apply to this class of cases. If it were simply a question as to whether these claims had been laid before the House at the beginning of the session, or had been transmitted to the Speaker, the Chair would be inclined to hold that that part of the provision was merely directory, and if they had gotten here in any other way they would be before the House for consideration. But this clause requires that the amount due to each claimant shall be certified to Congress for consideration. Now, if this amendment could be entertained, Congress, which had reserved to itself the right to scrutinize each particular claim, would be deprived of that right by making the appropriation in gross for the whole amount of the claims that may be allowed during the year. Therefore the Chair is of opinion that in this respect the amendment is in conflict with the provision of the existing law which gives to each member of Congress, Senator or Representative, the right to know and consider each claim and scrutinize the amount allowed to each individual. The general law allows this, but the amendment does not. The amendment being, in the opinion of the Chair, in conflict with the statute to which reference has been made, the point of order is sustained.

Mr. BUCHANAN. I rise to a parliamentary inquiry. If the point of order had not been raised, the Chair would have been at liberty to entertain the amendment, would he not?

The CHAIRMAN. Of course.

Mr. BURNES. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 27, after line 18, insert:
"For transportation of foreign mails from the United States to foreign countries, $16,000."

Mr. BURNES. In support and explanation of this amendment I send to the desk to be printed in the RECORD a communication on this subject from the Postmaster-General, addressed to the Speaker of the House.

The communication is as follows:

POST-OFFICE DEPARTMENT, *Washington, D. C., July* 31, 1888.

SIR: I have the honor to inform you that there has been already expended for the transportation of mails from the United States to foreign countries, during the fiscal year ended June 30, 1888, the sum of $464,910.70, with several small amounts yet unsettled which will amount to about $1,000 additional.

There was appropriated for this service only $450,000. There is, therefore, a deficiency on this account of about $16,000, which it is urgently necessary should be provided for as soon as practicable.

I am, very respectfully, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

The SPEAKER, *House of Representatives, Washington, D. C.*

The amendment was agreed to.

Mr. McCOMAS. I ask unanimous consent to recur to page 10 of the bill in order to offer three amendments relating to the District of Columbia, the first one by the authority of the Committee on Appropriations.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to return to page 10 of the bill for the purpose of offering certain amendments. The amendments will be first read, after which the Chair will ask whether there is objection.

The Clerk read as follows:

On page 10, after line 5, insert:
"To enable the commissioners to employ and pay special counsel in the case of Samuel Strong against the District of Columbia, to be submitted to arbitration under the joint resolution of Congress, approved July 10, 1888, $2,500, or so much thereof as may be necessary."

Mr. SPINOLA. I raise a point of order upon that proposition.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to offer this amendment.

Mr. SPINOLA. I object, with all due respect to the gentleman.

Mr. BURNES. The gentleman from Maryland [Mr. McCOMAS] has been authorized by the Committee on Appropriations to offer this amendment. He offers it unless subject to a point of order.

Mr. McCOMAS. If it is subject to a point of order on account of being offered at this place, I will put it in another part of the bill.

Mr. SPINOLA. I shall object to the appropriation as being uncalled for and unnecessary—an attack upon the public Treasury without justification.

Mr. McCOMAS. It is to prevent robbery and plunder of the public Treasury.

Mr. SPINOLA. My object is to prevent the robbery of a private citizen by the authorities of the District; therefore I raise the point of order.

Mr. McCOMAS. I presume the gentleman does not object to the placing of the amendment at the right place. If he does I shall simply offer it to come in later. I want the amendment to come in its proper classification, as the gentleman in charge of the bill desires that these various propositions shall come under the appropriate head. My friend from New York does not object to the place where I propose to insert it?

Mr. SPINOLA. I do not care anything about the place; I am opposed to the principle.

Mr. BURNES. The gentleman from New York seeks to oppose the amendment and have it debated on its merits.

Mr. SPINOLA. Upon its merits, and upon the point of order to begin with.

Mr. McCOMAS. What is the point of order?

Mr. SPINOLA. That the amendment proposes to change existing law.

Mr. McCOMAS. How so?

Mr. SPINOLA. By existing law appropriation is made for the pay of the district attorney of the District of Columbia, who receives $4,000 a year for his services; his first deputy received $2,000 a year, and his second deputy $1,800. That is the law as it stands. This is a proposition to amend the law as already upon the statute-book; and I raise the point of order that it can not be entertained, as it amends existing law.

The CHAIRMAN. The Chair desires to ask the gentleman from Maryland [Mr. McCOMAS] whether the special act passed at this session for the relief of Samuel Strong authorizes the commissioners of the District of Columbia to employ special counsel for this purpose.

Mr. McCOMAS. My understanding is that it has no relation to it whatever.

The CHAIRMAN. Then, in the opinion of the Chair, the point of order is well taken.

Mr. McCOMAS. One moment upon the point of order.

Mr. BURNES. I hope no decision will be made upon the point of order until the Chair has heard it discussed.

Mr. SPINOLA. I have no objection, of course, to hearing the gentleman.

Mr. McCOMAS. I ask the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

OFFICE OF THE ATTORNEY OF THE DISTRICT OF COLUMBIA,
Washington, July 26, 1888.

DEAR SIR: I beg to say that the commissioners have this day requested the Committee on Appropriations to add to the deficiency bill a provision for the employment of special counsel at a compensation of $2,500.

The printed record in the case shows that Mr. Strong claims for items of work 134 in number, that the items aggregate in amount $424,216.35, and that the pleadings and testimony occupy 5,543 pages in print. The witnesses are about 100 in number, and the exhibits something over 700. The mere presentation of the case will consume not less than six weeks in time, and the last argument (under limitation by order of the court) occupied ten days. When it is considered that the case is to be heard by arbitrators, and that our office force will at the same time be occupied with the usual duties in court and in advising the commissioners on matters of ordinary administration, the impossibility of our giving the case the attention it requires is manifest. And inasmuch as the case will be heard and determined by the arbitrators during the current fiscal year, any provision for special counsel, in order to be of advantage to us, must be made at once.

It is, perhaps, needless to speak of the error that has been committed in submitting this matter to any but the established legal tribunals; but to make the best of a bad situation Congress should certainly provide us with adequate means of defense against a claim so large in amount and which I can not avoid characterizing as the most unfounded, brazen, and iniquitous in my experience as a public officer.

Yours, truly,

HENRY E. DAVIS, *Assistant Attorney.*

Hon. LOUIS E. MCCOMAS,
House of Representatives.

Mr. McCOMAS. This is a claim which has been pending for a quarter of a century upon a difference between this contractor and the government of the District of Columbia. It passed through the courts here under the charge of a very able lawyer, Mr. Francis Miller, who has since died. After ten days of argument the court cut down this claim very largely, reducing it several hundred thousand dollars. We had then a very remarkable proceeding in Congress. After the courts had decided that large sums of money were not due, after a legal investigation extending over years, the claimant had power enough to come before Congress and have the judgment of the court nullified and a special tribunal established by Congress to arbitrate his claim for $424,000, nearly one-half of which was cut down by the court. Now, when an effort is made by the commissioners of the District of Columbia to have this library of testimony, this mountain of documents, explored by some one other than the regular counsel of the District—the attorney who has had charge of the case having died, unfortunately for the cause of public justice—when the commissioners ask that in order to save the payment of all or a large part of this claim of half a million of dollars, $2,500, or so much thereof as may be needed, be appropriated that the District attorney may have the assistance of special counsel to resist the claim of this contractor who has been able to overcome the judgment of the courts, objection is made. That objection, I submit, is not for the public good.

Upon the point of order of the gentleman from Missouri it is only necessary to say that we frequently employ, and there are statutes enabling us to employ, special counsel in the Federal courts.

The CHAIRMAN. Employed by the Attorney-General.

Mr. McCOMAS. Employed by the Attorney-General.

Now, this is simply an expenditure in aid of existing law. I do not have it at hand just now, but it was passed at this session to enable this cause to be arbitrated between these parties with counsel, and is to enforce and give operation to the law which, overriding the judgment of the court, creates a special tribunal to hear it, and it follows by the very reason of the thing that the Government, in order to protect itself, must employ counsel.

Mr. RYAN. Is this a claim against the District of Columbia alone, or against the Government and the District of Columbia?

Mr. McCOMAS. My friend is right, I think, that this is a claim against the District of Columbia and the General Government, though I am not quite sure of that.

Mr. ROWELL. I should judge from the statement the gentleman has made that he was not quite sure about anything connected with the matter.

Mr. McCOMAS. Oh, yes; I have all the papers in my room, and I know all about it, except——

Mr. ROWELL. Except what you do not know.

Mr. McCOMAS. Except that I do not happen to have the paper here giving the date of the passage of the law to which I have referred.

Mr. RYAN. I wish to ask the gentleman whether, if this claim should be maintained against the District of Columbia, there would be any obligation upon the part of the Federal Government to pay any portion of it?

Mr. McCOMAS. Yes; one-half of the money.

Mr. RYAN. Then I think the Government has quite a large interest in it.

Mr. BUCHANAN. Will the gentleman yield to me for a question?

Mr. McCOMAS. Certainly.

Mr. BUCHANAN. Can the gentleman inform the House what corps of Government counsel are already engaged. To whose department does this litigation naturally fall?

Mr. McCOMAS. There is no one to take special charge of the matter. As that letter said, it involves a very large sum of money, it covers 5,500 pages of printed testimony, with an immense amount of documents and exhibits, and over a hundred witnesses, and the only force to take charge of the District law business is the counsel and the assistant counsel authorized by law, which force is already overworked and can not give time and attention to the interests of the Government in this litigation. They are overworked now.

Mr. BUCHANAN. How many gentlemen learned in the law are in that department?

Mr. McCOMAS. There is the attorney, the assistant attorney, and the law clerk. They have their hands full. The effect will be, unless this provision is made, that the contractor will arbitrate in his own interest, and nobody can appear to take charge of the interests of the Government.

Mr. SPINOLA. I simply wish to say in reply to what the gentleman from Maryland has said that the facts he alleges and the points he makes in regard to this claim are a very considerable way outside of the record of the case. In the first place, the four suits which arose between Samuel Strong and the District of Columbia, and were decided in the courts of the District, in every single case went against the District, Strong beating the District in every suit, but in each case by some means or other the suits were set aside and sent back for a retrial.

Mr. BUTTERWORTH. What was the controversy about?

Mr. SPINOLA. The controversy was with regard to work and material furnished under eleven or twelve contracts between Mr. Strong and the District of Columbia. Strong performed his labor and furnished material to the entire satisfaction of all the commissioners of the District of Columbia, and they so certified on the completion of the work. There is no question that the work was done and done faithfully and well. The contracts on their face called for the payment for the labor and material in the current money of the United States, and it also required of Mr. Strong that he should pay his bills in the same kind of money. Mr. Strong never received from the District of Columbia or its representatives one single solitary dollar in the current money of the United States, but they forced him to accept certificates of indebtedness of the District to the amount of $170,000 or $180,000 in part payment of his claim, which he was compelled to sacrifice at the then current value of the certificates and at the same price at which they were being paid out to other persons, that is to say, 50 cents on the dollar.

Mr. HENDERSON, of Iowa. But he waived that loss.

Mr. SPINOLA. And Mr. Strong in the bill which passed Congress and went to the President and was approved waived that part of the claim and agreed to accept the certificates at their face value, thus making to himself an enormous loss which he should not have been compelled or expected to meet.

The delay growing out of this business was the constant litigation in the courts over it, running through a period of fourteen years, has impoverished him in his old age, for he is now seventy-eight years of age, and not a word of complaint has been urged against him in opposition to the claim. He built this and the other wing of the Capitol and never in any public work in this country was better and more faithful work done. Not only did he do work here of that kind, but wherever his work has been done throughout the city it has been faithful and accurate and satisfactory, and yet notwithstanding that he has done this work for the District for which these claims are made, he has never been able to secure a settlement and they have nearly driven him to his grave with their constant irritation and annoyance. These cases have occupied the attention of the courts for a long time. One of them occupied seventy-nine working days of the court, at the end of which time the court took the case from before the jury on the ground that the contract was null and void from the fact that there was no appropriation made at the time the contract was signed.

It was appealed to the court in banc and the court in banc unanimously reversed the decision after seventy-nine days had been wasted. It then came up for trial again, and some three weeks were consumed, the jury giving a verdict of $130,000 or $140,000.

Mr. HENDERSON, of Iowa. What was the verdict for?

Mr. SPINOLA. It was for the difference due him for work performed and material furnished—the balance which he was entitled to. Then, after three weeks more before another jury, he got a verdict of $130,000 or $140,000. The district appealed, and the appellate court overruled the action of the court below upon the ground that the judge was drunk, and that has been the finding of the law. It was then sent back to three arbitrators and they gave a verdict for two hundred and odd thousand dollars, and that was set aside because of the difference between the face value of the certificates and their actual value.

Mr. BUTTERWORTH. They had not given him enough.

Mr. SPINOLA. That is all of it. And now, after spending $16,000 of the people's money, and after having compelled this poor old man to fight for fourteen years, they rob him of his just dues. That is a good deal like the legal justice that is to be obtained in the District of Columbia. And after all this they seek to persecute this old man; and this person has sent that impudent communication—impudent is the lightest expression I can use in connection with it—undertaking to reprimand the House of Representatives for passing this bill. He is a shyster of the very worst character. He is not the one to say who the arbitrators shall be. That is left to the President to determine.

Mr. BUTTERWORTH. Do I understand that each of the judgments was in favor of Mr. Strong?

Mr. SPINOLA. The decisions were in favor of Mr. Strong every time. The Chair has ruled the motion out; and therefore I leave the balance of the argument for future consideration, if the case does come up.

Mr. McCOMAS. Has the Chair ruled that under the law money can not be appropriated to pay counsel representing the Government?

The CHAIRMAN. The Chair is of the opinion that if special counsel should be employed under a special act that law would have appropriated money for that purpose. This being a special act, the Chair would construe it strictly; and it not allowing additional expenditure to be incurred, the Chair sustains the point of order.

Mr. McCOMAS. I ask unanimous consent to offer the following amendment.

The Clerk read as follows:

On page 10, before line 7, insert:

"To enable the commissioners of the District of Columbia to repair and reconstruct such portion of the police, fire-alarm, and police telegraph lines of the District of Columbia as may be in their opinion absolutely necessary, $5,000, or so much thereof as may be necessary, said sum to be available until March 4, 1889."

The CHAIRMAN. Is there objection to returning to this part of the bill now?

There was no objection.

The amendment was agreed to.

Mr. McCOMAS. I also ask unanimous consent to offer the following amendment.

The Clerk read as follows:

On page 10, after line 18, insert:

"Telegraph and telephone service of the District of Columbia: To pay the Standard Under-ground Cable Company for under-ground cable laid in the year 1883, and since used by the District government for fire-alarm, $2,951.70."

The CHAIRMAN. Is there objection to returning to this paragraph for the purpose of considering the amendment offered by the gentleman from Maryland.

There was no objection.

The amendment was agreed to.

Mr. PEEL. I ask unanimous consent to go back to page 27, and after line 4 I desire to make the following amendment.

The Clerk read as follows:

On page 27, after line 4, insert:

"*Provided*, That the Secretary of the Interior is hereby authorized and directed to pay over to the duly authorized treasurer of the Creek Nation the sum of $860.59, now standing to the credit of the Creek orphan fund on the books of the Treasury, being the aggregate sum due the orphans or their heirs under the treaty of March 24, 1832, and the provisions of an act entitled 'An act to reimburse the Creek orphans' fund,' approved August 7, 1882, and that the receipt of the treasurer of the Creek Nation shall be a release to the United States and considered a final settlement of the Creek orphan matter.'

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

Mr. PEEL. I ask that the communication which I send to the Clerk's desk may be printed in the RECORD.

There was no objection.

The communication is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 25, 1888.

SIR: I have the honor to invite your attention to a letter addressed to this office by the Creek delegation now in this city (copy herewith), dated the 14th instant, calling attention to the fact that the sum of $860.59, being the aggregate of small amounts of interest and balances due to certain Creek orphans and their heirs, was duly appropriated by Congress in 1882 and still remains unpaid to those who are justly entitled to it.

The act of appropriation approved August 7, 1882 (22 Stats., 302), makes it the duty of the Secretary of the Interior to see that the amounts due are paid to the actual beneficiaries, and this has worked to delay and obstruct the proper disbursement of this balance. The delegates state that the beneficiaries are scattered over their entire domain, that many of them are poor people and unable to visit the agency at such times as the agent has been ready to make the disbursement.

Further, that the amounts due to some are so small that the expense attending travel to and from the agency to receive it, would be greater than the amount to be received, and for this reason it has been impossible to make payments. They suggest that if the entire balance was paid to their national treasurer, the beneficiaries being notified could, in their own time and convenience, receive their dues and ask that Congress be requested to authorize the payment of said balance to their treasurer, whose receipt for the same shall be a final settlement of the Creek orphan matter.

In connection with this petition I have to state that the facts set forth are correct, and this office has on several occasions placed this balance in the hands of the several Creek agents for disbursement, but that owing to the difficulties attending the payment, the sums due in many instances being only a few cents, and the claimants being scattered all over the Creek reservation, the amount was returned to the United States Treasury.

As this small sum accrued under their treaty of March 24, 1832, and has been appropriated in fulfillment of treaty stipulations, and referring to a similar balance of like character, belonging to the Old Settlers or Western Cherokees, the payment of which Congress granted authority to be made to the treasurer of the Old Settlers or Western Cherokees by the Indian appropriation act approved March 3, 1885 (23 Stats., 367), I respectfully recommend that the attention of Congress be invited to the subject, with a view to authorize the payment of the amount to the treasurer of the Creek Nation by an amendment to the Indian appropriation bill under the title "Fulfilling treaty with Creeks."

I submit herewith a draught of the proposed amendment.

Very respectfully,

J. D. C. ATKINS, *Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

The Clerk read as follows:

French spoliation claims.

The CHAIRMAN. Is it the desire of the committee that this part of the bill shall now be read through?

Mr. FARQUHAR. Mr. Chairman, I offered an amendment yesterday to come in on page 36 of the bill, but it was objected to. It was an amendment providing for the payment of $50 to the messenger to the Select Committee to Investigate the Government Printing Office. I now ask unanimous consent to present the amendment again, remarking that while I take no exception to the amount of money provided to pay the clerk of the committee, I think that all the work performed for that investigating committee should be paid for.

The amendment was read, as follows:

Page 26, line 18, insert the following:

"To pay Edward S. McDonald for services rendered the Select Committee for Investigating the Government Printing Office, $50."

The CHAIRMAN. Is there objection to considering this amendment at this time?

There was no objection.

The amendment was agreed to.

Mr. HAYES. I ask unanimous consent to offer an amendment to come in on page 36.

The amendment was read, as follows:

To equalize the salaries and pay of forty-three persons engaged in the performance of the duties of messengers of the House of Representatives, as mentioned and designated in House Miscellaneous Document 263, Fiftieth Congress, first session, $4,582; said sum to be so applied as to make the compensation of each of said persons as nearly as may be $100 per month for the time they are so employed.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa to return to this part of the bill for the purpose of offering this amendment?

Mr. KERR. I object. I objected yesterday, and I would like to know what reason there is for this amendment to the law. It seems to me that if the compensation of these employés is not sufficient, it ought to be increased by a general law, and that those who have control of legislation here ought to assume the responsibility of making an increase.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] objects.

Mr. GEAR. I do not understand the gentleman to object. He asks for an explanation.

Mr. BURNES. Mr. Chairman, I rise to make an inquiry.

Mr. KERR. I did not withdraw my objection.

Mr. GEAR. I understood that while the gentleman objected, he also asked for an explanation. Perhaps if the explanation were made, he might withdraw his objection.

Mr. HOLMAN. Regular order.

Mr. BURNES. Having now reached that part of the bill which relates to French spoliations, as they are called, I do not know that it is necessary to take up time by reading all of the provisions of the appropriations asked for; but I desire to inform the Chair that at the proper time, whenever that may be, I shall move to strike out those provisions and shall also submit a point of order against the proposition. I do not know whether that point of order ought to be made now or when the provisions are read.

The CHAIRMAN. The Chair is of opinion that under the practice which has prevailed heretofore, general debate on a bill always precedes the consideration of questions of order in relation to any particular provision in the bill. By an order of the committee heretofore made, the general debate upon this section of the bill was fixed at four hours and a half upon each side, and the commiteee has now reached the point when such debate is in order. After the general debate, the Chair will entertain any proposition that is parliamentary, or any point of order that may be made upon the consideration of the bill under the five-minute rule. This section is now before the committee for general debate.

Mr. BURNES. Then it will not be necessary to move to strike out each paragraph, but after the general debate they can be all taken together.

The CHAIRMAN. After the general debate has been exhausted the committee will proceed to consider this part of the bill under the five-minute rule, just as other portions of it have been heretofore considered, and it will be subject to all points of order and all motions that are in order under that procedure.

Mr. BURNES. I ask that the Clerk read the section.

The CHAIRMAN. The committee having waived the first reading of the whole bill, the Chair is of opinion that the reading of this section is not now in order. General debate having proceeded upon the other parts of the bill heretofore, general debate may now proceed upon this section under the previous order.

After the general debate has been exhausted the gentleman may then call for the reading of the paragraphs, to be considered under the five-minute rule. The Chair will recognize the gentleman from Massachusetts on the left [Mr. LONG] to control the time in favor of sustaining section 4 of the bill, and the gentleman from Missouri [Mr. BURNES] to control the time in opposition.

Mr. LONG addressed the Chair.

Mr. BURNES. We have the right, Mr. Chairman, to the opening and conclusion.

Mr. LONG. I understand that the opening is with this side.

Mr. BURNES. No, sir; it is not.

Mr. LONG. We have the affirmative of the case.

The CHAIRMAN. The question now raised is a novel one. Of course it is generally assumed that those who report a bill have the affirmative of the proposition——

Mr. LONG. But in this case they do not. In this case those who report the bill are expressly against the subject-matter now in controversy.

The CHAIRMAN. The Chair would prefer that this debate should proceed, reserving the question as to who will have the conclusion of the general debate upon this whole section. The question as to which side has the affirmative is a point the Chair has not heretofore considered.

Mr. DIBBLE. Is the Chair about to decide the point of order?

The CHAIRMAN. The Chair was stating the question presented, as to which side has the opening and closing.

Mr. DIBBLE. On that I have a word to say.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DIBBLE. On the point of order as to who is entitled to open and close the debate on the subject of the French spoliation claims, I submit that by the unanimous order of the House general debate on the other sections of the bill has already been closed; and the debate in this instance is not general debate on the whole bill. The general debate has been subdivided into two parts, one portion being the general debate on the bill itself. As to that of course the gentleman who reported the bill had the opening and the reply. But, Mr. Chairman, the House, by unanimous consent, has made general debate on the French spoliation claims a matter by itself. I submit, therefore, that this is a subject disconnected from the general debate on the bill and placed under an order of its own, so that the question which the Chair must decide in considering who is to have the opening and closing in this debate resolves itself into the inquiry, who maintains the affirmative of the proposition submitted to the House under its own instruction? The party who aims to strike out or to amend, who is opposed to the bill as it stands, certainly should not have control of what has been reported under the instruction of the House and made by order of the House the subject of general debate.

Suppose that the Committee on Appropriations had regularly divided on this subject, and filed a majority and a minority report—and they have done very nearly that. The committee, as a committee, reported this proposition; but the gentleman who is in control of the bill on the floor files a minority report, and is endeavoring now to strike out from the bill, to undo or to amend what the committee has done under the action of the House. He is hostile to this bill. Under the general parliamentary provision that a bill is to be in the hands of its friends, I submit that a member of the Appropriations Committee who represents the report of the committee on this side is entitled, as the representative of the committee, to control the debate.

Mr. ROGERS. Mr. Chairman, the postponement of the debate on the French spoliation claims to this stage of the bill was a mere matter of convenience to both sides of the House, adopted on the suggestion of the gentleman who controls the bill. But for the suggestion on his part that the general debate on this subject should be postponed until we reached this section, no one would contend that this provision would not stand upon the same basis with other provisions in the bill.

Now, no principle is better established than that those in the affirmative of a proposition have a right to open and close. I say that the gentleman from Missouri in charge of the bill, when he made this arrangement for the convenience of both sides, waived nothing; and he stands now exactly as he would have stood if the general debate had proceeded regularly in the beginning. The mere fact that he has adapted himself to the convenience of both sides ought not to deprive him of the right to control his own bill in his own way, in accordance with parliamentary law.

Mr. LONG. Mr. Chairman, if this were a bill solely with reference to the French spoliation claims, then the parties supporting it would have the affirmative—would be entitled to open and close. The gentleman from Missouri, being opposed to the measure, would have neither the opening nor the closing of the debate.

At this moment, by the unanimous consent of the House, this is a bill having reference solely to the French spoliation claims. All other portions have been, as it were, eliminated from the bill, or settled, leaving only that portion to which I have referred. The House by its own action some time ago decided that this part of the bill shall be an entirety—an integrity by itself—and that there shall be general debate upon it, which is followed of course under the rule by the five minutes' debate on paragraphs. So that technically this is a matter, the opening and closing of debate, which should be in the hands of its friends. So much for the technicality. Practically and in fact how ridiculous it is, that those members who are opposed to these claims and bound to do their utmost to defeat them here should have what is never accorded to the defendant or opponent of a measure, the opening and the closing. It seems to me that both technically and fairly as a matter of right the opening and close of the debate should be in the hands of the friends of the measure, and the only measure which is at stake now, that is, the French spoliation claims as embodied in this bill.

Mr. BUCHANAN. I wish to say one single word. The question in this case seems to be what is the affirmative of the proposition. The gentleman from Arkansas [Mr. ROGERS], usually so clear upon such matters, seems to think that the affirmative of the proposition is that this provision shall not stay in the bill. I never knew a negative affirmative before.

Mr. BURNES. I appeal to my friend from Massachusetts, as a fair man, and a gentleman who I know never resorts to any method which has a semblance of unfairness in order to secure any advantage, not to insist upon the claim that he makes. He and I, I believe, made the arrangement about which the debate was postponed, and neither of us then contemplated, nor did I undertake, to waive any right to which the committee was entitled in regard to the control of the bill. As a matter of course he will not ask, therefore, that anything that has occurred that gives him a right which he would not have had if we had considered this bill in the regular manner shall be insisted upon.

Now, we hold the affirmative, to say the least of it, that is to say, the burden is upon us to sustain our position, and holding that position we are entitled to the opening and closing of the argument.

The gentleman from South Carolina [Mr. DIBBLE] said that the minority reported against the claims. The gentleman should have said that the majority of the committee had reported against the claims, a majority of nine against six; so that holding the affirmative, sir, complying with what was alleged to be an order of the House, complying with that order and reporting these claims here against the judgment of the majority of the committee in respect to the action of the House, surely it will not be claimed that we lose control of our own bill or the mode of conducting the argument in reference to it.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was delivered to the House by Mr. PRUDEN, one of his secretaries, returning without his approval the bill (H. R. 3008) for the relief of P. A. Leatherbury.

The message also announced the approval of bills and joint resolutions of the following titles, namely:

Joint resolution (H. Res. No. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled "Joint resolution to provide temporarily for the expenditures of the Government;"

An act (H. R. No. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum;

An act (H. R. 10053) making May 30 a holiday in the District of Columbia;

An act (H. R. 6153) to authorize condemnation of land for sites of public buildings, and for other purposes;

An act (H. R. 8183) for the erection of a public building at Opelousas, La.;

Joint resolution (H. Res. 103) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts and officials to the city of Utica, N. Y.; and

An act (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to return to the Senate the enrolled bill (S. 3303) amendatory of an act relating to postal crimes, and amendatory of the statutes therein mentioned, approved June 18, 1888.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. GROSVENOR. Mr. Chairman, this is a question of parliamentary practice merely; and in its present shape it may be compared with a matter pending before a court in regard to the opening and closing arguments to the jury, which is regarded as a matter of so much importance that most States of the Union have decided that it is an error for the court to improperly deprive a party of the opening and the closing to the jury. I stand upon the proposition that nothing has been gained and nothing waived by unanimous consent in regard to this matter. I do not know what the Chair will hold in regard to that; and to my mind it does not affect the question one way or the other.

There are two questions presented: First, what is the real issue now before us? and, second, who has the burden of proof, as you may say, on that question? This bill has been reported from the Committee on Appropriations, and the issue before the committee is the passage of the bill in the form in which it comes before the House from that committee. That is the affirmative of the proposition, and the side that is seeking to do something, that is the side that has the probative attitude to the bill. The other side stand in the attitude of opposing this

provision in the bill, trying to strike the provision from the bill. One side argues in favor of retaining the provision, the other in favor of striking it out. Now, who shall control the debate? Manifestly that side which proposes legislation. The side which seeks to eliminate it opposes legislation. So if the statement of the gentleman from Arkansas [Mr. ROGERS] is true, and nobody can refute it, that this principle always applies, then the parties seeking to do something represent the affirmative; and manifestly those who seek to accomplish some provision of legislation here must have the affirmative, and hence the opening and close. The committee does not lose control of the bill. They only lose it if the majority of this Committee of the Whole are opposed to this section of the bill. It would not appear here then, and would not be in the bill. Therefore for the purpose of the parliamentary question now involved it must be assumed that the committee is in favor of the section of the bill as it stands.

So they seek to have that retained in the bill, or else it would not be there. Now, they have the affirmative on that question, and the opponents of it stand simply as if they were opposing in general debate the whole bill instead of one section.

Mr. COX. As I understand the relation of this case, the committee reports these French spoliation claims by order of the House. It is not of their own will or consent, but they are placed on the bill by the committee perfunctorily, carrying out the order of the House. That committee does not lose charge of the bill because of that order of the House. The bill is reported here and they are responsible here for the bill, and although it may not matter which side may close the debate, for we are not in the position of a jury, nevertheless, the position is that the majority of the members of the Appropriations Committee do not favor the proposition to pay these French spoliation claims. They hold the affirmative on the bill and move affirmatively to strike out, and that question is the only question.

Mr. LONG. But that motion is not made, and that can only be made under the five-minute rule.

Mr. COX. It is just the same, for it will be done. That is the relation. In the debate they will move to strike out. Logically the motion to strike out will follow, as it already appears on the part of the majority of the committee that nine have voted to strike out and six for it to remain. Therefore, I believe in a forum of this kind the majority should control its own bill.

Mr. DOCKERY. It seems to me that this is a very easy matter to decide. The question is to determine first what rights the committee had originally in regard to the closing of debate. The mere fact that the debate on this section was postponed, was only a matter of convenience, and did not in any way deprive the committee of the rights it would have had if the debate had been concluded in regular order. The only question is what rights the committee had on the original debate.

The CHAIRMAN. In the general debate which heretofore took place on this bill, section 4 was passed over under a previous order of the House. During the pendency of the general debate it is not in order to make any motion to strike out or insert an amendment. These motions are in order after the general debate is concluded. At present the general debate is as to agreeing to this part of the bill, and the Chair is of the opinion that the affirmative of that issue is with those who desire the bill to pass in that shape, and therefore holds that side should have the opening and closing of the debate. But the Chair does not entertain any point of order as to the right to recognize any individual. That is the prerogative of the Chair which the committee can not control.

But on the question of the subject-matter the Chair is of the opinion that those who are in favor of the bill as it stands are entitled to make the opening and closing speeches, and without reference to individuals the Chair will recognize gentlemen in that order. The gentleman from Massachusetts [Mr. LONG] has informed the Chair that he desires to retain the bill in its present shape, and he being a member of the Committee on Appropriations the Chair will recognize him to control the time in favor of the bill standing as it is, and the gentleman from Missouri [Mr. BURNES] will be recognized to control the time in opposition to that part of the bill. Under the order of the House the debate on this part of the bill is limited to four and a half hours upon each side of the question, and it now begins at thirteen minutes to 3 o'clock.

Mr. BUCKALEW. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BUCKALEW. Are we to understand that the decision of the Chair refers merely to this period of time—four and a half hours on each side of this subject—and that it does not affect the original right of the gentleman in charge of the bill to conclude the general debate upon this bill?

The CHAIRMAN. It does not.

Mr. LONG. Mr. Chairman, this is a bill which, so far as it concerns the French spoliations, involves nothing of a political or a sectional character. It is not political, for it is founded on a just claim older than any existing political party. To-day Republicans and Democrats alike recognize its justice and support it. It is not sectional, for it is for the payment of money due men who lived all along the coast of the thirteen original States, from New Hampshire to Georgia, and whose descendants, now scattered throughout the Union, demand its passage.

During the last eighty years it has been favorably reported to Congress some forty or fifty times by successive committees. It is said there have been but two reports against it. It was indeed vetoed by President Polk, but, if I remember aright, mainly on the ground that the country, then under the heavy expense of the Mexican war, could not easily add to its financial burden. It was afterward vetoed by President Pierce, but his argument against it has been so overwhelmingly overthrown by the repeated determinations of Congress and recently by the solemn judgments of our courts that the last obstacle now in the way of its righteous consummation can only be an obstinate refusal on the part of its opponents to pay an honest debt.

In 1885, after full discussion in Congress, these claims were referred to the United States Court of Claims. Special appropriations were made to enable the Government to obtain all possible evidence, and also to marshal the most ample array of legal research and ability in resisting them. They have been ably contested and no stone has been left unturned in the attempt to defeat them. The court, after the most careful consideration, has decided in favor of their validity and of the solemn obligation of the United States to pay them. On request, the court has even reopened the case, heard further and still more elaborate argument, and has a second time, with the same unanimity and with added emphasis, affirmed its first judgment. Its awards carry no interest, though payment has been dishonestly delayed nearly a century, and though the men, whose Government has robbed them, have gone down to their graves.

If any excuse for this has heretofore existed it exists no longer, in view of the fact that a judicial decision by a tribunal of our own deliberate preference and selection has, as a conclusion alike of fact and of law, declared their validity and our indebtedness. Not to pay them now is repudiation, ugly and scandalous repudiation.

The present Committee on Appropriations have, as instructed by the House, reported in the pending bill several amounts found by the court to be due. Some individual members of that committee have filed, not a report, but a statement of adverse views. I think it can hardly be called a statement of their views, because the subject of the merits of these claims was never for one moment considered in the committee or in any subcommittee thereof. The statement above referred to appeared at the committee's table only in the last few minutes before it arose to report the bill. It was not read, and the gentlemen who have signed it claim only that it is a matter of mere individual action.

I do not even know who drew it. I make of course no complaint of its presentation, but I claim that under these circumstances it is entitled to no other consideration than that of an expression of individual opinion. I presume, too, that some of the gentlemen who signed it did so with only a hasty reading of it and with no contemporaneous study of the argument on the other side or of the opinion of the court, which is dead against the statement they have signed. In short, Mr. Chairman, it is simply a reproduction of some of the arguments of counsel and has been not only refuted by the forty or fifty previous reports of Congress and by the declarations of Madison, Clay, Marshall, Webster, Sumner, and others, but it is now declared by the court itself to be unfounded and entirely in error. I think we may let it go, and I think, too, that a careful reading of it will show that it is one of those labored, strained, and hair-splitting performances that are always a necessity when ingenuity and refinement endeavor to escape the force of a plain, strong, impregnable case.

The usual bugbear has been raised that these claims will involve judgments to the extent of thirty or forty millions of dollars. If that were true, it would still be unworthy of an honest government to let it stand in the way of paying an honest debt, unless we adopt the convenient policy that the more a man embezzles the more reason there is why he should go scot-free. But the best estimate is that the amount will not exceed $10,000,000. Mr. Webster, who had excellent opportunities for knowing, made that estimate. But to offset even that estimate, it must be remembered that the court has already thrown out all captures made after September, 1800, when the treaty was signed; and the list of claims embrace some hundreds which occurred between that date and the ratification of the treaty in July, 1801.

The number of claims now filed is a most untrustworthy index of the amount recoverable. After the lapse of eighty-eight years every family whose ancestor ever lost a ship rushes to the conclusion that it was a French spoliation, covered by the act of 1885. Hundreds of such claims are filed which belong to an entirely different class and have no status. In hundreds of others there is no proof, as some of the findings by the court already show, not even the masters' names being known. Others have been settled and paid from other provisions. Under the two years' limitation for presenting claims it also appears that parties, guessing as a matter of family tradition that sums were due them, have filed blanket petitions, putting in claims for a round $100,000 as a lawyer makes the *ad damnum* of a writ ten times as much as he ever hopes to recover, so as to be sure to include any possible contingency; and the larger the blanket in these chance throwings of the net the greater the probability that there is no claim at all. Add to these considerations the fact that it is only the best and surest cases that have

been pushed first and so first reported, and that many even of them have been rejected by the Court of Claims, and the conclusion becomes most reasonable which estimates the total recoverable amount of these claims at not exceeding $10,000,000 and perhaps not more than $7,000,000.

These claims are for the spoliation of American vessels by the French from 1793 to 1801. These spoliations were by the French grounded on the failure of American vessels to comply with certain arbitrary municipal regulations, not warranted by international law, but made by France in contemptuous arrogance of power and without justification so far as our rights were concerned. On the high seas our vessels, with no public enemy in the world, engaged in peaceful commerce, were boarded, captured, robbed, and sometimes sunk, and millions of our property taken and confiscated. Our Government continually protested and demanded satisfaction. For years negotiations were pending, but we were met by a counter-claim by France. Her claim was, first, that by the treaties of alliance and of commerce of 1778, when we were willing to give almost anything for aid in our Revolutionary struggle, we agreed to guaranty to France her West India possessions and to grant France privileges in our ports not granted to her enemies; and that, second, we had plainly violated these agreements to her great damage. These were the two respective and opposing claims that were then pending.

We never for one moment abated our claim; and that we recognized that of France is best shown by the fact that one of our ministers to France, Mr. Ellsworth, acting by authority, offered her 8,000,000 francs to relieve us from it, which offer was refused as totally inadequate. The French negotiators insisted upon this one final alternative—either that the treaties of 1778 should be revived, with all the obligations they imposed on the United States, and in return indemnity should be made by France for the spoliation of our vessels; or that an entirely new treaty should be made, abrogating the old treaty on the one hand and waiving the spoliation indemnity on the other. The first proposition we could not accept, because the burden of the guaranties of the old treaties the United States could not and would not carry. To the second we came at last, as I now proceed to show.

It was under these circumstances that the French and American negotiators formulated a treaty. It embraced, of course, other issues, but as to these mutual claims it provided in its famous second article as follows:

SEC. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further upon those subjects at a convenient time, and until they may have agreed upon those points the said treaties and convention shall have no operation.

In other words, each side recognizing the existence of the claim of the other, to wit, the claim of American citizens on account of French spoliations and the claim of France on account of our violation of the treaties of alliance and commerce, it was agreed that these claims should await further negotiation at some future convenient time.

When the full treaty came before the Senate for confirmation, it was confirmed with a proviso striking out this second article. The French Government then also ratified it, consenting to the omission of the second article, but with a further declaration that by that omission the two countries renounced the respective mutual claims which were the subject of the second article.

This further declaration was then submitted by President Jefferson to our Senate, which confirmed it, and the President thereupon promulgated the treaty as a valid contract.

Gentlemen opposed to this bill find some difficulty in accounting for the action of the Senate in striking out the original second article in the treaty. It is as plain as day that the purpose rose from the unwillingness of our Senators to further delay the settlement of our claims, and their wisdom is seen in the fact that their action soon resulted in the payment of those claims, not in money, but in what was worth more than their money-value, to wit, the release to us by France of our burdensome obligations under the treaties of 1778. For mark now that the result was that, in place of the original second article, which deferred the settlement of these mutual claims, there was adopted a practically new second article to the effect that each country renounced its claims against the other. In other words, taking advantage of the well-settled principle that private property may be taken for the public use, the United States deliberately and by solemn act of its President and Senate took the property of its citizens, which consisted of clear claims against France for utterly unwarranted and outrageous spoliation of their vessels, and with this property bought off the valid claim which France had against us for the guaranties we had given her.

It is said by the other side to-day, in their adverse "views," that our despoiled citizens gave up nothing, because their claims against France, though just claims, were only claims, and that she never would have paid them, but would have put them off and would have snapped her fingers in our faces.

Mr. Chairman, allow me to say that that is a contemptibly unpatriotic and cowardly admission, and I do not believe it will weigh even in the days of this Administration. But more than that, it is not only craven but it is not true. I do not care, for the purposes of this case, whether France would have paid those claims of ours afterwards or not, because the fact is she did pay them then and there, and for the price she paid we are bound to account to those for whose indemnity it was paid. France gave to us, I undertake to say, an ample *quid pro quo*. We had already offered 8,000,000 francs for what she gave us, and she had refused it. She wanted more, and that more took the form of a release from those spoliation claims. Think what it was she released to us! We had in 1778 not only agreed that in her wars she might bring her prizes into our ports and that her enemies should not have that privilege, an agreement we had broken by the Jay treaty with Great Britain and in other ways, but we also had agreed that we would guaranty to her her West India possessions. It was worth millions to us to have the burden of this guaranty removed from our backs. Of this there is no better evidence than that about that time, if I remember aright, England wrested some of these very possessions from France. I know it is said that we had released ourselves from these obligations to France by an act of Congress in 1798 abrogating the guaranty of 1778. But it is unnecessary to say that one of two parties to a contract can not annul it, and that the passage of this very act was one of the grievances which France had against us. There is no better authority than Mr. Madison, who was Secretary of State when the treaty was ratified, and who said:

The claims from which France was released were admitted by France, and the release was a valuable consideration in a correspondent release of the United States from certain claims on them.

Funnily enough, the only way my friends who have signed these adverse "views" now meet this conclusive statement of Mr. Madison, is to say that it is "inaccurate" and to intimate that he did not know what he was talking about. On the whole, with all good-natured deference—although they are "bigger" men than old Madison—I prefer his dictum to theirs, especially as he gave official attention to the matter, and I am sure that some of them have been so busy with Congressional work that they have given very little. Pickering, the predecessor of Madison, Henry Clay in his official capacity as one of his successors, John Marshall, Livingston, and the great authorities of that time are all on record to the same effect. Still more significant is the language of Napoleon at Saint Helena (see page 129, volume 2, of General Gourgand's Memoirs of Napoleon):

The suppression of this article—

The original second article of the treaty—

at once put an end to the privileges which France had possessed by the treaty of 1778, and annulled the just claims which America might have made for injuries done in time of peace. This was exactly what the First Consul had proposed to himself in fixing these two points as equiponderating each other. Without this it would have been impossible to satisfy the merchants of the United States and to banish from their memory the losses they had suffered.

In other words, France gave and paid an "equiponderating" *quid pro quo* to the United States as indemnity for the spoliations she had committed on our vessels. Even if she had paid nothing, yet we had used the private property of our citizens to buy her off; and the only question left is, whether after the lapse of eighty-eight years, after enjoying this property or fund, the principal only of which it is proposed to account for, and after our obligation to pay it over has been judicially declared by our courts, we will pay it over, and thus, as required by the Constitution, compensate our citizens whose private property we have taken for a public use, or whether we will repudiate the obligation and dishonor the public faith and credit.

The main argument against these claims is that there was a war between France and the United States which extinguished them. The answer to that is, first, that a war between two nations does not necessarily extinguish claims which the private citizens of one nation have against the other nation; and, second, that in fact no war ever existed. What history of the United States has a chapter on the "war with France?" How can there have been a war when no declaration of war was ever made by either nation and no treaty of peace negotiated between them? During the whole of that period French citizens came and went in our country and in our courts freely, and there was no suspension of the general relations of peace. We did indeed prepare for war, but it was under the good rule, "in peace prepare for war." We inaugurated what the Supreme Court, in the cases cited by the other side, call a partial or limited war, but the same court expressly held that it did not create a general war, or give authority to commit hostilities on land, or to capture unarmed French vessels. Congress simply authorized our armed vessels to arrest any French armed vessel found despoiling our commerce, just as a policeman may arrest a burglar. Congress afterwards, also, in several acts, authorized an increase of our Army, but with the express provision that these acts should take effect only in case of war, thus recognizing that there was no war as yet. It passed non-intercourse acts, but non-intercourse acts are not passed with reference to a nation with which we are at war. The very decrees under which the French condemned our vessels were decrees against "neutral" vessels. The very instructions given by our Government to our minister to France in 1799, at the very height of the trouble, embraced the following language:

This conduct of the French Republic would have justified an immediate declaration of war on the part of the United States; but desirous of maintaining peace, and still willing to leave open the door of reconciliation with France, the United States contented themselves with preparations for defense and measures calculated to protect their commerce.

Also, in 1800, after the treaty was signed, the French minister wrote to ours as follows:

That the treaties that united France and the United States are not broken; that even war could not have broken them; but that the state of misunderstanding which has existed for some time between France and the United States by the acts of some agents, rather than by the will of the respective Governments, has not been a state of war, at least on the side of France.

But, Mr. Chairman, the fact is, it is a matter of no consequence whether there had been war or not. Suppose there had been a general war, which there was not; here were claims on one side for indemnity for spoliations, and on the other for violation of treaty. That these claims were not extinguished by the war, even if there had been war, is conclusively and absolutely proven by the fact that when the treaty was made and signed in 1800 both parties recognized in the original Article II the claims as still existing and not extinguished, but as a matter for future negotiation and settlement; and both parties, in afterward withdrawing said article and substituting for it another provision, expressly agreed to offset these claims one against the other.

Could they offset claims unless they existed? Could anything be more supremely absurd than to argue that after difficulties, whether amounting to war or lawsuit or negotiation, between two nations or two individuals have come to a settlement, the very claims existing between them and for the future negotiation of which that settlement distinctly provided, have been extinguished? In other words, that to provide for the future settlement of claims is to admit that no claims exist? It is a *reductio ad absurdum*.

Now, I have only run along the salient points of the case. I know the difficulty of going nicely into the record of intricate international dispute, with its cumbrous mass of diplomatic correspondence, and of making things clear and holding attention in a hurried debate. I have therefore attempted only to follow the vital thread of the whole issue. Following that, I believe no plainer case ever existed or one more easily understood. I have tried to disembarrass it of points which are not absolutely pertinent to it, and with which the adverse "views" only confuse it.

I am aware that the other side raise other objections, arising from the Louisiana purchase of 1803 and the question of the underwriters, and so on and so on. It is enough for me to say, that all these objections, and many more, all that ingenuity, research, and ability could raise were raised in the recent trial over and over again by the ablest counsel this Government could employ, and with a thoroughness and extent which no gentleman here can rival or even approach, burdened as he is with his Congressional duties. These objections have been raised, argued, urged upon the court. The court has considered them. In elaborate and unanimous opinion, to which I invite the conscientious attention of members, that court has met every one of them, discussed every one of them, answered every one of them, and then affirmed and reaffirmed its judgment for the claimants.

Unless we sit here, Mr. Chairman, to make a travesty of justice and in a conspiracy to shield the United States from discharging its just obligations to its own citizens; unless we wish to announce to the world that the American idea of a trust-fund is that the trustee may convert it to his own use on the free-booter's

Simple plan
That they should take who have the power,
And they should keep who can;

unless we deliberately intend that dishonor, there is but one thing for us to do, and that is to execute the judgment of our own tribunal, and, even if it take the last farthing—thank God, it will take but a drop from our overflowing cup—to pay the debt which that tribunal has solemnly declared we owe. [Applause.]

APPENDIX.

[From report of Secretary Clay, in 1826, first session Nineteenth Congress, Document 102, page 561. No. 346.]

Copy of the instructions to Oliver Ellsworth, William Richardson Davie, and William Vans Murray, esquires, envoys extraordinary and ministers plenipotentiary of the United States of America to the French Republic, dated October 22, 1799.

GENTLEMEN: You have been witnesses of the enduring patience of the United States, under the unexampled aggressions and hostilities authorized and sanctioned by the French Republic against the commerce and citizens of the United States. And you are well informed of the measures adopted by our Government to put a stop to these evils, to obtain redress for the injured, and real peace and security to our country. And you know that instead of relief, instead of justice, instead of indemnity for past wrongs, our very moderate demands have been immediately followed by new aggressions and more extended depredations; while our ministers, seeking redress and reconciliation, have been refused a reception, treated with indignities, and finally driven from its territories.

This conduct of the French Republic would well have justified an immediate declaration of war on the part of the United States; but desirous of maintaining peace, and still willing to leave open the door of reconciliation with France, the United States contented themselves with preparations for defense and measures calculated to protect their commerce.

The treatment experienced by the former envoys of the United States to the French Republic having determined the President not to send thither other ministers without direct and unequivocal assurances, previously signified by its minister of foreign relations, that they would be received in character to an audience of the Directory, and that they should enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers should be appointed and commissioned to treat with them, the French Government, by Mr. Talleyrand, its minister of foreign relations, has declared that it will receive the envoys of the United States in the official character with which they are invested; that they shall enjoy all the prerogatives attached to it by the law of nations, and that one or more ministers shall be duly authorized to treat with them.

This the President deems to be substantially the assurance which he required as the previous condition of the envoys entering on their mission. It now belongs to you, gentlemen, to see that this assurance be verified. Your country will not submit to any new indignity or neglect. It is expected when you shall have assembled at Paris and have given official notice of it to the minister of foreign relations that you will be received to an audience of the Executive Directory. That a minister, or ministers, with powers equal to your own, will be appointed to treat with you, and that within twenty days at farthest after your arrival at Paris your negotiation will be commenced. If, however, your passports to Paris should be unreasonably withheld, if an audience of the directory should be denied or procrastinated, if the appointment of a minister or ministers with equal powers to treat with you should be delayed, or if when appointed they postpone the intended negotiation, you are to relinquish your mission, demand your passports, and leave France; and having once resolved to terminate the mission you are not to resume it, whatever fresh overtures or assurances may be tendered to you by the French Government.

One more limitation: The subjects of difference between the United States and France have often been discussed and are well understood, and therefore admit of a speedy decision. The negotiation is expected to be concluded in such time that you may certainly embark for the United States by the 1st of next April. This is highly important, in order that on your return Congress may be found in session to take those measures which the result of your mission shall require. If it can be earlier concluded it will be still better.

If any of the periods above mentioned should be prolonged, with your assent, it is expected that the circumstances will be stated for your justification.

First. At the opening of the negotiation you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents. And all captures and condemnations are deemed irregular or illegal when contrary to the law of nations, generally received and acknowledged in Europe, and to the stipulations in the treaty of amity and commerce of the 6th of February, 1778, fairly and ingeniously interpreted, while that treaty remained in force; especially when made and pronounced.

1. Because the vessel's lading, or any part thereof, consisted of provisions or merchandise coming from England or her possessions.

2. Because the vessels were not provided with the *rôles d'équipage* prescribed by the laws of France, and which, it has been pretended, were also required by treaty.

3. Because sea-letters or other papers were wanted, or said to be wanted, when the property shall have been or shall be admitted or proved to be American. Such defect of papers, though it might justify the captors and exempt them from damages for bringing in such vessels for examination, could not with reason be a ground of condemnation.

4. When the owners, masters, or supercargoes shall have been refused a hearing, or placed in situations rendering their presence at the trials impracticable.

5. When the vessels or other property captured shall have been sold or otherwise disposed of without a regular trial and condemnation.

Captures and condemnations for such causes and under such circumstances are manifestly irregular or illegal.

The French Government, if it has any serious wish to accommodate existing differences, can make no difficulty in admitting the general proposition that for injuries arising from violated laws and engagements reparation shall be made. In every claim under this general stipulation the question will occur, has the treaty or the law of nations been violated?

But such a general stipulation will not be sufficient. The five specific propositions just stated are obviously proper rules of adjudication; but the previous admission of the first and second is vastly important to remove from hazard the most interesting claims of our citizens. To capture neutral property because it was produced or manufactured in the country of an enemy to France is so palpably unjust that it seems improbable that even the men who originated the law, were they still in power, would persist in it as of right; and it is scarcely possible for their successors to hesitate on this point. To hesitate would be to doubt whether a man has a right to occupy his own house or to wear his own clothes unless he had built the first or manufactured the last with his own hands.

The second proposition, respecting the *rôle d'equipage*, as well as the first, should be insisted on. Until the decree of the directory of March 2, 1797, was passed and we had felt its fatal effects we had no idea of the meaning which the French applied to the phrase *rôle d'equipage*.

* * * * * * *

Second. If these preliminaries should be satisfactorily arranged, then, for the purpose of examining and adjusting all the claims of our citizens, it will be necessary to provide for the appointment of a board of commissioners similar to that described in the sixth and seventh articles of the treaty of amity and commerce between the United States and Great Britain.

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All sums which the board may award to American claimants, France should stipulate to pay in gold and silver, without any deduction, at such place or places, and at such time or times, as the commissioners shall appoint. The awards should comprehend a reasonable allowance of interest on the amount of the original losses and damages, or, instead of prompt payment, the whole may constitute a transferable capital, bearing interest until the debt be discharged.

The board should also take cognizance of the claims, which may be presented to them by American citizens for merchandise or other property seized by the French in their own ports or elsewhere, and not comprehended under the head of captures, and for their vessels arbitrarily and unreasonably detained in French ports; and for the losses and damages thereby sustained the board should award equitable compensations to be paid in the manner prescribed in the case of captures.

The claims of the United States as distinguished from those of their citizens, for injuries received from the French Republic or its citizens, should be submitted to the same board; and whatever sums they award, France should stipulate to pay, in the manner before mentioned in the case of captures.

As the French Government have heretofore complained of infringements of the treaty of amity and commerce by the United States, or their citizens, all claims for injuries thereby occasioned to France or its citizens are to be submitted to the same board; and whatever damages they award will be allowed by the United States and deducted from the sums awarded to be paid by France.

If, however, the French Government should desire to waive its national claims you may do the like on the part of the United States. Doubtless the claims of the latter would exceed those of the former; but to avoid multiplying subjects of dispute, and because national claims may probably be less definite than those of individuals, and consequently more difficult to adjust, national claims may on both sides be relinquished.

All claims for sums due to American citizens, by contracts with the French Government or its agents, which may be presented to the board, France should

stipulate to pay within the shortest periods possible to obtain, with interest at the rate or rates agreed on, or if no agreement about interest appears, then at the rate to be fixed by the board, and from the times when the sums were respectively payable by contract. This also may be transferable stock.

The questions about interest, and any other questions, which may arise out of the claims founded on contracts, not explicitly determined by the treaty, may be left to the decision of the Board of Commissioners.

Third. If the preceding claims shall be duly attended to, and adequate arrangements made for adjusting and satisfying them, you will then turn your thoughts to the regulation of navigation and commerce, and to some other points interesting to the two nations.

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Twenty-seventh. The usual stipulations and treaties, designed to prevent abuses by armed vessels, have ever been found inadequate; perhaps they do not admit of a complete remedy. If, however, any nation does not provide penalties and securities whereby to restrain offenders and indemnify the injured, the nation itself ought to be responsible. Doubtless the nation should be immediately responsible for all abuses committed by national ships.

One abuse is the destruction or concealment of papers of captured vessels. A remedy for this seems practicable. The captors may be obliged to give a receipt for them upon a list of the papers, and they may also be sealed up with seals of the captors and captured.

The master and supercargo being intrusted by the owners with the vessel and cargo ought never to be separated from them. They may prevent waste and embezzlement, and on the arrival of the vessel will be ready for examination, and also to claim the property in behalf of the owners, and contest, as of right they may do, the legality of the capture.

Bribery, or an attempt to bribe any one of the ship's company or passengers, to depose to any fact tending to the condemnation of vessel or cargo, or putting any of them to torture for that or any other purpose, should absolutely procure her acquittal.

But a still greater evil remains, and more difficult to remedy, the improper institution of prize courts.

Probably no provision can be explicitly made other than that each party will take effectual care that the judgments and decrees in prize causes shall be given conformably to the rules of justice and equity, and the stipulations of the treaty, and without any unnecessary delay, by judges above all suspicion, and who have no manner of interest in the cause in dispute.

It would be some check on the judges in prize causes if their reasons for condemning were required to be stated with the other proceedings, in writing; and copies of the whole should, if demanded, be delivered to the commander or agent of the captured vessel, without the smallest delay, or at farthest within fifteen days after sentence pronounced, and sooner if practicable, and at the expense of the captors (in case of condemnation), not of the captured, who are otherwise sufficiently distressed.

Prizes, as already observed, should be conducted into the courts of the party at war or of an associate in the war, and there adjudicated by the regular tribunals. The French have conducted their prizes into neutral as well as belligerent ports; and when there was no consul to try and condemn, leaving there the prizes, they have carried the papers to a distant place to find a French tribunal; and there, in the absence of the captured party, procured sentences of condemnation, and sold the prizes. The same mode of obtaining condemnations has been uniformly practiced when they carried their prizes into the courts of an associate in the present war. But without waiting for the result of this farcical trial, it has been common to unlade and sell the cargoes as soon as they reached a port.

An unreasonable burden is imposed on the captured in requiring them, if they think proper to appeal to a higher tribunal, to find sureties in large penalties, which, as strangers, it is impossible to procure. This evil demands redress.

The crews are often stripped of their property, and even of their clothes, and turned ashore without money or provisions. Such inhuman pillage is disgraceful to the nation which permits, or does not, by adequate punishments, restrain it. The masters, supercargoes, other officers, and seamen, should be allowed certain sums, the former to employ counsel to support their claims to the property captured, and all for their subsistence; and the seamen might have an adequate allowance of good provisions until they could find vessels returning to their own country. To admit masters and supercargoes into the courts to defend the property captured, when they have been previously stripped of their money and all means of providing the legal assistance essential to a right defense, is to tantalize with the semblance of justice, while the substance is denied.

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The following points are to be considered as ultimata:

First. That an article be inserted for establishing a board, with suitable powers, to hear and determine the claims of our citizens for the causes hereinbefore expressed and binding France to pay or secure payment of the sums which shall be awarded.

Second. That the treaties and consular convention, declared to be no longer obligatory by act of Congress, be not in whole or in part revived by the new treaty; but that all the engagements to which the United States are to become parties be specified in the new treaty.

Third. That no guaranty of the whole or any part of the dominion of France be stipulated, nor any engagement made in the nature of an alliance.

Fourth. That no aid or loan be promised in any form whatever.

Fifth. That no engagement be made inconsistent with the obligations of any prior treaty; and as it may respect our treaty with Great Britain, the instruction herein marked 21 is to be particularly observed.

Sixth. That no stipulation be made granting powers to consuls or others, under color of which tribunals can be established within our jurisdiction, or personal privileges be claimed by Frenchmen incompatible with the complete sovereignty of the United States in matters of policy, commerce, and government.

Seventh. That the duration of the proposed treaty be limited to twelve years at farthest from the day of the exchange of the ratifications, with the exceptions respecting its permanence in certain cases, specified under the instruction marked 30th.

TIMOTHY PICKERING.

DEPARTMENT OF STATE, *October* 22, 1799.

[Decree of the National Convention of 19th February, 1793.]

ARTICLE I. That all the ports of the French colonies be open to vessels of the United States of America.

ART. II. Provides that the same duties are to be paid on all produce exported or imported in American vessels into or out of the colonies or of France, as are borne by French vessels.

ART. III. Authorizes the executive council to take such measure that states with whom the republic is at war do not reap any benefit from the advantages granted to friendly powers

ART. IV. That the executive power negotiate with the Congress of the United States to obtain, in favor of the French merchants, a like reduction of the duties granted by the present law to American merchants.

ART. V. Suspends the law of August 20, 1790, and permits the landing in the ports of the republic vessels laden with merchandise from the East Indies, the Isle of France, and of Bourbon.

The National Convention has suspended the law of the 15th of May, 1791, which inhibited the Americans from introducing, selling, and arming their vessels in France, and from enjoying all the advantages allowed to those built in the ship-yards of the republic.

[Decree of 9th of May, 1793.]

ARTICLE I. The French ships of war and privateers may arrest and bring into the ports of the Republic the neutral vessels which shall be laden wholly or in part either with articles of provisions belonging to neutral nations and destined for an enemy's port, or with merchandise belonging to an enemy.

ART. II. The merchandise belonging to an enemy shall be declared good prize, and confiscated to the profit of the captors. The articles of provisions belonging to neutral nations, and laden for an enemy's port, shall be paid for according to their value in the place to which they were destined.

ART. III. In all cases, the neutral vessels shall be released as soon as the unloading of the articles of provision arrested or of the merchandise seized shall have been effected. The freight thereof shall be paid at the rate which shall have been stipulated by the persons who shipped them. A just indemnification shall be allowed in proportion to their detention by the tribunals who are to have cognizance of the validity of the prizes.

ART. IV. Provides for the transmission of inventory of provisions and merchandise seized to ministers of marine and foreign affairs.

ART. V. Provides that this decree shall cease to have effect as soon as the enemy powers shall have declared free and not seizable, although destined for the ports of the Republic, the articles of provisions belonging to neutral nations, and the merchandises laden in neutral vessels and belonging to the Government or citizens of France.

This decree has a preamble in which are cited a number of seizures of French goods in Anglo-American, Danish, Genoese, and vessels of other nations, by the English.

[Decree of the 26th of March, 1793.]

The national convention willing to prevent by precise dispositions the difficulties that might arise relatively to the execution of its decree of the 19th February last concerning the United States of America, to grant new favors to this ally nation and to treat in its commercial relations with the colonies of France in the same manner as the vessels of the Republic:

ART. I. States the tonnage of such American vessels and the character of their cargoes as are to be admitted in the ports of the colonies without duty.

ART. II. States what proportion of coffee and sugar can be laden on vessels.

ART. III. Provides for the transmission of certificate as to gauge of vessel and effective tonnage of cargo.

ART. IV. States what duty and upon what produce it is to be paid.

ART. V. Relates to payment of duties on sugars and coffee.

ART. VI. States that captains of vessels of the United States shall furnish the same bonds required of French vessels if bound for a French port.

ART. VII. Relates to privileges of vessels of the nations with whom the French Republic is not at war.

[Decree of the national convention of May 23, 1793.]

The national convention, after having heard the report of their committee of public safety, wishing to maintain the union established between the French Republic and the United States of America, decree that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May, conformably to the sixteenth article of the treaty concluded on the 6th of February, 1778.

Note subjoined to the foregoing in Waite's State Papers, volume 7, page 149:

It appears that on the 28th May the convention passed a decree which so far repealed that of the 23d May as to place in a state of provisional sequestration the property seized under the decree of the 9th May.

No copy of the decree of the 28th May is to be found in the Department of State.

[Decree of executive directory, July 2, 1796.]

The Executive Directory, considering that if it becomes the faith of the French nation to respect treaties or conventions which secure to the flags of some neutral or friendly powers commercial advantages, the result of which is to be common to the contracting powers, those same advantages, if they should turn to the benefit of our enemies, either through the weakness of our allies or of neutrals, or through fear, through interested views, or through whatever motives, would in fact warrant the execution of the articles in which they were stipulated, decrees as follows: All neutral or allied powers shall without delay be notified that the flag of the French Republic *will treat all neutral vessels*, either as to confiscation, as to searches, or capture, in the same manner as they shall suffer the English to treat them. The minister of foreign relations is charged with the execution of the present decree, which shall not be printed.

[Decree of special agents of the executive directory. To the Windward Islands, Victor Hughes and Le Bas, dated August 1, 1796.]

Considering that laws, as well ancient as modern, forbid neutrals to carry to the enemy contraband or prohibited merchandise; considering that notwithstanding the complaints of the minister of the French Republic, near the United States, of which he has informed us by his letter of the 2d of July, 1796, those States, and especially Virginia, have fitted out vessels loaded with horses for the English, decree that from this day forward all vessels loaded with merchandise, etc, shall be, etc., to be seized and confiscated for the benefit of the captors.

[Decree of special agents of the executive directory. To the Leeward Islands, dated November 27, 1796. LeBlanc. Sonthonax. Raimond.]

The commission resolves that the captains of French national vessels and privateers are authorized to stop and bring into the ports of the colony American vessels bound to English ports, or coming from the said ports. The vessels which are already taken, or shall be hereafter, shall remain in the ports of the colony until it shall be otherwise ordered.

[Decree of the special agents of the French directory. To the Windward Islands, Victor Hughes and Le Bas, dated February 1, 1797.]

Considering that, in virtue of the second article of the treaty of alliance concluded at Paris, on the 6th February, 1778, between the United States and France, the former engaged to defend the American possessions in case of war, and that the Government and the Congress of the United States have strangely abused the forbearance of the Republic of France, in turning to its injury the favors granted to them of trading in all ports of the French colonies; that by permitting neutral vessels any longer to carry provisions of war and of subsistence to men evidently in a state of rebellion, etc., and provides in—

ARTICLE I. The ships of the Republic and the French privateers are authorized to capture and conduct into the ports of the Republic neutral vessels destined to the Windward and Leeward Islands, naming the ports.

ART. II. All armed vessels from the ports named shall be deemed pirates and crews punished as such.

ART. III. The vessels and cargoes described in Article I, as well as Article II, declared good prize and to be sold for benefit of captors.

ART. IV. Every captured vessel cleared generally for the "West Indies" to be comprehended under provisions of Articles I and II.

ART. V. The decree of August 1, 1796, made in pursuance of the resolution of the French Directory of July 2, 1796, shall be executed until further orders so far as not contravened by this decree, etc.

[Decree of the Executive Directory, dated March 2, 1797.]

The first three articles give notice that the treaty of 1778 with the United States "has been, from the terms of its second article, in strict right modified by that war entered into in tender on the 19th of November, 1794, between the United States and England (Jay treaty). Consequently, all merchandise loaded under the American flag and not sufficiently proven to be neutral" shall be confiscated.

ART. IV. On ground of eighteenth article of Jay treaty and provisions of twenty-fourth article of treaty of February 6, 1778, increases list of contraband.

ART. V. On ground of twenty-first article of Jay treaty, Americans holding English commissions declared pirates.

ART. VI. Declares that the law of February 14, 1793, the regulations (*réglement*) of October 21, 1794, and July 26, 1778, as to the manner of proving the right of property in neutral ships and neutral merchandise, shall be executed according to their form and tenor. In consequence, American vessels not having on board a *rôle d'équipage* in proper form shall be held good prize.

ART. VII. Enjoins on the commissioners of the Executive Directory to call the severity of the tribunals as fraudulent maneuvers of ship-owners calling themselves neutrals.

[Decree of the Executive Directory of July 31, 1798.]

ARTICLE I. Confines to the special agents of the Directory the right of issuing commissions to cruisers, and an injunction especially to observe the law of the 1st October, 1793, which law contains forty-six articles, and relates to the distribution of proceeds of prizes made by French vessels.

ART. II. Declares commissions heretofore granted by the agents in the West Indies to be void thirty days after publication of this decree.

ART. III. Declares that agents and deputies in neutral possessions appointed to decide on questions of validity of prize shall, if they have a direct or indirect interest in the capturing vessel, be recalled.

Commenting on this the Secretary of State says, in his report to Congress:

It is remarkable that this article, apparently designed to correct the monstrous abuse of public officers sitting in judgment in their own causes, should be limited to such of the French agents and their deputies as were appointed to reside in neutral places. I do not know that an instance of the kind exists. For although the French privateers and their prizes find asylums in the Swedish and Danish islands, yet the papers are carried thence to Guadaloupe, and there the captured vessels receive their doom under the superintendence of another special agent of the executive Directory, Victor Hugues; and even the captured American vessels carried into the West India ports of Spain and Holland do not there receive sentence. These cases are decided by the agent or his deputies or other French tribunals established in the Island of St. Domingo, frequently, if not generally, in the absence of the masters and supercargoes.

The French agents and judges find no difficulty in this mode of proceeding, justice being administered with more facility and dispatch when only one of the parties is present at the trial, especially when the agents or other judges are interested in the privateers, and this the present decree impliedly allows; the penalty of "recall" being applicable, as above suggested, to such agents only as reside in neutral places, if any such there be.—*Report of Secretary of State*, January 18, 1799.

The decree was limited to the West Indies, but as great, if not as numerous, abuses were practiced by French agents and tribunals in Europe, and even in France itself.

"The tribunals of commerce in every port in France take cognizance in the first instance of every matter relative to captures at sea, and these tribunals are chiefly composed of merchants, and most of them are, directly or indirectly, more or less interested in the fitting out of privateers, and therefore are often concerned in the controversies they are to determine upon."—*Report Secretary of State*, January 18, 1799.

ART. IV. Requires the special agents of the executive directory at Cayenne, St. Domingo, and Gaudaloupe studiously to take care that the interests and property of vessels belonging to neutrals and allies be scrupulously respected.

"We have too long witnessed the studious and scrupulous care of these gentlemen respecting the property of neutrals and allies, and experienced its ruinous consequences; and, as the same laws which authorized that 'care' remain in force, and with a fresh injunction of a strict conformity to them, we can expect only a continuance of the same abuses." (*Idem.*)

ART. V. Enjoins the arrest and punishment of all who contravene the provisions of the present decree. "Unfortunately these special agents, consuls, and their deputies are themselves the aggressors, and justify their proceedings under the laws of the Republic, and the decrees of the executive directory." (*Idem.*)

This analysis of the present decree manifests its futility, and with some remarks on its preamble, will demonstrate it to be a bold imposture, intended to mislead the citizens of the United States into a belief that the French Government was going to put an end to the depredations of French cruisers on American commerce, while the means proposed are so gross as to be an insult on our understanding.

[Decree of the Consuls of the Republic of December 19, 1800.]

ARTICLE I. The regulations prescribed by the ordinance of the 26th July, 1778, concerning the navigation of neutral vessels, shall be strictly observed by all those to whom they shall be applicable; but in case of a contravention on their part they are to suffer the confiscations and condemnations, in damages, fixed on by the said ordinance and the laws.

ART. II. Provides for execution of above.

[Decree of special agents of the executive directory of February 1, 1797.]

ART. I. Ships of the Republic and French privateers are authorized to capture and conduct into ports of the Republic neutral vessels destined to Windward and Leeward Island delivered up to the English.

ART. II. Armed vessels from above ports to be treated as pirates.

ART. III. Vessels and cargoes described in Articles I and II are declared good prize.

ART. IV. All vessels cleared out for the West Indies are comprehended in the first and second articles.

ART. V. Decree of the 4th Nivose last to be executed until further orders.

[Decree of the executive directory, March 2, 1797.]

1. French vessels of war and privateers may stop and carry into ports of the Republic neutral vessels which may be found loaded entirely or in part with merchandise belonging to the enemy.
2. Merchandise belonging to the enemy shall be good prize.
3. Neutral vessel shall be released after the merchandise seized has been unloaded, freight paid them, and a just indemnity allowed for detention.
4. Provides for the taking of inventories.
5. That the present law shall cease to have effect when the enemy powers shall declare free and not seizable merchandise loaded on neutral vessels bound for the ports of the Republic, and which shall belong to the French Government or its citizens.

After having heard the minister of justice, of the marine, and of the colonies decrees what follows:

ARTICLE 1. Provides that no judgments shall be founded on the seventh article of the law of 2d January, 1795, unless the minister of justice is previously consulted, as neutrals might pretend to withdraw by means of that law from the execution of that of May 9, 1793.

2. Duty of the minister of justice.
3. States the treaty between the United States and France of February 6, 1778, has been modified by that between the United States and England of November 19, 1794.
4. Adds certain articles to the list of contraband goods.
5. Americans making part of the crew of a public or private vessel of an enemy to be treated as pirates.
6. Provides that the regulations of October 21, 1794, and July 26, 1778, as to the manner of proving the right of property in neutral ships and merchandise shall be executed according to their form and tenor.
7. Provides for the severe attention of tribunals to neutral vessels having double papers.
8. Relative to freights and demurrage.

Mr. ROGERS. Mr. Chairman, I have no purpose to enter upon a discussion of the merits of this proposition. We are confronted with the history of a hundred years of our Government; we are confronted by the vetoes of two Presidents of the United States; we are confronted by the non-action of every Congress but two which has assembled during the present century; and I assume, Mr. Chairman, that even the scholarly and almost classic oration of my friend from Massachusetts [Mr. LONG] will be insufficient in itself to overturn the action of our Government with regard to these French spoliation claims.

But, I repeat, I have no purpose to enter upon the discussion of the merits of this question. I rise simply to place before the House and the country the status of these claims, and to show if I can the disinclination and the refusal of those who advocate their merits to submit their adjudication to that tribunal which of all others is the proper tribunal for the adjustment of such questions, namely, the Supreme Court of the United States.

The gentleman from Massachusetts assumes two things; first, that these claims are just, and that our Government owes them; and second, that these claims are adjudicated, that some court of competent jurisdiction, with power and authority to render a final judgment which shall be binding upon us, has settled their validity as against the Government of the United States and a debt of honor resting on the American people. The first proposition, as I have already said, I do not intend now to controvert, because I assume that what is true of every other member of Congress is true of the gentleman from Massachusetts, namely, that neither he nor any man who devotes himself to the current public business here can make such examination of a matter of this kind as would justify action upon his own part, much less justify other members following his judgment, in a matter which requires the amount of historical investigation that is essential to arrive at a correct conclusion upon a subject like this.

There is but one way that we may properly and rightfully adjudicate and settle a controversy of this character, and that is by the submission of it to a court which shall have the right to render final judgment; and I repeat again that the court of all others most appropriate for the accomplishment of that purpose is the Supreme Court of the United States. I return now to invite attention to the provisions of the act of 1885, and I read only so much of it as is appropriate to the suggestions which I propose to make upon this subject, viewing it purely from a legal standpoint.

The third section of the act of 1885 provides:

That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and if by assignee, the date of assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same. And they shall decide upon the validity of such claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

The very language of this act, the very terms which it uses when it says that these claims are to be determined according to the rules of "municipal and international law," indicate that the proper tribunal for the determination and settlement of these questions is that court which is our court of last resort for the determination of international questions or questions arising under our own laws.

Mr. BUCKALEW. And our constitutional court.

Mr. ROGERS. And, as my friend from Pennsylvania suggests, our constitutional court. But, Mr. Chairman, I emphasize the last provision of this third section of the act of 1885. What is the Court of Claims required to do? Is it to render judgment in favor of the claimants? Not at all. It is to examine and "report all such conclusions of fact and law as in its judgment may affect the liability of the United States therefor." But, out of an abundance of caution, there was a provision inserted in the sixth section of the same act which shows conclusively that it was not the purpose of the Congress when it passed that act to be itself bound by any findings of either fact or law which might be reported to it under the provisions of the act by the Court of Claims.

The last clause of section 6 is in these words:

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented to said court within the period of two years limited by this act shall be forever barred; and nothing in this act shall be construed as committing the United States to the payment of any such claims.

Under that act these claims have been presented to the Court of Claims. Some of them have been determined by that court in pursuance of this law, and reported to Congress.

It is said (I allude to this only by way of parenthesis) that these claims amount to a much less sum than that which is stated by the Department of Justice. I refer to this only for the purpose of showing the importance of our acting deliberately, wisely, and with proper information when we embark upon the adjustment and settlement of claims of this character. I find on page 4 of the report of the Attorney-General for the year 1887 the following:

The petitions filed in the French spoliation cases number 5,560, representing 2,386 vessels and about $30,000,000. Thirteen cases arising upon four vessels were reported by the court with favorable recommendations to Congress on December 6, 1886.

In a later letter, which I will print with my remarks, the Department of Justice, in response to a communication of my own dated July 4, 1888, expressed the opinion that these claims will reach somewhere in the neighborhood of thirty-odd million dollars, as stated in the official report of the Attorney-General of 1887.

DEPARTMENT OF JUSTICE, *Washington, July* 24, 1888.

SIR: In answer to your request for information from this Department upon the subject of French spoliation claims, I have the honor to send herewith a letter from Hon. B. Wilson, assistant attorney, who has charge of the defense of those claims.

Very respectfully,

G. A. JENKS, *Acting Attorney-General.*

Hon. JOHN H. ROGERS,
House of Representatives.

DEPARTMENT OF JUSTICE, *Washington, July* 24, 1888.

SIR: I have the honor to submit for your consideration the following statement, in response to a call made upon this Department by Hon. JOHN H. ROGERS, of the House of Representatives, for information as to the amount involved in French spoliation cases, filed in the Court of Claims under the act of January 20, 1885, and the sum probably to be required if the claims shall be paid on the principles and basis settled by the Court of Claims in cases already tried.

There have been filed in all 5,569 claims (petitions). In 3,609 of that number the amount claimed is $27,081,939.96; average per claim, $7,781.08. In the remaining 1,960 cases this Department has not been informed of the amounts claimed. The original petitions, generally in manuscript, are filed with the clerk of the Court of Claims, and after being printed by claimant copies are sent to this Department. In many cases no such copies have yet been received. It sometimes occurs that the amount claimed is not stated in the original petition. This claimants can correct by further pleading and proof under the rules of the court.

If the above average, in cases where the amounts claimed are stated, shall be extended to those cases in which amounts have not been stated, the total aggregate of all the claims filed would be $42,332,668.52.

The court has reported to Congress favorably to claimants in 106 cases, amounting to $741,606.63; average of allowed claims, $6,996.28$\frac{28}{106}$.

It has also reported in 17 cases adversely to claimants, amounting to $127,046.55, including a few cases dismissed by claimants' attorneys.

It has also decided a small number of other cases adversely to claimants, but has not reported its conclusions to Congress for the reason that motions have been made for rehearing or new trial in them.

106 cases reported favorably as above	$741,606.63
17 cases reported adversely	.....
123 cases	741,606.63

Average of all cases reported to Congress, favorably and adversely, $6,029.32$\frac{27}{123}$.

If this average in the 123 cases already disposed of should apply to the cases yet to be tried it would require $33,577,295.30 to pay them. But it is not probable that this will be so. Experience has shown that the amounts recovered in suits brought in the Court of Claims against the Government under various acts conferring jurisdiction were materially less than the amounts claimed.

Very respectfully, your obedient servant,

B. WILSON, *Assistant Attorney.*

Hon. GEORGE A. JENKS,
Acting Attorney-General.

At this point, Mr. Chairman, I pass from my first proposition, that the finding of the Court of Claims is not binding or conclusive on Congress, but only advisory both as to law and fact; and I proceed to the second proposition upon which I plant myself, that there is no precedent to be found in the history of civilized governments where any country has undertaken to pay so large a sum as $30,000,000 or $40,000,000 to its own people on a claim based upon international law until the claim has been adjudicated and determined by the highest court known to such country.

The Congress of the United States intrusted the management of these claims in the Court of Claims to the Department of Justice. That Department has given to this matter a consideration which Congress, with the current business imposed upon it, is incapable of giving, and the Attorney-General, acting upon the investigation and conclusions reached by the counsel to whom the preparation and argument of these cases have been intrusted, has embodied in his report to the Congress of the United States a recommendation that the right of appeal should be authorized from the Court of Claims to the Supreme Court of the United States. In order that this matter may be placed properly before the House, I send to the Clerk's desk to be read an extract from the report of the Attorney-General for the year 1887.

The Clerk read as follows:

On the 20th day of January, 1885, Congress passed "An act to provide for the ascertainment of claims to American citizens for spoliations committed by the French prior to the 31st day of July, 1801" (23 Stats., 283), by which the claims referred to in the title were submitted to the Court of Claims. That court, under the law, is empowered and required, among other subjects, to determine the amount and ownership of the claims, their validity as against France, and, in the event of the legality of the claim as against France being established, then the legal obligation of the United States to pay the amount to the claimant.

The determination of the rights under the provisions of the act are of a judicial character, involving difficult questions of maritime and international law. The amounts dependent upon a proper decision of the principles to be determined are very large; already 5,569 suits have been instituted under the act, in which the amount in controversy reaches many millions of dollars.

In order that the demands of justice may be satisfactorily met, the antiquity of the transactions, the difficulty of the questions involved, and the magnitude of the amounts demanded, suggest the necessity of a vigilant, exhaustive judicial investigation. I therefore recommend the passage of an act amendatory of the act of the 20th of January, 1885, which shall confer authority upon the Court of Claims to render judgment in the cases provided for by the act, instead of reporting their conclusions to Congress as now required to do, and to grant to either party, the Government or claimant, the right of appeal to the Supreme Court of the United States from the decision of the Court of Claims on suits filed under the act of 1885.

It is not probable that either the Government or claimant will find it necessary to resort to appeals in more than a few cases, as in them the questions of novelty and difficulty arising in this class of cases would be adjudicated; but as the law now stands no appeal can be taken by either party.

Mr. ROGERS. Mr. Chairman, long before this report was made to Congress by the Attorney-General, Hon. J. Randolph Tucker, chairman of the Judiciary Committee in the Forty-ninth Congress, introduced a bill, which was ordered reported as I now recollect (though about that I am not absolutely sure), granting a right of appeal from these judgments of the Court of Claims to the Supreme Court of the United States. In the beginning of the present Congress I obtained a copy of that bill, introduced it, and had it referred to the Judiciary Committee of this House. It is the bill upon which a majority of that committee has made an adverse report, having found serious objections in their minds to its terms and provisions. At a later day—perhaps in February of the present year—I introduced another bill, conforming its provisions to the objections which gentlemen of the majority of the committee had urged against the original bill.

The main objection of the majority of the Judiciary Committee to the bill first presented grew out of the provision that—

The Court of Claims is hereby authorized and required, in such cases as the Attorney-General of the United States shall select as best fitted to test the questions of liability of the United States Government for the claims hereinafter referred to, to hear and determine the legal validity of the claims, etc.

This provision, which authorized the Attorney-General, and did not authorize the opposite party, to select the cases on which should be determined the questions of international and maritime law involved, was regarded by the majority of the Judiciary Committee as operating harshly and oppressively upon at least a portion of the claimants.

The bill which the minority of the Judiciary Committee reported back as a substitute for that bill, the minority report being signed by seven members of the committee, one less than a majority of the full committee——

Mr. BUCKALEW. Just one-half of those who acted.

Mr. ROGERS. And, as my friend from Pennsylvania suggests, just one-half of those who acted on the bill—obviates the oppressive feature to which objection was found by making this provision:

Each party shall have the right of appeal from any such judgment to the Supreme Court, according to the laws and rules regulating appeals in that court.

So that every claimant may have the right, if he elects to do so, to appeal from the final judgment of the Court of Claims to the Supreme Court of the United States to settle his rights. But upon the other side, the Attorney-General of the United States in the exercise of his discretion may select such cases as he may choose, which may have been decided against the Government, and appeal them to the Supreme Court of the United States. So that that provision of this bill which was objected to by them went not to the right of appeal, but to the purpose of the bill; and if they had shown that courage of conviction with reference to the law and the facts of this case which they proclaim here, it was in their power as a majority of the committee to have amended the bill to submit their claims to the constitutional court of the country. But the minority of the committee relieved them of that responsibility by preparing and submitting as a substitute for that bill that which now stands on the Calendar, a bill which embodies that feature and which is now pending before the House for consideration.

But another fault, Mr. Chairman, another objection which they found to the provisions of the bill was the delay incidental to an appeal. I went for the purpose of determining that question for myself to the assistant clerk of the Supreme Court of the United States and made the inquiry of him, that if the right to advance the claims were conferred upon the Supreme Court, and it was made their duty to advance them, how long it would be before the cases in their regular order might be reached and determined after being placed upon the docket of that court. He informed me that in his judgment a case, three or four or five cases, might be easily determined within four or five or six weeks after having been placed upon the docket.

Mr. RAYNER. What authority have you to say that the Supreme Court of the United States will advance them?

Mr. ROGERS. Why, we give them authority and make it their duty to do so.

Mr. RAYNER. But you do not propose to send up three or four cases in advance and let all the rest stand?

Mr. ROGERS. Oh, no; advance all of them that anybody sees fit to appeal.

Mr. OATES. Or only such as the Attorney-General may appeal on behalf of the Government.

Mr. ROGERS. Of course the Attorney-General will determine such cases as he might appeal. If a case is decided against the Goverment, the Attorney-General would exercise his judgment as to whether the United States should appeal or not. But it is admitted that these cases are subject to classification, so that two or three cases would embrace every single solitary question that can be presented to the Supreme Court except the single question of fact. Now, if these cases were advanced in that manner, the Attorney-General of course would take the judgment in a previous case covering one of a class, and that would determine him as to the question of taking an appeal in that particular case, and all others involving the same or similar questions of law.

Mr. BRECKINRIDGE, of Kentucky. Let me ask the gentleman if in his judgment Congress can compel the Supreme Court of the United States to advance any cause upon its dockets?

Mr. ROGERS. It does it under its own rules. The Supreme Court never refuses at the suggestion of Congress. It may do it *sua sponte*. There is no difficulty about that point.

Mr. SENEY. That is the practice of the court.

Mr. ROGERS. So, Mr. Chairman, there is no objection, so far as that is concerned, to the proposition embodied in the views of the minority. We have therefore eliminated from the majority report the two most serious objections, one being the deprivation of the claimant's right of appeal, and the other the objection that these cases would be long delayed, because we advance them upon the docket.

I pause to inquire, why is it that with all the experience of long years, with the accumulated non-action of every Congress that has assembled in one hundred years except two, with the vetoes of two Presidents, with the knowledge of the fact of the absolute impossibility for members of Congress with the current work imposed upon them to investigate for themselves the immense mass of matter involved in the pending questions—why is it, if these claimants really have the courage of their convictions that these claims are just and right, why do they not readily submit to their determination by the Supreme Court of the United States? It would expedite the determination of these cases and secure their liquidation, and forever settle these great questions of maritime and international law, which would be invaluable to us as a people in the event of similar negotiations with other nations in the great future that lies before us. No other determination should be accepted by us as a people.

I say it is impossible for members of Congress to give the question that attention its importance demands, nor is Congress adapted to that character of work. It is true, sir, that by an inadvertence in the preparation of the substitute bill which the minority would offer, they omitted to place in it the authority conferred upon the Supreme Court to advance these causes upon the docket, but in the body of the report they say:

> Besides, the undersigned have proposed to give to a test case or test cases preference and priority of hearing by the court on account of their magnitude and importance, and because the United States will be a party.

So that the opposition to the consideration of these cases by the Supreme Court of the United States rests not upon the indisposition of the court or of the Government to give these parties a day in court, and a speedy day, upon the facts and the law, but it rests upon the fact of the want of confidence in the final judgment of that tribunal. If these people had adopted the views suggested by the Attorney-General their claims might have been settled now by the final judgment of that court; and that judgment would stand here as pillars of adamant upon which their claims might safely rest, with the absolute certainty that they would be speedily paid. Resting on that basis, no one dare, and if he did no one could successfully, assail them.

But if they have no case, then, Mr. Chairman, they deserve that treatment at the hands of Congress which they have received at the hands of the Forty-ninth Congress, and every Congress, namely: A refusal to recognize these as honest debts against the Government of the United States. For one, though confronted when I came into public life with the theory that the policy of the Government, at least by its practice, was to postpone and sometimes to refuse to pay even the final judgments of the last court of resort, I have lived to see that doctrine repudiated and the practice obtain to accept them as absolute verity and as binding upon the conscience of the Government that they shall be paid; and all I ask now, Mr. Chairman, is, that here where we are called upon to take from the Treasury of the United States forty millions or thirty millions, or ten, eight, or six millions of the public money, we shall have a final judgment of the last court of resort, especially in view of the large amount of these claims and the opposing action which has been had upon them from time to time in the past.

Mr. Chairman, I have said about all I care to say in reference to the subject. I desire now, in connection with what I have said, to have the minority report of the Judiciary Committee, expressive of their views upon this question, together with a copy of the bill, printed in connection with the observations which I have just made, and I submit one other observation only. It has come to be a sort of maxim about the Halls of Congress that any claim can pass which is large enough and old enough, provided it is persistently pressed by those who have it in charge. The very integrity of our body; the very decency that should attend the disposition of public business; by every principle of sound government; by every principle that should govern men in their actions in dealing with a question of this kind, concerning which and about which they can not make a thorough investigation, we ought, before we dispose of the money which is the trust fund of the people, to have at least the solemn judgment of the great constitutional court organized for the settlement and determination of great constitutional questions. We ought to have it for our own safety. We ought to have it that we may retain the confidence of the people. We ought to have it because of the great age of these claims and the doubts and discredit resting upon them, both by the affirmative action of two Presidents and the persistent refusal of Congress for a century to recognize or pay them. We ought to have it that it may not be said of the Democratic party in future and with semblance of foundation in truth, as it was said when the people returned us to power, that we are unfit and incapable of dealing with great questions of Government and statecraft. We ought to have it that it may not be said of us truthfully that we have begun the payment of claims that may ultimately reach thirty millions of money without that just, proper, prudent, and wise investigation which is necessary to the arrival at a correct conclusion.

In behalf of honest government, then, in behalf of right action, in behalf of the integrity of our own body, in behalf of its good name, and to avoid even the semblance of doing evil, I ask that we have this matter submitted to that court which ought to try it, and which shall relieve us of any responsibility for its judgment, because it is the great constitutional court to whose decisions all men in this country should cheerfully and readily submit.

The undersigned members of the Judiciary Committee, to whom was referred House bill No. 1990, to amend the act of January 20, 1885, relating to the ascertainment of French spoliation claims, being unable to agree with the majority of the committee, hereby submit to the House of Representatives their views upon the subject of the bill referred to the committee.

The majority of the committee in their written report upon the bill set forth the fact that the bill does not follow the recommendation of the Attorney-General, made in his annual report upon French spoliation claims, but differs from it in essential particulars. The undersigned submit that this fact is no reason for rejecting the bill, but simply supplies an argument for amending it.

The majority also say that conferring jurisdiction upon the Supreme Court to review these claims would produce serious delay, to the injury of the claimants. To this the undersigned answer that the decision by that court of a single case will settle the question of right for all other cases of the same class, and that consequently such other cases will not be litigated in that court. Besides, the undersigned have proposed to give to a test case or test cases preference and priority of hearing by the court on account of their magnitude and importance, and because the United States will be a party. It is, in fact, quite possible that these cases of claims will be sooner disposed of in this way than by continued contest in the Court of Claims and in Congress.

The majority of the committee denies or doubts the power of Congress to confer jurisdiction upon the Supreme Court in the form proposed by the bill, and cites various judicial opinions that the courts have no jurisdiction of political questions not of a judicial nature, and for which an action does not lie. But this is again an objection to the language or form of the bill, which, if well taken, points not to its rejection, but to its amendment. By the Court of Claims and by a majority of this committee, the claims are put expressly upon the ground that, although they do not constitute causes of action under existing laws, they are none the less legal rights against the Government of the United States. They can not be enforced, however, against the Government, because the Government is not liable to suit, unless by its own consent. But it requires no argument to show that the Government may consent to have them adjudicated and make proper provisions of law for that purpose. (United States *vs.* Arredondo, 6 Peters's Supreme Court Reports, page 691.)

It is the opinion of the undersigned that the question of just liability by the United States to these claimants, considering the important questions which they involve, and the magnitude of the claims, should be submitted to the Supreme Court for disinterested and intelligent judgment. The character of that court, its high intelligence, its independent position qualify it above all other possible tribunals for the examination and decision of the claims. It is the great court established by the Constitution for the determination of questions to which the United States shall be a party, or which involve the construction of treaties or statutes of the United States; and its judgment will have a sanction in the respect and confidence of the claimants, and of the whole people of the United States, which the decision of no other authority can possess. And upon a question of Government liability, so long contested, and requiring profound, conscientious examination and judgment, no less authority should be accepted to finally conclude the parties to the controversy.

These claims involve an examination and construction of treaties with France in the years 1778 and 1788, the proclamations of neutrality by President Washington in 1793, in its relations to those treaties, the Jay treaty with Great Britain, of 1795, and the treaty of amity and peace with France in the year 1800, which terminated all acts of hostility by France and the United States, under authority of their respective Governments, and they also involve questions of public law regarding the nature and effect of several acts of Congress in the years 1798 and 1799, referred to and described by Judge Marshall in Talbot *vs.* Seaman, 1 Cranch, page 9, and of certain decrees and orders of the French Government and the action of her prize courts for several years prior to the peace treaty, negotiated September 30, in the year 1800.

All these treaties, acts, decrees, and adjudications proceeded from sovereign powers, and their nature and effect, so far as the present claims are concerned, demand examination and judgment by our highest constitutional court. It is true that the acts of Congress above mentioned did undergo interpretation and exposition by the Supreme Court in the case of Bas *vs.* Tingy, 4th Dallas, page 37, and again by the master hand of Judge Marshall in Talbot *vs.* Seaman, 1 Cranch, page 9, by which decisions they were held to have established upon our part, the relation of war between us and the French Republic, and to have recognized France as a public enemy, engaged in waging war against us. In the view of the court, and in the language of the American negotiators of the treaty of 1800, it was "a war limited in its extent, but not in its nature," because

it was confined to the ocean, and consisted mainly of the very depredations of French cruisers and of retaliation of American vessels, accompanied by the repeal by Congress of the existing treaties with France.

The Court of Claims, however, in their advisory opinions to Congress, under the recent act of 1885, appear to be of a different opinion, applying the laws of peace where the Supreme Court applied the laws of war. In this conflict of opinion it is but fit that the greater court, acting judicially, should pronounce the final opinion. Besides the weighty questions just mentioned there are others which are only secondary to it in importance, which demand review and the highest judicial authority for their settlement; among others, the legal effect of the treaty of 1800, in imposing an alleged liability to the claimants upon this Government. That treaty being wholly silent as to these claims, although they were the subject of prior controversy, we are advised that the French Government was discharged from the claims, and our Government became bound for their payment.

In the final form given to that treaty by our own Government, accepted by France, it is unquestionably true that the further prosecution of the claims was abandoned by us, of which fact two possible explanations are made in the present controversy. The one on behalf of the claimants is, that counter-claims by the French Government were also abandoned at the same time, and that that abandonment constituted the consideration for abandoning ours. The other explanation made on behalf of our Government is, that we desisted from pressing them or renewing them because the obtaining of their allowance was manifestly impossible. We recognized no counter-claim of France founded upon our defensive measures of hostility, and surrendered no claim on behalf of our citizens in consideration of their abandonment.

As to the renewal of our former treaties with France, proposed by the French negotiators in connection with an adjustment of claims for captures on both sides, this was clearly not a counter-claim by the French Government, but a question of public policy, for the free consideration of each party to the negotiation. Those treaties had been broken by France, had been declared abrogated by act of Congress, and had been annulled by actual war. Our Government was under no obligation, legal or moral, to recognize or revive them, nor could a supposed release from their obligation have been a consideration to our Government in making or accepting the treaty of 1800 in the final form given to that treaty by the American Senate. It has therefore been always insisted on behalf of our Government that her duty to her own citizens was fully and faithfully performed, being carried to the extent of actual hostilities for their protection, the repeal of the French treaties to coerce France, and the recovery of the claims pursued with the utmost zeal, vigilance, and determination in the lines of remonstrance and negotiation. It was our utter inability to recover indemnity for our citizens and no lack of zeal or effort on their behalf that caused our Government to abandon the prosecution of the claims.

Beyond question liability on our Government must rest upon the assumption that there was no public war between the two countries involving the capture and confiscation of American vessels, and also upon the further assumption that our Government failed in its duty to prosecute these claims with due fidelity and vigilance against France. But as these assumptions are not true the liability now contended for can not exist.

The undersigned have not overlooked the fact that these claims are now of immense magnitude, as presented under the act of 1885, and that they exceed many times over the amount asked for in the numerous former reports and bills presented to Congress. The claims were formerly limited to $5,000,000 as the maximum of outlay by the Government in case of their allowance, whereas the aggregate of claims now presented in the Court of Claims is represented to exceed $30,000,000, and if the time for presenting them shall be extended many more will be added to the aggregate mass. No judgment of any court has yet sanctioned them, for the act of 1885 only referred them to the Court of Claims for investigation and reports upon them to Congress, reserving to the latter full power to judge them, and approve or disapprove them, or to take such action as the two Houses might think fit. The proposition that they shall now be finally determined by the Supreme Court, by a speedy decision, is a natural sequence or outcome of the long controversy upon the claims, for nothing but the highest judicial judgment can satisfy public opinion or certainly subserve the ends of justice.

The undersigned hereby submit to the House the accompanying bill, which is made a part of their report, as a substitute for the bill reported upon by the majority of the committee, and recommend its adoption by the House, if any recognition of the claims or legislation thereon is to be had by Congress.

JNO. H. ROGERS.
JOHN S. HENDERSON.
GEO. E. SENEY.
D. B. CULBERSON.
C. R. BUCKALEW.
JOHN M. GLOVER.

I dissent from the action of the committee in reporting adversely the bill providing for an appeal to the Supreme Court from the decisions of the Court of Claims. I am in favor of having the Supreme Court pass upon the question of the liability of the United States to pay these claims. Nothing else will ever satisfy the people of this country on that question. I withhold any further expression of opinion. WM. C. OATES.

[Fiftieth Congress, first session, H. R. 6704.]

A bill to amend the act of the 20th of January, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801," so as to provide for the rendition of judgments by the Court of Claims and for appeals to the Supreme Court.

Be it enacted, etc., That the act of the 20th of January, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801," be, and the same is hereby, amended, as follows:

"To authorize and direct the Court of Claims to render judgments in the cases growing out the said claims, instead of reporting to Congress, as now required by the said act," all such conclusions of fact and law as in "their judgment may affect the liability of the United States therefor." But in any case in which judgment shall be rendered for the claimant it shall be without interest.

"SEC. 2. Each party shall have the right of appeal from any such judgment to the Supreme Court, according to the laws and rules regulating appeals in that court.

"SEC. 3. Judgments may, at the instance of either party, be rendered by the Court of Claims in cases already reported to Congress, with the right of appeal to either party as provided in the above section.

"SEC. 4. That all acts or parts thereof in conflict with this act are hereby repealed."

Mr. LONG. I yield twenty-five minutes to the gentleman from Maryland [Mr. RAYNER].

Mr. RAYNER. Mr. Chairman, I think that it would be a great shame and an outrage upon these claimants to send them to the Supreme Court of the United States. Now, let us look at that proposition for a moment before briefly discussing the merits of the case. In the first place, you virtually abrogate the authority conferred on the Court of Claims to give judgment in these cases.

You have to provide that there shall be appellate jurisdiction in the Supreme Court to hear these cases from the Court of Claims as an inferior tribunal under the Constitution. In other words, you abrogate and repeal all the legislation that has been passed in reference to these cases. You cancel and obliterate all that the Court of Claims has done upon these cases, and you have to invest it with a new, a peculiar, and an original jurisdiction, and then invest the Supreme Court of the United States with appellate jurisdiction as to every judgment that the Court of Claims renders.

Why, what an outrage this would be upon those people. My friend from Arkansas asks to have these cases sent to the Supreme Court and acted on. He knows what condition that court is in. He knows that you can get no case advanced on the Supreme Court docket unless there is a criminal question involved—perhaps capital punishment. It will take the Supreme Court years and years to reach these cases. That court is now four years behind on its docket.

It would be fifty years before judicial procedure could be had upon these claims, and another generation will have passed out of existence before the claims which for nearly a century have been urged against our Government shall be adjudicated. I refer my friend from Arkansas to the case of Gordon against the United States; the last opinion, I think, delivered by Chief-Justice Taney, a man of eminent ability whose name illustrates the pages of American history.

What was the decision in that case? What are you giving the Supreme Court jurisdiction over? What is the Supreme Court going to decide? What is the legal question that you propose to submit to the Supreme Court? You can not sue the United States unless the United States consent to be sued, and the moment that such consent to be sued is given there is no necessity for leaving to the Supreme Court the question whether the United States can be sued. Now, what is the next question it is proposed to leave to that court? You propose to leave to it a political question, not a question of law. Has the Supreme Court ever passed upon a question of treaty?

Why, this is a political question. It is not a question of law. Has the Supreme Court of the United States ever passed upon a question of a treaty? Can the learned gentleman point me to a single case substantially similar to this one?

Mr. OATES. I can point you to one in your own State where the Supreme Court passed on a treaty and its effect as against a statute of Maryland.

Mr. RAYNER. Let us have the case.

Mr. OATES. It is the case of Chirac against Chirac, in one of the old reports which I can furnish you if you desire.

Mr. RAYNER. Undoubtedly; but that was a case between individuals where the treaty came into question collaterally. This is not a case where a treaty is collaterally passed upon. A State court, a justice of the peace, even, can pass upon a treaty under certain circumstances. If in a case between A and B a treaty is involved collaterally, the court can pass upon its effect; but that is not the proposition here. This is a proposition to give the Supreme Court of the United States appellate jurisdiction to construe treaties between this country and France in 1778 and 1800, and standing here upon the principles of international law and upon the principles of constitutional law, I assert that the Supreme Court of the United States has no jurisdiction over a question of international law which is purely a political question, and it has been so determined over and over again by an unbroken and uninterrupted line of decisions of the Supreme Court itself. Here is what Chief-Justice Taney says on that subject:

> Indeed, no principle of constitutional law has been more firmly established or constantly adhered to than the one above stated—

That is—

> that this court has no jurisdiction in any case where it can not render judgment in the legal sense of the term, and when it depends upon the legislature to carry its opinion into effect.

How can the Supreme Court of the United States render legal judgment against the United States in the determination of a political question affecting a treaty between the United States and France? That is a very good way to get out of the payment of this debt; for let me tell you that if you ever give the Supreme Court the jurisdiction which the minority of this committee claim it ought to have, no man will ever get a dollar that is involved in the cases which we are now discussing.

Now, I leave that proposition and proceed to discuss as rapidly as I can the inherit merits of this case. The fundamental proposition that underlies this controversy, in my opinion, is this: Was there a war? I do not go quite so far as my distinguished friend from Massachusetts [Mr. LONG] does upon that subject, who says that even if there was a war it would not prevent these claimants from recovering. The question in my opinion is, was there a war between the years 1794 and 1801 between the United States and France? If there was a war, I think that is an end of these claims. If there was no war, then the United States, as trustee for its citizens, was bound to prosecute these claims in the recognized tribunals of the French Government, and if it failed to do so, whether it received any consideration or not, it is re-

sponsible to its citizens for all the damages resulting from its default. Now, I say there was no war. I say there was not anything like a war.

I say that any school boy acquainted with the history of that time knows that between 1794 and 1801 there was no war between the United States and France. There was a transient misunderstanding, as Napoleon called it; there was a limited condition of hostilities, as Chief-Justice Chase and Justice Patterson said; but according to the definition of war given by the highest authorities on international law there was no war. What is war? War is a condition of affairs where one nation is authorized to conduct hostilities against the other nation, and where every member of that nation is authorized to conduct hostilities against the other. I refer you to the definition of war given by the very highest authority upon the subject—I am speaking now of perfect war.

A perfect war is where one whole nation is at war with another nation, and all members of both nations are authorized to commit hostilities against all the members of the other in every case and under every circumstance admitted by the laws of war.

That is the definition given by Wheaton, the highest authority that we have to-day upon that subject.

Now, what was the condition of affairs between this country and France? The vessels of the United States, carrying the American flag, were seized upon the high seas and carried into the ports of France because they failed to comply with the municipal regulations of the French Government. What were the municipal regulations of the French Government? A vessel of the United States carrying English goods, a vessel of the United States carrying an English subject, a vessel of the United States not equipped with the proper roll, was carried into the admiralty courts of France and was condemned and confiscated under the local laws of France.

Can the gentleman give me an instance where an American man-of-war seized upon a private merchantman of France? You have the negotiations, you have the treaties, you have the voluminous and complicated correspondence surrounding the transactions of that period. Can you give me a single instance where an American man-of-war seized upon a private merchantman of France? Can you point me to any record of any legislation of Congress which ever declared that there was a war between the United States and France?

Who ever heard of a war where there was no declaration of war? Who ever heard of a war where all the legislation referring to the subject, both at the time and afterwards, spoke of a "contemplated war" only, and never of an actual war? In view of what we read and what we know, we might as well dismiss from our minds the idea that France and the United States were at war between the years 1794 and 1801. Now, if they were not at war, had France a right to seize our merchant vessels on the high seas and carry them to the admiralty courts of France and there condemn them because they violated the municipal regulations of the French Government? I stand upon this proposition, and I do not think that the able lawyers who compose the Judiciary Committee will disagree with me, that the ship of a country carrying the flag of its country carries with it upon the high seas the laws of its country wherever it goes.

I say to you that a vessel of the United States on the high seas, carrying the flag of the United States, carries with it the laws of the United States, and that France had no right to condemn those vessels, no right to capture or confiscate them, no right to execute upon them her judicial process. The condemnation was good as to France, I admit; but it was not good against this Government, and this Government was in duty bound to protect the owners of those vessels. Now, let us see what our Government did.

I say—and I am not afraid to say it, because it is a matter of history, and we can all speak the truth about persons who lived a hundred years ago—I say this Government did not keep its treaty obligations with France, assumed in 1778. No student of the history of that time can come to any other conclusion.

The Government of the United States violated the treaties it had made with France; and those treaties having been broken, France claimed that she was not responsible to this Government for the damages she had inflicted on our merchant marine; and while there was included in the first instance in the treaty of 1800 a section providing for mutual compensation, that section was struck out in the Senate of the United States, and in lieu of it a section was inserted providing that each Government should as against the other release the mutual obligations which might exist between them.

Let us see whether I am right in saying that our Government violated its treaty obligations. Let us look at the history of that time. What did the Government of the United States agree to do? It agreed to protect the French possessions upon the American continent against any government on the earth. That was in the treaty of alliance of 1778. There were two treaties of that date—one was the treaty of alliance, the other the treaty of commerce; they were both concluded on the same day. I am speaking now of the treaty of alliance. This Government agreed to protect the French possessions upon the American continent. What in fact occurred? Within a month after the war broke out between England and France, France had lost every colony or possession that she had upon the American continent. She lost the West Indies; she lost all the islands of which she had had possession. So that this Government flagrantly violated that particular stipulation of the treaty.

What else did this Government agree to do? It agreed to give to France exclusive port privileges in this country; that was a part of the treaty. I am not criticizing now the statesmen and patriots of that day; but we know there were some pretty sharp fellows among them. After the United States concluded the treaty with France what did we do? Four years afterward we made a treaty with England which gave to that country the exclusive port privileges that we had before granted to France. I am now speaking of the Jay treaty. The Government of the United States deprived itself of the power to observe the treaty with France by giving to England the port privileges which had already been granted to France in the treaty of 1778.

What did France say? The French Government said: "We have a claim against you; you have violated your treaty with us; we helped you to achieve your independence; we furnished you not only financial aid and all the necessary resources for carrying on your war, but we gave to you the best of our blood, the noblest of our chivalry. You upon your part agreed that if war should arise between France and England you would stand with us against the British Government. You failed to do it; you stood by and saw us deprived of our colonial possessions on the American continent; you violated a solemn treaty by giving to the English Government the very privileges which you had granted to us in the treaty of 1778. Now, we will set off these two claims one against the other." Was there such a set off? Can there be any doubt about that? Let me read one line which I think settles this whole business, if we want to be honest in this matter. Of course if we do not want to be honest, it makes no difference about treaties or anything else. Here at the end of the treaty is this language:

Provided that by this retrenchment the two states—

That is, France and the United States—

renounce the respective pretensions which are the object of the said article.

On the 31st of July, 1801, Napoleon consented to accept, ratify, and confirm the convention provided this clause was put in the treaty, and it was put in. Now, do you mean to tell me that the United States can for what was then considered a full and adequate consideration bargain away the rights of its injured citizens and then refuse to take the slightest steps to repay them for the rights thus unlawfully bargained away?

What sort of a principle would that be as between individuals? Why, the United States did not have this claim against the Government of France. It is a claim of the citizens of the United States and was not a claim of the Government; but, I repeat, a claim of our own citizens, and the Government was bound under every principle of right and of international law to go into the tribunals of France and to the very best of its ability protect the rights of its own citizens to recover their property of which they had been wrongfully deprived by the French Government. Having failed to do that the Government assumed, necessarily, the liability itself.

Now, let me finish with a word further. There has been something said of France not having admitted these claims in the minority report—which is an admirably gotten up paper—but it just looks as if it were drawn upon technical grounds with a tremendous effort to defeat the honest claimants of what is their just due. They say that France did not admit them. Suppose France did not admit them, what then? But, as a matter of fact, France did admit them and recognized them all through the treaties, and I think there can be no question of that.

Here is what the French minister wrote in 1794:

If any of your merchants suffer injury by the conduct of our privateers, * * * they may with confidence address themselves to the French Government.

France always recognized them; but, as a matter of fact, whether the French Government recognized them or not is an absolutely immaterial question, because the United States was bound as a trustee for its own citizens, as the guardian of their property, to prosecute the rights of its citizens in the courts of France with all the vigor that was necessary to sustain them. It failed, however, to do so. The Government took no steps to recover for the losses sustained by our citizens, but on the contrary entered into a solemn compact with France renouncing all claims for injuries done to our merchants and their vessels. What position does that place the Government in? What would you do if you were a trustee and acted under such circumstances?

Suppose my brother from Arkansas [Mr. ROGERS] was a trustee and went to work and made a bargain on behalf of his ward who had a claim against somebody, made a bargain to give up the claim, renouncing it without making an effort to secure it, is he not responsible? Would he not place himself under the same obligation to his ward that the party who owed the claim held? Has the trustee a right to do that? Has the Government the right to do what individuals have not the right to do? Do you propose to apply a different principle to the Government than that which you would apply to individuals?

But, Mr. Chairman, there is a very nice legal proposition contained in the minority report upon this subject—that these people are not

allowed to recover the full sum of damages done, but only a part; that they can only recover what France was willing to give them, a lower sum than they had claimed; that they have only the right to recover in the Court of Claims what France was willing to allow, because, say the learned lawyers of the Judiciary Committee, when a man sues for a piece of property he can only recover the value of the property, and they can get from the United States Government only what the United States Government got from France; and they can not get from France except what France was willing to give, and they can not get from the United States Government more than France was willing to give to our Government. Now, that is a beautiful proposition, but that is the substance of it as embodied in the minority report.

I say that every man who lost a vessel on the high seas, every individual whose property was destroyed, is entitled to the full value of the property; and the question as to whether France was willing to yield the whole amount or what France is willing to give has nothing whatever to do with it, because France could have been compelled to pay the whole sum if our Government had proceeded as it should have proceeded, to prosecute the claims before the French tribunals, and which it failed to do.

This has been before the Court of Claims already and their decisions have been rendered. You may take the Supreme Court and the able judiciary of the country as far as you please, and as far as my professional experience goes I have not read a clearer, more able opinion than that delivered by the Court of Claims in this case, and I do not think that you will find the Supreme Court of the United States, with all of its judicial ability, can pass upon these claims with more learning, more ability and accuracy of reasoning than appears in this decision of the Court of Claims.

They have gone over the whole question from beginning to end. They have with the minutest care examined every circumstance connected with the claims, have gone into the whole question presented, have passed upon all the facts, have had the suggestions of the ablest counsel upon the cases, and have decided the question for the second time, and without depending on any legislation upon the part of Congress you propose now to annul everything that they have done, institute a new tribunal, invested with new jurisdiction, and give the Supreme Court of the United States absolute jurisdiction in a political case, and it will be decided in about two hundred and fifty years after all the people are dead who have any interest in the claims.

Mr. Chairman, I am opposed to all the miserable policy which seeks further delay in a matter of justice of this kind. I will stand here as long as the gentleman from Arkansas will, protesting with all my zeal against the payment of unfounded and spurious debts; but I do most solemnly protest against the stinted economy which keeps poverty from generation to generation eternally knocking and thundering at the gates of chancery and justice for what is equitably due it upon the highest principles of national honor and national faith. [Applause.]

Mr. LONG. I now yield eighteen minutes of my time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY was recognized.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask the gentleman to suspend until I can move that the committee rise temporarily, in order that I may move that when the House adjourn to-day it be to meet on Monday next. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the general deficiency appropriation bill, and had come to no resolution thereon.

Mr. BURNES. I move that when the House adjourn to-night, it be to meet on Monday next.

Mr. TOWNSHEND. I object.

The question was put; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. TOWNSHEND. Division!

The House divided; and there were—ayes 88, noes 9.

Mr. TOWNSHEND. I make the point that no quorum has voted.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Missouri [Mr. BURNES].

Mr. BLOUNT. I think it is very evident that there is no quorum here, and that the motion to adjourn should be withdrawn.

Mr. TOWNSHEND. We have very important appropriation bills before this House that have not been disposed of. I think we should meet and take them up and dispose of them.

Mr. MCMILLIN. They can not be disposed of to-morrow; and we have ample time to make disposition of them.

Mr. BLOUNT. I hope the gentleman from Missouri [Mr. BURNES] will withdraw the motion to adjourn over. The gentleman from Maine [Mr. DINGLEY] yielded the floor in good faith, in order that this motion might be made, and I hope the House will now resolve itself into Committee of the Whole and give him the floor again.

Mr. BURNES. I withdraw the motion to adjourn over, and move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

DEFICIENCY APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the further consideration of the deficiency appropriation bill, and on the pending question the gentleman from Maine [Mr. DINGLEY] is entitled to eighteen minutes.

Mr. DINGLEY. Mr. Chairman, I am surprised at this attempt to defeat an appropriation to pay such of the French spoliation claims as have been adjudicated by the Court of Claims and found to be valid claims against the United States. I need not recapitulate the interesting facts, so closely interwoven with our successful struggle for independence, on which these claims are based. These have been presented in a clear and convincing manner by my distinguished friend from Massachusetts [Mr. LONG].

Suffice it to say that by our treaties of "alliance" and of "amity and commerce" with France in 1778, we obtained on the one hand the valuable assistance of France which enabled us to secure our independence, and on the other hand engaged on our part to give certain preferences to France and guaranty her possessions in America. After the revolution of 1793-'4 nearly all Europe conspired to crush the French Republic, and France called upon us to perform our part of the treaty of 1778. We found ourselves unable to do so in our weakness, although it was with difficulty that our people could be restrained from giving aid to a nation which had befriended us in our years of trial.

In the progress of the gigantic contest between France and the allied powers, each undertook to cripple the other by prohibiting neutral vessels carrying the commerce of the other from entering each other's ports. In the furtherance of this policy—a policy conceded to be in violation of international law—between 1794 and 1800 French cruisers seized, and French courts confiscated, a large number of American vessels with their cargoes, which seizures and confiscations of American property have been popularly described as "French spoliations," for whose payment in part this bill provides.

While these spoliations were going on, the American citizens, whose property was being ruthlessly appropriated by authority of the French Government, applied to our Government for redress. President Washington, Mr. Jefferson, and United States Minister Pinckney all agreed that the spoliations were in violation of international law, and that it was the duty of the United States to obtain redress. Our minister at Paris demanded payment.

Negotiations opened between the United States and France, the latter unsuccessfully setting up the claim that the seizures were to enforce French laws, or in a state of war; but presenting in offset the French claim for guaranty and preference under the treaty of 1778. The differences were finally adjusted by the convention of 1800 and the treaty of 1801, by which each country renounced its "pretensions," *i. e.*, the claims of the United States for spoliations of her vessels and commerce were offset by an abandonment on the part of France of her claims of guaranty and preference against the United States under the treaty of 1778.

By the treaty of 1801 the United States, for a valuable consideration, relieved France from whatever obligations she was under to pay American citizens for spoliations of their property, and in doing so she equitably assumed such obligations on the part of our Government.

The gentleman from Massachusetts [Mr. LONG] has given a detailed account of the proceedings in Congress in response to the petitions of those American citizens whose property had been despoiled by France for reimbursement—how bills for this purpose repeatedly passed one or the other branch of Congress, and how finally, when they twice passed both branches in the same Congress, they were vetoed. Forty favorable reports have been made on these claims—one by John Holmes, three by Edward Everett, three by Edward Livingston, one by Daniel Webster, three by Caleb Cushing, three by Rufus Choate, four by Truman Smith, one by Hannibal Hamlin, and three by Charles Sumner. No unfavorable report has been made by any committee to whom these claims were referred for investigation since the publication of the correspondence in 1826.

After so long a delay by the Government in responding to its obligations, Congress by the act of January 20, 1885, referred such of these claims as should be presented within two years to the Court of Claims, directing that court—

> To examine and determine the validity and amount of all the claims, * * * together with their present ownership, and if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That * * * they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of law and fact as in their judgment may affect the liability of the United States therefor: * * * *Provided*, That nothing in this act shall be constued as committing the United States to the payment of any such claims.

After a long and exhaustive hearing, in which the United States was

represented by able counsel, the Court of Claims on the 17th of May, 1886, unanimously decided, first, that the claims of our citizens for depredations on their vessels and cargoes between 1794 and 1800 "were good by the law of nations" against France; and, second, that the United States released France from her obligations to pay for such depredations for a valuable consideration, and assumed these obligations for themselves. (Opinion Court of Claims on French spoliation claims, House Miscellaneous Document No. 6, Forty-ninth Congress, second session.)

Since rendering that opinion, the Court of Claims has decided the principles to be applied to the reimbursement for French spoliations, and on this basis has rejected certain claims and adjudicated others, and reported the adjudicated cases to Congress for payment, which cases, by direction of the House of Representatives by resolution adopted in December last, have been included in the pending deficiency bill.

Having reached the point of payment, having passed the ordeal of the court to which the claims were referred by Congress, appropriations having been included in the deficiency bill to pay these claims by vote of the House, certain members of the Committee on Appropriations have come in here with a lengthy paper, objecting to payment on the following grounds:

First. That the amount of these claims will reach $30,000,000.

Even if this were so it would afford no reason for refusal to pay them if the claims are just, especially as the claimants are not to receive interest. But this amount is a gross exaggeration. The original estimate was $20,000,000 for all spoliations; but $7,323,619 of these estimated losses were paid under the convention of 1803 and the treaty of 1819 with Spain, leaving but $12,676,380 remaining, even if all the claims should be paid. But already under the decisions made many of these claims have been rejected by the Court of Claims. The evidence necessary to sustain other claims has been lost. The guess that the whole amount of claims will reach $30,000,000 is based on claims filed. But many of these are duplicates; others are guesses of persons who have filed claims at random; and still others are unfounded. The highest estimate of gentlemen who have investigated the facts is $10,000,000, and the better-founded estimate, $7,000,000.

Second. That France never acknowledged her liability for the depredations; and that the United States did not assume liability for them. It is true that France did not in specifications acknowledge her liability, contending that she was enforcing her own laws or that there was a state of war which justified the seizures. But this position was successfully controverted by the representatives of the United States—so successfully that France canceled the valuable engagements which the United States had made in her behalf in order to get rid of these claims. And the United States having released France from the obligations as respects these claims, by the act of release assumed in equity the liabilities of France. Moreover, for precisely similar depredations subsequently our Government demanded and obtained reparation of France and Spain, and paid to the American citizens whose property had been despoiled the amount obtained.

Third. That as the claimants are not entitled to recover from the United States more than they would probably have recovered from France; and that there is reason to believe France would have paid nothing, or, at most, that $5,000,000 would be a liberal payment.

It is sufficient to say in reply that the United States insisted that France should pay every dollar of the damages to the claimants, and that our Government had no right to surrender them except for what it deemed full compensation. Certainly the release which we obtained from our obligations under the treaty of 1778, as a set-off for these claims, was worth many times even thirty millions. Even if five millions would have been sufficient compensation in 1800, certainly even the largest sum mentioned would not pay that sum and the accrued interest.

Moreover, the objections to the payment of these claims presented by the members of the committee have been decided against their views and in favor of the claimants by the United States court to which the claims were referred by Congress for a decision "upon their validity according to the rules of law, municipal and international, and the treaties of the United States;" and while it is true that Congress is not so bound by the decision of the court that it is obliged to make appropriations to pay the claims thus referred to the court, yet, in honor and justice, with due regard to its prior action, it is bound to carry out in good faith the decision of its own tribunal, to whom it deliberately referred claims for the adjudication of their validity and justice.

When it is borne in mind that ninety years have elapsed since the depredations were committed on the property of citizens of the United States, on which these claims are based; that our Government steadily maintained the justice of the claims of these citizens on France; that the United States waived further insistence on these claims for a valuable national consideration received from France; that even after the lapse of so long a time during which the American sufferers and their descendants have been denied reparation, they only ask that the original loss shall be paid without interest; and that the court to which Congress referred these claims for determination of their validity has decided that they ought to be paid, it can hardly be possible that Congress will longer refuse to discharge its obligations to its own citizens.

Mr. BURNES. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10936) making appropriations for deficiencies for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT TILL MONDAY.

Mr. BURNES. Mr. Speaker, I move that when the House adjourn to-night it be to meet on Monday next.

Mr. TOWNSHEND. I am informed that the Senate has adjourned over till Monday, and that therefore the conferees on the part of the Senate can not be appointed on the disagreeing votes of the two Houses on the Army bill. I therefore withdraw my opposition to adjourning until Monday.

The motion of Mr. BURNES was agreed to.

Mr. SPRINGER. I move that the House take a recess until 8 o'clock.

POSTAL CRIMES.

The SPEAKER. Pending that motion the Chair will lay before the House a resolution from the Senate, which seems to be of such importance that it should be disposed of at once.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *August* 3, 1888.

Resolved (*the House of Representatives concurring*), That the President of the United States be requested to return to the Senate an enrolled bill of the Senate (S. 3303) amendatory of an act relating to postal crimes and amendatory of the statutes therein mentioned, approved June 18, 1888.

The SPEAKER. If there be no objection, the resolution will be concurred in.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska;

A bill (H. R. 8285) to remove the political disabilities of Elliott Johnston;

A bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas; and

A bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.

WILLIAM ENGLISH.

Mr. HOOKER, by unanimous consent, reported back favorably, from the Committee on Military Affairs, the bill (H. R. 3721) authorizing the President to appoint William English in the regular Army, United States; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF FROM THE CHARGE OF DESERTION.

Mr. BOUTELLE. Mr. Speaker, I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 10, 13, 14, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 9, 11, and 12, and agree to the same.

C. A. BOUTELLE,
GEO. D. WISE,
H. A. HERBERT,
Managers on the part of the House.

J. D. CAMERON,
WM. E. CHANDLER,
GEORGE GRAY,
Managers on the part of the Senate.

The managers on the part of the House submitted the following statement:

Statement on the part of the House conference report on bill H. R. 1508.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1508) "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," submit the following written statement in explanation of the effect of the action recommended on the Senate amendments as compared with the bill as it passed the House:

The Senate recedes from its amendments numbered 3, 5, 10, 13, 14, and 15. Numbers 3, 10, and 13 inserted the words "in the volunteer service," from which the Senate receded on the ground that no distinction of regular and volunteer service was made in enlistments for the Navy and Marine Corps during the late war. Numbers 5, 14, and 15 were verbal modifications from which the Senate receded.

Amendments numbered 1 and 11, strike out the words "pay or muster," and amendments numbered 2, 6, 8, 9, and 12 insert the words "and records," to which the House managers recommend agreement; so that the text will read, "in the rolls and records of the Navy or Marine Corps."

Amendment numbered 4, strikes out the word "shall" and inserts the words "may in the discretion of the Secretary of the Navy," so that the Secretary may

be empowered to refuse to remove the charge of desertion in any case where the evidence shall manifestly fail to justify such relief. The House managers recommend concurrence.

Amendment numbered 7, inserts the words "having previously served six months or more," which conforms to the terms of the bill relating to desertions from the Army, and the House managers recommend concurrence.

C. A. BOUTELLE,
H. A. HERBERT,
GEO. D. WISE,
Managers on the part of the House.

Mr. BOUTELLE. I move that the report of the committee of conference be adopted.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. BOUTELLE, by unanimous consent, obtained leave to withdraw from the files of the House papers in the cases of H. H. Haskell and G. W. Stevens.

STATUE OF GENERAL LOGAN.

Mr. STAHLNECKER, by unanimous consent, from the Committee on the Library, reported back with a favorable recommendation the joint resolution (H. Res. 155) authorizing the erection of a statue to the late Maj. Gen. John A. Logan by the Society of the Army of the Tennessee and the Grand Army of the Republic, in Iowa Circle, Washington, D. C., and donating condemned guns therefor, and making an appropriation for the pedestal of said statue; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The House then, on motion of Mr. MCMILLIN (at 4 o'clock and 58 minutes), took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m.

The House was called to order by Mr. MCMILLIN as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., August 3, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

GUSTAVUS W. SMITH.

Mr. HATCH. I ask the gentleman to yield to me for a moment. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 10006) for the removal of the political disabilities of Gustavus W. Smith, and that the bill be now put upon its passage. I would not ask this courtesy at this time but for the fact that I am unable to remain during the session this evening.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the legal and political disabilities imposed by the Fourteenth Amendment of the Constitution of the United States by reason of participation in the late rebellion, be, and they are hereby, removed from Gustavus W. Smith, now a resident of the State of New York.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The motion of Mr. CHIPMAN was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MORRILL. I ask unanimous consent that we commence on the Calendar where we left off last Friday evening and follow the same order as at the last session—that is, that the titles of the bills be read in their order, and when the title of a bill is read if no gentleman asks for its consideration that the bill be passed over, with the understanding that any gentleman present shall have leave to call up any bill on the Calendar previously passed over.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the first bill.

MRS. MAGGIE A. WEED.

The Clerk read as follows:

A bill (S. 2579) granting a pension to Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan.

Mr. MORRILL. I ask the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan, a volunteer nurse in the late war, at the rate of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2579) granting a pension to Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan, report:

The report of the Senate Committee on Pensions is herewith adopted, and the passage of the bill recommended.

[Senate Report No. 988, Fiftieth Congress, first session.]

This bill proposes to pension Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan, a volunteer nurse in the late war, at the rate of $12 per month.

Miss Egan was one of that noble band of women who left their homes and loved ones to minister to the sick and wounded soldiers of the Army of the Union. That she was faithful and untiring in the discharge of her voluntarily assumed duties, we append the following statements, the originals of which accompany the papers in the case:

PADUCAH, KY., *May* 31, 1864.

Miss M. A. Egan has very successfully performed the duties of nurse in the United States general hospital at Paducah for over a year and a half past, having been in the one under my care the major part of that time. She has been attentive and interested, faithful and untiring in her labors; and by her cheerfulness and kindness helped to lighten the load of weariness and suffering of many a poor soldier. I trust she will continue in well-doing, knowing that a life of kindness and disinterested efforts to lighten the miseries of the unfortunate brings with it a glorious reward.

H. HARD,
Acting Assistant Surgeon, U. S. Army.

OFFICE JOE HOLT UNITED STATES ARMY GENERAL HOSPITAL,
Jeffersonville, Ind.

Mrs. LIVERMORE,
Secretary C. S. Com.:

I would respectfully request that you send Miss M. A. Egan to report to this hospital as nurse to assist in the linen-room. She was formerly at Paducah, Ky., and with Mrs. Hamilton and Mrs. Hight. As the services of another are needed, Mrs. H. desired that I ask for her.

Very respectfully,

H. P. STEARNS,
Surgeon, U. S. V., in charge.

Your committee feel that this case is a very meritorious one, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID H. LUTMAN.

Mr. WILSON, of West Virginia. I call up the bill (S. 2206) granting a pension to David H. Lutman, which has been passed over.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the penson-roll, subject to the provisions and limitations of the pension laws, the name of David H. Lutman, late a private in Company F, Second Maryland Regiment.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2206) granting a pension to David H. Lutman, submit the following report:

The committee have considered this case, and adopt the report of the Senate as their report, and recommend that said bill do pass.

[Senate Report No. 625, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2206) granting a pension to David H. Lutman, have carefully examined the same, and report:

David H. Lutman enlisted as a private in Company F, Second Maryland Regiment, September 6, 1861; discharged September 30, 1864, by reason of the expiration of his term of enlistment; filed his declaration for a pension February 13, 1880; granted a pension for one-half disability in 1885; applied for an increase, his claim was rejected, and he was dropped from the pension-rolls April 22, 1886.

The evidence accompanying the papers show that the claimant was a strong, healthy man when he enlisted in 1861. That in a forced march of his regiment from New Creek to Romney, in December, 1861, just after his return to the Army from the hospital at Cumberland, where he had been ill with the measles, he was compelled to wade several streams, the water at that time being extremely cold, which exposure led to his being sent back to the hospital. When he returned to the regiment he was still suffering from the effects of the disease, and continued to be so affected up to the date of his discharge, it being necessary during that entire period, by reason of his physical condition, to assign him to light duty. The evidence further shows that he has been treated from the date of his discharge to the present time by four or five physicians. His neighbors and comrades who knew him before, during, and after the war, testify to the effects of this exposure and the disability which followed it. He was granted a pension for "spinal irritation, result of measles."

When examined for an increase of pension he was certified as not entitled to any rating. He charges, in an affidavit filed November 17, 1887, that the surgeon who examined him was in a "state of intoxication and entirely unfit to make the examination," and at the same time filed a letter from his family physician sustaining his right, by reason of his disease, to a pension. He had, however, prior to this date been examined by a board at Hagerstown, and the Pension Bureau therefore refused to reopen the case on the ground—

"That the unsworn statement of Dr. Greene is not sufficient to controvert the adverse findings of two boards, and therefore does not warrant an examination looking to restoration. If the claimant wishes restoration he must furnish good and sufficient sworn testimony, medical preferred, showing as a fact, and from personal knowledge of the affiant, that pensionable disability, due to formerly pensioned cause, has existed since the date of dropping, and this testimony should intelligently state how the claimant is affected, and what his condition is, irrespective of the claimant's say-so to neighbors or doctors."

Acting under these instructions the claimant filed the following sworn statement of Dr. E. B. Pendleton, one of the most intelligent and able physicians of that section of the country, and a gentleman of the highest character, who states:

"I have on this 4th day of February, 1888, made a careful examination of David H. Lutman, late a private in Company F, Second Regiment Maryland Volunteers, and find that he is suffering from spinal irritation which incapacitates him from the performance of the manual labor upon which he is dependent for a livelihood."

Second. The affidavit of Dr. C. S. Greene, his family physician, who had been

fully vouched for by replies to several confidential inquiries from the Pension Office. His statement is as follows:

"I have, this 4th day of February, 1888, examined D. H. Lutman, late a private in Company F, Second Regiment Maryland Volunteers, and find him suffering from an irritation of the spine, caused (as he informs me) from having taken cold on the measles while in the Army, and said spinal irritation prevents him from performing manual labor to any very great extent, and at times is unable to work at all. I have known said D. H. Lutman for fifteen years, and have been consulted by him in regard to his back on a number of occasions."

Third. The affidavit of William R. Jackson, as follows:

"That he has been personally acquainted with David H. Lutman, who is an applicant for reinstatement on the pension-rolls, for the last twenty years, and during said time said Lutman has been a sufferer from disease said to have been contracted in the Army during the war, and that he further knows that the said Lutman has been in a great measure incapacitated from performing any kind of manual labor, and that he is at this time incapacitated from performing anything like the labor of a full hand. I have worked with said Lutman and know that he can not perform a half day's work regularly, and at many times is not able to work at all for weeks."

Fourth. The affidavit of Henry H. Michael, as follows:

"That he is a resident of Morgan County, West Virginia, and a farmer by occupation; that he is personally acquainted with David H. Lutman, late private in Company F, Second Regiment Maryland Volunteers, who is an applicant for reinstatement on the United States pension-rolls; that the said David H. Lutman is now, and has been for years, suffering from, as I firmly believe, the effects of disease contracted in the line of duty in the Army. I further testify that the said Lutman is not now, nor has he been for a number of years, able to perform more than half of the work of an ordinary hand, and frequently is not able to work at all."

These last two are also credible witnesses.

After these affidavits were filed the Pension Office refused to order the claimant before a board for examination, although he proposed to go to the expense of coming to Washington to be examined, if required by the Department. The Pension Office held "that the medical and lay evidence recently presented does not warrant another examination looking to restoration, as it fails to describe the claimant's physical condition or to show that a ratable disability has existed from the alleged 'spinal irritation' since March 4, 1886."

Do the facts set out in these affidavits warrant this conclusion? We think not, and for the following reasons: The claimant was pensioned in 1885 for "spinal irritation, result of measles," to date from 1864.

Dr. Pendleton makes oath that on the 4th of February, after a most careful examination of the claimant, he finds him suffering from spinal irritation which incapacitates him from the performance of manual labor, a "ratable disability" that had under the decision of the Bureau existed from 1864 to April, 1886. Dr. Greene, his family physician, testifies to the same physical condition of the claimant, and that he had attended him for fifteen years for said disability.

Jackson and Michael, neighbors of the claimant, testify that he has been in a great measure incapacitated from performing any kind of manual labor, and that he is at this time incapacitated from performing anything like the labor of a full hand; the statement of Michael being "that claimant is now, and has been for years, suffering from disease contracted in the line of duty; that he is not now, nor has he been for a number of years, able to perform one-half of the work of an ordinary man, and frequently is not able to work at all."

In the judgment of the committee, these affidavits from physicians of high standing and laymen of credibility cover every point suggested by the medical department of the Pension Office. It is not evidence of the "say-so" of the claimant, but is the affirmative, personal knowledge of those who have spoken.

The committee is of opinion that under these affidavits a pensionable disability has been shown, and that the claimant is entitled to be reinstated on the pension rolls as a pensioner in accordance with the provisions and limitations of the pension laws.

Senate bill 2206 is reported favorably, with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. STONE, of Kentucky. I object.

The question was taken on ordering the bill to be reported to the House with the recommendation that it do pass; and the Chairman declared that the ayes seemed to have it.

Mr. STONE, of Kentucky. I ask for a division.

The committee divided; and there were—ayes 28, no 1.

Mr. STONE, of Kentucky. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from West Virginia [Mr. WILSON] and the gentleman from Kentucky [Mr. STONE].

The tellers took their places, and the count began.

Mr. CARLTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CARLTON. I move that the House do now adjourn.

The CHAIRMAN. That motion is not in order.

Mr. CARLTON. I move that the committee rise.

The CHAIRMAN. A vote is now being taken. The Chair will entertain the gentleman's motion later.

Mr. STONE, of Kentucky (before the completion of the count). Mr. Chairman, I have but one reason for objecting to the consideration of bills to-night, and if the committee will listen to my explanation I believe they will agree that I am justified. I think I have worked as hard as any man in this House for the accomplishment of legislation, and there are a number of bills upon the Private Calendar reported by the Committee on War Claims for the benefit of Federal soldiers who are in just as needy circumstances as any Federal soldier who has a pension bill pending here to-night.

The Committee on War Claims had a night assigned to them two weeks ago for the purpose of considering bills of that character, and the House met and certain gentlemen here saw fit to pursue a course which rendered the session worthless to the committee. Later, when I had it in my power to prevent a gentleman who was active on that occasion from getting legislation which he felt to be of very great importance to him, I was urged to withdraw my objection in order that he might pass his bill, and I did so upon the assurance that the Committee on War Claims should have another evening.

Three separate times we have made a request for that recognition, and as often it has been objected to. I have been told that it is in the interest of the Committee on Invalid Pensions that the Committee on War Claims has been pushed aside, and that is the reason for my course here to-night.

That is my only reason; but I find that gentlemen are disposed to take what I do in this matter as personal, although I am always expected to yield and not to feel that it is personal to me when objections are raised to the requests of my committee. I do not think it is fair treatment, but at the request of gentlemen who have appealed to me since I made the point of no quorum, I am going to withdraw it and let business proceed this evening, with the understanding that during the coming week I shall have the co-operation of those gentlemen in having an evening assigned to the Committee on War Claims.

The CHAIRMAN. The point of no quorum is withdrawn. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

ALBERT WATSON.

Mr. CANNON. Mr. Chairman, I desire to call up a bill which has been heretofore passed over, the bill (H. R. 2894) for the relief of Albert Watson.

Mr. LAWLER. I object to the consideration of that bill.

The CHAIRMAN. The gentleman [Mr. CANNON] has a right, under the order, to call up this bill, it having been passed over.

Mr. LAWLER. But I object to the consideration of it, and I want to state why I object.

A MEMBER. I object to any more statements.

The CHAIRMAN. The gentleman [Mr. LAWLER] can not object to the bill at this time, but his objection can be made later.

Mr. LAWLER. I understood at the last evening session that objections were held to be good when a bill was about being presented for consideration.

The CHAIRMAN. That was under a special order, but this is under a different order. Of course the gentleman can make his objection effective later.

Several MEMBERS. Regular order.

Mr. CANNON. If my colleague has a bill that he desires to have considered, I shall not object.

Mr. LAWLER. I have been here for nine evening sessions and have not got a bill through, and I think it is about time to get recognition for a single bill.

Mr. COOPER. I am in the same box.

Mr. LAWLER. You join with me, then, and we will get recognition.

Mr. FUNSTON. This is the first time I have seen the gentleman [Mr. LAWLER] at these evening sessions this summer. [Laughter.]

The CHAIRMAN. The bill which the gentleman from Illinois [Mr. CANNON] calls up is one that has been passed over, and under the rule he has a right to call it up.

Mr. LAWLER. Why did not my colleague call up this bill when it was reached?

The CHAIRMAN. The Chair is unable to answer that question.

Mr. CANNON. I can answer, if it is in order.

Several MEMBERS. "Regular order!"

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Albert Watson, the invalid son of Peter D. Watson, late a private of Company B, Seventy-sixth Regiment Illinois Volunteers, and pay said son a pension of $18 per month for and during his natural life.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9824) for the relief of Albert Watson, have examined the papers filed in the case and submit the following report:

Claimant is the invalid son of Peter D. Watson, who was a member of Company B, Seventy-sixth Regiment Illinois Volunteers, and a pensioner under certificate No. 172575. He died on November 7, 1884, leaving a widow and the claimant, the only living child. The widow drew a pension by reason of the death of said soldier and she again remarried about October 1, 1885.

The claimant is a deformed cripple, and has been so since childhood; has spinal affection; is hump-backed; has curvature of breast; face deformed; is very weak, and can hardly go about without assistance; is totally unable to do any kind of manual labor; has no income, and is dependent upon charity for support; his age is nineteen.

There are numerous affidavits substantiating the above statement as to his condition, and your committee are convinced that this is one of the cases that call for the generous action of Congress. We therefore report the bill favorably, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM COLLINSWORTH.

Mr. TOWNSHEND. I call up the bill (S. 1122) granting an increase of pension to William Collinsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Collinsworth, late a private in Company G, One hundred and eleventh Regiment Illinois Infantry Volunteers, and to pay him a pension at the rate of $24 a month, in lieu of the pension he is now receiving.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1122, beg leave to report that they have considered said case and adopt the report of the Senate as their report, and recommend that said bill do pass.

[Senate Report No. 667, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1122) granting an increase of pension to William Collinsworth, have examined the same, and report:

Claimant is now pensioned at the rate of $6 per month on account of gunshot wound of right leg. Claim for increase of pension on account of injury of left hip, side, shoulder, and testicle was rejected January 12, 1886, on the ground that the records of the War Department did not show the existence of said disabilities in the service; that no evidence was on file showing treatment for said disabilities, and that the claimant had declared his inability to furnish satisfactory evidence to establish the claim.

The records of the War Department show that claimant was enrolled August 16, 1862, in Company G, One hundred and eleventh Illinois Volunteer Infantry, and was honorably discharged June 6, 1865; that he was admitted to regimental hospital November 17, 1863, with acute diarrhea; was admitted to general field hospital, Fifteenth Army Corps, Marietta, Ga., August 15, 1864, with pleuropneumonia.

In his application for increase of pension, filed October 2, 1871, claimant states that his disabilities are such that he believes himself entitled to a higher rating on account of a fracture of his right leg below the knee. In his declaration filed January 28, 1882, claimant asks for an increase of pension on account of his original disability and additional pension on account of injury extending across the small of back and left shoulder.

In declaration filed June 20, 1884, claimant states that he believes himself to be entitled to an increase of pension on account of increase of disability for which he is already pensioned, as well as an injury received at the same date on the left side, and shoulder, and testicle, caused by a limb falling and striking him; said limb was cut from a tree by a cannon-ball at the battle of Resaca, Ga., May 14, 1863; that the disability for which he is already pensioned was received at the same time and under the same circumstances; that his left testicle is enlarged to almost four times its normal size.

In a letter filed July 7, 1885, claimant states that for good reasons, which he will give, he believes that he is unable to furnish testimony of his regimental surgeon; that he was wounded about 7 o'clock in the evening, and that it was about midnight before he was carried to the surgeon, who was attending fifteen or twenty other wounded men; that the surgeon briefly examined him, remarking that there was no broken bone, and advised him to wait as patiently as possible, as there were other men whose wounds were more severe than his own; that the surgeon came to him again about daylight, and while dressing his wound received an order to follow the regiment immediately; that he was placed in an ambulance and taken to the field hospital, where he was treated by an unknown man; that he was afterward sent to convalescent camp, where he was so cruelly treated that he begged to be allowed to follow his regiment, which request was granted by the surgeon in charge; that owing to his disabilities he was detailed to drive a wagon.

In a letter to Mr. TOWNSHEND, of Illinois, under date of December 21, 1886, claimant states that he gave three boys to the service, all of whom are now dead, and that he is now old and crippled from the effects of disabilities received in the service; has a family of dependent girls, with no means of support save the small pittance of $6 per month allowed by the Government; that he sends the affidavits of two comrades, showing that his disabilities were incurred in the service.

Ira A. Maddox, a comrade, testifies that claimant was wounded at the battle of Resaca, Ga., May 15, 1864, by a limb striking him in the left side, right leg, and left testicle; that two ribs of the left side were broken, and claimant was disabled for duty during the remainder of the service.

George W. Birge, a comrade, testifies that while claimant was engaged with the enemy, under General Joseph E. Johnston, on or about May 15 or 16, 1864, at Resaca, Ga., he was wounded in the left side by the limb of a tree, having been shot off by a cannon-ball, breaking two of his ribs of left side and fracturing his right leg; and that the said disabilities have continued to the present time.

J. G. Topping, a comrade, testifies that claimant was struck by a falling limb at the battle of Resaca, Ga., on or about May 14, 1864, injuring the small of his back, right leg, and left shoulder, disabling him for military duty; that his testimony is based upon personal knowledge. He reiterates these statements in a letter to the Bureau of Pensions under date of May 24, 1885.

Franklin Baldwin, a comrade, testifies that claimant was injured in the small of his back by a limb shot off by a cannon-ball, at Resaca, Ga., May 14, 1864.

In a letter dated May 23, 1865, Comrade Baldwin states that claimant was wounded across the small of his back, in his testicle and right leg, and that he is suffering from said disabilities at the present time.

J. J. Chambers, of Centralia, Ill., testifies that he has been intimately acquainted with claimant and his circumstances ever since the date of his discharge from the service; that he has suffered continuously on account of injury of his back and left testicle, and that he is now entirely unfit for manual labor in consequence of said disabilities.

William B. Johnson, of Centralia, Ill., testifies that claimant has been constantly disabled for manual labor by reason of disease of back and left testicle.

Dr. E. B. Marshall, of Centralia, Ill., testifies that he has been acquainted with claimant ever since the date of his discharge from the service; that claimant is now seventy-one years of age, of good moral character, and is in feeble health, suffering from hydrocele of left side, eczema of right leg, and has often recurrent pain in left chest, much aggravated by increased momentum, supposed to have originated in a fracture of the sixth rib, nearest spinal articulation, with incomplete union, totally disabling him for manual labor.

Dr. R. H. Scott, of Centralia, Ill., testifies that claimant has consulted him at various times since 1865, and that the said claimant has disease of testicle and leg and internal injury of chest, totally disabling him at times for manual labor.

Dr. W. Scott Marshall, of Centralia, Ill., under date of February 23, 1886, testifies that he has been acquainted with claimant from the date of his discharge from the service to the present time; that an examination made this date (February 23, 1886) finds him with a bunch or small tumor on his back, and hydrocele of left scrotum, totally disabling him for manual labor.

A petition from S. G. Burdick, C. C. Estes, E. Probst, G. W. Welden, P. K. Watts, J. W. Dickerson, E. P. Lapham, and one hundred other comrades of Wallace Post, No. 55, Grand Army of the Republic, Centralia, Ill., recites that claimant's three sons, upon whom he depended entirely, are now dead; that they were all in the service, never drew any pension, and died from wounds and diseases incurred in the service of the United States; that claimant is now an old man and disabled by wounds and diseases contracted in the service, so that he is now physically disabled for manual labor; that the small pension of $6 per month is in no way proportionate to his disabilities, and that he has often to be assisted by his comrades and fellow-citizens; that he is a worthy man and has given enough to his country to warrant better treatment.

The board of United States examining surgeons at Vandalia, Ill., by whom claimant was last examined, May 21, 1884, rated him at $10 per month for disability of right leg and left testicle.

Favorable action is warranted from the facts in the case, and the committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. AVIS J. HOCKEY.

Mr. HENDERSON, of Illinois. I call up the bill (S. 2253) granting a pension to Mrs. Avis J. Hockey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Avis J. Hockey, widow of William Hockey, late a corporal in Company G, Eighteenth Illinois Infantry.

The report (by Mr. SAWYER) was read, as follows:

The committee, after an examination of the papers on file in the above claim, believe that the evidence fully supports the report of the Senate committee in the case, and they therefore adopt that report as their own, and recommend that the bill do pass.

The Committee on Pensions, to whom was referred the petition of Avis J. Hockey, have examined the same, and report:

The petitioner is the widow of William Hockey, late of Company G, Eighteenth Regiment Illinois Volunteers. She was married to him in 1872; he died in 1883, and she applied for a pension in 1885. Her claim was rejected on the ground that the disease of which he died was not due to his service.

There is evidence to show that he was sick while in the service, and that he was favored with light duty for that reason. It is in evidence that he had lung disease while in the service, and for a considerable portion of the time until he was discharged he was placed on detached duty for this reason. There is evidence, besides the fact of his being accepted after a formal examination, that he was sound before he enlisted.

The testimony of Dr. Obetz, who treated the soldier, is made the basis for the rejection of the claim. His statement is peculiar and not consistent. He says his last sickness was malarial fever; that he was apparently doing well; he always found the symptoms mild and favorable, but suddenly he became exhausted and died; "that because of his sudden death and an Army history plainly indicating lung disease, affiant made a *post mortem* examination of the body in presence of Dr. Smith and others; that before proceeding with the examination he predicted it to be a case of tuberculosis, with the results following or attending the disease;" * * * "that on opening the abdomen and chest his predictions were verified;" and the doctor goes on to describe at length and in technical terms a case of death from long-standing lung affection. A malarial or any other description of fever may have set in when the man approached the last stages of a disease that he evidently contracted in the Army and that had ever since been slowly and surely consuming his life.

In the adverse decision the idea of the soldier's living twenty-two years with that "dread disease, consumption," is the subject of light comment; but it is not inconsistent with experience of doctors or laymen.

It is a well-established fact that he incurred lung disease in the service and that he died of it.

The accompanying bill is reported for the relief of the widow, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES E. KABLER.

The next pension business on the Private Calendar (called up by Mr. RYAN) was the bill (S. 2616) granting a pension to James E. Kabler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James E. Kabler, late a private in Company I, Tenth Regiment Kentucky Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Pensions in the Senate make the following report, which is adopted, and the passage of the bill recommended:

"James E. Kabler, the claimant under this bill, enlisted as a private soldier in Company I, Tenth Regiment Kentucky Cavalry Volunteers, on the 10th day of August, 1862, and was discharged September 17, 1863.

"On May 18, 1870, he made application for pension, alleging in his declaration "that on December 7, 1862, at Ashland, Ky., he contracted quinsy of the jaws and throat, caused by exposure while in the line of duty."

"The claimant swears 'that the quinsy has affected his whole system, causing him to break out in sores over his body, and while so broken out he is unable to perform manual labor. These spells occur in the spring and fall and lay him up one or two months each time, and that he has been disabled one-half since discharge' * * * 'that he is unable to furnish further medical testimony.'

"The Surgeon-General reports him sick, November and December, 1862. Dr. J. F. Fleming, regimental surgeon, swears to treatment of claimant for an affection of the throat, of the nature of quinsy, from September to December, 1863.

"Lieut. George L. McCord swears that claimant contracted quinsy of the jaws and throat by reason of exposure at Ashland, Ky., December, 1862.

"Dr. R. Wells swears that claimant was free from disease when he entered the service, and that he has treated him for quinsy of the jaws and throat from September, 1866, to March 29, 1871.

"F. F. Asbury and B. F. Henderson swear that claimant suffered from and was afflicted with quinsy of the jaws and throat from the time of his discharge to September, 1866, and is suffering from the same at the present time.

"Dr. Shackelford, medical examiner, rates him, under date of November 10, 1870, at one-fourth.

"Dr. Gasten Boyd, Newton, Kans., April 1, 1874, finds 'no disability.'

"Comrade Robert Cooper swears that he knows claimant had quinsy of the throat and jaws at date of discharge, as he was a messmate of claimant and has personal knowledge of the fact. This is corroborated by comrade Mason Cooper.

"Drs. Henry Owens and P. A. Medlin, Wichita, Kans., swear to an examination of claimant, and find him suffering from an affection of the throat and jaws, which disables him one-half from the performance of manual labor, and that they believe his disability to be the effects of quinsy.

"Drs. R. Wells and Nathan Wells; same as above.

"Joseph E. Willis, Henry Vandewarker, and Josiah Porter, neighbors, testify to continuance; * * * that he is frequently confined to his bed, * * * and totally incapacitated for the performance of manual labor one-fourth of the time, * * * and that his condition is such that he ought not to labor at all.

"On December 21, 1881, he was examined by the Wichita board, who report 'no disability from that cause' (quinsy). Dr. James R. Duncan, medical examiner, Newton, Kans., March 21, 1883, says:

"'The claimant is partially incapacitated for obtaining his subsistence by manual labor * * * and that the disability is probably permanent, * * * and in obedience to special instructions he rates only for quinsy one-fourth.'

"The Commissioner of Pensions rejected the claim August 25, 1882, on the ground of no disability, due to results of quinsy, on account of which pension is claimed, since the date of soldier's discharge.

"The testimony shows that the disability was contracted in the service, and its continuance clearly established; he is now poor and scarcely able to earn a support for himself and family, and we therefore report the bill favorably, with the recommendation that it pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. GENERAL WARD B. BURNETT.

The next pension business on the Private Calendar (called up by Mr. STRUBLE) was the bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

Mr. STRUBLE. I desire to make a request in connection with this bill. It is a Senate bill proposing to increase the pension of Mrs. General Ward B. Burnett from $50 to $100 a month. The report is quite lengthy and would require some time for its reading. I am advised that gentlemen here will object to the consideration of this bill to-night. Therefore I ask that the bill take the same course which has been adopted with a number of bills—that it be reported to the House with the understanding that it shall be called up at a day session, that the report shall then be read, and thirty minutes allowed for debate before the bill is put on its passage.

Several MEMBERS. Fix a day.

Mr. STRUBLE. I will say next Friday, a week from to-day.

Mr. BUTLER. I object, unless some other day be named than private-bill day.

Mr. STRUBLE. This is to occupy only thirty minutes.

Mr. BUTLER. But this is a pension bill, and Friday night is assigned specially for such bills. I suggest that next Thursday or next Saturday be fixed.

Mr. STRUBLE. I would like, of course, to fix some day which would not be objected to. I will name next Thursday.

The CHAIRMAN. The gentleman from Iowa [Mr. STRUBLE] moves that this bill be postponed until Thursday next, immediately after the reading of the Journal; that the report be then read, and thirty minutes be allowed for debate before voting on the passage of the bill.

Mr. MCMILLIN. I suggest that the order stated can not be made by a vote of the Committee of the Whole.

The CHAIRMAN. The proposition is to recommend to the House the action stated.

Mr. MCMILLIN. The request, I believe, was for unanimous consent.

The CHAIRMAN. If the gentleman prefers it in that shape it will be so stated.

Mr. MCMILLIN. I have no preference in the matter.

Mr. STRUBLE. That was the form of the request.

Mr. MCMILLIN. The difficulty in connection with a proposition of this kind is that the bill when fixed for a future day comes in conflict with other business of the House. By an order of the House at a day session we might make such an assignment as this; but I do not think it proper for members at a Friday night session to undertake to fill up succeeding days with business of this sort under a pretense that the previous question is ordered. We go through the form of ordering the previous question, but at the same time we provide for allowing debate and amendment upon these bills. I think it proper that the right to debate and amend should be allowed; but to make an order of this kind under the form of the previous question seems to me very illogical.

Besides, we have had no success whatever in disposing of bills of this character already fixed for certain days. These bills are fixed for a particular day; they come up on that day, then they are postponed to a Friday; and when reached they are postponed again. The Calendar is full of this class of business now.

Mr. STRUBLE. But the gentleman recognizes the fact that under existing conditions it is impossible to dispose of this bill here to-night.

Mr. MCMILLIN. I do recognize that difficulty. But I want to call attention to the point made by my colleague [Mr. BUTLER], that by an order of this kind we encroach upon the day session of Friday, which is the only time we have for other private business.

Mr. STRUBLE. I have asked to fix the bill for Thursday next.

Mr. MCMILLIN. I understand that. But let me tell the gentleman how these orders operate. We have fixed days in this manner heretofore; when the day fixed has been reached the bills have not been disposed of, and then, under the rules, they drop back to Friday, so that the first thing which comes up on Friday, if private business is entered upon, is bills like this which have come over from Friday night sessions. If this order be made, this bill will be just one other added to the number already upon the Calendar. That would be the effect.

If the House is disposed to do that, I can only say that I think it is a hardship upon the other committees who have no day other than Fridays provided for the consideration of private claims and bills emanating from such committees, and the result of this has been heretofore to deprive those committees of their privileges under the rule. Besides, it is an anomalous position in which to place a bill—ordering the previous question upon it and yet opening it up for debate and amendment.

Mr. STRUBLE. All that I want to do, and I will be glad if the gentleman from Tennessee will suggest some remedy, is to facilitate action upon the bill.

Mr. MCMILLIN. The gentleman from Missouri has already stated that there are about twenty of these bills made special orders in the manner the gentleman suggests. If gentlemen on the Claims Committee and War Claims Committee and other committees are willing to have the days devoted to private business taken up in that way, I do not think I ought to make any special objection or complaint. But the fact is that bills of this character which have heretofore gone over—and I believe the Chair would so hold if the matter was brought up in a proper way for ruling—would have precedence on the Friday sessions, and would be in order the first thing on Friday unless some other disposition should be made of them.

Mr. PERKINS. By consent, however, they have always been passed over on Friday, and their consideration has not been urged.

Mr. MCMILLIN. I am aware of that; but they may be called up at any time. The proper course is to dispose of these at the evening sessions, either to pass them if they are to be passed finally, or let them be killed if they are to be killed finally.

Mr. PERKINS. The difficulty here is to-night that we have no quorum, and that point is made.

Mr. MCMILLIN. Because if gentlemen will consider for a moment they will see what an anomalous position this places us in if the request is complied with. Without the reading of the report, without the consideration of the bill, without knowing anything whatever about its merits or demerits, we go through the form of recommending that the bill, and that is the only way we can get out of committee, be favorably reported, and yet the committee does not know what it is upon its face, or what merits it may possess.

Mr. STRUBLE. It is only a conditional recommendation.

Mr. MCMILLIN. Not by any means; it is an absolute recommendation; not conditional at all. It comes from the committee with the absolute recommendation of the committee, as absolute as we can make it in any case.

Mr. STRUBLE. But it is always understood to be a conditional indorsement; not a full indorsement.

Now, I desire that justice may be done to this party, and that the bill shall have fair and proper consideration.

Mr. PERKINS. Let the request of the gentleman to set this bill for consideration on next Thursday be submitted to the committee with the right of amendment and debate.

Mr. MCMILLIN. I will suggest to the gentleman that he allow the bill to remain as it is, and then when it gets into the House let him ask unanimous consent that the consideration of the bill be fixed for some day next week, and let the House determine it for himself; not go through the form of making an indorsement here of the bill or recommendation in the manner we have been doing.

The CHAIRMAN. The Chair will call the attention of the gentleman from Tennessee to the fact that the motion was to report the bill to the House with the recommendation that its consideration be postponed until next Thursday immediately after the reading of the Journal. The Chair, after consultation with the Speaker, abandoned the phraseology which has heretofore prevailed.

Mr. MCMILLIN. Then it goes virtually, as I said to the gentleman, as fixed for consideration on that day without going through the form of ordering the previous question upon it. We have been heretofore pursuing what appears to be an absurd form of ordering the previous question, and yet negativing its effects by allowing amendment and debate.

The CHAIRMAN. The Chair stated the proposition here after a consultation with the Speaker.

Mr. LAWLER. Why not consider the case now?

The CHAIRMAN. The gentleman has stated that the point of no quorum would be made.

Mr. STRUBLE. I have stated and I personally knew that a gentleman would object to the bill, as he has done to similar bills, and I did not care to take up the time of the committee having the report read.

Mr. LAWLER. What is the financial condition of this lady?

Mr. STRUBLE. I understand that her reliance is solely upon the pension she is now receiving. I do not care, however, to go into those questions now.

The CHAIRMAN. The gentleman from Iowa moves that the bill be reported to the House with the recommendation that its further consideration be postponed until next Thursday immediately after the reading of the Journal.

The motion was agreed to.

Mr. STRUBLE. I would inquire if further action in the House is to be taken?

The CHAIRMAN. It will be necessary to do so, as the Committee simply makes a recommendation to the House.

JAMES M'LAUGHLIN.

The next business on the Calendar (the consideration of which was asked by Mr. FUNSTON) was the bill (S. 1609) for the relief of James McLaughlin.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of James McLaughlin, late captain of Company I, Tenth Regiment Kansas State Militia.

The report (by Mr. MORRILL) was read, as follows:

The report of the Committee on Pensions in the Senate sets forth fully the facts in this case and is hereby adopted, and the passage of the bill recommended.

[Senate Report No. 420, Fiftieth Congress, first session.]

James McLaughlin was captain of Company I, Tenth Regiment Kansas State Militia Infantry, and in his declaration for pension, filed November 3, 1881, alleges as a basis of his claim that he contracted inflammatory sore eyes at Leavenworth, Kans., in June, 1863, which apparently became better, but when ordered out in 1864 to repel the Price raid he suffered a relapse.

The Commissioner of Pensions rejected the claim January 22, 1883, on the ground that he was a member of the State militia, and that he did not prosecute his claim to a successful issue prior to July 4, 1874, as provided by paragraph 3, section 4693, of the Revised Statutes. The soundness of Captain McLaughlin prior to enlistment is, we think, fully established.

Dr. G. N. Cooper, of Garnett, Kans., who was the regimental surgeon, testifies "that he has known claimant intimately since 1860, and that when he entered the service he was in good physical health."

Dr. B. M. Ling, Central City, Kans., testifies "he has known claimant during the past twenty-two years (1862 to 1884, when affidavit was filed) and up to October, 1864, he had all the appearances of a sound man."

Dr. Thomas Lindsay, Garnett, Kans. (United States examining surgeon), states, in response to office letter, "that he was claimant's family physician from 1859 to 1862, during which time said claimant seemed to be sound and had no disease of eyes."

As to continuance of disability from date of discharge, Capt. Jonn G. Lindsay swears "that he saw claimant in December, 1864, when he was suffering with sore eyes; again in August, 1865, when he was suffering with same disability, and been thus afflicted ever since, gradually growing worse; at the present he is unable to perform manual labor."

Dr. George W. Cooper, Garnett, Kans., swears that—

"Shortly after claimant's return from the service, October, 1864, he was suffering with sore eyes, and knows from personal observation that he has suffered with same ever since. Claimant is a carpenter by occupation, and in consequence of said disease has been, since the war, unable to successfully follow his occupation."

Dr. M. B. Ling, member of the regiment, swears that claimant has suffered with sore eyes ever since 1864, and, in affiant's judgment, unable to work one-fourth of his time since 1864.

M. A. Page, private Company I, Tenth Regiment, testifies to incurrence during Price's raid, and continuance to present time.

James S. Smith testifies similarly and fixes time of incurrence during Price's raid, and caused by marching over dusty roads.

Dr. Thomas Lindsay, United States examining surgeon, in response to office letter, states "that he treated claimant for granulated sore eyes from 1865 to 1871, after which his professional partner treated claimant for two or three years. Ever since he has been his family physician; at the present time he is nearly blind." Dr. Lindsay, examining surgeon, in his report to the Commissioner of Pensions, reports disability second grade, and rates him at $24 per month.

The character of all the affiants in this case for truth and veracity is satisfactorily established.

Your committee think the claim a very meritorious one.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN EDSON.

The next business on the Calendar (the consideration of which was asked by Mr. MORRILL) was the bill (S. 915) granting a pension to Susan Edson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Susan Edson, doctor of medicine, a volunteer surgical nurse in the late war of the rebellion, at the rate of $25 per month.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 915) granting a pension to Susan Edson, having considered the same, report as follows:

The papers in this case are very voluminous, and the Senate report is altogether too brief. It is necessary only to give some hints as to the great merit of this bill to secure its passage. It was originally introduced into the Senate at $72 per month, but was amended and passed at $25.

Miss Edson and her sister rendered the country invaluable service during the rebellion. Claimant was a physician of high standing, and in the hospitals freely gave to the soldiers the advantage of her medical knowledge. Her sister was a devoted nurse, who by exposure and fatigue in the hospitals laid the foundation of disease which caused her death. She did not apply for or draw pension from the Government.

Miss Edson will be remembered as the faithful attendant upon the late President Garfield. Her unremitting exertions during those long weeks of anxious solicitude completely wrecked her nervous system, and for a long time her life was despaired of, entire seclusion from friends for two years being necessary. Her health was so wrecked when she left the Army that she did not resume the practice of her profession until 1867, and since her illness, following President Garfield's death, she has been utterly unable to do anything in the line of her profession.

She is now advanced in years, utterly broken in health, and without means. She thinks she is entitled to the highest rate of pension paid soldiers, namely, $72 per month, but the Senate amended the bill, and your committee are of opinion that the Senate bill should pass without change, and therefore report it back, with a favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA E. AMBROSE.

The next business on the Calendar (the consideration of which was asked by Mr. PUGSLEY) was the bill (H. R. 7508) granting a pension to Julia E. Ambrose.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia E. Ambrose, widow of Joseph N. Ambrose, Company G, Eleventh Regiment Ohio Volunteer Cavalry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7508) granting a pension to Julia E. Ambrose, have examined the same, and report:

The claimant's husband, Joseph N. Ambrose, enlisted in Company A, Sixtieth Ohio Volunteer Infantry, September 30, 1861, and was discharged therefrom for "functional disease of heart" August 5, 1862. He enlisted in Company G, Eleventh Ohio Volunteer Cavalry, July 21, 1863, as a veteran volunteer, and was discharged as of July 14, 1866. He was pensioned for severe deafness of both ears at the rate of $4 per month, commencing August 19, 1882, and $8 from April 3, 1884. He was adjudged insane and died in Dayton (Ohio) Insane Asylum December 23, 1884.

Dr. C. N. King, superintendent of Dayton Insane Asylum, where soldier was confined, certifies that he died from apoplexy. Dr. King had been in charge of the asylum less than two months at the time of the death; had no previous knowledge of the soldier, and states in an affidavit that he knew nothing about the causes of the soldier's mental and physical trouble. Based alone on the evidence of Dr. King, so far as we are able to discover, the Pension Department rejected the widow's claim for pension.

Dr. B. F. Holmes certifies that he was well acquainted with the soldier prior to his enlistment, and that all external indications denoted good health; that he treated him from the time of his return from the Army until he was admitted to insane asylum (which was November 5, 1883) almost constantly, and is perfectly satisfied that his exposure to cold, long marches, wet weather, and loss of rest was the cause of ill health and death.

Dr. E. Holmes certifies that he was acquanted with soldier about thirty years prior to his death; "examined him and he passed as an able-bodied, sound man at the time of enlistment. * * * Prescribed and treated him at intervals from the time of his discharge up to within a short time before his admission into the asylum for the insane;" that he was "of the opinion that his continuous increasing affections, mental and physical diseases, and death were the natural and irremediable result of the extreme exposure, privations, and suffering incurred while in the service of the United States Army."

It is a case of disagreement of doctors, and we feel justified in giving to this needy widow the benefit of such doubt as there may be by accepting the opinion of the physicians who were well acquainted with the soldier, who treated him, and whose opinion is based on personal knowledge and observation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISHMAEL JONES.

The next business on the Calendar (the consideration of which was asked by Mr. MOFFITT) was the bill (H. R. 889) granting a pension to Ishmael Jones.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ishmael Jones, of Utica, N. Y., late of the Navy.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 889) granting a pension to Ishmael Jones, have considered the same and report as follows:

The claimant, Ishmael Jones, is shown by the records to have enlisted as a seaman on the North Carolina on the 9th of November, 1861, and served thereon until November 28, 1861, when transferred to the Flambeau. He served on the latter vessel until June 18, 1862, and was again transferred to the North Carolina. He was discharged August 5, 1862, for disability.

In his declaration for pension before the Pension Bureau, filed more than eight years ago, he claimed that, while serving on the Flambeau at Port Royal, S. C., in 1862, he was injured on the back above the left hip by a barrel of pork rolling against him and pressing him against *the chine of another barrel while* he was standing in the hold of the vessel receiving goods which were being lowered to him.

The claim was rejected by the Pension Bureau, March 17, 1882, on the ground of claimant's inability to furnish testimony showing the receipt of the injury at the time and place alleged.

Your committee have carefully examined the testimony in the claim before the Pension Office in connection with the records of the hospital in which claimant was treated, and there has also been filed, directly before the committee, the testimony of responsible and reliable witnesses in support of the claim.

That the applicant, Jones, was a sound, healthy man at enlistment is established by undoubted testimony as well as by the fact of his examination at enlistment. The journals of the Flambeau are not on file, not having been preserved, and inasmuch as claimant was treated on board that vessel for about a month he is deprived, by no fault of his own, of the most usual and valuable evidence of the incurrence of his disability. As a general rule the journals of naval vessels furnish sufficient proof to establish origin in a navy pension claim.

This claimant was transferred from the Flambeau into the naval hospital, Brooklyn, N. Y., on July 18, 1862, with splenitis, with no history of the origin of his disability given, and was discharged therefrom and out of service on the 5th day of August, 1862, because of his weak and enfeebled condition and general muscular and nervous disability, and with the concluding remark that "he will be, for a long time to come, unfit for duty at sea."

It is established by unquestioned testimony of reliable men that upon his return home in 1862 he was severely affected by a lame back and by a pain in the left side of his body, and ever since that time, as the proof shows, he has been similarly affected.

Examining Surgeon Watson, of Utica, N. Y., who made a physical examination of this man in August, 1880, stated:

"I find excessive tenderness on pressure over the left lumbar region, so that the slightest touch causes him to cry out. Stooping causes the most severe pain. I do not see how he can perform any manual labor."

At the examination of the claimant at Rome, N. Y., by Dr. Flandrau, in December, 1881, he found a similar condition, due to disease of back or spine, and also a severe disease of eyes.

The claimant is now in his seventy-third year, is in needy circumstances, and is honest and truthful, as is shown by the statements of Hon. Francis Kernan, late United States Senator from New York, of Judge W. T. Dunmore, and of other prominent men who are acquainted with him.

It is clearly a fact that the disabled condition of the applicant is due to his

naval service, and in view of the circumstances of the case your committee are of the opinion that as claimant can find no one who saw him injured, his own testimony should be taken to establish that fact. All presumptions are in his favor that his disability was incurred in line of duty.

Your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHAN COOK.

The next business on the Calendar (the consideration of which was asked by Mr. CARLTON) was the bill (H. R. 9228) for the relief of Nathan Cook.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Nathan Cook, late of Captain Vincent's company, Georgia Volunteers, Cherokee war, and pay him a pension from the date of his application, at the rate of $25 per month.

The report by (Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9228) granting a pension to Nathan Cook, have considered the same, and report as follows:

The claimant, Nathan Cook, is shown by the records to have served in Capt. Isaac S. Vincent's company, First Regiment Georgia Volunteers, Cherokee war, from May 14, 1838, until June 26, 1838, when discharged. He filed his claim before the Pension Bureau on September 18, 1883, declaring that while in said service diarrhea and neuralgia were incurred and have continued to disable him ever since. There is filed in his pension claim the testimony of his comrades and of neighbors showing that said diseases existed during his service and ever since.

The board of examining surgeons, at Atlanta, Ga., in November, 1883, found him disabled severely by neuralgia, and rated his disability at $6 per month.

He is now eighty-five years of age, is in poor circumstances, and is burdened by the support of two invalid daughters who are entirely dependent upon him.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. W. PORTER.

The next pension business on the Private Calendar was the bill (H. R. 4702) to pension J. W. Porter.

Mr. HERMANN. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-rolls of the Government the name of John W. Porter, late private of Company E, Battalion of Missouri Mounted Volunteers, application numbered 11953, for services in the Army of the United States in the establishment of military posts, and for services on the frontier during the war with Mexico, subject to the limitations and regulations of the pension laws of the United States in pensioning the survivors of the war with Mexico.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4792) granting a pension to John W. Porter, have considered the same, and report as follows:

This claimant was in Powell's Battalion of Missouri Mounted Volunteers from August 13, 1847, to November 10, 1848. His claim was rejected by the Pension Bureau on the ground that he was not in Mexico, on the frontiers thereof, nor *en route* thereto.

A report from the Adjutant-General United States Army shows that this man was enlisted in Powell's Battalion, Missouri Mounted Volunteers, at Fort Leavenworth, to serve during the war with Mexico. The command marched from Fort Leavenworth on or about September 1, 1847; arrived at Fort Kearney September 18, 1847; remained at said fort until the middle of May, 1848; marched thence to Fort Childs, Platte River, where it arrived June 1, 1848; remained at said fort until September and October, 1848, when it returned to Fort Leavenworth and was mustered out.

The Adjutant-General further states that although the battalion was called into service under the act of Congress of May 13, 1846 (providing for volunteers for the war with Mexico), yet it was used for the purpose of laying out a route to Oregon, and did not serve in the war with Mexico.

Your committee are of the opinon that inasmuch as the soldier was mustered for the war with Mexico and his services deflected into another channel by authority of the War Department, and as he has reached the age of sixty-seven years, he should be placed on a parallel with other Mexican volunteers and granted a pension.

The committee return the bill to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA A. WOODS.

The next pension business on the Private Calendar was the bill (H. R. 8885) granting a pension to Eliza A. Woods.

Mr. WICKHAM. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to inscribe on the pension-rolls the name of Eliza A. Woods, widow of Richard Woods, who was an ensign and lieutenant in Captain Jones's company, Colonel Anderson's regiment of United States Infantry, war of 1812, subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8885) granting a pension to Eliza A. Woods, have considered the same, and report as follows:

It appears from the records of the War Department that Richard M. Woods was appointed an ensign Twenty-fourth United States Infantry on April 26, 1813, promoted third lieutenant May 13, 1813, and second lieutenant December 18, 1813. His services terminated in 1815 under act of disbandment of the Army, approved March 3, 1815.

He was married to the claimant, Eliza A. Woods, on the 3d day of June, 1824, and lived with her until his death, in 1845.

In 1846 or 1847 the claimant again married one A. R. Anderson, but lived with him only a few years, he having deserted her about 1852; and for that reason and cruelty she was divorced from him February 24, 1855, and was directed by the decree of divorcement to change her name to that of her first husband, Woods. She has since remained a single woman, being a citizen of good moral character.

Her claim for pension was rejected by the Pension Bureau on the ground of her remarriage to Anderson after the soldier's death.

The claimant, Mrs. Woods, is now in her eightieth year and in poor and needy circumstances.

In granting pension to widow of a soldier of the Revolutionary war the remarriage of the widow does not operate under the general law to deprive her of a pension if she is a widow at the time of her application for pension, and the Commissioner of Pensions has recommended to your committee that a similar enactment be made to apply to the widows of soldiers of other wars.

Your committee are of the opinion that the bill should pass, and so recommend.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY NEWTON.

The next pension business on the Private Calendar was the bill (H. R. 9227) for the relief of Mary Newton.

Mr. CARLTON. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Mary Newton, the daughter and only surviving heir of John Jordon, of the Continental Line, in the war of the Revolution, and to pay her at the rate of $12 per month from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9227) granting a pension to Mrs. Mary Newton, have considered the same, and report:

That the claimant, Mrs. Mary Newton, is the only surviving child of John Jordon, who was a soldier for three years in the war of the Revolution. She is now in her eighty-fifth year, having been born, as shown by the family record before your committee, on the 2d day of July, 1804, and in her old age applies to Congress for relief.

It is shown by the records of the soldiers who served in the Virginia Continental line that John Jordon served as bombardier in Colonel Harrison's regiment of artillery (Virginia quota) for three years from and after the 20th of December, 1776. A land-warrant was issued to him by the State of Virginia in November, 1783. It appears that during his term of service he was captured by the British and confined on board a prison-ship for over three months.

The identity of the soldier who rendered the above-mentioned service with the father of the applicant is fully established by the testimony of very estimable people, whose affidavits were filed in the pension claim of the widow of the soldier more than forty years ago. One of these witnesses, Jincey Riddle, testified that when she was a small child she well remembers John Jordon came to her father's house in Greenville County, Virginia, having just been released from a British prison-ship, and that there was a great stir among the women of the settlement to have some clothes made for the soldier before he went back again to join the Army.

The death of the mother of the applicant occurred on the 6th day of July, 1847.

Your committee return the bill to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTIN M'LAUGHLIN.

The next business on the Private Calendar (called up by Mr. MOORE) was the bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry, to $25 per month, from and after the passage of this act, in lieu of the pension now received by him.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8697) granting an increase of pension to Martin McLaughlin, have considered the same, and report:

That the claimant was a soldier in the Mexican war, serving in Company H, Third United States Infantry, in Mexico, from March 19, 1847, to the close of the war. He is in receipt of a pension at the rate of $8 per month under the act of January 29, 1887. This bill provides an increase of his pension to $25 per month, because of his physical and financial disabilities.

The evidence before your committee shows that the claimant is seventy-eight years old; is disqualified for the performance of any manual labor by reason of rheumatism, and has no means of subsistence beyond his small pension and charity.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M'KERNAN.

The next business on the Private Calendar (called up by Mr. HERMANN) was the bill (S. 1325) for the relief of John McKernan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of John McKernan, of the Soldiers' Home, Washington City, D. C., on the pension-roll, on account of disability contracted while in the service of the United States as a second-class private of ordnance in the Ordnance Department of the Army, at Benicia arsenal, California.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1325) granting a pension to John McKernan, have considered the same, and report the bill back to the House with the recommendation that it do pass, adopting as their report the statement of facts correctly set forth in the Senate committee report, as follows:

"The soldier who sues for a pension in this case is sixty-four years of age, and has been in the military service continuously twenty years. He claims that he is suffering from a disease of the feet, the medical name of which he does not know. The Adjutant-General's report gives a history of his long service, and that of the Surgeon-General thus identifies his disability:

"'Entered post hospital, Benicia Barracks (arsenal), California, December 9, 1884, from quarters, with eczema of both feet, originating in line of duty (report for April, 1885, shows chronic eczema of both feet), and was discharged from service May 27, 1885, on expiration of term of service; disease originating in line of duty; cure incomplete.'

"Thus it appears that he contracted the trouble from which he suffers in the line of his duty, and that the army surgeons were unable to cure him.

"At the bottom of the Surgeon-General's report there is this note:

"'Attention is invited to indorsement of Maj. C. C. Bayne, surgeon United States Army.'

"This is what Surgeon Bayne says:

"'The within-named man was admitted to the Soldiers' Home June 19, 1885, he having served over twenty years as a soldier. He underwent no physical examination on admission. He reported at sick-call July 1, 1885, with chronic eczema of leg. He is now a patient in this hospital, suffering from the effects of habitual intemperance.'

"The committee are unable to determine whether intemperance has aggravated the disease or the disease has aggravated intemperance. Accepting the proof as it is furnished, both exist, and one is pensionable.

"During the service of twenty years the soldier was not accused of intemperance until he became an inmate of the Soldiers' Home. The committee have no evidence that it is so, other than the above statement. It is very clear that he has been for a long time a sufferer from an incurable disability, and that he is entitled to a pension. He has no home except that provided by the Government, and by his long service he has earned the consideration due to his infirmities and poverty."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET STAFFORD WORTH.

The next business on the Private Calendar was the bill (S. 867) granting a pension to Margaret Stafford Worth.

Mr. FINLEY. This bill grants a pension of $50 a month, and as its consideration will meet with opposition, I ask that it go over till Thursday next.

There was no objection, and it was so ordered.

JOHN W. REYNOLDS.

The next business on the Private Calendar (called up by Mr. ROMEIS) was the bill (S. 1542) granting a pension to John W. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Reynolds, late of the One hundred and fifty-seventh Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1542) granting a pension to John W. Reynolds, having considered the same, report as follows:

They adopt, and make part hereof, the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 465, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1542) granting a pension to John W. Reynolds, have examined the same, and report:

A similar bill to this was reported by your committee at the last session. Your committee adopt the report of the Forty-ninth Congress, which is as follows:

The claimant was an acting deputy provost-marshal in the twelfth Ohio district during the latter part of the war of the rebellion, and while under orders of the provost-marshal of that district, on the night of the 6th of January, 1865, in the attempt to arrest a party of deserters, he was seriously and permanently crippled.

His claim was rejected by the Pension Office on the ground that he was not regularly mustered into the United States service.

Fred. F. Rempel, who was a deputy provost-marshal, serving under Capt. George W. Roby, provost-marshal of the twelfth Ohio district, swears that—

"John W. Reynolds was serving under his orders as assistant deputy provost-marshal of the twelfth Ohio district, in the county of Hocking; that on or about the 26th day of December, 1864, the said John W. Reynolds received the proper orders to arrest two persons by the names of George and Jacob Strohl, who had been drafted and were concealing themselves at the house of William Strohl, in said county; that the said Reynolds met with resistance in attempting to make said arrests, and was badly injured; that he was for a long time thereafter badly crippled and totally disabled; that said Reynolds was a brave, judicious, and reliable officer, and performed a large amount of valuable service in the department in which he was engaged as such provost-marshal."

David Whitcraft and George Whitcraft testify—

"That they accompanied John W. Reynolds as a part of his posse in his efforts to arrest George and Jacob Strohl, two draft deserters, who were concealed in the house of William Strohl, in Marion Township, Hocking County; that they obtained entrance to said house, and as the said John W. Reynolds was passing up the stairway to the second story the said deserters rolled down upon him a barrel filled with cider; that the said barrel fell against the said Reynolds, pushing him against the wall, dislocating his shoulder, mashing his right hand, and otherwise severely injuring him; that in consequence of his injuries he was for two or three years so badly crippled as to be utterly helpless."

Dr. W. S. Rutter swears that—

"He resides near said J. W. Reynolds; has been his physician for three years; that he has in that time made frequent examinations of the physical condition of said Reynolds; that in the three years last past scarcely a week has passed by without affiant being consulted by him and giving him medicine and advice; that the treatment furnished was for liver trouble, kidney disease, and neuralgia; that the left shoulder is shrunken and shriveled, and the arm of that side is about 6 inches shorter than the other arm, the effect of a downward dislocation of the shoulder-joint. The hand of that arm frequently becomes so nerveless as to be unable to grasp or retain hold of anything.

"The trapezoid bone of the right hand is enlarged, apparently from a former fracture of the bone, causing weakness in the whole hand; that there is visible the resulting depression of the skull from fracture, that probably is the prime factor in the causation of the intense neuralgia; that the whole upper extremity is affected by the neuralgia, and it has so injured the eyesight as to produce alarming defects of vision, and, in my opinion, will finally produce total blindness of one eye at least."

The claimant testifies—

"That his left arm and shoulder are shriveled and shortened about 6 inches, and is almost useless; that the right hand is weakened by a fractured bone, incurred while in the service of his country; that a fracture of the skull occurred at the same time, and causes frequent trouble of the head; that his eyesight is very weak, and one eye almost sightless from the same cause of neuralgia; that he is almost constantly under the care of a physician; that at no time since the 6th of January, 1865, has affiant been free from pain, and that his pain and disability are growing more and more intense from year to year."

Your committee are of the opinion that this is a just claim, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DELIA NEWMAN.

Mr. MORRILL. The gentleman from North Carolina [Mr. JOHNSTON] is sick and asked me to request consideration of the bill (H. R. 7013) to place the name of Delia Newman on the pension-roll. It is on the sixty-fourth page of the Calendar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Delia Newman, widow of late William Newman, of Company —, —— Regiment of North Carolina troops, of war 1812, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7013) granting a pension to Delia Newman, have considered the same, and submit the following report:

The records on file in the Third Auditor's office, Treasury Department, show that the late husband of the claimant served in Capt. James Bradley's company of North Carolina militia from the 20th day of February to the 6th day of March, 1815, a period of fifteen days.

The soldier was granted a land-warrant of 160 acres of land for such service, but his pension claim, as well as that of his widow, the claimant, was rejected on the ground that the service was rendered after February 17, 1815, when the treaty of peace was ratified by the Senate.

The widow and soldier, in their statements in the pension claims, assert under oath that news of the termination of hostilities did not reach the company until the date of discharge therefrom, March 6, 1815, and that the soldier was enrolled as a volunteer many months prior to the date which his service is made to commence by the records on file.

The widow, now in her ninety-second year, applies to Congress for relief by special act.

Your committee are of the opinion that the bill should pass, and report it to the House with such recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH C. ANDERSON.

The next business on the Private Calendar (called up by Mr. STRUBLE) was the bill (S. 2370) granting a pension to Sarah C. Anderson and children under sixteen years of age.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah C. Anderson, widow of William H. Anderson, late a private of the Fifth Independent Battery Ohio Light Artillery, and the names of the children under sixteen years of age of said Sarah C. Anderson and William H. Anderson, subject to the limitations and restrictions of the Pension Office.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2370) granting a pension to Sarah C. Anderson, and her children under the age of sixteen, having considered the same, report as follows:

They adopt and make part hereof the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 961, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2370) granting a pension to Sarah C. Anderson, and her children under the age of sixteen, have examined the same and report:

That the claimant is the widow of William H. Anderson, a private in the Fifth Ohio Battery. He enlisted 27th August, 1862, and was discharged June 1, 1863, upon a surgeon's certificate of disability. He continued in ill health constantly from the time of his discharge until 1883, when he became insane, and was committed to the asylum at Long View, Ohio, where he died.

The claim has been rejected upon the ground that the death and disability of the soldier are not traceable to the army service. But it is shown by the testimony of a comrade, Waxel, that he was, while in the service, sent to a hospital of the Government; that he was treated there for brain fever; that he lay for some time suffering from brain fever. After his discharge it seems, from both lay and medical testimony, that he was afflicted with chronic diarrhea (never cured), and with epilepsy on several occasions; and that while he was being so treated the physician noticed plain symptoms of dementia even before his committal for insanity.

We think, although the connection between the mortal disease and the original ailment may not be medically or pathologically established, yet it is reasonably shown that there was such connection, and that the soldier's insanity and death were the results of his service in the Army.

The passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL E. WILSON.

The next business on the Private Calendar (called up by Mr. ANDERSON, of Illinois) was the bill (H. R. 8941) for the relief of Samuel E. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Samuel E. Wilson, late a member of Company G, Fifty-sixth Regiment Illinois Volunteers, and pay him a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 8931, have had the same under consideration, and beg leave to submit the following report:

That Samuel E. Wilson was a corporal in the Fifty-sixth Regiment Illinois Volunteers, enlisted November 13, 1861, and discharged September 8, 1862; that the basis of his claim for pension is that about July, 1862, while in the line of

duty at Clear Creek, Miss., he was ruptured. And the reason that the claim was rejected by the Department is that claimant was ruptured prior to his enlistment.

It appears in the testimony that David A. Nation, after being duly sworn, testifies that he and said claimant belonged to the same company; that he was present when the examining surgeon received said Samuel E. Wilson into the service; that he saw him stripped, and so far as he could discern was a sound man and free from rupture.

William C. Hearl, residing at Fairfield, Wayne County, Illinois, after being duly sworn, also testifies that he has been acquainted with said applicant since he was about eight years old; that they frequently were in swimming together, and that to his certain knowledge said claimant, up to the date of his enlistment, showed no sign of rupture.

Henry J. Jamison, after being duly sworn, testifies that he belonged to the same company as the claimant; that claimant was a good soldier, always ready for duty, until about July 1, 1862, when he was ruptured while on what was known as Ripley's march.

William C. Upton, being sworn, also testifies that he was a private in Company G, Fifty-sixth Illinois; that he saw the claimant naked in the month of June, 1862, and that he was not ruptured at that time.

Your committee have concluded from the evidence in this case that at the time of his enlistment said Samuel E. Wilson was a sound man, and that he was disabled by rupture while in the line of duty, and that he is justly entitled to a pension, and we therefore respectfully recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FLORA HEATH.

The next business on the Private Calendar (called up by Mr. CHEADLE) was the bill (H. R. 5529) granting a pension to Flora Heath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of Flora Heath, an invalid daughter of Samuel Heath, late a private of Company C, Third Regiment Indiana Cavalry, in the war of the rebellion, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5529) granting a pension to Flora Heath, have had the same under consideration, and submit the following report:

The claimant in this case is the crippled daughter of Samuel A. Heath, who was killed in action at Roddle Shop, Virginia, June 13, 1864. The claimant was pensioned as the minor child of the deceased, and said pension ceased when she became sixteen years old, February 21, 1876. The evidence of Aaron Hawkins and William Fewell is to the effect that they know of their own knowledge that the said Flora Heath was born a cripple, and is a cripple, and that her father was her only support, and that her father and mother are both dead.

This is all the evidence there is in the case, but your committee believe it is sufficient to justify Congressional action, and therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET J. M'QUARY.

The next business on the Private Calendar (called up by Mr. CHEADLE) was the bill (H. R. 8571) granting a pension to Margaret J. McQuary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Margaret J. McQuary, daughter of Perry McQuary, late a sergeant of Company B, Ninety-ninth Indiana Volunteers, who was killed in battle before Atlanta, Ga., July 28, 1864, upon the pension-rolls, at the rate $30 per month, subject to the rules and regulations of the Pension Department.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8571) granting a pension to Margaret J. McQuary, have considered the same, and submit the following report:

The claimant herein is the daughter of Perry McQuary, who was killed in battle on the 28th of July, 1864, while a member of Company B, Ninety-ninth Regiment Indiana Volunteers. Her mother was a pensioner by reason of the death of her husband and the claimant's father, but having remarried, her pension was dropped. Her second husband is also dead, and she is now in extreme poverty.

Dr. Hanna, who has known and prescribed for her the past eight years, testifies that she is a poor, pitiful, distressed girl, a perfect wreck, both physically and mentally; that she has suffered from physical debility ever since he knew her, eight years ago, and her mental unsoundness is congenital. She is living with her mother, who is in extreme poverty, having canceled her pension by second marriage, and has no income or means of support except the little she can do by manual labor.

The claimant is shown to be a person of unsound mind by the official records of Hancock County, Indiana, where said claimant resides, and it is also shown that she has no estate and no means of support, and is totally unable and unfitted to earn her own living. The committee are of the opinion that this is a meritorious case, and that the relief asked for in the bill ought to be granted.

Your committee therefore submit a favorable report, and recommend the passage of the bill with the following amendments:

In line 5 strike out the words "of unsound mind." In line 9 strike out the word "thirty" and insert the word "eighteen."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MINOR CHILDREN OF JOSEPH SAWYER, DECEASED.

The next business on the Private Calendar, called up by Mr. PARKER, was the bill (H. R. 10126) for the relief of the minor children of Joseph Sawyer, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Joseph Sawyer, deceased, late superintendent of the Life-Saving Service in the tenth district of the United States, and who was drowned while serving in the line or his official duty, and to pay them a pension from and after the passage of this act as now provided by law for the minors of a deceased captain of the Navy.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10126) granting a pension to the minor children of Joseph Sawyer, deceased, have considered the same, and report as follows:

The following letters from the honorable Secretary of the Interior and from the General Superintendent of the Life-Saving Service indicate the length of the officer's service and the manner of his death, with other important information pertinent to the matter of the bill, namely:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 21, 1888.

SIR: I have the honor to inclose herewith a letter of the General Superintendent of the Life-Saving Service in response to your communication of the 25th ultimo, transmitting a copy of bill H. R. 461, "for the relief of the minor children of Joseph Sawyer, deceased," and requesting that the Committee on Pensions be furnished with such information and suggestions as he might think it desirable for the committee to have before them in connection with the consideration of said bill.

Very respectfully,

C. S. FAIRCHILD, *Secretary.*

Hon. A. M. BLISS,
Chairman of the Committee on Pensions,
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT U. S. LIFE-SAVING SERVICE,
Washington, D. C., February 23, 1888.

SIR: I have the honor to state that I have received from the chairman of the Committee on Pensions of the House of Representatives bill H. R. 461, "for the relief of the minor children of Joseph Sawyer, deceased," with the request that the committee be furnished with such information and suggestions as I may think desirable for them to have in connection with the consideration of said bill.

In response I herewith submit for transmission to the committee a copy of the annual report of the Life-Saving Service for the fiscal year ending June 30, 1881, on pages 59 to 64 of which is given a circumstantial account of the manner in which Mr. Sawyer lost his life and a brief statement of his connection with the service, which also shows the estimation in which he was held by the officers in charge.

He assumed the duties of his office January 12, 1876, and died October 20, 1880, making the term of his service four years nine months and eight days. His salary during this time was at the rate of $1,000 per annum. The district which he supervised was a large and important one, and the compensation of his successor was increased about a year and a half after his death, to $1,800 per annum by the act of May 4, 1888.

There is no statute making provision for the widows and children of the district officers of the Life-Saving Service in the event of their death in the line of duty, section 8 of the act of May 4, 1882, being applicable only in the case of keepers of stations and their crews.

Mr. Sawyer is the second district superintendent who has lost his life by drowning in the discharge of his official duty; the other being John J. Guthrie, late superintendent of the sixth district, who perished in an attempt to render assistance at the wreck of the United States ship of war Huron, on the coast of North Carolina, on November 24, 1877. In this case Congress authorized a pension to be paid his widow at the rate provided for a deceased captain of the Navy (see act of May 25, 1878, Statutes at Large, volume 20, chapter 130, page 533).

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

The SECRETARY OF THE TREASURY.

Pages 59, 60, and 61 of the Annual Report of the Life-Saving Service for 1881 are devoted to a circumstantial account of the brave and courageous manner in which Captain Sawyer met his death by drowning while in the performance of his official duty.

The widows and children of keepers and members of crews of the Life-Saving Service are provided for for the period of two years at the full pay of the husband or father. No such provision exists for the relief of the relatives of a superintendent. Congress has, in the case of Superintendent Guthrie, deceased, granted a pension to his surviving widow.

It is shown by evidence before the committee that the wife of Captain Sawyer died seven months prior to his lamentable death, and that by his death his five children were left destitute; the eldest is now cared for by a maternal uncle, but the four youngest, all under sixteen years of age, are supported by a maiden sister of Captain Sawyer, whose chief support is obtained by the use of her needle.

His children are bright and intelligent, and your committee believe they are justly entitled to the aid of the Federal Government in providing for their support and education.

Captain Sawyer, it may be proper to state, had also an honorable service in the Navy, as an officer, from December 7, 1863, until November 22, 1865. He was a brave and devoted officer in both of his services.

Your committee recommend the passage of the bill.

Before the reading of the report was concluded,

Mr. MCMILLIN said: I think it is due to the House to save what time we can and give it for pension bills, especially where we take the course that I shall be compelled to take in regard to this bill. This is entering upon a new line of pensions—pensions for the civil service. I have ever held, and this House has held, so far as I know, that pensions of this kind should not be allowed, but that pensions should be granted only to those who have been in some way connected with the military service of the United States. This is a case of civil service, and although it may have been hazardous service, I believe it is not that class of service for which we have heretofore granted pensions. I want to state that I do not think we should lose further time in reading the report.

Mr. PARKER. The gentleman is evidently not fully informed, as this does not enter on a new line of cases. There are two lines of legislation under which this falls. One is the legislation under a general law and the other is a specific case. The specific case is that of Capt. John Guthrie, late superintendent of the Sixth district of the Life-Saving Service, who perished in an attempt to render assistance at the wreck of the ship Huron on the coast of North Carolina in November, 1877. The general cases are under section 8 of the act of May 4, 1882, where keepers of stations or their crews in the Life-Saving Service are allowed pensions amounting to pay for two years. This falls in these two lines of cases.

Mr. MCMILLIN. The special case I suppose went through, as this was likely to have done. If there is a general law covering this case, the pension can be granted under it. I do not believe it is wise or proper to go into pensioning persons in the civil service. I made the suggestion that the reading of the report be dispensed with in order that we might save time. I do not want to stand in the way of others who desire to have their pension claims considered in the time that is allotted for that business to-night.

Mr. PARKER. I wish to say that if the gentleman will look into the law he will find that it only covers keepers of stations and their crews. This man, being a superintendent, does not come under that law.

Mr. MCMILLIN. I do not think it is wise or proper to extend the laws in that direction. I will look into the general law before I would finally make resistance to the case that would defeat it. But with the present knowledge I have on the subject I think my duty would constrain me to obstruct the passage of this bill.

Mr. CHIPMAN. I move that the committee do now rise.

Mr. SENEY. I hope the gentleman from Michigan will withhold that request for a moment. I desire to ask unanimous consent of the House to take up a bill.

Mr. MORRILL. Ask it afterwards.

Mr. SENEY. I will ask it now.

Mr. MORRILL. I demand the regular order.

Mr. PARKER. I will ask that this case of the minor children of Joseph Sawyer, deceased, be passed over until the next meeting and retain its right to be heard.

Mr. MCMILLIN. I have no objection to that, I think that is proper; and in the mean time I will examine the law.

There was no objection, and it was so ordered.

The motion of Mr. CHIPMAN that the committee rise was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the Private Calendar had according to order had under consideration sundry pension bills, and had directed him to report the same back to the House with various recommendations.

Mr. ROMEIS. Mr. Speaker, is it in order at this time to move to take up a pension bill that is in the House undisposed of?

The SPEAKER *pro tempore*. The Chair thinks it is.

Mr. ROMEIS. Then I move to take up House bill 8553, which is in the House undisposed of. It is different from other bills that have been passed over, because it simply provides for a pension of $12 a month.

The SPEAKER *pro tempore*. The Chair is informed that the bill to which the gentleman refers is one of several which were favorably reported by the Committee of the Whole at an evening session, the previous question ordered upon them, and a day fixed for their consideration, but when that day came they were not considered and they went back to the Calendar. The Chair is inclined to think that they would come up as unfinished business if the point were made and insisted upon. The Chair will state further, however, to the gentleman from Ohio [Mr. ROMEIS] that the bills of which his was one will come up in their order, and that if that calendar is returned to now and the regular order is insisted upon, the gentleman's bill will not be the first.

Mr. ROMEIS. I do not wish to interfere with the business of this evening. I simply asked for information, not knowing when the bill would properly come up.

The SPEAKER *pro tempore*. The Calendar on which the gentleman's bill is will come up if it is insisted upon, but, as the Chair has stated, the gentleman's bill is not the first upon that Calendar.

Mr. SENEY. I ask unanimous consent to take up for present consideration House bill 4855, granting a pension to Jacob Newhard.

The SPEAKER *pro tempore*. The bills that have been reported from the Committee of the Whole will be first disposed of; after which the gentleman will be recognized to call up his bill.

Mr. SENEY. Is not my request in order at this time?

The SPEAKER *pro tempore*. It is in order. The Chair was only stating to the gentleman what the custom had been. The Chair will recognize the gentleman later.

Mr. SENEY. In reply I beg to state to the Chair that I have been the victim of that custom, and I do not propose to be victimized again.

The SPEAKER *pro tempore*. It is proper for the Chair to state to the gentleman from Ohio that it has not been the purpose of the Chair to victimize him.

Mr. SENEY. I was not intimating that.

The SPEAKER *pro tempore*. The Chair will also state to the gentleman that in the number of years that the present occupant of the chair has occupied it at these evening sessions for pension bills requests for unanimous consent have uniformly been entertained after the business reported from the Committee of the Whole has been disposed of; but if there is no objection the Chair will recognize the gentleman from Ohio to make his request now.

Mr. SENEY. If the whole time remaining was consumed in the passage of the bills reported from the Committee of the Whole and the hour for adjournment came, it would then be too late to make my request.

The SPEAKER *pro tempore*. The Chair will assure the gentleman from Ohio that there is no danger of the whole of the time being consumed in the passage of these bills. The Chair will endeavor to recognize the gentleman from Ohio to make his request. The Clerk will report the first bill.

Mr. SENEY. I ask unanimous consent to call up House bill 4855——

Mr. LAWLER. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The Clerk will report the first bill.

ALBERT WATSON.

The Clerk read as follows:

A bill (H. R. 9824) for the relief of Albert Watson.

The SPEAKER *pro tempore*. The question is on ordering this bill to be engrossed and read a third time.

Mr. SENEY. I ask for a division.

The House divided; and there were—ayes 30, no 1.

Mr. SENEY. No quorum.

Mr. CANNON. May I be allowed a word?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman by unanimous consent.

Mr. CANNON. Albert Watson, as the report states, is the only son of a deceased soldier. He has a step-mother who has remarried. He is deformed; his breast caved in; he has curvature of the spine; he is nineteen years old and requires a constant attendant, and he subsists upon charity. This bill gives him a pension of $18 a month. His father had a pension. His step-mother had a pension which she drew until she remarried. The case is all perfectly clear and plain, as shown by the report. The papers were filed and I examined them myself; and I am quite sure that my friend from Ohio [Mr. SENEY] when he understands the case as reported by the committee will not demand a quorum upon this bill.

The SPEAKER *pro tempore*. The point is made that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from Ohio [Mr. SENEY] and the gentleman from Illinois [Mr. CANNON].

Mr. SENEY. I have been here night after night for no other purpose than to get a single pension bill passed, and it is the only bill that I have asked the House to pass during this session of Congress. Upon two occasions I left the House on the adjournment of these evening sessions, having had no opportunity whatsoever to present my request to have this bill considered. I propose now to stand upon my rights, whatever they are, and insist upon them. I am a friend of pensions and I vote for all pension bills; so the gentleman [Mr. CANNON] can not outdo me in that. I take this course for no other reason than that I want to have my claim recognized. I feel that my bill is entitled to recognition, and if I can not have it recognized I do not propose that others shall be. Fifteen minutes ago a gentleman told me that he had got two pension bills through to-night, and I certainly ought to have one.

Mr. DOCKERY. I ask unanimous consent to make a statement. I understood the Chair to state that the gentleman from Ohio [Mr. SENEY] would be recognized immediately after the passage of these bills reported from the Committee of the Whole. There are twenty or twenty-five of these bills which propose to pension soldiers perhaps just as worthy as the soldier represented by the gentleman from Ohio. We who attend these meetings every Friday night know that fifteen minutes will not be required to pass these twenty-five bills. When they have been passed, the gentleman from Ohio will be recognized to call up his bill.

Mr. SENEY. Suppose the hour for the termination of this evening session is reached before my bill is called? That condition of things has hit me twice; I do not propose it shall strike me a third time.

Mr. DOCKERY rose.

Mr. FARQUHAR and others. Regular order.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. SENEY] and the gentleman from Illinois [Mr. CANNON] will act as tellers. The question is on ordering the bill to be engrossed and read a third time.

Mr. LAWLER (during the count by tellers). I would like consent to make a statement.

The SPEAKER *pro tempore*. The House is dividing.

Mr. LAWLER. The Chair might ask a suspension of the count for a moment.

Mr. NELSON. I ask unanimous consent to make a brief statement.

The SPEAKER *pro tempore*. Is there objection to allowing the gentleman from Minnesota to make a statement?

Mr. LAWLER. I object; all these things take up time.

Mr. NELSON. I think my suggestion will help us out of this difficulty.

Mr. LAWLER. If the tellers will suspend the count for a moment I think I can relieve this difficulty. Seeing that probably the time will permit only the passage of these bills reported from the Committee of the Whole, and also that of the gentleman from Ohio [Mr. SENEY], I will withdraw my objection.

Mr. NELSON. I ask unanimous consent that this count be temporarily suspended and that the gentleman from Ohio may be recognized to call up his bill.

Several members objected.

Mr. HOUK. The bills could all have been passed by this time.

The tellers reported—ayes 38, no 1.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. No quorum has yet voted.

Mr. HOOKER. I ask unanimous consent to suspend this count in order to allow me to have passed a bill for the benefit of an old woman, now more than eighty years of age, who, I am afraid, will not live to see many more Friday nights. She is a colored woman, too.

The SPEAKER *pro tempore*. The regular order has been demanded.

Mr. CHIPMAN. I move that the House adjourn.

The motion was not agreed to. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. No quorum has yet voted. Gentlemen who desire to vote will please come forward and do so.

Mr. HOOKER. I ask unanimous consent to put on its passage the bill which I hold in my hand.

The SPEAKER *pro tempore*. The regular order has been demanded.

Mr. CANNON. I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois [Mr. CANNON]? The Chair hears none.

Mr. CANNON. The gentleman from Ohio [Mr. SENEY] states that he desires to have considered a bill which is some distance forward upon the Calendar. He states that he is very desirous of having this bill passed, and will demand a quorum unless it receives consideration. The reply has been made to him that there is plenty of time to pass all these bills which have been reported from the Committee of the Whole and then to pass his bill. So there is. Now, although some gentlemen may think the gentleman from Ohio is a little stubborn, yet even if that be so, I ask that the rest of us show ourselves not so stubborn, and that we now, by unanimons consent, allow him to call up his bill and have it considered and passed. There will then be time enough to pass these bills from the Committee of the Whole.

Mr. PERKINS. I object.

The SPEAKER *pro tempore*. Objection is made. The regular order is the vote by tellers. No quorum has yet voted.

Mr. SENEY. I have already stated that on two former nights I have acted upon the idea that as soon as the bills reported from the Committee of the Whole were passed I should be recognized; but on both occasions the gavel of the Presiding Officer fell before I had such opportunity, and the House adjourned.

Mr. PERKINS. The gentleman has already been informed by the Chair that he will be recognized as soon as these bills reported from the Committee of the Whole have been passed. If he will withdraw his objection, these bills can be passed in ten minutes, leaving ample time for the passage of his bill. Under these circumstances, for him to stand here and say that unless his bill is taken up out of its order nothing shall be done, appears to me an insult and an outrage inflicted upon the House.

Mr. CANNON. I feel as though I am somewhat "outraged;" still I ask that the gentleman from Ohio, although his request may seem unreasonable, be recognized in order to have his bill passed; then we can pass these other bills reported favorably from the Committee of the Whole. There is time enough for all.

Mr. PERKINS. I have no bill to be considered to-night, and hence I have no personal interest in this question. If other gentlemen are anxious that this House should surrender to the gentleman from Ohio, I will withdraw my objection.

Mr. LAWLER. I withdraw my objection.

Mr. FARQUHAR. I renew the objection.

The SPEAKER *pro tempore*. No quorum has voted; and the tellers will resume their places.

Mr. KERR. Mr. Speaker, the only alternative left us is a call of the House or a motion to adjourn.

Mr. NELSON. There is a way out of the dilemma. I ask unanimous consent that all bills reported from the Committee of the Whole to-night, together with the bill of the gentleman from Ohio, shall be considered as engrossed and read the third time and passed. [Laughter.]

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. CANNON. If the point of no quorum can be waived for a moment, if in order to do so, I will move to go back into Committee of the Whole.

Mr. SENEY. I am perfectly willing to do that.

Mr. PERKINS. Before that I would like permission to make a single request; that is, that the bill referred to by the gentleman from Ohio be considered as having been recommended by the Committee of the Whole favorably to the House, and that it be presented to the House for action with the other bills from the committee.

Mr. SENEY. That is exactly what I want.

Mr. FARQUHAR. I object to that.

Mr. CANNON. Well, now I will ask unanimous consent to waive the question of no quorum with a view to go back into Committee of the Whole for the further consideration of bills on the Calendar.

Mr. SENEY. Then I will withdraw the point of no quorum to allow that motion to be made.

The SPEAKER *pro tempore*. The Chair will state that the unfinished business comes up first, which is the bill under consideration, if the point of a quorum is withdrawn.

Mr. HOOKER. Is it not in order to move to go into Committee of the Whole first?

Mr. SENEY. I remarked to the Chair that I would withdraw the point of no quorum to let in the motion of the gentleman from Illinois.

Mr. CANNON. On further thought I will not make the motion.

Mr. KERR. I move that the House do now adjourn, as there is nothing else for us to do.

The question being taken, there were on a division—ayes 13, noes 21.

So the motion was rejected.

Mr. FARQUHAR. Regular order.

The SPEAKER *pro tempore*. The regular order is the count by tellers.

The tellers will resume their places.

Mr. HOOKER. The question of no quorum was withdrawn.

The SPEAKER *pro tempore*. The Chair did not so understand.

Mr. LAWLER. It was withdrawn, but it was not accepted by my colleague from Illinois [Mr. CANNON].

Mr. CANNON. Oh, I beg pardon; I do accept it, but I did not renew the motion to go into Committee of the Whole.

The SPEAKER *pro tempore*. If the point of order is not insisted upon, the Chair will announce the result of the vote.

The vote on the engrossment and third reading of the bill was announced as—ayes 43, no 1. So (no further count being insisted upon) the bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

BILLS PASSED.

Bills of the House of the following titles, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 7508) granting a pension to Julia E. Ambrose;

A bill (H. R. 889) granting a pension to Ishmael Jones;

A bill (H. R. 9228) for the relief of Nathan Cook;

A bill (H. R. 4792) to pension J. W. Porter;

A bill (H. R. 8885) granting a pension to Eliza A. Woods;

A bill (H. R. 9327) for the relief of Mary Newton;

A bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war and late a private in Company D, Third United States Infantry;

A bill (H. R. 7013) to place the name of Delia Newman on the pension-rolls;

A bill (H. R. 8931) for the relief of Samuel E. Wilson; and

A bill (H. R. 5529) granting a pension to Flora Heath.

The bill (H. R. 8571) granting a pension to Margaret J. McQuary, reported from the Committee of the Whole with amendment, was considered, the amendment concurred in, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Senate bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, and being read the third time, were passed, namely:

A bill (S. 2579) granting a pension to Mrs. Margaret A. Weed, formerly Miss Maggie A. Egan;

A bill (S. 2206) granting a pension to David A. Lutman;

A bill (S. 1122) granting an increase of pension to William Collinsworth;

A bill (S. 2253) granting a pension to Mrs. Avis J. Hockey;

A bill (S. 2616) granting a pension to James E. Kabler;

A bill (S. 1609) for the relief of James McLaughlin;

A bill (S. 915) granting a pension to Susan Edson;

A bill (S. 1325) for the relief of John McKernan;

A bill (S. 1542) granting a pension to John W. Reynolds; and

A bill (S. 2370) granting a pension to Sarah C. Anderson and children under sixteen years of age.

BILLS POSTPONED.

Senate bills of the following titles, reported from the Committee of the Whole with the recommendation that their further consideration be postponed until August 9, were considered, and the recommendation of the committee concurred in, namely:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett; and

A bill (S. 867) granting a pension to Margaret Stafford Worth.

Mr. MORRILL moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JACOB NEWHARD.

Mr. SENEY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 4855) granting a pension to Jacob Newhard and consider the bill now.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Newhard, of Carey, Wyan-

dot County, Ohio, late a lieutenant in Company F, One hundred and first Regiment Ohio Volunteer Infantry.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio? The Chair hears none.

The question recurred on the engrossment and third reading of the bill; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARGARET B. TODD.

Mr. FULLER. I ask, by unanimous consent, that the Committee of the Whole House be discharged from the further consideration of the bill (S. 645) granting a pension to Margaret B. Todd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret B. Todd.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Iowa? The Chair hears none.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. FULLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES WALSTER.

Mr. LAWLER. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5503) granting a pension to Charles Walster:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Charles Walster, late a private in Company C, Thirteenth Illinois Cavalry, and Company M, Second Illinois Light Artillery, on the pension-roll, subject to the provisions and limitations of the pension laws governing invalid pensions.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois? The Chair hears none.

The question recurred on the engrossment and third reading of the bill; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH S. WILSON.

Mr. DARLINGTON. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 549) granting a pension to Joseph S. Wilson.

The Committee of the Whole House was discharged and the House proceeded to consider the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Joseph S. Wilson, late a private in Company F, First Pennsylvania Reserve Volunteers, and first lieutenant in Company E, One hundred and seventy-fifth Pennsylvania Volunteers, and to pay him a pension, at the rate of $17 per month, from August 7, 1863.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment of the committee was read, as follows:

In line 6 strike out all after the word "volunteers" to the end, and insert "subject to the provisions of the pension laws."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DARLINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RACHEL MORGAN.

Mr. HOOKER. I ask by unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 10607) granting a pension to Rachel Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Morgan, mother of Louis Dixon, who is shown by the report of the War Department to have died of wounds received while serving with the Fifth Regiment United States Colored Heavy Artillery.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Mississippi? The Chair hears none.

The question recurred on the engrossment and third reading of the bill; and being engrossed, it was accordingly read the third time and passed.

Mr. HOOKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The hour of half past 10 o'clock having arrived, the House, in accordance with its previous order, stands adjourned until 12 o'clock on Monday next.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. A. R. ANDERSON: A bill (H. R. 11088) for the relief of John S. Thompson—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 11089) granting a pension to Elizabeth Harper—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 11090) for the relief of the heirs of Hermann Kastner—to the Committee on Invalid Pensions.

By Mr. HIRES: A bill (H. R. 11091) granting an increase of pension to Mrs. M. S. Jewell—to the Committee on Pensions.

By Mr. McSHANE: A bill (H. R. 11092) granting a pension to George W. Madden—to the Committee on Invalid Pensions.

By Mr. RAYNER: A bill (H. R. 11093) for the relief of Richard N. Bowerman—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 11094) for the relief of A. B. Carter—to the Committee on War Claims.

By Mr. SHIVELY: A bill (H. R. 11095) granting a pension to James D. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11096) for the relief of John G. Maughermar—to the Committee on Claims.

By Mr. G. M. THOMAS: A bill (H. R. 11097) granting a pension to John F. Rose—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 11098) for the relief of Polly Gray—to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of M. Luke Rawlings and 40 others, of Taylor County, and of W. O. Hutchinson and 18 others, of Mills County, Iowa, for amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. HERMANN: Petition of citizens of Cook County, Oregon, for change in the interstate-commerce law—to the Committee on Commerce.

By Mr. S. I. HOPKINS: Petition of Local Assembly No. 66 and Local Assembly No. 2905, Knights of Labor, for the passage of House bill No. 10854—to the Committee on the District of Columbia.

By Mr. McCREARY: Petition of citizens of Bryantsville, Ky., in regard to the druggists' tax—to the Committee on Ways and Means.

By Mr. J. D. STEWART: Petition of John W. Baker, of Fulton County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Miranda Marrett, of Lauderdale County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, *August* 6, 1888.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. G. BUTLER, offered the following prayer:

Lord, make us to know our end and the measure of our days, what it is, that we may know how frail we are. We worship Thee, the only living and true God. Oh, Thou, who livest and wast dead and art alive forevermore, we thank Thee for the life beyond. Give unto us grace to lay hold upon the things that are substantial and enduring. We thank Thee for the way of life made so plain. Give unto us wisdom to walk in that way day by day. For the light that comes from heaven upon earth's dark pilgrimage we bless God, in whom there is no darkness at all. Shine unto us, we pray Thee, by Thy divine light, and make very plain to us Thy righteous will, strengthening us in duty and leading us where we ought to walk.

Thou Judge of the widow and the Father of the fatherless ones, we commend unto Thee those who are bereft, and pray that Thou wilt deal very tenderly with them. Sustain and comfort and sanctify them. Teach us all so to number our days that we may apply our hearts unto wisdom. Help us ever to remember that there is but a step between us and death, and so to live wisely and holily, serving our generation, that when we shall fall asleep we may be gathered unto our fathers.

Sanctify to us the rest and privileges of the past Sabbath day, that the seed scattered everywhere may be watered by heavenly influences, and that this land so abundantly blessed may be Emmanuel's land. Guide these Thy servants to-day; grant us grace and peace, in the name of Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of Friday last was read and approved.

DEATH OF GENERAL SHERIDAN.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to offer resolutions at this time on a subject that every Senator will understand.

The PRESIDENT *pro tempore*. If there be no objection, the resolutions will be read at the desk.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate has learned with profound regret of the death of Philip H. Sheridan, late General of the Armies of the United States.

Resolved, That the Senate hereby expresses its grateful sense of his great and patriotic services in the cause of the country, and its deep sensibility of the loss the nation has sustained by his death, and its sympathy with his family in their bereavement.

Resolved, That a copy of these resolutions be forwarded to the family of the deceased.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of these resolutions?

Mr. EDMUNDS. Mr. President, it is quite unnecessary for any Senator to submit any observation in support of these resolutions. The career of General Sheridan has been so conspicuous, so gallant, so noble, and so patriotic that any words I could use in respect of his memory or in praise of his career would be like gilding refined gold or painting the lily. I, therefore, for my part, leave them to the judgment of the Senate without any further observation.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolutions, the question is on their adoption.

The resolutions were agreed to unanimously.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of New York and a petition of citizens of Polk County, Iowa, praying for certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of citizens of Georgia, remonstrating against the passage of the Mills bill without striking out the item of "stones, unmanufactured or undressed; freestone, granite, sandstone, and all building or monumental stone" from the free-list; which was referred to the Committee on Finance.

He also presented a petition of citizens of San Francisco, Cal., praying for the restriction of Chinese immigration; which was ordered to lie on the table.

Mr. REAGAN presented the petition of Joseph P. Richard and 24 other citizens of Frederick County, Virginia, and the petition of T. J. Standford and 25 other citizens of Van Zandt County, Texas, praying for the passage of additional amendments to the interstate-commerce law prohibiting railroad companies from transporting commodities in cars belonging to the shippers, and giving the fines imposed for violations of the interstate-commerce law to the informers; which were referred to the Committee on Interstate Commerce.

Mr. PALMER presented the petition of Margaret Bolio, of Detroit, Mich., widow of Gideon Bolio, late a private in the Second Michigan Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of 81 veterans of the war of 1861, now inmates of the soldiers' home at Marshalltown, Iowa, praying for the repeal of the limitation on the arrears of pension; which was referred to the Committee on Pensions.

Mr. FARWELL presented four petitions of citizens of Washington, D. C., praying for the passage of Senate bill 3375, providing for the adjustment of claims for damages to real estate by reason of public improvements in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. JONES, of Arkansas, presented a petition of merchants, business men, and farmers, citizens of Bradley County, Arkansas, praying, in view of the exceeding high prices asked for bagging by parties controlling the market, and in order to afford relief to cotton producers by lessening the price of that commodity, for the passage of a bill abolishing the duty on bagging; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of citizens of Bourbon County, Kansas, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PLUMB. I present a petition signed by the members and all the officers of the Kansas State Farmers' Alliance, praying that the Senate will pass the bill recently passed by the House of Representatives for the establishment of a department of agriculture, and calling attention to the fact that at a meeting of the executive board of the National Farmers' Alliance, held at Des Moines, Iowa, in March last, said national executive board did formulate a memorial asking Congress to enact a law to create a department of agriculture and make the same an executive department.

A bill for this purpose is on the Calendar now, having been reported from the Committee on Agriculture a few days ago. I then gave notice that at an early day I would move its consideration by the Senate. I now repeat that notice, subject, of course, to the appropriation bills and to the measure now pending before the Senate known as the fisheries treaty; but as soon as this business now pending is disposed of and out of the way I shall ask the Senate to proceed to the consideration of the bill which I have mentioned. I move that the petition lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8674) for the relief of Sterling H. Tucker and others, to report it favorably without amendment. It is proper for me to state that the chairman of the committee [Mr. EDMUNDS] dissents from the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WILSON, of Iowa. I also report from the same committee the bill (S. 3297) for the relief of Sterling H. Tucker and others, with a recommendation that it be indefinitely postponed, as it is upon the same subject.

The report was agreed to, and the bill was postponed indefinitely.

Mr. JONES, of Arkansas. I should be very much gratified if the Senate would give unanimous consent to the consideration of House bill 8674, for the relief of Sterling H. Tucker and others, just reported by the Senator from Iowa. It is a House bill reported favorably from the Committee on the Judiciary.

Mr. WILSON, of Iowa. I could not consent to that in the absence of the chairman of the committee.

Mr. JONES, of Arkansas. I withdraw the suggestion.

Mr. WILSON, of Iowa. The chairman of the committee dissents from the report, and will doubtless desire to be present when the bill is considered.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (S. 3280) making an appropriation for the purchase of a site and the construction of a light-house at Heceta Head, Siuslaw River, Oregon, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3237) making an appropriation for the establishment of a light-ship, to be provided with fog-signal apparatus, outside of the bar of the Columbia River, on the Pacific coast, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 3281) making an appropriation for the purchase of a site and the construction of a light-house on Gray's Harbor, Washington Territory; and

A bill (S. 3282) making an appropriation for the purchase of a site and the construction of a light-house and fog-signal on Patos Island, Washington Territory.

Mr. STEWART, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 2440) for the relief of the State of Oregon;

A bill (S. 36) to amend chapter 893 of the laws of the Forty-ninth Congress; and

A bill (S. 3119) amendatory of the act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory.

Mr. STEWART. In lieu of the bills just postponed indefinitely I introduce a bill. I also present accompanying statements and documents, which I ask may be printed and referred with the bill to the Committee on Military Affairs.

The bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion was read twice by its title.

The PRESIDENT *pro tempore*. The bill, with the accompanying papers, will be referred to the Committee on Military Affairs.

Mr. STEWART. I wish to state in this connection for the information of the Senator from California [Mr. HEARST], that in a few days I shall introduce a bill with accompanying documents to be referred to the Committee on Military Affairs as a substitute for his amendment, providing for the payment of Indian war claims of California.

Mr. COCKRELL. The Senator wants to have the accompanying statements printed?

Mr. STEWART. Yes; I desire to have the statements printed.

Mr. HAWLEY. I understand the Senator desires to have a limited number printed for the use of the committee and not the 1950 copies usually ordered. So many will not be required.

Mr. STEWART. I understand they may be required, as they will also be for the use of the War Department. In the bill I have introduced I have adopted the suggestion of the Senator from Mississippi

[Mr. WALTHALL] to simply have an inquiry and a report on the facts, and in order to accomplish that object these documents containing the laws will be needed.

Mr. HAWLEY. I only rose to inquire how many were to be printed, and what would be the understanding about it.

Mr. STEWART. We thought it best to have the document regularly printed, because it will have to be used by the War Department.

Mr. HAWLEY. In that way the Senator will not get so many for his own use as if they are printed for the use of the committee. It is a preliminary proceeding anyhow, ordered for the committee.

Mr. STEWART. Then I ask to have 200 copies printed for the use of the committee.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

JOHN M. HARRELL.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (S. 3402) for the relief of John M. Harrell, of the State of Arkansas, to report it adversely with a written report, which, for the convenience of disposing of these disability cases, I ask may be read—it is very short—and if the Senate is willing that the bill be considered now.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The Committee on the Judiciary, to which was referred Senate bill 3402, "For the relief of John M. Harrell, of the State of Arkansas," respectfully reports that it has had the same under consideration, and recommends that the bill do not pass, for the reason that the person named is, in the opinion of the committee, under no political disability imposed by the fourteenth amendment of the Constitution.

It appears from the petition of Mr. Harrell that he was in 1858 appointed United States attorney for the eastern district of Arkansas and resigned said office in 1860, and was afterwards engaged in the military services of the forces of the rebellion.

By force of the fourteenth amendment he was under disability as a person having taken an oath as an officer of the United States to support the Constitution, and having engaged in the rebellion against the same.

But Congress, by the act of 22d May, 1872 (volume 17, page 142, United States Statutes at Large), enacted:

"That all political disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States.

The only question, therefore, is whether the petitioner was an officer in the judicial service of the United States by reason of his being an attorney of the United States for the eastern district of Arkansas. The committee is of opinion that it is clear he was not an officer in the judicial service. "Judicial service" imports the performance of judicial functions, just as military and naval service import the performance of military or naval functions. Every duty that is imposed by statute upon a district attorney of the United States is clearly, as the committee thinks, an executive duty.

It is obvious that Congress intended, in the act referred to, to except from the general removal of disabilities only high officers of State, military and naval officers, and the members of the two named and their recent Congresses. There was no exception of any officer in the service of the executive branch of the Government except heads of departments, foreign ministers, and those in the military and naval service. It was thus evidently intended that all the officers in the civil service of the executive branch of the Government should be relieved, excepting heads of departments and foreign ministers. In view of the constitutional division of power into three departments—legislative, executive, and judicial—and in view of the general policy of the act referred to and the marked omission of all exceptions in regard to officers in the executive service except those belonging to its military establishment and the heads of departments and foreign ministers, it seems obvious that it was intended by this act of amnesty to relieve all officers of the United States except judges, heads of departments, and military and naval officers. The committee, therefore, deems it to be clear that the petitioner is not under any disability imposed by the fourteenth amendment. All of which is respectfully submitted.

Mr. BERRY. Mr. President, this bill was introduced by me and upon my motion referred to the Committee on the Judiciary.

I received a letter from Col. John M. Harrell, whom I know quite well, stating that he had been nominated for Presidential elector in the State of Arkansas, but that prior to the war he had held the office of United States district attorney and afterwards served in the Southern army. He was in doubt whether the act of 1872 had removed his political disabilities and requested me to inform him in regard to it. After examining the act I applied to the chairman of the Judiciary Committee, and the only question at issue seemed to be whether a district attorney of the United States was in the judicial service of the United States, those who were in the judicial service having been excepted by the act of 1872, which removed all disabilities except certain exceptions therein named. The chairman of the Committee on the Judiciary gave me his opinion that Colonel Harrell's disabilities were removed by that act, and that a district attorney was not a judicial officer. Having consulted other members of the Judiciary Committee and a very distinguished lawyer in the Senate who is not a member of the Judiciary Committee, they gave a different opinion, and said that it was important that the question should not be left in doubt.

Knowing that it might become very important, as it was almost absolutely certain that Colonel Harrell would be elected as an elector, I informed him of all the facts. He replied stating that under the circumstances, owing to the importance of the matter, he preferred that a bill should be introduced and should go to the Committee on the Judiciary and let them pass upon it in an official capacity. If they reported that he had no disabilities and the Senate confirmed that report, then probably no question would hereafter be raised about it, but inasmuch as distinguished lawyers differed as to whether the words "judicial service" included a district attorney he preferred that that committee should pass upon it.

For that reason I introduced the bill, knowing that the chairman of the Committee on the Judiciary held the opinion which is contained in the report, though others held a different opinion.

So far as I am concerned, it is wholly immaterial to me which way the question is decided provided it is decided correctly, as I do not wish any question to arise hereafter. If the Senate, after having fully understood the facts as I have stated them, are unanimously of the opinion that the disabilities of Colonel Harrell were removed by the general act of 1872, then that is satisfactory to me.

I thought it proper that I should make this statement in order that all Senators might fully understand the importance of the question, and also to explain why I had introduced the bill after I had been informed by the chairman of the committee that he thought Colonel Harrell's disabilities had already been removed.

Mr. EDMUNDS. Mr. President, if this were only a single isolated case of one gentleman, of course if any single Senator had any reasonable doubt about it I should be willing to solve the doubt by passing a bill for him; but passing this bill throws a doubt, a shadow upon the political condition of probably more than a thousand persons in the United States who now understand, as everybody else does, that their political disabilities have been removed by the act of 1872. The committee therefore thought that it was better to follow what we all thought after consideration and discussion was the law, and make this formal report and ask the Senate to adopt it as expressing its judgment upon the matter, and thus not raise a doubt and throw a cloud over the political status of so many other citizens of the United States.

I therefore move that the report be adopted and the bill indefinitely postponed.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill and the report thereon? The Chair hears none. The Senator from Vermont moves that the report be adopted and the committee discharged from the further consideration of the bill, and that it be indefinitely postponed.

Mr. GEORGE. Let the report be printed in the RECORD.

The PRESIDENT *pro tempore*. Having been read, the report will appear in the RECORD.

The motion was agreed to.

WILLIAM L. BRADFORD.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report back favorably the bill (S. 3178) to remove the political disabilities of Captain William L. Bradford, with an amendment, and I ask for its present consideration, as saving time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It was reported from the Committee on the Judiciary with an amendment, in line 3, before the name "William," to strike out the word "Captain;" and in the same line, after the name "Bradford," to insert "late an officer in the Navy of the United States;" so as to make the bill read:

Be it enacted, etc., That the political disabilities of William L. Bradford, late an officer in the Navy of the United States, arising under the fourteenth amendment to the Constitution of the United States, be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

The title was amended so as to read: "A bill to remove the political disabilities of William L. Bradford."

PAUL F. FAISON.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report adversely the bill to remove the political disabilities of the gentleman named. When the bill is reported by its title I will state the reason.

The PRESIDENT *pro tempore*. The title will be stated.

The CHIEF CLERK. A bill (H. R. 4694) to remove the political disabilities of Paul F. Faison.

Mr. EDMUNDS. This citizen was a cadet at West Point, and being a cadet in 1861 he went home to the State from whence he came, owing the United States nothing, and went into the rebellion. It is clear, perfectly clear from the statutes that he never was under disability at all. He never was an officer of the United States, and could not become so until he had graduated at West Point and been appointed by the President to some branch of the service. So it is clear that this bill is not necessary.

The report was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 3421) granting a pension to Mary B. McVean; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3422) granting a pension to Kate C.

Van Arnum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 3424) for the relief of John Gardner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3425) for the relief of Mrs. Jane Jacobus; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a joint resolution (S. R. 101) requesting the President to open negotiations with the Government of Her Britannic Majesty with a view to the political union of the Dominion of Canada or any of the provinces or subdivisions thereof and the United States, and for other purposes; which was read the first time by its title, and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to open negotiations with the Government of her Britannic Majesty in which the Dominion of Canada and the several political subdivisions thereof shall be represented, with a view to the settlement of all differences between Her Majesty's Government and the United States, and especially to the arrangement of terms mutually just, honorable, and satisfactory for political union between the Dominion of Canada or between any of the several provinces or subdivisions of the Dominion of Canada and the United States, subject to the approval of the people of the Dominion of Canada or of the people of any province or subdivision thereof who may be included in such arrangement, and to ratification by the United States in such manner as Congress may prescribe. Such political union to be republican in form, and in accord with the Federal system and the Constitution of the United States, and the negotiations may embrace such further treaties, compacts, and alliances as shall be deemed necessary for the future peace, happiness, security, and general welfare of Her Majesty's dominions and of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 549) granting a pension to Joseph S. Wilson;

A bill (H. R. 889) granting a pension to Ishmael Jones;

A bill (H. R. 4792) to pension J. W. Porter;

A bill (H. R. 4855) granting a pension to Jacob Newhard;

A bill (H. R. 5503) granting a pension to Charles Walster;

A bill (H. R. 5529) granting a pension to Flora Heath;

A bill (H. R. 7013) to place the name of Delia Newman on pension-rolls;

A bill (H. R. 7508) granting a pension to Julia E. Ambrose;

A bill (H. R. 8571) granting a pension to Margaret J. McQuary;

A bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war and late a private in Company D, Third United States Infantry;

A bill (H. R. 8885) granting a pension to Eliza A. Woods;

A bill (H. R. 8931) for the relief of Samuel E. Wilson;

A bill (H. R. 9228) for the relief of Nathan Cook;

A bill (H. R. 9227) for the relief of Mary Newton;

A bill (H. R. 9824) for the relief of Albert Watson;

A bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith; and

A bill (H. R. 10607) granting a pension to Rachel Morgan.

The message also announced that the House had passed the following bills:

A bill (S. 645) granting a pension to Margaret B. Todd;

A bill (S. 915) granting a pension to Susan Edson;

A bill (S. 1122) granting an increase of pension to William Collinsworth;

A bill (S. 1325) for the relief of John McKernan;

A bill (S. 1542) granting a pension to John W. Reynolds;

A bill (S. 1609) for the relief of James McLaughlin;

A bill (S. 2206) granting a pension to David H. Lutman;

A bill (S. 2253) granting a pension to Mrs. Avis J. Hockey;

A bill (S. 2370) granting a pension to Sarah C. Anderson and children under sixteen years of age;

A bill (S. 2579) granting a pension to Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan; and

A bill (S. 2616) granting a pension to James E. Kabler.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the enrolled bill (S. 3303) amendatory of an act relating to postal crimes, and amendatory of the statutes therein mentioned, approved June 18, 1888.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

COTTON BAGGING.

Mr. JONES, of Arkansas, submitted the following resolution; which was read:

Resolved, That the Committee on Finance be, and is hereby, authorized and required to inquire into the truth of the alleged combinations or pool of the producers of cotton bagging. Also what companies or individuals compose said pool, their methods of combination and doing business, the effect of the same upon prices of this article of necessity to all cotton producers, together with any and all other matters relating to the same which may call for or suggest legislation by Congress, and report the same to the Senate with such recommendations as the committee may think proper.

Mr. JONES, of Arkansas. Mr. President, it requires about 50,000,000 yards of cotton-bagging a year to pack the cotton crop. This bagging is manufactured exclusively in the United States and is protected by a tax of 3 cents a yard.

From a statement recently made by one of the manufacturers of this article, it appears that when the price was advanced a year or two ago a very small per cent., there were immediately importations from Scotland and India into this country.

It would seem from this that the entire amount of the protection—the 3 cents a yard—measures the amount of advance that cotton-raisers pay to the bagging manufacturers for this article above what they would have to pay but for the existence of this tariff tax. This would aggregate $1,500,000 per year.

A short time ago there was a proposition made in the House of Representatives to reduce this tax, and a very great complaint was made about it. It is stated in newspapers that representatives of all the manufacturers were here by the dozen, and they were crying out in the greatest distress that their interests would be ruined, that their manufactories would be destroyed, if there was any reduction in the rate of taxation.

The statement was publicly made in the House of Representatives that this bagging could be produced and sold at from 6¾ to 7 cents a yard, by the friends of the manufacturers, but it was also said by the manufacturers themselves that there was "but little profit in the business" at this price, to use their own expression, one stating that when he manufactured the bagging and sold it at 6¾ cents and delivered it a thousand miles from the mills, "the profit had reached an extremely low limit." Nevertheless, I understand that the one bagging-mill in the United States which has not entered this pool has sold its entire product this year at 6 cents a yard, and has declined to enter into this alleged combination.

Among other difficulties that the bagging manufacturers urged upon the attention of Congress when the proposition was made to reduce this tariff tax was the danger of a monopoly by the foreign manufacturers and an increase in the price. This they seemed to regard as a very great danger which threatened the producers of cotton in the United States, and against which they thought they should be protected. I agree with them in their dislike of such combinations, and fully believe that if the power exists in Congress they should be prevented or suppressed.

For two or three years the average price of cotton bagging has been about 7 cents a yard. This year it has been less, about 6¾ cents, and this the manufacturers claim has brought the profit in this article down to a "very low limit," but still they admit that they were making a profit at this price.

I now ask to have read a letter appearing in the CONGRESSIONAL RECORD, which I send to the desk.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

PERU, IND., *March* 10, 1888.

DEAR SIR: Have noticed in the newspapers that the Democratic tariff reformers intend to have burlaps and bagging for covering cotton on the free-list. If this law should go into effect it would totally ruin a very valuable American industry to the amount of several million dollars. The average cotton crop consumes about fifty million yards per annum, which is at present all manufactured in America, and one-half of it in this close vicinity—St. Louis, Mo., Louisville, Ky., and Muncie, Peru, and Huntington, Ind.

Our factory employs at present over one hundred hands, and we turn out over 3,000,000 yards per annum, and we have an investment in this business of over a hundred thousand dollars. There is not the least doubt that our and every other bagging mill in this country would be closed within six months if this law should go into effect.

Now, friend STEELE, we ask you to use all your influence to protect us against such unjust legislation. The present duty is limited enough. Only three years ago, when jute butts were three-quarters of a cent a pound higher than this present time, and American bagging manufacturers advanced the value of bagging 1¼ cents per yard, Dundee, Scotland, jute manufacturers supplied a good portion of the American bagging market. This is to show you that the margin is low enough now with the present tariff. The duty on jute butts ought to be taken off, because there is no jute raised in America, and therefore would harm no one. Thanking you in advance for a reply and early attention,

Am truly yours,

A. LEHMAN,
President Peru Bagging Company.

Hon. GEORGE W. STEELE,
Washington, D. C.

Mr. JONES, of Arkansas. My purpose in asking for that letter to be read is to show first about the amount of money which at a reasonable estimate is involved in the production of this article and then the number of hands employed, to which I desire to call especially the attention of the Senate and of the Committee on Finance.

It appears that this bagging mill, which is capable of producing 3,000,000 yards per year, has cost about $100,000 and employs about a hundred hands. If that is correct, and if that is a mill of average production, the 50,000,000 yards of bagging necessary for the cotton crop of the United States can be produced by mills which would cost $1,600,000, and they would employ 1,600 hands, and on that invest-

ment of $1,600,000 the cotton-planters of this country are year by year by the operation of the tax of 3 cents a pound on cotton bagging, paying a bonus of $1,500,000 in taxes as protection to these people. This is to build up by this protection, by this legislative aid, I suppose, an infant industry.

Now, I wish to call the attention of the Senate particularly to the fact that it now appears by the best lights we have that these pets of the Government, these beneficiaries of this bounty have combined to raise the price of their manufactures most unjustly and unreasonably. They have, in reality, advanced the price 4 cents within four days recently, so that bagging which was selling a few days ago at 7 cents or less is now held at 11¾, as the result of this wicked combination amongst these beneficiaries of protection.

When asked for the reasons of this extraordinary advance they decline to reply. But the fact stands that they by this means plunder the cotton-growers this year and out of this crop of between two and three millions of dollars, besides the million and a half which the law has been accustomed to give them.

I wish to call the attention of the Senate, too, to the fact, if it is the truth, and the purpose of the resolution is to direct the Committee on Finance to investigate the facts and to find out what the truth is. If the American people is thus nursing in its bosom a brood of vipers, if you are warming into life a class of men who, not satisfied with a reasonable profit, and not satisfied with the right of levying a tax of a million and a half dollars a year upon cotton producers who have no protection on the face of the globe, are entering into a combination for the purpose of advancing the price of this article of absolute necessity to cotton producers at the rate of 4 cents a yard in four days, that it seems to me there ought to be some remedy at the hands of the public, and it is time that the ax was being laid at the root of the tree.

One of these gentlemen has recently stated that there was no pool in this instance; that the movement was "simply a sympathetic movement." A "sympathetic movement" which robs the cotton producers of this country of more than $2,000,000 on this year's cotton crop alone, not counting the regular tax that the conspirators are allowed to take year by year from the cotton producers of a million and a half dollars, should be promptly declared a public enemy and dealt with as such.

Mr. President, I have heard some very earnest appeals from the other side of the Senate Chamber to the American public for justice to the poor, helpless, ignorant, down-trodden colored man. I hope that the same gentlemen who have been so earnest in their appeals heretofore for the protection of that class of our citizens against wrongs which they allege exist, but which are not proven, will in this case, where the wrong is not denied, where it comes as clear as the shining of the noonday sun that these people are being plundered by a class of people who have been given strength by you, who have been nurtured and fostered by you into life as an infant industry, will agree that this matter shall be examined, and if the American Congress can right the wrong which has been committed in this case I hope they will not fail to do it.

I hope that the resolution will be adopted.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. Mr. President, I am in sympathy——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I was about to say, if I may be allowed——

The PRESIDENT *pro tempore*. The Senator from Vermont will proceed.

Mr. EDMUNDS. While I am in sympathy with the idea, I am under the impression that some one or two committees have already authority to investigate all these trusts; and if it be not so, the resolution ought to be broadened so that one committee will cover the whole subject. Therefore, unless there is pressing haste for it, I think it had better lie over until to-morrow and be printed.

Mr. JONES, of Arkansas. I should like to suggest to the Senator from Vermont before he takes his seat that my reason for proposing that the Committee on Finance be directed to make this investigation was because that committee now has charge of the question of tariff taxes. If I am not mistaken, this thing is directly the outgrowth of a tax which has been levied for the purpose of protecting, as they call it, those making cotton-bagging. If that is the case, it seems to me that this matter ought to be considered in connection with that measure by the Committee on Finance. That is the reason why I have offered the resolution.

The PRESIDENT *pro tempore*. Under the objection of the Senator from Vermont, the resolution will lie over and be printed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 549) granting a pension to Joseph S. Wilson;
A bill (H. R. 889) granting a pension to Ishmael Jones;
A bill (H. R. 4792) to pension J. W. Porter;
A bill (H. R. 4855) granting a pension to Jacob Newhard;
A bill (H. R. 5503) granting a pension to Charles Walster;
A bill (H. R. 5529) granting a pension to Flora Heath;
A bill (H. R. 7013) to place the name of Delia Newman on pension-roll;
A bill (H. R. 7508) granting a pension to Julia E. Ambrose;
A bill (H. R. 8571) granting a pension to Margaret J. McQuary;
A bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry;
A bill (H. R. 8885) granting a pension to Eliza A. Woods;
A bill (H. R. 8931) for the relief of Samuel E. Wilson;
A bill (H. R. 9228) for the relief of Nathan Cook;
A bill (H. R. 9227) for the relief of Mary Newton;
A bill (H. R. 10607) granting a pension to Rachel Morgan; and
A bill (H. R. 9824) for the relief of Albert Watson.

The bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith was read twice by its title, and referred to the Committee on the Judiciary.

ALLEGED NAVAL DESERTIONS.

Mr. CHANDLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 10, 13, 14, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 9, 11, and 12 and agree to the same.

J. D. CAMERON,
W. E. CHANDLER,
GEO. GRAY,
Managers on the part of the Senate.
C. A. BOUTELLE,
GEO. D. WISE,
H. A. HERBERT,
Managers on the part of the House.

The report was concurred in.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of the fisheries treaty in executive session with open doors.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now proceed in open executive session to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The treaty will be reported by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

The PRESIDENT *pro tempore*. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with.

Mr. VANCE. Mr. President, there has been a great deal of discussion upon this treaty. There has been a great deal of eloquence expended upon it. There has been a wonderful amount of historical research and legal ability displayed in its discussion. I wish, if possible, somewhat to simplify the issues as they appear to me, and see how they look as viewed by the plain people of the country, who are to be most affected by the result.

That great system of inland seas, the most wonderful perhaps in the world, whose waters march for more than a thousand miles with the northern borders of our country, and then turning due east discharge their mighty floods into the Atlantic Ocean through the Gulf of St. Lawrence, constitutes, with its bays and lakes and estuaries and open waters, one of the most remarkable aquariums of fish in the world—perhaps it is the most valuable fishery on the globe. Prone across the entrance of the Gulf of St. Lawrence lies the island of Newfoundland. Bleak, sterile, and inhospitable, it is swept by the fiercest storms of the Atlantic, and is the summer home of the icebergs that float down from the arctic seas. Whether it is the peculiar temperature of that great flood of fresh and pure waters that discharge there into the sea, or whether it is the peculiar kind of food which nature has collected there for the support of piscatorial life that has gathered there so much of the life of the great deep, I know not, but the fact remains that it is a wonderful fishery, a wonderful and inexhaustible source of wealth to any people who are privileged to enjoy it.

In the original settlement and reclamation of this country that fishery and all of its dependencies were in the possession of the Kingdom of France. By successive wars in the eighteenth century, in which these American colonies took part as members of the British Empire, those fisheries and the lands upon which they depended were wrested from France and became the exclusive property of Great Britain, in the joint enjoyment of which these colonies which afterwards became the United States participated by reason of their being a component portion of the British Empire. In process of time the rupture took place between these colonies and the mother country, and the war which ensued established the separate nationality and independence of these United States. Consequently, apparently and legally their right to participate in those fisheries was gone, as they fell without the line of separation. They therefore pertained to the ownership of the soil

which surrounded them and on which they depended. In other words, the party which exercised the dominion of the shore was entitled to the ownership of the fisheries; because I believe it has been established beyond dispute by the discussion which has taken place here and the resurrection of ancient state papers, that the waters in those fisheries were not public but national waters, and pertained, therefore, exclusively to the nation that exercised dominion over the shores on which they depended.

But, however that may be, whether our rights to a common enjoyment of those fisheries were abrogated by the war which separated us from the British empire or not, we were granted a common right of fishery in those same waters by the treaty of 1783, and from that time until the war of 1812 we continued to exercise that right. Then came the war of 1812, and after its conclusion Great Britain insisted that whatever rights we had obtained under the treaty of 1783 were abrogated and forever displaced by the result of that war; and two treaties were formed between Great Britain and the United States at the conclusion of that war in which no mention was made of our fishery rights at all. Finally they were again settled by the treaty of 1818, which seems to have amounted to an admission that the rights which we had acquired under the treaty of 1783 had been abrogated; because, if they remained *in statu quo*, of course there was no necessity for the treaty of 1818 to establish and perpetuate that which was already in existence.

Now, the treaty of 1818, which has been read so often in your hearing, Mr. President, and has been commented upon so frequently, contained a provision limiting the rights of American fishing vessels in Canadian ports to certain purposes, with the exclusive words "and for no other purposes whatever," and also having granted to American fishermen the right to enter these prohibited ports for certain purposes and forbidden them entrance for all others, the treaty further provided that they should be, when there, subject to certain restrictions for the purpose of preventing their abuse of the privileges which had been granted to them.

Who were to make those restrictions? Who were to enact those laws which were to regulate the visits of our fishermen off the coasts of Canada and Newfoundland? The treaty is silent, but, as a matter of course, as the offenses against the restrictions could only be committed within the jurisdiction of the Dominion of Canada, it necessarily followed that Canada had jurisdiction both to make the "restrictions" and to punish their infraction. They had, therefore, the right to establish those restrictions and regulations. They did establish them. The first restrictive statute, I believe, upon that subject was passed in 1819, and from 1819 to 1854 the restrictions which were imposed by Canada were also enforced by Canada against the fishermen of the United States, I will not say without protest, but certainly without any denial that Canada had the right to do so, or any counter effort on the part of the Government and Congress of the United States to establish different restrictions and regulations, or to intervene in any way, so the treaty was not violated.

From 1819 to 1854 American fishermen were warned off when approaching too near to the shore; they were boarded, they were seized, they were tried, and some of them condemned, until the annoyance became so great that in 1854 we purchased a cessation of these annoyances by commercial reciprocity with Canada.

When that reciprocity treaty expired, the same restrictions were enforced and the same regulations were put into effect, the same annoyances were carried out against American vessels, until again, in 1871, we purchased a cessation of them with actual cash.

When the treaty of 1854 was made there was no one here to denounce it as a base and cowardly surrender, but every one approved it. When the treaty of 1871 was made there were none here to denounce it as a base and cowardly surrender, but it met also with almost universal approval. Well, the precedent was thus established that the proper way to obtain relief from the harsh features of the treaty of 1818 was by other treaties modifying or suspending them.

When, therefore, the treaty of 1871 expired by limitation and by notice given, there were three courses open to the present Administration of the United States Government. In the first place, the course left open was to resort to negotiation, as precedent had established, for the purpose of quieting the disturbances that arose by enforcing Canadian restrictions under the treaty of 1818. The next course was retaliation, and the last course open to the Administration was an open act of war. Naturally, patriotically, and sensibly the Administration chose the ordinary humane and civilized method of negotiation, and this treaty is the result of that effort on the part of the Administration to continue the benefits of the treaties of 1854 and 1871 to the people of the United States and especially to the fishermen of our northeastern country. Every consideration of policy and humanity alike suggested it, and though the act of 1887 authorized the President in his discretion to resort to retaliation acts, he was not forbidden nor advised not to try negotiation, nor had Congress any right to forbid the exercise of his constitutional power to make treaties.

Well, now, why this sudden heat, when this Administration has but followed in the footsteps of its predecessors; when it has but followed in the path dictated by humanity and statesmanship and common Christianity, in trying to mitigate the evils of a harsh treaty by negotiation so as to prevent the country getting into a state of war, or of disquietude at least on the verge of war? Such a state would have cost millions and millions of dollars to the people of both countries. Why this sudden heat? Why this fierce assault upon this treaty, which is no more a base surrender, which is no more guilty of surrendering American honor and American rights than its predecessors? In the language of a distinguished American philosopher and man of letters—a man of more letters than proper spelling requires, Mr. Artemus Ward—"Why this thusness?" Why this patriotic indignation?

Mr. President, I will tell you why, as it strikes a plain man. A fellow in my country was caught once with an extra jack in his sleeve when playing a game of old sledge, and in response to the fierce denunciation of his adversary, he said, "Bill, you know we were 6 and 6, and it was your deal; I was obliged to do something." The situation is just that with the Republican party in regard to this treaty. The Presidential election is coming on, and the Republican party which desires once more to get into power and yearns after the flesh pots of Egypt as its chief joy, finds that the game is about 6 and 6, and that it is Grover's deal, and "they are just obliged to do something." That something has been very remarkable indeed. For about a hundred years, I believe, without an exception, an unbroken precedent, treaties with foreign countries were considered in executive or secret session, and our adversaries and the world at large were not taken into our councils. The reason for this was obvious. In fact, this discussion illustrates in an overwhelming manner the wisdom of our fathers in establishing executive sessions for the consideration of treaties.

How our poor vulgar boasting and how the disclosure of our mercenary motives and the exhibition of our prejudices and our bitterness against other peoples in the presence of the world is going to elevate us in the eyes of the nations or assist us in making treaties with them, is something that is beyond me. Yet this is what we have done. Like the French king, Louis XIV, we have invited the public to stand in our bed chamber and witness our morning ablutions and the making of our toilets.

Aware of all the reasons for observing this unbroken usage, our friends on the other side of the Chamber early in these proceedings resolved with almost entire unanimity that this treaty, like all other treaties, should be considered in executive session. But, sir, the game was 6 and 6, and they were compelled to do something, and all at once it seemed as they were journeying towards the Damascus of their hopes a great light shone round about them, and a voice was heard. Now, Mr. President, let me not be considered irreverent.

I do not intimate that either the voice or the light was from heaven—far from it. I should rather suppose them to have come from the antipodes of that blissful region. But, at all events, when that light shone round about these Senators and that voice was heard, like the apostle, they were not disobedient to the sheolic vision; and that voice said, "Republicans, why will ye not raise a row with Great Britain and get the Irish vote." [Laughter.] Whereupon the voice again said, "Get ye to a place called caucus"—not to a street called Straight, for they were already in a strait—but "get ye to a place called caucus, and there it shall be told ye what to do." And so they assembled in that upper chamber, and there the inspiration was again made manifest, and they were told that their only chance, the only avenue under heaven opened up whereby they might be saved, was to threaten war with Great Britain and bid for the Irish vote of this country and for the votes of all others whose prejudices against that country could be made available in the coming campaign. [Laughter.] That was the course adopted, and, sir, the conversion of those Senators under that vision or under the influence of that imperious party necessity was the most remarkable and pentecostal that has ever been known in American politics.

Many old, dignified, staid Senators, whose convictions in regard to the propriety of secret sessions for the consideration of treaties were so ingrained that it would have seemed impossible for any human consideration to have changed them, many of them without apology, without preface, merely upon a call of the yeas and nays, changed front so quick that the seat of that portion of the human raiment which can not be mentioned in public was actually left in front! They were as completely "reversed" as was ever Alexander McStinger, jr.

By this reversal of their solemn judgment, at the instance of a party necessity, we are made to present to the world this unusual spectacle of considering a treaty, not in a dignified way, not in a way respectful to the great power with whom we treat, not in a way considerate of the great interests of sixty millions of people for whom we treat, not in a way consistent with the dignity of a great and mighty nation which we represent, but we are considering it as if the issue was to be decided by a ward primary, and with about the same fairness and impartiality.

Mr. President, wherein does this treaty, which has been proposed to us by the Administration and which we have been invited to consider and ratify, deserve the denunciation and the abuse that have been heaped upon it? It is only necessary to compare it with the treaty of 1818 in order to show whether we derive any advantage from it. If we derive any advantage from it at all over the treaty of 1818, then, although we may not obtain all that we desire—and I do not think it is possible for human ingenuity to obtain all that some people desire under this treaty—yet if it be in any respect better for the American

fisherman as he goes upon his wild and solitary voyage amid the dangers of the great deep and encounters the perils of the great banks; if he is placed in any better position whatever, if his safety is in any way increased, if his profits and conveniences are in any way bettered, then this treaty should receive the approval of the Senate, as, I have no doubt, it will be gratefully received by the whole American people.

In 1886, upon the termination of the treaty of 1871, a committee of the Senate was appointed to investigate all matters connected with the complaints of our fishermen, and the result of that investigation is that to which I desire to call your attention. I will not trouble the Senate by reading the official report, but I desire to read the Senate what one of the most distinguished members of that committee said of the result of that testimony, the Senator from Maine [Mr. FRYE], who is also perhaps, from locality, more interested than any other Senator in the subject. I read from an interview held with the Senator from Maine in October, I believe it was, 1886, immediately after the Committee on Foreign Relations had closed the taking of testimony in relation to the fisheries question, and here is what he said:

The testimony of the owners and fishermen taken at Gloucester, also at Boston, Provincetown, and Portland, was entirely agreed on the following points:
First. That there is no necessity at all for our fishing vessels to enter ports of Canada for any purposes except those provided for in the treaty of 1818, namely, for shelter, wood, water, and repairs.

No necessity at all for them to enter for any other purpose but those.

That while the Canadians admit our right to these privileges, they are unnecessarily and without excuse interfering continuously with our enjoyment of them. If one of our vessels runs into a Canadian port in a storm for shelter, they insist upon immediate entry—

There is one complaint referred to, the first one—

no matter how inconvenient it may be to the captain of the vessel.

This treaty avoids that and says they need not enter for twenty-four hours. So there is one thing in which the present treaty is better than the treaty of 1818.

They will not permit him to land a man, though he be a citizen of that country, send his clothing ashore, send for treatment in sickness, purchase anything whatever.

There are four more serious complaints against the restrictions and regulations imposed by the Canadians upon our fishermen under the treaty of 1818, every one of which is removed by the present treaty, for a fisherman may send ashore; he may obtain doctors' attendance and medicines in sickness; he may buy whatever he needs for the repair of his vessel and for the comfort of his crew, and he may even enlist crews, if he wants to, in case of sickness. There is so obvious and so patent an improvement upon the old treaty that it seems to me the man who would deny that it was any improvement upon the old treaty would be making a statement broad enough for us to fish in, for it would be certainly over ten miles wide.

A score of our fishing vessels—

Says the Senator from Maine in this interview—

have already been seized by them and fined $400, for what they determined to be infractions of the peculiar rules and regulations of their customs laws, which have been obsolete for more than forty years. In fact, they do not permit us to enjoy any of the rights which they admit to be secured to us by the treaty of 1818, without putting us to more inconvenience and trouble than the right is worth.
Second. They refuse our fishermen absolutely and unqualifiedly all commercial rights whatever, and refuse to recognize as valid our customs permits to touch and trade.

Well, Mr. President, this treaty does not give our fishermen all commercial rights, but it gives them all the commercial rights that they need and more than they need according to the Senator, for, according to his declaration made in this interview, American fishermen have no necessity whatever to enter any port, except for shelter against storms, for wood, for water, and for repairs. The present treaty gives them commercial rights to the extent of allowing them to buy "all casual and needful supplies," such as are granted to trading vessels. So a great part of that complaint, at least, is removed by the present treaty.

And as to the complaint that the Canadian Government does not recognize our permits to our fishing vessels to touch and trade, I suppose of course that no Senator makes it with any seriousness. Surely he would not maintain that a treaty could be repealed in that way! How can the United States Government evade the solemn words of a treaty by simply investing a fishing vessel against which the treaty is made with the double character of a fisherman and a trader at the same time?

Mr. President, it seems to me that a proposition of that kind is unworthy of the United States Government. A solemn treaty is made with Great Britain in reference to the American fishermen that frequent and occupy for the purposes of fishing those great waters there, which are within the territorial dominion of the Government of Canada, and where that treaty says that fishing vessels shall not have certain commercial rights, shall not be permitted to enter into port at all except for the mere purpose of humanity, mentioned in the treaty itself; and it is seriously proposed that the Government of the United States should undertake to avoid that treaty or evade its force by so simple an operation as just investing the vessel with a character that she did not have. Now, can it be regarded as anything else than a fraud upon the nation with whom we had made the treaty? I say it is one that does not do the Government of the United States any honor by the suggestion.

Mr. FRYE. Will the Senator allow me?

Mr. VANCE. Certainly.

Mr. FRYE. Does the Senator know that that provision which authorized permits to touch and trade was older than the treaty itself of which he is talking?

Mr. VANCE. That does not prove anything. If it was older, I suppose the subsequent treaty would repeal the older provision.

Mr. FRYE. It was not made, then, in order to defraud the Canadians.

Mr. VANCE. Perhaps that was not its original intention, the Canadian treaty not being in existence when it was made, but certainly the application of it afterwards in the face of the treaty could only be looked upon as an effort to defraud the Government of Great Britain, with whom we had made that treaty stipulation. That treaty having been made after that custom was in existence, it would seem to have been intended to repeal the custom. Otherwise that provision of the treaty was senseless. But I am referring to the interview with the Senator. He continues:

The fishermen also concur in saying that these commercial privileges are of no value. It has been generally understood that the right to purchase bait was a very valuable one; but the testimony not only shows that it is of no value, but the preponderance of testimony is that the right exercised does more harm than good; that the time consumed in going into and out of the port, and going thence to the banks again, costs the fisherman more than the value of the bait.

That being so, that these commercial rights are of no value, then it follows that the position of those Senators who take the ground that we must have commercial rights if we have to resort to retaliation and possibly war to obtain them is that the more worthless a right is the stronger we must contend for it; the greater the risk of bloodshed and war and all its desolation we are justified in incurring in order to obtain it. It is not because these commercial rights are worth anything to us, but, in the language of litigants in the lower courts, "because we do not intend to be run over."

Again he says:

Third. Both fishermen and owners agree with great unanimity that they require absolutely nothing of Canada other than the treaty rights of 1818.

They require nothing of Canada other than the naked rights of the treaty of 1818, that is, the privilege to go into port to obtain shelter, wood, water, and repairs. They, the owners of the vessels and the fishermen who manage them, the only real parties interested, say this; they say it under oath to a committee of this Senate. If they do not know what they want who does know? There are no commercial rights granted by the treaty of 1818, no right to enlist seamen, or obtain medical aid in case of sickness, nor any kind of supplies except wood and water. Yet, though they swore they did not want them, they get all in the present treaty. How, then, is the treaty a surrender of their rights? How are they injured? Wherein are they not substantially benefited?

And what is all this contention about? If our fishermen get all they require in the naked, unmodified treaty, and many more valuable concessions by the present modifications, in the name of justice and reason what is all this fuss about? Why do the heathen rage and desire the people to imagine a vain thing? Why is the peace and prosperity of our great country endangered, when our fishermen have got all they said they wanted, and which is worth nothing when they have got it?

That it is better for them—

Says the Senator—

That it is better for them when they start on their cruises to provide their vessels with everything that is necessary for the cruises, bait and all, than to leave anything to be provided for in Canada.
Fourth. They agree that the privilege of fishing inside of the 3-mile limit is absolutely worthless, and has been for fifteen years; that nearly all the fish, both mackerel and cod, have been taken outside; that fishing with purse-seines within 3 miles of the shores never brings compensation enough to make up for the damage to the seines in the shoal water and on the rocks.
Fifth. There seems to be no difference in opinion about the result of a treaty with Canada which would give them our markets or alter our tariff by making fish free. They believe it would be certain to destroy in ten or fifteen years the fishing industry of New England and transfer to Canada the fishing fleet; that there is nothing which Canada can give them as a compensation for this.

That the admission of Canadian fish into our markets free of duty would transfer the fishing fleet to Canada in a few years I think is likely. There is nothing more natural than that the Canadian fishermen who now pose as American seamen in the New England fleets should return home whenever it became their interest to do so. In short, the complaint is that if we do not keep the duty up the foreigners will leave us and we will be obliged to employ high-priced American labor.

Now, like a wise physician when he has diagnosed a case, the Senator from Maine prescribes the remedy, and here it is:

Sixth. Their remedy for existing troubles with their business is a higher duty on salt fish, also a duty on fresh fish.

Whenever you scratch a Russian they say you will find a Tartar. A wise man once, when hearing of some great tragedy, at once asked, "What was the woman's name?" So we might ask here as a solution of this

whole question, how much per cent. will satisfy you; how much duty on fresh fish; how much higher do you want it on salt fish? Then the treaty will be adopted or anything else will be done.

Mr. President, there are some offenses against the dignity of man and of nations that can be assessed and paid for in money. There are some that can not. You heard the Senator from Maine describing the other day in words that burn, notwithstanding the heat of the day and the moisture of the speaker and of all who heard him, the tearing down of the American flag by a Captain Quigley, of the Canadian cruiser Terror, and you saw him advance to the Senator from Ohio [Mr. PAYNE], shaking his fist in his face, and saying that he was apologizing for a man who tore down his country's flag. You heard all that. It created quite a ruffle in the galleries. I was somewhat thrilled myself. I thought I could already hear the shouts of the columns marching and see the banners stirring in the breeze, and smell the powder that was being burned to avenge that insult to the American flag. But alas, alas! the wounded honor of that Senator was of the commercial sort. It could be assessed and solved in cash. Vulgar traffic could apply the salve to wounded honor. Give him a little higher duty on salt fish and a duty on fresh fish and the insulted flag might wait for a more convenient season.

All of the eloquence upon that subject must therefore be understood in a Pickwickian sense. It all must be understood as what the lawyers term "matter of inducement;" that is, in order to make the British Government content to pay higher duties, if possible. These increased profits for the fish monopolist will heal our wounded honor and enable us once more to look the nations in the face without shame. What a blessed thing is national honor, which can be maintained in conjunction with thrift by simply increasing the cost of the poor man's fish!

Now, Mr. President, what shall we go to war for? What shall we run the risk of war for? What reason would we give to plain people? Not only is this treaty to be rejected, but we have been informed that the time for any and all treaties has passed by; we want nothing more of negotiation. Well, if we want nothing more in the shape of treaties and modifications of existing treaties, and still want commercial rights for our fishermen, and still desire the right to transship fish in bond, and ship them through Canadian territory into American markets, and still want this, that, and the other, and we are to resort to retaliation, which is very likely at least, to lead to war, what is it all for? The Senator has told us that these commercial rights are worth nothing; that the inshore fishing is worth nothing; that the privilege of purchasing bait and ice is worth nothing; that all these things are a loss to men who go into Canadian ports and are compelled to make a longer and more difficult voyage on that account—they are all worth nothing. Well, then, are we to fight England simply because we have a treaty with her that we do not like? Are we to fight England simply because she has made restrictions and regulations that are disagreeable to our fishermen? We have submitted to that for seventy years. The treaty is now seventy years old, and we have never had any let up on those Canadian restrictions, except when we purchased the let up either by cash or by reciprocal commercial regulations.

If we have stood by the naked severity of the treaty of 1818 and the regulations of Canada under the authority of that treaty for seventy years, can we not manage, do you not think, Mr. President, to endure it until the election is over? It seems to me that for the sake of peace, if we do as Mrs. Dombey was advised to do, "just make an effort," we might worry along until after November.

It is said that numbers of outrages have been perpetrated under these Canadian restrictions, and it is taken for granted that every doubtful case is an outrage. If a vessel is boarded it is an outrage; if a vessel is warned off it is an outrage; if a vessel is seized and taken into port it is an outrage; and if it is condemned and its owner and crew found guilty under the law it is an outrage, of course, and if it is acquitted and discharged it is an outrage. Every time Canadian authority lays a finger upon one of our fishermen, it does not matter what the fisherman is doing or how much he may be violating treaties and existing laws, every time that a finger is laid upon him it is an outrage.

I do not doubt, I do not pretend to say but that many high-handed outrages sure enough have been perpetrated upon our fishermen in those waters. The truth of the matter is, it seems to me, the pretensions of our countrymen are a little bit unreasonable. Consider the condition of those people of Nova Scotia and Newfoundand, living in the poorest, the bleakest, and most sterile country on the globe, with little to support them except the profits of those fisheries; and that the treaties which their country has formed with ours have given to our people the common right of fishing with them in all except a few restricted places; and yet, not satisfied with that, our fishermen insist upon making Nova Scotia and Canada and Newfoundland the base of their operations. They want to go into their ports and use them just as the Canadians use them; they want to buy all the supplies that are there to be had just as the Canadians buy them; they want to enlist Canadian crews.

They want the right to transship their fish in bond into American markets just as Canadians can not do, because of tariff duties. In other words, they want equal advantages upon the seas where the fish are caught, and they want equal privileges with their rivals and competitors in business on the land and within their jurisdiction, and yet want the Canadians excluded from our country by high protective duties. They say to them, give us freely all of your advantages for catching fish, but you can have none of ours for selling them unless you pay for them. I think that is hardly fair. So they are astute to find the means of confining the American fishermen exclusively to their rights under the treaty of 1818; and I say in that respect they are right. There is not a citizen of the United States, especially of New England, who would not do the same precisely if the conditions were reversed, except that our people would be still more astute. They would find a hundred methods of repelling Canadian fishermen from trespassing on their rights where the Canadians find one for repelling them from trespassing upon their rights.

In the interview which I have read the Senator from Maine told us that the commercial rights were worth nothing to the fishermen, but on the contrary were a positive disadvantage for the reasons which he gave; but in his speech the other day in the opening of this discussion he told us that we were ruined and the whole treaty was a failure because we did not get these commercial rights which he had before said were worthless.

Mr. President, when were we ever entitled to commercial rights for our fishermen in the ports of Canada? Mind you, a right implies something that can not be denied, and does not depend on the favor of the other party; a privilege or a liberty implies something that may be granted or may be denied, as the other side may determine; and in so much as all the rights in the fisheries that we ever had after the disruption of the British Empire and the establishment of our independence arose under the treaty of 1783, and that treaty was considered and confessed to be abrogated by the formation of the treaty of 1818, therefore all the rights of any kind that we had in Canadian ports for our fishermen depend upon that treaty of 1818, and there are no commercial rights there, but there are some commercial rights granted by this present treaty, as I have undertaken to explain.

The Committee on Foreign Relations say these commercial rights that were granted were by the arrangement of 1830.

I think any Senator who either heard or read the speeches of the Senator from Mississippi [Mr. GEORGE], the Senator from Delaware [Mr. GRAY], and the Senator from Maryland [Mr. WILSON] will be compelled to abandon that contention. It would be a little strange indeed if we were so entitled to commercial rights between 1830 and 1886 that in all these seizures of our vessels for the attempted exercise of commercial rights in Canadian ports, every one of them, one after another, had been made and conducted to a judgment one way or the other, not a single, solitary claim was ever put up by the defendant in any case that he was entitled to commercial rights under the arrangement of 1830. But such, as I am informed, is the historical fact. No man ever contended at any time for such rights and undertook to justify his action upon them. Therefore, however worthless those commercial rights may be, and therefore however desirable, we did not get them under the treaty of 1818, we did not get them under the arrangement of 1830, and we never have had them except under the treaty of 1854 and the treaty of 1871, which treaties we terminated by our own motion.

As to the right to transship fish in bond, I presume that has been abandoned, at least by the Senator from Maine, for he tells us that in 1885, after the expiration of the notice which was given to terminate the treaty of 1871, all treaties whatsoever with reference to our northern fisheries were abrogated, and we were remitted alone to the operations of the treaty of 1818. So Article XXIX of the treaty of 1871 must have been abrogated, or else it must have never, in his opinion, contained the right of Americans to transship their fish in bond. At all events it was abandoned and disclaimed by our representative on the Halifax Commission, as has been shown here again and again.

But there is an attempt to argue this question from a patriotic side. I have never known a raid upon the Treasury or people of this country since I have been acquainted with the proceedings of Congress that was not based either upon the ground of patriotism or the good of the workingman, one or the other, and I venture to say so long as I remain a member of this body there will never be a proposition of that kind that is not so based. There seems in the estimation of some Senators to be no patriotism that is not subsidized.

They say this is a school of American seamen, a nursery for American seamen, and we are told with truth, and I take as great pride in it as though I lived in that northeast country and depended upon fish and potatoes alone for my living, that these seamen in the great naval wars which we have had covered their flag with glory and are one of the chief bulwarks of their country's defense. That is true, and whenever there is an American fisherman now following his honorable and perilous occupation upon the Grand Banks, on those tempestuous seas, I follow him with all my heart, and I honor him for all the perils which he so bravely faces; but to say that it is a nursery of American seamen is not the truth by more than half. It is a nursery of Canadian seamen for the greater part—that is what it is—under the American flag, and the same old mouldy chestnut that we hear in this Chamber from day to day and from month to month and from year to year that such and such taxes are necessary for the protection of American labor is here

made to do duty again in behalf of the American seamen, meaning the ship-owners and fish monopolists of New England. Only this and nothing more. These vessels ship more than 50 per cent. of foreigners.

Notwithstanding the modest disclaimer of the Senator from Delaware [Mr. GRAY] that he was not quite sure there was 50 per cent., I am satisfied that a large percentage over that of these seamen are Canadians, who go down from Nova Scotia and Newfoundland and other ports in Canada upon contract with the vessel-owners of Gloucester, Wellfleet, Portland, and Portsmouth, and other places in the fishing ports in New England, take service with them, many of them commanding the ships themselves, and run up the American flag and gather the fish and bring them in, not subject to any duty by reason of that flag, and put them upon the American market.

We are told now that rather than let any more free fish come into this market, and rather than continue the present moderate duty on salt fish, we must actually run the risk of war and run these two great nations into hostilities, with all which that means, these two greatest nations of modern civilization, the twain that lead the column of civilized humanity all over the world, in order to protect that nursery of American seamen, constituted principally of Canadian fishermen, British subjects!

Mr. President, perhaps I had better give you some authorities on that subject, not take my own assertion, not take the assertion of any one outside of that country, for the impression is made here that nobody knows anything about these fisheries except those people who live up there, and, in fact, none of those who live up there know anything about them except the members of the Republican party who are in favor of a high protective tariff for the benefit of American workmen. The Hon. Mr. Putnam, one of the commissoners, a native of New England, a great lawyer, a man of distinction, and acquainted with fishery matters from his youth upward, unfortunately happens to be a Democrat, and therefore can not know anything about the fisheries or what the fishermen want! We were twitted with that fact again and again, until I thought what a pity that Mr. George Steel and Mr. Luther Maddox, the presidents of these fisheries associations, had not been intrusted with the making of these treaties, and what a shame it was to permit the country at large to have anything to do with their own treaties with foreign nations! So I will give you some extracts from the leading newspapers of New England in relation to the character of the crews of these fishing vessels. I ask the Secretary to read an article taken from correspondence of the Boston Post, dated March 22.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

GLOUCESTER FISHERMEN DO NOT LIKE THE IDEA OF BEING SUPPLEMENTED BY NOVA SCOTIANS.

[Special.]

GLOUCESTER, *March* 22.

The exposure of the gigantic halibut monopoly has been the common conversation among the fishermen on the street corners, around the wharves, and on board the vessels, wherever one may chance to go. "Well," said the spokesman of a crowd of men who were on Parkhurst's wharf, "the Post and Herald deserve credit for the enterprising spirit they have shown in giving the public some light on this halibut pool, and how it has been using the fishermen." "But," interrupted another, "there are other things which want to be shown up which are of vast importance to the fishermen. One is the importing of men from the provinces to man the vessels. That is the worst outrage that has been committed upon the rights of the American fishermen."

The reporter, out of curiosity, perambulated the wharves to see what knowledge could be gained. With the aid of two ex-skippers, who volunteered their services, nearly every wharf was visited, and it was found that the large fleet of vessels which have been hauled up all winter were being rapidly fitted out for the various fishing-grounds. The first part of the season there was some difficulty in procuring crews to man the early fleet for Georges and Western Bank. Since the 1st of March a large number of men have arrived here to engage in fishing from this port, principally from Pubnico and Argyle, Nova Scotia. These men are expert fishermen and can be hired cheaper than Americans, consequently their services are eagerly sought, and they are shipped in preference to the men who live here and have families to maintain.

Among the fleet fitting out, wholly commanded and manned by provincial crews, are the schooners William H. Jordon, Fernwood, John W. Bray, Marguerite, Epes Tan, Mist, Nellie N. Davis, Druid, Margaret Mather, Plymouth Rock, Wildfire, and others too numerous to mention. The owners here who so strenuously cry for protection, by excluding Canadian fish from the markets of the United States, throw their arms wide open and hail with great joy the advent of those men, whom they want to man their vessels and whom they could not get along without. Now, the way those men are shipped and the method that the owners are adopting are worthy of note. After the season is over a large majority of the vessels are hauled up, with the exception of those which go halibuting, haddocking, and to Newfoundland.

The crews in most cases are Nova Scotians, and when the season is over they return to their provincial homes, taking what money they have earned with them and spending it there. But before leaving, they are engaged for the next season; and about the 1st of March they put in their appearance, the masters who live there coming with them. On their arrival here they go on board, when the vessel is used for a boarding-house, they in most every case buying their own food. They take out ballast or put it in, as the case may require; put in salt; put the vessel on the railway and clean her, and, in fact, every conceivable thing is done to make her ready for the voyage. Now, this is what our men are claiming is an injustice on the part of the owners; for the men who brave the storms of winter are often turned on shore to make room for the imported foreigners. This work once was all done by the fishermen and 'longshoremen who live here and who have families to support, receiving a considerable sum during the season.

Said a group of excited fishermen and lumpers who stood on the Atlantic wharf and saw the British schooner On Time haul in and land sixty men just from Liverpool, Nova Scotia, who had been engaged the season before to come here, among them being several who were going as masters: "This is what the owners call protecting the fishermen—importing foreign labor. Is not what they have been preaching a farce?" "Well," said John F. Cunen, "it is time this was shown up. Our local papers will not say anything about it for fear they would insult some selfish owner who is trying to get up a fishing trust. The Boston papers should have a true statement of these facts and expose this as well as the halibut pool." "What a pity the investigating committee of the Senate was not here now," shouted out another. "They could see if what was told them two years ago was true—that there were but a few Nova Scotians going fishing from here."

The American fishermen here say they do not blame the men for coming, but they blame the owners for importing foreign labor; and it is the general opinion that if the men are coming here fish should be admitted free and make it cheaper to the consumer, for the price is such that it is almost impossible for a poor man to buy it. Fishermen say they do not make as much as when there was free fish. And there is not so much money among the laboring class as there was in former years. It is the opinion of all the fishermen and laboring men that they are being treated unjustly by the men who shout for protection by excluding Canadian fish from the markets of the United States. Two years ago the testimony was given by those same ardent advocates of protection that they wanted nothing from Canada and it was detrimental to the fishermen to go there. At the same time they were importing provincial crews at wholesale, and in many cases paying their passages here and feeding them on board the vessels for a number of days while getting ready for the voyage—something they would not do for the men here.

In looking over the testimony given in this city before the subcommittee of the United States Senate, Mr. EDMUNDS, from the Committee on Foreign Relations, submits his report, and in that document will be found (January 19, 1887, No. 1683) the evidence of several parties from this city interested in the fishing business; and on page 140 is the testimony of Capt. John Chisholm, who says, in answer to questions by Senator EDMUNDS, that he had four Nova Scotians on board his vessel, and he had engaged them to come here, sending them money to pay their passage. [Is this not importing foreign labor, and what other men in various parts of the country have been prohibited from doing? Others testified that not more than 1 per cent. of the Gloucester fishermen were foreign born and but few were provincial.

The statement of things to-day is in contradiction to that story, for a large majority of the vessels are manned by Nova Scotians, and a talk with them will reveal the fact that they are the most loyal of British citizens, and not a trained reserve for the American Navy, whom the United States can rely on in time of war, as Capt. Fitz J. Babson and other ardent advocates of a Chinese war policy are endeavoring to make people believe. Some of these alleged American fishermen jumped to arms when a call was made for men to help to put down the Riel insurrection in the Northwest. Our fishermen need protection, but not in the way they are receiving it at the hands of a few selfish fishing owners, who are trying to keep them from getting a living by engaging men six months in advance to come from the provinces to man their vessels.

Mr. VANCE. I also ask the Secretary to please read another article from the Boston Post of April 30, 1888.

The Chief Clerk read as follows:

"We are delighted to learn that President Cleveland has instructed the United States district attorney to proceed against the owners and masters of fishing vessels who have violated the law by importing labor for use on their craft.

"In view of our tabular statement, what becomes of the assertion of a contemporary that it would be impossible for any unofficial person to obtain the figures presented by the Boston Post? At all events our figures do not lie. They are veritable fact. The figures of our tabular statement show that nearly one-half of the crews of our Cape Cod fishing fleets are not Americans, but foreigners."

In connection with the above statement from the Barnstable County Journal, the following extracts from a circular issued by the Boston fish bureau, as the result of a series of interviews on this subject, are of interest. A Gloucester captain stated:

"There are probably one thousand that come every year from the western part of Nova Scotia and go right through the suburbs of Boston every spring and go back in the fall, and the State don't know that they are there at all. I have at my house from one hundred and twenty to one hundred and fifty of these transient boarders every year who wait for the vessels to get ready. The Canadian fishermen all have small places of their own and raise potatoes and turnips for their families. The boys or wife will put them into the ground in the spring. Our smartest fishermen come from the provinces, and the best captains. Of those that come in March and April, ninety out of one hundred go back."

A member of a prominent Boston firm dealing extensively in fish was interviewed by the bureau. He said, speaking of a Provincetown vessel-owner:

"He sends out seven or eight vessels to the Banks. His vessels will probably contain four or five Americans. First, he will write his captain in Nova Scotia and will ask for enough men to make up the crew, perhaps fifteen or sixteen, and will pay them from $150 to $200 for the season, or else it may be arranged that they will go on a lay. It is understood that the Provincetown lay is 40 per cent. of the profits for the crew and 60 per cent. for the owners. His Nova Scotia captain will write back he has engaged the men and will meet the vessel at some port in Nova Scotia at a certain date, or, if the owner desires, he will bring the men here on the receipt of the money to pay their passage. Every year Wellfleet vessels wait at our wharf for Canadian crews. The crews do not average 25 per cent. Americans. Quite awhile ago it was always the custom to sign articles, but to-day it is not so much done, because the captains prefer not to, so they can discharge their crew when they please at any time. The Canadian fishermen principally come from Yarmouth, Pubnico, Liverpool, Shelburne, and Cape Negro, in Nova Scotia and their precincts. I had eleven citizens of the United States in a total of fifty-four last year."

As was shown at the time of the apprehension of provincial laborers imported under contract recently, it is not vessel-owners alone who have been violators of the law. Farmers and others have taken advantage of the willingness of the Canadian laborer to work at a lower rate than the native, and have contracted for and imported them to a considerable extent. It is stated that at the present time from twelve to twenty such cases are known of in the vicinity of Newburyport, and that prompt action will be taken.

Mr. VANCE. I will myself read an extract from the Boston Herald of March 12, 1888:

Arrived, schooners Brunhilda and James A. Garfield, from Grand Banks; Ethel Veanie, M. Getchell, Marion Grimes, Midnight, F. R. Walker, Sterling, Maud M. Story, Martha and Susan, A. R. Crittenden, and M. H. Perkins, from Georges; Blue Jay, from Grand Manan; Herman Babson, from New York; Nora Castle, from Salem; Enola C, from Boston; Rattler, Lizzie, Henrietta, Edward Trevoy, Mascot, and E. P. Boynton, from haddocking; H. A. Duncan, Star of the East, from Ipswich Bay, and Robert J. Edwards, from Fortune Bay, being the last of the Newfoundland frozen-herring fleet. Schooner Uncle Sam arrived to-day from Pubnico, N. S., bringing one hundred men to engage in fishing from this port, among them being several who will command vessels from here. Men of late have been quite scarce, it being with some difficulty that crews could be secured, and the services of these men are eagerly sought after.

The Boston Post is Democratic; the Boston Herald is Independent. I want to read now an extract from the Boston Transcript, which is undoubtedly Republican, old-fashioned Republican:

The Gloucester fish dealers, who are also the owners of the Gloucester fishing fleet, have succeeded in getting up quite a corner in the fish market. Although they are a local close corporation they are inclined to pose as a national *casus belli*. The chances which they offer to fishermen are so small that they can get practically no Americans to sail their boats and catch their fish, and have to depend on Canadian fishermen; but this circumstance does not prevent them from assuming that the United States Government is bound to do everything they ask, even to the extent of going to war for this spurious "American fisherman."

We have often pointed out that the fishermen in whose behalf so violent a claim is continually being made are anything but Americans, as a rule; and now it seems that even the provincial fishermen, since this latest "trust" was organized and the latest squeeze made upon the pay of the men who do the work, are declining to serve the syndicate. If the dealers in the trust should find difficulty in getting Canadians to work for them, it is hard to see where they could go next. Perhaps they can get Frenchmen at St. Pierre, and perhaps some Chinamen of piscatorial tendencies might be found to pose as the sturdy "American fisherman" in whose behalf our Government is to put itself in a state of immediate readiness to go to war. It is time that this mockery was over, and that, politics and clap-trap apart, a definite and business-like arrangement of the matter with Canada, satisfactory to the mass of our people, were consummated.—*Boston Transcript* (Republican).

I should also ask, Mr. President, on this subject to file a schedule of vessels arriving and departing from Gloucester, taken from the Boston Post of April 16, 1888. As the list is a long and tedious one I will ask to file it as a part of my remarks bearing upon this subject, showing the nationality of the crews of those vessels.

The paper is as follows:

[Boston Post, April 16, 1888. Special from Gloucester, April 15.]

GLOUCESTER'S SEAMEN.

The following list of Gloucester vessel owners, together with the number of vessels owned and foreign fishermen employed by each firm, has been compiled for the Post by gentlemen thoroughly conversant with the existing status of the fishing industry at this port. The number of foreign employés is necessarily arrived at by estimation, as no exact figures bearing upon this subject exist. In estimating, the results are based upon crews of these vessels during the last three years. The statement is believed to be rather an under than an over estimate:

Name of owner.	Number of vessels.	Foreigners employed.
Daniel Allen & Son	9	60
James S. Ayer	10	50
D. C. & H. Babson	10	60
George Clark & Co	8	40
Cunningham & Thompson	11	50
George Dennis	7	40
Joseph Friend	5	30
Thomas Hodge	6	35
Samuel Lane & Brother	8	30
Andrew Leighton	18	80
T. A. Langsford & Son	7	45
Benjamin Low	11	60
Maddocks & Co	6	25
James Mansfield & Sons	5	25
John H. McDonough	3	20
McKenzie, Hardy & Co	5	25
B. Montgomery & Son	6	15
George Norwood & Son	6	35
Oakes & Foster	7	30
William Parsons, 2d, & Co	8	40
William H. Perkins	1	10
Pettingell & Cunningham	6	25
John Pew & Son	18	100
Pool, Gardner & Co	7	50
Joseph O. Proctor, jr	9	40
Reed & Gamage	7	20
Rowe & Jordan	14	70
Sayward Brothers	6	20
David B. Smith	5	20
Sylvanus Smith & Co	12	60
George Steele	9	65
James G. Tarr & Brother	14	80
Benjamin H. Spinney	3	25
Michael Walen & Son	5	35
John F. Wonson & Co	15	60
William C. Wonson & Son	5	15
Total	292	1,500

In connection with the above list the following list of casualties in 1887 is of interest:

Schooner Carthage, owned by George Steele, sailed November 30, 1886, and is supposed to have been lost. Her crew list was as follows: Andrew Nelson, master, a native of Sweden; Matthew O'Brien, nationality not given; James Sherman, of Canso, Nova Scotia; D. H. McMasters, of Pictou, Nova Scotia; John Burns, of Prince Edward Island; Lawrence Dunphy, of Nova Scotia; John Purcell, of Rustic, Germany; Michael Reardon, of Cork; David Keefe, of Gloucester: Benjamin Lawson, of Sweden; James Erickson, of Denmark; John L. Keating, of Savannah, Ga.

Schooner George L. Smith, owned by George Clark & Co., sailed for the Banks August 14, 1886, and is supposed to have been lost with all on board. Her crew consisted of Lemuel W. Tucker, master, of New London; Thomas McDonald, of St. John's, Newfoundland; Charles J. Weber, of Halifax, Nova Scotia; William Powers, of Prospect, Nova Scotia; Daniel Vigneux, of Arichat, Cape Breton; Henderick Frederickson and August Hendrickson, of Sweden; John Carlson, nationality not stated; Charles Swinson, of Norway; Antone Johnson, John Swinson, and Nils Nelson, of Sweden; Joseph Muise, of St. Mary's Bay, Nova Scotia; William Williams, of Liverpool, Nova Scotia.

Schooner Jamestown, owned by George Steele, sailed March 31, 1887, and did not return. Her crew list was as follows; George H. Curtis, master, of Maine; Johnston Robertson, cook, of Boston; George W. Hartford, of Maine; George McLeod, John D. Matheson, Alexander McLeod, and Alexander Shaw, of Eel Cove, Cape Breton; Thomas Daly and Maurice Frost, of Argyle, Nova Scotia; Bradford Deveau, of Plymouth, Nova Scotia; Daniel Welsh, of Gloucester.

Schooner John F. Wonson, owned by John F. Wonson & Co., sailed for Brown's Bank August 4, 1886, and is supposed to have been lost. Her crew list was: Charles Doty, a native of Shelburne, Nova Scotia; John Doty, his son; Alexander Tupper, of Gloucester; Frank Whitney, of Mount Desert; Joseph Monroe, a native of Shelburne, Nova Scotia; Alexander Martin, of Salmon River, Nova Scotia; George Magee, Calvin Cook, and Hugh Craig, of Deer Island, New Brunswick; Robert Melanson, of St. Mary's Bay, Nova Scotia.

Schooner Lilian Baxter, owned by Thomas Hodge and others, was lost in the gale of September 3, 1887. But one of the crew was drowned—Randall Pysche, of Canso, Nova Scotia.

Schooner Seth Stockbridge, owned by George Norwood & Son, lost while engaged in a voyage to Greenland. Her crew consisted of Antone Olson, master; Christian Nelson, Oscar Ludwick, Peter Kiel, Alexander Johnson, Alex Carlson, Conrad Hanson, Hans Olson, John Anderson, John Olson, Emil Paulson, all believed to be Swedes; William Hadley and Carlton H. Feltmate, of Nova Scotia; one other, name and nationality unknown.

October 25, 1887, William G. Stople, a native of Guysborough, Nova Scotia, and George Stone, a native of St. Peter's, Cape Breton, were drowned by the capsizing of a dory on Grand Bank. Both left widows in Gloucester.

John McVarish, of Prince Edward Island, was drowned in Gloucester Harbor October 30.

Edward Goodwin, of Yarmouth, Nova Scotia, was washed overboard from schooner George S. Boutwell, December 19, while returning from Western Bank.

John Walker, of River Inhabitants, Cape Breton, drowned in Gloucester Harbor, December 23, 1886.

Michael McDougall, of Cape Breton, went astray in a dory, January 27, 1887.

Fred. Gustafson, John Frosberg, and John Noran capsized in a dory on Grand Bank, January 30, 1887. All Swedes.

Joseph Doty, of Liverpool, Nova Scotia, went astray in a dory, February 4, 1887.

Jeremiah Hadley, of Guysboro, Nova Scotia, washed overboard on Georges, February 28.

Charles McNeil, of Souris, Prince Edward Island, and Edward Burt, of Norway, lost in a dory, March 17, 1887.

Charles Morrison, of Prince Edward Island, capsized in a dory off Sable Island grounds, April 27, 1887.

Peter Martinsen and John Hanson, Danes, drowned off Bonne Bay, Newfoundland, May 15, 1887.

Cosmore White, of Pubnico, Nova Scotia, washed overboard in May, 1887.

Jeremiah Crowell, of Clark's Harbor, Nova Scotia, drowned on Grand Bank, August 13, 1887.

John McKay, of Sand Point, Canso, drowned by capsizing of seine boat, August 30, 1887.

Joseph Tierney, of France, and Charles Ferguson, of Nova Scotia, lost in a dory on Grand Bank, September 3, 1887.

Robert Torrey, of East Point, Prince Edward Island, fell overboard, September, 13, 1887.

The "List of Vessels Belonging to the District of Gloucester," published by Proctor Bros., of this city, contains a statement in detail of the loss of life from Gloucester in 1887. This statement shows that by wreck, capsizing of boat, or other disaster, 121 Gloucester fishermen perished. Of this number 101 were foreigners and 20 were American or of unknown nationality.

As a result of the action of Collector Saltonstall, the Halifax Chronicle, of April 20, publishes a dispatch from Yarmouth, N. S., stating that the steamer Yarmouth had arrived with eighteen fishermen who were not permitted to land in Boston. The dispatch further states:

"Most of these men really were going over under an agreement to work on 'shares,' and it is very doubtful whether there was any violation of the law in contracts of that nature. They were not hired laborers, but partners in fishing speculations. * * * It would be well in future for fishermen to enter into no contracts until they arrive in the United States. The effect of the action of the Boston authorities will be to seriously cripple the New England fishing industry, as fishermen can not be obtained there."

Several of the men returned to Nova Scotia on the Yarmouth are stated to be now in the United States fulfilling their contracts, having returned to this country under assumed names and with greater knowledge of the law.

At least 50 per cent., and I contend more, of the fishermen who compose these crews are unnaturalized foreigners, Canadians or others. Why do they do that? Why do they employ them? Why, sir, they employ them, according to the testimony of Mr. Putnam, or rather according to the testimony of one of the witnesses whom Mr. Putnam quotes, Mr. James Gifford, deputy collector at Provincetown, who testified before the committee, because the wages paid to British crews were from $75 to $82 per man, and those paid the American crews were from $125 to $190 per man. Therefore they employ these Canadians because they get them for about half price. Now, consider for a moment that a duty of 22 per cent. is levied on salt fish for the purpose of protecting the American fishermen from foreign cheap labor, whereupon the American fish owner immediately hires Canadian "foreign paupers" for about half-price to catch the fish for him; and if the maintenance of that arrangement results in a war, why here is a party of well-trained British-Canadian seamen to help fight that war—on the other side, of course. That is the proposition.

It is urged that Mr. Bayard in this treaty was outgeneraled by the trained English diplomatists. If the success of his venture in diplomacy is to be tested by a standard of this kind, I admit it was a very great failure, for I do not think there is any man living on the face of this earth but a genuine Down East Yankee who could practice that kind of a trick; get a duty of 22 per cent. to protect his fish and enable him to compete with Canadian "paupers," and then hire the paupers for half-price to catch the fish. If Mr. Bayard is to be tested by that as a diplomatist, he would go under.

But that is not the worst of it, Mr. President. With an air of great consideration for the interest of the people of this country and apparently for the purpose of avoiding any of the complications that might result from general retaliation and non-intercourse with Canada, the Senator from New Hampshire [Mr. CHANDLER] proposes that the retaliatory measures to be adopted by the President shall be confined to fish alone. That would be a species of diplomacy that even exceeds the other to which I have just referred. As a matter of course, if we can get up a sufficient row with Canada to induce the President to for-

bid the bringing in of their fish at all, not bring them in on the payment of a duty, but to keep those miserable "foreign paupers" from bringing in any fish at all, what a glorious thing it would be for all the New England fish-pools—not the fish-pools which Solomon described and to which he compared the eyes of his love, "the fish-pools of Heshbon, by the gate of Bath-rabbim," but the fish-pools of halibut and of cod and of mackerel of Gloucester. Those are the fish-pools that would rejoice in this retaliation. It would keep their rivals out of business and out of the country and not permit them to bring anything in, not so much even as a sucker. Are there such pools? Are there such combinations to enhance the price of food and speculate at the expense of the hardy fishermen who face the dangers of the deep?

Again, let me resort to the testimony which is furnished by the country where these fisheries are located, "native and to the manner born." I ask the Secretary to read, omitting the parts marked out, from the Boston Weekly Post of March 16, 1888.

The Chief Clerk read as follows:

[Boston Weekly Post, March 16, 1888.]

THE HALIBUT POOL—HOW THE TRADE IS CONTROLLED BY THE COMBINATION—FISHERMEN AND CONSUMERS ALMOST ENTIRELY AT ITS MERCY—ITS METHODS OF OVERCOMING COMPETITION.

Some of those gentlemen at Gloucester who have so strenuously opposed the fisheries treaty in the few weeks since its contents were made public have for a much greater length of time been themselves the objects of a stout opposition which, though undemonstrative, has been none the less earnest. While they have been raising an outcry against the alleged injustice of the treaty, clamoring for protection in no uncertain voice, they have themselves been engaged in a business which leaves fishermen and consumers alike unprotected and almost entirely at their mercy.

The halibut pool which has been so carefully fostered through half a score of years has had, under their dexterous treatment, so rapid a growth that it has now attained the proportions of a full-fledged monopoly, and is of such power that it easily controls a large portion of the eastern halibut trade. Scarcely a halibut is sold in Boston but has first passed through the hands of the combination, and Fulton Market in New York is thoroughly permeated with its influence. There, as on T wharf in Boston, the majority of wholesale halibut dealers are in close conjunction with the Gloucester pool, and are by their agreement bound to purchase their fish solely of the companies comprising the pool. These companies are three in number, namely, the New England Halibut Company, the most extensive of the trio; the Atlantic Halibut Company, composed of Mayor Robinson, of Gloucester, and Messrs. Gardner, Poole, and Parsons; and a third, controlled by Messrs. Stockbridge and Hodge, under the firm name of Stockbridge & Co. These companies have separate establishments at Gloucester, and each has its own list of dealers to whom sales are regularly made, yet the three are closely united, and there is no competition between them, nor profit to one at the expense of the others.

The New England is a stock company, and the dealers to whom it sells are stockholders and receive a share of the profits proportionate to the number of boxes of fish which they buy. The two other companies agree to pay to their dealers a bonus on every box purchased, varying in different instances from $2 to $8. The dealers on T wharf who have contracted with these companies receive generally a bonus of $4 per box. The dealers who purchase exclusively of the New England Halibut Company receive large yearly dividends, the rebate per box last year, it is said, amounting to almost $10. Of the long line of wholesale halibut dealers ranged along T wharf all but two, Conquest & Hodgkins and the Boston Fish Company, are connected with and bound to one or the other components of this interesting Gloucester trio, and so are indirectly members of the combination. Three on Commercial wharf are the only other halibut dealers in Boston who are independent of these restrictions and their hypothetically compensating advantages.

* * * * * * *

There seems to be one opinion as to the purpose of the combination, namely, that it is seeking to monopolize the halibut business, to the exclusion of all competitors. The greater number of the fishing vessels in use in Gloucester are owned by members of the combination, so that the shippers feel compelled to sell their fish to them at whatever price they offer, and the captains of most of the other ships, so it is stated, are pledged to sell their fish to the combination only. The independent companies in Gloucester are so small that it is impossible for them to fight successfully so powerful an opponent on its own ground. And yet small as they are, these independent dealers do much, by their competition, to raise the price of fish to the fisherman as well as to keep it down to the consumer. Dennet & Wonson is the largest of these independent firms. The others, whose competition amounts to very little, are the Cape Ann Fish Company, Grimes & Tarr, and J. C. Tarr & Co.

The cases are numerous and of frequent occurrence where the price first offered by the combination for a trip of halibut is, through the competition of Dennet & Wonson, increased 50 or even 75 per cent. Without the salutary influence of this competition the pool would contrive to keep prices at the lowest possible figure to the fisherman while keeping it up to the consumer. As an instance of this, one day last week the pool paid for the first trip in port 4 cents for gray and 5 for white, and sold them for 7 and 9. Four hours later Dennet & Wonson bid against them for the second trip and ran the price up to 6½ and 8½, at which price the pool finally bought them. But without this competition they would have sold for 4 and 5, the price first offered. About the same time Dennet & Wonson offered a skipper 4 and 6 for fish which he had been selling to the combination for 4 and 5, but the combination's price immediately came up to 4 and 6, and they were sold to them at that price.

Fishermen feel obliged to sell to the combination, but if they can get better prices elsewhere will generally take them. Yet they are frequently subjected to threats and told that if they sell to Dennet & Wonson they will lose the patronage of the combination. This is a threat of a serious nature, for though Dennet & Wonson are ready to buy one trip at a good price, their capital is not large enough to enable them to buy a big fleet of 60,000 or more pounds, and the pool is the only other available purchaser. Several instances are cited where a skipper has sold his shipload to Dennet & Wonson and then sold it over again upon receiving a better offer from the pool. It is further asserted that this combination has at times sold at 4 and 6 fish for which it paid 5 and 7, solely to impede its competitors and drive them out of the field, so as to secure a complete monopoly, for which the public will eventually bleed.

The pool offers a low price originally, but as soon as competition sets in it bids up and up to a point just beyond where it is known the smaller dealers will be enabled to buy. But it has gone further than to merely outbid and threaten in prices, and now it threatens the trade, informing the dealers, both wholesale and retail, that if they buy of Dennet & Wonson they can never buy of it. In order to buy at all Dennet & Wonson have to considerably outbid the pool. Last Friday, for instance, the pool was paying 5 and 7, while Dennet & Wonson paid 7 and 9; and on Saturday the pool paid 7 and 5, while its competitors had to pay 8½ and 6. If Dennet & Wonson offered only what was offered by the combination they could never purchase a fish. It is readily seen that the profits of the pool must be heavy, for if the smaller companies can make money by paying 7 and 9 the pool must make vastly more paying only 5 and 7. Half a cent per pound is considered a very good rate profit, but the pool earns easily 2 cents and often 4 per pound.

In addition to paying more, the smaller companies must charge less for their fish, since the wholesale dealers who get no rebate manifestly can not pay as much as those that do. Dennet & Wonson sell for 1 cent less per pound, while always paying at least 1 cent more than the companies in the combination, and yet they manage to make a pretty fair profit. The small competition which the combination meets is the only reason why it is forced to grant these rebates, and if Dennet & Wonson should to-morrow go out of business the rebates would cease to be paid, since the monopoly would be complete, and they would no longer be necessary.

In addition to the injury to competitors, the price to the consumer is enhanced, since the combination demands of the dealers to whom it sells whatever price it pleases, practically controlling the market. It sometimes buys a trip at 4 and 5 cents and sells it to the dealers at 8 and 9, thus making an exorbitant price for the consumer. In order to pay its agents and vessel-owners, as well as rebates to the wholesale dealers, it is necessary that the combination should make a large profit. In spite of the large rebates paid by the combination, there is often dissatisfaction among the dealers who receive them.

Last year a large New York dealer who had been in the combination for two years, purchasing from the Atlantic Halibut Company and receiving a dividend of $8 on every box bought, declared that he had to pay too much to the Atlantic Company, that he was losing trade and he was determined to get out of it. He is now doing a good business of his own, purchasing a large quantity of his halibut from Dennet & Wonson.

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If there were anything but party politics in the opposition to the treaty it would be proper to ask whether Mr. FRYE thinks he really knows what the fishermen want, or that he knew in 1886.

Mr. VANCE. I will ask the Secretary to read one more extract from the Boston Herald, being a correspondent's letter dated Gloucester, July 18, 1888, in reference to the formation of a fish pool.

The Secretary read as follows:

A FISH TRUST—GLOUCESTER FIRMS COMBINE TO CONTROL THE PRICE AT THAT PORT.

[Special dispatch to the Boston Herald.]

GLOUCESTER, *July* 18, 1888.

About twenty of the leading fish firms met yesterday in a private conclave to fix a uniform scale of prices and arrange for the systematic control of the fishing business. The object of the meeting, it is said, was to take action against any outside competition. During the week the schooner Edgar S. Foster, of Beverly, arrived here from Grand Banks with a fare of 285,000 pounds, which was purchased by George Dennis, jr., a gentleman who owns no vessels, and whose business is principally done in the way of buying fish from outside vessels.

A number of the fish-owners wanted to purchase the Foster's fare at the prices agreed upon by the firms, which offer was declined by Captain Hines, and Mr. Dennis purchased the trip for $3 and $2.25 per hundredweight for large and small, which is the highest price paid here this season, and higher than the firms have been paying for Georges fish, which are considered the best in the market. It is alleged that the would-be syndicate felt somewhat sore over this matter, because the outside buyers stood in their way, and that they were unable to purchase these fish at their own prices, for a vessel owned by one of the firms arrived at the same time and did not get as high price as this outside vessel. As fish are scarce, and the probability is that there will be a small catch, the faction want to control the fish landed here.

A vessel which arrived from the Grand Banks yesterday, owned by one of the large firms, only received $2.62½ per hundredweight for her fish, while outsiders are paying considerably more. It is the general conversation among the fishermen that they are getting treated unjustly by those men who are crying for protection, while poor Jack before the mast has got to protect himself. This schooner, Edgar S. Foster, whose crew got the highest price paid this season here for bank fish, all belong and reside together with the captain at Pubnico, Nova Scotia, and neither pay a poll-tax nor contribute in any way to the welfare of this city, but take their money and return to their provincial homes, where they remain all winter, coming here in the early fishing season to take charge of vessels which have been commanded and manned during the rough weather in winter by Americans, who have to go on shore to make room for aliens.

The meeting yesterday was temporarily organized with Sylvanus Smith president, John L. Stanley secretary, and, after some discussion, James G. Tarr, Charles H. Pew, and Jeremiah Foster, with the president and secretary, were chosen a committee to report a constitution and by-laws and list of officers for a permanent organization. It is said that a scale of prices was fixed upon to govern the purchase of fares for the remainder of the year. How it will work against outside fish dealers will be watched with much interest.

Mr. VANCE. I will now ask to have read the resolutions of the Gloucester Knights of Labor in relation to these fish trusts, which satisfies me that there is at least one assemblage of laboring men in this country that understands the true inwardness and meaning of this thing called "protection to American labor." I ask that that be read.

The Secretary read as follows:

THAT HALIBUT POOL—RESOLUTIONS OF A GLOUCESTER KNIGHTS OF LABOR ASSEMBLY.

GLOUCESTER, *March* 25.

[Special.]

Deep Sea Assembly 5066, Knights of Labor, of this city, has adopted the following self-explanatory resolutions:

"Whereas there exists and has existed for years in this city a fresh-halibut monopoly, which absolutely controls the halibut market, to the detriment of the fishermen and consumers; a monopoly whose methods depreciate the price paid to the toilers of the sea for their products and make the same an expensive luxury to the consumers; a monopoly so unrelentless in its avariciousness as to render it well-nigh impossible for any one outside of its circle to pursue the halibut business; and

"Whereas said halibut monopoly has flourished in the past with little or no publicity given to its mercenary movement by which the hardy fishermen have been deprived of a just share of the wealth they create; and

"Whereas the Boston Post and Boston Herald have in recent issues laid bare the schemes and methods of this stupendous 'fish trust' to which the public pay tribute: Therefore,

"*Be it resolved*, That the thanks of Deep Sea Assembly, No. 5066, Knights of Labor, be, and are hereby, extended to the Boston Post and Boston Herald for their timely exposition of the iniquitous system of said monopoly.

"*Resolved*, That it is the prayer of this assembly that the above-mentioned newspapers will continue their good work, for the field is large, and by running the plow of investigation thoroughly through it, abuses will be unearthed beside which the treatment of the fishermen by our Canadian neighbors will sink into utter insignificance.

"*Resolved*, That these resolutions be spread upon the records and copies be sent to the Boston Post and Boston Herald."

Mr. PANCE. That touches the key-note of the whole situation, as it seems to me, Mr. President. In my opinion the whole of this question of protection to American fishermen, as it is called, and all of this indignation against the treaty originate with the fish pools and the monopolists of the trade to whom these extracts refer, and it is all in their interest, while the true interest of the jack-tars, the common fellows who handle hook and line and the ropes and shrouds and expose themselves to the dangers and tempests of the great waters are not benefited, but, on the contrary, are cut under in their wages and ruined every day by this cheap Canadian labor that is imported in violation of law for the purpose of managing the ships of those owners of vessels. And the true secret of the ill success of this treaty arises from the fact that these men are compelled under the circumstances to have Canadian crews. If they get Canadian crews they must land in order to enlist them, and when the voyage is over and they have their fare of fish they have to land their crews at their homes, where they spend their money, and then the vessel returns with only one or two men and a boy to Massachusetts or the coast where they belong. And wherever these vessels undertake to land for this purpose they are snatched up under the treaty of 1818, under the regulations imposed by the Canadian Government in relation thereto, and they are fined, etc., and if you will look over the list of so-called outrages you will find a very large part of them were detained or seized for an attempt to ship or land crews, as the case may be.

The Senator from Massachusetts [Mr. HOAR], whom I do not see in his seat, gave us a long, labored, polished, cultivated, and eloquent speech on this treaty question. In fact, it was so dressed and polished that there was hardly anything left in it except glittering generalities. But he illustrates very well to me the proceedings of a very humble portion of the entomological world, called the June bug, whose movement when he rises is the very poetry of motion and whose song may well be described as the basis of natural melody, but whose alighting is always in the nature of an anti-climax.

After that Senator had quoted what the marquis of somebody had said, or Lord Bathurst, or Lord Aberdeen, or Mr. Webster, or John Adams, and taken us on a tour through the history of the negotiations for the last hundred years in relation to the treaties on this subject, and dealt with them in a masterly manner, he came down finally in his peroration to something he could not avoid, I suppose, if it had been necessary to save his life. He said:

I confess that, much meditating on these things, I take little satisfaction when I think of Grover Cleveland.

Mr. President, it is to be hoped that Grover Cleveland doeth the like, when he thinketh of the Senator from Massachusetts.

I do not like the policy which everywhere robs American citizenship of its glory. I do not like the methods of fraud and crime which have destroyed popular elections in so many Democratic States. I would have the box where the American freeman casts his ballot sacred as a sacramental vessel. I do not like this conspiracy between the old slaveholder and the English manufacturer, to strike down the wages of the American workman and the comfort of the workman's home. I do not like your refusal to maintain the American Navy and to fortify and defend the American coast. And I like no better the present treaty. It leaves the American sailor to be bullied and insulted without redress, and abandons the American right to the fisheries, older than the nation itself, which the valor of our fathers won for us and the wisdom of our fathers preserved for us.

By the treaty of 1818, for instance.

Now, Mr. President, nobody knows any better than that Senator that there is no conspiracy between the old American slaveholder and the English manufacturer. No man knows any better than that Senator that the great bulk of those who desire the tariff of this country to be reduced to the necessities of the Government are not and never were slaveholders. Nobody knows any better than that Senator that the reduction of the tariff to the necessities of the Government will not strike down the American workman's wages and strike down the comforts of his home. He knows that it is not true; but yet it is one of the necessities of the case. Plain, unadulterated, and unassuming facts will not do in a case of this kind; there must be some of the broad inferences of rhetoric, there must be some of the striking expressions of composition for which he and others from his part of the country are famous in order to produce the desired effect.

If true, and they are not true, what have these things to do with the ratification of this treaty? What is the necessity to talk about a man's being an old slaveholder simply because he wants to reduce the tariff of the Government to a scale that will meet its expenses and no more; and what has either to do with the consideration of the treaty? How much worse is the man who was an old slaveholder than the men who were old slave-traders? How much better are the men who were opposed to the abolition of the slave-trade and deferred it twenty years because their ships were engaged in it than the men who bought the slaves and owned them until they were freed? And what has either to do with the treaty? How much better is the man who traded for a slave in his native wilds and paid for him in rum than the man who bought him when launched upon this coast and treated him humanely and made him a Christian man?

Why should a direct political descendant of the Hartford convention, without a flaw in the lineage, stand up here and accuse Senators who argue in favor of this treaty of being on the "British side?" It seems to me that those who live in glass houses ought not to throw stones. It seems to me that men who represent the sentiment of the Hartford convention, which most traitorously did take the British side, should be a little bit modest in treating anybody else as being upon the British side because he argues according to his convictions on the proposed treaty with the British nation. It seems so to me; and yet a Senator goes out of his way in the peroration of his speech (the sting being in the tail of his remarks) to say that the old slave-trader and the British manufacturer are trying to strike down and degrade American labor and destroy the comforts of the American workingman's home.

Mr. President, the Senator who said that represents men who are degrading American labor every day and striking down the comforts of the American laborer's home every hour, by employing cheap Canadians for the purpose of operating in these fisheries to the exclusion of their own native countrymen. The people whom that Senator represents are degrading labor every day and striking down the comforts of the workingman's home by employing cheap Canadians in all their factories, and by employing cheap Canadians in the cutting of their lumber in the forests of Maine and bringing in foreign labor by contract in defiance of law.

That same Senator proposed to further degrade American labor by refusing by his vote to exclude the population of China, but proposed by his negative vote to let China flood this country with its cheap, half-civilized labor, and absolutely drown out all of the American labor and degrade the American laborer's home and reduce his wages. Moreover, the candidate of that Senator for the Presidency of these United States gave a vote side by side with the Senator from Massachusetts to permit that semi-barbarian empire to deluge this country with its cheap and half-civilized labor to the degradation of our native American or naturalized citizens.

Should not that Senator be a little bit modest when he thinks of those things? Could he not have closed his great speech without that assertion in the close of it, so unjust, so far from being true? It seems to me that he could, and that he ought to have done so. But necessity drives him also, as well as others.

The last speech which we had upon this subject was from the Senator from Colorado [Mr. TELLER].

Mr. MITCHELL. Will the Senator from North Carolina allow me to interrupt him before he passes from that point?

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield?

Mr. VANCE. Certainly.

Mr. MITCHELL. I should like the Senator from North Carolina to state a little more definitely when it was, what date and on what bill it was, and what was the precise proposition under discussion and under vote, at the time to which he alludes, when he says the candidate of the Republican party for the Presidency cast a certain vote which, he says, was in the interests of Chinese immigration.

Mr. VANCE. I can not just from memory accommodate the Senator. I will turn to the record as soon as I get time.

Mr. MITCHELL. I beg to suggest that no vote that gentleman cast at any time would justify the extreme remark made by the Senator from North Carolina.

Mr. VANCE. I will abide by the record.

I say the last speech we had upon this subject was made by the Senator from Colorado [Mr. TELLER]. I had hoped that he would give us a speech upon the merits of the treaty. I had hoped that he would confine himself to a fair discussion of the provisions of the treaty and a fair comparison of them with the provisions of the treaty which this treaty was intended to amend and supplement. But he did not. Towards the last of his speech he too felt the necessity of going outside of the record. He too felt it absolutely incumbent upon him to talk of anything else rather than the treaty before the Senate, and to appeal to anything else rather than to the argument which made for its support or its rejection.

The Senator from Colorado told us of the wrongs of Ireland with a positive wail and suggestion of tears in his voice, and the wickedness of the British Government, and then he turned dramatically over this way and told about a lot of Confederate brigadiers being seated over here as Senators, as if that had anything to do with the question before the Senate. Neither the wrongs of Ireland nor the wickedness of Great Britain nor the presence of Confederate brigadiers in the Senate has anything to do with the real merits of the question. Like "the flowers that bloom in the spring," they "have nothing to do with the case;" but still they furnish an opportunity perhaps for appealing to prejudice. They furnish an opportunity perhaps for an appeal to some Irishman for his vote in favor of their candidate for the Presidency, and that is the sole object of it.

We are reduced, sir, to the pitiful, not to say contemptible, spectacle of seeing the question of an important treaty between two great nations belittled by all the politics and all the outside issues and all the de-

vices and all the methods which characterize the small-beer politics of a ward meeting. That is the way it is proposed to consider this treaty. Be it so, sir; but rest assured of one thing: our bluster is not going to do us any good. Our proposition to whip Great Britain, which is so glibly talked about by Senators, is not going to aid the settlement of the fisheries question. It is not going to elevate us in the estimation of the civilized world one particle, but it may catch some votes.

Abuse of Great Britain and an enumeration of the wrongs which she has committed in the world in the course of her history will not aid us in the solution of this fisheries question. It will not aid us to avoid a war. It will not aid us to settle all these troubles and get those rights we think our fishermen ought to have without a disturbance of the peaceful relations which exist between us and all other countries. It will not aid us a particle, but it will probably get some man's vote who will be controlled by this appeal to his prejudices who could not be reached by an appeal to his reason.

That is the purpose of this shameful stepping down. But be assured further, that the sober patriotism of the American people will not long submit to this trifling with their interests and their dignity. They well know that a treaty for the honorable settlement of a great question has been negotiated, in the line of unbroken precedents, and submitted to the Senate with a *modus vivendi* which affords us two years to try it before we need to become bound by it; they know, too, that the present efforts of its friends are directed to postponement in order that this trial may be had; and I warn you, Mr. President, they will hold somebody to a fearful responsibility for the results which may follow a rejection of this treaty. Inflammatory and extraneous appeals have marked the course of this discussion.

I think it is a small spectacle. It is a melancholy one to me. To-day the Senate of the United States (it is claimed for it, at least) is one of the ablest and one of the most dignified bodies of political officials who assemble together anywhere in the world. This exhibition will not bear out that high pretension. This exhibition stamps us with the fact that we are created of the same clay as other men, and that, in the language of the Widow Bedott, Senators, or Representatives, or what not, "We are all poor critters."

I have been very sorry to see it. I held my peace so long as I thought I could. I did not desire to address myself to this fishery question; I thought I would leave it to those gentlemen who from locality were more interested in it, and whose time had been given to the investigation of it historically; but when I saw that all of the research, all the legal argument, all of the great historical facts which had been brought out in support of the reasonable propositions of this treaty availed for nothing, and that it had come to be a mere political contest, as any other that could be broached upon the eve of an election, and was treated accordingly, I felt that I could not be satisfied unless I denounced that dangerous method of conducting our negotiations with foreign nations. Having done so I shall not detain the Senate any longer, Mr. President.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the treaty until the Wednesday after the first Monday in December next.

Mr. MORGAN. There are still other Senators on both sides of the Chamber, I am informed, who desire to debate this question and who perhaps are not ready at this hour to do so. I move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. The Senator moves that the Senate proceed to the consideration of legislative business. It will be so ordered, if there be no objection.

DEATH OF GENERAL SHERIDAN.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

It becomes my painful duty to announce to the Congress and to the people of the United States the death of Philip H. Sheridan, General of the Army, which occurred at a late hour last night, at his summer home in the State of Massachusetts.

The death of this valiant soldier and patriotic son of the Republic, though his long illness has been regarded with anxiety, has nevertheless shocked the country and caused universal grief.

He had established for himself a stronghold in the hearts of his fellow-countrymen, who soon caught the true meaning and purpose of his soldierly devotion and heroic temper.

His intrepid courage, his steadfast patriotism, and the generosity of his nature inspired with peculiar warmth the admiration of all the people.

Above his grave affection for the man and pride in his achievements will struggle for mastery, and too much honor can not be accorded to one who was so richly endowed with all the qualities which make his death a national loss.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 6, 1888.

Mr. HAWLEY. Mr. President, nothing that I can say is needed to set forth the loss the country has suffered by the death of the able, brilliant, magnificent soldier and beloved gentleman, General Sheridan. I have just learned that the course I propose has been adopted by the House of Representatives. I send to the desk a resolution, for which I ask immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Chair is requested to appoint a committee of seven Senators to attend the funeral services of the late General Sheridan.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that the resolution may be now considered. The question is on agreeing to the resolution.

The resolution was agreed to; and the President *pro tempore* appointed as the committee under it Mr. HAWLEY, Mr. MANDERSON, Mr. CULLOM, Mr. STEWART, Mr. HAMPTON, Mr. GIBSON, and Mr. GRAY.

Mr. HAWLEY. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 7, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 6, 1888.

The House met at 12 o'clock. The Chaplain, Rev. W. H. MILBURN, D. D., offered prayer, as follows:

O Eternal God, we stand awe-stricken to-day by the startling intelligence that the illustrious career of the General of the Army is ended. The brilliant story of his achievements is written in the annals of the country, and he has gone to the bar of history. We commend to Thy almighty protection and fatherhood the wife who has been widowed and the children who have been made fatherless by this sad event. Impress upon us all, we beseech Thee, a solemn sense that in the midst of life we are in death, and help us to live lives of virtue and piety, that when our last hour is come we may be soothed by an unfaltering trust in Thy mercy, and pass from that life to Thy presence, where is fullness of joy, and to Thy right hand, where are pleasures forevermore. We humbly pray through Jesus Christ our Lord. Amen.

THE JOURNAL.

The Journal of the proceedings of Friday last were read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DE LANO, for ten days, on account of important business.
To Mr. VANCE, for ten days, on account of important business.
To Mr. KERR, for two weeks, on account of important business.
To Mr. FRENCH, for three days, on account of business.
To Mr. ROWLAND, indefinitely, on account of sickness in his family.
To Mr. SCULL, for one week, on account of business.
To Mr. BLOUNT, for ten days from to-day.
To Mr. ATKINSON, for three days, on account of important business.
To Mr. MCCREARY, for four days, on account of important business.
To Mr. LATHAM, for ten days.
To Mr. PENINGTON, indefinitely, on account of important business.
To Mr. LANE, for ten days, on account of sickness in his family.
To Mr. MCKINNEY, for ten days, on account of important business.
To Mr. ROBERTSON, for ten days, on account of important business.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 5259) to relieve Jacob Y. Bostatter from the charge of fraudulent enlistment; when the Speaker signed the same.

BUSINESS OF COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri. I send to the desk a resolution, and ask for its adoption.

The SPEAKER. The resolution will be read, after which the Chair will ask if there be objection.

The Clerk read as follows:

Resolved, That Tuesday next, August 14, after reading the Journal, be set apart for the consideration of measures reported from the Committee on Labor.

The SPEAKER. Is there objection?

Mr. OATES. I object.

Mr. GROSVENOR. Will the gentleman from Missouri allow an amendment to be offered to that resolution?

The SPEAKER. Objection is made to the introduction of the resolution.

Several MEMBERS. Regular order.

Mr. O'NEILL, of Missouri. I ask the attention of the Speaker for one moment. This being suspension Monday, I move to suspend the rules and put this measure on its passage.

The SPEAKER. The gentleman can not make that motion at this time. Under the rules a motion to suspend the rules is not in order until after the call of States and Territories.

Mr. O'NEILL, of Missouri. Well, let the resolution remain at the desk until it is in order.

The SPEAKER. The gentleman has been recognized now to make a request for unanimous consent, not for a motion to suspend the rules. The regular order is demanded. The regular order is the call of States and Territories for the introduction and reference of bills and resolutions.

Mr. WHEELER. I offer the resolution which I send to the desk.

The SPEAKER. Resolutions offered now must be referred to the appropriate committee in accordance with the rule.

Mr. WHEELER. Then I withhold my resolution for the present.

CONSIDERATION OF PENSION BILLS.

Mr. CHIPMAN introduced the following resolution; which was referred to the Committee on Rules:

Whereas there are pending before Congress various measures for the relief of soldiers of the late war, reported favorably by the Committee on Invalid Pensions, some of which measures are subject to difference of opinion and some of which are not; and

Whereas it is wrong to delay consideration of those measures concerning which there is practically no difference of opinion, and which are necessary for the comfort of the soldiers who are embraced in their provisions: Therefore,

Be it resolved, That on Friday evening next the House shall consider the following-named bills, namely:

H. R. 1688, relating to claims for pensions by dependent parents.

H. R. 1537, to allow soldiers and sailors in the United States service who have lost both arms an increased pension.

H. R. 1422, relating to pensions granted by special act of Congress.

H. R. 1420, for pensioning prisoners of war.

H. R. 1333, to amend the pension laws in relation to the payment of pensions.

S. 1529, to amend paragraph 3 of section 4693, Revised Statutes, and for other purposes.

S. 509, authorizing an increase of pension in cases of deafness.

S. 1000, to increase the pensions of certain soldiers and sailors who are utterly helpless from injuries received or diseases contracted while in the service of the United States.

S. 379, to allow soldiers and sailors in the United States service who have lost both hands an increased pension.

IMPORTATION OF ENGLISH STEAM-SHIP.

Mr. BUCHANAN introduced the following resolution; which was referred to the Committee on Merchant Marine and Fisheries:

Whereas one Joseph Cumings has a contract from the War Department for the excavation of 800,000 cubic yards of material from the main ship-channel in New York Harbor, and has chartered for use in filling such contract the English steam-ship State of Alabama, a vessel built in 1873 at Glasgow, Scotland, to run between that port and New Orleans, which vessel is now being fitted out at the Erie basin with a new dredging machine owned by an English syndicate; and

Whereas it appears by the following letter that the said steam-ship has been allowed to be imported free of duty for that purpose:

"TREASURY DEPARTMENT, *Washington, D. C., June 2.*

"SIR: The Department is in receipt of a letter from the Secretary of War, in which, upon the recommendation of the Chief of Engineers, he requests that Joseph Cumings, who has a contract under the War Department to deliver 800,000 cubic yards of material from the main ship-channel in New York Harbor, may be permitted to import to our port without payment of duty thereon and use for the purpose of fulfilling this contract a large foreign vessel adapted for the necessary powerful machinery. It is represented that no domestic vessel of sufficient strength and capacity can be obtained for the purpose mentioned, and that it is of the utmost importance that the work be completed prior to the 1st of December next or during the present working season, which can only be done by the use of said foreign vessel. The Chief of Engineers states that the vessel referred to is to be used solely for the purpose of carrying out such contract, and that she will not engage in any way in the coastwise trade. Under the circumstances you are authorized to comply with the request of the Secretary of War.

"C. S. FAIRCHILD,
"*Secretary of the Treasury.*

"COLLECTOR OF CUSTOMS, *New York.*"

And whereas it is alleged that domestic vessels of sufficient strength and capacity could have been obtained for that purpose and were ready to be chartered: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, requested and directed to transmit to this House copies of all correspondence, orders, and decisions in his Department relating to said matter.

Mr. BUCHANAN also offered the following resolution; which was read and referred to the Committee on Merchant Marine and Fisheries:

Whereas it appears by a letter from the Secretary of the Treasury to the collector of customs at the port of New York, dated June 2d instant, that the said Secretary is in receipt of a letter from the Secretary of War in which, upon recommendation of the Chief of Engineers, he requests that Joseph Cumings, who has a contract under the War Department to deliver 800,000 cubic yards of material from the main ship-channel in New York Harbor, may be permitted to import through our ports without payment of duty thereon and use for the purpose of fulfilling this contract a large foreign vessel adapted for the necessary powerful machinery; and

Whereas upon receipt of said letter from the Secretary of War the said Secretary of the Treasury instructed the said collector as follows: "Under the circumstances you are authorized to comply with the request of the Secretary of War;" and it is alleged that under the said instructions the steam-ship State of Alabama, built at Glasgow in 1873, has been so entered and is being fitted up at Erie basin, in the city of Brooklyn, N. Y., with machinery owned by an English syndicate, for such work: Therefore,

Be it resolved, That the Secretary of War be, and he is hereby, directed to transmit to this House copies of said recommendation of the Chief of Engineers, of his said letter to the Secretary of the Treasury, and of all correspondence on file in his Department relating to said matter.

WILLIAM HEDGES.

Mr. DAVENPORT offered the following resolution; which was read and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to report to the House of Representatives the amount of the commissions of William Hedges, late postmaster at Bradford, N. Y., computed upon the eight quarterly returns he made between July 1, 1870, and July 1, 1872, under the act of 1854, and the amount of salary paid to him for his services between the 1st of July, 1870, and the 1st of July, 1872.

ALLEY, SQUARE 288, WASHINGTON, D. C.

Mr. BUTTERWORTH (by request) introduced a bill (H. R. 11099) to close, condemn, and sell part of alley in square 288, Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REFUND OF CERTAIN INCOME TAXES.

Mr. BUTLER introduced a bill (H. R. 11100) to refund certain income taxes illegally collected; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAVANNAH COLLECTION DISTRICT, GEORGIA.

Mr. NORWOOD introduced a bill (H. R. 11101) to transfer that portion of the Savannah collection district embraced in Sapelo Island, in the State of Georgia, to the Brunswick district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MODEL OF NEW YORK HARBOR.

Mr. O'NEILL, of Pennsylvania, introduced a joint resolution (H. Res. 211) providing for the purchase by Congress of a model of New York Harbor; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

A MINIMUM RATE OF WAGES IN THE UNITED STATES.

Mr. WHITE, of Indiana, introduced a bill (H. R. 11102) to establish an interstate minimum rate of wages in the United States and Territories and the District of Columbia; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

TRANSIT OF MAILS IN AND THROUGH CITY OF NEW YORK.

Mr. COX introduced a joint resolution (H. Res. 212) for the appointment of a commission on the more rapid transit of the mails in and through the city of New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

IMPEACHMENT OF JUDGE SAWYER.

Mr. THOMPSON, of California. Mr. Speaker, I desire to present a petition and have it read.

The SPEAKER. That is not in order under this call. The gentleman can ask unanimous consent.

Mr. THOMPSON, of California. I ask unanimous consent to present the petition and have it read.

Objection was made.

Mr. COX. Is not this a matter of privilege? It looks to an impeachment.

The SPEAKER. It is not. A resolution to impeach is a matter of privilege, but this is merely a petition or memorial.

Mr. THOMPSON, of California. I ask unanimous consent to have the petition printed in the RECORD.

There was no objection, and it was so ordered.

The petition, which was referred to the Committee on the Judiciary, is as follows:

To the Senate and House of Representatives:

The people of San Francisco, in mass meeting assembled, for the purpose of devising some means to save our State from the incoming of Chinese coolies, whose immigration is expressly prohibited by the laws passed by you, do represent as follows:

We recognize that Congress has responded to the wishes of the people of the United States by adopting such legislation as we all deemed necessary to and adequate for that end. That such legislation would have been sufficient to accomplish the end for which it was intended had it been enforced in good faith, according to the spirit in which it was devised, there can be no doubt.

Although the law has been upon the statute-books since 1882, and was amended four years ago with the intent to strengthen its provisions in order to meet the technical objections raised by the judiciary on the Federal bench of this coast, the fact remains that a larger number of Chinese are entering the port of San Francisco to-day than have entered at any other time in our history. There are practically no greater restrictions upon the entry of Mongolians than upon that of Europeans, the only difference being that a head tax is imposed upon Mongolians for the benefit of the courts instead of the Treasury.

Thus have the efforts of Congress to protect American labor from ruinous and degrading competition with a servile race been defeated. The situation is so alarming as to endanger the peace of this State, because the judges whose duty it is to uphold the law have brought the administration of the law into contempt.

If not to the law, where can the people look for protection? If the efforts of Congress heretofore to protect the people shall continue to be thwarted, the people must and will protect themselves.

By your act of 1882 as amended it was provided that certain certificates would be the sole evidence of the right of any Chinaman to land. The administration of this law was placed in the hands of the collector of customs. In the attempt to carry out the provisions of this law the customs officials have been thwarted at every step by the mandates of the Federal courts. By the abuse of the right of habeas corpus the administration of the act has been taken from the hands of the collector of customs and usurped by the courts. The examination of Chinese on board ships by the customs authorities provided for in your act, which was the greatest safeguard against the fraudulent landing of coolies, has been vetoed by the Federal courts, although it was approved by the President. So determined have been the judges to defeat the plain and only purpose of the law that they have gone the length of threatening with imprisonment the customs officials who have sought to perform the sworn duty imposed upon them by the Congress and President of the United States. Since you ordained in 1884 that no Chinaman should enter this country without possessing a certain certificate showing his right to land 9,000 have been landed by habeas corpus. This violation of law has been accomplished through the agency of the Federal judges, who have set up a standard of their own, above and in defiance of the law. Clothed with that discretion which is inseparable from a proper exercise of the judicial office, they have in every instance used it in behalf of the Chinese and against the spirit of the law. Every doubt has been resolved against the interests of the people. Had they been paid attorneys of the Chinese while sitting on the bench they could not have worked more persistently and eagerly at throwing down the guards which you set up against this immigration. Each coolie landed by habeas corpus represents legal fees amounting to $20. The circuit court, which is the conduit through which this Asiatic filth flows, has for its fee-receiving clerk a near relative of the judge. So great has been the inpour of this profitable though forbidden immigration that the regular machinery of the court has proved inadequate to the demand. A subsidiary court not contemplated by statute has been created for the admission of Chinese, and no fee now goes to waste. This subsidiary court receives a fee of $3 for every Chinaman landed, and does its work at the rate of one Chinaman every ten minutes during business hours.

At the present time there are in San Francisco's Chinatown no less than 4,000 certificateless coolies landed upon habeas corpus, turned loose on bail and awaiting examination. Many of them have been on shore as long as six months. The only proof of prior residence required by the circuit court and its annex from these men is an ability to answer certain questions to show a slight familiarity with the geographical features of San Francisco and the entry of their names in the books of the Chinese Six-Companies, or in the accounts of a Chinese merchant. Every one of this army of coolies can secure his final discharge at the expense of a false oath and the payment of the required fees. Meantime this swarm of Asiatics, who are supposed by law not to be in the country, are actively competing with American labor in all branches of industry and aiding in the reduction of the scale of wages to the Chinese level. The amount represented on the bonds for which Chinese residents are sureties is already in excess of the assessed valuation of all the property owned in San Francisco by the Chinese population.

That the interpretation placed upon the law by Judges Sawyer and Sabin and Commissioner Houghton is not a necessary but an arbitrary interpretation is shown by the brief sitting of Judge Ross, of the southern district of California. This jurist was recently invited to sit upon the circuit bench in this city. His rulings were such as to exclude the Chinese, and such as to spread dismay and panic among the whole colony of fee-receiving officials, coolie brokers, attorneys, straw bondsmen, and all other parasites who are living and fattening upon the decaying remains of the restriction act.

Judge Ross's sitting was brief. He has not been invited to sit on the circuit bench again. He has been dropped from Judge Sawyer's visiting list.

We, the people of San Francisco, appeal to Congress to end this monstrous conspiracy, to save the Pacific coast and the country from the consequences of an abuse of judicial power unparalleled since the time of Jeffreys.

The House of Representatives has created a committee to investigate the subject of contract labor. We invite that committee to visit this city. We promise to place before it facts which will demonstrate the truth of every allegation made in this memorial. When this proof has been made and submitted to Congress we demand remedial action. What that action should be is self-evident. No law which you have placed upon the statute-books has been able to withstand the hostile and destructive assaults of the Federal judges of this coast. You have given us a new treaty and contemplate the passage of a still more stringent exclusion act. We are grateful for these honest efforts to save us from Chinese association and competition, but in the light of experience what confidence can be felt that any law or any treaty will be carried into effect while its administration rests in the hands of judges who have annulled every existing statute? While they remain upon the bench Chinese exclusion is impossible.

We demand the impeachment and removal of Lorenzo Sawyer, judge of the United States circuit court of the ninth circuit, and of George M. Sabin, district judge for the district of Nevada.

Adopted in mass meeting of trades unions and citizens of San Francisco, July 25, 1888.

H. C. KINNE, *Chairman.*
HAMILTON H. DOBBIN, *Secretary.*

TERRITORY OF OKLAHOMA.

Mr. WARNER, of Missouri. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That Thursday next, immediately after the reading of the Journal, the House proceed to the consideration of the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes; that the Committee of the Whole House be discharged from the further consideration of the bill; that the amendments adopted in Committee of the Whole be agreed to; and that other amendments not exceeding three in number and one amendment in the nature of a substitute may be offered to the bill, after which the vote shall be taken on such amendments, and then on the engrossment and third reading of the bill, and the final passage thereof without debate or other intervening motion or business.

The SPEAKER. Is a second demanded?

Mr. BARNES, Mr. HOOKER, and others demanded a second.

Mr. SPRINGER. I ask unanimous consent that a second may be considered as ordered.

Mr. BARNES. I object.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was delivered to the House by Mr. PRUDEN, one of his secretaries.

PROPOSED TERRITORY OF OKLAHOMA.

The SPEAKER. A second is demanded, and the Chair will appoint as tellers the gentleman from Missouri [Mr. WARNER] and the gentleman from Georgia [Mr. BARNES.]

Mr. PAYSON. I would like to have the resolution again reported.

The resolution was again read.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. How would this resolution, if adopted, affect a pending amendment which was introduced and undisposed of at the time the bill was last under consideration?

Mr. SPRINGER. Not at all. It will have no effect upon it.

Mr. PAYSON. When this bill was being last considered an amendment of mine had been read and was pending. I had the floor at the time the House adjourned.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois is on the floor for a parliamentary inquiry.

Mr. PAYSON. I wish to know how this would affect that amendment; whether it would be excluded.

Mr. SPRINGER. It was not disposed of at that time. It was pending and would be covered by the resolution.

The SPEAKER. The Chair thinks, on examining the resolution, that if it should be adopted it would necessitate the offering of the amendment of the gentleman from Illinois again.

Mr. NELSON. I rise to a parliamentary inquiry.

Mr. PAYSON. It is evident that the Speaker does not agree, then, with the gentleman from Illinois.

The SPEAKER. The resolution provides that amendments already agreed to in Committee of the Whole shall be adopted by the House, with the right of offering certain other amendments specified in the resolution.

Mr. PAYSON. Then I hope the resolution will be voted down.

Mr. SPRINGER. And one of the amendments referred to there is the identical amendment offered by the gentleman from Illinois himself, if the gentleman will take my word. It does not preclude other amendments, but makes provision for a certain number which may be offered.

Mr. PAYSON. Of course I am perfectly willing to take the gentleman's word, but I wanted a ruling from the Chair as to the effect of the adoption of the resolution on the pending amendments.

The SPEAKER. If the resolution in its present form is adopted, it would preclude other amendments except those specified in the resolution itself.

Mr. SPRINGER. But it would not preclude action on the gentleman's amendment.

The SPEAKER. The Chair will again state, the resolution provides that amendments heretofore adopted in Committee of the Whole House on the state of the Union shall be agreed to by the House, so that this resolution disposes of those amendments; but it provides further that three additional amendments may be offered, as well as a substitute for the bill.

Mr. NELSON. It provides that three, but only three, amendments may be offered.

The SPEAKER. That is the effect of the resolution; and also a substitute.

The tellers will take their places.

Mr. HOOKER. I rose, Mr. Speaker, a moment ago to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I wanted to address to the Chair this inquiry: I understand that under the rules of the House governing the business for this day it is set apart for a suspension of the rules and the passage of measures, bills, resolutions, or otherwise, which are pending before the Committee of the Whole House on the state of the Union or other committees, and the motion is to discharge such committee from the consideration of the matter and put it upon its passage, the action thereon requiring a two-thirds vote. In the present instance the resolution refers to a measure which is pending before the Committee of the Whole House on the state of the Union, and has been under consideration for several days in committee, to which various amendments have been offered; and my inquiry is, whether it is within the power of a single member of this House on this day, which is fixed for the suspension of the rules, to defeat the consideration of that measure and others that may be pending by proposing a vote upon the bill——

The SPEAKER. It is not.

Mr. HOOKER. Or whether or not there should not be consideration of every single measure in Committee of the Whole, and whether that rule does not apply to this measure as to any other?

The SPEAKER. It is not within the power of any single member to take action, such as the gentleman suggests, which would be binding upon the House; but it is within the power of the House, on the motion of any member who may be recognized for a motion to suspend the rules to-day, by a two-thirds vote to fix a day for the consideration of a measure; to discharge the Committee of the Whole from the measure and put it upon its passage, or generally, with reference to such question, to make such order in regard to its disposition as the House may see proper. In this instance, the gentleman's motion is to fix a day for the consideration of the bill coupled with certain conditions, on which the House must take action.

DEATH OF GENERAL SHERIDAN.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the message from the President of the United States received a few moments ago be laid before the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears no objection.

Mr. SPRINGER. The request of the gentleman from Georgia will not interfere with the pending action of the House, will it?

The SPEAKER. It will suspend the vote upon the question.

Mr. SPRINGER. But will not interfere with the question? If it does, I shall object.

The SPEAKER. The Chair asked for objection to the request of the gentleman from Georgia, and none was made. The Chair understands the gentleman from Illinois to object now, if it interferes with the pending vote.

Mr. HOOKER. The gentleman is too late in making his objection.

Mr. CRISP. The purport of the message is, no doubt, well understood by the House, and I presume there will be no objection to the request.

Mr. HATCH. It is too late, anyhow, to object.

Mr. SPRINGER. Do I understand the Speaker to hold that it will interfere with the pending order of business on which the House is engaged?

The SPEAKER. Necessarily, it will; during the time it is being read, at least.

Mr. SPRINGER. I should feel compelled to object if it interfered with the present order of the House.

The SPEAKER. It does, of course. It suspends the proceedings of the House. But the Chair would be very glad if the gentleman from Illinois would state distinctly whether he objects or not.

Mr. HATCH. I make the point of order that the gentleman can not object.

Mr. SPRINGER. I withdraw my objection to the request of the gentleman from Georgia.

The SPEAKER. The Clerk will read the message.

The Clerk read as follows:

To the Senate and House of Representatives:

It becomes my painful duty to announce to the Congress and to the people of the United States the death of Philip H. Sheridan, General of the Army, which occurred at a late hour last night at his summer home in the State of Massachusetts.

The death of this valiant soldier and patriotic son of the Republic, though his long illness has been regarded with anxiety, has nevertheless shocked the country and caused universal grief.

He had established for himself a strong hold in the hearts of his fellow-countrymen, who soon caught the true meaning and purpose of his soldierly devotion and heroic temper.

His intrepid courage, his steadfast patriotism, and the generosity of his nature inspired with peculiar warmth the admiration of all the people.

Above his grave affection for the man and pride in his achievements will struggle for mastery, and too much honor can not be accorded to one who was so richly endowed with all the qualities which make his death a national loss.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 6, 1888.

Mr. WHEELER. Mr. Speaker, this is the third time in the history of our country that Congress has received from the President the painful information of the death of the commanding General of the Army of the United States.

On Wednesday, December 18, 1799, the news of the death of General Washington reached Philadelphia, and the illustrious John Marshall, of Virginia, in a voice that indicated the anguish of his mind and a countenance expressive of the deepest regret, arose and said:

Mr. Speaker, information has just been received that our illustrious fellow-citizen, the Commander-in-Chief of the American Army, and the late President of the United States, is no more.

Though this distressing intelligence is not certain there is too much reason to believe its truth. After receiving information of this national calamity so heavy and so afflicting, the House of Representatives can be but ill fitted for public business. I move you, therefore, they adjourn.

Major-General Jacob Brown died on Sunday, February 24, 1828, and when Congress met the following morning appropriate resolutions were adopted, the announcement being made by General William Henry Harrison, then a Senator from Ohio, and subsequently President of the United States.

To-day we are informed that the most distinguished soldier of this time on active duty in his profession, General Philip Henry Sheridan, after a heroic struggle, eminently illustrative of his determined character, died last evening.

Animated by feelings engendered by an association of more than a quarter of a century and prompted by admiration for his high soldierly qualities, I sent to the Clerk's desk resolutions which I believe expressed the sense and the feelings of this House regarding what all must look upon as a national affliction.

I am now informed that my friend from Mississippi [Mr. HOOKER], a member of the Committee on Military Affairs, has, by the direction of that committee, prepared and desires to introduce resolutions of the same import.

Sympathizing with the natural and commendable desire of those gentlemen to have the Military Committee of the House prominently identified with the tribute of respect paid by the Congress of the United States to the memory of the Commander of the Army, I desire to yield them the floor. But before doing so I ask the unanimous consent of the House that the resolutions now in the hands of the Clerk be printed in the RECORD.

There was no objection. The resolutions are as follows:

Resolved, That the House of Representatives has heard with deep sorrow of the death of General Philip Henry Sheridan, the Commander of the Army of the United States;

That in his death the country has lost a valuable and patriotic citizen, the Army a brave, wise, determined, and sagacious commander, and the world a distinguished military leader;

That the House deeply sympathizes with the family of the late General of the Army in their bereavement, by which they have lost a tender and devoted husband and father;

That the Speaker of the House appoint a committee from this body to attend the funeral, of which committee it is the sense of the House the Speaker should be a member;

That the flag of the House shall be continuously displayed at half-mast until the funeral obsequies are performed, and that the House manifest its sense of the loss the country has sustained by such other marks of respect as the Speaker may direct;

That as a further mark of respect to the memory of the distinguished dead the House do now adjourn.

The SPEAKER. It requires unanimous consent to have the resolutions offered by the gentleman from Alabama printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. I wish to make a parliamentary inquiry.

Mr. HOOKER. I ask that the resolutions which I sent to the desk may be read and considered.

The SPEAKER. The gentleman from Missouri has stated that he rises to make a parliamentary inquiry, and the Chair will hear him.

Mr. WARNER. Let the resolutions first be read.

The Clerk read as follows:

Resolved, That this House has learned with profound grief of the death of General Philip Henry Sheridan, general commanding the Armies of the United States.

Resolved, That as a mark of respect to the memory of the deceased this House do now adjourn.

Resolved, That the Speaker of the House is directed to transmit to the widow of the deceased a copy of these resolutions and an assurance of the sympathy of the House in the loss which she has sustained in common with the people of the nation.

Resolved, That the Speaker of this House appoint a committee of seven members to confer with a like committee of the Senate, and after consultation with the family of the deceased, to take such action as may be appropriate in regard to the public obsequies of General Sheridan.

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER] asks unanimous consent for the present consideration of these resolutions.

Mr. WARNER. Without withdrawing the resolution that is now pending I wish to say that no business that could possibly come up before the House would induce me to object to the consideration of such resolutions as those offered by the gentleman from Mississippi at this time.

Mr. HOOKER. It is hardly necessary that I shall say anything upon these resolutions. They were compiled on the order of the Committee on Military Affairs to express the sense of the House at the great calamity that has befallen us in the death of the Commander of the Armies of the United States. Descended from a race of people who have given to the world in the old country and in our own the greatest commanders of any people on earth, the career of the distinguished military man whom these resolutions are designed to honor is a mark of the singular fact that in this country there is no position either in civil or in military life that is not within the reach of the humblest citizen of the land.

The parents of General Sheridan came to this country at an early day. General Sheridan was born March 6, 1831, in Perry County, Ohio. General Sheridan inherited from them something of the fire and the pride of that great Irish race which has so successfully fought the battles of all countries save their own. He graduated at the Military Academy at West Point in 1853, was assigned at once to duty in the Army, and during the late war between the States he earned for himself by his valor a position second only to that of the greater leader of the Federal Army during the war between the States.

During this session Congress has taken note of the high achievements of General Sheridan as a military man, and as standing second of the leaders of the forces of the Union Army in the late war, and conferred upon him, only a few weeks before his death, the distinguished position of General of the Army. It has been held by few persons. It was considered a mark of honor due to him while he yet lay on the bed of sickness, which was finally the couch of death, and was conferred upon him as an evidence of the national regard for his distinguished services as a general. This distinction was conferred on him for the valuable service of long days, months, and years in the service of his country from the time he graduated at West Point in 1853 down to the period of his death. These resolutions are designed now to express the universal grief and sorrow of this nation at the death of the Commander of the Army of the United States, and expressive of the sympathy with his bereaved family which will be felt in every corner of this vast country; for, sir, from his immediate family circle to the remotest parts of the country, linked as it is by the telegraph lines, the whole nation is shocked by the tidings of the death of General Philip H. Sheridan. I ask the unanimous adoption of the resolutions as a token of the respect of the nation for that distinguished general.

Mr. CUTCHEON. I rise to support, on behalf of my colleagues on the Committee on Military Affairs, the motion of the gentleman from Mississippi [Mr. HOOKER]. General Philip H. Sheridan entered the volunteer service of the United States as colonel of the Second Michigan Cavalry, and the Peninsular State, which I have the honor in part to represent, always claimed him as hers so far as his military record in the volunteer service was concerned. That black steed, so famed in poetry and song, on which Sheridan rode "into the fray from Winchester, twenty miles away," that one immortal charger of the war, of which the poet so picturesquely wrote:

> And there, through the flush of the morning light,
> A steed as black as the steeds of night
> Was seen to pass as with eagle's flight,
> As if he knew the terrible need;
> He stretched away with his utmost speed;
> Hills rose and fell; but his heart was gay,
> With Sheridan fifteen miles away—

That famous charger was a gift of the citizens of the State of Michigan to General Sheridan. Mr. Speaker, there will be many sore and sad hearts in the Peninsular State to-day, hearts of brave men, loyal and true men, who followed Sheridan into the fray not only at Winchester but on many another field.

Mr. Speaker, this is not the time nor is this the place to enter into lengthy remarks in regard to the character or the services of General Sheridan. This is not the time to speak either of his greatness and gallantry as a soldier, of his modesty as a man, of his loyalty to the flag which

he followed, or of his boundless fame. I doubt not that opportunity will be given hereafter for some appropriate eulogy upon the great soldier. But I now only desire on behalf of my colleagues and of the State which I in part represent to record our profound grief that this one of the last of the great and brilliant galaxy of generals who made illustrious the epoch in which they lived has departed. One by one the men that have bound us to the heroic period of the Republic pass away, and soon the last will be gone. But three men have borne the commission of General of the armies of this Republic—Grant, Sherman, Sheridan.

The great and silent commander is gone; his great lieutenant and cavalry commander has now followed his chief; while the sun of that great strategist who with his sixty thousand "marched down to the sea" is serenely setting.

Mr. Speaker, in behalf of the State which sent him with her commission into the volunteer service of his country I second the resolutions and trust that they may be adopted without a dissenting voice.

Mr. GROSVENOR. Mr. Speaker, I did not propose when the resolutions were offered to say anything, and I would not do so now did I not feel that it is proper that some one representing the State of Ohio should speak at least a word on this occasion. I had the honor when first elected to Congress to represent the district in which General Sheridan had lived, from which he went to West Point, and in which is established the home to which he always returned on occasions when business permitted his absence from the headquarters of the Army. He was born at Somerset, in the county of Perry, on the 6th day of March, 1831. His father was a native of Ireland and had resided for a brief period in the State of New York, but Sheridan's mother, who died within the last few weeks, always pointed out to the visitor at the old homestead the house in which young Phil was born and from which he went to the Military Academy at West Point.

He was appointed by General Ritchie, a member of Congress from the county of Perry, who held the office, I believe, for but a single term, and left behind him as a monument to his own discrimination the appointment which he made of the little Irish boy who had been a water-carrier upon the works where his father was laboring in the construction of the Hocking branch of the Ohio canals.

The fame of Sheridan as a soldier is large enough and grand enough to be shared in common by the loyal people of the whole United States. I am not familiar with the circumstances under which he went into the volunteer service from the State of Michigan, but I remember very well that at an early period in the war, I think at or at least shortly after the battle of Shiloh, he was commissioned a brigadier-general by the President of the United States. Probably his rank as such was from July, 1862. From that time his fame outgrew the limits of States and became commensurate with the entire Union.

I want to say a word as to his soldierly character. It has often been said of Sheridan that he was a man of dash, and it has been attributed to him that he was to a certain extent even a reckless soldier. Something over a year ago I traveled with him for two days and nights in going to and coming from a reunion of soldiers in Ohio, and I then had an opportunity to converse with him freely and at some length upon his career and many incidents of the war. Among other things he spoke of the impression I have mentioned and said what was new to me, and which will be a matter of interest at this time, that he had never made a military move of any considerable importance in his life that was not carefully and studiously planned, and that he gave to every movement all the time and all the thought and consideration that was possible under the surrounding circumstances. In short, he said there could be no greater mistake made than to attribute to him anything like recklessness, or, as he put it, spirit of dare-devil, in any military move that he ever made. No, he planned carefully, deliberated fully, and then executed as the lightnings do. He was the incarnation of war, but the machinery was moved by skill and study.

He said further:

Whatever success I achieved I attribute more to the fact that I did everything under a plan which I had studied than to any other one circumstance.

Mr. Speaker, Sheridan is dead. His great warm heart lies cold and dead. His memory is the common heritage of the loyal people of the whole country. He will rank ultimately, in the peculiar line of war that he adopted and in which he made himself conspicuous, as without a rival among the names which became famous in the great conflict through which we passed, and his modest demeanor since the war has left in the hearts of the American people a sense of comradeship and a love of his memory which will continue to grow for many years to come.

But, sir, this is not a fitting time for extended eulogy. I thought it proper that from the State he loved and honored some voice should speak to second the adoption of the resolutions reported from the Committee on Military Affairs. The hearts of the people of Ohio are burdened with a great sorrow to-day. They share with the people of the whole country in this great grief.

The question being taken on the resolutions of Mr. HOOKER, they were unanimously adopted.

The SPEAKER. The Chair will announce hereafter the committee provided in these resolutions. In accordance with the second resolution, the House now stands adjourned until to-morrow at 12 o'clock.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 11103) for the relief of Raby Alderson—to the Committee on Invalid Pensions.

By Mr. R. H. M. DAVIDSON: A bill (H. R. 11104) to provide for the payment of Alfred A. Fisher—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 11105) granting the use of certain real estate to the city of Pittsburgh, Pa., for a public park—to the Committee on the Public Lands.

By Mr. HOVEY: A bill (H. R. 11106) for the relief of Mariah Nash—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 11107) authorizing the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, on the lands of Mrs. M. A. Bower, in the Choctaw Nation, near Fort Smith, Ark.—to the Committee on Commerce.

By Mr. ROWELL: A bill (H. R. 11108) for the relief of James A. Humphrey—to the Committee on Military Affairs.

By Mr. STOCKDALE: A bill (H. R. 11109) granting a pension to Thaddeus Boeme—to the Committee on Invalid Pensions.

By Mr. TARSNEY: A bill (H. R. 11110) to permit Lewis Schofield to prosecute his claim against the United States in the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DALZELL: Petition of Mansfield Council, No. 66, Junior Order of United Americans, for the bill to restrict immigration—to the Committee on Foreign Affairs.

By Mr. HOVEY: Petition of Mariah Nash, widow of Samuel Nash, for a pension—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Laura S. Hovis, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. RICHARDSON: Petition of administrator of M. M. Drake, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROWELL: Petition and papers for the relief of James A. Humphrey—to the Committee on Military Affairs.

The following petition praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. CASWELL: Of George Ziegans and 64 others, citizens of Walworth County, Wisconsin.

SENATE.

TUESDAY, *August* 7, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF GENERAL SHERIDAN.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following resolutions:

Resolved, That this House has learned with profound grief of the death of General Philip Henry Sheridan, General commanding the Armies of the United States.

Resolved, That as a mark of respect to the memory of the deceased this House do now adjourn.

Resolved, That the Speaker of the House is directed to transmit to the widow of the deceased a copy of these resolutions and the assurance of the sympathy of the House in the loss which she has sustained in common with the people of the nation.

Resolved, That the Speaker of the House appoint a committee of seven members to confer with a like committee of the Senate, and, after consultation with the family of the deceased, to take such action as may be appropriate in regard to the public obsequies of General Sheridan.

WHEAT-GROWING LANDS OF OREGON AND WASHINGTON.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of July 27, 1888, a report on the interior wheat lands of Oregon and Washington Territory, by Second Lieut. Frank Greene, Signal Corps, United States Army; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 170 citizens of Galveston, Tex., and the sworn statement of Alexander Grund, late a citizen of New York, praying for an investigation into the alleged murder of J. F. Graham on the high seas; which was referred to the Committee on the Judiciary.

Mr. COKE presented a petition of citizens of Live Oak County, Texas, praying for additional legislation on the subject of interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. PASCO. I present a memorial of the Board of Trade of the city of Jacksonville, Fla., remonstrating against the passage of Senate bill No. 3223, so far as it authorizes the construction of a bridge over the St. John's River, suggesting that certain amendments should be made thereto for the protection of the city of Jacksonville and its commerce before any bridge over that river should be authorized, and urging that the city should be consulted as to the location of any bridge before it is built at or near Jacksonville, or below it on that river. I present this memorial by request, and move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. SHERMAN presented a petition of 64 Ohio farmers, praying for the more effectual protection by tariff legislation of cattle and agricultural products; which was referred to the Committee on Finance.

Mr. HARRIS presented the petition of Julius Witkowski, of Washington, D. C., praying compensation for logs, timber, and other material furnished by him to the United States under contract; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9399) granting a pension to Albert O. Robb;

A bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll;

A bill (H. R. 333) granting a pension to Catharine Bussey; and

A bill (H. R. 6848) for the relief of Elizabeth A. South.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3339) granting an increase of pension to Charles H. Moore, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Susan A. Starkweather, praying to be allowed a pension, reported a bill (S. 3426) granting a pension to Susan A. Starkweather; which was read twice by its title.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex., reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 3091) granting a pension to John Carr; and

A bill (S. 3114) granting a pension to Joseph H. Harwood.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;

A bill (H. R. 2176) granting a pension to Alexander J. Collinge;

A bill (H. R. 217) granting a pension to C. T. Maphet;

A bill (S. 3201) granting a pension to Elizabeth Wilson; and

A bill (S. 3109) granting a pension to D. G. Rummel.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 2241) for the relief of the minor children of Orison S. Baldwin, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3242) granting a pension to John Smith, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 8087) for the relief of Thomas Strodder;

A bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers; and

A bill (S. 3112) granting an increase of pension to William H. Marston.

JULIAN MYERS.

Mr. EDMUNDS. A paper yesterday was overlooked, a disability bill, and as the friends of the gentleman are in a hurry about it, I ask leave to report the bill now and have it put on its passage. I report, with a little amendment describing the place of residence, the bill (S. 3181) to remove the political disabilities of Julian Myers.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 4, after the name "Myers," to insert "of Georgia;" so as to make the bill read:

Be it enacted, etc., That all political disabilities which Julian Myers, of Georgia, has incurred under the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed—two-thirds of the Senators present voting in the affirmative.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT introduced a bill (S. 3428) granting a pension to Mary C. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 3429) granting a pension to Maria N. Abbey; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

Ordered, That Mary C. Thompson have leave to withdraw the papers in her case from the files of the Senate.

COTTON-BAGGING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Arkansas [Mr. JONES], which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Finance be, and is hereby, authorized and required to inquire into the truth of the alleged combination or pool of the producers of cotton-bagging; also what companies or individuals compose said pool, their methods of combination and doing business, the effect of the same upon prices of this article of necessity to all cotton producers, together with any and all other matters relating to the same which may call for or suggest legislation by Congress, and report the same to the Senate with such recommendations as the committee may think proper.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

GENERAL WILLIAM F. SMITH.

The PRESIDENT *pro tempore*. If there is no further morning business, that order is closed and the Secretary will state the first bill on the Calendar under Rule VIII.

The CHIEF CLERK. Order of Business 1544, a bill (S. 2832) for the relief of General William F. Smith.

Mr. MANDERSON. I ask that for that bill there be substituted the House bill, which is of the same character, Order of Business 1984.

The PRESIDENT *pro tempore*. If there be no objection, the bill (H. R. 9396) for the relief of General William F. Smith will be substituted for the bill just reached on the Calendar. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, to strike out "colonel" and insert "major of engineers;" so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and by and with the advice and consent of the Senate to appoint William F. Smith, late major-general United States Volunteers, to the position of major of engineers in the Army of the United States, and to place him on the retired-list of the Army as of that grade (the retired-list being thereby increased in number to that extent); and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said William F. Smith.

The amendment was agreed to.

Mr. BERRY. I inquire of the Senator from Nebraska if this was a unanimous report from the Committee on Military Affairs, and if there is a written report accompanying the bill?

Mr. MANDERSON. There is as to the Senate bill and also as to this bill a unanimous report from the Committee on Military Affairs. The amendment proposed to the House bill places General William F. Smith, usually known as General Baldy Smith, on the retired-list at the actual rank he held in the service. The bill as passed by the House proposed to raise his rank one grade. Conforming to the uniform rule of the Senate Committee on Military Affairs, he is kept at the grade which was his at the time he left the service.

Mr. BERRY. I should like to ask the Senator from Nebraska how long since Colonel Smith, if he was a colonel, or General Smith was discharged from the Army?

Mr. MANDERSON. My recollection is that about the year 1870 he resigned from the military service. The report, however, will show it fully, if the Senator desires accurate information.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas desire to have the report read?

Mr. BERRY. No, sir; I do not care to have the report read. I simply wish to state that where military officers have resigned and engaged in other business, and thereafter come and ask to be reinstated and retired upon pay, I am opposed to such legislation. I presume it is impossible to defeat the passage of the bill, but I was anxious to know whether the entire committee had agreed to the report.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. COKE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. MANDERSON. Before the yeas and nays shall be taken on the passage of the bill I think it no more than right and just to this officer, who had a most distinguished military service, none more so, that the report bearing upon the case be either read or appear in the RECORD.

The PRESIDENT *pro tempore*. It will be printed in the RECORD if there be no objection.

Mr. MANDERSON. It is the Senate report on the Senate bill which I desire to have printed.

The PRESIDENT *pro tempore*. It will be so ordered.

The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2832) for the relief of General William F. Smith, have had the same under consideration, and report the same back favorably and recommend its passage as amended.

The prayer in the bill as offered was that the President nominate, by and with the advice and consent of the Senate, said William F. Smith and appoint him a major-general in the Army, and place him on the retired-list as of that grade, the list to be extended to that extent.

Following the line of precedent established by your committee in cases of this character, the bill is amended to allow said Smith to be nominated and appointed and retired, but only as a major of engineers in the Army, which was the rank he held at the time of his resignation, March 21, 1867.

The service of General Smith is set forth in the following communication, received by your committee from the Adjutant-General United States Army:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, May* 17, 1888.

"Statement of the military service of William F. Smith, late of the United States Army, compiled from the records of this office:

"He was a cadet at the United States Military Academy from July 1, 1841, to July 1, 1845, when he was graduated and appointed brevet second lieutenant, Topographical Engineers; promoted second lieutenant July 14, 1849; first lieutenant March 3, 1853; captain July 1, 1859, and major Corps of Engineers March 3, 1863. He resigned March 21, 1867.

"He was mustered in as colonel Third Vermont Volunteers July 22, 1861, and mustered out August 14, 1861, having accepted the appointment of brigadier-general of volunteers to date August 13, 1861. He was appointed major-general of volunteers July 4, 1862, which appointment expired by constitutional limitation March 4, 1863, not having been confirmed by the Senate. He was again appointed major-general of volunteers March 24, 1864, and resigned his commission as such November 4, 1865.

"On March 13, 1865, he was breveted brigadier-general United States Army 'for gallant and meritorious service in the battle of Chattanooga, Tenn.,' and major-general United States Army 'for gallant and meritorious services in the field during the rebellion.'

"He served as assistant topographical engineer on survey of the northern lakes from October 1, 1844, to October, 1846; as assistant professor of mathematics at the United States Military Academy from November 6, 1846, to August 21, 1848; as assistant topographical engineer on explorations in the Department of Texas and on survey of boundary between the United States and Mexico to December, 1852; on survey of canal route across Florida to October, 1853, and on explorations in Texas to August, 1855; asistant professor of mathematics at the United States Military Academy from September 4, 1855, to September 8, 1856; engineer of the eleventh light-house district to November 3, 1859, and engineer secretary of the Light-House Board to April 15, 1861; on mustering duty at New York City to May 31, 1864; topographical engineer of the Department of Virginia to some time in July, 1861; colonel Third Vermont Volunteers to August 14, 1861, and commanding a brigade in the Department of Northeastern Virginia and subsequently in the Army of the Potomac to October 1, 1861; commanding a division in the Army of the Potomac to March 13, 1862, and the Second Division, Fourth Corps to July 17, 1862; on sick leave to August 12, 1862; commanding the Second Division Sixth Corps to November 16, 1862; the Sixth Corps to February 4, 1863, and the Ninth Corps to March 8, 1863; on sick leave to May 25, 1863, and sick in New York City to June 17, 1863; commanding a division, etc., in the Department of the Susquehanna during the Gettysburgh campaign to September 5, 1863; chief engineer of the Department of the Cumberland from October 10 to November 5, 1863, and of the Military Division of the Mississippi to March 16, 1864; commanding the Eighteenth Corps from May 2 to July 19, 1864; awaiting orders to November 22, 1864; on special duty under the orders of the Secretary of War to December 15, 1865; on sick leave to February 1, 1866, and on leave to March 21, 1867, upon which date he resigned.

"R. C. DRUM, *Adjutant-General*."

Mr. GORMAN. I should like to ask the Senator from Nebraska, while it is probably not proper to go into the action of the committee, if it is not a fact that in this case and in several others of distinguished officers who have gone out of the service there has been a substantial agreement on both sides to reinstate them and to let them be retired at the rank which they held in the regular Army, and not their rank in the volunteer service?

Mr. MANDERSON. I will say in reply to the Senator from Maryland that I know of no agreement between the two committees, if that is what he refers to; but there is a rule of the Committee on Military Affairs of the Senate that where an officer who was in the regular service shall be placed upon the retired-list it shall be with the rank he held in the regular Army. General William F. Smith achieved the rank of major-general of volunteers, and his service, which is so well known to the country, was in that position and not in his position as major of engineers. The House, recognizing his very great service, raised him a grade upon the retired-list, and the bill as it came from the House and as read proposed that he should be placed on the retired-list with the rank of colonel. The Senate committee, however, holding to its uniform rule in that regard, proposes to amend the House bill by placing him on the retired-list with the rank of major of engineers.

I will say further, in reply to the Senator from Maryland, that which perhaps is not very well known, that this is a case somewhat exceptional in its character. General Smith has reached a very advanced age and is in very poor circumstances. He is a man who has suffered physically. Whether he is now upon the pension-list I do not know, but he could go there if he would make application, beyond a peradventure, for he was a man who, during his service in the war, did receive, as I understand, very severe injury.

Mr. GORMAN. The point of my inquiry was to get the information, and this bill being a unanimous report from the Committee, I trust that my friend from Texas will withdraw his request for the yeas and nays.

Mr. COKE. I decline to do so.

Mr. GORMAN. If the Senator from Texas desires the yeas and nays, I have nothing further to say.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. FRYE. I ask unanimous consent that the bill may be informally laid aside, and that the Senate proceed to the consideration of the next bill on the Calendar.

Mr. HAWLEY. Without losing its place.

Mr. FRYE. Without losing its place.

Mr. MANDERSON. Do I understand that it is simply to be passed over informally?

Mr. FRYE. Simply informally.

Mr. MANDERSON. So that it may be called up at any time.

Mr. GORMAN. Yes, it may be called up at any time.

Mr. MANDERSON. I do not object to that course, provided the bill may be called up when there is a full Senate.

Mr. FRYE. It would simply break up the business we are engaged in if we should have a call of the roll now.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the pending bill be informally laid aside, and that the Senate proceed to the consideration of the next bill on the Calendar under Rule VIII. Is there objection? The Chair hears none.

Mr. FRYE. I did not mean, of course, that the bill for the relief of General Smith should be displaced.

The PRESIDENT *pro tempore*. The Chair so understood the Senator from Maine.

Mr. MANDERSON. I understood that the bill was simply passed over until there was a fuller Senate.

The PRESIDENT *pro tempore*. The question will be put on the passage of the bill whenever the Senator from Nebraska shall so indicate.

BADGES OF MILITARY ORDERS.

The joint resolution (S. R. 56) granting permission to officers and enlisted men, members of the military order of the Loyal Legion of the United States and of the Grand Army of the Republic, to wear the badges adopted by those orders was announced as the next business on the Calendar.

Mr. TURPIE. I ask the Senate to proceed to the consideration of the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.

Mr. BECK. I object. I object to going off the Calendar when we have got to it at last. I do not care how meritorious the bill is, it will be reached like the rest of the bills on the Calendar.

The PRESIDENT *pro tempore*. Senate joint resolution 56 is before the Senate as in Committee of the Whole, and will be read at length.

The joint resolution was reported from the Committee on Military Affairs with amendments, in line 3, to strike out "badge" and insert "badges;" in the same line to strike out "society" and insert "societies;" in line 4, to insert "Cincinnati, the Aztec Society, the National Association of the Veterans of the Mexican War, the," and in line 6, after the word "and," to strike out "that adopted by the society;" so as to make the joint resolution read:

Resolved, etc., That the distinctive badges adopted by the societies of the Cincinnati, the Aztec Society, the National Association of Veterans of the Mexican War, the Military Order of the Loyal Legion of the United States, and of the Grand Army of the Republic may be worn upon all occasions of ceremony by officers and enlisted men of the Army and Navy who are members of said organizations.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Committee on Military Affairs report to strike out the preamble; which will be agreed to, if there be no objection.

The title was amended so as to read:

A joint resolution granting permission to officers and enlisted men of the Army of the United States members of the Society of the Cincinnati, the Aztec Society, the National Association of Veterans of the Mexican War, the Military Order of the Loyal Legion of the United States and of the Grand Army of the Republic to wear the badges adopted by those orders.

CHARLES B. NEWTON.

The bill (S. 2556) for the relief of Charles B. Newton was announced as next in order on the Calendar.

Mr. FRYE. There is a minority report in that case.

Mr. MANDERSON. While I am extremely anxious for the passage of the bill, there is a minority report which was drawn by the Senator from Missouri [Mr. COCKRELL]. I see he is not now in his seat. I therefore ask that the bill be passed over, retaining its place.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

INTERNATIONAL ARBITRATION.

The next business on the Calendar was the resolution reported by

Mr. SHERMAN from the Committee on Foreign Relations to invite international arbitration as to differences between nations.

Mr. GORMAN. Let that go over.

The PRESIDENT *pro tempore*. The resolution will be passed over on objection under Rule IX.

W. S. CARPENTER.

The bill (H. R. 2088) for the relief of W. S. Carpenter was considered as in Committee of the Whole. It proposes to pay to W. S. Carpenter, late an employé in the railway mail service, $126.65, the amount of his salary from the 3d of October, 1882, until the 20th of November, 1882, for services actually performed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY L. WOODSON.

The bill (H. R. 8962) for the relief of Anthony L. Woodson was considered as in committee of the whole.

Mr. JONES, of Arkansas. Is there a proposed amendment to the bill?

The PRESIDENT *pro tempore*. No amendment appears upon the text before the clerks.

Mr. JONES, of Arkansas. The recommendation of the Committee on Claims was to strike out the last clause of the bill.

The PRESIDENT *pro tempore*. The report indicates that an amendment was contemplated by the committee.

Mr. JONES, of Arkansas. I move that the bill be amended by striking out the last provision.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be stated.

The CHIEF CLERK. In line 9, after the word "use," it is proposed to strike out the remainder of the bill in the following words:

And the further sum of $2,300, being the value of engineer stores taken in the same way for the construction of forts, stockades, and so forth, at and near Munfordville, Ky.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, is hereby authorized and directed to pay to Anthony L. Woodson, of Woodsonville, Ky., the sum of $3,666.20, being the value of quartermaster's stores taken from the said Woodson by the United States forces during the late war, and appropriated to their use.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JONES, of Arkansas. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MITCHELL, and Mr. JONES, of Arkansas, were appointed.

COMMISSIONS ON PRIVATE DIES.

The bill (S. 953) to authorize the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them was announced as next in order on the Calendar.

Mr. CULLOM. That bill seems to make a very large appropriation. It seems to have been reported from the Committee on Claims. I should like to have a little further information than is given by simply the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SPOONER], who reported the bill, is not in his seat at this moment.

Mr. CULLOM. I ask that it be passed over informally.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, retaining its place on the Calendar.

PRINTING OF GOVERNMENT PUBLICATIONS.

The bill (S. 3162) providing for the printing of Government publications upon private orders was considered as in Committee of the Whole.

Mr. DAWES. I should like to inquire of the Senator from Connecticut how this bill changes existing law.

Mr. HAWLEY. I shall have to get the statute.

Mr. DAWES. Can not the Senator state in general terms?

Mr. HAWLEY. The first section is new, practically.

Mr. DAWES. I thought there was an existing law substantially like that, providing that documents could be ordered from the Public Printer while they were going through the press at a certain percentage.

Mr. HAWLEY. The Senator is right in one respect. The old law is put in here with the proposed change of a word or two as a new section, and the old law is repealed, so that the whole law on the subject is in these two sections. The change is not material.

At present, at the time a book is going to press, you can order as many as you please. We provide also now that afterwards, a year or two or three years hence, if there is a demand for a book, and many of the men who deal in second-hand books and Government publications say there is, and they come along and are very anxious to get copies they may do so. They say if we will make a rule by which they can go to the Government Printing Office and give the Public Printer the cost, with 10 per cent. additional, and get a number large enough to make it worth while to go to press, they will avail themselves of it.

Mr. DAWES. I should like to inquire of the Senator if that would not allow the book trade to get any valuable documents furnished them for their trade at the cost to the Public Printer with 10 per cent. added?

Mr. HAWLEY. They can do it now, and in many cases we should be delighted to have them do it. The public wants a document and Congress dislikes to order five, ten, or fifteen thousand more. Here come along some of these dealers and they say, if you will just let us have those idle stereotype plates, we have a constant demand for the book. I am satisfied it will be for the good of the public.

Mr. DAWES. Would the customer get the book at a reduced price?

Mr. HAWLEY. I do not know that the customer would get it cheaper. It is not a very cheap book even with the Government selling it at cost and the 10 per cent. added, because though the Government Printing Office is a magnificent one and a costly one, a private printer would publish the 400,000 copies of the Agricultural Report at a cheaper rate than the Government does it. I do not know that the public would get it cheaper, but the Government could print it more cheaply.

Mr. DAWES. Is it true that the Government printing is greater in cost than the private production of the same work?

Mr. HAWLEY. It is difficult to calculate, because we have considerably more than a million dollars, probably with buildings and all a million and a half dollars at least in that office, and we do not stop to count the expense of repairs, the interest on the money, and all that.

Mr. DAWES. Will the Senator state——

Mr. HAWLEY. Let me finish my sentence. We do not stop to count the cost of the plant as the ordinary manufacturer has to do. When we talk about a book, under the rules we ask for an estimate of the cost of the book and it comes up here, the Agricultural Report we will say, 30 or 35 or 40 cents, or something of that sort, counting only the cost of composition, paper, and press-work, but we take no account of the great plant. If we take that into account evidently the Government printing is expensive.

Mr. DAWES. I will concede anything to the experience and judgment of the Senator from Connecticut, but if it be true that production at the Government Printing Office, not counting the cost of the plant, will furnish to the book trade a cheaper production than can be done by private enterprise, then the result, I should apprehend, would be that the book trade would make a great profit out of such a work while the customer would not get any benefit.

Mr. HAWLEY. Unless we pass something of this sort, as a general rule those stereotype plates lie there idle for years until they are remelted. The publishers themselves think that we should open more of the Government books to public use. I shall not talk longer about it, but, for example, there is the very valuable series of books, the Medical and Surgical History of the War. I do not know that they would give me that as an illustration, but it is quite possible that that would be one the country would be very glad to be allowed the privilege of paying for additional copies of, and the medical fraternity throughout the country would not care a farthing whether it was 25 per cent. or 40 per cent., or what it was, probably, if they could get the book.

Mr. MANDERSON. The only change in the existing law by the first section of the bill is that it changes the title of the person formerly known as the Congressional Printer so as to make it conform to the existing law wherein he is called the Public Printer, and providing that when Congress is not in session these books may be printed under the direction of the Secretary of the Interior, which is also to make the provision comply with the existing law. The only new legislation in it is in section 2 of the bill. I propose, however, at the suggestion of my colleague on the Printing Committee, the Senator from Maryland [Mr. GORMAN], to add at the end of section 2 this provision, and I shall move the amendment at the proper time:

And the Public Printer shall annually report to Congress a list of all documents and publications sold by him, the amount received therefrom, and the disposition made thereof.

That will require of him to make the same sort of a report which is made by the Secretary of the Interior. I send the amendment to the desk that it may be inserted at the end of section 2.

The PRESIDENT *pro tempore*. The amendments proposed by the Senator from Nebraska will be read.

The CHIEF CLERK. It is proposed to add to section 2:

And the Public Printer shall annually report to Congress a list of all documents and publications sold by him, the amount received therefrom, and the disposition made thereof.

Mr. MANDERSON. I do not know that that fully meets the suggestion made by my colleague on the committee, the Senator from Maryland. My intention is, though I may not have fully expressed it, that the Public Printer shall not only make this report showing the

number of publications sold by him, but the disposition which may have been made of the amount received.

Mr. GORMAN. That covers precisely the idea I had in my mind.

Mr. MANDERSON. That covers the Senator's idea?

Mr. GORMAN. The amendment is satisfactory to me.

Mr. BECK. I understand that these publications are confined exclusively to publications ordered by the Government.

Mr. GORMAN. As a matter of course; it could not be otherwise.

Mr. BECK. Then I look at it in this way: Whenever there is such a demand for extra copies that the public want them from booksellers and others, that demand will become clamorous enough to require us to publish extra copies at our own expense, which they would be sure to get through, and we should pay for them all unless we allow it to be done in this way.

Mr. GORMAN. I think that is unquestionably the fact. The Medical History of the War is a very expensive book. We published a large number at a cost of several dollars a volume. There is demand for that publication now, and the members of the Committee on Printing believe that the pressure is so great that, though it will involve great expense, probably another edition will have to be printed unless this provision is made; and it applies to a great number of other valuable books. Now, by authorizing the Public Printer to print them, if the order comes during the recess of Congress, and permitting the Secretary of the Interior, in his discretion, to order them, the result, I think, in the end, will be not only a great saving to the Government, but a great accommodation to the public, and the people will get the works at much less cost than from private hands.

Mr. BECK. And save us from paying?

Mr. GORMAN. I think so.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOURNALS OF THE SENATE AND HOUSE.

Mr. MANDERSON. I ask the consent of the Senate to go back on the Calendar and consider Order of Business 1158, which was passed over informally. It is a bill reported by the Committee on Printing, and will take but a moment to dispose of. It is designed to correct the difficulty spoken of by the Senator from Missouri [Mr. VEST], and save the publication of the numerous Senate and House Journals, for which there is no need.

The PRESIDENT *pro tempore*. The bill having been passed over without prejudice, the Senator from Nebraska has the right to ask for its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2802) to fix the number of unbound and bound Journals of the Senate and House of Representatives, and to provide for their distribution.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. GORMAN. I wish to say a word in view of the statements that were made some weeks ago by my friend from Missouri [Mr. VEST], who is not in his seat this morning, and it is due I think to the chairman of the Committee on Printing, who has given this matter very great attention, that I should make a statement.

The bill now under consideration does reduce very largely—indeed, more than one-half, as I recollect the figures—the number of Senate and House Journals to be printed.

The entire scope of the investigation suggested by the Senator from Missouri has not been taken up by the committee for the very proper and good reason that until some arrangement shall have been made for extending the Printing Office and making it so that it shall be a fit place for the people who are compelled to work and be in it (for it is now a disgrace to the Government) by making the addition which is provided for in the sundry civil bill for the condemnation of property adjoining the present building, so that the folding-room and other facilities for the purpose of handling public documents, and making them practically under one head in the distribution—all the matters complained of by the Senator from Missouri can not be reached.

I only want to say, as the minority member of that committee, that I think the chairman and the majority of the committee are pursuing the right course, and if Congress shall agree to the provision which is now in the sundry civil bill by amendment for that extension, an important and radical change can be made, not only in the distribution of documents, but in the mode of sending them out, by which I believe three or four hundred thousand dollars per annum may be saved.

I rose to say that and to call special attention to it, as I have in private called that of my friend from Kentucky [Mr. BECK] and the gentlemen in charge of the conference on the sundry civil bill. It is not only a matter of humanity, but it is a disgrace to the condition of affairs in that office to compel these people to remain in such an atmosphere; and even on the score of economy I believe we can save some three or four hundred thousand dollars, and this is the first step in that direction.

The bill was passed.

COLORED INDUSTRIAL EXPOSITION.

Mr. PALMER. I ask that Order of Business 735 be taken up for consideration.

Mr. BECK. I object.

Mr. PALMER. It is a bill that was passed over informally. It is in the line of the order.

The PRESIDENT *pro tempore*. If the bill was passed over without prejudice, retaining its place on the Calendar, any Senator would have the right to call it up under Rule VIII.

Mr. BECK. I beg pardon. I thought the Senator was seeking to displace the Calendar.

The Chief Clerk read the title of the bill (S. 1156) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889.

Mr. BECK. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. It will be passed over under Rule IX.

Mr. BECK. I do not wish it to lose its place.

Mr. BROWN. I hope it will be understood that the bill does not lose its place on the Calendar.

The PRESIDENT *pro tempore*. It will be passed over without prejudice, then.

JESSE COE.

The bill (H. R. 6233) for the relief of Jesse Coe was considered as in Committee of the Whole. It provides for the payment to Jesse Coe, of Monroe County, Kentucky, of $375, for horses taken from him by the United States Army and used by the same during the late war of the rebellion.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. Is there a report in that case?

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. STEWART June 14, 1888:

The Committee on Claims, to whom was referred the bill (H. R. 6233) for the relief of Jesse Coe, having considered the same, report as follows:

The bill under consideration passed the House at this session on May 15. The facts in the case are stated in the report of the House Committee on War Claims, which your committee adopt as a part of this report, and recommend the passage of the bill.

Said report is as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 6233) for the relief of Jesse Coe, report as follows:

"This is a claim for three horses taken from the claimant by the Army of the United States in 1864. Claim stated at $450.

"Claimant filed his claim in the office of the Quartermaster-General, and in 1881 the claim was disallowed by that officer for the reason that he was unable to certify that he was convinced of the loyalty of the claimant. The agent who investigated the claim states that the horses were taken from the claimant and were worth $375.

"Your committee believe that the claimant was a loyal citizen, and report back the bill, and recommend its passage with the following amendment: In line 5 strike out 'four hundred and fifty' and insert in lieu thereof 'three hundred and seventy-five.'"

Mr. EDMUNDS. I should like to ask the Senator who reported the bill why this claim was not presented to the Southern Claims Commission?

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Nevada [Mr. STEWART].

Mr. EDMUNDS. I think the bill had better go over. I do not care to have it lose its place.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. STEWART. I hope it will not be laid over. It is a just claim, and has been pending a long time before Congress.

The PRESIDENT *pro tempore*. The bill has been passed over under objection, and debate is not in order unless the Senator from Vermont withdraws his objection.

Mr. EDMUNDS. I withdraw it for the moment. I did not wish the bill to go over under Rule IX. I merely wished to look over it, if the committee has not done so, and see whether the claim was presented to the Southern Claims Commission which sat upon such claims of citizens, unless there may be some exceptions, and we ought to know whether this claim was presented there and paid or rejected, and, if rejected, why it is that we are called upon to reconsider it.

Mr. BECK. May I be allowed to say a word? I know a little about this.

The PRESIDENT *pro tempore*. Does the Senator from Vermont withdraw his objection?

Mr. EDMUNDS. For the time being, with great pleasure.

Mr. BECK. This case was understood by the committee of the House not to be a proper case for presentation before the Southern Claims Commission. The only question was whether this man was in fact a loyal man. The proof on all other points was abundant. Dr. W. GODFREY HUNTER, the Representative in the lower House—a very respectable Republican gentleman, by the way—came before the committee and made ample proof, he himself being an officer of the Army of the United States and being with him at the time, of the loyalty of this man.

Mr. EDMUNDS. That is simply on the question of loyalty, but I

want to know why this was not within the jurisdiction of the Southern Claims Commission.

Mr. COCKRELL. If the Senator from Kentucky will permit me, I will state that this claim originated in Kentucky, a loyal State, and under the law of July 4, 1864, was required to be presented to the Quartermaster-General, if for quartermaster's stores, or to the Commissary-General, if for commissary stores. The same kind of claims which originated in the insurrectionary States were required to be presented to the commissioners of claims known as the Southern Claims Commission. Under the law of July 4, 1864, about sixty thousand claims originating in the States of Missouri and Kentucky and West Virginia and Maryland and Pennsylvania and Ohio and Indiana, very few in Kentucky, and some in the non-insurrectionary portions of Virginia and Tennessee, after they were declared to be no longer in insurrection, were presented to the Quartermaster-General, and probably some ten or fifteen thousand to the Commissary-General under this law.

The Commissary-General has acted upon all the cases presented to him. The Quartermaster-General has nearly completed the consideration of all the cases presented to him. Of the claims presented to the Quartermaster-General at least forty-five thousand have been disallowed, rejected, or not allowed, upon principally two grounds, almost exclusively upon two grounds: First, that the Quartermaster-General was not convinced of the loyalty of the claimant—the language of the law of July 4, 1864, was that the Quartermaster-General had to be convinced of the loyalty of the claimant; and, second, that the stores were actually taken for army purposes and so used. The Quartermaster-General disallows the claims, or refuses to allow them, or rejects them. In the beginning of the consideration of them they did not disallow them; they just simply said that they do not allow them because they are not convinced of the loyalty of the claimant or because they are not satisfied that the stores were actually used for army purposes. That is, where the soldiers would go and take things and there would be no evidence that it was done by authority of the Army, or that the soldiers were needing such articles at that time and that they were for army purposes, payment was not recommended. It seems in this case the only question is that the Quartermaster-General did not allow this claim because he was not convinced of the loyalty of the claimant.

Mr. BECK. The Quartermaster-General stated the amount and fixed it?

Mr. COCKRELL. Yes.

Mr. STEWART. There is no question about the amount. There was only a question of loyalty, and the House report is clear on that point.

The PRESIDENT *pro tempore*. The Chair calls attention to the limitation of debate under Rule VIII. Each Senator is entitled to speak but once and for five minutes only on one bill.

Mr. EDMUNDS. We ask unanimous consent to continue this conversation two or three minutes more.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. EDMUNDS. I do not understand the Senator from Missouri to mean, as far as the point I raised was concerned, that this claimant was not within the jurisdiction of the Southern Claims Commission. Do I understand him correctly?

Mr. COCKRELL. It was not within the jurisdiction of the Southern Claims Commission, but expressly within the jurisdiction of the Quartermaster-General, and the Quartermaster-General has considered the claim and refused to allow it, because he was not convinced of the loyalty of the claimant.

Now, if the Senator will permit me, I desire to make one further explanation in regard to the 4th of July claims, so that we can all understand them. As I said before, about 45,000 have not been allowed or rejected or disallowed, many of them on the same ground as this claim, because the Quartermaster-General was not satisfied as to the loyalty of the claimants. Application after application has been made to the Quartermaster-General to reopen, to reconsider, to react upon these cases, and the Quartermaster-General has uniformly refused to reopen or reconsider the cases, and about three or four years ago an appeal was taken in some cases to the Secretary of War, asking the Secretary of War to direct the cases to be reopened, and the Secretary of War decided that he had no right to do it.

These 45,000 claimants (for there must be about that number that have to-day no legal remedy) can not come and have their claims reopened in the Department, and the only thing is either for Congress to consider them individually or provide by general legislation. As to whether Congress will consider them individually or whether they will provide by general legislation is for Congress to determine.

Mr. STEWART. I wish simply to make one remark in regard to it. The only question being as to the loyalty of the claimant, General Hunter came before the committee, and knowing all the circumstances, stated most positively in regard to that fact, and there is no question about the fact of loyalty. That was a matter of testimony before the House committee.

Mr. EDMUNDS. I hope the Quartermaster-General, whoever he may have been, is not to be condemned at this late day for having done his duty under the law, in refusing to allow a claim where the claimant could not prove to his satisfaction that he had been loyal, the point being under the law in regard to these quartermaster claims that claims for property taken by the Army or for the use of the Army from persons engaged in making war on the United States were not the subject of just claims against its Treasury. I think, therefore, that the Quartermaster-General did right in refusing to allow this claim and the other 45,000 until it was proved to his satisfaction that the claimants were on the side of the flag and not against it. It may be perhaps a little revolutionary and reactionary for me to say this, but still I am under the necessity of saying it.

In the second place, the Senator from Missouri says that these 45,000 claimants are without redress, because the Quartermaster-General has found against them. He was the tribunal that the statute set up, an impartial tribunal, to pass upon exactly this class of claims, and just as likely to be right in respect of his investigation into the loyalty of the claimant and the circumstances of the taking of the property as any committee of Congress; and I say so with great respect. We know how committees of Congress are imposed upon and dealt with, doing the best they can to guard against fraud and misrepresentation and misapprehension, so that I do not feel that the 45,000 people about whom so much has been said are under any different category to what they would have been if they had been allowed to go to the Court of Claims and that court had decided against them.

If the action of a tribunal appointed by the Government to settle these questions of property taken during the war by the Army is to be overruled by Congress, as in a case like this, and so of all the other 45,000, then we shall come pretty near to what some people have feared, that some time or other, I will not say when, we should come in the end on the complete restoration of the ancient powers of this Government, to pay all claims of everybody, no matter which side he was on or what the nature of the claim was.

That is all I have to say. If, as the Senator from Missouri says, the Southern Claims Commission had no jurisdiction of this claim and this class of claims, of course there is nothing in that suggestion. I will look at it, however, and if it turns out or appears to turn out that he was in error I will enter a motion to reconsider. I do not wish to interfere with this claim.

The PRESIDENT *pro tempore*. Does the Senator withdraw his objection to the consideration of the bill?

Mr. EDMUNDS. Yes, sir; I withdraw it.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARBLE PORTICO FOR WEST FRONT OF CAPITOL.

The bill (S. 3184) for the construction of a marble portico and for encasing the center of the western front of the Capitol was announced as next in order on the Calendar.

Mr. BECK. That bill was introduced by the Senator from Vermont [Mr. MORRILL] who is absent. I desire to make a motion that it go over without prejudice, and mainly for this reason: we are now engaged in constructing a great marble work in front of the Capitol, for which we made appropriations nearly two years ago, ordering it to be done long before this time, but the work is not yet half finished and the season is very well advanced, and it is not likely to be finished for a year or two longer, and until that is done or some assurance given that we are going to have some better management, that we are going to have this front finished within the lifetime of some of us, I am not going to vote for any more of these marble monuments and things that are now sought to be added——

Mr. HAWLEY. What reason is assigned for the delay?

Mr. BECK. It is claimed that the Vermont people do not furnish the marble fast enough; then that they have some trouble with the workmen; and the Architect of the Capitol and the senior Senator from Vermont [Mr. MORRILL] do not seem to be in as much of a hurry as the rest of us, but we want to hasten the work if we can.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

PUBLIC LANDS IN ALABAMA.

The bill (S. 435) to further provide for the disposal of the public lands in the State of Alabama was announced as next in order.

Mr. EDMUNDS. That is too large a bill for five-minute debate. I think it should go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. MORGAN. I ask unanimous consent that it be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

BILLS PASSED OVER.

The next bill on the Calendar was the bill (S. 2544) authorizing and directing the President of the United States to make proclamation prohibiting the importation of products of foreign states in certain cases, and for other purposes.

The PRESIDENT *pro tempore*. This bill is reported adversely, and will be passed over.

The next bill on the Calendar was the bill (H. R. 1071) granting a pension to John Hancock.

The PRESIDENT *pro tempore*. This bill is reported adversely, and will be passed over.

The next bill on the Calendar was the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868."

The PRESIDENT *pro tempore*. This bill is reported with amendments and with the views of the minority. It will go over under the general rule without prejudice.

MISSOURI RIVER BRIDGE BETWEEN IOWA AND NEBRASKA.

The next bill on the Calendar was the bill (H. R. 7776) to authorize the construction of a bridge across the Missouri River, in the county of Monona, in the State of Iowa, and in the county of Burt, State of Nebraska, and to make the same a post-route.

Mr. WILSON, of Iowa. I do not care to have that bill go over to be disposed of under Rule IX, but I ask that it may be laid aside informally, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

WILLIAM GRAY.

The bill (H. R. 422) for the relief of William Gray was considered as in Committee of the Whole. It directs the Secretary of War to issue to William Gray, late a private in Company F, Sixteenth Regiment of Michigan Volunteer Infantry, a certificate of honorable discharge, to bear date the day and year in which such regiment was mustered out of the military service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH G. SWANK.

The bill (S. 3196) for the relief of Joseph G. Swank was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Joseph G. Swank, late a private in Company I, Sixteenth Regiment Pennsylvania Cavalry Volunteers, the pay and allowances of a private soldier from the date of his muster into the service to the date of his honorable discharge, deducting therefrom all pay and allowances received by him, such payment to be made notwithstanding the proceeding and sentence of the court-martial in his case.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON June 21, 1888:

The Committee on Military Affairs, to whom was referred the bill (S. 2813) for the relief of Joseph G. Swank, having had the same under consideration, beg leave to submit the following report:

During the past few years there have been many cases of hardship growing out of the late war brought to the attention of this committee, and wherever the facts have justified favorable action relief has at all times been granted. The case of Joseph G. Swank is without doubt the severest case of hardship that has been presented to the author of this report for examination during his term of service in the Senate. For a clear and impartial understanding of it, it is necessary to go somewhat into detail.

Joseph G. Swank was born on the 2d day of November, 1844, at Mifflin, Columbia County, Pennsylvania. He was about a year old when his father died in destitute circumstances, leaving a widow. On January 19, 1848, one Stephen Kikendall was appointed his guardian by the orphans' court of Columbia County (see affidavit of Stephen Kikendall, hereto annexed, marked A).

About the 9th day of September, 1862, young Swank enlisted in Company I, Sixteenth Regiment Pennsylvania Cavalry, to serve three years, or during the war, being then under eighteen years of age. A short time previous to the period when he enlisted he went to his guardian for the purpose of getting his consent to enter the Army. The guardian asked him if he had his mother's consent, to which the boy did not reply, but hung his head. The guardian knew that matters were not right from the action of young Swank, and peremptorily refused to allow him to go without his mother's permission. Later on the guardian happened to visit young Swank's house and found him making preparations to leave for the war. The mother opposed him in his purpose and wept bitterly because the boy persisted in going. At that time he was her sole support, her father, who had been supporting her since her husband's death, having been stricken with paralysis, leaving her altogether dependent upon her son's labor, he being employed on a farm (see affidavit of Caroline Swank, appended hereto, marked B).

Young Swank, however, unmindful of his mother's wishes, from patriotic motives or otherwise, enlisted. He was mustered into the service of the United States within a few days after his enlistment at Harrisburgh, Pa., and was encamped at Camp McClellan, near that city. About the 1st day of November, 1862, while in that camp, he was taken sick with bone scurvy, as pronounced by the surgeon, and continued ill until the regiment to which he belonged received orders to move to the front (see affidavit of Daniel C. Swank, hereunto annexed, marked C). He was too sick to accompany his regiment, and was ordered into the militia camp until the horses were put upon the cars, with the understanding that when the regiment was ready to move he would be called for and passed out if he was able to go with the regiment. The regiment, however, moved off to the front without any one notifying him, and as he was unable to perform military duty at the time he could not follow them, as he was not in a condition to move about. After remaining at the camp for two days after his regiment had gone, he boarded a canal-boat and started for his home at Mifflin, and on arriving there he immediately wrote to his captain, A. H. Rush, and obtained a furlough. Swank's present recollection is that he received a furlough for thirty days, and that before the thirty days expired he had his physician, Dr. James Wilson, of Berwick, Pa., to write to the captain and have the time of his furlough extended for sixty days more, as he was unable to move about without great suffering. He was still unable to perform military service at the expiration of the sixty days and was granted a second extension.

As the doctor was not constant in his attendance he did not see him to have another extension granted, but after some further time had elapsed he so far recovered from his ailment as to be able to do military service, when he concluded to return to the Army. He being under the age of eighteen years at the time of his enlistment, and the only child of his widowed mother, she again most emphatically refused to consent to his going to the front, and said that she would see to obtaining his discharge, as his age would excuse him, and his physical condition was such that he could not endure the hardships of military service. At the time his furlough or leave of absence had run out his legs from his knees to his ankles were broken out in several places with running sores, and his physician said that he did not desire to heal them, as it would produce a cancerous sore and result seriously. As he was young and inexperienced he did not know what was necessary to be done to obtain his discharge, and all things were left to his mother.

While matters were being arranged he was called upon by two persons who told him that his presence was required at Bloomsburgh, Pa., to testify in a case then being tried there. He went to Bloomsburgh, and immediately upon his arrival was arrested and taken before William Silvers, the provost-marshal, then stationed at that place, upon the charge of desertion. A writ of habeas corpus was issued in his behalf and for his detention until he could be heard, and his case was heard before the provost-marshal, E. H. Little, esq., an attorney, then and now residing at Bloomsburgh, being present in his behalf (see affidavit of E. H. Little, hereunto appended, marked D). It being shown before the provost-marshal (William Silvers) that he was under the age of eighteen years, and that he had no intention of deserting, but had simply remained at home at the earnest solicitation of his widowed mother, she assuring him that his discharge should be secured to him, and it having been further shown that he had not procured the consent of his mother or his guardian to enter the service of the United States, the provost-marshal said that he was perfectly satisfied that these facts were sufficient to secure his discharge from the military service, and that the affiant should accompany him to Harrisburg, and he would have him mustered out of the service (see affidavit of Stephen H. Swank, appended hereto, marked E).

Upon young Swank's arrival at Harrisburg he was handed over to the provost-marshal there and directed to remain there until called for by William Silvers, the Bloomsburgh provost-marshal. Swank never saw Silvers again from that time until after the close of the war. He states in his sworn affidavit presented to the committee that he firmly believes that the papers in the habeas corpus proceedings were never handed over by Silvers to the proper authorities, so that he might receive his discharge. Immediately after being turned over to the provost-marshal at Harrisburg he was taken to the guard-house at Camp Curtin; thence to Baltimore, Md., where he remained in the guard-house one night; thence to Washington, D. C., where he was also placed in the guard-house. After remaining there three or four days he was taken to Alexandria, Va., and placed in the Prince street military prison; thence he was brought before a military court, and, without a chance for defense or hearing, court-martialed and sent to Forest Hall shortly afterwards, where he was confined for some time; thence to the old county jail, all in the city of Alexandria, Va.

He was confined here for two weeks; thence taken to City Point, Va., and placed in a "bull-pen," as it was very properly called; thence to the division headquarters guard-house; thence to the Dismounted Camp guard-house; thence to the regimental guard-house; thence to the company guard-house, and after being incarcerated in all these prisons, held as a deserter, cruelly, unjustly, and without cause, for a period of three full months, was sent to his company and regiment near Petersburgh, Va., where they were in winter quarters near the Boiden plank-road. The charge of desertion, as read to him, was to the effect that he had deserted or "left his company and regiment at Baltimore, Md., without leave of absence," while the fact is, as above shown, that he had not been to Baltimore with his regiment, but had gone to his home direct from Harrisburg, Pa. The sentence of the court-martial was—

"That the time spent in prison prior to the court-martial was not to be allowed him, but that his term of service should be served in full, and that he was further sentenced to serve said term for the sum of $5 per month, instead of the regular monthly pay; to pay $30 for his arrest, and to forfeit all back pay."

From the time of receiving his sentence he was detained in the several prisons named, enduring all manner of hardships, receiving no pay for all this time, and only receiving some $5 or $7 for his whole service at the time of his discharge at the expiration of his enlistment. Notwithstanding the sentence of the court-martial he received an honorable discharge, a copy of which is hereunto appended, marked F.

The purpose of the bill, as introduced, is to set aside the sentence of the court-martial on the ground that he was not a deserter, as is shown by the fact that he was several times furloughed; that the papers in the writ of habeas corpus were suppressed through no fault of his own, and that had the papers been delivered there would have been no just ground for a court-martial; further, that being under the age of eighteen years and the only son and sole support of a poor widow, he was not legally chargeable with desertion.

Swank was undoubtedly too young and headstrong at the time of his enlistment to manage his own affairs, or the difficulties into which he fell would never, perhaps, have occurred. He was not yet twenty-one years of age when he had served his full term of enlistment (three years) and had received his honorable discharge on the 11th of August, 1865.

As this offense was, at best, but a technical desertion and the Government having received his service for three years, for which he only received, according to his sworn statements "some five to seven dollars for his whole service at the time of his discharge," and as, notwithstanding the sentence of the court-martial, he received an honorable discharge, the committee are of opinion that justice and fair dealing demand that this much injured soldier should be paid for the time he actually served, and they therefore report the bill back to the Senate with an amendment, in the nature of a substitute, recommending that the bill (S. 2813) setting aside the sentence of the court-martial be indefinitely postponed, and that the substitute granting him compensation for his services be granted.

A.

STATE OF PENNSYLVANIA, *County of Columbia, ss:*

In the matter of the petition of Joseph G. Swank, late private Company I, Sixteenth Regiment Pennsylvania Cavalry, for the setting aside of his court-martial and removal of the charge of desertion, etc.

On the 20th day of December, A. D. 1887, personally appeared before me, a prothonotary of the court of common pleas in and for said county and State, the same being a court of record, Stephen Kikendall, aged seventy-two years, a resident of the township of Nescopeck, in the county of Luzerne, Pennsylvania, who, being by me first duly affirmed according to law, deposes and says that on the 19th day of January, A. D. 1848, he was appointed guardian of the person and estate of Joseph G. Swank, above named, by the orphans' court of said county of Columbia. That a short time previous to the time when the said Joseph G. Swank enlisted in the service of the United States in the war of 1861 he came to the said affiant for the purpose of getting his consent as such guardian to enter the Army. That upon being asked if he might enlist, the said affiant asked him if

he had his mother's consent, to which he said nothing, but hung his head. That he knew matters were not going just right from the actions of the young man, and he refused to allow him to go without his mother's consent. This, the affiant thinks, was only two or three weeks previous to his enlistment. That later on he went to the home of his ward, and on arriving there found him making preparations to leave for the war. That his mother opposed him in his purpose, and wept bitterly because he would persist in going, and the affiant also opposed his going without first having gained his mother's consent. That some time after his enlistment the said ward took sick, and on receiving the intelligence, Caroline Swank (his mother) and the affiant went to Harrisburgh, where said ward was camping with his regiment, to see him. The exact date of this visit affiant can not give, but thinks it was late in the fall.

That some time afterward the said ward returned home, and the affiant subsequently called to see him and found him sick. That some time subsequent to his return (the exact time not being known to the affiant) it came to the ear of the affiant that the ward was wanted as a witness in a certain trial at Bloomsburgh, Pa., and later on received word of his arrest, and that a writ of habeas corpus had issued and witnesses were to be examined, etc. That he was present at the hearing and remembers well that after the witnesses had been examined Captain Silvers, who was acting as judge or provost-marshal, said he (the ward) was all right; that all that would be required would be for the ward to accompany him to Harrisburgh, Pa., to obtain his discharge, and he would be free and could return to his home.

That the said affiant never consented as such guardian to his enlisting in the Army, and always most positively refused to allow him to go without the consent of his mother

The affiant further says that the said Joseph G. Swank did not return to his home after he had had his hearing at Bloomsburgh aforesaid, but was returned to the Army and remained there until near the close or at the close of the war; and further saith not.

STEPHEN KIKENDALL.

Witness:
L. S. WINTERSTEEN.
SAMUEL SMITH.

Also personally appeared L. S. Wintersteen and Samuel Smith, residents of Bloomsburgh, Columbia County, Pennsylvania, persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they are well acquainted with the above affiant; that they were present and saw the said Stephen Kikendall sign his name to the foregoing affidavit, and that he is the identical person he represents himself to be.

L. S. WINTERSTEEN.
SAMUEL SMITH.

Affirmed and subscribed before me the day and year first above written.
[SEAL.] WM. H. SNYDER, *Prothonotary.*

B.

In the matter of the application of Joseph G. Swank, late private Company E, Sixteenth Regiment Pennsylvania Cavalry, for the removal of the charge of desertion and the setting aside of court-martial in his case:

STATE OF PENNSYLVANIA, *County of Columbia, ss:*

On this 23d day of June, A. D. 1887, personally appeared before me, a prothonotary of the court of common pleas in and for said county and State, the same being a court of record, Caroline Swank, aged sixty-three years, a resident of the township of Mifflin, in the county of Columbia aforesaid, who being by me first duly sworn according to law, deposes and says that she is the mother of said Joseph G. Swank, who was born on the 2d day of November, 1844. That her husband, John Swank, died on or about the 11th day of March, 1846, when her son was but little more than one year old, and at the time of his death he was possessed of only about $60 worth of property. She also further swears that she was without means and was dependent for support upon her father, and continued to be supported and maintained, both as to herself and said son, by him until said son had arrived at sufficient age to assist in gaining for themselves a livelihood; that he continued to add to her support, and finally, after he had attained the age of thirteen years, he was her only support, and provided a good living for her until the time of his enlisting in the service of the United States in the war of 1861.

That at the outbreak of the war and sometime previously thereto her father was afflicted with paralysis, and she was in consequence entirely and solely dependent on her son for support. That early in the war he, the said Joseph G. Swank, was anxious to enlist in the war and endeavored to obtain her consent to do so, but that at all times she objected to his going, on the ground that he was too young to endure the hardships of war, and besides she was dependent on him for support, and could not therefore think of having him go; that he kept asking her to be allowed to go, from the outbreak of the war until the autumn of 1862, and finally, on or about the 1st day of October, 1862, he left his home without saying a word and enlisted in Company I, Sixteenth Regiment Pennsylvania Cavalry; that while at Camp McClellan, near Harrisburg, Pa., he wrote her a letter saying what he had done and that he was now fast and could not honorably return home, and another letter subsequently, in which he wrote that he was sick and wanted her to come to see him; that upon the receipt of this letter she and her brother, Stephen Kirkendall, went to Harrisburg aforesaid, and endeavored to procure his discharge by reason of his age and the fact that she was dependent on him for support, but failed, and were obliged to leave him there, and return to her home.

That sometime near December, 1862, he returned home in a weak and sickly condition and stated that he had been left by his regiment at Harrisburg, they having gone to the front, and that the lieutenant of his regiment had placed him in a certain camp telling him to remain there until they were ready to move and he would then call for him, and he had not been called for and was too sick and feeble to follow up the regiment, and finally not knowing what better to do in his sickly condition he had boarded a canal-boat and come home. She further avers that on his arrival home he was suffering from bone scurvy and was all broken out with sores and had in addition thereto dropsy. That medical aid was brought in at once and he was cared for and continued to have the physician for a period of some six or seven months, when he was sufficiently able to move about and go to the office of the physician for medicines and thus save her expense, said physician being James Wilson, of Berwick, Columbia County, Pennsylvania, now deceased. That after he had partially recovered he was desirous of returning to the Army, and saying that as his furlough had run out he would be arrested for desertion unless he did; that she was unwilling to let him go, and came to Bloomsburgh, said county, and endeavored to secure his discharge, and after making her statement to the examining surgeon of the United States and to other prominent business men, she was assured that no harm could come to him under the circumstances, and returned to her home satisfied that all would be right.

She further swears that some time in the early winter of 1863 and 1864, or in other words, about the 20th to 25th of December, 1863, two men came to her house and inquired for her son. It was just tea time, and they invited them to sit up to tea. They ate their meal and afterwards produced a paper, saying it was a subpœna requiring him, the said Joseph G. Swank, to appear before the officers at Bloomsburgh, Pa., to testify in a case in which Andrew Freas was being prosecuted by the Government. That her son left with these men, who were strangers to her, and the next word she received from him was to the effect that he was under arrest for desertion, and her presence was needed. She waited on her brother, Stephen Kirkendall, aforesaid, and together they came to Bloomsburgh and looked up counsel to see if his release could be in any manner obtained.

After consultation a writ of habeas corpus was gotten out, and it was conclusively shown to the officer (at least he so said) that he had not deserted, and had enlisted without the consent of his mother or guardian, and, therefore, should be discharged, and all that was required (said the officer, William Silver) was for said Joseph G. Swank to accompany said officer to Harrisburgh, Pa., where he would secure for him his discharge, and he would be returned to her at her home. That her son accompanied said Silver to Harrisburgh aforesaid, but when there was not allowed to return home, but was forced through the various prisons until finally he got into his regiment again and served until the middle of August, 1865, when he returned home. She further saith that his discharge shows that he was honorably discharged from the service of the United States on the 11th day of August, 1865. She also further declares that it is her firm belief that said Silver never intended that her son aforesaid should be released or discharged from said service, but that in order to secure the offer by the Government of something like $35 for arresting and returning into service a deserter, he was willing to sacrifice the rights and feelings of all the parties interested in the proceedings above mentioned.

CAROLINE SWANK.

Witnesses:
E. L. KELCHNER.
L. S. WINTERSTEEN.

Also personally appeared E. L. Kelchner and L. S. Wintersteen, residents of Bloomsburgh, Columbia County, Pennsylvania, persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw Caroline Swank, the affiant above named, sign her name to the foregoing affidavit; and they further swear that they have every reason to believe, from the appearance of said affiant and their acquaintance with her, that she is the identical person she represents herself to be.

E. L. KELCHNER.
L. S. WINTERSTEEN.

Sworn to and subscribed before me the day and year first above written. Witness my hand and seal of said office. And I certify that the contents of the foregoing affidavit were fully made known to affiant and witnesses before signing and swearing.
[SEAL.] WM. H. SNYDER, *Prothonotary.*

C.

STATE OF PENNSYLVANIA, *County of Montgomery, ss:*

In the matter of the application of Joseph G. Swank, late private Company E, Sixteenth Regiment Pennsylvania Cavalry, for removal of the charge of desertion and the setting aside of his court-marshal.

On this 25th day of June, A. D. 1887, personally appeared before me, a notary public residing in Schwenkville, in and for said county and State, Daniel C. Swank, aged forty-six years, a resident of Schwenkville, in the county of Montgomery and State of Pennsylvania, who, being by me first duly sworn according to law, deposes and says that he was a member of the above-named company and regiment and knew the said Joseph G. Swank while a member of the organization aforesaid; that while in Camp McClellan near Harrisburgh, Pa., in the fall of 1862, the said Joseph G. Swank was suffering from bone scurvy and dropsy and was unfit for military duty. I remember that Joseph G. Swank, at the time the Sixteenth Regiment received an order at Camp McClellan to proceed to the front, was sick and passed into Camp Curtin, and in the hurry and bustle incident to the shipping of equipments, horses and men, he was entirely forgotten and no arrangements made for him to follow the command, and therefore left behind.

DANIEL C. SWANK,
Late Second Lieutenant Company E, Sixteenth Pennsylvania Cavalry.

With reference to his record in service after his return to his command in the spring of 1865, I was told by an officer in command of the squadron during the engagement at Farmville, Hatcher's Run, and other engagements at the close of the war, that he was a gallant soldier and performed his duty faithfully as such.

DANIEL C. SWANK.

Affirmed and subscribed to before me this 25th day of June, 1887.
[SEAL.] ABRAHAM G. SCHWENK.
Notary Public.

D.

STATE OF PENNSYLVANIA, *County of Columbia, ss:*

I, E. H. Little, being duly affirmed according to law, say, that during the war, probably in the winter of 1863, was consulted by Joseph G. Swank, as his attorney, he being under arrest for desertion, William Silver, the provost-marshal, having arrested him. Joseph G. Swank was accompanied by his friends Mathias Hartman, Stephen Kikendall, and others. I took such legal steps as were available at the time to get him discharged, and think a considerable portion of the day had been occupied in the matter when, about my supper time or afterwards, I was informed by Joseph G. Swank's friends, Hartman and Kikendall, and perhaps others, that William Silvers was satisfied that he was innocent and that the matter had gone so far that he wanted to take him to Harrisburgh, and that he would then have him discharged.

It has been so long that my recollection is vague in regard to everything, except the trouble I had in the matter and the presence of the parties I have mentioned. I do not remember a single word that was spoken, only the impression I received and which I think must have got in conversation with Swank and his friends, as to what William Silvers said and promised, and that they seemed to feel satisfied to rely on said Silvers to have him discharged. I was well satisfied then, and am now, that if Joseph G. Swank had paid William Silvers a little more money than Silvers could get for arresting him, he would not have been arrested. After the war was over William Silvers went to live among the Indians, and is probably dead.

E. H. LITTLE.

Affirmed and subscribed before me this 11th day of January, A. D. 1888.
L. P. WINTERSTEIN,
Notary Public.

E.

STATE OF PENNSYLVANIA, *County of Columbia, ss:*

In the matter of the application of Joseph G. Swank, late private Company I, Sixteenth Regiment Pennsylvania Cavalry, for the setting aside of his court-martial and removal of the charge of desertion.

On the 6th day of January, A. D. 1888, personally appeared before me, a notary public in and for said county and State, Stephen H. Swank, aged sixty-three years, a resident of the township of Center, in the county of Columbia aforesaid, who, being by me first duly sworn according to law, doth depose and say: That he is well acquainted with the above-named applicant, having known him since his infancy; that he is an uncle of the applicant, the said applicant's

father being a brother of the affiant; that some time about the holiday season, 1863, the said affiant was informed of the arrest of the applicant by the military authorities, and that he had been brought to Bloomsburgh, Pa., and was to have a hearing; that the affiant, with others, came to Bloomsburgh aforesaid and heard the testimony offered at the habeas corpus hearing, and was a witness himself in the case; that after all the proceedings had been gone through with, William Silvers, who was the acting provost-marshal stationed at Bloomsburgh aforesaid, stated to the persons present at the hearing, in the presence of the applicant and the affiant, and within their hearing, that he was satisfied of his innocence, and he would be discharged, but said that as this difficulty was staring him in the face it would necessitate the applicant going with him (William Silvers) to Harrisburg to obtain his discharge; that this affiant never saw the applicant above named from that time until the close of the war, late in the fall of 1865, when he returned from the Army, with other members of his company and regiment; and further saith not.

STEPHEN H. SWANK.

Sworn and subscribed before me the day and year first above written; and I hereby certify that the contents of the foregoing affidavit were fully made known and explained to the affiant before signing and swearing; that he is the identical person he represents to be; that he is respectable and entitled to credit, and has no interest in this application.

[SEAL.] L. S. WINTERSTEEN,
Notary Public.

F.

To all whom it may concern:

Know ye that Joseph G. Swank, a private of Capt. Daniel C. Swank's Company (I), Sixteenth Regiment of Pennsylvania Cavalry Volunteers, who was enrolled on the 9th day of September, 1862, to serve three years or during the war, is hereby discharged from the service of the United States this 11th day of August, 1865, at Richmond, Va., by reason of Special Order No. 199, Headquarters Military Department Virginia.

(No objection to his being re-enlisted is known to exist.*)

Said Joseph G. Swank was born in Columbia County, in the State of Pennsylvania; is eighteen years of age, 5 feet 6 inches high, fair complexion, blue eyes, light hair, and by occupation when enrolled a farmer.

Given at Richmond, Va., this 11th day of August, 1865.

F. A. KENDALL,
Captain and O. C. M., Department of Virginia.

I, William H. Snyder, prothonotary of the court of common pleas in and for the county of Columbia and State of Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the original discharge of Joseph G. Swank this day exhibited before me, and that there are no other erasures or interlineations on the same except those above set forth.

Witness my hand and seal of the said court at Bloomsburgh, Pa., this 11th day of January, A. D. 1888.

[SEAL.] WM. H. SNYDER, *Prothonotary.*

Mr. EDMUNDS. Let the bill be again read.

The PRESIDENT *pro tempore*. The bill will be again read.

The Secretary read the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION.

The next bill on the Calendar was the bill (S. 2529) making an appropriation for the establishment of a light or lights and other aids to navigation to guide into St. Andrew's Bay, Florida.

The PRESIDENT *pro tempore*. Being adversely reported, this bill will be placed on the Calendar under Rule IX.

MISSOURI RIVER BRIDGE BETWEEN IOWA AND NEBRASKA.

Mr. MANDERSON. What disposition was made of Order of Business 1650, being the bill (H. R. 7776) to authorize the construction of a bridge across the Missouri River in the county of Monona, in the State of Iowa, and in the county of Burt, State of Nebraska, and to make the same a post-route? My attention was called away for the moment.

The PRESIDENT *pro tempore*. It is passed over without prejudice on the objection of the Senator from Iowa [Mr. WILSON].

GENERAL WILLIAM F. SMITH.

Mr. MANDERSON. I now ask that a vote may be taken on the Order of Business No. 1984, being House bill 9396, for the relief of General William F. Smith.

The PRESIDENT *pro tempore*. Having been read three times, the question is, Shall the bill pass?

Mr. COCKRELL. Is that the House bill?

Mr. MANDERSON. The House bill.

Mr. COCKRELL. Has that been taken up instead of the Senate bill?

Mr. MANDERSON. Yes, it is taken up instead of the Senate bill, and an amendment, suggested by the Military Committee, made simply to change the grade from colonel to major of engineers.

Mr. COCKRELL. That was the rank he actually held?

Mr. MANDERSON. The rank he actually held at the time he left the service.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. MITCHELL (when Mr. DOLPH'S name was called). I desire to announce again that my colleague [Mr. DOLPH] is still detained from the Senate by sickness in his family. He is paired with the Senator from Georgia [Mr. BROWN], and would vote "yea," if here.

Mr. GIBSON (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER].

Mr. BECK (when Mr. HALE'S name was called). I am paired with the Senator from Maine [Mr. HALE]. I do not know how he would vote. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] has been called away from the city by the sudden death of an early friend. He is paired with the Senator from Missouri [Mr. COCKRELL]. My colleague would vote "yea," if present.

Mr. MANDERSON (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BLACKBURN], but I am assured that upon this bill he would vote "yea;" I, therefore, vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. WALTHALL (when his name was called). I am paired generally with the Senator from Wisconsin [Mr. SPOONER], but after consultation with his colleague [Mr. SAWYER] I feel at liberty to vote on this bill, and I vote "yea."

The roll-call was concluded.

Mr. BECK. I am advised by the Senator from Maine [Mr. FRYE] that his colleague [Mr. HALE] would vote "yea," if here. I, therefore, desire to vote. I vote "yea."

Mr. JONES, of Arkansas. I am requested to announce the pair between the Senator from West Virginia [Mr. KENNA] and the Senator from Minnesota [Mr. SABIN].

Mr. BROWN. I understand a quorum has not yet voted. Although I am paired with the Senator from Oregon [Mr. DOLPH] I see his colleague votes in the affirmative, and I vote "yea."

Mr. GIBSON. I am informed that the Senator from Colorado [Mr. TELLER], if present, would vote "yea." I, therefore, cast my vote "yea."

The result was announced—yeas 40, nays 5; as follows:

YEAS—40.

Aldrich,	Farwell,	Jones of Arkansas,	Ransom,
Allison,	Frye,	Jones of Nevada,	Sawyer,
Bate,	George,	Manderson,	Sherman,
Beck,	Gibson,	Mitchell,	Stewart,
Blair,	Gorman,	Morgan,	Stockbridge,
Brown,	Gray,	Palmer,	Vance,
Call,	Hampton,	Pasco,	Vest,
Cullom,	Hawley,	Payne,	Walthall,
Dawes,	Hiscock,	Plumb,	Wilson of Iowa,
Evarts,	Ingalls,	Pugh,	Wilson of Md.

NAYS—5.

Berry,	Coke,	Edmunds,	Reagan.
Chace,			

ABSENT—31.

Blackburn,	Daniel,	Hoar,	Sabin,
Blodgett,	Davis,	Kenna,	Saulsbury,
Bowen,	Dolph,	McPherson,	Spooner,
Butler,	Eustis,	Morrill,	Stanford,
Cameron,	Faulkner,	Paddock,	Teller,
Chandler,	Hale,	Platt,	Turpie,
Cockrell,	Harris,	Quay,	Voorhees.
Colquitt,	Hearst,	Riddleberger,	

So the bill was passed.

Mr. MANDERSON. I move that the Senate insist upon its amendment to the bill and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. CAMERON, and Mr. COCKRELL were appointed.

The PRESIDENT *pro tempore*. The bill S. 2832, for the relief of General William F. Smith, will be postponed indefinitely, if there be no objection, the House bill on the same subject having passed.

PRINTING OF TARIFF BILL.

Mr. MANDERSON. I report from the Committee on Printing the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883), with proposed amendments of H. R. 9051 (Mills bill), to be prepared by the Committee on Ways and Means, be printed for the use of the House.

I ask for the present consideration of the resolution; and am directed by the Committee on Printing to move certain amendments thereto. It seems to be important that this document, which is in very great demand, making a comparison between the existing tariff and the Mills bill as it passed the House, should be speedily printed. There is a great demand for it.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of this resolution, the amendments proposed by the Committee on Printing will be stated.

Mr. MANDERSON. I move to amend the resolution in the manner indicated on the copy which I send to the desk.

The CHIEF CLERK. It is proposed to amend the resolution so as to make the latter clause read:

With proposed amendments of H. R. 9051 (Mills bill), to be prepared by the Committee on Ways and Means, be printed, 75,000 for the use of the House and 25,000 for the use of the Senate.

The amendment was agreed to.

*This sentence will be erased should there be anything in the conduct or physical condition of the soldier rendering him unfit for the Army. [A. G. O., No. 99.]

D. C SWANK,
Captain, Commanding Company.

Mr. EDMUNDS. I should like to hear the resolution read as it now stands.

The PRESIDENT *pro tempore*. The resolution will be read as amended.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883), with proposed amendments of H. R. 9051 (Mills bill), to be prepared by the Committee on Ways and Means, be printed, 75,000 for the use of the House and 25,000 for the use of the Senate.

Mr. PLUMB. Is there anything necessary in the way of a designation of the bill to identify it by the Public Printer or anybody else beyond its number? Is there any necessity in carrying out this resolution in the way of description to go beyond the number of the bill? It seems to me if there is any other description necessary, it should include only the title of the bill. In other words, there ought not to be put into the statute that which has come by way of familiarity to be a description of the bill in the public prints.

Mr. MANDERSON. I suggest that we strike out the words "Mills bill," and simply refer to it by its number.

Mr. PLUMB. Let the title of the bill be inserted.

Mr. EDMUNDS. I move to make it read "House bill number so and so," and give the title of the bill.

The PRESIDENT *pro tempore*. It is proposed to change the description of the bill by making it read "bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue." It will be so ordered, if there be no objection.

Mr. EDMUNDS. Then I wish to say that I do not think we ought to go into this extensive printing of that comparative statement intended for public information until we get the report of the Committee on Finance of this body upon the bill, as probably they will have some amendments to suggest—I presume so—so that the comparative statement will have in a group the present law, the proposition of the House committee, and the proposition of the Senate committee. Then you will have a comparative statement that will be of some benefit for the purpose of public information; and I should hope that until we get that report, as I presume we shall very soon, this should lie over, and then we can have a print of the comparison all around that will be of some value for reference.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The resolution being reported today can be considered only by unanimous consent. Is there objection?

Mr. EDMUNDS. I reserve the right to object after hearing my friend from Iowa.

Mr. ALLISON. Mr. President, I desire to make one suggestion in respect to this document. The document has not yet been prepared, as I understand; it is not yet in print, and it seems to me that the true course now would be to print the usual number until we ascertain what it is, the extent of it; and of course afterward the necessary number may be printed; but I should think it might be well to see the document before we act upon it. I agree with the Senator from Vermont that it is better to let the matter lie over for a few days.

Mr. MANDERSON. I simply desire to give the reasons which have actuated me to speedy action in this matter. There was printed a small number, on the order of the House of Representatives, of what is known as a comparison of the existing tariff with the bill submitted by the Ways and Means Committee of the House of Representatives. This gives the existing law and the changes proposed by the bill referred to, printed in italics. Since the passage of the Mills bill so-called——

Mr. BECK. That bill was modified in the House of Representatives itself, so that that document does not give what the Senator says.

Mr. MANDERSON. I understand that, and was about to say that this document simply gives a comparative statement between the Mills bill as it was reported to the House and the existing tariff law. During the course of legislation in the House the Mills bill was very materially changed, and now it is proposed, as I understand it, by the Ways and Means Committee of the House, to publish a comparative statement the same as this, without comment other than the present law and the proposed law, showing the bill as it passed the House compared with the existing law.

I have been addressed within the last few days by a great many members of the House of Representatives, urging speed in the matter, as there is such great demand for this publication; and I would say on behalf of the Committee on Printing that we felt disposed to report this matter favorably because it seemed to concern very largely the House of Representatives. The cost of printing the 100,000 copies provided by the resolution as it passed the House is $2,638 only, costing but the very trifling amount of about $25 a thousand.

Mr. BECK. There have been demands made upon all of us that will absorb that edition. The Senator from Iowa [Mr. ALLISON] and the other gentlemen of the Finance Committee can act, and then the Senate proposals can be added to the House bill and the present law, but in the mean time the demands are so enormous that I think we ought to print a number of copies.

Mr. MANDERSON. It seemed to me, as a matter of courtesy to the House of Representatives, as this was in the nature of a report of one of their own committees on a matter of legislation that concerned them very largely, it would not be at least out of place for us to report favorably upon the resolution. We simply changed it to the extent of requiring that out of the 100,000 copies 25,000 should be for the Senate and 75,000 for the House.

Mr. HARRIS. It is very evident that this will be incomplete so far as the information the country wants is concerned. It is to be hoped that at no distant day the Committee on Finance will be ready to report, and that will probably show a third column, and yet another differing set of figures, and we shall certainly need a hundred thousand copies of that printed so soon as that report is made. If I am right in hoping that it will be only a few days until that report will be made, it is certainly better, as it seems to me, that we postpone action upon this resolution until then, and then print double the number of copies, if necessary, containing the entire information that the country will want—what the rate of duties is under the present law, what they are proposed to be made under the House bill, and what the Senate substitute may make them, if a substitute shall be determined upon.

Mr. BECK. Now, Mr. President, one word. The suggestion made by the Senator from Tennessee is impracticable in the present form. If the bill becomes a law as it now stands, the changes are in italics. It shows what the law is now and what the House propose to make it. When the Senate acts on this proposition, the House bill in its present print can not be used for that purpose, because then it will require a different form of bill similar to the ones furnished to the Senate Committee on Finance, which the Senator from Tennessee has seen, embracing separate columns, a different character of print. This will be very useful and give both Houses of Congress and the country information exactly as to what has been done up to this time, and it can be done by a change of a word in italics here and there, simply showing the modifications the House made in regard to the bill as reported by the committee. That can be done. If we undertake to show all three, we shall have to have a form of print for which this will be absolutely useless.

I should like to ask the Senator from Iowa, if it is a proper question, what the chances are as to the time when we may expect the Committee on Finance to report on the Mills bill? I understand from the public press that it will be at least a week yet before the Senate will likely get the action of its Finance Committee; and, in the mean time, the demand for this information all over the country is so great that this edition will be exhausted even before the week is out; at least I judge so from the demands made on me.

Mr. ALLISON. The reading of the resolution contemplates, as I understand, not only a publication of the existing law with the changes proposed by the Mills bill but other matter.

Mr. BECK. No other matter at all.

Mr. ALLISON. Very well, if the object is simply to have the present law compared with the Mills bill, so called, as it was published some days ago when the Mills bill was introduced, before it finally passed the House, then I do not see any great objection to it.

Mr. BECK. I can see none.

Mr. ALLISON. But what I want is to see this document in print, and see what it is, and then I may be perfectly willing that 100,000 or 200,000 copies of it shall be printed. What we want to know is just what this statement is. If it is to be a mere republication of the existing law and the republication of the bill as it passed the House, I see no special objection to that.

Mr. BECK. That is just exactly what it is. It shows for itself.

Mr. ALLISON. But I happen to know that the House of Representatives is in a procedure which goes far beyond that; and therefore I should like to know precisely what it is that we are to print 100,000 copies of before I consent to it. That is all.

Mr. HARRIS. Will the Senator from Iowa answer first the question of the Senator from Kentucky? I would be glad to have his opinion about the time the committee will probably report.

Mr. ALLISON. No one knows better than the Senator——

Mr. MANDERSON. Let me make this suggestion——

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] is entitled to the floor.

Mr. ALLISON. I will yield to the Senator from Nebraska.

Mr. MANDERSON. I make this suggestion, and I think it will meet the matter fairly, that the consideration of the resolution pass over, and we shall probably receive or the House will receive very shortly the document that is to contain this comparative statement that is to be prepared by the Committee of Ways and Means of the House. The usual number can then be printed. It can be printed in a day, and then it can be seen whether or not we want 100,000 copies.

Mr. BECK. I suggest, then, that this matter go over until to-morrow morning, and the Senator from Iowa and the other gentlemen can consult with the chairman of the Committee on Printing, and no doubt some conclusion can soon be arrived at.

Mr. EDMUNDS. I venture to suggest an improvement even on the suggestion of my good friend, and that is that it be referred to the Committee on Finance, and the gentlemen of that committee can see exactly what they want and just how they want it.

Mr. BECK. I would rather not take it out of the hands of the Committee on Printing.

Mr. EDMUNDS. They have disposed of the printing part of it.

Mr. MANDERSON. We feel no delicacy about that. We have work enough.

Mr. REAGAN. I understand the resolution calls for the rate of duty provided by the Mills bill and by the present law. There ought to be a column embraced in the statement reducing the duties to ad valorem rates.

Mr. BECK. Another document is being prepared for that purpose, which will show the rate of duty under the existing law, the rate under the House bill, and the rate under the proposed Senate bill; but that is a very different thing from this altogether, and that will not be reached for two weeks. In the mean time the country desires to see what modification the Mills bill makes of the existing law. I suggest that the resolution go over until to-morrow.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont [Mr. EDMUNDS] to object to the consideration of the resolution.

Mr. EDMUNDS. Yes, sir; and meanwhile I ask unanimous consent that it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. Is there objection to the resolution, with the amendments proposed by the Committee on Printing, being referred to the Committee on Finance?

Mr. BECK. What does the chairman of the Committee on Printing say to that?

Mr. MANDERSON. I have no objection to that course.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so referred.

WITHDRAWAL OF PUBLIC LANDS IN FLORIDA.

Mr. WALTHALL. I ask to go back to Calendar No. 1532, being the bill (S. 2917) to withdraw the public lands in the State of Florida from all entry except homestead entry and settlement, so that I may make a motion to indefinitely postpone the bill. The object of that bill has been accomplished by other legislation originating in the House of Representatives. I move that the bill be indefinitely postponed.

The motion was agreed to.

WILLIAM LAVERY.

Mr. WILSON, of Maryland. I ask for the present consideration of a bill which was passed over in my absence. It is Order of Business 1519, being the bill (H. R. 610) for the relief of William Lavery.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to William Lavery $483.75, being the value of quartermaster's stores taken from Lavery by the United States forces during the late war and appropriated to their use, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO SOLDIERS AND SAILORS IN CONFEDERATE PRISONS.

The PRESIDENT *pro tempore*. The Chair would state that by inadvertence the call of the Calendar commenced this morning under Rule VIII with Order of Business 1544, when it should have commenced at Order of Business 1518. The Secretary will therefore report Order of Business 1518 by title.

The SECRETARY. Order of Business 1518, being the bill (S. 1770) granting pensions to soldiers and sailors confined in Confederate prisons.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. COCKRELL. Let it be passed over.

The PRESIDENT *pro tempore*. It will be passed over.

PUBLIC BUILDING AT MAMMOTH HOT SPRINGS.

The bill (S. 3163) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1523) for the establishment of a light-house at Cob Point Bar, at the mouth of Wicomico River, in the State of Maryland, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The PRESIDENT *pro tempore*. The proposed amendments to this bill relate to different places.

Mr. BECK. A number of those items have been put on the sundry civil bill. I ask that the bill be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bills whose titles will now be read, having been reported with views of the minority, will be passed over without prejudice, retaining their places on the Calendar.

The CHIEF CLERK:

A bill (S. 465) granting a pension to William Sackman, sr.;
A bill (S. 549) granting a pension to Hannah R. Langdon;
A bill (S. 739) granting a pension to Johanna Loewinger;
A bill (S. 809) granting a pension to Betsey Mansfield;
A bill (S. 820) granting a pension to Davis A. Servis;
A bill (S. 838) granting a pension to Mary Sullivan; and
A bill (S. 1237) granting a pension to Anna Mertz.

Mr. FRYE. What was done with the light-house bill?

The PRESIDENT *pro tempore*. It was passed over without prejudice.

Mr. FRYE. What is the objection?

Mr. BECK. Many of the items have been placed in the sundry civil bill.

Mr. FRYE. The Senator reporting the bill had better examine the sundry civil bill. My impression was that none of these were passed in it.

Mr. BECK. Yes, we took up quite a number of them and passed them in that bill.

Mr. PALMER. Have we got down to the light-house bill, Order of Business 1665? We went back to Order of Business 1518. I do not see what has become of Order of Business 1665.

Mr. FRYE. Order of Business 1665 was just objected to.

The PRESIDENT *pro tempore*. Order of Business 1665 has been stated and the amendments to the bill proposed by the committee were being read when the Senator from Kentucky [Mr. BECK] objected to the further consideration of the bill, and it was passed over without prejudice, retaining its place on the Calendar.

Mr. FRYE. I suggest to the Senator having it in charge that the objection was made because it was said the sundry civil bill contained some of these amendments. I suggest that the Senator having it in charge examine the sundry civil bill, and wherever those amendments appear in that bill strike them out of this and call it up to-morrow morning.

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Oregon [Mr. DOLPH].

THE MORNING HOUR.

Mr. SHERMAN. As the morning hour has now expired, I move that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The PRESIDENT *pro tempore*. The Chair will submit for instruction and for the decision of the Senate the question whether the action under Rule VIII, when the Senate meets at 11 o'clock, shall continue until 2, as specified in the rule, or shall be concluded at 1 o'clock. The Chair desires to be instructed by the action of the Senate.

Mr. BECK. I hope the Senator from Ohio will permit us to go on with the Calendar until 2 o'clock.

Mr. SHERMAN. I have no desire about it, except that I wish to say something upon the treaty to-day, because I have to leave to-morrow. If the Senate wishes to continue the morning hour further, I have no objection.

Mr. HARRIS. It was held by the Senate at the last session that the morning hour did not expire until 2 o'clock, as it appears in express words in the rule that it runs until 2 o'clock without regard to when you meet. I prefer to adhere to the rule as it is so far as I am concerned.

The PRESIDENT *pro tempore*. The Chair submits the question for the decision of the Senate to avoid the recurrence of it every morning hereafter. The rule specifically provides that the consideration of bills under Rule VIII shall continue, unless otherwise ordered, until 2 o'clock; that is, under the standing order for meeting at 12. Meeting at 11, the question arises whether the two hours contemplated by the rule shall continue and close at 1, or whether the rule shall be observed and the Calendar continued until 2 o'clock in the afternoon.

Mr. SHERMAN. At the last Congress the rule adopted was that the two hours provided for by the rule ended in two hours from the time of meeting. I do not care anything about it to-day; but I will state to the Senate that the motion to proceed to the consideration of executive business in open session will be in order even during the morning hour.

The PRESIDENT *pro tempore*. That is a privileged question. The Chair asks instruction of the Senate as to the interpretation of this rule when the Senate meets at 11 o'clock.

Mr. SHERMAN. I only say the usage has been to limit it to two hours.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] thinks not.

Mr. HARRIS. Yes, sir; and I will say to the Senator from Ohio that I am quite confident, though I have not looked at it since the date I refer to; but if he will look at the RECORD he will see that this question arose at the last session, when the Senate decided to meet at 11 instead of 12, and the morning hour continued until 2 o'clock, as by express rule it is so stated.

Mr. SHERMAN. Has the Senator referred to the Journal?

Mr. HARRIS. I have not looked at it recently, but I am very confident that the RECORD will show that we continued the morning business until 2 o'clock after the Senate had decided to meet at 11, and under the rule as it is written I do not see how we can do otherwise.

Mr. SHERMAN. In order to enable the Senator to examine the RECORD I will submit my motion now.

Mr. HARRIS. The Senator's motion is in order at any time.

Mr. SHERMAN. If he finds that is the rule, the precedent ought to govern us.

The PRESIDENT *pro tempore*. The Chair will have the precedents examined and the result indicated to the Senate hereafter.

THE FISHERIES TREATY.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate do now proceed in open executive session to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The reading of the Journal of the last open executive session will be dispensed with if there be no objection. The treaty will be reported by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the treaty until the Wednesday after the first Monday in December next.

Mr. SHERMAN. Mr. President, if any other Senator wishes to go on at this time I will yield to him with pleasure. I have tried to ascertain if any gentleman on that side of the Chamber desired to speak. If not, I will proceed with what I have to say.

Mr. President, I had made up my mind, though chairman of the Committee on Foreign Relations, not to engage in this debate. I was satisfied to let the whole matter rest upon the report of the committee, the views of the minority and the majority, also upon the very able speeches that have been made, especially the exhaustive and controlling ones made by the Senator from Massachusetts [Mr. HOAR] and the Senator from Maine [Mr. FRYE], and also the speeches which have been made in favor of the treaty. But the Senator from Alabama [Mr. MORGAN] and the Senator from Delaware [Mr. SAULSBURY] felt themselves at liberty in the course of their remarks to refer to what occurred in the Committee on Foreign Relations, so that I can not decline to say something about the treaty without leaving a misapprehension on the minds of many Senators as to what was done there. In my judgment it was not in order in those gentlemen to refer to what occurred in committee; but that rule of propriety is often violated. I think it ought not to be done, but it is. I wish therefore in the first place to call the attention of Senators to some remarks made by those Senators in respect to this treaty and in respect of the action of the committee upon it. The Senator from Alabama [Mr. MORGAN] in his speech on the 7th of June, 1888, said:

> It was a startling surprise to me, as it must have been to my colleagues on the committee, to find, as we did, on yesterday, by acknowledgments of no uncertain sort on this floor, that a caucus decree had preceded the discussion of the treaty, which forbade the allowance of any amendments by its friends or the friends of any sort of negotiation, by which it could be in any way improved or made more acceptable to the country. That caucus edict has crushed an amendment that was presented in committee by a very distinguished Senator of the majority, and has silenced other Senators on that side who said that they had amendments to offer.

I presume the remark made by the Senator from Alabama referred to myself and to the amendment that I had proposed to offer at one time in the committee. As to the first paragraph of his remarks I can assure the Senate that so far as I know no caucus agreement, no caucus order, no proceeding in caucus, no remark made in caucus was ever made to my knowledge that tended in the slightest degree to influence the action of any Senator in regard to offering amendments to the treaty. The only subject of conference by what are called the caucuses of the respective parties in this body related to the mode of proceedings, whether with open or closed doors. I know of no other. I am quite sure there was no other. So the Senator's charge falls to the ground. The amendment that I proposed to offer, for I did not offer it in committee, would, if agreed to, have changed the whole scope of the treaty and would have provided full commercial privileges to our fishermen.

The Senator proceeded further to say in the same speech:

> In its wild distress—

Referring to the party to which I belong—

> it thus addresses itself to the task of doing what it hopes will enable it to regain power by a united appeal to a supposed restless desire of our people for strife and war and to hold resentments towards Great Britain, recently intensified amongst our Irish population by the conduct of that government towards our friends in Ireland. The party that made this decree in its caucus, that this treaty should neither be amended nor ratified, feels the sad need of a new issue for its campaign.

I desire to repeat that there was no such caucus agreement, no such imposition on the rights of any Senator here, nor even any mention of an opposition to amendments being made to this treaty. On the contrary, the amendment I proposed, to which the Senator from Alabama probably referred, was spoken of in committee, and when I concluded not to offer it I gave the Senator from Alabama, first of all, the reasons why I did not press the amendment. I will explain that more fully hereafter. As to alleged desire on the part of the Republican party to change the issues of this campaign or to make any appeal to what is called the Irish vote, I consider that as merely a gratuitous remark made without any foundation whatever, so far as I know.

The great contest about to be waged before the people of the United States turns on other questions. They are the same old questions that have been presented for the last twenty years. First, the duty of Congress to protect the industries of this country from undue competition with the labor of Europe, and, second, the rights of persons, citizens of the United States, at home and abroad. These questions enter into the campaign and probably will control the result of the issue, and not any question such as this treaty taken up as a *dernier ressort* by the Republican party. The Republican party needs no such resort. It stands upon its record on the great issues that will be presented in this campaign, some of which will be explained more fully during this session.

Now let us go a little further. The Senator from Delaware [Mr. SAULSBURY] in alluding to this matter said:

> The consideration of the treaty in open session was a mandate of a party caucus in order that their appeal to the prejudices of voters against England might have its full force and produce the effect desired. To accomplish a partisan purpose the rules of this body requiring the consideration of treaties to be with closed doors, which have been in force from the beginning of the Government, have been suspended by caucus arrangement, not because the interest of the Government would be promoted thereby, but because it was supposed that party interests could be enhanced by a public tirade against a Democratic Administration for negotiating the treaty.

Here, again, my honorable friend from Delaware labored under a great mistake. There has been an honest difference of opinion on both sides of this Chamber as to the propriety of discussing treaties in open or in closed session. It has existed for at least ten years, and, strange to say, a large number of those on that side of the Chamber took the ground that treaties involving public interests, affecting the rights of the people of the United States, ought to be discussed in open session, and many Senators on that side have voted that way by the yea-and-nay vote on different divisions that have occurred in the last ten years. It is true that the Senator from Tennessee [Mr. HARRIS] and the Senator from Alabama [Mr. MORGAN] have been decidedly opposed to open sessions, and equally distinguished Senators on that side have been in favor of them, and have voted so and made speeches on that side. So of this side. Many of us have opposed what are called open sessions in regard to treaties, I among the rest, and the Senator from Vermont conspicuously so, while many Senators on this side have thought it best to have these matters discussed in open session.

Both parties have had their conferences on the subject and differed in the conferences just as they do on the floor of the Senate. But the prevailing opinion on this side of the Chamber (and it was decided when I was not present, I did not know of it except that it was communicated to me, but it accorded with my own opinion) that this treaty which affected intimately and distinctly the rights of citizens of the United States to exercise lawful employment on the ocean was a question that ought to be discussed in open session. It has been discussed openly in the British Parliament, discussed openly in the Canadian Parliament; and for us to hold our hands to our mouths and our mouths in the dust, refusing to give to the people of the United States some of the information which has been communicated to the people of Great Britain and Canada, giving the respective views of our people as represented on both sides of the Chamber, that it was important on this question at least, if not on all others, to make the debate open. And the result of that experiment (because it was an experiment) I think has been fruitful of good.

It is shown that even a treaty like this, which involves more or less of feeling, which relates to a controversy of some seventy years' standing, can be discussed in the Senate of the United States with dignity and decorum. I am glad to say so far in this debate it is properly printed for the information of the people, not only of the people of the United States, but of Canada as well, so that this experiment will probably be followed in other cases to the great advantage of the people of the United States. So far, therefore, as these alleged caucus conferences are concerned, they have had nothing to do with the merits of this treaty. They have not influenced a single vote, nor will they influence a single vote.

It is true that the divisions thus far had in the Senate show that on this side of the Chamber we believe with great unanimity and with great sincerity that this treaty is not a wise treaty, that it ought not to be approved, ratified, and confirmed; and I believe that instead of contributing to the peace of the two countries, it will raise new questions and new issues and embarrassments and create fresh ill feeling between the parties to it. There is no caucus domination in regard to it; no vote on this side of the Chamber will be influenced by any caucus decree for or against this treaty or any amendment of the treaty or to influence our action except only upon the question whether the debate shall be conducted openly in the eyes of the world or with closed doors.

Senators on that side have no more right to say that we are laboring under the influence of a caucus decree than we have to say they are afraid of an open discussion of this question because it will injure their party. I make no such intimation as that, but it would be just as

proper for me to say, "You, gentlemen, are afraid to discuss this treaty." I do not say it, because it would be improper to say it, but the declaration that we are influenced by a caucus decree is just as far out of the record of this case as it would be for me to declare, "You are afraid to meet the issue before the American people." I do not believe that either declaration can be made true. So much for that.

Now, Mr. President, let us go a little further. I do not intend to occupy your attention long in reference to this treaty, but to go at once to the point in controversy. When I entered into the consideration of this treaty it was a subject new to me, because I have not been very long a member of the Committee on Foreign Relations. Therefore, when the subject was first considered by us I certainly approached it with a desire to find in this treaty an honest and honorable settlement of a long-standing controversy with Great Britain. I regard such a controversy as infinitely more important, and infinitely more injurious, than with any other nation in the world; for, of all the peoples that now inhabit the globe, the people of the United States and the people of Great Britain are more intimately allied by every tie of consanguinity, of history, of faith, of institutions, of ancestry, of everything that tends to bind nations closely in friendship and good-will to each other. Hence, I would be glad to have seen in this treaty a settlement of the controversy, and I approached it with a desire to find in it such a settlement.

Nor have I any prejudice to gratify against the powerful nation from whom the great body of our people sprang. We have inherited from them most of our laws, institutions, literature, and social and domestic habits and traits of character, especially the stubbornness which refuses to yield territorial rights to any foreign power. My ancestors have shared for more than two centuries in the struggles of the past for American rights, but these have grown out of the natural differences between two kindred people separated by 3,000 miles, one standing on prescriptive rights of discovery and dominion, the other seeking to establish a government suited to their needs over a vast unoccupied territory, both animated with a love of liberty inherent in our race and lineage. No two countries have ever existed that have so many ties in common and between whom war and strife is more unnatural or more injurious to civilization and the progress of the human race.

The more I thought of this treaty, the more I examined its provisions, the more I became satisfied that it would open new causes of dispute and controversy, and that it would lead to more irritation, new difficulties in the region to which it relates. I became convinced it would not accomplish the desire that was proposed to be accomplished by negotiating it of settling the points in dispute between Great Britain and the United States.

I, too, have a strong desire to maintain the most cordial relations with the Dominion of Canada. Indeed, I look upon the Dominion of Canada and the United States of America as twin sisters, who have the same institutions, governed by the same ideas, lying alongside each other for 4,000 miles. It would be impossible to establish a bar sinister between these two peoples. Indeed, the history of Canada is becoming more and more interesting to us every day, as Canada is growing in strength and power and as the United States is increasing in population. We have that border of 4,000 miles. The people on one side of that border and on the other are precisely alike. You will find them there with the same descent, the same belief, of the same ideas, the same aspirations, the same interests, the same productions.

This is especially so with the State of Ohio and the Province of Ontario, which lies opposite us on Lake Erie and stretching along the border waters. The intercourse between Ontario and Ohio is as close as the intercourse between Kentucky and Ohio. Citizens of Ohio have large property interests in Canada. They have mines, they have quarries, they have large properties amounting to many millions of dollars. Our intercourse is of the closest character. We send them our coal, we send them our products. We exchange with them a vast multitude of things. They send to us their raw materials. To a large extent the intercourse between Ontario and Ohio is very much like the intercourse between two States of the Union; and I say here that I am willing and anxious to accomplish and bring about a public policy that will make more intimate the relations between the Dominion of Canada and the United States. All our interest is in that way, and nothing pulls us apart except the jealousy of local interests and the aspirations of leading men armed with titles in Canada. I say, therefore, that anything whatever that would tend to promote free commercial intercourse between these countries—yea, anything that will tend to produce a union of Canada with the United States of America—will meet my most hearty support.

We should look upon them as natural allies of the same race and origin, with whom it is our duty to cultivate all the arts of peace, and with whom I desire to establish the utmost commercial freedom and intercourse consistent with the interests of both. Especially is this so with the Province of Manitoba and all the provinces westward to the Pacific Ocean. They are separated from the eastern provinces by a great granite hump north of Lake Superior which is a difficult and barren waste, and valuable only for minerals, such as silver, copper, iron, and nickel.

Yes, sir, I want Canada to be part of the United States. Within ten years from this time, in my judgment, the Dominion of Canada will be represented either in the Imperial Parliament of Great Britain or in the Congress of the United States. And I say to Senators on both sides that I hope that that representation will be in the Congress of the United States, and that those countries up there so interesting to us and bound to us by so many ties may be part of the great English-speaking republic of America, dominating this whole continent with the exception of that part which is peopled by the Spanish and Mexican races. That is my idea.

I have traveled through a vast extent of that country, almost every part of it, and I would favor a policy to bring about international exchanges of the freest character possible, perhaps something in the nature of a zollverein to relieve us from establishing a line of custom-houses and fortifications along the border.

It would be the height of nonsense, it would be almost a crime against our civilization for us to build forts to protect ourselves from Great Britain on the Canadian border, or for them to build forts to protect themselves from encroachments by the United States. Long before that time comes the good sense of these two peoples, bound by so many ties, will mingle with each other, having a common heritage and a common government. That is the feeling with which we should approach the consideration of the treaty, and that is my feeling to-day. Therefore I shall not be expected to say anything in regard to Canada but what is kind and just and proper.

I do not vote against this treaty because it may possibly bring about this condition of affairs, but I shall vote against it because I believe it tends to erect a barrier and to prevent the very objects that are sought to be accomplished.

Now, sir, I wish to say further in this disclaimer (because I am answering the arguments made on the other side) that I do not regard this as a party question. Although from the votes on this treaty it may be considered so, it is because Senators on the other side of the House are departing from the declarations that they have made heretofore on this subject; it is because Senators on that side of the House are controlled more or less by party ties in supporting this treaty because it is a treaty made by a Democratic administration.

They can answer each for himself whether that influences his conduct. On this side of the Chamber we are not influenced by the fact that the treaty was made by a Democratic administration or that it was negotiated by Mr. Bayard. On the other hand, if the treaty had given to us those rights which I believe ought to be secured by treaty, I should have voted for it with the greatest pleasure, and I should have given Mr. Bayard and this Administration whatever credit there was in bringing about a treaty that would solve this difficulty and promote our commercial relations.

It is therefore not a party question in any sense. Senators talk about us as making this a party question. I might as well turn around to them and say that the Democratic party is now in alliance with the Tory party of England in order to break down our industrial interests and carry out their ideas of free trade. That would be just as proper an argument as was made by my friend from Delaware. Suppose I should say that the Democratic party, claiming especially to be the party of the people, was seeking an alliance with the Tory party in England; that it is extolled now by the London Times and the Tory party in England; and that this treaty and their policy of free trade is an evidence of such an alliance with the Tory party in Great Britain.

No nation is more interested than Great Britain to break down the barriers which we have erected by our tariff laws against inundating our country with the products of foreign lands. Therefore nearly all parties in England would be in favor of any measure which would tend to bring about free trade in fish and to establish a precedent of free trade on our northern border.

I might therefore denounce the Democratic party in the ordinary language of the party papers and the stump by saying that it was in alliance with those who have always been opposed to the history, and growth, and power, and progress of the United States of America, and who are seeking now to break down the American policy in order to build up and supplant it with the English policy. I do not do that, because I know the hearts of Senators on the other side beat just as strongly to the impulses of patriotism and against any influence from foreign domination or foreign influence as we on this side. I do not think that argument is necessary, but it is just as potent and just as true as the declaration now made that we regard this as a party question and take our course on this subject in order to defeat a measure of a Democratic Administration. I do not regard it in that light.

Nor is that all. I do not regard this as a sectional question. Senators on that side have spoken on this subject, treating it as if it related only to the fishermen of Gloucester town or a few ports along the New England coast, and that they are unreasonable in involving us in a national controversy. This is not a sectional controversy; it is not a New England controversy; it is an American controversy. The greatest American statesmen from the North, the South, the East, and the great West in all the long period of our history when this subject has been brought up have stood shoulder to shoulder upon this question as an American question, a question of the rights of American citizens.

Do not the merits of this treaty affect just as much all the fishermen

along the Southern coast and the Gulf of Mexico and the Pacific Ocean as the fishermen of New England? There are provisions of this treaty, including the fifteenth article, so wide-reaching that if adopted they would in their consequences open the ports of the Southern States to every Canadian vessel that chose to come into your ports to fish in your waters. It would open all that vast fishery on the Pacific, infinitely more valuable than the Newfoundland fishery has ever been, to the depredations of people from British Columbia. It would open up controversy there. It is just as important to the people of Ohio as to any other, although we have few fishermen there and do not care who furnish our fish. We let the Canadian fishermen come down into our waters and catch fish wherever they choose.

Nor does this treaty turn upon the mode of negotiation. My friend from Alabama has got up a hobby, if he will allow me to use that phrase, a moot question, as to whether this treaty could be negotiated by two men who had never been confirmed by the Senate of the United States. I believe in one of his speeches he made the remark that the Committee on Foreign Relations refused to take that view of the question, and did not wish to make any point at all upon the mode or manner in which this negotiation was set on foot. They expressly declined to do it, and therefore in the report that is made——

Mr. MORGAN. I will state to the Senator that he is quite mistaken about that.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. SHERMAN. Yes; if I am mistaken.

Mr. MORGAN. If the Senator will consult the report of the minority of that committee he will see that they took just the opposite ground from that.

Mr. SHERMAN. I know myself that I never took that view of it. When the report of the majority was presented it did not contain that declaration except merely *arguendo*.

As to the powers of the President of the United States to negotiate a treaty, I agree with everything that has been said upon that subject. The President of the United States has the power to propose treaties, subject to ratification by the Senate, and he may use such agencies as he chooses to employ, except that he can not take any money from the Treasury to pay for those agents without an appropriation by law. He can use such instruments as he pleases. He can take any kind of a man, a dumb man, a blind man, or a deaf man. In my judgment he has a right to use such means as are necessary to bring about any treaty. I suppose that precedents have been quoted by the Senator from Alabama to sustain that position. I do not disagree with him, nor does this controversy turn upon that point.

We are not debating here whether the treaty was negotiated exactly as some other treaties have been nogotiated, by ministers plenipotentiaries appointed and confirmed by the Senate. That is not the question which has been presented on this side of the Chamber; it is whether the treaty as it stands is a wise solution of the difficulty between Great Britain and the United States. That is the question, and we are not to be diverted from it.

My friend from Alabama chooses, as he did the other day, to make a long argument upon this point. What is the use of it? It is an immaterial issue. I do not say that he does it to divert our attention, because I think he knows that we are not to be diverted by that moot question of his. He may discuss it now or at any future time to his heart's content, and I should be disposed on the whole to agree with him, only that has no more to do with this debate than the demonstration of the forty-seventh problem of Euclid or any other outside proposition.

It is true (and the Senator from Vermont [Mr. EDMUNDS] used it only in that way) that as this treaty was negotiated in an unusual manner, not through the ordinary chosen representatives of the Government to conduct its foreign relations, but through other gentlemen called from private life to give their advice and to participate in the negotiation and to sign the treaty, it is unusual. So far as any argument may be based upon that, it can be used, and very properly used, on this side of the Chamber, but it is not the material question upon which this controversy turns, and I therefore dismiss it.

Nor is this an Irish question. The Senator from Alabama and the Senator from Delaware seem to think it is an Irish question, and that we are fishing for Irish votes. Nothing is more unfounded than that. I believe there is a general sympathy with the people of Ireland, not only here in the Senate Chamber, but among all the people of the United States of America—a general sympathy in their struggle for home rule. Who does not share in that? I certainly do, and I have expressed it on every proper occasion.

I hope and trust that the Irish in the controversy may gain from the Parliament of Great Britain the right to pass all local laws; that they may be put in the same position at least with the States of the Union, and that all matters of local ascertainment may be dealt with by the Irish people in an Irish Parliament. Who does not think that should be done?

I saw a remark quoted from Mr. Chamberlain, a gentleman of great ability, who negotiated this treaty, that the leading men of this country were opposed to this Irish demand. He is greatly mistaken. I could take the poll of the Senate upon that question and there is scarcely a man here who would not give a hearty "yea" to the strongest appeal which could be made to the people of Great Britain to give to the Irish home rule as we understand it.

I believe that is the general sentiment; but we are not going to war about that. We are not going to involve ourselves in controversies with Great Britain in regard to a matter over which we have no power. The hope of the Irish people to get home rule is through the Liberal party of England. It is through the workingmen of England. It is through the great statesmen Harcourt, Gladstone, and the other gentlemen who have contributed their abilities and have risked a great deal in advocating home rule. They must win this great right for Ireland by the consent of the British Parliament, because it is perfectly idle for them to hope to attain it in any other way.

I believe, with the concurring sentiment that is now going on, there will be a solution of this question by the Parliament of Great Britain in due course of time, by which the people of Ireland shall be again, as they were for centuries, armed with home rule, with the power to pass all laws that do not affect the integrity and power and strength of the British Empire.

But the Irish people must not attempt to carry on their controversy by dynamite, by unlawful processes, for whenever they do they lose that sympathy which springs from the heart of every American citizen. The means which strike at the innocent, the wife, the children, the women, and endanger the lives of whole bodies of people merely to express their resentment against the ruling power in England is not an American idea; it is not an English idea; it is not an Irish idea, and wherever it occurs on this continent or any other the voice of remonstrance will cry out against it.

That was shown most markedly in Chicago, where the dynamite policy was adopted by what are called anarchists, where they threw bombs which killed the innocent and the guilty, if there were any guilty, in attempting to enforce the laws. The sentiment of reprobation has gone so far as to condemn and execute men guilty of that crime, and I trust that feeling will prevail all over the United States of America. When any party or set of men resort to lawless means of redress for real or imaginary wrongs and involve the innocent as well as the guilty in their controversy, the Anglo-Saxon is against him wherever he may live, in this country or in Great Britain. The true friends of Ireland do not appeal to such agencies.

Something was said about arbitration here. We have many petitions on our tables praying for what we granted here the other day in a resolution favoring arbitration as a means of settling international controversies. We have a petition signed by over two hundred members of the English Parliament, among them nearly all of that band of Irish respresentatives who are seeking home rule, and that prayer was for precisely what we granted. Therefore, it can not be said that they favor any lawless methods. All we propose in respect to Irish rule is to express in a manly way our sympathy with the Irish in their peaceable and lawful efforts to acquire home rule or the right to govern themselves, and in justice I feel bound to say that this sentiment is shared not only almost universally by Republicans, but I believe it is shared by Democrats, and that my friend from Alabama would be as earnest in expressing the desire I have expressed as I can possibly be. So it is not confined to either side of the Chamber.

Nor have I any sympathy in what is called Anglophobia, and in abuse of the British power and the British Government. Whatever may be said of the British power and the British Government, it has been the most potent element of civilization in modern history. Undoubtedly their system is different from ours, but in all the great march of progress of the human race, the English people and the English power have always taken the lead. If we do our part as well as they in the great advance of civilization and progress, in the development of countries, we shall certainly do our share. Fortunately for us our efforts in that direction are continental; they are limited within vast and extensive bounds which until recently have been sparsely populated, and our energies in spreading our civilization have been confined to our own country. But the English civilization has gone beyond that little island, and has spread itself around the world, and although sometimes it has been wrong and cruel in its measures, yet their civilization has contributed to the progress of the world more than any other cause now known.

Sir, I do not want to see our country involved in any of the controversies of European nations. There is no passage of General Washington's Farewell Address to the people of the United States that is more eloquent and more forcible, now and then, warning the people of America from regarding foreign nations either with enmity or special favor than the short paragraph which I shall quote. It is only a single sentence from that great document, which ought to be circulated like the Declaration of American Independence, the Ordinance of 1787, and the Constitution of the United States as among the great and admirable documents of American history. General Washington said:

> Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness is, in some degree, a slave.

And so it is the case. Therefore we must treat Great Britain not with prejudice growing out of the Revolutionary contest or the war of 1812, but we must treat her as we do all other nations, enemies in war, in peace, friends. That is the desire I have in dealing with this treaty, to treat Great Britain as a friendly nation without reviving any of the animosities and warfare of the past.

I suppose I share with others the memory of the past and can find many things in British history to complain of, but I should be ashamed of myself if I could not dismiss the heat of those old contests of the past hundred years in considering a treaty between Great Britain and the United States.

Now, Mr. President, we come to the real question between Great Britain and the United States as it appears upon this treaty. At first it must be said that our right to the Newfoundland fishery, that is, on the outside of the territorial jurisdiction of Canada, is as broad and unquestioned as our right to the soil of Ohio or to the soil of Massachusetts. That was acceded to us, not as a privilege granted to us, but as a right to be enjoyed, and it has always been so regarded and it has never been denied by Great Britain. Let us look at that.

The third article of the treaty of 1783 declares:

That the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish.

Here is an acknowledgment of a right, not conferring a privilege, but an acknowledgment of a right. Great Britain has always held that position in regard to it. However, there were also by that treaty conferred upon us certain privileges which we had no right as an independent nation to demand, but which was a matter of reciprocal obligation conceded to us as a matter of privilege and liberty on the shores of Great Britain. What is the language in which that was expressed? It is very different indeed. The third article of the treaty of 1783 proceeds:

And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America.

This was plainly a matter of concession, not a matter of right, because we could not claim the use of the shores of another country except as a matter of concession and treaty obligation. But it is here expressed in the strongest possible terms. That this distinction between these provisions has always been made is shown very clearly by the declaration made not only in the time of but before the treaty of 1818. Lord Bathurst, in a letter to Mr. Adams, found in the American State Papers, October 30, 1815, makes the line of distinction very broad. He says:

In the third article Great Britain acknowledges the right of the United States to take fish on the banks of Newfoundland and other places, from which Great Britain has no right to exclude an independent nation.

Great Britain had usually before the Revolutionary war asserted the right of supremacy and domination of the seas to an extent that no other nation in the world ever asserted, but when they came to deal with America they acknowledged the right of the United States to fish on all the open-sea fisheries, which Great Britain had no right to exclude from any nation whatever. Lord Bathurst goes on to say:

But they are to have the liberty to cure and dry them in certain unsettled places within His Majesty's territory.

He there draws the distinction.

Mr. PLATT. He uses the word "liberty" again.

Mr. SHERMAN. He uses the word "liberty." Liberty, or license, or privilege, may all be called synonymous terms. Not only was this observed, but after the treaty of 1818 and at a recent date the same distinction is drawn by the British negotiators.

Our rights on the sea are as broad as the sea and as wide as the sea. We ask nothing from Great Britain in regard to our fishery rights there. We would assert them if necessary with all the power which we possess; but we need not assert them, because Great Britain concedes them, and they have never been denied.

The only restriction which has been made was made by the treaty of 1818. Though we may abuse that treaty and criticise it as much as we please, and say that it was the exercise of the power of Great Britain when she was in her haughtiest mood after she had overthrown Napoleon, Great Britain then more than at any other time asserted herself and was unjust, no doubt, to other nations. She showed the egotism of a proud and imperious nation in her negotiations in those times. When she came to negotiate with America she did modify to some extent, but not to any very material extent, the privileges conferred upon the United States in respect to the shore fisheries on her coasts of Newfoundland and that immediate region.

We must be governed by that treaty. We are not a child or a woman to complain that advantage was taken of us. We must stand by the terms of that treaty, because we agreed to it. Although we were then in no condition to fight for more, and in no condition to demand of Great Britain all that was conceded by the treaty of peace, yet we did make, as the Senator from Massachusetts demonstrated, a good treaty, substantially securing all the rights conferred by the treaty of peace. We probably won by our diplomacy in 1818 more than Great Britain would have conceded to any other nation in the world, because she was then haughty and powerful and dominant on land and on sea.

In the letter of the Earl of Iddesleigh of the 30th of November, 1886, in the papers communicated to us, there is this declaration, showing exactly that the distinction which I made between ocean fisheries and the shore fisheries was kept up by the treaty of 1818:

The privileges manifestly secured to United States fishermen by the convention of 1818 in Newfoundland, Labrador, and the Magdalen Islands are not contested by Her Majesty's Government—

That is the open fishery—

who, whilst determined to uphold the rights of Her Majesty's North American subjects, as defined in the convention, are no less anxious and resolved to maintain in their full integrity the facilities for prosecuting the fishing industry on certain limited portions of the coast which are expressly granted to citizens of the United States.

Therefore in treating this question we stand upon the treaty of 1818. What we want and what we demand is the rights conferred by that treaty; not one iota less. Nor can we with any justice or sense of manhood demand anything more.

Mr. President, when you come to consider this treaty the whole controversy between Great Britain and the United States turns upon what is called the renunciation clause of the first article of the treaty of 1818. That clause is very short, and in that clause is the bundle of all the troubles in which our country has been involved in the last seventy years in controversies about these fisheries. I will read it, and any Senators who will listen to me will please note that there are three distinct propositions made here.

The United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

That is, that we renounce our right to take, dry, and cure fish within certain defined regions, which we had the right to exercise under the treaty of peace. That is the first renunciation, and that brings in the question of bays, harbors, etc. The first controversy that rises between us is what is a bay, what is a harbor, what is a creek? There is one of the leading controversies between the two countries. The next clause is quite distinct from that:

Provided, however, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever.

That is, it defines the uses we could make of the waters within the shore-line. We had a right to seek shelter in any of the bays, in any of the harbors within the 3 miles limit anywhere; there is no doubt about that; but the objects for which this privilege was sought were confined to "shelter, repairing damages therein, purchasing wood, and obtaining water, and for no other purpose whatever." That is the second clause which gave rise to many of the controversies. The third clause in the same paragraph (for this bundle of troubles was all put in a single paragraph) reads:

But they shall be under such restriction as may be necessary to prevent their taking, drying, or curing fish therein—

That is, within the 3 miles, the marine league, and the bays—

or in any other manner whatever abusing the privileges hereby reserved to them.

This last clause has been the chief cause of all the controversies growing out of the local troubles up in that fishery region, because the Canadian authorities, governed by local ideas, ruled and dominated by local fishermen or by the influence of local fishermen—those interested in this business—were allowed by the imperial power of Great Britain to make laws which are offensive to us, and to enforce them in a way that I wonder heretofore has not often created trouble and difficulty. Indeed, no man can read the story of the wrongs growing out of the execution of local laws in that region without feeling a sense of indignation, and I only wonder that many a gun had not been fired by the opposing vessels, and many a mortal combat had not been brought about by the offensive application of these most odious laws.

Upon these three clauses turn the whole controversy. Now, let us look at them. They are, I repeat, first, the privilege to take and cure fish within 3 miles of certain shores and bays; second, to enter bays and harbors for shelter, to repair damages, for wood and water, and no other purpose; third, under such restrictions as may be necessary, etc.

Now, take the first clause. What do the words "coasts, bays, creeks, or harbors" mean? As to the word "coasts" there can be no doubt, because the limit is expressly defined by the treaty within the marine league, and therefore we have just as much right to fish outside of that marine league as any fishermen of Canada or Great Britain. We hold that right under the Almighty God, who makes the sea open, according to our construction and according to the British construction as well. As I have shown you, before the treaty of 1818 and after the treaty of 1818, they admit in the broadest terms our unquestioned right to fish anywhere beyond these delimited waters. There can be no controversy about that.

Now, what is a bay? Was it intended by the language of the treaty of 1818 to mean such a bay as the Chesapeake Bay or Boston Bay or the Bay of Fundy or the Bay of Chaleurs, the great waters? No; it is manifest upon the face of the papers that the word "bays" here was used in connection with harbors, creeks, and coasts, and by a fair con-

struction of the language of that treaty a bay would be defined by the same line of limit as the coast. A bay more than 6 miles or 2 marine leagues wide would naturally be excluded so far as it lay outside of that limit. If the mouth of the bay were only 6 miles wide, then, as a matter of course, the waters were delimitated; but could it be possible, taking this language with its context, that a bay should include vast regions of open sea water?

I believe the whole theory of the treaty and a fair construction of it was in this direction. A bay was an inclosed water 3 miles from center to shore, and by no fair construction between equal peoples could this meaning be extended beyond that. Therefore, as a matter of right, I believe that we have just as much right to fish in the bays outside of the 3-mile limit as we have anywhere else.

Still this was a subject of controversy, and besides it has been made a subject of negotiation. We have ourselves negotiated for the extension of the shore-line to 10 miles, I am told, down in the Gulf of Mexico. We have ourselves negotiated for an extension of the marine league. Great Britain, in making treaties with the North German nations, with Denmark, with Sweden, with Russia as to the Baltic Sea and as to the English Channel, has adopted a new line of demarkation. Instead of the old marine league, which was the law then, and indeed is the law of nations laid down by Vattel and all the books on the law of nations, as the measure which any nation might assert its power over for its own defense, they have enlarged that in some cases to 6 miles, in some cases to 10 miles by treaties with foreign nations, on the ground that the great improvements in gunnery, fortifications, and the like have made it necessary to command an adjacent sea wider than the marine league.

Therefore, if this was a mere matter of negotiation as to the boundaries of a bay, or whether certain bays ought not to be delimited by a certain line so as to confer local jurisdiction, that is a matter two friendly nations ought to sit down and reason about. But, remember that every foot of sea granted by the United States outside of a marine league is in excess of the rights stipulated for by Great Britain by the express terms of the treaty. It was our right to go within 3 miles, and if they demanded of us or appealed to us to extend that line they were bound to give us an equivalent, to give some concession to correspond with it, and then the Government of the United States might properly treat upon the extension of the marine league.

Now, that is the view I took of it. Therefore, when this treaty was under consideration and the delimitation of these great bays had been provided for by the terms of the treaty, I could see that it might be wise in certain bays to extend local jurisdiction to 6 miles or 10 miles from the shore.

There is one provision in the treaty by which we extend local jurisdiction where the mouth of the bay is 10 miles wide, and there was no great objection made to that rule, although it was a concession, a grant of water over which we had the unquestioned right by the law of nations and by the treaty stipulation. But when they undertook to extend local jurisdiction and exclude us from these great bays or to enforce practically their headland idea they then trenched upon the rights conceded to them by the treaty, and we have always stood up against that.

The whole line of negotiations from 1818 to this time shows that this was resisted, and several cases occurred, one in the Bay of Fundy and one in another bay the name of which I do not now remember. There were two cases, and we always insisted that the marine league should be observed in those bays. When they set up the headland doctrine it was at once resisted and was finally abandoned by Great Britain.

When our negotiators entered their room here in the city of Washington to treat upon this subject, every inch they gave outside the marine league or outside of a bay over 6 miles wide they conceded something for which there ought to have been an equivalent.

When, therefore, the first ten articles were considered in committee I was disposed to say, "I do not care so much about the delimitations of those bays." It had been rather conceded that they were not very valuable for our fishermen; but what is the concession given to us in return for them? Then it was that I proposed, in order to cure this matter, to propose a concession by Great Britain, and I prepared an amendment, which I fortunately have preserved, and is as follows:

ARTICLE XV.

All vessels of the United States, whether engaged in ordinary commerce or in the lawful pursuit of outside fishing shall have the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland free of charge for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

The Senator from Alabama will know very well that I suggested whether if we agreed to this delimitation of the bays, which I did not regard as the most important matter, which was a concession on our part, we ought to have at least commercial privileges for our fishing vessels in all the region which was thus delimited, including the 3-mile limit and the bays.

If the treaty had been based upon that condition without introducing into it the free-trade notions involved in the fifteenth article, there might have been a basis of honorable agreement; but instead of that, when we come to look at the concessions made to us for the surrender of all that vast region of water, plainly subject to our rights of fish, those concessions were ridiculous in the last degree. I do not see how Senators can look over Articles X, XI, XII, and XIII and call them concessions to us. They are the mere grants of the ordinary rights of humanity which are conceded by every nation in the world, that no excessive bail shall be taken; that the forfeiture shall not extend beyond the vessel and its cargo; that no unreasonable delay shall be had, and all that sort of thing.

The concessions offered by this treaty on the delimitation of those bays are a disgrace to the diplomacy of America. If they had demanded when the concessions were made full commercial rights for all our fishing vessels to enter their ports, to transship their cargoes, to buy food and supplies and bait and everything that was necessary—in other words, to put us in the delimited waters upon the same rights they enjoy themselves and the same rights which every fishing vessel in the world enjoys in the United States, it seems to me that that would be an arrangement honorable to our country.

I assure you such a provision should have been made in the treaty, confining it simply to the delimitation of certain bays and the extension here and there of the line of the marine league to 10 miles or to 5 miles, coupled with a proposition to give us commercial rights such as we give to all nations of the world, such as Great Britain gives to all he nations of the world, because there is no vessel, fishing vessel or other, but what can enter the harbors and ports of Great Britain free without any tolls or charges except those which are inflicted on their vessels. But there was no such provision, and here, in my judgment, the American commissioners fell short of their duty.

But it was said I did not press the amendment. I told the Senator from Alabama, with the frankness which ought to exist among members of the committee, first of all, and I believe he was the only one I told, that if I pressed that amendment it would not be agreed to by the other contracting parties, and he said he thought so, too. I said it would not be agreed to; that it would be only an indirect way to defeat the treaty, and I thought the most manly way was to defeat it directly by an open vote, leaving this question open for future negotiation; if by this Administration, re-elected, let it open the question and see if we can not make better terms; if, however, by another administration, more impressed with the rights of American citizens, then it would have a chance to negotiate.

As to making a pretense of war out of this disagreement as to the concessions that should be made for the delimitation of bays that were clearly within our treaty rights, sir, it is utterly idle and puerile to talk about it. Great Britain will never seek war on such a ground as that.

When you come to examine the subsequent clauses of the treaty in connection with the first ten sections you find nothing received in return except that which according to the language used in the Canadian Parliament with a sneer, that nobody would hardly complain of such concessions. So it was treated by Mr. Tupper, one of the negotiators, that all these concessions were such as would be conceded on the ground of humanity.

So the result of the treaty thus far is to delimit and cut our fishermen off from great masses of water along the coasts and bays of that region from rights that are clearly conferred upon them by the former treaty, and it gives us a husk, a straw, a corn-cob without anything on it, the promise of civilities like not confiscating anything but the vessel and all on board of her.

If they had put in the fifteenth section a provision conferring commercial privileges, defined even and limited as they are, without that provision about free trade, then there might have been some basis for an agreement. But nothing of that kind was done.

To have insisted upon the amendment proposed by me would have weakened our country in future negotiations by conceding the delimitation of the bays, while if the treaty was rejected it left open to our representatives every ground or claim held before the treaty was made. When the negotiators come again to meet and discuss this matter they will see that when we make concessions we demand concessions; that when we give up vast regions to the exclusive use of Canadian fishermen where we have an equal right with them, they shall give us such commercial privileges as will enable us to enter their ports. Not only that, but there is at Halifax an American railroad, owned by Americans, built by Americans, and we can not go inside of Halifax Harbor and there ship our fish to our own country for consumption because they exclude our fishing vessels from their ports; they will not let us go there. That is the view I have taken of this treaty.

As for the fifteenth section, I never will surrender to Great Britain or to any nation in the world our right to levy taxes on imported goods. Why should all the articles mentioned in the fifteenth article be admitted free of duty while we tax wheat, corn, sugar, rice, food, clothing, and everything else? Why should we, as an act of humility, give this privilege to these fishermen, because after all it is a local interest, and Great Britain only represents a local interest in this controversy? Why should we give this privilege of free entry of all their productions

into our ports when we deny it, from the necessity of revenue and also from the necessity of protection to our industries, to all the food and clothing and necessaries of life? The fifteenth article standing as it is is an insult to us.

Why did Great Britain, or rather Canada (for Great Britain was a mere outside factor in this negotiation), refuse us the ordinary privileges besides shelter and repairing damages and purchasing wood and obtaining water? Our vessels could not buy coal. Mr. Bayard and Mr. Phelps complained of these restrictions over and over again in language as strong as I could use, and more so. Why did they not stand by their words when framing this treaty and demand the extension of these privileges when they were extending the boundaries of the British Empire?

Yet every singte inch was denied them. When they demanded coal, no, wood was mentioned. When they demanded bait, no, bait was not mentioned, "that would enable your fishermen to compete with ours; we will concede no privileges whatever unless you give us the absolute open market of your sixty million people for all our production, and then armed as we would be with the advantages of our position, of our locality, of our shore sea fisheries we would drive the fishing crews of New England from the coast," and the same effect will in due time happen on the South Atlantic coast and on the Pacific coast.

They gave us the promise of shelter, and yet they denied us shelter, because if our vessels were driven in by a storm, which may last three or four days, we would be compelled to leave in twenty-four hours or report to a far-off custom-house, perhaps twenty miles away.

Sir, I do not think there is in the history of diplomacy so one-sided a treaty, especially made between two great and powerful nations. We are not in a condition to submit to such terms. With no provision, no coal, no seines, no bait, with no right to transship a cargo, they make their shores an inhospitable coast. Like the gates of the Inferno, "who enters here leaves hope behind."

So our fishermen driven for shelter find no welcoming hand, no ready assistance, but must be driven out within twenty-four hours from this inhospitable coast in order to give the Canadian fishermen the command not only of their market (for if it was confined to that it would be different), but the command of the whole market of the United States. Such a treaty as that seems to me to be disgraceful to our diplomacy. I use the word perhaps too strongly; but certainly it is the most unfortunate concession which could be made by any administration, and I deeply regret that Mr. Bayard ever signed his name to the paper.

Now, what are the privileges conferred upon us? When driven into a bay by a storm we are not bound to pay compulsory pilotage. People are not very apt to look for a pilot when they are driven by a storm anywhere. I do not think there is much concession in that. But, storm or no storm, they must not remain over twenty-four hours. When they are crippled they may land their cargo, but they can not buy provisions, they can not do anything except to provide for the home voyage and go back to Massachusetts or Maine to get fresh supplies to again engage in their lawful occupation in the open-sea fisheries.

Where is there in the diplomacy of modern nations anything like this? In ancient times nations kept their shores land-locked. When the treaty of 1818 was made no foreign vessels could enter the ports of the British colonies under any circumstances whatever except under stress of weather, and they had to get out as soon as possible. They were subject then to whatever lawless force was thought to be necessary to expel them. Since that time by the commercial regulations of 1830 hard conditions were modified by the consensus of both nations. General Jackson issued his proclamation allowing all vessels to enter our ports, and from that time to this our ports, harbors, creeks, and bays have been as open to the vessels of all nations as to our own. Great Britain also in more limited and careful language opened her ports to the vessels of all nations, only excepting this Canadian region.

While our fishermen had privileges in 1818 which were not enjoyed by other vessels, by the mutual legislation in 1830 they were placed clear in the background and denied all the privileges conceded to all other vessels and sailors. A vessel might go in there for timber, or lumber, or wheat, or corn, or supplies, but a fishing vessel catching fish there in the open sea, where our countrymen had just as much right as they have to the soil of Ohio, when driven by stress of weather were treated as outlaws, and seized not only for fishing within the 3-mile limit, but seized for preparing to fish, and for all sorts of fancied crimes.

Mr. President, such a treaty is not satisfactory to the Senate of the United States. It is not satisfactory to the people of the United States. I assure you, gentlemen, if you think this dissatisfaction is confined alone to the people most largely interested in this controversy you are greatly mistaken. Whenever the people of Ohio and of the West get to understand this matter—and they are going to understand it very well by this open debate—they will approve the course we have taken in regard to it, and I do not believe your constituents will approve the course you take in regard to it.

Mr. President, there is only one more feature of the treaty to which I wish to allude, and that is the fifteenth section. This I regard as a Siamese twin to what is called the Mills bill, and they ought to be debated together, the Mills bill being framed in accordance with this treaty, which, it is well known, will never be ratified by the Senate. All the privileges conferred by the treaty are given to the Canadian fishermen without any benefits whatever in return. If you want free fish American fishermen can furnish them, and we could furnish them at a much lower rate if Canadian policy would allow an American railroad to carry the fish from Halifax to Maine on the same terms that it carries Canadian fish from Halifax to Maine. As for surrendering our power to levy duties as long as we deem it our public policy, as I said before, I will never agree to that.

We may consider this treaty as a simple supplement to the Mills bill. Although the Mills bill was passed since the negotiation of the treaty, it is in pursuance of a line of public policy to which the Democratic party is being more and more committed daily, which would surrender all the great interests of our country to undue competition with foreigners.

Suppose you apply the principle of the fifteenth article to all goods from abroad, and why should you discriminate in favor of fish rather than other kinds of food? Why should you discriminate in favor of whale-oil rather than in favor of sugar and other articles that we tax? No reason can be given.

So the first part of the treaty is a surrender of plainly guarantied and treaty-given rights, without any consideration whatever; but it is more than that. It is a surrender to this hostile local population of an advantage worth millions of dollars a year to them, to the destruction of our fishermen, for how can our people take fish from seas about 600 miles away from home and compete with free fish and free oil of Canadian fishermen who can land within a few miles and carry their catch by railroad into our market? They can not do it. You destroy this great industry, this nursery of seamen, as it has been properly called.

Sir, these articles are the last that should be put upon the free-list, except only upon one condition. When the good time shall come when the people of the Dominion of Canada and our own shall blend their two systems into one harmonious republic, to be represented alike here and to enjoy here all the blessings and bear alike all the burdens of partnership, then we may admit fish and fish oil free from the Canadian Dominion as we do from all our other possessions; but until then we can not afford to do it without destroying our own home industry.

Mr. President, there is another bugbear which has been mentioned by the Senator from Alabama. He does not say that we are going to have war about this matter, but he intimates it very strongly in several remarks that he made. He wants to know what we will do. "Suppose the Republican party should come into power, what would you do?" is the substance of the question he asks. We will send politely to the British Government our plenipotentiary to communicate to that Government in the kindest and freest manner our discontent with the abortive agreement made by Mr. Bayard. He will state respectfully the grounds of our difference, that while we are willing to make concessions as to Great Britain's local jurisdiction along her coast to meet the changed ideas of the times, yet we want for those concessions and that surrender privileges which she grants to all the people of the world except to the fishermen of the United States.

I should like to see any British Government resist such a demand as that. There might be complaint from Nova Scotia or from Newfoundland or from the fishermen along that coast, but let the people of England and the United States have the proposition presented that we will yield to them in all their reasonable demands about local jurisdiction so as to give them the same command over their bays that we have over the Chesapeake Bay, upon the condition that our fishermen shall enjoy the rights of all other commercial vessels to enter her ports, transship their cargoes, do with it as they please, and be placed upon the same footing in that respect as the Canadian fishermen, and I do not believe that a ministry could stand a month in England in denying so reasonable a proposition as that.

England is now demanding free trade with all the world. She has opened her ports wide, and invites all the productions of all classes of mankind into her shore. Will they deny that same free trade to us when we catch fish in the ocean in exact pursuance of the rights conferred by our treaty and rights which we enjoy by the favor of Almighty God, when we bring from the coasts of Newfoundland our fishing vessels into her ports and she denies to them the same privileges which are enjoyed not only by all the people in this country, but by all people in Great Britain? No ministry in England could stand on that position, and I believe that if our Government had demanded commercial privileges such as our fishermen want, they would have been conceded. I read here a little paragraph from a fisherman which struck me as giving the exact statement of what they want. He says:

> What our fishermen want is the right to go anywhere and everywhere, use their harbors, ship men, get provisions, land and mend our nets, buy salt and barrels, and ship our catch home by rail or steamer without expense or annoyance, the same as we have heretofore.

They want the same rights that we give to Canadian fishermen now. In the port of Portland I have seen Canadian fishermen. I saw a lot of huts over on the island opposite the city, and I inquired who lived there. I was told Canadian fishermen. They come down there in the

summer time to fish and catch fish in the bay and sell them at Portland, and then go back to Canada to winter. Yet they deny us the right to carry fish caught in the high seas through their bay into Halifax to our own railroad, to be shipped for our own use and consumption.

Mr. President, I would never sign a treaty with Great Britain unless there was something like reciprocity about it; but a treaty of surrender and concession from beginning to end, without securing any rights which are not denied except by a Hottentot or a barbarian in any land or in any clime, ought never to have been signed by an American representative. That is the view I take of it, under those circumstances, without any fear of the threat of war, which is the merest bugbear, which will not frighten any man or woman in this country, first, because we know it is ridiculous to suppose that war could grow out of a controversy of this kind, growing out of an honest difference of opinion as to the construction of a single clause of a treaty. I do not fear it at all.

Mr. President, having stated my position on this subject, I will yield the floor. I believe that the good sense of the people of Great Britain and the United States will settle this matter without much more controversy, without war, without contention. Any man who wants war in our day and generation is a lunatic. Any man who desires a war between Great Britain and the United States is a madman. These two nations, bound together by so many ties, will settle this controversy as they have settled many others.

Ever since the Revolutionary war to this hour we have had disputes with Great Britain, and sometimes pretty sharp and severe controversies and negotiations; and I say, except in the war of 1812, when Great Britain was seeking to dominate a continent in arms against her, we have made peace with England on honorable terms, conceding sometimes, as we thought, too much, but always so as to preserve the peace. No hand ought to be raised against this hopeful result; no voice should be raised against it; and if the controversy that is now to be carried to the people of the United States, not so much upon this treaty as upon the other great questions which I mentioned in the beginning of my remarks, should be decided by the people of the United States against this Administration, and if General Harrison should be elected President of the United States, as I most earnestly hope and believe he will be, you need not fear any war or any dangerous controversy out of the fisheries on the Northeastern coast.

It will be settled upon terms that will be honorable and peaceful and proper. I can not close my remarks better than by repeating the language uttered here only two years ago by my honorable friend from Alabama. All I ask of him is to stand by the declarations he then made, and we will have peace and quiet and safety. Here is a speech made by my friend, April 13, 1886, headed "No new treaty needed."

> I do not wish to volunteer any opinions about this subject before a question gets before the Senate, and I am compelled to act upon it; but my convictions are very strong; they are fixed. Indeed I may say that we can get along with the people of Great Britain on this subject without any further treaty at all and without any further legislation. If any one were to ask me what provisions of a treaty I would frame to compare and settle any question of fundamental law between us and Great Britain in respect to the fisheries, I could not suggest it, or if I were asked to propose an amendment to the statutes of the United States, so as to put the control of this intricate subject more completely in the hands of our Government, I would not know how to do it. I believe that both the treaty stipulations and the situations under the statutes are about as complete as we are able to make them.

So I say, now, if this treaty is rejected we stand where we stood in 1886, upon the existing treaty of 1818 and upon the law as it stands. If the President of the United States will only with wisdom exercise the powers conferred upon him by the law, and where Great Britain or any of her dependencies excludes our fishermen from the plain duties of hospitality, let him do the like to Canadian fishermen; if they say they will not sell coal to our vessels, let him say the same to the Canadian vessels; if they say they will not let us stay more than twenty-four hours in their ports without again encountering the terrors of the ocean, let him say the same to them; if they say they will not sell us cloth even to repair a sail swept away in a storm and he would say the same to them mildly but earnestly, there would not be long any trouble about this controversy.

The universal feeling of mankind would be that we had the right to measure out the same degree of hospitality to them that they do to us, not to go one inch beyond it, not to invade other matters and other controversies and create trouble among ourselves, but merely to give to them the same medicine that they give to us, so that the law of hospitality shall be mutual. Let not the action on one side be kindly and on the other side be harsh and repulsive.

This is what I supposed was meant by the law, that the President would be armed with such discreet power, to be discreetly exercised, as would enable him to prescribe for them the same rule they prescribe to us, and confine it to the same class of objects, not because they deny our fishermen rights of hospitality that we should deny the great sailing vessels that traverse the ocean the rights of hospitality, but deny to their vessels of the same grade the same rights to come here and fish in our waters, and it would not be long before the good sense of the people of England would see that that was not the proper way to conduct intercourse between two great and powerful nations of kindred blood.

A mere proposition of such mutual and reciprocal exchanges of compliment would be sufficient to bring about terms of peace and good neighborhood and good-will. I have no doubt that even yet, if Mr. Cleveland, as this treaty is, as he may as well consider it, dead, would pursue this course plainly marked out by the law, approved by my friend from Alabama, there need be no change of our treaty, no further changes of our laws, and these two great and powerful countries would float quietly and soberly into the haven of peace.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama [Mr. MORGAN].

Mr. STEWART. Pending that motion, I move that the Senate now proceed to the consideration of legislative business.

Mr. FRYE. The Senator from New York [Mr. EVARTS] will, as I understand, be ready to-morrow morning to close this debate on our side; and therefore, at 1 o'clock to-morrow, I shall move that the Senate proceed to the consideration of the fisheries treaty, if the Senator from Ohio is not then present to do so. At the same time I wish to express a sincere desire that we may hasten this to a close, and I hope the Senator from Alabama, if he proposes to do it, will close the debate on that side, and let us have a vote on this subject.

Mr. MORGAN. I shall not assume the right, at all, to limit any Senator on this side of the Chamber in discussing this very important subject at his will and pleasure. I understand that there are several Senators who have not made perhaps very elaborate or prepared effort on this treaty who desire to speak upon it, and I shall not undertake to limit their right to do so. I am willing to speak on this question whenever and wherever I think I can do any good, or can amuse my friends on the other side of the Chamber, but I do not propose to enter into any agreement about it. I have no right to do so.

Mr. FRYE. I am authorized, Mr. President, by those who are opposed to the ratification of this treaty to give notice that after to-morrow morning it will be pressed to a final vote.

Mr. MORGAN. It is proper that I should say in reply to that notice, that we have pursued and observed all proper diligence in this matter, believing that the issue presented here was one of very great magnitude to the country. We have a number of questions that we desire to raise on this treaty as it progresses. One Senator, I think, has a motion perhaps to recommit the treaty, on which I expect he would like to be heard somewhat extensively. We do not intend to obstruct the action of the Senate in the slightest degree, and have not done so at all.

We have extended every indulgence to the other side, especially when they have desired to go away, first the Senator from Maine [Mr. FRYE], afterwards the Senator from Massachusetts [Mr. HOAR], and others. We have given them all the time they desired to debate this question. I have had the misfortune myself to be out of the Senate for six or seven days during this debate on account of sickness, and so I did not have the opportunity to hear what was said about it during that time.

If there is any disposition on the other side to press it to a vote unduly or to extend the sessions until a vote can be obtained, I notify the other side that they can not do it. We shall be here to see that they do not take any rough advantage of us in this matter.

Mr. FRYE. There is no purpose or desire to take any advantage. This treaty has now been pending for a very long while in the Senate, and there is no earthly reason why any Senator who desires to speak should not have prepared himself to speak by this time. When I said that we proposed to press it to a final vote, I did not mean and do not mean to be understood as saying that I shall ask the Senate to sit it out to-morrow or the next day. But I mean to say that having entered upon the discussion to-morrow, I shall ask the Senate to continue it to the exclusion of all other business until the discussion ceases.

Mr. MORGAN. Well, perhaps we shall not agree to that, either. I do not think we shall. There is plenty of other legislative business in the Senate besides this.

Mr. FRYE. That is rather what I expected—that they would not.

Mr. CALL. It is proper that I should say that while I did not propose to make any extended or elaborate observations on this treaty, it was my purpose to make a short address to the Senate upon it before its conclusion. I do not know whether I shall be prepared to do it to-morrow or not. I desire to give notice that I wish to be heard upon it.

The PRESIDENT *pro tempore*. The Senator from Nevada [Mr. STEWART] has moved that the Senate do now proceed to the consideration of legislative business.

Mr. EVARTS. Mr. President, I can hardly think that the Senator from Alabama can feel that any undue pressure is to be brought upon the closing of this debate. For several weeks it has, I believe, been understood upon each side of this Chamber—certainly it has been understood by the Senator from Alabama and myself—that on this side it was proposed that the close of the debate with us should be conducted by myself, and I understood (without any disagreement on the other side) that the close of the debate would be conducted by the Senator from Alabama. As to the time when, or the circumstances under which, that close of debate should take place, it is only necessary to watch the course of things to see, thus far, that every one has had an opportunity to speak, and to delay his speaking, without any objection

of any kind on either side of the Chamber, as was the right and the propriety of the debate here.

I had expected, and so announced, that I hoped to be able to close the debate on Monday of last week, and I understood no objection was felt on the part of the Senator from Alabama that he would be ready to close, so far as that lot might fall to him, on the other side. There have been intervening speeches very properly, there have been on this side, and there have been on that side. And now, at least on our side, I believe there is no one proposing to address the Senate on this subject excepting myself. If others are desirous of speaking on the other side, I had desired that they should speak before I had closed on our side, the Senator from Alabama and the proposers of the adoption of the treaty having the general close. I am sure there is no disposition here to crowd any one regarding this matter.

If it shall be said that there are others who now wish to speak, I have no objection to speaking immediately after them to-morrow, or, if that carries the debate longer into the session than is desired, then on the succeeding day; but as the matter now stands I shall feel quite at liberty to say that the understanding of complete discussion on both sides is fairly enough reached now by its being closed on one side, and the other as is proposed. I shall therefore propose in the morning to close the debate upon our side.

Mr. MORGAN. I should like to be indulged for a moment to say that the speech which has been delivered in the Senate to-day by the Senator from Ohio [Mr. SHERMAN] is upon a plane so much higher and more statesmanlike than anything that has come from the other side of the Chamber since this debate has started, that I think it is only fair to say that we should have an opportunity to see the text of that speech in print before we are forced to go further in this debate.

The Senator from Ohio takes broad issue with his friends over there on many important features of this treaty. That is plain to everybody. I must say that I have perceived no inconsistency in the attitude of that Senator on this question, from the time that I first gathered an idea of his views. I expected just such a speech as he has made.

I should think that after that speech had been made, it is necessary on our side that we should make some explanations and some statements about this case that otherwise we should not have found it necessary to make at all. A few hours of examination should be allowed to enable us to do that.

I should like very much, indeed, that either the Senator from Delaware or myself would take the floor to reply to the remarks of the Senator from Ohio. So far as I am personally concerned, I have not discussed the merits of this treaty at all up to this time. I have avoided doing so. I have been trying to get out of the way some of the rubbish which the Senator from Ohio says is a moot question—a matter of no concern at all. Perhaps if we can agree about that we can get down to the merits of the treaty as it is before us without any further parley.

I wanted to speak of the *modus vivendi* in support of my proposition to postpone the further consideration of this treaty.

Mr. DAWES. That will soon pass away.

Mr. MORGAN. The Senator from Massachusetts [Mr. DAWES] says that will pass away soon. I have no doubt the Senator has a very anxious desire that it should, because it is breaking up the opinions of the fishermen in regard to the advantages of this treaty very rapidly, not less than 60 vessels having availed themselves of the license, that are now carrying on their fishing operations with great success and in perfect peace.

Mr. FRYE. And yet the Senator must know that almost the first one to take advantage of it was seized.

Mr. MORGAN. No, but seized for carrying bait or supplies of some kind from a Canadian port to a French vessel, backwards and forwards. I have not any doubt that as soon as this treaty has gone by the board we shall have a good many cases already manufactured, turned loose for the purpose of manufacturing opinion in this country, and I think if this debate should continue from now until Christmas it would be a great benefit to this people, so that as a matter of fact the fishermen could demonstrate to the country the advantages of a joint ownership of a fishery on the Atlantic coast.

I do think that there is not anything harder to arrange, anything more difficult of adjustment, than a joint tenancy or a tenancy in common in fisheries situated on the coast of Newfoundland, Labrador, Prince Edward Island, or wherever they may be; and whatever reasonable arrangement can be devised by which our fishermen and the Canadian fishermen can have a manner of proceeding provided by which they can keep the peace and still enjoy the riches of the seas in the yield of fish would be something that would attract the attention of this country, and the people of the United States would applaud us for not forcing conclusions when we are getting along so comfortably and peaceably as we are now.

I am quite aware—I have been aware all the time—that if this *modus vivendi* had not been established, or if the Government of Great Britain or the negotiators of this treaty had not tendered to us the *modus vivendi*, there would not have been such extreme anxiety to push this treaty overboard. Of course it is a conclusion that necessarily follows that if the treaty is defeated that concession on the part of the British Government would cease, and then would flare up again all the evils that have occurred under this treaty of 1818, such as have occurred every time that we have not had some accommodation, some arrangement with the British Government by which our fishermen could in peace and quietness enjoy the rights they have under the treaty of 1818.

I therefore prefer, if I can have the indulgence of the Senate, to submit a few remarks on that subject before I get to the main question of the treaty; for the question of the treaty, Mr. President, is one that stands by itself. It is a question of fundamental and organic law. It is the same sort of question that I was speaking about in the remarks that the Senator from Ohio quoted awhile ago, when I said I saw no difficulty so far as concerned fundamental or organic law between the United States and Great Britain. If that Senator had thought a moment he would not have quoted that against me as relating to these arrangements for fishing, which are not fundamental and do not enter into the organic law of the treaty, do not measure any right of the British Government or British citizen, but relate only to the measures and regulations in force and necessary for the peaceful, quiet, and orderly conduct of the fishing rights and fishing ventures in that quarter.

I say yet, as I have always said, that the organic law, the fundamental law as settled between the United States and Great Britain in the treaty of 1818 is a broad, plain, definite, and distinct arrangement. Some details were omitted; some are proposed to be added to it by an amendment in this treaty; some have been added to it by conciliation and concession, on two occasions at least—one at the time when the treaty of 1871 expired by our requirement in the middle of the fishing season, and another which was a supplement or appendix to the treaty now under consideration. The two arrangements that I have mentioned have been made to the satisfaction of the country, I think. I know that the arrangement now progressing, under the protocol to this treaty, is a very opportune one to keep down strife.

I have heard of no conflict, no trouble, since this treaty was sent in to the Senate of the United States, and I should like very much indeed to maintain the *status quo* upon that. If we could get along just as well in our fishing matters with the Canadians for the next fifty or a hundred years as we have been getting along since this treaty was negotiated we should have very little cause for disturbance. We have seen that whenever we have abandoned some agreement, some arrangement for the settlement of this very intricate and joint right, on every occasion difficulties have sprung up, and of such a serious character that on frequent occasions both sides have had to send their navies into those fishing grounds for the purpose of protecting their people. In other words, the arm of war has had to follow along this peaceful work for the purpose of keeping the peoples in the enjoyment of their right in common of fishing in those waters.

I desire very much indeed to do all that lies in my duty and in my power to prevent any occasion or necessity for embroilment between ourselves and Great Britain or any other country. I think that is the highest and first duty of a Senator. And I think, as we are engaged here in negotiating a treaty—for that is the function we are performing now—it is our duty to look over the entire field calmly, and not to rush to conclusions about it. It will not make very much in favor of the American people if the peace between Great Britain and the United States as to the enjoyment of these fishing rights is preserved for a month longer. I can see no reason for hurrying this treaty to an end, unless it may be some political reason. I do not know what we are going to gain by the destruction of this negotiation all of a sudden. I hear of no complaint against it anywhere in its actual operations. I do not know that we are suffering any detriment from it. I have heard no report of that kind; none comes up to the Senate, and none comes to the Department of State so far as I have heard. The urgency, it seems to me, for hurrying up the vote on this question must be of a partisan character. I have seen no reason of a public character suggested at all in regard to the operations of this treaty and its effect on the *morale* of the two countries that would indicate that there ought to be any haste in this discussion. Yet there seems to be great eagerness in it, great determination. Of course Senators must have their way. But I again announce that unless some reason is shown in public necessity for the destruction of this treaty right away, I, for one, shall insist on all my parliamentary rights as a Senator to prevent such an event.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Nevada [Mr. STEWART] that the Senate proceed to the consideration of legislative business.

Mr. EVARTS. I then give notice that when the legislative matter before the Senate is disposed of, as moved on by my friend from Nevada, I shall move the Senate to proceed to the consideration of this fishery matter.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from New York [Mr. EVARTS] as entitled to the floor when the consideration of the treaty is resumed.

The motion of Mr. STEWART was agreed to, and the Senate proceeded to the consideration of legislative business.

The PRESIDENT *pro tempore*. The Senate is now in session for the consideration of legislative business.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the following acts:

An act (S. 1884) granting a pension to Louisa Provost;

An act (S. 2652) granting a pension to Gustave E. Peters;

An act (S. 896) granting a pension to Mrs. Louise Silvers;

An act (S. 692) granting an increase of pension to Enoch G. Adams;

An act (S. 2105) granting an increase of pension to Joseph Verbisky;

An act (S. 734) granting a pension to James Hale;

An act (S. 888) granting a pension to Mercy A. Cutts;

An act (S. 2033) granting a pension to Joseph Wirth;

An act (S. 558) for the relief of certain settlers upon the school lands of Washington Territory;

An act (S. 2845) granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections 22 and 15, lying south of the Warrior River, in township 21 and range 10 west;

An act (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law; and

An act (S. 3365) for the erection of a public building in the city of Chicago, Ill., to be used as an appraisers' warehouse and other public purposes.

The message also announced that the following bills, having been presented to the President on the 25th ultimo and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his signature:

A bill (S. 749) granting a pension to Louise Paul;

A bill (S. 842) granting a pension to Julia A. Rhoads; and

A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser.

PUBLIC PARK AT TACOMA, WASH.—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1870, entitled "An act granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purpose of a public park."

It is proposed by this bill to permit the appropriation for a public park of a certain military reservation containing 635 acres, which was set apart for military and defensive purposes the 22d day of September, 1866.

The establishment of this reservation was strongly recommended by high military authority, and its preservation and maintenance have since that time been also urged by the same authority.

At this time, when the subject of national defense is much discussed, I can not account for the apparent willingness to grant, or permit to be used for other purposes, Government lands reserved for military uses.

I judge from an expression in the letter of the Chief of Engineers, made a part of the report of the committee of the House to which this bill was referred, that its original purpose was to absolutely transfer this reservation to the city of Tacoma. The Chief of Engineers suggested an amendment to the bill providing that the mere permission to use this land for a park should be granted, "and that this permission be given with the full understanding that the United States intends to occupy the lands or any part of them for military or other purposes whenever its proper officials see fit to order the same and without any claim for compensation or damage on the part of said city of Tacoma."

Instead of adopting the recommendation of the Chief of Engineers, the provision of the bill limiting the extent of the use of this land declares "that the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense or for such other disposition as Congress may determine without any claim for compensation to said city for improvements thereon or damages on account thereof."

The expediency of granting any right to the occupancy of this land is in my opinion very doubtful. If it is done, it should be in the form of a mere license, revocable at any time, for the purposes used by the officers to which its use and disposition are now subject.

It seems to me that if any use of this land is given to the city of Tacoma it should be with the proviso suggested by the Chief of Engineers, instead of the indefinite and restricted one incorporated in the bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 7, 1888.

The PRESIDENT *pro tempore*. The question is, Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. BERRY. I move that the message, with the bill, be referred to the Committee on Public Lands.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had appointed Mr. TOWNSHEND, Mr. MAISH, and Mr. LAIRD managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5269) to relieve Jacob Y. Bostatter from the charge of fraudulent enlistment; and

A bill (H. R. 10165) for improving the mouth of the Brazos River, Texas.

POSTAL CRIMES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate:

In compliance with a resolution of the Senate of the 3d instant (the House of Representatives concurring) I return herewith the enrolled bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 7, 1888.

Mr. VEST. I move that that bill be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. Does the Senator from Missouri desire to have the vote by which this bill was passed reconsidered?

Mr. VEST. Yes.

The PRESIDENT *pro tempore*. And also the vote by which it was ordered to a third reading?

Mr. VEST. Yes.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection, and the bill will be referred to the Committee on Post-Offices and Post-Roads.

Before that is formally done, however, as this is a bill returned by the President of the United States pursuant to a request of the two Houses, the Chair learns that the bill was introduced in the Senate and was passed by the House of Representatives after having been acted upon in this body. The Chair therefore is in doubt whether it is competent, before the House of Representatives has acted in the matter, to announce the reconsideration of the vote by which the bill passed the Senate. The Chair submits the matter for the consideration of the Senate.

Mr. EDMUNDS. The Chair is right. I think there ought to be a resolution sent to the House of Representatives stating that the President has returned the bill in pursuance of the request of both Houses, and some proper assent should be obtained from the House of Representatives, that has agreed to the bill and has passed it, that its enrollment and the signature of its Speaker should be treated as canceled. The bill then would be up again for consideration in this body. I dare say that the Senator from Missouri [Mr. VEST] can prepare such a resolution before to-morrow morning.

The PRESIDENT *pro tempore*. If the Senator from Missouri, then, will indicate to the Chair when he is prepared to make the proper motion, the bill will be again laid before the Senate.

Mr. VEST. I may make this statement about it, not being an expert in parliamentary proceedings: A concurrent resolution was passed by the Senate and House of Representatives asking the President to return this bill, and, as matter of course, he returned it to the House in which it originated, which was the Senate in this instance. Now, it would seem to me, without further examination, that when the House of Representatives concurred in that resolution, knowing that the bill would come back, as matter of course, to the Senate, the bill should be here for our action. We certainly are not compelled now to ask the House of Representatives, "What will you do with this bill?"

Mr. EDMUNDS. But the bill which has been returned to this body has upon it the signature of the Speaker of the House of Representatives and the signature of the President of the Senate.

Mr. VEST. I understand that.

Mr. EDMUNDS. And therefore it would seem to be our duty to the House of Representatives, in preserving our concurrent jurisdiction, that we should not proceed to annul the signatures both of the Speaker of the House and of the President of the Senate, as we must do in effect without their understanding it and assenting to it. It is a matter of mere procedure before both Houses.

Mr VEST. Then I do not know what we can do about it but pass a resolution to be sent to the House before further action is had.

Mr. EDMUNDS. We should ask the House for its concurrence in the annulment of the signatures of the Speaker of the House and the President of the Senate. Then the bill will be open for the action of the two Houses.

Mr. RANSOM. If I may say one word, the bill is now in exactly the condition that it would be in if it had never gone to the President. It would be a Senate bill passed by the House, and having upon it the signature of the Speaker. It seems to me the proper way would be to send a message to the House of Representatives asking them to take the desired action on their part—to return that bill to the Senate.

Mr. EDMUNDS. I suggest that the matter lie over until to-morrow morning.

The PRESIDENT *pro tempore*. The matter will lie over until to-morrow morning.

COMING OF CHINESE LABORERS.

The PRESIDENT *pro tempore*. The Senate will resume consideration of the unfinished business, being Senate bill No. 12.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. As there is not probably time to finish that bill this afternoon, and inasmuch as the bill to prohibit Chinese immigration, Order of Business 1801, has been partially considered, and I think can be concluded this afternoon if the Senator from Alabama [Mr. MORGAN] is prepared to proceed with his remarks, I shall ask unanimous consent that the present Order of Business be laid aside and that the Senate proceed to the consideration of Order of Business 1801 on Chinese immigration.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the present business of the Senate be laid aside in order that he may move the consideration of the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

Mr. PLATT. May I have unanimous consent to say a word?

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. PLATT. I do not rise for the purpose of objecting to the suggestion of the Senator from Nevada at this time, but simply to say that this bill for the admission into the Union of the State of Washington, which is now the unfinished business, as well as two bills which are in the special orders, have been standing before the Senate since the 24th of May—a long time. I am very desirous that there should be action upon those measures, and I simply say to the Senate that when the Chinese bill, which the Senator from Nevada desires to consider this afternoon, shall be out of the way I shall endeavor to press forward these bills for the admission of Territories as States into the Union at all times when I can.

Mr. STEWART. And I will co-operate with the Senator in that regard.

The PRESIDENT *pro tempore*. The Senator from Nevada [Mr. STEWART] asks unanimous consent that the unfinished business be informally laid aside for the purpose of enabling the Senate to proceed to the consideration of Order of Business 1801, being the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States. Is there objection? The Chair hears none. The bill has been read at length in Committee of the Whole, and is open to amendment.

Mr. MORGAN. This bill has been laid aside now for some days—some weeks I believe—and the subject may probably have faded from the minds of Senators to a considerable degree. I will therefore, for the purpose of presenting it, restate briefly the matter that I stated in my former remarks.

First, however, Mr. President, I wish to call the attention of the Senator to a matter that I complained of before, which I think worthy of complaint, that the Senator from Oregon, the junior Senator now from that State [Mr. MITCHELL], introduced clippings from newspapers for the purpose of reflecting on this Administration in regard to a matter as to which this Administration has done and accomplished all that really has been accomplished in the exclusion of Chinese immigration from the United States. He read the following extract from the Daily Evening Bulletin, of San Francisco, published on Thursday, July 12, 1888, headed "Too good to be true:"

TOO GOOD TO BE TRUE.

It is rumored that there is some doubt whether the Chinese Government will approve the new treaty because of the amendments introduced by the Senate. These amendments are the only valuable parts of the measure. But we are afraid that no such good luck is before us. The scarcely concealed bribe of $276,000 to the Chinese Government will secure the ratification. If the treaty were rejected the Administration would no longer have any excuse to oppose the only legislation that will reach the root of the Chinese evil. The treaty, even as amended, can lead to nothing but the gravest complications. The fisheries treaty, which has already been cut to pieces in the Senate, was wise diplomacy in comparison with the Chinese treaty. The latter is, in fact, the most outrageous sell-out of the present Administration.

It may be regarded as a treaty to facilitate Chinese immigration. Under it this country will be flooded with Chinese. Every cooly now ashore can be duplicated as often as he departs, while new hordes can be introduced by the transit privilege. Improvised traders, students, teachers, and travelers can be brought on the scene when everything else fails. There will be no check on the latter but the visé of our consuls, and what sort of a check that will be everybody knows. If this treaty had been considered in open Senate, like the fisheries treaty, it would have been defeated, provided our representatives exhibited as much industry and ability as the New England representatives of the fishing interests of the Northeast.—*Daily Evening Bulletin*, San Francisco, Thursday, July 12, 1888.

The Senator who introduced and read this remark from the San Francisco Bulletin accompanied it with the statement that he intended to vote for the bill now before the Senate, notwithstanding he believed it was a bill to carry out a treaty that was a sham and a fraud.

Mr. PLATT. May I inquire what the Senator from Alabama was reading from?

Mr. MORGAN. I was reading an extract put into the speech of the Senator from Oregon [Mr. MITCHELL] without any qualification, or without expressing any belief in the verity of the statement or suggestion made in it. I have read it as part of his statement and part of his argument.

I want to show the opinion that that Senator has, assisted by the editor, of the present Administration and of the treaty that has been amended here in the Senate and sent on for ratification now by the Chinese Government—the Senate having consented to put in some amendments to the text of the treaty as it was originally negotiated for the purpose of putting the matter as straight and square as words could make it, not merely that the coming of Chinese laborers to this country in the future ought to be prohibited, but also providing that those who have already gone out of the country upon our permits to return shall not be permitted to return. The Government of China coincides with us—that being an imperial government and having no respect, of course, for the rights of its own people—agrees with the Government of the United States that a privilege that has been granted to its subjects shall count for nothing, and that this present treaty shall make it useless.

I commented on that as pretty rough legislation. Nevertheless, it was such as carried out the purpose of the Chinese Government, which was announced to be, in a very distinct way, to prohibit the coming of Chinese laborers to the United States. The Chinese Government, probably worried at the reversal of a governmental policy which shuts her people within her own gates, and also somewhat harassed at the treatment that some of them had received in some of our outlying Territories and remote places, has come to the conclusion that it is her duty to keep her citizens, her laboring population, from coming to the United States under any circumstances whatever. That treaty, as amended by the Senate, has been, as I am informed, sent on to China for ratification. How soon it will be back here we do not know; but this bill, which seems to be in the same language, introduced into both Houses, reported by the committees of both Houses, I understand, is to carry out that as yet unratified treaty. And while it appears to be quite an early movement and rather a novel movement also, I suppose it arises from the pressure of political necessity upon the gentlemen who are urging this measure now, and that they must prove by every means in their power that they are determined at this late day to exclude Chinese laborers from the United States absolutely.

Well, sir, it behooves the Republican party that they should prove that determination now, because, from the beginning, the other has been their policy. There is no party in the United States responsible for the introduction of Chinese into this country except the Republican party. There is no party that has worked so assiduously, unitedly, and powerfully for their exclusion from the United States as the Democratic party. There is no party that has at last succeeded in making a negotiation with China until this Administration came into power, and there is nobody that is sorry for that, as far as I know, except the Senator from Oregon, who quotes approvingly, and puts into his remarks, this article from the San Francisco Bulletin which says that it is too good to be true that the Senate has put some amendment into that treaty which will lead the Chinese to reject it.

Mr. President, this is a subject that has engaged the attention of the American people very seriously and for quite a long while, and it is as well that we should now come to an understanding as to the progress that has taken place in changing front on this matter since 1868, when Mr. William H. Seward and Mr. Anson Burlingame, with a couple of Chinese diplomatists, were engaged in making the treaty which presented the Chinaman to us and to the people of the world as a man who was entitled to all the privileges of expatriation and was entitled to an earnest, cordial, hospitable invitation to come to this country and occupy the land, and make himself generally useful to the people of the United States, and to himself, as well as to the cause of Christianity by giving up the worship of his joshes and the like, and accepting the Christian system as the one upon which he was hereafter to base his liberties and his conscientious conduct.

In Article IV we commence with the question of conscience in that treaty.

ARTICLE IV.

The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecutions in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China nor upon the subjects of China in the United States.

I do not suppose that the heart of man could open a wider gate for Chinese immigration than was opened in that Burlingame treaty, and

the Chinese came in floods. They did not mince the work at all. Very soon they took possession of the Pacific country as laborers. They worked cheap; they were obedient. While not so skilled or so strong as the American laborer, you could hire two of them for the wages paid to one white man. They were submissive, docile, slavish in their characteristics. And men, it seems (it does not make any difference in what latitude they are born), when it comes to a question of personal service, like to have a little slavery about them. If they can not get negro slavery they will take Chinese. A little seasoning of slavery, it seems, they are obliged to have in order to promote their personal comfort. That was as attractive to the lords and nabobs of the Pacific coast as to many of our people who invited the Chinese in this broad and Christian way to occupy our country.

When we came to negotiate the next treaty—because it was not very long after that, in 1880, this question got to be a very serious one, indeed—they put into the second treaty all the provisions that were in the Burlingame treaty in regard to the right of protection, all the immunities that might be enjoyed by Chinese subjects in this country. We then commenced in that treaty to limit the influx of Chinese here by confining the right of all coming here to scholars, men of learning, merchants, travelers, and the like, but excluding to a certain degree the incoming of the laboring population.

It appears that the Chinese who came over here found their first competition among the white laborers of the United States—the Germans, the Irish, the Norwegians, and the Scandinavians, and whoever else were over there on the Pacific coast—white laboring people. These were the first competitors with the Chinese for the opportunity to work for fair wages. It was not long after this until these men discovered the condition of things, and until the politicians became aroused about it and the subject found its way into Congress. Acts of Congress were proposed here; some were passed, some were vetoed, and some were repassed for the purpose of giving force and effect to the few restrictions that were put in the treaty of 1880 limiting the right of Chinese laborers to come to this country. I will insert in my remarks at this point the treaty of 1880, about which I wish to make some comment:

TREATY—CHINA. NOVEMBER 17, 1880.

ARTICLE I.

Whenever in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this 17th day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL. [SEAL.]
JOHN F. SWIFT. [SEAL.]
WM. HENRY TRESCOT. [SEAL.]
PAO CHÜN. [SEAL.]
LI HUNGTSAO. [SEAL.]

It appeared that the only effect of that treaty and the legislation that was had upon it was to bring into the courts of the United States a very large number of cases of habeas corpus and cases of like character, in which the individual right of Chinamen to come here was litigated. In the debates that occurred on the passage of these several acts, one of which was vetoed, and another of which became operative, statements were made of opinions of our leading statesmen, some of whom are still in this body and occupy very high positions, and some of whom are not here but still occupy high positions in the Government. Those gentlemen expressed their opinions, and I propose, for the purpose of showing how this matter progressed, to lay before the Senate some of those expressions. I am not aware that a single Democrat in the Senate from the time that the legislation first began up to this hour ever opposed the efforts for Chinese restriction. On the contrary, our most eminent men lent all the valuable assistance that they could to the progress of the measure and to restraining and retarding the incoming of Chinese, while on the other side of the Chamber there was a very formidable and a very able resistance.

I will now read from the debate which occurred on the 14th of February, 1879, when we were endeavoring to pass the first bill, I think it was, on this subject, which anticipated the treaty of 1880, and which was based on the idea of the reserved right of the people of the United States, irrespective of treaty obligations with other powers, to fix the character of the population that should come into the country. We denied that the Chinese Government had the right to throw upon us a class of very illiterate and very debased people, notwithstanding the broad invitation that had been given in the Burlingame treaty for Chinese of every class and character to come here. We said by opening the door of invitation to Chinese immigration that we did not mean to be understood as inviting all classes of people who might come, paupers, lepers, villains, and criminals of every description, or any other class of people who might become a very objectionable element in the party politics of this country. That was the way in which the question was first presented to the Senate. It was not upon the construction of the treaty power so much as it was upon the proposition whether or not the Burlingame treaty had interfered with our existing right as a sovereign power to regulate as to the classes and kinds and conditions of people who generally had a treaty right to come here, we having the right still of discrimination, there being nothing said about that in the Burlingame treaty. It was in arguing that phase of the case that Allen G. Thurman took the floor in the Senate, and after having discussed that bill considerably, said:

But my colleague proposes—

His colleague then was Hon. Stanley Matthews, now one of the Justices of the Supreme Court of the United States—

But my colleague proposes that the President shall be set in motion to negotiate a new treaty. Why, I might ask, has he not had time enough to do this; did not his predecessor have time enough to negotiate a treaty, and his predecessor, too, and has not the attention of the Executive been called to this subject enough to induce us to say that if, after the lapse of ten, or twelve, or more years of discussion of this subject, sometimes warm and heated discussion, and certainly thorough and exhaustive discussion, if the executive department has not until this day moved in this matter, or has moved unsuccessfully, is it not time for Congress to take the business in hand? It does seem to me that it would be trifling with this subject to adopt the amendment suggested by my colleague, and which he has laid upon the table, to ask the President to go to work to negotiate with the Emperor of China for a modification of that treaty, and, if he can not get the modification by such a time, then to authorize the President to do what? To prohibit immigration? Not the least bit in the world; that is not the amendment; but to dec are that the treaty is at an end.

Well, suppose the treaty were at an end and there is no prohibitory legislation, John Chinaman could come here just as well as he did before the treaty was made. Putting an end to the treaty would not afford a remedy at all, but putting an end to the treaty would do a great deal of harm, perhaps, because we do not want to put an end to all of that treaty. The most of the treaty is good enough; we want the most of the treaty, and because the Emperor of China should not consent to abrogate those sections which provide for the immigration of Chinese here, are we to cut off our own noses by abrogating the whole treaty without China asking us to do so at all? No, Mr. President; that amendment will not do. That amendment would be of very great injury indeed, if it were adopted and were executed.

I say, therefore, Mr. President, that the true way is, there having been no modification of this treaty by the treaty-making power, and, so far as we know, no attempt having been made to modify it, there having been nothing of that kind done, many, many years having elapsed since the treaty was made, and the evil growing every year greater and greater, and the danger to which we are exposed by this migration becoming every year more and more imminent, it is now the duty of Congress without delay to take this matter in hand. Why, sir, we have taken it in hand to a certain extent; we did it long ago by the passage of the cooly bill, to which the Senator from Maine [Mr. Blaine] referred. By that bill we made it a penal offense for anybody to bring coolies here as servants or apprentices against their consent or for any stipulated time of service. We did that. That was not considered an unfriendly act by China; that was, in fact, rather in pursuance of the provisions of the treaty than otherwise, and it ought not to be considered by China an unfriendly act if we now put a stop to Chinese migration.

Sir, of all the countries on the face of this globe China is the last country to insist that her people shall migrate to other countries as a matter of right. Do we not know that for centuries upon centuries, more than ten centuries, China shut out the whole world from her borders, and although she now permits us to trade at a few ports, a very limited number, although she allows Americans to settle in some few of her ports, practically, we all know, that there is no such thing as American migration to China. The treaty is all one-sided in that respect. The Chinese are an emigrating nation, and whenever they have obtained a foothold they never have let go. Read the history of Cochin China, of Siam, of Anam; look at the condition of Borneo and Sumatra now; see the multitude of Chinese in Hindostan, and you will see that wherever that people have obtained a foothold they never recede; they increase and increase and increase; and so it will be here.

Now, Mr. President, it does not seem to me that they are a desirable population. I do not think that they can be molded with the rest of the people of this country into one homogeneous mass. We have already three races besides them on this continent, the white race, the black race, and the red man. That is enough. We want no more mixture of such races in this country; but we want time to amalgamate our white people who can amalgamate until they are a homogeneous people. We can go no further than that. I have, therefore, always been in favor of the immigration of white people to this country; I think that every one of them who comes to the country adds to the wealth and the strength of the country. I have had no fears from that migration here. I know that in the third or fourth generation their children's children will be amalgamated with the rest of the white population of the country, and we thus have a homogeneous country. But that can never take place between the whites and the Mongolians or other colored races. Their presence in our

country, although it might be advantageous as furnishing a set of cheap and efficient laborers, carries with it such disadvantages that they more than countervail all the benefits we could derive from their presence.

I hope, therefore, Mr. President, that this bill, which it seems to me is pretty carefully drawn, which it seems to me is a moderate enough measure, will receive the approbation of the Senate and become a law.

Mr. COKE. Was that Judge Thurman?

Mr. MORGAN. That was Judge Thurman. He was the man that the Democratic party of this Senate always felt willing should lead, a man of wisdom, a man of high character, of great forecast. In those few observations he actually foretold and forecast the condition of things existing here to-day, when the Emperor of China becomes actively engaged in joint efforts with us to prevent the immigration of his own subjects to this country.

Judge Thurman had a great deal else to say about this matter, but that, I believe, comprises as nearly as I can find what you might term a syllabus of his opinions on this subject, and they are all on the right side, and he was one of the most powerful factors in the United States in the breaking down of that wild theory contained in the Burlingame-Seward treaty, which opened the floodgates of immigration to this land and has given us more trouble than we have had with any other race of people in the world.

Mr. BECK, another gentleman who was then prominent and is yet a powerful man in the Democratic ranks, gave his views on this subject, a brief part of which I will read:

Mr. BECK. Mr. President, when I sought the floor a few moments ago it was to urge the Senate to come to a vote. I expected to say a word or two, but the eloquent sermon preached by the Senator from Massachusetts has almost made it impossible for me to say anything. I agree with the Senator from California [Mr. Sargent]. The bill ought to pass. I believe that self-preservation is the first law of nature. If the President and his Cabinet are so diplomatic that after Congress refused to make Chinamen citizens and deprived them of the right that we give all people from elsewhere, Africans and everybody else, they did nothing, some steps ought to be taken by Congress whereby we may exercise the right to exclude them from our shores, if they can not stand upon an equality with the rest of us.

I believe that no greater evil can afflict a people than to have a set of peons, a degraded class, in our midst, who have not the rights of the humblest citizens. I do not believe that a set of men such as they have in California, who are living upon rice with perhaps a rat or two a week as a luxury, working for one-third what a civilized man can labor for, ought to be there in this age, struggling to keep down the rights of the white man. I believe that if the executive branch of the Government will not take hold of the matter, but refers it to the Congress of the United States, the Congress of the United States, after what has taken place, ought to step forward and defend the dignity of the white man and the right of the American laborer against these serfs (for that is what the Chinaman is) of the men of wealth who own the machinery and run the great corporations of that part of the country. It is not fair to the laboring class of our own people to allow that condition of things to exist any longer, and if the executive branch of the Government will not take hold of it, then it behooves us to do it.

Many of the lesser lights in the Democratic party at that time spoke upon the question freely and frequently, and always voted solidly for the passage of any bill that would have the effect to keep Chinese immigration out of this country.

Mr. MITCHELL. Will the Senator yield for a question?

Mr. MORGAN. Yes, sir.

Mr. MITCHELL. Did ever Judge Thurman while he was a Senator on this floor, did ever the Senator from Kentucky [Mr. BECK], since he has been a Senator on this floor, or did ever the Senator from Alabama now addressing the Senate, since he has been a Senator on this floor, or did any other Democratic Senator now a Senator on this floor, or who ever has been a Senator on this floor representing a State on this side of the Rocky Mountains, ever introduce any measure looking to the restriction of Chinese immigration? And is it not a fact that the very measures which were pending upon which those remarks were made to which the Senator has alluded were measures that were introduced by Republicans?

Mr. MORGAN. I do not know that I can say who wrote the bills, but I think I shall look that up. I know that Senator Farley when he was here along with Senator Miller, was a very warm, firm, and arduous advocate of the bill on which he and Senator Miller united their forces.

Mr. MITCHELL. All Senators and members from the Pacific coast, Republicans and Democrats, without exception, I will say, have been earnestly in favor of the restriction of Chinese immigration.

Mr. MORGAN. And that Republican party, which you are now trying to laud to the extent of the very cruel statement taken from a California paper about the present Administration, standing against you, and you had to apply to the Democratic party for your help, and you could not have got your bills through without their assistance, because the Republicans on this side of the Rocky Mountains were against you, the great body of the Republican party was against these measures.

Mr. MITCHELL. Will the Senator allow me again?

Mr. MORGAN. Yes.

Mr. MITCHELL. I undertake to assert without fear of successful contradiction that the best Chinese restriction bill that was ever reported from any committee or passed by either House of Congress was the bill that was reported from the Senate Committee on Foreign Relations of this body in 1886, and which bill was passed by the Senate and smothered and killed in the Democratic House of Representatives.

Mr. MORGAN. Yes, in 1886 they got very sick of their arrangements; a good while had transpired since the Burlingame treaty; they had had the assistance of the Democratic party, I know, in this body at least, for no two men ever labored more assiduously than did Mr. Slater and Mr. Grover, of Oregon, for the purpose of passing these anti-Chinese bills. They spoke and worked in season and out of season; but in 1886 it was found necessary to reverse the wheel, to take a different course, and hence it was that these gentlemen finding out that the question had actually become one which was demanding a great deal of popular attention upon the Pacific coast, and being anxious in 1886 that they should be able to control the votes in that part of the world, they then went very industriously to work to recall what they had said and done before that time.

Now, sir, one of the most distinguished gentlemen in the Chicago convention that recently assembled—I believe he was on the committee that framed the platform of that party there—is a member of this body, the Senator from Massachusetts [Mr. HOAR]. I desire, if I can find it, to lay before the Senate the language that was adopted in that convention in regard to Chinese immigration, and to make a little comparison of it with some other things that have been said and done.

Mr. STEWART. The Senator from Massachusetts was not upon the committee on resolutions.

Mr. MORGAN. He was not. He was at any rate a distinguished member of the convention. That gentleman led off on the Republican side of this question in the Senate. I will read presently from his remarks in the second debate that I trace to him——

Mr. GEORGE. When was that?

Mr. MORGAN. This was in 1882. I will commence with the Republican platform, which reads:

We declare our hostility to the introduction into this country of foreign contract labor and of Chinese labor alien to our civilization and our Constitution, and we demand the rigid enforcement of the existing laws against it, and favor such immediate legislation as will exclude such labor from our shores.

That must be admitted to be quite a strong departure from the Burlingame treaty, which was made by two of the most eminent Republicans in the United States, or that ever were in it, Mr. Seward and Mr. Burlingame. There is a broad gulf to be measured, and the steps by which that has been done were our work. It has not been done without labor and without resistance on the part of the Republican party.

Speaking in this body, on the 1st of March, 1882, Mr. HOAR said:

For myself and for the State of Massachusetts, so far as it is my privilege to represent her, I refuse consent to this legislation. I will not consent to a denial by the United States of the right of every man who desires to improve his condition by honest labor—his labor being no man's property but his own—to go anywhere on the face of the earth that he pleases.

I have said that this bill seems to me to violate the provisions of the treaty it professes to execute. It does more. It confers on every collector of customs the authority to seize and forcibly remove from the country, without trial or legal process, every person of Chinese race whom he shall determine to be in the United States in violation of its provisions. The alien laws of June 25 and July 7, 1798, passed when war was deemed imminent, at a time of great and dangerous excitement, conferred upon the President of the United States for a period limited to two years the power to order out of the country aliens whose presence he might judge dangerous to its peace, and gave him the further authority in case of actual war to cause the removal of resident aliens natives or citizens of the hostile nation.

These acts, passed against the protest of Hamilton, went far to cause the downfall of an administration. The alien law was overthrown because it intrusted the highest officer of the Government, the great constitutional lawyer and lover of liberty, John Adams, with the power for two years to order the removal of a single person whose presence for good cause he deemed dangerous to the public peace. But here a local officer of the smallest customs district may, yes, must, forcibly seize and expel, without trial or judicial hearing, the Chinese whom he finds within his precinct, however excellent his character, however advantageous his presence. We have experienced evils which required legislation to regulate immigration from other countries. But we have hitherto directed our remedy to the complaint.

There may be much that is wrong connected with the coming of these people from China, especially the importation of coolies. But let us in our statute use language which fitly describes the evil and would prevent, not language which strikes at the prerogative with which Government has no right to interfere. It it not importation, but immigration; it is not importation, but the free coming; it is not the slave, or the apprentice, or the prostitute, or the leper, or the thief, but the laborer at whom this legislation strikes its blow.

What has happened within thirteen years that the great Republic should strike its flag? What change has come over us that we should eat the bravest and truest words we ever spoke? From 1858 to 1880 there were added to the population of the country 42,000 Chinese.

Then on page 1520 of the same volume of the RECORD the same Senator said, after quoting some poetry, of which he is very fond indeed, and he always quotes it most admirably:

An argument is based on the character of the Chinese. You should take a race at its best, and not at its worst, in looking for its possibilities under the influence of freedom. The Chinese are in many particulars far superior to our own ancestors as they were when they first came forth into the light of history. Our British forefathers, at a time far within the historic period, remained in a degradation of superstition and a degradation of barbarism to which China never descended. Centuries after the Chinese philosopher had uttered the golden rule, and had said, "I like life and I like righteousness; if I can not keep the two together I will let life go; and choose righteousness," the Druids of Britain were offering human sacrifices to pagan deities. We must take a race at its best in determining its capacity for freedom. This race can furnish able merchants, skillful diplomatists, profound philosophers faithful servants, industrious and docile laborers. An eminent member of the other House told me that he had dealt with Chinese merchants to the amount of hundreds of thousands, perhaps millions, and that they had never deceived him.

Joaquin Miller, the poet of the Pacific coast, writes a letter giving the result

of his observation as a magistrate for four years, every word of which is worth reading:

"*To the Editor of the Tribune:*

"SIR: Fearful that the President of the United States may be induced to sign the Chinese anti-emigration bill, I beg to submit to his consideration the following brief statements: In the first place it is claimed that this is a bill which the Pacific people have deeply at heart. I venture to assert that not half of the solid wealth and worth of the far West, outside of the politicians, favor this bill. I have many letters protesting against it as a coarse and cruel measure. My parents, all my people, my heart and my home are there. I know the hardy, honest-hearted settlers there, and I know that they protest against this measure which politicians are trying to compel through Congress in their name. And why is this being done? As early as 1854 this cry against the Chinese began to be heard along the wharves and about the hotels of San Francisco. It came from Irish laborers and porters, but the cry was equally loud against the negro and the Mexican. In a few years it became more loud, and centered on the Chinaman, for the Mexican had melted away before us and the negro had gravitated back home. But the cry now came also from the Irish "help," who, by extortionate wages had brought the Chinamen in competition. These chambermaids, etc., had brothers, lovers. These brothers and lovers were voters—makers of Congressmen. The Chinamen did not vote, and so had no champion. This is the key to the whole question. This outcry against the Chinamen has from that day been a political shibboleth. No man yet, so far as I have known, has gone to Congress and had the manhood to rise in his place and bravely tell the truth and speak a fearless word for this silent and friendless stranger.

"About 1856 the Chinaman began to take hold of the placer mines alongside of the miners of the Sierras. Up to that time he had confined himself, as a rule, to the pan and rocker and kept in the wake of the white miner; but now he took to the long tom, sluice, and flume, and bought and worked mines on a large scale. He never ventured to 'take up' a claim, but timidly held his ground by bill of sale from some speculator, who had sold it to him at a fabulous price. The honest men of the Sierras welcomed them, and side by side they worked together for many years; and I am certain that every miner of those days who has no selfish ends to serve will gladly testify to the honesty, industry, and neighborly good nature of these silent little brown men. These people, at the same time, were terribly taxed by the county authorities; but they always came up promptly, and without a word of complaint paid what was demanded of them. At Canyon City, Grant County, Oregon, this monthly tax was $5 a head for every Chinaman. They had to constantly endure wrongs from every drunken ruffian or reckless "hoodlum" who saw fit to impose upon them; yet they were the most peaceful people we had among us. I sat on the bench as judge of this county for four years, and I will state on the honor of a magistrate that the calendar, both criminal and civil, showed the names of at least ten white men to one Chinaman, although the Chinese population, during the most of this time, outnumbered the whites. Let me here say that I never, during all my years of intercourse with this people as miner or magistrate, saw a single drunken Chinaman. I never saw a Chinese beggar; I never saw a lazy Chinaman. They are perhaps the most industrious people in the world. It is a part of the Chinaman's religion that in the sweat of his face he shall eat his bread.

"Can the United States afford to fear these patient and simple people? They will not harm us. They are not strikers, rioters, and burners of cities. But there is something more in this than the selfish question of our own security. The Chinaman who returns home carries something more than our gold to his land; he takes with him and disseminates there all the art, civilization, freedom, or truth which he found here. These are the real missionaries to China. This bill must not become a law. This bold attempt to make it so ought to condemn to everlasting infamy every one of the great names that advocated it. The little men who stand as ciphers to dignify and add to these great figures in Congress are not, perhaps, so much to blame. But it is pitiful to see these great minds prostituted to such selfish aims. They pay a poor compliment to the intelligence of the people of the Pacific coast if they think they are not perfectly understood. No; the Creator of us [all opened the Golden Gate to the whole wide world. Let no man attempt to shut it in the face of his fellow-man.

"JOAQUIN MILLER.

"NEW YORK, *February* 23, 1879."

Further on, on page 1522 of the same volume, speaking of the report made by Mr. Morton, then a Senator from Indiana, which has been somewhat disputed and debated about, as to whether Mr. Morton actually intended to sign that report or not, after he had visited the Pacific coast at the head of a committee, the Senator from Massachusetts [Mr. HOAR] said:

I wish also to read in this connection what Mr. Morton says as his conclusion—

I suppose Mr. Morton will be taken as pretty high authority in any Republican Senate—

"That they have injuriously interfered with the white people of California, or have done them a serious injury, may well be doubted. The great fact is that there is to-day and always has been a scarcity of labor on the Pacific coast. There is work for all who are there, both white and Mongolian, and the State would undoubtedly develop much more rapidly were there more and cheaper labor. There was much intelligent testimony to the fact that the Chinese by their labor opened up large avenues and demand for white labor. The Chinese performed the lowest kind, while the whites monopolized that of a superior character. This was well stated by Mr. Crocker, a very intelligent witness, largely interested in the Central Pacific and Southern California Railroads. In answer to a question as to what was the effect of Chinese upon white labor, and whether it was to deprive white men of employment, or had that effect at any time, he said: 'I think that they afford white men labor. I think that their presence here affords to white men a more elevated class of labor. As I said before, if you should drive these seventy-five thousand Chinamen off you would take seventy-five thousand white men from an elevated class of work and put them down to doing this low class of labor that the Chinamen are now doing, and instead of elevating you would degrade the white labor to that extent.'"

Then again from the same report:

"For any man to ride through California, from one end of the State to the other, and see the miles upon miles of uncultivated land, and in the mountains millions of acres of timber, and the foothills waiting for some one to go and cultivate them, and then talk about there being too much labor here in the country, is simply nonsense, in my estimation. There is labor for all, and the fact that the Chinamen are here gives an opportunity to white men to go in and cultivate this land where they could not cultivate it otherwise. Other evidence showed that by Chinese labor over 1,000,000 acres of tule lands have been reclaimed. This was work of the hardest and most unhealthy character, requiring them to work for a large part of the time in mud and water; but the lands, when reclaimed, were occupied and cultivated by white men, furnishing a great many homes, and were in fact the richest and most productive in California. They also chiefly performed the work in constructing irrigating canals for farming purposes, and dams and canals for supplying the mines with water, by which a very large extent of country was made exceedingly productive, furnishing homes and employment for thousands of white men, and by which, also, the mines were made profitable, and created a large demand for white labor. The evidence further showed that the railroads, chiefly constructed by these people, were the pioneers in settlement and agriculture; that the settlements followed the railroads; that wherever a railroad was constructed the lands were taken up and converted into farms and homesteads. While there was complaint that the Chinese, by their cheap labor, took it from white people, inquiry failed to show that there was any considerable number of white people in California out of employment, except those who were willfully idle; that there was work, and remunerative work, for all who chose to perform it."

The Senator from Massachusetts [Mr. HOAR] proceeded:

California has a population of 700,000. She can support 17,000,000. Will it be claimed that these 17,000,000 will not be better off by finding there the wealth and the improvements which Chinese labor will prepare for their possession; by finding the railroad built, the swamp drained, the highway smoothed, the harbor dredged?

Will it be maintained that if California could have for nothing what she gets cheaply from Chinese labor, she would not be better off? If the swamp lands had been made prairie lands by nature; if the ravines had been filled and mountains tunnelled by nature, so that the road-bed was ready for the rail; if every man, instead of buying shoes from Massachusetts, had a pair left gratis at his door, that the State would not be better off? Is barren land or productive land best for a State? Then surely the laborer who does these things at least cost does most for the community, and gives the people who occupy the State opportunity for better profit in other fields of industry.

That is good Republican philosophy, but it does not accord with the genius of the present hour—I mean the protection theory—

Then surely the laborer who does these things at least cost does most for the community and gives the people who occupy the State opportunity for better profit in other fields of industry.

That was March 13, 1882.

Mr. STEWART. Whose report was that?

Mr. MORGAN. Mr. HOAR'S speech in which he introduced a report of Mr. Morton. I am only going over the headlight, looking out for those gentlemen who now throw great light upon the Republican situation in the United States and undertake to throw very deep shadows on the Democratic party; but I am determined that the truth shall be told about this Chinese question, and it shall be understood by all men in the world, if proof amounts to anything, that the Republican party, through its eminent leaders, were the men who opened the gates to Chinese immigration and introduced it here, and that those who are now the great leaders of its party, visiting its national convention, and leaving the Senate for that purpose, shaping its nominations, its platforms, and all that, are gentlemen who insisted, against our efforts to pass Chinese restriction bills, that no such law as that should pass, the reason being that the Chinese after all in their origin were better than our ancestors, much more enlightened men, much more civilized men than our ancestors, and that in their progress they had become very numerous, very strong, and very convenient for building railroads, orchards, vineyards, digging ditches, and the like of that.

Mr. GORMAN. I would like to ask a question of the Senator from Alabama, who seems to have given this subject great attention. I have seen it stated in the public prints, and would like to know whether it is true or not, that at the time when this immigration came in so rapidly, it was under a contract made by the celebrated syndicate of which Mr. Ames, of Boston, was at the head and those controlling the Central Pacific Railroad, that the Chinamen were brought in under contract, and the famous Six Companies were formed under an arrangement between certain Chinese and these two railroad companies?

Mr. MORGAN. I can only say to the Senator that that has been the common information and common belief of the people of the United States, though matters that are not known, I suppose, very distinctly. It would be very difficult to find the record that would prove it. At the same time, I think it has been stated that the Six Companies that originated the combination were under and all their influence was gained through the assistance given them by the railroad being built into California, the Central Pacific and afterwards the Southern Pacific and their branch lines that are now in the control of some Senators in this body and others who are very strict anti-Chinesemen.

Mr. STEWART. That is a mistake. The companies originated in 1850.

Mr. MORGAN. The Senator seems to know what the fact is; suppose he inform us.

Mr. STEWART. I will tell you all about it after a while.

Mr. MORGAN. What I know about it is this: When I was in California on two occasions, looking into the subject, I was informed that every Chinaman who came to the United States, or that part of the United States, at least, became a servant, I will call it—became subject to the power of these Six Companies.

Mr. STEWART. From the beginning.

Mr. MORGAN. From the beginning. Every Chinaman who comes here is the servant of the Six Companies. It makes no difference where he works, he has to go there to make his accounts. If you wish to obtain a body of Chinamen to work on a railroad, or to cultivate your vineyard, or plow your land, or whatever it may be, you never think of going to the individual men who are to do the work and make contracts with them, but you go to the authorized agent of the Six Companies, and he selects the men and sends them to you, and he sends along an overseer or manager, a sort of curator, who takes charge of everything about them, sees that they are fed and clothed, and all that, and then when their wages are paid, they are placed in the hands of this overseer. He goes to the Six Companies and makes the return, and these men have placed to their credit on the books of the Six Com-

panies the amount of money they are entitled to, the deduction for clothing, provisions, etc., received, and if they are dead they are sent back home out of the money remaining in the hands of the Six Companies. So it is quite an easy thing for a great railroad or any other great corporation or for a powerful man to obtain the influence of the Six Companies in procuring just as much Chinese labor as he wants.

As a matter of course an individual laborer—an Irishman, a German, or whatever he may be, it makes no difference how industrious or skillful—has no chance against a gang of that kind—none whatever. He is but one man and they are multitudinous. They comprise the whole body of the Chinese in the country, without a single exception. They are all of them under the domination of the Six Companies. What chance has an ordinary white laborer to obtain employment and maintain his family in the presence of a combination of that kind?

There is no race of people on this earth who have such slavish instincts in respect of their personal liberty as the Chinese. The negro is a much more independent man than the Chinaman. I do not think it would be possible to organize in the Southern States, with all the superstition and peculiarities that the negro population have, and all their clannish disposition, any such organization as this. You could not organize six companies if they had $5,000,000 of capital each to work upon. You could not get such control of the negro population as these Six Companies have of the Chinese population in California and Oregon.

Hence it is that whenever an individual laborer is seeking employment he is met by an avalanche of competition. He can not possibly stand it. There is no chance for the man, and while we declaim against these men for being lawless and for holding their meetings and building up their political party to such an extent as that they got hold of the constitutional convention of the State of California and put just such provisions in the constitution of that State as they chose, some of which were very absurd and very injurious—while we complain of this and the rest of the States complain of it, and rightfully, nevertheless these men were resisting as best they knew how this powerful monopoly of labor in the hands of the Six Chinese Companies on the Pacific coast, and the men who have been fighting for them on this side of the Rocky Mountains have been, through thick and thin time and time again, the Democratic party, and the men they have had to resist have been the Republican party, with a few exceptions of the gentlemen from the Pacific coast who come here.

Mr. MITCHELL. Will the Senator then answer me one question? If that is so, why is it that the records of Congress show that since 1882 the Democratic House of Representatives has not passed a single bill upon the subject, while the Republican Senate has reported and passed a very fine bill towards restricting Chinese immigration? Why is that so, if the Democratic party is doing all this business?

Mr. MORGAN. Since when?

Mr. MITCHELL. Since 1882.

Mr. MORGAN. Some laws have been passed here that have been vetoed by Presidents because they were supposed to be contrary to the spirit of our treaties, and it is very possible that some Democrats may have concluded that an effort in that direction would be unavailing until we could get a Democratic administration to have this thing put upon a proper foundation.

I think it is very likely they have done so. But just as soon as Mr. Cleveland came in he commenced negotiations on this subject with the Chinese Government, and they resulted in a treaty of absolute exclusion. There is no human being who can show a more total and complete reversal of a public policy than is shown by the treaty which was negotiated by the present Administration as compared with the Burlingame treaty and with the successive treaties that were negotiated by Mr. Frelinghuysen. This Democratic Administration has accomplished the first step in that direction, and the last step, by putting into the body of the treaty negotiated with China the absolute and peremptory exclusion of these laborers, and yet the Senator from Oregon is not satisfied. I do not think the Senator and his party ever can be satisfied.

The newspaper that he quotes from so liberally rejoiced, saying that it is afraid there is not going to be any such good luck as to have this last treaty, that it will not eventuate so as to keep anybody out. If it will not you can not frame an agreement between governments that will. We have reached to the bottom of the subject; we have reversed the whole of the Burlingame and Seward treaty, and here we stand with this treaty now, and we are prepared to go right along and pass this bill even before its ratification; and the Senator knows very well that the present Democratic House of Representatives have reported a bill precisely like the one we have got here, and he knows also, I suppose, that this subject has been brought to the attention of the Department of State—this very bill—and its opinion has been asked upon this bill, and I hold the letter before me which I will put in the RECORD to show that the Department of State recommend the passage of the bill. The letter is as follows:

DEPARTMENT OF STATE, *Washington, July 6*, 1888

MY DEAR SIR: I received this morning your letter of the 3d instant in regard to the Chinese restriction bill, with which you send a copy of the bill, as you intend to report it to the Committee on Foreign Relations for their consideration.

I have had the bill carefully compared with the bill as agreed on by the Committee on Foreign Affairs of the House of Representatives, and with some slight changes the two bills seem to be the same. The differences between the two bills are as follows:

1. In section 1 the House bill (H. R. 10605) provides "that from and after the date of the exchange of ratifications," etc. The bill as prepared by you provides "that beginning with the date of the exchange of ratifications," etc. The difference is purely verbal, as you will see, but I think the formula of the House bill preferable.

2. In section 2 you leave out lines 28 to 32 of the House bill, as follows: "No collector of customs shall receive from the captain of any vessel any sealed certificate as aforesaid, or permit the landing of any person on the strength of such certificate without the accompanying letter above described." This is a question of restriction, as to which the Department entertains no definite opinion. It is a question for the consideration of your committee whether or not it is wise to have such a clause inserted. This clause was in the original draught of the bill introduced by Mr. BELMONT in the House.

3. In section 3, line 2, you have the word "subjects" after the word "Chinese." The word "subjects" is omitted from the House bill; so that the clause reads: "That the provisions of this act shall apply to all Chinese, and persons of Chinese descent, whether subjects of China or other foreign power." But the clause as you have it appears to be a little misleading, and it might be interpreted to mean that the exclusion is limited to subjects of China, and not to other Chinese subjects of other countries unless they are "persons of Chinese descent."

4. In section 7 you have an amendment in line 35, in which the word "entry" is used. Ought not this be "re-entry?" The whole section relates to the re-entry of the Chinese laborers into the United States. It is "re-entry" in the House bill.

I inclose herewith a copy of the bill reported by the Committee on Foreign Affairs [H. R. 10605], which, as you will observe, is precisely like the bill of which you were good enough to send me a copy, except the four points to which I have called your attention.

Very truly, yours,

G. L. RIVES.

Hon. J. N. DOLPH, *etc.*

It looks to me if there was any chance in the world for the Democracy of this country to make a record that is respectable, that we have rather got a good one in all this.

On March 2, 1882, Mr. Farley, of California, a Democratic Senator, and the Senator from Massachusetts [Mr. HOAR] were in controversy in a general running debate over the bill that was then pending. Mr. Farley said in the conclusion of one of his points:

Now I ask the honorable Senator from Massachusetts—I put the question broadly and squarely to him—if he would be in favor to-day of permitting the Chinese to exercise the elective franchise in this country?

Mr. HOAR. The Senator from California will pardon me. I was engaged accidentally in conversation.

Mr. FARLEY. Did the Senator hear my question?

Mr. HOAR. I did not hear the question.

Mr. FARLEY. I read from the report of Senator Morton. I am sorry the distinguished Senator from Massachusetts was engaged, because I wanted an answer to my question. Governor Morton, in his report as chairman of the committee appointed to investigate the question, made use of this remark—for the benefit of the Senator I will read it again, as it is short:

"But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese can not be protected in the Pacific States while remaining in their alien condition. Without representation in the Legislature or Congress, without a voice in the selection of officers, and surrounded by fierce and, in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation."

Such was the language of Senator Morton in that celebrated report from which the Senator yesterday quoted. I now put the question to the honorable Senator: Does he indorse that sentiment expressed by Senator Morton?

Mr. HOAR. Mr. President, it strikes me that is rather an unusual method of conducting debate in this body.

Mr. FARLEY. The Senator need not answer the question unless he desires to do so.

Mr. HOAR. I was perfectly aware of that when I rose. It strikes me that it is rather an unusual method of conducting debate in this body. I made certain points in regard to this question yesterday, as well as I could, and for the Senator who replies to me to undertake to call me to stand before the Senate to answer his catechism, to state on certain other questions, on which I did not touch, what my opinions are, is rather unusual; but I will answer the Senator's question if he will first answer mine. Who are the fierce and unscrupulous enemies against whom it has been impossible to protect this race to whom Senator Morton referred?

Mr. FARLEY. A very large portion of the class to whom, I suppose, Senator Morton referred were persons who had been driven from employment by the influx of this population; persons who were unable to earn a livelihood for themselves and their families; persons who had become exasperated over what they believed to be a trampling upon their rights as common laborers. I suppose Senator Morton referred to that class.

Mr. HOAR. Does not Senator Morton distinctly affirm in his report, is it not shown by the tables, that the wages of white laborers had risen, and does he not say that the influx of these people into this country was a benefit to the white laborer of California and an increase of her wealth?

Mr. FARLEY. Who said so?

Mr. HOAR. Did not Senator Morton say so in his report?

Mr. FARLEY. I do not know whether he said so or not.

Mr. HOAR. I believe the Senator will find that he said so there. Now I will answer the Senator's question.

Mr. FARLEY. I will try to answer yours, also.

Mr. HOAR. I do indorse that sentiment.

Mr. FARLEY. Then I understand the Senator from Massachusetts takes the ground (and that is one of the reasons I suppose why he opposes this bill) that he is in favor of the naturalization of Chinese; that he is in favor of giving to them the right of suffrage, permitting them to vote at the polls and to be as other persons who are citizens of the United States.

Mr. HOAR. Will the Senator pardon me for interrupting him?

Mr. FARLEY. Certainly.

Mr. HOAR. I am in favor of admitting to the privileges of American citizenship, under proper limitations in case of foreigners who have been educated in attachment to other governments, every human being—white, black, red, yellow, copper-colored, or whatever color nature may have seen fit to use in painting men's

skins—having first ascertained that they have abandoned all allegiance to other governments; that they are fit in character, in intelligence, in qualities that make good citizens, and are attached to our Government. I would have that ascertained by an inquiry into the character of the individual applicant, and not by looking at the color of his skin. I should be quite as ready to admit to American citizenship Yung-Wing, to whom they gave the degree of Doctor of Laws at Yale College last year, or the learned and admirable gentleman who died at Cambridge last week, to the sorrow of that community, as I should the persons whom Senator Morton described as fierce and unscrupulous ruffians.

Mr. FARLEY. He did not use the word "ruffian."

Mr. HOAR. I believe he did not. I will add that word.

Mr. FARLEY. You can add it. I have no doubt the people of California, certainly those who are opposed to Chinese, will be very thankful indeed to the Senator from Massachusetts for adding that addendum to Mr. Morton's report.

Mr. HOAR. I only applied that term to the men who with crime and cruelty treat in a ruffianly way unoffending human beings without provocation. If there are any such, wherever they live, I think the term I used would put into language their description. I do not apply it to the people of California.

Then Mr. Farley continued the debate upon another branch of the subject.

Now I will read from Mr. Bayard. On the 3d of March, 1882, in the same general debate in the Senate, he said:

Mr. President, I willingly recognize the brotherhood of man, and respond to humanity wherever its voice may be heard; but there is an instinct of self-preservation in nations as well as in individuals. There is an instinct and a duty of justice. A man must be true to himself before he can be true to others; and a nation must be true to its own people before it undertakes to expand its energies in favor of strangers and aliens. There is no inhumanity, there is no injustice in saying that our duty to republican institutions compels us to consider the character of the population under which such institutions may hopefully be conducted. We consider it in our treaties, we consider it in our laws, we consider the tendencies of treaties and the tendencies of laws; and in the present case, acting under an explicit treaty stipulation, under a statute proposing a remedy confessedly less extreme than the treaty itself obviously would permit, the opportunity, and it seems to me, the duty for us has arisen to act.

I do not state this case too strongly. I find in a newspaper from California, dated the 24th of February, not a week old, the Call, published in San Francisco, a report of the trades' assembly of the Chinese committee, and an appeal made "To the working men and women of the United States," which I have read, and by which I have been much impressed. Senator Morton, our late associate, has been cited as in some way giving indirect approval to the continued and uninterrupted immigration of Chinese laborers into this country, and yet I find by this paper that when he had in 1877 conducted an investigation into this very question, in the very communities most affected by it, and where the cry of distress was loudest, he concluded that it had "become painfully evident that the Pacific coast must in time either become American or Mongolian." That was his judgment in 1877. Years have rapidly and constantly reaffirmed its justice; and when it comes to that—and that is the issue presented to the American people or presented to the American Senate—I ask how can there be other or ought there to be other than one reply?

Mr. HOAR. Mr. President, may I, without troubling the honorable Senator from Delaware, ask him for the authority on which he ascribes to Mr. Morton that sentiment?

Mr. BAYARD. I find the extract from Senator Morton's opinion published on the 24th of February in the report of the Trades Assembly of the Chinese Committee, ending with an appeal to the American people and stating themselves to be—

"The representative assembly of trades and labor unions of the Pacific coast, having appointed a committee some three months ago to collect statistics on the Chinese cooly-labor question, now present the result of its investigations as contained herein."

And in the course of that appeal—and I shall have it read presently—occurs the language which I have just read and which is ascribed to the late Senator Morton who, it is said:

"Joined with the other members of the committee in declaring that it has become painfully evident that the Pacific coast must in time either become American or Mongolian.

"Also, that the Chinese have advantages which will put them far in advance in this race for possession. They can subsist where the American would starve. They can work for wages which will not furnish the barest necessities of life to an American."

Mr. HOAR. Will the honorable Senator permit me to say that Senator Morton left unfinished at his death a document which stated his conclusions upon the evidence taken by the Congressional committee of which he was a member, in large part, and conclusions diametrically opposite to, impossible to be reconciled with, the existence of such an opinion as has been ascribed to him, if I correctly understand what the Senator now says. I will say further that the gentleman to whom Senator Morton, his strength being somewhat impaired, dictated that report I saw yesterday. I read to the Senate some portions of it. Some sentences will be found in the remarks which I had the honor to submit. I should trespass on the courtesy of the honorable Senator if I were to undertake to read them through. I was inclined to do so when I rose; but I will not ask the Senator to yield for that purpose.

Then Mr. Bayard, after some discursive talk between Mr. Miller, Mr. McMillan, and others, continued:

Now, Mr. President, it is no impeachment of the character of Chinese civilization, it is no denunciation of them either as a people or as individuals, to say that they are unlike ourselves, to say that their civilization has proceeded and to-day is based upon a principle profoundly different from our own. So far as I can learn, the great governing principle of the Chinese Empire over its people is the sense of a dominating and coercive exterior force. So far as I comprehend the true strength of American civilization, it is from the interior; it is from the self-expression; it is that which lies within his breast that governs the citizen, and not his fear of and compulsion of that which lies without. Taking that great and as I consider profound distinction between the main-springs of power of the two governments, to what results are you led?

That you are to rely upon the voluntary principle of self-government to control a people and a race which have never known any but the involuntary principle of coercive government! These habits of thought and rule are ingrained. We are all children of the same Great Father, but by centuries of habit marked and essential characteristics are formed, and the characteristics of nations are so widely different that he who fails to recognize them must be blind indeed or utterly regardless of those great facts which are not improperly styled "God's arguments."

Now, sir, without, as I say, impeaching the variant civilizations or speaking unkindly or with any absence of proper humanity and sense of human brotherhood toward these different nations of the earth, the question is for us to determine how far they can and do adjust themselves to those things near and dear to us, and which we believe to be the very foundation-stones of our social and political existence. That is the question.

Again Mr. Bayard said:

Mr. President, I have said as much as, perhaps more than, I intended when I rose. There are many other features of this law, there are many other results of this law, of deep and great interest, but I have said enough to satisfy me that I should be wrong, in the face of the facts proven to exist, and in full hearing of that cry of distress from that section of the country, if I did not feel authorized by the very spirit of comity and by this treaty, deliberately and voluntarily made and solemnized between these two nations, to apply a remedy and apply it at once and for a practical period, not ten years short and unstable.

Here perhaps I may as well present for insertion in the RECORD the "appeal" to which I have alluded.

"An appeal to the working men and women of the United States.

"The representative assembly of trades and labor unions of the Pacific coast, having appointed a committee some three months ago to collect statistics on the Chinese cooly-labor question, now present the result of its investigations as contained therein.

"The time has come when decisive action must be taken to stop Chinese immigration. A bill will be introduced in the United States Senate in December by Senator Miller, of California, totally prohibiting Chinese immigration into the United States, and the other California Representatives have promised to support the bill for this purpose. The people of California desire the hearty co-operation of all interested in the freedom and elevation of labor throughout the United States to agitate this question by public demonstration at the time the bill is introduced in the Senate, and thus bring the pressure of public opinion to bear upon Congress, in order to show that the people are alive to the importance and gravity of the situation.

"The experience of thirty years of Chinese cooly competition with free white labor on the Pacific coast entitles us to speak with every degree of authority as to its pernicious and degrading effects. This competition is inevitably destructive, and will be certain to force the laboring American down in habits and expenses of life to the level of the half-barbarian. Labor should be honorable and honored, and not degraded by being compelled to compete with a debased and servile race. In the struggle between cooly and free white labor the latter is heavily handicapped. The cooly brings neither wife nor family with him; consequently he finds no difficulty in underbidding the Caucasian worker, who maintains his family in a decent, civilized manner, and has been taught to believe that honorable toil is worthy of more than a bare subsistence. The cooly comes here with the sole purpose of accumulating all the money he can. To do so he lives poorly, crowded together as close as possible without regard to sanitary requirements—a hundred of them being contented in a house not large enough for ten of our own race—and, as a consequence, they have developed all the evils engendered by such overcrowding and close personal contact. His five thousand years' training to wretched frugality in competition with his five hundred million of fellow-Mongolians has taught him how to live upon the least possible amount of air and food. The conflict of the two races in California has so far only been a question of the 'survival of the CHEAPEST,' and not a 'survival of the fittest.' Cheap labor, as such, is a curse to any country—even from a dollar-and-cent standpoint. The policy of cheap labor is a policy tending to the degradation and decivilization of the many by the enrichment and advancement of the few, and as such we must oppose it. The permanent prosperity of a country depends upon the just distribution of the wealth of labor among the producers of it.

"In 1877 a Congressional committee was appointed to take evidence in California from all classes of the community in order to arrive at an intelligent estimate of the influence and probable results of unrestricted Chinese immigration. After impartially investigating the question, in their report they spoke of the Chinese as 'making their way by revolting characteristics and by dispensing with what would be mere necessaries in modern civilization.' The late Senator Morton joined with the other members of the committee in declaring than 'it has become painfully evident that the Pacific coast must in time either become American or Mongolian;' also, that 'the Chinese have advantages which will put them far in advance in the race for possession; they can subsist where the American would starve; they can work for wages which will not furnish the barest necessaries of life to an American.'

"The evidence taken before the California State senate committee on Chinese immigration, at Sacramento, in 1878, when testimony was taken from witnesses of all classes—clergymen, judges, lawyers, ship captains, State and city officials, etc.—fully sustained the general belief of the people of California as to the disastrous consequences of Chinese presence in this country.

"THE GREAT NUMBER.

"It has been calculated that the number of Chinese in California is about one hundred and fifty thousand, or nearly 20 per cent. greater than the number of male whites capable of bearing arms. Although forming one-sixth of the total population of California, they pay less than one four-hundredth part of the revenue required for the State government. In the city of San Francisco they number from thirty-five thousand in summer to forty and fifty thousand in winter, when many come in from the country. In his testimony before the senate committee, Alexander Badlam, assessor of San Francisco, said the Chinese in the city have personal property to the amount of $500,000, and real estate to the amount of $200,000 assessed to them, thereby only paying one three-thousandth part of the taxes, although forming nearly one-sixth of the population.

"Nearly $8,000,000 are sent home to China annually on the Pacific coast.

"The Chinese women are imported almost wholly for the purpose of prostitution, San Francisco being cursed with about four thousand of these human chattels, and whose contamination and pollution are destroying our youths.

"Our objections to the Chinese may be summed up as follows: They underbid white men in the labor market; purchase little or no American products and manufactures; live squalidly crowded together, constantly engendering disease unlike white immigrants, they do not come to make homes with us and help; build up the country, but come without wives or children; they do not and can not assimilate with the Caucasian race; they continue their heathenish religion and customs; evade our laws, especially internal revenue, whenever possible; use the State and Federal laws frequently to carry out sentences which have been awarded by their own secret tribunals, and also to keep Chinese women in a state of bondage and prostitution, these poor creatures being openly bought and sold among them; have secret tribunals of their own for trying and punishing those who dare to rebel against the arbitrary authority of the Chinese companies, which, under the name of benevolent associations, virtually control nearly all the Chinese in the State, these companies, through their agents, making contracts to supply workmen, receiving the wages from the white contractor and settling with the Chinese cooly after their own fashion. Recent developments show that the Six Companies have been increased to nine in number. The dangerous criminal element among the Chinese, known as "Highbinders"—men ready for any deed of violence for a money consideration—leagued with the gamblers and others, have lately succeeded in gaining control of the Chinese companies, who levy blackmail and collect head-tax. One company alone collected $4,000 head-tax on the departure of the China steamer this month—November. This latter practice is carried on in defiance of a State law passed by the last Legislature to prevent such infamous extortions.

"The results in all occupations where the Chinese compete with white labor are most disastrous to the latter. In cigar-making they have nearly driven out the whites. In 1878 there were about five hundred white cigar-makers in San Francisco. At present they number only one hundred and seventy-nine. The

Chinese cigar-makers number eight thousand five hundred. A large quantity of tobacco is brought to California from the East, manufactured into cigars by Chinamen in San Francisco, and reshipped east, to the amount of sixteen to eighteen million cigars a month, thus directly competing with eastern white labor. The white cigar-makers of California have suffered more from the curse of Chinese labor than any other trade, most of whom, despairing of any improvement in the future, have left the State or engaged in other employments.

"In view of the foregoing facts, we repeat our appeal to the producers of the United States to agitate this question when the bill is introduced in the Senate, and thus arouse the public to the danger that is threatening white labor throughout the Union. Unless stringent measures are adopted to entirely prohibit emigration we are lost, for the evil, although greatest on the Pacific coast, is working its way eastward, and all large cities now have their Chinese colony. To be forewarned is to be forearmed. The experience of the Pacific coast must be heeded as a warning to the eastern people to crush the evil before it is too late. By united effort success is assured. Our cause is just, and should prevail."

We have very distinguished gentlemen here who took a different view of the question; leaders of the Republican party and eminent in its councils, occupying its highest positions; among others the honorable President of the Senate. The Senator from Kansas [Mr. INGALLS] had a proposition to reduce the time for the exclusion of the Chinese from twenty to ten years. Mr. MILLER, of California, said:

I find it will be impossible to get a vote this afternoon. The Senator from Nevada [Mr. JONES] desires to speak on Monday, so the Senator from Kansas need not restrict himself at all.

Whereupon the Senator from Kansas proceeded to say:

Mr. INGALLS. I will then, Mr. President, briefly and more in the nature of a statement, without argument or giving special reasons, suggest two or three amendments that I think good faith toward the Government of China requires to be incorporated in this bill.

It will be observed, by the language of the article I have read, that this prohibition shall not be absolute, and that it shall be reasonable, and the first point to which I desire to call attention is one suggested by the Senator from Delaware, [Mr. SAULSBURY,] and that is the period prescribed within which this prohibition shall be operative, namely, twenty years after the promulgation of this legislation. I shall move to amend the bill in that particular by striking out the word "twenty" and inserting "ten," and for two or three reasons.

In the first place, it is apparent to my mind that this legislation is invoked under the influence of overmastering passions. Whether justly or unjustly, public opinion upon the Pacific Slope, by importunate and inflammatory appeals, has been wrought to that heat of passion that we are not at this time, I believe, capable of taking an entirely unbiased and unprejudiced view of what the social and economical requirements of the country in regard to this question are. The period of ten years will allow a sufficient time to elapse in which the passions of men will subside. It will allow another census to be taken under which we shall be able to contrast the statistics of labor and of production under the condition of things as it now exists and that which will obtain when Chinese immigration has been prohibited; and beside this it will, in my judgment, comport more absolutely with that fair dealing which we are under obligation to observe toward the Government of China, in declaring that this prohibition shall not be absolute. The insertion of the period of twenty years appears to me to be an infraction of the agreement in the first article of this treaty that the suspension shall not be absolute. I shall therefore hope that the Senate will agree to the modification suggested by the reduction of the period named from twenty years to ten.

Again, on page 1712 of the same volume, the Senator from Kansas further, in support of his amendment, made the following remarks:

Mr. President, in support of the amendment that I have offered, it is only necessary that I should call the attention of the Senate to the language of the fourth article of the treaty:

"The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China."

If those words mean anything, if they have any significance whatever, the meaning is that whatever legislation we enact, before it shall become operative, shall be communicated to the Government of China for the purpose of receiving, so far as it may, the approbation of that government, because the section proceeds further to say:

"If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Pekin and consider the subject with him, to the end that mutual and unqualified benefit may result."

Mr. President, in the interest of good faith to the Government of China, which has made in the Burlingame treaty and in the treaty of 1868 concessions that were never made to any other people, I ask that this amendment may receive the sanction of the Senate, because unless these odious provisions are in some way modified it will be impossible for me under the declarations that I have previously made to support this bill. I believe there are others who feel the same as I do myself, and I believe that those who favor this bill, those who believe that the interests of the Pacific States require the passage of the bill, will promote the success of this measure by agreeing to such modifications as will adapt it to those who believe that public faith requires some essential modification.

Now, Mr. President, I shall read from a Senator to whom we always listen with great pleasure and great instruction, the senior Senator from Massachusetts [Mr. DAWES], who seems to have imbibed the Massachusetts idea on this subject, that the best thing you could do for a Chinaman was to infuse Christianity into him, and the best thing you could do for the Massachusetts people in connection with the Chinaman was to cheapen his labor, so if you made a Christian of him and got his labor cheap he filled the bill exactly. The Senator from Massachusetts [Mr. DAWES] said:

Mr. President, I am aware that the friends of this measure are impatient for a vote, and that in their opinion the debate is exhausted. I can not therefore expect, however courteous they may be, to receive a very attentive hearing from them; but, sir, believing that in nothing are the friends of this measure more mistaken than in the belief that they have exhausted and ended the debate upon the questions which they have raised by this measure, however little I may be able to contribute to that debate, I am compelled by a sense of duty to utter what I may, as briefly as under the circumstances it is possible for me, in protest against this measure.

There is some advantage as well as disadvantage in looking at the subject-matter of this debate at a distance. If one does not feel so keenly the evils out of which this legislation has sprung, and fails to be affected by the prejudice and passion and feeling that control those more closely in contact with it, nevertheless a clearer vision of the character of the proposed remedy and a calmer judgment upon its nature and its consequences are some compensation to those who look at it from a distance.

Mr. President, it is confessed upon the record here by supporters of this legislation that it "is invoked under the influence of overmastering passions. Whether justly or unjustly, public opinion upon the Pacific Slope, by importunate and inflammatory appeals, has been wrought to that heat of passion that we are not at this time," in the opinion of such supporters, "capable of taking an entirely unbiased and unprejudiced view of what the social and economical requirements of the country in regard to this question are."

If this confession of supporters of the measure itself were not furnished us in debate here as the lesson, what we have witnessed this morning, sent here over the wires from California and Nevada, and Oregon I believe, furnishes ample proof of the statement. There can be no doubt that what the supporters of the bill call a white heat pervades that people; whether, as is said, rightly or wrongly, its existence can not be ignored and its effect upon our deliberations can not be disregarded. What should it teach us? Hasty, unquestioned acquiescence in demands made under the impulse of overmastering passion, or calm, considerate delay, not diminished, if not increased, as one sees that all reason or judgment upon existing facts in the locality that invokes this legislation at our hands is swallowed up in a blind and furious darkening passion? And yet what are we told by such supporters of this measure is this lesson, on the other hand, to be taught us as a duty here in this Senate Chamber from the voice that comes up from out of the heat of an overmastering passion?

Such supporters tell us that they are not disposed at this time "to dwell upon what seem" to their minds to be "the economical and what may be called the sentimental objections to this legislation." They tell you, sir, when making the very confession to which I have called your attention, that their "instincts revolt at it," and that they would "as soon think of destroying all the mules or all the domestic animals in the country, or of destroying all the engines and labor-saving machinery in the country, as to either expel or repel a class of docile, patient, obedient, frugal, and industrious laborers, whether skilled or unskilled."

Mr. MILLER, of California. Will the Senator allow me to ask whom he is quoting from?

Mr. DAWES. Quoting from a Senator here in his seat, declaring that he would vote for this measure.

Mr. MILLER, of California. What Senator was it?

Mr. DAWES. The Senator from Kansas [Mr. INGALLS]. The same Senator further instructs us as to our duty out of this measure and out of the circumstances under which it comes into existence here before this body.

"But," says he, "I pass that, because"—

Hear this!

"because conceding to other localities the same rights that I demand for my own, and resting upon the maxims and dogmas of local self-government and home rule, I am prepared to say that the communities upon the Pacific coast—

"Whom I have described as at this moment under an overmastering passion"—

"have a right to judge for themselves as to the propriety in an economical sense of this immigration, and when they have spoken through their authorized representatives, with their declaration I shall be content."

The only condition upon which such supporters of this legislation have declared that their support shall be given to it, from which their very instincts revolt, is that they shall not be required to stand it over ten years.

Mr. TELLER. I would ask the Senator by what authority he says that no one supports the bill except upon that theory? Did he not hear me distinctly announce that I did not support it upon any such theory?

Mr. DAWES. I have not forgotten the ground the Senator from Colorado took, but I should like to inquire of the Senator what he put that question to me for.

Mr. TELLER. I put it because the Senator has made the assertion to go to the country that nobody supports this bill in this Senate except because the people of California want it. That I understand to be his position.

Mr. DAWES. I regret exceedingly that the Senator did so understand me, because I did not say so. I said the only condition that such supporters of this measure demanded was that they were not required to endure that at which their very instincts revolted longer than ten years. I am aware that the Senator from Colorado put his support of this bill upon an entirely different and it seems to me quite as indefensible a ground, which I hope that I may not forget before I get through.

Mr. TELLER. I hope not.

Mr. DAWES. So, sir, the voice of these States thus expressed is our command. The basis, the ground for this legislation is stated in the bill itself. Those who framed it have chosen in their frankness, for which I commend them, to tell the world what necessity there is for it; and it is in these brief words:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

"*Be it enacted, etc.*"

"In the opinion of the Government of the United States." We are told by Senators that instead of taking their own instincts as their guide to their duty here as Senators of the United States they are to take an expression of it from a locality controlled by an overmastering passion. My friend on my right [Mr. JONES, of Nevada] inquires how I know it is a fact. The Senator did not hear me read the confession of supporters of this bill, to which I would add and did add the evidence which Senators have themselves produced here this morning of a legal holiday enacted on the Pacific coast for the purpose of gathering together whatever could be put into the form of a testimony here, and telegraphed to the Senate of the United States as instructions to them upon their duty.

Mr. President, the whole basis of this legislation is that the coming of Chinese laborers to this country endangers good order in certain localities. It is not that Chinese laborers are here; that Chinese laborers are working evil in the midst of any locality in these United States; it is not that any evil has grown out of their coming here in the past, for all who have come here, by express provision of this bill, up to the time it shall take effect are to remain here unmolested, to work out such effect upon our institutions, social and political, as they may, undisturbed; but it is the coming of Chinese laborers here that endangers good order. No one has told us how the coming of Chinese laborers here endangers good order; nor does any one tell us whether they endanger good order by being themselves the disturbers of order, or whether they endanger good order merely by being the temptation to some sand-lot irrepressible to cast a stone at inoffensive and docile human beings.

That is not explained. I have never known produced here as evidence of the disturbance of good order in any of these communities that any of these docile laborers have ever assaulted any one or committed a breach of the peace against any individual; but I have heard everywhere that they have been the occasion of other people committing breaches of the peace and disturbing good order, and it is on that account that they must be removed, upon the principle that the justice fined Mr. Jones for getting Mr. Smith so mad in court that Mr. Smith in-

sulted the court. [Laughter.] They have no business to be where any irresponsible community, disregarding the peace and good order, are tempted by their presence to disturb it.

Therefore, as the basis of this bill, the coming of Chinese laborers here gives somebody an opportunity to disturb the peace, and they must be stopped and the temptation removed—a liberal construction of the Lord's prayer, "Lead us not into temptation."

Further along in the debate the Senator from Massachusetts [Mr. DAWES] said:

We have promised that if we undertake to legislate we will legislate by some reasonable limitation of the manner of importing Chinamen, but we will not absolutely prohibit it, and we say in the treaty that we will do it without contravening the spirit of the old treaty. The difficulty with the spirit of the old treaty was that it declared in so many words that they should come without limit, and not only should come without limit, but should be protected here in the enjoyment of every right that any citizen of the United States could claim of protection under the laws and the Constitution of the United States.

Mr. SLATER. I should like to call the Senator's attention, if he will permit me, to the fact that the limitation in the Burlingame treaty was that they were to enjoy in the United States all those rights, privileges, immunities, and exemptions in respect to travel and residence alone. Those are the restrictive words, and they are found in no other treaty.

Mr. DAWES. That, I think, includes about all that a man could desire, short of political privileges and rights. He shall be protected in his home, in his residence, which shall be his castle, and in going to and fro whenever he listeth throughout the United States. But the Senator will go along with me a little further. We have told them, we have solemnly covenanted, as I said, that while we may put reasonable limitations and regulations upon immigration, we will not absolutely prohibit it. In this bill we do not absolutely prohibit, for twenty years, any Chinese labor from coming; we only declare that if he does come he shall go to the penitentiary. That is all. We do not absolutely prohibit, from and after this bill takes effect, a Chinese laborer coming to the United States; we only declare that if he does come he shall go to the penitentiary. That is all. I knew a man once who told his son, "I do not absolutely prohibit you from going to the circus to-day, but I tell you that if you do I will horsewhip you." That is all. That is the legislation in the spirit of the Burlingame treaty. No, we will not absolutely prohibit you, but if one of you puts his foot upon the soil of free America, though innocent of guile as a saint, with purpose as praiseworthy as ever actuated an immigrant to these shore, though you come with a sincere desire to identify yourself with our institutions and obey our laws and make a home for yourself and for your children, if you undertake to do it with the labor of your own hands, you shall find yourself in the penitentiary.

That is the spirit of the Burlingame treaty! And that, these gentlemen say is, whether it be of the Burlingame treaty or not, the spirit and the letter of the law we are called upon this day to record our votes in favor of. I do not wonder the Senator from Kansas said that his very instincts revolted from it. I only wonder that he could find it consistent with his duty afterward to say that he would be willing to take it if he were not required to endure it longer than ten years.

Sir, one thing more. It is "Chinese laborers" that disturb the good order of certain localities in the United States. It is not Chinese *per se*. If a Chinaman will come here and only pledge himself to be idle, if he come here clothed in "purple and fine linen," if he brings with him an army of adherents, he may travel throughout the length and breadth of the land; if he will agree to keep a gambling shop, though it be under the very shadow of the sanctuary, though he and his followers darken the sun with the rabble that come and occupy their dens where they smoke in idleness their opium and play cards and gamble and toss up upon the venture of the die, though they bring vile women with them, provided they do not work for a living, they may come.

Yes, as is suggested by my colleague, they can even join the bands of saints in California that throw stones at Chinese laborers, saying, "None of this; *procul, O! procul este profani;* get behind me, ye hordes of Satan; let the godly people of Massachusetts and Rhode Island and the other States of this Union enjoy the elevating influence and pious association of all other Chinese; but do not let them be contaminated by one who is vile enough to earn his living by labor!"

That is this bill. Is there not as much danger to society, to social and political institutions in this land, from the arrival of an idle, worthless, dissipated Mongolian, as there is from the humble, docile laborer who earns his daily bread by the sweat of his brow and uses those earnings for what he consumes and what he wears?

The Senator from Connecticut [Mr. PLATT] on the 8th of March, 1882, came very near quitting the Republican party on account of this measure, I am sorry to say. He said:

I am told that I am committed to the passage of this bill by the action of the Republican party to which I belong. I do not so understand it. I do not know how others may regard it. I speak here to-day for myself and not for the Republican party; but I do not understand that the Republican party is committed to any such bill as this.

He understands it now, of course, from its present platform. There is no difficulty about it now; that is all squared up. They have made such a tremendous march since the Burlingame treaty that they have got clear around to the antipodes; they have circumnavigated the globe on this question.

Mr. PLATT. If the Republican party does right now, it is hardly fair to taunt it with previous delinquencies.

Mr. MORGAN. The Senator from Connecticut [Mr. PLATT] said further:

I do not understand that the Republican party, which has a glorious record of having stood all these long years for the natural rights of man, having planted itself on the Declaration of Independence, and the principles there enumerated as upon an immovable rock, and said that they should become the guiding spirit of this Republic, has ever committed itself to any proposition that no man shall come to this country to labor unless he is white. This is what the Republican party at its convention said:

"Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment, under the exercise of both these powers, would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result."

That was the breaking down of the tissue; that was the giving way of the structure upon which the Burlingame treaty was formed. But they have thoroughly melted now, and, like they do on almost all occasions when they find there is anything to be made by it, they have run right in and taken the front row; they have outheroded Herod. There is nobody to be found now in the United States who is such a pronounced, inveterate, unconquerable, irreclaimable opponent of the importation of Chinese labor here as the distinguished leaders of the Republican party in the United States.

The old Democratic party has been doing a great deal of good after all, for we have at last converted the Republican party of this country to the idea that this is really a white man's country and an American's country; that Almighty God intended it for the habitation of the great composite race here, composed of the Angles, the Saxons, the Scotch, the French, and whoever else come here, who belong, however, to the right blood. My friend from Kentucky [Mr. BECK] once said in a debate on this floor that this country belongs to that class of people "who always breed upward and not downward."

Mr. BECK. I believe in that.

Mr. MORGAN. You believe in that. That is the Kentucky idea and I think it is a very good one. The Democratic party, however, has absolutely converted the whole Republican party to its faith and sponged out the Burlingame treaty with all its nonsense and parade of affectation of a desire to Christianize the pagans on this side of the earth. They have sponged it out and left the record free that this is a country a white man can afford to live in and labor in without having the competition of some miserable blear-eyed, curious, half-starved, pagan Chinaman. The Senator from Maryland [Mr. GORMAN] hands me a report of the late Senator Morton, "Views of the late Oliver P. Morton," published as Miscellaneous Document of the Senate, No. 20, Forty-fourth Congress, second session. Referred to the Committee on Foreign Relations and ordered to be printed, to accompany Senate Report No. 689, second session Forty-fourth Congress." "These views," a note says, "were written in sections. The missing sections are indicated below." Section A is missing. What I am about to read occurs in section B, on page 4. Mr. Morton said:

But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese can not be protected in the Pacific States while remaining in their alien condition. Without representation in the legislature or Congress, without a voice in the selection of officers, and surrounded by fierce, and in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation.

Again, on page 5, in section C, he said:

In the construction of railroads and other public works of California the Chinese have been of the greatest service and have performed the largest part of the labor. Several distinguished gentlemen connected with railroads testified that without Chinese labor they could not have been constructed, and that if the companies had been compelled to rely upon white labor it would have been so difficult to procure and so costly that the works must have been abandoned, and, in fact, would not have been undertaken. As laborers upon the public works they were entirely reliable; worked more hours than white men; were not given to strikes, and never undertook, by combinations, to control the price of labor.

I read again on page 8. After a discussion of the Burlingame treaty, Articles V, VI, and VII, Mr. Morton proceeded to say:

In the foregoing articles we find a strong recognition of the inherent and inalienable right of man to change his home and his allegiance, and that Chinese subjects, visiting or residing in the United States, shall possess the same privileges, immunities, and exemptions as may be here enjoyed by the citizens and subjects of the most favored nation. When this treaty was concluded with China it was regarded by the whole nation as a grand triumph of American diplomacy and principles, and Mr. Burlingame, on his return to San Francisco, received an extraordinary ovation as a benefactor of his country by having secured to Americans the protection of the Chinese Government, and the right to live there and trade (in return for which he had guarantied similar rights for the Chinese in the United States), and for having secured from China a recognition of what many called the "great American doctrine" of the inherent and inalienable right of man to change his home and his allegiance. For the recognition of this doctrine by the governments of Europe we had been struggling, by negotiations, ever since we had a national existence, and had succeeded with them, one by one. And within the last eight years we have secured the recognition of the doctrine by Germany and other states of Europe, that had long held out against us.

In section H of this report or memorandum occurs the following:

The evidence established the fact that Chinese labor in California is as free as any other. They all come as free men and are their own masters absolutely. In many cases they borrow their passage-money in China, with an agreement to repay from their earnings in this country, with large interest, an agreement which, to their credit be it said, they rarely fail to perform. Nearly all of them upon their arrival become members of one or the other of the Six Companies in San Francisco, for which they pay an initiation fee, and through that they do their business, make their contracts for labor, make remittances to China, deposit their money, and make arrangements for the return of their bones to China, should they die. They are much given to corporations and companies, and understand well the power and advantage of combination.

They are right here in the presence of this trust age, and I suppose they will be pretty lively on that.

They frequently work together in associations under the direction of a head man, who keeps their accounts and transacts their business. The most of the Chinese who come here are young men and boys. A few families have come, but nearly all of the men are unmarried. About five thousand Chinese women have come, the most of them prostitutes, imported by procurers, who manage and dispose of them on their arrival. The better and the greater part of the Chinese are opposed to this degrading and destructive traffic, and have made repeated efforts to abolish it.

Mr. BECK. I ask the Senator from Alabama to let me read a line in that connection from the report of the Committee on Chinese Immigration in 1876.

Mr. MORGAN. I will hear the Senator from Kentucky.

Mr. BECK. I desire to read a line in this connection which will perhaps show why so many of the Republican leaders, the distinguished attorneys and counselors and advisers of the great Pacific Railroad, took so much interest in the Chinese question. In the report of the Joint Committee on Chinese Immigration, second session of the Forty-fourth Congress, it appears that they called before them among others Mr. Frank M. Pixley, representing the municipality of San Francisco, and on page 15 of the report Mr. Pixley said, among other things:

The third interrogatory is, "Do they come here voluntarily, and by what means do they get here?"

After speaking of the Six Chinese Companies and the efforts they made, he said:

The Central Pacific Railroad demanded ten thousand of these laborers, and this demand was greater than the market afforded. Through the Six Companies they sent their money to China, and brought them here, and that is the way in which they came.

That will, perhaps, account for the anxiety at that time of so many of those gentlemen who were advocates of American industries.

Mr. DAWES. It shows it perfectly clearly.

Mr. BECK. Perfectly clearly. I can understand why they were so much opposed to the bill which was passed in the last Congress.

Mr. MORGAN. The Senate got to voting on the question, and with an amendment pending, "That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed," the Senator from Connecticut [Mr. HAWLEY] said:

I wish to say a word upon the amendment. I have kept silence on this bill of iniquities as long as I can endure it. I have no very long speech to make, but I have a few observations to submit.

Afterwards he proceeded to submit the observations, and they were very strong observations, upon the section 16 which was proposed, "That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed." The Senator from Connecticut [Mr. HAWLEY] said:

Mr. President, when I rose last night it was with the purpose of speaking but a very few moments upon the points specially before us. I confess I regret now that I did not sooner entertain a purpose to speak upon the bill, that I might put in good shape my serious objections to its general character. But I shall not detain the Senate long, for I know that members are anxious to dispose of the question, and yet it is one of such importance that I feel that I am not at all guilty of any serious wrong in insisting upon deliberate consideration.

I admit the doctrine that has been set forth here, that a nation is in some sense a family, and that there is a right and duty of national self-protection. I think we all assert that; nobody denies it. No dispute arises upon such a proposition until we come to the extent of that principle and the details of propositions.

A nation has a right to exclude paupers sent in upon it. That is not a voluntary immigration; it is an injurious one. It has a right, of course, to exclude insane and idiotic persons for the same reason. It has a right to exclude criminals, for they are sent here to our injury, and in order to relieve other nations from their own just burdens.

If the British Government, instead of resolutely setting about the suppression of thugism, had offered a free passage to thugs to come here and settle with us, with their religion teaching the duty of murder, of course we should have had a right to forbid that kind of immigration, and we should have been quite justified in taking it as offensive action on the part of Great Britain. So in a state of war or prospect of war—that justifies the exercise of extraordinary powers; *inter arma silent leges*. Laws national or international are set aside if we can defend ourselves, and any class of people may be excluded or any foreigners may be ordered to depart, the measure of the exercise of the power being only the degree of the necessity of self-protection.

But we are legislating for times of peace. We are legislating professedly upon the general and not the exceptional principles that are to be justified by our Constitution, by the spirit of our laws, the national spirit, character, and policy that we have freely and boastfully set forth to the whole world for a century; which have elicited the admiration and the pride of all generous souls; which are bringing to our shores this very year nearly a million of people; and which are very sensibly modifying the political aspirations and possibilities of all Europe. In this matter we are to make a change.

After some colloquial debate between Mr. Miller and Mr. HAWLEY, the latter proceeded to say:

This is all there is of the preamble:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers"—

They might be doves, for all the proposed law says. They might be the messengers of peace; the messengers of a new gospel better than ours. They had something like the golden rule long before our Christian peoples knew anything of it, or before there were Christian peoples.

Mr. GEORGE. Who says that?

Mr. MORGAN. The Senator from Connecticut [Mr. HAWLEY]. I am reading from him:

These men, I say, might be bringing a new gospel here.

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof."

That is the whole preamble. It is not pretended therein that they could exercise a bad influence over the whole country, to poison our people against our institutions and beliefs, to damage us politically, socially, or commercially, as a nation at all, but that their coming endangers the good order of certain localities. What is the obvious implication? That if the Chinaman comes our citizens may insult him, that they may raise tumults, trample upon law, that perhaps they may kill him, or perhaps they may forcibly expel him, or they may so hedge him about with fear that he would rush down in despair to the seacoast and beg to be transported home. That is the implication of the preamble. His coming here is going to make us so angry, so fierce that we will raise up in rebellion and trample upon our own laws and wrong this man who is not charged with any dangerous purpose whatever.

I do not enter upon the argument at length that this proposed law is in violation of the treaty just made, and yet I consider it to be so. My colleague [Mr. PLATT] has done ample justice to that subject; but at this moment, glancing over the papers in the case, come across a significant paragraph that I have not heard quoted in the debate. Perhaps it was. If it will not trouble the Senate I will read briefly two paragraphs, one from the communication from our commissioners, Messrs. Angell and others, announcing their successful negotiation of the treaty, and the other from the proclamation of Mr. Evarts announcing the treaty. The commissioners said:

"After our first interview with the Chinese commissioners"—

I should like attention to this, if it has not been before read—

"After our first interview with the Chinese commissioners we thought it clear that while the Chinese Government would recognize the propriety of some regulating discretion as to Chinese immigration on the part of the Government of the United States, it would not consent to its formal prohibition and the absolute abrogation of the provisions of the Burlingame treaty relating to the free intercourse between the people of the two countries. We did not think that the public opinion of the United States would require so extreme a demand, and we considered our instructions as warning us not to disregard the traditional policy of the United States, and in your own words"—

This is addressed to the Secretary of State—

"to give due weight to 'the widely diffused, and, so to speak, natural sentiment of our people in favor of the most liberal admission of foreign immigrants who desire to incorporate themselves and their families with our society, and mingle the stream of their posterity in the swelling tide of native population.'"

So the commissioners went there to China disavowing a desire to prohibit, because it would not be in accord with our "traditional policy." When Mr. Evarts came to announce the treaty he said:

"The treaty submitted settles the questions raised between the two countries in a manner alike honorable and satisfactory to both. While preserving to the subjects of China engaged in mercantile pursuits, in study, in teaching, or in travel for curiosity, the right of free intercourse with this country, the Chinese Government has recognized in the Government of the United States the right to regulate, limit, and suspend the introduction into its territory of Chinese labor whenever, in its discretion, such introduction shall threaten the good order of any locality or endanger any interests of society."

The Senator from Connecticut [Mr. HAWLEY] further proceeded:

It is not put into the preamble here, as it might have been from the treaty, that their coming here would endanger, would affect injuriously the interests of society. The treaty says, anything that would "affect the interests of society," being an obvious inelegance, when the writers intended to say, "affect injuriously," etc., but even that is not inserted in the preamble.

This pamphlet shows also how carefully the Chinese desired to guard against an absolute prohibition, how cautious they were that a suspension should be only suspension. These official papers of the commissioners to the Secretary of State show that nothing in the nature of prohibition was intended. But suspension for twenty years is prohibition, and is intended as such.

The bill before us is very clearly a harsh and an extravagant interpretation of that treaty, just what the Chinese commissioners feared might be made, and what our commissioners assured them that our just and magnanimous and generous nation ought to be trusted not to do.

The civilized world jeered at China and Japan while they applied this identical policy to all the world outside their borders, and the civilized world gradually grew ready to bombard both China and Japan into international comity and good fellowship. The United States was proud that one of our citizens, a gallant and eloquent citizen of Massachusetts, became the agent and ambassador in unlocking her doors and shaking hands with the rest of mankind. In the supplementary treaty of July 23, 1868, it was William H. Seward, speaking for the United States, and Anson A. Burlingame, speaking for China, who said:

"ARTICLE V.

"The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents.

* * * * * * *

"ARTICLE VI.

"Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation."

To gain these things the civilized world bombarded China, and they granted them; and the civilized world, this part of it, appears to be sick of its bargain.

Singularly enough, I accidentally discovered this morning that the 28th of July, 1868, was the very day on which the fourteenth amendment of the Constitution was declared adopted, which for the first time really made every one born in the United States or naturalized therein a citizen not only of his State but of the United States. It was after that indeed that we ourselves by the fifteenth amendment, adopted March 30, 1870, declared that no person should be forbidden to vote by reason of race, color, or previous condition of servitude.

Our zealous and radical republicanism is fading. Our apostleship of a generous humanity is to be abdicated. It was before the war that a Massachusetts man declared the Declaration "glittering generalities." He died, sir. I do not remember when he was buried; he died the day he said that.

It is seventeen years after a great war for union and liberty and the freeing of four million slaves, fourteen years after the assertion of national citizenship, and some twelve years after a declaration that no man shall be forbidden to vote by reason of race, color, etc., that we are asked to deny to the Chinaman the right he was bombarded into accepting; and upon that solemn act of legislation we put only the words I have read, saying that his coming as a laborer is dangerous to good order here.

Now, on page 1748 of the same volume of the RECORD will be found some remarks of the honorable Senator from Ohio [Mr. SHERMAN], who I suppose will be recognized as a Republican leader, although he seems to lead better for somebody else than he does for himself sometimes, but he certainly leads. He said:

It does seem to me that this bill might have been limited, restrained in such terms that it might have prevented the threatened evils without seeming to violate a treaty and to go in hot haste in a new policy that is foreign to the general habits of our people and of our country. I have voted for and would still vote for the amendments that have been proposed to limit and restrain the words of this bill. I think a suspension of twenty years is in violation of the spirit of the treaty, as we gather it from the correspondence that is laid on our table. The treaty itself expressly provides:

"Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or

suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable."

Continues Mr. SHERMAN:

How is it possible to go further than it is proposed to go by this bill? Not only is restraint put upon all immigration of Chinese into this country, except those who are professors or teachers or merchants, but that immigration is suspended absolutely for twenty years. Is that a reasonable exercise of the powers granted by this treaty? It seems to me it is going too far. I think there ought to be a shorter trial of such an act as this. A suspension for five years would accomplish all the beneficial purposes proposed by this bill. It may be that at the end of five years the people of California will themselves demand the useful labor of many of the Chinese. They may by that time have learned to discriminate between the labor of skilled artisans, shrewd, able men such as exist in China, and the coolies that have been sent over here, the criminals, the paupers, the contract laborers, who ought to be excluded from this country whether they come from Asia or from Europe.

Mr. FARLEY. Does the honorable Senator from Ohio desire to have brought to this country skilled laborers from China to compete with our own skilled laborers?

Mr. SHERMAN. I do not want to go too far in this new policy which reverses the whole policy of the Government from the foundation. I want to go slowly. What is the evil to be guarded against? The people of California and the Pacific coast say that they are fearful of being inundated by a vast horde of hungry coolies or contract laborers—I call them coolies—ignorant, vicious, debased, who come here without wives and children, who come here to degrade our society, an immigration of the lowest and worst classes of the oldest nation of Asia. It seems to me we might guard against the evils of this dangerous immigration without going to the extreme of excluding all laborers from China. We may limit, restrain, suspend, but we must not prohibit immigration. Here is a prohibition for twenty years, longer than the life of any Senator on this floor, for in twenty years' time all of us will have disappeared from the stage in all human probability.

Now, Mr. President, it is not useful perhaps to proceed with the votes on this question. It might be an interesting inquiry as to how far your present candidate for President of the United States was committed in this matter. All the RECORD shows, so far as I can see, is that he was paired with Mr. Maxey, who was a warm friend to the bill and opposed to the amendment of the Senator from Kansas and also that of the Senator from Massachusetts, and Mr. Maxey stated his pair and on one occasion said that Mr. Harrison had informed him that he was against the provision of one of the amendments, and Mr. Maxey declined to vote on account of that pair.

Now, coming down to May 26, 1886, that period that concerns the Senator from Oregon so much about the conduct of the House, on page 4958 of the same volume I find:

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

And after getting the question before the Senate, and so on,

The first amendment was to strike out section 1, as follows:

"That on and after ninety days after this act takes effect, every Chinese laborer who, having been in the United States, has departed therefrom and remained absent from the United States for a period of two years, shall be deemed, taken, and held to have elected to remain permanently out of the United States, and to have waived and abandoned his right to return thereto under the provisions of any treaty existing between the United States and the Empire of China; and it shall not be lawful for any such Chinese laborer to return to the United States during the period prescribed for the suspension of the coming of Chinese laborers into the United States; and all the provisions of this act, and of the acts to which this act is amendatory and supplementary, relating to the exclusion of Chinese laborers, shall be applicable to the Chinese laborers so excluded by this section."

And in lieu thereof to insert:

"That the words 'Chinese laborer' and 'Chinese laborers,' wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean any laborer of the Chinese race, without regard to the Government to which such laborer may owe allegiance, and without regard to the port, place, or country from which such laborer may come to the United States; and the words 'Chinese passenger,' wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean all persons of the Chinese race, without regard to the government to which they may owe allegiance, or the port, place, or country from which they may come to the United States."

Mr. HOAR. I understand the Senator from Ohio who reported this bill does not propose to address the Senate further. I think I ought not to let the occasion pass without at least expressing my own protest with regard to this entire proceeding.

This proposed act, and the statute of which it is an amendment, and the treaty which those two statutes profess to carry into effect, will in my judgment be regarded, if civilization be preserved on this continent, in future ages as among the great blots on the history of the human race. Here is legislation aimed at men, not on account of any individual crime or inferiority or fault, but simply because they are laborers and because they belong to a certain race; and that in defiance of the two great foundation principles of this Republic: that labor is honorable, and that there ought to be no distinction between human beings in their privileges on account of race.

Mr. EDMUNDS. I can not hear the Senator where I sit.

The PRESIDENT *pro tempore*. There is so much confusion in the Chamber that complaint is made that the Senator from Alabama can not be heard. The Senate will be in order.

Mr. EDMUNDS. We are unable to hear the Senator even at this short distance either from the noise or because he reads in such a low tone.

Mr. MORGAN. I am doing the best I can after having been on the floor a couple of hours.

Mr. MITCHELL. When did the proceedings take place from which the Senator is reading?

Mr. MORGAN. May 26, 1886.

Mr. MITCHELL. When he was a member of the other House?

Mr. MORGAN. No, it was in 1886. He was then in the Senate.

Mr. MITCHELL. I beg pardon. I thought the Senator said 1876.

Mr. MORGAN. On page 4961 I will read some expressions from the President of the Senate [Mr. INGALLS]:

Mr. INGALLS. It seems extraordinary to me that at this hour of the day a bill of this magnitude should be brought in here by an arrangement with a Senator who already had another bill pending and slipped into a crevice of time——

Mr. HOAR. What Senator?

Mr. INGALLS. I am talking about the Senator from Nebraska [Mr. Van Wyck]. I say slipped into a crevice of time and railroaded through this body, containing provisions as extraordinary and multifarious as these are here. The Senator from Ohio states that he does not desire to renew the discussion of four years ago and accuses the Senator from Massachusetts of knight-errantry, intimating that he is a Don Quixote fighting windmills, and perhaps that I am his Sancho Panza [laughter], because we venture to ask that a great measure of this kind, which I affirm is a disgrace to American civilization, shall not be passed through here without discussion, and the Senator from New Jersey [Mr. Sewell] who now occupies that chair *sotto voce* suggests, "if there is no objection this amendment is unanimously agreed to," and nobody knows anything about it.

The Senator from Massachusetts, after three or four amendments had been thus agreed to, arises and expresses his surprise that this arrangement is being completed. And I say, sir, that I did not know until this moment of time that that first amendment had been agreed to. The Senator from Nevada [Mr. JONES] says it is my own fault, and the Senator from Colorado [Mr. TELLER] echoes him.

Mr. TELLER. Certainly I do.

Mr. INGALLS. It may be my own fault or it may be not. But so far as this bill is concerned, it will never pass this body without discussion and without examination and without such protest as those of us who do not believe in its principles see fit to utter; and if there is any disposition to take advantage of the situation, I should like to be heard on that as on the rest of the situation here. I protest, sir, against this method of passing this bill and these amendments.

And so it goes. Now, I think, Mr. President, that I have laid before the Senate enough of opinion expressed in the solemn deliberations of this body, which of course we know are always very solemn, to get at the difference between Democratic sentiment on the Chinese question and the Republican sentiment as it has been revealed in these debates, and also outside of them as to the treaty-making arrangements. And, sir, the pretension will not do to set up any longer in the Senate, for the world will see through it and scout it, that the Republican party has any responsibility for the Chinese question on the American continent, except to bring it into this country. Since it got here they have done very little, almost nothing, with a few bright exceptions, under local pressure, possibly, to get rid of it; but we have had to fight a battle of the greatest magnitude, scarcely aided by any Republican, certainly opposed by a number of their statesmen, whose abilities have been very marked, and whose persistence has absolutely been insuperable in opposition to the restriction of Chinese immigration.

I, sir, have always believed that it was a very serious evil to this country. It was my misfortune to have been raised up among the negroes whose ancestors were imported by gentlemen of New England, and distributed along the Atlantic coast. I have had before my mind all the evils that we have had to encounter, which were of the greatest possible magnitude—governmental evils, social evils, economic evils—evils of every description. A contemplation of those evils deterred me from favoring any such enterprise as the bringing of an inferior colored race into this country, and I looked forward to the union between the African and the Chinaman after he should become resident in my section of country as making the very worst possible cross that humanity has ever been afflicted with. It would prove the Darwinian theory, but it would prove it in reversal; for such a mess as would come from this hybrid amalgamation of the negro and the Chinaman in the South nobody, I think, could ever have dreamed of.

So I set my face squarely against this thing all the time, and upon that ground and every other, that I believed the introduction of the Chinaman into this country was the contamination of the whole social fabric.

There is one thing I am very glad of, and that is that it seems they are incapable of making very much impression on our social order here. I think very few white women engage in marriage with them, no matter how prosperous they may be.

Chinamen are not, however, a substratum on which to build up a society in a country like this. We have our own substratum, and it is composed of a prudent and economical people, people of sense and of strong will. And to our people, to the blood that we find incorporated in their veins, no matter how much it may have been surrounded by circumstances of poverty, there is always a welcome to the upper circles of opportunity and to the upper places in the temple of power, of justice, of legislation, or whatever it may be. There are in this Senate Chamber, I dare say—I think I know there are—Senators who have come up from what are called the inferior or humbler class of society, whose fathers and mothers, with themselves, toiled in the field for the bread of life until perhaps fifteen or twenty years of age.

Some of the greatest men who have ever adorned the highest executive, judicial, and military positions in the United States are men of that class. There lies to-day stretched upon the bed of death one of the most glorious generals that ever drew sword from scabbard, a man of great ability, great character, splendid talents, and genius, who in his early days was a little boy seeking to carry errands from man to man—in Ohio I believe it was—for a small compensation. There is no telling what you can work out of true American blood, or Anglo-Saxon blood, or any mixture of that kind that we have got in this country.

And, sir, I protest now and forever against its prostitution and its

amalgamation with any of the inferior races that God has made. These two English-speaking nations, which were created to lead this earth, and the people who speak English on this globe to-day have more power than all the remainder of the world put together; and yet in point of numbers they are comparatively few. But the genius of the English-speaking people, their power to lead, to control, to command, to occupy, to possess, is supreme over the remainder of mankind. And even those who are kindred to us in blood, but do not belong exactly to the woof and warp of the English fabric, have to take the second place in this world's work; and they will have to keep it (that is all there is about it) until we voluntarily dispossess ourselves of it.

Having the pride of that blood in my veins, I can not be blamed if I desire to keep it pure. And if there is any one thing for which the people of the United States ought to be thankful to their women above all else, it is for that pure and exquisite virtue that contends for the purity of the blood that flows in their veins and always will. We men, Mr. President, give way, but in the sanctuary of a woman's heart is preserved the sense of responsibility to God and to posterity, which has been the nurturing element of proud strength, and will be the eclipsing glory of this people for ages and ages to come.

Mr. STEWART. Mr. President, I regret exceedingly that there should have been anything said in this Chamber of a partisan character with regard to this matter.

I am familiar with the history of this question, and the facts of history do not warrant a partisan attack on the Republican party. But in view of what has been said I must be pardoned for telling something of the history of the Chinese in this country.

When they first came to California they were a curiosity. They were a strange people. They engaged in mining in the ravines and gulches which had been previously worked over by the whites, and lived in communities by themselves. They did not enter into the economy of the country, and very little attention was paid to them. Labor was then scarce. The American people that were there at that time performed their own labor in the mines, and the Chinese were not regarded by the people generally as an evil, because there was room enough for all. Some discussion, however, occasionally occurred as to evils that might result from large numbers of Chinese who might come to this country, and the State imposed a foreign miners' tax, which was collected only from the Chinese. Many leading Democrats from the South in early days in California regarded the Chinese as a good substitute for slaves, and advocated their importation by the State to be used in the reclamation of the swamp lands of the State and in the production of rice upon such lands. This suggestion was opposed by the Free-Soil element in both political parties, and soon abandoned. The feeling of the Democratic party and of the people generally on the Chinese question in early times is illustrated by the following proceedings of the State senate of California in 1853, at a time when that body was overwhelmingly Democratic, taken from the senate journal:

Mr. Hager moved a reconsideration of the vote rejecting the resolution recommending to the President of the United States some suitable person, from this State, for the office of commissioner to China; which was agreed to.

Mr. Hager moved to amend by striking out all after the word "China," in the first resolution; which was agreed to.

And the resolution, as amended, read as follows:

"Whereas California is nearer to the empire of China than any other State of the Union, and many thousands of Chinese are now residing in California, and intermingled with our people in all their employments; and

"Whereas a valuable and increasing commerce already exists between California and China, which may hereafter bring a great accession to the wealth of the whole American Union through the ports of California and open the way to a free intercourse with the secluded nations of Asia: Therefore,

"*Resolved*, That, in our opinion, the public interest would be promoted by the appointment of a citizen of California to the office of 'commissioner to China.'

"*Resolved*, That the president of the senate be instructed to forward a copy of the above preamble and resolution to the President of the United States."

Mr. Sprague moved to amend by adding after the word "China," the words "Sandwich Islands, Australia, and the South American Republics."

On which the yeas and nays were demanded by Messrs. Sprague, Hubbs, and Lyons, with the following result:

Yeas—Messrs. Lott, Lyons, Sprague, Walkup—4.

Nays—Messrs. Baird, Coffroth, Denver, Gruwell, Hager, Hubbs, Hudspeth, Keene, McKibben, Ralston, Roach, Smith, Wade, Wombough—14.

So the amendment was lost.

The question was then taken on the adoption of the resolution, and the yeas and nays were demanded by Messrs. Sprague Hubbs, and Lyons, with the following result:

Yeas—Messrs. Baird, Coffroth, Denver, De la Guerra, Gruwell, Hager, Hubbs, Hudspeth, Keene, Lott, Lyons, McKibben, Roach, Smith, Wade, Wombough—16.

Nays—Messrs. Ralston, Sprague, Walkup—3.

So the resolution was adopted.

(See journal California senate, fourth session, 1853, pages 88 and 89.)

I was a resident of California at this time and personally acquainted with every member of the senate, and my recollection is that all those who voted for the resolution above mentioned were Democrats and those voting against it were Whigs. Judge J. S. Hager, who moved the reconsideration of the vote rejecting the resolution, is a Democrat and the present collector of the port of San Francisco, and was formerly a Senator of the United States from California. No man now is a more zealous opponent of Chinese immigration than Judge Hager, and he was one of the first who discovered the Chinese evil, and his consistency in opposition to it can not be questioned. The above quotation is not made in disparagement of Judge Hager, but simply for the purpose of showing the change of sentiment.

Free-Soil Whigs and Free-Soil Democrats in California generally regretted the presence of Chinese on the Pacific coast, fearing that they would form the basis of a new system of slavery, but, labor being scarce, they were not regarded as an inconvenience at the time. They deprived no white people of employment. This condition of things remained substantially the same until Mr. Burlingame went to China and made a treaty. True, observant men saw at this time that there might be trouble, but public opinion was not then aroused against Chinese immigration. Its evils then were not understood even by the people of the Pacific coast.

The Burlingame treaty came to the Senate of the United States for ratification, of which I was at the time a member, and Mr. Conness was then a Republican Senator from California. The terms of the treaty, as we construed it, implied the right of the Chinese to become naturalized. The Republican Senators from the Pacific coast recognized the impropriety of Chinese naturalization. Mr. Conness, to avoid this evil, offered an amendment to the treaty prohibiting the naturalization of Chinese.

Mr. MITCHELL. Will the Senator from Nevada yield to a motion to adjourn?

Mr. STEWART. I am anxious to dispose of this bill and prefer to go on.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Nevada has the floor.

Mr. STEWART. I call the particular attention of Senators to the amendment that was proposed by Senator Conness to the treaty and adopted in executive session, as the journals of the executive session, which are now published, will show.

The following appears on page 355 of volume 16 of the Executive Journal of the Senate:

On motion, by Mr. Conness, to amend the treaty by inserting at the end of Article VI the following words, namely: "But nothing herein contained shall be held to confer naturalization upon the citizens of the United States in China, nor upon the subjects of China in the United States,"

It was determined in the affirmative.

If this amendment, proposed by a Republican Senator, had not been adopted, the Chinese question would be to-day one of the most momentous questions ever presented to the American people. No Democrat proposed to amend the treaty, but all were willing to accept it as negotiated by Mr. Burlingame. The treaty as amended was unanimously adopted. It is too late for the Democratic party to complain of its provisions after its representatives in the Senate accepted it without one word of objection. The only thing that was done in regard to it to protect the people of this country from the naturalization of Chinese was a movement on the part of the Republican Senators and adopted in a Republican Senate.

Mr. CHANDLER. Were the yeas and nays called?

Mr. STEWART. No, but the record shows that the vote was unanimous. The record says that the treaty was unanimously passed.

This was in July, 1868. And at this time it will be remembered the question of dealing with the colored man was under consideration. The Republican party had determined to confer suffrage upon the colored man. They saw no other way to place in his hands the means of self-protection. They were in favor of extending equal rights to all men, and they did not then understand, nor did the Democratic party understand, the Chinese question, for it was not even understood on the Pacific coast.

To show that it was not understood upon the Pacific coast I beg to call the particular attention of the Senator from Alabama [Mr. MORGAN] and his Democratic associates to what occurred just before the ratification of the Burlingame treaty. The Chinese embassy who negotiated the treaty in Washington and secured its ratification, while in San Francisco, on their way to Washington, were given a grand banquet at the Lick House, in the former city, in April, 1868, at which the Democratic governor of the State presided. A large number of other distinguished men were present—Democrats and Republicans alike—including ex-Senator Hager, who is now collector of the port at San Francisco, General W. S. Rosecrans, ex-Representative in Congress and now Register of the Treasury, Frank McCoppin, then mayor of San Francisco and now the commissioner of the United States at the Melbourne Exposition, the late ex-Senator John F. Miller, and F. F. Low, ex-Republican governor of California and ex-minister to China. I will incorporate in my remarks a communication which recently appeared in the Argonaut, a weekly journal of San Francisco, in which a partial list is given of the persons who attended that banquet.

The PRESIDING OFFICER. Does the Senator desire that the paper be read?

Mr. STEWART. It is not necessary to read it. It gives the history of a grand banquet in which Republicans and Democrats alike participated. It happened that the most distinguished men there were Democrats, because the administration of the State government at the time was Democratic. Among all the speeches at that banquet there was no suggestion that Chinese immigration was to become an evil. They did not realize the dangers involved in the Chinese question, although the Chinese had been among them for nearly twenty years, and in view of this it seems uncharitable to complain of the people of the East for

not understanding the question without time for consideration and investigation.

The following is the communication to which I refer:

THE CHINESE BANQUET IN 1868.

SAN FRANCISCO, *July* 2, 1888.

Editors Argonaut:

A great deal has lately been said about General Harrison's attitude upon the Chinese question. We wonder if it ever occurred to the people who are responsible for all these malefic rumors—for, of course, an aspirant to office in these days would be nothing if not assailable—that California should be the last place in the world to inculcate a propaganda of that nature. We wonder if it ever occurred to the wiseacres who are responsible for the dissemination of the idea that General Harrison holds erroneous and unpractical ideas upon the Chinese question, to look up a few very significant data upon the views which were held by some of the most prominent citizens of this Republic, and particularly in this portion of it, some twenty years ago. If it has not so occurred, we shall have much pleasure in now informing them. On the 28th of April, 1868, at the Lick House, in San Francisco, took place a banquet which will be still remembered by many of our oldest and worthiest citizens as combining, to a great measure, jollity with business. Hon. Anson C. Burlingame was the recipient of that banquet. The very highest of our respected members of society partook of it. Now this only goes to show that, in those days, a hand of hospitality was outstretched to the Chinese Government, that the Chinese race was welcomed as an honorable and useful part of the political cosmogony of our grand empire, and that no slur attached to those who welcomed them. The gentlemen who represented foreign countries, the United States of America, and San Francisco upon that occasion were known as some of the foremost representative citizens of our time and age. Here is a partial list:

"Governor Haight, Hon. Anson Burlingame, His Excellency Chih Tajen, minister of the second rank; J. McLeary Brown, first secretary of legation; His Excellency Sun Tajen, minister of the second rank; E. de Champs, second secretary of legation; Frank McCoppin, mayor of San Francisco; S. F. Butterworth; Henry Barroilhet, consul of Peru; Don José A. Godoy, consul of Mexico; G. C. Johnson, consul of Norway and Sweden; William L. Booker, consul of the British Empire; Henry W. Halleck, general commanding the division of the Pacific; H. K. Thatcher, admiral commanding the American squadron on this coast; Ogden Hoffman, judge of the district court of the United States; Delos Lake, district attorney of the United States; General McCook, United States minister to the Sandwich Islands; Francis Berton, consul of Switzerland; C. F. Mebius, consul of Bavaria; James de Fremery, consul of Belgium; R. B. Swain, superintendent of the mint; R. G. Sneath, president of the Chamber of Commerce; Thomas H. Selby, president of the Merchants' Exchange; Oliver Eldredge, Alvinza Hayward, James P. Pierce, Eugene L. Sullivan, Judge J. S. Hager, Edward Tompkins, Brigadier-General Leonard, Maj. Gen. W. S. Rosecrans, Charles Meinecke, consul of the Republic of Bremen; Charles E. Hitchcock, consul of the Hawaiian Islands; Maj. Gen. John F. Miller, collector of the port; ex-Governor F. F. Low, Judge Sawyer, of the supreme court; Judge Currey, Senators Tubbs and Rose, W. C. Ralston, ex-Congressman William A. Howard, of Michigan; A. Stanford, Paymaster Doran, Philip W. Stanford, Major-General Ord, Alpheus Bull, and others."

Annexed are extracts from some of the speeches:

General Halleck: "Not many years ago these Asiatic nations were excluded from the pale of European international jurisprudence. It was held by European statesmen, and the doctrine was advocated by John Quincy Adams, of Massachusetts, that Christian powers had a right to compel these unchristian powers to trade with them in such articles and on such terms as they might see fit to dictate. * * * I regard this as the death of this idea, as one of the most important movements of recent times. It has broken down the barriers of Oriental and Occidental prejudice, and it will eventually lead to the harmony and civilization of the world. * * * If that civilization, which has so long moved westward with the star of empire, is now purified by the principles of true Christianity * * * San Francisco must be made the abutment from which is to be sprung forward the great international law which is to bridge across the Pacific Ocean."

Governor Haight: "A vast commerce is to be developed between China and the other nations of the earth; and California is to be especially benefited by it."

Minister Burlingame: "The fraternal feeling of four hundred millions of people has commenced to flow through the land of Washington to the older nations of the West, and it will flow on forever. Who is there that would check it? Who is there that would say to China: We wish to have no other relations with you than such as we establish on our partial and mean and cruel interests at the cannon's mouth? I trust there are none such as these. I believe rather that this generous nation is a better exponent of the wishes of the West. I believe it represents more truly that large and generous spirit which is not too proud to learn and which is not afraid to teach; that great spirit which, while it would exchange goods with China would also exchange thoughts with China, that would inquire carefully into the cause of that sobriety and industry of which you have made mention, that would learn something of the long experience of that people."

There was no feeling of race hostility in the early days. The Chinaman was looked upon as a very useful accessory to our growing civilization. In short, we as a nation were disposed to grant almost the utmost privileges which it was in our power to bestow upon a race that was then looked upon in the light of innocent, harmless, and useful aliens. The light which has broken in upon us later has shown that the "light of Asia," so far as that light is demonstrated by ignorant and debased coolies of Asiatic birth, is prejudicial to our political life. This is the result of experience gained from a rough and difficult passage over a series of moral and economic stumbling-blocks and snags. But the question, the answer to which must make itself apparent to any reasonable mind, is whether General Harrison was not as perfectly justified in thinking as he did in these days upon the Chinese question as any of the gentlemen who took part in the memorable Burlingame banquet in our city twenty years ago. This casting of stones by people in glass houses is neither just, nor honorable, nor wise.

X. Y. Z.

There was at the time of the ratification of the Burlingame treaty, and there still is, a determination on the part of the Republican party to protect every man in the United States in his civil and political rights. After the fifteenth amendment had been adopted and the Republican party was seeking to enforce its provisions, the question of extending naturalization to the Chinese was discussed and decided after elaborate debate by a Republican Senate against their naturalization.

The question came before the Senate in the following manner:

The House had passed a bill amending the naturalization laws. It was received in the Senate and referred to the Committee on the Judiciary, then composed of Senators Trumbull, Conkling, EDMUNDS, Carpenter, Rice, Thurman, and myself. Mr. Sumner, then Senator from Massachusetts, offered another bill, which was to strike out the word "white," to the end that there should be no distinction in the right of naturalization on account of race or color. Both these bills were before the Committee on the Judiciary at the same time. I had seen something of the Chinese, and realized their incompatibility with our civilization. There was a movement then on foot to import them into the South, as I will show, by a man named Koopmanschap, to substitute them in that section of the country for colored laborers. People were also talking about using them in Massachusetts. To me then the full force of the evil became apparent—that we were dealing with a race that would overrun this country and subvert its institutions if their coming was not arrested.

The chairman of the Judiciary Committee, Mr. Trumbull, proposed in the committee to incorporate in the House bill Mr. Sumner's bill to naturalize Chinese and report the two propositions in one bill. I opposed the amendment and the committee agreed with me that it ought not to be incorporated in the House bill, but should be reported as a separate measure. Senator Thurman and myself were opposed to any proposition extending the right of naturalization to Chinese. I do not now recollect how the other members of the committee stood, but a majority were in favor of Mr. Sumner's bill and reported it to the Senate as a separate bill. The House bill was amended and also reported. The latter bill was first called up for consideration in the Senate and after some discussion it was by unanimous consent agreed that on the 2d of July, 1870, at half past 5 o'clock, a vote should be taken on the House bill without further debate. At the time appointed for the final vote on the bill, and while votes were being taken on the several amendments, and when debate was at an end, Mr. Sumner offered his bill, as an amendment to the House bill, to strike out the word "white," so that there should be no distinction as to the right of naturalization on account of race or color.

I shall quote from the Globe of July 2, 1870, second session of the Forty-first Congress, to show the method pursued to force the adoption of Mr. Sumner's amendment without debate. The discussion of this point of order was the turning-point of the Chinese question, for if we had been compelled to take the vote without debate the Chinese would have been naturalized. If this could not have been prevented in the Senate both the Senate and the House would have adopted Sumner's amendment and the Pacific coast to-day would be subject to Chinese rule. Senator Thurman, who was opposed to the naturalization of either negroes or Chinese, joined his powerful influence with Senators Sumner and Trumbull to choke off debate. I had explained the situation to him in the committee and he thoroughly agreed with me in opposition to the naturalization of Chinese, but for the purpose of injuring the Republican party on the Pacific coast he joined in a scheme of parliamentary tactics to stifle debate, which if successful he well knew would extend naturalization to the Chinese.

The following are extracts from the debate:

Mr. SUMNER. I offer a new section which has already been reported upon favorably by the Judiciary Committee:

"*And be it further enacted*, That all acts of Congress relating to naturalization be, and the same are hereby, amended by striking out the word 'white' wherever it occurs, so that in naturalization there shall be no distinction of race or color."

Mr. THURMAN. I wish to inquire if this is an amendment to the House bill, or to the amendment of the Judiciary Committee.

Mr. SUMNER. I move it now to the amendment of the Committee on the Judiciary.—*Congressional Globe*, second session Forty-first Congress, part 6, page 5121.

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Mr. STEWART. Now, before the vote is taken, I wish to state that if that question, which is another question altogether, is introduced now to be voted upon, without giving a word of explanation, I shall not be bound by any agreement, because this is another proposition; it does not relate to the subject of the original bill. It is a separate proposition. If that is to be put on this bill, then we are not bound by any arrangement, because it is necessary that the Senate shall know what they are voting for and how they are voting, before this is voted upon. I desire to be heard, and must be heard on a proposition of that character, which we of the Pacific coast have more knowledge of than others here. I shall not be bound by any agreement if it is to be acted upon now and put upon this bill. I shall desire to be heard upon it before it is voted on.

The PRESIDENT *pro tempore*. The Chair has no power to enforce the agreement.

Mr. TRUMBULL. I hope the Senator from Nevada will set no such example as that by insisting that he will not be bound by an understanding. Everybody knows what that means.

Mr. THURMAN. It has been printed on our tables for months.

Mr. STEWART. If the Senator from Massachusetts offers it now, does he not see the effect?

Mr. SUMNER. The proposition has been here four years.

Mr. TRUMBULL. The Senator from Nevada can not afford to set this example.

Mr. STEWART. But this is bringing in another bill. I want to submit this proposition to the Senate; here are two distinct bills pending, involving altogether different principles; does an agreement to vote at a certain time upon one bill bind the Senate to take up another bill and put it upon that bill without a chance to say a word? I undertake to say that is not germane, and upon that point I have a right to be heard. The proposition was that we should vote on a bill to regulate naturalization as to persons now entitled to receive it.

Mr. PATTERSON. I should like to ask my friend a question. He says that this in principle is different; will he state how?

Mr. STEWART. I say it is not germane. There are two different propositions. The proposition that we agreed to vote upon was simply a proposition to regulate naturalization among the persons now entitled to naturalization. The proposition introduced by the Senator from Massachusetts is to extend naturalization to a different class involving a different subject, and it is well known here that it will be discussed, and discussed thoroughly. It is a separate bill, one that has been kept separate by the Judiciary Committee, and we are not bound by the agreement when that is sought to be attached——

Mr. WILSON. Let us vote.

Mr. STEWART. Do not put it on this bill.

Mr. WILSON. Let us vote.—*Globe*, page 5122.

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Mr. MORTON. One word. This amendment involves the whole Chinese problem. Are you prepared to settle it to-night?

Mr. STEWART. Without discussion.

Mr. MORTON. And without discussion? The country has just awakened to the question and to the enormous magnitude of the question, involving a possible immigration of many millions, involving another civilization, involving labor problems that no intellect can solve without study and without time. Are you now prepared to settle the Chinese problem, thus in advance inviting hat immigration? I am not prepared to do it.—*Globe*, page 5122.

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The PRESIDENT *pro tempore*. The Senator from Massachusetts moves an amendment, which will be read.

The Chief Clerk read the proposed amendment, as follows:

"*And be it further enacted*, That all acts of Congress relating to naturalization be, and the same are hereby, amended by striking out the word 'white' wherever it occurs, so that in naturalization there shall be no distinction of race or color."

Mr. SUMNER. Now, I have to say that that is worth all the rest of the bill put together. That is a section that is pure gold. It will do more for the character, and honor, and good name of this Republic than all the rest of the bill. I am for the rest of the bill, but this is better than all the rest. Now, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEWART. That is a proposition to extend naturalization, not to those who desire to become citizens, but to those who are being imported as slaves. I propose first to abolish slavery. I propose to liberate these persons before they shall be naturalized by their masters for the purpose of carrying elections.

Mr. EDMUNDS. May I appeal to my friend? I appeal to him to let us vote, because if this amendment is adopted I shall certainly absolve him from any agreement and he may then talk as long as he likes; but, inasmuch as I vote against this amendment solely upon the ground that in honor I can not go for it here when his mouth and the mouths of others are closed, I hope he will let us vote. If we are to have a full debate I shall vote for the amendment.

Mr. DRAKE. I wish to say that I vote against it for the same reason assigned by the Senator from Vermont.

Mr. TIPTON. I wish to say that before this question is ever settled in this country Senators will have to meet the issue whether Christian civilization can be sacrificed or brought in dangerous competition with any system of paganism.

Mr. WILSON. I hope we shall adhere to our agreement.

Mr. THURMAN. I really do not understand the course that has been pursued. ["Order!"] I rise to a question about our understanding. We agreed to take the vote at a certain hour; we agreed to that unanimously. If this amendment is within the scope of that agreement, then there should be no debate upon it. Some Senators do not think it is within the scope of the agreement. I do not know whether it was in the minds of Senators when the agreement was made; but I think it is an amendment perfectly germane to the bill, and of which the Senator from Massachusetts had given us the amplest notice, months of notice, years of notice, and I therefore think, that being the case, the agreement ought to be applied to it, unless it be that Senators are taken by surprise. I hope, therefore, we shall vote on this question, and I hope my friends will have learned what the Declaration of Independence means by this time. That is all that is necessary.—*Globe*, page 5124.

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Mr. CONKLING. Now let us vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. Sumner], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FOWLER. As I stated before, I was paired with the Senator from North Carolina (Mr. Abbott) on amendments then existing; but this amendment was not then proposed. I am not paired with him, therefore, on this amendment. I vote "yea."

The result was announced—yeas 27, nays 22; as follows:

Yeas—Messrs. Anthony, Carpenter, Conkling, Fenton, Fowler, Gilbert, Hamlin, Harris, Howe, Kellogg, Lewis, McDonald, MORRILL of Vermont, Patterson, Pomeroy, Pratt, Ramsey, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Sprague, Sumner, Thayer, and Trumbull—27.

Nays—Messrs. Bayard, Boreman, Casserly, Corbett, Cragin, Davis, Drake, EDMUNDS, Harlan, Howell, Johnston, McCreery, Morton, STEWART, Stockton, Thurman, Tipton, Vickers, Warner, Willey, Williams, and Wilson—22.

Absent—Messrs. Abbott, Ames, Brownlow, Buckingham, Cameron, Cattell, Chandler, Cole, Ferry, Flanagan, Hamilton of Maryland, Hamilton of Texas, Howard, Morrill of Maine, Norton, Nye, Osborn, Pool, Revels, Saulsbury, SHERMAN, Spencer, and Yates—23.

So the amendment was agreed to.

Mr. STEWART. Now, I think it is clear that I am absolved from any agreement.

Mr. TRUMBULL. Why so?

Mr. STEWART. Why so? I never have made any such agreement. I never have made an agreement to extend naturalization to the Chinese or a bill to regulate naturalization. I say it is a violation of the agreement to take up another bill, a plain, palpable, clear violation of the agreement. I appeal to every fair man if I am not entitled to discuss this question upon this bill now; and before I proceed I want a vote of the Senate whether I am to proceed to explain what the Senate is about to do. I ask leave to be heard.—*Globe*, page 5124.

It will be seen by the foregoing that Mr. Thurman was aiding to accomplish a purpose indirectly which he would not do directly. I should not have alluded to this if the Senator from Alabama had not read a speech of Mr. Thurman against the Chinese. I claim that while he voted and spoke against the Chinese, his combination with Sumner and others to choke off debate on Sumner's amendment and secure the naturalization of Chinese deprives him of the right to claim that he was in good faith opposed to the naturalization of the Chinese. If his pretensions had been sincere he would have worked, as well as voted, to save this country from the Chinese curse. No temporary political advantage which he sought to secure by forcing the Republican party to adopt Sumner's amendment without a hearing from Pacific coast Senators would have induced him, if he had been honestly opposed to Chinese suffrage, to join in a scheme to stifle debate.

I finally agreed to the suggestion of the Senator from Vermont [Mr. EDMUNDS], as shown by the foregoing quotations from the Globe, to allow a vote to be taken, for the purpose of ascertaining if the Senate, under the circumstances, were so strongly convinced that Sumner's amendment was right as to put it on the House bill. Many Senators voted against it because they thought it was not within the agreement, but it turned out, as was evident before the vote was taken that it would, that a large majority of the Senate, as then advised, was in favor of Sumner's amendment. The Senator from Vermont [Mr. EDMUNDS] and the distinguished Senator from New York, Mr. Conkling, both contended that I was absolved from the agreement, after this vote was taken, to keep silent and allow Sumner's amendment to become a law.

The debate then proceeded. The distinguished Senators from Vermont, New York, and Indiana [Messrs. EDMUNDS, Conkling, and Morton], repudiated the claim of Sumner, Trumbull, and Thurman that the Senate had made any agreement to settle the Chinese question without debate. An exhaustive discussion then followed on a motion to reconsider the vote by which the amendment was adopted, in which Senators SHERMAN, Sumner, Trumbull, Williams of Oregon, Schurz, Morton, myself, and many others participated, running until the Fourth of July and lasting until near midnight of that day, when the motion to reconsider was carried by a vote of 27 to 14.

The yeas and nays were as follows:

The question being taken by yeas and nays, resulted—yeas 27, nays 14; as follows:

YEAS—Messrs. Bayard, Boreman, Chandler, Conkling, Corbett, Cragin, Davis, Drake, EDMUNDS, Hamilton of Maryland, Hamlin, Harlan, McCreery, Morton, Nye, Ramsey, Saulsbury, Scott, STEWART, Stockton, Thurman, Tipton, Vickers, Warner, Willey, Williams, and Wilson—27.

NAYS—Messrs. Brownlow, Fenton, Harris, Kellogg, McDonald, Morrill of Maine, Pomeroy, Revels, Robertson, Ross, Spencer, Sprague, Sumner, and Trumbull—14.

ABSENT—Messrs. Abbott, Ames, Anthony, Buckingham, Cameron, Carpenter, Casserly, Cattell, Cole, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Howard, Howe, Howell, Johnston, Lewis, MORRILL of Vermont, Norton, Osborn, Patterson, Pool, Pratt, Rice, Sawyer, Schurz, SHERMAN, Thayer, and Yates—31.—*Globe*, page 5173.

There were 20 Republicans and 7 Democrats in the 27 votes above given against Chinese naturalization. Among the 14 in favor of naturalization there were no Democrats in regular standing, but Sumner, Trumbull, Ross, and Sprague had practically left the Republican party at that time and never acted with it afterwards. Among the Democrats who were present on the first division and voted against the Sumner amendment, and who deserted before the last vote and were absent on that occasion, leaving the Republican Senators from the Pacific coast to fight the battle alone, was Mr. Casserly, a Democratic Senator from California.

After the defeat of Sumner's amendment, the following amendment was adopted:

The naturalization laws are hereby extended to aliens of African nativity and persons of African descent.

On the passage of the bill every Democrat present except their allies, the Mugwumps of that day, voted in the negative, because they were opposed to extending naturalization to the colored race.

The debate on the motion to reconsider the vote by which Sumner's amendment was adopted was earnest, serious, and exhaustive. The speeches of Senator Williams, of Oregon, on that occasion are models of both eloquence and logic. Mr. Schurz sustained Mr. Sumner in favor of Chinese naturalization in an argument that must be classed among his best efforts, but it was based on the false supposition that the Chinese were the equals of the whites and that their coming was a blessing rather than a curse. I participated in the general debate, showing as best I could the utter ruin which would result to the Pacific coast by the importation of hordes of Chinese to be naturalized to control the political destinies of the West. I called attention to the fact that it was not the Pacific coast alone that was to be invaded by the importation of Chinese coolies, and showed that both the South and the East were to be invaded. A convention was then in session in Charleston, S. C., considering the question of supplanting colored laborers by Chinese coolies. In answer to a question as to how the business was conducted I said:

I will tell you in a moment. This business is done in China by native agents. They trade in their fellow-men. They make these contracts and take as security the family of the cooly, to be sold into slavery if he breaks his contract. They bring him to the coast, and then they enter into contract with Chinese companies organized for that purpose in San Francisco, being six in number. Mr. Koopmanschap, a Dutchman, is one of the principal agents of these Chinese companies in manipulating contracts. He is the man who goes to your conventions in the East and proposes to supplant free labor in the South, to reorganize labor in the South by bringing coolies there. That is the proposition of Mr. Koopmanschap, which he has discussed before Southern conventions; that is the proposition which is being discussed in South Carolina now, and the proposition which is being discussed in Massachusetts. It is proposed to take Chinese coolies there to supply the place of free labor. Sir, this is a proposition to introduce slave labor to compete with free labor.

* * * * * * *

Again I said:

I want to be heard in the name of the Republican party not only of Nevada but of this nation. It is claimed that the Republican party have done certain things whereby they must logically do certain other things in order to be consistent. Now, I propose to show that the Republican party has never done anything to commit itself to the policy which is here proposed; and in order to ascertain that fact it is important to know what policy is proposed.

The proposition of the Senator from Massachusetts, Mr. Sumner, is nothing more nor less than this: to extend naturalization to Chinese coolies, brought here under cooly contracts, by which they can be controlled by Chinese companies located in the city of San Francisco. They can not only be controlled in their labor, but controlled in their applications to be naturalized, and they will be equally controlled in their votes.

They are pagans in religion, monarchists in theory and practice, and believe in their form of government, and no other, and look with utter contempt upon all modern forms as dangerous innovations; who believe in their monarchical form of government as they believe in their religion; who will sacrifice life for it; who will commit suicide for their devotion to their government and their religion. The edict from China or from these Chinese companies will be as perfect a control of these men as could be possibly had. It will be absolute and unqualified. It is proposed to extend to them the elective franchise, which follows citizenship under your fifteenth amendment. There are probably about one hundred thousand Chinese, nearly all males, upon the Pacific coast. It will be very easy under these cooly contracts to bring in hundreds of thousands more if you do not check this cooly trade; it will be very easy for them to have all these men under their control, and they will be able to sway, if the American people submit to it, the political destiny of the Pacific coast. I am no alarmist, but I propose to review this question calmly.

We reviewed the position calmly and the question was discussed as thoroughly as any question ever was, and it was decided by the Republican party. That was the party that stood by to prevent the naturalization of Chinese. New England came to the rescue. Every Northern State and the whole Republican party, with a few exceptions, when this thing was explained—that these Chinese were a lower race and that they would be dangerous to our civilization—decided in 1870 that they should not be naturalized. Then what followed? Mr. Sargent in the House and the Senate and others offered several bills, some of which became laws, for the purpose of preventing the importation of coolies. I did the same thing. The bills were to prohibit the importation of coolies under these Chinese contracts. This was before any alarm was raised on the part of the people, before any political issue was formed upon it; but the Republicans in California, Oregon, and Nevada were opposed to this new slave traffic and labored to defeat it.

The Burlingame treaty had been made. The Republican party of this country did not wish to violate that treaty, nor did the Democratic party. After the coming of Chinese was shown to be an unmixed and intolerable evil, bills were introduced by Republicans from the Pacific coast in both Houses to restrict Chinese immigration.

The Republican party was reluctant to legislate in violation of the treaty. They did pass a law, however, for the purpose of restricting Chinese immigration, which President Hayes vetoed on the ground that it was in violation of treaty obligations, and that a new treaty was the proper remedy.

The Republican party then undertook to meet the evil in a legitimate, straightforward manner.

They made a treaty in 1880 which was supposed to be ample to prevent further Chinese immigration. They again passed a bill to prohibit Chinese immigration in 1882, in pursuance of this treaty, which was vetoed by President Arthur for the reason that it violated the treaty. Another bill was immediately passed, which met the President's objections and became a law. The Chinese, however, evaded the law by various devices and were coming in more rapidly than before, literally invading the Pacific coast, and they continue to evade our laws up to this date. In 1884 the Chinese restriction act was amended in many important particulars by a bill introduced in the House by Mr. Henley, a Democratic Representative from California, and became a law largely through the exertions of Mr. MORROW, and other Republicans from the Pacific coast in the House, and Senators Miller and Jones, of Nevada, in the Senate. The bill still did not prevent the fraudulent entry of Chinese. They reduced perjury to a fine art, and either smuggled or swore themselves in by the thousands.

Mr. MORROW introduced another bill in the House in 1866, which was most stringent in its provisions, and calculated to meet and thwart the various tricks of the Chinese and their accomplices. A copy of this bill was introduced in the Senate by Mr. Fair, a Democratic Senator from Nevada, and referred to the Committee on Foreign Relations, which at that time consisted of SHERMAN, of Ohio, EDMUNDS, of Vermont, FRYE, of Maine, EVARTS, of New York, Harrison, of Indiana, MORGAN, of Alabama, BROWN, of Georgia, SAULSBURY, of Delaware, and PAYNE, of Ohio.

This bill was entirely satisfactory to the Pacific coast, and was unanimously reported from the Committee on Foreign Relations. At the time the bill was called up for consideration, on May 26, 1886, Mr. SHERMAN, who reported and had charge of the bill, said:

Mr. SHERMAN. Perhaps I had better say to the Senate just a few words at this time.

"The bill was intended to carry into execution the existing laws in regard to Chinese immigration. It does not in the judgment of the Committee on Foreign Relations—who are, I believe, unanimous on the subject—change in any material or essential particular the treaty or the laws which have heretofore been enacted; but in the administration of the law several questions of difficulty—legal questions—have arisen, which have been brought before the United States courts.

The bill is mainly the work, as I am advised by the Senator who introduced it [Mr. Fair] of the three United States judges on the Pacific coast whose duty it has been to administer the law.

The provisions are mainly declaratory, or "rather defining the meaning of the provisions of existing law, not with a view to change the principle of the law."

The bill has been very carefully examined in the Committee on Foreign Relations, and so far as I know, every provision was assented to with entire unanimity.—*Congressional Record*, volume 17, part 5, first session Forty-ninth Congress, page 4958.

General Harrison, as is well known, was a member of the committee and was in favor of the bill, and the Senate adopted it unanimously. The details of that bill I need not give. The people of the Pacific coast understood it and were unanimously in favor of it, as the best thing and the only thing that could be done under the circumstances. General Harrison, who was present, made no speech, but his friendly attitude to the bill is shown by the following in the CONGRESSIONAL RECORD:

Mr. INGALLS. I did not know until this moment that the first amendment on page 2 had been agreed to. I understood the Senator from Minnesota [Mr. McMillan] to ask that the amendment might be again reported.

Mr. HARRISON. He withdrew that request.—*Record*, volume 17, part 5, page 4961.

This is a slight matter, but it establishes the fact that General Harrison was present and made a suggestion favorable to the bill immediately before its passage. The bill was referred in the House to the Committee on Foreign Affairs and never reported. It is understood that it was regarded by that committee as being in conflict with the treaty of 1880, for immediately thereafter the administration opened negotiations with the Chinese Government for a new treaty, following the precedent set by the preceding Republican administration to proceed by treaty for the exclusion of Chinese. It is believed, however, that if the Senate bill of 1886 had passed the House and become a law there would have been no necessity for any new treaty.

At the present session of Congress the Committee on Foreign Relations, on the 29th of February last, a majority of the committee being Republicans, unanimously reported to the Senate, through Mr. SHERMAN, their chairman, the following bill:

A bill supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 15, 1884.

Be it enacted, etc., That the words "Chinese laborer" and "Chinese laborers," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean any laborer of the Chinese race, without regard to the Government to which such laborer may owe allegiance, and without regard to the port, place, or country from which such laborer may come to the United States; and the words "Chinese passenger," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean all persons of the Chinese race without regard to the Government to which they may owe allegiance, or the port, place, or country from which they may come to the United States.

SEC. 2. That all Chinese laborers who departed from the United States between the 17th day of November, 1880, and the 6th day of June, 1882, having at the time of such departure a right to return to the United States under and by virtue of the provisions of the treaty between the United States and the Empire of China, bearing date November 17, 1880, shall avail themselves of such right so secured and return to the United States within six months after the passage of this act; and that every Chinese laborer so departing, who fails to return to the United States within said six months, shall be taken and deemed to have waived his said right to return under the provisions of said treaty, and shall forever thereafter be excluded from the United States.

SEC. 3. That the certificates provided by the act of May 2, 1882, entitled "An act to execute certain treaty stipulations relating to Chinese," and amendments thereto, to be delivered to Chinese departing from the United States for the purpose of identification on their return, shall, ninety days after the passage of this act, be such as the Secretary of the Treasury shall from time to time prescribe. And the Secretary of the Treasury shall have power to make all needful rules and regulations to prevent the entry into the United States of any Chinese who are denied the right so to enter by any act of Congress. And the acts of Congress relating to the entry of Chinese into the United States are hereby amended so as to conform with this act.

Before the bill could be acted upon in the Senate, and on March 16, 1888, a new treaty was negotiated and laid before the Senate. The following are the first and second articles of that treaty:

ARTICLE I.

The high contracting parties agree that a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited; *and this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding certificates under existing laws or not.*

ARTICLE II.

The preceding article shall not apply to the return to the United States of any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000 or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. *And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.*

The original articles of the treaty are shown by the portions of the above quotation in Roman; the portions in italics are the amendments made by the Senate. Without those amendments it was feared by the Senate that the same trouble would exist that we now have in regard to the coming of Chinese on account of previous residence and their entry without certificates on proof of loss of the originals. The Senate was unwilling to trust Chinese testimony on these questions, and accordingly made the amendments, which greatly improve the treaty.

The bill now under consideration is to carry into effect the treaty as amended, if the Chinese Government consents to these amendments,

and if it does not I have no doubt that Congress will pass a bill similar to this—treaty or no treaty. Fortunately for the country, both parties are agreed that the Chinese should be excluded. There is no difference of opinion on the subject, and a discussion of the attitude of Senators before they were fully informed upon the subject will not advance the public interest. But since an attempt has been made to disparage the Republican party in connection with this subject, an examination of the record will vindicate that party and place it in an honorable and consistent attitude. The allusions to the position of General Harrison render it proper that his whole record in regard to the Chinese question should be known.

It is true that General Harrison was opposed to the bill in 1882, which was subsequently vetoed by President Arthur on account of its conflict with the treaty of 1880, and he consistently voted against the twenty-years clause, upon which President Arthur's veto was mainly predicated. It is also true that he voted for the following amendments, offered by Senator HOAR:

Provided, That this bill shall not apply to any skilled laborer who shall establish that he comes to this country without any contract by which his labor is the property of any person other than himself.

Provided further, That any laborer who shall receive a certificate from the United States consul at the port where he shall embark that he is an artisan, coming to this country at his own expense and of his own free will, and has established such fact to the satisfaction of such consul, shall not be affected by this bill.—*Congressional Record*, volume 13, part 2, first session Forty-seventh Congress, pages 1716 and 1717.

General Harrison at that time, in common with most of the Eastern people who had not visited the Pacific coast, was ignorant of the character of the Chinese and their tricks and devices to evade our laws, and it seemed to him unreasonable to exclude free and independent skilled laborers who came to this country of their own accord, and not under cooly contracts or contracts for labor. He would certainly have voted otherwise if he had been better informed, as his subsequent record abundantly proves.

It is also true he voted against the Farley amendment, which is in the following words:

That hereafter no State court, or court of the United States, shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.—*Record*, part 2, pages 1481; 1749.

His vote against this amendment was certainly correct. There was no law, and there never has been any, allowing Chinese to be naturalized; on the contrary, the right of naturalization was denied to Chinese, as I have already shown, by the Conness amendment to the Burlingame treaty; and by the act of July, 1870, the discussion of which I have already reviewed, the right of naturalization was confined to white men and Africans. Asiatics were excluded. Farley's amendment proposing to repeal all laws granting the right of naturalization to Chinese was absurd when no such law existed, and ought to have been rejected. Senator EDMUNDS offered the proper amendment on that subject, for which General Harrison voted, in the following language:

Nothing in this act shall be construed to change the existing naturalization laws so as to admit Chinese persons to citizenship.—*Record*, part 4, page 3411.

Grover's amendment against which Senator Harrison voted is in the following language:

The words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining.—*Record*, part 2, pages 1480; 1750.

Senator Harrison objected to this definition because it varied the language used in the treaty, the object of the legislation being to carry the treaty into effect without changing its meaning, and because he preferred the amendment offered by Senator EDMUNDS, for which he voted, in the following language:

The words "Chinese laborers," wherever used in this act, shall be construed to mean persons usually engaged in manual labor.—*Record*, part 4, page 3411.

It seems to me that any person seeking to carry into effect the terms of the treaty would have preferred the Edmunds amendment, and that General Harrison voted correctly.

Senator Harrison was absent on official business at the Soldiers' Home when the bill passed, but if present would undoubtedly have voted against it on account of the twenty-years clause, for he voted against passing the bill over the President's veto on that ground, and Senator Maxey stated he regarded himself as paired on the bill with Senator Harrison. Immediately after the failure to pass the bill over the veto, the bill which had been introduced by Mr. Page, of California, in the House, prohibiting Chinese immigration for the period of ten years instead of twenty, came to the Senate for action. The Farley and Grover amendments above quoted were adopted by the Senate on the House bill, and the amendments of Mr. EDMUNDS, also above quoted, were rejected, and for that reason Senator Harrison voted against the bill.

On the passage of the act of 1884 Mr. Harrison was absent and had no opportunity to participate in the legislation. Not one word was uttered by him in either 1882 or 1884 indicating that he was not thoroughly in favor of Chinese exclusion. He was a new member, had never been to California, knew nothing personally of the Chinese evil, but was endeavoring to legislate in conformity with existing treaties and followed the lead of the distinguished Senator from Vermont [Mr. EDMUNDS], the Chairman of the Judiciary Committee, in the construction of the treaty. After the act of 1884 had proved defective and was continually evaded by the Chinese, both Senators EDMUNDS and Harrison favored more radical legislation and supported the Morrow-Fair bill, to which I have already alluded. This bill was more radical than the Democratic House of Representatives was willing to pass, as I have already shown, and consequently the Administration proceeded to the negotiation of the pending treaty. There can be no doubt of the views of Senator Harrison in 1886, when the Morrow-Fair bill was passed, nor in February, 1888, when he wrote the following letter to a friend:

INDIANAPOLIS, IND., *February* 29, 1888.

MY DEAR SIR: Your kind letter of February 28 has been received. I am very much obliged to you for the kind interest which you take in my behalf. You knew me well enough while here to know that I am no schemer for place, and I have not fallen from grace in that respect since you left here.

I did vote with the great body of Republicans in the Senate against the Chinese restriction bill, as it was called. It seemed to me then to be in violation of our treaty with China, and it was a little hard for me to let go of the old idea that this was the free home of all comers. I think there has been a very general change of sentiment on that subject since. We do not need to ask anybody to come to this country now, as we formerly did, and I think we have a right to preserve our own institutions by exercising a fair election as to who shall come here. I do not like that class of immigration that comes in gangs, that can be driven into pens and on shipboard, and hired, not by personal contract, but by bosses, and the Chinese immigration is very much of this sort.

Very truly, yours,

BENJ. HARRISON.

Rev. J. S. BRANT, *St. Louis, Mo.*

The attempt to make it appear that General Harrison is not, and was not before his nomination, thoroughly in favor of the absolute exclusion of Chinese is absurd, and shows to what extremes partisan prejudice may be carried in a political contest.

The quotations made in the speech of the Senator from Alabama [Mr. MORGAN] from speeches made by Republican Senators—HOAR, DAWES, SHERMAN, INGALLS, HAWLEY, and perhaps others—in opposition to what seemed to them to be class legislation against the Chinese, were ill-timed. These Senators had been for years engaged in a grand struggle for the vindication of human rights and equality before the law. They were veterans in the great work that liberated more than 4,000,000 of slaves and removed the disgrace of human slavery from the Republic. They had also been engaged during the prime of their manhood in securing for the oppressed freedmen the rights of American citizens; they had been leaders in the cause of the Union and the restoration of the Southern States to their normal relations to this Government; they had been taught to believe that all men within the jurisdiction of the United States were equal before the law and entitled to the protection of the law.

They had not learned the peculiarities of the Asiatic strangers who were invading the Western coast. They had not observed the insidious power by which the Chinese undermine, destroy, and subvert Christian civilization; that where they come our race can not stay; that they are wholly and absolutely antagonistic to our race, and that they are imported as coolies and slaves, and move in gangs with which white labor can not compete and in the presence of which white laborers must starve. In ignorance of this condition of things it is creditable to the distinguished Republican Senators whose speeches were quoted by the Senator from Alabama that they were unwilling to join in what to them seemed an unnecessary and cruel opposition to a weak, unwarlike, and peaceable race until they had time and opportunity to understand the conditions and the necessities of excluding the Asiatic hordes from our borders.

No fair-minded man from the Pacific coast will complain of the people of the East because they did not earlier discover the unmitigated evil of Chinese immigration. It was unreasonable that it should be known in the East as soon as it was in the West. If it took California twenty years to discover that the presence of Chinese was dangerous, it was unreasonable to expect that the people of the East should know this fact in advance. The opposition of the Democratic party to the Chinese was natural. They were in favor of the negro as a slave, but were against him as a man. They viewed the Chinese from the same standpoint that they did the colored man. Neither had any political or civil rights which they respected, and while they did not trouble themselves much to secure affirmative legislation to exclude Chinese, they readily voted for any proposition which curtailed the rights of any person of color, either black or yellow.

Now, what is there in all this to make party capital out of? The people of the East did not originally understand this question. It was a long time before the people of the West—before the people of even the Pacific coast understood it. They did not understand it at the time the Burlingame treaty was made. They did not understand it at the time that Governor Haight and Judge Hager and other leading men were at the Burlingame banquet in San Francisco receiving the Chinese embassy with open arms, and congratulating them on the consummation of this "great work," as they then termed it. I say they did not then appreciate it, because the Chinese had generally followed vocations by themselves. They mined where other people did not wish to mine. But when they commenced taking the place of white men, and were hired out by the Chinese Six Companies in gangs, and began taking the bread out of the mouths of white men, then all parties on the Pacific coast became a unit against Chinese naturalization and citizenship.

Mr. RANSOM. Will the Senator let me call his attention to a matter of record?

Mr. STEWART. Certainly.

Mr. RANSOM. After hearing the Senator from Nevada, and not being familiar with the history of the matter, I presumed that Judge Thurman and Senator Trumbull were together on this question. I find, Mr. President, that on the vote alluded to by the Senator from Nevada, in which 27 Senators voted one way and 14 the other, the Senator from Nevada and Judge Thurman voted together.

Mr. STEWART. Exactly.

Mr. RANSOM. And Judge Trumbull voted the other way.

Mr. STEWART. Exactly.

Mr. RANSOM. And I believe that for four or five other succeeding votes on this subject Judge Thurman and the Senator from Nevada voted together on every vote.

Mr. STEWART. We voted together, and I so stated.

Mr. RANSOM. I did not so understand the Senator.

Mr. STEWART. I so stated.

Mr. RANSOM. I thought the Senator left the inference that Judge Thurman favored the Sumner amendment. I simply desired to show that he voted against it.

Mr. STEWART. He did vote against it, but he undertook to help Trumbull to choke me off, so that I could not tell the story, and if the story could not have been told the amendment would have been adopted.

Mr. RANSOM. There is the Globe showing that Mr. Thurman voted with the Senator from Nevada every time upon that question, and in the very vote that he called attention to, in order to show that the vote was the other way, it now appears that Judge Thurman voted with him, and it further appears, so far as I can recall, that not a Democrat voted against the proposition—not one, and of fourteen negative votes not one was that o la Democrat.

Mr. STEWART. The Senator is mistaken when he says that I stated that Judge Thurman voted for Sumner's amendment. I stated directly the opposite. Not one Senator then styling himself a Democrat voted against it, nor would the Democrats extend naturalization to anybody except whites. They were opposed to extending naturalization to any but white persons; that is true; and notwithstanding Judge Thurman was opposed to it, and notwithstanding I had explained to him in the Judiciary Committee the evils involved in Sumner's amendment, and notwithstanding the committee had decided to keep these two propositions separate, and had so reported, he undertook to force a vote upon them jointly, and contended that the Sumner amendment was germane and legitimate on the House bill, and that I was honorably bound to keep my mouth closed and allow this great wrong to be perpetrated. He knew the effect of choking me off perfectly well, and I felt outraged at the position he took in opposition to the action of the committee in separating the two propositions and against the views of the distinguished Senators from Vermont [Mr. EDMUNDS] and New York [Mr. Conkling].

At the suggestion of the Senator from Vermont the vote was taken, and the amendment of Sumner adopted by a vote of 27 to 22, as I have already shown. Many Senators voted against it because they thought it was not within the agreement and that it was wrong to shut off debate in the manner proposed. The Senator from Vermont himself remarked that he voted against the amendment solely on the ground that it was not right to cut off debate, but that he was in favor of the amendment when it might be fairly considered. After it was fairly considered and full debate allowed he became convinced that the amendment was wrong and voted against it on the final vote, and has ever since been opposed to the naturalization of Chinese. The minds of many other Senators were changed by the debate, as the final vote of 27 against and only 14 for the amendment shows.

While it is true that no person then styling himself a Democrat voted for the amendment, several Senators who never afterwards acted with the Republican party, but joined the Democratic-Greeley party at the following election, voted for the Sumner amendment extending naturalization to the Chinese. Among these were Mr. Sumner, of Massachusetts; Mr. Sprague, of Rhode Island; Mr. Trumbull, of Illinois, and Mr. Ross, of Kansas, now Democratic governor of New Mexico. The 10 Republicans voting for the amendment who remained with the Republican party were Brownlow, of Tennessee; Fenton, of New York; Harris and Kellogg, of Louisiana; McDonald, of Arkansas; Morrill, of Maine; Pomeroy, of Kansas; Revels, of Mississippi; Robertson, of South Carolina, and Spencer, of Alabama. Seven of these Senators represented Southern States and were elected by colored constituencies. It was necessary for them to be extreme.

Only 4 Northern Republican Senators voted to extend naturalization to the Chinese, and afterwards remained in the Republican party, while 20 Republicans representing Northern States voted against the amendment, all of whom remained with the party. The fact that Trumbull, Summer, and others were about to turn their backs on the Republican party and lend their influence to place the Democrats in power may throw some light upon the conduct of Senator Thurman in attempting to aid them to embarrass the Republican party by making them adopt the amendment, which he well knew would be destruction to the Republican party on the Pacific coast. Mr. Trumbull possibly had the same design. He was opposed to negro suffrage and fought the fifteenth amendment more vigorously than any Democrat. His newborn zeal for extending naturaliztion to Chinese and Africans may have been inspired by his desire to aid the Democratic party, which he had at that time practically joined. I do not pretend to say that there was any secret understanding between Senators Thurman and Trumbull to injure the Republican party on the Pacific coast, but I do say that they joined in an effort to stifle debate and bring a terrible calamity upon the country.

In the long debate of July 2 and July 4, and the night of the 4th, no Democrat made an argument against naturalizing Chinese. They confined themselves to jokes, interruptions, and points of order, as the Globe will show. Mr. Casserly, the Democratic Senator from California, was present on the first day and made a few remarks on the point of order, but took no further interest in the proceedings. What Republican would have left the Senate Chamber under such circumstances who had an interest in the question and was in earnest about it?

Mr. Williams and Mr. Corbett, of Oregon, fought bravely against the amendment, and the Globe shows it. So did Senator Morton and others, saying this was a great question; it was too great an experiment to open our gates to be overrun by the millions of Asiatics who would flock to our shores.

Mr. RANSOM. The whole contest on that question was made by Republicans, and by nobody but Republicans. I care nothing about it, but Mr. Sumner raised the question, and he was supported by Republicans, and not supported by a Democrat, as the Globe shows.

Mr. STEWART. It is true no Democrat voted for the measure, but Mr. Sumner's support on the vital question of whether or not the Senate should be informed before it voted, came from Senators Thurman, Trumbull, and others, who were preparing to defeat the Republican party through the Greeley combination. The Democrats who were then known and called Democrats were opposed to any extension of the right of naturalization to persons who were not white. They were as much opposed to the naturalization of Africans as the Chinese.

Mr. EDMUNDS. The Senator will pardon me for reading from the Globe the proof of what he says.

Mr. STEWART. Certainly.

Mr. EDMUNDS. After the bill had been put in a condition so as to exclude the Chinese from naturalization and to include all the people of other countries than China, and the question was on its passage, I believe every Democrat in the Senate voted against its passage, there being eight of them who voted, none of them voting for it that I can see; and all the Republicans who were present voted for it, and among the nays—the list is very short—are Messers. Bayard, Boreman, Hamilton of Maryland, McCreery, Saulsbury, Stockton, Thurman, and Vickers; and all the yeas were Republicans.

So the case is exactly as stated by the Senator from Nevada, that at that time the Democratic party apparently in the Senate were not opposed to Chinese naturalization as a separate and distinct question from other naturalization, but they were opposed to the naturalization of anybody except people from Europe, and were opposed to the naturalization of the colored man whether he was in this country or not in this country, and, therefore, when the bill was put in a condition to include the African, the man of African descent, and to cover nothing else on that point, every Democrat in the Senate voted against it, as the Senator says, and would do it again.

Mr. RANSOM. In reply to the Senator from Vermont I would say that if he will look over the Globe and have it read as he read it, he will see upon the Chinese question every Democrat who voted voted invariably against them and not one Democrat voted for Mr. Sumner's proposition. On the four or five different votes there they are recorded in that way.

Mr. STEWART. But what I complain of is that Mr. Thurman joined Trumbull, Sumner, and others against the decision of the committee in separating the two measures, against the views of the distinguished Senators from Vermont and New York, members of the Judiciary Committee, as expressed in the debate, in an attempt by stifling debate to force upon the country the Chinese curse in its most destructive form.

I had a right to complain of the conduct of Senator Thurman and his Democratic colleagues on that occasion. The debate shows the sneers and jokes of Democratic Senators in their attempt to embarrass Senators from the Pacific coast and prevent a fair and impartial hearing. It was the Republican party that we were called upon to convince that this was wrong. We did convince them; and when the time came that the Chinese were invading the Pacific coast and interfering with civilization there, it was the Republican party that moved to abrogate the Burlingame treaty and make a treaty restricting Chinese immigration, and the Republican party, and not the Democratic party, did make the treaty of 1880 for that purpose. Nearly every measure that has been before Congress has been introduced by Republicans, and every measure to restrict Chinese immigration in any form which has become a law has been passed mainly through the influence of Republicans. True, they have been sustained by Democratic votes as well, but the facts and arguments upon which they were based were

produced and made mainly by Republicans. Republicans have done this work.

The bill of 1886, to which I have already alluded, and which was unanimously passed by a Republican Senate, was satisfactory to everybody, and if it could have become a law, if the Democratic House had passed it, there would have been no necessity for the bill under consideration and no necessity for this treaty.

Mr. MITCHELL. The Senator will permit me to say that we would be in a better position than with this treaty and this law.

Mr. STEWART. Yes, in a better position if we had that law. But I am not disposed to criminate any one on account of the past. All parties are now agreed. We understand the question and the great American people are of one accord and agree that we can not afford to invite Chinese immigration or to tolerate their coming, and that being the decree that has gone forth, I am satisfied with it. I do not propose to go back and look up the record at a time when some man did not understand the question and spoke in behalf of humanity, not knowing the situation, who spoke of applying the same principles to the Chinese that he applied to other men without knowing the distinction and not knowing the evil they would bring upon the country. I am not disposed to criticise them, and I think the Senators on the other side will bear me witness that I never have in this Chamber, and I never intend to, allude to the past political position of any Senator on account of any errors he may have made. If he is right to-day, I will accept him.

The assertion that the Republican party is responsible for the Chinese being here and that the Democratic party has always opposed the Chinese is not true. The attempt to make this a political issue and charge the Republicans with it is monstrous in view of the facts. The Republican party has made every move to prevent the country being flooded with Chinese. They raised the alarm. They have gone further, day and night, in season and out of season, from the very first, to prevent the coming of Chinese. They commenced, before any Democrat thought of it, to amend the treaty to prevent naturalization. When the proposition to naturalize Chinese was before the Senate the Republicans alone made a showing against it, and it was defeated by Republican votes. When Chinese immigration became oppressive it was the Republican party that moved in the matter.

I admit that the Democratic party in pursuance of its traditions has voted against the Chinese. They did so for political purposes. But I do deny that they have ever been earnest workers in this great contest which has been waged by the Pacific coast for the purpose of preserving free institutions and American civilization in that country. I deny that they have. I deny that they have been the moving spirits in any contest on this floor or in the other House in favor of rescuing that country from the inundations of the Chinese. It is not true. Since the Republican party has decreed that the Chinese shall not come, the world knows that their coming will be stopped. They are earnest and they will prevent it.

I regret that any Senator here should attempt to manufacture party capital out of this question. I would never have alluded in this discussion to what either party had done. I am not in the habit of doing that. I spoke on the Chinese question early in the session and congratulated the country that there was unanimity of sentiment now, but made no allusion to party politics. I never alluded to what one party or the other did; but to have a labored speech made here showing that the Republican party is responsible for this evil that it has labored so zealously to prevent can not go unrebuked by me.

I regret that I have been on the present occasion under the necessity of alluding to the action of Judge Thurman; but when he is held up as an earnest opponent of the Chinese evil and leading Republicans are denounced, I felt it my duty to call attention to his position when the principal question regarding the Chinese was settled in the Senate and naturalization denied to millions of Asiatics by Republican votes, secured by Republican arguments, against the Trumbull-Thurman scheme to stifle debate and accomplish indirectly what the Senator from Ohio, Mr. Thurman, would not do directly, and which he freely denounces on all public occasions as wicked and outrageous.

The PRESIDING OFFICER. The question is——

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. EDMUNDS. Let us have a vote. We are all for the bill.

Mr. COCKRELL. I do not think that we ought to pass a bill here at almost quarter after 6 o'clock with only about ten Senators on the floor. There is no quorum here.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate adjourn.

Mr. PLATT. Let the unfinished business be laid before the Senate.

Mr. EDMUNDS. I think the Senator from Missouri is right. On looking around I think there is no quorum here.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate do now adjourn.

Mr. PLATT. I hope the unfinished business will be laid before the Senate before the motion to adjourn is put.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business the title of which will be stated.

The CHIEF CLERK. A bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Missouri.

The motion was agreed to; and (at 6 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 8, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 7, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

VETO MESSAGE—P. A. LEATHERBURY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Claims, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 3008, entitled "An act for the relief of P. A. Leatherbury."

This bill provides that the Secretary of the Treasury shall pay to the person above named the sum of $601.27, being the amount paid by him to Lucy Roberts on two pension checks which were afterward recalled and canceled.

The committee of the House to whom this bill was referred report "that the Department discovered, after the issuing of the checks, that the claim for pension was fraudulent, but not until after the purchase, in the ordinary course of business, by Mr. Leatherbury, paying $601.27 therefor, and giving his due-bill for the balance, which balance he refused to pay after ascertaining that the check was repudiated by the Government."

Lucy Roberts, a colored woman, filed a claim for pension in 1868, alleging that she was the widow of Nelson Roberts, who died in the military service in 1865.

Her claim was allowed in 1876, and two checks, numbered 6863 and 6864, aggregating $1,301.27, were issued on account of said pension. Before payment of the checks information was received which caused an investigation by the Pension Bureau as to the honesty of the claim for pension. This investigation established its utterly fraudulent character, and thereupon the checks were canceled, and the woman's name was dropped from the pension-rolls.

Certain important facts are reported to me from the Pension Bureau as having been developed upon the investigation.

It appears that one Thomas had undertaken to act for the claimant in procuring her pension under an agreement that he should have $300 if successful. Mr. Leatherbury was a notary, postmaster, and claim agent, and acted as notary and general assistant to Thomas and the claimant, who was employed at Leatherbury's house. In the month of July, 1876, the same month the claim for pension was allowed, the woman Roberts was indicted for larceny, the complaining witness being Mr. Leatherbury. Shortly after the issue of the checks the woman disappeared, and it is reported that certain indications suggested that both Leatherbury and Thomas were not entirely ignorant of her whereabouts, nor completely disconnected with her disappearance. The checks were obtained from Thomas by Leatherbury, he paying, as he alleges, to Thomas the fee of $300, which had been agreed upon.

The checks remained in Leatherbury's possession until they were delivered by him to the special agent of the Pension Bureau upon the investigation. He claimed in his deposition that he considered that what money he had let the woman have and the goods she had obtained at his store while she worked for him, and the $300 which he had advanced to Thomas, her agent, justified him in holding her indebted to him in the sum of $600, and that he held the checks as security for the same, admitting that there was still $700 in her favor, written acknowledgment of which he had placed in the hands of his wife. He further stated that rather than gain notoriety in the matter he would return the checks to the special agent, but he trusted that the Government would pay him the $600 which he had sunk in the transaction.

The woman testified that she did take some goods from Leatherbury at his store at his suggestion, after the arrival of the checks and before she left, about August 16, 1876, which purchases amounted to no more than $100, and that he also advanced her $100; that he made no further payment and wrote to her that he had to give up the checks, and that she never indorsed the checks nor authorized any one to do so.

Both Leatherbury and Thomas disclaimed any knowledge of the fraudulent character of the claim. But the fraudulent claimant lived in the house of one of them and he was assisting in procuring her claim to be allowed, while the other made an unlawful agreement for a liberal compensation for his services if the claim succeeded. The woman was indicted at the instance of Leatherbury at about the time of the issuance of the checks and fled, but if she is to be believed Leatherbury wrote to her during her absence. After her disappearance he ventures to pay to Thomas his illegal fee and takes possession of the checks. He considers that she owes him $600, and the bill under consideration gives him $601.27, the exact amount of the checks less $700.

Some one with more intelligence than this ignorant colored woman concocted the scheme to gain this fraudulent pension; and the circumstances point so suspiciously toward Thomas and Leatherbury, the claim of the latter upon the Government is infected with so much illegality, and the amount of his advances is arrived at so loosely, that in my opinion he should not at this late day be relieved.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 3, 1888.

JURY COMMISSIONERS, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a letter from the United States attorney for New Mexico, and submitting an estimate of appropriations for expenses of jury commissioners in that Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

AIDS TO NAVIGATION, MISSISSIPPI RIVER.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River.

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to concur in the Senate amendment.

Mr. OATES. What is the bill and what is the amendment?

Mr. WILKINSON. I will state that it does not add one dollar to the amount or change one word in any respect in the bill as it passed the House, except to include an item making the appropriation in the bill itself. When the bill was passed it was passed as such bills ordinarily are passed, with the understanding that the appropriation would be placed by the Appropriation Committee in some of the general appropriation bills.

But in this instance the bill passed the House too late, and the committee could not put it on any of the bills on which appropriations for this purpose are usually placed, as they had already been reported to the House. I ask leave, therefore, to concur in the Senate amendment making the appropriation.

The SPEAKER. The Senate amendment will be read, subject to objection.

The Senate amendment was read.

Mr. OATES. What is the bill?

Mr. WILKINSON. It is for the purpose of establishing aids to navigation at and near the mouth of the Mississippi River. The Senate amendment, as I have said, does not change the purport of the bill, but it simply makes an appropriation of the amount covered by the bill which could not be placed in time on any of the regular appropriation bills, as is customarily done.

There being no objection the Senate amendment was considered and concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had adopted resolutions, as follows:

Resolved, That the Senate has learned with profound regret of the death of Philip H. Sheridan, late General of the Armies of the United States.

Resolved, That the Senate hereby expresses its grateful sense of his great and patriotic services in the cause of the country, and its deep sensibility of the loss the nation has sustained by his death, and its sympathy with his family in their bereavement.

Resolved, That a copy of these resolutions be forwarded to the family of the deceased.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 10165) for improving the mouth of the Brazos River, Texas.

ANNIE GIBSON YATES.

The SPEAKER also laid before the House the bill (H. R. 7708) with Senate amendments disagreed to by the House, and a resolution of the Senate insisting upon its amendments to said bill.

The SPEAKER. The conferees on this bill have been already appointed on the part of the House.

ADDITIONAL JUSTICE SUPREME COURT, WYOMING.

The SPEAKER also laid before the House the bill (S. 1324) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; which was read twice, and referred to the Committee on the Territories.

ALFRED PLEASONTON.

The SPEAKER also laid before the House an order of the Senate adopted August 2, appointing Mr. MANDERSON as a conferee in place of Mr. DAVIS on the bill (S. 2972) authorizing the President to appoint and retire Alfred Pleasonton with the rank and grade of colonel.

RIGHT OF WAY.

Mr. DAVIDSON, of Florida, by unanimous consent, introduced a bill (H. 11111) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola in the State of Florida; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRESENT REVENUE LAW AND MILLS BILL.

Mr. McMILLIN, by unanimous consent, introduced the following resolution; which was read and referred to the Committee on Printing:

Resolved, That there be printed for the use of the House of Representatives a comparison of the text of the present law and the Mills bill (H. R. 9051) and tables showing the effect of the proposed legislation upon the revenues; to be prepared under direction of the Committee on Ways and Means.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STONE, of Missouri, until the 25th instant, on account of important business.

To Mr. BACON, further leave indefinitely, on account of sickness.

To Mr. CROUSE, for the remainder of the week until August 13, on account of important business.

CONFEREES ON ARMY APPROPRIATION BILL.

The SPEAKER announced as the conferees on the Army appropriation bill (H. R. 10234) Mr. TOWNSHEND, Mr. MAISH, and Mr. LAIRD.

OHIO CENTENNIAL EXPOSITION.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to discharge the Committee on Appropriations from the further consideration of the bill (S. 3182) and consider the same at this time.

The SPEAKER. The bill will be read, subject to objection.

Mr. OUTHWAITE. It has been read quite recently in the House.

The SPEAKER. The bill has already been read?

Mr. OUTHWAITE. Yes; it was read within the last week, and I ask unanimous consent to dispense with the reading of the bill.

Mr. HOLMAN. Let the title of the bill be read.

The Clerk read as follows:

A bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio centennial to be held at Columbus, Ohio, from September 4 to October 19, 1888.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OATES. I object.

Mr. OUTHWAITE. I hope the gentleman will withdraw his objection, to permit me to make a brief explanation.

Mr. OATES. I have no objection to that.

The SPEAKER. If there be no further objection, the gentleman from Ohio will make a brief statement.

There was no objection.

Mr. OUTHWAITE. The reason, Mr. Speaker, I desire to make a statement is to show the appropriateness of the withdrawal of the objection urged by the gentleman from Alabama.

This bill does not contribute or appropriate a single dollar of money out of the Treasury of the United States to the State of Ohio. The State of Ohio in 1886 resolved to celebrate the centennial of the settlement of the Northwest Territory, and has invited all the States that grew out of that Territory, and has invited the States that may be called the parent States also to participate in this celebration. The time is now drawing near within which the Executive Departments of the Government must take steps to participate if they are to do so. It must take steps by the 4th of September, and unless this bill is considered at this time there will be no opportunity or this will be the last opportunity, probably, that I shall have to bring this measure forward in behalf of the State of Ohio.

What is this exhibition? It is an exhibition of arts and sciences; an exhibition of the industries of the Northwest Territory, and all of that which goes to show the advancement of this country during one hundred years. As I said before, several of the States which grew out of that Northwest Territory have signified their intention to participate in this centennial. The State of Ohio has furnished magnificent grounds, has built large buildings, and has built one building in particular that will accommodate ten thousand people in the auditorium. Then a great number of these States have signified their intention of sending exhibits of their arts, their industries, and their sciences, and associations and societies of all kinds—military and civil, religious and political, educational and labor societies of every kind which can be enumerated have signified their intention to be there. I have no hesitation whatever in saying that there will be at least two million citizens of this country who will visit that centennial.

All this bill asks is that the National Government shall, too, participate in this exhibition. It is not to appropriate a single cent for the State of Ohio, not to give a single penny, but simply that enough money be appropriated to enable the Departments to make a respectable appearance for the National Government. As I said before, the time is short, but three weeks and a few days remaining before the centennial must be opened, if the preparations are to be made in the Departments. During this very session of Congress there has been appropriated without objection $147,000 to permit a city to have an exposition. Now, why can not the great State of Ohio be permitted to have such an exhibition from those things belonging to the National Government which will show the steps of our progress during the past one hundred years?

Mr. O'FERRALL. How much do you ask?

Mr. OUTHWAITE. Forty thousand dollars. It seems almost a humiliation that one should be compelled, under the circumstances which surround us, to make an appeal for the State of Ohio to see the National Government represented at a celebration of the character that this will be; and I ask the gentleman from Alabama [Mr. OATES] to withdraw his objection.

Mr. OATES. My friend from Ohio has exhibited the usual zeal in a case wherein his constituency desire to have the Government participate in an exhibition of this character. The objection which I interposed this morning is not on account of the particular locality where this exhibition is to be held, but it is to the principle. It is no part of the business of the Government of the United States, nor should it be, to engage in the general show business, and wherever it participates in these exhibitions at the expense of the Treasury of the United States, in my judgment it is unwarranted. The Government was not inaugurated for any such purposes. It is an abuse of the power or the exercise of unwarranted power, and while I have objected before, I will not on this occasion, but content myself with voting against the measure. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. CANNON. What is the gentleman's request?

Mr. OUTHWAITE. To consider this measure now.

Mr. CANNON. For what length of time?

Mr. OUTHWAITE. I want the time to be as brief as possible.

Mr. CANNON. I will not antagonize by objecting; but I ask the gentleman from Ohio to let us have, say, two hours for debate or so much as is necessary for the consideration of the bill.

Mr. OUTHWAITE. Does not the gentleman from Illinois [Mr. CANNON] think that two hours is an objection, and that the House would hardly be willing that it should be occupied two hours with the consideration of this measure?

Mr. CANNON. If two hours is not necessary we certainly do not need to occupy it. I do not desire to say a great deal about it; but I should like to be heard. His proposition is to the effect that we are to go into this business, and I think we should consider the matter fully, as the time seems to have arrived when a stop should be put to this business and draw the line somewhere.

Mr. OUTHWAITE. Let the debate run on. I have no objection to that. The gentleman can have whatever time he desires.

Mr. CANNON. I would suggest two hours. I want a portion of the time.

Mr. OUTHWAITE. Well, the gentleman can control one hour, and the other hour be left to my control.

The SPEAKER. Is there objection? The Chair hears none. The question then is as to ordering the bill to be read the third time.

Mr. WISE. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That any surplus arising from the appropriation made to either of the Departments by the act of May 28, 1888, for participation in the centennial exhibition of the Ohio Valley may be transferred and used for the same purpose to participate equally in the national exhibitions to be held in the cities of Augusta, Ga., and Richmond, Va., during the months of October and November of the present year.

Mr. WISE. I simply want to add in reference to that amendment, that we are not asking for an appropriation any more than the gentleman from Ohio. We are asking that the cities of Richmond and Augusta shall be treated as the cities of Cincinnati, Marietta, and Columbus, Ohio. In May last, as the gentleman from Ohio has stated, $147,000 were appropriated in this way for an exposition at Cincinnati, Ohio, celebrating the centennial of the organization of that Territory into States. I believe that the State of Virginia has as much right to an appropriation by this Congress in aid of the exposition at Richmond as the State of Ohio or any other State in the Union. She is the mother, I may say, of those States. The members of this House need not to be reminded that it is in consequence of the munificence of Virginia that you have that event to celebrate.

We do not ask for an appropriation. We simply ask that what may be left of your appropriation for the expositions at Cincinnati and at Marietta, if anything, may be used for a governmental exhibit at Richmond, Va., and also for an exhibit at Augusta, Ga. I think we are asking but very little, and I trust the House will adopt this amendment.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] is entitled to the floor.

Mr. OUTHWAITE. I reserve my time.

The SPEAKER. Under the agreement the gentleman from Ohio [Mr. OUTHWAITE] was to control half the time and the gentleman from Illinois [Mr. CANNON] the other half. To whom does the gentleman from Ohio yield?

Mr. OUTHWAITE. I yield five minutes to the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. Mr. Speaker, I desire simply to add a few words to what has been said by the gentleman from Virginia [Mr. WISE]. This proposition to aid an exposition at Richmond, Va., and another at Augusta, Ga., simply provides that if there be any surplus left after paying the expenses of the Government exhibits at Cincinnati and at Marietta, which have already been provided for by an act passed by this Congress, that surplus shall be equally divided between the exposition at Richmond and that at Augusta, Ga. As to the exposition at Augusta I will say that that city has already raised by private subscriptions a larger amount of money for the purposes of the exposition than has hitherto been raised anywhere in the South, and has erected a larger building for that purpose. That money, I say, has been raised by private subscriptions, and we are not asking now for any independent appropriation, but simply that if there be any surplus left after paying for the Government displays at Cincinnati and at Marietta that surplus shall go to the expositions at Augusta and at Richmond, respectively. That is all we ask, and I trust that the gentleman in charge of the bill will accept the amendment.

Mr. WILSON, of Minnesota. Let me suggest to the gentleman from Georgia that he amend the amendment so as to provide that if there be any surplus left in the Treasury of the United States it shall be used for this purpose. [Laughter.]

Mr. BARNES. No, sir; I do not accept that suggestion. [Laughter.]

Mr. OUTHWAITE. I desire to reserve the balance of my time.

The SPEAKER. The question is on ordering the bill to be read a third time.

Mr. CANNON. Mr. Speaker, heretofore the Government of the United States has had exhibits at several expositions and at different places. The first, I believe, was at Philadelphia during the centennial year. The second large one was at New Orleans a year or so ago. I think there was a Government exhibit also at Louisville and perhaps at one or two other places. At this session of Congress we have appropriated in round numbers $150,000 to make an exhibit at Cincinnati. Upon investigation it was ascertained that the exposition to be held at Cincinnati was to be both national and international, and it was thought by both the House and the Senate that, pursuing the policy heretofore pursued, an appropriation should be made for a Government exhibit there, and it was made.

It is not necessary for me to speak of the merits of the exposition at Cincinnati. Gentlemen know all about it. The Government exhibit at Marietta, if it can be called such, was merely an exhibit of some documents from the State Department of special interest on that occasion. There have been several propositions referred to the Committee on Appropriations, asking that appropriations be made for expositions at other points. Among those proposed expositions is one at Augusta, Ga., and another, which was urged with great force, and which, I must say, appealed strongly to me as an individual member of the House, for an appropriation to aid the colored people to make a national exposition at Atlanta to show the progress they have made in this country since they acquired their freedom. That, I say, was urged with great force and was very fully considered by the committee, but it was the sense of a majority of the committee that the appropriation should not be made, and they declined to recommend it to the House.

The same thing is true with reference to the exposition at Augusta, Ga. An appropriation for that purpose was also urged with much force, and undoubtedly the proposition was of considerable merit, but the committee did not recommend it. The same thing is true with reference to the proposed exposition in Virginia. The committee declined to recommend appropriations for either of those three. The same thing is true also with reference to the exposition at Columbus.

Mr. WISE. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. WISE. Did the committee recommend the appropriation for the exposition at Cincinnati?

Mr. CANNON. Yes, sir.

Mr. WISE. What is the difference?

Mr. CANNON. I will try to explain to the gentleman the difference. The committee also recommended, years ago, an appropriation for the Philadelphia exposition, and also, later, for the New Orleans exposition, because those were both national and international expositions, like the one at Cincinnati.

Mr. OATES. Were not those appropriations also in the nature of loans, and did not the Government recover the money loaned at Philadelphia?

Mr. CANNON. No, sir.

Mr. OATES. I am informed that it did.

Mr. CANNON. I will tell the gentleman exactly how that was. The Government did make a loan to Philadelphia, not for the purpose of making an exhibit, but for the purpose of assisting in the construction of buildings, etc., for the exposition. *Every dollar of that loan* has been repaid. In addition to that, however, the Government of the United States through its various Departments made an exhibit there, the expense of which was not repaid and was never intended to be repaid.

The Government loaned a million dollars toward founding the exposition at New Orleans and putting up the building; and it also made there an exhibit by the Government Departments, and afterward I think paid out nearly a million dollars more, of which it never got back a cent, and never will.

Mr. OATES. I wish to inquire of my friend whether he does not think that our experience in these matters, irrespective of any question of power, ought to be sufficient to satisfy members of the impropriety of making an appropriation of this sort.

Mr. CANNON. As I said when I commenced my remarks, the time has come for us to determine on a policy touching the exhibitions in which the Government shall participate at various places throughout the country from one ocean to the other. One reason that the committee failed to recommend the appropriation for the Columbus exposition was that at Cincinnati within three hours' railroad ride—I believe I am correct——

Mr. OUTHWAITE. Add two hours, and say five hours.

Mr. CANNON. Well, five hours; whatever it may be. Within the same State and at a city within five hours' ride by railway, the Government has authorized an expenditure of $150,000 for an exposition which is proceeding at the same time as the Columbus exposition. Now, I doubt the correctness of the policy of engaging in making this exhibit at Columbus in the same State with the Cincinnati exposition, and going on at the same time.

Let me mention another reason why the committee failed to recommend this appropriation. If you go over to the National Museum in

this city you will find the collections there are very greatly impaired; that whenever you send these collections from the National Museum they are very greatly damaged. A person in charge of that museum stated before our committee that the wear was accelerated at least six-fold by shipping these collections back and forth in connection with these expositions, and that it had already taken many years to repair the damages thus done to valuable collections and would take many more years to finish such repairs.

Mr. WISE. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. WISE. I asked the gentleman a moment ago why an appropriation for the exposition at Cincinnati had been recommended and an appropriation refused for the exposition at Columbus. His answer certainly was not satisfactory to my judgment. I wish now to ask him whether the committee, at the time they recommended the appropriation for the exposition at Cincinnati, was not aware that the State of Ohio, by the action of her Legislature, had recommended that an appropriation be made for the exposition at Columbus.

Mr. CANNON. I will reply to the gentleman. So far as Cincinnati is concerned, the committee was satisfied that Cincinnati, with 400,000 population and with great hotels, had the capacity to entertain the people who should visit that exposition from various parts of the country.

Mr. WISE. The gentleman does not answer my question. I asked him distinctly whether he was not aware of the fact that the Legislature of Ohio had recommended that an appropriation be made for the Columbus exposition.

Mr. CANNON. If the gentleman will maintain that fiery, impetuous soul of his, I will answer his question, but I will answer in my own way.

Mr. GROSVENOR. If the gentleman will allow me——

Mr. CANNON. I decline to yield until I have answered the question of the gentleman on the other side.

Mr. GROSVENOR. I want to help you answer it.

Mr. CANNON. I want to answer it myself, and do not want any help at this time.

Mr. GROSVENOR. You will probably answer it wrongly.

Mr. CANNON. Possibly I may; but I will answer it from my own standpoint, and will yield to the gentleman later.

We believe the exposition at Cincinnati to be a great national exposition, with 400,000 people there to entertain all those who may visit that exhibition. We recommended that appropriation and it was made. Now, it may be that that was a mistake; it may be that we ought not to have recommended the appropriation, and that the House and Senate ought not to have passed it. I have no pride of opinion in these matters; I have no pride in regard to being "consistent." If gentlemen think I have, they mistake me. I act upon each question according to the light that I have when it arises. I do not see the propriety, after we have appropriated for this exhibition at Cincinnati, of making another exhibit at an exposition of far less importance in the same State and within five hours' ride of Cincinnati by railway.

If it is the sense of the House that this appropriation for Columbus should be made, I hope the amendment for Richmond will be accepted and adopted. If it is the sense of the House to make the appropriation for Columbus and Richmond, I hope the amendment for Augusta will be accepted and adopted, because Richmond and Augusta, in my opinion, appeal with as great force to Congress as does Columbus. More than that, if it is the sense of the House to take this departure, I hope the bill will be so amended as to grant aid to Atlanta for the exposition for the colored people there, to show the progress they have made since they obtained their freedom. More than that, I hope that every State fair association and that every great city that wants to make an exposition, like Chicago, like Minneapolis, like Omaha, like Kansas City—all these points, east and west, and north and south—shall also, under this proposed departure from the policy we have journeyed on heretofore, have these exhibits so the people can see them.

And, Mr. Speaker, if we enter on this policy it is the part of wisdom and economy that we should appropriate half a million of dollars or more for the preparation of several sets of exhibits, three, four, five, or six of them, leisurely and when it can be done with less expense, so we will have everything in readiness to be taken from one part of the country to another. As it is now the exhibits made for the National Museum are needed there. When you take them away you will destroy them in a short time. While I have no prejudice to Columbus, and while I have the kindest feelings toward the gentleman who represents it so well and so ably, and towards his magnificent State, and toward the city of Columbus, yet I need not say that we have come to a point where the roads fork, we must stop and refuse to travel in the direction in which gentlemen want to go, or we must enter upon the road with our eyes open and say we will amend the bill so as to help the other States which want help, and we will then adopt such proper legislation as will aid a great many of these exhibits which can be held everywhere, from the Lakes to the Gulf and from ocean to ocean.

Mr. BRUMM. Let me ask the gentleman from Illinois a question before he takes his seat.

Mr. CANNON. Certainly.

Mr. BRUMM. Is there not a difference here in favor of the exposition to be held at Columbus over those to be held at Richmond and Augusta? Is not one national while the others are local?

Mr. CANNON. It may be that one is national and the others are local. You have one national or international exposition running now at Cincinnati.

Mr. BRUMM rose.

Mr. CANNON. I will answer your question. You have one international exposition now running at Cincinnati. Are you going to have another international exposition running up at Columbus? Two rival shows—I do not know whether they are in fact or not, and I do not care how that is, or which gets it; but I do not believe the exposition at Columbus should be preferred to those at Augusta and Richmond. It may be they require a larger exhibit at Columbus than they do at Richmond; I do not know how that is; but I have not a single doubt if you enter on this departure here and now you will have to listen to an appeal from different States. The State of Illinois may through her Legislature recommend an exposition.

Mr. WEAVER. And the State of Iowa will also want an appropriation when that State comes to celebrate her golden wedding into the American Union.

Mr. CANNON. Certainly. As the gentleman from Iowa has stated, we shall also have to make an appropriation for a proper exhibit in the State of Iowa. You are bound in good faith to do these things, and I want gentlemen to walk right up and look at the matter here and now before determining the course we are to pursue in the future. If you enter on this departure, do it with your eyes open, and then accept the consequences.

Mr. BRUMM. These others are not State fairs, but mere local exhibits.

Mr. CANNON. It may be that the exhibition at Columbus is different from the others at Richmond and Augusta.

Mr. OUTHWAITE. The exposition at Columbus represents the Archæological Society of the State, the Horticultural Society, the College Society, and other State societies, while the State fair does nothing more than permit its grounds to be used. At Columbus the State of Ohio and the counties of Ohio, with fifty different archæological societies, have undertaken this exposition——

Mr. CANNON. Will the gentleman remember he is speaking in my time?

Mr. OUTHWAITE. You asked me a question, and I am merely answering it. At the exposition in Columbus the State of Ohio, Illinois, Michigan, Connecticut, Pennsylvania, together with all the societies to which I have referred, have accepted invitations to be present and to participate.

Mr. CANNON. You are talking in my time. I will state again I accept the gentleman's statement, and it may be the exposition at Columbus is of a different character from those at Richmond and Augusta; but I will also state that I doubt the policy of the United States sending an exhibit to Columbus under all the circumstances; and if you do, I express my opinion, which I have a right to hold, that you ought not to deny it to any association which rises to the dignity of a State association or which may ask for it.

I now yield the remainder of the time to the gentleman from Iowa [Mr. HENDERSON].

Mr. BRUMM. I hope the gentleman will allow me to ask him a question, and I want to ask it for information.

Mr. CANNON. I can not occupy all of the time.

Mr. HENDERSON, of Iowa. How much time is remaining?

The SPEAKER *pro tempore* (Mr. COX in the chair). The gentleman has forty minutes remaining.

Mr. BRUMM. Will the gentleman yield to me for a moment, as I want to ask a question for information?

Mr. CANNON. I have yielded the floor to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. I will take care of the gentleman before the time is out. I now ask the Clerk to read an amendment I propose to offer to this bill.

The Clerk read as follows:

Whereas it is desirable to encourage the colored people in their efforts to promote the industrial progress of the race by the holding of a national industrial exposition in the years 1888 and 1889, in the city of Atlanta, Ga., to be held under the joint auspices of the United States, the Colored World's Fair Association of America, an institution for the public welfare, incorporated under the general laws of Georgia, and of the city in which it may be located, and in which the works of art, field products, live-stock, manufactures, machinery, and other articles raised, fabricated, produced, or owned by colored people throughout the United States of America will be the chief exhibit, and which is designed to cultivate a thorough knowledge of the arts and trades among the colored people, create among them a stimulus to industry, and show the results of their progress in education, art, manufactures, the science of forestry, and horticulture, and furnish to the Government information as to the educational and industrial progress of its colored citizens; and

Whereas such an exhibition should be national in its character, and should have the sanction of the Congress of the United States: Therefore,

Be it enacted, etc., That the President of the United States may, upon the recommendation of the board of directors of the Colored World's Fair Association of America, appoint eleven commissioners, who shall constitute a board of management of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1889 and 1890, under the auspices of the Colored World's Fair Association of America.

SEC. 2. That the President of the United States may, upon the recommendation

of the board of management of said national industrial exposition, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

SEC. 3. That all of said commission shall be appointed within three months after the passage of this act.

SEC. 4. That said board of management shall hold its meetings in the city of Atlanta, State of Georgia, and that a majority of said board of managers shall have full power to make all needful rules and regulations for its government.

SEC. 5. That said board of management shall report to the President of the United States a suitable date for opening and closing the exposition, a schedule of appropriate ceremonies for opening or dedicating the same, and such other matters as in their judgment may be deemed important.

SEC. 6. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States.

SEC. 7. That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exposition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held.

SEC. 8. That the sum of $250,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the said national industrial exposition, to be used and employed by the board of management thereof to augment and enhance the success of the national industrial exposition in such manner as said board of mangement may determine, and in accordance with the provisions of this act: *Provided*, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the national industrial exposition authorized by order of said board, one-third of the amount immediately after the passage of this act, upon being satisfied that $20,000 has been contributed and paid into the said board for the purposes of the exposition by the contributors to and shareholders of the national industrial exposition, and the remainder in two monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act; and for this purpose he shall have free access to the accounts and all transactions of said board: *Provided further*, That no greater amount shall be expended, or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in by the subscribers to the capital stock and by donations, and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payment of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assests shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the national industrial exposition or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president and secretary and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $100,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan. The receipt of the loan herein made, or any part thereof, by said board of management shall be a full acceptance of all the trusts, conditions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Georgia and designated as "The Colored World's Fair Association of America."

SEC. 9. That in case articles shall be imported for the sole purpose of exhibition at said fair, said articles being the work or production of the colored race, they shall be admitted without the payment of duty or of customs charges under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any are imposed on like articles, by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

Mr. OUTHWAITE. I rise to make a point of order against that amendment.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. OUTHWAITE. I make the point of order against the amendment under the language of Rule XVI, clause 7, the latter part of that clause, which reads:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

My point of order is that this is a distinctive proposition in itself. If this bill by way of illustration may be termed one private bill, that offered by way of an amendment to it is another. If this bill may be regarded in the light of a proposition to erect, for instance, a public building at the city of Columbus, it would certainly be held not in order to amend it by a proposition to erect a public building at the city of Atlanta.

The proposition under consideration is one to enable the Executive Departments of the Government to participate in an exposition and celebration to be held at a certain point under certain auspices in the State of Ohio. The one offered by the gentleman from Iowa is a proposition to loan money, and to assist in establishing a quasi corporation, as you may term it, for the purpose of holding an exposition in some other part of the United States. It seems to me, therefore, under the clause of the rule just read that it can not be permitted under color of an amendment; nor is it germane, as a gentleman on my left suggests to me.

Mr. HENDERSON, of Iowa. The suggestion, Mr. Speaker, that I would make in response to the remarks of the gentleman from Ohio on the point of order is simply to the effect that neither of these is a private bill, and it does not come within the rule he cites.

Mr. OUTHWAITE. Excuse me; I only gave that as an illustration.

Mr. HENDERSON, of Iowa. They are both subjects relating to Government aid for certain State expositions or celebrations; and the general subject being up in the proposition of the Senate, now under consideration by the House, any amendment bearing upon that proposition is necessarily germane.

The SPEAKER *pro tempore*. The Chair is ready to rule on the point of order. It is very evident that this is not a private bill, nor is the amendment in the nature of a private bill, but a general bill, and the amendment would not be in order under the rule quoted by the gentleman from Ohio. It is a proposition on a subject not different from that under consideration. Both relate to Government assistance to industrial expositions.

The Chair would therefore overrule the point of order.

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, if the House desires to know something of the character of this general proposition, I will endeavor to throw such light upon the subject as I can in a very few moments.

I was chairman of the subcommittee appointed from the Committee on Appropriations, to which was referred all these bills in regard to aid on the part of the Government to State expositions. The first that came to our committee is what was known as the Cincinnati bill; and it was followed in quick succession by several others.

The Ohio bills, Cincinnati, Columbus, and Marietta, were all recognized by the Legislature of that State and recommended for favorable action to Congress. The Cincinnati bill came before us on the plea or being a great national exposition, taking in the celebration of the opening of the Northwestern Territory, and was expected to be participated in by all those States that now enjoy the fruits of that addition to our common country. That appealed to the judgment of the committee, and after a full hearing it met with a favorable report.

But before final action by the Committee on Appropriations, a bill substantially similar to and modeled after the Cincinnati bill, providing for the Columbus exposition, was introduced and referred to the committee and to the subcommittee. It was also referred to the full Committee on Appropriations, but was voted against for the reason that if Cincinnati was to receive this $150,000, in round numbers, for the international or great national celebration of the Northwest Territory, that Columbus should not be entitled to run a similar exposition, and that we were doing well enough to give them $150,000 to Cincinnati. So that the Columbus bill was voted down. Subsequently the colored people and the city council of the city of Atlanta, Ga.—I think the county officers generally, and all or nearly all the officers connected with the city affairs and the county—recommended this exposition of the colored race which is covered by my amendment. That also came to our subcommittee and received its favorable indorsement. Subsequently the proposition of my friend from Virginia [Mr. WISE] came in for a large State exposition, where they were also, like Columbus, going to invite other States and the Canadas and other countries to participate, something to be carried on on a grand scale, the tobacco product of the United States being one of the leading features; and one proposition after another piled in upon us until we found it absolutely necessary to call a halt.

The only one that received the sanction of the subcommittee was the proposition covered by the amendment that has just been read in behalf of the colored race. I supported that in full committee, as did some other members, if I may be permitted to say that, but it was acted upon adversely. When I found the temper of the committee to be that they thought they must call a halt and go no further in this direction, and that it was suggested that they had gone far enough when we had recognized Cincinnati, I was then unwilling to recognize any other proposition. My judgment was that if the colored race, struggling after a hundred years of slavery and of ignorance, could not have the help of the General Government to lift them on their feet, and knowing that the section of their country is not as rich as ours in the North, if they could not have sanction and approval, then I was unwilling to support any other proposition; and so the Committee on Appropriations took adverse action on every one of these propositions. The bill of the gentleman from Ohio [Mr. OUTHWAITE], which is now pending before the House, has not a favorable report from any committee of this House. He gets it in here now under a motion to discharge the Committee on Appropriations from its further consideration, and to consider it in the House in the teeth of the adverse action of that committee.

Now, I have no feeling on this subject except to this extent. I believe if we are to go further with Government aid to this class of cases, when the colored race which has already appealed to us—on a showing, too, that was an awakener to all of us—that they might have aid at Atlanta and showing by statistics the advance they had made in the arts, in education, in music, and in manufactures, I say, if we are not to let that hard struggling race come in here and have Government aid of this character of national exhibits, then I am against Columbus, and against Richmond. I am against Augusta, and if I had it before me now, I would be against Cincinnati. That is my proposition.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. HENDERSON, of Iowa. I will answer the gentleman from Ohio [Mr. OUTHWAITE] any question he may ask now.

Mr. OUTHWAITE. I will ask you whether this colored exposition that you spoke of is not to take place in 1889 and 1890?

Mr. HENDERSON, of Iowa. It was intended to be in 1888 and 1889, but in order to enable the management to make better preparations it was deferred to 1889 and 1890. Some ask what is the nature of this proposition of the gentleman from Ohio. It is to make an appropriation to enable the Government to attend as an exhibitor; to give $40,000 to take exhibits from the Departments of the Government to Columbus for their exhibition. Now, unless some gentleman asks me a question I want to yield three minutes of my time to the gentleman from Arkansas [Mr. ROGERS].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, had agreed to the conference asked for by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed as conferees on its part Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN.

The message also announced that the Senate had passed the bill (S. 3178) to remove the political disabilities of William L. Bradford; in which concurrence was requested.

OHIO CENTENNIAL.

Mr. ROGERS. Mr. Speaker, I concur in the opinion of the gentleman from Illinois [Mr. CANNON] that we have reached a point where we ought to draw the line. We began this business with a loan to Philadelphia. We continued it by a donation to New Orleans. We followed that by a donation to Cincinnati, and I believe Marietta. Now comes Richmond, Va., Atlanta and Augusta, Ga., and Kansas City, Mo., and they all demand appropriations from the public Treasury. I am opposed to them all. The places to which appropriations have heretofore been made should not be quoted as precedents. To use the language of one of the old Revolutionary fathers, they should be cited only to show "the enormities towards which precedents travel." That is what they ought to be cited for, and for no other purpose.

There never was a truer saying than what was said centuries ago, that "the treasury which is drained by wasteful extravagance must be refilled by crime;" for it is a crime to tax the people to replace money which has been improvidently expended. This whole business should be referred to the localities and the States in which these expositions are held. Which one of the delegations here can go to its own State Legislature and get donations to be expended here and there for purposes of this kind? If they can do it successfully, let them go there and do it. That is the proper place for them to go. This is not the proper place.

We have run this whole business into the ground. We are not satisfied with appropriations for national expositions, but we must have international expositions, and then State expositions, and presently we shall have county expositions, and there will not be an enterprise of this kind gotten up in any State in the Union that will not be knocking at the doors of Congress for an appropriation from the United States Treasury. It has reached a point where it is about to become a public scandal. We have monuments and expositions, national and international, and lately we have started in to celebrate battle-fields, although there are a thousand battle-fields in this country, each of which would have to be celebrated if we once entered upon that course. It is time for Congress to draw the line, and it should be drawn right here, so that we may stop this business at once and forever.

Mr. HENDERSON, of Iowa. I now yield four minutes to the gentleman from Missouri [Mr. WARNER].

Mr. WARNER. I am not disposed to oppose the appropriation for an exhibit to be made at Columbus, Ohio; but it seems to me that Ohio, having had already two appropriations, is as prolific in asking for appropriations for expositions as her sons are nimble in seeking office.

Mr. GROSVENOR. Ohio has had only one appropriation of this kind.

Mr. WARNER. Only one. Well, sir, while these appropriations are going around I think that the fifth State in the Union has some claim, and if the purpose of making these displays by the Government is the education of the people, then I say place your exhibits where the most people will see them. Therefore I shall offer an amendment, to be voted on at the proper time, asking for a like appropriation for like exhibits to be displayed at the national exposition in the city of Kansas, Mo. There, sir, I guaranty to the gentleman from Ohio [Mr. OUTHWAITE], without detracting in the least from his beautiful city, that where one person will see the exhibits displayed in the city of Columbus, from twenty-five to one hundred people will see those which are displayed in the city of Kansas. Sir, when you place your exhibits there you will be placing them in the newer section of the country, you will be placing them near the geographical center of the Union; you will be placing them near the center of gravity of the population of the United States; you will be placing them in a city whose growth is unparalleled in the history of this country, and in the midst of a people who have made the great American desert to bud and blossom as the rose; a people that have more business and less politics to the square inch than any other people on the continent; a people that erected for the agricultural and mechanical displays of the great Southwest the finest crystal palace from the Atlantic to the Pacific.

As these appropriations are going the rounds, I urge, sir, that Missouri shall not be neglected. Let Columbus have her appropriation. Let Augusta have her appropriation. Let Richmond, the proud city of the mother of States, have her appropriation. The gentleman [Mr. WISE], when he speaks of Virginia as the mother of States, let him not forget one of the children of the mother of States, let him not forget the city which I have the honor to represent, the favored child of one of the older daughters of that proud old mother. [Applause.]

The amendment of Mr. WARNER was read, as follows:

And that the further sum of $40,000 be, and is hereby, appropriated for a like exhibit to be made at the national exposition to be held at the city of Kansas, in the State of Missouri, in September and October, 1888.

Mr. OUTHWAITE. I reserve the point of order on that amendment.

The SPEAKER *pro tempore*. The amendment is not in order at this time, as there are already two amendments pending. The amendment, the Chair understands, has been read merely for information.

Mr. WARNER. I offered the amendment trusting that the gentleman from Ohio [Mr. OUTHWAITE] would not object and feeling confident that no other gentleman would object. I have had it read for information, and I shall ask for a vote on it at the proper time.

Mr. HERBERT. Mr. Speaker, it seems to me an unhealthy sign, an evidence of the degeneracy of the public mind, that delegations are continually flocking here to this capital from different State fairs proposed to be held, in order to get the Government to put upon wheels its exhibits and send them around from State to State. It seems to me we are coming very rapidly to the condition of the Roman Republic in its last days, when the cry of the people to the Government was "Bread and the circus!" But if we are to go into the circus business, I agree with the gentleman from Illinois [Mr. CANNON] that we ought to do it systematically. There has perhaps never been, and I think never will be, a more favorable opportunity for the United States to enter that ring than just now. Old John Robinson, the king of circus men, is recently dead. He catered to the amusement of the people of this country during at least two generations.

If the Government of the United States is to undertake now to supply his place, I suggest that it ought to be done on something like a regular system. As has been indicated, it is not fair to give to one State or city what you deny to another State or city; and the only way to deal in this matter according to the maxim that "equality is equity" is, it seems to me, to establish a regular traveling exhibit. Let this Government have as many different cars built as there are different Departments—one for the Navy Department, one for the War Department, one for the Agricultural Department, one for the Smithsonian Institution, and so on down to the end of the list. My friend on the left, the chairman of the Committee on Agriculture [Mr. HATCH], suggests to me that there ought to be at least two cars for the Agricultural Department, and I agree with him. I am willing to accept that amendment. When you come to build these cars let them be built at Government expense and let them be fit for all occasions; let them be built in magnificent style; and let us have, not a railway postal clerk, but an agent of the Government appointed to take charge of each one of these cars—an expert who will be fully and thoroughly acquainted with all these exhibits and can tell glibly and eloquently to the people of every section how great the Government is, as evidenced by these exhibits. I submit that if the gentleman from Illinois will only frame an amendment covering these points this House stands ready here and now to vote for it and substitute it for this partial, unjust measure of the gentleman from Ohio. It is very clear that the bill he has introduced here is not satisfactory, because it is intended only for a particular locality. I am sure an amendment of the kind I have suggested, if properly draughted, will carry this House.

Mr. HOOKER. Does not the gentleman think that if the people had been made a little better acquainted with the interests and progress of the various Departments and their management it would have been better, and might have prevented the expenditure of $385,000,000 in that Department over which in this House the gentleman from Alabama now presides?

Mr. HERBERT. I think possibly it might.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I yield now for three minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] seemed to object to the passage of the original bill because he thought we should have some system; that we had come to where "the roads fork," and should understand how far we are to go in these appropriations. I agree with the gentleman that there ought to be

some system, that there ought to be a point at which we should stop; but I believe that point is indicated by the nature of the exhibition that asks aid. If it is a national exhibition or an international exhibition, an exhibition to celebrate some great historical event, and to have an educational influence over the country at large, I think we ought not to hesitate to grant any reasonable appropriation. But when appropriations are asked for State institutions or for celebrations such as the one contemplated at Richmond or at Augusta or at Kansas City, then I think we can draw the line of demarkation. The proposition is a very plain one. Whenever the institution is simply a local one, I do not think that Congress ought to grant any appropriation, but when it is national or international, when it is designed to celebrate some great historical event, as for instance the centennial celebration at Philadelphia, or the exposition at New Orleans, or the celebration at Yorktown, I believe that Congress ought to discriminate and should recognize the propriety of such appropriations.

I am therefore in favor of this bill, provided the amendment offered by the gentleman from Iowa [Mr. HENDERSON] be adopted, because the exhibition to which it refers is in the line I have indicated. It is a national celebration; it is a celebration by a race of people, a celebration that is not local, but of interest to the entire country. It is designed to represent the achievements of the colored people of the country, and to show the country and the world the advance that has been made by this race notwithstanding the great difficulties under which they have been laboring. We have had a colored convention at Indianapolis; representatives of the colored people have been assembled there. It is true the affair frittered out and did not amount to much. I would like to have a celebration that will not fritter out, one that will amount to something.

But I say I will vote for this bill if you will adopt the amendment of the gentleman from Iowa [Mr. HENDERSON]. They are both in the same line; they are parallel with each other; they are national and even international in their nature, and should be adopted.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I will now yield for three minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, I asked the question a few moments ago whether in the case of the Philadelphia Centennial Exposition the aid furnished by the Government was not in the nature of a loan. The gentleman from Illinois [Mr. CANNON] said there was an appropriation in part and a loan—I understood him to say, in part. I have the act before me, and it provides for a loan to the extent of a million and a half of dollars to aid in the erection of buildings, every dollar of which loan was returned to the United States after some litigation, I believe.

In the case of the exposition at New Orleans a million and a half of dollars were taken out of the Treasury of the United States and loaned on what was then considered to be sufficient security for its return, but not one dollar of that appropriation was ever returned into the Treasury, which satisfied me of the bad policy of even loaning money to aid expositions. The more recent policy seems to be to give the money wanted without any promise of a return. It is not one of the constitutional purposes of this Government to make such appropriations. It is entirely outside of the powers granted to Congress by the framers of the Constitution. I vote against all such propositions. The United States Government was never intended to engage in the show business.

But, sir, I must say that of all the propositions now pending the amendment offered by the gentleman from Iowa [Mr. HENDERSON] is the most meritorious. It proposes an appropriation to enable the colored people of the United States to hold an exposition at Atlanta, Ga. That amendment, in my candid judgment, is more meritorious than the original proposition. They have more recently reached the state of responsibility and citizenship, and need much more than the white people of Ohio the aid of an appropriation from the Treasury to enable them to exhibit the progress they have made in the mechanic arts, domestic and agricultural industry; and while I am opposed to appropriating any money which we have not the rightful power to appropriate, yet if this thing is to be done, right or wrong, then I insist on giving the negroes a showing.

Sir, if this show business at the expense of the whole people is to be carried any further, if this bill is to be passed, against which I protest, I hope the amendment of the gentleman from Iowa will be adopted, and the colored people, whose claim is the most equitable, may have an equal benefit.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I reserve whatever time I have remaining, and will now yield the floor to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. I will take the floor, and yield for five minutes to the gentleman from Philadelphia [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I shall refer once more to an important fact connected with the great international centennial exposition held in the city of Philadelphia in 1876. I have done it before, but I think it is only right and necessary to put the fact on record whenever occasion brings the matter to the attention of the House. That fact is that the loan on the part of the Government of the United States to the centennial exposition of a million and a half of dollars was repaid. That was said at the time by the gentleman from Illinois [Mr. CANNON] and the gentleman from Alabama [Mr. OATES], but I wish to state now for myself that that centennial exposition did not cost the Government of the United States one dollar except for the expense of sending the exhibits of the various governmental Departments to the city of Philadelphia, and that expense was not very great.

I will say further, Mr. Speaker, that the Government of the United States came very slowly and grudgingly to allow these exhibits to be sent to that exposition. It was not, perhaps, until the whole world, until every nation of the earth, had determined to make an exhibit at that centennial exhibition that the Government consented also to come in.

Now, I do not think when Congress made that loan of a million and a half of dollars, the intention was it should be collected from those who had started that great exhibition at Philadelphia. I am rather inclined to think, because it must be a success as everything of that kind undertaken by the citizens of Philadelphia or Pennsylvania is a success, that the Government would have absolved the centennial commission from the repayment of that amount. But it was brought forward and the question was taken to court. The lower court decided in favor of the centennial commission but the Supreme Court of the United States, after hearing argument on each side, decided that the million and a half of dollars should be paid, and the finance committee of that centennial exhibition paid it back to the last dollar and the last cent.

Now, sir, there is nothing of which I am prouder as a Philadelphian than the success which attended that exposition at Philadelphia, which was, so to speak, the pioneer of all these expositions; and the present proposition, although in a less degree, is similar to the plan adopted at Philadelphia. The idea started from there when the great centennial of our independence was proposed. I repeat, I feel proud of that fact; and I as a Philadelphian could do no less than vote the aid of the Government as far as my vote can go for any such exhibit anywhere within the limits of this country. I do not see why Congress should hesitate to make a sufficient appropriation to enable the conveyance from the National Museum here to any point in this country of such exhibits belonging to that establishment as are now assembled there. I believe that I am right in the suggestion that the idea of the erection of that National Museum emanated from the centennial exposition at Philadelphia, and that the magnificent collection of curiosities and treasures of art gathered there from all parts of the world, affording an undying subject of interest, attractiveness, and as an educational feature unsurpassed in this country to our people, is the outgrowth of the centennial held at Philadelphia in 1876. A large amount of the Government exhibits were returned to it from that exposition, and it was difficult to dispose of them satisfactorily until the idea was originated of having a grand national museum here in this city where all such works could be treasured up for the future.

Mr. Speaker, under these circumstances I could not but vote for this proposition, because I voted for the appropriation for the Centennial at Philadelphia, and I voted for the appropriation at New Orleans, although I knew when I voted it that the million of dollars then appropriated would never be returned to the Government. I do not hesitate to say that I am not disappointed that it has not been returned. These expositions have been of such great advantage to all parts of our country that a million of dollars lost or sunk in one part of it, where perhaps there was no success, or possibly no such successful management of the system as took place in Philadelphia, is no injury to our people, and I do not feel that I should hesitate to vote for this loan of these articles from the National Museum on that account.

Mr. OUTHWAITE. I now yield five minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I shall add but a very few words to what I have already said in this connection.

In offering the amendment I have had the honor to offer I wish it distinctly understood that I mean no opposition whatever to the bill of my friend from Ohio, and if I thought I could benefit him, and the interest he has in view, by its withdrawal, I would cheerfully do so. I said when I offered the amendment that I thought Virginia had as much right to the appropriation for the exposition at Richmond as the State of Ohio has for her exposition at Cincinnati and at Marietta. No State in this Union bore a more conspicuous part in that event which is proposed to be celebrated by this exposition at Cincinnati, at Columbus, and at Marietta, than the old Commonwealth of Virginia. She not only conveyed to the National Government all her rights and interests in the Northwest Territory, but I want here to emphasize the fact that in doing so she dedicated it forever to freedom, and made it impossible that slavery could with her consent ever exist in that Northwest Territory.

I asked my friend from Illinois [Mr. CANNON] why this appropriation was voted to Cincinnati and not to Columbus, stating what I knew to be the fact, that the Legislature of Ohio had requested that it should be held at the capital of that State. His reply was that Cincinnati had the population. I want to call attention to the fact that in the

bill in which an appropriation was made for Cincinnati, he also, as a member of that committee, voted an appropriation for Marietta, in Ohio, not more than two hours' ride from Cincinnati.

Mr. OATES. I would like to ask the gentleman a question, with his consent.

Mr. WISE. Certainly.

Mr. OATES. I believe your amendment is only——

Mr. WISE. I am just going to explain it.

Mr. OATES (continuing). To get what is left of the appropriation; and what I want to ask is if the gentleman thinks anything is going to be left?

Mr. WISE. Now, I want to mention a fact to this House which was known to that committee when they refused this appropriation. I went to them as a Representative of the State of Virginia, asking not a dollar of appropriation, but I told them while they were giving $150,000 for the exposition at Marietta and at Cincinnati, that if they would give the State of Virginia only the naked authority to let the Government have an exhibit at this exposition in Richmond, Va., that my people would pay every dollar of the expense themselves. My amendment now asks that you will give us that authority. We do not want your money out of the national Treasury. Give us the right to have the Government represented in the exposition at Richmond and my people will bear every dollar of the expense.

Gentlemen here are asking $200,000 for Ohio, while Virginia asks only the right to pay the expense herself for the Government exposition in the State.

Mr. WHITE, of Indiana. But you ask to have what is left.

Mr. WISE. I do not know that anything will be left.

Another word, Mr. Speaker. My friend from Iowa [Mr. HENDERSON], to whom I wish now to make my profound acknowledgment for his kindness in giving me a hearing before his committee, has spoken of the proposition to give the colored people at Atlanta an appropriation for their exposition. I unite with my friend from Alabama [Mr. OATES] in saying that I think if any people ought to be recognized, they deserve recognition and assistance. We ought to make no distinction. But I protest in the name of the Constitution, I solemnly protest against legislation based, as that is proposed to be based, upon discrimination on account of color. I would not vote an appropriation to any race, as a race, because it is unconstitutional.

I recognize no distinction on account of race, color, or previous condition. If you make the appropriation make it because it is right. Let us have none of this class legislation here. I am free to acknowledge that it is entitled to as much recognition as mine, but no more, and especially do I say this because the gentleman from Iowa says, "Those are colored men," and makes that the chief ground of his claim. Now, I do not think a colored man is entitled to any more rights than a white man under the Constitution. The gentleman from Iowa may think so, but I draw the line right there.

Mr. HENDERSON, of Iowa. Do you think the colored man is entitled to the same rights as the white man?

Mr. WISE. I do. I have just said so; but according to your argument he ought to have more rights than the white man. Now, I think you are just as good as a colored man. [Laughter and applause.]

Mr. OUTHWAITE. I yield ten minutes to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, I submit to the House that it is a fair proposition that these several bills and amendments stand or fall according to the merit they severally possess; and I submit, further, that it is hardly fair to attempt to destroy the bill of my colleague, by loading it down with amendments which have no other object in view than the defeat of the bill to which they are attached. When I was a member of the Ohio senate I attempted to secure an appropriation to erect a monument to perpetuate the memory of a citizen of national reputation and influence, whose public service had been such that he deserved well of the entire country; whose career was one of great brilliancy. The bill did not pass, and for the reason that each of several senators felt called upon to attach to that bill a proposition to erect a monument to commemorate some successful school teacher or other excellent citizen of his neighborhood. Now, the school teacher might have been a number one man; he might have been worthy of being remembered by his neighbors and associates; but it seemed to me unjust to freight down the proposition to erect a monument to Tom Corwin (whose memory is still and must ever be dear to every Buckeye), because there was no wisdom or propriety in erecting a monument to a successful lawyer, or a successful school teacher, albeit they might have been of that class known as God's noblemen. If there is merit in the proposition of my colleague let us vote for it, if not, vote it down. It does not follow because the measure of my colleague proposes an appropriation to defray the expenses of the several Departments in making an exhibit in the Mississippi Valley of that which in large part belongs to the people of that region, having been contributed by them or at their cost and expense, that it would be wise to vote for another proposition which is peculiarly local in its character and influence and has relation solely to local enterprise. I am not saying that any of these enterprises are local. Their merits can be discussed when we reach them one after another.

What is this proposition? It does not call for a donation at all. It is not in the shape of a donation such as was made to Philadelphia and New Orleans; nothing of the kind. This House made no donation to the States west of the Alleghanies when it voted to pay the expenses incident to conducting departmental exhibits at Cincinnati. It is not a Cincinnati exhibition; it is not an Ohio exhibition; but old Virginia, West Virginia, Kentucky, and the whole West and South, and in fact, Pennsylvania and the East joined in the request that of the vast collection of objects of interest, objects of value, historic and otherwise, gathered at this capital at the expense of labor and money contributed by all the people, a small per cent. shall for the advantage and pleasure of the people west of the Alleghanies be placed in one or more of the great expositions organized by citizens of that section in the interest of our State and national development.

Mr. OATES. Will the gentleman explain the difference between appropriating money to aid in carrying the exhibits there and making an appropriation outright for the exhibition?

Mr. BUTTERWORTH. I will explain to my honored friend the difference between a donation in the sense in which that word was used and an appropriation to pay the expense of making an exhibit. In the one instance the Government makes an appropriation to defray the expense of preparing for the exhibition, such as erecting buildings of various kinds, etc., and making other suitable preparation for the conduct of the exposition. Nothing of that kind is asked for by the people west of the Alleghanies.

It was properly asked at New Orleans, and we granted it; but in the case under consideration we say to the General Government, the people of the West and South have paid taxes for all these years and have contributed to collecting at this capital articles and objects of rare interest to all our citizens—articles and objects which can not be obtained elsewhere nor be seen by those at whose cost and expense they were collected unless specimens or samples shall be taken to suitable and convenient places and there exhibited—and this, we say, should on suitable and proper occasions be done, and the Government be required, not to make a donation to an exposition, but to defray the necessary expense of making its own exhibit. We ask that of the things our people have helped to supply a sample or fragment be exhibited, and that of the vast sums those same people have poured into your Treasury there be appropriated enough to defray the cost of the exhibit.

Mr. O'NEILL, of Pennsylvania. If my friend will allow me, I will state to him that it was not a donation to the centennial at Philadelphia.

Mr. BUTTERWORTH. I did not understand that it was in the nature of a donation, but my recollection is that we did not get back the entire amount appropriated.

Mr. O'NEILL, of Pennsylvania. You got every dollar back.

Mr. BUTTERWORTH. We got about $1,500,000.

Mr. O'NEILL, of Pennsylvania. I do object to the word "donation" going into the RECORD in that connection.

Mr. BUTTERWORTH. I do not care so far as the purposes of this debate are concerned whether we got it back or no.

Mr. O'NEILL, of Pennsylvania. I do care.

Mr. BUTTERWORTH. For the sake of peace, I will agree that we got it all back from Philadelphia. [Laughter.] I do not want to do the historic old city of Philadelphia any injustice. Now I hope my friend will rest his soul in patience, and let faith have its perfect work. [Laughter.]

I do not sympathize with the proposition that we must make an appropriation for all that they ask or none. Here stands a monument in this valley erected as a tribute to the character of a great man, the first citizen of the Republic who was identified with, in truth the hero of a great revolution. Would any member feel authorized to rise in his place and say, "I do not think we ought to vote to erect or complete that monument unless we also vote to erect a shaft to commemorate the character and service of a worthy justice of the peace in another valley." It is a question as to whether the man or the occasion is worthy the recognition.

The gentleman from Virginia has well said that that old Commonwealth gave to the Union all the great Northwest Territory and dedicated it forever to freedom. That was an event in character and significance second to none in the history of this Republic, and it is so regarded not only by our fellow-citizens of the United States but by the civilized world, since it marked the dawn of a new era in the growth and development of the United States and exercised a controlling influence on the destiny of the Republic. Was that great event worthy of commemoration? Was the place selected a proper place? If so, we did worthily and well in making an appropriation to aid in that celebration. I refer to this simply for the purpose of riveting the attention of the House upon the fact that that exposition is not a local matter, that it has reference to the commemoration of an event to which every man here cites his children, so that when they read the history of their country they will dwell with pride upon that epoch and rejoice in the triumph of the spirit of liberty which forever excluded the institution of slavery from that fairest portion of our common heritage.

Mr. HENDERSON, of Iowa. Will the gentleman permit a question?

Mr. BUTTERWORTH. I always yield to the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUTTERWORTH. Then I must draw on my friend [Mr. OUTHWAITE] for one or two minutes more.

Mr. HENDERSON, of Iowa. Questions are raised here as to the merits of the Cincinnati and Columbus expositions, and the gentleman from Virginia claims that those questions have not been answered. Now, as to the Cincinnati exposition, I wish to ask the gentleman from Ohio [Mr. BUTTERWORTH] if the State Legislatures and the governors of the different States did not ask us to make an appropriation for that purpose, thus making it a national question? And, on the other hand, is it not the fact that the Columbus exposition is local to the State of Ohio, excepting in so far as those in charge of it seek to extend it by their own efforts?

Mr. BUTTERWORTH. I have not been as intimately identified with the history of the Columbus exposition as my honored colleague, Mr. OUTHWAITE. My friend, however, is right in saying that the States of the West and South, Old Virginia and Pennsylvania, took an interest in the Cincinnati exposition on account of its historic importance and imparted to it a national character. There is no doubt about that, and it is only fair to say that, distinguishing between the two expositions, that at Cincinnati and that at Columbus, I insisted that each should stand upon its own merits. The Ohio exposition, however, embraces a large range, which was not contemplated in the Cincinnati exposition; hence I have favored and now favor an appropriation for that also. So far as Marietta is concerned, gentlemen know that certain articles of historic character, intended to be and which are exhibited at Cincinnati were while *in transitu* taken to Marietta. This was done under the provisions of the law providing for the departmental exhibits.

Touching the events celebrated at Marietta, Cincinnati, and Columbus, we drew upon Massachusetts and upon old Virginia and Kentucky and other States, and those States responded grandly, and I submit to this House that nothing yet contributed to the historical literature of this country will outlive the addresses that were delivered at Marietta by Mr. Tucker, of Virginia, and by Senators HOAR and EVARTS and others. The events we were celebrating were grand and historic, and the orators and orations worthy of the occasion.

Now, I beg to call the attention of the House to a remark of the gentleman from Mississippi [Mr. HOOKER]. He was peculiarly happy when he said that if these expositions had been encouraged and had been more frequent in the past, so that the people of different sections of this country might have met together and learned more of each other, there would not now be an enormous war debt hanging over the Republic. I concur in that remark, and although in dollars and cents we apparently lost a couple of millions by the New Orleans enterprise, I say to the House that my observation and investigation satisfies me that this nation has gained ten dollars for every one she invested there.

On that occasion the people of the different sections met together and there they learned more of each other and of the vast and varied resources of their common country, not only in natural products, but of the useful things produced in the arts. There they learned the better ways and the best and cheapest methods.

A single word more. I only ask that this proposition of my colleague [Mr. OUTHWAITE] shall not be voted down by reason of the peculiar amendments that may be attached to it. If it is a worthy proposition, as I certainly think it is, let us vote for it. I shall vote for it with all my heart. I say again that it is not for Columbus alone, it is not for Ohio alone, it is not for Indiana nor for Illinois alone, but it is for all that section of country that we ask that the several Departments of the Government may contribute by way of an exhibit on this occasion a small portion of that which those States and that section of the country have placed in store at the national capital.

Mr. OUTHWAITE. I now yield five minutes to the gentleman from Ohio [Mr. BOOTHMAN].

Mr. BOOTHMAN. Mr. Speaker, Ohio is one hundred years old this year, and her Representatives upon this floor are entirely willing that whenever any State in this Union becomes one hundred years of age she may send out her invitations to the other States, and to the people of the whole country, to come within her borders and see what progress she has made in a century, and that the nation as a whole shall also be present, even though it costs a small sum to secure its presence.

That is what Ohio has done this year with reference to the United States. She does not stand here begging that Congress shall appropriate any sum of money to assist her in making this celebration or in providing this "circus," as some gentleman has put it; but she asks that the United States Government, through Congress, having heretofore accepted the invitation at her hands to come into her borders this year and see where she stands after one hundred years of growth, should simply pay its own expenses in coming there; that is all. We will take care of you after you get there.

Mr. PAYSON. That is a cordial invitation.

Mr. BOOTHMAN. We have said to the people of the United States that this is not merely a State affair. We have invited them to come there and see the growth of that great Northwest Territory out of which five great States have been carved. You say that Virginia and Connecticut and the East are the parents of Ohio. We invite you as our parents and grandparents to come there and see what your children have done. More than that, we invite the children we have sent out through the Western States to come into our borders and see what we have done while they have been away. And we want the United States Government to be represented in her educational, scientific, and other departments, as she ought to be upon an occasion of this kind.

When it is said the probabilities are that there will be but a few people there, and the accommodations will be scanty, we say to you, "Just come there and we will take care of you; all we want you to do is to come there and participate in this matter, and we will see that you are properly provided for." And when I say that about a year ago the organization known throughout the North as the Grand Army of the Republic provided for the holding of its annual encampment this year at that place, because it would be the occasion of our celebration, you may calculate that there are going to be a few people there from all over this Union.

It seems to me that when we are asking simply that the Congress of the United States shall place on exhibition there free of cost to us the articles of curiosity and educational value belonging to the Government, to remain with us for a while, we are certainly not making, upon an occasion of this kind, a great demand, coming as it does from a portion of the people of the country aggregating at least one-fifth of its whole population. And it does not seem fair to me that these other propositions should be tacked on to this measure, perhaps with a proper purpose in view, but, as it appears to me, with the object of weighting down this measure. I may be wrong; I do not desire to antagonize those several propositions on their separate merits; but it does seem to me the Congress of the United States can afford, and ought to make this appropriation, and that the representatives of the country can afford to come there and see what we are doing It will do us all good to get better acquainted.

[Here the hammer fell.]

Mr. OUTHWAITE. If gentlemen who are opposing this measure have nothing further to say, I will ask for a vote.

Mr. HENDERSON, of Iowa. If other gentlemen are through, I desire to add a word.

Mr. OUTHWAITE. I reserve the residue of my time.

Mr. HENDERSON, of Iowa. Mr. Speaker, as I said before, I have no feeling in regard to this subject, but have conceived it my duty to make the House understand the exact situation of the matter. I will say to my friend from Ohio [Mr. BOOTHMAN], who has just spoken, that I have offered my amendment in perfect good faith; and in reply to him and his colleague [Mr. BUTTERWORTH], I desire to say that if we are going to dispose of this question of expositions, these other measures are certainly entitled to consideration; and the fact that a bill has been introduced here which has not even the sanction of a committee, which is not accompanied by any report which members can examine, should not exclude from fair consideration other propositions of greater weight. Now, that the question of appropriation of money for expositions is up, I think the whole subject should be fully considered.

I have offered, from a sense of duty, the amendment for the Atlanta exposition of the colored people. I believe that if $1 should be given to the Columbus exposition, $100,000 should be given to the Atlanta exposition. That is my judgment about the matter. With regard to this celebration of the centennial of the Northwest Territory, we all appreciate the importance of the event; we all appreciate the State of Ohio; we have no feeling against that State, heaven knows. But when we gave $150,000 to Cincinnati on the petition of every State that was interested in the cession of the Northwest Territory, Cincinnati having been selected by Ohio and the surrounding States for the great centennial celebration of that event, I think we did enough in connection with that matter, and that our action should not be made the pretext for every other town or city that may be interested in that event to come here and ask the strengthening aid of the General Government with reference to their local exposition.

I do not sympathize with the remarks of my friend from Alabama [Mr. HERBERT] in calling these exhibitions horse shows, or comparing them to John Robinson's performances. I believe in fairs; I believe in expositions; I believe in these methods of quickening the intelligence of the masses by showing them what the cunning workmen in various departments are doing. But if you are going to come here and ask the General Government to aid every State fair, let that be understood by the House before we go any farther. I think my friend from Pennsylvania [Mr. BRUMM] has drawn a correct rule for our action; I believe we ought to be governed in our decision by the merits of each particular case. I submit that we have fully covered the just demands of the State of Ohio in making the liberal appropriation already made for the exposition of Cincinnati.

Mr. HERBERT. Will the gentleman yield for a moment?

Mr. HENDERSON, of Iowa. With pleasure.

Mr. HERBERT. I believe, like the gentleman from Iowa, that fairs and expositions are valuable and ought to be encouraged; but I think they are matters which should be left to the people in the respective

States, and are not affairs in which the Government of the United States hould be asked to take part.

Mr. HENDERSON, of Iowa. I am very glad to have given the gentleman the opportunity to make that explanation. I have now said all that I desire to say.

Mr. OUTHWAITE. Mr. Speaker, I desire to give briefly my reasons for asking a vote on this question without waiting for the report of a committee. Only three weeks and three days will elapse before this centennial exposition at Columbus must open; and there is very limited time for the preparation of a proper exhibit on the part of the Government and the placing of it in the buildings prepared for it. As to the number of people who will be there, I think I am within bounds when I say that there will be two million persons in attendance at this exposition. It will commence with the encampment of the National Guards; and in the second week the national encampment of the Grand Army of the Republic will be there, which in itself will bring there fifty thousand men with their wives and children to witness this exhibition. Industrial, religious, scientific, educational, commercial, manufacturing, agricultural, benevolent, temperance, labor, and political associations, State and national, have designated different days when they will be present. The number and kind of such societies that will come to Columbus during this centennial exposition are so numerous as to indicate an enormous attendance of citizens, many of whom never can or will visit this city.

The same reasons which have impelled me to have this bill taken up at this time without waiting for a report from a committee impel me to ask gentlemen who have presented these several amendments to withdraw them and permit this bill to be voted on strictly upon its own separate merits.

Mr. HENDERSON, of Iowa. So far as my amendment is concerned, I appeal to the gentleman to withdraw his local proposition and let us vote on the great national proposition which my amendment embraces.

Mr. OUTHWAITE. If the time fixed for the exhibition in the two cases were even the same, and his bill stood where this one does, the gentleman might appeal to me with expectation of my yielding.

Mr. HENDERSON, of Iowa. Time is equally pressing in both cases.

Mr. OUTHWAITE. Oh, no. Our exposition is to commence in September next; the other, I believe, some time in the latter part of 1889, continuing into 1890.

Mr. HENDERSON, of Iowa. The work in connection with the Atlanta exposition must commence at once, for that is a great national affair.

Mr. OUTHWAITE. Mr. Speaker, I will not go on to cite the various resolutions of different States and the several communications which have been received from their governors and others, signifying the intention to take part in the exposition at Columbus. I want to say distinctly that there will be an exposition there; there will be a presentation of science and the arts and industries, exhibiting the progress of the country, and especially the great Northwest during the century. If the National Government, in pursuance of a picayunish and parsimonious policy, chooses to remain away, so far as any representation of its Departments is concerned, or is thus prevented from making an exhibit there by the action of members of this House to-day, that will not detract anything from the greatness of the patriotic, historic occasion which will call together the citizens of the Northwest.

They will come in untold numbers. They will return to their homes better citizens—more enlightened, more encouraged with their prospects for advancement in all that goes to make men happy and virtuous. One striking distinction between the exposition to be held at Columbus and the one being held at Cincinnati is that at the former there will be a large and striking exhibit of the productions of agriculture in the Northwest, showing the great progress in all of those things which partake in or result from our success in this pursuit of man.

Within a brief period after the Centennial Exposition at Philadelphia the style of architecture in the whole East began materially to change, and the interior decorations and the furnishings of our homes grew more attractive and comfortable—a slight illustration of the influence of such celebrations as educators. But the time is limited and the business of the House pressing. I therefore move the previous question upon the amendments and the third reading of the bill.

Mr. WARNER. I desire to appeal to the gentleman. I have offered an amendment with the view, of course, that it shall be pending. With that understanding I shall not antagonize the previous question.

Mr. OUTHWAITE. Of course, as the other gentlemen who have offered amendments have not withdrawn them, I am willing the gentleman should stand upon the same footing, and now I move the previous question upon the amendments and the third reading of the bill.

The previous question was ordered.

Mr. CANNON. There are three amendments pending, including that of the gentleman from Missouri [Mr. WARNER].

Mr. WARNER. My amendment is considered as pending.

The SPEAKER *pro tempore*. The Chair so understood.

The question recurs on the first amendment, offered by the gentleman from Virginia [Mr. WISE], which will be read.

The amendment was read.

The SPEAKER *pro tempore*. The ayes seem to have it.

Mr. PAYSON. I demand a division.

The House divided; and there were—ayes 47, noes 19.

So Mr. WISE's amendment was adopted.

The question recurred on the amendment of Mr. HENDERSON, of Iowa.

Mr. HENDERSON, of Iowa. There is no necessity of again reading the amendment, which is a long one, as it has been read already this morning.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

Mr. HENDERSON, of Iowa. I ask for a division.

The House divided; and there were—ayes 56, noes 50.

So the amendment was agreed to.

The question next recurred on Mr. WARNER'S amendment; which was read.

The House divided; and there were—ayes 54, noes 38.

So the amendment was adopted.

The SPEAKER *pro tempore*. The question now recurs on the third reading of the bill as amended.

Mr. BUTTERWORTH. Let us have the bill read as it has been amended. I do not suppose any human being knows just what it is as it has been amended. I do not care about the entire text of the bill being read, but let the amendments be read to see just what they are.

Mr. TOWNSHEND. It will save time to have only the amendments read.

The SPEAKER *pro tempore*. The amendments come in at the end of the bill. Does the gentleman insist on the whole bill being read?

Mr. HOLMAN. No; let the amendments be read.

Mr. BUTTERWORTH. If it is a matter of indifference with my friend and no consideration what the bill provides or that the House should understand what it contains, of course I shall not insist upon the reading of the whole bill.

Mr. ROGERS. It has been read already.

Mr. HERBERT. I insist on the reading of the amendments at least.

Mr. TOWNSHEND. I object to the reading of the amendments.

The SPEAKER *pro tempore*. The question is on the third reading of the bill; and the gentleman is entitled to have the bill read if he insists upon it.

The Clerk proceeded to read the amendments which had been adopted.

Mr. HERBERT. I withdraw the demand for the reading of the amendments.

The SPEAKER *pro tempore*. The question recurs on the third reading of the bill as amended.

Mr. OUTHWAITE demanded a division.

The House divided; and there were—ayes 75, noes 66.

Mr. ROGERS. Let us have the yeas and nays.

The yeas and nays were ordered, 49 voting in favor thereof—which was more than one-fifth of those present.

The question was taken; and it was decided in the negative—yeas 68, nays 90, not voting 166; as follows:

YEAS—68.

Bliss,	Dalzell,	Laird,	Seney,
Boothman,	Davis,	Lee,	Smith,
Bowen,	Dunn,	Lehlbach,	Snyder,
Breckinridge, Ky.	Felton,	Long,	Symes,
Browne, T. H. B., Va.	Gay,	Mason,	Taylor, J. D., Ohio
Brown, Ohio	Gear,	McKinley,	Thomas, Ky.
Brown, J. R., Va.	Grosvenor,	McShane,	Thompson, Ohio
Brumm,	Hayes,	Morrill,	Tracey,
Burrows,	Henderson, Iowa	Nelson,	Vandever,
Butterworth,	Hermann,	O'Donnell,	Warner,
Campbell, Ohio	Hiestand,	Osborne,	White, Ind,
Caruth,	Holmes,	Outhwaite,	Wilkins,
Catchings,	Hopkins, Va.	Parker,	Wilkinson,
Chendle,	Houk,	Perkins,	Wise,
Cogswell,	Hovey,	Peters,	Yardley,
Cooper,	Jackson,	Pugsley,	Yoder,
Cutcheon,	Lagan,	Romeis,	Yost.

NAYS—90.

Abbott,	Cobb,	Holman,	Rice,
Allen, Mich.	Conger,	Hopkins, Ill.	Richardson,
Allen, Miss.	Cothran,	Howard,	Rogers,
Anderson, Iowa	Cox,	Hudd,	Rowell,
Anderson, Ill.	Crisp,	Hutton,	Sayers,
Baker, N. Y.	Culberson,	Johnston, N. C.	Seymour,
Baker, Ill.	Dockery,	Kilgore,	Shaw,
Bankhead,	Dougherty,	La Follette,	Shively,
Barnes,	Ermentrout,	Lanham,	Spinola,
Barry,	Flood,	Lawler,	Springer,
Blanchard,	Forney,	Lyman,	Stockdale,
Bound,	Fuller,	Martin,	Stone, Ky.
Breckinridge, Ark.	Gest,	McClammy,	Struble,
Brewer,	Grout,	McCullogh,	Thomas, Wis.
Brower,	Hall,	McMillin,	Turner, Kans.
Buckalew,	Hatch,	McRae,	Turner, Ga.
Bunnell,	Haugen,	Morgan,	Walker,
Burnes,	Hayden,	Neal,	Weaver,
Bynum,	Hemphill,	Oates,	Wheeler,
Candler,	Henderson, N. C.	O'Ferrall,	Whitthorne,
Cannon,	Henderson, Ill.	Payson,	Wilson, Minn.
Carlton,	Herbert,	Peel,	
Caswell,	Hogg,	Post,	

NOT VOTING—166.

Adams,	Dorsey,	Lind,	Rockwell,
Allen, Mass.	Dunham,	Lodge,	Rowland,
Anderson, Miss.	Elliott,	Lynch,	Russell, Conn.
Anderson, Kans.	Enloe,	Macdonald,	Russell, Mass.
Arnold,	Farquhar,	Maffett,	Rusk,
Atkinson,	Finley,	Mahoney,	Ryan,
Bacon,	Fisher,	Maish,	Sawyer,
Bayne,	Fitch,	Mansur,	Scott,
Belden,	Foran,	Matson,	Scull,
Belmont,	Ford,	McAdoo,	Sherman,
Biggs,	French,	McComas,	Simmons,
Bingham,	Funston,	McCormick,	Sowden,
Bland,	Gaines,	McCreary,	Spooner,
Blount,	Gallinger,	McKenna,	Stahlnecker,
Boutelle,	Gibson,	McKinney,	Steele,
Bowden,	Glass,	Merriman,	Stephenson,
Browne, Ind.	Glover,	Milliken,	Stewart, Tex.
Bryce,	Goff,	Mills,	Stewart, Ga.
Buchanan,	Granger,	Moffitt,	Stewart, Vt.
Burnett,	Greenman,	Montgomery,	Stone, Mo.
Butler,	Grimes,	Moore,	Tarsney,
Campbell, F., N. Y.	Guenther,	Morrow,	Taulbee,
Campbell, T. J., N. Y.	Hare,	Morse,	Taylor, E. B., Ohio
Chipman,	Harmer,	Newton,	Thomas, Ill.
Clardy,	Heard,	Nichols,	Thompson, Cal.
Clark,	Hires,	Norwood,	Tillman,
Clements,	Hitt,	Nutting,	Townshend,
Cockran,	Hooker,	O'Neall, Ind.	Vance,
Collins,	Hopkins, N. Y.	O'Neill, Pa.	Wade,
Compton,	Hunter,	O'Neill, Mo.	Washington,
Cowles,	Johnston, Ind.	Owen,	Weber,
Crain,	Jones,	Patton,	West,
Crouse,	Kean,	Penington,	White, N. Y.
Cummings,	Kelley,	Perry,	Whiting, Mich.
Dargan,	Kennedy,	Phelan,	Whiting, Mass.
Darlington,	Kerr,	Phelps,	Wickham,
Davenport,	Ketcham,	Pidcock,	Wilber,
Davidson, Ala.	Laffoon,	Plumb,	Williams,
Davidson, Fla.	Laidlaw,	Randall,	Wilson, W. Va.
De Lano,	Landes,	Rayner,	Woodburn.
Dibble,	Lane,	Reed,	
Dingley,	Latham,	Robertson,	

So the motion was not agreed to, no quorum having voted.

Mr. BREWER. I desire to state, in connection with my vote, that I am paired with the gentleman from Georgia, Mr. BLOUNT, but I am assured that he would vote "no" on this question, so I have also voted in the negative.

Mr. RICHARDSON. I wish to state that my colleague, Mr. ENLOE, is detained at home by reason of sickness.

The SPEAKER. The Clerk will recapitulate the vote.

Mr. RICHARDSON. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

Mr. WILLIAMS. I am paired with the gentleman from Missouri, Mr. STONE, and will withdraw my vote.

Mr. O'NEILL, of Pennsylvania. I am paired with the gentleman from Florida, Mr. DAVIDSON, and will also withdraw my vote.

Mr. WASHINGTON. I did not vote on this question, as I understand I am paired on the pending vote.

The Clerk announced the following members as being paired until further notice:

Mr. TURNER, of Georgia, with Mr. REED.
Mr. MCCREARY with Mr. KERR.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. ROWLAND with Mr. NICHOLS.
Mr. LANE with Mr. JOHNSTON, of Indiana.
Mr. LATHAM with Mr. KENNEDY.
Mr. ANDERSON, of Illinois, with Mr. FARQUHAR.
Mr. RUSK with Mr. MCCOMAS.
Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.
Mr. DARGAN with Mr. WEST.
Mr. BOUTELLE with Mr. WISE.
Mr. PHELAN with Mr. BUTLER.
Mr. TILLMAN with Mr. ANDERSON, of Kansas.
Mr. RANDALL with Mr. KELLEY.
Mr. HOGG with Mr. GALLINGER.
Mr. OATES with Mr. GUENTHER.
Mr. PIDCOCK with Mr. HIRES.
Mr. CLARDY with Mr. WADE.
Mr. GRANGER with Mr. ROCKWELL.
Mr. YODER with Mr. BOOTHMAN.
Mr. GLOVER with Mr. BROWNE, of Indiana.
Mr. PERRY with Mr. SPOONER.
Mr. BELMONT with Mr. DAVENPORT.
Mr. SCOTT with Mr. CLARK.
Mr. JONES with Mr. JOSEPH D. TAYLOR.
Mr. CLEMENTS with Mr. KETCHAM.
Mr. BIGGS with Mr. MORROW.
Mr. COMPTON with Mr. GOFF.
Mr. THOMPSON, of California, with Mr. MCKENNA.
Mr. GREENMAN with Mr. SHERMAN.
Mr. FORD with Mr. STEELE.
Mr. LODGE with Mr. BURNETT.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. BACON with Mr. RUSSELL, of Connecticut.
Mr. FISHER with Mr. KEAN.
Mr. PENDLETON with Mr. BELDEN.
Mr. MAHONEY with Mr. THOMAS H. B. BROWNE.
Mr. WILLIAMS with Mr. STONE, of Missouri.
Mr. ROBERTSON with Mr. DORSEY.
Mr. THOMPSON, of Ohio, with Mr. COWLES.
Mr. BLOUNT with Mr. BREWER, until August 17.
Mr. STEWART, of Vermont, with Mr. BUCKALEW, for two weeks.
Mr. TOWNSHEND with Mr. HITT, on this vote.
Mr. ROWLAND with Mr. BINGHAM, on this vote.
Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania, for this day.
Mr. NEWTON with Mr. GAINES, on this vote. Mr. GAINES would vote in the affirmative and Mr. NEWTON in the negative on the pending proposition.
Mr. MANSUR with Mr. WADE, on this vote.
Mr. MAISH with Mr. BINGHAM, for this day.
Mr. CUMMINGS with Mr. ATKINSON, until Wednesday next.
Mr. DIBBLE with Mr. MILLIKEN, for this day.
Mr. ENLOE with Mr. BOWDEN, on this vote.
Mr. HARE with Mr. WEBER, on this vote.
Mr. RUSSELL, of Massachusetts, with Mr. MOFFITT, of New York, on this vote.

Mr. TURNER, of Georgia. Mr. Speaker, I am paired with the gentleman from Maine [Mr. REED], but reserved the right to vote to make a quorum.

Mr. BOOTHMAN. Mr. Speaker, I am announced as being paired with the gentleman from Ohio [Mr. YODER], and therefore withdraw my vote.

Mr. HOGG. Mr. Speaker, my pair with Mr. GALLINGER was for last Saturday only. I vote now in order to make a quorum.

Mr. OUTHWAITE. I object.

The SPEAKER. But the gentleman has already voted.

Mr. HOGG. I voted, and allow the vote to stand in order to make a quorum.

Mr. MCCOMAS. I am paired, but with the understanding that I may vote in order to preserve a quorum. I will vote if I am permitted to do so for that purpose.

The SPEAKER. It can only be done now by unanimous consent, as all the rolls have been called that the rule provides for.

Mr. OUTHWAITE. I object.

Mr. WISE. I am announced as being paired with the gentleman from Maine [Mr. BOUTELLE]. When that pair was made an agreement was entered into that upon several matters in which I was personally interested I was at liberty to exercise my right to vote, and I do so on the pending question without any violation of our pair.

Mr. ALLEN, of Massachusetts. Being announced as paired, I withdraw my vote on this question.

Mr. OATES. I am paired with Mr. GUENTHER, but will allow my vote to stand in order to make a quorum.

Mr. MORROW. I am paired with my colleague [Mr. BIGGS], but I am entitled to vote to make a quorum. If a quorum has not appeared my vote can stand; but if it is not necessary to make a quorum I will withdraw it.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. If no quorum votes on this question will it be in order to immediately call the roll again?

The SPEAKER. It will not, except by unanimous consent. The roll has been called as often as the rule permits.

Mr. SPRINGER. Then what will be the condition——

Mr. LONG. Will it be in order to move a call of the House?

The SPEAKER. It will be.

Mr. SPRINGER. I ask unanimous consent that the names of the absentees be again called.

Mr. OUTHWAITE. I object.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. 2531) granting a pension to Frederick W. Travis;
An act (H. R. 2776) grant ng a pension to William Jack;
An act (H. R. 8428) granting a pension to James T. Bourland;
An act (H. R. 10527) to authorize the construction of a bridge across the Alabama River;
An act (H. R. 3070) to authorize the construction of a bridge across the Missouri River in Montana;
An act (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company;

An act (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, in Nebraska;

An act (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

An act (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

An act (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida;

An act (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers;

An act (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida;

An act (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes;

An act (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to constuct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota;

An act (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build bridges across the Black Warrior River and the Tombigbee River, in Alabama;

An act (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes;

An act (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa;

An act (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.; and

An act (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House do now adjourn.

The question was put, and the Speaker announced that he was unable to decide.

The House divided, and there were—ayes 83, noes 48.

Mr. CANNON. I call for the yeas and nays.

The Speaker announced that 38 gentlemen had arisen in support of the demand for the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. I call for a count on the other side.

The SPEAKER announced that 70 gentlemen had risen on the other side and 38 on the question of ordering the yeas and nays, more than one-fifth of the last vote; and the yeas and nays were ordered.

The question was taken, and there were—yeas 67, nays 81, not voting 176; as follows:

YEAS—37.

Abbott,	Cooper,	Laffoon,	Plumb,
Bankhead,	Cox,	Lanham,	Pugsley,
Barnes,	Crisp,	Lawler,	Richardson,
Boothman,	Culberson,	Lee,	Rogers,
Bound,	Dalzell,	Martin,	Sayers,
Bowen,	Davis,	McClammy,	Seney,
Breckinridge, Ky.	Hatch,	McKinley,	Stockdale,
Brower,	Haugen,	McMillin,	Stone, Ky.
Brown, Ohio	Henderson, N. C.	Moore,	Taylor, J. D., Ohio
Brown, J. R., Va.	Herbert,	Morgan,	Thomas, Wis.
Brumm,	Hermann,	Morrill,	Thompson, Ohio
Buchanan,	Hiestand,	Neal,	Tracey,
Buckalew,	Hogg,	Newton,	Warner,
Candler,	Hooker,	O'Ferrall,	White, Ind.
Catchings,	Houk,	Outhwaite,	Whiting, Mich.
Cheadle,	Hutton,	Perkins,	Wise.
Cobb,	Kilgore,	Peters,	

NAYS—81.

Allen, Mass.	Dougherty,	Jackson,	Smith,
Allen, Mich.	Dunn.	Johnston, N. C.	Snyder,
Allen, Miss.	Ermentrout,	La Follette,	Sowden,
Anderson, Iowa	Flood,	Lehlbach,	Springer
Anderson, Ill.	Forney,	Long,	Struble,
Baker, Ill.	Fuller,	Lyman,	Symes,
Bliss,	Gear,	McCullogh,	Thomas, Ky.
Browne, T. H. B., Va.	Gest,	McRae,	Townshend,
Burnes,	Hall,	Milliken,	Vandever,
Burrows,	Hayden,	Moffitt,	Walker,
Bynum,	Hemphill,	Morrow,	Washington,
Campbell, F., N. Y.	Henderson, Iowa	Nelson,	Weaver,
Cannon,	Henderson, Ill.	O'Donnell,	Weber,
Caruth,	Hitt,	O'Neill, Pa.	Wheeler,
Caswell,	Holman,	Osborne,	Wilkins,
Chipman,	Holmes,	Parker,	Wilkinson,
Cogswell,	Hopkins, Ill.	Payson,	Wilson, Minn.
Conger,	Hopkins, Va.	Post,	Yardley
Cothran,	Hovey,	Rice,	
Cutcheon,	Howard,	Romeis,	
Dockery,	Hunter,	Shively,	

NOT VOTING—176.

Adams,	Atkinson,	Bayne,	Bingham,
Anderson, Miss.	Bacon,	Belden,	Blanchard,
Anderson, Kans.	Baker, N. Y.	Belmont,	Bland,
Arnold,	Barry,	Biggs,	Blount,
Boutelle,	Foran,	Macdonald,	Russell, Mass.
Bowden,	Ford,	Maffett,	Rusk,
Breckinridge, Ark.	French,	Mahoney,	Ryan,
Brewer,	Funston,	Maish,	Sawyer,
Browne, Ind.	Gaines,	Mansur,	Scott,
Bryce,	Gallinger,	Mason,	Scull,
Bunnell,	Gay,	Matson,	Seymour,
Burnett,	Gibson,	McAdoo,	Shaw,
Butler,	Glass,	McComas,	Sherman,
Butterworth,	Glover,	McCormick,	Simmons,
Campbell, Ohio	Goff,	McCreary,	Spinola,
Campbell, T. J., N. Y.	Granger,	McKenna,	Spooner,
Carlton,	Greenman,	McKinney,	Stahlnecker,
Clardy,	Grimes,	McShane,	Steele,
Clark,	Grosvenor,	Merriman,	Stephenson,
Clements,	Grout,	Mills,	Stewart, Tex.
Cockran,	Guenther,	Montgomery,	Stewart, Ga.
Collins,	Hare,	Morse,	Stewart, Vt.
Compton,	Harmer,	Nichols,	Stone, Mo.
Cowles,	Hayes,	Norwood,	Tarsney,
Crain,	Heard,	Nutting,	Taulbee,
Crouse,	Hires,	Oates,	Taylor, E. B., Ohio
Cummings,	Hopkins, N. Y.	O'Neall, Ind.	Thomas, Ill.
Dargan,	Hudd,	O'Neill, Mo.	Thompson, Cal.
Darlington,	Johnston, Ind.	Owen,	Tillman,
Davenport,	Jones,	Patton,	Turner, Kans.
Davidson, Ala.	Kean,	Peel,	Turner, Ga.
Davidson, Fla.	Kelley,	Penington,	Vance,
De Lano,	Kennedy,	Perry,	Wade,
Dibble,	Kerr,	Phelan,	West,
Dingley,	Ketcham,	Phelps,	White, N. Y.
Dorsey,	Lagan,	Pidcock,	Whiting, Mass.
Dunham,	Laidlaw,	Randall,	Whitthorne,
Elliott,	Laird,	Rayner,	Wickham,
Enloe,	Landes,	Reed,	Wilber,
Farquhar,	Lane,	Robertson,	Williams,
Felton,	Latham,	Rockwell,	Wilson, W. Va.
Finley,	Lind,	Rowell,	Woodburn,
Fisher,	Lodge,	Rowland,	Yoder,
Fitch,	Lynch,	Russell, Conn.	Yost.

So the House refused to adjourn.

On motion, the reading of the names of members voting was dispensed with.

The following additional pair was announced:

Mr. CRAIN with Mr. LAIDLAW, during this day.

The result of the vote was then announced as above recorded.

Mr. WEAVER. I move a call of the House.

Mr. ROGERS. I rise to a parlimentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. If the motion for a call of the House is yoted down will it then be in order to move again that the House adjourn?

The SPEAKER. It will.

The motion for a call of the House was not agreed to.

Mr. ROGERS. I move that the House do now adjourn.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. WEAVER. I call for the yeas and nays.

The yeas and nays were refused, only 4 members voting in favor thereof.

The motion to adjourn was agreed to; and the House accordingly (at 3 o'clock and 10 minutes p. m.) adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. GEAR: A bill (H. R. 11112) for the relief of Henry P. Carson—to the Committee on War Claims.

By Mr. McSHANE: A bill (H. R. 11113) granting a pension to Irene Rucker Sheridan—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11114) for the relief of P. F. Warterfield—to the Committee on War Claims.

By Mr. TOWNSHEND: A bill (H. R. 11115) to pension W. H. Hendley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11116) to pension Rebecca Bolerjack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11117) to pension Amanda Heard—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of citizens of Monroe County, Mississippi, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of W. D. O'Neal, of Henry M. Roberts, and of Mrs. A. V. Hutchins, widow of A. V. Hutchins, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: Petition of John C. Galley and Mary Galley, for payment of their claim—to the Committee on War Claims.

By Mr. GOFF: Petition of the county court of Brooke County, West Virginia, for the relief of the sufferers from the late flood in that section—to the Committee on Appropriations.

By Mr. D. B. HENDERSON: Petition of Shell Rock Post, Grand

Army of the Republic, of Butler County, Iowa, for the passage of the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. MCKENNA: Petition of citizens of San Francisco, for the impeachment of Lorenzo Sawyer, judge of the United States circuit court of California, and George M. Sabin, district judge of Nevada—to the Committee on the Judiciary.

By Mr. MCCREARY: Petition of William N. Stokes, administrator of Jefferson M. Potts, for payment of his war claim—to the Committee on War Claims.

By Mr. PETERS: Petition of citizens of Harper County, Kansas, for a pension for N. Griggsby—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of G. P. Neely, heir of Isaiah Neely, late of Cannon County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. A. RUSSELL: Petition of Mystic Valley (Conn.) Board of Trade, in favor of the maritime canal bill—to the Committee on Commerce.

Also, petition of the Grand Army of the Republic of Connecticut, for an appropriation for head-stones—to the Committee on Appropriations.

Also, petition of John M. Brewer and others, of Connecticut, in favor of repeal of portion of the internal-revenue laws—to the Committee on Ways and Means.

By Mr. STONE, of Missouri: Petition of A. E. Page and others, citizens of Bates County, Missouri, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. J. D. TAYLOR: Memorial of J. M. McVay and 36 others, of Noble County, Ohio, for certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. TOWNSHEND: Papers to accompany bill for the relief of Rebecca Bolerjack—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: Petition for the repeal of the internal-revenue laws from Mrs. M. Engleman and 15 others, ladies of Miamisburgh, Ohio—to the Committee on Ways and Means.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. D. B. HENDERSON: Of ex-soldiers and sailors of the Union, of Bremer County, Iowa.

SENATE.

WEDNESDAY, *August* 8, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HISCOCK presented a petition of citizens of Macedon, N. Y., praying for the more effectual protection of agriculture by tariff legislation; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 5123) to increase the pension of Charles Ritchey;

A bill (H. R. 4504) granting a pension to Nancy Baldwin; and

A bill (H. R. 9130) granting a pension to Susan Singleton.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 6371) granting a pension to Jesse M. Stilwell, reported it with an amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 9704) granting a pension to Martha F. Lee; and

A bill (H. R. 3710) granting a pension to Samuel Piercy.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 3766) for the relief of William Pfaender; and

A bill (H. R. 3480) for the relief of John D. Munnerlyn.

PRINTING OF TARIFF BILL.

Mr. SHERMAN. The House concurrent resolution to print 100,000 copies of the tariff law and amendments proposed by the Mills bill has been considered by the Committee on Finance, and the committee agree unanimously that it is better to print the document in the form proposed and according to the amendment proposed by the Committee on Printing of the Senate now rather than to postpone it until the Senate scheme in some form or other is presented. The members of the House are anxious to have the document printed, and the Committee on Finance recommend that the resolution be passed as proposed to be amended by the Committee on Printing.

The PRESIDENT *pro tempore*. Does the Senator from Ohio ask for the present consideration of the resolution?

Mr. SHERMAN. I do.

The PRESIDENT *pro tempore*. The resolution will be read as proposed to be amended.

The CHIEF CLERK. The amendment is to strike out, in the last line of the resolution, after "printed," the words "for the use of the House" and insert "75,000 for the use of the House and 25,000 for the use of the Senate;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883) with the proposed amendments of (H. R. 9051) "An act to reduce taxation and simplify the laws in relation to the collection of the revenue," to be prepared by the Committee on Ways and Means, be printed, 75,000 for the use of the House and 25,000 for the use of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. MANDERSON. I move that the Senate request a conference with the House of Representatives on the resolution and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COMING OF CHINESE LABORERS.

Mr. STEWART. I move that the Senate proceed to the consideration of Order of Business 1801.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed and the Calendar under Rule VIII is in order. The Secretary will report the first Order of Business by title.

The CHIEF CLERK. Order of Business 1709, a bill (S. 995) for the relief of Robley D. Evans and Richard M. Green.

The PRESIDENT *pro tempore*. This bill being in order, the Senator from Nevada [Mr. STEWART] moves that the Senate proceed to the consideration of Order of Business 1801, being the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

Mr. HARRIS. I hope we shall proceed regularly with the Calendar.

The PRESIDENT *pro tempore*. The Calendar being in order under Rule VIII, the Senator from Nevada moves that the Senate proceed to the consideration of Order of Business 1801, being the Chinese restriction bill. Is the Senate ready for the question? [Putting the question.] The noes appear to have it.

Mr. STEWART. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PLATT (when his name was called). I was paired, during his absence, with the Senator from New Jersey [Mr. MCPHERSON]. He has returned, but is not in the Senate Chamber at this time. I think, however, that I shall take the liberty of voting, as it is doubtful whether there will be a quorum. I vote "yea."

Mr. PUGH (when Mr. WALTHALL'S name was called). The Senator from Mississippi [Mr. WALTHALL] is paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. SPOONER. I am paired generally with the Senator from Mississippi [Mr. WALTHALL]. If he were here, I should vote "yea."

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. COCKRELL. I was paired with the Senator from Massachusetts [Mr. HOAR] at the instance of his colleague [Mr. DAWES]. I presume the Senator from Massachusetts, if present, would vote "yea."

Mr. DAWES. I record my vote "yea," and I presume my colleague would vote the same way. If the Senator wishes to vote, of course he has the right to do so.

Mr. COCKRELL. I vote "yea."

Mr. BROWN. I have announced my pair with the Senator from Oregon [Mr. DOLPH], but I see his colleague [Mr. MITCHELL] voted in the affirmative, and I will vote "yea."

The result was announced—yeas 24, nays 7; as follows:

YEAS—24.

Allison,	Cullom,	Hawley,	Sawyer,
Beck,	Davis,	Hiscock,	Sherman,
Bowen,	Dawes,	Mitchell,	Stewart,
Brown,	Evarts,	Morgan,	Stockbridge,
Call,	Farwell,	Palmer,	Turpie,
Cockrell,	Frye,	Platt,	Wilson of Iowa.

NAYS—7.

Bate,	Coke,	Payne,	Wilson of Md.
Berry,	Jones of Arkansas,	Pugh,	

ABSENT—45.

Aldrich,	Eustis,	Jones of Nevada,	Sabin,
Blackburn,	Faulkner,	Kenna,	Saulsbury,
Blair,	George,	McPherson,	Spooner,
Blodgett,	Gibson,	Manderson,	Stanford,
Butler,	Gorman,	Morrill,	Teller,
Cameron,	Gray,	Paddock,	Vance,
Chace,	Hale,	Pasco,	Vest,
Chandler,	Hampton,	Plumb,	Voorhees,
Colquitt,	Harris,	Quay,	Walthall.
Daniel,	Hearst,	Ransom,	
Dolph,	Hoar,	Reagan,	
Edmunds,	Ingalls,	Riddleberger,	

The PRESIDENT *pro tempore*. A quorum is not present. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cullom,	Hiscock,	Riddleberger,
Bate,	Davis,	Ingalls,	Sawyer,
Beck,	Dawes,	Jones of Arkansas,	Sherman,
Berry,	Evarts,	Mitchell,	Spooner,
Blair,	Farwell,	Morgan,	Stewart,
Bowen,	Faulkner,	Palmer,	Stockbridge,
Brown,	Frye,	Pasco,	Turpie,
Call,	George,	Payne,	Wilson of Iowa,
Cockrell,	Harris,	Platt,	Wilson of Md.
Coke,	Hawley,	Pugh,	

The PRESIDENT *pro tempore*. Thirty-nine Senators have answered to their names. A quorum is present. If there be no objection, further proceedings under the call will be dispensed with, and the Secretary will again call the roll on agreeing to the motion of the Senator from Nevada [Mr. STEWART].

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). Under the explanation which I made when this vote was taken before, I vote "yea."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, I should vote "yea."

Mr. GEORGE (when Mr. WALTHALL's name was called). My colleague [Mr. WALTHALL] is necessarily absent and is paired with the Senator from Wisconsin [Mr. SPOONER]. If present, my colleague would vote "yea."

The roll-call was concluded.

Mr. FAULKNER. I am told by the Senator from Maine [Mr. FRYE] that if the Senator from Pennsylvania [Mr. QUAY] were present he would vote "yea," and therefore I shall vote. I vote "yea."

Mr. SPOONER. Did the Senator from Mississippi [Mr. GEORGE] make a statement as to how his colleague [Mr. WALTHALL] would vote if here?

Mr. GEORGE. Yes, sir; he would vote "yea."

Mr. SPOONER. Then I vote "yea."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, he would vote in the affirmative, and I therefore vote "yea."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. BECK. You can vote. My colleague [Mr. BLACKBURN] would vote "yea," if present, I know.

Mr. MANDERSON. Then I vote "yea."

The result was announced—yeas 40, nays 3; as follows:

YEAS—40.

Allison,	Davis,	Jones of Nevada,	Ransom,
Bate,	Dawes,	Manderson,	Riddleberger,
Beck,	Edmunds,	Mitchell,	Sawyer,
Blair,	Evarts,	Morgan,	Sherman,
Bowen,	Farwell,	Paddock,	Spooner,
Brown,	Faulkner,	Palmer,	Stewart,
Call,	Frye,	Pasco,	Stockbridge,
Chandler,	George,	Payne,	Turpie,
Cockrell,	Hawley,	Platt,	Wilson of Iowa,
Cullom,	Hiscock,	Pugh,	Wilson of Md.

NAYS—3.

Berry,	Coke,	Jones of Arkansas.

ABSENT—33.

Aldrich,	Eustis,	Ingalls,	Stanford,
Blackburn,	Gibson,	Kenna,	Teller,
Blodgett,	Gorman,	McPherson,	Vance,
Butler,	Gray,	Morrill,	Vest,
Cameron,	Hale,	Plumb,	Voorhees,
Chace,	Hampton,	Quay,	Walthall.
Colquitt,	Harris,	Reagan,	
Daniel,	Hearst,	Sabin,	
Dolph,	Hoar,	Saulsbury,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBLEY D. EVANS AND RICHARD M. GREEN.

Mr. BECK. I hope we shall proceed with the Calendar now.

Mr. COCKRELL. Let us have the Calendar now.

The PRESIDENT *pro tempore*. The first order of business on the Calendar under Rule VIII will be stated.

The bill (S. 995) for the relief of Robley D. Evans and Richard M. Green was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Robley D. Evans and Richard M. Green $4,000, in payment in full of all demands for the past and future use by the Government of the United States of their patented invention for bending metal links in the manufacture of cable and other chain, and for which letters patent were issued to them on the 4th of April, 1882.

Mr. COCKRELL. I do not see that there is any report in this case. I should like to know who those patentees are, and what kind of a patent it was, and whether they were in the employment of the Government of the United States and receiving a salary at the time the invention was patented?

Mr. PLATT. I did not make a formal report in this case, because I believe a similar bill has twice before passed the Senate, once certainly. There was a formal report in the Forty-ninth Congress, first session, Report No. 673.

It is true that Robley D. Evans and Richard M. Green were in the employment of the Government at the time the machine was put in use. Mr. Evans was equipment officer in charge of the equipment division of the Washington navy-yard. Mr. Green was foreman in the chain and smith shop. It is also true that the Government time, material, and facilities were used by the patentees in constructing the invention. It is equally true that the invention under the law belongs to these parties, and that except by their consent the United States can not use it.

The bill which was originally referred to the committee last year provided for the payment of $40,000. The Committee on Patents communicated with the Secretary of the Navy as to his opinion on the subject. The matter was referred by the Acting Secretary of the Navy to Commodore Schley, Chief of the Bureau of Equipment and Recruiting, who reported that it was a useful invention; that the Government needed it, and that he thought $5,000 would be a fair compensation for the past and future use.

There was also a recommendation from George C. Remey, captain United States Navy; J. H. Sands, commander United States Navy, and D. P. McCartney, chief engineer United States Navy. They united in the same view as to the necessity of the Government using it, and thought that $315.45 for the past would be sufficient, and $2,500 for the future use of the machine.

Mr. COCKRELL. How much for the past use?

Mr. PLATT. Three hundred and fifteen dollars and forty-five cents. There was a period when the Government used it for nothing. They thought $315.45 would be sufficient for the time the Government used it when there was no agreement that they should have the use of it free. When Commodore Casey became equipment officer he had some arrangement with the patentees that the machine should be used for a time free of expense.

Mr. COCKRELL. How much would those two sums make?

Mr. PLATT. They would make $2,815.45, but Commodore Schley, chief of the bureau, recommending $5,000 the committee, on the whole, agreed to put the sum at $4,000. The matter was discussed and explained at considerable length in the Senate at the last Congress, and I believe the bill was finally passed without division at that sum.

Mr. MORGAN. What is the invention?

Mr. PLATT. The invention is a machine for bending metal links to make heavy chains or cables.

As I say, the report is a formal matter, the Senate having formerly fully discussed the subject and acted upon it. Otherwise I should have presented a written report at this session.

Mr. COCKRELL. I desire simply to state that I repudiate the idea that a man in the service of the Government, receiving a full equivalent for all his services, and using the material of the Government, and working within the hours in which he is required to work for the Government, can patent an invention and claim anything from the United States for it.

Mr. PLATT. The difficulty about that is that the Supreme Court of the United States, having had that exact question under consideration, decided otherwise; that the patent belonged to the individual who was in the Government employ. Whatever may be said about the justice, the equity, and the right of it, the law is so that the patent belongs to him.

Mr. COCKRELL. We can change the law.

Mr. PLATT. We can by statute.

Mr. COCKRELL. We can change the law. We make the law. I

say it is an unjust law that will grant it; and I say if it is the law, let these parties go to the Court of Claims and assert their rights there if they have legal rights.

It is a monstrous proposition that all the employés of the Government must stop the faculties of their mind and refuse to think and be driven along in grooves because if they do think and try to do their business well and to improve the Government service they may get a patent, and will then come in and claim that the Government must remunerate them for the very service they have been performing, for which they have already been paid.

I understand exactly the position of the Senator from Connecticut in regard to the mere technical legal right. I admit that. I admit the court has so decided under existing law; but I say the law ought to be modified. There ought to be a change, and it strikes me that this bill presents a most favorable opportunity for putting in an additional section changing the law. Therefore I move, as an additional section, and if the amendment is adopted I shall move then to amend the title to make it correspond:

SEC. 2. And that hereafter——

The PRESIDENT *pro tempore*. Will the Senator forward his amendment in writing to the desk?

Mr. COCKRELL. I will let the bill go over until I can prepare an amendment. Let it be passed over until to-morrow without losing its place, and I will prepare an amendment.

Mr. PLATT. Before the bill passes from the consideration of the Senate I wish to say a few words.

Mr. COCKRELL. I will withdraw my objection so that the Senator from Connecticut may make a remark.

The PRESIDENT *pro tempore*. In the consideration of bills under Rule VIII a Senator can speak but once.

Mr. COCKRELL. I hope the Senator from Connecticut will be allowed to proceed.

The PRESIDENT *pro tempore*. Is there unanimous consent? The Chair hears no objection.

Mr. PLATT. I wish to say that I do not desire to precipitate now a discussion upon the question which has been raised by the Senator from Missouri. There is a great deal that can be said in favor of protecting to the inventor who is in the service of the Government or in the service of an individual an invention which he makes under such circumstances; but that question can not be discussed this morning under the five-minute rule. If the Senator insists upon proposing his amendment the bill can hardly be considered under this rule. Whenever that question shall come up I shall take occasion to differ essentially from the proposition of the Senator from Missouri.

Mr. GEORGE. Before we pass from this patent question——

The PRESIDENT *pro tempore*. The Senator from Mississippi can proceed by unanimous consent. The Chair hears no objection.

Mr. COCKRELL. The bill is still pending. I withdrew my objection.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Missouri to withdraw his objection.

Mr. COCKRELL. I withdrew my objection to allow the Senator from Connecticut to make a remark.

Mr. GEORGE. I desire to make a statement and an inquiry. Very early in the session I introduced in the Senate a bill for the purpose of protecting innocent purchasers, bona fide purchasers, for value, in open market, of patented articles. The bill was referred to the Committee on Patents some four or five months ago. I had assurances from some members of that committee that there would be an early report upon the bill. Up to this time the committee has made no report. I desire to inquire of the chairman of that committee when the Senate may expect a report upon that bill, so that the matter of the bill can be brought before the Senate for its consideration.

Mr. PLATT. The chairman of the Committee on Patents [Mr. TELLER] has been called away for this week and is not here to respond. I will say, however, that perhaps the Senator from Mississippi has reason to make the inquiry, and he has perhaps just ground for complaint. Yet the subject of the bill has been a matter of several discussions in the Committee on Patents, and I promised the committee that I would endeavor to present a bill which embraced my views upon the general subject, but the condition of my health and other business have caused a delay on my part. If there is any fault it is mine. The committee has been anxious to report the bill, and it will be reported during the present session in some form.

Mr. GEORGE. I desire to say that I do not wish to impute any negligence to any member of the committee or any wish upon their part to suppress discussion and investigation of the subject. It is a matter to which I have given a good deal of consideration. I believe the law as it now stands is one of very great wrong and hardship to the people of this country, and I am very anxious that the Senate, after full debate and consideration, shall vote upon the subject. I am gratified to know from the statement made by the Senator from Connecticut that the matter of the consideration and report of the bill will not be much longer delayed.

Mr. COCKRELL. Now, I ask that the bill go over until I can have an opportunity to confer with the Senator from Connecticut in regard to the matter, the bill retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, and the next order of business on the Calendar will be announced.

CEDAR RIVER POINT LIGHT.

The bill (S. 3229) to establish a light at or near Cedar River Point, at the mouth of Cedar River, Green Bay, Michigan, was announced as next in order on the Calendar.

Mr. SAWYER. I ask that that bill may go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

FRONTIER GUARDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1019) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 18th day of April, 1861, and issue discharges to the same; which was reported from the Committee on Military Affairs with amendments.

Mr. PLATT. Is the report long? If not, I should like to hear it read.

Mr. STEWART. The bill had better be read first.

Mr. COCKRELL. Let the bill be read as proposed to be amended, and then the report.

Mr. PLATT. All right.

The PRESIDENT *pro tempore*. The bill has not yet been read at length as in Committee of the Whole. It will be read and afterwards the amendments of the Committee on Military Affairs will be stated for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The amendments of the Committee on Military Affairs will be stated.

The amendments of the Committee on Military Affairs were, in line 7, before the word "day," to strike out "eighteenth" and insert "sixteenth;" and in line 9, after the word "discharges," to strike out:

To the same; said discharges to be the same in form and language as those issued at that time by James H. Lane, captain of said organization, as he was authorized to do by the then Secretary of War.

And insert:

To such of them as shall furnish satisfactory proof by affidavits of comrades or officers of said organization that they rendered military service and were honorably discharged; said discharges shall be in the form and language used by James H. Lane, captain of said Frontier Guards, in issuing discharges therefrom: *Provided*, That none of said officers or men shall be entitled to pay or allowance or bounty or pension by reason of service in such guards.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place upon the files of the War Department the names of the officers and men of an organization known as the Frontier Guards, regularly mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to such of them as shall furnish satisfactory proof by affidavits of comrades or officers of said organization that they rendered military service and were honorably discharged; said discharges shall be in the form and language used by James H. Lane, captain of said Frontier Guards, in issuing discharges therefrom: *Provided*, That none of said officers or men shall be entitled to pay or allowance or bounty or pension by reason of service in such guards.

Mr. PLATT. I do not ask for the reading of the report. The bill explains itself.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment reported from the Committee on Military Affairs.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The other amendment, if there be no objection, will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to the same."

ACCOUNTS WITH STATES.

The bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes," was announced as next in order.

Mr. PLATT. Let the report be read.

Mr. COCKRELL. I think that bill had better be laid over. The Senator from Colorado [Mr. TELLER], who reported it, is not present, and I think it had better not lose its place, but just retain it.

The PRESIDENT *pro tempore*. There should be a verbal amendment in line 6 of the bill, in any event, where it reads:

Shall, and is hereby, declared, etc.

Mr. PLATT. Perhaps the reading of the report will explain the bill.

The PRESIDENT *pro tempore*. Does the Senator from Missouri desire to have the bill passed over without prejudice?

Mr. COCKRELL. I merely suggested that, because the reading of the report in all probability may cause some objection, and so it would be a waste of time.

There is only one point that did not strike me when the bill was considered in committee. That is in regard to the Indian reservations. I see that it gives to all the States here named indemnity in lieu of the Indian reservations now existing. The original act, as I see from the report, only gave indemnity where the reservations became public property and belonged to the United States, and the Indians were removed. Now, it is a serious question, in some of the Territories, at least, as to whether we shall give them an indemnity for an immense area of Indian reservation that may remain an Indian reservation for all time to come.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Missouri to ask that the bill be passed over without prejudice.

Mr. COCKRELL. I think it would be better under the circumstances.

The PRESIDENT *pro tempore*. The bill will be passed over. The next order of business will be stated.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAM RAILROADS IN THE DISTRICT.

The next business on the Calendar was Order of Business 1727, being the motion of Mr. MORRILL to commit bills S. 2916 and S. 2615 to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. This order of business is improperly on the Calendar at this place, and will be passed over and follow the bills when they are reached on the Calendar.

Mr. EVARTS. I give notice that after the final disposition of the next bill in order on the Calendar, I shall ask leave to go into open executive session for the consideration of the fisheries treaty.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following resolution:

Ordered, That Mr. HOOKER of Mississippi, Mr. CUTCHEON of Michigan, Mr. WHEELER of Alabama, Mr. HENDERSON of Illinois, Mr. COX of New York, Mr. GROSVENOR of Ohio, and Mr. MCSHANE of Nebraska be the committee on the part of the House to attend the funeral of General Philip H. Sheridan, and cooperate with the committee on the part of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion; and

A bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River.

NANCY G. ALEXANDER.

The bill (H. R. 6233) for the relief of Nancy G. Alexander was considered as in Committee of the Whole. It provides for the payment to Nancy G. Alexander, of Cumberland County, Kentucky, of $250 for coal taken from her by officers of the United States Navy and used on gunboats on the Cumberland River, during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUES OF RICHARD STOCKTON AND PHILIP KEARNY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the governor of the State of New Jersey; which will be read.

The Chief Clerk read as follows:

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, July 25, 1888.

SIR: I have the honor to inform you that, in response to the invitation of Congress to each of the States "to provide and furnish statues, in marble or bronze, of two distinguished persons who have been citizens thereof, and illustrious for their historic renown, or from distinguished civil or military services," to be placed in the old hall of the House of Representatives in the Capitol of the United States, the State of New Jersey has furnished a marble statue of Richard Stockton, member of the Continental Congress from New Jersey, and a signer of the Declaration of Independence, eminent as a jurist, a patriot, and a statesman; and a bronze statue of Philip Kearny, captain and major of dragoons in the war with Mexico, and major-general in the United States volunteer army, who, distinguished in two continents for his conspicuous bravery and military accomplishments, lost his life in the service of his country at Chantilly, Va., September 1, 1862.

These statues, now in the National Statuary Hall in the Capitol, are herewith presented to the Congress of the United States by the State of New Jersey, as her contribution to the collection of statues of illustrious Americans.

Very respectfully,

ROBT. S. GREEN,
Governor of New Jersey.

Hon. JOHN J. INGALLS,
President of the Senate of the United States.

Mr. MCPHERSON. In answer to the communication just read from the governor of New Jersey, I desire to offer a concurrent resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the governor and through him to the people of New Jersey for the statues of Richard Stockton and Philip Kearny, whose names are so honorably identified with the history of the State and of the United States.

Resolved, That these works of art are accepted in the name of the nation, and assigned places in the old hall of the House of Representatives already set aside by act of Congress for statues of eminent citizens, and that a copy of this resolution signed by the President of the Senate and the Speaker of the House of Representatives be transmitted to the governor of New Jersey.

Mr. MCPHERSON. I now move that the communication received from the governor of New Jersey, and also the resolution offered by me, be printed and lie upon the table, and I desire to give notice that I will ask for the consideration of the resolution on the 21st day of August, at some time during the day.

The motion to print was agreed to.

THE FISHERIES TREATY.

Mr. EVARTS. I now make my motion that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate do now proceed in open executive session to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The reading of the Journal of the last open executive session will be dispensed with if there be no objection. The treaty will be reported by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the treaty until the Wednesday after the first Monday in December next.

Mr. EVARTS. Mr. President, under ordinary circumstances, governing the consideration of any weighty matter before the Senate, I might wish that during this period of excessive heat (which we hope may not be very protracted), we might have been excused from any elaborate discussion or any wearisome attention. After so long and prolonged a debate on both sides, so amply illustrated, so amply stated in the speeches of the eminent Senators on both sides, it is of great importance that we should bring our deliberations to a close. I must, therefore, undertake perhaps to overtask my own strength, as I shall certainly the indulgence of the Senate, in undertaking a discussion, now, of what seem to me the important elements that are to determine whether this treaty is suitable for adoption.

I have not been inattentive to the course of the debate, and I shall not attempt, as I do not need to attempt, any repetition of the topics of consideration that have, under the somewhat wide discussion, invited the attention of the Senate and perhaps have enlivened the debate. So, too, upon some of the direct and intimate considerations that strictly belong to the debate I shall find, as one Senator after another upon this side and one after another upon the other side has, in his ample and complete discussion, sufficiently occupied and sufficiently explored this and that province of the wide area of debate which this treaty opens for its exhaustive treatment.

I shall first attempt to dispose of some preliminary considerations very briefly and then to take up the situation between the two countries in regard to the matters in controversy now and heretofore had in debate, up to the time when the present Administration undertook the negotiation of this treaty. I shall then propose to consider the attitude and precise situation of the two countries towards this—I will not say renewed negotiation, but towards this fresh initiation of an attempt at a formal treaty on the subject of the fisheries between Great Britain and the United States. I may thus expect to show how in the frame and substance, the purpose and the aim of this treaty, it is, as I think, wholly incongruous with the just position of this Government in the debates hitherto had between the two countries up to the present time, and the true attitude in the future to be maintained by us towards Great Britain.

The function imparted to the Senate in the confirmation or rejection of treaties stands upon a basis for its deliberation and for its decision quite separate from all the functions that concern the initiation or the execution of political, of legislative power. It is provided in the Constitution that the advice and consent of the Senate, at whatever stages it is to be given in regard to the consummation of a treaty, the majority necessary to convey the concurrence of the Senate in the action of the Executive must be expressed by a two-thirds vote. It will be observed that, however great, however momentous, howsoever long enduring in its consequences may be political action and legislative action, the supreme will of this people as reposed in the two Houses of Congress is satisfied to take the results of debates and of votes as shown by a simple majority.

They recognize and appreciate the fact that whatever thus may be decided by a majority may be reconsidered and reversed or annulled by the same mere majority, and at any time, in any political action that has been taken by the two Houses. In regard, however, to the great Senatorial function now under view the frame of our Government has insisted upon this departure from the general rule of the majority, as with a certain aversion to engagements with foreign powers, and especially an aversion to such engagements in respect of their permanence and our inability to reconsider, or review, or amend such engagements at our own independent will. As in the jurisdiction of impeachment, that the two-thirds majority for conviction should have such guaranties as are possible, that there should not enter into it (perhaps that might not be anticipated as possible) any predominance either of the relations of a political majority in the Senate or of a political adhesion to the Chief Magistrate and the executive councils that control and direct him. For these two reasons presumptively when we enter upon a discussion, either in secret session or now in open debate, we enter under a peremptory and inexorable condition of the Constitution under the wisdom of its framers, that herein the line of political majority in the Chamber itself, or the line of political adhesion to the Executive, has no place. It is quite true that in the progress of affairs there may come to be so great a preponderance in favor of one party, so great a preponderance of those who adhere to the counsels and interests and feelings and desires of the Executive, that this provision of the Constitution shall prove impotent; but that is owing to no lack of wisdom on the part of the framers of this Constitution nor of the rigorous exaction from us. That misfortune I have now noticed, if it should ever overtake us, is not a reason that, because it may prove inoperative, this restraint should not have been imposed upon us.

It is of great importance—without reference, now, to any adhesion between Senators in their political affiliations with the Executive that now or at any time may be in power—in a case where the Senators themselves by their own sympathies, their doctrines, their opinions, their sense of patriotism, alone bring about a concurrence of wish and purpose in a majority, to wit, a political majority, where the Constitution has intended to avert such a result, because the treaty when made is so permanent and no longer subject to the fluctuations of political opinion or political majorities.

We find in conceding to majorities, and their predominant authority over minorities, some certain assurance that if a result is pressed beyond patriotism, and is in execution of party wish and feeling, then political agitations can correct it; then the people themselves will give renewed authority and confidence to the power that has executed this authority in legislation, or they will withdraw it and invest an opposite opinion and an opposite action with the power of supplanting, subordinating, and controlling opposing interests and feelings. But when a treaty has been ratified all changes of public opinion, all changes of political majorities, all changes of executive power, all rearrangements in this assembly, all rearrangements in the House of Representatives, go for nothing. The country as a whole, as a political power and entity, and now as a great power among the nations indisputably, is held and bound so that the internal arrangements, its changeable opinion, all that enter the mutations of politics are inoperative and the treaty remains unchangeable except as change shall come from the conceded concurrence of a foreign power, or, resisting what becomes intolerable, the two Houses of Congress make a denunciation and an abrogation of the treaty.

We therefore, Mr. President, have a right to expect when we come to a discussion of a treaty that on both sides of the Chamber we place ourselves upon the constitutional basis and necessities that should govern the deliberation and action of the Senate.

But when we come to a further and more intimate consideration of whether the power and independence and intrepidity of the Senate in regard to the concurrence with Executive power in making a treaty is to be overborne, not by the concurrent opinions that have originated and advised and approved, but under opinions now to be brought forward, changing the attitudes of Senators when no change in facts has happened to justify politically a change—I mean political in the sense of the policy of the United States—and when nothing has occurred in regard to the reason or the wisdom of the proposed changed attitude of the Senate, but all that has happened is that the just independence of the Executive in maintaining negotiations, in bringing them to a result, in engaging the people of the United States and its Government towards the foreign power, by the whole Executive power; and when the consultation of the Senate and its concurrence are invited, it is found that the attitude takes the shape merely of party cohesion and of party enlistment—it is not for me to say against reason or against patriotism, but that apparently a governing and a weighty consideration is introduced into the debate, to wit, whether or not the policy of the Executive shall be adopted and approved by the Senate or shall be rejected by it, and then the votes are to be accordingly clustered, it is said, in support of the President's policy. And this is to come about not upon any views originating in the body of the Senate, or in the opinions of the people, or in the opinions of the two Houses of Congress, but wholly upon the political act and fact that the Executive has committed itself to a certain treaty.

Whatever may be the influences—let us suppose wise and just—that have brought about a reconsideration, so that the will of the Executive seems to be the best and wisest expression of the Senate's desire and approval and of the needs and occasions of this great people, it can not be denied that, whereas two years ago there was neither voice raised nor knee bent throughout all the wide region of this country urging any new treaty of any kind, and when the topic was suggested by the Executive as one proper to be initiated, then what we must consider as a unanimous concurrence of the two Houses in its political action, in its law-making power, was pronounced against that line and that method of dealing with the situation between this country and Great Britain, I must think that either there has been a sudden conversion of opinions or there has been an adoption of some overwhelming consideration of the welfare of the country wholly outside of the value and of the mere interests that are limited to the fisheries themselves.

The next question that has been raised here is that it is not right for the opponents of this treaty to put the issue of its adoption or its rejection as a separate and naked proposition, but that, under the power of advising and consenting, it is the duty of the Senate to give its aid in bettering, in modifying, in amending a faulty treaty, as it would thus be regarded, in order that it may be seen and known what ought or might be the future action of the Executive.

Mr. President, it is undoubtedly true that though the apparent power of the Senate is strictly limited, as in the confirmation to office, either to rejection or confirmation, advising and consenting without any liberty of encroaching either upon the freedom of appointments to office in the one case, or, in the other case, upon the freedom in negotiation in regard to the whole subject opened between the two countries after a treaty is perfected, yet there has come to be a habit of the Senate, going perhaps further in some cases than is suitable, in undertaking to take hold of a treaty, and by improving or adding to it, making it a better interpretation or a fuller expression of the intention or purpose of the treaty.

But I submit to every candid mind that when all amendments that should undertake to meet the question of the rejection or opposition to the adoption of a treaty turn upon the substance and spirit and mode of treatment, appertaining not to the very provisions, but to the acceptance of that method for this nation, entering upon and disposing of open questions with a foreign nation, it would be unfair, ungenerous, unsuitable to the dignity of the Senate, and discreditable to the opponents of the treaty, thus under the guise of rejecting the purpose and plan of the Executive Government submitted to us, by turning it wrong side out and sending it to the President as a new trouble and a new difficulty and a new proposition for him in the future negotiations between him and Great Britain, if he chooses to pursue the subject, as he may, under a notice, under an embarrassment to this Executive, and under a notice to the foreign government that this or that must be the reversal of this treaty or it never can show its face, unless, under some excessive adherence to the Executive will, it is attempted again to send back the treaty.

No, Mr. President, it is vain to say that the opposition to this treaty is such as to require of us to amend or improve it. If that province could be entered upon it would be found that the treaty in its provisions would need to read, so to speak, backwards from what it reads in its provisions now. It would not be a change of this or that purpose, of this or that clause or article, but that the treatment between us and Great Britain of whatever needs adjustment and of whatever should require benevolent attention on both sides of the international inquiry, is entirely different in principle from undertaking merely to cut and carve out rights and to limit and to distribute the degree of equality that we shall have in regard to the other subjects in the treaty than the fisheries themselves.

There is another general consideration here that is pressed upon us in various forms. I hardly know how to treat it with seriousness, and yet it ought not to be passed over. That is, whether we are under a freedom of debate here so that we can dispose of this treaty and its articles upon their merit, or whether the question of rejection and adoption is not so much upon the merits as upon the consequences that would follow from a rejection.

Now, I understand in various quarters, on this floor and in public expressions, that a legitimate, or if not a legitimate, yet a natural and probable result of the rejection of this treaty will be to lead to collisions, umbrage, offenses, retaliations, and wars. Well, Mr. President, if we are sitting as the Roman Senate was when Brennus stood beating against the doors of the senate-house, the freedom of debate would be terminated of course. If it be at all true that we have any trace of any suggestions, I will not say by a prime minister, I will not say by a parliament, I will not say by any minister or any negotiator, that this pressure should be made upon us, I will not say what we should do. My judgment is clear; but I have no occasion to consider that, for I have not heard the breath of a whisper from the United Kingdom or from any of its departments of power and authority that if we should prefer that the treaties now existing should remain, by an omission to substitute a new treaty, that would be a cause of umbrage.

I must say that, so far as this subject goes, perhaps the nearest of anything like a definite statement upon the side of this country is an expression of a meditation, I must call it, of the Secretary of State

which has been produced before the country, and remains, I believe, entirely unanswered or disavowed, that when the question was put to the Secretary of State, in an interview I suppose with the Boston fishermen, of what the consequences of this treaty not being adopted would be, the Secretary is announced as saying:

> Then chaos again. We revert to the old quarrel transferred, I fear, by the fruitless effort at conciliation. If we are thrown back upon the condition existing before the commission sat the party that rejects the treaty will be responsible for results. How long should we escape war?

Now, Mr. President, I have no desire to impute to the Secretary of State words or expressions that in spirit or tone are not fairly to be ascribed to him; but that is the nearest that I find on the part of this Government as to its solicitude as to what may happen if this treaty is rejected. On this floor I have heard, in various degrees, argument and declamation suggesting that whoever opposed this treaty, whatever party opposed this treaty will be responsible for whatever results shall come from its rejection, and exposes us to what may be called—fairly enough without increasing the imputation—a natural and hostile retaliation and a resort to other methods than negotiation on the part of Great Britain.

But, Mr. President, I have not observed that this tone has affected the judgment upon either side of this Chamber on this topic. I have not observed that the public mind has responded to any alarm of this kind. For aught I can see men are engaged about their merchandise and their farming and all their interests without allowing themselves to be disturbed, even to the division of a hair, as to their security and their reliance upon the power and duty of this nation in preserving its dignity and maintaining its peace.

A temporary suggestion intervened, of which I have not heard so much lately, and that is, if this treaty is rejected and the retaliatory powers conferred, or as in the observations I made in 1886 in debating the bill, the responsive provision of that legislation is resorted to if this treaty be rejected, and that power in the hands of the President should then, at his option, be called out, that he will exert his authority against the interests and the prosperity of this country, so extensive, so numerous, so delicate if you please, as will, if not coerced, at least punish the people who have intrusted this great power to the President. Sir, this aspersion of the Executive, this intimation is so unjust, so wholly unsuitable to any of the relations between the various departments of this Government that I must await some demonstration or some acceptance of it on the part of the executive government by an espousal or adoption of that proposition. If it amounts to anything it amounts to an announcement that this power intrusted to the President for the welfare of the people shall be used against this nation and against the people in it.

It is equivalent to saying that the little finger of the Executive shall be thicker than the loins of the provincial parliaments or of the Parliament of England; that this power in his hands shall whip us with scorpions until agitations, and necessary agitations, in this country about their interests shall provoke either a submission, as some might expect, or rather, as I should anticipate, a resistance—an overwhelming resistance to any such exercise of power.

But there is another intimation of a power, not as extensive as that of the British Crown nor as the great function and power of the President of the United States, but the power of the Democratic party as embodied in its legislative authority as making up the component members of the Senate and of the House of Representatives, and that is that if this treaty thus proposed as acceptable is not adopted; if this provoking, irritating, and protracted disturbance, as it would be called, between the two nations or between our provincial neighbors and ourselves is not brought to this happy and this peremptory close, then the special interests both of those who gain a livelihood by the fisheries and of the people of the country that are interested in the fisheries, and in the development of them as a national power and means, shall all yield to a majority and their economical opinions of taking away the market from our own fishermen in their protection of it and bestowing it upon the foreign fishermen.

Mr. President, these several forms of suggestion, more or less vague, more or less weighty, seem to me, in any influence they should have upon the vote of any Senator here, wholly imaginary and illusory. Whatever we expose ourselves to from our calm deliberation and our expressed conclusions on the subject of this treaty, we may expect to meet Great Britain with the treaties now in force, and with the rightful exercise and interpretation of those existing treaties, which we are expecting in advance will be conceded by this great and friendly power, or in default of it that, our rights being understood as we interpret them, we will expect a respectful and conciliatory entertainment of them. But that is a long way short of finding no means of adjustment between these two great nations with their hundreds of interests, I will not say of lineage and of blood, but interests moral, religious, and political, in advancing the freedom of the world, in the manifold commercial interests all over the world—that we have no means at command except that of solving this problem by an ultimate resort to force. This, therefore, I must consider, Mr. President, as a line in this triple form of influence wholly unsuited to our dignity and wholly lacking in weight of impression upon us.

Mr. President, the fisheries in debate here are just as large, just as important, just as great and weighty elements of power, of enjoyment, and of influence upon society and the development of the interests of the nation to-day as they were in 1783. Nature has not reduced the value of those fisheries in themselves, nor has the nature of our people changed as to the influences upon men reared and disciplined in the nurture of the fisheries, no change in the courage, in the skill, in the coolness, in the adeptness, in all the occasions that maritime war or maritime adventure shall call upon these fishermen to engage in.

When we look, therefore, at this hydrographical display of that great fishery [pointing to the map], let us understand that nothing has happened to it that itself, in the providence of God or in the nature of man, makes it less important in itself now than it was in 1783. It is quite true that, under the beneficent development of the immense wealth and power and trade and commerce and manufactures of this country, that have grown up under our institutions and under our courage of defending our institutions and maintaining our rights from 1783 down to this time, this great boon and this great enjoyment have become now relatively less in comparison with the mass of our wealth and diversity of our interests. But we did not get to what we now reach and possess by abandoning or undervaluing or ridiculing this great benefit and this great possession and this great influence in our affairs.

We took it as ours and obtained the recognition of our rights, and from that moment down until now it has never become the mouth of an American to make fun of the fishermen or belittle the fisheries. It never has become the mouth of a British minister or a British Parliament or a British foreign secretary to undervalue either the character of the fishermen or the value of the fisheries, nor has it become a French minister, with its fishery so much less important than our own, with all its European power, with all its European relations, with all its pride in arms and all its excitable and brilliant imagination, nobody in France has ever made fun of the fishermen or undervalued the fisheries, and no French minister in any negotiation with Great Britain has lowered the power or the demands of France for its proper share according to its rights.

I submit that in the course of our debates at any critical periods in our relations with Great Britain concerning these treaty rights this fishery possession never before has—either the interest of this country in the fishermen or in their deserts toward their country, never in regard to the possession itself and the value, the importance, the necessity of its preservation—been a disputed topic in a debate; but all these were assumed and exulted in. All through, however, this present debate on the other side of this Chamber—I do not wish to press the point too far—it has seemed to me that there has been evinced not so much a compulsion of conscientious duty to espouse the British side as a great pleasure and delight in thus espousing it. It has seemed to me, Mr. President, that this debate throughout on the other side of the Chamber has been redolent with the odor of denationality rather than nationality.

What, then, is this unhappy situation we are in? Is it true that our enemies are in our own household? Is it true that arguments, illustrations, rhetoric that would not have been whispered above a breath in any British Parliament or any Dominion Parliament are here easily slipped from the tongue and easily rolled as a pleasant morsel under the tongue?

I submit, Mr. President, that the most noticeable circumstance in regard to this debate is this attitude of the Democratic party, of the looseness of their adhesion in affection, in zeal, in sympathy, that we conceive belongs to all Americans when they are dealing with a foreign power, and when besides I see what the present constitution of the Democratic party as represented in the two Houses of Congress shows a geographical division as well as a division of political affiliations, it appears to me that this fact is what will most attract the attention of the people of this country and will most attract the attention of the foreign nation, Great Britain. It will not, however, alarm the people of this country; and it will not deceive the people of Great Britain. The people of Great Britain know perfectly well that when the patriotism of the American people is touched, then there is but one response from the hearts of the people at large. Whatever obscurations, whatever perturbations shall have affected individual adhesions or party necessities, when the people in their primary capacity are judging between England and the United States they will judge for the United States and not argue for the British side.

Mr. President, I have spoken of these fisheries in their natural condition. They are the greatest fisheries in the world. They were a subject of pride and of covetousness between the great powers of Europe before this independent nation came into existence. It was not unworthy the notice of Great Britain and of France and of Spain (and Spain at that time was a great power, greater than any other power except France and England)—it was not too small a subject to be made an occasion of desire and of inquiry when settling the basis of our independence, that these great powers should wish to deprive us of all participation in them. England in the end was induced, when we insisted on our independence, that our territories should be recognized as extensive as our demand, to consent that on the sea, and in this nursery

of the sea, and in our preparation for possession of the sea, this great adjacent school for fishermen and school for seamen and school for shipmasters and naval officers, should be secured to the claim and possession of our Government. A deliberate desire was exhibited to exclude us; it was plotted for; it was resisted by the negotiators of America. They knew then what this fishery was. They had no imagination of what the greatness of this nation was to become in a hundred years from that date, but they knew that it was independent, that at last it was launched upon the stormy sea of human affairs, and it meant to grow and it meant to command every range and reach in which it should need to grow, and thus should match in all the competitions with great nations in the race for wealth and power. Though the insight and the far-sighted wisdom of Adams may have first and most firmly insisted that with and as a part of our independence there should be incorporated in our national frame this fishery right, that no persuasion, no postponement, no prevarications, should permit for a moment even any separation of this property in the fisheries from independence itself, and from our title to our territory, the other negotiators were scarcely behind in sagacity and patriotism. Laurens was of the same firm view. John Jay said in words that if this fishery right was not included in the preliminary terms of peace and in the definitive arrangement "it would not be a treaty, but an insidious truce." Indeed, there is no doubt if this object of desire and of competition had been left out, to our injury, and to the calculation and to the intrigue of these great powers, how long would it have been before the same attitude would have been taken about the fisheries that was taken about the postponement of the delivery of the outposts of the western country?

Are we, then, ready to say as to these fisheries thus measured in their national boundaries, 900 leagues from the coast of Great Britain—are we ready to say now that it is a matter of debate what is proper treatment for the preservation of these fisheries to this country, and that our enjoyment of them is less important to us as toward foreign nations? Are we to say that patriotism has declined, so that everything now is local, that the very work that has been prognosticated by evil eyes for its necessary operation in the distribution of power and the distribution of interests in our system of government should end in our people taking no common interest for the general welfare, but only for particular interests of particular sections? Are the fishermen to be counted in their numbers and the fisheries in their product? Are we to suppose that if we have through untoward influences been swept from the ocean in our foreign commerce (though our domestic commerce and coastwise commerce now are so vast) we shall leave the last opportunity of keeping alive the fisheries and our naval power? It must indeed, Mr. President, be a confession of this if we are to follow the indications that are presented to us on the other side of the Chamber.

If it be true that we do not value the fisheries; if it be true that we do not value their maintenance; if it be true that we do not care for preserving our historic claims that we have never yet abandoned, then let it openly be a matter of merchandise and sell it for what it is worth—a large subject of transfer if we are ready to part with it. But we are not ready to part with it, to tear off and reduce it, and expose it to all the irritating influences that belong to the occupation of the coast, to find only some paltry recompense not of added benefit to our fisheries, but of diminution, as well, of what we claim of our rights and interests outside of the fisheries.

Now, who are the owners of these fisheries? Certainly not the Provinces; certainly not the State of Maine and the State of Massachusetts. They are the property of the United States of America and of the United Kingdom, and they have so remained from the treaty of 1783 till now, subject only to disposition and control by action between those powers by treaty and not by law. When we have made a treaty as between nations, can laws, either imperial or provincial, diminish our rights or encroach upon our enjoyment?

No publicist, no public man has ever denied that when encroachments in fact or by legislation overreach our possession and impair our enjoyment of it, the authority for it must be found in some stipulation that we have signed. It must be hidden, it must lurk under the terms of the treaty of 1783 or in the treaty of 1818, because by absorption by the shore population or by usurpation of imperial power our share can not be taken away but by our signature. We acquired the natural fisheries as they stood then, and with the power that then made their partition with us as a part of our independence, and from that time to this I challenge it as an inquiry and debate that our powers and our enjoyment are to be treated always as they stood in their original propositions and in their original enjoyment until the signature of the United States can be shown to something in derogation or diminution either of the range of the fisheries or of the method and degree of our enjoyment of them.

What, then, have been the dealings of the United States and of the United Kingdom on the subject of the fisheries? They date from the treaty of 1783, and as rapidly as possible I shall endeavor to present what I regard as the true treatment of this subject hitherto between the two governments.

The treaty of 1783 is a very simple, a very intelligent treaty. It is one of those treaties that do not need to be interpreted. All logicians, as well as forensic reasoners, demand that when a text does not need to be interpreted it shall not be interpreted away. One must find in its own elements something to demand interpretation that is left undisposed of or else incomplete or ambiguous in expression. The treaty of 1783 is a very simple treaty.

It is agreed that the people of the United States shall continue to enjoy—

That is not a concession, it is a statement of fact, that when we became independent the part of our independence which belonged to us in this enjoyment belonged to us by right.

Shall continue to enjoy unmolested.

"Unmolested" is a large word. The framers of the treaty knew what it meant. They did not need to enlarge upon it. It meant that we should have it without let or hindrance, and without any molestation after the separation between the governments. That is what that great word means. You may enlarge upon it as long as you please, you can not make a better word, and you can not more definitely draw the line between two great nations when they use that word, that when one is confronted with "molestation" it is a violation of the treaty.

Each aggrieved power is the judge of what molestation is, and the parties do not alter the treaty until after the question of molestation is determined. It is, like other differences that may arise, to be disposed of. We say and you agree that we are not to be molested; but we say this is molestation; that it is an encroachment with a purpose of diminishing our fisheries and enlarging your own; it is a purpose of diminishing the fruits, the opportunities, the largeness and freedom of our enjoyment under that one word "unmolested," and we will not endure molestation. We will not cut and carve with you as to how many fishermen are molested, how many voyages are defeated, how much our market is defrauded. We want no molestation. We use it on our side without molestation to you, and you must use it on your side without molestation to us.

I insist upon the view that I take of the subsisting treaty arrangement between Great Britain and the United States, that the treaty of 1783 is in force and is only subject to such reduction and modification in point of substance and in point of duration as was made by the treaty of 1818. It is a deliberate and well-considered enlargement as to the freedom of our fisheries that they shall not be molested, and is still subsisting.

To enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence and at all other places in the sea where the inhabitants of both countries used at any time heretofore fish.

This substantially relates to what is called the deep-sea fishing, for a subsequent clause takes up under a new form or phrase of "liberty" an enlargement of what is thus before treated as matter of right. But it must be considered that this deep-sea fishery, which has not been curtailed by the treaty of 1818 and now subsists by the confession of public authorities, was determined on the part of Great Britain as to be still in force, still unrepealed by the war of 1812.

I ask your attention to our right to have this deep-sea fishery reserved unmolested. I shall hereafter point out what a fishery means, and what molestation or freedom or security from molestation means; but whatever belongs to the enjoyment of this fishery as a fishery in these regions belongs to us to be unmolested.

Now I come to what is spoken of as a question of liberty in the treaty of 1783:

And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America.

Then comes the right to dry and cure:

And that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador so long as the same shall remain unsettled; but as soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

What was the durability of those provisions? Were any of them subject to curtailment by parliamentary legislation, by provincial legislation, by custom, by interest of the shore population? There was no possibility of it. *Expressio unius est exclusio alterius.* What was the possibility—for there was an element of limitation to "unsettled coasts," where we had the right to cure and dry? What was to happen to us when these coasts became settled? Was our right excluded? Was the progress of settlement to reduce our enjoyment? Was municipal regulation, domestic policy, the interest of the settlements, to interfere with our rights? No, all the curtailment and diminution that came upon our thus stipulated enjoyment by the progress of population was that we must then treat it as settled in private proprietorship, as *meum et tuum*, between man and man, not that we were excluded from the populated region by treaty or by law, but by stipulation in our own treaty thus to be regulated, that when population spreads we would recognize private property and ownership, and that we could not engage in drying and curing, on their grounds, without an agreement with the private owners.

What more distinct and powerful statement can you have of the permanent condition, unrestrained by imperial or provincial legislation, than that our powers were not to be encroached upon by public au-

thority, but that within the present range, that is now a possibility, the individual owners that take possession shall have the ordinary right of making bargains for the possession and enjoyment of their own lands?

The whole critical exposition of any of the phrases either in 1818 or in 1783 is of the phrases that are used here. The same words in the several treaties mean the same thing.

Now, what was our "right" or our "liberty?" It was—

To take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use.

Here comes in this peccant preposition "on:"

And also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America.

Does the phrase "on bays" mean outside of a line drawn across the headlands of a bay? Here, originally and wholly undisputed, you have an elliptical expression, if you please, under which lurks a doubt not for that treaty but for the same phrases in other treaties. When, therefore, it is said "on such part of the coast of Newfoundland as British fishermen shall use," it may have been a discrimination between those and the French fishermen.

And also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America.

When we come to going ashore then this phrase is used:

And that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks.

That means that what was in the shore possession and shore enjoyment in all these bays, creeks, and harbors we should have this right so long as these appurtenances of the land, these inclusions of the sea, shall remain unsettled on shore.

We have therefore here an absolute, an admitted right to fish up to the shore-line. How do we get it? We get it under a liberty given to us to fish on the coasts, bays, and creeks, not using the word "in" or "inside them" at all. It, then, is a necessary provision, *ex abundanti cautela*, that when you come to a description of these shores you are to exclude a conclusion or pretension that "coast" stops with the opening of a bay, or stops even with the opening of a creek, or stops with the opening of a harbor, but that the coast-line follows from the trend of the coast into all its bays, harbors, and creeks, and our right of fishing is as clear up to the shore-line, inside as outside, and all under the preposition "on."

Does "on a bay," as used in the treaties, mean outside of a line drawn across the sea at the opening of the bay? Unless you can import this meaning into the treaty of 1818 from this brief and elliptical use of the preposition "on" in the treaty of 1783, you have an absolute evidence that the sinuosities are provided for *ex abundanti cautela*, as included in the coast-line.

In regard to Newfoundland, in the treaty, when no such words of inclusion of bays, etc., are used, have we not a right to go inside the bays of Newfoundland? But our only right there was "on such part of the coast of Newfoundland as British fishermen shall use." If coast-line is different from and does not include bays, etc., then we had no right on the Newfoundland trend of the coast whenever we came to a bay or other inlet.

But, Mr. President, there was no occasion for insisting upon specific use or distribution of the preposition, as between "on" and "in," under the treaty of 1783, until you come to say where you should have a right to land; that was given in these bays by limitation of them, and was introduced only to show for what purpose it might be done.

In the treaty of 1818 what is the situation and its relation to the treaty of 1783? In 1818 we made another treaty. Up to that time, by the American claim, the treaty of 1783 was in full force. The British claimed that the treaty, made immediately after the war, not having restored any rights of the fisheries, the war itself had abrogated the treaty of 1783. Upon this British pretension we were under need of making a new treaty stipulation in respect of our enjoyment of the fisheries. This British pretension was soon abandoned in regard to what is called the sea fishing, which, it was admitted, was not revocable. It might be said on the part of the British that clause of the treaty of 1783 was only securing to us what by the law of nations we had a right to. At any rate, that treaty remained in force and is now admitted to be in force in reference to the deep-sea fishing. Whether we could rest upon and be satisfied with the law of nations in that regard, the treaty of 1783 still subsists beyond contention as respects the sea fishing proper.

Mr. GRAY. Will the Senator object to my interrupting him with a question that I may understand him more clearly? I wish to ask the Senator from New York if we are to understand that our right to fish upon the Grand Banks and those other places in the ocean mentioned in the treaty of 1783 is, in his opinion, still dependent upon the concessions or stipulations of that treaty. It may be a misunderstanding on my part.

Mr. EVARTS. It never was dependent upon that. All that was stipulated to us was that, by our independence, we carried with us that right in those fisheries; and if, by the law of nations, now or then, we had no occasion for that stipulation, whatever force or need there is is still left in force in that treaty.

Mr. GRAY. I wish to ask one other question, if the Senator from New York will indulge me. Then, if that be so, is there any ground for the contention that the treaty of 1783 is now operative for any purpose, and is it not so far as being a subsisting convention abrogated, extinguished, and annulled?

Mr. EVARTS. I shall have occasion to show why I attach importance to the preservation of that treaty as now in force, in another aspect, but in this particular aspect there is no occasion for a nation that holds a double title, one of the law of nations and one of a covenanted obligation—when that covenanted obligation is accompanied with the condition in terms that we shall not be molested—giving up either. If we have two titles we do not propose to relinquish either one. If "unmolested" enjoyment was included in the covenant, then we are not driven to a recourse to the rule of the law of nations to determine the line of demarkation between our "unmolested" fisheries and their opportunities and temptations for molestation.

But I might not think it of importance enough for the present situation to insist very much upon this position, except in a certain aspect of what shall happen if the treaty of 1818 should be abrogated.

What did we undertake to do in 1818? There was a contention—let us express it fully—a contention on the part of Great Britain that by the war of 1812 the fishery clause of the treaty of 1783 was annulled, at an end. The contention of the Americans was that it was the partition of empire, and a perpetual agreement, and one of those agreements fundamental and incorporated in the very existence of our independence, incapable of repeal.

However, I shall not quarrel for the moment as to whether this or that contention was sound, or whether in intermediate space was found an agreement. The British gave up the pretension that what was expressed as our "right" was revocable, but hung upon the word "liberty," and that it was not a description of right, but was to be construed between the nations as an interpretation or expression of concession. That we always denied.

What did the negotiators do when they got together? What did they take up? Did they take up the situation as it stood between the nations as if the treaty of 1783 was not in force? It was in force in all respects, except their pretension of its partial abrogation and our counter contention that it was unaffected by the war. How did they take it up? Did they begin by saying, "Whereas the treaty of 1783 has been annulled by the war of 1812, and there are now or may be disputations as to our share in the fishing between the two countries, therefore we will make an original treaty to take the place of it?" Not at all. No negotiator of this country would have signed a treaty with that recital. No negotiator of Great Britain ever pretended to insist as a part of the renewed negotiations on an admission on our part that the treaty had been repealed in any jot or tittle of it by the war of 1812. Did they then take it up as annulled? Let us see. The first article of the treaty of 1818 begins as follows:

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish.

Of what use were disputes and contentions about a dead treaty? It was of a living treaty, opposite contentions about that treaty, which were to be appeased by undertaking an interpretation and limitation of that right.

What did we gain here? The limitation was upon the text and body of the treaty of 1783 as it stood. "Differences have arisen respecting the liberty" under that treaty. Let it be because we claimed it was in full force and they denied it, but this treats the treaty after its incorporation with the new arrangement as a treaty in subsistence. This is our agreement:

That the inhabitants of the said United States shall have forever.

A dispute had arisen under the treaty of 1783. The word "forever" is not found in that treaty, and we gained the word "forever" to be put in. But I must say that "forever" used in a treaty never outlives the treaty. I have never heard of a posthumous arrangement by which when a treaty was dead one of its provisions survived. However, it is another of those instances where we thought we would have in this provincial meddling about us a word in, so that if it turned on the question whether a subsequent war would affect it or not, this word "forever" would stand in the way.

Mr. GRAY. Yes, and we renounced it "forever."

Mr. EVARTS. I can not speak of all the clauses of the treaty *uno et eodem flatu*.

Mr. GRAY. I beg the Senator's pardon.

Mr. EVARTS. If the Senator will fix his mind on the parts as I am discussing them he will see whether anything is omitted or not.

Mr. GRAY. I am giving the Senator my best attention.

Mr. EVARTS. The treaty of 1818 proceeded:

forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands—

That is, this south red mark [indicating upon the map]—

on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands—

That carries us clear up to the northernmost point [indicating]—

on the shores of the Magdalen Islands.

What is the difference between shores and bays? Is there any difference? We understand what they both mean. Geographically they obtain the same result. The shore is in its etymological root "shear." What cuts off the land from the sea is the shore. The coast-line is what marks the difference between sea and land. It may not mean at any time any more or any less than that, so far as the use of the words themselves go. Whatever artificial limitations of rights may come out of general rules of particular countries or the law of nations, everybody knows where a line is between the coast and the water and between the shore and the water, and they are the same thing.

Now we come to the right—

To dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland herein above described, and of the coast of Labrador; but, so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

That is, it will require from each fisherman a private arrangement with the private proprietor concerning the land.

Here we have the same change from "on" to "in." When the treaty reads as to what is accorded to us, we have the right to fish "on the coasts, bays, harbors, and creeks from Mount Joly," etc.

Does that mean on the coast, not inclusive of bays, harbors, and creeks? Unless you can give this limitation to the right gained to fish on the coast, and not giving that right in the sinuosities of the harbors, creeks, and bays, as still coast-line, you do not get a right to fish in any of those. Your "on" must mean outside of a bay, in that contention, if you are to hold that when you come to the 3-mile belt it is the 3 miles outside the bay sea-line.

Now we come to the renunciation. It is historically true that, apparently, this definition and expression of our rights and liberties in the premises might have terminated without any negative limitations of exclusion. Under a motive which prompted our negotiators to show that this curtailment of our privilege did not rest upon the right of Great Britain, but on our exchange of our rights or our privileges as well as theirs, they provided these few lines, apparently unnecessary, except to secure this equality of right on each side in dealing in negotiation.

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed—

Following the same question of dispute about them—

by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

"The above-mentioned limits" were on the surface of the globe. The limits were geographical. The description of limits from Cape Ray to the Rameau Islands, and so on, was geographical, not limitations of enjoyment or of the penetration of that enjoyment into the sinuosities. Having thus the region definitely described, we proceed to describe, in the same sense and in the same language, our renunciation within geographical limits of others not included in the geographical limits that are thus settled as between us as a continued privilege of ours, and we use no single phrase or word of limitation except the 3 miles. We renounce this—

Within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

After we had renounced the fishing thus definitely geographically described, in dealing with the question of coasts, bays, creeks, or harbors, as a definition of the line, it is provided that our fishermen shall not enter into those bays, to wit, into that coast from which we had precluded ourselves. We had precluded ourselves from the coast. We had described the coast in the same language in which it had been described in 1783, as to what the right was; but after having thus excluded ourselves from 3 miles within the coastway including sinuosities, including harbors and bays, whatever they might be, we then said, but, even as towards those bays from which, as parts of the coast, we are precluded from fishing within 3 miles, we are to be allowed to enter—

for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

Now comes the first assertion of any reserved right of either imperial or municipal or provincial legislation on the subject; but in regard to this limited entrance into the portions of bays, where we could only go for hospitality and protection, the restrictions shall be such—

as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Therefore there is no restriction in regard to any port that we have recourse to for fishing in the bays or creeks that we have recourse to for drying and curing, because we have these privileges of hospitality on those coasts. In regard to bays in which we have renounced the right, either of drying or curing or fishing, it is claimed that we have renounced all privileges of unmolested hospitality which are appurtenant to our rights conceded in the treaties.

Now, what did these restrictions mean? I shall not enlarge upon them; I shall not dwell upon them; but it is incontestable that the situation between the two countries, at the time, was of absolute interdict in trade, not only a limitation of exchanges of subjects, or by bottoms or what not, but an absolute interdict of any approach of trade into any of the dominions of these Provinces as a part of the general policy of the empire of Great Britain. The fishery is a privilege in every degree, if you please, whenever it comes to trespass upon trade. It is an enlargement of privilege when no privilege at all was accorded for trade to anybody else.

What was the reason why these fishing vessels which thus went for shelter, or repairs, for wood and water, were subjected not only to express and extensive limitations, but to a reserve of legislation to protect them? It was not on account of the necessity of preventing fishing or curing or drying fish. Those could be protected against abuse in the fisheries inside, within the 3 miles. The whole point was to preserve the trade intact, and that was only in the interest of Great Britain and not of the Provinces. It was wholly in the interest of keeping up the circuit of trade by which whatever was to be in the nature of commercial intercommunication between the United States and the Provinces should go the circuit of sending over to England and from England sending to the Provinces.

Therefore this was all in regard to smuggling; it was all in regard to encroachment on prohibited trade. I can understand it perfectly well. But, out of that restriction and the allowance of regulations to secure them against smuggling or trading has grown a strict limitation of our fishing rights of hospitality. I am not now speaking of our claim of enlargement of hospitality under the commercial arrangements now covering, as we say, all vessels, including those engaged in the fisheries. But I ask your attention to the hospitality in its proper construction, in the judgment, I think, of every lawyer and of every publicist. What does it mean when fishing vessels engaged in their pursuit on the neighboring shores of another nation—what does it mean when by friendly and open stipulation there is secured a right for the purpose of "shelter, and repairing damages therein, of purchasing wood and obtaining water, and for no other purpose?"

What were those purposes? They were all the purposes that fishermen in their pursuit needed. All other purposes were of mere trade. But whether the fishermen could carry tobacco; whether they could exchange this, that, or the other, or break into the circuit which Great Britain tenaciously adhered to as to all trade of different outlying colonies, was another question. When it comes to a fishing smack, that is to pursue the business of fishing between friendly nations, of which the shores are contiguous, and the home of the fishing vessel and of the fishermen is remote, what did we need in the proper sense of the language used between two great nations, the United States and Great Britain, what did these fishing smacks want of "supplies?" They took from home whatever they needed for their voyages that should be uninterrupted and unprolonged by disaster. But wood and water they could not carry. They could not take a supply of water for a three months' fishing, and they could not take wood for all the occasions of their cruises. Therefore "wood and water" were a description of what they needed in that regard.

As to the matter of bait, at that time they could catch bait. There was nobody there to catch it for them. It was an unsettled region, and when wood and water were provided for, it was saying that "notwithstanding the absolute interdict of any comer in entering a harbor for trade, you, by the same token that you have a right to fish, coming from your foreign home, shall have a right to find wood and water there, without stint and without limit."

What else did we secure against the vicissitudes of the sea? Was it against the tempest only, or was it for protection during the periods when fishing was interrupted by the habits and the vagaries of the fish? The vessels are to go there for the purpose of shelter. It is now said that this means we have only a right to scud before the storm, get "shelter," and leave when the tempest is over; and we must be in the open sea during the long intervals of the activity of our fishing interests, with all the watch and ward and constant lookout for the recurring tempests. We have a right to shelter, not only against the storm when it comes, but during the interval that our fishing does not occupy us, that we must in the open sea watch the storm. This is an answer for a great and friendly nation to make to us when our fishing is to be maintained, or disparaged by the hospitality essential to it or its denial. I believe by this new treaty we can only stay in shelter twenty-four hours.

Mr. FRYE. Not more than twenty-four hours upon entering at the custom-house.

Mr. EVARTS. That is, we have not the privilege of fishing. We can not stay there more than twenty-four hours.

Now, let us look and see whether we find in the Government of Great Britain a disposition thus to narrow and limit the broad meaning of our stipulated facilities in our fishing interests.

And for repairing damages therein.

What are "damages?" Who limits the damages? The tempests and the waves limit the damages. And when we go in there under a stipulated treaty with a great nation that within the shelter of those bays we shall repair, do they mean by that that we shall have in stock, on board every one of these fishing sloops, a blacksmith shop and a hardware store, and all the provisions for repair? Why, a prime minister of England that would haggle about that thing could face no Parliament with that pretense. It means that we are to be there with

such rights and privileges as belong to every outcast and damaged vessel that needs succor, and that we shall have all that the shore affords. If we are to draw the vessel up on the beach and careen it and we have not force enough to do it, is the vessel to rot or go to pieces in the storm, because we can not hire provincial laborers for pay to have the vessel careened or hauled on shore? Shall we be told that if in the neighborhood we can find blacksmiths and shipwrights, and materials, we shall not have them and pay for them? Does it mean that if this be a coast where they are overtaken by a storm and we make our shelter, it is necessary for us to travel 20, 30, or 40 miles to a settlement to obtain workmen, materials, and supplies, and have them refused us?

I shall show that the whole motive, and the whole operation, and the whole (as I must conceive it) effrontery of these limitations that have been insisted upon by the provincials, has been to molest our fishermen, and deter them from their lawful pursuits.

Does not everybody know, would not every lawyer, would not every court, would not every Parliament say that when such language is used in an arrangement made "forever," anything contravening its natural effect is "molestation." I would like to hear somebody contradict that. What did they say "wood" for? Because "wood" was fuel, and if they had said "fuel" I suppose that would have included coal. But they said "wood." And now, when in the progress of discoveries we have contrivances on shipboard for dispensing with the bulk of wood and securing a compact provision of coal—and we need coal, because we have not any more fireplaces or stoves except those suited for coal—we are told that this treaty of 1818 was made to stipulate "forever" in the sense of hospitality, and provided for what we could not stow and carry. Now they say "we can not sell you coal; it is not so written in this treaty."

I never heard of such an interpretation being carried into a treaty—a treaty that is to last forever and is to adjust permanently rights, privileges, and hospitalities. Strange to say, and Senators will correct me if I am wrong, in this new treaty the only description of our rights is of "wood"—not an ounce of coal. After the difficulties, after the teasing, after the effrontery on one side and the boiling irritation against it on the other, the new treaty also is for "wood," and not for fuel so as to include coal.

Mr. GRAY. If the Senator will allow me, I would like to call his attention to what this treaty really provides for, in regard to the matter of which he has just been speaking. I will call his attention to the fact that the treaty now proposed to the Senate, being a treaty of interpretation of the treaty of 1818, mentions neither wood nor coal, nor "fuel" as the generic term for both. But the liberty and privilege and license to buy coal or wood or any fuel is fully provided for in the stipulation which allows fishing vessels on all occasions whatever to buy such supplies as are needed by traders.

Mr. EVARTS. That I understand perfectly well, but we are to pay for it all. We make a new bargain for it all. We throw away our own fisheries, we give up our coasts, we do everything except give a free market. We keep that one thing, but when you stand on the interpretation of our right, and our right to "wood" and wood only, still comes in even after the question of including "coal" has been raised.

Mr. GRAY. Do I understand the Senator from New York to say that the word "wood" is used in the treaty now before the Senate?

Mr. EVARTS. Yes.

Mr. MORGAN. Where is it? I have not seen it.

Mr. EVARTS. Well——

Mr. FRYE. Does the Senator from Delaware understand that there is any right in this treaty for our fishing vessels to buy whatever they please, as he states?

Mr. GRAY. I do.

Mr. FRYE. Is there not a limitation to a homeward voyage when the vessel is under distress?

Mr. GRAY. I do not understand that there is any such limitation.

Mr. FRYE. That is a very strange construction of the treaty, then.

Mr. GRAY. If the Senator from New York will indulge me, I would like to say a word in reply to the question propounded by the Senator from Maine as to whether I contended that there was any right in fishing vessels to buy fuel and all other supplies. I say unquestionably, under Article XI of the treaty now propounded, the right is attempted to be secured, and, if this treaty were ratified, would be secured, to fishing vessels upon all occasions whatever, to buy all needful supplies such as are usually sold to trading vessels, and that is the interpretation put upon it by the President, who sends the treaty to the Senate and comments upon it; it is the interpretation put upon it by the negotiators, and it is the interpretation that the language of the article justifies.

Mr. FRYE. Well, Mr. President, I simply desire to deny that. I say that no such interpretation is justified by the language; that if it is, the language in itself is utterly absurd. There is no provision there made for our vessels unless they are in distress and on the homeward voyage, and if the same vessel happens there again in distress and is on the homeward voyage she may receive that same provision that is made there—such provision as the Fiji Islanders would give us without any treaty. I do not want to have any further controversy about it.

Mr. GRAY. I do not believe that the Senator from Maine wants any controversy about it, or wants anybody to object to his construction of the treaty; but I want to say to him now, and I may have occasion to say it in my own time without trespassing on the courtesy of the Senator from New York, that Article XI does secure to American fishermen just those rights that I have enumerated; and if the Senator from Maine differs from me it is because he takes a narrower view of what this treaty means than the view I take and than that taken by those who advocate its ratification. We are advocating what we believe to be a broad and liberal provision in the interests of our fishermen; he opposes it because he believes it to be narrow and restricted.

Mr. FRYE. Not narrower than Sir Charles Tupper states it to be, I would say to the Senator.

Mr. GRAY. We must read the treaty within the four corners of it, and not what Sir Charles Tupper says about it.

Mr. EVARTS. Article XI of the treaty is, it is said, subject to opposing constructions. I shall have occasion, when I come to comment upon articles in detail, to treat that article in connection with the whole text of the treaty. But my eye now rests upon this word "wood:"

> They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, etc.

Now, does that word "wood," in the new treaty, mean "fuel?"

Mr. GRAY. You are quoting there the language of the treaty of 1818.

Mr. EVARTS. I am now reading the treaty before the Senate:

> When therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water.

Now, after this inquisition into the narrowness of "wood" as excluding "coal"—for of course that word excludes coal in the new treaty—let me call attention as rapidly as possible to the course of dealing between the countries since 1818. The first consideration in regard to the treaty of 1818 is that the treaty of 1783 is in force except as modified by the substitute arrangement of 1818, which affected only the liberties, and only the renunciated liberties, and as long as the treaty of 1818 remains in force. If the treaty of 1818 should be denounced by Great Britain, as it might be, and as it appears it would be if the perversity of the Provincials could induce that government to do it, then the treaty of 1783 revives, in all its provisions, subject only to an open question as to whether the war of 1812 had abrogated it.

When the Senator from Alabama [Mr. MORGAN] was talking about the propriety of abrogating the treaty of 1818, and mentioning his preference for that heroic form if he could be assured that our Government could back it up with war to insist upon the privileges of 1783, I asked him what he regarded to be the consequence, in public law, of its abrogation or denouncement, by either power—I refer to Great Britain and the United States—waiving the question of our abrogation, and he said that we should be without any treaty whatever. Now, my contention is that if the treaty of 1818 should be denounced by Great Britain, the treaty of 1783 would be in force—in force according to our American conception—subject to its proper interpretation whatever it was—subject only to notice on the part of Great Britain that they had claimed to treat the war of 1812 as an abrogation of the treaty of 1783, and our contention that it was not and never had been such an abrogation. And that will be the attitude between the two countries. If the treaty of 1818 passes out, then the treaty of 1783 comes back, one nation contending that it is in force and the other that, *pro tanto* at least, the war of 1812 had abrogated it.

Abundant authorities will show that nothing was more unfounded than the British pretension that the treaty of 1783 had been abrogated. Never, as we think, and so far as I know down to this moment, has it been contended that this Government conceded that the war of 1812 effected the abrogation.

Now, as rapidly as possible, I will endeavor to show what course of treaty, of negotiation, of diplomatic correspondence regarding the treaty of 1818, and its natural and reasonable pursuance of our rights, has appeared in what has passed between the two countries.

My proposition, in short, is this, that the object of the Canadians has always been not to observe the treaty of 1818, not to recognize our rational pursuance and protection of our fishing rights, but to make a persistent encroachment on these liberties and produce, at least, an irritation that would drive us into what? Not to any calm consideration of what the proper meaning of this treaty is, but an irritation of this great, patient, good-tempered, and magnanimous nation into ridding ourselves of these worriments upon our flanks by giving the Canadians things that they were eager for but that had nothing to do with their treaty rights in the matter of their and our respective fisheries.

They wanted an interchange of products of the coterminous territories; they wanted a free market for their fish; and their purpose was not to have delimitation, not to have an insistence on our part or an insistence on the part of Great Britain nor a treatment of the question that becomes those great nations; but their point was to aggravate and emphasize the opportunities and occasions of difference and of friction and of irritation and substitute that object and end as the body and substance of their treatment towards us.

I shall endeavor to show that whenever these treaties were made the

occasion of strife or of force, when the powers of the United States and Great Britain were drawn into requisition to watch and protect the fishery rights, that was never according to the heart or the purpose of the Provinces; but that all should be diverted from a solution, and our country and Great Britain be inclined, under a treatment of provincial interests, to make arrangements and experiments of another kind and intent that should subordinate the line of demarkation in fishing to the prosperous and provident arrangement in their interest by which these other ulterior commercial operations would come into play.

From 1818 to 1843 it can not be said, in any proper sense, that the fisheries were a prominent occasion of marauding or a charge of marauding. Of course the beginning may be dated back to 1839. In 1843 the situation was produced, but it was on the part of the Provincials in preparation for an attempt to get reciprocity for a fish market. That went on until this Government declined entering into such an arrangement, and the Provinces, greatly irritated to be sure, succumbed; and from 1845 to 1851 diplomatic correspondence on the subject of the fisheries passes out of our view. In 1847 the Provinces had undertaken to proffer, by reciprocal legislation, a provision by which the natural products of the sea and of the coterminous region, that is of their territory and ours, should be interchanged. They passed a law in 1847, but Congress refused the desired reciprocal legislation. That irritated the Provinces still more, and they undertook to cause us some annoyance. Then the teasing began, and Great Britain began to insist upon her interpretation. Then came the debate in the Senate and the letter of Mr. Webster in 1852, until the end was gained—not of determining what the line was of interpretation of the treaty of 1818, but of overlooking it and making an arrangement about trade that swallowed up the treaty right and swamped the treaty interests on either side. In 1851 we made the treaty of reciprocity.

Mr. MORGAN. Will the Senator allow me to ask him whether he can cite any case or authority for saying that we had rejected overtures of reciprocity before 1854 made to us in diplomatic form by the Government of Great Britain?

Mr. EVARTS. No.

Mr. MORGAN. The Senator can not do it?

Mr. EVARTS. I do not say that I can not do it. I only say——

Mr. MORGAN. I have never seen anything of the kind and I do not believe it exists. I believe the proposition came from us for reciprocity in 1854.

Mr. EVARTS. I do not say anything about it; whether I could say it is another thing. I adhere to what I have said; but that all the irritation tended on their side to reciprocity and that there was no such tendency upon our part is plain. I have brought that to the test. In 1847, despairing of treaty arrangements, they undertook in comity and good neighborhood to have reciprocal legislation. In 1847 they passed a law that should have effect when we passed a corresponding law, and we refused reciprocity.

Mr. MORGAN. If I understand the Senator from New York, his position is that the Government of the United States in 1854 was worried by the Canadians into the reciprocity arrangement, that they were "teasing," as the Senator has expressed it, and "iritating" and pressing until after awhile they worried this Government into the reciprocity arrangement.

Mr. EVARTS. Yes.

Mr. MORGAN. That was the way of it?

Mr. EVARTS. I understand that the system of worrying was always brought into play whenever we asserted our rights in fishing, and they asserted their contravention of it, in order to bring us to a departure from the fishing interests to the trading and commercial interests. There never has been a doubt of it. Whenever this irritation and teasing in the interests of trade induced the governments to try experiments of reciprocal interchange, then this resort merged the causes of irritation, and any adjudications or determinations were also merged therein for the time.

At every stage when the Dominion undertook to enforce the line of a bay or a headland line, or anything else, the British Government declined, and there never was an attitude of practical enforcement that the British Government were ready to assume towards us of the headland or the bay line in question. The matter passed off, the question passed off, on the part of the Provinces when they found that the British Government would not back them up, and merged the question into reciprocal trade.

In 1843, when an urgent political situation existed, seizure was made, outside of 3 miles, of the Washington and the Argus. That was settled. How long, how little time, between nations are instances to be submitted to arbitration as settling a principle without its being settled, when it is determined and the award is paid? How in our courts—how in this great court, the supreme tribunal here—how is a question settled between private parties by suits between A and B to determine whether a law of a State or a law of the United States is unconstitutional? And when the court determines that question by releasing the defendant from liability, or holding him, the instance settles the proposition. The Government of England has never shown any alacrity to discuss the question whether these seizures were within 8 miles or 10 miles or within headlands or within bay—but as nothing but a decision whether it was within 3 miles. And not a seizure has been made since without that belt.

Now, let me ask attention to what the British Government did. In 1842, or thereabouts, some legal opinions were given by the law advisers of the Crown. In 1842 what did Lord Stanley write to Lord Falkland when the agitation was flagrant on the subject? Was Lord Stanley in a hurry in communicating the opinions to the governor-general? They were finally forwarded in November, 1842, accompanied by a letter to Lord Falkland stating that—

> The subject has frequently engaged the attention of myself and my colleagues with the view of adopting further measures, if necessary, for the protection of British interests in accordance with the law as laid down in the opinion. We have, however, on full consideration, come to the conclusion, as regards the fisheries of Nova Scotia, that the precautions taken by the provincial legislature appear adequate for the purpose, and that being practically admitted by the Americans, no further measures are required.

And the British Government took no further measures.

What was the next step? In 1843 the question was raised by the seizure of the Washington and of the Argus, and the umpire, Mr. Bates, an eminent and able man, a native of Boston and an American citizen, was fixed upon as an arbitrator by the British Government and acceded to by us, and that arbitrament is before the Senate and has been commented on—and commented on in such communication between the Governments as might be. My comment on that is that the British Government had before practically taken the position and the point that these decisions of the umpire were, practically, decisive on the subject of the 3-mile limit and are yet undisturbed.

Then Mr. Everett and Lord Aberdeen and Lord Stanley went on and the British Government were on the point of consenting to a final and peremptory communication to the Provincial authorities that they were not going to insist on any line outside of the 3 miles. Mr. Everett wrote home that that communication was to be made, and that communication was prepared to be made. Then the Provinces undertook a teasing, again, of Great Britain, with regard to their interests, and a withholding of that deliberate opinion and conclusion and concession—to worry through their interests, if they could. And in 1854 that worrying ended in the reciprocity treaty.

Now, look at the immediate effect on these friends of ours—our amicable neighbors—for they can only be found fault with for too great zeal in their own interests, as, for instance, by construing "wood" as not equivalent to fuel—from the making of the reciprocity treaty until its abrogation.

> Nova Scotia increased in wealth and prosperity at a most extraordinary rate. From its abrogation until the present—

This was written in 1869—

> we have retrograded with the most frightful rapidity.

That is the attitude. Who would not fight for unexampled prosperity against frightful calamities? Our friends have never in the agitation been ready to meet the awkwardness of the interpretation, nor has Great Britain ever been willing to stand a challenge to adhere to it. This process, this method of the Provinces is an impetration upon us in the absence of logic. As Hudibras says, it works—

> Not by force of carnal reason,
> But indefatigable teasing.

And it has been very successful. You can tease a great and powerful and neighboring nation with prosperity open all around us. When we are brought into a critical period of resisting rights, then, under the anomalous condition by which England, in its relation to its Provinces, has always undertaken to treat with us, as it were, *per interpositam personam*, it is left for the Provinces to make trouble, to make complaints, to make the teasing and the imputations, and then they say to the Canadians, in effect, "Well, we can not back you up in these methods, but we will let you run along if you can prevail on your great neighbor to give what you seek," and that is, reciprocity and a free market.

The convention of 1854 was an experiment which might be anticipated as to result in benefits one way or the other. It was an honest arrangement, made and adhered to, which we were beguiled into making. It was not imposed upon us. What was called reciprocity and equality in phrases may not be equality in substance. They said "Give us markets for all the things we can raise, and we will give you markets for the same things." Well, what a proposition! What market had they there for us? What a market had we here for them! Different industries, a different population, a different distribution of gains, of wages, of independence, of conditions of life. I waive all that, but our market is illimitable. We are told that it is reciprocity to say "we will buy of you if you will buy of us."

In order to make reciprocity equal we should say, "We will buy as much of you as you buy of us," and until we come to a fair and full understanding with the Dominion upon the tariff and upon the fisheries and upon reciprocity in productions, we can understand what specific exchange of markets, to be equal, must be and no more. "We will buy as much of you as you will buy of us." But to say that it is equality to give up our omnivorous market for the limited, the stinted consumption on the other side is but a phrase-monger's equality.

Mr. GRAY. I am very loth to interrupt the Senator from New York, but I will call his attention to the fact that the statistics of trade

between Canada and the United States during the existence of the reciprocity treaty show that the balance of trade was on the side of the United States, and that we sold the Canadians more than we bought of them.

Mr. EVARTS. We tried it for twelve years, and we were satisfied which side the balance of advantage was. That does not alter the progressive opportunity of an illimitable market. It is only limited by their power of producing. They built themselves up. They did build themselves up through the reciprocity, as I have read to you. An example of prosperity and an alarming rapidity of decline on the abrogation—that is what the experience of reciprocity showed.

Mr. President, it may be fairly said that from 1845 until 1885, which is forty years, or if you take it more peremptorily, from 1854—thirty years—there has been a *modus vivendi* created out of reciprocity between the Provinces and ourselves. It has been our withdrawal of their interest of interference with our fisheries, by the great benefits conferred upon them of the reciprocity granted by this treaty. We may, therefore, treat the attitude of the new Administration when it came into power and had occasion in the spring of 1885 to take up the actual attitude, as having before them between the two countries a long period of from thirty to forty years, in which the acerbities and the irritation between the two countries on the question of the fisheries was neither evident nor obtrusive.

I do not omit from consideration the interval of four or five years between the termination of the reciprocity treaty of 1854 (that is, from 1866) and the renewal of reciprocity by the treaty of 1871. There was an easing off at any rate and a contrivance of a *modus vivendi* by our fishermen purchasing licenses, which were expected to work favorably and usefully to the exchequer of the Provinces, and which was calculated to assuage the irritation growing out of the termination of the treaty of 1854. But that scheme proved a complete failure. There were some thousands of dollars, I believe, paid in licenses when $2 per ton was charged, when $1 was charged, and when 50 cents was charged.

That came to an end. It was a wicker-work of bullrushes against the tide of our prosperity. Then came the treaty of 1871, in regard to which this is to be said, that the treaty of 1871 was prompted and occupied by much greater questions than the fisheries. No more benevolent or far-sighted diplomacy was ever put in motion between two great nations than that which was started from this side of the water, under the direction of Governor Seward, to extract a grievance which would, if not assuaged, have been an irremediable wound between them.

Thursday, August 9, 1888.

Mr. EVARTS. Mr. President, I had undertaken to expose to the consideration of the Senate, yesterday, the tenor and treatment between the two governments touching upon this fishery privilege and right, its exercise, and its obstruction, and had brought myself to the last treaty bearing upon this matter, and that is the treaty of 1871; but I will, for a moment, complete any references that I needed to make as to the attitude of the British Government to these pretensions on the part of the Canadians and towards the United States whenever the topic became critical and pressing.

I think I did not refer to what occurred in 1852 on the eve of the events which led to the treaty of 1854. Things being ripe between the governments for action in these fishing regions, orders were given to Sir Thomas Hardy merely to prevent Americans from fishing within 3 miles from the shore. At that time the matter thus stood, and until the decision of the umpire in 1853. When we were approaching the period immediately antecedent to the treaty of 1871, this was the final treatment on this subject by Earl Kimberley, the secretary for the colonies in 1871, in a letter to Lord Lisgar:

> The exclusion of American fishermen from resorting to Canadian ports, except for the purpose of shelter and of repairing damages therein, purchasing wood and of obtaining water, might be warranted by the letter of the treaty of 1818 and by the terms of the Imperial act, 59 George III, chapter 38, but Her Majesty's Government feel bound to state that it seems to them an extreme measure, inconsistent with the general policy of the empire, and say they are disposed to concede this point to the United States Government, under such restrictions as may be necessary to prevent smuggling, and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects.

Mr. President, although the British Government has spoken with reserve in its communications with provincial authorities by saying that this or that might be the strict letter or construction, the British Government has never announced as towards this Government that it would insist upon any such interpretation and conclusion to be put in action; and this polite intercourse between the ministry abroad and the authorities of the Provinces means only this: Whatever you may urge upon Great Britain in adoption of these extreme interpretations and these harsh exactions and enforcements, we wish you to understand that the British Government has undertaken to enter into no such situation and no such engagements in your favor towards the United States.

Now, a little out of order, perhaps, and yet as bearing upon the question as to whether the course of the Provinces has been followed as a means of aggravating and molesting the fishermen of the United States in the exercise of their pursuits, I will call the attention of the Senate to a very remarkable letter, and a very creditable letter, from Mr. Bayard to Mr. Phelps, dated the 8th of February, 1887. After some introductory observations of approval of Minister Phelps's course, the Secretary proceeds:

> As part of the general case, and as bearing with unusual clearness upon the Canadian claims of construction of the convention of 1818, I transmit herewith copies of a note from Sir Lionel West, dated the 28th ultimo, inclosing a dispatch from Lord Lansdowne, governor-general of Canada, to Mr. Stanhope, dated November 9, 1886, which is accompanied by reports of the committee of the privy council for Canada, and of Mr. Thompson, the minister of justice at Ottawa.
>
> It may be noted that this reply of the British minister at this capital to my note to him of May 20, 1886, is dated on the 28th ultimo, giving some eight months for the completion of the circuit of correspondence.
>
> At page 15 of the printed inclosure and in the last paragraph will be found the explicit avowal of claim by the Canadian Government to employ the convention of 1818 as an instrument of interference with the exercise of open-sea fishing by citizens of the United States, and to give it such a construction as will enable the fishermen of the Provinces better to compete at less "disadvantage in the markets of the United States" in the pursuit of the deep-sea fisheries.
>
> At the outset of this discussion, in my note to Sir Lionel West, of May 10, 1886, I said:
>
> "The question, therefore, arises whether such a construction is admissible as would convert the treaty of 1818 from being an instrumentality for the protection of the in-shore fisheries along the described parts of the British American coasts into a pretext or means of obstructing the business of deep-sea fishing by citizens of the United States, and of interrupting and destroying the commercial intercourse that since the treaty of 1818, and independent of any treaty whatever, has grown up and now exists under the concurrent and friendly laws and mercantile regulations of the respective countries."

The Secretary proceeds:

> When I wrote this I hardly expected that the motives I suggested, rather than imputed, would be admitted by the authorities of the Provinces, and was entirely unprepared for a distinct avowal thereof, not only as regards the obstruction of deep-sea fishing operations by our fishermen, but also in respect of their independent commercial intercourse, yet it will be seen that the Canadian minister of justice avers that it is "most prejudicial" to the interests of the provinces "that United States fishermen should be permitted to come into their harbors on any pretext."

Now, in the politeness of this diplomatic intercourse it is easy to appreciate what penetration had discovered before, but it was perhaps not so demonstrated as to justify the suggestion of what I have alleged as the object, as the motive, as the instigation, as the stimulant of the treatment we receive in molestation of our enjoyments, the restriction of our secured treaty privileges. The object is an ulterior one, that there shall not be an adequate and an impartial devision between us of the stipulated rights of fishery under the treaty of 1818, but that the Provinces are determined that by such use, according to a very famous phrase, of "the means that God and nature have put into their hands," they mean to exclude and to disparage and to enfeeble and impoverish the profits and enjoyments of our fishing industry.

Mr. MORGAN. Before the Senator gets away from the historical view of the case which he has just been presenting, I think it is quite fair to him to say that for the statement of the British attitude upon the subject of the bays and the headlands I rely upon the confidential memorandum for the use of the commissioners on the part of the United States in the American-British Joint High Commission that was communicated to our commissioners by the Secretary of State, and the statement is made at the close of a very long historical narrative of events connected with this treaty of 1818, to inform our commissioners of what was the true attitude of the British contention.

Mr. EVARTS. Does the Senator mean the present commissioners?

Mr. MORGAN. No, I mean the commissioners of 1871. This doubtless has escaped the Senator's attention, but our Government, as I understand it, in this matter had committed itself in 1871 absolutely to a recognition of what the British contention was and laid it before our commissioners, and presented the attitude of that government towards ours on the subject of the headland theory and the interpretation of the words "bays, creeks, and harbors" in the treaty of 1818.

On June 3, 1870, says Mr. Fish to the commissioners:

> Mr. Thornton communicated officially to the Department the instructions issued to the commander of the British naval forces, by which it would appear that, notwithstanding the decision of the umpire in 1853, Her Majesty's Government in 1866 were "clearly of the opinion that by the convention of 1818 the United States have renounced the right of fishing not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek; but that they are not disposed, for the present, to enforce what they regard as their rights."—*Foreign Relations*, 1870, page 419.
>
> The whole correspondence in the book last cited, from page 407 to page 434, bears directly upon the issues now raised.
>
> Mr. Thornton informed Mr. Fish that he had "received instructions from Earl Granville to explain to Mr. Fish that the instructions respecting the limits within which the prohibition of fishing is to be enforced against the United States fishermen are not to be considered as constituting an arrangement between the governments of the United States and of Great Britain, by which Canadian rights are waived, or the United States fishermen invested with any privilege.

It appears to me that that is a thorough committal on the part of our Government to its own commissioners in regard to the attitude of the British Government, and it was left in that condition.

Mr. EVARTS. There is nothing in the statement which my friend from Alabama reads that at all interferes with the propositions I have laid down. I have allowed that the British Government permitted the Provincials—I will not say to hold *in terrorem* over the United States, but that they should use it as a make-weight, as far as they could, to press forward to the ultimate object, which was the acquisition of our market by the Canadian fishermen and the participation of the reci-

procity of products on each side of the line. The statement read that the British Government wished to reserve, that they had not committed themselves to a waiver of these pretensions, I find nothing in force or in terms that in that statement varies from that which I have adduced as the attitude and feeling of the British Government whenever the critical point was reached as to whether this or that practical enforcement was to be insisted upon.

Mr. MORGAN. Will the honorable Senator from New York indulge me one moment?

Mr. EVARTS. Yes, sir.

Mr. MORGAN. I wish to get the record right about this. When the treaty of Washington was in full force in 1874, "A draught of a treaty for the reciprocal regulations of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals and for their use by the United States vessels on terms of equality with British vessels, together with a report from the Secretary of State," was sent in by President Grant June 18, 1874.

The proposed treaty was read and referred to the Committee on Foreign Relations. That treaty contained, as I count, one hundred and forty articles or classes of articles for reciprocal interchange between the United States and Canada without paying duty in either country, and in that list are included fish of all kinds, fish products, and all other creatures living in the water, except fish preserved in oil. That would include shell-fish. General Grant in sending that treaty to the Senate accompanied it with the following message:

To the Senate of the United States:

The plenipotentiaries of Her Britannic Majesty at Washington have submitted to the Secretary of State, for my consideration, a draught of a treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals and for their use by United States vessels on terms of equality with British vessels. I transmit herewith a report from the Secretary of State, with a copy of the draught thus proposed.

I am of the opinion that a proper treaty for such purposes would result beneficially to the United States. It would not only open or enlarge markets for our productions, but it would increase the facilities of transportation from the grain-growing States of the West to the seaboard.

The proposed draught has many features to commend it to our favorable consideration; but whether it makes all the concessions which could justly be required of Great Britain, or whether it calls for more concessions from the United States than we sho ld yield, I am not prepared to say.

Among its provisions are articles proposing to dispense with the arbitration respecting fisheries, which was provided for by the treaty of Washington in the event of the conclusion and ratification of a treaty, and the passage of all the necessary legislation to enforce it.

These provisions, as well as other considerations, make it desirable that this subject should receive attention before the close of the present session. I therefore express an earnest wish that the Senate may be able to consider and determine, before the adjournment of Congress, whether it will give its constitutional concurrence to the conclusion of a treaty with Great Britain for the purposes already named, either in such form as is proposed by the British plenipotentiaries or in such other more acceptable form as the Senate may prefer.

U. S. GRANT.

WASHINGTON, *June* 18, 1874.

I do not know, Mr. President, that anybody ever held a higher relation of authority and influence in the Republican party than General Grant, and I do not believe that you ever had a man who deserved more. He was a very wise and able man; I always have thought so. I understand that message to be a distinct avowal on his part not only in favor of general reciprocity with Canada, but to include what had never before been included in any treaty, fish of all kinds, including even shell-fish and the animals of the sea of every kind, to be exchanged reciprocally between these two countries. I desire to call the attention of the Senator from New York to that fact, because I shall rely upon it in remarks that I shall have to make on this treaty hereafter in showing both the attitude of the Republican party and the real state of the question.

Mr. EVARTS. I shall not occupy myself further, nor have I very much so done hitherto, with the topic of what the action of the different parties had been on matters of negotiation. The record of them all is open to all. The conduct of affairs until 1860 was in Democratic hands, with the exception only of the period of President Harrison in 1841, followed by President Tyler filling out his term, and then the term of President Taylor filled out by President Fillmore. The treatment by Democratic Administrations included the Presidencies of Monroe, of Adams, of Jackson, of Van Buren, of Polk, of Pierce, and Buchanan, all of whose administrations were periods of Democratic conduct and responsibility.

In 1860 it can be very well understood that other matters occupied the attention of this Government than the pressure of interests connected with the fisheries; and when a conclusion of the civil war was reached and the process of reconstruction, we come to a period when, as I stated yesterday, the very benevolent and very far sighted diplomacy of Governor Seward took up the situation between these two Governments as produced by the grievances we had suffered from the course pursued by the British Government and the British public while our civil war was raging.

That grievance Mr. Seward thought, that grievance I think now, all sober and thoughtful minds that had been in loyal relation to the Government in suppressing the rebellion felt must be extracted from between the Governments or that it would produce, as I stated yesterday, an immedicable wound. What then was the situation? To bring this great nation, this great friendly nation, into such a discussion by reason and by arbitration that should solve and measure this grievance and extract it. Undoubtedly the British Government was very reluctant to enter into such a solution. Nor did their public men imagine at the outset that they could be brought by any considerations whatever to that disposition; but they were brought to it under a persistent, a mild and persuasive, but a convincing, diplomatic correspondence that made it apparent that when there was an opportunity between these nations to consider in calmness and in peace this antecedent transaction, they must need to treat it, when unhappy provocation to it might arise, by a much heavier, a most calamitous arbitrament.

Two treaties then were made, but the Senate rejected them as not carrying the obligation of the British Government far enough. Then, under the wise administration of General Grant and the wise and prosperous conduct of our foreign relations by Secretary Fish, there was brought about an assemblage of grave questions that formed the subjects of the treaty of Washington. Whatever may be thought defective, or whatever may have been disappointed in reference to the inferior topic of the fisheries there embraced, this was as great a treaty as ever was made between great Christian and friendly nations, resulting in composing a strife that, but for the large reach and the civil prudence shown on both sides that was brought into play, would never have been disposed of without breaking the peace of the world.

When General Grant had taken the attitude by an announcement that this Government would acquire by purchase and payment the private grievances inflicted upon our shipping on the seas, and thus the United States should stand face to face with Great Britain in the prosecution of all these rights, both of citizens and their maritime property and of the United States in its national grievances, there came about a disposition, honorable on both sides, to make this treaty dispose of, as well, this great and direct contention as other inferior matters still unadjusted between the countries. The great subject of the Vancouver Straits, the division there that had never been settled, was brought into the assemblage and the ever-present fishery dispute put into this budget and was disposed of.

Senators will understand, and the public men of England and the public men of the United States, understood that the treaty of 1871 was not brought about between these two countries for the purpose of renewing and settling the fishery troubles. They formed but an item of easement to the great and principal topics, greater than were ever before placed between two great countries, and of course, when the dignity and the pride and the reason of Great Britain were brought into an arrangement for leaving to other great nations what her conduct had been and her responsibility in the matter, this other great question becoming pressing of the division of the straits on the northwest, of course if this would seem to be or should be an item of arrangement and consultation, why should it not be embraced? And when we came to the suggestion that this matter of the great fisheries might also be included, when this proposition was made, the fisheries matter bore its part in the great settlement. When we came to that minor topic, when the great and principal questions had been arranged for according to the reasonable, but yet the firm demands of the United States, it might readily excuse in the negotiations a facility and a generosity on our part in regard to this lasting and favorite topic, not of Great Britain, but of the Provinces.

There were several advantages that grew out of the actual treatment of the fishery question under the treaty of 1871. In the first place this treatment illustrates the unbounded audacity of the Provinces in pretensions which they put forward in regard to the values of what they had to exchange with us for what they desired from us. The vast advantages to them that were to be communicated by us in exchange for what they had to part with and without which the treaty would be of no value to them, I mean our market, were apparent. But as soon as this market was conceded under their demand of this condition as the only exchange of equivalents that could compensate the Provinces for the immense concessions they wished us to understand they would have made in exchange for our market—when this was gained the whole tone and estimate of these equivalents was changed.

When we came to weigh and estimate these respective advantages of free fish on the one side and inshore fishing on the other, the Provinces took the ground that there was really no advantage at all to them in the free fishing; that this fiscal arrangement was as important, if not more important, to us than it was to them. But a comparison of values between inshore fishery and the free market for the Canadians in our consumption, seemed to show this was an absurd proposition. How can you contend for a moment, we answered, that any make-weight should be thrown in for the inshore fisheries, beyond the advantage of the free market? Well, the matter was good-naturedly disposed of, apparently, upon the notion pressed upon us, as most satisfactory to the Provinces if, at least, it shall be shown them there has been an impartial examination provided for into this comparison of the equivalents that were exchanged, to determine whether a make-weight was necessary in the nature of owelty of partition. Under this easy complaisance on our part we were served with a demand on the part of the Provinces of $15,000,000 for the enjoyment of the inshore fisheries for the twelve years, as a make-weight to be counted and meas-

ured in exchange for and over and above what we had given in our free market for their fish.

Mr. MORGAN. The Senator from New York will indulge me while I call his attention to the protocols that were agreed upon by the negotiators of that treaty in regard to this fishery business:

The subject of the fisheries was further discussed at the conferences on the 7th, 20th, 22d, and 25th of March. The American commissioners stated that if the value of the inshore fisheries could be ascertained the United States might prefer to purchase, for a sum of money, the right to enjoy, in perpetuity, the use of these inshore fisheries in common with British fishermen, and mentioned $1,000,000 as the sum they were prepared to offer. The British commissioners replied that this offer was, they thought, wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States free of duty of fish, the produce of the British fisheries, did not form a part, adding that any arrangement for the acquisition by purchase of the inshore fisheries in perpetuity was open to grave objection.

The American commissioners inquired whether it would be necessary to refer any arrangement for purchase to the Colonial or Provincial Parliament.

The British commissioners explained that the fisheries within the limits of maritime jurisdiction were the property of the several British colonies, and that it would be necessary to refer any arrangement which might affect colonial property or rights to the Colonial or Provincial Parliament; and that legislation would also be required on the part of the Imperial Parliament.

During these discussions the British commissioners contended that these inshore fisheries were of great value, and that the most satisfactory arrangement for their use would be a reciprocal tariff arrangement, and reciprocity in the coasting trade; and the American commissioners replied that their value was overestimated; that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation; and that they could hold out no hope that the Congress of the United States would give its assent to such a tariff arrangement as was proposed, or to any extended plan of reciprocal free admission of the products of the two countries; but that, inasmuch as one branch of Congress had recently, more than once, expressed itself in favor of the abolition of duties on coal and salt, they would propose that coal, salt, and fish be reciprocally admitted free; and that, inasmuch as Congress had removed the duty from a portion of the lumber heretofore subject to duty, and as the tendency of legislation in the United States was toward the reduction of taxation and of duties in proportion to the reduction of the public debt and expenses, they would further propose that lumber be admitted free from duty from and after the 1st of July, 1874, subject to the approval of Congress, which was necessary on all questions affecting import duties.

The British commissioners, at the conference on the 17th of April, stated that they had referred this offer to their Government, and were instructed to inform the American commissioners that it was regarded as inadequate, and that Her Majesty's Government considered that free lumber should be granted at once, and that the proposed tariff concessions should be supplemented by a money payment.

The American commissioners then stated that they withdrew the proposal which they had previously made of the reciprocal free admission of coal, salt, and fish, and of lumber after July 1, 1874; that that proposal had been made entirely in the interest of a peaceful settlement, and for the purpose of removing a source of irritation and of anxiety; that its value had been beyond the commercial or intrinsic value of the rights to have been acquired in return; and that they could not consent to an arrangement on the basis now proposed by the British commissioners; and they renewed their proposal to pay a money equivalent for the use of the inshore fisheries. They further proposed that in case the two governments should not be able to agree upon the sum to be paid as such an equivalent, the matter should be referred to an impartial commission for determination.

The British commissioners replied that this proposal was one on which they had no instructions, and that it would not be possible for them to come to any arrangement except one for a term of years and involving the concession of free fish and fish-oil by the American commissioners; but that if free fish and fish-oil were conceded, they would inquire of their Government whether they were prepared to assent to a reference to arbitration as to money payment.

The American commissioners replied that they were willing, subject to the action of Congress, to concede free fish and fish-oil as an equivalent for the use of the inshore fisheries, and to make the arrangement for a term of years; that they were of the opinion that free fish and fish-oil would be more than an equivalent for those fisheries, but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent, it being understood that legislation would be needed before any payment could be made.

The subject was further discussed in the conferences of April 18 and 19, and the British commissioners having referred the last proposal to their Government, and received instructions to accept it, the treaty Articles XVIII to XXV were agreed to at the conference on the 22d of April.

I understand that was a proposition coming from us to give them free fish and free oil.

Mr. EVARTS. I yielded the floor to the Senator for an inquiry, but certainly the Senator can hardly have supposed that I was not familiar with that protocol and everything connected with it. It has no more to do with the progress of my debate than all the other examinations that have been made on all sides of this Chamber as to the history of the relations between the two governments.

Mr. MORGAN. I beg the Senator's pardon for the interruption, Mr. President. I will not renew it, of course. I understood the Senator to say that the proposition for free fish had been forced on our Government all the time by the anxious and determined worrying, as he said yesterday, by the efforts of the British Government to force us into a condition where we must accept free fish. I understand that General Grant and this protocol both offered free fish.

Mr. EVARTS. Whatever I said is in the record. It is a service and an advantage in debate by interpellation to call attention to facts; but to intrude into a speech documents to support an opposite opinion does not seem to me to be within the range of valuable intercommunication between Senators.

Mr. MORGAN. The Senator from New York is an able and experienced statesmen, and he made a statement yesterday and to-day that I think is contradicted by the record with which he says he is entirely familiar.

Mr. EVARTS. The Senator's interposition is unnecessary. He has an abundant opportunity in the resources of his own reason and his own explorations, including these documents, to refute my propositions as he may think it suitable.

Mr. President, the treaty of 1871 included this disposition of the fisheries, and it included a mode of disposing explicitly and directly, as a matter of value in computation, what the inshore fishery was worth, and then what our market was worth, and then which overtopped the other. Under this easy disposition shown on the part of our negotiators to have an examination whether there was or was not a make-weight in addition to these principal equivalents, then grew a Provincial pretension that fifteen millions was the value of the inshore fisheries over our free market. The result of the Halifax commission produced an award in which our commission did not concur, that $5,500,000 should settle that balance. I do not intend to discuss or observe upon either the steps taken in the deliberations or in the conclusions in that money estimate; but this examination enables us for once and for all, as I shall have occasion to press more distinctly hereafter upon all the Provincial interchanges with us, that the value of the inshore fisheries has been determined, not by the award, but by the conclusions and proofs which are satisfactory to our people, and I think demonstrative to the people of the Provinces, as to the little value or importance of the inshore fisheries to us.

Now, Mr. President, having thus come to a conclusion, in 1885, of the conventions of temporary durability of 1854 and 1871, the two countries were brought into an attitude to take up, so far as might be useful and in such manner as might be useful, the attitude between the two countries. All our people were satisfied and delighted to be emancipated from the obligations of the treaty of 1871, as they had been delighted to be emancipated from the obligations of the treaty of 1854. There was not from one corner of this land to the other, there was not among the fishermen, there was not among commercial interests, there was not among public men, there was not in either House of Congress any desire or any expression of desire for any renewed negotiations. We had thus reached the bottom of the value of the inshore fisheries and the value of our market and of what was left; that is, of irritations. We desired that this fishery should be left to that peaceful and regular solution between the two countries that each should advance its pretensions, its complaints, its infractions, and then proceed by the methods known to civilized nations of determining what the meaning and what the rights of the treaty of 1818 were.

I ask attention now in regard to these fisheries, to which I have referred as a subject of interest to our people from the history of the Government, and now of as great interest to them as ever. In addition I wish to ask attention to the rules of the law of nations as understood to govern in interpretation or limitation of the territorial rights, as they are called, of the littoral dominion in this or that government over the adjacent seas. It is, I take it, not disputed that all this area of the fishing waters is on the high seas. Wherever it is, if it be below the low-water mark, there by the demand and by the consent of all nations the high seas begin. All, then, our right there, as originally established in 1783 and 1818, and as claimed or occupied and enjoyed by other foreign nations, all this fishing by our fishermen is on the high seas. Now, how does there come to be, and to what extent, a deference or a concession over adjacent waters; for without the deference and concession of the nations no nation can claim seaward, beyond that line between high water and low water, at its own will, the power in any sense of appropriating to itself any part of the high seas. The high seas are not capable of appropriation by the demand of one nation, except by the concession of another, or by the general concession governing the rights and needs of all the nations. Whence comes this notion that, although the high seas began where the tide marks its last recession, there is in the littoral shores some advantages accorded to the proprietary government that occupies and exercises dominion over the shores. What is the rule? In the first place, without any discussion of how it comes about, a strip of 3 miles along the shore, in all its sinuosities, measured from low-water mark, is the limit of the conceded right. Then, in regard to bays, recesses, ports, and harbors, this shore *co nomine*, the 3-mile strip, follows the windings of every port and of every bay and of every harbor, but when by concession, either, as I have stated, of explicit and individual concession, or of a general arrangement in regard to ports and bays and harbors not continuing the high seas as the common possession of all nations, what does that rest upon? Does it rest upon the right of a foreign nation to expropriate the seas and appropriate the seas as an appurtenant to land by its fiat or by merely natural and geographical marks? No. As in respect to the original belt of 3 miles, so all the rights in regard to bays, harbors, ports, or what not, it is one of deference or of concession on the part of the nations making up the system, which make and execute what is called the law of nations, determine what are the ports and what are the harbors and what are the bays that under a rightful need and occasion of the state whose shores are washed, should be reasonably required and reasonably be conceded by the nations.

There is a retirement from what should be classed as the high seas, and to be treated as appropriated for the uses of shore population—not of fishing, not of any other occupation that I have regarded, except

that really they reserve these bays and ports for occupation for land purposes, and as the necessary protection of their system of customs and of trade.

What was the extent of deference for these 3 miles? Is it pretended that the ownership within the 3 miles is conceded to the nation whose shores are washed? Has the nation a right to exclude for the purposes of navigation those 3 miles? This never has been pretended; it never has been claimed, and it never has been conceded; it never will be conceded. This belt is high seas for navigation, and there is no concession within 3 miles, *eo nomine*, in respect of peaceful navigation, by the nations of the earth. There is a degree of deference—when the superior requirement for the ownership and dominion of the land demands the land's protection in favor of the nation which occupies it—on the part of the nations of the world and they recede for that 3 miles, but respecting only the reasonable degree and measure and force of this special enjoyment, and of the exclusion and diminution of the general and common enjoyment of the high seas.

All this can be included in two propositions as to the concession, advantage, and enjoyment on the part of the littoral control over this belt. First, in time of war nations have a right, if they are belligerents, to expect such protection of their approaches as befits them, and when war rages only between other belligerents, the neutral nations require that the war shall not be prosecuted within that belt. Do they deny that the war ships of belligerents can pursue their navigation within the belt? Never. Do they hold that a war ship can not enter within the belt to escape from an enemy and enjoy that advantage? Their proposition is that the war shall not be introduced within the 3-mile belt, and that if an enemy is pursued within the belt and is captured, the littoral nation shall hold itself responsible for that invasion, make itself responsible for not preventing it. That practice is almost all there is in regard to this general subject.

Then there is a deference in regard to fishing, and that is a general deference, that within 3 miles of the shores, which means the coast, which means the shore, which means the same belt, whether it follows sinuosities or whether it belongs to the trend of the coast, 3 miles from the land is the concession by the law of nations for a ship, and when bays and harbors are to be enlarged into exclusion of foreign fishing without the line of 3 miles from land, then it must be under the deference that has the domestic purposes of trade. The population around the bays that are thus appropriated has secured the right to them by the progress of influence that secures the control from a foreign nation. Was it ever pretended that the assumption of exclusion from bays for fishing was to depend on a geographer or a map-maker because it was called a bay instead of being called a gulf? Are Baffin's and Hudson Bay taken from the high seas because the geographers have called them bays and not gulfs or seas? Not at all. It is precisely this deference of concession and depending entirely on whether the overbalancing demands in the particular localities should require us to retire from the high seas in favor of advantages to the shores.

Now here is the Bay of Chaleurs, here is Ascension Bay, here is Miramichi Bay, here are non-enumerated bays on this coast, called bays instead of gulfs, and because they now are classed as bays is that the enumeration that is included in any of the demarkation of liberties to us under the treaty of 1783 or the treaty of 1818? Not in the least. It is not a harbor, it is not a port; it is not surrounded by population where exclusive control is necessary for the purposes of customs and for the protection of the port or excluding the crowd of fishermen from interfering with the commerce of the sea-going vessels. Not in the least. This is [indicating on the map] I do not know how many miles wide. All of that is high sea.

Whence does this right come, that under any of the rules governing nations a bay is to be made a bay simply by its geographical name? No; in the treaties of 1818 and 1783 unoccupied coasts when excluded from fishing are only to be excluded by the 3-mile limit and nothing else, because they are parts of shores and nothing else. There is not any right to exclude other fishermen because the littoral ownership desires that they shall have the sole occupation of fishing.

They must find, then, in the description of these treaties something besides geography before nations are to be concluded by concession of the high seas unless they can find some principle or other in which the seas themselves were *locus in quo*, are determinable and separable from the right to fish and the right to enjoy as a part of the high seas.

Mr. GRAY. Will the Senator yield to me right there?

Mr. EVARTS. Certainly.

Mr. GRAY. I beg to ask the Senator from New York if, while he is discussing this most interesting topic of debate, he will give us his conclusions in regard to the definition which Mr. Webster, when Secretary of State and engaged in this very subject-matter, made of the word "bay," to wit:

> A bay, is as usually understood, is an arm or recess of the sea entering from the ocean between capes or headlands, and the term is applied equally to large and small tracts of water thus situated.

Mr. Webster at that time being engaged in an investigation of this very treaty of 1818. I hope I have not interrupted the line of the Senator's remarks.

Mr. EVARTS. Not a bit. Mr. Webster took precisely the same view that I have advanced here, that geographies and maps may call great areas of water "bays," but in the question of expropriation from the high seas and appropriation to the advantages of ports and bays and harbors when you are dealing with a demarkation between the high seas and their engagement with the appropriation to the greater needs, it is not the greater needs of fishing, but it is the greater needs of land occupation and of land subordination of these inlets of the high seas. "Bay" is to be treated in the treaty of 1818 and in the treaty of 1783 on the principle of *nascitur à sociis*, bays, harbors, ports, creeks; and now we are told that this is to run clear out all over the seas whenever anything by a geographer or a map-maker has been called a bay which is an area of the high seas. This course of argument, if it is to be used, would include Baffin's Bay and Hudson's Bay, and the Bay of Biscay for aught I know. No, when we are are dealing with a nation friendly in participation and friendly therefore in demarkation it follows that what by the law of nations is the theory and principle, and that is of deference, whenever you set up that for shore occupation, you are to convert these inlets of seas into a subordination to the land. Then we give it up for uses of the high seas, but you do not get a condition or a privilege or a power to extend your appropriation of use of the high seas to exclude us from ours.

There can not be found anywhere any principle in the law of nations that allows a nation to extend its privileges of the land occupation because it wants a larger and larger share of the high seas for the use of its people. A definition has been given, so far as it can be given, on so large a subject. The very largest interpretation of bays under the treaty of 1783 and the treaty of 1818 is what is embraced by the land, and does not remain therefore a part of the high seas. That is what it means, and a friendly nation, the nation of Great Britain, when brought to face that proposition, will never hold that by the law of nations one nation can enlarge its possessions of fishery or anything else on the high seas, unless the concession is made of retirement for deference that the greater occasion to your nation makes the land dominant over this adjacent sea and we abandon it for that purpose.

Now, Mr. President, I am able to present, fortunately, not a case arising not in connection with these shores or waters, but a case of the greatest importance arising in the courts of Great Britain, and then followed by a statute of right. (Ch. 73, 41 and 42 Vict.)

This case may have attracted the attention of my friend, the Senator from Delaware, and my friend, the Senator from Alabama; and, fortunately, we find in this reported case not mere speculations, not mere appeals to the unwritten law of nations, and argumentative discrimination between individual appropriations by nations as conceded or as disputed. This case arose in this way: The Franconia, a German ship, sailing within the belt and only distant about 2 miles from the coast of Dover, in the British Channel, by collision with an English ship within that belt, the Strathclyde, not only inflicted injury to the ship itself, but caused the death of several persons on board the English ship. The master of the German ship, the Franconia, was indicted for manslaughter, and was tried and convicted of the offense as being committed, as it was claimed, within the British jurisdiction of the 3-mile belt.

Of course, some questions arose turning upon existing legislation, as a footing for judicial exercise of national jurisdiction, for the courts of every nation are obliged to conform to the political legislation that shall determine that a crime, committed in the place and of the nature, shall be judiciable in a particular court. In the absence, however, of any such political determination, the courts of England were bound to decide whether under the admiralty jurisdiction the criminal jurisdiction established and conceded by the law of nations would take cognizance of and punish the crime perpetrated under the circumstances. There was no doubt but that the court in that case had the full admiralty jurisdiction conferred by the laws of the realm. In the volume which I hold in my hand (L. R. Exch., division 2, page 63), there this question was a reserved Crown case and it was heard by fourteen judges of England. All the great lights of jurisprudence were included on that bench, the lord chief-justice of England, Sir Alexander Cockburn, the lord chief-justice of the common pleas, Lord Coleridge, Phillimore, the admiralty judge, Chief Baron Kelley, and all the famous judges of the king's bench and of the other courts sat in that case, namely, Bramwell, J. A.; Lush and Field, J. J.; Pollock, B.; Brett and Amphlett, J. J. A.; Grove, Denman, and Lindley, J. J.

Judge Archibald, one of the judges, died before the judgment, but he was known to concur with the majority, and when the majority was counted it was found to be a division of 7 and 6. But what was the contention? That there was no such thing as proprietorship in that belt of the sea on the high seas within one marine league of the coast measured from low water-mark and that the concession of the law of nations governing this 3-mile zone was a concession of deference proceeding on the principles that I have ventured to illustrate, and that that was properly described, as publicists describe it, "*Linea de respectu*" that the limit and extent, though measured for 3 miles, was not a concession of a rightful interference with navigation as an ordinary disturbance of the occupation and pursuit of navigation within the 3 miles, but that it was limited to these principal points which I have sug-

gested of the 3-mile zone for purposes of defensive protection to the shores, in preclusion of belligerent occupation of that space, and of preservation of the littoral fisheries against intrusion. But there was no pretension that by the law of nations this belt of 3 miles, *eo nomine*, and by that concession was anything more than the ribbon, as it were, drawn along the shores with all their sinuosities. No question arose, no question was disposed of as to what concession could be applied or could be found, except by explicit convention as to rights inside of harbors and bays on the principle I have alluded to.

A nation has no right to exclude foreign nations from the enjoyment of the high seas anywhere except by that concession of deference to the occasions of one power just as properly might be required of another under similar circumstances. The question of deferential concession is not what it ought to be; the question is, what was by the law of nations and had been accepted. In respect of belligerency and in respect of fishing, the 3 miles belt drawn along the shores was the only rule that has ever been by a consensus of nations laid down.

Lord Cairns, then lord chancellor, considering this a very grave decision, important to British interests, and, therefore, quite important to foreign interests, too, brought in a bill not long after for the action of Parliament on the subject, which in due course was passed.

Let me call particular attention, then, to this, the only parliamentary imperial law on the subject of designation and demand of extension of peculiar privileges on littoral waters of the high seas. This is chapter 73, of 41 and 42 Victoria. This proceeds to extend this jurisdiction of punishment, and the only point interesting to us is to ascertain how far this imperial assertion proposed for foreign nations to consider and itself thought right to go. By this act of Parliament the jurisdiction of the admiralty, for the purpose in view, is described, and then the operative clause of the act proceeds:

"The territorial waters of Her Majesty's dominions," in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions as are deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offense declared by this act to be within the jurisdiction of the admiral, any part of the open sea within 1 marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions.

Here, then, we have an explicit statement by an imperial statute of what the law of nations is supposed to concede in regard to the strip of the high sea.

This provision extends to all the possessions of the United Kingdom all over the world, and is an assertion here of a right to apply penal provisions on foreign vessels within the 3-mile limits. But, mark, this authority was not set forth as a right and power to be exercised as other criminal jurisdictions are, *proprio vigore*, by mere force of indictment and appeal to judicial authority. It is expressly provided, in restraint of any such conclusion, that—

Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offense as is declared by this act to be within the jurisdiction of the admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's principal secretaries of state, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

It was not an assertion of complete authority over the crime, but it so asserted only with the qualification that no such course of law should be taken without the approval of one of Her Majesty's principal secretaries of state or the governor-generals in other of her dominions of the world. That this should not be done, we can readily conceive, until the government itself concluded that it was a case of jurisdiction and of enforcement of authority that should be subject to the concessions that should be made under the laws of nations by the foreign power.

For instance, if on board an American ship a murder should be committed while it was sailing within 3 miles of the British dominion in any part of the world, and then that ship should pursue its navigation and bring its burden of witnesses and accused to the courts of this country, where we would have full jurisdiction under our Constitution and our laws, can it be pretended that if an indictment should be found in a British court a demand would be made against this Government for a surrender of the criminal under the extradition treaty of 1842?

This statute, considering it as stopping short, both in area and in demand, as I have stated it, has gone too far and too fast, probably, for the concessions of foreign nations. Whenever a case shall arise the cautionary provisions of this statute require that the peremptory course of law shall not take place until one of the principal secretaries of state shall consider it and thus bring the government face to face with a foreign nation before that government should undertake to execute that law against the subject of a foreign jurisdiction.

Nor would this country ever tolerate, in my opinion, such an execution of criminal law upon a citizen of the United States for a crime happening on an American ship sailing within 3 miles of the coast of Dover or any other part of the United Kingdom.

I have dwelt upon this case, and the consequent legislation, Mr. President, as the best result and deliberate examination of the true scope and meaning of this vague notion of recession from its rights on the high seas that one nation makes in deference to littoral proprietorship. Now I will say a word about bays and harbors. I have described them sufficiently. I have alluded to what has been brought up here in debate, whether the Delaware Bay or the Chesapeake Bay or this or that bay or inlet upon our shore is by the law of nations accessible by foreign nations, or whether they can be excluded therefrom. The principle I have laid down is adequate for all our harbors and all our inlets.

We claim that on the seas between the capes of the Delaware there is a shore occupation, a commerce, a prevalence of land interests, and of trade and of custom laws, and all that marks a shore occupation by our populations, which make it impossible that we should allow the course of these uses of the bay to be treated as still open, at will, to general and equal use of all nations as of the high seas.

We claim that the waters of this bay are embraced within the land, held *inter fauces terræ*, and the foreign nations concede it, if it seems reasonable to them; and if it does not seem reasonable to them, then they raise the question about it and try conclusions with us, and upon reconsideration, if we still insist upon that authority, undoubtedly it would be conceded.

I wish Senators would bring themselves back to these seas and these shores, at the date of the treaty of 1783 and of the treaty of 1818, nay, even to the littoral possessions as they are now occupied by the since expanded populations of the Provinces. I beg you to understand that we are not kept out of "a bay" under the descriptive "bay" of the geographer or the map-maker. In other words, there has been no appropriation by that mere name and description of the waters in question to the purposes of the interests of the land. What under heaven is there to affect the question of fishing within this bay, Egmont Bay [indicating on the map]? There we have 17½ miles from one imaginary "jaw" of the land to the other "jaw" of the land, the intervening water open to the storm, a wide reach to invite the tempest and not to protect people against it.

Now, upon the headland question, since I am here at the map. Here was our partition wall [indicating]. That is a harbor, a bay in the sense of harbor or shelter, of expropriation from the high seas. Draw a line from this point to that [indicating]. There is another [indicating]. It is a harbor. It is a little one.

Mr. HOAR. Will the Senator give the names as he indicates the points, so that the reporter may take them down?

Mr. EVARTS. That is Mira Bay. [Indicating.] Here is the great Fortune Bay. [Indicating.] Here are the fishing waters of that bay. [Indicating.] Here is a bay on these lines. [Indicating.] There is shore population. [Indicating.] Does that mean custom-house and trade to be protected? No; the pretension is to draw lines that shall diminish our fishing rights on the high seas, in order that they may enlarge their own area of exclusive possession of the high seas.

Mr. GRAY. Will the Senator from New York call the waters of Fortune Bay the high seas?

Mr. EVARTS. Yes; everything is the high seas below low-water mark, and our fishing rights are still ours outside 3 miles seaward below low-water mark.

Mr. GRAY. Do you call the waters of the Chesapeake Bay the high seas?

Mr. EVARTS. I have considered that subject.

Mr. GRAY. I know. I only ask if you do.

Mr. EVARTS. I do not need to go over it again.

Mr. GRAY. All right.

Mr. EVARTS. It is high sea down to low-water mark. That is what it is, and that is what the statute of 41 Victoria says, and that is what the nations say. The question is, therefore, whether a nation by littoral occupation and its just occasions shall encroach upon the high seas, and whether another nation having rights on the high seas shall retire therefrom.

I shall call attention now to the opinions that were given by the law officers of Great Britain as to what the extent of our exclusion was under the treaty of 1818. We are here brought face to face to what the "headland" contention is and out of what it sprung. It is illustrated very well on the crescent shape of this northern coast of Prince Edward Island. [Indicating.] The proposition of a headland line there [indicating] is so absurd that nobody has ever been able not to understand its absurdity. The fewer headlands you find the larger the area of the high seas from which we would be excluded. This is a good illustration, and in principle a fair one, of the provincial claim. [Indicating.] The distance is nearly a hundred miles, perhaps, between these so-called headlands. [Indicating.] What are called headlands? Headlands that hug and embrace a harbor, *fauces terræ*, that conquer and inclose and imprison the high seas? Then we extend this chord from headland to headland, and we have 30 miles of high seas distance from the subjacent coast from which we are thus to be excluded.

Mr. EDMUNDS. They have made a claim on that very point, the shore of Prince Edward Island.

Mr. EVARTS. Nobody could claim this headland theory with a grave face. I have never heard it resounding across the ocean from Great Britain that when along the coast they had no intervening harbors, there was a reach to be taken from headland to headland to in-

close the high seas as a *mare clausum*. Read the statute-book of Great Britain that I have read and see whether there is any pretension anywhere of British dominion over such an area of fishing waters as that, or of an interpretation that would give to the use of the word "headland" such an inclusion.

If this inclusion is to be made it is to be made because it is a harbor or a port or a bay. Is that a bay [indicating]? They can thus make bays anywhere, and if you have your headlands a thousand miles apart then you would on this pretension close the whole sea under the claim of bays, harbors, havens, ports, creeks. What a monstrous proposition!

Now, apply this headland claim to Cape Smoke and Point Aconi and St. Anne Bay, as if there was to be found a "bay, harbor, or port," in the sense of the treaties. Is there any place here to enter and escape the storm? Why did they not draw the line there? What is the reason? The theory would carry it there. If they have a right to do so, very well; but there is nothing in the treaty that can indicate it. Here is where the Argus was seized [indicating].

Mr. GRAY. Where was that?

Mr. EVARTS. Here at the other side of that point [indicating].

Mr. GRAY. Would the Senator object if I showed exactly where? A friend to whom I showed the chart fixed just the position of the Argus as shown in the affidavit.

Mr. EVARTS. Certainly not.

Mr. GRAY. About on a line from that point [indicating] to that [indicating] on the bank of St. Anne, and not in St. Anne Bay. That is how confusion was made.

Mr. EVARTS. We will not dispute about it in interruption of my current of observation. The only witness that I have read says it was about 15 miles from land.

Mr. GRAY. Twenty-three.

Mr. EVARTS. Did he say 23?

Mr. GRAY. I think so.

Mr. EVARTS. He said it was 15, I think, and he said that that was not within the bay, and the boarding officer said it was within 3 miles outside of that 15-mile line. It is not a pleasant thing for a fisherman to have to draw a line between two water lines, one 15 miles from the land and one 18 miles from the land, and have confiscation proceed upon any fault in the discrimination. These are sufficient illustrations from the map. I shall remark upon these, what I must consider as purely fictitious lines, when the treaty is taken up in detail.

Mr. GRAY. The Senator from New York will pardon an interruption, as of course he wants to be accurate.

Mr. EVARTS. Certainly.

Mr. GRAY. I have in my hand a copy of an affidavit of the crew of the Argus, taken from the files of the State Department, and this is the affidavit of the captain:

We were at the time of the capture 28 miles—

I said 23—

We were at the time of the capture 28 miles from the nearest land, both by our charts and the charts of the Queen's attorney in Halifax. Cape Smoke was the nearest land, bearing west and northwest 28 miles distance. We were on the line between Cow Head and the North Cape of Cape Breton Island.

That is where I got my idea. I knew the Senator would like to have it stated exactly.

Mr. EVARTS. It does not affect my argument in the least.

Mr. GRAY. Not at all, but I think you would like to be accurate about the facts.

Mr. EVARTS. Now, let us look at the learned English lawyers, the espousers and advocates of the "headlands." As I said, they are not in the treaty anywhere. These were mere inventions of the Provincials in order to enlarge the area of their exclusive fishery, and a reduction of our fishing waters under the law of nations, as well as the treaties. This intrudes upon the deep-sea fishing. This is the region covered by the high seas in every sense, outside of harbors, outside of 3 miles, and mere invention of headlands to usurp upon the open seas. Does any one pretend now that, in our discussions with the United Kingdom, we are to be led upon a pretension that the headlands are to embrace the high seas, the area to be wholly determinable by the shape of the coast and the distance between the headlands? I should think not.

Now, let us see what all this pretension rests upon, in the opinion of these learned law advisers of the British Government on the other side of the sea. A formal "case" was submitted, and a formal disposition of every question was given by the law advisers of the British Government. Listen, now, to the responses of these jurisprudents on the "bay" question:

Except within certain defined limits—

That is, geographical limits—

Except within certain defined limits, to which the query put to us does not apply, we are of opinion that by the terms of the treaty American citizens are excluded from the right of fishing within 3 miles of the coast of British America; and that the prescribed distance of 3 miles is to be measured from the headlands or extreme points of land next the sea of the coasts, or of the entrance of the bays—

That is, the headlands of the bays. You can not make a bay by finding headlands; you must identify headlands as purtenant to a bay. If you can find headlands out of which to make bays over night, then you can have them created at the will of all littoral proprietors—

and not from the interior of such bays or inlets of the coast, and consequently that no right exists on the part of American citizens to enter the bays of Nova Scotia, there to take fish, although the fishing, being within the bay, may be at a greater distance than 3 miles from the shore of the bay—

Now comes the reason, and that proposition of the law officers rests upon nothing but the following reason that they give. Let me read it:

As we are of opinion that the term "headland" is used in the treaty to express the part of the land we have before mentioned, excluding the interior of the bays and inlets of the coasts.

No lawyer, no court has ever undertaken to construe our treaties, as they read, as having any reference to headlands either of bays or of headlands at large. The whole argument is, you can not fish inside the bays within 3 miles from shore, because the "use of the term 'headland' in the treaty" marks the line of demarkation. Has anything happened since in the way of law, in the way of statutes, in the way of interpretation, that has not been based upon this bold assumption that the term "headland" was used in the treaty of 1818?

Before leaving entirely this imperial statute I ought to say that when this bill was passing in the House of Lords Lord Cairns was asked whether this otherwise disposed of the question of jurisdiction in bays. An admiralty officer, the Duke of Somerset, I think, asked if it touched a crime committed on board a national vessel, a war vessel. The lord chancellor replied, "Neither of those subjects is touched." That is true. There has never been such an attempt by general legislation outside of the 3-mile belt, and I apprehend it will be a long while with the intercommunication introduced between great commercial nations before the British Parliament will undertake to say what are bays in the sense of expropriation of the high seas outside the 3-mile belt and appropriation to the land. Every case is to arise upon its own merits, and the nation that is exterior to the power that exerts this authority and this pretension stands in the forum of nations just as free and just as rightful in its denial of its being a bay within the deference that these principles apply. But unquestionably the 3-mile belt of the statute of 41 Victoria follows into all the sinuosities of the coast, including all indentations of every nature all over the world.

Mr. President, I have said all that I need to say of what I consider the relation under the treaty and under the conduct between the two nations, Great Britain and the United States, of the mere fishery rights, until I come to an examination of the present treaty that is before us.

We have a proposed treaty with Great Britain, not with the Provinces as you see, although the Provinces as a part and an important part of Great Britain come in for a share on the subject. We have great interests with Great Britain besides the fisheries, and those are the commercial rights, commercial privileges, commercial hospitalities, commercial equality, and that deference between nations which enables them to treat politically what shall be their pretensions and not be submitted to treaty.

We are constitutionally in our habits repugnant to treaties. No good comes of encroaching upon our customs laws and duties by entangling treaties—none whatever. Let us govern, let Great Britain govern, let every other nation govern its own interior arrangements of trade. Let it mark its own hospitalities. Let it mark its own duties. Let it mark its own deference to the rights of others. We will do the same for ourselves, too. That is the way to conduct politically these relations of commerce, of hospitality, of deference, of self-respect, of impartial treatment.

That is the great subject outside of the fishery, but when this prevalent and extending hospitality of trade has reached everything except our fishing vessels and our fishermen, when it has included and embraced every fishing vessel and every fisherman of Great Britain in this extension of commercial reciprocity and commercial hospitality, it is said that by virtue of the clauses of the treaty of 1818 and the treaty of 1783 we have covenanted forever that fishermen are outside of progressive hospitality, pretending that covenant proscription for this gallant and favored pursuit and all who pursue it can not be ameliorated. They would say that when all others may warm themselves in the hospitality that is wide open to commerce all over these shores, with the United States to everybody else, we have covenanted our fishermen to be outside of that progress, and we must submit to it.

The covenant was not of proscription, not of exclusion. All commercial relations excluded everything but the fishermen, and they were expressly allowed what was meant to be, and what should have been, insisted upon from the beginning, hospitality to them according to the whole reach that they needed or desired *qua* fishermen.

The difficulty was that they were not so much afraid that these fishing vessels and fishermen would have the means of buying there. There was nothing to sell nor anybody to sell to them for the most part, and there was no local interest to exclude a traffic that would bring money for what they had to sell. The trouble was that the imperial power excluded all importation, and that these fishing vessels, having this hospitality as extensive as their fishing needs, should not, in the refusal of all other commercial admission, be the means of smuggling and bringing there to sell tobacco or spirits or any of those items that the United Kingdom intended to preserve for revenue purposes.

Senators will understand what a difference there was between fish-

ing facilities and commercial traffic. All these shores were only occupied and defended for fishing purposes. If they let the fishermen, with any allowance of trade, come in, then where are their custom-houses, where are their revenue officers, where is their possible means by which they can keep us from smuggling and encroaching upon the revenues and breaking over the colonial policy of Great Britain?

Obedience on our part was rightfully claimed upon this reason and was properly yielded by us. All we wanted was hospitality in our fishing interests. The interdict of trade was universal and inexorable, and there was no ground for an exception in favor of the fishermen. But when the interdict of trade was withdrawn and trade rushed in, when you invite it everywhere and have your custom-houses and your revenue system and want to make revenue out of it, why can not a fishing vessel, with "touch and trade" privileges from its government, trade like the rest? We give this facility on our shores everywhere to foreign fishermen under similar circumstances.

That is the proper situation of whether or not we should be satisfied with these restrictions, these proscriptions, these oppressions, these harassing and insolent exclusions, under a covenant it is said, that should inexorably ostracize our fishermen when the ports were opened to everybody else.

I wish now to allude to fishing vessels and to the fisheries in their interests and values as profits and as pursuits.

There are three elements requisite in the prosperity of the fishery—in the prosperity of this fishery.

One is the fishing waters, as being the habitat and the resort of fishes that are objects of pursuit. A "fishery" without fish, waters without fish, are not a fishery, although you may have a right to fish there.

The next element is of the relation of shores to those waters. The nation that owns the shores has certain advantages in the pursuit of fishing in these adjacent waters, and foreign nations not bounding the fishing waters are at a disadvantage in that respect.

The third element is the market; for nobody catches fish, although the bay is full of them, and although the shore is lined with shelter and protection, if there is no market to consume the fish.

Now, of these three elements, one, the fishing waters, are of common participation between the Provinces and our people, within such lines of limitation as may be, we will say. They are shared with us—we enjoying only such limited access as the treaties allow. But we have the market and they have not. There is the trouble. Markets abroad, common to us both, they really drove us out of by their advantage in uniting the fisheries and the fishing shores, so that they more cheaply could pursue their industries, and what was once an extensive and profitable commerce to our early settlements on our coast—I mean of the West Indies, of Spain, etc.—they could successfully compete with us and drive us out, simply by that advantage. Of this, their advantage, we make no complaint.

Now they wish by treaty to get a concession from us of this third essential dominant element in the circuit of the three—our market. That is what they want. Do we propose to give it to them? If we give it to them we exclude ourselves from the fisheries by the same rule in the long run that we have been excluded from foreign markets in competition. It is not necessary to speculate upon it. It is as plain as the nose on your face. Our fishermen need to make an output of their fishing vessels from our home and distant ports. Our fishermen and outfit plan for a foreign voyage to bring back the fruits of their pursuit in this fishery, the right in which belongs to us. We must bring them home by a returning voyage and we must find a market that is our own.

And thus by completing that circuit of our fishing, and only thereby, we can maintain a competition with the shore fishermen. This industry is not in the condition by which domestic products are protected against foreign importations. We raise these on land at home, near by the market. We have the protection of foreign importations necessary to compete with them (irrespective of the tariff, for I leave that out). But here we have a double voyage upon us—to bring back our fishing—for these Provincials start out laden with the fish, bring it to our free market if they have it, and return laden with commercial trade in our ports.

Why will Senators close their eyes to this peculiar situation of our interests and the enjoyment of our countrymen in this adjacent fishery? Throw in our fishing interests on some principle of equality with those of the Provincials! Why do they not throw in the other items of equality, one of which is that the farmer may go a fishing there, from the plow and from the hayfield, when he sees the fish coming in? What can we do? We may have to wait there for weeks before we catch our fish and then we are dependent on vicissitudes that can not be accurately foreseen or measured.

There, then, is the contention. Let us understand it. The market they wanted. What could they give us for it? Three elements of calculation they had in their hands. One the inshore fisheries that belonged to them, properly described, whatever they may be, and we miss; the interchange of natural products on each side of the line, of equivalent or similar character on each side; that is reciprocity. The third (and it has proved the greatest) is molestation. Those are the three items that they have of exchanging with us in order to get our market. And now we have driven them out of the two elements of equivalent exchanges, from both inshore fishery and from advantages of reciprocity. We have demonstrated to our satisfaction, and probably to the people of the Provinces, that inshore fishery and reciprocity are no longer even makeweights in acquisition of our market. Of these, the three elements of exchangeable equivalents with us, molestation, molestation alone, remains to them.

I must call attention—I will only dwell upon it very briefly—to the very great advantage that we got out of having a tribunal of examination into the value of the inshore fisheries. I will not read from the interchange that passed between the Secretary of State and Lord Salisbury on either the subject of the award or the subject of the Fortune Bay incident. I will ask the permission of the Senate to append to my speech such portions of that correspondence, already open to public inspection and attention, as it illustrates more fully and completely what I will more briefly refer to now. [See Appendix.]

The importance of the ascertainment of the value of the inshore fishery, which was treated as of great value prospectively in the relations of the Provinces with us, was that it disclosed that the inshore fishery was of no appreciable value to us. I mean the inshore fishery in the sense that we claim the line of demarkation between our rights and the inshore fishery, that is, within the 3-mile belt. The investigation proved that. It did not make any difference to us that these arbitrators said it was worth $5,500,000 for twelve years. We paid it. I do not care to more than refer to what accompanied that payment—the notice—given not only in correspondence, but that which accompanied the actual payment of that money, announced that it was not and would not be any criterion whatever of the value of this inshore fishery and could not be so entertained by us in any future negotiation of values.

We proved then, confessedly, on both sides, that the mackerel fishery was the only in-three-miles fishery that was of any value. We proved by varying testimony that we got, as the Provincials would contend, about three-quarters of our mackerel there, inside; by our proofs that we got only one-quarter, but the misery for the Provincials was that when they counted the three-quarters of the mackerel, then the value of that fishery was a bagatelle to us; it was a trifle compared to mere loss of revenue to us by free fish to the Provincials—aside from other disadvantages and disfavors—and that as an exchangeable equivalent in any subsequent arrangements in favor of the Provincials as against our market, it was extinguished; and that conclusion puts the end to any future expectation of that as a make-weight in any future computations of reciprocal advantages between us.

Our fishermen advised the Government, midway in the treaty, that they would wish that the compensation for the twelve years should be paid down for the six years and we let it go, and pass it to the credit of an arbitration, if we should get back our market. There was not a fisherman nor a fishing vessel nor a merchant or dealer that would ever count as appreciable in equivalent this mackerel fishery inside 3 miles, as we construe it.

Another one was to come, a reciprocity in products on this and that line. We tried that for twelve years from 1855 to 1866. We tried it over again from 1871 to 1885 to the extent that it was carried in that treaty, and we made up our minds on that subject—that no profit comes from that interchange. That obliterates that item in the three equivalents, and there is nothing left but molestation; that is, when interest presses, inbred and ingrained in the human nature on that side of the line as well as all over the world.

Mr. President, under this treaty of 1871 we had instruction on another element. That was the Fortune Bay incident. That incident can not very well be belittled. In December, 1877, six years after the treaty of 1871, the fleet of our fishermen, some twenty-one of them, had made up their minds that they would catch herring bait that winter, in order to serve as frozen bait, which they could use in the deep-sea fishery. The herring are better for halibut, even if not for cod. Clam bait does not suit the taste of the halibut as well as it does that of the cod, but the herrings they are fond of. And when our fishermen can not get herring bait they prefer to catch cod and cut up the cod as bait for the halibut.

Now, we went there and had a right to catch fish. What had we done before, during these seven years of right? Why, we bought the bait. There was nothing in our treaty of 1871 that gave us a right to buy bait. There was not found then any emancipation from the constriction of 1783 and of 1818 in respect to buying bait. It stood just as it was—"wood" and "water," that is what it was—and we bought bait year after year of the Provincials and enriched them with their industry of catching herring for bait and selling it to us. Well, in December, 1877, this fishing fleet of ours said to itself, "Let us try whether it is not cheaper for us to catch herring than to continue to buy," and they waited there for three or four weeks before the herring came in. The herring came along on a Sunday—an enormous school of them. Very well. Now was our time. Twenty-one vessels had waited there for some three weeks to get sight of a herring, and, knowing the habits of that fish, they thought the true time to catch herring was when herring came in.

Now, they went in to catch the herring and by the assistance of three or four of these vessels they included in great purse-nets fish enough

as bait for all these twenty-one vessels. Now, what happened? The shore neighborhood were not offended at the violation of Sunday. They violated the institution of the Sabbath, and international and national law, and hospitality, and peace, and all the virtues of Christianity and civilization all at once. What was the point then? Not that they could catch these fish on Monday, for they knew that fish were very uncertain in their movements; but, like Demetrius and the silversmith, so jealous for the shrine of Diana, their "craft" was in danger. What was their craft? Selling to us bait that, as insisted, we had no right to buy, and stopping us from fishing for bait, which we had a right to do. That was the incident of Fortune Bay.

The importance of this incident of injury to these fishermen was entirely swallowed up in the grounds of objection taken by Lord Salisbury in his reply to my application for a due consideration of this outrage and for indemnification.

He put it on the ground that our fishermen had broken three Provincial laws, and our Government could have no recovery or recourse for that reason. One was a law, there, that we could not fish on Sunday; another one was that we could not fish within a close season; and another one was that we could not use as large seines as we had used. These were the Provincial arrangements, by local laws.

I struck at the core of it at once—that we had bought the half of a fishery owned by the British Empire, that no Provincial legislation could curb or restrict or diminish our half in fisheries that belonged to the two nations, except by some remission of our rights signed by our treaty-makers.

Mr. GRAY. That is by the treaty of 1871 you mean.

Mr. EVARTS. Yes—any treaty.

Now, I brought Lord Salisbury at last to the concession that they had not the right after any treaty made with us securing our privileges—that they had not the right either by subsequent imperial or provincial legislation to encroach upon our treaty privilege. How would a nation that must pursue a fishery from the outside—that is, a foreign nation with a foreign equipment—submit their participation to be regulated upon the occasions and the interests and the facilities of shore fishermen? We divided the fishery between us, whatever the fishery was, and thereby had a share in it. But this would not have been an equal share if our share was subject to being pared and frittered away by in-shore fishery regulations encroaching upon our foreign privileges.

But as regards previous statutes, the great nation of Great Britain was placed towards us, by the distinction taken by Lord Salisbury, in the predicament that they had sold us an apparent fishery, for which we had paid in gross five and a half millions of dollars and our free market for twelve years, and were to enjoy it burdened under liens and regulations of local legislation.

I rejected this as an inadmissible interpretation, and the distinction between prior and subsequent legislation will not stand examination for a moment. However this may be, if, *ex concessu*, the then new treaty of ours could not be invaded after 1871 by imperial or local legislation, then our rights under the treaty of 1818 can not be invaded by imperial or provincial legislation that has taken place since 1818. You can not escape from Lord Salisbury's admission that subsequent local legislation or imperial legislation can not reduce our share and privilege that a treaty has guarantied. And that is the value of the Fortune Bay incident, and it is of such value and importance that I dwell for a moment on that incident, in particular reference that I shall make to one of the articles of the present treaty, which undertakes, for the first time, to submit our neck forever to the yoke of actual and future legislation by the Canadian provinces.

Mr. MORGAN. May I ask the Senator from New York if Lord Salisbury ever denied the liability of the British Government for that trespass?

Mr. EVARTS. Lord Salisbury sent his final letter just as he was going out of power, just as his ministry was giving place to a Liberal ministry—he delaying it a very long time—and sending his conclusion in reference to which I took the ground that if we were to have a long debate on that subject, we had better be collecting the fish duties in the meanwhile at home.

Mr. MORGAN. I believe his answer was delayed from the time of your letter in January to September, was it not?

Mr. EVARTS. No, I think it was longer than that. April, 1880, was the time of his last letter.

Mr. MORGAN. But the first one, I understand——

Mr. EVARTS. Perhaps you have not looked at the letter of April 3, I think, 1880, which is not in the same connection.

Mr. MORGAN. I have not the letter before me, but I have always understood that, immediately upon your presenting the case of the trespass in Fortune Bay, Lord Salisbury confessed the liability of the British Government for whatever damages had been sustained.

Mr. EVARTS. Lord Salisbury?

Mr. MORGAN. Yes.

Mr. EVARTS. Never; he never admitted a dollar of liability.

Mr. MORGAN. Then, his successor?

Mr. EVARTS. Lord Salisbury said that we were trespassers, had violated the law and should not be heard; that we had bought a fishery burdened with these restrictions and liens. He then went out of office. I reported to the President the result of the British interpretation of our treaty, and that if insisted upon it would be an abrogation; that, in the meanwhile, the $5,500,000 having been paid as the continuous consideration of a free-fish market was being paid, we might as well reimpose our fish duties. Congress was then recommended by the President to take that course, and the British Government by the new ministry, Lord Granville being secretary of foreign affairs, took the matter up promptly and paid the indemnity at the amount settled upon.

Mr. MORGAN. If the Senator from New York will pardon me a moment I desire to get at what I suppose to be the facts in this matter. I notice that in the quotation from a letter of Lord Salisbury in the report made by the honorable Senator, when Secretary of State, to the President, the following language occurs. Lord Salisbury says:

> Her Majesty's Government prefer the view that the law enacted by the legislature of the country, whatever it may be, ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction, but that if a law has been inadvertently passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of the mistake as committed, at the earliest period after its existence, shall have been ascertained and recognized, is a matter of international obligation.

Whereupon the then Secretary of State, the present honorable Senator from New York, proceeded to inform the President as follows:

> This dispatch was received by me in November, and on the 23d of the same month the payment of the award of the Halifax Commission was made at the date provided in the treaty. The further consideration of the Fortune Bay claims seemed to require only the verification of the facts on the part of our claimants, so far as they were drawn in question by, or were at variance with, the report made to the British Government by its officers, and the communication to that government of the results as finally insisted upon by us as the basis and measure of our claims.

Mr. EVARTS. If the Senator from Alabama will allow me. An interval passed after that before recourse was had to undertaking to reimpose the fish duties here. The last reply of Lord Salisbury, just as he was going out of power, was, I think, on the 3d of April, 1880, which, the Senator will see, is quite distant from the dates to which he refers.

Mr. MORGAN. Yes.

Mr. EVARTS. But what I desired to say is, that I omitted from this mention of the Fortune Bay incident the details in order to shorten my observations, and have asked permission to include in my remarks what I want to insert. I would like, therefore, not to have to give way to what I would perhaps like to dwell on myself if I were at liberty to do so.

We come then to the consideration of the stage we had reached in the relations, return the two governments and the tenor of diplomatic intercourse up to the time when the new Administration came into power.

Lawyers conversant with maritime collisions, and conversant with the public punishment of crimes at sea, have learned this, that a great proportion of those collisions between vessels, and the mayhems, homicides, and murders on board a ship take place at a time of the change of the watch. There you have the old watch going below and the new watch coming on deck; then is the opportunity, if you are in danger of collision, or if you are exposed to murderous crimes on board—that is the time that lends an opportunity. This Administration had come into power and the Republicans had left the deck and the Democratic authorities had assumed it, and what do we find happens? I say this not in any derogation—I speak of it as a situation—the change from a party that had pursued and conducted these matters up to this point, and its deposit, in a new exercise of authority, in the hands of a new administration.

Immediately the British Government, the Provincials, Lord Granville, Sir Lionel West, and all the susceptibilities of the British nation were aroused to protect our fishermen, and Sir Lionel proposed to our Administration: "Why, don't you see that the time of terminating this treaty is, unfortunately, on the 1st of July, when all these seas will swarm with fishermen?" And our Secretary of State said, "Why, that is so." "Well, now," said Sir Lionel, "we will do this, for this season: We will protect you for six months if you will agree to undertake to enter upon and, so far as your counsel and your policy will go, aid us to get a free market and reciprocity." And so, these poor fishermen, like outcasts from their homes, are to be taken up by the British Government and Lord Granville, and this was done out of express good will to the United States! God help us! Where should we be had we to deal with Great Britain when not with good will and with pity to the forlorn and deserted condition of our fishermen!

Now, what was the fact? Here our fishermen, as I have already pointed out to you, had been praying for six years that this abrogation of the treaty should be reached as soon as possible, throwing in the five million and a half dollars. They were looking with ambition and hope to the time when our right to terminate this arrangement should arrive; and it did arrive; and the President of the United States issued a proclamation six months before the 1st of July, giving notice to every fisherman and every fish-vessel owner, to every trader, to every merchant, that the fishing duties on foreign fish came into play the 1st of July. And they prayed day and night to hasten the day. For when they caught anything after the 1st of July they had a market.

Mr. MORGAN. Will the Senator allow me to ask him whether,

while he was Secretary of State, he ever made any overtures to the British Government to dispense with the treaty of 1871?

Mr. EVARTS. I communicated directly, in estimating the value of our fisheries and our interests, the fact that we should be willing to terminate it at that halfway period and throw in the award for the whole.

Mr. MORGAN. And they declined to do it?

Mr. EVARTS. They did not listen to it. I put it argumentatively of course. They knew very well what they would do.

Mr. MORGAN. Were there no means within the reach of the administration of President Hayes by which he could have got rid of this serious incumbrance on the fishery right of our people?

Mr. EVARTS. None except to denounce the arrangement.

Mr. MORGAN. He did not denounce it.

Mr. EVARTS. No, he had no right or power to do so. We had made a treaty and we had to stand up to it, and we did. We paid every way; we were bleeding at every pore in our interests; no counterpoise but the one-quarter or one-half of the mackerel catch inside 3 miles; that was all. When it came to the first opportunity we terminated it.

I have said that there was solicitude on the part of Sir Lionel West, Lord Granville, the British Government, and the Provincial population because of the forlorn condition which these Yankee fishermen would be in when the 1st of July should come. But these Yankee fishermen were there so as to be ready to catch, on the 1st of July, fish that had a market for them—a market that was restored to them by the termination of the treaty.

Mr. MORGAN. If the honorable Senator will allow me, I think I shall be able before the debate closes to furnish very strong evidence of an earnest request made to this present Administration for the extension through that fishing season of the privileges of the treaty of 1871.

Mr. HOAR. From whom?

Mr. MORGAN. From the fishermen; from those men engaged in fishing on the New England coast, and from there up to the British waters.

Mr. EVARTS. There was no public demonstration of a stress that we were under.

Mr. MORGAN. Yes. I will produce resolutions to show that also, public demonstrations.

Mr. EVARTS. Well, Yankees are ready, of course, to take both sides of the bargain if they can. [Laughter.]

Mr. GRAY. That is it. You have struck it there.

Mr. EVARTS. And if they got the fishery treaty at an end, and the fishing duties on the provincials, and then they could fish without molestation, they would be all right, for, as I pointed out, molestation was all that was meant by the provinces. All these fishermen, when I had the conduct of foreign affairs, on my consulting with them, deliberately said they would like to terminate the fishery privilege midway, notwithstanding the $5,500,000.

Mr. MORGAN. Is that correspondence on file in the Department?

Mr. EVARTS. Oh, I do not know how much would be found in letter and how much in consultation. At any rate it was sufficient for me to act upon.

Mr. MORGAN. I only wanted to know if I could get access to it.

Mr. EVARTS. It was not an authority that I could cite now.

I am reminded of what I should not have omitted, that this action of the President was called forth by the announcement of the vote of both Houses of Congress behind his proclamation, and yet these foreign guardians of our fisheries, fishermen, and interests, thought that this nation was asleep and they thought that the 1st of July was expected to happen, I suppose, about the middle of December, and that there was need of this succor.

Now, what happened? There was nothing in this repose or in the need of this repose except as an entering wedge, a hold of good feeling, of protection on the part of Great Britain, to get at our market. That is what they were at, and the Administration accepted and entered into that conciliation, and was accorded and accepted, on our side, upon the proposition of undertaking to produce, so far as the policy and the rightful authority of the Administration could, reciprocity and free fish. There is no denying that. Read the papers.

In the mean while, the matter having proceeded thus far, a communication was made by the Executive to Congress of the stage that had been reached, and that he desired a commission appointed to take up, entertain, and execute, it might be, this benevolent disposition that was opened to us by Great Britain. The answer was of entire respect but of unequivocal import: "We do not wish a commission at all; we do not desire to enter into these subjects, and it is delusive and disrespectful to Great Britain to hold out a commission that is to accomplish results such as are there foreshadowed when we have no design or purpose of favoring such a result."

But this was persevered in. Our answer, then, went further. There is one province that is not to be arranged, nor is the true province of arrangements between two great nations by diplomatic correspondence or by treaty. That is to be cared for by political action of nation toward nation, and that is by legislation concerning that equality, that freedom, that largeness, that advantageous liberality of commerce, of hospitality, of deference, of respect, of nurture and culture of interests, and not of proscription and disfavor and tentative or approaching extirpation.

Has not the Congress of the United States a right to say that commercial relations may be treated politically between nations? They shut out all the commercial rights and all the privileges and all the liberalization of shelter, and "coal" instead of "wood," and all things of that nature, and said: "Well, let all those go under one head, now that the fishery business must stand on its own bottom. In regard to that there is nothing in the equivalent that the provinces can offer in the fishing interchange of any value, and we do not intend that molestation shall be a working asset in the negotiations for our dealing concerning these fisheries." That was the answer on that point.

But, nevertheless, the Administration proceeds. It does not propose to us a reconsideration as to whether we will tolerate a commission, by saying to us, "the President has considered, notwithstanding what Congress has said, that the Government ought to enter into a negotiation"—a course which the President had doubtless a right to take—"and he proposes to you a commission, and nominates certain participants in that commission." Then the question would come up whether we would confirm or would not confirm the nominations. Would any one question the ability or the virtues of these commissioners by refusing to confirm them?

We would merely say, "We do not desire a commission." Had we not a right to do that? Meanwhile, the President, with the accredited and responsible officers, the Secretary of State and the minister at the court of St. James's, had a right to conduct the treaty without any consultation with us. I do not touch the question whether or not there could be properly included commissioners without official title and responsibilty and recognition under the Constitution.

I only say that it was not disrespectful to the Executive for the two Houses of Congress to announce their propositions for the treatment of the situation between Great Britain and us, and the substance of that was that we will treat politically the question of equality of hospitality and equality of rights; and if you propose to go into diplomatic negotiations on the other subject, of a free market here; we have made up our minds to the contrary; our people have made up their minds; they have had sufficient experience and they are all of one mind—yes, all, so far as concerns the fisheries themselves and the free market.

If you find advantage in feeding the hungry and in patronizing foreign fishermen for that purpose, that is another matter; but in the interest of our fishermen and our fisheries, our people have made up their minds and I see no change in them. I have no fear that under the exploration given to this subject of the fisheries and of the dependence of our fair share of that great possession, on the score of the need of our market to put us on an equality with the Provincial fishermen, I have no fear that free fish will ever play a part in our system here.

It is but fair that I should indicate what I suppose might be a proper line of interchange of views between these Governments in regard to this subject of molestation. We should insist upon what our rightful claims are, that we have always rejected the headland theory, that we do not tolerate the right to make a bay by calling it a bay, thus taking a part out of our fisheries and transferring it to theirs, and we do insist on the 3-mile line and its sinuosities, and we would like now to know, if Great Britain objects to it, what its claim is. That being ascertained, then there may be or may not be an opportunity of finding out what the treaty of 1818 meant; and what that means we desire to adhere to.

But if that were not proper, then our rights and their rights must go on as before—not with war, not with fear of war, but with irritation, and perhaps in the presence of patroling ships of war, not to fight one another, but to protect each interest. And then the question must take the course of solution, not of hostilities, but when the aggregate was important enough, but when it was pressing enough, to have a mixed commission to decide, as every valuable judgment in political junctures, as well as in private law, is decided, by a decision upon incidents when they arise.

When our demand, or their demand, shall meet with resistance, then it is to be provided for, as these nations are always providing for incidents in their intercourse as occasions arise. I do not mean by choosing occasions of disadvantage, but as any occasions in fact arise. How many cases have there been of complaints with Mexico, complaints with Spain, complaints with France, complaints with England? War! Has any nation ever declared war against the United States? We have been a nation a hundred years. Has any nation of the earth declared war against us? We once declared war against Great Britain to maintain our right to be neutral, but no nation has declared war against us.

Nothing in the system of our civilization and of our commerce and of our amity with all the great nations of the globe tolerates, even in the area of irresponsible debate, an agitation of any such question as that. Mexico, Congress decided by its act, was at war with us, and we took up the quarrel at that stage. We did not declare war against Mexico, but treated it as coming about by acts which made it war. Mexico had not declared war; we did not declare war; but finding one subsisting we thought we would carry it on, and we did.

But the point I make is that no nation has ever declared war against

the United States. Where does this talk about war come from? War is a very wide area. War has very extensive weapons; war has losses; war has exposures; war has resentments; war has interruptions of commerce; war has scouring the seas; war has intercepting food for the machines and food for the people who tend the machines. What attack can be made upon us? Who expects to make a footing on our territory, by a hostile fleet to wrest any portion of our territory from us? What profitable intercourse, filling the pockets of all the great nations of Europe desires to cut off our market, although it climbs over a tariff? It is the best market, though climbing over our tariff, for Great Britain anywhere.

I would not introduce such a topic as this for all the world. It finds no place here. I can not understand why it is interposed in this peaceful consideration as to whether we find a proposed treaty acceptable or not acceptable. What is the *casus belli?* While we are proposing to go under the treaty of 1818, it would present a very extraordinary *casus belli*, that we will not make a new treaty, that we think the treaty as it comes down to us with all the explanations it has received in the past is better than a new treaty that has manifold the difficulties in it compared with that we have had seventy years to interpret as the existing one. Is that a *casus belli?* It might be a *casus belli* against China when that Empire would not make a treaty to let in opium, but I do not think it is a *casus belli* that we wish to adhere to a treaty that is seventy years old, and not to make a new one. Away, then, with any such proposition of umbrage or resentment on the part of Great Britain.

If you want to undertake a course of diplomatic understandings and conventions about the protection of fishing on each side of this line between us, why not do as the English have done with the French in their competing fishing? Cape St. John is not noted on the map before us, but Cape St. John is at this headland on the east coast of Newfoundland [indicating]. The outer headland there is Cape St. John. The French fishing goes up north, turns the point, and comes down on the west coast to Cape Ray. France and Great Britain in dealing with those fishery arrangements are face to face to one another across the Straits of Dover.

Let me ask attention to what is very interesting, the convention which was concluded between France and Great Britain concerning the Newfoundland fisheries November 14, 1885. There were the fisheries and there were these nations, and there was a treaty arrangement to which I shall call your attention to see what was provided; how important it was, when it was worth while, to understand that the enjoyment of fishery rights depended upon their administration, upon their impartial administration, between two nations, and not by unilateral supervision and regulation. I shall not read all of these articles, but following the "arrangement" so called which I read, I will call attention to some points in various articles.

The undersigned commissioners, delegated by the Governments of France and Great Britain, to the end of seeking—apart from the treaties now in force which they are not authorized either to modify or to interpret—

You got down to the point of how the competing interests are to be administered—

the means of preventing and settling differences relative to the use of the fisheries on the coasts of Newfoundland, have drawn up by common accord, under reserve of the approbation of their respective governments, the following engagements.

Here are articles, twenty in number, providing various regulations.

ARTICLE I.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engage to conform to the hereinafter expressed provisions for assuring to French fishermen, in the execution of existing treaties and particularly the declaration of 1783—

For they had a subsisting treaty of that date—

the free exercise of their industry upon the coasts of Newfoundland without hinderance or obstacle of any kind on the part of British subjects.

Observe, now, these regulations do not either change or interpret the treaties, but the occasions of complaint and of difference are to be provided for. These are very explicit, and I call the attention of the Senate to all of them. There are some of them, more important than others, that I should like to read—that is, more important to our present situation.

ARTICLE IV.

It is agreed that the French shall retain, to the fullest extent, upon all that part of the coast comprised between Cape St. John and Cape Ray, and as it is defined by the treat es, the right to take, dry, and cure fish, as well as the right to cut, anywhere save in inclosed properties, the wood necessary for their drying-stages, cabins, and fishing vessels.

ARTICLE V.

The surveillance and police of the fisheries shall be exercised by vessels of the military marine of the two countries, under the conditions hereinafter laid down the commanders of the cruisers having, under these conditions, sole authority and competence in all matters concerning the fisheries and the operations pertaining thereto.

It is not the courts on shore; it is this police regulation exercised by the public vessels of the two powers. Then—

ARTICLE VIII.

The cruising vessels of the two countries shall be competent to ascertain any infractions of existing treaties, particularly of the declaration of 1783, by the terms whereof the British subjects shall not "interrupt in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them, upon the coasts of the Island of Newfoundland.

And so on.

ARTICLE X.

In the event of the natives hindering or molesting on land, by their acts, the drying and curing of fish and in general the diverse operations—

Here is the point—

the diverse operations which depend upon the exercise of the French fisheries on the coast of Newfoundland.

Their right was to fish there, and "the diverse operations" are to be protected. Then a provision is made for the statements, the taking of evidence, and exemption from any taxes; and then—

ARTICLE XVII.

The French fishermen shall have the right to buy bait, herring, and capelin, on land or at sea, in the harbors of Newfoundland, without tax or impediment of any kind, after the 5th of April of each year, and until the end of the fishing season.

That is a line that two great nations can take in hand, and if we are to enter upon the execution of the treaty of 1818, that is the method of proceeding. It will not do for us to be so careless of our rights and interests, and indulgent as we have been. It will not do; it will not be adequate for us merely to say, "We speak the same tongue, and live on the same continent, and are of the same lineage, and of the same institutions, and good neighborhood is of equal importance to both." We now need to have our rights, as we regard them, respectfully treated, until they are adjusted under the law of nations. As I understand it, there is just as good a right for us, if a provincial cruiser undertakes to seize one of our fishing vessels outside of the 3 miles, and the fact so determines it, to treat it as a marine tort, and to visit it upon the marauding vessel, whatever authority it may carry at its masthead. We take the responsibility for it, of course.

Mr. GRAY. Will the Senator pardon me for an interruption? I hope he will intimate if he has the slightest objection, because I know how fatigued he must be, but it is a simple question. The treaty to which he has just called our attention between Great Britain and France in 1885 refers to the regulation of a common fishery on the western and eastern coasts of Newfoundland. We also have a common fishery regulation with Great Britain on the western and southern coasts of Newfoundland. Has the Senator from New York ever heard of any complaint from any American fisherman exercising that common fishery of being molested or interrupted in his right by the inhabitants or authorities of Newfoundland, because, if he will permit me to add, the questions which we are discussing and to which this treaty refers are not the regulation of common fisheries, but the interpretation of a treaty which excludes us from territorial waters?

Mr. EVARTS. Then the dispute with us is where that line is. That is the point that comes in; and that line is to be patrolled, and that line is to be administered by international regulation, not at the will of the authorities of the shore fishermen.

I thank the Senator, it was no interruption, because it recalls my attention to what I had overlooked and is a part of my argument, and that is the clauses of these French treaties. I call attention to the liberality with which the convention I have commented on recognizes rights which spring out of simple words of the treaty, and are provided for, and the respectful manner in which they are treated.

The treaty of 1713, which is the treaty of Utrecht, and lies at the foundation, provides:

But it shall be allowed to the subjects of France to catch fish and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche.

Those points are not on this map, and it is not important whether they are the Quirpon Islands, and St. John's and Cape Ray or not; but the right is accorded only in those general terms to catch fish and dry them.

By the treaty of 1763, which is the treaty of Paris, it is provided:

V. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the island of Newfoundland, such as it is specified in Article XIII of the treaty of Utrecht; which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as the other islands and coasts in the mouth and in the Gulf of St. Lawrence). And His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of 3 leagues.

In the treaty of 1783, between these powers, it is provided:

V. His Majesty, the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France—

Because quarrels arose—

consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in 50° north latitude; and His Majesty the King of Great Britain consents on his part that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape St. John, passing to the north and ascending by the western coast of the island of Newfoundland, shall extend to the place called Cape Raye, situated in 47° 50′ latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article as they had the right to enjoy that which was assigned to them by the treaty of Utrecht.

The point of this, if Senators will allow me, is that under treaty rights, expressed in general terms, the treatment, between these nations of the diverse interests concerning the corroboration and enjoyment of the fishery, when the right is regarded as fixed by the treaty-power conceding it, that power is under obligation to provide an international

method of preventing molestation, irritation, and interference. That is the point to which I invoke consideration.

Then we would treat all these matters of hospitality and of commerce politically. That is the position which we are now in. The two Houses of Congress have, with unanimity, agreed upon that course, and have vested the President with the power, politically, to equalize our hospitalities and our privileges on our part with the hospitalities and privileges that are given us on the other side.

Now, Mr. President, I will remark for a moment, before I close, upon the publicity of this debate, which has been made a subject of complaint on the part of our friends, the Senators on the other side of the alley, as leading us into incontinent agitations and discussions that should better be kept in the secrecy of executive session. Of course, it is not easy when Senators on either side of the Chamber pass out of the habits of secret discussions into open debates readily to accommodate the line of open political debate, which we are accustomed to, to that of international considerations, which generally belong to the confidence of one government, not drawing the other into participation. But let us understand how much of complaint can be made against this side of the Chamber on this point of publicity of the British treaty. That is the question.

The President of the United States, in making a confidential communication of the treaty to the Senate, and of his own exposition, by message, of the arguments for its adoption, closed by saying:

I am given to understand that the other governments concerned in this treaty will, within a few days, in accordance with their methods of conducting public business, submit said treaty to their respective legislatures, when it will be at once published to the world. In view of such action it appears to be advisable that, by publication here, early and full knowledge of all that has been done in the premises should be afforded to our people.

It would also seem to be useful to inform the popular mind concerning the history of the long-continued disputes growing out of the subject embraced in the treaty and to satisfy the public interests touching the same, as well as to acquaint our people with the present status of the questions involved, and to give them the exact terms of the proposed adjustment, in place of the exaggerated and imaginative statements which will otherwise reach them.

I therefore beg leave respectfully to suggest that said treaty and all such correspondence, messages, and documents relating to the same as may be deemed important to accomplish these purposes be at once made public by the order of your honorable body.

The Executive took the lead in judging that this British treaty should be brought home to the popular attention, together with the correct appreciation of the previous situation and the conduct of affairs from that point of view. And, now, when the project of the Executive has been imparted to our countrymen, with the solicitous desire that there should be neither misconception nor exaggeration in the public mind, when the alternative and correlative presentation or the discussions of the Senate of what will instruct and inform our countrymen, it is declared an indecency simply because this would involve us in debates that might more properly be kept from such publicity.

Why should not, as a rule, the views of the President have been kept from the public knowledge and the public discussion? What credit can you yield to a complaint that there shall be a unilateral enlightenment for the people of these United States and the opposite opinions and the opposite interpretation shall be withheld and suppressed? It is amazing that an objection of this nature should be raised to the public discussions of the Senate at this stage of the whole matter already laid before the people.

Of course, the Senate is the master of that question; and the Administration Senators are masters for themselves of the question whether the President and the Secretary of State have not told the people enough and they do not need to hear from the other side. Accordingly we, on our side, have full liberty of opinion that this *ex parte* information and discussion on the part of the Executive is not enough for our people. We propose to them therefore that this debate shall be a free and open communication on the one side and the other of the rights and duties of our people.

Now, one subject further and I am through. The Senator from Alabama has lamented this report from the Committee on Foreign Relations, for I believe it is a report of the committee. It is not a report of a portion of the committee; it is a report of the committee, produced by the major opinions; and the minority report is a report of their individual opinions. Ours is a report of the committee, and it is a report of the organ of the Senate, and to the Senate. Yet it is said there has been an assumption and an arrogance in what we have undertaken to say in behalf of the Foreign Relations Committee. The statement refutes any such imputation.

But a more serious proposition is that the committee have undertaken to commit in advance the Senate and the country, if we reject this treaty, to the proposition that the opportunity for negotiations has passed and can not be renewed. We do not undertake to state anything but what we base upon the conduct of the two Houses of Congress. That is what we report. At pages 24 and 25 of this report, after quoting the communication of the President, under date of 8th December, 1886, to Congress, the committee says:

Justly influenced, doubtless, by this message and by the state of affairs shown in the documents accompanying it and by the evidence taken by, and the report of the Senate Committee on Foreign Relations on the same subject made on the 19th of January, 1887 (Rep. No. 1683, Forty-ninth Congress, second session), Congress came to the conclusion that the period of negotiation and unavailing remonstrance had passed, and with almost absolute unanimity and without any party division enacted the act of March 3, 1887.

That is the act giving power to the President in the premises. This is the committee's report of what Congress said and did. Is not this deduction open to the debate and the conclusion, and does not every Senator and every Congressman, when that vote was taken, understand that Congress had declared its attitude on this subject, that it did not propose to have a commission or enter into a negotiation; that our attitude of seeking reparation from unappeased resentments was not a subject upon which we wanted to make a new treaty, but of seeing that old treaties were observed, and that the subject of commercial integrity and equality was not to be entered into to obtain *de novo* and original stipulations that we were to sue for?

Now, on page 35 we say:

No new event or situation of affairs has arisen since that time,

That is March 3, 1887—

and the only real questions subsisting between the two countries in respect of the subject were those of reclamations by the United States for outrages upon its citizens, for which this treaty makes no provision, and the question of whether the mutual arrangements of 1830 and the mutual rights of transit under the treaty of 1871 shall continue.

This treaty makes no provision for an indemnity. It does make provision for establishing forever the full measure and limit of rights and privileges to be enjoyed by fishing vessels of the United States.

But it is said there is an admixture of effrontery and of servility proceeding on another point out of the mouth of the Foreign Relations Committee. On page 38 the committee proceeds:

The committee can not, but hope that if these ill-advised negotiations——

Mr. MORGAN. If the Senator will allow me, he has not fully quoted the statement of the committee upon which we rely, that they are trying to commit this country to the proposition that the time for negotiation has passed.

Mr. EVARTS. I have not read everything, I agree. The Senator read the other day what he relied upon.

Mr. MORGAN. On page 34, a full statement of it would show that the committee did take that very ground.

Mr. EVARTS. The Senator read that before. I have referred to those phrases and given my interpretation of them.

This is a combination of effrontery and arrogance, personal, I suppose, on the part of Senators who signed this paper, because the impersonality of the Senate has not committed itself to this effrontery.

Mr. MORGAN. I was speaking of the committee and comparing it with the Committee on Post-Offices and Post-Roads and other committees of this body.

Mr. EVARTS. I hope I may be allowed to proceed.

Mr. MORGAN. The Senator asked me if it was personal. I say I was speaking of the committee.

Mr. EVARTS. Yes; the five who had signed the report.

Mr. MORGAN. A majority who, you say, represent the Senate.

Mr. EVARTS. Those persons representing personal arrogance, as you say.

Mr. MORGAN. Representing the Senate.

Mr. EVARTS. Now, I will read what the committee says:

The committee can not but hope that if these ill-advised negotiations, which, as is known to all the world, can not properly commit the United States in any degree until they shall have received the constitutional assent of the Senate, shall fail to meet the approval of this body—

Now, in that contingency—not remote, I think, when this was written; certainly not remote now—the committee express the hope—

Her Majesty's Government will take measures to secure justice and fair treatment in her North American dominions to American vessels and American citizens, in all respects and under all circumstances, and that that Government will see the justice and propriety of according to American vessels engaged in the business of fishing all the commercial rights and facilities in her North American ports that are so freely and cheerfully accorded to her own in the ports of the United States, and that thus the friendship and good feeling which ought to exist between neighboring nations may be finally established and secured.

If any fault can be found on either side of the Chamber with an expectation and hope, if this treaty shall fail of consummation, that after that the political relations between this country and Great Britain will be adequate to solve any difficulties between the two nations, if there is anything that is either offensive or servile in sentiment or expression in the language used by the committee, it eludes my appreciation.

Now, Mr. President, I have brought to a close the treatment of the attitude between the two countries and the negotiation, down to this treaty, on which I was prepared to make a comment, and I hope not an unfair comment, on the actual provisions of the different articles of the treaty, but I forbear to proceed——

Mr. MORGAN. If the Senator will yield, I will move to proceed to the consideration of legislative business.

Mr. EVARTS. Allow me to conclude my observation. I forbear to proceed at present with that inquiry, and it may be it would not be quite suitable for me to proceed before a vote is taken upon the pending motion of postponement. It may be that a critical examination of these articles may more properly find its place under the examination of the treaty itself on the merits which, if I rightly understand the Senator from Alabama [Mr. MORGAN], are to be independently considered, on his part at least, rather than upon the consideration of the postponement of the treaty.

APPENDIX.

Mr. Evarts to Mr. Welsh.

DEPARTMENT OF STATE, *Washington, September 27, 1878.*

SIR: I am directed by the President to present to the attention of Her Majesty's Government the sentiments of this Government respecting the result of the deliberations of the commission lately sitting at Halifax for the determination of the question submitted to it under the articles of the treaty of Washington relating to the fisheries. It is the purpose of the present communication to put you fully in possession of these sentiments, that you may impart them to Lord Salisbury with the same frankness that they are disclosed to yourself.

It is a matter of sincere regret to the President that the actual result of the deliberations of this commission has been such as to require from this Government the course of observation upon the same which it becomes my duty to submit to the consideration of Her Majesty's Government. For reasons of paramount importance to the interests of the two countries, in their future treatment of the subject of the fisheries, a candid statement of the views of this Government, as to the position in which the action of the commission has placed those interests, is due alike to the British Government and ourselves.

Nor are these views expressive only of the sentiments of the executive department of the Government. Upon the papers being laid before Congress, for its necessary action, upon the question of making an appropriation from the Treasury to meet what should prove to be the proper obligations of the Government under the treaty, Congress, with great unanimity, concurred with the Executive in the opinion that the attention of the British Government should be invited to the subject of the award, as looked upon by this Government, in advance of the final action of the Executive in reference to its payment. Accordingly, the sum appropriated by Congress to meet the award is, by the appropriation act, "placed under the direction of the President of the United States with which to pay the Government of Her Britannic Majesty the amount awarded by the Fisheries Commission, lately assembled at Halifax, in pursuance of the treaty of Washington, if, after correspondence with the British Government on the subject of the conformity of the award to the requirements of the treaty, and to the terms of the question thereby submitted to the commission, the President shall deem it his duty to make the payment without further communication with Congress."

The occasion for this correspondence with the British Government arises from the great importance of reaching a complete and explicit understanding between the two Governments as to the conformity of the award made by the commission to the terms of the treaty of Washington, by which its authority and jurisdiction are communicated and defined. If the award in respect of the fisheries had relation only to the sum of the payment involved, considerable as that is, this Government might prefer to waive any discussion which could affect no continuing and permanent interest of the two countries, and would, therefore, comprehend only such considerations as would touch the principles or elements of computation applied by the commission in arriving at a pecuniary amount, the payment of which carried no consequences. It is true, even in such case, the indisputable right of the parties to an arbitration, public or private, to examine an award in respect of its covering only the very matter submitted, should not be too readily relinquished from mere repugnance to question a result which, at least, if undisturbed, serves the good purpose of closing the controversy. If the benevolent method of arbitration between nations is to commend itself as a discreet and practical disposition of international disputes, it must be by a due maintenance of the safety and integrity of the transaction, in the essential point of the awards, observing the limits of the submission.

But this Government is not at liberty to treat the fisheries award as of this limited interest and operation in the relations of the two countries to the important, permanent, and difficult contention on the subject of the fisheries, which for sixty years has, at intervals, pressed itself upon the attention of the two Governments and disquieted their people. The temporary arrangement of the fisheries by the treaty of Washington is terminable, at the pleasure of either party, in less than seven years from now. The fisheries award, upon such termination of the treaty arrangements, will have exhausted its force as compensation for a supposed equivalent and terminated privilege. If this Government, by silent payment of the award, should seem to have recognized the principles upon which it proceeds, as they may then be assumed or asserted by Her Majesty's Government, it will at once have prejudiced its own rights, when it shall become necessary to insist upon them, and seem to have concealed or dissembled its objections to the award, when Great Britain was entitled to an immediate and open avowal of them.

Upon these considerations the President and Congress have required that the sentiments of this Government respecting the fisheries award be set before Her Majesty's Government, to the end that a full interchange of views, in a friendly spirit, between the two Governments, should leave no uncertainty as to the degree of concurrence or of difference in their respective estimates of this transaction.

It is greatly to be regretted that the protocols of the commission make no record of the steps by which the majority reached the conclusion which they announced as the award of the commission, and the dissenting commissioner, on the other hand, arrived at so widely different a result. Had the records disclosed the methods of reasoning, or the processes of calculation respecting either of the privileges which, under the submission of the treaty, were to be measured and compared, upon which the divergent results of their deliberations were reached, the task of exposing the manner and extent in which, in the opinion of the Government, the award transcends the submission of the treaty would be much simpler.

Indeed, in the view which this Government takes of the narrow and well-defined question submitted to the commission by the treaty, and of the indisputable result of the evidence pertinent thereto, there seems little reason to doubt that if the protocols exhibited a trace, even, of the elements of computation by which the two concurring commissioners made up their judgment, they would inevitably disclose the infirmity of the actual award, and make any careful demonstration of the same superfluous.

I desire that you will first call Lord Salisbury's attention to the nature of the question submitted to the Halifax Commission, as adjusted through the diplomatic conferences of the Joint High Commission and expressed in the treaty.

In the first place, the United States, in the fishery articles of the treaty of Washington, did not intend to, and did not, waive or curtail in the least the construction of the fishery and appurtenant privileges accorded in the first article of the convention of 1818, as claimed by them, and actually possessed and enjoyed by them under such claim, at and before the negotiation of the treaty of Washington. Neither the protocols of the conferences of the joint high commissioners, nor the text of the treaty negotiated by them, indicate any intention of submitting to the interruption of the Halifax Commission the degree of privilege accorded to the United States by the convention of 1818. On the other hand, it is manifest from the instructions to Her Majesty's high commissioners, as well as from the protocols of the conferences, that a settlement of the disputed interpretation of the convention of 1818 was contemplated as possible only by the diplomatic deliberations of the Joint High Commission, and such conclusions thereon as they might find it in their power to embody in the treaty of Washington.

This task, however, they did not undertake, but provided only for a temporary possessory privilege that should supersede, during its continuance, any determination of such disputed interpretation. In this disposition of the subject, it would seem quite beyond the scope of the jurisdiction of the Halifax Commission to include in any measure of the additional privilege accorded to the United States by Article XVIII of the treaty of Washington, any contribution for the enjoyment of the privileges accorded to the United States by the convention of 1818, as claimed and actually possessed by them at the time of the negotiation of the treaty of Washington. A reference to document No. 15, filed with the Halifax Commission, in support of the case of Her Britannic Majesty's Government, and found at page 238 of the Congressional publication of the proceedings of the Halifax Commission will substantiate this proposition.

I do not regard this point of serious importance in the exposition of the subject, except that I desire to preclude, in behalf of the United States, any implication, or argument hereafter, to be drawn from my passing over, without criticism, this possible element in the admeasurement of the award. The United States still maintains its interpretation of the privilege secured by the convention of 1818, and protests against any implication from the magnitude of the award of the Halifax Commission, or otherwise from its proceedings under the treaty of Washington, that the United States have sanctioned or acquiesced in, or by the payment of that award would sanction or acquiesce in, any lesser measure of the privileges secured to the United States under the convention of 1818, than, as is well known to Her Majesty's Government, they have always insisted upon.

In the next place, the United States did not submit to the Halifax Commission, under the fishery articles of the treaty of Washington, any valuation of any general economic or political advantages which grow out of access to fishing grounds for the development of a mercantile or naval marine, and which, therefore, it might be argued, would be enhanced by adding the area of the inshore fisheries of the Gulf of St. Lawrence to the fields for that enterprise, from the earliest period open to and occupied by the bold and hardy seamen of this country. Still less did the United States submit to that commission a pecuniary measurement of the removal of occasions of strife between the fishermen, or misunderstanding between the governments of the two countries, by the temporary obliteration of a restrictive line, dividing the inshore from the deep-sea fisheries on portions of the coast of British North America.

Both of these subjects are considerations, governmental in their nature, suitable to be entertained, with many others, in the diplomatic negotiations which ended in the treaty. They are neither of them computable in money. That which relates to the maintenance of good understanding and good neighborhood between the United States and the British North American provinces can, least of all things, be admitted as an estimable element in a pecuniary computation. The importance of such maintenance of good understanding and good neighborhood the United States will never undervalue. In this interest large fiscal concessions were made by the United States in the adjustments of the treaty of Washington. After such concessions, the superadded submission to the Halifax Commission of the question of equalizing, by a pecuniary measure, those concessions with supposed equivalent concessions by Her Majesty's Government, was entertained and agreed to by the United States, mainly, if not entirely, in the disposition to meet any just interest of the British North American provinces to be assured of the equality of these intended equivalents.

But the maintenance of these good relations is of common interest to the two countries, and can never be made the occasion of pecuniary tribute as if of more importance to one than to the other. No such calculation entered into the enlightened and conciliatory motives which animated and shaped the important series of negotiations which produced the treaty of Washington. In the definition of whatever unadjusted computation was referred, for pecuniary settlement, to the Halifax Commission, care was taken to include nothing which, suitably to the honor of both countries, was not measurable by a scale of industrial and commercial profits. If these plain considerations shall be viewed in this light by Her Majesty's Government, it is hoped that a concurrence of opinion as to the nature of the question actually submitted to a pecuniary measure, by the Halifax Commission, may be easily reached.

It can not be very material to recall Lord Salisbury's attention to the historical attitude of the two governments toward the subject in contention as to the fisheries by any present exposition of the matter. The sources of knowledge on this subject are common to the public cognizance of the two governments. Our diplomatic intercourse has unfolded the views of successive British and American cabinets upon the conflicting claims of mere rights, on the one side and the other, and at the same time evinced, on both sides, an amicable preference for practical and peaceful enjoyment of the fisheries, compatibly with a common interest, rather than a sacrifice of such common interest to a purpose of insisting upon extreme right at a loss, on both sides, of what was to each the advantage sought by the contention. In this disposition the two countries have inclined, more and more, to retire from irreconcilable disputations as to the true intent covered by the somewhat careless and, certainly, incomplete text of the convention of 1818, and to look at the true elements of profits and prosperity in the fisheries themselves, which alone, to the one side or the other, made the shares of their respective participation therein worthy of dispute.

This sensible and friendly view of the matter in dispute was greatly assisted by the experience of the Provincial populations of a period of common enjoyment of the fisheries without attention to any sea-line of demarkation, but with a certain distribution of industrial and economical advantages in the prosecution and the product of this common enjoyment. The form of this experience was twofold: First, for the period of twelve years, under the reciprocity arrangement of trade between the United States and those Provinces; and, second, for a briefer period after the termination of the Reciprocity Treaty, under a system of licenses which obliterated the sea-line of circumscription to our fishing fleet, upon the payment of fees deemed adequate by the Provincial Governments.

In this disposition, and with this experience, the negotiations of the Treaty of Washington were taken up, and produced the fishery articles of that comprehensive treaty. The results of this experience, and the influence of this disposition, are plainly marked in the pertinent protocols and in the text of the articles.

At the outset it was apparent that *neither* a confirmation nor a rectification of the old sea-line of exclusion, or the adoption of a new one, had any place in the counsels or purposes of Her Majesty's Government, or in the interests or objects of Her Majesty's Provincial subjects. It had become thoroughly understood that the line of the convention of 1818 had become inapplicable, and, in some respects, insufferable, to the common interests.

The mackerel, always an inshore as well as a deep-sea fish off our coasts, at the date of the convention of 1818, and for twenty years after, as an object of pursuit to our fishermen, was confined to the coast of the United States, and that fishery was substantially unknown in any commercial sense in the Provincial waters. Either a change of habits in the fish or an extension of the enterprise of our fishermen had opened up the mackerel fishery of the Gulf of St. Lawrence to our pursuit. The gradual increase of the fishing-coast population of the Provinces had supplied the fishermen and excited the local interest for the prosecution from the shore, as the base of its operations, of the new industry of inshore mackerel fishing.

Upon the concurrence of these circumstantial changes it was natural enough for the coast population and the public men of the provinces to conclude that the territorial authority, which, under the convention of 1818, gave to the provinces the monopoly of the inshore mackerel fishery, only needed to be insisted upon, by a vigorous exclusion of our fishermen, to be fruitful of great local prosperity.

These calculations were disappointed. It was soon found that the provinces themselves were comparatively valueless as a market for mackerel, and that the quality of the fish, as respects the methods of its preparation for export, excluded it from the general foreign market which was open to the product of the cod fisheries. The near market of the United States was essential to the local prosperity of the inshore mackerel fishermen of the provinces. The political control of that market by the United States quite overreached the provincial control of the inshore fishing-grounds. Fish that can not find a market will not long be pursued for gain, and the fishing-coast population and the statesmen of the provinces alike saw that a participation in the mackerel market of the United States was the indispensable condition of prosperity to their inshore fishery. Experience confirmed the logic of this reasoning. While the reciprocity treaty endured, settlements thrived and wealth increased. When it was withdrawn, population shrank and wealth declined, and, but for the hope of its renewal, a destruction of this industry seemed imminent.

Upon the other hand, the mackerel fishermen of the United States felt that a participation in the inshore fisheries of the Gulf of St. Lawrence was no equivalent for a surrender of our mackerel market to the participation of the inshore fishermen of the provinces. They justly reasoned that this arrangement, in respect of the mackerel catch within the line, instead of placing the provincial fishing industry upon an equal footing with ours, really put us at quite a disadvantage. Ordinarily, home products have a certain measure of advantage over duty-free competing imports, in freight, ocean or inland, insurance and interest and factorage. But here, what passes for our home product is acquired upon the very shore of our foreign competitor. Its pursuit is at the expense of an extended voyage, with costly outfit and large investment, at great risk, with long delay, measured by heavy insurance and accruing interest. Bringing it to what is called the home market involves the return voyage and the attendant burdens of expense.

The farmer-fishermen of the provincial coasts leave the plow in the furrow and the hay-cart in the field, and take to the simple implements and open boats with which fishing from the shore is prosecuted when the mackerel show themselves. They cure their catch as a part of their home labor, and ship it, at low rates, to our market by bottoms which make a returning commercial freight. At these odds, the share of the inshore mackerel fishery of the Gulf of St. Lawrence seemed to our fishermen but a poor addition to their former extensive rights to be purchased by so great a disadvantage in their general fishing industry on our own coasts, and in the deep-sea as well as the inshore fisheries of the provincial waters.

These views, too, were confirmed by our experience during the reciprocity arrangement and after its close. Both periods, unmistakably, marked the policy of an open market for the products of the provincial fisheries as disastrous to our fishing industry.

With these opinions and these experiences, on the one side and on the other, the High Commissioners undertook an adjustment of the opposing interests upon the principle of obliterating the sea-line between the fishermen of the two countries, and find such compensation for this concession as might seem equal and just.

In the conferences of the Joint High Commission, it is very apparent that our High Commissioners regarded the obliteration of the sea-line as of no great pecuniary value to our fishing industry. Accordingly, they offered but a million of dollars for this concession, in perpetuity. No doubt, politically and in the interest of good neighborhood, this Government did regard, and at all times would regard, the restoration of the relations between the two countries, in the common enjoyment of these fisheries, to the ancient footing of the treaty of 1783, as most grateful in sentiment and as a most valuable guaranty against any renewal of strife. These considerations, for reasons already stated, could not be worthily entertained upon either side as an element of the pecuniary measure of the privileges to be accorded.

In these conferences it is not less apparent that Her Majesty's High Commissioners recognized the possession of our market for the product of the provincial fisheries as the one thing essential to the prosperity of those fisheries, which could not be dispensed with or replaced by any money purchase. This commercial advantage was, of course, both practically and suitably to the dignity of the negotiation, measurable in money. It seemed to our High Commissioners to exceed in value to the provinces, as it unquestionably did in loss to us, any reasonable estimate of the value of the privilege our fishermen were to acquire. This basis, however, of freedom of the fishing grounds to our fishermen, and the freedom of our market to the fishermen of the provinces, in simplicity and rational equivalency, presented advantages which might well have dispensed with any nice calculation of comparative pecuniary values in the exchange.

Her Majesty's High Commissioners, however, thought that this exchange of privileges, even with the added concession on our part of throwing open to the provincial fishermen unrestricted participation in the valuable inshore fisheries of our own coasts above the thirty-ninth parallel, left still a claim for a pecuniary make-weight in favor of the provinces in the nature of owelty of partition. This led to the constitution of the Halifax Commission, to consider and decide the single question whether, and how much, the pecuniary measure of the new fishing privilege opened to the United States fishermen exceeded the pecuniary measure of the new fishing privilege opened to the provincial fishermen and of the possession of our market, free of duty, for all the products of the provincial fisheries. This difference between the two pecuniary valuations was, in the nature of the problem, no less than by the terms of the treaty, to be expressed and paid in money.

Upon the conclusion of the labors of the Halifax Commission and the communication of the concurring judgment of the two commissioners, awarding the sum of $5,500,000 as the amount to be paid by the United States under the fishery articles of the treaty, and the judgment of the dissenting commissioner that no sum whatever was payable by the United States under those articles, it became the duty of this Government to compare this result with the authority imparted to the commission by the treaty, and to determine whether it comported with or transcended such authority.

It will not, I think, be questioned by Her Majesty's Government that, upon the proofs and arguments, in whatever form submitted by the two Governments to the commission, the practical measure of the concession to the United States, under Article XVIII of the treaty, was simply of a free and equal right to take part in the fisheries of the Gulf of St. Lawrence within the 3-miles line, instead of being excluded therefrom, as we were under the convention of 1818. Nor do I anticipate that you will find any dissent on the part of Lord Salisbury from the proposition that the proofs fully show that the fishery thus opened to us was the mackerel fishery within that line.

While both Governments must regret that the sure footing for a concurrence of views between them, which might have been furnished by a careful system of protocols of the conferences of the commission, is wanting, yet the proofs on both sides leave this proposition in no doubt. Indeed, since the publication by Parliament of the "Correspondence respecting the Halifax Fisheries Commission" has disclosed the advices given, from time to time, to Her Majesty's Government by Mr. Ford, the very intelligent and circumspect British agent in attendance upon the commission, of the developments of the real subject for valuation, there seems no room for any difference of views between the two Governments on this point. Thus, in his dispatch of September 10, 1877, presenting the position, upon the completion of the British evidence, and before the opening of the proofs on the part of the United States, Mr. Ford says: "The mackerel fishery, being that most extensively pursued by Americans in British waters, is the branch of inquiry to which the greatest attention was devoted."

In giving, too, in the same dispatch the general results of any pecuniary measure of benefit to the United States fishermen from the concession of Article XVIII of the treaty, which the completed British proofs had presented as a basis for an award, Mr. Ford makes it very apparent that the mackerel catch within the 3-mile line was the only item of appreciable importance.

He says: "According to the evidence adduced on the British side, it seems beyond doubt that at least three-quarters of the mackerel taken on the British North American coast is caught within the 3-mile limit; while, owing probably to the existence of sandy shoals at some distance from the shore, the catch of this fish in United States waters north of the thirty-ninth parallel of north latitude is principally beyond that distance." Mr. Ford also, upon the mere British proofs, no less distinctly excludes the cod fishery as an element of the computation of the value to us of the concession of Article XVIII. He says: "The cod fishery is pursued to a limited extent only by United States fishermen within British territorial waters, and this is probably the case with hake, haddock, pollock, etc." And again, "The evidence is somewhat vague as to the proportion of codfish taken by Americans in British inshores, and it does not probably amount to anything considerable, except on certain portions of the north shore of the Gulf of St. Lawrence."

Mr. Ford's dispatch, upon a survey of the counter-proofs of the United States, which had just been completed, under date of October 30, 1877, presents the contention between the parties and as recognized by both sides in the same light. He says:

"Seventy-eight witnesses, in all, have been examined and two hundred and eighty affidavits filed, on the United States side; and, as was the case on the British side, the main part of it has been directed to the mackerel fishery, with regard to which the United States counsel have sought to establish the following salient points:

"1. That the fishing grounds principally resorted to by the United States fishermen in the Gulf of St. Lawrence are on the Banks situated outside the 3-mile limit and at the Magdalene Islands, to which they had access previous to the conclusion of the treaty of Washington.

"2. That the fishing business is at the best an unprofitable one as regards its net results to the owners or charterers of vessels. A mass of statistics has been put in evidence with a view to prove this assertion and to show that the Canadian inshore fisheries can hardly be pursued by United States citizens except at a loss; while those on their own shore yield a greater prospect of remunerative results.

"3. That the remission of duties on Canadian fish is a great benefit to the producer, inasmuch as the chief market for mackerel is the United States."

In the same dispatch, Mr. Ford, in certain observations of his own upon the countervailing force of the proofs of the United States, as a whole, against the British proofs, as a whole, shows that the valuation of the inshore mackerel fishery of the Gulf of St. Lawrence opened to our fishermen was the whole matter of contention before the commission in respect of the concession of Article XVIII of the treaty. He remarks:

"I may, however, observe that as it has never been denied, even by the British side, that a certain portion of the mackerel taken by the United States vessels in the Gulf of St. Lawrence is caught outside the 3-mile limit, there could be no difficulty in producing a considerable number of fishermen who would truthfully depose that the majority of their successful trips had been made outside the limit of British territorial jurisdiction. The main fact, however, remains practically intact, namely, that without access to the inshores it would be impossible for the general business of mackerel fishing by the United States vessels in the Gulf of St. Lawrence to be pursued with profitable results."

It seems to this government quite certain, then, that upon a correct exposition of the submission of the treaty, and the concurring action of the two Governments, in the production and application of what they deemed appropriate proofs, what the pecuniary value of our participation in the inshore mackerel fishery of the Gulf of St. Lawrence was fairly estimable at, constituted the extreme limit of any possible pecuniary award by the Halifax Commission against the United States. If upon any rational view of the criteria of this value before the commission the award of the two concurring commissioners of $5,500,000 as a twelve years' purchase of the privilege can be maintained, it may be fairly conceded that the imputation of invalidity to the award for transcending the submission of the treaty will fail of adequate demonstration.

If, on the other hand, the candid exploration of the evidence shall show that there exists no rational proportion between this award and the unquestionable limits of value which any view of the testimony must assign to the subject submitted for valuation by the treaty as correctly interpreted, then, by the very statement of the proposition, it is demonstrated that the concurring commissioners have passed their judgment of valuation upon some other subject than that defined in Article XVIII of the treaty, and have transcended the submission to their decision. In such case the antecedent authority imparted to the commission by the two Governments fails to justify the award, and the subject of the fisheries remains at the arbitrament of the two Governments unconstrained, though perhaps enlightened, by the deliberations of the Halifax Commission.

In proceeding to apply the proposed test of conformity or non-conformity between the award and the submission, I disclaim all right to trench upon the range of discretion, or to dispute the entire freedom in comparing, weighing, and extracting the true results from evidence which belongs to such special tribunals as the Halifax Commission. I shall not seek, in the least, to impose any views of my Government upon the evidence in the place of any that may be assumed even, to have been taken by the concurring commissioners. I do, however, insist that upon any question of fact, within the submission, the record of the evidence can not be surpassed by spontaneous conjectures or imaginations of the commissioners. I have no difficulty in saying that the error of the concurring commissioners, if error they have fallen into, does not seem to me of this nature. That error is not of mistaking the evidence adduced upon the subject submitted to them, but of mistaking the subject submitted to them, and thus liberating their judgments from obedience to the evidence thus adduced.

Fortunately, there are trustworthy criteria for determining the value of the concession of Article XVIII, as I have defined that concession to be. They are resorted to, upon one side and the other, and confessedly furnish the material upon which the appraisement, if confined to the subject as truly defined, must turn. If, then, upon the evidence, if found conflicting or divergent, the largest measure of valuation deducible therefrom be given in favor of the concession of Article XVIII, and that extreme value shall show no rational or approximate relation to the sum awarded, there would seem to be no escape from the conclusion that the concurring commissioners accepted some other subject for their appraisement than that submitted to them.

It happened that before the Halifax Commission had concluded its labors five fishing seasons of the treaty period had already elapsed, and the actual experience of the enjoyment by the United States fishermen of the privilege conceded replaced any conjectural estimate of its value by reliable statistics of its pecuniary results. These statistics disclosed that the whole mackerel catch of the United States for these five seasons in the Gulf of St. Lawrence, both within and without the 3-mile line, was 167,945 barrels. The provincial estimates claimed that three-quarters of this catch was within the 3-mile line, and so to be credited to the privilege conceded by Article XVIII. The United States estimate placed the proportion at less than a quarter. Upon the provincial claim of three-quarters, the product to our fishermen of these five years of inshore fishing would be 125,961 barrels.

It was established, upon provincial testimony, that the price which mackerel

bore in the provinces, cured and packed ready for exportation, was $3.75 per barrel, and this would give as the value, cured and packed, of the United States inshore catch for five years, the sum of $472,353. But in this value are included the barrel, the salt, the expense of catching, curing, and packing, which must all be deducted before the profit, which measures the value of the fishery privilege, is reached. Upon the evidence, a dollar a barrel would be an excessive estimate of net profit, and this would give a profit to our fishermen, from the enjoyment for these five seasons of the fishery privilege conceded under Article XVIII, of but $25,000 a year, or for the whole treaty period of twelve years of $300,000.

Although there would seem to be no reason for distrusting this commercial and pecuniary measure of the privilege in question, yet if it should be pretended that the provincial value should not be taken, but the value in the market of the United States; and, further, that an extravagant rate of $10 per barrel should be assumed as that value, and, again, beyond all bounds of even capricious estimate, a conjectural profit of 50 per cent. should be assigned to the fishing adventures, we should have but $125,000 a year, or $1,500,000 for the entire twelve years of the treaty, for the gross valuation of the concession to the United States by Article XVIII, undiminished, by a penny, for the counter-concessions of the United States of Articles XIX and XXI. Yet this sum, thus reached, is but little more than one-quarter of the award of the concurring commissioners, after taking into account the deductions required for the privileges of Articles XIX and XXI.

The proofs disclose another wholly independent criterion of the value of the privilege conceded to our fishermen by Article XVIII of the treaty, drawn from the experience of some years intervening between the abrogation of the reciprocity treaty and the negotiation of the treaty of Washington. The provincial government in these years adopted a license system by which vessels of the United States were admitted to the inshore fishery upon the payment of fees for the season, rated by the ton. The experience of this system showed that under an exaction of 50 cents per ton our fishing-fleet generally took out licenses; that when the fee was raised to $1 per ton, the number of licenses fell off about one-half; and when a fee of $2 per ton was exacted, but few licinses were taken out. The fairness of this measure of the value of the privilege is obvious. It furnishes a compensatory rate between opposing interests, suggested and acted upon by them without coercion, and by concurring consent.

The tonnage, taking out licenses under the first and lowest rate, was about 32,000 tons. Assuming, contrary to experience, that this tonnage would have borne the highest rate of $2 per ton, the sum of $64,000 per annum would have measured the value of the privilege in question, and would have yielded for the treaty period of twelve years $768,000. By this method the valuation of the privilege of Article XVIII (without deducting a penny for the counter-privileges of Articles XIX and XXI) would be but about 14 per cent. of the award of the concurring commissioners, after they had taken into account these privileges.

You will say, then, to Lord Salisbury, that with every anxiety to find some rational explanation of the enormous disparity between the pecuniary computations of the evidence and the pecuniary measure announced by the concurring commissioners, this Government has been unable to do so upon any other hypothesis than that the very matter defined in Article XVIII, and to which the proofs on both sides were applied, and the very matter measured by the award of the concurring commissioners, were not identical nor even similar, and that such award, upon this reason, transcends the submission.

The demonstration at which I have aimed appears so conclusive upon the mere consideration of the concession of Article XVIII, as to supersede, so far as the immediate argument goes, an exhibition of the reduction even of the moderate sum above assigned as the true appraisal of the concession of that article by the pecuniary value, as laid before the commission, of the counter-concessions of Articles XIX and XXI. But a brief statement of the views of this Government on the treatment of these counter-concessions in the deliberations of the Halifax Commission is requisite both to the completeness and the frankness of this exposition.

In brief, it may be said that Her Majesty's Government formally insisted in their "Case" and in their "Reply," laid before the commission, that the concession of Article XIX, whereby British subjects are admitted to the freedom of our coast fisheries north of the thirty-ninth parallel, is, to quote the language of the "Case," "absolutely valueless;" and that the concession of Article XXI, admitting fish and fish-oil, the product of the provincial fisheries, to our markets duty free, to quote the language of the "Reply," "has not resulted in pecuniary profit to the British fishermen, but, on the contrary, to the American dealer or consumer."

If I have been at all successful in showing the enormous disproportion between the sum of $5,500,000 announced as their award by the concurring commissioners, and the pecuniary value which the evidence assigns to the concessions of Article XVIII, by itself considered, I need spend little time in showing that these commissioners must have accepted the views of Her Majesty's Government that nothing was to be aliowed for countervailing value to the concessions of Articles XIX and XXI, or that these commissioners had in their minds a measure for the concession of Article XVIII still more inconsistent with the true treaty definition of the subject described in that article and submitted to the appraisement of the commission.

If the concession of Article XIX was held by these commissioners to be "absolutely valueless," as asserted in the "case" of Her Majesty's Government, it must have been because the pecuniary profit to the provincial fishermen of the privilege, as actually enjoyed by them, was the true measure of estimation of the value of the concession. In this view, the immense value of these fisheries, as shown in the evidence, all went for nothing, because the population, capital, or enterprise in the provinces could not carry on what to them were remote fisheries in competition with our own coast population. Without insisting upon the unreasonableness of measuring the value of our fishing grounds by the incapacity of Provincial resources to engage in the fishery opened to them, this disposition of the value of the concession of Article XIX recognizes the whole force and result of the reasoning by which I have assigned the true criteria of value for the privileges of Article XVIII, under the experience of the actual five years' enjoyment thereof by our fishermen, who were able to take advantage of the privilege, and did so to the furthest extent compatible with profit. The vice of the reasoning by which a right of fishing, valuable in its own capacity, is measured by the tenant's incapacity to fish, is obvious. It furnishes no true criterion of the rent value of a fishery, which is what was needed to be got at, both under Article XVIII and Article XIX. Under Article XVIII we furnished a true criterion by the experience of a tenant, confessedly willing and able to improve the fishery to the utmost, and actually doing so.

I now desire you to present to Lord Salisbury's attention the subject of the concession of a free market in the United States for the products of the provincial fisheries as made by Article XXI. The value of this privilege to the provinces was required by the treaty to be measured by the Halifax Commission and deducted from their appraisement of the concession of Article XVIII in favor of the United States.

The statistics of the importation under this privilege showed that at the rate of duty prevalent before that concession, a revenue of about $200,000 per annum on mackerel alone, and of more than $300,000 on all kinds of fish (mackerel included) and fish oil, would have accrued to the United States. For the purpose of argument, conceding that but one-half of this annual sum of $300,000 should be set down as pecuniary profit to the Provincial interests, the sum of $1,800,000 would need to be deducted on the score of Article XXI from the true valuation of the privilege conceded by Article XVIII. If I have assigned correctly the highest possible measure of the privilege of Article XVIII, upon the evidence, as being not more than $1,500,000, this low valuation of the privilege of Article XXI more than extinguishes it.

Whatever disposition the concurring commissioners made of this countervailing concession of Article XXI—whether they gave it a value commensurate with the statistical evidence of the revenue loss to the United States and market gain to the Provincial interest, or considered it absolutely valueless—the matter is one of much moment.

If these concurring commissioners gave the sum of $5,500,000 as the appraisement of the concession of Article XVIII, after deducting some $2,000,000 for the countervailing concession of Article XXI, the argument, as it seems to this Government, adequate before, becomes still more conclusive that the measurement, thus enhanced to some $7,500,000, was not applied and confined to the very subject submitted to the appraisement of the commission by Article XVIII.

But, it may be said, these concurring commissioners may have treated the concession of Article XXI as absolutely valueless to the provincial interests, and it was competent to them to do so. But this alternative is little consistent with the whole tenor of the views of Her Majesty's Government as maintained by successive cabinets and insisted upon in responsible negotiations, by their most eminent representatives, through a long course of years. Certainly, ever since 1851, when Lord Elgin, as governor-general of Canada, communicated through the British minister at Washington, Sir Henry Bulwer, to Mr. Webster, Secretary of State, the opinion of the British Government that the admission of the product of the provincial fisheries duty free to our market was the one indispensable condition to our participation in the inshore fisheries of the provinces, down to the negotiations of the treaty of Washington, the attitude of the British Government on this point has been explicit and unequivocal.

Lord Elgin declared:

"Her Majesty's Government are prepared, on certain conditions and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, namely, to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coast of those colonies for the purpose of drying their nets and curing their fish, provided that in so doing they do not interfere with the owners of private property or with the operations of British fishermen.

"Her Majesty's Government would require, as the indispensable condition in return for this concession, that all fish, either fresh or cured, imported into the United States from the British North American possessions, in vessels of any nation or description, should be admitted into the United States duty free, and upon terms in all respects of equality with fish imported by citizens of the United States."

The deliberations of the Joint High Commission, as presented in the protocols of their conferences on the fisheries, exhibit with perfect distinctness the British opinion as to a free market for the product of theP rovincial fisheries being a value to provincial interests which could not be missed or replaced by a pecuniary substitute in any settlement of the question. Thus, our high commissioners stated "that if the value of the inshore fisheries could be ascertained the United States might prefer to purchase for a sum of money the right to enjoy in perpetuity the use of those inshore fisheries in common with British fishermen, and mentioned $1,000,000 as the sum they were prepared to offer." The British high commissioners replied "that this offer was, they thought, wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States, free of duty, of fish the produce of the British fisheries, did not form a part."

After a consideration of commercial equivalents, in which the offers of our high commissioners were not accepted by the British high commissioners, all such propositions on our part were withdrawn, and our commissioners renewed their proposal to pay a money equivalent for the use of the inshore fisheries, and further proposed that, in case the two Governments should not be able to agree upon the sum to be paid as an equivalent, the matter should be referred to an impartial commission for determination. To this the British high commissioners replied "that it would not be possible for them to come to any arrangement except one for a term of years, and involving the concession of free fish and fish oil by our commissioners; but that if free fish and fish oil were conceded, they would inquire of their Government whether they were prepared to assent to a reference to arbitration as to money payment." Our high commissioners replied "that they were of opinion that free fish and fish oil would be more than an equivalent for those fisheries, but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent." Hereupon, as stated in the protocol, "the British commissioners having referred the last proposal to their Government and received instructions to accept it," the fishery articles of the treaty were agreed to.

These opinions of Her Majesty's Government were entirely in accord with the views of the leading Provincial statesmen. Mr. Stewart Campbell, of Nova Scotia, declared that, "under the reciprocity treaty, the total exemption from duty of all fish exported from the maritime provinces to the markets of the United States was also a boon of inestimable value to the very large class of British subjects directly and indirectly connected with our fisheries and its resulting trade." Sir John Macdonald said, in the Parliament of the Dominion, "the only market for the Canadian No. 1 mackerel in the world is the United States. That is our only market, and we are practically excluded from it by the present duty. The consequence of that duty is that our fishermen are at the mercy of the American fishermen. They are made the hewers of wood and the drawers of water for the Americans. They are obliged to sell their fish at the American's own price. The American fishermen purchase their fish at a nominal value and control the American market. The great profits of the trade are handed over to the American fishermen or the American merchants engaged in the trade, and they profit to the loss of our own industry and our own people."

It may be that Her Majesty's Government has surrendered these opinions, and that the statesmen of the Dominion and the people of the provinces now think that the possession of our market for the products of the provincial fisheries is of no pecuniary advantage to these Provincial interests. In such case, in any future negotiations respecting the fisheries, this Government would expect no stress to be laid upon this question of the possession of our own markets.

If Her Majesty's Government accepts the award of these concurring commissioners as carrying the necessary consequence that the concession of Article XXI is of no value to British or provincial interests, that element of calculation will disappear from any possible exchange of equivalents that the exigencies of any future friendly negotiations may need to find at their service. A privilege that is valueless when granted to and enjoyed by a beneficiary may well be reserved and withheld without the charge of its being even ungracious to do so.

If, on the other hand, Her Majesty's Government adheres to the views of the value of our market for the product of the provincial fisheries, so often and so earnestly pressed upon the attention of this Government, and asserts that tho award of the concurring commissioners must be held, upon necessary reasoning, to have measured and deducted this great value of free market from the appraisement of the concession of free fishing to us, made by them under Article XVIII, this Government will expect the more ready acceptance by Her Majesty's Government of the proposition, that these concurring commissioners, in their award, mistook the subject submitted by Article XVIII to their pecuniary measurement, and exceeded the authority under which the commission acted.

You will, however, very earnestly press upon Lord Salisbury's attention, in

advance of any declaration from Her Majesty's Government of their present views of the value of our markets for the products of the provincial fisheries, that this Government has not changed or at all modified its opinions on this subject. To dissemble or conceal from Her Majesty's Government this fact would be uncandid, and, by silence on our part now, breed mischief for future contentions or negotiations. This Government holds now, as it did by the mouth of its high commissioners in the conferences on the subject of the fisheries which produced the pertinent articles of the treaty, "that free fish and fish-oil would be more than an equivalent for those fisheries." The measure of pecuniary value which I have drawn from the revenue loss to the United States, calculated with extreme moderation, is an inadequate expression of the benefit to provincial interests and injury to our own from free importations.

It is still the opinion of this Government that the possession of our market is of vital importance to the maritime provinces, and such possession a formidable menace, if not a fatal wound, to our own fishing interests. I do not think that I misunderstand or misrepresent those interests when I say that standing, as we now do, midway in the treaty period, it would be better for those interests to surrender the enjoyment of the fishing privilege of Article XVIII for the remaining six years of the twelve, upon a resumption by this Government of the control of our own market for this unexpired period. If Her Majesty's Government and the provincial statesmen are firm in the opinion that the concession of Article XVIII parts with so much to us, and the concession of Article XXI is valueless to British and provincial interests, it may well be worth while for the two Governments to consider whether a mutual resumption of these exchanged interests may not be desirable.

Mr. Evarts to Mr. Welsh.

DEPARTMENT OF STATE, *Washington, September* 28, 1878.

SIR: I received in due course your dispatch of August 24 ultimo, inclosing Lord Salisbury's reply of the British Government to the representations that had been made to it as early as March last by you, under instructions from the Department.

But a careful attention to Lord Salisbury's note discovers what must be regarded as an expression of his views, at least, of the authority of provincial legislation and administrative jurisdiction over our fishermen within the 3-mile line, and of the restrictive limitations upon their rights on these fishing-grounds under the treaty of Washington. Upon any aspect of the evidence, on one side and the other, as qualifying the violent acts from which our fishing fleet has suffered at the hands of the Newfoundland coast fishermen, the views thus intimated seem to this Government wholly inadmissible, and do not permit the least delay on our part in frankly stating the grounds of our exception to them.

The report of Captain Sulivan presents, as a justificatory support of the action of the Newfoundland shore fishermen, in breaking up the operations of our fishing-fleet inside the 3-mile line, at the time covered by these transactions, the violation of certain municipal legislation of the Newfoundland government which, it is alleged, our fishermen were in the act of committing when the violent interruption of their industry occurred. I do not stop to point out the serious distinction between the official and judicial execution of any such laws and the orderly enforcement of their penalties after solemn trial of the right, and the rage and predominant force of a volunteer multitude driving off our peaceful occupants of these fishing grounds pursuing their industry under a claim of right secured to them by treaty. I reserve this matter for a complete examination when the conflicting proofs are in my possession.

I shall assume, for my present purpose, that the manner of exerting this supposed provincial authority was official, judicial, and unexceptionable.

I will state these justifications for the disturbance of our fishing fleet in Captain Sulivan's own language, that I may not even inadvertently impute to Lord Salisbury's apparent adoption of them any greater significance than their very language fairly imports.

Captain Sulivan assigns the following violations of law by our fishermen as the grounds of rightful interference with them on the occasion in question:

"First. That the Americans were using seines for catching herring on the 6th of January, 1878, in direct violation of Title XXVII, chapter 192, section 1, of the consolidated statutes of Newfoundland, namely: 'No person shall haul or take herring by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April.'"

"Second. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of section 4, chapter 7, of the act passed 26th April, 1876, entitled 'An act to amend the law relating to the coast fisheries, namely: 'No person shall, between the hours of 12 o'clock on Saturday night and 12 o'clock on Sunday night, haul or take any herring, caplin, or squid, with nets, seines, bunts, or any such contrivance for the purpose of such hauling or taking.'

"Third. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, 'or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same.'

"Fourth. That contrary to the terms of the treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see Article XVIII of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them, and of which they were actually in possession, their seines and boats, their huts, gardens, and land granted by government being situated thereon."

The facts which enter into the offenses imputed under the first, second, and third heads of Captain Sulivan's statement, and such offenses thus made out, would seem to be the only warrant for his conclusion under his fourth head, that the United States fishermen have exceeded their treaty right, and in their actual prosecution of their fishing were, when interrupted by the force complained of, interfering with the rights of private property or with British fishermen in the peaceable use of that part of the coast then being in their occupancy for the same purpose, contrary to the proviso of Article XVIII of the treaty of Washington.

It is no part of my present purpose to point out that this alleged infraction of the reserved rights of the local fishermen does not justify the methods of correction or redress used to drive off our fishermen and break up their prosecution of the fishing. This may be reserved also for discussion when both governments have a fuller knowledge of the actual circumstances of the transaction.

In transmitting to you a copy of Captain Sulivan's report, Lord Salisbury says: "You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law."

In this observation of Lord Salisbury this Government can not fail to see a necessary implication that Her Majesty's Government conceives that in the prosecution of the right of fishing accorded to the United States by Article XVIII of the treaty, our fishermen are subject to the local regulations which govern the coast population of Newfoundland in their prosecution of their fishing industry, whatever those regulations may be, and whether enacted before or since the treaty of Washington.

The three particulars in which our fishermen are supposed to be constrained by actual legislation of the province cover in principle every degree of regulation of our fishing industry within the 3-mile line which can well be conceived. But they are, in themselves, so important and so serious a limitation of the rights secured by the treaty as practically to exclude our fishermen from any profitable pursuit of the right, which, I need not add, is equivalent to annulling or canceling by the Provincial Government of the privilege accorded by the treaty with the British Government.

If our fishing fleet is subject to the Sunday laws of Newfoundland, made for the coast population; if it is excluded from the fishing-grounds for half the year, from October to April; if our "seines and other contrivances" for catching fish are subject to the regulations of the legislature of Newfoundland, it is not easy to see what firm or valuable measure for the privilege of Article XVIII, as conceded to the United States, this Government can promise to its citizens under the guaranty of the treaty.

It would not, under any circumstances, be admissible for one government to subject the persons, the property, and the interests of its fishermen to the unregulated regulation of another government upon the suggestion that such authority will not be oppressively or capriciously exercised, nor would any government accept as an adequate guaranty of the proper exercise of such authority over its citizens by a foreign government, that, presumptively, regulations would be uniform in their operation upon the subjects of both governments in similar case. If there are to be regulations of a common enjoyment, they must be authenticated by a common or joint authority.

But most manifestly the subject of the regulation of the enjoyment of the shore fishery by the resident provincial population, and of the inshore fishery by our fleet of fishing cruisers, does not tolerate the control of so divergent and competing interests by the domestic legislation of the provinces. Protecting and nursing the domestic interest at the expense of the foreign interest, on the ordinary motives of human conduct, necessarily shape and animate the local legislation. The evidence before the Halifax Commission makes it obvious that to exclude our fishermen from catching bait, and thus compel them to go without bait, or buy bait at the will and price of the provincial fishermen, is the interest of the local fishermen, and will be the guide and motive of such domestic legislation as is now brought to the notice of this Government.

You will therefore say to Lord Salisbury that this Government can not but express its entire dissent from the view of the subject that his lordship's note seems to indicate. This Government conceives that the fishery rights of the United States conceded by the treaty of Washington, are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force or that may hereafter be enacted by that government.

It may be said that a just participation in this common fishery by the two parties entitled thereto may, in the common interest of preserving the fishery and preventing conflicts between the fishermen, require regulation by some competent authority. This may be conceded. But should such occasion present itself to the common appreciation of the two governments, it need not be said that such competent authority can only be found in a joint convention that shall receive the approval of Her Majesty's Government and our own. Until this arrangement shall be consummated, this Government must regard the pretension that the legislation of Newfoundland can regulate our fishermen's enjoyment of the treaty right as striking at the treaty itself.

It asserts an authority on one side, and a submission on the other, which has not been proposed to us by Her Majesty's Government, and has not been accepted by this Government. I can not doubt that Lord Salisbury will agree that the insertion of any such element in the treaty of Washington would never have been accepted by this Government, if it could reasonably be thought possible that it could have been proposed by Her Majesty's Government. The insertion of any such proposition by construction now is equally at variance with the views of this Government.

The representations made to this Government by the interests of our citizens affected leave no room to doubt that this assertion of authority is as serious and extensive in practical relations as it is in principle. The rude application made to the twenty vessels in Fortune Bay of this asserted authority, in January last, drove them from the profitable prosecution of their projected cruises. By the same reason, the entire inshore fishery is held by us upon the same tenure of dependence upon the Parliament of the Dominion or the legislatures of the several provinces.

In the opinion of this Government, it is essential that we should at once invite the attention of Lord Salisbury to the question of provincial control over the fishermen of the United States in their prosecution of the privilege secured to them by the treaty. So grave a question, in its bearing upon the obligations of this Government under the treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note.

Before the receipt of a reply from Her Majesty's Government, it would be premature to consider what should be the course of this Government should this limitation upon the treaty privileges of the United States be insisted upon by the British Government as their construction of the treaty.

The Marquis of Salisbury to Mr. Welsh.

FOREIGN OFFICE, *November* 7, 1878.

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Apart, however, from the facts, in respect to which there appears to be a material divergence between the evidence collected by the United States Government and that collected by the colonial authorities, Mr. Evarts takes exception to my letter of the 23d, on the ground of my statement that the United States fishermen concerned have been guilty of breaches of the law. From this he infers an opinion on my part that it is competent for a British authority to pass laws, in supersession of the treaty, binding American fishermen within the 3-mile limit. In pointing out that the American fishermen had broken the law within the territorial limits of Her Majesty's dominions, I had no intention of inferentially laying down any principles of international law; and no advantage would, I think, be gained by doing so to a greater extent than the facts in question absolutely require.

I hardly believe, however, that Mr. Evarts would in discussion adhere to the broad doctrine which some portion of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just, the same disability applies *à fortiori* to any other power, and the waters must be delivered over to anarchy. On the other hand, Her Majesty's Government will readily admit—what is, indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the treaty of Washington, which can not be modified or affected by any municipal legislation. I can not anticipate that with regard to these principles any difference will be found to exist between the views of the two governments.

If, however, it be admitted that the Newfoundland legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must further be conceded that the duty of determining the existence of any such contravention must be undertaken by the governments, and can not be remitted to the discretion of each individual fisherman. For such a discretion, if exercised on one side, can hardly be refused on the other. If any American fisherman may violently break a law which he believes to be contrary to treaty, a Newfoundland fisherman may violently

maintain it if he believes it to be in accordance with treaty. As the points in issue are frequently subtle, and require considerable legal knowledge, nothing but confusion and disorder could result from such a mode of deciding the interpretation of the treaty.

Her Majesty's Government prefer the view that the law enacted by the legislature of the country, whatever it may be—ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction; but that if a law has been inadvertently passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of the mistake so committed, at the earliest period after its existence shall have been ascertained and recognized, is a matter of international obligation.

It is not explicitly stated in Mr. Evarts's dispatch that he considers any recent acts of the colonial legislature to be inconsistent with the rights acquired by the United States under the treaty of Washington. But if that is the case, Her Majesty's Government will in a friendly spirit consider any representations he may think it right to make upon the subject, with the hope of coming to a satisfactory understanding.

Mr. Welsh to Lord Salisbury.

LEGATION OF THE UNITED STATES, *London, November* 21, 1878.

MY LORD: I have been instructed by the President of the United States to tender to Her Majesty's Government the sum of $5,500,000 in gold coin, this being the sum named by the two concurring members of the Fisheries Commission (lately sitting at Halifax, under authority imparted thereto by the treaty of Washington) to be paid by the Government of the United States to the Government of Her Britannic Majesty.

I am also instructed by the President to say that such payment is made upon the ground that the Government of the United States desires to place the maintenance of good faith in treaties and the security and value of arbitration between nations above all questions in its relations with Her Britannic Majesty's Government as with all other governments.

Under this motive the Government of the United States decides to separate the questions of withholding payment from the considerations touching the obligation of this payment which have been presented to Her Majesty's Government in correspondence and which it reserves and insists upon.

I am, besides, instructed by the President to say that the Government of the United States deems it of the greatest importance to the common and friendly interests of the two Governments in all future treatment of any questions relating to the North American fisheries that Her Britannic Majesty's Government should be distinctly advised that the Government of the United States can not accept the result of the Halifax Commission as furnishing any just measure of the value of a participation by our citizens in the inshore fisheries of the British Provinces, and it protests against the actual payment now made being considered by Her Majesty's Government as in any sense an acquiescence in such measure or as warranting any inference to that effect.

I have, etc.,

JOHN WELSH.

DEPARTMENT OF STATE, *Washington, May* 17, 1880.

To the President:

The Secretary of State, to whom were referred the resolution of the House of Representatives of the 27th of April, ultimo, requesting the President, "if not inconsistent with the public interest, to transmit to this House copies of all correspondence, not now communicated, with the English Government relating to the alleged interference with American fishermen in Fortune Bay, on the 6th of January, 1878," and a resolution of the Senate of the 28th of the same month on the same subject, has the honor to lay before the President the correspondence as called for.

In connection with these papers, and for the better understanding of the subject to which this correspondence relates, I submit for your consideration the valuable report of Collector F. J. Babson and Alfred D. Foster, esq., of their visit on board the naval steam-ship Kearsarge, to the provincial inshore fisheries under the instructions of the Department during the summer of last year, as well as their instructions under which this cruise of the Kearsarge was planned. This correspondence with the British Government, and this intelligent exposition of the attempted exercise by our fishermen of the freedom of the inshore fisheries as secured to them by the treaty of Washington, whose violent interruption gave occasion to this discussion between the two governments of the true measure of this treaty right, will, it is believed, with the record of the proceedings of the Halifax Commission, and the correspondence and protest which preceded and attended our payment of the award, furnish complete materials upon which the judgment of Congress can be formed and its action determined in the juncture of this fishery contention now demanding its serious consideration.

The very grave occurrence at Fortune Bay in January, 1878, was brought by me to the attention of the British Government in March of that year, with the view of obtaining redress for our fishermen for the gross violence and serious loss they suffered in their expulsion from this inshore fishery which they were prosecuting under the treaty of Washington. The reply of the British Government did not reach me until September 4 of that year. It disclosed possible grounds for the rejection of our claims which put upon our rights in the inshore fisheries such limitations of subserviency to British provincial or imperial legislation as seemed to me wholly inadmissible. These grounds were that our fishermen were pursuing their industry on Sunday, contrary to a law of Newfoundland, passed subsequent to the treaty of Washington; that they were using seines to take herring, contrary to a law of Newfoundland proscribing that method of fishing for the six months of the year between October and April; that they were using such seines in a manner prohibited at any season of the year by a statute which precluded catching herrings by means of seines "except by way of shooting and forthwith hauling the same."

In communicating the report of the evidence which was intended to show the time and manner at and in which our fishermen were pursuing their right, as a justification for their interruption in it, Lord Salisbury observed: "You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law." To this intimation, even, that the freedom of the fishery accorded by an imperial treaty either had been subtracted by past or could be curtailed by future provincial legislation, I lost no time in opposing an explicit and unconditional rejection of such an interpretation of the treaty. In a dispatch to Mr. Welsh, on the 28th of September, I communicated to the British Government the views of this Government, as follows:

"In this observation of Lord Salisbury this Government can not fail to see a necessary implication that Her Majesty's Government conceives that in the prosecution of the right of fishing accorded to the United States by Article XVIII of the treaty, our fishermen are subject to the local regulations which govern the coast population of Newfoundland in their prosecution of their fishing industry, whatever those regulations may be, and whether enacted before or since the treaty of Washington.

"The three particulars in which our fishermen are supposed to be constrained by actual legislation of the province cover in principle every degree of regulation of our fishing industry within the 3-mile line which can well be conceived But they are in themselves so important and so serious a limitation of the rights secured by the treaty as practically to exclude our fishermen from any profitable pursuit of the right, which, I need not add, is equivalent to annulling or canceling, by the provincial government, the privilege accorded by the treaty with the British Government.

"If our fishing fleet is subject to the Sunday laws of Newfoundland, made for the coast population; if it is excluded from the fishing-grounds for half the year, from October to April; if our "seines and other contrivances" for catching fish are subject to the regulations of the legislature of Newfoundland, it is not easy to see what firm or valuable measure for the privilege of Article XVIII as conceded to the United States this Government can promise to its citizens under the guaranty of the treaty. It would not under any circumstances be admissible for one government to subject the persons, the property, and the interests of its fishermen to the unregulated regulation of another government upon the suggestion that such authority will not be oppressively or capriciously exercised, nor would any government accept, as an adequate guaranty of the proper exercise of such authority over its citizens by a foreign government that, presumptively, regulations would be uniform in their operation upon the subjects of both governments in similar case. If there are to be regulations of a common enjoyment, they must be authenticated by a common or joint authority.

"But most manifestly the subject of the regulation of the enjoyment of the shore fishery by the resident provincial population, and of the inshore fishery by our fleet of fishing cruisers, does not tolerate the control of so divergent and competing interests by the domestic legislation of the provinces. Protecting and nursing the domestic interest at the expense of the foreign interest, on the ordinary motives of human conduct, necessarily shape and animate the local legislation. The evidence before the Halifax Commission makes it obvious that to exclude our fishermen from catching bait, and thus compel them to go without bait, or buy bait at the will and price of the provincial fishermen, is the interest of the local fishermen, and will be the guide and motive of such domestic legislation as is now brought to the notice of this Government.

"You will therefore say to Lord Salisbury that this Government can not but express its entire dissent from the view of the subject that his lordship's note seems to indicate. This Government conceives that the fishery rights of the United States, conceded by the treaty of Washington, are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force, or that may hereafter be enacted by that government.

"It may be said that a just participation in this common fishery by the two parties entitled thereto may, in the common interest of preserving the fishery and preventing conflicts between the fishermen, require regulation by some competent authority. This may be conceded; but should such occasion present itself to the common appreciation of the two governments, it need not be said that such competent authority can only be found in a joint convention that shall receive the approval of Her Majesty's Government and our own. Until this arrangement shall be consummated, this Government must regard the pretension that the legislation of Newfoundland can regulate our fishermen's enjoyment of the treaty right as striking at the treaty itself.

"It asserts an authority on one side and a submission on the other, which has not been proposed to us by Her Majesty's Government, and has not been accepted by this Government. I can not doubt that Lord Salisbury will agree that the insertion of any such element in the treaty of Washington would never have been accepted by this Government if it could reasonably be thought possible that it could have been proposed by Her Majesty's Government. The insertion of any such proposition by construction now is equally at variance with the views of this Government.

"The representation made to this Government by the interests of our citizens affected leave no room to doubt that this assertion of authority is as serious and extensive in practical relations as it is in principle. The rude application made to the twenty vessels in Fortune Bay, of this asserted authority, in January last, drove them from the profitable prosecution of their projected cruises. By the same reason the entire inshore fishery is held by us upon the same tenure of dependence upon the Parliament of the Dominion or the legislatures of the several provinces.

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"In the opinion of this Government, it is essential that we should at once invite the attention of Lord Salisbury to the question of provincial control over the fishermen of the United States in their prosecution of the privilege secured to them by the treaty. So grave a question, in its bearing upon the obligations of this Government under the treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note.

"Before the receipt of a reply from Her Majesty's Government, it would be premature to consider what should be the course of this Government should this limitation upon the treaty privileges of the United States be insisted upon by the British Government as their construction of the treaty."

In answer to this unequivocal presentation, both of the freedom of the fishery as this Government interpreted the concession of the treaty, and of the absolute suppression of this treaty right, as a matter of practical value to our fishermen by this actual provincial legislation, Lord Salisbury replied with less distinctness, no doubt, but yet in a sense which I could not but regard as disclaiming any right to qualify the treaty by municipal legislation previous or subsequent to its date. After intimating a dissent from the doctrine, if I had intended to assert it, "that no British authority has any right to pass any kind of law binding Americans who are fishing in British waters," Lord Salisbury says:

"On the other hand, Her Majesty's Government will readily admit what is, indeed, self-evident, that British sovereignty, as regards these matters, is limited in its scope by the engagements of the treaty of Washington, which can not be modified or affected by any municipal legislation. I can not anticipate that with regard to these principles, any difference will be found to exist between the views of the two governments. If, however, it be admitted that the Newfoundland legislators have the right of binding Americans who fish within their waters, by any laws which do not contravene existing treaties, it must further be considered that the duty of determining the existence of any such contravention must be undertaken by the governments, and can not be remitted to the discretion of each individual fisherman, for such a discretion, if exercised on one side, can hardly be refused on the other. * * *

"Her Majesty's Government prefer the view that the law enacted by the legislature of the country, whatever it may be, ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction, but that if a law has been inadvertently passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of the mistake as committed, at the earliest period after its existence shall have been ascertained and recognized, is a matter of international obligation."

This dispatch was received by me in November, and on the 23d of the same month the payment of the award of the Halifax Commission was made at the date provided in the treaty. The further consideration of the Fortune Bay claims seemed to require only the verification of the facts on the part of our claimants, so far as they were drawn in question by, or were at variance with, the report made to the British Government by its officers, and the communication to that government of the results as finally insisted upon by us as the basis and measure of our claims. The correspondence called for by Congress

and now submitted, shows the entire rejection of the claims on the grounds set forth in Lord Salisbury's dispatch of the 3d of April last.

Before considering the main proposition of the British Government, by which a direct and flat denial of the freedom of the inshore fisheries as claimed by this Government is interposed, I need to bring to attention two subordinate pretensions of Lord Salisbury's dispatch intended to fortify his main proposition.

It appeared that in the management of one, at least, of the seines at Fortune Bay our fishermen had used the strand for a temporary service in the process of inclosing the school of herring within the seine. This incident in the operation, in the original correspondence as in the transaction itself a mere subordinate feature of the process of seining complained of, is now made prominent in the dispatch of Lord Salisbury.

There being no allegation that this use of the strand violates any provincial regulation of the fisheries, the point is made that the freedom of the fisheries accorded by the treaty itself, in terms, excludes our fishermen from this incidental use of the strand in the process of taking fish by seines. A true interpretation of the treaty concession gives no support to this pretension. The concession of fishing is "to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbors, and creeks of the provinces * * * without being restricted to any distance from the shore." Besides this concession of fishing, which manifestly covers the use of the strand in the process of taking fish, a further permission to land upon the coasts and shores is conceded to our fishermen for the independent purpose of using the land for "drying their nets and curing their fish."

The contention seems to be that because specific permission to use the land for purposes not included in the process of "taking fish" is given in terms, therefore the use of the strand in the process of "taking fish" is excluded, though in the nature of the process of taking fish the temporary use of the strand in managing the seines is a part of the inshore fishing. This faulty reasoning is not helped at all by the proviso of the treaty, that our fishermen, in using their right on shore, shall not "interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose." If this proviso does not include the use of the strand in taking fish, it does not qualify the fishing concession. If it does include that use of the strand, then it construes such use as within the fishing concession, and qualifies it by the observance of private property on shore and non-interference with British fishermen using the strand in their fishing.

Lord Salisbury's reference to the argument of Mr. Foster before the Halifax Commission on the independent subject of the commercial privileges for which the British case demanded compensation in the awards (and which were rejected by the commission as not within the purview of the treaty), for the doctrines of this Government in regard to the use of the strand as an incident of the inshore fishery concession needs no serious comment here. If the "case" of either Government could fairly be referred to as maintaining propositions to which it should be held in this contention, the special arguments pro and con of counsel can not be usefully resorted to for this purpose.

In this interlocutory argument on the commercial question, the British counsel, in answering Mr. Foster, maintained the opposite construction of the treaty. Neither view had any important relation to the subject then under discussion.

The second topic of Lord Salisbury's dispatch, from which aid is sought for his main proposition, is the presentation of Mr. Marcy's circular to the collectors of customs, while the reciprocity treaty was in force, for promulgation among our fishermen, the whole text of which Lord Salisbury incorporates in his note.

In the full copy of this circular, which is appended (No. 5) to the Babson and Foster report, the fishery regulations of the provinces to which it relates are recited, and a reference to these is sufficient to displace any inference that this Government has assented to any curtailment, past or previous, by provincial legislation, of the freedom of the inshore fishery, as conceded to our fishermen by the terms of the reciprocity treaty or the treaty of Washington.

One of these regulations relates to the demarkation of "gurry grounds," and the other to the reservation of spawning grounds, during the spawning season, from invasion. "Gurry," or the offal of fish, was supposed to infect the waters, and the regulation was not of the right of taking fish, but of poisoning them. The care of the spawning beds in spawning season, in like manner, was a regulation of the breeding of fish, not a regulation of modes of American fishing. Both these regulations met the approval of this Government and were required by Mr. Marcy to be respected by our fishermen, for this reason, and in the sense of being within the reasonable province of local civil jurisdiction, and not encroaching upon the province of freedom of the fishery as imparted by the reciprocity treaty.

But the right of this Government to inspect all such laws and pass upon them as falling one side or the other of the line thus firmly drawn is explicitly stated by Mr. Marcy. He says, "should they be so framed or executed as to make any discrimination in favor of British fishermen, or to impair the rights secured to American fishermen by that treaty, those injuriously affected by them will appeal to this Government for redress." Accordingly, the fishermen are directed to make complaint, upon the case arising, either in respect to any law or its execution, "in order that the matter may be arranged by the two Governments."

The position of this Government, as laid down in my dispatch of September 28, 1878, is, therefore, unembarrassed by any attitude in this contention, heretofore taken in any diplomatic discussion of parallel treaty engagements. Any particular interpretation of the treaty as to the right to use the strand in fishing with seines, ceases to be of significance, in the issue now joined with the British Government, because the provincial laws in question prohibit the use of the seines at all, and the main proposition of the British Government subjects our treaty rights to such legislation. So, too, the scope of this main proposition can be neither obscured nor confused by the irrelevant consideration of the local jurisdiction, within 3 miles of the shore, over persons or property, of the running of civil or criminal process, of health or police regulations, of territorial sovereignty in the abstract.

The issue between the two governments is as to what regulations of the freedom of the fishery, in the very matter of the time and manner of taking fish, remain a part of British sovereignty over the fishery, under the color of sovereignty over the place, when exclusive sovereignty over the fishery has been parted with by Great Britain, and a participation in such fishery has been acquired by the United States, in the terms and on the considerations of the treaty of Washington.

Upon this issue the position of this Government was notified to the British Government in September, 1878, as follows:

"This Government conceives that the fishery rights of the United States conceded by the treaty of Washington are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force or that may hereafter be enacted by that government."

Upon this issue the position of the British Government is now notified to us by the dispatch of Lord Salisbury, of April 3, ultimo, as follows. Referring to these statutes of Newfoundland, Lord Salisbury says:

"These regulations, which were in force at the date of the treaty of Washington, were not abolished, but confirmed by the subsequent statutes, and are binding under the treaty upon the citizens of the United States in common with British subjects. The United States fishermen, in landing for the purpose of fishing at Tickle Beach, in using a seine at a prohibited time, and in barring herrings with seines from the shore, exceeded their treaty privileges and were engaged in unlawful acts."

Lord Salisbury further states that Her Majesty's Government "have always admitted the incompetence of the colonial or the imperial legislature to limit, by subsequent legislation, the advantages secured by treaty to the subjects of another power."

There are but two grounds upon which the subordination of the United States' freedom of the inshore fisheries to imperial or provincial legislation, curtailing or burdening that freedom, ever has been, or, in the nature of the case, can be placed.

The first is that of reserved general sovereignty within the 3-mile limit, under cover of which it is pretended there lurked in the concession of the freedom of this fishery to the United States, in common with Great Britain, the power of one party in the privilege of this common fishery to regulate the enjoyment of it by the other. The statement of this proposition confutes it. The United States would have acquired nothing of right, if the concession was constantly subject to the will of Great Britain for its exercise and enjoyment. Accordingly, Lord Salisbury disclaims this pretension as ever having been held by the British Government as a reserved power capable of exercise by any regulations subsequent to the date of the treaty of Washington. But, manifestly, antecedent regulations, as having force subsequent to the treaty, can not be sustained upon the ground of sovereignty over the treaty concessions by any better reason than new legislation of that quality and effect.

If the treaty predominates over subsequent provincial legislation, encroaching upon the treaty concessions, by stronger reason it supplants previous provincial legislation subversive or restrictive of the treaty concession. If such previous legislation persists after the treaty comes into operation, it must be because the treaty in terms or by just interpretation accepts this previous legislation as a part of itself. But this is the predominance of the treaty and not of the legislation, which thenceforth owes its vigor to the stipulations of the treaty by which the United States adopts and confirms the provincial legislation in force at its date. This is in substance the British contention, and, in the failure of the doctrine of reserved sovereignty, is the only alternative basis of the present proposition of the British Government.

The subject thus brought into dispute at this late date in the progress of the fishery negotiations between the two countries is simply what the fishery in provincial waters, which the British Government had at its disposal and which we acquired at its hand, as a matter of property and beneficial enjoyment, really was.

That the British proprietorship in and dominion over this inshore fishery was perfect, absolute, and without incumbrance or limitations, and that this was the subject concerning which the negotiations were occupied and by and to which the treaty equivalents were to be measured and applied was certainly never doubted by the negotiators of this treaty on the part of the United States or of Great Britain. Whatever this fishery was in its natural extent and value, in its geographical area, and its multitude and variety of fish products, that was the subject of which Great Britain possessed the *jus disponendi* and that the subject of which the United States proposed to acquire an undivided share. The proportion of this fishery which Great Britain was to part with and the United States was to appropriate does not affect the question of what the entire property was and was understood to be. Whatever the United States would have acquired had Great Britain parted with the whole fishery, the subject partitioned between them was this entirety, no matter what the shares in which it was to be enjoyed might be.

It is equally clear that the negotiators on both sides assumed that Great Britain was dealing with this subject as sole owner, and that it had impaired neither its title nor its possession by any previous grant or incumbrance. Whatever right and enjoyment then, by proprietorship and dominion, Great Britain in its political sovereignty could impart to "the subjects of Her Britannic Majesty," that right and enjoyment Great Britain could impart "to the inhabitants of the United States."

This being the subject of the grant, and this the title and possession of the grantor, what is the treaty description of the estate, right, and privilege granted to the United States for the enjoyment of its citizens? The text of the fishery articles of the treaty of Washington shows that there was no limitation whatever upon the grant, except that the estate, right, and privilege granted were to endure but for a term of years, and were to be enjoyed by the United States not exclusively, but in common with Great Britain.

There was, to be sure, a restriction imposed upon both countries which excluded both equally from extending the enjoyment of either's share of the common fishery beyond the "inhabitants of the United States" on the one side and "Her Britannic Majesty's subjects" on the other, thus disabling either Government from impairing the share of the other by introducing foreign fishermen into the common fishery. But this feature in the grant has no significance in the measure of the concession as now disputed by Great Britain and contended for by the United States.

The British contention imputes to the phrase of the treaty, "in common with the subjects of Her Britannic Majesty," not only its manifest effect of excluding any possible conclusion that the privilege conceded to the United States was exclusive, but the further effect of measuring the subject of the grant—that is, the fishery itself—as it was then, at the very date of the treaty, regulated by the various laws of the maritime provinces.

For this interpolation there seems no justification either in reason or in the history of the negotiation. There is not the least evidence that it was present to the mind of either of the high contracting parties to the treaty that the subject of the fishery to be partitioned between them was any less than such as it was in its natural dimensions and quality, and such as it was, as a subject of human control, at the unlimited disposal of British sovereignty. What these provincial laws were no one inquired and no one disclosed. That the fishery our sea-going fishermen were to share in, was a fishery regulated by and for the local population fishing from the shore, no one conceived. That the title of Great Britain should be examined, or warranty against adverse title and possession or against incumbrances exacted, would have seemed both foolish and offensive to the High Joint Commission which negotiated this treaty. To the apprehension of all the map and the statistics of the catch showed what the fishery was in extent and value, and the dominion of Great Britain over the subject measured the security of the right which we were to acquire.

The proposition of Lord Salisbury reduces the grant of the fishery from the dimensions of the fishery as Great Britain had power to convey it, and by its mere natural description would convey it, to the fishery as it had been trimmed and curtailed by local legislation and was to be regulated by local administration. He reduces our enjoyment from a freedom of the fishery, such as the plenary political power of Great Britain could impart to its subjects and could share with the United States, to be enjoyed by their inhabitants, to the use of the fishing methods and seasons of the provincial coast population, as their faculties and occasions had arranged them; and this interpretation of the subject of the grant, by which one party parted with and the other acquired nothing of value, turns upon the phrase of the treaty which defines the estate conveyed as not exclusive, but to be held in common.

Fortunately the closing transaction between the two Governments, by which the fishery concession to the United States was to be measured and valued, and compensation on our part therefor to be adjusted according to the measure and value of the provincial fishery, not in the abstract, but as opened to our fishermen, furnished an opportunity to take the estimate both of the British and provincial Governments of the extent and comprehension of the subject of the grant. This transaction antedates the present disputation and brings

the two Governments together in a computation before the Halifax Commission of the nature, extent, and benefit of the inshore provincial fishery.

The considerations for the British concession were threefold. First, an equivalent fishery concession on our own coasts; second, exemption of provincial fish products from duties, or the concession of our free market; third, such supplemental money payment as the nature, extent, and value of the British fishery concession, in the judgment of the Halifax Commission, would warrant or require. It would be enough to say that the present pretensions of the British Government in reduction of the grant were not presented in depreciation of the price we were to pay, nor was any subjection of the natural fishery to political or municipal disparagement advanced by us in reduction of the money value with which we were to be charged. But the British and provincial governments are precluded from the present pretensions not by silence alone as to these latent limitations and incumbrances upon the grant, when its price was being adjusted by the Halifax award.

The "case" of the British Government presents in the most open and unequivocal terms the measure of the grant, in the sense both of benefit to the United States and of injury to the provincial fishermen. The conduct of the contention throughout maintained the freedom of the fishery to the methods and occasions of our fishing enterprise and skill, and insisted upon the right accorded (which might exhaust and destroy the fisheries so as to depreciate their benefit to the coast population, even beyond the treaty period), and not its actual exercise by our fishermen, as the standard of estimate by which our money payment was to be fixed.

In "the case of Her Majesty's Government," submitted to the Halifax Commission, the following language is used to illustrate and enforce the advantage in the extent and method of fishing secured by the treaty of 1871 over the restrictions of the convention of 1818:

"The convention of 1818 entitled United States citizens to fish on the shores of the Magdalen Islands, but denied them the privilege of landing there. Without such permission the practical use of the inshore fisheries was impossible. Although such permission has tacitly existed, as a matter of sufferance, it might at any moment have been withdrawn, and the operations of United States fishermen in that locality would thus have been rendered ineffectual. The value of these inshore fisheries is great; mackerel, herring, halibut, capelin, and launce abound, and are caught inside of the principal bays and harbors, where they resort to spawn. Between three hundred and four hundred United States fishing vessels yearly frequent the waters of this group, and take large quantities of fish, both for curing and bait. A single seine has been known to take at one haul enough of herring to fill 3,000 barrels. Seining mackerel is similarly productive. During the spring and summer fishery of the year 1875, when the mackerel were closer inshore than usual, the comparative failure of the American fishermen was owing to their being unprepared with suitable hauling nets and small boats, their vessels being unable to approach close enough to the beaches.

"In the case of the remaining portions of the seaboard of Canada, the terms of the convention of 1818 debarred United States citizens from landing at any part for the pursuit of operations connected with fishing. This privilege is essential to the successful prosecution of both the inshore and the deep-sea fisheries. By it they would be enabled to prepare their fish in a superior manner, in a salubrious climate, as well as more expeditiously, and they would be relieved of a serious embarrassment as regards the disposition of fish offals, by curing on shore the fish which otherwise would have been dressed on board their vessels, and the refuse thrown overboard.

"All the advantages above detailed have been secured for a period of twelve years to United States fishermen. Without them, fishing operations on many parts of the coast would be not only unremunerative but impossible; and they may therefore be claimed as an important item in the valuation of the liberties granted to the United States under Article XVIII of the treaty of Washington." (Halifax Commission, volume I, page 93.)

And again:

"4. Formation of fishing establishments.

"The privilege of establishing permanent fishing stations on the shores of Canadian bays, creeks, and harbors, akin to that of landing to dry and cure fish, is of material advantage to United States citizens.

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"There are further advantages derivable from permanent establishments ashore, such as the accumulation of stock and fresh fish preserved in snow or ice, and others kept in frozen and fresh state by artificial freezing." (*Ibid*, pages 94, 95.)

In that portion of the same "case" which specially regards the character of the Newfoundland fishery, and points out with elaborate precision the rights of the United States fishermen on the shores of that island and the compensation demanded therefor, the British Government says:

"I. *The entire freedom of the inshore fisheries.*

"Newfoundland, from that part of its coast now thrown open to United States fishermen, yearly extracts, at the lowest estimate, $5,000,000 worth of fish and fish-oil, and when the value of fish used for bait and local consumption for food and agricultural purposes, of which there are no returns, is taken into account, the total may be fairly stated at $6,000,000 annually.

"It may possibly be contended on the part of the United States that their fishermen have not in the past availed themselves of the Newfoundland inshore fisheries, with but few exceptions, and that they would and do resort to the coasts of that island only for the purpose of procuring bait for the bank fishery. This may up to the present time to some extent be true as regards codfish, but not as regards herring, turbot, and halibut. It is not at all probable that, possessing as they now do the right to take herring and capelin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment, which formerly occupied them during a portion of the winter season for the supply of the United States market.

"The words of the treaty of Washington, in dealing with the question of compensation, make no allusion to what use the United States may or do make of the privileges granted them, but simply state that, inasmuch as it is asserted by Her Majesty's Government that the privileges accorded to the citizens of the United States under Article XVIII are of greater value than those accorded by Articles XIX and XXI to the subjects of Her Britannic Majesty, and this is not admitted by the United States, it is further agreed that a commission shall be appointed, having regard to the privileges accorded by the United States to Her Britannic Majesty's subjects in Articles Nos. XIX and XXI, the amount of any compensation to be paid by the Government of the United States to that of Her Majesty in return for the privileges accorded to the United States under Article XVIII.

"It is asserted, on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible and even probable, that United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

"There is a marked contrast, to the advantage of the United States citizens, between the privilege of access to fisheries the most valuable and productive in the world, and the barren right accorded to the inhabitants of Newfoundland of fishing in the exhausted and preoccupied waters of the United States north of the thirty-ninth parallel of north latitude, in which there is no field for lucrative operations even if British subjects desired to resort to them; and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact, United States vessels have, since the Washington treaty came into operation, been successfully engaged in these fisheries; and it is but reasonable to anticipate that, as the advantages to be derived from them become more widely known, larger numbers of United States fishermen will engage in them.

"A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer number to the coast. The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen. (*Ib.*, pp. 103, 104.)

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"It is impossible to offer more convincing testimony as to the value to United States fishermen of securing the right to use the coast of Newfoundland as a basis of operations for the bank fisheries than is contained in the declaration of one who has been for six years so occupied, sailing from the ports of Salem and Gloucester, in Massachusetts, and who declares that it is of the greatest importance to United States fishermen to procure from Newfoundland the bait necessary for those fisheries, and that such benefit can hardly be overestimated; that there will be during the season of 1876 upward of two hundred United States vessels in Fortune Bay for bait, and that there will be upward of three hundred vessels from the United States engaged in the Grand Bank fishery; that, owing to the great advantage of being able to run into Newfoundland for bait of different kinds, they are enabled to make four trips during the season; that the capelin, which may be considered as a bait peculiar to Newfoundland, is the best which can be used for this fishery, and that a vessel would probably be enabled to make two trips during the capelin season, which extends over a period of about six weeks. The same experienced deponent is of opinion that the bank fisheries are capable of immense expansion and development, and that the privilege of getting bait on the coast of Newfoundland is indispensable for the accomplishment of this object.

"As an instance of the demand for bait supplies derived from the Newfoundland inshore fisheries, it may be useful to state that the average amount of this article consumed by the French fishermen, who only prosecute the bank fisheries during a period of about six months of the year, is from $120,000 to $160,000 annually. The herring, capelin, and squid amply meet these requirements, and are supplied by the people of Fortune and Placentia Bays, the produce of the islands of St. Pierre and Miquelon being insufficient to meet the demand.

"It is evident from the above consideration that not only are the United States fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them, for the successful prosecution of the bank fisheries, but also that they are enabled, through the privileges conceded to them by the treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise. This substantial advantage is secured at the risk, as before mentioned, of hereafter depleting the bait supplies of the Newfoundland inshores, and it is but just that a substantial equivalent should be paid by those who profit thereby.

"We are therefore warranted in submitting to the commissioners that not only should the present actual advantages derived on this head by United States fishermen be taken into consideration, but also the probable effect of the concessions made in their favor. The inevitable consequence of these concessions will be to attract a larger amount of United States capital and enterprise following the profits already made in this direction, and the effect will be to inflict an injury on the local fishermen, both by the increased demand on their sources of supply and by competition with them in their trade with foreign markets. (*Ib.*, pages 105, 106.)

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"CONCLUSION.

"It has thus been shown that under the treaty of Washington there has been conceded to the United States—

"First. The privilege of an equal participation in a fishery vast in area, teeming with fish, continuously increasing in productiveness, and now yielding to operatives, very limited in number when considered with reference to the field of labor, the large annual return of upwards of $6,000,000, of which 20 per cent. may be estimated at net profit, or $1,200,000.

"It is believed that the claim on the part of Newfoundland in respect of this portion of the privileges acquired by United States citizens under the treaty of Washington will be confined to the most moderate dimensions when estimated at one-tenth of this amount, namely, $120,000 per annum, or, for the twelve years of the operation of the treaty, a total sum of $1,440,000." (*Ib.*, pages 107, 108.)

To this "case" the United States Government filed an answer, and the British Government filed a reply to the answer, in which it repeated its contention:

"The words 'for no other purpose whatever' are studiously omitted by the framers of the last-named treaty, and the privilege in common with the subjects of Her Britannic Majesty, to take fish and to land for fishing purposes, clearly includes the liberty to purchase bait and supplies, transship cargoes, etc., for which Her Majesty's Government contend it has a right to claim compensation.

"It is clear that these privileges were not enjoyed under the convention of 1818, and it is equally evident that they are enjoyed under the treaty of Washington. (*Ib.*, page 173.)

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"As regards the herring fishery on the coast of Newfoundland, it is availed of to a considerable extent by United States fishermen, and evidence will be adduced of large exportations by them in American vessels, particularly from Fortune Bay and the neighborhood, both to European and their own markets.

"The presence of United States fishermen upon the coast of Newfoundland, so far from being an advantage, as is assumed in the answer, operates most prejudicially to Newfoundland fishermen. Bait is not thrown overboard to attract the fish, as asserted, but the United States bank fishing vessels, visiting the coast in such large numbers as they do for the purpose of obtaining bait, sweep the coves, creeks, and inlets, thereby diminishing the supply of bait for local catch

and scaring it from the grounds where it would otherwise be an attraction to the cod." (*Ibid*, page 186.)

It forms no part of my purpose in this report to adduce, in argument or proof, the manifold supports to the view now presented which the record of the diplomatic history of the fishery negotiations between the two countries or the documents and proceedings of the Halifax Commission contain. It is very apparent throughout them both that the obliteration of the sea-line of demarkation between the rights of our fishermen and those of British fishermen we regarded of principal value, as removing the sources of irritation between them and possible occasions of controversy and estrangement between the two nations. In my dispatch to Mr. Welsh of September 27, 1878, I laid before the British Government this disposition on our part as furnishing the leading purpose in the framing of the fishery articles of the treaty of Washington. I then said that—

"Politically, and in the interest of good neighborhood, this Government did regard, and at all times would regard, the restoration of the relations between the two countries, in the common enjoyment of these fisheries, to the ancient footing of the treaty of 1783, as most grateful in sentiment and as a most valuable guaranty against any renewal of strife."

In the British "case" before the Halifax Commission, Her Majesty's Government definitely insisted upon this assured position of our public relations in this regard as an element of consideration in the award they asked from the Commission. Her Majesty's Government drew the attention of the Commissioners—

"To the great importance attaching to the beneficial consequences to the United States of honorably acquiring for their fishermen full freedom to pursue their adventurous calling without incurring constant risks and exposing themselves and their fellow countrymen to the inevitable reproach of wilfully trespassing on the rightful domain of friendly neighbors. Paramount, however, to this consideration is the avoidance of irritating disputes, calculated to disquiet the public mind of a spirited and enterprising people, and liable always to become a cause of mutual anxiety and embarrassment.

"It was repeatedly stated by the American members of the Joint High Commission at Washington, in discussing proposals regarding the Canadian fisheries, 'that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation.'"

The experience of our Fortune Bay fishermen in their first attempt, in the sixth year of the running of the treaty, to exercise on the coast of Newfoundland the "full freedom to pursue their adventurous calling," which Her Majesty's Government said had been honorably acquired for them by their own Government, is exhibited in the papers now submitted, as is also the treatment of their grievance, and this Government's presentation of it accorded by Her Majesty's Government.

The British Government claimed before the Halifax Commission the sum of $120,000 per annum during the twelve years of the treaty period, or the gross sum of $1,440,000, for the advantage to the United States of the fishing privilege proper on the Newfoundland coast alone, conceded by the treaty, over and above the counter concessions of our inshore fishery, and the remission of duty on their fish products. The Halifax award of $5,500,000, for the Dominion of Canada and Newfoundland together, has been divided between them by the British Government, and the sum of $1,000,000 has been received by Newfoundland as its share of the money payment made by the United States under the treaty.

It will be observed that under the British view of the exposure of our fishermen at Fortune Bay to the penalties of infractions of the provincial laws, while they were enjoying in their own opinion and that of this Government the full freedom of the fishery accorded by the treaty, there is no pretense that the violence offered them and the wanton destruction of their fishing property and spoliation of their draught of fishes find any warrant in the supremacy of violated laws under color of which the British Government has refused them any indemnity.

In this attitude of the British Government, as taken in the correspondence, the violent expulsion of our fishermen from their fishery on the 6th of January, 1878, by the coast fishermen of Newfoundland, seems to be justified if not espoused. This position, too, of that Government necessarily carries a warning that any future attempt by our fishermen to exercise their treaty privilege, except in conformity to the local fishing regulations, will be resisted by the authority of the British Government, as well as exposed to the violence of the coast fishermen.

Under this unhappy and unexpected failure of accord between the two Governments as to the measure of the inshore fishing privilege secured to our fishermen by the treaty of Washington, as developed in this correspondence, it becomes the imperative duty of this Government to consider what measures should be taken to maintain the rights of our people under the treaty, as we understand them, and to obtain redress for their expulsion from the enjoyment of their rights.

So far as this diminution of these privileges calls for a reconsideration of the treaty equivalents already parted with by this Government and received by Great Britain, as suitable to the failure of the privileges thus purchased and paid for, by this denial of their exercise so as to be valuable or desirable to our people, that subject necessarily must be remitted to diplomatic correspondence. The only continuing consideration the United States is paying for the treaty period, for the expected enjoyment of the treaty concession, is the remission of our customs duties upon the fish products of the provincial share in these fisheries. I respectfully advise that it be recommended to Congress to reimpose the duties upon fish and fish-oil, the products of the provincial fisheries, as they existed before the treaty of Washington came into operation, to so continue until the two Governments shall be in accord as to the interpretation and execution of the fishery articles of the treaty of Washington, and in the adjustment of the grievance of our fishermen from the infractions of their rights under that treaty.

This measure will give to our fishermen, while excluded from the enjoyment of the inshore fisheries under the continued enforcement of the British interpretation of the treaty, a restoration of the domestic market for the products of their own fishing industry, as it stood before its freedom was thrown open to the provincial fishermen in exchange for the free fishery opened to our fishermen.

I respectfully advise, also, submitting to the consideration of Congress the propriety of authorizing the examination and auditing of the claims of our fishermen for injuries suffered by the infraction or denial of their treaty privileges, with the view of some ultimate provision by convention with Great Britain or by this Government for their indemnity.

WM. M. EVARTS.

Mr. Evarts to Mr. Welsh.

DEPARTMENT OF STATE, *Washington, August* 1, 1879.

SIR: You will readily understand that the pressure of current business, especially during the regular and special sessions of Congress, has prevented so immediate attention to the claims of the Fortune Bay fishermen, as definitely laid before me in their proofs completed during the session, as would enable me to give, in reply, a full consideration to the dispatch of Lord Salisbury of the date of November 7, 1878, in reply to mine to you of 28th September, 1878.

But other and stronger reasons have also induced me to postpone until now any discussion of the questions arising out of the occurrences to which these dispatches referred.

It so happened that the transactions of which certain citizens of the United States complain were brought fully to the attention of the Government about the same time at which it became my duty to lay before Her Britannic Majesty's Government the views of the United States Government as to the award then recently made by the Commission on the Fisheries, which had just closed its sittings at Halifax. While the character of the complaint and the interests of the citizens of the United States rendered it necessary that the subject should be submitted to the consideration of Her Britannic Majesty's Government at the earliest possible moment, in order to the prevention of any further and graver misunderstanding and the avoidance of any serious interruption to an important industry, I was exceedingly unwilling that the questions arising under the award and those provoked by the occurrences in Newfoundland should be confused with each other, and least of all would I have been willing that the simultaneous presentment of the views of this Government should be construed as indicating any desire on our part to connect the settlement of these complaints with the satisfaction or abrogation of the Halifax award.

I also deemed it not unadvisable in the interests of such a solution as I am sure is desired by the good sense and good temper of both Governments that time should be allowed for the extinguishment of the local irritation both here and in Newfoundland which these transactions seem to have excited, and that another fishing season should more clearly indicate whether the rights to which the citizens of the United States were entitled under the treaty were denied or diminished by the pretensions and acts of the colonial authorities or whether their infraction was accidental and temporary. As soon as the violence to which citizens of the United States has been subjected in Newfoundland was brought to the attention of this Department, I instructed you, on 2d March, 1878, to represent the matter to Her Britannic Majesty's Government, and upon such representation you were informed that a prompt investigation would be ordered for the information of that Government.

On August 23, 1878, Lord Salisbury conveyed to you, to be transmitted to your Government, the result of that investigation, in the shape of a report from Captain Sulivan, of Her Majesty's ship Sirius. In furnishing you with this report, Lord Salisbury, on behalf of Her Britannic Majesty's Government, said:

"You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law, and that no violence was used by the Newfoundland fishermen, except in the case of one vessel, whose master refused to comply with the request which was made to him that he should desist from fishing on Sunday in violation of the law of the colony and of the local custom, and who threatened the Newfoundland fishermen with a revolver, as detailed in paragraphs 5 and 6 of Captain Sulivan's report."

The three breaches of the law thus reported by Captain Sulivan and assumed by Lord Salisbury as conclusively established, were: 1. The use of seines and the use of them also at a time prohibited by colonial statute. 2. Fishing upon a day (Sunday) forbidden by the same local law; and 3. Barring fish in violation of the same local legislation. In addition Captain Sulivan reported that the United States fishermen were, contrary to the terms of the treaty of Washington—

"Fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them and of which they were actually in possession—their seines and boats, their huts and gardens and land granted by Government being situated thereon."

Yours, containing this dispatch and the accompanying report, was received on 4th September, 1878, and on the 28th of the same month you were instructed that it was impossible for this Government duly to appreciate the value of Captain Sulivan's report, until it was permitted to see the testimony upon which the conclusions of that report professed to rest. And you were further directed to say that, putting aside for after examination the variations of fact, it seemed to this Government that the assumption of the report was that the United States fishermen were fishing illegally, because their fishing was being conducted at a time and by methods forbidden by certain colonial statutes; that the language of Lord Salisbury, in communicating the report with his approval, indicated the intention of Her Britannic Majesty's Government to maintain the position, that the treaty privileges secured to United States fishermen by the treaty of 1871 were held subject to such limitations as might be imposed upon their exercise by colonial legislation; and "that so grave a question, in its bearing upon the obligations of this Government under the treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note."

In reply to this communication, Lord Salisbury, 7th November, 1878, transmitted to you the depositions which accompanied Captain Sulivan's report, and said:

"In pointing out that the American fishermen had broken the law within the territorial limits of Her Majesty's domains, I had no intention of inferentially laying down any principles of international law, and no advantage would, I think, be gained by doing so to a greater extent than the facts in question absolutely require. * * * Her Majesty's Government will readily admit—what is, indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the treaty of Washington, which can not be modified or affected by any municipal legislation."

It is with the greatest pleasure that the United States Government receives this language as "the frank disapproval" which it asked "of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery."

Removing, as this explicit language does, the only serious difficulty which threatened to embarrass this discussion, I am now at liberty to resume the consideration of these differences in the same spirit and with the same hopes so fully and properly expressed in the concluding paragraph of Lord Salisbury's dispatch. He says:

"It is not explicitly stated in Mr. Evarts's dispatch that he considers any recent acts of the colonial legislature to be inconsistent with the rights acquired by the United States under the treaty of Washington. But if that is the case, Her Majesty's Government will, in a friendly spirit, consider any representations he may think it right to make upon the subject, with the hope of coming to a satisfactory understanding."

It is the purpose, therefore, of the present dispatch to convey to you, in order that they may be submitted to Her Britannic Majesty's Government, the conclusions which have been reached by the Government of the United States as to the rights secured to its citizens under the treaty of 1871 in the herring fishery upon the Newfoundland coast, and the extent to which those rights have been infringed by the transactions in Fortune Bay on January 6, 1878.

Before doing so, however, I deem it proper, in order to clear the argument of all unnecessary issues, to correct what I consider certain misapprehensions of the views of this Government contained in Lord Salisbury's dispatch of 7th of November, 1878. The secretary for foreign affairs of Her Britannic Majesty says:

"If, however, it be admitted that the Newfoundland Legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must be further conceded that the duty of determining the existence of such contravention must be undertaken by the governments, and can not be remitted to the discretion of each individual fisherman. For such discretion, if exercised on one side, can hardly be refused on the other. If any American fisherman may violently break a law which he

believes to be contrary to treaty, a Newfoundland fisherman may violently maintain it if he believes it to be in accordance with treaty."

His lordship can scarcely have intended this last proposition to be taken in its literal significance. An infraction of law may be accompanied by violence which affects the person or property of an individual, and that individual may be warranted in resisting such illegal violence, so far as it directly affects him, without reference to the relation of the act of violence to the law which it infringes, but simply as a forcible invasion of his rights of person or property. But that the infraction of a general municipal law, with or without violence, can be corrected and punished by a mob, without official character or direction, and who assume both to interpret and administer the law in controversy, is a proposition which does not require the reply of elaborate argument between two governments whose daily life depends upon the steady application of the sound and safe principles of English jurisprudence. However this may be, the Government of the United States can not for a moment admit that the conduct of the United States fishermen in Fortune Bay was in any—the remotest degree—a violent breach of law

Granting any and all the force which may be claimed for the colonial legislation, the action of the United States fishermen was the peaceable prosecution of an innocent industry, to which they thought they were entitled. Its pursuit invaded no man's rights, committed violence upon no man's person, and if trespassing beyond its lawful limits could have been promptly and quietly stopped by the interference and representations of the lawfully constituted authorities. They were acting under the provisions of the very statute which they are alleged to have violated, for it seems to have escaped the attention of Lord Salisbury that section 28 of the title of the consolidated acts referred to contains the provision that "Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any state or power in amity with Her Majesty."

They were engaged, as I shall hereafter demonstrate, in a lawful industry, guarantied by the treaty of 1871, in a method which was recognized as legitimate by the award of the Halifax Commission, the privilege to exercise which their Government had agreed to pay for. They were forcibly stopped, not by legal authority, but by mob violence. They made no resistance, withdrew from the fishing grounds, and represented the outrage to their Government, thus acting in entire conformity with the principle as justly stated by Lord Salisbury himself, that—

"If it be admitted, however, that the Newfoundland Legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must be further conceded that the duty of determining the existence of such contravention must be undertaken by the Governments, and can not be remitted to the judgment of each individual fisherman."

There is another passage of Lord Salisbury's dispatch to which I should call your attention. Lord Salisbury says:

"I hardly believe, however, that Mr. Evarts would in discussion adhere to the broad doctrine, which some portion of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just the same disability applies *a fortiori* to any other powers, and the waters must be delivered over to anarchy."

I certainly can not recall any language of mine in this correspondence which is capable of so extraordinary a construction. I have nowhere taken any position larger or broader than that which Lord Salisbury says:

"Her Majesty's Government will readily admit, what is, indeed, self-evident, that British sovereignty, as regards these waters, is limited in its scope by the engagements of the treaty of Washington, which can not be affected or modified by any municipal legislature."

I have never denied the full authority and jurisdiction, either of the imperial or colonial governments, over their territorial waters, except so far as by treaty that authority and jurisdiction have been deliberately limited by these governments themselves. Under no claim or authority suggested or advocated by me could any other government demand exemption from the provisions of British or colonial law, unless that exemption was secured by treaty; and if these waters must be delivered over to anarchy, it will not be in consequence of any pretensions of the United States Government, but because the British Government has, by its own treaties, to use Lord Salisbury's phrase, limited the scope of British sovereignty. I am not aware of any such treaty engagements with other powers, but if there are, it would be neither my privilege nor duty to consider or criticise their consequences where the interests of the United States are not concerned.

After careful comparison of all the depositions furnished to both governments, the United States Government is of opinion that the following facts will not be disputed:

1. That twenty-two vessels belonging to citizens of the United States, namely, Fred. P. Frye, Mary and M., Lizzie and Namari, Edward E. Webster, W. E. McDonald, Crest of the Wave, F. A. Smith, Hereward, Moses Adams, Charles E. Warren, Moro Castle, Wildfire, Maud and Effie, Isaac Rich, Bunker Hill, Bonanza, H. M. Rogers, Moses Knowlton, John W. Bray, Maud B. Wetherell, New England, and Ontario, went from Gloucester, a town in Massachusetts, United States, to Fortune Bay, in Newfoundland, in the winter of 1877–'78, for the purpose of procuring herring.

2. That these vessels waited at Fortune Bay for several weeks (from about December 15, 1877, to January 6, 1878), for the expected arrival of schools of herring in that harbor.

3. That on Sunday, January 6, 1878, the herring entered the bay in great numbers; and that four of the vessels sent their boats with seines to commence fishing operations, and the others were proceeding to follow.

4. That the parties thus seining were compelled, by a large and violent mob of the inhabitants of Newfoundland, to take up their seines, discharge the fish already inclosed, aud abandon their fishery, and that in one case, at least, the seine was absolutely destroyed.

5. That these seines were being used in the interest of all the United States vessels waiting for cargoes in the harbor, and that the catch undisturbed would have been sufficient to load all of them with profitable cargoes. The great quantity of fish in the harbor, and the fact that the United States vessels if permitted to fish would all have obtained full cargoes, is admitted in the British depositions.

"If the Americans had been allowed to secure all the herrings in the bay for themselves, which they could have done that day, they would have filled all their vessels, and the neighboring fishermen would have lost all chance on the following week day. (Deposition of James Searwell.)

"The Americans by hauling herring that day, when the Englishmen could not, were robbing them of their lawful and just chance of securing their share in them; and further, had they secured all they had barred, they would, I believe, have filled every vessel of theirs in the bay." (Deposition of John Chutt.)

See also affidavits of the United States captains.

6. That in consequence of this violence all the vessels abandoned the fishing grounds, some without cargoes, some with very small cargoes, purchased from the natives, and their voyages were a loss to their owners.

7. That the seining was conducted at a distance from any land or fishing privilege or the occupation of any British subject. (See affidavits of Willard G. Rode, Charles Doyle, and Michael B. Murray.)

8. That none of the United States vessels made any further attempts to fish, but three or four which were delayed in the neighborhood purchased small supplies of herring. (See British depositions of John Saunders and Silas Fudge, wherein is stated that the United States vessels only remained a few days, and that after January 6 no fish came into the harbor.)

All the United States affidavits show that the United States vessels were afraid to use their seines after this, and that they left almost immediately, most of them coming home in ballast.

The provisions of the treaty of Washington (1871), by which the right to prosecute this fishery was secured to the citizens of the United States, are very simple and very explicit.

The language of the treaty is as follows:

"XVIII. It is agreed by the high contracting parties that in addition to the liberties secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies, therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty for the term of years mentioned in Article XXXIII of this treaty to take fish of every kind, except shell-fish, on the sea coast and shores and in the bays, harbors, and creeks of the provinces of Quebec, etc.

"XXXII. It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable."

Title XXVIII, chapter 102, of the consolidated acts of Newfoundland, provides:

"SEC. 1. That no person shall take herring on the coast of Newfoundland by a seine or other such contrivance, at any time between the 20th day of October and the 12th day of April, in any year, or at any time use a seine except by way of shooting and forthwith hauling the seine.

"SEC. 2. That no person shall, at any time, between the 20th day of December and the 1st day of April, in any year, catch or take herring with seines of less than 2¼ inches mesh, etc.

"SEC. 4. No person shall, between the 20th day of April and the 20th day of October, in any year, haul, catch, or take herring or other bait for exportation within 1 mile, measured by the shore across the water, of any settlement situated between Cape Chapeau Rouge and Point Emajer, near Cape Ray."

The act of 1876 provides that—

"No person shall, between the hours of 12 o'clock on Saturday night and 12 o'clock on Sunday night, haul or take any herring, caplin, or squid, with net, seine, bunts, or any such contrivance for the purpose of such hauling or taking."

It seemed scarcely necessary to do more than place the provisions of the treaty and the provisions of these laws in contrast, and apply the principle so precisely and justly announced by Lord Salisbury as self-evident, "that British sovereignty, as regards those waters, is limited in its scope by the engagements of the treaty of Washington, which can not be modified or affected by any municipal legislation." For it will not be denied that the treaty privilege of "taking fish of every kind, except shell-fish, on the seacoast and shores, and in the bays, harbors, and creeks" of Newfoundland is both seriously "modified" and injuriously affected by municipal legislation, which closes such fishery absolutely for seven months of the year, prescribes a special method of exercise, forbids exportation for five months, and, in certain localities, absolutely limits the 3-mile area, which it was the express purpose of the treaty to open.

But this is not all. When the treaty of 1871 was negotiated, the British Government contended that the privilege extended to United States fishermen of free fishing within the 3-mile territorial limit was so much more valuable than the equivalent offered in the treaty that a money compensation should be added to equalize the exchange. The Halifax Commission was appointed for the special purpose of determining that compensation, and, in order to do so, instituted an exhaustive examination of the history and value of the colonial fisheries, including the herring fishery of Newfoundland.

Before that commission, the United States Government contended that the frozen-herring fishery in Fortune Bay, Newfoundland, the very fishery now under discussion, was not a fishery, but a traffic; that the United States vessels which went there for herring always took out trading permits from the United States custom-house, which no other fishermen did; that the herring were caught by the natives in their nets and sold to the vessels, the captains of which froze the herring after purchase, and transported them to market, and that consequently this was a trade, a commerce beneficial to the Newfoundlanders, and not to be debited to the United States account of advantages gained by the treaty.

To this the British Government replied, that whatever the character of the business had been, the treaty now gave the United States fishermen the right to catch as well as purchase herring; that the superior character of the United States vessels, the larger capacity and more efficient instrumentality of the seines used by the United States fishermen, together with their enterprise and energy, would all induce the United States fishermen to catch herring for themselves, and thus the treaty gave certain privileges to the United States fishermen, which inflicted upon the original proprietor a certain amount of loss and damage, from this dangerous competition, which, in justice to their interests, required compensation. The exercise of these privileges, therefore, as stated in the British case, as evidenced in the British testimony, as maintained in the British argument, for which the British Government demanded and received compensation, is the British construction of the extent of the liberty to fish in common, guarantied by the treaty.

Mr. Whiteway, then attorney-general of Newfoundland, and one of the British counsel before the commission, said in his argument:

"And now one word with regard to the winter herring fishery in Fortune Bay. It appears that from forty to fifty United States vessels proceed there between the months of November and February, taking from thence cargoes of frozen herring of from 500 to 800 or 1,000 barrels. According to the evidence, these herrings have hitherto generally been obtained by purchase. It is hardly possible, then, to conceive that the Americans will continue to buy, possessing as they now do the right to catch."

The British case states the argument as to the Newfoundland fisheries in the following language:

"It is asserted on the part of Her Majesty's Government that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible, and even probable, that the United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

"There is a marked contrast to the advantage of the United States citizens between the privilege of access to fisheries the most valuable and productive in the world and the barren right accorded to the inhabitants of Newfoundland, of fishing in the exhausted and preoccupied waters of the United States, north of the thirty-ninth parallel of north latitude, in which there is no field for lucrative operations, even if British subjects desired to resort to them; and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with

the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact United States vessels have, since the Washington treaty came into operation, been successfully engaged in these fisheries, and it is but reasonable to anticipate that as the advantages to be derived from them become more widely known larger numbers of United States fishermen will engage in them.

"A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer numbers to the coast.

"The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen.

"*II. The privilege of procuring bait and supplies, refitting, drying, transshipping, etc.*

"Apart from the immense value to United States fishermen of participation in the Newfoundland inshore fisheries must be estimated the important privilege of procuring bait for the prosecution of the bank and deep-sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, etc., an almost continuous prosecution of the bank fishery is secured to them. By means of these advantages United States fishermen have acquired by the treaty of Washington all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States markets, and largely to furnish the other fish markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters.

"It must be remembered, in contrast with the foregoing, that United States fishing craft, before the conclusion of the treaty of Washington, could only avail themselves of the coast of Newfoundland for obtaining a supply of wood and water, for shelter, and for necessary repairs in case of accident, and for no other purpose whatever. They therefore prosecuted the bank fishery under great disadvantages, notwithstanding which, owing to the failure of the United States local fisheries, and the consequent necessity of providing new fishing grounds, the bank fisheries have developed into a lucrative source of employment to the fishermen of the United States.

"That this position is appreciated by those actively engaged in the bank fishery is attested by the statement of competent witnesses, whose evidence will be laid before the commission:"

And in the reply of the British Government, referring to the same Newfoundland fisheries, is the following declaration:

"As regards the herring fishery on the coast of Newfoundland, it is availed of to a considerable extent by the United States fishermen, and evidence will be adducted of large exportations by them in American vessels, particularly from Fortune Bay and the neighborhood, both to European and their own markets.

"The presence of United States fishermen upon the coast of Newfoundland, so far from being an advantage, as is assumed in the answer, operates most prejudicially to Newfoundland fishermen. Bait is not thrown overboard to attract the fish, as asserted, but the United States bank fishing vessels, visiting the coast in such large numbers as they do for the purpose of obtaining bait, sweep the coast, creeks, and inlets, thereby diminishing the supply of bait for local catch and scaring it from the grounds, where it would otherwise be an attraction for cod."

In support of these views, the most abundant testimony was produced by the British Government showing the extent of the United States herring fishery, the character and construction of the seines used, the time when the vessels came and left, and the employment of the native fishermen by the United States vessels. And it follows unanswerably that upon the existence of that fishery between the months of October and April (the very time prohibited by the colonial law), and upon the use of just such seines as were used by the complainants in this case (the very seines forbidden by the colonial law), and because the increasing direct fishery of the United States vessels was interfering with native methods and native profits, the British Government demanded and received compensation for the damages thus alleged to proceed from "the liberty to take fish of every kind" secured by the treaty.

This Government can not anticipate that the British Government will now contend that the time and method for which it asked and received compensation are forbidden by the terms of the very treaty under which it made the claim and received the payment. Indeed, the language of Lord Salisbury justifies the Government of the United States in drawing the conclusion that between itself and Her Britannic Majesty's Government there is no substantial difference in the construction of the privileges of the treaty of 1871, and that in the future the colonial regulation of the fisheries with which, as far as their own interests are concerned, we have neither right nor desire to intermeddle, will not be allowed to modify or affect the rights which have been guarantied to citizens of the United States.

You will therefore say to Lord Salisbury that the Government of the United States considers the engagements of the treaty of 1871 contravened by the local legislation of Newfoundland, by the prohibition of the use of seines, by the closing of the fishery with seines between October and April, by the forbidding of fishing for the purpose of exportation between December and April, by the prohibition to fish on Sunday, by the allowance of nets of only a specified mesh, and by the limitation of the area of fishing between Cape Ray and Cape Chapeau Rouge. Of course this is only upon the supposition that such laws are considered as applying to United States fishermen. As local regulations for native fishermen we have no concern with them. The contravention consists in excluding United States fishermen during the very times in which they have been used to pursue this industry, and forbidding the methods by which alone it can be properly carried on.

The exclusion of the time from October to April covers the only season in which frozen herring can be procured, while the prohibition of the seines would interfere with the vessels, who, occupied in cod-fishing during the summer, go to Fortune Bay in the winter, and would consequently have to make a complete change in their fishing gear, or depend entirely upon purchase from the natives for their supply. The prohibition of work on Sunday is impossible under the conditions of the fishery. The vessels must be at Fortune Bay at a certain time, and leave for market at a certain time. The entrance of the schools of herring ts uncertain, and the time they stay equally so. Whenever they come they must be caught, and the evidence in this very case shows that after Sunday, the 6th of January, there was no other influx of these fish, and that prohibition on that day would have been equivalent to shutting out the fishermen for the season.

If I am correct in the views hitherto expressed, it follows that the United States Government must consider the United States fishermen as engaged in a lawful industry, from which they were driven by lawless violence at great loss and damage to them; and that as this was in violation of rights guarantied by the treaty of Washington, between Great Britain and the United States, they have reasonable ground to expect at the hands of Her Britannic Majesty's Government proper compensation for the loss they have sustained. The United States Government, of course, desires to avoid an exaggerated estimate of the loss which has been actually sustained, but thinks you will find the elements for a fair calculation in the sworn statement of the owners, copies of which are herewith sent. You will find in the printed pamphlet which accompanies this, and which is the statement submitted to this Department on behalf of twenty of the vessels, the expense of each vessel in preparation for the fishery and her estimated loss and damage.

The same statement with regard to the two vessels New England and Ontario, not included in this list of twenty, you will find attached hereto, thus making a complete statement for the twenty-two vessels which were in Fortune Bay on the 6th of January, 1878, and the Government of the United States sees no reason to doubt the accuracy of these estimates. I find upon examining the testimony of one of the most intelligent of the Newfoundland witnesses called before the Halifax Commission by the British Government, Judge Bennett, formerly speaker of the colonial house, and himself largely interested in the business, that he estimates the Fortune Bay business in frozen herring, in the former years of purchase, at 20,000 to 25,000 barrels for the season and that it was increasing, and this is confirmed by others.

The evidence in this case shows that the catch which the United States fishing fleet had on this occasion actually realized was exceptionally large and would have supplied profitable cargoes for all of them. When to this is added the fact that the whole winter was lost and these vessels compelled to return home in ballast; that this violence had such an effect on this special fishery that in the winter of 1·78–'79 it has been almost entirely abandoned, and the former fleet of twenty-six vessels had been reduced to eight, none of whom went provided with seines, but were compelled to purchase their fish of the inhabitants of Newfoundland, the United States Government is of opinion that $105,305.02 may be presented as an estimate of the loss as claimed, and you will consider that amount as being what this Government will regard as adequate compensation for loss and damage.

In conclusion, I would not be doing justice to the wishes and opinions of the United States Government if I did not express its profound regret at the apparent conflict of interests which the exercise of its treaty privileges appears to have developed. There is no intention on the part of this Government that these privileges should be abused and no desire that their full and free enjoyment should harm the colonial fishermen. While the differing interests and methods of the shore fishery and the vessel fishery make it impossible that the regulation of the one should be entirely given to the other, yet if the mutual obligations of the treaty of 1871 are to be maintained the United States Government would gladly co-operate with the Government of Her Britannic Majesty in any effort to make those regulations a matter of reciprocal convenience and right; a means of preserving the fisheries at their highest point of production and of conciliating a community of interest by a just proportion of advantages and profits.

I am, etc.,

WM. M. EVARTS.

[Inclosure 1, with No. 170.]

The Marquis of Salisbury to Mr. Hoppin.

FOREIGN OFFICE, *April* 3, 1880.

SIR: In the note which I had the honor to address to you on the 12th of February I explained the reason why a certain time has unavoidably elapsed before Her Majesty's Government were in a position to reply to Mr. Welsh's notes of the 13th of August last, in which he preferred, on the part of your Government, a claim for $105,305.02, as compensation to some United States fishermen, on account of losses stated to have been sustained by them through certain occurrences which took place at Fortune Bay, Newfoundland, on the 6th of January, 1878. The delay which has arisen has been occasioned by the necessity of instituting a very careful inquiry into the circumstances of the case, to which, in all its bearings, Her Majesty's Government were anxious to give the fullest consideration before coming to a decision. Her Majesty's Government having now completed that inquiry, so far as lies within their power, I beg leave to request you to be so good as to communicate to your Government the following observations on the case.

In considering whether compensation can properly be demanded and paid in this case, regard must be had to the facts as established, and to the intent and effect of the articles of the treaty of Washington and the convention of 1818 which are applicable to those facts.

* * * * * * *

I have the honor to inclose a copy of an act passed by the colonial legislature of Newfoundland, on the 27th March, 1862, for the protection of the herring and salmon fisheries on the coast, and a copy of cap. 102 of the consolidated statutes of Newfoundland, passed in 1872. The first section of the act of 1862, prohibited the taking of herrings with a seine between the 20th day of October and the 12th day of April, and, further, prohibited the use of seines at any time for the purpose of barring herrings. These regulations, which were in force at the date of the treaty of Washington, were not abolished, but confirmed by the subsequent statutes, and are binding under the treaty upon the citizens of the United States in common with British subjects.

The United States fishermen, therefore, in landing for the purpose of fishing at Tickle Beach, in using a seine at a prohibited time, and in barring herrings with seines from the shore exceeded their treaty privileges, and were engaged in unlawful acts.

Her Majesty's Government have no wish to insist on any illiberal construction of the language of the treaty, and would not consider it necessary to make any formal complaint on the subject of a casual infringement of the letter of its stipulations which did not involve any substantial detriment to British interests and to the fishery in general.

An excess on the part of the United States fishermen of the precise limits of the rights secured to them might proceed as much from ignorance as from wilfulness; but the present claim for compensation is based on losses resulting from a collision which was the direct consequence of such excess, and Her Majesty's Government feel bound to point to the fact that the United States fishermen were the first and real cause of the mischief, by overstepping the limits of the privileges secured to them in a manner gravely prejudicial to the rights of other fishermen.

For the reasons above stated, Her Majesty's Government are of the opinion that, under the circumstances of the case as at present within their knowledge, the claim advanced by the United States fishermen for compensation on account of the losses stated to have been sustained by them on the occasion in question is one which should not be entertained.

Mr. Evarts will not require to be assured that Her Majesty's Government, while unable to admit the contention of the United States Government on the present occasion, are fully sensible of the evils arising from any difference of opinion between the two governments in regard to the fishery rights of their respective subjects. They have always admitted the incompetence of the colonial or the imperial legislature to limit by subsequent legislation the advantages secured by treaty to the subjects of another power. If it should be the opinion of the Government of the United States that any act of the colonial

legislature subsequent in date to the treaty of Washington has trenched upon the rights enjoyed by the citizens of the United States in virtue of that instrument, Her Majesty's Government will consider any communication addressed to them in that view with a cordial and anxious desire to remove all just grounds of complaint,

I have, etc.,

SALISBURY.

Mr. FRYE. Will the Senator yield to me a moment?

Mr. EVARTS. Yes, sir.

Mr. FRYE. It is exceedingly hot, and the Senator has been talking now certainly over two hours.

Mr. EVARTS. Three hours.

Mr. FRYE. I would like to ask the Senator from New York whether he would not rather continue on another day.

Mr. EVARTS. I have perhaps gone as far as I feel able to-day.

Mr. MORGAN. Will the Senator from New York allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from New York yield?

Mr. EVARTS. Certainly.

Mr. MORGAN. Does the Senator from New York think that we were worried into the treaty of 1871 and teased into it, as he says we were into the treaty of 1854?

Mr. EVARTS. I was just entering on that. It had just come to my lips.

Mr. FRYE. I move that the Senate do now proceed to the consideration of ordinary legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that he had been directed to return to the Senate the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., and the conference report on said bill.

The message also announced that the House had disagreed to the amendment of the Senate to the amendment of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa; further insisted on its amendment to the bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. ANDERSON, of Iowa, and Mr. PHELAN managers at the conference on the part of the House.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. EDMUNDS. Mr. President, the heat is so intense and the atmosphere so oppressive that I think we shall do the public more good by adjourning than by going on with that bill now, and I therefore move that the Senate adjourn.

Mr. MORGAN. I desire to ask the Senator from Vermont to withdraw that motion for a moment in order that we may have a brief executive session.

Mr. EDMUNDS. I withdraw it for that purpose.

PUBLIC BUILDING AT OMAHA.

Mr. MANDERSON. I ask the Chair to place before the Senate a bill received from the House of Representatives on which a conference is desired, being a bill for a public building at Omaha.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further insisting upon its amendments to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANDERSON. In the absence of the Senator from Wisconsin [Mr. SPOONER], who has that bill in charge, and for him, I move that the Senate insist upon its disagreement to the amendments of the House to the bill and that another conference be appointed.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. QUAY, and Mr. VEST were appointed.

MISSOURI RIVER BRIDGE AT SIOUX CITY, IOWA.

The President *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the amendment of the House to the bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River, at or near Sioux City, Iowa, further insisting on its amendment to the bill, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WILSON, of Iowa. I know it is the purpose of the Senator from Missouri [Mr. VEST] to move insistance on the Senate amendments.

The PRESIDENT *pro tempore*. The Senator from Missouri so notified the Chair.

Mr. WILSON, of Iowa. I make that motion.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. WILSON of Iowa were appointed.

AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. VANCE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 9, 1888, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 8, 1888.

POSTMASTERS.

Jesse L. Cravens, to be postmaster at Fayetteville, in the county of Washington and State of Arkansas, in the place of Jesse L. Cravens, whose commission expired June 26, 1888.

Mary E. Winfield, to be postmaster at Forrest City, in the county of St. Francis and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1888.

Henry Jayne, to be postmaster at Taylorville, in the county of Christian and State of Illinois, in the place of Charles V. Rockwell, deceased.

Philip Heinkel, to be postmaster at Sheldon, in the county of O'Brien and State of Iowa, in place of Jeremiah J. Hartenbower, resigned.

John W. Beatty, to be postmaster at Mexico, in the county of Audrain and State of Missouri, in the place of Daniel D. Woodward, resigned.

Frank P. Thompson, to be postmaster at Cloquet, in the county of Carlton and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Thomas Beesley, to be postmaster at Provo City, in county of Utah and Territory of Utah, in the place of James G. Kenney, resigned.

CHIEF OF THE BUREAU OF EQUIPMENT AND RECRUITING.

Capt. Winfield Scott Schley, a resident of Maryland, to be Chief of the Bureau of Equipment and Recruiting in the Department of the Navy, with the relative rank of commodore, from the 6th of September, 1888.

ASSISTANT SURGEONS IN THE NAVY.

William Ford Arnold, a resident of Tennessee, and George Augustus Lung, a resident of New York, to be assistant surgeons in the Navy, to fill vacancies existing in that grade.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 8, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GALLINGER, until September 15, on account of important business.

To Mr. HALL, for four days, on account of the death of a friend.

To Mr. STOCKDALE, indefinitely, on account of sickness.

WILLIAM L. BRADFORD.

The SPEAKER laid before the House the bill (S. 3178) to remove the political disabilities of William L. Bradford; which was read twice, and referred to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River; and

A bill (H. R. 1508) for the relief of certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

ORDER OF BUSINESS.

Mr. OUTHWAITE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OUTHWAITE. The House last evening was considering Senate bill 2182, and the previous question on the third reading of the bill having been ordered, the vote taken on the third reading of the bill showed no quorum present. My question is whether that bill does not at this time have the right of way as against other business?

The SPEAKER. It does not, under the practice of the House. The practice has always been that when the previous question has been ordered upon the passage of a bill and there has been an adjournment before taking the vote, the bill comes up for consideration immediately after the reading of the Journal on the next morning; but the practice has never extended beyond that point, and where the previous question is ordered merely upon ordering a bill to be engrossed and read a third time and the House adjourns, the bill takes its place as unfinished business in the class of business to which it belongs.

Mr. BURNES. I demand the regular order.

Mr. BURROWS. I ask my friend to withdraw that for a moment.

Mr. TOWNSHEND. What is the regular order?

The SPEAKER. The regular order is the call of committees for reports.

Mr. TOWNSHEND. Can not we dispense with the call of committees for reports this morning?

The SPEAKER. The gentleman from Missouri [Mr. BURNES] demands the regular order.

Mr. TOWNSHEND. I ask unanimous consent to dispense with the call of committees, and that gentlemen having reports to present may have leave to file them with the Clerk.

Mr. BURNES. In consequence of serious illness in the family of the gentleman from Michigan [Mr. BURROWS], I withdraw at his request the demand for the regular order.

Mr. BURROWS. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 7595) for the erection of a public building at the city of Kalamazoo, Mich.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. BURROWS]?

Mr. OATES. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 422) for the relief of William Gray;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 2088) for the relief of W. S. Carpenter; and

A bill (H. R. 6233) for the relief of Jesse Coe.

The message also announced that the Senate had passed with amendments House bills of the following titles; requested a conference with the House on said bills and amendments, and had appointed on the part of the Senate conferees as indicated, respectively:

A bill (H. R. 8962) for the relief of Anthony L. Woodson—conferees, Mr. SPOONER, Mr. MITCHELL, and Mr. JONES.

A bill (H. R. 9396) for the relief of General William F. Smith—conferees, Mr. MANDERSON, Mr. CAMERON, and Mr. COCKRELL.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 56) granting permission to officers and enlisted men of the Army of the United States, members of the Society of the Cincinnati, the Aztec Society, the National Association of Veterans of the Mexican War, the Military Order of the Loyal Legion of the United States, and the Grand Army of the Republic to wear the badges adopted by those orders;

A bill (S. 2802) to fix the number of unbound and bound Journals of the Senate and House of Representatives, and to provide for their distribution;

A bill (S. 3162) providing for the printing of Government publications upon private orders;

A bill (S. 3163) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park;

A bill (S. 3181) to remove the political disabilities of Julian Myers; and

A bill (S. 3196) for the relief of Joseph G. Swank.

ORDER OF BUSINESS.

Several members addressed the Chair.

Mr. BURNES. I now demand the regular order.

EXPENSES OF "TRUST" INVESTIGATION.

Mr. SHAW. I rise to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *July* 30, 1888.

Mr. BACON submitted the following resolution; which was referred to the Committee on Accounts:

"*Resolved*, That a sum not to exceed $5,000 shall be immediately available and payable out of the contingent fund of the House on order of the chairman and one member of the Committee on Manufactures of the House, in sums not exceeding $1,000 at one time, to meet the expenses of said committee in further continuing the inquiry and investigation ordered by resolution of this House adopted January 25, 1888, and heretofore ordered to be continued after the close of the present session, and that vouchers for any such expenditures shall be always certified to by the chairman and one member of the committee."

The Committee on Accounts to whom was referred the accompanying resolution concerning an appropriation out of the contingent fund of the House to meet the expenses of the Committee on Manufactures in continuing the inquiry and investigation ordered by resolution of the House adopted January 25, 1888, and heretofore ordered to be continued, have considered the same and recommend its adoption.

Mr. HOLMAN. I hope it will be stated how much money has already been assigned for the use of this committee and how much has been expended.

Mr. SHAW. Mr. Speaker, the committee has already had $5,000 placed at its disposal. How much of it has been expended I am unable to say. The committee has asked for more money, and the presumption is that the sum already appropriated has been exhausted.

Mr. HOLMAN. Has the committee been sitting elsewhere than at the Capitol, or here alone?

Mr. SHAW. I presume the chairman of the committee [Mr. BACON] or the gentleman from Arkansas [Mr. BRECKINRIDGE] can answer that question.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, the chairman of the committee is now ill and at his home, but I am familiar with the proceedings of the committee. The committee has been making inquiry with regard to a very extensive subject, which has occasioned the summoning of numerous witnesses, many of them from a distance. The amount which was at the disposal of the committee for this purpose was only $5,000, and it has been substantially exhausted in these necessary inquiries. I think that in one or two cases the inquiries have run over more ground than may really have been necessary, but those are minor incidents which can not always be foreseen. There is no doubt in the mind of any member of the committee on either side of the House that the inquiry is a very important one; that it is far more extensive, and consequently more expensive, than any person who has never had occasion to give special attention to the subject would suppose; that the inquiry is of vital importance to the people of the country, and that to prosecute it to a proper conclusion an increase of the fund is indispensable.

Now, I believe that in an inquiry of this character, where the expenses can not be accurately foreseen, but where they are as nothing compared with the importance of the subject under consideration, and where these expenditures are beyond all question in the hands of judicious members of the House, there should be no arbitrary limit upon such moderate sums as are needed to secure the amplest information.

Mr. HOLMAN. I would be glad if my friend from Arkansas would give some idea as to the manner of the expenditure of this money; in what way it has been disbursed, whether for witness fees or how?

Mr. BRECKINRIDGE, of Arkansas. It has been expended principally in the payment of witness fees. There will be an expenditure for the employment of counsel in one important and very difficult case, the Standard Oil case.

Mr. HOLMAN. Employment of attorneys?

Mr. BRECKINRIDGE, of Arkansas. Of counsel once, and then only one attorney, and in the Standard Oil case, was employed by the committee; that being a case, I will state to my friend from Indiana, of great complication, much more than the time would permit me now to explain to the House. The testimony has already been printed to the extent of a limited edition; and the type is up to fill the larger order of the House.

Mr. GROSVENOR. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I would like to know what is pending before the House. Up to this time we have been unable on this side to learn what is pending before the House, or the subject-matter of the remarks of the gentleman from Arkansas, who seems to be occupying the floor.

The SPEAKER. The Chair has been endeavoring to secure order upon the floor.

Mr. GROSVENOR. Will the Chair be kind enough to inform us what is pending before the House?

The SPEAKER. The gentleman from Maryland [Mr. SHAW] has submitted a report from the Committee on Accounts proposing an increase of the allowance for expenditures to the Committee on Manufactures, engaged in the subject of investigating certain trusts. The chairman of the Committee on Manufactures is not present, and the gentleman from Arkansas is explaining to the House the reason for this proposed increase.

Mr. BRECKINRIDGE, of Arkansas. The testimony taken in regard to the Standard Oil trust covers within a few pages of 1,000 pages, and it was not deemed possible for the committee to make that thorough and painstaking inquiry into the intricacies of this particular trust without the aid, not simply of counsel, but of selected counsel that had had occasion heretofore to follow it through all of its various ramifications. With that single exception the expenditures on the part of the committee, so far as I am acquainted with them—and while I am not chairman of the committee I think I know what has been done in that

regard—have been solely in the payment of expenses and fees of witnesses; and I will state to the House that so far as the counsel to whom I have just referred is concerned, his fee is left solely to the discretion of the committee, and the House need not have any doubt or hesitation on that score.

Mr. HOLMAN. Has the fee been fixed?

Mr. BRECKINRIDGE, of Arkansas. It has not been fixed by the committee that I know of. The chairman is at present unable to be here, and I, as a member of the committee, am only able to give such information as is within my own personal knowledge, which is doubtless not so complete in details as might have been afforded to the House if the chairman of the committee himself were able to be present.

Mr. BREWER. I would like to ask the gentleman from Arkansas, with his permission, if the committee has taken any testimony regarding the sugar trust?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir; I will state in reply to the gentleman from Michigan that extensive testimony has been taken in this regard, and, in the opinion of the committee, it has been covered adequately The committee has made a preliminary report to the House conveying the information obtained so far upon that and other subjects. That document will be subject to the order of the members of the House, I suppose, in a few days, as soon as the printing can be done. I will state further to the gentleman that if he or any other member desires for immediate use a printed copy of the testimony taken so far, there are a few copies, some fifty or sixty in all, in the committee-room, but of course not enough for general distribution.

Mr. BREWER. Has not the committee proceeded far enough so as to present some bill to the House to meet this question of trusts?

Mr. BRECKINRIDGE, of Arkansas. I do not think so, and I will supplement that opinion by this statement: That trusts are of various characters. There are such trusts, for instance, as the Standard Oil trust, which is in no wise affected by foreign competition, or need not be. There are such trusts as the sugar trust that exist wholly under what we know as our protective system of taxation; and there is further such a trust as the whisky trust that is popularly supposed to exist under the internal-revenue system of taxation. The committee has made inquiry into the Standard Oil and sugar trusts, two very extensive inquiries, and on yesterday the committee concluded what I consider the final examination into the question of the whisky trust. That testimony has yet to be printed, and until it has all been obtained, and perhaps also until the additional subject of these commercial combinations known as "dealing in futures" and matters of that character, until these have been gone over it may be impossible for the committee to make a report in as comprehensive a way as any gentleman who has served in connection with the subject will consent that the report ought to be made.

Mr. BREWER. I will ask the gentleman if he will not yield to me for three minutes to have read a letter in regard to the sugar trust, which I desire to have laid before the House at this time?

Mr. BRECKINRIDGE, of Arkansas. I will yield that time to the gentleman with pleasure.

Mr. BREWER. I ask to have this letter read.

The Clerk read as follows:

LANSING, MICH., *August* 4, 1888.

DEAR SIR: As that great "octopus," the sugar trust, has advanced price of sugar in the past six months more than 33 per cent., would not Congress be warranted in passing a bill for the relief of the people, allowing sugar to come in duty free for sixty or ninety days? Certainly this or something else should be done by Congress to relieve the masses as well as the manufacturers in this country. We have a small institution here making condensed milk. Ten months ago we were paying 5¼ to Philadelphia and New York refineries for Crown A granulated sugar delivered here. Now they are charging us 8¼ for the same article, and as our trade is largely with South America, China, Mexico, and the East and West Indies, we are necessarily competitors of the Swiss and English manufacturers, who are buying sugar at the old rates. The tax now put upon us amounts to over $100 per day, which makes it very difficult for us to continue in business. Of course Congress should take no action looking to our relief; but if the effect is as above on a little concern like ours, what must it be upon the great masses, none of whom can get along without sugar. We are paying the farmers in this country more than twice the amount they ever received before for milk, our price this year being equivalent to wheat at, at least, $2 per bushel; so it is not only important for us but for the farming community depending upon us for a market that we should continue the business. But we shall be forced to close up unless the grip of the sugar trust is loosened. If Congress would allow the public to bring in sugar duty free for, say, ninety days, they could then protect themselves. Unless some action is taken such concerns as ours will be either obliged to close up or join the procession and become monopolists themselves. We could form a condensed-milk trust and continue to live, but the best way is to strangle the sugar trust, and leave all such business open to healthy competition.

Yours, truly,

MICHIGAN CONDENSED MILK COMPANY.
JAMES M. TURNER.

Hon. MARK S. BREWER,
House of Representatives, Washington, D. C.

Mr. BREWER. Mr. Speaker, I only desire to state that the gentleman who writes that letter, being the president of the company, is well informed on this business. It is a very large business in my district, and I have simply had the letter read for the purpose of showing the result arising from this great sugar trust, not only upon this one industry but upon all the industries of the country, and it seems to me that that committee which has so fully investigated this subject-matter ought to be able to report some measure for the purpose of meeting it. I desire to ask the gentleman if the committee have also investigated the question as to the adulteration of sugar and the use of glucose.

Mr. BRECKINRIDGE, of Arkansas. They have. Mr. Speaker, I would state in connection with the observations of the gentleman from Michigan [Mr. BREWER] that the interesting letter which he submits calls attention to one character of trusts and suggests a remedy. Now, as indicated by what I previously said, there are more kinds of trusts than one. The sugar trust is precisely the same as the pig-iron association in its effect upon prices, and as the steel-rail association, and the bagging pool or trust that has in the past few days put up the price of bagging to the full extent of the tariff limit, as the oil-cloth trust, and forty other trusts or associations that we have in the country. It is one of the multitude of trusts which exist under the tariff, and is not one of those equally objectionable trusts which exist outside of the tariff and in commodities which can not be imported, in commodities in regard to which we can not invoke international competition as a regulator, because of not being produced abroad. The remedy is another question. Ninety days on the free-list would undoubtedly stop the matter for ninety days.

The bill that passed the House the other day, known as the Mills bill, cuts the profits of the sugar trust and cuts the margin of protection over $11,000,000, independent of the reduction of revenue. If that bill had simply reduced the raw sugar and refined sugar upon identically parallel lines it would have left the sugar trust with the same margin of profit conferred by law and the same extent of power over prices that it possesses to-day; but although the margin of protection was increased by the tariff act of 1883, and it was stated by experts and sustained by our friends on the other side of the House as being in no sense too much, yet we cut the margin of protection at least 30 cents on the hundred pounds upon an average. Now, the remedy for a trust of that character is to cut the margin of protection, as has been done, and not simply for ninety days, but permanently, and to cut to the point at which the competition of the world may be invoked, not sufficient to destroy the industries of this country, but to leave them only that protection which is necessary for their support, and to destroy the power to needlessly extort money from the people of this country. That step has been taken to a degree by the bill which just passed the House, but not to that degree which would amount to free trade in sugar.

We do not need to touch raw sugar to stop the oppression of the trust; but only to lessen the margin between the lower tax on raw sugar and the higher tax on refined sugar. Whatever report the Committee on Manufactures must make, will have to deal not only with the sugar trust and with trusts like unto the sugar trust, but also with trusts like unto the Standard Oil trust, and like unto the whisky trust and others that yet may be looked into and about which I am not prepared to state anything, although some are very plain as to remedy and all that now, until they have received the attention of the committee. The constituent of the gentleman from Michigan [Mr. BREWER] is upon the right line of remedy for the kind of trust he deals with, only that he needs to put only refined sugar on the free-list; but it is a question of degree, and I hope the committee will give cordial support to what is necessary to give substantial relief to the people of this country.

I yield five minutes to the gentleman from Illinois [Mr. SPRINGER], but before doing that, if the gentleman will excuse me, I promised to yield to a question by the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. The point upon which I wanted information from the gentleman from Arkansas [Mr. BRECKINRIDGE] is whether or not he spoke of the examination, among other questions, of dealing in futures as being among the duties which would devolve upon this committee. I wish to inquire whether there has been an investigation to any extent upon this subject; and, if so, whether the committee has come to any conclusion upon the question of the power of the Congress of the United States to inhibit this dealing in futures, which so materially interferes with the price in the regular open market.

Mr. BRECKINRIDGE, of Arkansas. I will say to the gentleman that that line of inquiry is doubtless covered by the duties imposed upon the committee; but that division of the inquiry has not yet been taken up. They will probably pass to the consideration of it when they next meet and have summarized their proceedings down to date.

Mr. TURNER, of Georgia. Will the gentleman yield at this point for an inquiry?

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Illinois [Mr. CANNON] indicated that he desired to ask a question.

Mr. CANNON. I would be glad to have the gentleman yield me three or four minutes.

Mr. BRECKINRIDGE, of Arkansas. I thought the gentleman wished to ask a question. I will gladly yield him time after others to whom I have promised to yield. I understand that the gentleman from Georgia [Mr. TURNER] desires now to make an inquiry.

Mr. TURNER, of Georgia. I desire to ask the gentleman from Arkansas whether the Committee on Manufactures have had their attention called to a trust recently formed as to the subject of cotton bagging. The gentleman is aware that when the Committee on Ways and Means gave some attention to that subject not long ago cotton bagging was worth about 6½ cents a yard. Now it is reported that it has been

put up to 11 cents and a fraction a yard. I would be glad to know whether the gentleman has any information as to how that has been accomplished.

Mr. BRECKINRIDGE, of Arkansas. I will state to the gentleman from Georgia that the committee has no information on that subject further than what is possessed by other gentlemen on the floor. We are cognizant of the fact as a matter of common notoriety. I see it stated by merchants and by market reports, and I presume it is true, and it will undoubtedly be a proper matter for the committee to give attention to, if the position involved is not already sufficiently covered by other inquiries. Gentlemen can readily see that it is not necessary for the committee to investigate every trust of a given class, for if they undertook to do that they would occupy not only the time of this Congress but very likely the whole of the time of the coming Congress in making what would be practically duplicated investigations. When we have gotten a typical organization of a particular class, that will probably be as far as it is necessary for the committee to consume time or to entail expense in that direction.

Mr. BRUMM. I would like to ask the gentleman from Arkansas whether the tariff has been changed so as to cause this rise in the price of cotton bagging since the Committee on Ways and Means were consulted on the subject?

Mr. BRECKINRIDGE, of Arkansas. In reply to the gentleman's question I will say that the present tariff affords to the manufacturers of cotton bagging a protection of 3 cents a yard, and that a few weeks ago they were not in a pool or a trust, the former one being broken up, and they were getting along very well at prices which were less than foreign bagging of the same weight could be laid down here for, judging from the prices of similar articles.

The Committee on Ways and Means thought that these manufacturers were able to get along without any duty, but the claims for some protection were urged upon various grounds with so much evidence of sincerity of belief and so much earnestness that the committee put into the bill a protection, not of 3 cents a yard, but of three-quarters of 1 cent a yard; and it is in the face of this proposed reduction, not increase, that the bagging manufacturers have formed this pool and put up the price from 7½ and 8 cents a yard to 11 cents, so as to take the entire 3 cents a yard protection which the law at this time permits to them, but which of course will not be permitted if the bill which we have passed becomes law.

Mr. BRUMM. Then I understand the gentleman to say that the prospective decrease in the tariff has been the means of raising the price of cotton bagging so suddenly and so largely?

Mr. BRECKINRIDGE, of Arkansas. If the gentleman had listened to me I think he would have understood me to say just the reverse of that. They hastened to reform the trust or pool so as to grab while they can.

Mr. BRUMM. That is no answer to my question.

Mr. BRECKINRIDGE, of Arkansas. It is the prospective decrease of the tariff embargo against competition from 3 cents to three-fourths of a cent a yard that has caused them hastily to rush together and grab all the bounty the tariff now gives them and will continue to give them while you and your associates permit it to exist in its present form. I now yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, the gentleman from Michigan [Mr. BREWER] has asked whether any bill has been prepared by the Committee on Manufactures looking to the suppression of trusts. I believe the gentleman from Arkansas [Mr. BRECKINRIDGE] has answered that no bill has yet been prepared by that committee. I desire to state to the House that during the past winter I spent some time in considering a proposition of that kind, which I introduced here a few weeks ago in the form of a bill, which was referred to the Committee on Ways and Means.

That bill is quite short, and I wish to ask attention to its provisions. I will ask the Clerk to read it, and gentlemen will see that it provides for taxing the product of trusts to the extent of 40 per cent. of their value, so that if the bill should become a law trusts would cease to exist from and after its passage. I ask the Clerk to read the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever any merchandise, manufacture, commodity, or product manufactured or produced in the United States shall be manufactured or produced by persons, partnerships, or corporations who shall be parties to any agreement or agreements, combination or combinations, trust or trusts for the purpose of limiting the supply or production thereof, and whenever any merchandise, manufacture, commodity, or product shall be purchased or held by parties, partnerships, or corporations who shall be parties to any agreement or agreements, combination or combinations, trust or trusts for the purpose of controlling the prices thereof, or the market therefor, on all such merchandise, manufactures, commodities, and products manufactured, produced, purchased, or held by said parties there shall be, during the continuance of such agreement or agreements, combination or combinations, trust or trusts, assessed and collected in addition to all other taxes now imposed by law, internal taxes to be paid by the manufacturer, producer, or holder thereof, equal in amount to 40 per cent. of the value of such manufacture, commodity, or product.

SEC. 2. That all the provisions of existing law in reference to internal-revenue taxes and their assessment and collection, and all fines, forfeitures, penalties, and liens prescribed in such laws, shall, so far as applicable, extend to, include, and apply to the taxes imposed by this act, and to the persons, partnerships, and corporations upon whom they are imposed. Whenever such agreement, combination, or trust shall cease to exist the internal taxes imposed by this act shall not be assessed or collected on such merchandise, manufacture, commodity, or product as may thereafter be manufactured, produced, or purchased by the parties aforesaid.

SEC. 3. That there shall be no allowance of drawback on the merchandise, manufactures, commodities, or products on which taxes have been assessed or collected under the provisions of this act when the same are exported to foreign countries, either as to the taxes imposed by this act or as to the taxes imposed by any other provision of law, upon such merchandise, manufactures, commodities, or products.

SEC. 4. That the Secretary of the Treasury is authorized to make all needful rules and regulations and appoint all the agents that may be necessary for the carrying into effect of this act.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. I desire to ask whether the proposition just read can be submitted as an amendment or substitute for the pending resolution.

The SPEAKER *pro tempore* (Mr. COX). The Chair can not decide that question until a motion to that effect is submitted.

Mr. TOWNSHEND. I make this inquiry because if that can be done we can avoid the expense of appropriating $5,000 for continuing this investigation, as this bill seems to meet the case exactly.

Mr. SPRINGER. The proposition before the House is simply a resolution from the Committee on Accounts. This which I have asked the Clerk to read is a bill, and could not, I presume, be moved as an amendment. I was about to state, however, that as soon as the present proposition is disposed of I shall ask unanimous consent to have this bill taken up for immediate consideration, so that we may pass upon it and let it go to the Senate.

This bill proposes to impose upon the products of "trusts" an internal-revenue tax equal to 40 per cent. of the value of those products, and also to impose a tax of equal amount upon articles purchased for the purpose of procuring a rise in the market, or for the purpose of "cornering" the market. If a measure of this kind be passed, Mr. Speaker, its effect will be instantaneous, and the remedy will go clear to the bottom of this whole difficulty.

There is precedent in the legislation of Congress for a procedure of this kind. Some years ago a tax of 10 per cent. was placed upon the circulating notes of the State banks. That tax never produced any revenue; but it did stop the circulation of such notes; so that there has never been any note of that description circulated in this country since that tax was imposed. This bill, I presume, will not raise any revenue; but it will put a stop to the "trusts" which exist in this country; for after they have paid 40 per cent. upon the products which they create they will not be able to exist under the operation of this bill. I give notice that as soon as the pending resolution is disposed of I shall ask unanimous consent for the immediate consideration of this bill.

Mr. DOCKERY. Mr. Speaker, I desire to ask whether the committee which has been pursuing the inquiry into the subject of "trusts" has made any investigation of the "cattle trust" of Chicago, which for two or three years past has been depressing the price of cattle in the West and plundering the farmers of that region to the amount of $55,000,000 annually in excess of a legitimate profit?

Mr. WEAVER. You mean what is called "the meat and cattle trust?"

Mr. DOCKERY. I mean the cattle trust of Chicago, consisting of five men. That "trust" has dominated and controlled the cattle market of the entire West to the great detriment of the farming interests, and I trust, sir, that this committee will make its inquiry thorough, so as to be able to offer a remedy that will afford our people the needed relief.

Mr. BRECKINRIDGE, of Arkansas. I will state to the gentleman from Missouri [Mr. DOCKERY] that the Committee on Manufactures, as he will see when he comes to read the testimony, has gone over a vast deal of ground; that the question of the meat and cattle trust has been spoken of, but has not yet been a subject of inquiry. It is, of course, a very important subject; but gentlemen of the House would hardly justify the committee, nor would a long-suffering country justify us in taking up time to make so exhaustive an inquiry as would be necessary to determine everything relating to every "trust" in the country.

Sir, no one can cast his eye over the industrial signs of the times, or observe the conclusive proofs which we have upon every hand, and fail to see that the people of our country have in a large measure had their estates put in liquidation by the operations of these trusts and of the laws now on the statute-books which encourage, protect, and permit them; and if there was ever on the face of the earth a people against whom consolidations have been organized, with powers guarantied and conveyed, to oppress and plunder the people, then in this nineteenth century and under the genius of our present peculiar statutes that is the fate and condition of the American people to-day. What we need at this time is to get sufficient data in regard to the different classes of these organizations; and when we find a broad and sound basis upon which to generalize, then we can, with what I trust will be conclusive proof, urge measures which will reach down to the lowest roots of these organizations, and of all similar existing class legislation, and leave the country unshackled and free.

I now yield for a moment to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I fear the suggestion of my friend from Illinois [Mr. TOWNSHEND] has induced his colleague [Mr. SPRINGER] to propose a matter which seems to me entirely foreign to the resolution offered by the Committee on Accounts. While I know that my distinguished friend from Illinois [Mr. SPRINGER] is exceedingly zealous in everything he undertakes and always manifests a great deal of earnestness, I think the bill which he has had read to the House would probably not be a cognate subject which could be attached to the proposition now pending, which, as I understand, is simply a proposition to enable the Committee on Manufactures to go on further with the valuable investigation which they are now making and which is calculated to benefit and instruct the House and the country. I hope, therefore, that the proposition of the chairman of the Committee on Accounts [Mr. SHAW] will be considered disconnected from any proposition so entirely foreign to its purposes and objects as that of the gentleman from Illinois.

Mr. SPRINGER. I did not intend to move my proposition as an amendment to the pending resolution. I simply gave notice that after this is disposed of I would ask unanimous consent to have my measure considered.

Mr. BRECKINRIDGE, of Arkansas. I now yield five or six minutes to the gentleman from New York [Mr. SPINOLA].

Mr. CANNON. Is any time to be yielded to this side of the House?

Mr. BRECKINRIDGE, of Arkansas. I will not forget the gentleman from Illinois [Mr. CANNON], who has made the only request coming from his side of the House.

Mr. SPINOLA. I will give way now to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Oh, no; go on.

Mr. SPINOLA. Mr. Speaker, I am here as a member of this House under peculiar instructions in reference to questions of this character. Those who selected me to speak for them have taken decided grounds against all "trusts" of every character, and it is in their name and in their behalf that I ask the indulgence of the House for a few minutes.

I did not hear read the resolution now pending, but I heard the bill of my friend from Illinois [Mr. SPRINGER]. I believe there is but one way to deal with these "trusts," and that is to declare them contraband of the public interest and against the public good. Declare them to be illegal by act of Congress. Attach a penalty to the circulation of the certificates of these trusts when they are issued. After these corporations have been formed, I would frame the law in such a way that it would be similar to the law against the counterfeiting of Government notes. I would render it a penal offense to pass from hand to hand certificates of trusts as formed by any one of these corporations or associations. I would render it impossible, as far as the law could do it, to circulate any certificates of trusts, whether sugar trusts or any other trust.

Something must be done of a definite and positive character in order to meet the growing evil now presenting itself for the consideration of the people of the country.

We may be told this question can be reached by the modification of the tariff. No, sir; no tariff can reach this question. It must be reached, if at all, by imposing a heavy penalty upon those who attempt to deal in the certificates of any one of these trusts, so that those who indulge in this sort of thing will know that whatever money they put into these corporations will be lost to them just so soon as their dealing in them is detected.

Therefore, Mr. Speaker, I would be in favor of any measure that would look in that direction. I am opposed to the passage of any bill which will recognize trusts in any way or give them the slightest legal recognition, directly or indirectly. I remember during the war that Congress passed a law taxing lotteries. Most of the States had enacted laws of their own declaring lotteries to be illegal, and yet, under the act of Congress imposing a tax on lotteries, it was claimed they thereby became legalized organizations under that act, and contrary to the State laws they went on and sold their tickets and slips and robbed and skinned the poor people of America out of millions of dollars.

They should all be treated alike. Every one of these trusts should be placed upon the same basis. All of them are against public interest and public policy. By act of Congress they should be so declared. Any bill which will go that far will have my vote on the floor of this House. The bill which has been introduced and which the gentleman from Illinois has suggested he will ask for the consideration and adoption of, when it comes up regularly I give notice now I will then ask that it shall be amended to protect the people as far as possible on the part of Congress against this entire illegal and outrageous evil.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Illinois desires to be heard, and I ask him what time he wishes.

Mr. CANNON. I would like to have five minutes.

Mr. BRECKINRIDGE, of Arkansas. I yield to the gentleman from Illinois for five minutes.

Mr. CANNON. Mr. Speaker, I am in favor of giving to the Committee on Manufactures whatever sums of money may be necessary to enable it to prosecute efficiently the investigation with which it is charged by the resolution of the House touching "trusts."

Something has been said by my colleague [Mr. SPRINGER] and all the gentlemen who have talked touching the desirability of legislation that will break up these combinations and prevent the formation of other "trusts." The gentleman from Arkansas [Mr. BRECKINRIDGE] seems to be of opinion that the Committee on Manufactures has not taken sufficient evidence and given the matter sufficient consideration to justify it in recommending legislation by the reporting of a bill.

From testimony reported by that committee and other committees and from general knowledge that both the House and country has, effective legislation, in my opinion, could and should be enacted that would break up some of the "trusts." For example, take the whisky "trust;" much could be done by repealing the three-year bond provision. That motion was made by way of amendment to the tariff bill when it was under consideration by the House by my colleague [Mr. HITT], and was voted down by substantially a solid vote of the Democratic majority against a substantially solid vote of the Republican minority.

The gentleman from Arkansas [Mr. BRECKINRIDGE] states that the sugar "trust" has its life in our protective system and lives by virtue of our revenue laws alone. It is true that it lives, breathes, and has its being in the revenue laws; but it is not true that in any proper sense, in fact or theory, that it comes within the list of our protected industries. So far as it goes it constitutes a tariff near to the Democratic plank—a tariff for revenue only. We do not need the income which it yields, and the very moment we legislate to give to the people free sugar that moment the sugar "trust" dies.

When the Mills bill was being considered in the House my Republican colleague from Iowa [Mr. FULLER] moved an amendment to take all duty off sugar. The Republicans substantially voted for it and the Democrats voted solid against it, and you still have the sugar trust with you. Then the gentleman from Maine [Mr. DINGLEY] moved to reduce the duty on sugar one-half, which would have largely broken down the trust. Again the Republicans almost solid voted "ay" and the Democrats voted solid "no." Various amendments were offered by myself and others that would have given the people cheaper sugar and broken down the "trust," the Republicans voting "ay" and the Democrats invariably voting solid "no."

Mr. Speaker, I tell the gentlemen the country wants action, wise legislation touching all these matters, and the gentlemen do not fool anybody when they fail to propose proper legislation and defeat apt legislation when we propose it, and then turn around and vex the air by mere words.

The gentleman from Arkansas [Mr. BRECKINRIDGE] compares the sugar trust with the alleged iron and steel-rail "trust," but they are not on all fours at all.

Why, Mr. Speaker, there is more duty collected annually upon sugar—almost strictly revenue duty at that—than there is upon the hundreds of articles on the chemical schedule, drugs, dyes, and medicines, upon all wool imported and manufactures thereof, and upon iron and steel and all manufactures thereof combined.

The sugar produced in this country annually is of the value of $12,000,000, while the value of the other articles mentioned produced in this country annually is $1,000,000,000. At the same time the production of these articles give employment to millions of our citizens, and their value by home competition has been greatly reduced to the consumer since their production was promoted by protection. And yet, Mr. Speaker, we are told that they rest upon all fours with sugar.

Mr. Speaker, we know far more about what is proper legislation touching some of these matters called "trusts," in my opinion, than the gentleman from Arkansas has been willing to admit. But there is a disposition not to utilize the knowledge we have, and to put action over on the plea of further investigation, to get knowledge about things with regard to which we do not fully know, while in reference to the things with regard to which we have knowledge we might proceed to legislate without further delay.

Now, then, I did not intend to discuss the tariff. I did not intend to say a word about the subject, and would not have done so were it not that gentlemen as it seemed to me were seeking to place matters in a false light.

Mr. BRECKINRIDGE, of Arkansas. I now yield to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, the House should by all means vote this additional sum recommended by the Committee on Accounts to enable the Committee on Manufactures to further prosecute its inquiry concerning trusts.

The subject of trusts is not by any means a new one in the history of the commercial world. In the days following the reign of Queen Elizabeth, Sir John Culpepper said in the English Parliament that the trusts and similar monopolies had overrun England like vermin, and that country was compelled to pass what was known as the "Bubble act," and as far back in English jurisprudence as the time when Lord Coke was Lord Chief-Justice of England, his decision in the famous monopoly cases, reported in the 11th Coke, was to the effect that these combinations or trusts were in restraint of trade and therefore illegal and not to be tolerated.

But, sir, the trusts conquered England, and the Bubble act was repealed. England surrendered to the trusts, which have conquered wherever they have gained a foothold, and they are now in the ascendant here, and it yet remains to be seen whether the trusts are strong enough to permanently dominate commercial life in the young Republic, or whether we shall be successful in grappling with and overthrowing them. We have meat trusts, cattle trusts, sugar trusts, lumber trusts, steel trusts, envelope trusts, nail trusts, and God only knows what else, for their name is legion.

The House should not hesitate, in my judgment, a moment to pass the bill just read from the Clerk's desk and introduced by the gentleman from Illinois [Mr. SPRINGER], which I believe to be thoroughly sound and admirably drawn. It is not the result of hasty action, but is the deliberate judgment of its author after giving to the subject careful attention and consideration; and while I want this resolution to be adopted, because it is important that we should know where these trusts exist and what may be their ramifications—but let us provide by law after we have ascertained the facts, as suggested by the gentleman from Illinois, to crush them out of existence, destroy them, root and branch, and relieve the people from these unlawful and unnatural restrictions upon commerce. [Applause.]

Mr. BRECKINRIDGE, of Arkansas. I now yield three minutes to the gentleman from Iowa [Mr. ANDERSON].

[Mr. ANDERSON, of Iowa, withholds his remarks for revision. See APPENDIX.]

Mr. BRECKINRIDGE, of Arkansas. The tax on sugar, which seems to be receiving the attention of the gentlemen on the other side to a considerable extent, is logically divisible into two parts. One is the tax on raw sugar, which is unfit for consumption, and the other is the tax on refined sugar, which is fit for consumption. Now, if there be a tax of 2 cents a pound on raw sugar of the full complement of saccharine matter which will yield a pound of refined sugar, and there be only a tax of 2 cents on the refined sugar, then the sugar-refining industry of this country would stand upon a free-trade basis so far as the home market is concerned and so far as the protection afforded it is concerned, because the protection that it would receive upon the refined or finished product would be exactly equivalent to the tax that would be laid upon the raw product. But if there be a tax of [illegible] cents on raw sugar such as is unfit for consumption, and there be a tax of 3½ cents on all refined sugar fit for consumption, as is substantially the case now, then there would be a protection of 1½ cents per pound. That would be a margin of protection on which a trust could exist and under which, if it did exist, as one now does, it could oppress the people and extort money from them, as the sugar trust and many other similar trusts now do.

I repeat what I have said before, that you do not need to touch raw sugar, from which alone we derive revenue, to crush or to take away all power to oppress the people from the sugar trust. It is true that you can do this by increasing the tax on raw sugar so as to take up the present margin between raw and refined sugar. But unless we need more revenue it is better to get rid of this margin by lowering the tax on refined sugar down closer to that which we maintain on raw sugar. The margin between the two rates of taxation that are maintained respectively on what is known as raw sugar and on what is known as refined sugar is the key to the trust question in this case.

Now, sir, as to the location of sugar refineries. The gentleman from Iowa [Mr. ANDERSON] speaks of the sugar trust as a Southern trust. There is, I believe, but one sugar refinery in all the South. The great seats of this industry are Philadelphia, Brooklyn, Boston, and San Francisco. The proper spirit however is not to ask the location of an evil, but to determine the character and extent of the evil and to apply the remedy in a broad, prudent, and patriotic spirit.

Mr. GEAR. Will the gentleman yield to a question?

Mr. BRECKINRIDGE, of Arkansas. Certainly.

Mr. GEAR. Was not the gentleman a member of the Ways and Means Committee that framed the tariff bill?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. GEAR. Then why did you not, when you were considering your bill, provide for the tax on sugars under 16, as you originally prepared it?

Mr. BRECKINRIDGE, of Arkansas. Sugar under 13 is raw sugar and unfit for consumption. Sugar above No. 13 and of No. 16 is sugar fit for consumption. Now, if you are going to put sugar fit for consumption between 13 and 14 or 16 on the free-list, then you virtually put all sugar on the free-list.

And I may say to the gentleman that from first to last I opposed putting one grade of refined sugar upon the free-list when it was clear that prudence forbade the putting of all refined sugars on the free-list, or, in other words, at just the tax as that on raw sugars.

I did not consider it a wise, just, and philosophic way of treating an industry. If raw sugar could justly be put upon the free-list, then refined sugar could stand a corresponding reduction. We could fairly consider the whole or any part of this step in this order. We could do more. We could see if the margin of protection between raw and refined be not greater than need be.

Only five years ago your party said it was not big enough, and you increased it. We have reduced the margin to a lower point than it was before your increase. I think this beneficent and safe. But to make a flank movement upon an industry is, in my opinion, no way to proceed. I think this step would have that effect. I always held and earnestly urged this view. I believed in reducing the margin, and all of the Democratic members of the committee did. I wanted to take back all the increase your side gave them five years ago, and more, too, and we did that in the Mills bill. To leave no margin would possibly kill this industry. I do not want to kill it. I only want to reform the abuses.

Mr. GEAR. The gentleman was in favor of favoring the sugar refiners.

Mr. BRECKINRIDGE, of Arkansas. That is exactly what I was not in favor of, and our action shows it. If we favor them when we reduce their margin and amount of protection, what did you do when you increased it in 1883? It is strange that gentlemen will not recognize plain facts, such as that three is not as much as four, that 30 cents per 100 pounds taken off of the margin of protection for refining leaves the margin less by that much than it was before. We have cut sugar fully twice as much as almost any other article. We have reduced the protection now given by existing law to refiners more than in almost any article not put on the free-list. These are facts, gentlemen. You can not confuse them.

The gentleman from Illinois [Mr. CANNON] stated as a complaint that sugar brings $58,000,000 into the public Treasury. This is from raw sugar only. Under his own law refined sugar is now taxed for protection at prohibitory rates. Will he help us reduce, as we do by the Mills bill, the subsidy he voted to the refiners? In the last Congress he voted against even considering the question. But come to raw sugar. If we put $200,000,000 into the Treasury by taxes on articles like raw sugar, what is the total cost, direct and indirect, tax and bounty or tax and protection, if you please, to the people? It is, say, roundly, $6,000,000 of protection to Louisiana and about the same to the Hawaiian Islands under our treaty. This makes $12,000,000 of protection. Add this to the tax and it would be a total cost to the people of $212,000,000, all which, except $12,000,000, goes into the Treasury and not into the pockets of protected individuals. If you include the protection for refining them the total subsidy is about $30,000,000.

But, sir, suppose we put $200,000,000 of tariff taxes into the Treasury from articles different from the sugar tax, every item of which kind you gentlemen upon the other side have fought any reduction upon. Take pig-iron for instance; while our insignificant imports of pig-iron yield less than $3,000,000 to the public Treasury, the tax upon raw sugar yields $58,000,000, and while we are put to the added expense of $12,000,000 to get this $58,000,000 from sugar, yet to get less than $3,000,000 revenue from pig-iron we are put to a cost this year of nearly $70,000,000 of protection, $1 to the Treasury and over $20 to offset it to privileged classes. Every dollar of this subsidy is collected just as it is on raw sugar, and the market reports show it. Go on, sir, and put $200,000,000 into the Treasury from articles like pig-iron.

Abolish such taxes as the one on raw sugar, as you now propose, and keep only the other kind, as you are trying to do. Then, sir, your $200,000,000 has been put into the Treasury at a total cost to the people of over $4,000,000,000 a year. These are the kind of taxes you want untouched. This is the true inwardness of all you say about the tax on raw sugar. Fill the public Treasury, as in the case of pig-iron, and empty the pockets of the people. Estimating our production this year at 10,000,000 tons of pig-iron, we shall pay not exceeding $34,000,000 in wages. We tell these people to collect, and their own statements and the market reports show that they do collect, $6.72 a ton protection, or nearly $70,000,000, to enable them to pay their labor, $34,000,000. This is the kind of thing you want. This is what you defend. You ask for the difference in wages and take twice as much as all the wages. Sir, the tax on raw sugar threatens to hurt this arrangement, and we may expect it to be fought for this reason.

Mr. BRUMM. The gentleman is speaking upon the assumption that the tariff enhances the price of pig-iron.

Mr. BRECKINRIDGE, of Arkansas. Upon the actual proof that it does.

Mr. BRUMM. But if, on the contrary, it has no such effect——

Mr. BRECKINRIDGE, of Arkansas. But it has.

Mr. BRUMM. That is a matter of fact.

Mr. BRECKINRIDGE, of Arkansas. It is a matter of fact that it has that effect. If the gentleman will look at the market reports, both foreign and domestic, which I examined only yesterday in the Iron and Steel Bulletin, he will see that every dollar and every cent of the duty on pig-iron goes into the pockets of the manufacturers; and if he will read an article by Mr. Swank in one of the magazines, which I can show him, he will find stress laid upon the fact that they do appropriate every dollar and every cent of the protection which the tariff gives them, and if it were twice what it is, pig-iron being a necessary article, they would still appropriate every dollar and every cent.

To come now to the whisky trust. Sir, there is but one whisky trust. It makes 85 or 90 per cent. of all the whisky and alcohol that are made in this country, and if the internal-revenue tax be a fosterer

of that monopoly or trust, then vote for the bill of the gentleman from Illinois [Mr. SPRINGER] which provides for laying a tax upon every trust in this country. The manufacturers did not consider that the internal-revenue tax was a subsidy when they came here and got every dollar of the internal-revenue taxes repealed except those which exist to-day upon whisky and tobacco and beer. If this internal-revenue tax is a help why were not the others? They clamored about those taxes as an oppression, as a burden upon wealth, and they procured their repeal. And, sir, I venture to say that when the question comes up the gentleman from Illinois [Mr. CANNON] and his party friends will not vote to reduce the tariff taxes that do foster the pig-iron association and the steel rails, or any other of the protected products which lay a burden of ten dollars upon the public for every dollar they put into the Treasury. The whisky and spirit trust is fostered by the $2 per gallon import tax against 90 cents a gallon internal-revenue tax.

There is, I said, one whisky trust which makes from 85 to 90 per cent. of the whisky and alcohol that are produced in this country. That is not the small business done in the State of Kentucky. Some twelve or fifteen million gallons are made in Kentucky; but nearly 100,000,000 gallons are made in the whole country. Where is the trust whose "joint behests" demand that that everybody else says is a burden in their business and has had repealed? That trust has its headquarters and its largest distilleries at Peoria, Ill., a State represented in part by the gentleman [Mr. CANNON] himself, and yet whenever he speaks here of trusts or of "the whisky trust," he points to another part of the map.

Mr. SHAW. I now demand the previous question on the passage of the resolution.

The previous question was ordered.

The resolution was adopted.

Mr. SHAW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAXATION OF TRUSTS.

Mr. SPRINGER. Now, Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from the further consideration of the bill which I have sent to the desk, and that it be immediately considered in the House.

Mr. LONG. Regular order.

The SPEAKER *pro tempore*. The bill will be read.

The bill was again read.

Mr. BUTTERWORTH. Is there a report from any committee upon this bill?

Mr. SPRINGER. It has not been reported. There has been no meeting of the Committee of Ways and Means since the bill was referred to it. My motion is that that committee be discharged from the further consideration of the bill, and that it be now considered in the House.

Mr. LONG. Regular order.

Mr. BRECKINRIDGE, of Arkansas. Who demands the regular order?

The SPEAKER *pro tempore*. The gentleman from Massachusetts on the left [Mr. LONG].

Mr. LONG. I simply want to save the time.

Mr. DUNN. He wants to save the time and the trusts.

Mr. BRECKINRIDGE, of Arkansas. I hope the gentleman from Illinois [Mr. CANNON] will persuade his friend from Massachusetts [Mr. LONG] to let this bill be considered at this time.

Mr. CANNON. I hope the gentleman will get the Committee of Ways and Means, of which he is a member and to which this bill has been referred, to report it to this House, so that we can enforce its consideration.

The SPEAKER *pro tempore*. The gentleman from Massachusetts demands the regular order, which is the call of committees for reports.

Mr. BURNES. I move to dispense with the regular order.

Mr. CHEADLE. I object.

Mr. WEAVER. Mr. Speaker, it is not known who objected to the bill of the gentleman from Illinois [Mr. SPRINGER].

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. LONG] objected.

ORDER OF BUSINESS.

Mr. BURNES. I again ask unanimous consent that the morning hour for the presentation of reports be dispensed with, and that committees have leave to file their reports at the Clerk's desk.

Mr. CHEADLE. I object.

The SPEAKER *pro tempore* proceeded to call the committees for reports.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a concurrent resolution of the House to print 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883) with proposed amendments of the bill (H. R. 9051) known as "the Mills bill," asked a conference with the House on the said resolution and amendments, and had appointed as conferees on the part of the Senate Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN.

The message also announced that the Senate has passed without amendment House bills of the following titles:

A bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railroad Company of the District of Columbia; and

A bill (H. R. 6232) for the relief of Nancy G. Alexander.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1019) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to the same; and

A bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY, from the Committee on Appropriations, reported back, with the amendments of the Senate, the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; which was read, and referred to the Committee of the Whole on the state of the Union, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 5, 9, 80, 84, 85, 86, 96, 97, 98, 99, 100, 101, 102, 103, 104, 111, 112, 113, 114, 115, 118, 122, 123, 129, 130, 141, 148, 153, 154, 169, 170, 171, 172, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 191, 192, 193, 194, 196, 208, 216, 226, 227, 228, 229, 230, 232, 235, 241, 245, 246, 247, 249, 250, 251, 252, and 253.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 87, 88, 89, 90, 91, 92, 93, 94, 95, 105, 106, 107, 108, 109, 110, 116, 117, 119, 120, 121, 124, 125, 126, 127, 128, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 173, 190, 195, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 220, 221, 222, 223, 224, 225, 231, 233, 234, 236, 237, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257.

They recommend concurrence in the amendment numbered 19, with an amendment as follows:

On page 5 of the bill, after line 10, insert the following:

"For court-house and post-office at Opelousas, La.: For purchase of site and commencement of building, $25,000."

STREET RAILWAY BETWEEN EL PASO AND PASO DEL NORTE.

Mr. CRISP, from the Committee on Commerce, reported as a substitute for House bill No. 11070 a bill (H. R. 11118) to authorize the construction of a street railway and wagon bridge across the Rio Grande between the city of El Paso, Tex., and Paso del Norte, Mexico; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 11070 was, by unanimous consent, laid on the table.

SECURITY OF LIFE AND PROPERTY ON THE HIGH SEAS.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported as a substitute for House bill No. 4282 a bill (H. R. 11119) to provide for the better security of life and property on the high seas and navigable waters of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4282 was, by unanimous consent, laid on the table.

JOEL B. ELLIS.

Mr. YODER, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 10139) placing the name of Joel B. Ellis on the roll of Company H, Thirteenth Kentucky Volunteer Cavalry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA SPENCER.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7125) for the relief of Martha Spencer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TREATY OBLIGATIONS WITH POTTAWATOMIE INDIANS.

Mr. PEEL, from the Committee on Indian Affairs, reported as a substitute for House bill No. 4488 a bill (H. R. 11120) to enable the Secretary of the Interior to carry out and perform the treaty obligations of the United States with the Pottawatomie tribe of Indians; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 4488 was, by unanimous consent, laid on the table.

FIDEL GATES.

Mr. MATSON, from the Committee on Invalid Pensions, reported

back favorably the bill (H. R. 10906) granting a pension to Fidel Gates; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY J. COTNER.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10881) granting a pension to Nancy J. Cotner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE ROBINSON.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9148) to grant a pension to Jane Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM GALLAGHER.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10515) to increase the pension of William Gallagher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. A. E. JOHNSON.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 6003) granting a pension to Mrs. A. E. Johnson; which was laid on the table, and the accompanying report ordered to be printed.

THOMPSON L. RECORDS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 10226) granting a pension to Thompson L. Records; which was laid on the table, and the accompanying report ordered to be printed.

SARAH F. HAWKINS.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 508) for the relief of Sarah F. Hawkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. A. SHAPPEE.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorable the bill (S. 1873) increasing the rate of pension of W. A. Shappee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA A. MAGILL.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 8222) for the relief of Lydia A. Magill, administratrix; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRINTING OF GOVERNMENT SECURITIES.

Mr. WHEELER, from the Committee on Expenditures in the Treasury Department, reported back with amendments the bill (H. R. 9623) to provide for printing the Government securities in the highest style of art; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

"CAPRON" COLLECTION OF JAPANESE WORKS OF ART.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back favorably the bill (S. 2215) providing for the purchase of the "Capron" collection of Japanese works of art; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER LINER.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 9106) granting a pension to Peter Liner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STARKEY R. POWELL.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN E. LATTURE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11030) granting a pension to Susan E. Latture; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KEYES P. COOL.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3219) to increase the pension of Keyes P. Cool; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALE TO ALIENS OF MINERAL LANDS.

Mr. JACKSON, from the Committee on the Public Lands, in compliance with previous consent, submitted the views of the minority of that committee on the bill (S. 1176) to authorize the sale to aliens of certain mineral lands; which were ordered to be printed with the report of the majority of the committee.

STREET RAILWAY AND WAGON BRIDGE ACROSS THE RIO GRANDE.

Mr. LANHAM. I ask by unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 11118) reported as a substitute for House bill 11070, to authorize the construction of a street railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico, and to take it up for consideration at this time. It will take but a moment.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the Santa Fé Street Railway Company, a corporation organized and created under and by virtue of the laws of the State of Texas, to construct, own, maintain, and operate a street railway and wagon bridge across the Rio Grande, between the city of El Paso, in the State of Texas, and Paso del Norte, State of Chihuahua, Mexico, at such point as may be most convenient to said corporation, to unite and connect a street railway to be constructed by it in the said city of El Paso with any street railway that may be constructed by any person, persons, or company in said Paso del Norte; and to build and lay on and across said bridge ways for the passage of animals, foot passengers, and vehicles of all kinds, and for the transit of freight, goods, wares, and merchandise, for which said corporation may charge a reasonable rate, which charge shall be subject to revision and regulation from time to time by the Secretary of War.

SEC. 2. That said bridge shall be built of good, substantial material, and of such strength and dimensions as may be sufficient to render the passage of all such vehicles, animals, and persons as are herein mentioned perfectly safe at any and all times.

SEC. 3. That said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from an obstruction or an alleged obstruction to free navigation thereof, caused or alleged to be caused by said bridge, the case may be tried before the circuit or district court of the United States for the State in which any portion of said bridge may be situated.

SEC. 4. That equal privileges in the use of said bridge may be granted to all telegraph companies, and the United States reserves the right for the establishment of a postal telegraph across said bridge.

SEC. 5. That the consent of the State of Chihuahua, United States of Mexico, and of the proper authorities of the Republic of Mexico, shall be obtained before said bridge shall be built or commenced.

SEC. 6. That unless the construction of said bridge be commenced within one year and finished within three years from the date of the passage of this act the provisions of this act shall be null and void.

SEC. 7. That Congress reserves the right to withdraw the authority and power conferred by this act in case the free navigation of said river shall be substantially and materially obstructed by said bridge, and for any other reason, and to direct the removal or necessary modification thereof at the cost and expense of the owners of said bridge; and Congress may at any time alter, repeal, or amend this act.

The report (by Mr. CRISP) was read, as follows:

The Committee on Commerce, to whom was referred H. R. 11070, "A bill to authorize the construction of a street railway and wagon-road over the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico," have had the same under consideration, and beg leave to report as follows:

The bridge contemplated in this act is to be built across the Rio Grande, the boundary stream between the United States of America and the United States of Mexico, and has for its object the accommodation of a large amount of traffic and travel, which is increasing daily, between the two cities of Paso del Norte and El Paso, the two border towns of the United States of Mexico and of the United States of America, respectively, and the adjacent countries.

The joint consent of the Congress of the United States and the proper authorities of the United States of Mexico is necessary before the construction of said bridge can be undertaken.

Your committee was shown duly-authenticated documentary evidence that the consent of the Mexican Government, that of the State of Chihuahua, and that of the municipality of Paso del Norte has been granted to one Felipe Arellano, as representative of the Santa Fé Street Railway Company, to construct and operate such street railway bridge and its approaches as may be situate in Mexican territory, and to connect with a similar work established on United States territory by said Santa Fé Street Railway Company, the documents referred to being—

First. A contract made between General Carlos Pacheco, secretary of public works, representing the executive power of the union, and Mr. Felipe Arellano for the construction of an international bridge across the Rio Grande and two iron tracks across the same bridge, which are to connect with the tramways of Paso del Norte.

Second. An edict of Señor Don Lauro Carrillo, substitute constitutional governor of the free and sovereign State of Chihuahua, proclaiming to the inhabitants thereof the ratification by the constitutional congress of that State of a concession granted by the executive of the State of Chihuahua to Felipe Arellano for the construction and operation of two lines of street railway in Paso del Norte.

Third. An ordinance of the council of the city of Paso del Norte granting the right of way to Felipe Arellano.

Your committee was further furnished proofs that the Santa Fé Street Railway Company is a corporation duly organized under and by virtue of the laws of the State of Texas, and that it has been granted right of way by the city council of El Paso, Tex., for passengers and freight. The consent of the Congress of the United States is therefore the only condition prerequisite to the construction of this bridge.

Your committee, being deeply impressed with the fact that the interests of commerce will be greatly subserved by the proposed bridge, and convinced that the navigation of the river will not suffer by its construction, beg leave to recommend the passage of the bill reported as a substitute for H. R. 11070.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURNES. I now demand the regular order.

Mr. WILKINS. Will the gentleman yield to me for a moment to ask unanimous consent to take up a bill, as I am going away?

Mr. BURNES. On that account I will yield to the gentleman.

Mr. WILKINS. I ask unanimous consent to consider at this time the bill (S. 351) to provide for the erection of a public building in the city of Zanesville, Ohio.

The SPEAKER *pro tempore*. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. McMILLIN. I think we had better have the regular order.

Mr. WILKINS. I hope the gentleman will not insist upon that now.

Mr. McMILLIN. This is one of the bills heretofore vetoed, and upon which the House has taken action adversely. I regret to do anything in opposition to the views of my friend from Ohio, but I am compelled in this case to make objection.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole to further consider appropriation bills.

PERSONAL EXPLANATION.

Mr. ALLEN, of Mississippi. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Mississippi. I send to the desk and ask to have read an article which appears in the Philadelphia Press of this date.

The Clerk read as follows:

QUEER PUBLIC DOCUMENTS—A MISSISSIPPI CONGRESSMAN'S NAME CARRIES PATENT-MEDICINE "ADS" FREE—A BOSTON COMPANY'S ECONOMY—SUCH VIOLATION OF THE FRANKING PRIVILEGE A MISDEMEANOR PUNISHABLE BY HEAVY FINES—A POSTAL OFFICIAL'S COMMENTS.

A scheme has just leaked out in this city under which the franking privilege of a member of Congress has been used to send patent-medicine advertisements through the mail free of postage. This is in direct violation of the United States statutes on the subject, which imposes a fine for each and every offense.

D. T. McCool is a dealer in second-hand furniture at 1827 South Eighth Street. He is an active Republican and takes as much interest in national politics as he does in local fights. About 9 o'clock on Monday morning the letter-carrier on that route walked into McCool's little store and handed Mr. McCool a big official-looking envelope. It was about 12 inches long by 9 inches wide. Up in one corner was printed: "Public Document, House of Representatives, U. S. Part of Cong. Record. Free." In the other corner was written "J. M. Allen," and underneath the name were the printed letters "M. C." It was the regulation envelope to be used for just the purpose that appeared on its face. Mr. McCool wondered why he should receive such a document from Congressman Allen, and on tearing open the envelope, which was sealed up, he was more surprised than ever.

The inclosure was not a part of the CONGRESSIONAL RECORD, nor did it in any way pertain to the National Government, unless Uncle Sam has taken an interest in a patent-medicine manufactory. It was two copies of Dam's Herald, published by Dam's Remedy Company, 397 Main street, Charlestown district, Boston, Mass. The papers dilated on the merits of Dam's vegetable remedy, however, admitting that the remedy did not cure everything. On the back of each of the papers was a long string of testimonials from people living in this city, looking as though this edition had been expressly printed for circulation in the city of Philadelphia.

Mr. McCool jumped right away to the conclusion that such matter had no business to be sent through the mails. He did not say anything to the letter-carrier as to what he had found inside the big envelope, but merely asked him if he carried any similar envelopes along his route. The letter-carrier said he had not, but added that some of the other men had been pretty well loaded down with them. The envelope had the post-office stamp on the back, showing it had been received here at 6 a. m. Monday morning.

Assistant Postmaster Drake was seen later in the day and asked if he could explain how it was that a Congressman's frank should be used to save patent-medicine advertisements from having to pay postage. He said that such an act was in direct violation of the law. With a copy of the Post-Office Laws and Regulations in his hand he explained that the franking privilege granted to members of Congress was restricted by law to three articles. These were public documents, CONGRESSIONAL RECORDS, and seeds for agricultural purposes. A violation of the law was punishable as a misdemeanor under the act of March 3, 1879, and the guilty party was liable to a fine not exceeding $100 for each offense.

HOW IT MIGHT HAVE HAPPENED.

Members of Congress, he said, are allowed to send matter which is covered by their franks in bulk, the separate packets being undirected. This, he said, was where violations of the law were apt to happen. A person might send to a Congressman for a number of copies of a certain speech, saying that he wanted to mail them to different people. The Congressman would send the speeches in a bundle, each copy in its separate envelope, not directed, but with the legislator's frank up in the corner. If the person receiving the bundle was so disposed the speeches could be extracted, anything else substituted and sent through the mails free of postage.

As these particular envelopes had been sealed and so treated as first-class matter, Mr. Drake was unable to say just how many had gone through the Philadelphia post-office. He promised, however, to have inquiries made among the carriers, who would be apt to remember on account of the large size of the envelopes.

The only J. M. ALLEN at present in Congress is JOHN M. ALLEN, who represents the First Mississippi district in the House of Representatives. This is his second term. He served in the Confederate army during the late war, and was at one time district attorney for the first judicial district of Mississippi. He is a Democrat.

Mr. ALLEN, of Mississippi. I now ask the Clerk to read the editorial comment, found on the other side.

The Clerk read as follows:

RISE UP, JOHN ALLEN, AND EXPLAIN.

The franking privilege, whose abuse has so often stirred up public indignation, still survives in the right of Congressmen to send free through the mails CONGRESSIONAL RECORDS, public documents, and seeds, the same to be attested by the signature of the sender on the envelope or wrapper. An enterprising patent-medicine firm is at the present time defrauding the mails and enriching themselves by sending circulars over the country lauding the virtues of their drug under the frank of Hon. JOHN M. ALLEN, a Democratic Representative from the First Mississippi district.

The very enterprising patent medicine proprietors are liable to a fine of $100 for each envelope so used, but without waiting for the imposition of that fine it is in order for Congressman ALLEN to rise and explain. Is he selling his frank, or has he affixed his signature in an idle moment to thousands of envelopes on a chance of their being useful, and has his young man found them a negotiable commodity? No doubt the blame will be laid on the young man—it always is—but the evidence is cumulative that it is impossible for Congressmen to enjoy the franking privilege, even to a limited extent, without the privilege being grossly abused.

Mr. ALLEN, of Mississippi. Mr. Speaker, a few moments ago this paper was shown me. I feel that it is due this House and myself that I should make the only explanation I can make, and that is that I know absolutely nothing about the matter except what I see in this paper, and to further say that if any such use has been made of what purports to be my frank, it has been done without any knowledge on my part or authority from me. I never heard of "Dam's patent medicines" or "Dam's Herald" before in my life. [Laughter.] I have not "in idle moments affixed my signature to thousands of envelopes" and left them lying around where anybody could use them. The truth is I am exceedingly cautious about affixing my signature, having had some trouble in my life growing out of affixing my signature to papers. [Laughter.]

I can not understand how the "patent-medicine" men came to select my frank for the purpose of perpetrating a fraud on the Government and on me, unless it was because of the great demand for my tariff speeches throughout the whole country. They thought my name might be used with less cause of suspicion than that of any one else. [Laughter.]

I shall call the attention of the Post-Office Department to this matter, and ask them to investigate fully and let us know how it occurred. I would also be obliged if the Post-Office Committee of the House would make a thorough investigation of the whole subject. It is evident that a fraud is being perpetrated upon the Government, as well as upon myself, and I hope the facts will be thoroughly ascertained.

I have been accused of a good many things in my life; but this is the first time I was ever accused of being a partner in crime with a "Dam" patent-medicine man. This paper says I was a Confederate soldier; that I am a Democrat, and a member of Congress. These are certainly charges enough to bring against one man in the same article. [Laughter.]

Mr. PETERS. Have you used any of these patent medicines?

Mr. ALLEN, of Mississippi. Never any of Dam's [laughter], and the insinuation contained in this editorial that I had sold or authorized my frank to be used in this way, and that I would "lay it on the young man" is a "Dam" vegetable remedy lie. [Laughter and applause.] I will not put it on any one, young or old, until it is investigated, and then I hope the guilty party may be discovered, and until then I ask the House to release me on my own recognizance.

WITHDRAWAL OF A MOTION.

Mr. DOCKERY. Pending the motion of the gentleman from Missouri, I ask unanimous consent of the House to withdraw a motion entered by me, and found on page 7849 of the RECORD, to reconsider the action of the House touching the conference report on Senate bill 182.

The SPEAKER *pro tempore*. Without objection the motion will be withdrawn.

There was no objection.

PUBLIC BUILDING AT MILWAUKEE.

Mr. DIBBLE. I rise to make a privileged report on the conference of the disagreeing votes of the two Houses on the bill (S. 154) for the erection of a public building at Milwaukee, Wis.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 154) for the erection of a public building at Milwaukee, Wis., having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendments to the said bill, and agree to the same with the following amendments:

1. In second line, first page, before the word "purchase," insert the words "acquire by;" and after the word "purchase," in same line, insert the words "condemnation or otherwise."

2. In eleventh line, first page, before the word "and," insert the words "and the cost of said site shall not exceed the sum of $400,000."

3. In fifteenth line, second page, after the word "city," insert the words "at a cost, however, not exceeding $300,000."

And the Senate agree to the same.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
W. B. ALLISON,
G. G. VEST,
Managers on the part of the Senate.

We, managers on the part of the House on the disagreeing votes of the two Houses on the House amendment to the bill (S. 154) for the erection of a public building at Milwaukee, Wis., respectfully submit, with the conference report, the following statement:

The Senate bill provided for an expenditure of $1,200,000 for site and building complete, or $1,100,000 if the present site was enlarged by purchase of adjoining ground. The House amended by substituting simply a provision for purchasing a site at a cost not exceeding $300,000. The effect of the adoption of the conference report is to provide for site and building at a cost not exceeding $1,200,000, of which sum not more than $400,000 may be expended for the site; and in case the present site is enlarged by purchase of adjoining ground, then the entire cost shall not exceed $1,100,000, and the cost of the additional ground shall not exceed $300,000.

All of which is respectfully submitted.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

The SPEAKER *pro tempore*. The question is on agreeing to the conference report.

Mr. CRISP. Mr. Speaker——

Mr. DIBBLE. I have the floor.

Mr. CRISP. The gentleman did not call for the floor.

Mr. DIBBLE. I called for the floor before the motion was put.

Mr. CRISP. I ask if I have the right to be recognized?

The SPEAKER *pro tempore*. The gentleman who has charge of the bill [Mr. DIBBLE] will be recognized.

Mr. DIBBLE. Now, Mr. Speaker, I have no desire to discuss this amendment. It is a report similar to the report which was made before. If the gentleman from Georgia desires to discuss the report I will yield him a portion of my time. Otherwise, I will ask the previous question on the adoption of the report.

Mr. CRISP. I prefer, as there are several gentlemen who desire to be recognized on this question, that I should be recognized in my own right.

Mr. DIBBLE. Well, I do not purpose taking up the time of the House to-day with this question, and unless the gentleman desires to accept my decision, I will move the previous question on the adoption of the report.

Mr. CRISP. As this is an important matter, involving $1,200,000, an increase of $800,000 over the House bill, I will ask the House to vote down the previous question until we can have the matter fully discussed.

Mr. LONG. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. LONG. In case the previous question is ordered, will there not be fifteen minutes' debate on either side?

The SPEAKER *pro tempore*. The question has been debated already to some extent, and the Chair does not think that there would be debate.

Mr. DIBBLE. I ask leave to withdraw the conference report to-day, in order that the other business may go on.

The SPEAKER *pro tempore*. Is there objection to the withdrawal of the report? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. BURNES. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk reported the title of the bill, as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes.

Mr. WARNER. Before proceeding with the consideration of that bill I desire to make a request, and I shall preface that by a word or two. It is this. We have had under consideration and partially finished a bill of considerable interest to the country, and it certainly is important, if it is to be considered at all this session, to get it into the Senate in order that it may be acted upon. The measure to which I refer is the bill to establish the Territory of Oklahoma. I therefore ask unanimous consent that the bill now before the committee be laid aside for the present. Certain it is that no one will suffer from any delay in the consideration of that bill. There is ample time for it, and this other bill is of great importance to the people of this country; therefore I ask that the deficiency bill be laid aside.

Mr. HOOKER. If I may be permitted to say a word, I think that the bill for the establishment of the Territory of Oklahoma is a very important bill, and I do not think it is thoroughly understood by the House. It needs, in my judgment, a most elaborate investigation before the House comes to any conclusion, and I object to the request of the gentleman. Whenever that bill passes it will have to be passed by a quorum of this House.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. WARNER] that the deficiency bill be laid aside.

Mr. HOOKER. I object.

Mr. WARNER. Would it be in order to move that it be laid aside?

The CHAIRMAN. Under the rules the committee will now rise and report this objection to the House.

The committee accordingly rose; and Mr. Cox having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the general deficiency bill, and a request having been made to pass over this bill for the present, the committee had instructed him to report that objection to the House.

The SPEAKER *pro tempore*. The question now is, Will the House instruct the committee to consider the general deficiency bill?

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. What is the bill on which the House is asked for instructions?

The SPEAKER *pro tempore*. The general deficiency bill.

Mr. DIBBLE. The general deficiency bill with the French spoliation claims under debate?

The SPEAKER *pro tempore*. Yes.

Mr. LONG. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. LONG. Do I understand that a vote "ay" is in favor of taking up the general deficiency bill?

The SPEAKER *pro tempore*. The question is, Shall the House instruct the committee to pass over that bill?

Mr. LONG. And a vote "ay" is in favor of passing over the bill.

The SPEAKER *pro tempore*. The gentleman can infer that.

Mr. HOOKER. Before that question is put I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOOKER. Suppose the House should vote not to lay aside that bill. Of course that will be an instruction of the Committee of the Whole to take up another bill; and the question I desire to ask is, whether or not the next bill would be that suggested by the gentleman from Missouri [Mr. WARNER] or the next appropriation bill?

The SPEAKER *pro tempore*. It would be the next appropriation bill on the Calendar.

Mr. LONG. Which is the fortification bill.

The question was put; and the House refused to instruct the committee to lay aside the deficiency bill.

Mr. BURNES. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and the pending question is on the fourth section of the bill.

Mr. HOLMAN. I wish to inquire how much time is left for general debate?

The CHAIRMAN. The clerk who keeps the time is not at the desk at this moment, but the Chair understands that seven hours still remain.

Mr. BURNES. Mr. Chairman, before proceeding with the discussion, I ask unanimous consent to offer certain amendments to preceding portions of the bill. The first amendment which I desire to offer is merely a verbal correction. I offer this amendment at the request of the Secretary of the Treasury.

The amendment was read, as follows:

Page 3, lines 17 and 18, strike out "a reasonable time, say one year," and insert in lieu thereof "the period of one year after landing or entry."

There being no objection, the amendment was received and was agreed to.

Mr. BURNES. I now ask unanimous consent to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 1, after line 8, insert "Salaries of foreign ministers: To pay J. R. Young, late minister to China, salary from July 1 to September 4, 1885, $2,152.17."

There being no objection, the amendment was received and was agreed to.

Mr. BURNES. I ask unanimous consent to offer another amendment, which I send to the desk.

The amendment was read, as follows:

Page 27, after line 21, insert: "For an additional clerk in the office of the First Assistant Postmaster-General, for duty in the free-delivery division during the fiscal year 1889, $1,000."

There being no objection, the amendment was received and was agreed to.

Mr. BURNES. I ask consent also to offer an amendment on page 36.

The amendment was read, as follows:

Page 36, after line 24, insert: "For horse and buggy for Department messenger, House of Representatives, for the fiscal year 1889, $250."

There being no objection, the amendment was received and was agreed to.

Mr. BURNES. I desire also to offer another amendment to come in on page 34.

The amendment was read, as follows:

Page 31, after line 20, insert: "To pay W. O. Arnold in addition to the sum of $750 allowed him in the sundry civil appropriation act for expenses incurred in his election contest, $1,000."

There being no objection, the amendment was received and was agreed to.

Mr. CRISP. I ask unanimous consent to offer an amendment to come in after the amendment just adopted.

The amendment was read, as follows:

After the amendment just adopted insert: "To pay C. N. Felton and Frank J. Sullivan in full for expenses of election contest in the Fiftieth Congress $2,000 each; in all, $4,000."

There being no objection, the amendment was received and was agreed to.

Mr. BURNES. I ask leave to have printed in the RECORD correspondence with the Secretary of the Treasury and the Postmaster-General concerning the amendments which have just been adopted.

There was no objection, and it was so ordered.

The correspondence is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 4, 1888.

SIR: Referring to page 3, lines 17 and 18, of the general deficiency bill I beg leave to suggest a change of phraseology, by striking out the words "within a reasonable time, say one year," and inserting in lieu thereof the words "within the period of one year after landing or entry."

The language now employed in the bill might be regarded as so ambiguous and indefinite as to embarrass the Department in the enforcement of the proposed amendment of the law.

Respectfully yours,

C. S. FAIRCHILD, *Secretary.*

Hon. JAMES N. BURNES,
Chairman Subcommittee on Appropriations,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., August 7, 1888.

SIR: I have the honor to inclose a letter from the Superintendent of the Free-Delivery System of the Post-Office Department requesting that an appropriation of $1,000 be recommended for an additional clerk to be assigned to his division, the necessity for which being the large increase of work on account of the enactment of the eight-hour law for letter-carriers and the general increase of the free-delivery business.

The application of the superintendent meets with my approval, and I respectfully recommend that the appropriation asked for be made.

Very respectfully,

DON M. DICKINSON,
Postmaster-General.

Hon. JAMES N. BURNES,
Chairman of the committee having in charge the deficiency bill,
Washington D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., August 7, 1888.

SIR: I have the honor to request that you recommend to Congress that an appropriation of $1,000 be made at this session for an additional clerk, to be permanently assigned to the Free-Delivery Division of the Post-Office Department. This appropriation is imperatively necessary on account of the immense addition to the work of the division, connected with the eight-hour law for letter-carriers and the constant increase in the free-delivery business generally.

Very respectfully,

J. F. BATES,
Superintendent Free-Delivery System.

Hon. DON M. DICKINSON,
Postmaster-General.

On motion of Mr. CANNON unanimous consent was given to members to print remarks on the pending bill.

Mr. BURNES. Resuming the debate, I will yield thirty minutes to the gentleman from Ohio [Mr. THOMPSON].

[Mr. THOMPSON, of Ohio, withholds his remarks for revision. See APPENDIX.]

Mr. LONG. I now yield fifteen minutes to the gentleman from Maryland [Mr. SHAW.]

Mr. SHAW. Mr. Chairman, the consideration and discussion of the French spoliation claims, beginning in 1802, have continued almost without intermission from that time to the present day. The original claimants, their children, and many of their grandchildren have passed away, but the claims live on with the vigor and strength of youth, which neither time nor neglect have abated or destroyed. Having survived the vetoes of two Presidents, these claims to-day find favor in the popular mind as to their justness and equity, and their extraordinary vitality can only be accounted for in their remarkable character and history.

Based upon the treaty with France of 1778, which treaty made our independence possible, they are indissolubly linked with the names and events which make our early history illustrious and grand. Yet, notwithstanding these claims were the first in point of time, the most interesting in matter of history, and the greatest in amount of all the spoliations by foreign nations on our commerce, they are the last to be recognized and satisfied.

From Great Britain, from Spain, Naples, Denmark, Mexico, South America, and again from Great Britain our merchants have recovered their claims for spoliation of their ships and cargoes. Every foreign power has been made to do justice and render indemnification in this behalf, and France too was called to account and permitted to set off her claims against the United States for these individual claims, yet the sufferers are still without compensation, although the duty of indemnity was transferred from France to the United States.

The story of these claims is a chapter in our national history of which we have no cause to be proud. Originating in an alleged mistake, which confounded American with British ships, on account of the same language of the sailors which manned them, the outrages by the French to flag and ship and persons multiplied until they involved our citizens in the loss of many millions of dollars. But a few years anterior to these occurrences France had, at an enormous outlay, contributed largely of the treasure and blood of her people to the success of American independence. In the dark days of Valley Forge, France espoused our cause, and from that day until the sun of Yorktown rose on the victorious armies of America her zeal and help knew neither abatement nor cessation.

While the American Army at Valley Forge stood on the very verge of dissolution, "barefooted and otherwise naked," with their hunger threatening to "break through a stone wall," and Washington presenting to Congress the dread alternative of the Army "to starve, dissolve or disappear," the plenipotentiaries of France and the United States executed the treaties of guaranty and of alliance and commerce of February, 1778. The treaty of guaranty was one of mutual guaranty—France guarantying our independence and conquests, and the United States guarantying the colonial possessions of France—and the pledge of guaranty was forever. The terms of the guaranty it is well to state in its own words:

The two parties guaranty mutually for the present time and forever, against all other powers, to wit, the United States to His Most Christian Majesty the present possessions of the crown of France in America, as well as those it may acquire by the future treaty of peace. And His Most Christian Majesty guaranties, on his part, to the United States their liberty, sovereignty, and independence, as well in matters of government as commerce, and the additions and conquests that their confederation may obtain during the war from any of the domains now or heretofore possessed by Great Britain in North America.

And it was further stipulated that—

In case of rupture between France and England the reciprocal guaranty shall have full force and effect the moment such war shall break out; or if no rupture take place then the guaranty shall not take place until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

The possessions of France in America at that day were the Islands of Saint Domingo, Martinique, Guadaloupe, Saint Lucia, Saint Vincent, Tobago, Désirade, Mariegalante, Saint Pierre, Miquelon, Grenada, and, on the mainland, Cayenne. All of these the United States guarantied to France forever by a continuing guaranty. All these possessions, the historian Alison says, were swept from France in thirty days without material loss to England, and, he might have added, without any effort on our part to make good the guaranty of the treaties.

This treaty of amity and commerce was a mutual stipulation by which the United States solemnly pledged itself, first, to protect and defend the ships and cargoes of French subjects "against all attacks, force, and violence" in the same manner as they ought to protect and defend "the vessels of citizens of the United States." We undertook and bound ourselves to know no difference between the commerce of France and that of the United States. Second, the United States stipulated—

To open their ports to French ships of war and privateers with their prizes and to close them against any power at war with France, except when such power should be driven by stress of weather into our ports, and then "all proper means shall be vigorously used so that they go out and retire as soon as possible."

And third, the United States stipulated to allow French privateers "to fit their ships, to sell what they had taken, or in any manner whatsoever to exchange their ships, merchandise, or any other lading," and to forbid privateers in enmity to France even to victual in ports of the United States; and later in the same year the United States entered into a consular convention with France, that French consuls and vice-consuls in the United States should have and exercise power and jurisdiction on board French vessels in civil matters.

These treaties were the voluntary stipulations by the United States with France for her aid and assistance in securing and maintaining our national life, independence, and liberty.

What was the actual cost to France of these treaties? Omitting from the calculation all consideration of life and suffering which our war of independence cost France, and confining the estimate to dollars and cents, France expended in our behalf $280,000,000. This sum measures the counter-claim which France in after years justly set up as an offset to the claims of our citizens now under consideration.

I have heretofore stated what the United States pledged to France in 1778. Six years after, on November 17, 1794, by the Jay treaty with Great Britain, every pledge and promise theretofore made to France was willfully and deliberately nullified. By that treaty we consented to receive British ships into our ports at a time when Great Britain was at war with France, and thus extended to our ancient enemy the hospitality and privileges we had pledged solely to our first friend.

The United States was then at peace and prospering, but not so with her ally and friend. All Europe banded together, surrounded France with their armies, and girdled her people with the fires of war and devastation. The navies of England blockaded her ports and to

the horrors of war added the danger of starvation to a whole nation. In this extremity of her people we abandoned our former ally, and in violation of our treaty pledges, on the 22d of May, 1793, proclaimed our neutrality.

The first unfriendly acts committed by the French had been apologized for and indemnity promised, but the fitful, passionate, and excited national convention responded to President Washington's "proclamation of neutrality" with a decree retaliatory on England's effort to starve France, arresting all neutral vessels laden with provisions and destined to an enemy's port. The decree avowed its violation of neutral rights, but justified itself by a promise of "indemnity to neutrals who might suffer by its operation." American commerce, frightened by this decree, hesitated to take the sea and encounter the dangers that crowned every wave and lurked in every breeze. To reassure our people and revive our commerce, the Secretary of State, Mr. Jefferson, came forward voluntarily with the assurance of protection and redress in his circular of 27th August, 1793, and the President, in his message of December 5, 1793, iterated the promise that—

Due measures should be taken to obtain redress of the past and more effectual provision against the future.

Thus at the very beginning of these spoliations France promised indemnity and the United States pledged its honor that "proper proceedings should be adopted for the relief of her citizens," and thus before the Jay treaty was signed the ancient friendship between France and the United States stood guarantor for indemnification for unintentional and unavoidable outrages upon our commerce. But the bad faith on our part, which France recognized in our treaty with our ancient foe and her adversary, and the deliberate abandonment of all our pledges and promises to her by the "condescension of the American Government to the wishes of its ancient tyrant," caused her to unleash her cruisers to prey upon our commerce, and the declaration went forth that—

The French Republic will treat neutral vessels, either as to confiscation, searches, or captures, in the same manner as they shall suffer the English to treat them.

Edict followed edict in rapid succession, while the protestations of diplomacy failed to effect either relief or remedy. Our relations thus continued until a more imposing diplomatic effort was made in 1797 by the special mission of Mr. Pinckney, Mr. Marshall, and Mr. Gerry—

In respect to the depredations on our commerce—

The—

principal object of which was to agree on an equitable mode of examining and deciding the claims of our citizens and the manner and period of making compensation.

And the plenipotentiaries were instructed—

Not to renounce these claims of our citizens nor to stipulate that they be assumed by the United States Government.

Thus again were all these claims recognized by our Government and placed under the protection of our diplomacy.

That mission of eminent citizens in its efforts for indemnification encountered the masterly ability of Talleyrand, who, in reply to the statement of the claims of American citizens, brought forward the "national" counter-claims of France, and against the value of despoiled commerce and confiscated vessels, valued at $50,000,000, proffered the $280,000,000 which our war of independence had cost France. But while thus putting forward the counter-claims of France, Mr. Talleyrand admitted the justice of our claims, and inquired "whether, if they were acknowledged by France, we could not give a credit as to payment, say, for two years?"

That diplomatic commission returned home without satisfaction, and the Congress set on foot preparations for war to vindicate our commercial rights and to protect our people against like spoliations. Washington was made Lieutenant-General, and by act of May 28, 1798, defensive naval measures were authorized to prevent depredations on vessels belonging to our merchants. In a further effort to stop "depredations on American commerce," the act of June 13, 1798, suspended commercial relations with France, and by act of June 25, 1798, American merchant vessels were authorized to resist search or seizure by any French vessel, and finally, by act of July 7, 1798, the treaties of 1778 with France were declared annulled because "the just claim of the United States for reparation of injuries had been refused."

These were some of the vigorous measures set on foot by this Government to assert and maintain the rights of these claimants, and they had the effect of inducing the French Directory to invite the reopening of negotiations. President Adams, availing himself of the overture, appointed Chief-Justice Ellsworth, Mr. Davis, and Mr. Van Murray plenipotentiaries to France, and instructed them that—

The principal points, indeed all the points, were, first, indemnity for spoliations of American commerce; second, the unquestionable wrong of seizing American vessels for want of a *rôle d'équipage*, or descriptive-list of the crew; third, the refusal to renew the treaty guaranty of the French West Indies.

These were the ultimata intrusted to our negotiators, who were instructed to open negotiations with the positive and emphatic announcement that the "indispensable condition of the treaty" was to be "full compensation for all our losses and damages" sustained by illegal captures and condemnation, and the instructions end as they began, with the injunction to bind "France to pay or secure payment of the sums which shall be awarded."

Thus, under the mission of Mr. Morris and of Mr. Monroe, under the triumvirate plenipotentiaries headed by Pinckney and Ellsworth, the purpose and object was the indemnification of American citizens for spoliations by the French.

The last diplomatic mission found Napoleon First Consul, who appointed his brother Joseph Bonaparte at the head of the French commission. At the very first meeting, April 7, the American envoys proposed—

An arrangement to ascertain and discharge the equitable claims of citizens of either nation upon the other, whether founded in contract, treaty, or the law of nations.

Thus again, at the very threshold of negotiations these claims were brought forward by the representatives of the United States. The reply of the French plenipotentiaries was that—

The first object of the negotiations ought to be the determination of the regulations and the steps to be followed for the estimation and indemnification of injuries for which either nation may make claim for itself or for any of its citizens.

Thus not only "individual" but "national" claims, not only the twenty million losses of American citizens, but the $280,000,000 of counter claims of France met in this last diplomatic effort. The issue presented was the set-off of "individual" with "national" claims. The American envoys had no authority to recognize the "national" claims of France; the French envoys would not consider the individual claims of American citizens without the "national" claims of France were also recognized. The failure of negotiations was imminent and the danger of war threatening.

The divergence widened when the American envoys proposed to recognize the treaties of 1778 as existing only to July 7, 1798; and the reply of the French envoys was prompt and emphatic, that those treaties were the only foundation for their negotiation, and that upon those treaties only could union and friendship be re-established.

Napoleon promptly declared, August 11, 1800, that—

The treaties which united France and the United States are not broken, and that the first proposition for negotiation must be to stipulate a full and entire recognition of those treaties, with their reciprocal engagements of compensation for damages resulting on both sides from their infractions.

Again, "national" claims were confronted with "individual" claims, and the alternative presented "either ancient treaties, with the privileges resulting from priority and the stipulations of reciprocal indemnities, or a new treaty without indemnity." France said, in other words: Live up to and carry out your promises of 1778 or pay the $280,000,000 which France expended in her performance of those treaties; or if that is impossible without war with your new-found friend, England, then execute a new treaty and pay the losses of your citizens.

Such, in brief, is the history of these claims. Let us now examine the "views" presented with the deficiency bill.

These "views," submitted by a portion of the Committee on Appropriations in the French spoliation cases reported in the deficiency bill, are so directly opposed to the conclusions arrived at in the forty-five reports of committees of previous Congresses, and so variant with the findings of the Court of Claims after twice hearing arguments in these cases, that only new evidence since discovered could justify and sustain this radical departure from the accepted history of these claims.

But a close examination of these "views" discloses no new evidence against the justice of these claims, nor do they present any reasoning upon their history and evidence which was not presented to the Court of Claims by the attorneys who so ably represented the United States before that court.

The voluminous history of these claims and of the negotiations between France and the United States for their settlement has been so often and so fully reviewed by committees of Congress, and has been so exhaustively investigated in the three opinions of the Court of Claims, that it would seem useless to consume more time in an effort to make more clear their justice and equity.

But the "views" presented by a majority of the committee are entitled to consideration, more from respect due to the members who sign them than for the reasons and arguments presented therein. The résumé embodies conclusions unfavorable to the payment of these claims, and though unaccompanied with recommendation they can not be understood in any other way than as arguments for striking these appropriations from the bill.

The very large interests held by citizens of Maryland in the present findings of the court, as well as in those which are yet pending in the Court of Claims, make it my duty to state the reasons which induce me to differ with the majority of the committee, for whose opinions I entertain the greatest respect. The conclusions of the "views" may be condensed as follows:

First. That the claimants under the most favorable argument would be entitled only to the pecuniary value of the claims at the date of the treaty in 1800, and that these claims had no appreciable value because France would not pay them and the United States could not compel her to do so.

It is doing a manifest injustice to the great statesmen of that period of the history of our country to suppose that extraordinary diplomatic missions composed of Pinckney, Marshall and Gerry, and afterwards of Ellsworth, Chief-Justice of the United States, Davis, and Murray,

would have been superadded to the efforts of Minister Morris, as well as to those of Minister Monroe, to obtain a settlement of claims which had no appreciable value, or that the long negotiations, supplemented by extensive preparations for war, would have been permitted to widen the friendly relations existing between France and the United States about claims which France would not recognize nor could be made to pay. In the first part of the "views" an "appreciable value" in these claims is set down at the exaggerated estimate of $40,000,000, and throughout the argument $5,000,000 is assumed as the amount always heretofore recognized by committees of Congress.

For more than eighty years public sentiment has not only recognized an "appreciable value" in these claims, but unmistakably declared for their recognition and payment by the United States; and lastly the Court of Claims, the arbiter selected by Congress and governed by the rules of evidence, has found an "appreciable value" for a portion of these claims, which this House ordered last December to be put upon the deficiency bill for its consideration.

Second. The "views" further hold that the United States Senate, by striking the second clause from the treaty of 1800, abandoned the further prosecution of these claims without agreement, settlement, or acknowledgment of demands on either side, and that there was no valuable consideration to the United States in the abandonment by France of her pretensions as to the treaties of 1778, because those pretensions had been annulled by the unfriendly acts of France, by the abrogation act of Congress of July, 1798, and by the existence of actual war.

These are the very questions which have been at issue from 1800 to the present time, and with the weight and influence of the "views" the country will consider the forty-five reports of committees and the deliberate findings of the Court of Claims. It was to judicially determine these identical issues that the Court of Claims was empowered to consider these claims, and for their elucidation before that court the United States appeared by able attorneys, and the Congress authorized the appointment of the distinguished commission, composed of Mr. Broadhead and Mr. Tuck, to visit France and her ancient colonies and collect evidence to be used by the Court of Claims in judicially determining the very questions which the "views" again invoke to cloud our judgment. After the fullest argument and the most careful consideration the Court of Claims has rendered its judgment against each and every position taken in the "views."

The second clause of the proposed treaty of 1800 was in these words:

The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of the 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation and the relations of the two countries shall be regulated as follows.

This the court holds to have been a "compromise" forced by the French Government and accepted by our ministers, but admitting all that was claimed under the old treaties as open to discussion and not providing for the indemnities. The Senate in advising the ratification of the treaty, expunged this second article and in its place provided that—

It is agreed that the present convention shall be in force for the term of eight years from the time of exchange of negotiations.

The First Consul of France consented to "accept, ratify, and confirm" the convention, adding to the Senate's retrenchment of the second article as follows:

Provided, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

This treaty, ratified with the Senate's retrenchment and Napoleon's proviso, was a practical adoption by the United States of the second branch of the French proposition, namely:

Either the ancient treaties, with the privileges resulting from priority, and the stipulations of reciprocal indemnities, or a new treaty, assuming equality without indemnity.

The United States accepted the alternative of "a new treaty, assuming equality without indemnity," because by doing so we avoided war with England.

By the treaties of 1778 the United States had "forever" bound herself to maintain France in her colonial possessions and to grant her exclusive privileges as to ports and privateers; but by the Jay treaty England had been admitted to the same privileges which had been granted exclusively to France. It was impossible for the United States to fulfill the obligations of these conflicting treaties, and her ministers were instructed to so negotiate with France that, while escaping from the embarrassments of conflicting privileges to both France and England, full indemnity from France for these claims should be insisted upon and obtained.

The Senate and Napoleon, by the retrenchment and proviso gave a quietus to the treaties of 1778, and with them all the obligations arising under them passed from the arena of international contention, France relinquishing her rights in exchange for release from her obligations, and the United States, escaping from the embarrassments of conflicting treaties, by every principle of right and justice incurred the pecuniary obligations of France to our citizens, namely, the French spoliation claims.

The Court of Claims holds that this was the "bargain" to which Mr. Madison referred in his letter to Mr. Pinckney, from which the United States derived a practical and important benefit and advantage at the supreme cost to her citizens of their great pecuniary claims. The court quotes Mr. Pinckney, Secretary of State to two Presidents, Mr. Madison, Mr. Clay, Chief-Justice Marshall, and the reports of forty-five committees in favor of the payment of these claims as against three reports made prior to 1826, when the diplomatic correspondence was made public, since the publication of which no committee of Congress has reported unfavorably on these claims.

The "views" hold further that the abrogation act of July, 1798, recognized the treaties of 1778 as having been violated by France, and that the act of Congress of that date was a rightful and valid exercise of power by the United States which removed all validity and force of the old treaties after that date. In other words, that the act of July 7, 1798, established a date after which war existed which obliterated all claims, either upon France or the United States, and left these claimants, after that date, without equitable right to remuneration.

The Court of Claims has fully examined the law, the facts, and the evidence as to the state of war, and arrived at a different conclusion from that expressed in the "views," while finding the Attorney-General, Mr. Lee, in 1798, writing to the Secretary of State that "not only an actual maritime war," but "a maritime war authorized by both nations" existed with France; and Edward Livingston saying in debate—

Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case.

But notwithstanding these and many like expressions of opinion made at a period of great excitement and partisan bitterness, the court calmly and judicially inquires into the facts of the times, and from the expressions of the political department of the Government, as well as from the more solemn and important judicial findings of the courts; from the language of the acts of Congress; from the expressions of our diplomatists, and from the averments and protestations of France, the Court of Claims holds that there was no declaration of war; that the tribunals of each country were open to the other, an impossibility were war in progress; that diplomatic and commercial intercourse was admittedly suspended; that retaliation and reprisal were made, and that though there was a near "approach to war" there was no time at which one of the nations was turned into an enemy of the other, and finally—

That there was not that kind of war which abrogated treaties and wiped out, at least temporarily, all pending rights and contracts, individual and national.

And the court adds:

In cases like this the "judicial is bound to follow the action of the political department of the Government, and is concluded by it."

And we do not find an act of Congress or of the Executive between the years 1793 and 1801 which recognizes an existing state of solemn war, although we find statutory provisions authorizing a certain course "in the event of a declaration of war," or "whenever there shall be a declared war," or during the existing "differences," and one act provides for an increase of the Army "in case war shall break out," while another restrains this increase "unless war should break out;" hence the court concludes:

We are, therefore, of opinion that no such war existed as operated to abrogate treaties, suspend private rights, or authorize indiscriminate seizures and condemnations; that, in short, there was no public general war, but limited war in its nature, similar to a prolonged series of reprisals.

Whatever regard this House may entertain for the opinions of those members of the Committee on Appropriations whose names are appended to these "views," the judicial conclusions of the court selected by Congress to investigate the law and the facts relating to these claims should have more weight in influencing the judgment of this House than should attach to "views" which, while reviving the old arguments prior to 1826, present no new evidence, but draw their inspiration rather from the arguments of attorneys representing the United States than from the facts of history and the justice of the claims.

In the present Congress, at its very opening, as early as December 19, 1887, these claims were brought fairly and squarely before this House by the resolution of the gentleman from South Carolina [Mr. DIBBLE] which ordered the Committee on Appropriations—

To report to this House all such claims as have been decided favorably to the claimants and so reported by the Court of Claims in the general deficiency bill for the consideration of the House.

The object and purpose of the friends and supporters of that resolution was avowed and accepted to be to bring this House to a vote on the proposition to pay these claims as found by the Court of Claims.

The issue was distinctly drawn. Mr. RANDALL, Mr. BLOUNT, Mr. MILLS, Mr. HOLMAN, and others opposed the passage of the resolution and endeavored to have it referred to the Committee on Claims, or to a special committee, but all efforts to defeat or turn aside the purpose of the House to have a direct vote upon the proposition were unavailing, and by a yea-and-nay vote of 163 to 81, more than a majority of the whole House, the resolution was adopted, in obedience to which these claims are now before the House for its final action.

After eighty years of discussion these "views" revamp the thoughts and arguments which prevailed prior to 1826, and seek to defeat the

judgment of the court of arbitration selected by the United States and to which these claimants were compelled to submit their claims. These "views" ask this House not to abide by the award of its own arbitrators, but to repudiate the finding and refuse to pay the award.

Such conduct between individuals would be denounced as dishonest and dishonorable, and I know of no code of morals which draws distinctions in its application to the United States and to individuals. If the Congress will not abide by the findings and pay the judgments or awards of the Court of Claims, does it not set an example of disregard for its own courts and laws hurtful and harmful to the very spirit of popular government? For one, I shall vote for the payment of these adjudicated claims, and thus aid in righting a wrong and putting an end to a controversy that should have been terminated long ago.

Mr. BURNES. I now yield thirty minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, the question before us is one of unusual importance. It is the legacy of another century, and carries us back to a period only a little short of the Revolutionary war. Administrations have come and gone; political parties have risen, flourished, and passed away; and generations have been born, have lived, and have died since the scenes, in which these claims had their origin, were enacted.

Expenditure is asked as compensation for losses which occurred nearly an hundred years ago. At first these losses were supposed to amount, in value, to a sum not exceeding $5,000,000, but during the past fifty years they have so increased that, according to high official authority, they will, if allowed, aggregate near thirty-five millions, exclusive of interest. Like wine, they have improved with age.

Within two years from the 20th day of January, 1885, 5,569 suits were instituted in the court upon which jurisdiction was conferred to hear them, and now a bill is pending to allow a further extension of time within which to submit to the same tribunal additional claims for adjudication. One hundred and twenty-three cases have been decided, of which one hundred and six have been adverse to the Government and only seventeen in its favor. The sum total of the awards which we are called upon to pay in this bill is $741,606.63.

Questions not only involving facts peculiar to each case, but also the truth of history as to great and notable events, and the proper application of important principles of municipal, maritime, and international law have been considered, and, I regret to say, have been almost uniformly resolved in favor of the claimants, and this, too, by a court of inferior jurisdiction and without the right of an appeal to the highest tribunal in the land.

Why the act of 1885, passed during the Forty-eighth Congress, and under which these suits were brought, should not have allowed an appeal to the Supreme Court, but should have limited litigation of such moment to the Court of Claims, it is difficult to conjecture.

Certainly a desire to reach the right conclusion, such a conclusion as would challenge the approval of the popular conscience, would have dictated a more liberal law than that of January 20, 1885.

These claims stood before the Forty-eighth Congress as ancient demands, whose payment during the long years of their existence had not been recommended by a single President. If they do in fact and in truth rest upon those equitable and constitutional principles which have been invoked in their behalf by gentlemen upon this floor, then from their very beginning to this hour the failure of the Presidents and of the Congresses to recommend and to take action has been reprehensible indeed, and there can be no justification for the neglect.

Congress, however, has acted upon two occasions, and has passed bills covering five millions of dollars for the payment of these claims. Both of them were vetoed, the one by Mr. Polk and the other by Mr. Pierce.

Under all the circumstances surrounding them they are—to use no harsher phrase—of a suspicious character and should have been subjected to the highest judicial investigation and criticism before reaching Congress for payments.

But the antiquity, amount, and general character of the claims invited the lobby. The field was rich and promising of an abundant harvest, and the Treasury was already full. The prospect was bright. For many years there had not appeared so fair an opportunity for public plunder.

In saying this, I would not be understood as at all questioning the integrity or candor of any gentleman upon this floor. It is of others I speak—of those upon the outside and not of any member of this House. No sooner had the law of 1885 been enacted than letters of administration upon the estates of men who had been dead for more than half a century were applied for and were received in very many places throughout the country, and all the necessary preliminary preparations were made for a vigorous and determined assault, through the methods of judicial procedure, upon the Treasury.

Who are the heirs of those men who have been so long dead and whose estates have been thus sought to be administered upon? Where are these heirs? In many instances are there any heirs at all? Were the decedents, when dying, solvent or insolvent? If insolvent, who were their creditors, and where are they, and who represent them? These are pertinent questions. Many more equally as pertinent might be asked, but these are sufficient as suggestions as to the final lodgment of the greater portion of these claims should they be paid. And insurance companies and banking institutions, long since dead, were, through processes known to the law, rehabilitated with the power to sue and to receive whatever they, in the general scramble, might chance to recover.

Just think of it, Mr. Chairman. Only two years—not six hundred working days—were allowed for the institution of these suits, and yet during that short time 5,569 claims were filed.

When and where and in what court has such rapid work ever before been done? The industry and energy of these men have been indeed marvelous.

But the organization was complete before the bill became a law, and it was ready for immediate action, and it did act energetically and enthusiastically, vigorously and continuously, when the command was given.

With what success, the very favorable condition of these claims at the present time fully demonstrates. The present Congress had scarcely convened when the consideration of those claims, which had been adjudicated, was enforced in a manner that has no precedent in the proceedings of this House. Before the committees had been appointed the work was done which made it the duty of the Committee on Appropriations to report them on this bill, on which they ought not to have been placed. I refer to the resolution adopted by the House during the first week, I believe, of its present session.

The policy of this course was obvious at the time of the presentation and adoption of this resolution. The purpose evidently was not only to force immediate action, but also to avoid the necessity of presenting the question to Congress and to the President disconnected from all other matters.

Hence their arbitrary enforcement upon the deficiency bill.

It would be utterly impossible for me, Mr. Chairman, to present to this committee—within the time allotted me—all of the objections which might be properly urged against the payment of these claims. I shall have to content myself with replying only to what has been said by the gentleman from Maryland [Mr. RAYNER] and by the gentleman from Massachusetts [Mr. LONG] in the course of this debate.

I very much regret that the gentleman from Maryland is not here to-day. He is a most earnest advocate of their payment, and his ability in presenting his views is no less marked than his zeal.

He speaks from the standpoint of his profession and states the question quite fairly.

Says the gentleman—

> Now, I leave that proposition and proceed to discuss as rapidly as I can the inherent merits of this case. The fundamental proposition that underlies this controversy, in my opinion, is this: Was there a war? I do not go quite so far as my distinguished friend from Massachusetts [Mr. LONG] does upon that subject, who says that even if there was a war it would not prevent these claimants from recovering.
>
> The question in my opinion is, was there a war between the years 1794 and 1801 between the United States and France? If there was a war, I think that is an end of these claims. If there was no war, then the United States, as trustee for its citizens, was bound to prosecute these claims in the recognized tribunals of the French Government, and if it failed to do so, whether it received any consideration or not, it is responsible to its citizens for all the damages resulting from its default. Now, I say there was no war. I say there was not anything like a war.
>
> I say that any school boy acquainted with the history of that time knows that between 1794 and 1801 there was no war between the United States and France. There was a transient misunderstanding, as Napoleon called it; there was a limited condition of hostilities, as Chief-Justice Chase and Justice Patterson said; but according to the definition of war given by the highest authorities on international law there was no war.

I accept the legal portion of the proposition, as stated, to be correct, but I join issue with him as to the fact upon which he relies. Between us there is only a question of fact, and I am glad that it is so. Upon the issue thus made I beg leave to introduce as a witness before this committee the then Attorney-General of the United States, Charles Lee.

Among the opinions of the Attorneys-General is to be found the following official communication to the Secretary of State:

> BUCK TAVERN, *August* 21, 1798.
>
> SIR: Having taken into consideration the acts of the French Republic relative to the United States, and the laws of Congress passed at the last session, it is my opinion that there exists not only an actual maritime war between France and the United States, but a maritime war authorized by both nations. Consequently France is our enemy; and to aid, assist, and abet that nation in her maritime warfare will be treason in a citizen or any other person within the United States not commissioned under France. But in a French subject, commissioned by France, acting openly according to his commission, such assistance will be hostility. The former may be tried and punished according to our laws; the latter must be treated according to the laws of war.
>
> I have thought it my duty to make this communication in consequence of the information you received from Rhode Island of the intentions of a Frenchman, whose name I do not now call to mind, who is said to be somewhere in this country on the business of buying ships and supplies of a military kind for the West Indies. He should be apprehended and tried as a traitor, unless he has a commission and acts according to it, in which case he should be treated as an enemy and confined as a prisoner of war.
>
> I have the honor, etc.,
>
> CHARLES LEE.
>
> To the SECRETARY OF STATE.

Here, sir, we have the deliberate and carefully expressed opinion and advice of the highest law officer of the Government, given in the discharge of an official duty and at the very time when the troubles, out of which these claims grew, were occurring. He is upon the ground. He is in close and intimate connection with every department of the

Government, and holds confidential relations with the President himself.

Can a more reputable or a more competent witness be produced to countervail his testimony as to the true relations then existing between the United States and France? If so, let him be produced, and we will hear him and give due weight to what he may say.

But it is not upon the testimony of this distinguished citizen of our earlier days—strong and convincing as it is, and delivered, as it has been, in his official character and under the sanction of a public duty—that the opponents to the payment of these claims solely rely.

There is another source, perhaps more authoritative and more impartial, to which we very confidently appeal for information upon this interesting point.

Let us go to the highest tribunal in the land, the Supreme Court of the United States, and search for evidence as to whether war did or did not actually exist between the two countries during the years in which these claims had their origin.

I have before me the celebrated case of Bas *vs.* Tingy, argued and decided at the August term, A. D. 1800, of that court. The question as to the existence of a war during those years was before the court. An opinion was delivered by each of the judges present, a portion of one of which I will now ask the Clerk to read.

The Clerk read as follows:

The decision of this question must depend upon another; which is, whether at the time of passing the act of Congress of the 2d of March, 1799, there subsisted a state of war between the two nations? It may, I believe, be safely laid down that every contention by force between two nations, in external matters, under the authority of their respective governments, is not only war but public war. If it be declared in form, it is called solemn, and is of the perfect kind; because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war all the members act under a general authority and all the rights and consequences of war attach to their condition.

But hostilities may subsist between two nations more confined in its nature and extent, being limited as to places, persons and things; and this is more properly termed imperfect war; because not solemn, and because those who are authorized to commit hostilities act under special authority, and can go no further than to the extent of their commission. Still, however, it is public war, because it is an external contention by force between some of the members of the two nations, authorized by the legitimate powers.

It is a war between the two nations, though all the members are not authorized to commit hostilities, such as in a solemn war, where the governments restrain the general power.

Now, if this be the true definition of war, let us see what was the situation of the United States in relation to France. In March, 1799, Congress had raised an army, stopped all intercourse with France, dissolved our treaty, built and equipped ships of war, and commissioned private-armed ships, enjoining the former and authorizing the latter to defend themselves against the armed ships of France, to attack them on the high seas, to subdue and take them as prize, and to recapture armed vessels found in their possession.

Here, then, let me ask, what were the technical characters of an American and French armed vessel, combating on the high seas, with a view, the one to subdue the other, and to make prize of his property? They certainly were not friends, because there was a contention by force; nor were they private enemies, because the contention was external, and authorized by the legitimate authority of the two governments. If they were not our enemies, I know not what constitutes an enemy.

Second. But, secondly, it is said that a war of the imperfect kind is more properly called acts of hostility or reprisal, and that Congress did not mean to consider the hostility subsisting between France and the United States as constituting a state of war. In support of this position, it has been observed that in no law prior to March, 1799, is France styled our enemy, nor are we said to be at war. This is true; but neither of these things were necessary to be done; because as to France, she was sufficiently described by the title of the French Republic; and as to America, the degree of hostility meant to be carried on, was sufficiently described, without declaring war or declaring that we were at war. Such a declaration by Congress might have constituted a perfect state of war, which was not intended by the Government.

Mr. SHAW. I do not like to interrupt the gentleman, but if he will permit I would like to call his attention to the instructions given to Ellsworth, October 22, 1799——

Mr. SAYERS. I will refer to them should I have time.

Mr. SHAW. Where the Government says the conduct of France was such as to have justified a declaration of war, but have contented themselves with preparations for defense and measures calculated to defend their commerce.

Mr. SAYERS. What has been stated by the gentleman from Maryland may be true, and yet does not at all conflict with the opinion of the Attorney-General, or with the one just read. It but gives additional strength to the proposition that there was an actual war. The very measures which were calculated to protect our commerce, though of a defensive character, were such as directly precede and always accompany naval warfare.

But before I forget it, Mr. Chairman, let me suggest that perhaps in the opinion of the Supreme Court in the case of Bas *vs.* Tingy, and in other cases involving the same and kindred questions, may be found the true and the only reason why the advocates of the payment of these claims have always been and are now opposed to their consideration by this court. They very well know that when they shall have reached the Supreme Court they will be confronted with propositions of law and with conclusions as to facts which they can not hope to evade or to overcome.

What they desired was a favorable decision from some court of authorized jurisdiction, however limited, but of all the courts the most undesirable to them would be the Supreme Court of the United States.

So far they have accomplished their wishes, and their pathway to the Treasury has been very smooth indeed. Two gateways are yet to be removed—the Congress and the Chief Executive.

Now, sir, in all candor I submit to the committee that the proposition of the gentleman from Maryland [Mr. RAYNER] has been answered, and so fully and so successfully that there is not a particle of ground left upon which the claimants may stand. The opinions which I have read and caused to be read constitute history, and while they may not be familiar to the school-boys of the country, yet they are parts of the history of those troublous times, and as such are entitled to especial confidence.

If they may not be so regarded, then I am strangely ignorant of the proper sources to which to go for reliable information upon this particular subject. I am quite sure that the gentleman [Mr. RAYNER] if he were sitting as a judge upon the trial of these claims would follow and adhere to the opinions which I have laid before this committee as decisive of a great historical fact rather than the uncertain and oftentimes untrue declarations of the ordinary historian.

But, Mr. Chairman, while discussing this feature of the case permit me to call the attention of the committee for a moment to only one of the findings of the Court of Claims in the cases which have been before it. I would very much like to discuss some other of the findings, but time will not permit.

This court says, in one of its opinions:

Following in the path marked out by the Supreme Court in the prize cases which came before them during this period, and of which Bass *vs.* Tingey is a fair example, we are led to the conclusion that where a private vessel was fitted for the purpose of attacking armed French vessels, and of recapturing American vessels seized, she fell within the rules of war, and if captured, became legitimate prize. The relations of the two nations being strained to hostilities within certain distinctly defined bounds, within those bounds the active agents of either Government were subject to the rules of war, and vessels intending to seize must submit to seizure.

Here is a proposition to be easily understood by any one, whether a lawyer or not. It is plain common sense. Its meaning is evident, and there is not the slightest room for misconstruction. It reads well, and, to my mind, appears to be the law. But let us see how it is applied in a given case. Turning to page 75, Miscellaneous Document No. 5, we find the following reported case:

COURT OF CLAIMS.—FRENCH SPOLIATIONS.

(Act of January 20, 1885, Stat. L., 243.)

Ship John, Levi Putnam, master. No. 4. William Gray, administrator *de bonis non* of William Gray, jr., deceased, claimant. No. 12. Fisher Ames, administrator *de bonis non* of Fisher Ames, deceased, claimant. No. 778. Fisher Ames, administrator *de bonis non* of John Worthington, deceased, claimant.

CONCLUSIONS OF FACT.

These cases were tried before the Court of Claims on the 30th day of November, 1886.

The claimants were represented by William Gray, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, Benjamin Wilson, esq., with whom was Assistant Attorney-General Robert A. Howard.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

William Gray, jr., deceased, was a citizen of Boston, Mass., and in 1799 was the owner of a ship called the John, a duly registered merchant vessel of the United States, of 175 tons burden, and built at Salisbury, Mass., 1794.

The John sailed from Salem, Mass., under the command of Levi Putnam, master, in March, 1799, with a cargo of provisions, bound for Cadiz and Gibraltar. Having arrived and discharged her cargo at these ports, and shipped a new cargo at Gibraltar, she again set sail, on June 28, 1799, for the East Indies on a trading voyage.

The new cargo consisted of 17 pipes of oil-proof brandy (1,971 gallons), 33,000 Spanish milled dollars and $1,000 in gold, owned by and shipped on account of said William Gray, jr.; 3,500 Spanish milled dollars, owned by and shipped on account of Fisher Ames, as a citizen of the United States, and 1,893 Spanish milled dollars, owned by and shipped on account of John Worthington, a citizen of the United States. The money, in each case, was to be laid out in purchasing a return cargo in the East Indies.

In prosecuting her voyage the John touched at St. Jago, Cape Verde Islands, and while lying there at anchor was captured, July 12, 1799, by the boats of a French squadron under the command of Commodore Landolphe. The cargo was taken out and retained by the captors and the ship carried out to sea. What became of the John does not clearly appear, but it was never restored to the owner nor taken to a prize court.

According to one report, she was burned by the captors, and according to another she was recaptured by an English man-of-war.

II.

At the time of the capture the John was armed with seventeen 4-pound guns and her crew consisted of twenty-six men.

She carried a commission or letter of authority from the President of the United States; but whether this commission was given under the provisions of the act of Congress of June 25, 1798 (1 Stat., 572), or under the act of July 9, 1798 (1 Stat., 578), does not appear.

Although so armed and commissioned the John was bound on a commercial voyage.

III.

The value of the ship	$6,000.00
The invoice value of 17 pipes of brandy	2,402.00
Thirty-three thousand Spanish milled dollars	33,000.00
One thousand dollars in gold	1,000.00
The freight earned at the time of the capture, amounting to two-thirds of $4,375	2,916.65
Total value of ship, cargo, and freight belonging to said William Gray, jr., deceased	45,318.65

The value of 3,500 Spanish milled dollars, the part of the cargo belonging to said Fisher Ames, deceased, the claimant in case No. 12, $3,500.

The value of 1,993 Spanish milled dollars, the part of the cargo belonging to said John Worthington, deceased, the claimant in case No. 778, $1,993.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France on the 4th of July, 1831.

The claimants, in their respective capacity, were the owners of said claims which have never been assigned.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

William Gray, administrator in case No. 4, to the value of the ship	$6,000.00
Invoice value of cargo belonging to William Gray, jr	36,402.00
Freight earned	2,916.66
Total for said Gray	45,318.66
Fisher Ames, claimant in case No. 12, to the value of the cargo belonging to Fisher Ames, deceased	3,500.00
Fisher Ames, administrator for John Worthington, claimant in case No. 778, to the value of the cargo belonging to said Worthington	1,993.00

By the Court.
Filed November 7, 1887.
A true copy.
Test, this 30th day of November, 1887.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Can any one believe for a moment that this finding would be sustained by the Supreme Court had an appeal been allowed? How manifestly clear does the wisdom of the authors and promoters of the act of 1885 appear in the light of these findings?

Here is a vessel, having sought and obtained a commission as a privateer and fully armed, ready to fight the enemy if he should be the weaker, but to trade if the enemy should appear the stronger.

The story of Dr. Jekyl and Mr. Hyde well illustrates the double character of this vessel. To-day a friend, to-morrow a foe; here a peaceable trader, there an active belligerent; strong and full of bluster with the weaker, but as gentle as a lamb with the more powerful; full of patriotism where the exercise of patriotism is not dangerous, but always ready to turn an honest penny when the opportunity offers. The inducements to privateering were many and great. In addition to the facilities for traffic and trade, if the vessel of an enemy should be captured, one-half of it and of its cargo fell to the officers and men and the other half to the owner of the victorious vessel; and if an American vessel should be recaptured from the enemy, an amount not less than one-eighth nor greater than one-half of the value of the recaptured vessel and of its cargo would be allowed as salvage to the owner and officers and crew of the vessel recapturing.

It will not be necessary for me, Mr. Chairman, to dwell longer upon this case. It is but one of several of the same character, and is an evidence of the unwisdom—speaking from the standpoint of the Government and of the people—of the act of 1885 in not permitting an appeal to the Supreme Court.

But the gentleman from Massachusetts [Mr. LONG] says:

But, Mr. Chairman, the fact is, it is a matter of no consequence whether there had been war or not. Suppose there had been a general war, which there was not; here were claims on one side for indemnity for spoliations, and on the other for violation of treaty. That these claims were not extinguished by the war, even if there had been war, is conclusively and absolutely proven by the fact that when the treaty was made and signed in 1800 both parties recognized in the original Article II the claims as still existing and not extinguished, but as a matter for future negotiation and settlement; and both parties, in afterward withdrawing said article and substituting for it another provision, expressly agreed to offset these claims one against the other.

And again:

In other words, taking advantage of the well-settled principle that private property may be taken for the public use, the United States deliberately and by solemn act of its President and Senate took the property of its citizens, which consisted of clear claims against France for utterly unwarranted and outrageous spoliation of their vessels, and with this property bought off the valid claim which France had against us for the guaranties we had given her.

Here, Mr. Chairman, is presented another issue of fact, to determine which we must necessarily review not only the treaties and conventions themselves, but to some extent the instructions to our envoys to France and the communications between them and the representatives of that Government.

But before doing so it will be well to note the fact that for depredations committed on our commerce up to and including the year 1795 France had discharged such claims therefor as had been presented.

I hold in my hand an official statement containing a list of some of these claims, and for the information of the committee I will incorporate it with my remarks.

[American State Papers, Foreign Relations, volume 1, pages 753, 754.]

A statement of the claims of citizens of the United States upon the French Republic, presented by Mr. Skipwith, consul-general of the United States at Paris; and also of his proceedings and remarks upon them, and settled with the French Government.

No.		Livres, specie.	Livres, assignats.
1	Brig Apollo, of Boston, Capt. Benjamin Parker, captured and carried into Rochefort; recovered an indemnity; paid to the captain	34,791 00 0	4,454
2	Ship George, of Boston, Capt. Elias Dawes Symes, captured and carried into Morlaix; an indemnity was allowed by the committee of salut public for her detention, to be regulated by arbitrators, who made up their award for demurrage in assignats; but by my repeated applications to the committees of government I obtained the payment of £1,355 sterling in silver	32,520 00 0	.....
3	Schooner Trial, Capt. Timothy Tuft, was detained by embargo at Calais. I recovered for him an indemnity. Paid to the captain	.....	176,000
4	Ship Alexander, Capt. Thomas Woodward, captured and carried into Rochefort. I obtained for him the payment of his freight; also an indemnity for demurrage of 39,676 livres specie, 3,418 assignats. The specie part was paid in assignats, with the depreciation, and I accounted to the captain for specie; besides, I had his vessel repaired at this Government's expense. Paid to the captain	39,676 00 0	3,418
5	Brig Margaret, Capt. Benjamin Berry, captured and carried into Havre. I recovered for him. Paid to the captain	34,887 00 0	11,560
6	Ship Minerva, Capt. Thomas Cutts, captured and carried into Brest. I recovered for her demurrage £2,460 sterling. Paid to the captain in bills	59,040 00 0	.....
7	Brig Robert, Capt. Coffyn Whippey, captured and carried into Brest. I recovered for her demurrage 26,136 livres specie; paid in assignats at the course of exchange, and in assignats 12,100 for the captain's expenditures. Settled with the captain	26,136 00 0	12,100
8	Ship McGilvra, Capt. Hugh Gemmel, captured and carried into Brest. I have recovered the payment of freight and demurrage, amounting to 35,661 marcs banco, and 15,000 assignats. Remitted, agreeably to the captain's orders	65,982 13 7	15,000
9	Ship Kensington, Capt. Walker Kerr, captured and carried into Morlaix. Indemnity for demurrage recovered and paid	.....	86,320
10	Schooner Helen, Capt. John Craft, captured and carried into Bordeaux. His cargo of corn seized upon by the officers of Government. Recovered, in payment of his cargo, 46,321 livres, specie, and for demurrage and indemnity, 13,104 livres, specie, and 5,425 in assignats	13,104 00 0	5,425
11	Brig Nancy, Capt. Andrew Dunning, captured and carried into Brest. Recovered for his detention and demurrage, £460 sterling, in specie, 14,600 in assignats, and £12 sterling for 2,000 staves	11,328 00 0	14,600
12	Brig Hope, Capt. Asa Hooper, captured and carried into Rochefort. Recovered an indemnity of 53,370 livres, specie, and 3,110 assignats	53,370 00 0	3,110
13	Ship Fabius, Captain Conan, captured and carried into Bordeaux. Recovered his indemnity. Paid to the captain to the amount of	39,807 05 0	.....
14	Messrs. Patten and Prentis, citizens of the United States, owned half of the cargo of the Swedish ship, the Nittumfork, captured and carried into Brest, the price of which they recovered. I obtained for them an indemnity for their expenses, from the date of their settlement to the day of their payment of	.....	6,250
15	Benjamin Jarvis had the French minister Fauchet's bills on the commission of supplies, for 165,000 livres, specie; the payment of which I obtained in assignats, at the rate of exchange, and paid Mr. Jarvis in bullion	165,000 00 0	.....
16	The ship President, Capt. John Anderson Smith, brought from Baltimore a cargo of flour, on account of the French Republic; 994 barrels of which remained unpaid, on account of some difficulties between the supercargo and the French agents. I recovered the payment of £2,236 10*s.* sterling, on account of Oliver Kane, assignee of Mr. Barton	53,676 00 0	.....
17	The brig Eagle, Capt. William Conan, came as a cartel from Jersey, with prisoners of war, to Roscoff, where she was stopped and detained. I obtained her release, with permission to sail out; but no indemnity was granted, this Government referring the captain to the power that employed him.		
18	The brig Friendship, Capt. Ebenezer Hoyt, arrived at Rochefort. I obtained for him the payment of his freight, amounting to 36,869 livres, specie; and also an indemnity of 18,144 livres, specie for his detention	55,013 00 0	.....
19	The brig Hiram, Capt. James Craig, ran aground near Boulogne; she was got off; but carried into Boulogne and detained there. I procured her release, but have not yet been able to obtain an indemnity for her detention.		
20	Thackster Tailor had received from his house of Baltimore bills of citizens Le Compte and Gornon, agents of the French Republic in America, to the amount of £30,000. Those bills having been protested for non-payment at Hamburg, I recovered the amount from the Government, 720,000 livres, specie	720,000 00 0	.....

A statement of the claims of citizens of the United States, etc.—Continued,

No.		Livres, specie.	Livres, assignats.
21	Ship Rising Sun, Captain Welkey. Recovered the payment of his freight of $8,580. Demurrage is not yet paid	46,332 00 0	
22	William Vans had made a contract with some of this Government's agents; I recovered the payment for him (all but a small part which remains unpaid) in brandies and wines, specie	385,926 00 0	
23	John Dickey, agent of the house of Oliver & Thompson, of Baltimore, sold to the Government a cargo of hemp, iron, and lead. I recovered the payment for him of	161,479 10 0	
24	Bark Apollo, Captain McGruder; recovered the payment of her cargo of flour in specie. I am soliciting the payment of the demurrage.	107,070 00 0	
25	Messrs. Townsend, Franklin, and Sadler made contract with French Government; I have obtained for them arrêtés from the committees of Government, for the payment of, in specie. N. B.—Remains unpaid 1,009,793 livres.	2,239,603 00 0	
26	The brig Two Brothers, Captain Carman, delivered by contract a cargo of leather; I have obtained an arrêté for the payment, in specie, of. N. B.—There is but one-quarter paid.	200,526 00 0	
27	Ship Hawk, Capt. Moses West, delivered at Brest, by contract, a cargo of leather; obtained an arrêté for the payment, in specie, of. N. B.—Only one-quarter paid.	130,938 00 0	
28	Ship Olive Branch, Captain Buffington; obtained an arrêté for the payment of her cargo in specie. N. B.—Only one-fourth paid.	147,537 00 0	
29	The schooner Success, Capt. Elias Low; her cargo of fish taken for Government's use; obtained an arrêté for the payment of	35,762 10 0	
30	Schooner Industry, Captain Isaiah Snow; her cargo of fish taken for Government's use; obtained an arrêté for the payment of. N. B.—One-third remains unpaid.	42,300 00 0	
31	Joseph Pitcairn, agent of Colonel Smith, delivered to the Republic, by contract, the cargoes of the ships George and Lydia; recovered the payment of the same, amounting to, in assignats		6,480,400
32	Ship Ann, Captain Coffin, delivered at Havre, by contract, a cargo of pearl-ash and potash; obtained an arrêté for the payment of, in specie	155,567 16 0	
33	Ship Severn, Capt. Gared Goodrich; obtained an arrêté for the payment of her freight in specie. N. B.—Only one-fourth paid.	22,641 19 0	
34	Capt. Jacob Smith, of the ship General Green, sold to this Government a cargo of hemp and iron, the payment of which I recovered, independently of the amount of the iron	42,275 00 0	
35	Brig Polly, Capt. Richard Christie. Obtained an order for the payment of demurrage of	3,847 10 0	
36	Brig Henry, Capt. Henry Hodge, captured and carried into Morlaix. Got so much endamaged under the command of the prize-master that the captain abandoned her, entering his protest before the proper officer. Having previously obtained an arrêté that declared the vessel American property, I obtained likewise an order for another vessel of the Republic, in lieu of the Henry, at the choice of the captain, who pitched upon an English prize, the Quaker. I have also obtained an indemnity for his detention of 11,284 livres, specie, and 11,536 assignats. N. B.—The indemnity is not yet paid.	11,284 00 0	11,536
37	Brig Four Friends, Capt. Joseph Gleene. Recovered the payment of his freight (this vessel having been captured) in specie	35,196 00 0	
	Obtained also an arrêté for his indemnity, amounting to 12,012 currt. in specie. N. B.—The indemnity is not yet paid.	26,693 00 0	
38	Brig Theodosia, Capt. John Justice, captured and carried into l'Orient. I have obtained an arrêté for the payment of the indemnity of 2,600 florins, equal in specie to	5,777 00 0	
	In the year 1795	5,265,177 00 0	6,830,000

It will be remembered that the United States did on the 7th day of July, 1798, through an act of Congress of that date abrogate all the treaties and conventions which had been formed with the French Government, so that there was, until the treaty and convention of 1800, no agreement of any kind whatever between ourselves and that people.

That we had the right under the principles of international law to take such action is beyond all question.

The breaking out of hostilities between two contracting powers, unless specially provided for, will terminate an existing treaty, and the violation of any covenant by either party gives to the other the right to abrogate the entire treaty, if it should so desire.

It was in these circumstances and after repeated efforts that commissioners were appointed by both the United States and France to settle existing differences and to formulate a new treaty.

Instructions of a definite and positive character were given our representatives at the very threshold of the negotiations, the most important of which I will now read:

At the opening of the negotiation you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make to the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents, * * * when the vessels or other property captured shall have been sold, or otherwise disposed of, without a regular trial and condemnation.

The attention of the committee is earnestly invited to this clause, because in it is recognized the existence of a war in which France was involved. It was not to be supposed that each and every vessel seized by France was altogether blameless. Almost every European nation was, on the one side or the other, enlisted in the war which she was then waging with England. Supplies of all kinds were in the greatest and most active demand, and it was but probable that many of our merchantmen, allured by the prospect of great profits, often transgressed the border line of a strict neutrality. If in so doing they were seized, captured, and condemned, it was the just penalty for the violation of well-settled and long-established principles of international law, and they had no right to demand the interference of our Government in their behalf.

France could not be denied the right to establish her own prize courts, and all that could be expected of her would be that the trials should be regular and the condemnations be had in accordance with law.

To say that the Government of the United States was bound to interfere in every case or to demand redress for every condemnation would be preposterous. It was incumbent upon the owners and officers of our vessels to take notice of the war that was then existing in Europe, and to faithfully observe the rules, usages, and principles which govern the conduct of neutrals during such a time.

But to another class of instructions. Upon examination we find our envoys also charged as follows:

The claims of the United States, as distinguished from those of their citizens, for injuries received from the French Republic or its citizens, should be submitted to the same board; and whatever sums they award, France should stipulate to pay, in the manner before mentioned in the case of captures. * * * If, however, the French Government should desire to waive its national claims, you may do the like on the part of the United States. Doubtless the claims of the latter would exceed those of the former; but, to avoid multiplying subjects of dispute, and because national claims may probably be less definite than those of individuals, and consequently more difficult to adjust, national claims may on both sides be relinquished." (American State Papers, Foreign Relations, volume 2, page 303.)

These instructions become very important, not only because of their definite character, but also because they furnish the correct solution to the celebrated second article of the treaty of 1800, which was expunged by the Senate, and for which action the gentleman from Massachusetts so bitterly complains.

They are also important because, before negotiations had been begun, a broad and clear distinction was drawn between national and individual claims. And lastly—

That the treaties and consular convention, declared to be no longer obligatory by act of Congress, be not in whole or in part revived by the new treaty, but that all the engagements to which the United States are to become parties be specified in the new treaty.

Upon this point, Mr. Chairman, our Government was decided, and from the position it had assumed in consequence of the act of July 7, 1798, it did not intend to be moved. No inducement, however enticing, and no pressure, however severe, could persuade it to recall that declaration. As was well said by the American envoys, "the United States must abide by its effects, with respect to the priority of treaties, whatever inconveniences may result to themselves." These treaties and the consular convention did not, therefore, constitute live issues, upon which the representatives of the two Governments were to reach an agreement. They were dead, completely dead, and upon them the American envoys were directed not to deliberate. To this, however, the representatives of France would not assent.

After sitting many months, and after many propositions had been presented on both sides, an agreement was finally reached. This agreement is known as the treaty of 1800.

For the purpose of this discussion only two of the articles of the treaty need be considered—the second and the fifth.

The second article reads thus:

The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

And the fifth article:

The debts contracted by one of the two nations with individuals of the other, or by individuals of the one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

The treaty, having been signed by the negotiators, was sent to the United States for approval, and was by the President transmitted to

the Senate. That body, after some consideration, expunged the second article and inserted in its stead the following:

It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications.

No other alteration was made in the treaty, which was returned to the President in its amended form, and by him returned to France.

Bonaparte, First Consul, consented, on the 31st of July, 1801—

to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, that by this retrenchment the two States renounce the respective pretensions, which are the object of the said article.

These ratifications, having been exchanged at Paris, were again submitted by the President to the Senate, which declared, by resolution, that it regarded the convention as fully ratified.

Now, sir, we have before us the whole treaty of 1800, and it is upon the action of the Senate in expunging the original second article and in accepting the proviso, attached by Bonaparte, that the gentleman from Massachusetts [Mr. LONG] founds his argument in support of the validity of these claims. Bear in mind that the spoliations, whose finding is within the scope of the act of 1885, were mostly committed during the years 1798–1800.

Before considering the language of the treaty, as well in its original as in its amended form, when promulgated, it would be well to note the proceedings of the Senate in its action expunging the second article and also when it was considering the treaty for the second time. We find that, upon the motion to expunge, thirty Senators voted in its favor and but one Senator (Mr. Marshall, of Kentucky) voted against it; and that upon the final ratification twenty-two Senators voted in the affirmative and only four voted in the negative. These latter were Mr. Chipman of Vermont, Mr. Foster of Rhode Island, Mr. Hillhouse of Connecticut, and Mr. Wells of Delaware.

It has been charged, Mr. Chairman, all through this debate, and elsewhere than in the Halls of Congress, that these Senators—many of them representing States whose citizens suffered most severely from these depredations upon our commerce—did wantonly, willfully, and deliberately sacrifice the interests of their own constituents for the public welfare.

Can this be so? Did they do it or did they intend to do it?

To suppose that it was their intention to take the property of the citizen for the public benefit, that is to say, to use the individual claims against France in the purchase of a release from the treaties and convention which we had abrogated in 1798, would be to hold them strangely unmindful of their obligation to support and to maintain the Constitution, and utterly disregardful not only of their duty to their immediate constituencies, but also extremely indifferent to that line of policy so essentially necessary to the preservation of themselves in the estimation of a people, upon whom they were to depend for future preferment.

These Senators have been long since dead. They did not live to behold the expansion of the few States which then constituted the Federal Union into a vast commonwealth of local sovereignties, stretching from ocean to ocean and from the Great Lakes to the Rio Grande; nor was it permitted them to see the marvelous development which has wrought so wonderful a change upon this continent during the past fifty years; but be it said for them that they did not live in vain. They were brave; they were great; they were just; they were patriotic; they were faithful to every public trust; and I protest against such an imputation against their memories. The thought that these men should have been so heedless of the rights of their countrymen is not to be entertained.

That they did not do it is clearly manifest, not only from the language of the treaty in its every form, but also in the subsequent proceedings of both Governments.

But what, sir, is the fair construction of the rejected article? Do the indemnities mentioned refer to national or to private claims? The representatives of the United States were especially charged to bring them both to the attention of the French Government, and if possible to secure a settlement. Was there a binding promise to consider these claims at any particular time? On the contrary, it was to be at the convenience of both Governments. When was to be the convenient day and year? Perhaps soon, perhaps late, perhaps never.

It is quite sure that the United States would not reconsider her action in respect to the treaties and convention, which had been abrogated, and our envoys had been so informed in the instructions given them. What, then, did the second article amount to? Was there anything of a substantial character in it? Certainly, the advocates of the payment of these claims will not have the hardihood to affirm that the United States should have returned to the treaties and convention in order to secure their payment, nor will they have the courage to contend that for refusing to revive the treaties and convention our Government became liable for the French spoliations. But of what possible benefit could the provisions of the second article be to the claimants? None whatever, will be the certain answer of every fair-minded man.

Now, let us briefly consider the proviso attached by Bonaparte and also properly interpret, if we can, the action of the Senate in reference thereto. The language used by the First Consul is:

Provided, The two states renounce the respective pretensions which are the bject of said article.

The Senate was in possession of the treaty, and we are warranted in obelieving that the proviso was criticised and considered in every possible phase. The Senators knew what value to put upon the expunged article. By the reference of the treaty to them they had become in a measure diplomatists, and without committing themselves in the one way or the other, they merely returned the treaty by a vote of 22 to 4 to the President, with a declaration that the convention had been fully ratified. Upon the proviso hangs the whole case of these claimants.

If the position assumed by the claimants be correct, then there should have been no further effort by our Government toward obtaining remuneration for them from the French Government.

But we do not find such to be the case. A misunderstanding soon arose between the two countries as to the second (expunged) and the fifth articles of the treaty. Mr. Jefferson, in his first annual message, expresses the hope—

That wrongs committed on unoffending friends under a pressure of circumstances will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurances for the future.

Does this indicate an abandonment of the claims of our citizens against France? Many, very many communications passed between the two countries upon the subject. Much ill-feeling was germinated, and it increased so much that we were again almost upon the verge of hostilities. After the lapse of considerable time, in order to secure harmonious action under the treaty, and also the recognition and payment by France of both national and individual claims, another treaty and convention was entered into—the treaty and convention of 1803.

I will read certain portions of this treaty and convention for the purpose of demonstrating to this committee the entire falsity of the position assumed by these claimants.

Here is a portion of the preamble. It runs in this wise:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC, CONCLUDED APRIL 30, 1803.

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all sources of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemiaire, an 9 (30th September, 1800). * * *

And again:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC, CONCLUDED APRIL 30, 1803.

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendémiaire, ninth year of the French Republic (30th September, 1800), to secure the payment of the sums due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, etc.

And, again:

ART. III. The principal and interest of the said debts shall be discharged by the United States by orders drawn by their minister plenipotentiary on their Treasury. These orders shall be payable sixty days after the exchange of the ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissaries of France to those of the United States.

And, again:

ART. IV. It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States who have been and are yet creditors of France for supplies, for embargoes, and prizes made at sea in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendémiaire, ninth year (30th September, 1800).

Can it be said, Mr. Chairman, in the face of this evidence, made indisputable by the solemn action of both governments, that the United States has been derelict in a single duty to these claimants? Were their rights bartered away under the treaty of 1800? For answer, I submit not only the action of the President and of our representatives at the French court, repeated again, and again, and again; but I also submit the portions of the treaty and convention of 1803, which I have just read. Is not the refutation complete?

But, sir, if there still remains in the mind of any member not wholly and irrevocably committed to the payment of these claims a single doubt as to the continued and earnest effort of this Government, during almost an half century, in behalf of these claims, let me now have the attention of such member to two articles, which I read from the treaty of 1831:

ARTICLE I. The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of 25,000,000 francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

* * * * * * *

ART. III. The Government of the United States, on its part, for the purpose of being liberated completely from all reclamations presented by France on behalf of its citizens, or of the royal treasury (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property) engages to pay to the Government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of 1,500,000 francs.

Mr. Chairman, I now submit to this committee that the proposition

enunciated by the gentleman from Massachusetts [Mr. LONG] can not be sustained.

Official utterances, diplomatic correspondence, treaties, and conventions—all condemn it as without foundation in fact.

The treaty of 1831—made so long after the spoliations were committed—did not, as has been seen, overlook them.

How full and complete are the articles quoted. There is no limitation as to time.

Every character of claim that could be urged against France—with the faintest hope of success—has been provided for by treaty or convention.

Mr. DIBBLE. Will the gentleman permit a question?

Mr. SAYERS. Yes, sir.

Mr. DIBBLE. Does not the gentleman know that when the commissioners met under the convention of 1803, some of these very claims were brought forward and rejected because they did not come under that convention?

Mr. SAYERS. That may have been so; some may have been rejected; but at the same time others were paid. Several claims, which had accrued before the year 1800, were paid.

Mr. DIBBLE. Were they not those provided for in the fourth section, wherein condemnation had not been definitively concluded? That is the only class of claims which were paid under the convention of 1803; and not this class of claims.

Mr. SAYERS. I suppose all claims except war claims have been paid.

Mr. Chairman, I believe that these claims originated while war, actual war, was pending between the United States and France. I believe that our Government has done its full duty to the claimants. I believe that many, very many, of the claims are fraudulent, and that it is now impossible to distinguish the genuine from the bad. I believe that it was exceeding bad policy to commit the consideration of these claims solely and exclusively to a court of limited jurisdiction, without the privilege of an appeal to the Supreme Court of the United States.

So believing, Mr. Chairman, I shall vote against the item in the pending bill which provides for the payment of such of these claims as have been reported by the Court of Claims to Congress.

Mr. LONG. I yield thirty minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to argue this question, as nearly as it may be done in this House, as a lawyer would argue a similar question before a court. I have no other interest in this matter than a public interest. I do not know that there is in my district any one who will obtain any benefit from our action. I approached the study of these questions with my prejudices against the payment of these claims. All my investigations since I have been in Congress have inclined my mind against the payment of money out of the Treasury, and so far as I have taken any part in the public service it has been in the direction of keeping money in the Treasury, except for the payment of the public debt, while seeking to reduce the future surplus in an entirely different way from the payment of money. Therefore my prejudices in every form were against the payment of this debt. My conclusion that it ought to be paid has been reached by the irresistible force of the facts in the case, and I desire to submit those facts, rather than any argument adduced from them, to this committee.

These claims, in the judgment of the United States of America, whose Government we represent to-day, and in whose name we speak, were valid, honest, and just claims in the years 1798, 1799, and 1800. They were then just claims in our judgment, for being in a real sense a corporation the United States is immortal and the same to-day that it was then—these were claims which we believed were so just and so honest that their settlement was to be one of the points in the ultimata which our Government itself submitted to the French Government. No change has come over those claims. They were then past transactions. No possible alteration of their validity, their justice, or their honesty could have occurred. As a matter of philosophy it is impossible for the nature of these claims to be different to-day from what they were when the President of the United States directed the plenipotentiaries of the United States to submit, as one of the ultimata to the French Government, the settlement of these just, these honest, and these valid claims.

What has occurred to justify gentlemen in repudiating, not the claims, but our judgment that they were honest? Nothing in the claims has changed. So we start with the admitted fact that in 1799 and 1800 the Government of the United States made as one of its ultimata to the French Government the adjustment of these claims.

The next fact about which there is no dispute is, those plenipotentiaries, unable to agree with the French Government about these claims, put into the convention of November, 1800, as its second article, an agreement that the adjustment of these claims, together with the adjustment of the claims which the French Government used as a set-off to these, were to be postponed. So on that day the plenipotentiaries of the United States, in the name of the United States, declared these were subsisting claims.

Now, mind you, all we could know of a pre-existing war was known to these plenipotentiaries and to the Government. Every argument made by my friend from Texas [Mr. SAYERS], every argument made by the committee in their paper—not their report, but the paper filed with this bill—or any argument which can be made on this floor was as well known to these plenipotentiaries as it can be to us. We declared as between the United States and France as honest and just claims these were subsisting claims to be set off against claims made against us. There is no escape from the conclusion that our forefathers when they made the claims did it with knowledge of all the facts, and it is to be presumed they were honest in the claims; but whether they were honest or not we are estopped on the simplest principle of law and equity from asserting that the claims which we said were just as against France were unjust, dishonest, invalid as against us when made by our own citizens.

We can not after November, 1800, the day on which we agreed with France that these subsisting claims should be postponed for adjustment, turn upon our own citizens and declare that prior to that day they were invalid, dishonest, or unjust. The alleged war had been ended; the transactions were of the past; we gave these claims our indorsement; we sanctified them with our imprimatur. So that the second fact in this chain of facts is that these claims by our averment were subsisting claims subsequently to every alleged fact produced on this floor to show that they are invalid.

Mr. WILSON, of Minnesota. May I ask a question?

Mr. LONG. I would remind the gentleman from Minnesota that the time of the gentleman from Kentucky is quite limited.

Mr. WILSON, of Minnesota. If it does not interrupt the course of his argument——

Mr. BRECKINRIDGE, of Kentucky. It is altogether a question of time; but if the gentleman desires to ask a question, although I may not answer it immediately, I will endeavor to do so in the course of the argument as I proceed.

Mr. WILSON, of Minnesota. Do you mean to say that our Government ever admitted that these were valid claims as you now present them, to wit, as claims against this Government?

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will do me the favor to observe the course of my argument, I will endeavor to give him an affirmative answer to his question further on.

Mr. WILSON, of Minnesota. And, further, do you mean to say as a lawyer or as an intelligent layman that because our Government suggested that France should settle claims—certain alleged claims of certain citizens—that therefore we are estopped from ascertaining the very truth of the allegations on which these claims are based?

Mr. BRECKINRIDGE, of Kentucky. I will answer both questions of the gentleman as I proceed, or else I will fail altogether in my argument, because that is distinctively what I propose to show.

I repeat, Mr. Chairman, the first fact admitted is that we averred that these were good claims against France; second, that on the 30th day of November, 1800, we declared that they were subsisting claims, to which we adhered with such tenacity that, as we could not agree as to the claims of France, we postponed the day of their settlement and adjustment. That is the second fact.

Now, as to the conclusions—and I do not want to be diverted from this line of thought until I have put in some further facts; but I think when I have done so that no honest man, be he a lawyer or a layman, will differ with me in the conclusions I shall draw from the several admitted facts in the case—that they justify the payment of the claims, if they do not absolutely demand their payment.

The third fact is that the convention was submitted to the Senate of the United States, the treaty-making power of the Government, and the second article, agreeing that the adjustment of the conflicting claims should be postponed, was stricken out and the new clause inserted limiting the convention to eight years.

The fourth fact is that the treaty thus amended, being a new one, was ratified by the Government of France, not as stated in what I will not charge is a disingenuous manner by the report of the Committee on Appropriations, as an explanatory note by Napoleon, but as the act of the French Government itself; and that convention was ratified upon the condition and with the understanding that this new convention made by the Senate of the United States by the expunging of the second article and the insertion of the limit of eight years should be the renunciation of all mutual and conflicting claims of the two parties. This was the distinct condition of the ratification by the French Government. That act of ratification including, as it did, a new term, to wit, the distinct renunciation of all conflicting claims, had to be submitted by our President to the Senate, and was by it accepted. The mode of acceptance is not essential; the fact of acceptance is proven by the promulgation of the treaty with that ratifying clause.

Now, what is the connecting fact that links these four facts together to raise a liability on the part of the American Government to its own citizens? These claims, which were first averred by us to be just; which were, secondly, averred to be existing and subsisting claims in November, 1800; which were, thirdly, agreed by us to be the price we gave for peace from the claims set up by France, were claims which citizens of the United States held against the sovereignty of France for outrages committed upon the high seas, and uncollectible save

through our sovereign authority; claims which our citizens had put into the hands of the Government of the United States to collect, and were in the hands of the United States as a part of what it was negotiating about.

Against the United States, and not against these citizens, the Government of France had claims growing out of the treaty of 1778, which claims were important and of great value, or of great harm, it might be, to us, according to the mode of settlement. Now, we used these claims which we averred were honest, which we claimed were subsisting, to purchase our release from the claims of the French Government. In other words, the Government of the United States, holding for collection certain claims of its citizens, surrendered them for the release of certain claims held by the French Government against the United States. We did it by virtue of the sovereignty resting in the American Government holding the claims for the benefit of its own citizens. We did it receiving compensation for the act. We did receive that compensation; and now I submit, under these circumstances, what is the just and fair liability of this Government who has thus acted towards its own citizens?

Mr. Chairman, I have not argued this question with any of the technical language used by the lawyer, nor have I gone into the minutiæ of the developments of these historical facts. I have simply tried to look at it from the standpoint of the Government itself. I represent the Government. The citizen comes to me with his claim saying, "I put this into your hands, a claim which I can not collect; you represent the Government and can collect it." I accept that claim; but in place of collecting the claim for the benefit of the citizen, I take his claim and use it for the purpose of purchasing peace at a time subsequent to all the things which might have taken life and validity out of it.

This citizen now asks, "What will you do now that you have purchased your peace with my claim in a controversy in which the Government was interested with a foreign nation?" What answer should the Government of the United States make to the citizen whose claim had been used in that manner. He says: "The committee in 1802 reported in my favor, and that report was not excepted to—the report made by Mr. Giles, who said it was understood between the French Government and our envoy at that time that that was the result of the treaty, the one claim extinguishing the other."

In 1807 Mr. Marion, of South Carolina, reported in favor of these claims, and I quote that report:

The committee to whom was referred the memorial of sundry merchants residing in Charleston, in the State of South Carolina, complaining of spoliations committed on their lawful commerce by the cruisers and other armed vessels of France during the late European war, and praying compensation therefor, report:

That during the first session of the Seventh Congress memorials were presented to this House by the present memorialists and from the merchants in most of the commercial towns in the United States complaining of the spoliations and depredations which their lawful commerce in the late European war had sustained from the French armed vessels, and praying for compensation from this Government. These memorials were referred to a select committee, who on 22d April, 1802, made a long and full report of the public acts of the French Republic, and of this Government, and of the facts relative to this case, to which report your committee beg leave to refer, and requ st that it may be taken and considered as part of their present report.

"From a mature consideration of the subject, and from the best judgment your committee have been able to form on the case, they are of opinion that this Government, by expunging the second article of our convention with France of the 30th September, 1800, became bound to indemnify the memorialists for those just claims which they otherwise would rightfully have had on the Government of France for the spoliations committed on their commerce by the illegal captures made by the cruisers and other armed vessels of that power in violation of the law of nations and in breach of treaties then existing between the two nations; which claims they were, y the rejection of the said article of the convention, forever barred from preferring to the Government of France for compensation."

In 1826, as Secretary of State, Henry Clay submitted the history of the case, substantially confirming all the claims, to the Congress of the United States.

A short but accurate general view of the history and character of these claims is presented in the report of the Secretary of State, on the 20th of May, 1826, in compliance with a resolution of the Senate. Allow me, sir, to read the paragraphs:

"The Secretary can hardly suppose it to have been the intention of there solution to require the expression of an argumentative opinion as to the degree of responsibility to the American sufferers from French spoliations, which the convention of 1800 extinguished on the part of France, or devolved on the United States, the Senate itself being most competent to decide that question. Under this impression, he hopes that he will have sufficiently conformed to the purposes of the Senate by a brief statement, prepared in a hurried moment, of what he understands to be the question."

The second article of the convention of 1800 was in the following words: "The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and, until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows."

When that convention was laid before the Senate, it gave its consent and advice that it should be ratified, provided that the second article be expunged and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications." And it was accordingly so ratified by the President of the United States on the 18th day of February, 1801. On the 31st of July of the same year it was ratified by Bonaparte, First Consul of the French Republic, who incorporated in the instrument of his ratification the following clause as part of it: "The Government of the United States having added to its ratification that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition, importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article."

The French ratification being thus conditional, was nevertheless exchanged against that of the United States, at Paris, on the same 31st of July. The President of the United States considering it necessary again to submit the convention in this state to the Senate, on the 19th day of December, 1801, it was resolved by the Senate that they considered the said convention as fully ratified and returned it to the President for the usual promulgation. It was accordingly promulgated, and thereafter regarded as a valid and binding compact. The two contracting parties thus agreed, by the retrenchment of the second article, mutually to renounce the respective pretensions which were the object of that article. The pretensions of the United States, to which allusion is thus made, arose out of the spoliations under color of French authority, in contravention of law and existing treaties. Those of France sprung from the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788. Whatever obligations or indemnities from these sources either party had a right to demand were respectively waived and abandoned, and the consideration which induced one party to renounce his pretensions was that of renunciation by the other party of his pretensions.

What was the value of the obligations and indemnities so reciprocally renounced can only be matter of speculation. The amount of the indemnities due to the citizens of the United States was very large; and on the other hand the obligation was great (to specify no other French pretensions) under which the United States were placed in the eleventh article of the treaty of alliance of the 6th of February, 1778, by which they were bound forever to guaranty from that time the then possessions of the Crown of France in America, as well as those which it might acquire by the future treaty of peace with Great Britain, all these possessions havin : been, it is believed, conquered at or not long after the exchange of the ratifications of the convention of September, 1800, by the arms of Great Britain from France.

The fifth article of the amendment to the Constitution provides: "Nor shall private property be taken for public use without just compensation." If the indemnities to which citizens of the United States were entitled for French spoliation prior to the 30th of September, 1800, have been appropriated to absolve the United States from the fulfillment of an obligation which they had contracted, or from the payment of indemnities which they had contracted, or from the payment of indemnities which they were bound to make to France, the Senate is most competent to determine how far such an appropriation is a public use of private property within the spirit of the Constitution, and whether equitable considerations do not require some compensation to be made to the claimants. The Senate is also best able to estimate the probability which existed of an ultimate recovery from France of the amount due for those indemnities, if they had not been renounced, in making which estimates it will, no doubt, give just weight to the painful consideration that repeated and urgent appeals have been in vain made to the justice of France for satisfaction of flagrant wrongs committed upon property of other citizens of the United States subsequent to the period of the 30th of September, 1800.

In 1834, in debate in the Senate of the United States, Mr. Webster read this report which I now use; and I ask leave to read the following comment made by him upon it. We can not much err on such matter if we follow Clay and Webster:

Before the interference of our Government with these claims, they constituted just demands against the Government of France. They were not vague expectations of possible future indemnity for injuries received, too uncertain to be regarded as valuable or be esteemed property. They were just demands, and as such they were property. The courts of law took notice of them as property. They were capable of being devised, of being distributed among heirs and next of kin, and of being transferred and assigned, like other legal and just debts. A claim or demand for a ship unjustly seized and confiscated is property as clearly as the ship itself.

It may not be so valuable or so certain, but it is as clear a right, and has been uniformly so regarded by the courts of law. The papers show that American citizens had claims against the French Government for 615 vessels unlawfully seized and confiscated. If this were so, it is difficult to see how the Government of the United States can release these claims for its own benefit with any more propriety than it could have applied the money to its own use if the French Government had been ready to make compensation in money for the property thus illegally seized and confiscated, or how the Government could appropriate to itself the just claims which the owners of these 615 vessels held against the wrong-doers without making compensation any more than it could appropriate to itself without making compensation 615 ships which had not been seized. I do not mean to say that the rate of compensation should be the same in both cases; I do not mean to say that a claim for a ship is of as much value as a ship; but I mean to say that both the one and the other are property, and that Government can not with justice deprive a man of either for its own benefit without making a fair compensation.

It will be perceived at once, sir, that these claims do not rest on the ground of any neglect or omission on the part of the Government of the United States, in demanding satisfaction from France. That is not the ground. The Government of the United States in that respect performed its full duty. It remonstrated against these illegal seizures; it insisted on redress; it sent two special missions to France, charged expressly, among other duties, with the duty of demanding indemnity. But France had her subjects of complaint, also, against the Government of the United States, which she pressed with equal earnestness and confidence, and which she would neither postpone nor relinquish except on the condition that the United States would postpone or relinquish these claims. And to meet this condition, and to restore harmony between the two nations, the United States did agree, first to postpone, and afterwards to relinquish, these claims of its own citizens. In other words, the Government of the United States bought off the claims of France against itself by discharging claims of our own citizens against France.

This, sir, is the ground on which these citizens think they have a claim for reasonable indemnity against their own Government.

And now, sir, before proceeding to the disputed part of the case, permit me to state what is admitted.

In the first place, then, it is universally admitted that these petitioners once had just claims against the Government of France on account of these illegal captures and condemnations.

In the next place, it is admitted that these claims no longer exist against France; that they have, in some way, been extinguished or released as to her, and that she is forever discharged from all duty of paying or satisfying them, in whole or in part.

These claimants have not slept on their claims, but have done all in their power. They have submitted proof, have protested against our injustice and delay, and we answer that this is an old claim and take

advantage of our own wrong. Having delayed for three generations by our refusal to pay an honest debt, we now argue that we will not pay after so long a lapse of time. That is, the more a creditor demands payment and the oftener the debtor refuses payment the less is the creditor entitled to be paid and the more just and decent does the action of the refusing debtor become. No lawyer will seriously claim that these are "stale" claims. Ancient claims are not "stale" claims. Laches—sleep—makes staleness; to the "sleeping" equity or law (*æquitas vel jura*) refuse aid. "*Vigilantibus, non dormientibus æquitas subvenit*" is the true principle; and in the light of this recital these claimants have been vigilant from 1802 to this very day.

Mr. HOPKINS, of Illinois. If the United States acted as a trustee, it would not be a stale claim.

Mr. BRECKINRIDGE, of Kentucky. I am not going into that, because it involves technical questions of trust. The ground I put it on is that the United States by virtue of its own action have swapped off these claims, not as trustee, but as a sovereign state with the power of eminent domain; it gave to itself the benefit of these claims, and the case stands substantially on the principle contained in the quotation in his report by the distinguished lawyer from Massachusetts, Mr. Collins, from the great case in 1796, which decided that a British debt owed by a Virginia citizen, confiscated by the State of Virginia, paid by the Virginia debtor to the Commonwealth of Virginia, could be yet recovered by the British creditor after the treaty of peace, that treaty having given to these British creditors the right to collect in spite of whatever impediment had existed to the collection of their debt. And the court laid down this principle, which is the principle upon which I base my conclusions on these claims:

That Congress had the power to sacrifice the rights and interests of private citizens to secure the safety or prosperity to the public I have no doubt, but the immutable principles of justice, the public faith of the States that confiscated and received the British debts, pledged to the debtors, and the rights of the debtors violated by the treaty, all combine to prove that ample compensation ought to be made to all the debtors who have been injured by the treaty for the benefit of the public. This principle is recognized by the Constitution, which declares "that private property shall not be taken for public use without just compensation."

The principle, not the facts in that case is exactly on all fours with the principle in this case. The Government had the power to make that treaty with the French under the treaty-making power. In other words, for the safety of the Government and by virtue of its sovereignty, these claims were used to purchase a release from the French of their claims, and it is estopped—in answer to the question by the distinguished gentleman from Minnesota [Mr. WILSON]—from saying that what it said to France was a lie; that what it stated in the convention was a diplomatic falsehood, and that these claims were invalid and not just claims. That is the true answer that the political department of every government ought to make to its own citizens who ask for redress under such circumstances.

By the simplest principle of common fair dealing among men you would not permit a guardian to make such defense in a court of equity, and the distinguished gentleman from Minnesota, who has presided in a court of justice with ability, would not hear a defense where a guardian, with the claim of ward in his hand, went to a man and said to him, "My ward has a debt against you." He says, "It is not a just claim, but I have a claim against you;" and then the guardian says, "I will swap my ward's debts for these claims, though I deny them." I say there is no court that would allow the guardian afterwards to plead as against that ward that his were invalid claims against that debtor; that they were mere whetstones, chips, and shavings, and therefore invalid; and as the guardian may be made to do right by the verdict of the court, so the sovereign power can only be made to do right by its own sense of justice. The strong arm of the law, the sheriff or the marshal, can not enforce the claim of the private citizen against the Government, and therefore we ought to be the more generous, prompt, honest, and decorous in paying.

Now, one other matter, for I will not take up time in trying to read documents which I shall ask leave of the committee to print with my remarks in the RECORD. It is said that these claims ought to go to the Supreme Court of the United States. It is a tempting plea. It has the sound of justice. Eighty-eight years have passed away; those who owned these debts are dead; their children are dead; another generation has come upon the scene, and now it is proposed that we shall send these claims to the Supreme Court for the first time in the history of our Government! Sixteen or more commissions have we appointed for matters connected with our diplomatic relations. I hold in my hand a table which shows the mode adopted in all other matters of this sort. In sixteen cases we appointed commissions to distribute the money. But, say gentlemen, "This is not the same sort of a case, because in those cases you got the money." Indubitably there is a difference, but in whose favor is that difference? When the United States honestly goes ahead and collects my money am I to have a different rule in dealing with the United States from that which I should have when it goes ahead and does not collect my money in money, but does collect it in safety? What in law and in justice is the difference between the two cases?

Why should I be put off with a different mode of settlement of a diplomatic and political matter when the payment received by the United States was in the safety that it obtained by its set-off claim from that which should govern where it got its payment in so many ducats paid down? This question does not belong to the judicial department of the Government. Distinguished gentlemen have argued that it does, and that these claims should be sent to the Supreme Court for determination, but when you analyze their arguments the essence of them plainly is that this Congress is an imbecile body, that it is incapable of performing the duties put upon it by the Constitution. We are the political branch of the Government. It is our business to ascertain what wrong the political branch of the Government has done and what reparation is possible or proper for the occasion. That is not a judicial question. It does not belong under the Constitution to the courts of this country. Mr. Chairman, in my judgment, there is no difficulty about this case. Able gentlemen may find difficulties, because able gentlemen can make mice tracks seem as if elephants had walked there, and, by the power of intellectual microscopes, can make mole-hills seem mountains. But, sir, this is as simple a case as was ever tried before a justice of the peace, and there would be no difficulty about it if one of the parties was not a sovereign power, but a citizen. There is no difficulty about the case and there is no reason for delay. We have not done what is proposed here in any of these other cases. We have not sent them to the Supreme Court, and if we were to send these cases there at all it ought to have been done years ago.

One other thought, Mr. Chairman. Do we stand in the same attitude as preceding Congresses to this question? I may be mistaken in all that I have said. I may err, but if I do I err in glorious company. I err in company with the committee of the first Congress that assembled after this question arose, the Congress of 1802; I err with the committee of the Congress of 1807; I err with Clay and Webster and John Marshall, with Everett and Cushing and Sumner; I err with the great lawyers whose names adorn the history of the bar, and the great statesmen whose names are the gems that we carry in our coronet of civic glory. But suppose I do err? There had been a contention of eighty-five years' duration, and now these claimants came and said, let us settle this matter.

The committee of the Forty-eighth Congress which considered this question under the leadership of its eminent men, said:

In the opinion of the committee the gravity of the case and the ends of justice alike demand a settlement of this vexed question where it can be dispassionately heard and impartially considered.

"Where it can be dispassionately heard and impartially considered." It has been dispassionately heard; it has been dispassionately and impartially considered. The old contention for which members of Congress for eighty-five years have fought in both Houses, which has been vetoed by Presidents, which has divided committees—that contention has been heard and considered by five gentlemen of ample learning, with large research and erudition, and after great debate those five gentlemen, not with any divided or dissenting voice, but unanimously have decided that these old reports by Giles, of Virginia; by Marion, of South Carolina; by Clay, of Kentucky; by Webster, of Massachusetts; by Clayton, of Delaware; by Cushing, and others—that these old reports as to what we owe to these claimants are just, and properly express what this Government ought to do. We stand here to-day, after having deliberately submitted this vexed contention to five impartial gentlemen, clothed with the judicial ermine, and, after they have dispassionately heard and dispassionately considered it, now when the grandchildren and great grandchildren of those whose claims were used to buy our peace come and plead not only all that I have pleaded, but, in addition, this judgment of this impartial, dispassionate tribunal, we turn them away with the technical plea that there was a war; a war of which there was no declaration and which ended with no treaty of peace; a war which closed no tribunals, a war in which no soldiers won glory and in which there were no victories on either side, or with some pretense as groundless and unsubstantial; or the tribunal mutually selected having decided for the claimants, we insist on another hearing before another tribunal. No, Mr. Chairman, let us not shirk our representative duty; here and now let us settle these claims and take on ourselves the responsibility therefor.

Here is the history of eighty-five years of vexed dispute, with the final adjudication of an unimpassioned and impartial tribunal. And we are asked, after all this, to refuse to pay what have been thus deliberately and impartially decided to be honest claims.

Mr. Chairman, having undertaken to study this subject and to go to the bottom of it so far as I could, having commenced at the very beginning, and traced it through these old and musty documents down to the very papers of to-day, I can not see how I, with a good conscience, representing the Government of the United States, whose acts are thus traced in this history, can say that those ancestors of ours lied when they said these were good claims against France; I can not see how I could pronounce them dishonest when they said these were subsisting claims in 1800, or how I could declare that this fair and impartial tribunal, in coming to its conclusion to-day, was either mistaken or imbecile.

[Here the hammer fell.]

Mr. LONG. Does the gentleman desire further time?

Mr. BRECKINRIDGE, of Kentucky. Only a moment or two.

Mr. LONG. Go on.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I have but a

single thing to add. Sir, there was one man who knew all about this matter. Having been envoy to Paris, he was afterwards Secretary of State under the President who had sent him as envoy. He was thirty-seven years Chief-Justice of the United States—the judge who decided the case to which the gentleman from Texas has referred. Of all the names in our judicial history his is the brightest and the greatest. Speaking of him, Hon. John M. Clayton testified to this effect:

It was my fortune on one occasion, during the year 1835, to hear Judge Marshall express his opinion in favor of the bill then before the Senate for the payment of these claims. A gentleman who has long been the agent of these claimants has kindly placed in my hands, at my request, the following letter from Mr. Preston stating the opinion of Judge Marshall (*clarum et venerabile nomen*) on the same subject, and, as I supposed, expressed about the same period to which I have referred.

That letter I ask leave to have read at the Clerk's desk. Surely we can not go far astray if in this summer month of 1888 we do what in 1835 John Marshall said ought to have been done in 1801 or 1802. That "deferred hope" which has made many a heart sick can not be a good excuse for the refusal longer to pay these honest claims which we, in our day of weakness and infancy, used as a means of buying peace from a great and puissant nation. [Applause.]

The CHAIRMAN. Does the gentleman desire to have read the letter sent to the desk?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir; if the gentleman from Massachusetts will yield the time.

Mr. LONG. I yield for that purpose.

The Clerk read as follows:

COLUMBIA, *January* 29, 1844.

SIR: I have this moment received your letter of the 24th instant, inquiring of me concerning Judge Marshall's opinion on the claims for French spoliations anterior to 1800.

When that subject was under discussion in the Senate some years since, as a member of the committee to which it had been given in charge, I bestowed no little pains in the investigation of it, and as I believe it will happen to every one that does so, I became thoroughly satisfied of the justness of the claims.

While they were under discussion in the Senate, they happened to be the subject of conversation between Mr. Leigh, Mr. Calhoun, and myself, one evening in our mess parlor, when Judge Marshall stepped in, and having overheard or being informed of the subject of conversation, asked to share in it, saying that having been connected with the events of that period, and conversant with the circumstances under which the claims arose, he was, from his own knowledge, satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations. He gave a succinct statement of the leading facts, and the principles of law applicable to them, in so precise and lucid a way, that it seemed to me a termination of the argument by a judicial decision. It was apparent from his manner that he felt an interest in the inculcation of his opinion, arising from deep conviction of its truth.

I most heartily desire that the long-delayed and very inadequate justice now proposed to these unfortunate claimants will be made this session.

I am, dear sir, your obedient servant,

WILLIAM C. PRESTON.

JAMES H. CAUSTEN, Esq.,
Washington.

[Extract from the report by Mr. Giles to the House of Representatives on April 20, 1802.]

On the 25th of February, 1799, the President of the United States nominated three other envoys extraordinary for the purpose of adjusting the differences between the United States and the French Republic, and on the 30th day of November, 1800, a convention for terminating certain differences which had arisen between the United States and the French Republic was concluded at Paris. On the 3d day of February, 1801, the Senate passed a resolution in the constitutional mode advising the ratification of the said convention, provided the second article be expunged, etc. The second article is in the following words:

"The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties shall negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention have no operation, and the relations of the two countries shall be regulated as follows."

This article was introduced into the convention at the intimation of the American envoys, being, it is to be presumed, the best stipulation it was in their power at that time to make for negotiating hereafter upon the indemnities mutually due or claimed by the citizens of the two countries. On the 18th of February, 1801, the President of the United States, in conformity with the advice of the Senate, did ratify the said convention, excluding therefrom the aforesaid second article.

The Senate not having accompanied their advice for expunging the second article with any explanation of their motive for the measure, it was understood, both by the chief consul and the American envoy then at Paris that the object of expunging the said second article was "the retrenchment of the respective pretensions of the two Governments, which were the objects of the second article," and with an explanation to that effect, on the 31st of July, 1801, the chief consul ratified the said convention. The convention thus ratified was laid before the Senate by the President of the United States, on its return from Paris; and on the 19th day of December, 1801, the Senate resolved "that they considered the said convention as fully ratified," and, in pursuance thereof, on the 21st of the same month, the President caused the said convention to be promulgated as it was originally ratified.

From these circumstances and a recurrence to the fifth article of said convention in the following words: "The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations." It appears that the exclusion of the second article of the convention was considered as a renunciation of the indemnities claimed by the citizens of the United States for spoliations and depredations upon their commerce, so far as the Government might otherwise have been instrumental in obtaining such indemnities.

[Extracts from the opinion of the Court of Claims.]

The Americans were instructed to inform the French ministers at the opening that we expected, "as an indispensable condition of the treaty," a stipulation to make to our citizens "full compensation for all losses and damage which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents." Other points were urged upon them, but for the purpose of this case it is necessary only to note that they were to obtain a claims commission, to refuse recognition of the treaties of 1778, to refuse a guaranty, to refuse any aid or loan, and to make no engagement contrary to the Jay treaty. (2 Foreign Relations, page 306.)

The Secretary of State said in his instructions:

"Instead of relief, instead of justice, instead of indemnity for past wrongs, our very moderate demands have been immediately followed by new aggressions and more extended depredations, while our ministers, seeking redress and reconciliation, have been refused a reception, treated with indignities, and finally driven from its territories. This conduct * * * would well have justified an immediate declaration of war, but * * * the United States contented themselves with preparations for defense and measures calculated to protect their commerce."

At the close of his instruction the Secretary sets out certain points to be considered as ultimata, of which the following only is now important:

"1. That there be established a board to determine the claims of our citizens, which France should bind herself to pay."

Having carried the history of the claims down to this point let us look back upon it and see what rights we had at that time as against France, laying aside for the moment certain defenses set up by the defendants, such as the existence of war and the abrogation of the old treaties. Apart from these points, which have been urged upon us with great ability by the learned counsel for the Government, were the claims at the opening of the negotiations in 1800 valid international obligations against France?

That nation had seized upon the high seas neutral vessels laden with neutral cargo. In the case at bar, for example, the American schooner Sally, owned by citizens of the United States, commanded by a citizen of the United States, duly registered under the laws of the United States, bound from Massachusetts to Spain, laden with cargo belonging to American citizens, was seized upon the high seas, taken into a French port, condemned, and confiscated for the benefit of the privateer which seized her; and all this, not upon the ground that she had violated the law of nations, but because she had violated the French regulations "concerning the navigation of neutrals." It seems hardly necessary to discuss the proposition that such a proceeding was unwarranted; the French themselves admitted it in their decrees and correspondence; the Russian Czar, in ordering his admiral to pursue a similar course, said it was not "strictly conformable to the natural laws of war." England paid for damages thus committed, as did Spain, which had countenanced the acts of French consuls in condemning American vessels brought into Spanish ports. (Treaty of 1819.)

Senator Livingston, in the Twenty-first Congress, first session, said in the report made by him:

"The committee does not recollect that the justice of the claims has ever been denied. * * * To deny [it] would be assertion of a right on the part of France to indiscriminate plunder of neutral property. * * * But the justice of the claims was not denied, and the necessity of providing indemnity was expressly acknowledged."

This is true as a matter of pure international law; how much more true is it in the face of a treaty which guarantied the protection to our vessels (Article VI) of French ships of war; which made free ships free goods (Article XXIII); which prohibited opening hatches or disturbing packages when the vessel had a passport (Article XII and XIII); which directed the commanders of French ships to do no "injury or damage" to vessels of the United States (Article XV), and which contained other provisions insuring an exceptional amount of protection to our commerce and guardianship of our commercial rights?

Mr. Jefferson thought this class of claims valid when he issued his circular of August, 1793, assuring the mercantile community that due attention would be paid to these injuries and proper proceedings adopted for their relief. The President thought them valid when later in the same year he wrote to Congress that due measures would be taken to "obtain redress of the past and more effective provisions against the future." Pickering thought them valid when he made their settlement an ultimatum, and the French Government thought them worthy of consideration when they proposed a commission to decide upon them, coupled with the counter proposition that the United States indemnify American creditors then existing, or to be created through the agency of this commission, by way of a loan to France, which that country was to be pledged to repay. (Doc. 102, p. 467.)

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We have already referred to the instructions of the Executive, which show that branch of the Government in thorough accord with the legislative on this subject, and the negotiations of our representatives hereinafter referred to were marked by the same views, while the treaty itself—a treaty of amity and commerce of limited duration—is strong proof that what were called "differences" did not amount to war. We are therefore of opinion that no such war existed as operated to abrogate treaties, to suspend private rights, or to authorize indiscriminate seizures and condemnations; that, in short, there was no public general war, but limited war, in its nature similar to a prolonged series of reprisals.

Table of treaties between the United States and foreign countries for the settlement of claims.

Countries.	Date.	Purpose.	How settled.	Amounts.
Great Britain (Jay treaty.)	Nov. 19, 1794	Article 7. For losses or damages by reason of irregular or illegal captures or condemnations of vessels or other property, under color of authority or commissions of His Majesty. And upon losses and damages by His Majesty's subjects and others, by reason of the capture of their vessels and merchandise within the limits and jurisdiction of the United States, and brought into the ports of the same, or taken by vessels originally owned in the ports of said States.	By five commissioners, the award of any three to be final. No appeal.	$10,345,000.
Spain	Oct. 20, 1795	Article 21. To decide according to the merits of the several cases and to justice and equity, and the law of nations upon claims for losses sustained by the taking of vessels and cargoes by the subjects of His Catholic Majesty during the late war between Spain and France.	By three commissioners, the award of any two to be final. No appeal.	$325,000.

Table of treaties between the United States and foreign countries for the settlement of claims—Continued.

Countries.	Date.	Purpose.	How settled.	Amounts.
France	April 30, 1803	For the payment of debts due by France to American citizens	By three commissioners. No appeal.	20,000,000 livres reserved by treaty. $3,738,268.98 paid.
Great Britain	July 12, 1822	For the payment by Great Britain for slaves and other property removed from places surrendered under treaty of Ghent.	By two commissioners, who, in case of disagreement, were to select a third, and the decisions of the commissioners or a majority of them to be final and conclusive. No appeal.	$1,204,960.
Spain (Florida treaty).	Feb. 22, 1819	For the payment of French spoliation claims prior to July 31, 1801, which were condemned in Spanish ports.	Five commissioners; the award of a majority to be final. No appeal.	$5,000,000 reserved by treaty. $4,997,572.69 paid.
France	July 4, 1831	For all reclamations of American citizens after July 31, 1801, for unlawful seizures, captures, detentions, and destruction of vessels, cargoes, or other property.	By three commissioners. No appeal.	France paid the United States $5,000,000.
Denmark	Mar. 28, 1830	For seizures, detentions, condemnations, or confiscations of their (American citizens) vessels, cargoes, or property.	By a board of commissioners appointed by the President. 4 S. L., 446. No appeal.	650,000 Spanish dollars.
The Two Sicilies	Oct. 14, 1832	To satisfy reclamations for depredations, sequestrations, confiscations, and destruction of vessels and cargoes of American merchants.	By three commissioners, 4 S. L., 666. No appeal.	2,115,000 ducats were paid.
Great Britain	Feb. 2, 1853	To examine and decide, according to justice and equity, all claims of citizens and subjects of both countries upon the other, arising after the treaty of Ghent, December 14, 1814.	By a commission. No appeal. 10 S. L., 988.	$606,837.04.
Great Britain	July 1, 1863	For settlement of all questions between the United States and the Hudson Bay and Puget Sound Companies.	By a commission. No appeal. R. S. D. C., pp. 346–347.	$650,000 were awarded and paid.
Venezuela	Apr. 25, 1866	For adjustment of claims of corporations, companies, and individuals, citizens of the United States, upon the Government of Venezuela.	By two commissioners and an umpire. No appeal. R. S. D. C., 807, 808.	$1,253,310.30.
Mexico	July 4, 1868	To examine and decide, according to public law, justice, and equity, all claims of citizens of either Republic upon the other for injuries to their persons or property by the authorities of the other after February 2, 1848.	By two commissioners and an umpire. No appeal.	$4,276,120.61.
Peru	Dec. 4, 1868	For the adjustment of claims of citizens of either country upon the government of the other.	By two commissioners and an umpire. No appeal.	271,971.15 soles.
Spain	Feb. 12, 1871	For settlement of certain claims of citizens of the United States on account of wrongs and injuries committed by authorities of Spain in the Island of Cuba.	By two arbitrators and an umpire. No appeal.	$1,293,450.55.
Great Britain (Alabama treaty).	May 8, 1871	For claims arising from the acts of certain cruisers on property of American citizens.	By act of June 3, 1876, a court of five judges was established. By act of June 5, 1882, a court of three judges was established. No appeal in either case.	$15,500,000 was paid by Great Britain.
France	Jan. 15, 1880	For the settlement of certain claims of the citizens of either country against the other growing out of war and insurrection.	By three commissioners the decision of two to be final. No appeal.	$639,225.49.

Mr. BURNES. I yield twenty minutes to the gentleman from Alabama [Mr. COBB].

Mr. COBB. Mr. Chairman, the "French spoliation claims" are historical. They rest on the occurrences of the past century. The years in their flight have borne to the silent land the original claimants; the claims are immortal. They are with us to-day, and are pressed on our attention with a vigor, and even intemperance of language, indicative of their possessing the peculiar youthful essense effective to inspire imaginative fervor if not calm and convincing argument. Gentlemen learned and scholarly, impatient of contradiction, and carried along by ardent enthusiasm of advocacy, would have the people's representatives vote away thirty millions of the people's money, or be consigned to the limbo of repudiators and defaulting trustees.

The alternative is a hard one. The American people are manifesting, day by day, strong and still stronger condemnation of the governmental policy, which takes of their scant earnings millions of money not needed for governmental purposes, to be wasted in extravagant, and dangerous expenditure; and yet the mortgage—oppressed farmer, the wage-workers, the patient toiling masses must bend to their burdens, with never a word of remonstrance, while schemes for appropriations are devised resting on no juster foundation than sentiment. If one of their representatives presumes to raise his voice in protest, he is scowled at as unappreciative of the nation's honor. Regardless of the reproach threatened to all who oppose the pending measure, I purpose to make such analysis of it as I may be able, and, following the line of logical reasoning, to abide the conclusion to which it leads me.

I propose to sustain the following propositions of law and fact:

1. War between two independent states, followed by a treaty of peace, extinguishes all claims and demands of each of the states against the other, or of the citizens of each state against the other state, which produced the war, or which grew out of or were involved in it, the payment for which are not arranged in the treaty.

2. A condition of war existed between France and the United States, produced by certain trespasses of the French Government on the persons and property of the citizens of the United States, from which trespasses the claims under consideration originated. Hence, these claims were involved in the war.

3. Pending this war a treaty, in all essentials a treaty of peace, was concluded between the two contending powers, and in this treaty no provision was made for payment of these claims, either directly or indirectly. In this proposition a denial is intended that the United States assumed, in any way, the payment of the claims.

If these propositions are established, it follows that the claims in controversy under the provisions of the pending bill, have no substantial existence. In advancing the argument based on the propositions, I do not admit that, if it fails, the claims are just against the Government of the United States.

On the contrary, I hope to reach the conclusion of their invalidity from another and different course of reasoning; or to be more accurate in statement, I propose to urge that, conceding the non-existence of war between the Governments of the United States and France, the evidence is wanting to show a transfer to the United States of the obligation to pay them.

The first proposition asserted is so well recognized by writers on international law that argument or citation of authority to establish it is not necessary; especially in view of the fact that in the discussion of the merits of the claims from time to time, through three-quarters of a century, it has not been seriously disputed. I make a single quotation from Wheaton:

> The peace extinguishes all claim for damages done in war, or arising from the operations of war.

In presenting the second proposition it is to be observed there is no pretense that between the two countries the status existed called by publicists perfect or solemn war; but that there was public war, although of the imperfect kind, can be abundantly shown. The causes which led to war need only to be slightly adverted to. They are matters of history not essential to my argument. I am more directly concerned with the facts which made the hostilities between the countries, when tested by legal rules, a condition of war. Suffice it to say, the French Government assumed the prerogative of interfering with American commerce on the high seas, of seizing and condemning American vessels and other property of American citizens.

Remonstrance, oft repeated, proving of no avail, the Congress of the United States authorized sterner measures. By several acts, authority was given to issue letters of marque and reprisal; merchant vessels were permitted to arm and to resist by force any attempt to search them, and to recapture any vessel seized by the French. Our naval force was increased and sent to the protection of our mercantile marine, with instruction to drive French cruisers from our coast and to attack them wherever found. Finally was passed the act of July 7, 1798, annulling existing treaties with France. Prior to this last-mentioned date France had violated these treaties by the enactment and enforcement of laws inconsistent with their provisions.

One of these laws, enacted in January, 1798, which—

subject to capture and condemnation neutral vessels and their cargoes, if any portion of the latter was of British fabric or produce, although the entire property belonged to neutrals—

was characterized by President Adams, in his opening address to Congress in December, 1798, as an unequivocal act of war. Thus it was that collisions and conflicts between the vessels of the two countries, from which these claims originated, became of constant occurrence. In his History of the Navy of the United States, Cooper repeatedly speaks of the relations of France and the United States, during the period from 1793 to 1800, as a condition of war and of the French as "the enemy."

He says—

In the whole, eighty prizes were taken and brought into American ports. * * * Sixty-eight were condemned and sold. The loss of American shipping in this war was considerable, but fewer vessels were taken in proportion after hostilities had commenced on the side of this country than had previously been seized.

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In the war with France very few privateers went to sea, that country having little trade to suffer by such enterprises, though scarcely a merchantman sailed without an armament and a crew at least double that she would have carried in a time of peace.

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The enemy was very active, a fact that is proved by the circumstance that more French privateers were taken and destroyed by the vessels of the American Navy alone, in the West Indies, than the country sent cruisers to sea at any period of the war.

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This war, like every maritime contest in which America has been engaged with any civilized nation, was also distinguished by many obstinate actions between letters of marque and cruisers of the enemy.

These quotations could be multiplied, but enough to show that there is a history having "a chapter on the war with France," a fact called in question by the gentleman from Massachusetts. I remark, in passing, that the "school-boy" of the gentleman from Maryland might change his opinion if he would consult the best naval history of this country extant.

Here, then, was a condition of things not usual, to say the least, in a state of peace; merchantmen armed, carrying double crews, and commissioned to do hostile acts; letters of marque granted; battles fought that gave imperishable renown to such captains as Bainbridge and Stewart and Truxtun and Hull and Decatur, and to our infant Navy; men captured and exchanged; prizes seized and regularly condemned in prize courts; salvage for the retaking of vessels from the French, as the enemy of the United States, allowed by our own Supreme Court—surely this must have been war.

In this connection I read the following extract from a decision of the Supreme Court of the United States, delivered pending the hostilities—others might be given:

Now, if this be the true definition of war let us see what was the situation of the United States in relation to France. In March, 1799, Congress had raised an army, stopped all intercourse with France, dissolved our treaty, built and equipped ships of war, and commissioned private armed ships, enjoining the former and authorizing the latter to defend themselves against the armed ships of France, to attack them on the high seas, to subdue and take them as prize, and recapture armed vessels found in their possession. Here, then, let me ask, what were the technical characters of an American and French armed vessel, combatting on the high seas with a view the one to subdue the other, and to make prize of his property? They certainly were not friends, because there was a contention by force, nor were they private enemies, because the contention was external, and authorized by the legitimate authority of the two governments. If they were not enemies I know not what constitutes an enemy. * * * What then is the evidence of the legislative will? In fact and in law we are at war.

Is it necessary for me to say that war may exist without formal declaration?

It is certain—

Says Wharton—

that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored * * * without a treaty of peace being made. History is full of such occurrences. The United States may be engaged in war, and have all the rights of a belligerent, without any declaration by Congress.

Such a war is of the imperfect kind, but in this kind of war the consequences, so far as they concern the matters involved and the claims arising, are the same as in solemn war.

In this condition of affairs between the United States and France a convention between them was had to adjust existing difficulties.

It is true that the ministers plenipotentiary, sent by the United States to that convention, were instructed to insist, and they did insist, on payment of damages by France by way of indemnity to the citizens of the United States who had suffered losses by reason of French spoliations.

This fact, and the further fact that, when the ministers of the respective parties to the convention agreed on and signed articles of treaty, they inserted therein a provision that certain matters of contention—including the claims now under consideration—should be deferred to "a more convenient season," are seized on by the advocates of the validity of the claims to prove that they were not extinguished by war. Says the gentleman from Massachusetts [Mr. LONG]:

Could they offset claims unless they existed? Could anything be more supremely absurd than to argue that after difficulties, whether amounting to war or lawsuit or negotiation, between two nations or two individuals have come to a settlement, the very claims existing between them and for the future negotiation of which that settlement distinctly provided, have been extinguished? In other words, that to provide for the future settlement of claims is to admit that no claims exist? It is a *reductio ad absurdum*.

I hope full answer to the gentleman's *reductio ad absurdum* will be developed in the further prosecution of this argument.

With reference to the transactions between the ministers pending negotiations, in what, I inquire, were they engaged? It was diplomacy. If it was true that diplomatists were expected to be, and were, at all times, entirely frank and truthful with their antagonists; that they only advanced claims they knew to be well founded; that pretensions of more than doubtful legality were never put forward in the diplomatic intercourse of nations; or, if nations, in such intercourse, never masked their true designs by such pretensions, then, indeed, the gentleman's *reductio ad absurdum* might have something of plausibility in it. But diplomacy is recognized as a species of contention approximating in its characteristics, if not in its mode of conduct, war itself.

What was the situation? Here were two governments met to adjust differences—call them what you will—serious in character and involving serious consequences in their settlement. They had been produced by the antagonisms of years past, and were growing more complicated every day.

It was known that France would insist that the United States had, to her great damage, violated wantonly the treaties of 1778. Several gentlemen preceding me say, with great emphasis, that this claim was just. But whether just or not, it was certain to be advanced, and if entertained it involved large pecuniary considerations. The United States did not believe she had violated these treaties; she would resist steadily such insistence by France; not, however, by invoking in the first instance the doctrine that war had extinguished damage claims, for reasons that will more fully appear hereafter.

Certainly, the claims now under discussion were, to say the least, as just as the claim of France for violated treaties. Other claims than these were held by our citizens against France, being those afterwards recognized and paid. In this condition of affairs, what a spectacle "to make all the world wonder" would have been presented if the ministers of the United States had, with frankness hitherto unknown in the history of the diplomatic intercourse of nations, approached the ministers of France with the declaration, "you have damaged our people greatly; you have destroyed their ships, seized and condemned their property, but we are too candid and honest to demand reparation, because we know that war has extinguished the right to make such demand?"

Such may be the course in like cases pursued when—the millennium has more nearly arrived.

But let us look a little more closely into this matter, and consider the attitude of the respective parties as affected by their interests.

The United States had entered into treaties with France in 1778 in terms highly beneficial to the latter, but burdensome and embarrassing to the former.

It would be more tedious than profitable, at this time, to recount the circumstances which led to these treaties, or the condition of affairs in this country which justified the concessions made in them to France, to the exclusion of other powers. It is sufficient to say they were unusual in character and in the privileges and advantages they conferred, and threatened to involve us in foreign complications.

Notwithstanding all this, it was the desire and purpose of the Government of the United States to adhere faithfully to the stipulations of the treaties, properly construed, and did not relinquish this desire and purpose until France, by arrogant wrong-doing, extending through years, had rendered their further observance incompatible with our national honor. When, however, these treaties were justifiably revoked by the act of Congress, the thought of their restoration in their original form was not to be entertained. An accommodation was necessary to our interests, but as American citizens had suffered so heavily by French spoliations, it was not only proper but highly desirable to secure, in the terms of a new treaty, recognition of obligation on the part of France to indemnify the sufferers from her arrogant and unjustifiable course.

The fact that, under the principles of international law, all claim for such indemnity was extinguished, afforded in itself no justification for her wrongful acts; and, more than all, it was for France to invoke as her shield the laws of war, and not for the United States to proffer such protection.

Until France had so sheltered herself it was the duty of the American Government to urge, to the extent short of solemn war, payment for the injuries she had inflicted.

On the other hand, France realized to the utmost her advantages over other powers conferred by the treaties of 1778. She desired their full restoration. This was to her matter of first importance; all things else were secondary. She was prepared to resist, with persistent energy, the idea that the treaties had been annulled; to deny the right of the Congress of the United States to revoke them; and to refuse to recognize any fact or circumstance or even law which would weaken their binding force on the Government of the United States. Thus it will be seen that, when the ministers of France and the United States met, their interests were alike in one respect—to ignore the fact of the existence of war between the two countries.

If the unpleasantness or "transient misunderstanding" or hostilities between the countries was war, then the treaties of 1778 were beyond question annulled; and this view would not suit France, because, as I have shown, her first and highest interest was to have these

treaties recognized with all their binding obligations. It would as little suit the United States, because the recognition of war would completely destroy the validity of many claims which she desired to urge against France. If gentlemen would give consideration to these views—and if they are not sound I have failed, after most diligent effort, to read correctly the history of the times—they would be less inclined to rest their arguments on the pretensions of the acute diplomatists who assembled at Paris in the year 1800.

I turn now to the history of this diplomatic "passage at arms" between these distinguished ministers, and out of their own mouths I propose to establish the correctness of the views just presented, and to further show that each party, after steady but patient and cautious resistance to the pretensions of the other and insistance on their own, became at last convinced that their interests and purposes were irreconcilable; and that, when so convinced, each charged the other with having carried on war in violation of solemn treaty stipulations. In the prosecution of this examination it will appear that at no time did France acknowledge an obligation to pay indemnity to American citizens for spoliations; and that at no time did the United States recognize an obligation to pay damages for the violation of the treaties of 1778. France asserted, *as an offer*, that she would pay indemnity, if the United States would acknowledge the treaties to have been of uninterrupted binding force and still subsisting.

Indemnities with the treaties was her persistent demand; or a new treaty—a treaty of peace—without indemnity. The United States, *in the like spirit of offer*, proposed to pay a certain sum because of the pretension by France that she had violated the treaties, provided other objects, highly desirable to her, could be secured. It is on this unsubstantial foundation that the gentleman from Massachusetts [Mr. LONG] asserts:

France gave us, I undertake to say, an ample *quid pro quo*. We had already offered 8,000,000 francs for what she gave us, and she had refused it.

No such offer was made to France unconnected with other propositions, which if accepted, would have given us advantages, in themselves an ample *quid pro quo* for the expenditure proposed.

France never refused the offer of 8,000,000 francs, unless the failure of the contracting parties to agree on the terms involving their payment, constitutes such refusal. I will endeavor to establish these assertions further on.

On the 2d April, 1800, the ministers of France and the United States met and exchanged their respective commissions, and thenceforward the negotiations proceeded, with interruptions, until the 30th day of September, at which date the convention was signed.

At the beginning of negotiations our ministers proposed—

1. The adjustment of equitable claims of the—

citizens of either nation upon the other, whether founded on contract, treaty, or the law of nations.

2. The negotiation of a new treaty.

Not a word was said in this opening proposition about claims of the one nation against the other, growing out of violation of treaties, for the reason, clearly, that our ministers did not believe such claims had rightful existence. The answer by the French ministers to this proposition was to the effect that their view was, the course of negotiation should be,

1. The—

valuation and indemnification of those injuries for which the two nations respectively may have demands against each other, whether these demands are founded on national injuries or individual claims.

2. The exection of the treaties of friendship and commerce now existing between the two nations, and the accomplishment of those views of reciprocal advantage which first dictated them.

What can be clearer than this as evincing the differences of the views and purposes of the two contracting parties?

On the part of the United States the purpose was, settlement for injuries to citizens and the formation of a new treaty; on the part of France, settlement for injuries of one nation against the other and the recognition of the existence of the old treaties, and the devising of means to insure their enforcement so as to secure to each nation the "reciprocal advantages which first dictated them." The objects held by both parties led them away from the recognition of war. Immediately following this first interchange of views by the ministers, the French, "to prevent the interruption of negotiation," demanded assurance that the United States Government—

Will terminate without delay the hostile condition which it now maintains in relation to France.

The French are informed, in answer to this demand, that such assurances can not be given otherwise than by incorporating them in a treaty.

Cease your hostilities, urge the French, because by them you are violating existing treaties. The hostilities are defensive on our part, and are violative of no existing treaty, reply the Americans, because there is no treaty.

Further to show the divergence in the views of the parties as to the existence of the old treaties, and their determination respectively to maintain the attitudes assumed, I call attention to the correspondence in regard to the selection of arbitrators.

The American ministers proposed arbitration, and laid down the basis on which the arbitrators were to proceed in the liquidation of damages.

They shall decide the claims * * * existing prior to the 7th July, 1798, according to the treaties and consular convention then existing between France and the United States,

and claims arising subsequent to that date, according to the law of nations.

In reply to this proposition the French ministers say they have—

been struck with an interpretation of which they can conceive neither the cause nor the object.

And after quoting the terms on which it was proposed the arbitration should proceed, continue:

The ministers of the French Republic are not aware of any reason which can authorize a distinction between the time prior to 7th of July, 1798, and the time subsequent to that date, in order to apply the stipulations of treaties to the damages which have arisen during the first period, and only the principles of the laws of nations to those which have occurred during the second.

The proposition of the Americans rested on the acknowledgment that, the old treaties had been repealed by the act of Congress of the date mentioned. This acknowledgment the French would not make. To follow the course of these negotiations, step by step, would be more tedious than is at present permissible. The purposes of the two governments, as heretofore stated in my argument, are too clearly shown through the whole of the contention to admit of doubt; and the reasons operating to induce both parties to avoid the recognition of a state of war are equally apparent.

Time and time again the French ministers insist on the recognition of the old treaties and the enforcement of their terms; with equal firmness and pertinacity the Americans resist and refuse this demand.

Thus it was that the negotiations were interrupted, and the interruption threatened to become final.

That the Americans desired to secure a new treaty and at the same time to provide for payment of indemnities is clearly shown, for as they say—

It was clearly perceived that unless the indemnities were secured by some means under the present negotiation they would be forever lost.

This statement is significant, not only as showing why the Americans would avoid the recognition of a state of war, but as explaining the inducement to a slight modification of their propositions in order to avoid the failure of their mission.

It now became necessary to decide whether the negotiation should be broken off or the instructions departed from; whether the treaties should be revived or the indemnities sacrificed.

Such is their language. If the treaties were revived by the admission desired, and pressed by the French, that their operation had not been interrupted, either by the existing difficulties or the act of Congress, then the recognition of claim for indemnities might be secured.

If the view was adhered to that the treaties had been abrogated, then no such claim would lie, either because they had been extinguished by war, sufficient in effect for that purpose, or because the French would refuse to recognize them, and a resort to solemn war would not be justified in their enforcement.

Such was the attitude of affairs; but I have shown that the restoration of the treaties without change was to be strenuously avoided.

About the 1st of September began a modification of terms, urged up to this time by the parties respectively.

The French now propose—

a commission to regulate indemnities due by each of the two nations to the citizens of the other—

And—

the indemnities found due by France to the citizens of the United States shall be discharged by the United States—

And as an equivalent France—

makes an abandonment of the exclusive privileges—

Resulting to her from the old treaties.

At the time this proposition was made the French ministers assure the Americans that they—

have never intended to pay indemnities unless France is restored to her privileges under the old treaties.

This proposition that the United States assume the payment of indemnities to her citizens, the American ministers assure the French is "altogether inadmissible." Here we have a positive negative of the idea that the payment of indemnities to citizens of the United States would be assumed by our Government. At this point of the negotiation occurs what the gentleman from Massachusetts [Mr. LONG] calls an offer on our part to pay 8,000,000 francs for damages resulting to France from the violation of the old treaties.

I have asserted that no such unconditional offer was made. Here is the proof. It is to be found in the "Annals of Congress," on page 1182 and pages following.

On the 11th August the French had submitted propositions, first for recognition of old treaties; if that was refused, then they indicate a willingness to treat with reference to their abrogation. But they say in this connection:

Whilst, however, the ministers of France acquiesce in the nullity of the treaties, they can not conceal from themselves that the act of the United States by which their abrogation has been declared, has been an unequivocal provocation to war; that the hostile acts by which this provocation has been followed,

increasing in number and publicity, even after France had removed every just cause of complaint, was nothing less than war. * * *

If the correctness of these observations be admitted, it would seem that the two Governments ought to be occupied no longer with their respective losses; the rights of war acknowledge no obligation to repair its ravages; their consideration even is prohibited by national honor, since the state inflicting the greatest injury would, by making compensation, acknowledge a victor and purchase peace.

This is strong language, indicating the mind of the French in regard to the true nature of the hostilities pending; and indicating, further, that they only waited the time when their hope for restoration of the old treaties should be destroyed, to invoke the benefit of the law of nations in their favor against any claim for indemnities.

This was the period to which I have alluded when it appeared that negotiations would be broken off.

After a personal interview between the ministers without result, the Americans were compelled to answer the note from which the foregoing extracts are taken; and now comes the first intimation of a willingness on their part to treat with reference to the renewal of the old treaties. It was suggested by the American ministers that the former treaties be revived and confirmed, with the stipulation that the guaranties contained in them might be released by the payment of a certain sum of money.

These propositions do not seem to have been thoroughly understood, and, after further exchange of diplomatic courtesies, they were more definitely formulated in a note from the American ministers of date August 29. In that note it is said:

The principle—

referring to the propositions just alluded to—

if reduced to form proper to give it effect, it is conceived, would be expressed as follows, namely: If the United States shall, at any time within seven years from the exchange of the ratifications of the present treaty, offer to the French Republic an article of the tenor following, namely: "It is agreed that the United States shall pay to the French Republic, within seven years from the day of exchanging the ratifications of the treaty of ——, eight millions of francs, * * * and that as a consideration of such engagement the United States shall forever be exonerated, etc.; and the rights of the French Republic * * * shall be forever limited to such as the most favored nations shall in these respects enjoy," the French Republic shall accept the same, etc.

This, and this only, was the offer of the 8,000,000 francs. The suggestion—it was nothing more—was not entertained by the French. Since stress seems to be laid on this offer, and since gentlemen would make the impression that it was unconditional, I will, in addition to the quotations from the note of the American ministers, read from their final report to the Secretary of State:

The American ministers, however, after a deliberation of some days, the progress of events in Europe continuing in the mean time to grow more unfavorable to their success, made an ulterior advance, going the whole length of what had been last insisted on. They offered an unlimited recognition of the former treaties, though accompanied with a provision to extinguish such privileges claimed under them as were detrimental to the United States by a pecuniary equivalent, to be made out of the indemnities which should be awarded to American citizens—a compensation which, though it might have canceled but a small portion of the indemnities, was, nevertheless, a liberal one for privileges which the French ministers often admitted to be of little use to France under the construction which the American Government had given to the treaties.

This offer, though it covered the avowed objects of the French Government, secured an engagement to pay indemnities, as well as the power to extinguish the obnoxious parts of the treaties.

To avoid any engagement of this kind, the French ministers now made an entire departure from the principles upon which the negotiation had proceeded for some time, and resumed the simple, unqualified ground of their overture of the twenty-third Thermidor, declaring that it was indispensible to the granting of indemnities, not only that the treaties should have an unqualified recognition, but that their future operations should not be varied in any particular, for any consideration or compensation whatever. In short, they thought proper to add, what was quite unnecessay, that their real object was to avoid indemnities, and that it was not in the power of France to pay them.

After further exchange of notes the ministers met on the 12th day of September, and conversation between them closed by a declaration of the President of the French commission—to which the others assented—that—

If the Government should think proper to instruct them to make a treaty on the basis of indemnities and a modified renewal of the old treaties, he would resign sooner than sign such a treaty.

Adding that—

If the question could be determined by an indifferent nation, he was satisfied such a tribunal would say that the present state of things was war on the side of America, and that no indemnities could be claimed.

It now became apparent that further controversy on the line thus far pursued was useless.

Through the whole controversy France insisted on a full restoration of the old treaties as a condition precedent to recognition of indemnities to American citizens; or a modification of the old treaties with recognition of her right to damages for their violation by the United States and indemnities, or a new treaty without indemnities. The United States insisted on a new treaty with full indemnities to her citizens; or the old treaties with their most burdensome provisions to be eliminated by a small sum of money to be paid to France in consideration of her consent to relinquish them, and indemnities.

It only remained—

Say the American ministers in their report to the Secretary of State—

for the undersigned to quit France, leaving the United States involved in a contest, and, according to appearances, soon alone in a contest which it might be as difficult for them to relinquish with honor as to pursue with a prospect of advantage; or else to propose a temporary arrangement, reserving for a definite adjustment points which could not then be satisfactorily settled, and providing, in the mean time, against a state of things of which neither party could profit. They elected the latter, and the result has been the signature of a convention.

I have given this lengthy consideration to the negotiations between the ministers plenipotentiary because, in the light of a plain statement of facts, the assumptions repeatedly made in this debate on which eloquent arguments in behalf of the claimants are based vanish into airy nothingness.

The gentleman from Kentucky [Mr. BRECKINRIDGE] makes a singular statement. He says we are "estopped" to deny these claims because, forsooth, our ministers urged their payment on France! That is to say, a government is "estopped" to deny any assertion made by its ministers in the course of diplomatic controversy! I venture the assertion that the distinguished gentleman is alone in the discovery of such application of the well-understood principle of estoppel.

The gentleman's ingenuity in the application of law in a manner hitherto unthought of, is only equaled by his liberality in the assumption of facts, when he asserts that—

The Government of the United States, holding for collection certain claims of its citizens, surrendered them for the release of certain claims held by the French Government against the United States.

Such surrender was not made by our ministers—it is not so pretended—and I undertake to show it was not done afterwards in the sense, as averred by the gentleman, of using the claims as a purchasing agency.

I proceed to the consideration of the treaty and the circumstances of its ratification to show that no provision was therein made, directly or indirectly, for the payment of the claims.

As signed by the ministers it contained as its second article this provision:

ART. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they have agreed on these points the said treaties and conventions shall have no operation, and the relations of the two countries shall be regulated as follows:

The meaning of this article can not be doubtful. It was a postponement, simply, for further consideration of certain matters of controversy; and was inserted really as a means of escape from an embarrassing difficulty. It was no admission of the validity or binding obligation of any claims. And here I remark that had the ministers, finding themselves unable to agree, abandoned forever contention by the two Governments of the claims in question, and had inserted this abandonment in the treaty, no obligation would have been imposed thereby on the Government of the United States.

Of much less significance than such article would have been, was the action of the Senate of the United States when it struck article 2 from the treaty.

I will recur to this point. The Senate of the United States ratified the treaty, having first expunged the second article and substituted therefor a provision limiting the operation of the treaty to eight years.

It was then transmitted to France. Napoleon, being in power as First Consul, ratified it after adding these words:

Provided, That by this retrenchment the two states renounce the respective pretensions which are the objects of the said article.

The retrenchment referred to was the expunging of the second article. In this form the treaty was returned to the President of the United States. Mr. Jefferson referred it to the Senate with a message, in which he says that Napoleon's—

ratification not being pure and simple, in the ordinary form, I have thought it my duty, in order to avoid all misconception, to ask a second advice and consent of the Senate before I give it the last sanction by proclaiming it to be the law of the land.

I read this to show that Mr. Jefferson in re-referring the treaty to the Senate acted only out of abundant caution. Thereupon the following resolution was adopted:

Resolved, That the Senate (two-thirds of the members present concurring therein) consider the convention between the United States and the French Republic as fully ratified.

On these facts several important questions arise.

First. Did Napoleon intend by his proviso to change the treaty in meaning, or merely to express his desire that a certain construction should be given to the action of the Senate?

Second. Was the resolution of the Senate a distinct ratification of a treaty different in meaning from the instrument submitted to Napoleon?

Third. Did the proviso, in any proper sense, become a part of the treaty?

Fourth. If the proviso was ratified and did change the meaning of the treaty, does a fair and proper construction of it impose any liability or obligation on the United States to pay the claims which its citizens held against France?

It will be observed, in regard to the first question, that the proviso alludes to the action of the Senate of the United States, and not to anything contained in the treaty. It is not said, it is understood, that this treaty, with the proviso added, contains in its provisions a renunciation,

but that "by this retrenchment"—by the act of the Senate in annulling the second article—"the two states renounce," etc.

Had the purpose been to clearly provide in the treaty for mutual renunciation, is it not likely that the form of the proviso would have been to the effect that, the two parties do now, by this convention, renounce their respective claims?

Strange, indeed, that, in an instrument so solemn, a change of such grave character as the one it is contended was effected, should be attempted in a manner so careless and ambiguous. It must not be forgotten that six months of patient and weary endeavor to adjust the respective pretensions, alluded to in the proviso, had been consumed in vain by the ministers; that, considering the temper and views of the two parties, future consideration of the matters waived was scarcely to be expected; that, in a word, the second article as agreed on by the ministers was well-nigh meaningless.

It can not be, Mr. Chairman, that Napoleon had other thought in annexing the proviso to the treaty, than to craftily take advantage o the situation to express again what he had already expressed through his ministers—a determination under no circumstances to pay the indemnities claimed by the United States.

He knew that, over and over again, his ministers had proposed in effect to set off against each other the respective claims of the two countries, and that this offer had been persistently refused by the United States, and that, as a consequence of such refusal, no article adjusting the claims could be inserted in the treaty. How, then, could he expect to accomplish in an indirect way what could not be done directly? Doubtless the Senate of the United States fully understood the intent and object of the First Consul, as will be seen by consideration of its action when the treaty was a second time before them.

Its action on the treaty when first presented was a distinct ratification. "Advice and consent" were given in form contemplated by the Constitution. Not so on the second reference. I have already read the resolution adopted when the treaty was a second time before the Senate; here is the first resolution:

Resolved by the Senate of the United States (two-thirds of the Senators present concurring therein), That they do consent and advise the ratification of the convention between the French Republic and the United States of America made at Paris on the eighth Vendemaire, in the ninth year of the French Republic, 30th of September, A. D. 1800.

Compare them and mark the difference in language; and can any one say this difference is without significance?

The second, instead of being a ratification—a giving of present "advice and consent"—is a mere expression of opinion that the treaty had been ratified. Ratified when? At the time clearly when it was in solemn form signed by Napoleon. Had the treaty been in any respect changed in its meaning by the added proviso, what would have been the duty of the Senate?

The President, by the terms of our Constitution, has power to make treaties, by and with the advice and consent of the Senate, and not otherwise. After a treaty has been ratified by the Senate, if it is changed in its meaning by the other contracting power, it becomes, to all intent and purpose, a different treaty, and can not be proclaimed, so as to become the "law of the land," until duly ratified. This is too plain for argument.

Hence, the duty of the Senate was to ratify the treaty when again considering it if it was found to be changed since the first ratification. In other words, the first ratification would, under such circumstances, have been a nullity. The only treaty, then, that can be considered as having become the law of the land, is the treaty as it was when first before the Senate and duly ratified. Nor did the Senate accept the proviso as a construction of the treaty made by Napoleon, for Napoleon did not construe nor attempt to construe it. The proviso, as already shown, refers not to the treaty, but to something extraneous to it—the act of expunging the second article.

The intention of the President, if it be conceded that he had such intention, to commit the United States to the payment of the claims by publishing the treaty, was entirely ineffectual for that purpose without the concurrent intention of the Senate. It can not be contended that the ratification of the treaty without the proviso, operated to charge the United States with the payment of any claims not mentioned in it. Here, then, we have a treaty, following a state of war, in which no provision is made for the settlement of claims growing out of and involved in the war. To urge that they were embraced in other articles of the treaty than the second, or that they were the subject of controversy in other conventions than the one we have been considering, is to negative the idea of their assumption by the Government.

If I am mistaken in all the inferences and conclusions I have endeavored to draw from the facts stated; if it be conceded there was no extinguishment of the claims by war; if the proviso was duly ratified and became a part of the treaty, I still insist that a plain, commonsense reading and interpretation of the treaty, the proviso included, fail to disclose a liability assumed by the United States to its citizens. Read in the light, especially, of the diplomacy preceding its ratification, its meaning is that, negotiation having failed to adjust certain claims, their further consideration is abandoned.

There is no element of contract—no release of claims in consideration of the release of other claims. The language of the proviso will bear no such construction, as I think I have abundantly shown.

Nothing less than an absolute promise to pay, for a consideration, or the appropriation of private property to public use in exercise of the right of eminent domain, which would raise a promise to pay by implication, would impose a liability on our Government to pay these claims.

It will hardly be contended—certainly not by close students of international law—that the mere failure of the Government to force France to the recognition and settlement of the demands of its citizens, was sufficient to charge it with their payment. The rule on this point is that, while it is the duty of a government to prevent, as far as it reasonably can, the infliction of damage on its citizens, and that it may become responsible to them for a neglect to use reasonable means of prevention, yet, when the damage is done, without the fault of the government, it shall use its discretion as to the extent it should go in securing reclamation; and this discretion is always to be exercised in view of the interests of the people at large.

If reclamation can not be secured without war, further effort to obtain it may be abandoned, or, even, if war is undertaken, peace may be declared without the attainment of the objects of its prosecution. And although negotiation or war may be undertaken to secure private claims, the abandonment of either imposes no obligation on the government to satisfy the claims. I waive discussion, further than already indulged, of the consideration supposed to support the demands of these claimants, growing out of the damages claimed by France for violation by our Government of the old treaties, with the remark that Washington and his patriotic compeers thought there was no such consideration—that we had not violated the old treaties—and by their judgment I am content to abide, only further remarking that these claims of France, if pressed for payment on their merits, and disconnected from the spoliations, would have little chance of recognition. There would be, in such case, none bold enough to press them.

But the claimants have an equity, it is said. Whence and how derived? Their grandfathers and great grandfathers engaged in mercantile ventures on the high seas at a dangerous period, putting the dangers to be encountered against the prospect of great gain. Some of their ships were captured by a public enemy—"hence these tears."

If our Government is a huge insurance corporation, let the bill pass unamended. I prefer to think otherwise. I adhere to the doctrine that to take from the people, under the taxing power, money not needed for legitimate Government expenditure is legalized robbery.

Mr. LONG. I yield twenty minutes to the gentleman from Massachusetts [Mr. RUSSELL].

Mr. RUSSELL, of Massachusetts. Among the many denials made in the course of this debate there is one thing that has not been denied, and that is that the commerce of the United States from the year 1793 to 1800 suffered an enormous amount of spoliation at the hands of the French. Its amount has never been calculated at less than $20,000,000; although from the failure of proof on the part of the claimants it has now been reduced to something like $10,000,000 or less, it is nevertheless the fact that the infant commerce of this country suffered at the hands of French privateers or armed vessels of the French not less than $20,000,000. Now the claims are before this Congress for settlement, and it is not alleged by any one that one dollar of these claims has ever been paid.

It is not denied that France was the original debtor, and that being the case it was the duty of the Government of the United States to enforce the payment of the claims. In some way France has been discharged, and still the claimants are unsatisfied; the speeches of my colleague [Mr. LONG] and other gentlemen have clearly shown to the House that the United States assumed the claims as an offset to important advantages secured by our diplomacy from the French Government. My time will not allow me to repeat any of this part of the case.

I have stated the original losses of our merchants at about $20,000,000, an enormous sum at that period of our history. Suppose that any branch of our business should at this time be injured by foreign aggression to an equal amount, I would ask gentlemen on the other side if the sufferers would not have a just claim before Congress, and if that claim would not have to be settled?

There is no vessel afloat bearing the American flag in any sea but has a right to look to its Government for revenge or reparation in case of its spoliation by any people on earth, whether powerful or weak. No gentleman will dispute this; no administration has ever denied or shirked such a responsibility. Great Britain settled the claims of our merchants under the same circumstances at the same time. France settled similar subsequent claims. Spain was compelled to account for her violation of our rights in allowing our vessels to be condemned as prizes by the French in her ports. Indeed, without enlarging the list I may truly say that these present claims are the only similar losses that have not been collected and paid to the sufferers by our Government.

It may be asked how such great losses were incurred and why American commerce at that time exposed itself so boldly to this long-con-

tinued spoliation. This admits of full explanation. Gentlemen have claimed that war existed between the United States and France from 1793 to 1800. It does not so appear in history. Congress can only declare war. Where is that declaration? Where is the proclamation of the Executive? What armies were levied? What fleets sailed? What battles were fought by land or sea? And where is the final treaty of peace? All such things must have been. And, sir, if there had been such a war and we had ever made a treaty of peace a part of that treaty would have been an indemnity to the American merchants who had lost $20,000,000 worth of property upon the high seas; and this Government would never have made a treaty without full indemnity for the damage the commerce of the country had sustained. In the early days of the Republic commerce was the dearest object of our people. It was worth every risk; it was worthy of defense; it was the life-blood of the Government.

We were then, though "in the gristle of youth and not yet hardened into the bone of manhood," the most active commercial nation. The flag of the young Republic was seen in every sea wherever winds swept or waters rolled. The skill and daring of our sailors was the envy of the world. The success of the American marine at this period forms one of the most glowing pages of our history. Nearly the whole revenue of the Government was obtained from duties upon imported goods. Owing to the widespread wars of the time our imports could only arrive under our own flag. The support of the Government, the heavy claims of the public creditors for the debt of the Revolution was still unpaid, and the public defense required the revenue derived from imports.

In August, 1793, in the administration of General Washington, Thomas Jefferson being his Secretary of State, it became evident to the Government that if our commerce was to be restricted by danger of capture at sea for alleged violation of neutrality either by the French or English our revenues would be so reduced that the Government could not maintain itself, and in view of that contingency the hand which had penned the Declaration of Independence wrote to the merchants of the United States a circular letter, saying that—

Due attention will be paid to any injuries they may suffer on the high seas or in foreign countries contrary to the law of nations or to existing treaties, and on their forwarding hither well authenticated evidence of the same, proper proceedings will be had for their relief.

And in the December following President Washington in his message to Congress notified citizens suffering spoliations that on furnishing proofs to the Executive due measures would be taken to obtain redress for the past and effective provisions against the future. Mr. Chairman, it was under the promises of George Washington and Thomas Jefferson that our sailors went to sea and that underwriters insured their cargoes. Sir, the grave of George Washington has been a shrine of patriotism for nearly a century, and the dust of Thomas Jefferson long ago mingled with the sacred soil of his beloved Virginia. The little nation of that day, poor in everything but hope, courage, and patriotic endeavor, has become the greatest and most powerful of all the nations of the earth, but the promise made by George Washington and Thomas Jefferson to the merchants of this country is still unredeemed, and three generations of men have broken their hearts against the cruel stones of this Capitol asking for the justice that it is now in our power to give them.

Sir, I return to the point that it is claimed that there was war between the United States and France between 1793 and 1800. We have no record of it. Let us look to France and see what French proof there is of war. If France had considered that there was a state of war existing would not the captures of our vessels have been made as prizes of war? Undoubtedly they would. No other reason would have been necessary; no other reason would have been given.

Under the act of 1885, looking to the final settlement of these claims, our State Department sent to France and to the French West Indies for copies of the original papers made in these condemnations of our vessels.

I have before me copies of the papers in the original French of two of these condemnations. Here we have first the American schooner Peggy, taken as a prize by the French privateers Le Patriote and Les Trois Amis, and carried into the French port of Guadeloupe, and here are the grounds of her condemnation made by the prize court.

The House will notice that this was in 1800.

Spoliation had been going on for seven years, and if there had been war existing the French officers would surely have known it, but there is no allusion whatever in these papers to a condition of war existing between the French Government and the Government of the United States. The condemnation could have been made on the ground of war, if any war existed, and the American vessel would have been a good prize for her French captors, but instead of putting it upon that ground, they simply make the evasive and far-fetched declaration that the sealed letter which this vessel bore was not signed by the proper naval officers, and also that the captain, who acknowledged that he was originally a subject of Great Britain, but who had been naturalized for more than twenty years, did not happen to have his naturalization certificate about him!

The condemnation sets forth that she had not the crew list required according to the regulation established by the French Government as necessary for American ships, and also that there was not sufficient evidence on board that the cargo actually belonged to the men who had shipped it from Norfolk, Va., which was a clumsy attempt to establish a violation of neutrality.

Mr. LONG. In that case was not the condemnation made especially on the ground that the vessel was not a neutral one?

Mr. RUSSELL, of Massachusetts. The condemnation in this case was made mainly upon the ground of want of proof of neutrality, the papers not giving evidence to show whether she belonged to the shippers or the consignees. The real purpose was to obtain possession of her cargo. It was a case covered by the very word used in the act now in question, and so of the other cases. From end to end it was "spoliation"—a word that does not go with acts of legitimate war. If there is wanting proof to offset the circumstances already brought forward here to show a condition of war, you can not have a more strenuous one than this very case. Here is another case—a condemnation of the schooner Success at Guadaloupe under similer circumstances.

Mr. LONG. What is the date?

Mr. RUSSELL, of Massachusetts. September 28, 1800—the same year as the other, and within a few days before the time of the expiration of all claims against the French Government. That was a time certainly when France would have found out whether she was at war with the United States or not, if she was ever going to find it out. This vessel was condemned because her papers were signed by a notary public, and not by such an officer as the French would call a proper one. Not one word is said in either of those condemnations about those two vessels having been made prize because of war between the United States Government and France. France made no allegation of war, and could have made none.

At this late day these cases are sent to the Court of Claims, the act providing—

That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court; and after the hearings are closed the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported.

Many gentlemen here argue that these cases should still go to the Supreme Court for final adjudication. As a layman, for I am far from understanding the technicalities or subtleties of legal gentlemen discussing this matter, I must say such a proposition seems to me a mockery of justice. If the Court of Claims had found against these claimants, would it have been proposed that they should be enabled to go to the Supreme Court; or would that have been regarded as a final adjudication of the whole matter? Yet gentlemen come forward and propose that this matter should be prolonged through all the years that the Supreme Court may take to reach a conclusion of these questions. I hold, sir, that these matters must be decided by this House, and now. The time has certainly come to do justice in this case, and no good can result to any one by a further postponement of a determination.

Mr. BURNES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

OHIO CENTENNIAL EXPOSITION.

Mr. OUTHWAITE. I rise to make a privileged motion. I desire to enter a motion to reconsider the vote by which yesterday the House adopted the amendment offered by the gentleman from Virginia [Mr. WISE] to Senate bill 3182. I enter a similar motion with regard to the vote by which the amendment offered by the gentleman from Missouri [Mr. WARNER] to the same bill was adopted; and I enter a similar motion in reference to the vote by which the amendment of the gentleman from Iowa [Mr. HENDERSON] to the same bill was adopted.

The SPEAKER *pro tempore*. The motions will be entered under the rules.

PRINTING OF TARIFF LAW, MILLS BILL, ETC.

Mr. DIBBLE. I rise to present a conference report.

Mr. MCMILLIN. I ask unanimous consent for the present consideration of the amendments of the Senate to a resolution of the House providing for the printing of the tariff bill. This is a matter in which all members are interested, and it will occupy but a few moments.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *August* 8, 1888.

Resolved, That the concurrent resolution of the House of Representatives "to print 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883) with proposed amendments of (H. R. 9051) Mills bill," do pass with the following amendments:

Line 7, strike out "Mills bill" and insert "An act to reduce taxation and simplify the laws in relation to the collection of the revenue."

Line 8, strike out "to."

Line 9, after "printed," insert "75,000."

Line 9, after "House," insert "and 25,000 for the use of the Senate."

Resolved, That the Senate request a conference with the House of Representatives on the said concurrent resolution and amendments.

Ordered, That Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN be the conferees on the part of the Senate.

Mr. McMILLIN. I wish to say that, in the opinion of those members of the Committee on Ways and Means who have examined these amendments, they are not improper to be adopted by the House; and therefore, instead of asking that the House agree to the conference requested by the Senate, I ask unanimous consent that the amendments of the Senate be concurred in.

The SPEAKER *pro tempore*. If there be no objection, that order will be made. The Chair hears no objection, and it is ordered accordingly.

IMPROVEMENT OF GOVERNOR'S ISLAND.

Mr. DIBBLE. I rise to submit a conference report——

Mr. COX. I hope the gentleman will yield to me to ask unanimous consent.

Mr. DIBBLE. I will yield for that purpose if it will not take long.

Mr. COX. It will take but a moment.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. COX. I ask, by unanimous consent, to discharge the Committee of the Whole House on the state of the Union from the further consideration of joint resolution (H. Res. 176) granting permission to the park commissioners of New York City to improve and beautify Governor's Island in connection with a public park to be laid out on said island and on land adjoining and connecting therewith, and to bring it before the House for consideration at this time.

The SPEAKER *pro tempore*. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved, etc. (*two-thirds of each House concurring therein*), That permission be, and is hereby, granted to the city of New York, in the State of New York, through its park commissioners, to improve and beautify Governor's Island, situated in or near said city, and belonging to the United States, in connection with a public park to be laid out on said island and on land adjoining and connecting with said island, with the right to said city of New York to make such excavations and fillings and erect and maintain such structures as the Secretary of War may from time to time approve: *Provided*, That this resolution shall not be construed to pass any title in said island, but that the ownership and control of the said grounds shall remain entirely in the United States, and shall be subject to such changes and uses for military or other purposes as the Secretary of War may direct.

Mr. BYNUM. Let the report be read.

Mr. COX. I can state it in a moment.

Mr. BYNUM. This joint resolution should not be passed in this way, but should have proper consideration.

Mr. SPRINGER. Let the gentleman from New York make his statement until we can get some light to enable the clerks to read the report.

Mr. BYNUM. Is there no report accompanying the joint resolution?

Mr. COX. Yes, there is a report, a unanimous report from the Committee on Military Affairs, made by my colleague [Mr. SPINOLA].

Several MEMBERS. Let the report be read.

The report (by Mr. SPINOLA) was read, as follows:

The Committee on Military Affairs, to whom was referred House resolution 176, entitled "Joint resolution granting permission to the park commissioners of New York City to improve and beautify Governor's Island in connection with a public park to be laid out on said island, and on land adjoining and connecting therewith," beg leave to report that they have considered the subject-matter of the resolution, and have nothing but commendation for its kindly object.

The proximity of Governor's Island to a large city like New York, in the absence of any necessity for such an island for the protection of that city, naturally attracts the attention of those who desire to give such recreation to the overcrowded people of the lower part of that metropolis as such an island would afford. The island is very beautiful. It is 60 acres in extent, and within a minute's reach by steam. The old fort on the island is utterly useless for public defense.

The committee can see no reason why the advantages which nature has placed within view of the city of New York should not be utilized.

Governor's Island came into possession of the United States as a donation by an act of the Legislature of the State of New York, passed May 15, 1800. Prior to the American Revolution the island was a perquisite of the colonial governor, who was the representative of the King of England, but after the war became the property of the colony and then of the State of New York. It is therefore highly proper that the inhabitants of the city should now be allowed to ornament and beautify and enjoy it as a pleasure-ground without expense to the Government, until such time as it may be again required for war purposes.

The lower part of the city of New York is in sad need of a park.

Many encroachments have been made upon the grounds dedicated to the people. St. John's Park was absorbed by a railroad. The Federal public buildings have usurped the City Hall Park. The Battery, which was intended to be a safety vent—a lung—of the metropolis, is being ruined for such a purpose by railroads and by the immigration depot.

There is no real reason why the island should not be converted into a park to give health, comfort, and recreation to the many poor who are sadly in need of such a respite from the heats and discomforts of the city.

If it be said that the island is necessary as a defense in case of war, the answer is very plain and simple. The resolution is entirely consistent with military or defensive uses. There can be no possible emergency in which that island can not be used in case of need as a fortification. There is no stretch of the imagination, no scientific theory in connection with the defense of the city of New York, which would disallow the use of this island for the kindly and humanitarian purpose which the resolution proposes. The range of modern artillery, the use of modern explosives and naval armament, make it entirely useless as a point of defense for the city from an attack of the enemy. Other and more distant places have already been taken as the sites of forts and defensive stations around New York.

There is no reason why the proposition of the present resolution should not be utilized by the people for recreation and pleasure. Of course there will be a constant throng of visitors upon the island in case the joint resolution should become a law. In fact, that is the intention of the resolution. The thickly-populated parts of the city, in finding a solace and comfort in their summer pleasures, would not be at the risk of any gun or missile which might be fired for the destruction of New York City.

There can be no objection to the resolution, inasmuch as the history of the island shows incontestably that it should remain as it once was, a part of New York. But if it be in any way used for the benefit of the Federal Government in the defense of that city, the resolution reserves that privilege.

Your committee therefore recommend the passage of the joint resolution.

The SPEAKER *pro tempore*. Is there objection to discharging the Committee of the Whole House on the state of the Union from the further consideration of the joint resolution?

There was no objection, and it was so ordered.

Mr. McMILLIN. It would seem from the reading of the report that its whole tenor is toward a permanent surrender of the Government's title to these lands to the city of New York. I did not quite hear the conclusion of the report, and I want to know whether there is any provision in the joint resolution that the title to the property shall remain in the Government, and whenever necessary it shall be within the control of the Government.

Mr. COX. That is the intention and such is the express provision of the joint resolution. It is to be given for the purpose provided by the joint resolution, but the Government of the United States will still retain control of it whenever its possession may be demanded for defensive purposes.

Mr. McMILLIN. Not for defensive but for all purposes.

Mr. COX. Yes, for all purposes.

Mr. McMILLIN. I do not want the Government to surrender its title to this property, but that it shall remain within control of the authorities, to be returned whenever necessary.

Mr. COX. That I understand to be the provision of the joint resolution, and if when it goes to the Senate it should be found that any additional provision is required, I will say to my friend from Tennessee we can make such amendment as shall be found to be necessary.

Mr. McMILLIN. I think the bill ought to provide that the Government should have the right to resume the control and absolute possession of the property without cost to the Government or payment of damages.

Mr. COX. That is absolutely embodied in the resolution.

The resolution was passed.

Mr. COX. Before moving to reconsider I will say that the proviso of the resolution itself says that this resolution shall not be construed to pass any title to the island, but that it shall remain in the Government of the United States.

I thank the House for its courtesy.

The SPEAKER *pro tempore*. Does the gentleman move to reconsider?

Mr. COX. I do. I move to reconsider the vote by which the joint resolution was passed; and also move to lay that motion on the table.

The latter motion was agreed to.

PUBLIC BUILDING, JACKSON, MICH.

Mr. DIBBLE. I now ask for the reading of the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to each of the same with an amendment by way of a substitute as follows: Strike out the word "seventy-five" in lines 9 and 17 and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

JOHN C. SPOONER,
T. W. PALMER,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement in explanation of the report:

The managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., respectfully submit the following statement for the information of the House: The House passed the bill for Jackson, Mich., limiting cost of site and building to $50,000. The Senate increased the limit to $75,000. The conferees recommend $60,000.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

The conference report was adopted.

Mr. DIBBLE moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURROWS. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 7595) for the erection of a public building at Kalamazoo, Mich., and put it on its passage in the House.

I will state that this bill was read this morning and objection was then made which is now withdrawn. I ask consent to put it upon its passage now, as I am compelled to leave the city to-morrow on account of sickness in my family.

Mr. TARSNEY. I must object. I am disgusted with this method of doing business. The other side is constantly recognized and our side ignored.

Mr. BURROWS. Do I understand my colleague to make objection?

Mr. BYNUM. What is the request?

The SPEAKER *pro tempore*. To put upon its passage the bill for the erection of a public building at Kalamazoo.

Mr. TOWNSHEND. Let the bill be read.

Mr. BURROWS. There is not time to read the bill now. It was read this morning. This is simply a method of defeating it.

Mr. TOWNSHEND. Let us hear what it is about.

Mr. BURROWS. It appropriates the sum of $75,000 for a public building in a city of 25,000 people, in which the postal receipts last year were $41,000. If you want to reduce the amount to $50,000 I am content. I ask that the bill be taken up and passed.

Mr. BYNUM. Let us have the reading of the bill.

Mr. BURROWS. That will take up all the remaining time. I have promised to give way to other gentlemen, and therefore I am compelled to withdraw the bill if that is insisted upon.

Mr. LONG. The bill has already been read in the hearing of the House this morning.

Mr. PERKINS. I ask unanimous consent to consider the bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hyatt, deceased.

Mr. BYNUM. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 26, noes 27.

Mr. BYNUM. I demand tellers.

Mr. PERKINS. If tellers are to be insisted upon we might as well consent to the adjournment, as there is no time now.

The SPEAKER *pro tempore*. But the result of the vote has been announced.

The gentleman from Indiana demands tellers.

Tellers were refused, 25 members only voting in favor thereof.

And then (the hour of 5 o'clock having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below.

By Mr. J. R. BROWN: A bill (H. R. 11121) for the relief of Robert W. Whitlow—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 11122) for the relief of Charles D. Jacob—to the Committee on Claims.

Also, a bill (H. R. 11123) for the relief of Francis A. Boyd—to the Committee on War Claims.

Also, a bill (H. R. 11124) for the relief of Barbara Vogt—to the Committee on War Claims.

Also, a bill (H. R. 11125) to pension Patrick Cody—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11126) for the relief of Capt. William E. Morris—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 11127) for the relief of E. B. Carter—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DALZELL: Petition of Welcome Council, No. 134, Junior Order United American Mechanics, for the passage of the bill to restrict immigration—to the Committee on Foreign Affairs.

By Mr. HEARD: Two petitions of citizens of the Sixth district of Missouri, favoring the reduction of duties on dentists' goods, etc.—to the Committee on Ways and Means.

By Mr. HOGG: Petition of Mrs. Louisa Knight, for a pension—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of Deborah Martz, executrix of W. H. Martz, of Frederick County, Maryland, for payment of his war claim—to the Committee on War Claims.

By Mr. MATSON: Petition of D. A. Johnson and 108 others, of Jackson County, Indiana, for the repeal of the arrears act—to the Committee on Invalid Pensions.

By Mr. MORRILL: Memorial of George W. McKenne, of Leavenworth, Kans., for the passage of the bill providing for settlement of accounts under the eight-hour law—to the Committee on Labor.

By Mr. SPRINGER: Petition of the Woman's Christian Temperance Union of Indian Territory, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. STONE, of Kentucky: Petition of citizens of Paducah, Ky., praying that a board of hull and boiler inspectors be established by law at Paducah, Ky.—to the Committee on Commerce.

By Mr. VOORHEES: Petition of 14 members of the bar of Washington Territory, for the passage of an act providing two additional judges for Washington Territory—to the Committee on the Territories.

Also, resolutions of the Bar Association of Yakima County, Washington Territory, for the same—to the Committee on the Territories.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. HARMER: Of citizens of Pennsylvania.

SENATE.

THURSDAY, *August* 9, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. VEST presented a petition of citizens of Missouri, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of W. T. Hukel and 9 other citizens of Sturgeon, Mo., praying for legislation prohibiting fraudulent importation of cattle and suggesting an amendment of certain import duties; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 5516) for the relief of John H. Weeks, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 921) for the relief of John H. Weeks, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4765) for the relief of G. W. McAdams, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 3069) granting pay and allowances of a second lieutenant of infantry to Charles L. Jenny; and

A bill (S. 2870) to correct the military record of Capt. William Vincent.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the petition of Thomas P. MacManus, praying that a vacancy in the United States Army be created by law, to which he may be appointed, for the purpose of being retired therefrom on pay, asked that the committee be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. RANSOM. I am directed by the Committee on Private Land Claims, to whom was referred the bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado, to report it with an amendment in the nature of a substitute. The amendment is the bill (S. 2042) to establish a United States land court and to provide for the settlement of private land claims in certain States and Territories.

The PRESIDENT *pro tempore*. The bill, with the amendment, will be placed on the Calendar.

BILL INTRODUCED.

Mr. PALMER introduced a bill (S. 3430) providing for the purchase of the Portage Lake and River Improvement Company Canal and the Lake Superior Ship Canal, Railway and Iron Company Canal, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THE GUILFORD MILLER CASE.

Mr. MITCHELL. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate a copy of his recent decision in the case commonly known

as the Guilford Miller case, and affecting the title to lands claimed by the Northern Pacific Railroad Company as being, as it is alleged, within the indemnity limits of the grant to such company, together with copies of all evidence and accompanying papers in any manner connected therewith, or in any manner relating thereto.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MITCHELL. It is stated in the public press that the decision referred to affects the title to a great many lands in the Northwestern country in which the settlers there are very much interested. I have been requested by telegraph and otherwise to secure copies of the decision, and so I have offered the resolution.

The resolution was agreed to.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order.

The joint resolution (S. R. 12) proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors was announced as first in order on the Calendar.

ACCOUNTS WITH STATES.

Mr. PADDOCK. Yesterday Senate bill 2430, Order of Business 1725, was passed over temporarily without being displaced. I should like now to have it considered.

The PRESIDENT *pro tempore*. The Senator has the right to call up the bill if it was passed over without prejudice.

The bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes," was considered as in Committee of the Whole.

Mr. COCKRELL. I move, in line 12, after the word "reservations," to insert:

As the same may be disposed of from time to time.

I move the amendment at the instance of the chairman of the Committee on Public Lands.

Mr. PADDOCK. There is no objection to the amendment.

The PRESIDENT *pro tempore*. The amendment will be reported at the desk.

The CHIEF CLERK. In line 12, after the word "reservations," it is proposed to insert the words:

As the same may be disposed of from time to time.

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to settle certain accounts between the United States and the State of Mississippi, and other States," approved March 3, 1857, shall, and is hereby, declared to be applicable to the States admitted into the Union since March 3, 1857, namely, Minnesota, Oregon, Kansas, Nebraska, Nevada, and Colorado, the same as it applied to States previously admitted. The said act shall be construed as embracing all lands in former and present Indian reservations, as the same may be disposed of from time to time, in each of said States, and the Commissioner of the General Land Office shall state an account between the United States and each of the said States, estimating all such lands and reservations at $1.25 per acre, and shall certify the same to the Secretary of the Treasury for settlement, to be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALCOHOLIC LIQUORS.

The PRESIDENT *pro tempore*. The next business on the Calendar is the joint resolution (S. R. 12) proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The joint resolution will be passed over under objection, without prejudice.

Mr. BLAIR. Let it be passed over without prejudice.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

HORACE A. W. TABOR.

The bill (S. 110) for the relief of Horace A. W. Tabor was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, to strike out "$7,058.05" and insert "$3,869.94;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Horace A. W. Tabor, of Colorado, the sum of $3,869.94, or so much thereof as shall appear to the proper accounting officer of the Government to have been paid by said Horace A. W. Tabor for necessary expenses in the Leadville post-office over and above the allowances made for that purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROYAL M. HUBBARD.

The bill (S. 685) for the relief of Royal M. Hubbard was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was, in line 5, after the word "for," to strike out the words "clerk-hire necessarily expended by him from January 1, 1879, to June 30, 1883, the sum of $4,125, and for;" and in line 9, before the word "period" to strike out the word "same," and after the word "period" to insert "from April 1, 1881, to June 30, 1883, the sum of;" so as to read:

That the Postmaster-General be, and he is hereby, authorized and directed to allow to Royal M. Hubbard, postmaster at Longmont, Colo., for rent of post-office during the period from April 1, 1881, to June 30, 1883, the sum of $600.

The amendment was agreed to.

The next amendment was, in line 12, after the word "said," to strike out "amounts" and insert "amount;" so as to read:

And a sum sufficient to pay said amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. BECK. I should like to hear the report read. There are a good many objections to measures of that sort.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. BOWEN July 9, 1888.

Mr. BECK. I do not ask for the further reading of the report. I have run over it myself. Let it be printed in the RECORD. The case is all right.

The PRESIDENT *pro tempore*. The report will be printed in the RECORD.

The report is as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 685) for the relief of Royal M. Hubbard, have had the same under consideration and make the following report:

Hubbard was appointed postmaster at Longmont, Colo., April 14, 1873, and served until July 30, 1886. The office was assigned to the second class under the regular biennial adjustment of 1882, and the salary of the office was fixed at $2,100 per annum from July 1, 1882. Subsequently, however, by a special order dated June 14, 1884 (there having been more than 50 per cent. increase of the business of the post-office between the biennial adjustment of 1880 and that of 1882), the Postmaster-General reviewed the adjustment of 1882 and fixed the salary at $2,100 from April 1, 1881, that being the first day of the period the returns for which were used in the adjustment taking effect July 1, 1882, and the office, therefore, under this special order, was properly in the second class from April 1, 1881.

Mr. Hubbard during the period from January 1, 1879, to June 30, 1883, expended $4,125 for clerk-hire necessary for the proper transaction of the business of his office in excess of the amount authorized by the Department, for which he furnished the receipts of the clerks employed.

The Department declined to allow for these expenditures, for reasons stated in the letter of the chief of the salary and allowance division, transmitted to your committee by the Postmaster-General under date of February 27, 1888, and your committee, in view of the unfavorable report of the Department as to the claim for clerk-hire, does not feel inclined to recommend the allowance of that portion of the claim.

Mr. Hubbard is, however, fairly entitled to an allowance for rent from the date when the office became second class (April 1, 1881) to June 30, 1883, and the Postmaster-General, in the letter of February 27, 1888, states that he regards the claim for rent during the period when Longmont was a second-class office as an equitable one.

The letters of the Postmaster-General, dated February 27, 1888, and April 21, 1888, are made part of this report.

Your committee therefore recommend that the bill (S. 685) be so amended as to allow to Hubbard $600 for rent during the period from April 1, 1881, to June 30, 1883, and that the bill as so amended do pass.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 2, 1888.

SENATOR: I have the honor to return herewith Senate bill 685, for the relief of Royal M. Hubbard, formerly postmaster at Longmont, Colo., together with the report of the chief of the salary and allowance division called for by me, with such data bearing upon the subject from the records of this Department as will furnish the information requested by you.

I am, sir, very respectfully, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Senator SAWYER,
Chairman Committee on Post-Offices and Post-Roads, United States Senate.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., February 27, 1888.

SIR: I have the honor to return herewith as requested Senate bill 685, for the relief of Royal M. Hubbard, formerly postmaster at Longmont, Colo., which was referred to you by Hon. PHILETUS SAWYER, chairman Committee on Post-Offices and Post-Roads, United States Senate, with the following information and remarks thereon:

The bill is for clerk-hire expended by Royal M. Hubbard as postmaster at Longmont from January 1, 1879, to June 30, 1883, in the sum of $4,125, and for rent of the post-office for the same period, in the sum of $600.

As per statement herewith, marked Exhibit A, it will be seen that Royal M. Hubbard was appointed postmaster at Longmont April 14, 1873, and that his successor was appointed July 30, 1886. A statement of the salary and allowances of the said office from October 1, 1878, to June 30, 1884, inclusive, is also furnished.

It will be observed that the said office was assigned to the third class, and the salary of the postmaster fixed at $1,300 a year, by special adjustment, which took effect October 1, 1878.

On the 1st of April, 1882, an allowance in the sum of $300 a year was authorized for clerical assistance in separating mails at Longmont, the said allowance

being made from the supplemental appropriation for clerks in post-offices as authorized by Congress, and in accordance with law. (Act of July 12, 1876, 19 Stats., page 82.)

On the 1st of July, 1882, in the regular biennial adjustment of salaries of postmasters, the salary of the postmaster at Longmont was fixed at $2,100 a year, from July 1, 1882, and the office assigned to the second class. Prior to this date (July 1, 1882) no allowance for rent could have been made under existing law, as the office belonged to the third class, to which class no allowance could be made. The records show that no application nor claim was made by the postmaster for rent from January 1, 1879, to June 30, 1883, and no vouchers for rent during the said period have been filed with the Auditor.

On the 23d of October, 1884, Postmaster Hubbard made claim for $850 additional clerk-hire for the fiscal year ended June 30, 1884. This was examined, and, under date of October 29, 1884, the sum of $600 for additional clerk-hire was authorized and allowed for the said fiscal year, making the total allowance for that year $900.

In view of these facts, no additional amount should be allowed the late postmaster (Hubbard) for clerk-hire; but if he can submit proper vouchers for reasonable expenditure for rent of post-office for that part of the time covered by this bill (Senate 865), namely, from July 1, 1882, to June 30, 1883, when the post-office at Longmont belonged to the second class, it would appear that his claim would be an equitable one.

Very respectfully,

ALBERT H. SCOTT,
Chief Salary and Allowance Division.

Hon. DON M. DICKINSON,
Postmaster-General, Washington, D. C.

EXHIBIT A.

LONGMONT, COLO.

The records in bond division show that Royal M. Hubbard was appointed postmaster at Longmont, Colo., April 14, 1873, and his successor was appointed July 30, 1886.

The following statement shows the allowance for clerk-hire (no allowances were made for rent, fuel, and light), salary of postmaster, total salary and allowances, box rents and commissions, and gross receipts from January 1, 1879, to June 30, 1883:

Date.	Allowance for clerk-hire.	Salary of postmaster.	Total salary and allowances.	Box rents and commissions.	Gross receipts.	Remarks.
October 1, 1878.....	.....	$1,300	$1,300	$1,330	$2,505	Presidential from October 1, 1878.
July 1, 1880.....	.....	1,400	1,400	1,412	2,635	
April 1, 1882.....	$300	1,400	1,700	1,412	2,635	
July 1, 1882.....	300	2,100	2,400	2,304	4,520	
July 1, 1883.....	300	2,100	2,400	2,304	4,520	
June 30, 1884.....	*900	2 100	3,000	2,304	4,520	

*Special allowance of $600 for clerk-hire for fiscal year ended June 30, 1884, made upon application of postmaster.

NOTE.—By adjustment taking effect July 1, 1884, Longmont, Colo., was assigned to the third class and the salary fixed at $1,500 from July 1, 1884.

The quarterly returns in the office of the Auditor of the Treasury for the Post-Office Department show that no claim was made by Royal M. Hubbard as postmaster at Longmont, Colo., for any amount expended by him for either clerk-hire or rent from January 1, 1879, to March 31, 1882, nor are there any vouchers on file for either item during the period named; that from April 1, 1882, to June 30, 1883, he claimed and was allowed $75 per quarter or $300 a year for clerk-hire, and that no other amounts were claimed by him for clerk-hire. No claim for rent was made during the entire period from January 1, 1879, to June 30, 1883, nor were any vouchers filed showing any amount paid for rent.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., April 21, 1888.

SIR: I beg to acknowledge the receipt of your letter of the 17th instant, relative to the claim of Royal M. Hubbard, formerly postmaster at Longmont, Colo., and to state that the salary for the postmaster at Longmont was correctly stated in the report of the chief of the salary and allowance division, under date of February 27 last, at $2,100 a year, from July 1, 1882. This adjustment was made at the regular biennial adjustment, as required by the then existing law. By a special order dated June 4, 1884, the said postmaster was allowed salary at the rate of $2,100 a year, from the first day of the period the returns for which were used in the adjustment taking effect July 1, 1882. In other words, the late postmaster was allowed the increase of salary at the rate of $2,100 a year from April 1, 1881.

Very respectfully,

DON M. DICKINSON,
Postmaster-General.

Hon. THOMAS M. BOWEN,
United States Senate, Washington, D. C.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF GEORGE W. HOOK.

The bill (S. 2783) for the relief of the sureties of George W. Hook, deceased, was considered as in Committee of the Whole.

Mr. EDMUNDS. I was unable to concur with the majority of the Committee on the Judiciary in reporting this bill favorably. It is one of the class of bills for the relief of persons who were sureties for officers to whom the money of the United States was intrusted, and the sole ground of relief is, as in most of these cases, that a good deal of time has elapsed, although the statute of limitations under the existing law does not run; and therefore it is against moral equity that the sureties should be required to pay; that if the claim had been prosecuted in the time of it the money could have been got out of the sureties or perhaps out of the principal.

I do not believe in any such moral equity. I believe that it is just as much the duty of a surety on an official bond of an officer of the United States to see to it when the officer goes out of office that his obligation is performed as it is for a clerk in the Treasury Department to see to it and report and have the Solicitor bring an action.

Unhappily the people of the United States can not take care of their own affairs and look after them as private persons can do, but they have to intrust them to agents and servants; and to hold that owing to the neglect of the agents and servants to do what the law does not compel them to do, the surety, the person who has personally engaged to pay the money, is to be let off, who does not take any steps to inquire into it, and who might find out all about it if he chose, and very often does know all about it, but thinks he will take the chance of not paying until called upon, and shall be set now at large without any payment, is really to destroy the value of all this species of security. I do not believe it is right. I suppose the opposition is hopeless, but I feel bound to express my opinion.

Mr. BECK. I should like to ask the Senator from Vermont how long it was after the defalcation, or whatever it was, of Mr. Hook that the sureties were sought to be held responsible by the United States?

Mr. EDMUNDS. I am inclined to think that in this case it was thirteen or fourteen years. I do not remember; it was a good while.

Mr. BECK. They seem to have signed the bond in 1858. I always supposed that the Judiciary Committee of the Senate or of the House would endeavor in some way to fix some limit to the liability of sureties. It frequently happens that four or five men go on an official bond; they are thought good at the time; perhaps two or three may die or become insolvent in the course of fifteen or twenty years, and at last the burden falls upon one man, and ten, fifteen, or twenty-five years afterwards he is brought up and sought to be made accountable for the whole amount, when he could have saved himself if he had had a decent chance.

If the Treasury Department does not call attention to these things in the lifetime of an ordinary man, it seems to me the sureties ought not to be held liable, and some way ought to be devised to cover the case and fix some limit whereby a man can be released from such an obligation. I shall certainly vote to relieve the sureties in this case.

Mr. VEST. This bill was under the charge of the Senator from Alabama [Mr. PUGH], but the facts are as stated, and indeed much stronger than embraced in the reply of the Senator from Vermont. Instead of thirteen or fourteen years, it was nearer twenty years after the execution of the bond before the sureties had any intimation that there was any default whatever upon their part.

Mr. STEWART. I can not hear the Senator from Missouri. I should like to hear how long the bond had been allowed to run.

Mr. VEST. Nearly twenty years. This is but one of a large class of cases that are constantly coming before the Congress of the United States in regard to sureties. If an individual goes upon a bond to a State or a municipality or to another individual, he is protected by the statute of limitations; but in the case of the Government of the United States, years, perhaps the third of a century or the half of a century, as in some cases, elapses. The surety receives no notice whatever of any default of the principal. The principal is dead, the witnesses are gone, the facts are not within the memory of any living man and not upon the record, and the first intimation he has that he or his estate is held liable upon the suretyship is a notice served upon him from Washington.

I had a case not long since of a constituent of mine who executed a bond thirty-two years ago and never had the slightest intimation that there was a dollar due upon it until notice was served upon him that unless he came here immediately and paid some $6,400 he would be sued in the United States court.

It is a great outrage that we have enacted no law to do away with this injustice, and I say for one emphatically that on such a case as is here presented (and this is but one of a hundred or a thousand other cases) I shall always vote to release the sureties. It is unjust to them, and presents the very highest equity in an appeal to the legislators of the whole country.

Mr. STEWART. I fully indorse what the Senator from Missouri has said. It seems to me that there is no greater hardship which can be perpetrated by any government than to pursue the heirs of deceased persons long after the transaction, when the evidence is all gone. I have known several such instances. I have just been subjected to a suit on a bond where everybody connected with it was dead except myself. I was one of the sureties, and I was put to a great deal of trouble. I had to go to the Supreme Court. There was nothing due on the bond, and I won the case finally; but it was a persecution, I think.

The Government ought to bring these suits within a reasonable time. There ought to be a statute of limitations. There is no reason why the Government should delay twenty-five years after default on a bond any more than a private individual. The Government waits twenty or thirty years and then pursues the heirs, who are entirely ignorant of the transaction. The sureties and the heirs of the sureties may be entirely ignorant of the transaction and they have no means of defense. It is a great injustice. On any bond that has been in default more than ten years I shall vote to relieve the sureties without making any inquiry whatever into the merits of the case.

Mr. PUGH. I have just come into the Senate, and as I reported the

bill from the Judiciary Committee I desire to state that the report was unanimous with the single exception of the chairman [Mr. EDMUNDS]. Bills like this were passed at this and the last Congress, and one of much less merit was passed at the present session. The facts in the case are briefly and clearly set forth in the petition of the sureties. If the Senate desires to know anything more about the merits of the bill, it can have the information by having the petition of the sureties read.

Mr. BECK. I do not want to know anything about the merits of the bill, but I desire to ask the Senator from Alabama whether the Judiciary Committee can not devise some means whereby a general rule can be adopted in regard to the liability of sureties, so that suit shall not be brought against men twenty or thirty years afterwards, when all the facts perhaps are gone. Has that matter ever been considered by the committee?

Mr. PUGH. There has been a bill referred to that committee, and my information is that it has been reported favorably, limiting the liability of sureties to six years after the default has been ascertained.

Mr. BECK. That would reach the case.

Mr. PUGH. That is the law now in reference to the liability of sureties on bonds of postmasters and officials who are serving under other Departments.

This bill seems to be a case that is exceptional, for in every other liability like this there has been a limitation already fixed by the bill which has been passed by the Senate limiting the liability of sureties in all such cases to six years.

Here is a liability that has slept without any information being given by the officials charged with ascertaining it for twenty years, during which time nearly all the sureties were solvent, and in the beginning the principal was abundantly able to respond to the liability if there had been any diligence whatever employed to ascertain it.

As I say, there never has been a clearer case of merit before the Senate, and I know a bill has passed the Senate having less merit in it than the one now under consideration.

Mr. JONES, of Arkansas. There have been so many cases of this sort which have shocked the sense of fairness of Senators that this matter has been discussed to a very great extent in the committees of this body heretofore. On the 3d of March, 1887, a little over a year ago, the last Congress passed a law intended to remedy exactly this class of difficulties. A provision in section 3 of that act provides that any party conceiving himself indebted to the Government on any sort of claim, either as principal or surety, may go into the Court of Claims and present a petition stating that he has asked for a settlement at the hands of the Government and that three years have passed without a settlement being rendered to him. It becomes then the duty of the court to bring the Government, by notification to the Attorney-General, into the court and determine what the state of the account is between the individual and the Government, and this is by the act required to be a final settlement of the question.

The act of 1887 places it within the hands of anybody who chooses to do it to ask for the settlement of any claim existing between him, either as principal or surety, and the Government of the United States, so that this crying evil, this practice that has heretofore prevailed in the Treasury Department of the United States, of allowing an account to stand open without settlement for ten, fifteen, or twenty years, will not be allowed to continue hereafter.

Mr. BECK. That applies only to cases arising hereafter.

Mr. STEWART. That involves——

The PRESIDENT *pro tempore*. The Senator from Nevada has spoken once on this question.

Mr. STEWART. I wish to ask a question for information.

The PRESIDENT *pro tempore*. The Chair can not recognize the Senator without unanimous consent.

Mr. JONES, of Arkansas. The act to which I refer of course does not relieve the present hardship, and the number of claimants of this class who are here now asking to be relieved is very great.

The PRESIDENT *pro tempore*. The Senator from Arkansas has spoken five minutes.

Mr. JONES, of Arkansas. The Senator from Arkansas will of course yield to the opinion of the Chair, but his impression is that the Chair must have made some mistake in the clock.

The PRESIDENT *pro tempore*. The Chair goes by the glass upon his desk. Is there amendment to the bill as in Committee of the Whole?

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House of Representatives to print 100,000 copies of the present tariff law and amendments proposed by the Mills bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8592) for the erection of a public building at Jackson, Mich.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11118) to authorize the construction and operation of a street-railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico; and

Joint resolution (H. Res. 176) granting permission to the park commissioners of New York City to improve and beautify Governor's Island and in connection with a public park to be laid out on said island and on land adjoining and connecting therewith.

JUDICIAL SALARIES.

The bill (S. 775) to regulate the compensation of the chief-justice and judges of the Court of Claims and of the justices of the supreme court of the District of Columbia was announced as next in order on the Calendar.

Mr. GEORGE. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. It will be passed over.

Mr. EDMUNDS. I hope the Senator will not object. Let us take the yeas and nays on it. I am opposed to it as he is.

Mr. GEORGE. Let it go over under Rule IX. I object to it *in toto*.

The PRESIDENT *pro tempore*. The Senator has the right to object under the rule, and the bill passes over to the Calendar under Rule IX.

Mr. VEST. I wish to ask unanimous consent to call the attention of my friend from Alabama [Mr. PUGH] to the print of this bill, S. 775. There are some gross mistakes either in the printing or the draughting of the bill—I presume in the printing—as he will see if he will look at the bill, and I call his attention to it so that the bill may be corrected before it comes up again for consideration. It is ungrammatical and not the bill we reported from the committee at all. I call the attention of my friend to the point where, in the seventh line, the words occur "the same salary as that of a circuit judge of a," and it reads now "of the District of Columbia." Of course that is a gross error.

Mr. EDMUNDS. It is not the bill as amended in committee.

Mr. PUGH. There is manifestly an error in the printing.

Mr. VEST. There is no sense in the bill now at all.

Mr. PUGH. I trust the bill will be reprinted as reported by the committee.

The PRESIDENT *pro tempore*. The bill has been passed over. The printing will be attended to by the Secretary.

THE GENERAL LAND OFFICE.

The bill (S. 763) to promote the efficiency of the General Land Office was announced as next in order on the Calendar.

Mr. MORGAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over to the Calendar under Rule IX.

Mr. BLAIR. Without prejudice, I suppose.

Mr. MORGAN. Yes, let it go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

FUGITIVES FROM JUSTICE.

The bill (S. 3136) to amend section 1014 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, in line 4, after the word "so," to strike out "amended" and insert "construed;" in line 5, after the word "arrest," to strike out "according to the provisions of" and insert "in the manner and by the authority mentioned in;" in line 10, after the word "if," to strike out "already" and insert "such offender shall have been;" in line 15, after the word "sentence," to strike out "and" and insert "or;" in the same line, after the word "until," to strike out "duly and legally" and insert "lawfully;" in line 16, after the word "discharged," to strike out "for which" and insert "and for the;" after the word "purposes," in the same line, to strike out "the district judge" and insert "hereinbefore, or in said section mentioned, any justice or judge of any court of the United States, or of a Territory, or the District of Columbia, having jurisdiction in the place where the offender may be found;" in line 21, after the word "as," to strike out "required" and insert "provided;" and in line 22, after the word "any," to strike out "district" and insert "place;" so as to make the bill read:

Be it enacted, etc., That section 1014 of the Revised Statutes of the United States be so construed that it shall apply to and authorize the arrest, in the manner and by the authority mentioned in said section, of any offender against the laws of the United States, as well after as before trial, and his commitment to lawful custody, unless he shall give bail as required by law, if entitled thereto; and if such offender shall have been convicted and sentenced, the said offender shall be, by proper process, surrendered to the officials having authority to execute said sentence, or their agent, to be by them held and returned to any place required by the sentence of the court, or by law, for the due execution of said sentence or until lawfully discharged; and for the purposes hereinbefore, or in said section mentioned, any justice or judge of any court of the United States, or of a Territory, or the District of Columbia, having jurisdiction in the place where the offender may be found may also issue his warrant of removal as provided by said section if the said offender be arrested in any place other than that where the further proceedings are to be had after trial, or the sentence of the court is to be executed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EDMUNDS. I wish to amend the title by adding "in relation to fugitives from justice." I think that will cover it.

The amendment was agreed to.

The title as amended reads: "A bill to amend section 1014 of the Revised Statutes of the United States in relation to fugitives from justice."

FUNERAL OF GENERAL SHERIDAN.

Mr. HAWLEY submitted the following concurrent resolutions, and asked for their immediate consideration:

Resolved by the Senate (the House of Representatives concurring), That the members of both Houses attend the funeral of General Sheridan on Saturday next at 10 a. m.

Resolved, as a further mark of respect to the memory of the deceased, That when the two Houses of Congress adjourn on Friday it be to meet on Monday next.

By unanimous consent, the Senate proceeded to consider the resolutions.

Mr. HOAR. I would like to inquire of the Senator from Connecticut—he has probably considered the question—whether the adjournment, if we are to attend the funeral as a Senate, should not be to 10 o'clock on Saturday for the purpose of attending the funeral?

Mr. HAWLEY. It was not thought best, I may say to the Senator, that the Senate and House should make an attempt to attend as bodies, but that the members should go individually.

Mr. HOAR. That is not the resolution.

Mr. HAWLEY. Yes, "the members," it says. This resolution is similar, I will say, to the resolution adopted at the time of the decease of General Scott and of Major-General Brown, who at the time of his decease was at the head of the Army. Members of both Houses will receive cards of admission from the Secretary of War.

The resolutions were agreed to *nem. con.*

MESSAGE FROM THE HOUSE.

Subsequently a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the resolutions of the Senate that the members of both Houses attend the funeral of General Sheridan on Saturday next, at 10 a. m,, and that as a further mark of respect to the memory of the deceased, when the two Houses of Congress adjourn on Friday it be to meet on Monday next.

The message also announced that the House had passed a bill (H. R. 11045) for the relief of Sam Rice Post, No. 6, Grand Army of the Republic, Department of Iowa; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 422) for the relief of William Gray;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 2088) for the relief of W. S. Carpenter;

A bill (H. R. 6232) for the relief of Nancy G. Alexander;

A bill (H. R. 6233) for the relief of Jesse Coe; and

A bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

THE FISHERIES TREATY.

Mr. EVARTS. I move that the Senate now go into open executive session and take up the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate do now proceed, in open executive session, to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of this treaty until the Wednesday after the first Monday in December next.

Mr. EVARTS resumed the floor and concluded the speech begun by him yesterday. See page 7325.

Mr. MORGAN. Does the Senator from New York desire to retain the floor?

Mr. EVARTS. No; I do not proceed further now.

Mr. MORGAN. I move that the Senate resume the consideration of legislative business.

Mr. HOAR. During the remarks of the Senator from New York [Mr. EVARTS] the Senator from Alabama [Mr. MORGAN] interrupted that Senator by calling his attention to a proposed treaty sent to the Senate in June, 1874, in the administration of President Grant, the President stating in that message:

Among its provisions are articles proposing to dispense with the arbitration respecting fisheries, which was provided for by the treaty of Washington in the event of the conclusion and ratification of a treaty.

When the Senator from Alabama produced that document the Senator from New York answered that it was not pertinent to the line of argument with which he was then engaged, from which he declined to be diverted in order to make any comments upon the proposed treaty read by the Senator from Alabama.

I think it is proper that the fact should go on record now, first, that President Grant sent it as simply a matter submitted to his consideration through the Secretary of State by the plenipotentiaries of Her Britannic Majesty, intimated that "a proper treaty for such purposes would result beneficially for the United States," but said he was not prepared to say "whether it makes all the concessions which could justly be required of Great Britain or whether it calls for more concessions from the United States than we should yield," and requested the opinion of the Senate in regard to the proposition and the advice of the Senate before forming his own—a very different course from that pursued at the present time.

Then, the matter having been referred to the Committee on Foreign Relations, that proposition was reported by that committee adversely with a resolution that the proposed treaty was not expedient. Mr. Schurz, a Senator from Missouri, moved to insert in the resolution the words "under present circumstances," indicating that the proposed treaty in regard to this fishery matter might, under some circumstances, be expedient or that the Senate was not then prepared to declare to the contrary. That amendment was rejected without a division, and thereupon, by the unanimous vote of this body, the original resolution was adopted, Mr. Allen G. Thurman and Mr. Thomas F. Bayard being then members of the body.

Mr. MORGAN. I do not know upon what authority the Senator from Massachusetts says that was a unanimous vote. There was no vote by yeas and nays upon it.

Mr. CULLOM. He said the resolution was passed without a division.

Mr. HOAR. It was a report of the Committee on Foreign Relations, and the resolution was agreed to without dissent.

Mr. MORGAN. I do not understand that when a vote is taken without a division or without a call of the yeas and nays, anybody has a right to say that it was a unanimous vote unless the record so states.

Mr. HOAR. It depends, it seems to me, upon the importance of the question and the gravity of it. If the Senator will pardon me to say that the adoption of a resolution in regard to a treaty proposed to this Government by the great power of Great Britain on the great subjects to which that negotiation related, reported without division from the Committee on Foreign Relations and passed unanimously by this body, does not represent the grave, deliberate, serious, and unanimous opinion of all the Senators then present, seems to me a great mistake.

Mr. MORGAN. Mr. President, I read the message of General Grant before the Senate to-day, and I presume it will go into the RECORD with the remarks of the Senator from New York. The President said then that—

The proposed draught has many features to commend it to our favorable consideration; but whether it makes all the concessions which could justly be required of Great Britain, or whether it calls for more concessions from the United States than we should yield, I am not prepared to say.

Among its provisions are articles proposing to dispense with the arbitration respecting fisheries, which was provided for by the treaty of Washington in the event of the conclusion and ratification of a treaty, and the passage of all the necessary legislation to enforce it.

In a preceding clause in the message in regard, evidently, to the reciprocity features of the treaty, which included free fish and fish-oil and all the products of the sea, all the animals that grow in the sea, including shell-fish, President Grant said:

I am of the opinion that a proper treaty for such purposes would result beneficially for the United States. It would not only open or enlarge markets for our productions, but it would increase the facilities of transportation from the grain-growing States of the West to the seaboard.

This treaty has very unfortunately, I think, in respect of all the proceedings connected with it, been given an ultra-political aspect here in debate. The Democratic party has come in for a large share of criticism, to use the mildest word about it, and criticism of a very rough character, and particularly the present Administration for its recommendation of a commission to negotiate in regard to the subject of the fisheries with Great Britain. Mr. Arthur in 1884, in his last message to Congress, when he gave notice to Congress that he had proclaimed the termination of the treaty of 1871, said:

Notice of the termination of the fisheries articles of the treaty of Washington was duly given to the British Government, and the reciprocal privileges and exemptions of the treaty will accordingly cease on July 1, 1885. The fisheries industries pursued by a numerous class of our citizens on the northern coasts, both of the Atlantic and Pacific Oceans, are worthy of the fostering care of Congress. Whenever brought into competition with the like industries of other countries our fishermen, as well as our manufacturers of fishing appliances and preparers of fish products, have maintained a foremost place. I suggest that Congress create a commission to consider the general question of our rights in the fisheries and the means of opening to our citizens, under just and enduring conditions, the richly-stocked fishing waters and sealing grounds of British North America.

As I remember what Mr. Cleveland recommended in his message to the Senate on that subject, the language of the two messages is almost identical. The principle of the two messages is unquestionably identical. Mr. Arthur proposed to the Congress of the United States precisely the same thing that Mr. Cleveland afterwards proposed. No action was taken. No members of the leading committee, the Committee on Foreign Relations, then thought it was necessary to introduce any resolution denouncing Mr. Arthur for having made the same recommendation precisely that Mr. Cleveland afterwards made. The fishery clauses of the treaty of 1871 were then to be terminated under his notice, and it was time that Congress was making some provision at that moment to meet the suggestion President Arthur made, that a commission should be organized by Congress to take into consideration the whole subject of the fisheries and deal with it and dispose of it; but no Senator on that side saw proper to make any point upon Mr. Arthur about it.

As soon, however, as Mr. Cleveland made the same recommendation, instantly resolutions came in of a denunciatory character. Several Senators tried their 'prentice hands upon resolutions denouncing Mr. Cleveland's method of referring this subject to a commission.

Sir, I have always had a very great respect for Mr. Cleveland as President of the United States, a respect that has grown day by day since I have had further opportunity of examining into his methods of administration, the principles by which he is controlled, the honesty, integrity, and patriotism that influence him in all of his political career, so that my opinion of Mr. Cleveland has continually increased in value.

But notwithstanding I have been supposed to be a pretty true Democrat, the moment a resolution was introduced into the Senate drawing into question the right of the Congress of the United States to create a commission to deal with a subject of this kind which will be in the future and was one of a diplomatic nature, I united with the Republicans on that side of the Chamber in denying to Congress any such right. I did it because that was a surrender of the constitutional power and rights of this body and of the President of the United States, not because I opposed negotiations, but I wanted negotiations conducted by the right man and brought to the right tribunal for confirmation, amendment, or rejection.

I did not wish that after the Congress of the United States had created the commission it should by joint resolutions instruct them what they should do, or by joint resolution or by bill, to pass both Houses and receive the President's approval as a law, approve what they did and make it obligatory upon the Government of the United States. I did not find it necessary, nor do I find it necessary now, or even admissible in the slightest degree, that the Senate of the United States should abdicate its constitutional authority and power and surrender into the hands of Congress that which our fathers never intended that Congress should touch, subjects of diplomatic arrangement between our Government and foreign governments upon affairs which concern us and them. That was the attitude.

Here we find, as has been stated to-day in debate, that in 1871, according to the protocol which I read before this body, the United States Government, General Grant then being President of the United States and Mr. Fisk Secretary of State, proposed free fish and free oil to the English people, and made the proposition. The protocol shows it. Afterwards, in 1874, when General Grant found, with his usual sagacity, which never failed him, that the matter of indemnity which was provided in the treaty of 1871 in favor of Great Britain, as was supposed and as was intended, for the difference between the value of her fisheries and our fisheries, would lead to the amercement of this country doubtless in a very heavy sum of money, he was quite willing to accept a treaty from the British Government which would cancel that part of the treaty of 1871; and the treaty which he sent to the Senate of the United States with his recommendation did cancel that part of the treaty of 1871, and if the Senate of the United States, instead of voting unanimously to reject that proposition that General Grant made, had been possessed of the common sense and sagacity that he had, they would then have accepted that proposition, and they would have saved to this country the $5,500,000 that some people say was wrung out of us by the fraud of some foreign man, Delfosse, or whoever it was.

All the wisdom in the world, Mr. President, does not happen to reside in this body, and we had just as well make use of what little we have, and have under circumstances very favorable, so that we shall not make any very great mistake. General Grant from his grave to-day speaks to the people of the United States more powerful advice and more powerful counsel in favor of a true and wise policy in dealing with this fisheries question with the Government of Great Britain than any Senator has uttered on this floor from that day to this; and if you had accepted his advice and passed his treaty instead, as you say, of voting it down by a unanimous resolution of this body, the $5,500,000 would have been saved to your country, because those articles were canceled, and the bitterness of feeling which has been engendered by that Halifax award and the unfortunate committals which our men made in their cases as presented to the Halifax award, and all the troubles and evils we are now trying to provide against would have been saved, and the Senator from Ohio [Mr. SHERMAN] would have been ready, perhaps, now to have welcomed the dawn at least of his arrangement, his general zollverein of which he spoke day before yesterday with so much vigor and with so much affection, which he hopes to see established on this continent, so that the trade between the provinces and the Dominion of Canada and the States will be as free on this continent as the trade is now between the States of the American Union. General Grant put one hundred and forty articles into that proposed treaty; he sent the treaty with one hundred and forty classifications of articles of reciprocity.

Mr. HOAR. Will the Senator be kind enough to inform the Senate on what authority he states that General Grant advised the adoption of that treaty?

Mr. MORGAN. On the authority of that message.

Mr. HOAR. I do not so read the message.

Mr. MORGAN. I do. President Grant would never have sent that treaty to the Senate of the United States unless he had approved it.

Mr. HOAR. If the Senator will pardon me, General Grant said that he had not made up his mind whether it was advantageous to the United States or not.

Mr. MORGAN. Not in every particular. There might be some amendment necessary. General Grant took the advice of this body upon the question of amending the negotiations, as every President does who comes here and takes our advice about it, and this is the first time that the Senate of the United States have ever refused to give it, so far as I know. Treaties have been acted upon during this present term of Congress, quite a number of them, in which we have undertaken to advise the President that he had not got the treaty exactly right, and we have put words and sentences and clauses into the treaty by way of amendment. But we have come to that day of wisdom, of dogmatism, that day of obedience to party caucuses, when the Senate of the United States does not feel at liberty any longer to amend a treaty or to discuss an amendment, but must take it *in solido* and receive it or we must reject it, one or the other.

Then, Mr. President, was it not in 1870—I forget the precise date—when the Republican party in the Congress of the United States having a controlling and an overwhelming majority in both branches voted to put fresh fish on the free-list? If they believed that the only way to protect the fishing industry and build up this new naval establishment, that the Senator from Ohio has discovered equal to West Point or Annapolis as he says, was by protective duties, why did they repeal the tariff on fresh fish? They made that overture to Great Britain themselves without even being requested to do it, so far as I know; and now they clamor against this treaty because they say that it is a treaty which is intended to compel, to force the Government of the United States into repealing the duty on salt fish. I believe the product of that duty is $379,025.05. That is my recollection of the revenue we get from it annually now. That is what we get; and the Senators in this body are trying to make this world believe that all of this consideration and contention on the part of Great Britain, all of this harassing construction of the treaty of 1818 and the administration of it by the provincial courts is intended to compel us to give up that $379,025.05, to give to that magnificent government this small amount of annual stipend in the way of taxation upon salt fish.

We let fresh fish in free of duty. Why raise this paltry sum annually by the tax on salt fish? And grave Senators are here trying to persuade the people of the United States that it is that little motive, that small, inconsiderable, contemptible sum of money, when considered in respect of the financial power and ability of this Government and the Government of Great Britain, which is the source of all this trouble, that that is what we are contending for. The Senator from Maine informed us when I put the question to him that the repeal of the duty on salt fish would settle this question instantly. There is the category we are in.

Mr. President, when we get the speech on this subject after the Senator from New York has finished his remarks and I have the opportunity of seeing all that he has said and a chance to make some comments upon what he has said, I hope to be able to convince even some of the Senators on that side that we are not prepared just at this moment and under the exigencies of the present situation to consider the subject with that judicial impartiality which belongs to it and which its importance demands at our hands, and that we should deal with it in the same manner we have with some other questions, postpone it to a time when party heats, and party hopes, and party aspirations are retired from view to some extent, when the Senate of the United States would have an opportunity to consider this great and grave and serious question in the light of a pure and better atmosphere than that which prevails in this body at this moment.

Mr. FRYE. Mr. President, one word in reply to the Senator from Alabama. The Senator says that the Republican party put fresh fish on the free-list; that there is nothing left to-day but salt fish; that the duties on salt fish amount to $200,000 or $300,000 a year. The duties removed in 1878 were $690,000 that year alone under the treaty of 1871, and they would amount to over a million dollars now in all human probability.

Then, again, when the Republican party put fresh fish on the free-

list there was no conception of the present condition of things in this country. When fish were put on the free-list under the item "fish, fresh, for immediate consumption," it was understood that that meant fish, fresh, for immediate consumption—taken to-day and used to-morrow or the next day. But since that time there have sprung up under the inventive genius of this country refrigerator cars and refrigerators on every fishing vessel.

This method of freezing the fish and keeping them on board the vessels themselves for two months at a time is now in vogue, and to-day you can take on the Banks a cargo of halibut, you can keep them on that vessel for two months, you can land them in Gloucester, you can send them to Boston frozen, packed in ice; you can put them into the great refrigerators of the Boston market, you can keep them three months there, you can take them from that great refrigerator and put them on the refrigerators in the cars, and you can land them in two thousand nine hundred and eighty counties of this Republic in as good and perfect condition as if they had been salted or smoked. Now, I say when fish for immediate use were put on the free-list it was never dreamed that these fish would be transported all over the United States and kept for six months.

Then, again, they have discovered processes within the last five or six years by which fish in a few moments' time can be frozen as solid as rock and you can not cut them at all. The only thing you can do is to break them as you would a block of ice, and those fish are preserved in immense factories in the provinces to-day and are poured into our country as the needs of the market seem to justify their doing. They go as cheap freight and find on the Pacific coast at any time a fit market. Those salmon can be sold readily. I have been in a mill there that freezes thousands and tens of thousands of tons every year. It never was dreamed that these fish would come in free of duty, and my judgment is that the Treasury Department is responsible for that construction.

For instance, it was first applied, I think, at Gloucester. A load of halibut came into Gloucester. The collector insisted that they must pay duty because they were frozen halibut and had been on board vessel then for over a month. The duty was imposed, it was paid, and an appeal was taken to the Treasury Department, and the Secretary of the Treasury determined that under the clause "fresh fish for immediate use" that cargo of halibut must be admitted free of duty. The duties were remitted, but as happens almost always with halibut that portion of a halibut sold for use fresh is the white. The portion which is smoked or cured is what is called the gray. Some halibut is called "gray halibut," but nearly all halibut will have some gray. The portions that are gray are the portions that are smoked and cured. The moment the decision came from the Treasury Department that this cargo of fish in Gloucester was free of duty, one-half of the whole cargo of fish was cured in the city of Gloucester itself. There it was then cured fish free from duty, and then notice was given to the Secretary of the Treasury that one-half of that whole cargo was cured in the city of Gloucester, and immediately the Secretary of the Treasury reimposed the duty and collected it on one-half that cargo. I say there is no sense in any such proceeding as that. The construction of the Treasury Department ought to be that fish taken fresh and used immediately is fresh fish, but not where they are kept on board a vessel for a month, then in a Boston refrigerator for a month more, and then sent all over the United States.

What is the result of this? The result is that the fresh-fish market of the United States to-day is worth more to Canada than the salt-fish market of the United States. The result is that Canada by means of transporting fish over the railroads into this country is controlling the fresh-fish market of the United States.

Now, what should be done? A construction by Congress should be put upon that provision, or else a duty should be imposed upon fish that are preserved by freezing, just precisely as if preserved in any other way; and why should you not do it? Canada has double the duty on salt fish, the duty against your fish, that you have on salt fish against hers, and Canada has a duty on all the fresh fish taken into Canada against the United States of America to-day. There is no pretense of taking it off, and she never has made any pretense of taking it off. What right has she to complain that we have that duty upon salt fish when we have none upon fresh fish and she has doubled the duty upon salt fish and has a duty upon fresh fish, too, as against us?

Now, I should like to inquire if the Senator from Florida is prepared to go on to-day.

Mr. CALL. I would prefer not to go on to-day.

Mr. FRYE. It clearly will not do for those who believe that this treaty ought to be acted upon at this session of the Senate to allow one speech a day on the fisheries treaty, or one-half a speech a day on the fisheries treaty, and those who want action on this treaty will be compelled before a great while to insist that the discussion of this treaty shall proceed to the exclusion of all other business. I do not like to do it to-day; I do not like to do it when the weather is so fiercely hot as it is, and when we have sat here listening to two or three speeches in three or four hours to-day; but certainly the time must come, and it must come very shortly, too—I will not give notice now when, but it must come very shortly when this must be continued to the end in some way or other.

Mr. MORGAN. We are conducting this debate this afternoon a little irregularly, because there is only two-thirds of the speech of the Senator from New York [Mr. EVARTS] completed.

Mr. FRYE. I think the Senator from Alabama is entirely mistaken in what the Senator from New York said. The Senator from New York said that he had concluded all the speech he intended to make now, but that he understood the Senator from Alabama to say that when the treaty came up to be considered by articles the Senator from Alabama then intended to discuss the articles, and that he would reserve what he had to say on the articles of the treaty until that time.

Mr. MORGAN. I asked the Senator from New York before he left the floor if he desired to retain it, and he said yes.

Mr. FRYE. The Senator misunderstood him then. He said he did not.

The PRESIDENT *pro tempore*. The Chair understood the Senator from New York to yield the floor on the treaty.

Mr. EVARTS. I thought I was not misunderstood. I did not feel that I could proceed with a further discussion to-day, and I had reached an inquiry of a critical examination of the articles of the treaty itself and at the conclusion of other topics of consideration that as I understood a critical examination of the articles would be made after a vote on the question of whether the consideration should be put over, and I understood the Senator from Alabama to assent to that proposition.

Mr. MORGAN. Did the Senator from New York yield the floor?

Mr. EVARTS. And then I yielded the floor.

Mr. MORGAN. I did not so understand.

As I remember, Mr. President, the language of the act of 1870, if I am correct in the date, it was "fresh fish for immediate consumption."

Mr. FRYE. That is it.

Mr. MORGAN. That subject underwent a very complete examination by the Secretary of the Treasury, I suppose, before 1885. He must have done it before 1885. I know the Secretary of the Treasury in 1885 or 1886 sent to Congress, in a communication addressed to the House of Representatives, a very full discussion of the difficulties of the decision made in that matter. But at all events, that same language is carried into the tariff of 1883. The Republicans had the majority in this body in 1883, and the language of which the Senator from Maine complains, and which he says has received an improper interpretation, the same language was in the act of 1870, "fish, fresh, for immediate consumption."

It does occur to me in a matter of this great magnitude, and one that is brought up now to disturb the relations between this and a foreign country, that somebody might have got an opinion of the Supreme Court of the United States upon the proper interpretation of that act by this time; but no effort of that kind seems to have been made, and the Senator from Maine insists that the meaning of these words has become inapplicable to the existing state of fishing because the process of freezing halibut and other kinds of fresh fish has been of recent introduction. It was introduced before 1883. That process is much older than 1883; and yet the Republican party went through the tariff in 1883 and put the same language in that as was in the act of 1870, and that in the face of the fact that fish were being imported from Canada in large numbers of tons every season, fresh and frozen.

Now, I reassert the proposition that the Republican party has been responsible for the introduction of the fresh fish into the act of 1870, and as far as General Grant could make it responsible it was responsible for the introduction of it into the proposed treaty which failed in 1874. They made the proposition to introduce it in the treaty of 1871, the treaty of Washington, and then they put it again into the tariff law of 1883. After that party has made these overtures, these demonstrations, these concessions upon a subject which the Senator from Maine says is of far more importance than the duty on salt fish, I do not understand how it is that you clamor against the Democratic party for stating to you that we do not believe the motive of this action on the part of Canada is to get rid of the tariff on fish. But if that can be assumed, if that can be alleged, if that is the actual motive, how has it been treated in this negotiation? When a proposition of that sort was mooted amongst the negotiators, Mr. Bayard declined it absolutely and informed the British authorities that our treaty rights and our treaty regulations were not to be in the slightest degree connected with the duty and power of Congress to modify the revenue laws of this country, its tariff laws, or anything of that sort, whenever they chose to do it.

The fifteenth article of the treaty might just as well be stricken out of it as not, so far as the treaty is concerned, because until the Congress of the United States by a law has repealed the duties on the articles named there—fresh fish, fish-oil, and whatever other articles are named—that article of the treaty can have no effect whatever.

So I think a little further examination of the facts connected with this treaty will show that there is a false clamor about the real motive of the Canadians in respect of this matter.

Mr. DAWES. What do you think their motive is?

Mr. MORGAN. I think their motive, first, is one of jealousy growing out of the old offense of one hundred years ago, from that time unto this. I think one motive is to get back from us what they received under the treaty of Washington, pretty broad reciprocal trade, and I think the Canadian merchants would like very much indeed——

Mr. DAWES. You refer to the treaty of 1854?

Mr. MORGAN. The treaty of 1854, I mean. I think the Canadian merchants would like very well indeed to take some of the trade from Boston and Portsmouth, and perhaps from Portland, in equipping vessels, in fitting out vessels, in supplies, and in a great many things. I think the Canadians would like very much indeed to have a part of that trade from our northeastern coast, and I think that those are very strong motives. But beyond that we can not deny to those people sensibilities like our own; and when they believe sincerely as we do that they have got rights, they are not a people that we expect to see surrender them absolutely because we differ from them in opinion.

Mr. DAWES. If the Senator's theory is right, I should like to have him explain why it breaks out always the moment that our markets are closed.

Mr. MORGAN. There are two reasons for that.

Mr. DAWES. But suppose the markets are open?

Mr. MORGAN. There are two reasons for that, Mr. President. In the first place the Canadians, like ourselves, consult their own interests. They are very apt to do so, and when they find that we are not disposed to have reciprocal trade, to give them the advantages of dealing with us in a pretty free, liberal way, they naturally become a little bit conservative in their action. More than that, there are certain men in this country who are trying to compel the Congress of the United States to reinstate the duty on fresh fish. They are trying to reverse the action of the Republican party on that question. They are trying to coerce the Government of the United States to go back and restore the duty on fresh fish. And so, whenever treaty arrangements have expired and a pretext is offered, there are men always ready on hand for the purpose of raising a row. The history of this country bears me out in that, and Senators have arisen on this floor and predicted that within five or six weeks' time difficulties would arise over there, and sure enough they came; and I venture the prediction this afternoon that when you have rejected this treaty it will not be three weeks until difficulties will arise, and they will arise out of a state of preparation now made for the purpose of involving this country in trouble with the Canadian authorities.

Mr. DAWES. Does the Senator agree with the Secretary of State and Mr. Phelps as to the motive that will be behind this when it breaks out again?

Mr. MORGAN. I do not know what motive that may be.

Mr. DAWES. Has not the Senator heard it several times?

Mr. MORGAN. If I have, I have forgotten it. Will the Senator repeat it?

Mr. DAWES. The Senator's Secretary of State and Mr. Phelps have stated in official documents that the purpose of all the trouble is to procure the opening of our markets, and Mr. Phelps says in his letter to the British ministry that he expects it will break out again, and he warns the British minister that any attempt to get our markets opened in that way will fail.

Mr. MORGAN. Well, Mr. President, those are very eminent gentlemen; they have looked over this field with a great deal of care; but they do not happen to have all the responsibility on this question. As a Senator on this floor I must make up my judgment on facts and act upon them.

I doubt very much whether the Senator from Massachusetts has been entirely exact in his quotations from those gentlemen. If he has been, I do differ from them. I do not believe that the purpose of the Canadian Government is to compel us to take off the remainder of this little duty on salt fish, for it is a mere bagatelle. There is nothing in it; there is no money in it. You could throw it away every year without missing it, even out of the exchequer of the Canadian Government.

When I speak about difficulties coming I look to a political campaign that surrounds us, I look to the aspiration of politicians, I look to the fact that they can all very easily attempt to get up controversies and rows and difficulties for the purpose of putting an administration that they want to defeat and destroy in a bad attitude, in a dangerous position. I can see that, and I can see in the urgency of this case, when every man in the United States knows that it is not going to benefit the country to destroy this negotiation at this moment, when everybody here knows that the *modus vivendi* secured in the protocol of this treaty is securing peace between the two countries and liberality of trade and intercourse, and when every person in this country knows that the object of destroying this negotiation at once is nothing more nor less than a political object connected with the Presidential election.

Under such circumstances, Mr. President, I think that it behooves us to look carefully around us. This Committee on Foreign Relations and the honorable Senator who has just left the floor, one of our greatest and most experienced statesmen, has offered nothing in the place of this treaty—nothing at all. He goes back to the retaliation law of 1887 without approving its application to the present, and pooh-poohs and treats with contempt the idea that there may be embroilment or war between these countries growing out of the fisheries.

One of the honorable Senators did me the distinguished honor of pronouncing me a silly man because I happened to make allusion to the fact that a war might grow out of a question like this. Well, I may be silly, Mr. President, but I have seen enough of war to be afraid of it. Perhaps the Senator from Massachusetts has not. I have seen enough of bloodshed between brethren in this country here to understand that when blood is shed between Englishmen and Americans who belong to the same stock, there are going to be a great many people killed and great destruction done. There is not much to be gained by either side of that stock, and I believe that the people of Great Britain have got just as keen a sense of honor and of duty to their government as we have.

Mr. HOAR. Does the Senator from Alabama allude to me?

Mr. MORGAN. I do.

Mr. HOAR. In the first place I wish to disclaim having pronounced that sentence.

Mr. MORGAN. You said you would do it but for the fact that you had some acquaintance with my record here.

Mr. HOAR. I said nothing about the Senator being silly. I said if it were not for my respect for the Senator from Alabama I would pronounce the suggestion that there was any danger of a war with England growing out of our existing difficulties and our insisting that we should have the same rule applied to our fishermen that we applied to hers, as supremely silly.

Mr. MORGAN. Now, Mr. President, if the Government of Great Britain, that has made a great many complaints against our people—I will produce them when the proper stage of the case comes up—if the Government of Great Britain, that has made these complaints and sent them to our Government from time to time of trespasses committed by our fishermen upon their ports and against their laws and for violations of the treaty, should pass an act of Parliament or bring in a report of a leading committee of Parliament, which report should be ratified and confirmed by the vote of that body, either *sub silentio* or by an act of open vote, and in that way they should declare that the time for negotiations with the United States of America about the fisheries business had passed, and that it was not a fit subject for negotiation, and that we had a law upon our statute-book which authorized retaliation and we intended to resort to that, what then? You would hear the kettledrums rattling over every neighborhood in the United States by the time that message got distributed through the telegraph. We should not mistake it. We need not blind our eyes with the thought that they mistake it. They do not mistake it.

You will find another thing about it. There is an old backbone of the Andrew Jackson spirit in the Democratic party of this country left pretty strong and pretty broad.

Mr. DAWES. I should like to see it.

Mr. MORGAN. I have no doubt you would be glad to see it after passing through a little sackcloth and ashes for bringing on the row. I have no doubt the Senator would thank Andrew Jackson in his heart for having redeemed the honor of this country in the battle of New Orleans after our troops had been whipped all over the North. I think he would feel more gratitude to the Democratic party. I have no doubt of it.

Mr. HOAR. Will the Senator allow me——

Mr. MORGAN. I wish to say further that this element is not going to make a foolish quarrel, but when we get into a quarrel, right or wrong, we are going to stand by our country and we mean business by it. You may mean a joke, you may mean some traffic, some swapping of knives, some bargain in open market, some chaffering about a little contract that you can beat the British people or the Canadian people at, but we mean business; we mean to execute the laws of this land just as they are on the statute-book, but we mean also, as the President has done, to resort to his high constitutional powers as a negotiator to make a negotiation and refer it to the Senate of the United States as the negotiators in the second degree for them to consider, and then after the negotiation has closed and that makes the act of Congress what it never was before in principle and spirit, mandatory, it will be obeyed. And yet when they expect it to be obeyed there comes up a long howl of discontent because the President will not pledge himself to the American Fisheries Union in advance that he will limit the retaliation to fish. No, sir; it is a broad American question and Congress deals with it in what is alleged to be a broad way; I think myself in a sort of cheap way considering the outcome of it.

As I remarked the other day, if we had to deal with poor little Venezuela on such a subject for a moment, we would provide men and means to send down there to choke the money out of her that was due to our citizens, as we believe. But Congress passed an act in which everything was left to the discretion of the President of the United States, and because he saw proper to enter into a negotiation and send it here, he, in the National Republican platform, is accused of pusillanimous cowardice, and his administration and this great party of five and a half millions of voters who stand by him—and it may run up to eight millions, and I expect it will before we get through with this next election—are so stigmatized.

We do not intend to have any mincing of words about this. The people of the United States shall understand what the issue is and how it is treated here, and long lecturers on the history of this country who seek to interpose their power and their authority to the supplanting of all the constitutional powers of the President of the United States and

of our diplomatic authorities will find that there is something more in this than the mere rehash of old historical reminiscences or political platitudes or cheap poetry—something more in it than that.

Here comes the Senator from Massachusetts [Mr. HOAR] making a little bed for us to fall on after this treaty has been disposed of. He steps out, and passing around the Committee on Foreign Relations—and I am very glad he did—and passing around the President of the United States, he organizes a committee of his own selection for the purpose of doing what? Taking into consideration every relation between the people of the United States and the Government of Great Britain connected in any way with Canada. That committee will probably go to work some time next year; but it will be a very convenient little reference to make after this treaty has been beaten down by a political caucus, to say, "we have organized a committee and we are going to take the field, and just wait until you hear from us, and then you will find that American interests are all protected and taken care of." We can not afford to trust the Committee on Foreign Relations with JOHN SHERMAN at the head of it; we can not afford to trust the President of the United States and the Senate as the treaty-making power, but we must have a select committee led by the Senator from Massachusetts, who has already nominated to this body five wise men and negotiators, three of them employed counsel in cases, hired counsel, and have been for months and months. The Senator from Massachusetts is going out with his committee for the purpose of rectifying and fighting out and saving the honor of the country, its interests, and its rights in every particular. This has not escaped attention. We made no objection to it. If we can keep the country out of war or out of trouble by referring to him and his committee the settlement of these questions, God speed him in his work.

I am willing to accept almost any alternative that can be presented now rather than encounter the difficulties which must supervene after this treaty is laid upon the table or defeated in the midst of a political campaign, which can be likened to scarcely anything else than a conflagration through the land—hot temper, earnest aspirations, determined effort to grasp office and power—these the most exciting motives that ever entered the human heart and especially the heart of the American people, arraying men in opposing parties against each other almost like a military array, campaigns conducted with the most scrupulous care in respect of every voter throughout the country that can be reached on the one side or the other. In this condition of public affairs anything that promises that this country shall not be plunged into trouble with a great and powerful nation like Great Britain, but shall have a chance to stop and think over it and repent of it afterwards will bring to me relief. I hope the Senator from Massachusetts will have a fine time and great success and prosperity in handling, as he is abundantly able to do, better than any man who lives, this great and delicate question which we have reposed in his hands as a trust. That Senator has the most important trust confided to him that a Senator ever had in the world, and I am only sorry that it was done on his own motion.

Many substitutes are offered here. The Senator from New Hampshire [Mr. BLAIR] wants the Government of the United States, in a resolution that is now before the Committee on Foreign Relations, to make a proposition to the Government of Great Britain for the cession of Canada or any part of it that may choose to come to us, and in connection with that the regulation of a sort of zollverein between the two countries which would lead to free commercial reciprocity. Many expedients are thought of. The Senator from Nevada [Mr. STEWART] the other day foretold——

Mr. BLAIR. If the Senator will allow me, I have not made any proposition like what he seems to have apprehended. The proposition which I had the honor to introduce to the Senate, and which has gone to the committee, is one for political union and, of course, commercial union as a natural result of that.

Mr. MORGAN. Yes, the acquisition of Canada, its political union with us. The only difficulty I can see about that is that it would make fish free, which would be a bad state of affairs in the fish market! Our market would be gone. "Our market," says the Senator from Maine [Mr. FRYE]. Whose market is it? The market of the halibut ring, the fishermen's association, the combine, who use it for their own purposes, not the market of the American fishermen who in their numbers even are represented by 40 per cent. Canadians—so the papers that are read in the Senate and credited show. Is it the market of 60 per cent. of American fishermen and 40 per cent. Canadian that you are talking about?

Is it the market of twenty-eight thousand fishermen who are plying this vocation along the coasts of Massachusetts and Maine and up in the Canadian waters? Or is it the market of sixty-two thousand men who conduct the fisheries in the Southern States? Is it the market of the fishermen alone, or is it the market of the sixty millions of people who have been spoken of here, many of whom are hungry consumers of fish and glad to get it to live upon?

The fisherman gets a small, poor, mean, miserable allowance of it. He does the work. The middleman, the vessel owner, the warehouseman, the packer, the shipper, the speculator makes the money, forestalls the market, fixes the price to suit himself, and makes the people pay whatever price he pleases, and it makes no difference whether the catch is a great one or a small one, the price, as stated in the evidence before the committee with which I sat, never varies. It does not vary at all; it is always one price. The retailer always sells at the same price and will not sell for any less.

Whose market is it? Whose are these markets in the United States? They are the markets as well of the consumers as of the producers. They are the markets of the men who eat fish as well as of those who catch them, and a fair balance in all the commodities that supply this market, especially in articles of food, will perhaps teach some of our friends that the twenty-eight or twenty-nine thousand fishermen on the coast of New England who are engaged in this business are not all the fishermen in the world. As many as fifteen thousand fishermen are engaged in the interior of this country in fishing, and there are just about twice as many fishermen in the Southern States as there are on the New England coast.

But where do these complaints come from? There is not a fisherman in the United States that has a word to say except the men who go up to catch mackerel and halibut and the like in British waters or in the open seas adjacent to British waters. All of these complaints, now for seventy years, have come from one fishing interest in this country; and yet with all the bounties we have given, all the drawbacks we have given, they are not as many to-day by just about one-half as the fishermen of the South Atlantic Ocean.

I think when the people of the United States have come to look over this field with deliberation and composure, when they get into that state of mind, that political condition when they can look at their own affairs quietly and coolly, they will approve the wisdom of this treaty; they will approve it as a means of settlement far more reliable than anything that has been offered in place of it. Your retaliation is an untried experiment. This country has never attempted yet to rectify its wrongs by this measure, which stands next akin to war. We do not know how it is going to work. One thing we know beyond question, and that is that a great many of the merchants and manufacturers all along our northern border, and the railroad men who now draw large sums of money annually and monthly and daily from Canadian trade into their business, who conduct prosperous trade across the border with Canada, will find when retaliation takes place that the door is shut down and their mercantile resources will be crippled, and their creditors—for we are all going upon credit to a certain extent, at least—will become doubtful about their solvency and their ability to liquidate, and their own credit will become impaired, and there will be created in this country that which it is less prepared to stand than it ever was at any moment in my experience, a revulsion of a financial character. Then you will see commercial centers commence to oscillate and tremble, the small dealers at first will go under and then the big ones, and there is no difficulty (with a hundred and odd millions of money pouring into your Treasury as a surplus annually) in shaking the credit of this country so that thousands and thousands will fall like withered leaves in autumn.

After the panic of 1873, which was produced by circumstances much more controllable than those that will exist during this political campaign after this treaty is rejected, workshops were locked and factories closed, and every road and by-way in the whole country was filled with tramps wandering from place to place, first in search of work, and then of provisions, until the business of being a tramp actually got to be a profession in the United States, and is so to-day. That state of affairs was produced by a political convulsion that merely threw men out of employment, made them desperate, and presented no light of hope before their eyes. It is perfectly easy to do that now. Here we are paying $1,280 for a bond of $1,000, doing it by a vote of Congress, bonds that cost the men who originally purchased them not more than 50 or 60 cents on the dollar; and we are doing it for what? To prevent that congestion in the Treasury of the United States here at Washington, which, if it continues, must necessarily destroy the trade of this country, must ruin a great many people, and bring the calamities of 1873 back upon us in worse form than we have ever experienced before.

It is easy enough to destroy confidence in this country. The men of business who have large capital at stake, who have money out upon ventures and commercial paper in the hands of smaller dealers, will understand the very moment the political parties of this country have got hold of a subject like that involved in this treaty, and that they intend recklessly to disturb relations between the United States and Great Britain, and that there is but one provision remaining, and that is in the act of 1887, which requires retaliation and non-intercourse—these men looking over the field will commence to think it is better we should make ourselves a little secure and lay by something for war times. So each man will restrict his credit, will call in what his debtors owe him, will demand a mortgage for the security of his debt on this or that property, and if it breaks down the man he can go and foreclose the mortgage and get the property below its value. It is easy enough for politicians to shake this country to its center; and when once you have got it into that condition it is a very difficult thing to reclaim your feet and straighten the country up again.

The panic of 1873 lasted for a long time in this country, like the virus in a man's system which works continually to the surface and

shows blotches of an ineradicable disease. The great lapse of time has not effected a cure.

Senators accuse me of having changed my attitude on this question. Why, sir, if I had ever taken an attitude upon this question or any question connected with it which should have confronted me with the troubles that I see lying right before us now, I would change it in a minute and come right out and say so, and I would say to the American people that I did that because I saw that I was mistaken and I saw that I was imperiling your rights and your liberties and your prosperity without any adequate reason. I would reverse my action and try to reclaim the blow before it lit upon the victim.

Perhaps I feel more about this than I ought to do. My conceptions of it may be distorted; they may be to a degree imaginary; but I repeat the remark I made awhile ago, if the Government of Great Britain would say these things to us which we say in this majority report, rejecting a treaty upon the ground that the time for negotiation has passed, and after abusing us to their heart's content, as Great Britain certainly has been sufficiently abused here now to answer the purpose of this coming generation, I suppose—after having abused us to their heart's content, they had said to us, "We have got an act of Parliament which repeats this act of 1887, and we intend to turn it loose on you," there can not be any doubt what our attitude would be—I speak of American people—and even the Senator from Massachusetts, with his known ability and great patriotism, with the support of the ablest committee the Senate can furnish, with all the power that we can give him, would not be able to check the trouble we are in or likely to get in. That expedient—to use the language of the immortal man whom I hope I may live until November to vote for—"won't do," Mr. President. That is too shallow. That little pretense of saving this country upon the paltry bed that the Senator from Massachusetts has built for us, with his committee to go around and investigate the condition of affairs between this country and Canada, is something that the American people are not going to rely upon. I do not believe in his ability or that of any Senator in this body or any number of Senators, by probing into the condition of things, to save us from that which will be precipitated upon us, I am afraid, sooner than we are prepared to meet it.

Mr. BLAIR. I have only a word to say, but that word must be to the effect that it seems to me perfectly apparent that if there is to be no war with England or with Canada, or with England and Canada combined, until the discussion upon the ratification of this treaty ends, then that war is certain to be postponed until the destruction of this world by fire or by glacier. I do not believe there is any approach to the remotest shadow of common sense in the recitation of this declaration of war, war, destruction of the United States, destruction of the Anglo-Saxon race, and that sort of bloody collision which seems to so constantly haunt the imagination of the Senator from Alabama. There is too much of common sense north of Mason and Dixon's line, and I think south of Mason and Dixon's line, to permit these extravagant and illusory imaginations, these bloody apprehensions of the Senator ever becoming realities.

We have some little difficulty about this fishery matter, but, as has been demonstrated by the Senator from New York this afternoon, it is of comparatively such trifling importance that there never can be failure of adjudicating the pecuniary losses which might be inflicted upon us by any conceivable violation of our treaty rights, and if there were any insult to the dignity and honor of the country, the great power we have to deal with is certainly great enough and is magnanimous enough, when it is necessary to apologize, even to do that.

But I do not apprehend any condition of that kind whatever. I have always been of the opinion that there was a time in our diplomatic history when we did miss it. I have always looked upon the treaty of Washington, which has been so lauded, as one of the great mistakes of our diplomacy. There was a time when we had a cause of war against Great Britain, which was frittered away in the pecuniary result of that treaty that I think was a national calamity. That was a time when Canada was anxious to become a component part of the United States; the mass of her people then desired it; Great Britain was ready to liberate them, and for the great cause of war which we had against her, the destruction of our commerce, the hostile, the inimical intent which she had nourished towards us all through those four bloody years, by virtue of which she had prolonged our civil war at least two years and had doubled the destruction of both sections—there was a time when we had a cause of war and were prepared to make war, and we could easily have annexed Canada by force, if need be, but we could have done it by the willing assent of her people. The opportunity passed away. Great Britain saw how nearly she came to making a mistake and Canada was organized into a Dominion, and to-day there is a rising ambition among her leading men and among many of her people to make her the great connecting link in the British Empire, which encircles the globe and holds the destiny of mankind in her hands. The thing is not so easy now as it once was.

Is was so, too, with Mexico to the south of us. Mexico was anxious for a protectorate under the United States, and we were in that condition at that time, having been in controversy with ourselves, when one hundred and fifty thousand of the soldiers of the North combined with one hundred thousand of the soldiers of the South, and a like army thus composed marching in the other direction, would easily have taken possession of these two great extremities of the continent, and we would have reconstructed the Union upon fields, if need be, of warfare upon foreign soil, and at the same time would have consolidated the continent as one forever.

We pursued a policy of peace when we had adequate causes for war, and when willing populations invited us to the north and to the south. Sir, however strange these views of the situation in the past may be, nevertheless they are those which I honestly entertain, and I believe if we had embraced those opportunities when we were ready and able to meet the world in arms, when we had a navy that had advanced to the most perfect condition of naval accomplishment and ability for naval warfare, and when we had armies sufficiently numerous and powerful to have met any force that possibly could have been sent against us by any combination of European powers, either land or naval—I say at that time we could have consolidated the continent in one, and the dream of American destiny from that date would have been fulfilled. But all that has passed away, Mr. President, and yet it is as necessary for the American people, it is as necessary for the North American continent, that that union shall be effected to-day as it ever was. I say that, in my belief, it is utterly impossible that this continent shall go on developing and developing hostile nations, with different industrial conditions prevailing, with prejudices, and hostilities, and all those feelings which may be engendered between rival and hostile nations, and which constitute the secret of the continual warfare which infests Europe and which has really destroyed that great continent; for what human being that has an appreciation of real civilization and of the desirable things of human life would become an inhabitant of the continent of Europe to-day?

I will not enlarge upon these views. I say there is a necessity for union under some federal system in which the people shall be all-powerful. Intelligent masses never make war upon each other. There should be some federal system extended over the whole of the continent, and the production of homogeneous conditions among all who are embraced under one politicel system is indispensable for the future of the North American continent. It is with that view that I think now in Canada there is a rising nation already of 5,000,000, with at least one-half or certainly one-third of geographical extent, which in all its resources and in its capacities is equal to any portion of the United States, a country where there may be and there must be in the future a nation of at least 100,000,000. I say, sir, with such a nation as that organizing on the north of us, separated from us only by an imaginary line extending from the Atlantic to the Pacific coast, 4,000 miles in length, every inch of which is full of the possibilities of future difficulty, and the condition of the people so different from our own in the matter of industrial production, in wages, in everything that goes to make up the condition of the mass of the people, there are ample sources of trouble and hostility in the future unless by the good sense of the people of both these countries in these earlier times something like political union can be accomplished. Of course we can go on and we can have our wars in the future—wars as between hostile nations. That is possible and it may be probable, but there must be a way of avoiding all this.

Either the promises of the millennium and the anticipations of the human race that at some time there will be relief from the horrors of warfare must be cast aside, or there has got to be a time for the initiation of this policy of peace; and I believe this nation is great enough to undertake that initiative. I believe that however undiplomatic it may be to propose or suggest something of this kind, the American nation is great enough and that the opportunity is important enough to justify the Committee on Foreign Relations, to whom the resolution which I have introduced has been sent, to consider whether they may not look upon this opportunity in a larger aspect and suggest something which may lead to the consummation which every American believes to be absolutely indispensable in order that American destiny may be realized.

When will there be a better time? Will you postpone it until there are 10,000,000 people in Canada and 100,000,000 in the United States, until we have quarreled for a half century longer? When is the opportunity to come if it may not be expected to come now? Are all these promises of the prophets and of the Christian religion and of the lovers of freedom the world over to be postponed? Are they to vanish in smoke? If not, there is some practical thing which has got to be done, and I took the liberty of introducing this resolution. Nobody else is responsible for it. It may have no effect, but I thought it might set somebody to thinking. Very likely it will not affect the Senate; very likely it will not affect the press; but there are men and women all over Canada and all over the United States who will say that is the thing that ought to be done, and let somebody else take the responsibility of finding the opportunity unless this be the fitting opportunity.

The talk about war under these circumstances I think is wholly out of place. I think the Senator from Alabama is talking war for effect in this political campaign at home. I do not know of any Republican who has talked about war as the result of the rejection of this treaty. The resources of diplomacy are certainly all open, and they have not been exhausted. A pig-headed Executive is not to take the opportunity

of the exercise of its just and honorable and discreet judgment on the part of the Senate to inflict upon the American people needless injury, mercantile distress and disruption, the destruction of business unnecessarily simply because he has the power. Congress has confided to him a discretion, a discretion in the direction of retaliation so far as is necessary to correct and to vindicate the injury which may be done to our rights simply in the matter of this fishery; and when it is intimated to us that he is to go further and that he is to destroy the existing industrial fabric of the United States simply because of the exercise on the part of the Senate of its just discretion by the terms of this treaty—when it is intimated he does that it is an intimation that the whole party might be banished from the country as too idle, too ignorant, or too foolish or too unpatriotic to properly exist longer under the protection of our laws.

That sort of talk has no effect anywhere in the United States, and if the Senator and his party approve of it, they will come to discover that the American people are not so thin-witted as they may imagine. We shall go on and reject this treaty undoubtedly, and we ought to be permitted to reject it without much more talk of the indications that the Senator holds up to us every time he is on his feet, that he will prolong the session until after election, that he will prolong the contest by his everlasting speeches, and that seems to be the only obstacle to the war, if there is any danger over us, that the Senator may talk until all those who can fight are dead. These intimations I would be glad, for one, to listen to no more, if I can avoid it by leaving the Chamber—and I doubt but that is the only remedy—I shall be glad to be permitted to occupy my seat and take such humble part as I can in the way of listening to what may be pertinent discussion of matters that ought to be under debate; but as to the treaty itself, I hope it may soon be disposed of.

In order that there may be no misapprehension as to the nature of the resolution which I have introduced, I ask that it be read. It means simply to furnish a basis on which England and the Dominion of Canada and the United States may find a ground of action; it means simply that the boundary of the United States on the north shall be coterminous with the north pole. So far as Great Britain is concerned, she will be better off than she is now. Who does not know that her advantages with Canada are mainly those of a commercial character? She may need transit to her Asiatic possessions. An arrangement might be made to give her that transit, to bond her merchandise from the Pacific to the Atlantic and from the Atlantic to the Pacific; let it go in cars locked up, as is the case now part way across Canada, for the mutual benefit of both countries. If some arrangement of that kind can be made with Great Britain, the alliance of friendship between the Anglo-Saxon race which would result therefrom, giving to the United States the whole continent, or so much of it as lies north of Spanish settlement and occupation, would be to Great Britain the perpetuation of her empire; and I believe in my inmost soul that any other possible solution of this difficulty will result in the dismemberment of the British Empire, for our destiny is just as sure to the north pole as is our existence.

And that must be desired by those north of the line as well as those south of the line to-day, for it is equally indispensable to them. It is utterly impossible that the Canadian country and our own should live together under existing circumstances in peace for any great length of time. How can it be with a population directly north of us, where wages are not more than one-half of what they are in the United States? I need not enlarge on the difficulties which must result and what would be the consequence to Canada were she to accede to some such invitation as this and become a part of the American Union. Every dollar of value in Canada would be two dollars the day after such a consummation, and the equalization of conditions which would result in the lifting of wages there, the lifting of values there, would not only justify but would make the abolition of the tariff which exists now between the two countries indispensable and a natural consequence for the common good.

What is the other great danger that threatens this country to-day? It comes from the South, as well as from Canada on the north. Though we are politically united the difficulty is simply because at the South there is a system of labor—passing away certainly—but there is at the South a system of labor that makes production nearly as cheap as it is to the north of us, and no tariff to protect us, with our existing industrial system at the North against it. That is what makes the difficulty between the North and the South. That is what makes the South solid against the North, and practically the North solid against the South. We are not a homogeneous people. Some time we shall be; existing causes will work that all out. When wages at the South are the same as they are at the North, when production is the same as it is at the North, then free trade between the two sections can continue to exist without resulting in political attrition; and never until this industrial condition is equalized by a homogeneous condition of the people of the two sections will this irritation cease, never will reconstruction be perfected.

But, Mr. President, this talk that I have made has come without reflection, and I do not know that the tendency of it will be good. I wish that the resolution which I introduced may be thoroughly understood, and so I ask that it be read at the desk.

The PRESIDENT *pro tempore*. The resolution will be read by the Secretary.

The Secretary read the joint resolution (S. R. 101) requesting the President to open negotiations with the Government of Her Britannic Majesty with a view to the political union of the Dominion of Canada, or any of the provinces or subdivisions thereof, and the United States, and for other purposes, as follows:

Resolved by the Senate and House of Representatives, etc., That the President be requested to open negotiations with the Government of Her Britannic Majesty, in which the Dominion of Canada and the several subdivisions thereof shall be represented, with a view to the settlement of all differences between Her Majesty's Government and the United States, and especially to the arrangement of terms mutually just, honorable, and satisfactory for political union between the Dominion of Canada, or between any of the several provinces or subdivisions of the Dominion of Canada, and the United States, subject to the approval of the people of the Dominion of Canada, or of the people of any province or subdivision thereof who may be included in such arrangement, and to ratification by the United States in such manner as Congress may prescribe; such political union to be republican in form and in accord with the Federal system and the Constitution of the United States; and the negotiations may embrace such further treaties, compacts, and alliances as shall be deemed necessary for the future peace, happiness, security, and general welfare of Her Majesty's dominions and of the United States.

Mr. HALE. Mr. President, when the Senator from Alabama is in the mood which possesses him this afternoon he always speaks clearly and plainly and shows what he means and what sentiments move him. In that he is bolder than many of his associates. It was impossible for him to let the discussion upon this treaty, or more immediately upon the question of postponement until December, pass without seeking and taking opportunity for advocating the free-trade side upon the only subject-matter under this negotiation where the question of protection or free trade arises. It was not possible for him to let the opportunity pass without delivering a denunciation of the protection that our statutes at present give to the fishery interests of the United States.

Mr. President, the Senator and his party have of late grown somewhat sensitive over the charge made in many places and profoundly believed by the American people that the Democratic party is un-American in its attitude, unsympathetic with American labor, and is imbued with British views and British policies and British theories. The country has not failed to take notice of this leaning of the Senator's party, and this is one reason for its great interest in the discussion upon the treaty, and the discussion develops the attitude of the Democratic party as boldly taken by the Senator from Alabama in the speech he has just made.

Here is a proposition to remove duties upon fish caught in British or Canadian vessels by British fishermen in British waters to be brought into our ports in competition with our own American-caught fish. It is not a movement called for anywhere by the American people. It is a proposition that Canada, with Great Britain backing her, came into this negotiation more in favor of and more decided upon maintaining and securing than any other one proposition involved in the controversy. Free fish was what the Canadian representatives sought and hoped for and demanded when they assembled in session with the other negotiators.

There was, as I have said, no demand for free fish in any American quarter. Six months ago the Senator from Alabama did not venture to stand up here in the Senate and argue for it, and there was no call for it anywhere. It is a plain case of an elaborated and defined British demand. It does not even come under the category of the many other industries where it is claimed by gentlemen on the other side that it is the consumer in the United States who wants free trade. So we have here an example where the destruction of one industry of ours has in terms been championed by Great Britain and has been made the subject of long-continued and elaborate negotiation, in which that power has at last succeeded in putting her proposition into the treaty, and to-day we find the Democratic party, represented by the Senator from Alabama, who is at its head on the Committee on Foreign Relations, and who in this discussion has more than any other voiced the sentiment of his party and of the President—we find him here unable to let the discussion pass without bringing out clearly the subserviency which he and his associates and the President who leads them are under to British interests and British demands.

It does not do for the Senator to belittle this industry of ours and say that but a few miles of our coast comparatively are represented by it, and that the American fishermen who are interested in this question are only a small part even of the fishermen upon all our shores. That is not the fashion that the Democratic party had in years past in dealing with the interests of American citizens, great or small. The number of seamen who were impressed by British ships and carried into the British service, the question that more than any other gave rise to the war of 1812 with Great Britain, was not one in one hundred thousand of the American people, and yet it was the pride of the party in power then, from which the Senator claims lineal descent, to espouse the cause of the seamen who had been torn from the decks of our vessels and put upon British ships, few as they were in number. That was the fashion of the Democratic party in that day.

It was not a great strip of ground that lay between the Rio Grande

and the Nueces that gave rise to the war with Mexico. It was not needed to the integrity of the American people, or to the symmetry of our boundary, or to the happiness or welfare of the American people; but the moment that General Arista with the Mexican army crossed the Rio Grande the whole American people, with a Democratic administration, flew to arms and the country determined that, whatever territory was involved, great or small, the honor and the dignity of the flag should be maintained. It was only a handful of men that held that beleaguered fort in Charleston Harbor twenty-seven years ago; and yet when the Senator from Alabama and his associates fired upon that body of men the whole loyal North rose as grandly as though an hundred thousand of our soldiers had been assailed.

The Senator can not put this question out of sight nor cast it under his feet because this industry does not represent a numerous portion of the American people. It is an industry that represents men of hardy lines of pursuits that require manliness and intelligence, that has trained men to stand in the defense of the country, and it is only—and I speak it as an American citizen with a sense of shame—it is only within this last year that an American administration has been found that has been willing to trample this industry and the people engaged in it under foot and to send out long homilies and inspire its defenders here to make long speeches in favor of the side of our competitors, the British people. As I have said before, it is fortunate that the country watches this debate and appreciates the position of the Senator from Alabama and of his party.

Mr. MORGAN. Nothing is to be made, Mr. President, by any ingenuity of Senators who mistake the attitude of a Senator on this floor, because the RECORD is here to show. I appeal to that RECORD, and I ask Senators to look over it in the morning to see whether I have made any statement that I desired or expected the repeal of the duty on salt fish, or that in the tariff discussion that is to take place in the Senate very soon I expect to make any motion of that kind, or that any Democrat expects to make a motion of that kind. But I referred to the insignificant amount of money that we got from the duty on salt fish, after the Republican party had made fresh fish free, as not being a sufficient inducement to provoke Great Britain or Canada into all of this series of wrongs and outrages of which we complain—of many of them very justly. I merely referred to that. I made no argument in favor of free fish, and never stated the proposition that I was in favor of taking that duty off fish. I would pass laws, if I knew how to do it, to give to the fishermen the benefit of this tariff on fish instead of giving it to the middlemen, to the men who pickle and prepare fish for market and who forestall and monopolize the market, in preference to giving it to the halibut rings or any other rings in that region, or "combines," of which there are quite a number, whose history has been spread upon the records of this Senate and are now in print and can be read of all men.

Indeed, I would, if I could, distribute the benefits of this tariff bounty that we give to the fishermen so that the poor laboring men who haul the lines over the deck of the ship may get some benefit out of it.

I have not said one word about repealing the duty; I have not intimated that I would vote for it. I doubt very much if I would vote for it. But I will go with anybody who has the ingenuity to devise some plan by which the money which we get out of the duty on fish, and by which I suppose of course the price is enhanced, shall go to the advantage of the poor fisherman who treads the deck and stays with his boat in fogs and in the night fishing, and who encounters all the perils of a terrible sea.

I should like to do that; but the Senator from Maine [Mr. HALE] can not misrepresent me, because the RECORD shows exactly what I have said. He has set up a man of straw this evening to exhibit his skill in knocking it down. There are better targets than that in the Senate. Arguments have been delivered here, facts have been stated time and time again, and if the Senator would indulge himself in meeting the arguments or in controverting the facts that we state instead of imputing positions and attitudes to Senators which they never took, he would have quite enough to do. His abilities would not be overtaxed, probably, but he would have plenty of work in this hot weather.

For my statement with regard to the number of fishermen in the country and the manner in which they are distributed, I turn to page 5 of a speech of the Senator from Massachusetts [Mr. HOAR], who, I have no doubt, took very great pains to get his figures correct, and I will read them to the Senate:

> Professor Baird estimates the number of persons employed in our fisheries in 1880 as 131,426. Of these 101,684 were Americans. The value of the fisheries of the sea, the great rivers, and great lakes was over $43,000,000. The fisheries of New England engaged 37,013 men. The South Atlantic States engaged 52,418 men; the Middle States, 14,981 men; the Pacific States and Territories, 16,803.

What I said about that was this, that I and my colleagues from the Southern Atlantic States and the Gulf States represent a good many more fishermen than the Senators from Maine and Massachusetts. But, I repeat, after all the bounties that have been afforded, after all the drawbacks that have been allowed, the complaints that come to us and have come to us for the last seventy years about the fisheries have all come from that quarter of the country. I am disposed to be entirely just with them, and, more than that, I am disposed to be bountiful to them. I am disposed not only to applaud their valor in what they have done for us in the past, but to look forward with great hopefulness to that great resource for seamen in our coming controversies, if we are ever to have any, upon the ocean.

But, Mr. President, at the same time I want to take care of the rest of the people of this country, and I do not want to see any injustice done. I do not think that it is our business here to inflict an injustice upon one man that we may raise bounties or benefactions for another. I have never considered that that was within the purview of my constitutional authority. If protection is a doctrine of the Constitution of the United States, as a great many good Democrats argue that it is, I insist that it means protection as well for the consumer as for the producer—protection for both; not the robbery of one class for the enrichment of another.

I have not advanced any theory or doctrine on the subject of free trade here this day. I have said nothing about it. I merely adverted to the fact that these gentlemen who profess to be the friends of the fishermen, and who seem to spend the better part of their lives in utterances of sympathy and respect and declarations of their proud appreciation of fishermen, nevertheless come here and in this Senate year after year, in 1870 and 1883, pass and continue to pass, long after the freezing process has been discovered and all that, a tariff law which makes "fish, fresh, for immediate consumption," free of duty, and that brings in probably in value and in bulk and in weight as much as two-thirds of all the fish that are landed from British decks or Canadian decks in the ports of the United States.

They flourish here, trumpeting their own praises and magnifying their own glory in the eyes of the poor fishermen as their warm and staunch and unfailing friends, and yet they put fish on the market free, fresh fish, and help to rob these poor fellows out of the benefit, as they claim it is, of the tariff, that they are now saying Great Britain wants to have removed. What did Great Britain do to the Republican party to make them put "fish, fresh, for immediate consumption," upon the free-list, I should like to know?

Sir, the day for false pretenses has gone. The glamour that hung over all questions in the United States for forty or fifty years before 1860, that warped every man's political attitude without reference to reason, and shut him off from an investigation of the true merits of questions affecting the economical condition of the country, has passed away, and now we meet facts and questions face to face, and the American people are beginning to understand them. The Senators who voted to put fish on the free-list will come to their accountability to the men they say they have been trying all this time to help.

It is because I happened to open a little door of light upon that question that I am charged here by one Senator with being an ex-rebel, and by another with being a free-trader. I am charged with being the leader of the Democratic sentiment in this country and in the Senate upon the subject of the tariff, and it is said that I have taken a position here that the Republican party did right in putting fish on the free-list. I denounce you for it. It is an act of arrant hypocrisy on the part of the Republican party. A Senator says I speak plainly, and I do. It was done for the purpose of currying favor with the lords who rule the fish market in the Northern States, and yet pulling the wool over the eyes of poor fishermen to make them believe that these men are their friends in the name of God!

That is the same thing that is done all the time by this party that has paraded itself before the land as the friend of the laboring man, the friend of the artisan, the friend of the spinner, the friend of the weaver and the dyer and the manufacturer of the goods that enter into commerce. They know that they are not their friends. They know that they are the obedient servants of the combines and trusts and large operators upon heavy investments of capital, who have their organizations to send their literature through this country broadcast, and who make a pharisaical and hypocritical pretense that they are the friends of the laboring man, when the truth is that they are dominated and controlled by the great lords who rule the land and live upon the tops of the high hills.

I repeat, the time for the real consideration of questions between the people of the United States has come. If I was a rebel soldier, as it has been intimated this evening and at various times before, I was the same sort of man then in one respect that I am here. I was an honest devotee to what I believed was right. I was not afraid to think and I was not afraid to fight for it. But some of the men who accuse me, some who even said that my life was a forfeit, perhaps that it ought to have been taken, did not give me or any of my comrades an opportunity to take their lives on the field of battle. They did not come in reach when the issue was up and the question was one worth while talking about.

I contemn and despise men who have got such ideas, who stood out from under their own flag, who hid themselves in bomb-proofs and secured positions where their lives were safe and filled their pockets in the mean time, and when they came out the war was over and they came to places of prominence to which their talents entitle them, I admit, and then they take it out in fighting the battles which they never raised a gun in, and did not dare to tow a line or test their mettle with the enemy that they now so despise and so abuse.

Sir, I am here with a commission from one of the sovereign States of the American Union, and as good a State as there is in it, with as good a population as there is in any State in the American Union, a people whom I trust, whom I love and am proud to represent, a people upon whose lips the Senator from New Hampshire [Mr. BLAIR] can not cause the curl of scorn by anything he chooses to say. He is at perfect liberty to say what he pleases, it will scarcely receive a reply from anybody, about the labor situation and the ignorance in the Southern States.

My God, Mr. President, if we had to go to school to him to learn lessons of wisdom from him this world would grow into a millennial state, I suppose, very quickly. But we have never come to that humiliating position where we have had to receive any instruction from a Senator who can offer such a batch of nonsense as has been read this evening about the United States Government dealing with the Government of Great Britain for the cession of Canada!

What credit can the British Government give to that set of resolutions or to the American Senate, in which it has been offered and debated, except to say that the Senator from New Hampshire did not know what he was talking about and his party is not responsible for what he says? What else can be said about it? Who would undertake a negotiation of the kind presented in that resolution with any government in the world? Who would scarcely undertake it with the Indians among the five civilized tribes who are subject to us, and whom we have the right, or at least the power, to mold according to our own will and wish?

After all of this, that Senator undertakes to make comments upon the social condition, the progress, the material condition, the future prospect of as proud and grand a constituency as the sun shines on in its diurnal revolutions. For there are no people who have a better constitution of local government than the people of Alabama. There are very few people who pay less taxes per capita for the support of their government. There are no people more frugal in the administration of their public affairs. There is scarcely a people in the world, I think, who vote more money for public schools than they do, or for the support of the entire State government, including the interest on the public debt. They are a people who live at home, who take care of themselves and their families, who pursue their own methods of religious instruction and their forms of education, discarding all the patent outside arrangements that have been made for them by the invention of men who have had nothing else to do. They know how to serve God and their country, how to raise their families in industry and respectability. They have already come to the front, and have taken out of the hands of many older and wealthier communities industries and manufactures of the most valuable character, and it has been done upon their own capital.

There is scarcely a Northern capitalist in the whole State. More than that, their furnaces and rolling-mills are conducted by their own men. It is the genius of the people of Alabama that revolves in the wheels which are set in motion there and makes the products which are now stripping from Great Britain itself some of its most valuable staple productions, iron in different forms, pig-iron, and as we proceed, with land at low rates—not labor at low rates, for the laborer in Alabama gets dollar for dollar what the laborer of the same grade and class gets in any State in the American Union——

Mr. HOAR. Will the Senator inform me what are the wages of the agricultural laborer in Alabama per day?

Mr. MORGAN. There is no hiring of agricultural labor by the day.

Mr. HOAR. How much are the wages in the way you do hire? Do you hire by the month?

Mr. MORGAN. We usually hire our laborers by the year. I suppose 90 per cent. of the agricultural laborers in Alabama get a share of the crop, just like your fishermen get a share of the catch.

Mr. HOAR. But the Senator said the wages are the same as at the North?

Mr. MORGAN. Our laborers are not hired in any other way than that I have stated. I have really no market to which I could go.

Mr. HOAR. Then it seems when the Senator from Alabama said that the working people got as good wages in Alabama as they do in Vermont he did not know anything about it.

Mr. MORGAN. Perhaps I do not; and what I do not know of course the Senator from Massachusetts does, for he knows everything, whether another person knows anything or not.

Mr. HOAR. The Senator said he did not know.

Mr. MORGAN. I bow with humble submission to the superior knowledge and especially to the great assumption of the Senator from Massachusetts, who seems to flatter himself with the idea that he is almost omnipotent, and that there is no end to the cutting edges of his wit.

The Senator from Massachusetts asked me a question which I answered in a very correct way. I said I did not know, because there was very little hiring of agricultural labor. Most of the agricultural work is done by what we call the cropping system or on the shares, and there is no market for labor there to which I can go in dollars and cents by the day and week and month and be correct about it. If the Senator should ask me about labor in the iron establishments, in the factories, mechanical labor, and the like of that, I could point him to many a negro man in Alabama who earns his $5 a day and gets it puddling. The wages of negroes in different vocations connected with the production of iron are quite up to those of the white people, unless it may be some man who is extraordinarily skilled, as the conductor or manager of a furnace, the keeper of a furnace, or something of that kind. But in all the grades and ranges of labor that they are capable of performing successfully the colored people get just as much wages as the white people.

We have to pay a little more wages in that country, because there is some prejudice as to the association of white and black people together. They are continually in quarrels with each other and kill each other, and a white man does not like to take his family from the North down into a nest of negroes. He does not like to take his family down there and put them in the same quarter of the town or as a next-door neighbor, and have his little girls working in factories with negro boys and negro girls. The white man from the North does not like it. He does not like it as much as the white man from the South does, because we understand the negro better than the white man in the North does. Therefore we have to pay a little higher inducement than they do in the North.

We have plenty of land, a genial, beautiful climate, waters bursting from the hills in every direction, crowned with most magnificent forests, yielding a great variety of productions, fruit of various kinds and of great abundance. A common poor man, as he is called, a man who has a family to support and take care of, can go down there and get from three to five or ten acres of land and he can make a living which a great many of the nabobs of the North would envy him in. If such a nabob would just have a chance one time to go to the table and sit down at the snowy cloth and see the decent wife presiding there he would envy him.. A great many of those laboring men live better than your men who are worth $50,000. I have been at your tables, and I know how it is. I have been at theirs, too; and I say they live better. It is a better country. God has favored it more than He has any other country in the world. He is evidently in love with it, and I think one of the peculiar evidences of the ways in which He has manifested His love for us is to give the Northeastern Yankee a holy prejudice so that he will not come among us; he keeps away. Our population grows; the West comes to us; the Central States come to us, and a good many Yankees come too—New England fellows. They are all welcome, but still they will make mischief wherever they go. I never knew one to fail in my life, if he had the best chance in the world, to get up some mischief. Being a peace-loving and an order-loving people we are afraid of you, and would rather you would stay at home.

We do not feel so much interest down South in this treaty. It is the rarest thing that you hear it spoken of down there. Our ports are generally so shallow that they can not be entered by big foreign ships. We have not any great cities right in the range of bombardment to be burned down. We have not much money upon this question, but the moment you get to fighting, if you ever should, we would be supplying you with a great deal of needed products—iron, steel, timber, cotton, cotton goods. I do not see but what we could make money out of a war with Great Britain; I think we could. I think our time would then come to do what you have done, to stay at home. We would stay at home, many of us, the old fellows, and we would do just as you did during the late war, get rich.

I do not see that our people down there have any peculiar interest in this matter, but while I am in the American Senate I am not going to consent to be a participant in the shedding of one drop of American blood as long as there is a just and honorable way of escape from it. That is exactly the way I feel about it. I would not make one widow even in order to make the Senator from Massachusetts President of the United States, and that would be a great thing for this country. I would not do it to gratify the zeal of any politician. If there is any one thing that I have a sovereign contempt for it is a man who will deal in a reckless way with the sacred interests of his country and with her affairs in connection with foreign countries when the situation becomes intricate, delicate, and dangerous, when there is a chance open to him of dealing in a fair, manly, open, just way, and arriving at a better conclusion than you can ever reach by war.

I am for this treaty, but not because I believe it will produce free fish. Senators who argue the treaty in that direction know that it will have no influence at all upon the production of free fish. That is no motive or inducement to me in the world for voting for the treaty. I would willingly agree to strike out the fifteenth article, but I am for the treaty because I believe it to be the best adjustment of the contention between the two parties. Without saying which is absolutely right or which is absolutely wrong, and admitting a fair degree of sincerity on the part of both the great contending parties, I believe that a ground has been taken by the negotiators between these parties which is just and fair.

I am very glad indeed that no man born in the South or reared there, or who ever had any affiliation with us, so far as I know, had anything to do with making the treaty. It is a Northern affair. You

got one of your very ablest, and I expect one of your most patriotic men, and I dare say one of your most just and excellent men, Mr. Putnam, right from the coast, almost from the Bay of Fundy, to come into the negotiation and manage it. No slur is cast upon him; there is no imputation or impeachment of the man in the world, of his ability or his fairness, or anything of the kind; and he, living right there among those people, has concluded that it is best for them and best for all concerned that this subject should have been treated just as it is.

President Cleveland is not—save the mark—a "pig-headed" man. He is not a fool. He has been wise enough to beat your party every time he came in contact with it, and he is going to do it again so easily that you will hardly know what has happened to you. You see the hand of doom already; there is nobody who can hide it from you.

If President Cleveland had been a mere politician, if he had desired merely to make the most out of the situation, he would have done what some of the Senators on that side have been doing to-day, he would have fulminated immense threats and talked about Great Britain. He would have gone into the jingo business, and when he issued his proclamation, if he should have issued one, it would have included nothing in the world but fish, and he would have plucked the little red feather that you are trying to put in your caps now as a war party, out of your caps and stuck it in his own, and beaten you worse than he is going to do in November.

But that man marches boldly and squarely along in the discharge of what he believes to be his conscientious duty to the people of the United States, and to-day Mr. Cleveland's strength consists in the fact that the people of the United States believe that he and his Cabinet are just and honest and sincere men; that they can not be swerved from the line of duty by threat or inducement; that they march boldly and straight to the front; that they serve this country with singleness of purpose, and that there is not a taint of fraud anywhere to be heard of against any man connected with the Administration.

There is the anchorage ground of Cleveland and his party. That is something that the people of the United States are not going to forget between this and November. After the years and years of constant impeachment of Executives and others in high authority in this country, until the records of Congress have become almost entirely a repository of scandal against the good fame of this land, the people of the United States find themselves under the lead of an honest, square man, a true and just man, if he is not a very polished man according to somebody's ideas. Finding themselves in the company of such a leader as that, who wants to do justice to every institution and every party and every human being in the American land, they are gratified at the result, and they feel strong in the union which he produces in their hearts. He enjoys for the first time since the convention system was inaugurated in this country the unanimous voice of the representatives of at least five and a half million voters in the land. Gentlemen may cry out against him as a pusillanimous coward, a pig-headed man, a coarse man, an ignorant man; he is the truest representative to-day of the American character that stands upon the bosom of this continent. The people know it, and they intend to sustain him in it.

That is all I have to say about politics in this discussion.

Mr. BLAIR. Mr. President, when I used the unfortunate adjective "pig-headed," I used it with reference to the anticipated conduct of the President of the United States in case the Senate saw fit to exercise its constitutional right of rejecting this treaty, referring to the conduct to be pursued, as foretold and proclaimed by the Senator from Alabama. I have no wish to qualify any expression that I used with reference to the President any further than to not have it misrepresented by the Senator. I certainly do not wish to interfere in the slightest degree with his adoration for the President.

Of course the Constitution guaranties religious as well as civil liberty, and the Senator from Alabama can worship any fetich whatever that he chooses. It is a constitutional right; nobody would think of interfering with it; and certainly from what I know of the Senator he would naturally select just about such a god. Let him go on with his adoration, I have nothing to say about it. But equally it will be remembered that the pagan worshiper of any other idol, be it of wood or of stone, is guarantied in the same liberty by the Constitution of our glorious country. So let the Senator enjoy his worship of his supreme being exactly in the same way that we guaranty religious liberty to the Chinaman, to the pagan, or to any other man on the face of the earth, no matter what may be his form of religious belief.

I wish to call attention to a point of more importance, and that is what I conceive to be the misrepresentation based upon ignorance (for I wish to be charitable with the Senator from Alabama) in reference to the compensation which people get for work in the State of Alabama where he lives and throughout the South, of which the Senator would assume that he knows something. I undertake to say that while those who are engaged in skilled labor and who are in effect instructors in the mercantile and manufacturing pursuits of the South, in the development of the mines, of the manufacturing industries of the South, while that class of men who are substantially educators get as much as, and in some instances more than, they do in the North, because they are exercising their missionary avocation at a distance from where such people naturally would be, nevertheless the masses of the Southern people for their labor do not receive in monetary values more than one-half, or at the most two-thirds, of what is paid to corresponding citizens engaged in the same occupations at the North.

I will point to one general fact and ask Senators to account for it. I ask the Senator from Alabama to account for it, whose lip, it seems, is not, perhaps on account of its thickness, inclined to scorn, even when that sentiment ought to be exercised. I will ask him or any other Senator to account for the fact, proclaimed only a few years ago on this floor by the Senator from Georgia [Mr. BROWN], not now in his seat, and which there is no Senator here so unintelligent as not to know to be substantially the truth, and based upon census returns, that although the colored population had done the work of the State of Georgia substantially for twenty-five years since the war (and the Senator from Georgia spoke of it as a great achievement, showing the industry and the excellent condition of the colored population of the South), during all those years they had accumulated only about $6 per capita?

They had got their living, such as it was, and with all their industry, which constituted the rising industrial glory of the State of Georgia, they had contrived to save only some $6 per capita. How long would it take a man laboring twenty-five years and saving $6 to enable himself to buy and pay for a homestead of $500, which is the ordinary homestead exemption even in the pecuniarily poor State from which I come?

If there is any State in the South where the condition of the colored population is any better, I do not know it. I presume it has improved somewhat since 1880, but it is no better to-day in the State of Mississippi, it is no better in the State of Alabama, except around some of the manufacturing centers which have been built up by the intelligence and the capital of the North very largely, as the Senator knows.

I do not even undertake to impeach the intelligence and the high quality of the Southern people. The Senator does me a wrong, which I do not complain of, because it is easy for him to do a wrong, intentional it may be—he does me a wrong if he undertakes to put me in the attitude of any assault upon the Southern people. If he meant to do that he meant to do a wrong. I say the Southern people in their great interests, in my belief, could be more worthily represented on this floor, and with less talk about it, too.

The white population at the South is somewhat better compensated in the matter of wages than is the average of the colored population. In what do they get their wages? The Senator well explains the secret of the slight returns that are left after the livelihood has been secured. They get their pay off the farm; they get a share of the crop. That is what they get. What is there left? Are they paid at the "pluck-me" store? Does the planter see to it that in many cases there is a profit at both ends?

I admit, and it must be the case, that the colored man very largely is an indolent laborer. What reason has he to be otherwise? What is the good effect of hard work? Ought not twenty-five years of honest toil, during which years they have constituted the recuperative agency of the South, to have given to the Southern colored man more than six or even ten or fifty dollars per capita of savings? Look at the savings institutions of the North. Sir, in my own State the laboring men have more in the savings institutions of that little State of three hundred and fifty thousand people than there are in the entire savings-banks, I believe, of the whole South, so far as the deposits of the laboring population are concerned.

Mr. GEORGE. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. Certainly.

Mr. GEORGE. Does the Senator mean to say that the market value of the labor of the colored man of the South is not adequate?

Mr. BLAIR. I do not mean to say that he is inadequately paid. I do not know what would be his adequate payment under the conditions in the South. What I wanted to say was that the colored laborer of the South is not paid in money values at the rate of the common laborer of the North. That is the issue between myself and the Senator from Alabama.

Mr. GEORGE. That may be true, but the point is this: Does the Senator mean to be understood as stating to the American people that the colored laborer does not receive for his labor in the South all that the employer can fairly pay him?

Mr. BLAIR. The Senator from Mississippi must not undertake to raise another issue. I have no issue with the Senator from Mississippi. I do not undertake to say that compensation at the South ought to be or can be under existing conditions what it is at the North. I too often have undertaken to say on this floor what constitutes the real cause for the great and absolute difference that exists between compensation and the cost of production at the South and the North. I have tried to explain that often. I believe neither does the employer nor the employé get at the South anything like the compensation for his efforts in the line of production that he ought to obtain, or that under other conditions he might well obtain, or that he will obtain.

Mr. GEORGE. I agree with the Senator about that, if he would attribute it to a different cause.

Mr. BLAIR. That may be. Now, my issue is with the Senator

from Alabama, with his lip that never curls, not even in contempt and scorn. Mine does sometimes, and always when I think it is deserved.

I say that the laborer at the South receives pay for his work in such lines of production as are now coming in competition with the goods of Great Britain and with the goods of the North, and he receives a far less amount of compensation than does the corresponding laborer, I think, even in England, and certainly in the North. If it were not so, I ask how comes about the fact of competition? How is it that Birmingham, Ala., sells iron in Pittsburgh, Pa., unless it be that her labor is cheaper? In the name of Heaven is not the labor of the miner of Pennsylvania cheaply enough paid? Does not the raw material that comes from the bowels of the mountains in Pennsylvania come cheaply enough when the Hungarian and the foreign miner, the worst-paid labor that we have at the North, produces the raw material which goes to Pittsburgh and is operated upon in her great manufactories? Is not her raw material cheap enough? If, as the Senator says, the labor in the furnaces and in the iron works of the South is as well paid as it is at the North, and the laborer in her mines is as well paid as at the North, how is it that she sells to the North and pays transportation from her own country to the Northern market?

Mr. MORGAN. Because she has so much better resources and they are right together. That is the reason.

Mr. BLAIR. Oh, the Senator——

Mr. MORGAN. Now you have asked me a question, and I wish you to take my answer or prove that it is not so.

Mr. BLAIR. I do not object to the Senator making an answer.

Mr. MORGAN. I say it is because we have very much better resources of every kind and the resources are all together. There is very little haul to assemble them at the furnaces. An average of about 17 miles will draw the coal, iron, and limestone necessary to manufacture pig-iron, in what we call the Birmingham district, together at one hundred stations.

Mr. BLAIR. If the Senator's explanation is correct, how then is it that, as he says, they sell in old England to-day and are rivaling her in the cheapness of her iron production when on the Clyde all these things are within a stone's throw of each other?

Mr. MORGAN. It is because——

Mr. BLAIR. No, the Senator's explanation is not the true explanation.

Mr. MORGAN. Let me say this about the last branch: In England they have to mine away under the sea for their coal and for their iron ore, and then they have to transport it across to the shore, and it has to be hauled to the fields of consumption, which are for the productions of Alabama very largely in the far West as we call it. We sell a great deal of iron to Chicago, to Cincinnati, and St. Louis. Of course they want the benefit of the iron we produce down there to mix with other iron to make the various productions of commerce. Our iron is in demand. We can make it down there, when matters are in a normal condition in regard to the price of provisions, at a considerable profit at $10 a ton. Our furnace-men are making iron at that price now and they are all growing rich.

Mr. BLAIR. The Senator ought to know the fact that if iron costs as much in Alabama as it does in Pennsylvania——

Mr. MORGAN. No——

Mr. BLAIR. Very recently I know that was the fact, and it was testified to by intelligent witnesses engaged in the work themselves.

But, Mr. President, I wish to emphasize the great fact which is overlooked at the North, and which is a fact more important to the North to-day than the existence or the modification of the tariff as between ourselves and foreign countries, that we have a vastly more expensive system of wage labor at the North than we have at the South. In our factories, in our furnaces, in our fields, everywhere the common laborer at the North is a much more expensive producer or laborer than he is at the South. There is no protective tariff, and there ought to be no protective tariff, as between the States of the Union, which are united as one political power; and unless there be within the policy of some party or of all parties a system of development pursued which shall give wealth to the producer and to the laborer at the South, and make the common people of the South largely consumers of that which they themselves produce, the competition to Northern industries from that direction will be infinitely more hurtful than anything which we have any cause whatever to expect from European shores.

That is a thought connected with the tariff discussions of the present day which is not sufficiently dwelt upon, and in connection with that, what seems to be the real issue in the minds of so many of our people, to my mind utterly disappears. We ought to pursue such a policy that when I state it as my belief that neither the employer nor the employé in the State of Mississippi or at the South generally receives as the return for his efforts what he ought to receive, the Senator from Mississippi would not rise in his seat and say that I am correct in that regard.

But, sir, he may not perhaps differ from me as to the real remedy, and I assure both the Senator from Mississippi and the Senator from Alabama that if I understand myself that remedy is not one which implies any belittlement or unpleasant comment whatever upon the Southern people of any race. I am the last man who would see any violent disruption of their existing institutions or their status, but as the South becomes the scene of diversified industries she ought to become the market where the benefit of that diversification shall be felt. As the manufactures grow and trade builds up manufacturing cities, the community in the vicinity of those cities should find a market for their productions largely increased in value precisely as it is at the North, because that market is at home.

Unless those who are there engaged in manufactures, in the development of these industries of diversification, have compensation, how are they to buy? What does the laboring man, what does any man get of the productions of the earth save in the form of his wages or the price at which he sells his commodities? The South never can become a great country industrially; it never can be fully developed; its condition will never be homogeneous with those portions of the North which have existed under superior advantages, until that diversification finds its market at home as well as its productions there; and that never can be until increasing intelligence of the masses of the people is attained, not simply in books, but in knowledge of the arts of production as well, when such exertion, such labor shall have received at the South compensation adequate or comparatively the same that the same class of people receive at the North. Then the South will find her market at home, and the increased production of which Senators speak will be consumed there, and there will be no interference with the market at the North, which is now no more than is necessary for the just maintenance of our own industries.

In regard to the questions of fact as to the matter of compensation, I am satisfied that I am right, and the great fact that the South is able to compete with the North in her own markets, selling all the coarser manufactures of cotton and somewhat of wool in the North and in the West to-day, is a demonstration that the cost of production is less at the South and that they are obliged to seek their market elsewhere for the reason that the people at the South are unable to purchase and to consume that which they produce at home.

There is a way out of all this, and I believe the American people will find that way; I believe the Southern people will find that way; and I believe that they will find it rapidly, and that they will lift themselves by their own naked strength as high and as rapidly to that condition by improved compensation and consumption as any other people on the face of the earth.

Mr. HOAR. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 10, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 9, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LADIES' SILK CULTURE ASSOCIATION OF CALIFORNIA.

The SPEAKER laid before the House a letter from the Commissioner of Agriculture, transmitting a report of the expenses and results attained by the Ladies' Silk Culture Association of California; which was referred to the Committee on Agriculture.

DEATH OF J. K. EDWARDS.

The SPEAKER. At the request of the gentlemen composing the corps of Official Reporters the Chair will lay before the House the following communication, with the resolutions relating to the death of the late J. K. Edwards.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., August 8, 1888.

SIR: I have the honor to transmit copy of resolutions adopted by the Official Reporters of debates on the death of their late associate, James Keith Edwards.

I am, with respect, your obedient servant,

J. J. McELHONE,
Chief Corps of Official Reporters,
House of Representatives.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., August 8, 1888.

The Official Reporters of the proceedings and debates of the House of Representatives, following long-established precedent, have met to express their profound sorrow at the loss by death, July 17, 1888, of James Keith Edwards, one of their associates.

He was born in Dundee, Scotland, June 11, 1829; was graduated at the University of Aberdeen with the degree of A. M.; was promoted in Canada after service as editor to the position of parliamentary reporter, and in 1869 was appointed to fill a vacancy in the corps of Official Reporters in the House of Representatives, which position he held with honor to the last.

His profession has given able men to journalism and public affairs, such as Gales, Seaton, Raymond, Hincks, Lord, and others; and in profound learning and special skill as a Congressional reporter he was equal to any.

His death at his post was the highest attestation of his devotion to his duty.

Resolved, That we, his associates, place on record in the customary mode the expression of our deep sorrow at his loss and our appreciation of his personal

integrity, his generous spirit, his professional skill, and his large knowledge of parliamentary law and public affairs generally.

Resolved, That a copy of these proceedings be transmitted to the honorable Speaker of the House of Representatives and to the relatives of the deceased.

The SPEAKER. If there be no objection these resolutions will be inserted in the RECORD and printed.

There was no objection, and it was so ordered.

GENERAL W. F. SMITH.

The SPEAKER laid before the House the bill (H. R. 9396) for the relief of General W. F. Smith with a Senate amendment, and a request by the Senate for a committee of conference.

Mr. TOWNSHEND. I ask that the House agree to the conference requested by the Senate.

Mr. McMILLIN. I think that ought to go to the committee.

Mr. TOWNSHEND. The Senate asks a conference, and I hope my friend will not object.

Mr. McMILLIN. This is one of those bills that provides for a promotion simply to give General Smith an additional retired rank and pay, if I remember it correctly.

Mr. TOWNSHEND. The Senate has reduced the grade.

Mr. McMILLIN. Well, let it lie on the table for the present, and I will examine the Senate amendment during the day.

Mr. TOWNSHEND. Very well.

The SPEAKER. If there be no objection, the bill will lie for the present on the Speaker's table.

There was no objection.

ANTHONY L. WOODSON.

The SPEAKER also laid before the House the bill (H. R. 8962) for the relief of Anthony L. Woodson with a Senate amendment, and a request by the Senate for a committee of conference.

Mr. FINLEY. I ask that the amendment be non-concurred in, and that the request for a conference be agreed to.

The SPEAKER. The amendment had better be read.

Mr. McMILLIN. Let us have the bill and the amendment read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, is hereby authorized and directed to pay to Anthony L. Woodson, of Woodsonville, Ky., the sum of $3,666.20, being the value of quartermaster's stores taken from the said Woodson by the United States forces during the late war, and appropriated to their use; and the further sum of $2, 00, being the value of engineer stores taken in the same way for the construction of forts, stockades, and so forth, at and near Munfordville, Ky.

The Clerk read the amendment, as follows:

The amendment strikes out all after the word "use," in line 9, in the following words:

"And the further sum of $2,300, being the value of engineer stores taken in the same way for the construction of forts, stockades, etc., at or near Munfordville, Ky."

The SPEAKER. Is there objection to the motion of the gentleman from Kentucky [Mr. FINLEY] to non-concur in the amendment and agree to the conference?

Mr. SPRINGER. I think this bill had better go to the committee.

Mr. STONE, of Kentucky. There can be no really good purpose served in sending it to the committee. The committee have had it, and the best thing to do now is to agree to the conference requested.

Mr. SPRINGER. Let it lie on the table for the present, then, and I will look at the bill and see whether I shall continue objection.

There was no objection; and the bill was permitted to lie on the Speaker's table for the present.

MATTIE S. WHITNEY.

The SPEAKER also laid before the House the bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court.

Mr. STONE, of Kentucky. I ask unanimous consent to have that bill considered at this time.

Mr. HOLMAN. Is this a Senate bill?

Mr. STONE, of Kentucky. It is.

Mr. HOLMAN. I ask that it be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Mattie S. Whitney, as administratrix of the estate of Franklin S. Whitney, deceased, the sum of $22,224, in full satisfaction of her claim against the United States, for supplies furnished to the Army and Navy of the United States, the same being the amount found to be due her by the Court of Claims.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. The amount is large, and I think it had better go to the committee.

Mr. STONE, of Kentucky. I hope the gentleman will not object; it is carrying out the findings of the Court of Claims.

Mr. HOLMAN. Let the report be read.

The SPEAKER. This is a Senate bill and there is no report accompanying it; but there is a House bill, and the report accompanying that bill can be read.

Mr. SPRINGER. Let it go to the committee.

The SPEAKER. The gentleman from Illinois objects, and the bill will be referred to the Committee on War Claims.

The bill was read a first and second time, and referred to the Committee on War Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally read a first and second time, and referred to the committees indicated:

The bill (S. 3163) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs in the Yellowstone National Park—to the Committee on the Public Buildings and Grounds.

The bill (S. 3196) for the relief of Joseph G. Swank—to the Committee on War Claims.

The bill (S. 3162) providing for the printing of Government publications upon private orders—to the Committee on Printing.

The bill (S. 3181) removing the political disabilities of Julian Morris—to the Committee on the Judiciary.

The bill (S. 2802) to fix the number of unbound and bound Journals of the Senate and House of Representatives, and to provide for their distribution—to the Committee on Printing.

The joint resolution (S. R. 56) granting permission to officers and enlisted men, members of the military order of the Loyal Legion of the United States and of the Grand Army of the Republic to wear the badges adopted by those orders—to the Committee on Military Affairs.

The bill (S. 1019) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 18th day of April, 1861, and issue discharges to the same—to the Committee on Military Affairs.

CHINESE IMMIGRATION.

The SPEAKER also laid before the House the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

Mr. MORROW. Mr. Speaker, I ask that that bill be taken up and considered at this time. The bill has been reported by the Senate Committee on Foreign Relations unanimously, and has passed the Senate unanimously. The same bill identically has been considered by the House Committee on Foreign Affairs, and has been reported from that committee unanimously and is now on our Calendar. It is exceedingly important that the bill should be considered at once, and that if it is to pass it should become a law as soon as possible. We have negotiated a new treaty with China; that treaty has been amended by the Senate of the United States and has been sent to China that the amendments may be approved by the government of that country. It is likely to be returned here in a very few days.

By the terms of the treaty it goes into effect upon its ratification. As this new treaty will abrogate the existing one, it becomes necessary for Congress to provide the machinery to carry it into effect upon its ratification, in order that there may be no hiatus between the present law and the new one. This bill provides for executing the provisions of this new treaty. The treaty itself is somewhat comprehensive. It goes somewhat into details as to what shall be done respecting the prohibition of Chinese immigration into this country. It provides a method of identifying those that shall depart from the United States, a method of identification which it is claimed will be more effective than the existing one, and will amount to something in the way of preventing the coming in of those who are not entitled to come.

The present law and the present treaty, by reason of inherent defects, do not prevent Chinese immigration. On the contrary, the Chinese are now coming to the Pacific coast, and particularly to San Francisco, in greater numbers than they came before the existence of the present law or the present treaty. Mr. Speaker, this is an important measure. The people of the Pacific coast ask—ay, they demand—that Congress shall relieve them of the difficulties that they now encounter by reason of previous ineffective measures on the part of the law-making power under the treaty now in existence. I ask, therefore, the immediate consideration of the bill.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, it is very important in passing a bill of this character that we should be sure that it is an effective measure. It is important, therefore, that time should be given for the bill to be printed and examined by gentlemen who are on the Committee of Foreign Affairs, even if they do not examine it as a committee.

Mr. MORROW. They have examined it already.

Mr. BRECKINRIDGE, of Arkansas. I understand that it has just come from the Senate.

Mr. MORROW. The House Committee on Foreign Affairs have reported the same bill identically, and it is now on the Calendar.

Mr. BRECKINRIDGE, of Arkansas. I would suggest to the gentleman, in the interest of effective legislation, that he ask the House to fix a day, say next Tuesday, for the consideration of the bill, so that in the mean time members may have an opportunity to examine it and see what improvements, if any, can be made in it.

Mr. MORROW. I appreciate the gentleman's suggestion, and if I thought there were any possible advantage to be gained by accepting it I would do so. But, Mr. Speaker, this measure has been approved by the State Department; it has been considered fully and attentively

by the Senate Committee on Foreign Relations; they have reported it unanimously, and it has passed the Senate unanimously; and the same bill has been considered by the House Committee on Foreign Affairs, and has been reported unanimously to this House. The bill has the approval of every person who is familiar with the difficulties connected with this subject and the necessity of legislation to overcome them; and I must request that it be considered at this time. If there are any questions to be asked about the bill I am ready to explain it. The provisions of the treaty are very full and comprehensive, and this bill provides for carrying them into execution.

Mr. BRECKINRIDGE, of Arkansas. I do not suppose there is a gentleman on this side of the House who has any objection to an effective measure being passed for this purpose. The only objection that can be urged must be based upon some defect that may exist in the bill itself; and I think the gentleman would act more wisely, if he will permit me to say so, not to spring upon the House out of its regular order a bill which relates to a treaty, a bill which relates to a subject that has been found exceedingly difficult to handle with success, a subject which the gentleman himself says has baffled all previous attempts to deal with it effectively. I shall urge no formal objection to the immediate consideration of this bill if the gentleman insists upon it, but I think the friends of the bill manifest a spirit of haste that is born more of zeal than that thoughtful and prudent consideration which such a measure deserves, and which the gentleman from California doubtless has given to it, but which he knows other members have been unable to give to it up to this time. I therefore again suggest to the gentleman that he ask the House to fix an early day for the consideration of this bill.

Mr. MORROW. Mr. Speaker, the interests involved are too grave for me to consent to any further postponement of the bill.

Mr. BRECKINRIDGE, of Arkansas. Let me suggest further to the gentleman, that the chairman of the Committee on Foreign Affairs is absent, and the gentleman from Kentucky [Mr. McCREARY], a member of that committee, is also absent. I observe at this moment that the gentleman from Mississippi [Mr. HOOKER], who is also a member of that committee, is present, and I now yield to him and ask him to express his views as to the proper course in dealing with this subject.

Mr. HOOKER. Mr. Speaker, I entered the Hall just as my colleague on the Committee on Foreign Affairs [Mr. MORROW], was bringing this bill to the attention of the House. It is, as has been suggested by my friend from Arkansas [Mr. BRECKINRIDGE], a very important measure.

Inasmuch as the House is now engaged from day to day in the consideration of the deficiency appropriation bill, which under our general rules has precedence, I would suggest to my colleague on the Committee on Foreign Affairs, the gentleman from California [Mr. MORROW], whether it would not be better to have this measure considered on Tuesday next than to undertake to bring it up now in preference to the deficiency appropriation bill, an important branch of which is now under discussion. If my colleague will allow me I will move——

The SPEAKER. The arrangement can only be made by unanimous consent.

Mr. HOOKER. Then I will ask unanimous consent that Tuesday next, immediately after the reading of the Journal, be fixed for the consideration of this measure; and I am the more inclined to favor this course for the reason that, as will be observed, a number of the members of the Committee on Foreign Affairs, including its chairman and the gentleman from Kentucky [Mr. McCREARY], next in succession on the committee, are not now here. Therefore, if it meets the approbation of my friend from California I ask unanimous consent to designate next Tuesday, immediately after the reading of the Journal, for the consideration of this measure to the exclusion of all other business.

Mr. MORROW. I ask my colleague on the committee whether he objects to the present consideration of the bill.

Mr. HOOKER. I am not objecting to its consideration; I am suggesting a method of giving it consideration.

The SPEAKER. The bill has not yet been read, which is the ordinary preliminary to asking consent for consideration.

Mr. OATES. I desire to include with the request of the gentleman from Mississippi [Mr. HOOKER] the proposition that the bill be printed in the RECORD.

The SPEAKER. There is a request pending for immediate consideration of the bill, and unless that is objected to the House will proceed at once to consider it.

Mr. OATES. I shall not object, because I am in favor of the bill.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry: Is it not now in order to move that this bill be referred to the Committee on Foreign Affairs, with instructions to report it back next Tuesday immediately after the reading of the Journal?

The SPEAKER. No motion in regard to the disposition of the bill is in order except by unanimous consent, unless the House takes up the bill for consideration. The bill has not yet been taken up. The gentleman from California asks unanimous consent for the consideration of the bill at the present time. The bill will be read, after which the Chair will ask whether there be objection.

Mr. SPRINGER. I understand this bill is quite lengthy and its reading will take some time. I suggest that the bill be referred to the Committee on Foreign Affairs——

Mr. McKENNA. Do you object to the consideration of the bill?

Mr. SPRINGER. If the gentleman will wait a moment he will understand my proposition. I suggest that the bill be referred to the Committee on Foreign Affairs, which would be the regular course, and then on Tuesday next the committee can report it and ask its immediate consideration. We shall then see whether gentlemen on the other side will object. For the present I think the bill should be referred to the Committee on Foreign Affairs.

I have always voted in favor of bills to restrict Chinese immigration, and I desire to vote now for the most stringent measures on that subject. But I am not prepared to accept bills prepared by a Republican Senate on this subject, knowing that the Republican party, in view of its record, can not be trusted to prepare and enact into law measures which will effectively prevent Chinese immigration. I therefore insist upon the reference of the bill to the House Committee on Foreign Affairs, and hope that committee will have leave to report at any time, and that its report will be privileged over all other business.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] objects to the present consideration of the bill and asks its reference to the Committee on Foreign Affairs.

Mr. McMILLIN. And I ask unanimous consent that the committee have leave to report the bill back at any time.

Mr. FARQUHAR. Have they not that authority under the rules?

Mr. McMILLIN. No, sir.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] asks unanimous consent that the Committee on Foreign Affairs have leave to report the bill back at any time for consideration.

Mr. SPRINGER. The bill will then be privileged?

The SPEAKER. It will be. Is there objection to the proposition that the bill be referred to the Committee on Foreign Affairs with leave to report it back at any time for consideration?

Mr. HOOKER. If in order, I would like to include in the proposition a designation of Tuesday next as the time for the consideration of the bill.

Mr. McMILLIN. The proposition I have made will allow the committee to report it before Tuesday, if they are ready.

The SPEAKER. The committee can report the bill at any time. The Chair hears no objection to the proposition; and in the absence of objection, an order will also be made for the printing of the bill.

A MEMBER. Let the bill be made a special order for Tuesday next.

The SPEAKER. It will be a special order whenever reported—on Monday, if reported then.

Mr. McMILLIN. Mr. Speaker, my request, as I understand, is agreed to?

The SPEAKER. The Chair heard no objection, and the order is that the bill be referred to the Committee on Foreign Affairs with leave to report it back at any time for consideration.

Mr. McMILLIN. That makes it privileged.

The SPEAKER. It does.

Mr. McMILLIN. I am in favor of the bill, and desire its early consideration.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate insisted on its amendments to the amendments of the House to the bill (S. 1701) authorizing the construction of a wagon, bridge across the Mississippi River at or near Sioux City, Iowa; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. VEST, Mr. SAWYER, and Mr. WILSON, of Iowa.

The message also announced that the Senate insisted on its disagreement to the amendments of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.; agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. QUAY, and Mr. VEST.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 685) for the relief of Royal M. Hubbard;

A bill (S. 110) for the relief of Horace A. W. Tabor;

A bill (S. 2783) for the relief of the sureties of George W. Hook, deceased;

A bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi, and other States, and for other purposes;" and

A bill (S. 3136) to amend section 1014 of the Revised Statutes of the United States in relation to fugitives from justice.

GENERAL WILLIAM F. SMITH.

Mr. TOWNSHEND. I desire to call up from the Speaker's table for consideration at this time the amendment of the Senate to the bill (H. R. 9396) for the relief of General William F. Smith.

The SPEAKER. The amendment will be read subject to objection.

The Clerk read as follows:

IN THE SENATE, *August* 7, 1888.

Resolved, That this bill pass with an amendment.

Mr. TOWNSHEND. I ask that the conference requested be agreed to.

The SPEAKER. The House has not yet acted on the amendment of the Senate.

Mr. TOWNSHEND. I shall move to non-concur.

The SPEAKER. Is there objection?

Mr. HOLMAN. Let the amendment be read. [After a pause.] I do not insist on the reading of the amendment.

Mr. OATES. I insist on the reading of the amendment.

The Clerk read as follows:

Strike out "colonel" and insert "major of engineers."

Mr. BRECKINRIDGE, of Arkansas. I insist that the bill shall be referred to the Committee——

The SPEAKER. That is an objection to the consideration of the amendment, and it will be referred to the Committee on Military Affairs if there be no further objection.

Mr. TOWNSHEND. Let it lie upon the table.

The SPEAKER. The amendment will remain upon the Speaker's table.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 422) for the relief of William Gray;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 2088) for the relief of W. S. Carpenter;

A bill (H. R. 6233) for the relief of Jesse Coe;

A bill (H. R. 6232) for the relief of Nancy G. Alexander; and

A bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company, of the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOPKINS, of Virginia, for five days.

SAM RICE POST, NO. 6, GRAND ARMY OF THE REPUBLIC.

Mr. LYMAN. I move by unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 11045) for the relief of Sam Rice Post, No. 6, Grand Army of the Republic, Department of Iowa, and that it be taken up for present consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed, if it be not incompatible with the interests of the public service, to supply to Sam Rice Post, No. 6, Grand Army of the Republic, at Atlantic, Iowa, one hundred wall tents, two hundred muskets, and two cannon for reunion purposes, the said post first to give such security for their return as the Secretary of War shall direct and deem adequate.

There was no objection, and it was ordered accordingly.

Mr. BRECKINRIDGE, of Arkansas. I move to insert, after the word "their," in line 8, the words "safe-keeping and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSAN B. HOPKINS.

Mr. DAVIDSON, of Florida. I move, by unanimous consent, to discharge the Committee of the Whole House from the further consideration of the bill (S. 1813) for the relief of Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased.

The SPEAKER The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased, out of any money in the Treasury not otherwise appropriated, the sum of $392.50, in full for rent of houses used for offices and storing purposes situated in Tallahassee, Fla.

Mr. DAVIDSON, of Florida. This bill has passed the Senate, and one of a like character has been favorably considered by the Committee on War Claims of this House. The duplicate vouchers of the Quartermaster-General show conclusively it is just and right. I do not deem it necessary to say anything further.

The SPEAKER. Unless better order is preserved on the floor the Chair will have to suspend the business of the House. The bill referred to by the gentleman from Florida is not here, but in the Committee on War Claims.

Mr. DAVIDSON, of Florida. The House bill is on the Private Calendar, but the Senate bill is in the Committee on War Claims, and I move that that committee be discharged from its further consideration and that it be put before the House.

There was no objection, and it was ordered accordingly.

The SPEAKER. The Senate bill is not here.

Mr. DAVIDSON, of Florida. Here is a printed copy of the bill.

The SPEAKER. But the original Senate bill must be upon the desk when action is asked. The bill will go over for the present, and can be called up again some time during the day.

CORRECTION.

Mr. STRUBLE. Mr. Speaker, I rise to submit a privileged motion; to call up the special order for the day.

Mr. BRUMM. I rise to a question of order.

Mr. STRUBLE. I want to bring to the attention of the Chair the order of the House fixed for to-day.

The SPEAKER. The Chair was about to lay the special order before the House; but the gentleman from Pennsylvania rises to a question of privilege.

Mr. BRUMM. I rise, Mr. Speaker, to ask a correction of the RECORD of this morning. On yesterday, while the gentleman from Arkansas [Mr. BRECKINRIDGE] was occupying the floor, I asked the gentleman from Arkansas this question:

I would like to ask the gentleman from Arkansas whether the tariff has been changed so as to cause this rise in the price of cotton bagging since the Committee on Ways and Means were consulted on the subject?

To which he replied as follows:

In reply to the gentleman's question I will say that the present tariff affords to the manufacturers of cotton bagging a protection of 3 cents a yard, and that a few weeks ago they were not in a pool or a trust, the former one being broken up, and they were getting along very well at prices which were less than foreign bagging of the same weight could be laid down here for, judging from the prices of similar articles.

The Committee on Ways and Means thought that these manufacturers were able to get along without any duty, but the claims for some protection were urged upon various grounds with so much evidence of sincerity of belief and so much earnestness that the committee put into the bill a protection, not of 3 cents a yard, but of three-quarters of 1 cent a yard; and it is in the face of this proposed reduction, not increase, that the bagging manufacturers have formed this pool and put up the price from 7½ and 8 cents a yard to 11 cents, so as to take the entire 3 cents a yard protection which the law at this time permits to them, but which of course will not be permitted if the bill which we have passed becomes law.

I then stated:

Then I understand the gentleman to say that the prospective decrease in the tariff has been the means of raising the price of cotton bagging so suddenly and so largely.

To which the gentleman from Arkansas further replied:

If the gentleman had listened to me I think he would have understood me to say just the reverse of that. They hastened to reform the trust or pool so as to grab while they can. If the bill passes they come to an end. If the bill fails they can continue the extortion permanently.

I am then quoted as using this language:

That is what I said.

This is the part of the RECORD I wish to have corrected, because on the face of it it is inconsistent, and shows it is not what I said. What I said was that his reply was not an answer to what I had asked.

Mr. BRECKINRIDGE, of Arkansas. If the gentleman from Pennsylvania will permit me a moment I will say to him that the error of which he speaks is, doubtless, if I understand him, due to the double insertion of a remark that I myself made, by the insertion of my language in the wrong place. It should have followed, as the gentleman will remember, another portion of what took place in that discussion, instead of being also placed where it now is. The correction he speaks of would have been made without any action on his part. Through my own fault, thinking that this remark had been omitted, in looking over the manuscript copy of the report, these words were inserted twice and manifestly once in the wrong place. The gentleman doubtless remembers that the remark was made in reply to another portion of what I had suggested, and it is only misplaced in the RECORD, as I have stated, by an error of my own, the error being one of location, and making me faulty in repetition as well as destroying the connection of his own remarks.

Mr. BRUMM. I have no doubt the gentleman states the fact. The point is simply this, that the gentleman made a prophecy as to the effect of the tariff; but did not, as I understood, squarely answer my question, but rather, as I contended, corroborated my statement in that regard.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is both correct and incorrect. I stated exactly what is there set forth, only it is printed twice and does put the gentleman in the attitude of occupying a position that he did not occupy; and I had intended, as I have just stated to him, to make the correction by striking out one of the duplications from the RECORD.

Mr. BRUMM. If the gentleman will show me his correction, we can go over it together and arrange it.

Mr. BRECKINRIDGE, of Arkansas. Certainly.

FUNERAL OF GENERAL SHERIDAN.

Mr. HOOKER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to make such provision for attending the funeral obsequies of the late General Sheridan as may be ordered and adopted by the committee appointed by the House of Representatives, and that the expense thereof be paid out of the contingent fund of the House.

GENERAL WILLIAM F. SMITH.

Mr. TOWNSHEND. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 9396) for the relief of General William F. Smith, and that the same be allowed to remain upon the Speaker' stable for the present.

There was no objection.

PROPOSED ADJOURNMENT OVER.

Mr. COX. Mr. Speaker, I wish to submit a privileged motion. I move that when the House adjourns to-day, it be to meet on Monday next.

Mr. DOCKERY. But to-morrow night is set aside for the consideration of pensions.

Mr. COX. Then I will modify it by moving that when the House adjourns to-morrow it be to meet on Monday next.

The SPEAKER. The Chair thinks that motion would not be in order at this time. The House might agree, by unanimous consent, that when it adjourns to-morrow it be to meet on some succeeding day, but the motion would not be privileged of itself.

Mr. COX. I have no objection, if the difficulty is in the way of the pension night, to asking unanimous consent that to-night be fixed for the consideration of pensions instead of to-morrow night.

Mr. NELSON. I was just going to suggest to the gentleman that he ask unanimous consent to substitute to-night for to-morrow for the consideration of pension bills.

Mr. SPRINGER. If it is understood that this is to get rid of the session to-morrow, I shall object. I have no objection to an adjournment from to-morrow until Monday, and am willing to give unanimous consent that the motion may be submitted now that when the House adjourn to-morrow it be to meet on Monday next.

Mr. BRUMM. That does not dispense with the pension night.

The SPEAKER. It does not.

Mr. CANNON. I want to see the appropriation bills passed and get ready to go home, and I shall object.

Mr. SPRINGER. I ask my colleague from Illinois if he is opposed to allowing the members of the House and the officers of the House an opportunity of attending the funeral of General Sheridan?

Mr. CANNON. I am not opposed to it. I am perfectly willing to adjourn over Saturday when the proper time comes.

Mr. COX. Then withdraw your objection.

The SPEAKER. The motion the gentleman desires to make is that when the House adjourn to-morrow it be to meet on Monday.

Mr. BUCHANAN. Would not that motion be in order to-morrow?

The SPEAKER. It would.

Mr. CANNON. Then let it be made to-morrow. [Cries of "Regular order!"]

Mr. CRISP. I ask that that be withdrawn until my request can be made.

The SPEAKER. The Chair will hear the request of the gentleman from Georgia.

Mr. CRISP. My request is that on Wednesday, the 22d instant, after the reading of the Journal, the House shall consider the Senate bill for the amendment of the interstate-commerce act. It has been reported to the House and is on the Calendar.

Mr. WEAVER. I am in sympathy with that bill and I desire to see it passed, and it is very important that it should be; but we have before this House the bill for the organization of the territory of Oklahoma, which in my opinion is quite as important to the people of the country. It has now been struggling here for over three years, and I do not think I shall yield for special orders to be made until that bill shall have been disposed of. There is plenty of time to pass both bills. Oklahoma now has the right of way and should not be crowded out. Let both committees unite and put both of these important bills through.

The SPEAKER. Objection is made.

Mr. COX. I move that when the House adjourn to-day it be to meet on Monday next.

The question was put; and the Speaker announced that the "noes" seemed to have it.

Mr. COX. I call for a division.

The House divided; and there were—ayes 49, noes 59.

So the motion was rejected. [Cries of "Regular order!"]

MRS. GENERAL WARD B. BURNETT.

The SPEAKER laid before the House the bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

Mr. SPRINGER. How does that happen to be the special order?

Mr. McMILLIN. It is analogous to a number of other bills, the consideration of which has been postponed.

The SPEAKER. There are two bills that have been postponed by order of the House.

Mr. McMILLIN. They were made the special order, but I suggest that they go to the Calendar with the other bills. They are bills of similar import, and one case will determine the rest, as they stand upon the same question.

Mr. STRUBLE. I can not consent to that.

The SPEAKER. The Clerk will report the bill.

Mr. SPRINGER. I ask postponement of the consideration of the two bills. This is a private bill, and as to-morrow will be private-bill day, I ask that it be postponed until that time.

Mr. STRUBLE. Mr. Speaker, I wish to ask if that is in order?

Mr. SPRINGER. To-morrow is private-bill day.

Mr. STRUBLE. I desire to say just one word, and that is this: that upon request last Friday night, when objection was made by gentlemen to the consideration of the bill, it was made the special order for to-day. I would like to have this bill considered now and disposed of.

Mr. SPRINGER. I want to say that I object to having special orders made, when general business is in order, by the few members of the House who attend here on Friday night to look after pension cases. [Cries of "Regular order!"]

Mr. LANHAM. I rise to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. Is that a privileged motion that has just been made by the gentleman from Illinois?

The SPEAKER. It is a regular parliamentary motion and is in order. The bill is up for consideration.

The motion of Mr. SPRINGER to postpone consideration until to-morrow was rejected.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hattie A. Burnett, widow of Maj. Gen. Ward B. Burnett, on the pension-roll and pay her her late husband's invalid pension of $100 per month in lieu of the pension she now receives.

Mr. McMILLIN. Let us have the report read.

The SPEAKER. That can be done in the time of the gentleman, as it is in the nature of debate.

Mr. STRUBLE. I am not in error. The order was that the report be read and thirty minutes be allowed for debate.

The SPEAKER. The Chair thinks there is no provision in relation to the reading of the report or any relating to debate. The bill is up for consideration in the usual way.

Mr. STRUBLE. Then I claim the floor, and ask that the report be read.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett, have considered the same and report it back to the House with the recommendation that it do pass.

The facts of the case are correctly set forth in the report of the Senate Committee on Pensions as follows:

[Report No. 519, Fiftieth Congress, first session.]

That the applicant is the widow of the late General Ward B. Burnett, deceased. The principal facts in the military life of her husband have been presented once before to this committee, in a report made April 6, 1880, by Senator BLAIR, of New Hampshire, now, as then, a member of this committee.

We quote from said report as follows:

GENERAL WARD B. BURNETT.

Died June 24, 1884, at Washington City, aged seventy-four.

This distinguished veteran of six wars was appointed by President Jackson a cadet at West Point in 1828, and he was graduated in 1832, brevetted second lieutenant, Second Artillery, July 1, 1834; ordered to report to Colonel Mahan, professor of engineers (was furloughed), reported to Chief Engineer Major Douglass, assistant upon the surveys and plans and estimates which resulted in the adoption of his plans for the Croton Water Works, now indispensable to New York City, and a monument to his genius. When relieved from the academy was ordered to report for duty to Maj. Hartman Bache, United States Topographical Engineers, at Philadelphia, Pa., on harbors and light-houses, then as principal engineer to Col. H. Long, topographical engineer, upon surveys conducted by himself and Major Yarl, of the Royal Engineers, to determine the routes of railways connecting the Atlantic with the Canadas.

Engaged in action of Lacha-Hatcha against the Seminole Indians. He fought in the Black Hawk war in that year on the ground near where Chicago now stands, before a single house was built in that great city, and as captain of cadets in the Black Hawk war; the command, in seeking the enemies of his country, met one more formidable in the Asiatic cholera, which attacked more than one-half of General Scott's army, spreading consternation and death among them. As the Surgeon-General and his assistants were among the dead and dying, the officers were obliged to take care of the sick, and young Burnett, fearless of consequences, was among the most active in providing for their comfort and safety.

Reported to Maj. Gen. Winfield Scott, during the nullification difficulties at Charleston, S. C.; acted quartermaster for a time; was staff officer to General Clinch; staff officer to General Bankhead at the battle of the Coves of the Withlacoocha. He organized two regiments and tendered his services to the President for the Mormon war. In 1842 and 1843 he organized a brigade, offered his services to the President when war was anticipated with England over the Oregon boundary line; he was the brigadier-general and the brigade was kept together at his own expense. He attended the artillery school, Metz, France.

After leaving the Florida and Creek wars, was engineer with Colonel Abert, chief engineer of topography on harbors, in 1837; became resident engineer in State of Illinois and Michigan Canal upon that great and important work. Was made major-general of militia; founded the Light Guard, of New York State; captain of Tompkins Blues when a mere lad; was major and brigade inspector.

In 1846, two regiments of his brigade having been accepted by Governor Wright, he was ordered to report with his regiments (the first troops raised for the Mexican war) to Maj. Gen. Winfield Scott for duty in the Mexican war, where his actions were brilliant. He was engaged in that war in the siege of Vera Cruz, Molino del Rey, Buena Vista, Palo Alto, Resaca de la Palma, in the battles of Cerro Gordo, Contreras, Monterey, and Cherubusco—battles unsurpassed in thrilling interest and the glory of military achievement in the annals of the world, and the bravest deeds on record.

General Burnett's regimental flag was the first one planted on the elevated causeway opposite Portalis in the battle of Churubusco, and his command capt-

ured Santa Anna and planted his flag at Cerro Gordo, the headquarters of General Santa Anna; after the troops had captured the position held by the whole Mexican line he returned the first American flag that was planted upon the castle at Chapultepec, even before the Mexican standard was hauled down from the plaza of the castle, and the brave Mexican general surrendered his troops and the key to the enemy's position to General Burnett's command, as shown of him in the great painting now hanging in the governor's room, city hall, New York, and the national flag presented to him by Maj. Gen. Winfield Scott at the national palace in the City of Mexico, and a beautiful one from the ladies of Mexico, made by their own hands, and three other ones presented by the State and the city of New York for their gallant conduct through the war. General Burnett presented the flags of his country to his command at the Island of Laboes, Mexico, in 1846, upon their knees, repeating this oath from his lips: "No enemy shall capture these colors while our lives are spared to defend them." Welcomed home to New York by the first division of New York regiments, under Major-General Sandford, by 200,000 people. Broadway was literally packed with people, who turned out to receive the returning troops, and flowers strewn in their pathway. Public receptions tendered him by the cities of New York, Brooklyn, Troy, Albany, Philadelphia, New Orleans.

General Burnett was a warm personal friend of President Andrew Jackson, of Henry Clay, Abraham Lincoln, and Daniel Webster. In the wars he had many wounds, and the Mexican, where he was severely wounded by a shot through his body, hip and shoulder dislocated by the fall of his horse—twice shot under him; from his wounds his jaws were closed with (tetanus) lockjaw for forty-five days. His coffin was made, but the gallant Major Twiggs was buried in it. He was promoted general by President Polk, September, 1847, by an act of Congress, his commission signed by Governor Seymour; he commanded a brigade.

For General Burnett's heroic services to his country he was tendered a resolution of thanks by the State of New York, Congress, and other States, and honors in private life showered upon him by his countrymen.

In 1861 he organized troops for the war of the rebellion, although a great cripple, in the Assembly Rooms, Broadway, New York City, at his own expense, consolidating regiments as general United States Army, under appointment by the governor and commission from the Government by President Lincoln; headquarters were at the Metropolitan Hotel. He rendered valuable service to the city during the New York riots, and by his efforts saved the United States mint when he had command of the city; was wounded again and sent to the United States Ladies' Hospital. He organized several commands in New Jersey, Delaware, Maryland, and Pennsylvania, for services in the field during the war. From exposure consequent upon these labors he became a martyr to inflammatory rheumatism and neuralgia.

General Burnett rendered valuable services to his country as United States topographical engineer. In 1849 President Polk offered to make him commissioner to run the boundary line between the United States and Mexico; but being upon crutches, he was made chief engineer for the construction of the navy-yard dry-dock, which he completed in 1852. Thence, in 1855, he was in charge of the New York dry-dock and the construction of the workshops in the New York navy-yard.

He made the plans of the Brooklyn water-works, which were adopted and of inestimable value to the City of Churches and a lasting honor to his name. In 1857 he was made chief engineer of Norfolk navy-yard and Portsmouth water-works, which involved his survey of Lake Drummond; in Richmond and Maryland made plans for tunneling the Blue Ridge Mountains in Virginia.

He was made surveyor-general of Kansas and Nebraska, which included Colorado, Montana, and two other Territories, because from ill-health he was unable to accept the appointment offered him by President Buchanan as minister to Turkey.

General Burnett, at the time of his death, was the oldest living graduate who became general, United States Army, in the Mexican war. Of the fruits of his valor was a territory conquered by the United States in 1848 almost one-quarter in extent of its then existing area, which is now peopled by 1,500,000 souls, and which from its mines alone could pay our national debt. He won by his bravery the highest honors awarded to the immortal Jackson; in brief, the highest honors accorded to Lafayette by the Empire City of the Union. Relics of great value were showered upon him; many came from foreigners. Two massive gold medals from the city and State of New York, another of great intrinsic value from the officers and soldiers of his division and command. The sword and the old hickory cane of President Jackson, newly mounted and ornamented with jewels and a massive gold eagle; another one from Mrs. Jackson heavily mounted. A beautiful gold-mounted sword, with diamonds, was presented to him by the Light Guard of New York for the gallant acts of his youth and saving the life of Cadet Clark from drowning, and six others at different times. A grand reception was given to him by the mayor and common council and citizens at the governor's room, City Hall, New York, at the theaters and public places. A great dinner was given to him by the citizens of Philadelphia, and also dinners and receptions in several other cities. A grand banquet was given to him and his officers at Troy, where the ladies from the seminaries showered them with flowers.

General Burnett never was in a battle that was lost, or skirmish; he had great perseverance and fortitude, and many are the incidents of his generous nature which can be related. He drew around him a multitude of friends. In the parlor he was as gentle as a lady. He was calm, cool, and brave in the field. It was often said of him he never knew what fear was, ever manly and hopeful through the many afflictions and hardships he was called to endure. His civil and military career placed him as one of the most distinguished men in American history, and he was a most accomplished gentleman, possessed of more than ordinary intelligence of mind and of refined and artistic tastes. His mind had been cultivated by reading, studying, and reflection, and his memory was wonderful even up to the hour of his death, and the extent and accuracy of his information was remarkable. He was sociable, refined, and generous to a fault. He revered and loved his Redeemer and was confirmed early in life in the Episcopal Church. A hero, a gentleman, a kind father, a devoted husband; for many years an invalid, but cheered by a faithful, brave-hearted wife, which was the one bright spot in the closing years of a once brilliant career.

General Burnett was honored as the bravest officer in the United States, and by his countrymen he was awarded the "President Jackson Gold Box" (and bequeathed to his widow), which bears the following inscription:

(Front side.)

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"Presented by the mayor, aldermen, and commonalty of the city of New York to Major-General Andrew Jackson, with the freedom of the city, as a testimonial of respect for his high military service."

(Reverse side.)

"THE HERMITAGE, TENNESSEE, *August* 17, 1839.

"Bequeathed by Major-General Andrew Jackson 'to that patriot of New York City who (should our happy country not be blessed with peace) should be adjudged by his countrymen to have been the most distinguished in defense of the country and our country's rights.'

"Awarded under that bequest, by the general voice of his countrymen, to Brigadier-General Ward B. Burnett, commanding the New York troops in the late war with Mexico."

It is seldom that we find a service so long and so distinguished.

General Burnett died in Washington City nearly four years ago. He had been, for many years prior to his death, in a condition of helplessness, requiring the constant aid and attendance of hired persons. This condition is clearly shown to have been caused by wounds and disease incurred in his military service. The applicant was his faithful attendant, affectionate nurse and companion during many years of suffering; spared neither time nor labor in easing the afflictions of that long disease—his life in these latter years.

He was and had been for some time prior to his death a pensioner at the rate of $122 per month. Neither the general nor his wife seem to have been possessed of any means of livelihood except the pension so paid to him. This was all exhausted and even indebtedness beyond it accumulated against them by reason of the necessary expenses of his protracted illness. So that when he died there were no assets of his estate, no dower for his widow except the claim upon the gratitude of the country for services so prolonged and so meritorious.

The widow is left without resources, except the pension now paid her under the special act of Congress, which is $50 per month. The bill under consideration proposes to grant her $122 per month, the amount of the pension of her late husband at the time of his death. She may indeed be equitably entitled to the full sum thereof, but having signified her willingness to accept $100 per month, the committee by reason of the premises accord her that sum as a merited provision for the claim made by her.

Mr. STRUBLE (interrupting the reading of the report). I would like to make a request that the further reading of the report be dispensed with, and that it be printed in the RECORD.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The report is being read in the time of the gentleman, and he has the right to request that the further reading be dispensed with, subject to objection by any other member.

Mr. STRUBLE. I desire to say to the House, Mr. Speaker, that I should like very much to have the House listen to the full reading of this report. I am satisfied that if each member of the House would listen to the report, or should read it, there would be an almost unanimous agreement that this case presents such merit as to entitle it to favorable action by the House.

I desire to be as brief as possible in reference to the career of this soldier. Let me say in the beginning, however, that I regard the career of General Ward B. Burnett, as it relates to the military service of this country, and particularly to the Mexican war, as being most self-sacrificing, brilliant, and most honorable; creditable alike to himself and to his country.

There was no braver soldier, not only in that war, but there has been no braver soldier in my judgment in the history of our country, than General Ward B. Burnett. He participated in nearly all the battles of the Mexican war. He led his troops uniformly with courage and with success; he was severely wounded; two horses were shot from under him during that war. His services were such that on his return to New York at the head of his command he was received by the people of that city with demonstrations which have scarcely ever been surpassed in the history of popular enthusiasm.

We have recognized the soldiers of the Mexican war as we have not yet recognized the soldiers of the late war; we have granted to the private soldiers of the Mexican war a service pension. Here now comes the widow of this gallant officer, and asks at the hands of this Congress that her pension, which is now $50 a month, may be increased to $100. As one who has carefully considered the report and the facts pertaining to the career of this soldier, I ask that the House agree to the Senate bill granting this lady $100 per month. As I have said of General Burnett, his gallantry, his devotion, his patriotism, and his distinguished services were such that they commanded the recognition and the commendation of all the people of the American Republic at the close of the Mexican war. The appreciation of his services is strikingly illustrated by one among many incidents. The famous gold box voted by the mayor and aldermen of New York City to General Jackson, as a mark of their appreciation of that great statesman and soldier, was by him bequeathed to "that patriot of New York City, who (should our happy country not be blessed with peace) should be adjudged by his countrymen to have been most distinguished in defense of the country and our country's rights;" and, as a result of that bequest, upon the judgment of those having the matter in charge, that gold box was awarded to this magnificent soldier of the Mexican war, General Ward B. Burnett.

General Burnett participated in six wars. He began away back in the Seminole war; he participated in the Black Hawk war; he raised troops when a disturbance with Great Britain over the Oregon boundary line was threatened; and when the war for the preservation of the Union broke out he again raised troops at his own expense, as he had done on former occasions, and offered his services to President Lincoln, and although he was then too infirm to go forward at the head of his command and participate actively in the war, he performed valuable services in raising and organizing troops for that war. During the New York riots he rendered most important aid, and by his efforts undoubtedly saved the United States mint when he had command of the city. He stood in high favor with President Lincoln, by whom he was commissioned to organize troops for the war. He was always loyal to his country and his country's flag from the early days of his youth to the closing hours of his life.

In order that I may emphasize the importance of General Burnett's military services to the country, let it be remembered that he participated actively in the Seminole war; that he fought in the Black Hawk war on ground near where Chicago now stands; that when the Asiatic cholera attacked General Scott's army furiously, young Burnett, not-

withstanding all or nearly all the principal medical officers fell victims to its havoc, bravely stood at his post, doing all he could to alleviate suffering and stay the ravages of disease and death. He reported for duty to General Scott during the nullification difficulties at Charleston. He organized two regiments and proffered his services to the President for the Mormon war, and when in 1842-'43 trouble with England over the Oregon boundary line was anticipated General Burnett organized a brigade and again offered his services, maintaining the brigade at his own expense. But while these exhibitions of his courage and devotion to his country in times of real or apprehended danger are sufficient to illustrate his character as a soldier and a patriot, the record made by him during the Mexican war surpassed all previous action and stamped his name high up on the roll of America's bravest generals.

The language of Senator BLAIR in the report to the Senate on this bill, and which report the House Committee on Pensions adopted, so much better describes General Burnett's services in the war with Mexico and the verdict of the American people on them than I can that I venture to quote from it at some length, asking members to grant me attention to the end that they may have as full information as possible of these invaluable services, on account of which largely the widow of the deceased general now asks an increase of her pension:

In 1846, two regiments of his brigade having been accepted by Governor Wright, he was ordered to report with his regiments (the first troops raised for the Mexican war) to Maj. Gen. Winfield Scott, for duty in the Mexican war, where his actions were brilliant. He was engaged in that war in the siege of Vera Cruz, Molino del Rey, Buena Vista, Palo Alto, Resaca de la Palma, in the battles of Cerro Gordo, Contreras, Monterey, and Churubusco—battles unsurpassed in thrilling interest and the glory of military achievement in the annals of the world, and the bravest deeds on record.

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The widow is left without resources, except the pension now paid her under the special act of Congress, which is $50 per month. The bill under consideration proposes to grant her $122 per month, the amount of the pension of her late husband at the time of his death. She may indeed be equitably entitled to the full sum thereof, but having signified her willingness to accept $100 per month, the committee, by reason of the premises, accord her that sum as a merited provision for the claim made by her.

Mr. Speaker, because of the heat and the anxiety of the House to pass to other business, I will not occupy further time, but will simply add to what I have already said, that this lady, the widow of General Burnett, was for thirteen years prior to his death his wife and the attendant who cared for him in the days of his feebleness and down to the time of his death in 1884.

Mr. WILLIAMS. At what age did the general die?

Mr. STRUBLE. At seventy-four.

Only within a few days this House has passed a bill raising the pension of another lady—the wife of a brigadier-general in the late war—from $50 to $100 a month, and another such bill has also received the favorable consideration of the House. Were this an original question, I am quite sure I would be opposed to it, as I have opposed some others of a kindred nature, but the precedents have been clearly and apparently deliberately set, and this bill is superior in merit, as I think, to others which have been passed.

A MEMBER. What cases were those?

Mr. STRUBLE. One of those bills was for the benefit of Mrs. Paul and the other was the case of Mrs. Stannard. Still another bill is pending, I believe—having been favorably reported—which proposes to raise the pension of a Mrs. Ricketts from $50 to $75 a month. Now, I do not think it is necessary to consume further the time of the House, and unless some gentleman desires to discuss the bill, I shall call for the previous question.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, this bill seems now to be fairly before the House to be voted upon, and of course I am going to vote for it because I know all about the character of General Burnett. It is a bill that ought to pass, and I am going to vote to pass it; but I want to say here that there are some twelve or fifteen similar bills which have come over from Friday night sessions with the previous question ordered upon them and days designated for their consideration, and I would like to know when we can reach those fifteen bills so that they may be called up and acted upon as this bill is to-day.

The SPEAKER *pro tempore*. The Chair will state that the bills to which the gentleman refers are not in order at this time. As to when they will come up, that is not a matter for the present occupant of the chair to decide.

Mr. O'NEILL, of Pennsylvania. I understand, then, they are not in order at this time.

The SPEAKER *pro tempore*. They are not.

Mr. O'NEILL, of Pennsylvania. I would be glad to know from the Chair, if possible, what is the prospect for calling up those twelve or fifteen meritorious bills for increase of pension to the widows of admirals, distinguished generals, and others. Those widows are in very straitened circumstances; their husbands did gallant service in the Army or the Navy; and Congress has never failed to pass one of these increase-of-pension bills in such cases. Indeed, some three or four months ago there were two such bills passed, following rapidly upon the granting of the pensions at the Department. There have been one or two such bills passed since. I speak to-day in the interest of those widows of generals, admirals, and commodores. I feel that the House is in duty bound at some early day to take up those postponed bills. As I said on rising, I intend to vote for the pending bill, for I think it a meritorious measure, and am glad it has been called up.

Mr. JACKSON. I would be glad if my colleague from Pennsylvania [Mr. O'NEILL] would inquire and ascertain when we can have a day for considering general pension legislation affecting enlisted men. I know he is in favor of such legislation.

Mr. O'NEILL, of Pennsylvania. I would not interpose any obstacle in the way of any bill granting a pension to the widow of any soldier. But that is not my present point. I want to know why these bills to which I have referred, on which the previous question has been ordered, can not be reached and receive fair consideration in this House.

Mr. STRUBLE. I wish to make one more statement. General Burnett at the time of his death was drawing under the general law a pension of $72 a month, and under a special act a pension of $50 a month, making $122 a month. This widow asks only $100 a month. The pension of $50 a month was undoubtedly granted on account of the unsurpassed bravery and devotion of this soldier through a long term of years.

Mr. LONG. How much is she receiving now?

Mr. STRUBLE. Fifty dollars a month.

Mr. WILLIAMS. I wish to ask the gentleman from Iowa [Mr. STRUBLE] how many times General Burnett was married.

Mr. STRUBLE. I understand this lady was the second wife of General Burnett; that she was married to him seventeen years ago; that she lived with him as his wife about thirteen years, until his death, and at a period of his life when he most needed care, and when that care must have been a great burden to any one.

Mr. WILLIAMS. Where was his other wife? Was she dead when he married the present applicant?

Mr. STRUBLE. I do not know; I think so.

Mr. WILLIAMS. I understand differently.

Mr. STRUBLE. I think she was; but I am not advised on that point. At all events this beneficiary was, for thirteen years just prior to his death, the legal wife of General Burnett.

Mr. FELTON. Does the claim of this lady depend upon the length of time she was married?

Mr. STRUBLE. I think not.

Mr. Speaker, unless some gentleman wishes to debate the bill further, I will call the previous question.

Mr. ALLEN, of Michigan. I would like some information in regard to this lady's present pecuniary condition.

Mr. STRUBLE. She is in receipt of a pension of $50 a month, her sole dependence, as I am advised, and is in debt on account of the expenses attending the sickness and burial of her late husband.

Mr. FARQUHAR. Mr. Speaker, I wish to say a word on this subject, and I think in doing so I speak the sentiment of the whole New York delegation. I know no member of the delegation who is in any way opposed to this bill. All of us are acquainted with the circumstances of General Burnett's great services in the Army. I think I can say for Mrs. Burnett, as the gentleman from Iowa [Mr. STRUBLE] has said, that her watchful care over her husband during the last fifteen years of his life entitles her to the respect of the people of New York and of this nation; and more than that, the services of General Burnett as one of the bravest officers that ever drew a blade in the Mexican war, ought to be recognized in the person of his widow by this nation.

I know that those who ask for pensions of this kind are persistently met with the remark that the private soldiers and their widows or other dependent relatives are not properly provided for. But, sir, I think this Congress and this nation would be ungrateful if we did not embrace the present opportunity to demonstrate the gratitude of the Republic for the services of General Burnett, by granting the present application of his last living relative. I hope, sir, there will not be one vote cast against this bill.

Mr. STRUBLE. I demand the previous question on the third reading of the bill.

The previous question was ordered.

Mr. DOCKERY. Have the amendments been agreed to?

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). There are no amendments pending.

Mr. FARQUHAR. I ask for a division on the third reading of the bill.

The House divided; and there were—ayes 37, noes 42.

Mr. STRUBLE. I demand tellers.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PETERS. Is this vote on the passage of the bill?

The SPEAKER *pro tempore*. No; on the third reading. On the request for tellers the ayes are 26, which is not a sufficient number to order tellers.

Mr. STRUBLE. I call for a quorum.

The SPEAKER *pro tempore*. The Chair thinks it is too late. The gentleman demanded tellers, at which time he could have made the point of no quorum, but now, as tellers have been refused, the point of no quorum comes too late.

Mr. STRUBLE. I call for the count on the other side.

The SPEAKER *pro tempore*. There is no other side.

Mr. THOMPSON, of Ohio, and Mr. BRUMM called for the yeas and nays.

Mr. BUCKALEW. Is it in order to amend the bill so as to make it $75 per month? If that be done we would carry the bill.

The SPEAKER *pro tempore*. It is not in order to amend the bill at this stage.

Mr. BUCKALEW. I make the suggestion, as the bill would pass in that shape.

Mr. LONG. I move to reconsider the vote by which the third reading of the bill was refused.

The House divided; and there were—ayes 42, noes 46.

Mr. STRUBLE. I make the point of no quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers Mr. CHEADLE and Mr. STRUBLE.

The House again proceeded to divide.

Mr. STRUBLE. I withdraw the point of no quorum, as it is evident no quorum is present in the House.

Mr. RICHARDSON. I renew the point of no quorum.

The SPEAKER *pro tempore*. The tellers will resume their places and the count will proceed.

Mr. STRUBLE. I think it is evident no quorum can be obtained. In order to dispose of the case I ask that its further consideration be postponed until one week from to-day, to come up immediately after the reading of the Journal.

The SPEAKER *pro tempore*. Is there objection?

Mr. SPRINGER. I object unless it be made one week from to-morrow.

Mr. STRUBLE. I do not object to that personally, but I know there are gentlemen who will object. I will make the request, however.

Mr. RICHARDSON. I do not object to its postponement, but I do object to taking up the day set apart for the consideration of private bills.

Mr. STRUBLE. The debate has been closed.

Mr. RICHARDSON. I understand that, but it is not fair to take up the time which has been devoted to the consideration of private bills. I do not object to any other day but Friday.

Mr. STRUBLE. If no quorum is present on that day I will ask for its further postponement. I do not wish to weary the House when there is no quorum.

Mr. RICHARDSON. I do not object to the postponement of the bill to some other day than Friday of next week.

Mr. SPRINGER. I understand the gentleman from Iowa [Mr. STRUBLE] agreed to modify his amendment so as to make it Friday.

Mr. STRUBLE. If there is no quorum on that day its consideration will not be insisted upon.

Mr. SPRINGER. I have been trying to get an opportunity to call up and press to its passage the bill for the Territory of Oklahoma, but some little thing insidiously is brought forward and the time reserved for public business is taken up and that important public measure still remains undisposed of. It has been again and again set aside for the consideration of other and less urgent business.

Mr. STRUBLE. I do not propose to ask the House to take up time if no quorum is present.

Mr. LONG. And the previous question has been ordered.

Mr. STRUBLE. Yes; so that there will be no discussion or time occupied with the bill; merely a vote.

Mr. DOCKERY. Allow me to suggest that with the statement of the gentleman from Iowa, that he will not press this unless a quorum is present, it can not possibly delay the consideration of the bill to which the gentleman from Illinois refers.

Mr. LANHAM. What is the request?

The SPEAKER *pro tempore*. That the further consideration of the bill be postponed until one week from to-day.

Mr. SPRINGER. I object to that unless it is understood that it is not to antagonize the bill for the organization of the Territory of Oklahoma.

Mr. WEAVER. Let that be put in.

Mr. STRUBLE. Then I will except that bill, and will not antagonize it.

Mr. BAKER, of New York. I desire to inquire if any order has been made in reference to the Oklahoma bill.

The SPEAKER *pro tempore*. The Chair does not remember any.

Mr. BARNES. None has been made.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Iowa as modified by the gentleman from Illinois?

Mr. BARNES. I object to coupling it with the Oklahoma bill.

Mr. STRUBLE. I repeat that I will not insist upon occupying the time of the House if it is manifest that no quorum is present.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia that this unanimous consent was only to postpone this bill, and does not include the Oklahoma bill.

Mr. BARNES. I have no objection to that.

The SPEAKER *pro tempore*. Is there further objection?

Mr. ALLEN, of Mississippi. I object.

The SPEAKER *pro tempore*. The tellers will resume their places and continue the count.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the further consideration of this bill be postponed until next Thursday, with the understanding that it will not be pressed if a quorum is not present, and that it shall not antagonize the consideration of the Oklahoma bill.

Mr. BAKER, of New York. I do not understand that any order has been made as to the Oklahoma bill.

The SPEAKER *pro tempore*. No order has been made, but if an order should be hereafter made it is understood that this bill will not interfere with it.

Mr. BAKER, of New York. I did not want any misunderstanding which might imply that an order had been made with reference to the Oklahoma bill.

The SPEAKER *pro tempore*. The Chair will suggest that any statement of the Chair with regard to this bill would not change the status of this bill in the House.

Is there objection to the request of the gentleman from Missouri?

There was no objection, and it was so ordered.

MARGARET STAFFORD WORTH.

The SPEAKER *pro tempore*. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (S. 867) granting a pension to Margaret Stafford Worth.

Mr. CHEADLE. I ask unanimous consent that the same order be made with reference to that bill.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. SPRINGER. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

BRIDGE ACROSS RED RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CUSTOMS-COLLECTION DISTRICT, TAMPA, FLA.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back favorably the bill (S. 1721) to establish a customs-collection district in Florida, to be known as the collection district of Tampa, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AGRICULTURAL LANDS, PIPESTONE INDIAN RESERVATION.

Mr. NELSON, from the Committee on Indian Affairs, reported, as a substitute for the bill H. R. 10544, a bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation, in Minnesota; which was read twice, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 10544 was ordered to be laid on the table.

PUBLIC BUILDING, BEATRICE, NEBR.

Mr. McSHANE, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 1619) for the erection of a public building at the city of Beatrice, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table and the reports printed, namely:

A bill (H. R. 223) granting a pension to Nathaniel Grigsby;
A bill (H. R. 8529) granting a pension to Nathan B. Rarick;
A bill (H. R. 5119) granting a pension to John W. Younger;
A bill (H. R. 2534) granting a pension to Louis W. Bucklin;
A bill (H. R. 213) granting a pension to W. W. McArthur;
A bill (H. R. 8426) granting a pension to C. F. M. Morgan;
A bill (H. R. 222) granting a pension to Thomas J. Hutchins;
A bill (H. R. 2258) granting a pension to Jonas G. Dodge;
A bill (H. R. 2627) granting a pension to Andrew M. Jorden; and
A bill (H. R. 202) granting a pension to Jessie W. Williams.

MAGHILL H. PATTEN.

Mr. BLISS, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 10672) granting a pension to Maghill H. Patten; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTIN KENOPSKI.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1671) for the relief of the heirs of Martin Kenopski; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

Mr. HEMPHILL (for Mr. COMPTON), from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company with amendments; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This concludes the call of committees for reports.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed a resolution proposing that both Houses attend the funeral of General Sheridan, and that when the two Houses adjourn on Friday it be to meet on Monday next.

FUNERAL OF GENERAL SHERIDAN.

The SPEAKER. If there be no objection, the Chair will lay this before the House at the present time.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *August* 9, 1888.

Resolved by the Senate (the House of Representatives concurring in the proposition), That both Houses attend the funeral of General Sheridan on Saturday next, at 10 a. m.

Resolved, As a further mark of respect to the memory of the deceased, that when the two Houses of Congress adjourn on Friday it be to meet on Monday next.

Mr. COX. I move concurrence in the resolution.

The SPEAKER. The gentleman from New York [Mr. COX] asks consent to consider this resolution at the present time. Is there objection? The Chair hears none, and the question is on agreeing to the resolution.

Mr. FINLEY. Will this interfere with the Friday night session?

The SPEAKER. It will not. It provides that when the House adjourn on Friday evening it be to meet on Monday next.

The resolution was agreed to.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY BILL.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10896) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The CHAIRMAN. The fourth section of this bill is still before this committee. One hour and fifty-three minutes have been occupied by those opposed to the provision in the bill and two hours and twenty-three minutes by those in favor of the proposition. The Chair will recognize the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I now yield to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. Mr. Chairman, I shall speak to-day not so much to change the opinions of others as to express my own, and I take pleasure to myself because in the remarks I shall submit to the committee I shall speak in vindication of the reputation and honor of our fathers, of those who were concerned about the beginning of this century with the transactions which are involved in the present debate. Those patriots and statesmen, in my opinion, did no injustice to the ancestors of the present claimants and gave to them no proper case of complaint. We are told, however, and told in strong language, repeated in various forms, that they took the property of citizens of the United States and applied it to public use, to buy off the urgent and clamorous demands made

against us as a Government by a foreign power to relieve ourselves from onerous obligations under former treaties, and yet refused to make compensation to the citizens thus plundered of their property, and that down to this day, during a period of eighty-eight years, since the treaty of 1800 was made, that this most manifest injustice to those men and their descendants has continued without redress; in other words, that our Government has been unjust in withholding what was due to injured parties and has set up from time to time various pretexts and excuses for non-payment which will not endure fair investigation and honest debate.

Sir, more than twenty years ago, when a Senator from Massachusetts was making repeated reports on this subject (rhetorical in form, but earnest in purpose), I was a member of his committee and had occasion to look into this subject, and then imbibed certain impressions concerning these claims and the liability of our Government to answer for them. Now, when the subject is again in Congress, and it is pressed upon the attention of the body of which I find myself a member, I have turned again to official documents and to other sources of information, examined before, and also to recent information in proceedings of Congress and of the Court of Claims, and I am now prepared to say upon thorough conviction that the charge against our fathers, the public men of our country in former times and their successors in more recent times, that they have been unjust to the ancestors of the present claimants or to those claimants themselves, is a charge unfounded in fact and unjust in character.

Sir, there are in my judgment three complete defenses to this demand upon the Treasury of the United States, either one sufficient, but taken together, absolutely overwhelming to any mind bent upon honest inquiry and fair judgment.

In the first place, sir, when it is alleged that the United States appropriated these claims to a public use, and, by so appropriating and using them, relieved itself from treaty obligations with France, I answer that at the date when this alleged appropriation was made, beyond all honest contradiction, these claims were without pecuniary value, either in the public markets of the world or in the private transfers which one individual may make to another of his property for a consideration paid.

One of the men engaged in negotiating the treaty of 1800 (Mr. Vans Murray, our minister at the Hague), and who was thoroughly conversant with the claims, declared that they were not worth a quarter of 1 per cent. of their amount. He declared that they were without value, and it was his hope that the Senate of the United States had stricken out the second article of the treaty of 1800, because they also believed them to be without value. I shall not pause to recite again the proofs which the Committee on Appropriations have collected upon this point, because, so far as I understand, their finding is uncontradicted, and being uncontradicted it may be assumed to be true. These claims, then, were without pecuniary value at the time when they were abandoned as objects of negotiation by the United States in February, 1801.

Now, sir, if you admit everything that has been said in this debate and outside of this debate in former sessions of Congress, on behalf of these claims and on behalf of the ancestors of the present claimants, what result do you come to? Why, that their compensation should be the value of these claims in the year 1801, because that would conform to the universal rule applicable to the appropriation of property for public use. Gentlemen see that rule administered in their courts at home all over the United States. Where private property is appropriated by the public or by a corporation authorized to exercise the right of eminent domain, the property is taken subject to the right of the owner to have paid to him its value at the time of the appropriation.

If but a part of a man's property is taken other rules come in; you take the value before the public interference with the property and the value after the public has taken a part of it, and give the owner the difference. But that is not the case here. Here, if there is anything in the claim of these persons, there was a total appropriation of these claims, and it was a permanent appropriation, not a temporary use, and therefore they were entitled to the pecuniary value of the claims at the time the appropriation was made. That is the rule of justice, and law follows justice in this respect.

Now, in 1801 when the negotiation upon these claims with France was abandoned by us, beyond question the claims had no pecuniary value. France had refused to pay them. Our envoys concerned in the negotiation had reported elaborately all the proceedings of the conferences with the plenipotentiaries of France, and the whole transaction was well known, and no man desiring to invest his money at that time would have paid five cents on the dollar for the claims unless he was influenced by some other consideration than a desire to obtain a claim of pecuniary value and capable of collection. Therefore, I say, if you admit the whole argument on behalf of these claimants upon every ground presented, and reach the ultimate conclusion that the Government did appropriate their property and ought to pay for it, then comes in the general rule of law and justice which requires that you should pay what the property was worth.

But their value at that time was merely nominal. Yet what is proposed here? Why, it is proposed that by your vote upon a single item of the pending bill you shall commit yourself to the payment of $30,000,000 eighty-eight years after the event, and you have also Mr. Tuck's report from Paris in regard to additional claims for which you ought to lift the bar of the two years' limitation in the act of 1885, and let them come in, because additional testimony is now being supplied from the French archives and court records, and as a matter of justice those claims are entitled to come in if others are allowed.

But I shall not stop to argue about the amount of these claims. I leave that question upon the official report of the Acting Attorney-General. Founded upon an actual computation of the claims and the application of an average rule to blanks, the basis of making reasonable deductions from the total sum, the amount stands at thirty-three and a half millions, and making further liberal deductions for all possible causes, I think that thirty millions is a safe and reasonable estimate for the whole.

This is the official information we have; and the public are not to be pacified or this Congress satisfied with unofficial, uncorroborated suggestions in debate that the amount will be much less.

They tell us that Mr. Webster estimated the amount in 1835 at only $10,000,000, and that his judgment ought to be good. Yes; and he said that the claims involved 615 vessels captured or seized; and upon that basis he made up his aggregate of $10,000,000. Now there are 2,378 vessels involved in the claims before the Court of Claims, a prodigious increase, the number being more than three times that stated by Mr. Webster in 1835, on which he based his estimate of $10,000,000. Sir, with the addition of the claims under the two years' limitation which may come in hereafter I shall not be surprised if these claims shall ultimately reach $50,000,000 or $60,000,000, the amount which Colonel Benton, in his bluff, blustering manner, when denouncing the claims, said they would amount to if the Government ever undertook to pay them.

What was done by these claimants themselves? What was done in 1835 by their great advocate, Mr. Webster, whose speech I took up last night and read over again? He estimated these claims, as I have stated, at $10,000,000; and then he asked that Congress appoint a commission to ascertain the claims, and that $5,000,000, about 50 per cent., be paid upon them, to be distributed *pro rata*. He said that would comport with what had been done by our Government in other cases; that it would not exceed in proportion what was paid French claimants under the treaty of 1831, for by that treaty as to claims subsequent to the year 1800 we recovered against France 25,000,000 francs, subject to a deduction of one million and a half of francs on account of the old Beaumarchais claims and other matters, reducing the amount to twenty-three and a half million francs, which was distributed by means of a commission to the claimants, who received 58 per cent. of their claims. That occurred in the time of Andrew Jackson; and it was declared to be a great achievement to wring from a reluctant foreign government 58 per cent. of the claims. Those were claims subsequent to 1800, about which there was no real cause of dispute, but for which the French Chamber had refused to vote an appropriation. Yet persons are here now with claims of their ancestors, demanding thereon 100 per cent.; claims which were denied when first presented and have been, upon strong grounds, contested ever since.

I shall vote against these claims, because they were of only nominal value at the time of alleged appropriation. Besides, the parties had no right to come and impose their losses upon the Government of the United States. Our Government did not injure them; their injury was by a foreign power; and we did our best for them with that power. We sent out our ministers and remonstrated when those wrongs were going on; nay, we resorted to actual war against France by act of Congress in 1798 and 1799. We did all that could be done both by negotiation and by actual force in order to prevent depredations upon our citizens. Our Government was confessedly free of blame up to the negotiation of the treaty of 1800.

What more did we do in behalf of the claimants? Why, sir, by that very treaty of 1800 we obtained nearly $4,000,000 for them upon the undisputed portion of their claims, prior to 1796 or 1797, which came under the French decree of 1793. To be sure, it took three or four years of negotiation to accomplish that result; the money was finally paid out of the Louisiana purchase money in 1803–'04. But we obtained the allowance from France and paid over the money to the claimants. We also obtained from France a release or discharge of all the vessels she had captured which had not been finally condemned. Over forty ships with their valuable cargoes were thus taken from the hands of the spoiler, and handed back to our merchants who owned them.

Then, sir, we pursued Spain for that portion of the French depredations which arose from the violation by Spain of her duty as a neutral power. France made some captures of our ships in Spanish ports and along the Spanish coast, within the jurisdiction of Spain. Therefore we made claim upon Spain. We could not get any money from her, but in 1819 we bought Florida from her, as we had bought Louisiana from France in 1803. Out of the purchase money these claimants obtained $5,000,000, secured to them by the action of our Government. It was distributed by commission and paid 92½ per cent. of the Spanish division of the claims.

This same class of men—the merchants and ship-owners—had claims against Bonaparte for unjustifiable seizures. Our Government pursued those claims from the time they arose to 1831. As I have already stated, our Government recovered ultimately 58 per cent. of those claims. Our Government did its duty to these people from the beginning. It negotiated for them; it spent money to establish a military force at home; it sent out ships to defend them against capture; it authorized private merchantmen to arm in self-defense; it pursued all possible remedies against France, and it obtained for our citizens substantial though not complete redress.

Why are these claims here, with claims denied by France and abandoned by the United States? The answer is, because nearly the whole mass were war claims and uncollectible from France. We never could obtain a dollar upon them, and were compelled to give up negotiation for their recovery.

Now, because we gave them up it is said we traded them off. Because we abandoned them it is said we released them to France for a consideration. Because we could not get them allowed, it is said we assumed them and they charge them up against us.

Now, Mr. Chairman, I desire to state two propositions, and I think I will have time to go through with them. (I) There were certain treaties with France negotiated by Dr. Franklin in 1778. In 1800 they were extinct, dead treaties, of no force, broken and set aside by the parties to them.

That is one proposition. My other proposition is (II) that France made war upon our commerce—limited war—and we responded by a war which was mainly defensive, but still aggressive for the purpose of defense, and that claims for losses on either side were not recoverable, were not legal demands. We claimed that France had been unjust, and therefore we tried to recover those war claims on our side by negotiation, but failed therein, and the claims fell because not provided for in the treaty of peace.

In one of the treaties of 1778 (the treaty of alliance) there was a mutual guaranty by France and the United States of their respective possessions in America. There was another provision, mutual also in its terms, in the commercial treaty of 1778, which provided that when either nation should be engaged in war they should have hospitality for their vessels and privateers in the ports of the other, enabling them to take in prizes of war and take them out again free from port charges. These were two provisions of the treaties which gentlemen have been talking about, and which are claimed to have been valuable to France.

The commercial treaty of 1778, in the twenty-third and twenty-fourth articles, provided, as it turned out, for the interests of the United States. By these articles free ships made free goods. We could carry British goods in our vessels and they would be safe from French capture. When France and England went to war the advantage was on the side of England as far as this particular treaty was concerned, and France complained. Dr. Franklin had secured the adoption of a great principle, a beneficent one in its application to maritime war. Another feature of the treaty was to limit articles contraband of war to those that were properly so; in other words, to military stores and implements; and the treaty also provided that provisions and all articles of a similar character, of which our country produced abundantly, should not be regarded as contraband.

These were the provisions of the treaty of a continuing character, which were immensely valuable to us, so that when the war between France and England broke out early in 1793, we, as a neutral power, had the ports of both England and France freely open to our commerce. War prices sprang up all over Europe, and we reaped a rich harvest; great armies were raised; agricultural sections were stripped of laborers, and we, as a neutral nation, could take advantage of the situation and make great profits. In fact, notwithstanding these depredations, our commerce was quite profitable from 1793 to 1800.

These provisions of the treaty, which, as I have said, were of vital importance to us, France openly set aside by the decree of the 9th of May, 1793. Why, she acknowledged it; she said so, that she had set them aside. She declared that she could not keep her vows to the neutral powers, for England was pressing her too closely; and by that decree of her National Assembly it was provided that her vessels of war and cruisers should seize as prize of war the enemy's property upon neutral vessels. So that, in defiance of the treaty of 1778, we could not carry British goods or the goods of any other nation engaged in war with France.

What further? She provided that our vessels on the ocean, loaded with American provisions might be seized by force, gutted of their cargoes, the provisions brought into French ports and applied to French use upon a promise that they should be paid for. When? Not when the act was committed. They were not paid for up to 1800, except in a few cases, nor until 1803, eight or ten years after they were seized. Was not that breaking the treaties? Could the treaties be broken more clearly, more absolutely, and more outrageously? The merchant of Boston who sent his ship-load of goods to Liverpool to be sold there, the proceeds to be invested in British goods for the return voyage, could make double profits by his venture, and the vessel could earn double freight. But such voyages were broken up by this decree of the French Assembly. Our profitable commerce was heavily injured. What did the decree do? Why, the French ships seized our vessels on the ocean, in the British Channel anywhere, taking them to French harbors, then despoiled them, turned them loose upon the broad Atlantic to creep their way back home. No money to buy a return cargo, stripped of everything of value; and yet gentlemen tell us that France maintained her treaties with us and had continuing rights under them! Nothing can be more unfounded or extravagant than to say that the treaties bound us after this open, defiant annulment of them by France. They were dead as far as she was concerned, and she could claim nothing under them. We had a right to treat them as rescinded from the date of that decree.

We bore and forbore until 1796, when she passed another insolent decree, that our vessels should be treated as we permitted Great Britain to treat them. Until 1795 we had no commercial treaty with Great Britain, and our relations with her were under the law of nations, and she could seize as contraband of war things that France could not under the treaties of 1778. Of course the treaties of 1778 were disadvantageous to France in her great struggle with England, while they were of very great advantage to us. She was better off under the law of nations than she was under her bond to us, and she said so, and set the treaties aside, for it was her interest to do so. But in July, 1796, she declared that she would treat our ships as England was permitted to treat them. Why, the poor skipper upon the ocean, if England took his vessel for breaking an imaginary blockade of continental ports, could not resist the outrage.

That was the insolent decree of France, which again broke her treaties with us. Of course they were broken before, but this was an additional breach.

Then, 2d March, 1797, she made another decree, of which I have a memorandum here. It was a decree of the French Directory, which provided in the first place that enemies' property should be seized on neutral ships without limit. Second, it extended contraband of war to extraordinary limits. And lastly, it required ship-rolls under an old, ancient French regulation, the absence of which on our ships was made cause for seizure and condemnation. That was the decree of 1797.

No wonder that General Dix, in his argument of 1846, declared that that decree abrogated the commercial treaty of 1778. In other words, swept it out of existence.

Next, we come to the important French decree of 18th January, 1798, which the President of the United States in his annual message to Congress of December in the same year described as an unequivocal act of war upon American commerce by the Republic of France. What was that decree? It has been quoted already, but I must refer to it because it is of great importance.

Here is the decree:

ARTICLE 1. The character of vessels relative to their quality of neuter or enemy shall be determined by their cargo. In consequence every vessel found at sea loaded in whole or in part with merchandise the production of England or of her possessions shall be declared good prize whoever the owner of the goods or merchandise may be.

ART. 2. Every foreign vessel which in the course of her voyage shall have entered into an English port shall not be admitted into a port of the French Republic, except in case of necessity, in which case she shall be bound to depart from the said port as soon as the causes of her entry shall have ceased.

So that if an American vessel had any commodity on board a production of Great Britain or of any of her colonies in North America, in the West Indies, or in Asia, the ship and everything it contained was forfeited to France, to be condemned in her prize courts. It left no commerce of ours upon the ocean secure from her grasp. Taken in connection with her prior decrees it absolutely outlawed American trade. Now I assert with confidence that these decrees which I have cited entirely set aside, so far as France was concerned, the treaties of 1778. She broke them because it was her interest to break them, but thereby she forfeited all rights under them and released us completely from all their obligations.

Now, what was done by us in regard to the treaties? Why, on the 7th of July, 1798, the Congress of the United States, the law-making power representing our sovereignty, passed a statute which binds us and all the people of this country in honor and conscience. They passed a law declaring that those treaties with France were null and void; that they did not bind the Government or the people of the United States and should not bind them in the future. Congress did not formally abrogate the treaties; they treated them as already abrogated by France, and Chief-Justice Ellsworth declared that the act did not change the situation between France and us because it simply declared what that situation was at the time. The treaties are all dead, dead by reason of outrageous violation of them by France, and we declared in our sovereign capacity as a nation that they were dead and should remain so.

Now, what becomes of this argument heard for over seventy-five years, that we gave up to France these claims of our citizens for the consideration that she would kindly release us from the old treaties of 1778? What becomes of that miserable pretense of an argument which has been heard so long in Congress and outside of Congress in support of these claims? It is plain that in 1800 France had no treaties with

us that were valuable to her or onerous upon us. The whole question of treaties as subsisting or abrogated had been closed two years before. We were in our relations with her under the general law of nations.

In the next place, it is equally clear that France, by the several decrees I have referred to, made war upon our commerce, and in particular by the decree of 1798 placed herself in the attitude of an avowed and open enemy.

And she followed up her decrees by practical action. She sent her war-ships upon the ocean to seize our vessels. She gave commissions to privateers, and they also spoiled our commerce on all parts of the sea; and this condition of things continued until, as Judge Marshall says, hostilities were terminated by the treaty of 1800. Some persons have doubted whether that convention treaty of 1800 was a treaty of peace. But Judge Marshall decided (in Talbot *vs.* Seaman, 1 Cranch, 1) that we were at war with France, and that the state of war continued until the treaty of 1800 was made. That treaty was therefore a treaty of peace. He decided not merely that there was a state of war between the two countries, but held that we had the right to recapture a vessel taken by France from Holland and restore her to Holland, and that the captors had the right to claim salvage; and he held this although the acts of Congress against France did not provide for such a case at all. And why could we do that? Because, said the great judge, France was our enemy and we were hers; because the relation of public war between us justified us in going even beyond the acts of Congress in smiting her.

I might go on to multiply proofs. The Attorney-General of the United States, in an opinion which was read yesterday, said that public war existed on the part of France against us and on our part against France. You have the declaration of the President of the United States in his official message of December, 1798, that France opened war upon us by her decree of 18th January in the same year. You have in the treaty correspondence of 1800 the plea of the French negotiators that the actual condition was one of war; that they had previously made an undue concession in admitting that there was only a misunderstanding between the two countries. They plead war. Then, sir, you have the decision of our Supreme Court in 1800, in Bass *vs.* Tingey (4 Dallas, 37). While our negotiators were in France that case was heard at the August term of the court, and it was held that there had been war between France and the United States from the spring of 1798 onward. Four judges concurred in that opinion, the Chief-Justice being in Europe as one of our envoys.

When the treaty of 1800 came before the Senate in February, 1801, unfortunately that body sat in secret session, so that we can not tell by any record what their views were. It seems that they struck out the second article of the treaty, with but one negative vote, and that all the Senators along the Atlantic seaboard voted to strike it out. Why did the Senate so vote? The argument of the claimants has been that the Senate did that in order to get rid of the old French treaties; but that is quite impossible. No such motive could have actuated them. Why, then, did the Senate strike out that second article? For two or three good and sufficient reasons, which we may infer from the facts known to us, in the absence of any record of the Senate debate. In the first place, they struck out the article because the Supreme Court had just decided, virtually, that these claims were war claims against France, as the French negotiators had contended they were. Therefore, to have any future negotiation about them was idle, because France, standing upon the decision of our own great court, could readily defeat us in any future contention we might make.

In the next place, there was a reason for striking out that article of the treaty in the fact that it had been put in by our negotiators to save the point of honor to themselves, because they had no power to abandon these claims; but the Senate was not bound by instructions; the Senate was free to judge of what was expedient, and what was due to all parties, and undoubtedly it was the opinion of the Senate that these claims could not be collected from France. They had before them all the proceedings of the negotiation, even the secret journal of our envoys, and all the correspondence, and they must have believed, from all the facts known to them, that the claims were, and always would be, uncollectable. Besides, while the article could do no good, it was capable of doing some harm, because the claimants might suppose, if there was a chance, that they might at some time have their claims heard and allowed by France. I insist that there was good reason for the action of the Senate upon these grounds, while there was not an atom of reason for their action upon the ground that has been urged on behalf of these claimants, namely, a desire to get rid of the old French treaties.

Now I come to the last point, which is this. It is said that the exchange with Bonaparte of ratifications of the treaty in 1801 has something to do with this question of governmental liability. Why, sir, it has nothing to do with it. Bonaparte's declaration when ratifying the treaty is only important as evidence of what nobody denies, namely, that we had abandoned the further prosecution of these claims. Bonaparte's ratification of the treaty on the 30th of August, 1801, was unqualified and absolute; there is no condition about it. At the end, however, of the ratification he added: "It being well understood (*bien entendu*) that by this retrenchment the two states renounce the respective pretensions which are the objects of the said article."

What does that mean? The word "provided" is printed here in the book (report of 1826) at the end of the ratification; but that word "provided" is simply a mistranslation in the State Department; there is no such word in the original French; consequently the argument built upon that word, to the effect that Bonaparte signed the ratification upon a condition, is absulutely untrue. He did no such thing. His addendum—I use a neutral word to which nobody can object—his addendum to his ratification has been variously yet harmoniously described by men of the highest authority. Mr. Jefferson said it was a legitimate inference by Bonaparte that the old dispute about the pretensions on either side were dropped or abandoned.

Talleyrand, in subsequent correspondence, speaks of it as an explanation; and M. Roederer, the great lawyer and a negotiator on the side of the French, said to our minister afterward that the explanation was properly made, simply because it declared the legal effect of making a treaty without providing for indemnities. He was certainly right in that. If during a war there are losses on either side of debatable character, which are not provided for in the treaty of peace at the end of the war, they can not be brought forward afterwards as subjects of negotiation or complaint. There may be circumstances under which, in the negotiation of a treaty of peace, war losses may be provided for; if not then provided for, they are gone forever. And so when the treaty of 1800 was concluded, the second article having been struck out, the treaty contained no provision in regard to these claims, and of course that was an end of them. We had abandoned negotiation upon them. All that Bonaparte's addendum at the end of his ratification amounted to was that he announced it as his understanding or the understanding of the French Government that the pretensions on both sides were ended.

Sir, we abandoned negotiation in favor of these claims against France because we could not collect them after doing our best for that purpose. We struck out the second article of the treaty because there was good reason for striking it out. What was that article? It read as follows:

> The ministers plenipotentiary of the two respective parties, not being able to agree at present concerning the treaty of alliance of February 6, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788, nor upon the indemnities on either side due or claimed, the parties will negotiate—

Observe this language—

> the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon those points the said treaties and convention shall have no operation.

Those old treaties were, therefore, out of operation by this very section, and it is absurd to say the section was struck out to get rid of them.

What is the meaning of the main provision I have just read, that the parties at a convenient time will negotiate further upon matters of difference? What does that mean? It has been aptly described by one of the French negotiators as an indefinite postponement of the claims. What does an indefinite postponement mean? It means that the subject of controversy is turned over to a time which will probably never come. In a legislative body, when you wish to get rid of a measure without voting directly upon it, you postpone it indefinitely, and it is never heard of again. The parties were to negotiate at a convenient time, but no time was fixed. No time could probably ever arrive when both parties would deliberately enter upon another fruitless negotiation. We had presented those claims; France denied her liability and maintained that they were war claims (and so far as that position is concerned, it seems impregnable), and it was not expected that time would ever come for renewed negotiation upon them.

I say that the second article of the treaty, upon the evidence to be found in recorded documents, was a diplomatic device to postpone this subject forever. The recorded proceedings of the negotiation prove that both parties understood these claims were given up forever before the treaty was sent home.

Mr. Webster admits in his speech of 1835 that there was no cause for complaint against our Government until the Senate struck out that provision of the treaty. Everybody else must admit that the Government had a right to give up these claims when circumstances became desperate and we could not collect them. We certainly had that right. Having come to a point when the claims could not be collected and when there were good reasons for not having a sham pretense held out that there would be a settlement in the future, the Senate honestly struck out the article.

I have now, as I conceive, shown, first, that upon the grounds set up by the claimants themselves those claimants can only claim against the United States the actual pecuniary value of their claims in February, 1801, when the treaty of 30th September, 1800, was amended by the United States Senate; that the value of the claims being then merely nominal, and the evidence of subsequent events plainly proving that France would never have paid a dollar of the claims, it is an inevitable conclusion that upon the showing of the claimants themselves their present enormous demand upon the Treasury of the United States is both unlawful and unjust. If the Government took their property

for public use (which I wholly deny), then, as that property was of no appreciable value at the time of appropriation, the present demand made upon the public Treasury has no foundation in law, morals, or justice.

I have shown, in the second place, that the treaties of 1778 were extinct—were dead treaties in the year 1800 when the new treaty negotiation took place. They had been broken and set aside by France, and by our own act of Congress of 7th July, 1798, they were lawfully and properly declared to be no longer binding upon the Government or people of the United States. From this it follows that the argument of the claimants that we abandoned negotiation upon their claims in consideration that France would release us from the old treaties is wholly unfounded in fact, and can not support their present demand upon our Government.

In the third place, these treaties were necessarily abrogated by actual hostilities between the two governments in 1798 and afterwards. In 1800 hostilities were partially suspended, pending negotiation, and the relation of war between us and France was terminated on the 30th of September of that year by the signing of a treaty of peace.

If, then, war existed these were war claims; they were not legal demands on France under the law of nations and could not be enforced except by the application of a measure of coercion which was beyond our power.

I say, in concluding my argument, that from my point of view these claims are invalid:

First, because the rule of damages which could be applied to them if they stood sustained by facts and inferences as alleged by their supporters, would give them only some nominal amount, if any amount at all.

Second, the argument that we gave up these claims in order to get rid of the old treaties is an argument that would affect the Government of the United States, is quite unfounded and false.

Lastly, when independent nations wage war, the losses suffered by individuals in the war are without redress unless provided for in the treaty of peace. They are not legal rights which survive hostilities.

Another word. In some mysterious way the argument is attempted to be set up that although there was war, these acts of Congress did not extend to and cover the French capture of our ships. Pray, what has that to do with our question? If France made war on us—for one party can make war—if she made war upon us and we committed no aggressions in return, still the laws of war applied to the situation. Only one thing is to be observed: When war is limited, either as to its subject-matter or territorial location, the public laws of war have force only so far as they are applicable to the situation. The fact of war must be admitted in the present case, and its effect upon those claims is plain enough.

Admitting war, any attempt to bolster up these claims as not included with its operation is an attempt to wriggle out of an inevitable and insuperable difficulty in argument.

Mr. Chairman, I know very well what is the feeling in this House regarding these claims, and with a suggestion of it I will conclude. Here are over 2,300 vessels and over 5,000 claims; men of 1795 and 1799 who claimed to be injured have long since passed from the scene of action; their children have appeared upon the stage, played their brief part, and have passed away. Their grandchildren, many of them, have already gone to the land of the silent; and yet these claims are here, and they contend for the mastery in this House.

Sir, the names of the present claimants, amounting up into the thousands, scattered along the Atlantic seaboard, some of them inland, have been collected; they are known, their post-office addresses are known to the managers of these claims, and they have been supplied with circulars informing them that the great engagement upon their ancient demands is to come off here in Congress in this month of the year 1888, and they are advised to write to their members of Congress upon this subject and call attention to the claims; and like the leaves of autumn, when the forest is denuded by early frost, these little missives have come from all quarters of the country to members of Congress in order that irresponsible private solicitation, in the form of letters from members' districts, shall become a controlling influence to pass this bill.

Let us see to it that our votes as honest representatives of the people shall not be filched from us by individual importunity directed by individual interest.

For one I shall stand against this and all like influences, and looking only to the merits of this question, to the honor of our country, and to the facts of history, according to my honest convictions upon this subject, I shall be immovably opposed to this enormous bill of plunder and greed. [Applause.]

Mr. LONG. I now yield twenty-five minutes to the gentleman from Mississippi [Mr. HOOKER].

The CHAIRMAN. The gentleman from Pennsylvania occupied one hour and seven minutes.

Mr. HOOKER. Mr. Chairman, one of the ablest associate justices that ever sat on the bench of the Supreme Court of the United States, and whose great works upon law questions constitute him probably not only the ablest writer of the day in the age in which he lived, but whose views, especially upon subjects which pertain to equitable adjudication, were unsurpassed both for their research, learning, and eloquence—I allude, sir, to that admirable man and splendid jurist who has left such an immortal memory behind him as endears him to every citizen of the land, wherever he may live, Judge Joseph Story, of Massachusetts, before our Congress had passed a law giving quasi jurisdiction to the Court of Claims, said:

> It was a disgrace to the freest nation on the earth that our citizens had no tribunal in which they could institute a suit upon a claim, however just, against the Government, while there was no government so despotic and monarchical in its tendencies across the water under which the humblest citizen could not enter its tribunals and demand justice and a judgment against the government.

And, Mr. Chairman, that remark was strikingly illustrated in the memorable case which came before one of England's criminal courts when two of the greatest bankers in the land, connected with the nobility, were arraigned before it to have judgment pronounced upon them, and when all the influence of the great hereditary lines to which they belonged was brought to bear upon the court in their behalf, the judge in passing sentence of condemnation upon them remarked that "it was the glory of the English law that there was no man so high that it could not reach him, nor was there a man so poor and humble that he could appeal to it in vain."

That stigma has passed away from our Government only in a qualified sense. Up to the time when the Congress of the United States established the Court of Claims with its five judges, with power to decide upon certain questions to be intrusted to them in the limited jurisdiction with which they were invested, there was in this country no tribunal in which a citizen of the United States could enter to bring suit against his Government or set up his complaint against it. He was entitled under the Constitution to the right of petition, and it was the only manner in which he could present his claim against his own Government; and the claims known as the French spoliation claims were brought before Congress by petition within a few months after the signing of the treaty of 1801.

They have continued from that day to this petitioning Congress, persistently knocking at the doors of Congress and humbly begging the Government to give them a hearing upon the justice and the merits of their claims. They were denied it, sir, for nearly a century. They were refused even to be heard in any tribunal of the Government's own creation until in 1885, the Congress of the United States seemingly having its conscience awakened and probed by these constant appeals, gave to the Court of Claims the power to hear the claims of these petitioners, of those people who since 1801 had begged in vain of the Government of the United States to give them a hearing; and Congress not having time to consider them, a subject dwelt on at length by my friend from Arkansas [Mr. ROGERS] in his remarks a few days ago, Congress finding it had not the time to go into the consideration of them, agreed that a tribunal of its own creation should hear them, where its own Attorney-General was authorized to appear and represent it and resist every unjust claim against the Government. The Court of Claims was designated as the tribunal to which it would refer them to ascertain their amount, ownership, and validity, and if they had been transferred or assigned, to whom transferred or assigned and for what consideration.

I repeat, sir, it was not until 1885 that the Congress of the United States agreed to create this tribunal, and they passed the bill under which this finding has now been sent back to the Congress of the United States for adjudication. And in this connection on page 712 of the RECORD of the second session of the Forty-eighth Congress will be found the yea-and-nay vote by which this bill was passed by Congress, which I will ask to insert in my remarks as it appears upon the RECORD, to show, sir, what was the sentiment of Congress when the bill was passed, the object and purpose of which was to refer these claims to the tribunal of the Government's own creation, in which it was represented by its own Attorney-General, as an indication of the sense of Congress in passing the act in question, and as having a direct bearing on the question now presented as to whether or not the pending bill should become law. But let me first read the bill upon which the vote was taken. It is as follows:

> *Be it enacted, etc.*, That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims within two years from the passage of this act, as hereinafter provided: *Provided*, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803; nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819; nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831.
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> SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.
>
> SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and

they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of the State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad, which, together with the like evidence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court, and after the hearings are closed the records of the proceedings of the court and documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported. Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented to said court within the period of two years limited by this act shall be forever barred; and nothing in this act shall be construed as committing the United States to the payment of any such claims.

While this bill was under discussion in the House, Mr. Chairman, Mr. Cox, of North Carolina, speaking in advocacy of the bill and of the convention of the 21st of December, 1801, favorably quotes Mr. Pickering, Secretary of State under Washington and Adams, as follows:

Thus the Government bartered the just claim of our merchants on France to obtain a relinquishment of the French claim for a restoration of the old treaties, especially the burdensome treaty of alliance, by which we were bound to guaranty the French territories in America. On this view of the case it would seem that the merchants have an equitable claim for indemnity from the United States. * * * It follows, then, that if the relinquishment had not been made the present French Government would be responsible; consequently the relinquishment by our own Government having been made in consideration that the French Government relinquished its demands for a renewal of the old treaties, then it seems clear that, as our Government applied the merchants' property to buy off those old treaties, the sums so applied should be reimbursed.

Chief-Justice Marshall, in conversation with Mr. Preston, of South Carolina, said that "having been connected with the events of the period and conversant with the circumstances under which the claims arose, he was, from his own knowledge satisfied that there was the strongest obligations on the Government to compensate the sufferers by the French spoliations."

Mr. Madison, Secretary of State, instructed Mr. Pickering, then minister to the court of Spain, as follows:

The claims from which France was released were admitted by France, and the release was for a valuable consideration in a correspondent release of the United States for certain claims on them.

The vote on the bill submitting these claims to the Court of Claims for decision was as follows:

Yeas—Adams, G. E., Aikin, Alexander, Atkinson, Bagley, Barbour, Barr, Bayne, Belmont, Bennett, Bingham, Blackburn, Blanchard, Boutelle, Bowen, Boyle, Bratton, Breckinridge, Breitung, Brewer, F. B., Brewer, J. H., Broadhead, Brumm, Budd, Cabell, Caldwell, Campbell, J. M., Cannon, Chace, Clardy, Clay, Collins, Covington, Cox, W. R., Culberson, D. B., Culbertson, W. W., Cullen, Curtin, Cutcheon, Dargan, Davidson, Davis, G. R., Davis, L. H., Davis, R. T., Deuster, Dibble, Dibrell, Dingley, Dorsheimer, Dunham, Eaton, Elliott, Ellis, Evans, Everhart, Ferrell, Findlay, Finerty, Foran, Funston, Garrison, George, Glascock, Green, Greenleaf, Guenther, Hanback, Hancock, Harmer, Hart, Hatch, H. H., Hatch, W. H., Haynes, Hemphill, Henderson, F. J., Herbert, Hewitt, A. S., Hitt, Hoblitzell, Hopkins, Horr, Houk, Houseman, Hunt, Hurd, James, Johnson, Jones, J. F., Jordan, Kean, Keifer, Kelley, Ketcham, King, Kleiner, Lacey, Lamb, Lewis, Libbey, Long, Love, Lovering, Lyman, McAdoo, McComas, McCormick, Maybury, Milliken, Mitchell, Morey, Morrill, Morse, Moulton, Murphy, Mutchler, Nicholls, Nutting, Oates, Ochiltree, O'Ferrall, O'Hara, O'Neill, Charles, O'Neill, J. J., Patton, Payson, Perkins, Pettibone, Phelps, Pierce, Poland, Post, Potter, Price, Ranney, Ray, Ossian, Reed, Reese, Rice, Robinson, W. E., Rockwell, Rogers, W. F., Rowell, Russell, Seney, Seymour, Shively, Skinner, T. G., Slocum, Smalls, Smith, A. H., Smith, H. Y., Spooner, Stephenson, Stewart, Charles, Stone, Strait, Talbott, Taylor, E. B., Taylor, J. D., Thomas, Thompson, Throckmorton, Tillman, Tucker, Valentine, Vance, Van Eaton, Wait, Wakefield, Wallace, Washburn, Wellborn, Wemple, White, Milo, Whiting, Willis, Wilson, W. L., Wise, J. S., Wolford, Worthington, Young—181.

Nays—Ballentine, Beach, Bland, Blount, Browne, T. M., Brown, W. W., Buchanan, Campbell, Felix, Candler, Cassidy, Clements, Cobb, Converse, Cosgrove, Cox, S. S., Craig, Crisp, Dowd, Eldredge, English, Forney, Geddes, Graves, Halsell, Hammond, Hardy, Hepburn, Hewitt, G. W., Hill, Holman, Holmes, Jones, B. W., Jones, J. H., Le Fevre, Lowry, McMillin, Matson, Miller, J. F., Mills, Muller, Murray, Neece, Nelson, Peel, Peters, Pryor, Randall, Reagan, Rogers, J. H., Singleton, Stockslager, Stone, Struble, Sumner, D. H., Swope, Taylor, J. M., Townshend, Tully, Turner, H. G., Warner, A. J., Warner, Richard, Weaver, Weller, White, J. D., Williams, Wilson, James, Winans, E. B., Winans, John, Wood, Yaple, York—71.

Not voting—Adams, J. J., Anderson, Arnot, Barksdale, Belford, Bisbee, Brainerd, Buckner, Burleigh, Burnes, Campbell, J. E., Carleton, Chalmers, Connelly, Cook, Dockery, Dunn, Ellwood, Ermentrout, Fiedler, Follett, Fyan, Gibson, Goff, Hardeman, Henderson, D. B., Henley, Hiscock, Holton, Hooper, Howey, Hutchins, Jeffords, Jones, J. K., Kellogg, Laird, Lanham, Lawrence, McCoid, Millard, Miller, S. H., Morgan, Morrison, Muldoon, Paige, Parker, Payne, Pusey, Rankin, Ray, G. W., Riggs, Robertson, Robinson, J. S., Rosecrans, Ryan, Shaw, Skinner, C. R., Snyder, Spriggs, Springer, Steele, Stevens, Stewart, J. W., Sumner, C. A., Turner, Oscar, Van Alstyne, Wadsworth, Ward, Wilkins, Wise, G. D., Woodward—71.

It will thus be seen, Mr. Chairman, that the bill passed by a vote of 181 yeas to 71 nays, more than a two-thirds vote by a few votes, and among the distinguished gentlemen who voted for that bill I find the name of my friend from Arkansas [Mr. ROGERS]. Now, that gentleman says that he wants the Supreme Court of the United States to pass upon that question before Congress should consider the findings of the tribunal which they themselves have created, and they desire to amend this bill so as to require that finding and that judgment to be taken by either party to the Supreme Court of the United States and the Supreme Court of the United States should be allowed to pass upon it. But no such suggestion was then made, and my distinguished friend from Alabama [Mr. OATES] has even voted in the affirmative. Why was there not a proposition then made that there should be an appeal to the Supreme Court? Simply, I presume, Mr. Chairman, because it was designed and intended to pass this legislative enactment of the Congress of the United States, to get all the facts and forms of law in a court having all the appliances for investigating the facts and determining the amount of each claim and have it reported back to the Congress of the United States.

Now, gentlemen say in the first instance that it was intended to have an appeal to the Supreme Court of the United States before these claims should be paid. They have been passed upon by this very tribunal which has determined the facts, settled the amount and fairness of the claims and the ownership, and reported them back to the House as the findings of the Court of Claims. It did all this from the early inception of the cases down to the present time. It has investigated all the cases with great patience, and it has reported back a certain number which they found to be cases in which the parties had actually sustained a loss which amounted to so many dollars and cents. And yet my friend from Pennsylvania [Mr. BUCKALEW], who has just concluded his subtle argument upon this subject, says in his opposition to them these claims had no valid commercial value by the finding of the Court of Claims when they were transferred to these parties and their descendants. We have the gentleman from Arkansas saying that you ought not to pay these claims until they have been determined by the court of last resort. That court has powers under the Constitution, but it is restricted to certain cases in its jurisdiction, and it would not be proper to have it enlarged beyond what the Constitution gives. The Court of Claims passed upon this matter. They have reported back to this House that certain of these claims are just and proper claims to be paid.

It will thus be seen by the yea-and-nay vote which I have embodied in my remarks that the Congress of the United States, so far from agreeing with my distinguished and learned friend from Pennsylvania [Mr. BUCKALEW], and with the distinguished gentleman from Texas [Mr. SAYERS], who spoke upon this subject the other day, that these claims had no commercial value and no commercial existence, and that they had been abrogated by the existence of war between France and this country; the House decided by a two-thirds vote that these claims had such validity and that they ought to be considered by this tribunal to which the Congress of the United States had referred them. In the debate it will be found that the question arose as to why these claims were not referred under what is known as the Bowman act, for the purpose of ascertaining the facts and amounts, and that it was necessary to pass this act. It passed by a two-thirds vote of the House on the proposition for the passage of the bill.

Now, sir, to go back to the question as to whether or not there was, according to the argument of the gentleman from Pennsylvania [Mr. BUCKALEW], an absolute cessation of all treaty relations between the United States and France owing to the war which sprang up between Great Britain and France. It will be remembered, Mr. Chairman, that this treaty of 1778 was made when this country, just then struggling for its freedom from British rule, and its own independence; when Washington himself, almost despondent at the terrible disasters that had befallen his army in and about Valley Forge, declared that unless an alliance could be formed with some European power, that his small and rapidly decreasing army must dissolve, perish, and disappear. What country was it, sir, that came to our rescue in this trying hour of the infancy of the Republic? It was the country to which the noble and gallant Lafayette belonged, that came to our rescue, and it was due to this alliance with France in all probability that you now sit here a free and independent Congress to pass upon the questions and interests that concern the development of our country.

It was under these circumstances, sir, that this treaty was made. Is it wonderful, therefore, that it should have been favorable to France? Is it wonderful that we were willing to guaranty the integrity of the French possessions in all the Western hemisphere? And when France and England were thrown into war, is it wonderful that France should have said to us: "We helped you in the day and hour of your great peril; you made treaties with us which made it incumbent on you to aid us;" and if, pursuing the line which the judgment and discretion of Washington marked out for our country, to avoid all entangling alliances, we refused to make a similar treaty with France, a refusal which at that time subjected us to a great deal of abuse, is it wonderful that the French should have said they thought they ought to be aided by the country whose independence and freedom their swords and their valor had done so much to achieve?

But, sir, is it true, as the gentleman from Pennsylvania [Mr. BUCKALEW] has said, that these treaties are dead? And if they are dead, is it true that they died of the cause which he suggests? Sir, we have the evidence presented by the history of that time, and by the very elimination of the second article of the treaty, to show that so far from these treaties being considered dead they were considered as living; they were considered as existing; they were considered as binding.

And that second article of the treaty of 1800 simply proposed, as to topics upon which the parties could not agree, that that subject-matter of difference should be reserved for future diplomatic negotiation and adjustment between the two countries.

Mr. LONG. Thereby recognizing the existence of the treaty.

Mr. HOOKER. Thereby recognizing the existence of the treaty itself. When the gentleman from Pennsylvania read the treaty, I followed him in the document which I have before me, to see what it proposed, but before I go to that I beg leave to call the attention of the House to what was said by the men who were the French plenipotentiaries in this negotiation. The concluding paragraph of the basis suggested by the plenipotentiaries of France is as follows:

The indemnities which shall be due by France to citizens of the United States shall be paid by the United States, in return for which France yields the exclusive privilege resulting from the seventeenth and twenty-second articles of the treaty of commerce and from the rights of guaranty of the seventh article of the treaty of alliance.

That is signed by Bonaparte and by Fleurieu and by Roederer, the last a man who has been alluded to as a great French jurist and diplomat, whose opinions are entitled to so much weight.

That was their opinion as to whether or not these treaties were dead; that was their opinion as to whether they were still in existence. And when you come to look at the second article of the treaty, which was stricken out by the Senate, you find that they had made this provision. I now read that second article:

The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of September, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they may have agreed upon these points the said treaty and conventions shall have no operation, and the relations of the two countries shall be regulated as follows.

Then come the other provisions of the treaty. There was a distinct declaration that there were claims on the part of the French Government against the United States, and a distinct declaration that there were claims on the part of citizens of the United States against France.

Mr. LONG. And that the treaties were in existence.

Mr. HOOKER. And that the treaties had a valid existence. Sir, it has been said by the distinguished gentleman from Pennsylvania [Mr. BUCKALEW], who has just closed his speech, that these are hoary claims, that they are aged claims. Are they any less right or just because they are old? Should they be rejected by the Congress of the United States for that reason?

If we have allowed decade after decade to pass from 1801 down to the present time, if we have allowed generation after generation to pass away who were entitled to these claims, the original claimants and their descendants, is it any argument to the enlightened conscience and to the just sense of right of an American Congress to say that because we have persisted in wrong for nearly one hundred years, therefore we should persist in it for another hundred years? I say to these gentlemen whose names are recorded in favor of the law giving the Court of Claims, the right of jurisdiction upon this question, if you did not intend to make a promise to the ear which was to be broken to the hope, if you did not intend that, then you ought to have raised all these objections when that bill was pending in this House, and you ought to have voted down the proposition to refer these matters to the Court of Claims, because, if the gentleman from Pennsylvania is correct, you were referring to that court claims the subject-matter of which had no value, and the assumed beneficiaries of which were nefarious claimants of something to which they had no right.

Yet the finding of your court answers him. Your tribunal composed of five enlightened and able jurists, sitting for long weeks and months upon these cases, taking proof for the claimants and proof for the Government, tell you that certain of these claims which they have investigated are just, valid, subsisting claims against the Government of the United States.

Mr. ROGERS. Will it disturb my friend from Mississippi if I interrupt him long enough to correct a statement of his with reference to myself, and which does me injustice?

Mr. HOOKER. Certainly, I will yield to the gentleman.

Mr. ROGERS. I am told that during my absence from the Hall my friend from Mississippi said—inadvertently, of course, for he would not intentionally misstate any fact—that in the Forty-eighth Congress I voted for the bill under which these claims were sent to the Court of Claims. I was at that time a very young and inexperienced member, but I did not vote that way. My friend has confused me with General Rogers, of New York, who was then a member. I voted in the negative.

Mr. HOOKER. I make the correction with a great deal of pleasure. I had supposed, without looking at the initials of the members voting, that the vote of my friend from Arkansas was in favor of the bill. I find, however, that he is right in the statement he has just made; he did vote in the negative, not in the affirmative. But when he voted in the negative, he voted against two-thirds of the House, embracing some of the ablest members on both sides. Two-thirds of this House, without reference to party, and including some of the most prominent men on either political side, voted to refer these claims to the Court of Claims.

I submit that my young friend from Arkansas, with his assiduity and his legal acumen, ought then to have made his proposition in favor of obtaining a decision of the Supreme Court of the United States upon these matters. That was the time when any member who believed that none of these claims should be paid until the Supreme Court of the United States had passed judgment upon the findings of the Court of Claims should have offered an amendment and insisted upon it. By a two-thirds vote of this House you passed an act designating the Court of Claims the tribunal to pass upon the claims of these parties.

Now, one word as to who these parties are. My distinguished friend from Pennsylvania [Mr. BUCKALEW] stated in his concluding remarks that he was going to give you this matter in a nutshell; and he said that members were actuated in favor of these claims by the persistency of clients or constituents behind them. Mr. Chairman, I do not know that I have in my district a single constituent interested in these claims. I am aware that lower down in the State of Mississippi there are some gentlemen interested in the adjudication of these questions.

My friend has also said that if you will look further you will find that insurance agents are some of the men who are pressing these claims. Sir, when we had before us the distribution of the Geneva award, we decided, as you remember, to pay millions of dollars to insurance agents, because, according to justice and law, they were subrogated to the rights and claims of those whom they insured. It does not matter therefore who owns these claims. When this same argument was made in Congress before, at the time the bill referring these claims to the Court of Claims was under consideration, a gentleman not accustomed to speaking in this Hall, without being listened to with great respect, replied to this accusation that speculators and men who wanted to make money out of these claims had become the possessors of them. Governor Curtin, of Pennsylvania, to whom I refer, said at that time:

I will state to the gentleman that few, if any, of these claims have passed out of the hands of the original parties or their heirs. It is safe to assume that nineteen-twentieths of them are in the hands of the legal representatives of the original claimants.

I can say that all of these claims of which I have any knowledge in my region of country in Mississippi are in the hands of the legitimate descendants of the original claimants, who for a century have been denied their rights.

The gentleman from Texas [Mr. SAYERS] relies upon the case of Bass *vs.* Tingey to establish the fact that a war existed between France and the United States as a proof of the invalidity of these claims. The case which he cites was one for salvage, the claimant being entitled to a higher rate of salvage if war existed. All publicists divide war into two general classes: First, a general war, which renders all the citizens of one country enemies of all the citizens of the other, and therefore invalidates and destroys all private claims and all demands for reclamation. The other is a partial or limited war, confined therefore to either particular classes of persons or to some particular locality. The Supreme Court, in the case which he cites, observes this distinction and lays it down very clearly, and held that a limited and partial war existed between France and the United States; that that war was confined to the armed vessels of France.

It was not even a maritime war, for it did not affect the private vessels of France in any way whatever. It was limited to those armed vessels of France which were within the jurisdiction of the United States or on the high seas. And this was exactly the extent of the hostilities authorized by the act of Congress, and it specifically limited the power of vessels of the United States to seize French armed vessels within the jurisdiction of the United States and on the high seas. They could not, and as a matter of fact they did not, attack any private vessel of France anywhere, and they attacked only the armed vessels of France and them only on the high seas. That such a war as this existed no one denies; but that such a war in any wise affected private rights or the claims for reclamation for these citizens is in contravention of the settled law of nations as laid down by all writers on that subject from Vattel to Wheaton.

This fact is shown by the ultimata in the instructions of the Secretary of State to our envoys, published with the remarks of the gentleman from Massachusetts [Mr. LONG]. That all the condemnations were made on the ground of violations of neutrality is shown by the decrees published by the same gentleman and by the decrees of condemnation, one of them dated two days before the signing of the treaty, which was produced here by the gentleman from Massachusetts [Mr. RUSSELL], and the rescission of the second article by the Senate of the United States; and the condition on which the treaty was ratified by Napoleon, with that rescission, is conclusive to any mind familiar with the principles of international law that the claims were recognized by both parties at the time of the making of the treaties as being subsisting, valid claims.

My friend from Texas [Mr. SAYERS] has placed much stress upon the statement that these American vessels, many of them, were armed, and armed under the authority of an act of Congress by a commission granted by the President. That is true, and what if they did? Does any man suppose that a vessel carrying a small armament and a large cargo would seek to make seizures? For what then were they armed

other than self-defense? I will not argue that they had a right to arm for self-defense, but I will answer that proposition in the language of Mr. Jefferson, Secretary of State, who in a letter to Minister Morris, dated August 16, 1793, uses this characteristic and forcible language, to wit:

Though a merchant vessel has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer than a husbandman following his plow in time of war, with a knife or pistol in his pocket, is thereby made a soldier.

But, Mr. Chairman, let us look more closely to the decision of Bass *vs.* Tingey, 1 Dallas Supreme Court Reports, so confidently relied on by the gentleman from Texas [Mr. SAYERS] and the gentleman from Pennsylvania [Mr. BUCKALEW] to sustain their views on these French spoliation claims.

The court at that time consisted of five judges, Hon. Oliver Ellsworth, of Connecticut, being the Chief-Justice. The four associate justices delivered each his opinion in the case. These opinions were delivered at the August term, 1800. This decision involved the construction of the act of Congress June 28, 1798, and the subsequent act of March 2, 1799, as to amount of salvage allowed on recapture of a vessel belonging to citizens of the United States or to citizens and subjects in amity with the United States.

The question involved in this case, so far as it is applicable to the validity and justice of these French spoliation claims, was "whether France was an enemy of the United States," and if so, "whether she was a general and public enemy," or "whether the war was a partial and limited war, confined to particular classes of persons, or to some particular locality." Now, in view of this statement of the question, what did the court decide in the case of Bass *vs.* Tingey?

Mr. Justice Washington, in his opinion, says:

It may, I believe, be safely laid down that by contention, by force between two nations in external matters under the authority of their respective governments is not only war, but public war. If it be declared in form it is called solemn, and is of the perfect kind, because one whole nation is at war with another whole nation, and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other in every place and under every circumstance. In such a war all the members act under a general authority, and all the rights and consequences of war attach to their condition. But hostility may subsist between two nations more confined in its nature and extent, being limited as to places, persons, and things, and this is more properly termed imperfect war, because not solemn, and because those who are authorized to commit hostilities act under special authority, and can go no further than to the extent of their commission.

And this learned justice further says—

That such a declaration (of war) by Congress might have constituted a perfect state of war, which was not intended by the Government.

Mr. Justice Chase, who presided in the circuit court which tried the case of Bass *vs.* Tingey, is more explicit and precise in his decision of the case. He says:

What, then, is the nature of the contest subsisting between America and France? In my judgment it is a limited, partial war. Congress has not declared war in general terms; but Congress has authorized hostilities on the high seas, by certain persons, in certain cases. There is no authority given to commit hostilities on land, to capture unarmed French vessels, nor even to capture French armed vessels lying in a French port; and the authority is not given indiscriminately to any citizen of America against any citizen of France, but only to citizens appointed by commissions, or exposed to immediate outrage and violence. So far it is unquestionably a partial war. But nevertheless it is a public war, on account of the public authority from which it emanates.

There are four acts, authorized by our Government, that are demonstrative of a state of war. A belligerent power has the right, by the law of nations, to search a neutral vessel, and upon suspicion of a violation of her neutral obligation, to seize and carry her into port for further examination. But by the acts of Congress an American vessel is authorized—

First. To resist the search of a French public vessel;

Second. To capture any vessel that should attempt by force to compel submission to a search;

Third. To recapture any American vessel seized by a French vessel; and

Fourth. To capture any French armed vessel wherever found on the high seas.

This suspension of the law of nations, this right of capture and recapture, can only be authorized by an act of the Government, which is in itself an act of hostility. But still it is restrained or limited hostility, and there are, undoubtedly, many rights attached to a general war which do not attach to this modification of the powers of defense and aggression.

Mr. Justice Patterson, in delivering his opinion in the case of Bass *vs.* Tingey, says:

The United States and the French Republic are in a qualified state of hostility. An imperfect war or a war as to certain objects and to a certain extent exists between the two nations, and this modified warfare is authorized by the constitutional authority of our country. It is a war *quoad hoc*. As far as Congress tolerated and authorized the war on our part, so far may we proceed in hostile operations. It is a maritime war, a war at sea, as to certain purposes. The national armed vessels of France attack and capture the national armed vessels of the United States; vessels of the United States are expressly authorized and directed to attack, subdue, and take the national armed vessels of France, and also to recapture American vessels. It is therefore a public war between the two nations, qualified on our part in the manner prescribed by the constitutional organ of our country.

It will thus be seen that all the judges delivering opinions in this case agreed that there was a limited and restricted condition of hostilities, and not an open and declared and solemn war; and France herself, by the solemn admission of her plenipotentiaries, agreed that these were just and valid claims of the private citizens of America against the French Government, and in order to get rid of these claims agreed to give up the claims which she held by virtue of the treaties of 1878, and the United States then used the private claims of her citizens for public purposes and became liable to her citizens for the private property thus taken for public uses.

Now, Mr. Chairman, there were other spoliations committed by the French armed vessels under the Berlin and Milan decrees issued by the French Government, for which France made payment at a subsequent period.

Every act of our Government and every acknowledgment of the French Government and all the public declarations of our plenipotentiaries show that our citizens have been spoliated of large amounts of property, destroyed on the high seas by French armed vessels, and that the owners of this property and their descendants have never ceased to demand their rights, in the only way that they could demand them—by humble petition for justice to their own Government; and when that Government, after nearly a century of delay, has by solemn act of Congress at last created a tribunal to pass upon these long-deferred claims and that tribunal has made its decision in favor of these claims we are met with the plea, first, that these claims never had any commercial value; and, secondly, that they are hoary with age, and therefore the Government of the United States should repudiate them. It is a plea, Mr. Chairman, dishonorable to and unworthy of this great Government dealing with its own citizens. Justice, right, and equitable dealing demand that these long-deferred claims shall be settled now and forever.

Mr. BURNES. I yield to the gentleman from Georgia [Mr. TURNER].

The CHAIRMAN. For what time?

Mr. BURNES. I do not think it necessary to limit him now.

Mr. TURNER, of Georgia. Mr. Chairman, the Committee on Appropriations, having the responsibility for the larger part of our expenditures, have placed in the general deficiency bill, now pending in the Committee of the Whole, an item for the payment of certain French spoliation claims; but the majority of that committee, sitting on this side of the Hall, have stated that they placed these claims in the bill simply out of respect to what they regarded as a peremptory instruction from the House, adopted in December last; and they submit a very able argument against the propriety of the payment of these claims at all.

A bill proposing to grant in these cases, on the recommendation of the Attorney-General, the privilege of an appeal from the Court of Claims, was referred to the Committee on the Judiciary, and just half of the members of the committee acting upon the case, and consisting of gentlemen who sit on this side, have recommended that before any of these claims are paid the principles on which they stand should be determined by the Supreme Court of the United States.

When it is considered that the Government, under the act of 1885, has been sued for over $40,000,000 in these cases, we ought to give some heed to these admonitions from those who have been officially charged with the duty of investigating the subject, and who as members of the majority are responsible to the country. When the history of these spoliations was known of all men Congress could not be induced to provide for their payment. When they had grown old and the facts became obscure, and the claimants had multiplied and replenished the United States, a bill passed appropriating $5,000,000 in final satisfaction of these claims; but Mr. Polk vetoed the bill. A similar bill passed Congress during the administration of Mr. Pierce, but it was vetoed by the President.

By the act of January 20, 1885, these claims were referred to the Court of Claims with the proviso "that they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same." And it was further provided that the finding and report of the court should be taken to be merely advisory as to the law and facts found, and should not conclude either the claimant or Congress. And out of abundant caution it was further provided that nothing in the act should be construed as committing the United States to the payment of any such claims.

I deny, sir, that that court has determined these claims on the principles which were defined as the rules to regulate their jurisdiction. That court insists that the jurisdiction conferred on it was peculiar and unprecedented in the history of the Government, and that according to the principles of municipal and international law and of the treaties to which reference was made no liability could be attached to the Government; and it took refuge under the idea that by the act of reference political functions were devolved on that tribunal, and it was in some sort made a substitute for Congress to determine the validity and binding effect of these claims on the Government. I cite from the case of William Gray, administrator, *vs.* United States:

So we reach the end of this opinion as unlike the usual judicial expression in its form and supporting authorities as are the cases before us unlike those ordinarily submitted to a tribunal of the law. We are, however, for the moment invested with some of the powers and jurisdiction belonging to the political branch of the Government, and upon us is imposed an examination not usually or naturally committed to a judicial body. We have been required, not to investigate legal rights, based upon the doctrines and principles of the common law, but to inquire into and to report upon the ethical rights of a citizen against his Government, rights which are never enforceable except by the consent of the sovereign—in this country the legislature—as whose substitute we act to the limited extent prescribed and marked out by the remedial statute.

I insist that the court has transcended the jurisdiction which Con-

gress conferred on it, and instead of making up its judgment on the lines defined by Congress, it has taken upon itself an authority which we never gave it, and has attempted to define the obligation of the Government from a political standpoint.

And, sir, in order to determine this thing the judges of this court have undertaken to give as reasons for this political judgment the opinions of public men here in Congress. They refer to numerous reports of special committees made in the House and in the Senate. They refer us to the opinions of Webster, Clay, Marshall, and Sumner, adducing these political utterances and political authorities as reasons why these claims should be paid.

Congress asked the advice of the court upon the law, and the court has replied with the opinions of Congressmen! We desired law, and they gave us politics. We asked for bread, and they gave us a stone! If I am to follow politicians in this matter, I prefer to follow Wright, and Benton, and Calhoun.

But it may not be unprofitable to glance at the facts ourselves before we decide this most important matter.

It has been claimed that France had grievances against the Government of the United States, and that our citizens had grievances against the Government of France, and that there was such a settlement of conflicting claims as to devolve on the Government of the United States by a sort of political equity the obligation to pay the claims of our citizens.

I deny it, sir. I say after a careful study of all the history of this subject, and of all the precedents upon which I could lay my hands, that I do not believe the Government is under any obligation, legal, equitable, or moral, to pay these claims.

I propose to demonstrate, in the first place, that France had no claims against this Government, and in the second place to show that these claims of private citizens of the United States grew out of acts of war on the part of France for which no redress could be had under any law, municipal or international. It can not be contended that any damages accruing to a citizen out of a state of war can be made the subject of indemnification as a matter of duty on the part of the government to which the citizen owes his allegiance. Denial of such indemnity has been the uniform practice of the United States towards its own citizens. It is the policy we have always maintained in our dealings with our citizens who have suffered, for instance, at the hands of Indian tribes. In 1836 a portion of the Creek Nation of Indians, situated in Alabama, broke from their reservation, pillaged and devastated a few counties in that State and in the adjacent State of Georgia.

The President of the United States appointed a commission to go down to this wasted territory and take proof of the damages which the citizens had suffered; and the report of this commission was made to the Secretary of War involving damages to the extent of a million or two of dollars; and when the Legislature of the State of Alabama met a most eloquent memorial was framed and sent to the Congress of the United States bearing upon the subject. It went to the Committee on Claims of the House of Representatives, and that committee, after a careful and learned investigation, in the year 1838, reported to the House that the outrages had been committed in a state of war between the United States and the Creek Nation, and consequently being war damages the Government could not pay them. I cite the report:

> The Government is equally bound to protect the property of our citizens employed in commerce as it is to give protection to those whose capital is employed in agriculture. If the Malays, or pirates, should seize a vessel, murder the crew, and take the cargo to their use, no one would say the United States were bound to remunerate the loss. A misunderstanding may exist between this Government and a foreign power, by which the millions employed by our citizens in commerce and navigation may be swept from the ocean, and rendered valueless; and yet no one would remunerate the sufferers from the Treasury of the United States. Thousands of such sufferers now exist and they have combated poverty for years without relief.

The proposition laid down in that report has always been, so far as I know, adhered to by Congress. See a similar report from the Committee on Claims of the Senate in American State Papers, volume Claims, page 223. As late, sir, as the administration of General Grant, when the claim of Milton Best from the State of Kentucky had passed both Houses of Congress, the President vetoed the bill upon the ground that the damages Best suffered were inflicted during a state of war, and that no country could afford to pay war damages.

It is the principle not only of municipal law, but also the law of the American Congress and the political departments of the Government, and the same principle has been of universal recognition in every country in the world.

And it has been conceded that if these spoliations by the French were acts of war, no indemnity could have been recovered from France, and the treaty devolved on this Government no liability to the claimants.

But the argument is that our Government had incurred liabilities to France by infractions of the treaty of 1778, and then by the treaty of 1800–1801 settled these liabilities with the claims of our citizens against France, and the existence of war between the two countries during the period of the depredations is denied.

It must be borne in mind that but a short period had elapsed since the successful termination of the war for American independence, but the people of New England, who at that time loved an unfettered commerce, had sent their cruisers all over the world. They had a magnificent merchant marine and as gallant tars as the world had ever seen. They carried their vessels into every sea between the poles. They were the common carriers of that period, when other maritime countries were involved in disastrous war.

The United States became the granary for the great powers that contended for supremacy on the continent of Europe, and hence it was under these favoring conditions that these sailors of America acquired domination on the sea.

And the merchants of Boston, Providence, Baltimore, and Philadelphia, in restoring their commerce with the Old World, very naturally sought that country which spoke the same language as themselves, and with which they had had close relations prior to the Revolution. A very prosperous trade with England ensued during this era so auspicious for American merchants. But in 1793 the terrible events of the French revolution began. The government with which the United States had made a treaty of alliance in 1778 went down in utter ruin, the King and the Queen of France were put to death and the capital of that great country was ruled by a mob. Lafayette fled from France and his son was sent to General Washington for protection.

Anarchy, the mob, the directory, the guillotine, Robespiere, Marat, and Danton ruled in Paris for years. How was it possible to maintain diplomatic relations with such a country? Genet, the first minister accredited by the revolutionary government to the United States, treated Washington and the Government of this country with open contempt and defiance. At the same time our merchantmen on the high seas were seized, searched, and pillaged by French cruisers. War was raging between France on the one hand and England and other powers of Europe on the other. Under these extraordinary circumstances the Government of the United States had to take care of its own rights and the rights of its citizens as best it could. George Washington himself, through his Secretary of State, Timothy Pickering, in 1797, made an elaborate defence of his administration against the charges which the French minister made against our Government. It is too long for me to read, but of this document, which Washington commended as the plain truth, I quote a concluding paragraph:

> From the foregoing statement we trust it will appear that there has been no attempt in the Government of the United States to violate our treaty or weaken our engagements with France; that whatever resistance it has opposed to the measures of her agents, the maintenance of the laws and sovereignty of the United States, and their neutral obligations, have rendered indispensable; that it has never acquiesced in any acts violating our rights or interfering with the advantages stipulated to France, but, on the contrary, has opposed them by all the means in its power; that it has withheld no succors from France that were compatible with the duties of neutrality to grant; that as well by their independent political rights as by the express provisions of the commercial treaty with France, the United States were at full liberty to enter into commercial treaties with any other nation, and consequently with Great Britain; that no facts manifesting a partiality to that country have been, and I add that none such can be, produced.

I insist, when gentlemen arraign this Government for its liabilities to France and its treatment of the French people, that some attention at least ought to be paid to the defense of this Government which the first President himself gave to the Congress and to the world.

Mr. DAVIS. I will ask my friend if our Government through her representatives did not offer France eight millions of francs on account of the injuries done her by failure to fulfill our treaty stipulations.

Mr. BURNES. No, sir.

Mr. TURNER, of Georgia. The gentleman from Massachusetts has got his facts somewhat mixed. Mr. Ellsworth and the other commissioners suggested something of that kind to the French commissioners; but it had not been authorized by our Government, and was at once rejected. To insist that the United States had damaged France would be an impeachment of Washington's veracity.

The French cruisers seized and plundered our ships, alleging that the ships carried goods of the enemy, although the treaty of 1778 contained the distinct stipulation that free ships should make free goods. That was a violation of the treaty of 1778, which, according to all codes, municipal and international, and according to the decision of the Court of Claims itself, entitled the Government of the United States to regard the treaty of 1778 as no longer binding.

The gentleman from Massachusetts [Mr. LONG], who argued this case with so much plausibility, insisted that one party to a treaty could not annul the treaty without the consent of the other. Mr. Chairman, that learned and able gentleman has not read the opinion of the Court of Claims, on which he lays the chief stress for the support of these claims, for that court distinctly held that either party could, for any violation, consider the treaty as at an end. I cite a paragraph of the opinion of the Court of Claims in the case of William R. Hooper, administrator, *vs.* The United States:

> A treaty which on its face is of indefinite duration and which contains no clause providing for its termination may be annulled by one of the parties under certain circumstances. As between the nations it is in its nature a contract, and if the consideration fail, for example, or if its important provisions be broken by one party, the other may at its option declare it terminated.

Mr. LONG. And take the consequences, of course.

Mr. TURNER, of Georgia (continuing the reading):

> The United States have so held in regard to the Clayton-Bulwer treaty, as to which Mr. Frelinghuysen, then Secretary of State, wrote Mr. Hall, minister in Central America, July 19, 1884: "The Clayton-Bulwer treaty was voidable at the option of the United States. This, I think, has been demonstrated fully on two grounds: First, that the consideration of the treaty having failed, its object

never having been accomplished, the United States did not receive that for which it covenanted; and second, that Great Britain has persistently violated her agreement not to colonize the Central American coast."

Mr. HOPKINS, of Illinois. I wish to ask the gentleman if that proviso is not of the same nature as a contract with a mortgage, where the party of the first part agrees to pay the party of the second part, say, $5,000 in one year and $5,000 in two years, with a proviso that is he fails in his first payment there shall be an option to declare the entire amount due. Now, the courts hold that unless affirmative action is taken on that option the contract is binding, even though there is a failure to make the first payment.

Mr. TURNER, of Georgia. Now, what is the gentleman's question?

Mr. HOPKINS, of Illinois. My question is whether this case is not precisely like that, and whether the Government of the United States did not fail to declare the abrogation of the treaty?

Mr. TURNER, of Georgia. Mr. Chairman, my honorable friend from Illinois is endeavoring to treat this controversy between nations according to the standard which prevails in the courts of a country governed purely by municipal law. In these matters of dispute between nations, each nation is treated as a sovereign, bound only in its honor to the observance of the treaty, for the enforcement of which there is no international tribunal. Each nation is the judge of the measure of its own rights under the treaty; taking, of course, the alternative of that last resort which every nation has for the infraction of a treaty. But it has always been held in every civilized country on earth that a sovereign which is a party to an international compact can, for a plain violation of the terms of that compact, either go to war with the nation violating it, or else acquiescing in its annullment, treat it as null and void.

The principle I have stated is the principle which governs in international matters, but not in matters subject to municipal law.

Mr. HOPKINS, of Illinois. But the point I was making was this, that taking your position to be correct, that France did violate the treaty, still if the United States Government afterwards recognized the treaty as an existing one, that is affirmative proof that it is still in existence notwithstanding the action of France.

Mr. TURNER, of Georgia. The gentleman cites no facts upon which to base the assumption made in his interrogatory, and the facts do not justify it. In 1798 there was a bill which passed both Houses of Congress and was approved by the President, which declared that on account of these infractions of that treaty by the French Government the treaty was null and void. It was declared to be null and void for the very reasons which I have given, and, Mr. Chairman, the Court of Claims, in the Hooper case to which I have referred, distinctly stated, in addition to the principle which I have already cited, that the courts were absolutely concluded by the declaration of the political department of the Government that those treaties were no longer of any force or effect in this country. In support of this proposition I cite again the opinion of the Court of Claims in the Hooper case:

We are of the opinion that the circumstances justified the United States in annulling the treaties of 1778; that the act was a valid one not only as a municipal statute but as between nations, and that thereafter the compacts were ended.

Inasmuch as we owed nothing to France, we could not have appropriated these claims of our citizens to any public use as claimed, and we therefore owe them no compensation under the Constitution. It was not an appropriation of private claims to the public use, because the Government of France had no claims against us.

Mr. NUTTING. Will the gentleman yield for a short question?

Mr. TURNER, of Georgia. If the gentleman will ask me a very short question, I will yield.

Mr. NUTTING. I wish to ask the gentleman a short question; and he being a lawyer, it is a legal question. The Government used these claims to settle with France—used them as a consideration——

Mr. TURNER, of Georgia. The gentleman has not heard my argument. He assumes what I utterly deny; and therefore I think he had better forbear the question.

Mr. NUTTING. Well, I assume that the Government in its settlement with France used these claims as a consideration; and having done so——

Mr. TURNER, of Georgia. That I deny; and if there were any claims against the Government, it would be very proper for the gentleman to demonstrate that fact.

Mr. NUTTING. Perhaps the gentleman will agree with me on this proposition: If the Government did use these claims as a consideration in the settlement, it is estopped from saying they had no value.

Mr. TURNER, of Georgia. I had not said that these private claims had no value; but I deny that there is any such principle as estoppel in this matter. I deny entirely the principle which the gentleman assumes as the basis of his question; I will not entertain an argument on any such line.

Mr. NUTTING. Does the gentleman deny that the question of estoppel applies as well between nations as between individuals?

Mr. TURNER, of Georgia. I do. I say that the principle of estoppel applies to no sovereign Government on earth; and if the gentleman is familiar with the rules of law, he will himself assent to my proposition on reflection,

Mr. WILSON, of Minnesota. Let me ask whether there is a single circumstance here which would justify the application of the doctrine of estoppel in a case of this kind, even against a private individual and on the narrow basis adopted in a court of law?

Mr. TURNER, of Georgia. I think not; but I do not propose to argue the case on that principle.

Mr. NUTTING rose.

Mr. TURNER, of Georgia. I hope my friend will allow me to proceed. He can reply to me in his own time.

Mr. NUTTING. Of course I will not interrupt the gentleman without his consent. I think he is wrong, however, about the question of estoppel. I know he is.

Mr. TURNER, of Georgia. Mr. Chairman, I rest the defense of this Government against France on the vindication of the Government made during the administration of our first President. I now turn to the question whether our citizens had claims against the Government of France, for which indemnity was due to our citizens as a matter of law, municipal or international. I have attempted to show that damages committed during a state of war are never paid for except as a matter of grace; that no government pays damages of that character to its own citizens. It only remains for me, therefore, to show that a state of war existed between the United States and France through the period during which these spoliations were committed.

Gentleman say there was no war. I say there was war. The French commissioners, who were cognizant of the acts of the French Government towards our people and our commerce, stated distinctly in one of their notes to the American commissioners that war was flagrant between the two countries, and that to terminate it there would have to be a treaty of peace between them. And they added that "the rights of war acknowledge no obligation to repair it ravages." So much for the French view of it. John Adams said that one of the decrees of the French Government was itself an open and palpable declaration of war. And during that same administration, when George Washington was called from his retirement, when troops were mustered and enrolled and ships were being built, in his order announcing his assumption of command of the Army, he declared that France was making "war on our defenseless commerce." The Attorney-General said that there existed with France "an actual maritime war authorized by both nations," and the Supreme Court expressed the same opinion. (4 Dallas, 37.) And the American commissioners spoke of the peculiar state of hostility as the "present war."

[Here the hammer fell.]

The CHAIRMAN. The forty minutes which, as the Chair understood, were yielded to the gentleman, have expired.

Mr. BURNES. I yield to the gentleman ten minutes more.

Mr. TURNER, of Georgia. Passing from the political literature of that day, let us look, as a lawyer would say, at the facts from which a state of war might follow as a conclusion. It was during that period, Mr. Chairman, that American merchants banded together in Boston, New York, Philadelphia, and other cities, and under official sanction subscribed hundreds of thousands of dollars to build and man and equip men-of-war for the use of the Government. Three hundred and sixty-five ships thus built were accepted by the Government, and they were at once employed in the active defense of our commerce. The Government of the United States then laid the foundation of all the glory and honor which the American Navy has attained. Then it was that Decatur, father and son, Porter, Rogers, Barry, Bainbridge, Nicholson, Sterrit, Jones, Stewart, Truxtun, and Hull won for the American Navy imperishable renown. [Applause.]

Who does not remember the Constitution, the Boston, the United States, the Constellation, the Experiment, the Enterprise, the Delaware, and other famous cruisers of the American Navy of that early period? Who does not remember with pride that six French privateers, numbering fifty-nine guns and three hundred and sixty-seven men, struck to the Enterprise alone in a single year? The Boston engaged the corvette Le Berceau, and in two hours the first lieutenant, the master, the boatswain, the gunner, and thirty of the crew of the French ship lay dead on her deck. The Constellation, flying Commodore Truxtun's pennant, engaged L'Insurgenet, a taut frigate of forty guns, and the swiftest sailer the French navy could produce. When the battle had lasted one hour and a quarter, and sixty-seven killed and wounded lay upon his deck, the French commander struck his colors to this gallant young American.

It ought to be admitted that these occurrences look like war. Our intrepid Navy gave us again prestige on the ocean, and prepared the way for the treaty of 1800. It also looks like war when it is remembered that over two thousand of our merchantmen had been seized, and our commerce had been spoliated to the amount of $40,000,000.

I assume now that I have shown that these spoliations were committed during a state of war, and are therefore irremediable, according to all the authorities. I think I have also shown that the United States owed no damages to France and therefore could not have paid France with these claims of our citizens. Any other view would make Washington a traitor to France and Adams a traitor to New England.

The treaty of 1800–1801, its famous second article, and the history of its amendment and ratification, have already been sufficiently presented in the report of the committee and in the remarks of gentlemen who have preceded me.

The gentleman from Kentucky [Mr. BRECKINRIDGE] contends that because our commissioners presented these claims to the French Government and represented them as valid, Congress can not now deny their validity.

I want to call his attention to a decision of the Court of Claims upon one of these very cases, which I feel sure the gentleman himself has not read, or he would not have assumed that position. This court says in the Hooper case:

Because the President urged a claim upon France it did not necessarily become as between France and the United States a "valid" claim. The rule, as to the effect of Executive decision, applies as well in France as in the United States; France, resisting the claim, may contend with equal force that her position is correct, and yet one of the parties to the dispute must be wrong.

There is no man to whom I would sooner submit a public question than to the gentleman from Kentucky [Mr. BRECKINRIDGE] if untrammeled by sentiment and tradition; but when I heard him quote on this subject his predecessor, Henry Clay, and William C. Preston, I concluded that he, WILLIAM C. PRESTON BRECKINRIDGE, has come to his conclusion by succession and by inheritance. [Laughter.]

That gentleman deprecates the reference of these claims to the Supreme Court and says that this question does not belong to the judicial department of the Government; and he urges with great force that the essence of the argument for such reference plainly is that Congress is an imbecile body. And I am myself inclined to distrust any court when it decides political questions. And yet that gentleman, illustrating how a great mind will drift on the shallows when it forgets its constitutional moorings, after deprecating a decision by the highest court in the world, commends a judge of the Court of Claims as another Daniel come to judgment! [Applause.]

Mr. DAVIS. Mr. Chairman, the gentleman from Georgia, I hope, will permit me, before he takes his seat, to recall the question I asked him a few moments since.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LONG. I will yield a minute to the gentleman from Massachusetts for that purpose.

Mr. DAVIS. During the course of the argument of the gentleman from Georgia, I asked him the question why if our Government owed nothing to France, she was willing, through her representatives, to pay 8,000,000 francs to France to secure a release. The statement embodied in the question was denied by the gentleman from Missouri [Mr. BURNES], and I only ask now to furnish the official evidence of the correctness of my statement. I ask to print an extract from an executive document bearing directly upon the point.

Mr. LONG. You have the right to do so under a general leave.

Mr. TURNER, of Georgia. The gentleman ought to state it himself if he expects any reply from me. A mere publication in to-morrow's RECORD will preclude any reply on my part.

Mr. LONG. In my own time I will state to the gentleman from Georgia that it is claimed by my colleague from Massachusetts that this Government instructed its representatives in France to offer 8,000,000 francs by way of a settlement and——

Mr. TURNER, of Georgia. Has the gentleman the documentary evidence?

Mr. LONG (continuing). To release the United States from the claims of France against us.

Mr. TURNER, of Georgia. I am perfectly willing to take the gentleman's own statement as to the facts, but I should like the evidence before undertaking to reply.

Mr. DAVIS. My colleague is not quite correct in his statement.

Mr. TURNER, of Georgia. I did not think that he was.

Mr. DAVIS. The plenipotentiaries on the part of our Government made that offer and agreed to pay that sum of money, as is evidenced by the citation I shall publish in this connection.

The document referred to by Mr. DAVIS is as follows:

[No. 378.]

The envoys extraordinary and ministers plenipotentiary of the United States to France to the ministers plenipotentiary of the French Republic.

PARIS, *August* 29, 1800—7 o'clock p. m.

CITIZEN MINISTERS: * * * It is agreed that the United States shall pay to the French Republic, within seven years from the date of exchanging the ratifications of the treaty of ——, 8,000,000 of francs in money or such securities as have been or may be issued to citizens of the United States for indemnities under the said treaty, together with interest hereafter at the rate of — per cent. per annum until the principal shall be discharged. And that as a consideration of such engagements the United States shall forever be exonerated of the obligation on their part to furnish succors or aid under the mutual guaranty of the eleventh article of the treaty of alliance of the 6th of February, 1778; and the rights of the French Republic under the seventeenth and twenty-second articles of the treaty of amity and commerce of the same date shall be forever limited to such as the most favored nation shall in these respects enjoy.

The French Republic will accept the same, or if the French Republic shall at any time within that term offer such an article the United States will accept the same. And in either case the article so offered shall become part of the present treaty.

To such a stipulation in connection with the first, fourth, fifth, and sixth propositions offered by the American envoys in their note of the 20th of the present month they would agree, so great is their desire to terminate without further loss of time the present negotiation.

They pray the ministers plenipotentiary of the French Republic to accept assurances of their high consideration.

OLIV. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Mr. DIBBLE. There is no doubt that Ellsworth made the offer.

Mr. DAVIS. Yes; Ellsworth and his colleagues as well.

Mr. MACDONALD. Upon whose responsibility?

Mr. DAVIS. They were acting for our Government. And not only that, but Mr. Pickering himself offered to pay a certain sum of money to secure the same end.

Mr. LONG. I now yield eight minutes to the gentleman from Pennsylvania [Mr. JACKSON], and eight to the gentleman from Maine [Mr. MILLIKEN].

[Mr. JACKSON withholds his remarks for revision. See APPENDIX.]

Mr. BURNES. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10896) to supply deficiencies in the appropriations for the fiscal year ended June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

Sundry messages, in writing, from the President of the United States were announced by Mr. PRUDEN, one of his secretaries.

MRS. ANNA BUTTERFIELD.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 8761, entitled "An act granting a pension to Mrs. Anna Butterfield."

It is proposed by this bill to pension the beneficiary therein named as the "dependent mother of James A. B. Butterfield, late a sergeant in the Second Illinois Cavalry."

The records show that the son of this beneficiary enlisted in the regiment mentioned in August, 1861, and was mustered out August 13, 1864. No claim is made in any quarter that he incurred the least disability during this service, and there is no dispute in regard to the date of enlistment or discharge, nor does there seem to be any definite claim that he again entered the military service.

The report of the committee states that his mother is advised that after his discharge her son still remained in the service of the Government, and was killed by an explosion on board of the steamer Sultana, in April, 1865.

Her claim for pension is now pending in the Pension Bureau awaiting testimony which seems to be entirely wanting to support the allegation that at the time of his death the deceased was in the service of the Government in any capacity.

This evidence ought not to be difficult to obtain. Though the mother seems to have saved something from which she draws a small income, her advanced age and the honorable service of her son would make the allowance of a pension in her case, upon any fair and plausible justification, very gratifying.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 9, 1888.

ELIZA SMITH.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill 2140, entitled "An act granting a pension to Eliza Smith."

The husband of this beneficiary was a second lieutenant in an Indiana regiment, and was discharged from the service in April, 1864. It is proposed in the bill herewith returned to pension the beneficiary as the widow of a first lieutenant.

The deceased was pensioned for a gunshot wound in his left arm, under the general law, and his pension was increased by a special act in 1883.

He died away from home at a hotel in Union City, Ind., on the 18th day of December, 1884, and it was determined at the time, and is still claimed, that his death was the result of an overdose of morphine, self-administered.

It is represented that at times the wound of the deceased soldier was very painful, and that he was in the habit of taking large doses of morphine to alleviate his suffering.

Two days before his death he was at the house of one Moore, in Union City; he complained of pain and asked for a dose of morphine, but it does not appear that he obtained it.

On the same day he went to a hotel in the same town and remained there until his death. On the second evening after his arrival there he complained of asthma and pain in his arm and retired about 9 o'clock p. m. In the afternoon of the next day the door of his room was forced open and he was found prostrate and helpless, though able to talk. Medicine was administered, but he soon died.

His family physician testified that the deceased did not suffer from asthma; that, when his wound was suppurating he had difficulty in breathing, and that at such times he was in the habit of taking morphine in large doses, and that at times he was intemperate, especially when suffering from his wound.

It seems to me it would establish a very bad precedent to allow a pension upon the facts developed in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 9, 1888.

STEPHEN A. SEAVEY.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 7510, entitled "An act granting a pension to Stephen A. Seavey."

This beneficiary served in a Maine regiment from November 11, 1861, to August 17, 1862, when he was discharged upon a surgeon's certificate of epilepsia and melancholia. The surgeon further stated in his certificate that the soldier had been unfit for duty for sixty days in consequence of epileptic fits, occurring daily and requiring the constant attendance of two persons during the past thirty days.

In 1879 he applied for a pension, alleging that he incurred a sunstroke on July 20, 1862. This was within the sixty days during which he was unfit for duty and also within the thirty days during which he required the constant attendance of two persons.

He succeeded in securing a pension and drew the same until December, 1885, when information was received at the Pension Bureau which caused an examination of the merits of the case.

This examination developed such facts as led the Pension Bureau to the conclusion that the condition of the soldier was then identical with that before enlistment, and that his disability existed before he entered the service. His name was accordingly dropped from the rolls.

The object of the bill herewith returned is to restore the pensioner to the rolls.

An examination of the facts satisfies me that the act of the Pension Bureau in dropping this name from the pension-rolls was entirely correct and should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 9, 1888.

SARAH A. CORSON.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 6307, entitled "An act granting a pension to Sarah A. Corson."

Joshua Corson, the husband of the beneficiary named in this bill, enlisted in August, 1862, for nine months, was wounded by a ball which passed through the lower part of each buttock, and was discharged June 29, 1863. He was pensioned for his wound and died December 12, 1885.

The cause of death is stated to have been femoral hernia by a physician who attended him shortly before his death. The official record of his death attributes it to a malignant tumor.

The widow filed a claim for pension in 1886, but furnished no evidence showing when or how the hernia originated. No disability of this description is shown by any service record, nor was it ever claimed by the soldier. It is stated in the report of the committee of the House of Representatives to whom this bill was referred that the hernia first made its appearance about four years prior to the soldier's death.

The claim of this beneficiary for pension was rejected by the Pension Bureau upon the ground that there was no possible connection between the soldier's wounds and the hernia from which he died.

I am forced to the conclusion that the case was properly disposed of, and base my disapproval of the bill herewith returned upon the same ground.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 9, 1888.

MANUEL GARCIA.

The SPEAKER also laid before the House the following message from the President; which was read, and referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 3521, entitled "An act granting a pension to Manuel Garcia."

From the records it appears that the beneficiary named in this bill enlisted as a substitute August 6, 1864, and was transferred to the Eighth New Jersey Volunteers; that he is reported absent sick, and never joined his regiment, and was discharged from a hospital July 2, 1865.

He filed a claim for pension March 4, 1880, alleging that in October, 1864, at Alexandria, Va., he became lame in both legs, and that subsequently his eyes became inflamed. His hospital record shows that he was treated for pneumonia.

The board of examining surgeons in 1883 found no such evidence of varicose veins, which seems to be the disability claimed, as would justify a rating, and there appears to be no proof of the existence of any disability between the date of discharge and the year 1867.

The application of this beneficiary is still pending in the Pension Bureau awaiting any further proof which may be submitted in its support.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 9, 1888.

MENHADEN FISHERY.

Mr. HATCH, by unanimous consent, offered the following; which was referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed:

Resolved, That a subcommittee of three members of the Committee on Merchant Marine and Fisheries be appointed to investigate and report upon the effect of the menhaden fishing on the Atlantic coast, on the destruction and supply of food-fish, and all questions relating to this subject now pending before said committee; and that the subcommittee so appointed be authorized to visit any point on the coast deemed important to such investigation, be authorized to administer oaths and send for persons and papers, and to employ a stenographer and clerk; the expenses of such investigation to be paid out of the contingent fund of the House.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH also, by unanimous consent, offered the following joint resolution (H. Res. 213); which was referred to the Committee on Printing:

Resolved by the Senate and House of Representatives, etc., That there be printed 50,000 copies of the fourth annual report of the Bureau of Animal Industry for the year 1887, of which 13,000 copies shall be for the use of members of the Senate, 27,000 copies for the use of members of the House of Representatives, and 10,000 copies for the use of the Commissioner of Agriculture; the illustrations to be executed under the supervision of the Public Printer in accordance with the directions of the Joint Committee on Printing; the work to be subject to the approval of the Commissioner of Agriculture.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 645) granting a pension to Mrs. Margaret B. Todd;

A bill (S. 915) granting a pension to Susan Edson;

A bill (S. 1122) granting an increase of pension to William Collinsworth;

A bill (S. 1325) for the relief of John McKernan;

A bill (S. 1542) granting a pension to John W. Reynolds;

A bill (S. 1609) for the relief of James McLaughlin;

A bill (S. 2206) granting a pension to David H. Lutman;

A bill (S. 2253) granting a pension to Mrs. Avis J. Hockey;

A bill (S. 2370) granting a pension to Sarah C. Anderson and children under sixteen years of age;

A bill (S. 2579) granting a pension to Mrs. Maggie A. Weed, formerly Miss Maggie A. Eagan;

A bill (S. 2616) granting a pension to James E. Kahler;

A bill (S. 3038) for the relief of P. E. Parker;

A bill (S. 3248) for the relief of John W. Durr; and

Joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy.

FIRST NATIONAL BANK, PORTLAND, OREGON.

The SPEAKER announced the appointment of Mr. THOMPSON, of California, in place of Mr. BIGGS (unable to serve on account of sickness) as one of the conferees on the part of the House upon the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works for building the United States revenue-cutter Thomas Corwin.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House do now adjourn.

Mr. GROSVENOR. Will not the gentleman from Tennessee withdraw that motion and allow me to call up a bill which will take only a moment? It is a public bill——

Mr. DIBBLE. I rise to present a conference report.

Mr. GROSVENOR. If my bill takes more than a moment, I will withdraw it.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

The SPEAKER. The gentleman from South Carolina [Mr. DIBBLE] states that he rises to make a conference report. This is privileged, even during the pendency of a motion to adjourn. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 288) for the erection of a public building at Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

JOHN C. SPOONER,
JAMES F. WILSON,
Managers on the part of the Senate.

The following statement of the House conferees, submitted in accordance with the rule, was read:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., August 8, 1888.

The managers on the part of the House on the disagreeing votes of the two Houses on the bill (S. 288) for the erection of a public building at Sioux City, Iowa, respectfully submit the following statement:

The bill provided for a limit of $250,000, and the House, by amendment, reduced the limit to $150,000. The effect of the adoption of the conference report is to fix the limit at $150,000, in accordance with the amendment of the House.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

The report of the committee of conference was adopted.

Mr. DIBBLE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MCMILLIN. I now renew my motion that the House adjourn.

The motion was agreed to, there being—ayes 37, noes 25; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 11129) for the relief of Francis Ford—to the Committee on War Claims.

Also, a bill (H. R. 11130) for the relief of E. C. Bainbridge—to the Committee on War Claims.

By Mr. BOOTHMAN: A bill (H. R. 11131) granting a pension to Robert Caskey—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 11132) for the relief of Solomon Weese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) for the relief of William I. Smith and D. M. Wisdom—to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 11134) granting a pension to Capt. David M. Dryden—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 11135) for the relief of Mrs. P. B. Day—to the Committee on War Claims.

Also, a bill (H. R. 11136) for the relief of A. T. Masencup—to the Committee on War Claims.

Also, a bill (H. R. 11137) for the relief of A. T. Masencup—to the Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 11138) for the relief of Abbie Burton—to the Committee on War Claims.

By Mr. O. B. THOMAS: A bill (H. R. 11139) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis.—to the Committee on Commerce.

Also, a bill (H. R. 11140) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis.—to the Committee on Commerce.

By Mr. WILKINSON: A bill (H. R. 11141) for the relief of the creditors of the Bank of Louisiana—to the Committee on War Claims.

By Mr. THOMAS WILSON: A bill (H. R. 11142) granting a pension to Martha Severson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DUNHAM: Petition of P. J. Gannon and 91 others, citizens of Lake, Ill., urging amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HATCH: Petition of citizens of Macon County, Missouri, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. LAFFOON: Petition of A. T. Masencup, of A. T. Masencup, administrator, and of Mrs. P. B. Day, for relief—to the Committee on War Claims.

By Mr. MARTIN: Petition of McCulloch & Co., B. N. Baker, and 45 others, citizens of Texas, in favor of pure food—to the Committee on Agriculture.

By Mr. O'DONNELL: Petition of George E. Walworth and others, citizens of the Third district of Michigan, for prohibition in the District of Columbia—to the Select Committee on Alcoholic Liquor Traffic.

SENATE.

FRIDAY, *August* 10, 1888.

The Senate met at 11 o'clock a. m.

Prayer by Rev. C. B. RAMSDELL, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

APPOINTMENTS IN CLASSIFIED SERVICE.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Civil Service Commission, transmitting, in reponse to a resolution of May 1, 1888, a complete list of all persons who, under certification by that Commission, have received probationary and absolute appointments to positions within the classified service at Washington, D. C., since March 4, 1885; which, on motion of Mr. SPOONER, was, with the accompanying papers, referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 11118) to authorize the construction and operation of a street railway and wagon-bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico, was read twice by its title, and referred to the Committee on Commerce.

The following bill and joint resolution were read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 11045) for the relief of Sam Rice Post, No. 6, Grand Army of the Republic, Department of Iowa; and

Joint resolution (H. Res. 176) granting permission to the park commissioners of New York City to improve and beautify Governor's Island in connection with a public park to be laid out on said island and on land adjoining and connecting therewith.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of American manufacturers of glycerine, located at Cincinnati, Ohio, and other places, praying that the Mills bill be amended by fixing the duty on crude glycerine at 3 cents and on refined at 5 cents a pound; which was referred to the Committee on Finance.

Mr. BROWN. I hold in my hand a petition signed by several hundred citizens of the United States who are persons of color engaged in the culture of rice on the Ogeechee River in Georgia. The petition relates to the culture in which they are engaged, and sets forth that they have been, most of them, born and raised on the rice plantations, and they regard a reasonably high tariff as indispensable to the success of their business, that it should not be dispensed with or reduced. As the petition is a short one I ask that it be read, or without reading be printed in the RECORD, and referred to the Committee on Finance. Probably the latter course will be the proper one.

The PRESIDENT *pro tempore*. The Senator from Georgia asks that the petition presented by him may be read or printed in the RECORD.

Mr. BROWN. I do not ask that the names be printed, simply the body of the petition. It is a short petition.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HARRIS. I object to its going in the RECORD.

Mr. BROWN. Then I will read it.

Mr. HARRIS. I object to its being read.

Mr. BROWN. Then I will condense it and bring myself within the rule as I will state the substance of it.

The PRESIDENT *pro tempore*. When the reading of a paper is objected to, the question must be determined by the Senate without debate. The Senator from Tennessee [Mr. HARRIS] objects to the reading of the paper presented by the Senator from Georgia. Shall he be permitted to read the same? [Putting the question.] The ayes appear to have it. The ayes have it. The Senator will proceed.

Mr. BROWN. As I am rather feeble this morning, I will ask the Secretary to read the petition.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HARRIS. It goes into the RECORD upon the reading, and therefore I will withdraw the objection to the printing of it, and it can go in without reading.

The PRESIDENT *pro tempore*. The petition will be printed in the RECORD without reading, unless objection be made.

Mr. HARRIS. Without the signatures?

Mr. BROWN. It was my request that it go in without the signatures. Of course I do not want them to go in the RECORD, as they are numerous and would take up too much space in the RECORD.

Mr. HARRIS. The petition ought to go to the Committee on Finance.

Mr. BROWN. That was my request.

The PRESIDENT *pro tempore*. The petition will be printed in the RECORD without the signatures and referred to the Committee on Finance.

The petition is as follows:

To the honorable the Senators and Representatives of the Congress of the United States:

Your petitioners, subscribers hereto, are all persons of color, living on or near the plantations of the Ogeechee River, in the State of Georgia.

Your petitioners state that they were nearly all born upon the rice plantations of that river and have resided all their lives upon or near these plantations, and with some few exceptions have engaged in no other occupation than rice planting.

They further state that being left by the war free, they have been able by hard labor to make a livelihood out of these plantations and now in nearly every instance each can point to a small home supported and maintained by their wages as laborers in the rice fields or by business indirectly springing therefrom.

Your petitioners comprise the whole laboring population of that river; they are poor, but sober and industrious, and all that they ask from any one is the possibility of their making their daily wages in their old homes.

Your petitioners earnestly represent, that if they were better off than they are, and if they owned the land upon which they labor, it would be impossible for them to plant rice in competition with foreign rice, free of duty.

In fortunate years they might make a livelihood upon their own land, if their rice could produce 4 cents a pound and if they were able to keep the property in repair; but constant disaster from floods and storms happen to rice planting, and your petitioners know that it will be impossible for them to procure money for the repair of banks, flood-gates, and all the other expensive necessaries to the planting of a single acre of rice on tide-water lands. The other lands adjacent are so poor and so far from market that they will not yield a bare support, and your petitioners see clearly that if the present duty on rice be diminished to any real extent the inevitable result will be that the lands will he thrown out by the owners, and that your petitioners can not make a support upon them, either as laborers, tenants, or owners. Your petitioners will then be forced to emigrate and to cast their lot with strangers, without money or property, or to die of starvation at home. They earnestly beg you to spare them these misfortunes, and to make such provision by duty on rice as will permit them to remain in humble and honorable labor in the places which are the only ones that they know.

And your petitioners will ever pray, etc.

The petition was referred to the Committee on Finance.

Mr. BLAIR presented a memorial of District Assembly 97, Knights of Labor, a memorial of the Federation of Labor of the District of Columbia, and a memorial of District Assembly, No. 66, Knights of Labor, favoring the passage of Senate bill 1471, providing that no per diem employé of the United States Government shall receive less compensation than $2 per day; which were referred to the Committee on Education and Labor.

Mr. DOLPH presented a petition of citizens of Benton, Oregon, praying speedy action on the subject of protection to the wool-growing and woolen-manufacturing industries of the United States; which was referred to the Committee on Finance.

He also presented a petition of citizens of Douglas and a petition of citizens of Coos County, Oregon, praying for certain amendments to the interstate-commerce act; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8931) for the relief of Samuel E. Wilson;

A bill (H. R. 4792) to pension J. W. Porter;

A bill (H. R. 9824) for the relief of Albert Watson;

A bill (H. R. 5503) granting a pension to Charles Walster; and

A bill (H. R. 7508) granting a pension to Julia E. Ambrose.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7785) for the relief of the attendants on the insane at Hospital for the Insane in the District of Colum-

bia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FARWELL, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 674) for the relief of Felix Marcinkowski, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion, reported it with an amendment, and submitted a report thereon.

Mr. SABIN, from the Committee on Railroads, to whom was referred the bill (S. 3391) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations, near Pensacola, in the State of Florida, asked that the committee be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. PASCO. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 5212) for the relief of Andrew J. Newgent, to report it adversely.

Mr. COCKRELL. I ask that that bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 3395) to amend chapter 184 of the laws of 1885, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," as the same was amended by chapter 22 of the laws of 1887, approved February 23, 1887, reported it with amendments.

Mr. VANCE. On the day before yesterday a House bill to incorporate the Georgetown and Tennallytown Railway Company was passed by this body. I am now directed by the Committee on the District of Columbia to report adversely the bill (S. 1055) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia, and move that it be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. STOCKBRIDGE introduced a bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FAULKNER introduced a bill (S. 3432) for the erection of a public building at Martinsburgh, W. Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CALL introduced a joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Epidemic Diseases.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. BLAIR. I submit an amendment intended to be proposed by me to the general deficiency appropriation bill, and move that it be referred, in the first instance, to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR. There is attached to the amendment a petition of perhaps ten lines of printed matter, which I should like to have printed with the amendment, to explain it.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REGISTRATION AND ELECTIONS IN NEW YORK.

Mr. EDMUNDS. I offer a resolution and ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to transmit to the Senate copies of all correspondence and communications passing between the Department of Justice, or any officer thereof, and any officer under the Government of the United States in the State of New York, since the 1st day of January, 1887, on the subject of registration, elections, or any matters connected therewith, or with the conduct, duties, or powers of any such officer in respect of registration or election matters.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Has it just been introduced?

Mr. EDMUNDS. It has just been introduced at this moment.

The PRESIDENT *pro tempore*. It has been submitted by the Senator from Vermont.

Mr. COCKRELL. I would rather see it in print before we act upon it.

The PRESIDENT *pro tempore*. The resolution will lie over under the rules and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 288) for the erection of a public building at Sioux City, Iowa.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 645) granting a pension to Mrs. Margaret B. Todd;

A bill (S. 915) granting a pension to Susan Edson;

A bill (S. 1122) granting an increase of pension to William Collinsworth;

A bill (S. 1325) for the relief of John McKernan;

A bill (S. 1542) granting a pension to John W. Reynolds;

A bill (S. 1609) for the relief of James McLaughlin;

A bill (S. 2206) granting a pension to David H. Lutman;

A bill (S. 2253) granting a pension to Mrs. Avis J. Hockey;

A bill (S. 2370) granting a pension to Sarah C. Anderson and children under sixteen years of age;

A bill (S. 2579) granting a pension to Mrs. Maggie A. Weed, formerly Miss Maggie A. Eagan;

A bill (S. 2616) granting a pension to James E. Kabler;

A bill (S. 3038) for the relief of P. E. Parker;

A bill (S. 3248) for the relief of John W. Durr; and

Joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed; and the Calendar under Rule VIII being in order, the Secretary will report the first bill by title.

The SECRETARY. Order of Business 1777, a bill (S. 1818) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery purposes.

MARINE HOSPITAL AT EVANSVILLE, IND.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of House bill 1321, which I reported a few days ago from the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The bill whose title has just been reported by the Secretary being in order, the Senator from Wisconsin asks unanimous consent that the order be laid aside to enable him to move the consideration of the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Wisconsin to the twenty-first line of the print, which is obviously incomplete.

Mr. SPOONER. I move to amend by inserting after the word "except," in line 21, the words "the administration of;" so as to make the proviso read:

Provided, That no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. QUAY, and Mr. PASCO were appointed.

LANDS FOR CEMETERY PURPOSES.

The PRESIDENT *pro tempore*. The first bill on the Calendar in regular order will now be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1818) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery purposes.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 3, after the word "that," to insert "the south half;" so as to make the section read:

That the south half of the northwest one-fourth and the north half of the southwest one-fourth of section 16, in township 39, range 5 west of Boisé meridian, in Idaho Territory, be, and the same is hereby, granted to the town of Moscow, in the Territory of Idaho, for cemetery purposes, on condition that the same shall be held and maintained by said town for that use; and if at any time any portion of the said land shall be diverted from such use it shall revert to and become the property of the United States.

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 2. When the section of country embracing said lands hereby conveyed shall be included within the boundaries of a State, the State may select for school purposes an amount equal to the amount hereby conveyed to the town of Moscow.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MILLINGER.

The bill (S. 602) for the relief of James Millinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James Millinger, of New Jersey, out of any money in the Treasury not otherwise appropriated, the sum of $19,893.75, for property taken from him for the use of the United States Army at Nashville, Tenn., in the year 1862; the said sum being the amount reported as just and right to the Secretary of War, under an order of General Dana, Quartermaster-General United States Army, appointed to investigate the same; which sum shall be in full of all claims against the United States by said Millinger.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOWMAN & CO.

The bill (H. R. 6491) for the relief of Lowman & Co. was considered as in Committee of the Whole. It proposes to pay to Lowman & Co., of Long Glade, Augusta County, Virginia, $271.80, in full for internal-revenue tax collected from them on certain stamps for distilled spirits on or about the 15th of October, 1878, the spirits having been destroyed by fire before the proper stamps had been affixed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. GRIFFEY.

The bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John A. Griffey, dependent father of —— Griffey, late private of Company D, Second North Carolina Regiment.

Mr. FAULKNER. I move to fill the blank in line 5, before "Griffey," by inserting "James."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ESTATE OF J. J. PULLIAM.

The bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, was announced as next in order on the Calendar.

Mr. EDMUNDS. That bill had better go over. It opens a very wide question, and it is one of a great number.

Mr. HARRIS. I ask the Senator to let it pass over without prejudice. The Senator from Massachusetts [Mr. HOAR], who reported it, is not in his seat at this moment.

Mr. EDMUNDS. I have no objection to that course if the bill will not be called up in my absence.

Mr. HARRIS. The Senator from Massachusetts has just come in.

Mr. EDMUNDS. The bill can go over without prejudice.

Mr. HARRIS. Very well; let it go over without prejudice.

Mr. EDMUNDS. It will require more than the five-minutes rule to debate it, I think, on the principle involved in it.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. HOAR subsequently said: I propose to ask the Senate to go back to Senate bill 751, but I shall not do so in the absence of the Senator from Vermont [Mr. EDMUNDS]. I think on a simple statement he will see that the bill merely proposes to correct a clear mistake which was made by one of the officers of the Treasury, and that it is to authorize the Secretary of the Treasury to re-examine the matter. I should like when the Senator who objected comes in again to ask the Senate to go back to that bill, but I shall not ask it in his absence.

SONE AND FLEMING MANUFACTURING COMPANY.

The bill (S. 992) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York, was announced as next in order on the Calendar.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. HOAR July 11, 1888:

The Committee on Claims, to whom was referred the bill (S. 992) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York, have considered the same, and respectively report:

The claim has been considered and favorably reported by this committee in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses. It is fully set forth in a report made by Mr. TELLER, from this committee, in the Forty-seventh Congress, which we append for the information of the Senate.

We recommend the passage of the bill.

[Senate Report No. 177, Forty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 31) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York, having duly considered the same, make the following report:

That the Sone and Fleming Company were refiners and exporters of petroleum during the years 1876-'77, carrying on their business at the city of New York, and it appears from the evidence that it was their habit to pack the oil for exportation in cans manufactured from imported tin. At the time of the exportation, under the provisions of section 3019, United States Revised Statutes, they were entitled to the drawback duties on said imported tin; but in order to obtain this drawback it was necessary to enter the tin for drawback.

The Sone and Fleming Company had at that time in their employ a clerk whose duty it was to file these drawback notices in the New York custom-house and to pay the small fee required for its entry. It appears from the evidence that the clerk so employed had long attended to his duties faithfully, ingratiating himself into the confidence of the company. During a term of about three months the clerk drew the notices, had them verified by the treasurer of the company, and obtained the several amounts from the cashier of the company necessary to pay these small fees, then left the office for the express purpose of filing the notices of drawback and to pay the fees for the same, but he never filed the notices and he embezzled the fees.

The collector, in a letter to the Secretary of the Treasury, says "the exporters called at this office, as customary, to sign the bonds," but inasmuch as their clerk had never filed the entry papers and never paid the fees, no bond had been given. Immediately upon the discovery of these facts the company applied to the collector for relief, and the matter was referred to the Secretary of the Treasury. The Secretary held that his power in the premises was limited by section 3037 of the United States Revised Statutes to such cases as have been "entered" for drawback and some subsequent formality has been omitted, while in this case the clerk did not file the notices of entry, and that there was no law which empowered the Secretary of the Treasury to authorize the payment of the drawback money. The original landing certificates, signed by the United States consul or vice-consul at the several ports of landing, are in evidence, covering the fourteen lots of tin cans, also the original entry certificates drawn by the company. The amount of the drawback duties which under the Revised Statutes the company was entitled to is $5,265.73.

Congress has considered it appropriate to give relief in similar cases in several instances. (See page 467, chapter 231, first session Forty-fourth Congress, approved July 25, 1876; page 437, chapter 124, first session Forty-fourth Congress, approved June 12, 1876; page 529, chapter 112, second session Forty-fifth Congress, approved May 25, 1878.)

The bill provides for the payment of money by the Government to the claimants which fairly belongs to them. The evidence is clear that the Government is to-day in possession of the money by a mere technicality of the law. The high standing of this company is mentioned in the letter of the collector of the port at that time—Mr. Arthur—to the Secretary of the Treasury, on file with the papers, and it seems hard that they should lose so large an amount on account of the embezzlement of a few dollars of their own money by a long-trusted clerk.

Your committee are of the opinion that the money of the company at present withheld from them on account of their failure to file drawback notices justly belongs to them, and therefore recommend the passage of the bill with the following amendment: Strike out, in line 7, the words "in gold coin of the United States," and in lines 7 and 8 strike out the words "in currency."

Mr. HOAR. There is a House bill to the same effect which I should like to have brought forward as a substitute and passed instead of the Senate bill.

The PRESIDENT *pro tempore*. Will the Senator from Massachusetts indicate the Calendar number?

Mr. HOAR. The House bill is before the Committee on Finance. It was referred to that committee. I should like to have the committee discharged and the House bill considered, if the clerks will find it.

The PRESIDENT *pro tempore*. Will the Senator consent to have the matter informally passed over and the Calendar proceeded with?

Mr. HOAR. Certainly; I was about to suggest that course.

The PRESIDENT *pro tempore* subsequently said: The bill (H. R. 3859) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York, having been brought to the desk, the Senator from Massachusetts moves that the Committee on Finance be discharged from its further consideration. It will be so ordered if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Sone and Fleming Manufacturing Company, Limited, of the city of New York, $5,265.73, being the amount of drawback of duties due to them on certain tin cans exported by them, but which were not entered for drawback within the time fixed by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. If there be no objection, the bill (S. 992) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York, will be indefinitely postponed.

A. M. ANDERSON AND OTHERS.

The bill (H. R. 5222) for the relief of A. M. Anderson and others

was considered as in Committee of the Whole. It proposes to pay an amount sufficient to adjust and settle the accounts of A. M. Anderson, Hall Caldwell, A. C. Bryan, and C. C. Crumpler, special deputy collectors employed by J. J. Mott, then collector of the sixth collection district of North Carolina, during and for the months of January and February, 1879, to each, or to his legal representative or heirs at law, the pay of a special deputy collector for the two months mentioned, they having been employed by the collector of the district on that duty and never having received any compensation therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN LAND PATENTS.

The joint resolution (S. R. 98) authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in line 1, to strike out the word "*Resolved*," and insert "*Be it enacted*."

The amendment was agreed to.

The next amendment was, in section 2, line 1, to strike out the word "and;" in line 5, to strike out the word "heretofore;" in line 7, after the word "belongs," to insert "under treaty or existing laws;" and in line 11, after the word "patent," to strike out the words "and allow;" so as to read:

The Secretary of the Interior is hereby authorized, in his discretion, and whenever for good and sufficient reason he shall consider it to be for the best interest of the Indians, in making allotments under the statute aforesaid, to permit any Indian to whom a patent has been issued for land on the reservation to which such Indian belongs, under treaty or existing law, to surrender such patent with formal relinquishment by such Indian to the United States of all his or her right, title, and interest in the land conveyed thereby, properly indorsed thereon, and to cancel such surrendered patent.

The amendment was agreed to.

The next amendment was, in section 2, line 11, after the word "*Provided*," to insert "That;" in line 12 to strike out "to" and insert "shall;" and in the same line, after the word "selection," to insert "in lieu thereof;" so as to make the proviso read:

Provided, That the Indian so surrendering the same shall make a selection, in lieu thereof, of other land and receive patent therefor, under the provisions of the act of February 8, 1887.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A bill (S. 3433) authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases."

DISTRICT LAND SUBDIVISIONS.

The bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 7, line 10, before the words "of said District," to strike out "engineer commissioner" and insert "commissioners;" so as to read:

That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to make and publish such general orders as may be necessary to regulate the platting and subdividing of all lands and grounds in the District of Columbia; and no such plat of subdivision made in pursuance of such orders shall be admitted to record in the office of the surveyor of said District without an order to that effect indorsed thereon by the commissioners of said District.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VANCE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VANCE, Mr. CHACE, and Mr. FARWELL were appointed.

TAX SALES OF PROPERTY IN THE DISTRICT.

The bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes was considered as in Committee of the Whole.

It provides that the commissioners of the District of Columbia shall prepare a list of all taxes on real property in the District subject to taxation upon which taxes are levied and in arrears on the 1st day of July, 1888, and each year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the county of Washington, and the District of Columbia; and the commissioners shall publish the same, with a notice of sale, in a pamphlet, of which not less than 5,000 copies shall be printed for distribution to taxpayers applying therefor. The commissioners shall, on the first Tuesday in September, 1888, and of each year thereafter, give notice, by advertising twice a week for three successive weeks in the regular issue of two daily newspapers published in the District, that the pamphlet has been printed, and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the commissioners, and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale the property will be sold, under the direction of the commissioners, at public auction, at the office of the collector of taxes, commencing three weeks after the first publication of the notice and continuing on each following day, Sundays and legal holidays excepted, until all such delinquent property is sold.

Mr. FAULKNER. In accordance with the suggestions of a number of Senators, made some days ago, I move to amend, in section 1, line 13, after the word "therefor," by inserting:

And a list of said property shall be published once in a daily newspaper published in the District of Columbia, at a cost not to exceed the sum of 15 cents for each parcel of property so advertised.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FAULKNER. I move that the Senate request the House of Representatives to grant a conference on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. SPOONER, and Mr. RIDDLEBERGER were appointed.

PUBLIC BUILDING AT JACKSON, MICH.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to each of the same with an amendment by way of substitute, as follows: Strike out the words "seventy-five," in lines 9 and 17, and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

JNO. C. SPOONER,
T. W. PALMER,
Managers on the part of the Senate.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 288) for the erection of a public building at Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

JOHN C. SPOONER,
JAMES F. WILSON,
Managers on the part of the Senate.

SAMUEL DIBBLE,
C. NEWTON,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

INSTITUTE OF THE ASSOCIATION FOR WORKS OF MERCY.

The bill (H. R. 3168) regulating admissions to the Institute of the Association for Works of Mercy in certain cases, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS OF FORT BERTHOLD AGENCY, DAKOTA.

The bill (S. 1950) to ratify and confirm an agreement with the Indians of Fort Berthold agency, in Dakota, was considered as in Committee of the Whole.

Mr. COCKRELL. I suggest when we come to the names there, they being Indian names, that out of consideration and compassion to the clerks they be omitted. There is no occasion for reading them.

The PRESIDENT *pro tempore*. The reading of the names will be omitted, if there be no objection. The Chair hears none.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was to strike out section 2, in the following words:

SEC. 2. That for the purpose of carrying out the terms of said agreement the sum of $80,000 is hereby appropriated, to be immediately available.

And in lieu thereof to insert:

SEC. 2. That lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of the laws regulating homestead entry, except section 2301 of the Revised Statutes, and to entry under the town-site laws and the

laws governing the disposal of coal lands, desert lands, and mineral lands; but are not open to entry under any other laws regulating the sale or disposal of the public domain.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 3. That for the purpose of carrying out the terms of said agreement the sum of $80,000 is hereby appropriated, to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

GERMAN EVANGELICAL CHURCH AT MARTINSBURGH, W. VA.

The bill (S. 2740) for the relief of the trustees of the German Evangelical Church in Martinsburgh, W. Va., was considered as in Committee of the Whole.

It provides for the payment to the trustees of the German Evangelical Church, at Martinsburgh, W. Va., of $2,500, on account of the destruction of their church building and its furniture on the 17th of February, 1863, while the same was in the possession of a portion of the military forces of the United States, and through their carelessness.

Mr. FRYE. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. FRYE. Let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER July 16, 1888:

The Committee on Claims, to whom was referred the bill (S. 2740) for the relief of the trustees of the German Evangelical Church, of Martinsburgh, W. Va., have examined the same, and respectfully report:

The committee find that all of the facts in this case are clearly and fairly stated in the report made by the Committee on Claims of the Senate during the first session of the Forty-third Congress, and have therefore adopted said report, and recommend the passage of the bill.

The report is as follows:

"The German Evangelical Church at Martinsburgh, W. Va., was composed of Germans and citizens of German descent, mostly laboring people, attached to the Government of the United States, many of whom proved their loyalty by entering the Union Army during the war of the rebellion. The house in which they worshiped is valued by the witnesses at $3,500. On the night of the 17th of February, 1863, it was destroyed by fire. It was securely locked, and had not been used for religious worship for eighteen months previously to that time; the disordered condition of the country and the absence of many of the members who had been driven from home and found employment in the service of the United States as soldiers or otherwise, and of their preacher, who was a chaplain in the Union Army, having rendered their regular worship impracticable.

"On the evening in question (February 17, 1863), Capt. G. W. Hicks, of the Ninth Virginia Infantry, arrived in Martinsburgh, having in charge about sixty men, who escorted a Government train from Winchester to that post. They were quartered in this church by order of the post-adjutant (Lieutenant Hyatt). A stove stood on the eastern side of the building, and a fire was kindled in it. The pipe became disjointed at or near the ceiling. It was joined again, or supposed to be, and the fire again started. The night was stormy, the soldiers wet and cold, and a quick fire made from the dry pine seats created such heat that the ceiling took fire near where the break in the stove-pipe had occurred. This is one account.

"Another states that the stove was moved by the soldiers to the open space in the front part of the church, and the pipe detached from the chimney and run up as far as it would reach into the dome or cupola. The blaze of the fire out of the top of the pipe ignited the wood-work. The stove was so moved in order to give the soldiers more space to hang and dry their clothes, wet from rain and snow.

"But, whichever account is the true one, it seems that the building was discovered to be on fire at 7 o'clock in the evening, and, all efforts to stay the progress of the flames proving ineffectual, the building was burned to the ground.

"It appears that those living in the neighborhood of the church refused to extend any aid to extinguish the fire, though appealed to for buckets and assistance.

"Possession of the building was obtained by the soldiers entering at the windows and opening the door from the inside.

"Such, in brief, are the facts:

"First. The soldiers were quartered in the church by order of the officer in command.

"Secondly. They were so quartered for purposes of shelter, warmth, and rest.

"Thirdly. The building was violently entered without the consent of the owners.

"Fourthly. It was dedicated to religious uses and used for no other purpose than the worship of God.

"Fifthly. The humble owners were, to a man, loyal to the United States, and many of them doing service in its armies.

"Sixthly. Its value was $3,500, and the congregation have not had the means to replace it up to this time, and the prayer of the memorial is to compensate them for the loss.

"Martinsburgh is situate in Berkeley County, which furnished many conspicuous instances of loyalty during the war.

"On the 16th day of August, 1861, President Lincoln, by proclamation, declared the inhabitants of certain enumerated States to be in a state of insurrection against the United States, and commercial intercourse between the same was prohibited; but he excepted from the operation of this proclamation the inhabitants of that part of Virginia lying west of the Alleghany Mountains, and such other parts of that State and other States as might maintain a loyal adhesion to the Union and the Constitution, or might be, from time to time, occupied and controlled by forces of the United States engaged in the dispersion of the insurgents.

"At a later date, on the 1st of July, 1862, another proclamation declared that Virginia, except certain enumerated counties, not embracing Berkeley, were in a state of insurrection and rebellion, so that the law for the collection of taxes there could not be executed.

"Again, on the 2d of April, 1863, another proclamation declared that the inhabitants of Virginia, except the forty-eight counties designated as West Virginia, were in a state of insurrection against the United States.

"Except for a short time during the war, Martinsburgh was never in the enemy's lines. The troops of the United States had almost continuous and uninterrupted possession, and held such possession when this accident occurred. Shortly after the admission of West Virginia into the Union as a State, the counties of Berkeley (in which Martinsburgh is situated) and Jefferson were, by a vote of the inhabitants, attached to the new State, and have been regarded as a part ever since.

"The committee are of opinion that the trustees of the church should be allowed $2,500 for the loss of the church and furniture, and report herewith a bill, and recommend its passage."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW GLEESON.

The bill (H. R. 2592) for the relief of Andrew Gleeson was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, after the words "sum of," to strike out "$289.17" and insert "$264.07;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Andrew Gleeson the sum of $264.07, out of any moneys in the Treasury not otherwise appropriated, in full payment for furnishing and grading materials (earth, soil, and gravel) upon the grounds south of the Executive Mansion, in the city of Washington, D. C., during the fiscal year ending June 30, 1882.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES GRACE.

The bill (S. 3328) for the relief of James Grace was considered as in Committee of the Whole. It provides for the payment of $155 to James Grace, of Washington, D. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. J. PULLIAM.

Mr. HOAR. I should like to inquire of the Chair what was the order in regard to Calendar No. 1813, the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased?

The PRESIDENT *pro tempore*. It was passed over without prejudice.

Mr. HOAR. It stands on the Calendar then?

The PRESIDENT *pro tempore*. It stands on the Calendar subject to call hereafter.

JACOB KERN.

The bill (S. 2068) for the relief of Jacob Kern was considered as in Committee of the Whole.

The preamble recites that it has been decided by the Supreme Court of the United States, in the case of Finn *vs.* The United States, numbered 1008, October term, 1887, that the Court of Claims has not jurisdiction of claims which have been transmitted to that court by heads of Departments, under section 1063 of the Revised Statutes, where such claims have not been presented to the proper Department for payment within six years from the time they accrued; and that prior to this decision of the Supreme Court it was held by the Court of Claims, in the case of Green and others *vs.* The United States, that "even if the claim had not been presented to the Department within six years after it accrued, it was not at all clear that that fact would deprive this court of jurisdiction;" and it is admitted by the claimant that the claim of Jacob Kern for army wagons alleged to have been furnished by him to the quartermaster of the United States at St. Louis, in the years 1864 and 1865 (which claim was referred, prior to the decision of the Supreme Court, by the Secretary of the Treasury to the Court of Claims, and is now pending therein), was not presented for payment within the statutory time because of the sickness of the claimant and the loss of his vouchers, which vouchers (he alleges) he did not find until after the expiration of the six years from the delivery of the wagons as aforesaid.

The bill therefore proposes to direct the Court of Claims to proceed to consider and adjudicate upon its merits the claim of Jacob Kern, now pending in that court, any statute of limitations to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

THOMAS BECTON, DECEASED.

The bill (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased, was considered as in Committee of the Whole. It provides for the payment to S. B. West, administrator of Thomas Becton, deceased, of Lenoir County, North Carolina, $1,585 for stores and supplies taken and used by the Army of the United States during the late war, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL TATE.

The bill (S. 100) for the relief of Samuel Tate was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with an amendment, in line 5, after the words "one thou-

sand," to strike out "one hundred and forty-four dollars and fifty cents" and insert "dollars;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel Tate $1,000, out of any money in the Treasury not otherwise appropriated, in full satisfaction for the rent of his house in what is known as the Gayaso Block, in the city of Memphis, Tenn., for three months and thirteen days, from the 30th of May, 1865, to the 13th of September, 1865, at the rate of $333.33½ per month, the contract price agreed upon on the 13th of September, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT BROOKE MILITARY RESERVATION.

The bill (S. 3340) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes, was considered as in Committee of the Whole.

Mr. CALL. Mr. President, I have an amendment to propose to that bill.

The PRESIDENT *pro tempore*. The Senator who reported the bill, the chairman of the Committee on Public Lands [Mr. PLUMB], is not present.

Mr. COCKRELL. It does not make any difference about his being absent. We can consider the bill anyway.

Mr. CALL. I have just sent for a copy of the bill. Let it be passed over informally, and I will call it up as soon as the copy comes.

Mr. PADDOCK. We can not hear the Senator over here. I would like to know what his suggestion is.

The PRESIDENT *pro tempore*. The Senator proposes that the bill be informally passed over on the Calendar until he obtains a copy of it. Does the Senator propose to amend the bill?

Mr. CALL. I do.

The PRESIDENT *pro tempore*. Will the Senator forward his amendment to the desk?

Mr. SAWYER. I suggest that the bill be passed over while the Senator is preparing his amendment, and we can return to it again.

Mr. CALL. I move to amend the bill by adding as a new section——

Mr. HAWLEY. We can not hear a word on this side.

Mr. SAWYER. I will object to the consideration of this bill for the present.

Mr. COCKRELL. I hope the Senator will not object.

Mr. SAWYER. I do it without prejudice, so that the Senator from Florida may have time to draught his amendment.

Mr. COCKRELL. I hope the Senator from Wisconsin will not object. This is a bill that the people there feel a great deal of interest in, and there has been much consideration given to it. It has been upon the Calendar ever since the 17th day of July. I am in favor of giving the Senator from Florida the opportunity of a little time to write out his amendment.

Mr. SAWYER. That is just what I proposed, to give him time, and let him call up the bill afterwards. If the Senator has his amendment prepared I have no objection to going on.

Mr. CALL. I move to amend the bill by adding as section 4 what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add as a new section:

SEC. 4. That the proceeds of the sales of lots shall be donated to the city of Tampa for the support of an industrial school.

Mr. CALL. This reservation lies immediately adjacent to the town of Tampa. It has been made valuable entirely by the people who have settled in that town and made it into a city with a future before it. It has now a population probably of between five and seven thousand persons. This little tract of land, about 140 acres, is in the immediate suburb of the town and comprises the land most eligible for a park and for the extension of the town as it increases in population. I do not know under the circumstances in which those people are placed of any better or more equitable disposition of this property, which has become valuable entirely because of their investments and their settlement there, than to provide a perpetual fund the interest of which shall be applied to the education of the people of that community and the adjacent country. They are largely people of very limited means, and not far removed from the Indians, who are nomadic or roaming through that portion of the peninsula not far removed from this place. All these people would have the privilege of education at an institution of this kind.

A very large majority of this body have on different occasions voted the donation of the public lands for the education of the people in the different States. We have given to every State a portion of the public lands, and a part of the proceeds of sales for the purposes of education. A majority of this body on both sides have voted for a bill appropriating the proceeds of all the public lands to the education of the people of this country, under the authority and control of the several States. It seems to me to be eminently proper that this little property, which obtains its value solely because of the occupation and the residence and the labor and the investments of the people there, should have a like destination.

The Committee on Public Lands of the Senate reported at the last session a bill donating this land to the town of Tampa with a provision somewhat similar to this, and at this session of the Senate this bill has been introduced, which provides for the sale and the placing of the proceeds of the sale in the Treasury of the United States, reserving a portion of it as a park, with the privilege of occupancy at any time by the United States when they desire. The amendment that I propose gives the proceeds of the sale of these lots to the town for education, for industrial education, and it would be a perpetual monument, as there are such monuments in every State, of the good and wise policy of the General Government in fostering the education of the people when it can be done without any constitutional objection.

Now, I believe that upon this subject of the donation of the proceeds of the public lands the most rigid interpreters of the Constitution upon the narrowest basis acknowledged that there is no objection to the exercise of the power, and there certainly can be no objection to the beneficent exercise of it in this instance for the people who have made that locality what it is, a country which has been without inhabitants for a long time and is now being developed.

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. CALL. I hope the five-minute rule will be waived so far as the consideration of this bill is concerned, and I will ask unanimous consent to that effect.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that he may be allowed to proceed for five minutes longer. Is there objection? The Chair hears none.

Mr. CALL. That is the question now as briefly presented by the amendment that I have submitted; the question whether or not the Government will take the proceeds of the sale of this land and put it in the Treasury and give to the town of Tampa the privilege of the occupancy of 20 acres as a park, reserving 5 acres for a public building, or whether we will donate the entire proceeds, making the reservation for the park to the town of Tampa under such conditions as Congress may impose for industrial education. I do not think I need to say anything further about it.

Mr. CHANDLER. I understand there is no report in this case.

The PRESIDENT *pro tempore*. The bill is an original bill reported from the Committee on Public Lands.

Mr. CHANDLER. I was not able to gather from the statement made by the Senator from Florida what different disposition is made of the proceeds of this land by the bill and by the amendment which he proposes.

Mr. CALL. The bill puts the proceeds into the Treasury of the United States. The amendment gives the proceeds of the sale to the town as an industrial educational fund.

Mr. CHANDLER. Then I understand the bill as reported from the committee does not propose to give away the proceeds?

Mr. COCKRELL. It does not.

Mr. CHANDLER. But to place them in the Treasury?

Mr. CALL. It proposes to place them in the Treasury.

Mr. CHANDLER. Then I am unable to understand why the title of the bill is "A bill for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes."

Mr. COCKRELL. That is simply a mistake in the title.

Mr. CHANDLER. The title is certainly a misnomer, and I should like to hear from some member of the Committee on Public Lands the reason why this bill was reported.

Mr. BERRY. The Senator will permit me to say that the original bill was introduced by the Senator from Florida to donate this land to the town of Tampa for school purposes, and the bill now pending was reported as a substitute for that bill. I presume the title was not changed. This is really a substitute. There is a donation in this bill of 20 acres for a park in the town of Tampa, as reported from the committee. The remainder is to be sold to the highest bidder and the proceeds covered into the Treasury of the United States. That is the bill as it comes from the Committee on Public Lands.

While I am on the floor it occurs to me that if the amendment of the Senator from Florida is to be adopted there ought to be a provision of some kind defining the character of the school. The mere use of the words "industrial school" or any similar expression in connection with this gift, it seems to me, is rather an indefinite way of disposing of the public money.

Mr. CHANDLER. Mr. President——

The PRESIDENT *pro tempore*. The Senator has already spoken once on this subject.

Mr. CHANDLER. Is an inquiry in order?

The PRESIDENT *pro tempore*. The Senator can proceed only by unanimous consent.

Mr. COCKRELL. He can make an inquiry, can he not?

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. I shall be glad to answer any inquiry the Senator from New Hampshire may make.

Mr. CHANDLER. If the Senate will indulge me——

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire proceeding further?

Mr. COCKRELL. It comes out of my time.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. CHANDLER. I should like the Senator from Missouri, who I understand is upon the Committee on Public Lands and now has the floor, to inform the Senate whether or not the proposition was considered by the committee of not only donating a certain quantity of the reservation for a public park, but also of donating the proceeds of the sale of the remainder to the city of Tampa, and what conclusion, if any, the committee came to upon that point?

Mr. COCKRELL. I will answer the question with pleasure. There has been a long controversy over this military reservation. When it was restored to the public domain under the law of 1884, quite a number of persons made claims to it under the homestead law and some attempted to pre-empt it, and an old soldier came in and claimed that he had settled upon it long before it was even public land practically. All these contests were precipitated into the Land Office and sundry bills were introduced. We took up the whole question; we had all these claimants and their attorneys, some three or four different sets of attorneys, before us presenting their claims, and after a thorough investigation we found that none of them had even a shadow of title to the land, and that it belonged absolutely to the United States. Then we considered all the different propositions in regard to its disposition and we determined to dispose of the land—to reserve 3 acres for a public building, a court-house, custom-house, etc., then to reserve 5 acres for a marine hospital, and then to give 25 acres, containing the live-oak trees, to the city of Tampa for a park, reserving the fee in the United States, if necessary to reclaim it, and then determined that as a matter of justice, equity, and right the balance of the proceeds should go into the Treasury of the United States.

I hope the amendment will be voted down.

Mr. CALL. I ask unanimous consent——

The PRESIDENT *pro tempore*. The Senator from Florida has spoken once upon this subject and can proceed only by unanimous consent. Is there objection? The Chair hears none.

Mr. CALL. I wish to say that I am informed that at this session of Congress a block of ground covering a considerable space in the city of Austin, Tex., has been donated by Congress to the city for the purposes of education, and I hope that this amendment will not be voted down, as there is a precedent for it, not only in a case certainly not so meritorious, because the State of Texas has a great fund of public land of her own, but also in the case of Fort Smith, Ark. I hope the amendment will not be voted down, but will be sustained by the Senate. We have a population there many of whom are extremely poor, a population some from Old Spain and the West Indies, the Bahamas, and from Cuba, some of them colored people. They all earnestly desire education and have less means of obtaining it than other people. Some of them are the fishermen, of whom we hear so much, scattered up and down the coast, who earn their living by sponging and fish and oysters. They are an excellent class of people and they ought to have education and industrial education, and the proceeds of this sale as a permanent fund of $50,000 or $60,000 perhaps will do more for establishing a permanent industrial school for all the people than anything that has been done or can be done for them or for the country at large by the proceeds of sale.

I hope, therefore, that the amendment will be adopted.

Mr. COKE. The donation to the city of Austin having been referred to, I will state that it comprised a quarter of a block of ground, valued at about $3,000, to be used for educational purposes. It was the old arsenal ground of the Republic of Texas, which under the articles of annexation went into the possession of the United States. The United States Government having no use for it, having discontinued any military operations on it, it was granted back to the State of Texas for the purposes indicated in the bill, to wit, educational purposes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida. [Putting the question.] By the sound the noes have it.

Mr. CALL. I ask for a division.

The question being put, there were on a division—ayes 15, noes 19.

The PRESIDENT *pro tempore*. A quorum not being present, the Secretary will call the roll.

Mr. EDMUNDS. I ask that the yeas and nays may be taken on the amendment.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the yeas and nays on the amendment be entered on the Journal.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. PLATT. I was paired with the Senator from New Jersey [Mr. MCPHERSON], and being uncertain whether he thinks that the pair still continues I refrain from voting.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). I wish to announce again a general pair with the Senator from Kansas [Mr. PLUMB], who was called away by sickness in his family. He is chairman of the committee that reported this bill, and in order to make a quorum I shall vote "nay."

Mr. WALTHALL (when his name was called). I am paired generally with the Senator from Wisconsin [Mr. SPOONER], but this not being a party question I have concluded to vote upon it. I vote "nay."

The roll-call was concluded.

Mr. BERRY. I desire to announce that my colleague [Mr. JONES, of Arkansas] is paired with the Senator from New York [Mr. HISCOCK].

Mr. PASCO. I have transferred my pair with the Senator from Illinois [Mr. FARWELL] to the Senator from Virginia [Mr. DANIEL], who is absent. I vote "yea."

Mr. FAULKNER. I have transferred my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from New Jersey [Mr. BLODGETT], and therefore I voted when my name was called.

Mr. EDMUNDS (after having voted in the negative). I voted, but I have a general pair with the Senator from Alabama [Mr. PUGH]. He is not in the Chamber, and I think it my duty to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his vote.

Mr. CULLOM. I desire to announce the pair of the Senator from Colorado [Mr. TELLER] with the Senator from Louisiana [Mr. GIBSON], and also the pair of the Senator from New York [Mr. HISCOCK] with the Senator from Arkansas [Mr. JONES].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. RANSOM. I announced my pair with the Senator from Michigan [Mr. STOCKBRIDGE], but this is not a party question of any character, and I will vote. I vote "yea."

Mr. VANCE. I have a general pair with the Senator from Michigan [Mr. PALMER], who is not present. As this is not a party question, I will permit my vote in the affirmative to stand.

Mr. BROWN. May I inquire how the Senator from Oregon [Mr. MITCHELL] voted. I am paired with the other Senator from Oregon [Mr. DOLPH]. I should vote "yea" on this question if not paired.

The PRESIDENT *pro tempore*. Both the Senators from Oregon have voted, one in the affirmative and one in the negative.

Mr. BROWN. I vote "yea" then.

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Bate,	Dawes,	Hoar,	Stewart,
Brown,	Faulkner,	Mitchell,	Turpie,
Call,	George,	Pasco,	Vance,
Colquitt,	Gray,	Ransom,	Wilson of Md.
Davis,	Hampton,	Sawyer,	

NAYS—20.

Allison,	Cockrell,	Frye,	Reagan,
Beck,	Coke,	Hale,	Saulsbury,
Berry,	Cullom,	Hawley,	Vest,
Chace,	Dolph,	Ingalls,	Walthall,
Chandler,	Evarts,	Morgan,	Wilson of Iowa.

ABSENT—37.

Aldrich,	Farwell,	Manderson,	Sabin,
Blackburn,	Gibson,	Morrill,	Sherman,
Blair,	Gorman,	Paddock,	Spooner,
Blodgett,	Harris,	Palmer,	Stanford,
Bowen,	Hearst,	Payne,	Stockbridge,
Butler,	Hiscock,	Platt,	Teller,
Cameron,	Jones of Arkansas,	Plumb,	Voorhees.
Daniel,	Jones of Nevada,	Pugh,	
Edmunds,	Kenna,	Quay,	
Eustis,	McPherson,	Riddleberger,	

So the amendment was rejected.

Mr. CALL. I have another amendment. I move to strike out, in line 13, of section 2, the word "one-fourth" and insert the word "one-fifth;" so as to read:

The purchasers at such sales may, at their option, pay one-fifth the purchase price in cash at the date of sale and stipulate for payment of the remainder thereof in three equal annual installments bearing interest at 6 per cent. per annum.

Mr. COCKRELL. There is no objection to that.

The amendment was agreed to.

Mr. HAWLEY. I wish to ask the attention of the Senator from Missouri [Mr. COCKRELL], who represents the Committee on Public Lands in this matter, to a veto sent in by the President, the veto of Senate bill No. 1870, entitled "A bill granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purpose of a public park." The language used in the bill vetoed and in this bill is practically identical.

Mr. COCKRELL. There is no comparison whatever between the two cases.

Mr. HAWLEY. I will read and see:

And 25 acres which is hereby granted to the city of Tampa for a public park, as shown upon the map hereinafter mentioned, which the said town shall cause to be improved, kept in order, and open to the public, with the right to erect thereon a permanent exposition building, not to occupy more than 5 acres; and the United States hereby reserves to itself the fee and the right forever to resume occupancy of all or any portion of said park whenever it shall be required for public uses.

The lines to which I ask special attention are these:

Hereby granted to the city of Tampa for a public park.

And these:

And the United States hereby reserves to itself the fee and the right forever to resume occupancy of all or any portion of said park whenever it shall be required for public uses.

In vetoing the bill making a similar grant to Tacoma, the President—I will not read the whole of his veto—said:

The expediency of granting any right to the occupancy of this land is in my opinion very doubtful. If it is done it should be in the form of a mere license, revocable at any time, for the purposes used by the officers to which its use and disposition are now subject.

I think myself that the veto is without foundation, because the word "granted" is immediately followed by a reservation of the fee to the United States, with a right to resume at any time possession for military or naval purposes, or for such disposition as Congress may choose. That is not the expression here, but in the other bill the right is reserved to the War Department to resume possession for military and naval purposes, which was the original dedication of the land. Anything further than that—the right to any other use than that—would have to be given by statute of Congress. So I think the Tacoma bill in that respect was better than this. Now, suppose the word "allotted" be used instead of the word "granted," if that serves any better to remove the scruples of the President, if he may have any in the matter? All that is given, in my judgment, in either bill, is a mere license to occupy, subject to repossession at any time.

Another difference between the two bills is also in favor of the Tacoma bill, which Tacoma bill has these words, that the repossession shall be—

Without any claim for compensation to said city for improvements thereon or damages on account thereof.

It is a matter for the discretion of Congress as to whether they, reserving the right to repossess, shall or shall not say that they will or will not compensate the city for its expenditure.

I move to strike out the word "granted," in line 14 of section 1, and substitute the word "allotted."

EXPIRATION OF MORNING HOUR.

The PRESIDENT *pro tempore*. It being now 1 o'clock, the Chair asks the Senate to decide whether the consideration of the Calendar, when the Senate meets at 11 o'clock in the morning by standing order, shall conclude at 1 o'clock or be continued until 2. It is an open question under the precedents. If the morning hour closes at 1 o'clock, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. WILSON, of Iowa. I suggest that the consideration of the Calendar be continued until 2 o'clock to-day.

Mr. HOAR. I think the Senator from Maine [Mr. FRYE] who has charge of the fisheries treaty on this side of the Chamber expected that the fisheries debate would proceed at 1 o'clock to-day.

Mr. WILSON, of Iowa. I consulted with the Senator from Maine and I did not understand him to interpose any objection to the consideration of the Calendar continuing till 2 o'clock.

Mr. FRYE. There are many cases on the Calendar, and it was proceeding with a good deal of harmony, and I thought it better on the whole to let it go on until 2 o'clock to-day.

The PRESIDENT *pro tempore*. It would relieve the Chair greatly if the Senate would decide whether when the Senate meets at 11 o'clock, the morning hour defined by the rules is to continue until 2, or is to cease at 1. It is the duty of the Chair whenever the morning hour ceases to lay before the Senate the unfinished business, or the Senator representing it has the right to call the attention of the Senate to it. At previous sessions, where the Senate has met at 11, changing the hour from 12, it has been held that the morning hour closed at 1. That has been usually done, however, by an order.

Mr. HOAR. I ask unanimous consent that it be ordered that after to-day the morning hour be considered as terminating in two hours from the time of opening the session.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that after to-day the morning hour shall close in two hours from the time of meeting.

Mr. WILSON, of Iowa. I wish to have the time continued until 2 o'clock to-day.

Mr. HOAR. It will give you three hours to-day.

Mr. WILSON, of Iowa. Is it the understanding that to-day the Calendar shall be continued until 2 o'clock?

Mr. HOAR. If the Senator will pardon me, the motion is that after to-day the morning hour shall terminate in two hours from the opening of the session, which would be 1 o'clock, leaving it to go on for to-day until 2 o'clock.

Mr. WILSON, of Iowa. Very well; that is satisfactory to me.

Mr. PASCO. I hope we may proceed with the consideration of the bill before the Senate.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Massachusetts?

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. The Senator from Alabama objects to the request of the Senator from Massachusetts. Does the Chair understand the Senator from Massachusetts to make the motion?

Mr. HOAR. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that after to-day the morning hour close at the expiration of two hours from the time of meeting.

Mr. MORGAN. Is that motion in order?

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. CHANDLER. I call for the reading of the rule.

Mr. MORGAN. Is it in order under the rule?

Mr. HOAR. I understand it has been the universal practice.

Mr. MORGAN. I am willing to go back to 12 o'clock as the hour of meeting, but I am not willing to agree to any arrangement which cuts off the Calendar before 2 o'clock.

The PRESIDENT *pro tempore*. The Chair thinks that the motion of the Senator from Massachusetts would change the rule, and that therefore one day's notice must be given. The Secretary will read the opening clause of Rule VIII.

The Secretary read as follows:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock.

Mr. HOAR. I suppose that unless unanimous consent be given to put the motion it can not be put now for several reasons. One is that something else is before the Senate. It would require unanimous consent unquestionably to put the question at this time.

The PRESIDENT *pro tempore*. No matter what may be before the Senate at the time when the morning hour expires, that is interrupted, and the Chair is required by the rule to lay before the Senate the unfinished business. The Chair desired to be instructed for the purpose of facilitating the business of the Senate, and for no other reason.

Mr. CHANDLER. When this question was up before the Chair was understood to say that he would make inquiry as to what the previous rule and practice of the Senate had been. The Senator from Ohio [Mr. SHERMAN], who raised the question, said that in his opinion the previous rule and practice ought to govern. I desire to ask whether the Chair has examined the precedents.

The PRESIDENT *pro tempore*. The Chair has made the examination suggested, and finds that on previous occasions when the hour of meeting has been changed from 12 o'clock to 11 o'clock it has been accompanied by an order providing for the close of the morning hour at 1 o'clock, but unless there is some change of the standing order of morning business under the rule it would continue until 2 o'clock, as that hour is specified in the rule.

Mr. MORGAN. I should like to ask permission to make a remark about this matter.

The PRESIDENT *pro tempore*. The Senator from Alabama will proceed, if there be no objection.

HOUR OF MEETING.

Mr. MORGAN. I think we made a mistake in fixing the hour of meeting at 11 o'clock just when we did. Before all the committees of which I am a member a good deal of the most important business that we have had to consider at this session is now pending. In every one of them there is very important business, and when the time is cut off an hour in the morning from our committee work we can not get time to attend to it. I think that it is very much better that the committees should be allowed to work on and prepare their business, so that if it can not be considered at this session it will go over until the December session and be then in a state of preparation. That is very obvious indeed.

I think the result is very admirable that the Senate does much the larger part of its work entirely through committees. We hold our committees up to a pretty severe responsibility, and they ought to be held to a close and narrow examination of every question that comes before them. The result is that when we get into the Senate here with our business, the committees have examined into the matters, and we pass a great many bills without debate. We are a long way ahead of the other House, as we all know, although debate here is entirely unlimited. It is an immediate result of the fact that business is matured in committee. I think we are injuring the whole business of the Senate by limiting, as we are now doing practically, the committee work of a morning to one hour. The Senator from Missouri [Mr. VEST] has prepared and handed me a resolution. I am not quite sure that it is in order. It reads:

Resolved, That from and after this date the regular hour of meeting of the Senate shall be 12 o'clock meridian.

I do not know whether it is in order. Will the President state whether it is in order?

The PRESIDENT *pro tempore*. Plainly.

Mr. MORGAN. I offer the resolution as a substitute for the motion of the Senator from Massachusetts.

I wish to say one more word about this matter. I think that no body of legislators in the world deserve more credit for their fidelity to public work than the Senators of the United States. They work systematically and thoroughly and conscientiously. I must say that I think in the main there is as much wisdom in the legislation prepared by this body as in any body that has ever existed in the world; and I repeat, it is due to the fact that our committees have time to consider questions, and that they do consider them maturely.

I wish to call the attention of the Senator for just one moment to an instance. On Thursday morning the Committee on Indian Affairs met. We had before us a bill that came to us from the House of Representatives to provide a commission for the consideration of Indian depredation claims. In regard to the question of the liability of the Government of the United States for Indian depredations, whether we consider it as a legal question, an equitable question, or a moral question, there is considerable doubt and difficulty. The House of Representatives has acted. Great pressure is brought to bear upon the committee and upon the Senate that we should move immediately into legislation upon that very important topic. Already claims have accumulated probably to the amount of $13,000,000 or $14,000,000 upon examined cases, the record of the history of which is preserved now in the Department of the Interior, and a much larger number remain unexamined. We could not consider that question in one hour's work. We know that great pressure is brought to bear upon the Senate in pushing our work right ahead. We are at it continually during this torrid season and hardly suspend at all. Even at the dinner hour we are found working here continually.

I hope that the Senator from Massachusetts will reconsider his thought of having the Senate meet at 11 o'clock, and let us go back to our original rule, 12 o'clock.

Mr. HOAR. I ask leave to say a word in reply to the Senator from Alabama.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. HOAR. I think I came into the Senate at the same time with my honorable friend from Alabama, nearly twelve years ago, and I had some means of observation for a good many years before that time, being a member of the other House; and it has been the universal practice of the Senate ever since I have known it, that whenever the latter part of a session approached, when the important measures had got ripe, the Senate provided for meeting at 11 o'clock or at 10 o'clock in the forenoon, thereby enlarging the portion of the day assigned to the Senate and diminishing that assigned to committees for their work, while in the earlier part of the session the larger portion of the morning was assigned to committees.

Mr. MORGAN. I should like to call the Senator's attention to the fact that that is not the situation now in the Senate, because we have virtually passed all our appropriation bills, and the remaining part of the session is to be devoted to general legislation.

Mr. HOAR. The general legislation is ripe. We have a Calendar. We have the fisheries treaty ripe for discussion.

Mr. MORGAN. That discussion will be short now, I think.

Mr. HOAR. I did not hear the Senator's answer.

Mr. MORGAN. I say I think the fishery discussion will not be prolonged after this time.

Mr. HOAR. The Senator from Alabama gratifies me, and will gratify the Senate, I am sure, with his statement that he thinks the fishery discussion will not be long after this time. I am very glad indeed to hear that suggestion. Still the tariff will unquestionably be here in a few days and there are other important matters on the Calendar, so much so that there is some question about their order of consideration in reference to each other.

We have now reached a period later than the limit of the longest session of the Senate known since the close of the war, or certainly since the close of President Johnson's administration, with two exceptions. Once the session ended on the 7th of August and once on the 15th; and I do not believe there can be found in the history of the Senate a year when it did not before this date change its regular hour of morning meeting from 12 to 11 o'clock. So the resolution passed by the Senate the other day is in the line of its uniform precedent and example.

It seems to me that the work of the committees, what remains to be matured there, is very unimportant, except what is going on in the Finance Committee, as compared with what remains to be done here in the open Senate. I hope that the Senate will not reverse its deliberate action of the other day. I am quite certain that the Senator from Alabama, although he has good reason, as he is pretty apt to have for anything he avers or thinks, will defer in this matter, as we all or us have to do, to the judgment of the majority of his brethren, whatever that may turn out to be.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution offered by the Senator from Alabama?

Mr. HOAR. I think the two propositions had better be considered together. I will make no objection to the Senate considering the honorable Senator's resolution if there is no objection to considering mine at this time. I will inquire of the Senator from Alabama if he has any objection to having both these questions now considered by the Senate.

Mr. MORGAN. No, I shall make no objection.

Mr. HOAR. Very well.

The PRESIDENT *pro tempore*. The Chair thinks that if the hour of meeting should be restored to 12 o'clock, the motion of the Senator from Massachusetts would be disposed of by the rule, the rule now providing that the morning hour shall conclude at 2 o'clock. The Chair understood the Senator from Massachusetts to move that the morning hour should conclude in two hours from the time the meeting of the Senate commenced.

Mr. HOAR. I suppose that must go over and be accompanied by pointing out the particular rule it affects.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts to ask for unanimous consent.

Mr. HOAR. I ask unanimous consent that that matter and the resolution of the Senator from Alabama may both be considered at the present time.

The PRESIDENT *pro tempore*. Is there objection? ["None."] The Chair hears none. The resolution proposed by the Senator from Alabama will be read.

The Secretary read as follows:

Resolved, That from and after this date the regular hour of meeting of the Senate shall be 12 o'clock meridian.

The PRESIDENT *pro tempore*. The Senator from Massachusetts did not submit his proposition in writing, but the Chair understands it to be that the morning hour shall close at the expiration of two hours from the hour of meeting.

Mr. HOAR. I suppose the resolution of the Senator from Alabama will properly be considered first, because if his is adopted it is evident that mine becomes unimportant.

The PRESIDENT *pro tempore*. The question then will be, if there be no objection, upon agreeing to the resolution offered by the Senator from Alabama.

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I will transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from New Jersey [Mr. BLODGETT], and vote "yea."

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from New York [Mr. HISCOCK]. If my colleague were present, he would vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were here, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were present, I should vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH], who is absent. If he were present, I should vote "nay."

Mr. CULLOM. The Senator from Colorado [Mr. TELLER] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. ALDRICH], but transfer my pair to the Senator from Indiana [Mr. VOORHEES], and vote "yea."

Mr. VEST (after having voted in the affirmative). It has been suggested to me that this is a party question, and I withdraw my vote. I am paired with the Senator from Kansas [Mr. PLUMB].

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his vote.

The result was announced—yeas 17, nays 19; as follows:

YEAS—17.

Bate,	Cockrell,	Gray,	Saulsbury,
Beck,	Coke,	Hampton,	Walthall.
Berry,	Colquitt,	Morgan,	
Blackburn,	Faulkner,	Pasco,	
Brown,	George,	Reagan,	

NAYS—19.

Allison,	Cullom,	Hawley,	Mitchell,
Blair,	Dawes,	Hoar,	Sawyer,
Bowen,	Dolph,	Ingalls,	Spooner,
Chace,	Evarts,	Jones of Nevada,	Stewart.
Chandler,	Hale,	Manderson,	

ABSENT—40.

Aldrich,	Frye,	Paddock,	Sherman,
Blodgett,	Gibson,	Palmer,	Stanford,
Butler,	Gorman,	Payne,	Stockbridge,
Call,	Harris,	Platt,	Teller,
Cameron,	Hearst,	Plumb,	Turpie,
Daniel,	Hiscock,	Pugh,	Vance,
Davis,	Jones of Arkansas,	Quay,	Vest,
Edmunds,	Kenna,	Ransom,	Voorhees,
Eustis,	McPherson,	Riddleberger,	Wilson of Iowa,
Farwell,	Morrill,	Sabin,	Wilson of Md.

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Coke,	Hawley,	Reagan,
Bate,	Colquitt,	Hoar,	Sabin,
Beck,	Dawes,	Ingalls,	Sawyer,
Berry,	Dolph,	Jones of Nevada	Spooner,
Blair,	Evarts,	Manderson,	Stewart,
Bowen,	Farwell,	Mitchell,	Vance,
Brown,	Faulkner,	Morgan,	Vest,
Call,	Frye,	Paddock,	Walthall,
Chace,	George,	Pasco,	Wilson of Iowa.
Chandler,	Gray,	Payne,	
Cockrell,	Hampton,	Ransom,	

The PRESIDENT *pro tempore*. Forty-two Senators have answered to their names upon the roll-call—more than a quorum. If there be no objection, further proceedings under the call will be dispensed with and the roll will be again called upon agreeing to the resolution of the Senator from Alabama [Mr. MORGAN].

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. EDMUNDS (when his name was called). With the consent of my friend from Missouri [Mr. VEST], I have transferred my pair with the Senator from Alabama [Mr. PUGH], and the Senator from Missouri [Mr. VEST] has transferred his pair with the Senator from Kansas [Mr. PLUMB], so that we are both at liberty to vote. I vote "nay."

Mr. FAULKNER (when his name was called). I have transferred my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from New Jersey [Mr. BLODGETT]. I vote "yea."

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN]. If he were here, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. Otherwise, I should vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. I have transferred that pair to the Senator from Virginia [Mr. RIDDLEBERGER], and vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER], but am assured that he would vote "nay," and for the sake of making a quorum, I vote "nay" also.

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. PUGH. On this vote, I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. PAYNE. My pair having been transferred, I vote "yea."

Mr. PADDOCK. I understand that my pair with the Senator from Louisiana [Mr. EUSTIS] has been transfered to the Senator from Ohio [Mr. SHERMAN]. Therefore I vote "nay."

Mr. MANDERSON. If not paired with the Senator from Kentucky [Mr. BLACKBURN], I should vote "nay."

The result was announced—yeas 17, nays 22; as follows:

YEAS—17.

Bate,	Coke,	Hampton,	Vest,
Beck,	Colquitt,	Morgan,	Walthall.
Berry,	Faulkner,	Pasco,	
Brown,	George,	Payne,	
Cockrell,	Gray,	Reagan,	

NAYS—22.

Allison,	Dawes,	Hoar,	Sawyer,
Blair,	Dolph,	Ingalls,	Spooner,
Bowen,	Edmunds,	Jones of Nevada,	Stewart,
Chace,	Evarts,	Mitchell,	Vance.
Chandler,	Farwell,	Paddock,	
Cullom,	Hawley,	Sabin,	

ABSENT—37.

Aldrich,	Cameron,	Gibson,	Hiscock,
Blackburn,	Daniel,	Gorman,	Jones of Arkansas,
Blodgett,	Davis,	Hale,	Kenna,
Butler,	Eustis,	Harris,	McPherson,
Call,	Frye,	Hearst,	Manderson,
Morrill,	Quay,	Stanford,	Wilson of Iowa,
Palmer,	Ransom,	Stockbridge,	Wilson of Md.
Platt,	Riddleberger,	Teller,	
Plumb,	Saulsbury,	Turpie,	
Pugh,	Sherman,	Voorhees,	

So Mr. MORGAN'S resolution was rejected.

EXPIRATION OF MORNING HOUR.

The PRESIDENT *pro tempore*. The question recurs upon the motion of the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. I have put it in writing. I hope it will not be necessary to have any division on it.

The PRESIDENT *pro tempore*. The resolution of the Senator from Massachusetts will be read.

The Secretary read as follows:

Resolved, That after to-day, unless otherwise ordered, the morning hour shall terminate at the expiration of two hours after the meeting of the Senate.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to.

THOMAS H. SAULSBURY.

Mr. GRAY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Miss Mary E. Saulsbury, sister of Thomas H. Saulsbury, deceased, late clerk to the Committee on Engrossed Bills, the sum of $1,095, being an amount equal to six months' salary at the rate per diem allowed by law to the clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

FORT BROOKE RESERVATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3340) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY], in line 14, section 1, to strike out "granted" and insert "allotted."

Mr. WALTHALL. I should like to ask the Senator from Connecticut if he thinks the substitution of the word "allotted" for the word "granted" in the first section of the bill will in the least degree affect the sense and legal effect of the section. I make the inquiry in view of the concluding sentence in the section, which is in these words:

And the United States hereby reserves to itself the fee and the right forever to resume occupancy of all or any portion of said park whenever it shall be required for public uses.

In view of these qualifying words, it occurs to me that the substitution of the word "allotted" for the word "granted" will not affect the sense of the clause.

Mr. HAWLEY. I will only say that I understand the subsequent reservation; but I am speaking now not so much of my own judgment in the matter as by reason of the President's veto of a precisely similar bill as to language, and because the word "allotted" came to me, with the sanction of a lawyer of the very highest standing, as meaning a mere setting apart and conveying no shadow of a title, especially with the qualifications.

Mr. WALTHALL. Does the Senator think that if the word "allotted" had appeared in the Tacoma bill it would have met the President's objection?

Mr. HAWLEY. I am rather inclined to think it would.

Mr. EVARTS. It may be perhaps an unnecessary refinement, and it is not certainly one that I should suggest; but in consequence of the President's refinement on the subject it is quite important that we should avoid any conflict in future consideration.

The objection is as to the use of the word "grant," which is, as held by the law-books, a very large word in the law, that it would convey by that force the fee; but as there is subsequently a reservation of the fee and of the right of resumption of occupancy at the mere will of the United States, it seems unnecessary to create a question of real-estate law as to repugnancy between grant and reservation of fee; that is, to turn the operation of the reserved fee into a forfeiture instead of having any consonance with the original estate allowed.

It will be seen that the United States purposes to sell its reservation excepting "3 acres reserved for a building for the United States; 5 acres for a marine hospital, and 25 acres which is hereby granted to the city of Tampa for a public park; as shown upon the map hereinafter mentioned." Then the qualifications upon that fee are that the improvement and use by the town shall only be of the public nature which is described; and then the reservation is an express reservation of the fee and the right.

As, then, in disposing of this public reservation as it now is, the allotments are made and the 25 acres are marked off, by the use of the word "allotted" for the uses, the reservation does not take the shape of a forfeiture when we resume it, but is entirely consistent with the fact that there never has been anything but a marking off for specific purposes for the use of the city. That is the foundation of this qualification.

Mr. WALTHALL. I will ask the Senator for my own information whether he thinks the use of the word "granted" in the first section

of the bill would stand in the way of the right to resume the occupancy of the land described, as provided for in the last clause of the section?

Mr. EVARTS. I have pointed out the only obstacle to that. It is raising a question of repugnance between a grant and a reservation of a fee which is the opposite of a grant. A grant means, unexplained and unqualified, the fee. You grant a fee and then you make a reservation. Then the question is whether the reservation is not in the nature of a reservation of a forfeiture, and Congress would be put in the condition of forfeiting a grant by taking possession after there had been this expenditure and this enjoyment which is intended to be freely accorded, I admit, to the city.

If the Senator asks my opinion as to what the consequences of the use of grant in the outset, and reservation of fee, and resumption of occupancy in the latter clause accomplishes, I agree that it accomplishes a reservation of the fee; but I do not know but that the same opposition or repugnance that has been suggested in regard to Tacoma Park by the President may be brought up here.

Therefore, if the point is of any significance, I wish that our allotment of these acres for special use and occupation, the fee being always ours and the right of resumption at our free will, shall not raise a question as to whether a grant is to be terminated by a forfeiture and not merely by an exercise according to the purpose of the original estate.

Mr. DOLPH. Allusion has been made to the President's veto of an act granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park. I perhaps shall have an opportunity hereafter to discuss that veto, but just at this time I propose to call the attention of the Senate to the difference between the grant in the bill under consideration and the grant in the bill vetoed by the President.

By the bill under consideration, as it was reported from the committee, 25 acres of land are granted to the city of Tampa for a public park, and it is provided that "the United States hereby reserves to itself the fee and the right forever to resume occupancy of all or any portion of said park whenever it shall be required for public uses." Here is a grant in express terms of the land, of the title, except as modified by the subsequent provision. That proviso is that the United States may "resume occupancy of all or any portion of said park."

I have an impression that under this provision it would require an act of Congress to authorize the occupancy of the land to be resumed by the Government, because it is the United States that is to act, and the United States in such a matter, I presume, can only act through the legislative department of the Government.

In the bill which was vetoed by the President there was granted to the city of Tacoma, in the county of Pierce, in the Territory of Washington, not a tract of land or a certain number of acres of land, but "the right to occupy, improve, and control, for the purposes of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever, the following described pieces or parcels of land." Then follows a description of a portion of a military reservation near the city of Tacoma, and then it is provided as follows:

Provided, That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense or for such other disposition as Congress may determine, without any claim for compensation to said city for improvements thereon or damages on account thereof.

If there be, as claimed by the President, objection to the character of this grant, it must be to the granting words in the bill, or to the provision for the resumption of the possession of the land by the United States. There are stronger objections both to the granting words and to the provision for the resumption of title in the bill which is under consideration.

But I think the veto of the President upon its face is frivolous. It will be observed, as I said before, that it is not the title to the land which was granted to the city of Tacoma by the bill. It was merely "the right to occupy, improve, and control it for the purposes of a public park." The President says in his message:

The Chief of Engineers suggested an amendment to the bill providing that the mere permission to use this land for a park should be granted.

I should like to know what further right was granted by the act to the city of Tacoma than a mere license to occupy and improve and control for the purposes of a park. Then the President quoted apparently from the report of the Chief of Engineers, which was made to the Secretary of War and transmitted by the Secretary of War to the Senate Committee on Public Lands.

I will remark, in passing, that the bill which was introduced by myself and referred to the Committee on Public Lands was referred to the Secretary of War, and by him to the Lieutenant-General of the Army and to the Chief of Engineers, and was favorably recommended by them and transmitted with favorable recommendation by the Secretary to the Committee on Public Lands of the Senate, and that committee undertook to make the bill comply with the recommendations of the Secretary of War and the Chief of Engineers, and for that purpose inserted the proviso which I have read. The Chief of Engineers in the portion of his communication quoted recommended—

That this permission—

That is, the permission to the city of Tacoma to use this land—

be given with the full understanding that the United States intends to occupy the lands or any part of them for military or other purposes whenever its proper officials see fit to order the same and without any claim for compensation or damage on the part of said city of Tacoma.

I will again read the proviso of the bill which was vetoed, and I should like some astute lawyer to point out to me in what particular the committee failed to comply with the recommendation of the Chief of Engineers. The proviso is as follows:

Provided, That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense or for such other disposition as Congress may determine, "without any claim for compensation to said city for improvements thereon or damages on account thereof."

In the first place, the United States has no use and never will have any use for this reservation. It was made before the subject had been properly examined as to what lands were necessary for fortifications and other defenses upon Puget Sound. If there are ever any fortifications on Puget Sound, they will be put further down the Sound, down near the present port of entry, Port Townsend, at Point Wilson, and Admiralty Head. There fortifications on both sides of the channel would secure the defense of the entire Sound and all the cities along its shores. This land under consideration is near the city of Tacoma, so near that the city proposes to use it for a park. It is so near that any fortification erected upon it would be entirely useless for the protection of the city; and then, if an expensive fortification were erected upon it, it would only be of use in defending the one city, while all the rest of the Sound would be left exposed.

I repeat that it is a piece of land for which the United States have no use for purposes of fortification; but supposing that, as is thought possible by the Chief of Engineers, it might hereafter be required for such purposes, the bill which was vetoed by the President was so worded that the land could be resumed at any time by the United States and used for the purposes of fortifications, or for any purpose authorized by Congress.

At present it is an unimproved parcel of land near a growing city, an unsightly place, a camping ground for tramps who congregate there, over which the local authorities can exercise no control. If the bill had been allowed to become a law, it would have been improved and beautified, and would then have become an ornament to the city, and whatever expenditure was made upon the land would have inured to the benefit of the Government whenever the United States saw fit to take possession of it.

I was not here when the veto message came into the Senate. I think it has been referred to the Committee on Public Lands. I shall probably take occasion hereafter to discuss it in connection with the bill. I simply now desire to supplement the statement of the Senator from Connecticut [Mr. HAWLEY], that if there were objections to that bill either as to the granting words or as to the reservation to the United States of the right to reoccupy the ground, there are greater objections to the bill which is under consideration.

Mr. WALTHALL. I should like to ask the Senator from Oregon, who is a member of the Committee on Public Lands, which reported this bill, as I am myself, whether he thinks that the adoption of the proposed amendment, which is simply to strike out the word "granted" and to insert in lieu thereof the word "allotted," would change the legal effect of the first section of the bill?

Mr. DOLPH. No, I do not think so. I think that an act containing a grant must be construed under the familiar rule by which a deed is construed. That rule has been tersely stated to be that you must take it up by its four corners and examine it. Therefore, when a court comes to consider a grant like the one contained in this bill or the one contained in the bill which was vetoed by the President, every portion of it must be examined together, and no matter what the granting words are, if there is a reservation contained in the bill of the title, the fee, to the United States, the fee will not pass. I do not myself think that any advantage would be gained by adopting the amendment which is proposed.

Mr. WALTHALL. As there seems to be a general agreement that the insertion of the word "allotted" in place of the word "granted" would not affect the sense of the section, I move to lay the amendment on the table.

Mr. EVARTS. If I may be allowed to say a word——

The PRESIDENT *pro tempore*. The Senator from New York can proceed by unanimous consent, having already spoken once on the bill.

Mr. WALTHALL. I will withdraw the motion so as to allow the Senator from New York to be heard.

Mr. EVARTS. We have not the agreement of the President that there is not a difference between granting and allotting. All the evidence we have on the subject is that he does draw a distinction between a grant and a lesser title.

Mr. WALTHALL. Now, Mr. President——

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senator from Mississippi will

pause. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. That bill is in the way of all other business, and I am exceedingly anxious that it shall be disposed of. I understand there is not much further time to be occupied on it. The Senator from Indiana [Mr. VOORHEES] and the Senator from South Carolina [Mr. BUTLER] desire to make a few remarks, and it may be that some other Senators do, but the debate I understand has been practically closed with those exceptions. I ask unanimous consen that the vote be taken on it on Wednesday next at half past 12 o'clock. In the mean time those gentlemen will arrive, and if they should want to occupy a little time in the morning hour they may be allowed to do so, and that will dispose of the measure.

Mr. FRYE. I shall be obliged to object, as at present advised.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Illinois [Mr. CULLOM].

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of the fisheries treaty in executive session with open doors.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed in open executive session to the consideration of the fisheries treaty.

Mr. CALL. I hope the Senator from Maine will allow the Fort Brooke military reservation bill to be proceeded with.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CALL. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. CALL. I hope the Senator from Maine will withdraw his motion and allow the consideration of the Fort Brooke military reservation bill to go on. The Senate is about ready to take a vote upon it, and it will occupy very little more time.

Mr. FRYE. The Senator refers to the bill which was under consideration on the Calendar?

Mr. CALL. Yes; the bill which was under consideration when 2 o'clock arrived.

Mr. FRYE. I have no objection to that, if there is not to be any extended debate.

Mr. COCKRELL. There is bound to be debate. I can say that.

Mr. FRYE. I think, then, I shall have to press my motion.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Maine [Mr. FRYE.]

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by its title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs upon the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the treaty until the Wednes after the first Monday in December next.

Mr. FRYE. I desire to explain to the Senator from Nevada [Mr. STEWART] my objection. I objected to the proposition which the Senator from Nevada made and it is something very unusual for me to enter an objection to any proceeding in the Senate. But it has seemed best for those who are opposed to the ratification of the treaty and desire that there shall be a termination of the matter, to go into executive session on Monday morning immediately after the reading of the Journal, and from day to day next week, to the exclusion of all other business, until a conclusion is reached on the matter. That is the reason why I entered an objection to the Senator's proposition.

Mr. STEWART. Then, if that course is pursued, I give notice that I shall insist upon the disposition of the Washington Territory bill immediately thereafter, without having any intervening order. It will take but a short time to dispose of it when we can once proceed to its consideration.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion of the Senator from Alabama that the further consideration of the treaty be postponed until the Wednesday after the first Monday in December next?

Mr. HARRIS. The Senator from Alabama, I see, is not in his seat, and I would prefer that the question be postponed until that Senator can be present.

Mr. VEST. The understanding was that the Senator from Florida [Mr. CALL] was to proceed to-day.

Mr. HARRIS. That is what I understood to be the arrangement this morning.

Mr. CALL. I have not made any arrangements to speak to-day, and I prefer not to do so.

Mr. HARRIS. The Senator from Alabama will be in the Chamber in a moment. I ask that no vote be taken until after his arrival.

Mr. VEST. I have a suggestion to make to the Senator from Maine. I understood him to say that he proposed in behalf of the majority of the Senate to call up the treaty on Monday immediately after the reading of the Journal. He certainly does not mean to exclude all morning business. As he knows very well, on Monday morning there is an accumulation of routine business in the morning hour, especially when we adjourn over, as we shall do this afternoon, without a session of the Senate on Saturday. I suggest to him that he modify his motion or his declaration in that respect.

Mr. FRYE. I think I shall do that for Monday morning. I recognize the force of the Senator's suggestion.

Mr. VEST. Extend it on Monday morning at any rate, until we get through with the morning business; otherwise there will be a lock on the morning business.

The PRESIDENT *pro tempore*. Is the Senate ready for the question upon the motion of the Senator from Alabama [Mr. MORGAN] that the further consideration of the treaty be postponed until the Wednesday after the first Monday in December next?

Mr. MORGAN. I supposed that the Senator from Delaware [Mr. GRAY] was prepared to take the floor this morning. He desires to reply to the remarks of the Senator from Ohio [Mr. SHERMAN].

Mr. GRAY. The Senator from Alabama will allow me to say that I had not expected to take the floor this morning. Indeed, I had no definite expectation of taking the floor at all, but I understood the Senator from Florida desired to submit his views on the motion of the Senator from Alabama before it was disposed of, and I presume he will do so to-day or at some time more convenient to him.

Mr. CALL. I ask the Senator from Maine to allow this matter to go over until Monday. It is true that I desire to address the Senate.

The PRESIDENT *pro tempore*. The Senator from Florida appeals to the Senator from Maine.

Mr. CALL. I ask the Senator from Maine, inasmuch as he proposes to take this matter up and proceed with it on Monday, to allow it to go over until Monday. I do desire to address the Senate, but I am not altogether ready with the references I wish to submit, although I have no very elaborate preparations to make. If the matter is to be pressed on Monday, as I understand it is his purpose to press it, I see no reason why it should not be passed over until then.

Mr. FRYE. I would inquire if any Senator is prepared to go on to-day in favor of the treaty or in favor of the proposition of the Senator from Alabama. If not, of course I am not going to insist that a vote shall be taken now. If no Senator is ready to go on, I move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

Mr. FRYE. I take it that I have given sufficient notice that on Monday morning, after the morning business is through, the Senate will be asked to proceed with the consideration of the treaty.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8592) for the erection of a public building at Jackson, Mich.; and it was thereupon signed by the President *pro tempore*.

ADMISSION OF WASHINGTON.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, the pending question being on the amendment proposed by Mr. CULLOM to the substitute reported by the Committee on Territories.

Mr. CULLOM. The Senator from Nebraska [Mr. MANDERSON] has, I think, already left the Chamber, supposing that the discussion of the treaty would go on. I think it was his purpose to address the Senate on this subject when taken up again. I hope the Senator from Nevada will allow the bill to be informally laid aside for to-day.

Mr. STEWART. If there is no Senator present who desires to address the Senate on the bill to-day, I ask that it be again informally laid aside and that the Senate proceed with the Calendar, with the expectation, as I again give notice, that immediately after the fishery treaty is disposed of I shall ask for a vote on the pending bill.

Mr. CULLOM. I have no objection to its consideration at any time, except that the Senator from Nebraska has left the Chamber not expecting the bill to be taken up to-day.

ORDER OF BUSINESS.

Mr. BECK. I do not know exactly what motion to make. I ask unanimous consent of the Senate to proceed with the Calendar under Rule VIII for to-day.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the pending business be informally laid aside, and that the Senate proceed with the consideration of the Calendar under Rule IX.

Mr. HARRIS. Rule VIII was what the Senator said.

The PRESIDENT *pro tempore*. Rule IX is in order after 2 o'clock.

Mr. HARRIS. Rule VIII is what the Senator suggested.

The PRESIDENT *pro tempore*. Rule VIII expires at 2 o'clock, and the consideration of the General Calendar of Orders would then be resumed.

Mr. HARRIS. But it can be done by unanimous consent. That is what was asked.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks the Senate to proceed to the consideration of the Calendar, under Rule VIII, for the remainder of this day. Is there objection?

Mr. COCKRELL. That means the unobjected cases.

Mr. BLAIR. Here is an unexpected break in the proceedings, and I should like in such parliamentary way as is necessary to get up the Army nurses bill, which, having been partially discussed, was arrested by an objection from the Senator from Kentucky [Mr. BECK] some two or three months ago. Since that time the matter has been somewhat examined, and an amendment has been brought to me by the Senator from Indiana [Mr. TURPIE], which I have examined, and which he seemed to think was entirely satisfactory. I should be glad, as I think it would end controversy, to have the bill taken up, the amendment adopted, and the bill passed. It will take but a few minutes probably.

The PRESIDENT *pro tempore*. The Chair will first submit the request of the Senator from Kentucky, who asks unanimous consent that the Senate proceed for the remainder of this day to the consideration of the Calendar under Rule VIII. Is there objection?

Mr. BLAIR. May I be allowed by common consent to make an inquiry? Should objection be made, would a motion be in order that the Senate proceed to the consideration of the Army nurses bill?

The PRESIDENT *pro tempore*. It would.

Mr. BLAIR. I then object, and make that motion.

Mr. COCKRELL. On that I shall call for the yeas and nays.

Mr. BECK. Before that is done, allow me to say to the Senator from New Hampshire that I have no desire to postpone the matter to which he refers, but I have not my papers here, and I should like to see the proposed amendment before the bill is considered.

Mr. BLAIR. Very well; I do not wish to press it in the absence of any preparation, but I should like to have it understood that I intend to press it at the proper time.

Mr. BECK. I will vote to take up the bill at any time when I have the papers here.

Mr. BLAIR. I withdraw the objection.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kentucky that the Senate proceed for the remainder of this day with the consideration of the Calendar under Rule VIII? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following bills and joint resolution:

An act (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably and to provide for drawing talesmen;

An act (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice;

An act (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds;

An act (S. 190) for the relief of W. H. Tibbits;

An act (S. 2316) restoring the right of pre-emption to Jesse A. Corn; and

Joint resolution (S. R. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1815 to 1887.

The message also announced that the President had on the 9th instant approved and signed the following acts:

An act (S. 196) to cancel certain reservations of lands, on account of live-oak, in the southwestern land district of the State of Louisiana;

An act (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.;

An act (S. 928) in relation to marriage between white men and Indian women;

An act (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes; and

An act (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo.

The message further announced that the President had this day approved and signed the act (S. 2624) to provide for the enlargement of the dimensions of the wharf at Fortress Monroe.

ESTATE OF J. J. PULLIAM.

Mr. HOAR. I am authorized by the Senator from Vermont [Mr. EDMUNDS] to state to the Senate that he has examined Senate bill 751, which was passed over under his objection this morning, and makes no further objection thereto. I ask the Senate, therefore, to go back to that bill.

The PRESIDENT *pro tempore*. Would the Senator desire to interfere with the bill which had been partially considered when the hour of 2 o'clock arrived?

Mr. HOAR. This bill will take but one moment. It is a short matter. It is an act of absolute plain justice to which nobody will object.

Mr. HARRIS. The bill has been read and it was passed over without prejudice.

Mr. HOAR. It has been read. If the Senate will listen to me one moment, I will state the whole story.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased.

Mr. HOAR. The Senate is aware that what is known as the 4th of July bill for certain Southern claims which we, under our established principles, are in the habit of paying for Army supplies is made up in this way: An officer in the Quartermaster's Department examines the claims and applies to them the well-settled principles upon which they are allowed. They then are reported and are passed in one bill, in which frequently there are several hundred claims of this character.

The chairman of the Committee on Claims in the Senate, as well as the chairman of the committee in the House, goes over the bill, examines each case to find that it corresponds with the Quartermaster-General's report, and looks enough into the evidence to see that the claim comes within that general class, and then we pass the claims without further examination. After that bill had been made up in the other House two or three years ago, the Comptroller, to whom the report goes from the Quartermaster-General, sent a communication to the Senate, saying that a mistake had been made by the officer in the Quartermaster's Department, and that a larger sum ought to have been allowed to Mr. Pulliam, and said he would have allowed it himself if he had had the authority to revise the Quartermaster's decision. Thereupon the Senate committee proposed to amend the bill by increasing the amount, but we found it was so near the end of the session that if we amended the bill and sent it back to the other House, the whole bill, involving a great many hundred claims, would fail.

Thereupon we made a report from the Committee on Claims, stating the facts, saying that we did not amend the bill in that particular because the result would be injustice to others, and that a separate bill would be brought in at a future Congress to remedy that.

This bill simply authorizes the re-examination of that claim, and authorizes the Secretary of the Treasury to pay it, if he finds on the re-examination any further amount due. That is the whole story.

Mr. COCKRELL. There ought to be an amendment, I suggest to the Senator from Massachusetts, in line 12. The bill reads:

> And the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum that may be found due said estate.

I propose to insert at that point the words:

> First deducting any sum heretofore paid.

Mr. HOAR. There is no objection to that. Of course an amount is not due if it has been heretofore paid; but if it satisfies the Senator, very well.

Mr. COCKRELL. I think it had better show that.

Mr. HARRIS. I do not see any necessity for such an amendment.

Mr. COCKRELL. The bill itself does not recognize any former settlement.

Mr. HARRIS. The records show that there has been a payment; but there is no particular objection to the amendment.

Mr. HOAR. I suppose, as the bill authorizes the payment of what is due, that what has been paid would not be included in that amount. It is, however, a question of mere phraseology, and I shall not object to the amendment.

The PRESIDING OFFICER (Mr. BERRY in the chair). The amendment of the Senator from Missouri [Mr. COCKRELL] will be stated from the desk.

The SECRETARY. After the word "estate," in line 12, it is proposed to insert "first deducting any sum heretofore paid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT BROOKE MILITARY RESERVATION.

The PRESIDING OFFICER. The next bill in order will be stated.

The SECRETARY. A bill (S. 3340) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools, and other purposes.

Mr. CALL. Let that bill be informally passed over without losing

its place on the Calendar. Several Senators who took part in the discussion and vote have gone away on necessary engagements, and I therefore request that the bill be passed over informally, retaining its place.

The PRESIDING OFFICER. If there be no objection, the bill will be passed over without prejudice. The Chair hears no objection.

RATES OF POSTAGE.

The bill (S. 3329) to reduce the postage on fourth-class mail-matter was announced as next in order.

Mr. BECK. I offer the amendment which I send to the desk as a substitute for the bill.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That on and after January 1, A. D. 1889, the rate of postage on all mail matter now known as first-class, shall be 1 cent for each ounce, or any fractional part thereof.

Mr. SAWYER. I hope that amendment will not be agreed to. I ask that the bill go over until the Senator from Rhode Island [Mr. CHACE] who reported it is present.

The PRESIDING OFFICER. It will be passed over without prejudice, if there be no objection.

COMMERCE BY TELEGRAPH.

The bill (S. 1688) to regulate commerce carried on by telegraph was considered as in Committee of the Whole.

The bill was reported from the Committee on Interstate Commerce with amendments.

The first amendment was, in section 1, line 6, before the word "messages," to strike out "electricity" and insert "telegraph;" so as to read:

That the term "telegraph company," as used in this act, shall include any person or persons, or corporation or corporations engaged in the business of transmitting, for hire, by telegraph, messages from one State or Territory of the United States, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "whatsoever," to insert:

Or to charge any more for a shorter than for a longer distance over the same line.

So as to read:

That it shall be unlawful for any telegraph company, subject to the provisions of this act, to give any unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or class of business, in any respect whatever, or to subject any particular person, company, firm, corporation, locality, or class of business to any unreasonable discrimination or disadvantage, in any respect whatsoever, or to charge any more for a shorter than for a longer distance over the same line.

Mr. BECK. This is a very important bill, as I judge from the reading of it so far, and I desire to ask the chairman of the committee if it is the unanimous report of the committee?

Mr. CULLOM. I believe it is the unanimous report of the committee. Every member who was present favored it.

Mr. BECK. I do not know anything about it, but the five-minute rule allows a very short time to consider and debate such a bill.

Mr. CULLOM. There was no disagreement whatever in committee about the bill.

The PRESIDING OFFICER. Does the Senator from Kentucky object to the consideration of the bill?

Mr. BECK. No, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "afford," to strike out "reasonably;" so as to read:

Every such telegraph company shall afford equal facilities for the receiving, forwarding, transmitting, and delivering of messages to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines.

The amendment was agreed to.

The next amendment was, in section 4, line 3, before the word "telegraph," to strike out "other" and insert "competing;" so as to make the section read:

SEC. 4. That it shall be unlawful for any such telegraph company to enter into any contract, agreement, or combination with any competing telegraph company or companies to divide between them the aggregate or net proceeds of the earnings of such companies upon their respective lines, or any portions thereof.

The amendment was agreed to.

The next amendment was, in section 5, line 10, after the word "service," to insert:

But nothing in this act shall be construed as prohibiting any such telegraph company from receiving, transmitting, and delivering messages for the United States, or for any State or municipal corporation, or for the press, intended for publication as news, at lower rates than are at the same time charged for social, business, and other messages, but no such company shall discriminate between the publishers of newspapers by allowing terms or advantages to one or more newspapers for a like and contemporaneous service, which are not allowed to other newspapers in any city, town, or place where there is, or may be, a telegraph office from which such messages may be dropped.

The amendment was agreed to.

The next amendment was, in section 6, line 25, after the word "said," to strike out "commissioners" and insert "commission;" so as to read:

If any such telegraph company shall neglect or refuse to file its schedule of rates with the said commission, or to give notice of changes therein as aforesaid, or to publish its schedules of rates as required by said commission, such telegraph company shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of such telegraph company is situated, or wherein such offense may be committed, and, if such telegraph company be a foreign corporation in the judicial circuit wherein such telegraph company accepts and transmits messages, and has agents and operators to perform such service, to compel compliance with the provisions of this section, and such writ shall issue in the name of the people of the United States, at the relation of said commission, etc.

The amendment was agreed to.

The next amendment was, in section 7, line 9, after the word "reasonable," to strike out "counsel or attorney's" and insert "attorney," and in line 10, after the word "which," to strike out "attorney's" and insert "attorney;" so as to make the section read:

SEC. 7. That in case any telegraph company, subject to the provisions of this act, shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such telegraph company shall be liable, to the person or persons injured thereby, for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable attorney fee, to be fixed by the court, in every case of recovery, which attorney fee shall be taxed and collected as part of the costs in the case.

The amendment was agreed to.

The next amendment was, in section 8, line 26, after the word "action," to insert:

Nor unless the same would be lawfully produced if such message were an original letter in the possession of the party to whom the same was addressed.

So as to make the proviso read:

Provided, however, That no such witness shall be compelled to produce or testify to the contents of any telegram received or transmitted by such company unless the same shall have been sent by or to the plaintiff or plaintiffs in such action, nor unless the same would be lawfully produced if such message were an original letter in the possession of the party to whom the same was addressed.

The amendment was agreed to.

The next amendment was, in section 11, line 19, after the word "commission," to insert:

And such commission shall have the same jurisdiction and power over telegraph companies, in so far as may be necessary to the execution of this act, as it has over common carriers by virtue of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887.

The amendment was agreed to.

Mr. PLATT. I ask consent to make a formal amendment. After the amendment which has just been adopted I move to insert a period instead of a semicolon. Then in line 25 I move to strike out the word "and" and make the "a" in "any" a capital, so as to commence a new sentence.

The PRESIDING OFFICER. The amendment will be considered as agreed to in the absence of objection.

The reading of the bill was resumed.

The next amendment of the Interstate Commerce Committee was to strike out sections 14 and 15, as follows:

SEC. 14. That sections 16, 17, 20, and 21 of the act entitled "An act to regulate commerce," approved February 4, 1887, are hereby extended and made applicable, as far as may be, to telegraph companies, and to the business thereof, subject to the provisions of this act.

SEC. 15. That this act shall take effect and be in force from the 1st day of July, A. D. 1888.

And in lieu thereof to insert:

SEC. 14. That whenever any telegraph company, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey or perform any lawful order or requirement of the commission named in this act, not founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, it shall be the duty of the commission and lawful for any company or person interested in such order or requirement to apply in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the telegraph company complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter on such short notice to the telegraph company complained of as the court shall deem reasonable; and such notice may be served on such telegraph company, its officers, agents, or servants in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the findings of fact in the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such telegraph company from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such telegraph company, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction, or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such telegraph company or other person so disobeying such writ of injunction or other proper

process, mandatory or otherwise, to pay such sum of money, not exceeding for each company or person in default the sum of $500 for every day, after a day to be named in the order, that such company or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court, to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supercede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

If the matters involved in any such order or requirement of said commission are founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, and any such telegraph company shall violate or refuse or neglect to obey or perform the same, after notice given by said commission as provided in the fifteenth section of the act entitled "An act to regulate commerce," approved February 4, 1887, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the telegraph company complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and said court shall by its order then fix a time and place for the trial of said cause, which shall not be less than twenty, nor more than forty days from the time said order is made, and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition, and of said order, upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same upon them as aforesaid. At the trial the findings of fact of said commission, as set forth in its report, shall be *prima facie* evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause; but if all the parties shall waive a jury in writing, then the court shall try the issues in said cause and render its judgment thereon. If the subject in dispute shall be of the value of $2,000 or more, either party may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect to security for such appeal; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said circuit court. If the judgment of the circuit court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee, to be fixed by the court, which shall be collected as part of the costs in the case. For the purposes of this act the circuit courts of the United States shall be deemed to be always in session.

SEC. 15. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations and sign subpœnas.

SEC. 16. That the commission is hereby authorized to require annual reports from all telegraph companies subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the company's property, franchises, and equipment; the number of employés and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the company each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning recovery, transmission, and delivery messages, or agreements, arrangements, or contracts with other telegraph companies, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all telegraph companies subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 17. That the commission shall, on or before the 1st day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce carried on by telegraph, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 18. That this act shall take effect and be in force from the 1st day of November, A. D. 1888.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CULTIVATION AND MANUFACTURE OF FLAX AND HEMP.

The bill (S. 2560) to improve and encourage the cultivation and manufacture of flax and hemp was considered as in Committee of the Whole.

The Committee on Agriculture and Forestry reported the bill with amendments, in line 6, after the words "direction of," to strike out "a commission of three, to be appointed by the President of the United States, whose salaries shall not exceed $1,000 per year, and whose term of office shall be for three years, which commission" and insert "the Commissioner of Agriculture. Said Commissioner;" and in line 11, before the word "investigation," to strike out "its" and insert "his;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000 is hereby appropriated to aid in making improvements in the cultivation and manufacture of flax and hemp, to be made by and under the direction of the Commissioner of Agriculture. Said Commissioner shall from time to time report the result of his investigation to Congress.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF HARBOR AND WATER WAYS.

The bill (S. 1448) for the establishment of a bureau to be known as the bureau of harbor and water ways, and for other purposes, was announced as next in order.

Mr. CULLOM. That bill was reported from the Committee on Commerce without recommendation. It was not expected, I think, by that committee that the bill would be considered at the present session. Therefore I ask that it be passed over, leaving it upon the Calendar.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar, if there be no objection.

Mr. PLATT. It might as well go under Rule IX.

Mr. CULLOM. Yes.

The PRESIDING OFFICER. The bill will be passed over to the Calendar under Rule IX.

JOSEPH W. M'CLURG.

The bill (H. R. 2611) for the relief of Joseph W. McClurg was considered as in Committee of the Whole. It proposes to pay to Joseph W. McClurg, of Missouri, $2,500 in full payment and satisfaction of all claim for goods, wares, and merchandise and supplies furnished officers and men in the military service of the United States in the late war of the rebellion under McClurg as colonel by the firm of Tobert & Co., of which company McClurg is sole surviving member.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. M. SHAFFER.

The bill (S. 3015) for the relief of C. M. Shaffer was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, in line 6, after the words "sum of," to strike out "twenty-one" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. M. Shaffer, of Berkeley County, West Virginia, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, in full payment for rent and occupation of his warehouse in the town of Martinsburgh, in the said county and State, as a commissary storehouse during the war of the rebellion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLEMENT A. LOUNSBERRY.

The bill (H. R. 2524) for the relief of Clement A. Lounsberry was considered as in Committee of the Whole. It proposes to pay to Clement A. Lounsberry, late postmaster at Bismarck, Dak., $1,214.51, being the amount expended by him in the payment of clerks necessarily employed in his office from April 1, 1881, to June 30, 1882, and for rent, fuel, light, and other expenses from July 1, 1883, to the 30th of September, 1885, and which amount was disallowed in the settlement of his accounts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW YORK, LAKE ERIE, AND WESTERN RAILROAD.

The bill (S. 779) for the relief of the New York, Lake Erie and Western Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, to strike out all after the enacting clause and insert:

That the Court of Claims shall, notwithstanding the lapse of time, be authorized to take jurisdiction of and adjudge the claim of the New York, Lake Erie and Western Railroad Company for the transportation of the mails of the United States from January 1, 1874, to June 30, 1877, upon routes (old numbers) numbered 1201, 1207, and 1208, said claim being based upon contracts between the United States of America (acting in that behalf by their Postmaster-General) and the president of said railroad company, signed and acknowledged by John A. J. Creswell, Postmaster-General, on the 10th day of January, 1874, and by P. H. Watson, president of said company, on the 20th day of April, 1874.

Mr. COCKRELL. I should like to hear some explanation of that bill.

Mr. WILSON, of Iowa. Let the report be read.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Georgia [Mr. COLQUITT] to the inquiry as to this bill.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. COLQUITT July 18, 1888:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 779) for the relief of the New York, Lake Erie and Western Railroad Company, report:

That the committee, after examination of the papers submitted by the Postmaster-General and the New York, Lake Erie and Western Railroad Company, find that they are controverted questions of law and fact which may, in justice to the Department and the company, be submitted to judicial investigation and determination. For the pending bill the committee recommend as a substitute a bill to authorize the Court of Claims to take jurisdiction of and adjust the claim of the New York, Lake Erie and Western Railroad Company.

Mr. COCKRELL. I should like to have some explanation of this bill. This report does not explain it at all. It seems to me that the contract was a written contract, and why the parties can not go into court on a written contract and adjust all the difficulties between them I do not understand. I see no occasion for passing this bill.

Mr. COLQUITT. The point in controversy involves a question of fact. There are many documents in connection with it. If it is necessary to inform Senators, I will say that the reason the committee of the Senate made this substitute for the House bill, and proposes it as an amendment, was that there was a doubt as to the facts and the committee could not arrive at a conclusion on them, and hence, as there were involved questions of equity which the committee thought deserved investigation, they were willing to refer the matter to the Court of Claims for inquiry.

Mr. COCKRELL. Why did not the parties go into the Court of Claims while they had the opportunity and the right to do so?

Mr. COLQUITT. That I am not able to say. They expected to get their claim by means of an act of Congress, and that was the idea of the House bill, but the Senate committee thought it better to have the matter go to the Court of Claims.

Mr. COCKRELL. I think we had better let the bill pass over.

The PRESIDING OFFICER. Does the Senator desire it to pass over without prejudice?

Mr. COCKRELL. Yes, without prejudice.

The PRESIDING OFFICER. That order will be made, if there be no objection.

SUPPLIES TO INDIANS.

The bill (S. 3191) to amend section 4 of the act of March 3, 1875, as amended in section 2 of the act of March 3, 1877, in relation to the issue of supplies to Indians, was considered as in Committee of the Whole. It proposes to further amend section 4 of the act of March 3, 1875, as amended in section 2 of the act of March 3, 1877, by adding thereto:

Provided further, That the Secretary of the Interior may, at his discretion, by written order, approve issues of subsistence which have been made to heads of tribes or bands, in place of to heads of families, and in future may except any tribe or portion of a tribe from the operation of section 4 of the act of March 3, 1875, as amended by section 2 of the act of March 3, 1877, when, in his judgment, the farming interests of the Indians demand it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. GRAHAM.

The bill (H. R. 6922) for the relief of George W. Graham was considered as in Committee of the Whole.

Mr. PLATT. What is the amount involved in that bill?

The PRESIDING OFFICER. There is no amount mentioned in the bill.

Mr. PLATT. Will the Senator from Nevada [Mr. STEWART] explain how much this bill carries?

Mr. STEWART. It carries a very small amount of money. I have not figured up the amount. The case is clearly a meritorious one. The reason why the man was not mustered in was that there was no mustering officer. It was carefully considered by the committee and is undoubtedly correct. The accounting officer can settle the amount.

Mr. HAWLEY. The sum can not be very large. It is about four and a half months' pay as second lieutenant, deducting what the man received as an enlisted man, and about eight months' pay as a captain, deducting what he may have received otherwise for that period.

Mr. STEWART. The accounting officer can fix the amount without difficulty.

Mr. HAWLEY. There is not perhaps what would make a year's pay of a second lieutenant taking it altogether. It is less than that.

The PRESIDING OFFICER. The amendment reported by the Committee on Military Affairs will be read.

The amendment was read, being, in line 10, after the word "to," to strike out "September 18" and insert "July 1;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum as will cover the regulation pay and allowances of a second lieutenant of infantry from June 15, 1863, to November 1, 1863, and of a captain of infantry from November 1, 1863, to July 1, 1864, to George W. Graham, of Campbell County, Tennessee, in full satisfaction of his claim against the United States as a lieutenant and captain in the Eighth Tennessee Volunteer Infantry: *Provided, however*, That any sum he may have received as an enlisted man during the period he served as second lieutenant and as captain shall be deducted by the proper disbursing officer in making the payments provided for in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEWART. I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. DAVIS, and Mr. BATE were appointed.

JOHN J. COUGHLIN.

The bill (H. R. 5539) for the relief of John J. Coughlin was considered as in Committee of the Whole. It provides for the payment to John J. Coughlin of $631.13, being difference of pay from laborer, at $1.25 per day, to skilled laborer, at $4.00 per day, for two hundred and twenty-nine and one-half days, in arranging, cataloguing, and classifying bound volumes of newspapers in the Library of Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passsed.

ALFRED J. WORCESTER.

The bill (S. 2163) for the relief of Alfred J. Worcester was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 4, to strike out the word "late" and insert "so as to show him to have been the;" and in line 6, after the word "volunteers," to strike out:

According to the terms and provisions of the act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 3, 1884; and the said Worcester shall have all the benefits of that act, notwithstanding his commission bears date July 3, 1863, instead of prior to June 20 of that year.

And to insert:

From December 23, 1863, to June 11, 1864; and the Secretary of the Treasury is directed and required, out of any money not otherwise appropriated, to pay him the pay and allowances of first lieutenant of said company from December 23, 1863, to June 11, 1864, deducting therefrom any and all sums of money paid to him during said period.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the muster-roll of Alfred J. Worcester so as to show him to have been the first lieutenant of Company G, Fourteenth Regiment of Illinois Volunteers, from December 23, 1863, to June 11, 1864, and the Secretary of the Treasury is directed and required, out of any money not otherwise appropriated, to pay him the pay and allowances of first lieutenant of said company from December 23, 1863, to June 11, 1864, deducting therefrom any and all sums of money paid to him during said period.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. FENTON.

The bill (S. 3139) to remove the charge of desertion from the record of William H. Fenton was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 7, after the word "and," to strike out "that" and insert "to grant;" in line 8, after the word "discharge," to strike out "be granted" and insert "to;" in line 9, after the word "Fenton," to insert "as of a private of said company as of the date of May 27, 1864;" so as to make the bill read:

That the Secretary of War be, and he hereby is, authorized and directed to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of William H. Fenton, late a private in Company G, Nineteenth Ohio Infantry Volunteers, and to grant an honorable discharge to the said William H. Fenton as a private of said company as of the date of May 27, 1864.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I ask the Senator from Texas to withhold that motion for a moment in order that I may ask the unanimous consent of the Senate to consider a little House bill, being Order of Business No. 2028, and if it takes three minutes I will not insist upon it.

Mr. MANDERSON. While that is being looked up I ask leave to present a conference report.

The PRESIDENT *pro tempore*. The Chair will receive it.

STATE SOLDIERS' HOME.

Mr. MANDERSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2116) "to provide aid to State homes for the support of disabled soldiers and sailors of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2 and 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

CHARLES F. MANDERSON,
JOS. R. HAWLEY,
WADE HAMPTON,
Managers on the part of the Senate.
R. W. TOWNSHEND,
LEVI MAISH,
JAMES LAIRD,
Managers on the part of the House.

The report was concurred in.

JOHN T. ROBESON.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] asks the consideration of the bill which will be reported.

The SECRETARY. A bill (H. R. 5494) for the relief of John T. Robeson.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John T. Robeson, late consul at Beirut, Syria, Turkey, $600.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COKE. At the request of several Senators who desire to run a little further along with the Calendar I withdraw my motion to go into executive session.

The PRESIDENT *pro tempore*. The motion to proceed to the consideration of executive business is withdrawn.

PUBLIC BUILDING AT SMYRNA.

The bill (S. 2863) to provide for the erection of a public building in the town of Smyrna, Del., was announced as next in order.

Mr. EDMUNDS. I would like to have the bill explained. I should like to know something as to the population of Smyrna, how large a town it is, etc.

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Wisconsin, who does not appear to be now in his seat.

Mr. EDMUNDS. Then let it stand over without prejudice.

The PRESIDENT *pro tempore*. It will be so ordered.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate do now proceed to the consideration of executive business.

Mr. HAWLEY. The Senator who has had charge of the next bill would like to get it off his mind. While I would like myself to have the Senate go into executive session, I hope the Senator will kindly wait a moment. The Senator from Texas [Mr. COKE] was good enough to yield.

Mr. EDMUNDS. I withdraw it for five minutes.

Mr. WILSON, of Iowa. I would like to have another bill disposed of.

Mr. COCKRELL. Let us go on for the suggested five minutes anyway.

CHARLES G. SAWTELLE.

The bill (S. 2998) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army, was considered as in Committee of the Whole. It directs the proper accounting officers, in settling and adjusting the accounts of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army, to credit said Sawtelle with $126.40, being the amount of internal-revenue tax due from employés of the United States, employed by Maj. Gen. E. R. S. Canby, at the city of New Orleans, La., in the secret service, in the year 1865, and paid by Lieutenant-Colonel Sawtelle, the same amount appearing to have been withheld from these employés, but no receipt of the Commissioner of Internal Revenue being presented for the amount as required by law, and which amount is now suspended against Sawtelle by the accounting officers of the Treasury in the settlement of his accounts, the funds having been withheld from the employés, and stolen or embezzled from Sawtelle, as he believes, without his default, at the city of New Orleans, in the year 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER A. KEYSER.

The bill (S. 1620) for the relief of Esther A. Keyser was announced as next in order.

Mr. PASCO. I am requested by the Senator from Maryland, who would like to be here when that bill is brought up, to ask that it be passed over without prejudice.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

RED CROSS ASSOCIATION CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanied by a report of the delegate on the part of the United States to the fourth international conference of the Red Cross Association, held at Carlsruhe, in the Grand Duchy of Baden, in September last.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, August* 10, 1888.

JOHN R. REYNOLDS.

The bill (S. 1917) for the relief of John R. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John R. Reynolds the sum of $35,996, and to the personal representative of James M. Reynolds, deceased, the sum of $35,996, the same to be accepted in full payment, satisfaction, and discharge of all claim of the said John R. Reynolds and James M. Reynolds upon and against the United States for property sold to or taken and used by the United States Army during the war by or from said parties or either of them in the State of Mississippi.

Mr. EDMUNDS. Pending the consideration of that bill, I renew my motion to proceed to the consideration of executive business.

Mr. PAYNE. It can be considered and passed in five minutes.

Mr. EDMUNDS. That bill will not pass in five minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate (in pursuance of a concurrent resolution of the two Houses) adjourned until Monday, August 13, 1888, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 10, 1888.

POSTMASTERS.

Hercules L. Kelley, to be postmaster at Oregon City, in the county of Clackamas and State of Oregon, in the place of John M. Bacon, removed.

John T. Fitzpatrick, to be postmaster at Winchester, in the county of Franklin and State of Tennessee, in the place of George D. Bramblett, whose commission expired July 5, 1888.

Cameron L. Thompson, to be postmaster at Huntington, in the county of Cabell and State of West Virginia, in the place of James W. Verlander, resigned.

INDIAN AGENT.

Beal Gaither, now clerk at the Siletz agency, in Oregon, to be agent for the Indians of the Siletz agency, in Oregon, *vice* Joseph B. Lane, resigned.

PROMOTIONS IN THE ARMY.

Fourth Regiment of Infantry.

First Lieut. George O. Webster, to be captain, August 5, 1888, *vice* Powell, promoted to the Twenty-second Infantry.

Second Lieut. Silas A. Wolf, to be first lieutenant, August 5, 1888, *vice* Webster promoted.

Fifth Regiment of Infantry.

Lieut. Col. Nathan W. Osborne, of the Sixth Infantry, to be colonel, August 5, 1888, *vice* Gibson, deceased.

Sixth Regiment of Infantry.

Maj. Robert H. Hall, of the Twenty-second Infantry, to be lieutenant-colonel, August 5, 1888, *vice* Osborne, promoted to the Fifth Infantry.

Twenty-second Regiment of Infantry.

Capt. William H. Powell, of the Fourth Infantry, to be major, August 5, 1888, *vice* Hall, promoted to the Sixth Infantry.

Fourth Regiment of Infantry.

Additional Second Lieut. Eli A. Helmick, of the Eleventh Infantry, to be second lieutenant, August 5, 1888, *vice* Wolf, promoted.

PROMOTIONS IN THE NAVY.

George Breed, a resident of Kentucky; William H. G. Bullard, a resident of Pennsylvania; Webster Appleton Edgar, a resident of New York; Joseph W. Oman, a resident of Pennsylvania; Philip Andrews, a resident of New Jersey; William H. Foust, a resident of Ohio; Harold K. Hines, a resident of Kentucky; Willard L. Dodd, a resident of Indiana; Harry E. Rumsey, a resident of Wyoming Territory; Ryland D. Tisdale, a resident of Kentucky; Samuel M. Strite, a resident of Maryland; Friend W. Jenkins, a resident of Pennsylvania, and George F. Cooper, a resident of Georgia, all graduates of the Naval Academy, to be ensigns in the Navy, from the 1st of July, 1888, to fill vacancies in that grade.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 10, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF SENATE BILLS.

The SPEAKER laid before the House bills of the Senate; which were read twice, and referred, as follows:

The bill (S. 3136) to amend section 1014 of the Revised Statutes of the United States in relation to fugitives from justice—to the Committee on the Judiciary.

The bill (S. 2430) supplementary of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes—to the Committee on the Public Lands.

The bill (S. 2783) for the relief of the sureties of George W. Hook, deceased—to the Committee on Claims.

The bill (S. 110) for the relief of Horace A. W. Tabor—to the Committee on Claims.

The bill (S. 685) for the relief of Royal M. Hubbard—to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILKINS, indefinitely, on account of important business.

To Mr. HOGG, indefinitely, on account of sickness.

To Mr. OSBORNE, for one week, on account of business engagements.

To Mr. CUTCHEON, indefinitely, on account of sickness.

To Mr. COX, for ten days.

To Mr. RUSSELL, of Connecticut, indefinitely, on account of sickness.

To Mr. BAKER, of New York, for ten days.

APPOINTMENT OF A CONFEREE.

The SPEAKER. The Chair will appoint as a manager on the part of the House on the disagreeing votes of the two Houses on the bill H. R. 4659, the gentleman from Louisiana [Mr. ROBERTSON] in place of the gentleman from South Carolina [Mr. TILLMAN], who is absent from the city, and therefore unable to serve.

Mr. WILKINSON. Mr. Speaker, my colleague [Mr. ROBERTSON] is also absent temporarily.

The SPEAKER. Then the Chair will appoint the gentleman from Mississippi [Mr. HOOKER] to act in that capacity.

WATER RESERVE LANDS, WISCONSIN.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill S. 1880 and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That all lands in the State of Wisconsin described in and withdrawn from sale by the proclamations of the President of the United States issued March 22, 1880, April 5, 1881, and November 28, 1881, for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain act of Congress, entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however*, That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which may at any time become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River or its tributaries: *Provided further*, That the railroad companies availing themselves of this act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location of their proposed lines of railroad, over said water reserve lands, in the office of the Secretary of War, and until the approval of said maps by the Secretary of War no right to occupy said lands shall vest in such companies; and no location shall be permitted which takes for right of way or stations lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system; or shall any railroad company be permitted to take material for construction from any of said reservoir lands outside the right of way granted herein.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I suggest to the gentleman from Ohio that inasmuch as this seems to be quite an important bill, and has not yet been considered by the Public Lands Committee, that the matter be postponed until some day during the week after next, after the morning hour, and then unanimous consent can be given that it be taken up for consideration.

Mr. GROSVENOR. I have no objection to fixing the consideration of the bill on the morning of the 23d, immediately after the reading of the Journal.

Mr. WEAVER. Not to interfere with the consideration of the Oklahoma bill.

Mr. GROSVENOR. I have no objection to excepting that bill.

The SPEAKER. The Chair will state that the Oklahoma bill could not be considered immediately after the reading of the Journal. It can only be reached after the morning hour has been disposed of.

Mr. WEAVER. But if this bill suggested by the gentleman from Ohio is taken up for consideration it may occupy the entire day; and I wanted to prevent any interference with the bill named.

Mr. SPRINGER. I am perfectly willing that the gentleman shall have a chance to get his bill through by unanimous consent on that day, and that he may be recognized to ask unanimous consent. But I do not want to consent to anything that may interfere with the Oklahoma bill.

Mr. GROSVENOR. I ask that the bill be fixed for consideration on the 23d, after the reading of the Journal; not to interfere with the Oklahoma bill.

Mr. HOLMAN. I hope consent will be given.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

PUBLIC BUILDING, SAGINAW, MICH.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 9049) for the erection of a public building at the city of Saginaw, Mich., and put it upon its passage.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read at length.

Mr. CANNON. Let the report be read in that case.

Mr. TARSNEY. I hope the report will be read. I shall be very glad to have the House to understand the merits of this question.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. The other day the gentleman from Michigan [Mr. BURROWS], who is now absent from the city, asked for the consideration of the bill for a public building at Kalamazoo. I am not acting at his request at all; but there was objection made on the other side to that bill. I am not disposed to object to the present request; but I ask that these two bills be coupled together and considered.

Mr. TARSNEY. I have no objection to that.

Mr. CANNON. And that unanimous consent be given now to take up both cases.

The SPEAKER. The gentleman from Illinois asks that unanimous consent be given that the Kalamazoo bill be taken up and considered at the same time. Is there objection?

Mr. TARSNEY. Both bills are meritorious and ought to be passed.

Mr. MCMILLIN. I do not think we should go into the business of erecting public buildings by wholesale in this manner. It is sufficient, it seems to me, to take them up one at a time for consideration. I do not like to be bulldozed into the consideration of any measure.

Mr. CANNON. Another bill was reached a few days ago when the gentleman from Michigan [Mr. BURROWS] was present on the floor, and prompt objection came from that side of the House. I am not, as is well known, much in favor of the erection of these public buildings unless there are courts; but I think there ought to be a kind of comity, at least, existing between the two sides of the House in such matters.

Mr. MCMILLIN. I do not know how others may feel, but as for myself I have not been actuated, I wish to say to the gentleman, by any disposition to be captious or to make individual objections on either side of the House. But I will not, under any circumstances, be bulldozed into the consideration of a bill on any of the calendars of the House.

Mr. CANNON. Then I will ask the gentleman from Michigan to withdraw his request for the present, and let this bill be taken up and considered at the same time unanimous consent is given to consider the bill for Kalamazoo.

Mr. TARSNEY. I want to say one word in relation to this bill. In the Forty-ninth Congress a bill was passed through the House and through the Senate providing for a public building at East Saginaw. At that time the cities of Saginaw and East Saginaw were separate. Since that time the Legislature has ordered a consolidation of those cities, and there is to-day a population of 60,000, with two Presidential post-offices and one fourth-class post-office. It is now proposed to abolish one of the Presidential post-offices and establish one centrally and have the free-delivery system.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. Yes; I object unless we can have the other also.

Mr. SPINOLA and others. Regular order.

The SPEAKER. The regular order is demanded.

STATE HOMES FOR DISABLED SOLDIERS.

Mr. TOWNSHEND. I ask leave to present a privileged report.

Mr. LANHAM. The gentleman has the right to present a privileged report at any time; and if it is to take any time in discussing I shall antagonize it.

Mr. TOWNSHEND. It is a report of a conference committee.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2116) to provide aid for the State homes for the support of disabled soldiers and sailors of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2 and 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

R. W. TOWNSHEND,
LEVI MAISH,
JAMES LAIRD,
Managers on the part of the House.

CHARLES F. MANDERSON,
JOS. R. HAWLEY,
WADE HAMPTON,
Managers on the part of the Senate.

The managers on the part of the House of the disagreeing votes on said bill submit the following statement as required in Rule XXIX of this House in explanation of the amendments mentioned.

The conferees agree that—

1. The provisions of the act should extend to Territories as well as States. So the Senate conferees agree to the House amendments numbered 1, 4, 5, 6, 7, 8, 9, and 10, and agree also to amendment of the title as suggested by the House of Representatives.

2. Do not agree to amendment 2—"or which support wholly and in part." The language is clearly surplusage because the allowance is for "every disabled soldier or sailor who may be admitted and cared for in such home at the rate of $100 per annum." If it is designed to have the effect that if the home is supported by private parties with aid by way of contribution or appropriation from the States it shall receive the aid provided for in this bill it is clearly objectionable. The aid should only be extended to homes that are wholly under State control.

3. Do not agree to amendment 3—"and the orphans of soldiers and sailors." The bill should conform to the law governing national homes. Orphans are not received there. It is too late for such bounty. It opens too wide a door for expenditure. The object of the bill is to reach toward support of disabled and dependent soldiers and sailors only.

Mr. TOWNSHEND. I move the adoption of the report.

Mr. HOLMAN. Before that is done I hope the gentleman will give us a more comprehensive statement than that which has just been read.

Mr. TOWNSHEND. I think the statement is full, but for the information of the gentleman from Indiana, I will state that the bill as it passed the House was amended so as to include homes established by Territories as well as States. The Senate accepts that amendment, agreeing to extend the provisions to Territories as well as States. The bill was also amended in the House so as to provide that the orphans of soldiers and sailors should also be cared for in those homes. The Senate does not agree to that amendment, for the reason that there is no such provision in the law in regard to national homes; and it was intended to make this bill conform to the law relating to the national homes. It is not believed to be wise now to open the doors of the soldiers' homes to the orphans as well as to the sailors. The other amendment as it passed the House provided that homes which are partially aided by States as well as those established by States should receive the benefits of this law.

The committee of conference on the part of both Houses were unanimously of the opinion that it is in the first place a surplusage if it is intended to apply to homes where disabled soldiers are provided for by the States, because the bill already provides that any State home which provides for the disabled soldier or sailor shall receive the benefits of this law. It was also proposed that private homes which have partial help from the State shall be established on the same footing as if wholly supported by the State. The conferees are of the opinion that it ought not to be adopted, and therefore the House amendments were non-concurred in. These were the only amendments of any importance on the bill.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was adopted.

Mr. TOWNSHEND moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

GENERAL SHERIDAN'S FUNERAL.

The SPEAKER announced that he had appointed Mr. THOMPSON, of Ohio, as a member of the committee of the House to attend the funeral of General Sheridan, *vice* Mr. GROSVENOR.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the regular order is the call of committees for reports on private bills.

Mr. LANHAM. I ask unanimous consent that gentlemen having reports to present be allowed to file them with the Clerk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

WILLIAM T. HURDLEY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 9680) for the relief of William T. Hurdley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM L. BRADFORD.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (S. 3178) to remove the political disabilities of William L. Bradford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the call of committees be dispensed with.

There was no objection, and it was so ordered.

Mr. LANHAM. I now move that the House resolve itself into Committee of the Whole for the purpose of considering bills upon the Private Calendar.

Mr. SPRINGER. Mr. Speaker, I had hoped to get this day for the consideration of the bill to provide for the organization of the Territory of Oklahoma, but in deference to the wishes of gentlemen who are interested in pending private bills, I will not antagonize the motion just made by the gentleman from Texas. I give notice, however, that I shall ask the House to consider the Oklahoma bill not later than Tuesday or Wednesday next.

Mr. HOOKER. And I give notice that, in consequence of the excessive heat of the weather, I shall object to the consideration of that bill. [Laughter.]

Mr. SPRINGER. The gentleman's objection will not avail, because the Oklahoma bill will be the regular order.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. LANHAM] that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. SHAW. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHAW. What position does the Oklahoma bill occupy on the Calendar?

The SPEAKER. The Oklahoma bill is not before the House.

Mr. SHAW. That is what I supposed; and I wish to inquire why it is brought up here so ofter in antagonism to other measures.

The SPEAKER. The Chair can not inform the gentleman.

Mr. SPRINGER. It was not brought up in antagonism to this motion.

Mr. SHAW. It comes up in connection with nearly every motion that is made.

Mr. SPRINGER. Because it is the regular order. That is the reason.

The motion of Mr. LANHAM, that the House resolve itself into Committee of the Whole, was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

Mr. PERKINS. Mr. Chairman, I desire, before we proceed to the regular business, to ask consent to take from the Private Calendar the bill (S. 2563) for the relief of Mrs. Larimer. This lady has been here all this session of Congress, as she has been for several sessions of Congress, asking for the consideration of this bill. The bill has passed the Senate——

Mr. WISE. I demand the regular order, but I will withdraw the demand to let the gentleman complete his statement.

Mr. PERKINS. This is an Indian depredation claim. This lady was captured by the Indians while crossing the plains more than twenty years ago and had all her property taken from her. She has been here pressing this claim year after year. The bill has passed the Senate and has been reported favorably by the House. It will cause no debate, and I ask its present consideration. As is known by every member of the House, almost all of these Fridays for the consideration of private claims have been devoted to war claims, and I now ask, on behalf of this poor woman, that her bill may be considered.

The CHAIRMAN. The Clerk will report the bill, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. 2563)——

Mr. WISE. I must object, Mr. Chairman, and demand the regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will report the first bill upon the Calendar.

The Clerk read as follows:

A bill (H. R. 26) for the relief of William J. Poitevent.

Mr. WISE. That is not the bill that was under consideration at the adjournment on last Friday. The bill last under consideration was the Norfolk Ferry bill, and the adjournment took place during the reading of a paper which was submitted by my friend from Michigan [Mr. BURROWS].

The CHAIRMAN. The Chair will endeavor to find out from the

Journal of the House the condition of business at the time the committee rose.

Mr. OATES. The last time the House was engaged upon the Private Calendar the bill under consideration at the time of the adjournment was a bill for the relief of Samuel Noble.

The CHAIRMAN. As soon as the Chair can have the Journal examined he will state the condition of business at the adjournment.

Mr. OATES. All I desire is that that bill may be passed over, retaining its place on the Calendar. I do not ask for its consideration at this time.

The CHAIRMAN. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 1067) to amend the war record of Albert H. Thomas, deceased.

Mr. HOPKINS, of Illinois. What has become of the first bill reported by the Clerk, the bill (H. R. 26) for the relief of William J. Poitevent?

The CHAIRMAN. The Chair has had read the bill which was pending in the Committee of the Whole when the committee last had this Calendar under consideration.

Mr. HOPKINS, of Illinois. Does that take precedence of the Calendar as we find it to-day?

The CHAIRMAN. The Clerk will report the bill.

Mr. DIBBLE. Mr. Chairman, I had the floor in the committee at its last session when the motion was made to rise, and, if I recollect rightly, the bill that was then under consideration was a bill for the relief of Samuel Noble.

Mr. OATES. The gentleman is mistaken in that, and I was mistaken in the statement I made awhile ago, because——

The CHAIRMAN. The Clerk will read from the RECORD.

Mr. OATES. I desire, in order that I may set myself right, to complete the sentence I was uttering.

The CHAIRMAN. The gentleman from Alabama will suspend until the Clerk can read from the RECORD.

Mr. OATES. That will simply cut my sentence in two; and in that case I do not care to finish it.

The CHAIRMAN. The Clerk will read from the RECORD part of the proceedings of the last sitting of the Committee of the Whole House on the Private Calendar.

The Clerk read as follows:

ALFRED H. THOMAS.

The next business on the Private Calendar was the bill (H. R. 1067) for the relief of Alfred H. Thomas, deceased.

Mr. LANHAM. I ask that this bill be passed over informally, retaining its place on the Calendar.

Mr. DIBBLE. I object.

Mr. LANHAM. I again move that the committee rise. The committee has been continuously in session for four hours.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] moves that the committee rise.

Mr. CANNON. I hope not.

The motion of Mr. LANHAM was not agreed to.

The CHAIRMAN. The Clerk will report the pending bill.

Mr. NELSON. I ask unanimous consent——

Mr. CANNON and others. Regular order!

Mr. NELSON. I do not think any objection will be made to my proposition.

Mr. CANNON. I shall have to call for the regular order.

The CHAIRMAN. The Clerk will read the pending bill.

The Clerk read as follows:

* * * * * * *

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with a favorable recommendation.

Mr. DIBBLE. I call for the reading of the report.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

* * * * * * *

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. DIBBLE obtained the floor.

Mr. LANHAM. Mr. Chairman, it is manifest we are going to do nothing more in Committee of the Whole this afternoon. We have already passed a number of bills, and I do think the best thing we can do is to rise. I do not believe we can reach the bill which the gentleman from Illinois [Mr. CANNON] desires to reach.

Mr. CANNON. Let me make a suggestion which I think will be satisfactory. Let the report be printed in the RECORD. I understand it is exhaustive. Then let the bill go over till the next private-bill day.

Mr. DIBBLE. I have no objection to that, but there is plenty of evidence in addition to that report, and I think it would be as well to print that evidence with the report of the committee. Let them both be printed at the same time; and that agreement can be made when the bill is called up. I ask the gentleman from Illinois to have that evidence printed.

Mr. CANNON. I only ask to have printed what is of record, and that is the report of the committee.

Mr. LANHAM. I will state in the hearing of the gentleman from Illinois that it will be absolutely impossible to reach the bill this afternoon. It is three below the one we have been considering. There are a number of bills to be reported to the House for passage, and they ought to be taken up and passed. So far as printing the report is concerned I have no objection to it. Let it go into the RECORD.

Mr. CANNON. If that can be done, I do not object to the committee rising.

The CHAIRMAN. Is there objection to the printing of the report of the committee in the RECORD?

There was no objection, and it was so ordered.

The report (by Mr. BROWER) from the Committee on War Claims is as follows.

Mr. DIBBLE. I have not yet heard the Clerk read any statement of what bill was under consideration.

The CHAIRMAN. The unfinished business when the committee rose was the bill (H. R. 1067) to amend the war record of Alfred H. Thomas, deceased; and the gentleman from South Carolina [Mr. DIBBLE] is entitled to the floor.

Mr. HOPKINS, of Illinois. I rise to a parliamentary inquiry. I wish to know whether, after the consideration of the pending bill, the Committee of the Whole will go back to the consideration of House bill No. 26.

The CHAIRMAN. The Chair will decide that question when it comes up. The Clerk will now report the pending bill.

ALFRED H. THOMAS.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records in the War Department of the United States to show the name of Alfred H. Thomas duly enlisted and mustered into Company D, Seventh Regiment Tennessee Cavalry Volunteers, on the 1st day of February, 1864, for three years' service; taken prisoner at Union City, Tenn., on the 24th day of March, 1864, and died a prisoner of war, while in the service of the United States, at Savannah, Ga., on the 1st day of December, 1864.

Mr. DIBBLE. I ask that the report in this case be read.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1067) for the relief of Alfred H. Thomas, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House report No. 190 of the Committee on Military Affairs of the Forty-seventh Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 190, Forty-seventh Congress, first session.]

The Committee on Military Affairs, to whom was referred a bill to amend the war record of Alfred H. Thomas, deceased, submit the following report:

It appears that the said Alfred H. Thomas enlisted on or about the 1st day of February, 1864, in Company D, Seventh Regiment Tennessee Cavalry Volunteers; that the exigencies of the service called this company into active duty in the field before muster; that on the 24th day of March, 1864, the said Thomas, while in the line of duty, was captured with his entire company; that he was held a prisoner of war from that time to the time of his death, early in December, 1864, at Savannah, Ga. The above facts are conclusively established by the affidavits of two officers and several enlisted men of his regiment, and make a strong case for the relief asked, and the passage of the bill is therefore recommended.

Mr. DIBBLE. I hope that under the circumstances this bill will be reported to the House with a favorable recommendation.

Mr. GLASS. The report in this case shows a conclusive state of facts in favor of the applicant; and as no one appears desirous to address the House in opposition to the bill, I move that it be laid aside to be reported favorably to the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. LANHAM. Mr. Chairman, at the last sitting of the Committee of the Whole for the consideration of private business a number of bills were passed over informally, not to lose their place on the Calendar. It seems to me it would now be proper to return to the beginning of the Calender and take up the bills in their order for consideration.

The CHAIRMAN. The Chair has so instructed the Clerk.

Mr. COMPTON. Mr. Chairman, I rise to a point of order. Two weeks ago to-day I made the point of order which I propose to renew now. I did not press it at that time because the gentleman from Alabama raised the point that the unfinished business was the first thing in order. I now propose to renew the point of order.

There is now on the Calendar a bill reported in the Forty-ninth Congress, and also in this Congress, from the Committee on War Claims, there having been a favorable report also from the Court of Claims. I maintain that this bill under the provisions of the Bowman act, and under the ruling of the Speaker, is entitled to-day to preference on this Calendar. Early in the session my colleague [Mr. MCCOMAS] made the point that bills which had been approved by the Court of Claims were entitled to priority of position upon the Calendar.

The CHAIRMAN. To what bill does the gentleman refer?

Mr. COMPTON. The bill (H. R. 6347) for the relief of Alexander Moffitt. It is on page 56 of the Calendar.

As I was stating, my colleague [Mr. MCCOMAS] made the point of order that under the Bowman act bills of this character were entitled to precedence on the Calendar. The Speaker, who was then in the chair, sustained the point and ordered those bills to be so placed. This bill was given that position on the Calendar. It came up for consideration in regular order. A motion was made to refer it back to the committee. I stated at the time the motion was made that I would consent to it provided the bill would not lose its place on the Calendar. The then occupant of the chair declared that if the bill were recommitted it would require unanimous consent to have it placed where it was originally on the Calendar. I then stated—these proceedings occurred on the 16th of March—that I would consent and take my chances, reserving to myself the right to make the point of order which I now make.

Now, I claim that the recommitment of the bill to the committee does not of necessity take the bill from its place on the Calendar, but that, on the contrary, it should remain exactly where it was, because it is one of that class of bills which, under the Bowman act and under the ruling of the Speaker, are entitled to preference upon the Calendar.

That is my point. If the Chair wants reference, he will find the decision of the Speaker on page 103 of the RECORD, and he will find that decision reaffirmed on page 469 of the RECORD.

Mr. LANHAM. The Chairman will remember the point of order was elaborately discussed when the present Chairman occupied the chair. The committee rose, and the honorable gentleman from New York [Mr. COX], being the Speaker *pro tempore*, held, as I remember, that when these cases came from the Court of Claims under the rule they should be referred to appropriate committees. That is my recollection of the decision made on that occasion.

Mr. STONE, of Kentucky. Under the rule this case, with others coming over from the Forty-ninth Congress, was placed upon the Calendar. This bill was reached in its regular order and taken up for consideration. There was some question raised as to the loyalty of the claimant. It was done, I believe, on motion of the gentleman from Ohio [Mr. GROSVENOR]. It went over in order to obtain the proof necessary, to come up again the next day private bills were under consideration. The purpose was, as I have stated, to supply the proof, which seemed to be lacking or which had not been furnished by the Court of Claims to the House. When that was supplied it was to be taken up. It was clearly understood the bill should not lose its place on the Calendar. I do not know, but the RECORD will show, that it was put back upon the Calendar in a different place, so that when the proof was supplied it was not reached, as was expected it would be. My opinion is, the House intended to do with that bill as it had done with the other claims which had been reported from the Court of Claims. It seems to have lost its proper place by some misapprehension; and now, in my judgment, it should be taken up and disposed of as the other bills of the same class have been. By this misunderstanding or mistake or whatever it may have been this bill has lost its place upon the Calendar and ought to be restored to where it properly belongs. Therefore I believe this bill is entitled to consideration at this time.

The CHAIRMAN. The Chair has held, when bills have been reported from the Court of Claims to this House and referred to appropriate committees and reported back, they take precedence at the head of the Calendar, and the Clerk therefore will be directed to report this bill.

ALEXANDER MOFFITT.

The Clerk read as follows:

A bill (H. R. 6347) for the relief of Alexander Moffitt.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Alexander Moffitt, out of any money in the Treasury not otherwise appropriated, the sum of $12,442.98, being amount due the said Alexander Moffitt for the use and occupation of the premises known as the National Race Course, in the District of Columbia, from the 12th day of July, 1864, to the 12th day of June, 1865, by the United States forces, as found by the Court of Claims.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims to whom was recommitted the bill (H. R. 6347) for the relief of Alexander Moffitt, having further considered of the matter, report as follows:

The property in question was situated across the Eastern Branch of the Potomac River from Washington City, just southeast of the Government Insane Asylum, and distant about 600 yards on an air line from Giesborough.

After the claimant, Moffitt, had presented his claim for compensation for the loss he had been made to suffer, the Quartermaster-General constituted a board to examine and report upon the merits of the claim. This board had the most ample time and opportunity to investigate, and, after having manifestly done so, they, in their report, recommended that the claimant be allowed as rent for his property $500 per month from July 12, 1864, to June 12, 1865, eleven months, $5,500, and as compensation for rebuilding and repairing buildings and fences, the sum in block of $7,966.75, a total of $13,466.75, the same to be in full of all claims against the Government arising from the occupation, use, and consumption of claimant's property. But the Quartermaster-General, holding that he had no jurisdiction over so much of the claim as was not for rent strictly, and that it was a matter for the consideration of Congress, would allow nothing on account of this portion of the claim, and only the sum of $1,784.4 , that was paid, and the receipt in question given.

Upon the evidence adduced to the Court of Claims in respect to the giving of this receipt your committee feel themselves bound to agree with that court that it was given and received upon the understanding that it was not to conclude the claimant or preclude him from seeking in Congress the full measure of compensation he had asserted and believed to be justly his due. Such is the direct, positive, uncontradicted testimony of a competent, disinterested witness, corroborating the other testimony on this point.

Besides, the amount receipted for was so small in comparison with that then claimed, and what the evidence afterwards adduced to the Court of Claims clearly demonstrated was justly due, is, your committee believe, a circumstance strongly corroborative of the claimant's averment that the receipt was given and received only for a payment on account. This was a case of use and occupation of premises and consumption of property of a loyal citizen by an army in its own territory, and your committee do not know of any principle of law or equity that denies to such citizen just compensation from his own Government for such use, occupation, and consumption of his property. It was not a case of an army occupying, using, and consuming property of an enemy in that enemy's country, and consequently the law applicable to such cases is not applicable to this.

It is common knowledge that at the time the property was held by the United States Army the city of Washington was constantly filled with a large concourse of transient visitors, soldiers, and others, and it is too plain for argument, upon the evidence adduced before the Court of Claims, that the claimant was a heavy loser by being deprived of his property.

All the circumstances considered, your committee are constrained to concur with the findings of the Court of Claims, and have no hesitation in again recommending that the bill referred and recommitted to them do pass.

Mr. PERKINS. I would like to ask the Chair whether this bill has been reached in regular order upon the Calendar?

The CHAIRMAN. The Chair has so decided.

Mr. PERKINS. Does the Chair hold that private claims before this may be reached and passed?

The CHAIRMAN. The Chair decides, this having been reported from the Court of Claims under the Bowman act, and referred to the Committee on War Claims and reported back favorably, it takes its place at the head of the Calendar and has precedence over other bills. This is one of that class of claims, and I believe is the last one.

Mr. PERKINS. I observe the distinction which is made, but I did not understand how this case came up.

The CHAIRMAN. It is placed in its former position where it ought to have been placed upon the Calendar, in the opinion of the Chair.

The motion of the gentleman from Maryland [Mr. COMPTON] is that the bill be laid aside to be reported to the House with the recommendation that it be passed.

Mr. JOSEPH D. TAYLOR. I think we should know something more about this case than we do before we report it back to the House with the recommendation that it be passed. I am told copies of the report in the case are exhausted, and the House should know the facts before it is called upon to vote on it.

The CHAIRMAN. The Chair will state that the Clerk has just completed the reading of the report in full.

Mr. JOSEPH D. TAYLOR. How much money was paid on this claim?

Mr. COMPTON. A very small amount.

Mr. JOSEPH D. TAYLOR. Well, how much?

Mr. COMPTON. Something over $1,000. Exactly $1,784.

Mr. JOSEPH D. TAYLOR. That was taken in full, as I understand it?

Mr. COMPTON. Possibly the best explanation that could be given to the gentleman from Ohio would be the repetition of the reading of that part of the report.

Mr. JOSEPH D. TAYLOR. Very well, then; I ask that it be read.

The Clerk again read the report.

Mr. COMPTON. I think it would be well perhaps to have the third finding of the Court of Claims read bearing upon this particular point, and I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

The Quartermaster Department in 1868 estimated the rental value of the premises during above occupancy to be $1,784.45. The claimant at first refused to accept this amount, but upon being assured by the officer making the payment that his acceptance would not preclude him from seeking the balance of his claim, he accepted it and signed a receipt in full. This receipt in full was given and received in the mutual understanding that it should not preclude the claimant from seeking in Congress the balance of the rent which he believed to be justly his due, and the payment was not a final settlement such as would stop the claimant from seeking the full value of the occupancy, and was in fact, though not in form, merely a payment upon account.

The CHAIRMAN. The question is upon agreeing to the motion of the gentleman from Maryland.

Mr. JOSEPH D. TAYLOR. I think this claim is excessive, especially in view of the fact that the gentleman received in payment upon it a considerable amount of money and gave a receipt in full, which has just been read.

Mr. COMPTON. But that amount is deducted.

Mr. JOSEPH D. TAYLOR. I know it is; but I think the claim as it is now is entirely excessive in amount; and I shall move to amend by reducing it just one-half. I am willing he shall have a reasonable and fair compensation; but this is a large amount in view of the circumstances surrounding the case and the value of property at that time. I ask to amend the bill by striking out, in lines 5, 6, and 7, the sum $12,442.98 and insert in lieu thereof $6,221.49.

Mr. HOLMAN. Mr. Chairman, this bill was before the House some time ago and was discussed at considerable length.

My recollection is that it appeared, either from a statement made to the committee at the time or by some report which was read in connection with the bill, that the real use to which the property was being applied at the time that it was taken possession of by the Government for the use of the troops was that of carrying on the business of a saloon if I am not mistaken; and the owner or occupant of the property claimed that he was deprived of a very valuable privilege or right by reason of the appropriation of his property to be used in that manner by the Government.

The impression that I received from that testimony on the part of gentlemen who seemed to be familiar with the subject was that the amount proposed to be paid was greatly beyond what the property was possibly worth for any purpose. We had then a better understanding of the use to which the property was being applied.

This bill proposes, as I understand it, to pay a rental of $500 per month for the use of the property while in possession of the Government. It must indeed have been a very valuable property which at that time, and under such circumstances, would justify a rental at such an excessive rate for military purposes. Besides, it seems to me that this settlement made by the Quartermaster-General with a full knowledge of all the facts made by General Meigs, a very safe and prudent gentleman, one of the most efficient officers who ever held the position, I think one of the most thoroughly upright, just, and honest men who could be assigned to such a department—it seems to me that the con-

clusion he reached, with all of the facts under his eye, ought to have at least a persuasive influence upon the action of this committee.

Besides that, Mr. Chairman, the receipt has been executed in full on the part of this claimant, on receipt of something over $1,000, a receipt made in the usual form, with a statement, however, upon the part of the officer of the Government that the signing of the receipt would not preclude the claimant from going before Congress. It seems to me therefore that it is hardly sufficient on the citation of facts here to set aside a receipt of that character. If the suggestions of a public officer can thus defeat the operation of a payment and a receipt in full, Congress and the Government is fearfully at the mercy of any officer of the Government who thinks proper to make a suggestion of fact which is within his discretion in regard to any of these settlements. How could it operate as an estoppel, for instance? A party dealing with the Government is supposed to be as well informed as the officer of the Government who pays out the money of the Government and takes receipts in its behalf. This party acted upon his own knowledge as well as upon the suggestion of the quartermaster, and he knew what he was doing at the time he gave the receipt. When a receipt of this character is given in full it ought to have a proper weight with Congress, and except under very strong circumstances and in a very marked case it should be conclusive. These transactions of a quarter of a century ago are pressed upon us day after day, and it seems to be impossible to get anything definitely settled in regard to them. A receipt in full is regarded, it seems, by us as of no consequence whatever, although the Supreme Court of the United States when it comes to a judicial determination of the question has held that a receipt so given must be held as final and conclusive.

I think in any event that the claim for spoliation ought not to be considered, and I will therefore move to amend the proposition of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] so that it will allow but $5,500, which was the amount of the rent, deducting $1,784.45, being the amount which was paid.

Mr. JOSEPH D. TAYLOR. The amendment just offered by my friend from Indiana has my hearty approval and I hope it will be adopted.

The Clerk read the amendment, as follows:

Strike out $12,442.98 and insert $3,714.55.

Mr. COMPTON. I will not detain the House, but I think it is just to this claimant that a brief statement should be made as to the case. This case was referred to the Court of Claims by the Forty-eighth Congress. Testimony was taken by the Court of Claims, a thorough investigation made, and it was ascertained that the amount in this bill is founded on the estimates which were made by the officers of the United States Army especially detailed to examine this particular case. The Court of Claims reported it to Congress with a recommendation that it be paid. The bill went to the Committee on War Claims in the Forty-ninth Congress, was considered carefully by that committee, and reported to this House with a recommendation for payment. It then went upon the Calendar of the Fiftieth Congress, and after discussion upon this floor, when the whole case was fresh in my mind and in the mind of the committee, and the gentleman from Missouri [Mr. HATCH] and others will remember the discussion, the bill was again referred to the Committee on War Claims, and for a second time they carefully investigated all the facts. The Committee on War Claims of this Congress reported the bill back with the recommendation that it do pass. Now, for my life I can not see the justice or the fairness of the suggestion made by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] and the gentleman from Indiana [Mr. HOLMAN] that because a bill seems to them to be too large it is any justification for the amendment proposed, when they know nothing of the case except what has been heard from the reading of the report. In due deference to my distinguished friend to my right [Mr. HOLMAN], what other ground has he on which to base his estimate of what is right; what way has he of ascertaining the comparison to make the statement that this bill seems to be too large? Is justice to be affected if it is just? The gentleman will not undertake to assume such a position on this floor.

About the receipt, Mr. Chairman. Now, what was the condition of things with this man? He had his hand in the lion's mouth. He was almost hopeless and absolutely helpless. He had been impoverished, made a beggar of, by the destruction of his property, and when this $1,700 was offered him the temptation was great, and he accordingly signed the receipt on a condition, and that condition was conceded by the officer in charge, namely, that it did not debar him from his right to further payment and he had his remedy here in Congress. But, Mr. Chairman, why is it and why should it be that the will and judgment of this House shall be determined by the mere *ipse dixit* or simple opinion of gentlemen even so distinguished as my friend from Indiana [Mr. HOLMAN] and the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] without proper justification?

Now, I do not know that I care to say anything more on this subject, but will say simply this. I have been impressed with this fact, that we are all probably amenable to the same influences when we propose a case here for an appropriation, or where any gentleman is affected or interested, and that it will not deter any man, not even my friend from Indiana, with considerations as to the amount. Therefore it is that I appeal again to this House, and ask the members to consider this bill simply and alone upon its merits as disclosed by those qualified to make an investigation and report.

Mr. WHITE, of Indiana. This bill, it seems to me from what I have heard of the debate, ought to be allowed. It appears that the troops took possession of a race-course in the neighborhood of this city and held it for a certain time during the war, and by occupying it destroyed the buildings which were necessary to keep that race-course in condition. By that means the owner of the track lost a good deal of money, both from the destruction of the buildings and the use he could have made of the track. Now, what is the state of affairs resulting from those circumstances? It is about like this: The party who owned the ground necessarily had the right to compensation from the Government. The Government by its officers endeavored to fix the rental price of the ground. Of course it was too low, but as the Government was in possession the man had to accept it, and the settlement was in the nature of a coercion. He could not sue the United States for the amount as he could a private individual, and the Government got him to give a receipt in full. That ought not to militate against him nor to prejudice Congress. There are thousands of cases of this kind which might be cited. Besides that, the question is presented as to whether Congress is going to reverse the action of the Court of Claims, the court to which this claimant has been sent to obtain a judgment. Then I would say to the members of this House if that is to be done we had better abolish the Court of Claims. What is it for? Is it not appointed by Congress to examine these very questions between the Government and parties and to settle the disputes between them? They have examined this case, and they reported on the testimony of the officers that we should pay the whole claim at once.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 288) for the erection of a public building at Sioux City, Iowa.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8592) for the erection of a public building at Jackson, Mich.

ALEXANDER MOFFITT.

Mr. WHITE, of Indiana. If we are to bring the parties before the bar of this House to plead their own cases as is done in court, then we shall be unable to attend to any other business. The Court of Claims is organized to relieve Congress of that duty, which, in any case, it could not possibly perform, and if we are to disregard the finding of the court in this case we had better also disregard its verdict in the matter of these great spoliation claims which have been pending before Congress for one hundred years.

Mr. Chairman, I say the Government is the most cruel oppressor we have when it owes any of its citizens. When it owes a man a dollar it takes almost two dollars to get it, and I have no doubt that if this claimant gets the $12,000 which the court has decreed to him, he will have had to spend it all, or nearly all, in the effort to get what was due him. As a member of this House I believe that when the court has passed upon a claim, no matter how small it may be or how large it may be, it is our duty to indorse the action of the court and pay the claim. If that is not the case, then let us abolish the court and bring the parties in here to plead their cases before us.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, the informal way in which these findings of the Court of Claims are made is very well understood by this House. The court has no authority to render judgment in these cases, and the judges of the court understand perfectly well that the claims are to come to this House and be considered in a measure *de novo*. If the gentleman [Mr. WHITE, of Indiana] is correct in his position that we are bound to pay every claim of this kind that may be reported by the Court of Claims, we shall have a great obligation and a great burden resting upon us; and if he is correct, we ought to have a law explicitly providing that every finding of the Court of Claims shall be paid and paid at once without being considered at all by even the House or the Senate.

Mr. Chairman, I want to say, in addition, that I do not think this claimant is in a position to complain of hard treatment by the Government. In the first place, his land was out here a long distance southeast of the Capitol, and was used for a race-course, and I do not imagine that property of that kind was very valuable during the war. When the cloud of war hung over this capital and over this nation, we had something else to do besides running horse-races, and I am not inclined to believe that this Government is not very largely indebted to this claimant for occupying his race-course during a single year while the war was in progress. The ground was occupied only about a year, and, as I understand, for that one year's occupation this man was paid more than $1,700. He accepted that payment, and not only accepted it but gave a receipt in full. Now it is proposed that we shall pay him for a single year's occupancy some $5,000, less the amount which he has already received. It seems to me that this is acting very liberally, and

is paying a very large compensation to this party for the occupation of his race-course during that year, or any year of the war.

Mr. THOMAS, of Wisconsin. Mr. Chairman, I wish to say a few words in relation to this matter. While it is very true that Congress is not bound by the decisions of the Court of Claims, it is also true that we should have some regard to the findings of this court as a basis of fact upon which to act. Now, sir, we not only have the opinion of the Court of Claims that this claim is just, but we have also the opinion of a board of competent United States Army officers, appointed by the Quartermaster-General at the time, who carefully investigated the facts and came to a conclusion which they put in writing in the shape of a finding, which was filed with the Quartermaster-General. They found that this party was entitled to $5,500 for rent of his premises, and to $7,965.75 for the destruction of buildings, etc., upon the land.

Mr. WILSON, of Minnesota. When was that report made?

Mr. THOMAS, of Wisconsin. I have not the exact date at hand, but it was not a great while after the close of the war.

Mr. WILSON, of Minnesota. By whom was it made?

Mr. THOMAS, of Wisconsin. By a board appointed by the Quartermaster-General to investigate and report the facts.

Mr. WILSON, of Minnesota. Where does that appear?

Mr. THOMAS, of Wisconsin. In the finding of the Court of Claims. The Quartermaster-General appointed a board to examine and report upon the merits of the claim and they made this finding. After this finding had been made the Quartermaster-General, without giving any reason, without saying that the amount was too large, arbitrarily tendered to the claimant $1,748.60 for rent, telling him that the Quartermaster's Department had no right to pay for damage to buildings, fences, etc. The claimant took the money, but said, "I do not want to be barred."

Mr. WILSON, of Minnesota. Will the gentleman tell us what board it was which made this finding? How was it appointed, and where is the report of that finding?

Mr. THOMAS, of Wisconsin. If the gentleman will look at the report of the committee, and will also take time to look at the report of the Court of Claims on file with the papers in this case——

Mr. WILSON, of Minnesota. I have both before me, I think.

Mr. THOMAS, of Wisconsin. He will find that the Quartermaster-General constituted a board to examine and report upon the merits of this claim. This is what we say in the report, and we base it upon the facts:

> This board had the most ample time and opportunity to investigate, and, after having manifestly done so, they, in their report, recommended that the claimant be allowed as rent for his property $500 per month from July 12, 1864, to June 12, 1865, eleven months, $5,500, and as compensation for rebuilding and repairing buildings and fences the sum in block of $7,966.75, a total of $13,466.75, the same to be in full of all claims against the Government arising from the occupation, use, and consumption of claimant's property.

Mr. WILSON, of Minnesota. Where can a person see that report made to the Quartermaster-General so as to ascertain who were the persons making it, and upon what data they reported?

Mr. THOMAS, of Wisconsin. If these papers to which I refer are not with the papers in the Clerk's office, the gentleman will find them in the room of the Committee on War Claims. Our report was based upon the facts as returned by the Quartermaster-General, whose report, as you will find, is confirmed by the Court of Claims. The Quartermaster-General, without any authority, fixed upon this low sum of $1,784.45 as the amount to be paid for rent. The evidence is that the claimant said, "I do not want to take this amount in full;" and the Quartermaster-General replied to him, "Though you may sign a receipt in full, it shall not bind you."

Mr. WILSON, of Minnesota. I see that statement in the report; but upon whose evidence is the statement made?

Mr. THOMAS, of Wisconsin. This was the evidence taken in the case before the Court of Claims.

Mr. WILSON, of Minnesota. Whose evidence was it? Was it the evidence of the man who makes the claim?

Mr. THOMAS, of Wisconsin. The evidence of witnesses.

Mr. WILSON, of Minnesota. What witness?

Mr. THOMAS, of Wisconsin. I am not prepared to give the name of the witness. The gentleman from Maryland [Mr. COMPTON] is more familiar, probably, with the details. If I had supposed I was going to be cross-examined on this subject, I would have had all the papers before me.

Mr. COMPTON. I speak from memory; but according to my recollection, the papers having been here on the 16th of March, when this case was last under discussion, the finding was made by two officers detailed from the Quartermaster's Department to go upon the premises and ascertain the facts. I think the papers will show that to have been the case.

Mr. PERKINS. In this connection, I would like to ask the gentleman a question.

Mr. THOMAS, of Wisconsin. I will yield in a moment; but first let me finish this statement. I undertake to say that if this receipt in full is urged, as some gentlemen appeared disposed before to urge it, as a bar against this claim, that is a most unjust thing to do.

This claim has relation to property within the District of Columbia, and so far as any connection with the war is concerned it might as well have been in the State of Kansas or Minnesota or Wisconsin or Ohio. This property was not where the enemy ever had possession. The Government arbitrarily took the property, and having acknowledged its indebtedness, it seems to me it ill becomes the Government to undertake to split the claim or to deny the equity and justice of the finding of the Court of Claims.

Mr. PERKINS. Now, if the gentleman will permit me, I would like to ask him why the Quartermaster's Department did not pay the amount which the gentleman says the representatives of that department had found due for rent. I am speaking now, not of the claim for destruction of property, but of the claim for rent. I wish to know why the Quartermaster's Department did not pay as rent the amount which, as the gentleman says, agents or representatives of that department found to be due.

Mr. THOMAS, of Wisconsin. I have no reason to give. The Quartermaster-General himself gave no reason for the refusal. He seems simply to have assumed that $1,784.45 was a sufficient sum. The Quartermaster's Department in the hearing before the Court of Claims made no proof that this amount was sufficient. The Government does not show in any way that it was a sufficient amount as rent. There is, as I understand, no testimony claiming that it was sufficient.

Mr. PERKINS. Who represents the Government of the United States in these cases which are referred under this act to the Court of Claims?

Mr. THOMAS, of Wisconsin. The Department of Justice.

Mr. PERKINS. Is the Department of Justice allowed proper force so that the interests of the Government can be intelligently represented in these cases?

Mr. THOMAS, of Wisconsin. Most certainly. In this case the interests of the Government were in charge of representatives of the Attorney-General's Office.

Mr. PERKINS. Is it not a fact that clerks are detailed to go down there and look after the interests of the Government, clerks who know nothing of the circumstances of the claim, and that these cases are submitted to the court upon agreed statements of fact in which frequently the interests of the Government are virtually ignored. Is not that the practice?

Mr. THOMAS, of Wisconsin. I understand it is not. I understand it has been the practice of the Department to fight these claims as vigorously as they would any claim; that regular attorneys representing the Department, assistants of the Attorney-General, argue these questions and present on the part of the Government all the evidence that can be brought forward. As I understand, the Court of Claims insists upon this. There is no trial in which the claimant is represented and the Government not properly represented.

This is not a case, like many others, where the claim is of long standing, the amount large, and the witnesses dead. In this case, which I must say is an exceptional one, the Government, within a very short time after the destruction of the property, long before the facts could be clouded, before the property had changed hands or the witnesses died, or the appearance of things changed, appointed a board to examine the facts, and they made their report.

Can there be any question about the justice of this claim? Why should two officers of the Government, Army officers, put their hands to an award which is false and fraudulent? Has it been the practice or the custom of that kind of a board to do that sort of thing? Is it right for Congress to so judge? I think not.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman from Wisconsin, was the Government of the United States ever represented by anybody in the Court of Claims? Does the record anywhere show that?

Mr. THOMAS, of Wisconsin. Yes, I think it does.

Mr. JOSEPH D. TAYLOR. I should like to see it. I think the gentleman is mistaken in his statement.

Mr. THOMAS, of Wisconsin. No, I do not think I am.

Mr. JOSEPH D. TAYLOR. The record will show it if there were any representative in behalf of the interest of the United States in the Court of Claims.

Mr. THOMAS, of Wisconsin. This claim should be rejected or allowed. This man is entitled to the whole of his claim and not to one-half of it. If he is entitled to one-half, certainly he is entitled to the whole of it.

Mr. JOSEPH D. TAYLOR. That would double it.

Mr. THOMAS, of Wisconsin. No, I think not. No one says he is claiming more than he is entitled to. The Court of Claims report shows that he is entitled to what he claims. This man received a smaller sum under protest with the understanding that he might go to the Court of Claims or come to Congress. He went to the Court of Claims and succeeded in proving his case. Justice is on his side, as justice is on the side of any man who has a claim against the Government which has not been paid.

Mr. WILSON, of Minnesota. Mr. Chairman, I do not care whether this claim comes from Minnesota or South Carolina or the District of Columbia. The simple question is whether it is a valid claim, established by competent and satisfactory evidence.

Generally the gentleman from Wisconsin [Mr. THOMAS] is right in his conclusions, but I do not think he is at this time.

The status of this claim, as I understand it, is this: In 1864, nearly a quarter of a century ago, certain property was used by the Government. Within a short time after that settlement was apparently made and a receipt in full given for the use of that property. The sum allowed was accepted and a receipt written out showing it to be in full settlement.

In this case we must proceed on the theory that it was a full settlement unless evidence be given to show satisfactorily and clearly that it was not. If it was a full settlement then there is nothing of this claim.

It is not for the United States to prove its invalidity—it is not for it to take the affirmative of this issue—the affirmative is charged to the other side by the settlement and receipt.

Now, sir, I wish to make one remark here about the report of the Court of Claims. The argument has frequently been made on this floor that the finding of the Court of Claims is conclusive in such cases. The statute does not say so and should not say so.

There is nothing more misleading. There is nothing more calculated to do injustice. Look at this case. Between private parties, if a man making a claim like this had slept on his rights for all these years we would say at once that was the end of it. Why? Because he had waited until the knowledge of the facts had disappeared, until the witnesses had died, and there was no longer any certainty in the proof offered.

In this case, as far as any statement has been made, the party who gave the receipt in full sits by for nearly twenty years before he says one word about any additional claim. When it is to be presumed that the witnesses have gone, when all the evidence has disappeared or become obscure, he comes in and asks the Government, perhaps on his own *ipse dixit* or his own oath, to set aside his receipt in full and pay him this immense sum of money. He is a competent witness in the case and in the absence of any other evidence his oath would be plenary proof.

Mr. Chairman, the Court of Claims could only decide on the evidence before it.

A man, stimulated by greed, may make a claim of any such character against the Treasury, and who is to oppose him? If a receipt in full is not conclusive evidence after the lapse of so long time, what opposition can be set up? Who is the adversary party? And then as far as the United States attorneys are concerned, we are told that they appear in all such cases and represent the interests of the Government. Why, sir, every man who knows anything about the facts, who has ever had occasion to look into such questions at all, knows that there is no possibility even of the United States attorneys investigating all these cases as fully as they ought to be investigated, even if they could face the witnesses; and when gentlemen talk of the attorneys acting with vigilance in these cases, they are simply saying that which every man knows must be impossible. Of course they do the best they can, but in the great mass of matter that is submitted to them such a thing as extreme vigilance in such cases is not to be expected. And if a fraudulent claim is made after such a lapse of time, how are they to find evidence to disprove it?

In my opinion it is almost conclusive evidence against the validity of any such claim that a man sits quietly by for nearly twenty years and makes no effort to establish it, and especially after having given a receipt in full for it. And I am very sure that public policy requires that we should so hold.

Mr. COMPTON. I am sure the gentleman does not want to misstate the facts.

Mr. WILSON, of Minnesota. Permit me to conclude what I am just now saying and I will yield for a question.

Mr. COMPTON. I only wanted to correct a statement of the gentleman.

Mr. WILSON, of Minnesota. Very well.

Mr. COMPTON. Because I know the gentleman does not want to do any one an injustice.

Mr. WILSON, of Minnesota. Certainly not.

Mr. COMPTON. The gentleman makes a mistake when he asserts this party simply laid upon his oars for twenty-five years. He has been fighting to secure a hearing since before the first payment was made and from that hour down to the present time.

Mr. WILSON, of Minnesota. Well, I spoke from the record, and also from the information I derived from my friend himself. I could not find the facts embodied in the report, and I asked my friend the question, when this was first inaugurated? He stated that the first he knew of it was in the Forty-eighth Congress. That is the best information I have been able to get either from the report or from anybody who knows anything of the case, and that is about twenty years after the inception of the claim.

Mr. COMPTON. When the gentleman made inquiry of me, as he states, I replied with reference to my own knowledge as to the date of the reference to the Court of Claims. Beyond that I did not undertake to answer. I have personal knowledge, however, of the fact from the lips of a Representative from my own district that previous to the Forty-eighth Congress he had introduced a bill himself; and how far beyond that it has gone I do not know.

Mr. WILSON, of Minnesota. Very well. We shall take that statement as showing the date of the making of this claim; for, as I have above said, the burden is on the claimant to show that he has not been guilty of laches and why he has so long, under such circumstances, remained silent; and since the use of the land for which this claim is made until the Forty-eighth Congress was at least eighteen to twenty years.

There is no lawyer here who does not know that claims under such circumstances come with a degree of suspicion cast on them, and that we would not allow them if it were a question as between two individuals. If it were not for the fact that these claims are against the public Treasury of the United States they would not receive a moment's consideration.

But the gentleman from Wisconsin [Mr. THOMAS] speaks of the existence of some conclusive testimony to the fact that this claim is valid, to wit, the testimony of a board appointed to investigate the claim, and that they investigated and allowed it. Now, I have tried to find out who constituted that board and what their findings were, but I have been entirely unsuccessful, although I have repeatedly asked the question. Whom did the Quartermaster appoint, and to whom did they report? What was the substance of their report and findings? It appears from all the information I have been able to gather that the Quartermaster-General appointed two persons, and they made a report and he set the report aside; but, notwithstanding that fact, we are to understand from the statement of my friend from Wisconsin that the testimony or report of this "board," so called, although set aside by the Quartermaster-General himself, is to have more credit given to it than the decision of the officer who appointed them and set aside their finding.

Let me suggest this illustration to the gentleman: Suppose a court appointed a referee to investigate a question, and the court saw fit to set aside the report of the referee; then in after time, and after the evidence in the case had been lost or obscured, would the report of the referee be taken in preference to the determination of the court? Is that the position? That is just the position of this question as it seems to me.

This claim is to be established by such evidence as that; and I submit to my friend from Wisconsin that instead of making for the conclusiveness of the claim it works positively against it.

Mr. THOMAS, of Wisconsin. Let me ask the gentleman this question: Suppose a claim had been presented against you the validity of which you questioned, and you appointed two of your friends to investigate it, and they found against you; but you, still doubting the claim, proposed to pay so much, with the understanding that if it turned out afterward that more was due you would pay it. Suppose the party claiming accepted your offer, does the gentleman claim that he would be thereby estopped from presenting his demand, although you held his receipt for the sum paid?

Mr. WILSON, of Minnesota. Now, I ask the attention of members and especially lawyers to this suggestion. Is that the fact? The first question is, what was done? And my contention is that after the lapse of so long time under the circumstances the claimant should not be permitted to open this case by the allegation of facts inconsistent with his written receipt. After such a lapse of time disproof is almost impossible ordinarily. If that Quartermaster had been going to advise such a course as that and if this party reserved any such right, they would have written it in some form. It would not have been left an open, doubtful question, to be established by parol.

It is to prevent just such a state of things as this that civilized nations have adopted statutes of limitations, and say that if not prosecuted within a given time no action shall be allowed for the enforcement of such a claim; that it is to be presumed after so long a time that evidence would be lost or obscured and that injustice rather than justice would be the result of the enforcement of such claims. The wisdom of ages has said and rightly said that such stale claims shall not be tolerated. I am not only in favor of the amendment of the gentleman from Indiana, but I am in favor, on the evidence before us, of not paying one dollar more in this case.

If, after such a time, receipts are to be set aside and claims paid on such evidence, good-by to all surplus in the Treasury; for the more dishonest a man is the more certain would be his success. The worse men are the more certain they would be to make a case when their claims depended on mere swearing; and I am opposed to accepting evidence countervailing that which was written so long ago. There is no reason why the rules in favor of individuals should not apply when the Government is a party. Especially in case of demands against the Government should the rule against stale claims be invoked and applied. The power of this proof is much more likely to be lost by the Government than by a private individual.

Mr. MILLIKEN. I do not propose to discuss the merits of this claim, for I have not had opportunity to examine into it; but I was somewhat amazed by the position taken by my acute and very able legal friend from Minnesota [Mr. WILSON]. He says that the Court of Claims found in favor of this bill, and states that the Court of Claims has to de-

cide according to the evidence that is before it. That is right. But I do not understand why the evidence which is necessary for the Court of Claims to come to a conclusion should not be sufficient for him and for me. I do not know by what means this House arrives at a conclusion upon a private bill except upon the evidence that is before it. Now, if my friend has any other evidence than that before the Court of Claims then he can disparage the opinion of that court. I agree with him that the evidence taken by the Court of Claims should be absolutely conclusive. Now, the House has the right to reverse that decision, but it seems to be a wonderful position to take that the judgment of the Court of Claims should be disparaged because it decides on the evidence that is before it, and I do not know of any other ground upon which this House can confirm or reverse the opinion of the Court of Claims.

Mr. BREWER. I do not rise so much for the purpose of opposing this claim as to make some suggestions following in the line of the gentleman from Maine, the gentleman from Wisconsin, and the gentleman from Minnesota. I desire to state here that in my judgment the majority of the members of this House are lacking in confidence in the decisions or the conclusions arrived at in these cases by the Court of Claims, and I say this with all due respect to the members of that court. It is perfectly evident, if we will take and examine the reports made by that court and the findings which they send here to the House, and then compare them with the official records of the Government we will often find that they are directly opposite in the statement of facts. Now, we had a case here the other day under consideration in which that very condition of affairs existed. We had a claim here from the district of the gentleman from Virginia [Mr. BOWDEN] in which this very condition occurred. The Court of Claims reported to this House a certain state of facts, and of course the Committee on War Claims, very naturally following that, made a report of these facts to the House and they were considered here by this committee. They went not back of that report for the purpose of finding what might be the official records of the Government. But fortunately we had here a certified record of the Government which showed an entirely different state of facts from those which were sent here by the Court of Claims.

Mr. BOWDEN. The case to which the gentleman from Michigan refers will probably be the next matter for consideration, and I do not wish to have that prejudiced by a misstatement which the gentleman is making, not intentionally. The facts are that the paper which was presented and read was all the testimony considered by the Court of Claims when they ascertained the state of facts, and if the gentleman will take the trouble to read carefully that testimony I think he will see that it rather goes to uphold the case than to damage it.

Mr. BREWER. Then, if the members of the Court of Claims had that evidence before them when they rendered their finding of facts to this House, they did a very unjust thing, because they found a state of facts existing, basing their finding upon a petition and oral evidence, when there were official records of the Government which showed a contrary state of facts.

Mr. BOWDEN. Why, sir, that testimony covered only a short period, less than a year of the time for which this compensation is asked.

Mr. BREWER. Then I do not read it correctly; but the record is before the House and gentlemen can refer to it for themselves.

Again, Mr. Chairman, there are cases that have been reported to this House by the Court of Claims where the question of loyalty has arisen, and, strange as it may seem, that court has almost universally found in favor of the loyalty of every claimant. I do not know how it comes, but that seems to be the fact. There is one case, and I presume there are more, in which the court has found the claimant loyal, and yet the testimony before the Southern Claims Commission shows as an affirmative fact by proof that can not, in my judgment, be controverted or doubted, that the party was disloyal. Now, how does this arise? I apprehend that it arises in the manner stated by the gentleman from Minnesota [Mr. WILSON].

Mr. COMPTON. I dislike to interrupt my friend, but he is debating another case instead of this one.

Mr. BREWER. I shall close in a moment. I am referring to these other cases for the purpose of showing that we ought not to place very much reliance upon the Court of Claims. It is said that the Department of Justice is represented in these cases. I do not know by whom it is represented, but if I am correctly informed, it is not by any one who holds a very responsible position in the Department, or by any one in whom this House should put great confidence. I must say, from a comparison of the records of the Government with the findings of the Court of Claims, that I have but little faith in findings of "facts" as they are sent here by that court.

Mr. COMPTON. I wish to say one word more, for the information of the House, to correct the impression which I fear has been made by the statement of the gentleman from Kansas and by that which has just fallen from the gentleman from Michigan. I find in the report of the court the following, which ought to be conclusive upon this point:

The court upon the proof and evidence, after hearing Gilbert Moyers, of counsel for the claimant, and the Assistant Attorney-General, of counsel for the defendant, find as follows.

So that the court heard the Assistant Attorney-General in this case.

Mr. WILSON, of Minnesota. I do not wish to be understood in any thing I have said about the Court of Claims as intimating that it is not an able and honest court. What I intended to say, and what I think I did clearly say, was that after the lapse of twenty years or a quarter of a century, with a party on one side stimulated by the hope of a large award or judgment in his favor, and with no person on the other side who is cognizant of the facts or directly or personally interested in presenting them, the court would in all probability have no reliable evidence before it, and that, therefore, when a case has been left to lie dormant so long as this one, and where there has been a settlement and a receipt given in full, that receipt ought to be held conclusive against the claimant, as it would be in a private litigation. If this be not so, then the older and more stale a claim is the stronger it becomes for the claimant if he is not an honest man, and the weaker for the Government.

Therefore I say that this idea that the report of the Court of Claims should be conclusive is most misleading. I hold, on the contrary, that after the lapse of such a length of time a report made on evidence presented by a claimant ought ordinarily to have but little weight; and I am opposed to removing the bar of the statute in these cases, not because I distrust the Court of Claims, but because it is impossible for the Government to procure evidence to establish the real facts or to countervail evidence presented by the claimant. In this case the fact of this claimant having given a receipt in full, and having allowed his claim to lie dormant so long, is to me more conclusive evidence as to the merits of the case than the report of the Court of Claims.

Mr. BUCKALEW. I can very easily believe that the occupation of such property as this for a considerable period of time by United States troops would result in a good deal of damage to the premises; and in this case it appears that a board of Government officers was appointed by the Quartermaster-General, who reported to him in favor of an allowance of $500 a month rent and also seven thousand and some odd dollars for injury to the property.

It is very manifest that their report was not satisfactory to the Quartermaster-General, and he determined that in regard to the general damages he had no jurisdiction; that as to rent, instead of paying $5,500, the amount claimed, he would pay $1,784.45. He must have made some inquiries. What he determined, however, if we accept the receipt as binding, would apply only to the rent, and would have no application to the other portion of the claim.

The difficulty I find is that in the report of the Court of Claims we are not informed whether they heard new testimony upon the subject, or whether they simply took as the basis of their finding of about $12,000, the old report which was made to the Quartermaster-General. If they accepted that old report and upon that undertook to override the action of the Quartermaster-General, and allow in full the claim for rent and for damages as reported by that commission or by those officers, we have no guaranty that they have not made too great an allowance. In such a state of the case, I am not ready to vote this money. Upon a report which the Quartermaster-General had condemned I would not like to undertake to overrule the judgment of the Quartermaster-General as to the rent, nor would I undertake to make an assessment of damages unless new evidence were presented to the Court of Claims or to Congress. I confess the inclination of my mind is to believe that the occupation of such premises for such a period of time by soldiers, under the circumstances which we know generally attended such occupation entailed damages upon the property; and I am ready to vote an allowance for such damages if I can be satisfied that the finding in this case did not rest entirely upon an old report from officers whose chief did not approve the report. In this state of uncertainty I believe I am willing to vote for an amendment to pay a part of this claim, for I do not feel prepared to vote against it altogether. I will vote to pay a part, but not the whole.

Mr. STONE, of Kentucky. Mr. Chairman, I do not want to discuss the merits of this particular claim at all, but I do want to call the attention of this Committee of the Whole to the situation as it has been presented here to-day. It is necessary for us to inquire, in the first place, how the Court of Claims came to have any jurisdiction in this case. This is one of a large class of cases as to which jurisdiction was conferred by act of Congress passed in 1883. When it was found that there was difficulty on the part of committees of the House of Representatives in ascertaining the facts in these cases, Congress passed an act providing that claims of this sort should be referred to the Court of Claims. Why was that act passed? If no confidence is to be placed in the findings of the Court of Claims, as has been argued here to-day by gentlemen who claim to be eminent in the legal profession, why do you continue this act upon the statute-book?

If the legal fraternity in this country has descended so low that members of the profession stand upon this floor and say to the country at large that no confidence is to be placed in members of that profession who are chosen as the judges of high judicial tribunals, that the findings of such tribunals are entitled to no credit or respect—and gentlemen in the very same breath charge claimants with belonging to a class of men who would swear falsely in order to obtain their claims—if the legal profession has descended to so low a grade, it is time we should repeal the laws providing courts for the adjudication of questions aris-

ing between the citizen and the Government. Sir, I do not entertain so low an opinion of the judges of our courts. I have a higher appreciation of the legal profession in this country than to believe any such stuff, even though it may come from a member of the profession.

The Committee on War Claims, of which I have the honor to be a member, has regard for the opinion of the Court of Claims. It has been argued here that because the court is not vested with power to render judgment its findings ought not to be respected. Sir, that court is endowed with power to find the facts, and when it does so I am not one to stand here and question that finding. I do not understand that the Committee on War Claims is here as a court of appeals to review the findings of the court which has been provided specially to protect the interests of the Government in these cases.

Gentlemen talk about claimants waiting for twenty years and resting meanwhile upon their claims. Sir, these people have in many cases been for twenty years or more knocking at the doors of Congress for relief, and when they go to the Court of Claims not over 2 per cent. of the cases referred to that court ever come back here with favorable findings.

Gentlemen who profess to be lawyers and talk about their legal knowledge say that the Court of Claims and the claimants may get up such a showing of facts as will defraud the Government. If this be true, why does not that court send back here the ninety-eight cases which they now reject out of every one hundred referred to them for consideration?

So far as this individual case is concerned, I do not know anything more about it than what the Court of Claims has sent here as its findings. The case was referred by the Forty-eighth Congress to the Court of Claims and was reported by that court to the Forty-ninth Congress. The Committee on War Claims in this Congress took the finding of the Court of Claims and the report of the committee in the Forty-ninth Congress and said:

> We find this state of the case existing: We believe that when you have encouraged these people to go before the court to test the legality and justice of their claims you are in duty bound, after the facts have been found by the court, to pay the amount which the court has found to be due.

The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] offers to divide this claim and pay half the amount. He says it is all wrong; but he is willing to pay one-half of the sum claimed.

The gentleman from Indiana [Mr. HOLMAN] proposes an amendment by which he acknowledges the justice of this claim, just as does the gentleman from Ohio. Sir, if this claim is just to the extent of a dollar, the whole claim is just; and if you are not going to pass the bill and pay the amount found due by the Court of Claims, vote down the whole bill and say you have no confidence in the Court of Claims; that the whole proceeding is wrong, and that the opinions of the court are valueless.

If you will mark out a positive law in one direction or the other you will save the Court of Claims and the Committee on War Claims of this House a vast amount of unnecessary work.

Mr. JOSEPH D. TAYLOR. Is there a solitary iota of evidence before the Court of Claims as to the occupation and use of this property?

Mr. STONE, of Kentucky. In answer to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] I wish to say that the Committee on War Claims has never considered itself created as a court to review the decisions of the Court of Claims. We believed that court had sufficient legal talent to make its own decisions; that the law and the facts were before them; that they acted under their oath, wherein they had staked their honor they would decide in accordance with the law and the facts, and we have taken their findings in this case and acted upon them. We have never pretended to review their decisions.

There is no question but they had ample evidence for every finding they have made.

I should think, Mr. Chairman, the members of that court had better spend their summer vacation praying to be delivered from the denunciations of the members of their profession who are members of Congress.

The CHAIRMAN. The question first recurs on the amendment as modified, which will be read by the Clerk.

The Clerk read as follows:

Strike out "$12,442.98" and insert "$3,715.55."

The committee divided; and there were—ayes 25, noes 33.

Mr. HOLMAN. No quorum has voted.

Mr. LANHAM. It is evident there is no quorum in the House, and I ask that the bill be laid aside for the present and that we proceed with the other bills upon the Calendar.

Mr. COMPTON. No, sir; I can not agree to that.

Mr. LANHAM. As there is no quorum present and the point of order is made, because we can not proceed to do any other business, I shall move that the committee rise.

Mr. HOLMAN. Inasmuch as there will be a vote taken on the bill in the House, I do not insist upon the point of order.

The CHAIRMAN. The point of order having been withdrawn, the amendment is disagreed to.

The question next recurred on reporting the bill to the House with the recommendation that it do pass.

Mr. HOLMAN. I move that the bill be reported to the House with the recommendation that it be recommitted to the Committee on War Claims.

Mr. COMPTON. I hope that will not be done, and I ask for a division.

The committee divided; and there were—ayes 20, noes 33.

So the amendment was disagreed to.

The question again recurred on the motion that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 32, noes 27.

So the motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

Mr. BOWDEN. I wish to direct the attention of the Chair to the fact that the case first called up this morning by my colleague [Mr. WISE] should be now considered, in view of the decision made by the Chair on the case just disposed of. This is the case which was partially considered last Friday, and was passed over without losing its place with a view of printing the report and bill in the RECORD. I believe it is the first case on the Calendar reported from the Court of Claims.

The CHAIRMAN. What case does the gentleman refer to?

Mr. BOWDEN. It is the bill (H. R. 5517) for the relief of the Norfolk County Ferry Committee.

Mr. DOCKERY. Is that the first bill on the Calendar?

The CHAIRMAN. No, it is not.

Mr. BOWDEN. It is the first bill on the Calendar from the Court of Claims.

The CHAIRMAN. Was that reported from the Forty-ninth Congress and placed on the Calendar at the beginning of the session?

Mr. BOWDEN. No.

The CHAIRMAN. Then it does not come up, and the Clerk will read the next bill.

WILLIAM J. POITEVENT.

The Clerk read as follows:

A bill (H. R. 26) for the relief of William J. Poitevent.

Mr. STONE, of Kentucky. I ask, Mr. Chairman, that the same rule be followed to-day that was followed on the preceding Friday, that the Clerk shall call the Calendar, and after the reading of the title of the bill, if no one asks for its consideration, it shall be passed over, and the Clerk shall call the next bill.

Mr. HOPKINS, of Illinois. This bill may as well be disposed of to-day as at any other time.

The CHAIRMAN. Is the consideration of this bill asked for?

Mr. DIBBLE. I object.

Mr. STONE, of Kentucky. I suggest to the gentleman from South Carolina that this plan will facilitate matters in connection with the consideration of these bills on the Calendar, and I hope there will be no objection. He will find that gentlemen, if they are present, will call up these bills as they are reached on the Calendar; and of course if no one is present to look after the interests of a bill when it is reached it will be passed over informally.

The CHAIRMAN. The Chair understands objection is made, and the Clerk will report the first bill on the Calendar, the title of which has been read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William J. Poitevent, out of any money in the Treasury not otherwise appropriated, the sum of $46,626.66, for the use of his steam-boat A. G. Brown by the United States Army, in the waters of Mississippi and Louisiana, from April 20, 1863, to April 7, 1866, said sum being the amount reported by the Secretary of War as the lowest paid by the Government ($1,300 per month) for (chartered) vessels of similar capacity in the waters aforesaid; and also the sum $5,873.95, being the net proceeds received by Col. A. M. Holabird from the sale of 222 barrels of rosin taken from said Poitevent and sold in New York, December 19, 1863, and accounted for by him in his account for the month ending December 31, 1863; and also the further sums, in payment for property taken from said Poitevent and reported by Quartermasters A. N. Shipley and said Holabird to have been expended or used in the service of the United States, as follows: Seven coils rubber belting, $750; 108 barrels of tar, $648; 21 cases of turpentine (42 gallons), $525; 1 coil hose, $100; 1 metallic row-boat, $100; 33 corn-husk mattresses, $99; 8 kegs of spikes, $96; 17 pillows, $50; 3 boat-oars, $3: *Provided*, That the payment thereof shall be held and taken as a complete relinquishment and satisfaction of all claim for damages sustained by him as aforesaid.

Mr. STONE, of Kentucky. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

Mr. HOPKINS, of Illinois. I object.

The CHAIRMAN. The gentleman from Illinois objects. The question is on laying the bill aside.

Mr. HOPKINS, of Illinois. I ask for the reading of the report in this case.

ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 8592) for the erection of a public building at Jackson, Mich.

WILLIAM J. POITEVENT.

The Committee of the Whole resumed its session.

The CHAIRMAN. The reading of the report is demanded.

Mr. HOLMAN. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 26) for the relief of William J. Poitevent, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report of the Committee on War Claims (No. 3530, second session, Forty-ninth Congress), a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill with the recommendation that it do pass.

[House Report No. 3530, Forty-ninth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 10148) for the relief of William J. Poitevent, having considered the same and accompanying papers, submit the following report:

The facts as made out before your committee, by evidence chiefly of a documentary character, may be stated briefly in the following order:

At the time the claim hereinafter set forth accrued the claimant was a citizen of Gainesville, Hancock County, Mississippi, and engaged in lumbering; was the sole owner of two saw-mills, a ship-yard, built steam-boats and barges, owned two steam-boats, a general store (dimensions 40 by 80 feet), and traded principally in naval stores; also farmed and raised cattle. He was the largest tax-payer in the county.

On the 20th day of April, 1863, a portion of the United States Army, on an expedition from the city of New Orleans, took possession of the town of Gainesville aforesaid, and the commanding officer took from claimant certain property and gave him a receipt in the following words and figures, to wit:

"I certify that on the 20th day of April, 1863, at Gainesville, Miss., I seized and took from William J. Poitevent, a resident of such place, the following-described property, on account of and for the benefit and by authority of the United States Government, to wit: 10 bales of cotton, 108 barrels of tar, 222 barrels of rosin, 21 cases of turpentine, 8 kegs of spikes, 1 coil of hose, 7 coils of rubber belting, 1 small metallic row-boat and 3 oars, 33 corn-husk mattresses, 17 pillows; also the steamer A. G. Brown.

"D. S. COWLES,
"*Colonel, Commanding One hundred and twenty-eighth New York Volunteers.*
"GAINESVILLE, MISS., *April* 20, 1863."

Said property was taken to New Orleans and turned over to Col. S. B. Holabird, chief quartermaster of the Gulf, and receipted for to Lieut. S. H. Mase, Colonel Cowles's regimental quartermaster, by Capt. A. M. Shipley, the assistant quartermaster of Colonel Holabird. A copy of voucher to the return of Captain Shipley for April, 1863, shows the sale of 10 bales of cotton received from Lieut. S. H. Mase, Colonel Cowles's regimental quartermaster. Appended to this voucher is the certificate of Captain Shipley that he sold the cotton (3,384 pounds) by order of Holabird, the proceeds of which were $1,631.27. The account of Colonel Holabird relating to funds received by him for December, 1863, with supporting voucher, shows the sale of a corresponding quantity of rosin to that delivered to him by Colonel Cowles's regimental quartermaster. The official record shows sales in New York, December 19, 1863, of 272 barrels of rosin, received per ship R. C. Winthrop from New Orleans, the net proceeds of which are $7,196.92; and Holabird's account for the month ending December 31, 1863, credits the United States, "by sale of rosin, $7,196.72." The other articles taken from the claimant by Colonel Cowles appear in the detailed report of said Quartermasters Shipley and Holabird as having been expended or used in the service. The amounts allowed by the committee in payments for the articles expended or used in the service are much below what the property is fully proven to be worth.

In the December term, A. D. 1867, of the United States Court of Claims said claimant brought suit, proved loyalty, and received payment for the ten bales of cotton taken by Colonel Cowles, which is shown by the following judgment:

In the Court of Claims. William J. Poitevent *vs.* The United States. No. 3112.

At a Court of Claims held in the city of Washington on the 26th day of May, A. D. 1873, in the cause aforesaid, judgment was ordered to be entered as follows:

The court, on due consideration of the premises, find for the claimant, and do order, adjudge, and decree that the said William J. Poitevent do have and recover of and from the United States the net proceeds of ten bales of cotton, amounting to $1,631.27.

By the court.

A true copy of record.

Test, this 5th day of June, 1886.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The steam-boat A. G. Brown, seized by Colonel Cowles, was well adapted to the coastwise and river service, having been built expressly for that kind of service, and was so used by the United States in carrying stores and supplies, laying telegraphic wires necessary in the operations of the Army of the United States, and in the transportation of the troops of the United States to points and places where they were needed in the Department of the Gulf.

The claimant first applied to the War Department for the return of said steamer and compensation for said property, and after an examination of the claim, the Secretary of War directed the Quartermaster-General to return said steamer A. G. Brown to the claimant, which was made on the 19th day of May, 1866, three years and twenty-nine days after she had been so seized by Colonel Cowles as aforesaid.

On the 25th of May, 1886, the committee called on the Secretary of the Treasury for a copy of the register or enrollment of said steamer A. G. Brown, which was furnished three days later. The same day the official copy of enrollment was received the committee inclosed the same, together with the bill for Poitevent's relief, to the Secretary of War, and asked for information as to what the Government paid for chartered vessels of similar capacity to the steamer A. G. Brown during the war of 1861, in the waters of Mississippi, Louisiana, and Texas; to which the Secretary replied on the 10th of June, 1886, as follows:

"The Quartermaster-General reports June 5, 1866, that the rate paid by the Government for (chartered) vessels of similar capacity, in the locality named, was from $1,300 to $1,500 per month, the Government paying all expenses for officering, manning, victualing, etc. It is presumed that during the time, (from April 20, 1863, to April 17, 1866) that this vessel was in possession of the Government extensive repairs must have been put upon her by the Government, as was usually the case, but how extensive these repairs were this office has not been able to ascertain."

At the time Poitevent received said steamer back she was so completely dismantled and machinery damaged that he sold her to the city of New Orleans for the nominal sum of $5,000, which is evidence that no extensive repairs had been placed upon her by the Government. She was comparatively a new vessel when put into the service of the United States. Her registered tonnage is officially reported at 225$\frac{88}{100}$. She was built at Pittsburgh, Pa., and enrolled January 9, 1860, at the port of Shieldsborough, Miss., and immediately employed as a passenger packet between the lake end of the Pontchartrain Railroad, Mandeville, Louisburg, Mandersonville, and Covington. Soon after the beginning of the war Poitevent withdrew his steamer from said line, and took her 63 miles from New Orleans, up the East Pearl River, and tied her up at a point above Gainesville, Miss.

The official record in the Court of Claims case No. 3112, heretofore recited, fully proves claimant's loyalty; that he was known to be a Union man before and during the war; that he was opposed to his sons joining the Confederate army; that one of his sons joined the Confederate army and was taken out by his father, the claimant; that claimant was arrested and taken as a prisoner by the Confederate authorities to Jackson, Miss., for giving aid and comfort to the enemy, and was charged as being disloyal to the Confederate government; that said Poitevent, by his attorney, Yearger, made application for a writ of habeas corpus, which was granted; that his release created great excitement, the popular feeling being that he ought to have been hung.

After said Poitevant was released from arrest he removed the machinery from said steamer and secreted it, fearing that the Confederate cavalry would find his boat and burn it. After the fall of New Orleans he replaced the machinery and put said steamer A. G. Brown in running order; had placed on board 25 cords of wood, and was arranging to run her down to New Orleans at the time Colonel Cowles seized her. The history of this claim, as it appears from the files of the War Department, now filed with the records in the case, is as follows:

"It is hereby certified that the attached papers are true copies of originals in possession of the War Department relative to the claim of William J. Poitevent.

"JAS. A. HARDIE,
"*Inspector-General.*"

During the reading of the report,

Mr. HOLMAN said: I shall not insist upon the further reading of the report.

Mr. DIBBLE. I would like to have the report read.

The Clerk resumed and concluded the reading of the report as above.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, a message in writing from the President was delivered to the House by Mr. PRUDEN, one of his secretaries.

The message further announced that the President had on August 7, 1888, approved bills of the following titles:

An act (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

An act (H. R. 3523) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

An act (H. R. 881) granting a pension to Hiram R. Ellis;

An act (H. R. 945) granting a pension to Mary Kelley;

An act (H. R. 4098) granting a pension to Eliza Trefren;

An act (H. R. 5383) granting a pension to George W. Flowers;

An act (H. R. 5443) granting a pension to Isaac N. Johnson;

An act (H. R. 7111) granting a pension to Caroline Pantel;

An act (H. R. 7253) granting a pension to the widow of Samuel Clary;

An act (H. R. 7713) granting a pension to James McIntyre;

An act (H. R. 8256) granting a pension to George W. Croop;

An act (H. R. 8677) granting a pension to Mary E. Forren; and

An act (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general, United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond.

The message also announced that the President had on August 8, 1888, approved bills of the following titles:

An act (H. R. 185) granting a pension to Samuel F. C. Garrison;

An act (H. R. 621) granting an increase of pension to William M. Whaley;

An act (H. R. 737) granting a pension to Joseph Peve;

An act (H. R. 817) granting a pension to Mary Foster;

An act (H. R. 965) granting a pension to George E. Wells;

An act (H. R. 3913) granting a pension to Mrs. Catharine Peterson;

An act (H. R. 4270) granting a pension to William C. Tilly;

An act (H. R. 6220) granting a pension to John Taaffe;

An act (H. R. 7202) granting a pension to William C. Lord;

An act (H. R. 8075) granting a pension to Annie M. Arnold, widow of John Arnold;

An act (H. R. 8523) granting a pension to Susan F. Scott;

An act (H. R. 8794) granting a pension to Levi Little;

An act (H. R. 8953) granting a pension to Eliza Mathews;

An act (H. R. 9119) granting a pension to George C. Chase;

An act (H. R. 486) granting a pension to Lydia Calhoun;

An act (H. R. 1705) to provide for the erection of a public building at Statesville, N. C.;

An act (H. R. 9512) for the erection of a public building at Brownsville, Tex.;

An act (H. R. 9771) for the erection of a public building at Ottumwa, Iowa;

An act (H. R. 1312) to provide for a term of court at Quincy, Ill.;

An act (H. R. 1477) to subdivide the western judicial district of Louisiana;

An act (H. R. 1648) for the holding of the United States courts in the city of Newark, N. J.;

An act (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes;

An act (H. R. 736) for the relief of Caroline T. Cockle;

An act (H. R. 7232) for the relief of C. L. Wilson;

An act (H. R. 6602) for the relief of James O'Brien; and

An act (H. R. 7452) for the relief of the Southern Illinois Normal University.

The message also announced that the President had on August 9, 1888, approved bills of the following titles:

An act (H. R. 4785) granting a pension Rosanna K. Griffin;

An act (H. R. 9314) granting a pension to Mrs. Judith Deig;

An act (H. R. 9467) granting a pension to William M. Dicken;

An act (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;

An act (H. R. 9595) granting a pension to David A. Yeaw;

An act (H. R. 9729) granting a pension to Malinda Hardin;

An act (H. R. 9731) granting a pension to William A. Humes;

An act (H. R. 9732) granting a pension to Sarah Riddle;

An act (H. R. 9733) granting a pension to Ralph P. Wilborn;

An act (H. R. 9878) granting a pension to Moses T. Coffey;

An act (H. R. 9894) granting a pension to Myron Teachout;

An act (H. R. 9911) granting a pension to Mrs. Maria Hulse;

An act (H. R. 9920) granting a pension to Daniel K. Harris;

An act (H. R. 10244) granting a pension to Mrs. Betsy Lockwood;

An act (H. R. 10318) granting a pension to Mary C. Davis;

An act (H. R. 24) for the relief of Eliza Russell, widow of Eldredge Russell;

An act (H. R. 3764) for the relief of Mrs. Delilah Whipps;

An act (H. R. 7162) for the relief of Mary Nevels;

An act (H. R. 7624) for the relief of Coburn D. Outten;

An act (H. R. 8150) for the relief of John H. Claus;

An act (H. R. 8423) for the relief of William H. Porter;

An act (H. R. 9029) for the relief Marshall Burtrum;

An act (H. R. 7160) granting an increase of pension to A. W. Rose;

An act (H. R. 4069) granting an increase of pension to Elnathan Meade;

An act (H. R. 7093) granting an increase of pension to John A. Rolf;

An act (H. R. 9318) granting an increase of pension to Charles Jewett;

An act (H. R. 9308) granting an increase of pension to Rebecca Manlove;

An act (H. R. 3923) to place the name of Frederick Ronicke on the pension-roll;

An act (H. R. 8460) to place the name of John J. Mitchell on the pension-roll;

An act (H. R. 10579) to place the name of Samuel Massey on the pension-roll;

An act (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;

An act (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;

An act (H. R. 6764) to grant a pension to "Muck-a-pec-wak-keu-zah" or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862;

An act (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;

An act (H. R. 9010) increasing the pension of William J. Heady;

An act (H. R. 9079) to authorize the construction of a bridge across the Tennessee River, at or near Knoxville, Tenn.;

An act (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia;

An act (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes;

An act (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company; and

An act (H. R. 10573) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes.

WILLIAM J. POITEVENT.

The Committee of the Whole resumed its session.

Mr. STOCKDALE. I move that this bill be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. It can only be done by unanimous consent, and the request has been once submitted and declined.

Mr. STOCKDALE. I would like to renew the request, Mr. Chairman.

The CHAIRMAN. The Chair will submit the request of the gentleman to the committee. Is there objection?

Mr. HOPKINS, of Illinois. I object.

The CHAIRMAN. The question is upon laying the bill aside to be reported to the House with a favorable recommendation.

Mr. HOPKINS, of Illinois. I desire to be heard for a few moments on this question. The claimant in this case on the opening of hostilities between the Confederate States and the Union was a resident of Gainesville, Miss., and owned a large lumber-yard there, two saw-mills, a store, fifty negroes, and two steam-boats plying between New Orleans and Covington, Ky. In 1874 (I think it was under the act of March 3, 1871) he filed his claim before the Southern Claims Commission, demanding the sum of $135,133 for property destroyed during the war. The proof that he offered before that commission as to his loyalty was of such a suspicious character that a special agent was sent down to his home to inquire into that subject. He was also notified of what was proposed to be done in this regard, and informed of his right to be present at the time of the taking of any evidence touching this matter by the agent.

He went down there and had the privilege of cross-examining the witnesses whose testimony was taken by this agent upon his claim of loyalty to the Government during the war. After taking full evidence the agent reported to the commission in this language: "You may rest assured that no one here has any faith in the claimant's loyalty." After that, upon application of the claimant, an opportunity was given for him to take proof to refute this charge. It was shown in this evidence that this man had four sons, three of whom served in the Confederate army and navy. It was also shown in the proof that he made a contract with the Confederate government by which he furnished the material and superintended the job of putting material in Pearl River, so as to obstruct the passage of the Federal gunboats up and down that river.

It was also shown that on the 1st day of July, 1861, he furnished 21,000 feet of cypress, 10 by 12, for repairing the palisades of a Confederate fort. When this matter was under hearing before this agent he denied such charge until the parties who were investigating the matter presented a receipt or account made out by him against the Confederate government for $375, in which he acknowledged payment of that amount from the Confederate government, and signed the receipt in his own handwriting. These are briefly the facts presented before the Southern Claims Commission; and after a full investigation the Commission say "the claim is rejected for disloyalty."

Now, Mr. Chairman, one reason I had in asking for the reading of this report was to show to the members of this House the danger of relying on reports coming from the Court of Claims, without making any further investigation as to the character of the items charged or the loyalty of the claimant. It appears from the report I have referred to that this man was as disloyal as any man who served in the Confederate army during the war of the rebellion; yet he made a claim for payment of a number of bales of cotton destroyed during the war, and the Court of Claims found in his favor and certified to his loyalty. One gentleman here to-day, discussing the claim which has just been disposed of, referred to this and deprecated the idea of acting upon proof taken by the Court of Claims in a matter of this kind. Here is a wealth of proof establishing the disloyalty of this man during the war, and are we to be bound by the *ex parte* evidence on which he made his claim before the Court of Claims? There is not a single element in the case which can be urged in favor of this claimant. The gentleman who presented the claim in the form of a bill to the War Claims Committee is so thoroughly convinced of it that he does not ask that this bill be favorably reported. I say this because he was in his seat when the matter was called up in the House, and when I rose to oppose the bill he had nothing to say in its favor.

Now, sir, without taking further time, I move that the bill be laid aside to be reported adversely to the House.

Mr. STONE, of Kentucky. I must say, Mr. Chairman, that I very much hope that that sort of action will not be taken by the House. I have twice to-day insisted that this bill or this claim be passed over without losing its place on the Calendar. I know, sir, that the evidence before the Committee on War Claims was as clear and conclusive of the loyalty of this claimant as it could be of the loyalty of the gentleman from Illinois [Mr. HOPKINS] himself. I knew that this evidence filed before the Southern Claims Commission existed, and I know that evidence exists to refute every single, solitary particle of it; and it was on that account and on that kind of evidence that the committee report. But on sending to the file room for the papers in this case I found that this evidence does not appear in the papers. In the interest of fairness, fair dealing, and justice I hope that the House will not agree to any such action as suggested by the gentleman from Illinois [Mr. HOPKINS], but that the bill may be passed over, and if those interested in this bill do not by the time it is again reached for consideration refute the charges made by the gentleman, then I have nothing further to say. I am not an advocate of this claim and do not care anything about it, but I believe it will be eminently unjust and improper to treat it in this manner at this time.

Mr. ALLEN, of Michigan. I would like to ask the gentleman from Kentucky a question.

Mr. STONE, of Kentucky. Certainly. I will take pleasure in answering it.

Mr. ALLEN, of Michigan. Will the gentleman state what papers were lost from the files.

Mr. STONE, of Kentucky. I do not know what papers were missing, but when they were sent for they could not be obtained.

Mr. ALLEN, of Michigan. Were the papers which were lost those which tended to show the disloyalty of the claimant?

Mr. STONE, of Kentucky. They do not seem to be lost. They seem to be in the papers.

Mr. ALLEN, of Michigan. Where they belong?

Mr. STONE, of Kentucky. The papers tending to show the man's loyalty were in there, but I care nothing about it, and I simply ask the House that the case may be passed over in justice to the gentleman who presented the bill here.

Mr. HOPKINS, of Illinois. I have the facts here in the record before me, and I shall oppose the suggestion made by the gentleman from Kentucky. The evidence before the Committee on War Claims must have been evidence of an *ex parte* nature, and every one knows that in a judicial proceeding it is the cross-examination which brings out the truth. No man can rely upon *ex parte* evidence in a question of this kind.

Now, this record from which I have gleaned the facts which I have given to the committee is made up of depositions that were taken by this agent, who was sent out by the Southern Claims Commission, at the very place where this claimant lived, and the claimant was informed of what the commission proposed to do, and was given an opportunity to go down there and face the witnesses and cross-examine them if he saw fit. Not only that, but he was given the privilege by the Southern Claims Commission of introducing evidence before the commission to establish his loyalty; and after the taking of this evidence it was conclusively shown, as I have already said, that the man was as disloyal as any of his sons who served in the Confederate army. It was shown that these two steam-boats which he owned that were plying between Covington and New Orleans kept up their trade until New Orleans was taken by the Federal forces, and that the moment the General Government obtained control of that city they ceased to do business there.

Not only that, but during all the time New Orleans was under the control of the Confederates this man owned a lumber yard there and carried on his business; but the moment the city surrendered to the Federal forces he ceased to do business. If he was a loyal man then was the time to have shown it. It was after that, if I understand the record, that he made a contract by which he was to furnish materials to obstruct Pearl River for the purpose of hindering and delaying and damaging the General Government. As the commissioners say in this record, the evidence that he introduced to show that he was a loyal man is utterly unreliable. It is the testimony of men without character. The evidence that was given for that purpose was of such a serpentine character that no man could rely upon it, and it was rejected *in toto*. The agent who was sent down there had an opportunity of talking with the neighbors of the claimant, and with those who had done business with him during the war, and he says, as I have heretofore stated, "You may rest assured that no one here has any confidence in the claimant's loyalty." Now, sir, with such a claim as this presented here for our consideration I must insist upon a vote on my motion.

Mr. ALLEN, of Michigan. Mr. Chairman, is it proper to say a word upon the subject-matter of this bill?

The CHAIRMAN. It is. The question before the committee is, Shall the bill be laid aside to be reported to the House with the recommendation that it lie on the table?

Mr. ALLEN, of Michigan. I am in favor of that, and I desire to give my reasons. The other day the House voted to pay somebody for trees that were shot down by artillery at the battle of Murfreesborough. It was not even shown whether it was the Union or the Confederate artillery that did the damage, but, all the same, the trees were paid for on the ground of the loyalty of the claimant. We have here a case where it is undisputed that the party received money from the Confederate Government for services rendered for the purpose of damaging and hindering the cause of the Union.

We have here on record from the accredited agency of the Government, to wit, the Southern Claims Commission, evidence that this man was disloyal. Years afterwards the Court of Claims finds that he was loyal. Now, which shall we believe, the court which took jurisdiction of the case and passed upon it at an early day or the one which passed upon it at a much later day? It is evident to me that in order to be safe we should follow the finding of the Southern Claims Commission. I would not insult my friends on the other side by asking them to believe that we believe that there were any considerable number of loyal people in the Southern States, and especially in the section where this man lived at the time in question, because the people there were all in dead earnest and were all united, and no gentleman upon the other side will dispute the fact that the Union men of the South at that time, if there were any, were colored men and not whites. And I say this in no disparagement of the people of the South.

They did what they conceived to be their duty, and whether they wanted to do it or not the situation was such that they were compelled to be against the Union and in favor of the Confederacy; and it is nonsense at this late day to ask us to believe that a man with three sons in the Confederate army, a man who, for money received from the Confederate government, had undertaken to damage the cause of the Union—it is nonsense, I say, at this late day to ask us to believe that he was loyal or to talk about his being a loyal man. I would not for my right hand deprive any man or woman in the Southern States who was loyal of any just right. I am willing to do justice in every such case, and brave men who fought against the flag will ask nothing more. They do not ask us here to pay false claims, and I have too high a regard for their manhood to believe that they will undertake to force through claims of this class.

Why, sir, this Government has not any more money than it needs to reward suitably the men who saved the Union; and my friends on the other side, because they are thoroughly reconstructed and admit to-day that this is the grandest Government the world ever saw, will only be the more swift to join with us on this side in doing what is right for the soldiers of the Union. Instead of wasting our time here this afternoon in considering the claim of a man who, according to every presumption in the case, must have been disloyal, how much better it would be, how much more satisfactory to our friends on the other side and to us, if we could only take up some bill embracing general pension legislation—for instance, the bill proposing to give to persons who are totally deaf double the amount of pension now allowed by law—how much better it would be to pass some legislation of that kind in favor of the soldiers who saved the Union than to be spending these Friday afternoons, as we have been doing all through the session, undertaking to find out whether we could not by some hook or crook, give to some one who was during the war in the center of secession and rebellion, a portion of the Government money, and this, too, in nine cases out of ten, upon evidence entirely *ex parte*.

Mr. STOCKDALE. Mr. Chairman, this case was reported by the gentleman from Kentucky [Mr. STONE], the chairman of the Committee on War Claims; I was not expected to manage the case in this House, although the claimant is a citizen of my district. The bill was reported very early in the session, being among the first to be placed on the Calendar; and this gentleman, very prudently, as I thought, preferred that the measure should go into the hands of some older and more experienced member—some member older in service and in years. The papers have been laid aside; and in what I may say, I shall have to speak simply from my recollection of those papers, as I examined them in the War Claims Committee.

I concur in the sentiments expressed by the gentleman from Michigan [Mr. ALLEN] who has just taken his seat. I do not know that any member of the War Claims Committee at any time since I have been a member of it—and I have attended every meeting—has made a solitary expression in the discharge of his duties from which any one could tell whether he was a Democrat or a Republican, whether he came from the North or from the South. In fact, I attended every meeting of the committee for two months before I knew all who were the Democratic and who the Republican members, or in some cases whether the member was from a Northern or a Southern State. We investigated these questions purely upon the evidence placed before the committee; we weighed that evidence and applied the legal propositions applicable to the evidence; and in all instances where the loyalty of any claimant rested under any doubt the case was not reported favorably to the House. I will say for myself, and I believe for every man coming from the section described by my friend from Michigan and from which I come, as well as the other members, that in the proceedings of this committee, loyalty is made a prerequisite to a favorable report; and I say further, although I make no pretensions to loyalty myself——

Mr. ALLEN, of Michigan. You are all right now?

Mr. STOCKDALE. What is the remark of the gentleman?

Mr. ALLEN, of Michigan. You say you "make no pretensions to loyalty." You are perfectly loyal now?

Mr. STOCKDALE. Oh, that is understood.

Mr. ALLEN, of Michigan. You mean that at that time nobody down there was loyal——

Mr. STOCKDALE. You never were more mistaken in your life, my friend. I know exactly what I am talking about; for I was there to see what was going on, and my friend was not.

Mr. ALLEN, of Michigan. Yes, I was; you are mistaken in regard to that.

Mr. STOCKDALE. You were not going about loose; you kept pretty close with your crowd. [Laughter.] I will say in reference to the remark of the gentleman from Michigan who erroneously thinks there were no loyal men in the South, that we had better be spending this time voting pensions to Union soldiers. While I represent a people the large majority of whom make no pretensions to have been then loyal, but had arms in their hands against the Union soldiers, but not against the United States Government, and while I admit—not boastfully, but truthfully—that I led many a charge against them, I say now, knowing that my people will read every word I say, that I will vote pensions to Union soldiers whenever I think they are deserved. I respect a man into whose eyes I have looked in the battle line, and who, I know, has never quailed before the cannon's mouth. He is a true citizen of the United States; he is the man who extends

the hand now and says, "Since you are now loyal to the United States Government, have laid down your arms and come under the flag of the Union, we make no distinction between you and ourselves before the law." Sir, how noble and grand was the exhibition in that behalf of the United States soldiers of Massachusetts when they extended to the soldiers of South Carolina and Virginia an invitation to the centennial of Bunker Hill. They had no recriminations to make. They wanted to bring back these people, whom they regarded as erring, under the shadow of Bunker Hill, under the flag that floated over the victorious armies of America a hundred years before—bring them within the memory of the long ago. Their proceedings were more like a feast of welcome than a meeting of those who had lately been armed adversaries.

I remember, and our people remember, when the great marshals had met, when the last gun had been fired, and the terrible struggle was over, the treatment which Lee and his army received from General Grant. We remember that we were invited back here to put behind us the desolation that had afflicted the country, to return to the halls of Congress, the temple of our fathers, when we were invited to leave behind us the memory of strife and to march in the future as a grand united nation. I can not but recall, too, the recent proceedings at Gettysburgh, when every true Southern soldier's heart beat with emotion in witnessing the grand men who stood there and spoke for the Union, the prosperity and future glory of this country, including the South. Sir, I respect a brave Union soldier. He wants no humiliation of the South or her former soldiery. He would rather aid than retard their progress in their gigantic struggle to retrieve their ruined fortunes, and I will vote for pensions to such as deserve them, but that does not require me to say that W. J. Poitevent was disloyal when he says he was not.

I concur with the gentleman from Michigan, that the man who was disloyal under the law is not entitled to be remunerated for property of his which the Army used. If I thought that Mr. Poitevent had been disloyal—and I know him and his family well, I know there are no more honorable people in the world—I would not urge his claim before this House.

Mr. HOPKINS, of Illinois. You know he had three sons in the rebel army, do you not?

Mr. STOCKDALE. I do not know whether they were in the army or not.

Mr. HOPKINS, of Illinois. One of them was in the navy.

Mr. STOCKDALE. I am willing to take the gentleman's statement on that point and admit that they were all in the Confederate army, for the sake of the argument.

I say from the War Department and the Navy Department there is evidence of this gentleman's loyalty, and the Navy Department has not misrepresented the evidence to us.

Mr. ALLEN, of Michigan. Will the gentleman allow me to ask him a question?

Mr. STOCKDALE. Yes, sir.

Mr. ALLEN, of Michigan. Did you know this gentleman during the war?

Mr. STOCKDALE. I did not.

Mr. ALLEN, of Michigan. Give us your best judgment as to whether he was loyal or not during the war.

Mr. HOPKINS, of Illinois. That is not evidence.

Mr. STOCKDALE. I know it is not evidence, but I am not arguing this case on the merits now. It has already been decided as to his loyalty by the Court of Claims. I have reported against many cases purely on the question of disloyalty. If I believed this claimant was disloyal I would not have concurred in the report, but the papers show that he was a loyal man.

Mr. HOPKINS, of Illinois. Did the gentleman consult the report of the Southern Commission as to what was the evidence taken by the gentleman who was sent down there for that purpose?

Mr. STOCKDALE. My judgment is that the reports of these agents sent down there are of the most unreliable character.

Mr. HOPKINS, of Illinois. The agent not only reported his conclusions, but he also reported the evidence which he had taken, and the commissioners report from that evidence he was a disloyal man.

Mr. STOCKDALE. I have investigated many of these cases, as I have already stated, and found the reports of the Claims Commission unreliable. Some time ago there was a case during this session from the city of Nashville. The Southern Claims Commission reported, or some body of that sort reported, the man was a rebel, a rebel recruiting officer. It appeared to me that it was a singular proposition to come here under such circumstances asking relief. I found on examination that very shortly after the property was taken a board of army officers was appointed to examine and report on the case. That commission looked into the matter and that commission pronounced him to be loyal, and his property ought to be paid for.

General Thomas examined into the report of the commission and approved it. The man had an order to protect him in the possession of his property that had not been taken because he was loyal.

The fact that General Thomas was satisfied of the loyalty of this man on the report of that Army commission, while the report of the agent was to the contrary, shows there were cases in which disloyalty was charged where no disloyalty existed. It was easy for some man who had a spite against another to declare he was a rebel, and to thus render him liable to the charge of disloyalty. The fact that this man, who was a loyal man, was charged with being a rebel recruiting officer, and falsely so, and other similar cases, would justify me in saying those agents of the Southern Claims Commission were not always to be relied upon in the reports which they submitted.

They were not all honest men who went down there, and there were many who not only had the disposition to injure others but used their power to do so. Where they had the disposition to injure others it was easy for them under the circumstances to do so, and to charge that a claimant had been in the Confederate army or in sympathy with it, and to report against him on the ground of disloyalty.

They present merely *ex parte* evidence and force it upon us. Human nature is unco weak, and how easy it is, when inclination leads a pliant conscience, to arrive at conclusions adverse to the interests of persons against whom prejudice exists!

Mr. HOPKINS, of Illinois. That is not *ex parte* evidence.

Mr. STOCKDALE. Was he there?

Mr. HOPKINS, of Illinois. No, he was not there; but he had the privilege to be there.

Mr. STOCKDALE. He had the privilege?

Mr. ALLEN, of Michigan. He was notified he had the privilege.

Mr. STOCKDALE. It may be, but he had the right to rebut the evidence, nevertheless; but as I have already stated, where the inclination exists the slightest evidence is taken as conclusive against a claimant's loyalty.

I want to say this, Mr. Chairman, that I can not state on my personal knowledge, because I did not know this gentleman during the war, but I have known him for many years, and I can say now I do not believe old man Poitevent would go before a jury or before a court and swear falsely for any amount, let alone the amount involved in this case. If I were a judge or a juror and he were to come before me upon the bench or upon a jury and swear a certain thing was true I would rest on his statement.

Mr. HOPKINS, of Illinois. This report of the Southern Claims Commission shows that this claimant did go before that commission, so that he did have a hearing and did have his day in court.

Mr. STOCKDALE. Now you rest on that conclusion? Then we have it announced in the Congress of the United States by my friend from Illinois, who I presume is a lawyer, that if an agent is sent out to gather in testimony—say that he is an authorized agent of the Southern Claims Commission, which can not give him any more standing than a commissioner of a chancery court or a special commission of a circuit court—he is sent out to take testimony and notifies the opposite party and he comes there without witnesses and attends, then, according to the gentleman from Illinois, he has had "his day in court." Is that the law? Is that the law in Illinois? Is it the law of the United States? Is it the law, I ask my friend, anywhere amongst civilized people? I say no. When he comes into court he has a right to rebut that evidence. I say that he has rebutted it, and I hold in my hand a bundle of papers which have been just sent to me from the Senate, which I am satisfied contain evidence in rebuttal of that fact. It is rebutted already sufficiently to be considered by this House.

Here are papers, I have not time now to select from them, but there is one here I know from the Secretary of the Navy, and no man will doubt his loyalty, favoring the payment of the claim; testimony showing that this man ran his boat away from New Orleans instead of going there and hid her away in the bayou, and that he had nothing whatever to do with the Confederate war, although his sons may have had. Does that make him disloyal? I have heard it said that the ancestry may taint the blood of the children, but never, Mr. Chairman, in the course of my experience before have I heard it alleged that the children's act taint with disloyalty their forefathers. Why, it is worse than the old fable of the wolf pouncing upon the lamb because he was muddying the water, drinking in the stream below him.

Suppose his sons were in the Confederate army. What then? I was in the Confederate army from beginning to end, and therefore my father was disloyal who lived in Pennsylvania. [Laughter.] Is that the logic? That is the argument that the gentleman would have you adopt to defeat an honest claim. I would ask my friend what he would do with a case of this sort occurring in Tennessee: A Confederate boy captured his brother fighting down there upon the other side and kept shooting away in the direction of the enemy, when his brother cried out to him, "Hold on, Jim; hold on, you will shoot the old man. He is right over there." [Laughter.] What would be the condition of these men? Both the Union soldiers were disloyal because one was a rebel, I presume. [Laughter.]

Now, I say this on my own personal knowledge, that although his sons may have been in the Confederate army, there is not one of them, either the father or the sons, that will go before any court or swear falsely and deliberately for four times the amount of money involved in this claim. Better, truer, or more upright men do not live in the

country than these gentlemen. Therefore I say it is not fair to denounce this case and throw it out of Congress without a fair and equitable hearing.

Is my friend from Illinois afraid of these gentlemen on that side of the House that they can not vote intelligently and honestly with all the evidence in? My friend from Michigan says he is not afraid of the gentlemen who sit on this side, nor need he be, for I say to him notwithstanding the fact that this gentleman is a citizen of the district I represent, if William J. Poitevent turns out to be not loyal, I will myself vote against the passage of the bill in his behalf. But I do not believe it, sir. It would take stronger proof to convince me that that man was a perjurer than any claims commission agent's report. As to there being no loyal men there at that time, I can say to the gentleman that he is mistaken; there were at that time loyal men in that country. They suffered more from the Union troops during the war than from the Confederate side, I am sorry to say, and just because the officers were in the condition of my friend from Michigan—they would not believe them.

Many men around throughout that district were true and loyal men to the Government, and many of them remained so throughout the war, although in some instances the acts of the Government troops towards them induced them to be disloyal. But it is just to say that many of them stuck to their opinions without change during that whole period. They were not thick down there, but they were there. I can tell you an incident pertinent to this point as illustrating the truth of what I say, the case of a man who was arrested in Mississippi and brought into my camp to be dealt with as a spy. In conversation with him he told me in the midst of my own soldiers that he was not a spy, but that he was a Union man; had been all the time. That he admitted, but denied that he was a spy. Mr. Chairman, I did not do in that case like my friend from Illinois or my friend from Michigan. I believed the statement of the man. I reported the case to the commanding general, who ordered that he be allowed to remain at home unmolested. He was a Union man, as he told me frankly and fairly, and he remained so throughout the war. There is one instance within my own observation, and I know of others. There are men now living in that country who to my own knowledge were Union men from the beginning to the end of the war.

I want to say further that there were loyal men in the neighborhood that I lived in then and in the county where I lived then and where I live now. While they were not numerous, they were there. It took an honest man to be loyal. It took a braver man to be a Union man in the South than to be a Union man in Michigan or Illinois. In those States it was the popular side for a man to be on the side of the Union, and when you got a man up there that was likely to sympathize with the Confederacy he was quiet, and Union men in the South were quiet, but they were Union men all the same.

Do you say a man must have been actively loyal and express himself all the time in favor of the Union before you would believe him? What a miserable subterfuge. Those men were isolated. There were probably not over a dozen in the county and they lived far apart. What could they do? Was it necessary for a man to get upon the house-top and proclaim that he was in favor of killing every rebel? If he did some Confederate would have invited him down. You certainly do not want a man to be a fool so as to establish that he was a Union man. He had a right to think we were wrong, as old Mr. Rollins told me I was wrong and that all my folks were wrong. He came to the right place to say it, right in the midst of the soldiers in their camps, men too brave to harm him. The soldiers told him to go home and he would not be harmed. He could have been proved disloyal, because he buried and cared for Confederate soldiers. Loyal men were not legion, but they were truthful and undoubtedly Union men.

Now, then, I say where you find a man who had not afforded aid to the Confederacy and not spoken favorably for it, it would to me be almost conclusive proof that he was a Union man, because the tide swept the country and it was an exception where they differed from their neighbors. A man in that position would be unwise to stand up before the vast majority of the people and say he was loyal and say he was a Union man when the great bulk of the people were on the Confederate side and in the utmost earnest.

I am not saying this boastfully, neither apologetically, because at the end of the war we all went in and accepted the situation, knowing that this was the best Government that we could get, and the Government under which we had to live, and that it was our duty to be good citizens under our Government.

I made a speech in 1875 at a reunion of Confederate soldiers, at a time when excitement was high in the heart of the great South, in which I proclaimed, for the first time in this country I believe, that reconciliation and peace was the only remedy for the South; that we had our choice to be Ireland or Scotland, Scotland with her prudence and acquiescence, or Ireland with her resistance and her ruin. From that day until now I have advocated that doctrine.

I have no respect for a man who would profess to have been loyal when he was not loyal, because he would be untruthful. I would not want to see the funds of the United States go out to a man of that sort; and even if I had no conscientious scruples it would be injurious to my standing at home to vote for such a thing, because our people have no respect for a man of that character. They have respect for a good square Union man, but for a man who dodged first upon one side and then upon the other they have no respect.

In the Committee on War Claims I met some time ago the case of a man who claimed to have been loyal and asked compensation for cotton taken in Charleston, S. C., and then I came across a letter which he had written to Jefferson Davis recommending somebody for an appointment as captain in the Confederate army. He could not explain the discrepancy, and I reported against his claim, though President Davis is one of my constituents. [Laughter.]

Now, I did not expect to manage this case. Older men, men who have had more experience and who have more influence in the House, were to have presented it here, but I think it is not just square when the papers in the case are over at the Senate.

Such a performance as this has not been attempted before in this House.

Mr. CHEADLE. Will the gentleman permit me to make a suggestion?

Mr. STOCKDALE. Yes, sir.

Mr. CHEADLE. I find that as early as the 26th day of May, 1873, the Court of Claims had jurisdiction of this case and made a finding in favor of the claimant in the sum of $1,632.27 as to one item.

Mr. HOPKINS, of Illinois. That is the cotton claim that I referred to.

Mr. STOCKDALE. Now, Mr. Chairman, what I want done and what I want to ask the House to do is this: I have never caught gentlemen on the other side napping, and they will all be wide awake when this bill can come up again; and it would be a good deal better and fairer and would have a much better effect for the House to be able to say, "We have defeated your bill, Mr. Poitevent, upon a fair and square hearing; we have heard your evidence, we have considered your case, and we have come to the conclusion that you were not loyal." It would have a good deal better effect to say that than for the gentleman from Illinois, when the papers are absent from the House, to jump into the case and reach away back to the Southern Claims Commission for the testimony of an agent of that commission, an institution that I will not express my opinion of, out of respect to the House. [Laughter.]

Mr. JOSEPH D. TAYLOR (holding up a bundle of papers). Are these the papers?

Mr. STOCKDALE. I have not looked over them. I will do so in a moment. You gentlemen expect, and rightfully expect, and we respond to your expectation, that we will not vote money out of the Treasury of the United States to men who were not loyal. We respond to that expectation because they are not entitled to it under the law. It is not the man's disloyalty that I object to so much, it is the law that we have sworn to support; and I would not vote money out of the Treasury to my own brother if he had been disloyal.

I would not think anything less of the brother, but I would regard my oath under the law and the oath that I took in the presence of the Speaker of this House and before God. Now, gentlemen, I am entitled to take it for granted that gentlemen who sit on the other side of the House are equally honest and equally fair, and I ask them, do you want to deny a man payment for his property which went into the hands of the United States Government upon a technicality, or upon some statement about which you know nothing at all?

Mr. JOSEPH D. TAYLOR. What fuller investigation can we have of this matter on another day than we can have to-day?

Mr. STOCKDALE. We can have the papers presented to the House.

Mr. JOSEPH D. TAYLOR. There is no evidence there as to loyalty.

Mr. STOCKDALE. There is evidence as to loyalty somewhere, though I do not at this moment know just where it is. But the interest I have in this case is because I believe this claimant is a gentleman, and I believe that the vote of this House to-day would brand him with a stigma with which no gentleman ought to be branded, and which no man who occupies the position of a Representative on this floor ought to want to brand any gentleman with. The statement that there were no loyal men at the South during the war will not do.

I could bring you a regiment of Union men from my State. I have been getting pensions allowed to some of them. Must I prove loyalty for them because they lived in the South? Is it to be said that men were not loyal because they were white, but that all the loyal men of the South were colored, as the gentleman from Michigan said? Why, sir, there were comparatively few colored men who were loyal Union men then. The colored men were loyal to their masters as a general thing.

The colored men, hundreds and thousands of them, were on the plantations within a night's travel of the Federal lines, with not a white man on the plantation; they made the crops and supported the family, and they could have gone off any night if they had wanted to. Some did go, it is true, but the bulk of them did not go. Nearly every Confederate officer and a large number of men had colored servants. They rode fine horses, and they could have ridden into the Federal lines any time they pleased; but they did not do it, they were loyal to us, and

no Southern man has within his breast the slightest feeling of ill will toward the colored man.

Whatever may be the opinion to the contrary, I know it to be true that the colored people of the South were loyal to us, and we are now loyal to them. Now, Mr. Chairman, I believe that Mr. Poitevent was a loyal man, because he says so. If the facts turn out to be otherwise, I will vote against this bill; but I know that this House does not want to act in the dark, and therefore I ask that this bill be postponed until we can have the papers before us.

Mr. CATCHINGS. What testimony had the Court of Claims before them?

Mr. STOCKDALE. That is the trouble about this matter. If I had known twenty-four hours ago that this case would come up, I would have had the whole thing in my head. But nobody suspected a thing of this sort to happen in the House. No one expected that for the first time during this long session a war claim would be called up by the gentleman from Illinois [Mr. HOPKINS], who knows nothing about it, and cares nothing about it except to defeat it.

Mr. ALLEN, of Michigan. Did those "loyal" men you speak of hold receipts from the Confederate government for services rendered?

Mr. STOCKDALE. I do not know, but they may have done so.

Mr. ALLEN, of Michigan. Then they were not loyal.

Mr. STOCKDALE. Yes, they may have been loyal in spite of that fact.

Mr. ALLEN, of Michigan. No, sir.

Mr. STOCKDALE. Now, I will show the gentleman that the circumstance he speaks of may have existed and yet the men may have been loyal. Suppose a man steals a horse from my friend from Michigan, loses him, and can not return him. Is he entitled to pay for him? Would the gentleman refuse to give a receipt for the money? The Confederacy had a way of pressing property into the service sometimes and was just as willing to take in that way the property of a Union man as of a Confederate. Should those Confederate officers have failed in common honesty to give a receipt for what they took? I can point out to you cases of that sort in Mississippi—plenty of them.

If you had been in the South, or I had been in the North, and had been ordered in front of half a dozen bayonets to do a certain thing, we would have done it if it was not dishonorable. Suppose it had happened—I do not know that it did in this case, but it did in others—that the Confederate soldiers along the banks of the Mississippi River went upon a United States boat running up from New Orleans; put soldiers behind the pilot and engineer and made them run the boat ashore and deliver the sugar to the Confederate soldiers; and then turned the boat loose and told the men to go and bring up another load of sugar. The men in charge of such boats were in the service of the Confederates for the time, but they received receipts for the sugar. Were they disloyal for that reason? In such a case the parties never willingly enlisted in the service of the Confederacy.

I think it requires the assent of a man to an act before you can convict him. There is no law, no reason, no justice in standing up here and maintaining the position that no man who was in the South during the war can truthfully say he was loyal. What proof of loyalty is presented here this Government should recognize it and say to the party, "You did well," instead of turning away from him and saying, "There were no loyal people there during the war." All through the war it was claimed by the Government of the United States that there were loyal people there; that we were forcing them into our service. There were not half so many as was supposed, it is true; and it is rather rough on him now for the people to whom he was loyal to turn him the back of the hand. I ask that the proposition to report this bill with the recommendation that it lie on the table be voted down.

The CHAIRMAN. The Chair did not understand the request of the gentleman from Mississippi.

Mr. STOCKDALE. Mr. Chairman, I have not yielded the floor. How much time have I?

The CHAIRMAN. The Chair thinks the gentleman has been proceeding by unanimous consent. [Laughter.]

Mr. STOCKDALE. Then I ask that the pending motion be voted down, so that the bill may be reported to the House with a favorable recommendation.

Mr. HOOKER. I hope the gentleman will withhold his point until I can read a document.

Mr. HOPKINS, of Illinois. I desire to make a statement in reply to what has been said by the gentleman from Mississippi.

Mr. LANHAM. It is perfectly evident it is impossible to accomplish anything in the way of legislation on the Private Calendar in the order in which we are proceeding. Gentlemen insist on the consideration of a bill, and when no quorum appears they make the point of order, and it is then laid aside or passed over. Therefore, to reach the bills which have been reported to the House, I move that the committee rise.

Mr. HOOKER. I hope that motion will be withheld until I can be heard.

The CHAIRMAN. The motion is in order. The gentleman from Texas moves that the committee rise.

Mr. HOPKINS, of Illinois. I ask for a division.

The committee divided; and there were—ayes 49, noes 34.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole, having had the Private Calendar under consideration, had directed him to report back sundry bills with various recommendations.

The SPEAKER. The Clerk will report the first bill.

CATHOLIC CHURCH, MACON CITY, MO.

Mr. HATCH. I ask by unanimous consent of the House, as I have been in the chair for several Fridays, and not having had an opportunity to call up any bill, to be allowed to move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 11007) for the relief of the Catholic Church at Macon City, Mo. It merely appropriates $725 to pay for the use of that church by Federal soldiers during the war. Nothing is charged for damage to the building. It is a unanimous report by the Committee on War Claims.

The SPEAKER. Is there objection?

There was no objection, and the Committee of the Whole House was discharged from its further consideration of the bill, and it was brought before the House for consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the resident minister in charge of the Catholic Church of Macon City, in the State of Missouri, the sum of $725, for the use and occupation of their church building by the Ninth Regiment Missouri State Cavalry for quarters during the late civil war.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the petition of the Catholic Church of Macon City, Mo., report as follows:

The evidence submitted shows that the church building was taken possession of, used, and occupied by various commands of United States troops during the fall and winter of 1864; that the use of said building was necessary to the health and lives of the troops; and that the rental value for the time it was so used was reasonably worth the sum of $725.

The building was much damaged and injured in value by said occupation, of which the committee have taken no account.

Your committee report herewith a bill and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH FRANCIS.

Mr. CHEADLE. I ask by unanimous consent to discharge the Committee of the Whole House from the further consideration of joint resolution (S. R. 62) in recognition of the services of Joseph Francis.

There was no objection, and it was ordered accordingly.

The joint resolution was read, as follows:

Resolved, etc., That in view of the life-long services to humanity and to his country of the now venerable Joseph Francis, in the construction and perfection of life-saving appliances by which many thousands of lives have been saved, the Director of the Mint is hereby authorized and required to strike a gold medal, with a suitable device and inscription, prepared under the direction of the Joint Committee on the Library, to be presented by the President of the United States to Mr. Francis, in recognition of his eminent services.

SEC. 2. That a sufficient sum of money to carry this resolution into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The report (by Mr. STAHLNECKER) was read, as follows:

The Committee on the Library, to whom was referred the joint resolution (S. R. 62) in recognition of the services of Joseph Francis, submit the following report:

That they have considered the same, and recommend that it do pass.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CHEADLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAR CLAIMS.

Mr. STONE, of Kentucky. I ask, by unanimous consent, that Wednesday next, immediately after the reading of the Journal, be set apart for the consideration of bills coming over from the Committee on War Claims. There are quite a number of small cases in which members are interested, and they desire an opportunity to be given to call them up for consideration. They are urging me on all sides to make this request.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage without amendment of bills of the House of the following titles, namely:

A bill (H. R. 5222) for the relief of A. M. Anderson and others;

A bill (H. R. 3859) for the relief of the Sone & Fleming Manufacturing Company, Limited, of the city of New York;

A bill (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased;

A bill (H. R. 2611) for the relief of Joseph W. McClurg; and

A bill (H. R. 6491) for the relief of Lowman & Co.

It also announced the passage of the following House bills, with amendments in which concurrence was requested:

A bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 10060) prescribing the times for the sales and for notice of sales of property in the District of Columbia for overdue taxes;

A bill (H. R. 2592) for the relief of Andrew Gleeson; and

A bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll.

It also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 602) for the relief of James Millinger;

A bill (S. 1818) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery purposes;

A bill (S. 100) for the relief of Samuel Tate;

A bill (S. 2740) for the relief of the German Evangelical Church of Martinsburgh, W. Va.;

A bill (S. 3433) authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases;

A bill (S. 3328) for the relief of James Grace; and

A bill (S. 3168) regulating admission to the Institution of the Association for Works of Mercy in certain cases, and for other purposes.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I would like to ask the gentleman from Kentucky if he contemplates calling up bills reported from the Court of Claims which have been occupying so much time of late. Our Friday sessions have been pretty generally consumed by them.

Mr. STONE, of Kentucky. There are none of those bills likely to come up which will create any such discussion as we have had lately. I can not tell exactly, but none of these claims will be called up except such, perhaps, as embrace small sums. The most of the claims that will be taken up are small claims belonging to soldiers in which members of the House feel a deep interest.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. LANHAM. I move to include in that also such bills as may be presented by the Committee on Claims.

The SPEAKER. It is not amendable by a motion. It is simply a request for unanimous consent.

Mr. LANHAM. Then I ask that that be included.

Mr. FORNEY. I wish to know if that will interfere with general appropriation bills?

The SPEAKER. Of course.

Mr. FORNEY. Then I object.

The SPEAKER. If the day is set apart immediately after the reading of the Journal, it will of course take precedence of appropriation bills, because the motion to proceed to the consideration of appropriation bills can only be made, except by unanimous consent, after the morning hour.

Mr. FORNEY. Then I object.

Mr. STONE, of Kentucky. I would like to have that modified, so that we may have a day not to interfere with the appropriation bills.

Mr. FORNEY. I am willing that the gentleman shall have a day, but not to interfere with the Appropriations Committee.

The SPEAKER. Then the gentleman from Kentucky modifies his request that the day be set apart immediately after the morning hour, not to interfere with appropriation bills.

Mr. FORNEY. I have no objection to that.

Mr. WARNER. I shall have to object unless it is provided that it shall not interfere with the bill for the organization of the Territory of Oklahoma——

Mr. HOOKER. There comes in Oklahoma again, the most persistent bill I have ever known.

Mr. WARNER. A bill in which a half million of people are specially interested, and which is of vast importance to the whole country.

Mr. STONE, of Kentucky. I am willing also to accept that bill to meet the views of the gentleman, but with the understanding that if that day is occupied by either of the bills of the Appropriations Committee, or the Oklahoma bill, that the War Claims Committee shall have the next day.

Mr. WILSON, of Minnesota. I think I shall have to object. The Committee on Commerce has not had a day, and has been refused its requests in that regard.

Mr. LANHAM. I demand the regular order.

The SPEAKER. The regular order is the disposition of bills reported from the Committee of the Whole.

Mr. GROSVENOR. We have just passed a bill for the relief of the Catholic Church at Macon, Mo. There is another here on the Calendar for the relief of the Catholic Church at Chattanooga, about which there will be no contest, and I ask unanimous consent that it be taken up and considered now.

The SPEAKER. But the gentleman from Texas demands the regular order.

Mr. GROSVENOR. I hope the gentleman will allow this bill to be considered.

Mr. LANHAM. I will withdraw the demand for the regular order.

Mr. WILSON, of Minnesota. I withdraw my objection to the request of the gentleman from Kentucky.

The SPEAKER. The Chair will again state the request of the gentleman from Kentucky.

Mr. CANNON. Let the order requested by the gentleman be a continuing order until he has his day. I think that will settle the difficulty.

Mr. BYNUM. I wish to object until a day is set apart for the Committee on Labor.

CATHOLIC CHURCH, CHATTANOOGA, TENN.

Mr. GROSVENOR. Now I ask unanimous consent to discharge the Private Calendar from the further consideration of the bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to Rev. Patrick A. Feehan, Roman Catholic bishop of Nashville, or his successors in office, in trust for the use and benefit of the Roman Catholic Church of St. Peter and St. Paul at Chattanooga, Tenn., the sum of $18,729.09, in full for all the damages claimed by said last-named church, or any person heretofore or hereafter claiming or to claim to represent said church, for stone and all other building materials taken and used during the war between the States, of 1861 to 1865, by and under the military authority of the United States. And the acceptance of such sum by said bishop shall be a bar to any claim for any and all such property taken, or damages.

Mr. HOLMAN. I hope the report will be read.

The report (by Mr. HIESTAND) was read, as follows:

That the committee finds the facts of this case fully and accurately stated in Senate Report No. 497, Forty-fourth Congress, first session, which report the committee adopts as follows:

"That this claim is for compensation for a stone church building partly built and in process of construction, and for the materials on the ground for the completion of the same, taken by the proper military authorities, in September, 1863, and used partly in the construction of Fort Jones, and partly for culverts, curbing-stone, macadamizing for a magazine, for a wharf, guttering, well, etc. The church was commenced in 1854, and at the time the same was taken the walls were about half completed, and the stone for the remainder on the ground and at the quarry, some 15 or 20 rods from the building, mostly dressed, and ready to be laid up, the money and labor for the purpose having been furnished by the contributions of the members of the church. The materials consisted of variegated Tennessee marble, which were nicely cut, and many of them polished; each stone was cut to fit its own particular place in the building, and those for the doorway and arched openings highly and ornamentally wrought.

"Of course, therefore, after the stone had been used for the construction of the fort, and for culverts and other works, and broken so as to fit such work, they were nearly if not quite useless. It is shown beyond dispute that the materials, that is to say, all the body of the church except the mere foundation, and even a part of that, as well as the stone already got out and wrought ready for laying, were taken and used in the mode above stated by order of the proper engineer officers of the Army and other officers having the right to issue such orders.

"After the fort was no longer needed by the Army and Chattanooga was abandoned or about to be abandoned as a military post, in answer to the claim of the church for compensation, an offer was made by the proper military authorities to allow the church to take back the stone and other stone quarried by the Army and used in this fort and other works, which was declined; and your committee are of opinion that such privilege as was thus offered would have been but a mockery of just compensation. The stone in the fort was afterward sold on the part of the Government for some $500.

"In January, 1864, General Thomas ordered a military court of claims to estimate the damages then accrued to the claimants. They found the amount then to be $12,250; but the evidence shows that much of the material was taken and used in the same way after this finding.

"In 1866 this claim was presented, with the evidence in its support, in behalf of Rev. H. V. Brown, the then pastor of the church, to the War Department, with an itemized statement of the damages claimed, amounting to $27,783.96.

"On the 20th of September, 1867, the Inspector-General of the Army, at Louisville, Ky., General D. B. Sackett, was directed by the Secretary of War to make a full investigation of the case and the amount of damages. By his report it appears that he went to Chattanooga and made a full investigation. And in this report, dated October 28, 1867, he takes up the several items of the claim, and states the amount which he thinks ought to be deducted from such item as stated in the account of the claimant as presented, and comes to the conclusion that $9,054.87 should be deducted from the $27,783.96 claimed by the petitioner, leaving the balance $18,729.

"The report shows that the examination has been a very rigid one, and with a design carefully to protect the interests of the United States, and give them the benefit of all doubts.

"The report also shows that General Sackett, in making his estimate, placed his principal reliance upon Capt. James R. Slayton as an expert. And Captain Slayton, in a letter to General Hardie, dated June 6, 1868, states substantially that his estimates, as given to General Sackett, were given without any measurements; that he has since made such measurements, and upon a full reexamination he is satisfied that the whole amount claimed in petitioner's bill as presented to the Secretary of War would not put the church and the materials in as good condition as before they were taken for the use of the Army.

"Your committee are therefore satisfied that the sum found by General Sackett is none too high, if compensation is to be made at all. A fair estimate from the whole evidence in the case (of which there is a large amount by way of affidavits) would make the amount rather above than below the amount estimated by General Sackett, $18,729.09.

"As to the title to the lot on which the church was situated, and of the church itself, this was vested on the Roman Catholic bishop of Nashville, in accordance with the rules and usages of the church, for the purposes of convenient transmission, but really in trust for the benefit of the members and officers of this particular church of St. Peter and St. Paul, the Rev. Mr. Wheelan being such bishop at the time of the commencement of the church, and thence down to about the year 1862 or 1863, when he resigned, and the property was regularly conveyed to and vested in the present bishop November 27, 1866.

"As to the question of loyalty: the congregation by whose contributions the church was erected, or being erected, was mainly composed of laboring men, many of them employed by the railroad companies, and though some of them, on the breaking out of the war, sided with the rebellion and went into the Confederate army, the larger portion of them remained true to the Union, and many of them served in the Union Army.

"The Rev. J. T. Nealis was pastor of said church at the commencement of the war, and for some time after, and was so enthusiastically and outspokenly loyal that he was shot through the body by a rebel bushwhacker, from which he never recovered, but died in the beginning of the year 1865, from the effects of the wound. Rev. H. V. Brown, who succeeded him as pastor, we are satisfied, from the evidence, was also loyal.

"Bishop Wheelan was conspicuously a loyal man. The present bishop, Patrick A. Feehan, was a priest at St. Louis, Mo., of foreign birth, and not naturalized until the forepart of the year 1865, when he was admitted to citizenship, and took the oath of allegiance required on such occasions.

"It appears from the evidence that other church societies in Chattanooga, whose churches had been injured by being used by the Army, were paid by the Quartermaster's Department the following sums to put them in as good condition as before, namely: The Presbyterian church, $4,599.46; the Cumberland Presbyterian church, $2,450; the Protestant Episcopal church, $3,640. But this claim of the Catholic church was rejected because the property had been taken through the orders of the Engineer's Department, and did not, therefore, come within the law applicable to the other churches.

"Your committee are not disposed to deny this construction of the law, but upon sound principle they are unable to see why the latter case does not come within the principle calling for compensation as well as the former, and they are aware of no just or sound principle upon which such compensation should be refused. They therefore recommend the allowance of the claim to the amount of $18,729.09, as above stated; and that this amount be paid to the Catholic bishop of Nashville, in whose diocese the said church of St. Peter and St. Paul is included, and they report a bill accordingly and recommend its passage."

Mr. HOLMAN. I think it is a proper measure; I do not object to it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. NEAL. This bill needs an amendment, Mr. Speaker. In the fifth and sixth lines the name "Patrick A. Feehan" should be stricken out and the name "Joseph Rademacher" substituted.

The amendment was adopted.

Mr. CANNON. I want to ask a question touching this bill. I am not a member of the War Claims Committee, and am not as familiar with the rule adopted by the committee as applicable to these cases as the members who have presented these bills. I wish to ask if we have been paying this class of claims?

Mr. GROSVENOR. I will state to my friend from Illinois that the churches at Chattanooga were all treated as loyal churches, and this one especially so. All of the other churches which were used and occupied by the Army during the war have received compensation, but the difference in this case is this: The Protestant churches were occupied for hospitals, and they were compensated in the sums reported there, paid by the Quartermaster's Department, but when this claim was presented to the Department, inasmuch as the material was taken and used by the Engineer Department for fortifications and other purposes, it did not come within the law authorizing the Quartermaster-General's Department to take cognizance of the claim and make compensation for it, and that is the reason that it comes here now.

Mr. CANNON. I understood that; but what I ask is not by way of antagonizing the bill, but to learn what the facts are and whether this would make a precedent under which we would be called upon to make compensation for all churches used in the South——

Mr. GROSVENOR. By no manner of means.

Mr. CANNON. For property taken or for destruction of church buildings.

Mr. GROSVENOR. Not by any means. This property was in course of construction. It had never risen higher than the second story. There was a large amount of cut stone on hand ready for use. The Engineer Department, in constructing the forts and casemates, took this material and appropriated it to their own use. It became very valuable property and is estimated at $1,800.

Mr. McMILLIN. And General Thomas recognized this appropriation and had an estimate made of the value of the property taken.

Mr. CANNON. Suppose the church had been completed, or suppose that the church in the next county was standing, and it was necessary to take it down to be used in the construction of a fort, or it was destroyed during war, I ask the gentleman, is there any difference between such a case and this?

Mr. GROSVENOR. I think there is a great deal of difference. In the first place, here was a loyal congregation, controlled by a loyal priest, who was afterwards shot by rebel bushwhackers. His congregation was loyal, and quite a number of them went into the Union Army, and it is simply a question of what is fair to them. The Government took their property and made it available for so much money-worth in the prosecution of the war.

Mr. CANNON. Could not the Government have taken it absolutely and used it for the purposes of the war?

Mr. GROSVENOR. I think they could; but I know this case. I was there for nearly two years, and I say there was no more loyal man than the pastor of that church. A large part of the congregation entered the Union Army. It was not the ravages of war; but the property was appropriated. I should say that all the other churches of Chattanooga were to some extent affected by ravages of war.

We used them for hospital purposes, and there was shelling promiscuously through there, and every dollar of that damage was paid by the Quartermaster-General's Department. Here was property not at the time in the actual formation of a church, but it was taken possession of by the Government from loyal people and appropriated to the use of the Government. There can be no higher claim made, in my opinion, than this. These people at that time were poor, and I assume they are poor now.

Mr. CANNON. I am not antagonizing the claim. The gentleman has personal knowledge and is convinced that it is a proper bill to be passed, but I am asking if the gentleman can say whether this places the Government in a position of making a precedent by which we will in the future have to pay for all church property destroyed during the war.

Mr. GROSVENOR. I am ready to defend ourselves from any charge of inconsistency.

Mr. JOSEPH D. TAYLOR. Has this case ever been investigated before the Southern Claims Commission?

Mr. GROSVENOR. It was investigated by the Quartermaster-General's Department.

Mr. JOSEPH D. TAYLOR. Has it ever been reported to previous Congresses?

Mr. HOUK. Oh, yes; it has been reported several times.

Mr. FARQUHAR. I think it is sufficient to any of the members of the old Army of the Cumberland to know that Colonel Sackett has passed upon this claim, for they all know that he is one of the most honorable of men, and also to know that Captain Slayton, of the Sixteenth Michigan Engineers, who was on the ground, should have passed upon it and knew the worth of the property and that it was used by the Government. We have also the report of the committee giving all the details and facts of the claim with the amount, and we have also the evidence, I may say, of officers who are members of Congress on this floor as to that property being used, because we saw it with our own eyes.

Whether it makes a precedent or not I want to say as an officer of that army, and of my own personal knowledge, that this is a just claim in every respect, and it would be a dishonor to the officers of that army not to pass this claim.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES CALER.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 2661) for the relief of James Caler.

The SPEAKER. This bill comes over from a previous session of the House.

Mr. BOWDEN. That bill was considered in Committee of the Whole, but when it was reported to the House the gentleman from Texas [Mr. KILGORE], who happened to be in a critical mood that evening, saw fit to demand the reading of the engrossed bill. Later, the gentleman sought to withdraw his objection, but an opportunity to do so was not afforded him before the House adjourned.

The SPEAKER. The bill will be read.

The bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOWDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED H. THOMAS.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 1067) to amend the war record of Alfred H. Thomas, deceased.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM move to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALEXANDER MOFFITT.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 6347) for the relief of Alexander Moffitt.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS FROM THE COMMITTEE ON WAR CLAIMS.

Mr. BYNUM. I withdraw the objection which I made awhile ago to the request of the gentleman from Kentucky [Mr. STONE] that a day be fixed for the consideration of business reported from the Committee on War Claims.

Mr. BUCHANAN. I shall have to renew it until the Committee on Labor and the Committee on Commerce are assigned days to make good those which they lost by the action of the House.

AGREEMENT WITH SHOSHONE AND BANNACK INDIANS.

Mr. PEEL, by unanimous consent, from the Committee on Indian Affairs, reported back the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes, with the amendments of the Senate thereto, with the recommendation that the House non-concur in the Senate amendments and agree to a conference.

The amendments of the Senate were non-concurred in, the conference requested by the Senate was agreed to, and the Speaker appointed as conferees on the part of the House Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. PERKINS.

RACHAEL BARNES.

The SPEAKER laid before the House the following message from the President; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 149, entitled "An act granting a pension to Rachael Barnes." The husband of this beneficiary served in the regular Army of the United States from February 24, 1838, to February 24, 1841.

In 1880 he applied for a pension, alleging that he contracted disease of the eyes during the year 1840 while serving in Florida. Pending the examination of his application and on the 24th day of March, 1882, he committed suicide by hanging. His widow filed a claim for pension, alleging that he died of insanity, the result of disease of the head and eyes. Her claim was rejected on the ground that his insanity forty-one years after discharge from the service had no connection with his military service. In July, 1886, a special act was passed granting a pension to the widow, which met with Executive disapproval. At the time the soldier committed suicide he was sixty-eight years old. Upon the facts, I hardly think insanity is claimed. At least there does not appear to be the least evidence of it unless it be the suicide itself. It is claimed, however, and with good reason, that he had become despondent on account of the delay in determining his application for a pension, and because he supposed that important evidence to establish his claim which he expected would not be forthcoming. It is very likely that this despondency existed, and that it so affected the mind of this old soldier that it led to his suicide. But the fact remains that he took his own life in a deliberate manner and that the affection of his eyes, which was the disability claimed, was not, in a proper sense, even the remote cause of his death.

I confess that I have endeavored to relieve myself from again interposing objections to the granting of a pension to this poor and aged widow. But I can not forget that age and poverty do not themselves justify gifts of public money, and it seems to me that the according of pensions is a serious business which ought to be regulated by principle and reason, though it may well be tempered with much liberality. I can find no principle or plausible pretext in this case which would not lead to granting a pension in any case of alleged disability arising from military service followed by suicide. It would be an unfair discrimination against many who, though in sad plight, have been refused relief in similar circumstances, and would establish an exceedingly troublesome and dangerous precedent.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

SALLIE T. WARD.

The SPEAKER also laid before the House the following message of the President of the United States; which, on motion of Mr. MORRILL, was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 8574, entitled "An act granting a pension to Sallie T. Ward, widow of the late W. T. Ward."

The husband of this beneficiary served about nine months in the Mexican war. He entered the service as a brigadier-general in 1861, and served through the war of the rebellion with credit, and was wounded in the left arm on the 15th day of May, 1864.

For this wound he was pensioned according to his rank, and received such pension until his death, at the age of seventy years, which occurred October 12, 1878.

The cause of his death was brain disease, and it seems not to be seriously claimed that it had any relation to his wound.

His widow is now in receipt of the pension provided for those of her class by the Mexican pension law.

If this bill becomes a law I am unable to see why in fairness and justice the widow of any officer of the grade of General Ward should not be allowed $50 a month, the amount proposed by this bill to be paid his widow, regardless of any other consideration except widowhood and the rank of the deceased husband.

The bill herewith returned, while fixing the monthly amount to be absolutely paid to the beneficiary, does not make the granting of the pension nor payment of the money subject to any of the provisions of the pension laws, nor make any reference to the Mexican service pension she is now receiving. While it is the rule under general laws that two pensions shall not be paid to the same person, inasmuch as the widow is entitled to the pension she is now receiving upon grounds different from those upon which the special bill was passed, and no intention is apparent in the special bill that the other pension should be superseded, it may result that under the peculiar wording of this bill she would be entitled to both pensions.

The beneficiary filed a claim for pension in the Pension Bureau in 1884, which is still pending awaiting evidence connecting the death of the soldier with his wound.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

GEORGE W. PITNER.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 490, entitled "An act granting a pension to George W. Pitner."

It appears from the records that the beneficiary named in this bill entered the military service in June, 1863, and was discharged in March, 1866. He was treated while in the Army in the months of December, 1864, and January, 1865, for conjunctivitis.

He filed a claim for pension in 1886 alleging that he had a sunstroke in 1865, and that while at work in a basement in the year 1881 he fell into a well which was open near him and received serious injuries, resulting in the amputation of his right foot and also disability of his left foot. He attributes his fall to vertigo, consequent upon or related to the sunstroke he suffered in the Army.

The claim was rejected on the ground that the evidence taken failed to connect the disabilities for which a pension was claimed with army service.

Whatever may be said of the incurrence of sunstroke in the Army, though he fixes it as after the date of his only medical treatment during his service, and whatever may be said of the continuance of vertigo consequent upon the sunstroke for sixteen years, I find no proof that at the time he fell he was afflicted with vertigo, unless it be his own statement; and whatever disability naturally arose from sunstroke does not appear by him to have been deemed sufficient to induce him to apply for a pension previous to his fall.

In any event there seems to be no satisfactory evidence that anything which occurred in his army service was the cause of his fall and consequent injury.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

LYDIA A. HEINY.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9034, entitled "An act granting a pension to Lydia A. Heiny."

The husband of this beneficiary served in an Indiana regiment from August, 1861, to March, 1864, when he re-enlisted as a veteran volunteer and served as a private and teamster to July 20, 1865, when he was discharged.

There is no record of any disability, and he never applied for a pension.

On the 12th day of December, 1880, in leaving a barber shop at the place where he resided, he fell downstairs and died the next day from the injuries thus received.

His widow filed an application for a pension in the year 1885, alleging that her husband contracted indigestion, bronchitis, nervous debility, and throat disease in the Army, which were the cause of his death.

The claim was rejected upon the ground that the death of the soldier was not due to an injury connected with his military service.

While there has been considerable evidence presented tending to show that the deceased had a throat difficulty which might have resulted from Army exposure, the allegation or the presumption that it caused his fatal fall, it seems to me, is entirely unwarranted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

JAMES C. WHITE.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9344, entitled "An act granting a pension to James C. White."

The records of the War Department show that this beneficiary enlisted in a Kentucky regiment September 29, 1861. On the muster-roll of April 30, 1862, he is reported as absent. On the roll of August 31, 1863, he is mentioned as having deserted July 19, 1862. His name is not borne on subsequent muster-rolls until it appears upon those of January and February, 1864, with the remark that he returned February, 1864, and that all pay and allowances were to be stopped from July 19, 1862, to February 5, 1864. It appears that he deserted again on the 18th of December, 1864, and that his name was not borne upon any subsequent rolls.

Naturally enough, there does not appear to be any record of this soldier's honorable discharge.

It seems that this man, during the time that he professed to be in the service, earned two records of desertion, the first extending over a period of nearly a year and a half and the other terminating his military service.

He filed a claim for pension on the 4th day of August, 1883, alleging that he contracted piles in December, 1861, and a hernia in April, 1862.

A medical examination in 1883 revealed the non-existence of piles and the presence of hernia.

The fact of the incurrence of any disability at all in the service is not satisfactorily established, and the entire case in all its phases appears to be devoid of merit.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

WILLIAM P. RIDDLE.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9183, entitled "An act granting a pension to William P. Riddle."

The records of the War Department show that the beneficiary named in this bill was enrolled October 4, 1861, in the Fifth Kentucky Regiment of Cavalry, and was mustered into the service on the 31st day of March, 1862.

From that time to April 30, 1862, he is reported absent, sick. On the rolls for four months thereafter, ending August 31, 1862, he is reported as absent and deserted. His name is not borne on any subsequent rolls.

He did not file an application for pension until April, 1879, when the act granting arrears was in force. He then claimed that he contracted pneumonia February 15, 1862; that about a month after he was sent home, and was under medical treatment for two years; that he returned about May 1, 1864, and was discharged about May 15, 1864, but that his discharge papers were lost.

Though he has furnished some evidence in support of the claim that he was sick at about the time alleged, and that he returned to the Army after an absence of two years, no record proof of any kind is furnished of an honorable discharge at any time.

He has been informed that the record of his desertion in the War Department will be investigated with a view to its correction if he will furnish direct proof

that it is erroneous. No such proof has been supplied and the case has not been finally acted upon in the Pension Bureau.

It does not seem to me that this case in its present condition should receive favorable consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

MRS. CAROLINE G. SEYFFORTH.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9126 entitled "An act granting a pension to Mrs. Caroline G. Seyfforth."

The husband of this beneficiary served as contract surgeon in the United States Army from September 12, 1862, to August 17, 1865, and was stationed at Portsmouth Grove Hospital in Rhode Island.

He never filed a claim for pension and died July 21, 1874, of congestion of the liver. His widow filed an application for pension in 1882, alleging that her husband's death was caused by blood poisoning contracted while dressing the wound of a patient in January, 1863. There is proof that he suffered from blood poisoning.

The record of death states its cause as congestion of the liver, but the certificate was not signed. A young doctor named Adams, a friend and pupil of the deceased, seems to have been more than any other the attendant physician, but he appeared to think that one of three other doctors had actual charge of the case. These physicians, named respectively Sullivan, Dana, and Sargent, agreed that Adams had charge of the case, and that they were consulting surgeons in the last illness.

Dr. Adams testified before a special examiner that from intimate association he knew that the deceased was subject to kidney disease and other symptoms of bad health from discharge to his death; that as he had lost a part of one hand from blood poisoning in the Army he always supposed his subsequent troubles were referable to that cause; that he believed the cause of death was albuminuria, and that his liver was also affected. He further expresses the opinion that the death was the culmination of the disorders which affected him from the time of his discharge from the service.

Dr. Sullivan deposed that he knew the deceased well from about 1869, and never had any reason to think him the subject of blood poisoning or its results. He further says that he was called in consultation at the last illness of the deceased and diagnosed his trouble as liver disease, due to the patient's habits of intemperance.

Doctor Dana testified that he knew the deceased well from the time of his discharge; that he was called to consult in his case with young Doctor Adams a few days before the death occurred; that he took a general view of the case and considered that the trouble was due to habits of intemperance.

Doctor Sargent deposed that he knew the deceased well and knew that he had lost a part of his hand as alleged from septic poisoning in the Army, though he was not aware that the poisoning had left any other effect; that the deceased had several spells of alcoholism after the war; that he had heard him complain of his kidneys, but attributed his troubles to his excesses.

Other evidence suggested the same cause for sickness and death spoken of by these physicians, but there seems to be an almost entire absence of evidence connecting the death with service in the Army.

I am of the opinion that a case is not presented in any of its aspects justifying a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

EDSON SAXBERRY.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 6193, entitled "An act for the relief of Edson Saxberry."

The beneficiary named in this bill filed a declaration for a pension in 1879, alleging that in 1863 he bruised his leg, which became very sore, and when it began to heal his eyes became sore.

The evidence taken upon a careful examination of this application seems to establish, by the admission of the applicant and by other evidence, the correctness of the position taken by the Pension Bureau in rejecting the claim, that whatever disability was incurred existed before enlistment and was in no manner attributable to military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

BERNARD CARLAN.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 2233 entitled "An act granting a pension to Bernard Carlin."

By this bill it is proposed to pension the beneficiary therein named as of Company A, Fourteenth Regiment of Missouri Volunteer Infantry.

It seems that he served in the company and regiment named, but that he also served in Company A, Sixty-sixth Illinois Regiment, and it is claimed that while in the latter service exclusively he received the injuries for which a pension is claimed.

His application is still pending in the Pension Bureau, and the papers pertaining to the same are now in the hands of an examiner for special examination.

I think this should be completed before a special act is passed, and I understand this to be in accordance with a general rule adopted by Congress and its pension committees. This is certainly the correct course to be pursued in this case, in view of the failure to state in the special bill the regiment and company to which the soldier belonged at the time of the incurrence of disability. This can be corrected by the Pension Bureau if the claim is found meritorious.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 10, 1888.

INTERNATIONAL CONFERENCE, RED CROSS ASSOCIATION.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State accompanied by a report of the delegate on the part of the United States to the fourth international conference of the Red Cross Association, held at Carlsruhe, in the Grand Duchy of Baden, in September last.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, August* 10, 1888.

WATER-RESERVE LANDS OF WISCONSIN.

Mr. GROSVENOR, by unanimous consent, obtained leave to have printed in the RECORD the following:

An act (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875.

Be it enacted, etc., That all lands in the State of Wisconsin described in and withdrawn from sale by the proclamations of the President of the United States issued March 22, 1880, April 5, 1881, and November 28, 1881, for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain act of Congress, entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however*, That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River or its tributaries: *Provided further*, That the railroad companies availing themselves of this act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location of their proposed lines of railroad, over said water-reserve lands, in the office of the Secretary of War, and until the approval of said maps by the Secretary of War no right to occupy said lands shall vest in such companies; and no location shall be permitted which takes for right of way or stations lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system; or shall any railroad company be permitted to take material for construction from any of said reservoir lands outside the right of way granted herein.

The Committee on Rivers and Harbors, to whom was referred the bill (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands," submit the following report:

Section 5 of "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1885, provides—

"That this act shall not apply to any lands within the limits of any military park or Indian reservation, or other lands specially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed."

The lands referred to in this bill were withdrawn from sale by Executive orders and proclamations, dated, respectively, March 22, 1880, April 5, 1881, and November 28, 1881, for the reason that they or portions of them might be required for use and flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries. The purpose of this bill is to declare the lands so reserved subject, with certain restrictions and conditions named, to the provisions of the act of March 3, 1885, notwithstanding the exceptions made by section 5 of said act, above recited.

The public works for the use and benefit of which these lands were withdrawn from sale being under the supervision and direction of the Secretary of War, the bill has been made to conform to his recommendation, it having been referred to him by the committee of the Senate having charge of the same.

No provision has yet been made for the construction of any of the works within the State of Wisconsin contemplated by the withdrawal of these lands, but in the event of such construction no interference or additional cost will be incurred by reason of this bill.

Your committee therefore report the same back, with the recommendation that it be concurred in.

WAR DEPARTMENT, *Washington City, April* 7, 1888.

SIR: In reply to your letter of the 17th ultimo, inclosing copy of a letter of the 12th ultimo from the General Land Office, requesting the opinion of this Department on the proposed Senate bill 1880, Fiftieth Congress, first session, to declare that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, I have the honor to invite attention to the inclosed report of the 5th instant, and its accompanying paper, from the Chief of Engineers on the subject, in whose views the Department concurs.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., April 5, 1888.

SIR: I have the honor to return herewith the communication of March 17, 1888, from the Department of the Interior, referred to this office, inviting attention to the provisions of Senate bill 1880, Fiftieth Congress, first session, and to the report of the Commissioner of the General Land Office thereon, and in reply to submit a copy of a report from Maj. C. J. Allen, Corps of Engineers, to whom the letter from the General Land Office was referred.

Upon consideration it is believed that the danger of interference with any plans or estimates of the War Department for reservoirs might be averted or lessened by the addition of the following after line 28 of the bill:

"*And provided further*, That the said railroads shall file maps with the Secretary of War, for his approval, showing the location of the proposed lines of railroads, and of such portions of the said public lands intended to be used for sta-

tion or other purposes, in order that reservoir system now in operation or its proposed extension may not be obstructed or its construction or cost of maintenance increased."

Very respectfully, your obedient servant,

J. C. DUANE,
Brigadier-General, Chief of Engineers.

Hon. WM. C. ENDICOTT,
Secretary of War.

DEPARTMENT OF THE INTERIOR,
Washington, April 14, 1888.

SIR: I am in receipt of your letter of February 11, transmitting Senate bill No. 1880, "declaring that certain water reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled 'An act granting to railroads the right of way through the public lands of the United States,' approved March 3, 1875," upon which you request the views of this Department.

Said bill was referred to the Commissioner of the General Land Office for report thereon, who suggested that as the plans and estimates of the officers of the War Department having charge and control over the construction of dams, reservoirs, and other works for the improvement of the Mississippi River, might be interfered with by the provisions of said bill, it should be referred to the War Department for its opinion thereon.

In accordance with said suggestion, I referred said bill with the report of the Commissioner of the General Land Office to the Secretary of War, whose report, together with the report of the Chief of Engineers, the report of Maj. C. J. Allen, of the Corps of Engineers, and the report of the Commissioner of the General Land Office, is herewith transmitted.

I have no other suggestion to make than is contained in said reports.

Very respectfully,

WM. F. VILAS, *Secretary.*

Hon. P. B. PLUMB,
Chairman Committee on Public Lands, United States Senate.

UNITED STATES ENGINEER OFFICE,
St. Paul, Minn., March 28, 1888.

SIR: I have the honor to report as follows upon Senate bill No. 1880, Fiftieth Congress, first session, in reference to certain "water reserve" lands in the State of Wisconsin, which bill, with other papers, has been referred to me by first indorsement, office Chief of Engineers, United States Army, March 23, 1888.

The lands are referred to in the bill as withdrawn from sale by proclamations of the President of the United States issued March 22, 1880, April 5, 1881, and November 28, 1881. The last-named proclamation (November 28, 1881), however, deals only with lands in Minnesota, and it is presumed that proclamation dated February 20, 1882 (a copy of which proclamation is one of the papers referred to me by first indorsement), was intended instead of proclamation dated November 28, 1881.

The lands withdrawn by the proclamations are those liable to overflow or injury from the construction of dams or create reservoirs to serve as aids to navigation, and the proclamations were issued subsequent to, and as the result of, appropriations made by acts of Congress approved June 18, 1878, March 3, 1879, June 14, 1880, and March 3, 1881, for surveys and examinations for and construction of reservoirs at the headwaters of the Mississippi, St. Croix, Chippewa, and Wisconsin Rivers.

The bill proposes to enact that all lands in the State of Wisconsin withdrawn from sale by proclamations of the President, for the reason that they would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and be declared to have been at all times heretofore, subject to the provisions of an act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875, and to the same extent as though said lands had not been described in said proclamations or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale.

The bill closes with an important proviso, namely:

"*Provided, however*, That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River or its tributaries."

The report of the Acting Commissioner of the General Land Office to the Secretary of the Interior, March 12, 1888 (one of the papers referred to me by first indorsement), and which explains the situation so fully that but little remains to be added, states:

"The act of March 3, 1875 (18 Stat., 482), grants to railroad companies the right of way through the public lands of the United States which have not been specially reserved from sale to the extent of 100 feet in width on each side of their roads; also the right to take from the public lands adjacent to the line of the road, material, earth, stone, and timber necessary for the construction of the road, and also grounds adjacent to the right of way necessary for station purposes.

"As the bill under consideration proposes to extend the provisions of the act of 1875 to the lands in question as fully and to the same extent as though they had not been reserved from sale, reserving only the right of flowage, it follows that railroad companies claiming the benefits of the act of 1875, may, in the event of its passage, acquire not only a right of way through such lands, but also the right to occupy portions of the same for station purposes and the right to take timber and other material therefrom for the construction of their roads.

"It is evident from correspondence with the War Department on file in this office that in many instances the existence of timber, stone, and other material upon the reserved lands governed to a considerable extent that Department's estimates of the cost of constructing the dams and other works contemplated by the act of Congress above mentioned.

"The passage of the bill under consideration, at least so far as it grants the right to timber and other material, might therefore seriously interfere with the plans and estimates of the officers of the War Department having charge and control of the proposed improvements."

The estimates by the engineers under the War Department of the cost of constructing the dams were based more or less upon the prospect of being able to appropriate for such work timber, stone, clay, etc., existing upon the lands that would be withdrawn from market and assigned for reservoir purposes. Should these materials be taken by railroads, the cost of reservoir dams in Wisconsin, if any such are to be built in that State, would undoubtedly be increased over the original estimates, though to what extent can only be determined by examinations in detail.

As to where projected railroads may run through the lands in question, this office can not, in the absence of any information upon the subject, even conjecture.

I do not know what the wishes of Congress may be as regards extension of the reservoir system into Wisconsin. But it does not appear that injury would accrue to the reservoir project were the bill to become a law with proviso retained as now expressed, and an additional proviso inserted prohibiting the use, excepting for reservoir purposes, of the rock, field-stone, and timber existing on the withdrawn lands, and further prohibiting the occupation by any railroad company or corporation, or any person whatsoever, of any of the withdrawn lands that may be needed for the sites of reservoir dams, their approaches and accessories.

Very respectfully, your obedient servant,

CHAS. J. ALLEN,
Major of Engineers.

The CHIEF OF ENGINEERS, *United States Army.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 12, 1888.

SIR: I am in receipt, through reference by the Department for report, of a letter dated the 11th ultimo, from Hon. P. B. PLUMB, chairman of the Senate Committee on Public Lands, inclosing a copy of Senate bill 1880, declaring certain water-reserve lands in the State of Wisconsin subject to the provisions of the act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands of the United States, and requesting the views of this Department thereon.

In reply, I have the honor to report as follows:

The bill in question proposes to declare that all the lands in the State of Wisconsin described in and withdrawn from sale by the proclamations of the President, issued March 22, 1880, and April 5 and November 28, 1881, are, and have been at all times, subject to the provisions of the act of March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been withdrawn. It provided, however, that any lands acquired by any railroad company under the provisions of said bill shall at all times be subject to the right of flowage which may at any time become necessary in the construction or maintenance of dams, reservoirs, or other works erected under the authority of the United States for the improvement of the navigation of the Mississippi River or its tributaries.

The proclamations referred to in said bill (copies herewith) were issued by the President in view of the acts of Congress approved June 18, 1878, March 3, 1879, June 14, 1880, and March 3, 1881, making appropriations for an examination and survey of the sources of the Mississippi River, and certain of its tributaries in the States of Wisconsin and Minnesota, and for the construction of reservoirs upon the headwaters of said rivers for the purpose of improving the navigation of the same.

Said proclamations withdrew from sale and disposal a large number of tracts of land scattered through Northern Wisconsin and Minnesota, which had been designated by the United States engineer having charge of the survey provided for in the acts above mentioned and reported to the Secretary of War.

The act of March 3, 1875 (18 Stat., 482), grants to railroad companies the right of way through the public lands of the United States which have not been specially reserved from sale, to the extent of 100 feet in width on each side of their roads; also the right to take from the public lands adjacent to the line of the road, material, earth, stone, and timber necessary for the construction of the road, and also grounds adjacent to the right of way necessary for station purposes.

As the bill under consideration proposes to extend the provisions of the act of 1875 to the lands in question as fully and to the same extent as though they had not been reserved from sale, reserving only the right of flowage, it follows that railroad companies claiming the benefits of the act of 1875 may in the event of its passage acquire not only a right of way through such lands, but also the right to occupy portions of the same for station purposes, and the right to take timber and other materialthere from for the construction of their roads.

It is evident from correspondence with the War Department on file in this office that in many instances the existence of timber, stone, and other material upon the reserved lands governed to a considerable extent that Department's estimates of the cost of constructing the dams and other works contemplated by the acts of Congress above mentioned.

The passage of the bill under consideration, at least so far as it grants the right to timber and other material, might therefore seriously interfere with the plans and estimates of the officers of the War Department having charge and control of the proposed improvements.

As to this, and also as to how far the construction of railroads through the lands in question might interfere with the proposed improvements, this office is not in a position to speak. I therefore respectfully suggest that the bill in question be referred to the War Department for its opinion thereon.

Mr. PLUMB's letter and the bill are herewith returned.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. WM. F. VILAS,
Secretary of the Interior.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES WITHDRAWING FROM SALE OR DISPOSAL CERTAIN LANDS IN THE STATES OF WISCONSIN AND MINNESOTA.

Whereas by the provisions of the second section of an act of Congress entitled "An act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved June 18, 1878, the Secretary of War was directed to cause "an examination" to be made "of the sources of the Mississippi River and of the St. Croix River in Wisconsin and Minnesota, and of the Chippewa and Wisconsin Rivers in the State of Wisconsin, to determine the practicability and cost of creating and maintaining reservoirs upon the headwaters of said rivers and their tributaries for the purpose of regulating the volume of water and improving the navigation of said rivers and that of the Mississippi River, and an estimate of the damage to result therefrom to property of any kind," and by the provisions of the acts of March 3, 1879, June 14, 1880, and March 3, 1881, appropriation was made for the completion of the survey above referred to and the construction of said reservoirs; and

Whereas it appears by the report of the United States Engineer having in charge the survey provided for by said act, which report was made to the Secretary of War, and dated St. Paul, Minn., June 12, 1880, that certain vacant public lands of the United States in the States of Wisconsin and Minnesota will be affected in the event of affirmative Congressional action upon said matter, and which action by the appropriations aforesaid has now been taken: Therefore,

I, James A. Garfield, President of the United States, do hereby direct that the following described public lands in the States of Wisconsin and Minnesota, being lands referred to in said report, be withheld from sale or disposal under the various acts for the sale and disposal of the public lands:

FALLS ST. CROIX, WISCONSIN, LAND DISTRICT.

Parts of sections.	S.	T.	R.	Remarks.
W. ½ NE. ¼	14	40	12	West of fourth principal meridian.
SE. ¼ NW. ¼ and N. ½ NW. ¼	24	40	12	
E. ½ SW. ¼	24	40	12	
W. ½ of section	36	40	12	
NE. ¼	4	39	14	West of fourth principal meridian.
NW. ¼ SE. ¼ and SW. ¼	4	39	14	
E. ½ NE. ¼	10	39	14	
NE. ¼	12	39	14	
N. ½ NW. ¼ and E. ½ SE. ¼	12	39	14	
S. ½ NE. ¼ and SE. ¼	14	39	14	
N. ½ NW. ¼ and SE. ¼ NW. ¼	14	39	14	
E. ½ SW. ¼	14	39	14	
W. ½ NW. ¼	22	39	14	
W. ½ SW. ¼ and NE. ¼ SW. ¼	22	39	14	
N. ½ NE. ¼ and SW. ¼ NE. ¼	24	39	14	
S. ½ SE. ¼ and NW. ¼ SE. ¼	24	39	14	
E. ½ of section	26	39	14	
E. ½ NW. ¼ and SW. ¼	26	39	14	
NE. ¼	18	38	15	West of fourth principal meridian.
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12	18	38	15	
All of section	20	38	15	
Lots 5, 6, 8, and 9	2	38	16	West of fourth principal meridian.
E. ½ SE. ¼ and NW. ¼ SE. ¼	2	38	16	
E. ½ NW. ¼ and E. ½ SW. ¼	12	38	16	
N. ½ NE. ¼ and SW. ¼ NE. ¼	17	38	16	
NW. ¼ SE. ¼	17	38	16	
S. ½ NE. ¼ and E. ½ SE. ¼	22	38	16	
W. ½ SE. ¼ and SW. ¼	26	38	16	
SE. ¼ NE. ¼ and S. ½ NW. ¼	28	38	16	
W. ½ SE. ¼ and SW. ¼	28	38	16	
N. ½ of section	34	38	16	
SE. ¼	34	38	16	
W. ½ NE. ¼ and NW. ¼	2	39	16	West of fourth principal meridian.
N. ½ SE. ¼ and SW. ¼ SE. ¼	2	39	16	
Lots 1 and 2 and S. ½ SW. ¼	3	39	15	
NE. ¼ NE. ¼ and S. ½ NE. ¼	3	39	16	
S. ½ SE. ¼ and S. ½ SW. ¼	4	39	16	
Lot 1	4	39	16	
NW. ¼ SE. ¼ and S. ½ SE. ¼	6	39	16	
SW. ¼ NW. ¼ and NW. ¼ SW. ¼	26	39	16	
NE. ¼ SE. ¼	26	39	16	
S. ½ NE. ¼ and S. ½ NW. ¼	27	39	16	
N. ½ SE. ¼ and SW. ¼	27	39	16	
W. ½ SW. ¼ and NW. ¼	34	39	16	
Lot 2 and SW. ¼ NE. ¼	19	40	16	West of fourth principal meridian.
NE. ¼ SW. ¼ and NW ¼	19	40	16	
NW. ¼	20	40	16	
Lots 1, 2, 3, and 4	33	40	16	
NW. ¼	33	40	16	
NW. ¼ SW. ¼ and NW. ¼ NE. ¼	33	40	16	
NW. ¼ and S. ½ of section	1	39	17	West of fourth principal meridian.
Lots 5, 6, and 7	13	40	17	Do.
E. ½ NE. ¼ and NW. ¼ NE. ¼	13	40	17	
SW. ¼	14	40	17	
Lots 1 and 2	24	40	17	
SE. ¼ NE. ¼ and N. ½ SE. ¼	24	40	17	
NE. ¼ NE. ¼ and S. ½ NE. ¼	2	40	18	West of fourth principal meridian.
SE. ¼	23	40	18	
NE. ¼	26	40	18	
SE. ¼	27	40	18	
S. ½ SW. ¼ and NE. ¼ SW. ¼	27	40	18	
S. ½ SE. ¼ and S. ½ SW. ¼	28	40	18	
S. ½ SE. ¼ and SE. ¼ SW. ¼	29	40	18	
E. ½ NE. ¼ and SW. ¼ NE. ¼	36	40	19	West of fourth principal meridian.
S. ½ SW. ¼	36	40	19	

EAU CLARE, WIS., LAND DISTRICT.

SE. ¼ NW. ¼ and NE. ¼ SE. ¼	17	40	7	West of fourth principal meridian.
SW. ¼ NE. ¼ and SW. ¼ NW. ¼	24	40	7	
E. ½ SW. ¼	6	39	11	West of fourth principal meridian.
SE. ¼ SE. ¼	18	40	11	Do.
E. ½ NE. ¼	20	40	11	
S. ½ SW. ¼	22	40	11	
E. ½ NE. ¼	28	40	11	
SE. ¼ NE. ¼ and NE. ¼ SE. ¼	30	40	11	
N. ½ SW. ¼	30	40	11	

BAYFIELD, WIS., LAND DISTRICT.

N. ½ NE. ¼	13	41	6	West of fourth principal meridian.
S. ½ SE. ¼ and N. ½ NW. ¼	13	41	6	
SW. ¼ SW. ¼	8	42	9	West of fourth principal meridian.
S. ½ SW. ¼ and SW. ¼ SE. ¼	14	42	9	
E. ½ SE. ¼ and SW. ¼ SE. ¼	24	42	9	
SE. ¼ SW. ¼	24	42	9	
NW. ¼ NE. ¼	25	42	9	
E. ½ NW. ¼ and NE. ¼ SW. ¼	25	42	9	
NE. ¼ SW. ¼	26	42	9	
S. ½ SW. ¼	28	42	9	
NW. ¼ NE. ¼	8	44	9	West of fourth principal meridian.
Lot 3	20	44	9	
SW. ¼	4	42	12	West of fourth principal meridian.
W. ½ NE. ¼	6	42	12	
NW. ¼ SE. ¼	10	42	12	
W. ½ SE. ¼	32	43	12	West of fourth principal meridian.
NW. ¼ NE. ¼	2	44	12	Do.
S. ½ NW. ¼	26	44	12	
NE. ¼ NW. ¼ and SW. ¼ NW. ¼	30	44	12	
Lot 1	24	45	12	West of fourth principal meridian.
S. ½ NW. ¼ and NE. ¼ SE. ¼	4	41	13	Do.
NW. ¼ SW. ¼ and SE. ¼	6	41	13	

BAYFIELD, WIS., LAND DISTRICT—continued.

Parts of sections.	S.	T.	R.	Remarks.
N. ½ SE. ¼ and SE. ¼ SE. ¼	8	41	13	
N. ½ SW. ¼	8	41	13	
NE. ¼	18	41	13	
E. ½ SE. ¼	20	41	13	
E. ½ NE. ¼ and NW. ¼ NE. ¼	28	41	13	
E. ½ SE. ¼	28	41	13	
W. ½ NE. ¼ and SE. ¼ NE. ¼	34	41	13	
NW. ¼	34	41	13	
SE. ¼ SE. ¼	30	42	13	West of fourth principal meridian.
N. ½ SE. ¼	32	42	13	
SW. ¼ SW. ¼	33	42	13	
Lots 2, 4, and 6	24	43	13	West of fourth principal meridian.
N. ½ SE. ¼	36	44	13	Do.
NW. ¼ NE. ¼	8	41	14	Do.
Lot 2 and NW. ¼ SW. ¼	8	41	14	
S. ½ SW. ¼	10	41	14	
W. ½ NW. ¼ and SE. ¼ NW. ¼	12	41	14	
W. ½ SW. ¼ and NE. ¼ SW. ¼	12	41	14	
SE. ¼ NE. ¼	20	41	14	
W. ½ SW. ¼	22	41	14	
NW. ¼ NE. ¼ and NE. ¼ NW. ¼	28	41	14	
NE. ¼ NE. ¼	30	41	14	
SE. ¼ SE. ¼	22	42	14	West of fourth principal meridian.
N. ½ NE. ¼ and NE. ¼ NW. ¼	26	42	14	
NE. ¼ NE. ¼	36	42	14	
S. ½ SW. ¼ and S. ½ SE. ¼	36	42	14	

WAUSAU, WIS., LAND DISTRICT.

SW. ¼ SE. ¼ and S. ½ SW. ¼	10	42	4	East of fourth principal meridian.
N. ½ NW. ¼	1	35	5	Do.
N. ½ NW. ¼ and SE. ¼ NW. ¼	36	36	5	Do.
SW. ¼	36	36	5	
E. ½ of section	1	38	5	East of fourth principal meridian.
S. ½ NW. ¼	1	38	5	
SW. ¼	1	38	5	
N. ½ SE. ¼ and SW. ¼ SW. ¼	23	39	5	East of fourth principal meridian.
N. ½ NE. ¼ and SW. ¼ NE. ¼	25	39	5	
N. ½ NW. ¼ and SE. ¼ NW. ¼	25	39	5	
E. ½ SW. ¼ and SW. ¼ SW. ¼	25	39	5	
N. ½ NE. ¼ and SW. ¼ NE. ¼	27	39	5	
W. ½ SW. ¼	28	39	5	
SE. ¼ SW. ¼	34	39	5	
SW. ¼	35	39	5	
NW. ¼ NW. ¼	36	39	5	
E. ½ SE. ¼ and SW. ¼ SE. ¼	36	39	5	
NE. ¼ SW. ¼ and NW. ¼	24	42	5	East of fourth principal meridian.
NE. ¼	36	42	5	
S. ½ NW. ¼ and S. ½ NE. ¼	1	35	6	East of fourth principal meridian.
S. ½ of section	1	35	6	
E. ½ NE. ¼	3	35	6	
SE. ¼ SW. ¼ and SE. ¼	3	35	6	
SW. ¼ NE. ¼ and SW. ¼ NW. ¼	5	35	6	
W. ½ SW. ¼ and NE. ¼ SW. ¼	5	35	6	
E. ½ SE. ¼	6	35	6	
S. ½ of section	9	35	6	
E. ½ NE. ¼ and SW. ¼ NE. ¼	9	35	6	
E. ½ SE. ¼ and NE. ¼	26	36	6	East of fourth principal meridian.
N. ½ NW. ¼ and SE. ¼ NW. ¼	26	36	6	
N. ½ NW. ¼ and SE. ¼ NW. ¼	31	36	6	
NE. ¼	32	36	6	
E. ½ NW. ¼ and NE. ¼ SW. ¼	32	36	6	
N. ½ SE. ¼ and SE. ¼ SE. ¼	32	36	6	
NE. ¼ NE. ¼	33	36	6	
W. ½ NW. ¼ and W. ½ SW. ¼	33	36	6	
W. ½ NE. ¼ and SE. ¼ NE. ¼	34	36	6	
NE. ¼ NW. ¼	34	36	6	
N. ½ of section	36	36	6	
NW. ¼ SE. ¼	36	36	6	
S. ½ SE. ¼	1	38	6	East of fourth principal meridian.
S. ½ SW. ¼ and NW. ¼ SW. ¼	1	38	6	
SE. ¼ SE. ¼	2	38	6	
Lots 1, 2, 3, 4, and 5	2	38	6	
S. ½ NW. ¼ and S. ½ NE. ¼	3	39	6	East of fourth principal meridian.
SE. ¼	3	39	6	
E. ½ SW. ¼	3	39	6	
NE. ¼ SE. ¼	4	39	6	
All of section	6	39	6	
W. ½ of section	7	39	6	
SE. ¼	7	39	6	
W. ½ NE. ¼ and SE. ¼ NE. ¼	7	39	6	
Lots 1 and 4 and W. ½ NW. ¼	9	39	6	
N. ½ SE. ¼ and NE. ¼	10	39	6	
NW. ¼ NE. ¼	11	39	6	
N. ½ NW. ¼ and NE. ¼	12	39	6	
S. ½ SE. ¼	13	39	6	
SW. ¼ NW. ¼ and S. ½ section	21	39	6	
NW. ¼ NE. ¼	22	39	6	
S. ½ SE. ¼ and NE. ¼ SE. ¼	22	39	6	
S. ½ SW. ¼ and NW. ¼ SW. ¼	22	39	6	
E. ½ SW. ¼ and E. ½ section	23	39	6	
NW. ¼ NE. ¼	24	39	6	
W. ½ NW. ¼ and NE. ¼ NW. ¼	24	39	6	
NE. ¼ NE. ¼ and NW. ¼ NE. ¼	26	39	6	
NW. ¼ SE. ¼	26	39	6	
W. ½ of section	26	39	6	
E. ½ of section	30	39	6	
E. ½ NW. ¼ and SW. ¼	30	39	6	
W. ½ NW. ¼	36	39	6	
E. ½ section	21	40	6	East of fourth principal meridian.
SE. ¼ SW. ¼ and E. ½ of section	28	40	6	
NE. ¼	33	40	6	
N. ½ NW. ¼ and N. ½ SE. ¼	33	40	6	
All of section	34	40	6	
SE. ¼ SE. ¼ and NW. ¼ NE. ¼	13	38	7	East of fourth principal meridian.
E. ½ NE. ¼	17	38	7	

WAUSAU, WIS., LAND DISTRICT.—continued.

Parts of sections.	S.	T.	R.	Remarks.
E. ½ SE. ¼ and SW. ¼ SE. ¼	17	38	7	
SE. ¼ NW. ¼	17	38	7	
E. ½ NE. ¼	24	38	7	
S. ½ SW. ¼	25	38	7	
NE. ¼ SW. ¼ and N. ½ section	7	39	7	East of fourth principal meridian.
NW. ¼ SW. ¼ and SE. ¼ SW. ¼	19	39	7	
SW. ¼ SE. ¼	19	39	7	
W. ½ NW. ¼	30	39	7	
All of section	1	36	8	East of fourth principal meridian.
NW. ¼ NW. ¼	7	37	8	Do.
E. ½ NW. ¼ and SW. ¼ NE. ¼	9	37	8	
E. ½ NW. ¼ and S. ½ NE. ¼	10	37	8	
E. ½ SE. ¼ and NE. ¼ SW. ¼	10	37	8	
NE. ¼ SW. ¼	11	37	8	
SE. ¼	13	37	8	
NE. ¼ NW. ¼	14	37	8	
S. ½ SE. ¼ and SW. ¼ SW. ¼	15	37	8	
S. ½ NW. ¼ and SW. ¼ NE. ¼	20	37	8	
W. ½ SE. ¼ and SE. ¼ SE. ¼	20	37	8	
SW. ¼	20	37	8	
E. ½ NE. ¼ and E. ½ SE. ¼	21	37	8	
S. ½ SW. ¼	21	37	8	
NW. ¼ NW. ¼ and S. ½ NW. ¼	23	37	8	
S. ½ SW. ¼	23	37	8	
N. ½ SE. ¼ and NE. ¼	24	37	8	
SW. ¼ NE. ¼	25	37	8	
N. ½ SE. ¼ and W. ½ section	26	37	8	
W. ½ NW. ¼ and SE. ¼ NW. ¼	35	37	8	
SW. ¼ NE. ¼ and SW. ¼	35	37	8	
W. ½ SE. ¼ and SE. ¼ SE. ¼	35	37	8	
N. ½ NE. ¼ and N. ½ NW. ¼	32	38	8	East of fourth principal meridian.
NE. ¼ NE. ¼	6	36	9	Do.
W. ½ NW. ¼ and SE. ¼ SE. ¼	6	36	9	
NW. ¼ SW. ¼	6	36	9	
Lots 3, 4, 5, 7, and 8	6	36	9	
W. ½ NW. ¼	19	37	9	East of fourth principal meridian.
NW. ¼ SW. ¼ and SE. ¼ SE. ¼	19	37	9	
E. ½ SW. ¼	28	37	9	
S. ½ NW. ¼ and S. ½ SE. ¼	32	37	9	
SW. ¼ NE. ¼ and NE. ¼ NE. ¼	32	37	9	
NW. ¼ NW. ¼	17	39	9	East of fourth principal meridian.
SW. ¼ NE. ¼ and S. ½ NW. ¼	18	39	9	
N. ½ SE. ¼ and SW. ¼ SE. ¼	18	39	9	
SW. ¼	18	39	9	
W. ½ NE. ¼ and NW. ¼	19	39	9	
SW. ¼ and W. ½ SE. ¼	19	39	9	
W. ½ SE. ¼	21	39	9	
N. ½ NE. ¼ and NE. ¼ NW. ¼	31	39	9	
SW. ¼ NW. ¼	2	39	10	East of fourth principal meridian.
NW. ¼ SW. ¼	4	39	10	
N. ½ SE. ¼ and SE. ¼ SE. ¼	10	39	10	
N. ½ section	10	39	10	
SW. ¼ NW. ¼ and SW. ¼	15	39	10	
S. ½ section	25	39	10	
W. ½ SW. ¼	8	40	10	East of fourth principal meridian.
NE. ¼ NE. ¼	9	40	10	
W. ½ SE. ¼ and SE. ¼ SE. ¼	14	40	10	
NW. ¼	15	40	10	
NE. ¼ NE. ¼	17	40	10	
W. ½ NW. ¼ and W. ½ SW. ¼	17	40	10	
W. ½ NW. ¼ and SE. ¼ NW. ¼	20	40	10	
SW. ¼ SE. ¼	20	40	10	
NW. ¼ SE. ¼ and NE. ¼ SW. ¼	26	40	10	
N. ½ NW. ¼ and SW. ¼ NW. ¼	28	40	10	
NE. ¼ NE. ¼	29	40	10	
N. ½ SW. ¼ and S. ½ NW. ¼	29	40	10	
NE. ¼ NW. ¼ and NE. ¼ SE. ¼	30	40	10	
NE. ¼ NE. ¼ and SW. ¼ NE. ¼	32	41	10	East of fourth principal meridian.
SE. ¼	5	38	11	Do.
NW. ¼ SE. ¼	9	38	11	
E. ½ NE. ¼ and SW. ¼ SE. ¼	20	38	11	
NW. ¼ NW. ¼	21	38	11	
E. ½ SW. ¼ and E. ½ section	22	38	11	
NE. ¼ SE. ¼ and NW. ¼ NW. ¼	28	38	11	
NW. ¼ NE. ¼ and NW. ¼	19	39	11	East of fourth principal meridian.
NE. ¼ NE. ¼	23	39	11	
SE. ¼ NW. ¼ and NE. ¼	25	39	11	
N. ½ NW. ¼ and SW. ¼ NW. ¼	27	39	11	
SE. ¼ SE. ¼	28	39	11	
S. ½ SE. ¼	31	39	11	
W. ½ NW. ¼ and W. ½ SW. ¼	5	40	11	East of fourth principal meridian.
NW. ¼ NE. ¼ and SE. ¼ NE. ¼	7	40	11	
SW. ¼ NW. ¼ and NE. ¼ SW. ¼	30	40	11	

ST. CLOUD, MINN., LAND DISTRICT.

NW. ¼ SE. ¼ and SW. ¼ NE. ¼	25	145	25	West of fifth principal meridian.
NW. ¼ SE. ¼ and NE. ¼	6	143	26	Do.
NE. ¼ NE. ¼ and SE. ¼ SE. ¼	10	143	26	
E. ½ NE. ¼ and E. ½ SE. ¼	15	143	26	
W. ½ SW. ¼ and SE. ¼ SW. ¼	15	143	26	
S. ½ SW. ¼ and SE. ¼	17	143	26	
S. ½ NW. ¼ and E. ½ section	21	143	26	
E. ½ SW. ¼ and NW. ¼ SW. ¼	21	143	26	
S. ½ NW. ¼ and N. ½ SE. ¼	22	143	26	
NE. ¼ and SW. ¼	22	143	26	
W. ½ NE. ¼ and SW. ¼ SE. ¼	10	137	27	West of fifth principal meridian.
Lots 1, 2, and 5 and NW. ¼	10	137	27	
NE. ¼ NE. ¼ and NW. ¼ NW. ¼	14	137	27	
NE. ¼ SE. ¼ and W. ½ SE. ¼	14	137	27	
E. ½ SW. ¼ and NW. ¼ SW. ¼	14	137	27	
Lots 1 and 2	14	137	27	
N. ½ NE. ¼ and NW. ¼ NW. ¼	26	137	27	
SE. ¼ SE. ¼	26	137	27	
Lots 1, 2, 3, 5, and 6	26	137	27	

TAYLOR'S FALLS, MINN., LAND DISTRICT.

Parts of sections.	S.	T.	R.	Remarks.
SE. ¼ NE. ¼	22	40	19	West of fourth principal meridian.

Given under my hand, at the city of Washington, this 5th day of April, A. D. 1881.

JAMES A. GARFIELD.

By the President:
C. W. HOLCOMB,
Acting Commissioner General Land Office.

NOTICE TO CLAIMANTS.

All valid entries and filings of or upon lands embraced in the foregoing list which may have been made at the respective local land offices prior to the date of this proclamation of withdrawal, will not be affected by the same.

C. W. HOLCOMB,
Acting Commissioner General Land Office.

HUDSON G. LAMKIN.

Mr. HOLMAN. I ask unanimous consent to have taken up and passed at this time a bill on behalf of a Union soldier, which involves only $125, and which has been pending a long time.

The bill (H. R. 9464) for the relief of Hudson G. Lamkin was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Hudson G. Lamkin, of Dearborn County, Indiana, late a private in Company D, Third Regiment of Indiana Volunteer Cavalry, the sum of $115, for a horse belonging to him and lost in the service of the United States in the late war.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TOWNSHEND. I have a bill for the benefit of a Union soldier which I would also like to have considered. I do not object to the bill of the gentleman from Indiana.

The SPEAKER. The Chair will recognize gentlemen in their order.

Mr. HOLMAN. Since this bill was reported to the House I have received a communication from the Quartermaster-General stating that the value of this horse lost in the service of the United States was $125, instead of $115. I desire, therefore, that the bill be amended accordingly.

Mr. TOWNSHEND. I have been seeking for six months to get recognition for a bill, which I hold in my hand, for the benefit of a Union soldier.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN] for the present consideration of this bill? The Chair hears none.

There being no objection, the House proceeded to the consideration of the bill.

The amendment of Mr. HOLMAN to strike out "fifteen," in line 6, and insert "twenty-five," so as to make the amount $125, was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM COLLINS.

Mr. MILLIKEN. I ask, by unanimous consent, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 793) for the relief of William Collins, and the same be considered at this time in the House.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay out of the Treasury, from any moneys not otherwise appropriated, to William Collins the sum of $240 for a fishery bounty due him as master of the fishing-schooner Sarah Franklin, hailing from Castine, Me.

The amendment of the committee was read, as follows:

Strike out in lines 5 and 6 the words "two hundred and forty dollars," and insert in lieu thereof the words "one hundred and sixty-seven dollars and eighty cents."

The report of the committee (by Mr. LANHAM) was read, as follows:

The Committee on Claims have considered House bill No. 793, for the relief of William Collins, and recommend that it do pass with the following amendment: Strike out the words "two hundred and forty dollars" and insert "one hundred and sixty-seven dollars and eighty cents" instead.

This claim was considered in the last Congress by the Committee on Claims, and the following facts were found:

"The Committee on Claims, to whom was referred the bill (H. R. 1030) for the relief of William Collins, submit the following report:

"The committee find that on the 7th day of April, 1866, William Collins, a citizen of the United States and the State of Maine, took out a license to be employed in cod-fishing, as owner and master of the schooner Sarah Franklin, burden 41.95 tons. At that time, by virtue of existing laws, a bounty of $4 per ton was allowed and paid to vessels of the class of the Sarah Franklin engaged in cod-fishing during a period of four months within the year. While said Collins was engaged in cod-fishing, the laws relating to fishing bounty were repealed (act July 28, 1866, section 4), and Collins was never paid the bounty to which he

was entitled, although he completed the full period of four months' cod-fishing within the time which the law prescribed."

The SPEAKER. Is there objection to discharging the Committee of the Whole House from the further consideration of this bill and amendment?

Mr. TOWNSHEND. Is it in order, if we do not object, to move an amendment to cover another case?

The SPEAKER. One private bill can not be amended to include another.

There was no objection; and the Committee of the Whole House was discharged from the further consideration of the bill and amendment.

The amendment of the Committee on Claims was adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. S. FLAKE.

Mr. ENLOE. I move, by unanimous consent, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $150 to James S. Flake, guardian of Samuel Howard (a lunatic), of Henderson County, Tennessee, the same being for quartermaster's stores, consisting of one horse, taken from the said Howard and appropriated by the military forces of the United States.

The report of the Committee on War Claims (by Mr. WILKINSON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard, submit the following report:

The Committee on War Claims having examined the proof in this case find that claimant, who is guardian for Samuel Howard, a lunatic, filed his claim before the Quartermaster-General under the act of July 4, 1864, and the claim was examined by the special agent of the Government, the taking and use of the property, a horse, was proven, the loyalty of the claimant was established, and the claim was allowed by the Quartermaster-General, fixing the amount at $100. After the claim was allowed it was discovered that the claimant was barred by the act of March 3, 1879, and the allowance was withdrawn and the claim was rejected on that ground.

The committee think that no advantage should be taken of a lunatic because of the failure to file the claim in time to escape the bar, and therefore recommend that the bill be amended by striking out $150 and inserting $100, and that the bill so amended do pass.

There was no objection; and the Committee of the Whole House was discharged from the further consideration of the bill.

The amendment of the Committee on War Claims was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ENLOE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAR CLAIMS.

Mr. BUCHANAN. Some time ago I objected to the request of the gentleman from Kentucky [Mr. STONE], and I would like to know whether I have not the right to withdraw the objection at any time?

The SPEAKER. The gentleman has the right to withdraw it.

Mr. BUCHANAN. I withdraw my objection.

The SPEAKER. Is there further objection to the request of the gentleman from Kentucky [Mr. STONE] that Wednesday next after the reading of the Journal be devoted to the consideration of reports from the Committee on War Claims, and if that day be not occupied to be a continuing order until one day has been occupied?

Mr. SAYERS. I object.

PUBLIC BUILDING, CHESTER, PA.

Mr. DARLINGTON. I ask, by unanimous consent, to call up for consideration at this time a bill (S. 129) for the erection of a public building at Chester, Pa.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise procure, a suitable site, and cause to be erected thereon, at Chester, in the State of Pennsylvania, a substantial and commodious public building for the use of the United States post-office and internal-revenue and other Government offices: *Provided*, That no money appropriated for said building shall be expended until a valid title to the site selected (which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys) shall be vested in the United States, nor until the State of Pennsylvania shall have ceded jurisdiction over the same for all purposes, during the time the United States shall be or remain the owner thereof, except for the enforcement of the criminal laws of said State and the service of civil process therein. The plans and estimates for said building shall first be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and the ultimate cost shall not exceed the sum of $75,000, which sum is hereby appropriated for the same out of any money in the Treasury not otherwise appropriated.

Mr. SPRINGER. I move that the House take a recess.

The SPEAKER. Is there objection to taking up the bill indicated for consideration at this time?

Mr. SPRINGER. The recognition of the gentleman from Michigan was objected to and the recognition of another gentleman from another district was objected to, and I think there should be some system adopted in this matter.

The SPEAKER. The system of the Chair is to endeavor to act fairly between the two sides of the House.

Mr. TOWNSHEND. One gentleman has received two recognitions, although not from the present occupant of the chair, while others have not received any at all.

Mr. SPRINGER. I move to take a recess until 8 o'clock this evening. [Cries of "Regular order!"]

The House divided; and there were—ayes 30, noes 37.

[Cries of "Regular order!"]

Mr. OATES. I demand the regular order.

Mr. SPRINGER. I demand tellers on the motion to take a recess.

Tellers were not ordered, only 15 voting in favor of the demand, which was not a sufficient number.

So the House refused to take a recess.

Mr. OATES. I demand the regular order of business.

Mr. TARSNEY. I ask unanimous consent——

The SPEAKER. The Chair can not entertain a request for unanimous consent when the regular order of business is demanded.

Mr. HOOKER. I want to ask unanimous consent to have printed in the RECORD——

The SPEAKER. But the regular order is demanded; and the Chair can not recognize any gentleman to ask unanimous consent.

Mr. OATES. I will withdraw the demand for the regular order.

Mr. SPRINGER. And I renew it; but yield to the gentleman from Mississippi [Mr. HOOKER], who wants to have published an article in the RECORD from one of the reports on a bill considered to-day.

Mr. BINGHAM. That will not do. If the regular order is demanded let us proceed with it.

Mr. BUCHANAN. I demand the regular order.

The SPEAKER. The regular order has been demanded, and the Chair will proceed with the bill now in the hands of the Clerk.

Mr. SPRINGER. What is the bill?

The SPEAKER. The gentleman from Pennsylvania has asked unanimous consent to consider a bill which has been read and is now before the House. Is there objection?

Mr. TOWNSHEND. If the gentleman from Pennsylvania will not make the point of order upon an amendment I wish to offer to his bill, I shall not object to it. I want to move an amendment to provide for the erection of a public building in Illinois. I have been trying for some time to secure its consideration, without avail.

Mr. DARLINGTON. I have no objection, if the House is willing.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SPRINGER. I object.

Mr. DOCKERY. I move that the House take a recess until 8 o'clock.

Mr. HOOKER. I hope the House will vote that motion down.

The question was taken; and the Speaker declared that the ayes seemed to prevail.

Mr. CHEADLE. I demand a division.

The House proceeded to divide.

Mr. CHEADLE. I withdraw the demand for a division.

So (no further count being demanded) the motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *August* 10, 1888.

Hon. BENTON MCMILLIN is hereby designated to preside as Speaker *pro tempore* at this evening's session of the House.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order.

Mr. MATSON. I ask unanimous consent that each gentleman present may be recognized and allowed to call up one bill this evening. I have been trying to arrange matters to the satisfaction of all persons present, and believe this plan will meet with no objection.

Mr. FINLEY. Mr. Chairman, I have been here every Friday evening for two months trying to get up certain pension bills in which I am personally interested. They are now just at that point on the Calendar where we left off business before. I will not, however, object to the request of the gentleman from Indiana if it is the desire of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

WILLIAM KELSEY.

Mr. MORRILL. I ask unanimous consent to consider the bill (S. 2106) granting a pension to William Kelsey.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Kelsey, late of Company G, Sixth Regiment Kansas Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2106) granting a pension to William Kelsey, submit the following report:

William Kelsey, the claimant in this case, has served in the armies of the United States as follows: From September 1, 1847, to September 28, 1848, as a private in Captain Griffin's Company A, Gilpen's Indian Battalion Missouri Mounted Volunteers, and from November 5, 1861, to December 29, 1863, as a private in Company G, Sixth Regiment Kansas Volunteer Cavalry, in the war of the rebellion.

On August 9, 1878, he made application for pension, alleging as the basis of his claim that he contracted, about November 1, 1862, at Cove Creek, Arkansas, sciatic neuralgia, and about December 20, 1862, in the general hospital at Fort Scott, Kans., erysipelas.

The claim for sciatic neuralgia was allowed and the claimant pensioned at the rate of $4 per month. The claim for erysipelas was rejected June 23, 1885, on the ground that there was "no evidence of existence of disability, in a pensionable degree, at any time since discharge."

The certificate of disability on which the claimant was discharged states "that he is unfit for the performance of the duties of a soldier because of neuralgia and erysipelas." Prior soundness is established; origin in the service is admitted. As to continuance, Dr. Thomas Donaho swears that he was his family physician from 1858 to 1867. * * * Treated him after his discharge for neuralgia and erysipelas. His neighbors, whose reputations for veracity are unquestioned, swear to an intimate acquaintance with claimant. * * * That after his discharge in 1863 he has suffered with neuralgia and erysipelas. * * * In 1865, and again in 1869, he was confined to his house and bed by neuralgia and erysipelas, the latter lasting nearly four years. * * * Also in 1876 for about five months. * * * Has suffered almost continuously since 1863, and is unable to perform manual labor of any kind.

Claimant is now receiving $6 per month. Your committee feel that, taking into account his faithful service in the Mexican war, for which he is receiving no pension, his great age, his inability to perform any manual labor, and his destitute circumstances, his pension is inadequate, and therefore recommend that the bill be amended by adding "and pay him a pension of $14 per month in lieu of the pension he is now receiving," and that the bill so amended do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FIDEL GATES.

Mr. MATSON. I ask unanimous consent to call up for present consideration the bill (H. R. 10906) granting a pension to Fidel Gates.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fidel Gates, late a private in Company G, Ninety-third Regiment Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10906) granting a pension to Fidel Gates, have considered the same, and now report:

Claimant enlisted August 28, 1862, and was discharged January 7, 1863. In declaration filed January 18, 1869, he alleges that he contracted sore eyes about one month before his discharge, and was also affected with enlargement of the spleen. After a special examination the claim was rejected October 3, 1884, on the ground that disease of eyes existed prior to enlistment, and that malarial poisoning, causing disease of spleen, also existed before enlistment.

After a careful examination of this case we are of the opinion that the evidence substantiates prior soundness, and that the disabilities alleged were incurred in the Army and in line of duty, as stated in his application. The claimant presents a case that appeals strongly to the sympathies. He has been totally blind since 1872 and dependent upon the charity of his friends for support, and, believing that his claim is a just one and has been fully proven, we submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH L. IRWIN.

Mr. THOMPSON, of Ohio. I ask to call up the bill (H. R. 10418) granting a pension to Hannah L. Irwin.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah L. Irwin, widow of Cyrus E. Irwin, deceased, late of Company D, Thirteenth Regiment of Pennsylvania Volunteer Cavalry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10418) granting a pension to Hannah L. Irwin, having considered the same, report as follows:

Cyrus E. Irwin, the husband of the claimant, was a sergeant of Company D, Thirteenth Regiment of Pennsylvania Cavalry Volunteers. He enlisted July 22, 1862, was discharged May 29, 1865, and died December 18, 1886. On the 26th of February, 1863, in a fight with the enemy at Woodstock, Va., he received a gunshot wound in the back, on account of which he applied for a pension on the 2d day of February, 1883, and on the 5th day of May, 1885, a pension was granted to him, and was thereafter paid to him until his death. He left the claimant, his widow, and four children under sixteen years of age.

Claimant, on behalf of herself and children, applied for a pension December 18, 1886, but on July 23, 1887, her application was rejected on the ground that the soldier's death was not due to his military service. The case before the Pension Office turned upon the question whether or not the soldier's death was caused by the wound in the back. The immediate cause of the soldier's death war uræmic poisoning. He was attended in his last illness by Dr. David Coleman and Dr. W. K. Coleman, two able physicians and surgeons of West Union, Ohio, who unite in saying that the gunshot wound in the back was the exciting cause of the death, and they are corroborated by Dr. G. W. Osborn, who had treated him during the year preceding his death. And they are also corroborated by the report of Dr. Nelson B. Lafferty, examining surgeon; by the report of Drs. Davidson, Bing, and Kline, board of examining surgeons at Portsmouth, Ohio; by the report of Drs. Cartmel and Pickett, of the board of examining surgeons at Maysville, Ky.; and by the report of Drs. Brum and W. K. Coleman, of the board of examining surgeons at West Union, Ohio.

The claim was approved in the Pension Office by the examiner, the legal reviewer, and the rereviewer, but was rejected by the Commissioner upon the opinion of the medical referee. Upon the evidence we are clearly of the opinion that the gunshot wound was the exciting cause of the soldier's death, but in any event we would give the widow of this soldier the benefit of all doubts.

We append herewith the statement made in the case by Dr. W. K. Coleman, one of the examining surgeons of the board at West Union, Ohio, and recommend the passage of the bill.

EXHIBIT.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., January 17, 1883.

SIR: In the claim for pension, No. 318489, of Mrs. Hannah L. Irwin, widow of Cyrus E. Irwin, late of Company D, Thirteenth Pennsylvania Cavalry, it appears that you treated said soldier during his last illness and that you have personal knowledge of his having been disabled by a gunshot wound of the back. Will you kindly inform this bureau as to the immediate cause of death, and also describe thoroughly the wound of back; its location, condition of cicatrices, loss of muscular or bony tissue, etc. That is, we wish you to give as clear a statement of the wound of back as possible, and also to state whether it is within your knowledge that any organ or tissue within the pelvis was injured.

The object of this inquiry is to determine whether or not said wound was the cause of disease of kidneys believed to have been the cause of soldier's death.

Very respectfully,

JOHN CAMPBELL, *Medical Referee.*

W. K. COLEMAN, M. D.,
West Union, Adams County, Ohio, Treasurer of Board.

WEST UNION, OHIO, *January 24, 1888.*

SIR: In reply to the inclosed letter, will say that I first knew the late Cyrus E. Irwin as his family physician in 1881. I was frequently called upon to prescribe for him for constipation. He would take treatment from me for a few weeks, then take laxative and purgative medicine of his own selection for some time, then again apply to me for treatment. His statement each time was that he had suffered from constipation, never having a natural discharge from bowels ever since receiving gunshot wound of back.

In the spring of 1885 said Irwin applied to me for treatment. He was then suffering as before; but had in addition chronic gastrointestinal catarrh, characterized by tenderness over liver, stomach, and spleen, tympanites and tenderness of abdomen, furred tongue, and a decided sallow complexion. At that time I examined his wound and found a cicatrix upon middle portion sacrum about as large as a 5-cent nickel, with slight loss of tissue and bone substance; also a smaller cicatrix 2 inches below, with slight loss of tissue; each cicatrix was tender and adherent; tenderness diffused over entire sacral and lumbar regions.

The rectum was dry, devoid of secretion, and contracted to one-half its normal size. Previous to this time he also complained of sharp pains in back, hips, and legs, but from the time I examined his wound until his death increasing in frequency and severity. He suffered from lancinating pains in back, hips, and legs, at times producing partial paralysis of legs and radiating from gunshot wound of back. For a year previous to death he was never free entirely from pain as above, each attack of severe pain lasting from six to ten days. For the first two or three days of severe pain he had an increased secretion of urine, which was followed by almost entire suppression of urine, with slight symptoms of uremia, which would yield to treatment. There never was any qualitative change in urine except slight excess of phosphates. In September, 1886, I went with him to consult Dr. J. L. Whittaker, of Cincinnati, Ohio. Dr. Whittaker at once suspected disease of kidney, but examination of urine revealed only slight excess of phosphates, but upon a closer examination Dr. Whittaker was of the opinion that his condition was due to gunshot wound on sacrum. About the 1st of October, 1886, said Irwin began to present more pronounced symptoms of Addison's disease, some slight manifestations being present previous. There was a steady decline in his health from the time of first treatment until his death. I was called to see him on the 16th of December, 1886, and found a slight attack of pneumonia.

On the morning of the 17th he was suffering great pain in loins and hips, with complete suppression of urine and decided symptons of uremia; treatment was directed to the uremia from that time. He died on the night of December 18, 1886, from uremia and not from pneumonia.

There was no autopsy and the precise condition of kidney and its appendages could not be known. From all the symptons presented from time to time, and from the immediate cause of death—uremia—and the opinion of Dr. Whittaker, and of Dr. D. Coleman, the latter being associated with me in the treatment of the case, I am of the opinion that the exciting cause of Cyrus E. Irwin's death was due to gunshot wound upon sacrum, affecting cauda equina and sacral nerves and through them the rectum and kidneys.

Very respectfully,

W. R. COLEMAN, M. D.

TO JOHN CAMPBELL,
Medical Referee, Washington, D. C.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH J. FRAILY.

Mr. TOWNSHEND. I call up the bill (H. R. 6001) granting a pension to Sarah J. Fraily.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Sarah J. Fraily, as widow of Shepherd Fraily, late a private Company D, Forty-eighth Regiment Kentucky Volunteers, subject to the provisions and limitations of the general pension laws.

The report (by Mr. LANE) is as follows:

Shepherd Frailey was a private in Company D, Forty-eighth Regiment Kentucky Volunteers. Said soldier before his death drew a pension for injuries received in the service, said injuries being received while shoeing a wild mule, and affected the soldier's hip and back, causing atrophy of the muscles and rheumatism. And the reason a pension was not granted to his widow by the Department is that the soldier's death was caused by lung troubles, and not from the affection of back and hip.

Dr. John W. Bradburn, a physician in good standing, and whose post-office is Cave in Rock, Hardin County, Illinois, after having been duly sworn, testifies as follows: That he treated said Shepherd Frailey during his last illness. That he was first called to see him on January 7, 1885. That he treated him for pneumonia of the right lung, coupled with articular rheumatism of the limbs. That he visited him daily until January 17, 1885, when he was so far recovered from pneumonia as to require no further treatment; but he still suffered from rheumatism. That on January 24, 1888, he was again called to the case, and found the soldier suffering severe pain in the region of the heart; that the soldier's death occurred on January 25, 1888, and was caused by pericarditis, which resulted from rheumatism contracted in service.

Your committee have concluded from the evidence that the soldier's death was caused by disease of the heart, resulting from injury received while in line of duty, and that the claimant, his widow, is entitled to a pension; and therefore respectfully recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY ALWARD.

Mr. JOHNSTON, of Indiana. I call up the bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Henry Alward, dependent father of Henry M. Alward, deceased, late a private of Company H, Fortieth Regiment Indiana Volunteer Infantry, according to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The claimant is the father of Henry M. Alward, who enlisted in the service of the United States on the 17th day of September, 1862, as a private in Company H, Fortieth Regiment Indiana Volunteers, who, while in the service and in the line of duty at Murfreesborough, Tenn., died of fever on the 18th day of April, 1863. The applicant alleges in his application filed February 28, 1883, that he was in whole or in part dependent upon his said son for support at the time of his decease. The application for pension was rejected on the ground of non-dependence at the time of soldier's death. It is in evidence that the soldier made his home with claimant prior to his enlistment, and contributed by his labor to the support of claimant up to the date of enlistment, and at that time was the only son living with him.

Claimant had about the time of the death of the soldier two acres of land, a little home valued at a total of $970, including personal effects and improvements. Claimant was a plasterer by trade, and his total income did not exceed $500 per year.

The special examiner, who seems to have given the case a very thorough and impartial examination, closes his report as follows:

"From all the testimony introduced, the standing and credibility of the several affiants, and the estimation in which the claimant is held, and the claim viewed by the community generally, I have no hesitation in recommending the same as a just claim and one that should be paid, and respectfully submit the same with that view."

The claimant is now very feeble, is eighty-four years old, and in view of all the circumstances the committee believe that the relief asked for by the claimant ought to be granted. We therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GILBERT REED.

Mr. NEAL. I call up the bill (H. R. 8494) granting a pension to Gilbert Reed.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gilbert Reed, late a second lieutenant in the Eleventh Regiment Tennessee Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Gilbert Reed, late a lieutenant in Company E, Eleventh Tennessee Regiment of Cavalry, praying for a pension, having had the same under consideration, submit the following report:

That Gilbert Reed, the petitioner, was a recruiting officer, detailed as such to procure recruits, and from the evidence on file appeared to have done good service for the Union cause from the early stage of the war to the time of his accident, August 9, 1863. On the night of that date, while leading recruits to the Union lines in Kentucky, through the Cumberland Mountains, on account of the darkness, he fell over a declivity and sustained severe injuries to his body, besides dislocation of the hip. From the evidence of recruits with him at the time, it appears that Gilbert Reed was piloting them over an intricate way in the darkness, when he fell as stated; that the injuries were so severe that he could not be moved except to the shelter of a cave near by, where his wants were attended to until he recovered sufficiently to be taken to a place of greater safety and comfort, and that in transporting him he had to be carried in a sheet or blanket.

The evidence shows also that the petitioner was, previous to his accident, a scout, and frequently gave relief to loyal persons whom he found inside of the enemy's lines; that after the accident he was unable to perform military duty. The papers of his regiment, which were destroyed by the enemy at a subsequent period, obliterate the record, so that he is unable to secure a pension by the existing pension acts, but evidence of comrades and civilians acquainted with the facts has been furnished.

The committee are of opinion that Gilbert Reed merits a pension, and therefore recommend the passage of the accompanying bill.

Amend by adding, after the word "Reed," the words "and pay him a pension at the rate provided by law for a second lieutenant."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD JARDINE.

Mr. FARQUHAR. I ask consideration of the bill (H. R. 10525) to increase the pension of Edward Jardine.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Edward Jardine, late colonel and brevet brigadier-general United States Volunteers, on the pension-roll at the rate of $50 per month, in lieu of his present pension of $30 per month.

The report (by Mr. SAWYER) was read, as follows:

Edward Jardine, while colonel of the Ninth New York Volunteers and brevet brigadier-general, was wounded in thigh during the New York City draft riots. He is now a pensioner at $30 per month, under special act of Congress approved June 6, 1874. This rate can not be increased by the Pension Bureau, because the rate of pension is fixed by the act; and therefore, and because of increased disability, pensioner comes to Congress for relief.

Dr. G. H. Humphrey, of New York City, under date of February 6, 1888, makes the following statements:

"I hereby certify that I have known this officer and have attended him professionally from time to time since the year 1861, when we served together during the war in the same regiment, the Ninth New York Volunteers (the Hawkins Zouaves), and that on the 15th July, 1863, in the city of New York, during the draft riots, General Jardine, while in command of troops engaged in suppression of the riots, was wounded in action, suffering a compound gunshot fracture of the left thigh-bone in its upper third. This wound crippled him for life. After about a year of great pain and peril he so far recovered as to get about on crutches with a badly deformed and useless limb. But the wound has repeatedly broken out afresh, and during the past twenty-five years he has again and again undergone the greatest pain and danger to his life in consequence of attacks of inflammation and death of portions of the injured bone, with extensive abscesses; that during the past ten months he has been confined to his bed owing to one of these attacks, the result of a fall, which for the third time refractured his tender, badly irritated limb, and during a portion of this time his life has been in the utmost danger from septic blood poisoning.

"He is at present confined absolutely to his bed or reclining chair, quite unable to move from place to place without great assistance, or to dress himself, or to serve himself in any of the ordinary functions of life, unable to sit in a natural attitude owing to stiffening of the left hip-joint, and, moreover, liable at any time to a recurrence of the dangerous inflammations which so often have threatened to kill him. He may perhaps ultimately get about again upon crutches, but the state of the limb does not yet warrant a prediction as to when the time for so doing may come."

Medical examination ordered by the Pension Bureau under a misapprehension of facts since the date of the above-quoted certificate of Dr. Humphrey fails to show an improvement in General Jardine's condition, a thing almost out of question in view of his advanced age.

The general pension laws provide a pension of $50 per month for those who are so totally disabled as to require the regular aid and attendance of another person, but as this amount can not be granted by the Pension Bureau, for reasons heretofore stated, your committee, fully satisfied of the applicant's helpless condition, are of opinion that the relief asked for should be granted, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

KEYES P. COOL.

Mr. MCSHANE. I ask the consideration of the bill (S. 3219) to increase the pension of Keyes P. Cool.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Keyes P. Cool, a private in Capt. G. Spencer's Company of Vermont Militia, in the war of 1812, from $8 to $40 per month, in accordance with the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3219) granting an increase of pension to Keyes P. Cool, have considered the same and report the bill back to the House, recommending its passage.

They adopt as their report the statement of facts correctly set forth in the report of the Senate Committee on Pensions, as follows:

[Senate Report No. 1730, Fiftieth Congress, first session.]

Claimant was a private in Capt. G. Spencer's company of Vermont Militia, in the war of 1812; participated in an engagement with the enemy at Plattsburgh, N. Y., in the fall of 1814. He is now pensioned at the rate of $8 per month under act of 1878.

In his petition for an increase of pension claimant states that he has no means of support other than the $8 per month which he is receiving as a pensioner of the war of 1812, and that he respectfully requests that his pension be increased to $50 per month.

Hon. Frederick A. Johnson, late member of Congress, of Glens Falls, N. Y., states that he has been acquainted with claimant for many years, and believes his statements to be truthful and correct.

In an affidavit executed at Glens Falls, N. Y., on the 6th day of July, 1888, Dr. James Ferguson, a physician and surgeon of high standing, testifies that he has been a practicing physician and surgeon at Glens Falls for more than thirty-five years; that he has been acquainted with the claimant during all of that time; has known of his mental and physical condition and infirmities; that he believes the claimant to be more than ninety-two years of age; that within the last five years his mental faculties have been very much impaired; that during the last two years he has required and does now require the constant attention of a watchful nurse or attendant; that a larger part of the time his mind is clouded; that he is subject to halucinations, and at such times it is not safe to leave him for a moment to himself, and that he has to be dressed and undressed generally by an attendant.

In an affidavit executed June 23, 1888, Hiram M. Cool, of Saratoga Springs, N. Y., testifies that claimant is not possessed of or the owner of any property exceeding in value $100 or $200 (which is old furniture), and that said claimant derives his principal support from his pension of $8 per month.

The claim is a meritorious one, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB COPES.

Mr. PERKINS. I ask consideration of the bill (H. R. 8534) granting a pension to Jacob Copes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Copes, late a private in the Fifth Illinois Militia Volunteers in the Black Hawk war.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8534) granting a pension to Jacob Copes, have considered the same, and report as follows:

The claimant served as a private in a company commanded by Capt. Robert, McClure, of the Fifth Regiment of the Mounted Illinois Volunteers, from the 4th to the 27th day of May, 1832, with travel pay.

In 1884 he filed a claim before the Pension Bureau alleging that during his service in the Black Hawk war he contracted disease of eyes, which has of late years caused total blindness.

His claim has been rejected on the ground that he is unable to prove that said disease originated in service.

He is seventy-eight years of age. He can not find any comrade in that war alive. One neighbor, Larkin Jones, testifies that the claimant's eyes were sound when he enlisted for the Black Hawk war, and when he returned they were diseased. The eyes continued to trouble him until about 1880, when he became blind. Other neighbors of good reputation certify to the continued existence of disease of eyes since 1845, and Dr. F. E. Marcum, of Pittsburgh, Kans., certifies that claimant is blind from a disease of eyes, the result of exposure in early life.

The claimant would be a beneficiary under the bill recently reported by this committee to grant service pensions to survivors of certain Indian wars.

In this case your committee are of the opinion that the claimant should be pensioned at a rate commensurate with his disability. He is in poor financial circumstances.

The passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BETSEY A. MOWER.

Mr. YODER. I ask consideration of the bill (S. 2838) granting a pension to Betsey A. Mower.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Betsey A. Mower, widow of the late Joseph A. Mower, a major-general of United States Volunteers in the late war for the Union, to the rate of $100 per month.

The report (by Mr. FRENCH) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2838) granting an increase of pension to Betsey A. Mower, have had the same under consideration, and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"The applicant is the widow of Maj. Gen. James A. Mower, who died in 1870 of disease contracted in the service. The widow was pensioned at $30 per month and this was increased to $50 by a special act of Congress. She has two children dependent upon her, one of which has been an inmate of an insane asylum for many years.

"The widow's husband left her no estate whatever, and she therefore asks Congress to increase her pension to $100 per month.

"In view of all the facts the committee recommend an increase to $75 per month."

The meritorious services of General Mower, who served his country for nearly a quarter of a century in all grades from that of a private in the war with Mexico, as well as the dependent condition of his widow, afford ample justification for concurrence in the recommendation contained in the above-quoted report.

The committee therefore return the bill with the recommendation that it do pass.

Mr. CHEADLE. This is one of those increase bills in violation of law.

Mr. SAWYER. Then all these bills are contrary to law.

Mr. CHEADLE. When objection has been made as often as I have made objection to the consideration of these bills and said that I would continue to object, I think it is very unwise on the part of gentlemen to call them up.

Mr. STRUBLE. I will ask if the gentleman from Indiana [Mr. CHEADLE] is not willing to let the case go over and retain its place on the Calendar.

Mr. HERMANN. Is this the case of the widow of an officer?

Mr. YODER. It is the case of a widow who has a daughter in an asylum and she is drawing a pension.

Mr. HERMANN. Is she drawing a pension up to the maximum amount?

Mr. YODER. She is drawing a pension under special law.

The CHAIRMAN. Is there objection to passing the bill over and allowing it to retain its place on the Calendar? The Chair hears none, and it is so ordered.

WILLIAM J. BROWN.

Mr. FINLEY. I ask consideration of the bill (H. R. 9684) granting a pension to William J. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Brown, late a private soldier in Company G, Third Regiment Kentucky Infantry.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9684) granting a pension to William J. Brown, have considered the same, and report as follows:

The claimant was a private in Company G, Third Kentucky Volunteers, from the time of his enlistment at Camp Dick Robinson, Ky., on August 16, 1861, until July 3, 1865.

In this claim for pension Mr. Brown declares that at Columbus, Ky., about February 10, 1864, while on his way home on veteran furlough, he was thrown from his horse and his back and breast were injured. His claim was rejected on the ground that the alleged injury was not incurred in the line of duty, but while claimant was absent from his command on veteran furlough.

The records of the War Department show that the claimant re-enlisted as a veteran volunteer on the 1st day of January, 1864, and was absent on veteran furlough and in Kentucky sick until the June following.

W. C. Cabell and James M. Morrison, two comrades of claimant, testify that they were personally present in February, 1864, when claimant was injured in his back and breast by being thrown from his horse, which had run away with him. Another comrade also testified that the claimant was on his way home on veteran furlough at the time of the accident. It is also shown that in May, 1864, the claimant reported to the surgeon of his regiment (now deceased) and by him was examined and sent to the convalescent camp at Chaftanooga, Tenn. There are no records of that camp on file.

Testimony filed in the pension claim shows that Mr. Brown has been disabled by the said injury since the date of his discharge, and that he is now affected by the injury of the back is shown by the report of the examining surgeon.

Under the general pension laws a soldier is in line of duty when on veteran furlough only while with the command of which he was a member. In this case it would seem the command had become separated, and in squads of two or more, and were seeking their homes.

The committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH HUNTER, M. D.

Mr. SPRINGER. I ask consideration of the bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hunter, M. D., late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteers.

The report by (Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the House bill 10275, beg leave to report that they have considered the same and find from the record that the soldier enlisted August 9, 1862, as a private in Company F, One hundred and twenty-sixth Regiment Illinois Volunteers, and was discharged September 26, 1863, for disability. The soldier was pensioned April 3, 1877, for disease of the stomach—carcinoma. His name was dropped from the pension-roll May 6, 1879, on the ground that there was some evidence tending to show that the disease existed prior to enlistment, and the Department refused to restore him to the roll for the same reason.

The pivotal point in this case then is, was this disease contracted while the soldier was in the service or did it have its existence prior to his enlistment?

The testimony is very voluminous in this case, there having been over forty witnesses examined in the case, many of them physicians.

In August, 1863, the soldier was detailed as assistant surgeon at Refugee Camp, Jackson, Tenn., he being a physician. The certificate of his discharge states that the soldier was taken sick with some disease of the stomach at Jackson, Tenn., while in the line of duty, and has done no duty since that time. This was the first manifestation of this disease in the Army.

S. V. Keller and A. G. Chilton testify that the soldier returned from the Army in September, 1863, suffering with carcinoma of the stomach, which has continued ever since.

Surgeon John Logan testifies to same fact.

The soldier testifies that he was healthy when he went into the Army, and that his disease came on him in the Army, and produced fits, from which he is still suffering, as well as the stomach disease. There is some testimony in the record tending to prove that the discharge of this soldier was a forgery, and that he was not affected with any disease, but the committee think that these facts are not sustained by the evidence.

Robert Woods testifies that the soldier was apparently sound when he enlisted, and he knew him for twenty years prior to 1879. This witness further testifies that after he came from the service the soldier was apparently well and then he would be suddenly taken sick so that the witness thought the soldier would die.

Charles Wales testifies that he knew the soldier for twenty years prior to 1879, and knew him before the war, and never heard of his having any sickness or disease prior to his enlistment, and believes that the soldier would not commit forgery or perjury.

Henry Ryan, T. B. Rice, George Garrett, C. T. Hayward, and Lewis Haynes testify to the same facts as the last witness.

W. H. Roods testifies that the soldier was not diseased until after he returned from the Army, and that since then he saw the soldier have a spell in which he fell upon the sidewalk, and saw him leave the church one day. That he always found the soldier honest and fair in his dealings, and that he believes that the soldier would not commit forgery or perjury.

John A. Ryan, W. W. Haney, and James T. Brannon testify that they never knew claimant to have any disability prior to enlistment, and they knew the soldier and believe he would not commit perjury or forgery.

Mary A. Eastman testifies that she is the mother-in-law of the soldier; that he had some sickness prior to the war, but nothing more than is incident to persons living in the West. Never knew the soldier to complain of his stomach before enlistment, but have since his discharge; and believes the soldier to be honest and would not commit perjury or forgery.

D. W. Simpson testifies that he never knew soldier to have any continued disease before the war. Saw the soldier have a spell since the war, and appeared to be in convulsions, and heard of others; and believes he would not commit perjury or forgery.

J. Richmond, late colonel of the soldier's regiment, testifies that he was present when the soldier was discharged at Little Rock, Ark., and that he was discharged according to the rules of the Army, and that affiant signed the discharge himself, and that he signed it from a sense of justice to the Government and the soldier; that the statement of Assistant Surgeon Mills in the record is not true.

Dr. V. R. Bridges testifies to the character of Colonel Richmond, and Lieut. J. J. Wetmore, of the soldier's company, testifies that he was discharged according to the rules of the Army. Thirteen other witnesses testify to the good standing of the soldier, and two of them say they saw him have one or two sick spells, with trouble in his stomach, since the war.

This is the substance of the testimony, and the committee think that there is no sufficient testimony to warrant the conclusion that the soldier's discharge was a forgery, when the officer who signed the paper swears that he did sign it, and that the act was done in good faith. The committee think the testimony of Dr. E. W. Mills, who makes the charge that the certificate of discharge is a forgery, is not sustained, and this may also be said of the other testimony which goes to impeach the conduct of the soldier, and the fact that he is not affected with any disease.

The committee are unable to say what the character of the disease is, as it seems to them if it was cancer of the stomach it would have resulted in death before this time. The claimant swears that he was not afflicted with any disease until he went into the Army, and a cloud of witnesses, who knew the soldier, swear to his good standing, and that his statements are entitled to credit. He

was in the service nearly a year and no signs of disease are visible, and then he is taken with some disease of the stomach from which he is very sick, and has been from thence hitherto. He was discharged for this disease in the regular order of business where there was full opportunity for examination.

The Government afterwards granted to the soldier a pension for this disability, and the committee think his name should have been dropped from the pension-roll only on clear and satisfactory testimony that the disease was not contracted in the service and in line of duty, and the committee think from a careful examination of this testimony that this conclusion is not warranted. The soldier is now past fifty years of age; he says that he was not able to appear before the special examiner for the reason that he was financially unable to be present to confront the witnesses, but the testimony taken by the special examiner is decidedly in favor of the soldier and goes to sustain his case.

On a consideration the committee think that the name of the soldier should not have been dropped from the pension-roll, and therefore recommend the passage of this bill.

Mr. STRUBLE (interrupting the reading). The report seems to be satisfactory, and I move that its further reading be dispensed with.

Mr. SPRINGER. The testimony of about forty witnesses was taken and this is a summing up of their evidence.

The CHAIRMAN. If there be no objection, the further reading of the report will be dispensed with.

Mr. KILGORE. Mr. Chairman, I must insist upon the reading of the report.

The reading of the report was concluded.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. STOKES.

Mr. HOUK. I ask consideration of the bill (H. R. 2908) to increase the pension of W. B. Stokes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William B. Stokes, late a colonel of the Fifth Tennessee Cavalry, to $75 per month, commencing with the passage of this act.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2908) granting an increase of pension to William B. Stokes, have considered the same and report as follows:

The claimant was a colonel of the First Middle Tennessee Cavalry from November 15, 1862, until March 14, 1863, and from April 18, 1863, to March 10, 1865, serving two enlistments in the same regiment. His first resignation was based on a gunshot wound of left side, the ball penetrating near the heart, incurred in line of duty. His second resignation was based on disability from rheumatism, incurred also in line of duty. During his second service he was on detached duty, commanding posts at Carthage and elsewhere a considerable portion of the time. He is now a pensioner of the United States, at the rate of $30 per month, for gunshot wound of left breast and rheumatism and neuralgia.

The examining board at Nashville, Tenn., July 18, 1883, reported that the ball struck—

"The left side of thorax immediately below nipple, passing in and through thoracic cavity, and coming out on the same level, right side of thorax, posterior aspect, near spinal column, between fifth and sixth ribs. Both points of entrance and exit clearly marked. * * * He has also rheumo-arthritic contractions of the toes, especially second toe right foot, and numerous arthritic nodes on wrist-joints, both hands, and a finger and metacarpal joints. Either one of these affections would constitute a total disability, third grade. He can positively do no manual labor."

The same board in April, 1886, report that rheumatic affection of one of his feet had necessitated the amputation of one of his toes, and that he could not raise his arm to a level with his breast, nor put on his upper garments without aid.

This board again, in 1886, reported that his disabilities had increased since the previous examination, and that he was totally and permanently incapacitated for the performance of manual labor, requiring assistance in some of the duties of life, especially in dressing.

The claimant is now seventy-four years of age.

Your committee recommend the passage of the bill, amended, however, by striking out the words "seventy-five," in line 6, and inserting in lieu thereof the word "fifty."

The amendment of the committee was agreed to; and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. DOWDALL.

Mr. ANDERSON, of Illinois. I ask consideration of the bill (H. R. 5446) granting a pension to William H. Dowdall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Dowdall, late of Company I, One hundred and forty-fourth Regiment of Illinois Volunteers.

Mr. FELTON. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FELTON. I would like to know the order of procedure. I find that bills are being passed over the order in which they occur on the Calendar.

The CHAIRMAN. The Chair will state that on the request of the gentleman from Indiana [Mr. MATSON], chairman of the Committee on Invalid Pensions, unanimous consent was given for each gentleman present to call up a bill.

Mr. FELTON. In what order do they come?

The CHAIRMAN. On the recognition of the Chairman.

Mr. BINGHAM. What is the order?

The CHAIRMAN. The Chair has stated that he will recognize gentlemen as their names appear on a list that comes over, and then will recognize members of the committee, and afterwards gentlemen as they shall ask recognition.

Mr. BINGHAM. What is the order of the recognition of the Chair?

The CHAIRMAN. The order of recognition is pursuant to a list that has been received by the Chair as coming over from a similar occasion.

Mr. BINGHAM. I desire to know what is the order of the recognition of the Chair.

The CHAIRMAN. The Chair stated that he would recognize, first, the gentlemen on the list coming over from a former meeting, and then recognize members of the Committee on Invalid Pensions, and then members, alternating on each side, beginning with those that first asked recognition.

Mr. BINGHAM. Will the Chair please indicate what is meant by alternating?

The CHAIRMAN. Alternating between the two sides, recognizing a member on one side and then a member on the other side of the House.

Mr. BINGHAM. I do not propose in this matter to have my name called as being on that list, but I propose to ask for recognition for the consideration of a claim and the consideration of bills fairly reported from the committee.

Mr. BOOTHMAN. Regular order.

The CHAIRMAN. The regular order is demanded.

Mr. BINGHAM. I do not know what the regular order is.

The CHAIRMAN. The regular order is the reading of the report, which the Chair will now direct the Clerk to proceed with.

Mr. BINGHAM. The Clerk can read that regular order so far as the report is concerned.

The CHAIRMAN. The regular order is the reading of the report on this bill.

Mr. BINGHAM. On this special bill?

The CHAIRMAN. It is.

Mr. BINGHAM. Well, I will concede that.

The Clerk read the report, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 5446) granting a pension to William H. Dowdall, makes the following report:

William H. Dowdall was enrolled on the 13th day of September, 1864, at Alton, Ill., in Company I, One hundred and forty-fourth Regiment of Illinois Volunteers, to serve for one year or during the war, and was mustered out July 14, 1865, at Springfield, Ill.

The evidence submitted in this case shows that Mr. Dowdall's family were living in Alton, Ill., where the company were stationed when the injury was sustained. Dodwall was color-bearer, and in some way his flag got torn, and the captain of the company told him when he went home to supper to take the flag and have it mended. By the permission of his officers he was allowed to draw his rations and board at home. On returning with the flag, in company with one comrade, he fell over an embankment and was injured.

Walton Rutledge, who was first lieutenant of the company, reports as follows:

"On examining my morning report of the 2d of December, 1864, I find Corporal Dowdall and Private Crane injured by falling from an embankment. On the 3d December they were sent to hospital at Alton. Crane reported back for duty on 22d December; Dowdall never reported back for duty while we were at Alton."

The testimony of a number of physicians shows conclusively that he has remained permanently injured in one knee and in his back. This case was submitted to a special examiner, who made an elaborate report, and closed with the following:

"I am of the opinion that the claim should be submitted for allowance on injury to left knee, left foot, and back."

When the case reached the board of review it was rejected on the ground that "disability was contracted while out on pass, and not in line of duty."

Your committee believe that while he was out on pass he was under the order of his superiors, commissioned to get the torn flag mended, and that while acting under such orders he was in line of duty and ought to be pensioned for his injury.

The committee therefore recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL PURCELL.

The next pension business on the Private Calendar (called up for consideration by Mr. LYMAN) was the bill (H. R. 8545) for the relief of Samuel Purcell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Samuel Purcell, who was a private in Company A, First Indiana Volunteers, in the Mexican war, and pay him a pension of $30 per month in lieu of the pension he now receives.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8545) granting an increase of pension to Samuel Purcell, have considered the same, and report as follows:

The claimant was a private in Company A, First Indiana Volunteers, Mexican war, from June 16, 1846, to June 16, 1847. While therein he contracted fistula in ano and diarrhea, and he was pensioned therefor, under a special act of Congress, at the rate of $8 per month. His disabilities have greatly increased in severity, but his application for increase of pension to correspond therewith has been rejected by the Pension Bureau on the ground that there is no law authorizing the Pension Office to increase pensions where the rate is fixed by special act. The claimant therefore appeals to Congress for relief.

The claimant is sixty years of age, and his physician, Dr. W. A. Vincent, testifies that his disabilities are such as to make him incapacitated for performing any manual labor. The physician is represented to be thoroughly reliable, and his testimony is supported by that of others filed in the claim. Such a physical condition under the general laws warrants a rating of $30 per month.

Your committee recommend the passage of the bill.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN E. ALGER.

The next pension business on the Private Calendar (called up for consideration by Mr. RUSSELL, of Massachusetts) was the bill (S. 1162) for the relief of Susan E. Alger.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Alger, mother of Warren A. Alger, late of Company D, Fifteenth Regiment Massachusetts Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1162) for the relief of Susan E. Alger, have had the same under consideration, and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"Susan E. Alger is the dependent mother of Warren A. Alger, corporal of Company D, Fifteenth Massachusetts Volunteers, who died in the Andersonville prison in October of 1864, of scorbutus. The case belongs to a class not provided for by law, but the equities of which have been recognized by many special acts. The soldier, though married, was the support of his mother. The soldier's widow was allowed a pension, but she having died, the mother now petitions that the lapsed pension be awarded to her.

"The committee are satisfied that this mother is not only now indigent and was dependent, but that her health was seriously injured by her labors as nurse during the war; and they think that when a woman, in giving her son to the country, has deprived herself of the stay of her old age, the country makes but small recompense in the allotment of a pension for her partial support.

"The committee recommend the passage of the bill."

There being no pension paid or payable under the general law to any one on account of the above-named soldier, your committee, justified by a long line of precedents, return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE RHODY.

The next business on the Private Calendar (called up for consideration by Mr. CHEADLE) was the bill (H. R. 2139) granting a pension to George Rhody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of George Rhody, late a private in Company K, Thirty-sixth Regiment Indiana Volunteers, and to grant him a pension, subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 2139, have considered the same and now submit the following report:

The claimant is now on the pension roll at $8 per month for loss of sight of left eye. Claimant made application for increase alleging loss of sight of right eye, resulting in total blindness. The claim was rejected on the ground that the loss of sight of right eye was not due to claimant's military service. In an affidavit filed March 1, 1881, claimant testifies that since the disease, contracted in the service, the ball of his left eye bursted and the sight ran out, and that afterwards, on December 8, 1876, while chopping wood, a chip struck his right eye, putting it out and leaving him totally blind. His right eye, it seems, had been diseased, as shown by testimony in original papers for pension, and he believes that it would have gone blind before now, as he was almost blind at the time the accident occurred.

He served as a private in Company K, Thirty-sixth Indiana Volunteers, from September 20, 1861, to September 21, 1864. It seems to the committee that this is a case in which Congressional action is eminently proper. He served his country faithfully three years, and during that service contracted disease of his eyes which has directly and indirectly caused total blindness. He is now entirely helpless, and requires the constant services of an attendant. The examining board at Muncie, May 11, 1887, gave him a rating of $30 per month. We therefore submit a favorable report, and recommend the passage of the bill with the following amendments:

Strike out all after the word "to," in line 4, and insert "increase the pension;" strike out all in said bill after the word "volunteers," in line 6, and insert "to $30 per month in lieu of the pension he is now receiving."

The amendments recommended by the Committee on Invalid Pensions were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP NEUMAN.

The next business on the Private Calendar (called up for consideration by Mr. LAFFOON) was the bill (H. R. 10789) granting a pension to Philip Neuman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip Neuman, late of Company H, Eighth Kentucky Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10789) granting a pension to Philip Neuman, have had the same under consideration, and beg leave to submit the following report:

Philip Neuman served from August 15, 1862, to September 20, 1865, in Company M, Eighth Kentucky Cavalry, Company K, Thirty-fifth Kentucky Infantry, and by transfer in Company H, Seventeenth Kentucky Cavalry, respectively.

He alleges that in the winter of 1862 and 1863 he contracted typhoid-pneumonia, which resulted in bronchitis and disease of lungs. He also claims pension on account of blindness of right eye and disease of right leg. The claim for the two latter disabilities have been rejected by the Pension Bureau on the ground that the origin of the same is not shown to be of the service, while the other disability existed prior to enlistment.

It may be conceded that the action of the Pension Bureau with reference to disease of eye and leg was proper, and should not be disturbed; but, after a careful examination of all the evidence in the case, it is the opinion of the committee that the claim for bronchitis and disease of lungs is entitled to further consideration.

The action of the bureau on the last-named disability is based upon the testimony of one Dr. P. D. Wilson, with whom claimant lived during infancy, and one Judith E. Smith, a cousin, tending to show that soldier's mother died of lung disease, caused by scrofula, that he inherited this scrofulous diathesis, and that prior to his enlistment he was subject to violent spells of colds, and was otherwise of delicate health.

In affidavits recently filed, these affiants deny having made the adverse statements above referred to, and declare him to have been a healthy young man at time of enlistment. In view of these contradictory statements the case should be disposed of without reference to the same.

There is an abundance of testimony, including medical, furnished by the claimant and obtained through special examination, showing beyond doubt that he was sound at enlistment and free from any symptoms of disease of lungs or throat. He entered the service at the age of eighteen years, was of good size and weight, and indulged much in athletic sports. The reviewer, in summing up the case on this point, says: "In my opinion the weight of evidence in this case establishes prior soundness."

That soldier contracted a cold resulting in disease of lungs, as well as treatment therefor in the service, is clearly shown by the uncontroverted testimony of comrades of good repute. He was much debilitated at date of final discharge, and, as established by medical and lay testimony, has been a constant sufferer from affection of the lungs, with frequent attacks of pneumonia ever since.

Medical examinations reveal a serious case of lung disease, with much emaciation. Claimant is entirely unable to earn a subsistence by manual labor, and having no other source of income, has been compelled to seek refuge at the public almshouse.

Three years' faithful service alone should dispose of the question of prior soundness; but admitting, for sake of argument, that he was predisposed to disease of lungs, the development of the disease into a disability, by reason of his military service, clearly brings him within a pensionable status.

For these reasons your committee are fully convinced that the claimant is entitled to a pension on account of disease of lungs, and therefore return the accompanying bill, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN DEAN.

The next pension business on the Private Calendar (called up for consideration by Mr. SAWYER) was a bill (H. R. 9372) granting a pension to John Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of John Dean, formerly a private in Company A, Thirteenth New York Volunteer Cavalry; and that he be directed to pay him the sum of $50 quarterly, with the arrears of pension at the same rate, from the 17th day of April, 1864, the date of the discharge of said John Dean from the service of the United States, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9372) granting a pension to John Dean, have had the same under consideration, and now submit the following report:

Claimant enlisted in Company A, Thirteenth New York Cavalry, November 17, 1862, and was discharged for disability of eyes April 7, 1864.

He filed declaration for pension March 16, 1877, in which he alleges that while in line of duty at New York and Staten Island, N. Y., about April, 1863, he suffered from chronic rheumatism and sore eyes, occasioned by exposure and illness contracted in camp; that he was treated at Blackwell's Island Hospital, New York, from about August 5, 1863, to November 25, 1863, and at military hospital, Lexington avenue and Fifty-first street, New York, from December 1, 1863, by order of General Hayes, until April 7, 1864, when he was discharged from the service. The claim was rejected on the record, which shows that the disease was contracted while absent without leave.

It is shown by the testimony of Dr. Fergus that prior to and at the time of enlistment the claimant was "a stout, healthy man, with splendidly developed muscles, free from any ailment, either local or general."

Dr. Mott, surgeon of claimant's regiment, certifies on his certificate of discharge, April 7, 1864, as follows:

"I find him incapable of performing the duties of a soldier because of sloughing of both corneas from inflammation contracted while absent without leave, having received a forty-eight hour pass from his regiment, April 15, 1863, then stationed on Staten Island. He lost his eyesight in August, 1863, while absent without leave. Unfit for Invalid Corps. Admitted to the hospital December 1, 1863."

It is shown by the testimony of William A. Revell, late sergeant of claimant's company, that about April, 1863, claimant became diseased with rheumatism and sore eyes, so that he was incapacitated for active duty and was, to affiant's personal knowledge, under medical treatment from the post medical officers.

The testimony of William J. Haight, late second lieutenant of claimant's company, shows that—

"To affiant's knowledge claimant, on and before April, 1863, was suffering from rheumatism and sore eyes, so that he was, to a considerable extent, incapacitated from active duty and was placed upon the sick-list at the barracks at Staten Island; that he was granted a leave of absence and did not return at the expiration thereof. He was orderly, correct, and, in affiant's opinion, a good soldier."

Dr. Ephraim Clarke, late assistant surgeon, testifies—

"That he found on examination of the records that claimant was marked as treated in quarters for chronic rheumatism from April 4 to April 22, 1863, and that claimant left such station or camp about that date."

Thomas Burke testifies—

"That he has known claimant since about 1862; that in December, 1862, and January, 1863, while acting orderly at headquarters of the regiment, 444 Broadway, New York City, claimant boarded at affiant's house, and Adjutant Brown, of said regiment, paid his board; that about the end of January, 1863, claimant was ordered to rejoin his company, and about April 22, 1863, he obtained a leave and came again to affiant's house; that he was troubled with rheumatism and sore eyes, and was confined to the house by illness, and that shortly afterwards he became so bad and ill with his eyes that affiant advised him to go to hospital, and that he procured the necessary papers and accompanied him to hospital at Blackwell's Island, and remained in said hospital until he entered the military hospital, where he was discharged; that from April 22, 1863, to the time of his discharge, April 7, 1864, he was incapable of performing active duty and became totally blind."

Examining Surgeon Judson gives claimant a rating of $31.25 for rheumatism and disease of eyes. This claim was rejected on account of soldier not returning in accordance with the terms of his leave of absence, but it is evident from his physical condition, and the hospital and other evidence, that there was no intention on his part to desert or wilfully disobey orders.

The charge of desertion has been removed, and in view of the testimony in

the case the committee believe that the claimant ought not to be deprived of a pension by a technicality, and therefore submit a favorable report and recommend the passage of the bill with the following amendment: Strike out all after the word "cavalry," in line 6, down to and including "United States," in line 10.

The amendments recommended by the Committee on Invalid Pensions were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL HARGAIN.

The next pension business on the Private Calendar (called up for consideration by Mr. TRACEY) was the bill (H. R. 4575) granting a pension to Michael Hargain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Hargain, seaman on the United States steam-ship Otsego, etc.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill granting a pension to Michael Hargain, have considered the same, and report as follows:

The claimant served in the United States Navy, in the Florida expedition, from September 1, 1840, to June 30, 1841, in the capacity of boatswain's mate, seaman, and gunner. This service was rendered in the prosecution of the Florida Indian war, and Hargain was honorably discharged. He filed a claim for disability pension in 1886, but his claim was rejected on the ground that the claimant was unable to furnish evidence of officers and comrades to establish origin of the same during his naval service.

The claimant is sixty-nine years of age, and is practically blind in the right eye. He is also severely disabled by disease, and is without property of any kind, dependent upon his labor.

The claim falls within the provisions of the general bill for service pensions of the survivors of the Indian wars from 1832 to 1842, favorably reported by this committee at the present session of Congress.

Your committee are of the opinion that Mr. Hargain should have a service pension, and therefore recommend the passage of the bill, amended, however, by striking out the words "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and inserting after the word "forth," in line 7, the words, "and pay him a pension at the rate of $8 per month."

The amendments recommended by the committee were agreed to.

On motion of Mr. TRACEY, the bill was further amended by striking out from line 6 the word "steam-ship" and inserting in lieu thereof the word "schooner."

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN T. VINCENT.

The next pension business on the Private Calendar (called up for consideration by Mr. HUNTER) was the bill (H. R. 10356) granting a pension to J. T. Vincent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. T. Vincent, of Clinton County, Kentucky, late a private in Company D, Twelfth Regiment of Kentucky Volunteer Infantry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10356) granting a pension to John T. Vincent, have had the same under consideration, and make the following report:

It appears from the evidence before your committee that claimant was enrolled as a private in Company D, Twelfth Regiment of Kentucky Volunteer Infantry, at Albany, Clinton County, Kentucky, on the 15th day of October, 1861. That on the 1st day of November, 1861, while on a march with said command from Albany to Somerset, Ky., he contracted measles and was left at Seventy-Six, and taken from there to his home in Clinton County, Kentucky, where he remained in a precarious condition for some months with said malady and resulting lung complication. On his partial recovery from the acute stages of this attack it was discovered that his lungs, which were deeply involved during his sickness, had become permanently affected, rendering him thereby unfit for further military duty, in view of which he did not report to his command, and was not therefore mustered into the United States service.

In support of his application claimant furnished an affidavit of George W. Hopkins, a highly reputable citizen of Albany, Clinton County, Kentucky, who was a sergeant of applicant's company and regiment, as follows:

* * * "That John T. Vincent enlisted in Company D, Twelfth Regiment of Kentucky Volunteer Infantry, in October, 1861, and went upon and remained on duty at Albany, Clinton County, Kentucky, when he enlisted, until his regiment left to go north of Cumberland River. There was measles in camp at Albany. He further states that when the command left Albany said Vincent left and went with it, and dropped out somewhere on the march, but at what point affiant does not know of his personal knowledge. While in camp north of Cumberland River affiant was informed that said Vincent was absent sick with measles. Affiant was a sergeant in said Company D, Twelfth Regiment of Kentucky Volunther Infantry, and was acquainted with said Vincent and knows the above facts from his personal knowledge, and has no interest in the matter."

He also furnished a sworn statement of John Absten, a reputable gentleman of Seventy-six, Clinton County, Kentucky, who was the first person called upon to see claimant after he fell out of ranks on the march from Albany to Somerset, Ky., on account of measles, and is as follows:

"I hereby certify that I am acquainted with John T. Vincent, and have been for thirty years or more; that said Vincent was enlisted in the Twelfth Regiment of Kentucky Volunteer Infantry at Albany, Ky., on or about the 15th day of October, 1861, and left that place with his command for Somerset, Ky., but fell out of the ranks on the march at or near Seventy-Six, Ky., on account of an attack of measles, and was returned to his home. I further state that I was summoned to visit him, and found that he had a severe attack of measles and was suffering very much and complaining with his breast when I visited him. I have not lived in the community where said Vincent resides for the past fifteen or twenty years and can not state his present physical condition. My age is fifty-nine years, and my post-office is Seventy-Six, Clinton County, Kentucky. I further state that I have n ointerest in the prosecution of this claim."

An affidavit of J. A. Vincent, esq., a most estimable gentleman and reputable citizen of Albany, Clinton County, Kentucky, furnished in the case, is as follows:

* * * "That he is seventy-one years of age, a resident of Albany, Clinton County, Kentucky, and has known John T. Vincent for the past fifty years, and knows that said Vincent enlisted in Company D, Twelfth Regiment of Kentucky Volunteer Infantry, at Albany, Ky., on or about the 15th day of October, 1861; that after the regiment left Albany for Somerset, Ky., in November, claimant was stricken with measles on the march, and was conveyed back to his home, where he was confined to his bed for a considerable length of time, suffering much with his breast and lungs; said Vincent has complained of his lungs ever since, and has had several severe attacks of lung trouble, and is still suffering from said lung affection; that he has no interest in the matter."

Dr. E. Becket, a reputable physician of Albany, Ky., furnishes an affidavit of medical treatment of John T. Vincent since he left the Army, and Dr. W. C. Kean, of the same place, who is a physician of superior professional attainments, made a physical examination of claimant, to show his present condition, and is as follows:

"That he is a regular practicing physician, a resident of Albany, Ky., and is thirty-five years of age; that he is personally acquainted with John T. Vincent, late of Company D, Twelfth Regiment of Kentucky Volunteer Infantry, and that on the 2d day of July, 1888, he was called upon and made a physical examination of said Vincent, and found both lungs seriously affected, but that disease is more advanced on right side.

"Claimant states that he had had an attack of measles while in the Army, and it is the opinion of affiant that the present lung trouble is due to that cause. He further states that he has no interest in this matter."

It is clearly shown that applicant has been unable to perform any kind of active manual labor since leaving the Army by reason of the shattered condition of the system consequent on the sickness referred to, and now being a physical wreck, rendered so in the defense of his country, he appeals to Congress for relief.

Amend by striking out "J. T. Vincent" in the title and body of the bill, wherever that name occurs, and insert in lieu thereof "John T. Vincent," and insert the letter "D" after "Company," in the seventh line.

The amendments recommended by the Committee on Invalid Pensions were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS SHACKELFORD.

The next pension business on the Private Calendar (called up for consideration by Mr. BACON) was the bill (H. R. 9719) for the relief of Thomas Shackelford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Shackelford, late of the Eleventh United States Infantry, of the Mexican war.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9719) granting a pension to Thomas Shackelford, have considered the same and report as follows:

Thomas Shackelford, the claimant, was enlisted at Alexandria, Va., on the 11th day of May, 1848, for service in the Mexican war. He was sent to Baltimore and transferred to Fort McHenry, Md., where he remained until discharged, July 20, 1848, having served a period of seventy-one days.

The Mexican service bill requires a period of service of sixty days. This claim was rejected by the Pension Bureau on the ground that the claimant served but fifty-five days prior to the close of hostilities, and participated in no battle.

The claimant is sixty-seven years of age and in poor circumstances, and his actual term of service is more than that required by the general law. He was taken by the Government as a recruit, and was *en route* for the war, and had served more than the required period before news of the close of the war was received.

Your committee are of the opinion that the bill should pass, and report it with such a recommendation, with the following amendment:

Strike out the words "subject to the provisions and limitations of the pension laws" in lines 4 and 5 of the bill, and insert in lieu thereof the words "at the rate of $8 per month;" so that the bill will read "to place on the pension-roll at the rate of $8 per month the name of Thomas Shackelford," etc.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JANE POTTS.

The next business on the Private Calendar (called up for consideration by Mr. POST) was the bill (H. R. 5525) granting a pension to Mrs. Jane Potts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Potts, widow of Noah Potts, late of Company D, Seventh Regiment Illinois Cavalry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5525) granting a pension to Mrs. Jane Potts, have had the same under consideration and beg leave to submit the following report:

The Department refused her claim for a pension on the ground that the soldier's insanity which caused suicide was not brought on by military service; that for about fifteen years after discharge he conducted his business affairs in a successful manner, and it is not believed that the insanity developed about 1881 can be traced to his hardships as a prisoner of war.

Nealy C. Woods testifies that—

"He was orderly sergeant of Company D, Seventh Illinois Cavalry Volunteers; that he was well acquainted with Noah Potts; that they were members of the same company, and that he knew him intimately; that at the time of his enlistment he was a sound, able-bodied man, and free from disease of any kind; that he was taken prisoner at Collierville, Tenn., in the latter part of 1863, and was confined in Andersonville prison; that he saw him soon after his discharge from prison and he was a mere skeleton, on account of hardships he had endured; heard soldier say that he believed his bones were rotten. Affiant further states that he noticed during the conversation that his mind was affected and that his memory failed him very much."

J. B. Hendricks testifies that he belonged to the same company with the soldier:

"That at the time of his enlistment he was in perfect health; that he saw him after the war, and he thought he acted strangely; that his mind dwelt on his imprisonment, and it was difficult to draw it to any other subject, and that he was very absent-minded."

Henry P. Masher, also a member of said company, testifies that he was well acquainted with soldier:

"That he has known him from boyhood; and that up to the time of his enlistment he was a healthy, able-bodied man and of sound mind. That he saw him after his discharge from prison and he was much broken in health, and that his conversation, appearance, and actions satisfied affiant that his mind was very much impaired."

Other affidavits in this case set forth the same facts as the above; and while there is some testimony to the effect that the soldier's insanity was hereditary, the great majority of evidence goes to show that his insanity was due to his long confinement in Andersonville prison.

Your committee therefore conclude that the soldier's insanity was due to hardships incurred while in the service and that his widow is entitled to a pension, and we therefore respectfully recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GERTRUDE K. LYFORD.

Mr. BLANCHARD. I call up for consideration the bill (S. 2500) granting a pension to Gertrude K. Lyford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Gertrude K. Lyford, widow of the late Major and Brevet Lieut. Col. Stephen C. Lyford, United States Army, at the rate of $40 per month, in lieu of the pension which she now receives.

The report (by Mr. GALLINGER) was read, as follows:

The report of the Senate Committee on Pensions on the bill is as follows:

"This is a bill to raise the pension of Mrs. Gertrude K. Lyford, widow of the late Maj. Stephen C. Lyford, United States Army, from $25 to $40 per month.

"Major Lyford was a member of the second of the two classes graduated at West Point in the early summer of 1861, in order to provide officers to fill the many vacancies made in the Army by the resignation of the Southern army officers. In 1863 General Sherman desired to have him on his staff, and in a letter to the Adjutant-General said:

"He has fought in all our battles. At Bull Run, a mere cadet just from the Academy, I saw him at his post; and unflinchingly, wherever I go, I find him in the front, and know some other officer less adventurous could fill his present office, and leave him to serve with me, directing and handling masses of men.'

"Major Lyford died on the 9th of May, 1885. Like many of the military profession, he had little to leave his family besides his good name. For many years of his life a large portion of his income was devoted to the support of an aged mother and invalid sister. He left a wife and child. The latter has constitutional infirmities, rendering it nearly helpless, and from which it will not probably ever recover.

"Besides his active military service in fighting through the campaigns of the West, from Fort Donelson and Corinth to Vicksburg, in different capacities, as chief ordnance officer of the department, or upon the staffs of Generals Rosecrans, McPherson, and Grant, the Government was benefited by some important inventions and experiments which were the result of his investigations.

"Referring to his value as an officer, a letter in the hands of the committee says:

"'Those who, like Senator HAWLEY and the honorable chairman of the Appropriations Committee, had opportunities of seeing his work, as far as pecuniary matters are concerned, are aware in how many ways he saved the Government from useless and undue expense, and also that not one cent was unaccounted for.'

"In the same letter he is thus spoken of:

"'The fall of Vicksburg saw him invalided home, dying, as was supposed, from malarial fever contracted by exposure to the fatal miasma of that deadly region, and, though after a long and painful illness he apparently recovered his health, it was then that seeds of disease were sown that enabled death to claim him as its prey, in the prime of his life.'

"The committee is aware that the widow is receiving the pension conceded to officers of her husband's grade, and that, under the general laws, it can not be raised. There are, however, cases in which distinction has been made under peculiar circumstances. To increase this pension, as provided in the bill, would have the practical effect of giving the widow the rating she already receives and of providing for the permanently helpless child $15 a month.

"Taking into consideration the devoted service rendered by Major Lyford, the fact that by his premature death (evidently a result of his service) the widow and her afflicted child have been deprived of protection and support, the committee think it is proper to concede this small addition to the pension she now receives.

"The bill is reported favorably with a recommendation that it do pass."

For the reason set forth in the foregoing report, your committee favor the granting of the relief asked for in the bill, and therefore return the same with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. PFEIFFER.

Mr. BINGHAM. I call up for consideration the bill (H. R. 4039) granting a pension to Mary A. Pfeiffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Pfeiffer, widow of Charles L. Pfeiffer.

The report (by Mr. LYNCH) was read, as follows:

Charles L. Pfeiffer enlisted in Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteers, December 9, 1863, and was discharged May 24, 1865, by certificate of disability showing that he was "incapable of performing the duties of a soldier because of partial loss of use of right leg from gunshot fracture of the tibia, received in battle at Drury's Bluff, Virginia, May 16, 1864."

Soldier was pensioned for said disability at the rate of $8 per month, and it was reduced to $6 per month, September 4, 1868, on report of Examining Surgeon Harper. He drew $6 per month until his death. He died February 24, 1885, and his widow filed her declaration July 7, 1885, on the ground that the fatal disease, erysipelas, was the result of the gunshot wound of right leg.

The Pension Department rejected her claim "because the soldier's death from erysipelas of head was not a result of gunshot wound of right leg, for which he was pensioned, and was not otherwise chargeable to his United States military service. The marriage of claimant to soldier, the fatal disease being erysipelas, and the sober and industrious character of the soldier are all clearly shown.

In reference to the soldier's fatal disease being caused from the gunshot wound, we quote the report of two physicians who knew soldier intimately and treated him for the disease.

D. D. Richardson, physician-in-chief of the insane department Philadelphia Hospital, says:

"Soldier was frequently the subject of erysipelas during his long service in the insane department of the Philadelphia Hospital, due, as I thought, to the suppurating condition of his wounded leg."

John W. Dick, M. D., says:

"I was personally acquainted with Charles L. Pfeiffer for five years, and was his family physician for that time. In July, 1881, he was under my care at his home for an attack of erysipelas in and around a wound received in leg during the late war. He was a man of strictly temperate habits in all respects. In February, 1885, the insane department of the Philadelphia Hospital took fire and a number of lives were lost. Mr. Pfeiffer was attendant in the department at the time, working with the heroism of a true man to save the lives of the poor demented creatures intrusted to his care. Scorched by flame, drenched with water, and chilled with frost, this poor fellow sank for the last time under an attack of erysipelas of head and face, followed by meningitis, causing death. I have no hesitancy in attributing this predisposition to erysipelas to the wound received in the service of his country."

Your committee are satisfied that a predisposition to erysipelas was the result of the suppurating gunshot wound received in the service. This is a not infrequent result of wounds and chronic sores; and that it was so in this case is testified to by the physicians of the hospital in which he was employed, and who had constant opportunities to see the case respecting which they testify.

Your committee being fully satisfied that the soldier's death was caused by erysipelas, the result of a gunshot wound received in the service, report the bill favorably and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY ANN REID.

Mr. MAISH. I ask for the present consideration of the bill (H. R. 10954) for the relief of Mary Ann Reid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Ann Reid, the aged and blind daughter of Andrew Carman, who was a soldier in the war of the Revolution, and to pay her a pension at the rate of $30 per month from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The claimant is the daughter of Andrew Carman, who was a soldier in the Revolutionary war in the Fourth Regiment of Cavalry for the State of Pennsylvania. He enlisted in April, 1781, and was discharged January 1, 1783. He was a pensioner for about eight years before his death in 1826. The records on file in his claim furnish the information of his service.

Mrs. Reid, the claimant, is shown by reliable testimony to be in needy circumstances, is eighty years of age, and for ten years has been totally blind.

There are several precedents for the granting of pensions to the aged and destitute daughters of the soldiers of the old wars, and among them the case of Mrs. Betsy Lockwood, passed by Congress at the present session.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES MOLSEED.

Mr. DARLINGTON. I call up the bill (H. R. 8889) granting a pension to Charles Molseed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Charles Molseed, late of Company E, One hundred and fiftieth Regiment Pennsylvania Volunteers, and pay him a pension of $8 per month, subject to the provisions of the pension laws.

The report (by Mr. LYNCH) was read, as follows:

Charles Molseed enlisted in Company E, One hundred and fiftieth Regiment Pennsylvania Volunteers, August 22, 1862, was transferred to the invalid corps December 14, 1863, and discharged upon surgeon's certificate of disability, March 30, 1864, because of "partial anchylosis of right hip, from fall in loading wood a year ago last February" (1863).

He claims pension on account of injury to hip, by being thrown out of a wagon near Belle Plains, Va., in February, 1863. The claim has been rejected on the ground that the disability existed prior to enlistment. This action is based upon a letter written by the first lieutenant of the company, under date of April 23, 1864, in which the following statement appears:

"I would say that he, the soldier, had been disabled in his right hip from the date of his enlistment in the company, August, 1862, and I find from inquiry of several members of the company who reside near him and worked at the same place together, that said injury was received some six or seven years ago. He may have fallen from a wagon while in the performance of his duty at Belle Plains, Va., but the injury received was not of a serious nature, as the accident was not known to his company officers."

It was ascertained during the special examination of the claim that this letter was prepared by the orderly sergeant of the company, who admits that he had personal acquaintance with the soldier prior to his enlistment, and based his statements upon reports made by other members of the company, whose names he does not now remember. The claimant, however, gives the names of those of his acquaintances who enlisted with him, and accounts for them so as to leave but little doubt that at the date of said letter none were present with the company who could have imparted this information to the orderly sergeant.

The claimant admits that he was thrown from a wagon some years before enlistment, and that his shoulder was temporarily injured, but denies any prior injury to hip, and in support of his claim of prior soundness a large number of respectable citizens and fellow-laborers who have been examined by the special examiner testify to that fact, while not a single one has been found who knew to the contrary.

The regimental surgeon also testifies that he was called out on the road where claimant had been thrown from the wagon, and found him suffering from contusion of the hip.

From the showing made the committee are of opinion that the claim should not have been rejected on the ground of prior unsoundness. But the claim is otherwise inadmissible under the general law. The true facts in the case are

that soldier was hurt while on pass. He obtained permission to go to the landing, a short distance from camp, after having just been relieved from guard duty, and got on a Government wagon going in that direction. While in the wagon, through the carelessness of the driver, it was upset and soldier thrown against a stump.

Congress in similar cases has recognized the justness of this class of cases, not reached by the general law; and being fully satisfied that the disability, which is described by the examining surgeon as a dislocation of right hip, was incurred in the service and under the circumstances set forth, your committee report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out all after the word "volunteers," in line 6, and insert therein instead the words "subject to the provisions and limitations of the pension laws."

The amendment recommended by the committee in the concluding paragraph of the report was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

H. H. HELPER.

Mr. HENDERSON, of North Carolina. I call up for consideration the bill (S. 2724) for the relief of H. H. Helper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Hardie Hogan Helper, who was a private soldier in Company H, and sergeant-major of the Eighth Illinois Cavalry, also a private soldier of Company H, Second New York Cavalry, and who in the interim of that service was totally and permanently disabled whilst under military orders of General A. E. Burnside, subject to the provisions and limitations of the pension laws, and that he be granted a pension of $24 per month, instead of $10 per month, his present rating.

The following report (by Mr. CHIPMAN) was read in part, the complete reading being dispensed with on motion of Mr. KILGORE.

The Committee on Invalid Pensions, to whom was referred the bill (S. 2724) for the relief of H. H. Helper, having had the same under consideration, adopt the Senate report thereon, which is as follows, and recommend the passage of the bill.

The facts in this case and upon which the claimant asks the relief granted by the bill are contained in a sworn statement forwarded by him to the Committee on Pensions of the Senate, dated March 28, 1888, and are as follows:

MOCKSVILLE, DAVIE COUNTY, N. C., *March* 28, 1888.

On the 3d day of March, 1881, I was granted a pension at the rate of $10 per month, which was and is wholly inadequate, not only in view of the fact that I am an ex-soldier of more than sixty-six years, but that I am now, and have ever since the first week in March, 1862, been wholly disabled for the performance of manual labor by reason of disability incurred whilst under military orders of General Burnside in defense of my country.

Believing it is the desire and purpose of Congress to give each man his due, according to reason and the law of God to man, I now appeal my case to that body, and ask for simple justice.

Following is a justified statement of my case: I was born in this county (then Rowan County) March 21, 1822. After the publication of my brother's book, "The Impending Crisis of the South; How to meet it," in 1857, I sought a home in free Illinois. Immediately after General Frémont issued his famous order in June or July, 1861, prohibiting the return of slaves to their masters who sought refuge inside the Federal lines, I volunteered as a private soldier at Macombs, McDonough County, Illinois, by letter addressed to General John F. Farnsworth, at his home in Northeastern Illinois, of whom I had previously known.

Whilst the regiment, Eighth Illinois Cavalry, was in camp at "Camp California," in Virginia, near Washington, and being eager for active service, I was mustered out of said service as sergeant-major, to join General Burnside in my own State. (See papers filed with Commissioner of Pensions in 1874, with my application for a pension under the general pension laws.)

Under orders of said general, I was commissioned verbally with strict and minute instructions to make a careful and accurate reconnaissance of the position and strength of the Confederate forces at Fort Macon, at and near New Berne, and to destroy the railroad bridge that spanned the mouth of Trent River at New Berne, in order that the Union forces might thereby enter New Berne without a battle. At 4 o'clock Friday morning, March, 1862, I scaled the middle stone abutment of said bridge, right under the nose of the Confederate sentinel, and successfully attached with a chain the inflammable material (prepared by a crank, which I predicted to the general would result, as it did result, in a failure) to the wood structure of the bridge and set it on fire. For a time it blazed beautifully, but in a twinkling the Confederates on the New Berne side of the bridge hastened to the burning structure and soon extinguished the flames. A graphic account of the attempt to destroy the bridge appeared the next morning in the New Berne Progress, charging the attempt to burn the bridge to a Confederate enemy inside their own camp.

A severe snow-storm that sprung up from the northwest in less than ten minutes after setting fire to the bridge saved me, I shall ever believe, from capture and execution by the Confederates. During the storm I was completely veiled by the snow from the Confederate fortifications on the south side of Neuse River, and when about 10 miles south of New Berne the storm became so furious that I lost my hat, the rudder of my boat, and an oar. Near the mouth of South River, 20 miles below New Berne, I made harbor. Saturday night I brought up at Ocracoke light-house, in which I came near freezing to death. Sunday, Sunday night, and until Monday late afternoon I was crossing Pamlico Sound in an open boat with oars only, a feat never, perhaps, accomplished before, when I reached a Federal gun-boat, having had nothing to eat from Saturday morning.

It was those eight days and nights of exposure to the elements, salt water, and cold, being the most of the time wet to the skin from head to foot, that disabled me.

On the 11th day of March I reached the general's flag-ship, the Alice Price, and made my report to him verbally as the fleet was weighing anchor to proceed to New Berne. How well I performed the duty assigned me General Burnside could tell if living. See, however, a letter addressed to me by himself, now on file with my application in the Pension Bureau. So, also, could one Gilbert, as brave a sailor as ever lived, and Jack McLain, an arrant coward, two experienced sailors who accompanied me on my reconnaissance, if living, and could be found.

The singular and peculiar disease of which I became afflicted, and am still afflicted, commenced in both feet on Sunday morning before leaving Ocracoke light-house, and notwithstanding I was suffering untold agony at the time, I cheerfully volunteered to make a reconnaissance facing the enemy near the mouth of Slocum's Creek, on the 12th day of March, 1862, in order to ascertain the depth of water, with the boat's crew of the Alice Price, the gunboat Delaware, Captain, now Rear-Admiral S. T. Quackenbush, protecting me. I also volunteered to go into the battle on the 14th of March, but under peremptory orders of General Burnside I remained aboard his ship in consequence of my extreme suffering.

On reaching New Berne I took shelter in one of the deserted buildings of that city, where I was attended by Drs. Church and Rivers, of the general's command, now deceased, and a faithful negress, whose name I can not now recall. I was also visited by the general himself.

After remaining several weeks in New Berne, being able to travel, transportation was furnished me by order of the general to New York. I was attended by a homeopathic physician in Brooklyn, N. Y., whose name has long since escaped me.

After General McClellan's defeat in June, 1862, on the peninsula of Virginia, I obtained an authorization from the then governor of New York to raise a company or regiment for the service, but because of the apathy of the people I became disgusted and volunteered as a private in the Second New York Cavalry. My health soon gave way again entirely, and I was mustered out of that service at Ball's Cross Roads, Virginia, upon my own request, in order to join General Saxton in the Department of the South, and upon my own request assigned to duty in Florida, feeling it to be my duty to remain in the service in whatever capacity my health would justify, so long as the war lasted. (See papers on file in Pension Office as to these last two services.)

Now, I was mustered out of the Eighth Illinois Cavalry upon a military order. I joined General Burnside upon a military order. I served that general under his military orders, and I believe I should have been pensioned under the general pension laws on my application filed in the Pension Bureau in 1874, but the Commissioner of that office rejected my claim for the reason, as he said, that I was not "in the line of duty." Certainly there can be no equity in such a decision, as you may observe by reading the last twelve words of the then Secretary of the Interior in a decision addressed to the Commissioner of Pensions on my appeal to that functionary for a higher rating.

Knowing that I had merit, justice, and equity on my side, I went to Congress in that behalf, and General Burnside being at the time in the United States Senate, went before the Committee on Invalid Pensions and certified to my service and disability, and hence the allowance of the meager, I might say parsimonious, allowance of $10 per month by special act March 3, 1881.

I am not only unable to perform manual labor, but am permanently disabled, and have been ever since the first week in March, 1862, and very much more than half the time require the aid and attendance of another person, to wit, my wife and thirteen-year old son, who alone constitute my family now. (See certificates and papers on file from my family physicians in Pension Office; also, see what the Pension Bureau surgeon said of my case when I was examined in the Pension Office in 1874.)

I now come before your committee and respectfully request Congress to do me simple justice by granting me a pension commensurate with my service and sufferings, now that I am on the verge of the grave.

HARDIE HOGAN HELPER.

To the COMMITTEE ON INVALID PENSIONS,
United States Senate, Washington, D. C.

STATE OF NORTH CAROLINA, *County of Davie, ss:*

Personally came before me, clerk of the superior court for Davie County, North Carolina, on this, the 28th day of March, 1888, Hardie Hogan Helper, well known to me as a respectable citizen of said county, and made oath in due form of law, and declared that the facts set forth in the foregoing instrument of writing addressed to the Committee on Invalid Pensions, United States Senate, are substantially true.

In testimony whereof I have hereunto set my hand and affixed the seal of my office on the day above written.

[SEAL.]

A. T. GRANT,
Clerk Superior Court.

The facts set up in this petition were stated in almost the same language in the application of the claimant filed in the Pension Bureau in 1874. Not only are most of these facts sustained by the papers in the case, but also by the following letter from General A. E. Burnside:

UNITED STATES SENATE CHAMBER,
Washington, March 17, 1875.

MY DEAR SIR: In reply to your letter of the 15th instant allow me to say that the incidents of the occasion to which you refer are distinctly remembered by me, and in compliance with your request I have this day forwarded to the Commissioner of Pensions a certificate covering all the points you have mentioned.

Very respectfully and truly,

A. E. BURNSIDE.

H. H. HELPER,
Salisbury, N. C.

The above letter seems to corroborate the facts set up in the petition filed in 1874.

It was necessary that the application should be made to Congress, as was done in 1881, as, perhaps, under a strict construction of general law the claimant would not be entitled to a pension, the incurrence of the disease having taken place in the interim between his discharge and subsequent enlistment, but while acting under the military orders of General Burnside. The board of examining surgeons, who examined him in 1875, fully sustain his statements as to his physical condition, which is further sustained by the certificate of Dr. M. T. Bell, dated April 26, 1881, as follows:

MOCKSVILLE, N. C., *April* 26, 1881.

To whom it may concern:

This is to certify that Mr. Hardy Hogan Helper's condition, concerning which I made a certificate some time ago, confirms the opinion expressed in that paper, *i. e.*, that his disability was permanent and his ailments progressive. At present he is unable to walk more than a very short distance without much difficulty of breathing; in fact, the mere rising from his chair accelerates his respiration to quite an uncomfortable degres; his legs are very weak and painful below the knee, requiring a cane as a prop when standing. The digestive organs are weak, seeming to be involved in the general weakness of the whole nervous system, voluntary and organic, causing a want of appetite and tardy digestion; sleep is hard to secure, and unrefreshing when obtained.

With the progress of time his actual sufferings increase, while muscular strength is slowly giving way, threatening to reduce his pleasures of life to intellectual recreations alone.

M. T. BELL, M. D.,
Family Physician.

After a careful examination of the facts in this case the committee is satisfied that the claimant ought to receive from Congress the same recognition for the services rendered to the Government under the immediate orders of General Burnside, in rendering which he incurred the disability, as though he was at that time actually enlisted in the Federal Army.

The proof shows that, if he is entitled to anything, he is entitled to be rated for inability to perform manual labor, which, under the law, would entitle him to a pension of $24 per month.

It is therefore recommended that Senate bill 2724 be amended in line 11, by striking out "fifty" and inserting "twenty-four;" and, as so amended, the bill is reported favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK C. SHAW.

Mr. PETERS. I ask for the present consideration of the bill (H. R. 204) granting a pension to Frederick C. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place the name of Frederick C. Shaw, late Company B, Third Illinois Cavalry Volunteers, on the pension-rolls, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The soldier enlisted in Company F, Third Illinois Cavalry, on the 3d day of October, 1862, and was discharged on the 10th day of October, 1865. The case was rejected by the Pension Department because he could not furnish evidence of the origin of the disability for which he claimed pension, namely, consumption, in the service. The applicant has no hospital record, but seems to have been present for duty, and has a good faithful record as a soldier. There seems to be no doubt from the evidence but that the soldier was a hale, hearty, strong young man at the time he enlisted in the Army.

The testimony of David M. Orr is as follows:

"I knew Fred. C. Shaw in 1857, and he was counted a well and healthy man. I have lived close neighbors to him since 1866, and he has been under the doctor's care most of the time since. He has not been able to do a full day's work since 1866, to my knowledge, and he has not been able to do anything at all for about one-fourth of that time."

Dr. W. R. Hopkins testifies:

"I began treating Frederick C. Shaw for pulmonary consumption in 1866, and continued treating him until 1872."

In 1884 Dr. Hopkins made another affidavit, in which he says:

"I was the family physician of the said Frederick C. Shaw from the year 1866 or 1867 until 1872; that he treated soldier for bronchitis and consumption frequently during that time; that he lived within 2½ miles of him during that time, and was intimately acquainted with him; was not acquainted with him prior to enlistment; that said Shaw, in consequence of said disease, was disabled from performing manual labor fully one-half; that he can not give exact dates of treatment, because a part of his books have been lost; that said Shaw was a man of temperate habits and was not addicted to the use of strong drink."

Orville S. Orr testifies:

"I have been acquainted with Frederick C. Shaw since 1856, and continuously up until 1862, when he went into the Army. Never knew of his being sick or under the physician's care. He was a perfectly sound man."

Your committee think, from all the evidence in the case, that the soldier was a stout and hearty man at the time of enlistment, and that within a few months after he was discharged he had consumption. He was discharged in October, 1865, and the evidence of physicians shows that in 1866 he was treated for this trouble. The evidence also shows that from 1866 he has continuously suffered from consumption, and he has not been able to perform more than half work. The evidence of Dr. Hopkins, who says he treated him for consumption in 1866 and following years, would indicate that even at that time the disease had become somewhat chronic, and if so, this would necessarily lead to the conclusion that the incurrence of the consumption was during his service in the Army. The disease is one that usually comes on slowly, beginning with a cold, and continuing without attracting very much attention until after it has fastened itself upon the system.

It is not often that persons in the ordinary walks of life have their attention directed to the disease until after it has obtained a very firm hold, and very often, in fact in a majority of cases, as is pretty well shown by casual observation, a doctor is not called in until after the disease has become firmly established in the human system. Mr. Shaw is shown to have been a laboring man, without very much means, and it is reasonable to suppose that he did not go to a doctor and consult in regard to the disease until after its progress had become somewhat alarming.

Your committee therefore think that, from all the evidence in the case and the circumstances surrounding it, they are authorized to find that the consumption of which the soldier complains, and from which he is suffering now, was incurred during his service in the Army; and we therefore report the bill favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH EVANS.

Mr. HOLMAN. I ask for the consideration of the bill (H. R. 2120) granting a pension to Elizabeth Evans:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elizabeth Evans, dependent sister of William Ayres, late a private in Company F, Thirty-seventh Regiment of Indiana Volunteers, on the pension-roll, and pay her a pension of $12 per month, subject to the provisions and limitations of the general pension laws.

The report (by Mr. MATSON) was read, as follows:

The claimant is the dependent sister of William Ayers, late of Company F, Thirty-seventh Regiment Indiana Volunteers, who died in the service. The claimant was married to William Evans, who died in 1856. The claimant and her daughter then made their homes with the mother of the deceased soldier, and was supported by the said soldier up to the time of his enlistment in the Army. The mother of the soldier was dependent on her son for support, and after his death drew a pension until her death, which occurred in 1881.

The claimant made her home with her mother after the death of her husband, and was supported in part by the pension her mother drew as a dependent. Since the death of her mother she has been dependent on the township for support, and being a confirmed invalid, as is also her daughter, she must be supported by charity or go to the poor-house. We believe it is fully proven that the claimant was dependent upon said soldier prior to and at the time of death; that she has no means of support whatever; that she is a confirmed invalid.

It seems to the committee that the relief asked for in the bill ought to be granted. We therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH F. GARRETT.

Mr. GEST. I call up for consideration the bill (H. R. 6501) to grant a pension to Joseph F. Garrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Joseph F. Garrett, who was a soldier in Spy Battalion, Fourth Illinois Regiment, in the Black Hawk war, and pay him a pension of $12 per month.

The report (by Mr. BLISS) was read, as follows:

The records show that the claimant served as a private in Capt. Elijah Iles's company, Illinois Mounted Volunteers, for twenty-one days, besides a number of days' travel, in the Black Hawk war. He is now eighty years of age, childless, with no property of any kind. His aged wife is nearly blind. For a number of years he has been in part sustained by the contributions of his neighbors.

Two hundred citizens of his locality unite in a petition to Congress asking for his relief. He is entitled to a service pension, and would be a beneficiary under the general bill reported by this committee for the relief of survivors of the Indian wars.

Your committee recommend the passage of the bill, amended, however, by striking out the word "twelve," in line 7, and inserting in lieu thereof the word "thirty."

The amendment reported by the committee was read, as follows:

Strike out, in line 7, the word "twelve" and insert the word "thirty;" so as to make the pension $30 per month.

Mr. KILGORE. I understand that this bill as originally introduced proposed a pension of $12 a month, which the committee by amendment proposes to raise to $30 a month.

Mr. GEST. When I introduced the bill I did not know what amount the committee was in the habit of allowing in cases of this kind or what amount the law provided for. This is a pension for services in the Black Hawk war. It is a case not pensionable at the Pension Office at all. I erroneously inserted "$12;" the committee report that the amount ought to be $30.

Mr. KILGORE. I understand from the reading of the report that this man served only twenty days; and I do not see why a discrimination should be made in favor of a soldier of the Black Hawk war as against soldiers of other wars. It occurs to me that a pension of $12 a month ought to be enough.

Mr. GEST. I hope the gentleman will not object to the rate of pension proposed by the committee. This man is eighty years of age; he has no property; his wife is blind; and he is dependent upon his neighbors for bread. For a man in this situation, with an aged wife who is blind and has to be led about, a pension of $30 a month is certainly not too much.

Mr. KILGORE. This pension does not go to the wife; and besides, as I have suggested, this seems to be a discrimination which ought not to be indulged in.

Mr. GEST. It is not a discrimination.

Mr. KILGORE. If the pension proposed were $12 or $15 a month, I would make no objection. I move to amend the amendment of the committee by striking out "thirty" and inserting "fifteen."

Mr. GEST. This is a pension for services in the Black Hawk Indian war of 1832, out in my part of the country.

Mr. KILGORE. I understand.

Mr. GEST. I certainly hope the gentleman will not object to a pension of $30 a month for this old man who has an aged and blind wife; both of them are helpless, dependent upon the charity of their neighbors. The application in this case is supported by a petition of two hundred people that are now caring for this aged couple, who certainly can not live more than a few years longer.

Mr. KILGORE. A stronger case can be made in ten thousand instances.

Mr. GEST. I will take it.

Mr. KILGORE. Very well, then, strike out "thirty" and insert "fifteen."

Mr. STRUBLE. Will the gentleman compromise on twenty.

Mr. KILGORE. No; I will compromise on fifteen.

The CHAIRMAN. Debate is not in order while the House is dividing.

The committee divided; and there were—ayes 6, noes 23.

Mr. KILGORE. I make the point of no quorum.

Mr. BINGHAM. Make it twenty.

Mr. KILGORE. I will withdraw only on a proposition to make it fifteen.

Mr. GEST. Make it twenty.

Mr. KILGORE. No, I will only make it fifteen.

Mr. GEST. Very well, let it go at fifteen.

The CHAIRMAN. The Chair hears no objection and the amendment making it "fifteen" is agreed to. The Chair hearing no objection the bill will be laid aside to be reported to the House with the recommendation that it do pass as amended.

There was no objection, and it was ordered accordingly.

SAMUEL ANDERSON.

Mr. JOSEPH, by unanimous consent, called up for consideration the bill (H. R. 10017) granting a pension to Samuel Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Anderson, late a private of Company E, Fifth Regiment of Kentucky Volunteer Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10017) granting a pension to Samuel Adams, have considered the same, and now report:

The claimant enlisted as a private in Company E, Fifth Kentucky Cavalry, October 4, 1862, mustered March 31, 1862, and discharged May 3, 1865.

In declaration filed June 11, 1879, he alleges that at Burkesville, Ky., in November, 1861, he contracted measles, and on account of cold and exposure while

being moved the measles settled on his lungs and they became diseased in consequence, and that he was treated at Columbia, Ky., some five or six weeks.

The claim was rejected on the ground of no record of alleged disability and inability to furnish the necessary medical evidence to connect it with the service.

Claimant states that he is unable to furnish medical evidence as to his condition prior to enlistment, for the reason that Dr. Ellison, who was his only physician, is dead. Robert Story testifies that he was well and personally acquainted with claimant, and lived neighbor to him prior to the war, and knows that claimant was stout and healthy at and prior to his enlistment.

Dr. R. Haggard, colonel Fifth Regiment Kentucky Cavalry, testifies that he was a practicing physician before the war and was acquainted with claimant's father and mother, and the family generally, before the war, and knows that they were stout, healthy people; that he was present when the regiment was mustered into the service. He regarded those who were mustered as sound and healthy men; that claimant was present and he so regarded him.

Robert Story testifies that claimant, about November 4, 1861, contracted measles and was sent to the hospital and remained there about six weeks; that he was treated by Dr. Walker; that claimant was again taken sick in Louisville, Ky., in October, 1862, and sent to the hospital, where he remained four or five weeks; that after claimant had entirely recovered from the measles he caught cold, which caused a severe cough, and his lungs appeared to be diseased, and to the best of his opinion the said disease of lungs was caused by claimant taking cold from exposure after having the measles.

James A. Graham, William Roborn, and Robert Story testify that they have known claimant since his discharge, and that he has been a constant sufferer from lung disease ever since that time to the present.

Dr. Shive testifies that he commenced treating claimant about October, 1877, for pneumonia; that his physical condition at that time was bad on account of his lungs being in a diseased condition, caused from measles; that claimant has not been able to perform manual labor since he first knew him; that claimant was gradually growing worse when he last saw him in 1880.

Dr. W. G. Hunter, examining surgeon (the writer of this report), in a certificate of examination December 20, 1881, says:

"I find this applicant greatly emaciated and quite feeble. He has a troublesome cough and purulent sputa. I find great dullness on percussion over respiring lobe of right lung, and bronchial respiration and superficial expiration over same region on auscultation. There is great want of freedom of the movements of chest under right clavicle. There is depression of the intercostal spaces on both sides, and other symptoms of phthisis pulmonalis in second stage."

The committee are of the opinion that the case is clearly made out that claimant was physically sound at the time of enlistment; that he had measles, caught cold, which resulted in the disability for which he claims pension, and that the relief asked for in the bill ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD H. VAN DORIN.

Mr. GEAR, by unanimous consent, called up for consideration the bill (S. 2118) granting a pension to Richard H. Van Dorin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll the name of Richard H. Van Dorin, of Fairfield, Iowa, who served with the United States forces in the war with Mexico, and actually participated in the battle of Buena Vista and one other engagement, and pay him a pension of $8 per month, as provided in section 2 of the act approved January 29, 1887, entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes."

The report by (Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2118) granting a pension to Richard H. Van Dorin, have considered the same, and report it back to the House, recommending its passage. The statement of facts in the report of the Senate committee correctly set forth the case, as follows:

[Senate Report No. 822, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2118) granting a pension to Richard H. Van Dorin, have examined the same, and report:

The claimant accompanied the Army to Mexico in 1846–'47 as teamster, but participated in the battle of Buena Vista and in an engagement subsequently thereto; was honorably released in the spring of 1847; drew a land warrant in virtue of his services; and asks to be pensioned the same as an enlisted soldier.

His character and credibility are vouched for by Hon. JAMES F. WILSON, Senator from Iowa, and circumstantial testimony is also presented from neighbors and acquaintances, whose probity has the same satisfactory indorsement.

The committee recommend the passage of the bill.

Mr. PARKER. This is a Mexican pension case, and there is no doubt about it, and I move it be laid aside to be reported to the House.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MINOR CHILDREN OF LIEUT. GEORGE R. M'GUIRE.

Mr. KILGORE. I have not called up any bill as yet, but I have the right to do so, and I will yield whatever right I have to the gentleman from California [Mr. FELTON], who is over here grazing on our pasture. [Laughter.]

Mr. FELTON, by unanimous consent, called up for consideration the bill (H. R. 4038) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of George R. McGuire, late a lieutenant of Company I, Thirteenth Regiment Pennsylvania Volunteers.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 4038, have had the same under consideration, and respectfully submit and adopt the report in the same case made by this committee in the second session of the Forty-ninth Congress, as follows:

"Margaret A. McGuire was the widow of Lieut. George R. McGuire, late lieutenant and captain in the Thirteenth Regiment Pennsylvania Cavalry. She was granted a pension by special act, and having since died, her surviving children, who are all under the age of sixteen years, are debarred from obtaining relief through the Pension Office.

"Your committee are of the opinion that their claim is a meritorious one, though it is debarred by a technical decision of the Interior Department, and they therefore recommend the passage of the bill, amended so as to include the names of Victor, Gertrude, Margaret, and Helen in the body of the bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY L. TANNER.

Mr. WEBER, by unanimous consent, called up for consideration the bill (H. R. 10705) granting a pension to Mary L. Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Tanner, widow of Alanson G. Tanner, late of Company K, One hundredth New York Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10705) granting a pension to Mary L. Tanner, submit the following report:

The beneficiary is the widow of Alemson G. Tanner, late a private in Company K, One hundredth New York Volunteers. The soldier enlisted October 3, 1861, and at the battle of Fair Oaks he was badly wounded in the left elbow. The arm continued in such a condition after the wound that amputation became necessary, and on or about August 28, 1862, his left arm was amputated "above the elbow and 1 inch below the shoulder joint." He was discharged October 4, 1862, and immediately returned to his home in Western New York, where he died October 2, 1875. The soldier at the time of his death was drawing a pension of $24 per month. The widow applied for a pension May 8, 1876, and the same was finally rejected in 1886. The soldier died of apoplexy or paralysis claimed to be the result of the amputation.

The medical referee decided that the claim that the apoplexy or paralysis resulted from the amputation was not tenable.

The evidence shows that the soldier even after the amputation suffered from the wounded stump, was very nervous, constantly compelled to take medicines to alleviate his nervousness; that he always suffered to a greater or less extent from that cause.

Dr. S. E. Bassett, a regular physician and surgeon of twenty years' practice, in his affidavit of date of April 2, 1883, states:

"He was first called to said soldier professionally about the 26th or 28th of September, 1875. I found him suffering severely from violent spasmodic contractions of the muscles of his left side, involving in a high degree the left shoulder armstrings and left limb, springing, jerking, rolling over in a most violent manner. I found upon a more thorough examination and inquiry (and agreeing with the highest medical authority) that the stump of left arm had not kindly healed by first intention, but had become irritated and inflamed, and thus the ends of the divided nerves of said left arm had participated in that inflammation, becoming badly and permanently diseased and with the general debility of his whole system. I found said diseased nerves of the said left-arm stump had produced partial reflex paralysis of the right side of said patient. That in my opinion the partial nervous paralysis of said soldier, Alemson G. Tanner, was caused by the diseased state of the nerves of his said left-arm stump."

This statement of the attending physician impresses the committee with the belief that the soldier's death was the result of his amputated arm, although the medical referee in the Pension Office fails so to consider. The evidence shows the beneficiary to be a poor and worthy woman, and whatever doubt there may be in the case we believe this woman is entitled to the benefit of it, and the committee report favorably and recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD HOGAN.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, called up for consideration the bill (H. R. 9253) granting an increase of pension to Richard Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of Richard Hogan, a private of Company B, First Regiment of United States Dragoons, in the war with Mexico, and grant him a pension of $30 a month from and after the passage of this act, in lieu of the pension he now receives.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9253) granting an increase of pension to Richard Hogan, have considered the same and report as follows:

The claimant was a private in Company B, First United States Dragoons, for over two years, during the war with Mexico. He is in receipt of a pension at the rate of $8 per month under the Mexican service act of January 29, 1887.

He is seventy-four years of age, and totally blind from cataracts of both eyes. He claims that the disease was contracted during the war with Mexico, and, although he has furnished no evidence that said disease existed while he was in that service, he has shown by the testimony of three credible neighbors that he had disease of eyes in 1849, just after his return from service and during each year since.

Your committee recommend the passage of the bill.

Mr. GEST. I do not see why $30 should be allowed in this case, while in the case I called up the pension was cut down to $15.

Mr. MATSON. Has the report been read?

The CHAIRMAN. It has.

Mr. GEST. I move to make it $15 instead of $30.

Mr. MATSON. In the case to which the gentleman refers the woman was blind, but in this case it is the soldier who is blind. There is no doubt of this soldier's service or of his blindness. He was a private for over two years during the war with Mexico. It appears by the testimony of three credible neighbors that he had disease of the eyes in 1849 just after his return from the service and during each year since.

Mr. GEST. I withdraw the amendment reducing the pension to $15.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CASPAR BLANKE.

Mr. HERMANN. I ask consideration of the bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caspar Blanke, of Portland, Oregon, late of Company C, Fourteenth Regiment United States Infantry, at the rate of $72 per month.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2833) granting a pension to Caspar Blanke, have considered the same, and report it back to the House, recommending its passage.

The committee adopt as their report the statement of facts correctly set forth in the report of the Senate committee, as follows:

[Senate Report 1407, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2833) granting a pension to Caspar Blanke, have examined the same, and report:

This claimant was a private in Company E, Fourteenth Regiment United States regular infantry. He served a term of enlistment from 1876 to 1881, and again re-enlisted in 1881, serving until 1885, when he was discharged for disabilities under a surgeon's certificate. The disabilities were described as rheumatism, partial paralysis, and loss of sight, or double sight.

There is no doubt of the serious nature of these disabilities; that they were incurred by the claimant during the time of his service. They are called technically locomotor ataxia and ophthalmia. The patient at present and for a long time has been wholly blind in one eye, almost blind in the other—discerning light but not objects, and being unable to walk, except with assistance; wholly unable to perform manual labor, and most of the time requiring the attendance of a third person.

The claim has been rejected by the Pension Bureau upon the ground that these disabilities are the results of vice in the claimant, not incurred or incurrable in line of duty.

The medical referee of the Pension Office, after an examination of the papers (not the patient), says:

"I could not, therefore, say that syphilis could with safety be eliminated."

We think this rejection a mild one—a conclusion not very well or firmly assured. On the other side it is shown that four physicians—Wells, Wheeler, Tarlor, and Easton—of Portland, Oregon, where the claimant resides, testify upon a personal examination of the claimant that—

"He is not a syphilitic subject; that locomotor ataxia and blindness are the diseases to which he is subject, and that his disability therefrom is total."

These are known to be persons of credit and character, specialists in eye diseases, eminent in their practice and profession, totally disinterested.

Your committee think the disabilities mentioned were incurred by the claimant in the line of duty by reason of his military service, and therefore recommend passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. TONERAY.

Mr. BUTLER. I ask consideration of the bill (H. R. 6344) granting a pension to William J. Toneray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to inscribe on the pension-rolls the name of William J. Toneray, late a member of Company F, Second Tennessee Mounted Infantry, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6344) granting a pension to William J. Toneray, have considered the same, and report as follows:

The claimant was a private in Company F, Second Tennessee Volunteer Infantry, and served from May 20, 1862, to May 20, 1865. He has a record and was honorably discharged.

He claimed, in his declaration for pension, that he contracted a disease of the chest in October, 1862, which has affected him ever since, causing disease of heart.

His claim was rejected, July 13, 1885, on the ground that there is no record of disease of chest, and claimant was unable to furnish competent proof that the said disease was contracted in service and line of duty.

Your committee have examined the evidence in the claim, and from such examination believe that it has merit.

The certificate of the board of examining surgeons at Jonesborough, Tenn., shows that the man is disabled by disease of heart, believed to be fatty degeneration. There is bellows murmur at the apex.

Dr. J. H. Alexander, a United States examining surgeon at Elizabethtown, Tenn., testifies that he has treated claimant for disease of heart since 1872, and Dr. James M. Cameron testifies to treatment of claimant shortly after the war for phthisis.

Neighbors also testify to the continued existence of the disease since date of discharge.

Lieut. Col. R. R. Butler, Lieut. E. Wilmot, Sergt. D. B. Jenkins, John C. Smith, and several other comrades testify that they well remember that claimant was sick in service, and that he was affected by difficult breathing and a cough.

Some of the comrades who were seen by the special examiner of the Pension Bureau testify to the same effect.

That claimant had a long and honorable service is shown by the record; that he contracted disease of the heart therein is also proved beyond doubt, as well as the fact that it has existed ever since. He was sound at the time of his enlistment.

Your committee recommend the passage of the bill, amended, however, by changing the method of spelling the claimant's surname, wherever it appears therein, from "Toneray" to "Toneray."

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The title of the bill was amended so as to read: "A bill granting a pension to William Toncray, of Tennessee.

THEODORE LEWIS.

Mr. WILKINSON. I ask consideration of the bill (H. R. 10735) for the removal of the political disabilities of Theodore Lewis, of Louisiana.

The bill was read, as follows:

Be it enacted, etc. (two-thirds of each House concurring therein), That Theodore Lewis, of the State of Louisiana, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The report (by Mr. CULBERSON) is as follows:

The Committee on the Judiciary having considered the bill (H. R. 10735) for the removal of the disabilities of Theodore Lewis, of Louisiana, and finding a petition from said Lewis, in due form, asking that his disabilities be removed, recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DULCENA NOEL.

Mr. CONGER. I ask consideration of the bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Dulcena Noel, as the dependent mother of William T. Noel, late a private in company—Seventeenth Iowa Volunteers, and pay her a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. SPOONER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel, respectfully report:

Mrs. Dulcena Noel is the widowed mother of William T. Noel, late a private in Company G, Seventeenth Regiment Iowa Volunteers, who died in said service May 6, 1862.

Her husband, George W. Noel, was a sergeant in Company H, Thirty-ninth Iowa Volunteers, and was killed in service, and she was granted a pension upon account of his death. She subsequently remarried, whereupon her said pension ceased.

This second marriage, however, proving an unfortunate one, she was divorced. She is now aged and poor, having an income of not over $50 per year.

Her said son, William T. Noel, was never married, and no one is now drawing or has ever drawn a pension upon his account.

Although by reason of the facts above stated and because Mrs. Noel's present dependence can not be traced back to the time of the death of her said son she has no standing for a claim for pension in the Pension Office, your committee, following their unvarying practice in such cases, and believing this dependent mother entitled to the relief sought, recommend the passage of the bill with the following amendment: Insert the letter "G" in line 6 of the bill as printed.

The amendment of the committee was agreed to; and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the Private Calendar had had under consideration various bills, and instructed him to report them with sundry recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10906) granting a pension to Fidel Gates;

A bill (H. R. 10414) granting a pension to Hannah L. Irwin;

A bill (H. R. 6001) granting a pension to Sarah J. Fraily;

A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;

A bill (H. R. 10525) increasing the pension of Edward Jardine;

A bill (H. R. 8534) granting a pension to Jacob Copes;

A bill (H. R. 9684) granting a pension to William J. Brown;

A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;

A bill (H. R. 5446) granting a pension to William H. Dowdall;

A bill (H. R. 8545) for the relief of Samuel Purcell;

A bill (H. R. 10789) granting a pension to Philip Neuman;

A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;

A bill (H. R. 4039) granting a pension to Mary Pfeiffer;

A bill (H. R. 10954) for the relief of Mary Ann Reid;

A bill (H. R. 204) granting a pension to Frederick C. Shaw;

A bill (H. R. 2120) granting a pension to Elizabeth Evans;

A bill (H. R. 10017) granting a pension to Samuel Anderson;

A bill (H. R. 4038) granting a pension to Victoria, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;

A bill (H. R. 10705) granting a pension to Mary O. L. Tanner; and

A bill (H. R. 9253) granting an increase of pension to Richard Hogan.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time, and being engrossed, they were accordingly read the third time, and passed.

A bill (H. R. 8494) granting a pension to Gilbert Reed;

A bill (H. R. 2908) increasing the pension of W. B. Stokes;

A bill (H. R. 2139) granting a pension to George Rhody;

A bill (H. R. 9372) granting a pension to John Dean;

A bill (H. R. 4575) granting a pension to Michael Horgain;

A bill (H. R. 9717) for the relief of Thomas Shackelford.

A bill (H. R. 8889) granting a pension to Charles Molseed;

A bill (H. R. 9341) granting a pension to Dulcena Noel;

A bill (H. R. 10356) granting a pension to J. T. Vincent (the title was amended so as to conform to the bill); and

A bill (H. R. 6344) granting a pension to William J. Toneray (title amended so as to read: "A bill granting a pension to William J. Toncray").

JOSEPH T. GARRETT.

The SPEAKER *pro tempore*. The next bill reported from the Committee of the Whole House is the bill (H. R. 6501) granting a pension to Joseph T. Garrett. The question is on agreeing to the amendment made in the Committee of the Whole House.

Mr. GEST. I ask unanimous consent to substitute "twenty" instead of the amendment to make it "fifteen," agreed upon in Committee of the Whole.

The CHAIRMAN. Is there objection? The Chair hears none, and the amendment to the amendment is agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 3219) increasing the pension of Keyes P. Cool;

A bill (S. 1162) for the relief of Susan E. Alger;

A bill (S. 2500) granting a pension to Gertrude K. Lyford;

A bill (S. 2724) for the relief of H. Harper;

A bill (S. 2118) granting a pension to Richard H. Van Dorin; and

A bill (S. 2833) granting a pension to Casper Blanke, of Portland, Oregon.

The bill (S. 2106) granting a pension to William Kelsey was reported from the Committee of the Whole House with amendment. The amendment was concurred in, and the bill as amended was ordered to a third reading, read the third time, and passed.

THEODORE LEWIS.

The bill (H. R. 10735) for the removal of the political disabilities of Theodore Lewis, of Louisiana, reported from the Committee of the Whole House without amendment, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds having voted in the affirmative).

Mr. MATSON moved to reconsider the several votes by which the bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The hour of 10.30 o'clock p. m. having arrived, in accordance with the previous order, the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 11143) for the benefit of William Burton—to the Committee on War Claims.

Also, a bill (H. R. 11144) for the benefit of A. W. Harper—to the Committee on War Claims.

By Mr. POST: A bill (H. R. 11145) granting a pension to George W. Gibson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 11146) for the relief of Collin Adams—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of citizens of Hill County, Texas, relating to interstate commerce—to the Committee on Commerce.

By Mr. J. M. ALLEN: Petition of W. F. Dilworth, heir of Susan F. Dilworth; and of Sarah J. Ragan, widow of George W. Ragan, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BANKHEAD: Petition of John E. Cooner, heir of Samuel E. Cooner; of T. C. B. Morrow; of E. W. Wright; of William B. Day; and of Joseph B. Ferguson, heir of Joseph Ferguson, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BARNES: Petition of depositors of the Freedman's Bank, residing in Augusta, Ga., for the passage of the bill making an appropriation for settlement with the depositors—to the Committee on Banking and Currency.

By Mr. BAYNE: Resolutions of Fort Pitt Council, Junior Order United American Mechanics, of Allegheny, Pa., in favor of Senate bill 553—to the Committee on Foreign Affairs.

By Mr. T. H. B. BROWNE: Petition of John L. P. Hopkins, of Accomac County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HEARD: Petition of 26 citizens of the Sixth district of Missouri, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HOLMAN: Papers from Jacob Berger, Fred. Berger, and William Young, of St. Croix Falls, Wis., in relation to the railroad grant from St. Croix River to Bayfield, Wis., and praying for relief—to the Committee on the Public Lands.

By Mr. MILLIKEN: Petition of Rev. E. M. Fowler and 44 others, citizens of the Third district of Maine, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PETERS: Petition of Board of Trade of Liberal, Kans., favoring legislation for "No Man's Land"—to the Committee on the Public Lands.

By Mr. RICE: Petition of 56 citizens of Ramsey County, Minnesota, for amendment of sections 3 and 10 of the interstate-commerce law—to the Committee on Commerce.

By Mr. J. D. STEWART: Petition of Louisa Walker, of Fulton, Ga., for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of heirs of M. W. Roach, of Jackson County, Alabama, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of S. A. Carroll, administrator of John A. Hagan, of Lawrence County, Tennessee, for relief—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of C. B. Wentzell, president of Jefferson County School Board; of Alexander Murphy, and of A. M. Sponseller, of Jefferson County, West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, *August* 13, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

RAILWAY MAIL TRANSPORTATION DEFICIENCY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General, submitting an estimate of a deficiency in the appropriation for railway mail transportation for the fiscal year ending June 30, 1888, of $562,482; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of Titus Hutchinson, of Lyndon, Caledonia County, Vermont, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PASCO. I present certain papers relating to the claim of the heirs of Dr. Henry E. Perrine, now pending before the Committee on Public Lands. I move that the papers be referred to that committee.

The motion was agreed to.

Mr. DOLPH presented a petition of the Grand Army of the Republic, Department of Washington Territory, praying that an appropriation be made for head-stones for ex-Union soldiers; which was referred to the Committee on Appropriations.

Mr. SHERMAN. I present the petition of Mrs. Sarah A. Woodbridge, praying for a pension, accompanied with proofs and papers. In connection with this petition, I ask the unanimous consent of the Senate that the vote by which the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge, on the report of the Committee on Pensions, was indefinitely postponed be reconsidered, and that the bill be recommitted to the Committee on Pensions with the papers I now present, which furnish the proof the committee called for.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered if there be no objection, and the bill, together with the petition and accompanying papers, will be referred to the Committee on Pensions. The Chair hears no objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the joint resolution (S. R. 71) providing for the ascertainment and report by the Secretary of State of the claim of the legal representatives of Walter H. Stevens, deceased, to report the same back, and ask that the committee be discharged from the further consideration of the joint resolution, and that it, with the accompanying papers, be referred to the Committee on Foreign Relations, which, as the Committee on the Judiciary thinks, is the proper and regular committee for the consideration of matters of that nature.

The report was agreed to.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4855) granting a pension to Jacob Newhard;

A bill (H. R. 5529) granting a pension to Flora Heath;

A bill (H. R. 549) granting a pension to Joseph S. Wilson; and

A bill (H. R. 8571) granting a pension to Margaret J. McQuary.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 401) for the relief of Col. Daniel McClure, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL. I am directed by the Committee on Public

Lands to report an original joint resolution, and I ask the unanimous consent of the Senate for its immediate consideration. I will state that the matter can be disposed of in a moment, the object of the joint resolution being to remove a doubt as to the construction of a joint resolution heretofore passed at this session.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The joint resolution (S. R. 103) to construe joint resolution of May 14, 1888, as amended by joint resolution of July 16, 1888, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the joint resolution approved May 14, 1888, entitled "Joint resolution relating to the disposal of public lands in certain States," as amended by the joint resolution approved July 16, 1888, shall not be construed so as to deny to any State the right to select lands in place, or indemnity lands, in accordance with existing laws making land grants to States.

Mr. EDMUNDS. I think that had better be printed and go over. It covers a very important subject.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7013) to place the name of Delia Newman on the pension-roll, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8885) granting a pension to Eliza A. Woods;

A bill (H. R. 10607) granting a pension to Rachel Morgan;

A bill (H. R. 9228) for the relief of Nathan Cook; and

A bill (H. R. 9227) for the relief of Mary Newton.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (H. R. 7410) for the relief of settlers upon Old Camp Sheridan military reservation, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.," reported it without amendment.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes, reported it with an amendment.

ATTENDANTS AT INSANE HOSPITAL.

Mr. FAULKNER. I ask unanimous consent at this time to have the Senate reconsider the vote by which the bill (H. R. 7785) for the relief of the attendants on the insane at Hospital for the Insane in the District of Columbia, which was reported on Friday last, was indefinitely postponed, and then I shall move that it be recommitted to the Committee on the District of Columbia.

Mr. HARRIS. There is no objection to that.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill referred to the Committee on the District of Columbia. The Chair hears no objection, and it is so ordered.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3434) to prohibit bridges over navigable streams of the United States without consent of Congress; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON, of Iowa, introduced a bill (S. 3435) granting a pension to J. D. Haworth; which was read twice by its title, and referred to the Committee on Pensions.

OVERHEAD ELECTRIC WIRES.

Mr. EDMUNDS. I offer the following resolution, and ask for its present consideration:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to inform the Senate as soon as may be, whether, since the 1st day of January, 1888, they have granted any permit or given any other authority for the erection of overhead electric wires of any kind in any of the avenues, streets, or alleys of Washington or Georgetown, and if so, in what instances, for what purposes, and under what authority.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. EDMUNDS. I just wish to say that my attention was attracted to this subject by seeing an article in a newspaper in this city within two or three days stating that the commissioners had granted a permit for some overhead electric wire (I think a motive-power wire, instead of a light wire, which would of course carry a very heavy charge of electricity) somewhere on New York avenue. I had supposed that both Houses of Congress were of opinion, as every other sensible person ought to be, that the erection of overhead electric wires of any kind in this city any more was to be stopped entirely, and I was very much surprised at that statement. I hope it is not true. This resolution is intended to get the earliest information possible in order to see if we can prevent any more overhead business of that kind.

The resolution was agreed to.

REGISTRATION AND ELECTIONS IN NEW YORK.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Vermont [Mr. EDMUNDS] coming over from a previous day.

The Chief Clerk read the resolution submitted by Mr. EDMUNDS August 10, 1888, as follows:

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to transmit to the Senate copies of all correspondence and communications passing between the Department of Justice, or any officer thereof, and any officer under the Government of the United States in the State of New York, since the 1st day of January, 1887, on the subject of registration, elections, or any matters connected therewith, or with the conduct, duties, or powers of any such officer in respect of registration or election matters.

Mr. HOAR. I ask the Senator from Vermont, in order that there may be no possible doubt about the force of the resolution, to put after the word "powers" the words "or compensation," if he has no objection.

Mr. EDMUNDS. I have not, if I understand the suggestion. Will the Senator state it again so that the clerks will get it?

Mr. HOAR. I suggest to put after the word "powers" the words "or compensation." I am informed that the Department of Justice refused to execute the law in regard to security of elections by refusing the compensation provided by law for officers on those duties. There was a correspondence between Mr. Garland and one of my colleagues in the other House, Dr. DAVIS, last year on that subject, which was printed as an executive document. I wish to know whether they still adhere to that practice.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be stated.

The CHIEF CLERK. Before the word "powers," in the last line but one, strike out the word "or," and after the word "powers" insert "or compensation;" so as to read:

Or with the conduct, duties, powers, or compensation of any such officer in respect of registration or election matters.

Mr. EDMUNDS. That is right. I accept the amendment.

I wish to state (and I hope my information is incorrect) that in this year of our Lord, 1888, and in the month of July last past, a high officer of the Government, an officer of the Department of Justice, it is alleged, has undertaken in advance to inform the supervisor of elections of members of Congress, etc., in the city of New York, or some other officer of that nature if that be not his title, that while the statute authorizes that supervisor appointed by the courts of the United States there to perform his duties during a whole period of ten days connected with the election of members of Congress, he will only be paid for five days.

If that statement be true, which I most earnestly hope it is not, it would seem to require some explanation from the Department of Justice in respect of what authority it claims to have in determining how long an officer shall be paid for a service that the statute imposes upon him, the length of time being fixed by the statute during which he is to perform that service, and the law saying that he shall be paid for it.

In other words, I should be glad to know, if this statement be true (and I hope it is not), where the Department of Justice or any other Department gets its authority to undertake to begin to squeeze or otherwise operate over the discretion of officers provided for by law and appointed by the courts in the discharge of their duties.

It has been stated in some public declaration of a powerful party, I believe, that the franchise is a right of all rights fundamental, and that it ought to be pure, and that it ought to be secure, and guarded against fraud or violence. So, as I say, I am bound to imagine that these published statements imputing to the Department of Justice or any of its officers an attempt to begin to exercise a discretionary, coercive, or even persuasive control over the discharge of the duties of these officers appointed by the courts in respect of that most sacred right are entirely an error. If the fact be otherwise, I think the sooner we find it out the better.

Mr. COCKRELL. I should like to ask the Senator from Vermont if the law compels these officers to be appointed for ten days, or the time named, and to remain on duty all that time, or is there a discretion as to the number of days not exceeding ten?

Mr. EDMUNDS. The law authorizes the circuit court or a circuit judge to appoint these officers. Being appointed, the law itself imputes to them their functions and says that they are to be performed, if I correctly remember, within the period of ten days. It does not confer, and it did not intend to confer—it would have been an outrage if it had conferred—upon the Attorney-General of the United States or the Solicitor-General or the President or any other executive officer the right in any manner to interfere with the performance of those duties by threats, by disallowing accounts, or any other sort of control over them.

The law says they shall be paid. The law does not direct a judge of the United States to hold court for any particular length of time; and it would be a very extraordinary thing for the Attorney-General or the Solicitor-General to send to the district attorney or the marshal, officers who by law are under his supervision, a statement, "If you attend this term of the court, which the law says you are to attend, for more than five days, you will not have the allowance that the law says

you shall have for attending court." That would be a gross usurpation, as I take it everybody would admit.

In this case, if I correctly understand the law, and I think I do, the Attorney-General of the United States has no more authority over these supervisors of election than I have, and he ought to have less, because I could only appeal to them in my character and sense and situation as a citizen to urge them to perform their duties, while a great official at the head of the Department and having a particular bias might approach them in a different way.

Mr. COCKRELL. I should like to ask the Senator how many subordinates these supervisors can appoint; whether there is any limit to the number they can appoint? I simply desire to say that, as I understand, without ever having seen what has been done or having examined the law since this question has come up, the Attorney-General may have designated the length of time during which these multitudinous employés should be upon duty. If he has done that, I apprehend he has done simply his duty, and that when the report comes in he will show a full, just, and legal ground for having done so.

Mr. EDMUNDS. I certainly hope it may be so, whatever is done.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] having been accepted by the mover of the resolution, is the Senate ready for the question on the adoption of the resolution?

The resolution was agreed to.

JACKSON (MISS.) MUNICIPAL ELECTION.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none, that order is closed.

Mr. FRYE. I move that the Senate proceed——

Mr. WILSON, of Iowa. I ask the Senator from Maine to yield to me just a moment. I desire to state that on next Thursday, if the business of the Senate will allow, it is my purpose, after the morning business shall have been closed, to call up for the consideration of the Senate the resolutions reported from the Committee on the Judiciary relative to the alleged suppression of the vote of colored citizens at Jackson, Miss.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 204) granting a pension to Frederick C. Shaw;

A bill (H. R. 793) for the relief of William Collins;

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

A bill (H. R. 1067) to amend the war record of Alfred H. Thomas, deceased;

A bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn.;

A bill (H. R. 2120) granting a pension to Elizabeth Evans;

A bill (H. R. 2139) granting a pension to George Rhody;

A bill (H. R. 2661) for the relief of James Caler;

A bill (H. R. 2908) to increase the pension of W. B. Stokes;

A bill (H. R. 4038) granting a pension to Victoria, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;

A bill (H. R. 4039) granting a pension to Mary Pfeiffer;

A bill (H. R. 4575) granting a pension to Michael Hargain;

A bill (H. R. 5446) granting a pension to William H. Dowdall;

A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;

A bill (H. R. 6001) granting a pension to Sarah J. Fraily;

A bill (H. R. 6347) for the relief of Alexander Moffitt;

A bill (H. R. 6501) to grant a pension to Joseph F. Garrett;

A bill (H. R. 8494) granting a pension to Gilbert Reed;

A bill (H. R. 8534) granting a pension to Jacob Copes;

A bill (H. R. 8545) for the relief of Samuel Purcell;

A bill (H. R. 8889) granting a pension to Charles Molseed;

A bill (H. R. 9253) granting an increase of pension to Richard Hogan;

A bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel;

A bill (H. R. 9372) granting a pension to John Dean;

A bill (H. R. 9464) for the relief of Hudson G. Lamkin;

A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;

A bill (H. R. 9684) granting a pension to William J. Brown;

A bill (H. R. 9717) for the relief of Thomas Shackelford;

A bill (H. R. 10017) granting a pension to Samuel Anderson;

A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;

A bill (H. R. 10356) granting a pension to John T. Vincent;

A bill (H. R. 10418) granting a pension to Hannah L. Irwin;

A bill (H. R. 10525) to increase the pension of Edward Jardine;

A bill (H. R. 10705) granting a pension to Mary L. Tanner;

A bill (H. R. 10735) for the removal of the political disabilities of Theodore Lewis, of Louisiana;

A bill (H. R. 10789) granting a pension to Philip Neuman;

A bill (H. R. 10906) granting a pension to Fidel Gates;

A bill (H. R. 10954) for the relief of Mary Ann Reid; and

A bill (H. R. 11007) for the relief of the Catholic Church at Macon City, Mo.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 1162) for the relief of Susan E. Alger;

A bill (S. 2118) granting a pension to Richard H. Van Dorin;

A bill (S. 2500) granting a pension to Gertrude K. Lyford;

A bill (S 2724) for the relief of H. Helper;

A bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon;

A bill (S. 3219) to increase the pension of Keyes P. Cool; and

Joint resolution (S. R. 62) in recognition of the services of Joseph Francis.

The message further announced that the House had passed the bill (S. 2106) granting a pension to William Kelsey, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannock Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. PERKINS, managers at the conference on the part of the House.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of the fisheries treaty with open doors.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Maine moves that the Senate proceed to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of this treaty until the Wednesday after the first Monday in December next.

Mr. CALL. Mr. President, it has not been my purpose to enter into the discussion of this treaty, but I am impelled to do so from the fact that the State which I in part represent has a seacoast from the Atlantic to the Gulf of Mexico of nearly 1,400 miles. That seacoast abounds in fish; and the privileges of the fisheries upon the Atlantic and the Gulf coast of Florida are of very great value, and are destined in the future to become still more valuable. In that point of view the principles upon which the fishery rights shall be decided by our Government in its relations with others becomes a question of very great importance.

This subject has been alluded to in the discussions which have already taken place before the Senate. The Senator from Ohio [Mr. SHERMAN], in his speech a few days ago, made the following observations:

> Do not the merits of this treaty affect just as much all the fishermen along the Southern coast and the Gulf of Mexico and the Pacific Ocean as the fishermen of New England? There are provisions of this treaty, including the fifteenth article, so wide-reaching that if adopted they would in their consequences open the ports of the Southern States to every Canadian vessel that chose to come into your ports to fish in your waters. It would open all that vast fishery on the Pacific, infinitely more valuable than the Newfoundland fishery has ever been, to the depredations of people from British Columbia. It would open up controversy there. It is just as important to the people of Ohio as to any other, although we have few fishermen there and do not care who furnish our fish.

If that be so it is a just ground of objection to this treaty. The fifteenth article of the treaty is as follows:

> ARTICLE XV.
>
> Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.
>
> And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge for the following purposes, namely:
>
> 1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
>
> 2. Transshipment of catch, for transport by any means of conveyance.
>
> 3. Shipping of crews.
>
> Supplies shall not be obtained by barter, but bait may be so obtained.
>
> The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

I do not so interpret this treaty, Mr. President. The "like privi-

leges" manifestly refer to the first, second, third, and fourth specifications of this article, the purchase of provisions, the transshipment of catch, the shipping of crews. I do not understand that by any just construction of this treaty, either of the twelfth or fifteenth article, or of both, it is true that it would admit to any other than the enumerated privileges the fishing vessels of Canada on the coast and in the bays and harbors of the United States.

In the construction of this treaty and in the negotiation of any treaty, it is quite manifest that it should be framed with reference to the principles which are of importance to the interests of the people of the United States, not only in respect to the particular subject-matter of negotiation, but with reference to the general and future interests of the country. This treaty in relation to the contention between the United States and Great Britain in respect to the fishery rights in her North American provinces, if adjusted upon principles which surrender the jurisdictional rights of the United States, would be objectionable even though it might furnish a measure of relief in respect of the rights involved as between the Canadian provinces and the United States. It is, therefore, I think, in this point of view that this treaty must have its principal consideration.

This treaty, therefore, is to be considered not alone in reference to the settlement of the troubles on the Northeast coast as between the Provinces and the United States in respect to the fisheries upon that coast and upon the bays, creeks, harbors, and the high seas, but in reference to its future relations to the coasts of the United States, to its great fisheries; and it is for the reason that the treaty preserves the jurisdictional sovereignty of the United States over our own dominions and does not concede the right to any foreign government to demand any share or any participation in them that the treaty presents itself in a favorable view to my mind.

The proposition that this treaty opens our Southern waters to Canadian fishing ships is without any foundation in my judgment. The treaty says:

Whereas differences have arisen concerning the interpretation of Article I of the convention of October 20, 1818, the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a treaty to that end.

The objects of the treaty are the promotion of friendly intercourse and good neighborhood between the United States and the possessions of Her Majesty in North America. The twelfth article, which has been the source of this claim that the treaty opened the coasts and inshore fisheries all along the Atlantic and the Gulf coasts of the United States to the Canadian ships, is as follows:

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

What privileges are reserved to United States fishing vessels in the waters of Canada and Newfoundland? The limited and restricted privileges defined in this treaty, and none other; no fishing privileges whatever, but simply defining the privileges acquired under the treaty of 1818, prescribing in definite terms and in a manner which can not be mistaken, the ground for the exclusive right of fishery on the part of the United States, and modifying the conditions upon which vessels engaged in fishing shall be allowed privileges in the ports of the North American colonies, namely: The purchase of provisions, bait, ice, seines, all other supplies and outfits—transshipment of catch for transport by any means of conveyance—shipping of crews.

How then can it be said with this express limitation of the privileges conferred upon vessels of the United States in Canadian waters, that there is any grant whatever to Canadian fishing vessels of rights and privileges to catch fish in the waters of the United States upon the Atlantic and Gulf coast? I think, Mr. President, that this ground of objection to this treaty is without force. But what is the contention? It is that in the treaty of 1783, as the majority report states it, "property rights" were conferred upon the United States in the jurisdictional waters of the British Empire in her North American provinces. I take issue with that proposition.

I think it is a bad precedent to establish. If it could possibly be true that the jurisdictional sovereign power of a government over its own waters could be dispossessed by a right of property given under a treaty, whether it be termed a right or a privilege, I affirm if the United States to-day were to make a treaty with Spain or with England by which the fisheries upon the shore of the coast of Florida within 3 miles of our coasts, bays, harbors, and creeks, might be used by the subjects of either of those governments, that it would convey no property right, that it would not disturb the jurisdiction of this Government. It would be a right resting in treaty, understood to be, and properly understood to be, subject at all times when the convenience or the interests of this sovereignty demanded it to be repealed or set aside, and it would be the duty of this Government, as it would be the understanding of the contracting parties by virtue of the fact of the entire sovereignty of the Government of the United States over its own soil and its own territorial waters, to terminate that right whenever the interests of this people demanded it.

But the contention of the majority report is that the treaty of 1783 conferred a property right which was subject to revocation, and was not subject to the continuous power of Great Britain. The proposition is untenable, Mr. President. The position of Great Britain on this subject is well stated in the correspondence in the American State Papers, and is precisely the position which the United States and every sovereign government must take in regard to their own territory.

In the letter of Lord Bathurst of October 30, 1815, to Mr. Adams, he says:

The minister of the United States appears to be well aware that Great Britain has always considered the liberty formerly enjoyed by the United States of fishing within British limits and using British territory as derived from the third article of the treaty of 1783, and from that alone, and that the claim of an independent state to occupy and use at its discretion any portion of the territory of another without compensation or corresponding indulgence can not rest on any other foundation than conventional stipulation.

* * * * * * *

To a proposition of this novel nature Great Britain can not accede. * * * Nor can she consider any one state at liberty to assign to a treaty made with her such a peculiarity of character as shall make it as to duration an exception to all other treaties, in order to found on a peculiarity thus assumed an irrevocable title to all indulgences which have all the features of temporary concessions. * * * The grant of the liberty (to fish) has all the aspects of a policy temporary and experimental, depending on the use that might be made of it in the consideration of the islands and places where it was to be exercised, and the more general conveniences or inconveniences in a military, naval, or commercial point of view, resulting from the access of an independent nation to such islands and places.

The result of this correspondence was the following letter from James Monroe, President of the United States:

DEPARTMENT OF STATE, *February* 27, 1816.

It appears that * * * although the British Government denies our right of taking, curing, and drying fish within their jurisdiction, and on the coast of the British provinces in North America, it is willing to secure to our citizens the liberty stipulated by the treaty of 1783, under such regulations as will secure the benefit to both parties and prevent smuggling of goods in the British provinces by our vessels * * * and the signing of the treaty of 1818.

It thus appears that the treaty of 1818 was accepted by our Government with the knowledge that Great Britain would not consent to any other interpretatian of this question than that stated by Lord Bathurst. In American State Papers, Foreign Relations, volume 4, page 373, will be found this letter from Mr. Adams, Secretary of State:

The President authorizes you to agree to an article whereby the United States will desist from the liberty of fishing and curing and drying fish within the British jurisdiction generally upon conditions * * * and the privilege of entering for shelter, wood, and water in all the British harbors of North America.

This letter settles the point as to the extent and meaning of the renunciation as to "bays."

But the Senator from Ohio [Mr. SHERMAN] bases his argument in this case, notwithstanding these facts and notwithstanding the incontrovertible propositions confirmed by history, by the concurrent opinions of the ablest statesmen of New England—by Mr. Webster, by Mr. Adams preceding him, by the history and experience of this Government for three-quarters of a century—the Senator from Ohio claims that by international law the waters upon the coast of Canada and upon the coast and bays of the United States, within 3 marine miles, are the public ocean, the common property of mankind, and that this principle of international law enters into the bays over 6 miles wide, and that they are high seas, the common property, the public ocean, the highway of all nations.

If that be true the inshore sea fisheries in my own State between Key West and the mainland, 60 miles out in the open Gulf, and, connected by a chain of keys, the wide bays and estuaries which are to be found on the Atlantic coast, the indentations of the coast which were claimed by all the earlier precedents to be within the jurisdiction of this Government by a line drawn frow Key West to Mobile, Pensacola, or New Orleans—all these are public property open to everybody; to the people of Spain and all nations. There is no exclusive right in the American fishermen upon the coasts of the Northwest in Alaska, in all the great seas and inland waters there.

If the contention of the Senator from Ohio is right, we surrender all this vast line of territorial possession and jurisdiction. To my mind the treaty that asserts the jurisdictional power and the exclusive right of the Government of the United States and the people of the United States to this vast inland shore and sea fishery is to be commended, and there is a principle of jurisdictional right far more important than to give the inshore fisheries of the Gulf of St. Lawrance and the North American British colonies to the fishermen of this country. The one would be a fatal surrender; the other is a recognition of a principle of sovereign territorial jurisdiction and exclusive right which is beneficent and necessary to the preservation of the rights of this people.

Mr. President, the Senator from Ohio is wrong in his contention. There is no such principle of international law, and there never was, that in waters inclosed within the dominions of a country the shores to within 3 miles of the coast were the common property of nations, the high seas, the public ocean. I challenge the production of any respectable authority to prove that at any time since history began there has ever been a recognition of that proposition. It is true that upon

the coasts of the ocean generally, without reference to the *clausum mare* or the principle of *inter fauces terræ* or the waters inclosed within the jurisdiction of a sovereign power—it is true that outside of these limitations, as a rule of convenience, the jurisdictional power of a country has ordinarily been held to extend to the distance of a cannon shot, or a marine league, or 3 miles from the shore; sometimes one and sometimes the other.

In the second volume of Grotius, an authority, as we know, most highly respected and cited by all tribunals which have been engaged in the settlement of disputed points of international law for centuries, we have the following:

By this instance it seems to appear that the property and dominion of the sea should belong to him who is in possession of the lands on both sides; though it be open above as a gulf, or above and below as the straits, provided it is not so great a part of the sea that when compared with the lands on both sides it can not be supposed to be some part of them. And now, what is thus lawful to one king or people may be also lawful to two or three, if they make themselves masters of the sea betwixt them at one and the same time, and agree upon the terms of property; for it is in this manner that rivers running through lands of two different nations have first been possessed by both and then divided.

* * * * * * *

Now, it may very easily be that the sole jurisdiction or sovereignty over some part of the sea may be held without any other property. Nor do I think that that law of nations, of which we have spoken, does any ways oppose or contradict it. The Argives did formerly complain of the Athenians, that they suffered the Spartans, who were their enemies, to pass unmolested through their seas, looking upon this as a breach of a contract that was betwixt them, in which it was decreed that no one people should permit or tolerate the enemies of the other to pass, διὰ τῆς ἑαυτῶν, through any part of their jurisdiction.

* * * * * * *

The Romans, therefore, Salust, Flora, Mela, and others, call all the sea with the strait's mouth theirs; but Dionysius Halicarnassensis adds more, πάσης κρατεῖ θαλάσσης, etc. They (the Roman people) command every sea, not only that within Hercules's Pillars, but the whole ocean, too, as far as it is possible to be sailed on. And Dion Cassius, speaking of them, πασης σχεδὸν βασιλευοντες γῆς κὶ θαλάσσης, governing almost every land and sea.

And this proposition has been followed by the experience of nations. Thus in the Hellespont from the days of Constantine a tax was imposed upon all shipping under the Roman Emperor. The sea inclosed by Turkey's dominions, a vast sea, has been until recently, when Russia has acquired a portion of those, held to be a *mare clausum*, with rights acquired by the consent of the Turkish Empire.

So, Mr. President, when we came to treat of this question, as shown by the Senator from Mississippi [Mr. GEORGE], in the treaty of Utrecht, this rule was followed by the express affirmation of Great Britain and Spain and France, although, as Bancroft states, the fisheries upon the northeast in the great banks had been resorted to by the Normans and various other people in the earliest part of the sixteenth century, yet these three maritime nations, then holding rights prescribed by the Pope of Rome, except England, and acknowledging the jurisdiction of the Supreme Pontiff to prescribe territorial limits and boundaries, affirmed in the treaty of Utrecht that these were territorial rights depending upon the nearest soil, and that they were transferred to and dependent on it and became a part of the dominion of Great Britain. It was precisely in the line of this precedent which had come down from the days of the old Roman Empire, which had been a part of the Carthaginian law, as stated in the instance cited by Grotius, and which had continued to be recognized as a proper rule of action between nations up to that period of time, confused and uncertain as were then the rules upon which international rights were predicated; but it is sufficient for this proposition to affirm that the Government of Great Britain, which then represented the colonies, affirmed the principle of a territorial possession and an exclusive sovereignty over these fisheries.

When we came to negotiate the treaty of 1783—I will not weary the Senate by reading what has been read, which I have before me—Mr. Adams's express declaration was that these rights were not claimed under international law, but were claimed as the peculiar and exclusive territorial right of Great Britain. It is true that the French minister, as is stated in Bancroft's History perhaps a little more succinctly than anywhere else, did in that negotiation, while objecting to what he regarded as the persistent demands of the colonies for an extension of their fishery rights, declare that it did not matter what should be the action of the commissioners upon that subject or what should be the provision of the treaty, because he said by the international law the fisheries upon the ocean were public property and would be so regarded, not then regarding the question of the coasts, bays, creeks, or harbors, or the inshore fisheries.

To the end that we may have, Mr. President, a little insight into the view which was taken of this subject by our forefathers and by the representatives of this Government in their negotiation with Great Britain in the treaty of peace of 1783, I read from Bancroft's History:

In the hope of a settlement, Parliament was prorogued to the 5th of December. On the same day on which the final instructions to Oswald were written, Vergennes declared in a letter to Luzerne: "There exists in our treaties no condition which obliges the King to prolong the war in order to sustain the ambitious pretensions which the United States may form in reference to the fishery or the extent of boundaries."

In spite of all the cajoleries which the English ministers lavish on the Americans, I do not promise myself they will show themselves ready to yield either in regard to the fisheries or in regard to the boundaries as the American commissioners understand them. This last subject may be arranged by mutual sacrifices and compensations. But as to the first, in order to form a settled judgment on the probable issue it would be necessary to know what the Americans understand by the fishery. If it is the drift fishery on banks remote from the coast, it seems to me a natural right; but if they pretend to the fisheries as they exercised them by the title of English subjects, do they in the name of justice think to obtain rights attached to the condition of subjects which they renounce? France would not prolong the war to secure to the Americans the back lands and the fisheries.

It was in this spirit and with this feeling that the assent of France was obtained in the negotiation of the treaty of 1783, and the provision relating to the fisheries as contained in that treaty was due to Benjamin Franklin, who said:

This was, after a great deal of conversation, agreed to by John Adams, as well as his colleagues, upon condition that the American fishermen should be allowed to dry their fish on any unsettled parts of the coast of Nova Scotia.

Franklin said further:

I observe as to catching fish you mention only the banks of Newfoundland. Why not all other places, and among others the Gulf of St. Lawrence? Are you afraid there are not fish enough, or that we should catch too many, at the same time that you know that we shall bring the greatest part of the money we get for that fish to Great Britain for your manufactures?

It was upon this argument and the urgency of the French minister and the French Government that Great Britain made this grant of—what? Not of a property right, binding herself not to exercise sovereign power and jurisdiction over these fisheries whatever, but of rights in the sense of a right existing under and by the provisions of this treaty and under the incentives of these arguments of mutual interest, of the expenditure of the proceeds in the commercial relations and business of the former colonies, then to be an independent nation, and Great Britain, as a wise public policy for herself, grants this liberty or privilege to us, holding unaffected her absolute sovereignty over the right thus given.

In the discussion which occurred here some days ago the Senator from Massachusetts [Mr. HOAR] asked the Senator from Delaware [Mr. GRAY] if he understood any one to assert that this fishery claim of the United States was predicated upon a disturbance of the jurisdictional sovereignty of Great Britain in these waters? Mr. President, it can be predicated, in my judgment, on nothing else. If it be a property right, if it be a right to the water and to the fisheries, then it is a right which can not be disturbed without condemnation or without voluntary sale; and if it be a property right in the sense that Great Britain may at any time determine it when the interests of her sovereign power, her commercial interests, or her people may demand it, in what respect does it differ from an easement or a privilege or any other term—a liberty existing by a treaty, subject at all times to be determined by her?

Mr. President, in my judgment this treaty is to be regarded from a different point of view. We have passed the days when treaties are to be made upon the basis of advantages to be gained by one people over another. We have passed the day when international relations are to be considered in the light of extortions by one people from another. We are commanded by the spirit of the age and the interests of this generation and of the great public policies which have grown up, to treat this subject in a different form, not in the shape of national prejudice or the shape of supposed exclusive and peculiar rights, but upon ideas which are of a broader significance and a wider influence. A very gifted man, a son of New England, richly endowed for the investigation of great public questions, a student contributing much to the advancement of the human race in his day and generation, has written in a recent number of a popular magazine, the Forum, for August, a few words which I think may have a proper application to this treaty, and which I cite for the purpose of vindicating the President, whose dignified message presenting this treaty has been read, and the Secretary of State under whose influence and by whose eminent ability this treaty has been negotiated. Mr. Edward Atkinson, in the August number of the Forum, writes as follows:

As it has become more and more fully admitted in political science that each man, each race, each state, each nation, serves the other by exchange, the pressure of want has been diminished, and one can dimly foresee the time when the prophecy of the poet may become a living truth, when—

"Down the dark future, through long generations,
The echoing sounds of war grow fainter and then cease."

Again he writes:

When the day dawns in which the English-speaking peoples of the world may become united under a system which shall give to every man the utmost liberty consistent with the rights of his fellow-men; when national prejudice is abated, and the whole great body moves onward in its efforts to benefit the people of the world by mutual service, the word will then go forth to all other nations, disarm or starve. The Statue of Liberty which stands at the mouth of the great harbor of our country may then, in truth, enlighten the world. This is the vision which lies back of the dry columns of figures, and which brings the imagination into play on the part of him who can read between their lines.

Mr. President, this treaty is thus to be regarded. It must stand or it must fall as it is in correspondence with these great principles of industrial life, of popular comfort, of the well-being not only of ourselves but of those who are our neighbors and of the world. Let us see then on the one side, notwithstanding our own example, notwithstanding the Senator from Ohio, the Senator from Massachusetts, the Senator from Vermont, who has led the Republican party for so many years, have advised and consented to the public action of this Government in the treaty of 1871, and in acquiescence for this long period of time in the provisions of the treaty of 1818, notwithstanding the President has been advised by the authority of Daniel Webster, by the authority of

John Quincy Adams, to make a treaty by which the rights of American fishermen should be prescribed and limited—it does not matter how prescribed and limited—by which the jurisdictional sovereignty of Great Britain over these North American British coasts, seas, gulfs, and harbors should be affirmed and acknowledged; notwithstanding our example in the initiation of our independence in 1783 in asking Great Britain, not an international right but a concession of privilege, and notwithstanding we repudiated expressly the idea that we were claiming what the French negotiators sought to impose upon us, a public right, a right under the law of nations; notwithstanding the majority report and the minority report here contain the instructions of Mr. Seward in 1866, supported by the Senator from Vermont [Mr. EDMUNDS] and the Senator from Massachusetts [Mr. HOAR], for a treaty with Great Britain which may be regarded as their advice to the President and to Mr. Bayard to make this treaty with these provisions as found in the draught communicated by Mr. Seward to Mr. Adams, as follows:

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE, *Washington, April* 10, 1866.

SIR: I send you a copy of a very suggestive letter from Mr. Richard D. Cutts, who, perhaps you are aware, was employed as surveyor for marking, on the part of the United States, the fishery limits under the reciprocity treaty. Mr. Cutts's long familiarity with that subject practically and theoretically entitles his suggestions to respect.

It is desirable to avoid any collision or misunderstanding with Great Britain on the subject growing out of the termination of the reciprocity treaty. With this view I inclose a draught of a protocol, which you may propose to Lord Clarendon for a temporary regulation of the matter. If he should agree to it, it may be signed. When signed it is desirable that the instructions referred to in the concluding paragraph should at once be dispatched by the British Government.

As the fishing season is at hand, the collisions which might be apprehended may occur when that season advances.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Draught protocol communicated by Mr. Adams to the Earl of Clarendon in 1866.

Whereas in the first article of the convention between the United States and Great Britain, concluded and signed in London on the 26th October, 1818, it was declared that—

"The United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within certain limits heretofore mentioned;"

And whereas differences have arisen in regard to the extent of the abovementioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment, of a mixed commission for the following purposes, namely:

1. To agree upon and define, by a series of lines, the limits which shall separate the exclusive from the common right of fishery, on the coasts and in the seas adjacent, of the British North American colonies, in conformity with the first article of the convention of 1818. The said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter; and of repairing damages therein; of purchasing wood, and of obtaining water; and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible, for the violation of rights and the transgression of the limits and restrictions which may be hereby adopted.

Provided, however, that the limits, restrictions, and regulations which may be agreed upon by the said commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by treaty or by laws mutually acknowledged and accepted by the President of the United States, by and with the consent of the Senate, and by Her Majesty the Queen of Great Britain.

Pending a different arrangement on the subject, the United States Government engages to give all proper orders to officers in its employment; and Her Britannic Majesty's Government engages to instruct the proper colonial or other British officers to abstain from hostile acts against British and United States fishermen respectively.

That was in 1866. The Senator from Vermont and the Senator from Massachusetts were leading spirits of that administration. This may be said to be their work and their advice to the President of the United States. Certainly it is part of the public authority of the United States.

Now, my proposition is that when this Government has affirmed a principle of settlement for three-quarters of a century at least—yes, we will say for a longer period of time than that—when it has affirmed and recognized the exclusive territorial jurisdiction and right of property in another government over a certain territory; when so late as 1866 it has instructed its ministers to negotiate a settlement of differences upon the principle of this recognition of the exclusive sovereignty and right of a nation and such a treaty has been negotiated, how are we to stand in the face of the world, how are we to stand in comparison with this principle of public policy, of fair exchange, of honorable commerce, of good faith, when we go back upon it and assail the President and the Secretary of State for negotiating a treaty upon these principles which we have instructed and advised them shall be the public policy of this Government? So much, Mr. President, for this branch of the subject.

This whole matter rests in this contention over the inshore fisheries of Great Britain, the subject of her absolute territorial domination over the fisheries within 3 miles of her coast. So of the coasts and bays, creeks and harbors of the United States, in Florida, in South Carolina, in the Gulf of Mexico, upon the Northwestern coast—are they the subjects of our exclusive territorial sovereignty or are they not?

Mr. GRAY. Bays?

Mr. CALL. Yes, and bays everywhere. If they are not, if it is to the interest of mankind that the principle of public property common to all mankind shall be adopted, it must be not only in respect to the North American Canadian fisheries, but in respect to all. We can not predicate a right upon that fact whatever we might do as a claim of equity, of kinship, of comity, of being of one origin, and the same people. One hundred years ago we accomplished our independence, we made war upon them, and by virtue of that war it is now claimed that we acquired that which we did not before have, the right of a sovereign people to own property within the territorial sovereignty of another people—not a privilege, not a right, but something that could not be disturbed by war.

Mr. President, I take it that that idea has no recognition anywhere in the history of this Government before this time. I take it that in the negotiations which followed the war of 1812 it was affirmed simply that this was a right resting in good faith, resting in comity, resting in an original equitable consideration that we had borne our share in the wars against the French, which resulted by this treaty in being made the property of Great Britain, we being then colonies subject to her sovereign control, and not that we affirmed any status of international right by international law or by virtue of sovereign territorial right or of property right, and upon this subject of the exclusive right, the absolute sovereignty of a country, whether it be Great Britain or the United States, over the waters and seas adjacent to her coast.

I desire to read a reference to one of the earliest cases which arose in the United States, and which has ever since been recognized as giving the law upon that subject. It is quoted in Phillimore in his book. I have the volume of the reports here before me, but I will not read it:

4. Mr. Phillimore says: "The courts of the North American United States have decided that foreign ships which have offended against the laws of the United States, within their jurisdiction, may be pursued and seized upon the ocean and rightfully brought into the ports of the United States for adjudication." (Volume III, page 228, Rose *vs.* Hinsley, 4 Cranch, 287; Hudson *vs.* Guestier, Cr. 6, 284.)

So exclusive is this right of sovereign jurisdiction and power that any offense committed against the municipal law, against the law of the sovereign, may be followed even to the capture upon the high seas of the offending vessel.

3. During the civil war raging in Portugal, in 1827, 1828, 1829, four vessels left Plymouth ostensibly for Brazil, with six hundred and fifty-two officers and men. The British Government of that day, believing that it was destined for Portugal, dispatched a fleet to Terceira (which, it may be observed, was the place to which the Alabama first went after departure from England), with orders, if the expedition appeared, to give them warning against hovering about or making any effort to effect a landing, and in case of their persistence against the warning, to drive them away from that neighborhood, and to keep sight of them until convinced that they had no intention of returning to the Western Islands or proceeding to Madeira.

It became necessary in carrying out these orders to fire upon the expedition. One was killed, some were wounded, and the expedition was broken up. This act gave rise to an extended debate in Parliament, and the conduct of the Government was approved. (Hansard, vols. 23 and 24 N. S. Annual Register History, etc., A. D. 1829, vol. 72, p. 187 *et seq.*)

So that there can be no question that we have ourselves, by our Supreme Court, affirmed the doctrine set forth in this treaty, that the territorial jurisdiction of the Government of Great Britain or of the United States in her own waters extends properly and justly to the arrest of any vessel violating the municipal regulations and to dealing with that vessel in accordance with municipal law. That law may be harsh, it may be the proper subject of negotiation, but it is precisely the law of the United States in all respects.

Now, then, shall we assume that this treaty makes any improper concession whatever to Great Britain? We have the treaty of Utrecht; we have the treaty of 1783; we have the orders in council and the statutory legislation of 1830; we have the treaty of 1871, which itself expressly recognizes the provisions of the treaty of 1818 as construed by the minority report here.

Article XVIII of the treaty of 1871 provides:

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain signed at London on the 20th day of October, 1818—

Now, here the United States expressly agree that it is a liberty contained in the treaty of 1818. In 1871 the Senator from Vermont and the Senator from Massachusetts and the party to which my friend the Senator from Maine [Mr. FRYE] belongs, and the party of which the Senator from New York [Mr. EVARTS] has been so conspicuous a leader, he, speaking through them, affirmed to the President and Mr. Bayard in negotiating this treaty and instructed them that it was a liberty—

of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty—

That is what the United States and these Senators affirmed—

the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the seacoasts and shores and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish.

Mr. President, it is immaterial whether this liberty entered within these bays or did not, though it will be well noted, if we consider the language of this treaty, that it so reads by its plain and necessary intendment. The treaty of 1818, of the 20th of October, reads as follows:

It is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but, so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish, on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

It is very clear that Mr. Webster's interpretation of this provision was the necessary one. If we leave out such of the words as are not connected with the subject, it would read thus: "The United States hereby renounce forever any liberty heretofore enjoyed or claimed to take, dry, or cure fish on any of the bays of His Britannic Majesty's dominions in America not included within the above-mentioned limits," or within 3 miles, etc.

It can not be questioned that for the subject of bays that is the proper and correct reading. We are not considering coasts or creeks or harbors, but a liberty of fishing within 3 miles of one of the bays of His Britannic Majesty's dominions in America not included within the above-mentioned limits. And that is in strict accordance with the practice of this Government both before and since, and with the treaty of Utrecht, with the treaty of 1783, with the declarations of the French minister who negotiated that treaty, or under whose direction it was negotiated, Count de Vergennes, and with the necessary public law. Who will base the relations of this Government with Great Britain upon the proposition that a property right in fisheries within the bays and territorial jurisdiction of the United States can be created by a treaty which can not be set aside by subsequent negotiations?

Who can deny that the treaty of 1871 in express terms, agreed to by this Government, affirmed the exclusive sovereign right and power of the Government of Great Britain over these inshore fisheries, when we consent not only in words, but to a different arrangement, and agree to give a consideration for permission or liberty to exercise that right?

Now, Mr. President, how shall we stand in this age of progress when the people of the world are to be fed, when the great question is a question of public economy, to bring joy and gladness to the poor man's home, not for free fish, but the free right to eat fish, and eat cheap fish; when the great question is the subsistence of the downtrodden, perishing people who are found not only abroad, but in our own country by hundreds of thousands; when we undertake to base our relations with this Government, not upon right, not upon a broad policy of right and mutual interest, but upon propositions of the character contained in this majority report, namely, a property right in the jurisdiction of Great Britain conveyed by the treaty of 1783, which neither the negotiations and public treaties of the United States of 1871 and of 1818 sustained, nor the contemporaneous opinion and interpretation of New England statesmen and of Mr. Webster himself supported? A property right which can not be set aside, and making a demand from us upon Great Britain which reverses all our public action and goes back upon the action of the Secretary of State, and denounces him for doing what honor and public duty and right required, and for doing that which all our past public action has declared it was his duty and our interest that he should do.

Why, Mr. President, we have gone back a long time. Let us see what the people in the olden time had to say on this subject. We have a very great and prosperous people and we live in a very wonderful age; but there were great people who lived before us; there were people whose achievements had placed the world in subjection to their civilization and who had found it necessary to acquire principles of public action. These are alluded to in this quaint and learned old book of Grotius, which has always been an authority upon this subject, in which he says:

Scipio Africanus said the Romans have conquered because in entering into war they have always relied upon justice and right and good faith.

Cicero says:

"For by faith not only every state is preserved but that grand society of nations is maintained. If this be taken away, says Aristotle rightly, ἀνήρηται ἡ ωὺς ἀλλήμος χρεία τ ἀνθρωπῶν, all human correspondence ceases."

Therefore the same Cicero calls it detestable to break faith, which is the preservation of life; and Seneca says the most sacred good of the rational soul, which sovereign princes ought the more solemnly to keep, by how much they offend with more impunity than others. Wherefore take away faith, men will be like mere brutes, whose rage all men dread. Justice indeed in her other parts has something that is obscure, but the bond of faith is self-evident, and to that end do men engage their faith in their dealings that all doubts may be removed.

How much more, then, does it concern princes religiously to observe their faith, first for the sake of their conscience, then for that of their reputation, wherein consists the authority of a kingdom.

Now, what shall be said of this contention on our part by the treaty of 1783, that because we had participated as subjects of Great Britain in the war by which these fisheries were gained and the territorial sovereignty of Great Britain established, therefore, that right being recognized by the treaty of 1783, it could not be displaced by any subsequent action of this Government, although time and again we have acknowledged in public negotiations, in the opinions of our statesmen who negotiated the treaties, that whatever rights we had we had by virtue of cession from Great Britain?

As a matter of argument, how much stronger is this right, except that it had what is claimed to be a recognition in the treaty of 1783, as a right than the right to any other portion of the domain of Great Britain in the North American provinces? They were all acquired by the blood and the treasure and the participation in the war of the men of the colonies and of the colonies as organized forces. The right extended quite as much to Canada or any other part of the dominion as it did to the territorial waters, and it lacked only the element of recognition which the British Government have always claimed was given to us simply as a liberty, and which we ourselves declare to be a liberty in the treaty of 1871.

So, Mr. President, I take it that this treaty affirms the doctrine of exclusive territorial sovereignty in the nation or government that controls the soil, the land around a closed sea, of a gulf, according to the old doctrine of the Latin publicists and the Greeks, that the country owning the soil and the mouths of the straits has sovereign and absolute dominion over the inclosed sea; if it be one, then in that one government; if it be two, then in those two governments; and I affirm without the fear of contradiction that as a matter of public law from the days of Aristotle, who was the first writer upon the subject of whom we have any record as stated by Grotius, to the present time, no publicist has ever denied the justice of this affirmed principle of international relation extending through this long period of time.

I therefore say that to this country, to my own State of Florida abounding in fish and fisheries, the right to say upon what terms, what condition that right of fishing shall be enjoyed by foreign nations and foreign people is an important consideration. This treaty affirms that principle in recognizing the right of Great Britain to declare what portion of her inshore fisheries shall be the privilege and liberty of the people of the United States; for we can not establish the reign of force.

Senators talk a great deal about the power of the United States. We are a great people and we are a powerful people, but we are great and powerful only so long and so far as we conform to right, to humanity, to justice in our relations with other people. I am thankful that the day has come when a great congress of nations, actuated by principles of humanity, recognizing the business of governments and of associations and of men, is to advance the interests of humanity, to extend the comforts of human life, to establish policies which will relieve poverty, which will reward merit alone and banish force, and fraud, and violence, and the suffering that results from it so far as possible. This treaty is in that direction.

It has been said that this treaty is a concession to the desire of the Canadian provinces to enforce what is called free fish, and that the outrages perpetrated upon the American fishermen demand different relations. Suppose we admit that to be true, I am myself in favor of the policy which the Secretary of State is pursuing in this matter, which I understand to be a demand of justice to every citizen who shall be wronged in his property by the harsh and improper administration of Canadian municipal laws.

But how shall that be done? Shall it be done by war, or shall it be done by the orderly course of negotiations as they are now taking place? But that is a different question altogether. If Canada seeks to enforce a change in the financial laws and administrations of this Government by oppression of our citizens, we need not refuse to do what is right in avoiding causes of future trouble by negotiating a treaty to adjust and define the limit of their right and ours, because we still demand reparation and damages to those who have been injured.

The two subjects are entirely distinct. The one does not belong to the other. The settlement of the relations which we shall hereafter keep with a foreign government upon terms satisfactory and the demand for damages are two different questions.

Why is it that Senators claim there is a vast concession? A vast concession of what? Of fishing rights, of territorial waters within the sovereign territorial dominion of Great Britain in the North American provinces. Yet here we have the report stating that these fisheries are of little or no value. The President and the Senate have been advised by Senators that this renounced territory ought not to be contended for. Each one of the Senators who has made this objection to the treaty has solemnly affirmed to the President, as a Senator, "I advise you in your negotiations with Great Britain that this renounced territory is not of sufficient value to be the subject of contention between that Government and ours."

Is there any doubt about that, Mr. President? Is there any doubt that every Senator who has spoken in opposition to this treaty has officially, under his oath and in his place here, advised the President and the Secretary of State that these renounced waters were not of any

value, that the whole inshore fishery was not of any value to the public interests and the public policy of the United States in relation to these fishermen? I say it is so. I say that the reports here assented to by the Senate, unobjected to, quoted here, and now before me, establish that public fact in the public history of this the constitutionally authorized advising body of the President, the Senate, as to the negotiation of this very treaty here.

But, Mr. President, let us go a little further and observe the relation which these questions bear to the general commerce, comfort, and prosperity of the people of the United States in respect of their exchange of products with other peoples and our own subsistence and industries, all of which must be considered and ought to be considered in a treaty between two sovereign nations. I apprehend there can be no doubt in regard to this statement. No person will contest that. Now, let us see what it is that we are to make this war or this contention about, for it does not matter whether it is war or whether it is not.

I take it between two enlightened nations as between two civilized men it is not a mere question about whether they are going to fight to the death that will justify them in the negotiations or the relations which they bear to each other. I take it that the civilized nation and the civilized man must be held to respond to right, to justice, to sound public policies, to humanity, to the interests of his own people and the world, and not to the mere question whether he is going to be put to death or injured, or some great calamity come upon him.

I take it there is a higher idea of right that has come from our Christian religion and from the great institutions of the church and its teachings and civilizing influences than the mere question of doing what we may be compelled to do by war, or which may avoid or bring about a war.

What is it that we are doing in this treaty? We are negotiating with the people along our border. Much has been said of Canadian internal improvement, of great lines of transportation, as if that was a menace to the people of the United States.

I agree with the Senator from Ohio [Mr. SHERMAN] in saying that these two English-speaking people are the vanguard of civilization, of human happiness, of the relief of the world from the evils which a bad and evil condition of government have inflicted upon mankind from the earliest history. We and they are the great agents and lights of civilization, and if these people along our border with their great improvements could take every pound of freight in the United States free who would be hurt? If they would bring the products of the Eastern World here for one-half less than they can be brought for now, what injury would it be to the people in these United States? The dresses which they wear, the silks that are imported, the tea that is drank, whatever is imported would be within the reach of the poorest man at one-half the cost that it now is.

I think it may be harmonized with all the transportation interests of this country by a just and a wise interest, giving abundant employment for all, but it is not the occasion of war, the occasion of envy, the occasion of ill feeling. Perhaps there may be some restrictive legislation that may be wise, but not in a hostile spirit.

Let us see what this country is. Mr. Manning, in his report a year or two since—I have not the date, but I have here an extract from it—states as follows:

From 1812 to 1832 the aggregate annual traffic between the United States and the British North American provinces averaged only $3,257,153; from 1832 to 1845 it rose to $6,313,780, but, under liberal transportation arrangements, it rose from 1846 to 1853 to no less an annual average than $14,230,763, leaving in our favor, during that period of eight years, a balance of trade of over forty and a quarter millions of dollars.

How much harm was that to this country? A balance of trade was left in this country of forty and a quarter million dollars from Canada. Who wants to cut that out? What harm will it do to rich or poor?

It was in 1845 that England, changing her colonial policy, empowered the Canadian provinces to make a tariff on imports to suit themselves. During the next year those provinces removed the barrier against American products which existed, in the form of differential rates in favor of British products, and admitted commodities from our side of the line on the same terms as commodities were admitted coming from British ports. In 1849 England, having by her minister at Washington previously communicated with the Treasury Department, presented a further proposition.

* * * * * * *

Under its influence the aggregate interchange of commodities between ourselves and the inhabitants of all the British provinces—numbering not as many as those of the State of New York—rose from an annual average of a little over $14,000,000 in the previous eight years to over thirty-three and a quarter millions in gold in 1855, to nearly fifty millions in 1856, and to eighty-four millions in the last year of its existence.

During the thirteen years the British provinces, according to their official returns, purchased from us articles valued at over three hundred and fifty-nine and a half millions of dollars in gold, and we bought from them one hundred and ninety-seven millions, thus making an international trade of nearly five hundred and fifty-six and a half millions of dollars on a gold valuation.

It seems we are negotiating a treaty with a people who have paid us over $160,000,000 within a few years past, a balance of that amount. They have paid it to whom? They have paid it to those who manufacture goods, who grow products of the earth. They have paid it in all the avenues of our diversified industrial and agricultural life.

Shall we say to these people what our Government has ever refused to say, what Mr. Adams denied to be a fact, what those who negotiated the treaty of 1818 affirmed was not true, what the treaty of 1871 declares to be untrue? Shall we say it to these people, because you do not recognize our absolute right of property in the inshore fisheries of your bays? Because you do not recognize our right—to do what? What I affirm no people have ever done, what I am unwilling shall be done on the coast of Florida, give commercial rights to the fishing smacks that come within the sovereign jurisdiction of this country and fish, and that they shall be received into our ports upon free, equal terms, with all the benefits of commercial vessels; that we shall open our fisheries everywhere, without restriction, without condition, and give commercial privileges to every fishing smack. Because you do not recognize our right to this we are going to do what? We are going to legislate against you; we are going to retaliate against you.

Now how are we going to retaliate? We are going to make our poor people pay two prices for every fish they eat. That is the retaliation! We are going to increase the price of fish so that you can not sell them in competition with the American producer.

Mr. President, I do not acquiesce in that policy; first, because, while it may be very proper under certain circumstances and conditions to have a public policy that will more or less hold within our own control questions of foreign trade and foreign importation, it is not wise to deny to a people alongside our border, with whom we have been living upon terms of mutual interchange and reciprocity, fair and just consideration, because upon the productions which are necessary to support human life the great question is to make them cheap to the poor man, cheap to the starving millions, cheap to the laborer's household, to make them as cheap as they can be made.

The subsistence of mankind, as Mr. Atkinson says in this article entitled "Must humanity starve?" is a question addressing itself to the statesmen and the economists everywhere. Must we starve? How shall it be avoided? Certainly not by increasing the cost of subsistence to the mass of mankind.

Mr. President, I shall not delay the Senate much longer by these desultory remarks. This treaty I regard as a fair and a just and a proper treaty. It is submitted to us by the President in a dignified message, a message based upon public considerations which are such as should actuate a body like this, dealing not in prejudice, but dealing with great public questions, not that concern us alone, but which concern our future, which concern other nations, which concern the great interests of exchange and of peaceful relationship.

Do what we may, commerce of thought, of production, of exchange is the great business of civilized man. You can not fence it; you can not confine thought. Our people's thought is free; their hopes are free; aspirations must be free. Communication and intercourse of thought and action and product are the normal and the absolute law of human life.

What does the President say in this message of his? I think I have rarely read a fairer and a more dignified and a calmer presentation of a subject. He says:

A review of the history of this question will show that all former attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the treaty of October 20, 1818, have been unsuccessful; and with the lapse of time the difficulty and obscurity have only increased.

Who doubts that? He goes on to specify the advantages of this treaty. Nobody will deny that he states them correctly. The objection made is not to what is in the treaty so much as what is not contained in it. The objection is that it does not provide for retaliation, for retaliatory measures, for indemnity, or reparation. The objection that it is the renunciation of a vast territory of waters amounts to little or nothing.

The objection is that it does not provide commercial privileges for fishing vessels. For one I wish to say that I think this treaty goes just as far in that direction as it could be expected to go. It actually copies the laws of the United States in regard to the treatment of vessels in the harbors, ports, and jurisdiction of the United States, and applies them to American fishing vessels in the waters of the North American British dominions. That is the truth. You can not assail that. That is the proposition. It is the application of our laws to American fishing vessels in the British dominions of North America. I affirm that that proposition can not be denied.

Now, what does this mean? It means that the grant of commercial privileges to a fishing vessel is something unusual. Why? Because it destroys the advantage of the people possessing the fishery. It gives common right and privilege to everybody. You can not have exclusive possession, ownership, and enjoyment of a fishery if you give to the foreign fishing vessel commercial privileges, if she can come in and supply and go out. If she can enter your ports daily and hourly and sell her fish, the exclusive right is entirely gone. If the fishermen from Havana can cross over upon the coast of Florida, catch our fish, enter our ports, make entry, sell their fish, and go out, where is the exclusive right of the people of Florida? It is utterly impracticable.

I undertake to say that from all ages, as shown by Grotius, the fishing vessel has been respected. Why? It has been respected as exempt from capture in war because it fed the armies, it procured food for mankind. In all ages it has been the subject of exclusion from commercial right and commercial privilege, for the reason that there can be no

exclusive right or enjoyment in any fishery when commercial privilege is granted to the fishing vessels of other nations to come and go as they please to catch fish and enter the ports of the land on which it is dependent. That was the old ground of dominion; it was the dependence upon an adjacent soil, an adjacent territory.

That is one thing. Commercial right and privilege is another. If it be considered desirable that commercial right and privilege shall exist, that fishing interest shall be encouraged and fostered in the United States and Canada, how are you going to get it? You have got to abolish these treaties, as they did in 1871. Canada and Great Britain have a right to be consulted.

For myself I should vote against a treaty that admitted to the fisheries of the State that I in part represent, and the Atlantic coast, and gave commercial rights to fishing vessels; but if our friends on the Northeast desire such reciprocity in occupying the waters and in commercial privileges I should have no objection to voting with them for it, for their coasts and bays. But why assail the President? Why find fault with this treaty for doing that which the uniform and unvarying policy of this Government has directed him to do, and expressed to be the public opinion and the public policy of the Government.

Mr. President, I shall soon close these desultory remarks. I believe I have covered the few points that I proposed to make upon this subject. The question of fishery rights is one of very great importance to the people of my State and all the Southern and Gulf States. The fish of that region are abundant. They are sufficient to feed the entire population of that country, and perhaps of many other countries. The waters are alive with them. They seek the coast, bays, harbors, and inlets of Florida and Southern Alabama, and we demand their preservation upon just and fair terms, conceding to other people such rights as will promote the interests of our people and allow them the privilege of obtaining subsistence. That is the kind of relationship which we desire.

I have introduced at this session of Congress a bill, which has been referred to the Committee on Fisheries, for the protection of those fisheries, for the seizure of vessels as the Canadian people have done, and for fining of vessels found fishing within the jurisdiction of the United States, or in the State of Florida, in her bays, within 3 miles of her coast, or between Key West and the mainland.

This serves to show that in this great country of ours, with its widely extended coast and its diversified interests, we must have some broad principles of public policy in making our treaties with foreign countries. What suits Canada, what suits our friends in Maine and Massachusetts in their relations with Canada, would not suit us. The treaties which we make with foreign countries should contain provisions for this diversity of interests; but in no case can you afford to give up the principle of the absolute sovereignty of this country over the *mare clausun*—the inshore fisheries of the bays and the waters which are inclosed by our own country and our own soil.

Mr. President, the future of our country will not depend, in my opinion, upon prejudice. It will not depend upon appeals to excited feeling. The great business men of this country, I think, will apprehend the fact that it is not within the power of man to control the great causes that give necessary course to public action, to public thought, and public feeling. All economies must tend to feed the people. The doctrines of starvation and want have been shadowed by many of the great economists so as to make political economy what is called the dismal science, which Mr. Atkinson attempts to answer in the article "Must humanity starve at last?" All public policies must be in the direction of providing the agencies that will prevent humanity from starving. Before this imperious public necessity and public policy all imaginations of men, all policies of government must fail unless they correspond with it.

Therefore the enlightened public opinion of this country, of the men who control public opinions, sooner or later must look to this end, not to war, not to strife, but to the development of these higher economies which shall abundantly feed, abundantly clothe, abundantly educate and provide for the advancement of mankind.

The public man who looks to these sources of action for his inspiration is the man to be trusted, not the man who seeks to live upon the excitements and the prejudices of the moment, or upon theories of peculiar and local advantage confined to one country and leaving out of consideration all the rest of mankind. The action of the President and the able and distinguished Secretary of State in making this treaty is in the line of this broader, higher, and more beneficent public policy. This treaty has been subject to adverse criticism, both in this country and Canada, and that our people may see that the people of the Dominion think that we have gained the advantage over them, I append the following:

[Extract from a review of the fisheries treaty in London Law Magazine May, 1888.]

Whatever may be the fate of the fisheries treaty which was concluded at Washington on the 15th of February, 1888, there can be no doubt that the British plenipotentiaries abandoned all the material contentions of this country up to the end of last year from the date of the fisheries treaty in 1818 between Great Britain and Ireland on the one hand and the United States of America on the other. In this matter our country can not boast of having obtained a diplomatic success. The American plenipotentiaries have practically obtained everything which they asked and for which they contended.

* * * * * * *

No wonder, therefore, that Mr. Secretary Bayard has spoken of the new treaty as giving his country 99 per cent. of all the fishing grounds they had ever claimed, or of any value, in the maritime provinces of Canada. Nay, more, no wonder the British plenipotentiaries, who negotiated this treaty, speak very modestly of their work, and have left their enthusiastic admirers to boast of what our plenipotentiaries had accomplished. From the point of view of international law, the British plenipotentiaries surrendered everything which the American plenipotentiaries could have asked with any reasonable ground of success.

If the treaty has any justification at all, it is as a commercial treaty. As such it does not lie within the province of this article. But, even as a commercial treaty, I am at a loss to see what, in the way of barter and sale, the Canadians and the Newfoundlanders are to get under the treaty in exchange for the rights which they have agreed to surrender. I should like to know, for example, whether the United States Government has abandoned all claims against us for compensation for alleged illegal seizures of ships and cargoes.

Summing up this treaty, I would say that it stipulates for a delimitation commission; gives an interpretation of the territorial jurisdiction of the 3-mile limit from the shores; confers certain privileges by issuing free licenses; determines the penalties for infringement of the treaty, and makes arrangements for a future and hypothetical adoption by the United States of free-trade principles as to fish and fish-oils. It is, therefore, very much more limited in its scope, in certain commercial respects than the treaties of 1854 and 1871. It is clearly and decidedly American in its origin, and in all its essential features bears a striking likeness to the proposals made to us by the United States in 1866, 1870, and 1886, save in two or three important particulars.

Whether there shall or shall not be free fish between our American cousins and our American fellow-citizens, the fishing rights of the latter in the bays of Chaleur, Miramichi, and of other regions are practically gone forever. In fact, the labors of the delimitation commission will be permanently binding for all time as soon as the several Governments ratify the treaty; but reciprocal free trade, though granted hereafter, need not last for a single day. Worse still, we can never get back to our former position. The British home government conferred full powers of negotiation on their representatives. But the correspondence which passed during the negotiations between the British plenipotentiaries and Lord Salisbury has not been made public.

It would have been very satisfactory to me if I could have seen it before writing this article. Can we wonder, then, that there exists a widely spread opinion that the interests of our colonial fellow-citizens have been sacrificed in the interests of the Empire, or, at all events, in the interests of peace and good neighborhood? Why we alone and our American fellow-citizens should be obliged to surrender our legal rights, which have a great and real money value, to the American Government for little or nothing in the interests of good neighborhood I do not understand. Why should not the United States have given up something as an actual equivalent for the rights surrendered? If so, what have they given up?

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the treaty until the Wednesday after the first Monday in December next. Is the Senate ready for the question?

Mr. HOAR. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts calls for the yeas and nays.

Mr. HOAR. I did not see the Senator from Maine [Mr. FRYE] present. I withdraw the call.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the call.

Mr. GRAY. Mr. President, before the yeas and nays are called upon the motion of the Senator from Alabama to postpone the consideration of this treaty until December next, there are some things to be said, I think, that have not yet been said, and by other Senators than myself. I did not expect to be called upon to-day to make any remarks upon the motion of the Senator from Alabama to postpone, but as well now as at another time I may express the views I have in regard to the propriety of that motion.

It has become evident from various outgivings on this floor from Senators on the other side who have opposed this treaty that the treaty is not to be ratified at this session of Congress. We have been told in more or less of a minatory tone that it is not only to be rejected but it is to be rejected at once and without delay.

No special reason for this, as it seems to me, unseemly haste has been given by any Senator who has thus proclaimed the fact that the consideration of this treaty is not to be postponed. Senators on that side, in the plenitude of their partisan power, do not deign to give us reasons, except when it seems good to them to do so, for any proposed or threatened action on their part. But, whatever may be the reasons or the motives that actuated the Senators in hastening the consideration of this treaty and in declining any proposition for its postponement, there are good reasons to support the motion of the Senator from Alabama that lie upon the surface and are easily stated.

This treaty is now being discussed in the very midst of an excited political campaign. The Senators who have discussed it have not been able to refrain from allusions to the effect that its disposition may have upon the fortunes of one party or the other. We have been told here that we are arguing the British side of this case, and the whole gamut of offensive imputation has been run by Senators in their reply to those who have advocated, supported, and defended this treaty as a wise and sagacious means of settlement of the existing difficulties between this Government and that of Great Britain.

Why should it not be postponed to a more quiet season? Why should we not invoke those influences that come from the sober second-thought, from calm consideration, from the absence of extraneous influence and excitement? Why should we not, in a matter that involves the relations of the two greatest powers of the world, endeavor to put this great

debate between them into an atmosphere where the interests of our country and the welfare of our people may be considered without excitement and with due regard to their enhancement and security?

Mr. President, I do not like to deal in imputations or charges against those with whom I am engaged in debate, but I am compelled to ask, why is it that the interests involved in this treaty should not be given the poor opportunity of being considered when they can be debated without the heat and without the bias which now seems to possess the minds of Senators on that side whenever the treaty is before the Senate?

Is it that for the last six months absolute peace has reigned over all those waters that have hitherto been the scene of these vexatious and irritating interferences with American fishing rights? Is it that Senators fear to trust the *experimentum crucis* that will be made during this fishing season in those northeastern waters by the fishermen themselves under the *modus vivendi*, and that it will be demonstrated that there is a mode pointed out and attained by this treaty by which these great interests may be pursued in peace and the harvest of gain garnered without danger and without molestation? It would seem that that was not an altogether unfounded or unjust imputation to make, else why should such a challenge as this not be accepted by gentlemen who oppose the ratification of the treaty? What harm is to come to the interests involved even from their standpoint of opposition to and adverse criticism of the provisions of this treaty?

Mr. President, the issues involved in this debate are too momentous, the consequences that may result are too serious and grave to be lightly dealt with. When a proposition such as is contained in the motion of the Senator from Alabama to postpone the further consideration of the treaty until December next is made, when no interest that is involved or concerned in the treaty can possibly be affected injuriously, when the very fishermen whose rights are the subject-matter of the treaty are pursuing their vocation now unmolested and undisturbed under the protocol attached to the treaty, I say the burden is on those who deny that this postponement should be made, to give some good, strong, and potent reason for their opposition.

We are dealing with the interests of our countrymen. This treaty has been made not in haste. It has been considered in all its articles and all its provisions gravely and sedately, by men as competent to deal with their country's interests and defend its honor as exist in all this broad land of ours; by men who are in every way, in ability, in integrity, and in patriotism the peers of any man upon this floor. So, coming to us as a co-ordinate branch of this great Government, as joint negotiators under the Constitution, I say that it is the duty of those who object to this most reasonable proposition to show us the ground of their objection. I venture to say that a proposition so reasonable as this would never have been debated one moment if it were not for some extraneous cause, some abhorrent forces that have intruded themselves into the Senate Chamber and directed the course of this debate.

Mr. President, that is all that I expect or wish to say in regard to the motion of the Senator from Alabama; but while I am on my feet, though I had no intention to extend my remarks beyond those I have already made, I wish to say a word or two on a topic which has been presented to me this morning by the reception through the mail, and I doubt not every Senator has received a like paper, of a broadside which purports to be a letter to a paper called the Evening Bulletin, where published or circulated I know not, but purporting to be written by Mr. Charles Levi Woodbury in regard to the twelfth article of this treaty.

This is no new suggestion. Almost ever since this treaty has been before the Senate I have been receiving, and doubtless other Senators have received, suggestions of the same kind from different newspapers who have been very active in opposing the Administration—suggestions that the treaty has in some manner given away the rights of the States to control their own territorial waters; but never until now have I seen that suggestion made over so respectable a name as that of Mr. Charles Levi Woodbury, and I do not propose, until I am better advised, to make him responsible for the absolutely fatuous argument that is made in this paper, nor to impute to him views which are so unlawyerlike and illogical.

Now, what is this suggestion? Article XII of the treaty now before the Senate reads in this wise:

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

This paper then goes on to state in effect, without quoting its language, that that gives to Canadian fishermen the right to fish in all the waters on the coast of the United States, that there is a reciprocal right of fishing conferred by Article XII, which will inure to the benefit of Canadian fishermen on all the coasts 3 miles from shore, in all the bays, estuaries, and other territorial waters of the United States.

Mr. President, I need not say that, for one, if this absurd interpretation of Article XII had any foundation whatever, then I should not vote for the ratification of the treaty while it remained a part of it. I would go further, perhaps, than some Senators on that side in my objection to an article that was susceptible of that interpretation. I do not believe that it is within the competence of the Government of the United States under its treaty-making power to confer upon any foreign government or the subjects thereof the right to participate in the fisheries of the territorial waters of the States that compose this Union. That power was never conferred on the General Government by the States, and therefore it is not in this case attempting to negotiate such a treaty. If it should do so, it would be *ultra vires*. Such a treaty would be without constitutional authority, and therefore not obligatory on any one. You can not divest the State of Maryland of its jurisdiction over the waters of the Chesapeake Bay. You can not interfere with or control, except in the manner that the Constitution of the United States points out, the absolute right of the State of New Jersey and the State of Delaware to control, in the interests of their own citizens, the use which may be made of the waters of Delaware Bay. The Constitution of the United States has conferred upon the General Government the power to control and regulate the navigation of all navigable waters, but with that exception and only in that regard the jurisdiction of the State is absolute, unqualified, and unsurrendered, and that right which is given to the General Government comes under the commercial clause of the Constitution, and the State of Maryland, which is a most conspicuous illustration of this subject, has not parted with one iota of her sovereignty and control over the waters of the Chesapeake Bay and the power to regulate all business that may be carried on in or on them, except so far as the General Government, under the power to regulate commerce, has the right to secure its free navigation or in whatever other respects that power may be justly exercised.

Why, Mr. President, I do not suppose that any lawyer will dispute what I have stated in this respect; and if that be so, how idle it is to suggest that the gentlemen who negotiated this treaty, as good and as well-instructed constitutional lawyers as we have in this country, should have ever attempted to have invaded this absolute right of the States. They do not belong to a school of politics that would have permitted them to have thus trifled with the great rights of sovereignty that are retained by the States and not conceded or surrendered to the General Government. So it would hardly be necessary to go further than I have done to show the absurdity of any such interpretation being sought to be attached to this Article XII. But look at its phraseology:

Fishing vessels of Canada and Newfoundland—

Not "fishermen," but—

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States—

What?—

all the privileges reserved and secured by this treaty to the United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

What does that mean? Why clearly it means that the privileges that are gained for our fishing vessels in the waters of the Northeastern Provinces, to wit, the right of refuge from storm, to obtain wood, water, and fuel, and commercial privileges to buy on all occasions needful supplies, to be exempt from harassment where resorting to these waters for these purposes—that these and similar privileges, which were the only privileges that are secured by this treaty, shall also attach to Canadian vessels when they visit the waters of the United States on the Atlantic coast.

That is all; and no Senator on that side who has spoken in denunciation of this treaty, bitter as have been some of these denunciations, has so far forgotten what he owed to himself as a lawyer and as a Senator as to suggest that that was a possible consequence of the ratification of this treaty, unless it be—I am not prepared to say that I understood it myself—unless it be, as I thought the Senator from Florida [Mr. CALL] suggested, that the Senator from Ohio [Mr. SHERMAN] had made that statement. Well, now, Mr. President, if that be so, all I can say is that if the Senator from Ohio, for whose ability and character I have the greatest respect, made that argument, as was said by the Senator from Florida, it was made in haste and without due consideration, and that when he comes to reflect upon the contention and to examine the language of Article XII he will abandon it altogether.

Mr. DAWES. Will the Senator tell us whether he thinks the fishing vessels of Canada and of Newfoundland are under the same limitations in our waters as ours are in their waters?

Mr. GRAY. In what respect? I do not understand the Senator from Massachusetts.

Mr. DAWES. In any respect. Must they report at the custom-house in forty-eight hours if they are driven in by storm, and is it only for wood and water and repairs that they can come into our waters?

Mr. GRAY. I understand perfectly now the drift of the Senator's question.

Mr. DAWES. If they are to have the same privilege, does that mean privileges with the same limitations?

Mr. GRAY. The Senator from Massachusetts is asking a question that would lead off in quite another direction. I will have something to say about the suggestion made by his query perhaps after awhile, when we come to discuss the articles of the treaty. I will answer, though, so far as it is pertinent at the present time, that of course ves-

sels from the provinces visiting the waters of the United States will be subject to all those limitations in the regard in which he speaks that are imposed by the statutes of the United States, and that they will be entitled to no other privileges except those that are secured to American fishing vessels in the waters of the northeastern provinces, and those privileges are not fishing privileges.

The treaty now before the Senate does not attempt to confer a fishing right upon any fishing vessel. It is what it purports to be by its preamble, a treaty of interpretation of the convention of 1818, and has undertaken to settle some of the vexed questions that have arisen upon the interpretation of that convention of 1818, and, as I have contended before and contend now only more strongly as this debate has gone on, has settled them entirely in favor of our fishermen and of our fishing vessels.

Mr. DAWES. Then, before the Senator passes from this, will he tell us exactly what are the privileges reserved and secured by this treaty in the waters of Canada and Newfoundland to our fishing vessels? If he will state exactly what they are, we shall know what to attach to their vessels when they come into our waters.

Mr. GRAY. Mr. President, I have on another occasion discussed at some length, and at greater length perhaps than I shall do again, the provisions of this treaty. If the Senator from Massachusetts did me the honor to listen to the remarks that I then made, he would know that I attempted as well as I was able to show just what we had gained in the way of privileges and exemptions for our fishing vessels in the Canadian waters; and it would be a pretty long story just now, when I have risen for a specific purpose for which I do not expect to occupy much time, to attempt to go over the whole of that argument again. But I merely repeat that the privileges secured to American fishing vessels—not to the fishermen, but to American fishing vessels—in Canadian waters are secured to Canadian vessels in the waters of the United States.

Those privileges, as I said just now, are none of them fishing privileges. They refer only to those acts of hospitality, if you please, and of convenience for vessels resorting to those waters, which have been discussed here at great length, the right to buy provisions on all occasions, the right to resort to those waters in distress, to purchase fuel, for repairs, etc., exemptions from certain dues on that occasion, the privilege of not being called upon to report at the custom-house until after twenty-four hours, and other privileges of a like nature.

I have called attention to this paper, as I said at the outset, because it appears over so respectable a name as that of Charles Levi Woodbury. There is only one other point that seems to be new, so far as I have observed, made in this paper, which, as I said before, I will not impute to him until I have better evidence than the report of this printed broadside. There is only one other point that I think it necessary to call attention to. The writer of this paper says:

> This is not an idle construction of Article XII. The treaty becomes a part of Article I of the treaty of 1818—see its preamble. It embraces a wider scope than the renunciation clause, and as the interpretation of the treaty of 1818, its clauses become grafted and incorporated integrally as one substance with the clauses of that treaty.

I do not believe that the eminent gentleman whose name appears at the bottom of that sheet ever risked his professional reputation, which I concede is a high one, by making such an argument as is there imputed to him. Why, what is the preamble to the present treaty? I will read it:

> Whereas difference have arisen concerning the interpretation of Article I of the convention of October 20, 1818, the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a treaty to that end, and have named as their plenipotentiaries, etc.

A distinct treaty, not an amendment of the treaty of 1818 whereby the provisions of the amendment would be incorporated into the body of the treaty amended, but a distinct treaty of interpretation of certain clauses, so that the mere reading of that preamble and this simple plain statement of what it is is sufficient, without more, to dispose of this seemingly ingenious argument of the writer of this paper. I do not think that any Senator here will take up the cudgels for this contention and upon the floor of the Senate contend that Article XII and the other articles of the present treaty are incorporated by that amendment in the treaty of 1818, made a part of its body, its blood and its flesh. It is a distinct treaty, apart from, independent of, the treaty of 1818, and therefore this specious suggestion utterly falls to the ground.

Now, Mr. President, I only say, as I said at the outset, that I would not for one moment think of voting for this treaty if it was susceptible of the interpretation that this paper attempts to put upon it. I am a little more careful of my country's interests, a little more thoughtful about what concerns its welfare, than to do any such thing. I know that the treaty of 1871, negotiated under different auspices and under different leadership, did this very thing, and gave away, or attempted to give away, north of the thirty-ninth parallel the rights of the States to control their own fishing waters, gave them away to subjects of Great Britain. Had my duty been to consider that treaty in its provisions I would never have consented to such an attempted surrender.

I do not believe, as I said before, that the General Government has any such right. We have rights in the waters of Her Majesty's dominions to the northeast of us, but we never will surrender and the American Senate will never be a party to a compact that gives away again the territorial waters of the Atlantic States or of any of the States along our seaboard, east or west. We have this magnificent easement, it is true, in those northeastern waters unparalleled in the history of the world. They are subjected in our favor to a servitude that this country long ago would have become so restless under, if the case had been reversed, that we would have broken asunder, treaty or no treaty, the bands placed upon our limbs and asserted the right of the American people to enjoy the heritage that God and nature had given them and that no government and no administration can take away from them. If we do enjoy that very thing up in these British waters and are maintaining it, and this treaty maintains it, we are enjoying rights to-day in British territorial waters that the State of Maryland will not allow you, sir [turning to Mr. FRYE], a citizen of the State of Maine, to enjoy in her waters. We are enjoying privileges of taking and packing fish in those waters of the British Dominions that no citizen of Massachusetts can enjoy in the waters of the little State of Delaware, or the State of New Jersey, or the State of Virginia, for I have examined the statutes of all those States in that regard. The States of this Union undertake to exercise territorial rights as against citizens of other States that you are seeking to deny to other governments and to the Dominion of Canada in regard to those who are aliens to her institutions and to her government entirely.

The right of the States, the absolute right of the States over their territorial waters has been more than once asserted and maintained in the Supreme Court of the United States, but the last case with which I am familiar, the case of McCready *vs.* The State of Virginia, decided in 1876, was a case which very distinctively and emphatically upheld and maintained this very right of territorial jurisdiction over all the waters within the boundaries of a State with regard to their extent or their width. Certainly that case maintains in all its breadth the doctrine for which I have contended.

Let me read a few sentences from the opinion of the Supreme Court, which was unanimous, and delivered by Chief-Justice Waite.

Mr. GEORGE. What year?

Mr. GRAY. In the October term, 1876.

Mr. GEORGE. What volume?

Mr. GRAY. Ninety-fourth United States Supreme Court Reports, McCready *vs.* Virginia, page 394:

> The precise question to be determined in this case is whether the State of Virginia can prohibit the citizens of other States from planting oysters in Ware River, a stream in that State where the tide ebbs and flows, when its own citizens have that privilege.
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> The principle has long been settled in this court that each State owns the beds of all tide waters within its jurisdiction unless they have been granted away. (Pollard's Lessee *vs.* Hagan, 3 How., 212; Smith *vs.* Maryland, 18 How., 74; Mumford *vs.* Wardwell, 6 Wall., 436; Weber *vs.* Harbor Commissioner, 18 *id.*, 66.) In like manner the States own the tide waters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. (Martin *vs.* Waddell, 16 Pet., 410.) The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries.
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> These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide waters and their beds to be used by its people as a common for taking and cultivating fish as far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property. The right which the people of the State thus acquire comes not from their citizenship alone, but from their citizenship and property combined. It is, in fact, a property right, and not a mere privilege or immunity of citizenship.
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> By Article IV, section 2, of the Constitution, the citizens of each State are "entitled to all privileges and immunities of citizens in the several States." Mr. Justice Washington, in Corfield *vs.* Coryell, 4 Wash. C. C., 380, thought that this provision extended only to such privileges and immunities as are "in their nature fundamental; which belong of right to the citizens of all free governments." And Mr. Justice Curtis, in Scott *vs.* Sanford, 19 How., 582, described them as such "as belonged to general citizenship." But usually when this provision of the Constitution has been under consideration the courts have manifested the disposition, which this court did in Connor *vs.* Elliott, 18 How., 593, not to attempt to define the words, but "rather to leave their meaning to be determined in each case upon a view of the particular rights asserted or denied therein." This clearly is the safe course to pursue when, to use the language of Mr. Justice Curtis, in Connor *vs.* Elliott, "we are dealing with so broad a provision, involving matters not only of great delicacy and importance, but which are of such a character that any merely abstract definition could scarcely be correct, and a failure to make it so would certainly produce mischief.
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> Following, then, this salutary rule, and looking only to the particular right which is here asserted, we think we may safely hold that the citizens of one State are not invested by this clause of the Constitution with any interest in the common property of the citizens of another State. If Virginia had by law provided for the sale of its once vast public domain, and a division of the proceeds among its own people, no one, we venture to say, would contend that the citizens of other States had a constitutional right to the enjoyment of this privilege of Virginia citizenship. Neither if, instead of selling, the State had appropriated the same property to be used as a common by its people for the purposes of agriculture, could the citizens of other States avail themselves of such a privilege. And the reason is obvious: The right thus granted is not a privilege or immunity of general but of special citizenship. It does not "belong of right to the citizens of all free governments," but only to the citizens of Virginia, on account of the peculiar circumstances in which they are placed. They, and they alone, owned the property to be sold or used, and they alone had the power to dispose of it as they saw fit. They owned it, not by virtue of citizenship merely, but of citizenship and domicile united; that is to say, by virtue of a citizenship confined to that particular locality.
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> Neither do we think this case is at all affected by the clause of the Constitu-

tion, which confers power on Congress to regulate commerce—Article 1, section 8. There is here no question of transportation or exchange of commodities, but only of cultivation and production. Commerce has nothing to do with land while producing, but only with the product after it has become the subject of trade. Virginia, owning land under water adapted to the propagation and improvement of oysters, has seen fit to grant the exclusive use of it for that purpose to the citizens of the State. In this way the people of Virginia may be enabled to produce what the people of the other States can not; but that is because they own property which the others do not. Their productions do not spring from commerce, but commerce to some extent from them.

Mr. GEORGE. The Senator will allow me?

Mr. GRAY. Certainly.

Mr. GEORGE. In that same case was not the holding of the Supreme Court of the United States that fishing within the territorial waters of the State and the fishing privileges therein belonged exclusively to the State itself?

Mr. GRAY. That such waters belong exclusively to the State itself by reason of ownership of the soil and its absolute jurisdiction over its own territory.

Mr. MORGAN. That suggests a question that I desire to mention merely. It is not necessary that it should be discussed at all, but I want to put it on record for the reflection of Senators. I do not propose to discuss it myself, nor do I know that I could ask the Senator from Delaware to do it now.

Our Constitution, in the organization of our system of government, having reserved these rights of which the Senator from Delaware has been speaking, and which have been so clearly proven by the Supreme Court decision he has read, belong to the different States, and the suggestion being incontrovertible made by the Senator from Mississippi that within the jurisdiction of the States the Government of the United States has no right to make a cession to a foreign country of privileges of fishing, the question arises whether in the 3-mile belt of ocean water that lies outside the jurisdiction of the bays the Congress of the United States would have the right, or the President and Senate by treaty arrangement or the Congress by legislation, to admit foreign governments within that 3-mile limit to enjoy fishing rights, or whether the jurisdiction of the States extends in the ocean 3 miles beyond the shore at low-water mark.

The same question came up when a committee was sent out from this body to investigate the rights of the State of New Jersey to put limitations and restrictions upon the menhaden fisheries within 3 miles of the coast of New Jersey, and it was the opinion of a majority of that committee, I think, that the State of New Jersey had the right to regulate beyond her coast for 3 miles, the exclusive right of course, in respect of the fisheries; not in respect of navigation or commerce of any kind, but in respect of the fisheries.

I merely desire to suggest this to the Senator from Delaware now, because I have always supposed that the reason why in the treaty of 1783 no mention was made of the correlative or corresponding right of the colonial people to fish in our bays and along our coasts, why that attitude was taken by the British Government and by our Government also was because neither the congress of the confederation nor the Congress of the United States had a right to grant to the subjects of Great Britain whether abroad across the ocean or whether they lived on these shores, the right to fish within 3 miles of the coasts of the different States then bordering the Atlantic Ocean, and therefore Great Britain conceded to us the right to fish in all the places where we had been accustomed to fish along the coasts of her Northeastern possessions on this continent, and we were not called upon or expected to make, and did not make, any concession to British subjects of the right to fish along our coasts in the treaty of 1783 within the 3-mile limit.

Prior to the treaty of 1783 and prior to the Revolutionary war, all the different colonies had perfectly free access to fishing privileges, but the treaty of 1783 put an end to that and made a new line, so that after that treaty was made the people of the United States had the right to fish along the shores where they had been accustomed to fish in colonial times, and in all the bays and harbors as they had been accustomed to do, and that right was secured to them while no corresponding right whatever was secured to the Canadians or any other British subjects along our coast. I have always taken that to be an admission that under the Constitution of the United States the treaty-making power in this country had no right to grant to any foreign country the power to fish within the 3-mile limit.

Mr. GEORGE. Will the Senator from Alabama state the names of the committee to which he alluded a little while ago as entertaining a certain opinion about the fisheries on the coast of New Jersey?

Mr. MORGAN. I do not recall the names of the gentlemen just now.

Mr. GRAY. I quite agree with the proposition which the Senator from Alabama suggests. Undoubtedly the territorial ribbon of 3 miles which by international law attaches to the coast of a country under our peculiar system belongs to the State to which it is attached. There is no territorial sovereignty of the United States over any portion of a State that is not granted to it by the State, or exercised under some general specific power of the Constitution itself, and it can not attach any more to a territory that is covered by water than to a territory which is entirely dry land. So that while that is a little abstract from the argument on which we are engaged, it is still interesting in passing to notice that as one of the incidents and results of our peculiar Federal system.

Now, Mr. President, I had not intended to discuss at length, and do not intend now to discuss at length, the topics that I have already addressed the Senate at large upon, but since I had the honor of submitting my views to the Senate when I believe no other speech had been made except that of the Senator from Alabama and the Senator from Maine, a good deal has been said over and again about the proposition to ratify this treaty, a good deal has been said by those who oppose the treaty in regard to the question of the territoriality of the waters of the bays that indent the northeastern provinces. I have tried as well as I could to consider the argument that has been made in regard to the provision of the treaty which delimits those waters, which has been denounced as a surrender of large areas of water to the provinces.

I have tried earnestly and faithfully and impartially to consider the contention in that regard made by the Senators who have addressed the Senate on that side, and I have only been confirmed in the position which I took at first, that whatever may have been said at times by the statesmen of this country, whatever may have been said by the Secretary of State of the present Administration in his correspondence with the foreign office of Great Britain, where it was his duty, as representing the United States, to place his stakes out as far as he possibly could, to make his contention as broad as he possibly could in the interest which he had in charge; and although he, in performing this duty, has suggested some narrow limitations and spoken of the double cannon shot and the 6-mile limit, yet considering this on my oath and in reference to my duty as a Senator of the United States as a joint negotiator in this treaty, I am compelled—compelled here in the open Senate by the vote of a majority of this body—to say that that contention is without foundation either in international law or in any broad interest or policy of our own country. We can not, at least I can not, undertake to administer any rule to the Government with which we are treating that I am not willing to apply to ourselves.

Mr. GEORGE. Will the Senator allow me to interrupt him right there?

Mr. GRAY. Certainly.

Mr. GEORGE. Upon the point of the habit of negotiators of a country presenting the extreme right and more than the extreme right of the country which they represent, I desire to call the attention of the Senate to a historical fact, which has now passed out of the public mind, perhaps.

In 1818 there was a negotiation going on between the United States, represented by John Quincy Adams, and Spain, represented by a gentleman by the name of Don Luis de Onis, in relation to the acquisition of Florida. In that discussion it became very important to ascertain what were the boundaries of Louisiana and what were the boundaries of Florida. I hold in my hand a book, being the fourth volume of American State Papers—Foreign Relations—in which there is a letter of Mr. John Quincy Adams, dated March 12, 1818, and embracing eleven of these large pages, directed to the Spanish minister, Don Luis de Onis, in which Mr. John Quincy Adams, with an array of historical learning and ability rarely if ever equaled, undertook to prove that the western boundary of Louisiana was the Rio Grande; and the Spanish minister, in order "to see that"—to quote an expression—"and go one better," wrote a very learned letter to prove that the western boundary of Louisiana was the Mississippi River. I mention this negotiation between these two gentlemen, the Spanish minister contending that the eastern boundary of Mexico was the Mississippi River, in order that the country may know the value——

Mr. HOAR. The Senator will allow me to ask him a question in regard to this historical fact of which he is speaking. I desire to ask the Senator from Mississippi if he means to intimate a belief that Mr. John Quincy Adams, in making that claim, claimed anything which he did not religiously believe.

Mr. GEORGE. I mean to assert this, Mr. President, that our negotiator, just like attorneys employed in cases, one upon one side and one upon the other, presses to the utmost extreme every possible right which he conceives that this country possesses.

Mr. HOAR. Now, Mr. President——

Mr. GEORGE. Let me get through. And to show the Senator from Massachusetts how much confidence John Quincy Adams had in this extreme claim, I have but to call the attention of that Senator and of the Senate and of the country to the fact that when the treaty was written, the Sabine River, 800 or 900 miles this side of the Rio Grande, was adopted as the western boundary of Louisiana; and to show how much faith the Spanish minister, Don Louis de Onis, had in his contention, the western boundary of Florida was fixed, I believe, at the Perdido River. So I do not think that it is a fair argument to say that our negotiators in time past claimed so and so.

I will mention another historical instance. In 1846 there was something said about "54° 40′ or fight" as the northern boundary of Oregon or Washington Territory, our Pacific country, and I believe the British pretension was that they went down to Mexico; and yet with the acquiescence of the whole country, everybody being satisfied that we had got all that we ought to have when the line was run between Great Britain and the United States, the forty-ninth parallel

was adopted, between five and six degrees south of 54° 40′, as the true boundary. And so, I believe, though I am not familiar as to the details of it, that when Mr. Webster was Secretary of State, he concluded a treaty, called the Ashburton treaty, in which the boundary between Maine and Vermont and Canada was fixed; and whilst there were contentions upon the one side and upon the other that the line should go further south or further north, yet a line not consistent with the convention of either party before was adopted; and so it has always been.

Negotiators regard themselves, and I think properly, as the attorneys and representatives of their respective governments, and when they enter into negotiations they make contentions, they make claims, they assert rights upon the one side and upon the other, which in the end neither party insists upon, but some common and intermediate ground is occupied by both parties.

Now, to go back to the treaty of 1819, by which we acquired Florida. The Sabine River, I believe, is about 100 or 150 miles west of the Mississippi River—not exceeding 150 miles. The Rio Grande was 800 or 900 miles farther west. Our Government, through John Quincy Adams, insisted that we had a right to go to the Rio Grande, and yet when we came to settle down upon the final line to be agreed upon between the parties, we went very little over one-sixth of the ground which we had claimed.

So, Mr. President, it would be unfair, it would be unjust to the memory of that great man, it would be unjust to the memory of the American Senate, who in 1819 ratified the treaty with Spain by which we acquired Florida and fixed the boundary line between Mexico and the United States, for us now to say that here we prove by John Quincy Adams's letter that we had a clear title to that territory up to the Rio Grande, and when we came to settle we surrendered about four-fifths of it.

It is that incident to which I desire to call the attention of the Senator from Delaware, who has just been speaking to the Senate about the claims asserted on behalf of the American Government by the present Secretary of State.

Mr. HOAR. Mr. President, if the Senator from Delaware will allow me to make an observation in reply to the statement of the Senator from Mississippi, I should like to do so.

Mr. GRAY. Certainly.

Mr. HOAR. Those two Senators, especially the Senator from Mississippi, seem to adopt as the guiding rule of American diplomatists in modern times the ancient definition of Sir Henry Wharton, that an embassador is a person sent to lie abroad for the service of his country, which gibe is said to have cost that eminent statesman and scholar (who, by the way, was merely speaking in joke, and who was one of the most honest and noble men who ever served the English Government anywhere) his position as embassador at the hands of King James I. Whatever may be said by the Senator from Mississippi in regard to Signor Don Luis de Onis, or whatever may be said by any other Senator in regard to any other negotiator in whose good fame he has an interest, I desire to repudiate with all the indignation of which I am capable the existence of any such rule of action in the brave and honest breast of John Quincy Adams. He believed, with as absolute sincerity as he believed in the right of his country to exist, in our title derived from the Louisiana purchase west to the Rio Grande. It was a belief which he not only urged at the time of the negotiations when he was Secretary of State in the Cabinet of James Monroe, but which he asserted and reasserted during the Texas controversy and the Mexican war down to the day of his death, and he spoke, as did many Democratic politicians of that time speak, of the addition of Texas to our confederacy as a reannexation or a recovery.

It is true that Mr. Adams was the guiding spirit on our side in the negotiations which fixed the boundary at the Sabine River, but it is also true that that treaty gave us Florida, and that the yielding to Spain, as a part of her then possession of Mexico, this unsettled, uninhabited, almost unknown territory to which we had a right, was not because of our abandonment of our original title to it as a matter of right, but because we received as an equivalent the noble purchase of Florida to the Gulf, essential to the preservation of our commercial and political empire in that part of the country.

Mr. MORGAN. Will the Senator allow me to ask under whose advice the 800 miles of territory were given up?

Mr. HOAR. I do not see that that is a pertinent question, under whose advice it was given up. It was a good bargain. It was the great triumph, the great diplomatic triumph, the only triumph of any kind, almost, except the treaty of 1818, of the administration of Mr. James Monroe; and the two Florida Senators sit here by virtue of the action of that Massachusetts diplomatist.

I should not think the Senator from Mississippi would enjoy recalling to the memory of the American people the other instance which he gave us, that is the abandonment of our, as we always believed, plain and clear and unquestionable title to that noble territory, including Vancouver Island and a great part of British Columbia, which lies between the degrees of 49° and 54° 40′. That was not given up because the American negotiators or the American administration of the time did not believe we had the title to it, which, as an electioneering cry, they pretended they were about to enforce. The Democratic party that went into the Presidential election against Mr. Clay with "Polk, Dallas, and the Tariff of '42" written on its banners, professed to the loyal and patriotic States of the Northwest that they meant to stand by the title of the United States to 54° 40′; and when the time came Mr. Polk sent the members of his Cabinet around to consult in private different Southern Senators to know whether they would stand by the profession which had been made by that party in the election, and they refused. The men who were then serving the interests of slavery in this country did not mean that there should be any addition to the American empire——

Mr. GEORGE. Who were the Southern Senators? Name them.

Mr. HOAR. On whatever grounds——

Mr. GEORGE. Name them.

The PRESIDENT *pro tempore*. The Senator from Mississippi will take his seat.

Mr. HOAR. They did not mean that that empire should be added to the free loyal North when the contest between freedom and slavery was going on. I have been told within six months by the surviving member of Mr. Polk's Cabinet of his own conversations with some of the statesmen of that day.

Mr. President, it is not true that the honorable men charged with diplomatic service state, in the interests of their country, or their own, falsehoods that they do not believe. I do not think any person connected with the present Administration of the Government either has done or is capable of doing anything of that kind. When the Secretary of State said in regard to the numerous outrages on the fishermen of Massachusetts that they were brutal, that they were inhospitable, that they were outrages, when he said, and Mr. Phelps said, in the diplomatic correspondence, that our title to our fisheries stood on the grounds which have been discussed this morning, he said what he believed in good faith and in truth and on good ground; and when the Republican side of this Chamber stands to-day in the position which the Administration and which every one of its supporters on this floor occupied twelve months ago, we stand on it to-day in the same good faith, for the same reasons, and on the same ground unchanged as far as we are concerned, with no political bias causing us to eat our words or abandon our position, just where we stood and they stood twelve months ago.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. GRAY] is entitled to the floor. Does he yield to the Senator from Mississippi?

Mr. GRAY. I yield.

Mr. GEORGE. I think the Senator from Massachusetts would have had some occasion for his manufactured indignation if I had charged that John Quincy Adams had deliberately surrendered the magnificent territory now comprised within the State of Texas, when he believed we had a good title to it. Then there would have been ground for the Senator from Massachusetts to have become indignant at a betrayal of his country's rights by the Secretary of State, John Quincy Adams. Nor does he help himself out of that difficulty when he asserts that we got Florida in exchange for that territory. Read the treaty, sir. There is no language in that treaty which professes to cede away American rights to American territory. When you read in that treaty the language of cession, of grant, it is the language of Spain ceding the territory of Florida to the United States. When you come to the boundary line, when you come to the fixing of the Sabine and then up to the Arkansas as a boundary line between the two countries, you will find, if I am not mistaken, that the language of the treaty is that this is the boundary between the possessions of the two countries.

Mr. President, the Senator alluded to certain communications between Mr. Polk and certain Southern Senators in relation to the boundary of Oregon. I asked him to name the Senators. He declined to do it. I do not believe that any such communications took place. If they did take place, they were communications from somebody to somebody. There was a man on one side sending the communications, and upon the other there were men receiving them. Who were they? The Senator is dumb when that question is propounded to him; and if I desired to get up a little factitious indignation, I might say with great propriety that the Senator from Massachusetts has no right at this day, when these men are in their graves and can not be heard, to cast an insinuation which in the general terms in which he puts it may apply to any one of the eminent statesmen who represented the South in the American Senate in 1846. Who are the men? Who are the men from the South who bartered away their country's rights in that treaty? Who are the men who, knowing, as the Senator says John Quincy Adams knew with reference to the State of Texas, that it was a clear and indubitable right of the United States as the purchaser of Louisiana to all that territory up to the Rio Grande, surrendered it, and who, upon the other hand, knowing the rights of the United States were clear to Oregon up to 54° 40′, surrendered those rights?

Mr. President, there were doubts and disputes about all these things, just like there are about this treaty. Why, in the very treaty about which we have been discussing here for weeks, there is a plain acknowledgment on the part of the United States as well as on the part of Great Britain that neither country's rights were clear in that terri-

tory, for in one article of the treaty there is an express provision—this very fishing treaty of 1818—for a joint occupancy of all that territory both by the United States and England, to make it in common, and with an express stipulation qualifying this article that this agreement should not be held or treated as impairing the rights of either country to that part of the North American continent on the Pacific coast.

So, after all, Mr. President, we have come to this common point, that there was dispute, that there were claims, there were extraordinary claims, claims not borne out, made upon the one side and upon the other, and all compromised, a settlement made of them.

Mr. President, my attention was first called to this matter when I was a boy in 1846, the war with Mexico going on, Mr. Polk then being President, and the Democratic party contended that Texas extended to the Rio Grande. General Taylor was sent beyond the Nueces, sent almost in sight of the Rio Grande, and there he met the Mexican forces and two battles were fought, and who does not remember, is it not fresh in the memory of all, that it was denied by the Northern Whigs then that Texas extended to the Rio Grande? Who does not remember the contestation, the bitterness growing over the insertion of this phrase in the declaration of war made by the United States against Mexico, "Whereas war exists by the acts of Mexico?" And who does not remember that during the whole of Mr. Polk's administration, during the whole of that war, it was denounced as a falsehood, and it was claimed that Mr. Polk had invaded without the authority of Congress the territory of a peaceful and unoffending neighbor, and that the recital in the preambie to the declaration of war was, to use a phrase then common in the Northern portion of this country, "a flaunting lie."

That is the way things were done then; and if, as the Senator from Massachusetts says, John Quincy Adams asserted later in life that the annexation of Texas was a reannexation, then all this criticism, all this condemnation, all this opposition to Mr. Polk and the war of 1846 with Mexico was without just foundation.

Mr. President, I have said about all I intended to say upon this subject. I had no idea when I stated the historical fact here that we were going to have any controversy or excitement over it—none in the world. There stands the fact, the uncontroverted fact, the admitted and confessed fact by the Senator from Massachusetts, that John Quincy Adams believed that the claim of the United States under the purchase of Louisiana was good to the Rio Grande. There stands the other fact that the line was run to the Sabine by the treaty of 1819, and notwithstanding the suggestion of the Senator from Massachusetts that it was an exchange of territory, a swap, the language in that treaty when it came to put us in possession of Florida is the language of cession and grant, which it was right and proper that the party owning the territory should use, and when it came to the territory between the Sabine and the Rio Grande it is not based on any such language.

Mr. GRAY and Mr. HOAR addressed the Chair.

Mr. GRAY. If I may be allowed to interrupt the Senator from Mississippi and also the Senator from Massachusetts——

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. GRAY] is entitled to the floor.

Mr. HOAR. I desire to say one word in response to the Senator from Mississippi, with the leave of the Senator from Delaware.

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. HOAR. When I applied to the Senator from Delaware before for leave to respond to the Senator from Mississippi, he answered that he should be very glad to have me do so.

Mr. GRAY. I was very glad to hear the Senator, but that admission does not stretch out to the crack of doom.

Mr. HOAR. I thought the Senator now interposing seemed as though it was some invasion of his right.

Mr. GRAY. All right, Mr. President.

Mr. HOAR. I do not think that it will require more than two or three minutes to say what I have to say in regard to that marvelous logician, the Senator from Mississippi, and I beg to assure that Senator that his manifestations of anger or ferocity or personality will not in the least affect me in the discharge of any duty which it seems to me I am called upon to discharge in this Chamber.

Mr. John Quincy Adams believed, always believed to the day of his death, that the purchase of Louisiana gave us the territory to the Rio Grande. Spain denied that claim, insisted that it came to a point far east, to the east bank of the Mississippi, the Senator says, and I dare say that may be true. When we came to make a treaty Spain ceded us Florida, which did not belong to us before, and the words of cession were appropriate; but when we were fixing the western boundary of Louisiana, as we yielded to Spain something of our claim and she yielded to us something of hers, it may be that the parties did not use the language of cession on either side there, but only of fixing or declaring the boundary; and that is not in the least inconsistent with the belief of Mr. Adams on one side or of Spain on the other.

When we came to the Mexican war we were demanding back territory that we had by that solemn treaty given up to Spain, territory the title to which we were estopped in honor and in law from denying further. Therefore, it was not in the least inconsistent with Mr. John Quincy Adams's belief that that territory originally belonged to us before the treaty with Spain in 1819, to denounce the undertaking to wrest it from Spain's successor, Mexico, as an unwarrantable and unjust proceeding.

I do not think the logic of my honorable friend from Mississippi holds out very well. He starts out very well, but when he begins to get angry his logic seems to depart from him.

Mr. GRAY. Mr. President, if I am able to recall the argument I was endeavoring to make an hour and a half ago it was that the contention in regard to the territoriality of the bays that indent the northeastern provinces made on the other side of this Chamber was not justified by international law and found no proper basis in the interests or the policy of the United States; and the fact that our negotiators, or that a Secretary of State in his correspondence with a foreign secretary in regard to the rights of American fishermen in those waters, put out, as I said, I believe, his stakes as far as he could and made his contention as broad as he could, did not justify us who are here now, not to make a claim, not to present a demand, but to consider whether it is not a fair basis for an agreement; that is, to shut out all differences, to compose all strife, and settle all vexatious questions which have so long disturbed the diplomacy of both countries.

I say that the Secretary of State, contending for the proposition that our rights in those bays were not renounced by us in the treaty of 1818, wherever they were over 6 miles at their mouth, does not bind me, does not bind any Senator here, for we are bound upon our oaths by our duty as Senators to state what we believe the interests of our country demand in this exigency and what we are justified in contending for by international law and by a true public policy of the United States.

The Senator from Mississippi [Mr. GEORGE] interrupted me with my permission to state a very apt illustration of what often occurs in negotiation in the case of the claims made by John Quincy Adams for the western boundary of the Louisiana purchase. It does not follow at all that a diplomatic agent, not in negotiating a treaty, but in making a demand and stating the case of his country, is derelict to his conscience, is in default to good faith if he states all that can possibly be claimed, any more than a lawyer and advocate who, in stating his client's cause, places his damages at a large sum. He would not be justified in a preliminary statement of his case in leaving out any contention that had ever been made or suggested to him that had even the semblance of plausibility; but it is quite another matter, when we are debating here what is a just settlement and compromise between these two countries in regard to the territoriality of these bays, to contend for more than the policy of this country will ever concede in negotiation with a foreign government.

Mr. President, I do not propose to go over again the argument I submitted to the Senate in regard to the territoriality of these bays, but I do assert here in open Senate, because I am compelled to make the assertion in open Senate or not make it all, that the claim of Canada to jurisdiction over those bays, all of them, is as complete and as absolute as the claim of the State of Maryland to jurisdiction over Chesapeake Bay, or of the State of New Jersey and the State of Delaware over Delaware Bay.

You can not state the proposition otherwise unless you are forced into the position which I conceive no honorable man would like to be forced into, of saying that we have the right to enter their bays on account of their public character and at the same time exclude and drive out the parties with whom we are dealing from our bays on account of their private character.

There has been no argument adduced, there has been no authority cited by the other side to maintain the position that we have surrendered anything in those waters that properly belong to us. All the writers on international law who are now accepted as authority state, as I have before recited to the Senate, that bays which indent the territory and the body of a country are a part of the territory of that country. Mr. Wheaton, in his Elements of International Law, says:

> The maritime territory of every State extends to the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same State.

Again, he says:

> We have already seen that, by the generally approved usage of nations, which forms the basis of international law, the maritime territory of every State extends:
>
> First. To the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same State.
>
> * * * * * * *
>
> Thirdly. To the straits and sounds, bounded on both sides of the territory of the same State, so narrow as to be commanded by cannon-shot from both shores, and communicating from one sea to another.

In regard to the bays which indent the territory there is no settled rule except the one which appeals to the common sense and to the common fairness of great nations negotiating with each other. The configuration, the relation of the waters to the territory that surround it, all go to determine the territoriality of the waters in question. Such bodies of water thus situated, thus surrounded, are as much the territory of the State or nation as the cornfields that wave under the August sun. They are as much a part of its jurisdiction as the solid ground that is covered by its houses.

There has been no citation here that goes to show that this Govern-

ment has ever admitted, or permitted itself or its agents to admit, a narrower contention than this. Self-respecting and powerful and great governments decide this question for themselves, and must decide it for themselves; and unless that decision is so gross, so violates common sense, is so subversive of accepted doctrines that it could not in fairness be admitted, it is acquiesced in by all other civilized countries.

I alluded to the fact that Delaware Bay had been decided by the Attorney-General of the United States in 1793 to be the territorial waters of the United States in regard to a ship which was sailing out of that bay, and which was seized in it as upon the high seas, and the Chesapeake Bay in 1808, in the case of another vessel, had also been decided to be territorial water of the United States. Great Britain, through her courts, has decided that the Bristol Channel, 20 or 30 miles wide, is part of the realm of England, and that its waters are within the body of the countries which border upon its shores. In a late case, which I did not have by me at the time, but I referred to it, between the United States Cable Company and the Anglo-American Telegraph Company, it has been decided that Conception Bay, on the coast of Newfoundland, a bay 15 or 16 miles wide—I do not know but 20 miles wide—is a territorial bay. It was decided after grave argument by the court of last resort in England, the judicial committee of the Privy Council. That case was argued by eminent counsel. Mr. Benjamin, who had achieved a position at the very head of the English bar, argued that case for the respondents, and his ability and character as a lawyer are sufficient to justify a citation from his argument. He said:

The point in question—

That is, a point in Conception Bay 10 or 12 miles from shore, where the cable company had fixed a buoy and attached their cable to it—

The point in question is as much part of the Island of Newfoundland as if it were dry land. The 3-mile rule is not applicable to this case; for in the case of a bay like this, distinctly formed by well-marked headlands, its area and waters fall within that territorial jurisdiction which includes its shores. Conception Bay is a bay in the sense in which that word is used by writers on international law when they lay down the rule that the jurisdiction of the sovereign of the territory extends over bays. It is unnecessary to lay down any abstract rule, but as a matter of fact, having regard to the extent and configuration of this bay, it is contended that it is within the territorial jurisdiction of the English Crown. All authorities concur that "parts of the sea" may be subject to territorial jurisdiction, and that bays and estuaries are parts of the sea.

He goes on further, after citing some authorities, to say:

But nothing can be more vague and inconsistent than the dicta which have been relied on in favor of some limitation of the extent of territorial bays. Vattel (bk. i, c. 23) makes the test the facility of occupation, which is vague enough, and his only illustration of a bay which is not a territorial bay is that of Hudson's Bay, an unfortunate illustration, since the Hudson's Bay Company not only held a grant from the Crown of England of the exclusive right of navigation in that bay, but they exercised it until Rupert's Land was transferred to the Dominion of Canada. In like manner Hautefeuille gives as his only illustrations of bays which are "in reality great parts of the completely open sea," the Bay of Biscay and the Gulf of Lyons, neither of which is inclosed within the territory of a single state.

I agree with Mr. Benjamin that the dicta on this subject are vague and inconsistent where they attempt to establish any limitation to the extent to which bays may be territorial and subject to the absolute jurisdiction of the country whose soil they indent. Whatever may be the rule as to the 3-mile ribbon along the coast of a country, whatever may be the foundation of that rule, whether it be the range of a cannon shot now or the distance to which the ordnance at the time the rule was first enunciated would carry, the law and usage in regard to these bays was upon a different basis. They were encircled in the arms of the land. They were locked in its embrace. They were necessary to its fiscal, to its administrative, and to its defensive policy. They never were and never could be given up by a self-respecting nation powerful enough to resist aggression. It is idle to talk of the United States ever conceding the waters of Long Island Sound, the waters of the Delaware Bay, or the Chesapeake, or of the Albemarle, or of any of the great bays which indent our coast. I care not what their extent may be, if they were as large as the Gulf of St. Lawrence, the United States would assert her jurisdictional right to the last man and the last dollar before she would concede one inch of such territory.

It is not in my blood to stand here and argue against those little provinces up there, weak in numbers, in wealth, and resources, when compared with the United States, for a contention which we would repudiate when sought to be applied to ourselves. I will never gain my own consent to so far abdicate every feeling and every obligation which ought to animate the citizens of a free country that stands right in the advance of the civilization of the world, as to try to impose upon a neighbor who has been sneeringly spoken of by Senators on that side as weak in its numbers and in its resources a rule which we would never submit to when applied to ourselves.

I heard the Senator from Maine speak with justifiable pride of the resources, the area, the population, the martial prowess, and strength of this great country of ours; and he contrasted it with the weakness and the poverty of resources of those provinces on our northern border. He did not advance to the logical conclusion, it is true, in words, but he left it to be drawn by those who listened to his interesting and able address, that for that reason, if for no other, it was incumbent upon us to crowd those provinces to the wall in this negotiation in which we are here taking a part, to listen to nothing on that side by way of remonstrance, to take as unworthy of consideration everything that might be urged by her representatives in behalf of their own country.

I say that this treaty came to us ear-marked with the justice and magnanimity that should belong to a great people. It comes to us surrendering nothing which belongs to the United States, and asking nothing that a proud and free people should not ask from those with whom they are brought into relation.

The Senators who oppose this treaty do not agree as to the grounds upon which they deny the territoriality of those waters, or the grounds upon which they assert the right of American fishermen to sail into those bays and estuaries at will, and to work their own pleasure when there. The Senator from Massachusetts [Mr. HOAR] some weeks ago, when I had the honor of addressing the Senate on this subject, interrupted me to ask:

Does the Senator know of a human being in this country who puts any claim to these fishery rights on a denial of the jurisdictional rights of Great Britain's waters?

Again, further on, the Senator from Massachusetts said:

The Senator will pardon me. Perhaps I ought not to interrupt the Senator further. I will say, if the Senator will pardon me, that having studied this matter as faithfully as I could—

I was then arguing more in detail than I am now doing this very question of the territoriality of these waters—

I do not know a single man in the world who puts the American claim to these fishery rights on a denial or on any question made in regard to the jurisdictional rights of Great Britain's waters. I did not know it until the Senator stated it, and I think he will on reflection find that the present Secretary of State took a different position. On the contrary the Secretary of State in a letter to the citizens of Boston, which I shall comment on before this debate is over, begins by saying that this question solely relates to the fishery rights of one nation in the jurisdictional waters of another.

That is true; but it certainly does not bear out the statement of the Senator that no respectable authority can be cited to show that its jurisdictional rights had been denied, as a basis for the contention made by those who are opposing this treaty. The Secretary of State was perfectly right in his statement to the effect that this question relates to the fishing rights of one nation in the jurisdictional waters of another. We have to-day an intimate participation, under the treaty of 1818, not disputed, not denied, a tenancy in common with the subjects of Great Britain in large tracts of her coast, and we are enjoying that without molestation, without interference, and without protest of any kind, so far as I have ever heard or seen in any diplomatic correspondence that has been published between the two countries. There is no let and no hinderance of any kind to the enjoyment of those exceedingly intimate rights of a common fishery on certain coasts and bays which the convention of 1818 secures to American fishermen.

But notwithstanding this large easement in favor of American fishermen, notwithstanding this burdensome servitude to which those provinces are subjected in our favor, we did in the treaty of 1818 undertake to renounce the right of fishing in certain prescribed coasts and bays; and we are brought to-day face to face with that stipulation, and we can not argue around it, and we can not evade it, and the sophistry and ingenuity of learned Senators can not obscure or obliterate the plain requirements of the written word.

If the Senator from Massachusetts does not deny, as he says he does not deny, the jurisdictional rights of Great Britain in these waters of which I was then talking—for, of course, he does not deny them himself when he asks the question whether any human being had ever denied them—I would like to know upon what ground he bases his contention that notwithstanding the words of renunciation contained in the treaty of 1818 we have the right at our will, and without asking leave or license, to vex those waters with the keels of our fishing vessels except for the four purposes specified in the convention of 1818.

Now, Senators, we have these articles of this treaty presented to us which delimit those waters by way of interpretation of what the first article of the treaty of 1818 meant. This, as I said before, is a treaty of interpretation and not a new and independent treaty of "give-and-take" on one side and the other.

These commissioners on both sides were called upon to say what in common fairness and what in reason and in the intention of the parties the language of the treaty of 1818 meant, so that we might be relieved from the harassments and the annoyances that were constantly occurring and constantly inflicted upon our fishermen under color of a varying interpretation of language. That is what the office of this treaty professes to be; that is what it undertakes to perform, and in performing it it delimits certain bays and makes a rule of 10 miles width at the mouth as the rule of exclusion, not going to the whole length of Canada's contention, for it contended that every bay of the British dominion was excluded in that language of renunciation of the treaty of 1818, and so it was.

But they conceded something—the 10-mile rule suggested in the convention back in 1839 between Great Britain, Holland, and Denmark, in relation to the fisheries of the North Sea, and, later on, between France and England, in relation to the fisheries that they held in common. The extreme pretensions that were made by the Canadian Government were not acceded to in this treaty. They were obliged to recede somewhat from them.

Sir Charles Tupper, from whom the Senators on the other side are so fond of quoting, and with whom he is such a high authority, said in that debate, in which he produced the treaty and in which he was defending it as his handiwork before criticising eyes on the floor of the Canadian house of Parliament—defending himself against those who charged him with surrendering his country's rights—and who charged him with giving away great areas of water that were secured to the fishermen of Canada by the treaty of 1818—Sir Charles Tupper says:

I need not inform the house that in diplomatic intercourse it is customary, it is right for the representatives of a government to state the strongest and most advanced ground that they possibly can sustain in relation to every question, and I would not like, I confess, to be tried before the house by the ground taken by my honorable friend the minister of justice and by the minister of marine and fisheries. The ground they took was quite right.

They charged him with surrendering to the United States large areas of the waters which were secured by the treaty of 1818.

The ground they took was quite right; they were authorized by the strict terms of the treaty in taking the strong ground they did; they would have failed in their duty to this House and to this country if, called upon to deal with this question as a matter of diplomatic intercourse and discussion between the Governments of the United States and of Canada, they had not taken the extreme contention that the literal terms of the treaty of 1818 would warrant. They did their duty in adopting that course; but when it comes to a question of conference, to a question of international discussion for the purpose of ascertaining whether between the extreme contention on the one side and the extreme contention on the other, any standing ground may be found on which the two parties may meet and settle a dispute of great international difficulty by mutual concession, the case is entirely altered, and the responsibility resting upon the plenipotentiaries of any country would be very great if they refused to consider fair and reasonable concessions on the one side and to meet them by fair and reasonable concessions on the other. So that I have no hesitation in saying, that dealing with this great question in that spirit, dealing with a question that is of vital importance to the British Empire, of vital importance to the Government of Great Britain, who were constantly threatened with embarrassment and serious difficulties and collision with the great country to the south of us, a question, too, of great magnitude to the United States of America, a question of still greater magnitude, in my judgment, to the people of Canada, one on which we had more at stake and more to lose in a great struggle of that kind than either of the great countries to which I have referred—I say looking at the question in that broad and national spirit, looking at it with a desire to remove the possibility of what I consider would be the greatest misfortune that could happen to the civilized world—a collision between the two great English-speaking nations—looking at it from that broad standpoint, it would have been criminal on my part and on the part of those who represented Her Majesty's Government and the interests of the people of Canada if they had not endeavored by making fair and reasonable concessions to find a common ground that would present a solution of those important and serious questions, that might enable a treaty to be formulated and accepted as a just and equitable settlement upon both sides. As I have said, our concessions did not rest at the delimitation.

Mr. President, Senators may say what they please about Sir Charles Tupper; Senators may say that the Canadian people, the Canadian authorities, are not fit to be dealt with at all, and that the United States ought not in its own interest ever to negotiate with them on any subject, but press them to the wall with our sixty millions against their five millions, all the time. But, nevertheless, that language of Sir Charles Tupper will stand there to rebuke them. It will stand there in its fairness and in its honor—in its conformance to the rules of Christianity and civilization—to shame them long after this discussion has passed away and become a mere record of our parliamentary history.

I have been led on at greater length than I expected to discuss again this question. My only excuse for thus trespassing upon the patience of the Senate at this hour is that since I last spoke some speeches have been made to which I have listened with interest. One was made by a distinguished Senator whose ability and character I greatly respect, the Senator from New York [Mr. EVARTS].

That Senator, in his long argument the other day in regard to this matter, though he dwelt upon it, did not seem to me to be able to advance one step in the direction in which it was necessary for him to go in order to establish his contention.

I was not able, by the most attentive hearing, to discover what rule or what policy it behooved the United States to lay down in respect to the territoriality of bays that indented a country. He pointed out upon the map a certain bay on the southern side of Prince Edward Island—Egmont Bay, I think it was—and said it was absurd to call that a bay, and, with a general sweep of his hand in regard to all those bays, he seemed to dismiss them from the discussion as not being worthy of consideration as to whether they individually were or were not such bodies of waters as Canada was justified in claiming jurisdiction over.

The Senator spoke of the Franconia case. I was familiar with that case, but I did not see its applicability to any contention that is made on this side nor as to any question or issue that has been made between those who oppose and those who support the ratification of this treaty.

The Franconia case was this: She was a vessel beating down the English Channel in or near the Straits of Dover, and in one of her tacks came over to the English coast and within the 3-mile belt, and while thus navigating those waters, while exercising her right of navigation on the high seas, which allowed her to go, for the purposes of sailing, within the territorial waters of countries that bordered the seas upon which she was—while within that 3-mile limit a murder was committed upon her deck; and the question arose in the English courts, not whether there was any territoriality or territorial jurisdiction attaching to the realm of England in regard to those waters, but a question whether the court of assizes of the county which bordered upon that coast could entertain jurisdiction of the case, could try it, and could convict and condemn the prisoner whom it had before it.

Upon an appeal, it was decided, by 7 to 6, that that court, which professed to exercise a jurisdiction which had been conferred by a statute of William the Fourth—a statute conferring upon the county courts in criminal cases the jurisdiction of the high admiral's court—could not, under that act, entertain that jurisdiction, and also that the high court of admiralty did not possess that jurisdiction at the time the act was passed, and therefore it could not have been transferred. But it expressly asserted the right of England, by Parliament, to provide for just such a case, and to assert jurisdiction over that ribbon of water, only declaring that as yet Parliament had not made that provision and had not invested any court with a jurisdiction in that particular case.

That is all there is in the Franconia case that was cited at great length and commented on by the Senator from New York [Mr. EVARTS]. I mean all that was in it that could by any posssbility be pertinent to the question here.

There was a great deal said by the Senator from New York [Mr. EVARTS] that was interesting and philosophical in regard to the act of Parliament that was passed afterward and the tentative way in which that act of Parliament undertook to deal with that jurisdiction, but it was all beside that question that is now occupying our attention.

No, Mr. President, we have surrendered nothing. If we look for surrenders in treaties we must go far back of this one now proposed to the Senate; we must look for it under other administrations and under other negotiators.

The treaty of 1871, following a series of annoyances and pestering harassments, made for the very purpose of bringing about a reciprocity treaty, and to get, what I confess they all want, the right to sell fish free in our markets, it is regarded as a horrible crime that they should even want it or try to get it. That treaty was made when Consul Dart, I think it was, who was at the time consul-general at Montreal, had written to the Secretary of State that he had conversed with members of the Canadian Parliament and had been told by them, when protesting against these harassments of our fishermen, that they were made and continued for the purpose of bringing about a treaty of reciprocity.

There it was upon the files of the Department, there it is published in the correspondence to-day. Under the pressure of these seizures—there were ten or twelve vessels seized and forfeited and not a cent of money or compensation of any kind was ever returned—no remonstrance was made by our Government, no demands for indemnity or compensation was made; and in the face of all that we negotiated a treaty, and we gave them our markets and we gave them five and a half million dollars besides.

I am not charging the President of the United States or his able and patriotic Secretary of State, Mr. Fish, with basely surrendering any American right. I accord them the full meed and tribute of my praise, that they were patriotic and representative American citizens, and that they were endeavoring to discharge their duty to the country by the best lights that they had, but we heard nothing then by way of denunciation of this proposed surrender. No Senator here rose and paced these aisles and in his wrath denounced President, Secretary, negotiators, and all, as men who made a humiliating and cowardly surrender of American rights. No, that treaty was taken into the Senate and the doors were closed, and we are to suppose that it was discussed decorously and fairly as a convention and treaty between two great countries, and the benefits on one side and on the other were weighed; and when the doors were opened and it came out, it was found that the treaty was ratified.

Mr. President, what is it that makes the difference? It is not a difference of facts, not a difference of conditions, except that the condition of things in 1886 and 1887 was far less exasperating and far less exacerbating than in 1870 and 1871. Ten vessels were then seized and forfeited, and the Government of the United States, then in the hands of General Grant and Mr. Fish as Secretary of State, never opened their mouths, as the correspondence discloses, by way of demand for indemnity to the citizens who had thus been treated. In 1886 and 1887 three vessels have been seized; two have been forfeited, and only two, and the other returned. Those are the conditions. And after, and not before, the English Government had modified its instructions to its minister of marine and to the captains of these cruisers, and forbidden the Canadians to exercise the extreme authority which they had pretended to, the year before, in seizing American fishermen and calling them "within the bounds"—on the remonstrances of this Administration—I say after that, and not before, negotiations were entered into which have resulted in the treaty now before us.

What do we see here? Those who wish to oppose this treaty not coming here to argue as to what each section and article really means. I am not impugning the right of judgment of Senators. I accord to them the same privilege that I exercise myself, of judging of each article and of all the articles by the best lights that I can bring to shine upon them. But instead of that we have a denial of patriotism to those who happen to support the Administration and are opposed in politics to Senators on the other side of this Chamber.

They taunt us here in open session with arguing on the British side of this matter. Ah, Senators, you know that no taunt was ever so irritating to a Democrat; you know that you never could insult a Democrat so much as by telling him that he was taking the British side against the side of his country. The Democratic party has no history and no policy and no position in regard to foreign matters or in its attitude to Great Britain or to all the world that it is ashamed of. Democrats have always been ready to press to the extreme when their country's right and their country's honor were concerned every contention which concerned a foreign government or a foreign country. They do not need to be incited to stand up for their country. They need rather to be repressed and their ardor checked until negotiation and statesmanship have stated the issues and given them the position and standing of a national quarrel which they can maintain against all the world.

As my friend from Alabama [Mr. MORGAN] said the other day, in endeavoring to give this question such a position and such a status that we can stand upon it, and such as a decent respect to the opinion of mankind requires that we should give, we are not trifling or bartering or trafficking, but mean business. When that sort of negotiation and that sort of appeal shall fail, I know that the country feels safe in the hands of a Democratic Administration and feels secure while it remains in the hands of the men who now wield executive power in this country.

Senators may say what they will, there is an abiding faith in this country in Democratic methods; that Democratic administrations have never sacrificed the honor of their country, or meant anything or done anything that could be characterized as a surrender, in the faintest possible degree, of their country's right. And so, instead of a calm discussion of these articles, item by item, giving the Administration credit for endeavoring to do its whole duty in the exigency which came to it, and which it did not seek, we hear denunciation and imputation.

Outrages are recited; every seizure, no matter how much within the law or how much within the rights given by the treaty of 1818, no matter how violent might have been the infraction of the law, all are paraded as outrages, no statement upon the other side being made. I do not care to state the other side; but, in my duty as a Senator, I have undertaken to read as many of these cases as I could. Many of them were unjustifiable; many of them were of a character that justice or fairness could not warrant. But all these infractions in inhabited waters are put down as outrages. The fact of not being allowed to ship crews is the grand outrage of all. I pointed out, in the speech I made some time ago, some thirty or forty cases reported to the Secretary of State, in which the complaint was, and was alone, that the vessel was not allowed to ship her crew in Nova Scotia, but was compelled to bring them down by rail, thereby incurring great expense.

Mr. VANCE. And violating our laws.

Mr. GRAY. And violating our laws, as the Senator from North Carolina says—our laws against contract labor. Ay, even the hauling down of the flag has been cited. Ah, Senators, those who have been brought up in the school in which I have been brought up—those who have shared the political faith of the Democratic party—can laugh in your face when you undertake to teach them how to resent a national insult.

And yet more than one Senator on that side has, with evident delight, taken the statement that the Marion Grimes, when seized, and being in Canadian control for an alleged infraction of the Canadian customs laws, had the flag hauled down from her masthead. Well, I do not know about that, except that no Democratic administration ever permitted the flag to be hauled down without ample apology under any circumstances. But I do know that if a Canadian vessel had been seized for an infraction of the customs laws of the United States in the port of New York, our laws, and international usage, would require that her flag be hauled down until she was released.

But the Senator from Massachusetts, the Senator from Maine, and, I believe, all the other Senators who pick this up as a matter with which to cloud and obscure the judgment of Americans, as it is natural it should be clouded and obscured when an insult to our flag is spoken of, flaunt this before us here over and over again. When they have been told, and have read from the record, just what was said by the Canadian authorities and the British Government, and the apology that was demanded and made in regard to that matter, some Senators said that no such thing had ever happened under any other Administration.

Ah, Mr. President, they forget. In 1872, after the treaty of 1871 had been negotiated, but before the legislation necessary to carry it into execution had been enacted, an American fisherman was seized by a Canadian cruiser, and her flag was hauled down, but then put up again with the British flag on top of it, and the American flag union down—an aggravated, unnecessary, and intentional insult. Hauling it down in obedience to their general orders was one thing, but putting it up in a position of degradation was another. That was in 1872.

I am not here to charge General Grant or Mr. Fish with not being patriotic; I know that they were both of them as patriotic as they were eminent and able, and brave as they were both. But they did not see it worth while to go off into a tantivy about this thing. They resented this outrage and they received an apology, not from Great Britain, but from Canada, and the Canadian officials said that it was a mistake of the commander of the cruiser. Although he had general orders to haul down the flag of every vessel that was seized, he had no right to raise it again, union down, under the British flag, and they said they regetted that he had done so, and had sent him a reprimand. But the orders of the Dominion Government, that the flag should be hauled down from every vessel seized, was stood upon, and no recision was asked by our Government from that position.

That is all. Mr. Fish properly enough conformed to diplomatic usage and diplomatic language, and I [illegible] no fault to find with him.

Let me read what the consul says upon the subject.

He (the captain) said:

He acted by orders, meant no insult; offense repeated next morning, but American flag not upside down. Lavoie, senior of Lachance, arrived, directed his attention to spectacle of flags; desired him to rectify fault; agreed to, but about thirty minutes after vessel sailed for Quebec with flags flying; captain of schooner originally from Nova Scotia; did not desire consul's assistance; reported to consul-general and consul at Quebec; believe Lachance was encouraged to act by shore influence, but respectable people express regret.

Now, Mr. Fish says to Mr. Thornton, who conveys, not the apology of the English Government, but the explanation of the Canadian official, who regrets the occurrence. Mr. Fish says:

It only remains for me to express my thanks for the prompt measures which have been taken by yourself and the Canadian authorities, to do away with the unpleasant impression produced by the error of the captain of the vessel who made the seizure of the James Bliss.

Mr. DAWES. You said the captain was reprimanded. By whom?

Mr. GRAY. He was reprimanded.

Mr. DAWES. I did not know he was reprimanded.

Mr. GRAY. Yes, he was.

Mr. DAWES. No, he was not. The record does not show it.

Mr. GRAY. He was carrying out the orders which have been cited as the authority for hauling down the flag, which were never complained of, and never apologized for at all. There was no apology for hauling down the flag in the case I refer to in 1872, only an expression of regret that the officer should have so far forgotten his duty as to put it up again under the British flag and union down.

Mr. DAWES. I thought you said he was reprimanded.

Mr. GRAY. So he was.

Mr. DAWES. Who reprimanded him?

Mr. GRAY. I hope the Senator will not interrupt me by putting questions like that.

I am stating the two cases and do not want to quibble about them or about words. I am comparing the attitude of the Administration in the two cases. I say that when Senators are comparing them, they are estopped by their manhood and by their American citizenship from continuing the imputations which they have already made.

It is not the fishermen whose rights this treaty was intended to protect who come here, but the orators of the fishermen, the retained counsel who come here and complain of this treaty.

The men who complain are the men who own schooners which have gone into those waters with two men and a boy, and are expecting to ship in Nova Scotia hardy American seamen. These men who are supposed to be conducting a primary school of American seamenship, lo and behold! are doing nothing of the kind, but are pursuing their own profit, just as all other Americans have the right to do under this glorious flag of ours. And yet, when it was first alluded to, indignant denial came up on that side that there was any percentage at all, or any large percentage, of these men that were not American fishermen; but finally the denial has become more and more faint until now we we hear nothing of it.

The Senator from Massachusetts [Mr. HOAR], when he comes to make his speech, "confesses and avoids," and says that it is good policy for us to let these Nova Scotians come here and let them see what a great State we have in Massachusetts, and that it will have a missionary effect on these Canadian fishermen! But they go back home, nevertheless, with great regularity, to spend the profits that they have put into their pockets, honestly earned on the decks of American ships. When formerly addressing the Senate on this subject I was not prepared to say that there was a majority of these men employed by these fishing craft who were not American fishermen. I feel justified now in saying that there are more than 50 per cent. of them that belong to the Canadian Provinces and are not American citizens.

This very morning, since I came here, I happened to be looking, for another purpose, over the argument at the Halifax Commission, and I find that Mr. Foster, in arguing the case of the United States, and in performing his duty with great ability and learning, as he undoubtedly did, tried to minimize the value of the privileges for which we were to pay. In the course of his argument he said:

It might be a curious question, if it were important enough to dwell upon it, whether, in assessing against the United States the value of the privilege of fishing inshore, you were or were not to take into account the fact that half of the people who fish on shores in United States vessels are subjects of Her Majesty, and having disposed of their half of the fish, having paid half of the fish for the privilege of using the vessel and its equipment, they sell the other half of the fish and bring the proceeds home; and whether it is a just claim against the United States if British subjects go in United States vessels, to require the United States to pay money because they do so.

Mr. GEORGE. Whose languge is that?

Mr. GRAY. It is the language of Mr. Foster, the agent of the United States before the Halifax Commission.

It is impossible to get exact figures about this matter, but I have enough information to justify me in the belief that the people who are objecting to this treaty—the people in whose interests objections to this treaty are made—are not the hardy young American fishermen to whom we look to man our Navy in time of war, and for whom I have as much admiration as any Senator on this floor—a hearty sympathy and a proper pride in all their achievements, their character, and their courage.

But I say that this treaty, in that, among other respects, it does not permit their employers to go up to Canada and employ Canadian fishermen, is made in their interest and that a large part of the objection and complaint to us, as to its motive and its origin, is in that fact, that these men who have found it profitable to employ Canadian fishermen have found that this treaty has left them out in the cold in that respect.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Mississippi appeals to the Senator from Delaware. Does he yield?

Mr. GRAY. Certainly.

Mr. GEORGE. On that point I desire to read a little. I wish to read from the Boston Herald of August 10, of this year, some "proceedings of the Deep Sea Assembly of the Knights of Labor, whose membership is largely composed of fishermen." The Boston Herald of that date says that they "adopted the following resolutions this evening."

I only propose to read one paragraph of the preamble now. They are denouncing the fishing trust. They say:

Whereas, should said trust be successful in its aims and intentions, the business would be rendered so unprofitable that the comparatively few American citizens now found on board of the vessels will be obliged to seek other employment.

This is from the proceedings of the Knights of Labor at Gloucester, Mass.

Mr. MORGAN. What is the number of the society? Is the number of the society or assembly given?

Mr. GEORGE. It is said to be the "Deep Sea Assembly, Knights of Labor." What I have read is a slip cut from the Boston Herald, and sent to my friend, the Senator from Florida [Mr. CALL], who handed it to me. I will read the whole slip at some time during the debate. That part is enough now to sustain the Senator from Delaware.

Mr. GRAY. I am much obliged to the Senator from Mississippi. I do not propose, Mr. President, to weary the patience of the Senate by dwelling longer on this point.

In the course of the discussion that I have had heretofore in regard to the meaning of the words of renunciation in the treaty of 1818, I quoted Mr. Webster as admitting, as I felt myself compelled to admit, that the strict and literal interpretation of these words excluded us from the bays that were mentioned in the renunciation, and I quoted his language in his famous circular to the fishermen, written at his home at Marshfield, in which it was said that it would appear to be an oversight in the commissioners that negotiated the treaty of 1818 to have made so large a concession as they did in framing the language of that renunciation.

The Senator from Colorado [Mr. TELLER] interrupted me to ask whether I had seen it stated that Mr. Webster was not the author of that circular, that he was up in Massachusetts and had, I think, been injured by a fall from a carriage at the date of that circular, and that the circular was supposed to have been issued here in the State Department by some subordinate officer and without Mr. Webster's personal or direct authority, although it was ascribed to him and came regularly from his Department.

The Senator from Colorado, when I asked him what his authority was, said that he had no direct authority for the statement, but said he had seen that it was stated in debate. The Senator the other day in his speech, while not adopting as his the suggestion that he then made that that circular might possibly have been without authority, stated again that it had been suggested in the course of the debate had in 1852 that it was without Mr. Webster's direct personal authority but declined to discuss it on that assumption. It will be of interest to the Senator from Colorado as a matter of history, and perhaps to other Senators, to know how directly Mr. Webster is connected with this matter.

After my colloquy with that Senator I had occasion to look up the matter and find it in volume second of the Private Correspondence of Mr. Webster, at page 239.

Mr. TELLER. If the Senator will pardon me, I did not make any statement about it, but asked the Senator whether he had seen that statement controverted, that was all. I made no statement myself about it at all.

Mr. GRAY. The Senator from Colorado was not in when I began my statement. I stated that fact substantially when I commenced, and the Senator from Colorado has stated it correctly. But that Senator did call the attention of the Senate to the fact that in the debate had in 1852 in the Senate the authorship of this proclamation, so far as Mr. Webster was concerned, was doubted, but not denied. Mr. Webster's authority was so great and his ability and name of such influence that anything coming from him that made against the contention of the other side would naturally be questioned.

I now read from volume 2 of the private correspondence of Mr. Webster this letter written by him to President Fillmore on the 17th of July, 1852.

[Copied from volume 2 of private correspondence of Daniel Webster, page 539.]

Mr. Webster to Mr. Fillmore.

FRANKLIN, *July* 17, 1852.

MY DEAR SIR: The interruption of the usual occupation of our fishermen in the British provinces is a very serious business. I fear much difficulty may arise from it.

Following your suggestion to Mr. Hunter, I have prepared a paper which will appear in the newspapers in this part of the country immediately, and have directed its publication in Washington. I hope you will approve of it. If I felt well enough and strong enough I would proceed immediately to Washington, but I do not. I wrote to-day a letter to Mr. Crampton, a copy of which I now inclose to you. We shall be obliged, I am persuaded, to look up this business of the fisheries as well as the whole subject of the Canadian trade as matter of negotiation. Congress will never do anything. I will thank you, at your earliest convenience, to signify to me your wishes and your opinions.

I leave these mountains and valleys with great reluctance, but it seems to be necessary.

Yours always truly,

DAN'L WEBSTER.

Mr. GIBSON. What date is that?

Mr. GRAY. It is dated July 17, 1852, and is addressed to President Fillmore.

Here is the letter to Mr. Crampton to which Mr. Webster referred in his letter to the President.

Mr. Webster to Mr. Crampton, British minister at Washington.

FRANKLIN, *July* 17, 1852.

MY DEAR MR. CRAMPTON: The threatened interruption by force, of that enjoyment of the fisheries which the fishing vessels of the United States have so long practiced and possessed without interruption or molestation, is a serious affair, and I fear full of danger. I wish to see you as soon as you can possibly come North.

If I am not in Boston at the Revere House, please proceed immediately to Marshfield, bringing with you as many of your adjuncts as you please.

I have recommended to the President that we take up the whole subject of the fisheries and the Canada trade at once, as matters of negotiation.

You will see in the Boston papers of Monday an official publication by me. Is it not possible for you to prevail with the provincial authorities to institute no hostile proceedings against American fishing vessels till longer notice be given, and until you and I may have conferred together on the subject?

I am anxious to see you at once. On receipt of this, inform me by telegraph when you can be in Boston.

I am, with great regard, yours always truly.

DAN'L WEBSTER.

These letters I thought would be interesting to the Senate in view of the fact that Mr. Webster's name had been used in this debate, and his authority had been quoted for the proposition that those bays in the northeastern provinces were inhibited by the treaty of 1818 from American fishermen.

I have only one comment to make, in passing, on the letters of Mr. Webster that I have just read; that, to his great mind at that time, it did not seem undiplomatic or unpatriotic to suggest to the President of the United States that these troubles, which were evidencing themselves in seizures on the northeastern frontier, and in inhibitions by force, to use his own language, against our fishermen using those waters, should be the subjects of negotiation. In his letter to Mr. Crampton, the British minister, he invites negotiation, and we know that that negotiation invited in 1852, and no doubt accepted then in the short interval that intervened between that letter and his death, resulted finally in the reciprocity treaty of 1854.

I have been somewhat desultory in my remarks, Mr. President. I did not intend to address the Senate to-day, but I have been led on to speak about some of these things as they came to my mind. I think this great question of jurisdiction over the waters that are commonly called, fairly called, properly called "bays" lies at the very foundation of this discussion. The Senator from Ohio [Mr. SHERMAN] in his remarks the other day so considered them. I had intended to make some specific reply to the argument of the Senator from Ohio, to which I listened with great attention and interest, but as I did not see him in his seat until this moment I allowed the occasion to go by. I say that I listened to that speech with interest, with pleasure, and with satisfaction; that is, to the greater part of it. I agree with the Senator from Alabama [Mr. MORGAN] that the attitude of the Senator from Ohio is statesmanlike and becoming his great reputation.

I was disappointed, however, and very much disappointed, after such an exordium, that the argument of his speech seemed to betray, I say it with entire respect to the Senator, a good deal of confusion of mind as to what the treaty really provides for. I had intended to point out to the Senator from Ohio and to the Senate (because any argument of his on this or any other question is entitled to great weight) what I conceive to be errors of fact into which he has fallen in discussing this matter.

He certainly confuses the fifteenth article with the operative clauses of the treaty. He spoke of the mere offer of the British or Canadian Government to give us certain privileges when the legislative department should grant free fish, an article that might be stricken out of

this treaty and not affect its operation one iota. It was merely that the negotiators upon our side in dealing with the negotiators on the other side, who were evidently much disappointed when they came down here to find that they could not even discuss the question of free fish, by way of letting them down easy, I suppose, said "make your offer of what you are willing to give for free fish. It is not within the competence, in our view, of the Executive to treat concerning matters of revenue, but you can make your offer to the American people, and their Congress, when they see fit, can pass upon it." That was all there was about that fifteenth article, yet the Senator from Ohio dwelt upon it and inveighed against it eloquently and strongly, as if it was an operative and substantial part of the treaty itself. He told us what we wanted. He said, "We must have everything that we want in those waters." Surely he could not have intended all that his language would seem to imply. He continued:

I believe that if our Government had demanded commercial privileges such as our fishermen want, they would have been conceded.

He did not allude to the commercial privileges that were actually secured to them by this treaty, but he went on to say:

I read a little paragraph from a fisherman which strikes me as giving an exact statement of what they want:

"What our fishermen want is the right to go anywhere and everywhere, use their harbors, ship men, get provisions, land and mend our nets, buy salt and barrels, and ship our catch home by rail or steamer without expense or annoyance, the same as we have heretofore."

I suppose the Senator from Ohio indorses that.

Yet he seems to have forgotten that shipping the catch home by rail would put the Canadian fishermen at a great disadvantage.

He said that we want equality with the Canadian fisherman, who can ship by rail from Halifax to this country all his catch! It would be a reciprocity, I am sure, of which the Senator would be ashamed to be the suggester, if he demanded from those poor Canadians that Americans should go into Halifax and transship the catch by rail to Boston, paying no duty whatever, while the Canadian can only transship by paying a duty. There is no equality about that.

Mr. SHERMAN. If the Senator will allow me, I would say that the Canadians now, to-day, ship their fresh fish packed in ice, frozen fish, down into our market, and although our fishermen may catch their fish side by side with these Canadians in an open sea, our fishermen can not send them in that way, although the railroad itself is owned largely, as I am told, by Americans.

Mr. TELLER. They send them to the far West by way of Chicago.

Mr. SHERMAN. They send them to the far West, as has been suggested by the Senator from Colorado.

Mr. GRAY. The Senator from Ohio [Mr. SHERMAN] is talking about fresh fish, about which he did not talk in his speech, while I am talking now about salt fish. The fresh fish matter is a matter distinct by itself, and about which there is a great deal to say. I admit that fresh fish was made free in 1870.

With a Republican Congress in both branches, the bill being signed by a Republican executive, I admit that under the new process of treating it there has been brought about a condition of things not contemplated at the time. But we are not responsible for that. This Administration is not responsible for that. Fault is found with the Secretary of the Treasury for admitting frozen fish as fresh fish free for immediate consumption. I think that is the language under the law.

Now, I do not see how the Secretary of the Treasury could have avoided in the performance of his duty, putting that construction on the law, and he was justified in it by a decision of a circuit court made by a judge who was appointed long ago in the good old Republican times—and I hope they will get older and older, those Republican times [laughter]—that this law admitting fresh fish for immediate consumption to come in free did apply to this frozen fish that was brought in. So that that takes away that ground of complaint even against the Secretary of the Treasury for the construction which he felt obliged in the performance of his duty to put upon that clause of our law.

Mr. BECK. Now, will the Senator yield to me for a few minutes?

Mr. GRAY. With pleasure.

Mr. BECK. Will it trouble the Senator from Delaware if I answer the question of the Senator from Ohio and make a few remarks now?

Mr. GRAY. Not at all; nothing will trouble me.

Mr. BECK. I do not know much about the details of this treaty, but the Senator from Ohio [Mr. SHERMAN] having put a question in regard to fresh fish being now admitted duty free, I desire to say a word. I suppose it is known to all of us that a Republican Congress, then Republican by over two-thirds majority, with a Republican President, in July, 1870, admitted fresh fish duty free without any sort of connection with the Canadian fisheries, Canadian interests, or English interests. We admitted fresh fish free because the American Congress thought it was in the interest of our own people to do so.

Mr. GRAY. Yes.

Mr. BECK. I heard the speech delivered by the honorable Senator from Maine [Mr. FRYE] the other day—I picked it up in the RECORD just now. I hope I do not interrupt the Senator from Delaware too much——

Mr. GRAY. Not at all.

Mr. BECK. The Senator from Maine [Mr. FRYE] said:

Then, again, when the Republican party put fresh fish on the free-list there was no conception of the present condition of things in this country. When fish were put on the free-list under the item "fish, fresh, for immediate consumption," it was understood that that meant fish fresh for immediate consumption—taken to-day and used to-morrow or the next day. But since that time there have sprung up under the inventive genius of this country refrigerator cars and refrigerators on every fishing vessel.

This method of freezing the fish and keeping them on board the vessels themselves for two months at a time is now in vogue, and to-day you can take on the banks a cargo of halibut, you can keep them on that vessel for two months, you can land them in Gloucester, you can send them to Boston frozen, packed in ice; you can put them into the great refrigerators of the Boston market, you can keep them three months there, you can take them from that great refrigerator and put them on the refrigerators in the cars, and you can land them in two thousand nine hundred and eighty counties of this Republic in as good and perfect condition as if they had been salted or smoked. Now, I say when fish for immediate use were put on the free-list it was never dreamed that these fish would be transported all over the United States and kept for six months.

So long as free fresh fish could only reach such points as Boston and Portland, Me., and the people of the New England coast could get them cheap, at say $2 a barrel cheaper than they would if they had paid the tariff tax, that was eminently satisfactory to New England statesmen; but as soon as a process was discovered or invented whereby the people of Ohio, of Kentucky, and of the interior of the country could have the benefit of the law that the American Congress passed to give them free fresh fish, then it became an offense in the eyes of the New England representatives; and that is at the bottom of all the fuss that is now being made about this treaty, which all agree is much better than the treaty of 1818.

The Senator from Ohio [Mr. SHERMAN], better perhaps than most Senators, recollects when Bessemer steel was taxed $28 a ton, that was only the equivalent of 45 per cent. ad valorem when the duty was imposed, but the basic process, the Siemens-Martin process, and the open-hearth process brought it down until——

Mr. FRYE. The tariff again!

Mr. BECK. Yes, the tariff is at the bottom of all your clamor about fish and fisheries. It is an attempt to make a grab, if I may use a vulgar word, by the trusts or combinations in New England to put money in their pockets at the expense of American consumers of fish that has brought about all this trouble; it is done in the interest of Gloucester and Boston syndicates. That fact is so patent that even the laboring men of New England are protesting against it as a job set up by combinations of capitalists, who, under patriotic pretenses, are seeking to rob the people of this country.

Let me go on. When Bessemer steel was 45 per cent. at $28 a ton duty at first, and afterwards doubled, all the gentlemen on the other side of the Chamber sought to maintain it; even after it became 120 per cent. they were content to give Mr. Carnegie, as he told Mr. SCOTT he got, a million and a half in one year. No wonder that he could build castles and libraries and schools, and carry your distinguished—not President, but the Warwick of your party, the power behind the throne—in his coach and four all over England and Scotland. He ought to contribute liberally to your campaign fund, and doubtless the Gloucester fish syndicate will also.

The purpose is evident when we look at the remedy these patriotic gentlemen propose? Stop free fish, enrich the syndicates because the men of the country who are now getting them cheap under American laws ought not to be allowed to have them unless they pay tribute to the Gloucester syndicate and to the combinations that are freezing out all the independent fishermen and small dealers as well as all the laboring men of the country. They insist that the President shall not negotiate with England. They insist that the time for consultation or agreement has passed. One thing only must be done—stop the importation of free fish and New England will be satisfied! Is not that a wonderful panacea for all the evils we have had recounted here for months? We are dealing with England in this treaty, not with Canada, or Canadian fishermen. We can no more treat with Canada than England could treat with Kentucky or Ohio. England is the country we have to deal with.

The Government of Canada forced Nova Scotia, against the protest of that province as I can show, into the Dominion. The Dominion Parliament controls all. The Parliament passes the laws that are complained of. They or England send their cruisers to the coast and do whatever damage is done to our fishermen, and we are told here day after day the time for negotiation has passed, and that we must punish the poor Canadian fishermen. Why not England or the great interests of the Dominion of Canada through her subsidized railroads and canals? Retaliate, you say.

Retaliate on whom? On Great Britain? No. On the Dominion of Canada? No. Republican Senators declare that would be an outrage. They demand that the President shall retaliate upon the poor individual fishermen along the coasts of Nova Scotia and Newfoundland, who are no more responsible for the laws that are passed by England or the laws that are passed by the Dominion of Canada than if they did not live there; yet the patriotic combinations and syndicates along the coast of New England and the Republican Senators will be content if the President will only stop those poor individual Canadian fishermen, who work for their living and who live by their work, who had noth-

ing to do with the laws of which complaint is made, who were not consulted about them, from selling their fish free in our markets, and thus starve them and their families so that the syndicates can control our markets and hire these poor Canadians to work for them at starvation wages. That will be ample satisfaction for all the wrongs England and Canada have done!

They know when Congress does that the poor Nova Scotia fisherman will have no employment in his own country, but he will have to come to them and work on their terms. They will hire him because they can get him 20, 30, or 40 per cent. cheaper than they can hire the American sailor. That boon will heal all their wounds and soothe all their feelings against England and Canada! Starve the Canadian fisherman so that American syndicates can hire him for little or nothing, and when they do hire him, the combinations are already formed at Gloucester and Boston whereby they absolutely control the fish market of the country. After having excluded the production of Canada produced by the labor of individual Canadians, they can hire the poor fellow at any price they please and make him work for them or starve, and do it all in the name of the Lord and for the protection of American labor!

Mr. GRAY. May I interrupt the Senator from Kentucky for a single moment?

Mr. BECK. I am done except to say this: I got hold of a paper—I think the Senator from Delaware [Mr. GRAY] called my attention to it—about the number of Canadians employed in our fisheries. These New England gentlemen are very sensitive about that, yet they will accept subsidies from Canada to build railways through Vermont and Maine. The only excuse the distinguished Senator from Vermont [Mr. EDMUNDS] made for his State being so subsidized by Canada was that the railway was only 22 miles—it was so little, so small that Senators ought not to complain of it. A poor excuse is better than none; yet that 22 miles was all the State had to accept subsidy for; the railroad ran from one side of it to the other, and it runs through Maine, that State accepting a subsidy of $25,000 a mile from Canada. That is all satisfactory so long as they get the money. The Boston Post published, as I was about to say when I switched off, a special dispatch from Gloucester, in which, after furnishing a list of 292 vessels with 1,500 foreigners on board as sailors, it is stated:

The list of vessels belonging to the district of Gloucester, published by Proctor Brothers, of this city, contains a statement in detail of the loss of life from Gloucester in 1887. This statement shows that by wreck, capsizing of boat, or other disaster 124 Gloucester fishermen perished. Of this number 104 were foreigners and 20 were American or of unknown nationality.

And yet gentlemen stand up here and tell us that this great fishing interest is to be kept up because of the American sailor; they boast how much he has added to the glory of the flag; they even go back to the days of Paul Jones, and perhaps before. Now, however, 104 out of 124 on the death-list of Gloucester fishermen last year were foreigners. Eighty per cent. Were they drowned on purpose? Was not that the proportion of men who survived, men raised on the sea and exposed to all the storms on the ocean and all its risks year after year, who know as well how to take care of themselves as any other body of men? And the fact that 104 out of 124 were Canadians can not be got out of the record by denunciation or denial, it can not be argued off the record, and by no sort of false pretense can the fact be made otherwise than that the great bulk of the men engaged in the perils of our fisheries were foreigners, whatever proportion did work on shore; and now it is contended that it will be ample satisfaction to the American people if the President will only exercise the authority that was said to be given him by keeping out Canadian fish that Congress made free and New England Senators were willing to keep free so long as Boston and New England and the seaboard cities alone got the benefit of it, but when by freezing or other processes they reached the interior, then it was an outrage. "Stop that," they say, "and we have no further complaint to make!"

The Senator from Delaware will allow me one word more.

Mr. GRAY. Certainly.

Mr. BECK. Great complaint is made because our fishing vessels are not allowed commercial privileges. England to-day gives our American ships equal rights with her own in the coastwise trade of England, Scotland, and Ireland; they can enter every port and go from one port to another and sell their cargoes by the basket-full, beginning at Newcastle and going clear around the island, yet no English ship can land in the United States at one port and even touch, far less sell her cargo at another. We now refuse our coastwise trade to the great country with which we are treating, while she gives us the absolute freedom of her coastwise trade. We can take our fish from Newfoundland and begin at Newcastle and go around to Bristol and London, to Edinburgh, Glasgow, Dublin, and Belfast, and everywhere else, and peddle them out free with her consent. If she were to remove by orders in council, now reserving the coastwise trade of Canada, and allow our ships to trade in Canada, would we open our coastwise trade to her; or if she demanded it and clamored for it as we are now doing for commercial privileges in Canada, would we not denounce her as interfering in an impertinent way with our own domestic arrangements? Of course we would.

To-day, while we are talking about our independence of foreign countries and seeking to destroy all foreign trade and commerce by our home-market schemes, which of course break down agricultural exports and break down everything except a few manufactures whose machines make all the money—for the machine is the only American laborer protected—the Chinaman, the Canadian, the Hungarian, the Italian, everybody can be brought here free to drive the American laborer out, but the machine that does nine-tenths of the work and can make more in six months than this country can consume in twelve, having more power, owned by a few men, than all the human labor in the world combined, is to be protected in order that the advocates of protection may call upon men who own it, in Mr. Foster's eloquent language, and "fry the fat out of them," to corrupt by money American freemen to vote for their schemes in order that the machines of the combined ring may be protected.

From a business standpoint a quarrel with England is absurd. England takes now 60 per cent. of all we sell. We are taking from them less than 35 per cent. of what we import from them. We are taking less than 12 per cent. of British manufactures, as the following table shows:

Total exports of United States	$703,022,923
Exports to British possessions	423,920,708
Percentage exports to British possessions bears to total, 60 per cent.	
Total imports into United States	$692,319,768
Imports from British possessions	244,662,842
Percentage imports from British possessions bears to total, 35 per cent.	
Total exports British produce for year 1886	$1,062,163,770
Exports to United States for year 1886	134,124,380
Percentage exports to United States bears to total, 12⅔ per cent.	

The ports of the continent are closed against our beef and our pork because they cry trichinæ against our pork and pleuro-pneumonia against our beef. Notwithstanding all their clamor England takes our cattle and hogs and insists that they are as healthy as any in the world. Great Britain is taking $433,000,000 out of the $703,000,000 we send abroad, while all the balance of the world is taking $245,000,000. We are taking from her 12 per cent. of her home exports, and yet because a Gloucester syndicate wants to get $2 a barrel more from our own people for fresh fish, we must retaliate without negotiation and close the ports of the country against the poorest class of laborers in the world, the Canadian fishermen, who, as I said, are each working for himself in an humble, inoffensive way, violating no law, and not responsible for the bad laws we complain of. All this to make fish dear at home and to allow Gloucester and Boston combinations to hire the people we have starved out for wages at which they can not hire American fishermen. That is the New England idea of patriotism!

I beg pardon of the Senator from Delaware for taking so much of his time.

Mr. SHERMAN. Mr. President——

Mr. GRAY. I hope the Senator from Ohio will withhold his reply to the Senator from Kentucky until I get through, which I hope will be very soon.

Mr. SHERMAN. I sympathize so much with the Senator from Delaware that I will not do what I should like to do, answer some of those old chestnuts of the Senator from Kentucky.

Mr. GRAY. I shall be glad in a short time to give the Senator from Ohio an opportunity to try his hand on the Senator from Kentucky.

Mr. HOAR. I want to ask the Senator from Delaware a question at some convenient time in his speech. I do not know whether it is convenient now. I have been obliged to be absent a great part of the day on business connected with the Senate and I simply want to know whether I understood the Senator correctly in the early part of his speech when I understood him to say that it was not within the competence of the treaty-making power under our Constitution to negotiate so as to confer upon foreign nations any rights in fisheries or other territorial rights which belonged to the several States.

Mr. GRAY. I made that proposition.

Mr. HOAR. I simply wanted to understand it.

Mr. GRAY. I will say to the Senator from Massachusetts that what I said, or intended to say, was that it was not within the competence of the Government of the United States, under its treaty-making power, to confer upon any foreign nation or its inhabitants a right of fishery in the territorial bays and waters of the States. That was my proposition.

Mr. TELLER. I suppose, then, the Senator means to say, of course, that Congress would not do it either.

Mr. GRAY. Certainly.

Mr. HOAR. May I ask one additional question? Does the Senator deny that in dealing with the question of territorial boundaries constitutionally the United States Government has the entire soil and jurisdiction?

Mr. GRAY. I have no difficulty in answering that question, although it is off-hand. I will say in reply to the Senator from Massachusetts that I deny that it is within the power of the United States to do that thing.

Mr. HOAR. The Senator would treat the Ashburton treaty as unconstitutional, then.

Mr. GRAY. No, I would not treat the Ashburton treaty as uncon-

stitutional. I shall have something to say about that hereafter, perhaps.

Mr. President, I do not intend to go into this. Although I have been somewhat drawn off the track of such argument, if it may be dignified by the name of argument, as I have attempted to make, I was speaking to something that the Senator from Ohio [Mr. SHERMAN] said, and I do not intend to carry out my original intention when I rose, and which I would have carried out if I had seen the Senator from Ohio in his seat, to make some specific reply to the propositions contained in the argumentative part of his speech.

But I have observed what seems to me to indicate a confusion of mind on the part of that distinguished Senator, attributable no doubt to the haste with which he has considered this treaty, and to the fact that he has taken at second-hand from his associates on that side of the Chamber their opinions about this treaty, and has been carried away by the eloquence of denunciation of the Senators from Maine and Massachusetts, and really believes that there was some foundation for those denunciations when he says that—

> What our fishermen want is the right to go anywhere and everywhere, use their harbors, ship men, get provisions, land and mend our nets, buy salt and barrels, and ship our catch home by rail or steamer without expense or annoyance, the same as we have heretofore.

And this without regard to treaty obligations, treaty stipulations, and what we can or can not do in conformity with what we have bound ourselves to do or not to do. It seems to me that he could hardly have meant to be taken seriously when he stated that this was what we wanted and demanded and ought to have. Why, sir, we know very well that our friends up on the New England coast are not at all backward about making claims, but I doubt whether any advocate retained or otherwise by the fishing firms up there would ever formulate seriously through an accredited agent such a demand as that.

It reminds me of what I have heard somewhere of a certain number of citizens who got together—I do not know in what part of the country, whether in New England or elsewhere—and they solemnly resolved, after formally organizing themselves, first, that the earth and the fullness thereof is the Lord's and belongs to His saints, and resolved, second, that we are the saints.

They want the earth, if they want what the Senator from Ohio says they want, and this they ought to have; and I only cite it, not to impugn the sincerity of the Senator's argument, and certainly with no disrespect to his ability or earnestness in this matter, but I submit it to show that when the Senator descended from the high plane of his exordium he could drop into the fog, which is the result of looking at this question through partisan glasses.

The matter of the territorial limits of bays I have dwelt on at some length again to-day, because after all, as seen by the argument of the Senator from Ohio and that of other Senators on that side, it does underlie very much this question and is necessary to its proper determination. I believe that this treaty has wisely compromised that question.

It has not taken the extreme contention that has been put forth by the Secretary of State in his correspondence; neither on the other hand does it accede to the extreme pretension of the Canadian authorities. They have not conceded to them all bays, as they seemed to have a right to contend under the language of the treaty of 1818, but bays that are 10 miles wide at their mouths and those other specially enumerated bays, some of which happen to be a little under and some over 10 miles.

Upon that question I have nothing more to say. The rest of the treaty deals with those questions that were the ground of complaint prior to 1854 and prior to 1871. There was not a great deal of complaint up to 1839. There have not been very long periods that have been open to these differences, because from 1839 to 1854 was fifteen years, and then came the treaty of reciprocity, which swallowed up all these questions in a general freedom of trade, and the natural condition of things between the two countries which followed. Then in 1866, after the treaty of reciprocity came to an end, the license system came in and the Canadians licensed vessels to go up there and fish in their territorial waters, and that continued until 1869. So from 1839 on there has been very little of open periods in which these disputations have occurred, but in 1870 and 1871 they begin to occur, as I have already pointed out, and in a more aggravated form than they have occurred since the treaty of 1871 was abrogated in 1885.

The result has been that this treaty, after defining for the benefit of our fishermen, so that there can be no mistake about it, what the treaty of 1818 meant when it renounced certain waters and secured for the first time in the history of our country the commercial privileges for which they have clamored so long and clamored in vain except when they got them at the expense of free fish, and by opening our market to Canadian fishermen, this treaty comes here, and without attempting to meddle in any way with the legislative question as to whether we shall put fish on the free-list or not, removing from the scope of negotiation all consideration of the revenue policy, for the first time secures for American fishermen the right to go into Canadian bays, harbors, and ports and buy all necessary and needful supplies that an ordinary trading vessel needs without let, without hinderance, and without price.

What remains? Why this complaint? Why this denunciation? We are enjoying absolute peace and have enjoyed absolute peace during this entire fishing season of 1888. Not a murmur comes from that northeastern frontier, not a voice of complaint has been syllabled by any American fisherman during these six or seven months of this fishing season of 1888; and all this is the result of this treaty. For the first time in our history has there been an open period like this in which the correspondence of the State Department has not been choked with complaints and demands and counter demands and various irritating and vexatious questions that were constantly kept alive between the two countries.

Now, an American fisherman can go from Gloucester to the Grand Banks, can catch his fare of fish, load his vessel, and go into any Nova Scotian port or any port in Newfoundland and buy all he needs, whether for his homeward voyage or to go again to the banks, putting his fare on some other vessel, and catching another, or he can go in at any time if he finds he runs short of any provisions, loses an anchor or a sail, and replenish all those supplies.

I do not know what more you want. Ah, I do know. You want the right to go in there and ship men, and we come back to it every time. You want the right to go in there because the men who are on your decks live on those shores, and when they have been on those banks three or four months they want to go home and see their families, and they want to go home for the various exigencies which take men home who have business and affairs centered in any locality.

But is it fair, Senators, to denounce a treaty on the ground merely that it does not give this privilege to the employers of fishermen, but in the interest of the hardy American youth who live along the coasts of Massachusetts and Maine does not afford the facilities to bring them in competition with alien fishermen from the Nova Scotia and Newfoundland coasts?

Mr. President, I have spoken longer than I intended and in a very desultory fashion, but I do feel that this is a question as grave as ever was presented for its decision to the American Senate. I have endeavored in my study of this treaty and of the conditions which surround it and out of which it sprang to do my whole duty to my country. I have kept in sight, so far as I was able, the interests of the American fishermen, and I believe that by this treaty those interests are protected, conserved, and advanced.

I believe that the honor, fame, and reputation of our country is preserved by this treaty, and I feel that if it shall be rejected and the troubles which have heretofore harassed and annoyed the American fishermen shall be renewed, I at least, in the performance of my duty, and those on this side of the Chamber or any side of the Chamber, who vote for the ratification of the treaty, will have met fairly the responsibility that is upon them, and that the responsibility for trouble which may come and may ensue from its rejection must fall upon those who have undertaken to defeat it.

Mr. GEORGE. Mr. President——

Mr. SHERMAN. I hope the Senator will allow me.

Mr. GEORGE. I want to put a little historical information in the RECORD, and then I shall close. I shall not detain the Senate long.

During the debate this evening between the Senator from Massachusetts [Mr. HOAR] and myself, that Senator used some language which might be interpreted to mean that the reason why the negotiation of 1846 between Great Britain and the United States as to 54° 40′ failed was on account of the opposition of Southern Democrats. I have the record on that subject, which I desire to read to the Senate, and that record proves the fact that every single Northern Whig, if I have not mistaken the politics of the parties, voted for that treaty, and also voted against a distinct proposition to amend the treaty by extending the northern line of the United States to 54° 40′. I read from the Executive Journal, volume 7, page 94, June 18, 1846:

> Mr. McDuffie submitted the following resolution for consideration:
> *Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846.
> The Senate, by unanimous consent, proceeded to consider the said resolution.
> On motion of Mr. Hannegan—

Who was a Democrat—

> to amend the said resolution by striking out all after the word "Resolved," and inserting in lieu thereof:

Now I read Mr. Hannegan's resolution, moved as an amendment—

> That the President of the United States be, and he is hereby advised, by the Senate to offer to the Government of Great Britain as a just, fair, and equitable compromise of the conflicting claims of the two Governments connected with the country lying along between the Rocky Mountains and the Pacific Ocean, extending from the parallel of 42° to 54° 40′ north latitude, and including the islands embraced within said parallels of latitude adjacent to the coast, the following as the fundamental provisions for a treaty between the two Governments:
> First. The Government of Great Britain shall acknowledge the right of soil and the sovereignty to exist and be with the United States to the whole territory above described, and shall abandon to the United States all claim which shall in any manner conflict with the permanent jurisdiction of the United States therein.
> Second. The United States shall guaranty to the Hudson Bay Company for twenty years from the date of such treaty the most perfect security in all their possessions, and the right to pursue their business of hunting and trapping, with all the immunities which pertain thereto, and to trade during that period with

the natives, and the use during that time of the ports, rivers, and harbors within said territory without charge or hindrance.

Third. Within twelve months from the date of said treaty commissioners shall be selected by and on behalf of the respective governments, whose duty it shall be to assess at just and liberal prices the value of the property of the Hudson's Bay Company within said territory, which amount, when ascertained, shall be paid by the United States to said company, in such manner and at such time as shall be agreed upon between the United States and Great Britain.

That was the amendment to the resolution modifying the treaty as it stood; and the first proposition in the amendment was to carry the northern boundary of the United States to 54° 40′.

In was determined in the negative—yeas 5, nays 42.
Those who voted in the affirmative are—
Messrs. Atchison—
A Southern Democrat—
Cameron—
A Democrat from Pennsylvania—
Hannegan—
A Democrat from Indiana—
Semple—
A Democrat from Illinois; and—
Sturgeon—
A Democrat from Pennsylvania.

The amendment got these five votes, all Democrats.

Now let us see who the negative votes were:

Those who voted in the negative are—
Messrs. Archer—
From Virginia—
Ashley—
From Arkansas—
Atherton—
From New Hampshire—
Bagby—
From Alabama—
Barrow—
From Louisiana—
Benton—
From Missouri—
Berrien—
From Georgia—
Calhoun—
From South Carolina—
Chalmers—
From Mississippi—
Thomas Clayton—
From Delaware—
John M. Clayton—
From Delaware—
Colquitt—
From Georgia—
Corwin—
From Ohio—
Crittenden—
From Kentucky—
Davis—
From Massachusetts—
Dayton—
From New Jersey—
Dix—
From New York—
Evans—
From Maine; I do not know his politics.

Mr. FRYE. He was a Whig.

Mr. GEORGE. He was a Whig.

Greene—
From Rhode Island—
Haywood—
From North Carolina—
Houston—
From Texas—
Huntington—
From Connecticut—
Johnson of Maryland, Johnson of Louisiana, Lewis—
Dixon H. Lewis, from Alabama—
McDuffie—
From South Carolina—
Mangum—
From North Carolina—
Miller—
From New Jersey—
Morehead—
From Kentucky—
Niles—
From Connecticut—
Pearce—
From Maryland—
Pennybacker—
From Virginia—
Phelps—
From Vermont—
Rusk—
From Texas—
Sevier—
From Arkansas—
Simmons—
From Rhode Island—
Speight—
From Mississippi—
Turney—
From Tennessee—
Upham—
From Vermont—
Webster—
From Massachusetts—
Woodbridge—
From Michigan; and
Yulee—
From Florida.

That vote was on a distinct proposition to extend the northern boundary of the United States on the Pacific coast to 54° 40′, and the vote in favor of it was five Democrats from the West, including one Southern Democrat. General Cass did not vote; but one Southern Democrat, two from Pennsylvania, one from Indiana, and one from Illinois were the only Senators who would vote for that proposition. We come now to the vote on the treaty, which I shall read to the Senate, the amendment having been rejected by the vote to which I have called the attention of the Senate.

On the question to agree to the resolution, it was determined in the affirmative—yeas 41, nays 14.
Those who voted in the affirmative are:
Messrs. Archer, Ashley, Bagby, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Corwin, Crittenden, Davis, Dayton, Dix, Evans, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, Yulee.
Those who voted in the negative are:
Messrs. Allen, Atchison, Atherton, Breese, Bright, Cameron, Cass, Dickinson, Fairfield, Hannegan, Jenness, Semple, Sturgeon, Westcott.

I wish to call the attention of the Senate to the fact that on that voter Davis of Massachusetts, Dayton of New Jersey, Corwin of Ohio, Crittenden of Kentucky, Upham of Vermont, and Mr. Webster, all Whigs, voted to ratify the treaty on the line of 49 degrees. In the negative there were 14 votes; and unless I am mistaken—and I may be in one or two of the names I shall read, and if I make a mistake I can be corrected by Senators here—unless I am mistaken there was not a single Whig, not a single opposition man to the administration is found in the negative. Allen, of Ohio, was in the negative; Atchison, of Missouri, was in the negative; Atherton, of New Hampshire, a Democrat, was in the negative. Breese, of Illinois, voted in the negative—a Democrat; Bright, of Indiana, voted in the negative—a Democrat; Cameron, of Pennsylvania voted in the negative—then a Democrat. Cass of Michigan, was a Democrat; Dickinson, of New York, was a Democrat; Fairfield, of Maine—was he a Democrat?

Mr. FRYE. He was a Democrat.

Mr. GEORGE. He was a Democrat. Hannegan, of Indiana, was a Democrat; Jennes, of New Hampshire, I guess, was a Democrat. In those days New Hampshire was pretty solid. The State was Democratic, I think, in 1846. I shall put him down as a Democrat unless I am corrected. Semple, of Illinois, was a Democrat; Sturgeon, of Pennsylvania, was a Democrat; Westcott, of Florida, was a Democrat.

I desired to put that vote on the record to show that any inference drawn from the remarks of the Senator from Massachusetts this evening that the treaty was not satisfactory to the Northern people, especially to the Northern Whigs, is wholly without foundation in the record.

Since I am up, Mr. President, I desire to ask one of the Senators from Massachusetts the question whether the Boston Herald is a paper of such character that the proceedings of a meeting published in it can be taken as correct. Will the Senator who sits nearest me answer, or either of the Senators from that State?

Mr. HOAR. I do not think that is a suitable question to be put on the floor of the Senate.

Mr. GEORGE. Very well; I will withdraw the question.

Mr. HOAR. I will state to the Senator that the Boston Herald is a

paper of great enterprise, wide circulation, what is called an independent paper, a very zealous supporter of Democratic——

Mr. GEORGE. I only want to know, if the Senator will allow me to interrupt him, whether the Boston Herald is of character enough as to the publication of news that when it professes to publish the proceedings of a meeting the people of the United States may rely upon the publication as the correct proceedings of the meeting. That is all I wanted to know.

Mr. HOAR. It is a paper of high standing and character, unquestionably.

Mr. GEORGE. Very well. Now——

Mr. HOAR. I wish to say, if the Senator will pardon me, as he has put the question——

Mr. GEORGE. Very well.

Mr. HOAR. I have twice been asked by Senators on the other side of the Chamber questions like this; once in regard to the point now presented, which it gives me great pleasure to answer, and once by the honorable Senator from Ohio [Mr. PAYNE] in regard to my opinion of the character of an individual. I think all Senators will agree, on reflection, that it is a question which never ought to be put by one to another on the floor of the Senate, because——

Mr. GEORGE. I withdraw the question.

Mr. HOAR. Allow me to make a single observation. Of course a refusal to answer such a question is always a great imputation upon the character of the individual to whom it applies.

Now, as to the Boston Herald, one or two of the persons concerned in its management, and largely concerned in its ownership I suppose, are among the best men we have in Massachusetts. It is a paper of very wide circulation, a very earnest and zealous Democratic paper in substance, though in form independent. There are a great many things in that paper which it seems to me would very much mislead anybody who should trust them. On the other hand, I would not for a moment impute to the gentlemen connected with it with whom I am acquainted any willingness to put into their paper a narrative of an occurrence which was not entirely true. But I think this is the last occasion on which I shall answer such a question, if I were asked what my opinion was of the man whom I most honor and venerate in the world.

Mr. GEORGE. I take it, Mr. President, after what has been said, that we may safely assume that the Boston Herald has character enough not to forge the proceedings of a public meeting, and with that remark I shall read from a copy of the Boston Herald, furnished me by my friend from Florida [Mr. CALL]:

GLOUCESTER KNIGHTS OF LABOR PASS RESOLUTIONS AGAINST FISH TRUSTS.

[Special dispatch to the Boston Herald.]

GLOUCESTER, *August* 10, 1888.

Deep Sea Assembly, Knights of Labor, whose membership is largely composed of fishermen, adopted the following resolutions this evening:

"Whereas certain fish dealers in this city, not content with the monopoly of the fresh halibut business, have been secretly combining together for the purpose of controlling the salt-fish market, and as a result of their monopolistic machinations a sort of fish trust has been evolved, its chief object being to fix the prices to be paid the fishermen for their catch; or, in other words, the abolition of all competition in the purchase of salt fish and the centralization of the entire business in the hands of a few soulless men; and

"Whereas if said trust is allowed to exist, it will place the men who haul the line at the will and pleasure of a set of dealers of insatiable greed, who, in their lustful gain are unscrupulous, avaricious, and devoid of that fellow-feeling which should prevail in all honorable business transactions; and

"Whereas, not only the fishermen will be exposed to a ruthless grasp and abominable coalition far more dangerous than the treacherous shoals which they encounter in their hazardous calling, but the community in which it thrives will feel its baneful influence, for wherever monopolies or trusts succeed in depressing prices paid to the producer desolation follows in its track, as its legitimate offspring; and

"Whereas, should said trust be successful in its aims and attentions, the business would be rendered so unprofitable that the comparatively few American citizens now found on board of the vessels will be obliged to seek other employment; and

"Whereas certain fish buyers have kept themselves aloof from the compact, and paid a fair market price to the fishermen, much to the discomfiture of the combined conspirators: Therefore,

"*Be it resolved*, That Deep Sea Assembly, K. of L.—

Knights of Labor, I suppose—

No. 5066, hereby denounce the action of those dealers who have banded together to decrease the already meager returns—

"Meager returns;" that is the term—

which the fishermen receive as a most unjust and cruel alliance, and one which should receive the condemnation of all fair-minded and fair-dealing men as a blow at honest competition, which is the life of all trade.

Resolved, That this assembly hereby testifies its appreciation of the action of the outside dealers who have so strenuously opposed the trust, and fervently hope they will continue to do so until the deadly upas of monopoly, beneath whose branches all honest industry withers, is removed from our midst.

Resolved, That the fishermen, in disposing of their trips, should exhibit their gratitude to the outside dealers by giving them the preference.

Resolved, That while condemning the trust, we do not overlook the fact that there are, we regret to say, some unprincipled captains who aid and abet the trust in its design for a paltry bonus. All such merit the most severe rebuke, and deserve to be treated with the utmost contempt.

Resolved, That our Senators who so glibly repeat the stereotyped phrase, "The fisheries are the nursery of the American Navy," and claim that American citizens preponderate in manning fishing vessels, should cease such nonsensical assertions, which they must—

They are a little severe here—

know to be untrue, and we respectfully advise that they use the time for which they are paid by a tax-ridden people—

I did not know that they had got so far along up there in Massachusetts. I have heard about the Texan people and all down there being tax-ridden, but I supposed the taxes which our glorious tax laws levied were so manifestly a benefit to the great and good people of that favored section of our land that there was nobody up there who would talk about a tax-ridden people; but so it is, they use that language—

we respectfully advise that they use the time for which they are paid by a tax-ridden people in enacting laws—

Destroying the treaty, excluding fish from the American market, raising the tariff higher? Oh, no, these poor, humble fishermen have not got so far along in political economy yet. Now, let us see what they advise—

that they use the time for which they are paid by a tax-ridden people in enacting laws forbidding a fish trust, or any other trust, to exist.

These unlettered fishermen did not know that we had no constitutional authority to pass any such law as that, and that the only power we have under the Constitution of the United States is to let in competitors against these trusts. That is the only remedy we have, and that remedy these poor men have by which the people can be kept out of the power of these trusts. It shows, though, how they feel about them. It is not a lovely thing among them, however grand it may be to the owners of the hundreds of ships that sail from Gloucester every year on the tempestuous seas, manned, as these men say they are manned, by comparatively few American citizens.

These poor fishermen can not be reached by a law against a trust. The only way is to let other people compete with the trusts so that those engaged in the trusts will be obliged to sell like other people for a fair market price.

I will go on; it is interesting reading. I am reading from a reputable paper, and I believe I am reading the words of reputable, honest, hard-working American citizens, who being brought in contact, face to face, with this trust in the same town feel its crushing weight upon their rights, upon their business, upon their homes, and their families. So I read these words with pleasure, properly authenticated as to having been spoken and coming from honest, hard-working men amidst the grandeur of our civilization, this grandeur about which we sometimes boast, these seventy-five billion of aggregate wealth in this country, as I heard the Senator from Nevada [Mr. STEWART], I believe, say some weeks or months ago. These men are in the midst of all this increasing wealth, built up, created by their hard earnings, when they are denied participation in it, when they feel the wolf of hunger at their door, when they see that this policy here which crops out in opposition to this treaty is but a policy by which men who never go upon a deck, who never cast a line, but who have money, the proceeds of the hard labor of these men, and with that money build ships and equip them, and do more than that, go upon the coasts of Nova Scotia and other provinces and hire those men, so well described by the Senator from Kentucky, whom they endeavor to starve at home so that they may get their labor here in competition with American laborers almost for nothing. Let us see what they say. As I said, they want us to enact a law—

forbidding a fish trust, or any other trust, to exist; that they enact a law—

A law that we can enact; we can enact this one—

making it obligatory to have at least—

They are very modest—

to have at least five-eighths of the crews of fishing vessels American citizens.

That is a law we can pass; and yet I have heard, the country has heard during all these weeks of debate about this fisheries treaty, the policy I will not say intended, but if not intended at least well calculated, if the treaty be defeated, to still further increase the gains of the men I have described, the men who own ships, the men who equip ships, and the men with a bounty levied upon the poor laborers of this country who, with the very money which they thus extort from the poor laborers of the country, with the very identical dollars thus coined from the misery, from the want of the laborers of this country, go and buy foreigners and put them at half-price or less than half-price in the places of the poor workmen, whom they say all this is to benefit.

I agree with these men there. I feel like they do. If that is protection, if that is benefaction, God save us from such protection and such benefaction.

Now, I will go on a little further. Whilst these poor fellows mistook the Constitution of their country in the first instance (and I do not blame them), they did strike at last a remedy in our hands, a remedy which I have not heard proposed in the American Senate during these long weeks of serious, of earnest, not to say acrimonious, discussion. You have turned loose the vials of your wrath, and when you have done you have expended your eloquence in trying to break down the Administration which has secured for these poor fellows more than they have ever had before, and which enables them, if carried out legitimately and fairly, to emancipate themselves from the infernal shackles with which they are bound hand and foot, and which prevents them from sailing a small vessel and getting supplies into your ports, which prevents them from following as independent workers this pursuit and makes them the slaves of the men who, sitting in their parlors

at home with the money extorted from the hard earnings of these poor fishermen, build large ships and large seines and send them into those tempestuous seas manned by foreigners, and all that in the name of protecting the American workman, the American poor man!

Do you think that will last always? Do you think that the American people, the laboring people, will always bow their necks to this yoke which you place upon them? Do you think that day by day, week by week, with unrequited toil they will build up your great fortunes? Senators get up in this body and brag about the benefits of the protective system that builds up these great fortunes which accrue, and I will explain that now. Yes, sir, they accrue naturally under your protective system. I believe I will tell you what I think about that right now.

You talk about the aggregate wealth of this country. It is great, but who has it, that is the question? That is the question these poor fellows ask when they come here and beg you to pass a law abolishing trusts, and preventing the bread to be taken from their children's mouths by foreigners. Your nursery of American seamen to fight our battles with!

Mr. President, I said I would give you my idea about that. I suppose we have the greatest aggregate wealth of any other country in the world. It has increased very rapidly, and I will tell you that I believe your protective system tends greatly to increase the aggregate wealth. That is an admission I make to-day, But how does it do it? What is capital? It is the savings by self-denial of the productions of labor.

If you will not impose on labor, if you will let labor get its fair reward for its own production, laborers will spend freely; they will have comforts; they will have luxuries. There are very few men who have the money or the credit who will deny themselves the comforts and luxuries of life just to save money. A few do it. So, if you allowed these poor toilers who make your wealth, who create all the wealth of this country, to have their gain, it would mostly be spent, and therefore the aggregation of wealth will not do as your protective system does, take from that laborer 25 or 30 per cent. of his earnings and transfer it to somebody else. You leave the laborer but little opportunity to store wealth. If he is energetic——

Mr. HAWLEY. Mr. President——

Mr. GEORGE. I do not want to be interrupted.

Mr. HAWLEY. I desire to assist the Senator.

Mr. GEORGE. I decline to be interrupted. If the laborer is an energetic man, if he is a healthy man he may gain something, but how is it with the man who gets his 30 or 35 per cent.? He can not do any more than he did before. He has only one life, a few years, and one body. He can not wear much more than he did before. So, when in the winding up of affairs at the end of the year you come to see how much accumulated wealth there is in this land that was not in the preceding year, you will find most of the laborers, with some few exceptions, with very little accumulated. You will find that the men who work like these Gloucester trust people, by other people's hands, have accumulated wealth, and I suppose they claim that they work themselves, upon the old law maxim, *Qui facit per alium, facit per se.* They are great laborers through other men's hands and other men's energies. So these men having 30 or 40 per cent. advantage over the laborers of this country put money into their tills with ordinary self-denial, and not much of it at that. With anything short of extravagant waste they find themselves not only with a legitimate accrual of their own capital but with this transferred wealth, and without self-denial they save it.

The result is that the aggregate wealth of the country has increased because it has not been spent. You take it from the poor laborer and he can not spend it. You give it to the rich capitalist and he will not spend it. So we go along in this splendid, this dazzling progress which so attracts the attention of Senators, and we find that this country is being divided into two classes, the toiling millions, and, I was going to say, the few millionaires. They are few compared with the others, but many as compared to the old times.

When I was a young man I heard talk about millionaires in the country, and I could count them on my fingers. There was John Jacob Astor held up to my youthful imagination as a millionaire; Stephen Girard was another, and where was the third one? Those men by their energy, by their sense, by their foresight, by the extraordinary opportunities they had became millionaires. But now a man is hardly respectable in some portions of this country unless he has a million. Everywhere you see them; every day you meet them on the streets. No, you do not meet them on the streets. I can not say that I do, because I walk and they ride, or when I ride they do not ride in the wagons I and the rest of us ride in. But you can hear them and see their splendid equipages, their prancing horses, their liveried servants. You find them everywhere. My friend from North Carolina [Mr. VANCE] tells me about making a tour of Scotland.

There is too much money made here by this iniquitous transfer by law of the money of the laborers of the many to the profit of the few. They actually cannot find the means of spending their wealth in this land of ours. They have to cross the sea to find objects of desire on which they can spend the money thus saved. I will finish the resolution I was reading. Brother VANCE asks me to read it all over again. Can the Senator have lost the connection? I suppose so. I will read it all over again without comment.

Resolved, That our Senators who so glibly repeat the stereotyped phrase, "The fisheries are the nursery of the American Navy," and claim that American citizens preponderate in manning the fishing vessels, should cease such nonsensical assertions which they must know to be untrue, and we respectfully advise that they use the time for which they are paid by a tax-ridden people in enacting laws forbidding a fish trust, or any other trust, to exist; that they enact a law making it obligatory to have at least five-eighths of the crews of fishing vessels American citizens, and thus force the aliens who man our vessels to become citizens or quit, and offer inducements to native-born young men to engage in fishing with a vim, as did their fathers, who in the past pursued the business and received a just remuneration for their toil, not having then, as now, to run the gantlet of fish trusts, combinations, monopolies, and mysterious mathematics, so prevalent among the fish magnates.

I am sorry I can not explain to the Senate what "mysterious mathematics" mean, but I suppose it is this: Under the old system of mathematics, subtraction meant diminution, and I suppose the mystery of this is that subtraction means increase; the more you take from the poor fisherman and the poor laborer, which under the old system of mathematics meant the less amount would be obtained, by these mysterious mathematics taught now in the Senate Chamber and taught all over this country by our Republican friends, the more you subtract from a fellow the more you help him. Well, that beats the widow's cruse. As near as I can now recall it, it ran this way, that every time you emptied the cruse it got filled again, and fellows in those days did not understand the "mysterious mathematics" of the Republican party. If they had it would have been this way: Every time you emptied the bottle or the vial you would have two in its place!

There is another resolution here. It is good reading, healthy for the American Senate, very healthy for us. We have come here a long way from the people; we are not elected by the people, I am sorry to say. There is an intermediary, a middleman, or rather several middlemen, between the great American Senate and the people; and when these middlemen meet in their capitals at home and come to consult as to who is to be elected to the American Senate it must be possibly, and it must happen possibly, that sometimes the wishes of the great mass of the people are not always properly recognized. At any rate there is not that immediate and wholesome, I will say, tendency on the part of us who thus get our authority at second hand that would likely have been possible if we got it at first hand. I will read the last of these resolutions and then yield the floor:

Resolved, That when our Senators right these great wrongs and check the aggressions of organized capital against the fishermen, then, and not till then, can they truthfully boast of the fisheries as a nursery for the American Navy.

Mr. HOAR. Mr. President, the Senator from Mississippi [Mr. GEORGE] has read to the Senate from a report in a reputable paper the proceedings of a meeting, the character of persons composing which neither he nor I know much about; but the picture he has undertaken to draw of the fishermen or of the laboring men or of the capitalists of Massachusetts, from whatever source it comes and whoever composed it, whoever indorsed it, is a gross and palpable slander. It is a slander in general; it is a slander in detail; it is a slander in gross, and a slander in particular. There is not a basis of truth in it. There is not anything, in fact, which could suggest it to any sane or honest mind.

The number of foreigners and of native Americans employed in the New England fisheries has been stated to the Senate more than once in this debate, coming from four official sources—the United States census of 1880; Professor Baird's fishery report of 1886; the Massachusetts census of occupations of 1885, and the Massachusetts census of population of 1885—and they are all found on the record, and it seems to me trifling with the dignity of the Senate to undertake to overthrow these official statistics by reading the fact that a certain loss of life on one occasion showed the loss of 100 foreigners to 20 natives, or by reading the proceedings of such anonymous meetings as this.

Why, Mr. President, the fishing industry of New England is very largely carried on by the system of "lays," as it is called, shares, cooperation. Every fisherman has his own share of the profit; the owner of the vessel so much, the master skipper so much, and each individual fisherman or sailor so much. And it is a system of which, so far as I know, there is no complaint on the part of the fishermen, of the sailors, in regard to the justice and fairness of the share that they get, and these men who began life as fishermen, first as deck hands, or as boys, have time out of mind on our Massachusetts capes constituted the bravest, best educated, most intelligent, most patriotic, most fertile in resources, most religious, most respectable of the people of New England.

The Senator talks about the employers of labor and manufacturers, and while he admits that under the protective system this country has gone on since 1860 till it is the wealthiest nation on earth, and its actual income is a third that of the next wealthiest nation on earth; but he says all that is gathered up by the millionaires, and they take it away from the poor laborers and manufacturers. Why, the last Massachusetts report shows $315,000,000 of deposits in the savings banks of Massachusetts by her working classes, and every other citizen—man, woman, and child—has a deposit. You can not have but $1,600 altogether in any one person's name. The factory hands of Lowell can

buy Lowell and pay the cash for it with their savings-banks deposits. All over the city where I dwell, which has grown from 15,000 to 80,000 since I went there to live, are the homes, the houses, the dwelling-places of these laborers, whom the Senator from Mississippi, the chairman of the central State Democratic committee in the year 1876—

Mr. GEORGE. And 1875, too.

Mr. HOAR. Eighteen hundred and seventy-five, too, he says—is giving a lecture to on the way they are treated by the Massachusetts capitalists. Why, Mr. President, those homes are homes which when you pass you know that there is comfort, love, blessing, patriotism, intelligence inside.

I was a member of a committee to look after the poor, appointed by the various churches of the city a year or two after I went there to live in my youth in 1850, and we marked out the different districts of the town in a hard winter, each church or parish taking its territorial district, the town then having about 15,000 inhabitants, and I state on my responsibility that I believe there is less poverty, not in proportion but in the aggregate, in that town of 80,000 inhabitants now than there was in the town of 15,000 inhabitants then.

That is the system which the Senator from Mississippi has poured out the vials of his wrath upon. Talk about foreigners coming in here into the fishing business. That has been all explained half a dozen times already in this debate. The men who come over and man the Massachusetts and the Maine fishing vessels come from the provinces largely, to some extent from the northern nations of Europe, the Scandinavians, and to some extent from the islands of Portugal, Fayal and other of the Azores, and from Portugal itself, and the Mediterranean, but the chief contribution is from Nova Scotia.

They are Scotchmen, as a rule. There are some of English descent, and some descended from our fellow-citizens who were Tories in the Revolution; but as a rule they are Scotchmen. The Senator from Kentucky [Mr. BECK] perhaps may be able to tell the Senate something of the character of that race, whether it is a subject of taunt to the men who conduct any particular industry in this country that it attracts an intelligent Scotchman to come over here and join in the business, and then bring his family after him and become an American citizen. It is a little race up in the corner of Great Britain, but it is the Yankee of Europe.

It is a race which has been famous for its industry, for its thrift, for its morality, for its courage, for its patriotism. Wherever on the face of the earth you can find men speaking the English tongue, in whatever vocation they are engaged, whether it is fishing, or manufacture, or agriculture, or railroads, or legislation, making laws for a great and free people, there you will find the Scotch name and the men of Scotch descent on the front seats taking the foremost part. If you were to strike out the names of the men who belong to this race, or whose fathers belonged to this race, even from the history of the American Senate for the last thirty years you would have to strike out some of its most brilliant and illustrious names.

As to the Nova Scotians, I have since this debate began received letter after letter from men in Gloucester and in Rockport and in Provincetown giving me the history of the men who have settled down in those town, who have been attracted by our fishing policy to come over just as France and Great Britain tried to attract our fishermen early after the Revolution, according to the report of Mr. Jefferson.

Mr. President, that this class of American citizens, that this policy which has brought these men here to America, should be lectured by a man who until within the last twenty years of his life thought the relation of a capitalist to a laborer was to own him and to whip him and to separate him from his wife and sell his children and keep him where he could not learn to read the Bible or know anything about the law of the land, and a man whose later notions of that thing will be found on the records of this Senate in the Copiah report, in the Carrollton report, and in the Jackson report, I think exceeds the limits of comedy or burlesque. For the Senator from Mississippi to get up here and undertake to taunt the people of Massachusetts with shackles and unrequited toil so strikes me. I have not introduced this discussion nor this comparison nor this subject. I tell that Senator that it passes the bounds of burlesque or comedy when he gets up and undertakes to reproach and revile and slander the people of a great State by such utterances as we have been listening to here.

Mr. BECK. Now, Mr. President, I suppose it is about time for adjourning. Unless there is objection on the other side, I move that the Senate do now adjourn.

Mr. HOAR. I ask leave to add one sentence to what I said, and that is to tell the Senator from Mississippi also that the American people will know something about his style of mathematics as applied to the counting of the votes of American freemen before this summer is over.

Mr. GEORGE. Mr. President——

Mr. BECK. We can settle this in the morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 6344) granting a pension to William J. Toncray, of Tennessee; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 509) authorizing an increase in pensions in cases of deafness.

The message further announced that the House concurred in the amendments of the Senate to the following bills:

A bill (H. R. 2592) for the relief Andrew Gleeson; and

A bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.; agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. TARSNEY, Mr. WILSON of Minnesota, and Mr. THOMAS H. B. BROWNE of Virginia managers at the conference on the part of the House.

ADJOURNMENT.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK] moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 14, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 13, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday last was read and approved.

SUBDIVISION OF LAND IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia, with an amendment of the Senate thereto.

Mr. HEMPHILL. Mr. Speaker, the amendment of the Senate is a very slight one, and I ask unanimous consent that it be concurred in.

The SPEAKER. The amendment was read, as follows:

Page 1, line 8, strike out "engineer commissioner" and insert "commissioners."

The amendment was concurred in.

LIFE-SAVING STATION AT KEWAUNEE, WIS.

The SPEAKER also laid before the House the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., with the amendments of the Senate thereto.

Mr. CRISP. Mr. Speaker, I think the Senate request a conference on that bill.

Mr. HUDD. That is the fact.

The SPEAKER. It appears that this bill has heretofore been laid before the House and has been referred to the Committee of the Whole on the state of the Union, but it has been withdrawn in some way and appears again upon the Speaker's table.

Mr. CRISP. Then I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that the House non-concur in the amendments of the Senate and agree to the conference requested.

There was no objection, and it was so ordered.

J. A. GRIFFEY.

The SPEAKER also laid before the House the bill (H. R. 6783) to place the name of J. A. Griffey on the pension-roll with amendments of the Senate thereto; which was referred to the Committee on Invalid Pensions.

GENERAL WILLIAM F. SMITH.

The SPEAKER also laid before the House the bill (H. R. 9396) for the relief of General William F. Smith with an amendment of the Senate thereto.

Mr. TOWNSHEND. I ask that the House non-concur in the Senate amendment and agree to the conference asked for.

Mr. TURNER, of Georgia. I think that bill ought to go to a committee.

Mr. TOWNSHEND. Then, Mr. Speaker, I ask that the bill lie on the Speaker's table for the present.

There was no objection, and it was so ordered.

ANDREW GLEESON.

The SPEAKER also laid before the House the bill (H. R. 2592) for the relief of Andrew Gleeson, with amendments of the Senate thereto.

Mr. WARNER. Mr. Speaker, this bill originally appropriated $289.17, and the Senate has reduced the amount to $264.07. I ask unanimous consent that the amendment be concurred in.

The amendment of the Senate was concurred in.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the follow-

ing titles; which were severally read twice, and referred as indicated below:

The bill (S. 100) for the relief of Samuel Tate—to the Committee on War Claims.

The bill (S. 2740) for the relief of the German Evangelical Church of Martinsburgh, W. Va.—to the Committee on War Claims.

The bill (S. 1818) to grant to the town of Moscow, in Idaho, certain lands for cemetery purposes—to the Committee on the Public Lands.

The bill (S. 3168) to regulate admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes—to the Committee on the District of Columbia.

The bill (S. 3328) for the relief of James Grace—to the Committee on Claims.

The bill (S. 3433) authorizing the Secretary of the Interior to accept the surrender of and to cancel land patents to Indians in certain cases—to the Committee on Indian Affairs.

The bill (S. 3135) granting an increase of pension to Eliza J. Alexander—to the Committee on Invalid Pensions.

JAMES MILLINGER.

The SPEAKER also laid before the House the bill (S. 602) for the relief of James Millinger.

Mr. BUCHANAN. Mr. Speaker, in behalf of my colleague, Mr. HIRES, who is not present this morning, I ask that that bill lie temporarily on the Speaker's table.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN, of Ohio, indefinitely.

To Mr. CARLTON, indefinitely, on account of sickness in his family.

To Mr. MCCORMICK, for five days from to-day, on account of important business.

To Mr. HALL, indefinitely, on account of important business.

To Mr. LONG, indefinitely, on account of important business.

To Mr. BOUND, for one week, on account of important business.

To Mr. PLUMB, for eighteen days, on account of urgent business.

To Mr. BOWDEN, for one week, on account of important business.

To Mr. GROSVENOR, indefinitely, on account of important business.

To Mr. PUGSLEY, indefinitely.

BUSINESS FROM COMMITTEE ON MERCHANT MARINE AND FISHERIES.

The SPEAKER. The gentleman from Arkansas [Mr. DUNN] asks leave to submit a request for unanimous consent that on Monday morning next, immediately after reading the Journal, two hours be set apart for the consideration of measures reported from that committee granting registration to vessels that have been wrecked, purchased by citizens of the United States, and rebuilt in American ship-yards. Is there objection?

Mr. LYMAN. On condition that the next day, or a certain portion of the next day, shall be assigned for the consideration of general legislation from the Committee on Invalid Pensions, I shall not object to this request; otherwise I shall.

The SPEAKER. The gentleman from Arkansas is not in his seat, and the Chair simply lays the request before the House as proposed by him. Objection is made.

CHEROKEE FREEDMEN.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 1494) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883, and put it upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. KILGORE. I am inclined to object to the consideration of that bill; but withhold the objection for the purpose of asking a question for information. I understand this is to settle a disagreement between the freedmen of the nation and the Indians, which disagreement arises upon the construction of the treaty of 1866. I understand there is a bill now pending before Congress to have the construction of that treaty submitted in the first instance to the supreme court of the District of Columbia, with the right of appeal to the Supreme Court of the United States. Is that correct?

Mr. PHELAN. I will state, in response to the question of the gentleman from Texas, that a bill was introduced and referred to the Committee on Military Affairs of the House, but up to this time there has been no report made upon it. In addition I will state that I do not think there is any question as to the construction of the treaty of 1866. It has been already passed upon by the former Secretary of the Interior, now an associate justice of the Supreme Court of the United States, and also by the former Commissioner of Indian Affairs, General Atkins. They have no doubt whatever as to the proper construction of the terms of the treaty.

Mr. KILGORE. I wish to make this further observation: I understand that the representatives of this nation have been perfectly willing to pay to the freedmen, out of moneys on hand, the amount of their claim, if upon adjudication it is found that they are entitled to it under the terms of the treaty and without any action on the part of Congress at all. But they want the question submitted to the courts in order to determine the rights of the freedmen.

Mr. PHELAN. That is simply a subterfuge on the part of the Indians to resist the payment.

Mr. HOLMAN. This seems to be such an entirely fair proposition that I trust my friend from Texas will not object, especially in view of the fact that it has the indorsement of the former Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. WEAVER. And it parts with no public lands?

Mr. PHELAN. No, sir.

Mr. HOLMAN. It is so fair a bill that it seems to me it ought to be passed without objection.

Mr. KILGORE. I understand this is to be paid out of the Indian funds.

Mr. PHELAN. It is to be paid ultimately out of the funds of the Indians, and from money due from the sale of lands under appraisement west of the Arkansas River. There is an immediate appropriation, however, from the public funds, but ultimately there will be no appropriation, as that sum will be repaid.

The SPEAKER. The Chair will state to the gentleman from Tennessee that the Senate bill is not here.

Mr. PHELAN. I understood from the gentleman from Wisconsin [Mr. LA FOLLETTE] that the Senate bill had not been reported.

The SPEAKER. The bill that has been read is simply a copy of the Senate bill, which must be here before action can be taken upon it.

Mr. PHELAN. I ask unanimous consent to substitute House bill No. 5066 for the Senate bill, it being identical in all respects.

The SPEAKER. Still that would be acting upon the Senate bill as an amendment. If the gentleman desires to take up the House bill——

Mr. PHELAN. I ask unanimous consent to discharge the Calendar from the further consideration of the House bill of the same title and pass it.

The SPEAKER. That bill has not been read.

Mr. KILGORE. Has it been reported from the committee?

Mr. PHELAN. It has been favorably reported from the Committee on Indian Affairs and is on the Calendar.

The SPEAKER. The House bill will be read.

Mr. KILGORE. Subject to the right of objection?

The SPEAKER. Of course subject to the right of objection. The House bill is precisely the same as the Senate bill, the Chair is informed, and unless its reading is demanded——

Mr. CANNON. Let the bill be read.

The Clerk proceeded to read the bill H. R. 5066.

Mr. OWEN. To save the time of the House, I will object to the bill.

Mr. HOLMAN. I hope my colleague will not object. This is a very important measure, and an act of mere justice to these colored people. I am sure if my friend will look into the question he will find that it would be a mistake to object to the bill.

Mr. PHELAN. I hope my friend from Indiana will at least allow a statement, when I think he will withdraw his objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee that he be permitted to make a statement in regard to the bill?

Mr. OWEN. I have no objection to that.

Mr. CANNON. What is the use of making any statement if the gentleman from Indiana objects to the consideration of the bill with or without a statement?

The SPEAKER. The gentleman objects to the consideration of the bill, and does not intimate that he will withdraw it.

Mr. RYAN. On the contrary, he says he will not withdraw it.

The SPEAKER. Objection is made.

Mr. GEAR. I ask unanimous consent to discharge the Committee of the Whole House from the consideration the bill (S. 2521)——

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The regular order is demanded by the gentleman from Illinois [Mr. SPRINGER].

LEAVE TO PRINT.

Mr. HOOKER. I was not in the House the other day when the debate was first had on the clause of the deficiency bill relating to the French spoliation claims, and I do not know whether general permission was granted to extend remarks on that subject in the RECORD, and I desire to extend my remarks in the RECORD.

The SPEAKER. The Chair is informed that general leave has been granted for the extension of remarks on that subject in the RECORD.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and resolutions.

LEAVE TO PRINT.

Mr. MILLIKEN. I ask unanimous consent for leave to print remarks on the clause of the deficiency bill relating to the French spoliation claims.

The SPEAKER. The gentleman from Maine asks unanimous consent for leave to print remarks on the French spoliation claims.

Mr. THOMPSON, of Ohio. I understand that general leave has already been granted.

The SPEAKER. That was general leave to extend remarks. There being no objection, general leave will be granted to print remarks on the French spoliation claims in the RECORD. The regular order is the call of States and Territories for the introduction of bills and resolutions.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. LAWLER introduced a bill (H. R. 11147) to amend the interstate-commerce act; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOUNTIES TO UNION SOLDIERS.

Mr. HOLMAN presented the following resolution; which was read and referred to the Committee on Rules:

Resolved, That the Committee on War Claims be discharged from the further consideration of the bill (H. R. 2106) to equalize the bounties of soldiers who served in the late war for the Union; and that Tuesday, the 21st day of August, be set apart for the consideration of said bill, and that consideration thereof shall be continued until the same shall be disposed of.

IMPORTATION OF CONTRACT LABORERS, ETC.

Mr. FORD presented the following resolution; which was read and referred to the Committee on Accounts:

Resolved, That a further sum of $5,000, or so much thereof as may be necessary, shall be available and payable out of the contingent fund of the House to pay the expenses of the Select Committee to Inquire into the Importation of Contract Laborers, Convicts, and Paupers, to be paid on order of the chairman and one member of said committee in sums not exceeding $1,000 at one time.

BUYING PRINTING FELT IN ENGLAND.

Mr. BUCHANAN presented the following resolution; which was read and referred to the Committee on Printing:

Whereas the New York Press of August 8th instant mentions the following allegations:

"BUYING PRINTING FELT OF ENGLAND.

"Not content with buying their blankets abroad, the Press is reliably informed that the Democratic Administration is now buying its felt for printing of England. Here is what Dr. J. B. Thompson, a manufacturer of chemicals and dye stuff, says on the subject: 'This Democratic Administration imports a poor quality of felt for printing use from England and pays more than it would to home dealers. The facts are these: The felt used to be purchased of Tingue, Howe & Co., of Port Chester, N. Y. The place of purchase has undergone a change within a year or so and the Government Printer buys of Englishmen. He pays $1.60 a yard more than he would here, for a much inferior article. Of course the Government has to pay no duty on its own purchases, and perhaps it is for this reason that it turns aside from helping the manufactures of its own country:'"

Therefore,

Resolved, That the Committee on Printing be, and hereby is, directed to investigate the facts in the case, and make report thereof to this House.

INCREASE OF PENSIONS.

Mr. DE LANO introduced a bill (H. R. 11148) to amend the act of August 4, 1886, entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARDONS IN UTAH AND IDAHO.

Mr. DUBOIS introduced the following; which was referred to the Committee on the Judiciary:

Resolved, That the Attorney-General be requested to furnish to the House of Representatives a list of pardons granted by the President of the United States to persons convicted of the "crime of unlawful cohabitation" in Utah Territory and Idaho Territory since March 4, 1886, giving the name, date of sentence, length of sentence, and date of pardon in each case.

POSTAL TABLETS.

Mr. COMPTON introduced a bill (H. R. 11149) instructing the Committee on the Post-Office and Post-Roads to inquire into the expediency of allowing postal tablets or private postal cards, weight not exceeding half an ounce, to pass through the mails for 1 cent; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INFECTIOUS DISEASES.

Mr. DAVIDSON, of Florida, introduced a joint resolution (H. Res. 214) to appropriate $200,000 to suppress infectious diseases in the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

This concluded the call of States and Territories for the introduction of bills and resolutions.

ORDER OF BUSINESS.

The SPEAKER. Under the rule of the House, this day is set apart for the consideration of bills reported by the Committee for the District of Columbia, if that committee desire to call them up.

ROCK CREEK PARK.

Mr. HEMPHILL. I shall call up the bill (H. R. 3328) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purpose of a park, to be called Rock Creek Park.

Mr. SPRINGER. I ask the gentleman from South Carolina [Mr. HEMPHILL] if he desires to occupy the whole day with District business?

Mr. HEMPHILL. So far as I can form an opinion I think we will not occupy more than an hour.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia are hereby authorized and directed to survey and plat for condemnation a certain tract of land, not exceeding 1,000 feet in width, lying and being adjacent to and on both sides of Rock Creek, in the District of Columbia, beginning at the intersection of Massachusetts avenue extended and Rock Creek, and extending all along the line of said Rock Creek to the boundary-line of the District of Columbia, and to survey and lay out the said land in the most practicable manner for a park, which shall become the property of the United States of America.

SEC. 2. That the commissioners shall cause to be made a careful map showing the quantity and value of each parcel of private property to be taken for such purpose, with the names of the owners thereof, and the said map shall be filed and recorded in the public records of the District of Columbia; and from and after that date the several tracts and parcels of land embraced in such park shall be held as condemned for public uses, subject to the payment of just compensation therefor, to be ascertained as follows:

SEC. 3. That said commissioners shall cause an appraisement of the value of the land so taken to be ascertained by an appraisement to be made by three judicious, disinterested freeholders of said District.

SEC. 4. That if said commissioners shall be unable to procure by donation or to purchase at a reasonable price any portion of the land so condemned, by agreement with the respective owners, within thirty days after such condemnation, they shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, at a general or special term, by petition containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, which court is hereby authorized and required, upon such application, without delay, to ascertain and assess the value of said land so taken, in the manner provided with reference to the taking of land for highways in the District of Columbia.

SEC. 5. That the said commissioners shall report to Congress their proceedings in such condemnation, and no money shall be paid in consequence thereof until an appropriation shall be made by Congress therefor.

SEC. 6. That in the event the Government shall fail to provide for the payment for the land so condemned within two years from the condemnation thereof, then all proceedings under this bill shall be void and of no effect.

The SPEAKER. The question is on ordering this bill to be engrossed and read a third time.

Mr. JACKSON. Mr. Speaker, is not this bill subject to discussion?

The SPEAKER. It is.

Mr. JACKSON. But should it not be considered in Committee of the Whole?

Mr. HEMPHILL. It makes no appropriation of any kind.

Mr. JACKSON. I thought it made an appropriation.

Mr. HEMPHILL. Not at all.

The SPEAKER. So far as the Chair has been able to examine the bill, it does not even provide for the purchase of the land; it provides simply for a survey which is directed to be made by the commissioners without any additional expense to the Government. Therefore it belongs properly on the House Calendar.

Mr. JACKSON. Mr. Speaker, not having had an opportunity to examine the bill, I am somewhat at a loss to understand its purpose, unless it is contemplated that the Government shall eventually make a purchase and an appropriation. If there be any expectation that there is to be a donation of this ground for a park, I would like very much to hear a statement from the chairman of the committee on that subject. For myself, I may say that I am not in favor of passing any bill contemplating the purchase of a large body of land for a park at the present time. I do not, however, feel myself competent to discuss the bill with my present limited knowledge, and I ask the gentleman from South Carolina [Mr. HEMPHILL], who has charge of the bill, to make a brief statement in regard to it, and I yield to him for that purpose, reserving to myself the right to be heard further.

Mr. HEMPHILL. Mr. Speaker, this measure is a very simple one. As members generally know, the city is growing largely toward the northwest as well as toward the northeast, and it is the opinion of a great many persons that the locality indicated in the bill is an appropriate one for a park. A number of persons are willing to donate land along Rock Creek for that purpose, and this bill simply authorizes the commissioners to ascertain without any outlay the facts of the case, and ascertain in the first place whether any part of this land will be given for the purposes of a park, and if so, how much, and in the next place what additional amount of land, if any, will be necessary. The bill authorizes no purchase to be made; no title is to be acquired; nothing is to be done except to ascertain these facts and to report to Congress, and let Congress act according to its best judgment. That is the sum and substance of the bill. It is distinctly provided that in case the Government shall fail to pay for the land condemned within two years from the condemnation then all proceedings under this act shall be null and void.

If the city continues to expand out toward the northeast and the northwest, of course the people out there ought to have some breathing place such as the people in the heart of the city already have, and if this land is ever to be acquired for the purpose of a park, it ought to be acquired now while it is cheap. When the commissioners make their report, if Congress think that the expenditure required will be greater than we shall be justified in making, it will be for Congress to act upon its own judgment; or if the commissioners should report that the owners of land are willing to give sufficient of it for a park, it will then be for Congress to accept it or not.

Mr. JACKSON. Is there any need of legislation to authorize the acceptance of a gift of that kind?

Mr. HEMPHILL. Of course there must be somebody to assume

jurisdiction of it. The commissioners have not the right to take property and hold it for the benefit of the public without some authority of law.

Mr. CANNON. Is it not perfectly proper for the parties who own the land, when they come to lay out their streets and avenues, to dedicate a certain portion of the land for the purposes of a park? Is not that proper and usual in the neighborhood of cities as a matter of interest, a matter of speculation, with the view of making their other property more valuable, and can not that be done without any legislation?

Mr. HEMPHILL. Well, sir, that is sometimes done, but I do not know that it is usual. That is purely a matter of speculation, depending upon the inclination or the judgment of the parties concerned. The committee have been informed that a number of gentlemen owning land out there are willing to donate a certain amount of it for the purposes of a park, and this bill authorizes the commissioners to ascertain, in the first place, whether that is the fact, and, in the next place, if there is any additional land which would be necessary for the park and which must be purchased, to ascertain what it will cost to buy it or to condemn it, and to report the whole matter to Congress.

Mr. JACKSON. What particular location does the bill contemplate?

Mr. HEMPHILL. It begins at the intersection of Massachusetts avenue and Rock Creek and goes up the valley of the creek 2 or 3, or, perhaps, 3 or 4 miles.

Mr. JACKSON. Is not that the same locality which is already laid out by private parties for sale of lots, and is there not a park laid out there already?

Mr. HEMPHILL. No, sir; there is no park there of any kind.

Mr. JACKSON. Where is what is known as Woodley Park?

Mr. HEMPHILL. I do not know where Woodley Park is, but I do not think there is any park in the locality contemplated by this bill. There is no park there which belongs to the public so far as I know. It is simply a tract of land belonging to private individuals.

Mr. JACKSON. Does not this land belong to private individuals, and is it not the purpose to take it up for the purpose of a park?

Mr. HEMPHILL. Because it is called Woodley Park does not make it belong to the public. It is private property, and is now owned by private individuals.

Mr. JACKSON. So I supposed; and I am rather disposed to believe this is for the purpose of bringing this property into market.

Mr. HEMPHILL. The gentleman is entitled to his opinion if he knows any facts to base it on. Of course every man is entitled to his opinion. It will undoubtedly be a great improvement to the city when completed.

I trust gentlemen will not allow mere suspicion to influence their judgment. This bill was introduced by the gentleman from Illinois [Mr. ROWELL]. It is for the purpose of ascertaining the facts. When the facts are ascertained if Congress does not see fit to embark in it further it is a matter entirely within their discretion.

Mr. BUCHANAN. Will the gentleman allow me to ask him a question?

Mr. HEMPHILL. Yes, sir.

Mr. BUCHANAN. If gentlemen in this section are so anxious to donate land to the Government, what is there to prevent them from so doing and asking the Government to accept such portion as they may see fit to give for the purpose of this park?

Mr. HEMPHILL. I do not know that anybody would have to donate lands. I say the information we have is that there are some gentlemen owning a portion of these lands who are willing to join in making donations if a park is established there. If I owned land there I would not give mine unless others gave theirs. If there are none willing to give any portion of their lands for the purpose of making this park it would be so reported to Congress, and that is all there is of it.

I will state to the gentleman from New Jersey that in the portion of the city where this park is proposed to be established they have now no park. We know they have in this portion of the city a park extending over the Smithsonian grounds, but in the portion of the city some miles away, where it is proposed to establish this Woodley Park, they do not have any park at all at this time. This is simply to ascertain what it will cost to establish a park there. That is the sum and substance of the whole measure. If Congress does not make the appropriation, that is the end of it. If Congress sees fit, after investigating all the facts, they can do with it what they please.

Mr. HEARD. Mr. Speaker, I wish to submit a few remarks on this question. For the information of the gentleman from Pennsylvania and the gentleman from New Jersey, and others who may not have given any consideration to the project, which has been before Congress for at least two terms, looking to the establishment of a park in Rock Creek valley, I desire to say that in the last Congress a bill of the same character was introduced by the same gentleman from Illinois [Mr ROWELL], and it was referred to the District of Columbia Committee and reported back to the House favorably, but failed to pass. The same matter has been pending before both branches of the present Congress and has been favorably considered by both bodies.

The proposition is this. There has been an effort made for several years looking to the establishment of a park in Rock Creek valley, because there can be found the best possible facilities for making such a park. In the first place, the character of the land, divided into hills and valleys, is of the most favorable character for the establishment of such a park as is here contemplated. It is topographically well adapted to the purpose of such park as is proposed. The lands can now be had cheaply and a great many of the owners of the property—I do not mean all of them—but a great many along the line, we are informed, would donate generously for the purpose of establishing this much-needed park along Rock Creek valley.

Now, it will be remembered, Mr. Speaker, by most of the members present at least, that the Senate at its present session has provided by an amendment to the sundry civil appropriation bill for the purchase of a certain quantity of land in the Rock Creek valley for the establishment of a zoological garden and park there. The proposition of the Senate looks to the acquisition of a small tract of land sufficient for zoological garden purposes, perhaps a hundred acres in extent, and it is a fact that I think is apparent to every mind when the subject is considered, that if the Senate plan is carried out and the Government purchases, say, 100 acres there for the purpose indicated, that thereafter, if it is desirable to establish a public park in that valley the additional land necessary for that purpose will be greatly enhanced in value and the price asked will be much higher than the land can now be purchased for.

This is a proposition of the gentleman from Illinois [Mr. ROWELL]; and the District Committee of the House has unanimously reported it. It is to authorize the commissioners of the District to cause a survey to be made with a view of determining the practicability of the park; to ascertain how much land will be donated for that purpose; what is the value of such property as may necessarily be purchased; and with that end in view, to ascertain generally all the facts in reference to the matter and submit their report to the succeeding Congress, in order that Congress having all the facts before it may determine once and for all whether it will now acquire, or in the near future do so, property which can be cheaply secured for the establishment of a park commensurate with the wants of a city of this size and the great capital of the nation.

We thoroughly believe that it will be a fatal mistake if the plan suggested by the Senate is carried out (although it is undoubtedly a wise plan in itself to establish a zoological garden here which will represent the American continent, which will contain all forms of animal life that are found on the American continent), but we believe that unless at the same time that this is done steps are taken to secure the possession of the additional land necessary, in case that Congress shall determine on that plan to establish this park, it will not be possible thereafter to secure it except at a greatly enhanced price.

We believe, and I think the House, the great majority of it at least believe, as well as the people of this District, that it will be a fatal mistake, if we ever expect to secure enough ground for a park such as this bill contemplates, to put off the execution of that purpose until after the Government shall have selected and purchased property in that park for any purpose whatever; because the moment that is done the adjacent property will be so much enhanced in value that it will undoubtedly be beyond the disposition of Congress to make the necessary appropriation to secure it. We believe it will be ascertained, if this bill passes, that a large amount of land will be donated to this purpose, and that the remainder necessary to constitute the 600 acres that is suggested as the size of the park, can be acquired very cheaply; and if we propose to enter upon this plan at all let us provide to carry it out in a manner that will be effective and protect the Government against imposition by the extortions of those whose property may be enhanced in value by the location of the national zoological garden in their midst.

I will simply reiterate what has already been said by the gentleman from South Carolina [Mr. HEMPHILL], that this does not contemplate at this time the expenditure of any money. That is a question for Congress to consider hereafter. They will have all the facts before them, and can then determine whether there is enough in the proposition to justify the establishment of a park there for the benefit of this district, and the nation at large; and this bill only contemplates preliminary steps to ascertain the facts and the feasibility of the plan, so that hereafter the necessary appropriations may be made, if in its judgment Congress shall deem it wise to enter upon that expenditure.

Mr. McCULLOGH. May I ask the gentleman a question?

Mr. HEARD. Certainly.

Mr. McCULLOGH. Do I understand that the committee report here that you can go ahead and condemn some of these lands and then abandon the project without the payment of any money?

Mr. HEARD. I will state that the proposition is, and the gentleman is familiar with condemnation proceedings against property for such purposes and will therefore understand it, that the condemnation by the power exercising the right of eminent domain gives to the sovereign power authority or option to take the property, but does not compel it.

Mr. McCULLOGH. But let me say——

Mr. HEARD. And therefore, if the gentleman will allow me to finish, we have in this bill provided that if Congress does not see fit to exercise the option secured within a reasonable time that thereafter

the condemnation proceedings shall fall and all preliminary steps taken shall be discontinued, and not operate as a cloud upon the title.

Mr. McCULLOGH. Isn't that rather a high-handed proceeding?

Mr. HEARD. No, sir; not by any means. It is not at all unusual.

MESSAGE FROM THE SENATE.

The SPEAKER. The gentleman from Missouri will yield for a moment, to receive a message from the Senate.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States.

Also, that the Senate had passed with amendments House bills of the following titles; in which amendments concurrence was requested, asked a conference with the House thereon, and had appointed conferees as follows, namely:

On the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.—Mr. SPOONER, Mr. QUAY, and Mr. PASCO; and

On the bill (H. R. 6922) for the relief of George W. Graham—Mr. STEWART, Mr. DAVIS, and Mr. BATE.

Also, that the Senate had passed bills of the House of the following titles, namely:

A bill (H. R. 5539) for the relief of John J. Coughlin;

A bill (H. R. 5494) for the relief of John T. Robeson; and

A bill (H. R. 2524) for the relief of Clement A. Lounsberry.

Also, that the Senate had passed bills of the following titles; in which concurrence was requested, namely:

A bill (S. 1688) to regulate commerce carried on by telegraph;

A bill (S. 1950) to ratify and confirm an agreement with the Indians of the Fort Berthold agency, in Dakota;

A bill (S. 2068) for the relief of Jacob Kern;

A bill (S. 2163) for the relief of Alfred J. Worcester;

A bill (S. 2560) to improve and encourage the cultivation and manufacture of flax and hemp;

A bill (S. 2998) for the relief of Lieut. Col. Charles D. Sawtelle, deputy quartermaster, United States Army;

A bill (S. 3015) for the relief of C. M. Shaffer;

A bill (S. 3139) to remove the charge of desertion from the record of William H. Fenton; and

A bill (S. 3191) to amend section 4 of the act of March 3, 1875, as amended in section 2 of the act of March 3, 1877, in relation to the issue of supplies to Indians.

WILLIAM J. TONCRAY.

The SPEAKER. During the Friday evening session the bill (H. R. 6344) granting a pension to William J. Toncray, of Tennessee, was passed. The gentleman from Tennessee [Mr. BUTLER] thought that the amendment offered by him had been agreed to, but it does not so appear in the RECORD, and the gentleman now asks unanimous consent that the vote by which the bill was passed be reconsidered, and that the amendment be incorporated in the bill.

The Clerk read the amendment, as follows:

Strike out, in lines 6 and 7, "subject to the provisions and limitations of the pension laws," and insert the following:

"At the rate of $8 per month from and after the passage of this act."

The SPEAKER. Is there objection to this request? [After a pause.] The Chair hears none. The vote is reconsidered, the amendment offered by the gentleman from Tennessee is agreed to, and the bill passed.

ROCK CREEK PARK.

Mr. CANNON. I want to say a word in reference to this bill. I saw it for the first time this morning, and it evidently contemplates the condemnation, as gentlemen say in explanation, of 600 acres of land, commencing at Massachusetts avenue and running up Rock Creek, the land being about 1,000 feet in width, I suppose following the meandering of the creek. It provides in the first section that this land shall become the property of the United States, and that it shall be condemned for use as a park. The gentleman from South Carolina states that many cities have parks, and in reality this is nothing more nor less than a proposition to give to the city of Washington a park, not at the expense of the city of Washington, but at the expense of the people of the United States, the people of the District of Columbia not being called upon to pay one penny or any portion of the expense. Now, I believe in being liberal to the city of Washington, and I believe the Government is liberal.

Mr. HEARD. Will the gentleman allow me to make a statement at this moment?

Mr. CANNON. Certainly.

Mr. HEARD. The gentleman can not have failed to observe that this bill makes no appropriation whatever for the expenditure of a dollar of the money of the Government or of the District of Columbia. It simply provides for securing to this Congress or to another Congress the condemnation of this land. The gentleman knows there is nothing to prevent the imposition of such conditions as may be thought fit in the purchase. That is frequently done in the appropriation of money relating to the District of Columbia. The free bridge across the river at Georgetown and across the Eastern Branch are examples of what I speak of, and came partly from the funds of the District and partly from those of the Government. That is a matter to be considered when the question shall come up on the purchase of the property. For one I do not know whether or not I will vote for the purchase of such property; that will depend upon the report made as a result of the investigation which this measure is to authorize.

Mr. CANNON. I take the bill for what it says. I take it in connection with the invariable practice of the Government in dealing with the District of Columbia touching parks and a great many other things. The bill provides for the condemnation of about 600 acres of land and that it shall become the property of the United States. It is true that section 6 has been added, and after providing for the condemnation and its use, that in the event the Government shall fail to appropriate money to pay for the land so condemned within two years, the condemnation and all the proceedings under this bill shall be null and void. I do not think that means much.

I think that we may just as well be candid and say that if this bill passes it settles the question of a park running from Massachusetts avenue, as comprehended in the bill, to the line of the District of Columbia, and that it is to be at the expense of the general Treasury, to the exclusion of a dollar from the District of Columbia. Why, you take these parks in the city proper everywhere. It has always been claimed, and truly, as I understand it, that the titles to the parks in the District of Columbia is in the Government of the United States, and that it is charged with the improvement and maintenance of them; and further than that, it polices them. The city is not at the expense of one dollar for these purposes.

Take these parks running from the Capitol down to the river, and the proposed extension of those parks by the improvements we are now making on the river, and take the parks at the intersections of streets, and I state again that the Government is at the sole expense of their improvement and maintenance, and even policing. We have policemen there by day and by night to care for these parks and to care for the people of the District of Columbia in the management of those parks. More than that, there is Arlington near by. We own it and it is proper that we should own it. It is a very pleasant drive, within a short distance, and we maintain that at the expense of the Government. So with the Soldiers' Home, which is substantially a magnificent park for the city without one dollar of expense to its treasury. Now, I think it is a very serious question, and one that we ought to consider, whether or not the people of the United States should purchase, and take care of this park.

Now, there is an application here in reference to the zoological garden in an amendment to the sundry civil bill for the purchase of 100 acres of land away up the creek above Woodley lane. There is an appropriation of $250,000 for that, and it is stated from the best opinion that I can get that the land will cost from $120,000 to $150,000, and perhaps more. So that if you talk about taking 600 acres and provide for its condemnation you can make up your minds that from $650,000 to $1,000,000 will be the cost, and that is but the commencement. It is just the smallest portion of the expense. You take the land—beautiful and picturesque as it may be, it can only be used as a park after it is improved, as gentlemen know. That is to be done at a very great expense, and the whole of this will have to be done at the expense of the Federal Government.

Now, I doubt the propriety of taking this step without very careful investigation. The gentleman says we need not appropriate the money. I have been here long enough and so has the gentleman to understand that when you once authorize the commissioners to condemn this land, whether it costs much or little, situated as we are here, a thousand miles on an average from our constituencies and in contact all the while with the people who are interested in having this free gift to them, the appropriation will be made. So we had just as well understand that at the beginning, and discuss this bill from the standpoint of entering upon this work of establishing and forever maintaining this park. In the neighborhood of most cities, especially in the West, when parks of this kind or any other are to be established for the benefit of the people of the city they are usually dedicated for that purpose by the owners of the land and of the adjacent lands, who find a large profit in so doing. That is the almost invariable rule.

In my opinion, it will require, first and last, to condemn this land and to improve and beautify it as a park, to say nothing about the policing and maintaining of it afterwards, an expenditure of from two and a half to three millions of dollars. Having said that much, and called the attention of gentlemen to this view of the matter, it is for the House to say whether or not we should pass a bill of this character without further consideration.

Mr. McCULLOGH. The bill provides that if the land is not paid for in two years after condemnation all proceedings under this bill shall cease. How would the landholders in that case get the land back from the commissioners if the title had passed?

Mr. CANNON. I suppose the condemnation spoken of can not be completed until payment is made.

Mr. HEMPHILL. If there is a particle of apprehension upon that point in the mind of any gentleman who is not acquainted with the subject of condemnation of lands for public purposes—and no one who

is familiar with that subject could have any doubt about it—we can meet the point by inserting the words "when paid for."

Mr. McCULLOGH. How do the parties get the land back from the commissioners?

Mr. HEMPHILL. The commissioners are not to get it.

Mr. McCULLOGH. Why?

Mr. HEMPHILL. Has the gentleman read the bill?

Mr. McCULLOGH. I have heard it read.

Mr. CANNON. I suppose that in fact the title does not pass until the money has been paid; but the bill provides all the machinery, it provides for a survey, it does everything that is necessary to be done in order to obtain the title to this land, and practically you had just as well strike out section 6 and enter upon the work at once; because if it is to be entered upon in this way that means that we are to have the park whatever it may cost.

Mr. DAVIS. I have not the slightest objection to the establishment of a park in this region. It is a beautiful and picturesque region which probably had better be dedicated to such a purpose.

But it seems to me that it ought to be distinctly understood by this House now that this region is of very little value for any private purpose, and that therefore the Government ought to pay but a very small sum of money for it. The topographical features of the country there are familiar to everybody who has ridden through it. At many points the land is almost precipitous, and throughout it is very uneven, and for that reason is not likely to be used for building purposes. Therefore I think it is proper that the commissioners who are to take action in the matter should understand at the outset the view of Congress as to the value of the property.

Mr. JACKSON. I yield ten minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, upon reading this bill I am satisfied that it goes much farther than I gathered from the gentleman from South Carolina that it did go. It goes to the point of appropriation. There it stops; but it does go to that point. It takes every preliminary step for the establishment of the park, and every succeeding step except the actual appropriation of money. Now, sir, I am in favor of the most liberal policy on the part of the General Government toward this city. It is the capital of the greatest nation on earth, the richest, and soon to become the largest nation in the world. Whatever will beautify the capital of this nation ought in reason to be done. And the Government has been liberal in its policy toward this city. It pays one-half of the expenses of running the city, not only the expense of paving and maintaining the streets, but also one-half the expense of supporting the indigent and the insane, and the public schools. All that is paid for out of the general Treasury of the nation. In addition to that the Government has provided one of the finest systems of parking that can be found anywhere in the world.

When you look at that magnificent stretch of parking extending from the Capitol to the Monument and beyond, you see that the city has not been left without suitable breathing places. Wherever we go in any direction through the city these parks can be found, and they are kept in order, as I believe they should be, at the public expense. The result is that this city is not only the most beautiful in the United States, but it is rapidly becoming the most beautiful city in the world, and anything reasonable looking to keeping up this policy I am in favor of.

But it seems to me that there are some things which ought to be done in this city before any more money is expended for the establishment of national parks.

Go into the northeastern part, or the southeastern part, or the southwestern part of the city and you will find within one-quarter of a mile from the Dome of the Capitol, muddy streets, unpaved even with cobblestones. Go out by the carp pond and you will find the sewage of the whole central part of the city forms a canal there, where the summer sun breeds pestilence, disease, and death. I would attend to some of these things first, and not devote everything to the continuance or extension merely of what is beautiful.

Now, sir, while I am in favor of liberal expenditures by the General Government for beautifying this city, I would expend some of the appropriations to making it a healthful place of residence as well. This House did not see fit to appropriate money to continue the improvement of the Potomac flats out of the national Treasury. It seems it was too poor to appropriate anything for that purpose, and it was only when the Senate put the amendment on that it became incorporated in the bill, a work which is urgently needed for a sanitary, if for no other reason.

I am in favor of appropriations to beautify this city and make it what it ought to be—the most beautiful capital of the grandest, the richest, and the proudest nation on the face of the globe. But we must do all these things with discretion. We must not pile up everything in the northwestern portion of the city, but have some regard to the wants of other portions of the city.

Mr. ATKINSON. I wish to say in reply to the remarks of the gentleman from New Jersey [Mr. BUCHANAN] that this city, unlike other great cities of the country, is not provided with any great park, such as the Fairmount Park, in the city of Philadelphia, or the Lincoln or South Park, in the city of Chicago, or the Central Park, in the city of New York.

Unless we now secure lands upon which we may establish a park such as is contemplated by the pending bill, I believe this city never will be provided as it should be with proper park facilities in the northwest, as this section is now being laid out into streets and building lots. It will not be provided with park facilities at all unless this project is approved by Congress. Unless the attempt is made to lay out the park now and these lands are secured and dedicated to public use, it will be impossible to secure them in the future except at a very largely increased cost.

It is true the Government of the United States will be expected to pay one-half of the cost of the improvement. It is equally true that this will be no more than the proper share which should be paid by the Government, because it is believed to be just that the Government should pay one-half of all the public expenditures in the District.

Mr. CANNON. The bill seems to contemplate that the Government shall pay it all.

Mr. ATKINSON. No; the bill does not carry any appropriation. When the time comes to make the appropriation Congress will regulate the matter. It can provide at that time how much it shall cost and how much of the cost shall come out of the revenues of the District. It is a matter for future legislation altogether. It will be for Congress to say whether the whole cost of the park shall be borne by the Treasury or whether one-half of the expense shall be paid by the District.

Mr. HEARD. It is perfectly competent for Congress to say in the future what part of the cost shall be paid by the Government, and what shall be paid by the District. This bill merely provides for necessary investigation of the facts, and for the purpose of securing the control of these lands by the Government if it shall be found necessary to establish this park. It is not now the time to provide for appropriation.

Mr. ATKINSON. As in other appropriations one-half the expense may be borne by the District and the other half by the General Government, but as has been said already it is not now the time for that question to be determined. This bill simply provides for the necessary preliminary examination. There is now an engineer corps connected with the municipal government of the District, and it is expected the members of that force will make the survey contemplated by the pending measure and ascertain and report the precise cost of the lands necessary to establish this park.

If we are ever to have a park in the northwestern part of the city now is the time to secure the land for that purpose. It is increasing in value in that portion of the city, and there is every indication it will continue to increase in value. If not secured now it may be that the price will be so great that Congress will be unwilling to appropriate the funds necessary for its purchase. Therefore whatever is to be done should be done at once. And if it be true, as suggested by the gentleman from New Jersey [Mr. BUCHANAN], that paving, guttering, or ditching should precede the improvement of the park, the first thing we should do would be to secure the lands and then proceed with the ordinary municipal improvements.

Mr. JACKSON. Mr. Speaker, this discussion, and a very hasty examination of a copy of the bill which I have obtained since the discussion began, satisfies me, at least, that I was correct in the supposition I at first entertained that this bill means far more than a harmless inquiry as to whether some parties in the northwestern part of the District are desirous of donating lands to the Government for a public park or not. It goes very much further than the mere inquiry as to the advisability or practicability of laying out the park suggested. It goes very much further, and my objection is not based so much on the general ground of the Government's spending money, or obtaining land for a park, as to the fact that we are entering upon a system of legislation which will lead eventually to the expenditure of a large sum of money without knowing what we are doing.

Here is a bill, Mr. Speaker, I undertake to say, which binds the Government of the United States, as far as you can bind it, except when an appropriation is actually made, to the expenditure of a very large sum of money for the purchase of a large body of real estate, and where it is located I have been unable to get information, because when I asked the gentleman in charge of the bill, the chairman of the committee, as to the location of the five or six hundred acres of valuable land he was unable to inform me.

Mr. HEARD. The gentleman certainly does not want to do injustice to my colleague on the committee. The gentleman did not propose to state the exact location of the land, but told the gentleman that it was in the Rock Creek valley, and not exceeding 1,000 feet in width.

Mr. JACKSON. I understand that, but that Rock Creek valley extends a very considerable distance, if I am not mistaken; several miles through the District.

Mr. ATKINSON. It runs to the District line.

Mr. HEARD. The gentleman could not have failed to have heard my statement.

Mr. JACKSON. Well, I did not say I did not hear the gentleman's statement. I said I asked the gentleman from South Carolina in charge of the bill, and he was not able to define the location of this

proposed park. Its limits are quite indefinite, it appears. But this bill on its face, I repeat, goes much further than an examination of the ground. It provides that as soon as a survey shall have been made, and that can not be done without competent men and the expenditure of time and money, that it shall become the property of the United States. But it does more than that, and I do not recall in my brief experience any time when we have ever authorized or allowed the valuation or price to be fixed of large bodies of land by one, two, or three persons without appeal or question, as this proposes. The commissioners of the District are authorized by private negotiations, without limit or restraint, to fix upon the value of the lands and their location.

I know that gentlemen will say that after all of this is done we are not bound by their action; that we need not take the lands. But, sir, I do not want to see the Government of the United States placed in the position where such an action shall be entered upon by the consent of Congress, a survey made, locations established, the limits of the park defined, men appointed to appraise the value of the land, commissioners fixing its price, and then make their report to Congress, and Congress get out of the whole matter by pleading, "Well, we are not bound to take this property," at the expiration of two years. It is not a proper method of legislation. Allow me to suggest that first an inquiry should be made as to whether or not we want the park at all. Then, if it is determined that we want it, let the grounds be selected and located and a report made to Congress saying, here is ground suitable for the park, and the price is so much. It is entirely fit and proper that a growing city like this great metropolis of the nation should have a great public park, and now here is property suitable for it, and it will require one or two million dollars to establish it.

Mr. HEARD. Let me interrupt the gentleman for one moment to say that that is precisely the course that is pursued here, but before that can be done somebody must be authorized to make an examination. I ask the gentleman who has authority under his supposed case to do all that. Nobody, I answer for him. Nobody. This is simply doing exactly what he suggests, but giving authority to some person to do it.

Mr. JACKSON. Then make your bill to give some one authority, without giving the same parties authority to bind the Government of the United States as far as it can be bound except by an actual appropriation of money for the purpose. Do not bind the Government to take this land, or be compelled at the next session of Congress to come in and wash its hands of the whole business. Do not compel the Government to pay a grossly exaggerated price, or else to say, "We do not own the land; we do not want to be concluded by the action of our own commission," and have to go over the whole thing again.

I think the bill is hastily drawn; I think it is loosely drawn in that respect, but is well drawn for passage through the House without very much discussion, and upon the assumption that it does not mean anything, but is a mere matter of inquiry for the next Congress or the next session of this Congress to act upon. I am opposed to such a system of legislation. I do not like it. I do not like this bill. I only expect to be able to call the attention of the House to it, and if the members present desire to go on, of course I have nothing to say, because it is not perhaps my province to set myself up in determined opposition to the wishes of the House.

I yield now ten minutes to the gentleman from Mississippi [Mr. STOCKDALE].

Mr. STOCKDALE. I desire to say a word in reference to this matter. For my own guidance, at least, I desire to understand, whenever I vote for or against a measure appropriating the public money, something of the purpose for which it is intended. I find that this bill proposes to use the power of the United States Government to condemn private property. That can be done legally only for public uses. Neither the bill nor the report discloses what particular public use the property in question is to be devoted to. It is only from the general reputation of the object of the bill that we can ascertain what this park is intended for. I am told, and I believe it is conceded generally, that it is to be devoted practically to a zoological garden. If I am incorrect in that I would like to be corrected.

Mr. HEMPHILL. The gentleman is entirely incorrect. This has nothing whatever to do with the zoological park. That is a different proposition embodied in an appropriation bill by the Senate.

Mr. STOCKDALE. I find that both of these bills locate this park in the same vicinity; both on Rock Creek. The gentleman says they are different bills.

Mr. HEMPHILL. One of them proposes to buy a hundred acres, and Rock Creek has been designated as a good place to establish a zoological garden. The other proposes to inquire into the expediency of establishing a great public park there.

Mr. STOCKDALE. Are there to be two distinct parks?

Mr. HEMPHILL. With the proposition embodied in the Senate amendment to the House appropriation bill we have nothing whatever to do.

That is for a zoological garden. So far as the Committee on the District of Columbia is concerned it has nothing to do with that. The House bill is an entirely independent and separate proposition.

Mr. STOCKDALE. But do you intend to have these two parks, or are they to be consolidated into one?

Mr. HEMPHILL. That is a matter entirely for the House. We can not determine that. They are separate propositions.

Mr. STOCKDALE. Yes; but there are two things joined, as I understand it, and it means the same thing, the United States Government simply going into the menagerie business.

Mr. HEMPHILL. We have no possible objection to the gentleman arguing the bill upon that theory, if it is his opinion. But it has nothing to do with the question.

Mr. ATKINSON. I wish so say to the gentleman that it is not very long since the United States was in the show business at New Orleans, and I believe sunk a million dollars.

Mr. STOCKDALE. Down where?

Mr. ATKINSON. At New Orleans; and I suppose if the United States can afford to go into the show business at that expense, there would be no impropriety in going into it here for the purpose sought in this bill.

Mr. STOCKDALE. Therefore do I understand that I am to be convinced that I should vote in favor of this bill by the argument of the gentleman that because the United States donated a certain amount of money to display before the world her grand industrial progress therefore we should establish a menagerie?

Mr. ATKINSON. We can establish a collection of animals and birds of the United States for the purpose of preserving them and educating the people of the United States, just for the same reason that we have procured and are now keeping a couple of buffaloes in this city in order to preserve them from extinction.

Mr. STOCKDALE. We are keeping a couple of buffaloes in the District of Columbia to educate the people of the United States. Therefore we must start a zoological park by getting 100 acres on Rock Creek and placing animals and birds there for the education of the people of the United States. Who will see them? What gentleman on this floor is going to bring people from his district to the District of Columbia or to Washington City and hire a carriage for $5 to go out and see a menagerie established under the auspices of the United States? He can go and see the two buffaloes on his way up there; that will be some consolation. This bill proposes to condemn private property for what purpose? Can any gentleman show me any authority which authorizes such a condemnation?

I say that private property can be condemned for public uses and for public uses alone, and I say there is no constitutional provision nor any other authority in America by which private property can be condemned by the Government for the use of any portion of its citizens nor for a city. You can appropriate the public lands for that purpose or any other purpose, for they are the property of the Government and it can do what it pleases with them, but you can not condemn private property for the pleasure of citizens of this country; only despotic, not constitutional, governments do that. It must be for a public use. When you take a man's property away from him it has to be for some public benefit.

Is there any necessity for this public park? Is there any sanitary necessity? Is there any necessity of any sort except for the simple pleasure of the people and that of a very few of the people in comparison to the whole people of these United States to have a public park on Rock Creek? This city is already in debt $30,000,000. For what? A large amount of it for making asphalt streets 3 or 4 miles from the Capitol for the pleasure, I suppose, of some gentleman who wants to come here from California or Texas to see the two buffaloes, or to go to this menagerie.

Mr. BUCHANAN. There are not only two buffaloes, but also a coyote.

Mr. STOCKDALE. Has my friend been there?

Mr. BUCHANAN. I speak from personal inspection, as I generally take in the sights.

Mr. STOCKDALE. But I will go on. It was said by the gentleman from New Jersey who has just interrupted me that we should make liberal expenditure for this city, because this is the wealthiest and soon to be the largest government in the world, and this is our capital city. Are we simply because we are rich to make pleasure parks for the rich? I have no objection to rich men. I have no prejudices against the wealthy classes of this country; I rather like them, for they are good clients for lawyers, but I do protest against spending public moneys simply for pleasure grounds for gentlemen who are able to provide them for themselves.

I do not want to be understood as objecting to parks being built and the whole District of Columbia being beautified, for that matter. Such improvements exhibit the highest refinement and good taste. I would take great pride in seeing them cover the hills and have them ablaze with electric lights, but not at the expense of the Government. Let people who will enjoy its glory pay the bills, and I will be excused if I decline to put my hand in the public Treasury and take the money that has been taken from the people ostensibly for the support of the Government and devote it to making pleasure parks for Washington City or any other city. I was not sent here for any such purpose. I was sent here to try and benefit my constituents and act justly towards

the whole people at the same time. I see no benefit to them or the country in this proposed legislation.

I might go home to my people who are producing this wealth, and from whose earnings this money is taken by taxation, and say to them, we have burdened your labor with taxation, it is true, but then we are a great nation, and we are providing a magnificent park on Rock Creek, in the District of Columbia, where you can enjoy yourself, and if you are inclined in that way you can go a little further down the creek and see the United States menagerie. They will ask, how much will it cost to get to that park? I would have to tell them it would cost each one $34 to come, $34 to return, and $50 while here; but they would have a free ticket to the show. Seriously, Mr. Speaker, this is to be an extravagant expenditure of money without consideration to one-twentieth of the people of the United States.

[Here the hammer fell.]

Mr. JACKSON. I yield five minutes to the gentleman from Mississippi [Mr. STOCKDALE] in which to conclude his remarks.

Mr. STOCKDALE. Not one-twentieth of the people of the United States, no, not a hundredth, nor one thousandth part of the people of the United States will ever see this park, neither the zoological nor the floral division of it. What right have we to tax a thousand people to educate one?

Besides, this bill is entirely indefinite as to what shall be done; nor does the report of the committee disclose. From this bill the commissioners may survey this creek from the mouth any distance they choose.

Mr. ATKINSON. Only to the District line.

Mr. STOCKDALE. There is not a word in the bill that says how far they shall go or when they shall stop; how long the park shall be, or why it is needed. It is entirely outside of the city. It takes private property for private pleasure grounds for the District of Columbia and the few who are able to visit here, and, as I said before, the city is already laboring under a debt of $30,000,000, one-half of which the Government must pay, and this debt has been largely incurred for improvements that the United States Government has not the slightest need for.

Mr. NUTTING. The gentleman has intimated that these parks are for the benefit of the rich. Does he not know, when he comes to think of it, that the parks in this city, or in any other city, are really the poor man's garden, the poor man's walk, the poor man's pleasure ground? Does he not know that they are places which the poor can really enjoy more than the rich?

Mr. STOCKDALE. The gentleman has not been listening to me, or he could not have thought that I said what he suggests about the public parks of this city.

Mr. NUTTING. I listened very carefully, and that was the intimation of the gentleman.

Mr. STOCKDALE. I did not intend to convey that impression about the public parks of this city. I was speaking of this proposed park, which is not in the city at all, but which is out on Rock Creek, clear outside of the city—if anybody knows where it is. This commission, I apprehend, is to be sent out to look for it.

Mr. NUTTING. But does not the gentleman know that when the cars are running the poor man can reach that park for 5 cents?

Mr. STOCKDALE. Certainly; and so can he reach Kamschatka if he travels long enough.

Mr. BUCHANAN. Not for 5 cents, though.

Mr. STOCKDALE. This proposed park is not near enough to be of any benefit to the laboring people of the city, and if it were, what right has the United States to be creating parks all around outside this city for the pleasure of either the rich or the poor here?

Mr. NUTTING. That is precisely like what the gentleman said awhile ago when he tried to ridicule the idea of having "two buffaloes" provided for the entertainment and education of the people. The rich man can go where the buffalo grows and runs wild, but poor people can not have an opportunity to see such things unless they are provided for them in this way.

Mr. STOCKDALE. It would be a very unfortunate thing for a poor man if he did not see those two buffaloes.

Mr. NUTTING. It is a very unfortunate thing for the gentleman to use an argument of that kind.

Mr. STOCKDALE. That is entirely a question of taste. I represent my constituents and the gentleman from New York does not; and while the gentleman may be able to bring his people over here to see the buffaloes and the zoological garden, there are some of us who live too far away to be able to take part in the show business here. I do say that the whole matter of that zoological garden and those two buffaloes is a proper subject of ridicule.

It is a travesty upon legislation and upon the legitimate expenditures of the United States Government, and it ought to be ridiculed. It ought to be ridiculed out of this House and out of this city. The idea that the people all over the United States are to be taxed to construct here a zoological garden! Such establishments ought to be matters of private enterprise. You talk about educating the people, and you put these animals in a place where probably ten thousand people will see them in the course of ten years, while the remaining of our sixty millions of people will never see them at all.

That sort of provision for educating the people is too expensive and too inefficient. If you are going into that sort of business at all, why not establish an itinerant menagerie and send it around the country, so that all the people may have a chance to see it in turn? I say, furthermore, Mr. Speaker, that a great deal of the debt that hangs over this city has been contracted for useless improvements. I was riding out the other day in the suburbs of the city and I saw an asphalt pavement, new and very nice and clean looking, but not connected with any other pavement, and I wondered and asked a citizen how it came there. He said, "Don't you know that one of the officials lives out there?" I said, "Now I understand it."

I know nothing about the property that will be contiguous to this park, but judging from what has occurred heretofore around this city it will be safe to expect to find all that land in the hands of speculators. When we see the city commissioners working with might and main to cut a street through an immense hill northwest of this city and hurrying to put down asphaltum pavements it is sometimes interesting to inquire who owns the hill and that beyond. The Government pays half the expense of that excavation and of laying the asphalt pavement miles away from this Capitol. I am a new member and have not yet been able to see what my constituents want with that new cut and beautifully paved streets. The poor people of this city can go there for 5 cents, but they can enter the lordly mansions and gorgeous villas that crown those beautiful hills only at the back door.

I would like to be informed how many laboring people own property where the construction of this park will enhance its value. The probability is if any such are there they are the ones whose property will be condemned at whatever price the appraisers choose to put on it. The mighty hand of this great Government will be stretched forth to wipe out the title of these people to their humble homes for some great public improvement—oh, no; for pleasure grounds for Washington City and Congressmen. And if it is not for a far more objectionable purpose it will be well, to wit, for the purpose of enhancing the value of the contiguous property in the hands of speculators and wealthy owners. If so, it will never be done by my voice.

If the poor people can raise the money to go there for 5 cents a head, as suggested by the gentleman from New York, they will have the exquisite pleasure of feasting their eyes on the imposing residences that will surround this poor man's park with towers, and gracefully turned bay windows, and carved columns, and glittering marble balustrades, but never a glimpse of the gilded walls and frescoed canopies and golden tapestry within.

If we make such an improvement 5 miles from the Capitol, why not 10? We can buy the ground. Why not in Chicago? You say that is not the capital of the country. True; but Congress has no right to use Chicago's money or any of the people's money to give pleasure to the citizens of Washington. We build custom-houses and post-offices in other cities for public use. If parks are necessary for public health, let us build them in every city. The Government ought to be equally solicitous about its citizens everywhere. Let us make a zoological garden in every city, and educate all the people alike.

The fact is, Mr. Speaker, this bill does not have the proper ring. It does not sound like republicanism. It echoes like royalty. It ought not to pass.

Mr. HEMPHILL. Mr. Speaker, it is very unfortunate for the merits of this measure that it should have been associated in any way with the question of a zoological park. The facts connected with this matter are simply these: This bill has been before Congress already, and a similar measure was introduced in the last Congress, and, I think, in the Congress previous to that, looking to the establishment of a park along Rock Creek for the benefit of the people of this city and this District. It has not been practicable for the committee to ascertain all the facts so as to put the House in possession of such data as would warrant the committee in asking them to vote for the measure, because it is impossible for us with our present degree of information, to tell how much the enterprise is likely to cost.

This bill was prepared by the gentleman from Illinois [Mr. ROWELL], whose ability and standing in the House are warrant against any just criticism being passed upon it that it was intended to be passed without proper consideration, and it was amended by the committee. The object was to secure this property in such way the hand of the Government would be sufficiently laid upon it to warrant us in acting for the future if the cost were not such as to deter us from having anything further to do with it. Of course we do not wish to go out and survey the land and give notice to everybody that the Government is likely to establish a park there, and thus to give rise to speculation in lands unless the Government can get such hold of the property as would be satisfactory and at a price which is not beyond what it is now worth. For that purpose we wish to ascertain its actual value and to secure it within our control at that figure instead of having the price increased by the action of the Government.

The bill provides for the ascertainment of the value of the land and securing control of the land necessary at the present value for the pur-

pose of this park. If we are able to ascertain the facts in reference to the land, and if it can be secured at a fair price, we think it should be secured. We provide that it shall be secured if it does not cost too much. Our object is to ascertain what its present value is and to get it at the present price.

There can be no question about the bill being a bill simply for the purpose of ascertaining these facts and without any purpose to commit the House or to commit Congress to do anything in the future without its consent and approval, and without any purpose to commit Congress to make an appropriation either from the general Treasury or the treasury of the District of Columbia. Do not believe there is any such purpose in the bill, and I would have no objection to the adoption of an amendment to section 6 declaring the sole purpose of Congress to be by this legislation to ascertain the cost of such a park.

There certainly can be no legitimate objection to the passage of a bill when it merely provides for the ascertainment of the fact to be reported to the two Houses of Congress, and when the whole question is to be brought back to Congress to say whether the park shall be established or not, and whether or not an appropriation shall be made for that purpose. Congress does not appropriate a single dollar. It is for the judgment of the House to say whether or not an appropriation shall be made after all the facts have been ascertained.

Mr. JACKSON. Congress does not appropriate, as we know, for the purpose of executing the judgments of its own courts. It dishonestly refuses to carry them out by making an appropriation for that purpose.

Mr. HEMPHILL. That may be the gentleman's opinion; but in this bill it is merely provided there shall be an investigation to furnish the House with the facts in reference to this matter. By the adoption of the amendment which I have suggested we will not be committed at all to the establishment of this park in the future.

Mr. PAYSON. Mr. Speaker, the gentleman will excuse me; the bill fully provides for acquiring the property and committing the Government to this scheme—not for an investigation, as he says. If that be the case, why should this language be used in the bill directing the commissioner "to survey and lay out the said land in the most practical manner for a park which shall become the property of the United States of America?"

Mr. HEMPHILL. If that were to go into the bill, I say it would make it property of the United States when we paid for it.

Mr. PAYSON. But it is already in the bill. The bill provides for acquiring the property either by purchase, donation, or condemnation in express terms. Under proceedings of condemnation when proper authority is provided, then by the law, as well settled, the land would become the property of the United States as the bill now asserts, in terms, and the Government would be bound to pay for it. That to me is perfectly clear, and is what I wish to avoid now. An action would lie in the Court of Claims against the Government for the price of this land under the language contained in that section which I have just read. There is nothing in this bill which can be added to to make it a more perfect piece of legislation for securing the title and possession of this property by the Government of the United States for the purpose of a public park. It fully commits the Government in favor of the proposition. Congress is not only expected to make the appropriation necessary to pay for the property, but it would be bound to do it.

Mr. HEMPHILL. I have no objection to striking out those words in the bill to which the gentleman has referred.

Mr. PAYSON. It ought to be done if the purpose of the bill is merely as the gentleman states, to provide for an investigation into the facts. But that is not the scope of the bill; it is far broader.

Mr. HEMPHILL. We are willing that those words shall go out of the bill. I propose to insert certain words providing that the lands shall become the property of the United States when they have been paid for.

Mr. PAYSON. That is a different proposition entirely. To meet it, there must be substantial amendments made to the bill, and I will offer such as occur to me to that end.

But on the merits of the proposed plan for a public park at the place named I do not commit myself, for I have no knowledge of the situation on which to act, nor, and I say it respectfully, do I get any from this debate. I am opposed to any committal of the Government until I am advised.

In a general way, I know the locality is one where there are now no considerable number of residences. The lands are largely open and unimproved, held by owners who are speculative purchasers for a rise in values, as improvements and residences shall tend that way.

There is nothing in the "breathing place" argument advanced here in the case, as it is all open country there now. Nor is the situation of Washington—with its broad, shaded streets, its reservation triangles at avenue and street intersections, its open spaces, and entire absence of the crowded tenement-house style of habitancy common in larger places—such as to cause these suggestions as to this proposed park being a "breathing place for the poor" specially forcible to me. If I gave an opinion I should say it was clearly, very clearly, a plan to commit this Congress to a proposal to expend perhaps a million dollars, more or less (I have been told informally while standing here that the expense would exceed that), to secure this creek bed and banks, inclose, protect, and beautify them at the expense of the Government, the primary result being to largely enhance the value of the speculative holdings of the owners of real estate thereabout, bought and held by enterprising gentlemen in the hope, if not in the view of this action, as one important factor.

Still the plan may be a good one for the city and District, and one that the Government ought to assist. I do not say because I do not know, nor does the House. Knowledge of the situation, the amount of land, its surroundings, and the probable expense should be given the House by the committee; we are in the dark as to it all now.

Again, this public improvement, the primary and natural, if not the only immediate result of which will be to largely increase the value of contiguous property, should, in my judgment, be partly paid for by the property directly benefited. It is not right, it is wrong, that the taxpayers of the District generally and the Government should be burdened with the vast sum this will involve, to enrich the speculative holdings and purchasers near it, without cost to them beyond ordinary taxes. It can not be done by my vote.

But on a proper bill, guarded as to expense and area, restricted as to power in the hands of the agents of the Government, and provisions for assessments for special benefits conferred, the scheme might not be an improper one.

My object in moving the amendments I shall offer, Mr. Speaker, is to strip this bill of all provisions which shall, in advance of any information, as to either appropriateness or expense, commit the Government to this project. The last sections propose the formal condemnation of all this land.

Section 3 should go out.

Section 4 provides that the court shall proceed and assess the value of the land, as is done in the taking of land for highways in the District of Columbia.

This proceeding, Mr. Speaker, provides for an assessment of the damages—the value of the land—and when the report is made, its presentation to the court for its approval, confirmation, and judgment.

Now, sir, I understand the law to be well settled that after a report of damages in a condemnation proceeding has been acted on and confirmed the petitioner in the proceedings can not abandon them because dissatisfied with the award. When the report is confirmed I assert the law to be in the case contemplated by these sections; the Government would be bound to pay the amount so assessed. Because we are not advised in the least degree, either by guess or estimate, as to the cost of this project, I insist that these sections authorizing condemnation should be stricken out, and the bill be left providing solely that information be secured and submitted to Congress for intelligent action.

As I have said, I am not opposing the principle of the establishing of necessary parks for the comfort of the people as well as the beautifying of the city, but I want to be advised as to probable cost of a project like this, which is confessedly not needed now, but is begun for the remote future, so far as actual use by the general public is concerned.

The talk here of donations to this park is to me idle, because nothing definite is tendered. Where are the tracts offered? Who is going to donate? Where are the conveyances deposited to be delivered later? This bill provides for purchase or condemnation of all the land to be taken, and I do not believe that any owner is going to give what he knows will be taken and fully paid for.

Mr. Speaker, I hope the amendments I shall offer, to change the entire character of this bill, will be adopted.

Mr. JOSEPH D. TAYLOR. What is the object of limiting the width? Why is it proposed to secure only such a small quantity of land? It seems to me that it would make an insignificant park for the great national capital.

Mr. HEMPHILL. Well, sir, that was the judgment of the subcommittee. It is all that has been suggested by those persons who are supposed to know the wants of the city in that direction. Of course this land, as stated by the gentleman from Massachusetts [Mr. DAVIS], which we propose to select is not very valuable land now. According to our judgment the great bulk of it is worth almost nothing for building purposes; and it is the opinion of the committee that it can be purchased at a very low figure.

Mr. JOSEPH D. TAYLOR. But would it not be very much smaller than parks are usually laid out? For instance, Prospect Park, Brooklyn; Central Park, New York, and other parks in large cities generally throughout the country?

Mr. HEMPHILL. I think it will be smaller, of course, than either of those; but the very object of this bill is to ascertain the feasibility of locating a park there and give some definite idea of the area.

Mr. HOPKINS, of Illinois. Is the bill open for amendment?

The CHAIRMAN. It is.

Mr. HOPKINS, of Illinois. I have an amendment I desire to offer.

The CHAIRMAN. The gentleman from South Carolina is now entitled to the floor.

Mr. BREWER. I desire to suggest to the gentleman in charge of this bill that it is evident from what has been said here, and from listening to the conversation which has occurred around, that this bill

can not pass without a quorum; and a quorum not being present, it seems to me it would be wise on the part of the committee not to proceed further with it at this time.

Mr. HEMPHILL. I trust no gentleman will call a quorum on such a measure as this. The bill can be easily amended to remove any of the objections that have been urged against it. I do not think that anybody objects to the bill in the light the committee understands it.

Mr. JACKSON. No; we object to it in the light that we understand it.

Mr. ATKINSON. You object to it in the light that you misunderstand it, you mean.

Mr. JACKSON. We object to it because you designate by metes and bounds what land you want and enable the owners of the land to fix their own values upon it.

Mr. HEMPHILL. The gentleman can hardly understand that to be the object of the bill.

Mr. Chairman, I move to strike out the words in lines 12 and 13:

Shall become the property of the United States of America.

The amendment was adopted.

Mr. HOPKINS, of Illinois. I offer an amendment to section 3. After the word "District," in line 4 of section 3, to insert.

The Clerk read as follows:

That said commissioners of the District of Columbia shall have the power to, and are hereby authorized and directed to, appraise the benefits to the lands adjacent to and adjoining upon either side of said proposed park for the distance of 1,000 feet on either side of said proposed park, and assess said benefits upon said lands. Said assessment shall be a lien upon the same and when collected by said commissioners shall be used by them in paying for said park and in beautifying the same.

Mr. HOPKINS, of Illinois. I think, Mr. Speaker, that everybody is agreed that the bill for a park or system of parks proposed by the Committee on the District of Columbia is something that ought to be enacted into a law. The objection that seems to be raised is that land speculators and others will make money from the proposed improvements by placing fictitious prices on the lands contemplated to be taken by the bill and that adjacent thereto, and that it will be a great expense to the General Government. If the amendment I propose is adopted it will avoid both the objections which have been raised. The first is, that it will put a stop to speculation in lands lying along the proposed park, as the commissioners have the power to assess all benefits which may be derived from the park upon the adjacent lands to the extent of 1,C00 feet on either side. That principle, I will state, is not by any means a new one, but is in every-day practice in all of the great cities of the country.

Mr. HEMPHILL. I have no objection to that so far as I am concerned.

Mr. HOOKER. Does the gentleman propose by this amendment to tax the land 1,000 feet on each side of the park for any expenses which shall be made for the construction of that park and that no expenditure shall be made for its construction by the General Government or the citizens?

Mr. HOPKINS, of Illinois. It provides how the tax shall be obtained; but it does take away from these speculators the opportunity for making money out of it, and also lessens the expense to the General Government.

Mr. HOOKER. Who does the gentleman refer to as speculators?

Mr. HOPKINS, of Illinois. Anybody who owns land along there.

Mr. HOOKER. If you desire to cut out the speculators, I think you ought to take more than 1,000 feet.

Mr. HOPKINS, of Illinois. I propose this in answer to the statement that this improvement is in the interest of parties who are buying real estate out in that locality which, if the proposed survey is made, will immediately rise in value. The chairman of the Committee on the District of Columbia has very properly and very justly said that he has no objection to this amendment I have proposed, and I hope that it will be adopted.

The amendment was agreed to.

Mr. HEMPHILL. I propose the following amendment at the end of section 6——

Mr. PAYSON. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. Will the offering of an amendment to section 6 preclude us from going back to section 1 for the purpose of offering amendments.

The CHAIRMAN. It will not.

The Clerk reported the amendment offered by Mr. HEMPHILL, as follows:

Add to section 6 the following:

"It being the sole object of this legislation to ascertain the expense of such park, leaving it to the future action of Congress to determine whether the same shall be established."

The amendment was agreed to.

Mr. CANNON. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add as section 7 the following:

"That all expenses incurred or moneys paid under this act, or that may hereafter be incurred or paid on account of any park established hereunder requiring appropriations by Congress, shall be paid one-half out of the revenues of the District of Columbia and one-half out of the Treasury of the United States."

The amendment was agreed to.

Mr. PAYSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

Strike out the words "for condemnation," in lines 5 and 6, section 1, and insert "for the information of Congress."

The amendment was agreed to.

Mr. PAYSON. I also offer the following amendment:

The Clerk read the amendment, as follows:

Strike out the words "lay out" and insert "make a plat of," in line 11.

The amendment was agreed to.

Mr. PAYSON. I also offer the following amendment:

The Clerk read the amendment, as follows:

In line 3, section 2, after the word "property," insert the word "proposed;" so that it will read "private property proposed to be taken for such purposes."

The amendment was agreed to.

Mr. PAYSON. I also offer the following amendment: Strike out all of section 2 after the word "Columbia" and insert "and report the same to Congress for its information."

Mr. HEMPHILL. I wish to say to the gentleman that it is important we should take some means to ascertain the value of this land which would secure the right to it at the price at which it is now valued. In other words, ought we to take such proceeding as will enhance the value of the property without taking such steps as to give us such a hold upon it as would enable us to take it at the price it is now worth.

Mr. PAYSON. That would depend, first, whether we commit ourselves to the project. In a proceeding of this kind necessarily Congress ought not to commit itself to a project to establish this park and take this ground at its present price unless it wants it at that price after it takes action. Of course, as a matter of proper legislation, we ought before we act at all to be possessed of all the facts; and before we undertake to do this work I shall insist that we ascertain how many acres of land we probably ought to take, if we intend to take any, and how much it will probably cost. Then we will be prepared to determine if we want the thing at all. Before taking action in a matter of this kind I desire to know how far it goes. I know as a matter of law that we could put ourselves in a position for taking this land if we wanted it at the price we wanted to give after full information.

Mr. HEMPHILL. I think in a proceeding for condemnation you have a right to ascertain the value and then it is in the power of the sovereign to say whether we will take it or not.

Mr. PAYSON. But in any event that ought only be done after we determine that we are in favor of the project, and then authorize the proceedings for condemnation of the property if it can not be purchased at a reasonable price.

Mr. HEMPHILL. Supposing you go on and condemn it and say we will not take it?

Mr. PAYSON. I know that after you have completed your condemnation proceedings you would be compelled to take it. You can not, as I have said, abandon your proceeding, after the report has been approved by the court, because the price is too high. Could a railroad company say, after it has exercised authorized proceedings for the condemnation of a piece of land for right of way, and the jury has returned a verdict and judgment been rendered thereon, that it is a little more than they desired to give, and that therefore they would not take it? No, sir; you can not blow hot and cold at the same breath in this kind of case.

After you have exercised the highest prerogative under the law—the taking of private property for public use by the exercise of the right of eminent domain under proper proceedings—and in the proceedings the report is approved by the court, I insist that the law is, as I have said, that you can not abandon the proceeding because the price fixed is in your judgment too high. You have fixed the tribunal, authorized the proceeding and method, and would be, as you should be, bound by it.

The difficulty is, Mr. Speaker, the proposal in the bill is premature; it ought not to come till we are fully advised as to the situation and needs, and that the bill may be made to conform to these views. I move to strike out sections 3, 4, 5, and 6.

Mr. HEMPHILL. You might as well strike out the whole bill.

Mr. PAYSON. I am inclined to agree to that as the matter stands.

The question was taken on the amendment of Mr. PAYSON, and there were—ayes 35, noes 26.

Mr. HEMPHILL. No quorum has voted, Mr. Speaker. I want to say a word. This amendment simply knocks the bottom out of the whole bill, and it is not worth while to occupy further time with it.

Mr. BUCHANAN. Even with this amendment, does not the bill give you all that you claimed in the first instance?

Mr. PAYSON. Certainly; ample power to examine and report to us.

Mr. HEMPHILL. No, sir. I ask unanimous consent that the bill be recommitted to the Committee on the District of Columbia.

Mr. PAYSON. I have no objection to the committee again having the bill.

There was no objection, and it was so ordered.

WESTERN MARYLAND RAILROAD COMPANY.

Mr. HEMPHILL. I call up the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole.

Mr. HEMPHILL. Then I move that the House resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering bills reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ROGERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

Mr. HEMPHILL. I ask unanimous consent that the first reading of the bill be dispensed with and that the bill be now read by sections.

There was no objection, and it was so ordered.

The Clerk read as follows:

Be it enacted, etc., That Thomas Dowling, H. P. Gilbert, Austin Herr, G. S. Dunlop, J. W. Walsh, T. L. Cropley, F. A. Miller, of the District of Columbia; L. P. Wright, of the State of Illinois; Frank Hume, of the State of Virginia; R. J. Bright, of the State of Indiana; Spencer Watkins, A. B. Cropley, James Henderson, and S. Gambrill, of the State of Maryland, and all such persons as shall or may be associated with them and their successors, are hereby created a body politic and corporate in fact and in law by the name of the Washington and Western Maryland Railroad Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and may make and have a common seal, and the same alter at their pleasure; and said corporation is hereby authorized to lay out, locate, construct, furnish, maintain, operate, and enjoy a continuous railroad and telegraph line, with all the necessary appurtenances, namely, beginning at the west bank of Rock Creek, Georgetown, thence westerly along K or Water street to the Aqueduct Bridge, thence westerly between the bank of the Chesapeake and Ohio Canal and the Potomac River to the District line at or near the Chain Bridge, as may hereafter be surveyed and agreed on by and between the parties named, or their successors, and the commissioners of the District of Columbia.

The Committee on the District of Columbia recommended the following amendments:

In lines 20 and 21 strike out the words "at the west bank of Rock Creek, Georgetown, thence westerly along K or Water street to," and insert in lieu thereof "at a point west of." After line 26 insert the following:

Provided, That the tracks of said company shall be deemed and taken to be a public highway, and may be freely used for the passage of cars and motive power of any individual or corporation upon making just compensation for such use, and in case any dispute shall arise concerning such compensation or manner of use, any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use, and the mode in which such use may be enjoyed.

The amendments were agreed to.

The Clerk read as follows:

SEC. 2. That the capital stock of said corporation shall consist of two thousand shares, at a par value of $50 per share each, which shall in all respects be deemed personal property, and shall be transferrable in such manner as the by-laws of said corporation shall provide. The persons (or their assigns) hereinbefore named, or a majority thereof, shall constitute a quorum for the transaction of business. The first meeting of said incorporators shall be held within twenty days from the passage of this act, in the city of Washington. A notice of said meeting, to be signed by seven of the incorporators named herein, shall be published for not less than fifteen days in one or more newspapers published in the city of Washington, and no other notice of said meeting shall be required. At the first meeting of said incorporators they shall select seven of their number as a board of commissioners of the Washington and Western Maryland Railroad Company. Said board of commissioners, as soon as practibable after being selected, shall organize by the choice from its members of a president, vice-president, secretary, and treasurer. The said board of commissioners shall cause to be opened books in the city of Washington, and to receive subscriptions to the capital stock of said corporation: *Provided*, That the said board of commissioners shall first give ten days' notice of the opening of books for the subscription to the capital stock of said company; and a cash payment of 10 per cent. of all subscriptions shall be made at the time of subscribing, and it shall be receipted for by the treasurer of said board of commissioners, who shall be a bonded officer in an amount to be fixed by said board of commissioners; and as soon as an amount equal to two-thirds of the capital stock of said company shall have been subscribed, and 10 per cent. paid in on the same to the treasurer of said board of commissioners, then the said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in one newspaper published in the city of Washington at least five days previous to the day of said meeting; and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot seven directors for said corporation; and at such election each share of said capital stock shall entitle the owner thereof to one vote. The president and the secretary of the board of commissioners, and in the case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary shall then deliver over to said directors all the properties, subscription-books, and other books in their possession, and thereupon the duties of said commissioners shall cease and thereafter the stockholders shall constitute said body politic and corporate, and said corporation shall be deemed to be completely organized and constituted, with all the faculties, rights, and privileges hereby granted.

The committee recommended the following amendments:

In line 12 strike out "one" and insert "two." In line 36 strike out "one newspaper" and insert "two or more newspapers." In line 54 strike out the word "faculties."

The amendments were agreed to.

The committee recommended striking out section 3; which was agreed to.

The Clerk read as follows:

SEC. 4. That there shall be seven directors of said corporation, who shall be a board to transact and manage all the affairs of the corporation and exercise all its powers, subject to the control of the stockholders in general meeting. A majority of the board shall be a quorum. They shall be elected annually by the stockholders in general meeting, and shall hold their offices for one year and until their successors shall be elected. They shall be stockholders of the corporation. They shall be elected under such regulations and supervision as the board of directors or stockholders shall prescribe after the first election.

The committee recommended an amendment, adding after the word "elected," in line 8, the words "and qualified." Also, in line 9, inserting the word "such" after the word "under."

The amendments were agreed to.

The Clerk read section 5, as follows:

SEC. 5. That the board of directors shall elect one of their own number as president of the corporation, and his term of office shall be the same as their own, and he shall exercise such powers as the board or the stockholders shall prescribe.

The Clerk read section 6, as follows:

SEC. 6. That a general meeting of the stockholders shall be held annually, at such time and place as the by-laws shall prescribe; and a general meeting may also be called at any time and place by the board of directors, at least ten days' notice thereof being given by advertisement in two or more newspapers published in the city of Washington. In all elections and in the decision of all questions each stockholder shall be entitled to one vote for every share of stock held by him or her. A number of stockholders holding a majority of the shares subscribed, and being present in person or represented by proxy, shall be a quorum of a meeting of the stockholders. Stockholders may vote in person or by proxy, and the form of proxies may be prescribed by the by-laws. Less than a quorum of stockholders may adjourn a meeting from time to time.

The committee recommended an amendment striking out the word "one," in line 5, and inserting in lieu thereof the word "two."

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the board of directors shall have the power to make assessments from time to time on the capital stock until the same shall be paid up, and upon default in the payment of any sum assessed and due upon said stock the stock may be forfeited and sold for the payment thereof, with interest and expenses, under such regulations as the by-laws shall prescribe; or the corporation may by suit recover the same from the holder of the stock at the time of the assessment thereof.

The committee recommend an amendment, adding to the end of the section the following:

And no certificate of stock shall be issued until the par value thereof has been fully paid up.

The amendment was agreed to.

The Clerk read section 8, as follows:

SEC. 8. That the said corporation shall have authority to construct, maintain, and work the railroad mentioned in the first section of this act, and such branches or lateral railroads from its main line as Congress may hereafter grant authority.

The committee recommended an amendment striking out the words "and such branches or lateral railroads from its main line as Congress may hereafter grant authority."

The amendment was agreed to.

The Clerk read section 9, as follows:

SEC. 9. That for transportation on its railroad, or any part thereof, the said corporation shall have a right to charge and collect as toll and transportation charges at rates not exceeding 6 cents per ton of property or 5 cents per passenger for each mile of transportation; but for any distance 25 cents may be charged for a passenger or for any quantity of freight.

The committee recommended amendments as follows:

In line 4, strike out the word "property" and insert the word "freight;" strike out the word "five" and insert the word "three." In line 6, strike out "twenty-five," and insert "ten."

The amendments were agreed to.

The Clerk read section 10, as follows:

SEC. 10. That the said railroad may be constructed with double tracks or single tracks, as the said corporation shall deem proper; and said corporation may construct and maintain all bridges, wharves, and other structures and works which it shall deem necessary for the purpose of its incorporation; but the land which it shall have a right to acquire for the construction of such road and works shall not exceed an amount to be hereafter agreed on between said corporation and the commissioners of the District of Columbia.

The committee recommended an amendment inserting, after the word "maintain," in line 4, the words "along its line or at the termini of its road." Also, in line 5, an amendment striking out the word "bridges" and the word "it." Also, in line 6, an amendment striking out the word "deem" and inserting in lieu thereof the word "be."

The amendments were agreed to.

The Clerk read section 11, as follows:

SEC. 11. That said Washington and Western Maryland Railroad Company be, and they are hereby, authorized to issue its bonds to aid in the construction and equipment of its railroad to the extent of $20,000 per mile for each and every mile or fraction thereof, and to secure them by mortgage on its property, rights of way, and all property whatsoever, real, personal, and mixed, including its franchise as a corporation; and as proof and notice of its legal execution and effectual delivery said mortgage shall be filed and recorded in the office of the register of deeds for the District of Columbia.

The committee recommended amendments, as follows:

In line 2 strike out the words "they are" and insert "it is;" in line 5, after the word "mile," strike out the words "or fraction thereof;" add at the end of line 11 the following:

"*Provided*, That no bonds shall be issued until at least 50 per cent. of the capital stock of said company is paid up in full."

The amendments were agreed to.

Mr. HOPKINS, of Illinois. Will not the gentleman from South Carolina accept my amendment to the bill?

Mr. HEMPHILL. The gentleman from Maryland has it in charge.

Mr. HOPKINS, of Illinois. I then put the question to the gentleman from Maryland [Mr. COMPTON] whether he will not agree to accept my amendment to the bill?

Mr. COMPTON. I can not consent to accept the amendment.

The CHAIRMAN. The question is on the amendments of the committee, and the vote will be taken upon them in gross.

The amendments of the committee were agreed to.

Mr. HOPKINS, of Illinois. I thought the gentleman having charge of the bill would accept the amendment which I desire to make to this bill. It is a proper one, and should be adopted by the House. The bill provides that no bond shall be issued until at least 50 per cent. of the capital stock of said company is subscribed and paid in full. I believe all of the stock should be subscribed and paid in full before any bonds are permitted to be issued. If the bill be allowed to pass with this provision in it the board of directors may never call for more than 50 per cent. of the stock and issue the bonds. This proviso gives the board of directors the power to call for only 50 per cent. of the capital stock of the company to be paid in full, and in fact it provides for the completion of the road from bonds instead of the capital stock. The principle is one which should be carefully guarded, and all of the capital stock should be subscribed and paid for before any bonds are allowed to be issued.

All the scandal which has ever arisen in the organization of corporations of this kind in the construction of great lines of railroad has been caused by giving the power to the board of directors to issue bonds before the full amount of the capital stock has been subscribed for and paid. It should be adopted as a principle to govern and control this body in relation to these acts of incorporation to provide that all of the capital stock should be subscribed and paid for before a single bond is allowed to be issued. That is the prime fact which should be considered and provided for in all such bills.

I shall therefore move as an amendment to the bill, to strike out the words "fifty per centum" and insert in lieu thereof the word "all;" so that all of the capital stock shall be subscribed and paid for before any bonds can be issued.

Mr. DOCKERY. What is the gentleman's amendment?

Mr. HOPKINS, of Illinois. I have just stated it. The bill now provides that the board of directors, when 50 per cent. of the capital stock has been subscribed for and paid, shall have power to issue bonds of the corporation. I propose to strike out those words and to amend the bill by providing that no bond shall be issued until all of the capital stock has been subscribed and paid for.

Mr. COMPTON. If the gentleman will turn to section 6 he will find that the amendment there covers the point which he has made.

Mr. HOPKINS, of Illinois. No, that does not meet the question which I have raised. When properly considered I do not see how there can be any objection to the amendment I have proposed. If it was the intention of the committee to provide an amendment in section 6 covering that point, why not make assurance doubly sure by adopting my amendment?

Mr. COMPTON. Just one word more. The amount of stock which is to be issued by this bill is only $60,000. Only 3 miles of the road is within the District. That is all this charter covers. This road is seeking entrance into Washington from Williamsport through the State of Maryland. The road will be operated mainly under the act of incorporation from the State of Maryland, and this covers only a very small portion of the road. As I have stated, the amount covered in the District will be some $60,000, and I think when the road is to be operated under the charter of the State of Maryland we ought not on account of this small portion of the road which enters the District to tie them down as the gentleman suggests.

Mr. HOPKINS, of Illinois. The principle is the same whether the amount of capital stock is $60,000 or $60,000,000. The question is whether bonds shall be allowed to be issued before the capital stock has been subscribed and paid for.

The gentleman assumes in the statement made here that these parties have no other purposes in view than an honest intention of building the line of road and of paying up their stock in full. Now, that being the case what reasonable objection can there be urged against the amendment which I have suggested, which provides that the stock shall be paid in full before they have the right to issue the bonds?

Mr. HEMPHILL. Mr. Chairman, while the gentleman from Maryland [Mr. COMPTON] has this bill specially in charge, yet I desire to say a word in reference to the objection urged here. The only purpose that a Legislature can possibly have in passing such an act is to see that so far as in them lies the public are not to be deceived by anything that grows out of the action of the Legislative Assembly.

The object of this measure is to provide for the construction of a railroad. If when 50 per cent. of the stock is paid in the railroad is so far completed that sensible people having money are willing to invest their money in the bonds, I do not see what danger there can be in allowing them to do so, or what objection could be urged against it. The principle of requiring every man to pay up in full of the stock subscribed by him in any enterprise is a very good principle for people who have plenty of money, but not a very good principle for those who are sometimes a little scarce of that very desirable commodity. If the gentleman from Illinois had a piece of land and was not able to pay for the whole of it, but by way of convenience, if he should not be able to do that, would mortgage the land to raise money enough to pay the balance on it, would he regard that as a great hardship upon the community? So it is with railroads. If people who want to construct them are able to pay 50 per cent. down, and other people who have the money are willing upon that investment to loan the additional 50 per cent. necessary to complete the road, taking the bonds of the road as security, it does not seem that there could be any serious objection to allowing them to do so. This is especially true in view of the fact that no certificates can be given under any circumstances for stock until the full amount of the certificate has been paid.

The gentleman from Illinois meets this by saying that these receipts issued in lieu of the certificates or before the certificates can be issued are negotiable and pass from hand to hand. That is true. But the receipt, the gentleman will remember, must express on its face the actual sum paid in; and if a man chooses to pay more than the amount the receipt calls for on its face, it does not seem to me that we should have any objection to his doing so.

Mr. WHITE, of Indiana. Mr. Chairman, if the statement of my friend from Illinois [Mr. HOPKINS], that all subscriptions to stock in enterprises of this character must be paid up before any bonds can be issued, had been the rule in this country heretofore then the great West would still be a wilderness. It has been just the opposite policy that has made the country and this nation what it now is. The whole western country has been built up by bonding the railroads before the stock was paid up. It is no easy matter for such enterprises to get on and find money to complete them in advance of the work upon them. It is difficult to find men who are willing to put their money into such enterprises, and in fact the amounts involved are so large, as a rule, that it is almost impossible to get the necessary amount at the beginning. If all had to be paid in cash at the beginning very few roads would be built. That has not been the plan.

The rule has been that a considerable quantity of money has been put in, work has been carried on, and then that work used as the basis for securing new funds to go ahead still further. This work has been done by the credit of the companies on bonds issued; and the public do not care how the work is done so it is done. They are interested and want to get the benefit of the roads. If there was a law of Congress of the character proposed here by the gentleman from Illinois, it would put a stop to a great many enterprises of this character. If there is a loss on the part of those persons who invest their money and purchase these bonds, it is their own lookout. I do not see why the Congress of the United States should be responsible for it, or undertake to take care of these bondholders. If their investments turn out to be bad the public lose nothing by it. It is not their lookout.

It is true that the bondholders may lose, but as a rule they are sufficiently careful to look out for themselves, and they are not likely to invest their money in bad projects. I do not see, therefore, why Legislatures should look out for this class of people. The only thing for us to do is to see if the public requires the road, and if they do, then we pass here a law to allow the construction to go on under such reasonable safeguards as are always thrown around, or should be thrown around, such enterprises; and I for one do not care whether they build it with money of their own or whether they secure it on bonds at $2 to one or $3 to one. It can make no possible difference to us. These railroads in the West have been sold over and over again, from one set of creditors to another. It is an old story with some of them. Mortgages have been foreclosed, and the roads passed from one set of creditors to another.

But it has not affected the public, as a rule. They get the benefit of the roads all the same. They never suspended operations even while the sales were in progress; and no matter how often they change hands they are still run for the convenience and benefit of the public. That is the way here. This road is for the benefit of the public, not for a few capitalists who are pecuniarily interested in it.

Everything that capitalists undertake here or in other parts of the country does not prosper. They frequently put their money into bad and losing enterprises, and often undertake operations that they are sorry for afterwards. But that is their own lookout, and I do not think we should hamper or restrain them from investing their money as they please, and thereby cripple the enterprises of other people.

Besides that, such operations as this are of great service to the working people. The workmen are employed in every department for the construction of the road. The road must be graded, ties must be prepared, cars built, foundries run in connection with them, rails produced, and all classes of working people are interested in having public improvements go on. All this work has got to be paid for as it goes on; and it makes no difference in the eyes of the public whether the bondholders get caught or not. I say the bill ought to pass, therefore, without such restrictions as the gentleman suggests. I do not want to save the bondholders at the expense of the enterprises of the country.

Mr. HOPKINS, of Illinois. I recognize the fact that the suggestions

of the chairman of the committee and the gentleman from Indiana should have great weight in this matter; but it will be borne in mind by the members of the committee, upon reflection, that the proposed amendment which has been adopted to section 6 does not meet the objection that I have urged. Now, the gentleman says that no stock can issue until the subscription is paid in full. But it may be, sir, that they may go on from year to year and not pay up the subscriptions at all, and yet at the same time dividends may be declared upon the certificates, and the subscribers to the stock would get the benefit of the dividends although not a share of the stock had ever been issued.

Every person who is familiar with corporations knows that this is one of the devices that is resorted to by parties who desire to speculate in such corporations, formed or to be formed. Now, that is the reason why I insist upon the amendment which I have proposed here. No man ought to enter into an enterprise of this kind unless he is prepared to pay the amount of money that he subscribes. If he subscribes for ten shares in this stock he should be compelled to pay that amount before any liability is made upon the road. The public is interested in this matter as well as the incorporators themselves, and I ask for a vote upon my amendment.

Mr. GROUT. It seems to me that the gentleman is a little imaginative in reference to the mischiefs that are to arise. You allow the bonds to be issued before the stock is completely paid up. Of course if it were to be allowed that the stock was to be partly paid and a certificate issued as if it had been completely paid, the sale of stock on that certificate and the transfer of it might be calculated to mislead those who might desire to invest in the bonds of such an enterprise. As has been suggested by the chairman of the committee, as a man who took stock in the road you might feel an interest in the enterprise, as they undoubtedly would. In subscribing for the stock, if they have not sufficient money to pay for that stock, give them reasonable time in which to do it. But after they have paid, for instance, 50 per cent. of their subscription, there having been no certificate issued to mislead any one in reference to the amount which is paid, they learn of some one else who is willing to take bonds after that 50 per cent. has been paid in.

Bonds are issued upon the strength of that 50 per cent. already invested on each share; and so they get relief from the outside. If they were required to pay up on the stock then and there, it would not be necessary to issue bonds. As the gentleman from South Carolina [Mr. HEMPHILL] suggested, those who subscribe for the stock may not have sufficient money to put in and complete the enterprise; but if 50 per cent. is paid in on the stock no harm can come to any one. There is certainly no deception practiced in that if no certificate is issued and they shall have paid in one-half of the amount of the stock. They might go out of the city and ultimately go to the bondholders, but there is no fraud on the bondholders and all the power that we should exercise here should be to protect it from frauds. When it is provided that no certificate shall issue until it is paid up, there is no chance for fraud. If any investor stands ready to put in his money on top of that 50 per cent., good and well; who is harmed? Who is to be harmed I can not see.

The question was put on the adoption of the amendment and the Chairman stated that the "noes" seemed to have it.

Mr. HOPKINS, of Illinois. I call for a division.

The House divided; and there were—ayes 21, noes 24.

Mr. HOPKINS, of Illinois. I make the point of no quorum.

The CHAIRMAN appointed as tellers Mr. HOPKINS, of Illinois, and Mr. HEMPHILL.

After proceeding for some time with the count,

Mr. HEMPHILL said: Rather than consume the time of the House further I will accept the amendment offered by the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS, of Illinois. I withdraw the point of no quorum.

The amendment of Mr. HOPKINS was adopted.

The reading of the bill by sections was concluded.

The amendments recommended by the committee were adopted.

Mr. HOPKINS, of Illinois. I move the adoption of the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the words "or tender," in line 9, in section 15; so that it will read: "Upon such confirmation of the first or any subsequent inquisition and report and upon the payment of the amount fixed in the inquisition," etc.

The amendment was adopted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HEMPHILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. ROGERS reported that the Committee of the Whole House having had under consideration the bill (H. R. 9418) for the incorporation of the Washington and Western Maryland Railroad had instructed him to report it favorably to the House with sundry amendments.

The SPEAKER *pro tempore*. Is a separate vote demanded on any of the amendments? If not, the amendments will be taken in gross.

The amendments were taken in gross, and were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COMPTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WATER METERS, HOTELS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 10050) to amend section 216 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That so much of section 216 of the Revised Statutes of the United States relating to the District of Columbia as requires hotels to erect and maintain meters to determine the quantity of water used be, and is hereby, repealed.

Mr. HOPKINS. I ask for the reading of the report.

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred House bill 10050, respectfully report that they have had the matter under consideration and are of the opinion that the bill should pass.

The object of this bill is to repeal so much of section 216 of the Revised Statutes relating to the District of Columbia as requires hotels to erect and maintain meters to determine the quantity of water used.

This section was passed in 1871, but has never been enforced in the District. The commissioners under authority given them by Congress adopted a schedule of annual water rates which virtually abrogated the former law and which have been found satisfactory. As this law has never been enforced, and as there has been no demand for its enforcement, your committee think it should be repealed. The commissioners of the District see no objection to the passage of this bill.

The committee therefore report the bill back to the House and recommend that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALES FOR OVERDUE TAXES, DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes, with an amendment of the Senate thereto.

The amendment was read, as follows:

Page 1, line 10, after the word "therefore," insert "and a list of said property shall be published once in a daily newspaper published in the District of Columbia, at a cost not to exceed the sum of 50 cents for each parcel of property so advertised."

Mr. HEMPHILL. I move that the amendment of the Senate be concurred in. It provides simply for having the advertisements of the sales of property published in a newspaper as well as in a pamphlet or list, as has been done heretofore.

The amendment was concurred in.

Mr. HEMPHILL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS FROM THE COMMITTEE ON LABOR.

Mr. MILLS. I ask unanimous consent that Tuesday, the 21st of August, be set apart for the consideration of measures reported from the Committee on Labor.

Mr. BUCHANAN. I desire to call attention to the fact that there is already a special assignment for that day, the presentation of statues by the State of New Jersey.

Mr. MILLS. Then let it be the next day, Wednesday, the 22d.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] asks unanimous consent that Wednesday, the 22d of August, immediately after the reading of the Journal, be set apart for the consideration of business reported from the Committee on Labor. Is there objection?

Mr. LYMAN. I object, unless the Committee on Invalid Pensions can have a day assigned for general pension legislation.

ORDER OF BUSINESS.

Mr. HEMPHILL. I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar reported from the Committee on the District of Columbia, and I think it is but fair to members who have asked me about it to state that my purpose is to call up one of these trust bills.

Mr. THOMPSON, of Ohio. And therefore I hope the motion will not prevail.

The motion of Mr. HEMPHILL was not agreed to—ayes 15, noes 21.

INCREASED PENSION FOR DEAFNESS.

Mr. MATSON. I ask unanimous consent to discharge the Whole House on the state of the Union from the further consideration of the bill (S. 509) authorizing increase of pension in cases of deafness.

Mr. HEMPHILL. It seems to me that our friends over there are a little premature.

Mr. MATSON. I supposed the gentleman was through.

Mr. HEMPHILL. Not yet; but I will yield to the gentleman.

Mr. ALLEN, of Michigan. Instead of being premature they are a good way behind. These soldiers have been deaf for many years.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill S. 509, and that the House now proceed to its consideration.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act all persons on the pension-rolls of the United States, or who may hereafter be thereon, drawing pensions on account of loss of hearing, shall be entitled to receive, in lieu of the amount now paid, in cases of such disability, the sum of $30, in cases of total deafness, and such proportion thereof in cases of partial deafness as the Secretary of the Interior may deem equitable; the amount paid to be determined by the degree of disability existing in each case.

Mr. MATSON. I move the previous question on ordering the bill to be read a third time.

The previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER. Now, Mr. Speaker, I ask unanimous consent that the dependent pension bill be taken up.

Mr. WALKER. I object.

Several MEMBERS on the Democratic side. Regular order.

Mr. WARNER. I did not see anybody rise to object.

Mr. WALKER. Mr. Speaker, I object.

Mr. HEMPHILL. Mr. Speaker, I desire to state that I have no further business from the Committee on the District of Columbia except the bills upon which the House has refused to go into Committee of the Whole.

LIFE-SAVING STATION AT KEWAUNEE HARBOR, WISCONSIN.

The SPEAKER. The Chair will appoint as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., the gentleman from Michigan, Mr. TARSNEY, the gentleman from Minnesota, Mr. WILSON, and the gentleman from Virginia, Mr. THOMAS H. B. BROWNE.

ORDER OF BUSINESS.

Mr. SAYERS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

Mr. SAYERS. I ask unanimous consent that that bill be passed over for the present.

The CHAIRMAN. If there be no objection the bill will be passed over for the present, and the Clerk will report the title of the next bill.

There was no objection, and it was so ordered.

FORTIFICATION BILL.

The Clerk read as follows:

A bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The CHAIRMAN. Does the gentleman from Texas desire the first reading of the bill for information to be dispensed with?

Mr. SAYERS. Unless it is the desire of the members of the committee to have the bill read for information, I will ask that the first reading of the bill be dispensed with.

Mr. TRACEY. I object.

Mr. DOCKERY. Nothing can be gained by objecting to dispensing with the first reading of the bill for information.

Mr. TRACEY. I will withdraw my objection to dispensing with the reading of the bill.

Mr. SAYERS. I ask that that be done.

The CHAIRMAN. The Chair hears no objection, and the first reading of the bill for information is dispensed with.

The bill will now be read by sections for amendment.

The first section of the bill was read, as follows:

Be it enacted, etc., That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, namely:

For the protection, preservation, and repair of fortifications and other works of defense, $100,000. For the construction of sea-walls, and for earth embankments, $117,000.

For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable-galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments; for practical instruction of engineer troops in detail of the service, and for movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, $200,000.

Mr. WEBER. I would like to ask the gentleman from Texas whether when that section was under consideration by the Committee on Appropriations Fort Niagara, or Niagara River, was taken into consideration in fixing the amount.

Mr. SAYERS. It was.

There being no objection, the second section was read, as follows:

SEC. 2. For the manufacture or purchase and test of cannon and carriages, including two ten-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for machine guns; for projectiles, powders, fuses, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving-ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, and to test and, if found satisfactory, to purchase two breech-loading field guns of three and two-tenths inch bore, of aluminum bronze, $400,000, and not more than $10,000 of said sum shall be expended for providing increased facilities for the manufacture of projectiles: *Provided*, That all material purchased under this section, excepting samples, shall be of American manufacture.

Mr. TOWNSHEND. I think that every member of the House should have a copy of this bill in his possession so he may intelligently understand it as it is read by the Clerk. I do not wish to delay the action of the committee on the bill, but it is necessary we should have copies to see what we are doing.

There are provisions in this bill which are obnoxious to the point of order. I shall make the point of order, and I want to know when to make it, and I can not do so unless I have a copy of the bill for that purpose.

Mr. SAYERS. The gentleman can get copies of the bill if he will send to the document-room for that purpose.

Mr. TOWNSHEND. I have sent to the document-room and I have just this moment been able to obtain a copy for the purpose I have indicated.

The Clerk proceeded to read as follows:

SEC. 3. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows: One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000; one 10-inch breech-loading steel-hooped gun, $7,500; for testing the same, $25,000; one 10-inch breech-loading rifle, cast-iron, wire-wrapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $5,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 12-inch breech-loading mortar, cast-iron, hooped with steel, $10,000; in all, $158,000.

SEC. 4. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun-Foundry Board of February 16, 1884, $750,000: *Provided*, That not exceeding $20,000 of this sum may be used for the erection and completion of two sets of officers' quarters.

For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $1,500,000: *Provided*, That no money shall be expended except for steel accepted and delivered, and no contract shall be made hereunder for gun steel at a greater average price per pound for each caliber than the lowest average price charged under contracts hitherto made by the Government for forgings of like caliber.

The material for the guns provided for herein shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisements, continuing not less than thirty days in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made, unless already so provided, shall agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers, specified in the advertisement, at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the tools, machines, and material for said guns shall be manufactured in the United States.

Mr. TOWNSHEND. What page is the Clerk reading?

The CHAIRMAN. Just now the Clerk is reading page 4, section 4.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. I desire to know the views of the Chair as to the proper place to make the point of order. I wish to make the point of order against every provision of this section 4.

The CHAIRMAN. It is in order to make the point of order at the end of every paragraph to which the gentleman desires to make the point.

Mr. TOWNSHEND. I wish to make the point of order against the whole section.

The CHAIRMAN. The Chair will entertain the point of order to any paragraph or section when it is reached.

Mr. TOWNSHEND. I wish to know, as a matter of convenience, whether the point of order can not be made at the close of the section?

The CHAIRMAN. The Chair is of the opinion that the point of order should be made at the close of the paragraph to which it applies. But if the point of order be made against the whole section it can be withheld until the section has been read.

Mr. TOWNSHEND. If the point of order be withheld until the section has been read, then the Chair can not take advantage of that fact to declare the point of order comes too late.

The CHAIRMAN. The Chair under the circumstances would not take any such advantage.

Mr. TOWNSHEND. I will wait then until the section has been read.

The reading of the section was concluded as above.

Mr. TOWNSHEND. I make the point of order against the entire section, and I make it against each portion of the section. In the first place, I base it on this ground, that the same provisions contained in this bill are contained in a bill pending before this House, which was reported favorably from the Committee on Military Affairs some three or four months ago. I do not remember the date, but I have sent for a copy of the bill.

That is a technical objection, but I make another point which I regard as absolutely fatal to the bill; and I do not see how the Chair, under the rules of the House, can avoid deciding that the point of order is well taken.

The rules that we have to govern the business of the House, which were adopted at the beginning of the session, clearly and specifically define the jurisdiction of the various committees of the House. If we are to be governed by those rules, and are to pay all respect to the jurisdiction conferred upon the various committees, it does seem to me that the point I make must be sustained.

The Committee on Appropriations, as is well known to the House, until the last Congress was entitled to assume jurisdiction over every one of the regular appropriation bills, amounting in number to some twelve or thirteen. At the beginning of the last Congress or soon afterwards it was determined by this House that the jurisdiction of that committee should be divided, and some six of the regular appropriation bills were taken away from the control of that committee and placed under the jurisdiction and control of the various other committees of the House.

Among the bills which were left to the jurisdiction of the Appropriations Committee was the bill known as the fortifications bill. An investigation of the facts in connection with that bill through many years past, and perhaps during all the past, will show that the appropriations therein contained related exclusively to the fortifications, to their care, and to the necessary expenditures in connection therewith; but it did not go beyond. When the Committee on Rules was draughting the present code they specifically stated that all subjects relating to the fortifications should be referred to the Committee on Appropriations, and that it should have jurisdiction over that subject. I hold that under these rules there is no question whatever but that the Committee on Appropriations has the exclusive right to report bills here making appropriations to build new forts, for the proper care and repair of the forts already in existence, and for any permanent fixtures pertaining to them.

The Committee on Rules at the same time provided that all legislation should be referred to the Committee on Military Affairs which relates to the military establishment and the public defense, including the appropriations for its support, and to provide for the Military Academy. These subjects were specifically declared by the Committee on Rules, and adopted by the House, as proper subjects coming within the jurisdiction of the Committee on Military Affairs, and the rules of the House, so adopted, have up to this time referred all such subjects to that committee. Its jurisdiction according to the very letter of the rules is of all subjects relating to the "military establishment," a very broad, general, and comprehensive term, and to the "public defenses," as broad a term perhaps as possibly could have been used, a term that implies everything pertaining to the defenses of the coast or to the inland defenses of the country anywhere. In addition to that the committee goes further and declares that all appropriations in support of the public defense and relating to the military establishment shall be referred to the Committee on Military Affairs.

Now, then, what do we have here? As I have already read you from the rules, the jurisdiction of the Committee on Appropriations in this respect is confined to the one single subject pertaining to the military establishment, and that is "fortifications." Nothing more. The words "and to the public defense" are not in that provision of the rules which gives jurisdiction to the Committee on Appropriations. The only words employed in the rule conferring jurisdiction on that committee are the words "and fortifications."

Now, then, when the committee came to determine as to what committee should have jurisdiction over the public defenses, the Committee on Rules declared it should belong exclusively to the Military Committee, and specifically placed the words in the rule which empower the Committee on Military Affairs to take action in regard to it. The section of this bill which has been read seeks to deprive the committee of this jurisdiction. What does it provide? To what does it relate? To fortifications? It relates, sir, to the manufacture of guns. It relates to the establishment of a gun factory.

Now, that is not a fortification, but something very different and far away from any fortification of which I have any knowledge. It proposes to create a gun factory at the Watervliet arsenal; not at a fort. It has no relation to a fort. It is to make guns. For what purpose? Siege guns, field guns, and perhaps guns to be mounted on the fortifications. That is all true. But the provision here to which I refer has nothing to do with the fortification any more than the purchase of small-arms to arm the guards of the forts or the manufacture of swords or of bayonets or the manufacture of gunpowder or any other of the military equipments that do not form any part of a fort or enter into its construction. If the Committee on Appropriations have power here to exercise jurisdiction over this subject by building a gun factory and the purchase of steel forgings to make guns, why, on the same principle and on the same rule of construction, they would have jurisdiction also over the question of providing pay to the privates, non-commissioned officers, and general officers of the Army, and to furnishing them with clothing and provisions and all other supplies relating to the military establishment.

But, sir, I have no desire to arrogate to the Committee on Military Affairs any of the powers that are not conferred upon it by the rules. God knows we have had work enough in that committee without assuming additional duties. Something like 1,200 bills have been referred to our committee; but I would be derelict in my duty if I should sit here silent and allow a proposition to come before the House infringing upon the powers or duties and the rightful jurisdiction of the committee. It seems to me that if the Committee on Appropriations would confine itself to the jurisdiction legitimately conferred upon it, in the investigation of the six or seven great appropriation bills that belong to them, they would have enough to do without going around the House and seeking to take away from other committees their legitimate and rightful functions.

Therefore I submit to the Chair, in all candor, and without fear of successful contradiction, that this purpose for which the fourth section of the bill makes appropriation belongs legitimately and exclusively to the jurisdiction of the Military Committee, and the Military Committee, sir, has by the action of this House been clothed with additional powers to what are contained in the rules. A bill was introduced and referred to that committee which I think contains verbatim the language used here in this section of the pending appropriation bill, and I refer to the bill known as the Cutcheon or Tracey bill, introduced by the gentleman from New York [Mr. TRACEY] and also by the gentleman from Michigan [Mr. CUTCHEON].

That bill was introduced early in this session. By the action of this House it was referred to the Military Committee, *not to the Committee on Appropriations*. Therefore by the action of this House it is confirmed as coming under the language of the rules, which defines the jurisdiction of the committee. The House acting under these rules declared by its own act that the construction we place upon the rules is a correct one, and the bill went to the Military Committee and not to the Appropriations Committee. The Committee on Military Affairs had the bill before it for some time, and after careful investigation reported it back to the House. It is now upon the Calendar. It makes appropriations for this very object, and I think, in the very language of the fourth section of this bill. I hold, first, that the rules declare that it belongs to that committee. Second, that the House acting under that rule thereby gave such a construction to its meaning as to refer the only bill that has been presented to this House on this subject to the Committee on Military Affairs. No such bill has been referred to the Committee on Appropriations, and I lay down this proposition that the Committee on Appropriations have no more right to report to this House a bill on this matter than it has to report a bill belonging to matters pertaining to the public domain, and which should rightfully be referred to the Committee on Public Lands.

It has not been referred to that committee, but it has been referred to the Committee on Military Affairs. There is another fact which I desire to call to the attention of the Chair. The Army appropriation bill after it left this body and went to the Senate was amended by a provision, if not exactly, nearly exactly in the terms of the provision in this fourth section. That amendment is still upon that bill. The House has taken cognizance of the fact that the Senate had made such a provision in that bill, and the House, acting upon the motion of myself as chairman of the Committee on Military Affairs, has taken just such action as we desire to take, and has put that question in conference of the two Houses. The question is now in conference. This very appropriation that these gentlemen propose to make is in conference, and that conference committee was to meet at this hour. Now, is it not strange that at the very moment when the conferees of the two Houses are about to come together that the gentleman from Texas brings before the House that proposition which he knows is upon that bill which is to come before the conferees and upon which they are to pass?

Now, Mr. Chairman, suppose the House should take action upon the amendment the Senate has placed upon the Army bill. Shall it also take action on the proposition here and have two appropriations for the same purpose? Why has the gentleman from Texas and the gentleman on the Committee on Appropriations not sufficient patience to wait for the conferees' report, when that subject will come up rightfully and

secure action harmoniously in this House? Why is he now bringing in this very proposition? Why should he seek to bring in here this disturbing element and seek to force it through this House?

But, sir, I desire more particularly to confine myself to the naked point of order; that there is not a single dollar in the fourth section of this bill that the Committee on Appropriations can legitimately report a bill making appropriation for. The House has adjudicated upon the question, and so far as it is possible in legislation it is *res adjudicata*. It has decided that this question belongs exclusively to the Committee on Military Affairs. Now then, sir, I will not detain the House further. This effort came entirely unexpected to me, or to any member of that committee. I simply desire to see the integrity of the proceedings of the House preserved; and therefore I have made this point of order against the entire fourth section.

Mr. SAYERS. I shall address myself to the particular question at bar. I shall not attempt to follow the gentleman from Illinois in his wanderings in and around this question, but come directly to the point of order as raised by him.

Now, I have a great deal of confidence in the gentleman from Illinois. He has been a member of this House for many years. He has taken an active part in its proceedings, and he has been considered one of the experts as regards its rules and usages. Now, if the gentleman from Illinois was the one person who had experience in this matter, I might feel some hesitancy in opposing the point of order raised by him. The Committee on Rules has considered this question, and I submit to the House and to the committee, that as between the gentleman from Illinois and the Committee on Rules there ought not to be any hesitation whatever in the mind of the Chair as to which should be followed. The Committee on Rules, Mr. Chairman, in reporting your present rules, used this language:

The fortification bill being one relating jointly to Army and Navy fortifications and the general defense, is left with the Committee on Appropriations.

And right here, Mr. Chairman, permit me to say that the Committee on Appropriations were not confined to recommending appropriations for the erection and repairs of fortifications, but also had to recommend appropriations for armaments in the fortification bill.

On the 9th day of February, 1887, this very same question came up before the Speaker. I read from the RECORD:

Mr. REED. I make the parliamentary inquiry as to this bill that was made with reference to the other, that is to say, if it goes to the Committee on Appropriations, will that committee be at liberty to report at any time?

The SPEAKER. The Chair will state that so much of this bill as relates to the procurement of ordnance, guns, has usually, the Chair thinks, been included in the sundry civil appropriation bill when any appropriation was made for that purpose at all, and the remainder of the bill providing armament for fortifications is a subject over which the Committee on Appropriations has jurisdiction by the express terms of the rule of the House. The Chair thinks, therefore, this bill properly belongs to the Committee on Appropriations.

Again, the Speaker says:

The Chair has decided that this bill properly goes to the Committee on Appropriations under the rule of the House; and if this decision is correct, it would follow that the committee can report at any time.

The bill under discussion when the decision was made was an act to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for other purposes.

I will not detain the committee any longer upon the point of order except to refer to the decision of the chairman of the Committee of the Whole on the state of the Union when this very question came up on the 17th of June last. The point of order was raised as to an amendment offered by the gentleman from New York [Mr. TRACEY], and it was decided by the present occupant of the chair that it was not an amendment which had a proper place upon the Army bill, but that it should go to the Committee on Appropriations.

Mr. TOWNSHEND. The gentleman from Texas [Mr. SAYERS] has pursued the same tactics that he pursued the other day. When I had quoted the language of the rule which clearly states that all subjects relating to public defense should be referred to the Committee on Military Affairs, and that no such jurisdiction is conferred upon the Committee on Appropriations, the gentleman from Texas, knowing full well that he could not meet the rule without admitting the force of my assertion and my argument, dodged the question by reading from the remarks of some gentleman who reported the rules to this House, and who, perhaps, by a slip of the tongue, or from not properly comprehending the nature of the rules that he was reporting, did say that the Committee on Appropriations would have jurisdiction over the subject of defense.

Mr. SAYERS. It was the language of the report of the Committee on Rules.

Mr. TOWNSHEND. Then all I have to say is that if the Committee on Rules understood the nature of the language they employed in making that report, they were ignorant of the character of their own work.

The Committee on Rules bring in a code of rules providing, in language which no one can fail to comprehend, that jurisdiction over questions relating to the public defense shall be conferred upon the Committee on Military Affairs. Now for the gentleman from Texas, or any one else, to say that because the person reporting the rules to the House said, or because the person who draughted the report said, that the Committee on Rules intended to confer that jurisdiction upon the Committee on Appropriations, is to say the committee were ignorant of what they themselves had done in draughting the rules. I rose merely to make that remark, and further to say that I think the gentleman from Texas [Mr. SAYERS] does not well remember the character of the decision made by the present occupant of the chair when the amendment which the gentleman has referred to was before the committee. The same point was not then made in its full force and effect that has been made now, and I believe that the Chair, upon an examination of the proceedings on that day, will not now, when his attention is called to the very language of the rule, disregard the rules of this House in order to permit the gentleman from Texas to assume a jurisdiction for his committee that does not rightfully belong to it.

Mr. MAISH. Mr. Chairman, I did not participate in the discussion that rose upon this question the other day. I thought then that the question was unnecessarily precipitated upon the House. Now, however, I think it has been fairly submitted to this body. I have always believed that these rules of ours are not as specifically drawn as they might be. They do not set forth the powers and duties of the various committees of the House as intelligently and definitely as they might do. But, after having carefully examined the language to which we must resort to ascertain the jurisdiction of the two committees now contending upon this question, I have come to the conclusion that the Committee on Military Affairs, according to the language of the rule, is fairly entitled to jurisdiction of this subject. Let me call the attention of the Chair for a moment to Rule XI, which defines the jurisdiction of the committees of this House. It begins in this way:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows: * * * Subjects relating—

Then follow the committees until we reach the Committee on Appropriations. Its powers are provided as follows—

to appropriation of the revenue for the support of the Government as herein provided, namely: legislative, executive.

And this enumeration includes "fortifications." The powers of the military are defined as follows:

Subjects relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, to the Committee on Military Affairs.

Now, Mr. Speaker, whatever appertains legitimately to fortifications the Committee on Appropriations is fairly entitled to, but whatever appertains to the public defense is a question to be referred to the Committee on Military Affairs.

The Committee on Appropriations the other day contended it had the right to make appropriation for the erection of an armory. What has an armory to do with fortifications? What, I ask, has the construction of ordnance to do with fortification? Nothing at all, and they have much to do with the public defense.

Hence I say whatever pertains to the public defense the Committee on Military Affairs has the exclusive jurisdiction to make appropriations for that purpose.

Now, the gentleman from Texas [Mr. SAYERS], who has been such an extraordinary stickler for his committee—and I have not been disposed to combat his ideas further than he has incorporated them in his own bill—even he must concede that questions pertaining to the public defense belong exclusively to the Committee on Military Affairs. How can he, therefore, and how can you decide that the erection of an armory belongs to the subject of a fortification, or that the construction of ordnance belongs to the appropriation for fortifications?

If I understand the rules of the House they are intended to define what these respective committees shall make appropriations for. I understand by the word "fortifications" the erection of a fort with the permanent fixtures, and I use the word advisedly, "fixtures" belonging to a fort, all the artillery, all the ordnance, all the gunpowder, all the gun-carriages, all the uniforms of the men—all those, Mr. Chairman, belong exclusively to be appropriated for by the Committee on Military Affairs.

It will not do for the gentleman from Texas to maintain that the committee which reported these rules have said in their report this particular subject belongs to the Committee on Appropriations. I will only call attention to the ruling of the Supreme Court of the United States in the case in which you, Mr. Chairman, took a conspicuous and worthy part—I refer to the case of the appropriation to the Centennial Exposition. There it was contended by the attorneys on the part of the Centennial Commission, because it was understood here in this House, in the debates of the House, that the appropriation was to belong to the commission, therefore the Supreme Court should take that view of the matter.

It has been held always the mere language of the debates and the mere understanding of the members of the body making the law do not rise as high as the language of the law itself. We are not to be governed by the opinion of the members of the Committee on Rules when the language of the rule itself is so plain. The rule itself is the highest evidence of the intention of the committee which made the rule. That is the highest rule of construction, and we can not resort

to the opinion of members of the body until we find it is so ambiguous and so obscure that no construction can be given to it.

Mr. Chairman, I do not see there is any great privilege involved in this. The gentleman from Arkansas [Mr. DUNN] the other day showed very plainly that no privilege was invaded. None is intended to be invaded. In the orderly conduct of the business of the House the committee to whom specific duties shall be assigned should be permitted to perform those duties. If this is true in the abstract, how much more is it true when a committee has had this whole subject committed to them. They have had it committed to them twice. First it has been committed to them by reference of the bill they have reported almost in the exact terms of this bill, a measure providing for the erection of an armory at Watervliet and the purchase of a large amount of steel. And again when the Speaker of the House of Representatives appointed the conferees on the part of the House to meet the conferees on the part of the Senate to consider and dispose of this subject, in regard to which we will meet in all probability during the day.

Mr. GEAR. I have but a word to add in support of the position taken by the Military Committee on this bill. It may be that the Congress which adopted the rules made a mistake, but the rule in regard to fortifications and the appropriations therefor is in language and terms perfectly clear. It gave consideration of these measures to the Committee on Appropriations alone. To the Committee on Military Affairs it gives the control of appropriations for public defenses. I have looked through the bill under consideration and I found but four lines, in my judgment—not as a member of the Military Committee, but as a member of this body and outside of the Military Committee—that are germane to the powers conferred under the rules upon the Appropriations Committee; and I refer to lines 6, 7, 8, and 9 of the first section of the bill. I fail to see under what construction of language the Appropriations Committee can take charge of a bill which applies not only to the defenses of fortifications, but also to field works. The bill goes on and provides for guns of large caliber. To that I do not object. I am in favor of the country having every system of defense and proper appropriations for defense. That is the principal thing we want. We also want fortifications. But under the rules as contained in this book I do not see how the Committee on Appropriations can have any control of siege guns and fort guns and field guns as provided for here. It is manifestly taking away from the Military Committee a part of the jurisdiction conferred upon it by the rules.

Mr. HOOKER. Mr. Chairman, I wish to be heard but briefly on the point of order, and shall confine myself to a few words in addition to what has been said by the chairman of the Committee on Military Affairs and by the gentleman from Pennsylvania [Mr. MAISH].

The House is familiar with the fact that for a long time the Committee on Appropriations possessed the power to appropriate for all the purposes for which appropriations could be made by Congress. It was the great committee which held the purse-strings of the nation in regard to every appropriation of the public money. Some Congresses ago, even long before the Congress which made the division of powers of that committee by the adoption of the present rules, the same question was raised as to whether or not the committees having in charge the specific matters intrusted to them were not better qualified to judge of the amounts to be appropriated and that should be applied to the specific objects under their immediate charge, rather than any general committee of the House. And the first invasion that was made of the rules of the House in that regard and the first division of the authority of this subject occurred many Congresses ago, when the Committee on Agriculture insisted that, the subject of agriculture being confided to them, they should be intrusted also by the House with the authority and the power to determine what should be the amount of the appropriation for the encouragement of this great industry of the country, which was placed under their especial charge and management.

That was the first departure from the rules of the House as regards the power of the Committee on Appropriations, and the first break in the powers of that great committee to make provision for all legitimate objects under the Government. It paved the way, sir, for a change of the rules with regard to other committees of the House; for if the reason that if the rules as applicable to the Committee on Agriculture was potent to warrant a change in regard to the method of making appropriations for that Department, then it was urged by the members of the House with equal force that other committees should also be intrusted with the same powers over the subjects under their control, and that it would be proper for the Committee on Naval Affairs to determine the amount of appropriations necessary for the Naval Department of the Government, and that the Committee on Military Affairs should determine the question of the requisite amount to be appropriated for the maintenance and support of the Army and all of the details connected therewith, and so on through the list of committees designated by the rules of the House.

In this manner the power of the Committee on Appropriations was, by the adoption of the recent rules now prevailing in this House, curtailed of its former dimensions and restricted in its theretofore great and enlarged powers to certain specific purposes of appropriation, which were still retained as appropriately belonging to the Committee on Appropriations. And I will refer to the language of the rules themselves in order that the chairman of the committee may see, in the adoption of the amended rules by the Forty-ninth Congress, what was intended, designed, and expressed in specific terms to be retained as subject-matters which properly belong to the Committee on Appropriations and by it to be considered. These items are specifically enumerated in the rules upon the subject in paragraph 3 of Rule XI. This rule provides that—

> All legislation shall be referred to the committees named in the preceding rules, as follows, namely, * * * Subjects relating to appropriation of the revenue for the support of the Government, to the Committee on Appropriations.

Now it specifies:

> For legislative, executive, and judicial expenses.

And the Committee on Appropriations alone can entertain cognizance of and take jurisdiction of bills introduced in the House for this department of the Government, and no other committee can infringe upon the functions of that committee in this respect, because by the specific enactment in the rules these subjects are confided to the Committee on Appropriations.

Again it proceeds:

> For sundry civil expenses,

the Appropriations Committee must also provide.

Again:

> For fortifications.

And it will be remarked, Mr. Chairman, that there is nothing else of a military character left now under the existing rules within the control and jurisdiction of the Committee on Appropriations except the words quoted, "for fortifications." What does that mean? It necessarily means appropriations for the erection, maintenance, and support of fortifications, and that alone. Beyond that the committee has no control of the subject. For, what does the plain language of the rule confer upon that committee?

Why, appropriations for the erection, maintenance, and support of fortifications, for the District of Columbia, and for all deficiencies, to the Committee on Appropriations.

Now, it will be observed that of the subject-matters which relate to military affairs there is reserved to the Committee on Appropriations alone jurisdiction over the subject of fortifications. That is one paragraph or section isolated and by itself. There are no other military improvements confided or left in charge of the Committee on Appropriations but fortifications. What are fortifications? By fortifications is meant the erection of coast defenses and defenses for the interior. That is the one item that has not been taken from the Committee on Appropriations. They have it there under the formation of the rules; they hold it now as they held it before. Then we have fortifications as contradistinguished from other defenses of which the Military Committee holds jurisdiction, and no other committee can invade the functions of that committee upon the subject of fortifications nor of the Military Committee on the other.

But when you come to ascertain, Mr. Chairman, what are the powers conferred upon the Committee on Military Affairs you find under the same rule that all proposed legislation "shall be referred," and I call your attention especially to that word. Shall be referred to what? To the appropriate committee to which it belongs, and designating what shall be referred to the Committee on Appropriations. And now in section 12 in this very Rule XI is defined what subject-matters shall be referred. Referred how? Referred by bills introduced. Referring bills to a particular committee and acted upon by the committee and reported to the House. That section 12 says that "for the military establishment and the public defense, including the appropriations for its support and for the support of the Military Academy." For the support of what, Mr. Chairman? For the support of public defenses "including appropriations for its support and for the Military Academy," to the Committee on Military Affairs. Now, clearly this is a generic term. What relates to the defense of the country goes to the Military Committee. If it does not, then what does the term of defense mean?

Mr. FORNEY. Would the Military Committee have the right to build a monitor?

Mr. HOOKER. They would have the right to build anything for the purpose of maintaining our defense and for the purpose of manning our forts. I would like to ask my distinguished friend from Alabama what is meant by the words "defenses of the country" in the terms of the twelfth section?

Mr. FORNEY. Fortifications require not only the building of the fortification itself, but to complete it you must have the guns there.

Mr. HOOKER. And the fortification would have to have small-arms also.

Mr. TOWNSHEND. And soldiers too.

Mr. FORNEY. We have the right to purchase small-arms.

Mr. TOWNSHEND. You furnish them to the fortifications.

Mr. HOOKER. I say that the gentleman can not get rid of the argument that the Committee on Rules, when it used the term that all bills relating to the defense of the country should be referred to and considered by the Military Committee, must have meant something.

Mr. FORNEY. Why did not they say fortifications too.

Mr. HOOKER. Because they did not intend to give it fortifications. They reserved that for the Committee on Appropriations. The construction of the works themselves, as my friend from Pennsylvania [Mr. MAISH] has said, whatever they may be, is retained by the Committee on Appropriations.

But when you say to the Military Committee shall be referred all bills, and that all appropriations shall be made by that committee for the defense of the country, you either mean to state that it shall go to the Military Committee or you use language which was very unfortunate in conveying the meaning of the Committee on Rules and the meaning of the House when they voted for the rules. I say, therefore, that by specific terms whatever relates to the defense of the country belongs properly to the Military Committee, and that what relates to fortifications belongs to the Committee on Appropriations.

Now, sir, this question was settled, so far as this particular section of the bill is concerned, when the bill of the gentleman from New York [Mr. TRACEY] and the gentleman from Michigan [Mr. CUTCHEON] was introduced on this floor. Where was it referred to? It was referred to the Committee on Military Affairs. By whom was it reported? It was reported to this House by the Committee on Military Affairs, and not by the Committee on Appropriations. It was considered by this House as coming from the Committee on Military Affairs. It went to the other branch of the National Legislature, was considered by that body, and returned to this House with certain amendments.

I say if you look to the plain provisions of the rule itself, it is stated that all matters relating to the defense of the country shall be referred to the Military Committee. That must have meant something, and if it does not mean the construction of arms both large and small then the Committee on Rules has been unfortunate in adopting the language which was designed to confer that power upon the Military Committee of all matters for the defense of the country, if they intended to give it to the Committee on Appropriations. I submit, therefore, if you look to the meaning of the rule itself and the division of power between the committees of the House, the Chair must be forced to the conclusion that all matters of defense are properly referred with the appropriations for them to the Committee on Military Affairs.

Mr. RYAN. Mr. Chairman, I desire to say only a word on this subject. It is a matter of absolute indifference to me personally what the judgment of the Chair may be upon this point, but I wish to say a word in the interest of the orderly transaction of the business of this House. When the work of the Committee on Appropriations was in part distributed to other committees that distribution was made by stating the titles of the bills that were to be referred to those committees. To the Committee on Military Affairs was given the military appropriation bill. Does anybody for a moment contend that either the Committee on Rules which made that report or the House which adopted it intended that anything more should be given to the Committee on Military Affairs than had been carried in the military appropriation bill in the past? Was it not to be determined by the well-known character of that bill, and by what it had contained invariably almost throughout its whole history? To the Committee on Appropriations was left the fortifications appropriation bill. What was intended to be given by that language to the Committee on Appropriations?

Was it not the fortifications bill as it was known and understood for years? What other appropriation bill had ever carried fortifications and the armament of fortifications? In all its history of sixty years that bill has carried the appropriations for fortifications and for their armament and everything relating thereto. It would be absurd if it were otherwise. They say they leave us now the fortifications bill, but they say that a fortification does not imply any armament. We are left the patriotic task of making provision to hire some men to put up a few earthworks along the coast, and those, forsooth, are "fortifications!" What a terror that would be to the great powers of the world—a fortification without a gun!

I had supposed, sir, that the material part of a fortification was its armament; I had supposed that a gun foundry or a gun plant was essential to the manufacture of guns to put upon the forts. Perhaps I am mistaken; I am, if the theory of the gentleman on the other side of this question be correct. Now, sir, I call your attention to another fact, and that is the ignorance and stupidity of the War Department in making their estimate for fortifications, in placing these items, all of them, under the title of "fortifications." Why, sir, it seems to me the proposition is too absurd for argument, and I will not detain the Chair longer.

Mr. HOOKER. I wish to call the attention of the Chair to the clause which follows immediately after the twelfth clause of the rule conferring this power upon the Military Committee, which provides that all matters pertaining to the naval establishment, including the appropriations for its support, are referred to the Committee on Naval Affairs. There is precisely the same language as is used in the twelfth clause, and as well might the Committee on Appropriations, under the head of "fortifications," invade the power of the Committee on Naval Affairs as invade the power of the Military Committee, so far as the public defense is concerned.

Mr. LAIRD. I question somewhat the taste of discussing the proposition presented to the House, in view of the fact that it has been so repeatedly presented in previous contests of this nature. There are, however, certain public considerations which must impress themselves upon the judicial mind, or the legislative mind, either upon the quasi-judicial officer who has to pass upon this question of order or upon the members of the House—certain considerations sounding in public policy which it seems to me are proper to be considered in whatever light this question is to be discussed. Neither the House nor the country can be indifferent to the fact, which must be conceded, that there is an unhappy inability on the part of our friends of the majority to agree among themselves either as to the course which legislation shall take or as to the committees to whom it shall be referred, or to be satisfied with the decisions of the gentlemen who have made rulings upon the general subject controverted here of the jurisdiction of the different committees seeking to exercise power over these matters.

That is an unfortunate condition in which the country is a participant to this unfortunate extent, that out of this confusion of authority and of jurisdiction unequaled since the philological miracle of the confusion of tongues at the Tower of Babel, the country gets absolutely nothing. We have here the old story which has been often told, and better told than I can tell it, of waiting upon the Committee on Appropriations. That is a committee certainly toward which I entertain no ill-will. I have a profound respect for the gentleman who presides over its deliberations as one of the cleanest, squarest, manliest, bravest men in the public service, and I have a somewhat mitigated affection for the balance of the committee. [Laughter.] It is shaded somewhat, but it is not discolored. It is kindly and wholesome, if not always happy. To digress for a moment—because I believe I am invited to talk as long as I may for the purpose of preventing the decision of this matter——[Laughter.]

Mr. BURNES. Mr. Chairman, with such an admission on the part of the gentleman from Nebraska I demand the ruling.

Mr. LAIRD. I withdraw that remark. I will forego the digression and address myself to the question of order. [Laughter.]

Mr. BUTTERWORTH. Will my friend allow me to ask him a question?

Mr. LAIRD. Certainly.

Mr. BUTTERWORTH. When the attention of the House has been properly called to the fact that there was really an invasion of the jurisdiction of this body, not by the Military Committee but by the Senate, in disregard of our rules, in attaching to this appropriation bill items which, under the well-settled rules ordained for the government of this body, properly belong to another, I ask him whether he approves or is willing to consent to that course of conduct on the part of the Senate? That is the question which we have here to dispose of. The Military Committee did not add these items to this bill, but observed the rightful jurisdiction of the Appropriations Committee; but the Senate added them in conscious disregard of the rules and jurisdiction of this House in reference to originating money bills. Does my friend approve of that?

Mr. LAIRD. I am happy to say that in the judgment of the gentleman who adapts his conduct on this subject to that of the gentleman from Ohio it does not make any difference what the individual views of gentlemen may be or the views of gentlemen collectively, if the jurisdiction of the Senate be conceded that carries with it the jurisdiction of the House over the subject.

It seems to me logically and legally it involves this question, and that is the only jurisdiction of the Military Committee. If they did as a matter of fact, in the exercise of that jurisdiction, attach that amendment to the bill and send it back, then not only the jurisdiction of the House is acquired by the previously acquired jurisdiction of the Senate, but we are estopped from going behind it, and it takes position not as a part but as an entity by the exercise of the power conferred by the Constitution itself.

Mr. BUTTERWORTH. Will my friend deem it an interruption if I ask him to yield to me?

Mr. LAIRD. Certainly not.

Mr. BUTTERWORTH. The Senate has, I think, a Committee on Fortifications. I do not know what jurisdiction it has, but heretofore never at any time to my knowledge has the Senate felt at liberty to cross the line which marks the jurisdiction of the committees of this House by adding amendments to one appropriation bill covering subject-matter which belongs exclusively to another bill.

It is not true in point of fact, I submit, that the Senate has heretofore claimed or exercised the right of making amendments, such as we are considering. That body has by its rules and its uniform practice recognized that none of the items we are considering belong to the military bill, but belong to the fortification bill.

I repeat what I have heretofore said touching the prerogatives of this body. If the Senate may at pleasure exercise the right in disregard of the rules ordained for the orderly conduct of business in this House, if they may add to one appropriation bill the subject-matter apportioned by the rules to other bills, why may they not attach to the bill making appropriations for pensions appropriations for the Navy, and why may they not in that way complete the whole list of appropriations by adding amendments to a single bill and thus de-

prive the House of its constitutional prerogative to originate money bills?

Mr. LAIRD. One sufficient answer springs from the fact that they have not done it, and we will therefore not undertake to cross that bridge until we reach it.

Mr. TOWNSHEND. Has that committee any jurisdiction over appropriations?

Mr. BUTTERWORTH. I do not know whether it has or has not.

Mr. TOWNSHEND. The rules of the Senate require every general appropriation bill, Army, Navy, fortification, or other appropriation bill, shall be referred to the Committee on Appropriations.

Mr. BUTTERWORTH. However that may be, whether they have or have not, I notice they have a committee on fortifications. Their business is ordered there as ours is here, but they have not the right to disregard the rules of this House which provide an orderly method of originating money bills, a jurisdiction which under the Constitution belongs to this body.

I wish to call my friend's attention to the fact that in the Thirty-fourth Congress the House clearly raised and determined this question. I call his attention to the fact that the House was delayed in its organization at that time, and possibly because of solicitude lest proper provision might not be made for the several Departments, the Senate assumed jurisdiction and passed two appropriation bills.

When they reached this House, however, the House refused to consider them and did not consider them, and that because it would not consent to recognize that the Senate had any constitutional authority to originate money bills. And it has been distinctly held by the Senate that the clause of the Constitution which confers upon this body the exclusive jurisdiction to originate revenue bills covers and includes appropriation bills, and clearly what the Senate may not originate as a separate and distinct proposition they may not add by way of amendment. In other words, such items could not be regarded as amendments, but as original propositions. The right to amend does not carry with it the right to originate.

Mr. HOOKER. I will call the attention of my friend from Ohio to the fact that there is a constitutional provision which precludes the origination of revenue bills in the Senate.

Mr. BUTTERWORTH. Undoubtedly. But, as I have stated, that clause of the Constitution covers and includes appropriation bills, and it follows, if the Senate may take any appropriation bill originating in the House under the orderly methods we prescribe and append to it other matter belonging to other appropriation bills, our jurisdiction is ousted. And my friend from Mississippi will observe that when, for the more orderly and convenient transaction of the business of preparing, or, if you please, of originating appropriation bills (money bills), we apportion a part to the Military Committee and a part of it to the Appropriation Committee, and a part of it to the Ways and Means Committee, and so on, we do this in the exercise of our constitutional right to provide rules governing our procedure, but we certainly surrender no jot or tittle of our exclusive jurisdiction.

In prescribing these rules we have provided that this work should belong to this committee, this work to that committee, and this to the other committee, in the matter of preparing and reporting to this House bills making appropriations for carrying on the Government. Now, if the position of my honored friend is a correct one, when we send an appropriation bill for the Department of Agriculture to the Senate they may attach every other appropriation in the whole category of appropriations and send it back to us so amended, and thus the Senate would in fact originate nine-tenths of the money bills and confuse and confound the jurisdiction of the several committees of this House. The gentleman insists, however, that this appropriation belongs to the Military and not to the Appropriations Committee.

Sixty years of unbroken precedent sustains the jurisdiction of the Appropriations Committee, and more than sixty years of continuous legislation in this House in the line of the precedent so established would seem to prove that the gentleman is in error, and beyond that the Military Committee did not transgress the rule, nor leave the domain of its own jurisdiction, for they did not include in the bill they reported to this House the subject-matter covered by the Senate amendments. But, on the other hand, when it comes back from the Senate amended by the addition of subject-matter foreign to the bill, then all of a sudden we find the jurisdiction of the Military Committee attaches. If it did not attach before the bill went to the Senate, it can not attach by virtue of anything that the Senate did, for if that were so the jurisdiction of the committees of this House would be fixed by the action of the Senate, and not by the rules of this House, which would be absurd.

Mr. LAIRD. Now, let me interrupt just there for a question, and a question that is germane to a point that my friend from Ohio is making in defense of the Committee on Appropriations.

Mr. SAYERS. I hope we will have a ruling.

Mr. LAIRD. I do not desire to take the gentleman from Ohio from the floor, but I want to ask a question.

Mr. BUTTERWORTH. I will yield the floor back to the gentleman.

Mr. LAIRD. Just let me put one interrogatory right there.

Mr. SAYERS. I want a ruling so that the committee can rise. It is getting near 5 o'clock.

Mr. LAIRD. I wish to ask this question——

Mr. CANNON. Oh, let us have the point of order disposed of.

Mr. LAIRD. This is entirely in the line of argument the gentleman from Ohio has been pursuing. You say that the Committee on Military Affairs as a matter of fact has not sought jurisdiction over the subject-matter. I beg the gentleman's pardon to correct that statement, to begin with, and I should like the gentleman himself either to correct or explain it. The committee to which it was referred did take up this bill; they did consider it; they reported it to the House, and it was placed on the Calendar; and there is a very wide distinction between the action of the Military Committee in presenting this subject in their bill and the action of the other committee, which the gentleman defends. We presented the subject, having considered it——

Mr. BUTTERWORTH. They did not in the original bill. I do not know what they did after the Senate amendment came back to the House.

Mr. LAIRD. The gentleman is entirely mistaken.

Mr. MAISH. We did it before.

Mr. SAYERS. Can we not have a ruling?

Mr. TOWNSHEND. I trust the gentleman from Nebraska will be permitted to finish his remarks, and I also wish to make some observations in response to the gentleman from Ohio before the Chair makes a ruling upon the question.

Mr. SAYERS. I insist upon a ruling.

The CHAIRMAN. The Chair is now prepared to decide the point of order.

Mr. TOWNSHEND. No matter, Mr. Chairman, what may be the desire of the gentleman from Texas or any one else to hasten a decision of the question, I appeal to the fairness of the Chair to permit the gentleman from Nebraska and other gentlemen to answer arguments which have been made against the point of order. [Cries of "Decide!"]

Mr. SAYERS. The discussion has run on for a long time.

Mr. TOWNSHEND. I wish to argue the point of order myself, and I claim that I have a right to be heard. It will not be fair after the gentleman from Ohio has sprung an argument here to cut us off without a reply and deprive us of an opportunity to answer the points made by him and at the same time take the gentleman from Nebraska off the floor. Of course I am aware of the fact that the Chair will decide the question according to his own judgment, but the gentleman from Texas has no right to demand that the Chair shall decide in advance of the discussion. It is entirely in the discretion of the Chair to permit the discussion to proceed; and I assume, as I know to be true, that the Chair desires to be entirely fair, and I am satisfied will not deprive the gentleman from Nebraska, or any gentleman who wishes to be heard, of an opportunity of finishing his remarks in response to the points raised by the gentleman from Ohio.

The CHAIRMAN. The Chair has indulged the debate to a very considerable length on the point of order, and is prepared to decide the question that has been submitted. The Chair would ask the gentleman from Nebraska if he desires to proceed further.

Mr. LAIRD. I desire to yield to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The Chair will hear any gentleman who desires to submit remarks on the point of order during the time that remains until the hour of adjournment.

Mr. HOOKER. I suggest that the committee rise now and let this question go over.

Mr. SAYERS. I wish to submit to the Chair that it is evident gentlemen are talking simply to consume time.

Mr. TOWNSHEND. I hope the gentleman from Texas will not apply that to me. I am only anxious that there shall be a correct understanding of the question before a decision is reached.

Mr. SAYERS. The gentleman from Nebraska has given the whole case away on the statement that he has already made, and I move that the committee now rise.

The CHAIRMAN. The Chair will suggest that a few minutes yet remain before the hour when the committee must rise, and the Chair will hear, if there be no objection, arguments directly on the point of order until that time is reached.

Mr. TOWNSHEND. Then I desire before the committee rises to say a word in reply to the gentleman from Ohio. If he will look to the rules of the House he will find that they present a safe and unerring guide as to what are the proper functions of each one of these committees. The Committee on Rules declare that the Military Committee shall have jurisdiction over the military establishment, the public defense, and appropriations for its support. The same language is used in conferring jurisdiction upon the Naval Committee, except the "naval establishment" is inserted in place of the military establishment. What does that mean? What has been the action of the Committee on Naval Affairs? That committee has made appropriations for every piece of ordnance that is used upon the ships or vessels of war, and has uniformly reported bills here covering these subjects since the appro-

priations were divided, and provided for establishing a gun factory and for the manufacture of ordnance for the Navy. Where do they get their authority? They get it exactly from the same rule, and the same words that are used in conferring jurisdiction on the Committee on Military Affairs.

Mr. BUTTERWORTH. But ships are not fortifications.

Mr. TOWNSHEND. No, sir; but the guns are such as belong also to fortifications.

Mr. RYAN. Oh, no; those belong to the ships.

Mr. TOWNSHEND. Does my friend mean to say that the guns for the ships can not be useful upon fortifications?

Mr. BUTTERWORTH. That is true; but it does not prove anything.

Mr. TOWNSHEND. It proves a good deal. But the point I want to make is this: that by the interpretation of the rule relating to the Naval Committee and the power of that committee in regard to appropriations for the naval establishment, we find that the consideration of these subjects has been uniformly assumed by that committee since the adoption of these rules; and they have power to establish gun factories and to purchase steel forgings for the manufacture of guns for the Navy. This power has not been questioned.

Now, again, the words "public defenses" include and would include fortifications and everything else in the nature of public defenses, and if the rules did not expressly reserve to the Committee on Appropriations the subject of fortifications, the Committee on Military Affairs would have jurisdiction of that subject. That is the language of the rule, and no one can dispute it.

Again, Mr. Chairman——

The CHAIRMAN. By order of the House the committee must now rise.

The committee accordingly rose; and Mr. McCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the fortifications bill, had come to no conclusion thereon.

And then (the hour of 5 o'clock having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. A. R. ANDERSON: A bill (H. R. 11150) for the relief of Ohio E. Hukill—to the Committee on Invalid Pensions.

By Mr. T. H. B. BROWNE: A bill (H. R. 11151) to grant to Spear's Pneumatic Company the privilege of utilizing certain waters in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CANDLER: A bill (H. R. 11152) for the relief of William T. Edwards—to the Committee on Military Affairs.

By Mr. COMPTON: A bill (H. R. 11153) for the relief of Franklin Pennington—to the Committee on War Claims.

By Mr. FISHER: A bill (H. R. 11154) granting a pension to Ambroer Christen—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 11155) granting a pension to Virginia F. Harris—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 11156) granting a pension to the minor children of Hiram H. Benner—to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 11157) for the relief of Thomas Wentworth Stackpole and others—to the Committee on the Judiciary.

By Mr. J. H. O'NEALL: A bill (H. R. 11158) for the relief of Israel Stough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11159) for the relief of John K. Hummar—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11160) for the relief of Eli Bailey—to the Committee on War Claims.

By Mr. HENRY SMITH: A bill (H. R. 11161) granting a pension to Thomas V. Twoney—to the Committee on Invalid Pensions.

By Mr. TARSNEY: A bill (H. R. 11162) for the relief of James H. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11163) for the relief of James H. Gould—to the Committee on Military Affairs.

By Mr. O. B. THOMAS: A bill (H. R. 11164) for the relief of William Fisher—to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 11165) for the relief of John Gray—to the Committee on War Claims.

By Mr. WADE: A bill (H. R. 11166) for the relief of E. R. Shipley—to the Committee on Claims.

Also, a bill (H. R. 11167) for the relief of William C. White—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of Francis Varga and 52 others, citizens of Decatur County, Iowa, for the passage of the bill for the relief of Ohio E. Hukill—to the Committee on Invalid Pensions.

By Mr. C. E. BROWN: Memorial of the Grand Army of the Republic of Washington Territory, for appropriation for head-stones for graves of deceased soldiers—to the Committee on Military Affairs.

By Mr. BUCHANAN: Petition of J. A. Carey and others, in relation to convict labor—to the Committee on Labor.

By Mr. DALZELL: Petition of citizens of Pittsburgh, Pa., in favor of passage of laws restricting immigration—to the Committee on Foreign Affairs.

By Mr. FUNSTON: Petition of A. Doud and others, for the removal of the duties on dental instruments—to the Committee on Ways and Means.

By Mr. STOCKDALE: Petition of Knights of Labor of Moss Point, Jackson County, Mississippi, for the passage of House bill 8716, to protect free labor against convict labor—to the Committee on Labor.

Also, petition of administrator of George R. Dent, of Adams County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WADE: Papers in the claim of James Clay—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of administrator of George R. Dent, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, *August* 14, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

WILLIAM COLLINS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a bill from the House of Representatives for reference, to which he calls the attention of the Senator from Maine [Mr. FRYE].

The bill (H. R. 793) for the relief of William Collins was read twice by its title.

Mr. FRYE. I was desirous that that bill might go to the Committee on Commerce, so that it would be attended to at once. It legitimately belongs, however, to the Committee on Claims.

Mr. HOAR. What is the bill?

Mr. FRYE. It is a bill for the relief of William Collins, to pay a bounty to a fisherman which was cut off by the repeal of the law while the vessel was at sea.

Mr. HOAR. The Committee on Claims, I take the liberty of saying in the absence of the chairman, has a very large docket. It is impossible at any one session to dispose of the cases that have come there. That committee meets once a week, at 10 o'clock in the morning, and is in session two hours, and very frequently runs into the sessions of the Senate. Besides that, it has had several extra meetings on days when the Senate was not in session; and it is impossible to clear the docket. If the Committee on Commerce will take the bill in charge, I shall have no objection.

Mr. FRYE. I ask unanimous consent that the bill be referred to the Committee on Commerce. The original law was reported by that committee.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Commerce.

CHURCH AT CHATTANOOGA.

The PRESIDENT *pro tempore*. The next bill from the House of Representatives will be read twice by its title and placed on the Calendar, a similar bill having been reported from the Committee on Claims of the Senate.

The bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., was read twice by its title.

The PRESIDENT *pro tempore*. The Chair has examined the Senate bill and finds it identical with the one whose title has just been read. The bill will be placed on the Calendar.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 204) granting a pension to Frederick C. Shaw;

A bill (H. R. 2120) granting a pension to Elizabeth Evans;

A bill (H. R. 2139) granting a pension to George Rhody;

A bill (H. R. 2908) to increase the pension of W. B. Stokes;

A bill (H. R. 4038) granting a pension to Victoria, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;

A bill (H. R. 4039) granting a pension to Mary Pfeiffer;

A bill (H. R. 4575) granting a pension to Michael Hargain;

A bill (H. R. 5446) granting a pension to William H. Dowdall;

A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;

A bill (H. R. 6001) granting a pension to Sarah J. Fraily;

A bill (H. R. 6344) granting a pension to William J. Toncray, of Tennessee;

A bill (H. R. 6501) to grant a pension to Joseph F. Garrett;
A bill (H. R. 8494) granting a pension to Gilbert Reed;
A bill (H. R. 8534) granting a pension to Jacob Copes;
A bill (H. R. 8545) for the relief of Samuel Purcell;
A bill (H. R. 8889) granting a pension to Charles Molseed;
A bill (H. R. 9253) granting an increase of pension to Richard Hogan;
A bill (H. R. 9341) granting a pension to Mrs. Dulcenor Noel;
A bill (H. R. 9372) granting a pension to John Dean;
A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;
A bill (H. R. 9684) granting a pension to William J. Brown;
A bill (H. R. 9719) for the relief of Thomas Shackelford;
A bill (H. R. 10017) granting a pension to Samuel Anderson;
A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;
A bill (H. R. 10356) granting a pension to John T. Vincent;
A bill (H. R. 10418) granting a pension to Hannah L. Irwin;
A bill (H. R. 10525) to increase the pension of Edward Jardine;
A bill (H. R. 10705) granting a pension to Mary L. Tanner;
A bill (H. R. 10789) granting a pension to Philip Neuman;
A bill (H. R. 10906) granting a pension to Fidel Gates; and
A bill (H. R. 10954) for the relief of Mary Ann Reid.

The bill (H. R. 10735) for the removal of the political disabilities of Theodore Lewis, of Louisiana, was read twice by its title, and referred to the Committee on the Judiciary.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;
A bill (H. R. 2661) for the relief of James Caler;
A bill (H. R. 6347) for the relief of Alexander Moffitt;
A bill (H. R. 9464) for the relief of Hudson G. Lamkin; and
A bill (H. R. 11007) for the relief of the Catholic Church at Macon, Mo.

The bill (H. R. 1067) to amend the war record of Alfred H. Thomas, deceased, was read twice by its title, and referred to the Committee on Military Affairs.

WILLIAM KELSEY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2106) granting a pension to William Kelsey, which was, at the end of line 5, to add:

And pay him a pension of $14 per month in lieu of the pension he is now receiving.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Kelsey, late of Company G, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension of $14 per month in lieu of the pension he is now receiving.

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of Matthew Gray Post, No. 93, Grand Army of the Republic, of Ida Grove, Department of Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. GEORGE presented the petition of Philip Goble, of Jasper County, Mississippi, praying to be allowed a pension on account of services rendered in the Mexican war; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Lucy A. Grant, widow of Capt. John Grant, late a citizen of Louisiana, praying for certain relief; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 3417) granting a pension to George E. Fernald, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3335) granting a pension to Thompson D. Hatfield, reported it with an amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3338) granting an increase of pension to Joseph D. Hill, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 3422) granting a pension to Kate C. Van Arnum; and
A bill (S. 3421) granting a pension to Mary B. McVean.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3208) granting a pension to William S. Bradshaw, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 889) granting a pension to Ishmael Jones, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry, reported it without amendment, and submitted a report thereon.

PUBLIC BUILDING AT MARTINSBURGH, W. VA.

Mr. DANIEL. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3432) for the erection of a public building at Martinsburgh, W. Va., to report it without amendment.

Mr. FAULKNER. I ask unanimous consent that the Senate consider the bill at this time. I expect to leave the city and I do not know when I shall be back.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FAULKNER. There is one amendment which I venture to suggest. In line 25 I move to strike out the word "toward," so as to limit it beyond question to the amount appropriated.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 25, before the words "the construction," it is proposed to strike out the word "toward;" so as to read:

And the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and the construction of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON INDIAN TRADERS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CHANDLER July 16, 1888, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Select Committee on Indian Traders be authorized to continue during the recess of Congress the investigations directed by the resolutions of the Senate of June 3, 1886, December 20, 1887, and March 5, 1888, with the authority and in the manner and to the extent provided in said resolutions, and also, if it is deemed necessary, to visit as a full committee, or by such subcommittee as may be appointed by the chairman thereof, the Chippewa Indian reservations mentioned in said resolution of March 5, 1888, and said committee shall have power to employ a clerk and messenger during said recess; and the necessary expenses of such investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. PADDOCK introduced a bill (S. 3436) to provide for the refunding of certain sums to the purchasers of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN introduced a bill (S. 3437) granting a pension to Sarah B. Pool; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin, as United States district judge for the district of Nevada; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California, growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States; which was read twice by its title.

Mr. STEWART. I move that this bill be referred to the Committee on Military Affairs, and that 200 copies of the accompanying papers connected with it be printed for the use of the committee.

The motion was agreed to.

Mr. REAGAN introduced a bill (S. 3440) to define trusts and to provide for the punishment of persons connected with them or carrying them on; which was read the first time by its title.

Mr. BECK. Let that bill be read in full.

The PRESIDENT *pro tempore*. The bill will be read the second time at length, if there be no objection.

The bill was read the second time at length, as follows:

Be it enacted, etc., That a trust is the combination of capital or skill by two or more persons for the following purposes:

First. To create or carry out restrictions on trade.

Second. To limit, to reduce, or to increase the production or prices of merchandise or commodities.

Third. To prevent competition in the manufacture, making, sale, or purchase of merchandise or commodities.

Fourth. To create a monopoly.

SEC. 2. That any person who may be or may become a member of any such trust, or who may be or may become engaged in the business of any such trust in any trade or business carried on with foreign countries, or between the States, or between any State or Territory and the District of Columbia, or between the

District of Columbia and any Territory, or between the United States and the waters adjacent to any foreign country, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States after indictment shall be fined in a sum of not more than $10,000 nor less than $1,000, and may be imprisoned in the penitentiary for a period of not more than five years and not less than one year.

SEC. 3. That the purchase by any trust, or by the agent of any trust, of merchandise or commodities in a foreign country for sale in this country; or the manufacture, making, or purchase of any merchandise or commodity in this country for sale in a foreign country; or the manufacture, making, or purchase of any merchandise or commodity in one State for sale in another; or in any State or Territory for sale in the District of Columbia; or in the District of Columbia for sale in any State or Territory; or in any Territory for sale in any other Territory or in any State or in the District of Columbia, shall constitute a violation of this act, and shall subject the offender to the aforesaid penalties.

Mr. SHERMAN. To what committee is it proposed to refer the bill?

The PRESIDENT *pro tempore*. To the Committee on the Judiciary.

Mr. BECK. It should go to the Committee on Commerce.

Mr. SHERMAN. Upon the question of reference I desire to say something.

Mr. REAGAN. I had marked it to go to the Committee on the Judiciary, but it is immaterial to me whether it goes to that committee or the Committee on Commerce.

Mr. SHERMAN. The Committee on Finance is already in charge of that subject. It has been instructed by the Senate to inquire into and report whether there is any remedy for trusts, combinations, etc.

Mr. REAGAN. Very well; I have no objection then. If the Committee on Finance has the subject before it the bill may go to that committee.

Mr. BECK. I desire to say that the Committee on Finance has got its hands very full just now, and is likely to have until the end of the session. I do not believe the Committee on Finance can look into this question any further, and the bill ought to go either to the Committee on Commerce or the Committee on the Judiciary on that account.

Mr. REAGAN. I indicated the reference to the Committee on the Judiciary because the bill involves an exceedingly interesting and important question of law, and I supposed that that committee perhaps had better have the consideration of it. But if the Senator from Ohio prefers that it should go to the Committee on Finance, or prefers it should go to any other committee, it will be agreeable to me.

Mr. SHERMAN. I wish to say that the Committee on Finance has already been charged with the consideration of this subject. I have myself given some attention to it, to see how far it is within the constitutional power of Congress to prohibit trusts and combinations in restraint of trade. It is very clear there is no such power unless it is derived from the power of levying taxes; that it is a power which must be exercised by each State for itself. Similar laws have been passed in England and in other countries. Indeed, in Blackstone's Commentaries there are declarations and denunciations of trusts, monopolies, etc., as strong as can be written in the English language. Whether such legislation can be ingrafted in our peculiar system of government by the national authority, there is some doubt. If it can be done at all, it must be done upon a tariff bill or upon a revenue bill. I do not see in what other way it can be done.

My impression is that in any bill reported to the Senate in respect to the collection of the revenue there will be provisions offered seeking, if possible, to prevent the evils which unquestionably grow out of these combinations and trusts, especially by corporations. The difficulty, however, is that many of these combinations and trusts, some of the most dangerous of them, like the Standard Oil Company, grow out of matters as to which there is no tax, and where they do not grow out of the revenue laws. Whether in such cases we can reach the combinations and trusts, which affect every citizen of the United States, I do not know; but it is certain that where these combinations grow out of revenue laws, as the sugar trust, which is one of the most dangerous and wrongful trusts ever organized in this country, the trust can certainly be reached by the operation of our revenue laws.

Perhaps it is the best way to let this matter go where the Senate have already sent it—to the Committee on Finance—and if the provisions reported by that committee should not be deemed wise, or if it is thought better to take the opinion of the Judiciary Committee upon their constitutionality or efficiency, then I should have no objection to having the subject go there. But, as a matter of course, legislation upon the subject of trusts and combinations in trade will naturally grow out of our revenue laws, and if it does not grow out of our revenue laws, it is not within the power of Congress to deal with it.

Mr. REAGAN. This bill was framed with a view—whether it has been successful in accomplishing that purpose or not—of avoiding the constitutional difficulty of assuming to legislate upon matters within State jurisdiction; and that question arises, as well as the difficulty of defining what a trust is, and providing proper penalties. I have indicated the reason why I had mentioned its reference to the Committee on the Judiciary, but I am willing to leave it to the Senate to make whatever reference it chooses.

The PRESIDENT *pro tempore*. The Chair recognizes the right of a Senator introducing a bill to move its reference to any committee he may prefer, but if no motion is made the Chair will then exercise his own judgment in referring the bill.

Mr. SHERMAN. I move that the bill be referred to the Committee on Finance.

Mr. DAWES. I should like to hear the last section of the bill read.

The PRESIDENT *pro tempore*. It will be again read.

Mr. PLATT. The whole bill may as well be read.

The PRESIDENT *pro tempore*. The bill will be again read at length.

The Chief Clerk again read the bill.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Texas to withdraw his motion to refer the bill to the Committee on the Judiciary?

Mr. REAGAN. The Senator from Ohio, I believe, has moved to refer it to the Committee on Finance.

The PRESIDENT *pro tempore* The question is on agreeing to the motion of the Senator from Ohio to refer the bill to the Committee on Finance.

Mr. RANSOM. I have no objection whatever to the bill being referred to the Committee on Finance, but I will venture to make a suggestion to the Senator from Ohio, if he will permit me.

That Senator intimates that if this power is to be derived at all, it is to be derived from the authority of Congress to lay and collect taxes.

Mr. SHERMAN. And to regulate commerce.

Mr. RANSOM. It strikes me, with great deference to the Senator from Ohio, that the best source of this power, if found at all, and I think it can be found, is in the power of Congress to regulate commerce.

Mr. SHERMAN. I always take the revenue laws as commercial laws. They always go together, interchangeably. But this very subject was embraced by a resolution offered by me, which was referred to the Committee on Finance, under which that committee was instructed to inquire into the subject and consider it.

Mr. RANSOM. As that committee has it in charge I agree with the Senator from Ohio in thinking that it had best continue to consider it, although it properly belongs to the Committee on Commerce.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance, if there be no objection.

Mr. REAGAN introduced a bill (S. 3441) to regulate commanders and crews of certain merchant, fishing, and whaling vessels; which was read the first time by its title, and the second time at length, and referred to the Committee on Commerce, as follows:

Be it enacted, etc., That from and after three months from the passage of this act the officers and at least three-fourths of the crews of any merchant vessel belonging to citizens of the United States engaged in the transportation of merchandise or passengers, or both, to or from any foreign country, or between the States; and all fishing vessels owned by citizens of the United States and engaged in fishing in waters outside of the territorial jurisdiction of the United States, and all whaling vessels belonging to citizens of the United States and pursuing their vocation in waters outside of the territorial jurisdiction of the United States, shall be either native-born or naturalized citizens of the United States: *Provided*, That this act shall only apply to whaling vessels which leave the ports of the United States after its passage.

SEC. 2. That the owner or owners of any such vessel, or their agent or agents, and the commanders or masters of such vessel, found guilty after indictment in any district or circuit court of the United States of a violation of this act, shall be fined in a sum not less than $1,000, nor more than $5,000 and may, at the discretion of the court, be imprisoned in the penitentiary for a term not exceeding two years.

Mr. COCKRELL introduced a bill (S. 3442) for the relief of E. R. Shipley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. STOCKBRIDGE (for Mr. PALMER) introduced a bill (S. 3443) increasing the pension of John Winchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3444) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production; which was read twice by its title, and referred to the Committee on Finance.

Mr. DOLPH introduced a bill (S. 3446) granting to the Oregon Railway and Navigation Company certain tracts of land upon the Umatilla Indian reservation for station and railroad purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

AMENDMENT TO THE GENERAL DEFICIENCY BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL-BANK DEPOSITS.

Mr. SHERMAN. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury is directed to furnish the Senate a statement of the amount deposited with each national banking association holding public money on the 1st day of August, 1888, and the amount and description of United States bonds and other securities pledged for the repayment of such deposits.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed so that we can look at it.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule and be printed.

PENSIONS TO ARMY NURSES.

Mr. BLAIR. If the morning business is through I wish to ask the Senate to proceed to the consideration of the army nurses bill. I should like to dispose of that measure.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. COCKRELL. I call for the Calendar.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order. The first bill on the Calendar will be stated, and the Chair will then recognize the Senator from New Hampshire.

The CHIEF CLERK. Order of Business 1906, a bill (S. 1917) for the relief of John R. Reynolds.

The PRESIDENT *pro tempore*. This bill being in order, the Senator from New Hampshire moves that the Senate proceed to the consideration of Order of Business 273, a bill (S. 373) for the relief of women enrolled as army nurses.

Mr. FRYE. I move that the Senate proceed to the consideration of the fisheries treaty in open executive session.

Mr. MORGAN. I desire to call the attention of the Senator from Maine to the fact that the Senator from Mississippi [Mr. GEORGE] had the floor yesterday evening, and he is not in the Chamber as yet. I suggest that the Senator from Maine postpone his motion for awhile, until the Senator from Mississippi comes in.

Mr. FRYE. I shall not press the motion just now.

Mr. BLAIR. I desire unanimous consent to make a statement in reference to the bill.

The PRESIDENT *pro tempore*. Debate can only proceed by unanimous consent. The Chair hears no objection.

Mr. BLAIR. The Army nurses' bill came before the Senate for discussion a long while since, and upon the objection of the Senator from Kentucky [Mr. BECK], who wished to obtain some data regarding it, it was laid aside informally or without prejudice. Subsequent to that time an amendment as a substitute for the bill was prepared, which the Senator from Indiana [Mr. TURPIE] examined carefully, and in fact brought to me, saying that he approved of it. I do not imagine if that should be proposed as a substitute for the original bill, there would be any occasion for discussion or dissatisfaction or delay. I am anxious that the bill shall go to the other House. It is an important bill, and I do not think it will take any time. I therefore ask that it may be now considered.

The PRESIDENT *pro tempore*. Upon an examination of the RECORD the Chair finds that the bill was passed over without prejudice. Under the uniform practice of the Senate, the Senator from New Hampshire is, therefore, entitled to ask for its consideration without the submission of a motion, which the Chair thought was necessary.

Mr. COCKRELL. The Senator speaks of a substitute. Has that ever been printed?

Mr. BLAIR. No; it was brought to me by the Senator from Indiana. I have it here. It may be read for information.

Mr. COCKRELL. I shall object to the consideration of the bill this morning, so that I may have further time. I did not know it would be called up to-day, and there are some statistics I wish to get so that I can present them to the Senate. I ask that the amendment be printed, so that we may see what it is.

Mr. HARRIS. I suggest to the Senator from New Hampshire that he offer the amendment now as an amendment and let it be printed as such, so that it will be on our desks and we can see it.

Mr. BLAIR. I will do so. I have no anxiety to press the bill unduly.

Mr. COCKRELL. The amendment may meet the very objections I have to the bill.

Mr. BLAIR. Certainly. I offer the amendment by way of a substitute for the bill, and ask that it be printed, and that being done I shall not press the bill further at the present time.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to strike out all after the enacting clause and insert. Does the Senator desire to have it read or printed without being read?

Mr. HARRIS. Let it be printed as an amendment.

Mr. BLAIR. I ask that it be printed in the RECORD, and also printed in the ordinary form.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection, and the bill will then be passed over, retaining its place on the Calendar.

Mr. HARRIS. The amendment will be printed in the ordinary form?

The PRESIDENT *pro tempore*. And in the RECORD also, the Senator from New Hampshire asks.

Mr. HARRIS. There is no objection to that.

The proposed amendment is as follows:

Strike out all after the enacting clause and insert:

That all women who volunteered or were registered in the United States service under medical authority as army nurses or hospital agents during the late war of the rebellion, and who rendered six months' service in the hospitals or on the battle-fields, or who prior to the completion of the period named were disabled in said service, and honorably discharged by reason of such disability, or on showing present necessity, upon making proof of service rendered, from surgeons or others having personal knowledge of the same, which may be verified as far as possible by any records on file in the War Department according to such rules and regulations as the Secretary of the Interior may provide, shall be placed upon the pension-roll, and entited to $25 per month during life, such pensions to commence from the passage of this act: *Provided*, That persons who are now receiving pensions under special enactment, or under general laws, who are entitled to the benefits of this act may, by making application to the Commissioner of Pensions, as herein provided, receive the above sum, in addition to their present pension, as an increase.

SEC. 2. That any agent, attorney, or other person instrumental in prosecuting any claim under this act who shall, directly or indirectly, contract for, demand, receive, or retain for his services or instrumentality in presenting and prosecuting such claim, a sum greater than $10 (payable only upon the order of the Commissioner of Pensions by the pension agent making payment to claimant of the pension allowed) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding $500, or imprisonment at hard labor not exceeding two years, or both, in the discretion of the court.

SEC. 3. That all laws and parts of laws which conflict with the provisions of this act be, and the same are hereby, repealed.

ANDREW R. G. SMITH.

Mr. HALE. I ask the unanimous consent of the Senate to take up the bill (H. R. 5156) for the relief of Andrew R. G. Smith. It will give rise to no debate.

The PRESIDENT *pro tempore*. Senate bill 1917 being in order under Rule VIII, the Senator from Maine asks unanimous consent that it may be laid aside for the purpose of enabling him to ask for the consideration of the bill indicated by him.

Mr. COCKRELL. I suggest to the Senator from Maine that if we go to the Calendar for two hours we shall certainly reach that case this morning.

Mr. HALE. The Senator will allow me to say that I am obliged to spend my time in the room of the Committee on Appropriations. I got off for about five minutes.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill (H. R. 5156) for the relief of Andrew R. G. Smith?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to cause an office-muster to be made in the case of Andrew R. G. Smith, late hospital steward of the Second Regiment of Maine Cavalry Volunteers, so that he shall thereby rank as assistant surgeon of the regiment from the 1st of December, 1865, the date of the issuing of his commission by the governor of Maine, he having performed the duties of assistant surgeon from the 1st of December, 1865, until the 6th of December, 1865, the date of the muster-out of the regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF NAVAL OFFICERS.

Mr. HALE. I should like to have the Senate take up the bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy.

Mr. SHERMAN. That is a general bill.

Mr. COCKRELL. I object to that.

Mr. HOAR. Let the bill be read for information.

The PRESIDENT *pro tempore*. The Senator from Missouri objects to the present consideration of the bill. Shall it retain its place on the Calendar or go over under Rule IX?

Mr. HALE. I should like to have it retain its place.

Mr. COCKRELL. I have no objection to the bill retaining its place.

Mr. HALE. I shall not take the time of the Senate now in explaining it. It is not a general bill, although it appears so in form. I shall call it up at some other time.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar under Rule VIII.

YANKTON RESERVATION.

Mr. TELLER. I desire to call up the bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota. It is a bill which will not bring out any debate.

The PRESIDENT *pro tempore*. Has the bill been previously called and passed over without prejudice?

Mr. TELLER. It has not. The Committee on Indian Affairs report an amendment in the nature of a substitute to the House bill, and the amendment consists of the very bill the Senate passed some time since.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, which was to strike out all after the enacting clause and insert:

That the Yankton and Missouri Valley Railway Company, a corporation duly organized under the laws of the Territory of Dakota, its successors or assigns, are hereby invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Yankton Indian reservation in said Territory, beginning at any point to be selected by said railway company on the east line of said reservation between the northeast corner thereof and a point 1 mile south of the junction of the west fork of Choteau Creek with the east fork thereof, and running thence westerly or northwesterly through said reservation, but at no point farther than 15 miles to the south of the northerly boundary thereof: *Provided*, That if said right of way be so located as to begin on the eastern boundary

of said reservation at any point south of said 15-mile limit, it shall run thence northwesterly so as to come within said 15-mile limit at some point not more than 10 miles westward from the eastern line of said reservation.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said reservation, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, its successors or assigns, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the Indians of said reservation, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the said Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway; the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interfor may direct, and to be subject to his final approval.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the Territory of Dakota for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Indians of said reservation, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of a railway, for each mile of railway that it may construct in said reservation, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the said Indians, through the United States Indian agent in charge of said Indians on said reservation shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company shall be in lieu of the compensation that said Indians would be entitled to receive under the foregoing provision. Said company shall also pay, so long as that part of said reservation through which said right of way may be located is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said reservation. The money paid to the Secretary of the Interior under the provisions of this act shall be expended by him, in accordance with the laws and treaties now in force, for the benefit of said Indians or be paid to them as to him shall seem best: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said Indians, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: *Provided*, That said railway shall be located, constructed, and operated with a due regard for the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That said railway shall be built through said reservation within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and that said railway company shall fence and keep fenced all such portions of its road as may run through any improved lands of the Indians, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 9. That the said company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any efforts looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indians any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said reservation, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 11. That Congress may at any time amend, add to, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

SEC. 12. That said railway company shall execute a bond to the United States, to be filed and approved by the Secretary of the Interior, in the penal sum of $10,000, for the use and benefit of the Indians of said reservation, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said reservation, or of their live-stock, in the construction or operation of said railway, or by reason of fires originating thereby; the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest, to be recovered in any court of the Territory of Dakota having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered by the United States attorney under the provisions of this section shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "An act granting the right of way to the Yankton and Missouri Valley Railway through the Yankton reservation in Dakota."

Mr. TELLER. I move that the Senate insist on its amendment and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLATT, and Mr. JONES of Arkansas were appointed.

BUILDING OF CUTTER THOMAS CORWIN.

Mr. MITCHELL. Some time since a conference was appointed on the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin. The conferees on the part of the Senate were the Senator from Wisconsin [Mr. SPOONER], the Senator from Maryland [Mr. WILSON], and myself. The Senator from Wisconsin and the Senator from Maryland are absent and probably will be for some time. I ask unanimous consent that the vacancies may be filled.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will appoint two managers of the conference on the part of the Senate in place of those who are unavoidably detained and unable to act.

Mr. WILSON, of Iowa. I suggest to the Senator from Oregon that the Senator from Maryland is present. I have seen him in the Chamber this morning. He was absent yesterday, but he is here to-day.

Mr. MITCHELL. Then I ask to have one change made.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection; and the Chair announces as a manager of the conference on the part of the Senate, in place of the Senator from Wisconsin [Mr. SPOONER] who is unavoidably detained from the Senate, the Senator from Nevada [Mr. STEWART].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 10050) to amend section 216 of the Revised Statutes with reference to the District of Columbia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2524) for the relief of Clement A. Lounsberry;

A bill (H. R. 2592) for the relief of Andrew Gleeson;

A bill (H. R. 2611) for the relief of Joseph W. McClurg;

A bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 3859) for the relief of Sone and Fleming Manufacturing Company, Limited, of the city of New York;

A bill (H. R. 5222) for the relief of A. M. Anderson and others;

A bill (H. R. 5494) for the relief of John T. Robeson;

A bill (H. R. 5539) for the relief of John J. Coughlin;

A bill (H. R. 6491) for the relief of Lowman & Co.; and

A bill (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 102) for the relief of Lucinda McGuire;

An act (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10, of 'An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes,' approved March 3, 1875;"

An act (S. 907) to provide for the erection of a public building at Charlotte, N. C.;

An act (S. 5) granting a pension to Mrs. Margaret Gallagher;

An act (S. 2124) granting a pension to John Bush;
An act (S. 2313) granting a pension to Ellen J. Snedaker;
An act (S. 2366) granting a pension to Mrs. Emiline Anderson;
An act (S. 2448) granting a pension to Catharine McQuade;
An act (S. 2449) granting a pension to James W. Bowman;
An act (S. 2520) granting a pension to James White;
An act (S. 2571) granting a pension to Edwin E. Chase;
An act (S. 2578) granting a pension to Nathan B. Rarick;
An act (S. 2609) granting a pension to H. H. Russell;
An act (S. 2655) granting a pension to Lydia Hawkins;
An act (S. 2779) granting a pension to Eliza M. Scandlin;
An act (S. 1575) granting an increase of pension to William Wallace Young;
An act (S. 2413) granting an increase of pension to Ernst Hein;
An act (S. 2700) granting increase of pension to Allen Blethen; and
Joint resolution (S. R. 37) providing for the printing of a supplement to Wharton's Digest of International Law.

ORDER OF BUSINESS.

Mr. FRYE. I renew my motion.

Mr. WILSON, of Iowa. I ask the Senator from Maine to yield to me a moment that I may ask the Senate to take up House bill 2190, Order of Business 1940, granting a pension to Jane Smallridge. It is a pension bill, granting a pension to an old lady who is now liable to pass away.

Mr. BERRY. I shall have to object to anything except the Calendar. There is a bill for which I have been waiting for three or four days, the second number that is on the Calendar, and if we are to have bills considered I insist on the Calendar.

The PRESIDENT *pro tempore*. The Calendar is in order under Rule VIII until 1 o'clock.

Mr. FRYE. I have moved that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now proceed in open executive session to the consideration of the fisheries treaty. [Putting the question.] By the sound the noes have it.

A division was called for.

Mr. SHERMAN. We had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote on this question. If he were present, I should vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA], but I have transferred the pair to the Senator from Virginia [Mr. RIDDLEBERGER], and vote "yea."

Mr. TURPIE (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

Mr. WILSON, of Iowa (when his name was called). I see the Senator from Maryland [Mr. WILSON] is not here. I am paired with him, and therefore will not vote. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. CULLOM. I announce the pair of the Senator from Colorado [Mr. BOWEN], who, I think, has left the city, with the Senator from Florida [Mr. CALL].

Mr. MORGAN (after having voted in the negative). The Senator from New York [Mr. EVARTS], I believe, is not in the Chamber. I am paired with him, and withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his vote.

Mr. MORGAN. I understand from the Senator from Kentucky that the Senator from Indiana [Mr. VOORHEES] is absent, and I will transfer my pair to him and let my vote stand.

Mr. FRYE. The Senator from Maryland [Mr. GORMAN] having come in and voted, I now vote. I vote "yea."

Mr. ALLISON. I inquire whether the Senator from Delaware [Mr. SAULSBURY] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. ALLISON. I have a general pair with him, and therefore refrain from voting.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. EVARTS. If the Senator from Alabama [Mr. MORGAN] has not voted——

The PRESIDENT *pro tempore*. He has transferred his pair and voted. The Senator from New York is at liberty to vote.

Mr. EVARTS. I vote "yea."

The PRESIDENT *pro tempore*. The Chair thinks there is a misunderstanding about the vote of the Senator from New York. The Chair understood the Senator from Alabama to say that the pair he had had with the Senator from New York was transferred to the Senator from Indiana [Mr. VOORHEES]. Is that correct?

Mr. MORGAN. That is correct.

The PRESIDENT *pro tempore*. Then the Senator from New York should be announced as being paired with the Senator from Indiana who is absent [Mr. VOORHEES].

Mr. EVARTS. If my pair is transferred, I withdraw my vote of course.

The result was announced—yeas 24, nays 20; as follows:

YEAS—24.

Aldrich,	Dolph,	Hiscock,	Sabin,
Blair,	Edmunds,	Hoar,	Sawyer,
Chace,	Farwell,	Ingalls,	Sherman,
Chandler,	Frye,	Jones of Nevada,	Stewart,
Cullom,	Hale,	Mitchell,	Stockbridge,
Dawes,	Hawley,	Platt,	Teller.

NAYS—20.

Beck,	Colquitt,	Gray,	Pasco,
Berry,	Daniel,	Hampton,	Payne,
Brown,	George,	Jones of Arkansas,	Pugh,
Cockrell,	Gibson,	McPherson,	Ransom,
Coke,	Gorman,	Morgan,	Reagan.

ABSENT—32.

Allison,	Davis,	Morrill,	Stanford,
Bate,	Eustis,	Paddock,	Turpie,
Blackburn,	Evarts,	Palmer,	Vance,
Blodgett,	Faulkner,	Plumb,	Vest,
Bowen,	Harris,	Quay,	Voorhees,
Butler,	Hearst,	Riddleberger,	Walthall,
Call,	Kenna,	Saulsbury,	Wilson of Iowa,
Cameron,	Manderson,	Spooner,	Wilson of Md.

So the motion was agreed to.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of this treaty until the Wednesday after the first Monday in December next. Is the Senate ready for the question?

Mr. SHERMAN. I am advised that the Senator from Mississippi [Mr. GEORGE] had the floor. If the Senate is ready to vote I am willing to take the vote by yeas and nays.

Mr. EDMUNDS. Let us have the yeas and nays.

Mr. GEORGE. I do not desire to occupy the floor.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, yesterday afternoon the debate on this motion to postpone this treaty seemed to have taken a good deal of the temper of the times, and seemed to have found the consideration of this subject in an atmosphere that was uncongenial to deliberate consideration of the very grave questions involved in it. It has been my purpose all the time to try to get the consideration of this treaty under such conditions or under such circumstances as that the American people would be satisfied that we had passed a quiet, judicial opinion upon it, not influenced by the pressure and heat of party politics.

I have apprehended for some time that I should not be able to accomplish this very desirable result, but I have determined that so far as I am concerned the fault of the failure to present what facts I am able to array before the Senate in support of this measure shall not be mine.

I have been a good deal criticised during the progress of this debate for having rather a serious view of this question and of its outcome in the future, and I confess that all of these criticisms make a very great impression upon me ordinarily. I am only the more confirmed in this instance by such matters, in the opinion that it is my duty as a member of the Committee on Foreign Relations to try to get this question considered at a time when the Senate is more dispassionate than it is to-day, or has been since this debate began, and I am also still more impressed with the belief that the attitude in which the Government of the United States will be put at the conclusion of our proceedings upon this treaty will be one that will be very embarrassing and probably one of very great danger so far as the peace of the country is concerned, or at least so far as the quietness and proper progress of our commercial affairs is concerned in this country.

I believe that after this treaty has been rejected by the Senate we shall be abroad again upon this sea of turmoil which has so long agitated this country on this question; that we shall find renewed difficulties in our way, and that we shall find the American people hardly in a state of preparation to receive with composure what I conceive to be the necessary outcome of this action on our part.

I do not indulge in prophecy about it. It is very vain for any human being to indulge in prophetic forecasts about matters of this kind; but arguing from fact to conclusion, and arguing on the lines that our experience has justified for a great many years, and quoting in my own mind, as I do not expect to do to the Senate, however, those very anxious declarations that have been made by our most eminent statesmen from time to time when this controversy has been before the American people, I confess that I have very serious apprehensions as to what will then be our situation.

I propose to read from the RECORD the utterances that have fallen from the lips of Senators of denunciation of this treaty and of the persons who are engaged in an attempt to ratify it, as well as those who negotiated it, with a view to show to the country exactly what is the temper of mind in which we are now coming to a conclusion about this negotiation.

I do not fail to attribute this, Mr. President, to the heat of partisan politics. I believe just as much in the sincerity of the Senators on the other side as they can possibly believe in mine, and in their patriotism and in their wisdom. I know, however, that they do not give a man in my attitude credit for patriotism. Certainly some of them have been quite free to say that they do not give me any credit for wisdom; nevertheless, embarrassing as it must be for a Senator representing a sovereign State on this floor to take such thrusts put at him personally and at the State he represents and the society that he happens to have belonged to in past political affiliation, I must firmly perform my duty about it. I will try to do it openly and without reserve. I will do it sincerely and as patriotically as I know how. For if there is any country that I love better than this, I do not know where it is on the breadth of this great globe. If there are any people I more admire than the American people, I do not know who they are. If there are any institutions that are sounder and wiser than ours, I have not heard of them in history. I have an idea about the Constitution of this Government, this peculiar system of government under which we live, that leads me to have an affectionate regard for it above that of any institution that ever was devised by the wit of man.

I believe, what I fear many do not believe, that this Government was born in a revolution that was organized in the world eighteen hundred and eighty-eight years ago, and I believe the King that gave to us our liberties Himself sacrificed to the children of men His imperial power when He was surrounded by legions of angels for the purpose of establishing His authority among men as He chose, in either His temporal authority or His spiritual authority. I believe that revolution is the foundation of the system that we are practicing in the United States, and that it was the first declaration that was ever made by supreme authority of the right of a human being to participate in his own government and of his responsibility to human as well as divine authority for his conduct in that particular. I believe that there is laid upon our shoulders in this country by divine command, not the divine right of kings to rule and the duty of obedience to the possessor of a strain of blood that may come down to us through certain veins or certain loins, but the divinity of manhood with which we should be clothed and which we have put in force and are to continue to act out through the most successful examples that have ever been set to mankind in all the annals of government. That divinity is the right of a human being to participate in his own government and his responsibility to God and to man also for his political conduct. I believe a sin against the Government of the United States, willfully perpetrated by an American citizen who is conscious of the wrong at the time he does it, is a very high moral offense. I believe that the Constitution of the United States, as it is and as it will be after we have amended it better to conform to our future experience, places us under a moral obligation which is almost the coequal of any that could be mentioned in respect of any duty that is to reach away into the depths of an unknown futurity. I have that sort of reverence for this Government and for this Constitution which inspires me with the belief that when I serve, when I obey, and when I honor it, I am obedient at least to that extent to the divine authority that rules amongst nations and also amongst men.

So, while I make no boast of any peculiar patriotism, and while I am under a shadow, so far as the other side of this Chamber is concerned, to which they very frequently refer in respect to what they suppose to be my loyalty or my allegiance to the Constitution of the United States, I feel that I stand before this Senate to-day in the rectitude of an honest manhood, bound in conscience, in honor, and by my oath to the voluntary and free, yes, the cordial support of everything that belongs to the organic law of the United States of America; and I beg Senators, therefore, hereafter, when they wish to refer to me in the character of an ex-rebel and to my honorable associates also in that same category and undertake to reproach any work with which we may connect ourselves by reflections upon our persons or upon our history, that they will at least do us the credit to believe that our adhesion to the Constitution of the United States is not one of compulsion, but it is one of an honest allegiance yielded from honest hearts.

After this declaration on my part I shall hear with less of disagreeable emotion those taunts and flings that have been made at me and my colleagues here because in times past we were owners of slaves, because in the times past we found an occasion when our duty, as we believed it, to the Constitution of the United States required us to present our lives as a sacrifice to those principles, whether erroneously or whether correctly let them judge. Mr. President, we have treasured in our own bosoms the consciousness that what we did in those struggles was done under emotions of the very highest character, done in obedience to a sense of duty than which none ever yet was stronger or will ever rise higher in the heart of a human being.

I suppose that the President of the United States, when he submitted this negotiation to the Senators who surround me to-day, had the right to expect that his views, to which he committed himself by sending in with a recommendation this treaty, would be received and treated with ordinary decency and respect. It was due to his office that it should be so. It was due to the dignity of his office that it should be so, due to the dignity of the country that it should be so, due to the respect that we desire to have from the observing nations of the earth that it should be so. But I submit that no measure has ever yet been laid before the Senate of the United States which has received so much of imprecation, so much of abuse, so much that is unjustifiable in thought and utterance, as this treaty.

The President of the United States, coming to us for the purpose of assisting him in a negotiation—for I insist that that is the attitude of the affair, and the American people will so think also—coming to us to assist him in the negotiation as the constituted authorities in this country to advise him and to consent to an arrangement that he proposed to make with Great Britain, had the right to expect that we should enter into this negotiation in the same spirit that he did, with a view of benefiting the country, with a view of removing difficulties by which we are surrounded, and of distributing justice and equity amongst the people of the United States under this treaty, and that the history of our past negotiations on this subject, the principles by which our statesmen had been guided, and the results and conclusions to which they had arrived at different periods of time along the channel of our history, would all receive that mature and deliberate consideration which he gave to the subject, and that his negotiators gave to it when they were confronted face to face with the British negotiators and had to agree upon something, or else disagree entirely in respect of this very vexed and very important question.

But we have not received his message in that spirit. We have not acted upon it in that way. This treaty was very young in the Senate when it was found necessary to carry it into a party caucus and there receive a mandate which should influence the votes of Senators in its consideration, a mandate that reversed the action of this Senate absolutely in very important particulars, a mandate which prohibits me to-day from referring to certain letters of Edward Everett that I have now in my desk, which form a part of the correspondence connected with this treaty—a very important part of it—which shuts me out from the opportunity to do so, and notwithstanding my efforts to be authorized by the Senate to do so, my motion and my resolution that I should be permitted to read them in the open Senate lie on the table of the Committee on Foreign Relations, put there on the motion of the majority and by their votes.

I think it is a hideous gap, an unseemly disfiguration, in the pretended consistency of the Senators on the other side of the Chamber when they come in with a declaration, a resolution from a party caucus, that this treaty shall be considered in open session, and yet when we arrived at that part of the discussion, when two very important letters, written by Edward Everett to Mr. Calhoun, Secretary of State, when Mr. Everett was minister to England, were thought to be necessary to be presented to the people as well as to the Senate for the vindication of the present action of the President of the United States, it was found necessary by the majority to conceal those facts, and that a resolution to revive them should go to the Committee on Foreign Relations, and should by the vote of the majority of that committee be put upon the table. That is a hideous gap, a sad disfiguration of the assumed and pretended consistency of the majority of this body in their action on this matter of the open discussion of this treaty.

They say to the people of the United States in their resolution for an open session, "We intend to lay this whole subject before you," and yet when we come to facts which are in the secret archives of the Government of the United States that we are afraid to advise Great Britain about, facts stated and arguments made by Edward Everett, this same power that votes us into an open session refuses to let these facts come to the light! That, sir, is an inconsistency that will busy these Senators the balance of their natural lives to account for, and nothing could have forced them into such a disagreeable attitude as this but the pressure of a party caucus. This is not going to be forgotten. The people of the United States are not going to be trifled with in this way.

If we are to have an open argument of this treaty, let it be upon all the facts that bear upon it, and let those who are to judge of our posi-

tions here have all the light we are able to afford them, and not when we come to a place where we find that we are endangering our country by publishing facts that come from the pen of as great a man as Edward Everett, skulk behind the rules of the Senate and refuse to allow these unpublished letters to come to light. If we must ask the world to witness our senatorial diplomacy, let us not keep them ignorant of the facts.

Perhaps the Senator from Ohio will think that is "a moot question." It is not a mute question, as I observed the other day. It will speak trumpet-tongued to these people just as long as the archives of this Senate last. That course of conduct, sir, never would have been necessary, that step never would have been taken but for the pressure of a party caucus, that forced you, for the purpose of trying to get votes by stirring up strife in this country, by animadversions, heat, and party bitterness, and yet the very moment that you found that this party compulsion expressed through the voice of a caucus brought you into contact with facts that you did not dare disclose to the British Government, you drew into your shells, and prevented me from making any reference to them. I leave that part of the subject right there.

Now I propose to read what has been said by way of animadversion, not argument at all, upon this treaty, because I want to put it all together. I want the American people and the whole world to see the picture that has been drawn by Senators on that side of the Chamber of this treaty, of its supporters, of its negotiators, and then I want them to determine with impartial fairness whether or not the spirit that prompted those utterances was one of judicial consideration of a great subject like this, or whether they are irascible, ungovernable, ill-tempered views, of a sort that sometimes disgrace the hustings of the United States, I am sorry to say.

The Senator from Maine [Mr. FRYE] on the 29th of May, 1888, said as follows:

If we had taken a manly course at that moment, if this great Republic of 60,000,000 people had simply stood on its rights then and there, there would have been peace, there would have been quiet, all the rights we were entitled to we should have been enjoying to-day; but Secretary Bayard could not permit it. He has an itching palm for diplomacy. It delights his very soul to be engaged in a diplomatic correspondence. He was profoundly ignorant of the fishery matter then, as could be proved without the slightest difficulty if I had the time to do it. I suppose he would admit it himself. There was a gentleman here, Sir Lionel West, the British minister, who was not ignorant, and he easily persuaded Secretary Bayard, honestly, too, so far as the Secretary was concerned, that it would be six months before Congress met, that it was right in the midst of a fishing season, that there would be conflict between the fishermen of the United States and of Canada, and very likely that might lead to a war with Great Britain, and he said, "What can I do? Anything you say," and he made a *modus vivendi*, clearly without any right to do it under the Constitution, which gave us the right for six months to fish in the British waters and them the right to fish in ours for the same length of time. But that was not the nub of the arrangement. It was this:

"And the President of the United States shall recommend to Congress the appointment of a commission to settle the fishery rights."

The President of the United States, in obedience to the behest of his Secretary of State, sent in his message to Congress the moment it met, recommending that Congress provide for a commission to settle fishery rights. I believe I then had the honor to offer another resolution that it was the sense of the United States Senate that we wanted no commission to settle fishery rights. I suppose the Senate then believed it had had enough of treaties; that the last one had given us sufficient not to desire another right away. That was sent to the Committee on Foreign Relations, reported unanimously, came back to the Senate, was discussed, deliberately acted upon, and unanimously passed, I believe.

I will comment upon that after awhile to show how utterly mistaken the honorable Senator was in his statement of what he stated before this body and the action of the Senate thereupon.

What was the result? There it is. The mountain labored; there is the mouse. I have to say about that treaty that it is the most disgraceful, humiliating, and cowardly surrender the American Republic has ever been called upon to submit to, not excepting the treaty of 1818.

* * * * * * *

Again, Mr. President, I declare that this treaty is a dishonorable, humiliating, and cowardly surrender.

* * * * * * *

Further, the Senator from Maine said:

I say once more that the treaty of 1871 gave Great Britain a market, having obtained it by her own outrages upon us as a people. The fishery part of the treaty was due to Canadian outrages, while the Alabama claims part came from England's own acts of injustice. That treaty endured for twelve years. But before going on with that I wish to go back a bit. I said we appointed a commission, and I will say a few words in relation to that. We had for a commissioner a weak old man, no more fit to cope in diplomacy with Sir John A. Macdonald than Secretary Bayard was with Joseph Chamberlain and Sir Charles Tupper.

Mr. MORGAN. Who appointed him?

Mr. FRYE. A Republican President. The umpire appointed was Mr. Delfosse, a Belgian, practically controlled by Great Britain, as she well knew when he was appointed. They went to Halifax, as these plenipotentiaries sat here. They investigated and found that we must pay Great Britain or Canada $5,500,000 as the balance in her favor under the treaty. Mr. Delfosse determined it. He was the umpire with the casting vote. We paid it, but after paying it, and within a very short time, asked Great Britain to let us abrogate that treaty, and she refused, though we had paid the $5,500,000 for the whole twelve years. She still had a very good bargain, and would not give it up.

What more? During the twelve years we remitted in duty to Canada over $6,000,000, making $11,500,000 we paid for that attempt at diplomacy. What did we gain from it? We, during the whole twelve years, captured in British waters about $700,000 worth of fish, and to catch them cost us $1,200,000. The last three years of the treaty there were not a dozen American fishermen in British waters fishing, notwithstanding we had a right to go where we pleased.

* * * * * * *

Sure enough, what would be said of Canada? And yet we have been compelled to make it an article in this treaty as a concession to the United States that when a poor fisherman driven by stress of weather to a Canadian port for repairs, with a mast or a spar blown away, part of her cargo thrown overboard in the storm and the rest liable to be destroyed by the weather, she can land the cargo and shall not be compelled to throw it away. Oh, that is valuable! I know the President congratulates his people that they have obtained this concession finally from Canada, and when I remember the poor Mollie Adams and her experience I think perhaps he may be right. But there is not a civilized nation on the face of this earth, and no Senator can name one, in which it is necessary to make that a treaty obligation. It is a disgrace to a nation to-day in the nineteenth century that such should be an obligation or a right under a treaty.

The Senator from Massachusetts [Mr. HOAR] on the 10th of July, 1888, said:

Mr. HOAR. I would suggest that Mr. WILLIAM P. FRYE, of Maine; Mr. W. H. Trescot, General WILLIAM COGSWELL, of Salem, Mass.; Fitz J. Babson, of Gloucester, or Mr. Charles Levi Woodbury would have saved us from the disgrace and humiliation of this treaty.

Three of those gentlemen, or two of them, very probably would have worked very hard, because they have been in the pay of the fisheries associations all the time as hired counsel.

One other matter I ought to advert to. The Committee on Foreign Relations very properly calls attention to the refusal by the President, under the advice of the Secretary of State, to communicate to the Senate confidentially the course of the negotiations and discussions, and the various propositions and arguments arising in the negotiation. The committee deems the refusal contrary to the constitutional relation between the President and the Senate, and the reverse of the continuous practice in such matters from the beginning of the Government until this time. The Secretary of State alleges as the reason for the refusal—

"That the negotiation is intrusted to the discretion of the Executive, and that it could not hopefully be entered on without the guaranty of mutual confidence between the agents."

He implies that his refusal is due to some confidential obligation to the British side of the conference. But Sir Charles Tupper, on the other hand, in his speech of May 10, expresses his "great surprise that the protocols as published did not give all the proposals made, and the counter-proposals and the replies on both sides."

So it is clear, Mr. President, that this concealment from the Senate of what took place there as preliminary to the treaty is solely of Mr. Bayard's own seeking, and is contrary to the expectation and to the desire of the British commissioners. The suggestion of the confidential character of this communication, and that it is essential in order that such proceedings might be hopefully entered upon, finds no support in the understanding of the other side. Something took place there which Sir Charles Tupper desired and expected to make known to Canada, and which the Administration desires and expects to conceal, not only from the American people, but from the Senate, to whom the Constitution commits the duty of advising in regard to the transaction.

Mr. FRYE. Right there will the Senator from Alabama kindly name the three gentlemen who he says are counsel for the fishermen?

Mr. MORGAN. As I have been informed, Mr. Trescot and Mr. Charles Levi Woodbury.

Mr. FRYE. I simply wanted to leave it without any imputation upon me.

Mr. MORGAN. Of course I never had such an idea or thought as that.

In regard to each of these, the Secretary of State seems to have dealt with the subject, I will not say in total ignorance, but in total disregard of the American position and the American rights.

He does not give me the benefit of the doubt, which the Senator from Maine was so kind to do. He was too weak or too ignorant, we are to infer, to understand what was going on.

He says, in his letter to gentlemen in Boston, that "the sole and difficult question to which the treaty relates is that of the fishery rights of one nation in the jurisdictional waters of another." This is the statement of the American case from the British point of view. Mr. Bayard's letter and the utterances of a few other supporters of the treaty are the first and only statements of this character ever heard on this side of the Atlantic south of the Canadian border since the continent was settled.

It was well that declaration was made before the Senator from Delaware [Mr. GRAY] had the floor yesterday, because he utterly destroyed it. Further on the Senator from Massachusetts [Mr. HOAR] says:

Now, what an unwise, blundering, timid, un-American diplomacy is that which, when one hundred and fifty American ships cry out to their Government for redress of vexatious treatment in British harbors, for denial of ordinary hospitalities, for oppressive use of legal authority, to turn wholly away from their injury and suffer Great Britain to discuss over again the interpretation of the treaty of 1818 as to fishing limits, and take down from her walls the rusty, disused weapons of seventy years ago and brandish them again in our faces! What statesmanship, what patriotism is it for President and Secretary and Democratic Senators to set themselves with one voice to arguing the British case!

Further on he says:

Our complaint of Mr. Cleveland is not that he negotiated, but that he refused to negotiate in regard to the American grievance. That he puts off to a more convenient season. He negotiates where we need no negotiation, and leaves our condition worse than he finds it. Our demand for redress which is a fit subject for negotiation, the gravity of which he has again and again admitted, he wholly ignores or postpones. He has done the things he ought not to have done, and has left undone the things he ought to have done.

Again he says:

The whole tone and temper of the negotiation is feeble, spiritless, ignoble, and timid.

* * * * * * *

The weakest Canadian official laughs in the face of an American complainant when he thinks of Grover Cleveland and Mr. Bayard.

Again he says:

But, Mr. President, I should fail to do justice to my own conviction if I did not say that I hold it ignominious to undertake to make terms for a change in our tariff laws in the face of the behavior of Canada to our fishermen, which the Administration knows was adopted to coerce us to that very action.

As if any change had ever been made or attempted in this treaty in our tariff laws. The Senator surely knows that nothing of the sort was done.

Again the Senator from Massachusetts [Mr. HOAR] says:

You will scarcely find a claim of the American opponents of this treaty that is not supported by the speeches of its friends in the Canadian Parliament. Sir Charles Tupper begins by appealing to that body not to press him unduly to show the great advantage of the treaty to Canada until the Senate has acted. The particulars in which he has specially outwitted Mr. Bayard he keeps for the present in his own breast.

He concludes with these remarks:

I confess that, much meditating on these things, I take little satisfaction when I think of Grover Cleveland. I do not like the policy which everywhere robs American citizenship of its glory. I do not like the methods of fraud and crime which have destroyed popular elections in so many Democratic States. I would have the box where the American freeman casts his ballot sacred as a sacramental vessel. I do not like this conspiracy between the old slaveholder and the English manufacturer, to strike down the wages of the American workman and the comforts of the American workman's home. I do not like your refusal to maintain the American Navy and to fortify and defend the American coast. And I like no better the present treaty. It leaves the American sailor to be bullied and insulted without redress, and abandons the American right to the fisheries, older than the nation itself, which the valor of our fathers won for us and the wisdom of our fathers preserved for us.

The real caption of his speech, Mr. President, comes in at the conclusion. That which gave color and tone and emphasis to every word in it is uttered in the last few clauses, and it is an amalgam of all the prejudices that the honorable Senator has been capable of nurturing up during now quite an extended life, and I suppose really that there is no man ever created by the hand of God who has more capacity for treasuring up prejudices in his heart than the honorable Senator from Massachusetts. They seem to burst out of him on all occasions like the waters from the foot of a mountain; they are perennial in their flow; they are almost universal in their scope; they seem to embrace everything except a little area of land around the Massachusetts Bay colony.

Very few of us can ever escape the raking, harrowing tongue of the Senator from Massachusetts; very few of us, and few of the institutions of the country; few of its habits and few of its manners. He even went so far in his speech as to speak of that "rum jug" in the South, which he never saw, of course, or heard of in the Northern States, where the man to whom the jug was handed would not bear the inhospitality of having anybody else measure out his drink for him, and the like. Of course, that institution of slavery down there, which became ours by having bought it from his ancestry; our institution of slavery which we paid for after his fathers had captured them in their native wilds in Africa or paid for them with New England rum; our institution of slavery which has christianized the slave to a degree that no negro race or family in this world have ever yet attained to; our institution of slavery which his fathers put into the Constitution of the United States with a guaranty of its protection and preservation absolutely; our institution of slavery which they broke up by war and by the sacrifice of thousands and tens of thousands, not of men only, but of women and children, and by the orphanage of whole multitudes and great communities; our institution of slavery comes in for the Senator's reprimand on all occasions. A man who happens to have the misfortune to have been born in the midst of it, though he might never have owned a slave at all, is identified by the ill will of that Senator with that institution of slavery as if he had been born to it, as part of his inheritance, or as if he had done as the Senator's ancestors did when they went abroad to Africa and captured the negroes there in their own homes, made merchandise of human flesh and fixed it in the loins of the captured negroes that he should breed slaves to inherit his misfortunes while the Constitution of the United States should stand.

We have learned to fortify ourselves to some extent against the cold, unfailing raspings of the Senator from Massachusetts; still, with his great ability, his keen wit, his immense learning, his fine taste in belles-lettres scholarship, except when he drops, like Silas Wegg, into poetry, and through poetry into doggerel sometimes in his speeches, we feel that he is capable on occasions when he desires to do so for some purpose of his own, to make us feel uncomfortable, and even to abash us at times in the advocacy and support of those things which we feel in conscience bound and honor compels us to support and advocate. But more recently he seems to have turned his attention a little from the South and Southern men and the ex-rebels and their negroes and the slaveholders upon Grover Cleveland. He seems to have an utter abhorrence of Grover Cleveland and Thomas F. Bayard. They seem to be in the way of his progress, still I do not think they are, either of them, occupying any highway upon which the Senator from Massachusetts is likely ever to journey.

Mr. President, I do not know any institution in this country against which the Senator from Massachusetts can more completely wear himself out than by buffeting Grover Cleveland. He is a massive and powerful man. He is firmly planted in the integrity of an honest heart and an honest manhood. He is immovable. And if the Senator from Massachusetts is fatally bent on political self-destruction he can not do a quicker work for himself than to dash against Grover Cleveland. So far he has made very little impression upon Mr. Cleveland, and I think in the outcome he will make still less. I need not defend this man. He is backed in this country by probably 6,000,000 votes; a man who received the first overture from a national convention of a unanimous nomination—I believe the very first. Of course he whipped in all these more than 6,000,000 of voters to his support. Of course every politician on the Democratic side in the United States was forced into Grover Cleveland's support. But what do you think of a man who can whip in 6,500,000 voting men? He must be a very powerful man if he can do that.

I should say if he could realize that unseemly, impolite, unjust hint that has been thrown out here—not hint, either, but statement—that he could take the Senators on this side and move them into line at his will and pleasure—if he could accomplish that much he would be considered a very strong man. When he can go into a national convention at St. Louis and command the support of every Democrat in the American Union by acclaim without anybody to oppose him, perhaps Senators on that side will find out that it requires something more than mere personal abuse or personal contempt to break Grover Cleveland down. The American people are not going to have this man dislodged from their just appreciation of his value merely because Senators who have realized terrible disappointments in their own aspirations see cause in this Senate to abuse him with unseemly and unjustifiable abuse.

The Senator from Massachusetts, after having gotten through with the other part of his discourse and the larger and heavier subjects, turned upon me and said:

The Senator from Alabama told us the other day how he thought the South would look at this business. He said, if I correctly understood him, that the masters of these fishing vessels were holders and importers of slaves.

How I could utter such a sentence, which is not found in print anywhere, so as to have made that impression on the mind of the Senator from Massachusetts is more than I can account for. It would be utterly idiotic and entirely void of veracity, and yet that honorable Senator in a speech that was prepared and printed two or three weeks before it was delivered in this body put that utterance in there about me. He said further:

He said the fishermen were a small per cent. of the population of the country. He said, too, as I understood him, that if the issue were presented to the people of the South whether we should have free fish or a war with England, they would prefer free fish.

Mr. President, that is a perversion. I never said a word nor hinted a word about what the people of the South thought of it. I spoke about the people of the American Union. The people of the South do not eat codfish. Do you not know that? I can empty a ten-acre field of Southern men and women by carrying a codfish into it. [Laughter.] They do not want them at all and have not any use for them. I am at a loss to know how the Senator from Massachusetts should have thought that I could have said such a thing as that about them.

He now says, in reply to the Senator from Maine, that what he said was this: "I admonished that side of the Chamber, and I respectfully do it again, that if you present to the people of the United States going to war with Great Britain against the question of letting in fish free of duty, you have a dangerous issue before you; that is all."

Dangerous in what respect? Only in the respect, of course, of losing your tariff on fish. That is sought to be perverted, and the Senator from Massachusetts goes on:

What an utterance is that! American vessels by the hundred seized, insulted, harassed, vexed, dishonored. The American flag hauled down from an American masthead. American mariners in foreign ports subjected to treatment which our Democratic Secretary declares is "outrageous," "brutal," "inhuman," "inhospitable." All this is done to bully us to put fish on our free-list, that the fishery marine and the naval strength of our rival may grow, and our fishing marine and naval nursery may dwindle and decay. And when the Senate of the United States is considering what to do about it the Senator from Alabama tells us these sailors of ours are few in number, and that "a question between putting fish on the free-list and war with Great Britain is a very dangerous issue." Are we China, that opium is to be forced into our markets at the point of British bayonets or the mouth of British cannon?

The solid South is represented in this body by 34 votes. They are all Democrats save one. His seat is soon to be filled by a Democratic successor.

Which one is that? The Senator from Virginia [Mr. RIDDLEBERGER]. I do not want to harrow up any unnecessary reminiscences in this body; but I think a Senator who holds his position as chairman of the Committee on Privileges and Elections by the vote of the Senator from Virginia had better be a little cautious about the ground he walks over if he wants the American people to preserve that high respect for him in which he has been so long held:

Of that thirty-four twenty-nine have inserted in the official catalogue of the Senate as their title to honorable remembrance a statement of distinguished service in an attempt to destroy their country and bring its proud flag in dishonor to the dust.

There it breaks out again. The Senator can not forget a war that cost him so much grief and so little blood.

They are fond of telling us that all that is changed now. They say that if the country shall ever be in peril again, if the flag shall be menaced anew, whether it be foreign levy or domestic malice, it shall find no readier or braver defenders than among the men who stood in arms against it. I, for one, have never questioned their sincerity. I do not question it now.

Why refer to it, then? What has that to do with this treaty? Is this treaty to be scandalized because twenty-nine Democrats on this side voted for it and a number of them were in the war? There was not one single respectable man that I know of in the Southern States of the age to perform military duty, whether he was an old-line Whig or an old-line Democrat, who did not take his heart in his hand and go right into that war, and the leading and most powerful men that we had in arms in the South belonged to the old Whig party, and my colleague [Mr. PUGH] there knows it perfectly. There was no man in the South who really had any influence or position there that did not go into that war—no man of talent or ability who did not; and he was not dra-

gooned into it either by the pressure of public sentiment. If there ever was a sentiment amongst fifteen million people that was universal and without exception, it was that sentiment that we were standing in that war for our rights under the Constitution of the United States and for those guaranties that had been given to us by the most express and solemn sanctions contained in that instrument.

I know—

Continued the Senator from Massachusetts—

I know, as the people of the North know, that there was courage in the stout hearts which maintained that conflict for those four long years. I do not believe that the men of the noble Southern stock, who displayed, even when in the wrong, the courage, the affection for home and State, the aptness for command, the constancy, the capacity for great affection and generous emotion, the readiness to encounter poverty and death and exile, which won the admiration of mankind, when the flag of the country which has forgiven them and restored them and trusted them is insulted and dishonored, will be quite content to take their tone from the Secretary of State or the Senator from Alabama.

There is an attempt, a cold-blooded, deliberate attempt to put the Senator from Alabama in a non-representative position in regard to the Southern sentiment, and that too for something that he never said, and more than that, for something that he never thought of. A cause that has to be supported by finesse, misconstruction, misinterpretation, and misrepresentation like that, is a cause that is not worthy of the abilities of that great Senator. He proceeds:

There is no occasion for a note of war. Firmness and strength and calmness and dignity and understanding and maintaining our own just rights are much more likely to keep peace than the supplicating and yielding diplomacy of the present Administration.

Supplicating and yielding diplomacy! He will find out how that is presently and who has prayed and who has yielded and bought peace.

The Senator from New Hampshire [Mr. CHANDLER] said on the 16th of July:

The treaty is dishonoring to the nation in many points:

1. It is a national dishonor, because it has been negotiated after a series of wrongful seizures and other outrages perpetrated upon American fishing vessels for the very purpose of forcing upon us a disadvantageous bargain, and yet it does not include any acknowledgment of the wrongs done or provide reparation therefor. The long catalogue of unjustifiable assaults upon American rights has been often proclaimed to the world. The oppressions seem to have been purposely intended to be offensive to American honor. The flag of the Union has been hauled down on the deck of an American vessel by a British captain for the apparent purpose of degradation and insult.

The intent of Canada's whole course has been apparent from the beginning, to harass us into a new treaty of some sort. Therefore, no treaty should have been made as long as the outrages were continued, and the very first article of a treaty should have provided apology and ample reparation for the wrongs done. And yet no allusion to these occurrences is made in the treaty or in the President's accompanying letter; and the claims for damages for seizures and wrongs which were once valiantly presented are now at last left unadjusted and unnoticed. No independent nation should stoop to make a treaty under such circumstances and with such an omission.

If that had occurred to the Senator from New Hampshire when he was a member of the Presidential Cabinet during which these very evils and wrongs were perpetrated as flagrantly as they have been during Cleveland's administration, if that idea had occurred to him then in the plenitude of his patriotic love of country, I suppose that that Senator would have been in St. Elizabeth's by this time through the pressure upon his brain of the terrific neglect with which he had treated the great affairs of this American Union, for he and all his colleagues were as dumb as oysters about these things. The old offenses and the new, this long category, which I grant you has been unredressed through many varying administrations of the Government of the United States, this long category which has oftentimes been condoned by purchases of a very expensive nature made by our people was smoothly passed over by this alert administration of which that Senator was a member. These gentlemen now proclaim from the house-tops to the world the delinquences of everybody, forgetting that they themselves were the chief delinquents. What did they do or even attempt while in the Executive Departments to assert the rights or redress the wrongs of our fishermen?

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. No, sir; I can not yield.

The PRESIDENT *pro tempore*. The Senator from Alabama declines to yield.

Mr. MORGAN. I have a good deal of work ahead of me yet, and I do not want to occupy any time skirmishing with the Senator from Colorado. I read again from the Senator from New Hampshire:

2. The treaty is a national dishonor, because by it we are forced by Canada towards alterations in our customs duties desired by her.

It has occurred to me that there is really no better argument to be made upon this treaty than just to read these propositions and let the world understand, as they show upon their face, their absurdity. There are very few boys in this country who are so illogical that they can not understand the absurdity of these statements.

She wishes reciprocity treaties opening our markets to her products. We have declined so to open them. She begins to harass us on subjects not connected with customs duties, and we yield and negotiate a treaty looking to changes in those duties.

That is not the fact.

This is degradation.

Yes, it is. It is not the degradation of the Administration, however, but it is the degradation of somebody else. That is the right word to put at the bottom of that sentence.

A reciprocity treaty may be honorably made, each side giving what are natural and customary equivalents. But a treaty by which we change our customs duties and Canada gives no natural equivalent which we can honorably accept as such is not friendly reciprocity, but on our part a pusillanimous surrender.

We claim full commercial rights for our vessels in Canadian ports without regard to customs duties imposed by either country. She offers to give to those ships limited commercial rights on condition that we will remove our duties on fish, and we are asked to make that bargain. We can not afford to do it. The equivalent for commercial rights for our vessels in British ports is the similar rights now accorded their vessels in our ports. Thus let both stand or fall. Commercial rights for our ships, which we persistently claim and to which we believe we are entitled in return for like privileges given British ships, we can not safely purchase by alterations in our tariff. If we do, what shall we ask of Great Britain as an equivalent for the commercial rights of her vessels? It can not be too much emphasized that the whole controversy with Canada proceeds from her determination to reach our markets at reduced rates of duty or with duties removed. It is national injury, dishonor, and degradation to allow Canada, backed by Great Britain, to compel us in such ways as are proposed to alter our customs duties.

And that, after the act of 1870 making fresh fish free of duty, and then repeated in 1883, was made a voluntary offer on the part of the Republican party of the United States to Great Britain, or to Canada.

I read further:

3. The treaty is a national dishonor because it is a part of a negotiation conducted by the representatives of England, not alone with the United States Government, but, avowedly, with one political party in this country.

When in 1885 Minister West first enticed Mr. Bayard into an unlawful agreement to extend the fishing articles of the treaty of Washington for six months and to ask Congress to submit the fishery question to another joint commission, and public outcry against this arrangement was made in behalf of the fishermen, Mr. West declared that of course a majority of the Republican Senate would assail any arrangement made by the Cleveland administration. Mr. Chamberlain has also been free in thinly veiled assaults upon the Republican party, and Mr. Bayard has followed in his wake, while Sir Charles Tupper discloses the whole purpose of the treaty negotiation to make an alliance with the Democratic party and through the agency of that party to secure the reduction or removal of customs duties and free trade for Canadian producers in our markets.

I wonder if that is the same game they played on General Grant in 1870, when they got the duty removed from fresh fish.

The Senator from Delaware [Mr. GRAY] asks me what was unlawful about the arrangement of Mr. Bayard in 1885. We shall see presently. I will come to that after a while.

It was not only lawful, but it was indispensable to the peace and security of our fishermen and the whole country.

The Senator from New Hampshire [Mr. CHANDLER] continued in his abusive strain. I have never seen a gentleman so liberal in his abuse as this gentleman. It must be a favorite production of his mind and heart that he is able to lavish it to such an extraordinary extent. Perhaps he is retaliating for something he has received heretofore himself. I do not know anybody who has a better right to retaliate than he has. If I only knew the cause of his severe animadversions I could probably better understand his utter abandon.

He further says:

No further evidence can be needed to prove the truth of the assertion that the agents of Great Britain have opened negotiations with the Democratic party to obtain for Canadians alterations in our customs laws and free access to our markets; and to give these is the whole purpose and object of this British-Democratic alliance. It is a most shameful procedure; discreditable to all parties, British and American, engaged in it. Never before in the history of this country did emissaries of foreign governments openly engage in negotiations and alliances with one political party. Citizen Genet attempted, not an appeal to one party, but what he called an appeal to the people, and Washington sent him back to France.

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Equally disgraced in this unprecedented business are Sir Charles Tupper, Mr. Joseph Chamberlain, and Mr. Secretary Bayard. The American Senate ought to find a way to tell them that while our party strifes are bitter enough they shall not, without rebuke, be made the open basis of diplomatic negotiations.

4. The treaty is a national dishonor, because two of the so-called plenipotentiaries, being appointed by the President without the consent of the Senate, were not constitutionally selected.

By section 2, of Article II of the Constitution, the President is given power by and with the advice and consent of the Senate to appoint ambassadors, other public ministers, and consuls. Without that consent (except temporarily in case of vacancies in offices previously established by law) he has no power to appoint officers of the United States to negotiate with foreign nations. But without the consent of the Senate and in defiance of the Constitution, Messrs. Angell and Putnam, two private citizens, were appointed plenipotentiaries to negotiate a fisheries treaty with Great Britain; and for months in Washington, directly in sight of Congress, they pursued their negotiations; and the wrong was the greater because the Senate had by a vote of 35 to 10 declared that no commission ought to be constituted for the negotiation of any treaty.

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The consequences, whatever they may be in future controversies, of the admissions made by the President and Secretary of State are inevitable; but against the admissions of the miscalled plenipotentiaries, who were in fact only impertinent private citizens, the country had the right to be protected.

I suppose there are a good many people in the United States who, when they hear that President Angell and Mr. Putnam are impertinent private citizens because they were invited by the Government of the United States to come into its councils and assist in its negotiations, will be very much surprised at this lofty Senatorial declamation which the Senator from New Hampshire uses for the purpose of characterizing those gentlemen. It will probably be considered as a denunciation *ex cathedrâ*, and hereafter they are not to be considered as ordinary citizens holding ordinary intercourse with their fellow-citizens,

but as "impertinent private citizens," intruders into affairs far above the level either of their talents or respectability. Alas, that they should be condemned from this august Senate by an ex-Secretary of the Navy!

Well, Mr. President, I do not expect that they will feel very much hurt about it after all. I should not wonder if they would not be willing now to give to the Senator from New Hampshire *carte blanche* on the floor of the Senate to say anything he pleases about them; but I think the American people will not lower their estimate of Mr. Angell, or Mr. Putnam, or Mr. Bayard, or anybody else, because it happens to strike the dignified and able Senator from New Hampshire that they are "impertinent private citizens" when negotiating upon matters of deep interest to this country on the invitation of the President of the United States. The Senator continues:

The assumed character and office of those persons ought to be emphatically repudiated by the Senate.

5. The treaty is a national dishonor, because the American negotiators secure only the bare rights of hospitality for our fishing vessels in British ports and do not obtain for such vessels free entry and full commercial rights in those ports, such as are now and have been freely granted to the fishing vessels and other vessels of Canada and Great Britain in American ports.

When the statutes of the United States come to be read in connection with that declaration, the Senator from New Hampshire will find that it would have been better if he had revised his knowledge of the law before he made that statement. It is not correct. He continues:

But it happened that Mr. Bayard was even more anxious than Mr. Chamberlain. Perhaps the vanity of the aged statesman, the desire to be known as the negotiator of the Bayard-Chamberlain treaty, overcame any wish he had to protect the rights of the New England fishermen and to maintain the national honor; and so Mr. Chamberlain at last, suddenly and unexpectedly, obtained an easy victory.

Mr. Bayard is hardly a vain man, but he is a very proud man. I doubt very much if the American family in all of its generations has given birth and nurture and support to a man whose character for integrity, for worth, for excellence in every respect, is higher than that of Thomas F. Bayard. I know, Mr. President, that there are men in the United States who hold themselves up very high, who when they come into his presence can not bear the contact. They feel that there is something about him that rebukes them; that there is an atmosphere about him that they can not live in, but I have never heard that man charged by friend or foe, until this debate started, with being anything else than a true man of splendid bearing, of what I might term immaculate honor.

The tongue of detraction and censure has been let loose here in this Chamber and at this time in a way to convince the world, I am afraid, that when our doors are closed in executive session nothing but the scorpion's whip is applied to the backs of American citizens when we are investigating their fitness for office or their work in negotiating treaties; but I dare say, I will say in behalf of the Senate of the United States, that this open and public exhibition induced and compelled by the necessities of a political situation at this moment of time, is the very first occasion when I have heard these things said and done. God, send us speedily back into the seclusion where our fathers placed us one hundred years ago and where we have been kept ever since, that we may have an opportunity of affecting the minds of each other in debate by logic and by argument and by reason, instead of being forced out into that field where politicians love to revel and to scatter their revilings before the mobs that gather around the stumps of this country too often to listen to their depraved harangues.

The Senator from New Hampshire [Mr. CHANDLER] then continues, as follows:

But there must have been more in the surrender than the vanity and decrepitude of Mr. Bayard. It is impossible to resist the conclusion that a combination was formed between the leaders of the Democratic party to sacrifice the interests of the New England fishermen and to break down our tariff system. The utterances of Sir Charles Tupper, which I have quoted, conclusively prove this. To carry out this plan diplomatic correspondence was dropped; an unconstitutional commission was created; the demand for commercial rights was abandoned; a surrender was made to all the Canadian theories concerning the fisheries, and the initial step in the main purpose of the alliance was taken in Article XV of the treaty, which is intended to force Congress to remove some of our customs duties. Southern Democrats gave the orders to Northern Democrats; the Democratic party abandoned its spasmodic attempt to defend the fishermen against Canadian aggression; and the great object of this Democratic-British alliance now is to pass the Mills bill, keep the Democratic party in power, and destroy the American tariff system.

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Thus does the Administration of Cleveland and Bayard discredit the United States in its foreign relations.

The dishonoring acts and omissions do not concern one section of the country alone.

And thus, beneath this heap of unjust and unseemly abuse, lies buried what was once as proud a name and as noble and generous a man as ever sat in the Senate.

I suppose that *requiescat in pace* would be a charitable inscription to put in the RECORD just after that funeral oration that has been pronounced upon Bayard by his slayer, the Senator from New Hampshire. Then he winds up as follows:

South of us a French company, instigated and supported by the French Government, is slowly but surely pushing its canal from the Atlantic to the Pacific, and within five years the Isthmus of Panama is likely to become a French colony, while this Administration is opposing and defeating the Nicaragua Canal scheme, proposing no canal in its place, giving up all efforts to prevent or neutralize French aggression, and abandoning all assertions against either France or England of that traditional policy known as the Monroe doctrine, which has been cherished by all American statesmen, almost from the foundation of the Government down to the inauguration of this un-American Administration.

North of us the Dominion of Canada, aided by the British Empire, is growing stronger and more powerful than she ever dreamed she could become. Her transcontinental railroad and her naval stations are making her as formidable on the Pacific as on the Atlantic. She is boldly seizing our transportation business and forcing her way into our markets. She perpetrates outrages upon our fishing vessels, and thus compels us to treat with her upon unequal and degrading terms, and Great Britain backs all her demands, while President Cleveland submits to all these British aggressions, and in his last annual message, through an amazing solecism then perpetrated by a President for the first time in our history, he omits to treat of any question of foreign or domestic policy except one. He recommends to Congress to join with him in his alliance with Great Britain to strike down the American tariff system and to push on the plan of the Democratic party announced by its national convention of 1876 as "progressive free trade throughout the world," which, it may be added as a further part of the policy of the Administration, is to be carried on in British-built ships, while the flag of the American merchant marine disappears from the foreign carrying trade.

How long are the protection of American interests, North, South, East, West, at home and abroad, on sea and on land, and the defense of the national honor of the United States to be intrusted to hands like these?

The answer is, not long, if the American people should relapse into their condition in the Hayes campaign.

The Senator from Colorado [Mr. TELLER] said July 21, 1888:

Mr. President, if there is a disgraceful chapter in American history it is in connection with this negotiation, by which it is undertaken by the Secretary of State to aid and assist the Democratic party by allying it with the Canadian party and the British party. It is fortunate for us that in a hundred years no such exhibition has been made heretofore, and it is to be hoped that it will not occur again. It was not intended that it should be known; there was nothing said about it, and if Mr. Tupper had not, in his innocence, mentioned the subject in the Canadian Parliament, I suppose it would have escaped observation except in a general way. Those who believed this treaty was a surrender of American rights without equivalents might have believed that there were some reasons for it, I do not know what; I am unable to state.

I know that here is a treaty made by the present Administration which, if it had remained of the opinion that it was all through the year 1886 and through a good portion of the year 1887, it would not have sent to the Senate. I do not know what influences were brought to bear. I do not know whether it was supposed it would be popular with Great Britain and Canada and whether it would or would not assist in the coming election. I know that is a treaty unfit to be made, and the transaction is one for which the Department and the whole country, so far as it has had any connection with it, ought to be ashamed.

* * * * * * *

If any Senator desires proof that the Administration is the active propagandist of this treaty, I will furnish it. If not, I think I can rest upon the general assertion. Surely when you see the Secretary of State writing letters for publication, when you see the members of this commission, who were connected with the Administration, making public addresses in its defense and support, when you find the Secretary of State submitting to newspaper interviews in order that he may give the public his views of this treaty, I do not need to go to further proof to show that the whole force of this Administration has been brought to bear to compel the Democratic Senators and the Democratic party to accept this as a Democratic measure.

What is there about a Secretary of State that compels him to listen in silence to every one who chooses to berate him, and impute to his best actions the worst motives?

The Senator argues entirely to his own satisfaction upon that, and I will leave him to his own enjoyment.

The Senator from Massachusetts [Mr. HOAR] on the 24th of July said:

Mr. HOAR. Perhaps my colleague will allow me to say (as that interview contains a good deal of reference to me, I should not have alluded to it at all anywhere in public if it had not been alluded to by others first in the Senate), that I read it with profoundest pity, with no other sensation. The misstatements, the anger, the feeble and impotent rage which somebody has imputed to a high officer of our Government could only make any patriotic American citizen experience a sensation of mortification and not of anger. If that interview be true, the Secretary of State has learned nothing in relation to the fishing interest except the language of the fish market, and that the language of the London fish market. I am very glad that there is a report somewhere that the Secretary of State has disavowed it.

I do not know anything about the language of the London fish market. It takes a wiser and more learned man than I am to say anything about that. I never had any opportunity of getting any information upon that subject at all.

The other Senator from Massachusetts [Mr. DAWES] said on the 24th of July:

I remember on one occasion just such a demand set up as the justification of an attempt to obtain peace and silence. It was in the record of those dark and gloomy days of the session next preceding the inauguration of Lincoln, when, as early as January of that year, the Pensacola navy-yard was surrendered to demands not a whit less justifiable, not a whit less tenable in the eyes of the people of the United States than the demands to which this treaty is a surrender; and when a Government official, whose duty it was to guard and protect the navy-yards of the nation, was called before a committee of the House of Representatives and the inquiry made of him why he surrendered the Pensacola navy-yard without a blow, his answer was, like the answer of to-day, "It was the only way to preserve the peace."

Mr. GRAY. Of course the Senator knows no such answer has been made to-day.

Mr. DAWES. The only way to preserve the peace! "Why, sir," said he, "you have no idea of the extravagant demands that are made by those men down there upon us. If we had fired a gun or struck a blow there would have been, as certainly as we live, bloodshed;" and, with a pious aspect, he lifted up his hands and said, "I thank God that by a surrender of that navy-yard I have saved this nation." A sorry and spiritless—I will not say cowardly—parallel is in the exclamation, "We have obtained peace" to-day; "we have saved the people of this country from a continuance of the annoyances, the harassments of the past, but we do not stop to say whether we have gained anything."

As a treaty of peace, Mr. President, this treaty is an utter failure, and it is to that point I desire to confine, as near as may be, what I propose to say on this occasion. If we could forget the humiliating conditions, if we could pass over the strange and inexplicable manner in which it has been negotiated, and if we

could shut our eyes to everything but the result, I venture to say that it is utterly impossible to defend this treaty as a treaty of peace. There can be no peace under it. Those who negotiated it on the one side and those who negotiated on the other, though for very different reasons, will find their dissatisfaction with it so increased that the occasions for strife will multiply on either side until, if it were the treaty to-day, not a twelvemonth would pass before by common consent we should wish it in our power to retrace our steps to the time before it was negotiated.

* * * * * * * *

But it so happened, Mr. President, that the Canadian negotiator, when he came before the Canadian Parliament to justify his course in the negotiation, found it necessary, being a member of the Parliament and compelled to answer, to disclose what were the steps, so that those who sent him here could judge whether he was justified or not, and he adjourned the debate till he could telegraph to the British minister here to get from Mr. Bayard one of the propositions which he made preliminary to the result to which after several months he was induced to give his consent. When he got that which Mr. Bayard refused to let the Senate have, he came before the Canadian Parliament and made a reply to this statement of Mr. Bayard that they had agreed that nobody should know these steps.

I desire to put upon the record side by side the statement of Mr. Bayard that these men had agreed that nobody should know these steps, and the statement of Sir Charles Tupper upon the same subject, so that hereafter those who care to look into the diplomacy of this time shall have the material to make up a correct record.

In respect to the amendment of the treaty, the Senator from Massachusetts [Mr. DAWES] said:

I am under no obligation not to make an amendment of a treaty which, in my opinion, is not a treaty of peace, but a treaty full of strife, and contention, and disorder, and disturbance.

Further on he said:

Sir, not less Canada than the United States will find this treaty not a treaty of peace with the United States, because it is a pusillanimous surrender by us of valuable rights, and because, though the Canadians have obtained concessions, yet in the greater and the larger object for the attainment of which they used this only as an instrument they have utterly failed.

It is a marvel to see how deftly the Senator has answered himself when he shows how the Canadians have "utterly failed" to get what they expect from this treaty.

The Senator from Delaware [Mr. GRAY] said, further on:

Mr. GRAY. But I will ask him, if he has any real doubt, whether he ought not, in behalf of the interests involved, to offer an amendment to make clear what he says is obscure?

Mr. DAWES. When I am invited into the councils of these negotiators and not told that it is none of my business what were the steps which led to this result, I shall consider the proposition made by the Senator from Delaware.

Mr. GRAY. Are we not negotiators ourselves under the Constitution?

Mr. DAWES. Then I should like to know why we are not permitted to see and hear what has been done up to this time in the negotiation?

Mr. GRAY. We have been permitted to see and hear all that has been done.

Mr. DAWES. Yes, and we are indebted to Sir Charles Tupper in the Canadian Parliament for it, in the face of an absolute refusal by our own Secretary of State to give us anything except the result. We have got into it pretty thoroughly, and I repeat the obligations of the American people to that foreign negotiator for the benefit of it.

This is not a just statement.

Then the Senator from Colorado [Mr. TELLER] paid his respects to me again. He said:

Mr. President, yesterday when the Senator from Alabama concluded his address to the Senate he turned to the Democratic side of the Senate and said, "Fellow Democrats, let us be true to the Government," and when he said that he looked into the faces of three-fourths of those on the Democratic side of the Senate who had been in arms against the Government of the United States, who had forfeited every right they had to citizenship and to liberty and to life, and yet the Government of the United States never spilled a drop of blood after the war was over and gave them the privilege of coming here and sitting here to make laws and to pass upon treaties!

I suppose if I had turned around towards the Senator from Colorado I would have seen a valiant hero, who had wounds on him and blood which he had shed under the other flag. Perhaps he did; I do not say he did not, but I only can say I never heard of it. I am sorry I did not. If I had known he was going to be such a formidable antagonist I think I would have gone upon a raid for him; I would have tried to pick him up and got the Democratic party rid of a man who seems to be ready to fight them with bayonet and saber and sword as long as there is one of them left to fight only with words. A man of peace who will not be peaceful, a man of mercy who is always cruel, a man who has had great opportunities to settle fishery questions with or without a fight, but who was so devoted to other matters of supreme concern during the administration of which he was a very distinguished member that the fisheries never occurred to him. The Senator from Colorado proceeded:

But does the Senator believe that the American people will be edified when he turns to his late Confederate associates and says, "The men on the other side of the Chamber are not patriots; they do not act in the interest of the Government; they act for party purposes and party purposes alone, and although we have belied our record, although we have gone back on that which we asserted, although we are compelled to go back on the assertions of the Secretary of State and the minister to Great Britain, yet we are the patriots and we alone are to be trusted?" Ah, Mr. President, he will not fool anybody. We heard that before the war, and we have been hearing it ever since. The great American heart lies in the North. It was the great American heart that was touched when Sumter was fired on; it was the great American heart that stood all the hardships and the expense of the war and brought these people back in close connection with the Government, rightfully there now, and we will welcome them to all that we claim for ourselves, but we will not here or anywhere else permit it to be said that they have more virtue, more patriotism, more love for American manhood and American integrity and American glory than we.

Comparisons are odious; I have never indulged in them, and I do not mean to do so on this occasion; but I expect if the world has not seen the time it will see the time, some of these days, when you will be very glad indeed to find that there still lingers in the Southern veins that old tide of blood which has been true to convictions of honor and honesty during all times of public need and during all times of persecution.

Mr. President, having shown to the country—because the Senate is not here to understand anything about this, and does not want to know—having shown to the country, however, the temper of mind in which we are now engaged in discussing the questions concerning this treaty, and having presented really the pith and substance of the argument against it in these denunciations, for whoever reads these denunciations and unravels them with the touchstone of truth will find at the bottom of them the true solution of this caucus movement, I shall now proceed to show what has been the course of history about a preliminary matter which has been very much discussed here, and for which this Administration has come in for a very large share of acrimonious abuse, and that is in regard to the protocol which provides a *modus vivendi*.

I want to treat that as I do every other extraneous question, as a matter by itself, because the true merits of this treaty question are not to be jumbled up and confused with other matters which are irrelevant or extraneous to it. There is quite enough for us to comprehend in coming to a proper conclusion about the merits of the treaty; about the facts which belong appropriately to it, to its interpretation, to the necessity for its existence, and to the good that it is hoped that it will accomplish.

I shall this morning devote my time to an investigation of three protocols; and I wish to have the RECORD speak the truth about the matter, for it is rather an important one, because it is in reference to this feature of the case that it has been very frequently asserted and alleged that the Administration has been guilty of pusillanimous cowardice. I want to inquire where this pusillanimous cowardice began, and how it began, with whom it originated, and the fruits and results of it, so as to see whether these charges against the present Administration are justifiable.

We all know that the treaty of 1854 expired in 1866; that it continued for twelve years. We know that that was a treaty of pretty broad reciprocity. There is one thing about that treaty which I suppose is not generally known; that there is not in the Department of State or in the archives of the Senate or anywhere else preserved in writing any statement or memorandum whatever which shows what the negotiation was, except merely the treaty itself. Calls were made by the Senate, on the resolution of Mr. Webster, for a production of the memorandum, of the protocol, or of any other thing that was connected with the negotiation of the treaty of 1854, but nothing was to be found to illustrate it or to explain it in any way whatever.

I am not complaining of that. In fact, I think that the best system of diplomacy is to let a treaty speak from its four corners exactly what its meaning is, so that neither party can resort to extraneous matter, such as protocol or *précis* or contemporaneous correspondence, for the purpose of interpreting the text of the treaty. Both the Governments have had a good deal of trouble in the interpretation of the treaty of 1783 and the treaty of 1818 regarding the fisheries, to say nothing of many other treaties we have made with Great Britain and other foreign powers, through the emphasis that protocols sometimes throw upon a particular word or a particular sentence to the destruction of the meaning of the treaty as it might have been read aside from any such gloss.

The treaty of 1854 thus negotiated stood for twelve years as an arrangement between the people of the United States and the people of Canada and Great Britain on the subject of these fisheries. It will appear in the remarks and in the statements which I shall produce from the record presently, that prior to 1854 there had been a great deal of very severe controversy between Great Britain and the United States, or rather between the Canadian provinces and the United States, over every one of the questions which has been introduced into this debate. When Mr. Seward found that that treaty was about to expire, with that bold and splendid sagacity which never deserted him and which made him a masterful man in diplomacy, he saw the necessity of arranging some manner by which the people of the United States and Canada could get along after our abrogation, under notice, of the treaty of 1854 should have relegated us to the influence of the treaty of 1818.

What did Mr. Seward do? He did not hang back and say, "We shall have retaliation with Great Britain." He did not say, "We shall have no further negotiations; that the time for negotiation has passed." He did not say that we paid more for our fishery rights under the treaty of 1854 than they were worth. He did not sit himself down in the gloom of sullen silence and refuse the outstretched hand of Great Britain for a further negotiation. Not by any means. On the contrary, he invited it; he provoked it. What did he do? He wrote a letter to Mr. Adams, April 10, 1866, as follows:

[Inclosure 4 in No. 459.]

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE, *Washington, April* 10, 1866.

SIR: I send you a copy of a very suggestive letter from Mr. Richard D. Cutts, who, perhaps, you are aware, was employed as surveyor for marking, on the part of the United States, the fishery limits under the reciprocity treaty.

By the way I shall here take occasion to remark that it was in that treaty of 1854 that the first delimitation was ever attempted, and that

was attempted by a joint commission between the two countries, as Mr. Bayard concluded it was best to do and as Mr. Arthur recommended should be done. Mr. Seward proceeds:

Mr. Cutts's long familiarity with that subject practically and theoretically entitles his suggestions to respect.

It is desirable to avoid any collision or misunderstanding with Great Britain on the subject growing out of the termination of the reciprocity treaty.

When a second Daniel came to judgment, who is just now leaving the Senate Chamber [Mr. FRYE], it had ceased to be desirable to avoid any misunderstanding or collision with Great Britain, and even the venerable keeper of the peace (the Senator from New York) who worked and labored so assiduously during his administration as Secretary of State, and tried to reserve to the people of the United States the enjoyment of the blessing of an era of peace, has concluded in the report which he signs here that we are to have collision, and we are to have controversy, and we are to promote and continue misunderstanding. We are to let it stand a misunderstanding; we are to have no negotiation; "the time for negotiation has passed;" the subject has ceased to be one for negotiation, and we are hereafter to have what we can win by a little game of retaliation across a line.

Mr. Seward, not pretending to compare any other statesman with him, can justly be claimed to have the honorable distinction of being a very eminent American statesman. He said:

It is desirable to avoid any collision or misunderstanding with Great Britain on the subject growing out of the termination of the reciprocity treaty. With this view I inclose a draught of a protocol, which you may propose to Lord Clarendon for a temporary regulation of the matter. If he should agree to it, it may be signed. When signed it is desirable that the instructions referred to in the concluding paragraph should at once be dispatched by the British Government.

As the fishing season is at hand, the collisions which might be apprehended may occur when that season advances.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

I shall read the protocol, although I believe I ought to pause in my remarks to make another commentary before I do so. The protocol was drawn up by Mr. Seward and sent on by him. It was drawn by his own hand, doubtless. The protocol is as follows:

PROTOCOL.

Whereas in the first article of the convention between the United States and Great Britain, concluded and signed in London on the 20th of October, 1818, it was declared that "the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within certain limits heretofore mentioned;" and whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment of a mixed commission for the following purposes, namely:

A mixed commission—people were to be taken from both countries—

1. To agree upon and define by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coasts and in the seas adjacent of the British North American colonies, in conformity with the first article of the convention of 1818; the said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to the fishermen of the United States.

Commercial rights were not hinted at by Mr. Seward, and yet they were just as important that day as they are to-day, and much more so, too—that is to say, if the testimony taken by the Committee on Foreign Relations is to be relied upon, and if the statements of the Senator from New Hampshire [Mr. CHANDLER] are to be relied upon.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible, for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted.

That is precisely what Mr. Bayard did in this treaty—not a change of the jurisdiction from the Canadian ports to the home ports, as the Senator from Massachusetts seems so earnestly to crave, such as one nation heretofore has never granted to another in all the history of mankind where the seizure was made within what is called jurisdictional waters, but only "to agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible." Mr. Bayard has tracked Mr. Seward's protocol precisely, and if Bayard's treaty could be open to any objection in a Democratic mind, it would be the objection that he had too closely copied the plan laid down by Mr. Seward. Mr. Seward put a qualification in his protocol, as follows:

Provided, however, That the limits, restrictions, and regulations which may be agreed upon by the said commission shall not be final, nor have any affect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by treaty or by laws, mutually acknowledged and accepted by the President of the United States, by and with the consent of the Senate, and by Her Majesty the Queen of Great Britain.

Pending a definitive arrangement on the subject, the United States Government engages to give all proper orders to officers in its employment, and Her Britannic Majesty's Government engages to instruct the proper colonial or other British officers to abstain from hostile acts against British and United States fishermen respectively.—*Foreign Relations*, 1886, volume 1, page 98.

Up to that time a great many controversies had arisen between the people of the United States and the people of Canada which had been put in a state of repose for twelve years by the reciprocal arrangements contained in the treaty of 1854; but prior to the date of that protocol, that offer of Mr. Seward to secure the peace by a *modus vivendi*, as it is termed, there had not been, so far as I have been able to gather from the history of these negotiations or of these transactions, one single dollar in money recovered for any wrong done except in the case of the Washington and the Argus, which was decided under another convention, those being claims by citizens of the United States against the Government of the United States which the citizens pressed upon their own account and at their private expense, I suppose, of course, and of which they got the benefit under a subsequent convention. I believe it was dated in 1853; I am not quite sure about the date of it.

Among other things which had occurred prior to this offer of Mr. Seward are various insults to our flag, about which some of our superpatriotic citizens now in the Senate are very much aggrieved and terribly wounded. The only difficulty about it is that the United States have had that same blow put across our shoulders for so many years—yes, for so many decades of years—that it is rather a late hour for us to begin now to wince at the pain. As far back as 1823 a case of this kind, of insult to our flag, occurred. It was a case of a very remarkable character, and it was followed up by case after case from that time clear on down to 1854—cases of quite as flagrant wrong, some of them, as that was.

In a letter from H. U. Addington to John Quincy Adams, Secretary of State, in reply to a letter that Mr. Adams had addressed to Mr. Stratford Canning, Mr. Addington says:

By the report of Captain Arabin it appears that the said schooner was found at anchor in Shelburne harbor, into which she had not been driven by stress of weather.

That was her whole offense.

From that harbor she had already sailed once, after having previously anchored there, and had returned a second time, before she was captured by the Argus, the weather being fine and moderate the whole time. She was accordingly detained by Captain Arabin for a breach of the act 59 George III, chapter 38, passed for the protection of the British fisheries, in conformity with the stipulations of the convention concluded between His Majesty and the United States on the 20th October, 1818. On the same grounds that vessel was subsequently condemned by the vice-admiralty court at St. John, in the Province of New Brunswick.

He proceeds further:

With regard to the equipping of the said schooner, by the captain of the Argus, and dispatching her in quest of smugglers, you will observe, sir, that Admiral Fahie acknowledges that act to have been irregular; but he at the same time states that irregularity to have been practiced then for the first time, and announces that he has taken measures for preventing the recurrence of it.

That was a statement in reply to Mr. Adams's demand upon that Government, which is as follows:

I am directed by the President of the United States to solicit your good offices in the first instance to obtain the restitution of the schooner Charles to Mr. Moody—

Mr. Moody was the owner—

and in the next to claim the satisfaction and indemnity due all the sufferers by the interruption of their voyage and the disturbance in their lawful occupations, and all other damages sustained by them in consequence of these acts, to which should be added the reparation to the United States for the indignity offered to their flag and the injuries inflicted upon their citizens.

Mr. Adams had a clear conception of the indignity to the flag.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

The Right Honorable STRATFORD CANNING,
Envoy Extraordinary and Minister Plenipotentiary from Great Britain.

That is the demand to which I have just read the reply—part of it, all that is necessary.

Now for the apology, as it is termed, on page 6 of Senate Executive Document No. 100, Thirty-second Congress, first session:

Mr. Canning's departure for Europe causes me to avail myself of the intimation of your appointment as chargé d'affaires *ad interim*—

This is addressed to Mr. Addington—

contained in his letter to me of the 24th of June, to forward for your information and that of the American Government copies of several documents, as particularized at the foot of this letter, which go to contradict, in material points, the statements made in the protest, and will, I trust, sir, furnish sufficient evidence that the Charles was detained and proceeded against on legal grounds.

The manning, however, and sending her "down the bay in pursuit of smugglers," which is admitted in the report of Mr. Innes, the first lieutenant of the Argus, was certainly irregular; and if she had been acquitted—

If the Argus had been acquitted!—

it would probably have induced the court to award a proportional remuneration to the claimants. It is the first instance of such a proceeding that has come within my knowledge, and I have taken measures to prevent its recurrence.

That is the whole of it; that is all the apology which was offered. The statement is that it was irregular, but inasmuch as the ship was condemned, the manner of her seizure, the cause of her seizure, and all that is placed entirely beyond dispute. Now, let us see for what she was seized. Henry Trouch, midshipman, in reporting to Capt. John B. Dundas, of His Majesty's sloop Argus, said:

HIS MAJESTY'S SLOOP ARGUS, *Halifax, August* 11, 1823.

SIR: In compliance with your order to make known to you such particulars as I may be acquainted with, relative to the schooner Charles—American fish-

ing vessel—I beg leave to state that, having been ordered by Captain Arabin, on the 9th of May, 1823, to board the said schooner, lying in Shelburne harbor, I went in the gig, manned by four seamen and the corporal of marines, and, having boarded, demanded her papers. I inquired what brought him within the limits. And the master replied, to avoid a storm. How long he had been at anchor? He replied, he had but just anchored. I then ordered the master to weigh; and, according to the orders I had received from Captain Arabin, anchored close to the Argus. I was ordered on board and to bring the master and schooner's papers with me.

I am, sir, etc.,

HENRY TROUCH, *Midshipman.*

Capt. JOHN B. DUNDAS,
His Majesty's Sloop Argus.

That was the manner of the seizure. Now, what was done with her on that same day?

HIS MAJESTY'S SLOOP ARGUS, *Halifax, August* 10, 1823.

Being ordered by Captain Arabin, on the 9th of May, to take charge of the American schooner Charles and proceed along the coast to St. John, New Brunswick, and detain such unlawful vessels as I might meet in my way, I sailed from Shelburne on the 12th of May, and, on my way to St. John, detained one English and one American schooner, and arrived at St. John on the 20th of May, at which place I was taken out of the schooner Charles and she was delivered into the custom-house.

H. LEGARD, *Midshipman.*

It was seized on the 9th of May, the flag was hauled down, the British flag put upon her as a cruiser, and on that same day she was sent down the bay for the purpose of arresting smugglers, and she arrested and detained one English and one American schooner. They got back with her, as will appear in the next letter of Mr. D. B. Innes, lieutenant of His Majesty's sloop Argus, on the 20th of May. He says, in writing to Capt. John Dundas of the same ship:

On the 20th of May the Charles arrived, and was reported to the collector of the customs for libeling. On the 21st she was manned and given in charge of Mr. Hugh Bowers, midshipman, and sent down the bay in quest of smugglers; when the master requested a passage, he was taken on board and landed at Campo Bello, about 2 miles distant from Moose Island (United States). On the 7th of June the Charles again joined the Argus, and was ordered to St. John's, where she was given up to the collector of His Majesty's customs for legal adjudication.

John Quincy Adams was Secretary of State at that time, the man who, the Senator from Massachusetts [Mr. HOAR] affirms, never did anything contrary to his conscience and never omitted to act when his conscience was brought into play and challenged as the ruler and guide of his conduct. Here was this ship which was seized for nothing else but the fact that she had run in for shelter, run in from a storm, which was there but a few hours within a bay to which she had a right to resort under the treaty of 1818. She was seized on the 9th day of May, 1823; on that day immediately she was converted into a British cruiser, sent down the bay, arrested one American and one English ship, and then returned, and on the 20th day of that month she was reported to the collector of customs for libeling, and on the 21st was libeled, and afterwards she was condemned.

Mr. President, there was an affront to the flag of the country which aroused the attention of Mr. Adams. There was an injury to a private citizen by which his ship was taken away from him and condemned for a cause that was entirely unjustifiable, for he had a right to go there under that treaty for shelter. He went in out of a storm. It was a thorough abuse of the treaty, and yet after Mr. Monroe went out of office that matter was referred to the subsequent administration, and so on down, and when the matter was brought distinctly to the attention of Mr. Clay by the consul at Halifax as something which demanded recompense from the British Government, the whole subject was allowed to pass away in absolute silence.

Mr. President, the statesmen and citizens of that day and time were just as proud and as patriotic as we are, but they did not feel the necessity on that occasion of calling it a humiliating and pusillanimous surrender to the British Government. They did not then feel the necessity of demanding some higher apology than Mr. Bayard obtained from the British Government in a recent case of the like kind.

Why are these distinctions? Because on that occasion a political party had not got hold of this thing as a football, whereas to-day the idea in this treaty and in everything connected with it is to attempt to identify the great Democratic party of this country with the British Government. The idea is to reflect upon our efforts, feeble and unavailing though they have been so far, to relieve this country from taxation by showing or attempting to show before the great body of the people of this country, especially our Irish friends, that the Democratic party are in sympathy with Great Britain, and Senators, honorable men, who in private life would hesitate and would not actually inflict a wrong or an injustice upon another man, either as to his sentiments or opinions, are found here undertaking to brand men as being on the side of the British when they have demanded and wrung apologies and reparations from the British Government for acts which John Quincy Adams did not pass over in silence, it is true, but for which he really demanded no reparation and got none.

No man can state a stronger case of abuse of the flag, the abuse of international comity, the abuse of international law, the abuse of the treaty of 1818, the abuse of every claim we had to respectability—no man can state a stronger case than that which passed under the observation of Mr. John Quincy Adams in 1823. It finally came down as a legacy to Henry Clay, and he buried it.

Mr. Addington replied to this demand of Mr. Adams upon this subjecton the 10th of June, 1824, as follows:

Mr. Addington to Mr. Adams.

WASHINGTON, *June* 10, 1824.

SIR: In reference to the subject of a letter which I had the honor to address to you on the 12th of October last, namely, the detention by Captain Arabin, of His Majesty's ship Argus, and illegal employment as a British cruiser of the American fishing schooner Charles, on which subject I subsequently, in pursuance of instructions from home, gave you verbally the assurance "that orders wouldbe issued by His Majesty's Government that any American vessel detained by the Charles while thus irregularly employed should be restored to the owner, even although liable on other grounds to be condemned," I have now the honor to inform you that an inquiry having been instituted into this subject by orders of the admiralty it has been found that only one American vessel, the Dolphin, was detained by the Charles previous to her adjudication, and that the requisite intimation for the restoration of that vessel has been made to the proper authorities in conformity with the assurance thns given to the United States Government on the part of His Majesty's ministers.

I have the honor to be, with distinguished consideration, sir, your most obedient humble servant,

H. U. ADDINGTON.

To Hon. JOHN QUINCY ADAMS, *etc.*

That is what was done to us in the way of apology and excuse. Charles R. Vaughan, writing to Mr. Clay on the 5th of February, 1826, three years after the date of this seizure, says:

Mr. Vaughan to Mr. Clay.

WASHINGTON, *February* 5, 1826.

SIR: I have the honor to acknowledge the receipt of your note dated the 2d instant, calling upon me to enable you to satisfy the inquiries of Mr. Moody about the result of the reference of his case to the British Government by my predecessor, Mr. Canning, complaining of the capture of a fishing schooner, his property.

Upon a reference to the archives of this mission, I find that the complaint of Mr. Moody was referred, in the first instance, to the rear-admiral commanding the British naval force at Halifax, and that, subsequently, in a dispatch dated November 15, 1823, a communication from the British admiralty was transmitted to Mr. Addington, His Majesty's chargé d'affaires at Washington, informing him that the schooner Charles had been regularly condemned in the vice-admiralty court of the Province of New Brunswick, and that it was not expected that the Government of the United States would lend further countenance to the complaints of the owner.

The condemnation of this vessel took place upon the grounds of a breach of the act of the 59th George III, chapter 28, for the protection of the British fisheries, and which act was passed in conformity with the stipulations of the convention concluded between His Britannic Majesty and the United States on the 20th October, 1818.

The circumstances attending this capture are detailed in a note addressed by Mr. Addington, His Britannic Majesty's chargé d'affaires, to the minister of the United States having the Department of State, dated the 12th October, 1823. I have the honor to refer you to that dispatch, which contains the documents in explanation of this capture, received from the rear-admiral upon the Halifax station, and to request you to accept the assurances of my highest consideration.

CHAS. R. VAUGHAN.

Right then and there that question died. A greater insult than that was never offered to the American flag, that you should seize one of our fishing vessels in violation of the treaty of 1818, and on the same day, within a very few hours, you should haul down the American flag, dismiss the crew from on board the ship, take the captain and transfer him in custody really to the shore; that you should run up the British flag and send the ship down the bay cruising; that she should on the same day seize an American ship for an alleged offense of smuggling and also a British ship; that she should stay out, as a British cruiser, until the 20th day of the next month, in June, and then she should be brought in and submitted to the custom-house for libeling; that on the 21st day of June the libel should be prepared and lodged against her; that immediately she should again be put into commission, for that is the idea, as a British ship, and sent out on another cruise, and kept at that work until finally she is condemned, and that not only no apology is made for it, but that a justification was interposed by the British Government of the seizure, and the act of her colonial court in condemning the ship was to be held of such force and validity, and was so accepted by the American Government as being of such force and validity, as that the British Government should be allowed to say that it was not expected that the Government of the United States would lend further countenance to the complaint of the owner; and sure enough they did not; and there died the case of the Charles. That is the whole history.

Man after man has graced the position of Secretary of State from that day down to this, and the case of the Charles sleeps in the tomb of the Capulets. No man has ever reached forth his hand, armed with American patriotism and panoplied by truth and justice, to make a demand upon the British Government for the Charles, for the honor of the flag. It is all right to haul down American flags provided it is not done when Grover Cleveland is a candidate for the Presidency.

Next come the cases of the Reindeer and the Ruby. Let us see what they had against the Reindeer and the Ruby, two American fishing ships. This case is stated by John Jones, master, to Captain Hoare, of His Majesty's sloop Dotterel.

HIS MAJESTY'S SLOOP DOTTEREL'S BOAT,
St. Andrews, N. B., July 27, 1824.

SIR: I beg leave to represent that on 25th instant, when cruising in the yawl, in pursuance of your orders, off the Grand Menan—

That is near the mouth of the Bay of Fundy—

for the protection of our fisheries, I received information of several American fishing vessels being at anchor at Two Island Harbor, and that two of them,

namely, Reindeer and Ruby, of Lubec, were at White Island Harbor on the 24th, where they got their wood and water, and that on their anchoring they fired their muskets and told the inhabitants they were armed, and would not allow any man-of-war's boat to board them, and after they had their supplies they shifted to Two Island Harbor, Grand Menan.

I made sail from Gull Cove, and at daylight, the 25th, observed four schooners at anchor at Two Island Harbor, which vessels got under way on our appearing; when I got close to three of them they lashed alongside each other, and all hands, about thirty in number, went on board the middle one with their fire-arms and fish spears. I desired them to separate, which they refused to do until I threatened to fire on them. On boarding they proved to be the Reindeer, master's name Small, and Ruby, master's name Small (brothers), of Lubec, two fishing vessels, and Friend's shallop, of the same place.

It being fine weather, and they not being in want of wood or water, I detained the Reindeer and Ruby, and put their men, with the exception of the masters, on board the two American schooners with provisions for a passage to Lubec, and made sail in the Reindeer and Ruby for St. Andrews through East Quoddy. About 6 p. m., when abreast of harbor De Lute, I observed two schooners and an open boat full of armed men, muskets and fixed bayonets, hoisting American colors; one of them went alongside Mr. Towneau in the Ruby, boarded and took the arms from him and his three men; the one abreast of me was kept off for about a quarter of an hour, when they commenced firing into us. Though with great reluctance I thought it most prudent to surrender to such superior force, having but four men, one musket, and three cutlasses.

On delivering them up, I found there were in the two schooners about a hundred armed men (including the crews of the schooners, about thirty in number), the rest having the appearance of militiamen, and headed by a Mr. Howard, of Eastport, said to be captain in the United States militia.

I have the honor to be, etc.,

JOHN JONES, *Master.*

To CAPTAIN HOARE,
His Majesty's Sloop Dotterel.

That is the case. He found them lying quietly in that harbor where they had taken wood and water, as they had a right to do under the treaty of 1818, but inasmuch as some of the crew, upon a boat, doubtless out getting wood or water, had said they did not intend to be boarded by a British man-of-war the evening before and had fired some of their guns, not at anybody, the ire of the British lion was aroused and the next morning at daylight this officer, Mr. John Jones, set sail for that place, captured these ships, took them into custody, and was going off with them, but the people on shore got wind of it and when they undertook it they came out to meet them and rescued the ships from them by violence.

Now, see what was said about that. Mr. Vaughan wrote to Mr. Clay, as follows:

Mr. Vaughan to Mr. Clay.

WASHINGTON, *April* 29, 1826.

SIR: On the 5th October, 1824, Mr. Addington, His Majesty's chargé d'affaires, addressed a note to the Government of the United States, in which he stated that an outrage had been committed by some armed citizens of the State of Maine in forcibly rescuing, off Eastport, two American vessels, the Reindeer and Ruby, which had been captured by His Majesty's cruisers while fishing in the Bay of Fundy, in places where the United States had by treaty renounced the right so to do.

No answer having been given by the Government of the United States to the remonstrance made by Mr. Addington, I am directed to ask for an acknowledgment of the impropriety of the conduct of the persons concerned in the forcible recapture of the above-mentioned vessels.

In all complaints which the Government of the United States has had occasion to bring forward against His Majesty's cruisers employed in the protection of the British fisheries in the Bay of Fundy the fullest investigation into every case of alleged misconduct has been instituted by the British agents, and the reports of the commanding officers have been laid before the American Government. If it has been necessary to call for the judgment of the colonial tribunals, prompt and impartial justice has been administered, in proof of which I have only to refer you to the case of the American ship Charles, which had been legally detained, but having been illegally employed by her captors after her detention, was restored.

I ask with confidence, on the part of His Majesty's Government, for an acknowledgment of the improper conduct of the persons engaged in the forcible recapture of the Reindeer and Ruby, as the British Government is disposed to waive all demand for the punishment of the offenders, as the act resulted apparently from unpremeditated violence.

I request that you will accept the assurances of my highest consideration.

CHAS. R. VAUGHAN.

There was the demand of the British Government based upon an unlawful act. It was the case of Fortune Bay repeated, except that the quarrel was about a different subject. There a mob came on board the ships. They came to the ships, the Ruby and the Reindeer, from the shore, and upon the vessel that had them in charge, and assailed them with fire-arms and went into actual battle, and captured the ships from the British captors who were then taking them into a port for condemnation.

In order to show how people felt to each other who had not been very long out of the toils of war about questions of this kind, I will read what Mr. Addington said to Mr. Adams on this general topic:

Mr. Addington to Mr. Adams.

WASHINGTON, *February* 19, 1825.

SIR: On the 8th and 21st of September last I had the honor of receiving from the Department of State two letters, in which my good offices were requested in behalf of certain individuals of the State of Maine, engaged in the fishing trade, who desired redress and reparation for injury done to them by the seizure of their vessels by His Majesty's sloop Dotterel, while employed in cruising on the coasts of His Majesty's North American possessions.

I informed you, sir, in reply to those communications, that I should forthwith address an application to the British naval commander-in-chief on the North American station, recommending that a full and impartial investigation should be instituted into the various cases which formed the grounds of complaint on the part of the American Government.

I have the honor to transmit to you herewith copies of a correspondence which took place, in consequence of my application, between Captain Hoare, commanding His Majesty's sloop Dotterel, and Rear-Admiral Lake, in reference to the cases set forth in your letters above mentioned. The depositions of the officers and men concerned in the capture of the vessels therein enumerated are also annexed.

By a perusal of these documents it will, I trust, sir, most conclusively appear to you that the complainants have no just ground of accusations against the officers of the Dotterel, nor are entitled to reparation for the loss they have sustained; that, on the contrary, they rendered themselves, by the willful irregularity of their conduct, justly obnoxious to the severity exercised against them, having been taken, some *flagrante delicto*, and others in such a position and under such circumstances as rendered it absolutely impossible that they could have had any other intention than that of pursuing their avocations as fishermen within the lines laid down by treaty as forming the boundaries within which such pursuit was interdicted to them.

With regard to the charge preferred against Captain Hoare, of his having converted detained American vessels, prior to their adjudication in the courts, into tenders for assisting him in his operations against the vessels of the same country, I have only to observe that that officer broadly, and in the most explicit terms, denies ever having committed or authorized one such act. And in respect to the other accusation addressed by the complainants, of maltreatment by the British officers of those persons whose vessels had been detained, I trust that a perusal of the inclosed papers will make it equally clear to you that that charge is entirely unfounded.

I can not but apprehend, sir, that the acrimony with which the proceedings of Captain Hoare have been viewed by the citizens of the State of Maine, employed in the fishing trade on the British-American coasts, may be justly ascribed to the circumstances of the recent substitution of vigilance, on the part of the British cruisers, for the laxity which appears to have prevailed heretofore in guarding those coasts from the intrusion of foreign fishermen and smugglers; and I doubt not that if those persons could be prevailed upon to confine themselves within the limits prescribed to them by the treaty, no cause of dissension or complaint would ever arise between the individuals or vessels of the two nations.

It remains for me to observe that in one case in which, by the ignorance of the midshipman employed in the service, the territory of the United States had been violated by the pursuit and seizure of an American vessel within the American boundaries, Captain Hoare made all the reparation in his power for his officer's misconduct by delivering up to the Americans the boat which had been detained, and paying all the expenses incident to her detention.

I have the honor to be, with distinguished consideration, sir, your most obedient, humble servant,

H. U. ADDINGTON.

Hon. JOHN QUINCY ADAMS, *etc.*

That was a magnificent apology to deliver for taking a boat which had been unlawfully seized, that he had paid the expenses of her detention! What becomes of your flag question? What becomes of this sudden spasm of grief about the dishonor to the flag and the rescue of the boats I was speaking about awhile ago? Wherever the British Government found one of the men who were alleged to be implicated, it made no difference where he was within British jurisdiction, it seized him and carried him to port for trial, our Government not even making a protestation against it, but admitting in the broadest way it is possible to make an admission the jurisdiction of the local courts to proceed in matters of this kind, and that we were conclusively bound by it.

There were still other seizures. Mr. Morrow at Halifax on the 27th of June, 1839, writing to Hon. John Forsyth, then Secretary of State at Washington, said:

United States consul at Halifax to Mr. Forsyth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Halifax, Nova Scotia, June 27, 1839.

SIR: I have to state that a number of American vessels have been seized in this province for violating, as has been alleged, the convention between the United States and Great Britain, and the law of this province, a copy of which I forwarded in my letters numbered 41 and 63, namely:

Schooner Shetland, of Boston, 98 tons burden, seized at Whitehead, near Canso.

Schooner Magnolia, of Vinalhaven, seized at Tusket Island Harbor, near Yarmouth.

Schooner Independence, of Vinalhaven, seized at Tusket Island Harbor.

Schooner Hart, of Deer Isle.

Schooner Java, of Islesborough.

Schooner Charles, of Mount Desert, seized at Canso; this vessel has been released.

Also, a schooner, name unknown, seized at Guysborough.

Schooner Mayflower, of Boothbay, seized and sent into Guysborough.

Schooners Battelle, Hyder Ally, and Eliza, seized at Beaver Harbor.

I inclose copies of two letters, which I thought it my duty to write to the governor, with several statements submitted to him. Also a copy of an affidavit, made by the master and crew of the schooner Eliza, of Portland; and a copy of a letter addressed to me by Sir Rupert D. George, baronet, secretary of the province; also a report made by the Queen's advocate-general in the matters referred to the governor.

You will perceive, from the papers now transmitted, the position in which I am placed, urging the claims of the owners and masters of the vessels, and having the expense of the crews to pay, they being utterly destitute; and I have been compelled to afford them the assistance they required.

I have received information that the revenue-cutter Hamilton had arrived at Yarmouth for the purpose of inquiring into the circumstances of those seizures, and I wished most earnestly to have seen her commander; but it is now said that she has proceeded to St. John's, New Brunswick. And, although I have felt the impropriety of my interference in the business of the consulate of St. John's, New Brunswick, Pictou and Sydney (Yarmouth and the Tuskets being nearer to St. John's than to Halifax—Whitehead and Guysborough being nearer either to Sydney or to Pictou), I could not refuse my assistance to American citizens in distress, and I hope this will pass without censure.

I beg leave also to refer to the journals of the house of assembly, now transmitted, from which it would appear that the provincial act has been principally framed on the documents therein contained.

Many other vessels will no doubt be seized, and I shall be called upon by the crews of the vessels to intercede for them, and to supply their wants. This I took the liberty of bringing under your notice in my letter No. 62; and I respectfully urge that the labor of protecting the interests of American citizens in this province should not, of necessity, devolve on me, as living near the seat of government, while all the perquisites of the office are enjoyed by others within whose consular jurisdiction the seizures have been made.

I have the honor to be, sir, your obedient, humble servant,

JOHN MORROW.

Hon. JOHN FORSYTH,
Secretary of State, Washington.

Now, let us see what these six ships were seized for. The same Mr. John Morrow reports in regard to the Shetland, of Boston:

That a lad, whose name is unknown, came on board the schooner. [Supposed to be about sixteen years of age. This not in the affidavit.] Requested the master to sell him a pair of trousers, which he (the master) refused to do, but on repeated importunities consented that the young man might select a pair; the boy also requested to have some tea and tobacco, and, after much hesitation, the master, having none to spare, and not having beam, scales, or weights on board, gave him a quantity of tea, supposed to be about one pound, and about six to eight pounds of tobacco; for which articles, namely, the trousers, tea, and tobacco, the boy paid to the master $4. About two hours after this transaction a number of men came on board, headed by a person who was said to be a magistrate or a custom-house officer, and demanded the papers of the schooner, (the register, fishing license, and the log-book), which he retained; sent the master and the crew on shore at Whitehead, except the mate; the vessel was then seized, and has been brought to Halifax. It has since been ascertained that the schooner was seized by Mr. Matthew Forrester.

That is the first case. In the case of the Magnolia, the master of the Magnolia "admits that he purchased a barrel of herring for bait, but took no fish within 15 miles of the coast of Nova Scotia." So, as far back as in 1839 vessels were seized for going into the ports of the British provinces and buying bait. He bought a barrel of herring to fish with.

Mr. FRYE. Was he seized for buying bait?

Mr. MORGAN. Yes, sir.

Master admits that he purchased a barrel of herring for bait, but took no fish within 15 miles of the coast of Nova Scotia.

Remained, as before mentioned, at Tusket Island and returned to the fishing ground at not less than 15 miles from the coast, and there remained until the 25th day of May.

Mr. FRYE. Those other vessels were seized, were they not, for violating customs laws, for smuggling?

Mr. MORGAN. No.

Mr. FRYE. For selling tea and tobacco contrary to law?

Mr. MORGAN. I do not know whether that is the customs law or not. I suppose it was especially for smuggling. I suppose that is what it was.

Now we come to the case of the Independence, sent out from Vinalhaven, State of Maine, 31 tons.

Sailed on or about the 10th of April; commenced fishing, but never at a less distance than 15 miles from the coast of Nova Scotia, until the latter end of April last.

In want of water; went into the Tusket Island, and remained at anchor about twenty-four hours. At the expiration of that period put to sea, and returned to the fishing places in the said bay; but not fishing at a less distance from the coast than 15 miles.

Remained in the bay until the 25th day of May. The only compass on board the vessel having been broken, the master wished to reach Yarmouth to have his compass repaired, and to obtain a supply of water. Blowing a gale of wind, the weather thick and hazy, was compelled to take shelter in Tusket Islands for the night.

On the 26th of May, lying at anchor, the schooner was boarded and seized by Mr. Darby, commanding the schooner Victory, who demanded all the papers of the said schooner, which were delivered to him.

The vessel taken into Yarmouth; crew ordered to leave the vessel.

Protest made in the usual form.

The next case was that of the schooner Hart. She—

sailed from Deer Island on a fishing voyage in the Bay of Fundy, and remained there at a distance not at any time less than 15 miles until the 13th May last.

* * * * * * *

That the said master went into Tusket Harbor to procure wood and water, and for no other purpose whatever.

That Benjamin Brown, a resident of Yarmouth, while lying in harbor, called to one of the crew of said vessel, requesting that the said master would assist him in clearing or picking his nets; and ——, of the boat Hart in consequence of such request, went on board of Brown's vessel (a British vessel) and assisted in clearing his nets; for which service Brown gave to the deponent Rich about two barrels of fresh herrings.

[The master and crew state that they had no need of bait, having abundance of clams on board which had been brought with them from Deer Island. This, however, not in the affidavit made at Yarmouth.]

That, with the exception of the two barrels of fish, neither the master of the said boat nor her crew have fished on any part of the coast of Nova Scotia within 15 or 16 miles.

That no article whatever has been sold from or out of the said vessels, but the necessary supply of wood and water were obtained and paid for in money.

That, on the 21st day of May, the boat was boarded and seized by Mr. Darby, of the government schooner Victory, and taken into Yarmouth, and all the papers of the said schooner Hart were taken from the said master and himself and crew were sent on shore, Mr. Darby detaining all the clothes and necessaries of the said master and crew except the clothes they had on at the time of seizure.

No. 5 was the case of the schooner Java. The master of the Java admitted that he had been fishing within the 3-mile limit, and they condemned him out of hand without the benefit of clergy or mainprise.

The next case is No. 6, the case of the Eliza, at Portland. Here are the affidavits of six men sworn to before Mr. Morrow, consul of the United States, on the 13th of June, 1839. They state:

That, on or about the 26th day of April last, these appearers sailed in and with the said schooner from Portland, on an intended fishing voyage on the coast of Nova Scotia and the Bay of St. Lawrence, having on board materials and stores fit and proper for a fishing voyage, and which voyage was expected to last about four months.

That the said schooner carried no articles whatever suitable for a trading voyage or for sale; nor had any one of these appearers any goods, wares, or merchandise wherewith to carry on any trade or traffic, but solely intended and fitted out for the fishery, with nets, hooks, and lines, salt, etc.

That from the day on which they sailed, they never caught or cured any fish whatever, within 10 or 12 miles of any part of the coast, and never made any harbor, except when unavoidably compelled to do so, namely: on or about the 5th of May, it blowing a heavy gale from the east, they were compelled to make a harbor in the Ragged Islands, where they remained two or three days, during all which period the weather continued so bad as to prevent their going to sea. On the 24th of May, or thereabouts, the schooner having carried away one of her larboard main chains, in consequence of a heavy swell while at anchor in 60 fathoms off Spry Harbor, they were compelled to run into Beaver Harbor as the nearest port, and got it repaired by a man whose name they were informed was —— Winsell.

That on the 8th of June now instant the said schooner put again into Beaver Harbor to get wood and water (their supply being much reduced and being inadequate for the said voyage), and on the 9th (being Sunday) the said schooner was seized by the provincial schooner Victory, Darby, master, and brought to Halifax, the master and the cook being the only persons allowed to stay in her.

And these appearers solemnly declare that they neither sold, bartered, nor parted with any article whatever out of the said schooner, or caught or procured or prepared, or intended to catch or procure any fish whatever, except at a distance of 10 to 12 miles from the coast of Nova Scotia, or purchased or endeavored to purchase any fish of any of the inhabitants or others on the British coasts, and that the whole sum of money in possession or control of this appearer, the master, did not exceed four to five dollars, or thereabouts, with which to buy wood and water in case of need.

That affidavit is sworn to on the 13th June, 1839, before Frederick Le Blanc, and certified to by John Morrow as a true copy, Morrow being consul there at the time.

On the 8th of August, 1839, Mr. Morrow makes a report of these cases to the Secretary of State, the Hon. John Forsyth. He says:

United States consul at Halifax to Mr. Forsyth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Halifax, Nova Scotia, August 8, 1839.

SIR: Since I had the honor to address you, under date the 27th June (No. 77), several proceedings have been had with respect to the vessels therein named; some have been released on payment of expenses, and others have been condemned.

I beg leave, most respectfully, to recapitulate the fate of each vessel.

The schooner Eliza, of Portland, has been released on payment of expenses, amounting in all to £84 17*s.* 10*d.* (this currency), or $339.56; this, however contains my commission on cash advanced to release her and incidental charges connected with a bottomry.

Schooner Shetland, of Boston, released in a like manner; her expenses about $600; but the money was paid by a house of business here, and I do not know the exact amount.

Schooner Charles discharged without any expense.

That is a different schooner from the one of which I was speaking this morning, which was condemned.

Schooner Charles discharged without any expense.

Schooner Mayflower, of Boothbay, released; her expenses amounted to £75 6*s.* 4*d.*, which I paid. Incidental charges included in this sum.

The Eliza, Charles, and Mayflower have evidently been brought under the operation of a law which I can not but feel is exceedingly severe—perhaps I should say unjust. It was thought advisable, however, to pay the sums at which they were assessed, rather than have the vessels detained, and perhaps, subjected to further difficulty.

The Shetland stood in a different position, and escaped condemnation by the merest accident.

The Battelle and Hyder Ally have been condemned and sold.

I bought the former for the owner, who has come on to this place and claimed her. I charged him 5 per cent. commission, which he paid. He took a sea letter for Boston from this office, the schooner's papers being filed in the registry of the court of vice-admiralty.

The Magnolia, Independence, Java, and Hart were condemned in the court of vice-admiralty on the 5th instant, and an order has gone to Yarmouth for the sale to take place immediately.

The owner of the two former is here, and he will proceed to Yarmouth to purchase them. I have a power of attorney from the owner of the Hart to purchase for him; and I have given directions that the Java may also be bought on account of the owners, if it be possible by so doing, to save these poor men from ruin.

The Hyder Ally remains in my possession, and will, I think, be claimed in a few days, as the owner has written respecting her.

A new case has arisen. The schooner Amazon was seized by the collector of light duties at the Gut of Canso, and the master transmitted an affidavit to me relating the circumstances of the seizure.

I immediately applied to the advocate-general, who, after a few days, handed me an order for her relief addressed to the seizing officer, but left open so that I might send it to the person having the vessel in custody, it being reported that the collector of light duties had absconded.

The master of this vessel will have to pay the expenses attendant on his detention and custody, for which I have become answerable, and how I am to be reimbursed I do not know.

I have the honor to be, sir, your obedient, humble servant,

JOHN MORROW.

Hon. JOHN FORSYTH,
Secretary of State, Washington.

There was the fate of six vessels and others that had been seized under these accusations, these charges which I have just read, and which it will be seen cover almost every single ground of complaint found to this treaty, and every single ground of complaint found in respect of more modern cases of outrages that have been inflicted upon us by the British people. Our Government sat down and permitted these things to go on unrebuked and unnoticed, and they went on through all the different administrations, including that of General Grant, Mr. Hayes, and Mr. Arthur, and nobody raised a voice either to rebuke or to demand indemnity for any of these acts. But this consul's letter introduces a new topic here, a very interesting one, because it has been asseverated on the part of Senators here continually in the most emphatic, not to say dogmatic, way that no question had ever been made about the Gut of Canso, and therefore it was a work of supererogation on the part of Mr. Bayard to put into the treaty anything about our fishermen going through that. Senators had better inform themselves about the history of our country before they put in these statements. I have called your attention here to what Mr. Morrow had to say about that in that first case. Let us trace that a little farther.

James Primrose, the consul at Pictou, Nova Scotia, on July 15, 1839, addressed Hon. Sir Rupert D. George, provincial secretary, etc., at Halifax. He says:

CONSULATE OF THE UNITED STATES,
Pictou, Nova Scotia, July 15, 1839.

SIR: I most respectfully beg leave to bring under the notice of the government the existing practice of collecting light-dues at the Strait of Canso.

American vessels bound to Pictou have this season been frequently fired at and brought to at that place by an armed boat and boarded by an officer armed with a cutlass and a brace of pistols, who has enforced payment of light dues. As but few of these vessels were provided with funds, the masters have been subjected to great inconvenience by being compelled in many instances to part with portions of their cargoes or ship's stores, and to pursue other objectionable courses to enable them to meet the demand, which I respectfully submit might be collected here where the consignees reside with as much safety to the revenue, and, as you will perceive by the inclosed affidavit, with less danger to strangers, who are led to commit acts seriously affecting the safety of their vessels through the misrepresentation of an officer claiming to be clothed with authority.

Will you do me the favor of informing me whether the collectors of light dues at the Strait of Canso act under the authority of the government of this province in levying that rate there on American vessels not bound to any port or place within the same?

The imposition of any tax by the Province of Nova Scotia upon American vessels engaged in the prosecution of the fisheries, using that passage *in transitu*, would appear to deprive it of the character of constituting a portion of the high seas.

With the greatest respect, I have the honor to be, sir,
Your most obedient and humble servant,

JAMES PRIMROSE,
Consul United States of America.

To Hon. Sir RUPERT D. GEORGE,
Provincial Secretary, etc., Halifax.

Mr. GRAY. What is the date of that letter?

Mr. MORGAN. It is dated July 15, 1839, and it is supported by an affidavit of E. G. Allen, setting forth the facts.

Mr. FRYE. There is no claim that they had not the right to pass through—no claim that it was not an open place.

Mr. MORGAN. It was a claim that the Strait of Canso was not a part of the high seas.

Mr. FRYE. It was a claim that they had a right to collect light dues.

Mr. MORGAN. That depends entirely on the other fact whether it was a part of the high seas. Now, let us see what Sir Rupert D. George had to say about that. He says:

With respect to the concluding paragraph of your letter of the 15th of July—

Which I have just read—

I have it in command to remark that his excellency—

That is the governor-general—

can not admit the character given to the Gut of Canso as a part of the high seas, until recognized by some authoritative decision, as the correctness of its application to that narrow passage lying entirely between the lands of this province may be questioned, more especially as an open communication around the eastern end of the island of Cape Breton is to be found on the high seas to the Gulf of St. Lawrence or any other point to which the Strait of Canso can be made subservient.

I take this opportunity to state that the case of the American schooner Amazon, which was the subject of your letter of the 25th of August, remains under consideration, all the information with respect to it which is desired not having yet been obtained.

I have the honor to be, sir, your most obedient, humble servant,

RUPERT D. GEORGE.

JAMES PRIMROSE, Esq.,
American Consul.

Nathan Briggs, master of the American schooner Altamaha, and E. G. Allen, master of the American brig Orleans, made affidavits in regard to the conduct of these people in excluding them and firing upon them, and as to their demand for light money.

Mr. Briggs's affidavit is:

Nathan Briggs, master of the American schooner Alatamaha, of New Bedford, maketh oath and sayeth that on the 19th day of June last past, while said vessel was passing through the Gut of Canso, down to Pictou, for a cargo of coal, Duncan McMillan, collector of light dues, came on board and demanded to see the Alatamaha's papers, and required payment of light dues. Deponent said he had no money, but would give an order on Pictou. McMillan, looking at the clearance, said: "You have no means of paying me on board," and requested deponent to give him a barrel of flour for light dues. Deponent made answer that he could not break bulk without subjecting himself to a penalty; on which McMillan replied that there was no duty payable on any article delivered to him in payment of light dues. Deponent believing, from the circumstance of a British flag flying in McMillan's boat, that he was an officer of government, and had a right to make such demand, gave him a barrel of flour, and took a receipt therefor, of which the following is a copy.

And so on. It is useless to multiply instances about this matter. One case proves the whole question, proves the whole subject, but there are numerous cases. The case of the brig Emerald, of Salem, Mass., was another one.

Roderick McKenzie, master of the brig Emerald, of Salem, in the State of Massachusetts, in the United States of America, maketh oath and sayeth that on Sunday morning last, the 22d instant, while the said brig was riding at anchor, wind bound, at the Strait of Canso, on her passage from Boston to Pictou, she was boarded by Duncan McMillan, who demanded to see the ship's papers, which were shown to him by deponent. The said McMillan then demanded from deponent 4*d.* per ton registered as light dues; but deponent informed him that he had not the means of discharging the claim there, but would pay it at Pictou.

McMillan then requested deponent to give him an order on some person at Pictou, which deponent declined to do, saying there was no person there on whom he had any authority to draw. McMillan then left the vessel. About six hours afterwards, when the said vessel was under sail for Pictou, she was boarded by three armed boats containing about sixteen men and taken possession of by the said McMillan, but was released on deponent's signing a note of hand, payable to the said McMillan or his order, on demand, for the amount of the light duty.

RODERICK McKENZIE.

Mr. Primrose, on the 18th of November, 1839, addressed Hon. John Forsyth on this subject. He says:

United States consul at Pictou to Mr. Forsyth.

CONSULATE OF THE UNITED STATES.
Pictou, November 18, 1839.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st ultimo, and to transmit herewith a copy of a letter which I have just received from the secretary of this province on the subjects which I brought under your notice in my last communication to you, dated the 10th ultimo.

Vessels of the United States trading to this port have paid upwards of $2,800 for "light dues" during the present year. The aggregate of the tax is greatly increased from the circumstance of its being also collected each voyage from all American fishing vessels (and they are very numerous) using the passage of Canso Strait.

The claim set up by the Province of Nova Scotia of an exclusive right to the Strait of Canso, is deserving of consideration. If this claim be admitted, the provincial government may at any time impose such restrictions on its navigation as would amount to a prohibition of its use as a commodious access to the fishing grounds in the Gulf of St. Lawrence.

In my letter to you (No. 11), dated the 11th March last, I anticipated the difficulties which the fishermen have subsequently experienced upon the coasts of this province. There can be no doubt that some of them were fairly chargeable with infringement of the treaty; I think it equally certain that the excess of zeal displayed by some of the provincial officers in the exercise of their authority has in certain cases led to unwarranted interference with the rights of the American fishermen, and the liberty of their vessels. I think it is absolutely necessary for their protection that there should in future be at least one small vessel of war commissioned to cruise on the fishing grounds during the summer months, commanded by an active and experienced officer, qualified by prudence and firmness to caution the fishermen against all violation of the treaty, and to guard them vigilantly from every improper molestation.

I have the honor to be, sir, your most obedient and humble servant,

JAMES PRIMROSE, *Consul.*

Hon. JOHN FORSYTH,
Secretary of State, Washington.

Mr. Vail, in quite an extended review of the difficulties which had been experienced prior to August 14, 1839, addressed a letter to the President of the United States, he then being the acting Secretary of State, from which I will read an extract:

From these statements it will appear that the only cases of seizure of which anything is known at the Department, not being made on the coasts of Newfoundland or Labrador, occurred at places in which, under the convention of 1818, the United States had forever renounced the right of their vessels to take, dry, and cure fish; retaining only the privilege of entering them for the purposes of shelter, repairs, purchasing wood and obtaining water, and no other. In the absence of information of a character sufficiently precise to ascertain either, on the one side, the real motives which carried the American vessels into British harbors, or, on the other, the reasons which induced the seizure by British authorities, the Department is unable to state whether, in the cases under consideration, there has been any flagrant infraction of the existing treaty stipulations. The presumption is, that if, on the part of citizens of the United States, there has been a want of caution or care in the strict observance of those stipulations, there has been, on the other hand, an equal disregard of their spirit, and of the friendly relations which they were intended to promote and perpetuate, in the haste and indiscriminate rigor with which the British authorities have acted.

Under the supposition that many of the seizures had been made upon insufficient grounds, and in order, if possible, to preclude for the future the recurrence of such proceedings, the acting Secretary of State, in a note dated the 10th of July, called the attention of the British minister to the cases of seizure, which had come to the knowledge of the Department, and requested him to direct the attention of the provincial authorities to the ruinous consequences of the seizures to the owners of the vessels, whatever might be the issue of the legal proceedings instituted against them; and to exhort them to exercise great caution and forbearance in future in order that American citizens, not manifestly encroaching upon British rights, should not be subjected to interruption in the pursuit of their lawful avocations.

The President's directions that a vessel of war of suitable force should be held in readiness to proceed to the coasts of the British provinces having been communicated to the Secretary of the Navy, an answer has been received that the schooner Grampus, now lying at Norfolk, would be prepared to proceed to that quarter at a moment's notice; and that, should it be the desire of the President that a vessel of higher class should be employed on that duty, a sloop of war can be detailed from the station at Pensacola, so as to be ready to sail at the end of this month.

Respectfully submitted.

A. VAIL, *Acting Secretary of State.*

To the PRESIDENT OF THE UNITED STATES.

Then again addressing Commodore Ghauncey, he says:

Acting Secretary of State to Acting Secretary of the Navy.

DEPARTMENT OF STATE, *Washington, August* 9, 1839.

SIR: Several seizures of fishing vessels belonging to citizens of the United States having been made by British cruisers in the harbors and along the coasts of Nova Scotia, the President has ordered an inquiry into the subject, and has directed me to inform your Department that, for the purpose of protecting the rights and interests of our citizens in that quarter, a vessel of war, of suitable force, will soon be required to cruise off the coasts referred to.

I am, etc.,

A. VAIL, *Acting Secretary.*

Commodore I. CHAUNCEY,
Acting Secretary of the Navy.

Mr. Forsyth took the subject up and addressed a letter to Mr. Stevenson, then our minister to Great Britain, in which he says:

Several cases of seizures and detention have, as was apprehended, occurred since the date of my letter, but none of those reported to the Department have been presented in a form to fulfill the expectations entertained that the Government would be enabled to found upon it a specific complaint against the conduct of the local authorities whilst protesting against the injurious operation of provincial law upon American interests brought involuntarily and unjustly within its jurisdiction.

The first article of the convention of 1818, between the United States and Great Britain which contains the treaty stipulations relating to the subject, is so explicit in its terms that it seems there would be little room for misapprehending them, and indeed it does not appear that any conflicting questions of

rights between the two Governments have arisen out of differences of opinion between them regarding the intent and meaning of this article. Yet in the actual application of the provisions of the treaty, committed on the part of Great Britain to the hands of subordinate agents subject to and controlled by local legislation, difficulties growing out of individual acts have sprung up from time to time, and of these perhaps the most grave in their character are the recent seizures of American vessels made, it is believed, under color of a provincial law entitled "William IV, chapter 8, 1836," enacted doubtless with a view rigorously to restrict, if not intended directly to aim a fatal blow at our fisheries on the coast of Nova Scotia.

From the information in the possession of the Department, it appears that the provincial authorities assumed a right to exclude American vessels from all their bays, even including those of Fundy and Chaleurs, and to prohibit their approach within 3 miles of a line drawn from headland to headland.

These authorities also claim a right to exclude our vessels from resorting to their ports unless in actual distress, and American vessels are accordingly warned to depart or ordered to get under way and leave a harbor whenever the provincial custom-house or British naval officer supposes, without a full examination of the circumstances under which they entered, that they have been there a reasonable time.

Then he proceeds to argue his view of the convention after having stated the British view in a very clear way It might be very well for Senators here who are hypercritical in certain matters to attempt to take the distinction made by Mr. Forsyth in this letter between controversies with officers of the provinces and the questions treated by the treaty of 1818, which bring up cases of difficulty between the Governments. If Senators were disposed to do me, humble and unpretending and unpretentious as I am, that justice that is due from one gentleman to another, in reading the remarks which I had the honor to make to this honorable body in 1886 and 1887, they would see that I take there exactly the same distinction that Mr. Forsyth took in that case, that in respect of the treaty of 1818, as between the two Governments, it did not appear that it was necessary to have it amended as to the fundamental principles embodied in the treaty at all.

But whatever amendment was necessary was to be obtained by negotiation, as I thought and felt and so expressed myself, not in respect to the fundamental or organic principles contained in that treaty about which the Governments disagreed, but in respect to the mere manner of its application to the local interests and by the local population, the Canadian Government being the party on one side and individual Americans being the parties on the other. I have stated that fact heretofore, and have said as much about it now as I care to say. Senators can, if they choose, misunderstand it or misrepresent it as they please. I believe I am *rectus in curia* on that question. I have nothing now to excuse or to apologize for in what I have said here except this, that when I spoke on this subject before, in 1886 and 1887, I was speaking under that sort of embarrassment and restraint that I hope every Senator will feel under when he has to speak in anticipation of questions that may arise between this Government and some other government, and when he may feel that even his humble attitude or humble voice may be misconstrued by some foreign government into incorrect interpretations of concessions made by men on this floor.

For, after all, I do not know that I feel more honor in having a seat on this floor in any capacity that I have at all, than I do in being placed by the Constitution of the United States as one of the advisers of the President of the United States in the conduct of negotiations between this country and foreign countries. If there is any duty more delicate or more responsible than that I have failed to see it. And it is one that I have felt ought not to be exposed to general public criticism, and one the exercise of which I have always thought that I, among my colleagues, should have unembarrassed liberty.

But so it is; we have not got it to-day. We do not dare to enjoy it or proclaim it. The Senators of the United States here know that there are very important facts that are concealed by their own action in this case that they do not dare to reveal to the British Government, and even while I am here attempting to defend this treaty, I have to do it, not in the light of the facts as the American people will read them, but in the light of the facts as we know them in the secret archives of this body, the doors of which as to them are closed now by a majority vote of this body. That is the secret of the situation. I proclaim it to the people of the United States, and I defy any Senator on this floor to dispute the proposition. I cast my challenge at your feet now and ask you to take it up.

I do not wonder, Mr. President, at that great and sagacious statesman, Mr. Seward, when he cast his eyes back over this rough history of our transactions with Great Britain, and the almost impossibility of arranging matters even by negotiation in consequence of the interposition, under the treaty of 1818, of the local authority in the Canadian provinces, I do not wonder, when he cast his eye back, that he looked with trepidation—yes, with alarm—upon the termination of the reciprocity treaty of 1854, and provided, or attempted to provide, by the tender of this protocol which I read in my remarks to-day, to provide a *modus vivendi* at least until we got into ground where negotiation might smooth the way and make the final relations of Great Britain and Canada and the United States those of peace and satisfaction, instead of discord and trial.

I recur again to that proposition, from which I can not get away, that in the very nature of the fishery interests which we have in those coasts, the right being a joint proprietary right in the fisheries there, whose wealth has called forth the most eloquent portions of the remarks of the Senator from Massachusetts, who quoted from more ancient authors still, that this interest so valuable, so complicated, so interwoven in every respect with the relations existing between the people of Canada and the United States can not be regulated except by agreement; the power of the human intellect and the power of government is inadequate to the task of making smooth, complete, and satisfactory arrangements for the future enjoyment and disposition of a right so intricate and so intimate as this is, where the rights of every man may depend in a large degree upon the conduct, and even the forbearance, of his neighbor.

The American Senate, the American Congress, and the American President may worry with this question for another century and there will be no solution of it in which justice will prevail or in which peace can be secured other than by friendly arrangement with those persons mutually interested with us in this valuable right. Tenants in common, even of a tract of land where they enjoy *per my et per tout*, can not regulate their affairs, there being no umpire to control them beyond their will; they can not regulate their affairs by the law of retaliation. The *lex talionis* has no place in connection with the rights and privileges between men, neither has it between nations, and whoever resorts to it resorts to a cause of continual aggravation and friction instead of one of peace, satisfaction, and beneficent results.

After Mr. Seward had failed to have his *modus vivendi* adopted, to which the British Government, after all, made but a very slight objection, and indicated that they had a will in that direction which could be easily influenced, these troubles arose again, as they will always arise from the very nature of the case—not any more from Canadian cupidity than from American aggression.

It is the case of two men jointly interested in a gold mine, where they have to sink a shaft and work out the veins—or the unwashed gravel—where their interests are those of tenants in common, but where each is working with his own bucket and his own pick. When they get into the mine and realize the golden harvest of course friction arises between them, and it rises to the magnitude to which every quarrel will, where there is the least ground of complaint of one against the other, and the common treasure is sought by rivals who dig side by side.

So it is with the fisheries. The Senator from Massachusetts describes to us the shores as absolutely lined with vast supplies of human food that congregate on the coast of Canada at certain seasons of the year. Under such circumstances there must be one of two things.

There must be either a court to whom the difficulties must be referred, with the power of absolute decision, or there must be a consentive arrangement guarantied by the sovereignty of both Governments and which neither feels that it can in honor violate. There is no court between Great Britain and the United States that can settle controversies of this kind. Each is a sovereign in its own right, and its representations, no less than its assertions, are taken as the words of sovereignty, and they have to be either obeyed or accommodated by some additional arrangement.

Here we are, Mr. President; there Mr. Seward was, there was the field he had before him. Here these difficulties came, rising like evil weeds from a fertile soil, as they must come and rise, from the very nature of the circumstances, though no man can tell who sowed the seed there. He had these difficulties, and he afterward proposed a *modus vivendi* almost in the very terms that Mr. Bayard has proposed here.

Then our friends the Republicans, having thorough mastery of the whole field; having a majority that was absolutely irresistible; a majority whose exploits in legislation are almost unparalleled by the worst hours of despotism under the British crown—no House of Commons ever went to a greater extent than those legislators did or had the power to go—they had the whole thing in their own hands. What did they do? They negotiated the treaty of 1871, and as has been argued here diligently and adroitly by the Senator from New York [Mr. EVARTS], the distinguished diplomatist of this country, they have employed the fishery quarrel as a lever with which to pry Great Britain from its foundation and compel it to yield a settlement of the Alabama claims. Ah! what love of fishermen was there; what glory in their achievements in the war of 1812; what fond looking forward to national pride and prowess was in that arrangement, when the rights of the poor fishermen were confessedly taken and made a fulcrum for the lever by which to pry the Alabama claims into position for the benefit of the insurance companies!

The Republican party was then in its earliest years, almost in its infancy. If there is ever a chance in the world to sacrifice a poor man and his rights for the benefit of some rich corporation they never miss the opportunity, and the treaty of 1871, as characterized here by the Senator from New York and as argued laboriously and diligently by him, was intended for that very purpose. They were willing to promise to the Canadians that which resulted afterward in five and a half million dollars damages assessed against us for the use of the inshore fisheries. The Senator from Maine says they were not worth anything. The testimony in this book, to which I shall have occasion to refer during the short debate that we shall have about this matter—the witnesses in this book—all show they were of no value. Our commissioners at Halifax argued, and proved as we contend, that they were of little or no value. They took the inshore fisheries and agreed to pay the differ-

ence between the value of them and the value of the fisheries along our coast, and when the commission came to price it, it was five and a half million of dollars which we paid in order to get the opportunity to use the fishery rights—the rights of our fishermen—for the purpose of putting the Alabama claims on a proper foundation for the benefit of the insurance companies! The British people had no more right, when that treaty was negotiated, to any fishing privileges upon the coast of the United States than I have the right to enter the house of the Senator from Delaware and take his goods, wares, and merchandise.

But in order to get that treaty of 1871 what did you give? That which did not exist before—full fishing privileges down 39 degrees of north latitude; free fish and fish oil of all descriptions, and $5,500,000. Now, for what? What sort of response was that to these cases that lay open on the record of your diplomatic department unrepealed, unrequited, unavenged, unapologized for?

The Senator from Delaware very well says that the treaty of 1871 gave them the right to go into Chesapeake Bay and Delaware Bay, unless the sovereignty of the States of Delaware and Maryland prevented Congress from doing that—which I am quite sure is the fact.

That was the treaty of 1871, and that was the Republican expedient for getting rid of the honor of the country. They had plenty of chances then to fight for the flag. They had plenty of chances to rebuke Great Britain for the insults that lay thick in our history, for taunts made at our flag. They had a chance to repair the damages and wrong done to these various fishermen. But, sir, there was not even so much as a presentation of the claim. You say Mr. Bayard made no settlement in this last treaty of the claims in favor of American fishermen which have occurred since 1875. What settlement did you make of all that long list of claims, nearly three hundred of them, that existed before 1871? Instead of insisting on the honor of your flag, and instead of having these claims attended to and paid, you never made a single whimper of dissatisfaction about it, but went on and gave Great Britain more than she had ever claimed before—in fisheries, free fish, and oil, and in money $5,500,000—to buy your peace! Yet you complain of us now for not aggravating and pushing this country suddenly into a war for all this long historical catalogue of supine neglect of the interests and welfare of the people of the United States.

You made the treaty of 1871. After awhile General Grant found out that that treaty was likely to be a bad thing, and he negotiated a treaty with Great Britain, to Article XIV of which I desire to call the especial attention of the Senate. It reads as follows:

ARTICLE XIV.

When the ratifications of this treaty shall have been exchanged, and the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Parliament of the Dominion of Canada on the one hand, and by the Congress of the United States on the other, then Articles XXII, XXIII, XXIV, and XXV of the treaty of May 8, 1871, between Great Britain and the United States shall become null and void.

What were those articles? Providing for the payment of cash indemnity for the difference in the value of the fisheries, inshore, of the United States and Canada. By that you would have saved the five and a half millions that you have squandered, either in your fright about British power or in your desire to make money for your big corporations and your rich ship-owners by getting hold of some compensation for the Alabama claims.

General Grant had the sagacity to see this. The Senate of the United States, then almost exclusively Republican, rejected it. They failed to take the advice of that wise and able man and statesman, who, though not born in an atmosphere of law, nevertheless grasped the great fundamental and organic principles of constitutional liberty, and also of law, like Napoleon grasped them, who held high rank among the jurists of France as he did among the soldiers of the world.

General Grant saw the evil day, and while he did not hide himself he undertook to ask you Republicans to do something for the relief of your country, but, instead of that, you took the other chute, the other tack, and, of your own voluntary accord, you put fish on the free-list—"fresh fish for immediate consumption."

Why did you do that? With all your love for the fisherman, with all your desire for his welfare, why did you take from him that which you now say was the only thing in the world that would do him any good—a tariff on fish? You took the duty off fresh fish and let it flood the country as much as the Canadians desired; made it all to be free that they or ourselves might bring. The Senator from Maine says that they did not know then that they were going to invent the freezing process. That is to say, that by Yankee ingenuity—for I expect it was by Yankee ingenuity—they found out that by getting the fish frozen up in those northern waters, upon the coasts of Nova Scotia and Labrador, they could pack them, salt them, or dry them, and send them off into the interior, from Maine and Massachusetts, and escape the payment of duty and get their fresh fish as many as they desired.

But, as the Senator from Kentucky [Mr. BECK] yesterday suggested, it was found out that the people in the interior of the country were going to get some benefit from this and that it would not operate as a monopoly in favor of the men living right on the coast. At that moment you commenced an outcry against the work of your own hands, and have been quarreling ever since because you could not get a tariff on fresh fish. You will not get it back as long as you live. The people of the United States will not put it back. All this clamor and humbug that is being raised in the United States now is, by indirection or by threat of retaliation, to get a duty back on fresh fish coming into the United States.

Mr. BECK. If the Senator will allow me——

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. MORGAN. Certainly.

Mr. BECK. If the Senator will allow me I will make a suggestion to him. A tariff bill has been before the House of Representatives for six months, and no man from New England or elsewhere has ventured to ask a restoration of duty on fresh fish. I have examined the RECORD this morning as carefully as I can, and so far from a duty being imposed upon fresh fish, I am unable to find that anybody ventured to ask it. In this connection, if the Senator from Alabama will allow me, I would like to ask—because I have had some difficulty about it—this question: Since the law was passed last year, authorizing the President to interfere with our intercourse with Canada and Great Britain in certain contingencies, since we have made fresh fish free by the laws of the United States, and the House of Representatives, in the bill that it has passed and sent to us, has refused to impose any tax upon it or any inhibition against its introduction, I ask the Senator from Alabama whether he thinks the proper construction of that act which we passed giving the President authority to intervene, if he saw fit, with Canadian trade, and to prohibit it, if he saw fit, does or does not confine the President to his constitutional right to declare prohibition or non-intercourse generally? In other words, when the tariff laws of the United States themselves declare that fresh fish shall come in free of duty, and the Constitution vests in the House of Representatives the sole power to originate bills to impose or remove taxes, and neither the President nor the Senate can intervene, and when the House has considered that matter carefully, and no man, even from New England, has ventured to ask to have fresh fish taxed or prohibited, the question is whether either the Senate or the President can interfere to tax what the American Congress has declared shall be free?

Further, if the President intervenes at all he must intervene in some general way—stop the subsidy that Vermont is getting from a Canadian railroad—interfere with governmental affairs if he interfere at all, but not interfere with the tax laws of the United States when the House of Representatives, which has the authority, has already refused to do it. That is a proposition that I would like to hear the Senator on.

Mr. MORGAN. The President of the United States when he was addressed by Mr. Steele, the chairman of, I believe, the American Fisheries Association——

Mr. BECK. I have his letter here.

Mr. MORGAN. The President made a reply to that letter which has given a great deal of concern and disturbance to those very sagacious legislators—who have been putting up the smartest job that has ever been put up on the American people—there is no doubt about that; you can congratulate yourselves upon it——

Mr. HOAR. We congratulate you on your politeness.

Mr. MORGAN. Please excuse me now. I can not afford to stop every time you get excited.

The PRESIDENT *pro tempore*. The Senator from Alabama is entitled to the floor.

Mr. HOAR. Nobody has interfered with the Senator from Alabama.

Mr. MORGAN. In trying through the treaty-making power in that way to put a prohibition on the introduction of free fish into this country from Canadian waters, to get rid of the trouble which they had put into the statute-book by making fresh fish free. Now, Mr. Steele, in order to get the advantage of this wonderfully astute act of Congress, as it now turns out to be, or was intended to be, in its operations, addressed a letter to the President of the United States in which he insists that inasmuch as a row had been raised about fresh fish, and about that especially, that when the President should come to declare non-intercourse with Canada, he must limit his non-intercourse to fresh fish.

That shows what everybody was conscious of, that this is a mere artifice, a mere piece of finesse to get fish back, so that a few gentlemen who own vessels up there can have a monopoly of the fish food supply in the United States. It is a monopoly attended with many ramifying trusts, which have been built up on that coast, and which have been thoroughly exposed, with indisputable evidence, by the honorable Senator from North Carolina [Mr. VANCE] in his remarks the other day. I will ask the Secretary to be kind enough to read the reply of the President to that request, and we will then see the bearings of the whole subject.

The Secretary read as follows:

EXECUTIVE MANSION, *Washington, D. C., April* 7, 1887.

GENTLEMEN: I have received your letter lately addressed to me, and have given full consideration to the expression of the views and wishes therein contained in relation to the existing differences between the Government of Great Britain and the United States growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled either under treaty stipulations or the guaranties of international comity and neighborly concession. I sincerely trust the apprehension you express of unjust and unfriendly treatment of American fishermen lawfully found in Canadian waters

will not be realized; but if such apprehension should prove to be well founded, I earnestly hope that no fault or inconsiderate action of any of our citizens will in the least weaken the just position of our Government, or deprive us of the universal sympathy and support to which we should be entitled.

The action of this Administration since June, 1885, when the fishery articles of the treaty of 1871 were terminated under the notification which had two years before been given by our Government, has been fully disclosed by the correspondence between the representatives and the appropriate departments of the respective Governments, with which I am apprised by your letter you are entirely familiar. An examination of this correspondence has doubtless satisfied you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the executive branch of the Government.

The act of Congress approved March 3, 1887, authorizing a course of retaliation, through executive action, in the event of a continuance on the part of the British-American authorities of unfriendly conduct and treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity, and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this act should be invited by unjust treatment of our fishermen in the future, the object of such retaliation might be fully accomplished by "prohibiting Canadian-caught fish from entry into the ports of the United States."

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the act of Congress is to be enforced, not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honor, and thus protect all our people.

In this view the violation of American fishery rights and unjust or unfriendly acts towards a portion of our citizens engaged in this business is but the occasion for action, and constitutes a national affront which gives birth to or may justify retaliation. This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application; and in the performance of international duties, the enforcement of international rights, and the protection of our citizens, this Government and the people of the United States must act as a unit, all intent upon attaining the best result of retaliation upon the basis of a maintenance of national honor and duty.

The nation seeking by any means to maintain its honor, dignity, and integrity, is engaged in protecting the rights of the people; and if, in such efforts, particular interests are injured and special advantages forfeited, these things should be patriotically borne for the public good. An immense volume of population, manufactures, and agricultural productions, and the marine tonnage and railways to which these have given activity, all largely the result of intercourse between the United States and British America, and the natural growth of a full half century of good neighborhood and friendly communication, form an aggregate of material wealth and incidental relation of most impressive magnitude. I fully appreciate these things, and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

In the performance of the serious duty which Congress has imposed upon me, and in the exercise, upon just occasion, of the power conferred under the act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people; but I shall, nevertheless, be unflinchingly guided by a sense of what the self-respect and dignity of the nation demand. In the maintenance of these and in the support of the honor of the Government, beneath which every citizen may repose in safety, no sacrifice of personal or private interests shall be considered as against the general welfare.

Yours, very truly,

GROVER CLEVELAND.

GEORGE STEELE,
President American Fishery Union, and others, Gloucester, Mass.

Mr. MORGAN. Mr. President, that is a broad, statesmanlike, and patriotic answer to Mr. Steele, who desired that retaliation should be limited only to the introduction of fish; and it is also in substance an answer to the question which was suggested by the Senator from Kentucky [Mr. BECK].

But I shall proceed further than that. I do not understand that the act of 1887 was intended to repeal all the tariff laws of the United States or to repeal them as to Canada or the British dominions in that direction. I gather from the general drift of our tariff legislation that prohibition is regarded even by the highest protectionists as being an unconstitutional resort; that except as to articles that are in themselves calculated to damage the country, such as immoral books or diseased or adulterated subjects of commerce, the doctrine of prohibition is not contained in our system; it has no place there; it has no recognition. .

The legislative tendency of the United States, which of course the President would be bound to respect in enforcing a proclamation of non-intercourse, is one that seeks to levy upon all articles that come in here some rate of duty, some higher and some lower, the purpose ultimately being to make the people of the United States as largely and as broadly as possible bear the burdens of the support of the Federal Government. The President would doubtless find himself constrained to have some respect for that legislative instruction or that legislative declaration. He would not think that he had the right of his own motion and contrary to the spirit of our statutes upon the subject of tariff legislation, to assume a responsibility and a burden which belongs by the Constitution to the House of Representatives to originate tariff laws and to reduce revenue by admitting articles free of duty. So, consulting the spirit of legislation, and particularly the very emphatic part of the Constitution which prescribes that the House of Representatives shall originate all measures of taxation, he would very naturally look to our tariff laws as furnishing a broad field for the operation of any proclamation of prohibition or exclusion to which he might see proper to resort.

There is another splendid example to which he could refer, and that is the recommendation of President Grant of the treaty which was negotiated in 1874 and rejected by the Senate, in which, as I have several times observed, there was a very broad reciprocity. Without reading that treaty I shall put it entire, with the permission of the Senate, in my remarks, so that the country can have the benefit of General Grant's message and of the treaty he negotiated and assented to upon the subject:

Message from the President of the United States, transmitting a draught of a treaty for the reciprocal regulations of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals, and for their use by the United States vessels on terms of equality with British vessels, together with a report from the Secretary of State.

JUNE 18, 1874.—Read; treaty read the first time, referred to the Committee on Foreign Relations, and, together with the message and accompanying document, ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States:

The plenipotentiaries of Her Britannic Majesty at Washington have submitted to the Secretary of State, for my consideration, a draught of a treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals, and for their use by United States vessels on terms of equality with British vessels. I transmit herewith a report from the Secretary of State, with a copy of the draught thus proposed.

I am of the opinion that a proper treaty for such purposes would result beneficially for the United States. It would not only open or enlarge markets for our productions, but it would increase the facilities of transportation from the grain-growing States of the West to the seaboard.

The proposed draught has many features to commend it to our favorable consideration; but whether it makes all the concessions which could justly be required of Great Britain, or whether it calls for more concessions from the United States than we should yield, I am not prepared to say.

Among its provisions are articles proposing to dispense with the arbitration respecting fisheries, which was provided for by the treaty of Washington in the event of the conclusion and ratification of the treaty, and the passage of all the necessary legislation to enforce it.

These provisions, as well as other considerations, make it desirable that this subject should receive attention before the close of the present session. I therefore express an earnest wish that the Senate may be able to consider and determine, before the adjournment of Congress, whether it will give its constitutional concurrence to the conclusion of a treaty with Great Britain for the purposes already named, either in such form as is proposed by the British plenipotentiaries or in such other more acceptable form as the Senate may prefer.

U. S. GRANT.

WASHINGTON, *June* 18, 1874.

DEPARTMENT OF STATE, *Washington, June* 17, 1874.

I have the honor to inclose a copy of the draught of a treaty for the reciprocal regulations of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals and for their use by United States vessels on terms of equality with British vessels, which the British plenipotentiaries have proposed to this Government.

HAMILTON FISH.

The PRESIDENT.

Her Majesty the Queen of Great Britain and the United States of America, being desirous of improving the commerce and navigation between their respective territories and people, and more especially between Her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial, have respectively named plenipotentiaries to confer and agree thereupon, that is to say:

* * * * * * *

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XIII of this treaty, to take fish of every kind, except shellfish, on the sea coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, New Brunswick, and Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish, provided that, in so doing, they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery; and that the salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE II.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States the liberty, for the term of years mentioned in Article XIII of this treaty, to take fish of every kind, except shellfish, on the eastern sea coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE III.

It is agreed that the places designated by the commissioners appointed under the first article of the treaty between the United States and Great Britain concluded at Washington on the 5th day of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the commission appointed under the said first article of the treaty of the 5th of June, 1854.

ARTICLE IV.

It is agreed that the articles enumerated in the Schedules A, B, and C hereunto annexed, being the growth, produce, or manufacture of the Dominion of Canada or of the United States, shall, on their importation from the one country into the other, from the 1st day of July, 1875, to the 30th day of June, 1876 (both included), pay only two-thirds of the duties payable at the date of this treaty on the importations into such country of such articles respectively; and from the 1st day of July, 1876, to the 30th day of June, 1877 (both included), shall pay only one-third of such duties; and on and after the 1st day of July, 1877, for the period of years mentioned in Article XIII of this treaty, shall be admitted free free of duty into each country respectively.

For the term mentioned in Article XIII no other or higher duty shall be imposed in the United States upon other articles not enumerated in said schedules, the growth, produce, or manufacture of Canada, or in Canada upon such other articles, the growth, produce, or manufacture of the United States, than are, respectively, imposed upon like articles the growth, produce, or manufacture of Great Britain, or of any other country.

Schedule A.

Consisting of the following natural products:

Animals of all kinds.
Ashes, pot, pearl, and soda.
Bark.
Bark extract, for tanning purposes.
Bath-bricks.
Breadstuffs of all kinds.
Bricks for building, and fire-bricks.
Broom-corn.
Burr or grind stones, hewed, wrought, or unwrought.
Butter.
Cheese.
Coal and coke.
Cotton-wool.
Cotton-waste.
Dye-stuffs.
Earths, clays, ochers, sand, ground or unground.
Eggs.
Fish of all kinds.
Fish, products of, and of all other creatures living in the water, except fish preserved in oil.
Fire-wood.
Flax, unmanufactured.
Flour and meals of all kinds.
Fruits, green or dried.
Furs, undressed.
Grain of all kinds.
Gypsum, ground, unground, or calcined.
Hay.
Hemp, unmanufactured.
Hides.
Horns.
Lard.
Lime.
Malt.
Manures.
Marble, stone, slate, or granite, wrought or unwrought.
Meats, fresh, smoked, or salted.
Ores of all kinds of metals.
Pelts.
Pease, whole or split.
Petroleum-oil, crude, refined, or benzole.
Pitch.
Plants.
Poultry and birds of all kinds.
Rags of all kinds.
Rice.
Salt.
Seeds.
Shrubs.
Skins.
Straw.
Tails.
Tallow.
Tar.
Timber and lumber of all kinds, round, hewed, and sawed, manufactured in whole or in part.
Tobacco, unmanufactured.
Tow, unmanufactured.
Trees.
Turpentine.
Vegetables.
Wool.

Schedule B.

Consisting of the following agricultural implements.

Axes.
Bag-holders.
Bee-hives.
Bone-crushers, or parts thereof.
Cultivators, or parts thereof.
Chaff-cutters, or parts thereof.
Corn-huskers, or parts thereof.
Cheese-vats.
Cheese-factory heaters.
Cheese-presses, or parts thereof.
Churns, or parts thereof.
Cattle-feed boilers and steamers, or part thereof.
Ditchers, or parts thereof.
Field-rollers, or parts thereof.
Fanning-mills, or parts thereof.
Feed-choppers, or parts thereof.
Forks for hay and manure, hand or horse.
Grain-drills, or parts thereof.
Grain broad-cast sowers, or parts thereof.
Grain-crushers, or parts thereof.
Harrows.
Hoes, hand or horse.
Horse-rakes.
Horse-power machines, or parts thereof.
Hay-tedders, or parts thereof.
Liquid-manure carts, or parts thereof.
Manure-sowers, or parts thereof.
Mowers, or parts thereof.
Oil and oil-cake crushers, or parts thereof.
Plows, or parts thereof.
Root and seed planters, or parts thereof.
Root-cutters, pulpers, and washers, or parts thereof.
Rakes.
Reapers, or parts thereof.
Reaper and mower combined, or parts thereof.
Spades.
Shovels.
Scythes.
Snaiths.
Thrashing-machines, or parts thereof.

Schedule C.

Consisting of the following manufactures:

Axles, all kinds.
Boots and shoes of leather.
Boot and shoe making machines.
Buffalo-robes dressed and trimmed.
Cotton grain-bags.
Cotton denims.
Cotton jeans, unbleached.
Cotton drillings, unbleached.
Cotton tickings.
Cotton plaids.
Cottonades, unbleached.
Cabinet ware and furniture, or parts thereo
Carriages, carts, wagons, and other wheeled vehicles and sleighs, or parts thereof.
Fire-engines, or parts thereof.
Felt covering for boilers.
Gutta-percha belting and tubing.
Iron, bar, hoop, pig, puddled, rod, sheet, or scrap.
Iron nails, spikes, bolts, tacks, brads, or sprigs.
Iron castings.
India-rubber belting and tubing.
Locomotives for railways, or parts thereof.
Lead, sheet or pig.
Leather, sole or upper.
Leather, harness and saddlery of.
Mill, or factory, or steam-boat fixed engines and machines, or parts thereof.
Manufactures of marble, stone, slate, or granite.
Manufactures of wood solely or wood nailed, bound, hinged, or locked with metal materials.
Mangles, washing-machines, wringing-machines, and drying-machines, or parts thereof.
Printing-paper for newspapers.
Paper-making machines, or parts thereof.
Printing-type, presses, and folders, paper-cutters, ruling-machines, page-numbering machines, and stereotyping and electrotyping apparatus, or parts thereof.
Refrigerators, or parts thereof.
Railroad-cars, carriages, and trucks, or parts thereof.
Satinets of wool and cotton.
Steam-engines, or parts thereof.
Steel, wrought or cast, and steel plates and rails.
Tin tubes and piping.
Tweeds of wool solely.
Water-wheel machines and apparatus, and parts thereof.

ARTICLE V.

It is agreed that the Canadian canals on the main route from Lake Erie to Montreal shall be enlarged forthwith at the expense of the Dominion of Canada, so as to admit the passage of vessels drawing 12 feet of water, and the locks on the said canals shall be made of not less than 270 feet in length, 45 feet width, and not less than 12 feet depth on the miter-sill; and that the channel of the St. Lawrence River shall be deepened in the several reaches between the canals, whenever the same may be necessary, so as to allow the free passage of vessels drawing 12 feet of water. And the work engaged to be done in this article shall be completed by the 1st day of January, 1880.

ARTICLE VI.

It is agreed that the Government of Canada shall construct, on or before the 1st day of January, 1880, a canal to connect the St. Lawrence River at some convenient point, at or near Caughnawaga, with Lake Champlain. The dimensions of said canal shall be such as to admit the passage of vessels drawing 12 feet of water; and the lock shall be of no less dimensions than those named in the preceding article. And the United States engage to urge upon the government of the State of New York to cause the existing canal from Whitehall, on Lake Champlain, to Albany to be enlarged, and, if necessary, extended, or another canal or canals to be constructed of equal capacity with the proposed Caughnawaga Canal, as hereinbefore specified, and the navigation of the Hudson River to be improved, so as to admit the passage from Lake Champlain to the lower waters of the Hudson River of vessels drawing 12 feet of water.

ARTICLE VII.

Citizens of the United States may, during the term of years mentioned in Article VIII of this treaty, carry in their vessels cargo and passengers from one Canadian port to another on the Great Lakes or river St. Lawrence. Reciprocally, inhabitants of Canada, subjects of Her Britannic Majesty, may, during the like period, carry in their vessels cargo and passengers from one port of the United States on the Great Lakes or river St. Lawrence to another on the said lakes or river. Citizens of the United States in their vessels, and inhabitants of Canada, subjects of Her Britannic Majesty, in their vessels, may, during the like term, carry cargo and passengers from any port of the United States or of Canada on the Red River, or the waters connecting therewith, to any other port on the said river, or waters connecting therewith.

ARTICLE VIII.

It is agreed that, for the term of years mentioned in Article XIII of this treaty, the citizens of the United States shall enjoy the use of the Welland, the St. Lawrence, and other canals in the Dominion of Canada (including the proposed Caughnawaga Canal), on terms of equality with the inhabitants of the Dominion of Canada; and that, without interfering with the right of the Government of Canada to impose such tolls on the aforesaid Canadian canals respectively as it may think fit, the tolls shall be levied in relation to the number of the locks in each canal, without any drawback or discrimination, whatever the destination of the vessel, or whether one or more canal or canals, or part of a canal, be passed.

And it is also agreed that for the like term of years the inhabitants of Canada shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States; and that the navigation of Lake Champlain and of Lake Michigan shall be free and open for the purposes of commerce to the inhabitants of Canada, subject to any laws or regulations of the United States or of the States bordering thereon, respectively, not inconsistent with such privilege of free navigation.

And the United States further engage to urge upon the governments of the States of New York and of Michigan to secure to the inhabitants of Canada the use of the Erie, the Whitehall, the Sault Sainte Marie Canals, and of any en-

larged or extended or new canal or other improvement connecting Lake Champlain with the lower waters of the Hudson River which may be made, as contemplated in Article VI, on terms of equality with the inhabitants of the United States.

And it is mutually agreed that full power shall be given and allowed to transship cargo from vessels into canal-boats, and from canal-boats into vessels, at either terminus of every canal.

And, further, that if the use of the Erie and Whitehall or other canal connecting Lake Champlain with the lower waters of the Hudson River, and of Sault Sainte Marie Canal, be not granted to the inhabitants of Canada on terms of equality with the citizens of the United States, as contemplated in this article, then the use of the proposed Caughnawaga Canal by citizens of the United States, as above contemplated, shall be suspended and cease until the use of the said canals in the United States shall be secured to the inhabitants of Canada, as above contemplated.

ARTICLE IX.

For the term of years mentioned in Article XIII of this treaty, vessels of all kinds built in the United States may be purchased by inhabitants of Canada subjects of Great Britain, and registered in Canada as Canadian vessels; and, reciprocally, vessels of all kinds built in Canada may be purchased by citizens of the United States, and registered in the United States as United States vessels.

ARTICLE X.

A joint commission shall be established and maintained at joint expense during the operation of this treaty for advising the erection and proper regulation of all light-houses on the great lakes, common to both countries, necessary to the security of the shipping thereon.

ARTICLE XI.

A joint commission shall also be established at joint expense, and maintained during the continuance of the treaty, to promote the propagation of fish in the inland waters common to both countries, and to enforce the law enacted for the protection of the fish and fishing-grounds.

ARTICLE XII.

It is further agreed that the provisions and stipulations of this treaty shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid shall not in any way impair any other articles of this treaty.

ARTICLE XIII.

This treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Parliament of the Dominion of Canada on the one hand and by the Congress of the United States on the other. If such legislative assent shall not have been given within — months from the date hereof, then this treaty shall be null and void. But such legislative assent having been given, this treaty shall remain in force for the period of twenty-one years from the date at which it shall come into operation, and further until the expiration of three years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of said period of twenty-one years, or at any time afterward.

ARTICLE XIV.

When the ratifications of this treaty shall have been exchanged, and the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Parliament of the Dominion of Canada on the one hand and by the Congress of the United States on the other, then Articles XXII, XXIII, XXIV, and XXV of the treaty of May 8, 1871, between Great Britain and the United States shall become null and void.

ARTICLE XV.

This treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States, and the ratifications shall be exchanged either at Washington or at London within — months from the date hereof, or earlier, if possible.

General Grant saw a cure for the evils and difficulties between us and Canada in this very broad reciprocity. As a matter of course when his own party desert his faith and retire from the recommendations he made to them in his wisdom, and take a different tack entirely and resort to the compulsion that is to be found in proclamations of non-intercourse, the President of the United States now in office, I am very glad to know, would be in a large degree influenced by the extent and breadth of that reciprocity when he came to deny to the people of Canada the benefit of our market. He would say to them, "You have violated our national rights in violating the rights of fishermen; you have insulted our national flag; if you insulted it upon the deck or upon the spars of a fishing-ship you have inflicted injury upon the whole body of the American people; if you have denied justice and right to a single fisherman it becomes at once the quarrel of the whole people of the United States, and the people of all the different sections and climates in this country interested in all the various industries ought to be willing patriotically, and are willing, to come forward and make whatever of sacrifice is necessary in order to correct this evil which the Congress of the United States has said must be corrected now by retaliation." Sir, the letter of the President to Mr. Steele covers the whole ground.

Mr. GRAY. Would it interrupt the Senator from Alabama if in the line of remark which he is now making I called his attention and the attention of the Senate to the fact that in 1853, during the debates which were then provoked in the Senate of the United States by the seizures of American vessels and the troubles to and harassments of American fishermen that preceded the reciprocity treaty of 1854, Senator Davis, of Massachusetts, a man of eminence and character in the councils of the nation, a trusted son of his State and especially devoted to the advocacy and championship of the fishery interest of his State, thought that the wisest thing he could do to compose the difficulties which were then rife would be to introduce and secure the passage of a bill, which, if the Senator from Alabama will indulge me, I shall read, as it is a short one. This is the bill which Senator Davis, of Massachusetts, introduced, and the passage of which he advocated:

A bill to regulate the rights of fishing and the rights of disposing of the proceeds of the fisheries in and between the British North American provinces and the United States.

Be it enacted, etc., That whenever the President of the United States shall receive satisfactory evidence that the fishermen and fishing vessels of the United States are admitted to the common rights and privileges of British subjects resident in the British North American provinces of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, to fish in the waters thereof, and adjacent thereto, together with the right of curing [and] upon the water and the land, preparing for the market, and selling therein, the proceeds of such fisheries [both upon the water and the land], then he shall issue his proclamation authorizing the fishermen resident in said North American provinces and fishing vessels of said provinces to enjoy like privileges in the waters of the United States, together with the privilege of entering the ports of entry in the United States and making sale of fish and the proceeds of [the fisheries] fishing upon the payment of the same duties which are required by law of the fishing vessels and their cargoes belonging to the United States: *Provided*, That nothing herein contained shall affect private rights of fishing, or give any right to occupy private property except upon agreement.

I think a recurrence to this proposition of the Senator from Massachusetts at that day gives some point to the contention made by the Senator from Alabama, that this excitement over the matter of free fish, over the mere offer contained in the fifteenth article of this treaty on the part of Great Britain and Canada that they will grant specific privileges to American fishermen whenever the Congress of the United States shall see fit to take the duty off Canadian fish, which has been exhibited on the part of Senators who have discussed this feature of the treaty, seems a little out of place, seems to need explanation, when we find that not only General Grant, when he was President, was quite willing that Canadian fish should come in free upon certain terms and conditions, but that a Senator from Massachusetts, coming from a State in which these fishing interests are so large, and presumably faithful to that interest as one of the interests of his constituents, should also have proposed by the bill which I have just read to have made fish free, and to have given to Canadian fishermen the right to fish in all the waters of the United States without any reservation, except that they should not interfere with private property.

So it would seem that when it suits the convenience of gentlemen who are so nearly allied to these fishing interests, and who have such intimate relations to them, to talk about free fish and propose the remission of our duties there is no special excitement and no harm done; but when this Administration, taking a different view of its duties from any preceding administration, more strict in its construction of executive power, has said to the Canadian and British negotiators: "We have no right to discuss with you even the matter of free fish, because it is a matter of the revenue of the United States and belongs to the legislative department of this Government, but if you choose you may make your offer to the American people and the Congress of the United States; the people will deal with it as they see that their interests require it should be dealt with"—I say when this merely is done, it is surprising and intolerable that the Executive should be denounced in unmeasured terms when we have before us in what the Senator from Alabama has read in the proposed treaty by General Grant, the actual negotiation of the treaty of 1871, and this bill proposed by a Massachusetts Senator in 1853, the fact clearly portrayed here to the Senate that free fish after all is not the bugbear which some Senators would have us believe that it is, or the threatened injury to our interests which they pretend that it may be.

Mr. MORGAN. I have now followed Mr. Seward and General Grant through their endeavors to assuage and modify the situation as it was created by the treaty of 1854 and by the treaty of 1871 and by the intermediate relapses we had to suffer in going back upon the hard lines of the treaty of 1818; and I think I have shown a sufficient precedent to justify the present Administration, if it wanted any precedent for its action, in a feeling of reciprocal agreement between our country and Great Britain for the composure and ultimate settlement of the vexatious questions which have arisen under the treaty of 1818. I now approach that branch of the subject where it devolved upon the Democratic party of the United States, with its President, to handle these questions, and I feel assured that I shall be able to show, not by argumentation but by facts, that this Administration has done very much better in the arrangement of our treaty relations with Great Britain than has been attempted even by any preceding administration.

But that branch of the subject I shall defer until we get into the discussion of the treaty itself. What I propose to deal with is the three protocols, the first one offered by Mr. Seward to the British Government, the second offered by Mr. West in behalf of the British Government to our Government, and the third one offered in the present treaty of 1888 by the British plenipotentiaries to the Government of the United States.

A great deal has been said of a very abusive character in regard to the negotiation of this protocol between Mr. Bayard and Mr. West in 1885. It has been asserted, very boldly indeed, that there was no justification for it in fact, and that the Constitution did not bear Mr. Bayard out in any offer to arrange a *modus vivendi* with Mr. West for the purpose of closing up the fishing season of 1885.

It has often occurred to my mind as a curious question why it was that the time at which we gave notice of the termination of the treaty

of 1871 should have been fixed so as to fall immediately within the fishing season of 1885. Was that a blunder, or was there some design in it? Take it either way it would be very unfortunate, but I shall treat it simply as a blunder. I shall treat it as an occurrence which, in our hot haste to get rid of the treaty of 1871, for which there was then great pressure, and to reach a state of affairs where we could resume the effort to impose a duty upon fresh fish, we unfortunately put the termination of that treaty just in the midst of the fishing season. Whether that was a blunder or not, it put the present Administration in a very narrow strait. It found the fishing season closed at a time when Congress was not in session, and could not be unless an extra session of Congress had been called; it was after the 4th of March and before the first Monday in December.

The President of the United States had no one to appeal to or to advise with in order to gather what was the American opinion or the American wish in respect of this matter. Left entirely alone by what appears to have been a prearrangement so that the fishing season would be broken in half—one half of it controlled by the treaty of 1871 and the other half controlled by the treaty of 1818—he was obliged to resort to the best means of finishing out that season. Was he to assemble Congress in extraordinary session in order to get its approbation to a *modus vivendi* which would enable him to close that fishing season without detriment and without disaster to our fishermen, or was he to assume that he should have in the minds and the hearts of those whom he was trying to benefit some little degree of indulgence and allowance for a patriotic effort to preserve their rights and to keep the peace of the country? Mr. Seward had the opportunity and availed himself of it—being then the representative of an administration in power at the time that the treaty of 1854 was expiring—to anticipate what the result would be and to propose to the British Government a *modus vivendi* which they might accept at the termination of that treaty.

Mr. Cleveland had no such opportunity as that. The Republican party had charge of the Government up to the 4th of March, 1885, and they broke the subject in two, as I have observed, leaving one-half the period of fishing for that season controlled by one treaty and the other half controlled by a treaty that was as much a stranger to it as the Koran is to the New Testament.

Mr. Bayard thereupon, really not of his own motion, but in reply to a suggestion made by Sir Lionel Sackville West, took into consideration the propriety of entering upon a *modus vivendi*. Mr. West, in a memorandum dated March 12, 1885, said:

1.—*Mr. West's memorandum of March* 12, 1885.

[Memorandum.—Confidential.]

The fishery clauses of the treaty of Washington of 1871 will expire on the 1st of July next. It has been represented by the Canadian Government that much inconvenience is likely to arise in consequence, unless some agreement can be made for an extension of the period.

When the time comes (1st of July next) American ships will be actually engaged in fishing within the territorial waters of the Dominion. These vessels will have been fitted out for the season's fishing and have made all their usual arrangements for following it up until its termination in the autumn. If, under these circumstances, the provincial or municipal authorities in Canada were to insist upon their strict rights, and to compel such vessels, under pain of seizure, to desist from fishing, considerable hardship would be occasioned to the owners, and a feeling of bitterness engendered on both sides, which it is clearly the interest of both Governments to avert.

It seems, therefore, desirable, in order to avoid such possible complications, that both Governments should come to an agreement under which the clauses might be in effect extended until the 1st of January, 1886.

If this were done, the existing state of things would come to an end at a date between the fishery season of 1885 and that of 1886, and an abrupt transition at a moment when fishery operations were being carried on would be thus avoided.

WASHINGTON, *March* 12, 1885.

2.—*Mr. Bayard to Mr. West, April* 22, 1885.

[Memorandum of April 22, 1885.—Personal.]

DEPARTMENT OF STATE, *Washington, April* 22, 1885.

DEAR MR. WEST: I have on several occasions lately, in conversation, acquainted you with my interest in the fisheries memorandum which accompanied your personal letter of March 12.

Several informal talks I have had with Sir Ambrose Shea have enabled me to formulate the views of this Government upon the proposition made in behalf of the Dominion and the Province of Newfoundland, and I take pleasure in handing you herewith a memorandum embodying the results. If this suits, I shall be happy to confirm the arrangement by an exchange of notes at your early convenience.

I am, my dear Mr. West, very sincerely yours,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, etc.

MEMORANDUM.

The legislation passed by the Congress of the United States, act of March 1, 1873, for the execution of the fishery articles of the treaty of Washington, has been repealed by the joint resolution of March 3, 1883, the repeal to take effect July 1, 1885. From that date the effects of the fisheries articles of the treaty of Washington absolutely determine, so far as their execution within the jurisdiction of the United States is concerned, and without new legislation by Congress modifying or postponing that repeal the Executive is not constitutionally competent to extend the reciprocal fisheries provisions of the treaty beyond the 1st of July next, the date fixed by the action of Congress.

Mr. West's memorandum of March 12, 1885, suggests the mutual practical convenience that would accrue from allowing the fishing ventures commenced prior to July 1, 1885, to continue until the end of the season for fishing of that year, thus preventing their abrupt termination in the midst of fishing operations on the 1st of July.

It has been, moreover, suggested on the part of the Province of Newfoundland and of the Dominion of Canada, that in view of the mutual benefit and convenience of the present local traffic, consisting of the purchase of ice, bait, wood, and general ship supplies by the citizens of the United States engaged in fishing from the inhabitants of the British American fishing coast, the usual operations of the fishing season of 1885 should be continued by the fishing vessels belonging to citizens of the United States until the end of the season of that year, and that the local authorities of Newfoundland and of the Dominion of Canada, in a spirit of amity and good neighborhood, should abstain from molesting such fishermen or impeding their progress or their local traffic with the inhabitants incidental to fishing during the remainder of the season of 1885, and all this with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America.

The President of the United States would be prepared to recommend the adoption of such action by Congress with the understanding that in view and in consideration of such promised recommendation there would be no enforcement of restrictive and penal laws and regulations by the authorities of the Dominion of Canada or of the Province of Newfoundland, against the fishermen of the United States resorting to British-American waters between the 1st of July next and the close of the present year's fishing season; the mutual object and intent being to avoid any annoyance to the individuals engaged in this business and traffic, and the irritation or ill-feeling that might be engendered by a harsh or vexatious enforcement of stringent local regulations on the fishing coast pending an effort to have a just and amicable arrangement of an important and somewhat delicate question between the two nations.

Public knowledge of this understanding and arrangement can be given by an exchange of notes between Mr. West and myself, which can be given to the press.

3.—*Mr. West's memoranda of June* 13, 1885.

[Memoranda.]

It is proposed to state in notes according temporary arrangements respecting fisheries than an agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America.

The government of Newfoundland do not make refunding of duties a condition of their acceptance of the proposed agreement, but they rely on it having due consideration before the international commission which may be appointed.

4.—*Mr. Bayard to Mr. West, June* 19, 1885.

[Confidential.]

DEPARTMENT OF STATE, *Washington, June* 19, 1885.

MY DEAR MR. WEST: I assume that the two confidential memoranda you handed to me on the 13th instant embrace the acceptance by the Dominion and the British American coast provinces of the general features of my memorandum of April 21, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America."

General Grant thought that was right, and put it in his treaty and sent it to the Senate—an extension of trade between the two countries. Nothing was said by Mr. Bayard about reciprocity, but an extension of trade.

To such a contingent understanding I can have no objection. Indeed, I regard it as covered by the statement in my memorandum of May 21, that the arrangement therein contemplated would be reached "with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America."

Mr. Arthur, the immediate predecessor of Mr. Cleveland, sent his message to the Congress of the United States on the 4th of December, 1883, in which he recommended as follows:

I suggest that Congress create a commission to consider the general question of our rights in the fisheries and the means of opening to our citizens, under just and enduring conditions, the richly-stocked fishing waters and sealing grounds of British North America.

There Mr. Bayard followed what he conceived to be the Republican lead on this subject, and there was no question of party division even suggested by any disagreement of views between Mr. Arthur's administration as advanced in his message, that I have just read from, and the proposed arrangement of the *modus vivendi* to which Mr. Bayard refers in his letter, I am reading now, to Mr. West. I continue the reading of the letter:

The equities of the question being before such a mixed commission would doubtless have the fullest latitude of expression and treatment on both sides; and the purpose in view being the maintenance of good neighborhood and intercourse between the two countries, the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to receive attentive consideration.

I am not, therefore, prepared to state limits to the proposals to be brought forward in the suggested commission on behalf of either party.

I believe this statement will be satisfactory to you, and I should be pleased to be informed at the earliest day practicable of your acceptance of the understanding on behalf of British North America; and by this simple exchange of notes and memoranda the agreement will be completed in season to enable the President to make the result publicly known to the citizens engaged in the fishing on the British-American Atlantic coast.

I have the honor to be, with the highest respect, sir, your obedient servant,

T. F. BAYARD.

Hon. L. S. SACKVILLE WEST.

The agreement consisted of that and several other notes. It was not an agreement drawn up and signed by the respective parties otherwise

than by the concurrence of opinion and consent as manifested in the various notes through which they expressed their views upon the question. That was the celebrated protocol. Now, Senators have been very emphatic, and I think very wild, too, in their statements about this matter not being desired by the fishermen. Suppose we were to assume that the fishermen themselves did not desire it, nevertheless there were other immense interests in the country which were not justly to be put into a condition of peril by any disagreement between the two governments and by such collisions as would naturally occur in the change from the treaty of 1871 to the treaty of 1818 right in the midst of the fishing season and when the vessels were there loading with fish. But it is a great mistake, a very serious mistake, for gentlemen to contend that Mr. Bayard was without authority, and even without importunity, upon this question.

Immediately after Mr. Cleveland came into office these troubles were anticipated to ensue after July 1, 1885, the date of the termination of the treaty, and that they would ensue in consequence of the termination of the treaty. The American Fishery Union, of which Mr. George Steele is president, the same gentleman to whom the President made that reply which was read to the Senate a few moments ago, made an urgent invocation to the President, stating that the interests of the whole people were in his hands, asking his attention to the anticipated difficulties, and trusting to his wisdom for protection. I will read from his memorial.

After addressing the President of the United States and signing himself as chairman, and being associated with Sylvanus Smith and William H. Jordan, of Gloucester; James Gifford, Owen B. Whitten, and George Trefethen, of Portland, and F. H. Smith, of North Haven, directors of the American Fishery Union, Mr. Steele said this to the President——

Mr. FRYE. What is the date?

Mr. MORGAN. May 12, 1885, just before the termination in July of the fisheries treaty of 1871.

It would be unnecessary to trace to you, sir, the history of these controversies since 1838; they are recorded in the archives of the State Department. Four times have fleets been sent by the United States to the 3-mile waters to protect our fishermen from aggression; two temporary treaties have been made and expired, and still the contracting powers are not agreed on the true intent and construction of the treaty.

Not agreed!

Fishermen have been seized, tried, and their vessels forfeited in local provincial courts; indemnities have been claimed by us for violations of the treaty; cruisers have been fitted out by provincial authorities, as they say, to enforce on our flag their construction of the treaty; but, as we say, to drive our fishermen from the treaty waters and harass them until the United States is bulldozed into giving the provincials a free market for their fish as the condition for peace upon the high seas.

The record of the Halifax Commission, in three volumes, is half filled with lists of these aggressions; hardly a man who has over a dozen years' experience in the fishery but has been a sufferer at one or another time by them. The provincial papers have reiterated in dispatches from Ottawa that that government propose to arm cruisers and enforce by seizure on the seas their past construction of the treaty of 1818 upon our Government and those fishing under its flag. The fishermen are willing to conform to the construction which their own Government puts upon the treaty, but they owe no duty to the British Government or its provinces, except when actually in her ports. British laws are not sovereign over the flag of the United States, nor over its free citizens who fish and navigate under its protection. We could amply protect ourselves against the meditated infraction of national rights by these provincial cruisers should the Government authorize us to arm in the just defense of our property and flag, but the interests of the whole people are in your hands, and respect for your high office leads us to invoke your attention to the anticipated difficulties, trusting in your wisdom for our protection.

Then the writer proceeds to a very elaborate argument of the assertion on the part of the Government of Great Britain and her provinces and her courts, discussing many questions, and concludes that part of the presentation of the history of the British contention with the following words:

Headlands.—They claimed that the United States renounced the right "to fish" within 3 miles of a line drawn from headland to headland, including great chambers of the high seas more than 6 miles across from headland to headland, and of any limitless extent from the line to the shores; the United States have discussed this claim to the Bay of Fundy. It may as well be set up by Great Britain for the whole Gulf of St. Lawrence, or for a line from Nova Scotia to the Bahamas, as for Gaspé, Chaleur, or Fundy; "bays," in the treaty, are such land-locked bays as will afford shelter, etc.

We are told that, by the treaty of 1839 with France, Great Britain agreed that the territorial claim was only to bays 6 miles across.

I suppose that perhaps somebody, some innocent man, some ignorant man, certainly no great and learned Senator will be willing to accept that statement of the chairman of the American Fishery Union as a correct statement of what it was understood that the British Government at that time claimed in regard to the headlands.

Proceeding further, he says:

Candor will admit that the "restrictions" are to prevent their "taking, curing, and drying fish" in port; that the abuse of privileges is the throwing ballast overboard, or otherwise violating harbor regulations applied to all vessels. We claim that we are entitled to judge of the condition and needs of our own vessels, and that the treaty entitles us to the same measure of hospitality which is extended to British fishermen or merchantmen or any foreign vessels trading there. The treaty puts no restrictions on the right of shelter, repair, wood, and water, so long as the fishermen apply their shelter in port to "no other purpose." See the case of the White Fawn. Shelter is a broad term. Fogs actual and fogs apprehended, as well as gales of wind; actual threatening weather; either wind, rain, fog, or snow; or heavy sea running, or strong currents, or head winds, or tides—if we seek shelter from any of these, are we not entitled by the treaty to it? Yet it has been denied us.

The statute of 1819 defines three offenses. Section 2 declares it unlawful for a person in any foreign ship "(1) to fish for, (2) to take, (3) dry, or cure any fish within 3 marine miles of," etc.; and proceeds to penalize "if any such foreign vessel, or any person on board thereof (1) shall be found fishing, (2) or to have been fishing, (3) or preparing to fish within such distance of such bays, harbors, or creeks, the vessel and cargo shall be seized and forfeited, except vessels entitled by treaty to the privilege."

The encroachment of this statute is evident. In 1783 Great Britain admitted our equal right to fish on her shores "and all other places in the sea," but the right to land was defined; in 1818 we acquired of her the use of certain shores—to dry and cure—which we had previously relinquished, and on a condition renounced the liberty to take fish within certain limits. No implication of exclusive right in any of the "places of the sea" can be drawn from this in favor of either party; on the contrary, the right of each party is admitted; nor of any sovereignty or jurisdiction conveyed by one to the other over the vessels and crews of the other.

Did the United States renounce in 1818 the right of "preparing, within the 3 miles, to fish" elsewhere? Did we renounce the right of freely navigating the waters in the limit? We did not. Did Great Britain ever, previous to or in that treaty, claim that the right to navigate within 3 miles of the shores was her exclusive property, and an intrusion of a foreign vessel on such waters, without her particular license, was a cause of forfeiture?

Did she not admit in that treaty that our fishermen should enter, lay in, and depart from her ports, bays, and creeks situated within the 3 miles, for shelter, etc.?

We submit, then, that fishing and other vessels of the United States are as absolutely, entirely, and exclusively within the jurisdiction and protection of the United States when within such 3 miles of the shore as when in mid-ocean, or in the harbor of Gloucester, or of New York. We demand, therefore, that Great Britain be warned that this Government will not submit to any attempt on her part, after July 1, to extend or assume a territorial or any other jurisdiction over the vessels of the United States navigating or harboring in the open seas, under the flag of the United States whether within or without 3 miles of the shore. And we request of you, as the custodian of the honor and dignity of the flag in the foreign relations of this free, sovereign, and independent people of the United States, to protect that flag from the humiliation of being arrested on the high seas in time of peace, by foreign officers; its vessels searched, seized, tried, and condemned; the cargo, product of the labor of the crew, and the outfits spoliated from their rightful owners, the fishermen and the outfitters; the voyage broken up and the means of living taken from the crew; the treaties of the United States construed and limited by county magistrates of British provinces or vice-admiralty courts of inferior jurisdiction.

All that was advice and admonition and supplication to the President of the United States, who was then but a few weeks in office. What is it, when you look at the causes, which gave a ground for this remonstrance? It is the most stern accusation, the broadest impeachment of the precedent Republican administrations, which had the control of this Government since 1861, that could possibly be framed.

He proceeds to argue with great ability upon many questions connected with this subject. He speaks of one case, the A. J. Franklin, and says:

In one case, the A. J. Franklin, the seizure was the 15th October, 1870, in the Gut of Canso, on the charge of having been fishing on the 11th at Broad Cove. The facts recited by the judge are that she was brought to by two guns from a cruiser, more than 2½ miles from land on the 11th. Her skipper denied he had been fishing, and appealed to two adjacent vessels for corroboration. The cruiser satisfied herself, and released the fisherman, who continued on her business; she afterwards came into the Gut of Canso where, on information procured from some "Lunenberg men" that she had been trying for mackerel the 11th, the Franklin was seized, and, although no mackerel were claimed to have been caught, condemned. The Franklin's witness denied that she had either fished, or prepared to fish within the limits, between the 11th and 15th, and said that they had sailed that morning (11th) from Port Hood toward Broad Cove, and were overhauled on their way. Whether these circumstances of arrest arose from design or an accident, what chance was left the Franklin owners to defend their property? After it had purposely been admitted all right whilst witnesses were available for her, but when she had separated from the fleet and the means had ceased to be available, then she was seized and reaccused.

That was in 1870. Where is the honor of your flag, where is the redress of the American citizen, where is the restoration to him of his property rights either under statute or under treaty? From 1870 to 1885 this matter went along, and in the first Democratic Administration that made its appearance in the country after twenty-five years' absence from control of the councils of the country, this citizen of the United States heading this most important interest presented this demand on that Democratic President, and its head had no Congress here to assist him in prosecuting this purpose or in providing anything for the protection of our people. No preliminary arrangement had been made. These wrongs and grievances had all stood there for years and years together; they were not matters to be apprehended or expected, but things that had actually occurred, and yet the great Republican party with all its power had not even hinted at a provision of law by which these evils might be corrected in the past or prevented in the future.

He goes on to speak further of the action of the British Parliament and the provincial legislatures, and says:

Their aggressive course towards our flag has evidently been inspired by a desire to harass and bulldoze this Government into admitting the fish caught by the provincials into this market free of duty; and we have every reasonable expectation it will be repeated for the same object unless a firm stand is made against the repetition.

Provincials will not enter into the fishery business unless they can find an advantageous market for the fish they catch. When they are certified by the firm position of the Administration and of Congress that the market of the United States is irrevocably barred by such revenue duties as will not permit them any superiority or advantage over the American fishermen therein, then the inducements which for thirty years have stimulated them to worry our people will pass away, and they will be very ready to sell bait to us, and Great Britain may perhaps name a reasonable license to vessels for the privilege of the inshore fishery for mackerel.

These are suggestions brought to the attention of the present Executive.

Mr. FRYE. Is that George Steele?

Mr. MORGAN. George Steele.

Mr. FRYE. I thought the Senator was reading from the same authority.

Mr. MORGAN. Yes, this is all from Mr. Steele.

He then goes on to comment upon the fisheries and their importance in time of war for national defense, and comments upon the taxes upon fishing vessels, etc., upon the intrepidity and heroism of our fishermen upon the seas in times of war, and then on page 19 he adds:

We believe that a detachment of the naval force sent to those waters will afford needful protection for this season to our mackerel fleet. The Ottawa legislature, on the 10th of April, rejected a proposal of Mr. Davis to treat. The press of Canada have several times given notice that cruisers were being prepared, and in Newfoundland the arrival of a royal vessel to guard the fisheries has been announced within a week; it behooves us, whose property is at risk to be watchful in its defense and to advise the Government seasonably of the need of vigilance. This has been done informally as well as formally.

The chairman of our committee, in reply to his formal letter, has been courteously informed by the honorable Secretary of State that he was hopeful that results would be achieved which would enable our fishermen to complete the season of 1885 without molestation. This reached us when this memorial had been thus far prepared.

Now, we shall find out whether the Secretary of State had the encouragement of the fishermen to do this specific thing or not.

We greatly appreciate the desire of the President and the Secretary to give full and earnest consideration of the interests this association represents, and can not demonstate our reliance on these expressions of your favor more directly than to suggest that the success of British negotiators has always rested on the adroitness with which the nature and extent of their proposals for new contracts have been concealed from the American fishermen who are to be affected by the measure proposed, and who can expose the insidious tendencies enveloped therein.

We desire to put you on your guard, and repeat, it is a bitter experience of the past, and not any want of confidence in or distrust of yourself or the State Department, which leads us to implore that no negotiations involving the duties on the entry of foreign fish in these ports shall be entertained by this Government without first giving us ample notice to explain fully the effect on our interests the question involves. Whether we look at our own industry as it is, or consider the interest of our flag, we say there is no price that Great Britain can pay, nor interest which she can give in the fisheries which can compensate for the introduction of British-caught fish free of duty into our markets.

There is another terrible arraignment of the Republican party on this question. Without reading more from this very unfortunate and I must say able document, it is very clear that if its authors represented the fishermen of New England at that time, as they assumed that they did, they had some very serious grievances against past administrations of the Government.

Now I will ask the Secretary to read two letters from Mr. George Steele, chairman of the American Fishery Union, dated April 28, one of them, and the other May 10, 1885.

The Chief Clerk read as follows:

GLOUCESTER MUTUAL FISHING INSURANCE COMPANY,
Gloucester, Mass., April 28, 1885.

SIR: The American Atlantic fishery interests organized last December under the name of the American Fishery Union.

It has been lately brought to the notice of the Union that the British provincial authorities are meditating predatory attack on our fishing vessels engaging after July 1 in fishing at the eastward, with the object of obstructing their lawful pursuits by seizing with armed cruisers our vessels on the high seas and forfeiting them, also intimidating and abridging them of their lawful right. The thirty thousand fishermen and their vessels under the flag of the United States in those waters are entitled to the protection of the United States in these pursuits, which this Government has not requested by treaty.

The officers of the Fishery Union desire to present the interests of their pursuits in this emergency to the attention of yourself personally or the President.

Fearing we might present ourselves at an inconvenient time, permit me to request that you will cause me to be informed by telegraph or mail whether your convenience will be better served by naming a particular date for an interview.

I have the honor to be, very respectfully, your obedient servant,
GEORGE STEELE, *Chairman.*

Hon. THOMAS F. BAYARD,
Secretary of State.

GLOUCESTER, MASS., *May* 10, 1885.

DEAR SIR: Your esteemed favor of the 2d instant is at hand and I have carefully noted same.

I notice what you say in reference to negotiations in progress, and while feeling grateful for the interest shown by you in thus promptly considering the matter, and confident that you will be actuated by the most kindly feelings towards the fishing interests of the United States in your negotiations, I am much afraid, and in this I am only influenced by several very bitter experiences in the past, that your Department in negotiatons with Great Britain on the subject of the fisheries will be placed at a great disadvantage unless we are allowed to clearly state our position and desires as the Canadian Government has always shown the greatest interest in its fisheries and are thoroughly conversant with its needs.

In my letter of the 28th ultimo I intended to ask for protection against unjust seizure only. In the clause you did not understand, "are entitled to the protection of the United States in these pursuits which this Government has not requested by treaty," the word "requested" by an error in copying was substituted for "renounced."

We are fully aware of the fact that there are some rights enjoyed by us under the treaty of Washington that we must now relinquish, and we are prepared to abide by the treaty of 1818 and suffer all the inconvenience that may arise from the change, but we were much afraid of a repetition of the condition of affairs existing previous to the Washington treaty—

Those good old days of Grant, of which Mr. HOAR was so proud—

when Canadian cutters were fitted out with the express purpose of making a disturbance and forcing our Government into reciprocity, and were allowed to seize our fishing vessels at their pleasure, try them in their courts, with no one to answer to except the owners, who well knew how useless it was for them to make any defense, however illegal the seizure may have been, without the support of their Government.

We are much pleased with your assurance that this unfriendly policy of the Canadian Government is not likely to be repeated, as the articles we had seen in the Canadian press were not reassuring.

We must earnestly hope, however, that you will not feel it necessary to recommend a continuance of the present policy of admitting Canadian fish free of duty in order that we may not be harassed while prosecuting our business in a manner clearly within our rights as allowed by the treaty of 1818, for it is the unanimous opinion of the fishing interests that the Government could do nothing to recompense us for so serious a blow.

We mention this because we apprehend the Canadians are approaching you with propositions for a reciprocity treaty. We do not desire "free fish" to be an element of such reciprocity. We shall present both to you and the President detailed reasons of its inexpediency in regard to American consumers and national interests as well as the ruin it would heap on our fishermen.

I have the honor to be, your most obedient servant,
GEORGE STEELE,
President American Fishery Union.

Hon. THOMAS F. BAYARD,
Washington, D. C.

Mr. MORGAN. Now, Mr. President, I suppose that we shall have a little let up on the assertion that no fisherman desired that the present Administration should do anything at all in regard to the fishery rights terminated or to be terminated on the 1st of July, 1885, by the close of the treaty of Washington. Senators who represent, or who profess to represent, that particular interest upon this floor, have more than intimated, yes, they have asserted, that it was the duty of the fishermen in that region to provide themselves for a change of these treaties, that they had no business going up into those waters for the purpose of pursuing their rights under the fisheries treaty of 1871, which they knew would be terminated in July. I thought when that argument was made that it was a pretty harsh one, and I thought that it was a benign thing and a just thing for our Government when it had any opportunity at all to prevent the blow from falling on these men to do so, because the fisherman must pursue the fish at the season when they are running and capable of being caught.

He can not divide the season to suit himself, and having gone out upon his venture, if he has not been successful enough to load before the 1st day of July, then of course he must take the risk and disadvantage of loading after that time, and to find the whole treaty system of the United States then changed after he has been on the banks fishing for cod or halibut or other ground fish, or pursuing the mackerel along the surface of the waters, is something against which he can scarcely be expected to provide. But this harsh-handed treatment, which applies itself to the fisherman as it does to everybody else, demands a subserviency and subordination to the will of the rulers of the fish market, was found here in this Senate declaiming against the President of the United States because he saw proper to arrange with Mr. West that which Mr. Seward had so earnestly sought at the hands of the British Government at the termination of the treaty of 1854. Here they commenced as early as April 28, 1885, the President having been inaugurated on the 4th day of March, to ask for protection, for forecast, for provisions of arrangement at the hands of the President of the United States by which these severe blows might be obviated and avoided. Then after that comes another man, who followed that on January 22, 1886. This seems to be signed by a firm.

BOSTON, MASS., *January* 22, 1886.

SIR: I think you, and the President should be commended for recommending a commission on the fishery question. The talk about the mackerel fishing industry being injured during the spawning season is all folly, as the catch of 1884 was the largest ever known, so large that there are several thousand barrels left over for want of a market. Boston is in favor of a treaty with the Provinces. A duty on fish is a protection that does not protect, but instead it curtails our markets for fish, and since the treaty expired the trade of Boston have lost over $700,000 worth of trade with the Dominion of Canada and more than $300,000 with the West Indies and South America, as the fish are shipped here in bond and thus come in competition with our fishermen. We are supposed to be a manufacturing country, and why should the laborer be obliged to pay 80 per cent. more for his fish than usual. It is simply a protection for a few to the detriment of many, and the $3 duty on a barrel of salmon and $2 on a barrel of mackerel or herrings is blood money taken from the pockets of the poor people.

Yours, truly,
K. & S. A. FREEMAN.

Hon. THOMAS F. BAYARD, *Washington, D. C.*

I do not know who they are, but the Senator from New York [Mr. EVARTS], following in the wake of various other Senators who have spoken upon this subject to the Senate, asserted most boldly that the fishermen and men interested in fishing in the northeast did not want any *modus vivendi*, they did not ask any protection, they did not ask any arrangement with Great Britain, they were willing to take the risk, and that the Secretary of State and the President of the United States were acting of their own motion and in favor of British interests and Canadian interests, volunteering their services to assist Canadian influence and Canadian enterprise and interest, and not acting under the solicitations of the fishermen and men concerned in fishing in the northeast when this *modus vivendi* was proposed and agreed to. Now, that is overturned.

I promised the Senator from New York that I would show him the importunities of private men, and I have more yet to show on that subject and also of the movements of general societies, organizations in their public capacity and in their public meetings soliciting the President of the United States early in his administration and within one or two months after he was sworn into office to take this subject in hand and proceed with it so as to save the blow that otherwise would fall upon the country savagely and fiercely and destructively in the transition from the treaty of 1871, with its liberal reciprocity upon fish and the like, to the treaty of 1818.

Mr. President, about the time of the reception of these letters, the British minister, seeing that disturbance was likely to occur between our country and Great Britain, applied to the Administration for the purpose of having some arrangement made by which we could ease off from one system to the other without two great a break in our affairs; but prior to that Mr. West had addressed Mr. Frelinghuysen during the preceding Administration a letter upon the same subject. Mr. Frelinghuysen did not deign, I believe, to make any reply to it at all; perhaps he did not care to forestall the action of the incoming administration.

Mr. Frelinghuysen was a very careful man, a wise man, and a thoroughly honorable man. I do not believe we have had a higher character in this country for many, many years than Mr. Frelinghuysen. So he left, not the responsibility merely, but he left the policy to be arranged by the incoming administration without committing himself one way or the other—for President Arthur had committed himself thoroughly in favor of a broad general arrangement in the message from which I have just read—to be agreed upon and arranged by a mixed commission authorized and organized under an act of Congress.

So that administration, fully committed to its policy on that subject, left it to the succeeding administration to say what they would do in arranging the particular method by which we could go through this very serious transition from the treaty of 1871 to the treaty of 1818.

I shall not have time this evening, Mr. President, to close my remarks on that branch of the case and on the next, which I intend to discuss before the Senate, as to the effect of the *modus vivendi* in this present treaty, and it is in reference to the *modus vivendi*, the protocol in this present treaty, that I have made my motion to postpone the consideration of the treaty until December, and I have made it in the very best of faith; and I will repeat a remark that I have made perhaps on more than one occasion here, that if I were opposed to every word and line of this treaty I should still insist upon its going over until December, for the sake of the composure of this country, and for the sake also of the Senate as a body of negotiators.

Mr. SAWYER. If the Senator from Alabama will give way, I will move that we now proceed to the consideration of legislative business.

Mr. MORGAN. I shall do so with great cheerfulness, because I have been in the habit of making very short speeches in the Senate, and to-day I have been making one of some length.

Mr. SAWYER. I move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. If there be no objection, the Senate will proceed to the consideration of legislative business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 4659) for the relief of George M. Ochiltree, and agreed to the same.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.

The message further announced that the House had passed the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; in which it requested the concurrence of the Senate.

MARY CURTIN—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2653, entitled "An act granting a pension to Mary Curtin."

The husband of this beneficiary was mustered into the military service October 8, 1862, was wounded in the right arm, and was discharged September 3, 1863.

He was pensioned for his wound to the time of his death, September 17, 1880.

The physician attending him in his last illness testified that the deceased was in the last stages of consumption when pneumonia intervened and caused his death.

I do not understand that this physician gives the least support to the theory that the wound for which this soldier was pensioned was in the slightest degree connected with his death, and there seems to be nothing in the case to justify the conclusion that such was the fact.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 14, 1888.

The PRESIDENT *pro tempore*. Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. TURPIE. I move that the bill, with the accompanying message, be referred to the Committee on Pensions.

The motion was agreed to.

WIDOW OF JOHN LEARY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1076, entitled "An act granting a pension to the widow of John Leary, deceased."

This bill does not give the name of the intended beneficiary, but merely directs that the name of the widow of John Leary, late first sergeant in Battery F, Third Artillery, United States Army, be placed upon the pension-roll, and that she be paid the sum of $20 per month.

John Leary first enlisted in the regular Army July 26, 1854, and re-enlisted in August, 1859. He was slightly wounded July 1, 1862, and appears to have been discharged March 25, 1863, on account of syphilitic iritis. In April, 1863, he entered the general service and acted as a clerk in the Adjutant-General's Office until April 1, 1864, when he was discharged.

Neither he nor his widow ever filed a claim in the Pension Bureau, but an application on behalf of his minor children was filed in 1882.

The soldier died on the 8th of December, 1872, of pneumonia, and his widow remarried in 1876.

The application on behalf of the children was denied on the ground that the death of the soldier was not due to any cause arising from his military service. The youngest child will reach the age of sixteen in September, 1888.

It is stated in the report of the Senate committee to whom this bill was referred that the second husband, to whom this widow was married in 1876, is now dead, and it is proposed to pension her as the widow of John Leary, her first husband, at the rate of $20 per month.

In the unusual cases when a widow has been pensioned on account of the death of her first husband, notwithstanding her remarriage, which forfeited her claim under the general law, it has been well established that she was again a widow by the death of her second husband, that beyond all controversy the death of the first husband was due to his military service, and such advanced age or disability has been shown on the part of the widow as prevented self-support.

In this case the name of the widow is not in the bill; there is hardly room for the pretense that her first husband's death was due to his military service, her age is given as over forty years, and $20 a month is allowed her—being considerably more than is generally allowed in cases where a widow's right is clear, with no complications of second marriage, and her necessities great.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 14, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, notwithstanding the objections of the President of the United States?

Mr. TURPIE. I move that the bill, with the accompanying message, be referred to the Committee on Pensions.

The motion was agreed to.

BENJAMIN A. BURTRAM—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1762, entitled "An act granting a pension to Benjamin A. Burtram."

The beneficiary named in this bill was mustered into the military service November 26, 1861; he was reported present until February 28, 1862, and was discharged for disability July 26, 1862.

The medical certificate of the disability of this soldier was made by the senior surgeon of a hospital in Louisville, Ky., and stated that the soldier had been disabled for sixty days; that his lungs were affected with tubercular deposits in both, and that there was some irregularity in the action of the heart; that he was of consumptive family, his mother, brother, and two sisters having died of that disease according to his and his father's account.

It is of course supposed that this certificate was based upon an examination of the patient, though both he and his father seem to have supplemented such an examination with statements establishing a condition and history which operated to bring about a discharge.

I do not find, however, either as the result of examinations or statements, any other trouble or disability alleged than those mentioned above.

But in 1879, seventeen years after the soldier's discharge, and during the period when arrearages of pensions were allowed on such applications, he filed a claim for pension in which he alleged that about December 1, 1861, while unloading gun-boxes he incurred a rupture, and that in January, 1862, he was taken with violent pains in left arm and side, causing permanent disability.

It will be observed that the time of the incurrence of these disabilities is fixed as quite early in the very short military service of this soldier; and it certainly seems that, though short, his term of service was sufficiently long to develop such disabilities as he claims to have incurred to such an extent that they neither would have escaped in the succeeding July the examination of the surgeon nor the mention of the soldier.

A medical examination, which followed the application for pension in 1879, disclosed a large scrotal hernia, but no discoverable trouble of the left arm and side.

A special examination of the case was made, and a large amount of testimony taken. Without giving it in any detail as it is reported to me, I fail to find in it reasonably satisfactory proof that the disabilities upon which he now bases his claim for a pension were incurred in the military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 14, 1888.

The PRESIDENT *pro tempore*. Shall this bill pass, notwithstanding the objections of the President of the United States?

Mr. SAWYER. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

UNITED STATES MAP—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return herewith a joint resolution which originated in the Senate, and is numbered 17, providing for the printing of additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands.

This resolution directs that 7,500 of these maps shall be printed at a rate not exceeding $1.35 each; that 2,000 of said maps shall be for the use of the Senate, 4,000 for the use of the House of Representatives, 500 for the Commissioner of the Land Office, and that 1,000 be mounted and sold at the price of $1.50 each. The sum of $10,125 is appropriated to pay the expense of the publication of said maps.

The propriety and expediency of this appropriation, to be applied so largely by the two branches of Congress, should be left to legislative discretion.

I believe, however, that through inadvertence the duplication of the edition of these maps issued in 1886 has been directed by this joint resolution instead of the edition of 1887.

The map of 1886 was published at a cost of $1.25 per copy.

The map of 1887 will very soon be issued at a cost of $1 per copy, and the publishers have offered to print an enlarged edition at the rate of 95 cents for each map. This map will be later, more correct, more valuable in every way, and cheaper than that issued the previous year.

Upon these facts I return the joint resolution without approval, in the belief

that the Congress will prefer to correct the same by directing the publication of the latest, best, and cheapest map, and reducing the amount appropriated therefor.

GROVER CLEVELAND,

EXECUTIVE MANSION, *August* 14, 1888.

The PRESIDENT *pro tempore*. Shall this joint resolution pass, notwithstanding the objections of the President of the United States?

Mr. CULLOM. I move that it be referred, with the message, to the Committee on Printing.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 10050) to amend section 216 of the Revised Statutes with reference to the District of Columbia and the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company were severally read twice by their titles, and referred to the Committee on the District of Columbia.

GEORGE M. OCHILTREE.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. Is there not another bill from the House of Representatives? If so, I ask the Senator from Wisconsin to withdraw his motion in order to allow that bill to be laid before the Senate. It will only take a minute.

Mr. SAWYER. I withdraw the motion for that purpose.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate to the bill (H. R. 4659) for the relief of George M. Ochiltree, and agreeing to the same.

Mr. COCKRELL. There is a report of the conference committee on the part of the Senate on the bill for the relief of George M. Ochiltree, which is in the hands of the Secretary, and I ask that it be now laid before the Senate.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4659) for the relief of George M. Ochiltree having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House agree to the amendment of the Senate to the said bill.

JOS. R. HAWLEY,
F. M. COCKRELL,
Managers on the part of the Senate.
CHAS. E. HOOKER,
JNO. H. GEAR,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The two Houses having agreed, no further action is necessary.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 15, 1888, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 10, 1888.

APPOINTMENT IN THE NAVY.

Assistant surgeon.

William Ford Arnold, a resident of Tennessee, and George Augustus Lung, a resident of New York, to be assistant surgeons in the Navy.

RECEIVER OF PUBLIC MONEY.

Frank Galbraith, of Albion, Nebr., to be receiver of public moneys at Neligh, Nebr.

MINISTER RESIDENT.

John E. Bacon, of South Carolina, now chargé d'affaires, to be minister resident of the United States to Paraguay and Uruguay.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Charles L. Scott, of Alabama, now minister resident and consul-general, to be envoy extraordinary and minister plenipotentiary of the United States to Venezuela.

Rufus Magee, of Indiana, now minister resident, to be envoy extraordinary and minister plenipotentiary of the United States to Sweden and Norway.

Robert B. Roosevelt, of New York, now minister resident, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands.

Lambert Tree, of Illinois, now minister resident, to be envoy extraordinary and minister plenipotentiary of the United States to Belgium.

UNITED STATES CONSUL.

John Henry Haynes, to be consul of the United States at Bagdad.

POSTMASTERS.

Waterman J. Davis, to be postmaster at Port Allegany, in the county of McKean and State of Pennsylvania.

Thomas M. Uttley, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania.

Francis G. Andrews, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

Isaac F. Bomberger, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania.

William B. Jack, to be postmaster at Leechburgh, in the county of Armstrong and State of Pennsylvania.

Philo H. Stevens, to be postmaster at Fredonia, in the county of Chautauqua and State of New York.

John C. Walton, to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania.

Thomas N. Poole, to be postmaster at Sidney, in the county of Delaware and State of New York.

Horatio L. Church, to be postmaster at Union City, in the county of Erie and State of Pennsylvania.

W. T. McBurney, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania.

Peter A. Rattigan, to be postmaster at Barnhart's Mills, in the county of Butler and State of Pennsylvania.

Christian Hess, to be postmaster at Steelton, in the county of Dauphin and State of Pennsylvania.

Christopher C. Duke, to be postmaster at Butler, in the county of Bates and State of Missouri.

Washington C. Denny, to be postmaster at High Point, in the county of Guilford and State of North Carolina.

John W. Beatty, to be postmaster at Mexico, in the county of Audrain and State of Missouri.

Horace Picket, to be postmaster at Fergus Falls, in the county of Otter Tail and State of Minnesota.

August Huesing, to be postmaster at Rock Island, in the county of Rock Island and State of Illinois.

Julius L. Wind, to be postmaster at Harvard, in the county of Clay and State of Nebraska.

William A. Woodson, to be postmaster at Troy, in the county of Lincoln and State of Missouri.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Orlando M. Poe, to be colonel.
Maj. Samuel M. Mansfield, to be lieutenant-colonel.
Maj. William R. King, to be lieutenant-colonel.
Capt. James B. Quinn, to be major.
First Lieut. Frederic V. Abbot, to be captain.
Second Lieut. William E. Craighill, to be first lieutenant.

Second Regiment of Cavalry.

Second Lieut. Guy Carleton, to be first lieutenant.

Ninth Regiment of Cavalry.

Second Lieut. Charles J. Stevens, to be first lieutenant.

Fourteenth Regiment of Infantry.

Second Lieut. Stephen J. Mulhall, to be first lieutenant.

Seventeenth Regiment of Infantry.

Second Lieut. Edward I. Grumley, to be first lieutenant.

Twenty-first Regiment of Infantry.

Second Lieut. Lawrence J. Hearn, to be first lieutenant.

Corps of Engineers.

Additional Second Lieut. Henry Jervey, to be second lieutenant.

Additional Second Lieut. Charles H. McKinstry, to be second lieutenant.

Second Regiment of Cavalry.

Additional Second Lieut. Edwin M. Suplee, to be second lieutenant.

Sixth Regiment of Cavalry.

Additional Second Lieut. Robert L. Howze, of the Fifth Cavalry, to be second lieutenant.

Ninth Regiment of Cavalry.

Additional Second Lieut. William J. D. Horne, to be second lieutenant.

Additional Second Lieut. Guy H. Preston, of the First Cavalry, to be second lieutenant.

Fourteenth Regiment of Infantry.

Additional Second Lieut. William R. Sample, to be second lieutenant.

Seventeenth Regiment of Infantry.

Additional Second Lieut. William R. Dashiell, of the Eighth Infantry, to be second lieutenant.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 14, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, was received, announcing to the House of Representatives that the following bills were presented to the President July 31, 1888, and not having been returned to the House of Congress in which they originated, within the ten days prescribed by the Constitution, they have become laws without his signature:

An act (H. R. 9859) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

An act (H. R. 160) granting a pension to Elizabeth B. Sailer;

An act (H. R. 5490) granting a pension to Mrs. Catherine Sinnott; and

An act (H. R. 409) for the relief of Thomas W. Lord.

The message further announced that the President had on August 13, 1888, approved bills of the following titles:

An act (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterwards held to lie without such limits;

An act (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.;

An act (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of courts therein;

An act (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio and Salt Rivers;

An act (H. R. 1560) to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes;

An act (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington; and

An act (H. R. 8525) to remove the political disabilities of Elliott Johnston.

MARINE HOSPITAL, EVANSVILLE, IND.

The SPEAKER laid before the House the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind., with a Senate amendment.

Mr. HOVEY. I ask unanimous consent that the Senate amendment be concurred in.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

On page 1, line 18, before the word "of" where it first occurs, insert "the administration."

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none, and the Senate amendment is concurred in.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally read a first and second time, ordered to be printed, and referred as indicated below:

The bill (S. 6922) for the relief of George W. Graham—to the Committee on Military Affairs.

The bill (S. 1688) to regulate commerce carried on by telegraph—to the Committee on Commerce.

The bill (S. 1950) to ratify and confirm an agreement with the Indians of Fort Berthold agency, Dakota—to the Committee on Indian Affairs.

The bill (S. 2065) for the relief of Jacob Kerns—to the Committee on Claims.

The bill (S. 2163) for the relief of Alfred J. Worcester—to the Committee on War Claims.

The bill (S. 2560) for the improvement and the encouragement of the cultivation of flax and hemp—to the Committee on Agriculture.

The bill (S. 2998) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army—to the Committee on Claims.

The bill (S. 3015) for the relief of S. M. Shaffer—to the Committee on Claims.

The bill (S. 3139) removing the charge of desertion from the record of William H. Fenton—to the Committee on Military Affairs.

The bill (S. 3191) to amend section 4 of the act of March 3, 1887, and an amendment of section 2 of the act of March 3, 1877—to the Committee on Indian Affairs.

IRON MOUNTAIN RAILROAD.

Mr. MCRAE, by unanimous consent, introduced (by request) the following resolution; which was read, and referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior is hereby requested to transmit to this Congress all the papers and records in the case of St. Louis, Iron Mountain and Southern Railroad *vs.* William H. Cayce, in contest concerning 120 acres of land in Miller County, Arkansas, to the end that the action taken by the Forty-fifth Congress, June, 1878, be called up and be reviewed by this Congress, wherein said land was declared to be public land of the United States and subject to pre-emption entry, and that pending said review by Congress the Secretary of the Interior be requested to take no further action in the case of said lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. E. P. ALLEN, until Thursday, on account of important business.

To Mr. MOFFITT, for two weeks, on account of important business.

To Mr. PENINGTON, for one day, on account of important business.

To Mr. HOWARD, for ten days, on account of sickness in his family.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of Committees for reports.

GEORGE M. OCHILTREE.

Mr. GEAR. I ask leave to make a report from the committee of conference.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House (4659) for the relief of George M. Ochiltree having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House agree to the amendment of the Senate to said bill.

S. S. YODER,
JOHN H. GEAR,
CHARLES E. HOOKER,
Managers on the part of the House.

JOS. R. HAWLEY,
F. M. COCKRELL,
Managers on the part of the Senate.

The following is the statement of the House conferees:

The bill under consideration passed the House, amending the record of George M. Ochiltree so as to place him on the rolls of the War Department with the pay "of a major of cavalry" as compensation for two months' services as a provost-marshal in Missouri in 1862. This would have entitled him to something over $2,000. The Senate amended the House bill by allowing the said G. M. Ochiltree $1,066.45 in full compensation for his service as provost-marshal.

The report of the committee of conference was agreed to.

Mr. GEAR moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS ST. JOHN'S RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS TENNESSEE AND CUMBERLAND RIVERS.

Mr. CRISP also, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 10023) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9137) granting a pension to Eli H. Kiser;

A bill (H. R. 8092) to increase the pension of Lodiska J. Hays;

A bill (H. R. 3843) granting a pension to Virgil A. Jones;

A bill (H. R. 7169) granting arrears of pension to Joseph R. Dods;

A bill (H. R. 211) granting an increase of pension to Nicholas W. New;

A bill (H. R. 6767) to restore J. Rock Robinson to the pension-roll;

A bill (H. R. 6211) to increase the pension to Henry C. Jay;

A bill (H. R. 189) granting a pension to August C. T. Gogall; and

A bill (H. R. 209) granting a pension to Levi H. Naron.

WILLIAM B. COBB.

Mr. BARRY, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 10847) granting an increase of pension to William B. Cobb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH G. SWANK.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 3196) for the relief of Joseph G. Swank; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF J. J. PULLIAM.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 10949) for the relief of the estate of J. J. Pulliam, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN ELLISON.

Mr. BROWER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 8093) for the benefit of John Ellison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. H. BRIDGEWATER.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 3708) for the relief of P. H. Bridgewater; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADULTERATION OF FOOD OR DRUGS IN DISTRICT OF COLUMBIA.

Mr. ATKINSON, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call.

CHANGE OF REFERENCE.

On motion of Mr. LANHAM, the Committee on Claims was discharged from further consideration of the bill (S. 1813) for the relief of Susan B. Hopkins; and it was referred to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2524) for the relief of Clement A. Lounsberry;

A bill (H. R. 5494) for the relief of John T. Robeson;

A bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 5539) for the relief of John J. Coughlin;

A bill (H. R. 2592) for the relief of Andrew Gleeson;

A bill (H. R. 2611) for the relief of Joseph W. McClurg;

A bill (H. R. 3859) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York;

A bill (H. R. 5222) for the relief of A. M. Anderson and others;

A bill (H. R. 6491) for the relief of Lowman & Co.; and

A bill (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased.

ORDER OF BUSINESS.

Mr. SHAW. Mr. Speaker——

The SPEAKER. The regular order has been demanded by the gentleman from Texas [Mr. SAYERS].

Mr. SHAW. Mr. Speaker, I hope the gentleman will withdraw that demand for a moment, in order that I may ask consideration of a bill for the relief of a very worthy class of Government employés. It is a bill granting leave of absence with pay to employés in the customs service. It does not take a dollar out of the Treasury.

Mr. SAYERS. I will state to my friend from Maryland that I feel bound to push on with the pending bill.

The SPEAKER. What motion does the gentleman from Texas [Mr. SAYERS] make?

Mr. SAYERS. I demand the regular order.

The SPEAKER. The Chair has completed the regular order so far.

Mr. O'NEILL, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. The regular order, I believe, now is the morning hour for the consideration of bills.

The SPEAKER. It is.

Mr. O'NEILL, of Missouri. I hope that will not be dispensed with, because there are about twenty committees that have not been called.

The SPEAKER. The morning hour has not been dispensed with; but a motion to go into Committee of the Whole on the state of the Union for the consideration of appropriation or revenue bills takes precedence over it under the rules. If that motion is not made, however, the Chair will proceed with the morning hour.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering a general appropriation bill.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. In the Committee of the Whole on the Calendar there are two general appropriation bills——

The SPEAKER. The Chair does not decide any questions in the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND. I am asking the Chair, if he will allow me——

The SPEAKER. The Chair will hear the gentleman.

Mr. TOWNSHEND. On the Calendar of bills in the Committee of the Whole on the state of the Union there is a general deficiency appropriation bill and a general fortification bill. The first in order on the Calendar is the general deficiency bill. I ask the Chair if the House shall resolve itself into Committee of the Whole on the state of the Union, which of these two bills will come up for consideration?

The SPEAKER. The Speaker of the House does not decide questions of order pending or likely to arise in the Committee of the Whole on the state of the Union. That is a question for the gentleman who presides as Chairman of the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND. But, Mr. Speaker, is not that a question which is regulated by the rules of the House?

The SPEAKER. But it is not a question for the Speaker of the House to decide. The Speaker of the House decides no question pending in the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND. Then I will ask my friend from Texas [Mr. SAYERS], if we resolve ourselves into the Committee of the Whole House on the state of the Union, which of these two appropriation bills does he propose to call up?

Mr. SAYERS. I will tell my friend from Illinois that he will know when we go into the Committee of the Whole on the state of the Union. [Laughter.]

Mr. TOWNSHEND. Then I wish to say to the gentleman from Texas that we will be a long time getting into the committee. [Renewed laughter.]

CHEROKEE INDIAN NEGROES.

Mr. O'NEILL, of Missouri. I send to the Clerk's desk a copy of this morning's Post and ask to have it read. It is connected with a bill which I introduced into this House.

Several MEMBERS. Is it in order?

The SPEAKER. The Clerk will read it, and the Chair will then decide.

The Clerk read as follows:

EX-MINISTER TURNER'S BARGAIN—HE ARRANGED A CONFERENCE AND DEMOCRATS WERE TO VOTE FOR HIS BILL.

The bill to give the negro section of the Cherokee Indians the compensation of which they were deprived when the pure Cherokees were compensated to the extent of a quarter of a million dollars five or six years ago for lands taken from them by the United States Government was called up in the House yesterday.

Since the pure Indians cut the negro-Indians of the reservation out of their share of the former appropriation, the negro-Indians have been urging Congress to pass another bill appropriating $75,000 for themselves. J. Milton Turner, ex-minister to Liberia, is understood to be their agent at Washington, and it is said that he is to get 25 per cent. for his labors if the bill passes. It is also said that the part he took in organizing and managing the colored Democratic convention at Indianapolis was his part of a bargain under which the Democrats were to pass the bill. An effort was made to pass it yesterday, but Mr. OWEN, of Indiana, being in possession of these alleged facts, obstructed the way. When the Democrats learned the reason for his objection they gave way, and the bill had to be laid aside.

Mr. O'NEILL, of Missouri. Mr. Speaker, I am the author of the bill referred to in that article. I have introduced that bill into this Congress.

Mr. NELSON. That is no question of privilege.

Mr. O'NEILL, of Missouri. I wish to say, Mr. Speaker, in reference to that article which has been read by the Clerk that there is not one word of truth in it from beginning to end.

The SPEAKER. The gentleman from Minnesota makes the point of order that this is not a privileged question.

Mr. O'NEILL, of Missouri. I wish to say that it is all a lie, and then I am done with it.

The SPEAKER. It is not a question of personal privilge to the gentleman from Missouri, whatever it may be to the House.

Mr. O'NEILL, of Missouri. The Chair will permit me to ask him a question.

The SPEAKER. Certainly.

Mr. O'NEILL, of Missouri. I introduced this bill, and that article which was read from this morning's Post states there was a bargain connected with it.

The SPEAKER. With the Democrats, and not with the gentleman. [Laughter.]

Mr. O'NEILL, of Missouri. If these gentlemen are willing to do that injustice to these poor freedmen in that sort of way let them take the responsibility. I say it is all a lie from beginning to end.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. SAYERS], that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of appropriation bills.

Mr. OWEN. I desire to ask the gentleman from Missouri whether, in characterizing the article which was read from this morning's Post, he means to cast any personal reflection upon me in reference to that matter?

Mr. O'NEILL, of Missouri. I repeat that the statement that there is any bargain in the introduction or pressing of that bill, no matter by whom made, is a lie—absolute, plain, unqualified, unvarnished lie. [Laughter.]

Mr. OWEN. That is not an answer to my question.

Mr. O'NEILL, of Missouri. If the gentleman from Indiana says

that I am a party to any bargain in connection with that bill—if he states that, then I say he states what is a lie. That is plain. I say that any gentleman on the other side of the House, I do not care by whom made, who makes any such statement, I say it is a lie. Does the gentleman understand me? [Laughter.]

Mr. OWEN. Mr. Speaker, I desire to say that whether I understood the distinguished gentleman from Missouri, or not, in his remark, he is not capable of offering me a personal affront. [Laughter.]

I desire to add that when the gentleman came to my seat yesterday, after I had objected to the passage of the bill, he told me that he had introduced the bill himself, and that so far as he was concerned there was no trade whatever in it. I told him personally that I believed the statement was true, and that I had no reflection whatever to make on him; that the objection I made to the bill had no connection with him, and that I did not until that moment know that he had any connection with it.

Mr. O'NEILL, of Missouri. Then, my dear friend, why did you not withdraw your objection? [Laughter.]

Mr. OWEN. It appears to me, therefore, that the gentleman from Missouri is merely seeking an opportunity to create a little scene here——

Mr. O'NEILL, of Missouri (interrupting). Oh, no; not at all. I have no feeling in the matter.

Mr. OWEN (continuing). By the extract he has caused to be read, and by the comments he has seen proper to make upon it this morning.

Mr. O'NEILL, of Missouri. I had no intention of making a scene.

Mr. OWEN. And I desire to say, Mr. Speaker, that I objected to that bill for reasons that grew out of a conversation I myself heard, and language which I heard John Milton Turner himself use, which at the time uttered I wrote down on a pad, and subsequently took the member of Congress aside to whom John Milton Turner had addressed his remarks, and said, "A difficulty may arise in the House or in the campaign over what Turner has said to you. If so, I shall most solemnly assert that this is what he said." I then read the conversation to this gentleman, who stated to me that it was correct, and that John Milton Turner used the language I had quoted. That caused me upon this floor to object to the passage of that bill; and the reason why I objected was that I did not believe it was my duty as an Indianian to sit on this floor and let my silence go as a vote to help the Democratic party pay John Milton Turner what he at least considered as his fair and equitable compensation for services rendered at the Indianapolis colored convention. [Laughter and applause on the Republican side.]

Mr. O'NEILL, of Missouri. Mr. Speaker, I introduced that bill, in the interest of humanity, for the benefit of these poor freedmen, and independent of any consideration personal to myself or anybody else, because it was an act of humanity to the former slaves of these Indians and in order that they should have what was simply their due. It had been recommended by President after President, by Secretary after Secretary, and the present Senate has passed the same bill. It has been pending in Congress ever since I have been here, and I do not think that the gentleman from Indiana should have objected on account of any individual or political feeling against an act doing justice to these people. I desire to disclaim any personal feeling towards the gentleman from Indiana for his action in the matter. [Cries of "Regular order!"]

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. SAYERS] that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

The question was taken; and on a division there were—ayes 75, noes 9.

Mr. TOWNSHEND. That is not a quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. TOWNSHEND and Mr. SAYERS were appointed tellers.

Pending the count by tellers,

Mr. TOWNSHEND. I wish to state that I have no objection whatever to going into Committee of the Whole to take up the general deficiency bill, but the question of fortifications is in conference between the two Houses, and I do not think that that bill ought to be pressed here to embarrass the conferees on that question. If the gentleman will take up the general deficiency bill I have no objection, and am perfectly willing to withdraw the point of order, but I feel that it is unfair to the conferees on the Army bill to press this measure which is already in conference.

Mr. SAYERS. I do not know that it is necessary to say anything in reply to the gentleman from Illinois. That conference has been ordered upon the consideration of a bill, the amendments to which are entirely foreign to the fortifications bill, and it is not a question that can properly be considered by them. What action will be taken in reference to the consideration of bills is for the Committee of the Whole, and I have no promises to make to the gentleman.

Mr. BURNES. Mr. Speaker, evidently there is no quorum voting or likely to vote. I submit, therefore, that the vote may as well be announced. I presume the gentleman will not insist upon the point of order.

The SPEAKER. The Chair has already announced the vote, and the point of no quorum was made. The gentleman from Illinois insists upon the point and tellers were appointed. The tellers have not yet reported.

Mr. BURNES. I apprehend that there is a clear majority in favor of the proposition of the gentleman from Texas, and I ask that the vote be announced.

The tellers announced the result of the division as ayes 92, noes 6.

Mr. TOWNSHEND. There is not quite a quorum.

The SPEAKER. The tellers will resume their places and continue the count.

Mr. HOLMAN. I call for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 9, not voting 157; as follows:

YEAS—159.

Abbott,	Crain,	Lagan,	Ryan,
Adams,	Crisp,	Lanham,	Sawyer,
Allen, Miss.	Crouse,	Lawler,	Sayers,
Anderson, Iowa	Culberson,	Lehlbach,	Scull,
Anderson, Ill.	Cummings,	Lind,	Seney,
Anderson, Kans.	Dalzell,	Lyman,	Shaw,
Baker, Ill.	Davidson, Fla.	Mahoney,	Shively,
Bankhead,	Davis,	Martin,	Simmons,
Barnes,	De Lano,	Mason,	Smith,
Barry,	Dibble,	Matson,	Springer,
Bayne,	Dockery,	McAdoo,	Stephenson,
Bingham,	Dougherty,	McClammy,	Stockdale,
Bland,	Elliott,	McComas,	Stone, Ky.
Bliss,	Farquhar,	McCreary,	Symes,
Boothman,	Finley,	McCullogh,	Tarsney,
Bowden,	Forney,	McRae,	Taulbee,
Breckinridge, Ky.	French,	Merriman,	Taylor, J. D., Ohio
Brewer,	Fuller,	Milliken,	Thomas, Ky.
Brower,	Gay,	Mills,	Thompson, Cal.
Browne, T. H. B., Va.	Gest,	Moore,	Tracey,
Brown, J. R., Va.	Gibson,	Morgan,	Turner, Kans.
Brumm,	Glass,	Morrow,	Turner, Ga.
Bryce,	Grimes,	Neal,	Vandever,
Bunnell,	Haugen,	Nelson,	Wade,
Burnes,	Hayes,	Newton,	Walker,
Butler,	Henderson, Iowa	Nutting,	Warner,
Butterworth,	Henderson, N. C.	O'Donnell,	Weaver,
Bynum,	Henderson, Ill.	O'Neill, Pa.	Weber,
Campbell, F., N. Y.	Herbert,	O'Neill, Mo.	White, Ind.
Campbell, T. J., N. Y.	Hermann,	Outhwaite,	White, N. Y.
Candler,	Hiestand,	Owen,	Whiting, Mich.
Cannon,	Hitt,	Parker,	Whitthorne,
Caswell,	Holman,	Payson,	Wilkins,
Catchings,	Hovey,	Peel,	Wilkinson,
Chipman,	Hunter,	Perkins,	Wilson, Minn.
Cobb,	Hutton,	Peters,	Wilson, W. Va.
Cogswell,	Jackson,	Rice,	Yardley,
Compton,	Kean,	Richardson,	Yost,
Conger,	Kilgore,	Romeis,	Carlisle, Speaker.
Cox,	La Follette,	Russell, Mass.	

NAYS—9.

Atkinson,	Johnston, Ind.	Maish,	Townshend,
Cheadle,	Laird,	Morrill,	Yoder.
Gear,			

NOT VOTING—157.

Allen, Mass.	Dunn,	Kerr,	Reed,
Allen, Mich.	Enloe,	Ketcham,	Robertson,
Anderson, Miss.	Ermentrout,	Laffoon,	Rockwell,
Arnold,	Felton,	Laidlaw,	Rogers,
Bacon,	Fisher,	Landes,	Rowell,
Baker, N. Y.	Fitch,	Lane,	Rowland,
Belden,	Flood,	Latham,	Russell, Conn.
Belmont,	Foran,	Lee,	Rusk,
Biggs,	Ford,	Lodge,	Scott,
Blanchard,	Funston,	Long,	Seymour,
Blount,	Gaines,	Lynch,	Sherman,
Bound,	Gallinger,	Macdonald,	Snyder,
Boutelle,	Glover,	Maffett,	Sowden,
Bowen,	Goff,	Mansur,	Spinola,
Breckinridge, Ark.	Granger,	McCormick,	Spooner,
Browne, Ind.	Greenman,	McKenna,	Stahlnecker,
Brown, Ohio	Grosvenor,	McKinney,	Steele,
Buchanan,	Grout,	McKinley,	Stewart, Tex.
Buckalew,	Guenther,	McMillin,	Stewart, Ga.
Burnett,	Hall,	McShane,	Stewart, Vt.
Burrows,	Hare,	Moffitt,	Stone, Mo.
Campbell, Ohio	Harmer,	Montgomery,	Struble,
Carlton,	Hatch,	Morse,	Taylor, E. B., Ohio
Caruth,	Hayden,	Nichols,	Thomas, Ill.
Clardy,	Heard,	Norwood,	Thomas, Wis.
Clark,	Hemphill,	Oates,	Thompson, Ohio
Clements,	Hires,	O'Ferrall,	Tillman,
Cockran,	Hogg,	O'Neall, Ind.	Vance,
Collins,	Holmes,	Osborne,	Washington,
Cooper,	Hooker,	Patton,	West,
Cothran,	Hopkins, Ill.	Penington,	Wheeler,
Cowles,	Hopkins, Va.	Perry,	Whiting, Mass.
Cutcheon,	Hopkins, N. Y.	Phelan,	Wickham,
Dargan,	Houk,	Phelps,	Wilber,
Darlington,	Howard,	Pidcock,	Williams,
Davenport,	Hudd,	Plumb,	Wise,
Davidson, Ala.	Johnston, N. C.	Post,	Woodburn.
Dingley,	Jones,	Pugsley,	
Dorsey,	Kelley,	Randall,	
Dunham,	Kennedy,	Rayner,	

So the motion to go into Committee of the Whole House on general appropriation bills was agreed to.

The following pairs were announced:

Until further notice:

Mr. JONES with Mr. BOUND.

Mr. MCMILLIN with Mr. BURROWS.

Mr. BUCKALEW with Mr. BAYNE, on all political questions and French spoliation claims.

Mr. LANE with Mr. KERR.

Mr. YOST with Mr. SNYDER.

Mr. BRECKINRIDGE, of Arkansas, with Mr. BROWN, of Ohio.

Mr. HEMPHILL with Mr. GALLINGER.

Mr. HOGG with Mr. HOLMES.

Mr. VANCE with Mr. WICKHAM.

Mr. HOPKINS, of Virginia, with Mr. MCCORMICK.

Mr. CUTCHEON with Mr. TARSNEY.

Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.

Mr. MCKINNEY with Mr. OSBORNE.

Mr. CARUTH with Mr. COOPER.

Mr. HALL with Mr. LAIDLAW.

Mr. CARLTON with Mr. MOFFITT.

Mr. HARE with Mr. PLUMB, for three weeks.

Mr. HOWARD with Mr. HOPKINS, of Illinois.

Mr. CRISP with Mr. ROWELL.

Mr. MANSUR with Mr. WARNER.

Mr. ERMENTROUT with Mr. HARMER.

Mr. TURNER, of Georgia, with Mr. REED.

Mr. FORD with Mr. STEELE.

Mr. LODGE with Mr. BURNETT, from July 25.

Mr. MORSE with Mr. WHITING, of Massachusetts.

Mr. DAVIDSON, of Alabama, with Mr. PATTON.

Mr. COLLINS, of Massachusetts, with Mr. ALLEN, of Massachusetts.

Mr. MONTGOMERY with Mr. HUNTER.

Mr. BLANCHARD with Mr. THOMAS, of Illinois.

Mr. BACON with Mr. RUSSELL, of Connecticut.

Mr. FISHER with Mr. KEAN.

Mr. ROBERTSON with Mr. DORSEY.

Mr. WILLIAMS with Mr. STONE, of Missouri.

Mr. THOMPSON, of Ohio, with Mr. COWLES.

Mr. CLEMENTS with Mr. KETCHAM.

Mr. BIGGS with Mr. MORROW.

Mr. COMPTON with Mr. GOFF.

Mr. THOMPSON, of California, with Mr. MCKENNA.

Mr. GREENMAN with Mr. SHERMAN.

Mr. PERRY with Mr. SPOONER.

Mr. BELMONT with Mr. DAVENPORT.

Mr. SCOTT with Mr. CLARK.

Mr. OATES with Mr. GUENTHER.

Mr. PIDCOCK with Mr. HIRES.

Mr. CLARDY with Mr. WADE.

Mr. GRANGER with Mr. ROCKWELL.

Mr. GLOVER with Mr. BROWNE, of Indiana.

Mr. STEWART, of Texas, with Mr. DUNHAM.

Mr. ROWLAND with Mr. NICHOLS.

Mr. LATHAM with Mr. KENNEDY.

Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.

Mr. DARGAN with Mr. WEST.

Mr. BOUTELLE with Mr. WISE, from August 4.

Mr. TILLMAN with Mr. ANDERSON, of Kansas, on all questions from date.

Mr. RANDALL with Mr. KELLEY.

Mr. CAMPBELL, of Ohio, with Mr. LIND.

Mr. GROSVENOR with Mr. ENLOE, on all political questions, from Monday, August 13, until Monday, August 20, reserving the right to vote to make a quorum; and on French spoliations Mr. GROSVENOR is in favor of the payment and Mr. ENLOE is against it.

Mr. O'FERRALL with Mr. MASON, on all questions except French spoliations.

Mr. HAYDEN with Mr. HERBERT. Does not apply to taxation questions or naval.

Mr. COX with Mr. BAKER, of New York, on all political questions except Oklahoma.

Mr. BLOUNT with Mr. BREWER, on all political questions from Monday, August 6, until August 17.

On this vote:

Mr. SOWDEN with Mr. GROUT.

Mr. WHEELER with Mr. BUCHANAN.

Mr. COTHRAN with Mr. LONG, on all political questions from August 9 for two weeks.

Mr. MCCLAMMY. I desire to state my colleague, Mr. JOHNSTON, is absent on account of sickness.

Mr. WHITTHORNE. My colleague, Mr. ENLOE, is detained at his room on account of sickness, and I desire that he be excused.

Mr. ANDERSON, of Kansas. I am paired with the gentleman from South Carolina, Mr. TILLMAN, but have voted to make a quorum.

Mr. CRISP. I am paired with the gentleman from Illinois, Mr. ROWELL, but understanding if he were present that he would vote yea, and I have voted.

Mr. TURNER, of Georgia. I am paired with the gentleman from Maine, Mr. REED, but have voted to make a quorum. If there be a quorum present I desire to withdraw my vote. I desire also to say that the gentleman from Alabama [Mr. HERBERT], who is now absent on a conference committee, is also paired and has voted for the same reason.

Mr. WARNER. I am paired with my colleague, Mr. MANSUR, but being informed that he would vote ay if present, I have voted.

On motion of Mr. WEAVER, by unanimous consent the recapitulation of the names was dispensed with.

Mr. DAVIDSON, of Florida. I am informed that Mr. RYAN, with whom I was paired, has voted, and the pair should be withdrawn.

There was no objection, and the pair was withdrawn.

Mr. BREWER. I desire to state that I was paired with Mr. BLOUNT, which was to continue up to the 17th, but that gentleman returned yesterday. Though I have not seen him in the Hall, I have left the pair standing.

Mr. BLAND. I notice that I am paired with the gentleman from Vermont, Mr. STEWART. I voted for the purpose of making a quorum, and understand that the pair is concluded.

The result of the vote was then announced as above stated.

ORDER OF BUSINESS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. The Clerk will report the bill pending at the adjournment.

Mr. TOWNSHEND. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. The first bill upon the Calendar is the general deficiency bill. I ask now what bill the Clerk is directed to read?

The CHAIRMAN. The Clerk was directed to read the pending bill at the last sitting of the committee.

Mr. TOWNSHEND. The bill that was last pending until yesterday and unfinished was the general deficiency bill, and in that bill the French spoliation claims were under consideration. Now, yesterday by unanimous consent, the fortifications bill was taken up, and the question I want to ask the Chair is, whether or not the general deficiency bill, having been considered and being undisposed of, does not have priority over the fortifications bill?

The CHAIRMAN. The Chair is of opinion, and this opinion is sustained by the Speaker of the House, that the business in which the committee was engaged at the last sitting of the committee is first in order under the rule of the House, clause 8, Rule XXIII, on page 254, which is that—

> The rules of proceeding in the House shall be observed in Committee of the Whole House so far as they may be applicable.

The next rule, XXIV, clause 6, provides:

> After the hour under the preceding clause shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

The class of business now under consideration is that known as general appropriation bills, and the unfinished business of that class is now in order under the rule——

Mr. HOOKER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. Is there not another rule of the House which requires that when the House resolves itself into Committee of the Whole House for the purpose of considering any particular Calendar, either appropriation bills or anything else, that Calendar shall be called in the order in which the cases or bills appear on the Calendar?

The CHAIRMAN. The rule is that consideration shall be in the order on the Calendar. But the rules also provide that when the committee has a bill under consideration and it is being considered, that bill is in order until it is disposed of or so long as that class of business is before the committee. This rule was observed in a very notable case when the oleomargarine bill was before the House. The committee resumed from day to day consideration of that bill as the unfinished business of the Committee of the Whole; and that unfinished business continued at one time for as much as ten days in succession as the regular order.

Mr. WEAVER and others. Regular order.

Mr. TOWNSHEND. I rise to another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. Did the Chair take into consideration that the bill last under consideration before calling up this fortification bill was the general deficiency bill and that that was discussed and the fortification bill came up by unanimous consent? Now, the question I desire to ask the Chair is, whether or not the deficiency bill should have priority, it being also an unfinished pending bill?

The CHAIRMAN. That bill came up by unanimous consent that the deficiency bill be passed over, and that has given this bill priority.

Mr. HENDERSON, of Iowa. It is too late to make objection now.

The CHAIRMAN. And that having been done, this bill continues until finally disposed of.

Mr. TOWNSHEND. But unanimous consent was given for yesterday only.

Mr. FORNEY. Until it was finished.

Mr. TOWNSHEND. Not until it was finished. They both took their places on the Calendar, and that would be the first bill reached on the Calendar.

The CHAIRMAN. That bill was passed over under the rule, and the other bill is the unfinished business until disposed of.

Mr. SAYERS. I call for the regular order.

Mr. TOWNSHEND. Then I have to rise to another parliamentary inquiry. I desire to know how the friends of the general deficiency bill may raise the question of consideration on the fortification bill and bring the deficiency bill up for consideration instead of the fortification bill. I desire an answer to that inquiry.

Mr. SAYERS. I suggest that it is not the duty of the Chair to inform the gentleman upon parliamentary law in advance.

The CHAIRMAN. The Chair will entertain any parliamentary motion.

Mr. TOWNSHEND. But I am asking a parliamentary question such as I have never known the Chair to decline to answer, and the Chair is well able to answer it. My inquiry is this: How can the question of consideration be raised as between the general deficiency bill and the fortifications bill? The friends of the deficiency bill, or some of them at least, want to have that bill considered.

Mr. SAYERS. Let the gentleman ask unanimous consent.

Mr. TOWNSHEND. Let the Chair speak for himself.

The CHAIRMAN. It is not customary for the Chair to give instructions to the committee as to what its duties may be. The Chair will entertain any parliamentary motion.

Mr. TOWNSHEND. I do not ask the Chair for any instructions. I have put a parliamentary question which I ask to have answered.

The CHAIRMAN. The Chair will state in answer to the gentleman that it is the duty of the Chair to decide questions of order only when they are raised.

Mr. TOWNSHEND. I see the Chair does not desire to answer the question, and I will not press it further. Now I raise the question of consideration, and I move to lay aside the fortifications bill in order that we may proceed with the consideration of the general deficiency bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the bill known as the fortifications bill may be passed over. Is there objection?

Mr. SAYERS. I object.

The CHAIRMAN. Objection is heard. Under the rule the committee will rise and report the objection to the House.

Mr. SAYERS. I objected to the consideration of the deficiency bill.

Mr. TOWNSHEND. And I objected to the consideration of the fortifications bill.

The CHAIRMAN. That question is not before the committee at this time. The fortifications bill is before the committee. The gentleman from Illinois [Mr. TOWNSHEND] asked unanimous consent to pass over this bill, and the gentleman from Texas [Mr. SAYERS] objected, and it is the duty of the Chairman of the committee to report that fact to the House.

Mr. SAYERS. I wish to make a parliamentary inquiry. Is it not the first duty of the Chair, after the fortifications bill is under consideration, to decide the question of order that was raised yesterday? Can the motion made by the gentleman from Illinois [Mr. TOWNSHEND] be entertained until that question of order is decided by the Chair?

The CHAIRMAN. The Chair is of opinion that the question of order is of the nature of any other business in the committee relating to the bill, and has no greater priority of consideration than an ordinary motion to strike out a section.

Mr. SAYERS. I ask for a decision of the Chair upon the point of order.

Mr. TOWNSHEND. I rise to another parliamentary inquiry. I desire to know what it is that the Chair will report to the House?

The CHAIRMAN. The Chair will inform the gentleman. The Clerk will read clause 4 of Rule XXIII.

The Clerk read as follows:

4. In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present: whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. The committee will rise for the purpose of reporting the objection to the House. The gentleman from Missouri [Mr. DOCKERY] will please take the chair.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and that objection having been made to passing over the bill, the committee had risen and had instructed their Chairman to report the objection to the House.

The SPEAKER *pro tempore*. The question now is, Will the House instruct the Committee of the Whole House on the state of the Union to consider the bill?

Mr. TOWNSHEND. What bill?

The SPEAKER *pro tempore*. Fortification bill.

Mr. TOWNSHEND. I submit that is not the question. The motion was to consider the general deficiency bill, and the gentleman from Texas objected, and the Chairman reported that objection back to the House, and the House is now called upon to decide whether the committee shall take up the deficiency bill or the fortification bill.

The SPEAKER *pro tempore*. The objection affected the fortification bill, which was the first bill, and the Chairman of the committee advised the Speaker the objection of the gentleman from Texas was to the consideration of the fortification bill, and the question now is whether the House will instruct the committee to consider that bill or not.

Mr. TOWNSHEND rose.

[Cries of "Regular Order!" and "Vote!"]

Mr. TOWNSHEND. I rise to a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. Let me state it to the Chair. [Cries of "Order!"] I made the motion in the Committee of the Whole that the general deficiency bill be taken up for consideration The Chairman of the committee submitted that question to the committee under objection made by the gentleman from Texas. Now the motion to lay aside the deficiency bill is the motion which the Chairman has reported back to the House as to whether we will take up the fortification bill.

The SPEAKER *pro tempore*. It is the duty of the Chair to report to the House nothing but what has been reported by the Chairman of the Committee of the Whole House on the state of the Union. He reported the motion was made to lay aside the fortification bill, to which the gentleman from Texas objected, and that is the question now before the House.

Mr. TOWNSHEND. I wish to raise the question of consideration on the fortification bill.

The SPEAKER *pro tempore*. That question is raised by the proposition, which the Chair will submit, whether the House will instruct the committee to consider the bill (H. R. 10998) commonly known as the fortification bill. [Cries of "Vote!"]

Mr. TOWNSHEND. I rise to a further parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. If the fortification bill be laid aside when the House again resolves itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, will not the deficiency bill then be the first bill in order?

The SPEAKER *pro tempore*. That is a question for the Chairman when the House resolves itself into the committee.

Mr. TOWNSHEND. That is the whole question.

The SPEAKER *pro tempore*. The question is, Will the House direct the committee to consider the fortification bill. Those in favor of laying the fortification bill aside will vote in the affirmative.

Mr. TOWNSHEND. I ask for a division.

The House divided, and there were—ayes 17, noes 77.

Mr. TOWNSHEND. I make the point of no quorum.

Mr. SAYERS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DIBBLE. Will the Chair state the question?

The SPEAKER *pro tempore*. The question is, Will the House direct the committee to lay aside House bill 10998, known as the fortification bill, objection to the consideration of which was made by the gentleman from Illinois.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. If the fortification bill be laid aside, will not the deficiency bill be the first bill in order for the consideration of the committee?

The SPEAKER *pro tempore*. That is a hypothetical question.

Mr. HOOKER. The House should be informed by the Chair.

Mr. TOWNSHEND. My object is to raise the question of consideration between the two bills. Of course if we vote down the fortification bill, that will enable us to reach for consideration the deficiency appropriation bill.

The SPEAKER *pro tempore*. The question before the House at this time is whether the House will direct the committee to consider the fortification bill.

Mr. SAYERS. Is not the motion to lay aside the fortification bill?

The SPEAKER *pro tempore*. Yes, that is the question.

The question was taken; and it was decided in the negative—yeas 17, nays 131, not voting 177; as follows:

YEAS—17.

Bacon,	Gest,	Jackson,	Neal,
Browne, T.H.B., Va.	Glass,	Johnston, Ind.	Taulbee.
Bryce,	Hooker,	Lehlbach,	
Cheadle,	Hovey,	Mason,	
Cox,	Hutton,	Morrill,	

NAYS—131.

Abbott,	Crouse,	Lyman,	Scull,
Adams,	Culberson,	Mahoney,	Seney,
Allen, Miss.	Cummings,	Martin,	Seymour,
Anderson, Iowa	Davidson, Ala.	Matson,	Shively,
Anderson, Ill.	Davidson, Fla.	McComas,	Simmons,
Anderson, Kans.	Dibble,	McCreary,	Sowden,
Baker, Ill.	Dockery,	McCullogh,	Springer,
Bankhead,	Dougherty,	McKenna,	Stockdale,
Barnes,	Elliott,	McRae,	Stone, Ky.
Bayne,	Farquhar,	Merriman,	Symes,
Bingham,	Felton,	Milliken,	Tarsney,
Bland,	Finley,	Moore,	Taylor, J. D., Ohio
Bliss,	Forney,	Morgan,	Thomas, Ky.
Blount,	French,	Morrow,	Thompson, Ohio
Boothman,	Fuller,	Nelson,	Thompson, Cal.
Bowen,	Gay,	Newton,	Turner, Kans.
Brown, J. R., Va.	Grimes,	Nutting,	Turner, Ga.
Brumm,	Grout,	O'Donnell,	Vandever,
Bunnell,	Hatch,	O'Neill, Pa.	Wade,
Burnes,	Haugen,	O'Neill, Mo.	Walker,
Butterworth,	Hayes,	Outhwaite,	Weaver,
Bynum,	Heard,	Owen,	Weber,
Campbell, F., N. Y.	Henderson, Iowa	Parker,	Wheeler,
Candler,	Henderson, Ill.	Payson,	White, Ind.
Cannon,	Hermann,	Peel,	Whiting, Mich.
Caswell,	Holman,	Perkins,	Whitthorne,
Catchings,	Hopkins, Ill.	Peters,	Wilkins,
Cobb,	Johnston, N. C.	Rice,	Wilkinson,
Cogswell,	Kilgore,	Richardson,	Wilson, Minn.
Compton,	La Follette,	Romeis,	Yardley,
Conger,	Lagan,	Ryan,	Yost,
Crain,	Lanham,	Sawyer,	Carlisle, Speaker.
Crisp,	Lawler,	Sayers,	

NOT VOTING—177.

Allen, Mass.	Dingley,	Ketcham,	Robertson,
Allen, Mich.	Dorsey,	Laffoon,	Rockwell,
Anderson, Miss.	Dunham,	Laidlaw,	Rogers,
Arnold,	Dunn,	Laird,	Rowell,
Atkinson,	Enloe,	Landes,	Rowland,
Baker, N. Y.	Ermentrout,	Lane,	Russell, Conn.
Barry,	Fisher,	Latham,	Russell, Mass.
Belden,	Fitch,	Lee,	Rusk,
Belmont,	Flood,	Lind,	Scott,
Biggs,	Foran,	Lodge,	Shaw,
Blanchard,	Ford,	Long,	Sherman,
Bound,	Funston,	Lynch,	Smith,
Boutelle,	Gaines,	Macdonald,	Snyder,
Bowden,	Gallinger,	Maffett,	Spinola,
Breckinridge, Ark.	Gear,	Maish,	Spooner,
Breckinridge, Ky.	Gibson,	Mansur,	Stahlnecker,
Brewer,	Glover,	McAdoo,	Steele,
Brower,	Goff,	McClammy,	Stephenson,
Browne, Ind.	Granger,	McCormick,	Stewart, Tex.
Brown, Ohio	Greenman,	McKinley,	Stewart, Ga.
Buchanan,	Grosvenor,	McKinney,	Stewart, Vt.
Buckalew,	Guenther,	McMillin,	Stone, Mo.
Burnett,	Hall,	McShane,	Struble,
Burrows,	Hare,	Mills,	Taylor, E. B., Ohio
Butler,	Harmer,	Mofflit,	Thomas, Ill.
Campbell, Ohio	Hayden,	Montgomery,	Thomas, Wis.
Campbell, T. J., N. Y.	Hemphill,	Morse,	Tillman,
Carlton,	Henderson, N. C.	Nichols,	Tracey,
Caruth,	Herbert,	Norwood,	Townshend,
Chipman,	Hiestand,	Oates,	Vance,
Clardy,	Hires,	O'Ferrall,	Warner,
Clark,	Hitt,	O'Neall, Ind.	Washington,
Clements,	Hogg,	Osborne,	West,
Cockran,	Holmes,	Patton,	White, N. Y.
Collins,	Hopkins, Va.	Penington,	Whiting, Mass.
Cooper,	Hopkins, N. Y.	Perry,	Wickham,
Cothran,	Houk,	Phelan,	Wilber,
Cowles,	Howard,	Phelps,	Williams,
Cutcheon,	Hudd,	Pidcock,	Wilson, W. Va.
Dalzell,	Hunter,	Plumb,	Wise,
Dargan,	Jones,	Post,	Woodburn,
Darlington,	Kean,	Pugsley,	Yoder.
Davenport,	Kelley,	Randall,	
Davis,	Kennedy,	Rayner,	
De Lano,	Kerr,	Reed,	

No quorum voting.

On motion of Mr. JACKSON, by unanimous consent, the reading of the names was dispensed with.

Mr. COX. I am paired with my colleague [Mr. BAKER], but do not regard this as a political question, and have voted to make a quorum.

Mr. DAVIDSON, of Alabama. I am paired with Mr. PATTON, but voted to make a quorum.

The following additional pair was announced:

Mr. ANDERSON, of Mississippi, with Mr. DE LANO, on all political questions until further notice.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. SAYERS. I move a call of the House.

The motion was agreed to.

The roll was called, and the following members failed to answer to their names:

Allen, Mass.	Boutelle,	Caruth,	Darlington,
Allen, Mich.	Bowden,	Clardy,	Davenport,
Anderson, Miss.	Breckinridge, Ark.	Clark,	De Lano,
Baker, N. Y.	Browne, Ind.	Clements,	Dingley,
Barry,	Brown, Ohio	Cockran,	Dorsey,
Belden,	Buchanan,	Collins,	Dunham,
Belmont,	Buckalew,	Cooper,	Dunn,
Biggs,	Burnett,	Cothran,	Enloe,
Blanchard,	Burrows,	Cowles,	Ermentrout,
Bliss,	Campbell, Ohio	Cutcheon,	Fisher,
Bound,	Carlton,	Dargan,	Fitch,
Flood,	Jones,	O'Ferrall,	Spinola,
Foran,	Kelley,	Osborne,	Spooner,
Ford,	Kennedy,	Patton,	Stahlnecker,
Gaines,	Kerr,	Penington,	Steele,
Gallinger,	Ketcham,	Perry,	Stewart, Tex.
Glover,	Laidlaw,	Phelan,	Stewart, Ga.
Goff,	Laird,	Phelps,	Stewart, Vt.
Granger,	Landes,	Pidcock,	Stone, Mo.
Greenman,	Lane,	Plumb,	Taylor, E. B., Ohio
Grosvenor,	Latham,	Post,	Thomas, Ill.
Guenther,	Lodge,	Pugsley,	Thomas, Wis.
Hall,	Long,	Randall,	Thompson, Cal.
Hare,	Lynch,	Rayner,	Tillman,
Hatch,	Maffett,	Reed,	Vance,
Hayden,	Maish,	Robertson,	Walker,
Hemphill,	Mansur,	Rockwell,	Warner,
Henderson, N. C.	McCormick,	Rogers,	Washington,
Hermann,	McKinley,	Rowell,	West,
Hires,	McKinney,	Rowland,	White, N. Y.
Hogg,	McMillin,	Russell, Conn.	Whiting, Mich.
Holmes,	McShane,	Russell, Mass.	Whiting, Mass.
Hopkins, Va.	Mofflit,	Scott,	Wickham,
Hopkins, N. Y.	Montgomery,	Shaw,	Wilber,
Houk,	Morse,	Sherman,	Wise,
Howard,	Nichols,	Smith,	Woodburn.
Hudd,	Oates,	Snyder,	

The SPEAKER. The Clerk will now call the list of absentees, during which call it will be in order to offer excuses.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ALLEN, of Michigan: No excuse offered.

Mr. ANDERSON, of Mississippi: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: No excuse offered.

Mr. BLANCHARD: No excuse offered.

Mr. BLISS: No excuse offered.

Mr. BOUND: No excuse offered.

Mr. BOUTELLE: No excuse offered.

Mr. BOWDEN: No excuse offered.

Mr. BRECKINRIDGE, of Arkansas: No excuse offered.

Mr. BROWNE, of Indiana: No excuse offered.

Mr. BROWN, of Ohio: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BUCKALEW: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BURROWS: No excuse offered.

Mr. CAMPBELL, of Ohio: No excuse offered.

Mr. CARLTON: No excuse offered.

Mr. CARUTH: No excuse offered.

Mr. CLARDY: No excuse offered.

Mr. CLARK: No excuse offered.

Mr. CLEMENTS: No excuse offered.

Mr. COCKRAN: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. COOPER: No excuse offered.

Mr. COTHRAN: No excuse offered.

Mr. COWLES: No excuse offered.

Mr. CUTCHEON: No excuse offered.

Mr. DARGAN: No excuse offered.

Mr. DARLINGTON: No excuse offered.

Mr. DAVENPORT: No excuse offered.

Mr. DE LANO: No excuse offered.

Mr. DINGLEY: No excuse offered.

Mr. DORSEY: No excuse offered.

Mr. DUNHAM: No excuse offered.

Mr. DUNN: No excuse offered.

Mr. ENLOE: No excuse offered.

Mr. ERMENTROUT: No excuse offered.

Mr. FISHER: No excuse offered.

Mr. FITCH: No excuse offered.

Mr. FLOOD: No excuse offered.

Mr. FORAN: No excuse offered.

Mr. FORD: No excuse offered.

Mr. GAINES: No excuse offered.

Mr. GALLINGER: No excuse offered.

Mr. GLOVER: No excuse offered.

Mr. GOFF: No excuse offered.

Mr. GRANGER: No excuse offered.

Mr. GREENMAN: No excuse offered.

Mr. GROSVENOR: No excuse offered.

Mr. GUENTHER: No excuse offered.

Mr. HALL: No excuse offered.

Mr. HARE: No excuse offered.

Mr. HATCH: No excuse offered.

Mr. HAYDEN: No excuse offered.

Mr. HEMPHILL: No excuse offered.

Mr. HENDERSON, of North Carolina: No excuse offered.

Mr. HERMANN: No excuse offered.

Mr. HIRES: No excuse offered.

Mr. HOGG: No excuse offered.

Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of Virginia: No excuse offered.
Mr. HOPKINS, of New York.
Mr. NUTTING. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HOPKINS] be excused on account of sickness.
There was no objection.
Mr. HOUK.
Mr. NEAL. Judge HOUK, I understand, is quite unwell, and not able to be present to-day. I ask that he be excused.
There was no objection.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. JONES: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LAIDLAW: No excuse offered.
Mr. LAIRD: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LATHAM: No excuse offered.
Mr. LODGE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. LYNCH: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAISH: No excuse offered.
Mr. MANSUR: No excuse offered.
Mr. MCCORMICK: No excuse offered.
Mr. MCKINLEY.
Mr. WILKINS. I ask unanimous consent that my colleague [Mr. MCKINLEY] be excused on account of illness.
The SPEAKER. The gentleman from Ohio already had leave of absence, as the Chair is informed by the Clerk.
Mr. MCKINNEY: No excuse offered.
Mr. MCMULLIN: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. OSBORNE: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PENINGTON: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELAN: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. POST: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROGERS.
Mr. MCRAE. I ask that my colleague [Mr. ROGERS] be excused on account of sickness.
There was no objection.
Mr. ROWELL: No excuse offered.
Mr. ROWLAND: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSSELL, of Massachusetts: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SHERMAN: No excuse offered.
Mr. SMITH: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STAHLNECKER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. THOMAS, of Wisconsin: No excuse offered.
Mr. THOMPSON, of California: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. VANCE: No excuse offered.
Mr. WALKER: No excuse offered.
Mr. WARNER.
Mr. WADE. I desire to state that my colleague [Mr. WARNER] is absent on account of sickness in his family, and I ask that he be excused.
There was no objection.
Mr. WASHINGTON: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Michigan: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. WICKHAM.
Mr. ROMEIS. I ask that my colleague [Mr. WICKHAM] be excused on account of sickness.
Mr. WILBER: No excuse offered.
Mr. WISE: No excuse offered.
Mr. WOODBURN: No excuse offered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. NORWOOD, for the remainder of the week, on account of pressing and important business.
To Mr. HEMPHILL, for ten days, on account of important business.
To Mr. COTHRAN, for two weeks, on account of important business.
To Mr. DE LANO, indefinitely, on account of important business.
To Mr. HATCH, for two weeks.
To Mr. CLARDY, for fifteen days, on account of important business.
Mr. WEAVER. I want to make this remark, and I will not make objection to the granting of these leaves. Some of us have to stay here until Congress adjourns and it is as much the duty of one as of another when important business is to be done, and if we grant leaves of absence here we are confronted with the situation that there is no quorum present.

CALL OF ROLL.

Mr. SAYERS. I demand the regular order.
The SPEAKER. One hundred and seventy-five members have responded to their names.
Mr. SAYERS. I move to dispense with further proceedings under the call of the House.
The motion was agreed to.
The SPEAKER. The question is, Shall the Committee of the Whole be instructed to pass over the fortification appropriation bill, and upon this question the yeas and nays have been ordered. The Clerk will call the roll.
Mr. SPRINGER. I ask unanimous consent to reconsider the order for the yeas and nays.
The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent to reconsider the order for the yeas and nays.
Mr. TOWNSHEND. I object.
Mr. PAYSON. I desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. PAYSON. Would a motion to reconsider be in order?
The SPEAKER. It would.
Mr. PAYSON. Then I move to reconsider the vote ordering the yeas and nays.
The question was put, and the Speaker announced that the "ayes" seemed to have it.
Mr. TOWNSHEND. I call for a division.
Mr. PAYSON. I withdraw the motion to reconsider.
The SPEAKER. The Clerk will call the roll, and as many as are in favor of passing over the fortification bill will say "ay" when their names are called.
The question was taken; and there were—yeas 16, nays 138, not voting 171.

YEAS—16.

Brewer,	Gest,	Jackson,	Neal,
Brower,	Hooker,	Johnston, Ind.	Taulbee,
Cheadle,	Hovey,	Lehlbach,	Vandever,
Gear,	Hutton,	Morrill,	Yoder.

NAYS—138.

Abbott,	Bunnell,	Davidson, Fla.	Hitt,
Adams,	Burnes,	Davis,	Holman,
Allen, Miss.	Butler,	Dibble,	Hopkins, Ill.
Anderson, Iowa	Butterworth,	Dockery,	Hopkins, Va.
Anderson, Ill.	Bynum,	Dougherty,	Johnston, N. C.
Anderson, Kans.	Campbell, F., N.Y.	Dunn,	Kean,
Arnold,	Candler,	Elliott,	Kilgore,
Atkinson,	Cannon,	Farquhar,	Laffoon,
Baker, Ill.	Caswell,	Felton,	Lagan,
Bankhead,	Catchings,	Finley,	Lanham,
Barnes,	Chipman,	Forney,	Lee,
Bayne,	Cobb,	French,	Lyman,
Bingham,	Compton,	Fuller,	Macdonald,
Blount,	Conger,	Funston,	Mahoney,
Boothman,	Cox,	Grimes,	Martin,
Bowen,	Crisp,	Grout,	Mason,
Breckinridge, Ky.	Crouse,	Harmer,	Matson,
Browne, T. H. B., Va.	Culberson,	Hayes,	McClammy,
Brown, J. R., Va.	Cummings,	Henderson, Iowa	McComas,
Brumm,	Dalzell,	Hermann,	McCreary,
Bryce,	Davidson, Ala.	Hiestand,	McCullogh,

McKenna,	O'Neill, Mo.	Seymour,	Wade,
McRae,	Outhwaite,	Shively,	Walker,
Merriman,	Parker,	Simmons,	Weaver,
Milliken,	Payson,	Sowden,	Weber,
Mills,	Perkins,	Springer,	White, Ind.
Moore,	Peters,	Stephenson,	Whitthorne,
Morgan,	Rice,	Stockdale,	Wilkins,
Morrow,	Richardson,	Stone, Ky.	Wilson, Minn.
Nelson,	Romeis,	Struble,	Wilson, W. Va.
Newton,	Ryan,	Taylor, J. D., Ohio	Yardley,
Nutting,	Sawyer,	Thomas, Ky.	Yost,
O'Donnell,	Sayers,	Thompson, Ohio	Carlisle, Speaker.
O'Neall, Ind.	Scull,	Thompson, Cal.	
O'Neill, Pa.	Seney,	Turner, Ga.	

NOT VOTING—171.

Allen, Mass.	Dunham,	Laidlaw,	Rogers,
Allen, Mich.	Enloe,	Laird,	Rowell,
Anderson, Miss.	Ermentrout,	Landes,	Rowland,
Bacon,	Fisher,	Lane,	Russell, Conn.
Baker, N. Y.	Fitch,	Latham,	Russell, Mass.
Barry,	Flood,	Lawler,	Rusk,
Belden,	Foran,	Lind,	Scott,
Belmont,	Ford,	Lodge,	Shaw,
Biggs,	Gaines,	Long,	Sherman,
Blanchard,	Gallinger,	Lynch,	Smith,
Bland,	Gay,	Maffett,	Snyder,
Bliss,	Gibson,	Maish,	Spinola,
Bound,	Glass,	Mansur,	Spooner,
Boutelle,	Glover,	McAdoo	Stahlnecker,
Bowden,	Goff,	McCormick,	Steele,
Breckinridge, Ark.	Granger,	McKinley,	Stewart, Tex.
Browne, Ind.	Greenman,	McKinney,	Stewart, Ga.
Brown, Ohio	Grosvenor,	McMillin,	Stewart, Vt.
Buchanan,	Guenther,	McShane,	Stone, Mo.
Buckalew,	Hall,	Moffitt,	Symes,
Burnett,	Hare,	Montgomery,	Tarsney,
Burrows,	Hatch,	Morse,	Taylor, E. B., Ohio
Campbell, Ohio	Haugen,	Nichols,	Thomas, Ill.
Campbell, T. J., N. Y.	Hayden,	Norwood,	Thomas, Wis.
Carlton,	Heard,	Oates,	Tillman,
Caruth,	Hemphill,	O'Ferrall,	Tracey,
Clardy,	Henderson, N. C.	Osborne,	Townshend,
Clark,	Henderson, Ill.	Owen,	Turner, Kans.
Clements,	Herbert,	Patton,	Vance,
Cockran,	Hires,	Peel,	Warner,
Cogswell,	Hogg,	Penington,	Washington,
Collins,	Holmes,	Perry,	West,
Cooper,	Hopkins, N. Y.	Phelan,	Wheeler,
Cothran,	Houk,	Phelps,	White, N. Y.
Cowles,	Howard,	Pidcock,	Whiting, Mich.
Crain,	Hudd,	Plumb,	Whiting, Mass.
Cutcheon,	Hunter,	Post,	Wickham,
Dargan,	Jones,	Pugsley,	Wilber,
Darlington,	Kelley,	Randall,	Wilkinson,
Davenport,	Kennedy,	Rayner,	Williams,
De Lano,	Kerr,	Reed,	Wise,
Dingley,	Ketcham,	Robertson,	Woodburn.
Dorsey,	La Follette,	Rockwell,	

During the roll-call,

Mr. McCOMAS. Can I vote to make a quorum?

The SPEAKER. Gentlemen who are here and desire to make a quorum should vote when their names are called, and could afterwards withdraw their names if their votes be not necessary to make a quorum.

Mr. McCOMAS. I ask unanimous consent to vote.

The SPEAKER. The gentleman from Maryland [Mr. McCOMAS] asks unanimous consent to vote. Is there objection? [After a pause.] The Chair hears none.

Mr. WEAVER. I ask unanimous consent to dispense with the reading of the names.

Mr. TRACEY. I object.

The following additional pairs were announced:

Mr. HATCH with Mr. STEWART, of Vermont, on all political questions until further notice.

Mr. BARRY with Mr. RUSSELL, of Connecticut, for the remainder of the day.

Mr. STAHLNECKER with Mr. McCORMICK, for the remainder of the day.

Mr. LYNCH with Mr. PUGSLEY, for the remainder of the day.

The SPEAKER. Upon this question the yeas are 16 and the nays are 138. No quorum has voted.

Mr. SAYERS. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Allen, Mass.	Carlton,	Enloe,	Henderson, N. C.
Allen, Mich.	Caruth,	Ermentrout,	Hires,
Anderson, Miss.	Clardy,	Fisher,	Hogg,
Baker, N. Y.	Clark,	Fitch,	Holmes,
Belden,	Clements,	Foran,	Hopkins, Ill.
Belmont,	Cockran,	Ford,	Hopkins, N. Y.
Biggs,	Cogswell,	Gaines,	Houk,
Blanchard,	Cooper,	Gallinger,	Howard,
Bound,	Cothran,	Gibson,	Hudd,
Boutelle,	Cowles,	Glover,	Jones,
Bowden,	Crain,	Goff,	Kelley,
Breckinridge, Ark.	Crouse,	Granger,	Kennedy,
Brower,	Cutcheon,	Greenman,	Kerr,
Browne, Ind.	Dargan,	Grosvenor,	Ketcham,
Brown, Ohio	Darlington,	Guenther,	Laidlaw,
Brumm,	Davenport,	Hall,	Laird,
Buchanan,	De Lano,	Hare,	Landes,
Buckalew,	Dingley,	Hatch,	Lane,
Burnett,	Dorsey,	Hayden,	Latham,
Burrows,	Dunham,	Heard,	Lind,
Campbell, Ohio	Dunn,	Hemphill,	Lodge,
Long,	O'Neall, Ind.	Rockwell,	Stone, Mo.
Lynch,	O'Neill, Mo.	Rogers,	Tarsney,
Maffett,	Osborne,	Rowell,	Taylor, E. B., Ohio
Mansur,	Owen,	Rowland,	Thomas, Ill.
McClammy,	Patton,	Russell, Conn.	Thomas, Wis.
McCormick,	Peel,	Rusk,	Tillman,
McKinley,	Penington,	Scott,	Vance,
McKinney,	Perry,	Shaw,	Warner,
McMillin,	Phelan.	Sherman,	Washington,
McShane,	Phelps,	Shively,	West,
Milliken.	Pidcock,	Snyder,	White, N. Y.
Moffitt,	Plumb,	Sp nola,	Whiting, Mass.
Montgomery,	Post,	Spooner,	Whitthorne,
Morse,	Pugsley,	Stahlnecker,	Wickham,
Nichols,	Randall,	Steele,	Wilbur,
Norwood,	Rayner,	Stewart, Tex.	Wise,
Oates,	Reed,	Stewart, Ga.	Woodburn.
O'Ferrall.	Robertson,	Stewart, Vt.	

The SPEAKER. The Clerk will now call the list of absentees. During this call it will be in order to offer excuses.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ALLEN, of Michigan: No excuse offered.

Mr. ANDERSON, of Mississippi: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS.

Mr. THOMPSON, of California. Mr. Speaker, my colleague [Mr. BIGGS] is absent indefinitely on account of sickness.

The SPEAKER. The Chair thinks the gentleman [Mr. BIGGS] has leave of absence.

Mr. BLANCHARD: No excuse offered.

Mr. BOUND: No excuse offered.

Mr. BOUTELLE: No excuse offered.

Mr. BOWDEN: No excuse offered.

Mr. BRECKINRIDGE, of Arkansas: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. BROWNE, of Indiana: No excuse offered.

Mr. BROWN, of Ohio: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BUCKALEW: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BURROWS: No excuse offered.

Mr. CAMPBELL, of Ohio: No excuse offered.

Mr. CARLTON: No excuse offered.

Mr. CARUTH: No excuse offered.

Mr. CLARDY: No excuse offered.

Mr. CLARK: No excuse offered.

Mr. CLEMENTS: No excuse offered.

Mr. COCKRAN: No excuse offered.

Mr. COGSWELL: No excuse offered.

Mr. COOPER: No excuse offered.

Mr. COTHRAN: No excuse offered.

Mr. COWLES: No excuse offered.

Mr. CRAIN: No excuse offered.

Mr. CROUSE: No excuse offered.

Mr. CUTCHEON: No excuse offered.

Mr. DARGAN: No excuse offered.

Mr. DARLINGTON: No excuse offered.

Mr. DAVENPORT: No excuse offered.

Mr. DE LANO: No excuse offered.

Mr. DINGLEY: No excuse offered.

Mr. DORSEY: No excuse offered.

Mr. DUNHAM: No excuse offered.

Mr. DUNN: No excuse offered.

Mr. ENLOE: No excuse offered.

Mr. ERMENTROUT: No excuse offered.

Mr. FISHER: No excuse offered.

Mr. FITCH: No excuse offered.

Mr. FORAN: No excuse offered.

Mr. FORD: No excuse offered.

Mr. GAINES: No excuse offered.

Mr. GALLINGER: No excuse offered.

Mr. GIBSON: No excuse offered.

Mr. GLOVER: No excuse offered.

Mr. GOFF: No excuse offered.

Mr. GRANGER: No excuse offered.

Mr. GREENMAN: No excuse offered.

Mr. GROSVENOR: No excuse offered.

Mr. GUENTHER: No excuse offered.

Mr. HALL: No excuse offered.

Mr. HARE: No excuse offered.

Mr. HATCH: No excuse offered.

Mr. HAYDEN: No excuse offered.

Mr. HEARD: No excuse offered.

Mr. HEMPHILL: No excuse offered.

Mr. HENDERSON, of North Carolina: No excuse offered.

Mr. HIRES: No excuse offered.

Mr. HOGG: No excuse offered.

Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of Illinois: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. JONES: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LAIDLAW: No excuse offered.
Mr. LAIRD: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LATHAM: No excuse offered.
Mr. LIND: No excuse offered.
Mr. LODGE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. LYNCH: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MANSUR: No excuse offered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCORMICK: No excuse offered.
Mr. KCKINLEY: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCMILLIN: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. O'NEALL, of Indiana: No excuse offered.
Mr. O'NEILL, of Missouri: No excuse offered.
Mr. OSBORNE: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PENINGTON: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELAN: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. POST: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROGERS: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. ROWLAND: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SHERMAN: No excuse offered.
Mr. SHIVELY: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STAHLNECKER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered
Mr. STONE, of Missouri: No excuse offered.
Mr. TARSNEY: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. THOMAS, of Wisconsin: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. VANCE: No excuse offered.
Mr. WARNER: No excuse offered.
Mr. WASHINGTON: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. WHITTHORNE: No excuse offered.
Mr. WICKHAM: No excuse offered.
Mr. WILBUR: No excuse offered.
Mr. WISE: No excuse offered.
Mr. WOODBURN: No excuse offered.

The SPEAKER. The doors will now be closed——

Mr. KEAN. Mr. Speaker, is it in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. KEAN. I make that motion.

Mr. SAYERS. I hope the gentleman will not press that motion.

The SPEAKER. The Chair will first announce the result. On this call 163 gentlemen have answered to their names.

Mr. BUTTERWORTH. Does my friend [Mr. SAYERS] wish to postpone this matter?

Mr. SAYERS. No, sir.

Mr. BUTTERWORTH. Is it intended to call a caucus to consider it? [Laughter.]

Mr. SAYERS. No, sir. I want the action of the House now.

The question was taken on the motion of Mr. KEAN that the House do now adjourn; and there were—ayes 50, noes 51.

Mr. SOWDEN and Mr. TOWNSHEND called for the yeas and nays.

The question was taken and the yeas and nays were ordered—ayes 25, noes 61.

Mr. SAYERS. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. TOWNSHEND. I move to lay that motion on the table.

Mr. KEAN. Pending that, I move that the House do now adjourn.

The SPEAKER. That is the pending motion. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to lay the motion to reconsider on the table.

The question was taken; and there were—ayes 11, noes 50.

Mr. TOWNSHEND. No quorum.

The SPEAKER. This question does not require a quorum. In the first place it is a proceeding in connection with a call of the House; and in the second place it is a proceeding in relation to a motion to adjourn, neither of which propositions requires a quorum. The noes have it. The House refuses to lay on the table the motion to reconsider. The question now is on the motion to reconsider the vote by which the yeas and nays were ordered.

The question having been put——

The SPEAKER. The ayes seem to have it.

Mr. TOWNSHEND. I call for a division.

The question being again taken, there were—ayes 69, noes 9.

So the motion to reconsider was agreed to.

The question recurring on ordering the yeas and nays, the yeas and nays were not ordered, no member voting in favor thereof.

So the motion to adjourn was not agreed to.

Several MEMBERS. Regular order.

The SPEAKER. A call of the House having been ordered, the regular order, if the House desires to compel the attendance of absent members, is the introduction of a resolution requiring the Sergeant-at-Arms to bring in absentees.

Mr. SAYERS. I move to dispense with further proceedings under the call.

Mr. TOWNSHEND. I object.

The SPEAKER (having put the question) said: The ayes seem to have it.

Mr. TOWNSHEND. Division.

The question having been again taken,

The SPEAKER said: On this question the ayes are 77, the noes 2.

Mr. TOWNSHEND. I desire a ruling upon the question whether a quorum is demanded on this vote.

The SPEAKER. Of course a quorum is not demanded where the House is proceeding under a call. No quorum is required to order a call nor is a quorum necessary to dispense with proceedings under the call. The ayes have it; and further proceedings under the call are dispensed with. The question recurs, Will the House direct the Committee of the Whole on the state of the Union to pass over the fortification appropriation bill. On this question the yeas and nays have been ordered.

Mr. NELSON. I move to reconsider the vote by which the yeas and nays were ordered.

The question being taken on the motion of Mr. NELSON, there were—ayes 5, noes 47.

Mr. TOWNSHEND. I raise the question of no quorum.

The SPEAKER. The question of "no quorum" can not be raised. The very object frequently of calling the yeas and nays is to ascertain whether a quorum is present——

Mr. TOWNSHEND. Does the Chair hold that upon a motion to reconsider a quorum is not required?

The SPEAKER. Upon a motion to reconsider the vote by which the yeas and nays were ordered, a quorum is not necessary. No quorum is required to order the yeas and nays. The Constitution provides simply that the yeas and nays shall be taken upon the demand of one-fifth of those present. On this question the noes have it; and the House refuses to reconsider the vote by which the yeas and nays were ordered. The Clerk will call the roll.

Mr. KILGORE. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 49, noes 54.

Mr. TOWNSHEND. Let us have tellers.

Tellers were not ordered, only 9 voting in favor thereof.

So tellers were refused; and the motion to adjourn was not agreed to.

The SPEAKER. The question is now, Shall the Committee of the Whole on the state of the Union be directed to pass over the fortification appropriation bill? On this question the yeas and nays have been ordered. The question will now be taken.

The question was taken; and there were—yeas 19, nays 136, not voting 169; as follows:

YEAS—19.

Atkinson,	Hooker,	Lehlbach,	Taulbee,
Bacon,	Hopkins, Va.	Maish,	Vandever,
Cheadle,	Jackson,	Morrill,	Wilson, Minn.
Cummings,	Johnston, Ind.	Neal,	Yoder.
Gear,	Laird,	Owen,	

NAYS—136.

Abbott,	Compton,	Hudd,	Romeis,
Adams,	Conger,	Johnston, N. C.	Russell, Mass.
Allen, Miss.	Cox,	Kean,	Ryan,
Anderson, Iowa	Crisp,	Kilgore,	Sawyer,
Anderson, Ill.	Crouse,	La Follette,	Sayers,
Anderson, Kans.	Culberson,	Lanham,	Scull,
Arnold,	Dalzell,	Lee,	Seney,
Baker, Ill.	Davidson, Ala.	Lyman,	Seymour,
Bankhead,	Davidson, Fla.	Macdonald,	Shively,
Barnes,	Davis,	Mahoney,	Simmons,
Bayne,	Dibble,	Martin,	Smith,
Bingham,	Dockery,	Mason,	Sowden,
Bland,	Dougherty,	Matson,	Springer,
Blount,	Elliott,	McAdoo,	Stephenson,
Boothman,	Farquhar,	McClammy,	Stockdale,
Bowen,	Finley,	McCreary,	Stone, of Ky.
Breckinridge, Ky.	Forney,	McRae,	Struble,
Brewer,	French,	Mills,	Symes,
Browne, T. H. B., Va.	Fuller,	Moore,	Taylor, J. D., Ohio
Brown, J. R., Va.	Funston,	Morgan,	Thomas, Ky.
Bryce,	Gay,	Morrow,	Thompson, Cal.
Bunnell,	Gest,	Nelson,	Turner, Ga.
Burnes,	Grimes,	Nutting,	Wade,
Butler,	Grout,	O'Donnell,	Walker,
Butterworth,	Harmer,	O'Neall, Ind.	Weaver,
Bynum,	Haugen,	O'Neill, Pa.	Weber,
Campbell, F., N. Y.	Henderson, Iowa	O'Neill, Mo.	Wheeler,
Campbell, T. J., N. Y.	Henderson, Ill.	Outhwaite,	White, Ind.
Candler,	Herbert,	Parker,	White, N. Y.
Cannon,	Hiestand,	Payson,	Whiting, Mich.
Caswell,	Hitt,	Perkins,	Whitthorne,
Catchings,	Holman,	Peters,	Wilkins,
Chipman,	Hopkins, Ill.	Rice,	Yardley,
Cobb,	Hovey,	Richardson,	Yost.

NOT VOTING—169.

Allen, Mass.	Dunn,	Laidlaw,	Robertson,
Allen, Mich.	Enloe,	Landes,	Rockwell,
Anderson, Miss.	Ermentrout,	Lane,	Rogers,
Baker, N. Y.	Felton,	Latham,	Rowell,
Barry,	Fisher,	Lawler,	Rowland,
Belden,	Fitch,	Lind,	Russell, Conn.
Belmont,	Flood,	Lodge,	Rusk,
Biggs,	Foran,	Long,	Scott,
Blanchard,	Ford,	Lynch,	Shaw,
Bliss,	Gaines,	Maffett,	Sherman,
Bound,	Gallinger,	Mansur,	Snyder,
Boutelle,	Gibson,	McComas,	Spinola,
Bowden,	Glass,	McCormick,	Spooner,
Breckinridge, Ark.	Glover,	McCullogh,	Stahlnecker,
Brower,	Goff,	McKenna,	Steele,
Browne, Ind.	Granger,	McKinley,	Stewart, Tex.
Brown, Ohio.	Greenman,	McKinney,	Stewart, Ga.
Brumm,	Grosvenor,	McMillin,	Stewart, Vt.
Buchanan,	Guenther,	McShane,	Stone, Mo.
Buckalew,	Hall,	Merriman,	Tarsney,
Burnett,	Hare,	Milliken,	Taylor, E. B., Ohio
Burrows,	Hatch,	Moffitt,	Thomas, Ill.
Campbell, Ohio	Hayden,	Montgomery,	Thomas, Wis.
Carlton,	Hayes,	Morse,	Thompson, Ohio
Caruth,	Heard,	Newton,	Tillman,
Clardy,	Hemphill,	Nichols,	Townshend,
Clark,	Henderson, N. C.	Norwood,	Tracey,
Clements,	Hermann,	Oates,	Turner, Kans.
Cockran,	Hires,	O'Ferrall,	Vance,
Cogswell,	Hogg,	Osborne,	Warner,
Collins,	Holmes,	Patton,	Washington,
Cooper,	Hopkins, N. Y.	Peel,	West,
Cothran,	Houk,	Penington,	Whiting, Mass.
Cowles,	Howard,	Perry,	Wickham,
Crain,	Hunter,	Phelan,	Wilber,
Cutcheon,	Hutton,	Phelps,	Wilkinson,
Dargan,	Jones,	Pidcock,	Williams,
Darlington,	Kelley,	Plumb,	Wilson, W. Va.
Davenport,	Kennedy,	Post,	Wise,
De Lano,	Kerr,	Pugsley,	Woodburn.
Dingley,	Ketcham,	Randall,	
Dorsey,	Laffoon,	Rayner,	
Dunham,	Lagan,	Reed,	

Mr. SAYERS. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The SPEAKER. On this question the yeas are 19, the nays 136. No quorum has voted.

Mr. SAYERS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 11168) for the relief of Albert Grant—to the Committee on Claims.

By Mr. J. R. BROWN: A bill (H. R. 11169) for the relief of Robert Huff—to the Committee on Claims.

By Mr. T. J. CAMPBELL: A bill (H. R. 11170) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 11171) granting a pension to James S. Ferin—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: A bill (H. R. 11172) granting a pension to Ellen Leahy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11173) granting a pension to Oscar O. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11174) granting a pension to Louis Lamothe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11175) granting a pension to Patrick Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11176) granting a pension to Raymond Kiefer—to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 11177) granting a pension to Christian Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11178) for the relief of Elizabeth R. Eddington—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 11179) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes—to the Committee on Commerce.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CONGER: Papers to accompany House bill for relief of Robert McNutt—to the Committee on Military Affairs.

By Mr. DOCKERY: Petition of citizens of Clay County, Missouri, for reimbursement for supplies, etc., furnished United States troops—to the Committee on War Claims.

By Mr. HOLMAN: Papers and affidavits in support of the bill to grant a pension to Mrs. Catharine Buchanan—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of W. F. Roberts, M. D., and 14 others, citizens of Clinton, La., for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. STONE, of Kentucky: Papers in the case of O. M. Thurman—to the Committee on War Claims.

By Mr. STRUBLE: Resolutions of Matthew Gray Post, No. 93, Grand Army of the Republic, of Ida Grove, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SYMES: Petition of citizens of Colorado, for amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. WALKER: Petition of Elizabeth R. Eddington, late administratrix and widow of J. J. Maples, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

WEDNESDAY, *August* 15, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENT'S ANNUAL MESSAGE.

Mr. REAGAN. If it be the proper time to do so, I desire to give notice that to-morrow morning, or at the earliest period practicable, I shall call up the motion to refer the President's message to the Committee on Finance for the purpose of submitting some remarks.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th instant, reports of the Commissioner of Indian Affairs and the Commissioner of the General Land Office, in regard to certificates of incorporation filed in the Department of the Interior by such railroad companies as have been granted the right of way through Indian reservations by acts passed in the Forty-ninth or Fiftieth Congress, etc.; which, on motion of Mr. DAWES, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MITCHELL presented a petition of members of the bar of Washington Territory, praying for the passage of a bill creating two new judicial districts in that Territory; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented a petition of the Woman's National Christian Temperance Union, of Chicago, Ill., praying that an appropriation of $75,000 be made to the Industrial Home for Mormon women in Salt Lake City, Utah; which was referred to the Committee on Appropriations.

Mr. STEWART presented a petition of citizens of Winnemucca, Nev., praying for the passage of a bill for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. VEST presented the petition of John T. Gladwill and other citizens of Boone County, Missouri, and the petition of T. J. Welch and other citizens of Dent County, Missouri, praying for certain amendments of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Claims, to which was referred the bill (S. 3358) for the relief of M. S. Hellman, of Canyon City, Oregon, reported it without amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 3342) granting a pension to David Myers, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER introduced a bill (S. 3448) granting a pension to Charles H. Green; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. EDMUNDS submitted the following resolution; which was read:

Resolved, That the Committee on Finance be, and it hereby is, instructed to inquire into the matter of deposits in the late Freedman's Savings and Trust Company of Washington, and report how many white depositors of said company there are who were in no way connected with the alleged mismanagement and failure of said company, and the amount of deposits due to them respectively.

Mr. EDMUNDS. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. EDMUNDS. I am moved to the introduction of this resolution by the circumstance that since the passage of the bill by the Senate two or three weeks ago, which drew the color line on the depositors in that institution in favor of those of African descent and against all others, there have come to my knowledge several instances of poor white persons, small depositors, one an old Irish woman who brought me her book last night covering thirty or forty dollars, a poor old widow. The only reason why, according to the Senate's decision the other day, she can not be treated to her share of what can be got out of it or whatever Congress chooses to give is the fact that she is not of African descent.

I stated when the bill passed (although I did not take a division because it was thought from the pairs that there would be no quorum) that it appeared to me that that sort of discrimination was not only wrong in principle but unjust in practice. The answer was that the white persons who were depositors in that bank were the people who got in there and got possession of it to break it. That was a matter for consideration, of course, but there ought to have been some way of discriminating between that class of depositors who defrauded the bank and those who were innocent, even if they were white.

I have introduced this resolution in the hope that again calling attention to it, and it appearing that there are many instances of poor white people in this District who were innocent depositors there of small sums of money, and who, if anybody is to be provided for, ought to share with the others of whatever color, the Committee on Finance will find some means of correcting what, it appears to me as the matter now stands, is a great wrong.

Mr. SHERMAN. I should like to have the resolution read again.

Mr. BECK. Has the resolution been agreed to?

The PRESIDENT *pro tempore*. It has not.

Mr. BECK. Then I shall ask that it go over until to-morrow morning. I think we can give good reasons why the white depositors should not be paid by the United States.

The PRESIDENT *pro tempore*. The Chair had called for objection to the consideration of the resolution, and there was none; but he will recognize the objection of the Senator from Kentucky, and the resolution will lie over until to-morrow, and be printed.

Mr. BECK. Then I propose to show why this should not be done.

The PRESIDENT *pro tempore*. The resolution will lie over on objection.

FOREIGN PATENTS.

Mr. HOAR. I offer the following resolution, for which I ask present consideration:

Resolved, That the Committee on Patents be requested to examine into the matter of the rights of citizens of the United States in patents issued by foreign countries for inventions made by them, and whether further action is necessary to secure and protect such rights; and whether it is desirable that provision should be made that the United States be represented at any future international conference on that subject by persons especially learned in the patent law and the interests of American inventors.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CHACE. I should like to have the resolution again read.

Mr. HOAR. It is a mere resolution of inquiry.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to.

PUYALLUP AND OTHER INDIANS IN WASHINGTON TERRITORY.

Mr. MITCHELL. I offer a resolution and ask that it be read, ordered printed, and lie over.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Whereas it is provided in the treaty with the Puyallup and other tribes of Indians, ratified by the Senate on the 3d day of March, 1855, that the whole or any portion of certain specified lands reserved to such tribe of Indians by said treaty may, under the direction of the President of the United States, be surveyed into lots and assigned to such individuals or families as are willing to avail themselves of the privilege and will locate on the same as a permanent home on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable; and

Whereas said sixth article of the treaty with the Omahas provides that if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land; and

Whereas it has been alleged that there has been neglect on the part of a large number of persons and families to whom lands have been assigned under such treaty stipulations, to occupy and till any portion of the lands so assigned, and otherwise have failed to comply with the terms of said treaty stipulations: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inquire and report to the Senate at his earliest practicable convenience whether any persons or families belonging to the Puyallup tribe of Indians in Washington Territory have at any time, and when and for what time, neglected or refused to occupy and till a portion of the lands assigned to them, or any of them, and, if so, what persons or families and what lands, and whether such persons or families, or any of them, have or have not been roving from place to place, and whether in any other respect whatever any of such Indians or families have failed to comply with the treaty stipulations and laws of Congress applicable to the allotment and patenting of lands to such Indians, and, if so, in what respect and to what extent.

Resolved further, That the Secretary of the Interior shall report to the Senate what portion, if any, of the lands of the Puyallup reservation in Washington Territory have never yet been assigned or patented to any of the families or individuals of such tribe, with a description of the location of such lands.

The PRESIDENT *pro tempore*. The resolutions will lie over until to-morrow and be printed.

NATIONAL-BANK DEPOSITS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered yesterday by the Senator from Ohio [Mr. SHERMAN], coming over under objection.

The resolution submitted yesterday by Mr. SHERMAN was read, as follows:

Resolved, That the Secretary of the Treasury is directed to furnish the Senate a statement of the amount deposited with each national banking association holding public money on the 1st day of August, 1888, and the amount and description of United States bonds and other securities pledged for the repayment of such deposits.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. I should like to ask the Senator from Ohio if he would have any objection, or would it in any way interfere with the object he has in view in this resolution, to put in an amendment asking for similar information in regard to the condition of the Treasury, say on September 30, 1878?

I hold in my hand House Executive Document No. 12, Forty-fifth Congress, third session, being "A letter from the Secretary of the Treasury in reply to a resolution of the House of Representatives of the 4th instant, asking information whether any money belonging to the Treasury of the United States," etc., and I have the response of Hon. John Sherman, then Secretary of the Treasury, showing the balance of loan account on the 30th day of September, 1878. The list is headed "List of balances standing to the credit of the Treasury of the United States, etc." September 30, 1878, there was a balance of $64,608,433.49 on deposit in the various national banks and designated depositories, and in addition to that vast sum there were also balances of general account which was the currency account, of $6,535,829.11, which, added to the other amount, would aggregate considerably over $71,000,000 at that time.

I also find in Executive Document No. 13, Forty-fifth Congress, third session, a letter from the Secretary of the Treasury in response to a resolution of the House, dated December 19, 1878, also signed by Secretary Sherman. It gives the amount on deposit at various times, beginning with February 1, 1878, and running up to December 1, 1878, and also shows that on October 1, 1878, there was $64,207,814.63; and then in a supplemental report to it, House Executive Document No. 25, Forty-fifth Congress, third session, a letter likewise from Hon. John Sherman, Secretary of the Treasury, dated January 15, 1879, an additional list is given. In these lists given by the Secretary of the Treasury at that time and in the reports or in the resolutions I do not find any reference to the subject-matter included or embraced at the end of the Senator's present resolution, and that is—

and the amount and the description of United States bonds and other securities pledged for the repayment of such deposits.

I think that is a very important question; and in order that we may understand how the Treasury Department has been managed at different times, we should know what amount and description of United States bonds and other securities were pledged for the repayment of the $71,000,000 held by national banks and designated depositories from the Treasury at that time.

The distinguished Senator from Ohio is recognized as one of the greatest financiers of the age. He was Secretary of the Treasury and certainly conducted the business of the Treasury Department at that time upon sound and correct financial principles. I have no doubt it would be very interesting and instructive to the country to see what kind of securities he called for at the time when there were $71,000,000 of the money of the Treasury deposited in national banks and designated depositories, as compared with the kind of securities that may now be held for the amounts deposited. I merely make the suggestion to the Senator from Ohio.

Mr. SHERMAN. The law of the United States then, as now, required security for all deposits, either in the form of United States bonds or other securities. If the Senator from Missouri will look into the documents furnished freely by me at that time, he will see not only the details of the deposits but why they were made. As a matter of course, the securities were only Government securities, because during all that time and until recently no other form of security has been allowed, and I do not know that any other is now taken.

The reason why the amount was so large, as the Senator ought to know, was because at that time we were selling bonds under the refunding act, and they reached at one time a much larger sum than he has stated. The law required that those deposits should be made with national banks designated as Government depositories. When bonds were called notice of ninety days had to be given, and that notice contained a description of the bonds called. As a matter of course bonds had to be sold bearing a lower rate of interest in order to meet these calls. They were usually sold three months in advance of the call, or as required to meet the call. In the mean time the money received for the new bonds was deposited with national-bank depositories by the express provisions of the law, and to prevent an undue hoarding in the Treasury of the United States.

While I was Secretary of the Treasury, since the Senator alludes to it, I will say that in every case security was taken in the form of United States bonds for an amount greater than the amount deposited. There was always a margin. Besides that, in no case was any money deposited with national banks unless it was received through the loan department, for bonds sold, or for internal revenue collected. The law did not allow in any case—nor does it now—customs dues to be deposited with national banks; they must be deposited in the Treasury of the United States. Whether that law has been violated, is one of the things I want to inquire about.

Now, I have no idea that the Secretary of the Treasury objects to giving this information.

Mr. COCKRELL. Nor I; not at all.

Mr. SHERMAN. Very well. Nor have I any idea that he would violate the law; but it is necessary to have these documents furnished whenever called for, and it is better to have them called for at a particular date, say the 1st of August, because at that time the account will have been made up, and the statement can be sent in without any difficulty.

It will appear, I have no doubt, that a very large sum, probably $60,000,000, or $70,000,000, or $80,000,000, was on deposit during refunding operations in banks, for that is stated by me as Secretary of the Treasury in my report. That is a very different transaction from that which is carried on now. The money then was deposited in the banks by private persons who bought our bonds. We never delivered the bonds until the money was paid into the Treasury of the United States, but the deposits were made to the credit of the United States in any national-bank depositories who qualified themselves by giving the requisite security under the law.

It was the conceded right of the depositor to select his own depository. If the Senator from Missouri had the good fortune to have $10,000 of money and deposited it for the purchase of bonds he selected his own depository, took a certificate from that depository, and sent it to the Treasury Department, and the deposit remained during the ninety days required by the law. In the mean time the depositor would get his new bond. It would bear interest when issued, and at the expiration of the call the called bond would be paid off with this money. The money would lie to the credit of the United States during that period of time unless the Government saw fit to withdraw the money from the bank, which it did not commonly do, as care was taken not to withdraw money from circulation during the period of the call.

Mr. COCKRELL. Do I understand the Senator from Ohio to say that the bidder for that United States bond deposited his bond and then waited three months before he got it, losing the interest on it during that time?

Mr. SHERMAN. Oh, no; he did not deposit his bond at all; he paid his money.

Mr. COCKRELL. I mean did he deposit his money and leave it in the United States Treasury for three months without any interest?

Mr. SHERMAN. He deposited his money, and he did not get his bond until some time afterwards, sometimes in thirty, sixty, or ninety days, but the new bond bore interest from the date of the payment of the money.

Mr. COCKRELL. That is the point. I wanted to know whether the purchasers of United States bonds deposited their money and left it in these designated depositories for ninety days before they got their bonds, and in the mean time lost their interest upon their money?

Mr. SHERMAN. Oh, no; they got their bonds according to the convenience of the Treasury Department, and sometimes they could not get them for thirty, sixty, or ninety days.

Mr. COCKRELL. Let me ask this question: Was it not the fact, as shown by the official reports of Secretary Sherman, while Secretary of the Treasury, that an absolute sale of the new bond was made and the money received, that is by being deposited, before the old bond was called in?

Mr. SHERMAN. As the records show, in order to save that double interest I frequently called in advance, and the Senator from Kentucky [Mr. BECK] knows it as well as any one. Having confidence in the credit of the Government, I frequently called thirty and sixty days in advance of the sale in order to save the double interest; but under the operation of the law the effect was that the United States paid double interest, to avoid which I often issued the call thirty days in advance, because I had to give notice to the holders of these bonds for ninety days, three months. I had to give the notice specifying the numbers of the bonds before I could stop the interest on those bonds and call them in; and in the mean time I proceeded to sell bonds. Sometimes I would anticipate $5,000,000 or $10,000,000; and when Congress met at the very year that is suggested, when the Democratic party came into power and threatened to repeal the resumption act, the sale of bonds was immediately stopped, and I was caught with a $10,000,000 outstanding call, which I had to pay out of the surplus revenue.

That is the way the business was conducted then, with the utmost care, to save this double interest, because the law required the notice to be given, and frequently the commencement of the sale of bonds to cover the call did not come until ten, fifteen, twenty, or even thirty days after the call was outstanding.

Mr. COCKRELL. As I understand from the reports of the Secretary of the Treasury, which I have read carefully, the Senator from Ohio, then Secretary of the Treasury, reported the fact that here was a law requiring him to give ninety days' notice in calling in the redeemable bonds before he could compel the holders of them either to cease drawing interest or to present them, and that he could not as Secretary of the Treasury afford to make, or be justified in making, a call for its bonds until he had the money to pay them.

Mr. SHERMAN. I did not say that.

Mr. COCKRELL. And the effect of that was that the bonds were called after the money had been received, and the purchaser got three months' interest practically before the old bonds were delivered. He got three months' interest upon the new bond, while the old bond was also drawing three months' interest—ninety days.

Mr. SHERMAN. That was not true as stated by the Senator, but I will give it exactly: Under the provisions of the law ninety days' notice had to be given when bonds were called. A prudent and an exact Secretary of the Treasury would probably sell bonds in advance of the call, and I expect the Senator from Missouri would be one of those, because he would not confide in anything. He would not call a bond until he had the money for it; but I did while I was there.

Mr. COCKRELL. Not to any great amount of them, as shown by your reports. I think you will find precious few of them.

Mr. SHERMAN. I was generally about $10,000,000 ahead, so that I was caught when Congress met, as I have already stated.

Mr. COCKRELL. That was a very small amount when you were refunding $600,000,000.

Mr. SHERMAN. The Senator from Missouri ought to know that the sales at that time amounted to an enormous sum.

Mr. COCKRELL. In about eighteen months you were negotiating some $600,000,000.

Mr. SHERMAN. The Senator would think that would be probably $40,000,000 or $50,000,000 a month, but it sometimes rose to over $100,000,000 a month. As a matter of course, during that time there was

double interest, and it was the very effect of the law; and I may say that has been the law since the foundation of the Government. It is the law to-day, although the time has been shortened, I think, somewhat.

Mr. COCKRELL. Thirty days.

Mr. SHERMAN. Thirty days.

Mr. COCKRELL. The Senator from Ohio when Secretary of the Treasury recommended a change in the law.

Mr. SHERMAN. Certainly I did, and I sought to avoid this double interest.

Mr. President, this is mere by-play, because there is no necessity of reprinting those old documents, for we have them already on the public files. You will find there full reports, the names of the banks and the amount deposited with each, and the fluctuations in those deposits, which are all shown by the public documents. What I want is the ordinary statement showing how much money has been deposited with the national banks and with each national bank, where it is concentrated. What use I may make of it is not a matter for me to state, probably nothing. If it is all right, I shall say nothing more about it, except to give credit to the Secretary of the Treasury for anything he has done in the right direction. If there has been an undue and unnatural accumulation of this money in the hands of banks, and particular banks, perhaps it will be made a subject of comment. At any rate, it is a public fact that ought to be stated at all times promptly and readily, and I have no doubt whatever that the Secretary of the Treasury can prepare this statement in a day and send it in.

Mr. BECK. Mr. President, I hope the resolution will be adopted. The matter has been discussed before the Finance Committee for several months in one form and another. I think the development will be that no money collected from customs has been so deposited. That is the impression I have from the slight investigation I have made, but still the Senate ought to have the facts, whatever they may develop.

Mr. COCKRELL. As I understood the Senator from Ohio, he stated that these deposits were left there in order to prevent the accumulation of a large surplus in the Treasury at the time.

Mr. SHERMAN. No; because the law authorized them.

Mr. COCKRELL. I understand that.

Mr. SHERMAN. I will state another fact to the Senator. Perhaps the persons depositing money might make an arrangement for accommodation with the banks to advance the money for them. I do not know whether such was the case, but that was a matter between them and the banks.

Mr. COCKRELL. I have here the finance report of 1878, in which the Secretary of the Treasury said:

> The three months' public notice required by the fourth section of the refunding act to be given to the holders of the 5-20 bonds to be redeemed, necessarily involves a loss to the Government by the payment of double interest during that time. The notice should not be given until subscriptions are made or are reasonably certain to be made. When they are made and the money is paid into the Treasury, whether it is kept there idle during the three months or deposited with national banks under existing law, the Government not only pays interest on both classes of bonds during the ninety days, but, if the sales are large, the hoarding of large sums may disturb the market. Under existing law this is unavoidable; and to mitigate it, the Secretary deemed it expedient during the last summer to make calls in anticipation of subscriptions, but this, though legal, might, in case of failure of subscriptions, embarrass the Government in paying called bonds. The long notice required by law is not necessary in the interest of the holder of the bonds, for, as the calls are made by public notice and the bonds are indicated and specified by class, date, and number, in the order of their numbers and issue, he by ordinary diligence can know beforehand when his bonds in due course will probably be called, and will not be taken by surprise.

The Secretary recommended that the time should be reduced.

Mr. SHERMAN. What was the date of that report?

Mr. COCKRELL. This is the finance report of 1878, made December 2, 1878.

I simply desired to call attention to the fact that this is not the first time there have been large sums of money in the national depositories under different administrations. It seems to be unavoidable under the system which exists. As a matter of course, I am in favor of the resolution, but I should have been gratified very much if the Senator from Ohio would have consented to put in an amendment asking for the same information in regard to the securities held in 1878 and 1879 that is called for in regard to the securities now held.

Mr. SHERMAN. That has been published already.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 288) for the erection of a public building at Sioux City, Iowa;

A bill (S. 509) authorizing an increase of pension in cases of deafness;

A bill (S. 2106) granting a pension to William Kelsey;

A bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States;

A bill (S. 1162) for the relief of Susan E. Alger;

A bill (S. 2118) granting a pension to Richard H. Van Dorin;

A bill (S. 2500) granting a pension to Gertrude K. Lyford;

A bill (S. 2724) for the relief of H. H. Helper;

A bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon;

A bill (S. 3219) to increase the pension of Keyes P. Cool; and

Joint resolution (S. R. 62) in recognition of the services of Joseph Francis.

FORT HALL RESERVATION.

Mr. DAWES submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town-site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add to said amendment the following:
>
> "*Provided*, That all lands acquired by said railway company near its station at Pocatello, for its use for station grounds, depot buildings, shops, tracks, sidetracks, turn-outs, yards, and for water purposes, as hereinbefore provided, shall, whenever used by said railway company, or its assigns, for other purposes, be forfeited and revert to the United States and be subject to the other provisions of this act."
>
> Also insert after the word "provided," in line 8, page 9, of the bill, the word "further."
>
> And the Senate agreed to the same.
>
> H. L. DAWES,
> O. H. PLATT,
> JAMES K. JONES,
> *Managers on the part of the Senate.*
> S. W. PEEL,
> JOHN M. ALLEN,
> B. W. PERKINS,
> *Managers on the part of the House.*

The report was concurred in.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII is in order, and the Secretary will report the first order of business by title.

The first bill in order on the Calendar was announced to be the bill (S. 1917) for the relief of John R. Reynolds.

Mr. DOLPH. I move to take up for consideration Calendar No. 2076, being Senate bill 3420.

Mr. COCKRELL. I hope the Senator will let us go on with the Calendar.

Mr. DOLPH. This is a bill reported unanimously from the Committee on Military Affairs, and simply directs the Secretary of War to make a report on certain claims of Oregon and other States.

The PRESIDENT *pro tempore*. The bill whose title has been read by the Chief Clerk being in order, the Senator from Oregon moves——

Mr. COCKRELL. I hope the Senator will not insist on his motion, but will let us go on with the Calendar.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill the title of which will be read.

The CHIEF CLERK. A bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Oregon. [Putting the question.] By the sound the noes have it.

Mr. DOLPH. I ask for a division.

Mr. COCKRELL. Let us have the yeas and nays and be done with it. If you want to consume all the morning and fritter it away, let us know it.

Mr. FRYE. The Senator from Alabama [Mr. MORGAN] is necessarily detained from the Senate and will be until 12 o'clock. At 12 o'clock I shall move that the Senate proceed to the consideration of the fisheries treaty.

Mr. BECK. Say when you are ready and we shall all help you.

Mr. FRYE. The Senator from Alabama has the floor.

Mr. BECK. I beg pardon. I thought it better for you to name your time, and then we shall make no objection at all.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that upon this question the yeas and nays may be entered upon the Journal.

Mr. DOLPH. As there seems to be a thin Senate this morning, I will not insist on a call of the roll, but this is a bill reported from the Committee on Military Affairs simply proposing an inquiry and report on matters already pending before the Secretary of War.

Mr. COCKRELL. We shall get to it by going on with the Calendar.

Mr. DOLPH. We have not been proceeding in that way.

JOHN R. AND JAMES M. REYNOLDS.

The PRESIDENT *pro tempore*. The first order of business, whose title has been recited by the Chief Clerk, has heretofore been read at length.

Mr. CULLOM. Let the title be again read.

The PRESIDENT *pro tempore*. It will be again stated.

The CHIEF CLERK. Order of Business No. 1906, being the bill (S. 1917) for the relief of John R. Reynolds.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John R. Reynolds the sum of $35,996, and to the personal representative of James M. Reynolds, deceased, the sum of $35,996, the same to be accepted in full payment, satisfaction, and discharge of all claim of the said John R. Reynolds and James M. Reynolds upon and against the United States for property sold to or taken and used by the United States Army during the war by or from said parties, or either of them, in the State of Mississippi.

The PRESIDENT *pro tempore*. This bill went over when previously called, under objection of the Senator from Vermont [Mr. EDMUNDS], who intimated that he desired to debate it. He is not now present.

Mr. DOLPH. I call for the reading of the report.

Mr. COCKRELL. Let the bill go over, Mr. President.

The PRESIDENT *pro tempore*. The bill will be passed over under objection, retaining its place on the Calendar.

Mr. PAYNE. The bill just read by the Secretary it is understood will go over, the Senator from Vermont [Mr. EDMUNDS] not being here; but I desire that it may not lose its place on the Calendar.

Mr. COCKRELL. That has already been ordered.

THE FISHERIES TREATY.

The next business on the Calendar was Order of Business 1915, being the resolution submitted by Mr. MORGAN relating to the treaty between the United States and Great Britain.

Mr. HARRIS. Let that go over without prejudice.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

PURCHASERS OF LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2715) for the relief of certain parties who have paid $2.50 per acre for United States Government lands reduced in price to $1.25 per acre by the act of Congress approved June 15, 1880.

The bill was reported from the Committee on Public Lands with amendments, in section 1, line 5, after the word "have," to insert "since the 15th day of June, 1880;" in line 8, after the word "by," to strike out "the act of June 15, 1880, entitled" and insert "an act entitled;" and in line 10, after "United States," to insert "approved June 15, 1880;" so as to make the bill read:

Be it enacted, etc., That in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that parties have, since the 15th day of June, 1880, paid $2.50 per acre for lands which were reduced in price to $1.25 per acre by an act entitled "An act relating to the public lands of the United States," approved June 15, 1880, the Secretary of the Interior is authorized to repay, out of any money in the United States Treasury not otherwise appropriated, to such parties, their legal representatives or assigns, the excess price of $1.25 paid for such lands; and that the Secretary of the Interior shall draw his warrant on the Treasury for such amounts as may be found due the claimants under this act.

SEC. 2. That the Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect.

Mr. BECK. There is no report accompanying this bill, and I should like the Senator from Arkansas [Mr. BERRY] to explain the scope of it. Wherever lands were within certain railroad limits, for example, 10 miles on either side of the railroad, the alternate sections were given to the railroad, and the price was $2.50 an acre for the reserved sections. Very many persons obtained these lands, paid the money, and settled upon them or speculated upon them. Now, at the end of the time if an act is passed reducing the remnant of those lands, if the United States failed to sell at $2.50, to $1.25, do you propose to go back and pay former purchasers? How far does it go back?

Mr. BERRY. By the act of June 15, 1880, it was provided that the lands referred to by the Senator not heretofore settled should thereafter be sold at $1.25 an acre, but before the information was obtained various parties bought the land and paid $2.50 an acre. It was a mistake in the Land Office.

Mr. BECK. I see that the limitation inserted by way of amendment relieves the difficulty I had.

Mr. BERRY. It only applies to that character of lands, and it is recommended by the Secretary of the Interior that the bill shall pass.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. PLATT. Can the Senator from Arkansas refer me to the act? I do not wish to delay the passage of the bill.

Mr. COCKRELL. June 15, 1880.

Mr. PLATT. I can not find it by the index.

The bill was read the third time, and passed.

CIRCUIT COURT POWERS.

The bill (S. 3234) to provide for writs of error to the district court of the United States for the western district of Arkansas in certain cases was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi, and for the western district of South Carolina, respectively, as the said districts are now constituted by law. And said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts respectively.

SEC. 2. That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as are or may be conferred by law upon the other circuit courts of the United States. And all suits, causes, and proceedings now pending in the said several respective district courts, and in the district court of the district of West Virginia, in and concerning which the said district courts exercise circuit court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

SEC. 3. That there shall be appointed for each of said circuit courts in this act mentioned, by the circuit court judge of the circuit, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law. And the United States marshals of said respective districts shall act as marshals of said circuit courts, and the United States district attorneys for said respective districts shall discharge the duties of said district attorneys in said circuit courts.

SEC. 4. That said circuit courts, respectively, shall have power to make such orders and directions as shall be proper for the transfer from said district courts of all causes, proceedings, matters, records, files, and papers as by force of this act should belong to the said circuit courts.

SEC. 5. That the provisions of the act entitled "An act to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States relating to courts in Arkansas and other States," approved January 31, 1877, conferring upon the district court for the eastern district of Arkansas, held at Helena, circuit court powers, and section 571 of the Revised Statutes of the United States be, and the same are hereby, repealed; and all causes, suits, proceedings, records, files, and papers in matters now pending in such district court at Helena, and in the district court of the district of West Virginia, in or under the exercise of circuit court powers or jurisdiction, shall be removed and transferred to the circuit court for the eastern district of Arkansas and for the district of West Virginia, respectively, in the same manner and with the same effect as is hereinbefore in this act provided in respect of said other districts.

SEC. 6. That whenever grand or petit jurors are summoned for service in said courts in said respective districts in this act named they shall be the grand and petit jurors for both said circuit and district courts so held at the same time and place.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. HOAR. A question has occurred to me in reference to this bill, and I would like to have the Senate consent to lay it aside for a moment until I can consult with the Senator from Vermont [Mr. EDMUNDS].

The PRESIDENT *pro tempore*. The bill will be passed over informally, and recurred to when desired by the Senator from Massachusetts.

JACKSON (MISS.) MUNICIPAL ELECTION.

The resolution reported by Mr. WILSON, of Iowa, from the Committee on the Judiciary, July 23, 1888, expressing condemnation of certain United States officials who assisted in suppressing the vote of colored citizens of Jackson, Miss., etc., was announced as next in order.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] gave notice of his intention to call this resolution up on Thursday next. The Chief Clerk will report the next succeeding order of business.

FEES OF EXAMINING SURGEONS.

The bill (S. 1733) establishing the fees and expenses of examining surgeons was announced as next in order.

Mr. CULLOM. If there is any member of the committee reporting that bill who is here, I should like to know what changes from the present law are proposed in the measure; I do not know myself. I would not like to vote for it without understanding as to that.

The PRESIDENT *pro tempore*. The bill was reported by the chairman of the Committee on Pensions [Mr. DAVIS].

Mr. CULLOM. I ask that the bill be passed over informally.

Mr. PADDOCK. The chairman of the committee is at present absent. I ask that the bill be passed over without prejudice.

The PRESIDENT *pro tempore*. It will be so ordered.

CIRCUIT COURT POWERS.

Mr. HOAR. I ask the Senate now to go back to the bill passed over on my request.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of Order of Business 1922, being the bill (S. 3234) to provide for writs of error to the district court of the United States for the western district of Arkansas in certain cases.

Mr. HOAR. The doubt occurred to me after the bill was read

whether the phraseology would not amount to a creation of new circuits in addition to the nine we now have; but on consulting the Senator from Vermont [Mr. EDMUNDS] he is satisfied the bill can bear no such construction.

Mr. JONES, of Arkansas. I should like to have the bill laid aside for a short time in order that I may examine another point that suggests itself to me.

The PRESIDENT *pro tempore*. The bill will be passed over.

SOPHIA B. MOORE.

The next bill on the Calendar was the bill (H. R. 3902) for the relief of Sophia B. Moore.

Mr. DOLPH. I object to that. I reported it adversely last session, I think.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

ABRAHAM J. BUCKLES.

The bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles was considered as in Committee of the Whole. It proposes to increase the pension of Abraham J. Buckles, late second lieutenant Company E, Twentieth Regiment Indiana Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LACHLAN H. M'INTOSH.

The bill (H. R. 9830) for the relief of Lachlan H. McIntosh was considered as in Committee of the Whole. It proposes to restore to the pension-rolls the name of Lachlan H. McIntosh, late captain's clerk United States steamer Scourge, war with Mexico.

Mr. CULLOM. I think the name read by the Chief Clerk is different from the way it appears on the Calendar, where it is "Sachen H. McIntosh."

The PRESIDENT *pro tempore*. The name in the bill would control.

Mr. CULLOM. I know that, but I did not know but that there might be a mistake about the name.

The PRESIDENT *pro tempore*. There is an error in the Calendar.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE SMALLRIDGE.

The bill (H. R. 2190) granting a pension to Jane Smallridge was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane Smallridge, of Fairfield, Iowa, widow of John Smallridge, late a private of Company F, Third Regiment Iowa Cavalry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN J. GODFREY.

The bill (H. R. 9363) granting a pension to Edwin J. Godfrey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edwin J. Godfrey, late of Company B, Second New Hampshire Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. BRYANT.

The bill (H. R. 5155) granting a pension to John S. Bryant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John S. Bryant, late a private in Company G, Twenty-ninth Maine Regiment Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. FRYE. I move that the Senate proceed to the consideration of the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now proceed in open executive session to the consideration of the fisheries treaty.

Mr. HOAR. The Senator from Arkansas [Mr. JONES] made a suggestion in regard to the circuit court bill which is just ready for its passage by the Senate, and it will take but a moment to write the amendment which he desires. Perhaps the Senator from Alabama, when he proceeds, will give way when that amendment is ready, and will allow us to interrupt him for a moment.

Mr. MORGAN. I shall have no objection to being interrupted, but we shall have to go into legislative session.

Mr. HOAR. That will take but a moment.

The PRESIDENT *pro tempore*. The executive session has not yet been announced.

Mr. FRYE. I withdraw my motion for the present.

CIRCUIT COURT POWERS.

Mr. EDMUNDS. Now I would like to call up Order of Business 1922, being the bill (S. 3234) to provide for writs of error to the district court of the United States for the western district of Arkansas in certain cases.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. EDMUNDS. I move to amend the first section, at the suggestion of the Senator from Arkansas [Mr. JONES], by adding at the end these words—striking out the period after the word "respectively" and inserting a comma—

and also at Helena, in the eastern district of Arkansas, at the same time that the district court is now held.

The effect of that is simply to turn the circuit court powers of the district judge over to the circuit court, and the circuit court to have a session at that place.

The PRESIDENT *pro tempore*. The amendment will be read from the desk.

The CHIEF CLERK. The proposed amendment is, at the end of section 1, line 10, after the word "respectively," to strike out the period and insert a comma, and add:

and also at Helena, in the eastern district of Arkansas, at the same time that the district court is now held.

The PRESIDENT *pro tempore*. The bill having been reported to the Senate, this amendment will be taken as an amendment to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendments as amended were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

"A bill to abolish circuit court powers of certain district courts of the United States, and for other purposes."

THOMAS H. SAULSBURY.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution submitted by Mr. GRAY on the 10th instant; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Miss Mary E. Saulsbury, sister of Thomas H. Saulsbury, deceased, late clerk to the Committee on Engrossed Bills, the sum of $1,095, being an amount equal to six months' salary at the rate per diem allowed by law to the clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

SOPHIA B. MOORE.

Mr. FRYE. I renew my motion.

Mr. DOLPH. I call the attention of the Senator from North Carolina. I withdraw my objection to the consideration of Order of Business 1937, being the bill (H. R. 3902) for the relief of Sophia B. Moore. I find that the bill in regard to this claim is already referred to the Court of Claims.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine [Mr. FRYE] is pending.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of this treaty until the Wednesday after the first Monday in December next.

Mr. MORGAN. Mr. President, yesterday when the executive session was changed to legislative or adjourned, I was discussing the question of the three protocols agreed upon between the United States and Great Britain, or rather the two that had been adopted and one rejected by Great Britain, with a view to show that the consideration of this treaty ought to be postponed at this time in order to enable the last protocol to have its operation on the fisheries of the northeastern waters, so that we should be able to demonstrate what was the actual value of the privileges conceded to us by the treaty of 1888, the one now proposed for ratification. I have demonstrated that the situation we are in at this time in respect of the importation of fresh fish into the United States was prescribed to this country by the action of the Republican party in 1871, and was also reaffirmed in the tariff law of 1883, and it was stated yesterday by the Senator from Kentucky [Mr. BECK], on authority, after close investigation, that in the passage of the recent tariff bill which has come over to the Senate from the House of Representatives no effort was made on the part of any person to place a duty on fresh fish.

The duty on salt fish is a very inconsiderable sum, as we know, amounting in the year 1886 to $297,028.05, and it is alleged that all of the troubles we have had with Canada and with Great Britain in regard to the treaty of 1818 have grown out of the desire on the part of the British and Canadian Governments of having that little annual tax

removed. It has always seemed to me that that was reducing the argument in this case to a minimum that is simply an absurdity. I can scarcely conceive that a country that has fishing interests that amount to from eighteen to twenty-five million dollars a year, according to the fluctuations of the run of the fish, and that has a market abroad for every pound of fish it chooses to send abroad, and that has no desire for a market in the United States except for the convenience of interchange or exchange of commodities, and in order to avoid the necessity of handling money when they can handle their own products in barter and exchange with us for our products and manufactures—that a country thus situated would scarcely put itself to the trouble of continual irritation and controversy with the Government of the United States for the purpose of saving to itself $297,028.05 annually in the tariff on fish, even if its people had that tax to pay, which is by no means true.

Now, I submit to the Senate, and I also submit it to the American people as being altogether an insufficient inducement for the purpose of keeping up this continual strife which has hung over the country, at intervals at least, interrupted by reciprocity treaties for twenty-three or twenty-four years, since 1818. No man in his senses can believe that the saving of that amount of money to the Canadian provinces annually is the cause of these troubles between us and Canada. There is no reason in the world why Canada might not dispose of all the salt fish that she has in any of the markets of the earth if she should choose to go abroad to sell them, and I repeat the only interest Canada has at all in the sale of salt fish to the people of the United States in preference to selling them to other countries that want them, is the mere fact that we are convenient to her borders and that we have articles which her people desire to purchase from us, which it is easier for them to purchase with the barter of fish than it would be for them to pay the money for which they would sell their fish in other markets abroad, to realize the sum of $297,028.05 annually.

It can not be that a people descended from British loins, with British blood in their veins and British brains in their heads and British courage in their hearts, could carry on this strife and this contention with us on such a subject as this for so paltry a consideration as that for so many years. Then the British Government and the Canadian Dominion and Newfoundland have been compelled at intervals to keep up considerable fleets, and they always maintain a more or less expensive police of the seas through their revenue marine and through other agencies of a naval character, and the expense they are put to annually by this controversy must exceed three or four times, as an average, the sum of $297,028.05.

Mr. FRYE. Where does the Senator get those figures?

Mr. MORGAN. I got them out of the speech of the Senator from Massachusetts [Mr. HOAR].

Mr. FRYE. That is an entire mistake.

Mr. MORGAN. No. The Senator from Maine is wrong about it. It is exactly right. That is the amount of revenue we got from salt fish imported from Canadian waters in 1886.

Mr. FRYE. If the Senator will pardon me, the remission of duty alone when only salt fish was dutiable, seven years ago, was $695,000 in one year.

Mr. MORGAN. The remission of duties on salt fish?

Mr. FRYE. There was no duty on fresh fish.

Mr. SHERMAN. The great body of the fish now brought in is fresh fish, owing to the processes in use for freezing them.

Mr. MORGAN. I have no doubt the Senator from Massachusetts has worked out this sum with absolute particularity and care, and I have been willing to take his figures because of his known accuracy in such matters, and more than that, it corresponds precisely, within a few dollars, with the estimates which I have made and which have been submitted to me by others as being the sum in controversy between us as to the annual duty on salt fish.

There is some other motive for this on the Canadian side, and more than that, the suggestion which has been made by the Senator from Ohio is exactly correct, that the modern processes, not later than 1880, in their discovery and practice of freezing fish and bringing them in upon ice, enable us to pickle and to pack salted and dried fish on the coast of New England, or any other coast of the United States within convenient reach of Canada, and we are putting up now such vast quantities of fresh fish thus brought in upon the ice as that the importation of salt fish is continually declining. The Canadians, in my opinion, have nothing to do, if they choose to do so, but to wait until this problem works out its own solution, and nearly all the fish that will be brought into this country from the provincial waters, except a few of a particular character that are dried in the open air upon the coasts of Newfoundland for a particular market, a palatable fish that luxurious people indulge in, will come in fresh, frozen upon ice, and they will be pickled and packed and salted upon the coast of New England.

I do not see that there is any danger to American industries, or to American sailors, or to American commerce, or to American revenues from that source. I can understand, I think, though I do not know so very much about fish or fishing, that the importation of frozen fish to the coast of New England would give employment to a very large number of men, women, and children, who are there now constantly engaged in cleaning these fish and packing them for market and sending them off in various more or less attractive forms, and thereby the stimulus that we all desire to give to American industries would be very greatly increased. This problem, I repeat, is working its own solution in that direction. The Canadians are just as wise in the understanding of the progress of affairs in that direction as we are. More than that, I suppose Canadians have very much the same instincts that we have, very much the same affections, the same spirit of pride, national and personal; the same spirit of adhesion to what they conceive to be their rights, whether there is much money involved in their assertion or not.

We are in controversy with men as nearly like ourselves as blood and bone and muscle can make them, and we have but to determine how they would feel upon a question of this kind by ascertaining from our own sensibilities and our own natures how we should feel about it. My observation, though not an extensive one, has been that the people of Canada are almost literally homogeneous with the people of the United States. You can not draw the line between them except by ascertaining a man's nationality or his place of birth. The Canadian is adopted in all the societies of the United States with the same freedom that an American-born citizen is, and we welcome him here and we are welcomed there also by those people in the way that welcome is extended to people of your own kith and kindred. So in determining what is the real motive of this controversy between the United States and Canada I think it is a wise view of the subject, and a just one, to say that we shall measure Canadian motives and Canadian instincts and Canadian resolves about questions of this kind by precisely the same influences that we recognize as operating upon our own conduct.

Now, let us take the obverse view of this question, which has been presented here frequently, and yesterday I took occasion to refer to it at some length. What is the American motive that is now disclosed in the history of these transactions for the larger part of the controversy that we are conducting with Canada to-day? Mr. President, I can not conceal it from my own convictions, nor can it be concealed from the convictions and judgment of the people of the United States, that the motive which operates to induce us to take so much pains, to have so much controversy about questions of this kind, after we get past those jealousies and rivalries that belong to men who are engaged in industries of the kind we are now considering—the motive, after we have passed these considerations, I believe to be, and it is shown to be by the evidence in this case, to be to secure a prohibition on the part of the United States to the importation of Canadian fish, whether salt or fresh.

Do we want a prohibition upon the importation of Canadian fish? Who wants it? Why, sir, a very few men who can make money out of such a situation desire it. There are not perhaps more than two hundred or three hundred men even on the New England coast who desire to have the importation of fish from Canada absolutely prohibited. They want it because that would give them the absolute control and monopoly of the American market for fish and would bring a great many millions of dollars into their purses. But when you come to the consumers of this class of food, who are they? You may go through this land and examine the tables of the rich and you scarcely ever find salt fish upon them, unless it may be for a relish, or unless it may be of the most exquisite character of the products of the sea; but if you will go down amongst the poor people who have to spend their money for food a penny at a time, you will find fresh herring and salt herring and you will find salt mackerel and salt codfish and all the inferior grades of those kinds of fish upon their tables as a matter of absolute necessity. If you took from the laboring population to-day of the cities of Boston and New York and Philadelphia and the large manufacturing towns in the United States, the supply of cheap fish for food, you would put a great many families almost upon starvation. I, for one, do not believe in a system of tariff taxation that resorts to necessary human food for raising revenues to support any government as long as there are other objects of taxation to which I can resort for that purpose. I believe that heat and air and food and water and raiment are all the gifts of Almighty God and are intended for the benefaction of all humanity, whether rich or whether poor, and my mind instinctively rebels at any tax levied by any government, State or Federal, upon articles of necessity for food, for raiment, for heating, or upon facilities for supplying air or water to the people or the country.

That government is in a poor way, and it must of necessity be a bad and an impoverished government, that is compelled to resort to a tax upon food, and especially upon the food of the common, poor people in order to raise money for its support. We have no occasion in this country for a tax like that. It is true that we have a tariff tax now upon Irish potatoes and upon beef and pork and mutton and other common supplies of food and grain and flour, when they are to be brought into this country. That taxation upon the statute-book is an unexecuted law, because in all these things we raise a great excess, and we have these articles for exportation in vast abundance to foreign countries. But suppose a visitation of famine should come upon the United States, upon the great granaries of the West, the food-produc-

ing areas that now give to us pork, bacon, mutton, beef, poultry, butter, milk, cheese and the like, and flour and corn, and in what condition would our tariff laws be found in such a calamity in respect of the impoverished and starving people?

The greater the scarcity of course the higher the price, and as the ability of the people to purchase food for subsistence decreased the tariff would come in and load its burdens upon these articles; and that tariff which is held out to the people of the United States in the act of 1883 and other preceding acts by Republican administrations as something tending to encourage the agriculturists of this country would be a tariff that would produce starvation in tens of thousands of homes in this land.

This tariff would starve the farmer when the time of want comes, while it flatters him in times of prosperity with an empty promise of increased prices for his productions.

Mr. SHERMAN. I do not wish to interrupt the Senator, but referring to a remark made by the Senator from Alabama as to the quantity of revenue derived from salt fish, I fell into the same error that he did, and I wish to correct it now. I have been referring to the official records, and I find we are all mistaken, including the Senator from Massachusetts [Mr. HOAR], in the figures we gave for salted fish in barrels and half-barrels. The total aggregate of the revenue derived from salt fish last year was $604,928.69.

Mr. MORGAN. That is from all countries.

Mr. SHERMAN. Yes, from all countries.

Mr. MORGAN. I spoke about the Canadian fish.

Mr. FRYE. But certainly the fish and the fish-oil and the cured fish from Canada alone are over $600,000; I can not be mistaken about that.

Mr. SHERMAN. Duties?

Mr. FRYE. Yes. I think myself the amount of duties is greater than that.

Mr. MORGAN. I did not think it was necessary to bring the data into the Senate that I have collected upon the subject, but a little later in this debate I will do so. I think I can demonstrate that we do not pay $600,000 duty on fish imported from Canadian waters into the United States.

Mr. SHERMAN. We receive that much.

Mr. MORGAN. That does not state the amount of fish imported from Canada.

Mr. SHERMAN. I beg pardon. That is the amount of duties on all fish imported.

Mr. MORGAN. You will find that there are a great many fish imported into the United States in different states of preparation from foreign countries that Canada does not prepare for the markets.

Mr. FRYE. Very few.

Mr. MORGAN. No, sir; a great many. However, we can settle that hereafter. I will bring the proper data into the Senate at the proper time with the view of correcting any mistake about that. The argument, however, upon that branch of the subject is just as strong at $600,000 a year as it is at $297,000 a year. It is a bagatelle; it does not amount to anything. It is not a source of revenue that we care about at all, not a source of revenue even if it was paid by the Canadians that would affect their financial condition to any sensible degree, but they do not pay it—we pay it; the consumers in the United States pay it. However much the statement may be argued against and denounced and denied, and all that, the human mind has not yet attained the state of subtlety in logic where it can get rid of the conviction that the man who consumes a taxed article is the man who pays the duty on it. Common people can not believe anything else, no matter how statesmen and publicists and political economists believe it. The common, ordinary, sensible man can not believe anything else than that if you tax an article and sell it to him, he, being the consumer, has got to pay the tax.

But I was speaking about the tariff tax upon human food, and I was speaking of the calamitous condition that this country would be in under our existing tariff laws if a visitation of famine should come upon this country and we should have to pay these very onerous duties that are imposed upon the importation of potatoes and wheat and flour and all manner of provisions derived from animal life. And, Mr. President, I can not conceive of any policy that is more fatal to the welfare of any country than to tax the importation of provisions, except of those classes that are not produced in the country and are used for the purposes of luxurious indulgence, and not for the purpose of sustentation of the life of the ordinary families of men.

It is a horrible reflection that a government like that of the United States, if it sought to get any revenue at all, as it really does not, out of the tariff upon human food, should place her people in such condition that whenever a terrible visitation of famine should overtake us there should be thousands and hundreds of thousands, yes, millions of people who would be obliged to starve because they could not pay increased prices imposed by the taxes on imported food.

Is there a man in the United States of America to-day who fails, whatever prejudice he may have against Great Britain, to recognize the fact that in the repeal of the corn laws, under the leadership of John Bright, Great Britain gave her people the broadest and sweetest benefaction that was ever conferred upon any nation on this earth? And look how the prosperity of that people has grown; look how their numbers have increased; look how they have traveled out through all their different possessions in the continents and islands and have planted the power of Christian civilization and British law where forty and fifty years ago savages occupied the whole land. Why so? Because when their peasantry, as they are called, the common working classes in Great Britain, got food enough to live upon, food enough to enrich that blood that runs in their veins and gives them the courage of a true British manhood, when they were fed sufficiently well, they commenced to summon up courage and to move out upon lines of adventure for the purpose of civilizing and of reducing to cultivation and to happy homes many, yes, thousands and thousands and millions of acres far distant from the shores of that wonderful little island.

A people stinted in necessary food could never have achieved the progress that has made the British name a positive and powerful influence in every nation on earth.

Now, sir, when the time shall come, as one day it will come, that we need that provisions should be cheap; when the time comes that we need that every man should be able to help his neighbor with the charity of bread and to supply the wants of humanity, so far as to keep the mouths of the children in the land fed, this tariff law enacted by the Republican party of this country will come in with full force upon the people, and what would be the result then? They would have to pay upon—

Animals, live, 20 per cent. ad valorem.
Beef and pork, 1 cent per pound.
Hams and bacon, 2 cents per pound.
Meat, extract of, 20 per cent. ad valorem.
Cheese, 4 cents per pound.
Butter, and substitutes therefor, 4 cents per pound.
Lard, 2 cents per pound.
Wheat, 20 cents per bushel.
Rye and barley, 10 cents per bushel.
Barley, pearled, patent, or hulled, one-half cent per pound.
Barley malt, per bushel of 34 pounds, 20 cents.
Indian corn or maize, 10 cents per bushel.
Oats, 10 cents per bushel.
Corn-meal, 10 cents per bushel of 48 pounds.
Oat-meal, one-half cent per pound.
Rye-flour, one-half cent per pound.
Wheat-flour, 20 per cent. ad valorem.

And yet famine in this country would probably put the price of a bushel of wheat up to $2 or $3, and in order to satisfy the demands of this voracious tariff of 1883 you would calculate 20 per cent. ad valorem upon wheat, and it would only have the effect of enabling those who have money to monopolize the wheat in the land and hold it at starvation rates before the hungry and longing eyes of the poor and destitute of this land.

Mr. GEORGE. I desire to ask the Senator if he has referred in the course of his speech to the manner in which through trusts and combinations the price of jute and hemp bagging to the poor people of the South has been largely increased.

Mr. MORGAN. No; but I remember the Senator from Arkansas [Mr. JONES] the other day introduced some resolutions and made some very pertinent and very forcible remarks on that question, and I notice that the papers in the whole South are full of statements on that subject; so that we in the South will be compelled to abandon the use of jute and hemp bagging entirely, and shall have to resort to some expedient in order to get rid of this trust combination which has raised the price of bagging.

Mr. GEORGE. At a loss of about three or four millions to the cotton farmers and laborers of the South.

Mr. MORGAN. Yes; and wherever there comes a scarcity of provisions in the United States of the sort I have been reading about now, the common staple articles of food, then you will find trusts abounding in this land, and the wealthy men of this country will hold possession of all the food supplies. If there is any yoke upon this earth that can bring the bondage of slavery to the Anglo-Saxon, if there is any one thing above another that can drive him out of his manhood and reduce him to circumstances where he is willing to become a slave, it will be hunger and starvation imposed upon him by statutes like this, giving the power to men who own accumulated wealth to lock the jaws of the poor with starvation until they submit themselves to their demands. I continue to read from the present tariff law:

Rice, cleaned, 2½ cents per pound; uncleaned, 1½ cents per pound.

Mr. GEORGE. Before the Senator from Alabama goes away from that cotton bagging affair, I should be glad if he would inform the Senate upon what class of people in the South that tax would rest.

Mr. MORGAN. Well, the class of people in the South upon whom it will rest will be the laborers and their employers, both of them poor, both classes of men who have to work hard and live hard, very hard, and I take occasion here now to say that the honorable Senators on the other side, amongst whom millionaires are common, that you can not find a planter in the South that is a millionaire. You can not find one out of every 100,000 that is worth $200,000 in money or property. Our industries down there do not yield millions. A great majority of the planting interests of the South are in the hands of men who have to go day by day to their work in their fields, and often carry

their wives and their children with them out there. It is no uncommon thing, even in the splendid State which I have the honor in part to represent here, to see a man leading the front row in the cotton field and his wife and his daughters and sons chopping along through the fields and earning their daily bread in that way.

Mr. GEORGE. And no eight-hour law.

Mr. MORGAN. No; it is a sixteen-hour law. They work every minute that there is light enough to see to distinguish between the cotton plant and the weeds and grass by which it is surrounded, and then it is work throughout the entire year almost without cessation. I must be excused, Mr. President, if I have a sympathy, which is entitled to be classed amongst the ordinary traits of humanity, in behalf of people who have to work this way for the earning of their daily bread. I must be further excused if I oppose, in every form and fashion they may be presented, all laws that encourage and provide for monopolies, subsidies, and trusts and combinations whereby a few men by accumulated and aggregated capital can control the industrial classes, and especially the industrial agricultural classes. I feel always that I am doing my duty when I am trying to provide the instrumentalities of legislation by which these men shall have a chance to enjoy the earnings of the sweat of their own brows, expended so faithfully and so diligently through every coming year. This tariff of the Republican party taxes rice, flour. It proceeds as follows, with its levies upon human food, much of which is necessary to the support of life:

Potato or corn starch, 2 cents per pound; rice starch, 2½ cents per pound; other starch, 2½ cents per pound.
Rice, cleaned, 2½ cents per pound; uncleaned, 1½ cents per pound.
Paddy, 1½ cents per pound.
Rice-flour and rice-meal, 20 per cent. ad valorem.
Hay, $2 per ton.
Honey, 20 cents per gallon.
Hops, 8 cents per pound.
Milk, preserved or condensed, 20 per cent. ad valorem.
Fish:
Mackerel, 1 cent per pound.
Herrings, pickled or salted, one-half of 1 cent per pound.
Salmon, pickled, 1 cent per pound; other fish, pickled, in barrels, 1 cent per pound.
Foreign-caught fish, imported otherwise than in barrels or half barrels, whether fresh, smoked, dried, salted, or pickled, not specially enumerated or provided for in this act, 50 cents per 100 pounds.
Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than 5 inches long, 4 inches wide, and 3½ inches deep, 10 cents per whole box; in half boxes, measuring not more than 5 inches long, 4 inches wide, and 1⅞ deep, 5 cents each; in quarter boxes, measuring not more than four inches and three-quarters long, 3½ inches wide, and 1½ deep, 2½ cents each; when imported in any other form, 40 per cent. ad valorem.
Fish preserved in oil, except anchovies and sardines, 30 per cent. ad valorem.
Salmon, and all other fish, prepared or preserved, and prepared meats of all kinds, not specially enumerated or provided for in this act, 25 per cent. ad valorem.
Pickles and sauces, of all kinds, not otherwise specially enumerated or provided for in this act, 35 per cent. ad valorem.
Potatoes, 15 cents per bushel of 60 pounds.
Vegetables, in their natural state, or in salt or brine, not specially enumerated or provided for in this act, 10 per cent. ad valorem.
Vegetables, prepared or preserved, of all kinds, not otherwise provided for, 30 per cent. ad valorem.
Chicory root, ground or unground, burnt or prepared, 2 cents per pound.
Vinegar, 7½ cents per gallon. The standard for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize 1 ounce Troy of vinegar; and all import duties that may by law be imposed on vinegar imported from foreign countries shall be collected according to this standard.
Acorns, and dandelion root, raw or prepared, and all other articles used or intended to be used as coffee, or as substitutes therefor, not specially enumerated or provided for in this act, 2 cents per pound.
Chocolate, 2 cents per pound.
Cocoa, prepared or manufactured, 2 cents per pound.
Fruits:
Currants, Zante or other, 1 cent per pound.
Dates, plums, and prunes, 1 cent per pound.
Figs, 2 cents per pound.
Oranges, in boxes of capacity not exceeding 2½ cubic feet, 25 cents per box; in one-half boxes, capacity not exceeding 1½ cubic feet, 13 cents per half box; in bulk, $1.60 per thousand; in barrels, capacity not exceeding that of the 196-pounds flour barrel, 55 cents per barrel.
Lemons, in boxes of capacity not exceeding 2½ cubic feet, 30 cents per box; in one-half boxes, capacity not exceeding 1½ cubic feet, 16 cents per half box; in bulk, $2 per thousand.
Lemons and oranges, in packages, not specially enumerated or provided for in this act, 20 per cent. ad valorem.
Limes and grapes, 20 per cent. ad valorem.
Raisins, 2 cents per pound.
Fruits, preserved in their own juices, and fruit-juice, 20 per cent. ad valorem.
Comfits, sweetmeats, or fruits preserved in sugar, spirits, sirup, or molasses, not otherwise specified or provided for in this act, and jellies of all kinds, 35 per cent. ad valorem.
Nuts:
Almonds, 5 cents per pound; shelled, 7½ cents per pound; filberts, and walnuts, of all kinds, 3 cents per pound.
Peanuts or ground beans, 1 cent per pound; shelled, 1½ cents per pound.
Nuts of all kinds, shelled or unshelled, not specially enumerated or provided for in this act, 2 cents per pound.
Mustard, ground or preserved, in bottles or otherwise, 10 cents per pound.

I have read through that list of taxed articles of human food for the purpose of bringing to the attention of the Senate and of the country the impolicy of extending these laws to other articles of human food, and the great and serious wrong of taking from the free-list, "fish, fresh, for immediate consumption," and putting them on the dutiable list, and making them pay taxes.

Mr. President, I demonstrated yesterday from the action of the Republican party in the Congress of the United States, both in the Senate, in its treaty-making capacity, and in the Congress in its legislative capacity, that the very purpose of all of this trouble and turmoil that we are encountering here in respect of our Canadian fisheries is, by an indirection, by a plan that does not disclose upon its face what is meant by it, to restore the duty as it once was upon fresh fish, so as to make a prohibitory rule against their introduction into this country. There you strike at human food not as a necessary means of raising revenue, but, sir, you strike at human food that is necessary for the subsistence of the common laboring population merely to increase its cost; and all of this debate, all of this contention about this treaty means that, and nothing more than that. It is intended to force the President of the United States by a proclamation to prohibit the coming of fish free into the United States.

That is the object, sir. It is to enrich the owners of vessels, the middle-men, the combines and trusts, the halibut rings, and not to increase the wages of fishermen, that the President is required to issue his proclamation to prohibit Canadian fish from entering our ports.

Here, then, is the Canadian contention on one side, who, I admit, would like to get rid of the duty, whatever it is, whether it is $300,000 or $600,000 a year, but the far more influential and controlling motive comes from our side, that is to say, comes from the men who control the trusts and the combinations and the management of the fish market along the coasts of Maine and Massachusetts, who intend, if they can do it, even at the expense of a war with Great Britain, to compel the President of the United States to prohibit the introduction of fresh fish into the United States caught in Canadian waters by British or Canadian fishermen. There is the purpose. I charge it home upon them; and when the hour of trial and trouble shall come in this country, then we shall see whether or not these people that they are trying to humbug about this thing, these people who have to resort to cheap pickled fish and dried fish as a means of subsistence will toss their caps in the air and hurrah, in this campaign, for the men who want to prohibit the introduction of fish that they consume and are obliged to consume in their daily living, so as to enrich a few men.

Mr. President, these things can not be hid from sight. They are just as I have stated them, and the records show it. The Republican party in 1871, before this method of freezing fish and bringing them in fresh had been employed to any considerable extent, and before it was supposed that it would become a favorite means of the introduction of fresh fish into this country, concluded that they would abolish the duty on fresh fish. They did so. What was the motive for that? Was that because Great Britain or Canada demanded it? No; it was because they believed the interests of their own people would be promoted by such legislative action on their part. So, as I have frequently asserted here, when they had the absolute control of both branches of Congressional legislation they abolished the duty on fish brought in fresh for immediate consumption. Their idea was this: that it made no difference what the people in Arkansas might have to pay for fish, or the people in Missouri or in Illinois might have to pay for fish. Their vessels were running to and fro from the Banks and the fishing waters to the shore, and they wanted that their people should have fish free of duty; but just as soon as this process of freezing them was resorted to and was perfected, it was found that it was not necessary to pickle fish at the fishing grounds in order to bring them safe and sound to market, and all they had to do was to supply themselves with ice and freeze the fish, and as long as it staid frozen, if it was forty years, it was as fresh as when first frozen. So in that way they would bring cargoes of fish into the ports of Gloucester and other places in New England. There the packers would get hold of them and put them up in oil, in brine, in dry salt; they would smoke them, they would fix them up in a great many very inviting ways, and they were able to easily reach a magnificent market in the West, where the people on the Missouri and Mississippi Rivers could sit down to their breakfast-tables and have fresh mackerel upon them. A most seductive commerce that was. But it spread so rapidly, it was such a boon to the people of the United States, that the trust men found they could not handle it at all. What was the result? They commenced then to reinstate the tariff that they themselves had repealed. They repealed it believing they would get every penny of the advantage that would come from it. Then they were for reinstating it. The Republican administration was afraid to make the attempt. Three fishery tariffs have been considered and enacted since that time, and yet they have not got fresh fish with the duty reinstated; they have not now got the political power to do it; and in the passage of this Mills bill through the House of Representatives there was not even a motion made to reinstate the tariff on fresh fish, not a motion made, and such a motion will not be made in this Senate, or, if it is, it will be made in a way that they know it will be beaten.

Now they want to have this duty back. They must have fresh fish prohibited. Why? Because they have failed to be able to control in a monopolistic way the fresh-fish markets. How do they attempt to do this? They want to get up a trouble between this country and Canada and Great Britain. They passed a law here urging the President of the United States, if not commanding him, upon certain conditions, to make a proclamation by which the goods, wares, and merchandise of the people of Canada should be shut out from our ports, an

embargo against their importation here, which brings the country next in condition to a state of war.

What is the object of that? It was indicated in the papers that I read here yesterday, the address of Mr. Steele, president of the American Fishery Association, where he demanded of the President of the United States that in making his proclamation he should limit its effect to the article of fish. Why did he want it limited to the article of fish? Because, Mr. President, they thought that by that means they would avoid a resort to other parliamentary and Congressional expedients and pass by the treaty-making power of the United States, get the country into such heat and agitation in the revival of the old quarrel between the British and the Americans as that the President of the United States would be constrained in his proclamation to say to the Canadians, "You must not bring any fresh or salt fish into the United States." That is the proposition; that is the whole of it as I believe it to exist.

When I put the question to the Senator from Maine if the repeal of this little modicum of duty now remaining upon salt fish, whether it is $300,000 of revenue a year or $600,000—when I put to him the question whether the repeal of that remaining part of the duty upon salt fish would not settle this whole question, he said, Yes, it would; no doubt about it; it would settle the whole question. Why so? Because then our fishermen on the New England coast would lose their interest in the subject, and the Canadian fishermen would have a release from the duties which are imposed now and which raise the price of fish in our market so as to check the market demand.

I know I am addressing my appeal to ears that are deaf; but if I knew what to say and how to accomplish it, I would stand on this floor until I should fall from my feet, imploring these men that they will not insist that this article of cheap food, salt fish, shall continue under taxation and shall not be made the subject of prohibitory proclamation. I would implore them to allow the poor, wretched families of this country who have to seek the markets and spend perhaps three or four pennies for a meal of herring or of low-grade codfish, or mackerel, or something of the kind, to have the means of subsistence without allowing their greed to reach down and grovel amongst the very poverty of the poor in order to gain lucre to enrich themselves, to increase their capital and power.

But, sir, I speak to ears that are deaf. When money, the power that it brings, the aggrandizement that it brings, the influence and character that it gives to men, is thrown into the scale against the interests of the hard and over worked and starved poor of my country, they have to go up and the money scale of the balance goes down. It always outweighs them, and is doing so in this Senate to-day. For, I repeat, the Senator from Maine said to me in this debate that if you would repeal this $600,000 or $300,000 a year of duty on salt fish, all of this great and terrible controversy would disappear in one instant of time. It was for that reason that I said to them that the duty they were holding on to now would be in a dangerous attitude when the question came before the American people, between the maintenance of that duty and a resort to arms and to war with Great Britain.

The argument is too plainly in favor of humanity and justice and right to be neglected even by the most obdurate and self-sufficient of those gentlemen who so long have held power in this country that they begin to fancy that they have gotten a patent upon it and that they can hold on contrary even to the will of the people. They are mistaken. They will see their mistake when it is too late, and I am very much afraid that, while they are discovering their mistake, the people of the United States will be put into a category that will bring great trouble to this land.

I will repeat my remark, that whether it is in commenting upon tariff laws or treaties or anything of the kind, every time I get a chance to reduce the tariff upon these articles of food that are necessary for the sustentation of the humbler classes of people in the United States my vote will always be on that side, though I may be feeble and though I may be, in the language of the Senator from Massachusetts [Mr. HOAR], "silly," though I may be considered presumptuous, though I may make speeches at great length on this subject, yet my duty is being performed exactly in correspondence with my own conscience, and I am working for a class of men who can not help themselves, and who, as matters are progressing in the United States now, have very few friends.

Mr. HOAR. Will the Senator from Alabama allow me to ask him if he understood me to apply that term to him?

Mr. MORGAN. Oh, yes.

Mr. HOAR. I thought the Senator understood that I had disclaimed any such application.

Mr. MORGAN. Then I will not repeat it.

Mr. HOAR. What I said was that if it were not for my profound respect for the Senator from Alabama I should say that the suggestion that war was likely to grow out of our insisting that the same rules should be applied to us in the British ports as we apply to them in ours was supremely silly.

Mr. MORGAN. That is all right.

Mr. HOAR. The Senator has himself poured out right and left his adjectives of contempt and denunciation upon me and upon other Senators who differ from him, but I have made no such application to him.

Mr. MORGAN. I have not said one word in this debate of an unpleasant character to any gentleman who has not first assailed me. Perhaps it would be just as well to understand that I stand on the defensive, and that I stand very firm on that.

Now, I read from Mr. Fitz John Babson part of an address that he made to the American Fisheries Union at one of their annual meetings upon "the impending crisis," as it is called. This address was made early in 1885, or the latter part of 1884, I forget the precise date of it. He says, on page 21 of this address to the whole body of the American Fisheries Union, who were assembled there in convention:

> The termination of the reciprocity treaty in 1866 again brought into operation the treaty of 1818, and the manner of dealing with the question became a matter of much political interest in Canada. It was evident that whatever party policy would secure reciprocity with the United States would be indorsed by the people. The system of licenses which, by increasing stringency defeated itself, you are all familiar with, and upon its termination it was announced by the public men of Canada that not only all that could be claimed under their construction of the treaty of 1818 would be enforced, but that a provincial cutter system should be inaugurated, commanded by men who were in sympathy with the coercive principles of the Government, and who could be depended on to cause the American fishermen all the trouble and annoyance possible, for the ostensible purpose of forcing the United States again to renew the reciprocity treaty.
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> The leniency of the officers of the regular British naval service toward the fishermen was not satisfactory; in fact the wood, water, and shelter clause was not to be considered in the spirit in which it was made (simply restrictive), it was to be made aggressive; and construing the language of the imperial act 59 of George III, in which a vessel preparing to fish in British waters is deemed criminal, they seized vessels that were buying bait to use on the Grand Banks, restricted them from buying ice or supplies, claiming that such acts were preparing to fish. I cite these things simply to show how Canada exaggerates what was intended to be a simple restrictive regulation into a criminal law, and also to show the supine indifference of the United States in submitting to such wholesale piracy.

That speech was made before Mr. Cleveland came into office.

Mr. Babson proceeds to say:

> True, the President did issue a proclamation after Congress had passed unanimously the memorial resolutions sent from this city asking for a declaration of non-intercourse if these acts were continued, and doubtless some retaliatory measure would have been adopted had not the proposals for the Washington treaty involving the fishery question at this time appeared. The result of that treaty gave to the fishermen of the United States simply the right to take fish of every kind in the waters of Canada, namely, inside of 3 miles. We acquired no commercial rights whatever. The wood, water, and shelter clause of the treaty of 1818 still remains, and is in force to-day, modified simply by the permission contained in the treaty of Washington to take fish inside of 3 miles. If there was virtue in Canada's enforcing that clause from 1856 to 1873 it is so now. If it was, as has been claimed, an injury to her people to buy supplies, bait, and ice of them then, it is so now. And the day that sees the fishing provisions of the treaty of Washington terminate will see her enforcing that clause to the letter.
>
> The treaty of Washington was fondly expected to be the panacea for all the difficulties that afflicted the two nations. The primal feature was the settlement of the Alabama claims, and to succeed in that was the ambition of our commissioners. The fisheries again played the part of make-weight; and Great Britain accepted and paid the Geneva award, holding the almost assured fishery award of the Halifax Commission as an offset. Fifteen and a half millions were paid under the award of Geneva, and $14,500,000 were claimed for allowing our fishermen the privilege to take fish from the ocean within 3 miles of their shores. How far we availed ourselves of this privilege I will show before I get through. Suffice it to say that we take neither halibut nor codfish, speaking in a generic sense (and which comprises three-fourths of the Atlantic fisheries), in British waters. We buy our herring, capelin, and squid entirely from the local fishermen, paying them in cash or its equivalent, and the only fishery of theirs that is available is the mackerel fishery, and what few of them we take (I show by the sworn statements of the captains of the vessels) cost us nearly $2 for every dollar received.

He then proceeds to discuss the composition and the results of the Halifax Commission. I read that statement of Mr. Babson because he is one of the most enlightened and one of the most influential of all the men engaged in the fishing interests in the Northeast, and for years he has been such. It shows a perfect confirmation of what I stated yesterday in regard to this same subject-matter about which he was speaking. It also shows that at the time the treaty of 1871 was negotiated and proclaimed all of the troubles and difficulties existing between Canada and the United States were of precisely the same sort and condition that they are to-day, or rather that they were in 1885–'86, the first year of Mr. Cleveland's administration. It shows that the Republican party, having been in power here for many years, had done nothing with a view to remove these difficulties, but all that had been done, as he states himself, was to give away free fish and fish-oil to the Canadians by the treaty of 1871, and in addition to that five and a half million dollars assessed against us in the Halifax award for the privilege of inshore fishing, where he says that every fish costs twice its value to catch it; and in addition to that a right which had not heretofore existed, the right to come upon our shores and fish in the bay of Chesapeake, or the bay of Delaware, or in Long Island Sound, or along any of the coasts of the United States down to the thirty-ninth degree of north latitude.

That is what the Republican party gave up, and that is what the Republicans in the Senate to-day are trying to reclaim by compelling an administration that is Democratic to make a proclamation to exclude or prohibit the importation of fish into the United States caught in Canadian waters.

I mentioned yesterday the proposition made by Mr. Seward to the British Government for a *modus vivendi*, which was rejected upon a point of not much importance, which was suggested in the protocol. I showed that the arrangement which existed, as set forth in the correspondence between Mr. Bayard and Mr. West, followed right along in the groove of the Seward protocol, and that it was made absolutely

necessary either by the blunder or the willful intent of the Republican party when they put an end to the treaty of 1871, fixing the time for its termination on the 1st day of July, 1885. I was trying to do something which no man can do, to account sensibly and upon proper reasoning for the fatuous act of terminating that treaty just in the middle of a fishing season.

I showed yesterday, before getting to that branch of the subject, how Mr. Steele, the president of the American Fishery Union, and numbers of other men had importuned the President of the United States to make some arrangement by which they could pass from the influence of one treaty to the other without breaking up their business and bring them into collision with the men with whom they were engaged in a joint fishery right upon the coasts of Canada.

It is not necessary for me to delay now for a further consideration of anything in connection with that subject further than to read two letters from Mr. Webster which I have here. I read a letter which was presented to the Senate by the Senator from Delaware [Mr. GRAY], but which through my misadventure did not find its way into the RECORD. It is copied from volume 2 of the Private Correspondence of Daniel Webster. I read it for the purpose of showing that Mr. Bayard, in his solicitude about the establishment of some method of getting through with the difficulties which would attend the termination of the treaty of 1871, was precisely in the condition that Mr. Webster was in when he was trying to get rid of the difficulties arising out of the controversies between the British and the Canadian people and our people in 1852 before the reciprocity treaty of 1854 was negotiated. It is a little singular to notice not only the identity of the position but of the language used by both of these gentlemen in their importunity and solicitation, addressed to influential British subjects, that they would go to Canada and that they would try to prevent hostile collision between the people until the diplomatic authorities of the respective Governments could have some opportunity of providing the means for the smoothing out of these troubles. Mr. Webster wrote to President Fillmore as follows:

[Copied from volume 2 of Private Correspondence of Daniel Webster, page 539.]

Mr. Webster to Mr. Fillmore.

FRANKLIN, *July* 17, 1852.

MY DEAR SIR: The interruption of the usual occupation of our fishermen in the British provinces is a very serious business. I fear much difficulty may arise from it.

Following your suggestion to Mr. Hunter, I have prepared a paper which will appear in the newspapers in this part of the country immediately, and have directed its publication in Washington. I hope you will approve of it. If I felt well enough and strong enough I would proceed immediately to Washington, but I do not. I wrote to-day a letter to Mr. Crampton, a copy of which I now inclose to you. We shall be obliged, I am persuaded, to look up this business of the fisheries as well as the whole subject of the Canadian trade as matter of negotiation. Congress will never do anything. I will thank you, at your earliest convenience, to signify to me your wishes and your opinions.

I leave these mountains and valleys with great reluctance, but it seems to be necessary.

Yours, always truly,

DAN'L WEBSTER.

Mr. Webster thought, as Mr. Bayard and Mr. Cleveland afterwards thought, that he was obliged to look up the business of the fisheries as well as the whole subject of the Canadian trade as a matter of negotiation. There is Daniel Webster committed to negotiation in regard to the whole subject of Canadian trade, including the fisheries. Now let us see the letter Mr. Webster wrote on the same day to Mr. Crampton, the British minister:

Mr. Webster to Mr. Crampton, British minister at Washington.

FRANKLIN, *July* 17, 1852.

MY DEAR MR. CRAMPTON: The threatened interruption by force of that enjoyment of the fisheries which the fishing vessels of the United States have so long practiced and possessed without interruption or molestation is a serious affair and I fear full of danger. I wish to see you as soon as you can possibly come North.

If I am not in Boston, at the Revere House, please proceed immediately to Marshfield, bringing with you as many of your adjuncts as you please.

I have recommended to the President that we take up the whole subject of the fisheries and the Canada trade at once, as matters of negotiation.

You will see in the Boston papers of Monday an official publication by me. Is it not possible for you to prevail with the provincial authorities to institute no hostile proceedings against American fishing vessels till longer notice be given, and until you and I may have conferred together on the subject?

I am anxious to see you at once. On receipt of this inform me by telegraph when you can be in Boston.

I am, with great regard, yours, always truly,

DAN'L WEBSTER.

There it seems that Mr. Webster importuned Mr. Crampton, the British minister in this country at that time, to intervene in Canada and to prevent any hostile collision until he and Mr. Crampton, as the representatives of both Governments, could take up the fisheries question and all the questions concerning the trade between the United States and Canada and proceed to settle them by diplomatic arrangement, because, he said, "Congress will never do anything." What did he mean by that? He meant that Congress would not reduce, perhaps, the duties on fish, or Congress would not decree a reciprocal arrangement between Canada and the United States, and that he and Mr. Crampton, representing the two Governments in their diplomatic functions, would proceed to arrange the matter between the two Governments.

Mr. Bayard has been a good deal berated because he sought the assistance of some Canadian official of high authority—I forget his name—and asked him to see the Canadian people and to attempt to produce a state of mind among them which would be favorable to a peaceful and quiet settlement of this matter, rather than that they or we should resort to any harsh means for the composing of these very serious questions.

I have here a copy of a letter from Mr. James Macdonald, master of a ship, dated at Gloucester, July 21, 1885. The arrangement with Mr. West was made not long before that date. The treaty of Washington was terminated July 1, 1885, and the following letter was written July 21:

GLOUCESTER, *July* 21, 1885.

DEAR SIR: It is a custom among our fishing owners to name their vessels after distinguished men of our country, and believing from your first act as Secretary of State on the fishery question that this industry has found a friend that will sacrifice none of its interests, I have named my vessel the Thomas F. Bayard.

She is a fine schooner of 95 tons register, will cost $12,000, and will be employed exclusively in the fishing business, and, in my opinion, will be worthy of the honored name which she bears.

Yours, very respectfully,

JAMES MACDONALD, *Master.*

Hon. THOMAS F. BAYARD,
Secretary of State, Washington, D. C.

There is the master of a fishing schooner, within twenty days after Mr. Bayard had succeeded in extending the arrangement of 1871 to the close of the fishing season, understanding perhaps as well as either of the Senators from Massachusetts understand what was for the benefit of the fishermen in that section of the country, writing a note of thanks to Mr. Bayard, in which he says that his first act on the subject of the fisheries meets entire approbation and was of great benefit to the fishermen.

Mr. DAWES. What became of the ship?

Mr. MORGAN. I do not know how the ship fared.

Mr. DAWES. It got into difficulty.

Mr. MORGAN. I suppose so; very likely the ship got into difficulty. There is no trouble about getting up a difficulty with a ship in that country, but there is sometimes a good deal of trouble in determining who is in the wrong about it after all. I have no doubt, sir, that your men in New England and your party have already arranged to put ships in reach of those people in Newfoundland the very moment that this treaty shall fall in order that controversy shall spring up between Canada and the United States. Let us wait and see whether that is verified by the fact. I have no doubt of it. I have stated that several times on this floor and I believe it firmly.

I believe that this treaty will not have gone under, as it will go under, ten days until a demand will be made upon the President of the United States, if he should not have already anticipated it, to send men-of-war to those waters for the purpose of preventing breaches of the rights of Americans in that quarter. Whose fault it is to be is a matter that will be settled in the dim future. I do not know how far away, but perhaps by the time you reach the settlement of the question as to whose fault it is it will be as troublesome a question as was the question, who was responsible for the firing on Fort Sumter?

We had better try to learn something by the experience of the past, and when there is a door of invitation opened to a fair arrangement which can be so easily closed, when all the tendencies of this Administration and all the apparent tendencies of the British administration at the present time are in the direction of peace and tranquillity and good order in our associations, commercially and otherwise, we had better not bar the way in order to advance our political ends, but we had better give free course to the spirit of justice and equity and let it run. How long has it been since there was a contest between the Dominion authorities and an American ship over the fisheries question? How long has it been since anybody had a right to complain of any ill treatment there? Sir, it has been the length at least of the duration of this negotiation and quite a while before that. There was not a single seizure, as I remember, made in the year 1887. Not one has been made in the year 1888.

Mr. DAWES. Yes, they took a dory the other day.

Mr. MORGAN. I do not remember about a dory. The circumstances have not been reported, I think, to the Government. We have had no official account of it that I know of.

Mr. DAWES. But it is a fact. I do not know the merits.

Mr. MORGAN. No; the Senator does not know the merits. As a matter of course, if a dory was taken the dory was taken improperly or illegally.

Mr. FRYE. Probably it was taken for fishing illegally within the 3-mile limit.

Mr. MORGAN. It might be so; I do not know anything about it; but the broad statement is a true one, that during the year 1887 and the year 1888 we have had perfect quiet between our fishermen and those of the northeastern coast.

Mr. FRYE. Is it not apparent to the Senator why?

Mr. MORGAN. Well, let us see why.

Mr. FRYE. Because the Canadians are hoping to get this treaty ratified by the United States Senate, and they are behaving remarkably well.

Mr. MORGAN. Mr. President, it is easy enough for any man to

impeach the motives of another. It is easy enough for an American Senator to impeach the motives of the Canadian people. There is no difficulty about that; but a world sitting in judgment upon such voluntary and gratuitous accusations is not apt to come to a judgment without some evidence upon the subject.

Mr. DAWES. Will the Senator allow me a word?

Mr. MORGAN. If you wish to correct me or if you wish to make some inquiry about this matter.

Mr. DAWES. Yes, I would like to do so.

Mr. MORGAN. Very well.

Mr. DAWES. How long ago is it since the Senator said that he believed the North American fishermen of New England had vessels ready to be put in to violate the laws?

Mr. MORGAN. I said so about fifteen minutes ago.

Mr. DAWES. Who is it who imputes motives?

Mr. MORGAN. I impute motives from facts which have occurred heretofore. It was announced by way of prophecy on the floor of the Senate two years ago that collisions would occur, and they did occur.

Mr. DAWES. Now, will the Senator allow me one word more?

Mr. MORGAN. Yes.

Mr. DAWES. Is it any easier for one Senator to impute motives than it is for another?

Mr. MORGAN. It depends a good deal upon who the Senator is, I think.

Mr. FRYE. I should like to ask the Senator one question.

Mr. MORGAN. All right.

Mr. FRYE. Does the Senator remember that in a speech made the other day, or perhaps in this same speech, he charged upon the Yankees as a rule that they went about the whole country getting up mischief and creating trouble wherever they went, etc., etc.?

Mr. MORGAN. In a sort of semi-humorous way, and in reply to some strictures by the Senator from New Hampshire [Mr. CHANDLER], I took occasion to congratulate my country that the Almighty had put into the hearts of the Yankees an aversion to us, and that therefore they had not moved down among us. I spoke of New England Yankees especially, and said that they had not moved down among us. The Western men and the Middle States people have come and have found cordial welcome. And I said that in consequence of the absence of the down-east Yankees from our communities we had escaped a great deal of that harrowing and harassment which they had visited upon every country, I thought, throughout the United States.

Mr. HAWLEY. I should like to say one word.

Mr. DAWES. Nobody has complained of the Senator from Alabama as to his freedom in imputing motives. The only suggestion was that a man who is so free to do so should not complain of anybody else.

Mr. MORGAN. The same world stands in judgment upon my imputations that stands in judgment upon yours, and if you or I either bring forward an impeachment of a whole people without any justifiable ground the world will pronounce its judgment upon us. I am willing to stand upon history in respect to what I said jocularly about the Yankees, by way of retort upon the Senator from New Hampshire, who seemed to think that a man who came from the South, especially from Alabama, must be a very ignorant and a very low sort of person, a man who would whip the hide off a negro to get a little labor out of him, a man who would starve a negro for the purpose of getting money out of him, and the like of that.

Mr. HAWLEY. Will the Senator permit me a single observation?

Mr. MORGAN. I will.

Mr. HAWLEY. I do it partly in justice to himself. I can not think he means what he says when he speaks with such contempt of the enterprising men who have gone in to bless Alabama. Among the most prominent of those men are citizens of my own State, men of high ability, of great skill in business, who have carried large sums of money there and made some spots in that State blossom. The Shelby Iron Works, and the great works at Anniston and elsewhere, derive their capital and their skill from Connecticut citizens of the very highest character in every respect, and I know that the Senator thanks God every time a new one comes with half a million dollars to spend in Alabama.

Mr. MORGAN. There are exceptions to all rules, and some very distinguished ones in the State of Alabama. I know the gentlemen to whom the Senator refers. They are prominent and strong Democrats in my State, and have as great a contempt as I have for the pragmatical idea that is visited through the politicians of this country upon the balance of the world to compel them "to stand and deliver" and to work for the support of the men who, like the daughters of the horseleech, are forever crying, "Give, give." They have just as much contempt for that class of people as anybody ought to have.

Mr. HAWLEY. The Senator is mistaken, if he will pardon me, as to the politics of some of those gentlemen. They are regular contributors to the Republican campaign fund to my own personal knowledge, and besides, I would wager anything reasonable, if I were in the betting world, that the Senator could not get a single one of them to sneer at a Yankee.

Mr. MORGAN. May be not.

Mr. HAWLEY. I know not.

Mr. MORGAN. I sneer at those men who sneer at me. I have not escaped your sneers in this Chamber.

Mr. HAWLEY. You have not had mine personally.

Mr. MORGAN. Whenever you have had a chance to make an impression in favor of a political party the claims of which you wanted to advance, you have not hesitated to say that we on this side are rebel traitors, that we are men not to be trusted, that we are men who violated our oaths to attack the flag of the American Union, that we are men whose consciences are burdened with political sin, that we deserve to be hanged, and that we live in this world by your mercy and your grace. These things are on the recent records of the Senate; they are entirely fresh; the ink is not dry upon the type that printed them. I have in reply to say that you did not dare to hang any of us. You had Jeff Davis down there, and Horace Greeley went his bail, and the United States Government did not dare to bring that man to trial, because it would have turned out in the judicial opinion of the great jurists of the United States that he had not committed treason.

Mr. FRYE. Will the Senator allow me?

Mr. MORGAN. Of course, if we are to argue everything else over this fishery treaty. That has been the case all the time. Whenever the Senators on that side can get a chance to put something across the road so as to divert us or switch us off the track, they do not hesitate. When you are pursuing this proposition you have here to use the powers of the President of the United States and the powers of Congress in an indirect and an insincere way to prohibit the introduction of fresh fish into this country. When we get to that point in the discussion, if we pause you always commence talking about sneers and retaliation, and Yankees and slaveholders, and the like.

Mr. FRYE. Will the Senator allow me? While the Senator was making those somewhat severe charges he was looking at me. I beg him to remember that in all the course of this debate I have made no charge or insinuation of any kind against the Senator from Alabama. I am a full-blooded Yankee, and I do not know of any man on that side of the Senate for whom I have a more profound admiration than I have for the Senator from Alabama.

Mr. MORGAN. My eyes wander to the Senator from Maine, because I feel that they rest upon an honest and benevolent face. It is some relief to me to have that opportunity when looking on that side of the Chamber.

Now, if I am permitted, we will go on with this protocol. After the treaty was arranged and signed Mr. Chamberlain, Mr. West, and Mr. Tupper having endeavored to get Mr. Bayard to treat with them on the subject of a tariff on fish or reciprocity of trade between the United States and Canada, and having utterly failed to get him even to consider the question, for he barred it out of consideration absolutely, they then said: "We have a protocol which we desire to offer to you;" and it was presented. I shall read that protocol, and then I shall read what Mr. Bayard and our other negotiators, Mr. Putnam and Mr. Angell, said about it.

PROTOCOL.

The treaty having been signed the British plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a "*modus vivendi*" pending the ratification of the treaty:

1. For a period not exceeding two years from the present date the privilege of entering the bays and harbors of the Atlantic coasts of Canada and Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of $1.50 per ton, for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, etc.), the said licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom-house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offenses of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the colonial authorities.

J. CHAMBERLAIN.
L. S. SACKVILLE WEST.
CHARLES TUPPER.

WASHINGTON, *February* 15, 1888.

Now, there was a protocol in response to that, signed by Mr. Bayard, Mr. Putnam, and Mr. Angell, as follows:

PROTOCOL.

The American plenipotentiaries having received the communication of the British plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the treaty this day signed, and the enactment of the legislation by the respective governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British plenipotentiaries, by the means referred to, to maintain the relations of

good neighborhood between the British possessions in North America and the United States; and they will convey the communication of the British plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the treaty, when the latter is submitted to that body for ratification.

T. F. BAYARD.
WILLIAM L. PUTNAM.
JAMES B. ANGELL.

WASHINGTON, *February* 15, 1888.

It will be alleged, as a matter of course, that this overture for the granting of these rights for two years to the fishermen of the United States was made for a purpose and to secure the interests of Great Britain. Mr. President, I think we have all of us lived long enough to understand that governments do not act upon mere sentiment. I do not know any arrangement between governments that does not concern their own material interests as well as the interests and welfare of those with whom they negotiate or treat.

But what is the interest that Great Britain is trying to advance here? She is trying to advance the interest of an increased commerce. She is trying to get our commerce back to that stage which was so splendidly represented here in debate the other day by the Senator from Delaware [Mr. GRAY], as it existed under the treaty of 1871, when the commerce between the two countries grew to a sum equal to or in excess, I believe, of $60,000,000 annually. Great Britain is a commercial nation, the United States is one, and whatever increases the inflow and outflow of commerce from both of these countries must, of course, enrich their people and give them advantages without which they could scarcely get along so well as they can with them.

I do not suppose that the day will ever arrive when commerce between the United States and Canada can be suspended absolutely. In looking forward to the rejection of this treaty and to the execution of the act of 1887 for retaliation; in trying to realize in advance what will occur when the treaty is gone, when the *modus vivendi* included in this protocol has gone, and when the act of 1887 goes into full play and operation, and as a result of it a proclamation of non-intercourse between Canada and the United States is made, as the President intimates, a general proclamation of non-intercourse, one that will rest alike upon the people of the United States as a great body of national citizenship—when we try to forecast what will be the effect of our action in that day, we see that it must necessarily be one of great stringency upon our markets, of great disturbance in the channels of commerce, and interruption of social and other intercourse between the people of the two countries.

How long can that last? Sir, the strongest administration that ever existed in the United States of America could not keep it up for four years. If you should proclaim non-intercourse between Canada and Great Britain, general or special, you would not be able to maintain it for four years' time with all the power that the strongest administration ever possessed in a political sense. When the time of relaxation came, when the time of agreement arrived, where will we then be? We will then be in a mood and in a condition to treat, to negotiate, and we will come back right to the point that we are at now, a negotiation; but the circumstances under which we will reach that ground will have been so seriously changed that it is scarcely likely we could ever restore reciprocal commercial trade and the freedom of commercial relations between Canada and the people of the United States. Sir, it would be a damper thrown upon the relations of these two countries which is bound to work evil against us.

I hold that in treating with Great Britain for the friendly arrangement of this very peculiar interest we have with her people in the joint right of fishery upon their coasts, whatever advance we can make in that direction is so much gained. If we can not go the whole length we desire this year, perhaps we can go the whole length next year, and when those people have realized, as our people to-day are realizing, that in consequence of liberal arrangements of a commercial character between the two countries there is to follow a growth of trade and intercourse between the different peoples, they will press upon their governments on both sides of the line to make that intercourse more and more liberal, and instead of acting and reacting upon each other, with crimination and recrimination prevailing as the sentiment of accusation between the people, instead of our retrograding to a lower plane of commercial and social intercourse with those people, we shall be making a continual advance to the front.

Mr. President, that is a situation and temper and disposition that this *modus vivendi* is encouraging to-day, and if we shall come back here next December, having agreed that we will consider the treaty at that time, we shall find ourselves in a much better situation to come to some arrangement with the British Government about this matter, which can never be conducted except under a fair arrangement.

Sir, it would challenge the power of the greatest man, though he might be an autocrat and might be able to put every law upon the statute-book he chose to write; it would challenge the powers of the greatest man who ever lived in this world to conduct the relations of this joint fishery between the people of the United States and the people of Canada otherwise than by consentive arrangement between the two peoples. Can we do it by standing off at arm's length, by blow delivered in reply to blow, and exasperation increasing with every struggle between the parties, instead of undertaking to reconcile and compose these difficulties and keep the countries in proper relations and position towards each other by these belligerent means, for they are nothing less? We shall find ourselves compelled at last to resort to negotiation, and I believe that if we would now accept what has been done and step forward in this movement, we would find ourselves entirely satisfied, our people free from harassment and from difficulty upon the subject of this vexed fishery controversy, and peace and prosperity would reign in both countries.

I do not propose to-day, Mr. President, to discuss the merits of the treaty. I have never indulged in any argument upon that question, my purpose having been to try to meet the extraneous matters, the outside questions which have been lugged into this debate and into the report of the majority of the Committee on Foreign Relations unnecessarily, to try to dispose of them as far as I was able to do by argumentation, or at least to state my views in regard to them before we come to the specific articles of the treaty. The field as covered by those specific articles will be found, I think, not to be a very broad one, and I think the argument upon them will be comparatively very brief, but I can not forbear to call the attention of the Senate this morning to one of the questions which enter into the consideration of the treaty articles themselves to some extent, but which is also a question that bears upon the particular motion now before the Senate to postpone the further consideration of the treaty until December. I ask the Secretary to read an extract from a paper that I send to the desk.

The Chief Clerk read as follows:

MORE TROUBLE ABOUT FISH—WILL RHODE ISLAND AND MASSACHUSETTS ENTER INTO A TREATY?

[New Bedford dispatch in the Providence Journal, August 1.]

Rhode Island fishing steamers will probably be more careful in future about fishing in the waters about here. Several steamers have visited Buzzard's Bay in the past few months and have been very bold about fishing. Such fishing is in violation of an act of the Legislature, approved May 6, 1886, entitled "An act for the protection of the fisheries in Buzzard's Bay." The steamer Cora P. White, of Newport, R. I., came into the lower bay last week and set her nets, getting, it is said, a good catch of menhaden. On Monday the steamer Seaconnet, of Portsmouth, R. I., was fishing in the bay. The steamers have been in the habit of coming up to the wharves at night, and even selling their catch for bait. The fishing began to attract attention, and yesterday when police officer Sisson saw a steamer hauling in menhaden in the upper harbor he reported the matter to Judge Borden of the third district court. By direction of the judge he went to the chief of police and procured a letter cautioning fishermen against taking menhaden. Tuesday evening the officer went on board the Cora P. White, and showed the captain the letter. The captain claimed that his United States license gave him the right to fish in Buzzard's Bay and declared he should fish again to-day, as the matter might as well be tested now as any time. The officer threatened the captain with arrest if he should try to fish again, but the captain was still defiant. Early this morning the police officer went to the lower bay in a yacht, and at 4.30 p. m. the Cora P. White got up steam and seemed to be getting ready for business. The captain, however, saw the officer's boat and at once left the bay at full speed.

Steamer Fannie Sprague, from Narragansett Bay, arrived in port Tuesday for the purpose of fishing, but finding detectives were about she sailed to-day.

Mr. MORGAN. If that was a controversy between Canadians and the people of the United States we should have the drums of the militia beating over this country very intensely; but it is a controversy between Rhode Island and Massachusetts. It is a controversy about what? Whether a Rhode Island fisherman shall go into Buzzard's Bay, Massachusetts, and fish for menhaden, and having caught menhaden whether he shall have the impudence to go up to their wharf and sell the menhaden for bait. Do you not see how between the State sovereignties in the United States questions grow up precisely as they do between the United States and Great Britain in relation to fishing rights?

If you will examine the statutes of the different seaboard States in this country you will find a number of the same sort that I now read from chapter 192 of the acts of the Commonwealth of Massachusetts for the year 1886, two years ago:

SECTION 1. No person shall draw, set, stretch, or use any drag-net, set-net, or gill-net, purse or sweep seine of any kind for taking fish anywhere in the waters of Buzzard's Bay within the jurisdiction of this Commonwealth nor in any harbor, cove or bight of said bay except as hereinafter provided.

SEC. 2. Any net or seine used in violation of any provision of this act, together with any boat, craft, or fishing apparatus employed in such illegal use, and all fish found therewith, shall be forfeited; and it shall be lawful for any inhabitant or inhabitants of any town bordering on said bay to seize and detain, not exceeding forty-eight hours, any net or seine found in use contrary to the provisions of this act, and any boat, craft, fishing apparatus, and fish found therewith, to the end that the same may be seized and libeled if need be by due process of law.

SEC. 3. All nets and seines in actual use, set or stretched in the waters aforesaid in violation of this act, are declared to be common nuisance.

SEC. 4. Nothing contained in this act shall be construed to interfere with the corporate rights of any fishing company located on said bay nor in any way to affect the fish-weirs mentioned in section 70 of chapter 91 of the public statutes, nor the use of nets or seines in lawful fisheries for shad or alewives in influent streams of said bay, nor to the use of set-nets or gill-nets in the waters of the town of Fairhaven within a line drawn from Commorant Rock southwesterly to the buoy on West Island Rips, and from thence westerly in a straight course through the buoy on West Island Ledge to the town line of Fairhaven.

SEC. 5. Whoever violates any provision of this act or aids or assists in violating the same shall pay a fine not exceeding $200 for each offense.

SEC. 6. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offenses and proceedings under the provisions of this act.

SEC. 7. All fines received under this act shall be paid one-half to the complainant and the other half to the Commonwealth. All moneys from any forfeitures incurred under this act shall inure and be paid one-fourth to the informer and one-fourth to the person filing the libel and the other half to the Commonwealth.

This is an act which the State of Massachusetts passed in 1886 for the protection of her fisheries. There is no doubt at all about her having a right to pass it, but let us consider its application to the people of Rhode Island who have gone in there and set their nets and drawn their seines and caught menhaden. It is claimed by the State of Massachusetts that they had not any right to do so; that that fishery right belonged to the people of Massachusetts and not to the people of Rhode Island; and although we are citizens of a common country and united under a common Federal Constitution, yet that does not give the people of Rhode Island the right to go into Massachusetts and in Buzzard's Bay to interfere and catch fish there the property of the State of Massachusetts.

So these difficulties arise, these controversies find their way into courts, this libel proceeding is instituted mentioned in the newspaper slip which has just been read, and when they come, if the vessels or the seines are condemned, or if the men who are concerned in the fishing are condemned, a fine not exceeding $200 is to be imposed for each offense, and all fines received under the act shall be paid one-half to the complainant and the other half to the Commonwealth.

Mr. President, there has been a great deal of argumentation here against colonial laws, and the Committee on Foreign Relations in their majority report declaim against the laws of Newfoundland, Nova Scotia, and New Brunswick because, in the libel proceedings which are to be conducted there against foreigners, Frenchmen and Americans alike, for fishing, contrary to treaty right or contrary to statute, within their waters, a portion of the sum, I believe it is one-half, is to go to the informer. Yet Massachusetts repeats that same provision of law and enforces it against the citizens of Rhode Island about the same subject.

I suppose it is too late in this era of enlightenment, Christianity, and moral elevation to expect a State or a people to have any consistency of conduct, and that we have a perfect right to get up on the floor of the Senate and declaim against a foreign government for doing precisely what our own States do. Still I have not been educated up to that standard. It still grates on me. I am sorry that I am so constituted as that these things still rub and irritate. It causes me to apprehend that perhaps there is a want of sincerity somewhere, in the Legislature or somewhere else, when men living in houses so well glazed as these are should take up the regular profession of throwing stones.

That law of Massachusetts applies to a Canadian fishing there. It would have applied under the treaty of 1871 as well as it applies now. Nobody doubts the right of Massachusetts to enact that statute. How extensive is it? It covers the whole waters of Buzzard's Bay. How wide is that bay at the mouth? I do not know but that it is 8 or 10 miles wide.

Suppose under the treaty of 1871 a British or Canadian vessel had come down there to fish under the privileges which the Republicans gave to them in that year, and had encountered a statute, as she would have encountered statutes all along that coast just as formidable as the one I have read, of the State of Massachusetts, what would have become of that vessel? When we speak of extending rights of reciprocity to the Canadian fishermen we confine ourselves in our debates to that sort of reciprocity which is provided by the laws of the United States, not paying the slightest attention to the fact that the States themselves under our constitutional system of government have the right to pass laws of just the character I have read, and to punish men, and punish them severely, with the forfeiture of property, besides a fine not exceeding $200, one-half to go to the informer, for venturing to go into their bays and fish there contrary to their statutes, their local laws.

What do you suppose the people of Massachusetts would have done with those twenty-one ships that ran into Fortune Bay if they had come into a bay of Massachusetts—say into Boston Harbor—and cast their nets about in that bay on a Sunday morning? Why, sir, the whole atmosphere would have been blue with Presbyterian swearing against such a violation of the Sabbath as that. There would have been no end of indignation.

Mr. FRYE. Boston is a Unitarian city.

Mr. MORGAN. Well, there are enough Presbyterians there to salt it. I speak of it as a Presbyterian community because I have the greatest possible respect for that denomination, for they always stand up for what they say and act out their principles. So I think it would have made a Presbyterian elder swear until his hair curled on his head if he had seen twenty-one ships in Boston Bay fishing there—catching the big blackfish that run in there, or the menhaden that run in sometimes accidentally, and even the mackerel that once in a while lose their way and find themselves in Boston Harbor.

Mr. DAWES. They might be obliged to pay for it afterward.

Mr. MORGAN. When we come to apply the doctrines of law to other people it is well enough for us to understand how far we admit that we are subject to the doctrines of the same law on our part.

Now, the statutes of the United States are referred to here as giving to the fishermen of Great Britain or of Canada large privileges and liberties on our coasts. According to my reading, that is a very badly mistaken interpretation of our laws. I will read one of our statutes to see the character of some of the privileges that we say we confer upon the fishermen of Great Britain or of Canada:

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within 3 leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of $500, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

What does that mean? What kind of vessel is that? It must be a vessel licensed for carrying on the fisheries. Does that mean American vessels? Foreign vessels licensed to carry on fishing would be in the same category. If found within 9 miles ("3 leagues") of the coast of the United States with merchandise of foreign growth or manufacture exceeding the value of $500 without having such permission as is provided by the preceding section of the law, such vessel, together with the merchandise of foreign growth or manufacture imported therein, should be subject to seizure and forfeiture.

The preceding section, No. 4364, is as follows:

SEC. 4364. Whenever any vessel licensed for carrying on the fishery is intended to touch and trade at any foreign port it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be previous to her departure, and the master of every such vessel shall deliver like manifests and make like enteries, both of the vessel and of the merchandise on board, within the same time and under the same penalty as are by law provided for vessels of the United States arriving from a foreign port.

And then if such vessels are found within 9 miles of the coast with more than $500 of foreign products on board they are liable to forfeiture.

Now, if we give to such ships a right to touch and trade in foreign ports, and they give to their ships the right to touch and trade in our ports, how do they escape, or how do we escape the burden of that statute on them? How do they escape the burden of that statute if they are found within 9 miles of our coast with more than $500 worth of property on board? They, according to law, shall be liable to forfeiture.

We talk a great deal about demanding for our fishermen the same liberties that we give to Canadian fishermen. And yet when we come to admeasure, as I propose to do at some hour in this debate, the rights and privileges and the liberties given by our statutes to Canadian fishermen along our coast, we will find that they are the most meager allowance possible, and that we have actually enjoyed, and I do not know but as matter of consent, as large liberties for years in trading upon their coast as they have enjoyed or are entitled to enjoy under our own statute. The barbarism of these statutes of Canada has been frequently spoken of, and doubtless some of them have been very harsh, but the Senator from Delaware [Mr. GRAY] has called attention to the fact that our own system of commercial relations, especially as applicable to fishermen, is just as barbarous as any laws in the world. The truth is that these laws of commerce are in their nature barbarous. I mean by that that they are severe.

What means that statute of the United States that authorizes the captain of a revenue cutter to go 12 miles to sea and board a vessel destined to an American port and examine the whole of her cargo, her manifest, and all that is in that ship, to take possession of the cabin, examine the goods in the captain's apartments and those of other officers, take charge of the ship, take it into custody and remain on board, taking the virtual command of her until that ship is landed at the wharf of the port to which she is destined? Now, what is the meaning of all that?

That is our statute, plain and necessary. Why is it necessary? Because stringent—yes, even barbarous—laws have been found necessary throughout all the ages of commercial civilization for the purpose of preventing smuggling from one country into another; for the purpose of preventing evasions of the revenue laws and the bringing in of matters that are contraband and not importable.

We should find on looking through our statutes, as I propose at some time to do during this debate, that we have not got a system that is quite as liberal as the views that are stated by Senators on this floor. On the contrary we have—and it is necessary that we should have—a very arbitrary and very severe system of inspection, as well as a system giving us rights of seizure of ships that are approaching our ports for any breach of customs regulations.

Let some of the learned jurists and publicists who have been discussing this question of the 3-mile fringe with so much of ability and research, running back into the lore of ancient days to find illustrations about what that law means and how it had its origin and what sort of jurisdiction it confers on the United States—let them now explain to the wide world how it was that when we came to fix the border line between Mexico and the United States we went 10 miles into the sea from Brazos Island and there fixed the termination of the line. What right had Mexico and the United States 10 miles from the shore, out in the depths of the Gulf of Mexico, planning a division line between Mexico and the United States and settling it at that distance from shore?

Where was our jurisdiction to do that? When it stands us in need or becomes convenient or agreeable to us to extend our jurisdiction into the high seas, it makes no difference who interferes with us, we take occasion to do it.

These controversies in question, Mr. President, do not apply alone to the Atlantic coast. While the Senate of the United States is settling its doctrine upon questions of this kind, it is just as well to cast your

eye across the continent to waters lying opposite to Alaska and around it, and the waters that wash the shores of Washington Territory and the British possessions there, that lie between the two. For, sir, the principles of public law and the administration of public law that we apply to these fisheries on this side of this continent find their way across the continent to the western waters, and they will be there to plague us when we come to settle other questions of far greater magnitude than those that concern the Atlantic fisheries.

Now, Mr. President, I shall conclude what I have to say on this motion—the motion to postpone until December. I have advanced every argument on this subject that has presented itself to me, and I have felt in duty bound to do it because it has occurred to me that the Senate is not in that temper of mind just now in which it can treat with judicial fairness these very important and intricate questions that are up for decision.

The results of our work upon this treaty will reach down among generations of Americans yet unborn. What we are doing here now must affect the destiny of this country for a great many years to come; for it turns out that we are not merely arranging, temporarily, matters that concern the intercourse between two great countries, but we are laying down principles of diplomatic association, we are laying down principles of general public law which will be appealed to as final and conclusive authority upon this question when we are dead and in our graves for perhaps a century.

Mr. President, I would as soon expect of the Supreme Court of the United States—and I would sooner expect of that court—to render a deliberate, cool, and satisfactory judgment in a matter where every judge on the bench was interested to the amount of a million dollars in property, in litigation, if such a case could be supposed, as to expect the Senate of the United States will be impartial when the behests of parties stand in front of both sides of this Chamber and cause us to make every speech we deliver here, and every motion that is voted upon, and every fact stated, more with reference to a pending political campaign than to the grave questions that are now pending. Just as well might you expect to get an honest, reliable, and satisfactory judgment from a court where the judges were interested pro and con to an amount of a million dollars in the judgment that they are to render, as to expect the Senate of the United States or any other body of men in this country to be able to deliver a cool, quiet, and impartial judgment in the midst of the prevalence of the hot passions of a great political campaign.

I do regret, sir, most sincerely, that the consideration of this question has been brought before the American people at this time; I regret it very deeply, but it is here. It came, I know, without the expectation of its exciting political animosities, or dividing this country upon the lines of the political organizations that are now battling again for the supremacy in the executive government. Still that does not relieve the case of its misfortune. It is a matter that ought to be postponed for our own good and our own credit, for when the Senate of the United States pronounces final judgment upon this matter, those men who are to follow us, in these seats that we now occupy, during the coming generations ought to be able to say, "The wisdom of the Senate was coolly and impartially exercised in the annunciation of the doctrines of that treaty which led to its ratification, and there was no disturbing cause there to influence the molding of the judgment of the Senate by temporary considerations, and to meet temporary emergencies."

Mr. MITCHELL. Will the Senator from Alabama allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator yield?

Mr. MORGAN. Yes.

Mr. MITCHELL. If this is not a proper subject to be discussed on the eve of a Presidential campaign, why is it that the President of the United States put it on the Senate and on the country on the eve of a Presidential campaign, with the request that it should be made public?

Mr. MORGAN. Because he was an honest, brave, and sincere man, that had confidence in the integrity of his countrymen—a man who believed that he could submit to the Senate of the United States a great treaty like this, a great question like this, without the slightest apprehension that it would be taken and dragged off into the dark secrecy of a party caucus and there fixed and shaped as a man might be prepared to shape a coffin for the burial of his victim.

Mr. MITCHELL. In the first place it was not in the caucus, and in the second place——

Mr. MORGAN. Oh, the Senator can deny that this treaty ever got into a caucus as much as he pleases, but to convince us he has got to revoke what we know. He can not disprove it to our satisfaction. The record is made on that. No, sir, the President of the United States had no idea when he brought this subject to the attention of Senators who are sworn negotiators in this case that the power of party politics would be able to carry it off into the secret conclave of a party caucus, there to have a decree pronounced which there is not liberty enough in the Senate to resist, and which doomed the treaty to destruction.

But this election will pass away, Mr. President; this event will be gone after awhile, and then some of the Senators who thus provoke the indignation of the people will be crying out for the rocks and the mountains to fall on them. This condition of things will not last long. My motion furnishes an opportunity to tide this question over until this unfortunate phase of public opinion and public heat shall have disappeared. But we have to confront it, and I know the doom of the treaty; I know the doom of the motion that I make here today. I know that the political party which in its utter desperation is clutching at every straw that floats upon the surface is engaged here this very hour, using the great powers of the Senate of the United States and its hitherto splendid influence, to drag this country back into the possession of that party that has made this treaty necessary by their act of 1883 repealing the duty on fish and by their treaty of 1871 giving five and a half million dollars as purchase-money for ten years' peace rather than to meet like men the questions that were then just the same that they are this day—just precisely the same.

The people of the United States are not apt, I think, to be very seriously deceived about this matter. And yet, Mr. President, I confess the subject weighs upon my mind with great apprehension, because I see opportunities of evil growing out of it and no good to come. Why is this treaty to be destroyed this day or this week? What harm would it do to the country to let it stand until December? What harm has it done since this discussion began? Who will be the worse off for it if it should live until December and then fall beneath your knife? What wrong or injustice does it inflict upon any human being? Why must the sacrifice be made now? Whose demand is it that requires that this subject shall now be disposed of, while no American citizen can trace to its death any single benefit or advantage?

But for the command of your party this immolation would not take place; but for the ruling of that caucus this treaty would live until December, and take its place along with that other one which you were afraid to bring to the attention of the country at this time, the treaty of extradition—it would pass over like that until December, as we are informed by the Senator from Virginia; I do not speak of it as information that I have a right to utter, but I quote that Senator for the fact. No, sir; it makes no difference what may be the importance and weight of the question, the treaty is not allowed to stand for one moment in the way of the supposed necessities of party rule.

However strongly this present situation appealed to the pure and lofty mind of Daniel Webster, and the no less pure and lofty mind of Edward Everett, or to the sagacious and magnificent mind of William H. Seward, or the strong, earnest, manly, brave, and patriotic mind of Ulysses S. Grant—however strongly the principles that are incorporated in this treaty, and improved upon beyond anything that was ever attempted before in our negotiation, appealed to the judgment and satisfied the consciences of those great men, the politician in this hour who has not the courage to stand against the will of some of his political managers comes into this Senate and decrees the death of a treaty that Edward Everett or Ulysses S. Grant or Daniel Webster would have been glad to have affixed their signatures to, and would have rightfully claimed that it was one of the chief honors of their lives.

I now yield the floor, Mr. President, on this question, on which I expect I shall have nothing further to say.

Mr. GEORGE. Before the Senator from Alabama takes his seat I should like to ask him a question.

Mr. MORGAN. Very well.

Mr. GEORGE. I would like to ask the Senator from Alabama if there is not a *modus vivendi* provided for in the protocol to the treaty which is of value to the fisheries, and which would fall with the rejection of the treaty?

Mr. MORGAN. Why, I suppose, of course, it would fall. The treaty itself is the only support that the *modus vivendi* has, as I understand it. The *modus vivendi* is called a protocol, and is offered as a protocol to a treaty.

Mr. GEORGE. So that any advantages that would come to our fishermen under that protocol to a treaty that we seem to be in haste to reject would be lost by the rejection of the treaty?

Mr. MORGAN. If the Senator from Mississippi will indulge me a moment, I think it is for the reason that the protocol is proving the value of the treaty every day that Senators are in great haste to get rid of it, for fear that by December the testimony would be so strong that they could not withstand the effect of the treaty. That is my judgment about it. Perhaps I am mistaken. But if I wanted to defeat this treaty, the first work I should commence would be to dig a mine beneath the protocol and overthrow that, for every hour that it has lasted and every hour that it will last will prove more and more satisfactory to the fishermen and to the American people. It will prove more and more that it is a wise and excellent arrangement, and one that will bring peace and satisfaction to the people both of Canada and of the United States.

Mr. TELLER. Before the Senator from Alabama leaves the Chamber I desire to call his attention to a statement made by him yesterday which I sought then an opportunity to correct, or at least to ask him for his authority, which he declined to allow me to do.

I find that the Senator used yesterday this language, when speaking in reference to the speech of the Senator from New Hampshire [Mr. CHANDLER]:

If that had occurred to the Senator from New Hampshire when he was a mem-

ber of the Presidential Cabinet during which these very evils and wrongs were perpetrated as flagrantly as they have been during Cleveland's administration, if that idea had occurred to him then in the plenitude of his patriotic love of country, I suppose that that Senator would have been in St. Elizabeth's by this time through the pressure upon his brain of the terrific neglect with which he had treated the great affairs of this American Union, for he and all his colleagues were as dumb as oysters about these things. The old offenses and the new, this long category, which I grant you has been unredressed through many varying administrations of the Government of the United States, this long category which has oftentimes been condoned by purchases of a very expensive nature made by our people was smoothly passed over by this alert administration of which that Senator was a member. These gentlemen now proclaim from the house-tops to the world the delinquencies of everybody, forgetting that they themselves were the chief delinquents. What did they do or even attempt while in the Executive Departments to assert the rights or redress the wrongs of our fishermen?

I think it is only fair that I should give the Senator from Alabama an opportunity to show what wrongs were committed upon our fishermen at that time before I comment on that very remarkable statement.

Mr. MORGAN. The wrongs that are unredressed and unrequited since 1818 and which are set forth in the report of the minority of the committee, and also in the speech of the Senator from Massachusetts—wrongs that were accumulated, unrequited, unredressed, and almost without protestation from anybody, remained until this present Administration came in, as far as I have been informed, and were passed over with perfect quietude after Mr. Adams got through, in 1823, making his protestations against the seizure of the Reindeer, the Ruby, and the schooner Charles.

Mr. TELLER. Oh, Mr. President, then the Senator goes back to 1823. The statement that he made to the Senate and to the country——

Mr. MORGAN. If the Senator wishes to put limitations upon it, of course he is at liberty to do so.

Mr. TELLER. The statement which the Senator made to the Senate and to the country was that these outrages had been perpetrated under the late administration, that is, within the last eight years.

Now, Mr. President, I assert, not only from the recollection of my connection with the last administration, but from a careful examination of the diplomatic correspondence, that there is not a word of truth in that statement. I do not mean to be offensive, but a charge against an administration that it had quietly and without protest allowed outrages of so serious a character as these should not be made when there is not the slightest evidence for it.

During that administration, Mr. President, there never was a seizure of a single American vessel for a violation of the treaty of 1818—not one. During the preceding administration there was a seizure of no vessel for a violation of the treaty of 1818. The Fortune Bay affair, that has been discussed here so much, was promptly met by the then Secretary of State, and Great Britain was compelled to contribute to the payment of the damage that those men had suffered, not a single one of whom, however, had been taken into custody by the British Government.

Since this Administration came into power there have been more than four hundred vessels seized and taken out of their course and subjected to expense and cost. More than two thousand vessels have been boarded by Canadian and British authorities. The flag has been hauled down, and no apology has ever been made for it—no apology that is decent or fit for a government to receive. The Senator from Alabama would have it understood that the late Administration was guilty of neglecting the interests of the people, as the present Administration has been guilty of neglecting the interests of the people in this particular.

I want to put it upon record, Mr. President, that the Senator, although he has left the Chamber, will not say here or elsewhere, nor will any of his associates, that during the four years of Republican administration preceding this there was a single attempt made on the part of the Canadians to take any of our vessels into port and to condemn them—not one.

Mr. GEORGE. I desire to ask the Senator from Colorado a question.

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly, I yield to the Senator.

Mr. GEORGE. I desire to ask the Senator this: Was not a treaty in force during the whole of the preceding administration?

Mr. TELLER. Of course it was.

Mr. GEORGE. A treaty which allowed the fishing vessels of the United States free fishery rights in the waters of Canada?

Mr. TELLER. Of course it was in force. There is not any doubt about that. That is why, I suppose, there were not any outrages and that is why there is not any truth in the statement here made. The Senator from Alabama made the same statement when he referred to myself and my connection with the Administration, that I had not raised objection or found any fault with these outrages. No outrages occurred, Mr. President, and nobody ought to know it better than the Senator from Alabama. To say that he referred to the outrages of 1823 and the subsequent outrages is not consistent with the language that he used.

I do not desire to say anything improper toward the Senator from Alabama. He declared yesterday that he was one of the most patriotic men in the Union. I concede it; I have never questioned his patriotism; I have never questioned the patriotism of his associates here. I have denied their right to assert that they had all the patriotism that there was in the American Senate, and I have asserted that because they have been in rebellion against the Government, because they have fought to destroy the Government, it did not follow that they were more loyal to the Government now than I, who was always loyal to it. I do not think it is absolutely necessary in order that a man may be loyal to the Government that he should have fought on our side, and it certainly does not follow that he is loyal simply because he fought on the other side.

A great many American citizens like myself did not enter the Army, but during all the time of that great contest we were found in sympathy with the Government, contributing to its support, maintaining its credit, and assisting it in all varieties of ways. All our sympathies and hopes and aspirations were bound up in it, while the Senator from Alabama was praying for its destruction, and not only praying, Mr. President, but he was laboring for it. And he tells us here to-day that when the war was over we did not dare to punish treason.

I was one of the men weak enough to believe that if we had to live with these people as fellow-citizens it was not well that we should commence punishing them for the treason of which they had been guilty. I was one of the great number and of the great mass of Northern people who said, "You have been guilty of crimes of great magnitude. By the laws that govern transactions of this character you are amenable to punishment, even unto death. But we do not believe that punishment of that kind makes treason any more odious, or gives any greater guaranties that it will not occur again." And we said, with one accord, with one voice, "We want no punishment save that which you have inflicted upon yourselves; you will have to help us to bear the great debt which you have put upon the country." We opened the doors, Mr. President, to these men, with few exceptions, without any exception when they came here and prayed for relief. We said they might come back; and to-day we are told that this great munificent and magnificent charity, unlike anything seen in the history of men, grew out of the cowardice of the Northern people! Why, Mr. President, a drum-head court-martial was the way to punish these men, if we punished them at all. To talk about going into court, and that we were afraid that the judiciary was not sound as to the right of a State to secede, is bosh, and the Senator from Alabama and everybody else knows it. They were not entitled to a civil trial. They had been caught in arms against the Government, and they might have been hung without a jury in accordance with a law that runs everywhere among civilized and even among merciful and charitable people.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. GEORGE. I mean to say that in no civilized country, where there is a civil war—certainly in no Anglo-Saxon country where there is a civil war—in which men are captured in arms against the Government, are they liable to be tried for treason against the Government except in a civil court. They may be tried by military tribunals for acts done while they are in arms which are in violation of the rules of war, but they can not be tried, if I have not misread the history of this country and of England, for the crime of treason by any but a civil court.

Mr. TELLER. The Senator from Mississippi simply exhibits his lack of reading. There was not a man that had carried a musket, there was not a man that had ridden a horse as an officer in the rebellion who had not committed a crime for which he could have been punished under the military law—not a single one. The Government declined to do it, and rightfully in my judgment, for while it might have struck terror among the people to have executed the leaders, including the head of the Confederacy and the men who led the masses into rebellion, the Government of the United States could not hope or expect, if it was to maintain its status as a nation undivided, to do so except by the love and the good-will of all the people, and it did not propose by terrorism or by punishment to hold these States to itself; but hoped to hold them by loving fellowship and by the blessings that it could hold out to them of a great and united people.

It was with that hope and in that spirit, Mr. President, that we said, "Come back," and it was not because we were cowards. Why, what had we to fear? We had the grandest army that the world ever saw, led by the grandest leaders that history has ever mentioned. And we had then, if we had it not before, the sympathy of the civilized world. What had we to fear? As the Senator from Massachusetts to my left [Mr. DAWES] suggests, we had to feed the armies of the Confederacy to keep them from starving when they surrendered, and it was our great captain who said to them, "Take your horses and go home; you will need them to put in your spring crops"—contraband of war that every other nation in the world would have taken from them, being thus returned to them. Was that cowardice on the part of General Grant? Ah, Mr. President, it does not come with good grace from a Senator who owes his position here to the clemency and to the mercy of the Northern people and of the Government to talk about cowardice and that we were afraid to punish them as civilized nations have again and again punished rebellion.

I do not assert and have not asserted anywhere that the Senators sitting on that side of the Chamber who were in arms against the Government are not loyal to it now. But I deny their right to stand here and charge that because I differ with them I am not loyal to it, as loyal as they, or that my associates sitting here are not as loyal as they. I deny that there is anything in the history of a single member on that side, personal or political, that justifies him in proclaiming that he has greater devotion to the interests of the whole people than I have or than my associates have.

The Senator from Alabama says the people of the North are not to be fooled and that the country is not to be fooled. He will find that all this ranting about loyalty and devotion on his side and the lack of it on ours will "fool" nobody in this country.

We used to hear this talk before the war. We used to hear gentlemen talk about devotion to the Constitution, and because we did not want slavery to be carried to the Territories we were charged with want of devotion to the Constitution. Within a few months after these declarations were made on this floor and elsewhere the gentlemen making them were in arms against the Government; men sitting in this Chamber and in the other House, men holding high official position, were plotting against the Government while they were drawing its pay and while they were under oath to serve it with fidelity and with zeal.

It is time, Mr. President, that this thing was stopped. We did not begin it on this side of the Chamber; we have imputed no lack of patriotism to gentlemen on the other side. We have not talked even about the war. It is the Democratic Senators who have introduced this subject, and they expect that we shall sit quietly by and hear it said that there is a merit in their having gone into rebellion because they were honest. Granted that they were honest, it was certainly a mistaken honesty, as they now admit. It did not rise to the height of statesmanship when they led off into rebellion to destroy this Government. It must have been that they were grossly ignorant of the great strength of the American people, as they were ignorant of the Northern sentiment, which they believed was so bound up in trade that the Northern people would quietly yield rather than disturb the commerce of the country.

But when they heard the tramp of more than two millions of men, when they felt the strong arm of the law, when they were compelled to meekly surrender, they were ready to accept what we would give; they did not expect the terms they got. It has been repeatedly declared by leading men of the Confederacy that they did not expect those terms, and there are men now sitting in this Chamber who were so confident that the Government would measure off to them their just deserts that they fled the country and went to foreign lands. Yet we are told that we did not dare to inflict punishment upon them. If there is anything that will make the Northern people at times think that we were mistaken in our terms given to those men upon that occasion, it is declarations like that made by the Senator from Alabama.

I do not intend, Mr. President, to enter into any discussion of this treaty now. I do not intend to reply any more to this sort of language from the Senator from Alabama or anybody else. I want to say, once for all, that in my judgment it is unbecoming the American Senate to have such language used here. Every one here ought to be presumed to be loyal to the Government. Every man here ought to be presumed to be as patriotic as every other man, and a difference of opinion upon the question of a treaty does not justify anybody in charging the other with less patriotism than himself.

Mr. GEORGE and Mr. CHANDLER addressed the Chair.

Mr. CHANDLER. I yield to the Senator from Mississippi.

Mr. GEORGE. I will not detain the Senate more than a moment. The only controversy, I will not say quarrel, that exists between myself and the Senator from Colorado in respect to this matter arises out of a statement I made in response to the statement which he had made. He stated that at the end of the war the United States might have legally and constitutionally proceeded for the crime of treason——

Mr. TELLER. If the Senator will allow me, I should like to correct him.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. GEORGE. Certainly.

Mr. TELLER. I did not state any such thing. We could have settled those questions before the war closed; that was the time to settle them, and the war did not close until long after the Confederate soldiers had laid down their arms.

Mr. GEORGE. Then I understand the Senator to modify his statement, or else I misunderstood him. I understood him to say that at any time during the war and at the close of the war the United States might have punished for the crime of treason by proceeding by a drumhead court-martial. I suppose I have got the statement of the Senator right now. In response to that I stated that under the Constitution of the United States, and in England, or wherever Anglo-Saxon institutions prevail, the crime of treason *per se* could not be punished except in a civil court. Treason is a crime where it is perpetrated against the United States. Section 3 of Article III of the Constitution says:

> Treason against the United States shall consist only in levying war against them, as in adhering to their enemies, giving them aid and comfort.

There is a definition of treason—it "shall consist only" in that. There is no constructive treason; there is no treason by words. It is a crime recognized in the Constitution of the United States as being a crime against the United States. By Article V of the amendments to the Constitution it is provided:

> No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

If treason, then, be a crime against the United States, as I admit it is (I do not admit, however, that we were guilty of treason; but I shall not discuss that now), there was no way of punishing a man for that offense consistent with the Constitution of the United States except by presentment or indictment before a grand jury. No grand juries, as I suppose the Senator will admit, are used in drum-head courts-martial.

The Senator made another statement; I will see if I have got this one right, if the Senator will give me his attention, as I do not wish to misrepresent him. After I had made the statement that by military court-martial no man in arms against the Government could be punished except for a breach of military law, I understood the Senator to say, in order to obviate the force of that objection, that every single Confederate had been guilty of a breach of military law. This is the first time I ever heard that statement made. It is a very sweeping assertion to charge that men who were carrying on what they considered as lawful war, recognized by the United Sates as carrying on lawful war, by cartels, by military agreements, by exchange of prisoners—that every single man thus engaged had been guilty, not now of treason—that is not the question—but guilty of a breach of military law, that is, a breach of the laws and customs recognized by civilized people as governing men who are engaged in warfare.

I undertake to say that that assertion of the Senator, broad and sweeping as it is, is, as I understand and as I believe, untrue, and without proper foundation in the history of the country.

A breach of military law is not the same thing, as the Senator will recognize, as a breach of civil law in levying war against the United States. I think the Senator has gone too far in that matter. If I were to ask him to specify and point out the breach of military law, that is of military customs which restrain men and bind men engaged in war against others to the performance of certain acts and to the refusal of the doing of certain acts, I think the Senator would find himself under very great difficulty in specifying.

The question whether we were guilty of treason or not I shall not undertake to discuss now. I will merely add this remark, that according to the doctrine recognized in the early history of the country, recognized as late as 1814 by several of the New England States in the Hartford convention, recognized later even than that, I believe, between 1830 and 1840, by one of the then most distinguished writers on American constitutional law, Mr. Rawle, the Senator would find it difficult to make out in a court the proposition that the men who in obedience to the action of the States of which they were citizens made war against the United States were guilty of treason.

However, I will not go into that question. Whenever it becomes proper to be discussed here, I think my contention can be made very evident. At least I will not go very far into the matter now, because it is really a question that ought not to be discussed at all; but I will go to the extent of saying that it will be found that while there were differences of opinion on that question, there was very respectable authority not only among the statesmen of this country but also among the jurists of this country, which would exempt from the crime of treason the men who fought in obedience to the command of their State.

Now, as to the controversy between the Senator from Alabama [Mr. MORGAN] and the Senator from Colorado [Mr. TELLER] as to whether the United States did or did not dare to try us for treason, that is not my controversy.

Mr. JONES, of Arkansas. I would like to suggest to the Senator from Mississippi [Mr. GEORGE], as that statement has been made again and again and again since the Senator from Alabama [Mr. MORGAN] went out of the Chamber, that he made no such statement as that attributed to him by the Senator from Colorado, and which seems to be repeated by the Senator from Mississippi. What the Senator from Alabama said was that the Government did not dare to try Jeff Davis where he was arraigned before a civil court where he was indicted on this charge of treason. He did not say anything about its not daring to try other people or to punish other people.

Mr. GEORGE. Very well. That, at any rate, is not my controversy.

If the Senator from Colorado or any other Senator wishes to say that it was an act of magnanimity on the part of the United States that we were not prosecuted for treason, I am very willing to join in that opinion—very willing. I will state this, however, that in no civilized country, so far as I know, after millions of people on either side had been engaged in civil war for a long time, were the great body of the people ever prosecuted for treason after the close of hostilities.

Mr. TELLER. I did not say that all the Confederates were guilty of a violation of the articles of war or of the rules of war.

Mr. GEORGE. Will the Senator allow me just a moment?

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield?

Mr. TELLER. No, I must decline to yield now. I will state what I said.

Mr. GEORGE. I simply appealed to the Senator.

Mr. TELLER. I said that we were under no obligation, when we had subdued the men in arms against the Government, to put them to trial before a jury. The war lasted a good while after General Lee surrendered, and it was not formally declared to have ended until late in the season.

Mr. HOAR. The 15th of August, 1866.

Mr. TELLER. The 15th of August, 1866—a long time afterwards. And does the Senator from Mississippi [Mr. GEORGE] suppose that during all that time all proceedings were to be conducted in accordance with the Constitution and the written law of the land? Does he not know, and does not everybody know, that it is an axiom as old as the law itself that in war the laws are silent? *Inter arma silent leges.* Does he not know that all over the South during that period there was no pretense of civil authority at all? How many men were court-martialed and sentenced to death in our Army? And I think we had as much power over the other army as we had over our own. Suppose we had seen fit to punish one hundred and fifty of the leaders? Suppose we had taken a man who stood in this Senate and furnished information to the men in arms? Suppose we had taken members of this Senate now who did not have the excuse that their States were in rebellion, and we had punished them with death, who was there to have lifted his voice or his hand—who could have invoked the Constitution then in Mississippi, where the Senator from Mississippi lived? The Senator did not expect that that would be done. He did not anticipate that the Government was going to put these people before a jury, if they were to be punished. The like was never heard of anywhere. All nations assert the right when their citizens are in rebellion against the government to punish them if they see fit. Simply we did not see fit. That is all there is about it; and I am not astonished that the Senator from Mississippi says that there was not any treason at all. That was the theory of all the reconstructed people; that was the theory upon which the war began, that there could not be any treason by levying war against the Government of the United States if the State only said levy war. What will he do with the many thousand men who went from Kentucky, the many thousand men who went from Missouri, when their States were in full unison with the Government of the United States? Will he assert that they were not guilty of treason? But is it not pretty late to raise the question in the American Senate whether those people were guilty of treason or not? Is it not pretty late to raise the question who was right? For if they were not guilty of treason, then we were wrong when we put down with the strong hand the rebellion. If it was not a crime, then we were guilty of a crime, and that is what the Senator from Mississippi proposes to say. Then we were violating the principles of good government and we were the murderers when we killed the soldiers in arms.

That question has been settled, settled in such a way that it does not need to be mooted any more in this country. It is not worth while for the Senator to raise that question now, and I hope that very few of the people of his section of country will attribute the clemency of the Government to the same source and reason that the Senator from Alabama did.

I notice that the Senator from Arkansas says the Senator from Alabama did not say that we did not dare to try others but that we did not dare to try Jeff. Davis. Jeff. Davis was no more guilty than the Senator from Mississippi, no more guilty than the Senator from Alabama. If we could have convicted one we could have convicted the other. It was not the policy of the Government to convict anybody, and it was a mercy that I am sorry to say has never been appreciated by the men who were the recipients of it from the General Government.

Mr. GEORGE. If I misstated the position of the Senator from Colorado it was his own fault, because, having corrected me in the first statement I made, when I came to make the last one I especially appealed to him to correct me if I was in error, which he did not do. That is my apology if I have made any misstatement of his position. Certainly I did not desire to do so.

There is only one other remark that I desire to make, and that is this: I did not raise the question of treason here. If I measured my words as I intended to do—and I confess that I sometimes do not do that—I said that I would not discuss that question now. I said in addition that when the question came to be investigated it would be found that there was respectable authority from the earlier history of the country, and sustained by a law writer about 1830, for the position that we did not commit treason under those circumstances. I do not propose to discuss that question. I think that question is out of date.

But I might call the attention of the Senator from Colorado—his reading, however, is so much more extended than mine on these matters that possibly I am only reminding him of something that he knows very well—to the fact that it so turned out that when Mr. Davis, who the Senator says very properly (and I thank him for saying so) is no more guilty than the Senator from Alabama and myself, was indicted he was triable before Chief-Justice Chase, then the presiding Chief-Justice of the United States, who sat in the circuit in which Mr. Davis was indicted. Let me remind the Senator that Chief-Justice Chase decided—and that would have controlled the decision on Mr. Davis's case—that the fourteenth amendment was a constitutional barrier against a prosecution for treason during the preceding war. The judge before whom Mr. Davis was to be tried entertained the opinion, and expressed it in a solemn judicial judgment, that Mr. Davis could not be convicted. Whether the dismissal of the prosecution against Mr. Davis was the result of the judgment (in another case, however) pronounced by Chief-Justice Chase or was the result of pure magnanimity I leave to the Senator from Colorado to decide for himself.

Mr. FRYE. Now, can we not have a vote?

Mr. HOAR. Allow me to say that the fourteenth amendment did not become operative until July 28, 1868.

Mr. FRYE. I think this matter has been discussed about long enough.

Mr. PLATT. Mr. President, I think I have heard to-day for the fourth time since this debate commenced allusions made to the Hartford convention. Precisely what the Hartford convention has to do with this debate, or precisely why Senators upon the other side should think that they can gain some advantage in the discussion by referring to the Hartford convention, I am somewhat at a loss to know. Once when it was referred to it was in connection with a statement that people who live in glass houses should not throw stones; and it occurred to me that if there was a parallel there was at least a contrast between the Hartford convention and some other conventions which have been held in the United States, a contrast which it is worth a moment's time to portray.

The Hartford convention is now a matter of ancient history. Few men live in this country who have any recollection of the times or the circumstances under which it was held. It is seventy-five years since the Hartford convention convened. It is but a few years comparatively, and fresh in the minds of a great many of us, since other States held conventions which eventuated in an entirely different manner from the Hartford convention. The Hartford convention was called not to take any State out of the Union, not with any such purpose, but for the purpose of determining how States which felt that they had grievances might best secure their rights under the Constitution. The resolutions which came from the State of Massachusetts to the State of Connecticut suggesting the Hartford convention, called upon the States of Connecticut and Rhode Island to join with Massachusetts—

To devise, if practicable, means of security and defense which may be consistent with the preservation of their resources from total ruin, and adapted to their local situation, mutual relations and habits, and not repugnant to their obligations as members of the Union.

The call which was issued for the Hartford convention to be held on the 15th day of December, 1814, was—

To confer with delegates from Massachusetts and such other New England States as shall join in the enterprise—

Was, to use the words of the committee—

for the purpose of devising and recommending such measures for the safety and welfare of those States as may be consistent with our obligations as members of the National Union.

It is not for me to defend that convention. It sat with closed doors. Its public utterances consisted of four or five resolutions, one of which suggested amendments to the Constitution of the United States, and in no one of which was there an intimation that any of the States represented in that convention would under any circumstances secede from the Union, in no one of which was the right of secession even hinted at.

How was it with certain other conventions in recent times, within the memory of Senators who sit here, within the memory of young men who but for a few years have cast their ballots as citizens of the United States, called for the avowed purpose of destroying the Union, called for the avowed purpose of seceding from the Union, and resulting in carrying out the purposes for which they were called so far as it was possible for those States to carry them out? I think Senators may well say that those who live in glass houses should not throw stones.

But, Mr. President, if Senators see in the facts which I have detailed even a dim and remote parallel between the Hartford convention and its action and the conventions of the seceding States and their action, there is a contrast which is apparent. So jealous were the people of Connecticut, of Massachusetts, of Rhode Island, of the Union, of the obligation of all citizens to the Union, so impressed were they with the idea that the Union was indissoluble, that the men who sat in the Hartford convention and partook in its deliberations were forever banished, as it were, from the councils of this nation. Those men never took up arms against the Government; those men never levied war against the United States; those men were never guilty of the crime of treason; those men never by resolution or act indicated that they ever intended to sever their relations and the relations of their States to this Union; and yet no one of them was ever thereafter permitted to take part in the councils of this nation or to become an officer of any of the departments of this nation.

I want to read what a Connecticut historian says on that subject:

The grave has closed over them all. In their lifetime they were kept from the councils of the nation because they had been unfortunate enough to be designated by the General Assembly for the place that they filled with such ability and integity. Like a priesthood honored in their monastic retirement, but excluded from the field where they were eminently fitted to shine, they passed the rest of their days under a cloud. Let their conquerors be generous. Let them not trample rudely upon the ashes nor trifle with the fame of the strong men who were singled out by the State as hostages to remain in exile for the policy, demeanor, and future good faith of those whom they represented.—*Hollister's Connecticut*, volume 2, page 505.

How about the men who sat in conventions to take their States out of the Union? How about the men who sat in the conventions of the Confederate States, as they were called? How about the men who were engaged in levying war against the United States? How about the men who met loyal men upon the battle-field and helped to shoot down those who were defending the integrity of the Union? Have they by their States been relegated to private life? Have they by their States been kept out of the councils of the nation? No, Mr. President, they are here with the blood of loyal men upon their hands, telling us that they are loyal and by insinuation that we are not. Sir, it is well to say that people who live in glass houses ought not to throw stones.

Mr. GEORGE. Mr. President, the reference I made to the Hartford convention when I was on the floor before was not meant, as I think the RECORD will bear me out in saying, in any sense of casting opprobrium upon that convention. Whatever I may think about that convention, I am sure I expressed nothing of disapprobation of that convention in the remarks which I made. I alluded to that convention as recognizing in their proceedings the right of secession; and now I have before me the proceedings of that convention, published by Mr. Dwight, who was secretary of the convention. That convention, if I understood the Senator from Connecticut—and I am not sure that I did, because he spoke low and I hear with difficulty—did something more than pass some resolutions, unless the historian of the convention is not to be credited. On page 352 of the History of the Hartford convention, by its secretary, Mr. Dwight, commences a report as follows:

The delegates from the Legislatures of the States of Massachusetts, Connecticut, and Rhode Island, and from the counties of Grafton and Cheshire in the State of New Hampshire and the county of Windham in the State of Vermont, assembled in convention, beg leave to report the following result of their conference.

It is a very long report and a very able report. I propose to read from it, simply to justify me in the statement which I made, a short extract. On page 361 that report proceeds as follows:

That acts of Congress in violation of the Constitution are absolutely void is an undeniable position. It does not, however, consist with respect and forbearance due from a confederate State—

Note, according to the present idea, what a treasonable expression they used, "a confederate State"—

toward the General Government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State and liberties of the people, it is not only the right, but the duty of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms—

And here is very treasonable language, according to the present understanding upon the other side of the Chamber—

States which have no common umpire must be their own judges and execute their own decisions. It will thus be proper for the several States to await the ultimate disposal of the obnoxious measures recommended by the Secretary of War, or pending before Congress, and so to use their power according to the character these measures shall finally assume as effectually to protect their own sovereignty and the rights and liberties of their citizens.

That is a whole paragraph. Now I turn to page 376, and I will read the first resolution passed by that body, which is as follows:

Therefore resolved, That it be, and hereby is, recommended to the Legislatures of the several States represented in this convention to adopt all such measures as may be necessary effectually to protect the citizens of said States from the operation and effects of all acts which have been or may be passed by the Congress of the United States which shall contain provisions subjecting the militia or other citizens to forcible drafts, conscriptions, or impressments not authorized by the Constitution of the United States.

I have read that, sir, not for the purpose of casting any reproach upon anybody, but to justify me in referring to the proceedings of the Hartford convention to show what opinions were held on the subject of State rights in the early days of the Republic as offering some excuse or palliation for the secession of 1861 in the judgment of those who are so much opposed to it.

Mr. CHANDLER. Mr. President, a statement made yesterday by the Senator from Alabama [Mr. MORGAN] was as follows:

If that occurred to the Senator from New Hampshire when he was a member of the Presidential Cabinet during which these very evils and wrongs were perpetrated as flagrantly as they have been during Cleveland's administration.

I join with the Senator from Colorado [Mr. TELLER] in denying that during the three years in which we had the honor to be members of the Cabinet of President Arthur any of these wrongs or outrages were perpetrated by the Canadians upon the New England fishermen. There was no reason why they wished to perpetrate these outrages then, because the treaty of 1871 was then in force, and under that treaty they had the right to bring their fish free of duty into American markets. When that treaty was terminated in 1885, they lost their right to free fish and they recommenced their outrages.

When the Senator from Alabama was asked by the Senator from Colorado what were the outrages which he so boldly asserted were so flagrantly perpetrated during the administration of President Arthur and the Senator from Colorado and myself were as "dumb as oysters," he referred to the list of such outrages, which he said could be found in the report of the minority of the Committee on Foreign Relations upon this treaty.

An examination of that list, which has been made by myself and by the Senator from Colorado, fails to reveal a single outrage happening during the administration of President Arthur, and the statement of the Senator from Alabama is quite as inaccurate as many others which he has been making during this long debate, but to which I will not now undertake to call the attention of the Senate.

Mr. VEST. Mr. President, it is not my purpose to discuss the details of the pending treaty. Since the Republican majority, with a view to party advantage, abandoned the long-established usage of the Senate and determined to take our adversaries into their confidence by considering this treaty in open session; since distinguished Senators, especially the Senator from Vermont [Mr. EDMUNDS], deliberately surrendered their opinions against an open session upon the supposed exigencies of party warfare, I have considered the defeat of any treaty with England so absolutely certain that my interest in the matter has been greatly diminished. I am compelled to state, Mr. President, that in my opinion the Administration of Mr. Cleveland could in no possible contingency negotiate any treaty with England which would be approved by the Republican majority in this Chamber. It has been predetermined and foreordained that no such treaty shall be ratified. I believe this, and have no disposition, therefore, to waste my own strength or the time of the Senate in debating a foregone conclusion. To allow the man who defeated the Republican party in the last canvass, and who is now a living, breathing barrier to their reaching again power and patronage, to successfully negotiate a treaty with England could not for one moment be contemplated. Besides this, it was necessary to secure the Irish vote by publicly twisting the tail of the British lion until he "roared again." No amount of indignant denial by the Senator from Ohio, or any other Senator, will remove this impression in face of the record showing the almost unanimous vote of the Republicans against the consideration of the treaty in open session, and then their equal unanimity in the opposite direction. For a time the Senator from Virginia [Mr. RIDDLEBERGER] stood alone, but as the Presidential canvass waxed warm and party exigencies increased he was reinforced, without one additional argument except that of party expediency, by the entire Republican vote in the Senate.

To the intelligent reader of American history this attempt to identify the Democratic party with English ideas or interests is supremely ridiculous. The attempt of the Republican party, lineally descended from the old Federalists, to pose as the peculiar advocates of home rule and local self-government is equally absurd. In the convention of 1789, which framed the Constitution, Mr. Hamilton, the leader of the Federalists and the author of the tariff system, declared that the British Government was the best ever constructed, and that we should adopt its leading features upon this continent. On the other hand, Thomas Jefferson, "the great philosophic statesman," as Mr. Blaine terms him in his recently published book, earnestly opposed the centralizing and monarchical tenets of Hamilton, and advocated home rule and local self-government. Through all our subsequent political history and now this is the great fundamental and ineradicable distinction between the Democratic party and its adversaries.

The Irish, whatever else may be said, are not idiots, nor have they forgotten in the recent past how they were denounced as the drunken, ignorant, Democratic Irish by the party now soliciting their suffrage. So long as the negro vote was supposed to furnish a political contingent to be used for the absolute supremacy of the Republican party in the Southern States, these choice epithets were the usual terms employed by the Republican press and Republican orators towards Irish voters, but the negro vote has failed to bring desired results, and now the air of this Chamber is heavy with eloquent sympathy for "downtrodden and oppressed Ireland," and with eulogies by the party of centralization upon home rule and local self-government. Verbs, adverbs, pronouns, and participles in martial array have been hurled against England by the lineal political descendants of the Federalists of 1800, who then praised English institutions and denounced Jefferson as an apologist for the atrocities of the French revolution and an ally of Napoleon Bonaparte.

Mr. President, we have heard some strange things recently in this Chamber.

Old John Brown's body lies moldering in the grave,
But his soul is marching on,

has been supplemented by "Erin go Bragh." But this is not all. We were told some days since, by the Senator from Nevada [Mr. STEWART], that the Democratic party had done nothing especially worthy of commendation towards excluding the Chinese from our shores, but that every measure looking to that end had come from the Republican party.

My principal object in now addressing the Senate is to show by the record beyond any doubt or question that the reverse of this statement is true, and that all the opposition to legislation intended to prevent Chinese immigration has come from the Republican party, and from distinguished Republicans, including their candidate for the Presidency, General Benjamin Harrison, of Indiana.

CHINESE LABORERS.

On February 24, 1882, the Senate proceeded to the consideration of the bill "to execute certain treaty stipulations with the Chinese," reported favorably by the Committee on Foreign Relations, and which provided as follows:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, etc., That from and after the expiration of ninety days next after the passage of this act, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having come after the expiration of said ninety days, to remain, within the United States.

SEC. 2. That any master of any vessel, of whatever nationality, who shall knowingly on such vessel bring within the jurisdiction of the United States, and permit to be landed, any Chinese laborer from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 7th day of November, 1880.

The first amendment proposed was that of Mr. Grover, a Democratic Senator from Oregon, on February 28, 1882:

That the words "Chinese laborers" wherever used in this act shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining.

On March 9, 1882, this amendment was adopted by the following vote:

Yeas—Bayard, Beck, Call, Cameron of Wisconsin, Cockrell, Coke, Fair, Farley, Garland, George, Gorman, Harris, Jackson, Jonas, Jones of Nevada, Maxey, Miller of California, Morgan, Pugh, Ransom, Slater, Vance, Vest, Voorhees, Walker.

Twenty-three Democrats and 2 Republicans.

Nays—Aldrich, Allison, Blair, Brown, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Hale, Hill of Colorado, Hoar, Ingalls, Lapham, McDill, McMillan, Miller of New York, Mitchell, Morrill, Saunders, Sawyer, Teller.

Twenty-one Republicans and 1 Democrat.

The next amendment of importance was offered by Senator INGALLS (Republican), providing that—

From and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

On March 8, 1882, this amendment was rejected by the following vote:

Yeas—Aldrich, Allison, Blair, Brown, Cockrell, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Harris, Hoar, Ingalls, Jackson, Lapham, McDill, McMillan, Mitchell, Morrill, Saunders, Sewell, Sherman, Teller.

Nineteen Republicans and 4 Democrats.

Nays—Bayard, Beck, Call, Cameron of Wisconsin, Coke, Fair, Farley, Garland, George, Hale, Hampton, Hill of Colorado, Jonas, Jones of Nevada, McPherson, Maxey, Miller of California, Miller of New York, Morgan, Ransom, Slater, Vest, Walker.

Eighteen Democrats and 5 Republicans.

By this vote all except five Republican Senators declared that Chinese immigration should be permitted after ten years, while every Democratic Senator except four voted to prohibit such immigration for twenty years. General Harrison was paired with Senator Maxey, the former being for the amendment. (CONGRESSIONAL RECORD, March 9, 1882.)

The next important amendment was proposed by Senator HOAR (Republican), as follows:

That this bill shall not apply to any skilled laborer who shall establish that he comes to this country without any contract by which his labor is the property of any person other than himself.

Upon the adoption of this amendment the vote was:

Yeas—Aldrich, Allison, Brown, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Hale, Harrison, Hoar, Ingalls, McDill, McMillan, Mahone, Mitchell, Morrill.

Sixteen Republicans and 1 Democrat.

Nays—Bayard, Beck, Call, Cockrell, Coke, Fair, Farley, George, Groome, Harris, Hampton, Jackson, Jonas, Jones of Nevada, Maxey, Miller of California, Miller of New York, Morgan, Plumb, Pugh, Ransom, Saunders, Slater, Teller, Vance, Vest, Walker.

Twenty-two Democrats and 6 Republicans. (CONGRESSIONAL RECORD, volume 13, part 2, pages 1702 to 1717.)

It will be noticed that the plain effect of this amendment, for which the Republican candidate for President voted, was to admit into competition with American labor Chinese skilled labor, unless it could be shown that it was brought here by contract. Its adoption would have practically destroyed the bill.

Senator HOAR (Republican), who opposed the bill persistently in all its stages, then offered an amendment providing—

That any laborer who shall receive a certificate from the United States consul at the port where he shall embark that he is a citizen, coming to this country at his own expense, and by his own free will, and has established such fact to the satisfaction of such consul, shall not be affected by this bill.

This amendment, it will be noticed, permitted Chinese labor to come into competition with American labor, provided the consul should certify that the laborer was coming here at his own expense.

The vote in the Senate upon this amendment was:

Yeas—Aldrich, Allison, Brown, Conger, Davis of Illinois, Dawes, Frye, Hale, Harrison, Hoar, Ingalls, Jackson, McDill, McMillin, Mahone, Mitchell, Morrill, Plumb, Saunders.

Seventeen Republicans and 2 Democrats.

Nays—Bayard, Beck, Call, Cockrell, Coke, Fair, Farley, George, Groome, Hampton, Harris, Jonas, Jones of Nevada, Maxey, Miller of California, Miller of New York, Morgan, Pugh, Ransom, Slater, Teller, Vance, Walker.

Nineteen Democrats and 4 Republicans. (CONGRESSIONAL RECORD, volume 13, part 2, pages 1702 to 1717.)

It will be noticed that here again the Republican candidate for President placed himself upon record in favor of allowing Chinese labor to compete with American labor, if the Chinaman could only procure a certificate from a consul that he had himself paid for his passage to this country. In other words, whenever a Chinaman, no matter how degraded or brutal, could beg, borrow, or steal enough money to pay his passage, and should go to a United States consul and make exhibit of that sum and obtain his certificate, he could then land upon our shores and compete with the American laborer.

The Senator from Nevada [Mr. STEWART], fully appreciating the significance of these votes, attempts to explain them away by the following extraordinary statement:

General Harrison at that time, in common with most of the Eastern people who had not visited the Pacific coast, was ignorant of the character of the Chinese, of their tricks and devices to evade our laws, and it seemed to him unreasonable to exclude free and independent skilled laborers who came to the country of their own accord and not under cooly contracts or contracts for labor. He would certainly have voted otherwise if he had been better informed, as his subsequent record abundantly proves.

These votes, which the Senator from Nevada seeks to explain, were cast on March 8, 1882, twelve years after the debate on the Chinese question in 1870, to which the Senator devoted so much of his speech on the 7th instant, and which he declared to have been "earnest, serious, and exhaustive." During all the intervening years the question of Chinese immigration had been the burning issue on the Pacific coast and had largely attracted the attention of the entire country. For more than two weeks an able and instructive debate had been proceeding in the Senate, in which every phase of the Chinese question was elaborately discussed. But it is within my personal knowledge that General Harrison knew from actual observation much more of the Chinese question than many of his colleagues, for he had before giving this vote often visited Helena, Mont., his son being United States assayer at that place, and had there seen the Chinese quarters, with all the curious habits of this strange people. The plea of ignorance by the Senator from Nevada in behalf of General Harrison, is therefore, under the circumstances, an attack upon his intelligence both as a public man and an individual which constitues a reflection upon the party presenting him as their candidate for the highest office within the gift of the American people.

CHINESE NATURALIZATION.

An amendment to the bill offered by Senator Farley (Democrat) provided:

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

On March 9, 1882, a vote was taken in the Senate upon this amendment, with the following result:

Yeas—Bayard, Beck, Call, Cameron of Wisconsin, Cockrell, Cole, Fair, Farley, Garland, George, Gorman, Harris, Jackson, Jonas, Jones of Nevada, Maxey, Miller of California, Morgan, Pugh, Ransom, Slater, Teller, Vance, Vest, Voorhees, Walker.

Twenty-two Democrats and 4 Republicans.

Nays—Aldrich, Allison, Blair, Brown, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Hale, Hill of Colorado, Hoar, Ingalls, Lapham, McDill, McMillan, Miller of New York, Mitchell, Morrill, Plumb, Saunders, Sawyer.

Twenty-one Republicans and 1 Democrat.

General Harrison did not vote, and was not paired, but, as will appear by his subsequent record, would certainly, if present, have voted in the negative.

The bill as amended passed the Senate by the following vote:

Yeas—Bayard, Beck, Call, Cameron of Wisconsin, Cockrell, Coke, Fair, Farley, Garland, George, Gorman, Hale, Harris, Hill of Colorado, Jackson, Jonas, Jones of Nevada, Miller of California, Miller of New York, Morgan, Pugh, Ransom, Sawyer, Slater, Teller, Vance, Vest, Voorhees, and Walker.

Twenty-two Democrats and 7 Republicans.

Nays—Aldrich, Allison, Blair, Brown, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Hoar, Ingalls, Lapham, McDill, McMillan, Morrill.

Fourteen Republicans and 1 Democrat.

General Harrison was paired with Senator Maxey both on the amendment limiting the prohibition of Chinese immigration to ten years instead of twenty and on the passage of the bill, being in favor of the amendment and against the bill. (CONGRESSIONAL RECORD, volume 13, part 2, page 1753.)

VETO OF BILL.

The bill as amended was vetoed by President Arthur, and in his message (Mis. Doc. No. 53, page 451) he distinctly based his veto upon that provision in the bill which fixed the prohibition of twenty years upon the immigration of Chinese to this country.

I regard this provision of the act—

He says—

as a breach of our national faith; and being unable to bring myself in harmony with the act of Congress on this vital point, the honor of the country constrains me to return the act with this objection to its passage.

On page 448 of the public document from which I quote will be found the following:

I call especial attention to this portion of the veto message because it becomes exceedingly important in view of the votes afterwards given by General Harrison when the question of Chinese immigration again came before the Senate at the same session. President Arthur says:

As to the class of persons to be affected by the treaty, the Americans inserted in their draught a provision that the words "Chinese laborers" signify all immigration other than that for "teaching, trade, travel, study, and curiosity." The Chinese objected to this that it operated to include artisans in the class of laborers, whose immigration might be forbidden. The Americans replied that they "could" not consent that artisans shall be excluded from the class of Chinese laborers, for it is this very competition of skilled labor, in the cities where the Chinese labor immigration concentrates, which has caused the embarrassment and popular discontent. In the subsequent negotiations this definition dropped out and does not appear in the treaty. Article II of the treaty confers the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation upon Chinese subjects proceeding to the United States as teachers, students, merchants, or from curiosity. The American commissioners report that the Chinese Government claimed that in this article they did, by exclusion, provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who might go to the United States in those capacities or for those purposes. I accept this as the definition of the word "laborers" as used in the treaty.

On April 5, 1882, the question of Chinese immigration again came before the Senate on a motion by Senator HARRIS (Democrat) to postpone the Presidential-count bill in order to consider the President's message vetoing the bill "to execute certain treaty stipulations with the Chinese."

Upon this motion the vote was as follows:

Yeas—Bayard, Beck, Call, Camden, Cameron of Wisconsin, Cockrell, Coke, Fair, Farley, Garland, Gorman, Groome, Grover, Hampton, Harris, Jackson, Johnston, Jones of Nevada, Lamar, McPherson, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vest, Voorhees, Walker.

Democrats 26, Republicans 3.

Nays—Aldrich, Anthony, Blair, Cameron of Pennsylvania, Davis of Illinois, Dawes, Frye, Harrison, Hawley, Hill of Colorado, Hoar, Ingalls, McMillan, Mahone, Miller of New York, Mitchell, Morrill, Platt, Plumb, Saunders, Sawyer, Sewell, Sherman, Teller, Windom.

Republicans 25, Democrats none.

It will be seen from this vote that every Republican Senator, including General Harrison, except three voted against considering the question of prohibiting Chinese immigration in preference to other business, whilst every Democratic Senator voted in favor of such consideration.

The next motion by the enemies of the bill was that of Senator SHERMAN (Republican) to refer the bill to the Committee on Foreign Relations, and upon this the vote was as follows:

Yeas—Aldrich, Anthony, Blair, Dawes, Frye, Harrison, Hawley, Hill of Colorado, Hoar, Kellogg, McMillan, Miller of New York, Mitchell, Morrill, Platt, Sawyer, Sherman, Windom.

Republicans 18, Democrats none.

Nays—Bayard, Call, Cameron of Wisconsin, Cockrell, Coke, Davis of Illinois, Davis of West Virginia, Fair, Farley, Gorman, Groome, Grover, Hampton, Harris, Ingalls, Jackson, Johnston, Jones of Nevada, Lamar, McPherson, Maxey, Miller of California, Morgan, Pendleton, Plumb, Pugh, Sewell, Slater, Teller, Vest, Voorhees, Walker.

Democrats 26, Republicans 6.

It will be seen that General Harrison again voted with the opponents of the bill.

It was then moved by Senator SHERMAN (Republican) to refer the President's message and accompanying papers to the Committee on Foreign Relations, and upon this motion the vote stood:

Yeas—Aldrich, Anthony, Blair, Dawes, Frye, Harrison, Hawley, Hoar, McMillan, Miller of New York, Mitchell, Morrill, Platt, Plumb, Sawyer, Sewell, Sherman, Teller, Windom.

Republicans 19, Democrats none.

Nays—Bayard, Cameron of Wisconsin, Cockrell, Coke, Davis of Illinois, Davis of West Virginia, Fair, Farley, Gorman, Groome, Grover, Hampton, Harris, Ingalls, Jackson, Johnston, Jones of Nevada, Kellogg, Lamar, McPherson, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vest, Voorhees, Walker.

Democrats 25, Republicans 4.

The vote of General Harrison is again recorded with the enemies of the bill.

Upon the question of passing the bill over the President's veto the vote was as follows:

Yeas—Bayard, Beck, Call, Cameron of Wisconsin, Cockrell, Coke, Davis of West Virginia, Fair, Farley, Gorman, Grover, Hampton, Harris, Hill of Colorado, Johnston, Jones of Nevada, Lamar, McPherson, Maxey, Miller of California, Miller of New York, Morgan, Pendleton, Pugh, Slater, Teller, Vest, Voorhees, Walker.

Democrats 23, Republicans 6.

Nays—Aldrich, Anthony, Blair, Davis of Illinois, Dawes, Frye, Harrison, Hawley, Hoar, Ingalls, Kellogg, McMillan, Mitchell, Morrill, Platt, Plumb, Rollins, Sawyer, Sewell, Sherman, Windom.

Republicans 21, Democrats none.

General Harrison voted against the bill and in favor of permitting the Chinese to inundate the Pacific coast, as the Senator from Nevada [Mr. STEWART] tells us they were then doing.

CHINESE NATURALIZATION AGAIN.

On April 25, 1882, the Senate proceeded in Committee of the Whole to the consideration of House bill No. 5804, "to execute certain treaty stipulations with the Chinese." This measure was substantially the same as the bill vetoed by President Arthur, with the exception that the period during which the Chinese were not permitted to come within our territory was shortened from twenty to ten years, this having been the salient point of objection to the first bill on the part of the President.

The House bill had been framed from three bills introduced by Mr. Page (Republican) and Messrs. Willis and Berry (Democrats). In the Page bill the time during which Chinese immigration was prohibited was fixed at ten years, whilst in the Willis bill it was placed at fifteen years, and in the Berry bill at sixteen years. The first serious collision in the Senate between the friends and enemies of the measure occurred on the question of striking out the fourteenth section of the bill, as was recommended by the majority of the Committee on Foreign Relations. That section reads as follows:

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Upon the question of striking out the vote was as follows:

Yeas—Aldrich, Allison, Anthony, Blair, Conger, Davis of Illinois, Dawes, Frye, Hale, Harrison, Hawley, Hoar, Ingalls, Kellogg, Lapham, McDill, McMillan, Miller of New York, Morrill, Platt, Plumb, Rollins, Saunders, Sawyer, Van Wyck, Windom.

Republicans 26, Democrats none.

Nays—Bayard, Beck, Butler, Call, Cameron of Wisconsin, Chilcote, Coke, Davis of West Virginia, Fair, Farley, George, Gorman, Groome, Grover, Hampton, Hill of Colorado, Jackson, Johnston, Jonas, Jones of Florida, Jones of Nevada, McPherson, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vest, Voorhees, Walker, Williams.

Democrats 27, Republicans 5.

And I should like to ask, parenthetically, my friend from Nevada——

Mr. STEWART. What is the date of that in the RECORD?

Mr. VEST. That, I believe, was on March 9.

Mr. STEWART. Can you give the page of the RECORD?

Mr. VEST. I have the reference here and will refer to it. This was copied from the RECORD.

Mr. STEWART. It was in 1882? Was that the House bill?

Mr. VEST. Oh, yes; it was in 1882. If the Senator will turn to volume 13, part 2, pages 1702, 1705, and 1717, he will find this record, which I personally know to be correct.

It is proper in this connection to state that when the bill came into the Senate Senator EDMUNDS (Republican) moved to strike out section 14, as retained in the bill by the vote just given in Committee of the Whole, and substitute the following:

Nothing in this act shall be construed to change the existing naturalization laws so as to permit Chinese persons to citizenship.

Upon this motion the vote in the Senate was as follows:

Yeas—Allison, Blair, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Harrison, Hawley, Hill of Colorado, Lapham, McMillan, Miller of New York, Morrill, Platt, Saunders, Van Wyck.

Republicans 17, Democrats none.

Nays—Beck, Butler, Call, Cameron of Wisconsin, Chilcott, Coke, Fair, Farley, Garland, George, Grover, Hampton, Harris, Johnston, Jonas, Jones of Nevada, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vance, Walker, Williams.

Democrats 21, Republicans 4.

The vote of General Harrison was recorded against the section prohibiting Chinese naturalization, and in favor of the substitute offered by Mr. EDMUNDS, which simply left the matter of Chinese citizenship to the courts, without any interference by Congress as to their jurisdiction or discretion.

The Senator from Nevada [Mr. STEWART] justifies these votes of General Harrison, and says:

There was no law, and never has been, allowing Chinese to be naturalized. On the contrary, the right of naturalization was denied to Chinese by the Conness amendment to the Burlingame treaty. * * * Farley's amendment proposing to repeal all laws granting the right of naturalization to Chinese was absurd when no such law existed, and ought to have been rejected.

In the debate upon the Farley amendment, in 1882, it was stated by Senator Farley and admitted by the Senator from Ohio [Mr. SHERMAN], and will not be denied now, that Chinese had been admitted to citizenship by the courts of Massachusetts, and it was to condemn in unmistakable terms such action either by Federal or State tribunals that the amendment was offered.

It was not known then to the friends of the pending bill that in 1876, when General Harrison was the Republican candidate for governor of Indiana, the superior court at Indianapolis had, on motion of Mr. Miller, his law partner, naturalized seven Chinamen, who cast their votes at the next election for General Harrison and the Republican State ticket. It is not a matter of surprise that with this practical result of Chinese citizenship in his recent experience the Republican candidate for the Presidency voted against the provision in the act of 1882 prohibiting Chinese naturalization.

Mr. MITCHELL. What evidence has the Senator of that?

Mr. VEST. My evidence is——

Mr. STEWART. What judge was it who naturalized seven Chinamen?

Mr. VEST. I did not say what judge.

Mr. MITCHELL. I wish to know, if the Senator has it, upon what evidence he bases the statement he has just made?

Mr. VEST. I base my statement upon information derived from the Indiana delegation in the House and from Senators upon this floor, and I will produce the record if necessary.

Mr. MITCHELL. I should like to see the record.

Mr. STEWART. Who was the judge?

Mr. VEST. It was in the superior court, the State court of Indiana at Indianapolis, where these seven Chinamen were naturalized and voted the Republican ticket at the ensuing election in November. They were naturalized in September or October, 1876, and it is a notorious fact beyond any sort of question or dispute.

Mr. STEWART. In 1876?

Mr. VEST. Yes, sir, in 1876; when General Harrison was defeated by Blue-Jeans Williams, as he was termed, for governor of Indiana. I take it that the General himself would not deny it.

CHINESE LABORERS AGAIN.

The next struggle between the friends and opponents of the House bill was over the fifteenth section, which the majority of the Committee on Foreign Relations recommended to be stricken out, and which provided "that the words 'Chinese laborers,' wherever used in this act, shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining." It was upon this question that General Harrison made his only appearance in the debate of 1882, and it will not surprise those acquainted with his record and opinions on Chinese immigration to find that he opposed the fifteenth section, which specifically enumerated the classes of Chinese to be excluded, and contended earnestly against any legislation construing or affecting the treaty in which the term "Chinese laborers" had been used.

President Arthur in his veto message had, as I have shown, accepted that construction of the word "laborers" in the treaty which conferred upon Chinese subjects coming to the United States as teachers, students, merchants, or from curiosity the privileges accorded to citizens of the most favored nation, and that all others were excluded. But General Harrison said:

In the treaty the word "laborers" is used. I take it that it is not in the power of Congress to enlarge the meaning of that word. Whatever it meant in the treaty it would mean the same thing as used in the law. We can not make it mean more than that. Therefore why not let it stand in the law as in the treaty, and let the use of that word include what it will?

It is difficult to believe that a lawyer of General Harrison's standing meant that Congress had no power to construe or even to abrogate a treaty. The Supreme Court of the United States in several cases, and especially in the Cherokee tobacco cases, 2 Wallace, has emphatically declared that Congress has the power, and I assume therefore that his real objection to the legislation construing the term "laborers" as used in the treaty, came from his unwillingness "to let go of the old idea," as he expressed it in his letter to Mr. Brant, of St. Louis, "that this was the free home of all comers." As Senator Grover very properly said, both the President and the commissioners who made the treaty considered the section struck out by the committee the proper construction of the term "laborers," and it was absolutely necessary, in order to avoid an avalanche of Chinese upon our shores, to put the matter beyond doubt.

To this General Harrison replied with a sneering allusion to a will case he had once tried, when the lawyer on the other side had claimed to know what the will meant because he had written it, and he continued to insist that the term "laborers" should be left alone, to be construed by the officers enforcing the law.

On the question of striking out in committee the fifteenth section of the bill, the vote was as follows:

Yeas—Aldrich, Allison, Anthony, Blair, Cameron of Pennsylvania, Chilcott, Conger, Davis of Illinois, Dawes, Frye, Hale, Harrison, Hawley, Hill of Colorado, Hoar, Ingalls, Kellogg, Lapham, McDill, McMillan, Miller of New York, Morrill, Platt, Plumb, Rollins, Sawyer, Saunders, Van Wyck, Windom.

Republicans 29, Democrats none..

Nays—Bayard, Beck, Butler, Call, Cameron of Wisconsin, Coke, Davis of West Virginia, Fair, Farley, George, Gorman, Grover, Hampton, Jackson, Johnston, Jonas, Jones of Nevada, McPherson, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vest, Voorhees, Walker, Williams.

Democrats 25, Republicans 3.

When the bill came into the Senate a vote was taken on concurring in the action of the Committee of the Whole striking out the fifteenth section, and resulted as follows:

Yeas—Allison, Blair, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Harrison, Hawley, Hill of Colorado, Hoar, Ingalls, Lapham, McMillan, Miller of New York, Morrill, Platt, Saunders, Sherman, Van Wyck.

Republicans 20, Democrats none.

Nays—Beck, Butler, Call, Cameron of Wisconsin, Chilcott, Coke, Fair, Farley, Garland, George, Grover, Hampton, Harris, Johnston, Jonas, Jones of Nevada, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vance, Walker, Williams.

Democrats 22, Republicans 3.

Senator EDMUNDS (Republican) then moved to insert the following:

The words "Chinese laborers," wherever used in this act, shall be construed to mean persons usually engaged in manual labor.

Upon this motion the vote was as follows:

Yeas—Allison, Blair, Conger, Davis of Illinois, Dawes, Edmunds, Frye, Harrison, Hawley, Hill of Colorado, Lapham, McMillan, Miller of New York, Morrill, Platt, Saunders, Van Wyck.

Republicans 17, Democrats none.

Nays—Beck, Butler, Call, Cameron of Wisconsin, Chilcott, Coke, Fair, Farley, Garland, George, Grover, Hampton, Harris, Johnston, Jonas, Jones of Nevada, Maxey, Miller of California, Morgan, Pendleton, Pugh, Slater, Vance, Walker, Williams.

Democrats 21, Republicans 4.

It is evident that if the amendment of Senator EDMUNDS had been adopted it would have resulted in "confusion worse confounded" as to the meaning of the term "laborers." The question then presented to each officer enforcing the law and to the courts would have been the meaning of the terms "usually employed," and pending the determination of that question the Chinese would continue to throng our ports.

If consistent with his argument previously made, General Harrison ought to have opposed the Edmunds amendment, because it sought to construe the word "laborers" as used in the treaty, and he had strenuously insisted that the meaning of this phrase in the treaty should not be disturbed; but he voted on this as on every other occasion with the opponents of restrictive legislation against Chinese immigration and to embarrass the pending bill.

On the passage of the bill as amended, and as it became a law, the vote was as follows:

Yeas—Beck, Butler, Call, Cameron of Wisconsin, Chilcott, Coke, Davis of Illinois, Fair, Farley, Garland, George, Grover, Hale, Hampton, Harris, Hill of Colorado, Johnston, Jonas, Jones of Nevada, Maxey, Miller of California, Miller of New York, Morgan, Pendleton, Pugh, Saunders, Slater, Vance, Van Wyck, Vest, Walker, Williams.

Democrats 22, Republicans 10.

Nays—Allison, Blair, Conger, Dawes, Edmunds, Frye, Harrison, Hawley, Hoar, Ingalls, Lapham, McMillan, Morrill, Platt, Sherman.

Republicans 15, Democrats none.

CONCLUSION.

After reading these votes, what impartial mind will not conclude with the Presiding Officer of this body in his letter of June 16 that "SHERMAN, ALLISON, HARRISON, etc., have records that would be awkward on the tariff, the currency, the Chinese question," etc.

The record of General Harrison, and of the Republican party in the Senate, assumes great importance at this time from the declaration recently made by Hon. James G. Blaine, "the uncrowned king of America," who has just returned from Mr. Carnegie's castle in Scotland, purchased with his annual profits of $1,500,000 in the manufacture of steel and iron in Pennsylvania, that the issue in this canvass is the protection of American labor against the pauper labor of other countries.

On June 23, 1870, Hon. Henry Wilson, one of the most distinguished Republicans who has ever been in public life, said in this Chamber, when discussing the immigration of Chinese:

I think the time has come when we should have some action upon this subject, for it does seem to me at the present day that there is a conspiracy of capital in this country to cast a drag-net over creation for the purpose of bringing degraded labor here to lower and degrade our laboring men. And I think it is time to meet that question.

In the debate of February, 1882, on the Chinese question, Senator Miller, of California, also a distinguished Republican, said:

The Chinese can thrive in America on lower wages than will afford the pauper laborers anywhere in Europe a mere frugal subsistence. And in this connection I venture to say, and I hope without offense, that if a speech shall be made in the Senate in opposition to Chinese restriction I shall not be surprised if it is made by a protectionist. Not, perhaps, by a protectionist who advocates high tariff primarily for the protection of American laborers from low wages, but for the protection of what he calls "American industry," which is a convenient and comprehensive phrase.

It includes and is intended to be descriptive of other interests than those of labor; interests which a certain class of political economists in this country regard as paramount to all others in the adjustment of tariff laws.

The average American manufacturer is interested generally in two things, namely, the highest protective tariff and the cheapest labor. If he can secure these all else desirable speedily follows. The first he has secured. The second he can readily secure through unrestricted Chinese immigration if this measure shall be defeated. It is not difficult to perceive the origin of that political economy which suggests high protective tariff and at the same time advocates the admission of servile laborers into the country without limit. It means high prices for the products of manufacture and low prices for the labor which produces them; the aggrandizement of capital and the debasement of labor; greater wealth to the wealthy and greater poverty to the poor.

Read by the light of recent events, how must this, from a Republican Senator who has passed away, but whose devotion to his party was never doubted, impress the laboring men of America?

The Republican candidate for the Presidency opposed at every stage, and in every way possible, the legislation against Chinese immigration. If he had succeeded, the law on the statute-books would not exist. For the truth of this statement I appeal to the record placed now before every American citizen.

That record shows to every intelligent and unprejudiced mind that the struggle in 1882 as in 1870 was between the two irreconcilable ideas; that on the one hand this country should be kept open to all comers, without regard to consequences, and on the other hand the American idea, that as a people we must first consult our own interests and protect ourselves and our posterity from a vicious horde of immi-

grants who come not to share our destiny, but to prey upon our abundance.

Charles Sumner was the great apostle of the doctrine that all the world had an inherent right to land upon our shores, and therefore in 1870 he moved to strike the word "white" from the naturalization laws, and carried his motion in the Senate against the votes of Allen G. Thurman and the six other Democrats then in this body.

In the debate of 1882 the Senator from Massachusetts [Mr. HOAR], who led the opponents of the bill against Chinese immigration, declared the same doctrine in the following words:

The insertion of the phrase "the pursuit of happiness" in the enumeration of the natural rights for securing which government is ordained, and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a birthright derived immediately from Him "who made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation." He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth whereon to dwell.

In his letter of February 25, 1888, to Rev. J. S. Brant, of St. Louis, General Harrison gives the real cause of his opposition to the bills restricting Chinese immigration, in the following sentence:

It seemed to me then to be in violation of our treaty with China, and it was a little hard for me to let go of the old idea that this was the free home of all comers.

For myself I deny now, as I did in the debate of 1882, that the idea of giving up the right to control immigration as we think proper has been ever entertained by the American people.

There is no inherent right in any foreigner to become either a citizen or denizen of this country. That is a question for us to determine, and for us alone. I said then as I say now:

To the thrifty German, the generous and gallant Celt, the hardy Scandinavian, to all who come to share the responsibilities and work out the problem of our civilization and destiny, to all who seek home and shelter in our vast domain, fling wide the portals; but to the people that come not for homes or shelter but only for gain, who have no share in our destiny, no love for our institutions, no reverence for our religion, we have the right to say and do say, "You have no lot or part in this great matter."

Mr. STEWART. Mr. President, I do not intend to repeat what I said the other day, but I think it proper to again express my regret after a question is settled that there should be an effort to draw it into politics as an issue. The Democratic party must indeed be very barren of issues if they must drag in settled questions for present emergencies.

I have heard much said by Democrats on the stump and in this Chamber—it appears to me that it has been for the last twenty years the burden of their song—in favor of letting bygones be bygones after the whole country had agreed to the settlement of a question. I have been one of those who refrained from alluding to settled questions. It is "unsettled questions which have no pity for the repose of mankind," and the Republican party can not be injured by a question which has been disposed of and put to rest mainly by their efforts.

We have at the present session taken action here which shows the unanimity which exists in this Chamber upon the question of excluding Chinese. Early in the session several bills were introduced to exclude Chinese, to perfect the laws which had been previously passed and which the Chinese evaded. The Committee on Foreign Relations promptly took the matter in hand and gave a hearing to all the representatives from the Pacific coast, both Republicans and Democrats, heard them through, printed all they had to say, and reported a bill in conformity with their unanimous wish.

That bill was pending before the Senate when the new treaty came here. It would have undoubtedly passed the Senate as unanimously as it passed the Committee on Foreign Relations. The subject has now been investigated and it has been ascertained and declared officially that it is incompatible with our institutions to allow Chinese to immigrate to this country. That, I say, was the unanimous verdict of the Committee on Foreign Relations and would have been the unanimous verdict of the Senate in passing the bill.

The President then sent us a treaty which I would have been willing to accept, provided we could carry out by legislation what was claimed for it. There was much doubt, however, whether a proper exclusion bill could be passed which would not be held to be in conflict with the treaty. Those who were most interested were unwilling to have it adopted in the form presented, because it did not provide that there should be only written evidence on the return of Chinese, but under the ordinary rules and regulations the loss of certificates might be supplied by parol. The people of the Pacific coast said that "we have had experience enough with parol evidence; amend the treaty so that no Chinese can enter without a certificate, no matter to what class he belongs." That was the amendment adopted by the Senate to the second article of the treaty, and is in the following words:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

The second article to which this amendment applies is the article which in the new treaty allows a Chinaman to return who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000 or debts of like amount due him and pending settlement. If such Chinaman could return without presenting the written certificate, but was allowed to enter on proof of the loss of such certificate, the people of the Pacific coast, who understand the artful ways of the Chinese, saw that the door would still be open for their entry on perjured testimony.

The first article of the treaty implied clearly to my mind that the Chinese now absent from the country could not return, but it was not explicit. It was unfortunately open to a dangerous construction. This defect in that regard was pointed out by the press and the people of the Pacific coast. They feared that it would be so construed as to allow those who have been in the country and are now absent to return, and not only those, but others who never have been in this country would be able to enter by false testimony showing previous residence, and that the courts would be appealed to as they are under existing laws to allow such Chinamen to enter. The language of the treaty was that "the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited." It did not say that the return of Chinese was also prohibited. This was a grave omission, and the people of the Pacific coast saw in it a prolific source of trouble and that the "former-residence" fraud, under which thousands of Chinese have been smuggled into the country through perjury on the pretense that they had formerly resided here, would be again repeated. The Senate, to avoid this evil, added the following amendment to the article:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding certificates under existing laws or not.

I do not charge the Administration with any evil design or any purpose to so frame the treaty as to allow the continued coming of Chinese. I am unwilling to follow the example of Senators who criticise in a technical and unfair manner the votes of Republican Senators who were, in 1882, in good faith endeavoring to perfect a bill for the exclusion of Chinese in conformity with our treaty obligations; on the contrary, I commend the laudable efforts of our Democratic Secretary of State in his endeavors to secure a treaty for the exclusion of Chinese.

In order to carry out the provisions of the new treaty when the amendments of the Senate shall have been agreed to by the Chinese Government, it was deemed expedient by both Houses of Congress to provide the necessary legislation at the present session. Inasmuch as the treaty might not be ratified until after Congress adjourns, it was deemed expedient to legislate in advance. Bills were introduced in each House and referred to the appropriate committees. The Committee on Foreign Relations of the Senate prepared the bill which was passed the other day, and reported it as their measure. They had it printed for the use of the committee, and the same bill so printed was introduced in the House of Representatives and reported favorably, showing absolute unanimity of action thus far. No more perfect bill could be devised to exclude Chinese than the one which was unanimously passed by the Senate a few days ago, and which in all probability will be passed during the present week by the House without any change in its essential provisions.

There is no difference of opinion in either branch of Congress as to the necessity of excluding Chinese. Why revive this controversy and by garbled extracts, and unfair and misleading statements attempt to misrepresent the position of Senators while the controversy was pending and attempt to make political capital out of this dead issue? It is as dead as the issue of secession, and there is as much propriety in reviving the one as the other.

Furthermore, the Chinese issue was settled, and well settled, by a Republican Senate before the commencement of this Congress. In the last Congress, in 1886, it having been ascertained that the law was being evaded by Chinese coming to this country, Mr. MORROW, a Republican Representative from California, prepared an elaborate bill, a very stringent bill in its provisions, and introduced it in the other House. A copy of the bill was introduced in the Senate by Senator Fair, of Nevada. It was referred to the Committee on Foreign Relations, there examined carefully, and perfected, and reported, and that report was regarded as entirely satisfactory to all the people of the Pacific coast, who were especially interested in this question, approved by the press of the Pacific coast, and it passed the Senate unanimously in 1886.

Mr. MITCHELL. General Harrison was a member of the Committee on Foreign Relations.

Mr. STEWART. General Harrison, I was going to repeat, as I said in a former speech, was a member of that committee and approved of the bill. He was in the Senate when the bill was passed, removing objections and assisting in its passage. He had then learned the difficulty of excluding the Chinese. He had learned their devices in evading the laws, and he was willing to go as far as any Democrat in devising means to exclude them. That was in 1886. The sentiment was unanimous then and it has been unanimous ever since, not only here but in the country.

If we go further back—and we may as well trace this history back—we find that when the question was first sprung upon the Senate it was under most unfavorable circumstances for its impartial consideration. There had been a heated discussion for several years with regard to

the colored race. The people of the East did not know the character of the Chinese immigration that was overrunning the Pacific coast. They did not know the capacity of those people to supplant the people of the United States. They did not know that the Chinese could not be assimilated with our people, could not be incorporated into the body-politic; that they were a foreign element able to subsist on half of what the white men could, and that where they came the white men were compelled to leave. They did not know these facts.

Under that state of things the question was presented to the Senate on July 2, 1870, to strike out the word "white" from our naturalization laws for the purpose of extending the right of naturalization to the colored race, which would have included Chinese as well as Africans. The Chinese were not particularly considered, and when the Republican Senators from the Pacific coast desired to make an exception against Chinese it was thought by many honest Senators to be unreasonable and unjust to make such distinction. This was the crisis of the Chinese question. If the naturalization laws had then been extended to them there would have been millions of naturalized Chinese now in the United States controlling the destinies of several States, and presenting one of the most embarrassing and dangerous questions which have ever arisen for solution in this country. After two days and one night of serious discussion, although there was a large majority for naturalizing Chinese in the beginning, the proposition was voted down by an overwhelming majority, 27 to 14. Of the 27 who voted against it 20 were Republicans. Of the 14 who voted for it 3 were Republicans and representing Northern States, namely, Fenton of New York, Morrill of Maine, and Pomeroy of Kansas; 7 were Republicans representing Southern States, namely, Brownlow of Tennessee, Harris and Kellogg of Louisiana, McDonald of Arkansas, Revels of Mississippi, Spencer of Alabama, and Robinson of South Carolina, and 4 were Republicans who were about to sever their relations with the party, and who never afterwards voted with it, but joined the Democratic-Greeley party in the following election, namely, Sumner of Massachusetts, Trumbull of Illinois, Ross of Kansas, and Sprague of Rhode Island. It will thus be seen that the Republican majority against naturalization after the discussion was overwhelming.

The whole Chinese question was then explained in these Halls by the Senators from the Pacific coast. Senator Williams, of Oregon, debated it in the most masterly manner. He was an able man, and his explanations and his speeches on that occasion will compare with the best that have been delivered in this Chamber.

The discussion was calm, deliberate, and exhaustive, and the Republican party of the North deliberately decided that they would not incorporate the Chinese in the body-politic. When they had taken this step, that they would not allow them to be naturalized, which was the great question involving every other question, it soon became apparent that the Chinese were invading our shores; that they were coming too rapidly; and that they were supplanting our free labor.

But we had made an unfortunate treaty with China, which the Republican party were reluctant to violate. I refer to the Burlingame treaty, made in 1868. That treaty, as it was presented to the Senate, recognized the right of Chinese to naturalization by conferring on them all the privileges that were extended to any other people. But a Republican Senator from California, Mr. Conness, discovering to what that might lead, offered an amendment providing that nothing in that treaty should be construed to extend naturalization to the Chinese, which was adopted. This was the first protest against the naturalization of Chinese. It came from a Republican. No Democrat suggested it.

But that treaty was in the way of legislation. It provided that the Chinese might come; and the Republican party were slow and this nation has ever been slow to trample upon a treaty with a friendly power. When the complaints came from California we were met by the terms of that treaty, which had been adopted by the unanimous consent of both Democrats and Republicans. It is true that we had saved the main question of naturalization by the amendment of Mr. Conness, but the treaty provided for free intercourse and free immigration to this country in the most unequivocal terms. In 1879 the evil of Chinese immigration had become so manifest that a determined effort was made to stop it—treaty or no treaty. A bill to prohibit Chinese immigration was introduced in the House by Mr. Wren, a Republican from Nevada, on January 14, 1878, at the second session of the Forty-fifth Congress, and passed the House on January 28, 1879, by a vote of 155 to 72.

Mr. Sargent, a Republican from California, had charge of the bill in the Senate, and ably defended it in elaborate and forcible arguments. Mr. Blaine also took a leading part in advocating the passage of the bill and won by his able efforts in that behalf the affection and admiration of the people of the Pacific coast. The bill passed the Senate on February 15, 1879, by a vote of 39 to 27—21 Democrats and 18 Republicans voting for the bill. The Republicans who voted against the bill placed their opposition on the ground that it was in violation of the treaty. President Hayes vetoed the bill solely on the ground that it was in violation of the treaty and not because he was in favor of Chinese immigration; on the contrary, the evil was so apparent that the administration immediately opened negotiations to secure a treaty excluding Chinese. A commission was sent to China, consisting of Messrs. Swift, Trescot, and Angell, to negotiate a new treaty restricting Chinese immigration, and succeeded in their mission and negotiated the treaty of 1880. The treaty provided that immigration might be restricted and regulated by the United States, but that the immigration of laborers should not be totally prohibited.

Then, in 1882, came proposed legislation with a view of carrying the treaty into effect. Amendments were constantly offered to embarrass those who were perfecting the bill to carry the treaty into effect in good faith. The amendments of Grover, of Oregon, and Farley, of California, were of that character. These amendments had no tendency to restrict Chinese immigration or improve the bill. Farley's amendment, which General Harrison voted against, and for which vote the Senator from Missouri [Mr. VEST] has so severely criticised him, was in the following words:

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.—*Record*, part 2, pages 1481, 1749.

The manifest object of this amendment was to embarrass the bill, and Senator EDMUNDS made that fact very clear in the following remarks:

Mr. EDMUNDS. If I did not know the sincerity of my friends from California in their desire to accomplish what the treaty now allows us to accomplish in a reasonable way on this subject, I should have supposed, if I were a stranger here, that the object was to break down this bill and to load it with incongruous provisions to defeat in the end any legislation at all. This amendment proposed by the Senator from California on my left [Mr. Farley] has nothing whatever to do with the question that this bill proposes, and that this last treaty, which is the only one I am speaking of, deals with. That is a question simply of the incoming persons who are not now in the United States, and who have no other right to come here than such as the laws of nature, whatever they may be—I am not going into that again—may give. Now, coming or going is an entirely different thing from naturalization, from being admitted to citizenship; and if there is anybody here who is a real friend of the substance of this bill—I am not speaking of its details or of its excess or want of excess—if there is anybody here who is really in favor of the substance of this bill, to deal with the subject of it, and nothing else, I should expect that that person would vote against any amendment that would introduce any element into the bill that did not legitimately and correctly belong to it. This certainly does not.

Mr. EDMUNDS, for the purpose of making the amendment consistent with the facts and the law as it then stood, offered to amend the bill by substituting the following in place of Farley's amendment:

Nothing in this act shall be construed to change the existing naturalization laws so as to admit Chinese persons to citizenship.—*Record*, part 4, page 3411.

Upon which Mr. EDMUNDS made the following remarks:

Mr. President, as this section now stands in the bill, it is the first time in the history of this nation that Congress has undertaken to make prohibitions against naturalization. The Constitution provides that Congress may make rules of naturalization, so that no person can be admitted to citizenship without affirmative action by Congress. I do not wish for one to have Congress enact any statute which shall prohibit by affirmative declaration any person from becoming a citizen. He can not become a citizen until Congress shall affirmatively provide that he may; and as this section now stands, it is absolutely unique, probably not only in the history of this country, but of every other, and so I move this change so as to leave the law just as it is now, in order to avoid what hereafter will be a very unhappy precedent, I am afraid, for a good many people.

There was nothing in the law as it then stood, and as it still stands, extending naturalization to Chinese. Farley's amendment assumed that there was, and proposed to repeal the laws authorizing the naturalization of Chinese and prohibit their naturalization, which was unlawyer-like, unnecessary, and absurd. The statute on that subject then, and now, is in the following language:

The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity, and to persons of African descent. (Revised Statutes United States, section 2169.)

As early as April 29, 1878, the United States circuit court of California, on the application of Ah Yup to be admitted as a citizen, decided that there was no law under which Chinese could be naturalized. (See 5 Sawyer, page 155.)

This decision was followed by all the United States courts and was binding on the State courts as a construction of the statutes of the United States. The United States is under no obligation to naturalize any one, and none can be naturalized without express and affirmative law. There being no such law General Harrison was too good a lawyer to vote to repeal a law which did not exist.

The Senator from Missouri states that in 1876 seven Chinamen were naturalized in the State superior court at Indianapolis on motion of Mr. Miller, law partner of General Harrison. The Senator made this statement upon the representation of the delegation from Indiana. Whether the information be correct or not is immaterial. The State court had no right to naturalize these Chinese, and made a very absurd mistake if it did so. But this mistake was made before the United States courts had declared the law, as I have already shown. No lawyer will now say that there was a particle of authority for such naturalization, and it is not pretended that General Harrison himself had any knowledge of the transaction.

General Harrison voted for the lawyer-like and accurate amendment offered by the Senator from Vermont, [Mr. EDMUNDS], the chairman of the Judiciary Committee, and against the incongruous amendment offered by Senator Farley for the manifest purpose of embarrassing the bill. For doing this a labored effort is made to misrepresent him and to make it appear that he was in favor of the naturalization of Chinese.

Grover's amendment was entirely useless and could not by any possibility improve the bill, but was manifestly intended to impede its passage. It is as follows:

The words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining.—*Record*, part 2, pages 1480, 1750.

This amendment was very objectionable, and was not within the power of Congress. It attempted to construe the treaty. This Congress has no power to do. Congress may abrogate a treaty, but its construction is a matter for the courts, or for negotiation between the contracting parties. Besides, the word "laborers" has a distinct meaning, and is sufficiently broad to include at least all persons engaged in manual labor. General Harrison is arraigned for voting against this amendment. He should be commended for such vote. It was an honest effort to preserve the bill in the most effective form and make it conform to the treaty. Senator EDMUNDS also offered a substitute for this amendment, which is in the following words:

The words "Chinese laborers," wherever used in this act shall be construed to mean persons usually engaged in manual labor.—*Record*, part 4, page 3411.

General Harrison voted for this amendment because it gave the usual and ordinary definition of the word "laborers," and was more comprehensive than the Grover amendment.

The only other material propositions in the way of amendment to the bill were the following, offered by Senator HOAR:

Provided, That this bill shall not apply to any skilled laborer who shall establish that he comes to this country without any contract by which his labor is the property of any person other than himself.

Provided further, That any laborer who shall receive a certificate from the United States consul at the port where he shall embark that he is an artisan, coming to this country at his own expense and of his own free will, and has established such fact to the satisfaction of such consul, shall not be affected by this bill.—*Congressional Record*, volume 13, part 2, first session, Forty-seventh Congress, pages 1716 and 1717.

The Senator from Missouri commented with great severity upon General Harrison's votes for these amendments, and also upon the following statement made by me in a former speech in regard thereto:

General Harrison at that time, in common with most of the Eastern people who had not visited the Pacific coast, was ignorant of the character of the Chinese and their tricks and devices to evade our laws, and it seemed to him unreasonable to exclude free and independent skilled laborers who came to the country of their own accord, and not under cooly contracts or contracts for labor. He would certainly have voted otherwise if he had been better informed, as his subsequent record abundantly proves.

He contended that inasmuch as General Harrison had a son residing at Helena, Mont., and had visited him there, he must be familiar with the Chinese question, and must, necessarily, have known the fact that no skilled Chinese laborer ever came to this country without a contract for the purpose of establishing himself here, but that all Chinese, skilled or unskilled, come under contract of some kind, and have no intention of establishing themselves here, but intend to return to their native land, dead or alive. He assumed that these facts were known to General Harrison, whereas the fact is they were not generally known at that time outside of California, Oregon, and Nevada. The amendments would have led to frauds and evasions of the law, which General Harrison had no disposition to countenance, as his course on the whole subject establishes beyond controversy. A quibble like this is unfair, and would not be attempted for other than partisan purposes.

General Harrison voted against the first bill because the Farley and Grover amendments were incorporated therein, and because it provided for exclusion of Chinese laborers for the period of twenty years. The bill was vetoed by President Arthur because he regarded twenty years' exclusion in violation of the treaty which allowed the United States to regulate and restict Chinese immigration, but prohibited absolute exclusion. He also voted against the passage of the bill over the veto of the President for the same reason that induced him to vote against the bill on its passage by the Senate. The bill introduced by Mr. Page, a Republican, from California, in the House, prohibiting Chinese immigration for a period of ten years, was immediately thereafter taken up by the Senate, passed, and approved by the President.

General Harrison also voted against this bill solely on the ground that the Grover and Farley amendments were incorporated therein, and because he wanted a better bill and one in exact conformity with the treaty, to which no objection could be made, and not because he was opposed to carrying out the treaty in good faith and excluding Chinese.

When the bill of 1884 was passed General Harrison was absent, was not paired, and had no opportunity to participate in the passage of the bill.

We now have the entire record of General Harrison on the Chinese question, and we have already shown his affirmative action in 1886 in the passage of the most stringent bill to exclude Chinese that has ever passed either House, and which the Democrats of the House refused to consider on account of its supposed conflict with the treaty.

I repeat that the amendments offered by the Senator from Vermont [Mr. EDMUNDS], and for which Senator Harrison voted, are more in harmony with the treaty, more lawyer-like and more appropriate, than those against which Senator Harrison voted. In none of the discussions was one word uttered by him, and, I think, by none of the Republicans, in favor of Chinese immigration. They did not speak in favor of immigration then; they were legislating in favor of carrying out a treaty to exclude Chinese immigration, and all concurred that a proper bill ought to be passed. The only difference was in regard to the details of the bill. A bill was finally passed, as I have shown, which was vetoed by the President. Of course General Harrison sustained the veto, because in the body of the bill Congress had gone beyond what he thought the treaty warranted.

At the time when the law of 1882 was being passed it was not anticipated that there would be any dishonest efforts to evade its plain provisions. If that law had been fairly complied with by the Chinese and those attempting to bring them into the country, if it had not been for tricks and evasions, the first law that passed would have been effective. It was by fraud that the Chinese came in.

Afterwards, in 1884, as I have already shown, a more stringent bill was passed, which had been introduced in the House of Representatives by a Democrat from California (Mr. Henley), and that was about the only initiative movement on the part of any Democrat, but it was in harmony with the sentiment of the Pacific coast. That bill was more stringent, but it did not answer the purpose. It then seemed that every device and every trick imaginable would be resorted to by the Chinese, and that still further legislation was necessary.

In 1886, while the law was still being evaded and Chinese were still coming into the country, General Harrison and the Committee on Foreign Relations, and every Republican here, said, "We will see that the treaty is carried out in its spirit and effect; we will not tolerate any further evasion of the law," and a bill was reported and passed here, as I have before shown, which was more acceptable to the people of the Pacific coast than any other legislation which has been had. That bill was sent to the other House and referred to the Committee on Foreign Relations, and there was, as we understand, much discussion by the present Administration as to the power or the propriety of passing such a bill. I will not say the power, because we have the power to abrogate the treaty by law, but there has been a constant policy inaugurated by the Republican party and continued by this Administration to treat with the Chinese and remain on friendly terms with them. That has been the policy of both parties, and instead of passing the bill in the House in 1886 that was passed by the Senate, it being exceedingly stringent in its provisions, and there being some question as to whether it was in conflict with the treaty, the present Administration very properly opened negotiations with China and secured the treaty now pending. I congratulate them for following that policy established by the Republican party, to deal with this question as a great nation should, and to secure what we must by negotiation if we can, and there will be no trouble in so securing it. I say I am glad that this Administration pursued that course.

I think if the bill of 1886 had been passed, although it might have been in conflict with the treaty, still it would have answered the same purpose as effectively as the pending treaty and the bill we have just passed through the Senate to carry it into effect. But the Administration pursued a different policy and negotiated the new treaty. The Senate has amended it in the particulars I have stated, out of abundant caution, and, as I said before, it has passed by unanimous consent a bill to carry it into effect.

What can be said, I ask, against General Harrison, or against any Republican who has labored to carry out the exclusion of Chinese in a legal, proper, and orderly manner without violating treaties and without unnecessary denunciation?

In looking through the record I find not one word, not one sentence, uttered by General Harrison apologizing for the coming of Chinese, or intimating that he was in favor of it. On the contrary, I find his official act indorsing a measure which meant absolute exclusion, and I find that act to have been unanimously indorsed by all Republicans.

Is it a reproach to the Republican party that they would not legislate against a race until they had discovered the necessity? Is it a reproach to the Republican party that they did not make haste to discriminate against the Chinese before they knew that it was necessary to do so? The Republican party had gone through a great struggle. They had been reared in a school of politics which recognized the rights of man. They had made a grand struggle to abolish slavery and to protect all men in their equal rights. Until they were certain that it was right and proper to exclude these people they could not take action; they could not take action until they had the evidence.

But when the Republican party found that where these Chinamen came civilization could not exist, when they came to know more of the history of the race with which they were contending, when they saw that it was a repetition of the old contest which had been waged for more than a thousand years between the people of Asia and the people of Europe for supremacy, when they saw that where the Chinese came they remained, they recognized the necessity of excluding them. The Chinese can live on half what we can. They are slavish and more patient than Europeans, and they have their own institutions which they worship, and if we allow them to come here they will occupy the soil. Open the gates to China and she will populate this country. Give the Chinese suffrage and the Chinese Government and the owners of Chinese laborers would control our elections. They would bring them here by contract, naturalize them, and control their votes.

When these facts were known in the East there was a universal con-

viction as to what was proper to be done. We now know that it is no discrimination against any race that has a right to be here. We now know that it is necessary to preserve our race and our country to keep the Chinese away. If we keep them away, we shall not have this incompatible element to deal with. The negroes were differently situated. They were here; we have to deal with them; and it is our duty and our necessity to elevate their condition so that they shall not destroy us. But the Chinese are not here, and we are under no obligation to import a race which is entirely incompatible with our institutions and whom we know to be destructive of our civilization.

When I find a unanimous consent to that effect, when I find this great question so vital to the Pacific coast settled and settled right, I deprecate reviving the discussions of the past and making political capital of it. It is settled as solidly as the Union is settled. It is settled as permanently as the question of secession. It is one of those great problems that we have met. The Republican party have settled it, and when they have made up their minds that a proposition is right the world knows they will stand by it. The world now knows that the Chinese question is settled because the Republican party have so declared, and they will not change on this great question. They did not decide until they heard all sides; they did not decide until they investigated it; and I say instead of being a reproach it is an honor to them that they did not decide so momentous a question as this in ignorance or on account of prejudice, but on the broad grounds of humanity, on the broad grounds of preserving our institutions, preserving our people and our laborers, and preserving this continent for them.

The Republican party are unanimous that no more Chinese shall come. The Pacific coast knows it and rests in security. There is no need of making speeches to affect the Pacific coast. They understand how the question is settled. They have watched it more closely than you have. They watched every man, and they know how he stands and where he stands, and when he comes forward after investigation and appreciates what is right and stands by it, they accept him. General Harrison's record is as satisfactory on the Pacific coast as if he had abused the Chinese for forty years.

All the people of the Pacific coast desire is that no more Chinamen shall come, and that when those who are here go back they shall not return. They want to see an end of this trouble. They want to see an end of this evil that threatens the peace, prosperity, and progress of the country, and now that they see the end they are rejoiced; they are willing to let by-gones be by-gones, and they will deprecate the introduction of this question in politics, fearing that it will retard rather than hasten the final consummation of the work.

ARMY APPROPRIATION BILL.

Mr. ALLISON I ask leave at this time to lay before the Senate the report of the committee of conference on the Army appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa submits a conference report, which will be read.

Mr. ALLISON. I understand we are in executive session.

The PRESIDENT *pro tempore*. The Senate can proceed to legislative session by unanimous consent.

Mr. ALLISON. At this moment?

The PRESIDENT *pro tempore*. At this moment, if there be no objection. The Chair hears none.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida desire to interfere with the consideration of the conference report?

Mr. CALL. I merely wish to observe to the Senator from Iowa that I was requested by the Senator from Maryland [Mr. GORMAN] to ask that the conference report on the Army appropriation bill should not be considered until to-morrow morning. He desires to say something in regard to it.

The PRESIDENT *pro tempore*. Does the Senator from Iowa move the consideration of the report now?

Mr. ALLISON. I move that consideration, and I will say to the Senator from Florida——

The PRESIDENT *pro tempore*. The question must be put without debate, if objection is made to its consideration.

Mr. ALLISON. Very well, then.

The PRESIDENT *pro tempore*. Is there objection to debate?

Mr. CALL. I object, Mr. President.

Mr. ALLISON. Does the Senator object to my making a statement?

Mr. CALL. No, I only object to the report being made at this time.

Mr. COCKRELL. I hope the Senator from Iowa will be allowed to proceed. I was requested by the Senator from Maryland [Mr. GORMAN] to state that he did not desire the conference report to be considered this evening if it was presented at any time after 4 o'clock, and that he hoped it would be laid over until to-morrow, when he would be ready for its consideration. He was one of the conferees on the part of the Senate, being the conferee on this side of the Chamber, and I hope the Senator from Iowa will not insist upon the conference report being considered until the Senator from Maryland is here.

Mr. ALLISON. Mr. President, may I have an opportunity of saying a word?

The PRESIDENT *pro tempore*. The Senator from Iowa.

Mr. ALLISON. The Senator from Maryland [Mr. GORMAN] stated to me that he was obliged to leave the Chamber, and that he desired to make a few observations upon the report before it passed from the consideration of the Senate, and he suggested to me, if I called up the question this evening, that it should not be finally concluded to-night, to which I gave my assent, stating to him that I thought for the information of the Senate it would be wise to have the report read so that it might appear in the RECORD in the morning, so that Senators would have an opportunity of making an examination of the report to see its effect upon the bill.

This I intended to state when I first took the floor, and would have stated but for the interposition of the Senator from Florida.

I ask that the report be read in order that it may appear in the RECORD, and if any Senator desires an explanation I shall be glad to give it to-night, and then the matter may be passed over until to-morrow.

The PRESIDENT *pro tempore*. By unanimous consent, the report may be printed in the RECORD without being read.

Mr. PLATT. I should like to hear it read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. PLATT. I withdraw my suggestion for the reading of the conference report.

The PRESIDENT *pro tempore*. The conference report, then, if there be no objection, will be printed in the RECORD. The Chair hears no objection.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) "making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 18, 19, 22, 24, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 23, 26, 28, 29, 30, 31, 32, and 34, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Insert, after the word "change," in line 19, page 5 of the bill, the words "or over any of the bond-aided Pacific railroads;" strike out, in line 21, same page, the words "last-named railroad" and insert in lieu thereof the word "railroads;" and in lieu of the matter proposed to be inserted by said Senate amendment insert the following:

"*And provided further*, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall be limited to transportation in kind, not including sleeping or parlor car accommodations, over said free roads, over bond-aided Pacific railroads, and by conveyance belonging to the said Department."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out, in line 5 of said amendment, the words "and increased facilities for their manufacture;" and strike out, in line 12, the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out, in lines 12 and 13 of section 2 of said amendment, the words "three Army officers and three" and insert in lieu thereof the words "the superintendent of the Military Academy and two;" and strike out, in lines 20 and 21 of said section, the words "War Department" and insert in lieu thereof the word "Army;" strike out all after the words "New York," in section 3 of said amendment, down to the end of said section, and insert in lieu of the matter stricken out the words "$700,000, or so much thereof as may be necessary;" in lieu of the sum named in section 4 of said amendment insert "$3,500,000;" insert, after the word "shall" where it occurs the second time, in line 8 of section 5 of said amendment, the words "have or;" strike out section 6 of said amendment; change the number of section 7 of said amendment to section 6; and strike out section 8 of said amendment and insert in lieu thereof the following:

"SEC. 7. The appropriations provided for in sections 3, 4, 5, and 6 shall be available until expended, and shall be expended under the direct supervision of a board, to consist of the commanding general of the Army, an officer of ordnance, and an officer of artillery, to be selected by the Secretary of War; and said board shall be under the direction and control of the Secretary of War and subject to his supervision in all respects."

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
R. W. TOWNSHEND,
LEVI MAISH,
Managers on the part of the House.

PEREZ DICKINSON.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the said bill.

CHAS. J. FAULKNER,
GEO. F. HOAR,
JNO. C. SPOONER,
Managers on the part of the Senate.
W. J. STONE,
T. R. STOCKDALE,
J. M. BROWER,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action on the part of the Senate.

REPORTS OF COMMITTEES.

Mr. SABIN, from the Committee on Indian Affairs, to whom were referred the following bills, reported them without amendment:

A bill (H. R. 7261) granting the right of way through certain lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company; and

A bill (H. R. 7964) granting to the Aberdeen, Bismarck and Northwestern Railway right of way across a portion of the Sioux reservation, in Dakota Territory.

Mr. SABIN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, reported it with amendments.

BILL INTRODUCED.

Mr. RANSOM introduced a bill (S. 3449) to provide for grading and paving the approaches to the national cemetery near Salisbury, N. C.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the general deficiencyappropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (S. 2691) to provide for the settlement of accounts with certain railway companies; which was referred to the Committee on Railroads, and ordered to be printed.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the fisheries treaty in open executive session.

Mr. FRYE. Quite a number of Senators have inquired of me whether a vote will be taken to-night on the proposition of the Senator from Alabama [Mr. MORGAN] to postpone the consideration of the treaty until next December. As I understand, the discussion as to that motion is about if not quite completed; and I ask unanimous consent that on the proposition of the Senator from Alabama the vote may be taken at 12 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that to-morrow at 12 o'clock the vote may be taken on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the treaty until the Wednesday after the first Monday in December. Is there objection? The Chair hears none.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky rise to object?

Mr. BECK. No, I do not. I rise to say something.

The PRESIDENT *pro tempore*. By unanimous consent the order is made.

Mr. BECK. I rose simply because so much surprise was expressed by the Senator from Oregon [Mr. MITCHELL] and the Senator from Nevada [Mr. STEWART] that the Senator from Missouri [Mr. VEST] should have stated that the Republican candidate for the Presidency had not only aided in having Chinese naturalized in Indianapolis but received their votes when he was the Republican candidate for governor of Indiana in 1876, and they seemed to be anxious to obtain the record. I have not the record, but I have a *verbatim* report of a speech made recently by the senior Senator from Indiana [Mr. VOORHEES] in the city of Terre Haute, published in the Indianapolis papers and not contradicted, in which the Senator from Indiana says:

Every almond-eyed Mongolian now in the United States is here as the result of treaties and laws made by the Republican party; and when General Harrison voted fourteen times in the Senate against restrictions on Chinese immigration he was simply carrying out the principles and adhering to the established practices of his party. When he voted in the Forty-seventh Congress against both the bills reported by Senator Miller, of California, and Mr. Page, of the House, restricting the immigration of Chinese laborers into the United States, he was faithful to his instincts of hositility to American labor. When he voted to strike out of these measures all restriction on the right and power of the State courts and of the United States courts to naturalize the Chinese and to admit them to citizenship, he was not only consistent with the teachings and logic of his party, but also with the sanction he himself gave to the naturalization of Chinamen at Indianapolis, procured by his law partner from the courts with his full knowledge and approval.

Mr. DAWES. I would inquire of the Senator from Kentucky if that is the same speech in which the Senator from Indiana denounced as a crime the votes which he himself had given on the greenback question in the House of Representatives?

Mr. BECK. I do not know about what else the Senator from Indiana said; but as so much surprise was expressed because any one should suggest that the Republican candidate for the Presidency had taken any part in naturalizing Chinese to get the benefit of their votes, I thought gentlemen might be enabled to ascertain the facts by reading what the senior Senator from Indiana said last week in a public address as published in Indianapolis, especially after the Senator from Nevada had said that the reason why the Republican candidate for the Presidency had voted to sustain the veto of President Arthur was because there was something in the bill as presented that did not quite meet the approval of men who desired to maintain treaties in their full faith. And yet when another bill came in that did meet the objection and that the President was able to sign, his candidate for the Presidency still voted against it, with full knowledge that it was put in such shape as to remove all the objections, or paired with the Senator from Texas [Mr. Maxey], I forget which, meaning the same thing. Really that is the amusing part of the whole performance of the Senator from Nevada. He does not want that spoken of at all; let by-gones be by-gones, he says.

When the Republican party at Chicago are proclaiming themselves as the special friends and guardians of American labor, and denouncing the Democratic party as working in the interests of foreigners while they themselves are maintaining such a policy as will sustain the industries of the country, is it not proper to show that steadily and persistently their own candidate for the Presidency as long as he had power to do it exhibited his opposition to excluding those very Chinese laborers up to the last moment? And though the Senator from Nevada announced that a Senator from California had settled the question of naturalization years ago against the Chinese, the law partner of the Republican candidate is shown to have gone into a court at Indianapolis after that was done and had several Chinese men naturalized, and the candidate received their votes.

In 1886 the Senator says we were all agreed that they must be kept out. The bill of that year was proposed and passed in the Senate after a Democratic administration had come into power. For twenty years the Republican organization, the special friends of American labor, had allowed them to come in. During the war they imposed taxes to the highest possible point, and when they had both Houses by nearly a unanimous vote, certainly more than two-thirds in each, they passed a law providing that men should be brought here from all parts of the world by contract to labor for the great protected organizations that they had built up. The only law of that kind they ever did pass was "An act to encourage immigration," and section 2 of it provided:

That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant.

That act was approved July 4, 1864, and was maintained on the statute-book unrepealed until after the election of Mr. Cleveland, repealed by a law passed February 26, 1885, when power was departing from those men by the election of a Democratic President; never repealed until the power had gone from them; and even the homestead was subjected to a lien here created. They knew that men could go and could take up their little homestead, which could not be levied upon for debt, which could not be taken from them by any law for any obligation. But by this act the man who brought them here, whether from China or from Hungary or from Italy or anywhere else, could follow their homestead and take it away from them unless they paid what money had been advanced to bring them here. There never was a law like that passed before; and yet these gentlemen are the special guardians of American industry and of American labor!

The remarks of the Senator from Nevada made me think it was well to say that much in regard to it. Why, Mr. President, it was shown in the records of investigations made in California that the Central Pacific Railroad Company operated under this law. Mr. Pixley, representing the city of San Francisco, proved it before the committee. That company sent money to China through the Six Companies, or some of them organized in California, and at one time brought ten thousand Chinese to our country and placed them upon the railroad and drove out the American laborer. The Central Pacific was built largely in that way, and so it was along the other great lines, and so it was in the factories.

During all the twenty years that those gentlemen could maintain the law I have just read men were brought from all parts of the world, from Asia, Africa, Europe, and America, outside of the United States, to work in the factories and to run machinery, protected then as now by 47 to 50 per cent., driving out the American laborer with machinery that is capable of performing more labor than all the human muscle in the world combined.

The machinery owned by a few men can produce more in six months than the country can consume in a year; and when it lies idle it neither drinks nor eats nor wears any of the products of American industry, but waits until the time for profit comes. It drives out laborers. Under this law, maintained as long as it could be, and under the Chinese system and the system of contracts, the capitalists got the cheapest labor they could find in order that they might pocket all the profits, and this on the plea that the system was intended to protect the American laborer and nothing else!

Mr. DOLPH. Mr. President, drowning men catch at straws, and I

do not wonder that after the protracted discussion of the base surrender of American rights which is proposed by the treaty now under consideration by the Senate, and after the passage of what is known as the Mills bill by the Democratic House of Representatives, by which it is proposed to flood this country with the cheap-labor products of the 404,000,000 inhabitants of China, the 350,000,000 inhabitants of India, and the pauper labor of Europe, by which it is proposed to destroy fifty-three of the great industries of the North, which give employment to white laborers, who are voters and who in theory and in fact control in political affairs there, who pay an enormous tax to sustain the sugar industry of Louisiana, an industry which has been protected by duties upon imported sugar for over forty years, and to support which nearly a thousand million dollars have been paid by the consumers of sugar in the United States, and all to swell the profits of a few of the former slaveholders who own the sugar plantations, an industry which is carried on by colored labor, by men who, although they are citizens under the Constitution and laws, are permitted to exercise none of the rights of citizens, men who are compelled to labor for such wages as are offered by the planters and manufacturers, and then to take their pay in barter, and who, if they undertake to improve their condition and to demand better wages, are forced to comply with the demands of their employers, as was lately the case when the militia of Louisiana was called out to compel the laborers upon the cane plantations to go to work again after they had struck for better wages—I say I do not wonder that Senators on the other side of the Chamber, in the face of such a situation and in their extremity to divert attention from more important subjects, turn their attention to the Republican candidate for President and undertake by such means as have been resorted to to-day to show that he has at some time been in favor of the admission of Chinese laborers into the United States.

But, sir, I deny that the record of General Harrison in Congress will show that he ever was in favor of the admission of Chinese laborers into the United States, or that he was ever opposed to the restriction of the immigration of Chinese laborers to this country.

As to the statement which has been made that his law partner secured the naturalization of Chinese in Indiana, I am not prepared to-night to speak, as I never heard of such a charge before and believe it is without foundation; but if such a thing occurred there must be a record of it, and the matter will be examined and referred to hereafter.

Mr. President, who is responsible for the presence of Chinese in this country? I assert that the Democratic party is largely responsible for their presence. China for thousands of years was willing to be isolated from the rest of the world; did not desire the presence of foreigners, and never has desired that her subjects should migrate to this or any other foreign country; but the United States and other countries sought commercial relations with that country, and the first treaty between the United States and China was ratified in 1845 under the administration of President Polk, and was promulgated by him. In 1857 or 1858 another treaty between China and the United States was negotiated, by which the rights of our citizens in China were greatly enlarged—they were to be entitled to go to and reside and trade in China, and were to be protected by the Chinese Government.

That treaty was made during the administration of James Buchanan. At that time and for many years prior thereto there were numbers of Chinese on the Pacific coast. As early as 1853 a Democratic senate in California, nearly all the members being Democrats, presided over by a Democratic lieutenant-governor, passed a resolution in which they recited that the future commerce with China would be very valuable, that California, being the State nearest to China, would be greatly benefited by the Chinese trade, and asking the President to appoint a commissioner to reside in China to look after the commercial interests of the United States. As was stated the other day by the Senator from Nevada [Mr. STEWART], Mr. Hager, afterwards a United States Senator from California and at present collector of customs at the port of San Francisco, and now strongly in favor of the exclusion of Chinese laborers, was a member of that senate and was active in procuring the passage of that resolution.

As I have said, induced by these representations, the Buchanan administration negotiated a treaty with China securing to citizens of the United States important rights which had theretofore been denied to them by the Chinese Government. There was no express provision in that treaty in regard to the coming of Chinese to this country: first, because the Chinese Government was not in favor of the emigration of its subjects, and second, because it was not necessary under the laws of the United States and the theory of our Government up to that time. Emigrants from all countries had been welcomed here to a home among us, to participate in the advantages of our institutions, and enjoy the protection of our laws, and therefore no affirmative provision of the kind was required. The Democratic party, through the press and on the stump, and Mr. Buchanan in his annual message, claimed that that treaty negotiated with China was the crowning success of his administration.

Time passed on and China changed her policy toward the outside world and sought closer relations with other countries. She appointed a commission, at the head of which was Anson Burlingame, an American citizen, to come to the United States and negotiate a new treaty. When the commissioners arrived in California they were given a great banquet by the leading citizens of that State. The Democratic governor, H. H. Haight, presided at the banquet. Mr. Hager, who has already been referred to, and other leading Democrats were present and sat down to this feast with the leading Chinese merchants of San Francisco, and around the table in after-dinner speeches congratulated each other and the country upon the new departure of the Chinese Empire which would open her ports to an extensive commerce with the United States.

Up to that time there had been no danger apprehended from Chinese immigration. A supplemental treaty with China was negotiated by Andrew Johnson, then President. That treaty came before the United States Senate for ratification, and since the Senator from Missouri closed his speech I have been curious enough to examine the record to see what it shows in reference to its ratification. It will be remembered that the Senator from Alabama a few days since, when the bill to restrict Chinese immigration was under consideration, dilated at length upon the Burlingame treaty and laid it at the door of the Republican party, but the record is as follows:

Mr. Sumner submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the additional articles to the treaty between the United States and His Majesty the Emperor of China of the 18th of June, 1858, signed in the city of Washington, D. C., the 4th day of July, 1868, with the following amendments:

Article 5. After the words "United States," where they occur the second time, insert "or Chinese subjects."

Same article. After the words "Chinese subjects" insert "or citizens of the United States."

At the end of article 6 insert "but nothing herein contained shall be held to confer naturalization upon citizens of the United States in China nor upon the subjects of China in the United States."

Strike out all of article 7 in the following words: "The United States and the Emperor of China, recognizing in the present progress of nations a favorable tendency toward a unity of civilization, and regarding a unity of money and a unity of weights and of measures as favorable to that great object, do hereby agree that they will use their influence and efforts to obtain the establishment, by the general agreement of nations, of representative coins having a common value, and also a common standard of weights and measures for all countries."

Strike out article 8 in the following words: "The United States freely agree that Chinese subjects shall, without hindrance on account of their nationality or religion, be admitted to all schools, colleges, and other public educational institutions without being subject to any religious or political test. And, on the other hand, His Majesty the Emperor of China agrees that citizens of the United States may freely establish and maintain schools in that empire at those places where foreigners are by treaty permitted to reside," and insert in lieu thereof as follows:

"Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China, and reciprocally Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States which are enjoyed in the respective countries by the citizens or subjects of the most favored nation.

"The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and reciprocally Chinese subjects may enjoy the same privileges and immunities in the United States."

The Senate, by unanimous consent, proceeded to consider the said resolution; and on the question to agree thereto,

It was determined unanimously in the affirmative.

Not a Democratic member of the Senate raised his voice against it. It was unanimously ratified by the Senate.

Mr. President, as time passed on it became evident that Chinese immigration was not desirable. The Chinese did not assimilate with our population; they did not come here to become citizens; they were not interested in our system of government; they saved their earnings, but not to enrich this country; they carried their accumulated gains away when they returned to China; and a sentiment grew up on the Pacific coast in favor of Chinese restriction.

By the representations of leading citizens of the Pacific coast of both parties the Government was induced to take action, and a Republican administration negotiated a new treaty modifying the treaty of 1868 so as to permit Congress, without a violation of the treaty, to enact laws for the restriction of Chinese immigration. I repeat, it was a Republican measure; and all that has ever been done until the recent treaty, which is not yet ratified, looking to the exclusion of Chinese laborers from this country, or the restriction of Chinese immigration, has been done by the Republican party.

That treaty, negotiated under a Republican administration, authorized the United States for a limited time to restrict but not to wholly prohibit Chinese immigration. A bill was introduced—it was a Senate bill, I think; at least it was pending before the Senate—which provided that for twenty years the coming of Chinese laborers to our shores should be prohibited. Mr. Harrison, it appears, was opposed to the period of twenty years, and thought the time of exclusion, to conform to the treaty, should be less. Whether he had any intimation from the President, that according to his judgment that was too long a period or not, is not known, but the action he took upon that bill shows that he was in favor of restriction. The senior Senator from Texas, upon the passage of the bill, arose in his place in the Senate and said substantially—I have not the RECORD before me—"I have received a letter from Mr. Harrison, in which he states that if this amendment is not adopted"—that is, the amendment reducing the time to ten years—"he will vote against the bill." That leaves the fair inference that if

the amendment had been adopted he would have favored and voted for the bill, does it not? Is not that logical?

Mr. BECK. But the bill came in——

Mr. DOLPH. I will get to that in a moment.

Mr. COKE. The Senator alludes to my former colleague, Senator Maxey, I suppose.

Mr. DOLPH. Yes. I said the senior Senator from Texas. I meant Senator Maxey, who was the Senator who was paired with Mr. Harrison, and who stated on the floor of the Senate that he had received a letter from Senator Harrison, who was detained from the Senate on business of the Senate, in which he said that if the amendment was not adopted he would vote against the bill. I think I state it too strongly against General Harrison, but let it stand as I have stated it. The letter will speak for itself.

I say the fair inference from the statement is that if the amendment had been adopted Senator Harrison would have favored the bill, and it shows that he favored the restriction of Chinese immigration; that can not be denied.

Well, the bill passed—passed without the vote of Senator Harrison for or against it, and went to the President. He vetoed it, and vetoed it upon the very ground upon which Senator Harrison had opposed the bill, and I say if the rest of the Senate had been as wise and acted as judiciously as Senator Harrison did, and had adopted his views in regard to that amendment, it would have saved all the subsequent trouble of passing a new bill.

After the veto another bill was introduced in the House of Representatives by a Republican member, Mr. Page, and largely by his efforts its passage through the House was secured. It came to the Senate, and was taken up for consideration. It contained two provisions which Senator Harrison objected to—the fourteenth and fifteenth sections, which have been referred to by the Senator from Missouri [Mr. VEST]. One of those sections provided in substance that no court should have the power or authority to naturalize Chinese subjects. Senator Harrison opposed that provision, and so would I have opposed it if I had been here, and I think that every other man who knew what the law was and was not willing to legislate for political purposes would have opposed it, too. Everybody knew that a Chinese subject could not be naturalized in the United States, and although it had been attempted by some judge up in Boston—I forget whether it was the United States circuit or United States district judge up there—the judges on the Pacific coast, one or more of them—I am not sure but the district judge and the circuit judge and Associate Justice Field had all decided that a Chinese subject could not be naturalized.

What would have been the effect of Congress saying the courts should not have that power to naturalize Chinese would it not have been an assumption by legislation that they already had the power to naturalize Chinese subjects? It would have thrown a doubt, at least, upon the action which had already been taken by the courts. The attempted naturalization of Chinese was illegal. Even the record of such a proceeding would not have entitled a Chinese subject to citizenship, and Senator Harrison knew it, and as a lawyer he was bound to vote against that provision.

As to the other provision referred to which was opposed by Senator Harrison, the provision undertaking to construe the word "laborer" as used in the treaty, the Senator from Missouri rightly says that Senator Harrison was too good a lawyer not to know that the treaty itself could be set aside by a law of Congress. That is not what Senator Harrison was discussing. He said that the word "laborer" had a fixed meaning, and it was used in the treaty with reference to this meaning, which the courts could determine, and that we could not make the word laborer, as used in the treaty, mean more or less by an act of Congress. Of course if we wished to go beyond the treaty, if we wished to violate the treaty, if we wished to exclude classes of Chinese by the law that were not excluded by the treaty, that could be done; but that was not what General Harrison was talking about. He was talking about enlarging the definition of the word "laborer" as used in the treaty by an act of Congress, and a very sensible remark he made about it, too, and his action in that matter shows, just as his action upon the previous bill showed, that he favored the restriction of Chinese immigration.

But suppose that that were not so. Is a man to be held forever to a position that he has taken at a particular time or to his views upon a question at a given time? Is there no room for change? Why, sir, it is only a fool or a bigot who never changes his opinions.

Senator Harrison was a member of the Senate in 1884 when an amendatory Chinese restriction bill was passed, and there is not a line or a scratch of a pen to show that he was opposed to it and was not in favor of it. I do not think the roll was called upon it. I do not know that Senator Harrison was present.

Mr. MITCHELL. In 1886?

Mr. DOLPH. In 1884 the bill was passed; 1886 I will come to in a moment.

I say there was a bill passed amending the act of 1882, more stringent in its provisions in regard to the main thing which was sought to be accomplished by it, the restriction of Chinese immigration, than the law of 1882, and Senator Harrison, for all there is in the record, appears to have been in favor of the bill; at least there was no sign, no word, no vote, and no action showing any opposition to it.

Well, sir, we come down to 1886 when a bill was reported from the Senate Committee on Foreign Relations by the distinguished Senator from the State of Ohio [Mr. SHERMAN]. Mr. Harrison was then a member of the Committee on Foreign Relations. That bill reported in 1886 was an excellent bill. It would have cured the defects which had been discovered in previous legislation; it would have gone far to prevent the evasion of the laws of 1882 and 1884 by Chinese coming to this country. Mr. Harrison as a member of the committee joined in the report of the committee, was present when the bill was considered, made a friendly suggestion in answer to an inquiry by the honorable Senator who now occupies the chair [Mr. INGALLS] as to some objection that had been made by Senator McMillan from Minnesota. Mr. Harrison stated that the Senator from Minnesota had withdrawn his objection, thus showing his friendly interest in the bill and in the measure, and that he favored the bill, which was passed without a call of the yeas and nays.

Now let us trace that bill a little further. As I have said, that was an important bill to the Pacific coast, a bill that we were demanding, a bill that would have gone far to relieve the United States courts of the city of San Francisco, which were being overwhelmed with Chinese habeas corpus cases to the detriment of the public business. It went into the House of Representatives and was placed in the tomb of the Capulets to sleep its last sleep, and no attention was ever paid to it.

Mr. HOAR. What House of Representatives?

Mr. DOLPH. A Democratic House of Representatives. Therefore, Mr. President, I assert again that Mr. Harrison was in favor of Chinese restriction. The record shows that he favored and supported two bills for that purpose which have passed the Senate of the United States, one of which afterwards became a law, and one of which was pigeonholed by a Democratic House of Representatives. The record does not show that he was ever opposed to the principle, that he was opposed to the general proposition, and his opposition to the bill of 1882 was placed on other and perfectly defensible grounds. I shall be very much surprised indeed if an examination does not show that the statement which has been to-day made by the Senator from Missouri and subsequently reiterated by the Senator from Kentucky, concerning the naturalization of Chinese in Indiana, is a mistake, an entire and total mistake on their part, and something far worse than a mistake on the part of others.

Mr. President, this effort to show that Senator Harrison was opposed to Chinese restriction and in favor of Chinese immigration and cheap labor upon the Pacific coast will fail. The people of the Pacific coast are too intelligent and too well informed to be deceived. They know that the first treaty for commercial relations with China was negotiated by a Democratic administration. They know that the Republican party when in control of the administration took up this question, secured a modification of the treaty of 1868, and has secured all the legislation which has ever been had for the restriction of Chinese immigration, and knowing this they are willing to trust that party to deal with this question in the future.

And then, sir, they are engaged just now with more important things. They have read of the attempt of the Democratic Administration and the Democratic House to place wool on the free-list, and lumber on the free-list and salt on the free-list, and vegetables on the free-list, and fruit on the free-list, and the attempt to break down the barriers which have been erected around this country by the Republican party to prevent the wholesale importation of the cheap-labor products of other countries and to flood this country with such products; and these things are engaging their attention. Instead of searching the record now to find by what processes General Harrison came to the conclusion that Chinese immigration is not desirable, they are casting their eyes across the Pacific to Australia with her 3,000,000 inhabitants and 3,000,000 square miles and 80,000,000 sheep, and they are waiting to see whether the Democratic party will be able to open the flood-gates and let in the cheap wool of Australia and of South America and of Africa to destroy their flocks, to drive them to the slaughter pens, and ruin that great interest.

They know what party favors protection to the American laboring man; they understand the policy which lies back of the Mills bill, which inspired the President's message on the tariff, which would break down the great industrial system of the North, which would deprive millions of men of their daily labor, and therefore of their daily bread. They see the Democratic party with its arms around the great industrial structure of this country, as Samson had his arms around the pillars of the Philistine temple ready to pull it down over their heads, and they will be willing to trust this question of Chinese immigration to the Republican party, and they will look to it for the protection of the American laboring man against the cheap products of the four hundred and four millions of Chinese in China.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. MITCHELL. I hope the Senator will withdraw that motion for a moment.

Mr. ALLISON. I withdraw the motion at the suggestion of the Senator from Oregon.

Mr. COCKRELL and others. Let us adjourn.

Mr. MITCHELL. I only want a minute.

Mr. COCKRELL. Will the Senator from Oregon yield, as he has the floor, to a motion to adjourn?

Mr. MITCHELL. I will only occupy one minute of time.

Mr. COCKRELL. Very well.

Mr. MITCHELL. Mr. President, it is conceded, I believe by all, that General Harrison was a member of the Committee on Foreign Relations of this body in 1886. I hold in my hand a bill looking to the restriction of Chinese immigration, reported from that committee by the Senator from Ohio [Mr. SHERMAN] and agreed to unanimously by every member of that committee, as I understand, Republican and Democrat. That bill was reported to the Senate, and passed the Senate by a unanimous vote. The record shows, as has been already stated, that General Harrison was present in the Senate removing obstacles that seemed to arise, first one and then another, in regard to getting the bill up. There was no roll-call. The bill was passed unanimously, and this is the bill; and I ask to have it incorporated as part of my remarks in the RECORD.

I desire to say in this connection that in my judgment it is the best bill on the subject of Chinese restriction that has ever been reported from any committee of either House of Congress or has ever been passed by either House of Congress.

This bill, the Democrats of the Senate must admit, received the approval of General Harrison. Whatever may have been his notions years before, this shows what his record was two years and over ago on this subject.

Mr. TELLER. What became of that bill?

Mr. MITCHELL. That bill was passed, as stated by my colleague, by the Senate—a Republican Senate—and was sent to the House of Representatives—a Democratic House—and there it was suffered to die; it never was reported, no action was taken on it.

That is the record of General Harrison on the Chinese question over two years ago, and his action on the amendments which have been referred to by my honorable friend from Missouri [Mr. VEST], in which Senator Harrison declined to vote for certain amendments proposed, and in favor of others that were proposed, was, simply, not because he was opposed to legislation restricting Chinese immigration to this country, but because he desired to keep within the provisions of the treaty. The RECORD shows, all the way through, as was stated by my colleague clearly and distinctly in the correspondence he had with the then senior Senator from Texas, Mr. Maxey, that he was not opposed to a bill *restricting* Chinese immigration, but he was opposed to one that would *prohibit* Chinese immigration at that time solely because it was a violation of the then existing treaty between the two countries.

Mr. VEST. Will the Senator from Oregon permit me to ask him a question?

Mr. MITCHELL. Certainly.

Mr. VEST. Does he mean to say that the passage of the bill which he holds in his hands was indicative of the approval of its provisions by every member of the Senate? It passed unanimously and without the yeas and nays.

Mr. MITCHELL. Yes.

Mr. VEST. I should like to know if the Senators from Massachusetts approved that bill. They stand exactly in the same position that the Senator from Indiana, General Harrison, did. I do not think the Senators from Massachusetts will say they would have voted for it on a yea-and-nay call.

Mr. MITCHELL. General Harrison was on the committee, and the report was unanimous.

Mr. VEST. There is a record of that committee, and we all know how those reports are made and what they are worth so far as testing the opinions or making the record of any public man.

Mr. MITCHELL. The record shows that he not only joined in the report but that he aided in bringing the bill to a vote when it was brought to a vote in the Senate.

Mr. VEST. I leave General Harrison to speak for himself. In the letter which the Senator from Nevada was kind enough to put in the RECORD the other day, to Rev. Mr. Brant, of St. Louis, he gives two reasons for his action in 1882. One is that the two acts violated the treaty—for he voted against both. The second one is that he could not divest himself of the old idea that this country was a free place of refuge to all comers. I leave him to answer for himself.

Mr. MITCHELL. I have nothing further to say—I said I would only occupy a minute—except that the only Chinese restrictive legislation that has ever been approved in this country, two bills that have become laws, were approved by Republican Presidents.

Mr. BLAIR. I should like the floor for a moment.

Mr. MITCHELL. I ask that the bill to which I have referred may be incorporated in my remarks without reading.

The PRESIDENT *pro tempore*. The Senator has the right to insert it if he desires.

The bill is as follows:

A bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "Chinese laborer" and "Chinese laborers," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean any laborer of the Chinese race, without regard to the government to which such laborer may owe allegiance, and without regard to the port, place, or country from which such laborer may come to the United States; and the words "Chinese passenger," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean all persons of the Chinese race, without regard to the government to which they may owe allegiance, or the port, place, or country from which they may come to the United States.

SEC. 2. That section 1 of the act to which this act is amendatory and supplementary is hereby amended so as to read as follows:

"That the coming of Chinese laborers to the United States from any foreign port or place is hereby suspended for the period of ten years next after the passage of this amendatory treaty; and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or, having so come, to remain within the United States."

SEC. 3. That section 4 of the act to which this act is amendatory and supplementary is hereby amended so as to read as follows:

"SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the 17th day of November, 1880, or who came into the same prior to the 5th day of August, 1882, and in order to furnish them with the proper evidence of their right to come into the United States as provided by the act of Congress approved May 6, 1882, the amendment thereto approved July 6, 1884, and the treaty between the United States and China dated November 17, 1880, subject to the restrictions and limitations in this act contained, the Secretary of the Treasury shall cause to be prepared, and furnished to collectors of customs at ports where the same may be required, suitable books of registration, in such form as shall enable the said collectors to conveniently register and set forth fully all the particulars necessary to identify the Chinese laborers who shall apply for registration under this act. The said Secretary shall also cause to be prepared, and furnished to said collectors, books of preliminary and return certificates, in such forms as shall enable the said collectors to conveniently set forth and certify accurately, distinctly, and fully all the particulars necessary to identify the Chinese laborers to whom the said certificates shall be issued as hereinafter provided. The said return certificates shall be upon such quality, kind, and color of paper as to be readily distinguishable from the preliminary certificate, and the printing or engraving thereof shall be of such device as shall in the best manner guard against the counterfeiting or alteration of said certificate. Said return certificate shall be printed or engraved with a stub, in such manner that the stub when filled up shall contain a brief statement of all the particulars entered in the certificate, with the number thereof, and shall be so printed or engraved and stamped that when the certificate is detached from the stub it shall so correspond with it as to afford evidence of the genuineness of the certificate. Whenever any Chinese laborer shall be about to leave the United States, and being under the existing laws of the United States entitled to return, he shall, if he desires to return, apply to the collector of customs at the port from which he is about to depart, for registration and for the preliminary and return certificates herein provided; and for the purpose of identification the said Chinese laborer shall, at the time of such application, furnish to the said collector four photographs of himself of the size known as *carte de visite*, the dimensions of which shall be as near as may be 2½ inches in width by 4½ inches in length; the photographs or pictures to be a front face view, not less than 1 inch nor more than 1½ inches in width across the face of the actual picture; one of the said pictures to be mounted on card-board of the above-described dimensions, and furnished to the collector for preservation as part of the records relating to Chinese immigration, and to be used if necessary for the future identification of the applicant; the other three pictures to be unmounted, one proof to be securely pasted in the book of registration, so as to form part of the description of the person registered, one proof to be securely pasted and affixed to the preliminary certificate, so as to form in like manner part of that portion of the certificate describing the person to whom the certificate is issued, and the other proof to be attached as securely and permanently as possible to the return certificate, so that, with the descriptive particulars herein required to be set forth in said certificate, the Chinese laborer to whom said certificate is issued may be readily and fully identified. On application being made by any Chinese laborer to be registered as herein provided, the collector, his deputy or other duly authorized officer or clerk, shall thereupon ascertain the family, individual, and tribal name of the applicant in full, when and where he was born, the date of his arrival in the United States, his occupation, when and where followed, his last place of residence, his height, complexion, color of eyes, physical marks and peculiarities, and all facts necessary for the accurate, distinct, and full identification of the applicant. All the facts so ascertained shall be entered by the said collector, his deputy or other duly authorized officer or clerk, in the book of registration, in such way as to form with the said photograph the description of the applicant herein required. To such registration the applicant shall attach his signature. The collector, or his deputy, shall thereupon issue to the applicant, free of charge, the preliminary certificate of identification, signed by such collector or deputy, and attested by the seal of office of said collector. Said certificate shall be numbered to correspond with the entry of registration, and shall contain a statement of all the particulars required and entered in the book of registration, and shall certify that the person to whom it is issued is entitled to exchange it for a return certificate upon going on board the vessel on his departure from the United States. The said preliminary certificate shall have plainly printed upon it, in the English and Chinese languages, a notice that the certificate is not transferable, and can only be used by the person to whom it is issued, in exchange for a return certificate on board of the vessel prior to departure. At the time the said collector or his deputy issues the preliminary certificate as aforesaid, or as soon thereafter as convenient, he shall make out or cause to be made out the return certificate, which shall be numbered to correspond with the entry of registration and the preliminary certificate, and shall also contain a statement of all the particulars required and entered in the book of registration, and shall certify that the person to whom it is issued is a Chinese laborer; that he was in the United States on the 17th day of November, 1880, or came into the United States prior to the 5th day of August, 1882; that he is about to depart from the United States, and is entitled to return thereto on the presentation and surrender of the said certificate to the collector of customs at the port where he shall again re-enter the United States, subject to the restrictions and limitations hereinafter provided as to the number of Chinese passengers who may come into the United States on any one vessel from any foreign port or place. The said certificate may contain any other matter that the Secretary of the Treasury may deem necessary in the further identification of the person to whom the certificate is issued. The said certificate shall be signed by the collector, or his duly authorized deputy, and shall be attested by the seal of office of the said collector. The photograph herein mentioned shall be so pasted, affixed, and stamped upon the return certificate as to become permanently identified with its form. The said return certificats shall have plainly printed upon it, in the English and Chinese languages, a notice that it is not transferable, and will not be received by any officer of the United States as entitling the holder to land or come into the United States unless presented by the person to whom it was issued. That for the purpose of delivering return certificates to Chinese laborers about to depart from the United States, the collector of customs, his deputy or other duly authorized officer or clerk, shall go on board any vessel upon which a Chinese laborer is about to depart from the United States, and after having satisfied himself that

such Chinese laborer is in fact about to depart from the United States, he shall deliver to such Chinese laborer, free of charge, the return certificate herein provided, in exchange for the preliminary certificate theretofore issued to such person; but in no case shall a return certificate be delivered without the return of the preliminary certificate. The said preliminary certificate shall thereupon be canceled and retained, and filed by the said collector as part of the records of his office relating to Chinese immigration. In case any Chinese laborer, after having received such final certificate, shall leave such vessel before her departure, he shall deliver his certificate to the collector of customs, or other officer representing the collector of customs on board said vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the said return certificate, and all return certificates not called for, shall be immediately canceled by the officer charged with the duty of exchanging return for preliminary certificates. The fact of such cancellation shall be noted upon the book of registration opposite to the number of the certificate canceled, and the canceled certificate filed and securely preserved in the records of the custom-house, together with a report from such officer showing the number of preliminary and return certificates issued for the Chinese laborers to depart on said vessel, the number of preliminary certificates exchanged for return certificates, the number of return certificates canceled, the number of Chinese laborers who departed without return certificates, and the number who took such certificates. The return certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return and re-enter the United States, upon producing and surrendering the said certificate to the collestor of customs of the district at which such Chinese laborer shall seek to re-enter, subject to the restrictions and limitations hereinafter provided as to the number of Chinese passengers who may come into the United States on any one vessel from any foreign port or place; and said return certificate, and the certificate issued under the acts to which this act is amendatory and supplementary, shall be the only evidence of the right of any Chinese laborer to return to and re-enter the United States. Upon the delivery of such return certificate by such Chinese laborer to the collector of customs at the time of re-entering into the United States, said collector shall cause the same to be canceled, filed, and securely preserved in the records of the custom-house. The Secretary of the Treasury shall prescribe the form of such monthly statements to be made by collectors of customs as will show the number of Chinese arriving at and departing from the various ports of the United States, classified as laborers, merchants, and officials, and the aggregate of such statements shall be published as other statistics relating to commerce and immigration are now published."

SEC. 4. That whenever any Chinese laborer shall arrive at any port or place in the United States from any foreign port or place, claiming to be in transit to some other country, and desiring merely to pass through or across the territory of the United States in his journey to such other country, he shall not be permitted to land or come into the United States until the fact that a bona fide transit only is intended by such Chinese laborer shall have been established to the satisfaction of the collector of customs or other duly authorized officer at or nearest to such port or place of arrival; and to protect the people of the United States from Chinese laborers coming into or remaining in the United States under the pretense of being in transit to another country, the Secretary of the Treasury is hereby authorized to make all needful rules and regulations to prevent the landing and coming into the United States of such persons; and for the identification of Chinese laborers in actual transit across or through the territory of the United States, the said Secretary shall prescribe such forms, documents, rules, and regulations as will insure a full and accurate record of the arrival in the United States and departure therefrom of such Chinese laborers. The said Secretary shall also prescribe the form of such monthly statements to be made by collectors of customs as will show the number of Chinese laborers arriving at the various ports of the United States claiming to be in transit to some other country, the number of such persons permitted to land, and the number who, having been so permitted to land, have departed from the United States.

SEC. 5. That for the purpose of identifying any Chinese person other than a laborer now or hereafter residing or being in the United States, and desiring to depart temporarily therefrom, with the intention of returning to the United States, the collector of customs of the district from which such Chinese person other than a laborer desires to depart shall register such person upon his or her application, and upon being furnished with the photograph of the applicant as in the case of a Chinese laborer, an i shall issue, without cost or charge to such Chinese person, the preliminary and return certificates in all respects similar to those provided for the identification of Chinese laborers by the act to which this is supplementary and amendatory, as amended in this act, and in accordance with such further provisions relating thereto as are made in this act, such changes to be made as the different character, occupation, and circumstances of the applicant may require. The said certificates shall be on such colored paper and in such form as to be readily distinguishable from the certificates herein provided for Chinese laborers; and such a certificate shall be sufficient evidence of the right of any Chinese person other than a Chinese laborer, temporarily departing, to re-enter the United States.

SEC. 6. That section 7 of the act to which this is amendatory and supplementary is hereby amended so as to read as follows:

"SEC. 7. That any person who shall knowingly and falsely utter or substitute any name for the name written in any preliminary or return certificate, or other certificate or permit issued under the authority of this act, or under the authority of any rule or regulation of the Secretary of the Treasury in execution of the provisions of this act or of the acts to which this act is amendatory, or forge any such certificate or permit, or knowingly transfer, utter, or have in possession, with intent to use the same, any forged or fraudulent preliminary or return certificate or permit, or falsely personate any person named in any such certificate or permit, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $1,000 and imprisoned in a penitentiary for a term of not more than five years."

SEC. 7. That section 9 of the act to which this act is amendatory and supplementary is hereby amended so as to read as follows:

"SEC. 9. That before any Chinese passengers are landed from any such vessel or allowed to come into the United States, the collector, his deputy or other duly authorized officer, shall examine such passengers and compare their number with the number and other particulars set forth in the list of such passengers as produced by the master of such vessel, and shall compare the descriptive particulars contained in the return certificates with the physical marks and peculiarities of the persons producing such certificates; and no Chinese passengers shall be allowed to land or come into the United States until the said collector, his deputy or other duly authorized officer, shall determine that such Chinese passenger is the person named and described in the certificate produced by him, and that he is entitled to land and come into the United States under the laws thereof; and in case such determination shall be by an officer other than the collector, and shall be against the right of such person to land or come into the United States, an appeal may be taken from such decision to the collector of the port at which the Chinese person seeks to land and come into the United States as aforesaid. But the provisions of this act shall not preclude a judicial inquiry into and determination of the right of any person to come into the United States."

SEC. 8. That on and after ninety days after this act takes effect, no master or other person in charge of any vessel, whether owned in whole or in part by a citizen of the United States or by an alien, shall take on board any such vessel, at any port or place within the Chinese Empire or at any other foreign port or place whatever, any number of Chinese passengers, whether male or female, exceeding one passenger to every 50 tons of the registered tonnage of such vessel, with intent to bring such passengers to the United States, nor bring Chinese passengers on board any vessel to any number exceeding one passenger to every 50 tons of the registered tonnage of such vessel, on one voyage, within the jurisdiction of the United States: *Provided*, That this section shall not apply to any master of a vessel seeking a harbor in stress of weather. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, for each passenger so taken on board and brought within the jurisdiction of the United States exceeding the number of one passenger to every 50 tons of the registered tonnage of such vessel, be fined $500, and may also be imprisoned for not exceeding six months. That the amount of the several penalties imposed by this section shall be a lien on the vessel violating the same, and such vessel shall be libeled therefor in the district court of the United States within which district such vessel shall arrive or be found.

SEC. 9. That the limitations herein provided as to the number of Chinese passengers that may be carried by any vessel on any one voyage to any port or place in the United States shall not apply to persons officially connected with the Chinese Government or any other Government, or any embassy thereof, or their body or household servants, or to persons rescued from shipwreck during the voyage of and by the vessel bringing the same within the jurisdiction of the United States.

SEC. 10. That the arrival and departure of Chinese persons by land shall be subject to the same restrictions, conditions, and regulations as are herein imposed upon the arrival and departure of Chinese persons by vessel, so far as the said restrictions, conditions, and regulations may by applicable, and subject to such further regulations and conditions as the Secretary of the Treasury may prescribe to prevent the admission or introduction of Chinese persons from adjoining foreign territory contrary to law.

SEC. 11. That all acts and parts of acts, so far as they conflict with the provisions of this act, be, and the same are hereby, repealed.

Mr. BLAIR. The Senator from Kentucky [Mr. BECK], in citing the law of 1864, which permitted and encouraged and made provision with reference to the importation of foreign labor, stated that it remained the law of the land until it was repealed after the Republican party lost the power of action, in 1887.

Mr. COCKRELL. Eighteen hundred and eighty-five he said.

Mr. BLAIR. Eighteen hundred and eighty-five. The truth in regard to that labor legislation and most of the other legislation which has so vexed the Senate, or at least some members of the Senate, for several years past is, that it all originated in the impulse given to this class of ideas and movements in the country with the investigation ordered by the Republican Senate in 1883. I presume there are Senators here who remember something about that investigation and something about the opposition through which it made its way to the attention of legislative bodies in both ends of the Capitol and the country at large. There was an impulse which came from the people and which forced itself to the front at last, until we find our Democratic friends here for their own immortality claiming to depend on what they so exceedingly derided in the earlier stages of the proceedings.

But the particular law to which the Senator from Kentucky alluded, passed in 1864, has been the subject-matter of discussion several times in this Chamber. The Senator from Ohio [Mr. SHERMAN] is not present, but he has been present when the Senator from Kentucky [Mr. BECK] and other Senators on his side of the Chamber attacked him with tooth and fang on account of his record in connection with that law; but his explanation and answer was always, it seemed to me, triumphant, that that was a time when we needed assistance from any foreign country that would send its laborers or soldiers either to cultivate our fields, to dig in our mines, or to replenish our armies, and Senators from the South understand that very well. I am speaking of the explanation of the Senator from Ohio in reference to his record in regard to that law.

Mr. COCKRELL. In 1864 the law did not permit them to go into the Army.

Mr. BLAIR. The law itself became perhaps a dead letter; for years it was a dead letter; and after the investigation to which I have referred by the Senate Committee on Education and Labor in 1883, when our attention was turned further to this matter, bills were introduced, and I introduced them myself and pressed them, and as a result of that movement—I do not undertake to say that it originated wholly with one party or another, but I say it originated in that investigation and was pressed in consequence of the developments of that investigation—the law of February 26, 1885, was enacted. It had been pending for a long time prior to the election of Grover Cleveland, which took place in the November preceding. It was perhaps not a Republican measure wholly; I do not claim that it was; but it was certainly not a Democratic measure. It was followed by another law enacted in the year 1887.

The two parties, it is right to say, have been practically becoming more and more unanimous in pressing this class of legislation, and it is, I think, a compliment that both may lay claim to the patriotism which actuates them that they are inclined more and more to protect the American laborer and to insist that the foreigner who comes here shall come here under the influence of proper motives, and that he shall come here, too, of his own free will and accord, with a character fitting him to become an American citizen, and with something of this world's goods, so that he may not become at once a public charge.

I desired to say this much in order to correct what I thought was the inaccuracy of the Senator from Kentucky with reference to the origin of the existing anti-contract labor law.

Mr. ALLISON. Mr. President, a few moments ago I sought the floor for the purpose of moving an adjournment, and I should renew that motion now without making a single observation but for the fact that the Senator from Missouri [Mr. VEST] sought to emphasize the action of the Republican party in former years as in favor of the immi-

gration of Chinese into this country, and claimed that the Democratic party was a party opposed to Chinese immigration, thus endeavoring to draw a distinction upon that subject between the two great political parties in this country. As the Senator has made that attempt, and sought to emphasize it, I wish, before this Senate adjourns, to put in my own emphatic protest against any such claim.

There may have been, and doubtless were, running through the years 1878 and 1879, some members of the Republican party in this Chamber and out of it who did recall the Declaration of Independence as setting forth the general rights of man. I am speaking now from general memory, because I came into this Chamber late in the afternoon from other occupations and employments and found this debate going on and my own record challenged somewhat by the Senator from Missouri, and therefore I do not pretend now to speak with perfect accuracy; but I remember very well when Senator Morton, of Indiana, then the peer of any Senator on this floor, and recognized by all of us who heard him as such, took the lead in an investigation into this Chinese question and made an elaborate report. The special committee of which he was chairman took much testimony upon the subject; but before he was able to bring forward the legislation which he recommended in that report he was called away from us.

It is perfectly well known to members who have examined into his record that Senator Morton intended to prepare and did prepare, at least partially, a bill looking to the absolute legislative prohibition of Chinese immigration into this country; but he passed away before that legislation could be brought forward. Then Senator Sargent, at that time an active and energetic member upon this floor and a member of that committee, took up the question where Senator Morton laid it down by his death, and in 1879, if I mistake not, or it may have been in 1878, we had a long and vigorous debate upon the Chinese question in this Chamber. There was, with three or four exceptions, no Republicans on this side of the Chamber who denied that it was the duty of this Government to inhibit the immigration of Chinese to this country in the way they were then migrating here, and, as the Senator from Colorado [Mr. TELLER] reminds me, many of them supported that measure by speeches on this floor.

Senator Sargent advocated it, I remember, with great interest and great assiduity, as did the then distinguished Senator from Maine, Mr. Blaine, and in that debate, as I repeat, with three or four exceptions—the Senator from Massachusetts [Mr. HOAR] will remember about that—there was no opposition to the general measure, because the report of Mr. Morton, based on testimony taken, had disclosed the difficulties on the Pacific coast with respect to Chinese immigration. But the difficulty was that it was claimed that here was a friendly power lying on the Pacific Ocean opposite to us, and that it was unwise for us to strike down by legislation a treaty which had been made some seven or eight years before, and that it would be an absolute breach of public faith and a public dishonor to do so. That was the argument made.

I remember very well that the Senator from New York, Mr. Conkling, who sat in the seat next to where I now am, based his entire opposition to that bill, not on the ground that we should not inhibit Chinese immigration, but that we should first give this great friendly power an opportunity of revising the treaty of 1868, known as the Burlingame treaty; that we should not ruthlessly strike down that treaty by legislation without giving China an opportunity of revising the treaty.

That bill, however, passed this Chamber and passed the other House. It was vetoed by President Hayes upon the sole ground that it was an infraction of the public faith because an infraction of the treaty. Did President Hayes say that he vetoed that bill upon the ground that the immigration of Chinese should not be prohibited? Not at all. And Secretary Evarts immediatly following that veto inaugurated a commission, consisting of three prominent men of our country, who were to go out to China and secure a revision of that treaty. They went to China and they accomplished substantially the purposes which the people of the United States had in view. There was no party in that. That treaty was regarded as a great success on the part of the men who negotiated it and who executed it, because it got rid of the very troublesome and unfortunate treaty, as it turned out to be afterwards, made in 1868.

That treaty provided various stipulations—I will not recount them and I do not remember them all—but it was, in substance, to give to the control of the Congress of the United States the question of inhibiting the immigration of Chinese to the United States.

I neglected to say, which I intend to say, because the Senator from Missouri calls my vote in question, that I voted for the bill of 1879, being strongly of the impression that we ought to do something and take some action, although I was impressed by the arguments made that it was an infraction of the public faith.

That treaty was ratified in this Chamber in 1880. It was ratified too late during that Congress to bring any legislation looking to the execution of the great powers given to Congress in that treaty. That treaty came in here. It came in here with the *imprimatur* of our Committee on Foreign Relations, and I ask the Senator from Missouri, whom I see in his seat, whether there was any statement then from any member of the Committee on Foreign Relations, either Republican or Democrat, that he was in favor of Chinese immigration? Was there any party in this Chamber, was there any considerable number—I do not know of one man on either side of this Chamber who stood up in his place and sought to antagonize the principles of that treaty, which were clearly in the interest of prohibition.

That measure came in here. The lamented Senator from California [Mr. Miller] was then chairman of the Committee on Foreign Relations, and he brought in a bill carrying out and executing the provisions of that treaty. There were certain legislative provisions in it giving construction to the language of the treaty. Every lawyer in this body I believe at that time said that Congress could not by legislation change the well-fixed meaning of the language of a treaty. You can abrogate a treaty by legislation, but one party can not construe a treaty. That was the line of argument as I remember it. Nobody in this Chamber opposed that bill; nobody was opposed to carrying out to the letter and the spirit that treaty negotiated under Secretary Evarts.

There was pending, as I remember, at that time a Senatorial election in the State of California and another in the State of Oregon, and I say it with all respect here, but say it upon my responsibility, that there was an effort by Senators on the other side of the Chamber to demagogue on this question, to make amendments that were impracticable and that had no vitality in fact and there was no point in them, in order to put the Republican side of the Chamber in an attitude of embarrassment. They may have succeeded in doing so. I have seen that attempted many times in this Chamber. I have felt the influence and power of it sometimes myself, because we sometimes give votes here that we do not want to give. But does anybody think, does the Senator from Missouri or any Senator on that side of the Chamber think that he can make the American people for a moment believe that the Republican side of this Chamber occupied a different position toward the great question of Chinese prohibition from that occupied by the Democratic party?

I can not speak for other Senators upon this floor, but I speak for myself when I say that after the report made by Senator Morton in 1877 or 1878 and after the debate of 1879, my mind was clear that it was the duty of this Government to exercise its undoubted power in the most appropriate way, whether by treaty or legislation, to secure the prohibition of Chinese migration to this country. I have never varied one moment from that judgment, and I do not believe that General Harrison, who is now our candidate, and who I believe will be, as I know he ought to be, elected, ever entertained a sentiment other than that which I now express. But I do not speak for him. He is no Lilliputian in any debate or in any contest; he is the peer of his accusers from wherever they may come; and he will defend himself on proper occasion as respects his votes in this Chamber; and I say now that although there were negative votes cast by myself as respects some of those amendments, and when they were incorporated I voted against the bill, I did not so vote because I was in favor of putting the Chinese in competition with the American laborer either by admitting Chinese goods manufactured on the other side free or by admitting the Chinese laborer to this country to manufacture them here in competition with our own American workmen.

That was my attitude; and with that treaty fresh from the very pens of the men whom we sent to China to negotiate it, I did not propose by legislation to strike China in the face when she had shown a disposition to go as far as we desired to go in that regard. As the Senator from Massachusetts [Mr. HOAR] suggests to me, President Cleveland negotiated a new treaty in order that there might be a sound and proper basis for legislation.

That bill passed and became a law and the Chinese Government made no objection to it, although it was a legislative construction of the treaty of 1880, and to a certain degree an infraction of that treaty. What then did we do? Very soon thereafter, in 1884, finding that the Chinese Government was willing that we should put in force stringent legislation in this regard, a fresh and more vigorous bill was passed by the Senate than was ever dreamed of by the Senators from California and Oregon who sought their re-election by seeking to place Republicans in a hostile attitude by their votes in this Chamber.

That proposed legislation of 1884 went far beyond any suggestions made in these Democratic amendments introduced by the Senators from Oregon and California who then sat upon that side of the Chamber, and that bill passed this Chamber, I believe, without a yea-and-nay vote, although my memory is not clear upon that subject. It passed *nem. con.* What does that mean?

There is no limit to debate here; no man is constrained here; if a man hears read at that desk a bill which does not meet the approval of his judgment, he can rise in his place before the vote is taken and express his judgment upon it, and he can get a record if he desires to do it, because it is a universal courtesy to grant the yeas and nays in this Chamber when they are called for. So then in 1884, with General Harrison sitting in this Chamber, a more rigid bill than was even suggested or thought of in 1882 was passed by the unanimous vote of this body, reported, as the Senator from Nevada has stated, by the Committee on Foreign Relations, of which General Harrison was an able and strong and active member.

I have referred to what occurred here in 1884. Then we come to 1886, General Harrison still a member of this Chamber, and a still

more stringent bill was reported in 1886 by a Republican Committee on Foreign Relations and passed again in this Chamber without a single hostile voice or hostile vote, and yet the Senator from Missouri takes pains now in the very beginning of this canvass to arraign the Republican candidate for the Presidency on the idea that he and the Republican party stand in a hostile attitude to the prohibition of the Chinese coming into this country, when he ought to know, and when every other man does know who investigates the subject, that upon that question the Republican party is as vigorous and as strong as is the Democratic party.

Mr. President, I make these statements not for my own vindication, although my own votes have been somewhat arraigned. I voted then, as I always try to do in this Chamber, from the light I had at the time. I voted as I did then because the lawyers of this Chamber convinced me that, with the ink scarcely dry upon the treaty of 1880, we were by legislation seeking to infract it.

Mr. VEST. I think the Senator from Iowa is a fair disputant, and that he does not want to do any injustice intentionally.

Mr. ALLISON. Certainly not.

Mr. VEST. But I make this statement, and every intelligent man in this country will corroborate it. After the contest of 1882 and the signing by President Arthur of the second bill we passed, which was a House bill, the Chinese question was considered practically settled. The public sentiment of the country has crystallized in so large a majority in favor of that legislation that even the stringent opponents of the bill which had passed ceased their opposition.

Now, Mr. President, I make this assertion—and that is the test of the accuracy of the conclusions at least drawn by the Senator from Iowa——

Mr. ALLISON. I have not yet concluded.

Mr. VEST. He says that the acts of 1884 and 1886, that were passed here *nem. con.* and without the yeas and nays, show that every member of the Senate approved that legislation. I say now that the Senators from Massachusetts will neither of them say that they approved those laws, in my judgment, unless I am greatly mistaken in their opinions then and now.

Mr. ALLISON. Well, Mr. President, I leave the Senator from Missouri and the Senators from Massachusetts to settle that question. I want to say that if I am present here in my seat in this Chamber, and a bill is read by the Secretary and I make no objection to it, and it passes, and I neither explain my vote nor my situation respecting it, I am bound by that record as one who did not oppose that bill.

Mr. President, I do not rest General Harrison's record upon that statement, I rest it upon the fact that he was a member of the Committee on Foreign Relations, which consisted of Democrats and Republicans, five of them Republicans and four of them Democrats. They are the proper witnesses, and I challenge here and now any Democrat or Republican, a member of the Foreign Relations Committee at that time, to say that Senator Harrison there or here did not give his hearty approval and concurrence to those two bills. If I intended to be hypercritical—indeed, I could do so without being hypercritical—I could say that the bill of 1886, which passed this Chamber with absolute and practical unanimity, went to the Democratic House of Representatives and there slept the sleep of death.

Mr. MITCHELL. Senator Harrison was a member of the Committee on Foreign Relations in 1886.

Mr. ALLISON. I am corrected by saying that General Harrison was not a member of the Committee on Foreign Relations in 1884, but he was in 1886. Then I am invigorated, I am strengthened, by the fact that General Harrison was a member of this committee in 1886, when this most stringent legislation was passed.

Mr. STEWART. And the chairman of the committee said in his report that the bill was unanimously agreed to by the committee.

Mr. ALLISON. I thank the Senator from Nevada for calling my attention to that.

That bill went to the House of Representatives. If the Democratic party were so vigorous and so ready to secure some stringent prohibitory legislation, they had the Speaker of the House, they had the committees of the House, they had the control of the floor; and why is it that they did not exercise that great power which they had, because in that Congress they had more than 40 majority while in this one they only have 16, and there might be some excuse for saying that the majority was so small that they could not bring this up; but here they were in the vigor of their power, in the plenitude of their influence, and yet they allowed that bill to die.

In view of these facts I say that it does not lie in the pathway of any proper or just criticism of any Republican for any Democrat to stand in this Chamber and arraign the Republican party or any member of it for hostility to the principle of prohibition of Chinese immigration.

Mr. President, I have said all I intended to say upon this subject, and I would not have said a word but for the second interruption of the Senator from Missouri after I had made a motion to adjourn.

Mr. BERRY. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 16, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 15, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read.

CORRECTIONS.

Mr. DUNN. I would like to have a correction made. I am reported in the Journal and the RECORD as having been absent without excuse upon each call of the House yesterday. The fact is, I was engaged in my committee-room examining witnesses in the course of an investigation heretofore ordered by the House.

The SPEAKER. The correction will be made.

Mr. WALKER. Mr. Speaker, I am reported in the RECORD as absent without excuse upon the first call of the House yesterday. The truth of the matter is that I was present and responded to my name.

The SPEAKER. The correction will be made.

The Journal was then approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUDD, indefinitely.

To Mr. PEEL, for ten days, on account of important business.

To Mr. WILKINS, indefinitely, on account of important business.

To Mr. COWLES, indefinitely, on account of sickness.

To Mr. YARDLEY, for two weeks, on account of important business.

To Mr. DALZELL, for two weeks, on account of business.

To Mr. SEYMOUR, indefinitely, from August 17, on account of sickness in his family.

ADULTERATED LARD.

The SPEAKER. The gentleman from Mississippi [Mr. MORGAN], on behalf of the Committee on Agriculture, asks that the resolution which will be read by the Clerk be adopted.

The Clerk read as follows:

Resolved by the House, That there be published for the use of the House 1,000 copies of the statements made before and papers submitted to the Committee of the House on Agriculture in regard to the bill (H. R. 6138) to regulate the manufacture and sale of counterfeit or compound lard.

Mr. BUTTERWORTH. I understand this includes all papers submitted to the committee as well as statements made.

Mr. MORGAN. It does. The language of the resolution is "statements made before and papers submitted to the committee." The committee unanimously directed that this resolution be presented to the House; and I presume that the chairman of the committee [Mr. HATCH] forgot it.

Mr. BUTTERWORTH. I did not know but that the resolution referred to a part only of the papers.

Mr. MORGAN. No, sir; the purpose is to publish the whole.

There being no objection, the resolution was adopted.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 288) for the erection of a public building at Sioux City, Iowa;

A bill (S. 509) authorizing an increase in pensions in case of deafness;

A bill (S. 1162) for the relief of Susan E. Alger;

A bill (S. 2106) granting a pension to William Kelsey;

A bill (S. 2116) to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States;

A bill (S. 2118) granting a pension to Richard H. Van Dorin;

A bill (S. 2500) granting a pension to Gertrude K. Lyford;

A bill (S. 2724) for the relief of H. H. Helper;

A bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon;

A bill (S. 3219) to increase the pension of Keyes P. Cool; and

Joint resolution (S. R. 62) in recognition of the services of Joseph Francis.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 2190) granting a pension to Jane Smallridge;

A bill (H. R. 5155) granting a pension to John S. Bryant;

A bill (H. R. 5156) for the relief of Andrew R. G. Smith;

A bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles;

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey; and

A bill (H. R. 9830) for the relief of Lachlan H. McIntosh.

The message also announced that the Senate had passed with amendments the bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota, requested a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. DAWES, Mr. PLATT, and Mr. JONES, of Arkansas.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannock Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation in the Territory of Idaho for the purposes of a town-site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

The message further announced that the Senate had appointed Mr. STEWART in place of Mr. SPOONER as one of the conferees on the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue cutter Thomas Corwin.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2715) for the relief of certain parties who have paid $2.50 per acre for United States Government lands reduced in price to $1.25 per acre by the act of Congress approved June 15, 1880;

A bill (S. 3234) to abolish circuit court powers of certain district courts of the United States, and for other purposes; and

A bill (S. 3452) for the erection of a public building at Martinsburgh, W. Va.

ORDER OF BUSINESS.

Several members demanded the regular order.

The SPEAKER. The regular order is the call of committees for reports.

PEREZ DICKINSON.

Mr. STONE, of Kentucky. I wish to submit a privileged report, Mr. Speaker, from a conference committee.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 91) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the said bill.

W. J. STONE,
T. R. STOCKDALE,
J. M. BROWER,
Managers on the part of the House.

CHARLES J. FAULKNER,
GEORGE F. HOAR,
JOHN C. SPOONER,
Managers on the part of the Senate.

The SPEAKER. There does not seem to be a statement accompanying this report; but if there be no objection——

Mr. HOLMAN. I hope, at least, an explanation will be made.

Mr. STONE, of Kentucky. This bill was passed some two weeks ago, a Senate bill, with an amendment by the House striking out the amount of the appropriation made in the Senate bill. The committee of conference, having considered the matter, concluded that if any part of the amount was due the whole was, and therefore report in favor of receding from the amendment of the House to the Senate bill.

Mr. HOLMAN. I hope the amendment will be read.

The Clerk read as follows:

In lines 5 and 6 strike out the words "ninety-six thousand one hundred and ninety-two dollars" and insert the words "sixty-six thousand eight hundred and eighty-three dollars and fifty cents."

Mr. HOLMAN. In view of the action of the House, and assuming that all gentlemen present are familiar with the facts of the case, I shall ask a vote on the motion to concur in the report of the conference committee.

The question was taken; and on a division there were—ayes 54, noes 9.

Mr. HOLMAN. Mr. Speaker, while there is no quorum voting yet the vote is so decidedly in favor of accepting the conference report that I will not insist on that point, although I regret exceedingly that the House eems it necessary to adopt the report.

So, no further count being demanded, the conference report was adopted

Mr. STONE, of Kentucky, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OHIO CENTENNIAL.

Mr. OUTHWAITE. Mr. Speaker, on Thursday last I entered several motions to reconsider the votes by which certain amendments were adopted to the Senate bill 3182, and I wish now to call them up and have them disposed of, because unless disposed of promptly it will be too late entirely for any appropriation that might be made to be available for the purpose of enabling the Departments of the Government to participate in the Ohio Centennial. I call up first the motion to reconsider the vote by which the amendment of the gentleman from Virginia [Mr. WISE] was adopted.

Mr. SAYERS. Mr. Speaker——

The SPEAKER. This is a privileged matter.

Mr. SAYERS. I know, but I wish to ask a question for information. If the motion to reconsider should be adopted, does the privilege attach also to the main question, and will the bill then come before the House for consideration?

The SPEAKER. The Chair will state the situation. The gentleman from Ohio, within the time prescribed by the rules of the House, entered a motion to reconsider the several votes by which certain amendments, three in number, were adopted. He now calls up the motion to reconsider as a matter of privilege. If the House shall reconsider the votes in question, then it will be the duty of the Chair to proceed at once to take the votes over again upon agreeing to the amendments and proceed with the bill. If the House refuses to reconsider, the bill remains where it is now as unfinished business in the class of business to which it relates.

Mr. BARNES. I hope the gentleman will not take up that motion in the absence of the gentleman from Virginia [Mr. WISE].

Mr. OUTHWAITE. I have already delayed action for two days waiting for the return of the gentleman from Virginia; but as this is a public measure and must be promptly acted upon to be of any service, I feel that I can not wait any longer, but must call it up now. In order not to delay the business of the House at all, I move the previous question upon the motion.

Mr. BARNES. I hope the gentleman will not insist on that.

The SPEAKER. It is not debatable. The previous question was ordered on the third reading of the bill. The question is on the motion of the gentleman from Ohio to reconsider the vote by which the amendment offered by the gentleman from Virginia [Mr. WISE] was adopted.

The question was taken; and on a division there were—ayes 59, noes 17.

Mr. ABBOTT. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. ABBOTT and Mr. OUTHWAITE were appointed tellers.

The House proceeded to divide.

Before the result was announced,

Mr. ABBOTT said: I withdraw the demand for a quorum.

Mr. BARNES. I will have to renew it.

The SPEAKER. The tellers will resume their places and continue the count.

Mr. OUTHWAITE. It is evident that there is no quorum present. I do not wish to delay the business of the House, but desire to ask the Chair a parliamentary question: Whether this matter can be withdrawn at this time without losing its privileged character?

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The Chair will state that it can be withdrawn, and will retain its present status until called up again if not acted upon now.

Mr. OUTHWAITE. That being the case, I will withdraw the subject at this time, so that the business of the House may be proceeded with.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. SAYERS. I move to dispense with the morning hour and to permit gentlemen who have reports to make to present them at the Clerk's desk.

The SPEAKER. The question is on the motion to dispense with the morning hour.

Mr. O'NEILL, of Missouri. Is it the second hour?

The SPEAKER. There is but one hour for the presentation of reports, and there is the hour for the consideration of bills. The question is on the motion dispensing with the morning hour.

The motion was agreed to.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

BRIDGE ACROSS POTEAU RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 11107) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA SELDEN.

Mr. BUTLER, from the Committee on Pensions, reported back with amendment the bill (H. R. 10601) granting a pension to Louisa Selden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE C. QUICK.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 10738) to increase the pension of George C. Quick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SAYERS. I call for the regular order.

The SPEAKER. The regular order is the consideration of bills.

Mr. SAYERS. Is there not a motion already pending in the House?

The SPEAKER. There was a motion, but it must be renewed, other business having intervened.

Mr. SAYERS. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills; and pending that motion I ask unanimous consent that the gentleman from Illinois [Mr. TOWNSHEND] be permitted to make a statement.

Mr. TOWNSHEND. The purpose that I had in view yesterday was perhaps not well known in the House. I have no disposition to further obstruct the business of the House. My only purpose was that the fortification bill should not be disposed of until the questions in difference between the two Houses on the Army appropriation should be settled or a report made from the conference. I have been for over a week urging the conferees in the Senate to settle the questions in difference between the two Houses in order that a report might be made to the House. My only desire was that the attitude of the members of the conference committee from the House on the Army bill might be understood and that the result of the conference might be before the House when the fortification bill should be considered. It was for that reason that I have been antagonizing action on the fortification bill until the facts and the attitude of the members of the conference committee could be understood. We failed to secure any action in the conference committee on yesterday and the day before yesterday. I have concluded to wait no longer upon the action of the conferees on the part of the Senate, and therefore I have made up my mind that it is not necessary for me to vindicate the rights of the Committee on Military Affairs or do justice to myself or the House by contesting further the right of the gentleman from Texas to call up for consideration the fortifications bill. I will state further that the matters in difference between the two Houses will be finally determined and a report will be made of the conference.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

FORTIFICATIONS BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial service, and for other purposes.

The CHAIRMAN. The pending order is the point of order raised by the gentleman from Illinois on section 4 of this bill.

Mr. TOWNSHEND. When this bill was under consideration last I had made the point of order which has not yet been disposed of. Since the last discussion upon the point of order I have looked into the precedents of the House and I find that I can show by bills I hold in my hand, which have become law, that the House, in addition to other items, upon the question of jurisdiction, have, during the years 1876, 1877, 1878, and 1879, and as far back as 1864, placed in the Army appropriation bills appropriations of the nature contained in the Senate amendments to the Army bill.

Now, in the year 1864 a provision is contained in the regular Army appropriation bill for the armament of fortifications, $2,000,000. In the bill for the year 1876 the House placed on the Army bill an appropriation "for the alteration of carriages now in use in seacoast forts, $100,000." In the bill for 1877 a similar appropriation was made. In the bill for 1878 the House, on the Army bill, made an appropriation for the conversion of 10-inch smooth-bore guns into rifle guns, and for carriages, $50,000. In the bill that became law in 1879 an appropriation for conversion of smooth-bores of $50,000 was placed in the Army bill. I merely allude to these bills that have become law in past years to sustain the position I have taken heretofore upon the question, that it is in order to place these amendments on the Army appropriation bill. It was in order under the rules, where it is expressly declared all matters relating to the military establishment and the public defense, and for its support, shall be, as the language of the rule states it, "referred to the Committee on Military Affairs."

Now, acting under that rule, the Committee on Military Affairs reported the bill which has been referred to as the Tracey-Cutcheon bill.

I want to say further, that if there was no such rule as that in existence in this House, and if there were no such precedents as I have cited, the Senate has the right to place on the Army bill any amendment that in its judgment it thinks should become law, and this House has no right to question the right of the Senate to regulate their proceedings as they may deem proper.

But, Mr. Chairman, I do not wish to obstruct the consideration of this bill. I do not wish to insist further in dilatory motions. The motions that I have heretofore been making to check the consideration of this bill were made with a view that the results of the conference could be found; and therefore I wish to say that, in order to avoid any further detention of the House, but not in any way waiving the rights of the Committee on Military Affairs to act upon this amendment or any agreement to concede that the Appropriations Committee have jurisdiction in this question, I am willing to withdraw the point of order and let the House take a vote on the merits of the question.

The CHAIRMAN. The point of order being withdrawn, the Clerk will report the next section.

Mr. TURNER, of Kansas. I renew the point of order.

The CHAIRMAN. The Chair understands the point of order raised now by the gentleman from Kansas [Mr. TURNER] to be the same that has been raised heretofore by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TURNER, of Kansas. Yes, sir. As this disagreement between two prominent committees of this House has blocked our proceedings for several days, I, for one, am in favor of having it settled.

Mr. TOWNSHEND. The point made by myself is withdrawn, and I would like to know what is the point of order that is made by the gentleman from Kansas.

Mr. TURNER, of Kansas. The same point of order that was made by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Can the gentleman from Kansas state what the point of order was? [Laughter.]

The CHAIRMAN. The gentleman from Kansas [Mr. TURNER] having renewed the point of order, the Chair will state what he understands to be the question that was raised by the gentleman from Illinois [Mr. TOWNSHEND] and subsequently withdrawn by him. As the Chair remembers, the point was this, that the items contained in section 4 of this bill were matters which properly belonged to the Committee on Military Affairs, and were within the jurisdiction of that committee, and therefore could not be reported by the Committee on Appropriations in the fortifications bill. The same question was raised when the Army bill was under consideration, and the Chairman of the committee at that time, the present occupant of the chair, made a ruling, a portion of which he will ask the Clerk to read as expressing his views upon this question.

The Clerk read as follows:

As to the other point, there might, perhaps, be some doubt as to what bill this should be reported in. The attention of the Chair has been called by the gentleman from New York [Mr. TRACEY] and others to clause 11 of Rule XI, which provides that all legislation in reference to the military establishment and the public defense, including appropriation for its support, shall be referred to the Committee on Military Affairs. The attention of the Chair has also been called to the decision of the gentleman who occupied the chair when the naval appropriation bill was under consideration at the last session of Congress. At the time the Chairman of the committee held that a proposition for the purchase of guns for the use of the Navy was an object previously provided for by law and that the appropriation was a continuation of such work. The present occupant of the chair, had he presided at that time, would doubtless have made a similar decision; but if it were now proposed to appropriate a sum of money for the armament of ships it certainly would not be contended that that was in order upon this bill, although it might be held to be necessary for the public defense. The words "the public defense," in clause 11 of Rule XI, refer to such public defense as is committed to the Army of the United States, and as clause 3 of this rule has committed the subject of fortifications to the Appropriation Committee, all provisions for public defense to be made by fortifications should go to that committee, just as all provisions for the public defense relating to the Navy should go to the Committee on Naval Affairs.

The Secretary of War has transmitted to the committee certain letters, among them one from the Chief of Ordnance, to the effect that this appropriation is desired for the armament of fortifications. The Chair will take cognizance of the fact that the proper officials of the Government who have communicated this matter to Congress have stated that the appropriation is for the purpose of providing armament for fortifications, and such being its object, it should be reported in the fortifications bill as provided in clause 3 of Rule II.

For these reasons the Chair sustains the point of order as to both propositions.

The CHAIRMAN. The Chair desires to add further, in connection with this ruling, that the bill then under consideration was the Army bill, and the Chair held that the provisions referred to should be reported in the fortifications bill. They have now been reported in that bill, and the Chair is of opinion that they properly belong in the bill, as they pertain to fortifications, a subject committed expressly by the rules of the House to the Committee on Appropriations. The Chair therefore overrules the point of order raised by the gentleman from Kansas.

When this bill was last under consideration, the gentleman from New York [Mr. NUTTING] offered an amendment which the Clerk will read.

The Clerk read as follows:

Add to section 4 the following:

"The Secretary of War is hereby authorized and directed to select a site and purchase the same for the erection of a dry-dock at some point on Lake Ontario, and the Secretary of War is also directed to erect on said site proper machinery, buildings, and appliances for building and repairing armed ships for the defense of the coast of the United States. Five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, with which to pay for said site, buildings, and machinery."

Mr. SAYERS. I make the point of order on that amendment that it provides for a new work not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. NUTTING. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman; but it seems very plain that the point of order is well taken, as the work to which the amendment relates is not authorized by existing law.

Mr. NUTTING. I have offered that amendment in order to bring before the Chair, and through the Chair before the Congress, and through the Congress before the people of the United States, some points which I think important, and I desire to have it understood that the statement which I make in regard to them applies as well to the point of order which has been raised as to the points which I desire to present.

I hold in my hand a clipping from a Montreal paper, which states that on the 15th day of June last a steel-constructed ship of a thousand tons burden, a steam-ship constructed in England, entered that port on her way from England with a cargo destined for the city of Chicago.

Now, Mr. Chairman, while this in itself is no startling fact, yet the result which may occur from the possibility of such a thing as that happening is very important to the country at large. It shows that England and Canada have already prepared a water way from the Atlantic Ocean to the interior of our country; that they can now load a steel ship of a thousand tons burden and sail that ship to the city of Chicago or Duluth. The means of doing this they have provided at an expenditure of more than $60,000,000 in deepening the St. Lawrence River and in building canals through the strictures between the lakes upon our northern coast.

In every instance when gentlemen on the floor of this House or writers in the newspapers have discussed the seacoast defenses of our country they have always referred to the seacoast proper—the Atlantic and the Pacific coast and the bays upon the ocean. I say now and here, Mr. Chairman, and I desire to have anybody answer it who can, that our greatest danger at this time upon our coast, if trouble should occur between us and Great Britain, is upon the coast on our northern frontier.

Last winter the Canadian Government constituted a military board with a general at its head—General Middleton—who had the power by resolution passed in their Parliament to examine the northern coast along the lakes and see where it was necessary to build fortifications and prepare for the defense of the country. Under that authority that military committee has been acting from that time until the present.

I know it is said, Mr. Chairman, and I have heard it said on this side of the House, that there is no danger of war with England, and I hope to God the statement is true. But you know and I know that less than two years ago Mr. Cramer, a member of the British Parliament, came to this country with one of his colleagues and they held meetings here in favor of settling by arbitration, instead of war, the difficulties between nations. They held a meeting in the city of New York, and the present mayor of that city was chairman of such meeting. They held a meeting also in Philadelphia. I hope, sir, the time will come when arbitration will be the means resorted to for the purpose of settling difficulties between nations, as that method has for hundreds of years been pursued between individuals. But I say to you, Mr. Chairman, that time has not come yet, and the way to have it come and come successfully is for every nation on the face of the earth that has any standing as a nation to be so prepared, so that if arbitration should not successfully settle difficulties the nation will be able to settle them by force to its own satisfaction.

What was the result of this movement on the part of this member of Parliament, Mr. Cramer? He went back to England; and not later than last winter he presented this whole question to the Parliament of England, and asked a vote upon it. What was the result? In the English Parliament, when the question of having a committee appointed to ask the association of other nations to form a rule upon which arbitration could take place between nations, the vote was 224 in favor and 44 against war as a means to be still pursued in settling the international difficulties of England if she should have any. Now, I say this is a notice to our nation and to every nation on the face of the globe that England still persists in the idea that she will control, or try to control, the world by force in her ancient arrogant way.

Now what has been done since? I have offered here a resolution looking to the building of a dry-dock upon Lake Ontario so that we may, if necessary, build vessels there in time of war for national defense. Why, sir, not one month ago the Canadian Government—not any portion of the Canadian Government, but the Canadian Government itself—ordered the building of a dry-dock at Kingston, upon Lake Ontario, for the purpose of constructing vessels of war if necessary in time of difficulty. What does that mean? It is said we are to have no war with England or Canada; yet almost within cannon-shot of our shores, England or a dependency of England at Kingston, is building a dry-dock for the purpose of building war vessels for the defense of the colony of Canada. There is another notice, Mr. Chairman and gentlemen of the House, that while it may not be necessary for us to have a dry-dock or ships or any other preparation for war with England, while we may possibly in the future settle all difficulties by arbitration, still it is a notice that as a wise people we should prepare ourselves for possible difficulty in the future.

Mr. BUTTERWORTH. Does the gentleman remember the precise proposition upon which the British Parliament voted in reference to arbitration? I understand it was not upon an abstract proposition that it was well to refer differences between nations to arbitration, but the vote was on some special and distinct proposition——

Mr. NUTTING. The proposition was this: A resolution was offered for the formation of a committee who should devise ways and means for the purpose of creating a sentiment and formulating and adopting an arrangement by which arbitration might be resorted to as a settlement of difficulties between nations; and that was voted down, as I have stated.

Mr. BUTTERWORTH. I think it is fair to say to my friend that the vote was not in opposition to arbitration itself, but to a particular method.

Mr. NUTTING. Our only protection and our only means of protection now is by an appeal to arbitration. I hope and believe the time will come when nations will be wise enough and good enough, when men will be wise enough and good enough so that difficulties between one country and another can and will be settled by means of arbitration. What I argue here and now is that that time has not yet come. In other words, that it is not a wise and safe policy on the part of a nation like ours, with thousands of miles of defenseless seacoast and thousands of miles of lake coasts, to rely altogether upon arbitration for the settlement of our difficulties with other nations.

There is another thing I desire to call the attention of the House to. You may take Lake Ontario, which has more than 6,500 square miles of water that is navigable for the largest ocean steamers, and you can not take an American vessel from that Lake Ontario to the upper lake without passing through the waters and humiliating the American flag to the English colors which fly from the Canadian soil. You have to pass through the Welland Canal, a Canadian water entirely, between Lake Erie and Lake Ontario. You have to pass through a canal 30 miles in length which has cost the English Government more than $50,000,000. Every vessel for commercial purposes is obliged, when it goes eastward or westward over these 6,500 miles of navigable waters of Lake Ontario, to take down its flag and pass through Welland Canal, the water gateway of Canada, a dependency of the English Government.

Why, sir, last year a thousand and thirty of our vessels did this same thing in going east or west, loaded or unloaded—they had to pay toll to the English Government for the right to pass through that canal, while all the Canadian vessels passed through the canal free, notwithstanding the twenty-seventh article of the treaty of 1818 provides we may use this canal upon the same terms as Canadian vessels. I believe in order to avoid national difficulty it is our duty to agitate this question and to look into it at this time. I say there is discrimination after discrimination, unfairness after unfairness on the part of the Canadian authorities, act after act on the part of the Canadian Government or on the part of the English Government which may justly cause anxiety unless we are fully prepared for difficulty in the future with that nation, unless we so prepare to defend ourselves as that defense will not be necessary.

One thing further. This steel vessel to which I have referred can proceed all the way to Chicago. It is a vessel laden now with the commerce of the country. It would be easy to load it with arms necessary for the defense of Canada or with a view to the destruction of our country. By treaty we are allowed to keep only one vessel of 100 tons burden upon Lake Ontario for the defense of the country. But if the English and Canadian authorities violate the fisheries treaty, if they violate the treaty in the use of the Welland Canal, discriminating against our vessels engaged in commerce and in favor of their own, if they violate every treaty in every instance, why should we stand idle and allow our coast to remain defenseless? Under such circumstances it is our bounden duty to remain no longer unprepared for the most serious consequences in the future.

I simply here and now, Mr. Chairman, desire to give notice in the Congress of the United States, if difficulties shall hereafter arise my voice has been raised in time so that opportunity is afforded to furnish ample protection to the American people, not only upon the seacoast, but upon our northern border.

What do we find on the Pacific coast? There is now a railroad under the control of the Canadian and English Governments which crosses the continent from the Atlantic to the Pacific, so that the largest and most improved ordnance can be transported, and has been transported, over it and planted within sight of our own borders at Vancouver's Island. That island ought to have been included within our limits under the treaty upon the question of boundary, but the boundary line between the Dominion of Canada and the United States was deflected so as to leave it outside of our limits and place it within English control. There on Vancouver's Island is the best defense of the Pacific coast; there within sight of the American soil the very best cannon which can be constructed by England can be placed, and there they are placed, and pointed toward American soil. And forsooth we are told we should do nothing in preparation for the future, but rely entirely for our protection upon arbitration for the adjustment of any difficulty which may arise between this country and England.

In my judgment the time has come when preparations should be made for the defense of our seacoast, for the protection of our northern border or lake coast, and for the protection of the Pacific coast.

I have but little more to say. Last winter the English Government appropriated $1,500,000 for the purpose of deepening the St. Lawrence River and for the improvement of the Welland and other canals—for the deepening and improvement of the Welland Canal, which con-

nects Lake Ontario with Lake Erie. It appropriated $900,000 for the purpose of making a canal on the Canadian side of the Sault Ste. Marie River, so that she could pass independent of us into the waters of Lake Superior from the lower lakes.

We have a canal on this side of the Sault Ste. Marie River, and by treaty she is authorized to pass her vessels through it from Lake Huron to Lake Superior; but when the resolutions introduced in this House by the gentleman from Maine [Mr. DINGLEY] and myself looking to the idea that we are to retaliate if she does not stop discriminating against our commerce, she at once puts her people to work, and is to-day making the grandest preparations for the building of her own Sault Ste. Marie Canal. Now, this is a notice to us, notwithstanding the fact that we have sixty millions of people and sixty billions in wealth. It is a notice to us that Canada, a dependency of England, is preparing her own water way from the Atlantic to Duluth, and has already a railway from Duluth to the Pacific Ocean, while upon the Pacific Ocean she has her splendid works, one of the grandest and strongest fortifications in this country, at Vancouver's Island. In fact, our whole Pacific coast is defenseless, as well as our northern coast. Is it not time to take steps to remedy the danger?

Why, sir, talk about arbitration? It is all right, and it is the grandest principle in international complications imaginable; but I read in my paper from my own town of Oswego the other day a little item which I have here at my desk, giving as a matter of news the finding of a cannon-ball weighing 35 pounds which was taken up out of the garden of a man who lived half a mile from the lake shore while making an excavation for the erection of a building. This old ball was found and upon it a date, "1812," with these words:

The last argument of kings.

That was a cannon-ball fired by this nation which is now for "arbitration," and fired upon my own city in the year 1812. It is not late enough for us, Mr. Chairman, in our dealings with England and in our dealings with Canada, to rely upon arbitration as our sole means of defense in the settlement of difficulties that may arise.

Now, sir, I thank the House, and I thank you, Mr. Chairman, for your courtesy, because it has been mere courtesy accorded to me in listening to these remarks under the circumstances. I leave the question to the action of Congress. You may make your points of order if you will, gentlemen, against the building up of a place for the erection and repair of war vessels on Lake Ontario; you may resist all steps that may be taken in that direction, and may rest idle, if you will, and yet I tell you in view of the defenseless condition of our Pacific coast, when the British Government has planted such an establishment as they have erected on Vancouver's Island, in view of the defenseless condition of our Atlantic coast and the lake coasts, that the RECORD will show at least one man who in his way has called the attention of the American Congress and the American people to the fact that we as a great nation owe it to ourselves, owe it to the future and to the priceless boon of free government, the best form of government that the world has ever seen, a form of government on which all nations look with jealousy at the present time—that we owe it to all that we hold dear that we shall stand up for arbitration whenever arbitration can be made effective, but at the same time that we shall be backed up by such resolute means of defense and of offense as will make our idea of arbitration of some value to ourselves and to the rest of the world. [Applause.]

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I desire to say a few words.

Mr. WEAVER. I rise to a question of order.

Mr. O'NEILL, of Pennsylvania. And wish that in the discretion of the Chair he could decide the amendment in order.

Mr. WEAVER. If the question of order has not been decided, I hope the Chair will confine discussion to the pending question.

Mr. O'NEILL, of Pennsylvania. I will, as far as I can, confine myself to the point of order.

I was going on to say that I hoped in the discretion of the Chair he could rule that this amendment was in order.

Mr. HITT. Will the gentleman yield to permit the amendment to be again reported?

Mr. O'NEILL, of Pennsylvania. Certainly.

The amendment of Mr. NUTTING was again read.

Mr. O'NEILL, of Pennsylvania. Now, Mr. Chairman——

Mr. SAYERS. Mr. Chairman, do I understand that the point of order has not been decided?

The CHAIRMAN. The Chair decided the question of order; but at the request of the gentleman from New York withheld the decision to permit him to present some remarks on the question. The Chair is ready to decide it.

Mr. DOCKERY. Then the debate is proceeding by unanimous consent?

The CHAIRMAN. Entirely so.

Mr. O'NEILL, of Pennsylvania. I only want two minutes.

Mr. SAYERS. Very well.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, the purpose of this amendment is most excellent and it would be a good thing if the House could vote this appropriation into the bill.

But, sir, my attention is attracted to it the more because of this fact: The gentleman from New York [Mr. NUTTING] has stated how much the British Government has possession of the water ways on our northern frontiers; so that I think he said by water ways she can come in through the lakes and all the way up to the city of Duluth. From there they have railroad communication with the Pacific coast. But my purpose now is to call the attention of the House and the committee to what occurred in a debate in the Senate, on the 3d day of the present month, relative to certain railroad purchases that were about to be made by the Canadian Pacific Railroad, to bring these Canada lines into greater competition, but more favorable to them, with the trunk-lines on this side of the line in regard to railroad traffic and transportation.

Here we have it with steam-boat or water way transportation routes to Duluth, and beyond Duluth railroad transportation routes to the Pacific coast, and this is connected with the Pacific Railroad, which is now endeavoring to purchase railroads in Minnesota, railroads reaching to Manitoba, so that they can have the carriage almost entirely of freight from the Pacific coast to the Atlantic seaboard. I was utterly amazed at the statement of the gentleman from New York, and I simply wanted to say that in a few days, perhaps in a day or two, we may have before this House a very important bill that has passed the Senate—a bill to amend the interstate-commerce law; and I hope I may have an opportunity to offer an amendment to that bill to see whether we can not bring that Canada Pacific Railroad and other railroads running through Canada towards the Pacific in some degree under the provisions of the interstate-commerce law, so that our own trunk-lines may have at least the same rights and privileges and the same ease in carrying freight from the Pacific to the seaboard coast as the Canada Pacific Railroad, which not only carries freight from the Pacific within the borders of Canada, but which actually carries freight between points in the United States and to the Atlantic seaboard. I am glad that question has arisen here, and I would merely ask the attention of the members of the committee to the debate which occurred in the Senate on the 3d day of August upon this very question.

Why, sir, arbitration will do. The people I represent, or many of them, are in favor of a commission to arbitrate, and there is a bill before us now and many memorials have been presented in favor of it. Arbitration is very well, and I approve of it, especially as we have sixty millions of arbitrators behind any agreement that might be made by any commission appointed to arbitrate points of difference between our country and Great Britain. I said I hoped the Chairman might be able to rule this amendment in order. I think we should have a dry-dock on Lake Ontario with all the appliances necessary to make it perfect, and I am not surprised that the gentleman from New York has offered an amendment for that purpose.

Mr. FARQUHAR. Has this point of order been decided; and if not, may I be permitted to make a few remarks?

The CHAIRMAN. The Chair was about to decide; or was about to indicate the position of the Chair on the point of order. The gentleman from New York has already addressed the Chair.

Mr. FARQUHAR. If I thought any proposition of this character would be seriously considered by the House I should desire to be heard at length; but as it stands, I want to say simply one word. That is, that the State of New York can take a contract to take care of Canada and its five millions inside of sixty days. There are 245,000 soldiers ready to march at the tap of the drum, and a country which has passed through war, and where there yet live a million of men who are veterans who wore the blue and the gray, asks no odds of Canada or of the parent government.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, in the interests of peace, I hope that the New York delegation in this House will take a contract to bring the Canadian Pacific Railroad under the provisions of the interstate-commerce law. [Laughter.]

Mr. SAYERS. All of these remarks, I understand, are not to the point of order, and are proceeding under unanimous consent. Now, I would like to know from the gentlemen opposite how long they desire to debate this question.

Mr. NELSON. I would like to have a few moments to reply to the gentleman from Pennsylvania [Mr. O'NEILL].

The CHAIRMAN. If there be no objection, the gentleman from Minnesota will be heard for five minutes.

Mr. NELSON. I want more than five minutes or nothing at all.

The CHAIRMAN. The Chair thinks all this discussion is out of order and that we should proceed with the consideration of the bill.

Mr. NELSON. If I can be recognized I will give way to Mr. LAIRD for a few minutes.

Mr. DOCKERY. I ask unanimous consent that the gentleman from Minnesota [Mr. NELSON] be permitted to address the committee for fifteen minutes.

Mr. LAIRD. I understand the gentleman from Minnesota to give way to me. The gentleman gives me five minutes. I ask this because I have to leave the House; and I desire an opportunity to make a few remarks on this question.

Mr. SAYERS. I ask unanimous consent that the gentleman from Nebraska [Mr. LAIRD] be allowed five minutes.

The CHAIRMAN. The Chair hears no objection; and after the gentleman from Nebraska shall have concluded his remarks the Chair will recognize the gentleman from Minnesota, who is to be permitted to address the committee for ten minutes.

Mr. NELSON. I desire to have fifteen minutes.

The CHAIRMAN. The gentleman desires, if there be no objection, to be permitted to address the committee fifteen minutes.

Mr. DOCKERY. That was the period for which I asked unanimous consent for the gentleman from Minnesota.

The CHAIRMAN. The Chair desires to state that this is not a debate on the point of order; but the Chair will announce that he sustains the point of order and allow the debate to continue as by unanimous consent.

Mr. LAIRD. Mr. Chairman, the bill presented by the Appropriations Committee carries on its face $6,000,000. It provides, as is suggested in the report, for an expenditure, in certain contingencies, of nearly $19,000,000. I suppose no confidence is violated in saying to the House that the conferees of the House and of the Senate have agreed, practically at least, and I think entirely, upon the amendments made by the Senate to the House Army bill. So far as the expenditure of public money for armament is concerned, the bill as agreed upon by the conference will carry less than $5,000,000. The item which challenged discussion the other day of $5,000,000 for the expenditure for rough steel castings has been agreed to be reduced from five millions to three millions and a half, which it is supposed will meet the measure of preparation that is advisable, and also the desired measure of economy by permitting contractors to come in under the provision that they shall accompany their proposals to furnish the steel with the erection of a plant, and thus give us the benefit of competition in the furnishing of the material carrying the bulk of the cost.

I submit that the bill offered by the gentlemen of the Committee on Appropriations is defective, while no doubt it is intended to be economical. It is defective in this: On the four-million proposition of the Navy Department for the furnishing of rough steel castings for guns it is conceded that the Bethlehem Works were put to an outlay of about a million and a half of dollars for the plant, and that if the expenditure for steel had stopped at the four millions they would have pocketed a net loss of the value of the plant upon their contracts with the Government. I submit that the result of the adoption of the bill presented here, as between it and the same proposition carried in the Army bill, will be to exclude competition and to deliver this business over into the hands of manufacturers who already have the plant for furnishing the gun-steel that is required. It is good for the country, first, that the Government should have a check upon the avarice of manufacturers, and, in the second place, that it should have the advantage of competition.

It can hold in its hands a check upon the manufacturers at large only by the possession of a gun-plant, which is provided for in the Army bill, or in the Senate amendments to the Army bill; but it is not provided for in this bill. It can have the benefit of the check afforded by the competition of one manufacturer with another only by offering such a sum of money for rough steel castings as will bring into the field of competition more than one manufacturer, and your million and a half dollars will not do that.

Mr. RYAN. How many bidders were there upon the Navy Department proposals for steel?

Mr. LAIRD. There was one, at any rate.

Mr. RYAN. I think there were at least three, all large establishments.

Mr. LAIRD. There were three, but what was the result? I am not debating here for the advantage. I want this result, and so I suppose does the gentleman. I want it, and I believe it can be best accomplished in the way provided in the Army bill; and to be perfectly frank, I believe that the result of this measure will be the defeat of all legislation on this subject.

It is agreed by men who know, and who speak upon their honor, that the Bethlehem Works which got the contract from the Navy Department, had there not been in the future a continuous expenditure of money for the purchase of rough steel, would have pocketed a loss on that four-million transaction of over $2,000,000. So, I say, this proposition hands the matter over without a word of limitation to some of the steel establishments now existing, probably the Bethlehem Works, and excludes the cheek upon the avarice of manufacturers that would be furnished by competition.

Mr. BUTTERWORTH. Before my friend discusses the map——

Mr. LAIRD. I have said all I want to say.

Mr. BUTTERWORTH. I ask my friend from Minnesota [Mr. NELSON] to let me say a word in reply to the gentleman from Nebraska [Mr. LAIRD], and then I will yield to my friend from Minnesota, who, I know, is going to discuss another matter.

Mr. NELSON. I want to reply to the gentleman from Pennsylvania [Mr. O'NEILL]. I yield to the gentleman from Ohio.

Mr. BUTTERWORTH. This House must be astonished at the declaration which the gentleman from Nebraska [Mr. LAIRD] has just made, that the Military Committee has been especially anxious and earnest to provide for competition. If there is any one thing that we understood they steadfastly fought, it was the provision in the appropriation bill reported by the Fortifications Committee, or prepared by that committee, which provided for competition. As we tried to throw open the door for that kind of competition which in this country and everywhere else has been productive of good results, they braced themselves against it; and if it be true, as my friend suggests, that they now recognize the transcendent importance of competition in every field of production, we are exceedingly gratified. But my friend is clearly in error in saying that we have not provided for a plant. The exact contrary of that is true. And now I want to say once for all to the House and the country, that it is something more than a mere lack of amiability which induces gentlemen to persist in asserting that we have opposed the production of guns and have opposed providing for a plant equal to any supposed emergency.

The truth is—and I want to say it to the House and repeat it again and again to the country—that the Ordnance Corps decided for itself, and wrote in the bill what it wanted; and the provisions of the pending bill are in direct response to the demands of that bureau. Then the man who says we have not done so either labors in ignorance of the fact or is struggling under a pressure of moral obliquity.

Another thing: Do they require a plant by means of which the Government can assemble guns and complete them? Certainly; and we have recognized that demand. They wrote with their own hands what they required; and we gave them the last poor scruple that they asked; we gave it to them without scruple. Yet it is asserted here over and over again that we have refused to permit the Ordnance Corps to establish a plant and build guns for the Government; and it is intimated here that we hampered them about getting machinery and tools needful in the matter of producing guns. That asseveration is made either in ignorance or in disregard of the exact facts. There again they wrote what they wanted; and we did not curtail their demands to the extent of one ounce of steel or one farthing in money.

What do the critics on this floor complain of? Why, that instead of appropriating $1,500,000 for the Government, we do not appropriate $5,000,000. We have provided money to keep the Ordnance Bureau at work to the top bent of their ability for five or six years. We have met every demand and provided for every need, and we have done it in the exercise of the rightful jurisdiction conferred upon the committee by this House.

Now, there is one other matter to which I wish to call attention. I am aware that this House had its attention called to it before, but my apology for again adverting to the subject is we get exceedingly tired of this asseveration and iteration and reiteration—"damnable iteration," some one might say—that the committee having charge of the fortification bill has abridged the proper opportunities of the Ordnance Department of this Government to provide for coast defense. When the Ordnance Corps have with their own hands traced what they require, and formulated the provisions of law they desire to have enacted, shall we be told that we have either hesitated or stopped short of meeting the public requirements?

In only one thing have we offended, if that be an offense, and that is, we have provided that if the proprietors of the steel plants and the iron plants or other manufacturers of this country, under the inspiration of enterprise and genius, quickened by the desire for profit, which, after all, lies at the base of all business endeavor, shall come to the Government and offer a gun which is better than that fabricated by the Ordnance Corps, if these private manufacturers shall meet in well-rounded measure all that is demanded by the public, we shall buy of those men, thus meeting the public needs, providing for the coast defenses more speedily, while at the same time, as every other nation does, encouraging a great industry and private enterprise.

I was asked the other day on this floor, what nation does that? What nation does it! Every nation in Europe does it. Each one, possibly, has a plant of its own; but England buys of private manufacturers and encourages them; France buys of private manufacturers and encourages them; Germany buys of private manufacturers and encourages them; Russia does the same; Austria and Italy do the same. Our young Republic stands conspicuously alone—officer-ridden and afraid to go out among the people of the country and invite them to bring to the Government what it needs to defend its coast; and though we have given to the officers of this Government every opportunity that they have asked, we are denounced as unfriendly and illiberal because we have opened a wider door to supply our wants and have called into requisition a larger means of meeting the needs of the Government in the matter of coast defenses. Am I wrong?

Another thing we did, and one which is the subject of adverse criticism from certain quarters. We are told that there are in this Republic only a half dozen men competent to determine as between two guns whether the one or the other is the better. If that is so, what a deplorable condition we are in. Why, sir, if that is so, and war should break out between England and our country, or France and our country, and our foreign enemy should hire a half dozen assassins to destroy those few men, we would be defenseless indeed—all the available genius and resources of the public absolutely wiped out as with a sponge. Yet that contemptible announcement has been made here over and over again.

There is not a State in this Union, from the one that you can cover with a postage-stamp on the map up to the largest, that can not produce men who are as competent to judge of the character of metal, the range, accuracy, and endurance of a gun and all the characteristics needful in it as any gentleman within the corporate limits of Washington. But we do not propose to dispense with the ability and wisdom of these valuable officers. They will sit in judgment on both their own and others' guns, but not alone. All we ask is that when they come to judge as between a gun fabricated at the works of my honorable friend on my right [Mr. DALZELL] and one fabricated under the immediate direction of those officers (who are prejudiced, to say the least, in their own favor, although they are good men and I say nothing against them) that there shall be on the board that is to make the decision at least two impartial judges selected by the President of the United States or by the Secretary of War. They may be selected from the Army or the Navy, or from civilian engineers. Only let them not be competitors, sitting as sole judges in their own cause.

What is there unjust about that? What is there wrong about it? If there is anything wrong, in what does the wrong consist? The cry that we propose a new bureau is not only untrue, but foolish, if not something worse.

Why do we do this? Coming from every department of manufacture where guns are or may be fabricated, from the fabricators of steel and of iron, from the manufacturers of guns where these great plants are, there is a demand that such provision be made as a just and reasonable requirement; and to meet that fair demand we propose to create this board. That it is reasonable is sure, that it is a just provision is certain. It has at the base plain business sense and the love of fair play.

I have here—I will not detain the House to read it—the course pursued by countries across the water in the matter of procuring their guns. There individual enterprise and genius are left free to compete for the opportunity to provide the best. This is the only nation in which the whole subject is relegated to a few officers in a single bureau of the Government who are at once the Alpha and Omega, whose findings are not subject to review, and from whose judgment there is no appeal.

Strangely enough, in the United States alone does this anomalous condition of things exist. Mark you, we have not sought to check the patriotic efforts of this bureau in the important matter of the public defense, but permit that bureau to retain the control, opening the Treasury to them to take what they need; authorizing them to manufacture the kind and type of ordnance they choose; giving them just the plant they ask for; but for enlarging the field of resources from which they may draw, we have been subjected to this criticism. Because purchases from private manufacturers are authorized, when in the judgment of the officers of the Ordnance Corps and other competent judges the guns offered are the very best in the market, we are criticised and denounced.

That is not all; by some sort of "now you see it, and now you don't" between the committee of the House and the committee of the Senate, in order to avoid the just provisions of the fortification bill to which I have called attention, the military bill comes back from the Senate with provisions which, if adopted, would, it is supposed, oust the jurisdiction of the Appropriation Committee of this House from all control of the subject-matter in controversy. It is fair to say the Military Committee has been too honorable to cross the line which marks its jurisdiction in the preparation of the bill. But the Senate has assumed to confer jurisdiction upon the Military Committee of the House, which the rules of this body deny to it, and the committee meekly proceeds to exercise the jurisdiction so conferred, and has made some progress in its exercise.

I am informed, however, there was some hesitation in allowing these amendments to be attached to that bill when the House had conferred no such jurisdiction over the subject upon the House Committee. And we may well feel and express surprise that the business of the nation is brought to a standstill to afford one committee of this House an opportunity to ravish another of the rightful jurisdiction conferred upon it by the rules provided for the regulation and control of our legislative proceedings; and because we undertake to defend ourselves against this unjust assault and seek to maintain the right and dignity of the House, as well as the dignity of the committee, we are met by filibustering to impede and in fact stop the progress of the business of the House.

We stand here, Mr. Chairman, for the protection of the rights and privileges of the House of Representatives in a matter wherein the Senate attempts to transgress our rules and confer jurisdiction upon one committee which belongs to another. In our Federal system this House of Representatives is the only branch which is elective. Standing here for the maintenance of the rights and privileges of the House, I assert I have the same feeling toward the House that surrenders its privileges, that is regardless of its rights and true dignity, that I have for the father who refuses to protect or defend the virtue and honor of his household.

In the first place, it is admitted that this House has, under the authority of the Constitution, formulated rules for the conduct of its business and designated the committees to have charge of the several appropriation bills; and, secondly, after having formulated those rules it is our duty to maintain them inviolate and inviolable against the Senate, and also against members of the House, if any member or members shall seek to disregard them.

I did not expect to occupy a single moment, but I felt I would be derelict to my duty if I stood here and without protest permitted the Senate by indirection or by direction to violate any one of the privileges of this body.

Now, Mr. Chairman, it is not simply the jurisdiction of the committee we are defending, it is the dignity of the House.

Now, I do not care to go further with this subject. I seek not to trespass on the jurisdiction of our friends, nor do I care whether the items in controversy appear in one bill or the other, so that they appear in conformity with the reasonable and just requirements of the rules of the House, and so they be not placed there by a co-ordinate branch of the legislative department of the Government acting in conscious and willful disregard of our rules, formulated not to suit the whims or caprices of any man or set of men, but with a view to the orderly and just dispatch of the public business.

Mr. Chairman, we believe we have in the pending bill met every reasonable requirement of the public service; we have kept the faith with the House, and have not sought to trespass upon the jurisdiction of any other committee.

But let me state one thing that I had forgotten. Complaint has been made that we did not bring this bill in earlier. It has been ready, as gentlemen know who have taken any pains to look into the subject, for quite awhile, but it was not reported to the House sooner for the reason that Hon. SAMUEL J. RANDALL was absent, sick. He desired to be here when the bill was brought in, but he has been sick, as the House knows, nigh unto death, and we delayed by reason of his indisposition——

Mr. MAISH. Will the gentleman permit a question just there?

Mr. BUTTERWORTH. Certainly.

Mr. MAISH. The gentleman says this bill has been prepared for quite awhile. I ask him how long it has been prepared?

Mr. BUTTERWORTH. In its general features it was prepared for quite two months before it was reported to the House, and it was a mere matter of putting the provisions into proper shape. As gentlemen know, this bill usually passes through the House in an hour or two.

Now, it was not to delay action upon the bill that it was not reported sooner, because to suggest that we do not desire to provide for the public defense would be to call in question our patriotism, and I do not believe that gentlemen will do that. At all events, the bill is here now, it meets the public requirements, and it is a question whether the House will stand on its dignity or insult its own committee for conforming to the rules of the House in the discharge of duty.

Mr. TOWNSHEND. Mr. Chairman, I have listened to the gentleman from Ohio——

Mr. SAYERS. I believe the gentleman from Minnesota is entitled to the floor.

Mr. TOWNSHEND. Permit me to answer one or two suggestions of the gentleman from Ohio, with the consent of the gentleman from Minnesota, before he proceeds.

Mr. NELSON. If I can be recognized afterwards.

Mr. SAYERS. I ask unanimous consent, then, that the gentleman from Illinois may now proceed.

The CHAIRMAN. Unanimous consent was given that the gentleman from Minnesota should have an opportunity of addressing the committee.

Mr. SAYERS. With the understanding that he may proceed after the gentleman from Illinois concludes. I hope there will be no objection to allowing the gentleman from Illinois to proceed now.

Mr. TOWNSHEND. I ask unanimous consent that that may be done.

Mr. SAYERS. How much time does the gentleman from Illinois desire?

Mr. TOWNSHEND. I should like to have fifteen minutes, though I may not occupy that much time.

The CHAIRMAN. The gentleman from Ohio occupied fifteen minutes. Is there objection to the gentleman from Illinois proceeding for the same length of time?

There was no objection.

Mr. TOWNSHEND. Mr. Chairman, I do not believe I should have taken the floor to say anything on the pending proposition did I not feel that justice demands that some notice should be taken of the remarks of the gentleman from Ohio [Mr. BUTTERWORTH]. I think, sir, I may be permitted to say that it is unworthy of that gentleman to cast reflections upon any Senator who may have been on this floor on yesterday or to-day. I can say to him that so far as my action was concerned on yesterday, it was neither dictated nor suggested by any Senator or any member on this floor. I had no consultation with any one in reference to that question, as to the propriety of my action, or whether I should take the course I did or not. Therefore I say to the gentleman that I feel perfectly warranted, as I was the principal actor in the proceedings of yesterday, in saying that his statement is without any foundation whatever; and it is unworthy of him to stand here and traduce gentlemen who have not an opportunity of replying to him.

And I believe, sir, that the generous nature of the gentleman from Ohio himself will cause him, before this discussion ends, to take the floor and do justice to the Senators who happened to be in this Chamber at the time to which he refers by withdrawing his remarks.

My action on yesterday, as I have already stated to the House, was fixed by but one consideration, and that was that the conferees appointed by the House upon the Army appropriation bill should have an opportunity to present their report to the House and defend their attitude with reference to the amendments of the Senate before the fortifications bill was taken up for consideration. I had been importuning the Senate conferees to meet and determine the differences between the two Houses, but failed to secure a conclusion in that regard. On the day before yesterday, at the very moment we were going into conference, this bill was brought up here and we were deprived of the opportunity. On yesterday the conference was again broken up by this bill; and I felt then, as I feel now, that it was my duty to delay the action on this bill until the conferees appointed by the House should settle the questions in dispute between the two Houses. The action I took yesterday accomplished all I desired to accomplish, for that action enabled the two Houses to come together and settle the questions in dispute, and that report will soon be before the House.

Now, sir, a word or two further. The gentleman from Ohio is always brilliant in his speeches, but very often fails to be accurate. The other day he endeavored to prejudice the minds of the House in favor of the Committee on Appropriations and its jurisdiction by claiming that for sixty years the Committee on Appropriations had control of the question pending. Why, if the gentleman had been as well informed as he ought to be in reference to his committee he would know that the Committee on Appropriations was not even sixty years old, but that it was created in 1864, I believe, on the motion of my friend from New York [Mr. COX], who sits in front of me.

Mr. BUTTERWORTH. If my friend will not deem it an interruption, I would state to him that the Ways and Means Committee had that before.

Mr. TOWNSHEND. Yes.

Mr. BUTTERWORTH. And the work was apportioned out.

Mr. TOWNSHEND. My friend will have to correct himself again before he settles all the inaccuracies that he has been guilty of. Now, the gentleman insisted that the House had never placed upon the Army appropriation bill appropriations for subjects of this kind. I read from my desk this morning appropriation bills for seven different years, I think, was the number, in which appropriations for the same identical purpose are found that are found in this fortification bill.

Mr. SAYERS. Will the gentleman allow me to ask him one question?

Mr. TOWNSHEND. Certainly.

Mr. SAYERS. If that be the case, why did he not put the provisions contained in the Senate amendments upon the Army bill in the first instance, instead of reporting the separate bill which is now on the Calendar?

Mr. TOWNSHEND. I will answer the gentleman by stating that this amendment was not put upon the bill for the reason that we had already prepared and reported to this House the Tracey-Cutcheon bill embracing every one of these features. There was an opinion felt and expressed that early action could be had on this question, and the bill was prepared. It was prepared in the winter and reported long before we prepared the Army bill.

Mr. SAYERS. Let me ask the gentleman another question, and that is, was the reason that he did not have these amendments put upon the Army bill because he desired early action upon the bill known as the Cutcheon bill?

Mr. TOWNSHEND. I am speaking for the committee, because I was not present when the bill was reported.

Mr. SAYERS. Very well; does not the gentleman know that he could get earlier action by putting his provision upon the Army bill than by putting it in this bill that is now on the Calendar and may never be reached?

Mr. TOWNSHEND. I will say to my friend that we all differed very much as to which was the wisest as well as which was the best way to secure quick action upon the bill. It was prepared in the winter, it was reported before the Army bill was prepared, and it was believed and expected that early action could be had upon it; but it was crowded out by the tariff bill.

Mr. SAYERS. Then why did not the gentleman call up that bill which was so important and in which these provisions were embraced and pass it in preference to his Army bill?

Mr. TOWNSHEND. One reason I can assign for it is that the bill was in charge of the gentleman from Michigan [Mr. CUTCHEON], who has been sick at times. Another was because the tariff bill was under consideration, and we could not get time to discuss the Cutcheon bill. But I am diverted from what I desired to say. I want to call the attention of the House now to the real character of this bill; and I would ask, Mr. Chairman, how much time I have left?

The CHAIRMAN (Mr. OUTHWAITE.) The gentleman has seven minutes of his time remaining.

Mr. TOWNSHEND. I want every member to know what he is voting upon. We all know how difficult it is for members to read all the reports and bills. There are members of this House who are ignorant on this subject and who believe it is a more economical measure than the amendments placed on the Senate bill.

There are gentlemen here who do not know what these Senate amendments amount to. This bill involves an appropriation of nearly $20,000,000. The Senate amendments do not amount to seven millions and a half, and in conference this has been cut down some two or three million dollars and will be less than $5,000,000. Now you are going to be called upon to draw upon the Treasury for an expenditure of nearly $20,000,000 by this bill, and the question is, whether you will sanction that or the action of the conference committee, under which the expenditure will not exceed about $5,000,000. I do not state the exact figures. Now, what is the language upon this question in the report which accompanies this bill? It says:

> The accompanying bill appropriates $6,202,670, and if the provisions of section 6 of the bill result in the procurement for the Government of the guns, mortars, and carriages therein described, a further appropriation will be necessary of not exceeding, in the aggregate, $13,215,438, and in sums of not more than $2,500,000 in any one fiscal year.

Some gentleman here say they will not vote for these Senate amendments because they are extravagant. But taking it altogether, this bill will involve an expenditure of about $20,000,000. What further does this bill do, sir? If this bill is adopted there will be but one steel manufacturer in this country that will get the appropriation. There will be no competition.

Mr. BUTTERWORTH. Will my friend permit me to ask him a question right there?

Mr. TOWNSHEND. If you will give me more time, I will.

Mr. BUTTERWORTH. I will give you an eternity of time.

Mr. HOOKER (to Mr. BUTTERWORTH). You will divide eternity of time between you.

Mr. SAYERS. You have said that this bill appropriates $20,000,000.

Mr. TOWNSHEND. I say it involves an expenditure of between nineteen and twenty million dollars.

Mr. SAYERS. Do you not know that this bill specially provides that not more than $2,500,000 shall be expended in any one year during thirteen years? If you do not, then I commend you to a study of this bill before you begin to discuss it and inform the ignorant members of the House upon it.

Mr. TOWNSHEND. I am aware that the gentleman has provided that the money shall be expended at the rate of two millions and a half a year; but the gentleman himself will confess, and I ask the gentleman from Texas [Mr. SAYERS] to state whether or not this bill, if adopted as it stands now, does not involve between nineteen and twenty million dollars?

Mr. SAYERS. I say that it may not involve the appropriation of one dollar over $3,725,000; for this reason, because under the sixth section it is proposed to give to the private industries of this country an opportunity to manufacture guns, and that if these guns do not comply with the highest test, then that the Government shall not expend one dollar upon them. If they fail to manufacture proper guns, then it is at their own risk, at their own cost, and the Government is not out one dollar.

Mr. TOWNSHEND. Now, I have given the gentleman full opportunity in my time to make his explanation, and I hope he will be as liberal with me when my time expires, so that I may have a chance to finish what I want to say.

Mr. SAYERS. I will give the gentleman all the time he wants.

Mr. TOWNSHEND. The gentleman from Texas [Mr. SAYERS] says that this bill involves an appropriation of not over three millions and a half of dollars. Do I understand him correctly?

Mr. SAYERS. Three million seven hundred and twenty-five thousand dollars is the actual expenditure provided for, exclusive of $20,000 additional for this board.

Mr. TOWNSHEND. I have given the gentleman full opportunity to make his explanation, and now I will condemn him from his own record. I will read from the report which the gentleman brought into this House when he reported this bill:

> The accompanying bill [the fortifications bill] appropriates $6,202,670, and if the provisions of section 6 of the bill result in the procurement for the Government of the guns, mortars, and carriages therein described, a further appropriation will be necessary of not exceeding in the aggregate $13,215,000.

Mr. SAYERS. Mr. Chairman, the gentleman is not stating what is in the bill. I state that the actual appropriation in the bill is $3,725,000, with $20,000 in addition to that; but if these manufacturers shall provide guns equal to the very best in the world of their caliber, guns which will be acceptable to the board, then the additional $2,275,000 may be available; otherwise it will not be.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SAYERS. I ask unanimous consent that the gentleman from Illinois [Mr. TOWNSHEND] be allowed to proceed.

There was no objection.

Mr. SAYERS. In further reply to the gentleman I wish this committee to thoroughly understand that unless these guns are manu-

factured and are of such quality as to stand the highest tests known to the ordnance officers of this Government, the Treasury of the United States will not incur the expenditure of one dollar.

Mr. TOWNSHEND. Mr. Chairman, I have the highest respect and the warmest personal regard for the gentleman from Texas, and I do not believe he would make any misstatement intentionally. I do, however, insist that, just as he has stated in his report, this bill if adopted may involve an appropriation in the aggregate of between twenty and thirty millions of dollars. And right on this point let me call attention to the danger of passing this bill. If this bill goes to the Senate, and the Senate abandons its amendment on the Army appropriation bill or the House forces it to abandon it, what will the Senate do? Already a Senator has introduced into that body a bill which carries an appropriation of $38,000,000, and there is another bill pending there which makes an appropriation of $126,000,000 for the purposes contemplated in this bill. Now, if you send this bill to the Senate you put it in the power of that body to substitute either of those two bills, and if the one appropriating $126,000,000 should finally become law it would be unnecessary to urge the revision of the tariff in order to reduce the surplus, because that bill alone would take care of the surplus.

As a matter of economy, I insist that the House will save money by taking the Senate at its word and limiting the appropriation to less than $5,000,000. If you want to economize, as it has been insisted by some gentlemen here should be done, by defeating the Senate amendment, why should you, in defeating an appropriation of only $5,000,000, forward a bill to the Senate which involves an appropriation of nearly $20,000,000 for the same purpose? Those who vote for this bill and vote down the Senate amendments upon the House bill, will vote to substitute an expenditure of $20,000,000 for an expenditure of less than $5,000,000.

And let me call attention to the character of this bill in another respect. In the third section of the bill we appropriate over $400,000 for what purpose? To test and to finish guns which the War Department declares have already been superseded.

Mr. SAYERS. Mr. Chairman, does not the gentleman know—and if he does not know he ought not to assume to talk about this matter—that the War Department has sent in estimates to this House which have been referred to the Committee on Appropriations, for the cost of finishing these very guns?

Mr. TOWNSHEND. The gentleman from Illinois knows very well what he is talking about, and I expect to show the gentleman from Texas [Mr. SAYERS] that he perhaps knows less about this matter than the gentleman from Illinois. Here is one of the provisions of the bill:

One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000.

Now what are the facts? I get them from the War Department. I read:

The manufacture of a steel wire-wrapped gun has been very much delayed by difficulties which had not been foreseen by the inventor, Dr. Woodbridge—

The inventor has not even completed his invention, and yet the Government is called upon to spend $45,000 upon it!

This statement continues—

as so many others have been made, but not having been carefully worked out by the inventor, the delays referred to arose.

Now, listen to this:

And now there are so much better designs of wire-wrapped guns extant that it is not deemed of prime importance to build this gun.

Why, sir, these gentlemen here would force us to appropriate $45,000 for a gun the patterns for which have not yet been invented, and better guns than which have been devised before the inventor has been able to work out his own designs, so that the money if invested in this gun would be absolutely thrown away.

I only allude to this as one of the guns upon which money might be wasted. There are other old guns which have been rejected by officers of the Army as obsolete, or which have been so greatly improved upon that it would be an utter waste of money to devote it to their completion. Yet the Committee on Appropriations comes in with this bill, insisting that we shall take money out of the Treasury and put it into these obsolete, worthless guns, which would not be used perhaps if completed.

Now a further point: I still hold that if this bill be passed as draughted it will create a complete monopoly in the manufacture of steel forgings. The appropriation made in this bill for steel forgings amounts to one million and a half of dollars. There is but one factory in the country that can manufacture steel forgings under this provision, because it requires all the way from half a million to a million dollars to purchase the machinery and erect the plant to make steel forgings. There is but one establishment now in the country competent to do this work, the Bethlehem works. That establishment has a contract for furnishing steel forgings for the Navy. No new establishment will invest from half a million to a million dollars in the providing of the necessary plant when there is only one and a half million dollars' worth of work to be done, and when for that work there must be competition with an establishment in existence which has its plant already in operation.

In order to have competition you must furnish a demand for a large enough supply to encourage capitalists to build up this manufacture and compete with the only existing establishment in the country. This bill means virtually a million and a half of dollars to be put into the pockets of the owners of the Bethlehem Steel Works, at just such prices as they may demand for their product.

Mr. RYAN. Will the gentleman allow me a word?

Mr. TOWNSHEND. Yes, sir.

Mr. RYAN. The Navy Department invited sealed proposals for steel forgings for 8, 10, and 12 inch guns. Does not the gentleman know that three establishments of this country bid for that work?

Mr. TOWNSHEND. Yes; and only one got it.

Mr. RYAN. And the aggregate amount of the work to be done did not exceed $1,000,000.

Mr. TOWNSHEND. Now I will answer the gentleman. It has been claimed that in order to build a proper establishment for the manufacture of steel forgings $1,000,000 would be required. Some make a less estimate; but the amount can not be less than half a million dollars. Now, what establishment in this country will make an expenditure of one million, or even half a million dollars, to enter into competition with an establishment already in existence when the demand is for only a million and a half dollars' worth of product.

Mr. RYAN. Three establishments offered to do this work.

Mr. TOWNSHEND. But those other establishments have not the plant; they are not prepared to do this work.

Mr. RYAN. They offered to compete.

Mr. TOWNSHEND. A demand to the extent of a million and a half of dollars is not a sufficient inducement to capitalists to invest such large sums in plant.

I say again that the adoption of this bill will simply put into the pockets of the owners of the Bethlehem Steel Works a million and a half of dollars for steel forgings at just such price as they may choose to demand, for the reason that the bill compels the Secretary to buy the steel forgings from the manufacturing establishments of this country; and there being but one to do the work there would be no competition. If the sum were increased to two, three, or four million dollars there would come competition from an abundance of establishments in the country. There are two establishments in my own State, several in Pennsylvania, and others in other States of the Union that would procure the plant and enter into competition with the Bethlehem Steel Works for these steel forgings.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. TOWNSHEND. Certainly.

Mr. SAYERS. I do not like to make manifest that the gentleman is either entirely ignorant of this bill, or that he is making a misstatement of its purport to the committee. Yet the gentleman, when he says the bill puts the Government into the hands of a single manufacturing establishment, is not sustained by the bill at all. The committee was very particular in guarding the interests of the Government at every point, and I want to call the attention of the gentleman to the provision on page 4 of the bill:

Provided, That no money shall be expended except for steel accepted and delivered, and no contract shall be made hereunder for gun-steel at a greater average price per pound for each caliber than the lowest average price charged under contracts hitherto made by the Government for forgings of like caliber.

Now, the difference between the gentleman from Illinois and myself, each one assuming for the present to speak for his committee, is this: The gentleman from Illinois by reason of the amendments he offers to the House in the shape of Senate amendments, puts no limit on the price of steel. But, sir, the Committee on Appropriations limits the price of steel, and provides that the Government shall not pay a higher price than has been heretofore paid for a like character of steel.

Mr. TOWNSHEND. There is but one way by which the price of steel forges can be kept down if we shall attempt to build forges for guns provided for in this bill, and that is by competition. You can not in any other way put any limit upon the price of steel to be paid by the Government. If you fix it as provided in this bill, so far as the price of steel forgings is concerned, then the Bethlehem Steel Works will demand every dollar of it. You will, in fact, compel the Secretary to give every dollar within the limit we fix to the Bethlehem Steel Works. But if on the contrary you encourage the building of other factories, the establishment of other steel plants, competition will naturally spring up, and you will no doubt be able to obtain steel at a much lower rate than if you allow it to remain within the power of one steel works to manufacture all the steel. If instead of this clause for one million and a half of dollars the bill provided for four or five million of dollars and threw the whole subject open to competition, the result would be that competition would be established and we would be able to get forged steel at a price much lower than we are able to get it at this time. In my judgment there would then be competitors who would invest in steel forgings and compete for supplying this steel to the Government; and as I have already said, the result necessarily would be that the Government would obtain steel at a lower price than it would be able to do under this bill.

Mr. RYAN. Will the gentleman yield to me?

Mr. TOWNSHEND. Certainly. But let me say further that the

price fixed in this bill is the price of the Bethlehem Steel Works, because under the provisions of the bill there is no other competitor and the name of the Bethlehem Steel Works might as well be mentioned in the bill itself.

Mr. RYAN. I wish to state right here what my friend from Illinois can not understand, and that is that two years ago last March, when the Navy Department wanted steel for 6, 8, 10, 10½, and 12 inch guns, they had competitors, as follows: The Cambria Company, of Johnstown, Pa., $851,513.90; the Midvale Steel Company, of Philadelphia, Pa., $1,397,240; and the Bethlehem Iron Company, South Bethlehem, Pa., $902,230.79, being three separate and distinct competitors at three separate and distinct sums, showing, I want to say to my friend, that only two years ago when we wanted steel forgings there were then three competitors bidding to supply the Navy at the prices which I have named.

Mr. TOWNSHEND. If we appropriate some four or five million dollars for steel forgings for the Navy, we then call for an amount of steel which would induce investment in additional plants for the manufacture of steel, and thereby have a larger number of competitors for furnishing the needs of the Government, and naturally there would be a lowering of the price at which the steel would be offered.

Mr. RYAN. Only one of the three competitors which I have named bid for steel armor for vessels. All the rest of the bids were for steel for guns for the Government.

Mr. HERBERT. One million dollars included armor plates and bolts.

Mr. TOWNSHEND. The same character of steel required by the Government for guns is required by the Government for armor for vessels.

Mr. RYAN. As I have said, there was only one bidder for steel armor for vessels, while there were three competitors for steel for guns.

Mr. TOWNSHEND. The point I wish to make is this: That when these bids were made if the Government was then about to purchase four or five million dollars' worth of steel forgings instead of the amount which it did propose to purchase, then the amount for which bids were asked was sufficiently large to induce men of wealth to engage in the establishment of other steel plants for the manufacture of steel, and thereby by increasing competition have reduced the price which the Government would pay for the article. I say further that the small amount of steel called for will not produce any competition, and you might as well put in the name of Bethlehem Steel Company, for the result will be to give every dollar into the hands of that company. There will be no other competitor.

Mr. RYAN. Why do you say that in the face of the fact that two years ago there were three competitors in the field for the contract for the same steel forgings for the same kind of guns, which did not then exceed the amount which I have indicated?

Mr. TOWNSHEND. That embraced armor for the ships and steel for the guns as well; and the amount of the appropriation aggregated about $4,000,000.

Mr. RYAN. But this related to steel forgings for the guns alone.

Mr. TOWNSHEND. And forgings for the armor of the ships.

Mr. RYAN. Oh, no; the contract referred exclusively to the guns.

Mr. TOWNSHEND. Does the gentleman mean to say that the steel forgings for the guns could not also be used for the armor of the ships?

Mr. RYAN. But the proposal was for the guns alone; that is the only point.

Mr. TOWNSHEND. But the establishment which had the contract for the guns certainly had facilities also to supply the forgings for the ships; so that in the aggregate the amount would have been something over $4,000,000.

Mr. RYAN. Well, a sufficient answer to that is that they did not bid for it. But it showed their willingness to enter into a contract to supply forgings for the guns, although the gentleman from Illinois seems to think that no firm, even for a million and a half of dollars, would erect the necessary plant.

Mr. TOWNSHEND. I do not believe they would, unless there was a prospect of being able to secure other sales for their material in the way of armor.

But, Mr. Chairman, I have occupied more time than I intended because of these interruptions. I wish now to say a word in conclusion. If this bill shall be adopted by the House, and the Senate amendments to the Army bill are lost, there either will be no appropriation at all for coast defenses, or at most this bill will be the only one that will be adopted making provision for coast defenses, and will involve, as I have shown, an appropriation of nineteen or twenty millions of dollars, unless the Senate shall substitute one of the other bills that I have mentioned, involving the expenditure of a vast sum of money, and which may be eventually ratified by the House. Now, I believe we ought to commence the work of arming our coasts at once. The United States land forces have but one single modern gun to-day. It is at the proving-ground at Sandy Hook. There are two or three others in course of preparation, but this one at the proving-grounds at Sandy Hook is the only gun capable of meeting any of the civilized nations to-day; yea, we have not a gun to-day that could meet the small Government of Chili in case of trouble between these countries. She is armed with modern guns of heavy caliber, and the United States, with all its wealth and population, has but one gun.

What further fact stares us in the face? Although the Committee on Appropriations had jurisdiction over the appropriation for ordnance ever since 1864, there has not been a single dollar appropriated by Congress for building a modern gun in thirteen years. There has not been one single dollar to furnish a proper gun for the Government within all that period of time.

There has not been a dollar appropriated for two years even for fortifications. I do not know where the fault lies. I do not pretend to suggest where it is. It is for the Committee on Appropriations and the members of the committee to say where the fault is. I only know that the question has been left with them during all that time; and during the thirteen years to which I have referred they have failed to appropriate a single dollar for the armament of our coast. How much longer, gentlemen, do you want us to wait before you proceed to arm the coast? If you leave it to the Committee on Appropriations, I fear we may have to wait as long in the future as we have already waited in the past; for when they do attempt to bring in a bill on the subject they bring in such a monstrosity as ought not to be adopted by either House of Congress.

There are other provisions in this bill to which I have not yet called the attention of the committee. I shall not now occupy the time to do so more than to say a word or two in reference to the sixth section. A bare inspection of that section of this bill will convince any reasonably intelligent man that it should never be adopted by this House. That section proposes to take the entire control, practically, so far as the building of ordnance is concerned, from the hands of the Secretary of War and the officers of that Department and place it in the hands of a commission to be created, consisting of three civilians and three Army officers. What further? The bill I hold in my hand creates these three new officers at a salary of $5,000 a year each. God knows it strikes me that we have tax-eaters enough billeted on the national Treasury to-day, and there ought to be among the 2,000 or 3,000 young men who have been graduated from our West Point Academy and now holding commissions in the Army enough at least and skillful enough to know how to establish the gun factory and superintend the construction of the steel guns without going outside and employing three civilians at a salary of $5,000 a year each. Mark you, gentlemen, those who vote for the passage of this bill in its present shape vote in favor of the creation of three new offices, and vote to create a new bureau with all of its expenses and paraphernalia attendant upon it. The bill is extravagant and in my judgment impracticable. It ought not to be adopted by this House or by the Senate.

I simply wanted to call attention to the character of the bill, and have done what I conceive to be my duty.

Mr. SAYERS. I ask unanimous consent to be permitted to make a few remarks only in response to what has been said with regard to the pending bill.

The CHAIRMAN (Mr. OUTHWAITE in the chair). How much time does the gentleman desire?

Mr. SAYERS. I do not wish to be limited, but shall occupy only a short time.

The CHAIRMAN. Without objection, the gentleman from Texas will proceed.

There was no objection.

Mr. SAYERS. Mr. Chairman, I desire to answer as well and as fully as I may, within the brief time at my disposal, the statements made by the gentleman from Illinois [Mr. TOWNSHEND] respecting the pending bill. At one moment he complains that the Committee on Appropriations has, for more than twenty years past, neglected to make provision for the defense of our seacoast territory, and his very next utterance is to condemn, without discrimination and in the very strongest terms, the measure under consideration, and especially does he find fault with the large expenditure which may be possibly involved should it become a law.

For weeks, and I might safely add for months, the Subcommittee on Fortifications, of which I have the honor to be the chairman, has had this matter under consideration. The door of the committee-room has been at all times widely open to all persons, whether they were officers of the Army and Navy or inventors or manufacturers. A hearing has been denied to no one, who desired to present his peculiar ideas and methods for providing for the defense of the country. Advice has been given by many, some of whom have expended almost a lifetime upon the study of this particular branch of the military service.

After much investigation and no little trouble a bill has been formulated and brought into this House, in which there are two distinctive and prominent features—one of which is the manufacture of guns to a reasonable extent by the Government, and the other is their construction by the private establishments of the country. In this, we follow the policy that is now maintained by England, France, Italy, Russia, Austria, and every other European nation, except Germany, who depends solely upon her private industries for the manufacture of her heavy ordnance.

We have avoided, on the one hand, the policy of Germany, which, to-day, is at the mercy of her Krupps, and on the other hand we have not

committed ourselves to the policy of France anterior to the Franco-Prussian war.

To my mind, Mr. Chairman, the one is as objectionable as the other. If the policy of Germany should be adopted, then the Government would not possess that degree of independence which would enable it to successfully resist the extortionable demands of the private manufacturer whenever an emergency should arise requiring an immediate and a large purchase of such character of war material. In such a condition and in such a crisis it would not be able to deny any exaction, however unreasonable or extravagant. Having no establishment of its own, it would necessarily be forced by the pressure of circumstances to accede to any exaction, be it ever so unscrupulous or exorbitant. It is said, sir, that because of this dependence upon the citizen, Germany has greatly suffered and is still suffering from the extravagant demands of those who supply her with her armament.

But the experience of France in her ill-advised war with Prussia warns us against a reliance upon governmental establishments alone for the manufacture of guns and other munitions of war.

Immense sums of money had been for many years expended upon the erection of arsenals and foundries and in the construction of artillery of every kind. It was then believed that France was better equipped in this respect than any other nation in the world. But when the time came for the application of the highest and the best test as to her superiority in military equipment it was found, to her great misfortune, that imbecility and corruption had not only made sad havoc with the public funds, but also that such armament as she had was of the most inferior character.

This is a matter of history, the entire truth of which can not be controverted.

The gentleman from Illinois, however, would have us follow in the footsteps of France. He would establish government plants only, and would purchase, in advance of the slightest necessity therefor, large quantities of steel forgings for conversion into heavy ordnance. He approves the Senate amendments to the Army bill, one of which appropriates $5,000,000 for the purchase of these forgings.

Mr. Chairman, a greater or a more unnecessary extravagance could not be proposed in any matter affecting our military establishment.

We had before us one of the most practical, experienced, and intelligent officers of the Ordnance Bureau, and he informed us, in plain and unmistakable terms, that in its present condition the governmental arsenal could, with constant and effective work, use only about $100,000 worth of steel forgings in a single year.

True it is that the Senate amendments seek to enlarge the capacity of the arsenal, but, according to the testimony of this officer, these improvements could not entirely be completed under four years.

How long will it take to convert such a large amount of forgings into guns in these circumstances?

Sir, so large an appropriation, at this time and for such a purpose, would be utterly inexcusable. Congress is in session every year and can supply the needs of the arsenal as they may occur. There is no war pending, nor do we hear of any rumors of war. Our situation, our prestige as a military people, and our vast and unconquerable strength, are arguments which can not be controverted, against the probability of an early breach of the very peaceful relations which we enjoy with the nations of the world.

Why, then, such an unnecessary extravagance at this particular time? The art of gun-making and the inventions and discoveries, almost without number, in the matter of high explosives and in the method of their use and application, are becoming more efficient every year, necessitating modes of warfare altogether different to what has prevailed in the past. This of itself should admonish us to be very cautious lest the results of our present expenditures should be entirely inadequate to a future emergency.

But, Mr. Chairman, independent of these considerations, would it be in keeping with sound business principles to purchase so large a quantity of steel when the article itself is constantly becoming cheaper?

Steel is not so costly to-day as it was twelve months ago, and it will be less expensive twelve months hence than it is now. Upon this point there can be no difference of opinion. Not only a cheaper but a better quality of steel is being continually put upon the market. Why, then, so large an investment by the Government? Can the gentleman from Illinois tell us wherein the people are to derive any benefit from so large an expenditure of the public money as is contemplated by the Senate amendments? Will he tell us which is the wiser policy, the preservation of the surplus in the Treasury and its application to the payment of our bonded debt or its investment in an immense quantity of steel to lie unused for many years?

We should remember the extraordinary expenditures made, some years ago and under a previous administration, in the naval department, and by them we should be warned.

It is beyond the powers confided us to make such investments of the public funds.

Sir, the reasons which I have given, it occurs to me, should be more than sufficient to induce this House to reject the Senate amendments to the Army bill.

There is another objection to them which ought to be presented. It is one of a practical and economical character, and furnishes a strong argument against an extensive gun plant to be owned and operated by the Government.

The manufacture of heavy ordnance and of stores applicable to large guns is exceedingly expensive—far more so than one who is not familiar with the subject would suspect. In addition to their cost, the risk attending their successful completion is very great. If the gun be constructed by the Government it must of course be at the risk of the Government, and very frequently does it happen that the gun, when subjected to the usual test after it has been completed, shows itself to be utterly worthless.

This is one of the inevitable incidents of gun-manufacturing, and should always be taken into account when it is proposed that the Government should undertake the business upon a large scale.

To avoid as much as possible the difficulties to which I have called the attention of the committee, it was thought best, Mr. Chairman, to report to the House, in addition to what was deemed necessary for the proper equipment of a Government arsenal, a provision looking to the manufacture of some heavy guns by the private establishments of the country.

I believe this provision to be a prudent one. I am not one of those who think that there is any immediate danger of war, but I believe that wisdom demands that we should in an economical, practical, and gradual way proceed to the manufacture and purchase of such heavy guns as might be necessary for the defense of our seacoast.

Such guns should not be built rapidly. Did we possess every appliance necessary to their proper construction, it would nevertheless require years and years to provide ourselves even with a limited quantity. But there is no necessity whatever either for an undue haste or for an enormous appropriation. Our armament can be constructed quietly, leisurely but continuously, and economically. It should be of the best types—equal if not superior to the most approved in Europe. Above all, care should be exercised that the Government is well protected against loss so far as may be possible. In no way, sir, can these results be so easily and so well attained as through the method of the contract system. The sure effect of such a policy will be to stimulate competition, develop genius, employ labor, and create industries upon which the country may safely rely in times of great emergency.

But, Mr. Chairman, let us briefly examine the bill, about which the gentleman from Illinois talks so glibly and yet so ignorantly.

I feel persuaded that he has not given it a careful and a thorough examination.

Proceeding to criticise the bill, he first assaults section 3, which provides for the completion of certain guns now under fabrication. The gentleman forgets that the construction of these guns is under the direct and personal supervision and control of the Ordnance Department. If they are utterly valueless, as he insists, and further expenditure upon them would be a waste of money, then it becomes a strong and fatal argument against his policy, which is also enunciated by the Senate amendments to the Army bill, of confining the manufacture of heavy ordnance to the Government.

If his criticism is the expression of an honest and a candid opinion, which I am very ready to admit, then the proposition involved in the Senate amendments, and which has the unanimous and hearty support of the House Committee on Military Affairs, is unsound and should not receive the favorable consideration of the House. But his statements in reference to these guns are mere assumptions, and have no substantial foundation in point of fact. If I am not laboring under a very erroneous impression, the completion of these guns has been estimated for by the War Department, and the extracts which the gentleman has quoted are only the reasons which the Ordnance Bureau gives for the delay in their completion. I beg the permission of the committee to read, Mr. Chairman, a communication which was before the Committee on Appropriations upon this subject. It is as follows:

ORDNANCE OFFICE, WAR DEPARTMENT.
Washington, D. C., May 5, 1888.

SIR: In reply to your letter dated April 30, 1888, requesting items of information in regard to six guns and one mortar under fabrication by the Ordnance Department, I have the honor to submit the following, namely (naming the guns in the order given upon the printed slip "Section 5," inclosed with your letter):

1. One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars, on Woodbridge plan:
   Cost to date $15,000
   Estimated additional cost to complete 20,000
   Estimated time required to complete, eighteen months.
2. One 10-inch breech-loading steel-hooped gun:
   Cost to date $26,395
   Estimated additional cost to complete 7,500
   Estimated time required to complete, ten months.
3. One 10-inch breech-loading rifle, cast-iron, wire-wrapped:
   Cost to date $24,000
   Estimated additional cost to complete 1,500
   Estimated time required to complete, three and a half months.
4. One 8-inch breech-loading steel-hooped gun:
   Cost to date $18,885
   Estimated additional cost to complete 5,000
   Estimated time required to complete, eight months.
5. One 12-inch breech-loading rifle, cast-iron, steel-tubed:
   Cost to date $29,250
   Additional cost to complete 10,000
   Estimated time required to complete, three months.

The $10,000 required to complete this gun is covered by contract with the

South Boston Iron Works, extended by urgent deficiency bill approved March 30, 1888. No further appropriation is needed for completing the gun.

6. One 12-inch breech-loading rifle, cast-iron, hooped, and tubed with steel, on the French system:
Gun completed, cost $49,563

This gun has been accepted and paid for under contract with the South Boston Iron Works, extended by urgent deficiency bill approved March 30, 1888.

7. One 12-inch breech-loading mortar, cast-iron, hooped with steel:
Mortar completed, cost $13,456

In regard to carriages for these guns, the Department has on hand several of old type or such as have been constructed for proof purposes, and the test or proof-firing of all the guns can be made without purchasing additional carriages for that purpose. In order, however, to test improved types of carriages, a matter which the Department has been compelled to postpone in recent years owing to lack of appropriations, the following estimates for carriages to be purchased for use in connection with the proof of these guns are herewith submitted, namely:

8. For one 10-inch hydro-pneumatic disappearing gun-carriage $20,000
For one gun-carriage shield 8,000
For foundations for carriage 3,000
9. For one 16-inch hydraulic barbette gun-carriage 15,000
For foundations for carriage 2,500
10. For one 12-inch hydro-pneumatic mortar-carriage 9,000
For foundations for carriage 2,500

From the preceding it will be seen that the four guns first named are not yet completed, whilst for the two remaining guns and one 12-inch rifled mortar one of the guns and the mortar are completed, and the money is available for the completion of the other gun.

A summary of all the items gives:

Cost of six guns and one mortar to date, being the total amount expended or covered by outstanding contract $185,564

The estimates submitted for appropriations to be made are:

Estimated additional cost required to complete four unfinished guns 34,000
Estimated aggregate amount required for firing test of six guns and one mortar, as itemized upon the printed slip "Section 5," inclosed with the committee's letter dated April 30, 1888 124,000
Estimated cost of three carriages of improved type (items 8, 9, and 10) with foundations, etc 60,000

Respectfully, your obedient servant,

CHAS. S. SMITH,
Capt., Ord. Dept. U. S. Army, Acting Chief of Ordnance.

The CHAIRMAN SUBCOMMITTEE ON FORTIFICATION BILL,
Committee on Appropriations, House of Representatives.

But, sir, it is upon section 6 of the bill which the gentleman animadverts most severely. When carefully considered I am clearly of the opinion it will meet with the approbation of every one who is at all willing that any steps whatever should be taken toward the armament of our seacoast. But as my time is limited I can not now do more than to submit to the committee an analysis of this section.

First. It provides for the construction of both iron and steel guns. As is well known, there has been for many years quite a controversy as to the relative merits of iron and steel for the construction of heavy artillery.

The advocates of the former metal contend that it is not only much cheaper, as regards as well the cost of material as that of construction, which is universally conceded, but also, when completed, that the iron gun is as valuable and serviceable as the one made of steel. If this assumption be correct, then it is clearly to the interest of the Government, from an economical standpoint, that the construction of steel guns should be immediately abandoned. The committee was anxious that this much disputed question should be finally and definitely settled, and it has therefore recommended the construction of a number of iron guns.

Second. The construction of steel guns is also provided for.

Third. As to the number and character of such guns, the prices therefor, the probable time of their completion, the annual expenditures which may be incurred, I can best inform this committee by reading from the report which accompanies this bill:

The bill contemplates that breech-loading steel guns of 12, 14, and 16 inch calibers, cast-iron breech-loading guns of 12-inch caliber, and 12-inch breech-loading cast-iron mortars will be presented to the board for test; and sufficient provision is made in the appropriation for the payment for at least two such types of each gun, mortar, and carriage, if successful, except for the 12-inch steel guns, for which sufficient is given to pay for five test guns; but the contracts are to be awarded only to the party presenting the best of such guns or carriages. It is required that the experimental guns shall equal in accuracy of fire, endurance, and power the best existing guns of a like caliber of whatever material made; that the 12-inch cast-iron mortar shall equal in the same respects the 12-inch breech-loading steel-hooped mortar now at the proving-ground at Sandy Hook. Subject to these conditions, the bill provides that the Secretary of War shall contract, at a price reasonable in the opinion of the board, for the following guns, namely:

For not less than fifty 12-inch breech-loading steel guns.
For not less than twenty 14-inch breech-loading steel guns.
For not less than twenty 16-inch breech-loading steel guns.
For not less than thirty 12-inch breech-loading cast-iron guns.
For not less than fifty 12-inch breech-loading cast-iron mortars, with carriages to correspond, subject to the proviso that the carriages contracted for shall not exceed in number the guns and mortars that at the time of the contract have been contracted for.

The estimated money value of these contracts may reach to $13,255,438, which is proportioned as follows:

For the purchase of steel guns $8,804,980
For the purchase of 12-inch cast-iron guns 750,000
For the purchase of 12-inch cast-iron mortars 300,000
For the gun-carriages 3,446,457
For the mortar-carriages 350,000

It is estimated that in order to complete and test the experimental guns and mortars named in the bill the time required will be approximately as follows:

For the 12-inch cast-iron mortars, sixteen months.
For the 12-inch cast-iron guns, twenty months.
For the 12-inch steel guns, four years.
For the 14-inch steel guns, four and one-half years.
For the 16-inch guns, five years.
The carriages to be tested with the guns.

And that fifty 12-inch cast-iron mortars can be completed ready for delivery in three years, thirty 12-inch cast-iron rifles in nine years, fifty 12-inch steel guns in ten years, twenty 14-inch steel guns in eleven years, and twenty 16-inch steel guns within thirteen years from the date of the act.

The prospective expenditures under the contracts to be made will be distributed approximately as follows:

Between the date of the act and June 30, 1892 ..... $1,165,000
Between June 30, 1892, and June 30, 1895 600,000
Between June 30, 1895, and June 30, 1898 7,500,000
Between June 30, 1898, and June 30, 1901 4,000,000

Or the guns and carriages may all be completed and delivered in about thirteen years from this date. These estimates are based upon the representations of the manufacturers of cast-iron guns, and on the supposition that the producers of steel guns will provide facilities for manufacture at least equal to those proposed for the Government by the Gun Foundry Board.

Fourth. It is expressly stipulated that no contract shall be made which will require an expenditure exceeding, in the aggregate, the sum of $13,215,438, nor an expenditure, in any one year, greater than $2,500,000.

Fifth. It requires that the President shall, at the beginning of each session, submit to Congress such reports as the board are required to make as to experiments, investigations, contracts which have been entered into, estimates of appropriations necessary under such contracts, and an itemized statement of all their expenditures.

Sixth. That all the materials used shall be of domestic manufacture.

Seventh. A present appropriation of $2,477,670 is made, which may or may not be used, leaving to Congress the discretion and the power to make future provision for the continuance of the construction of these guns, if it should see fit, being limited, however, to $13,215,438 in the aggregate.

Eighth. A board is to be appointed by the President to consist of three officers of the Army and three civilians, the latter to be engineers of experience and standing, and at least one of them to be experienced in the quality and working of steel. None of these shall be eligible who has any pecuniary interest, either directly, or indirectly, in the material, manufacture, or inventions to be employed in the construction or operation of the defenses which are provided for. The concurrence of at least five members must be had before any action whatever can be taken, and the continuance of the board will be subject to the pleasure of Congress.

These, Mr. Chairman, constitute all of the substantial provisions of this section, except the allowance of $5,000 per annum as a salary to each civilian member of the board, and when we take into consideration the character of the services to be rendered and the high degree of skill and experience required, it can not be thought that the salary is too large, especially as the board is only temporary and may be abolished at any time. But the gentleman from Illinois very seriously objects to the appointment of civilians. He would have all the members of the board taken from the Army.

Sir, I regard it as of the highest importance that the board should be constituted as recommended by the committee. I have every confidence in the integrity and skill and experience of the gentlemen to whom are intrusted the defense of our country, yet I feel that in the matter of gun construction it will be the part of wisdom to call to their assistance the genius, the ambition, the skill, the experience, and the inventive faculty of the people. It will be, so to speak, an addition of fresh blood to a long-established system, over which official life, pride of opinion, and exclusiveness of thought and action have exercised and continue to exercise an influence to such an extent as to impair that high efficiency which the progressiveness and activity of the present age so eminently demands. With such an organization and with the provisions already enumerated, the country is invited, in the following language, to participate in the construction of heavy guns:

Whenever any party shall present for test a completed single-charge breech-loading steel gun of 12, 14, or 16 inches caliber, or a completed single-charge breech-loading cast-iron gun of 12 inches caliber, with the proper supply of ammunition therefor, such gun shall, in the presence of the party presenting it, be subjected to such tests as the board shall prescribe; and should such gun be shown to the satisfaction of the board by such tests to be at least equal in accuracy, range, power, endurance, and general efficiency to the best existing guns of like caliber, exclusive of guns presented for competition under this section, the gun and ammunition shall be paid for at a fair valuation, including cost of transportation, and contract shall be made by the Secretary of War, at a price reasonable in the opinion of the board, with the party only presenting the best of such guns, for a further supply of similar guns, to be subjected to the usual service test before acceptance, as follows, namely:

For not less than fifty 12-inch steel guns; not less than twenty 14-inch guns; for not less than twenty 16-inch steel guns; for not less than thirty 12-inch cast-iron guns.

A like provision is made for furnishing the Government with not less than fifty iron mortars.

Sir, I challenge any gentleman upon this floor to show where in this section the interests of the Government are not most carefully guarded. Can any one truthfully say that the proposition is an extravagant one? It must be remembered that these guns and mortars can not be completed before the expiration of thirteen years. The Government takes not the slightest risk. The manufacturer must present guns and mortars which have successfully undergone the severest test before a single dollar is paid him, and where there are several competitors whose

guns and mortars have been successfully tested, the party only who has presented the best of such guns shall be entitled to the contract.

Of the several provisions of this bill, Mr. Chairman, I regard those which are embraced in section 6 as by far the most important, in whatever light the entire measure may be considered.

They are in line with the experience of other governments. They should commend themselves to this House and to the country because of the economy in expenditure which they certainly preserve. They afford to the manufacturers the opportunity to compete with the Government, at their own risk, in the construction of such ordnance, and if the bill should become a law and the invitation thus tendered be accepted, our private establishments will soon be in a condition to supply the Government with every character of war material, in any emergency which may arise, whether it be soon or late. The arsenals of the Government will also be benefited by the competition, and a spirit of emulation will arise that must necessarily produce the very best results.

It is for Congress to choose between the policy advocated by the Committee on Military Affairs and that recommended by the Committee on Appropriations, and upon Congress must rest the responsibility of the decision.

Mr. NELSON. Mr. Chairman, I crave the indulgence of the committee, not for the purpose of making any set speech, but to reply to some remarks which have been made on this floor this morning. A Canadian railroad scare has been started at the other end of the Capitol and has found its echo here, and it is in response to that echo that I propose to submit a few statements and considerations to the House. And while my remarks may not directly bear upon the question of how to build guns they do relate to the preservation of guns already built.

The farmers of the Northwest, of Minnesota and Dakota, and of all that belt of country reaching out to Puget Sound have armed and fortified themselves with guns and cannon in the way of cheaper transportation, and what they now ask is that these cannon with which they have fortified themselves you will leave in their hands undisturbed. Gentlemen, if you will glance at this map [a large map of Canada and the United States] you will see that the St. Lawrence water system at the upper end of Lake Huron divides itself into two branches, the Lake Superior system and the Lake Michigan system, the Lake Superior system ending at Duluth, and the Lake Michigan system ending at Chicago.

Now, this region of country (Minnesota and Dakota) is the great spring-wheat region of the Northwest. Ninety per cent. of all the spring wheat raised in the United States is raised there. You all know that wheat is a bulky and very expensive article to transport. That wheat must be marketed either in the Eastern States and on the seaboard of our own country or in Europe, because the intervening States raise more than enough wheat to supply their own wants. With the farmers of the Northwest the great question has been how to get cheap transportation, and this question we have now solved. We have reached out and connected our railroad system with the west end of Lake Superior, and when our wheat and our other agricultural products have reached that point—Duluth—it will be seen that they are as near the seaboard and as near the markets of the Atlantic coast and of Europe as they would be at Chicago. In other words, by our railroad system now existing in the far Northwest, together with our Lake system, we have entirely annihilated the distance of nearly 500 miles which intervenes between Duluth and Chicago. I repeat, therefore, that when our great food staple or any of our agricultural products are at Duluth they are for all practical purposes as near the seaboard and as near Europe and can be got to either market as cheaply as though they were at Chicago.

But, unfortunately, this water system of ours is frozen up nearly six months in the year, so we have had to do something else to supplement it, and for this purpose we have now secured two lines of railroad, one extending from Duluth over to Sault Ste. Marie and the other from St. Paul and Minneapolis out to the same point. Both of these roads have been built by American companies in the first instance. The Sault Ste. Marie road is still owned by Americans, but the Canadians have got control temporarily of the other. As I go along I will explain why inexorable necessity has compelled them to obtain that control. The committee will pardon me for breaking off from the direct line of my remarks to give the reasons why these railroad transportation routes have been acquired partly by the Canadians.

Right north of Minnesota and Dakota is the great Province of Manitoba, in British North America, having a population of about 300,000 or more. Under the charter which was given to the Canadiam Pacific Railroad Company no permission was to be given to build any line southward to connect with the American system. The road was to be a complete monopoly, entirely cut off from American connections west of Lake Superior. All the people along this line—the Manitoba border—were completely cut off from any railroad communication with the American system. As a result of this policy the Province of Manitoba, from about two years ago until a recent period, has been almost in a state of open rebellion against the Canadian Government. I might say here that the Dominion of Canada consists of a number of provinces. There is a Dominion Parliament, a Dominion Government, with a governor-general and a House of Commons, and all the paraphernalia of government as existing in England. Then, again, each of these little provinces has its local legislature and local government, with a lieutenant-governor representing the Crown. The Province of Manitoba, for instance, has its local parliament and a lieutenant-governor representing the Crown; and he has a prime minister. The struggle in Manitoba has been so persistent that finally, within the last six months, as we all remember, the Dominion Government was compelled to buy out this monopoly, the Canadian Pacific, in order to avert the danger of the Province of Manitoba going into a state of open revolt and rebellion. The franchise having been bought out, the people of the Province of Manitoba are now about to get direct railroad connection with St. Paul and Minneapolis.

On this railroad question the provincial government which existed a year ago was driven to the wall. A new parliament, a new government has been elected. The Dominion of Canada has been compelled, as I have stated, to buy up the Canadian Pacific by paying a big royalty or bonus; and thus the restriction which would prevent railroad connection with our American system was removed. A road is now being built from Winnipeg, the chief city west of Lake Superior in the Dominion of Canada, down along the right side of the river [illustrating] to connect with the Northern Pacific. If you look at this map, you will see that we are running a line which will tap that whole Canadian system from the West and connect it with this country. The Canadian Pacific Company sees this; that company realizes that unless it does something that whole traffic will come down through the city of St. Paul in this direction [illustrating]. In order to prevent this they are seeking to get a system through this country (by way of St. Vincent, Duluth, and Sault Ste. Marie), and thus they practically sacrifice to a large extent the traffic of their line along the north shore of Lake Superior.

Now, bear in mind that this Canadian Pacific road extends easterly from Winnipeg to Thunder Bay, and from there around the north shore of Lake Superior and around Georgian Bay, and there it branches out in the several systems connecting with the system of Northern New York and the New England system. Now, the Canadian Pacific has just got the control of one of these lines—from Sault Ste. Marie to Duluth—the Duluth, South Shore and Atlantic; but that only brings it to Duluth, and in order to make a connection with its Canadian system at St. Vincent which will be of any use, it must build from Duluth to St. Vincent, so as to compete with the Northern Pacific's Winnipeg connection. Thus, gentlemen, you can see that whatever may be the result, the traffic of Manitoba will either come on the Northern Pacific through its Winnipeg connection to Duluth or it will come on the Duluth, South Shore and Atlantic road just acquired by the Canadian Pacific and the line it must build to fill the gap between St. Vincent and Duluth. In other words, the Canadian Pacific, in order to get something from Manitoba, must practically abandon its whole line around the north shore of Lake Superior and take an American line from St. Vincent via Duluth to Sault Ste. Marie. That is to say, that the Manitoba and a part of the trans-continental trade of the Canadian Pacific, under the new policy to be inaugurated by reason of the American connections when it reaches the city of Winnipeg, instead of going around by the north shore of Lake Superior is more likely to go from St. Vincent via Duluth to Sault Ste. Marie, a distance of over a thousand miles through American territory. And is there any harm in that, in bringing Canadian business in transit through a thousand miles of American territory?

In this connection I wish to explain another matter, of which some may not be aware. The Northern Pacific extends across the center of Minnesota, and Dakota, Montana, and Washington Territories, and there is the Canadian Pacific right across the line a little way. Now, at St. Paul we have a company known as the St. Paul, Minneapolis and Manitoba Company. It is a Minnesota company. Some of the main men in it are Minnesota men, although a part of the capital is Canadian capital. This road has been built and extends from St. Paul northwestwardly between the Northern Pacific and the Canadian Pacific, on the American side of the line, through that great reservation in Northern Montana just opened [illustrating]. This line is now within 450 miles or thereabouts of Puget Sound. This road, remember is being built without one dollar in money or one acre in land. You all know that the Southern Pacific had a subsidy; you all know what a great subsidy the Union Pacific and the Central Pacific Railroad Companies had; and we have not yet got rid of that question. You know what a great subsidy in lands the Northern Pacific Railroad Company received; but the greatest subsidy of all, perhaps, was that granted to the Canadian Pacific. Yet here, by the energy of Minnesota men, with capital furnished partly by Minnesota and partly by Canada, we are getting a road with the best grades and the best local traffic to the Pacific coast. We shall be there inside of two years, and shall tap this whole Canadian border.

Why, gentlemen, wipe out that customs barrier, wipe it all out, and Minnesota will take care of all of Canada west of Lake Superior. We will make it a suburb of Minneapolis and St. Paul. [Laughter.] You of the East may fear trade with Canada, but out in Minnesota we consider that country only as our suburb; and, mark what I say, we shall get most of the trade from there from this time onward.

As I was saying, we have these two roads, the Duluth, South Shore and Atlantic, and the Minneapolis and Sault Ste. Marie. One of these, the Duluth, South Shore and Atlantic, has recently passed under the control of the Canadian Pacific. I have attempted to show why the Canadian Pacific has acquired this road and for what purpose. I want to say, in this connection, to those who suffer from Anglophobia or Canadaphobia that this Canadian Pacific Railroad is the one of which Mr. Morton, our Republican candidate for Vice-President, was recently an officer; and I want to say, further, that recently a live Yankee—a man who graduated on the Minnesota railroads, Mr. Van Horne—has been elected president of the Canadian Pacific road, and a great deal of the stock of that road is owned by American parties.

Now, I explained to you a moment ago why the Canadian Pacific has sought this Duluth, South Shore and Atlantic line. One good result is to ultimately give us in the Northwest for our products another line. We will then have a line running through a country which now has no railroad from St. Vincent to Duluth. It will be building another line of railroad through a country which under other circumstances might not be built for thirty or forty years yet to come.

Now, as to the Sault Ste. Marie. By far the greater part of the stock of that is controlled in Minneapolis. To be sure some of it is held by Canadians, but the larger and controlling interest is held in Minneapolis, and of course it is controlled there.

The great problem we have had to solve in the Northwest is cheaper transportation to market for the products of our agriculture. In summer we have the water system of the Lakes, but in the winter we have nothing to rely upon but these great trunk lines just built to the Sault Ste. Marie. By these new lines we have in winter as well as in summer cheaper transportation than heretofore, which enables us to send our products to the markets of the world.

The CHAIRMAN. The gentleman's time has expired.

Mr. NELSON. I trust I will be allowed a little more time.

Mr. SAYERS. How much time does the gentleman want?

Mr. NELSON. I want at least ten minutes.

Mr. SAYERS. I hope the gentleman will be allowed to proceed, and that when he has concluded his remarks the committee will then proceed to the consideration of the bill.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Minnesota will proceed.

Mr. NELSON. If the members of the committee have not failed to understand what I have attempted to explain, then it will be seen why it is this matter has assumed the importance which has been given to it. Our traffic in the far Northwest has been compelled heretofore to go by way of Chicago, and of course Chicago does not like the establishment of any system that would take it away from that city.

Mr. NUTTING. The gentleman has referred in his remarks to the Sault Ste. Marie road. Now, that railroad is connected with the Canadian Pacific.

Mr. NELSON. Yes, at the Sault.

Mr. NUTTING. Yes, it is connected with the Canadian Pacific at the Sault. As I understand it, that railroad is not subservient to the interstate-commerce law.

Mr. NELSON. Yes, it is as far as the Sault is concerned.

Mr. NUTTING. It is not for through freight. In that regard it is not subservient to our laws. For the last two years it has been in possession of the American system.

Mr. NELSON. That may be true, but it is a great blessing to the Northwest, as it enables them rapidly and cheaply to transport the products of agriculture to market.

Mr. NUTTING. It is, on the contrary, in opposition to the American railroad system and to the carriage of American freight by American railroads. The West paid more than a million of dollars to the Canadian Pacific in the way of freight, and it is just that much money taken out of the pockets of our people.

Mr. NELSON. That is your statement, not mine.

Mr. NUTTING. The gentleman admits what I have said.

Mr. NELSON. No; but you said that it was correct.

Mr. NUTTING. I understood the gentleman to say that the statement was correct.

Mr. NELSON. No; I said that is your statement, not mine.

Mr. NUTTING. But the gentleman knows it is so.

Mr. NELSON. No, I do not know anything of the sort. It is this new system which I have explained which we desire to have retained untrammeled. It is, of course, not in the interest of the great American trunk-lines east of Chicago, and they oppose it. The Pennsylvania Central Railroad and the Baltimore and Ohio Railroad and the other great trunk-lines are anxious to have the freight of the Northwest to come down by way of Chicago, so that they may get the advantage of this traffic. But we can not get transportation as cheaply in that way as by the means of the new routes which I have described. Now, after we have obtained cheap transportation for our spring wheat and other cereals there is an attempt to demoralize and destroy these new lines and to throw us back on to the old lines.

Mr. O'NEILL, of Pennsylvania. Will the gentleman permit me to interrupt him for a moment?

Mr. NELSON. I will, though my time is very limited.

Mr. O'NEILL, of Pennsylvania. My sole purpose is to call attention to the transportation of the commerce of the country.

Mr. NELSON. I have cast no reflection upon the gentleman from Pennsylvania.

Mr. O'NEILL, of Pennsylvania. I do not wish to see the commerce of our country diverted from our own lines of railroad to the Canadian lines. I am in favor, on the contrary, of protecting our own lines.

Mr. NELSON. It is not diverted from them at all, but it is sent just where nature intended it should go, on nature's highway. Nature, Mr. Chairman, made this great water system the great outlet for the products of the Northwestern country, and when nature in the winter blocks up that system we have a right, and should be permitted to exercise it, to avail ourselves of the best and cheapest substitute—our two new lines of railroad. I appeal, therefore, to every friend of the masses of the people, I appeal to you men of New England who want protection on all of your products for all of your little manufacturing towns, to give us this little protection which we have secured for ourselves by reason of these new railroads. Are you not satisfied now with what you have gotten? You obtained a high tariff so as to fix prices on your products, while with us the price of our wheat, our principal product, is fixed by the markets of Liverpool; and having got what you demand we ask you simply to give to our people the little privilege that their own enterprise and ingenuity have secured for them. True, we have a route that crosses a little corner of Canada, but in the interest of the American railroads must you check us off and say, "No, you shall not use that line" even if it is much shorter and cheaper.

Mr. WILSON, of Minnesota. Let me interrupt the gentleman to say that we do not want protection, but do not want to be compelled to pay tribute to them.

Mr. STRUBLE. Oh, yes, you do; you want protection as against the wheat product of Canada.

Mr. NELSON. Mr. Chairman, what we want is simply this: Give us what we have secured for ourselves by our own energy and enterprise, give us all the benefits of that new transportation system and let us alone, and by the Eternal we will take care of all that is left of Manitoba and Canada west of Lake Superior. [Laughter and applause.]

And in reference to this military scare. Why, what does it amount to? We could send out a couple of regiments of Scandinavian militia from Northern Minnesota to cut the bridge across the Red River of the North and to cut the bridge across the Winnepeg River at the Rat Portage, and the Dominion would be cut in two just as completely as you could cut a cake in two with a sharp knife.

Mr. DAVIS. But what is it the gentleman wants? What is it you ask? Do you not ask us to restrict our own roads so that you may have the full benefit of unrestricted service on the Canadian roads?

Mr. NELSON. No, sir; we do not. I have explained what we want. There is nothing in this railroad Canadian scare any more than there is in the military scare.

Mr. DAVIS. But is it not true that our roads are restricted by the interstate-commerce act?

Mr. NELSON. Now talk of this scare. What does it amount to? We will take care of Manitoba if you will just let us alone; all there is of it. We have had a good deal of discussion about the tariff on lumber here, and that question has made quite a figure in Congress. They said that Canada would destroy our lumber trade. Why, from the west end of Lake Superior almost to Puget Sound there is scarcely any merchantable pine lumber. The most of the pine used in the province of Manitoba itself comes from Minnesota, and to-day were it not for the customs barrier and if the railroad system were perfect as contemplated, all the trade of Manitoba would come to the cities of St. Paul and Minneapolis, and build up two of the grandest cities—without rival absolutely—on this continent. [Applause.]

Mr. DAVIS. Before the gentleman from Minnesota takes his seat I wish to ask him a question. I would inquire of the gentleman from Minnesota whether he does not ask that these railroads shall be exempted from the operation of the interstate-commerce law?

Mr. NELSON. I have not asked that.

Mr. COX. You want to reduce the tariff, do you not?

Mr. NELSON. I want our Northwest transportation system to be let alone. I do not want it throttled in the interest of a few trunk lines or a single great city.

Mr. DAVIS. Do you not want to exempt them from the operation of the law?

Mr. SEYMOUR. Let me answer the gentleman. We do not want any protection in the United States as far as the interstate-commerce law is concerned, or that these roads shall be exempted from it. All we ask is to be allowed to conduct our operations in our own way.

Mr. DAVIS. But as a through line you ask that these roads, to which you refer, shall be exempted, and therefore given a great advantage over all of the other roads.

Mr. SEYMOUR. Not as between any lines of roads within the United States.

Mr. CANNON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I want to know what this is all about, anyway. [Laughter.]

The CHAIRMAN. There is no question before the committee at this time.

Mr. O'NEILL, of Pennsylvania. I want to be heard for a few moments.

Mr. SAYERS. I must insist upon action on the bill. I have indulged gentlemen to speak on this question and on other matters entirely foreign to the bill. My friend from Pennsylvania [Mr. O'NEILL] led off and started up a row, and now he wants to reply. I will submit that just as soon as I get through with the bill I will give him all the time the House will allow.

Mr. O'NEILL, of Pennsylvania. I only want a little while.

Mr. SAYERS. A minute or two?

Mr. O'NEILL, of Pennsylvania. Well, say a minute and a half. [Laughter.]

Mr. SAYERS. Very well.

Mr. O'NEILL, of Pennsylvania. I am obliged to the gentleman from Minnesota for his explanation of this railroad system, and am glad he made it. I congratulate the State of Minnesota or any other State whose citizens enter into such enterprises. I believe in progress.

But, sir, the point I raised, and it has not been touched upon by him, is that the Canadian Pacific Railroad and the Grand Trunk Railroad are not obliged to comply with the provisions of the interstate-commerce law. In other words, they can violate it whenever they please. They can make pools, they can allow rebates, they can charge more for a short haul than for a long haul. They not only carry from the Pacific coast to the Atlantic seaboard without breaking bulk, but they carry between points of the United States.

Now, I know that Minnesota and the Northwest and New York on the seaboard can take care of Canada. The gallant men there can take care of Canada. I have not a Canada scare now, and if I had it a little while ago I have got over it after hearing the statements made by the gentleman from Minnesota [Mr. NELSON] and the gentleman from New York [Mr. FARQUHAR] [laughter]; but what I want this committee to think about is the fact that the Senate of the United States has appointed a committee to examine into the purchase of these railroads in Minnesota by the Canadian Pacific and the Grand Trunk, to know and to report to Congress whether the legitimate commerce of the United States is not diverted from our trunk-lines, in which we have billions of capital invested, for the benefit of the lines in Canada.

Mr. NELSON. What about the agricultural interests of the great Northwest?

Mr. O'NEILL, of Pennsylvania. It does not affect that. It is not intended to affect that. While Mr. REAGAN (now Senator) was chairman of the Committee on Commerce, and while laboring for the completion of the interstate-commerce bill, which finally passed this House and became law, he always saw that in the future there would be considerable trouble growing out of this very question; and I hope the House, when we take up the bill amending the interstate-commerce law, will perfect legislation which will bring these trunk-lines under the operation of the interstate-commerce law

Mr. BAYNE. I propose an amendment to section 4 of the bill.

Mr. FARQUHAR. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FARQUHAR. Is the committee now considering the first or the fourth section?

The CHAIRMAN. It is considering the fourth, and the Clerk will read the amendment.

The Clerk read as follows:

It is proposed to amend section 4, first clause, so as to read:

"SEC. 4. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory, for finishing and assembling heavy ordnance, to be erected at the Allegheny arsenal, Pittsburgh, Pa., $750,000."

Mr. SAYERS. I desire to raise the point of order upon that amendment, upon the ground that it proposes to erect an entirely new establishment where none now exists.

Mr. BAYNE. I beg the gentleman's pardon. There is an arsenal there, and a better one by far than that which you have at Watervliet.

Mr. SAYERS. From the gentleman's statement that there is one in existence at Pittsburgh at the present time, I will withdraw the point of order.

Mr. BAYNE. Does the gentleman insist upon the point of order? I say that there is an arsenal at Pittsburgh; that they have a factory there and many implements which are used in the manufacture of guns.

Mr. SAYERS. Is that a Government factory?

Mr. BAYNE. It is a Government factory, worth twenty times as much as the factory at Watervliet.

Mr. SAYERS. Is it not a disused factory?

Mr. FARQUHAR. Does the gentleman from Pennsylvania [Mr. BAYNE] mean to say that the factory at Pittsburgh is twenty times greater in equipment?

Mr. BAYNE. I mean that the value of the property is twenty times what it is in New York.

Mr. SAYERS. I would like to ask the gentleman from Pennsylvania if the factory that he speaks of is a Government establishment now in operation?

Mr. BAYNE. It is.

Mr. TRACEY. Are they making guns there?

Mr. BAYNE. I do not know whether they are making guns there, but they have the machinery.

Mr. MILLIKEN. When was the last gun made there?

Mr. BAYNE. I do not know; but it was a number of years ago. They manufactured nearly everything during the late war.

Mr. MILLIKEN. Have they made anything there since the war?

Mr. BAYNE. I do not know whether they have or not; but they did during the war manufacture considerable ordnance.

Mr. FARQUHAR. Did they not abandon that for another place?

Mr. BAYNE. They would not have to stop for anything.

Mr. FARQUHAR. Then why did they stop?

Mr. BAYNE. I am not questioning the right of the United States to stop the work there; I am only stating the advantages of that place for an arsenal.

Mr. FARQUHAR. But the main fact is that they did abandon it.

Mr. BAYNE. The main fact is that they never did. They have manufactured there quite as much as they have elsewhere. I hope the gentleman from Texas will withdraw his point of order.

Mr. SAYERS. No, sir; I can not withdraw the point of order.

Mr. COX. Will my friend from Pennsylvania show us the law establishing this Government arsenal at Pittsburgh?

Mr. BAYNE. I do not know that I can. It has been there so long that I can not at this moment put my hand upon the law authorizing its establishment.

Mr. DALZELL. It has been there almost since the beginning of the Government.

Mr. BAYNE. I trust the gentleman from Texas will withdraw his point of order. I do not want to waste time upon a point of order. The point of order does not lie. I desire to be heard for fifteen minutes on the merits of this proposition.

The CHAIRMAN. The question of order must be first disposed of before the merits can be discussed.

Mr. BAYNE. Will the Chair please state what the point of order is?

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] has raised the point of order and will restate it.

Mr. SAYERS. The point of order is this: that there is no present existing operating work at Pittsburgh authorized by law, and that therefore the amendment is not in order.

Mr. BAYNE. What authorized existing work is there at Watervliet, N. Y., which justifies an appropriation?

Mr. SAYERS. They have been making guns there for years.

Mr. COX. They are making two large guns there now.

Mr. BAYNE. They have made guns at Pittsburgh for years.

Mr. COX. Years past.

Mr. BAYNE. Yes, sir; years past.

Mr. CANNON. Mr. Chairman, do I understand that there is an arsenal at Pittsburgh owned by the Government?

Mr. BAYNE. Yes, sir.

Mr. CANNON. And the proposition of the gentleman from Pennsylvania is to have this plant located at that arsenal rather than at Watervliet?

Mr. BAYNE. Yes, sir.

Mr. HOLMAN. In 1862 the Government manufactured some large guns which were brought to this city. I wish to inquire whether those guns were not manufactured at the Government arsenal at Watervliet?

Mr. BAYNE. Yes, sir; they were.

Mr. COX. And there has been no work done there since that.

Mr. BAYNE. I have not inspected the arsenal and shops at Pittsburgh recently, but I went through them at one time with a committee of the House of Representatives. If I remember correctly, the gentleman from Georgia [Mr. CRISP] was there, the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], was there, the gentleman from Maine [Mr. REED] was there. Those gentlemen were all there and saw the establishment, and I am sure they were satisfied that it presented advantages infinitely greater than any that West Troy can present, and I do not think that any business man having a particle of sense would go to Watervliet to locate the Government gun foundry when he could locate one at Pittsburgh. [Laughter.]

Mr. SOWDEN. Did they not manufacture at the Pittsburgh arsenal the largest guns that were manufactured during the war?

Mr. BAYNE. The largest guns that we made during the war were made there. The gentleman from Georgia [Mr. CRISP] has been through the arsenal and can testify to its capacity. I supposed that the committees of the House would know where these Government arsenals are, and that to furnish information upon such a subject would be a work of supererogation on the part of myself or any other member of the House.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, before the Chair decides the point of order, I wish to inquire whether it is not rather a shadowy line of distinction which the gentleman from Texas

draws when he argues that we can appropriate $750,000 to erect new buildings and engage in a new work at one arsenal, while we can not make an appropriation for another because the manufacture of guns there may have ceased?

Mr. SAYERS. My friend does not state the facts correctly. The work at Watervliet is not a new one. It has been in operation for years.

Mr. BRECKINRIDGE, of Kentucky. This is an amendment to a provision of the bill reported by the committee, which bill has been discussed and is now before us and not subject to any point of order. So that you have before the committee this proposition "for the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000."

Now, practically this $750,000 is to be used for new operations at the Watervliet arsenal.

Mr. DALZELL. Will the gentleman from Kentucky allow me to make a suggestion in aid of what he is saying? It is expressly provided in the bill that not more than a certain amount shall be used "for the erection of two sets of officers' quarters"—evidently new buildings.

Mr. BRECKINRIDGE, of Kentucky. Yes. The gentleman has anticipated a suggestion which I was about to make, that the provisions of the bill show that this is a new work, and that practically we are going into a new operation at Watervliet, at a cost of three-quarters of a million of dollars, for the purpose of manufacturing heavy ordnance.

Now, I am not opposing that proposition at all; but it seems to me that we may be driven into a very narrow corner upon the point of order, if it shall be held that we can only go into new operations of this character at some place which, by some sort of fortunate accident, has had the manufacture of guns continued; and I do not like the idea that the American Congress is to be limited in its selection of a proper place for this work to some place or places where there happens to have been a continuance of this kind of work.

It seems to me that the third clause of Rule XXI does not fairly apply:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress.

I do not think this comes under the head of an appropriation for a public work already in progress. There is no public work in progress at Watervliet, and no public work, in the sense in which I think the phrase is used here, is contemplated. Does it, then, come under the term "objects," as used in the clause, "for such public works and objects as are already in progress?" What is the object of this appropriation? It is not merely to erect works at Watervliet; that is simply the mode of accomplishing some other object.

This is not like erecting a public building in which to hold a court. It is the creation of a tool with which to carry on a different business altogether—the business of manufacturing heavy ordnance. That is the object of this appropriation; and that object, in a certain sense, has been in existence ever since we established an armory. I think the fair construction is that the Government of the United States has the power to erect new buildings to carry on these operations anywhere in America; that this is precisely analogous to the establishment of a fortification or the location of an encampment or a drill-ground for its Army.

I confess that the view of this provision adopted by my friend from Texas appears to me a narrow one. I am not particularly interested in either the Allegheny arsenal or the Watervliet arsenal. If it be in order hereafter to insert a new place I say very frankly I wish to strike out both Watervliet and Allegheny and put in Lexington, Ky.; for since I have heard the discussion which has gone on here I think we ought to put this arsenal at some entirely safe place. We are such a defenseless country, our shores are so entirely destitute of any means of defense, we are so much at the mercy of any foreign power that in thinking of this question it has struck me that Lexington would be an excellent place at which to make these guns. It is on the other side of the Allegheny Mountains; it is on this side of the Rocky Mountains. It is about the center of population. It has a stream too small for anything but a dug-out to navigate. It is an entirely safe place.

A MEMBER. What State is it in?

Mr. BRECKINRIDGE, of Kentucky. A gentleman asks me what State it is in. That question evidently comes from a gentleman entirely free from any taste for good whisky. [Laughter.] Any gentleman having the *bonhomie* to enjoy a good drink of whisky would not ask where Lexington is. It is in a State "flowing with milk and honey;" and for any gentleman who will come and see the foundation of this arsenal laid there will be added to these a little "Old Bourbon."

A MEMBER. And peach brandy?

Mr. BRECKINRIDGE, of Kentucky. No, we do not have peach brandy; that comes from the mountain country represented by my friend from North Carolina.

It seems to me we ought not to cut off Lexington from her chance of having this arsenal, for if located there it will be in a place absolutely safe, where it can not be shelled by the guns of a war vessel from Venezuela or be subjected to danger of attack on the part of any of these countries which, according to the remarks of gentlemen on this floor, may at any time levy tribute upon our seaboard cities, put our institutions in danger, and render the civilization of America a thing of the past. [Laughter.] Therefore, Mr. Chairman, I hope you will not cut off the possibility of locating this arsenal in a perfectly safe part of the country by sustaining the point of order raised by my friend from Texas.

Seriously, Mr. Chairman, a work of this magnitude ought to be founded with a view to the future. Neither Pittsburgh nor Watervliet is rightly located; to each are grave if not insuperable objections. Kentucky is about the center of population; her mountains are full of iron, coal, and timber; and all the material needed for heavy ordnance can be obtained there in exhaustless quantities and within extremely short distances. Lexington is now a railroad center; there the three Southern systems—the Cincinnati Southern, the Louisville and Nashville, and the Huntington systems—meet; and new railroads are in progress of construction. It has a population of perhaps 25,000, situated in the finest agricultural country in the world, equal to that of any city of equal size in the country.

Frankfort, on the Kentucky River, which will soon be locked and dammed from its source, in the very center of unsurpassed mineral wealth, Louisville, on the Ohio, really are more advantageously located for these works, so far as the future is concerned, than is that of Pittsburgh or Watervliet. The constant neglect of that splendid empire west of Pennsylvania and watered by the Mississippi and its tributaries, when the expenditure of the revenues is made, must soon come to an end. This committee will not to-day heed these observations and will treat them as lightly made. But it will not be many years when such utterances will command attention and be followed by substantial results.

I will not on this question of order detain the committee with any remarks on the main question, the wisdom of inaugurating large expenditures on seacoast fortifications and heavy ordnance. New and additional fortifications necessitate an increased standing army, and the rivalry of seacoast and lake and gulf cities will cause first contention and then combination as to expenditures; and under the certain combination the fortification appropriation bill will largely exceed the annual river and harbor bill.

And as the fortifications and Army increase, we will be compelled to construct more ordnance, manufacture more guns, erect new quarters, enlarge our military stores, and in numerous ways add to our annual expenditures. Greater power will grow in the hands of the Executive. Larger income will be needed, taxation must be increased; that increase will be in the interest of the strong and united. For one I do not see my way clear to start in that direction, and the pretense of danger from abroad is to me only a pretense.

Mr. TRACEY. Mr. Chairman, with respect to the point of order, it appears to me that the appropriation now under discussion is in order under the third clause of Rule XXI, which simply prohibits in any appropriation bill "any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress."

So far as regards myself and the district which I have the honor to represent, it is a matter of very little concern whether the point of order is sustained or not. We have no desire to have this work continued at the Watervliet arsenal if the Congress of the United States does not wish it. This matter has been under consideration for some years. Under an act of Congress of March 3, 1883, a board of Army and Navy officers was appointed—

For the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is best adapted for the establishment of a Government foundry, or what other method, if any, should be adopted for the manufacture of heavy ordnance adapted to modern warfare, for the use of the Army and Navy of the United States; the cost of all buildings, tools, and implements necessary to be used in the manufacture thereof, including the cost of a steam-hammer or apparatus of sufficient size for the manufacture of the heaviest guns.

This board, which was called the Gun Foundry Board, visited all the gun foundries of Europe as well as all the arsenals in the United States. It visited Pittsburgh, Watervliet, Frankford, and Rock Island. I have here the report of that board showing that on the 31st of May, 1883, it held a meeting at Pittsburgh, Pa. As a result of its investigation this board recommended the establishment of two gun factories under the control of the Government, and selected the Watervliet arsenal, West Troy, N. Y., as the location of the gun factory for the Army, and the Washington navy-yard as the place for the gun factory for the Navy. Among the arsenals which were considered by the board with reference to their suitability for this work were the Allegheny arsenal, the Frankford arsenal, and the Watervliet arsenal. The Allegheny arsenal having been dropped by the board as not well suited for the purpose, the question as finally presented was between the Watervliet arsenal and the Frankford arsenal.

Last year the War Department anticipated legislation on this matter and determined to settle the question. It appointed a board con-

sisting of the commandant of the Frankford arsenal, an officer from Watervliet, and an officer stationed at neither point. That board reported unanimously in favor of Watervliet as the best adapted for the work.

In consequence of the report of that board the War Department went to work and assembled at Watervliet arsenal the machinery useful in the manufacture of guns. They are now engaged at that arsenal in making one 10-inch, one 8-inch, and some field pieces. It will take them about a year to complete these two guns.

Of course if the appropriation provided for in this bill is agreed to the work can go on, and fifty guns can be made, if necessary, as it will depend entirely upon the amount of steel forging placed within their disposition.

It seems to me, Mr. Chairman, a piece of folly for the gentleman from Pennsylvania to rise now in this House and attempt to disturb this legislation. As far as I am concerned I have had nothing to do with it. So far as I know the authorities interested in the establishment of this arsenal for the manufacture of guns were allowed to do so without interference from the outside. It was my intention to submit some remarks on the subject when the bill was pending in the House, but I did not get the opportunity to do so. The question has been determined on the report of the board of officers after careful examination, and so far as my people are concerned they made no effort to influence the action of that board. Watervliet has been designated simply and solely because it is the best point for the purposes for which it is designed.

Mr. ADAMS. The words "finishing and assembling" are essential words under the rule as to the point of order. They are essential words indicating the character and object of the work provided for in this section 4. These words "finishing and assembling," Mr. Chairman, are technical words. They do not apply to any old-fashioned ordnance. They only apply to modern field guns of high power. They are new work in this country.

Now, the amendment proposed by the gentleman from Pennsylvania is no more obnoxious to the point of order than the section which he proposes to amend. Having proposed in this section to make cast-iron guns—and it having been the habit of the Government to make cast-iron guns at Watervliet—do you propose to claim this is not a new work and a subject within the meaning of the rules? But for three years we have gone on to manufacture a new sort of gun. It is not cast-iron or a cast-steel gun. It is a gun of wrought steel which is assembled, and the words "finishing and assembling" have reference distinctly to the kind of public work or object for which section 4 has been inserted in the bill. Therefore section 4 is as much for a new work as the amendment proposed by the gentleman from Pennsylvania. I doubt very much whether any committee can put into the bill a section subject to the point of order and yet preclude members of the House from moving to amend that provision.

Mr. DOCKERY. I move to amend the bill by striking out, in the fourth line of section 4, the words "Watervliet arsenal, West Troy, N. Y.," and inserting in lieu thereof the words "for the establishment of an arsenal at Liberty, Clay County, Missouri."

Mr. SAYERS. I reserve the point of order on that amendment.

Mr. SOWDEN. I move at this time, so the amendment may be pending, to strike out, in line 4, section 4, the words "Watervliet arsenal, West Troy, N. Y.," and insert in lieu thereof "South Bethlehem, Pa."

Mr. SAYERS. I reserve the point of order.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. SAYERS. Very well, let us have the decision of the Chair.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania to section 4 of this bill simply strikes out the words "Watervliet arsenal, West Troy, N. Y.," as designated in accordance with the recommendation of the Gun Foundry Board, and inserts the words which the Clerk will read.

The Clerk read as follows:

Allegheny arsenal, Pittsburgh, Pa.

The CHAIRMAN. This arsenal at Allegheny being one of the established arsenals of the United States, and it seems to be conceded by the statement of the gentleman from New York, the Chair is of the opinion the question as to whether the work should be continued at Watervliet or transferred to Pittsburgh is one for the committee and not for the Chair to determine. It is not within the province of the Chair to suppress the amendment as being out of order. The Chair will, therefore, entertain the amendment of the gentleman from Pennsylvania, and overrules the point of order.

Mr. BAYNE. I ask now, Mr. Chairman, to be heard for fifteen minutes on this amendment.

Mr. SAYERS. I ask unanimous consent that the debate be limited to fifteen minutes on each side, thirty minutes in all.

Mr. BAYNE. My colleague [Mr. DALZELL] wants to be heard for five minutes.

Mr. SAYERS. I do not propose to take any part in this discussion as to the question whether the appropriation shall be made for Watervliet or Pittsburgh.

Mr. COX. Or Liberty, Mo. [Laughter.]

Mr. SAYERS. No; or Liberty, Mo.; I will include that.

Mr. SOWDEN. Nor South Bethlehem.

Mr. SAYERS. Nor South Bethlehem; I will throw that in also for good measure. [Laughter.]

Mr. BAYNE. I think that perhaps twenty minutes on a side might be satisfactory.

Mr. SAYERS. Very well; say twenty minutes.

The CHAIRMAN. The Chair will submit that request to the House. Is there objection to closing the debate on this paragraph of the bill, and all amendments thereto, at the expiration of forty minutes, twenty on each side?

Mr. BRECKINRIDGE, of Kentucky. What is meant by twenty minutes on a side? Some of us are against both of these provisions.

Mr. HOOKER. I suppose the gentleman is for Lexington. [Laughter.]

Mr. SAYERS. In order to meet the views of gentlemen around me, I will suggest that at a quarter past 4 o'clock a vote be taken upon all the amendments. This will give nearly three-quarters of an hour.

Mr. HOOKER. I suggest to the gentleman he had better make it one hour.

Mr. FORNEY. That is nearly an hour.

Mr. SAYERS. I will say an hour, then.

Mr. BUTTERWORTH. To be equally divided?

Mr. SAYERS. Certainly.

Mr. BRECKINRIDGE, of Kentucky. How to be divided?

The CHAIRMAN. The Chair will endeavor to recognize gentlemen fairly as between the several pending propositions.

Is there objection to the request of the gentleman from Texas that all debate on this paragraph and all amendments thereto be closed in one hour?

There was no objection.

Mr. BAYNE. Mr. Chairman, I desire now to be heard for fifteen minutes.

It often occurs in the experience of gentlemen upon the floor of this House that amendments are offered because they desire to favor their particular districts. I think with my knowledge of the location of the arsenal at Pittsburgh and its condition, as well as its surroundings and capabilities, with the great advantage of its position, that I should offer this amendment to this bill were I a resident of any other State in the Union or situated most remotely from this point.

Mr. HOOKER. Will the gentleman allow a question——

Mr. BAYNE. Later on I will permit an inquiry; not now.

Mr. HOOKER. It is very pertinent just now, if the gentleman would allow it.

Mr. BAYNE. Not at present.

By orders issued in March, 1887, a board was appointed and directed to examine two of the arsenals of the country with a view to locate a national foundry at one of them. That board was directed to examine the arsenals at Frankford, Philadelphia, and at West Troy, N. Y. They made a diligent, faithful examination of the two arsenals specified and reported their judgment respecting them.

Mr. HOOKER. Is that the board of which the gentleman from Georgia [Mr. CRISP] was a member?

Mr. BAYNE. No, sir.

That board was constituted of the following members: Lieut. Col. Edward W. Flagler, Lieut. Col. Albert Mordecai, Lieut. Col. Francis H. Parker, and Capt. Rogers Birnie.

Mr. HOOKER. In what year was that?

Mr. BAYNE. In March, 1887.

They were instructed to examine these two arsenals, which indicates to my mind that the propositions here of the gentleman from Missouri [Mr. DOCKERY] and my colleague from Pennsylvania [Mr. SOWDEN], showing a personal preference for certain locations, had run into the minds of the persons who framed that provision, and had thereby limited this board to the consideration of the two arsenals to the exclusion of all the others.

I have no fault to find with the gentlemen who thus secured, either by law or order of the Department, the location of this arsenal on recommendation showing the personal preference which the board itself had. That is the way things are done to a large extent in these days. One of these gentlemen represented that side of the House and the other this side of the House, so that if there be fault to find in any direction the fault lies clearly on each side.

That board reported that the essentials to the proper location of the permanent foundry were facilities for and possibility of extension; facilities for foundations of buildings; for proving butts, and facilities for firing; facilities for railroad communication, and facilities for water communication; facilities for transporting and receiving guns and materials; for transporting and receiving coal; facilities for transporting and receiving manufactures and supplies of all kinds; facilities for shipping and transporting guns to the required points; convenience of proximity of gun factory to the establishments for the manufacture of forgings; facilities for labor; safety from hostile operations; climate and health. Of these requirements there are some which are more important than others, and among those commanding importance, those which strike me as being the most important, is the convenience of proximity

of gun factory to establishments for manufacturing forgings, and the item of transportation to and from your national gun factory is of equal importance.

Mr. FARQUHAR. Let me ask the gentleman a question.

Mr. BAYNE. Not now.

Mr. FARQUHAR. Just one question.

Mr. BAYNE. No, not now.

Another question which rises to importance is the facility for shipping and transporting guns to required points.

That is another matter of great importance. Another is the presence of skilled labor. Another, and a primary one, is the safety from hostile operations.

Now, I undertake to say that if this committee will judge these places on these characteristics that there is not a gentleman on this floor who will not cast his vote for the Allegheny arsenal, Pittsburgh, Pa.

Mr. FARQUHAR. Will the gentleman permit a question?

Mr. BAYNE. Not now. Later I will give you an opportunity.

With reference to the facilities for shipping and transporting guns to the required points, there are at Pittsburgh four trunk-railway lines, and the competition between them will protect the Government against unjust charges. There is water transportation that is equal to any demands that may be made upon them. At Watervliet arsenal, New York, there is but one railroad line, which would have a monopoly of the business and could charge the Government whatever it saw fit to charge for the transportation of guns to and from that place.

Mr. FARQUHAR. It can go there by water or by rail.

Mr. BAYNE. There is a water way to Watervliet, and there there would be competition; but first let me speak as to the fitness and proximity of a gun factory to a factory that manufactures forgings. Forgings are made at Pittsburgh, and you will have to take forgings to Watervliet arsenal, at West Troy, N. Y., to manufacture guns.

Mr. FARQUHAR. We will take care of that.

Mr. BAYNE. Of course you will take care of that when the Government is to pay for it, but if you were an individual you would not.

Mr. FARQUHAR. In my own time I will answer that.

Mr. BAYNE. That is all right.

The forgings are made at Pittsburgh, and they can be transported from the mills into the arsenal at an insignificant cost, the waste material can be returned to the mills and used over again, and the Government can economize in every way. As to the labor, there is no place in the United States where there are so many skilled artisans concentrated as at Pittsburgh. It represents almost every phase of skilled industry. It represents men specially skilled in the manufacture of steel and iron and all their products. It is therefore the place with reference to labor, one of those things which the commission say should be a controlling matter in deciding upon the locality.

As to safety from hostile operations, Pittsburgh is surrounded by mountains. Whenever a hostile force reaches Pittsburgh it will have taken the whole country; and when it has taken Pittsburgh it will have taken the best part of the United States. [Laughter.] Now, with reference to the security of Watervliet arsenal, at West Troy, N. Y., which is the place indicated in this bill, this commission says:

> Frankford arsenal is not now safe from hostile fleets, or even from a single powerful armored raiding vessel; but it could be so defended by fortification, torpedoes, and the Navy as to make it practically safe.
>
> In case of war with Great Britain, Watervliet is on the probable line of hostile operations and would be in greater danger of capture by a land force than the arsenal at Philadelphia.
>
> A proper system of national defense would so protect these arsenals as to render either a sufficiently safe location for a large gun factory.

In other words, according to the report of the commission, if you locate it at either Frankford, Philadelphia, or Watervliet, West Troy, N. Y., the first thing to do will be to manufacture guns and surround the national factory with them in order to protect it from hostile invasion.

Mr. SAWYER. No enemy will ever reach Troy from either the north or the south.

Mr. BAYNE. This is the report of the Army officers, who probably have as much skill as my able friend from New York. I do not know how much of a general he was during the war, but these gentlemen say it will be in the line of hostile operations. It is only about 200 miles across to the Canadian line and it is open country, and there is nothing to prevent anybody or any hostile force going there, and, as was suggested to me by a gentleman on the other side when looking at the map, Napoleon or Phil. Sheridan with any force could have gone down there in a very short time and destroyed the national foundry and leave the Government without that which it wants in time of war.

Mr. FARQUHAR. I think Pittsburgh was not a very safe place when it was held by a mob for days only a few years ago.

Mr. BAYNE. Now, Mr. Chairman, what about this ground at Watervliet. They have got 109 acres there, and the water annually passes over it. One half of it is subject to perennial overflows of water, and the other half of it is on a somewhat elevated site which is not in danger of an overflow of water, but upon which the shops would have to be constructed if they were placed in the best position for security. The shops, however, are constructed upon this lower portion of the ground which is subject to perennial overflows of water.

This board, Mr. Chairman, after having gone all the way through and compared in detail the advantages and disadvantages of Frankford at Philadelphia and Watervliet at West Troy, crediting one with the advantage in one respect and the other with the advantage in another respect, winds up by this suggestion:

> The board is of the opinion that Watervliet arsenal is better adapted than Frankford for the concentration and installation of the present gun plant of the Department and for the establishment of a fully equipped gun factory.

But the facts which the board cites and the argument which the board makes are against Watervliet as a proper location for a national gun foundry. It is open to a foreign enemy; it would require special protection; it has not got skilled labor; it has not got materials; and as to fuel, the fuel would have to be taken there and would cost more than twice as much—I would be quite safe in saying three times as much—as fuel would cost at Pittsburgh. I do not know at what price per ton coke sells at West Troy, N. Y., but I do know that it sells in Pittsburgh at $1.25 a ton, and, as my colleague [Mr. DALZELL] suggests, it is now down to $1 a ton. I venture to say, on the other hand, that coke will cost at Watervliet $3 a ton, although I do not profess to have exact knowledge on that point, and certainly coal or any other fuel that may be used will cost a proportionately high price.

Now, if this Government did business on business principles and according to business methods, would it overlook a place like the Allegheny arsenal at Pittsburgh, where there is the labor, where there are in close proximity all the requirements for the construction of ordnance, where there is transportation, where there is cheap fuel, where every advantage and facility exists—would the Government, I ask, overlook a place like that, and prefer to it a place like West Troy, N. Y., which is open to all the objections that are urged against it even by this very commission which reported in favor of it under the compulsion of the orders which were given? For, mark you, gentlemen, the duty assigned to this commission was not to give their judgment as to whether or not either of these places should be chosen at all for such a purpose. That was not the inquiry. The business assigned to the commission was to say which one of these two places was the better, and they said that Watervliet at West Troy was rather the better of the two. If the commission had had that enlarged liberty of action which it should have had, if it had been permitted to go to Pittsburgh, to Cincinnati, to Bethlehem, to the point in Missouri that has been named, and to various other points in the country, and had had an opportunity to examine fully the facilities and advantages of each place, it is very certain that it never would have chosen Watervliet as the location for a national gun factory, because that place has not got a single requisite for the purpose. Everything has to be taken there. The machinery has got to be taken there; the fuel has got to be taken there; the labor has got to be taken there; everything has got to be taken there. At Pittsburgh, on the contrary, you find everything concentrated right at hand for use in your gun factory. And, as I said a little while ago, if the question were left to a business man it could be decided only in one way. I would not fear to leave the decision to any business man in this House, to any man without prejudice in favor of either locality. I do not think there is a single member of this body who, if it were left to his unbiased decision, would not locate this gun factory at Pittsburgh rather than at West Troy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FARQUHAR was recognized.

Mr. BAYNE. Mr. Chairman, as I understand it, there are thirty minutes allowed on each side.

The CHAIRMAN. Yes.

Mr. BAYNE. The gentleman from New York [Mr. FARQUHAR] is on the side of the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Yes.

The CHAIRMAN. The Chair will endeavor to divide the time equally between both sides.

Mr. SAYERS. We do not want any misunderstanding about this matter of time. How much time has the gentleman from Pennsylvania [Mr. BAYNE] occupied?

The CHAIRMAN. Twenty minutes.

Mr. SAYERS. How much time does the gentleman from New York [Mr. FARQUHAR] expect to take?

Mr. FARQUHAR. About ten minutes; I can not tell exactly.

Mr. SAYERS. I will state for the information of the gentleman from Pennsylvania [Mr. BAYNE] that there are other persons who desire to speak in behalf of their special localities.

Mr. BAYNE. Yes; but we are to have thirty minutes in favor of the location for this arsenal at Pittsburgh.

Mr. SAYERS. Was that your understanding?

Mr. BAYNE. Oh, yes; that was my understanding.

Mr. SAYERS. Very well.

Mr. BAYNE. And I propose to yield the remaining ten minutes to my colleague [Mr. DALZELL], who represents the Pittsburgh district.

The CHAIRMAN. How much time does the gentleman from New York [Mr. FARQUHAR] desire?

Mr. FARQUHAR. I presume that that matter rests with the gentleman from Texas [Mr. SAYERS]. I think I can get through in seven or eight minutes.

The gentleman from Pennsylvania called attention to the proceed-

ings of a board which met at Watertown arsenal, Massachusetts, on the 29th of March, 1887, under instructions to proceed to Frankford arsenal, and also to Watervliet, and make a selection between the two. He also called attention to the various features which were to be considered by this board—some fourteen in number. I now send to the Clerk's desk and ask to have read what the gentleman from Pennsylvania [Mr. BAYNE] took very good care should not be read to this House—that is, the findings of this same board. I am not questioning the ability of the members of this board. They were Colonel Flagler, Colonel Mordecai, Colonel Parker, and Captain Birnie. But I want to say, in plain, blunt language, that not one assertion made by the gentleman from Pennsylvania had a particle of influence or effect, or even had any consideration, with any Army officer who has ever considered this question.

Now, we are left to the wisdom of the friends of this Allegheny arsenal to tell us something later than the report of this board of officers, who made full examination of this subject.

I have no time to enter into details as to the location of the Watervliet arsenal, or its facilities for this class of work. I am satisfied that Army officers who have grown gray in the service know more about the requirements for an arsenal than does the gentleman from Pennsylvania, or any one from that end of his State.

I now desire to have read the paragraph which closes the finding of this board—a recommendation on which I believe Congress ought to take action.

The Clerk read as follows:

After careful consideration of all the points discussed the board finds that in all matters except the following there is no decided superiority in one of these arsenals over the other. Watervliet provides excellent foundations, whereas Frankford does not. Firing facilities can be obtained at Watervliet, but not at Frankford. The former has better facilities for labor, and its water connection with the northern frontier is of importance; but its great and important advantages over Frankford are that the immediate concentration of the Department gun plant can be there effected more cheaply, that it has larger and better buildings and more ground for immediate expansion, and that unoccupied adjacent lands furnish the possibility of extension in the distant future into so great an establishment as the future wants of the country may demand.

What these future wants may be is indicated by the magnitude of the armaments that will be required as stated in the report of the Gun Foundry Board, 1884; the report of the House Committee on Ordnance, first session Forty-ninth Congress, 1886; the report of the Board on Fortifications, 1886, and the fact that history shows that these armaments will change and require renewal.

The board is of the opinion that Watervliet arsenal is better adapted than Frankford for the concentration and installation of the present gun plant of the Department, and for the establishment of a fully equipped gun factory.

Mr. FARQUHAR. Now, Mr. Chairman, following the recommendations of this board, the Government has already transferred from the other arsenals all the machinery and appliances suited to the establishment of a gun foundry for the Army. Everything at the Allegheny arsenal which could be of utility in this regard, all the machinery of the South Boston Iron Works, all the necessary appliances at other points were, after the making of this report, transferred under the directions of the Secretary of War to Watervliet, so that to-day, according to the official report of the ordnance officer, there is at Watervliet, N. Y., the most perfectly equipped gun foundry to be found in the United States.

At this time, when we are discussing the merits of Allegheny, Pa., Liberty, Mo., and Lexington, Ky., it may be appropriate to read the following from the last report of the Chief of Ordnance.

The report of the board having been approved by the Secretary of War, steps were at once taken to prepare the shops at the Watervliet arsenal for the contemplated work, and the necessary instructions were issued to the various points for the shipment to Watervliet of the machinery designated by the board. The work has now progressed so far that it is confidently expected that the shops will be in working operation by the middle of November. The Department will then begin the work of manufacturing one 10-inch B. L. steel gun, one 8-inch B. L. steel gun, and twenty-five 3.2-inch B. L. steel field guns.

In the annual estimates for the next fiscal year I have asked for a small appropriation to supply some necessary adjuncts to the plant now collected at this arsenal, such as railway-track facilities within the grounds, a suitable bridge across the canal, additional water-power facilities, a loading-crane, etc. These additions will complete the present plant and enable the Department to make small guns in limited quantity and experimental or type guns of large size, probably up to 12 inches caliber.

I submit, Mr. Chairman, that after this board of officers, consisting of men specially chosen for the purpose, have selected Watervliet arsenal as the proper location for this gun foundry, after the Government has expended tens of thousands of dollars in transferring the material and machinery from other points to this arsenal, it is certainly strange if an unsubstantiated assertion—and there have been many such—by the gentleman from Pennsylvania should have any influence in determining the judgment of this House in opposition to the finding of this board. The Committee on Appropriations has very properly reported in favor of this location at Watervliet; and I submit that it is now impossible for this House to reopen this question and propose another location unless upon the judgment of a board similar to that which has already examined this subject and made its official report.

I reserve what time I may have remaining.

Mr. DALZELL. Mr. Chairman, on the 16th of February, 1884, the board of officers known as the Gun Foundry Board made to the President of the United States a report in which they answered specifically certain interrogatories which had been propounded. The first interrogatory was:

Which of the navy-yards or arsenals owned by the Government is the best location and is best adapted for the establishment of a Government foundry?

This interrogatory was answered in the following terms:

The board does not recommend the establishment of a Government foundry, properly so called, which shall provide for the manufacture of steel and the fabrication of cannon. It considers that every inducement should be offered to attract the private industries of the country to the aid of the Government in providing ordnance for the Army and Navy, and that the steel manufacturers should be called upon to provide the material.

In answering the second interrogatory the board said:

With Government gun factories established for both the Army and the Navy there will be still needed the hearty co-operation of the private industries of the country. This can not be aroused unless there is held out to them a fair prospect of remuneration.

It is apparent, therefore, that the industry intended to be established, so far as the Government is concerned, is simply that which shall be supplemental to private individual enterprise; in other words, the Government is to finish and assemble these guns after private enterprise shall have performed its task. If that be so, then the proper place to establish the gun factory—mark you, not the gun foundry—depends upon two things: it depends upon situation with respect to possibilities of defense and possibilities of access, and it depends upon the industrial character of the place. Now, in both these particulars—and I do not propose to go into detail as my colleague has done—both as to local situation and as to industrial character, I venture the assertion that there is no place on the American continent which can compare in either respect with the city of Pittsburgh.

Mr. COX. I would like to ask the gentleman a question. Has any officer of the Government ever recommended Allegheny as a suitable location for a gun factory?

Mr. DALZELL. I do not know that any officer has done so; and I do not care whether he has or not.

Mr. COX. If you do not care, then I am indifferent also. [Laughter.]

Mr. DALZELL. I am appealing to the judgment of this House upon the merits of the case, and not upon the recommendation of any Government board or of any Army officer.

A MEMBER. They do not recommend Watervliet, either.

Mr. DALZELL. I would rather trust to the honest conscientiousness of the members of this House, intelligently exercised, than to the judgment or recommendation of any officer or any board, procured I do not know how, and you do not know how.

So far as concerns security from danger in time of war Pittsburgh is surrounded upon all sides with hills. Between the eastern coast and Pittsburgh intervene the Alleghany Mountains. Now, with respect to accessibility. Situated at the headwaters of the Ohio, Pittsburgh commands the entire Mississippi system of water way. By its trunk lines it reaches the West; it reaches tide water—Washington, Baltimore, Philadelphia, New York; and by its lines of railway it stretches up and touches the Great Lakes. So that you have here the facilities for gathering material. So far as industrial characteristics are concerned, I no not propose to stultify myself or to stultify the House by describing Pittsburgh, the characteristic manufacturing city of the continent.

With respect to economy of manufacture, permit me to say that at the time the first foundry board was constituted—a board which, by the way, visited Pittsburgh—and at the time this recommendation was made, no such thing was known as now exists in the city of Pittsburgh. Since that time Providence, with lavish hand, has turned on a supply of fuel, which makes it possible to manufacture there cheaper and better than at any other place in the world. Therefore, without occupying further the time of the committee, I say that in respect to every characteristic requirement of an industry which is simply to be supplemented by the Government industry, there is no comparison between Pittsburgh and any other place upon the continent.

Mr. BAYNE. I reserve the remainder of the time.

Mr. SOWDEN. Mr. Chairman, the gentleman from Kentucky [Mr. BRECKINRIDGE] very aptly stated the case when he remarked that this was an entirely new proposition, and as such was amendable. We have presented to us in this bill a proposition to appropriate $750,000 for the purchase and erection of a national foundry for the manufacture of guns, and a contest has sprung up as to where the plant should be located. My amendment provides for the establishment of this gun foundry at South Bethlehem, Pa.

It is the most suitable place in the country for its location, since it would be in close proximity to the Bethlehem Iron Company's works, where, presumably, all the steel will be made for the manufacture of these guns.

The advantages of this place are simply superb. Its facilities for railroad communication, for receiving coal, for transporting and receiving manufacturers' supplies of all kinds, for shipping and transporting guns to required points, and its convenient and close proximity to the establishment where this gun metal or steel forgings are to be manufactured, makes it the most desirable of all the places named.

In respect to safety from hostile operations, as well as in regard to climate and health, South Bethlehem is unexcelled.

It is 55 miles due north from Philadelphia and about 85 miles due west from the city of New York. It is located in the center of the great iron and coal region of Pennsylvania. The Bethlehem Iron Company's works are located at this point, where there is in the

course of construction one of the most extensive and costly plants in the world for the manufacture of steel forgings for the production of guns.

This establishment has a contract with the United States now for the supply of nearly $5,000,000 worth of steel forgings and steel armor, and it would largely save in the transportation of this steel metal if the Government should provide for the erection of a national foundry for the manufacture of guns at South Bethlehem.

Watervliet, Pittsburgh, and Liberty are simply incomparable with South Bethlehem in their facilities for the manufacture of guns, and I hope therefore that my amendment will be adopted.

Mr. COX. I wish to occupy only one minute in calling attention to the remarks of the gentleman from Pennsylvania [Mr. DALZELL], who seems to think very lightly of the recommendation of the officers selected for the purpose of reporting upon this subject. The report of the Gun Foundry Board was published in 1884. I read from a part of the minutes of that board:

GUN FOUNDRY BOARD, 1727 PINE STREET,
Philadelphia, Pa., Wednesday, November 21, 1883.

* * * * * * * *

The board then proceeded to consider the selection of two sites to be recommended for Government gun factories, and decided upon the Watervliet arsenal, West Troy, N. Y., for the purposes of the Army, and the Washington navy-yard, D. C., for the purposes of the Navy.

I submit that this ought to be conclusive with gentlemen who desire fair, just, and intelligent legislation.

I know gentlemen on this side as well as on the other side of the House have offered amendments here in an amusing way.

Mr. BRECKINRIDGE, of Kentucky. I wish to say to the gentleman from New York that his remark does not apply to the amendment providing for the establishment of an arsenal at Lexington, Ky.

Mr. COX. Perhaps it may not apply to Lexington, but when the gentleman from Kentucky offered his amendment, and when the gentleman from Missouri offered his in favor of Liberty, and when the amendment was offered to replace the arsenal at Watervliet by one in Pennsylvania, it was all done in a sort of amusing way, but whether it was or not I wish to say that I stand by New York because the board to whom this matter was intrusted for investigation, composed of Army officers, has designated unmistakably the proper place for the establishment of this gun factory is Watervliet, N. Y. [Laughter and applause.]

Mr. DOCKERY. Mr. Chairman, I invite the attention of the committee to the amendment I have submitted providing for the establishment of the Army gun factory at Liberty, Clay County, Missouri, on the site of the old Liberty arsenal. The Government of the United States, prior to 1861, authorized and established an arsenal at Liberty, Mo., which continued in operation until the commencement of the civil war, since which time it has fallen into a condition of "innocuous desuetude," I imagine something similar to the condition of the arsenal at Pittsburgh. [Laughter.] In view of the fact, however, that this bill provides an appropriation "for the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an Army gun factory for finishing and assembling heavy ordnance," virtually authorizing a new arsenal, I can see no good reason why such gun factory should not be located at Liberty. It is an eligible point, located midway between the oceans, about 1,300 miles from the Atlantic sea board, and of course perfectly safe from attack. [Laughter.]

A MEMBER. No gun boat could get up to reach it.

Mr. DOCKERY. Of course not, as it is about 3 miles from any navigable stream. The old arsenal was located a little more than 1 mile from the "square."

Mr. TIMOTHY J. CAMPBELL. Was it on the "level?"

Mr. DOCKERY. No, but on a considerable elevation, commanding a splendid view of the surrounding country for 20 miles or more. Mr. Chairman, Liberty is the capital city of Clay County, and has a population perhaps in excess of 3,000. Its people are enterprising, progressive, moral, and patriotic, while its facilities for transportation are very superior, as three trunk-lines of railway pass through her corporate limits.

I may also add, by way of further inducement, that Clay County is the banner Democratic county of my Congressional district, usually rolling up about 3,000 majority for the "whole ticket." [Laughter.]

Again, Mr. Chairman, the Missouri River washes the southern border of the county, and the magnificent city of Kansas is only 15 miles from its capital city. Liberty, in fact, is but a suburb of Kansas City. All the advantages that Kansas City has by reason of her sixteen lines of trunk railways, by reason of 4,000 miles of cable railways, and every other advantage incident to this great and growing city, Liberty possesses by virtue of her proximity. Mr. Chairman, I trust the amendment I have offered will receive the approval of the House.

A MEMBER. Will the gentleman find it necessary during the construction of the work to employ Pinkerton detectives?

Mr. DOCKERY. No, sir; in that respect the city of Pittsburgh will have the advantage.

Mr. KILGORE. I want to ask the gentleman from Missouri a question.

Mr. DOCKERY. Very well; be quick, I have but a moment remaining.

Mr. KILGORE. Can you beat your man without getting this appropriation? [Great laughter.]

Mr. DOCKERY. To be entirely candid, I must say that I incline to the opinion that I can. [Laughter.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SAYERS. I yield now to the gentleman from Missouri.

Mr. BURNES. Mr. Chairman, if a foreign war shall come upon this country it will come like a stroke of lightning from whence, or striking nowhere, we can not now form even an idea, much less a reasonable judgment as a basis for works of defense. It is just as likely to come against our Southern as against our Northern border; against our Western as against our Eastern shores. Therefore, independent of every consideration of safety in the location of a public work like this, it seems to me exceedingly important that such an establishment should be located at a place from which easy access may be had in every direction, not only for the manufactured articles to be produced therein, but for a like ingress of the materials of which they are to be composed.

Mr. SOWDEN. And Bethlehem is just the place.

Mr. BURNES. I love the name you give, but it is one signifying peace and mercy rather than tumult or guns of war.

At Pittsburgh you have everything in the way of communication and transportation that can be demanded. If you wish to go southward to the Gulf coast, to the city of New Orleans, a place where Americans once made a memorable and victorious stand, you can go by a half dozen different lines of railway and by a continuous line of navigable water way. If you wish to go to the great Northwest a dozen lines of railroad, the greatest and most powerful in the country, are at your command. If you should wish to enter Canada in the far West, the Ohio and Missouri Rivers—through without change—are ever-ready servants of your transportation. The Upper Mississippi too is alike ready to carry your guns to the northward if your lines of railway should be destroyed, as might be the case. I am speaking with reference to a proper location of the proposed works. I look at it alone as a business proposition, in connection with which you propose to spend vast sums of the public money. I do not favor the expenditure. I am for private enterprise—free competition and open doors for American genius and free American labor. Sir, the great center of population in this country has been too long ignored and defied, not only in national works of industry, but in general appropriations, and as well in general legislation and governing policies.

Sir, the center of population will soon be in the very district now so ably represented by my colleague [Mr. DOCKERY] or in that represented by myself. It is not now upon this border, upon this eastern fringe of the Republic. But up and down this eastern coast, and mainly up, the power of government, the power of appropriation, the power of legislation, the power of politics, the power of finance, and the power in almost everything of a national character, except that of honest toil on the farm or in the shops, have been too long held with an iron grip, to the detriment of the great and growing power of the masses, which will some day assert itself, and the great central heart will refuse to permit itself to be used at will by the extremities, whose unreasonable greed is insatiate. That great heart will, sooner than you think, demand equality, demand perhaps the permanent seat of government. Then power of legislation and government, the fair play which, sooner or later, every American will have, will be found where the power of the people is, and that is certainly west of the Alleghany Mountains.

Mr. Chairman, a word as to Watervliet. Will you transport your raw material for great public works, national works, works for the public defense, to Watervliet, located, they tell us, on a single line of railroad, up the Hudson River, beyond Albany, near the Canadian border, or I might say too near to it for safety? Will you thus sequester the enterprise, away off in an obscure village, over mountains and rivers, and transport everything for hundreds of miles to and from it? Or will you establish your works at the point where God placed the material right at your door ready for the skilled hands and sturdy brain of trained and veteran workmen? Will you accept the wisdom of the great Creator and take this raw material where it lies in the bowels of the earth, and there, by the light and heat of His gas, manufacture it into what you want or have some poor fears you may want; or will you by adopting Watervliet take all this material over the mountains and up a single line of railway to an obscure and unnatural place of manufacture merely to be transported back in its manufactured form?

But it is said the military authorities have recommended Watervliet. Shall the American Congress, because a few military gentlemen who, by some inscrutable dispensation of Divine Providence, find themselves housed in the city of Washington in convenient and comfortable places rather than upon the broad fields of the whole country where their services may be of some possible use, have said that the little town of West Troy was a proper place, abandon its judgment, its business sense, and ignore all the deposits and works of nature and of men?

Mr. Chairman, the amendment proposes Pittsburgh as the place for these works. It is proposed to expend an immense sum of money to fortify. One bill proposes in the course of a few years to expend fifteen to twenty millions, another proposes fifty millions, and still another $126,000,000. What for? For any public purpose? For any good that can come out of it? In the name of justice and fair dealing, if this money is to be expended let it be for public purposes, for the good of all and in a wise, economical, and business-like manner. If it is to be expended for a public purpose, let the public purposes be taken into consideration, and let the expenditure be dictated by common sense and by common reason, by the economies of business and the economies which come to us by experience. Do not, I pray you, let us be actuated by other considerations than would prompt the action of business men in the ordinary affairs of life.

Stay your gavel, Mr. Chairman, only a moment longer. If you are unwilling to locate this establishment at Pittsburgh, then give it to Liberty. Liberty is all my colleague has described, and it is near the center of our country, on the banks of a grand old river dividing the Republic in two parts.

Mr. TOWNSHEND. Oh, no; not exactly.

Mr. BURNES. Perhaps not precisely, but it is about midway between New Orleans and the Canadian border and near the center of the country, on a great water way that enables transportation in both directions, whilst railroads from Liberty run in every direction, very much unlike Watervliet.

Mr. TOWNSHEND. You have got too many of them.

Mr. BURNES. By no means. We want more and are getting them rapidly. Again I say if you do not give it to Pittsburgh, then give it to Liberty. [Applause.]

Mr. BRECKINRIDGE, of Kentucky, rose.

Mr. SAYERS. I ask for a vote, Mr. Chairman.

Mr. HOOKER. I hope the gentleman from Kentucky will be allowed some time.

The CHAIRMAN. Seven minutes yet remain to the gentleman from Texas.

Mr. SAYERS. I hope the gentleman will not insist on taking further time.

Mr. BRECKINRIDGE, of Kentucky. My understanding was that we outside fellows were to have twenty minutes—Watervliet twenty minutes, Pittsburgh twenty minutes, and we on the outside, like Mr. DOCKERY, Mr. SOWDEN, and myself were to have the other twenty, but it looks like we have been chiseled out of the twenty minutes as well as the arsenal. [Laughter.]

Mr. SAYERS. I call for a vote on the amendments, unless the gentleman from Kentucky [Mr. BRECKINRIDGE] is serious in his desire to speak on the bill.

The CHAIRMAN. The question is upon the amendment to the amendment submitted by the gentleman from Missouri [Mr. DOCKERY] to strike from the amendment submitted by the gentleman from Pennsylvania [Mr. BAYNE] the words "Allegheny arsenal" and insert "Liberty, Mo."

The question was put; and the amendment to the amendment was rejected.

Mr. SOWDEN. I now move to amend the amendment by striking out "Watervliet arsenal, West Troy, N. Y.," and inserting in lieu thereof "South Bethlehem, Pa."

Mr. TOWNSHEND. There is no arsenal at South Bethlehem, Pa.

Mr. SOWDEN. This is a new proposition.

The amendment to the amendment offered by Mr. SOWDEN was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Pennsylvania [Mr. BAYNE].

The question was put; and the Chairman announced that the noes seemed to have it.

Mr. BAYNE. I call for a division.

The committee divided; and there were—ayes 46, noes 56.

Mr. BAYNE. I raise the point of no quorum, so as to have tellers.

The CHAIRMAN appointed as tellers Mr. BAYNE, of Pennsylvania, and Mr. SAYERS, of Texas.

The committee again divided; and the tellers reported—ayes 42, noes 58.

So the amendment was rejected.

Mr. HOLMAN. Is debate exhausted upon this proposition?

The CHAIRMAN. It is.

Mr. HOLMAN. I desire to submit a motion to strike out the pending paragraph.

Mr. SAYERS. What paragraph?

Mr. HOLMAN. The first paragraph of section 4.

Mr. SAYERS. I submit the point of order that we have passed that paragraph.

The CHAIRMAN. It is still subject to amendment, but not for debate.

Mr. TOWNSHEND. I desire to know what has been done to prevent debate on the proposition?

The CHAIRMAN. All debate has been closed by order of the committee. The gentleman from Indiana [Mr. HOLMAN] now moves to strike out the first paragraph of the fourth section of the bill.

The Clerk read as follows:

SEC. 4. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an Army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000: *Provided*, That not exceeding $20,000 of this sum may be used for the erection and completion of two sets of officers' quarters.

The amendment was rejected.

Mr. CHEADLE. I offer the following amendment.

The Clerk read the amendment, as follows:

After the word "manufacturers," in line 21, page 4, insert the words "who shall be resident citizens of the United States."

Mr. SAYERS. I accept that amendment.

The amendment was agreed to.

Mr. HOLMAN. In line 11, I move to strike out "$500,000," so as to leave it an appropriation of $1,000,000.

Mr. SAYERS. I suggest to the gentleman from Indiana that $1,500,000 is, we believe, as low as we should go.

The Clerk read the amendment, as follows:

In line 11, after the words "one million," strike out the words "five hundred thousand dollars;" so that it will read:

"All parts of each caliber $1,000,000."

The amendment was rejected.

The Clerk read section 5, as follows:

SEC. 5. For the purchase of the material for, and the manufacture of, 12-inch breech-loading rifled mortars of cast-iron, hooped with steel, of about 32,000 pounds weight, similar to, and equal in range, power, and accuracy of fire to the 12-inch breech-loading mortar, cast-iron, steel-hooped, now at the Ordnance proving-ground, Sandy Hook, N. J., $500,000, to be expended under the direction of the Secretary of War in accordance with existing laws.

That the sums of money appropriated in this section and in section 4 of this act shall remain available for expenditure until and including the fiscal year 1893.

Mr. HOLMAN. I reserve the point of order on that section.

Mr. TOWNSHEND. I wish to reserve the point of order, but the gentleman from Mississippi [Mr. HOOKER] desires to be heard on that section.

Mr. HOLMAN. I make the point of order that it is new legislation.

Mr. TOWNSHEND. What section had the Clerk reported?

The CHAIRMAN. The fifth section.

Mr. TOWNSHEND. I want to reserve the point of order on section 5, but the gentleman from Mississippi [Mr. HOOKER] desires to make some remarks and I will reserve it until he shall have opportunity to do so. The point of order is this, that the last paragraph of that section changes existing law:

That the sums of money appropriated in this section and in section 4 of this act shall remain available for expenditure until and including the fiscal year 1893.

Now, under the general law this would lapse into the Treasury at the end of two years. This changes existing law on that subject, and therefore it is subject to the point of order.

Mr. HOLMAN. That is right. That is a good point of order.

Mr. SAYERS. Let the point of order be sustained.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken, and line 21 to 24 is therefore ruled out.

Mr. TOWNSHEND. The gentleman from Mississippi [Mr. HOOKER] is entitled to speak to the remainder of the section.

Mr. HOOKER. I will omit what I wanted to say, Mr. Chairman, in reference to the point which has been made. I am very glad to see that the House has voted down the proposition of my friend from Indiana [Mr. HOLMAN], which proposed to strike out $500,000 from the appropriation of one million and a half. The gentleman having the bill in charge says that a million and a half is the smallest possible amount with which the purposes and objects of the bill can be accomplished.

Now, sir, relative to the proposition which was made under the bills which were originally reported to this House and pending here at this time making larger appropriations for the purpose of encouraging the institution or the establishment of gun factories: It is evidenced by the testimony of the gentleman who is said to be one of the finest ordnance officers of the Government, in his statement as taken before the board and before the Subcommittee on Fortifications last year, that the larger amount appropriated would reduce the price of steel.

Now, the argument has been made that the Government will only take such an amount of steel and such an amount of guns made out of steel of such a character as shall bear the tests which are to be applied, and that the Government shall only pay for them at that time and upon those terms. This gentleman was examined by the board with reference to the question of what was the requisite amount of steel to be purchased by the Government. He is conceded to be a man of very great ability and learning upon this subject, and I have been governed by his statements in the view which I have taken with regard to the propriety of making the appropriation designated in the bill which is known as the Tracey and Cutcheon bill, and which has

been virtually adopted by the Senate in an amendment to the appropriation bill for the support of the Army.

I read now from the evidence of this gentleman with reference to the question of whether the policy of the Government should be to purchase a larger rather than a smaller amount of steel. I read from page 90 of this report:

Capt. C. S. Smith, of the Ordnance Department, next appeared before the committee.

The CHAIRMAN. What is your profession?

Captain SMITH. I am a captain in the Ordnance Department, on duty in the Chief of Ordnance's office.

The CHAIRMAN. Has the Army Department any gun factory?

Captain SMITH. It has to this extent: that it has collected at one of the arsenals its available gun plant and begun work there. That is, at the Watervliet arsenal.

The CHAIRMAN. Was it in pursuance of the recommendation of the board?

Captain SMITH. Yes; of the Gun Foundry Board.

The CHAIRMAN. The Navy Department has also an establishment?

Captain SMITH. They have a gun factory at the Washington navy-yard.

The CHAIRMAN. What size gun are you manufacturing now at Watervliet arsenal?

Captain SMITH. One 8-inch gun, steel built up, and one 10-inch gun of steel, also built up; besides a number of field-guns.

The CHAIRMAN. What is the capacity of that arsenal worked to its full power, say for two years?

Captain SMITH. About fifty field-guns and about two 8-inch and two 10-inch guns.

The CHAIRMAN. What is the size of a field-gun?

Captain SMITH. Three and two-tenths inches caliber, about 800 pounds in weight.

The CHAIRMAN. What is the largest gun you are capable of manufacturing there?

Captain SMITH. We can probably make a 12-inch steel gun, which would take about a year and a half to make, with the present facilities; I mean just the finishing and assembling.

The CHAIRMAN. What would be the necessary expenditure to put that arsenal in an efficient condition for manufacturing up to 12-inch guns?

Captain SMITH. It would take about $750,000, according to the estimates of the foundry board as revised by the experience of the Navy Department.

The CHAIRMAN. Suppose you were given $750,000, and steel sufficient, how many guns, say of 8, 10, and 12 inch, could you manufacture in two years?

Captain SMITH. I should say about ten 12-inch, about fourteen 10-inch, and probably twenty-four 8-inch. That is as near as my memory serves me, and I think that is roughly correct.

The CHAIRMAN. How much steel, in point of value, would it require to manufacture that number of guns?

Captain SMITH. For two years, about 1,700 tons.

The CHAIRMAN. I mean in point of value.

Captain SMITH. I should say a million and a quarter dollars. I think I estimated that two and one-half millions would last four years.

The CHAIRMAN. And that would enable you to run efficiently?

Captain SMITH. The only question is whether a steel contract for a million and a half would be as advantageous to the Government, in point of economy, as two and a half millions. Many manufacturers who have not yet embarked in the business would say it was hardly big enough to bid on. The million and a half would probably shut the door to competition.

I have read that for the purpose of showing that the amount in the bill, so far from being too great, is in fact too small.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] has made a point of order on section 6 of the bill.

Mr. TOWNSHEND. Section 6 involves a good many propositions, but I wish to make the point of order upon it all.

Mr. BURNES. I suggest that the section need not be read. The gentleman having made the point of order, it is bound to be sustained.

The CHAIRMAN. It seems to be conceded that if the point of order is made on section 6 it must be sustained.

Mr. TOWNSHEND. I make the point of order upon the whole section.

The CHAIRMAN. The Chair sustains the point of order upon the whole section.

Mr. SAYERS. I wish to state that the Committee on Appropriations and also the subcommittee and myself knew that this section was subject to the point of order, but we wished to present the matter to the House so that if it chose it might avail itself of the policy of calling on private manufacturers to do this work.

I now move that the committee rise and report this bill as amended to the House with the recommendation that it do pass.

Mr. ADAMS. Mr. Chairman, do I understand the motion to be to report the bill to the House?

The CHAIRMAN. Yes, as amended.

Mr. ADAMS. I was not aware that section 6 had been read.

The CHAIRMAN. Section 6 has been struck out on a point of order.

The motion of Mr. SAYERS was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had instructed him to report the same to the House with an amendment, and with the recommendation that the amendment be agreed to, and that the bill as amended be passed.

Mr. SAYERS. I call for the previous question on the adoption of the amendment and on the engrossment and third reading of the bill.

Mr. TOWNSHEND. I do not wish to obstruct the action of the House on this measure; but I would like to have an understanding that the final vote on the passage of the bill be reserved until to-morrow, so that we may have a fuller House and a vote by yeas and nays.

Mr. SAYERS. I will not agree to a vote by yeas and nays, because there may not be a quorum.

Mr. TOWNSHEND. At any rate, let it be understood that the final vote shall go over until to-morrow. The question whether yeas and nays shall be taken can be determined then.

The SPEAKER *pro tempore*. The point suggested by the gentleman from Illinois [Mr. TOWNSHEND] can be arranged later. The present proposition is on ordering the previous question.

The previous question was ordered.

The following amendment, reported from the Committee of the Whole on the state of the Union, was read:

After the word "manufacturers," in line 21, on page 4, insert "who shall be resident citizens of the United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SAYERS. I now move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. TOWNSHEND. Now, I ask the gentleman from Texas to allow the bill to go over.

Several MEMBERS. Oh, no.

Mr. TOWNSHEND. I can not consent that the final vote be taken now. It was my clear understanding from the gentleman from Texas that if I would not obstruct the passage of the bill this evening, this question should go over; and he agreed with me that he would not ask a final vote until to-morrow.

Mr. SAYERS. If the gentleman insists on that as the understanding between us, I will not undertake to gainsay it.

Mr. TOWNSHEND. I do not want to obstruct the passage of the bill, but only wish to secure the vote of a full House.

Mr. SAYERS. I ask unanimous consent that the vote be taken on the passage of this bill immediately after the reading of the Journal to-morrow.

The SPEAKER *pro tempore*. The previous question having been ordered on the passage of the bill, it will come up as unfinished business to-morrow immediately after the reading of the Journal.

MARGARET DOYLE.

Mr. MACDONALD. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill which I send to the desk, and that it be now considered.

The bill (H. R. 9233) to pay Margaret Doyle, administratrix of James Doyle, for certain captured cotton was read, as follows:

Be it enacted, etc., That the sum of $2,566.33 be paid to Margaret Doyle, administratrix of James Doyle, deceased, out of the captured and abandoned property fund now held in the United States Treasury, being one-half the net proceeds of 31 bales of cotton, the property of said James Doyle and Ralph Meldrim, seized in Savannah, Ga., in 1865, by the officers of the United States Government, in compliance with the act of March 12, 1863.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. RYAN. Let the report be read.

The report was read.

Mr. MORGAN. I would like to ask a question in regard to this bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. THOMPSON, of Ohio. I object.

BOUNDARY LINES BETWEEN RHODE ISLAND AND CONNECTICUT.

Mr. ARNOLD, by unanimous consent, introduced a bill (H. R. 11182) concerning the settlement of boundary lines between Rhode Island and Connecticut; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. ANDERSON, of Iowa, by unanimous consent, introduced a bill (H. R. 11183) to increase the pensions of persons who have lost a hand or arm, or both, or foot or leg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rules private bills of the following titles were introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 11180) for the relief of William D. O'Brien—to the Committee on War Claims.

By Mr. MATSON: A bill (H. R. 11181) to appropriate the sum of $50,000 to aid in the ornamentation of the soldiers and sailors' monument now being constructed at Indianapolis, Ind., under the authority of said State—to the Committee on the Library.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CHIPMAN: Petition of Margaret J. Bolio, for a pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of Mary B. Peck, for a pension—to the Committee on Invalid Pensions.

By Mr. HEARD: Petition of citizens of the sixth district of Missouri, in favor of certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HOLMAN: Petition for the relief of Robert P. Porter, Third Regiment Indiana Cavalry—to the Committee on Military Affairs.

Also, memorial of St. Croix County, Wisconsin, showing that more lands have been patented to the corporation now claiming the St. Croix and Lake Superior land grant, Bayfield branch, than were authorized by Congress—to the Committee on the Public Lands.

By Mr. ROWLAND: Petition of William S. Fowlkes, of Rockingham, N. C., for relief—to the Committee on the Post-Office and Post-Roads.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. FELIX CAMPBELL: Of citizens of Brooklyn, N. Y.

By Mr. KETCHAM: Of citizens of Poughkeepsie, N. Y.

SENATE.

THURSDAY, *August* 16, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

OVERHEAD ELECTRIC WIRES.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the commissioners of the District of Columbia; which was read:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, August 15, 1888.

SIR: The commissioners of the District of Columbia have the honor to submit the following reply to the resolution of the Senate of the United States of the 13th instant, directing them to inform the Senate, as soon as may be, whether, since the 1st day of January, 1888, they have granted any permit or given any other authority for the erection of overhead electric wires of any kind in any of the avenues, streets, or alleys of Washington or Georgetown, and if so, in what instances, for what purposes, and under what authority.

Since the date above mentioned the commissioners have granted one permit for the erection of overhead wires for the use of the Western Union Telegraph Company and two permits for the erection of overhead wires for the use of the Chesapeake and Potomac Telephone Company.

They have also granted a permit to the United States Electric Light Company for the erection of overhead wires on Pennsylvania avenue and Bridge street, from Washington Circle to the Free bridge, and on High street from Bridge to Stoddard, and Ninth street from Pennsylvania avenue to Massachusetts avenue northwest, to maintain electric arc lights, in accordance with the provisions of the act making appropriations for the District of Columbia for the fiscal year ending June 30, 1889.

They have further granted a permit to the Eckington and Soldiers' Home Railway Company to erect and maintain overhead wires for the operation of its cars by electricity along its route, part of which lies within the city of Washington. This permit was granted in order to enable the company to exercise the power conferred by its charter, by electricity, in the manner considered by the commissioners to be most advantageous to the public.

All the permits above mentioned are revocable at the pleasure of the commissioners, and all were granted under their general power to exercise control over the public streets. Such authority has been continuously exercised by the commissioners since the establishment of the present form of government in the District and is recognized by Congress in the act making appropriations for the District of Columbia for the year ending June 30, 1889, which prohibits the exercise of such authority after September 15, 1888.

Very respectfully,

S. E. WHEATLEY,
Acting President Board Commissioners District of Columbia.

Hon. JOHN J. INGALLS,
President pro tempore, United States Senate.

Mr. EDMUNDS. Mr. President, I must confess my surprise, and I presume other Senators who have listened to the reading of that document probably feel a surprise, that the commissioners of this District, the servants of the law, having, as all such bodies of men must have, a latitude of limited and reasonable discretion, having ascertained from the declared will of Congress in both Houses that it was against the policy of the lawmaking power of this District to allow any more overhead wires to be constructed through the streets and avenues of this city and of Georgetown, and put an absolute end to it, to take effect on the 15th of September, if I am not mistaken, should have proceeded immediately after the passage of such a law, apparently under a kind of stimulation or aggressive energy, to give permits for spreading out extensively the overhead system before the time runs out, as if they were importers of foreign goods and the tariff was to be raised on the 15th of September, to hustle in all that they can before that time.

I can not doubt that the motives of these gentlemen are very good, but I think their action is very much mistaken, and against the expressed will and policy and intention of Congress. I am very sorry for it.

I move that the communication be referred to the Committee on the District of Columbia with instructions to report, as soon as may be, a resolution to be passed by the Senate, if it meets the approval of the Senate—it will take too long to get it through both Houses, I suppose—requesting these gentlemen to stop the overhead electric-wire business and to revoke any permits they have recently granted, so as to leave the matter as it stood when the act of Congress passed stopping this sort of business.

Mr. SHERMAN. Mr. President, I think it would be very wrong for the Senate of the United States to instruct the commissioners what to do in the matter, especially to instruct them as proposed by the Senator from Vermont. I think the commissioners acted in strict accordance with the law passed at the present session of Congress, and only exercised a power that was plainly given to them. I assure the Senator from Vermont that the construction of the proposed railroad on the electric plan will render him great satisfaction if he will allow it to be accomplished according to existing law.

I passed through the same experience that he seems to be passing through, by opposing very actively the construction of one of these electric railroads in the city in which I live. I thought the sight of the poles, and of the suspended braces, and the imaginary dangers would be unpleasant and probably dangerous at times; but the actual experiment went on, the road was completed as such roads have been in several cities of the United States, and it is now in complete and successful execution. It may be that hereafter it will be better to require these wires to be put under-ground, but as yet no plan has been discovered by which the electric force can be communicated by wires under-ground and at the same time applied to the purpose of running a car. That is the difficulty. Instead of doing that, they run the electric wires above from 15 to 20 feet, suspended on poles; and if the wire braces were constructed in a line between the tracks they would not look very badly.

Mr. HARRIS. That is the exact plan contemplated on the road to which the Senator refers.

Mr. SHERMAN. The road I speak of has posts on opposite sides of the street, connecting with lines of wire, holding a support for the wire. That looks awkward, but as I understand they propose to build this road by putting up iron pipes in the center of the tracks. Is not that the plan?

Mr. HARRIS. Yes. Will the Senator allow me?

Mr. SHERMAN. Certainly.

Mr. HARRIS. That is the plan of the contemplated road. Indeed, the road to which the Senator refers is now constructed along New York avenue.

Mr. SHERMAN. I did not know that.

Mr. HARRIS. I understand it is.

Mr. SHERMAN. I had not seen it.

Mr. HARRIS. It is a double track.

Mr. EDMUNDS. Where does it begin?

Mr. HARRIS. On Seventh street; and it runs out northeast.

Mr. SHERMAN. I did not happen to go along there, and did not see it.

Mr. HARRIS. The iron pipes are in the center. In that space between the two tracks every hundred yards an iron pole is planted with arms, and electric lights every hundred yards will be established upon each pole. There is a very broad space on either side of the railroad tracks.

Mr. SHERMAN. And the wire runs right along the center?

Mr. HARRIS. The wire, or the cable, runs right along the center of the avenue.

Mr. SHERMAN. If the Senator from Vermont had ever had experience and had seen such a line in operation, his opinion would be entitled to great weight. I hope he will look at it. It is one of the most beautiful applications of power that I have ever seen in the world. It is no wonder that a horse is sometimes frightened at it, because a horse naturally looks to see what power moves the machine. To any individual seeing such a car propelled along by electricity, without perceiving the motive power or force, it is a beautiful sight, and it is very safe because it can be checked in a moment. In that respect it is unlike a cable road. The cable car has a propelling force that sometimes can not be arrested by a brake at once. Electric power is used in arresting these cars, and they can be arrested in a moment, much more quickly than a railroad car by the most powerful brakes that have yet been discovered.

I think that it is entirely within the power of Congress to regulate the mode and manner of burying these wires, and probably it would be some time or other better for all kinds of wires to be buried under-ground. I have no doubt of that, especially with the ordinary electric wires. However, it seems to me that this experiment had better be tried. Congress so regarded it, and expressly made a law which allowed this company to build its line before postponing the time of the taking effect of the prohibition to the 15th of September; and it would be a de-

nial of a right conferred by Congress upon this corporation to now deprive them of it.

I must say that I do not know a single member of this corporation; I do not know anything about it, but I know that the experiment is a very interesting one, and it ought to be tried, and it ought not to be arrested by hasty action.

Mr. GORMAN. I should like to ask the Senator from Ohio a question. I think the statement the Senator makes is that electric roads can not be run without the overhead wires. I think he must be mistaken in that.

Mr. SHERMAN. I did not say that. I say that so far as I know no successful experiment with under-ground wires has been tried yet, and it would involve an enormously increased expense. This is a mere suburban road——

Mr. GORMAN. I will say to the Senator from Ohio that he is mistaken. The most successful electric road in this country to-day is at Baltimore, within 40 miles of this city, where the authorities would not grant the right to erect overhead wires because of their very great danger. The experiment of conducting the wires under-ground has been tried successfully, and more successfully than any other experiment of the kind in the Union. It has also been tried in the city of New York, but the line in Baltimore, running out to the suburbs 5 or 6 miles, is propelled with as much regularity as a steam road, and there is not a wire above ground. I wanted to give the Senator that information because I happened to know about the operation of such a line in Baltimore.

Mr. SHERMAN. I wish to know why this information was not communicated at the time the bill passed through Congress, because those parties have gone on to build the road in exact pursuance of law. So the Senator from Tennessee [Mr. HARRIS] tells me. I did not even know that it had been built. At any rate they had the right to carry these wires overhead under the law.

Mr. HARRIS. If the Senator from Ohio with allow me, I will state that I did not mean that the cable was already established, but the tracks have been constructed. The contracts, as I am informed, have been made for the erection of the iron poles, and the poles have been bought, and all that, but I do not think the cable has been stretched as yet.

Mr. CHANDLER. No doubt the electric railway of which the Senator from Ohio speaks so favorably is a wonderful contrivance. There is no doubt that the result it accomplishes is marvelous. But I ask the Senator from Ohio whether there is not in this overhead wire the death-dealing current; whether if by any possibility the covering comes off the wire and it comes in contact with a human being it is not certain death to him?

I understand, though I am willing to be corrected, that there is not one of these currents but which, if a connection is made between it and a man's body and then again with any iron substance or any other conductor, would kill the person instantly. It was for this reason that I objected, when the District appropriation bill was pending here, to the striking out by the Senate of a provision which contemplated putting all these wires under-ground. The Senate then were, as I understood it, almost if not quite unanimous in favor of requiring these wires to be put under-ground; but it was said that the time had not then come for issuing the sweeping declaration that they must go under-ground.

The subject went to a conference committee, and when that committee reported the appropriation bill contained a clause with which I was quite satisfied, for I understood by virtue of that clause and by virtue of an assurance which had been given by the District commissioners in accordance with a report made by their engineer that however much delay there might be in putting existing electric-light wires under-ground in the city of Washington, no new wires were to be allowed to be erected. I ask the Senator from Kansas [Mr. PLUMB], who reported that bill and who gave that assurance to the Senate, whether or not that was the understanding of the committee?

It seems, however, that we now have an electric railway authorized, which the Senator from Tennessee says has been already partly constructed. I certainly hope that before that railway is completed the Congress of the United States will find out whether one of these deadly and destructive wires is under that authority to be erected within the city of Washington, and if it is I hope that by appropriate legislation the movement may be stopped.

Mr. PLUMB. Mr. President, the Senator from New Hampshire is, I think, rather mistaken as to the assurance given at the time the conference report on the District of Columbia appropriation bill was made to the Senate. I do not remember precisely what occurred then, but the fact is, and I think must have been stated—certainly it was privately stated—that no more wires were to be erected in the streets of Washington after the notice given, which would be after the 15th day of September, a time which has not yet elapsed.

The discussion in the conference committee, which I think I may mention without impropriety, took about this shape: There was the same desire on both sides to secure the putting of the wires under-ground at the earliest possible moment that a proper plan could be devised for that purpose which would protect the public and the owners of the wires alike, and which at the same time should result in giving the service the public required from these wires; but it was stated, and with force, that the buildings had been erected, that contracts had been made for the supply of light by means of electricity, and that a probable extension had been projected in a portion of the city, to arrest which absolutely would be doing the public a disservice, and not accomplishing anything in the direction of putting the wires under-ground, the policy in that case being one simply of inaction with no good result following.

Therefore it was that the committee agreed that there should be this leeway until the 15th day of September. It will be noticed also that the inhibition after that date did not apply to the alleys, it being stated, and with general acquiescence, that the presence of these wires was more applicable to the streets than to the alleys, and consequently the alleys were left open. But the commissioners expressed no dissent; all of them united in saying that it was their desire to put the wires underground at the earliest possible moment. However, in all that discussion no mention was made of this electric railway. I did not know it had been incorporated.

Mr. TELLER. Where is it to run?

Mr. PLUMB. The Senator from Colorado asks me where it is to run. I do not know.

Mr. CHANDLER. Was the committee entirely ignorant of it?

Mr. PLUMB. The committee was wholly ignorant of the fact that the electric railway company had been incorporated. Nothing was said about it by the commissioners; nothing was said about it by any member of the conference committee.

Mr. DAWES. Was it incorporated before that time?

Mr. PLUMB. The Senator from Massachusetts asks me a very pertinent question, whether it was actually incorporated before that date. That I do not know.

Mr. EDMUNDS. The act to incorporate the company was approved on the 19th of June. I have it here.

Mr. PLUMB. Then it occurred before the date of the final conference. But the debate in the Senate was with reference to overhead wires and underground wires for lighting purposes, and not for purposes of power, not for purposes of propelling cars. I did not know anything about the matter then, and no member of the Committee on the District of Columbia said anything about it. I suppose, of course, I knew that bills had been passed for the incorporation of street railway companies, but I paid no attention whatever to the motive power which was required or permitted by the various acts of incorporation.

So far as this discussion relates to the erection of wires for the purpose of an electric railway, it is entirely apart from anything that was considered by the Committee on Appropriations or by the conference committee on the District of Columbia appropriation bill, and also equally apart from any discussion we have had in the Senate in my presence; but the general purpose and idea that we were not to have, within definite extensions, the wires overhead for purposes of lighting or for purposes of telephone or telegraphic communication, not only received the assent of this body in the discussion, but was the subject of entire assent on the part of the conferees of the two Houses on the District of Columbia appropriation bill. There was to be a leeway to accommodate possibly existing contracts and reasonable extension of the lighting process, etc., and it was agreed that the alleys might for the time-being, without legislative prohibition, be used for the purposes of perhaps still further extension, but it was not designed that anything should be done which looked to an indefinite continuation of the system of overhead lighting or of communication by overhead wires, and the commissioners were to address themselves to a plan, as required by the act, whereby all these wires might be submerged, that plan to be presented at the next session of Congress, and, of course, it was not expected that anything would occur between now and then which would in any way prove a barrier to the action of Congress upon the subject.

Mr. HARRIS. The question is one of sufficient importance, in my opinion, to justify a thorough investigation of the whole subject. I hope it will meet the views of the Senator from Vermont to refer this communication to the Committee on the District of Columbia, and if he chooses, with instructions that they report at the earliest day practicable. But if it is his purpose to further instruct the committee exactly as to what it shall report, for one, as a member of that committee, I do not see any necessity to refer the matter at all. If the question is to be prejudiced by the Senate and sent to the committee with instructions simply to formulate a resolution of a given character, there is nothing for the committee to consider, nothing for it to investigate, nothing for it to do, except to formulate a resolution in accordance with the instructions of the Senate.

I hope the communication will be referred to the committee, and as a member of the committee I will say that I am ready to enter upon a thorough investigation of the question with a view to responding to the necessities of the case, such as will be most promotive of the safety and convenience of the entire public, without regard to individual interests of any company or any private individual. But I do not propose to undertake simply to formulate a resolution referred to the committee with instructions prejudging every question that is involved in the controversy.

Mr. DAWES. I was upon the subcommittee that had charge of the District appropriation bill, and was also upon the committee of conference, but unfortunately for me I was not able to be present in conference, and therefore I do not know what was understood there. However, I do not know what were the considerations presented to the subcommittee and reported to the full committee, and by the committee to the Senate. As the bill came from the other House it was a peremptory requirement to put all these wires under-ground. The commissioners came before the committee——

Mr. SHERMAN. You are speaking now of the District of Columbia appropriation bill?

Mr. DAWES. I am speaking of the District of Columbia appropriation bill. I am not speaking of the railroad bill.

The commissioners came before the subcommittee and the full committee, and it was stated distinctly here in the Senate that there was a necessity for modifying that provision which required the putting of all these wires under-ground. The Senator from New Hampshire [Mr. CHANDLER] resisted the amendment which was reported, and the committee prevailed upon the Senate to adopt that amendment by stating distinctly (I stated it as I understood it to be) that the modification was solely for the purpose of giving the commissioners an opportunity to satisfy themselves as to what was the best method of putting the wires under-ground. I understood it to be the purpose of the commissioners from that time forth to do nothing but ascertain the best method of putting the wires under-ground.

If it had been intimated before the subcommittee or the committee or here in the Senate that the purpose of extending the time to the 15th of September was to give an opportunity for putting up more wires in the air, there would not have been a member of the committee standing here in favor of that amendment. I committed myself. I stated to the Senate that that was the purpose of the amendment. I stated it upon what I understood to be the desire of the commissioners. I did not know anything about this railway, but I understood the commissioners to be as anxious as the committee or as the Senator from New Hampshire to put every one of these wires under-ground; and if by any means this extension to the 15th of September was for the purpose of putting as many wires into the air as possible in that time the Committee on Appropriations were misled.

Mr. MANDERSON. Mr. President, I know nothing of the projected railway now under construction in this city designed to be operated by electricity. Of one thing, however, I am well assured. There should be no unnecessary barriers placed in the way of any company having the energy sufficient to better the public service as to street railways in the city of Washington. The present service, composed entirely of horse-cars, is inadequate for the purpose for which it is designed. The cars much overcrowded, progress at such a rate—I do not think you can call it a rate of speed—as to be deplorable. The poor horses that draw them at infinite suffering suffer but little more than those who witness their misery.

I doubt if there is another city in the United States of the size of Washington but has either the electric railway service or a service by the cable-tramway system, both of which are infinitely better than the horse-car system, and anything that can be done by Congress in the way of encouragement of private enterprise to remedy the existing evil certainly should be done.

I agree, however, with the Senator from Vermont that our desire for rapid transit over the streets of this city should not permit Congress or the District commissioners to countenance a system of railways that shall be either unsightly or dangerous.

In connection with a railroad enterprise in the town in which I live it became my duty a short time ago to look up the system of electric tramways. I found that there were three systems in vogue to a greater or less degree. The system most in use is that wherein the current of electricity, which is the power that propels the car, is transmitted to the car by overhead wires supported upon poles. The almost uniform testimony as to this class of electric railways is that they are objectionable; that the poles and the wires are unsightly, and the wires themselves are a constant threatening danger to the lives of passers-by.

Another system is where the current of electricity is transmitted to the car by the use of the railway iron, and sometimes by a wire placed under-ground. This is less objectionable than the other, but does not seem to have been so successful for the running of cars.

A third system, destined, I believe, in a very short time to do away with all others, is that known as the storage-battery principle, where the electric motor or the electricity is stored in batteries within the car, and the car itself becomes an electric engine or machine. Experiments have been made in this direction which have been quite satisfactory, and I believe the time is close at hand when this method will supersede all others and will be a very great advantage over any other system of street-railway cars or their conducting that we now have.

Mr. MORGAN. Will the Senator from Nebraska indulge me just a moment while I make a statement about overhead electric wires?

Mr. MANDERSON. Certainly.

Mr. MORGAN. In the city of Montgomery, Ala., the capital of that State, a city of 40,000 population, a system of electric street cars has been conducted for about two years by means of overhead wires. They are a very great incumbrance to the streets, and they are exceedingly dangerous. A number of animals have been killed there, and men have been stricken almost to death by the falling of the wires. The governor of Alabama recently was coming down from the capitol to his lodgings, driving his buggy. One of the wires had been stricken down by a slight wind storm, or else it had fallen from some accidental cause. His horse stepped upon it. It killed his horse instantly, and would have killed him in the buggy if it had happened to touch the tire of his wheel. Since then the people of that city have been very gingerly in their patronage of that establishment. Finally the battery-house, the house where the electricity was developed, caught on fire, I suppose from some machinery, and burnt up; and now they are trying to get a dummy line or a horse line or something else there in place of it.

Mr. MANDERSON. The Senator from Alabama simply corroborates the statement I have made, and adds additional force to some matter which is already in the possession of the Senate and which is now before me. I hold in my hand Miscellaneous Document No. 84, which is a "Letter of the board of commissioners of the District of Columbia in response to Senate resolution of March 13, 1888, calling for information on the subject of electricity as a motive power for street-cars." This report of the commissioners of the District contains a report from Capt. Eugene Griffin, a captain of engineers of the United States Army, who has published here through this medium a most valuable article upon the whole subject of electric railways. He gives the different systems that are now in force, and attaches to his exhibit some letters which are very interesting reading in connection with this proposed use of the streets of the city of Washington for electric railway purposes.

Here are two letters from Montgomery, Ala., with reference to the railway referred to by the Senator from Alabama. One is a letter from the mayor of that city, dated February 26, 1888. He addresses Capt. Eugene Griffin, engineer, Washington, as follows:

MAYOR'S OFFICE, *Montgomery, Ala., February* 26, 1888.

DEAR SIR: Yours 23d received. The Van Depoele electric railroad is operated in this city. For the first six months it did not work satisfactorily, but for the past two months has been doing very nicely. The objection to it is the overhead wires.

Respectfully,

W. S. REEN, *Mayor.*

Capt. EUGENE GRIFFIN,
Engineer, Washington.

That is from the mayor of Montgomery. The city engineer of Montgomery writes at greater length on February 27, 1888, and I read this extract from his letter:

The most serious objection I know of is that of the wires supporting the central wire and the central wire itself being overhead. This arrangement is disfiguring to the streets and in case of the wires breaking is dangerous. One horse and one or two mules have been killed here in that way.

There are letters here also from Port Huron, Mich., St. Catharine's, Canada, and Mansfield, Ohio. Here is a letter from the home of the Senator from Ohio [Mr. SHERMAN], in which there seems to be no objection to the system there in use. There are letters also from Detroit. There is one from Richmond, Va., which I shall read, as it refers to this same matter. It is from the city engineer, and is as follows:

CITY ENGINEER'S OFFICE, *Richmond, Va., February* 27, 1888.

MY DEAR SIR: The application of electrical power to the street railway here, as far as we can understand, is a success. There have been difficulties in details of working which have caused delays, but for several weeks now the cars have been running on schedule time, giving satisfaction to the traveling public.

With the exception of the unsightly appearance of poles and wires, the line has a neater appearance and moves with more comfort to passengers than either a horse-car or cable line.

I believe it would be well worth your while to visit our city to make a personal inspection of this line.

Very respectfully,

W. E. CUTCHAW, *City Engineer.*

Capt. EUGENE GRIFFIN,
United States Engineer, Washington, D. C.

I commend this document to those who are interested in this subject-matter and have not perused it, as containing a mine of information upon this very important subject.

Mr. CHANDLER. What is the document?

Mr. MANDERSON. It is Senate Miscellaneous Document No. 84. It would be extremely regrettable to see the handsome streets of this beautiful city disfigured by the presence of these electric poles. Captain Griffin, in his article, makes this recommendation to the commissioners:

I have the honor to submit the following suggestions:

1. That no overhead electrical conductors be permitted in the city, but such conductors, with due precautions to insure safety, may be allowed on suburban lines.

If this be a line outside of the streets of the city and the electric wires are placed with proper care, and are always carefully guarded and watched, there perhaps is no particular objection to it.

Mr. EDMUNDS. It starts in the heart of the city, at Seventh street.

Mr. MANDERSON. If it starts in the heart of the city and proposes to use its public streets for the purpose of overhead electric wires, there should certainly be a very speedy stop placed on its further construction.

Mr. DAWES. I wish to say to the Senator from Nebraska that this

very document was called for after the statement made by the commissioners to the Committee on Appropriations upon the question of putting these wires under-ground, and they stated that the proposition met their entire approval. I introduced the resolution which brought it out, and in order to make it appear that the purpose of the commissioners was to put an end to the overhead wires everywhere, and to put them under-ground the moment they found the best method. That is the way this document came before the Senate, upon my call.

Mr. MANDERSON. Does the Senator say that the District commissioners after this document came to their possession recommended the building of a railway with overhead wires?

Mr. DAWES. I do not know that, but I do know that the company was chartered some time in June. The Senator from Vermont gave the date.

Mr. EDMUNDS. June 19.

Mr. DAWES. The resolution which called for this report bears date March 16. There is no doubt that this matter was before the commissioners long before the railroad company was chartered.

Mr. CHANDLER. I desire to ask the Senator from Nebraska whether in the course of the investigations which he made into electric railways he found that any current could be used for the propulsion of cars that was not dangerous to life.

Mr. MANDERSON. I think investigation would show the fact that the most dangerous electric railway is the overhead-wire system, and the least dangerous is the under-ground system, where the tracks are used as the conductors of electricity.

Mr. CHANDLER. But is not the current of the same strength and as destructive to life in all cases?

Mr. MANDERSON. It is of exactly the same strength, and where there is a broken connection in rails horses and in some instances persons have been shocked and killed by treading upon the track.

Mr. CHANDLER. I ask the Senator, without reference to the method of insulation, whether there can be an electric current strong enough to propel a street car that will not kill?

Mr. MANDERSON. It will kill unquestionably any one who is exposed to it, if not very carefully guarded. I think the only safe plan is that wherein the electric power is within the car itself, and it yet remains as an unsolved question whether there are not elements of danger in that system also.

Mr. HARRIS. If the Senator from Nebraska will yield I will state what within the last day or two I was informed by an electrician. Whether true or not I do not know, for I am practically uninformed upon the subject except so far as his statement may go. He stated to me that five hundred units of electrical power are amply sufficient for the purpose of propelling cars, and that that amount of electrical force was not dangerous to human life even if you come in contact with the wire; that it took from eight hundred to one thousand units of electrical power to endanger human life. Whether that is true or not of course I have no information except his statement, but I think it a question very well worthy of investigation and accurate and reliable ascertainment, and it is one of the questions which I think ought to be thoroughly investigated before any final decision is reached in respect to this matter.

Mr. EDMUNDS. The commissioners say that "they have granted one permit for the construction of overhead wires for the use of the Western Union Telegraph Company." How extensive that line was they do not state, or where. They have granted "two permits for the erection of overhead wires for the use of the Chesapeake and Potomac Telephone Company;" where that location is and the extent is not stated.

They have also granted a permit to the United States Electric Light Company for the erection of overhead wires on Pennsylvania avenue and Bridge street, from Washington Circle to the Free bridge, and on High street from Bridge to Stoddard, and Ninth street from Pennsylvania avenue to Massachusetts avenue northwest—

That is the great principal Ninth street thoroughfare from the Avenue north—

to maintain electric arc lights, in accordance with the provisions of the act making appropriations for the District of Columbia for the fiscal year ending June 30, 1889.

So they say that was done under the authority of the very bill the committee told us, the conferees told us, and that everybody in both Houses understood alike to be a stoppage of overhead wire business.

Mr. PLUMB. If the Senator will allow me to interrupt him, I think I can explain that, perhaps. In the bill of which he speaks, the District of Columbia appropriation bill, there was a provision authorizing the use of electric lighting for public purposes to an extent, I think, $10,000 greater than has been heretofore enjoyed. I have no doubt the commissioners referred to that extension, that is to say, that Congress authorized them (and about that there is no question or controversy whatever) to expend $30,000 in place of $20,000, as heretofore, for public electric lighting. That, I presume, is what they refer to.

Mr. EDMUNDS. Undoubtedly, because Congress in a bill which provided for public electric lighting to a certain extent of the appropriation, and in the same bill commanded that there should be no more overhead wires—that was the substance of it, as everybody understood it—and that the delay was merely in order to allow the existing system to keep up until the 15th or 25th of September, whatever the time was, when it was all to stop and to allow probably a little latitude of discretion for the setting up of a pole in some place where it would not do any harm to merely maintain an existing line, these commissioners have undertaken to establish extensive new overhead electric lighting operations, which we all know are extremely dangerous to human life, and extremely dangerous in case of a fire when the firemen have to put up their ladders and do things in a great hurry, and extremely unsightly, though I confess I am one of those who believe that where beauty and utility come in conflict utility ought to have the right of way. That is what they have done, and then to crown their magnanimity—

They have further granted a permit to the Eckington and Soldiers' Home Railway Company to erect and maintain overhead wires for the operation of its cars by electricity along its route, part of which lies within the city of Washington. This permit was granted in order to enable the company to exercise the power conferred by its charter, by electricity, in the manner considered by the commissioners to be most advantageous to the public.

Now comes a part to which I wish to call special attention, and it is why I desire the Senate to act now for the benefit of this company itself, so that it need not go to a useless expenditure of money in going on with its overhead wire business—

All the permits above mentioned are revocable at the pleasure of the commissioners, and all were granted under their general power to exercise control over the public streets.

Let us see what the power of the railway company was by its charter. It seems that corporations will get or try to get or obtain in some way grants which they construe, and get executive officers to construe, exactly as they want them, but they have not quite got it in this charter. The part in regard to using electricity is simply this:

With authority to construct, etc., and lay tracks and other mechanical devices, etc., to operate the same by horse, cable, or electric power, in the District of Columbia, through and along the following avenues, streets, and highways: Commencing on New York avenue at its intersection with Seventh street northwest—

The great north and south thoroughfare, probably the greatest one now in the city. There is Ninth street, which is also a great thoroughfare, which they have also provided for by overhead wires given by their permits, and Fourteenth street—

Commencing on New York avenue at its intersection with Seventh street northwest, thence eastwardly along said avenue to its intersection with Third street northeast.

Going above eleven blocks east along New York avenue in this city, and then turning north and finally going out of the city limits and up in the suburbs.

The next section provides—I will not read it literally, but that is its plain meaning; but I do not read it merely to save time—in respect of this whole construction, that it is all to be approved by the commissioners of the District.

So by the charter itself in respect of the mode of exercising this power and executing this grant, they having the right to use electricity or horse power or cable power, the way it was to be done and the contrivances by which it was to be exercised are subject to the approval of the commissioners. Under that authority and under the authority of the commissioners they have obtained from the commissioners a revocable permit to erect overhead electrical wires in the center of that avenue.

That avenue is parked, as we all know, in a different way from the other avenues that I now remember in this town. The parking is in the center, with two lines of shade trees, one on either side of the park, and between which rows of shade trees go the double tracks of the present New York Avenue Railroad as far as it follows that avenue, but the line of trees goes on, as I believe. Those trees are a great ornament as well as of use to the health and comfort of the people of the city, and they are growing now large enough to make the avenue an object beautiful to the eye and wholesome and agreeable to the people who live along and pass along that noble avenue.

When you erect your overhead electric wires between that double row of trees at the height of 20 feet, the trees will be destroyed because the limbs will have to be cut now to do it; they have got so large in many places, if they have grown as fast up east as they have along that part of it I see every day. The end of it will be, so far as those trees are concerned, that they are gone, and a corporation for the mere economy of putting its electric wires overhead as distinguished from putting them underground, which is the least dangerous of all places for the use of electricity for motive power, is to be allowed to destroy that avenue.

I do not think it ought to be allowed for a single moment. It is now within the power of the commissioners to stop it, for they have reserved the right to revoke these permits at their pleasure. The poles, the frames, the wires are not erected. If the track is laid, that is one thing that would be useful if they put their electric force underground in just the same way.

It is due, therefore, not only to the public interests and the public safety, but to the interests of the corporation itself, that if the Senate is of opinion that this thing ought not to be done in this way, to say so and request the commissioners, and that is all that I propose. To-morrow I think I shall introduce a joint resolution to be passed by both

Houses to see if we can not pull up on this business, but I have no doubt the commissioners would heed a request from the Senate, which we often address to the Departments in similar cases. If we request the commissioners to stop it, I have no doubt they will do it, and I hope the Senate will vote so, and then no money will be wasted by this corporation in expenditures for overhead contrivances that will have to be torn down.

Now, as to sending it to the committee, on which my friend from Tennessee——

The PRESIDENT *pro tempore* (at 12 o'clock m.) The Senate ordered yesterday that at this hour the vote should be taken on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of the fisheries treaty until Wednesday after the first Monday in December next.

Mr. HARRIS. I ask the unanimous consent of the Senate that the Senator from Vermont may conclude his remarks.

Mr. SHERMAN. I desire to reply to the Senator from Vermont, and this matter will take time. I think we had better stand to what was the unanimous agreement.

Mr. EDMUNDS. All right.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. Pursuant to the order adopted yesterday, the Chair announces that the Senate is now in open executive session. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. If there be no objection, the reading of the Journal of the proceedings of the last open executive session will be dispensed with. The yeas and nays have been ordered, and the roll will be called on the motion to postpone.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. BATE (when the name of Mr. FAULKNER was called). The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. I would vote "yea" if the Senator from Vermont was present.

Mr. EDMUNDS. And my colleague [Mr. MORRILL] would vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is absent to-day, and, as I understand from him, is paired with the Senator from New York [Mr. HISCOCK]. If my colleague were present, he would vote "yea."

Mr. MANDERSON (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BLACKBURN]. The Senator from North Carolina [Mr. VANCE] is paired generally with the Senator from Michigan [Mr. PALMER]. We have agreed on a transfer of these pairs. I announce the pair between the Senator from Kentucky [Mr. BLACKBURN], who would vote "yea," and the Senator from Michigan [Mr. PALMER], who would vote "nay." I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). I was paired with the Senator from Michigan [Mr. PALMER], but the pair has been transferred to the Senator from Kentucky [Mr. BLACKBURN]. I vote "yea." My colleague [Mr. RANSOM] is paired with the Senator from Illinois [Mr. CULLOM].

The roll-call was concluded.

Mr. CULLOM. On the call of my name I voted "nay." Since that I am informed that the Senator from North Carolina [Mr. RANSOM] has been called away, and I am asked to pair with him. I therefore withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Illinois withdraws his vote.

Mr. FRYE. My colleague [Mr. HALE] is absent from the city, and when absent is paired with the Senator from Kentucky [Mr. BECK]. The Senator from Kentucky voted, and I heard something said about a transfer of the pair.

Mr. BECK (after having voted in the affirmative). The Senator from Indiana [Mr. VOORHEES] came in after the announcement of the transfer of the pair and voted. I desire to withdraw my vote. I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent to-day. He would vote "nay" and I would vote "yea."

The PRESIDENT *pro tempore*. The Senator from Kentucky withdraws his vote.

Mr. SABIN. I am paired with the Senator from West Virginia [Mr. KENNA], but I am authorized to transfer that pair to the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. My colleague, if present, would vote "nay" and the Senator from Louisiana "yea."

Mr. HARRIS. I am informed by the Senator from Delaware that the Senator from New Jersey [Mr. BLODGETT], who is absent, desired a pair upon this question. That being true, I will transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from New Jersey, and will record my vote. I vote "yea," being informed that the Senator from New Jersey [Mr. BLODGETT] would vote "yea," if here, and desired to be paired on the question.

The result was announced—yeas 24, nays 27; as follows:

YEAS—24.

Bate,	Colquitt,	Hampton,	Turpie,
Berry,	Daniel,	Harris,	Vance,
Brown,	George,	Payne,	Vest,
Call,	Gibson,	Pugh,	Voorhees,
Cockrell,	Gorman,	Reagan,	Walthall,
Coke,	Gray,	Saulsbury,	Wilson of Md.

NAYS—27.

Aldrich,	Dawes,	Jones of Nevada,	Sherman,
Allison,	Dolph,	Manderson,	Spooner,
Blair,	Edmunds,	Mitchell,	Stewart,
Bowen,	Frye,	Platt,	Stockbridge,
Chace,	Hawley,	Plumb,	Teller,
Chandler,	Hoar,	Sabin,	Wilson of Iowa.
Davis,	Ingalls,	Sawyer,	

ABSENT—25.

Beck,	Evarts,	Kenna,	Quay,
Blackburn,	Farwell,	McPherson,	Ransom,
Blodgett,	Faulkner,	Morgan,	Riddleberger,
Butler,	Hale,	Morrill,	Stanford.
Cameron,	Hearst,	Paddock,	
Cullom,	Hiscock,	Palmer,	
Eustis,	Jones of Arkansas,	Pasco,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The order of the Senate having been executed, the Senate resumes the consideration of legislative business. The Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. STEWART. I wish to make a report.

Mr. REAGAN. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Vermont was interrupted in speaking on a motion to refer a communication of the commissioners of the District of Columbia to the Committee on the District of Columbia, and is entitled to the floor.

OVERHEAD ELECTRIC WIRES.

Mr. EDMUNDS. Mr. President, I merely desire to say now, as my friend from Ohio [Mr. SHERMAN] wishes to debate the matter further—I should have finished in one minute—and as my friend from Texas [Mr. REAGAN] has given notice of his desire to submit some remarks this morning, I ask unanimous consent that this matter stand over until to-morrow morning with the same rights it has now.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. The Chair will now call for morning business, which has not yet been called for under the different heads.

ORDER OF BUSINESS.

Mr. SHERMAN. I did not understand that the vote on the motion to postpone the treaty took it out of the executive session. I suppose the treaty is still pending and is now the order.

The PRESIDENT *pro tempore*. The Chair announced that the order of the Senate having been executed at 12 o'clock, the vote upon the motion to postpone, the Senate resumed the consideration of legislative business. It is entirely in order to move to proceed in open executive session to the consideration of the treaty.

Mr. SHERMAN. I submit that motion, because I think we ought to proceed with the consideration of the treaty.

Mr. BECK. I hope the Senator from Ohio will give way for regular morning business.

Mr. SHERMAN. I will withdraw my motion until the regular morning business is over, and then I shall insist on going on with the treaty.

Mr. REAGAN. I would be very much obliged if the Senate would allow me, when the morning business is through, to occupy the floor a short time, as I gave notice yesterday that I wished to address the Senate this morning.

Mr. ALLISON. I also desire the Senator from Ohio to allow me to call up the conference report on the Army appropriation bill.

The PRESIDENT *pro tempore*. A conference report is privileged and can be moved at any time.

Mr. ALLISON. So I understand, but I desire to accommodate myself to the convenience of Senators, and if the Senator from Texas desires to go on now, of course I will yield the floor to him now.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of Francis E. Willard and others, officers of the Woman's Christian Temperance Union of Chicago, Ill., in favor of the appropriation of $75,000 for the Industrial Home for Mormon Women in Salt Lake City, Utah; which was referred to the Committee on Appropriations.

Mr. TURPIE. I present the petition of Charles Willsey and other

citizens of Elkhart County, Indiana, praying for the passage of the following additional amendments to the interstate-commerce law:

First, by adding at the end of section 3: "*Provided*, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper: *And provided further*, That it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper."

Secondly, add at the end of section 10: "That in all prosecutions under this section, on complaint of a citizen of the United States, such citizen shall be entitled to have and receive, for his own benefit, all fines that may be imposed and collected for any violations of said act in any and all prosecutions in which he may be such complainant."

I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. MITCHELL presented resolutions of the Grand Army of the Republic, Department of Washington Territory, praying an appropriation of $200,000 to be used in furnishing head-stones to mark the graves of ex-soldiers and sailors.

Mr. PLUMB. Let me say, for the benefit of the Senator and his constituents, that an appropriation is contained in the sundry civil bill for that very purpose, and I have no doubt in a very short time headstones will be ready for delivery to all proper applicants.

Mr. MITCHELL. If that is so let the resolutions lie on the table.

The PRESIDENT *pro tempore*. The resolutions will lie on the table.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 514) for the relief of Dr. A. Sidney Tebbs, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3270) to amend the military record of Valentine Hitchcock; and

A bill (H. R. 3604) granting an honorable discharge to A. R. Hartzell, and for other purposes.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;

A bill (H. R. 10356) granting a pension to John T. Vincent; and

A bill (H. R. 9684) granting a pension to William J. Brown.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 165) for the relief of H. C. Markham, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1839) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States, reported it with amendments, and submitted a report thereon.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes, reported it without amendment.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following act and joint resolutions:

An act (S. 1082) to authorize the issuance of patent to certain land in Arkansas;

Joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected;" and

Joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy.

The message also announced that the following bills, having been presented to the President on August 2, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his signature:

An act (S. 2656) granting a pension to the widow and minor children of Patrick Frawley; and

An act (S. 2830) granting increase of pension to Elvira M. Dorman.

The message further announced that the bill (S. 1914) for the relief of Mary E. Hopkins, having been presented to the President on August 3, 1888, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his signature.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3450) granting a pension to Carl J. Chindblom; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 3451) granting a pension to Frank D. Worcester; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3452) granting a pension to Mrs. M. A. Hooper; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3453) granting an increase of pension to Alfred T. McKinsey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 3454) for the relief of W. J. Smith and D. M. Wisdom; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a joint resolution (S. R. 104) to print additional copies of the United States map of the edition of 1887, prepared by the Commissioner of Public Lands; which was read twice by its title.

Mr. PLUMB. Before the resolution is referred, I wish to say that early in the session I introduced a similar resolution providing for the printing of the edition of the map of 1886. The President has vetoed the resolution upon the ground among others that the Land Office has material for a map of a later date, brought down, as he claims, to 1887. I only wish to say that at the time I introduced the resolution there was no scrap of information in possession of the Land Office collated or made with reference to this map for a later period than 1886. I am advised that such is the case now, the opinion of the President to the contrary notwithstanding. He is mistaken. But in order that there may be no delay in printing this useful document I have corrected the resolution and provided therein for the printing of an edition for 1887, so that if the office has or can have by the time this resolution gets through, after it has run the gauntlet of legislative and executive opposition to it, any new material, we may have some of the maps printed for public distribution.

Mr. MANDERSON. I rise for the purpose of making one or two suggestions concerning the joint resolution introduced by the Senator from Kansas. When the joint resolution, to which he refers, which has received the disapproval and the veto of the President, came to the Committee on Printing, the committee made investigation that satisfied it that the map therein proposed to be printed for the use of Congress, and to a limited extent for sale, should be the map of 1886, prepared under the direction of the Interior Department.

Maps are prepared for publication for the Government, as for private individuals, at very great original expense in the way of lithographic material, and, as I understand it—although I am seeking further light on this subject so as to more fully understand it—the plate from which these maps are to be printed, even if this resolution just introduced by the Senator from Kansas shall become a law, is a plate that was made for the Government in the year 1886 and for the map prepared for that year, and the only change there will be will be a change of the date from 1886 to 1887. I think it might just as well be called a map of the edition of 1886 as a map of the edition of 1887.

The principal grounds, however, for the veto of the resolution as suggested by the President are those which I will read. He says:

The propriety and expediency of this appropriation, to be applied so largely by the two branches of Congress, should be left to legislative discretion.

And then he goes on to say:

The map of 1886 was published at a cost of $1.25 per copy.

The map of 1887 will very soon be issued at a cost of $1 per copy, and the publishers have offered to print an enlarged edition at the rate of 95 cents for each map. This map will be later, more correct, more valuable in every way, and cheaper than that issued the previous year.

Of course, it will be very desirable if it can be printed for less than the $1.35 that was ascertained, after full investigation by the Printing Committee, to be the cost of publishing the map ordered by law and vetoed. It does not follow, however, as one might suppose, from the Executive communication, that the Government will be compelled to pay $1.35 for the making of each one of these maps. The language of the law is that the maps shall be printed at a rate not exceeding $1.35 each; that being the maximum price which shall not be exceeded. If they can be printed for 95 cents each it will be 40 cents less for each map than we provided in the law, and is, of course, a saving to be desired.

The other objection is:

Upon these facts I return the joint resolution without approval, in the belief that the Congress will prefer to correct the same by directing the publication of the latest, best, and cheapest map, and reducing the amount appropriated therefor.

The same reasoning that I have suggested as to the cost of each map

applies to the gross amount. The amount of appropriation in the resolution vetoed is "$10,125, or so much thereof as may be necessary." If they can be published for $7,500, or a dollar for each map, it will not be necessary to expend $10,125; and there is no merit whatever in the pretense of economy suggested in the veto message.

Mr. PLUMB. The Senator ought to say that it is the constant prayer of this Administration that it shall not be led into temptation, and that this objection is in the line of the objection made by the Postmaster-General to the appropriation of $500,000 for an improved ocean mail service, because that was more than he thought ought to be expended, although the law said he should only expend so much thereof as he might deem necessary; but he was dreadfully afraid that in some way he might be overcome.

Mr. MANDERSON. The Senator from Kansas may point the moral or adorn the tale; I am simply seeking to give the facts in connection with this joint resolution thus vetoed by the President. The matter is receiving the attention of the Committee on Printing, and will be reported upon later when we shall be able to ascertain from the Secretary of the Interior the full facts connected with the proposed publication. I do not think, however, that the Senate or the House has acted hastily or without due knowledge on the resolution referred to that has received the Executive disapproval.

AMENDMENT TO DEFICIENCY BILL.

Mr. WILSON, of Iowa, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia, and agreed to the same.

The message also announced that the House had passed the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which it requested the concurrence of the Senate.

CLAIMS OF POSTMASTERS.

Mr. PLUMB. I offer a resolution, and ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Postmaster-General be directed to report to the Senate at the next session, so far as such claims have already been computed upon applications presented under the act of March 3, 1883, the amounts due postmasters and their representatives, in the several States and Territories, for services rendered the United States between July 1, 1864, and July 1, 1874, the gross amount of earnings for each biennial term of service to be stated on the basis of the act of 1854, and the amount of compensation paid for the same term of service to be deducted therefrom, showing the actual difference in each case between the salary paid and the compensation computed on the basis of the act of 1854 for each biennial term of service, such report to be limited to cases in which the compensation paid is 10 per cent. or more less than the compensation already computed on the basis of the act of 1854, and to be made to the Senate from time to time as the statement covering the claims from each State shall be completed.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over under the rule.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Vermont [Mr. EDMUNDS], and coming over from yesterday, which will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance be, and it hereby is, instructed to inquire into the matter of deposits in the late Freedman's Savings and Trust Company of Washington, and report how many white depositors of said company there are who were in no way connected with the alleged mismanagement and failure of said company, and the amount of deposits due to them respectively.

Mr. BECK. I said on yesterday that I thought I could give good reasons why this resolution of the Senator from Vermont [Mr. EDMUNDS] should not be adopted. I can do so now in a very few minutes, I think.

The act creating the Freedman's Bank, which passed Congress on the 3d of March, 1865, limited the right of deposit therein to colored depositors, and there never has been, so far as I know, though there may be in some of the amendments which were passed afterwards when it fell into the hands of the people who used it for speculation—there never was any right for white depositors to make deposits in the Freedman's Bank. The fifth section of the original act reads thus:

SEC. 5. *And be it further enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may from time to time be offered therefor by or on behalf of persons heretofore held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, Treasury notes, or other securities of the United States.

Under that provision the colored people made their deposits; they were induced to believe that it was a Government institution, gotten up for the purpose of taking possession of and holding safely and paying interest on their earnings, therefore they made their deposits. Everything was done to induce them to believe that the Government of the United States guarantied the repayment of their money, and because of that belief their deposits mere so made. Afterwards, on May 6, 1870, the act was changed, of course without the knowledge or consent of the colored depositors, making this provision:

That the fifth section of the act entitled "An act to incorporate the Freedman's Savings and Trust Company," approved March 3, 1865, be, and the same is hereby, amended by adding thereto at the end thereof the words following: "And to the extent of one-half in bonds or notes, secured by mortgage on real estate in double the value of the loan; and the corporation is also authorized hereby to hold and improve the real estate now owned by it in the city of Washington, to wit, the west half of lot No. 3; all of the lots 4, 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city: *Provided*, That said corporation shall not use the principal of any deposits made with it for the purpose of such improvement."

There has been no law authorizing the purchase of the property set forth in this amendment, or to use the freedmen's money, which they deposited, for investment in United States bonds and securities for that purpose at the time this real estate was bought, as recited in the amendment. Afterwards, June 20, 1874, the bank act was amended again. About this time, or very soon afterwards, the concern became bankrupt. This amendment was made in reckless disregard of the restrictions made in section 5 of the original act. It reads:

That the act of Congress approved March 3, 1865, entitled "An act to incorporate the Freedman's Savings and Trust Company," be, and the same is hereby, so amended that hereafter it shall be the duty of the trustees and officers of said company to make loans, to the extent of one-half the deposits by them received, upon bonds or notes secured by first mortgages or deeds of trust upon unincumbered real estate, situate in the vicinity of the agency or branch of said company from which such deposits are received, worth, upon cash appraisement, at least double the amount of money loaned thereon. And the borrower shall, at his own expense, or the bank shall, at the expense of the borrower, keep the buildings upon said property insured in some good and solvent company, to the amount of one-half of their cash value for the benefit of the Freedman's Savings and Trust Company. The other half they shall invest in United States bonds, or keep on deposit in some national bank such sums as may be necessary to meet current payments.

SEC. 2. That it shall be the duty of said trustees and officers of said company to collect, as speedily as may be done without prejudice to the interests of the depositors, all sums of money by them loaned upon real estate outside of the States from which received; and as the same may be collected, they shall loan such funds as directed in the first section of this act.

* * * * * * *

SEC. 4. That said trustees and officers of said company shall not loan to any person or company at any one time more than $10,000 of the funds of said trust company.

* * * * * * *

SEC. 6. That hereafter the officers or agents of said trust company shall not pay interest on the deposits exceeding 5 per cent.

As soon as that authority was given the property of these poor people disappeared to such an extent that they have only been able to obtain some 62 per cent. of their original deposits. Trustees or receivers were appointed by Congress. They made various reports or settlements. I have them before me. Finally the Comptroller of the Currency was made the general trustee to wind up this business. Mr. Knox, when Comptroller, made an elaborate report. Mr. Cannon followed him with another report. The conclusion of Mr. Cannon's report states the case of the freedmen well. It reads thus:

In conclusion, permit me once more to renew my former recommendation and that of my predecessor for the relief by Congress of the unfortunate creditors of this institution. The great majority of them are of the poorest and most illiterate of our people. Many of them have grown old and decrepit. It seems impossible for these people to realize that they are to be deprived or have lost a portion of their earnings, which years ago they labored so hard to acquire and save. Thousands of them to this day believe that the dividends paid them by the commissioner are but the interest on or earnings of their deposit, and that sooner or later their original deposits will be returned to them. No explanation seems to convince them to the contrary, and calls are made daily both orally and in writing for "their money." Nor ought it to be considered strange or unreasonable, in view of all the circumstances, for these people to look to the Government for reimbursement of their losses.

The company was chartered by Congress for their special benefit, to encourage industry and thrift, and most of its branches were presided over by the commissioned and uniformed officers of the Government. It was but natural, therefore, for them to assume that the Government would see to the proper management of the institution and would protect them from loss.

Objection has been made to the granting of this relief, on the ground of its dangerous tendency as a precedent. This apprehension is, I think, groundless. There never was but one Freedman's Bank. There never will be another.

From the gradual diminution of the amount called for on account of the several dividends declared it is estimated that the sum of $950,000 would cover the deficiency between the amount paid (62 per cent.) and the amount to which the creditors likely to call for the same were entitled at the time of the failure of the company.

He then proceeds to show by tabulated statements how much has been paid and how much the loss has been, and why the freedmen ought to have the money refunded to them.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. BECK. Certainly.

Mr. EDMUNDS. I wish to ask my friend from Kentucky whether in the payment of dividends so far to the depositors any discrimination has been made against a few poor whites?

Mr. BECK. None; nor against rich white people either. All the funds of the bank have been paid out the same as those of any other insolvent bank would be paid. All depositors of any class and color will get every dollar that the assets of the bank can pay. The pas-

sage of the bills for the relief of the colored men did not in any way injure white depositors; and if the white depositors, many of whom were speculators who broke up the bank and stole or squandered the money of the colored people—not all of them, because they imposed upon some white people too, but they must suffer, under the old rule that he who trusts most suffers most—made deposits without authority of law, why should Congress make good their loss? The original purpose of the bank was to limit it solely to colored people, the security to be exclusively the bonds of the United States. All white depositors, rich and poor, were interlopers, and Congress is under no obligations, legal or equitable, to make their losses good.

Mr. Trenholm, as Comptroller, took the case up; he gives a full history of its origin and the inducements held out to the freedmen. I will read only a part of his report, and ask the Reporter to insert the portion I have marked. When his statement is read the Senate will see at once that every one of those colored people believed the Government was responsible. Let me read what Mr. Trenholm says:

It seems plain that the honor of the Government became engaged in this undertaking when, in 1865, Congress, in the act of incorporation, held out to the lately emancipated slaves inducements to intrust their earnings to this institution by selecting as trustees the distinguished gentlemen whose names were incorporated in the charter, by requiring the deposits to be invested in securities of the United States, and by subjecting the books to Congressional examination.

This last provision was especially significant and bound Congress to provide for adequate examinations from time to time, since none of the fifty trustees lived in Washington, and only nine constituted a quorum.

Then he gives the names of the distinguished gentlemen who were trustees, headed by Peter Cooper. The list is as follows:

The names of the trustees are as follows: Peter Cooper, William C. Bryant, A. A. Low, S. B. Chittenden, Charles H. Marshall, William A. Booth, Gerritt Smith, William A. Hall, William Allen, John Jay, Abraham Baldwin, A. S. Barnes, Hiram Barney, Seth B. Hunt, Samuel Holmes, Charles Collins, R. R. Graves, Walter S. Griffith, A. H. Wallis, D. S. Gregory, J. W. Alvord, George Whipple, A. S. Hatch, Walter T. Hatch, E. A. Lambert, W. G. Lambert, Roe Lockwood, R. H. Manning, R. W. Ropes, Albert Woodruff, and Thomas Dewey, of New York; John M. Forbes, William Claflin, S. G. Howe, George L. Stearnes, Edward Atkinson, A. A. Lawrence, and John M. S. Williams, of Massachusetts; Edward Harris and Thomas Davis, of Rhode Island; Stephen Colwell, J. Wheaton Smith, Francis E. Cope, Thomas Webster, B. S. Hunt, and Henry Samuel, of Pennsylvania; Edward Harwood, Adam Poe, Levi Coffin, and J. M. Waldon, of Ohio.

Under the sanction of the Government and in the name of the philanthropists, statesmen, and financiers, thus united in a laudable purpose to secure the safe and profitable investment of the pay and bounty money of the colored troops and of the savings of other classes among the newly emancipated negroes, Army officers on duty in the South and the officials and agents of the Freedmen's Bureau were induced to urge the freedmen to bring their savings to be taken care of by these their friends and protectors.

Anson M. Sperry, in his examination before the Senate investigating committee, testified that he was employed in September, 1865, as general field agent to operate in the Twenty-fifth Army Corps, that he was commended by the Secretary of War to the commanders of the colored troops, and received from General Brice authority to be present at the pay tables in order there to persuade the men as they were paid off to confide their money to the safe-keeping of this institution. Similar efforts were no doubt made everywhere.

The company had previously been promised the deposits already accumulated in the savings banks established at Norfolk by General Butler, and at Beaufort, S. C., by General Saxton, so that these officers must be presumed to have accepted it as a safe depository.

The pass-books issued to depositors in the Freedman's Savings and Trust Company bore on the covers likenesses of President Lincoln, and of Generals Grant and Howard, and others whom the freedmen had learned to reverence as special benefactors of their race; the flag of the Union was depicted as sheltering and binding together the persons thus portrayed, while the remaining space was occupied with other pictorial devices adapted to the comprehension of those whose savings were sought after, and manifestly designed to assure them that the Government sanctioned the enterprise and would protect their interests.

The following citations are taken from a little pamphlet which appears to have been given to depositors, and otherwise widely circulated at the South:

"I consider the Freedman's Savings and Trust Company to be greatly needed by the colored people, and have welcomed it as an auxiliary to the Freedman's Bureau.—Maj. Gen. O. O. Howard.

"The whole institution is under the charter of Congress, and received the commendation and countenance of the President, Abraham Lincoln. One of the last official acts of his valued life was the signing of the bill which gave legal existence to this bank.

"Principal office, Washington, D. C., opposite the Treasury of the United States.

"This savings bank is established by act of Congress, approved March 3, 1865, by Abraham Lincoln.

"It is under the direction of a board of fifty trustees, who serve without pay. The branch offices are also under the supervision of local committees, chosen from the best men in the vicinity of each branch.

"The bank can not loan its deposits nor use them in any way except to invest them, according to the act of Congress, in the bonds of the United States, and in real-estate securities worth double the amount so invested.

"The profits of the bank are all returned to the depositors as interest, necessary expenses alone excepted. The income from deposits not called for goes to the 'educational fund' for the sole use of the freedmen and their descendants.

"The bank is obliged to keep its books open at all times to the inspection of such committees as Congress may from time to time appoint."

It was under these inducements and assurances that the colored people made their deposits. The Comptroller goes on to say:

Everything done had the inevitable effect of impressing upon those whose savings were solicited the assurance that the Government of the United States had undertaken to secure their safe-keeping, and unless the good faith of the original promoters of the bank is doubted, this was probably distinctly stated over and over again.

While there may have been some unprincipled persons engaged in the enterprise, it would be unjust to question the good faith of the many disinterested benefactors of the freedmen, such, for example, as Frederick Douglass, Charles Sumner, and others, who were among its promoters, and therefore they must be presumed to have depended upon the terms of the charter and the character of the trustees to justify the earnestness and the energy which they threw into their efforts to gather in deposits.

The fruits of these efforts were commensurate with their intensity, and with the authority sustaining them. Sperry testifies that the aggregate deposits amounted to $55,600,000. The Senate committee reports that more than $57,000,000 was obtained from upwards of 70,000 depositors. These 70,000 trustful and helpless men and women may fairly be presumed to have believed that their money was invested, as the charter required, in the securities of the United States, and that the Government that thus invited their confidence would protect them to the extent at least of enforcing by appropriate supervision the restrictions laid upon the management as to investments.

The commissioner next sets forth the change so carelessly made by Congress and its effect, as follows:

In 1870 the sum due to depositors appears to have amounted to at least $2,000,000, and if the charter had been complied with, the face value of the United States securities held by the bank should have exceeded this sum by a very large percentage. Their market value would have been much greater.

This was the time selected by Congress for amending the charter, not in the interest of the depositors, not according to any conceivable principle of justice, good faith, or public policy, but for some reason, with some purpose neither avowed at the time nor since satisfactorily explained. No examination had ever been made into the affairs of the bank, no report had been asked from the trustees, while the amending act contains neither a preamble nor an intimation of the object sought. It seems to have passed the House of Representatives without debate, and in the Senate to have met with but little notice, except from Senators Cameron and Williams, who earnestly opposed it. From the remarks of the former, as reported in the Congressional Globe of April 28, 1870, I quote as follows, to show that attention was at that time called to one probable effect of the contemplated legislation, although without avail in arresting action or suggesting inquiry:

General Simon Cameron, of Pennsylvania, well known, of course, as one of the ablest and most careful men who ever occupied a seat in this Senate, with his sagacious eye saw what would be the effect of the amendment, and in his forcible way he told the Senate what I now read:

I think it will in the end probably destroy the institution. * * *

That was when it was proposed to give the trustees the right to loan money on real estate; in other words, to do as they pleased—

It is a principle which ought not to go into any banking institution at all. It is endangering the depositors of the funds, the small depositors especially. They are in the hands of persons entirely irresponsible, except the responsibility given by their character. They will be led probably into speculation; and if this money is once invested in real estate it will be very difficult to get it back. My experience has been that whenever institutions of this kind have invested their money in real estate they have gone to destruction. I shall vote against the bill.

And he did, but he could not stop it. The commissioner adds:

As foretold by Senator Cameron, the effect of the amendment was to remove the limitation which the charter had placed upon investments, and thus to expose to the depredations of speculators funds which Congress was bound to surround with safeguards.

To make this plain it is only necessary to refer to the fact that the act of incorporation specified the business of the company to be to receive deposits from or on account of the lately emancipated slaves, or their descendants, and to invest in securities of the United States the amounts so received, except so much as might be necessary, upon business principles, to be retained in what was at that time considered a more readily convertible form, not, however, exceeding one-third of the total amount on deposit.

This exception seems to have been rendered necessary because the company had no capital stock, and it was no doubt considered safe to allow this latitude to the managers, because of the high character of the trustees, and the distinguished position which many of them occupied in the estimation of the public, besides which, Congress reserved the right to examine the books at any time, and might thus guard against abuse of this privilege.

The act approved 6th of May, 1870, so amended section 5 of the act of incorporation as to allow half the deposits to be invested in bonds or notes secured by mortgage on real estate "in double the value loaned;" and the corporation was further authorized to hold and improve the real estate then owned by it in the city of Washington, attaching to this latter authority, however, the futile proviso that the corporation should not use for the purpose of such improvement the principal of any deposit made with it.

As before said, there does not appear to have been any reason assigned for this departure from the original limitation placed upon investments by the charter, and the clause authorizing the holding of certain real estate already acquired indicates that it had been acquired without authority of law, and could only be retained by a fresh grant of power.

Since the original provision as to one-third the deposits being invested as the trustees should think fit was retained, it is not surprising that the passage of this amendment should have been accepted by the managers of the Freedman's Savings and Trust Company as a license to evade and trangress, at their discretion, all the restrictions imposed by the charter; and from that time, according to the evidence already referred to, the funds of the institution became rapidly absorbed in loans and investments more or less connected with the personal business or speculations of the active managers of the concern, both at Washington and at the branches. Only $400 in United States securities were found among the assets in 1874, when the bank failed.

A few extracts more will give the whole history of this institution that the Senate needs to know in connection with the resolution of the Senator from Vermont [Mr. EDMUNDS]. The Senator from Iowa [Mr. ALLISON] I observe is watching with some impatience, as though he wished me to sit down; but I have to give this history I said yesterday I would, and I am not wasting any time, except to read what was said by the officials. I hope he will bear with me a few minutes longer. The President of the United States, Mr. Cleveland, when his attention was called to the matter, sent a message to Congress, in which he said:

I desire to call the attention of Congress to a plain duty which the Government owes to the depositors in the Freedman's Savings and Trust Company.

This company was chartered by the Congress for the benefit of the most illiterate and humble of our people, and with the intention of encouraging in them industry and thrift. Most of its branches were presided over by officers holding the commissions and clothed in the uniform of the United States. These and other circumstances reasonably, I think, led these people to suppose that the invitation to deposit their hard-earned savings in this institution implied an undertaking on the part of their Government that their money should be safely kept for them.

When this company failed it was liable in the sum of $2,939,925.22 to 61,131 depositors. Dividends amounting in the aggregate to 62 per cent. have been declared, and the sum called for paid of such dividends seems to be $1,648,181.72. This sum deducted from the entire amount of deposits leaves $1,291,744.50 still

unpaid. Past experience has shown that quite a large part of this sum will not be called for. There are assets still on hand amounting to the estimated sum of $16,000.

I think the remaining 38 per cent. of such of these deposits as have claimants should be paid by the Government, upon principles of equity and fairness.

Carrying out the views of the President and the Comptroller securing the rights of these poor people, as shown by the bank charter, believing they had been imposed upon by reckless men, who controlled it, managed it, bankrupted it—I do not care to go into the character or conduct of the men who did it—Congress failed to do its duty by failing to cause examinations and reports to be made and by making improper amendments to the charter.

This Congress, acting through the Finance Committee of the Senate, passed a bill which the House committee has substantially agreed to—I have it before me—limiting the payment to those colored people who were the sufferers; the only amendment of the House committee adds some provisions to take care that the payments are fairly accounted for. The white depositors of course made their complaints to the Comptroller that they were not embraced in the bill, and on the 25th of July Mr. Trenholm wrote this circular, which was sent to me this morning:

OFFICE OF THE COMMISSIONER OF THE FREEDMAN'S SAVINGS AND TRUST COMPANY.
Washington, D. C., July 25, 1888.

SIR: Your letter of the —— is received, and in reply you are respectfully informed that the bill recently passed by the Senate does not in any way alter, impair, or otherwise affect the rights of any depositor in the Freedman's Savings and Trust Company.

This is a proper answer to the question asked by the Senator from Vermont.

Each retains a right to his full share of the proceeds of the assets of that institution. The corporation is in liquidation and that liquidation will proceed, and whatever is ultimately realized will be divided among all depositors who have proved their claims in accordance with existing laws.

If the bill passed by the Senate becomes a law the effect will be simply to make good to those, for whose benefit exclusively the institution was originally designed, the difference between their share of the assets of the corporation and the amount of their deposits.

This may be regarded as a pure gratuity from Congress to these people, the distinction in their favor resting upon the unquestionable fact that none but persons of African descent had any right to make use of the Freedman's Savings and Trust Company in any manner or to acquire by any means any interest whatever in its assets; or it may be regarded as an act of justice to the colored depositors demanded by the unquestionable facts (1) that Congress undertook the supervision of the institution and failed to carry out the undertaking, and (2) that the depositors lost their money because, without adequate notice to them, Congress so changed the charter of the bank as to remove the proper restrictions originally imposed upon its investments.

Neither you nor any other white depositor have any claim upon either the bounty or justice of Congress. You were bound to know the limitations of the charter of the corporation with which you dealt and therefore to know that its officers could not lawfully take your deposits. You can not claim to have known of the restraints upon investments and of the obligation as to supervision and at the same time say you did not know that you had no right to become a depositor.

It is not intended in any way to inflict now upon white depositors any loss, any injury, or even any censure. Up to this time they have been treated precisely like those depositors who could alone lawfully make use of this institution, and I know of no reason why they should not continue to be treated in the same way, so far as the assets of the corporation are concerned, and this is all they can reasonably expect.

Very respectfully,

W. L. TRENHOLM, *Commissioner.*

Mr. President, that is the whole case. I have briefly given the reasons why the Committee on Finance acted as they did in limiting this bounty, or act of justice as I think it is, to the colored depositors: first, because it was a bank established solely for their benefit; second, because these poor people were induced to make their deposits by representatives of the United States, who assured them that it had the guaranty of the Government in every possible form; third, because the officers of the United States, many of them in the uniform of the United States, were controlling and managing this institution, in which under the law they could deal in nothing but bonds of the United States, which were as safe as any securities could possibly be, and as Congress was from time to time bound to take supervision of it and to protect the depositors, and failed to do so, I think a moral obligation is created to pay the loss. Instead of doing what it agreed to do, Congress failed to make any examination, failed to require any reports, and worse than all, after the bank had obtained more than $50,000,000, much of it from seventy-odd thousand of the poorest people in America, formerly slaves, who were induced to make deposits under the provisions of the original act and under the circumstances Mr. Trenholm has stated, Congress changed the charter, against the protest of General Cameron and of other careful men, and placed everything these people had in the hands of speculators who ruined the bank. Under these circumstances and because of the neglect of Congress to comply with its obligations, on the recommendation of the Comptroller of the Currency and upon the recommendation of the President of the United States, and, I believe, by the unanimous vote of the Committee on Finance, it was thought Congress was under obligations to these colored people to pay them the difference between 62 and 100 per cent., and not to allow the white people, rich or poor, to have anything to do with it, for the reasons I have stated. That was what I said on yesterday I would show this morning.

ORDER OF BUSINESS.

Mr. ALLISON. I move now to proceed to the consideration of the conference report on the Army bill.

The PRESIDENT *pro tempore.* The Senator from Iowa, from the Committee on Appropriations, moves that the Senate do now proceed to the consideration of the conference report on the Army bill. [Putting the question.] The ayes appear to have it.

Mr. REAGAN. I hope the Senator will allow me to proceed with my remarks this morning. I gave notice yesterday of a desire to do so, and I should like very much to be allowed to proceed.

Mr. ALLISON. I do not desire to appear to be discourteous in any way to the Senator from Texas, but this Army bill is a matter of great moment and it ought to be considered. I am quite sure the Senator from Texas will have time during the day to make his remarks after this matter is disposed of.

Mr. REAGAN. Mr. President, during seven or eight months of this session——

The PRESIDENT *pro tempore.* The Chair is compelled to state that under the rules this motion is not open to debate. This motion must be decided without debate, except by unanimous consent.

Mr. REAGAN. I simply desire to appeal to the courtesy of the Senator from Iowa to allow me to proceed now. There will be more time now than after awhile.

Mr. ALLISON. Of course I do not wish to interfere with the Senator from Texas, but I wish to say one word as respects the situation of the appropriation bills.

The PRESIDENT *pro tempore.* Is there objection to the Senator from Iowa proceeding to debate the motion to proceed with the consideration of this conference report? The Chair hears none.

Mr. ALLISON. This bill is for the support of the Army for the current fiscal year. We have already by two separate and distinct resolutions extended from month to month the appropriations of last year to take care of the Army this year. This is the 16th day of August, and on the 31st day of August the appropriations for the Army will have expired again, and I think that it is the duty of the Senate, without respect to party or without respect to what our views may be respecting other things, to see to it that these appropriation bills are disposed of as rapidly as we can dispose of them in this body.

Now, it is no fault of ours or of Senators on either side of this Chamber that the Army bill is in the situation that it is in to-day. I do not know how many conferences may be required upon this bill; I do not know what impediments may yet be thrown in its pathway; but I want to appeal to Senators on both sides of the Chamber to allow the conference reports upon the appropriation bills as they come in to be considered.

I shall be glad to yield to the Senator from Texas at any time, and I will yield to him now if he persists in his request and says he wants to go on with his remarks to-day upon a subject which can not be considered to-day; but I appeal to Senators to allow the appropriation bills to go through as rapidly as we can consider them and use and occupy the intervening space for the consideration of other subjects which are not so pressing. That is all there is about it. I want to discharge my duty as chairman of the Committee on Appropriations having in charge this business in the Senate, by showing to the Senate that we are now here six weeks in this fiscal year without an appropriation for the support of the Army for this year. If Senators think it is wise to further postpone the consideration of these appropriation bills for the purpose of general consideration and debate, I have discharged my duty.

Mr. REAGAN. I only desire to say a word. It will not delay the action of the Appropriations Committee more than three-quarters of an hour or an hour to allow me to make my remarks. If the Senator persists on proceeding, of course he has a right to do so; but as I have not before asked this courtesy of the Senate, and as it has not been denied to any other Senator——

Mr. ALLISON. If Senators on either side of the Chamber think it is wiser to go on with miscellaneous debate, I shall yield, only stating the situation of these measures.

Mr. HAWLEY. The only way for the chairman of the Committee on Appropriations to find what the Senate wishes is to ask the Senate to dispose of his motion by a vote.

Mr. ALLISON. I do not care for that now.

THE PRESIDENT'S ANNUAL MESSAGE.

The PRESIDENT *pro tempore.* The Senator from Texas [Mr. REAGAN] is entitled to the floor on the resolution of the Senator from Ohio [Mr. SHERMAN] to refer to the Committee on Finance the President's annual message.

Mr. REAGAN. Mr. President, I propose to discuss briefly some questions connected with our tariff legislation; and as the line of observation I propose does not involve a discussion of the details of any bill, I will occupy the attention of the Senate now without waiting for the report of the Senate's committee now preparing a tariff bill.

TAXATION AND REVENUE.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The power being thus given by the Constitution to raise revenue, among other ways by means of levying duties on imports, the courts will not attempt to control the discretion of Congress as to the rates of

duty to be imposed. The objects for which such duties may be levied are specified in the foregoing clause of the Constitution; that is, "to pay the debts and provide for the common defense and general welfare of the United States." Duties levied for any other purpose would be without warrant or authority in the Constitution.

Mr. Cooley, in his work upon Constitutional Limitations, says:

But we think it clear, in the words of the supreme court of Wisconsin, that "the Legislature can not * * * in the form of a tax, take the money of a citizen and give it to an individual, the public interest and welfare being in no way connected with the transaction. The objects for which money is raised by taxation must be public, and such as to subserve the common interest and well-being of the community required to contribute." Or, as stated by the supreme court of Pennsylvania, "the Legislature has no constitutional right to * * * levy a tax or authorize a municipal corporation to do it in order to raise funds for a mere private purpose. No such authority passed to the Assembly by the general grant of legislative power. This would not be legislation. Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected with the public interest or welfare, it ceases to be taxation and becomes plunder. Transferring from the owners of it into the possession of those who have no title to it, though it be done under the name and form of tax, is unconstitutional for all the reasons which forbid the Legislature to usurp any other power not granted to them."

Mr. Justice Miller, in delivering the opinion of the Supreme Court of the United States in the case of the Loan Association against Topeka, decided in 20 Wallace, uses the following language:

To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less robbery because it was done under the forms of law and is called taxation. This is not legislation; it is a decree under legislative forms.

All our constitutions of government, State and Federal, guard most jealously the rights of private property; and, except what is paid in legitimate taxation, in our country, it can only be taken without the consent of the owner for public uses, and not then without just compensation.

A tax levied on imports to obtain revenue to pay the debts of the Government and to provide for the common defense and general welfare is lawful, and may be necessary and proper.

A tax levied for the purpose of excluding imports, and to enable domestic manufacturers to increase the prices of their fabrics, and thus to enrich themselves off of the earnings of other people by extorting from them money to which they have no right, is, in the language of the Pennsylvania decision, "plunder," and in the language of Mr. Justice Miller "robbery," under the forms of law.

The inquiry arises, how shall we determine the boundary between a tariff for revenue and a tariff for protection? The answer is, that as long as the increase of the tax secures an increase of revenue it is a revenue tariff. But when we reach the point on any commodity where the increase of the tax reduces the revenue by excluding imports, we then have a tariff for protection.

While on this subject we have, according to the opinions of judges and law writers, the apparently incongruous views presented that Congress may, in the exercise of its discretion, violate the Constitution by the enactment of a protective tariff law, and that there is no remedy for this in the courts; still the members of Congress are required to take an oath to support the Constitution, and the people have a right to appeal to their consciences for the preservation of the organic law. On failure to secure justice in this way their remedy then is to change their Representatives and Senators.

The difficulty here is that where men's interests are involved it is the common experience that they are apt to pay too little regard to the requirements of the Constitution and to the rules of right. So that at last, on this question, the various interests of the country are practically driven to the necessity of protecting their rights and property against spoliation by their numbers and votes. This being so, let us consider the practical question of how the present tariff legislation affects the interests of different classes of people so as to be able to determine what should be the policy and action of each class so affected.

Protectionists and the managers of trusts seek for a scale of duties so high as to exclude imports, give them a monopoly of the markets, and enable them to fix their own prices on their fabrics. Some of them say—I must think insincerely—that protection does not increase prices. If it does not, what reason can they assign for desiring it; and why do they so earnestly contend for it? They must have some motive for this contention. What is it, if not to secure to them higher prices and greater profits?

Consumers seek open markets and reasonable prices for the things they are obliged to buy, and hence desire the lowest rate of duties which will furnish the necessary revenue for the support of the Government economically administered.

WHO IS BENEFITED BY THIS TAXATION.

The value of our imports for the year which ended June 30, 1888, was $723,873,630. Of this sum the taxed imports amounted to $479,805,362; the remainder, $244,068,268, being imported free of duty. The average rate of duty on the taxed imports was 47.10 per cent. and yields a gross revenue of $225,988,225. Now, let us see what it costs the consumers of the country, the farmers, laborers, artisans, professional men, and others, to obtain this $225,988,225 of gross revenue. The value of manufactured products in the United States for the year 1880, as shown by the census, was $5,369,579,191. It is fair to assume that when we tax imports $47.10 on the $100 worth of imported goods this enables the makers of domestic products of the same kinds to add 47.10 per cent. on the dollar to the price of their fabrics, and still to undersell importers by the amount of the cost of transportation from foreign countries to this. This may not be strictly accurate, but it is near enough correct to illustrate the view I am presenting. A tax of 47.10 per cent. on the amount of our domestic manufactures of 1880 (and they are considerably more now) would yield $2,527,071,798 of revenue. But let us deduct $2,000,000,000 from the $5,369,579,191 as the assumed proportion our free-list bears to the taxed imports and we still have $3,369,579,191 of domestic fabrics of the kinds of our taxed imports. A tax of $47.10 on the $100 of this sum would show that to obtain $225,988,225 of gross revenue for the support of the Government from imports we are taxed $1,587,071,798, which does not go into the Treasury, but is transferred by law from the consumers to the manufacturers of these goods.

But this sum should be reduced by the amount of a reasonable average tax—say 30 per cent. A tax of 30 per cent. on $3,396,579,191 would yield $1,010,873,757 of revenue. Deduct this sum from $1,587,071,798 and still the consumers of our domestic manufactures would be unnecessarily taxed the sum of $576,198,044 a year. This is the sum annually transferred, according to this calculation, from the consumers to the manufacturers of these fabrics. At this rate how many years will it take to transfer the property of this country into the hands of a few men and to make paupers and beggars of the toiling millions?

Is any one surprised that the great body of the people of this country and their property are being covered with debts and mortgages, while a few men and corporations are accumulating hundreds of millions of dollars? Is any one surprised that there is discontent, unrest among farmers, mechanics, and laboring men all over the land?

Examination will show that this picture is underdrawn rather than overdrawn, and that the aggregate of this legal robbery is even greater than I have estimated it.

As confirmation of the above, I quote from the Hon. Frank H. Hurd, one of the ablest political economists in this country, in Belford's Magazine for June, 1888, as follows:

I content myself to give what the ablest and most faithful statistician has given me, after I had referred the query to his most thoughtful and accurate investigation. His report to me was that the increased price to the farmer of America—

Growing out of our tariff—

exceeds $600,000,000 a year.

And this last sum of $576,198,041 is the difference against the consumers of these fabrics and in favor of the manufacturers of a tax for protection of $47.10 on the $100 worth of merchandise consumed, and a tax for revenue of $30 on the $100 of merchandise consumed; and assuming that the population of the United States is 55,000,000, this is equal to a tax of $10.47½ a year for every man, woman, and child in the United States.

Among those who defend a high protective tariff are many who have much to say on occasions about the crime of African slavery as it formerly existed in this country when about 5,000,000 were held in that condition. These same persons are now laboring to enslave and are enslaving 40,000,000 people, white and black. The difference between these two systems of slavery is, that under the former the master, from self-interest and from the principles of humanity and of religious duty, housed, fed, and clothed his slaves, furnishing them medical service in sickness and having them nursed in infancy and cared for in old age. Under the latter system the manufacturers, the masters of this larger number of white and black slaves, extort from them about all the profits of their toil and neither house, clothe, nor feed them, nor furnish them medical assistance, nor nurse them in infancy, nor care for them in their old age.

Of the 50,155,783 population of the United States in 1880 there were, as shown by the census, 17,392,000 engaged in gainful occupations. Of these there were engaged in—

Agriculture	7,670,493
In professional and personal service	4,074,238
In trade and transportation	1,810,256
Aggregating	13,554,987

And there were engaged in manufactures and mechanical and mining industries, 3,837,112. Of these probably about one-third were engaged in the business of protected manufactures, leaving about 16,113,075 people who are taxed $47.10 on the $100 worth of merchandise of the taxed kinds, which they buy for the benefit of 1,279,034 people engaged in the manufacture of articles of the kinds of our taxed imports. This statement is made on the idea that the laborers in the manufacturing establishments participate in the receipt of the plunder thus extorted from others, while in fact they only get enough of it as a rule for their barest subsistence. The balance goes to the 14,500 mill-owning capitalists, for whose benefit the whole American people, including their own laborers, are thus mercilessly plundered.

It is pitiable to see their workmen accepting as true the hypothetical falsehood that high protection means high wages, and voting to perpetuate such an outrage on themselves and their countrymen. If that

is true, why is it that after being blessed with a high protective tariff for twenty-seven years the employés of the manufacturing establishments of this country find that there is now less certainty of their getting employment, and that they are in greater poverty and want than ever before in the history of this country?

Our exports must pay for our imports or we must cease to trade with foreign nations. To take away from our people foreign markets for their wheat, corn, meats, cotton, dairy products, etc., would be to bankrupt the millions of our people who are engaged in agricultural pursuits and to ruin the country financially.

During the year which ended the 30th of June last we imported into this country $716,492,896 worth of merchandise from other countries. We paid for that merchandise by exporting $716,183,211 worth of the products of American labor. Of this amount of exports $523,073,798 were agricultural products, being 74½ per cent. of all our exports, this amount being the surplus which remained after supplying all that our home markets required. If we could not have found a market in foreign countries for this immense surplus of our agricultural products that large sum would have been lost to the farmers of the United States.

We could not have secured this market abroad without buying from the people of other countries a portion of their surplus products. If we refuse to buy in foreign countries we can not sell in foreign countries.

The dullest intellect can see that if the Republican policy of a prohibitory tariff shall be adopted the 8,000,000 agriculturists of this country must be hopelessly ruined, our unequaled agricultural possibilities destroyed, and our people by this process of robbery so impoverished that they would be rendered unable to purchase even the domestic manufactures of the capitalists by whose avarice they are being despoiled.

Agriculture has no protection, but is taxed for the benefit of other interests at home and must find markets for its unprotected surplus in foreign countries in free-trade competition with what is called the pauper labor of the Old World. And notwithstanding this, Republican farmers of this country, under the party lash, accept this cruel delusion and aid to perpetuate this stupendous fraud on their own rights and on those of their wives and children.

Let us see as to what is the necessary and actual result of the legislation which transfers such vast sums of money from the great body of the people to a limited class.

This, with the other class legislation for which the Republican party is responsible, such as their policy with reference to the finances of the country, the squandering of the public lands, the giving of the public money to corporations, and generally the use it made of the control of the Government to enrich those in power at the expense of the people generally, has in the last twenty-five years revolutionized American society, totally changed its condition from what it was before that party came into power, in this, that it has made it possible for a considerable number of men to accumulate fortunes of from one million to one hundred and fifty million dollars each in a few years, in the face of the fact known to all that no man under just and equal laws and by fair and legitimate enterprise can accumulate such sums in an ordinary lifetime. Such a result can only be brought about by legislation such as our protective-tariff laws, which operate to transfer the property and money of the country from the many to the few without reciprocal compensation, or by theft or robbery. We do not, as a rule, suppose those who have accumulated these vast fortunes to have been guilty of ordinary vulgar theft or of robbery by force and violence. They employ the more refined and elegant method of robbing by the help of unjust and unconscionable laws, and call this successful business enterprise.

While these vast fortunes are thus being made by the few we see that during the same time vast numbers of what was formerly the independent middle class of society becoming poor employés and dependents and losing the sturdy manhood which formerly characterized them, while those who were poor are being year by year converted into vast armies of beggars and tramps, suffering out a miserable existence and endangering the future peace, welfare, and safety of both society and government.

In this connection I read the following dispatch:

WILMINGTON, DEL., *August* 9.

The Every Evening (Dover, Del.) correspondent says: "Tramps are still coming down the Peninsula by the car-load, and what to do with them is now the question. Over one hundred of them are now in Dover jail, and that building can hold no more. Twenty-six were added to the number yesterday. Detective Hutchins received a telegram asking him to come to Wyox, where fully two hundred tramps were hanging around the station. He did not go, as he had no place to put them if they were arrested. A great many think that the fruit men made a big mistake in passing that 'tramp protective resolution,' as it has evidently encouraged this class to come here. It is estimated that fully ten thousand are on the Peninsula, and still they come."

This will be better understood by those old enough to contrast the condition of the people of this country as it was before the Republicans came into power and its condition at the present time.

From the year 1801, when the Democrats came into the control of the executive and legislative departments of the Government, until 1861, when they went out of power—for these sixty years no people on earth made such progress in the establishment and maintenance of popular liberty, in the increase of intelligence and virtue, and in all the elements which give content, security, and happiness to society as ours did during that time, with the single exception of the controversy about the institution of African slavery, an institution which they inherited from their colonial ancestors, who accepted it from Great Britain, France, Spain, and the Dutch merchants, and which had been perpetuated and protected by the Constitution and laws of the United States, and of a part of the States, and for which, therefore, if it was wrong, they were not responsible. With this single exception during that time it is not probable a like number of people were ever anywhere or at any time so independent, so self-reliant, so happy, and so contented.

Perhaps I am wrong in saying "with this single exception," as from 1828 to 1833 there was discontent and disturbance over this same tariff question.

During those sixty years we had equal and just laws, except the high-tariff legislation just mentioned, which protected all the people alike and gave unjust advantages to none. During that period we had no millionaires, and but few paupers, and no tramps or anarchists. During that period the wealth of this country was more equally distributed among the people and the fruits of that wealth were more universally enjoyed by them than by any other people in any age of the world. And during that period we had the freest, the most independent, and the happiest people on the earth.

And we had no Grange organizations, no Alliance organizations, no Knights of Labor, no Union Labor party; the doctrines of the socialists were only spoken of to be reprobated as Red Republicanism, and such a creature as an anarchist was not supposed to be a possibility in American society. And such strikes of workingmen as have occurred in the last ten or fifteen years, in which capital lies idle, workmen are impoverished, and property destroyed, were unknown.

Now, all things have their cause. I submit that these several organizations, and others of a political and quasi-political character, which have come into existence since the Republican party got control of the Government, had their foundation in its monopolistic and reactionary theory of government and the practices under it of promoting and combining the interests of capital against the interests of labor; and that each of these organizations, as well as the organization of the Greenback party, was a separate and several protest against the doctrines and practices of the Republican party, connected with the fear that the Democratic party would not be strong enough to give the necessary relief; and partly perhaps because Republicans who were wearied with the practices of their party and desired to correct them were not willing, on account of party prejudice, to unite with the Democrats to secure the needed reforms.

It has been charged that the Democrats have for a long time had control of the House of Representatives, and recently of the Executive Departments of the Government, and that they have failed to give relief against the oppressive and unjust policy of the Republican party.

Republicans charge the Democratic party with not being able to relieve the country against their own legislation and policies. It must be borne in mind that the Democratic party has at no time since these Republican policies were inaugurated had the control of both branches of Congress and of the Executive Departments of the Government at the same time; and that for this reason it has not been able to formulate and carry out a policy of its own. If the people will give it the power, and if it shall then fail to inaugurate a policy in the interest of the people, then let it be condemned. But it is both unfair and unjust to condemn it for a failure to do what it has not been intrusted with power to do.

Now, we have a few people with their millions of wealth, with their palatial residences, their villas for summer resort at watering places, their costly yachts for pleasure at sea, their splendid equipages for enjoyment on land, reminding one of the costly villas by the sea and of the princely and luxurious style of living of the wealthy masters of Rome just preceding the fall and desolation of that once imperial and all-conquering republic. And if our present protective-tariff legislation and other class legislation shall be continued as they are now we shall see the great masses of the people descending lower and lower in the scale of poverty and becoming less and less independent, until at last they must reach the level of the poverty and degradation of the people of Rome, when princes and peasants, masters and slaves, the rich and the poor, on the fall of the empire, went down in one common sea of ruin, brought about by a system of enriching the few and enslaving the many, only different in the plan of its accomplishment from that which is now being pursued in free, democratic America.

How long, oh, how long, will our people consent to be deceived and cheated by heartless knaves into the belief that they are benefited by being taxed $47 on every hundred dollars' worth of merchandise they buy of the class of taxed imports!

WHO PAYS THE TAXES?

The theory on which taxes are paid in this country is that we pay poll-taxes to the State governments in consideration for the personal security guarantied to us by the Government; and that we pay a property tax in return for the protection of our property by the Government. This is reasonable and just. We pay no poll-tax to the Federal Government, because under our system we must look to the States for our personal security. Nor do we pay a property tax to the Fed-

eral Government, for the same reason as to the States. But we are taxed by it to raise revenue to pay its debts and for the common defense and general welfare. This covers, in a sense, the protection of both the persons and property of the people. And the same rule as in the States should apply—that is, that the citizen should be taxed in proportion to the amount which the Government protects for him. The rich should pay more, and the poor should pay less. As we are considering the tax on imports, I shall not now discuss the internal-revenue tax.

Do the several citizens pay taxes on imports for the use of the Government, and the taxes which go to the manufacturers, and which are not for the use of the Government, in proportion to the property they own, and which the Government is bound in case of necessity to protect?

Let us see. The tax formerly levied on manufactured products yielded in 1866 $127,000,000 of revenue for the support of the Government. This was a tax on wealth, and the law authorizing its levy has been repealed. We had a graduated tax on incomes which yielded a large amount of revenue for the support of the Government. That was a tax on wealth, and it has been repealed. The receipts of railroad companies, insurance companies, and express companies were taxed. These were taxes on wealth, and they have been repealed. So bank capital, bank deposits, and bank checks were taxed. These were taxes on wealth, and they are repealed. The 140,000 miles of railroad in the United States, of the estimated value of nearly $8,000,000,000, pay no taxes to the Federal Government either on their vast property or on its income, for this would be a tax on wealth.

No tax is paid on the thousands of millions of dollars' worth of stocks and bonds held in this country, or on the income from them, for this would be a tax on wealth. The 283,852 manufacturing establishments in the United States in 1880, with their capital at that time of $2,790,272,606 (the number and capital being much greater now), pay no taxes to the Federal Government on either their property or their income; such a tax would be a tax on wealth. Who then pay the tariff taxes? Those who wear clothes made of cotton or woolen goods, those who eat sugar or rice or other food products, those who buy and use tools for the farm or the workshop. The man with a wife and three children who owns or rents a small farm, or the mechanic who owns or rents his shop and works hard the year round to support his family and educate his children, pays more taxes into the Federal Treasury, and pays more for the benefit of domestic manufacturers, which does not go into the Treasury, than W. H. Vanderbilt or Jay Gould, who own their hundreds of millions of dollars. I say more, because in addition to the clothes and food they buy, which is common to both classes, the farmer or the mechanic has to pay the taxes on his tools, while the millionaire needs no tools to enable him to collect the income on his stocks, bonds, and railroads. Even the day laborer, if decently clad, pays about as much of this tax as his wealthy employer; for each pays the tax on the clothes he wears and the food he eats.

The enormous tax of $1,587,071,798, which I have shown is collected annually for the benefit of the Government and of the manufacturers, is paid mainly by the farmers, mechanics, artisans, professional men, and laborers of the country. It is an enormous tax on industry and labor from the burdens of which the wealth of the country is in the main exempt. It is a tax on poverty and toil for the benefit of wealth and luxury. It is an unjust burden on the many for the benefit of the favored few.

This is in harmony with the policy of the Republican party from the time it came into power of running the Government for the benefit of corporations and the moneyed classes, and of sacrificing the interests and disregarding the rights of the general mass of the people.

DO HIGH TAXES ON IMPORTS SECURE HIGH WAGES TO LABOR?

The Republicans affirm this proposition; the Democrats deny it.

Of all the fallacies relied upon by protectionists this is one of the boldest, most insincere, and most mischievous. The statement of a supposed case will illustrate this. John Jones has $1,000,000 invested in an establishment for the manufacture of cotton or woolen goods or iron or steel. At a given rate of duty, after paying for raw material, and paying his operatives $1 a day, he receives a net income of 10 per cent. on his investment, equal to $100,000 a year. The rate or duty is then increased on the manufactured product, so that under the same circumstances he receives a net income of 30 per cent., equal to $300,000 a year. Is there a laboring man outside of a lunatic asylum, whether in a manufacturing establishment or on a farm, ignorant enough to suppose that the manufacturer will increase the pay of his operatives to $3 per day because his profits are increased threefold by the increase of the tariff duties? Or is there a protectionist who has so little respect for truth and honor as to assume that this increase of profits would cause a corresponding increase of wages?

The truth is that the profit of the employer has very little influence, as a rule, over the rates of wages. It is true that where profits are large the employer would be enabled, if he chose to do so, to pay higher wages than he could on small profit. But will he do this? Does he do it? The rates of wages depend on very different questions. If labor is more abundant than the demand for it the competition for employment causes wages to be low. If labor is scarce and the demand for it greater than the supply, then wages are high. If the market is overstocked with any particular kind of manufactured fabrics, and sales are slow or suspended, the wages of the class of operatives who produce that fabric are lowered or suspended. If there is a condition of general prosperity the tendency is for wages to be good. If there is general dullness in the markets and in business, wages go down. If money is scarce wages are lower. If money is abundant wages are higher. Labor, like every other commodity which is for sale, is governed very largely by the law of supply and demand. The foregoing are the principal causes of the increase or decrease of the prices of labor.

If high duties give high wages, why is it under a tariff which is nearly prohibitory, and which nearly doubles the cost of living to families who live by their labor, that there is now and has been for years past so much poverty, destitution, and suffering among the operatives engaged in all the protected industries? Why all the lockouts and strikes we hear of all over the country, while at the same time the owners of the establishments in which these people work are piling up their millions of profits? If they were dividing these profits with their employés they and the employés might say that high tariffs give high wages. Until they do this common sense and decency should not be further offended by the cry that high tariffs make high wages.

But, it is said, if we reduce the tariff we will reduce the wages of our manufacturing operatives to the rates of wages of the pauper labor of Europe. This is untrue in every sense. In the first place a reduction of the tariff would reduce the cost of living without materially affecting the rates of wages. This is manifest from what I have just said.

In the next place, though operatives in this country, as a rule, receive higher wages than those in like employments in other countries, they produce fabrics at less cost to their employers. This is a result of their being better housed and fed and clothed, and hence more vigorous and skillful; because the American has higher incentives, higher motives to stimulate his pride and ambition to excel in whatever he undertakes; and because they are supplied with better tools and machinery, coupled with our possession of unlimited amounts of raw material. On this subject I present some high authority, going to show that our American labor is cheaper, considered in its relation to the value of its products, than the labor of Europe. Mr. Thomas G. Shearman, a high authority on this subject, in an article in the June number of Bedford's Magazine, says:

> On the contrary, the convention ought distinctly to recognize the unquestionable fact that American workmen receive higher wages than others solely because Americans produce more than others; that high wages mean cheap labor, and that while American wages are the highest, American labor is for that very reason the cheapest in the world.

Protectionists may think it a sufficient answer to this to say that Mr. Shearman is a free-trader. If so, I present some other authority on this question.

Hon. WILLIAM M. EVARTS, then Secretary of State of the United States, and now an honorable Senator in this body, in his official letter to the Speaker of the House of Representatives, on the 17th of May, 1879, "transmitting the reports from United States consuls in relation to the state of labor in Europe," after calling attention to these reports, summarizes the points raised by them, and introduces his summary as follows:

> There are a number of most important points, deducible from these reports, which should be kept prominently and permanently in sight in order that relative conditions of labor in Europe and the United States may be thoroughly appreciated. Some of these points are as follows.

After submitting eight points in this summary he proceeds as follows:

> 9. That the average American workman performs from one and a half to twice as much work, in a given time, as the average European workman. This is so important a point in connection with our ability to compete with the cheap labor manufactures of Europe, and it seems on first thought so strange that I will trouble you with somewhat lengthy quotations from these reports in support thereof.

After reciting extracts from the reports of consuls to sustain the foregoing statement, the honorable Secretary says:

> One workman in the United States, as will be seen by the foregoing extracts, does as much work as two in most of the countries of Europe.

In a letter from Hon. James G. Blaine, then Secretary of State of the United States, to the Speaker of the House of Representatives, on the 25th of June, 1881, transmitting "reports from consuls of the United States on the trade in cotton yarns and twist, and cotton manufactures in their several districts," page 99, under the heading, "Wages of English and American operatives," after presenting reports and tables showing the hours of labor and the rates of wages, says:

> Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer hours of labor. If this should prove to be a fact in practice, as it seems to be proven from official statistics, it would be a very important element in the establishment of our ability to compete with England for our share of the cotton goods trade of the world.

And he adds:

> In the two prime factors which may be said to form the basis of the cotton-manufacturing industry, namely, raw material and labor, we hold the advantage over England in the first and stand upon an equality with her in the second.

These two references are two formal, official, and important state

papers, by two of the ablest and most conspicuous protectionists in the country, and can not be answered by applying to their authors the stereotyped epithet "free-trader." And if their authority is to be relied on, a given amount paid in wages to American workingmen will produce a larger product and greater profit to the manufacturer (the capitalist) than an equal amount paid in wages will produce in Europe.

This shows the unfairness and hypocrisy of the pretense that a high tariff is necessary to protect the operatives in our manufacturing establishments against what is called the pauper labor of Europe.

PRICES AND WAGES.

It would extend my remarks beyond a reasonable limit to go fully into the effect of tariff legislation on the prices of commodities and the wages of labor in this country.

Mr. M. M. Grosvenor gave the country a volume on the question "Does protection protect?" some years back, in which he gives an analysis of the prices of agricultural products, of iron, of wool, and of woolen and cotton goods, and generally of manufactured fabrics, and of the wages of labor, and statistics on many other questions of political economy in this country, in which he shows the prices of the different articles and the rates of wages under each of the tariff laws of the United States from the first one passed down to 1871. He shows by reference to dates and prices that the effect of high tariffs is to reduce the prices of commodities, especially of raw materials, and to reduce the rates of wages; while the effect of low tariffs is to increase the prices of commodities and especially of raw materials and of wages. His book contains an exhaustive investigation of these questions, and demonstrates beyond doubt the propositions above stated.

OTHER EVILS OF A HIGH TARIFF.

Besides plundering the people for the enrichment of manufacturers and trusts, we are accumulating the money of the country in the Treasury of the United States at the rate of about $60,000,000 a year beyond the legitimate need of the Government; and on the 31st of July, 1888, there is in the Treasury a surplus of $132,517,535.47 taken from the channels of trade and locked up where it is useless to the business and labor of the country, as a result of excessive protection of capital against labor. And this is in addition to the $100,000,000 in gold locked up in the Treasury under the pretense that it is held for the redemption of legal-tender notes in the interest of bondholders and bankers, in the face of the act of May 31, 1878, which provides:

That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the legal-tender notes. And when any of said notes may be redeemed or received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued and paid out again and kept in circulation.

It is thus seen that at a time when, as to all the rural agricultural parts of the country at least, there is a scarcity of money which is causing much distress, $232,517,535.47 are withdrawn from circulation to accommodate the interests of protectionists and bankers and bondholders, and as a temptation to profligate and corrupt legislation. And this vast sum of idle money is being increased by exorbitant taxation at the rate of about $60,000,000 a year.

The President of the United States and the Democratic members of Congress propose to reduce this surplus in the Treasury and to allow this vast sum of money to be returned to the channels of trade to stimulate enterprise and industry, and to reward labor by a reduction of the tax on imports to what is actually necessary to meet the expenses of the Government economically administered.

The Republican national convention which recently met at Chicago accepts the issue thus tendered by the Democracy, and in their platform say:

We accept the issue, and confidently appeal to the people for their judgment. The protective system must be maintained. * * *

The Republican party would effect all needed reduction of the national revenue by repealing the tax upon tobacco, * * * and the tax upon spirits used in the arts and for mechanical purposes. * * *

If there shall remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal-revenue taxes rather than surrender any part of the protective system.

The fair and undoubted meaning of which is that this Republican convention favors a tax as nearly prohibitory as they can obtain on such luxuries as clothes, hats, blankets, food, and tools to work with, and in lieu of this to supply the country with such necessaries of life as whisky and tobacco freed from all taxation; and the Republican members of Congress indorse and approve this monstrous policy.

Can there be a doubt as to which side of this question the majority of the intelligent and patriotic voters of this country will adopt?

There is much reason to congratulate the country on the professed reforms of political principles which the Democracy has compelled the Republican party to adopt as a last means of saving that party from further defeat.

The Republican national convention which recently met in Chicago, among other declarations of principle, made the following several declarations:

We declare our opposition to all combinations of capital organized in trusts or otherwise to control arbitrarily the condition of trade among our citizens.

They did not know what Mr. Blaine would say on that.

We reaffirm the policy of appropriating the public lands of the United States to be homesteads for American citizens and settlers.

The restoration of unearned railroad land grants to the public domain for the use of actual settlers.

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

That beats audacity itself, and I do not know what name to call it.

The votes and speeches of Republican Senators and Representatives in Congress, from the time that party came into power until the present, and the action of the Executive Departments at all times when under the control of that party, will show to any one who will take the trouble to investigate them that the foregoing declarations of principle are in direct conflict with the recorded action of that party for many years past, and that they may now be regarded as a sort of death-bed confession of past political sins.

In view of the conflict between the recorded action of the Republican party and the foregoing declarations, we may congratulate the country on the success of the Democratic party in educating Republicans up to the point of making such declarations of principle. If they are only hypocritically made in the effort to be successful in the approaching election, still such action is a tribute to the virtue and soundness of Democratic principles.

The Hon. James G. Blaine, who has just returned from luxuriating in the splendid castle of Mr. Carnegie in Scotland, the prize extorted from American labor by a protective tariff, has taken upon himself the task of showing how little President Cleveland knows about tariffs, and trusts, and statesmanship generally. He sent from Europe his arraignment of the views of the President on the tariff question.

In his last annual message the President said:

In speaking of the increased cost to the consumer of our home manufactures, resulting from a duty laid upon imported articles of the same description, the fact is not overlooked that competition among our domestic producers sometimes has the effect of keeping the price of their products below the highest limit allowed by such duty. But it is notorious that this competition is too often strangled by combinations quite prevalent at this time, and frequently called trusts, which have for their object the regulation of the supply and price of commodities made and sold by members of the combination. The people can hardly hope for any consideration in the operation of these selfish schemes.

And now, Mr. Blaine, who is the guiding spirit of the Republican party in the pending campaign, true to his past record, and a true representative of his party and of its past history, has taken on himself, in his speech in Portland, Me., of yesterday, to ridicule Mr. Clevelands reference to the evils and dangers of trusts. And in his role of defender of protection, of corporations, of aggregations of capital of all kinds, he poses as the apologist and defender of trusts. This, with the money and corporation interests of the country, will add a new feather to the plume of their gallant knight, and endear him anew to the hearts of the money lords. I quote as follows from his speech of yesterday:

When President Cleveland delivered his message he had something to say to the American people about the danger of "trusts." I think there has since been no Democratic papers in the country, whether they understood the meaning of the word or not, that have not been constantly warning the people as to the horrible danger of "trusts." [Laughter.]

Laughter by his audience.

Well, I shall not discuss trusts this afternoon. I shall not venture to say that they were altogether advantageous or disadvantageous. They are largely private affairs, with which neither President Cleveland nor any private citizen has any particular right to interfere.

And then he goes on to argue that trusts are not the outgrowth of protection, and have no connection with high tariffs. Flattered by the receptions tendered him on his return from Europe he has no doubt concluded that his influence is great enough to enable him to still further contemn American rights and defy American interest by assuming the defense of trusts, the most odious combinations against both. The American people are to be congratulated that the claws of monopolistic oppression are thus allowed to protrude from beneath the soft furs by which they are usually concealed. Mr. Blaine's jubilation has once more overcome his discretion.

President Cleveland——

Mr. BLAIR. Is the Senator designing to leave his allusion to Mr. Blaine's speech right there?

Mr. REAGAN. Yes, sir.

Mr. BLAIR. He must have read a very meager and garbled extract of the speech, because the Senator could hardly consider what he has given as a fair quotation of the report of that speech.

Mr. REAGAN. I give it as it appeared in the dispatches from Portland on yesterday, and I have no doubt Senators will undertake to apologize for it, and I think Mr. Blaine will apologize before two or three months longer.

Mr. BLAIR. There is no occasion to apologize for anything Mr. Blaine said on trusts. Without undertaking to defend them at all, he simply undertook to say that they were not the necessary outgrowth of protective tariffs, that they are found to a greater extent in free-trade England than they are in the United States. He undertook no apology and no defense of trusts as such.

Mr. REAGAN. I am not assuming that trusts may not be found in articles not taxed. I am simply now giving the position of Mr. Blaine on the President's proposition warning the people against the dangers of trusts, and in which he ridicules the idea of their danger and sub-

stantially defends their existence. That is all I have to say on the subject now.

Mr. BLAIR. The longer extracts from the speech of Mr. Blaine which I have seen are very much to the contrary of the Senator's statement of Mr. Blaine's position.

Mr. REAGAN. The Senator will not say to the contrary. There may be other things stated, and I understand from the extracts that he did go on to say that trusts were not entirely connected with protection.

I stated that, and that is all the Senator can say. He can not controvert what I have stated without controverting the text which comes over the wires.

Mr. BLAIR. What I controvert of the extracts of the speech which I have read is this, the statement of the Senator that Mr. Blaine there figures as an apologist or defender of trusts; quite the contrary. He did not so figure in the extracts from his speech which I saw.

Mr. REAGAN. I do not know what the Senator saw. I quoted what the President said and I quoted what Mr. Blaine said, and I leave them for every one to judge for himself.

President Cleveland has been very bitterly denounced by the beneficiaries of a high protective tariff on account of the recommendation in his last annual message of a revision of the tariff in such a way as to prevent the withdrawal of millions of dollars from the channels of trade and the accumulation of a dangerous surplus in the Treasury. While I have not agreed with some important features of the financial policy of his Administration he has shown himself to be a patriot and statesman, and a man of the grandest moral courage by his fearless adherence to the Constitution and to the principles of justice, at a time when political partisans pay but little regard to the Constitution and recklessly squander the public money as a means of securing political advantages, when he might have escaped their censure by countenancing their vices. He has set a noble example to the American people of unselfish and patriotic devotion to duty, and of manly courage and independence at a time when its costs much to exercise these great qualities. For this he deserves the lasting gratitude of the American people, and can not fail to be honored by posterity.

Mr. ALLISON. Mr. President——

Mr. BLAIR. Mr. President, I wish to just put in the RECORD in connection with this matter something from the speech of Mr. Blaine itself, if the Senator from Iowa will yield to me.

Mr. ALLISON. I want to get the record right before I begin, and I will yield to the Senator.

Mr. BLAIR. I will send to the desk and ask the Secretary to read from the New York Tribune of this morning, from the words "Mr. Chairman," the remarks of Mr. Blaine at Portland.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Secretary will read as requested.

The Secretary read as follows:

Mr. CHAIRMAN, LADIES AND GENTLEMEN: I should not have left my home the very day after my arrival, but for my desire to feel myself once more in touch with those with whom I have in previous years fought in many a good Republican contest [cheers], once more to compare notes with those upon whose wisdom the party has always relied—namely, the Republican masses—as to what should be done at this crisis in the political affairs of this country and in the history of the party which is its great defender.

When President Cleveland delivered his message he had something to say to the American people about the danger of "trusts." I think there has since been no Democratic papers in the country, whether they understood the meaning of the word or not, that have not been constantly warning the people as to the horrible danger of "trusts." [Laughter.] Well, I shall not discuss trusts this afternoon. I shall not venture to say that they were altogether advantageous or disadvantageous. They are largely private affairs, with which neither President Cleveland nor any private citizen has any particular right to interfere. Aside from that, the point which I wish to impress upon you is that "trusts" are not the outgrowth nor in any way the incident of the protective policy as the President charges; that a protective policy no more breeds what the President considers the pestilence of trusts than does the veriest free-trade country in the world, which is England, for England is literally plastered all over under her system of free trade with trusts. The very day before I sailed for home, just a fortnight ago, I cut from a London journal the announcement that all the manufacturers of coffins and all the undertakers of the United Kingdom have gone into a trust [laughter]; that it was to consist of two millions of capital, which in the language of the English financial market was to have a large number of "preferential bonds," and that the yearly death rate might be expected to yield a semi-annual dividend of 12 per cent. [Laughter.] Now, I think, my friends, that we might safely bury all the President's predictions of evils from trusts in this country in the graves in which these coffins are about to go, preferential bonds and all, and we might do this safely by showing that so far from the protective policy generating trusts, an utter free-trade policy generates them in far greater number [cheers], and thus I leave the question.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.;

A bill (H. R. 4659) for the relief of George M. Ochiltree; and

A bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the conference report on the Army appropriation bill.

The motion was agreed to.

The PRESIDING OFFICER. The conference report is before the Senate.

Mr. ALLISON. This report, I believe, was read yesterday.

The PRESIDING OFFICER. The report was not read yesterday.

Mr. ALLISON. It is in the RECORD of this morning. So, unless some Senator desires to inquire as to the changes in the bill made by the conference committee, I shall simply ask the Senate to take a vote upon the report.

Mr. GORMAN. Mr. President, as one of the conferees on the part of the Senate on this bill I desire to say a word or two. I have with my colleagues signed the report, which, I take it, has already been read to the Senate, as I understand from the statement of the Senator from Iowa.

The PRESIDING OFFICER. The Secretary informs the Chair that the report was printed in the RECORD but was not read. It was ordered to be printed in the RECORD by unanimous consent yesterday evening, without being actually read.

Mr. GORMAN. So that it is printed I am satisfied.

I desire to say to the Senate that while signing that report, I do not concur in the conclusions that have been reached. I notice that in the CONGRESSIONAL RECORD of August 4, on page 7926, when this conference committee was appointed by the Chair, the following proceedings took place:

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

"IN THE HOUSE OF REPRESENTATIVES, *August* 3, 1888.

"*Resolved*, That the House non-concur in the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon."

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives. Has the House appointed conferees, may I ask?

The PRESIDENT *pro tempore*. They have not; at least no conferees are announced in the message on the part of the House of Representatives.

Mr. RIDDLEBERGER. When a motion has been made to adjourn until to-morrow at 11 o'clock and another motion has been made simply to adjourn, and the Chair has ascertained that no quorum voted on either of those propositions, and then there was a call of the Senate which disclosed that there was a quorum present, may I ask whether there is any motion in order or any other business in order except to take the vote on the motion to adjourn?

The PRESIDENT *pro tempore*. The rules provide that messages from the House of Representatives may be received at any stage of business, except when the Journal is being read or when the Senate is dividing.

Mr. RIDDLEBERGER. Is it in order when there is a motion to adjourn pending?

The PRESIDENT *pro tempore*. Yes.

Mr. ALLISON. I move that——

Mr. PLATT. Are we not in open executive session now; and, if so, can we transact legislative business?

The PRESIDENT *pro tempore*. By unanimous consent.

Mr. ALLISON. I move that the Senate agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and the President *pro tempore* announced the appointment of Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN.

Mr. HAWLEY. I rise with some delicacy to make a suggestion. The matters in conference between the two Houses relate to the amendments providing for heavy ordnance, coast defenses, etc.——

The PRESIDENT *pro tempore*. There being no objection, the Senator from Connecticut will be allowed to proceed.

Mr. HAWLEY. The rule, I understand, is positive—the usage of the Senate certainly, and I believe, the rule—that two of the conferees shall be Senators friendly to the action of the Senate.

As I have said, it is a matter of delicacy with me to make the suggestion; but the usual committee on conference appointed in such cases consists of the subcommittee of the Committee on Appropriations that has the subject-matter in charge. The Senators from Kansas [Mr. PLUMB] and Maryland [Mr. GORMAN], two members of the subcommittee, are on record, by their speeches, as being very strongly opposed to the amendment in question. I call the matter to the attention of the chairman of the Committee on Appropriations.

Mr. HOAR. Are there any other matters technically or formally involved?

Mr. HAWLEY. There are some other matters technically involved.

Mr. HOAR. I should like to be permitted to make one observation with reference to what the Senator from Connecticut has said.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Massachusetts will proceed.

Mr. HOAR. I was myself at one time, in regard to an amendment on one of the appropriation bills, in very much the same condition as the Senator from Connecticut now is. There was an amendment to an appropriation bill that I advocated with great earnestness and which the Senator from Kansas [Mr. PLUMB] resisted with all his zeal and ability—and everybody knows that Senator's zeal and ability are very great, for he is thoroughly in earnest—and the Senate agreed by a very small majority to the amendment which I had moved.

The Senator from Kansas was put upon the conference committee. I then made to the Chair the same suggestion which the Senator from Connecticut has now made to the Senate. The President of the Senate at the time was the then Senator from Illinois, Mr. Davis, and the conclusion was come to that, as there were several other matters in issue, he could not pick out one rather than another, and say that that alone must be considered in making up the conference committee on the part of the Senate, and he pursued the usual rule to appoint members of the Committee on Appropriations. The result was that the Senator from Kansas held on to my amendment, going before the House conferees with the same tenacity with which he had fought it in the Senate. If I had been on the conference committee myself I should have lost it. As it was, it was saved.

Mr. ALLISON. May I say a word?

The PRESIDENT *pro tempore*. The Chair will state that, in theory, the managers of a conference on the part of the Senate are appointed by the Chair. In fact, they are designated by the friends of the measure; and, upon appropriation bills, have been uniformly the subcommittees of the Committee on Appropriations having in charge the particular bill. The Chair is ready to be instructed, or to take the sense of the Senate on the question.

Mr. ALLISON. May I say one word in reply to the Senator from Connecticut?

The PRESIDENT *pro tempore*. If there be no objection the Senator from Iowa may proceed.

Mr. ALLISON. The Chair has stated the usual custom respecting appropriation bills. I think I can say, in connection with what has been said by the Senator from Massachusetts, that it has been the uniform custom of the Appropriations Committee, without reference to their action in the Chamber, to stand by the views of the Senate relating to all items in appropriation bills. The theory, as I understand it, of these conference committees is that the members of the committee on the part of the Senate shall represent the Senate, and not the views of the persons comprising the committee.

Mr. HAWLEY. I withdraw my suggestion, Mr. President. I made no motion—only a suggestion, and I withdraw even that.

The PRESIDENT *pro tempore*. The managers of the conference will stand as previously announced.

Now, Mr. President, but for that rule as stated by the Senator from Massachusetts [Mr. HOAR] and the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, I could not have served upon this conference. But having served upon it, I did to the utmost of my ability co-operate with my colleagues in carrying out the will of the Senate and signed the report; but here upon the floor as a Senator and no longer as a conferee, I desire to say that the action of the Senate originally and the result of the conference does not meet with my approval, nor can it receive my vote as a Senator.

I think the committee of conference have greatly improved the bill as it passed the Senate and as it went to the committee of conference, but one feature which I have objected to always, and do still object to, is the fact that the entire appropriation for the construction of ordnance is placed in the hands of Army officers and the work is to be constructed at a Government foundry, which is yet to be erected, without the slightest opportunity on the part of inventors or contractors or owners of large establishments to build, assemble, and complete the parts and come in competition with the ordnance officers with finished guns. To my mind it is entering upon a system which prohibits competition. We can have but one result, and which the experience of every other civilized country testifies to, and that is extravagance. I will not say corruption, and yet such has been the result where competition is excluded.

I know, Mr. President, that it is not proper to refer to actions or statements of committees, but I have a right to say that I think the proposition, objectionable as it is, has been greatly improved by the action of the conference committee. As the bill stood, this immense appropriation of about $7,000,000 or more would have been expended, the shops would have been erected, and the tools would have been purchased or manufactured under the direction and control of the ordnance officers who are now in charge of that branch of the public service and who have expended in the past twenty years in time of peace and frittered away thirty or forty million dollars with no adequate results.

If this proposed expenditure had been continued in their hands as the bill passed the Senate, it would have been, to my mind, simply so much money thrown away; but the committee of conference have amended the proposition, making reductions aggregating $2,154,500, and have added on my suggestion a provision that all of this expenditure under the amendment known as the Hawley amendment shall be made by a board of officers consisting of the commanding officer of the Army, General Schofield, an ordnance officer, to be designated by the Secretary of War, and an artillery officer, also to be designated by the Secretary of War.

That I consider a very great improvement. It gives the general in command of the Army a control over this matter, and the determining of the character of the guns and the improvements, that he ought to have, of course all under the general direction of the Secretary of War. It enables the Secretary of War to select the most skilled men in the Ordnance Corps. There are some very bright and efficient men in that corps, I suppose equal to officers of any army in the world, but they are not found at present in positions of control of the expenditures of public money. The other is to permit an artillery officer, who is to use these weapons, to participate in determining, not only as to the character of the weapon, but also as to the buildings to be erected.

The reductions made by the conference committee were:

Medical and hospital supplies	$5,000.00
Repairs on old Fort Barrancas, Florida	1,000.00
Manufacture, etc., cannon and carriages	100,000.00
Watervliet arsenal	50,000.00
Purchase of rough-finished steel, etc	1,500,000.00
Submarine mines, etc	500,000.00

So that the bill to my mind is infinitely better, more in the line of economy, and will insure better results because of the supervision of the expenditure by three of the distinguished officers that will be selected.

Notwithstanding that, sir, I again repeat that I think it is a great misfortune that, in connection with this expenditure, going with it and the appropriation to be made at the same time, we could not have opened the door to all the ingenious men of enterprise who are engaged in making steel and iron and put them in active competition with our Army officers.

There has been much said by gentlemen connected with the Ordnance Bureau, who have been so active in promoting this legislation so as to keep the entire expenditure in their hands, to exclude and make it impossible for any man in civil life to compete with them; and they have succeeded; Mr. President, they have succeeded because they have had the opportunity to come before the committees and to interview members of Congress and impress their views. Their inefficiency, their shortcomings, the extravagance in expenditures have all been covered up in their reports, so that Congress and the ordinary mind have not been able to ascertain nor to appreciate how bad—I will not say corrupt—but how bad and how exclusive this system has been.

I think that I shall before this matter closes offer a resolution for a special committee which, if granted, I believe from the information that has come to me and from their own published statements, will be able to show a chapter of incompetency and extravagance and exclusion of private enterprise that will be only rivaled by the recent investigations by the English Government into their great establishments. However, that comes later on.

Mr. President, the Senator from Kentucky [Mr. BECK] asks me what is meant by the provision of this bill as it stands, that all the steel, rough turned and rough bored, is to be contracted for? That is done in the ordinary way of advertising and giving to any firm in the United States that has the facilities to make it the opportunity to make a bid for furnishing the steel.

Mr. HAWLEY. I beg the Senator to direct his remarks to the Chair and speak a little louder. We can not hear him on this side.

Mr. GORMAN. But the completion of the gun, the finishing of it, making it ready for use under the provisions of this bill, is all to be done in the Government shop. The other proposition, the one I advocate, was while making this appropriation to offer to the public an opportunity to furnish to the Government completed guns ready for firing, so that you might have private enterprise that would furnish the Government complete from one to five hundred guns, or whatever number Congress make an appropriation for, so that you would have competition between your own officers, in the finishing and assembling, and outside parties.

Experience elsewhere has demonstrated that that work can be done 25 per cent. cheaper in private establishments. Now, the bill as it stands prohibits, and I think for a long time, the possibility of having that competition, and all this work will be confined to Army officers in the expensive way in which I have stated.

But not only that, it confines the Army officers to a certain class of guns. It requires the purchase of $3,500,000 of steel for the purpose of making built-up steel guns. There is no discretion in the board to take any other method; there is no discretion to take any other metal, but to go on with the plan which has been adopted by the English and French Governments, but which is believed by many experts to be obsolete, and that a new theory will come in.

What I desired was a large appropriation running over a number of years, to be controlled by an intelligent board going on with the built-up steel gun, which is the gun of to-day, giving an opportunity for cast-steel guns and guns of any other metal that may be found within the next three or four or five years to be better than built-up steel guns.

We have an illustration of it in our own Government. The Secretary of the Navy has established a shop at the Washington navy-yard where they are building some of these 6 and 8 and 10 inch built-up guns as good, I suppose, as are found in any place in the world, at an expense which is very great and which we all recognize must go on, for we must educate our mechanics as well as our officers; but the Secretary of the Navy has the power under the act of a year ago to go outside and to contract with individual firms for the construction and making complete guns. Under that general authority he has contracted with the South Boston Works and I think with an establishment near West Point, to build four or five or six or eight guns for the Chicago and other vessels which are soon to be had.

There you have the competition. Private enterprise furnishes the steel and these private firms complete the guns in competition with the naval officers in Washington. The result, I am told by those who have charge of it, is marked. From the moment the contract was made there has been spirit and energy shown and the desire manifested by our officers to make their work complete and equal to or better if possible than the South Boston Works.

But they have done more than that in the Navy. They have recognized the fact that the built-up steel gun is not the best in all probability to be had, and a contract was made with a Pittsburgh firm for a cast-steel—a cast of cast-steel, a solid piece, so that it may be bored out. The first cast of that gun, I am informed, was defective, and while they are going on with its completion they have not completed it. The enterprising men of the Pittsburgh works, not satisfied with the one experiment, have made another cast for a smaller gun which the experts say will be sufficient. If it is successful, it will probably supplant the built-up steel gun probably at a cost one-third less to the Government.

Mr. President, under the provision of this bill we are bound by an iron-clad rule to the one line of built-up steel guns. No matter what improvements may be made, we will go on with the gun of to-day, and while I again say the committee of conference have greatly improved the bill by having the intelligence and the knowledge of three distinguished men, instead of keeping it in the same old rut, still that board is bound down to the construction of guns whose best day has passed in the opinion of many of the best men of the country.

Mr. BECK. Why is not the Chief of Engineers put upon the board?

Mr. GORMAN. The Chief of Engineers is not on the board, I will

say to the Senator frankly, because of the duties imposed upon him in the great appropriation of $22,000,000 for rivers and harbors and the other duties assigned to him, the building this great work here, this great building for the Library, so that it is almost a physical impossibility for him to take charge of any part of this work. Besides that, it was thought that an artillery officer, the man who fires the gun and who is to use it if it ever goes into action, would be a better man for the manufacture of the gun. So I think the board as constituted or agreed to by the committee of conference is probably the best board that could be constructed within the Army.

But that is not all. If provision had been made in this bill for a larger appropriation, covering a great many years, so that the outside people whom I have described might have an opportunity to compete with Army officers, I think the measure would be practically perfect.

As to the built-up guns made of steel, the Senator from Kentucky asks in his seat how many guns we shall make under the provisions of this bill. Three millions and a half of dollars is appropriated for steel and seven hundred and fifty thousand for foundries and works. I should say, judging from the experience we have had, that we possibly may get twenty-five or thirty guns in the next three years; but you will have contracted for the steel; and I desire to say to the Senator from Kentucky that in entering upon this scheme the appropriation for steel in large quantities becomes a necessity, for the reason that you have now only two plants in the United States capable of making steel, and I think neither of them has the capacity to make a 12-inch gun. If the contract for the amount of steel is not sufficiently large, nobody else will put up a plant, and the Government will be at the mercy of one or two men.

Mr. HAWLEY. May I ask a question for information?

Mr. GORMAN. Certainly.

Mr. HAWLEY. I do not know that there is any concern in the country that can make a 12-inch gun.

Mr. GORMAN. I have so stated.

Mr. HAWLEY. There have been one or two 8-inch guns made in the United States, and others, except as finished off at navy-yards, have been purchased at foreign shops.

Mr. GORMAN. I think more than one of 8 inches; but they are making one of 10 inches now, as I understand. But still they have not the facilities, as the Senator from Connecticut says, to make the 12-inch guns now. I mean, of course, that nobody in the United States has the plant for doing it.

Now, Mr. President, confined as we are, or will be, if this bill becomes a law as it comes from the committee of conference, to the built-up steel guns, to absolutely exclude the experiments in cast-steel, to absolutely exclude the purchase of any cast guns either as mortars, steel bound or otherwise, or the trial of cast guns with improved metal which is being made now—that, I think, is a great misfortune. It is unbusinesslike. No man and no firm in the United States would conduct his or their business affairs in the mode prescribed by this iron rule of this bill without bankruptcy, and the Government of the United by doing so and proceeding upon this line in other matters is practically wiping out the surplus.

Mr. President, the Senator from Kentucky asks me how many finished guns have been made for the Navy by private parties—guns that were complete. My recollection is—I may not be accurate about it—that the South Boston Works have practically completed four 4-inch guns for one of the cruisers.

Mr. HAWLEY. Steel guns.

Mr. GORMAN. Built-up steel guns, in competition with what you are doing at the navy-yard.

Mr. CHANDLER. But in no case from steel produced by themselves.

Mr. GORMAN. No, it was from the steel which was produced from the Bethlehem Works, under the general contract for steel made by the Secretary of the Navy, but they took the steel rough-turned and rough-bored, precisely as it comes to the Washington navy-yard, and completed the guns and had them ready to fire. That is a business proposition; that is the way to do it; and the Secretary of the Navy has had the courage, without the explicit provision of the law directing him to do it, to go outside and get those splendid mechanics at Boston to do that work; and I think it would be unwise in Congress to permit such establishments to close. You have nearly bankrupted that concern now.

It was the great works of this country that during the war poured out their millions to make the guns that were used during the rebellion, and there is no firm in the country that has been so treated and driven almost into bankruptcy as this has been by this Ordnance Corps, and now they will be pursued by these ordnance officers as long as the present men remain there, simply because Mr. Hunt—whom I never saw and knew nothing about until I came to investigate it with my friend from Massachusetts [Mr. DAWES] on the committee and General Logan, and I think that gentleman had more genius, had more courage, had more loyalty than any man I have ever met in supporting his Government—he has been nearly bankrupted by the system that you are now going on and fastening upon this Government simply because he and his mechanics under him had more genius than the ordnance officers.

Mr. CHANDLER. Now, the Senator will allow me to ask him where he finds in this amendment of the Senate that is now to be agreed to by the House anything to prevent the Secretary of War from taking this three and a half million dollars' worth of gun steel, which is to be provided, and making contracts either with the owners of the West Point foundry or of the South Boston gun foundry for the manufacture of guns from that steel?

Mr. GORMAN. I suppose the Secretary of War is a sane man, a prudent man, and would try to carry out the provisions of any act Congress might pass.

Mr. CHANDLER. Can not the Senator trust his own Secretary of War?

Mr. GORMAN. Yes, I can trust the Secretary of War, but I think, so far as I am concerned, I would bind the Secretary of War of the party of which I am a member as tight and as close as if he were the Secretary of War representing the Republican party. I say that to leave this discretion to him and to rely upon his judgment alone, surrounded, as he is, by these Army officers, is wrong. It is wrong in principle; it is not right as a business proposition, and if you were in power I would stand here and fight it until the end of the session.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. ALLISON. If I understand now the criticism of the Senator from Maryland, it is that by this bill under the conference report we commit this Government and bind the Secretary of War to build up these guns at a particular price, and that we, by this report, exclude the idea that private parties are to take the rough borings and build them up as steel guns. Do I understand the Senator from Maryland to state that to be the import and purport of this bill?

Mr. GORMAN. Unquestionably.

Mr. ALLISON. So far from that being true, that suggestion was not even made in the conference committee by anybody, not even by the Senator himself, and, so far as I am concerned, it never entered my mind that this was to be the exclusive work of the Government. I read this bill, and I saw that the first delivery of steel was to be eighteen months from this time. The first opportunity that we shall have to take hold of these rough forgings will be eighteen months from this time. So I understood in my own mind, and I supposed it was the judgment of the committee, that two or three sessions of Congress yet to come would settle the question as to whether these rough borings should be completed by contract in private establishments or whether they should be done at the Watervliet arsenal, if it should be made ready.

Why, Mr. President, so far from the Senator from Maryland stating what is true, I draw an absolutely different conclusion from the language and the spirit of this conference report. I stand with him not in favor of the absolute exclusion of private enterprise with reference to building up these guns. I know the Secretary of the Navy under similar provisions has given private contracts to build guns. Now, to say that by our conference report we exclude these people is a thing that never entered my mind as a member of this conference committee.

Mr. BECK. One moment. The reason I asked the questions I did was on the line of difference between the two conferences. I, of course, was not a member of the committee of conference, but I thought we were trying to get the steel and leave it open hereafter to the best contracts that could be made with private parties as well as our own establishments. If that is a mistake, we made a mistake.

Mr. ALLISON. The Senator will allow me one moment longer. I do not want, as a member of this conference committee, to be put in an attitude of excluding the idea that men who are fit to build up these guns shall have an opportunity of doing it, and I want to say that idea never entered my head, and, so far as I remember, that idea never was suggested in the conference committee and never was suggested in the Committee on Appropriations, to my knowledge. I will go hand in hand with the Senator from Maryland when we have the opportunity of getting hold of this steel, the first delivery being made eighteen months from now, and we will then see what shall be done in the way of building up these guns. No other idea ever entered my head as respects what should be done with these rough borings when we have them.

Mr. GORMAN. The chairman of the Committee on Appropriations has made a very broad statement. We all know how fair a man he is; but when he says that this is the first time that he has heard the proposition advanced, he is certainly mistaken. I never said that this proposition was not considered by the Committee on Appropriations, but that it was offered in the Senate. I say it was not considered in detail. His memory fails him or he has not paid attention to anything I have said on this floor and elsewhere in committee and at all times, and I am sorry I have not had the attention of my friend from Iowa, who I know wants to be entirely accurate. I do not want to repeat my speech of a few weeks ago; it is too warm to-day to do so.

Mr. ALLISON. The Senator will permit me a moment?

Mr. GORMAN. Certainly.

Mr. ALLISON. It is true during a portion of the remarks of the Senator from Maryland a few weeks ago I was elsewhere occupied and had not the pleasure of hearing all he said; but as I understand the controversy in the conference committee it was that we ought to buy guns and not buy forgings; in other words, that we ought to encourage the establishment of not only the forgings to be executed by private parties, but also that the gun should be executed by private parties to the exclusion of the Government. The response made to that, in my mind and in the mind of the conference, was that in order to place the Government independent of these private parties it was also necessary that we should have a gun foundry of our own.

Mr. HAWLEY. A finishing shop; no forging.

Mr. ALLISON. I understand perfectly well that it did not mean forging, that we were to have a gun foundry which would take these forgings and build them up, and so far as I expressed an opinion I expressed it in favor of the Government having its foundry and of encouraging also private parties in that direction, knowing perfectly well that at the South Boston Works there was such a foundry to which they might, if it were properly encouraged, be transferred, and also another on the Hudson. I do not wish to interrupt the Senator any longer except to put myself right as respects this matter.

Mr. GORMAN. I think the Senator from Iowa will recognize that he has done me great injustice in taking an advantage of me which he ought not to do and does not intend to do, and I will explain what I mean. There was not, so far as I know, anything except fair and proper discussion of the matters involved in the amendments before the committee of conference. What I said upon the floor a few weeks ago he knows from the RECORD. I was on that committee of conference and bound by the rule which you laid down yourself, and which is the rule of the Senate, to stand by the Senate amendments, and I did not feel at liberty to advance the views that I give utterance to upon the floor now as a Senator, and that I did before this bill went to the conference committee. Therefore he does me injustice. He has no right to take advantage of my silence in the conference, because he knew I was so bound as representing the will of the Senate.

Mr. ALLISON. If the Senator will allow me there, I do not and I did not criticise the Senator from Maryland as respects his attitude either in conference or on this floor. I only wished to explain that so far as I was concerned as a member of this conference, I never entertained for a moment the idea which he now places on these amendments, but I understood all the time that was a question to be postponed to the future, to build up these guns.

Mr. GORMAN. There is no better business man in Congress than the Senator from Iowa. He has had great experience in matters of appropriations, and I say for him, as I have seen a great deal of him, for I think I am one of the oldest around the Capitol, I mean in point of time—that I know of no man in my whole experience who is more careful than he is. But this is one of those questions that has not come under his observation and close scrutiny as most matters do. It was referred to others, and to General Logan among them when he was a member of the committee, my friend from Massachusetts [Mr. DAWES] and my friend from Kansas [Mr. PLUMB] and myself for four or five years. There never has been a shade of difference between any member of the committee who has examined it as to the effect of this exclusion of all private enterprise. There is no man in either branch of Congress on the Appropriation Committee who has looked at it for six years past who has not come to that conclusion. As I said on a former occasion, I came to it reluctantly. I did not believe it as it was first presented to me, but I was forced to the conclusion. I had no interest in and no knowledge of the men of Massachusetts or of the men on the Hudson who had stood by the Government and who had been nearly bankrupted by this system; but when I saw that such was the fact, and what injustice had been done them and an attempt made to perpetuate and keep forever that injustice in vogue, there was but one thing before me to do, and that was to take the stand and denounce these Government officers as I have done.

As to the proposition of how it will exclude them, you have appropriated in this bill, if it shall become a law as reported from this committee, $700,000 for the shops at Watervliet. They first came here and said they would give them $200,000. For that they could go on and make up a great establishment there, which would turn out one or two guns a month, and as they approached the time when they found Congress was in the humor to put the whole matter in their hands you made it $700,000. You have given them over a million dollars to experiment with in buildings and tools and torpedoes and what not. Now, to say that it is not meant so and will not be carried out so, that when you contract for this steel, when you have appropriated three and a half millions and when you let these great establishments that you are building up at a cost of one and a half million dollars—that you will not use it to make the guns, but you intend by this bill private firms can complete the guns, that would be worse than anything else that has gone before, bad as it has been.

Mr. President, the Senator from New Hampshire wanted to know if I would trust the Secretary of War. I have a great respect for Secretary Endicott as a man of sterling integrity and unquestioned honesty, and learned in the law. He is the peer of any man who ever presided over the War Department, but I would not trust any man in that position to determine the question of the advisability of having private factories compete with the Government shops. That is a question Congress should settle. You must use the $3,500,000 worth of steel in your shops, or you are making an extravagant blunder in that immense appropriation for the plant and for the tools. It will be so used, Mr. President, and the Senator from Connecticut knows it.

I want to say to my friend, the chairman of this committee, without any opportunity to look at all the details, that I offered an amendment to this bill when it was under consideration, so as to make it the duty of the Secretary of War to give private parties an opportunity to compete with the Government. I stated at the time that I was not responsible for all the provisions in that amendment.

I offered it so that it might be gotten into print and my friend from Iowa and the balance of the committee and the rest of us might have the benefit of it. It was met here in such a way, there was such opposition, that there was not a friend, there was not a man on either side, so far as I know, that considered the matter of sufficient importance to delay the appropriation bill for a moment, and put the amendment in proper shape, so that there might be no question about it.

But here we are under these iron-clad provisions confined to built-up steel guns.

Mr. President, I will read one or two extracts from a statement made by a manufacturer of large experience. He says that—

Built-up guns are of many types; in general they have a steel (or iron) tube, onto which heavy hoops, sometimes to the number of twenty, are shrunk or pressed. Nearly all the great modern guns are of this sort. They were invented before the modern methods had been perfected for obtaining strong cast steel in quantities large enough for a gun of large size. Of course they require a very expensive plant for their manufacture; one of Armstrong's steam-hammers costs half a million dollars, and one of Krupp's nearly a million. Until very recently no manufacturer in this country could make all the necessary forgings, except for very small guns, and the Government was compelled to buy some parts abroad, and then wait a long time for them.

Whatever may be the future of such guns in this country, they are still in the experimental stage. Even the Chief of Ordnance, in his latest published report, says: "The requisite machinery for the production of even the smaller forgings will be, to a considerable extent, experimental with our manufacturers, and must be gradually developed" (1886, page 19). Further, such guns are very expensive to build, requiring a very long time and the most accurate work in the fitting together of the many parts, yet their life is entirely uncertain; experienced foreign makers will not guaranty their guns for more than a hundred rounds.

With reference to their great cost, Mr. William Metcalf, the well-known steel manufacturer of Pittsburgh, in a paper read before the American Society of Civil Engineers last March, gives some information. He quotes as the cost of guns with steel tubes, hooped with steel, from 65 to 78 cents per pound, while Rodman cast-iron guns cost only from 10 to 13 cents. He estimates that 40 cents a pound is not a high price for gun parts as the steel-maker would deliver them, and 40 cents more for finishing and assembling them. A bill, which failed at the last session of Congress, appropriated at the rate of about $1.25 per pound (without the carriage), and if the first guns were satisfactory others might be ordered at not more than 65 cents per pound.

To quote Mr. Metcalf again: "Splendid steel castings, up to 30 or 40 tons weight, can be bought now for less than 6 cents a pound. I believe the built-up gun to be unscientific and unmechanical. It has cost Europe probably a hundred millions of dollars to produce an uncertain gun of greater power, and we may hope that it will cost her another hundred million to produce something to equal America's guns of the future."

The opposition to the built-up guns comes from so many sources that, beyond question, the country will demand a thorough trial of the cast-steel guns before it authorizes any large portion of the expenditures that must be made in the next few years for our coast defenses, for, as the figures given above show, these are much cheaper than built-up guns. They can be procured very much sooner, and in all probability will not be inferior in power. That there is an open field is evident from the fact that only two bidders responded to the recent advertisement of the Secretary of the Navy for small cast-steel guns, and both obtained a contract.

I find in the Scientific American of April 2 an article which I will have inserted in my remarks, headed "The new guns for the Navy," in which it is there stated that the best built-up steel guns of Europe, the Krupp and the Armstrong, are to-day recognized as practical failures; that is to say, that they do not come up to the requirements of the times, and that there are other improvements of cast-steel and improvements in metal and in the use of cast-iron that have been made which would make it a half cheaper and much better.

The article from the Scientific American is as follows:

THE NEW GUNS FOR THE NAVY.

By the acts of Congress approved August 3, 1886, and March 3, 1887, the sum of $3,120,362 is available for armament of the new vessels of the United States Navy—the monitors, cruisers, and others. The acquisition of the largest and most powerful guns made is contemplated in the granting of these appropriations. The question arises, therefore, what type of gun should be chosen? If we look abroad for a model, the heavy artillery of England, Germany, or France at once are suggested. The works of Armstrong and of Krupp, and the French establishments at Ruelle, St. Chemond, and Le Creusot, present themselves as the great gun factories of the world. Their names seem to guaranty the quality of their product. Basing their qualifications largely on the material used by these producers, the authorities of this country have called for steel of certain definite strength and ductility. The tendency is inevitably to be guided by European practice.

But criticism of this method of dealing with the question is not wanting. Facts that seem undeniable are cited which go to prove that the construction of large guns is not yet perfected. If this is true it would suggest a field for independent work by the ordnance authorities of this country. We hardly seem justified in following blindly the lead of foreign constructors. The successful gun of the future may yet be an American production.

Many of Krupp's guns are known to have failed in war use. In the British House of Lords on April 30, 1876, the following statement was made by the Duke of Cambridge, commander-in-chief of the British army: "Out of seventy heavy guns employed against the southwest of Paris (by the Germans), thirty-

six were disabled during the first fortnight of the bombardment by the effect of their own fire." It is said that during the Franco-Prussian war two hundred Krupp guns burst, and that the German commanders thought that a week's further resistance by the French would have silenced the batteries bombarding Paris, as the attacking guns would have become disabled by their own discharges. The Italian Government has rejected two of Krupp's 100-ton guns, after trying them at Spezia.

From France similar accounts are received of the behavior of their ordnance under more recent trials. On June 4, 1884, a 24-centimeter (9.45 inches) steel gun burst at Havre on the fifth round. The breech was driven backward into an earthwork at the rear, while a portion weighing several tons was driven forward and fell into the water. Other French guns cracked near the muzzle, and had to be reduced in length. It is reported, also, that during the past year several steel guns have failed, and produced disastrous accidents in their explosions.

In England failures have been numerous. A million of pounds sterling is annually spent upon artillery. Yet Engineering, one of the leading English technical journals, speaking of the English artillery, says: "After all this, our guns are inferior to those of other nations, and are nearly as dangerous to those who fire them as to the enemy." In 1886 the English were making five 110-ton guns, eighteen 66-ton guns, and six 43-ton guns, in the words of Engineering, "all on the same plan as the gun which recently failed on the Collingwood with little more than half its proper charge of powder."

In last March, in the House of Commons, the following facts were cited: To one ship orders had been sent that her guns should only be fired under reduced charges; on another ship, out of nine guns, eight were unserviceable; an 80-ton gun had been sent home from Gibraltar to be repaired; a 9-inch 18-ton gun burst at Woolwich in testing powder; one hundred and thirty-five guns were made on one plan, and seven of these burst, requiring a lower rating of charge and reduced initial velocity for the remainder. In a letter to the London Times last year Capt. Robert H. Armit referred to the disabling of all of the 38-ton guns on the Ajax, and ended his letter by stating that "there does not exist a sound gun in the service." This was only one of his letters. So far had he gone in his condemnation that an injunction was applied for by the makers of the guns to restrain him, which relief was refused by the court, his criticisms being held to be "privileged communications."

These are some of the lessons furnished by foreign practice. They all possess one peculiarity: they teach us how "not to do it." But we can not say that a successful and final type of heavy gun has yet been developed. The built-up guns are subjected to strains, molecular and mechanical, that tend to their ultimate disorganization. The powder heats the metal from the interior, expanding the tube and inner rings the most. These expand, not only radially, but longitudinally. On cooling, great resistance is offered to contraction by friction, so that a permanent injury is caused in many cases. The continual expansion and shrinkage have an inevitable tendency to disorganize the whole piece.

The theory of the strength of a gun teaches that the metal nearest the bore does the most work in resisting the effect of the discharge. The useful effect of the metal, according to Professor Barlow, varies inversely with the square of its distance from the longitudinal axis of the piece. Thus, the outer layers do comparatively little, and should be, if anything, the softer and more expansible metal. To be of any effect, these layers should be in intimate contact with the inner. This statement would indicate a source of weakness in re-enforced guns. A ring shrunk on may be in such a state of tension as to be ready to part, yet its connection with the tube or ring below it is not as intimate as if it were a part of the same metal.

As remedies for these evils different cures have been suggested. Soft steel of low tensile strength is advocated by one engineer. Such steel is incapable of taking a temper, and is really wrought-iron. It is naturally free from many of the defects of the higher steels. The latter crack more readily, and have not the lead-like toughness of the milder metal. The lower tenacity called for seems a defect, but it is used as the index of the quality. A tough, weldable metal is inevitably of lower tenacity, and in defining this the other qualities go with it. A more radical remedy is proposed by a second engineer. He advocates the abandonment of all steel and the adoption of cast iron. This sounds like a step backward. Yet he fortifies his position with so many instances of what cast-iron guns have done that it is hard to resist the conclusion that they are at least worthy of a more extended trial. Their rifling may need special study, as the wearing of the bands has been one of their weak points. Other details may have to be worked up. But when it is considered that an integral piece is obtained at a minimum cost the subject seems worthy of trial.

Some aluminum compounds could well be experimented with. The mitis castings might afford a good basis for work. Enough has been shown to indicate a good field for inventive genius, to which we hope our Government will afford every encouragement. All we wish to suggest is that the field is still open for exploration; that, according to all accounts, the perfect gun has not yet been produced.

I also extract from the Scientific American the following:

FAILURE OF BUILT-UP GUNS.

[Scientific American, April 7, 1888.]

No less than ten of the large 9.2 guns made for the British Government have recently failed at test, the inner tubes of nine having been split and the outer casing of the other fractured. This, we believe, is the style of gun that has of late been so urgently advocated by certain of our Army and naval officers as necessary for adoption in this country, to the exclusion of all other kinds of ordnance. In the opinion of these wise men all people who hinted at anything else were behind the age.

ALUMINUM STEEL.

[Scientific American, August 20, 1887.]

The Iron Trade Review, of Cleveland, says: "Some important and very satisfactory experiments have been made at the Cleveland Rolling Mill Company's works during the last two weeks in treating Siemens-Martin steel with small percentages of aluminum manufactured by the Cowles Electric Smelting and Aluminum Company of this city. The result of the work proved conclusively that a small quantity of aluminum freed the steel from blow-holes and increased the tensile strength somewhat without increasing the elongation, besides adding very materially to the fluidity of the bath, thereby producing much sharper castings. It has not yet been determined how small percentages of aluminum are necessary to secure the required products, but from one-tenth to one-twentieth of 1 per cent. gave satisfactory results. The castings made showed a tensile strength as high as 140,000 pounds to the square inch. The alloy was applied in the form of broken ferro-aluminum."

BURSTING OF A GREAT GUN.

[Scientific American, March 10, 1888.]

An Armstrong breech-loading gun recently burst at the Royal arsenal. The officials represent the occurrence as merely one of a small percentage of failures which are always expected in the course of the proof trials; but the great size of the weapon, which was a 10-inch gun of about 38 tons weight, gives prominence to the accident, and the fact of several rounds having been fired before the burst took place points to some cause beyond a mere flaw in the material, which the first test ought to have revealed. The chase or barrel of the gun was blown clean out of the chamber end, and fell in one piece to the ground.

I believe it is the wise thing for us to do to make this appropriation so that we may have the Army at work; so that we may have every private establishment in the country that is willing to compete for the plant competing with our Army, and then a provision broad enough so that any improvements that may come along hereafter may be utilized by the Government.

Mr. President, I do not care to detain the Senate; it is too warm a day. I say, from the evidences all around, everywhere, not only here but elsewhere, the power is great, as we all know, of these men who have life tenures, who are at the head of the Ordnance Department. They have sufficient power to mold Congress in the way that they desired.

While I have no hesitation in voting, with the restrictions that I have indicated, $40,000,000 for the defense of this country, to be spread over the next ten years, giving all of our people an opportunity to experiment and to give us the benefit of their skill and genius, but, Mr. President, the Senate has determined otherwise.

It is to be confined to the War Department, to the officers of the Army, and there is nothing left, so far as I am concerned, but to enter my protest and to say that at some time later on, and before greater amounts are appropriated to be squandered, I hope the Senate will grant me a special committee that I may bring the facts before them as I have seen them only in part, and which I have indicated, for I believe the mismanagement of that branch of the service will astonish the country.

Mr. ALLISON. Mr. President, I wish to say a word or two in response to the observations of the Senator from Maryland as respects these amendments.

The statement of the Senator is true in respect to the amendments provided for in sections 3, 4, 6, and 7 of this bill. They did not originate in the Committee on Appropriations. One of the amendments somewhat involved in the question of gun experimentation was put on by the Committee on Appropriations, but the amendments generally were put in after a pretty full debate by the Senate, and I think with reasonable unanimity.

When the conference committee of the Senate met our brethren from the House we dealt with these amendments as we found them, and we made concessions, and very large concessions, to the House committee. In the first place we modified somewhat section 3, the section providing for the erection, etc., of a gun foundry at Watervliet, and we reduced the appropriation which was made by the Senate amendment, of $750,000, to $700,000.

Section 4 as it passed the Senate provided for an expenditure of $5,000,000 for gun steel. The committee on the part of the House insisted that that should be reduced one-half, but on comparison of views it was thought that if we reduced that sum one-half it would not hold out sufficient inducements to existing steel manufacturers in our country to secure and provide the necessary plant to enable them to make the kind of steel involved in this section. Thereupon the House committee yielded finally so as to allow the sum to be three and a half million dollars, that being regarded as a sufficient sum to induce steel manufacturers in our country to compete for the manufacture of this steel and build a plant for the purpose if necessary, because unless we appropriated a sufficient sum for this purpose it was perfectly evident that the single steel manufactory in this country which could now or which can very soon put itself in position to bid for this work would bid for it exclusively and at its own price. So, then, the amount involved in this bill now for the purchase of steel is three and a half million dollars.

Section 5 is a section which simply relates to the method whereby the advertisements, etc., shall be made, and also provides that the bidders, whoever they may be, shall agree to erect a suitable plant, if they have not already a suitable plant erected, including the best modern appliances, etc., capable of making all the steel required by this provision.

Then the amendment provides—

That the time of the delivery of the steel for the smaller caliber of heavy guns to commence at the expiration of not more than eighteen months, and that for the larger caliber specified in the advertisement at the expiration of not more than three years from the date of the acceptance of the contract.

I admit that the Senator from Maryland made a very proper criticism of myself as respects detailed knowledge of this subject passing through several years. The details of these bills have from time to time in the Committee on Appropriations been committed to my friend on my left [Mr. DAWES], and during the lifetime of General Logan to him as chairman of the Subcommittee on Fortifications. But I think I would not do myself justice if I did not say that during all these debates and during all these investigations going on in my committee-room, most of the time I was awake, and although I did not hear all the arguments, nor was I present at all the conclusions, yet I believe I did acquire some general knowledge of the situation and of the hopes and expectations of inventors, of contractors, gun-makers, and steel makers. I learned enough, in the way we usually acquire knowledge in this Chamber and out of it, to know that there were a great many disappointed inventors who were not able to secure that recognition which they believed their inventions deserved at the hands of the Ordnance Department of the Government.

I also was able to acquire knowledge that a great many patriotic men during the years between 1861 and 1865 did assemble plants suitable to the ordnance of that day, and that with the return of peace and with the improvement in inventions these old and antiquated plants became somewhat out of date and useless and worthless. With that peace also came a general disposition on the part of the Government and Congress not to embark in large expenditures for fortifications and for heavy guns. I have sympathized with these men who in time of war found themselves enjoying large profits, and who when peace came found their occupation substantially gone. I have also sympathized with that public sentiment which has been growing up of late years in our country looking to a more effective modern navy employing and using more effective enginery of war than was used some eight or ten years ago. I have also sympathized with that public sentiment which looks to the reasonable defense of our seacoasts and particularly our great cities.

But I confess that I have never reached high-water mark upon any of these propositions. I have never felt that it was necessary for this Government to enter upon a scale of expenditure that would look to the disbursement of a hundred or a hundred and fifty millions of dollars for coast defense. I am willing and believe that is the public judgment and public sense of this country, that we shall go on in a way rapid enough and yet not sufficiently rapid to build guns and fortifications that will be useless in the future.

Having these views in my mind, I fell in very heartily and readily with the amendment suggested by the Committee on Military Affairs which looked to progressing slowly in this matter. I had an opportunity of listening to the amendment proposed by the Senator from Maryland when this bill was under debate.

I gathered its meaning as I could, but it had been my privilege to see that amendment before it was offered in this Chamber, and I saw in it a proposition to embark in a great field of operations, which I for one was not ready then, upon this bill at least, to embark in. I saw a proposition which has great merit, I have no doubt, and which has been promoted in various ways about this Chamber and the other, that looked to the committal of this Government not only to the building of guns of steel and of cast-iron, but of the two mixed, if you please, committing this Government, not for this year or next year, as this little appropriation comparatively does, but committing this Government to a scale of expenditure far beyond anything that I think we ought to adopt this year or next, a scale of expenditure that does not exhaust itself until 1902, and making appropriations of public money binding this Government, not for this year or for next year, but binding this Government until the next century shall roll in, to an expenditure for guns of a particular kind and of a particular method.

Mr. GORMAN. Will the Senator allow me to interrupt him?

Mr. ALLISON. Certainly.

Mr. GORMAN. As I said a moment ago, I am not committed to all the details of that amendment, which I was not entirely familiar with; but it was offered so as to get it before the Senate in print. The Senator does not state it accurately. The provisions of that amendment, taking it as it was, covered only $38,000,000 to run to 1902, and the appropriation per annum for the present fiscal year was not half the amount included in the bill now under consideration. It was spread over a number of years, and that is the only way in which you can get private enterprise to embark in it so as to give them a contract to enable them to put up a plant.

Mr. ALLISON. I was coming to that branch. That amendment did commit this Government by appropriations to an expenditure, the Senator says, of $38,090,000. I supposed there was about $40,000,000 in it. The Senator from Connecticut tells me he added it up and it amounted to $40,000,000. I submit that it is not wise for us at this time to enter upon any such scheme of public expenditure, at least until every committee that has proper jurisdiction of that question in this body shall have investigated it with care. If it came here with the *imprimatur* of the Committee on Military Affairs, after full and fair deliberation and discussion, and they should show us that it is necessary now to enter upon a scale of expenditure amounting to $40,000,000, to be followed with $40,000,000 more, I might be willing to enter upon its consideration.

The Senator from Maryland says that the object of this provision was to encourage men to invest large sums of money in a plant necessary to build these guns. I am not speaking now of the Senator's amendment, because I am not certain that it contained this provision, but the amendment which was shown to me as an amendment proper for the emergency and exigency at this time, involved a proposition to build 20-inch guns. I may be mistaken, but I do not know that there is a 20-inch gun now in existence in the world, certainly not so far as I have heard. I say that that was and is a scheme of Utopia. So far from this amendment or its promoters looking to the exhaustion of the Treasury, the motive in my mind upon this subject was to keep the appropriations within reasonable bounds until we could have absolute knowledge of the best method of expending them.

I take it that from our general knowledge of ordnance, which so far as I am concerned is very general indeed, guns will be made of metal; that we shall not make them of wood any longer; and there are not many metals of which they are likely to be made. Certainly one of those metals will be steel. I hope and believe that as the years roll on our inventors and machinists will be able to make steel stronger and better by the infusion of other material, as has been suggested by the Senator from Kansas [Mr. PLUMB] two or three times on this floor as to the value of aluminum with steel. Believing that steel would not be likely to be discarded absolutely in the next ten years as gun metal, I was willing to go as far as these amendments go in providing steel, because if we should find a better metal in the near future we could undoubtedly find places to put the guns constructed of that metal.

Mr. GORMAN. You have excluded them.

Mr. ALLISON. We have not excluded anything. The Senator from Maryland seems to think because we have not embodied and embraced everything here that thereby we have excluded things. We have not provided here for guns of cast-iron.

Mr. GORMAN. I ask the chairman of the Committee on Appropriations whether the appropriation of three and a half million dollars to buy steel ingots to make guns from 3 inches up to 12 inches is not in effect a provision that not one dollar of the appropriation can be used for anything else except steel?

Mr. ALLISON. Undoubtedly.

Mr. GORMAN. Then you have excluded every other metal.

Mr. ALLISON. But we do not exclude the idea that steel is not the only thing.

Mr. GORMAN. Not the idea, but the metal.

Mr. ALLISON. We simply provide for steel metal, that is all. We do not even provide a gun in this amendment. Of course if this metal is not to be used for guns it would probably be sold. The implication is that this three and a half million dollars' worth of steel is to be used for guns, of course, but that is as far as we have gone.

What else have we done in this report? We have provided that the Government itself shall put money into its own arsenal at Watervliet, containing, I believe, one hundred acres of ground with a plant there now of a million dollars in value. We have proposed to add to that plant a sufficient amount of machinery to enable the Government itself to take one of these steel forgings, or half a dozen of them, if necessary, and work them up into a gun. We have not said anywhere in the bill that when this machinery is provided one single pound or ton of the forging shall be worked up there.

I do not believe there is a Senator on this floor who will say that it is not a wise thing for the Army to have a gun foundry. The Navy has one at the capital, here at Washington. Was there any fuss made about that when it was provided for? Have we not built up this gun foundry for the Navy at the Washington navy-yard by such gradual and delicate steps, if I may use that term, as to scarcely call the attention even of Congress to it? There is a very adroit Secretary of the Navy, as we know, and we have put into our naval appropriation bills from time to time appropriations which have enabled him to assemble here at the capital machinery which will put up or put together 8 and 10 inch guns, if I am not mistaken. I know certainly they have many 8-inch guns, and I believe they have one or two 10-inch guns.

Mr. HAWLEY. Yes, they are finishing 10-inch guns there now.

Mr. ALLISON. Very well; they are finishing 10-inch guns there now. That is what has been done for the Navy. So when I found in this bill a proposition to provide the Army at one of its own existing arsenals with machinery which would enable the mechanics there to swing in by means of cranes and other appliances these forgings and put their tools upon them so as to assemble them into a gun, if that was thought to be a wise thing hereafter, we should have the machinery there to do it.

The Senator from Maryland says that the enormous sum of $700,000 is proposed to be appropriated for this purpose. I do not know but that it may be twice as much as is necessary, but we have guarded the amendments. The Senator will remember how our friends from the House insisted that we should put in "or so much thereof as may be necessary." I had myself a general and vague idea that the whole of it would be expended, but I had great faith in our Secretary of War, that in this prudent and economical system of government which we have now there would at least be no corruption in the expenditure of money, that a machine would not be bought for $100,000 and a voucher given for $150,000. When it was suggested that we ought to throw some circumlocution around the Secretary of War and the Ordnance Office, I readily assented to a provision that we have the scrutinizing eye of the commanding general of the Army to overlook and oversee this business in a general way, and that the Secretary of War should be required specifically to detail an ordnance officer of experience and knowledge on this subject, and an artillery officer, and that they should supervise under the Secretary of War these general expenditures.

Therefore, whatever sum may be necessary to make a plant at the Watervliet arsenal is provided for in this bill, and no more; and I doubt whether this sum is sufficient to make an effective plant. If any one will say that this Government can not afford to spend $700,000 for a plant, then this conference report ought to be disagreed to.

Passing from that to the criticism of the Senator from Maryland, that the defect in the bill is that we have not also gone further and appropriated money enough to induce and influence private manufact-

urers to build up gun plants or to induce the owners of the works a South Boston and at Cold Spring to add to their existing plant large sums of money in order that they may come in competition with the Government in building these guns, my answer to that is that we will take care of that question when it comes. So far as I am concerned I have pledged whatever influence I have on the Committee on Appropriations to provide in our bill for the steel, which we must contract for years in advance of its production, because everybody knows that we have not now the steel plant in this country which will enable us to make these forgings and that we are not likely to have it within two years—if I should happen to be in this Chamber then I shall stand side by side with the Senator from Maryland in giving the private establishments who may have facilities at that time for building these guns up an opportunity to exert themselves in that direction. In other words, I shall also be in favor of allowing the competition of private parties to come in and compete with the Watervliet arsenal as the Secretary of the Navy allows the South Boston people to compete with them in the construction of 4-inch guns.

I repeat what I said when the Senator from Maryland was speaking. So far as I understand the bill as amended to apply to this question, it commits the Government not at all to building up one single gun at the Watervliet arsenal after we have these forgings. The whole thing will be under the control and direction of Congress hereafter.

Mr. BECK. May I be allowed to say a word?

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. BECK. I thought the Senator from Iowa was through.

Mr. ALLISON. I want to add only a word or two more, and then I shall yield the floor.

The Senate put on this bill $500,000 for the purchase of submarine mines, etc. The House conferees would not agree to that and we struck it out. They did agree to an appropriation of $100,000 for the purchase of submarine torpedoes.

For myself, Mr. President, I think that we ought to agree to this report. I think it is a wise expenditure of money, and if anything further is to be done it can be done on the fortification bill, which is soon to come to us for consideration, and the Senator from Massachusetts and the Senator from Maryland on that bill will have ample opportunity to consider what further they think ought to be done.

Mr. BECK. Mr. President, perhaps this would be a good time to say a few words, because during the next session of Congress I shall be laughed at again, as I have been for ten years for the struggle I have tried to make in keeping such amendments off appropriation bills. The Military Committee know all about the matter under consideration. So with regard to the Navy, the Naval Committee, in consultation with the Secretary of the Navy, knew all about the big ships that ought to be built. The Committee on Commerce know a good deal about what subsidies ought to be given. Yet every matter of that sort, somehow or other, is tacked on to an appropriation bill, and a committee that is loaded down with work necessary to carry on the general business of the Government under existing laws is expected to find out exactly what is best to be done for the Army, what is best to be done for the Navy, what is best to be done to carry on the postal service; although every time a suggestion is made by myself or some one else that these are matters which ought to be kept altogether independent of the appropriations necessary to carry on the Government and should not be tacked on appropriation bills, when we are forced to deal with them at the close of a session and have neither the opportunity to ascertain the facts nor when in conference do we know what is best to be done, it is disregarded.

The Senate will bear me out in what I say, that year after year whenever an amendment is sought to be made to an apppropriation bill as to how we shall build ships, I have resisted it, not because I was opposed to the thing being done, but because the Committee on Appropriations were not the proper committee to act upon it. The conference report on the naval appropriation bill, which I signed as one of the conferees, will be before us to-morrow, in which the only way out of it was to agree to all the House had done and all the Senate had done. My name is to it; perhaps it is right, but I do not know, and I can not prove whether it is right or not, and I should not be required to deal with those subjects.

So in regard to this matter, instead of the Committee on Military Affairs taking care of themselves and after full consultation with all the men who are making steel and all who are competing with the Navy and War Departments in regard to the best guns, it was turned over to the Committee on Appropriations, a committee, as I said, loaded down with the work of making the appropriations necessary to carry on the Government under existing laws, and we have to formulate new methods of building up a navy, the best method of carrying on fortifications, the best guns and the best way to have them made, the best way to regulate commerce, and the best way to extend our trade. All that has to come before us. As I said, year after year I have resisted it, and I have been very frequently laughed at because I did. The tangle we are in at this minute is the best evidence of the fact that the Committee on Appropriations ought to have nothing to do with those matters.

I understand that the fortifications appropriation bill will be here from the House in a day or two, duplicating perhaps many of the things now brought before the committee. I do not know but that it would be the best thing, as a rebuke to the Senate for sending such things to us, to reject this conference report and have it all stricken out and put it into the fortification bill, which I understand has already passed the House and will be before us dealing with many of these matters.

Mr. President, while I am on my feet I have only one word to say about the merits of this matter. I agree substantially with what the Senator from Iowa has said. When we are obliged to take charge of it, we ought not to go into any system that will commit us to anything by which we may make a great blunder.

As a member of the Committee on Appropriations, without more information than I have, I would not go into the system suggested by the Senator from Maryland to extend over a number of years, nor would I go into any extensive system of fortifications. I may be all wrong about it, but I do not believe we ought to build any fortifications now in the present condition of the world's armor as a preparation for war. I remember the General of the Army, General Sheridan, came before us on one occasion and we asked him about it, and I think he made the most sensible remark of any of these men. He said, "make me the guns and I will find some hole or other to put them in, for a good hole is better than any fortification I know;" and I think he was right. You can not build a fortification now upon which you can rely, but you could extemporize some place where you could put the guns. Therefore, to that extent, I was willing to buy steel and have guns made.

I desire to say in addition that I believe the best way to build up guns for the Army and Navy is to give our officers in the Army and Navy a chance to build some under our own management, and to give the manufacturers of the country and the builders of the country and the private operatives and the private managers of the great establishments in the country a chance to build part of them, and to give enough of the work to private men to encourage them to go on, and let them see that they are not to be bankrupted by the efforts they make, for many things they only can make for us. Nobody wants a gun except the United States, and the true way to get the best is to have as much competition as possible, at South Boston, at Midvale, near Philadelphia, at Cold Spring, at Watervliet, or elsewhere for ourselves on our own account, but let everybody compete, and when everybody is doing the best he can let us come back to the one who does it the best and the cheapest.

I am against giving a monopoly to the War Department. I do not care how good their work is. I have never seen much progress made by it during the years I have been here. I have seen a good many who have patents to cover the things they have and who lean toward their own inventions, but I never approved of very much they did. I have no charges to make against them, but I would not give them sole jurisdiction. I was very much astonished for a while, when I first heard the Senator from Maryland, to think that might be the effect of it, because I was very sure the Committee on Appropriations did not mean that that should be the effect of it.

Now, I care nothing about whether this report is agreed to or not. This matter ought not to have been on this bill. It was put on against the wish of the Committee on Appropriations, in my opinion, or against the wish of the most of us. It ought to be dealt with by the committee especially charged with the subject. The Senator from Connecticut [Mr. HAWLEY], the Senator from Mississippi [Mr. WALTHALL], and others have been considering these matters all the session, and I can not understand, with all the opportunity they have had to present a bill that would be an intelligent measure, why it should be tacked on the appropriation bill. I do not know about fortifications, but I speak in regard to guns. I do not know why it should be turned over to a committee, many of the members of which know nothing about the subject-matter. For one I do not. I do not profess to know, and I have no opportunity to learn, and I suppose there are others in the same condition. So it is with matters relating to the Navy; the Naval Committee ought to attend to its own matters. So it is with many other things.

I thought I would take this opportunity to say that the best thing to do hereafter is that each committee specially charged with particular business, which knows all about it, should bring in such measures and that they should not be turned over to the Committee on Appropriations to present. In that way the reasons would be given intelligently, instead of having us in a tangle as we are now.

I rather think I shall vote against this report, to see if the difficulty will not be removed or something come out of it; but I do not know whether it is best to do so or not.

Mr. HAWLEY. Mr. President, the Senate is asked to approve the report of the conference committee. The Senator from Maryland [Mr. GORMAN], who opposed the amendments I had the honor to offer, concedes cheerfully and frankly that they are very much improved by the conference report. Now, inasmuch as the Senate adopted the original amendments by a very large majority I feel no very great apprehension that it will not approve of the improved amendments to the Army appropriation bill.

The Senator from Kentucky [Mr. BECK] makes a very proper and

wise suggestion, in which I very heartily concur, concerning the loading of appropriation bills with legislation that does not pertain directly to expenditures under existing laws. But nobody is better aware than one with that Senator's experience, that both Houses of Congress have come to resort to that course in despair in many cases as the only way of getting important public business done. That is not the fault of this branch; I do not say whose fault it is. I have known a legislative department in which it has been systematically the practice to bury things they did not quite like, and not to give their own body a chance to vote upon them.

I will suppose a case. I will suppose that these very amendments that I offered to the Army appropriation bill were pending in the form of an independent bill in the other House, and suppose that there was to be no chance whatever for them there as an independent bill and that we here thought that as they were entirely germane to an Army bill we would place them, in the form of an amendment, on the Army appropriation bill. In an ideal Congress that perhaps would not be the wisest way always to let such amendments be considered in connection with an appropriation bill, but in a practical Congress we have found it a practical way of getting at the result, to put on an appropriation bill some wise and indispensable legislation because that train was going through anyhow and we did not know whether we could catch a freight train or not. That is the vicious way that Congress has sometimes to legislate.

I will endeavor as concisely as I can to explain the existing legislation. To begin with, the Senator from Maryland has severely criticised the Ordnance Corps. Well, I think we have thrashed that grain already, and I will not spend any time on it. He confesses that we have in that corps some of the most skillful and wise men in the world and I confirm that opinion. I do not think there is a brighter class of young officers in any corps in the world than we have in some of these staff corps—honorable as well as ambitious men. The Senator from Kentucky said something of the motives of the officers of that department. There is no motive whatever for dishonesty in these matters. All our officers are seeking the honor and efficiency of the Army, as honorable and ambitious officers should. They do not wish to spend forty or fifty years in an army with no gun worth shooting.

He also says that they have spent ever so many millions of dollars since the war, with nothing to show for it. That is not correct, Mr. President. The Ordnance Department has spent considerable money since the war, but a great part of it has been for ordinary current expenses. Still, they have supplied since the war some 318 new guns. They have stopped building that kind of gun now because science has outstripped them. They have conducted a great variety of experiments, chiefly at the command of Congress, and in a great many cases under specific appropriations. They are charged with having expended this very money that they were ordered by Congress to expend. On the beach at Sandy Hook you will find all sorts of guns that they have been ordered to try, and they are willing to go on with that work of trial upon the order of Congress. If the Senator from Maryland will move to establish a board of experiment and inquiry, or something of that kind—an ordnance board of that description—I will cheerfully support a measure for that purpose, and it will have no better friend in the world than the officers of the ordnance corps and the artillery corps of our Army, because they will then be relieved of the odium heaped upon them for being obliged to say "No" to the many ambitious and cranky inventors who come forward with various devices. The ordnance officers say "We have not the money to expend on your inventions," and forthwith the inventor goes away and fills the public ear with reports concerning the Ordnance Corps.

When these experiments are made, the ordnance officers undertake to see to every detail of the work; they supervise the experiments, observe the effect of every ounce of powder, and observe the range and penetration of the shot, and every other particular connected with the experiments, and frequently, when all is summed up, the whole thing proves a failure. Then the poor inventor, never surrendering—and it is good for the world, perhaps, in the end—comes again to Congress and asks us to make another appropriation for his invention. Some of them suggest the taking of our biggest guns, boring them out, making them thinner, etc., and want to alter some four hundred of them! If you will establish a board of experiment and inquiry, it will relieve the Army from a great deal of odium, and you will once in awhile discover a grain of wheat undoubtedly.

The Senator has said that the Ordnance Corps want the money to expend. Not at all, Mr. President. They will not expend one stiver of it. And I am obliged to the committee for its superabundance of caution, for putting on this bill a clause that directs the expenditure to be under the supervision of three officers, the commanding general of the Army, an officer of the Ordnance Corps, and an officer of artillery, these being supervised with full power by the Secretary of War. Now, we shall have some good work done for which the Ordnance Department will not be charged with injustice or dishonesty. I was perfectly willing to trust the Secretary of War before, without that provision, because then the whole matter was under his supervision. This provision, however, arranges that he shall have three good men to attend to the work, and he will then supervise the whole matter. That he would have done in any case.

What do we propose in this bill? This is really, I hope, the first step in what is to be a long line of mechanical and scientific work for renewing the defenses of the country, and I have not the slightest idea that we shall ever go backward upon it; because it is in accordance with the experience of European countries, all of them. It is in accordance with the advice of the great steel manufacturers of the United States as the wisest and most economical method of doing this work. Some governments furnish the whole shop for the manufacture of guns, forging and finishing everything themselves. Some work in partnership with private concerns, owning part of the stock. But these experiments in general have failed.

The example of Germany is pointed to as if it were a great success. Why, Mr. President, Krupp has undoubtedly a great city of builders and workers there, and has built magnificent steel guns. But the Government of Germany is now virtually his slave. His prices are enormous, although the government could get out of it if they chose. Germany to-day is full of private scandals and audible mutterings of scandal regarding that establishment. People inquire specifically how high in rank are the officers who have the ordering of those guns?

The French Government have tried, each in its own way and in its own time, a variety of experiments. The most successful plan, as has been reported by the Gun Foundry Board in their report—and they give the facts on which they base their findings—is that which we are proposing to follow. The steel manufacturers said to us when we were inquiring into this matter a few years ago that it would cost a million and a half dollars to put up a shop that would build to completion a steel gun. They said, "We will not do that, in view of the fate that has overtaken great contractors like Roach & Co.; we will not think of it; your better way is to divide the work." That is to say, suppose you want 4,000 tons of steel to be manufactured into guns. some 8-inch, some 10-inch, some 12-inch, and some 16-inch guns. You will want the jackets, the tubes, the thirty or forty rings or bands of steel that go around these guns to build up one big gun. If you should offer to the steel-men of the country the forging of 4,000 tons of this steel—enough to make a profitable or partially profitable contract, because the plant they would have left they would go on to use to some extent for commercial purposes—"then," they said to us, "we would bid." That part of the work would cost us $800,000 to build a plant for.

Then the Government could put up shops for nice finishing and turning and for putting together the parts of guns. That would cost $800,000. Then, they said, "If we went on and were unreasonable the Government could go on and build forging shops for themselves; but if you should tell us that the thing was a success, and that we might go on, we would add to our plant the requisite machinery to finish the gun, and we would give you a complete gun. But for the present you could assume the finishing of guns for yourselves."

That, Mr. President, is the best system of checks and balances and the most economical method of introducing this important industry. The tendency of it is to build up among private capitalists great forging shops, and ultimately finishing shops. It is the best plan for the country. Nobody will at present put up the machines that are indispensable to the building of a great establishment. We have pointed out the best way to get the work done, which is by a division of the work in the first place, aiming ultimately at the doing of it all by private parties.

Some Senators say, "Why not open to all men the chance to bring in their guns and let us buy as many of them as may be desired." But there is not a solitary person on earth who will give you a modern gun in that way. The South Boston works will give you some fine cast-iron guns of course, but we have been trying them, and we have been bursting up some good 12-inch cast-iron rifled guns. The South Boston works have failed with a great 12-inch cast-iron cannon. It is hardly to be expected that these men will give you a complete, first-class, large gun—a 12 or 16 inch gun. That there should be some way for inventors to apply and offer their guns I agree. This bill does not shut us up to one thing. What the bill says is simply that we must have some guns for the country right away; there may be something better in ten or twelve or perhaps even five years, but let us build these now and make a start.

I claim, therefore, that this is the most economical way of getting an armament, and that it bars out nobody. It is a safe measure as a matter of administration.

I believe I have spoken of nearly every point that the Senator from Maryland has made. If I have omitted any I do not know it.

This bill covered originally about $6,000,000. We had proposed to authorize the War Department to contract for $5,000,000 worth of heavy steel forgings. The conference committee has cut that down to three and a half millions. I would have left it at five millions, because all the money is not to be expended within four or five years anyhow, and the contractor will give you a better gun if you will give him a long contract, because he has to expend an immense sum before he can get a plant.

If the contractor charges you in his bid the $800,000 cost of his plant,

so that when he gets through he will have had a little profit and have his whole plant repaid to him. you will have made an expensive bargain for steel. But he will not probably do that. He will probably give you a fair bid, because after that he will have his plant left, and he will hope to get some further bids for armament and guns, and he will hope to build some steel shafts, because we have a great many ships. We are second only to Great Britain in the number of ships we have.

The Senator from Massachusetts asks if this opens the work to competition? It does not ask every man in the world to build you good, big, fine guns and bring them here and let you choose the best, because you might wait until all eternity and might not get a gun. But it invites competition—such competition as can be had from such establishments as the South Boston Works, the Johnstown Works, the Cambria Iron Works, the Midvale Works at Philadelphia, and the Bethlehem Works. The Bethlehem Works have already put in a plant and they are doing for the Navy just this class of work. Nobody is forbidden to compete for the chance of this three and a half million dollars for these rough forgings of steel. Those who say that there is no competition about it, therefore, are in error.

I have alluded to the improvements in the bill. The conference committee has provided for a board of three to supervise all expenditures. It has struck out about $500,000 of the appropriation concerning torpedoes and the mines, galleries, and other things indispensable to work torpedoes. I am sorry for that, because torpedoes furnish that sort of defense which can be most quickly extemporized. The torpedo comes more nearly under that description than any other article of defense. We could get a supply of them ready very soon; but we could not get torpedoes ready now under three months if we should have notice that we had to defend ourselves, because the galleries that run down from the banks, the means of shelter, the electrical apparatus, the trained men, and all that would not be ready. This torpedo provision, however, was stricken out. But let it go; what we are looking for is the main thing.

Mr. PLUMB. I would call the attention of the Senator to the fact that what is called the shore torpedo is very much better than the other.

Mr. HAWLEY. But that will not take the place of the other.

Mr. PLUMB. It will very largely do so, I think, because torpedoes located in channels are liable to be taken up by vessels and are not the best means of defense. In addition to that, however, the Senator will bear in mind that there is in the bill an ample provision relating to the movable torpedo, which, according to our present light, is one of the very best implements of defense known to modern warfare.

Mr. HAWLEY. The Senator is right, undoubtedly, in that statement.

Mr. PLUMB. I do not think that the bill, from the standpoint of the Senator, is very materially interfered with.

Mr. HAWLEY. Well, I am submitting very gracefully to the slaughter of one of my little children, or one of the children of the Committee on Military Affairs, because the bill provides for the purchase of certain torpedoes, if they are found valuable. There is a reduction made of $500,000 by the striking out of section 6, and a reduction of a million and a half by the striking out of the section relating to steel forges. The committee also struck out from section 3 the clause relating to the recommendation of the Gun Foundry Board. They did not like to bind themselves to the findings of that board, because improvements might have been made since the making of that report. I can not say, therefore, that the report of the conference committee is open to any valid objection.

Mr. DAWES. I voted for this amendment when it was offered to the bill by the Senator from Connecticut [Mr. HAWLEY], and I shall vote for the conference report, but I wish at the same time to express my regret at the lack of one feature in it. The controversy over this matter which has been discussed in the remarks of the Senator from Maryland [Mr. GORMAN] is not a new one. It has been my lot to fall into this controversy for several years, being at the same time very much in the position in which the Senator from Kentucky [Mr. BECK] found himself—not knowing anything at all about it. I have got along as well as I could.

In the last Congress the controversy that arose between the two Houses, and which rested in the committee of conference during two sessions, where the fortification bill finally failed, was over substantially this very measure propounded by the Senate, and something like the measure which has been advanced by the Senator from Maryland, propounded by the other House. The Senate, however, did what I wish was in this bill. They incorporated along with this measure the idea that it was absolutely necessary for the safety of this Government in time of war and peril that there should exist in this country establishments that could produce guns. This plan, and the best of them all by itself, makes the rough castings by private enterprise and the assembling and completing of them by the Government.

That was the proposition of the Senate in the last conference. Against that the House proposed to construct the guns entirely by private enterprise, cutting the Government out entirely; and that was the struggle. Now, the Senate measure, which has had the elements of this, though not so well perfected, carried along with it the idea that the establishment in this country that did produce guns of value, and in time of war of the greatest and most vital importance, should be kept up in this country and should not be left to die out, so that when the exigency did come the Government would not be left helpless.

The Government should not depend wholly on private enterprise, for private enterprise could not produce a gun, because private enterprise would be embarking entirely in the rough castings and the Government in the assembling and completing of them.

That is a great feature which ought to be carried out, and is very well guarded in this measure from the Military Committee. But while it does not exclude, as the Senator from Iowa [Mr. ALLISON] and the Senator from Connecticut [Mr. HAWLEY] say, it does not forbid the maintaining of these private establishments by the Government; it does not include them; it leaves them to die; and the Senator from Iowa pledges himself two or three years hence, when these steel castings shall come to be complete, to stand up here and breathe the breath of life anew into these establishments. That will involve delay and the confining of the manufacture of all guns to steel. If I were absolutely certain that the steel gun was the best gun of the future and the only gun that it was wise to construct, that might be a very strong argument for keeping it exclusively in this copartnership—if I may use that word—this casting by private enterprise of rough castings and the completing them in the Government works. But I do not think that the Government ought to turn its back upon all other guns than steel guns. Cast-iron has not passed out of use for guns by any means. There is a new metal now coming into use in Europe for guns, and we are getting now for the first time into what is an essential condition, an admirable one for building guns, but are confining ourselves entirely to steel. That is the only criticism that I have upon this measure.

All the controversies over this subject that have taken place in the past have had this idea which is in this amendment, and along with it a proposition to make other guns—not to cripple and not to circumscribe the effort to bring into perfection the idea of this amendment, but at the same time to hold out encouragement to private enterprise to enable it when the emergency came to itself build a gun and complete a gun. Private enterprise under this plan can not complete a gun; the Government under this plan can not complete a gun; it takes the two together, and the two together in my opinion can work better and more profitably, with more promise of perfect result, than in any other way; but at the same time I repeat my regret that this amendment has turned its back upon all encouragement to private enterprise to hold up its establishments, or rather to invest more capital in establishments for the construction of guns.

Nevertheless, sir, it is such a valuable thing for which I have contended along with the other elements, for two or three Congresses in the past, that I am very glad to vote for this. I hope, however, that the Congress of the United States by doing this will not decide that this is all that they will do.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the report of the committee of conference?

Mr. GORMAN. On that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. On this question the Senator from Maryland asks that the yeas and nays may be entered upon the Journal.

The yeas and nays were ordered.

Mr. PLUMB. I do not wish to detain the Senate, but I rise to say that while I agree that this report shall be adopted, and that I have no doubt it will be of service in its way, I think it is far from meeting the entire case, and that there ought to be something which affords more of a stimulus and opportunity to the inventive public and to the general enterprising public in regard to matters of this kind than is afforded by this proposition.

This proposition assumes that we have got to a certain stage of perfection in the manufacture of powerful weapons of war, and that we can take what has been provided and go on without inviting further improvements.

Mr. HAWLEY. Oh, no; do not add that last sentence.

Mr. PLUMB. So far as that goes I have no objection to taking something of that kind, although I believe it ought to go further. I believe, as I have heretofore said, that we are on the eve of developments in regard not only to explosives but to guns and materials for guns, that will put us as much forward in perhaps the next three or four years as the whole world has gone forward in the last twenty-five.

The complaint I have to make about this is not that we are to spend three or four million dollars in the construction of what may prove to be effective weapons, because by the expenditure of this money not only shall we secure instruction for our artisans, but by thus turning our manufactures into the right direction we shall secure incidental advantages more than counterbalancing the entire cost. But the complaint I have is that the bill does not go further; that it does not give larger relative importance to this other branch of inquiry and investigation in regard to what is best to be done in the way of offensive and defensive weapons and methods.

Mr. GEORGE. I desire to make a parliamentary inquiry as to the effect of the vote. If we refuse to agree to the report of the conference committee, does the bill then go back to the conference committee, or is it finally defeated?

The PRESIDENT *pro tempore*. The conference, as the Chair understands, was on amendments offered and agreed to in the Senate to a bill originating in the House of Representatives. The House disagreeing to the amendments, the bill went to a conference, and the papers being in the possession of the Senate, the report of the conference committee is first made to this body. In case the Senate should refuse to agree to the report of the committee of conference it will be as if no action whatever had been taken. The amendments will still be pending disagreed to by the House of Representatives, and the Senate can either insist upon its amendments or adhere to them, or it can recede from them. The bill retains its vitality.

Mr. HAWLEY. Some Senator asked the Senator from Maryland about how many heavy guns this sum of $3,500,000 would make. It is a thing very difficult to estimate, because whoever takes this contract is expected to expend a great deal of money in plant—unless it all goes to the Bethlehem works—they have their plant very nearly ready. But if we suppose that the finished guns will cost $1,000 a ton, the appropriation would secure for us 3,500 tons of heavy guns. Nobody intends at present to build a gun weighing 100 tons—a 16-inch gun—so far as I know. The guns would probably be 8-inch, 10-inch, and 12-inch guns. I should say they would make three guns to the hundred tons. That would make 105 guns, though it would really make probably more than that, as more of them would probably be 8-inch than 10-inch guns.

Mr. GORMAN. Let me ask the Senator as to the capacity of the shop or yard at Washington, if worked up to the full capacity of its plant? Is it a product of twenty-five 6-inch guns and ten 8-inch guns?

Mr. HAWLEY. Yes.

Mr. GORMAN. The capacity of the shop at Watervliet would be greater when completed, but it can not be completed within two years. Therefore the capacity of that shop, with what improvements they would make, would probably not exceed that of the plant here.

Mr. HAWLEY. But when these shops are once established the increasing of their capacity means nothing more than buying a few more of the larger lathes, etc.—a few more machine tools.

Mr. BLAIR. Let me inquire of the Senator whether these guns are to be used indifferently for the Army and the Navy?

Mr. HAWLEY. These guns for the coast defenses are contemplated to be guns for the Army only.

Another point occurs to me. A Senator spoke of private parties making these guns. There is no difficulty about private shops making small guns. One shop has made some nice 8-inch steel guns, but there is no shop in the country prepared to forge the heavy pieces for a 10-inch gun.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the question of concurring in the report of the committee of conference.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. Not knowing how he would vote, I withhold my vote.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. I shall transfer that pair to the Senator from Virginia [Mr. RIDDLEBERGER], and record my vote "yea."

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. TURPIE (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS]. Not knowing how he would vote, I withhold my vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is paired with the Senator from New York [Mr. HISCOCK].

Mr. BATE. The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. CULLOM. For the purpose of making a quorum I will transfer the pair of the Senator from North Carolina [Mr. RANSOM] with myself to my colleague [Mr. FARWELL] so that the Senator from Florida [Mr. PASCO] and myself can both vote.

Mr. MORGAN. I am paired with the Senator from New York [Mr. EVARTS]. If his colleague knows how he would vote on this matter I should like to be informed of it.

Mr. ALLISON. If present, he would vote "yea."

Mr. MORGAN. With that assurance I vote "yea."

Mr. CALL. I am paired with the Senator from Colorado [Mr. BOWEN]. I do not see him in the Chamber, and if he has not voted I shall withhold my vote.

The PRESIDENT *pro tempore*. He has not voted.

Mr. TELLER. I think he would undoubtedly vote "yea," if he were present.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. CALL. If it is necessary to make a quorum, I will vote.

The PRESIDENT *pro tempore*. It is not necessary.

The result was announced—yeas 30, nays 11; as follows:

YEAS—30.

Allison,	Dawes,	Mitchell,	Sabin,
Beck,	Dolph,	Morgan,	Sawyer,
Blair,	Edmunds,	Paddock,	Sherman,
Brown,	Frye,	Payne,	Spooner,
Chandler,	Gibson,	Platt,	Stewart,
Colquitt,	Gray,	Plumb,	Teller.
Cullom,	Hampton,	Pugh,	
Davis,	Hawley,	Reagan,	

NAYS—11.

Bate,	Coke,	Pasco,	Vest,
Berry,	George,	Saulsbury,	Walthall.
Cockrell,	Gorman,	Turpie,	

ABSENT—35.

Aldrich,	Eustis,	Ingalls,	Ransom,
Blackburn,	Evarts,	Jones of Arkansas,	Riddleberger,
Blodgett,	Farwell,	Jones of Nevada,	Stanford,
Bowen,	Faulkner,	Kenna,	Stockbridge,
Butler,	Hale,	McPherson,	Vance,
Call,	Harris,	Manderson,	Voorhees,
Cameron,	Hearst,	Morrill,	Wilson of Iowa.
Chace,	Hiscock,	Palmer,	Wilson of Md.
Daniel,	Hoar,	Quay,	

So the report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 1992, Senate bill 3226.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. SHERMAN. Pending that I wish to submit a privileged motion.

The PRESIDENT *pro tempore*. The Senator from Ohio desires to submit a privileged motion.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business in open session.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate now proceed, in open executive session, to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The title of the treaty will be read.

The EXECUTIVE CLERK. Treaty (Executive M) between United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The treaty is before the Senate as in Committee of the Whole, and will be read by articles. The first article will be read.

The Executive Clerk read as follows:

ARTICLE I.

The high contracting parties agree to appoint a mixed commission to delimit, in the manner provided in this treaty, the British waters, bays, creeks, and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

Mr. GIBSON. Mr. President, I know very well that I can add nothing to the stores of learning, to the eloquence and ability which have characterized this debate——

Mr. HOAR. Will the Senator from Louisiana pardon me for a moment? I should like to know for my own information whether when the reading of the treaty by articles begins it ought not to be read through by articles.

Mr. GIBSON. I desire to submit some remarks on the treaty itself, and to make a motion. I am content that the treaty shall be read through.

Mr. HOAR. I think that is the orderly way.

Mr. MORGAN. It has been read through.

Mr. HOAR. But it has to be read by articles, under the rule.

Mr. GIBSON. I understand that there are some amendments to be proposed to different articles.

Mr. HOAR. As I understand it, the rule requires the treaty to be read by articles.

The PRESIDENT *pro tempore*. If the Senator from Massachusetts will pardon the Chair, the treaty has once been read at length before the Senate, and the rules require that it shall be considered as in Committee of the Whole subsequently, and read by articles for amendment.

Mr. HOAR. I so understand it, and that is precisely what I was about to state, if the Chair please. I understand that the treaty should be now read through by articles under the rule, the rule requires it, until some amendment is offered to a particular article. If an amendment be offered then, of course, the amendment is debatable; otherwise the debate on the treaty goes on after the reading by articles is completed.

Mr. GRAY. I ask the Senator from Massachusetts, and I ask somewhat for information, whether when an article has been read it is not proper for any Senator who wishes to discuss that article to rise and make remarks upon the article and present his views on the question?

Mr. HOAR. Not without moving an amendment. I do not care anything about the question, and will agree to whatever course the Senator from Louisiana prefers to take; but I understand if we proceed according to the strict rule there must be some pending question. The question upon the whole treaty is not pending until the treaty has been read through under the rule by articles. If, however, as it is read by articles an amendment is moved, then it is in order to address the Senate on that amendment; but there is no question open for debate until one or the other of those things takes place, either when the treaty has been read through and the question is on its passage or on a motion to amend a particular article.

The PRESIDENT *pro tempore*. If the Senator from Louisiana will pardon the Chair for one moment, it will be interesting to have the rule read, so that it will be clearly before the minds of Senators; and as it is brief, the Chief Clerk will read the parts of Rule XXXVII which refer to the proceedings when treaties are under consideration.

The Chief Clerk read as follows:

When a treaty is reported from a committee with or without amendment it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after wh ch other amendments may be proposed; and when through with the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed w th its consideration in open executive session.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be; which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

Mr. GIBSON. Mr. President, I know I can add nothing to the stores of information and to the ability and eloquence which have characterized this debate. I would be content to cast a silent vote if it had not been that certain imputations, unjust and indecorous, have been laid against Senators who represent States lying south of the Potomac and the Ohio. It might be well for these Eastern Senators to reflect that if their ancestors had treated our ancestors and predecessors in public life from the country south of the Potomac and the Ohio in the same spirit of suspicion and reproach, there would probably have been no Declaration of Independence, no war of the Revolution, no Independence achieved, no Constitution, no Union, and no United States of America. Moreover, it is due that I should make known the considerations which have induced me, after examination, to give my cordial support to the ratification of the pending treaty.

There is no interest of this country beyond its boundaries so insignificant as to escape the scrutiny and reach of our Constitution and laws; none so remote as to be beyond the solicitude of American Senators, and of such interests none is so justly entitled to recognition, protection, and support as our fishing rights and liberties on the eastern coasts of the British provinces. There is not one of these American fishermen who, leaving his wife and children in his humble home, goes forth in his little dory from the rockbound shores of New England to brave the storms of these fierce northern seas in quest of a livelihood; not one of these intrepid husbandmen of the billowy pastures of the deep who is not accompanied by my personal good-will, and over whom I would not hold the flag and power of my country to protect his rights under the treaties and the laws of nations.

This fishing industry, it will be remembered, was acquired by our ancestors when they were British subjects. The domination of France was overthrown by the joint efforts of the colonists and the mother country, and the supremacy of England on this continent was fully recognized by the treaty of 1763. We all remember how that contest was begun by the colony of Virginia, which sent forth a body of four hundred men under the command of George Washington, then a young man and British subject, to attack the French in their stronghold of Fort Duquesne, on the Ohio River, and how he was surrounded and forced to capitulate. Washington was then a loyal subject of Great Britain, wearing the uniform and defending the flag, the old flag of the mother country. Though unsuccessful in his first venture, yet the struggle thus begun for the valley of the Ohio and the lakes extended throughout Canada, indeed throughout continental Europe, for it has been well observed by a distinguished historian that troops were fighting in Saxony for the Dominion of Canada. Troops from the Carolinas, from Maryland and Pennsylvania and Delaware, from Virginia, joined the regulars from England and rallied under the leadership of Braddock and Washington to drive the French and the Indians from their territory in the West, while gallant spirits from New England went forth over the very waters we discuss to-day to seize the fortress at Louisburgh. Soldiers from New England and New York were re-enforcing Wolfe when he scaled the Heights of Abraham, and many of them fell with Lord Howe at Ticonderoga.

Those were the days when our ancestors were proud to call themselves British colonists and British subjects; when the Province of Massachusetts was erecting a monument to Lord Howe, which the visitor may see to-day in Westminster Abbey; when the commons of South Carolina were dedicating a statue in bronze of the Earl of Chatham, the great English commoner, which still stands in Charleston as a perpetual memorial of their gratitude and appreciation for his public life and services; when the American colonist was marching side by side with the veterans of England to extend the area of English institutions and English power, and when his proudest boast was—

> That Chatham's language was his mother tongue,
> And Wolfe's great heart compatriot with his own.

It was under these circumstances and associations that this fishing right and liberty on the coast of the British provinces became our countrymen's right. But I need not recall the fact that the epoch of which I have been speaking was short lived, and that by reason of the oppression and wrongs of the mother country the loyal sentiment that had inspired the colonists was converted after unavailing remonstrances into deep-seated hostility.

The colonists took up arms under the leadership of George Washington, and by his genius and wisdom, and after a seven years' struggle characterized by every virtue that may adorn a people, our independence was achieved, and was fully recognized, as well as our fishing rights and liberties in the Northeastern waters, by King George III in the treaty of 1783, signed by John Adams, Benjamin Franklin, and John Jay. I append to my remarks Article III of the treaty of 1783.

But it must be borne in mind that this treaty was made, not under the present Constitution, but under the Articles of Confederation, and by the eleventh article it was provided that "Canada, acceding to this Confederation and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union; but no other colony shall be admitted into the same unless such admission be agreed to by nine States." Doubtless the belief existed and the hope was cherished that Canada would become one of the States of the Union, and perhaps it was owing to this sentiment, shared probably by English statesmen, that our commissioners were enabled to obtain full recognition of our fishing rights.

Having overthrown the power of Holland and Spain and France, England became mistress of the seas, and arbitrary and intolerant in her intercourse with other nations. She demanded the right to halt and search American ships on the high seas, and this was held to be insulting to our flag and to the honor of our country, and under the leadership of Madison and Clay and Calhoun and Lowndes the United States declared war against Great Britain. This was the boldest step ever taken by the Government of the United States, when you consider the power and resources of England and how meager were our own at that time, and yet this very measure was adopted by statesmen from the country south of the Potomac and the Ohio, whose successors to-day appear to be, in their opinion, unworthy of the confidence and esteem of the Senators of the States of the Northeast. This war was closed by the treaty of Ghent, where our commissioners proposed to the British commissioners that the provisions of the treaty of 1783 relating to the navigation of the Mississippi River and to the fishing rights should be incorporated in the treaty of 1815—a proposition which the British commissioners declined and notified the commissioners of our Government that they regarded the treaty of 1783 as having been abrogated by the war of 1812, in respect of these two matters, and that they would not make any recognition of the rights which had been conceded by the treaty of 1783 without a fair equivalent therefor. They seemed to consider the whole treaty of 1783 as a British grant; we considered it as a British acknowledgment.

The treaty of 1815 was silent as to the Mississippi River and the fishing interests, and it was equally silent, strange as it may appear, with regard to the "right of search," which had been the cause of the war. Mr. Gallatin had charge of the matter that related to the fishing liberty and to the navigation of the Mississippi River; of course he was aided by John Quincy Adams, Henry Clay, James Bayard, and Jonathan Russell, his associates on the commission. I have read, as I have no doubt other Senators have read, the memoirs of John Quincy Adams, who relates circumstantially interviews of our com-

missioners with the British commissioners, and gives every detail of the proceedings which resulted in the adoption of the treaty of Ghent. I will here say that there is no one who entertains a higher respect for the long services of John Quincy Adams, for his profound learning, his varied scholarship, his intense nationality, his obstinate devotion to what he thought was right, whenever called upon to treat with foreign governments. But in spite of his own devotion to the fishing interests, inherited from his father, John Adams, who had exclaimed, when making the treaty of 1783, "Our fishing rights or no treaty;" in spite of the exertions of Albert Gallatin, who in his day and generation rendered inestimable services to the public welfare; in spite of the persuasive eloquence of Henry Clay and the sturdy common sense of James Bayard, the grandfather of our Secretary of State, nothing could be accomplished; not a guaranty could be obtained from the British commissioners, who were in constant correspondence with their government, in acknowledgment of American rights in the fishing waters of the British provinces.

It is doubtful even whether the commissioners would have signed any treaty of peace had it not been owing to the friendship of the Russian Czar, who was then in coalition with Great Britain and making common cause against Napoleon, and insisted that England should make peace with the United States; and it may be that this powerful influence exerted in our behalf grew out of the friendship that had been formed between the Czar and John Quincy Adams, who in his youth was secretary of legation at St. Petersburg, and enjoyed the acquaintance and even the companionship of the Czar himself and of his prime minister. After the treaty of peace John Quincy Adams was appointed by President Madison minister to the court of St. James, and with that persistency that ever characterized him, on still pursuing the fishing interest and endeavoring to get a recognition of it, it was not long before he sought an interview with the minister of foreign affairs, the Earl of Bathurst, one of the most accomplished and the ablest of English statesmen.

Mr. Adams gave to Mr. Monroe, the Secretary of State, in a letter dated London, September 19, 1815, the substance of his conversation with Lord Bathurst and the opinions he derived from it. It appears that a captain of a British armed vessel, the Jaseur, had given warning to certain American fishing vessels to withdraw from the fishing grounds to a distance of 60 miles from the coast of the British provinces. This was one of the subjects that Mr. Adams proposed to discuss with Lord Bathurst, and as that was easily disposed of, he then set forth with great vigor an argument against the forfeiture by the war of 1812 of our fishing rights recognized by the treaty of 1783. He says:

I now stated to Lord Bathurst the ground upon which the Government of the United States considered the right as subsisting and unimpaired. The treaty of 1783 was in its essential nature not liable to be annulled by the subsequent war. It acknowledged the United States as a sovereign and independent power. It would be an absurdity inconsistent with the acknowledgment itself to suppose it possible to be forfeited by a war. The whole treaty of Ghent did constantly refer to it as existing and in full force, nor was an intimation given that any further confirmation of it was supposed to be necessary. It would be for the British Government ultimately to determine how far this reasoning was to be admitted as correct. There were also considerations of policy and expediency to which I hoped they would give suitable attention before they should come to final decision upon this point. I thought it my duty to suggest them, that they might not be overlooked.

I will not repeat all the considerations and arguments Mr. Adams urged upon Lord Bathurst. They are familiar to us all. But I ask the Senators to take note of the opinion which he formed at the conclusion of this interview as to the position of the British Government. He says, in conclusion, to Mr. Monroe:

I have no expectation that the arguments used by me, either in support of our right or as to the policy of Great Britain upon this question, will have any weight here.

The spectacle is presented of the ablest, most earnest, and obstinate, at the same time the most learned diplomatist that America had, acknowledging that all his efforts to induce the British Government to make any recognition whatsoever of our fishing interests on the coasts of the northeastern provinces had been in vain. But not content with this, Mr. Adams, a few days afterwards, September 25, 1815, submitted a paper to the Earl of Bathurst, which exhausts the arguments in favor of the rights of the United States. He notes how they were acquired by the colonists when they were British subjects, how the British Government by the treaty of 1783 had given the fullest acknowledgment of them, and contended that that treaty had not been abrogated by the war of 1812. And he hints at the possibility of resistance if these rights should be denied.

The treaty of Ghent—

Says Mr. Adams—

in every one of its essential articles refers to that of 1783 as being still in full force. The object of all its articles relative to the boundary is to ascertain with more precision and to carry into effect the provisions of that prior compact. The treaty of 1783 is, by tacit understanding between the parties, and without any positive stipulation, constantly referred to as the fundamental law of the relations between the two nations. Upon what ground, then, can Great Britain assume that one particular stipulation in that treaty is no longer binding upon her? Upon this foundation, my lord, the Government of the United States consider the people thereof as fully entitled, of right, to all the liberties of the North American fisheries which have always belonged to them, which, in the treaty of 1783, Great Britain recognized as belonging to them, and which they never have, by any act of theirs, consented to renounce. With these views, should Great Britain ultimately determine to deprive them of the enjoyment of these liberties by force, it is not for me to say whether or for what length of time they would submit to the bereavement of that which they would still hold to be their unquestionable right.

It is but fair that I should make a brief quotation from the reply of Lord Bathurst in the contention of Mr. Adams. In a letter to Mr. Adams, dated October 30, 1815, Lord Bathurst says:

As to the origin of these privileges, in point of fact the undersigned is ready to admit that so long as the United States constituted a part of the dominions of His Majesty the inhabitants had the enjoyment of them, as they had of other political and commercial advantages, in common with His Majesty's subjects. But they had at the same time, in common with His Majesty's other subjects, duties to perform; and when the United States by their separation from Great Britain became released from the duties they became excluded also from the advantages of British subjects. They can not, therefore, now claim otherwise than by treaty the exercise of privileges belonging to them as British subjects unless they are prepared to admit on the part of Great Britain the exercise of the rights which she enjoyed previous to the separation.

If it be contended on the part of the United States that, in consequence of having been once a part of the British dominions, they are now entitled as of right to all the privileges which they enjoyed as British subjects in addition to those which they have as an independent people, the undersigned can not too strongly protest against such a doctrine; and it must become doubly necessary for Great Britain to hesitate in conceding the privileges which are now the subject of discussion, lest by such a concession she should be supposed to countenance a principle not less novel than alarming.

But though Great Britain can never admit the claim of the United States to enjoy those liberties with respect to the fisheries as matter of right, she is by no means insensible to some of those considerations with which the letter of the American minister concludes.

Although His Majesty's Government can not admit that the claim of the American fisherman to fish within British jurisdiction and to use the British territory for purposes connected with their fishery is analogous to the indulgence which has been granted to enemy's subjects engaged in fishing on the high seas, for the purpose of conveying fresh fish to market, yet they do feel that the enjoyment of the liberties formerly used by the inhabitants of the United States may be very conducive to their national and individual prosperity, though they should be placed under some modifications; and this feeling operates most forcibly in favor of concession. But Great Britain can only offer the concession in a way which shall effectually protect her own subjects from such obstructions to their lawful enterprises as they too frequently experienced immediately previous to the late war, and which are, from their very nature, calculated to produce collision and disunion between the two states.

Shortly after these events Mr. Adams was recalled to be Secretary of State under President Monroe. He retired from the British court, as he had done from Ghent, firmly convinced, as he said himself in his letter to Mr. Monroe, that his arguments had no weight with the British Government. He evidently had been discouraged, for on July 18, 1818, he addressed a letter of instructions to Messrs. Gallatin and Rush, who were about to make the treaty of 1818, respecting the fisheries, in which he says:

The proceedings, deliberations, and communications upon this subject, which took place at the negotiation of Ghent, will be fresh in the remembrance of Mr. Gallatin. Mr. Rush possesses copies of the correspondence with the British Government relating to it after the conclusion of the peace, and of that which has passed here between Mr. Bagot and this Government. Copies of several letters received by members of Congress during the late session, from the parts of the country most deeply interested in the fisheries, are transmitted.

The President authorizes you to agree to an article whereby the United States will desist from the liberty of fishing, and curing and drying fish, within the British jurisdiction generally, upon condition that it shall be secured as a permanent right, not liable to be impaired by any future war, from Cape Ray to the Ramaa Islands, and from Mount Joly, on the Labrador coast, through the Strait of Belle Isle, indefinitely north, along the coast; the right to extend as well to curing and drying the fish as to fishing.

No one better than Mr. Adams knew the meaning of the words "*within British jurisdiction generally.*" He knew that meant to give up our rights and liberties along the coasts of Nova Scotia, Cape Breton, Prince Edward Island, New Brunswick, Magdalen Island, and all that part of Newfoundland and Labrador not embraced within the limits designated by him. There can be no doubt about this, for in a communication, dated Ghent, December 25, 1814, the American plenipotentiaries, in a letter signed first by John Quincy Adams, and probably drawn by him, they speak of our rights on the coast of the northeastern provinces as the "right of the people of the United States to fisheries within the British jurisdiction." And Mr. Gallatin, in a letter to the Secretary of State, dated at Ghent, 25th of December, 1814, says:

On the subject of the fisheries within the jurisdiction of Great Britain we have certainly done all that could be done.

In that very same letter he says further:

The treaty which we signed yesterday with the British ministers is, in my opinion, as favorable as could be expected under existing circumstances so far as they were known to us. The attitude taken by the State of Massachusetts and the appearances in some of the neighboring States had a most unfavorable effect.

Nobody can deny that our contention from the beginning to the end has been for the fishing rights within the British jurisdiction. And now the only question to determine is how far the maritime jurisdiction of Great Britain on the coasts of the northeastern provinces extends into the sea. I will discuss the question of maritime jurisdiction more fully later on, but it is important to-day, in order to do justice to all parties concerned and to arrive at a fair and candid determination of this matter, that we should bear in mind the fact that John Quincy Adams, who above all others was the most zealous and devoted advocate of our fishing rights, while Secretary of State instructed our ministers who were about to make the treaty of 1818 to desist from pressing the liberty of fishing and curing fish within the British jurisdiction generally, upon the condition that the permanent

right should be secured, a right not liable to be impaired by any future war, the privilege of fishing—

From Cape Ray to the Ramaa Islands and from Mount Joly, on the Labrador coast, through the Strait of Belle Isle, indefinitely north along the coast; the right to extend as well to curing and drying the fish as to fishing.

Let those who have doubts about the propriety of ratifying the pending treaty look over the maps which have been hung on the walls of this Senate Chamber, and contrast the terms that John Quincy Adams proposed to Messrs. Rush and Gallatin with those which have been secured by Thomas F. Bayard in the pending treaty.

But to pursue the subject further. How did Messrs. Gallatin and Rush treat these instructions? They informed Mr. Adams, the Secretary of State, in a letter dated London, October 20, 1818:

We succeeded in securing, besides the rights of taking and curing fish within the limits designated by our instructions, as a *sine qua non*, the liberty of fishing on the coasts of the Magdalen Islands and on the western coast of Newfoundland, and the privilege of entering, for shelter, wood, and water, in all the British harbors of North America."

So it appears that our plenipotentiaries were successful beyond the expectations and hopes of Mr. Adams, Secretary of State. We have before us now, in an official form, the interpretation which the plenipotentiaries themselves gave to the treaty they had just concluded, and their construction is, as will be perceived by reference to their letter, that they had secured by this treaty rights for taking and curing fish within the limits designated by Mr. Adams, namely, from Cape Ray to Rameau Island and from Mount Joly, on the Labrador coast, through the Straits of Belle Isle indefinitely north along the coast, but also liberty of fishing on the coast of the Magdalen Islands and on the western coast of Newfoundland, and the privilege of entering, for shelter, wood, and water, in all the British harbors of North America. They also admit that there is no right nor liberty to fish secured by this treaty on the coasts of Nova Scotia, New Brunswick, Cape Breton, or Prince Edward Island. This they say they had surrendered. This liberty of fishing is confined to the coast of the Magdalen Islands and the western coast of Newfoundland. They obtained, not a privilege for fishing, but a privilege for entering for shelter, wood, and water, which is accorded in all the British harbors of North America. This interpretation of the treaty by the plenipotentiaries themselves, in my judgment, is too narrow and contracted and is not justified by the language of the treaty itself. This interpretation would fully justify the British contention, and there will be no escape from the conclusion that we had not acquired by this treaty any right of fishing on any of the coasts or within the marine jurisdiction of any of those British provinces which are not specified in the treaty itself. Such at least is the opinion of the plenipotentiaries. But let us recur for a moment to the treaty itself. I will quote only the clauses that bear upon the points I am now discussing, but will append to my remarks Article I of the treaty of 1818, so that reference may be made to it. The concluding clause of Article I of that treaty provided:

And the United States hereby renounces forever any liberty which was enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above limits.

I propose for one, having the treaty before us and knowing the steps that led to its formation, to discuss it as if it were a compact between myself and another gentleman. You can not escape responsibility in a transaction of this kind to deal with it in perfect fairness and candor. Now, let us analyze that treaty. We have the language here:

The United States renounces their fishing rights within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in North America.

To a plain man reading that language it would seem that it drew back the line from the coasts, where it had been fixed under the treaty of 1783; that it drew it back 3 marine miles from the coasts where there were no bays, no harbors, no creeks, and 3 marine miles from the creeks where there were creeks, and 3 marine miles from the harbors where there were harbors, and 3 marine miles from the bays where there were bays. Strike out or expunge the word "bays" and then see how it would read. It would read precisely as our friends insist it should read in order to support what they call the "American contention." It would read then:

The United States renounces any liberty, etc., within 3 marine miles of any of the coasts, creeks, or harbors, etc.

But I insist that a construction which would be justified only by expunging important words from the sentence can not be maintained. But take a step further and look at the proviso; what does it say?

Provided, however, That the American fishermen shall be admitted to enter such bays.

What bays? Evidently the bays referred to in the preceding sentence, and from which that sentence excludes our fishermen. Why insert a proviso conferring upon them the right to enter such bays for certain specific and limited purposes if they had already secured that right under the preceding sentence? Why insert the proviso declaring that American fishermen shall be permitted to enter such bays for specific purposes, unless they had already been excluded from them for all general purposes? Now, taking in a spirit of perfect frankness the clause of renunciation and proviso attached thereto, and giving to each word its ordinary and customary and usual meaning, the reasoning is as conclusive as any theorem in Euclid that the intent and effect of this part of the treaty was to exclude American fishermen from the bays in His Britannic Majesty's dominions, except for four specified purposes, for which the proviso declares they may enter such bays, and for no other purposes whatever. This argument is unanswerable and conclusive, and it would belittle the human reason to attempt to deny propositions that are as plain as the English language can make them.

But if anything were wanting to complete this argument to the satisfaction of every one who would agree that two and two make four, it will be found in the clause which declares that the American fishermen shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein. (That is, in the bays.)

Now, if this were the end of the treaty there would not be the slightest ground to oppose the British contention or whereon to set up the American contention. But this is not the end of the treaty. If we look a little further we shall find a proviso that is full of significance. It says that American fishermen shall enter such bays or harbors for the purposes of shelter, for repairing damages therein, for purchasing wood and obtaining water, but for no other purposes whatever; but they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges thereby reserved to them. Now, if a bay, like the Bay of Fundy, be held to be such a bay as under this proviso American fishermen may enter, or if under the "headland theory" which stretches a line from cape to cape, those great arms of the sea be meant that run out from 40 to 60 miles, how could a storm-driven vessel find shelter in any one of them? They afford no shelter, they are really parts of the high seas, they afford no water except salt water, nor wood, and vessels can not be repaired in them. No one of the four purposes for which American fishermen are permitted to enter such bays could be subserved in these great arms of the sea; the proviso would have to be expunged in order to maintain the extreme British contention, just as it would be necessary to expunge words in the clause of renunciation to maintain the extreme American contention. So I submit that here we have two contradictory constructions of this treaty, which may be maintained fairly and honestly.

If you apply the British contention to the Bay of Fundy, how can you reconcile it to the fact that there are other bays in that bay—to which of them does the language of the treaty apply, to the smaller bays around the coast of this great arm of the sea, or to the larger bay itself, the Bay of Fundy, comprehending all the others? And if you apply the extreme or partisam American contention, you must abolish all the bays, small and great, on the coast of the British provinces. It is evident that the provisions of this treaty are inexact, ambiguous, contradictory, conflicting, confusing, and that the only way in the world to arrive at a good understanding is for the two governments to agree upon some common interpretation that shall be just to both, and in which both may perhaps be called upon to make some slight concessions, some relinquishment of the exercise of their rights in favor of that concord and harmony which should exist between these two great peoples, leading the way for advancement of man and of civilization and of constitutional liberty. This has been what the present administration of the Government under President Cleveland and through Secretary Bayard has sought to accomplish.

But, with the indulgence of the Senate, I will invite attention to the discussion of the terms and provisions of this treaty, which has been for over seventy years a subject of controversy between the two governments. It is no new question, for it has received consideration at the hands of the most patriotic and eloquent statesmen who have ever been called into the service of the people of the United States. In the discussion of this question it may be well to bear in mind the definition which Mr. Webster has given us of a bay, for I can think of none better; a bay, as it is usually understood, is an arm or recess of the sea entering from the ocean between capes or headlands, and the terms apply equally to large and small tracts of water thus situated.

I pass over the elaborate correspondence of Mr. Upshur when Secretary of State, and Mr. Stevenson while minister to the court of St. James, and I move directly to consider the correspondence between Mr. Everett and the Earl of Aberdeen, while Mr. Everett was our minister to England, in 1844 and 1845, under the administrations of Presidents Tyler and Polk. It is hardly worth while that I should commend Edward Everett to the regard of Senators, for they will well recall his profound learning, his ripe scholarship, his enlightened statesmanship, and his patriotic devotion to his country, and his complete equipment as a diplomatist. His correspondence is marked by a tone of elevation and fairness that does credit to his character and to the country he represented, showing that while he felt allegiance to his country and zeal for its institutions, that it was not necessary for him to trample upon the obligations of honor and truth in order to serve it.

I ought at the outset perhaps to say, as is well known to Senators, that these occurrences and this correspondence took place after the act of George III, 59, 1819, after the passage of the act by the provincial government of Nova Scotia of 1836, by which all sorts of harassments

and annoyances and limitations were placed upon American fishermen under the pretense of enforcing the terms of the treaty, establishing certain regulations and restrictions for American fishermen as may be necessary to prevent them from abusing the privileges reserved in the treaty. I invite attention to this correspondence because it discloses the construction which Mr. Everett places upon the treaty of 1818, as well as Lord Aberdeen's construction. I need not repeat the language of the treaty of 1818, as I have often had occasion to refer to it. The subject-matter of the correspondence was the seizure of the American fishing vessel Washington by officials of Nova Scotia in the Bay of Fundy, and of the fishing schooner Agnes off the banks of St. Ann, northeast of Cape Breton. Mr. Everett says:

Existing doubt as to the construction of the provision arises from the fact that a broad arm of the sea runs up to the northeast between the provinces of New Brunswick and Nova Scotia. This arm of the sea being commonly called the Bay of Fundy, though not in reality possessing all the characters usually implied by the term "bay," has of late years been claimed by the provincial authorities of Nova Scotia to be included among "the coasts, bays, creeks, and harbors forbidden to American fishermen." An examination of the map is sufficient to show the doubtful nature of this construction.

It will be remarked here that Mr. Everett does not deny the construction or reject it. He expresses no resentment at it, like many of our friends on the other side do to-day. He simply says, "An examination of the map is sufficient to show the doubtful nature of the construction." He says further:

It was notoriously the object of the article of the treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States along the coasts and upon the shores of the settled portion of the country, and for that purpose to remove their vessels to a distance not exceeding 3 miles from the same.

In estimating this distance the undersigned admits it to be the intent of the treaty, as it is reasonable, to have regard to the general line of the coast, and to consider its bays, creeks, and harbors, that is, the indentations usually so accounted, as included within that line. But the undersigned can not admit it to be reasonable, instead of thus following the general directions of the coast, to draw a line from the southwesternmost point of Nova Scotia to the termination of the northeastern boundary between the United States and New Brunswick, and to consider the arms of the sea, which will be cut off, and which can not on that line be less than 60 miles wide, as one of the bays on the coast from which American vessels are excluded. By this interpretation the fishermen of the United States would be shut out from the waters distant, not 3, but 30 miles from any of the colonial coast. The undersigned can not perceive that any assignable object of the restriction imposed by the convention of 1818 on the fishing privileges accorded to the citizens of the United States by the treaty of 1783 requires such a latitude of construction.

It is obvious that (by the terms of the treaty) the furthest distance to which fishing vessels of the United States are obliged to hold themselves from the colonial coasts and bays is 3 miles. But, owing to the peculiar configuration of these coasts, there is a succession of bays indenting the shores of New Brunswick and Nova Scotia within the Bay of Fundy. The vessels of the United States have a general right to approach all the bays in Her Majesty's dominions, within any distance not less than 3 miles, a privilege from the enjoyment of which they will be wholly excluded, in this part of the coast, if the broad arm of the sea which flows up between New Brunswick and Nova Scotia is itself to be considered one of the forbidden bays.

Lastly—and this consideration seems to put the matter beyond doubt—the construction set up by Her Majesty's colonial authorities would altogether nullify another, and that a most important stipulation of the treaty, about which there is no controversy, namely: The privilege reserved to the American fishing vessels of taking shelter and repairing damages in the bay within which they are forbidden to fish. There is, of course, no shelter nor means of repairing damages for a vessel entering the Bay of Fundy, in itself considered. It is necessary before relief or succor of any kind can be had to traverse that broad arm of the sea and reach the bays and harbors, properly so called, which indent the coast, and which are no doubt the bays and harbor referred to in the convention of 1818. The privilege of entering the latter in extremity of weather, reserved by the treaty, is of the utmost importance. It enables the fisherman, whose equipage is always very slender, to pursue his laborious occupation with comparative safety in the assurance that in one of the sudden and dangerous changes of weather so frequent and so terrible on this iron-bound coast he can take shelter in a neighboring and friendly port. To forbid him to approach within 30 miles of that port except for shelter in the extremity of weather is to forbid him to resort there for that purpose. It is keeping him at such a distance at sea as wholly to destroy the value of the privilege expressly reserved.

Thus it will be perceived that Mr. Everett takes substantially the very ground I have indicated, namely, that the "headland theory" finds no place in the treaty of 1818, and that those large bays, which are properly arms of the sea, are not included in the terms of that treaty as being bays from which American seamen are excluded, but he admits that the bays meant are the inner bays, or bays surrounded by the territory of the British provinces, the smaller bays within these large arms of the sea. He declares that in estimating the distance, the intent of the treaty is to have regard to the general lines of the coast, and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted—as included within that line. On this line of delimitation, drawn by the hand of Edward Everett himself, the Bayard treaty has been formed. It is such a treaty as Mr. Everett would have approved; it is a treaty that finds its justification in the correspondence of Mr. Everett which I have quoted. He rejects the "headland theory," he denies that our fishermen are excluded from the great Bay of Fundy and others like it, and he says further to Lord Aberdeen in his letter of March 25, 1845, speaking for the United States:

While they have ever been prepared to admit that in the letter of one expression of that instrument there is some reason for claiming a right to exclude United States fishermen from the Bay of Fundy (it being difficult to deny to that arm of the sea the name of "bay" which long geographical usage has assigned to it), they have ever strenuously maintained that it is only on their own construction of the entire article that its known design in reference to the regulation of the fisheries admits of being carried into effect.

Again he says:

If Her Majesty's provincial authorities—

He is now speaking of the case of the Argus, a vessel seized 28 miles off the northeast coast of Cape Breton, between Cowhead and the northern cape of Cape Breton—

are permitted to regard as a "bay" any portion of the sea which can be cut off by a direct line connecting two points of the coast, however destitute in other respects of the character usually implied by that name, not only will the waters on the northeastern coast of Cape Breton, but on many other parts of the shores of the Anglo-American dependencies where such exclusion has not yet been thought of, be prohibited to American fishermen. In fact, the waters which wash the entire southeastern coast of Nova Scotia, from Cape Sable to Cape Canso, a distance on a straight line of rather less than 300 miles, would in this way constitute a bay from which United States fishermen would be excluded.

Now, in reply to these contentions of Mr. Everett, Lord Aberdeen says:

The undersigned will confine himself to stating that after the most deliberate reconsideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of the United States citizens in the most favorable light, Her Majesty's Government are nevertheless still constrained to deny the right of United States citizens under the treaty of 1818, to fish in that part of the Bay of Fundy which, from its geographical position, may properly be considered as included within the British possessions.

It has not yielded an inch; and this was in 1845:

Her Majesty's Government must still maintain, and in this view they are fortified by high legal authority, that the Bay of Fundy is rightfully claimed by Great Britain as a bay within the meaning of the treaty of 1818. And they equally maintain the position which was laid down in the note of the undersigned, dated the 15th of April last, that, with regard to the other bays on the British American coast, no United States fisherman has, under that convention, the right to fish within 3 miles of the entrance of such bays as designated by a line drawn from headland to headland at that entrance.

But, says Lord Aberdeen further on:

But while Her Majesty's Government still feel themselves bound to maintain these positions as a matter of right, they are nevertheless not insensible to the advantages which would accrue to both countries from a relaxation of the exercise of that right; to the United States as conferring a material benefit on their fishing trade, and to Great Britain and the United States, conjointly and equally, by the removal of a fertile source of disagreement between them.

Her Majesty's Government are also anxious, at the same time that they uphold the just claims of the British Crown, to evince by every reasonable concession their desire to act liberally and amicably towards the United States.

It will be perceived, therefore, from this correspondence that Mr. Everett denied emphatically the "headland theory," rejecting it *in toto*, denied also that the American fishermen were excluded from the Bay of Fundy, but admitted that upon a fair construction of the treaty of 1818 they were excluded from the bays or the indentations of the coast by the express words of the treaty itself. To use his own language:

In estimating this distance, I admit it to be the intent of the treaty, as it is itself reasonable to have regard to the general line of the coast, to consider its bays, creeks, and harbors, that is, the indentations usually so accounted as included within that line.

What Lord Aberdeen held to be a relaxation of the British right in favor of the fishermen of the United States in the Bay of Fundy Mr. Everett held not to be a concession, but the admission of a right of the American fishermen to enjoy fishing privileges in that bay. I find in this correspondence a letter from Mr. Everett to John C. Calhoun dated May 26, 1844, in which he starts out to discuss the instructions he had received from the State Department on the 10th of August, in the case of the Washington, a vessel belonging to the United States and seized for having been found in the Bay of Fundy. He notifies Mr. Calhoun that on the 15th ultimo the result of his inquiry was communicated in a note to Lord Aberdeen, which he transmits, together with a copy of his reply bearing date of 25th instant. He says:

I have endeavored to present the strong points of our case in a favorable light, and I can not doubt that the spirit and intent of the convention of 1818 are such as I have represented them to be in my answer to Lord Aberdeen. * * *

But here Mr. Everett's observations on the convention of 1818 are supplied by a series of asterisks which signify to us that the balance of this communication was not furnished at the call of the Senate by the executive department of the Government, and it still remains in the executive department. At the time these transactions were taking place the sessions of the Senate in consideration of the treaties were held in secret; now, by a majority, and a strict party vote, the Republicans of the Senate have, as they conceive, determined in the interest of the public welfare that all the facts bearing upon this ancient controversy between Great Britain and the United States should be made known to the people, and should be discussed in open session in order that the public judgment may be informed and that the action of the Senate upon this pending treaty may be justified by an enlightened public sentiment.

We were told a few days ago by the Senator from Delaware that he had this important communication from Mr. Everett while minister to the court of St. James to the honorable John C. Calhoun, Secretary of State, in which his views are given at length upon the true meaning of the convention, the terms and stipulations and provisos of the convention of 1818. He asked permission of the Senate to read it; a resolution to that effect was offered and was referred to the Committee on Foreign Relations, and that committee has not been willing to report the resolution favorably or to permit the Senate to vote upon the proposition. It is, in fact, determined that we can not hear Mr. Everett upon this important and interesting subject, with which he was familiar, and upon which he had been called to take an important and responsible stand in behalf of the United States Government. Why shall not

the people of the United States know what Edward Everett thought on this subject? Can it be that this accomplished statesman, this patriot and scholar, upheld the British contention? Can it be that he took the British side of this subject? Can it be that he was against Massachusetts and Maine and New England, by whom he had been long trusted and admired? Have you not sufficient confidence in him to allow him to give his testimony here in the presence of the Senate and the people of the United States? Will you permit him to rest under the imputation that he is a witness whom you are afraid to allow to speak? Is your cause so weak that you will not hear from his writings, the words which have survived him, but words, we know, of honor and truth? We have summoned into this presence, in order to get the benefit of their opinions and wisdom, the sages of our country from the earliest times up to to-day; we have invoked the testimony of John Adams, and of his son, not less renowned, John Quincy Adams; Benjamin Franklin, James Madison, James Monroe, John C. Calhoun, Gallatin, Rush, and Clay, but when we have desired to hear testimony of Edward Everett, of him who had been charged with the greatest transaction in regard to this treaty of 1818, we are told by the Republicans in the Senate that he can not be heard, that he must remain as dumb as if he had never lived nor given an hour of his life to the service of his country. It will be well for the fishermen, well for the people of Maine and Massachusetts and the people of the whole country to know what were his matured views and convictions upon this matter which is now the subject of controversy between the Government of the United States and the Government of Great Britain, and which the executive department of the United States Government has endeavored to adjust in an honorable and satisfactory manner by the pending treaty. Can it be that Mr. Everett has in this correspondence with the Government laid down the very lines upon which this treaty proceeds? Can it be that he has recommended a convention like that which assembled here last winter, and that the Secretary of State, Mr. Bayard, finds himself, in the conduct of this negotiation, walking side by side with Edward Everett? Let us hear from Edward Everett, or let some Republican Senator tell us why this correspondence, which is now in the desk of the Senator from Delaware, should not be read to the Senate. Can Republican Senators be afraid of the truth, of its crushing force and its effect upon the mind and conscience of the people of the United States? Would they suppress it in order to gain a party advantage in a crisis like this, and on a subject fraught with such immense interest and responsibility?

We can not, therefore, hear anything further from Mr. Everett than that which I have already taken from the correspondence which has been furnished us between himself and Lord Aberdeen, and which in itself justifies the pending treaty. But this was far from being an end of the matter. The treaty of 1818 has been under consideration and controversy for seventy years, and after Mr. Everett's time this contention assumed an acute form under Mr. Fillmore's administration. It will be remembered that Daniel Webster was Secretary of State and that interferences with American fishermen by the provincial authorities and the disposition of the British Government to send war vessels to the scene of disturbance created quite an excitement in the United States. Mr. Webster had gone to his home in Massachusetts in ill health, and in the midst of the excitement he addressed a circular to the American fishermen warning them to keep inside of their rights under the treaty of 1818, and wrote to Mr. Crampton, then British minister to Washington, under date of July 17, 1852, a letter in which he informs Mr. Crampton of his desire that he, Mr. Crampton, should visit him in Boston, at the Revere House, or at Marshfield, his residence; that he had recommended to the President that the whole subject of the fisheries and the Canada trade should be taken up at once as matters for negotiation. He informed Mr. Crampton that he had inserted an official communication in the Boston papers and hoped Mr. Crampton would prevail upon the provincial authorities to institute no hostile proceedings against American fishing vessels until they could confer together on the subject.

A debate occurred in the Senate thirty-six years ago this month, in which Mr. Webster's position was arraigned. Senator Soulé, of Louisiana, whose reputation as an orator of picturesque and dramatic power, and whose high and chivalrous bearing and public services are still gratefully remembered by the people of Louisiana, addressed the Senate on August 12, 1852, when he employed the following language, after setting up the contention of Great Britain:

Is England right? If we trust the Secretary of State in the view which he takes of her claims, it would seem as if the terms, the letter of the treaty, were on her side. This Mr. Webster most peremptorily admits, while others but debate it upon mere technicalities of language.

Mr. Webster says that "it was undoubtedly an oversight in the convention of 1818 to make so large a concession to England, since the United States had usually considered that these vast inlets or recesses of the ocean ought to be open to American fishermen, as free as the sea itself, to within 3 miles of the shore." Here the whole is surrendered; there is no escape from the admission. It was an oversight to make so large a concession to England! The concession was then made, was it not? If so, the dispute is at an end; and yet, even then, it were a hard task to justify the summary process through which England has sought to compel us to compliance with the concession, particularly as she had, to say the least of it, suffered our fishermen to haunt the Bay of Fundy, by express allowance, in 1844, and to make their haunting other bays rightful, by a continuous, open, and public employment of them, ever since the convention of 1818. But to this I shall presently revert.

"The precise words of the treaty," says my friend from Maine [Mr. Hamlin], in the remarkable speech he delivered the other day, "may at first view seem to carry that construction;" but he denies immediately that the construction be correct; and so does the distinguished Senator from Michigan, who has shed so much light on this controversy, and handled with so rare a dexterity all the questions of secondary right arising under the treaty of 1818.

The honorable Senator from Massachusetts [Mr. Davis] grants that, "by the terms of the treaty, American fishermen are excluded from the coasts, bays, harbors, and creeks," etc. "The British Government," says he, "raise a question of construction, namely, that we can not fish within 3 miles of any of these bays: that we are excluded to a distance of 3 miles not only from the coasts, but also from the bays, including in that term the Bay of Fundy and other larger bays."

It will thus be seen that Mr. Soulé held that Mr. Webster had given up the American side of the question. Mr. Soulé adopted the view which you will find laid down by the older writers, and especially by the Latin and continental authorities living in small countries, as, for instance, Galliani, Hubner, Vattel, Azuni, and Grotius, all of whom concurred in assigning the 3-mile limit to maritime jurisdiction, as in those days that was the extreme range at which cannon were effective. The rule of the law was, *Terræ dominium finitur ubi finitur armorum vis.* He illustrated this position by citations from the treaty between Tuscany and France and Russia and Austria in the last century. Senator Cass held similar views. He insisted upon the extreme American ground that our rights were limited to 3 miles from the shores inside the bays. Senator Butler, of South Carolina, was more circumspect. He held that the question must be settled by the determination of what the bay was, and he confessed that the subject was full of difficulties and doubts, though he was inclined to believe that we were excluded by the terms from British bays, unless we had derived the right by prescriptive use and by acquiescence of the British Government in such use. He rather took issue with Senators Soulé and Cass. Senator Seward defended Mr. Webster and the administration. It had been intimated that Mr. Webster was not zealous enough in the defense of American fishing rights, and he said in reply:

Sir, it has been complained by the honorable Senator from Louisiana [Mr. Soulé] that Mr. Webster conceded too much in his official notice of July 6, 1851. Now, here is Mr. Webster's language. After quoting the treaty, he says:

"It would appear that, by a strict and rigid construction of this article, fishing vessels of the United States are precluded from entering into the bays," etc.

And, in the same connection, he adds:

"It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England."

That is to say, it was an oversight to use language in that convention which, by a strict and rigid construction, might be made to yield the freedom of the great bays.

"It is then a question of mere verbal criticism. The Secretary does not admit that the rigorous construction is the just and true one. And so he does not admit that there is any concession in the sense of the term which the honorable Senator adopts. Now, other honorable Senators, if I recollect aright—and particularly that very accurate and exceedingly strong-minded Senator, the gentleman from Massachusetts [Mr. Davis]—conceded that the treaty would bear this rigorous construction, insisting nevertheless, just as the Secretary of State did, that it was a forced and unjust one. The Senator from Louisiana dissents from him and other Senators, and maintains that it will not bear that construction at all; because he says that the other portions of the convention show that the 'bays' described must be bays within the British dominions. He adds that in order to bring a bay within the dominion of any power it must be such that its passage to the sea shall not exceed 6 miles in width, and that the shores on both sides belong to the power claiming dominion over the water. I can not assent to the force of this argument of the honorable Senator from Louisiana. I am the more inclined to go against it because I believe it is getting pretty late in the day to find the Secretary of State wrong in the technical and legal construction of an instrument.

Let us test the argument. The honorable Senator says that where the Government occupies both sides of the coast, and where the strait through which the waters of the bay flow into the ocean is not more than 6 miles wide, then there is dominion over it.

Now, then, the Gut of Canso is a most indispensable communication for our fishermen from the Atlantic Ocean to the Northumberland Straits and to the Gulf of St. Lawrence, for a reason which any one will very readily see by referring to the map; yet the Gut of Canso is only three-quarters of a mile wide. I should be sorry to adopt an argument which Great Britain might turn against us to exclude us from that important passage.

Again I recall the honorable Senator's argument, namely:

"Two things unite to give a country dominion over an inland sea. The first is, that the land on both sides must be within the dominion of the Government claiming jurisdiction, and then that the strait is not more than 6 miles wide; but that if the strait is more than 6 miles wide no such jurisdiction can be claimed."

Now, sir, this argument seems to me to prove too much. I think it would divest the United States of the harbor of Boston, all the land around which belongs to Massachusetts or the United States, while the mouth of the bay is 6 miles wide. It would surrender our dominion over Long Island Sound, a dominion which I think the State of New York and the United States would not willingly give up. It would surrender Delaware Bay; it would surrender, I think, Albemarle Sound and the Chesapeake Bay; and I believe it would surrender the Bay of Monterey, and perhaps the Bay of San Francisco, on the Pacific coast.

Mr. Seward's views were in direct opposition to the opinions of those who now insist that undue concessions have been made in the pending treaty, for the provisions of this treaty are in entire accord with the line of policy indicated by Mr. Seward himself in the Senate, and it is interesting to note that when he was Secretary of State (1866), fourteen years after, when the reciprocity treaty of 1854 had expired, he sought to make a treaty of interpretation precisely like this treaty and gave his instructions to Mr. Adams, our minister to the court of St. James, which are almost in the identical language of the instructions drawn up by Mr. Bayard for the guidance of the commissioners

to form the pending treaty. They are embraced in the following protocol:

DRAUGHT PROTOCOL COMMUNICATED BY MR. ADAMS TO THE EARL OF CLARENDON IN 1866.

Whereas in the first article of the convention between the United States and Great Britain, concluded and signed in London on the 26th of October, 1818, it was declared that—

"The United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within certain limits heretofore mentioned."

And whereas differences have arisen in regard to the extent of the abovementioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment of, a mixed commission for the following purposes, namely:

1. To agree upon and define, by a series of lines, the limits which shall separate the exclusive from the common right of fishery, on the coasts and in the seas adjacent, of the British North American colonies, in conformity with the first article of the convention of 1818. The said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water; and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible, for the violation of rights and the transgression of the limits and restrictions which may be hereby adopted.

Provided, however, that the limits, restrictions, and regulations which may be agreed upon by the said commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by treaty or by laws mutually acknowledged and accepted by the President of the United States, by and with the consent of the Senate, and by Her Majesty the Queen of Great Britain.

Pending a different arrangement on the subject, the United States Government engages to give all proper orders to officers in its employment; and Her Britannic Majesty's Government engages to instruct the proper colonial or other British officers to abstain from hostile acts against British and United States fishermen respectively.

The efforts of Mr. Webster at negotiation failed, but were afterwards matured in the treaty of 1854, made by Mr. Marcy in Pierce's administration, by which reciprocity was established between the two countries. Our commercial relations and trade under this treaty steadily multiplied and prospered. Secretary Manning in his letter to the House of Representatives dated January 5, 1887, says:

That reciprocity treaty was in force till 1866, a period covering our civil war. Under its influence the aggregate interchange of commodities between ourselves and the inhabitants of all the British provinces—numbering not as many as those of the State of New York—rose from an annual average of a little over $14,000,000 in the previous eight years to over thirty-three and a quarter millions in gold in 1855, to nearly fifty millions in 1856, and to eighty-four millions in the last year of its existence. During the thirteen years the British provinces, according to their official returns, purchased from us articles valued at over $359,500,000 in gold, and we bought from them one hundred and ninety-seven millions, thus making an international traffic of nearly $556,500,000 on a gold valuation. I can but think that if that treaty of 1854 had remained in force till this day, the two peoples—divided by a boundary line which can only with difficulty be discerned from the Arctic Ocean to the Pacific, from the Pacific to Lake Superior, and from Lake Ontario to the Atlantic—would now be one people, at least for all purposes of production, trade, and business.

When this treaty was terminated in 1866, we were again plunged into all sorts of difficulties. The Republican party in 1870 changed the tariff so as to admit fresh fish from Canada free of duty. But this did not solve the diplomatic problem. The administration of President Grant under the premiership of Mr. Hamilton Fish sought to compose the strife and restore harmony to our distracted relations with Canada and the British Government. Mr. Fish in 1871 instructed our negotiators on behalf of the Government that this class of questions might be adjusted either—

First—

By agreeing upon the terms upon which the whole of the reserved fishing grounds may be thrown open to American fishermen, which might be accompanied by a repeal of the obnoxious laws and the abrogation of the disputed reservation as to ports, harbors, etc.; or, failing that—

Second—

by agreeing upon the construction of the disputed renunciation, upon the principles upon which the line should be run by a joint commission to exhibit the territory from which the American fishermen are to be excluded.

It may be, also—

Says Mr. Fish—

well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American colonies.

Now, we have in 1871, Hamilton Fish proposing the very plan that Mr. Seward had suggested, and which will be found in the protocol which I have already quoted, conveying his instructions to Mr. Adams, our minister in London in 1866. It is either the Seward and Bayard plan and policy to agree upon a common interpretation of the treaty of 1818 for the regulation of our rights and liberties under that treaty, or to establish as the alternative free trade in fish. The latter plan was adopted by the commission. Who were our plenipotentiaries that made that treaty? Not one of them was from the country south of the Potomac. General Grant was President, Hamilton Fish was Secretary of State, and one of the plenipotentiaries was General Robert Schenck; the others were Mr. Justice Nelson, of the Supreme Court, Mr. George H. Williams, of Oregon, and Hon. E. R. Hoar, of Massachusetts.

They not only opened our markets for free fish from Canada, but they left the question of the difference in value between our open markets and the value of the inshore fisheries of the British provinces to arbitration, and our Government was condemned by the Halifax award to pay a sum of $5,500,000. That treaty was terminated in 1885. We have not heard a word said in this debate against it or its negotiators. It is not denounced as a surrender, nor does it attract the wrath and censure of the Senators from Maine or Massachusetts or New Hampshire. We are again plunged into the difficulties that arise whenever the reciprocity treaties have been terminated, and we are remanded now to the treaty of 1818 with all conflicting and confusing clauses and provisos.

I have endeavored to set forth the views that John Quincy Adams took of our fishing interests after his return from the English mission to assume the responsibility of the Secretaryship of State. I have also striven to show what the commissioners, Messrs. Gallatin and Rush, accomplished according to their own report by the treaty of 1818. I have endeavored to show how the terms and provisions of that treaty were construed by Edward Everett in his correspondence with the Earl of Aberdeen, and how Mr. Seward construed them when he came to defend Mr. Webster's policy in respect to the fishing interests.

I have also endeavored to make known how these difficulties were treated under Mr. Pierce's administration by Mr. Marcy, and how they were again disposed of under President Grant's administration by Mr. Fish and the distinguished negotiators who were associated with him. It is evident that the only resource which our Government has hitherto found, has been in reciprocity treaties, and that all efforts have failed to obtain a common and satisfactory interpretation of the clauses and provisions of the treaty of 1818.

But I think it must be clear that all these statesmen who were charged with the practical settlement of the question concurred in the opinion that the headland theory was inadmissible, that they were not excluded from the large bays, like the Bay of Fundy, but were shut out by the provisions of that treaty from all bays along the coasts of the British provinces that were clearly within the indentations of the shores, by the terms of the treaty except for the four purposes set forth therein.

But while these are the views of our diplomatists and public men, called upon by the positions they occupied to make the best defense possible of American interests, and to enforce them with all the vigor and ability of which they were capable, there is another class of men, writers upon international law, publicists, who speak not for this nation, or for that, but who hold up before the world the scales of justice and strive to make for all people a standard for the determination of their natural rights and their international obligations. Their views may not be enforced by cabinets or by courts or on battle-fields, but they find an echo in the conscience of all enlightened public men, under whatever government, and should find a supporter in every one who serves the government of a free people like this—a government ordained to establish justice, without orders or classes, a government intended to uphold the weak against the strong, and to exert, along with this power, its benevolence also. This Government can not afford to commit an injustice against a weak or a powerful nation, because it will suffer more from such an act of wrong than the people upon whom it may be inflicted.

What do these writers say? We have not been permitted to hear the testimony of Edward Everett, for the Republican majority in this Senate has declared that he should not be heard, and his views are stored away in the archives of the Government; but there is another son of New England not less distinguished than Mr. Everett for his high personal character and wide learning, and above all, for his conscientious devotion to the truth. I speak of Dr. Theodore D. Woolsey, president of Yale College, who has written a work on international law. It affords me pleasure to refer to this eminient publicist, for I had the honor in my youth to attend the college over which he presided, and it is my *alma mater*, for which, during the vicissitudes of many long years, I have ever entertained the profoundest reverence and affection. Here we have the views of an American scholar not actuated by any purpose to make the worse appear the better cause, not constrained or bound by any pressure of party, but drawing out of the past all its wealth of learning, and looking forward to the future with the kindest solicitude for the peace and welfare of all nations. He tells us what the territory of the state is. He says:

First, that the territory of a state includes all that portion of *terra firma* which lies within the boundaries of a state as well as the waters, that is, the interior seas, lakes, and rivers wholly contained within the same lines.

Second. The mouths of rivers, *bays*, and estuaries furnishing access to the land.

Third. The seacoast to the distance of a marine league. This is the regulation dictated by the necessities of self-protection as is expressed in the maxim of Bynkershoek, "*Terræ potestas finitur ubi finitur armorum vis.*"

And he says, "As the range of cannon is increasing, and their aim becoming more perfect, it might be thought that the sea-line of terri-

tory ought to widen. But the point is not likely to become one of any great importance."

Again, Dr. Woolsey declares that "the right of all nations to the use of the high sea being the same, their right to fish upon the high seas, or on banks and shoal places in them, is equal. *The right to fish in bays* and mouths of rivers depends on the will of the sovereign."

Mr. Wheaton says:

The maritime territory of every state extends to the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same state. The general usage of nations superadds to this extent of territorial jurisdiction a distance of a marine league, or as far as a cannon shot will reach from the shore, along all the coasts of the state. Within these limits its rights of property and territorial jurisdiction are absolute, and exclude those of every other nation.

Chancellor Kent says:

Considering the great extent of the line of the American coast we have a right to claim for fiscal and defensive regulations a liberal extension of maritime jurisdiction; and it would not be unreasonable, as I apprehend, to assume, for domestic purposes connected with our safety and welfare, the control of the waters on our coasts, though included within lines stretching from quite distant headlands, as, for instance, from Cape Ann to Cape Cod, and from Nantucket to Montauk Point, and from that point to the capes of the Delaware, and from the south cape of Florida to the Mississippi. It is certain that our Government would be disposed to view with some uneasiness and sensibility, in the case of war between other maritime powers, the use of the waters of our coasts, far beyond the reach of cannon-shot, as cruising ground for belligerent purposes. In 1793 our Government thought they were entitled, in reason, to as broad a margin of protected navigation as any nation whatever, though at that time they did not positively insist beyond the distance of a marine league from the seashores; and in 1806 our Government thought it would not be unreasonable, considering the extent of the United States, the shoalness of their coasts, and the natural indication furnished by the well-defined half of the Gulf Stream, to expect an immunity from belligerent warfare for the space between that limit and the American shore. It ought, at least, to be insisted that the extent of the neutral immunity should correspond with the claims maintained by Great Britain around her own territory, and that no belligerent right should be exercised within "the chambers formed by headlands, or anywhere at sea within the distance of 4 leagues, or from a right line from one headland to another."

Thus we see that our most distinguished writer extends our maritime jurisdiction, not to 6 miles, nor within the bays of our coasts, but adopts in all of its vigor the headland theory. It will be remembered that our Government in a controversy with France that arose about the seizure of the ship Orange within the capes of Delaware in 1793, held that Delaware Bay was entirely within our territorial jurisdiction, and defended its claims upon the authority which admitted that the arms of the sea, and channels, and bays belonged to the sovereign by whose territory they were encompassed.

We have seen what some of the publicists of our country thought of this subject, and I might add other authorities to those from whom I have already quoted, but I do not feel justified on this sultry August day in taxing the patience of the Senate with further quotations. We find that our leading writers all admitted that the jurisdiction of nations extends over the bays in their coasts, and I have here an interesting decision from the highest court of England in which the question of the territorial domination arose.

It is the case of the Direct United States Cable Company (limited), and the Anglo-American Telegraph Company (limited), and the New York, Newfoundland, and London Telegraph Company, consolidated, etc., on appeal from the supreme court of Newfoundland, from the "Law Reports" second appeal cases, 1876–1877, before the House of Lords, and the judicial committee of Her Majesty's most honorable privy council, the case of the Direct United States Cable Company *vs.* Anglo-American Telegraph Company, pages 420, 421.

Mr. Benjamin appeared among the counsel for the respondents, and his high position at the bar entitles his views upon this question to close consideration. He says the point in question, that is, Conception Bay, on the western coast of Newfoundland—

The point in question is as much the part of Newfoundland as if it were dry land. The 3-mile rule is not applicable to this case, for in the case of a bay like this, distinctly formed by well-marked headlands, its arc and waters fall within that territorial jurisdiction which includes its shores. Conception Bay is a bay in the sense in which that word is used by writers on international law when they lay down the rule that the jurisdiction of the sovereign of the territory extends over bays. * * * All authorities concur that "parts of the sea" may be subject to territorial jurisdiction, and that bays and estuaries are parts of the sea. * * *

It is true that in the fishery treaty of 1839 between Great Britain and France, the bays in which exclusive rights of fishery were maintained were limited to those not exceeding 10 miles in width at the opening. But even that is, at all events, a considerable extension of the limitation here contended for of 3 miles from the shore.

Lord Blackburn delivered the judgment of the court for their lordships, and I invite your attention to the following extract from the decision of this eminent jurist. He said:

It does not appear to their lordships that jurists and text writers are agreed what are the rules as to dimensions and configuration, which, apart from other considerations, would lead to the conclusion that a bay is or is not a part of the territory of the state possessing the adjoining coasts; and it has never, that they can find, been made the ground of any judicial determination. If it were necessary in this case to lay down a rule the difficulty of the task would not deter their lordships from attempting to fulfill it. But in their opinion it is not necessary to do so. It seems to them that, in point of fact, the British Government has for a long period exercised dominion over this bay, and that their claim has been acquiesced in by other nations, so as to show that the bay has been for a long time occupied exclusively by Great Britain, a circumstance which in the tribunals of any country would be very important. And moreover (which in a British tribunal is conclusive) the British legislature has by acts of Parliament declared it to be part of the British territory and part of the country made subject to the Legislature of Newfoundland.

To establish this proposition it is not necessary to go further back than to the 59th George III, chapter 38, passed in 1819, now nearly sixty years ago.

There was a convention made in 1818 between the United States and Great Britain relating to the fisheries of Labrador, Newfoundland, and His Majesty's other possessions in North America, by which it was agreed that the fishermen of the United States should have the right to fish on part of the coasts (not including the part of the island of Newfoundland on which Conception Bay lies), and should not enter any "bays" on any part of the coast except for the purposes of shelter and repairing damages, and purchasing wood and obtaining water, and no other purposes whatever. It seems impossible to doubt that this convention applied to all bays, whether large or small, on the coast, and consequently to Conception Bay. It is true that the convention would only bind the two nations who were parties to it, and consequently that, though a strong assertion of ownership on the part of Great Britain, acquiesced in by so powerful a state as the United States, the convention, though weighty, is not decisive. But the act already referred to, 59 George III, chapter 38, though passed chiefly for the purpose of giving effect to the convention of 1818, goes further. It enacts not merely that subjects of the United States shall observe the restrictions agreed on by the convention, but that all persons not being natural-born subjects of the King of Great Britain shall observe them under penalties. And in particular, by section 4, it enacts that if "any person" upon being required by the governor, or any officer acting under such governor, in the execution of any order or instructions from His Majesty in council, shall *inter alia* refuse to depart from such bays, he shall be subject to a penalty of £200.

No stronger assertion of exclusive dominion over these bays could well be framed. As has been already observed, Conception Bay is in every sense of the words a bay within Newfoundland, though of considerable width, and as there is nothing to justify a construction of the act limiting it to bays not exceeding any particular width, this is an unequivocal assertion of the British legislature of exclusive dominion over this bay as part of the British territory. And as this assertion of dominion has not been questioned by any nation from 1819 down to 1872, when a fresh convention was made, this would be very strong in the tribunals of any nation to show that this bay is by prescription part of the exclusive territory of Great Britain. As already observed, in a British tribunal it is decisive.

By the treaty of Washington it was agreed by the thirty-second article that certain provisions should extend to "the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States should not embrace Newfoundland in their laws for carrying the foregoing articles into effect, then this article shall be of no effect."

I quote this decision, not because it can have any authority with us as such, but because the reasons and arguments will have weight with every candid and just man. This decision was delivered in 1877, and is therefore a recent exposition of the learning and law on this subject of maritime jurisdiction by the highest court of England. We have had, I believe, no case before the Supreme Court of the United States in which this question has been directly raised and settled.

Now we have put ourselves in possession of the history of the transactions respecting the fishing question from the beginning up to the present time, and have noted the contentions of our diplomatists, and the part taken by our Government. We have also taken note of the notions and views of the British Government as expressed through her diplomatists. We find we have been traveling in a circle, and that we stand to-day just where we stood seventy years ago. We see that every effort to agree upon an interpretation of the treaty of 1818 has proved futile. We discover that whenever the controversy has become sharp, that the resort of the American and British Governments has been to form a reciprocity treaty.

The greater part of the fish coming in now from Canada is fresh fish, which the Republican party placed on the free-list in 1870, and the revenue derived from the importation of salt fish from Canada is a trifling matter. In 1886 it amounted to $297,000 in round numbers, and in 1887 to $345,000 in round numbers. The Canadian interests to be accommodated by reciprocity are really insignificant, and the bounty that our own fishermen receive from the tariff tax on fish from Canada is very small.

I say to the Senators from the Northeastern States that they must perceive that the tendency of things has been and will continue steadily in the direction of reciprocity, and I venture to assert that if this treaty be defeated, a reciprocity treaty sooner or later will be substituted for it. I for one would feel disposed to vote a subsidy or bounty to our fishermen in those northeastern waters, for I believe that this vast field for food supply is just beginning to be developed and known, and that its ultimate resources are greater than any one has imagined. According to Professor Baird's estimate the number of persons employed in our fisheries in 1880 was 131,426, of whom 101,684 were Americans. The fisheries of New England employed 37,043 men, the South Atlantic States 52,418, the Middle States 14,981, the Pacific States and Territories 16,803. The value of the fisheries of the sea, the great rivers, and great lakes was over $43,000,000. But it would be interesting to turn aside for a moment and to consider what a world of wealth there is in the sea; how much richer it is in food supply for the human race than the dry land itself. And I hope I may be pardoned if I read on this point from the interesting paper furnished by Hon. Robert J. Walker to Mr. Seward under date of April 24, 1868.

He said:

But there are other most important considerations connected with extended coasts and great fisheries. The fisheries are capable of furnishing more and cheaper food than the land.

The reasons are—

1. The ocean surface is nearly four times that of the land, the area being 145,000,000 square miles of ocean surface to 52,000,000 of land.

2. The ocean everywhere produces fish, from the equator to the pole, the profusion of submarine animals increasing as you go north up to a point but 433 miles from the pole and believed to extend there, whereas, in consequence of

mountains, deserts, and the temperature of the surface of the earth in very high latitudes, less than half its surface can be cultivated so as to produce food in any appreciable quantities.

3. The temperature of the ocean, in high latitudes, being much warmer than that of the land surface, there is increased profusion of submarine animal life, especially in the Arctic and Atlantic Seas, where, on account of extreme cold, the land surface produces no food. In warm latitudes the deep-sea temperature diminishes with the depth, until a certain point, below which it maintains an equable temperature of 40° Fahrenheit. The temperature of the ocean in latitude 70° (many degrees warmer than the land surface) is the same in all depths. There are wonderful provisions for the multiplication of animal life in the ocean, and it moderates both heat and cold. These are additional reasons in favor of the existence of a Polar Sea, filled with a far greater profusion of submarine animal life than any other seas, and, as a consequence, possessing far the best fisheries. Indeed, as fish progress northward, on account of the better ocean temperature there, as also because the marine food there is more abundant, there can be little doubt that the open Polar Sea will furnish fisheries of incredible value.

4. The ocean produces food in all latitudes for the support of animal submarine life. These are squid (the principal food of the whale), also abundance of nutritious sea-grasses, etc., upon which the fish feed. Besides, as the earth is more and more cultivated, and farms, as well as towns and cities, drained by creeks and rivers to the seas, the submarine food is correspondingly augmented. Even in mid-ocean the phosphorescence observed there is produced by the presence in the water of myriads of living animals.

5. Whilst the earth produces food by plowing its surface only a few inches deep, the ocean supplies myriads of fish, tier on tier, thousands of fathoms deep. Thus, the registered take of herrings in the Scotch fisheries, in 1861, was 900,000,000, whilst that of Norway, in the latitude of Iceland and Greenland, was far greater.

Perhaps, however, the main reason why the ocean produces so much more food for man than the land is, that while land animals only give birth to one or two of their young at a time, some fish produce millions of ova, to be matured into life. Thus a female cod has been found to contain 3,400,000 ova; and other fish ova varying from several millions to 35,000. Hence, the vast success attending the increased production of fish by transfer, by sowing the spawn, and other methods known to ichthyology.

All efforts to agree upon a common interpretation of the treaty of 1818, as I say, have failed. We have before us to-day in the Bayard treaty the very first instance in the history of the country where a successful attempt has been made by the executive department of the Government to come to an understanding with Great Britain in respect to the meaning of the treaty of 1818. It must be borne in mind that this is not an original treaty based upon a comprehensive treatment of the whole question. It does not attempt to deal with our commercial relations with Canada; it does not propose to change the revenue system of the two countries, for this is beyond the scope of the treaty-making power unless concurred in by the Congress of the United States. It undertakes to define with precision what the treaty of 1818—that is, what rights and liberties it guaranties to our American fishermen, and it draws a line carefully around the bays and waters from which they are excluded. It regulates the restrictions which that treaty imposed upon our fishermen as a guard against their abuse of the privileges that it affords. Above all, it secures to our fishermen the right to buy the needful supplies on all occasions in the ports and harbors. It secures to us transit through the Straits of Canso; it carefully guards our rights within the precise terms of the treaty of 1818; in a word, so far as I know and believe, this Bayard treaty frees the American fishermen from every annoyance that they complain of, and guaranties to them every right and liberty that they are justly entitled to under the treaty of 1818. Take John Quincy Adams's letter, which I have quoted already, and in which he proposes to give up all our fishing rights "within the British jurisdiction generally," to secure permanent fishing rights on a small part of Newfoundland and Labrador; take the letter of our commissioners, Messrs. Gallatin and Rush, which I have also quoted, and in which they give their construction of the treaty they had just made; take the treaty of 1818 itself:

Take Mr. Everett's view as far as we have been permitted to disclose it to the people of this country; take Mr. Webster's, Mr. Seward's views, and those of Senator Hamlin, of Maine, and Senator Davis, of Massachusetts; take the law as laid down by Dr. Woolsey, Dr. Wheaton, and Chancellor Kent; take the settlement made by President Pierce and Mr. Marcy, and the policy pursued by President Grant, Mr. Fish, and then scan carefully the provisions of the Bayard treaty, and ask yourselves whether that treaty is not more favorable to American interests than the distinguished Americans whom I have quoted would have demanded, or than the conventions which have been completed by the different administrations of the Government could possibly justify?

It is alleged that the Bayard treaty, in excluding American fishermen from the smaller bays which are clearly within the British jurisdiction, and by not providing specially for the right of purchasing bait in Canadian ports, gave up essential American interests; and, yet, I find that the Senator from Vermont [Mr. EDMUNDS], on January 19, 1887, submitted a report in which it is held that the inshore interests amounted to very little after all. I quote from this report:

From the investigations made by the committee during the last summer and fall, and as the result of the great mass of testimony taken by it and herewith returned, the committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, etc.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fishermen would ever think of going there for the purpose of catching cod or halibut.

As regards the obtaining of bait for this class of fishing, the testimony taken by the committee in its inquiries clearly demonstrates that there is no necessity whatever for American fishermen to resort to Canadian waters for that purpose. Clam bait is found in immense quantities in our own waters, and there have been instances, so frequent and continuous as to amount to a habit, of the Canadians themselves resorting to American waters or ports for the purpose of obtaining it. The squid bait is found on the very banks where the fishing goes on. So that the instances would be extremely rare when any American fishing vessel would wish to resort to a Dominion port for the purpose of buying bait for this kind of fishing.

It was also proved before the committee that, with the rarest exception, it would be absolutely injurious to the pecuniary interests of all concerned for American vessels to resort to Dominion ports or waters, except in need or distress, for the time taken in such departures from the cod and halibut grounds, or from direct sailing to and from them, is so great that, with or without the difference of port expenses, time and money are both lost in such visits.

In respect of the mackerel fishery the committee finds, as will be seen from the evidence referred to, that its course and methods have of late years entirely changed. While it used to be carried on by vessels fishing with hook and line, and sometimes near the shores, it is now almost entirely carried on by the use of immense seines, called purse-seines, of great length and descending many fathoms into the water. This gear is very expensive, and a fishing vessel does not usually carry more than one or two. The danger of fishing near the shore with such seines is so great, on account of striking rocks and reefs, that it is regarded as extremely hazardous ever to undertake it. Besides this, the large schools of mackerel, to the taking of which this great apparatus is best adapted, are almost always found more than 3 miles from land, either in great bays and gulfs or entirely out at sea.

I read recently the remarks of Mr. Ellis, a member of the Canadian Parliament from New Brunswick, in which he states the list of concessions made to American fishermen by the Canadians, and I call the attention of Senators to them:

SUMMARY OF WHAT OUR FISHERMEN GAIN BY THE TREATY.

In the debate in the Canadian House of Commons on this treaty Mr. Ellis, of New Brunswick, enumerated this list of concessions made by the Canadian Government:

1. We have by the very act of making this treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the treaty of 1818, thus enlarging the restrictions of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.
2. We have almost wholly abandoned the contention that fishing vessels are a class by themselves, and therefore not entitled to any commercial privileges.
3. We entirely and forever abandoned the 3-mile headland theory.
4. We forever admit the right of United States fishermen to navigate the Strait of Canso.
5. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.
6. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.
7. We free them from harbor, pilotage, and other duties, which are sometimes inhospitably and often capriciously imposed upon them, even in cases when they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.
8. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.
9. We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.
10. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait, but there will be no difficulty whatever of purchasing bait under it.
11. By the fourteenth article we abandon our previous contention, that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1886.
12. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessels is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases $3 a ton is the highest fine which can be imposed.
13. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

Now, Mr. President, with this history before us and the pending treaty the question recurs, what shall we advise the President to do? What shall our advice be? It will not do to say that the President and Mr. Bayard were dominated by any sectional influence in the making of this treaty. Where is the Southern man or a representative from this country south of the Potomac who had anything to do with making this treaty? The President himself has never put his foot upon the soil of the Southern country except when he stepped from a railroad train in his recent trip. He is of New England origin and he hails from the most powerful State of the Union—the State of New York, equal in its population and wealth to many powerful nations of Europe. He is a Northern man out and out, and has received the indorsement of the people of his own State and of his fellow-citizens of the whole country. And who should say that the Secretary of State, Mr. Bayard, was actuated by any unworthy influence in making this treaty? If Thomas F. Bayard does not deserve the confidence of the Senators in this body, then may we all despair of ever being able to gain the esteem or good-will of one another. I have always felt that among the compensations for the drawbacks of public life were the friendships formed, upon affection and esteem for our associates in their private relations, and admiration and honor for their public abilities and characters; and among them all there is not one who is more fully entitled to the esteem and friendship and admiration of his associates than Thomas F. Bayard. The idea of intimating that there is an alliance between the public men south of the Potomac and the public men of England is absurd and puerile, and does not deserve even contradiction.

Who were the gentlemen associated by the President making the

treaty? One was Hon. W. L. Putnam, a New Englander, a citizen of Maine, and one of the leaders of the New England bar, and a gentleman of wide culture, upright character, and a sound Democrat. The other commissioner was Mr. James B. Angell, president of Ann Arbor University, Michigan, a gentleman distinguished for his scientific attainments, and a staunch Republican. Both were eminent citizens living on the frontier line of Canada and representing the people most deeply concerned in all the questions that related to the intercourse between Canada and the United States. They are quite as familiar with them as any two citizens of the Republic. Surely it can not be said that they were controlled by the influence of Senators or Representatives south of the Potomac.

If you reject this treaty, what do you Senators who constitute the majority of this body propose in its stead? You have declared that the time for negotiation is past. The only substitute you offer is that of retaliation. Nations, it is true, are justified in resorting to measures of a hostile character for obtaining redress which yet fall short of actual war. Among these are embargo, retortion, and reprisal. Retortion or retaliation is to apply the *lex talionis* to another nation. It is the adoption of the principle of "an eye for an eye and a tooth for a tooth." Do you propose by such measures to fatigue, to bully, or to bulldoze the Canadian people into friendship? Is it proposed to provoke them, to act the part of picadores in a Spanish bull-fight and thus drive them into acts of violence, and then to declare war? Or do you expect that such a policy will secure their friendship?

Sir, I do not indorse this policy of retaliation. I might be willing in an emergency likely to produce conflicts to give to the President, within his discretion, power to suspend intercourse with a nation that was seeking to do us wrong, or even to fire a solid shot across the line of her march if intent upon measures that would cost us injury; but there is no more reason for retaliation against Canada now than there was fifty or sixty years ago. She has adopted no new policy, she has committed no new outrages different from those that have been the subject of controversy and negotiation during all these seventy years. Why, then, should we change our policy and say we will inaugurate a system of retaliation? Is that the outcome of our statesmanship in this nineteenth century, dealing with Christian people, our neighbors who ought to be our friends, who must be our friends. Instead of retaliation, which would be more becoming an Indian tribe than the American Senate, I propose that this treaty be amended. We have the power of amendment. It is before us for consideration, for amendment under our rule. Why not amend it? If it is not satisfactory why not make it so? An objection has been raised to the fifteenth article by the veteran Senator from Ohio [Mr. SHERMAN]. That article does not constitute one of the operative clauses of the treaty; it is merely an invitation on the part of the Government for reciprocity, and it may be stricken out. Others, among them the Senator from Vermont, contend that the eleventh article is ambiguous, that it does not confer the right to the American fishermen to buy all needful supplies on all occasions. Why not amend that article, too? If it is ambiguous, make it plain. Objection is also raised to the thirteenth article of the treaty, by which it is stipulated that our fishing vessels shall have numbers exhibited on their bows. This very provision, which in the report of the majority of the Senate is held to be degrading, was taken from the treaty between Her Britannic Majesty and the German Empire, the King of Belgium and the King of Denmark, and the French Republic and the King of Prussia, and the King of the Netherlands, for regulating their rights in the North Sea fisheries. Signed at the Hague May 6, 1882. See Articles VI, VII, VIII, X of said treaty. The chief objection which the Senator from Ohio finds to the treaty is that it does not secure to our fishermen the right to transship their goods by railways from Halifax. I confess I would like very much to acquire this right for our fishermen. I presume the reason why the British commission was not willing to concede it was because the Canadian fishermen had to pay a heavy duty upon their fish in order to reach the boundary line of the United States, within which their market was to be found, and feeling that they were entitled to the advantages within their own boundaries that we claimed for our fishermen within ours.

I would be very glad to see an effort made to gain the right for our fishermen. I would throw down the barrier which our taxes on their fish impose, provided they gave us the privilege of inshore fisheries and full commercial rights. I would then help to develop the capacity of our own fishing interests by a proper system of bounties, which system was adopted in the beginning of the Government and was not terminated until 1866 by the Republican party. I have no doubt that the Secretary of State has done everything that is possible to secure every advantage for our American fishermen; but if you have doubts on that subject, why not test the question yourselves? Why shrink from the responsibility of meeting the issues now pending in the Government of the United States and the Government of Great Britain? You have the power and the opportunity presented to you. Set forth here the terms upon which you are willing to ratify this treaty, and let them be incorporated in it in order that the country and our fishermen may know precisely what your views are. But do not dodge the issue or seek to evade a plain duty by rejecting these efforts of our countrymen and leaving the question open so that our fishermen shall be subject to the whims and caprices of their competitors on the Canadian shores.

Fortunately for us there is a free offering from the British Government of a *modus vivendi* which will avert or modify these controversies until the Presidential election is over, when we may hope that independently of party passions and party interests this Senate may be able to discharge its duty by the fishermen of the country by making known precisely what the terms are they think requisite to the protection of American interests and rights. This system is so just and fair I trust it may be made stable and permanent. The tax on our fishing vessels is not so large as our tariff tax on their salt fish. But if it be held that the time for negotiation is past, as the report of the majority of this Committee on Foreign Relations asserts, and if it be determined this Senate shall not amend this treaty, rather than see all these issues involving the relations of our Government with Canada and with Great Britain left open to drift here and there, without metes or bounds and multiply disorders and ill-will, I would suggest as a resource that we agree to refer this question to an impartial tribunal of arbitration. I hold in my hand Miscellaneous Document 141, and I perceive that Senators SHERMAN of Ohio, and WILSON and ALLISON of Iowa have each introduced measures in favor of arbitration about to this effect: That the President be, and is hereby, requested to invite from time to time, as fit occasion may arise, negotiations with any Government with which the United States has or may have diplomatic relations, to this end, and any differences arising between the two governments which can be adjusted by diplomatic agencies may be referred to arbitration, and if possible be adjusted by such means.

I presume that these Senators intended by their resolutions and bills to provide for a settlement of this very question which we have now in consideration, because these bills have all been introduced in the present Congress, and the last one by the Senator from Ohio on June 13, 1888. I find in the first treaty with Great Britain (that of 1783), when we were recognized as a nation, a declaration was made that there should be an inviolable and universal peace between the English King and his people and our Government and people, and it provided for arbitrations to settle the reciprocal claims of British subjects and American citizens. By a separate article of the treaty it was "expressly" stipulated that neither of the contracting parties would order or authorize any acts of reprisal against the other on complaint of injuries or damages until the said party should first have presented to the other a statement, supported and fortified by competent proof in evidence, and demanding justice, and that the same should either have been refused or reasonably delayed.

Now, in the face of this solemn agreement with the British Government under the treaty of 1783, which we all hold was not abrogated by the war of 1812, how can we violate this provision by resorting to reprisal and retaliation, as is proposed by the Republican majority in this Senate? Is it not better to refer the pending issues for arbitration? I do not mean to suggest that this policy should be universal. There are doubtless many questions that we would not feel at liberty to arbitrate—questions concerning the independence or sovereignty of our nation; its equality among the nations of the earth; its form of government; its internal affairs, or continental policy. But there is no reason why we should not refer questions relating to the construction of a contract or treaty for arbitration. We establish courts compelling our citizens in all cases of difficulties or of disputes, many of these as to an interpretation of contracts, to refer to these tribunals of law and of justice whose judgments are conclusive and final. We have adopted the policy of arbitration already in some eighteen different cases, and there is no reason in the world why we should not add another to the catalogue.

In many of our treaties we provided in the event of a dispute or disagreement we would leave the point involved to arbitration. A distinguished member of the Italian Parliament, Mr. Mazzini, has had the same clause inserted in nearly all the treaties which have been made of late years by the Italian Government, and this policy has been generally adopted by the principal governments of Europe in order to more effectually secure peace. We have received memorials from many representative bodies of foreign countries and our own in favor of this policy. One of the very first to be presented was one which originated in Pilgrim Hall, Boston, November 28, 1887, at which time there was a meeting of over eighty ministers of the Congregational Church of Boston and vicinity. We have here laid before us a memorial signed by 233 members of the British Parliament, and I am informed that every Irish member of that Parliament is in favor of an amicable settlement. I will read this memorial:

To the President and Congress of the United States of America:

The undersigned members of the British Parliament learn with the utmost satisfaction that various proposals have been introduced into Congress, urging the Government of the United States to take the necessary steps for concluding with the Government of Great Britain a treaty which shall stipulate that any differences or disputes arising between the two Governments, which can not be adjusted by diplomatic agency, shall be referred to arbitration. Should such a proposal happily emanate from the Congress of the United States, our best influence shall be used to insure its acceptance by the Government of Great Britain. The conclusion of such a treaty would be a splendid example to those nations who are wasting their resources in war-provoking institutions, and might induce other governments to join the peaceful compact.

It is signed, as I have said, by all the Irish members, yet it is understood the Republican Senators in this body, who constitute a majority of it, are keeping this question open in order to produce the impression upon the Irishmen of the United States that they are their true friends and that the Republican party is hostile to the Government of Great Britain, and that the result of their policy would be a declaration of war against Great Britain, followed by the emancipation of Ireland. From this memorial we see that the Irish members of the British Parliament are opposed to this policy, for they know that in the event of a war between the United States and Great Britain it would set back the recovery of justice and local liberty by the Irish people for at least a century.

We know, as friends of the Irish people, that their only hope for the establishment of an independent parliament, for home rule, which we in the South have treasured so highly, and for which we have made such sacrifices, that their only hope is to appeal to the enlightened public sentiment of the age, and to look for aid to such statesmen as Gladstone and others in the British Parliament who will assist them on their way to self-government. But there are other memorials here—one from the public meeting of citizens of New York; one from Johns Hopkins University, presided over by President Gilman; one from the citizens of Lynn, Mass.; one from the citizens of New Hampshire; one from the Kansas Society of Friends, and so on. From all parts of the country comes up the voice of the people in favor of this policy of arbitration. I do not mean to assert that we are compelled to arbitrate this question. This nation can do what it likes. It can reject the advice of good men all through the land. It has the power to challenge to battle any nation in the world, and to enter upon a career of forcible conquest for itself.

When we threw off the colonial yoke and were recognized as a member of the family of nations we have become possessed of moral attributes, for a nation is a moral being. Just in proportion as our power increases our responsibility and duties increase. You can not set aside moral law, you can not defy obligations and restraints which the claims of humanity and justice impose upon you in your relations with foreign nations or the people of neighboring states without sooner or later paying the penalty. Retaliation opens the door of controversy, hostility, and hate; arbitration throws open the door of peace. Retaliation would build up for 4,000 miles a barrier along our northern border bristling with fortresses. It would be the beginning of the establishment of a large standing army, and the cultivation of a military spirit and military methods, to which civil procedure and oldfashioned customs relating to individual rights would be subordinated.

The policy of retaliation would make Canada our enemy forever. She must be our friend. No man who can free himself from the resentments of the past, and relieve himself from sectional disabilities, can fail to perceive what a splendid career awaits our country if we can maintain peace with our neighbors and at home and the supremacy of our industrial development. Our dominion shall not be on the distant seas; we do not propose to step from continent to island, and from island to continent, nor to encircle the globe with our possessions or our drum beat, but we shall in the providence of God possess every foot of this continent. Our policy is continental. The first Congress called itself the Continental Congress.

The day is not far distant when the dominion of the United States will be extended by the free consent of its inhabitants to every part of the American continent—British America, Mexico, Cuba, Central America, and the islands on our coast. Whether we will it or oppose it, whether we are for it or against it, the spawning force of this Anglo-Saxon race, the benevolence of our institutions, the liberties which they embrace, equality by law, the great principle of the right of trial by jury, habeas corpus, the representative system; all the achievements of our race will carry this Government over every portion of this continent and to adjacent islands. Why should you attempt to arrest this destiny by adopting a policy of retaliation? Why should you attempt to build up in the hearts of the Canadian people a sentiment of resentment, the feeling that the great power to the south of them would be willing to take advantage of their weakness?

The policy of retaliation is unbecoming this great Government. It is incompatible, not only with the destiny, but with the generous character of the American people. We can afford to be just and magnanimous. We can afford to stretch out a helping hand to those weaker nations on our borders, and to draw them to us in friendship and in peace. It is the civic victories to be won by the people of the United States which shall constitute their chief glory, and not those that will blot the pages of her history with the stains and crimes of war and oppression.

Mr. President, I submit the following motion:

That the pending treaty be committed to the Committee on Foreign Relations with instructions either to frame and report such amendments thereto as shall appear meet to remove any ambiguities and to remedy any defects of said treaty, if any there be; or

To frame and report a plan for arbitration by which all differences between the Government of the United States and the Government of Great Britain, in respect of the rights and liberties of the people of the United States and of the subjects of Her Britannic Majesty, respectively, in the North American fisheries under the treaty of 1818, shall be determined and settled, and by which it may be further determined and settled whether citizens of the United States engaged in the business of fishing on the eastern coasts of British North America are or are not justly entitled to all the advantages and benefits of the mutual arrangements of 1830 and the mutual rights of transit under the treaty of 1871.

And by which it may be further determined and settled what, if any, damages, indemnity, or compensation may be due for the alleged unlawful treatment, detention, and seizures of the fishing vessels of citizens of the United States, and violation of rights and privileges of said citizens of the United States under the treaties, arrangements, and conventions above recited.

APPENDIX.

TREATY OF 1783.

ARTICLE III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the grand bank and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish, and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America, and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

TREATY OF 1818.

ARTICLE I. Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northward indefinitely along the coast, without prejudice, however, to any of the exclusive rights of Hudson's Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground, and the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included in the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

THE PENDING TREATY—PROTOCOL OF FISHERIES CONFERENCE.

WASHINGTON, *November* 22, 1887.

The Fisheries Conference having formally met, the full powers of the plenipotentiaries were exhibited and found to be in good and due form, as follows:

Grover Cleveland, President of the United States of America. To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the integrity and ability of Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan; I hereby invest them with full power jointly and severally, for and in the name of the United States, to meet and confer with plenipotentiaries representing the Government of Her Britannic Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between the Government of the United States and that of Her Britannic Majesty, and any other questions which may arise and which they may be authorized by their respective governments to consider and adjust; and I also fully empower and authorize the said Thomas F. Bayard, William L. Putnam, and James B. Angell, jointly and severally, to conclude and sign any treaty or treaties touching the premises, for the final ratification of the President of the United States, by and with the advice and consent of the Senate, if such advice and consent be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington this 18th day of November, in the year of our Lord 1887, and of the Independence of the United States, the one hundred and twelfth.

[SEAL.] GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

VICTORIA R. AND I. Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, etc., etc., etc., to all and singular to whom these presents shall come, greeting!

Whereas for the purpose of considering and adjusting in a friendly spirit with plenipotentiaries, to be appointed on the part of our good friends, the United States of America, all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland, which are in dispute between our Government and that of our said good friends, and any other questions which may arise which the respective plenipotentiaries may be authorized by their governments to consider and adjust, we have judged it expedient to invest fit persons with full power to conduct on our part the discussions in this behalf. Know ye, therefore, that we, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of our right trusty and well-beloved councillor, Joseph Chamberlain, a member of our most honorable Privy Council and a member of Parliament, etc.; of our trusty and well-beloved, the Hon. Sir Lionel Sackville Sackville-West, knight commander of our most distinguished Order of St. Michael and St. George, our envoy extraordinary and minister plenipotentiary to our said good friends, the United States of America, etc., and of our trusty and well-beloved Sir Charles Tupper, knight grand cross of our most distinguished Order of St. Michael and St. George, companion of our most honorable Order of the Bath, minister of finance of the Dominion of Canada, etc., have named, made, constituted, and appointed, as we do by these presents name, make, constitute, and appoint, them our undoubted plenipotentiaries, giving to them, or to any two of them, all manner of authority to treat,

adjust and conclude with such plenipotentiaries as may be vested with similar power and authority on the part of our good friends, the United States of America, any treaties, conventions, or agreements that may tend to the attainment of the above-mentioned end, and to sign for us and in our name everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work, in as ample manner and form, and with equal force and efficiency as we ourselves could do if personally present; engaging and promising upon our royal word that whatever things shall be so transacted and concluded by our said plenipotentiaries shall be agreed to, acknowledged, and accepted by us in the fullest manner, and that we will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in our power. In witness whereof we have caused the great seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents which we have signed with our royal hand. Given at our court at Balmoral the 24th day of October, in the year of our Lord 1887, and in the fifty-first year of our reign.

The treaty having been signed, the British plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a "*modus vivendi*" pending the ratification of the treaty:

1. For a period not exceeding two years from the present date the privilege of entering the bays and harbors of the Atlantic coasts of Canada and Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of $1.50 per ton, for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, etc.), the said licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom-house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offenses of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the colonial authorities.

J. CHAMBERLAIN.
L. S. SACKVILLE-WEST.
CHARLES TUPPER.

WASHINGTON, *February* 15, 1888.

PROTOCOL.

The American plenipotentiaries having received the communication of the British plenipotentiaries of this date conveying their plan for the administration to be observed by the governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the treaty this day signed, and the enactment of the legislation by the respective governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British possessions in North America and the United States; and they will convey the communication of the British plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the treaty, when the latter is submitted to that body for ratification.

T. F. BAYARD.
WILLIAM L. PUTNAM.
JAMES B. ANGELL.

WASHINGTON, February 15, 1888.

Whereas differences have arisen concerning the interpretation of Article I, of the convention of October 20, 1818, the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a treaty to that end, and have named as their plenipotentiaries, that is to say:

The President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan.

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon. Joseph Chamberlain, M. P., the Honorable Sir Lionel Sackville Sackville-West, K. C. M. G., Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America; and Sir Charles Tupper, G. C. M. G., C. B., minister of finance of the Dominion of Canada;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree to appoint a mixed commission to delimit, in the manner provided by this treaty, the British waters, bays, creeks, and harbors, of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

ARTICLE II.

The commission shall consist of two commissioners to be named by Her Britannic Majesty, and of two commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

The commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as commissioner instead of the commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this treaty shall be marked upon British admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the commission, be signed by the commissioners in quadruplicate, one copy whereof shall be delivered to the Secretary of State of the United States, and three copies to Her Majesty's Government. The delimitation shall be made in the following manner, and shall be accepted by both the high contracting parties as applicable for all purposes under Article I of the convention of October 20, 1818, between the United States and Great Britain.

The 3 marine miles mentioned in Article I of the convention of October 20, 1818, shall be measured seaward from low-water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the convention of October 20, 1818, at points more than 3 marine miles from low-water mark, shall be established by the following lines, namely:

At the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point light; at the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the southeasterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the southeast point of Cape Fogo to White Island, thence to the north end of Peckford Island, and from the south end of Peckford Island to the east headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be 3 marine miles seaward from the following lines, namely:

At or near Barrington Bay, in Nova Scotia, the line from the light on Stoddard Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bay the line from Cranberry Island light to Green Island light, thence to Point Rouge; at Mira Bay the line from the light on the east point of Scatari Island to the northeasterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

ARTICLE V.

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within 3 marine miles mentioned in Article I of the convention of October 20, 1818.

ARTICLE VI.

The commissioners shall from time to time report to each of the high contracting parties, such lines as they may have agreed upon numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the high contracting parties, and be binding after two months from such proclamation.

ARTICLE VII.

Any disagreement of the commissioners shall forthwith be referred to an umpire selected by the Secretary of State of the United States and Her Britannic Majesty's minister at Washington; and his decision shall be final.

ARTICLE VIII.

Each of the high contracting parties shall pay its own commissioners and officers. All other expenses jointly incurred in connection with the performance of the work, including compensation to the umpire, shall be paid by the high contracting parties in equal moieties.

ARTICLE IX.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage, nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, tranship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel, of its official number on each bow; and any such vessel required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be affixed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all $3 for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall on request of the defense, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defense only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the governor-general of Canada in council, or the governor in council of Newfoundland, before the same are executed.

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing-vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

ARTICLE XVI.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, this 15th day of February, in the year of our Lord 1888.

T. F. BAYARD. [SEAL.]
WILLIAM L. PUTNAM. [SEAL.]
JAMES B. ANGELL. [SEAL.]
J. CHAMBERLAIN. [SEAL.]
L. S. SACKVILLE WEST. [SEAL.]
CHARLES TUPPER. [SEAL.]

The PRESIDENT *pro tempore*. The Secretary will read the next article of the treaty.

The EXECUTIVE CLERK. Article II——

Mr. TELLER. And before that is done—I do not desire to make any remarks of my own, but inasmuch as the Senator from Louisiana [Mr. GIBSON] has quoted Mr. Edward Everett on this question, I desire to read from his letter to Lord Aberdeen, dated May 25, 1844, in which he says, speaking of the British contention:

An examination of the map is sufficient to show the doubtful nature of this construction——

Mr. GIBSON. If the Senator will yield for a moment, I wish to submit a motion which I desire to have read without being acted on now.

Mr. COCKRELL. Would not the Senator from Colorado like to yield to a motion to adjourn?

Mr. TELLER. I desire first to read this extract so as to have it go in the RECORD.

Mr. COCKRELL. Let it go in the RECORD without being read.

The PRESIDENT *pro tempore*. The Senator from Louisiana [Mr. GIBSON] has forwarded to the desk a paper which he desires to have read. Is there objection? The Chair hears none. Does the Senator from Colorado yield?

Mr. TELLER. Yes, sir.

The Secretary read as follows:

That the pending treaty be committed to the Committee on Foreign Relations, with instructions either to frame and report such amendments thereto as shall appear meet to remove any ambiguities, and to remedy any defects of said treaty, if any there be; or

To frame and report a plan for arbitration by which all differences between the Government of the United States and the Government of Great Britain, in respect of the rights and liberties of the people of the United States, and of the subjects of Her Britannic Majesty respectively, in the North American fisheries under the treaty of 1818, shall be determined and settled, and by which it may be further determined and settled whether citizens of the United States, engaged in the business of fishing on the eastern coast of British North America are or are not justly entitled to all the advantages and benefits of the mutual arrangements of 1830 and the mutual rights of transit under the treaty of 1871.

And by which it may be further determined and settled what, if any, damages, indemnity, or compensation may be due for the alleged unlawful treatment, detention, and seizures of the fishing vessels of citizens of the United States, and violation of rights and privileges of said citizens of the United States, under the treaties, arrangements, and conventions above recited.

The PRESIDENT *pro tempore*. The Chair did not understand whether the Senator from Louisiana desired to have this as the pending motion or not.

Mr. GIBSON. I submit it to be the pending motion.

Mr. COCKRELL. Let it be printed.

Mr. TELLER. If there is no objection, I will insert in the RECORD, without reading, so much of the letter of Edward Everett to Lord Aberdeen as I intended reading in the first instance.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The extract is as follows:

An examination of the map is sufficient to show the doubtful nature of this construction. It was notoriously the object of the article of the treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States along the coasts and upon the shores of the settled portions of the country, and for that purpose to remove their vessels to a distance not exceeding 3 miles from the same. In estimating this distance the undersigned admits it to be the intent of the treaty, as it is itself reasonable, to have regard to the general line of the coast, and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted, as included within that line. But the undersigned can not admit it to be reasonable, instead of thus following the general directions of the coast, to draw a line from the southwesternmost point of Nova Scotia to the termination of the northeastern boundary between the United States and New Brunswick, and to consider the arms of the sea which will thus be cut off, and which can not on that line be less than 60 miles wide, as one of the bays on the coast from which American vessels are excluded. By this interpretation the fishermen of the United States would be shut out from the waters distant, not 3 but 30 miles, from any part of the colonial coast. The undersigned can not perceive that any assignable object of the restriction imposed by the convention of 1818 on the fishing privilege accorded to the citizens of the United States by the treaty of 1783 requires such a latitude of construction.

It is obvious that (by the terms of the treaty) the further distance to which fishing vessels of the United States are obliged to hold themselves from the colonial coasts and bays is 3 miles. But owing to the peculiar configuration of these coasts, there is a succession of bays indenting the shores both of New Brunswick and Nova Scotia within the Bay of Fundy. The vessels of the United States have a general right to approach all the bays in Her Majesty's colonial dominions, within any distance not less than 3 miles, a privilege from the enjoyment of which they will be wholly excluded, in this part of the coast, if the broad arm of the sea which flows up between New Brunswick and Nova Scotia is itself to be considered one of the forbidden bays.

Mr. FRYE. Mr. President, it does not seem that there is to be much more debate on this treaty. There is to-morrow after the morning hour or after 1 o'clock—for my impression is that I shall not move to go into executive session before 1 o'clock and let the Calendar take its place until that time—and then Saturday and Monday. Some Senators desire to be away on Saturday and not to be back until Monday night. I have this proposition to make: I ask unanimous consent that all debate on this treaty and proposed amendments shall close on Monday night, and that the votes on the amendments and the treaty shall commence at 12 o'clock on Tuesday next.

Mr. MORGAN. We will take that under advisement until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Alabama objects.

Mr. COCKRELL. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 17, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 16, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

YANKTON AND MISSOURI RIVER RAILROAD.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 7547) granting a right of way to the Yankton and Missouri River Railroad through the Yankton Indian reservation in Dakota; which were referred to the Committee on Indian Affairs.

ABOLITION OF CIRCUIT-COURT POWERS.

The SPEAKER also laid before the House the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes.

Mr. ROGERS. I would request the indulgence of the House for a few minutes in order to make a brief explanation of this bill preparatory to asking its present consideration.

Mr. SAYERS. I must insist upon the regular order.

Mr. ROGERS. I hope my friend from Texas will not call the regular order now.

Mr. SAYERS. The gentleman can ask to withhold the bill and take it up after a while.

Mr. ROGERS. Then I ask that it be withheld for the present.

The SPEAKER. Without objection the bill will be retained on the table for the present.

There was no objection.

REFERENCE OF SENATE BILLS.

The SPEAKER laid before the House Senate bills of the following titles; which were read twice, and referred as follows, namely:

The bill (S. 2715) for the relief of certain parties who have paid $2.50 per acre for United States Government lands reduced in price to $1.25 per acre by the act of Congress approved June 15, 1880—to the Committee on the Public Lands.

The bill (S. 3432) for the erection of a public building at Martinsburgh, W. Va.—to the Committee on Public Buildings and Grounds.

RAILROAD BRIDGE, FORT SMITH, ARK.

The SPEAKER also laid before the House the bill (S. 2823) to authorize the building of a railroad bridge at Fort Smith, Ark.

The SPEAKER. A bill identical with this has been already passed by the House, and if there be no objection the Senate bill will be indefinitely postponed.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARRY, for two weeks, on account of important business.

To Mr. HUTTON, indefinitely, on account of sickness.

To Mr. GEAR, until Saturday next.

To Mr. MCCLAMMY, for ten days, on account of important business.

To Mr. FINLEY, indefinitely, on account of important business.

To Mr. PEEL, indefinitely.

Mr. WEAVER. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. I want to know, these leaves of absence being granted by unanimous consent, whether a majority of the House would be competent at any time to revoke the leaves of absence so granted.

The SPEAKER. The Chair thinks so.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SAYERS. I demand the regular order.

The SPEAKER. The regular order is the question on the passage of the bill coming over from yesterday under the operation of the previous question, the title of which the Clerk will now report.

The Clerk read as follows:

A bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. STRUBLE. I was just going to ask the attention of the Chair to the fact that there is a special order pending for to-day.

The SPEAKER. This comes up immediately after the Journal.

The question is, Shall the bill pass?

The bill was passed.

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. GENERAL WARD B. BURNETT.

Mr. STRUBLE. I now call up the special order fixed for to-day, being the consideration of the Senate bill No. 681, granting an increase of pension to Mrs. General Ward B. Burnett.

The SPEAKER. The bill will be read.

Mr. STRUBLE. I am just advised, Mr. Speaker, by the chairman of the Committee on the Territories that he desires to call up the Oklahoma bill for consideration to-day. It was understood when consent was given that this bill should not antagonize the Oklahoma bill. I therefore ask unanimous consent that the consideration of this bill may be postponed for one week from to-day immediately after the reading of the Journal, to be then taken up for consideration on the pending motion.

Mr. O'NEILL, of Pennsylvania. Will it be in order to move as an amendment that all of the other bills on the special Calendar, with th previous question ordered upon them, be taken up immediately after this bill is disposed of?

The SPEAKER. Except by unanimous consent no motion can be made in reference to a bill unless it is actually up for consideration.

Mr. STRUBLE. I ask unanimous consent, in view of my statement in regard to the business of the Committee on the Territories, that this bill be postponed for one week from to-day immediately after the reading of the Journal.

The SPEAKER. It can be done by a motion.

Mr. STRUBLE. Then I make that motion.

The motion was adopted.

MARGARET STAFFORD WORTH.

The SPEAKER. The Clerk will report the next bill under the special order.

The Clerk read as follows:

A bill (S. 867) granting a pension to Margaret Stafford Worth.

Mr. MCMILLIN. I make a similar motion in reference to this bill, that its consideration be postponed for one week, to come up immediately after the disposal of the other bill just postponed.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. ROGERS. I rise to a parliamentary inquiry. Would it be in order to ask unanimous consent of the House to consider the bill (S. 3234) which was withheld a few moments ago at my request?

The SPEAKER. But the regular order has been demanded.

Mr. MCRAE. I think the gentleman from Texas, who demanded the regular order, did it for the purpose of passing the fortifications bill. That has been disposed of.

The SPEAKER. But the demand has not been withdrawn, and the Chair must respect it until it is withdrawn.

Mr. ROGERS. Is it insisted upon?

The SPEAKER. It has not been withdrawn, and the Chair must assume that it is insisted upon.

Mr. ROGERS. May I inquire who demanded the regular order?

The SPEAKER. The gentleman from Texas [Mr. SAYERS].

Mr. ROGERS. But since that time he has passed his measure, and is not now present in the Hall. If the Chair will permit me, therefore, I will make a further request for unanimous consent to take up the bill to which I have referred.

Mr. WEAVER. How much time will it take?

Mr. ROGERS. Ten minutes at the outside.

Mr. WEAVER. If it does not consume more time than that I shall not object.

ABOLITION OF CERTAIN CIRCUIT-COURT POWERS.

Mr. ROGERS. Then I ask unanimous consent, Mr. Speaker, to take up for present consideration the bill (S. 3234) to abolish certain powers of the circuit courts, and for other purposes.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

Mr. TAULBEE. I would like to make an inquiry of the gentleman from Arkansas [Mr. ROGERS].

Mr. DOUGHERTY rose.

The SPEAKER. The Chair thinks the gentleman from Florida has objected.

Mr. DOUGHERTY. The recognition of the Chair all this session upon unanimous consent seems to have been confined to a few statesmen on the other side of the House, and unanimous consent seems to have been given to several gentlemen upon different occasions. It seems to me that this thing of unanimous consent should be more evenly distributed. There are important local measures in my State that ought to be considered and we have been unable to get recognition either to consider or unanimous consent to call up, and I object to any general legislation by unanimous consent until we can have those measures considered.

Mr. ROGERS. Will the gentleman from Florida withhold his objection until he hears what I have to say upon this bill for two minutes?

Mr. DOUGHERTY. I will yield to the gentleman to make a statement.

Mr. ROGERS. Now I hope the gentleman will listen to what I have to say.

Mr. TAULBEE. Before the right to objection is waived I want to ask the gentleman having charge of the bill if the section of the statute which the bill proposes to repeal applies to courts generally or to the courts mentioned in that bill.

Mr. ROGERS. Only to those mentioned in the bill. If the House will give me its attention, I will place the matter before it in a word or two. The courts named in that bill stand upon a different footing from any other district courts in the United States. By section 571 of the Revised Statutes these three district courts named have circuit-court power. One of the incidents of that jurisdiction is this, that in these three courts where parties are tried for a capital offense they have no right to have their cases revised by a higher tribunal. In one of these courts, namely, that which refers to Arkansas, I can not state the exact number of cases, but in the last fifteen years approximately one hundred capital cases have been tried, and the parties have been sentenced to death without the right of revision by any other court. The whole object of this bill is to put these district courts on the footing of other district courts and give these unfortunates the same chance for life that others enjoy who are similarly situated elsewhere.

I have said this much, Mr. Speaker. It seems enough to shock our sense of justice and to commend this bill to the confidence and support of us all.

Mr TOWNSHEND. Has this bill been considered by the Committee on the Judiciary or any other committee of this House?

Mr. ROGERS. I answer that question in the negative; but will state the history of this bill is this: It was introduced in the Senate by Senator JONES to correct this evil which I have just mentioned, and which is a burning shame. Senator HOAR took up this subject and went all through it, and he draughted this bill as a substitute for the bill of Senator JONES. It was then submitted to the Senate. Senator EDMUNDS gave it very careful attention. It went into the Senate, having met the approval of the Judiciary Committee, passed the Senate

with one single amendment and without a single question or one single adverse vote or criticism.

It creates no new courts, but divides the jurisdiction of these three courts, and makes no other alteration of public law. It is in the interest of humanity.

Mr. SYMES. By what other judge is the case under appeal to be tried?

Mr. ROGERS. Either by the justice of the Supreme Court assigned to that district or the judge assigned to that circuit.

Mr. BLOUNT. I wish to ask the gentleman from Arkansas if it will not suit him to postpone this matter until a certain day, with the view of having at least an informal examination of it by the Committee on the Judiciary.

The SPEAKER. The gentleman from Florida [Mr. DOUGHERTY] has already objected to the consideration of the bill.

Mr. ROGERS. In my own city there are some forty persons confined in jail subject to trial at the session of the court just begun, and I am anxious that this right shall be guarantied to those unfortunate persons.

Mr. DOUGHERTY. If the gentleman asked unanimous consent for the consideration of any local measure of importance to his district I would not object; but there are numbers of gentlemen upon this floor who have measures of local interest which do not take any money out of the Treasury of the United States, but for which they are unable to get consideration or recognition.

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Is debate in order?

The SPEAKER. It is not. The gentleman from Florida has objected and the bill is no longer before the House.

Mr. ROGERS. Then I ask that the bill be retained on the Speaker's table. I desire that the Judiciary Committee may have an opportunity to examine it. There is no quorum of the committee here, or it would have been examined by them before now.

CONFERENCE REPORT.

Mr. LEE. I desire to present a privileged report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks in the District of Columbia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

W. H. F. LEE,
JAMES E. CAMPBELL,
Conferees on the part of the House.
JOHN W. DANIEL,
JOHN C. SPOONER,
Conferees on the part of the Senate.

Mr. BLOUNT. Is there a statement accompanying the report?

The SPEAKER. There is no statement.

Mr. BLOUNT. Then I hope the gentleman from Virginia will make an explanatory statement.

Mr. LEE. The Senate objected to the provision in the House bill giving the Danville Railroad Company in the District of Columbia all the terminal facilities which they might have in the State of Virginia. The Senate objected to that and struck it out, and the House conferees agreed to the amendment. That is all.

The report of the committee of conference was adopted.

Mr. LEE moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

BRIDGE ACROSS THE TENSAS, LOUISIANA.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Kirk's Ferry, La.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN B. HOPKINS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1813) for the relief of Susan B. Hopkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. M. SCHAFFER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 3015) for the relief of C. M. Schaffer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GERMAN EVANGELICAL CHURCH, MARTINSBURGH, W. VA.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 2740) for the relief of the trustees of the German Evangelical Church at Martinsburgh, W. Va.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL TATE.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 100) for the relief of Samuel Tate; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED J. WORCESTER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 2163) for the relief of Alfred J. Worcester; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GREELY RELIEF EXPEDITION.

Mr. STAHLNECKER, from the Committee on the Library, reported back with a favorable recommendation the bill (S. 961) for the presentation of badges to the officers and men of the Greely relief expedition; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, Mr. RUSSELL, of Massachusetts, was granted leave of absence for ten days.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent that the consideration hour for to-day be dispensed with.

Mr. O'NEILL, of Missouri. I object. I believe that we should have the hour for the consideration of business from committees. There are many committees of this House that have never been called at all under this order.

Mr. SPRINGER. I desire to inquire what is the next committee to be called.

The SPEAKER. The clerk at the Speaker's desk, who usually keeps memoranda of these matters, is not now present. The Chair is under the impression—some gentleman on the floor may be able to give definite information—that during the last consideration hour the Committee on Invalid Pensions was called, and that the gentleman from Indiana [Mr. MATSON], chairman of the committee, being absent, the committee was passed over informally.

Mr. DOCKERY. That is correct.

The SPEAKER. The Chair thinks that the Committee on Patents was also passed over informally at that time, but is not certain about that matter.

Mr. WEAVER. Which comes first, the Committee on Invalid Pensions or the Committee on Patents?

The SPEAKER. Does the gentleman from Iowa [Mr. WEAVER] desire that the Committee on Patents be passed over this morning?

Mr. WEAVER. I do, provided it does not lose its place.

The SPEAKER. If there be no objection, the Committee on Patents will be passed over this morning without losing its place. The Committee on Invalid Pensions is the first committee to be called. The hour begins at thirty-five minutes past 12 o'clock.

BUSINESS OF THE COMMITTEE ON PENSIONS.

Mr. MORRILL. The Committee on Invalid Pensions has directed me to call up the resolution which I send to the desk, to which I wish to offer an amendment.

The Clerk read as follows:

Resolved, That it is hereby ordered by the House that Wednesday, May 2, and Thursday, May 3, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Invalid Pensions in such order as may be designated by said committee, but not to interfere with revenue bills, appropriation bills, or prior orders; and if displaced by these or by any cause the same days on each subsequent week shall be substituted for those herein named until two days, or so much thereof as shall be necessary, are devoted to the consideration of measures reported by said committee.

The amendment proposed by Mr. MORRILL was read, as follows:

Strike out "May 2" and "May 3" and insert "August 29" and "August 30."

Mr. ROGERS. I rise to a parliamentary inquiry. Does this resolution change the rules of the House?

The SPEAKER. It interferes with the usual order of business under the rules, but it does not change permanently any rule of the House.

Mr. ROGERS. Does it come in during this hour under the regular order?

The SPEAKER. The Committee on Invalid Pensions has been called

under the rules for the presentation of measures heretofore reported from that committee; and the gentleman from Kansas——

Mr. BLAND. Can a report of this kind be called up under this order?

The SPEAKER. The gentleman from Kansas calls up this resolution under the direction of his committee, it having been heretofore reported and being on the Calendar.

Mr. MORRILL. The resolution upon its introduction was referred to the Committee on Invalid Pensions and has been by them reported back.

The SPEAKER. So the Chair understands.

Mr. BLAND. I raise the question of order whether this resolution does not belong to the Committee on Rules.

The SPEAKER. The resolution has already been referred by order of the House to another committee and by that committee has been reported back; and it has taken its place on the Calendar. The question is not now on the reference of the resolution; if it were the gentleman's point of order might be well taken.

Mr. BLAND. I understand that the simple reference of a proposition to a committee does not under the rules of the House give that committee jurisdiction of the subject-matter.

The SPEAKER. Still this resolution has been reported back from a committee; the report has been received by the House, and has taken its place on the Calendar.

Mr. ROGERS. I wish to ask—I am not sure that it is a parliamentary inquiry—whether the Committee on Invalid Pensions has directed the calling up of this measure?

Mr. MORRILL. They have, by a unanimous vote.

Mr. ROGERS. I move to refer the resolution to the Committee on Rules.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] has the floor at the present time.

Mr. MORRILL. In support of this resolution, Mr. Speaker, I desire to say in reference to this subject of pensions, more bills probably have been introduced and referred to the Committee on Invalid Pensions than to any other committee of the House. One hundred and ninety general pension bills have been introduced and have been referred to our committee. Some thirty or forty Senate bills of similar character have been referred to us. These bills included one passed by the Senate increasing the pension for deafness (a bill which was passed the other day), and a bill providing for those who are now dependent—a bill passed by the Senate and referred to our committee. There is also a bill equalizing the pensions of those who are totally disabled, which has also passed the Senate. As the law now stands a certain class of pensioners who formerly received $50 a month now receive a pension of $72 monthly, while another class, equally disabled, are still receiving only $50.

Another of these bills provides for pensioning those who were prisoners of war, without their proving specifically (which is utterly impossible) that their disability was incurred in a rebel prison. Another bill provides for the payment of arrears of pensions, placing all upon the same footing. Another provides that any person who is receiving a pension under a special act may, upon making proper proof at the Pension Office, receive his pension under the general law as if he had not received the benefit of a special act. This of course applies to a small class—perhaps not fifty persons in all will be affected. But, sir, under the laws as they now exist it is held that a person who has once received a pension by special act, although he may produce all the proof required by the Pension Office, can not receive arrears of pension, nor can he be pensioned under the general law.

Numerous other bills, perhaps of less importance, have been reported by our Committee on Invalid Pensions after days of arduous investigation and labor on the part of members of that committee; and we have made repeated efforts to obtain a day for their consideration, but it has so far been refused. We now ask of the House toward the close of the session, after the tariff bill has passed and all of the appropriation bills have been disposed of, with nothing practically pressing the House, by the pending resolution to have these two days set apart, August 29 and August 30, for the consideration of the pension business.

Mr. FARQUHAR. That is it; now demand the previous question.

Mr. MORRILL. If the House understands the proposition and is ready to vote upon it, I will now demand the previous question on the adoption of the resolution.

The House divided; and there were—ayes 64, noes 2.

Mr. CRISP. I raise the point of no quorum.

Mr. MORRILL. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I would like to have the gentleman from Kansas state to the House whether he has enumerated all the business coming from the Committee on Pensions which will be proposed to be considered on the two days he has indicated, if they are set apart under the pending resolution, or whether, sir, other pension business will be included which so far has not been enumerated by the gentleman.

Mr. MORRILL. While I have enumerated all the bills which have been reported from the Committee on Invalid Pensions, it does not necessarily follow that on those days designated by the resolution those bills will be taken up. It is intended that the Committee on Invalid Pensions, if the resolution be adopted, shall hereafter designate the bills which shall be taken up for consideration on those two days, and shall also indicate the order in which that business shall be considered under the terms of the resolution. As they have carefully investigated and acted upon these matters they perhaps are better informed on the subject and better able to arrange the matter properly for the action of the House.

The question was taken; and no quorum voted, there being—yeas 117, nays 7, not voting 200; as follows:

YEAS—117.

Adams,	Dockery,	Matson,	Springer,
Anderson, Iowa	Dougherty,	McComas,	Stahlnecker,
Anderson, Ill.	Farquhar,	McCullogh,	Stephenson,
Anderson, Kans.	Felton,	McKenna,	Struble,
Atkinson,	Finley,	Merriman,	Symes,
Bacon,	Flood,	Milliken,	Taulbee,
Baker, Ill.	French,	Morrill,	Taylor, J. D., Ohio
Bayne,	Fuller,	Morrow,	Thomas, Ky.
Boothman,	Gest,	Neal,	Thomas, Wis.
Bowen,	Grout,	Nelson,	Thompson, Ohio
Brewer,	Harmer,	Nutting,	Thompson, Cal.
Brower,	Haugen,	O'Donnell,	Tracey,
Brown, J. R., Va.	Henderson, Iowa	O'Neall, Ind.	Townshend,
Bryce,	Henderson, Ill.	O'Neill, Pa.	Turner, Kans.
Bunnell,	Hermann,	O'Neill, Mo.	Vance,
Burnes,	Hiestand,	Outhwaite,	Vandever,
Butterworth,	Hitt,	Owen,	Walker,
Bynum,	Holman,	Parker,	Warner,
Campbell, Ohio	Hopkins, Va.	Payson,	Weaver,
Cannon,	Hovey,	Peters,	Weber,
Caswell,	Hunter,	Post,	White, Ind.
Cheadle,	Jackson,	Romeis,	Whiting, Mich.
Chipman,	Johnston, Ind.	Ryan,	Wilkinson,
Cogswell,	La Follette,	Sawyer,	Williams,
Conger,	Lawler,	Scull,	Wilson, Minn.
Cox,	Lind,	Seney,	Yoder,
Crouse,	Lyman,	Seymour,	Yost.
Cummings,	Lynch,	Shively,	
Darlington,	Macdonald,	Smith,	
Davis,	Maish,	Sowden,	

NAYS—7.

Breckinridge, Ky.	Dibble,	McRae,	Shaw.
Cowles,	Johnston, N. C.	Newton,	

NOT VOTING—200.

Abbott,	Dalzell,	Hutton,	Phelps,
Allen, Mass.	Dargan,	Jones,	Pidcock,
Allen, Mich.	Davenport,	Kean,	Plumb,
Allen, Miss.	Davidson, Ala.	Kelley,	Pugsley,
Anderson, Miss.	Davidson, Fla.	Kennedy,	Randall,
Arnold,	De Lano,	Kerr,	Rayner,
Baker, N. Y.	Dingley,	Ketcham,	Reed,
Bankhead,	Dorsey,	Kilgore,	Rice,
Barnes,	Dunham,	Laffoon,	Richardson,
Barry,	Dunn,	Lagan,	Robertson,
Belden,	Elliott,	Laidlaw,	Rockwell,
Belmont,	Enloe,	Laird,	Rogers,
Biggs,	Ermentrout,	Landes,	Rowell,
Bingham,	Fisher,	Lane,	Rowland,
Blanchard,	Fitch,	Lanham,	Russell, Conn.
Bland,	Foran,	Latham,	Russell, Mass.
Bliss,	Ford,	Lee,	Rusk,
Blount,	Forney,	Lehlbach,	Sayers,
Bound,	Funston,	Lodge,	Scott,
Boutelle,	Gaines,	Long,	Sherman,
Bowden,	Gallinger,	Maffett,	Simmons,
Breckinridge, Ark.	Gay,	Mahoney,	Snyder,
Browne, T. H. B., Va.	Gear,	Mansur,	Spinola,
Browne, Ind.	Gibson,	Martin,	Spooner,
Brown, Ohio	Glass,	Mason,	Steele,
Brumm,	Glover,	McAdoo,	Stewart, Tex.
Buchanan,	Goff,	McClammy,	Stewart, Ga.
Buckalew,	Granger,	McCormick,	Stewart, Vt.
Burnett,	Greenman,	McCreary,	Stockdale,
Burrows,	Grimes,	McKinley,	Stone, Ky.
Butler,	Grosvenor,	McKinney,	Stone, Mo.
Campbell, F., N. Y.	Guenther,	McMillin,	Tarsney,
Campbell, T. J., N. Y.	Hall,	McShane,	Taylor, E. B., Ohio
Candler,	Hare,	Mills,	Thomas, Ill.
Carlton,	Hatch,	Moffitt,	Tillman,
Caruth,	Hayden,	Montgomery,	Turner, Ga.
Catchings,	Hayes,	Moore,	Wade,
Clardy,	Heard,	Morgan,	Washington,
Clark,	Hemphill,	Morse,	West,
Clements,	Henderson, N. C.	Nichols,	Wheeler,
Cobb,	Herbert,	Norwood,	White, N. Y.
Cockran,	Hires,	Oates,	Whiting, Mass.
Collins,	Hogg,	O'Ferrall,	Whitthorne,
Compton,	Holmes,	Osborne,	Wickham,
Cooper,	Hooker,	Patton,	Wilber,
Cothran,	Hopkins, Ill.	Peel,	Wilkins,
Crain,	Hopkins, N. Y.	Penington,	Wilson, W. Va.
Crisp,	Houk,	Perkins,	Wise,
Culberson,	Howard,	Perry,	Woodburn,
Cutcheon,	Hudd,	Phelan,	Yardley.

No quorum voting.

Mr. MORROW. I am paired with my colleague, Mr. BIGGS, but voted on this call, having reserved the right to do so in order to make a quorum.

Mr. LYNCH. I have voted "ay" on this question, but am paired with the gentleman from Kentucky, Mr. STONE. He would have voted "no," if present.

The SPEAKER. Does the gentleman from Pennsylvania desire to withdraw his vote?

Mr. LYNCH. I have just been informed that Mr. STONE is paired with another gentleman. I will therefore allow my vote to stand.

Mr. RICHARDSON. My colleagues, Mr. ENLOE and Mr. WASHINGTON, are detained at their homes on account of sickness.

Mr. WILLIAMS. I am paired with the gentleman from Missouri, Mr. STONE, on all political questions. I have voted "ay" on this question, having reserved the right to vote to make a quorum, and believing this to be a patriotic question.

Mr. ANDERSON, of Kansas. I am paired with the gentleman from South Carolina, Mr. TILLMAN, but reserved the right to vote to make a quorum.

Mr. YOST. I am paired with the gentleman from West Virginia, Mr. SNYDER, with the understanding that the pair should not prevent a vote if necessary to make a quorum.

Mr. RICE. I am paired with the gentleman from Virginia, Mr. BROWNE, and withdraw my vote.

Mr. WARNER. I am paired with my colleague, Mr. MANSUR, but voted to make a quorum.

Mr. BREWER. I desire to inquire whether the gentleman from Georgia, Mr. BLOUNT, has voted.

The SPEAKER. The Chair is informed that he has not.

Mr. BREWER. I suppose he considers that our pair is still existing, although I understand he has returned. I will withdraw my vote, however.

Mr. LEHLBACH. I was not present when my name was called or I should have voted in the affirmative.

Mr. WEAVER. I ask unanimous consent to dispense with the reading of the names.

Mr. MCMILLIN. I think we had better have the vote recapitulated.

The Clerk recapitulated the names of those voting.

Mr. BREWER. Mr. Speaker, I find upon an examination of the pair between the gentleman from Georgia and myself that the right is reserved to vote to make a quorum. I will, therefore, permit my vote to stand.

The following pairs were announced for this day:

Mr. STONE, of Kentucky, with Mr. HOUK.

Mr. WHITTHORNE with Mr. PERKINS.

Mr. WILSON, of West Virginia, with Mr. HOPKINS, of New York.

The following were announced as being paired on all political questions until further notice:

Mr. MCCLAMMY with Mr. WOODBURN.

Mr. FELIX CAMPBELL with Mr. COOPER.

Mr. MCSHANE with Mr. YARDLEY.

Mr. WASHINGTON with Mr. FINLEY.

Mr. HUTTON with Mr. SEYMOUR.

Mr. BARRY with Mr. DALZELL.

Mr. WILKINS with Mr. PUGSLEY.

Mr. CATCHINGS with Mr. MCCORMICK.

Mr. PEEL with Mr. RUSSELL, of Connecticut.

Mr. ANDERSON, of Mississippi, with Mr. DE LANO.

Mr. HATCH with Mr. STEWART, of Vermont.

Mr. HUDD with Mr. ARNOLD.

Mr. MCMILLIN with Mr. BURROWS.

Mr. JONES with Mr. BOUND.

Mr. BUCKALEW with Mr. BAYNE.

Mr. LANE with Mr. KERR.

Mr. YOST with Mr. SNYDER.

Mr. BRECKINRIDGE, of Arkansas, with Mr. BROWN, of Ohio.

Mr. HEMPHILL with Mr. GALLINGER.

Mr. HOGG with Mr. HOLMES.

Mr. VANCE with Mr. WICKHAM.

Mr. CUTCHEON with Mr. TARSNEY.

Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.

Mr. MCKINNEY with Mr. OSBORNE.

Mr. HALL with Mr. LAIDLAW.

Mr. CARLTON with Mr. MOFFITT.

Mr. HARE with Mr. PLUMB.

Mr. HOWARD with Mr. HOPKINS, of Illinois.

Mr. CRISP with Mr. ROWELL.

Mr. MANSUR with Mr. WARNER.

Mr. TURNER, of Georgia, with Mr. REED.

Mr. FORD with Mr. STEELE.

Mr. LODGE with Mr. BURNETT.

Mr. MORSE with Mr. WHITING, of Massachusetts.

Mr. DAVIDSON, of Alabama, with Mr. PATTON.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. MONTGOMERY with Mr. HUNTER.

Mr. BLANCHARD with Mr. THOMAS, of Illinois.

Mr. ROBERTSON with Mr. DORSEY.

Mr. WILLIAMS with Mr. STONE, of Missouri.

Mr. PERRY with Mr. SPOONER.

Mr. CLARDY with Mr. WADE.

Mr. STEWART, of Texas, with Mr. DUNHAM.

Mr. ROWLAND with Mr. NICHOLS.

Mr. LATHAM with Mr. KENNEDY.

Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.

Mr. DARGAN with Mr. WEST.

Mr. BOUTELLE with Mr. WISE.

Mr. RANDALL with Mr. KELLEY.

Mr. GROSVENOR with Mr. ENLOE.

Mr. HAYDEN with Mr. HERBERT.

Mr. COX with Mr. BAKER, of New York.

Mr. BLOUNT with Mr. BREWER.

Mr. COTHRAN with Mr. LONG.

The following were announced as being paired on all questions until further notice:

Mr. GREENMAN with Mr. SHERMAN.

Mr. COMPTON with Mr. GOFF.

Mr. FISHER with Mr. KEAN.

Mr. CLEMENTS with Mr. KETCHAM.

Mr. BIGGS with Mr. MORROW.

Mr. BELMONT with Mr. DAVENPORT.

Mr. SCOTT with Mr. CLARK.

Mr. OATES with Mr. GUENTHER.

Mr. PIDCOCK with Mr. HIRES.

Mr. GRANGER with Mr. ROCKWELL.

Mr. GLOVER with Mr. BROWNE, of Indiana.

Mr. TILLMAN with Mr. ANDERSON, of Kansas.

Mr. O'FERRALL with Mr. MASON.

Mr. TARSNEY. Mr. Speaker, I wish to make a brief statement.

Mr. MORRILL. Regular order.

Mr. TARSNEY. I wish to state that I am paired with my colleague [Mr. CUTCHEON], who is absent on account of sickness. I did not vote when my name was called; but wish to state that I should have voted in favor of the resolution if permitted to do so.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. COOPER and Mr. PAYSON. I move a call of the House.

Mr. CANNON. Mr. Speaker, who made the point of no quorum?

The SPEAKER. The point of no quorum was not made; it appears of record by the vote which has just been taken. The gentleman from Illinois moves a call of the House.

Mr. CANNON. Oh, yes.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following-named members failed to answer to their names:

Allen, Mass.	Cothran,	Houk,	Pidcock,
Allen, Mich.	Crain,	Howard.	Plumb,
Allen, Miss.	Cutcheon,	Hudd.	Pugsley,
Anderson, Miss.	Dalzell,	Hutton,	Randall,
Baker, N. Y.	Dargan,	Jones,	Rayner,
Barry,	Davenport,	Kean,	Reed,
Bayne,	De Lano,	Kelley,	Robertson,
Belden,	Dingley,	Kennedy,	Rockwell,
Belmont,	Dorsey,	Kerr,	Rowell,
Biggs,	Dunham,	Laffoon,	Russell, Conn.
Bingham,	Enloe,	Laidlaw,	Scott,
Blanchard,	Ermentrout,	Laird,	Snyder,
Bland,	Fisher,	Landes,	Spinola,
Bliss,	Fitch,	Lane,	Spooner,
Bound,	Foran,	Lodge,	Steele,
Boutelle,	Ford,	Long,	Stewart, Tex.
Bowden,	Funston,	Maffett,	Stewart, Ga.
Breckinridge, Ark.	Gaines,	Mahoney,	Stewart, Vt.
Browne, T. H. B., Va.	Gallinger,	Mansur,	Stone, Mo.
Browne, Ind.	Gay,	Mason,	Taylor, E. B., Ohio
Brown, Ohio	Gear,	McClammy,	Thomas, Ill.
Brumm,	Glover,	McCormick,	Tillman,
Buchanan,	Goff,	McKinley,	Wade,
Buckalew,	Granger,	McKinney,	Washington,
Burnett,	Greenman,	McShane,	West,
Burrows,	Grosvenor,	Moffitt,	White, N. Y.
Butler,	Guenther,	Montgomery,	Whiting, Mass.
Campbell, F., N. Y.	Hall,	Morse,	Wickham,
Candler,	Hare,	Nichols,	Wilber,
Carlton,	Hatch,	Norwood,	Wilkins,
Catchings,	Hayden,	Oates,	Wilkinson,
Clardy,	Hemphill,	O'Ferrall,	Wilson, W. Va.
Clark,	Herbert,	Osborne,	Wise,
Clements,	Hires,	Patton,	Woodburn,
Cockran,	Hogg,	Peel,	Yardley.
Collins,	Holmes,	Perkins,	
Compton,	Hopkins, Ill.	Perry,	
Cooper,	Hopkins, N. Y.	Phelps,	

After the doors were closed, the names of absentees were called for excuses.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ALLEN, of Michigan: No excuse offered.

Mr. ALLEN, of Mississippi: No excuse offered.

Mr. ANDERSON, of Mississippi: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BAYNE: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLANCHARD: No excuse offered.

Mr. BLAND: No excuse offered.

Mr. BLISS: No excuse offered.
Mr. BOUND: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BOWDEN: No excuse offered.
Mr. BRECKINRIDGE, of Arkansas: No excuse offered.
Mr. THOMAS H. B. BROWNE: No excuse offered.
Mr. BROWNE, of Indiana: No excuse offered.
Mr. BROWN, of Ohio: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCHANAN: No excuse offered.
Mr. BUCKALEW: No excuse offered.
Mr. BURNETT: No excuse offered.
Mr. BURROWS: No excuse offered.
Mr. BUTLER: No excuse offered.
Mr. FELIX CAMPBELL: No excuse offered.
Mr. CANDLER: No excuse offered.
Mr. CARLTON: No excuse offered.
Mr. CLARDY: No excuse offered.
Mr. CATCHINGS: No excuse offered.
Mr. CLARK: No excuse offered.
Mr. CLEMENTS: No excuse offered.
Mr. COCKRAN: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COMPTON: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COTHRAN: No excuse offered.
Mr. CRAIN: No excuse offered.
Mr. CUTCHEON: No excuse offered.
Mr. DALZELL: No excuse offered.
Mr. DARGAN: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DE LANO: No excuse offered.
Mr. DINGLEY: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. ENLOE: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FITCH: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FORD: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. GAINES: No excuse offered.
Mr. GALLINGER: No excuse offered.
Mr. GAY: No excuse offered.
Mr. GEAR: No excuse offered.
Mr. HENDERSON, of Iowa. My colleague [Mr. GEAR] is absent by leave of the House.
Mr. GLOVER: No excuse offered.
Mr. GOFF: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GUENTHER: No excuse offered.
Mr. HALL: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HERBERT: No excuse offered.
Mr. HIRES: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOPKINS, of Illinois: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK.
Mr NEAL. I understand that my colleague [Mr. HOUK] is unwell. I therefore ask that he be excused.
There was no objection.
The SPEAKER. The Chair is informed that the gentleman from Tennessee [Mr. HOUK] has leave of absence.
Mr. HOWARD.
Mr. MATSON. My colleague [Mr. HOWARD] is absent by leave of the House.
Mr. HUDD: No excuse offered.
Mr. HUTTON: No excuse offered.
Mr. JONES: No excuse offered.
Mr. KEAN: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. LAFFOON: No excuse offered.
Mr. LAIDLAW: No excuse offered.
Mr. LAIRD: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LODGE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAHONEY: No excuse offered.
Mr. MANSUR: No excuse offered.
Mr. MCCLAMMY.
Mr. HENDERSON, of North Carolina. My colleague [Mr. MCCLAMMY] is absent by leave of the House.
The SPEAKER. The Chair is advised that the gentleman has leave of absence.
Mr. MCCORMICK: No excuse offered.
Mr. MCKINLEY: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. OSBORNE: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PERKINS: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL.
Mr. SOWDEN. I ask that my colleague be excused on account of sickness.
There was no objection.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. WADE: No excuse offered.
Mr. WASHINGTON: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. W ICKHAM.
Mr. ROMEIS. I ask that my colleague [Mr. WICKHAM] be excused on account of sickness.
There was no objection.
Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WILKINSON: No excuse offered.
Mr. WILSON, of West Virginia: No excuse offered.
Mr. WISE: No excuse offered.
Mr. WOODBURN: No excuse offered.
Mr. YARDLEY: No excuse offered.
Mr. PAYSON. I offer the following resolution——
The SPEAKER. The Chair will announce the result of the call of the House.
Mr. BREWER. I desire to announce that my colleague, Mr. CUTCHEON, is absent on account of sickness, and has leave of absence.
The SPEAKER. The gentleman has leave of absence.
Mr. MCADOO. I desire to answer to this roll-call. I was not present when the last vote was taken, and consequently did not vote. If I had been present, I should have voted "ay."
The SPEAKER. Upon this call of the roll 174 gentlemen have answered to their names.
Mr. SPRINGER. I move——
The SPEAKER. The hour for the consideration of the resolution called up by the gentleman from Kansas has expired, and a quorum has answered to this call.
Mr. SPRINGER. I move——
The SPEAKER. The House is operating under a call of the House.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that all further proceedings under the call of the House be dispensed with.

The question was put, and the motion was agreed to.

Mr. RICHARDSON. I desire to offer a privileged report.

Mr. ANDERSON, of Kansas. As I understand, the previous question was ordered on the resolution which was called up.

The SPEAKER. The previous question was not ordered; it was demanded, and the point of no quorum was made, and when the question comes up again the question will be on ordering the previous question.

Mr. CANNON. I rise to a question of privilege on the resolution which has been reported and considered in the morning hour.

The SPEAKER. The gentleman will state the ground upon which that is a question of privilege.

Mr. CANNON. It is a proposition to change the rules of the House *pro tanto* in so far as it goes, and therefore I call the attention of the Chair to the fact that all propositions touching the rules shall be referred to the Committee on Rules under Rule XI. Then in the Digest it is stated that reports from this committee touching the rules are privileged questions.

Mr. McMILLIN. But this does not come from the Committee on Rules.

Mr. CANNON. Propositions coming from the committee lay over a day under clause 1 of Rule XXVIII. The question of a day for the consideration of business reported from particular committees is in order at any time as a privileged question for the reason "that the adoption of the resolution would be *pro tanto* a change of the rules, and that the proper method of making any such change is upon a report from the Committee on Rules." This I find in the Journal of the first session of the Forty-ninth Congress, which I hold in my hand, and I will read so much of it as bears upon this subject. This is from the Journal of July 10, 1886:

Mr. Morrison, as a privileged question from the Committee on Rules, to which was referred a resolution fixing a day for the consideration of business reported from the Committee on Ways and Means, reported the same with the following amendment in the nature of a substitute therefor, namely:

Resolved, That Tuesday, the 13th day of July, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of such business as may be presented by the Committee on Ways and Means, not to include any bill raising revenue; and if any bill shall be under consideration and not disposed of when the House adjourns on that day the consideration of such bill shall continue from day to day immediately after the reading of the Journal until disposed of.

Mr. Hewitt made the point of order that the report of the committee was not of a privileged character, being a proposition to set apart a single day for the consideration of a certain class of business, and therefore not a rule which must be general in its character.

The Speaker *pro tempore* (Mr. CRISP) overruled the point of order upon the ground that the adoption of the resolution would be *pro tanto* a change of the rules, and that the proper method of making such a change was upon a report from the Committee on Rules.

Now, Mr. Speaker, it is true that this resolution which I have just read was not reported by the Committee on Rules, but the resolution now under consideration was regularly introduced in the House and by a majority of the House was referred to the Committee on Invalid Pensions, although under the rules of the House and in the absence of the action of a majority it would have gone to the Committee on Rules. The Committee on Invalid Pensions considered the resolution, and they reported it back. It is the proposition to change the rules that is privileged—it is the subject-matter, not the particular committee that may report it. Although the resolution may have gone to the Committee on the Militia, or any other committee, when it is reported back and contains a proposition to change the rules it at once becomes a matter of privilege.

The SPEAKER. The Chair has had occasion to decide this question before. Propositions which relate to a change of the rules are in order at any time for presentation; but the Chair decided in the Forty-ninth Congress, upon a resolution in relation to a report from the Committee on Education, that although they were in order for presentation, yet they must go to the Committee on Rules, and if they were reported back by that committee, then they were privileged for immediate consideration, but if they went to any other committee this privilege did not attach to them.

The Chair also decided, in the case of the oleomargarine bill, which was reported from the Committee on Agriculture, although it was a revenue bill, that while the committee had the right to have it considered as a preferred measure when the House went into Committee of the Whole on the state of the Union, yet the privilege of reporting it for immediate consideration did not belong to that committee, but belonged to the Committee on Ways and Means. The Chair will cause that clause of the rule to be read, and the gentleman from Illinois [Mr. CANNON] will observe that the privilege of reporting for immediate consideration in the cases alluded to is a privilege which belongs to the committee under the rule, and the uniform practice has been to give the same privilege to the Committee on Rules.

The Clerk will read the forty-ninth clause of Rule XI.

The Clerk read as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on Public Lands, bills for the forfeiture of land grants to railroads and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; the Committee on Accounts, on all matters of expenditure of the contingent fund of the House. Any commission authorized by law to report by bill to the House shall have leave to report such bill at any time, and may call the same up for consideration as provided in the fifth clause of Rule XXIV.

The SPEAKER. Even if this resolution had been referred to the Committee on Rules and had been reported back from that committee in the morning hour, which is set apart for reports under the rules of the House, then, under another rule, it would have lost its privileged character and would have gone to the Calendar. This resolution was in fact reported back from the Committee on Invalid Pensions in the morning hour, and took its place on the Calendar, under the rule which the Clerk will now read.

The Clerk read as follows:

Rule XXIV, clause 3:

"On all days other than Monday as soon as the business on the Speaker's table has been disposed of, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate."

The SPEAKER. "Which shall be appropriately referred"—that is to say, whenever a resolution, even though it might otherwise be privileged, is reported during the morning hour, under the positive language of this rule it must be referred and must take its place on the Calendar; and, under another rule, bills and resolutions upon the Calendar are to be called in their regular order. In other words, they lose their privilege by being reported in that hour, even if they would otherwise be privileged. The Chair therefore holds that this is not now a privileged matter.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced the approval of bills of the following titles:

An act (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska;

An act (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River;

An act (H. R. 5259) to relieve Jacob B. Bostatter from the charge of fraudulent enlistment; and

An act (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

The list of approved bills was accompanied by the following note:

The following bills, heretofore by clerical mistake reported to the House of Representatives as having been approved by the President, were presented to him on July 31, 1888, and not having been returned to the House of Congress in which they originated within the ten days prescribed by the Constitution, the same have become laws without his signature:

H. R. No. 9595, an act granting a pension to David A. Yeaw; and

H. R. No. 9731, an act granting a pension to William A. Humes.

PURCHASES OF FELT FOR GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON. I desire to submit a privileged report from the Committee on Printing.

The report was read, as follows:

The committee have considered the resolution of Mr. BUCHANAN introduced into the House on August 13, and referred to this committee. It is as follows:

"Whereas the New York Press of August 8 makes the following allegations:

"BUYING PRINTING FELT OF ENGLAND.

"Not content with buying their blankets abroad the Press is reliably informed that the Democratic Administration is now buying its felt for printing of England. Here is what Dr. J. B. Thompson, a manufacturer of chemicals and dye stuff, says on the subject:

"'This Democratic Administration imports a poor quality of felt for printing use from England, and pays more than it would to home dealers. The facts are these: The felt used to be purchased of Tingue, Howe & Co., of Port Chester, N. Y. The place of purchase has undergone a change within a year or so, and the Government Printer buys of Englishmen. He pays $1.60 a yard more than he would here for a much inferior article. Of course the Government has to pay no duty on its own purchases, and perhaps it is for this reason that it turns aside from helping the manufacturers of its own country.'

"Therefore,

"*Resolved*, That the Committee on Printing be, and hereby is, directed to investigate the facts in the case, and make report thereof to this House."

The committee addressed a letter at once to the Public Printer, inclosing the resolution, and asked for the facts in the case. He promptly appeared and submitted a statement in writing in reply to the resolution. His statement is as follows:

"GOVERNMENT PRINTING OFFICE,
"*Washington, D. C., August* 16, 1888.

"SIR: I have the honor to acknowledge the receipt of your communication, inclosing a resolution of the House of Representatives, of August 13, 1888, introduced by Mr. BUCHANAN, of New Jersey, in which is quoted an article from the New York Press of August 8, which article alleges that 'the Democratic Administration is now buying its felt for printing in England,' and further 'that the place of purchase has undergone a change within a year or so, and the Government Printer buys of Englishmen,' and 'he pays $1.60 a yard more than he would here for a much inferior article.'

"In response to the resolution of Congress, I would state that the only 'felt for

printing' (or any other purpose) purchased by the Public Printer during the fiscal year past was as follows, as shown by the books of this office:

March 8, 1888, five rolls 2½-inch felt	$22.50
April 3, 1888, six yards 55-inch felt	40.50
April 18, 1888, one blanket, 84x72 inches	23.92
June 6, 1888, five yards 72-inch cloth	43.57
Total	130.49

"In explanation of the above accounts, it may be said that felt blankets have practically gone out of use on modern printing presses, and that but a few yards of felt blanketing are purchased each year for use in this office on a half dozen or so hand-presses used in taking proofs. A small quantity of narrow felt rolls is also purchased for use in wrapping angle rollers where a heavy ink is to be used. All of this felt was purchased from the house of R. Hoe & Co., 504 Grand street, New York, who are among the largest and most reputable dealers in printing material in this country.

"As the resolution referred to, with the appended quotation from a partisan newspaper, seems to call in question the practice of this office under the present administration in the matter of patriotic regard for American interests, I desire to state in the most emphatic manner that I have endeavored to make the Government Printing Office thoroughly representative of American skill, progress, and intelligence; and that I have not only declined to purchase any material whatever of foreign manufacture, where the purchases of this office came under my especial direction, but that I have abolished the distinction in favor of English book-cloths that prevailed under my predecessors, by which the contract specifications of the office required bidders upon several grades of cloth to bid yearly upon English cloth as the standard of quality.

"In the yearly-contract specifications prepared by me the word 'English,' heretofore used in the specifications prepared by my predecessors, was stricken out, thus doing away with a discrimination disadvantageous to American manufacturers and disparaging to American skill and enterprise. In the small matters of writing-inks, lead pencils, and various small goods, which in the aggregate amount to a considerable sum, I have also insisted upon the disuse of imported goods and the purchase of the native article, believing that the interests of economy and efficiency would both be promoted thereby.

"As also bearing upon the subject of inquiry by the committee, I will state that, in the necessary reductions of force in this office since assuming charge of it as Public Printer, I have been careful to give preference to citizens, either native born or naturalized, in the matter of retention, and that a number of aliens were selected for discharge solely for the reason that their neglect or failure to take the proper steps to become citizens was, in my opinion, a disqualification for position in the public service. I have observed the same principle in the case of all appointments, insisting upon citizenship as a necessary qualification for any position within my control.

"Trusting that this brief statement of facts may meet the purpose of your committee, and of Congress in adopting the resolution of inquiry, I have the honor to be,

"Your obedient servant,

"TH. E. BENEDICT, *Public Printer.*

"Hon. JAMES D. RICHARDSON,
Chairman Committee on Printing, House of Representatives."

The committee have examined into the question. This letter of the Public Printer gives all the facts in the case. The committee are of opinion that the adoption of the resolution is altogether unnecessary, as they do not believe any other facts exist or could be developed by further investigation. They recommend that the resolution lie on the table.

Mr. CANNON (interrupting the reading of the report). I wish to call attention to the fact that the gentleman from New Jersey [Mr. BUCHANAN], who offered this resolution, is absent from the House to-day, but will be back, I understand, within a day or two.

Mr. RICHARDSON. I do not think the resolution will provoke any discussion.

Mr. CANNON. I do not know anything about it.

A MEMBER. Let the report be printed in the RECORD and lie over. [Cries of "Read!" "Read!" and "Regular order!"]

The Clerk resumed and concluded the reading of the report.

Mr. RICHARDSON. I make the motion that the resolution lie upon the table.

The motion was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4659) for the relief of George M. Ochiltree;

A bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.; and

A bill (H. R. 1060) prescribing the time for sales and for notice of sales of property in the District of Columbia for overdue taxes.

LEAVE OF ABSENCE.

Mr. ARNOLD, by unanimous consent, obtained leave of absence indefinitely, on account of important business.

MARY M. BRIGGS.

Mr. THOMPSON, of Ohio. I rise to submit a privileged report. I present the report of a committee of conference, and ask its consideration now.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to an amendment as follows: Before the word "pension," where it last occurs, insert the word "widow's;" and the Senate agree to the same.

CARLOS FRENCH,
A. C. THOMPSON,
Managers on the part of the House.
PHILETUS SAWYER,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

Mr. MCMILLIN. Does any statement of the House conferees accompany this report?

The SPEAKER. There seems to be none.

Mr. MCMILLIN. The rules require such a statement, and it is desirable we should have it that we may understand the effect of the amendment recommended.

Mr. THOMPSON, of Ohio. Unless the written statement is insisted upon, I can state the case very briefly.

Mr. MCMILLIN. That will be sufficient.

The SPEAKER. The gentleman from Ohio [Mr. THOMPSON] will make his statement.

Mr. THOMPSON, of Ohio. This lady is now receiving a pension of $12 a month as the widow of a soldier; but she was an army nurse, having served as such through the war. She is now sixty-seven years of age, and the committee of conference believe it no more than just that her present pension should be increased to $25 a month, being $12 as the widow of a soldier, and $13 as an army nurse, the latter sum being the amount usually allowed to army nurses by the Committee on Invalid Pensions of this House.

Mr. MCMILLIN. What was the amendment of the House?

Mr. THOMPSON, of Ohio. The amendment of the House proposed to cut down the amount from $25 to $12 a month; but I do not think the House committee knew at the time—certainly I did not—that this lady was the widow of a soldier and was receiving a pension as such. We simply undertook to pension her as an army nurse. The committee of conference believe that, in view of the circumstances, and by reason of her services as a nurse during the war, her total pension should be $25 a month.

The question being taken on agreeing to the report of the committee of conference, there were—ayes 52, noes 11.

Mr. HOOKER. No quorum.

Mr. THOMPSON, of Ohio. I demand the yeas and nays.

Mr. SPRINGER. I ask the gentleman from Ohio to withdraw this report for the present; we will endeavor to assist him after a while in getting the matter through.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Ohio [Mr. THOMPSON] and the gentleman from Mississippi [Mr. HOOKER].

Mr. SPRINGER. I ask the gentleman from Ohio to withdraw this report for the present. It can be presented at any time.

Mr. THOMPSON, of Ohio. I will withdraw the report for the present. I ask that it lie on the Speaker's table.

The SPEAKER. It is privileged; and the gentleman can call it up at any time.

Mr. MCMILLIN. Mr. Speaker, on the vote taken a few moments ago, I voted in the negative; but I did so inadvertently, being paired with the gentleman from Michigan [Mr. BURROWS]. I desire that my vote be withdrawn and the correction made.

The SPEAKER. The change will be made.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The question being taken on the motion of Mr. SPRINGER, there were—ayes 32, noes 28.

Mr. LYMAN. No quorum.

Mr. SPRINGER. I want to make a statement to the House.

Mr. BAYNE. I trust the gentleman will withdraw his proposition. [Laughter.]

Several MEMBERS. Regular order!

Mr. SPRINGER and Mr. LYMAN were appointed as tellers.

Mr. SPRINGER. I ask to make a statement.

The SPEAKER. The regular order having been demanded, the Chair can not recognize the gentleman.

The tellers proceeded to make their count.

Mr. SPRINGER (before the result of the count by tellers was announced) said: I desire to make a statement. [Cries of "Regular order!"] I withdraw the motion to go into Committee of the Whole. The gentleman from Missouri [Mr. BURNES] desires to make the motion that the House go into Committee of the Whole on general appropriation bills.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] withdraws his motion.

Mr. BURNES. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The question being taken on the motion of Mr. BURNES, there were—ayes 54, noes 5.

Mr. LYMAN. No quorum.

Mr. HOOKER. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 13, noes 36; more than one-fifth voting in the affirmative.

The question was taken; and no quorum voted, there being—yeas 142, nays 3, not voting 179; as follows:

YEAS—142.

Abbott,	Davidson, Ala.	Lee,	Rusk,
Adams,	Davidson, Fla.	Lehlbach,	Ryan,
Anderson, Iowa	Davis,	Lind,	Sawyer,
Anderson, Ill.	Dibble,	Lynch,	Sayers,
Anderson, Kans.	Dingley,	Macdonald,	Scull,
Baker, Ill.	Dockery,	Maish,	Seney,
Bankhead,	Dougherty,	Martin,	Seymour,
Barnes,	Dunn,	Matson,	Shaw,
Bayne,	Elliott,	McAdoo,	Shively,
Bland,	Farquhar,	McComas,	Smith,
Blount,	Felton,	McCreary,	Sowden,
Boothman,	Flood,	McKenna,	Springer,
Bowen,	Forney,	McRae,	Stahlnecker,
Breckinridge, Ky.	French,	Merriman,	Stephenson,
Brewer,	Fuller,	Milliken,	Stockdale,
Brower,	Glass,	Moore,	Stone, Ky.
Brown, J. R., Va.	Grimes,	Morgan,	Struble,
Bryce,	Grout,	Morrill,	Symes,
Bunnell,	Harmer,	Morrow,	Tarsney,
Burnes,	Hayes,	Neal,	Taulbee,
Bynum,	Heard,	Nelson,	Taylor, J. D., Ohio
Campbell, Ohio	Henderson, Iowa	Newton,	Thomas, Ky.
Candler,	Henderson, N. C.	Nutting,	Thompson, Ohio
Cannon,	Henderson, Ill.	O'Donnell,	Tracey,
Caruth,	Herbert,	O'Neall, Ind.	Townshend,
Caswell,	Hermann,	O'Neill, Pa.	Walker,
Cheadle,	Hiestand,	Outhwaite,	Warner,
Chipman,	Hitt,	Owen,	Weaver,
Cobb,	Holman,	Parker,	Weber,
Cogswell,	Hooker,	Payson,	White, Ind.
Conger,	Hopkins, Va.	Penington,	Whiting, Mich.
Cowles,	Jackson,	Phelan,	Whitthorne,
Cox,	Johnston, N. C.	Post,	Wilson, Minn.
Crisp,	Kilgore,	Rice,	Yost.
Crouse,	La Follette,	Richardson,	
Culberson,	Lanham,	Romeis,	

NAYS—3.

Darlington,	Gest,	Haugen.

NOT VOTING—179.

Allen, Mass.	Dargan,	Kerr,	Reed,
Allen, Mich.	Davenport,	Ketcham,	Robertson,
Allen, Miss.	De Lano,	Laffoon,	Rockwell,
Anderson, Miss.	Dorsey,	Lagan,	Rogers,
Arnold,	Dunham,	Laidlaw,	Rowell,
Atkinson,	Enloe,	Laird,	Rowland,
Bacon,	Ermentrout,	Landes,	Russell, Conn.
Baker, N. Y.	Finley,	Lane,	Russell, Mass.
Barry,	Fisher,	Latham,	Scott,
Belden,	Fitch,	Lawler,	Sherman,
Belmont,	Foran,	Lodge,	Simmons,
Biggs,	Ford,	Long,	Snyder,
Bingham,	Funston,	Lyman,	Spinola,
Blanchard,	Gaines,	Maffett,	Spooner,
Bliss,	Gallinger,	Mahoney,	Steele,
Bound,	Gay,	Mansur,	Stewart, Tex.
Boutelle,	Gear,	Mason,	Stewart, Ga.
Bowden,	Gibson,	McClammy,	Stewart, Vt.
Breckinridge, Ark.	Glover,	McCormick,	Stone, Mo.
Browne, T. H. B., Va.	Goff,	McCullogh,	Taylor, E. B., Ohio
Browne, Ind.	Granger,	McKinley,	Thomas, Ill.
Brown, Ohio	Greenman,	McKinney,	Thomas, Wis.
Brumm,	Grosvenor,	McMillin,	Thompson, Cal.
Buchanan,	Guenther,	McShane,	Tillman,
Buckalew,	Hall,	Mills,	Turner, Kans.
Burnett,	Hare,	Moffitt,	Turner, Ga.
Burrows,	Hatch,	Montgomery,	Vance,
Butler,	Hayden,	Morse,	Vandever,
Butterworth,	Hemphill,	Nichols,	Wade,
Campbell, F., N. Y.	Hires,	Norwood,	Washington,
Campbell, T. J., N. Y.	Hogg,	Oates,	West,
Carlton,	Holmes,	O'Ferrall,	Wheeler,
Catchings,	Hopkins, Ill.	O'Neill, Mo.	White, N. Y.
Clardy,	Hopkins, N. Y.	Osborne,	Whiting, Mass.
Clark,	Houk,	Patton,	Wickham,
Clements,	Hovey,	Peel,	Wilber,
Cockran,	Howard,	Perkins,	Wilkins,
Collins,	Hudd,	Perry,	Wilkinson,
Compton,	Hunter,	Peters,	Williams,
Cooper,	Hutton,	Phelps,	Wilson, W. Va.
Cothran,	Johnston, Ind.	Pidcock,	Wise,
Crain,	Jones,	Plumb,	Woodburn,
Cummings,	Kean,	Pugsley,	Yardley,
Cutcheon,	Kelley,	Randall,	Yoder.
Dalzell,	Kennedy,	Rayner,	

No quorum voted.

During the roll-call,

Mr. DAVIDSON, of Alabama, and Mr. MCKENNA asked whether a quorum had voted, and, finding that no quorum had voted they recorded their votes, although they were paired.

The vote was then announced as above recorded.

Mr. BURNES. I move that there be a call of the House.

Mr. HOOKER. Is the point of no quorum insisted upon?

The SPEAKER *pro tempore*. The fact no quorum has voted is a matter of record, and the Chair is compelled to take notice of it. It does not require that anybody shall insist upon the point of no quorum.

Mr. BURNES's motion was agreed to; and a call of the House was ordered.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Allen, Mass.	Cutcheon,	Kean,	Randall,
Allen, Mich.	Dalzell,	Kelley,	Rayner,
Allen, Miss.	Dargan,	Kennedy,	Reed,
Anderson, Miss.	Davenport,	Kerr,	Robertson,
Arnold,	De Lano,	Ketcham,	Rockwell,
Baker, N. Y.	Dorsey,	Laffoon,	Rowell,
Barry,	Dunham,	Laidlaw.	Russell, Conn.
Belden,	Enloe,	Laird,	Russell, Mass.
Belmont,	Ermentrout,	Landes,	Scott,
Biggs,	Fisher,	Lane,	Simmons,
Bingham,	Fitch,	Lee,	Snyder,
Blanchard,	Foran,	Lodge,	Spinola,
Bland,	Ford,	Long,	Spooner,
Bliss,	Funston,	Maffett,	Steele,
Bound,	Gaines,	Mahoney,	Stewart, Tex.
Boutelle,	Gallinger,	Mansur,	Stewart, Ga.
Bowden,	Gear,	Mason,	Stewart, Vt.
Breckinridge, Ark.	Gibson,	Matson,	Stone, Mo.
Brower,	Glover,	McClammy,	Tarsney,
Browne, T. H. B., Va.	Goff,	McComas,	Taulbee,
Browne, Ind.	Granger,	McCormick,	Taylor, E. B., Ohio
Brown, Ohio	Greenman,	McCreary,	Thomas, Ill.
Brumm,	Grosvenor,	McKinley,	Thompson, Cal.
Buchanan,	Grout,	McKinney,	Tillman,
Buckalew,	Guenther,	McShane,	Tracey,
Burnett,	Hall,	Moffitt,	Vance,
Burrows,	Hare,	Montgomery,	Wade,
Butler,	Hatch,	Morrill,	Washington,
Campbell, F., N. Y.	Hayden,	Morse,	West,
Campbell, T. J., N. Y.	Hemphill,	Nichols,	White, N. Y.
Candler,	Henderson, Ill.	Norwood,	Whiting, Mich.
Carlton,	Herbert,	Oates,	Whiting, Mass.
Catchings,	Hires,	O'Ferrall,	Wickham,
Clardy,	Hogg,	Osborne,	Wilber,
Clark,	Holmes,	Owen,	Wilkins,
Clements,	Hopkins, Ill.	Patton,	Wilson, W. Va.
Cockran,	Hopkins, N. Y.	Peel,	Wise,
Collins,	Houk,	Perkins,	Woodburn,
Compton,	Hovey,	Perry,	Yardley,
Cooper,	Howard,	Phelps	Yoder.
Cothran,	Hudd,	Pidcock,	
Crain,	Hutton,	Plumb,	
Cummings,	Jones,	Pugsley,	

The SPEAKER *pro tempore* directed the doors to be closed, and the Clerk to call the names of absentees for excuses.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ALLEN, of Michigan: No excuse offered.

Mr. ALLEN, of Mississippi: No excuse offered.

Mr. ANDERSON, of Mississippi: No excuse offered.

Mr. ARNOLD: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLANCHARD: No excuse offered.

Mr. BLAND: No excuse offered.

Mr. BLISS: No excuse offered.

Mr. BOUND: No excuse offered.

Mr. BOUTELLE: No excuse offered.

Mr. BOWDEN: No excuse offered.

Mr. BRECKINRIDGE, of Arkansas: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. THOMAS H. B. BROWNE: No excuse offered.

Mr. BROWNE, of Indiana: No excuse offered.

Mr. BROWN, of Ohio: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BUCKALEW: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BURROWS: No excuse offered.

Mr. BUTLER: No excuse offered.

Mr. FELIX CAMPBELL: No excuse offered.

Mr. TIMOTHY J. CAMPBELL: No excuse offered.

Mr. CANDLER: No excuse offered.

Mr. CARLTON: No excuse offered.

Mr. CATCHINGS: No excuse offered.

Mr. CLARDY: No excuse offered.

Mr. CLARK: No excuse offered.

Mr. CLEMENTS: No excuse offered.

Mr. COCKRAN: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. COMPTON: No excuse offered.

Mr. COOPER: No excuse offered.

Mr. COTHRAN: No excuse offered.

Mr. CRAIN: No excuse offered.

Mr. CUMMINGS: No excuse offered.

Mr. CUTCHEON: No excuse offered.

Mr. DALZELL: No excuse offered.

Mr. DARGAN: No excuse offered.

Mr. DAVENPORT: No excuse offered.

Mr. DE LANO: No excuse offered.

Mr. DORSEY: No excuse offered.

Mr. DUNHAM: No excuse offered.
Mr. ENLOE: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FITCH: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. GAINES: No excuse offered.
Mr. GALLINGER: No excuse offered.
Mr. GEAR: No excuse offered.
Mr. HENDERSON, of Iowa. Mr. Speaker, my colleague, Governor GEAR, is absent by authority of the House.
The SPEAKER. No excuse is necessary in such cases.
Mr. GIBSON: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GOFF: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GROUT: No excuse offered.
Mr. GUENTHER: No excuse offered.
Mr. HALL: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HENDERSON, of Illinois: No excuse offered.
Mr. HERBERT: No excuse offered.
Mr. HIRES: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of Illinois: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOVEY: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. HUTTON: No excuse offered.
Mr. JONES: No excuse offered.
Mr. KEAN: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LAFFOON: No excuse offered.
Mr. LAIDLAW: No excuse offered.
Mr. LAIRD: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LEE: No excuse offered.
Mr. LODGE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAHONEY: No excuse offered.
Mr. MANSUR: No excuse offered.
Mr. MASON: No excuse offered.
Mr. MATSON: No excuse offered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCORMICK: No excuse offered.
Mr. MCCREARY: No excuse offered.
Mr. MCKINLEY: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORRILL: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. OSBORNE: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PERKINS.
Mr. PETERS. Mr. Speaker, my colleague [Mr. PERKINS] is absent by leave of the House.
Mr. PERRY: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSSELL, of Massachusetts: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SIMMONS: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. TARSNEY: No excuse offered.
Mr. TAULBEE: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. THOMPSON, of California: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. VANCE: No excuse offered.
Mr. WADE: No excuse offered.
Mr. WASHINGTON: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. WHITING, of Michigan: No excuse offered.
Mr. WICKHAM: No excuse offered.
Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WILSON, of West Virginia: No excuse offered.
Mr. WISE: No excuse offered.
Mr. WOODBURN: No excuse offered.
Mr. YARDLEY: No excuse offered.
Mr. YODER: No excuse offered.
The SPEAKER. One hundred and fifty-five members only have responded; not a quorum.
Mr. WEAVER. I wish to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WEAVER. I wish to ask if it would be now in order to move to revoke all leaves of absence granted by the House.
The SPEAKER. The Chair thinks it is always in the power of the House to compel the attendance of its absent members.
Mr. WEAVER. Then I give notice that I will make that motion immediately after the reading of the Journal in the morning as a privileged motion.
Mr. BURNES. Mr. Speaker, inasmuch as we are so near a quorum, I feel that it is proper to resort to the usual means to see if we can not secure the few members necessary to enable us to proceed with the public business.
The SPEAKER. But three motions are now in order—to dispense with further proceedings under the call, to compel the attendance of absentees, or to adjourn.
Mr. THOMPSON, of Ohio. I wish to ask that Mr. BLANCHARD be excused from attendance on account of sickness.
There was no objection.
Mr. BURNES was recognized.
Mr. WEAVER. Mr. Speaker, I rise to ask a further question.
Mr. BURNES. I now send to the desk a resolution which I ask to have read.
The SPEAKER. The resolution will be read.
The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

Mr. MCMILLIN. If my friend from Missouri will hear me for a moment——
Mr. BURNES. Certainly.
Mr. MCMILLIN. It is now within five minutes of 3 o'clock, and I think it very unlikely that we could secure the attendance of a quorum much before 5 o'clock. By order of the House we must adjourn at that hour; and unless the gentleman is anxious to press the motion, I would suggest that he yield to a motion to adjourn. I will not of course press the suggestion against his wishes.
Mr. BURNES. My great respect for the gentleman from Tennessee makes me very desirous of accepting his suggestion, but, as I understand it, we lack but about ten of a quorum, and we may get that number in a few minutes by an effort.
Mr. MCMILLIN. I have no desire to press the suggestion.
Mr. WEAVER. I rise to a parliamentary inquiry: To know whether a motion would be now in order to revoke all leaves of absence?
The SPEAKER. The Chair thinks that is always a matter of privilege. The House has the undoubted right at all times to take such steps as are necessary to secure the attendance of its own members.

Mr. WEAVER. Then I make the motion that all leaves of absence heretofore granted to members of the House, except in cases of sickness, be revoked; and that the Sergeant-at-Arms be required to give notice immediately to all members of this action of the House.

The SPEAKER. If the leaves of absence are revoked, then the resolution of the gentleman from Missouri will cover the remainder of the motion.

Mr. WEAVER. Very well.

Mr. CONGER. Is such a motion in order now, or is it in order to consider the motion without a quorum?

The SPEAKER. It is. That is the very purpose sought to be accomplished by the motion. The House finds itself without a quorum and takes such steps as are necessary to secure the attendance of its absent members. It is always within the power of the House to take the necessary steps to enable it to proceed with the public business.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. What is the pending motion? Is it not the motion of the gentleman from Missouri [Mr. BURNES]?

The SPEAKER. The Chair thinks the motion of the gentleman from Iowa [Mr. WEAVER] is of higher privilege than the motion made by the gentleman from Missouri.

Mr. MCMILLIN. I would suggest to the gentleman from Iowa [Mr. WEAVER] that there is a quorum in the city, and that we may have a sufficient number to-morrow. Many members have gone away with the leave of the House, and I think it would be an injustice to them if we can get a sufficient number present to proceed in the course he suggests.

Mr. WEAVER. We are unable to transact the public business in the present condition of the House. If there is a quorum in the city it is the duty and business of the members to be here; and it is the duty of this House to require the attendance of those members. Therefore I shall insist on this motion.

Mr. MILLIKEN. I do not believe it is necessary to send the Sergeant-at-Arms all over the United States to bring back members to this House if a quorum is within the city. I think to obtain those who are in the city will serve the purpose just as well——

Mr. WEAVER. No, it will not.

Mr. MILLIKEN. As to bring them here from all over the country?

Mr. WEAVER. It will not, sir. Suppose we have a quorum here, and one, two, or three, or half a dozen members refuse to vote, they can absolutely tie the proceedings of the House and stop the business in which sixty millions of people have the deepest interest. They are doing it now.

Mr. MILLIKEN. There has never been an entirely full House here since this Congress convened, and I do not think it is necessary to bring every member of this House here from all over the country. It is not necessary and never has been necessary.

Mr. WEAVER. If you have the right to require one to be present you have the right to require all to be here.

Mr. MILLIKEN. It is entirely impracticable.

Mr. MCKENNA. Mr. Speaker, I desire that my colleague [Mr. THOMPSON] be excused, because he has recently recovered from sickness and is yet indisposed.

There was no objection, and Mr. THOMPSON, of California, was excused.

Mr. CRISP. I hope the House will consider the matter before a vote is reached upon the proposition of the gentleman from Iowa. Desirable as it is to have all the members here, and necessary as it is, we ought not to be unjust. We have granted to those gentlemen leave of absence. They have gone home upon that leave, and now, without any notice whatever, to revoke that leave of absence and put them in the attitude of being absent from the House without its leave strikes me as unjust, and so unjust that I do not think it ought to be insisted upon.

Mr. WEAVER. I would state that I presume my motion is amendable, and you can make it so that it will operate five days hence; so that the leave of absence will be revoked and members be required to appear within five days.

Mr. DIBBLE. I would ask my friend from Iowa [Mr. WEAVER] to withdraw his motion until the prior motion of the gentleman from Missouri [Mr. BURNES] is put; because while we are discussing this probably we will get ten more members present, all required to make a quorum. If the motion to instruct the Sergeant-at-Arms to bring in absent members should pass, then the gentleman from Iowa could renew his motion while a quorum is being obtained, and we will save the remaining two hours of this day.

Mr. WEAVER. As my motion is a privileged motion I could do that; but if we had a quorum here we could not hold them five minutes. Such has been our experience here for a week. Upon a call of the House a quorum appears. Such was the case to-day and yesterday, and then immediately upon a yea-and-nay vote on an important pending measure we had no quorum.

Mr. DIBBLE. I would suggest to my friend from Iowa, with his leave, that if a quorum is obtained and afterwards the resolution offered by my friend is adopted we will hold them here.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. Is the motion of the gentleman from Iowa subject to amendment.

The SPEAKER. It is.

Mr. PETERS. Then I move that it be amended so as to take effect on Monday next.

The SPEAKER. The gentleman from Iowa, as the Chair understood him to say, modified his motion, that if it be agreed to, it is ordered to take effect in five days. The gentleman from Kansas moves that it be so amended that it shall take effect on Monday next.

Mr. PETERS. As the gentleman from Iowa has agreed to amend his motion so that it takes effect five days hence, I withdraw my motion.

Mr. BLOUNT rose.

Mr. WEAVER. I have the floor I believe, have I not, Mr. Speaker?

The SPEAKER. The gentleman from Iowa has the floor.

Mr. WEAVER. I will yield the floor to the gentleman from Georgia [Mr. BLOUNT] to make a statement.

Mr. BLOUNT. The suggestion I wanted to make was that I do not think it right to adopt the harsh measure proposed by the gentleman from Iowa. We are now in the middle of August. If an adjournment were to take place at this time it would have been an extraordinarily long session. This House would now be prepared to adjourn were it not for the question of the tariff now pending in the Senate in all probability. We have done a vast amount of work during the session. The condition of the business of the House and the lateness of the session has brought about many leaves of absence. It does seem to me that, because we find ourselves just now unable to get a quorum, it would be a harsh measure to compel the presence of members now absent, and I do trust that we are not going to revoke these leaves of absence. As has been suggested by my friend, Judge PETERS, many of these members have gone to their homes; many on important business, and others on account of sickness, and to force them back here I do not think would be just; and the exigencies surrounding us now do not require any such action. We could get through with the remaining appropriation bills and adjourn in three days if it were not for the condition of business in the Senate.

Mr. MCMILLIN. We can do it at any time in three days.

Mr. BLOUNT. Certainly; the House can put itself in condition to agree to an adjournment in three days. To adopt such a resolution as that proposed by the gentleman from Iowa [Mr. WEAVER] strikes me as unseemly at this time, and for one I will not vote to send for absent members under such circumstances.

Mr. WEAVER. Mr. Speaker, the suggestion of the gentleman from Georgia [Mr. BLOUNT] that it is unseemly for this House to require the attendance of its members to transact important business is certainly not the result of due reflection upon the part of that gentleman. Why, sir, we have any amount of important business here. If this House were ready to adjourn it would adjourn, or it would pass a resolution inviting the Senate to concur in fixing a day for adjournment; but it is not ready. The idea that there is no important business to transact! Why, sir, the one bill in the interest of which I am making this motion, the bill to organize the Territory of Oklahoma [laughter]—yes, it sounds well to hear gentlemen laugh, when there are five hundred thousand homeless people in this country who are praying for an opportunity to settle upon the public domain in accordance with law; who are seeking a home and a shelter for their little ones. It is a nice thing for gentlemen to sneer and laugh.

Mr. PETERS. And when citizens of the United States are being killed in No Man's Land, where there is no law to punish the murderers.

Mr. WEAVER. Yes. Mr. Speaker, I undertake to say that no more important bill than this has been before this House, and the passage of it has been petitioned for by five hundred thousand of the laboring people of this country who are without homes and who want to obtain them in this country which is now fenced and occupied by cattle syndicates. This House is now in a position where three or four men who are fighting here, not in the interest of the people, but in the interest of prejudices—to draw it mildly—have it in their power to prevent the consideration of this bill, and I want the country to understand that many of its Representatives who are drawing their salaries are absent at their homes trying to secure a re-election instead of attending to the business that demands our attention now.

I now withdraw my motion in order that the motion of the gentleman from Missouri [Mr. BURNES] may be first put, but I give notice that I shall then renew my motion.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BURNES].

Mr. COX. Mr. Speaker, I was struck with the justice of the remarks made by my friend from Georgia [Mr. BLOUNT]. This has been an extraordinary session. Much hard work has been done, and we are now at the usual time for adjournment. Gentlemen who are away are most of them paired, and there is no doubt that we have a quorum in the city, so that I think we ought to be able to do business without disturbing gentlemen who have obtained leave of absence after having been in close attendance and hard at work here for six months. I am

opposed to the motion of the gentleman from Iowa [Mr. WEAVER], and I shall move to lay it on the table, however it may be amended.

Mr. WEAVER. I will take a yea-and-nay vote on that.

Mr. COGSWELL. You can have it. You kept us here filibustering for days on the funding bill.

The motion of Mr. BURNES was agreed to—ayes 70, noes 3.

Mr. WEAVER. Now, Mr. Speaker, I renew my motion.

Mr. COX. I move to lay the motion on the table.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. How many members have leaves of absence?

The SPEAKER. The Chair is advised by the Clerk that sixty-five members of the House are absent on leave.

Mr. PARKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PARKER. Can this motion be adopted, under objection, without a quorum?

The SPEAKER. The very object of the motion is to secure the attendance of a quorum. The Constitution provides that the Speaker and fifteen members of the House may adjourn from time to time and compel the attendance of absent members.

Mr. PARKER. I mean the motion to revoke leaves of absence.

The SPEAKER. That is simply one method of compelling the attendance of absent members.

Mr. FELTON. It is fair to say to the gentleman from Iowa that if his resolution should pass it would be very unjust to some of the absentees. For instance, my colleague, Mr. BIGGS, has returned home by leave of the House on account of sickness, and he could not get back here in five days.

The SPEAKER. The gentleman from Iowa [Mr. WEAVER] moves to revoke all leaves of absence, the revocation to take effect at the expiration of five days from this time. The gentleman from New York [Mr. COX] moves to lay the motion of the gentleman from Iowa on the table.

Mr. SPRINGER. The gentleman from New York can not take the gentleman from Iowa off the floor.

The SPEAKER. The gentleman from Iowa is off the floor.

Mr. SPRINGER. But he has a right to debate the motion.

The SPEAKER. Yes; but the gentleman has not proposed to debate it.

Mr. SPRINGER. The gentleman from Iowa [Mr. WEAVER] rises now to debate it.

The SPEAKER. Then he is entitled to the floor.

Mr. WEAVER. I will yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I want to say that I am in favor of the resolution offered by the gentleman from Iowa, to revoke all leaves of absence after five days from this time, except those granted on account of sickness. It seems to me that no more reasonable proposition could be made to this House. We find ourselves in the middle of August, toward the end of summer, with a bare quorum of members in the city, so that whenever one or two members desire to obstruct the business of the House, they have it in their power to do so by demanding a quorum. We are in a condition where we can not do anything except by unanimous consent, whereas if the members who have been elected to this House would give us their presence, we could have a quorum to transact the public business, which is necessary to be done and which could be done in a short time.

Mr. BLOUNT. Can the gentleman tell us how many members have leave of absence?

The SPEAKER. The Chair has just stated that there are 65.

Mr. BLOUNT. I asked the gentleman from Illinois to state how many there are absent, because he had just stated that two or three men could prevent the transaction of business here.

Mr. SPRINGER. Is not that true?

Mr. BLOUNT. If there are only 65 members who have leave of absence it is a very plain proposition that it is not true.

A MEMBER. Where are all the rest of our members?

Mr. SPRINGER. I think the gentleman's inquiry is very pertinent. I think it is time we were inquiring where the members of this House are.

Mr. DOUGHERTY. I presume they are at home seeking renomination or looking after their fences.

Mr. JACKSON. Where were they when the pension question was voted on?

Mr. SPRINGER. Mr. Speaker, I am informed by the Assistant Sergeant-at-Arms that there are at least 150 members of this House who are not now in the city. The gentleman from Florida [Mr. DOUGHERTY] says they are at home seeking renomination.

Mr. DOUGHERTY. I desire to have the gentleman quote me correctly. I said I presumed that most of them were at home seeking renomination or looking after their "fences." And in that connection, and in the line of the remarks of the gentleman from Georgia [Mr. BLOUNT] I would suggest to the gentleman from Iowa [Mr. WEAVER] that when he makes an exception in favor of members absent by order of the House, he should also except those who are at home seeking renomination or looking about to keep up their "fences."

Mr. SPRINGER. I hope no such exception will be made.

Mr. WEAVER. I have "fences" as well as other gentlemen; but my friends will look after my "fences" while I am here.

Mr. SPRINGER. I wish that gentlemen who are desirous of renomination could realize that the best course for obtaining a renomination is to remain on this floor and attend to the public business. I have been renominated by acclamation eight times; and I never left this House one moment to seek a renomination. [Applause.] I hope that example will be followed by gentlemen who have gone home thinking that they can get a renomination by disregarding the public business and looking to their private affairs.

Mr. BLOUNT. My friend from Illinois will allow me to suggest to him that he may do great injustice to many honorable gentlemen by throwing out this reflection on absentees. Many of those who are away have already been renominated, and they are absent on account of important business or by reason of sickness. I think it is about time that this sort of stuff should stop.

Mr. SPRINGER. I do not desire to reflect on anybody, and I have uttered no "stuff." [Laughter.] If the gentleman from Georgia will possess his soul in patience he will find me as far from doing injustice to honorable gentlemen as himself.

Mr. BLOUNT. I think probably the gentleman does not understand himself so well as others do who have heard his late remarks.

Mr. SPRINGER. If the gentleman from Georgia were as courteous as his long service here ought to have taught him to be——

Mr. BLOUNT. I certainly do not mean any discourtesy, unless it is discourteous to say that my friend has made an error in his statement. That is the extent to which I have gone.

Mr. SPRINGER. It is certainly discourteous to say that a member of the House talks "stuff." [Laughter.] I have to teach these old members parliamentary propriety.

Mr. BLOUNT. I think the gentleman needs instruction himself in many matters.

Mr. SPRINGER. And it is also discourteous to continue to interrupt a gentleman occupying the floor, when he has only a few minutes.

I was about to say that, in the interest of the dispatch of the public business, I do hope that the proceedings which have taken place here this afternoon will admonish all members of this House who are absent from their seats here that they owe it to themselves and to the public service to return as soon as their "important business" will permit them to do so.

I do not suppose the revocation of these leaves of absence will do anybody injustice, while it may have the effect of suggesting to these gentlemen to put in some other excuse, and to see whether they can not make the same sacrifices which we here are all making and return to this Hall. I am satisfied there are quite a number of gentlemen who might be here, but who are now taking their ease at the sea-shore or at some country places. I hope those gentlemen have sufficiently recovered their health by this time to enable them to return to this House, and allow us to discharge the business which remains to be done; for there are many things here which ought to be attended to before the adjournment of Congress. I am very anxious that the public business should be dispatched as early as possible, and that we may return to our constituents; and then, if there are any "fences" to be mended or renominations to be looked after, we shall have our own time in which to attend to such matters.

Mr. BLOUNT. The gentleman will allow me to say that there are 260 members of the House who have not leave of absence.

Mr. WEAVER. I yield now to the gentleman from Ohio [Mr. WILLIAMS].

Mr. JACKSON. Before the gentleman from Ohio [Mr. WILLIAMS] proceeds, I wish to ask the gentleman from Illinois [Mr. SPRINGER] whether he can suggest any excuse for members on his side who this morning sat in their seats and declined to vote, and left us without a quorum, when the question of fixing a day for the consideration of general pension legislation was before the House?

Mr. CARUTH. That has "nothing to do with the case." [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I agree with the gentleman from Georgia that there has been a great deal of important legislation passed during this session of Congress. I also agree with the gentleman from Iowa that there are now pending important bills which ought to be attended to, and one among such bills, I concede, is the bill to organize the Territory of Oklahoma.

Among the number of bills, Mr. Speaker, now pending in this House are the pension bills reported by the Invalid Pensions Committee. Our petition-box is full of petitions from all over the nation asking for the passage of the dependent-pension and the service-pension bills. But when the question comes up and the Invalid Pensions Committee asks the House to designate a day for the consideration of these pension bills, how do we find our friends on the other side voting? Some of them, who are very quick to oppose the motion of the gentleman from Iowa [Mr. WEAVER] when the question comes up in reference to the consideration of setting apart a day for these pension bills, remain silent in their seats in order to break a quorum, and when questioned as to their conduct reply by saying that it is a matter of no conse-

quence, and that it has nothing to do with the best interests of the country. There are a number of gentlemen on the other side of the Chamber who believe that pensioning the old soldiers of the war of 1861 "is a matter of no consequence" and has nothing to do with the public business.

We on this side of the House expect to emphasize their opposition in that regard. Call in your members therefore from the sea-side. Call in those who have gone home to their districts to canvass for their renominations and their re-elections to seats on this floor. I am told in the "solid South" the "political fences" do not need much fixing, that it is only a matter "of counting out," but that is a question I will not now discuss. Bring back your absent members. Let them remain in their seats, and let them record their votes like men. If they are opposed to more liberal pensions for the old soldiers, let them say so. Let them vote against the bills, and then let the Democratic party remain forever silent on the subject of their friendship for the Union soldiers. [Applause.]

[Here the hammer fell.]

Mr. McMILLIN. Mr. Speaker, it is our duty upon this floor to take a calm, considerate, and dispassionate view of the circumstances by which we are confronted, and to take such action as may be deemed just and proper. It is true we are beset here in this hot season of the year by precisely the same difficulties which have met all other Congresses which have been in session during the month of August. We must take cognizance of that fact when we consider the question which has been presented. In my judgment it is not at all necessary to indulge in any unseemly criticism of members who for one reason and another are absent temporarily from the sitting of the House.

What is the condition in which we find ourselves? Reference has been made to the number of members who are absent by leave of the House. And it is proposed to revoke that leave of absence. But there are 240 members of the House who have no leave of absence, and many of whom are absent without leave.

Several MEMBERS. Two hundred and sixty.

Mr. McMILLIN. The number I am told is 260. If we adopt this order of revocation in reference to leaves of absence already given, it can not affect those members who have no leave of absence.

It is clear we are here for three or four weeks yet of this session, and there is ample time in which to do a good deal of work if we are only so disposed. The day before yesterday we had no quorum, and yet yesterday we managed to do a good deal of work, although there was no quorum present. All we have to do is to act calmly and we will be able to get along much better, and probably will do more work, than by attempting to force the presence of members who are temporarily absent by leave of the House.

The fact that some members have declined to vote has been commented upon by different members. I am, for one, paired with a distinguished member of the other side of the House, who is off making political speeches. I have not seen fit during his absence to violate my pair with him, and I will not do it.

Mr. WEAVER. Has not my friend in express terms agreed in his pair to vote when it is necessary to make a quorum?

Mr. McMILLIN. I do not remember exactly what the language of the pair is, but I have paired with him, and when I paired with him I did so under the impression that I would not vote, and I have not therefore done so.

Mr. WEAVER. That is all right, of course.

Mr. McMILLIN. I am not going to violate my pair; that is not my way of doing business.

Mr. HENDERSON, of Iowa. I saw you vote this morning.

Mr. McMILLIN. Yes, you did see me vote this morning, forgetting my pair, and you also saw me a minute afterwards, when I remembered it, going up and having my vote withdrawn.

Mr. HENDERSON, of Iowa. I did not see the gentleman make the correction, but I have no doubt it is as he states it.

Mr. McMILLIN. The gentleman ought to have taken pains to see all that occurred before he undertook to make the statement he has done.

Mr. HENDERSON, of Iowa. I can not afford to watch you all the time. I saw you vote, but I did not see you afterwards make the correction which you say you did make. I have no doubt it was just as you state it.

Mr. McMILLIN. You saw me vote, and I am glad the gentleman called attention to that fact, because I want to show now that I called the Speaker's attention to it immediately on recollecting that I was paired.

Mr. HENDERSON, of Iowa. Your word is entirely satisfactory to me.

Mr. McMILLIN. I rose to ask the correction of the RECORD at once, explaining that I was paired and desired to withdraw the vote, notwithstanding the vote was only *viva voce*.

Mr. HENDERSON, of Iowa. I do not question it.

Mr. WEAVER. Will the gentleman from Tennessee yield to me for a question?

Mr. McMILLIN. Certainly.

Mr. WEAVER. The Sergeant-at-Arms says there are sixty or sixty-five pairs that are absent and the other sixty-five are here, making, say, 130 members who can not vote.

Mr. BLOUNT. I think the gentleman is mistaken. I know many members have voted, notwithstanding the pairs, to make a quorum. I know personally several who have done so.

Mr. McMILLIN. I was going to say that if the gentleman will not insist upon pressing his resolution to-day the probability is that we can have a quorum to-morrow. As I said some time ago, we had the same difficulty the day before yesterday, and on yesterday, notwithstanding that fact, we did a good day's work.

Mr. Speaker, we have a long hot summer before us, with every prospect of Congress being in session for an indefinite period yet. Now, to keep 325 men here I undertake to say will not be a success; and while the gentleman from Iowa and myself may be able to stand the strain upon us, and I expect to, yet if his plan is insisted upon and carried to its legitimate results I fear we will see some of our colleagues carried out of this Hall feet foremost.

Mr. WEAVER. Oh, there is no danger of anything of that kind. If men are sick they can get leave of absence.

Mr. COX. I move to lay the motion of the gentleman from Iowa on the table.

Mr. WEAVER. Upon that I demand the yeas and nays.

The question was taken on ordering the yeas and nays, and 36 members voted in favor thereof; more than one-fifth of the last vote.

Mr. COX. Count the other side.

Mr. SOWDEN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SOWDEN. Or rather I wish to ask for information whether those absent by reason of sickness are excepted from the operation of the resolution.

The SPEAKER. They are.

Mr. COX. As the call of the yeas and nays may disclose the presence of a quorum, I will not call for the count of the other side, but let the roll be called.

The SPEAKER. But the Chair understood that some gentleman insisted upon the count of the other side.

Mr. COX. I insisted upon the count of the other side myself, but withdraw the demand. I believe the yeas and nays have been ordered.

The SPEAKER. They have been, more than one-fifth of the last vote seconding the demand.

Mr. CANNON. Can we not have a standing vote? Evidently there is a quorum here. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The Clerk will call the roll.

Mr. ANDERSON, of Kansas. Mr. Speaker——

Mr. BRECKINRIDGE, of Kentucky. It is evident that we can do no business this afternoon, and I therefore move that the House adjourn.

The question was taken; and on a division there were—ayes 81, noes 59.

Mr. WEAVER, Mr. SPRINGER, and others, demanded the yeas and nays.

The demand for the yeas and nays was seconded by 25 members only.

The SPEAKER. The yeas and nays are not ordered, there being less than one-fifth of the last vote seconding the demand.

Mr. WEAVER. Let us have the other side.

The other side being counted, 89 members voted in opposition.

So the affirmative being more than one-fifth of the entire vote, the yeas and nays were ordered.

The question was taken; and there were—yeas 58, nays 85, not voting 181; as follows:

YEAS—58.

Abbott,	Culberson,	Lanham,	Shaw,
Adams,	Darlington,	Lee,	Stockdale,
Atkinson,	Davidson, Fla.	Lehlbach,	Stone, Ky.
Bacon,	Elliott,	Lynch,	Taylor, J. D., Ohio
Barnes,	Felton,	McCullogh,	Thomas, Ky.
Bayne,	Finley,	Merriman,	Thomas, Wis.
Breckinridge, Ky.	Gest,	Mills,	Turner, Kans.
Brewer,	Gibson,	Moore,	Turner, Ga.
Butterworth,	Glass,	Morrill,	Weber,
Bynum,	Grimes,	Neal,	White, Ind.
Candler,	Harmer,	O'Neill, Pa.	Whitthorne,
Caruth,	Haugen,	Payson,	Wilkinson,
Cheadle,	Hiestand,	Richardson,	Yost.
Cogswell,	Hunter,	Rogers,	
Crouse,	Kilgore,	Romeis,	

NAYS—85.

Anderson, Iowa	Crisp,	Holman,	Nelson,
Anderson, Ill.	Davis,	Hooker,	Newton,
Baker, Ill.	Dibble,	Hopkins, Va.	Nutting,
Bankhead,	Dingley,	Hovey,	O'Donnell,
Blount,	Dockery,	Jackson,	O'Neill, Mo.
Boothman,	Dougherty,	Johnston, Ind.	Outhwaite,
Bowen,	Farquhar,	Johnston, N. C.	Owen,
Brower,	Flood,	La Follette,	Parker,
Brown, J. R., Va.	Forney,	Lind,	Penington,
Bryce,	French,	Lyman,	Peters,
Bunnell,	Fuller,	Macdonald,	Phelan,
Burnes,	Gay,	Martin,	Rice,
Cannon,	Heard,	Matson,	Sayers,
Chipman,	Henderson, Iowa	McAdoo,	Scull,
Cobb,	Henderson, N. C.	McCreary,	Seney,
Conger,	Henderson, Ill.	McRae,	Shively,
Cowles,	Hermann,	Milliken,	Smith,
Cox,	Hitt,	Morgan,	Sowden,

Springer,	Tarsney,	Vandever,	Wilson, Minn.
Stahlnecker,	Thompson, Ohio	Walker,	
Stephenson,	Tracey,	Weaver,	
Struble,	Townshend,	Wheeler,	

NOT VOTING—181.

Allen, Mass.	Dargan,	Laffoon,	Rockwell,
Allen, Mich.	Davenport,	Lagan,	Rowell,
Allen, Miss.	Davidson, Ala.	Laidlaw,	Rowland,
Anderson, Miss.	De Lano,	Laird,	Russell, Conn.
Anderson, Kans.	Dorsey,	Landes,	Russell, Mass.
Arnold,	Dunham,	Lane,	Rusk,
Baker, N. Y.	Dunn,	Latham,	Ryan,
Barry,	Enloe,	Lawler,	Sawyer,
Belden,	Ermentrout,	Lodge,	Scott,
Belmont,	Fisher,	Long,	Seymour,
Biggs,	Fitch,	Maffett,	Sherman,
Bingham,	Foran,	Mahoney,	Simmons,
Blanchard,	Ford,	Maish,	Snyder,
Bland,	Funston,	Mansur,	Spinola,
Bliss,	Gaines,	Mason,	Spooner,
Bound,	Gallinger,	McClammy,	Steele,
Boutelle,	Gear,	McComas,	Stewart, Tex.
Bowden,	Glover,	McCormick,	Stewart, Ga.
Breckinridge, Ark.	Goff,	McKenna,	Stewart, Vt.
Browne, T. H. B., Va.	Granger,	McKinley,	Stone, Mo.
Browne, Ind.	Greenman,	McKinney,	Symes,
Brown, Ohio	Grosvenor,	McMillin,	Taulbee,
Brumm,	Grout,	McShane,	Taylor, E. B., Ohio
Buchanan,	Guenther,	Moffitt,	Thomas, Ill.
Buckalew,	Hall,	Montgomery,	Thompson, Cal.
Burnett,	Hare,	Morrow,	Tillman,
Burrows,	Hatch,	Morse,	Vance,
Butler,	Hayden,	Nichols,	Wade,
Campbell, Ohio	Hayes,	Norwood,	Warner,
Campbell, F., N. Y.	Hemphill,	Oates,	Washington,
Campbell, T. J., N. Y.	Herbert,	O'Ferrall,	West,
Carlton,	Hires,	O'Neall, Ind.	White, N. Y.
Caswell,	Hogg,	Osborne,	Whiting, Mich.
Catchings,	Holmes,	Patton,	Whiting, Mass.
Clardy,	Hopkins, Ill.	Peel,	Wickham,
Clark,	Hopkins, N. Y.	Perkins,	Wilber,
Clements,	Houk,	Perry,	Wilkins,
Cockran,	Howard,	Phelps,	Williams,
Collins,	Hudd,	Pidcock,	Wilson, W. Va.
Compton,	Hutton,	Plumb,	Wise,
Cooper,	Jones,	Post,	Woodburn,
Cothran,	Kean,	Pugsley,	Yardley,
Crain,	Kelley,	Randall,	Yoder.
Cummings,	Kennedy,	Rayner,	
Cutcheon,	Kerr,	Reed,	
Dalzell,	Ketcham,	Robertson,	

So the House refused to adjourn.

The following additional pair was announced:

Mr. MCADOO with Mr. HARMER, on all political questions, until further notice.

On motion of Mr. SOWDEN and Mr. DIBBLE the reading of the names was dispensed with.

The result of the vote was then announced as above stated.

The SPEAKER. The question now is on the motion of the gentleman from New York [Mr. COX] to lay the motion of the gentleman from Iowa [Mr. WEAVER] on the table, and upon that question the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 77, nays 55, not voting 192; as follows:

YEAS—77.

Adams,	Davidson, Fla.	Kilgore,	Richardson,
Atkinson,	Davis,	La Follette,	Rogers,
Bacon,	Dibble,	Lanham,	Sawyer,
Barnes,	Dingley,	Lawler,	Sayers,
Blount,	Dougherty,	Lee,	Seney,
Breckinridge, Ky.	Dunn,	Lehlbach,	Shaw,
Brewer,	Elliott,	Lynch,	Simmons,
Bryce,	Felton,	Maish,	Stockdale,
Bunnell,	Flood,	Martin,	Stone, Ky
Candler,	Forney,	McAdoo,	Taylor, J. D., Ohio
Caruth,	French,	McCullogh,	Thomas, Ky.
Cheadle,	Gay,	Merriman,	Thompson, Ohio
Cobb,	Grimes,	Mills,	Turner, Kans.
Cogswell,	Haugen,	Moore,	Walker,
Cowles,	Hiestand,	Morgan,	Weber,
Cox,	Hitt,	Neal,	Wilkinson,
Crisp,	Hovey,	Newton,	Yost.
Crouse,	Hunter,	Nutting,	
Culberson,	Jackson,	O'Neill, Pa.	
Darlington.	Johnston, N. C.	Penington,	

NAYS—55.

Anderson, Iowa	Farquhar,	Matson,	Stahlnecker,
Anderson, Ill.	Fuller,	McRae,	Stephenson,
Baker, Ill.	Gest,	Nelson,	Struble,
Bankhead,	Glass,	O'Donnell,	Symes,
Boothman,	Heard,	Outhwaite,	Tarsney,
Bowen,	Henderson, N. C.	Payson,	Thomas, Wis.
Brower,	Henderson, Ill.	Peters,	Tracey,
Brown, J. R., Va.	Hermann,	Phelan,	Townshend,
Burnes,	Holman,	Post,	Vandever,
Bynum,	Hopkins, Va.	Rice,	Weaver,
Cannon,	Johnston, Ind.	Shively,	White, Ind.
Caswell,	Lind,	Smith,	Wilson, Minn.
Conger,	Lyman,	Sowden,	Yoder.
Dockery,	Macdonald,	Springer,	

NOT VOTING—192.

Abbott,	Anderson, Kans.	Belden,	Bland,
Allen, Mass.	Arnold,	Belmont,	Bliss,
Allen, Mich.	Baker, N. Y.	Biggs,	Bound,
Allen, Miss.	Barry,	Bingham,	Boutelle,
Anderson, Miss.	Bayne,	Blanchard,	Bowden,
Breckinridge, Ark.	Gaines,	Lodge,	Romeis,
Browne, T. H. B., Va.	Gallinger,	Long,	Rowell,
Browne, Ind.	Gear,	Maffett,	Rowland,
Brown, Ohio	Gibson,	Mahoney,	Russell, Conn.
Brumm,	Glover,	Mansur,	Russell, Mass.
Buchanan,	Goff,	Mason,	Rusk,
Buckalew,	Granger,	McClammy,	Ryan,
Burnett,	Greenman,	McComas,	Scott,
Burrows,	Grosvenor,	McCormick,	Scull,
Butler,	Grout,	McCreary,	Seymour,
Butterworth,	Guenther,	McKenna,	Sherman,
Campbell, F., N. Y.	Hall,	McKinley,	Snyder,
Campbell, Ohio	Hare,	McKinney,	Spinola,
Campbell, T. J., N. Y.	Harmer,	McMillin,	Spooner,
Carlton,	Hatch,	McShane,	Steele,
Catchings,	Hayden,	Milliken,	Stewart, Tex.
Chipman,	Hayes,	Moffitt,	Stewart, Ga.
Clardy,	Hemphill,	Montgomery,	Stewart, Vt.
Clark,	Henderson, Iowa	Morrill,	Stone, Mo.
Clements,	Herbert,	Morrow,	Taulbee,
Cockran,	Hires,	Morse,	Taylor, E. B., Ohio
Collins,	Hogg,	Nichols,	Thomas, Ill.
Compton,	Holmes,	Norwood,	Thompson, Cal.
Cooper,	Hooker,	Oates,	Tillman,
Cothran,	Hopkins, Ill.	O'Ferrall,	Turner, Ga.
Crain,	Hopkins, N. Y.	O'Neall, Ind.	Vance,
Cummings,	Houk,	O'Neill, Mo.	Wade,
Cutcheon,	Howard,	Osborne,	Warner,
Dalzell,	Hudd,	Owen,	Washington,
Dargan,	Hutton,	Parker,	West,
Davenport,	Jones,	Patton,	Wheeler,
Davidson, Ala.	Kean,	Peel,	White, N. Y.
De Lano,	Kelley,	Perkins,	Whiting, Mich.
Dorsey,	Kennedy,	Perry,	Whiting, Mass.
Dunham,	Kerr,	Phelps,	Whitthorne,
Enloe,	Ketcham,	Pidcock,	Wickham,
Ermentrout,	Laffoon,	Plumb,	Wilber,
Finley,	Lagan,	Pugsley,	Wilkins,
Fisher,	Laidlaw,	Randall,	Williams,
Fitch,	Laird,	Rayner,	Wilson, W. Va.
Foran,	Landes,	Reed,	Wise,
Ford,	Lane,	Robertson,	Woodburn,
Funston,	Latham,	Rockwell,	Yardley.

So the motion was laid on the table.

During the roll-call, on motion of Mr. RICHARDSON, the reading of the names was dispensed with.

The vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. WEAVER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. The House has refused to comply with the motion I made. I give notice that on next Monday, should there not be a quorum present, I shall renew my motion.

Mr. BURNES. I ask unanimous consent to make a statement.

The SPEAKER. The gentleman from Missouri asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. BURNES. I desire to say, Mr. Speaker, that I propose to move that further proceedings under the call be dispensed with, and that the House do now adjourn; and in doing so I desire to express regret that a general appropriation bill asking for consideration at this period of the session should be denied that hearing. I blame no one on the other side, but it is important to us all. It is important to the country, and it is specially important to me in my present condition, that this bill, which I have in charge, should be disposed of. It is a general appropriation bill. The country expects its passage. It is in the interest of thousands. Soldiers all over the country expect the early consideration and passage of this bill, and a wrong is being done, to my certain knowledge, to tens of thousands of worthy suffering soldiers by the refusal to pass this bill. I need not say a quorum has been demanded. I blame no one. Each member has the same right here; but I only express my sincere regret that this wrong has been done to the worthy, meritorious class to which I have alluded. Now, as the hour of 5 o'clock is near at hand, I move that further proceedings under the call be dispensed with and that the House adjourn; and I state, on the suggestion of the gentleman from Mississippi [Mr. HOOKER], that I shall day by day persistently and without yielding to any solicitation demand consideration of this appropriation bill.

Mr. LYMAN. Mr. Speaker, I desire to say a word or two. Of course what has been said by the gentleman from Missouri [Mr. BURNES] is to some extent a direct reflection upon the course that I have pursued to-day. I did not commence this course of procedure. This morning under the call of the Committee on Invalid Pensions a resolution was introduced from that committee and reported on by the committee, simply setting aside two days for the consideration of general pension legislation. It is a matter for which the friends of the veteran soldiers have been striving ever since the first day of this session. The question of no quorum was raised upon the other side of this House. Only four or five members present voted against the adoption of the resolution called up by the gentleman from Kansas [Mr. MORRILL].

The gentleman has said that by the course I saw fit in my judgment to pursue to-day I have denied to tens of thousands of veteran soldiers their rights. That certainly is a very serious matter, but I will state that this injury to their rights was done long before I demanded a quorum upon this floor; and I desire to say now, that until by unanimous consent or by other means the resolution which was called up by the

gentleman from Kansas [Mr. MORRILL] this morning shall have been considered and either adopted or rejected, I shall continue to pursue the course that I have pursued to-day in the interest of the Union soldiers of this country, thousands of whom I represent. [Applause.]

Mr. BURNES's motion was agreed to; and accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BACON: A bill (H. R. 11184) for the relief of Jessie Isherwood—to the Committee on Invalid Pensions.

By Mr. FELIX CAMPBELL: A bill (H. R. 11185) for the relief of Thomas E. Mullally—to the Committee on Military Affairs.

By Mr. MORSE: A bill (H. R. 11186) for the relief of Charles H. Bingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11187) for the relief of Albert C. Andrews—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11188) for the relief of L. D. Scroggins—to the Committee on War Claims.

Also, a bill (H. R. 11189) for the relief of J. S. Lowey—to the Committee on War Claims.

Also, a bill (H. R. 11190) for the relief of Matilda Cook—to the Committee on War Claims.

Also, a bill (H. R. 11191) for the relief of Sarah F. Dickson—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of 40 citizens of Saline, Kans., for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. CHIPMAN (by request): Joint resolution relative to a winter bridge across the Detroit River—to the Committee on Commerce.

By Mr. MCMILLIN: Petition of J. A. Tyree, of Eliza O. Prince, of R. N. Miers, of heir of William H. Fugua, of Wesley Hancock, of executor of D. C. Hibbits, and of heir of Turner Vaughn, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. NUTTING: Of D. W. Kerand and 29 others of Cayuga County, of A. A. Pallester and 38 others of Wayne County, and of William A. Cole and 58 others of Oswego County, New York.

SENATE.

FRIDAY, *August* 17, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PAY OF TERRITORIAL ASSOCIATE JUSTICE.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Treasury requesting an appropriation of $841.67 to pay the additional associate justice created by the act of February 28, 1887, for the Territory of New Mexico, from the date of his qualification, March 21, 1887, to June 30, 1887, no appropriation having been made for that period; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of Josiah N. Jones, of Waterborough Centre, Me., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of citizens of Washington County, Nebraska, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented the petition of William C. Armstrong and other citizens of Oshkosh, Wis., praying for the passage of the bill pensioning prisoners of war at $2 per day; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3222) to authorize the construction of a bridge across the Missouri River at a point between Kansas City, Mo., and a point 5 miles below said city, to report adversely thereon. I desire to remark, in connection with the action of the committee, that the same bill has come from the House of Representatives and been passed by the Senate. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3126) to authorize the construction of a free bridge across the Missouri River at the most accessible point at or near the mouth of the Kansas River, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 11118) to authorize the construction and operation of a street railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico, reported it without amendments.

Mr. VEST. I am also instructed by the Committee on Commerce, to whom was referred the bill (S. 3408) to authorize the construction and operation of a street railway and wagon-road bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico, which is identical with the bill just reported, to report it adversely. I move that it be postponed indefinitely.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo., reported it with amendments.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 793) for the relief of William Collins, reported it without amendment.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3254) granting a pension to Sanford A. Beach;

A bill (S. 2503) to increase the pension of Mrs. Mary L. Scott, of Lincoln County, Kentucky;

A bill (S. 3253) granting a pension to Harriet B. Coflin;

A bill (S. 3238) granting a pension to Sarah Vantine;

A bill (S. 3232) granting a pension to Adam Velten;

A bill (S. 3313) granting a pension to Lewis Dolby; and

A bill (S. 3062) for the relief of Mary Ann Hough.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3310) to place the name of John Tobin on the pension-roll, submitted an adverse report thereon, and moved that it be postponed indefinitely.

Mr. COCKRELL. I ask that that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3306) granting a pension to Mary K. Richards, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3249) for the relief of Zo. S. Cook, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2765) granting a pension to Adaline A. Smyth, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3047) granting increase of pension to William Bittinger, reported it with an amendment.

Mr. BLAIR, from the Committee on Education and Labor, reported an amendment providing for an increase of compensation to certain employés on the night force of the Government Printing Office, intended to be proposed to the general deficiency appropriation bill, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 8534) granting a pension to Jacob Copes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9372) granting a pension to John Dean, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10418) granting a pension to Hannah L. Irwin, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;

A bill (H. R. 8889) granting a pension to Charles Molseed;

A bill (H. R. 6501) to grant a pension to Joseph F. Garrett;

A bill (H. R. 4575) granting a pension to Michael Hargain;

A bill (H. R. 10789) granting a pension to Philip Neuman;

A bill (H. R. 204) granting a pension to Frederick C. Shaw; and

A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8719) to amend the "act giving the

approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia," reported adversely thereon; and the bill was postponed indefinitely.

Mr. EVARTS, from the Committee on the Library, to whom was referred the memorial of the Saratoga Monument Association, requesting an appropriation for the completion and dedication of the monument commemorating the surrender of General Burgoyne at Saratoga, submitted a report thereon, accompanied by a bill (S. 3460) to appropriate $10,000 for the completion of the monument commemorating the surrender of Burgoyne at Saratoga; which was read twice by its title.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6344) granting a pension to William J. Toncray, of Tennessee;

A bill (H. R. 6001) granting a pension to Sarah J. Fraily;

A bill (H. R. 8494) granting a pension to Gilbert Reed;

A bill (H. R. 10906) granting a pension to Fidel Gates; and

A bill (H. R. 8545) for the relief of Samuel Purcell.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3455) granting a pension to Lucy D. Hooper; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3456) granting a pension to David O. Sanborn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3457) granting a pension to Abigail Farley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3458) for the relief of General George Stoneman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRIS (by request) introduced a bill (S. 3459) to incorporate the Columbia Central Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT TO THE DEFICIENCY BILL.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. BECK, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of William Cash.

OVERHEAD ELECTRIC WIRES.

Mr. EDMUNDS introduced a joint resolution (S. R. 105) to restrain the erection or maintenance of overhead electric motive-power and electric-light wires in the cities of Washington and Georgetown; which was read twice by its title.

Mr. EDMUNDS. Mr. President, I wish to say on the question of the reference of the joint resolution to the Committee on the District of Columbia that it is now limited (although I think very likely it ought to be extended) to electric motive power and electric lighting powers overhead, and does not prohibit and make a nuisance of the existing telegraph and telephone wires. Whether it may not be better to put into the same measure provisions in regard to those in aid of what is in the District appropriation bill may be a matter of consideration, but I omit it now. My inclination is to hope that the committee will report the joint resolution in order to see if Congress can not agree to definitely put a stop to the overhead electric-lighting and electric motive-power constructions, which everybody agrees are extremely dangerous to human life.

Mr. SHERMAN. Is the Senator from Vermont willing to have the communication from the District commissioners referred without further debate?

Mr. EDMUNDS. He is not. He wants it referred with instructions.

Mr. SHERMAN. Very well; then I will reserve my remarks. I do not wish to say anything about the reference of this joint resolution; and if the Senator from Vermont will consent to refer the communication of the District commissioners without any more debate, I have no desire to say anything further in regard to the subject.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on the District of Columbia.

Mr. PLUMB. I desire to call up the resolution I submitted yesterday.

Mr. EDMUNDS. There is a matter to come before the Senate in advance of that.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Vermont [Mr. EDMUNDS] concerning the deposits in the Freedman's Savings and Trust Company was under debate yesterday and was laid over, the Chair believes, to be resumed this morning, by unanimous consent, the Senator from Kentucky [Mr. BECK] having made remarks thereon.

Mr. EDMUNDS. What I ask the Senate to consider is the motion to refer the letter of the commissioners of the District on the subject of overhead electric wires to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. Both subjects have the same attitude before the Senate.

Mr. EDMUNDS. But pending the discussion on the letter of the District commissioners, the Senator from Texas [Mr. REAGAN] desiring to go on with his speech, I asked unanimous consent, I think, that that case should stand over just as it was yesterday morning, without losing any of its rights. So I supposed it would come up now, if I am correct. I think that is what is shown in the RECORD.

Mr. BECK. I will state to the Senator from Vermont, if he will allow me, that on the matter in relation to the Freedman's Bank the bill will be over here with the House amendment, when the subject can be acted upon just as well as by sending the resolution to the committee.

Mr. EDMUNDS. Yes; but first I want to dispose of this District of Columbia wire business, if I can.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the communication from the commissioners of the District of Columbia, which was under consideration yesterday morning when the Senator from Texas [Mr. REAGAN] took the floor. Having been read, it will not be read again, unless it be so requested.

Mr. EDMUNDS. The pending motion, I believe, is to refer the communication to the Committee on the District of Columbia, with instructions.

The PRESIDENT *pro tempore*. With instructions.

Mr. EDMUNDS. With instructions to report a resolution requesting the District commissioners substantially to suspend operations in regard to the overhead electric wires. I do not wish to occupy any further time at present on the subject.

The PRESIDENT *pro tempore*. The question recurs upon referring the communication to the Committee on the District of Columbia, with instructions.

Mr. HOAR. Let the instructions be read.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts desire the letter to be read with the instructions?

Mr. HOAR. Let the proposed instructions be read.

The PRESIDENT *pro tempore*. The instructions will be read from the RECORD.

Mr. EDMUNDS. They were journalized correctly, and appear in better shape than in the RECORD, because they are condensed in the Journal.

The PRESIDENT *pro tempore*. The Journal entry will be read.

The Chief Clerk read as follows:

On motion by Mr. EDMUNDS, to refer the said communication to the Committee on the District of Columbia, with instructions to report a resolution requesting the commissioners of the District of Columbia to revoke any permit granted for the erection of such overhead electric wires.

Mr. SHERMAN. Mr. President, I wish to call the attention of the Senate to the peculiar nature of this motion. Upon a letter received from the District commissioners in the beginning of the morning hour, without any chance to even read the communication or to have it printed or laid before us, without any reference to a committee, the Senator from Vermont proposes to refer the communication to the committee and to instruct them to do a merely gratuitous act without any inquiry whatever.

If anybody had proposed that besides the Senator from Vermont I should not have been so much surprised, because no one has been more careful, and properly so, in the orderly proceedings of the Senate to do nothing in a hurry, but to consider and inquire and examine through committees and otherwise every bill that is reported, and even when a committee has reported in favor of a bill our rule provides, and the Senator from Vermont has uniformly insisted upon enforcing that rule, that it shall not be considered until it is laid over one day to take its place in the ordinary course of business.

Now, it is proposed to instruct the committee to report back a resolution of the Senate alone to suspend a law which has been passed by the unanimous vote of both Houses, which already involves vested rights, and in which private parties have already invested large sums of money and made extensive contracts; and it is proposed to make the instructions peremptory, leaving the committee nothing to do except upon the desire and will of the Senator from Vermont to change the plan of this improvement, to violate contracts and nullify the law.

I take it that the Senate will not do that except for extraordinary reasons. When this matter was up yesterday all I desired was that it might take the usual course, that the communication should be referred to the Committee on the District of Columbia, the opinion the Senator from Vermont expressed in regard to it going to that committee with the other information that had been had, and that the committee would take it up and consider it, to hear the parties interested, and act upon it and report it back in due time.

If that course is adopted, I have not the slightest objection; and if it should appear that either by neglect or oversight legislation was had which is injurious to the public at large the committee can report such amendments of the law as to prevent injury to the public. But to have an instruction of this kind of a mandatory character, as the Senator from

Tennessee [Mr. HARRIS] very properly suggested yesterday, is to take away all consideration, all examination by the committee, and simply upon the motion of one Senator, without any hearing, to act upon this matter of instructions which would nullify a law.

Since the debate yesterday I have inquired about this matter. Mr. Truesdell, who is president of this railroad company, called upon me in regard to it. I will state the facts as he gave them to me. He is a man, as I am informed, of high character and standing here, and well known probably to many Senators. At all events, I never met him before in my life, that I know of, until last night when he called to see me. He said he was the president of the railroad company, and that this is a suburban road. It is true, it starts at the corner of Seventh and K streets and passes through six blocks to North Capitol street, but that is rather in the nature of a suburban street, it is a street without pavement, or even without proper grading. Although New York avenue west of Seventh to the President's House is a very important street, beyond, eastward, it is not even improved, is not even properly graded, as any Senator who drives over it will know. After you pass over these blocks, from North Capitol street the route is entirely suburban. It follows along the line of New York avenue extended until it strikes the Baltimore and Ohio Railroad, thence along the line of that road until it strikes Fourth street east, and it is projected northward to what are called the Catholic university grounds, the object being to construct a line of railroad to accommodate what is supposed to be the large travel there will be between the city of Washington and the university when it is built, the university being now in process of construction. So it is purely a suburban road; indeed most of it has to be graded by the incorporators.

The law granting the charter was passed in June last, before the proposition in the District appropriation bill was even pending, at any rate before the appropriation bill was passed. The company received the charter, which was reported from the appropriate committees of the two Houses unanimously, and that charter gave them the right to build this road with any kind of motive power at their discretion, the kind of rail only to be approved by the commissioners of the District. They had the charter right; but they applied to the commissioners for the use of the motive power which they thought best, though such consent was not necessary. That was the electric motive power of the kind most commonly used; indeed, two or three roads use this kind to one of any other. They applied to the commissioners, and the commissioners approved that motive power. They have proceeded to make their contracts. They made their contracts with a firm in Massachusetts, and have actually some of the materials on the way; perhaps some are here for aught I know. At any rate they have contracted for them. Many of the contracts are executed, and they are required by the terms of the law to complete the road in a very short period of time; I think in six or eight months; precisely what time I do not know; at least a certain portion of it has to be completed very promptly and the rest as soon as the streets are graded.

Under the circumstances to deprive them of this right would be wrong. Besides that they have taken the advice of engineers, and they have the approval of the very engineer who made the report read here by the Senator from Nebraska [Mr. MANDERSON] yesterday, Capt. Eugene Griffin, said to be an officer of experience.

Mr. EDMUNDS. Have you it here?

Mr. SHERMAN. No; I have not.

Mr. EDMUNDS. I should like to see it.

Mr. SHERMAN. It was given by this gentleman, and you must take his statement.

Mr. EDMUNDS. Why not produce the papers?

Mr. SHERMAN. I have not got them here. Captain Griffin says in this report that while there may be objection to the use of overhead wires in cities, yet in suburban regions there is less objection or but little objection to them. In the first place, has such a wire ever killed a man? There are many of these wires scattered in many places. I do not know any other kind of a railroad that has not killed a man.

Mr. DAWES. It killed a woman in New York.

Mr. SHERMAN. An overhead wire?

Mr. DAWES. I suppose so.

Mr. SHERMAN. I do not think they have these overhead electric wires there. I do not know how that is.

Mr. TELLER. If the Senator will allow me, I will say that if he had looked in the newspapers he would have seen a great many deaths from these hanging wires, telephone wires as well as street-car wires, where they have had them.

Mr. SHERMAN. That is the very thing I want to have examined by this committee. In my judgment they will find that this mode is the best which has yet been devised, especially for suburban regions and in smaller cities. This is purely a suburban region, only passing through six blocks where a single house has been built.

Mr. TELLER. I should like to ask the Senator whether he refers to the electric system or the system of using the wires overhead as the best.

Mr. SHERMAN. I speak of the latter.

Mr. TELLER. Of the electric system?

Mr. SHERMAN. No, the latter.

Mr. TELLER. Putting the wires overhead?

Mr. SHERMAN. Yes, sir; the best yet devised.

Mr. TELLER. Does the Senator say that it is less dangerous than putting the wires under-ground?

Mr. SHERMAN. There is just as little danger as in putting them under-ground, because to use the rail as a mode of conduit it may be touched with the foot of a horse.

Mr. TELLER. But it is dangerous.

Mr. SHERMAN. To some extent, but they do not use what is called the cable chamber; they use a wire connecting with the rail. The system of wires overhead in the mode that has been proposed by this company is in my judgment the best that has yet been devised. They erect a pole in the center of the track from 25 to 30 feet high. They attach to the pole a branch or arm, and on those arms are suspended these wires, which convey electricity, which is not dangerous, according to the statement of this gentleman, who is interested, but he is ready to furnish the proof, and all he wants is an opportunity to furnish it to the committee to show that this is charged with electricity of insufficient power to kill either man or horse.

Mr. HALE. Let me ask the Senator if he has ever seen the system of moving cars by electricity with wires overhead in actual operation?

Mr. SHERMAN. It is in actual operation in the town in which I live.

Mr. PLATT. And in the town in which I live.

Mr. HALE. I was going to say that yesterday I saw it in practical operation in the city of Richmond, where the heaviest grades are surmounted.

Mr. HARRIS. We can not hear what is going on upon the other side of the Chamber.

The PRESIDENT *pro tempore*. Senators will please be seated and refrain from conversation.

Mr. HALE. I do not wish to interrupt the Senator from Ohio if it in any way interferes with him.

Mr. SHERMAN. Not at all.

Mr. HALE. I was saying that I saw for the first time in my experience yesterday in the city of Richmond this system of electricity applied through wires overhead as a motive power to propel the street-cars over the ordinary track. There are 12 miles of track laid, and posts are raised along the side of the street at the outer edge of the sidewalk. I shall not go into any description of it, but with the greatest ease those cars surmount all the grades. A car filled with twenty or thirty people is taken up what would be called a steep hill and moved steadily and strongly over it, going down the same declivity with entire safety. To me it was very novel, very strange, but it is said there to be a complete success. How much of danger there is in the wire of course I do not know.

Mr. DAWES I should like to add to what the Senator from Maine says——

Mr. SHERMAN. I should like to go on.

Mr. DAWES. Will the Senator allow me?

The PRESIDENT *pro tempore*. The Senator from Ohio declines to be interrupted.

Mr. DAWES. If the Senator——

Mr. SHERMAN. I decline to be interrupted.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to be interrupted.

Mr. SHERMAN. I know that the system is in successful operation.

Mr. DAWES. I wanted to tell what I saw.

Mr. SHERMAN. I will yield.

Mr. DAWES. Within two or three weeks I was in Richmond and saw this performance come to a dead halt on a grade. Some accident happened, and off went the current of electricity to the air, creating quite a blaze up in the air, and the whole train was brought to a stop on a grade. I thought that ought to be added to the statement of the Senator from Maine.

Mr. SHERMAN. As the colleague of my friend from Massachusetts says, it probably came to a halt as I did, by an irresistible power. [Laughter.] I have seen locomotives come to a halt—a great many other things come to a halt.

Now, Mr. President, the testimony of quite a number of engineers is cited here, but a man's own testimony about what he saw is probably better than to cite the testimony of others. I will say that in the town in which I live, as I said yesterday, there are five miles of this road. It ascends steep grades, because the grades are very steep there, and it was impracticable to use horse-cars. I have seen them going up there every day and every hour of the day, moving along by an imperceptible power, much faster than a horse can travel up those high grades, where it would take two horses and probably three to pull the car up the hill at a walk, while with electric power the car moves up and down the hill with unchanging speed.

It is said that sometimes the electric power gives out. There is no doubt about it. So it is in what is called the rail or surface power, and so it is in regard to what is the most interesting process in development, which I hope some time will prove to be a good one, that is, the process of storing electricity. Strange to say, electricity can be stored in a

solid mass of metal, and sometimes they can store enough in a block of metal of this kind to carry a train of cars or a car through its whole course and back again. But it is found that from unknown causes sometimes this power gives up at once and the car stops dead, and it has proved difficult to restore the electricity. Although that experiment was tried four years ago and has been practiced upon in various ways since that time, and no doubt improved upon, finally they will find some way of preventing the electricity from escaping; but at present it is an impractical scheme, and I believe is not in operation anywhere now, so far as I know.

Mr. President, is it right that we should interfere when these parties, men of high character in this city, have undertaken to try this experiment at their own cost, without asking the public to contribute a cent, when it is palpable that for several years it will be a doubtful and costly enterprise to them, probably without yielding them anything? They wish to try this experiment here in the city of Washington, and why should they not do it? You may find fault and laugh at any proposition that is made. Nearly every invention that was ever designed to benefit mankind has been the subject of ridicule; and it may fail sometimes, because in the beginning of a new invention the perfect way may not be found. Time and experience alone can perfect any new process.

What I want is that the Committee on the District of Columbia shall hear these gentlemen, well-known citizens here. Let the committee send for scientific men if they please, and if they find that Congress has been imposed upon, and that this is not a proper system, then we can arrest it immediately. These men do not want to invest their money unless this is done. But to have the instructions imperative, so that there will be no power in the committee to inquire into the matter, would be a mere mockery of justice and would deprive all these men of their rights, of vested rights to the value of thousands of dollars, because they must fulfill their contracts even if Congress should revoke its contract with them. It is not just, it is not right, and it is not in accordance with the wise maxim which my friend from Vermont has so often preached to us about hasty and inconsiderate legislation.

We should not seek to revoke an existing act of Congress by a resolution of the Senate. The commissioners may disregard your resolution. Your resolution is not worth the paper upon which it is written. You may in a proper way change the law, but you can not do it by a resolution of the Senate. There is no force or potency in your request. When the committee shall have reported it will be easy for the two Houses to act upon the subject.

Now, Mr. President, all I ask is that this matter be referred without instructions to the committee, and I think they will find that this is a very interesting subject, and they will find that the experiment being made by these men is of great public advantage, that they ought to be allowed to pursue it; and if they can make a model railroad upon this plan in the city of Washington it will be one of the greatest blessings which has been conferred upon this people for a long time. If I had the power I would make the existing railroads change their form of locomotion and compel them either to adopt the cable or the electric system on the railroads here. I believe in any other city where the governing power is closer to the people than here that would be done. Congress is too far removed from the mass of the people here. If Congress would legislate for the people of this District as their own representatives would do, probably the existing railroads would be required by a wise law after full experiments to adopt some more rapid mode of transit in this city.

This company, without any hope or expectation of reward, propose to try this experiment. But it is no longer an experiment. It has been adopted in at least fifteen or twenty cities in the United States. This company propose it in a better form than any other I know of, because the plan is to put in iron posts in the center instead of wooden posts on either side, when the wires stretching across look cumbersome and ugly. They proposed a different system. Let them try the experiment.

Captain Griffin speaks here of the roads in this city and outside of the city. He states, as I said, that this is a suburban road, and it is treated by him as such. Nine-tenths of the whole length of this road is outside of any house whatever. I do not think there is a single house on the line of this proposed railroad from its crossing of North Capitol street until it reaches the proposed buildings of the university, and that is about 4 miles. The part that goes through the city of Washington is comparatively suburban. The extension of New York avenue from Seventh street to North Capitol is not largely built upon, and is not at all improved by the ordinary city improvements of pavements or even gradings.

Mr. CHANDLER. Mr. President, I find in the Post of this morning, August 17, the following statement under the head "At the District building:"

Major Raymond has approved the application of the United States Electric Lighting Company to erect overhead wires on the following streets, because they are necessary for the public lights: C street, between Seventh and Tenth streets; Thirteenth street, between D and E streets; K street, between Seventh and Ninth streets; Ninth street, between Pennsylvania avenue and B street; B street, between Sixth and Ninth streets, and Seventh street, between Pennsylvania avenue and B street.

When, as the result of the provision in the District appropriation bill, we thought that we had at least provided against the erection of any more of these deadly wires in the streets of this city, it seems that they are being continually extended in every direction, and that this company, every one of whose wires carries with it a deadly current, is being allowed to extend those wires through the streets of this city on the ground that it is necessary to perfect a system of public lights, when $30,000 and upwards was appropriated by the District appropriation bill in order to enable the District commissioners to put the public wires under-ground.

Mr. EDMUNDS. Mr. President, the Senator from Ohio has done me the honor to say that I have sometimes been conservative and reluctant to do things in a hurry, and I am almost inclined to believe that I deserve the compliment, in respect of which I have no doubt he was entirely sincere; and it is because I am conservative according to the extent of my strength that I wish to do the very thing that I am now asking the Senate to do; and that is to cause a resolution, properly framed by the Committee on the District of Columbia so as not to work any injustice to the public interest which may be entirely promoted by some two or three of the little grants that these commissioners seem to have made, to be passed. I am so conservative as to desire to have the Senate express its opinion to these commissioners that they had better cease to go forward in this line instead of making haste and running a race with the almanac from now until the 15th of September to expand these overhead electric motive powers and electric wires in every direction before that day when the law says they shall stop; and the day having come when they are to stop the whole mischief on every side of the city is accomplished, and what my honorable friend from Ohio calls vested rights of syndicates and corporations and real-estate speculators and every other means of concentrating private capital into one force will be pleaded. That concentrated power will be brought to bear upon Senators and committees of the Senate and upon Congress to blockade any retraction or retreat, and to say that here are vested rights which Congress has allowed to go on. "It was brought to your attention," it will be said, "gentlemen, on the 15th of August, and you chose to be silent, to express no opinion about it. Meantime we have made haste and our poles are up, and our great iron frames spreading from the center of New York avenue and Seventh street to the Boundary," not to North Capitol street, as the honorable Senator says, if I read the charter right; but that is immaterial.

Mr. SHERMAN. I spoke of the part built on.

Mr. EDMUNDS. That is what has been built on. If the Senator would ride out to the races some day, as I have done on holidays, along New York avenue, he would find that New York avenue is graded, is built on, is curbed clear to the place where you turn up the hill, and is partly graded beyond; and that this line, therefore, going from Seventh street, not from K, but from Seventh street northwest along New York avenue to Third street northeast. This certainly covers all those blocks, and is in the city. Beyond North Capitol street the line of New York avenue would very soon leave the city boundary and would be in the county, as it is called, and there perhaps, according to Captain Griffin and according to my honorable friend, it might be called suburban; but it goes from Seventh street northwest (which is as near the geographical center of the city as it can well be, and is as near the business and popular part of the city as is possible). From Seventh street northwest it goes until it strikes the boundary on the northeast, and all the way, except the two or three last blocks, through a part of the city that is already graded, paved, curbed, sidewalked, trees put up, and houses built along there the whole of that distance. And yet my friend says because the line goes 3 or 4 miles beyond it is a suburban road, for the proportion of exterior to interior is great. On the same principle this line might be extended to Baltimore and begin at Rock Creek, and the proportion of the 4 miles through Washington to the 40 miles to Baltimore would be nothing at all, and still it would be suburban, though crossing the whole city. That, it appears to me, is not sound.

Now, let us see where are the vested rights of this corporation that we are invading by asking the commissioners to stop going ahead, to suspend what they tell us they have only granted at their pleasure, with the right to suspend at any moment.

Let us see what the powers of this corporation are. According to the commissioners in their letter, according to the third section of the charter, it is provided that these people shall have the right to use any one of the three kinds of power named, and to make the arrangements, etc., "all to be approved by the commissioners of the District." A friend of mine on my right a little while ago called my attention to this third section and expressed a doubt whether that authorized the commissioners, there being a right to use electric appliances, to require that they should be of a particular kind, under ground rather than over ground, storage rather than real forces. I do not think there is any doubt about that. It was the evident intention of the charter that every part of the manipulation of the scheme in the public streets should be subject to the approval and control of the commissioners, just as all other uses of the public streets for private enterprises or quasi public ones in private hands have to be. Of course if there were any doubt the construction would be against the corporate grantee in favor of the

people, at least everywhere except in the Senate of the United States, and I believe so here.

Then, Mr. President, on the subject of vested rights, Congress did have the foresight to provide even in this charter that everything granted to these grantees should be subject to the right of Congress to "alter, amend, or repeal this act at any time." But the construction put by the commissioners and by the company itself upon the method of this electric operation is in favor of my construction, for the company applied to the commissioners to use this avenue and these streets in the manner proposed by overhead electric motive power and the commissioners have granted that application subject to revocation at any moment of time, as they tell us.

Now, the enterprise is just inaugurated, and the Senator from Ohio, commending my usual conservatism, wishes that the Senate shall be so conservative as to say nothing until the company can go ahead and have more vested rights, put out more money, and then turn around and tell us, "why did you not express your opinion when it was before you; we have gone in on the faith now that nobody was going to complain and that we were to be allowed to put up death-dealing contrivances overhead instead of being required to put them under-ground," as they are in Baltimore, as the Senator from Maryland told us yesterday, working with perfect success and with as perfect safety as it is possible to have in any case where these enormous forces of nature are concentrated as they have to be in electric wires for motive power. Why not? I think it is the true conservatism that tries to have the Senate express its opinion as soon as it may on a question as to what ought to be done.

My honorable friend says that the commissioners are not bound to regard it. Grant it; but I suppose they are not so great that it would be considered insulting to them for the Senate of the United States to prefer a respectful request that they should hold up in the exercise of the discretion which they claim to have, and which in respect to this road they probably do have, and that is to regulate the use of the public streets. That is all. So they say they have only granted it at their pleasure. I think, therefore, that we should not make ourselves entirely ridiculous if we ventured in an humble, respectful way to address that body of gentlemen with a request that they would so exercise their discretion as to preserve the *status quo*, not go ahead any further until Congress can act on the question of a law which shall bind everybody. To that end I have this morning introduced a joint resolution to prohibit the erection of electric motive-power wires and electric light wires overhead, and have put in, as I hope, the proper penalties and safeguards, so as to see whether it is possible that the wishes of the people of this city and District, and of probably three-quarters of all the members of both Houses, can be brought to bear for the attainment of a public good for the public safety.

I am just as much in favor of increasing the modes of travel and conveniences of the public in this town as anybody. I am as ready to vote money for it as anybody, although I do not happen to own any suburban real estate. I am not one of the proprietors of Eckington, from which the railway takes its name. I do not own any land just at the Soldiers' Home line, where this railroad is to go. I am entirely, I think, without any other motive to be generous and to be promotive of the increase of these enterprises here except that of a person who lives in this town. But I want to see a good electric railroad run to Eckington and to the Soldiers' Home and to the northwest and to the north and over into the beautiful hills of Virginia at Arlington, but I do not want to see it put up in a way that is injurious to the public welfare, that destroys the beauty of your avenues and at the same time threatens with death every person who goes along it, when there is a better and more convenient and safer way to put it under-ground, only that it requires the men of vested rights and concentrated capital to spend a little more money in the first place to do it. Therefore it is that I have proposed to instruct the Committee on the District of Columbia to frame a suitable resolution so as wholly to accomplish what is indispensable in respect of our request, and thus let us act upon it.

Mr. HARRIS. Mr. President, if the instructions contained in the motion of the Senator from Vermont are to be given by the Senate, I see no necessity whatever for referring the communication to the committee. If the opinion of that committee based upon careful investigation of the questions involved is desirable by the Senate, let the communication go to the committee with authority to investigate, to exercise its judgment, to report to the Senate its opinion as to what ought to be done in the premises. But if the object be, as unmistakably it is from the motion of the Senator from Vermont, to formulate a resolution simply in the language of his motion with every phrase and feature of it prescribed and directed by the Senate, I do not choose to enter upon the performance of such duty. No one is more capable of formulating a resolution to carry out the views of the Senator from Vermont than that Senator himself; and if he desires the Senate to take action such as his instructions prescribe in the present state of information or rather the want of information in respect to many phases of the question, let him introduce his resolution and ask the action of the Senate. Why refer his instructions to formulate a resolution every phase and feature of which is already prejudged and the Senate directs the committee the exact form and character of resolution that it shall report?

I beg, sir, that the instruction be not given, or that the communication be not referred to the committee, and when we come to a vote I shall ask a division upon the question as to the reference and as to the instructions.

Mr. VEST. Mr. President, upon two propositions I think there would be very little difference of opinion in the Senate. The one is the unquestionable superiority of the electric or cable system over this miserable system that at present obtains in the city of Washington of horse-railways. In the far West we have found by actual experience that there is no sort of comparison in city railways between one system and the other. In the city where I live and in the city represented in part by the Presiding Officer of the Senate we have tested this question thoroughly. There are now four cable and one electric railroad in operation in Kansas City, Mo., and the horse-railroad has ceased practically to exist, and even business men are willing to go two or three blocks out of their way in order to reach these cable or electric railways.

So much we may take for granted. The horse-railroad, as I think, is like the flint-lock musket; it is a relic of the past. It is gone, and it is a mere question of time when the system which is proposed in the bill that has been cited, either with the motive power of electricity or otherwise, will take the place of the horse-railroad system throughout the country.

The second proposition is, that so far as we have gone with this new system of electricity as applied to city railroads, we can safely say that to a certain extent it is actually dangerous to life and limb. It is true that the instances are to a certain extent now sporadic, because it has been only in the very recent past that this system has obtained at all. But in this very city of Washington the chief of the fire department is to-day a disabled and ruined man, physically, without hope of recovery because in attempting to extinguish a fire upon Pennsylvania avenue, and when directing the firemen, the adjacent building being in full flame, his foot touched one of these wires and he was struck senseless, and dropped upon the roof. He called upon me a year ago, a poor paralyzed cripple for life. Whether he is living to-day or not I do not know, but his case seemed hopeless.

I might cite numerous instances where telephone and telegraph wires (because the same motive power would apply in this case as in the case of the telephone and the telegraph) have by accident become detached and struck men and animals, and it goes without saying that when this occurs there is either a destruction of life or permanent disability.

Mr. President, it is equally certain that we can obviate this danger to human life and limb. It is certain that these wires can be put under-ground without any diminution of the motive power. It has been done in Baltimore, done in New York, done in Kansas City, and it can be done here. Ought any intelligent legislator to hesitate one minute when he can obtain the end in view without endangering human life, which should be above all other considerations in the mind of every humane man? I stand here to-day protesting, as I have done for ten long years, against the outrages committed upon the people of this whole country in the railroad system of their capital, Washington City. It is the most infamous system—and I use the word deliberately—that was ever devised. In as beautiful a city as the capital of the United States to-day is such a system should be no longer tolerated. The damage to vehicles alone from the present system is enormous. As estimated by the different carriage manufacturers of the city, the damage alone yearly to vehicles is $100,000 by the miserable construction of the iron-track horse-railroads, to say nothing of the inhumanity and cruelty to animals which is daily going on under this system and the insufficient service and the defacement of the streets.

I say now, again, for the tenth time, that here is one of the most beautiful streets in this city, one of the most important, Fifteenth street to Pennsylvania avenue, running in front of the Treasury building, that is almost rendered dangerous; it is dangerous by reason of the three railroad tracks put down there by the consent of Congress, and with the present rails, across which no vehicle can go except when the horse is at a walk and——

Mr. EDMUNDS. And at right angles at that.

Mr. VEST. And at right angles; and yet we go on in this way with resolutions and bills from year to year and from session to session with no responsibility, no action taken, and "vested rights" are hurled in our faces, and we are told now that these railroad companies here are above Congress, above the people, and above the legislative department of the Government. Sir, it is a commentary upon the power of corporations that this should be flaunted in our very faces in the Capitol. That is the most potent argument to be found anywhere now in this country.

I have no disposition to reflect upon this Committee on the District of Columbia; I do not want to assume their prerogatives, but what information can they give us on this question? What expert testimony or knowledge is necessary? We know what I have stated here to be true. We have a right to instruct these commissioners. I should

like to see the board of commissioners, if Congress requested them not to put these overhead wires here, that would dare to violate that request even of one branch of Congress. I should like to see that thing done, and I would like to make "a few feeble remarks" upon it after it was done. It will not be done.

We know these facts. We know these electric wires ought not to be put up. I do not know a man connected with this enterprise, and do not want to know one. I care nothing about it myself. I have for months and years felt that the system in this District was an outrage, not only upon this city, but upon the people of the whole country, to whom this city belongs. If we intend to do anything let us do it now. There is no necessity for delay. It is no disrespect to this committee, for Congress has the right to act and we have the right to instruct the committee. Is there any disrespect in that? Do we not do it from session to session? For one, I shall, without the slightest hesitation and with the greatest possible satisfaction, vote for the resolution of the Senator from Vermont.

Mr. TELLER. Mr. President, I agree with the Senator from Missouri [Mr. VEST] in what he has said in reference to cable-road power. I do not agree with him with reference to what he has said in regard to electric roads. I do not believe, notwithstanding the statements made here the other day, that there has been a successfully operated electric road in the United States. So far as my observation has gone, there has not been. They are not satisfactory. They will not render good public service; and I wish to say that if I had noticed when the bill incorporating the company referred to was under consideration that it had a provision for an electric road I should have moved to strike it out.

Independent of the question of their danger they will not satisfy the public wants. But the half has not been told of these roads. The most carefully constructed electric road is a menace to the public at large. There is one in the city of Denver, to which there has been probably as much learning, ability, attention, zeal, and money applied as to any railroad in the United States; it was in charge of capable men, with abundance of wealth back of them, and it is a failure in every sense of the word; and while it is probably less dangerous than the road referred to here, it is dangerous to human and other lives. This is one with a slot and with an adjusted rail. I do not know exactly how the power is applied, but I know it is powerful enough to knock down a horse coming near it. I do not know how other people travel over it, but I know that I always approach it with a good deal of caution and step pretty wide, and I have known other people to do the same.

There is not anything that is better understood than that the overhead wires are dangerous whenever there is sufficient power applied to them to run a car. They are bad enough for telephones and telegraphs; but when you put on the immense power necessary to carry on traffic upon one of these roads, they are dangerous and can not be made otherwise. I do not know of any way of fastening them and keeping them up, and no material of which they can be constructed which will prevent their being liable to drop down and kill people who are unwary and unsuspecting. Recently an unfortunate bootblack leaned against a pole in New York City, and he was dead in a moment. A boy in Atlantic City put his hand on a pole and was dead in an instant. These things are occurring wherever this system is tolerated; and I agree with the Senator from Missouri that it is an outrage upon the people here to continue the wires already hung, and a still greater outrage to put up new ones. I do not care what the rights of these corporators may be or what they claim them to be, I am prepared to vote to put every one of the wires under-ground. Everybody knows that in the end that is the cheapest thing to do, and that the wires can be better protected. While the outlay may be greater at first, in the end it will be profitable for the companies to do it. But these corporations do not propose to do that. They propose to live from hand to mouth and make what they can make to-day, and they are utterly disregardful of the wishes and welfare of the people interested in the matter.

In the first place these wires are a great, ugly, unsightly thing to be hung across a street, and you can hardly turn the corner of a street without seeing three or four great poles with this immense weight of iron hanging to them, and in storms they are breaking and dropping; and heavily charged with the electric current as they are all the time, they are liable, if they fall across a man or a horse, to kill him instantly; and small children, unacquainted with the danger which lurks in them, and ignorant people, touch them and they are gone in an instant.

Mr. President, this railroad company has not invested any money that amounts to anything in this enterprise, but even if it has, I think it is time we should put a stop to these things. The public good is paramount to the interests of corporations in this matter. For one, I repeat I am for putting every one of these wires, no matter to what company they belong and no matter for what purpose they are used, under-ground. I am not connected with any committee that is charged with this subject, but I should welcome this resolution or anything else that will get rid of these unsightly and dangerous wires.

Mr. HALE. Mr. President, I agree fully with what has just been said by the Senator from Colorado [Mr. TELLER] as to the danger of the system of collecting electric wires above the surface within the reach of a man's hand or of the body, or that may at any time fall. When I attempted to describe what I saw yesterday at Richmond the Senator from Ohio [Mr. SHERMAN] was naturally and fittingly rather impatient at being interrupted, and I did not go on to say what I desire to say now, that while as a power in propelling the cars and transporting passengers it seemed to be successful, it did to me present features of dangers of the kind that has been adverted to by Senators. The truth is that with these electric wires strung overhead in all parts of a populous city, more especially when they are applied to the tracks of street railways lying upon the ground, thereby taking complete possession of the surface of the earth and all the wires overhead and of all the communicating space between, there is something demoniac about their existence in the constant menace that they present to life and limb, and to me it is plain that we have more of a duty here devolved upon us in keeping Washington, its approaches, its streets, its methods of transportation, not only good but safe, than falls upon any municipal government of any city.

It is just as the Senator from Missouri [Mr. VEST] has said, that we are made the trustees for the comfort and safety of the American people here in Washington. The habit of visiting Washington, of making it a winter residence and winter harbor, a place of winter visitation, has grown immensely within the last twenty years. The American people are pouring through Washington for the entire winter and spring season, remaining here a longer or a shorter time, according to the will or business or pleasure of those who travel; and we ought to make this city a safe city for them in every way, to beautify it and adorn it, making it what in thirty years will be the finest city on the habitable globe. And we are culpably and criminally neglectful as to the methods that are pursued with reference to the streets and to the transportation over them.

Whilst I am up, Mr. President, as it is germane generally to this subject, I should like to ask whether the Committee on the District of Columbia, to whom the Senate has given the general power and duty of overlooking this matter, are considering in any way the most lamentable and disgraceful condition of the streets generally in the city of Washington? I have had occasion heretofore more than once—not as often as the Senator from Missouri has stated that he has—to call attention to some of these things, but more than once to complain of the general condition of the streets in this great capital city.

I venture the assertion that there is to-day no city in America of the population of Washington where the general transportation over the streets is as subject to danger and inconvenience and hardship as in the city of Washington. It has become an ever-present fact before the mind of every Senator here that if he desires to go from his place of residence to any of the Departments or to the Capitol, as his duty calls him here each day, the only comfortable method of transportation is to get into a street car, because there you are jarred and jolted and tossed about and endangered less than in any other means of conveyance. Bad as they are, imposing upon us as they do, as the Senator from Missouri has said, yet it is the only comfortable way of being transported about this city.

No man to-day can start from the Treasury Department and drive or be driven down the broad avenue, that ought to be the pride of the nation, that lies between the Treasury Department and the Capitol gate, without being sore in limb and body before he gets there, and seasick besides, as the Senator from Vermont [Mr. EDMUNDS] well suggests. You may travel over that broad avenue of a morning after there has been a shower in the night, and it is nothing but a succession of pools of water spread out from sidewalk to sidewalk, and every time that the carriage drops into one of those on one side of the avenue the people in the carriage are tossed to one side, and then when upon the other side to the other side, and men are glad to get out and take to the street cars. It is unsafe for an invalid to drive over Pennsylvania avenue, and so it is of almost every other street leading from that part of the city to this part of the city. Somebody ought to take charge of this business, and see that this cumbrous evil is cured.

Mr. SPOONER. I should like to inquire of the Senator why the Committee on Appropriations, of which he is a very able and distinguished member, does not look after the raising of money for this purpose, rather than the extension of streets and all that?

Mr. HALE. I was coming to that very point, and I am going to treat of that, and I might as well treat upon it now.

Mr. SPOONER. I shall be glad to hear the Senator.

Mr. HALE. That adds to the grievance. I do not know at whose door the fault lies, but I do know and was going to say when the Senator from Wisconsin arose that we appropriate money freely. The Committee on Appropriations of this body, engaged in constant contest with the committee in the other branch of the legislature, is always adding to the appropriations. It receives deputations from the citizens of the District, hears them and their wants as presented before it, and almost always grants them. It has the commissioners of the District before it from time to time, and is most liberal in its appropriations. Congress adjourns after the bills have passed, and then the Committee on Appropriations has no more jurisdiction or power than if we lived upon the further shores of the European continent, and nothing is done, or if anything is done, at best patchwork is done, in-

stead of going to the foundation and building us good streets that we and the American people might be proud to ride and drive and walk over.

It is time that somebody took this up. We are going to be confronted with an unusual condition next winter. I suppose there has been no season when as many American people have visited Washington and staid here from a few days to a few months as will be shown the next winter. All through the winter and into March and afterwards the American people will be trooping to Washington as though it were a holy shrine; and unless something is done to relieve the infamous condition of the streets here now they will be treated to what will send every man and woman and child of them away with indignation, and that ought not to be so. When next winter comes, too, whoever has this in charge ought to furnish us a street system that is safe, comfortable, easy to get over. I do not want to let this discussion pass—though this is not strictly connected with the subject before the Senate, it is germane to the general consideration of what we shall do here—without entering once more what the Senator from Missouri calls a feeble protest against the present condition.

Mr. DAWES. I am afraid the Senator from Maine and myself, so far as committees are concerned, are more responsible for the subject-matter that has caused this debate than the Committee on the District of Columbia. I do not want to be considered as a defender of the Committee on the District of Columbia——

Mr. HALE. I do not wish to be considered as assailing the Committee on the District of Columbia. I doubt if the responsibility is there. I do not think it is there. Neither do I think it is in the Committee on Appropriations.

Mr. DAWES. The Senator inquired why the Committee on the District of Columbia had not taken the streets under their care and done something more for them. There I think the Senator and myself, if any committee is responsible for this, are more responsible than the Committee on the District of Columbia. When the bill making appropriation for the District of Columbia came over to this branch it had this provision in it:

Provided, That the commissioners of the District of Columbia shall require all telegraph, telephone, and other wires to be removed from all streets, avenues, and alleys wherefrom the District wires have been or may be removed, and to require all wires to be placed under ground at the expense of the body corporate, company, or person now maintaining, owning, or using the same. The location of conduits, the trenching, excavation, and relaying of pavements in streets and alleys of the cables and devices used to be subject to the direction and approval of the said commissioners.

When it became a law it was in these words:

The commissioners of the District of Columbia shall not, after the 15th day of September, 1888, permit or authorize any additional telegraph, telephone, electric lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington; and the said commissioners are hereby directed to investigate and report to Congress at the beginning of its next session the best method of removing all electric wires from the air or surface of the streets, avenues, and alleys, and the best method of interring the same under ground, and such legal regulation thereof as may be needed; and they shall report what manner of conduits should be maintained by the city of Washington, if any, and the cost of constructing and maintaining the same, and what charge, if any, should be made by the city for the use of its conduits by the persons or corporations placing wires therein, and upon what terms and conditions the same should be used when required so to do; and for such investigation $1,000 is hereby appropriated.

I stated yesterday, in the absence of the Senator from Maine, what induced the Committee on Appropriations of the Senate to make this change. The committee of the Senate made this change, or recommended this change to the Senate, and the Senate were induced, I suppose against the opposition of some members of the Senate who were very anxious to have the House provision remain, to adopt this in its stead. If the House provision had remained, we should not have had this debate here to-day. If the Committee on Appropriations had understood that the extension of the time to the 15th of September was for any other purpose than to enable the commissioners to ascertain the best method of putting the wires under ground, it would not have been adopted by the committee, and I think not by the Senate. Therefore, if any committee of this body——

Mr. HALE. Let me ask the Senator if it was not clearly the idea of the Committee on Appropriations that the time would be used as a matter of conservative business for investigation to see how it could best be done, and not to give any additional rights?

Mr. DAWES. I stated yesterday, when the Senator was not here, just as fully as I was able to do that that was the opinion of the committee, that that was the sole purpose. Now, if one committee more than another is responsible for this state of things, the Senator and myself ought to take it on to our committee and off from the Committee on the District of Columbia, on which we are in the habit of casting our delinquencies.

As to the condition of Pennsylvania avenue and the other streets, it is not the Committee on the District of Columbia that is responsible, but it is the two Committees on Appropriations of this Congress that is responsible, and it does not belong to the Committee on Appropriations of the Senate. The Committee on Appropriations of the Senate put nearly $400,000 upon the District appropriation bill as it came from the other House, for the purpose of improving these streets, paving, grading, and regulating the streets, and designating the streets to be improved, and if that appropriation had remained with that designation, a greater improvement of the streets and avenues of the city of Washington would have been accomplished this year than has been in any five years preceding. It went into the committee of conference, and that amendment was cut down $200,000, and the designation of streets was taken out. It was put in the discretion of the commissioners of the District, short $200,000 of what the committee of the Senate recommended and what the Senate adopted, and the blame, if any there is, and the condition, which nobody can describe more graphically and more truthfully than the Senator from Maine has done this morning, is attributable to that state of things and to no shortcoming of any committee of this body, which has done or attempted to do its full duty to the streets of the city of Washington.

Mr. HALE. Now, will the Senator allow me to interrupt him to get at the exact truth of this matter, the exact condition of affairs?

Mr. DAWES. Certainly.

Mr. HALE. Undoubtedly there ought to have been more money appropriated; but from what the Senator has stated it is plain that the responsibility for the expenditure of the money that is appropriated rests with the officials who are in charge of the administration of the government of the District. Is it not the fact that from year to year that is its condition?

Mr. DAWES. There is this trouble about that. We have tied their hands; we have by enactments said they shall put down the cheapest possible pavement, a pavement not exceeding $2, I think, a square yard.

Mr. EDMUNDS. That is the most expensive possible one in the end.

Mr. DAWES. But the cheapest for the time being.

Mr. HALE. But it gives the least for the money.

Mr. DAWES. And the least for the money, and they do not get it finished at one end of the street before they are obliged to turn around to the other end and repair it. We have been doing that by enactment for the last five years. It was $2.25 once; but we have grown more shoddy-like in our appropriations every year, until now, I am informed by my colleague upon the Committee on Appropriations, they are to put down a concrete pavement that shall not cost more than $2 a square yard. Therefore they can not put down anything that is much better than the plastering on the ceiling of a house. If they were permitted to put through Pennsylvania avenue what was put in front of the Arlington Hotel some ten or twelve years ago, and which has never been touched since——

Mr. EDMUNDS. Fifteen years ago.

Mr. DAWES. Yes. The outlay, though larger at first, would have been, in my opinion, a great economy; but here they go on plastering the street as a set of plasterers would plaster the ceiling of a house, and then turn around and go over it again before the other end is hardly dry; and that is under an enactment of Congress!

Mr. HALE. Well, Mr. President, I shall have succeeded in my object if I get attention called to this grievous condition, and we find just where the fault is. Then it is our duty to address ourselves to the task of removing that evil and the causes of it. I suspect and have supposed that the fault does not lie with any committee here. It does not lie wholly, and perhaps not largely, with the commissioners of the District, although I am constrained to believe that with the appropriations of money made even with all the limitations and restrictions that are thrown in, if the commissioners would set themselves to building such pavements as are possible under the restrictions that we lay upon them on all these great streets and avenues which are most traveled, we should get better streets than those to which we are now treated.

Mr. DAWES. I think they do the best they can.

Mr. HALE. The Senator has examined that perhaps more completely than I have. If that is so, then this Congress, this session ought not to be terminated without those restrictions, which are evil, being removed, and without the appropriations, which are inadequate, being supplemented by appropriations that will be ample for the purpose. I hope for one that it is not too late for the Senate to consider the subject, and upon any appropriation bill that may yet come before this body there shall be incorporated provisions giving ample money to put these streets in order between now and next winter and removing any restrictions that cripple the administrative powers of this District.

Mr. PLUMB. Mr. President, there might as well be a general deliverance on this subject, I suppose, while we are considering the question before the Senate. I am sorry to differ with my friend from Maine [Mr. HALE] as to what ought to be first done in this city. I am prepared to say that I do not think the first thing that the citizens of this city require is to patch up or to repave Pennsylvania avenue. I have been on special duty in connection with the District of Columbia appropriation bill, which has had to do with the replacing and repaving of streets in this city, for now some six or seven years, and the bulk of the money that has been spent during that period of time has been to replace pavements put down during what is known as the Shepherd régime, worthless wooden pavements, worthless stone pavements, worthless asphalt pavements, and so on, and during that period of time the great bulk of the tax-payers of this District have been obliged to stand idly by and see improved and reimproved the same streets and the same

avenues that have been the subject of improvement for the last thirty years, while their streets, on which they have built their houses and spent their money, remain unimproved, in the mud and in the dirt, just as they have been for so many years.

It will be comfortable of course to the Senator from Maine and all those other Senators who are able to own their own teams, and therefore to drive to and from the Capitol, to have a perfectly smooth roadbed, and I sympathize with the Senator from Maine on account of the jolting which his anatomy has had in going up and down Pennsylvania avenue; but I sympathize more deeply with the three-quarters of the population of this city who have had no benefit from the money that has been expended on streets, because we have been replacing all the while these old and worthless street improvements made during that extravagant régime of some fifteen or twenty years ago, and they have made complaint, and just complaint, that their money has been spent, not only to repave these streets and to keep them in fair condition when once paved, but that the enormous debt that was created during that period also rests upon them equally with other tax-payers, and that they are constantly subordinated to a condition of things for which they were not responsible, and yet which operates not only to their own inconvenience but to their great financial detriment.

Mr. President, Pennsylvania avenue is not in very good condition simply because the work that was done there was not well done. It was not half so well done as the work which is now being done, and yet I understand it was done at a price 50 per cent. greater than is paid for far superior work at the present time. But Pennsylvania avenue will never be made what it ought to be until the street railroads are compelled to take the rough belts which they have put there for their own convenience out of the way. The Senator can now, if he chooses, ride down one side of the avenue, of course jolted by the inequalities of the asphalt pavement, but if he crosses the pavement he will have to cross the mingling of iron and stone, which is worse than anything he finds on either side of the track, in my judgment, and that is permitted to remain there by law. The avenue ought to be repaved, but when it is repaved it ought to be repaved in connection with an entire reconstruction of the street-car tracks whereby they should be compelled to put down a grooved rail, on which is to be operated a wheel and central flange keeping it in place, and which would make the entire space covered by the rail and by the intervening asphalt, or whatever the material may be, as smooth and as unobstructive to carriage wheels as any part of the street on either side of the track. Of course some other means of locomotion than horses must be introduced.

It is true, as stated by the Senator from Missouri [Mr. VEST] that the people of Washington are imposed upon by an antiquated system of city transportation which is maintained, of course, in defiance of public opinion, but I suppose to the very great profit of the railway companies, who are not willing to introduce modern methods, but who ought to be compelled to do so.

This question of street improvements is a relative one. It is not a question as to what may be necessary to be done, but is a question of that which is the most necessary to be done; and bad as Pennsylvania avenue is, it is not half so bad as miles and miles of streets in this city on which there has been no pavement at all, and on which there has been neither curbing, guttering, nor sidewalk; and when it comes to the adjustment of the distribution of the funds which are appropriated by Congress, the commissioners, as I think they ought to have done, have taken up in a measure in recent years—they have during the last two or three years—streets which have never been paved, and they have recognized the rights of people who have built houses there, who have paid taxes there for generations, and yet who have never had one single dollar of advantage or benefit out of all the expenditure which has been made.

I have believed ever since I have had any considerbble connection with this matter that there ought to be a very much larger sum spent every year and for years to come than seems to be possible under the existing condition of things. The House of Representatives seem to regard this method of expending the revenues of this District with some disfavor. At all events, they are only willing to agree to a very small expenditure, and even the Senate has not been willing to do as much as it ought to have done, in my judgment. I think it ought to have gone very much further.

In all the suburban portions of this District there are people who for a hundred years have been paying taxes, upon whom the burden of this great debt rests, and yet who have never received a single penny in return in the shape of street improvements, sewers, or anything of that kind, for their benefit or for the purpose of adding to their comfort or the convenience of their property; and the system which has been adopted, and which I take it is going to be perpetuated, is vicious, vicious in that it levies upon the general tax-payers the total cost of these improvements, instead of levying it, or some portion of it at least, if not all of it, as is common in most of the cities of the country, upon the abutting property; but once having been undertaken and carried out in such a comprehensive way and with sufficient rapidity to enable the people who are interested in the extension of streets by reason of the fact that they have built houses and opened up new avenues of travel and so on, to have their portion of the benefit of these improvements, until that time comes, we rest under the burden of doing, or at least consenting to the perpetuation of, a very great injustice.

When the Senator from Maine rides down Pennsylvania avenue and realizes the imperfections of that great thoroughfare, let him reflect that there are thousands of people in this city who are not half as well off as he is while he is engaged in this uncomfortable way of traveling these streets, and let him take into account that while he wants that avenue fixed up, whenever that is undertaken other portions of the city which are still worse off ought to be brought within the purview of his observation and of such legislative propositions as he may make looking to the remedying of their grievances. It ought not to be undertaken in reference to that alone, but to the entire city, of which Pennsylvania avenue is not the most conspicuous example.

Mr. HALE. Let me say to the Senator that I have no doubt he has ridden over Pennsylvania avenue in a carriage during this past winter ten times where I have once, and he knows more about the great inconvenience that the condition of that avenue presents, not only to Senators but to others, than I do. It is not a question of who shall ride in a carriage and who shall not, or who complains of the roads or who does not. That is not the question here. Pennsylvania avenue is an avenue that is used more perhaps than any one avenue in America by the whole American people, and the Senator ought to set himself, and the Appropriations Committee ought to set itself, and I ought to set myself in that committee, and the Senator from Massachusetts [Mr. DAWES] on that committee, and the District Committee to seeing to it that that avenue be put in proper condition, for it is the great conduit through which pours the tide of people who come here, entirely outside of ourselves, all through the winter and spring months, not one of whom will go home without feeling that either he or she has been abused as it is now.

I do not agree with the Senator in that. I do not believe that in making our appropriations and the District commissioners in expending the money can set themselves to a better task than to putting that avenue in good shape if we will only furnish them the money, and then in due time we will take care—and I do not want to postpone it—of these outlying places. I am in favor of attending to them too, but I would not neglect Pennsylvania avenue.

Mr. SPOONER. I should like to inquire of the Senator from Maine, who has been beset with such dangers and difficulties in this city, if he has taken any steps toward the introduction of appropriate measures to remedy them?

Mr. HALE. I am getting at the trouble a little nearer than I have ever before. I have not suffered very much. I have not ventured to go on Pennsylvania avenue more than once in the last three months to drive or to be driven over it, but I have heard the complaint coming from dozens and scores and hundreds of people, and I am willing, for one, to help remedy it during the rest of the session.

Mr. PLUMB. The Senator from Maine would not certainly be guilty of the injustice of taking up the imperfect pavement which exists on Pennsylvania avenue and replacing it with a better one at the expense of the people in this District who have never had any benefit at all in the shape of street improvements in front of their residences. I am certain that he would not do that.

Mr. HALE. I would have both attended to.

Mr. PLUMB. If he wants to do this thing in the large way he speaks of, the appropriation ought to come out of the Treasury of the United States; it ought not to come out of the revenues of the District at all if it is taken up in that spirit. I do not believe the necessity exists to quite the extent that the Senator seems to think it does, but I want to say that it can not be done as it ought to be done until the unsightly strip of stone pavement between the tracks and the tracks themselves that go down the center of the avenue are removed, and where grass is growing, as the Senator from Massachusetts suggests, and making it appear as ridiculous as it is unsightly and inconvenient.

Mr. EDMUNDS. I should like to ask the Senator how it is possible to get it removed or rectified? There is a corporation that stands in the center of that avenue that is stronger than Congress is, and that owes the United States to-day a very large sum of money for old assessments of years ago, but there is not courage or pluck enough in the law officers of the Government to collect them, and that is dawdling along while the rest of us, private tax-payers, who are assessed have to walk up to the collector's office twice a year, and if we are a day over the time we have to pay 2 per cent. a month as penalty; but it seems they can not touch this corporation.

Mr. PLUMB. I have no doubt there is a great deal in that, and yet I have no doubt an excuse can be found for it which does not involve that reflection on Congress which has been indulged in so freely.

A good many of us reside here only a portion of the year, and therefore "out of sight out of mind" for a great portion of the twelve months, and many of those who come here come for only a short term. It is therefore not with us day by day and night by night and month by month as if we lived here constantly; and consequently we do not take hold of it in that resolute and determined way we otherwise would.

Then there is another thing about it. It is here and it is better than

nothing. The Senator from Maine paid it a magnificent tribute a few moments ago when he said a man traveling on Pennsylvania avenue could travel more comfortably in a car on that thoroughfare than in any other way. That is what I alluded to when I spoke about the discomfort he had had in going down that avenue in a carriage. He might have taken more comfort in one of these ill-smelling cars and find by comparison that the car would be better than the carriage.

Mr. HALE. I take the car.

Mr. PLUMB. So do I.

Mr. HALE. Right on that point, on which I agree with the Senator as to all this raised central line that is occupied by the two tracks of the railroad, I ask, is there anything in the charter of the company that prevents Congress or the administrative officers of the District from lowering that to the bed of the roadway, so that it shall not be all the while there to the prevention of the making of a good street?

Mr. PLUMB. I presume not, and yet there are certain difficulties that are inherent in the motive power of these cars which can not make that anything else but an unsightly place and an inconvenient obstruction to the street in the form of the rail, as the Senator from Massachusetts says; but the whole question of what rail shall be put down is under the control of Congress and especially limited to that control by the original charter.

Mr. EDMUNDS. We have allowed the commissioners to do it.

Mr. PLUMB. Very well. I think we have made some mistakes; but after all there is no rail that is in use, none of the ordinary rails, that will answer the purpose; but there is a rail which is in use largely in European cities, and I think perhaps to some extent in this country, on which a surface can be maintained at the flush of the street, a grooved rail on which flies a wheel with a central flange which is held in place by means of the groove; but in order to make that available the horses should be taken away and some cable power or some electric motor or something of that kind used.

The Senator from Vermont says they are run with horses in London, but he will see if we put an asphalt pavement there, the running of the horses would soon wear it out. What ought to be done is the adoption of a system whereby that ought to be as smooth to a carriage wheel as any other part of the street, and it can be done not only with advantage to the public, but with advantage to the company. Of course the company do not like to undertake to make the expenditure, but it should be done, and Congress ought to require that it should be done, and I venture to say that no wise administration of this city will ever compel the repavement of Pennsylvania avenue until that is done in such way as it ought to be—one single smooth ribbon, as it were, from the Capitol to the Treasury building, without obstruction on it anywhere that should interfere with the smooth passage of a carriage wheel.

But while this question was up I only wanted to say a word in favor of that class of people who appeal most strongly to me in regard to the distribution of money for street improvements, people who have spent their money for taxes and for the improvement of their neighbors' property and for whose benefit no money has been in turn expended.

I believe there ought to be a million dollars every year for the next ten years expended to improve the streets in the District of Columbia. If that were done, then there might be an intermission perhaps of many years before any very large sum would need to be again expended. It would be money well spent. But it does not seem to be practicable to have it spent, and so perhaps for all practical purposes, unless it may be with reference to this street-car business and the general question of the locomotion of the cars, this discussion will be of no avail.

The PRESIDENT *pro tempore*. The question is on the motion to refer the communication of the District commissioners to the Committee on the District of Columbia.

Mr. SHERMAN. I wish to say a few words on the subject-matter that is now before us. As far as the streets are concerned, I think my friend from Maine [Mr. HALE] has entirely exaggerated their condition. If he had been here rumbling in an omnibus thirty years ago over the only paved street in Washington, Pennsylvania avenue, or walking anywhere in the city, he would see a comparison so great that he would be very well pleased with the present condition of the streets. I believe that the condition of the streets of Washington now is as good as in any city of this Union, although my opinion seems to be different from that of others. But I will not debate that.

So also with the old railroads. I agree with all that has been said about the old rails. That system ought to have been abolished years ago. Horse-cars are superseded by improved systems in small villages and towns of ten, fifteen, and twenty thousand inhabitants. It is a shame that in the capital of this country, which ought to be the finest city in the world, the old system of horse-cars should be continued, traveling along at the rate of 4 or 5 miles an hour, or even less. I hope that this debate will call attention to that matter, and that the Committee on the District of Columbia, or some other committee, will report some measure providing for other means of transportation. But there are difficulties in the way. We have got to have some plan. The only way I know of is the cable road or the electric road. The cable roads have killed five times as many people as the electric roads. Whether the electric system is a perfect system or not I do not know, but it is one of the systems to be considered in the future.

The question here is not what kind of a road we shall adopt, or what is the best form even of the electric road, but the question is whether on the motion of a Senator, without the reference of it to a committee, we shall nullify an act of Congress, set it aside absolutely, wipe it out on the mere declaration of the commissioners, without the examination of a single person interested in the matter, without hearing an expert, without examining an engineer, without inquiry, upon mere haphazard declarations made here on the floor of the Senate.

The Senator from Colorado [Mr. TELLER] described one kind of electric motor—that is the one conducted under ground in the city he described—and so has the Senator from Maine [Mr. HALE] described the other system, the old-fashioned one with poles and wires hung between and wires hanging on those poles. The system which it is proposed to adopt here is a better one.

Mr. President, remember that only in June last Congress passed a law expressly authorizing certain persons, naming them as incorporators, to build this road, the identical road referred to here. It provides:

> That the said railway shall be laid in the center of the avenue and streets as near as may be, to be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the commissioners of the District, laid upon an even surface with the pavement of the street and in such manner as to interfere with the ordinary travel as little as practicable, and the gauge to correspond with that of other city railroads.

The commissioners have the power to approve the places where it is to be located, in the center of the streets, as near as may be, and to see that it is constructed of good material and in a substantial and durable manner, rails of the most approved pattern to be used, and they have already been obtained. Then the same law authorizes the use of any form of motive power. It says, if cable power is to be used, the capital stock shall be so much, "if electric power is to be used, the capital stock for the main line shall not exceed $102,000," and if horse power is to be used the capital stock may be less.

Now, Mr. President, you have the statement made here by the president of this railroad company that they have, upon the recommendation of the engineers, adopted the very highest form of street railway that is known, to be propelled by electric power, and that they have made their contracts to carry into execution this law, and in a suburban region, for notwithstanding what the Senator from Vermont has said, with the exception of five or six squares between Seventh street and North Capitol street, every part of the line is entirely suburban, and indeed I do not recall a single house on the line of this street railway, following the line of the Baltimore and Ohio Railroad, then out Third or Fourth street east to the proposed university. It is a road fully undertaken by these gentlemen, and they have invested their money in it.

They are the first persons who are willing to invest their money in building a new kind of railroad; the first who ever offered here to build an electric or cable road; and are they to be turned aside and denied the opportunity of making their experiment, and that, too, without an inquiry, without an examination?

I say it would be a gross act of injustice, without speaking of vested rights; because I think vested rights ought to be treated with some respect. When a man has secured a charter, a franchise, unless it be in violation of the public interest, it ought not to be repealed or interfered with except in a proper and orderly manner.

He ought to have the chance to exercise those rights given to him by law, and they should not be taken from him except by law in due course. These gentlemen have gone on and made their arrangements and propose to build this railroad and furnish an example here of the very highest form now known of the electric-motor road. They have adopted improvements that I never heard of until I saw that they had been adopted here. Instead of the old system of wooden supports and posts, they have adopted a new system of granite and stone that will not be unsightly and that will not occupy unreasonable space or be in the way.

As to the suggested danger of electricity in every form, that is found everywhere. It was only the other day that all the people in a great building in New York were startled by the electric fluid coming into all their wires in the building and it scattered them like sheep. As a matter of course, we are dealing and they are dealing in this motive power with the most subtle agency of nature, that which is less known than any other, but undoubtedly this subtle power will in time be brought under the control of man. In the mean time there is more or less danger in it, unless you suggest some other mode, and no other mode has ever been devised. Railroads are dangerous, and there are lives by the wholesale lost upon them. The cable roads are very dangerous, as we know, wherever they have been put in operation. So the electric roads are dangerous; so the horse railroads are dangerous, and they kill people, and have in this city over and over again killed some men and wounded others. Ocean steamers are dangerous, as we know by the accident which occurred only yesterday, where over one hun-

dred lives were suddenly lost almost in the twinkling of an eye. Are we therefore to be deterred because here and there a wire may break or fall on some one? I pause as I see my time has expired.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. EDMUNDS. I ask unanimous consent that the Senator from Ohio be permitted to close his remarks, and I will not say another word; but let us take a vote and have this matter ended.

Mr. BLAIR. I have waited a long time—this debate has taken two days—and I have been anxious to get the floor now to move to lay the whole subject on the table in order that I may ask the Senate to take up the Army nurses bill. They are dying off. These old women are going, one after another. The bill has been pending almost all winter, and it will not cost half as much to pension those who are surviving as it will to pave Pennsylvania avenue, and it does seem to me that this discussion in regard to the streets of this city might well be postponed or might well lie on the table until this bill can be passed.

I have got along very well in this city. It is a splendid city to go on foot in, and I think the American people are tolerably well satisfied with it as it now is. At all events these old women ought to be attended to, and I will ask the Senate immediately after the vote, which the Senator from Vermont says he would like to have taken at once, to dispose of the Army nurses bill. I will say, as I have several times before——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I ask unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire proceeding? The Chair hears none.

Mr. BLAIR. I have nothing more to add except to say that the committee and, I think, the whole Senate will be agreed upon the substitute for the original bill, which has been printed in the RECORD and is all ready to be passed if the Senate will do so.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] asks unanimous consent that the Senator from Ohio [Mr. SHERMAN] be permitted to conclude his observations on the mofion to refer the communication of the commissioners of the District with instructions. Is there objection? The Chair hears none. The Senator from Ohio will proceed.

Mr. SHERMAN. Mr. President, I have trespassed on the attention of the Senate longer than I intended, and said about all I desired to say. The Senator from Tennessee [Mr. HARRIS] has called for a separate vote on the question of the instructions. I will ask for a division of the question, therefore, so that we may vote separately on the reference and on the instructions.

Mr. TELLER. I made an allusion to the Denver electric railway, and I ask that I may be allowed to insert in the RECORD a description of it, without reading it, and also a letter from the mayor and the engineer of the city. I will say that I did not mean to state that anybody had been killed on that road. As I understand, this is the safest of all systems adopted; but there have been some accidents to teams or something of that kind.

The PRESIDENT *pro tempore*. The papers will be inserted in the RECORD, if there be no objection.

The papers are as follows:

THE SHORT-NESMITH SYSTEM.

The Denver Tramway Company's line (Denver, Colo.) is the only road at present operated on this system.

The cars are in series, like arc lamps, *i. e.*, the motor of each car is in the straight circuit instead of being placed in derived circuit or multiple arc between the main conductors. A conduit is used, similar to a cable-road conduit, but much smaller in size, being only 9 by 12 inches interior opening, with a five-eighth-inch slot. The conductor is a Waring lead-covered cable, buried in the pavement outside of but near the conduit. Current-breakers are placed in the conduit at intervals of 25 feet, and to these the conductor is attached. The circuit is kept closed at the breakers by spring-jacks. The current-collector, attached to the car, moves in the conduit, and by pressing between the jacks it breaks the normal circuit at each breaker and directs the current through the motor. As the car passes, the spring-jacks close and again complete the normal circuit. The conductor is only exposed at the circuit-breakers, and great care must be exercised in securing perfect insulation at these points.

The Denver road is between 4 and 5 miles long, has grades as steep as 350 feet to the mile (6.6 per cent.), crosses numerous street-car and railroad tracks, and is part double and part single track. A test was made with three cars in service, with the following results: Indicated horse-power at the engine, 32; current, 40 ampères; conductor, 5 miles No. 3* wire, (B. and S. gauge); resistance of circuit, 7 ohms. Allowing 90 per cent. efficiency in the dynamo, the electrical horse-power output was 28.8. To maintain a constant current of 40 ampères through a 7-ohm circuit requires $\frac{40^2 \times 7}{746} = 15$ horse-power, leaving 13 horse-power for the three motors—an average of 4.6 horse-power each. This corresponds to about 5 horse-power at the engine. A good engine will deliver 5 horse-power for one hour with the consumption of 15 pounds of coal—3 pounds of coal per horse-power per hour. A full day of sixteen hours would require 240 pounds of coal per hour. At $3 per ton the fuel for each car would cost 32 cents per day. The constant expenditure of 16½ horse-power required at the engine to send the current over the line would cost $1.07 per day for coal at the same rates.

Three thousand one hundred feet of the Denver Railway was built in June and July, 1886, and in 1887 the present line was completed and had seven cars running. The line has been in operation through the severest winter weather. A heavy snow fell soon after the road was opened and snow-plows were put on the cars, which cleaned the track perfectly while making their regular trips. Each car is provided with sand-boxes and sand-pipes, and the track can be sanded from either end of the car by the driver.

The Columbus (Ohio) road is to be constructed on this system. Two trains will be run, the cars having a capacity of 120 passengers each. The speed will be about 10 miles an hour.

The special advantages of conduit systems are:

1. They are less objectionable in cities than the overhead systems.

2. The metallic conductors are buried beyond the possibility of accidental contact, and high-tension currents can be used, if necessary, though it is preferable to keep the potential down to safe limits.

The special disadvantages are their great cost and the fact that bare wires in a conduit are greatly exposed and are liable to leakage, grounds, and short-circuits.

DENVER, COLO., *March* 1, 1888.

DEAR SIR: In reply to your letter of inquiry of the 23d ultimo: A plant for an electric railway was commenced in this city two years ago. It has been operated with indifferent success a part of the time since. It is claimed by the owners that the obstacles they have encountered will shortly be overcome. I am not sufficiently familiar with their affairs to give an intelligent opinion as to the future of the road. Up to the present time it certainly can not be considered a success.

Yours truly,

WM. SCOTT LEE, *Mayor*.

Capt. EUGENE GRIFFIN,
Assistant to Engineer Commissioner, Washington, D. C.

DENVER, COLO., *March* 1, 1888.

DEAR SIR: Your inquiry of the 24th ultimo is at hand. The experiment of running street cars by electricity upon the Short system has been expensively tried in this city, and has been, I think, finally abandoned.

* * * * * * *

Very respectfully, yours,

H. C. LOWRIE, *City Engineer*.

Capt. EUGENE GRIFFIN,
Assistant to Engineer Commissioner,
Engineer Corps, Washington, D. C.

The PRESIDENT *pro tempore*. The Senator from Ohio, the Chair understood, asked that the question might be divided.

Mr. CALL. Before the question is put, without delaying the Senate, I desire to make a few very brief observations.

Mr. BLAIR. Is the debate continuing upon this electric motor business?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. We shall get to a vote in a minute or two.

Mr. BLAIR. Can it be stopped by objection?

The PRESIDENT *pro tempore*. It can not, unanimous consent having been given.

Mr. SHERMAN. I thought there was unanimous consent that if I would give way we should have a vote as soon as I sat down.

Mr. BLAIR. I thought there was to be an immediate vote as soon as the Senator from Ohio had ceased to speak on the subject.

The PRESIDENT *pro tempore*. The Chair knows no way of limiting debate in the Senate. The Senator from Florida [Mr. CALL] is entitled to the floor.

Mr. CALL. Mr. President, the question of the condition of the people in the different municipalities of this country is one of very great importance. That the government of the District of Columbia in the hands of Congress should be made an example for the benefit of the people throughout the country, as well as in order that the people who are here should receive the benefits of good government, is, I think, an important consideration.

The grant of franchises for transportation over the highways of our cities, and the power of taxation which accompanies it, has become oppressive to the people of this country, until it may be said that, to a large extent, it is not possible for the laboring people of the country to be property owners in any great part within the limits of our great cities.

The franchises to corporations or individuals for illuminating cities, for furnishing light and furnishing transportation, that have been heedlessly granted and are oppressively exercised, have become questions of great public moment, and I do not know of any city in which I have ever passed any portion of my time in which these burdens are more grievously oppressive and more unreasonably exercised than in the city of Washington, with the sanction of ourselves, the members of the Senate and of the House of Representatives. The tax for transportation in this city is an unreasonable one, and the character of the transportation furnished is not such as the public interest and the public convenience demands.

Now, Mr. President, I agree with those who desire to make this a model city, to be equal to the improvements of the age and the improvements in the condition of the people which our civilization requires; but how shall it be done? Shall it be done by a continued reverence and respect for the idea of vested rights in individuals in derogation of the legislative and executive powers of the people in their Government? I think the Senator from Vermont [Mr. EDMUNDS] is right that we should limit this idea, that we should prevent its growing any further than it has grown; that we should carefully preserve the people from its future assertion in any exercise of power by the legislature in granting a franchise of any kind.

It is a grave question it seems with this body whether this agency of electricity, which has already produced so much death and which is liable to produce so much more, should be authorized without the most careful consideration as to the conditions under which it is to be used. Why, Mr. President, it seems to me that the least regard for the people and the lives of the people and the comfort of the people will require

that Congress shall assert in precise terms that nothing shall be done in the use of this or any other agency, except under conditions that shall be ascertained to be safe for the people and advantageous for the transportation, cheaply and expeditiously and comfortably, of the population that may have to use it. This is the least degree of care for the public interest and the public right which the representatives of the people can exercise.

Mr. President, I think, no matter what the cost to individuals, it is not a question of any concern. If we grant this franchise it should be upon the condition that it shall be at the lowest possible cost, consistent with the proper use of the means necessary and with a reasonable profit to those who engage in the construction of these lines, and with the best method of transportation and the greatest amount of comfort for the people, and that the power of Congress shall continue always over the persons holding these rights, to be exercised at any time in the discretion of those who represent the people, to control the persons who have the grant of this franchise.

I agree entirely with the Senator from Vermont that whatever may be the best method of transportation in street-railways, it should be under the control of Congress and that the conditions of its exercise should be prescribed in some certain and definite form, and I hope that the absence of consideration for the people, and the poor people of this community in this city of Washington, which has characterized the legislation of this Congress in the ten years I have been here, suffering them to be taxed and enormously taxed for the poor gas that is furnished, in order that immense profits may pass into the hands of a few persons without reason, suffering the people to be taxed too largely for transportation in order that a few individuals may become enormously rich—I hope that the indifference which has characterized Congress in the ten years I have been here to the wants of the poorer class of people will come to an end and that we shall be actuated by higher considerations of public duty and greater regard for the people than we have been heretofore.

Mr. SPOONER. I should like to ask the Senator from Florida a question before he sits down, and that is whether during the ten years he has been here he has introduced any bill reducing the rates of fare on any of these street railroads?

Mr. CALL. I do not think I have. I have not been directly connected with the Committee on the District of Columbia, but I will say to the Senator that I do not think there has ever been any movement made in either House of Congress in that direction that has not had my support; and I will further say that I have at this session of Congress introduced a bill to let the right of furnishing gas or lighting the city to the lowest bidder for a term of years.

Mr. SPOONER. Since I have been in the Senate, which is not very long, I have heard very excited and eloquent discussions several times upon the oppressions which the street-car and other transportation companies of the city are guilty of in the exercise of their functions, and Senators indulge in such general talk apparently in the public interest and reflect indirectly, if not otherwise, upon the Committee on the District of Columbia. It seems to be an impression here that that committee and each member of it is charged with the oversight of the streets of this city and with the administration of its affairs generally. I have not so understood the duty of that committee. I know of no committee connected with the Senate which gives more prompt attention, more laborious attention to every petition, every resolution, and every bill which is introduced in the Senate and referred to it than does the Committee on the District. It deals with tedious details and performs thankless tasks.

Under instructions by the Senate we have investigated somewhat this subject of street railways and the cable system and the electric system. We have not yet completed that investigation, but in time the committee will make its report. But it seems to me that those Senators who are constantly complaining of the streets of the city and of oppression on the part of these companies, ought to indicate some further interest in the subject than by merely making eloquent, indignant, and denunciatory speeches. They are at liberty to introduce bills, to make propositions which will call for action by the proper committees of this body. I have not felt it to be my duty to hunt over this city for subjects of reform on which the Committee on the District of Columbia might act.

A great deal has been said here about the streets of this city. There are undoubtedly many places in the city where the streets are in bad condition. It is so of every large city. It is less true of this than any I know of. I had occasion last summer to travel somewhat beyond the sea, and I undertake to say that there is no city in this country or in Europe where, in a general sense, the streets are better, wider, with more adequate and more beautiful shade and in better condition than the streets of Washington are to-day.

We have reported generally at this session in favor of these suburban railways. Several such bills have been reported by the committee and passed. They were given very careful examination and much amended in order to prevent the watering of stock and unfair charges, and to secure the proper discharge of corporate duty. In all of these charters, and I think in all of the existing charters, the right has been carefully reserved to Congress to alter, amend, or repeal. We have reported these bills in the interest of the poorer people, as we thought, in order, now that property has increased in value to such an extent within the corporate limits of the city, that by furnishing easy and rapid communication by a line reaching in every direction beyond the limits of the city the people might find cheaper land upon which to erect their houses and yet not be at an inconvenient distance from their business. I suggest to the Senator that perhaps, if he knows of specific grievances under which the people labor, he might serve them certainly as well as by speech by drawing and introducing some bill upon the subject and having it referred to the appropriate committee.

Mr. CALL. I did not desire to cast any reflection upon the Committee on the District of Columbia, and especially not upon the Senator from Wisconsin, who, I am sure, has been very earnest and assiduous in the performance of his duty. I have, however, as a resident here for a considerable portion of each year for ten years past felt in my own person the negligent character of the Government, the inadequate transportation, the excessive cost, the length of time it requires to pass from one portion of the city to another, and the enormous cost of living here, which practically takes the entire salary of a Senator for the plainest and most economical method of living, which is in some part due to the franchises which are permitted to exist here and to their oppressive and extortionate use.

I am as much to blame myself, perhaps, as other Senators; but as these evils accumulate from year to year and become more and more oppressive to the great body of the people, not only here but everywhere throughout our country, the attention of the people is being attracted to them and the necessity of some action on the part of Congress which shall set an example of a wise, economical, efficient municipal government in this great city, as an example to the whole country, is, I think, a duty that is pressing upon us here. If a franchise to use the public highways—the streets—as private property for the emolument of individuals shall be granted, it should be subject to the public control, and to conditions altogether in the public interest.

Mr. HOAR. Mr. President, I shall vote against these instructions. I know nothing about the merits of the particular question, the safety of the use of this electric power and the method of dealing with wires, but I think the resolution is vicious in principle. I do not think it places the Senate in a proper attitude in relation to executive officers for the Senate to be making what the Senator from Vermont who introduced the resolution calls an humble request to them in matters within their jurisdiction. If there be need of a peremptory interference the way is to have a joint resolution instantly brought forward, which can be done in a single day. The Senator can refer it, or he can ask the Senate to deal with it without a reference.

If we are to inaugurate a system of making petitions on the part of one of the great legislative bodies of the country to executive officers of more or less dignity, I do not see where the Senate is to stop; and it does not seem to me from the opinion of the Senators as it has been expressed in their speeches that such a request from the Senate would alter the duty of the commissioners of the District of Columbia to do exactly what they themselves think the public interests require. The law imposes some new duty upon them, and I believe the Senator from Vermont, if he were an executive officer, would not only refuse, but would delight to refuse and take uncommon satisfaction in refusing to omit the discharge of an executive duty under the law at the request of any body whatever.

Mr. EDMUNDS. According to my promise—and I shall keep it with the Senate—I shall make no reply to what my friend from Massachusetts says now.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. HARRIS. What is the question, Mr. President?

The PRESIDENT *pro tempore*. A division having been demanded, the question first recurs upon the motion to refer.

Mr. EDMUNDS. Under the rules a motion to refer is amendable—I intended to make it in that form—by adding instructions. I think the question is first whether you will add to the motion the instructions proposed.

The PRESIDENT *pro tempore*. The rules provide that a motion to refer shall not be subject to amendment, except to add instructions. That does not preclude the making of a motion, the Chair thinks, originally to refer with instructions. The proposal for instructions was not offered as an amendment, as the Chair now remembers.

Mr. EDMUNDS. I merely moved a reference with instructions.

The PRESIDENT *pro tempore*. That was the original motion.

Mr. EDMUNDS. Yes, but I supposed that under the rule it would be journalized as an amendment, because I think the Chair is undoubtedly right, that the only way to add in any form to a simple motion to refer is as the rule provides, but I care nothing about it.

The PRESIDENT *pro tempore*. The Chair is not confident of the correctness of his opinion, but, if there be no objection, will submit the question as upon the motion to give instructions to the committee.

Mr. EDMUNDS. I think that is the best way.

Mr. HARRIS. I ask for the yeas and nays.

Mr. BLAIR. I want to ask the Senator from Vermont a question before the vote is taken. Is it not the fact that if here are vested rights which are interfered with and the change should be made of burying the wires, the company would have the right to seek a remedy by damages against the Government?

Mr. EDMUNDS. There is no pretense in this resolution of interfering with any vested rights, because it only deals with what the commissioners have done in their discretion. That is all.

The PRESIDENT *pro tempore*. The question is on the motion to add instructions.

Mr. EDMUNDS. On which the Senator from Tennessee [Mr. HARRIS] asked for the yeas and nays, in which I concur.

The yeas and nays were ordered.

Mr. GRAY. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The instructions will be read.

The CHIEF CLERK. The motion of Mr. EDMUNDS is "to refer the said communication to the Committee on the District of Columbia with instructions to report a resolution requesting the commissioners of the District of Columbia to revoke any permit granted for erection of such overhead electric wires."

The PRESIDENT *pro tempore*. The question now is on the motion to add these instructions to the reference.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. TELLER. You may vote notwithstanding the pair with my colleague.

Mr. CALL. I vote "yea."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. EDMUNDS. I think I am authorized to say that my friend from Tennessee may vote. This is not a party question. I do not know myself how my colleague would vote.

Mr. HARRIS. I vote "nay" upon the statement of the Senator from Vermont.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from New York [Mr. HISCOCK]. I do not know how my colleague would vote if he were present.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON] on political questions, but as this does not appear to be a political question, I will vote "yea."

Mr. VANCE (when his name was called). I announce my pair with the Senator from Michigan [Mr. PALMER], and also that my colleague [Mr. RANSOM], who is absent from his seat, is paired with the Senator from Illinois [Mr. CULLOM].

Mr. WILSON, of Iowa. I am paired with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES].

Mr. BATE. The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. SAWYER. I reserved the right to vote to make a quorum. I vote "nay."

Mr. HISCOCK. I vote "nay" to make a quorum.

The result was announced—yeas 21, nays 18; as follows:

YEAS—21.

Berry,	Daniel,	Gray,	Teller,
Blackburn,	Dawes,	Jones of Nevada,	Turpie,
Blair,	Dolph,	Mitchell,	Vest.
Call,	Edmunds,	Reagan,	
Cockrell,	Evarts,	Saulsbury,	
Coke,	Frye,	Stewart,	

NAYS—18.

Allison,	Harris,	Morgan,	Sherman,
Bate,	Hawley,	Payne,	Spooner,
Beck,	Hiscock,	Platt,	Walthall.
Brown,	Hoar,	Pugh,	
George,	Manderson,	Sawyer,	

ABSENT—37.

Aldrich,	Eustis,	Kenna,	Sabin,
Blodgett,	Farwell,	McPherson,	Stanford,
Bowen,	Faulkner,	Morrill,	Stockbridge,
Butler,	Gibson,	Paddock,	Vance,
Cameron,	Gorman,	Palmer,	Voorhees,
Chace,	Hale,	Pasco,	Wilson of Iowa,
Chandler,	Hampton,	Plumb,	Wilson of Md.
Colquitt,	Hearst,	Quay,	
Cullom,	Ingalls,	Ransom,	
Davis,	Jones of Arkansas,	Riddleberger,	

So the motion to add the instructions to the motion to refer the communication to the Committee on the District of Columbia was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the motion to refer as amended by the addition of instructions.

The motion was agreed to.

PUYALLUP AND OTHER INDIANS IN WASHINGTON TERRITORY.

Mr. MITCHELL. On the day before yesterday I offered a resolution of inquiry which, on request, was laid over. It has been read and I ask that it be taken up now. I think it will occupy not half a minute.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Oregon will be read.

The Chief Clerk read as follows:

Whereas it is provided in the treaty with the Puyallup and other tribes of Indians, ratified by the Senate on the 3d day of March 1855, that the whole or any portion of certain specified lands reserved to such tribe of Indians by said treaty may, under the direction of the President of the United States, be surveyed into lots and assigned to such individuals or families as are willing to avail themselves of the privilege and will locate on the same as a permanent home on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable; and

Whereas said sixth article of the treaty with the Omahas provides that if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land; and

Whereas it has been alleged that there has been neglect on the part of a large number of persons and families to whom lands have been assigned under such treaty stipulations, to occupy and till any portion of the lands so assigned, and otherwise have failed to comply with the terms of said treaty stipulations: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inquire and report to the Senate at his earliest practicable convenience whether any persons or families belonging to the Puyallup tribe of Indians in Washington Territory have at any time, and when and for what time, neglected or refused to occupy and till a portion of the lands assigned to them, or any of them, and, if so, what persons or families and what lands, and whether such persons or families, or any of them, have or have not been roving from place to place, and whether in any other respect whatever any of such Indians or families have failed to comply with the treaty stipulations and laws of Congress applicable to the allotment and patenting of lands to such Indians, and, if so, in what respect and to what extent.

Resolved further, That the Secretary of the Interior shall report to the Senate what portion, if any, of the lands of the Puyallup reservation in Washington Territory have never yet been assigned or patented to any of the families or individuals of such tribe, with a description of the location of such lands.

The resolution was agreed to.

CLAIMS FOR COMMISSARY AND QUARTERMASTER'S SUPPLIES.

Mr. SPOONER. I offer a resolution and ask that it lie over:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate, at the earliest practicable date, a list of the claims for commissary and quartermaster's supplies and stores, and for fuel, fences, and other property, alleged to have been taken and used by the armies of the United States during the late rebellion, upon which there has been adverse departmental action, with the names of claimants, alphabetically arranged, the State of the claimant's residence, and the nature and amount of each claim.

The PRESIDENT *pro tempore*. The resolution will lie over at the request of the Senator from Wisconsin.

POSTAL CRIMES.

Mr. VEST. A bill passed the Senate a few days ago, and passed the House and went to the President, in regard to postal crimes, and it will be remembered by the Chair and Senators that it was recalled, and when it came back there was a question involved upon the proper action to be taken in relation to it. After consultation, its friends concluded that the shortest way out of the difficulty was to introduce a new bill. That bill was referred to the Committee on Post-Offices and Post-Roads, and has been reported back. It is simply intended to correct a mistake in the other bill, and the Post-Office Department is exceedingly anxious to have it passed. There are infractions of the law going on every day in regard to mailing obscene publications, which this bill is intended to meet. It is a unanimous report, and is entirely correct. I ask the Senator from Maine not to object to taking it up. It will lead to no debate whatever.

Mr. FRYE. I withhold my motion for that purpose.

The PRESIDENT *pro tempore*. The bill will be reported by title.

The Chief Clerk read as follows:

A bill (S. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes.

Mr. VEST. I move to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It is as follows:

Be it enacted, etc., That the last clause of the second section of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June 18, 1888, be, and the same is hereby, so amended as to read as follows, and constitute the third section of said act:

"SEC. 3. That all matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another may be written or printed, or otherwise impressed or apparent, are hereby declared non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe: and any person who shall knowingly

deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall, for each and every offense, and upon conviction thereof, be fined not less than $100 nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten year, or both, at the discretion of the court."

SEC. 2. That section 3892 of the Revised Statutes, as amended by the act of July 12, 1876, is hereby so amended as to read as follows:

"SEC. 3892. Every obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where or how, or of whom, or by what means any of the hereinbefore mentioned matters, articles, or things may be obtained or made, whether sealed as first-class matter or not, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall, for each and every offense, be fined upon conviction thereof not less than $100 nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court. And all offenses committed under the section of which this is amendatory, prior to the approval of this act, may be prosecuted and punished under the same in the same manner and with the same effect as if this act had not been passed: *Provided*, That nothing in this act shall authorize any person to open any letter or sealed matter of the first class not addressed to himself."

Mr. HOAR. I should like to appeal to the Senator in charge of the bill to amend it so as to strike out the minimum punishment wherever it occurs. I think that has been the policy of the Senate for some time.

Mr. VEST. I have not the slightest objection. The bill was drawn in the Post-Office Department.

Mr. HOAR. I may perhaps state, in explanation of the suggestion, that some of these offenses are often committed by children barely within the age of punishment, or by persons of feeble mind, where some slight punishment may be necessary. To get a pardon for that class of persons by coming to Washington from Washington Territory or Oregon is a very serious thing to do; and it seems to me the judges should always have the power to inflict a merely nominal punishment.

Mr. VEST. I entirely agree with the Senator. I have always thought that to be the best form of legislation in our penal statutes.

The PRESIDENT *pro tempore*. The amendments proposed by the Senator from Massachusetts will require a careful scrutiny of each section of the bill.

Mr. HOAR. I think I can state the amendments in a moment, if the clerks will allow me to take the bill. In section 1, line 28, I move to strike out the words "less than $100 nor," and in line 29 to strike out "less than one year nor;" so as to read:

Shall be deemed guilty of a misdemeanor, and shall, for each and every offense, and upon conviction thereof, be fined not more than $5,000, or imprisoned at hard labor not more than ten years, or both, at the discretion of the court.

The PRESIDENT *pro tempore*. Is that all the amendment to the first section?

Mr. HOAR. It is all the amendment to the first section.

The amendment was agreed to.

Mr. HOAR. In the second section, line 26, I move to strike out the words "less than $100 nor," and in line 27 to strike out "less than one year nor;" so as to read:

Shall be deemed guilty of a misdemeanor, and shall, for each and every offense, be fined upon conviction thereof not more than $5,000, or imprisoned at hard labor not more than ten years, or both, at the discretion of the court.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Are there further amendments to the bill as in Committee of the Whole?

Mr. HAWLEY. Mr. President, I am glad that the amendments have been made which were suggested by the Senator from Massachusetts, but I sincerely think that we disfigure the criminal statutes by extreme penalties. I think that the other limit should be altered also; I think it is too great. While it is a very mean offense in many cases, I can hardly imagine a case in which I would send any fool of that kind to the penitentiary for ten years and fine him $5,000.

Mr. VEST. That is the provision of the Revised Statutes at present. I think if the Senator knew all the circumstances surrounding these offenses he would not object to the penalty. I do not think it is quite large enough. I have letters in my possession, which are not fit to be read in the Senate, which I can produce, that show offenses committed against the statute now upon the statute-books for which it would be very hard to find any punishment adequate, cases in which these villainous publications have been sent to ladies, to young girls. In one case a female academy was deluged with them. They are most villainous and outrageous things. I would rather see in the hands of one of my children a rattlesnake or a cotton-mouth than to see one of these books. Men have used them in the city of New York, according to the reports of the Post-Office Department, for malicious purposes. A man who had a grudge against a lady would send one of these things through the office directed to the lady, and she would be outraged by tearing off the envelope and finding the publication in her hands. I could go on and give various instances.

They succeeded in evading the law. The present law did not reach the case of written publications; it only applied to print. These scoundrels went to work and used the new stylographic process, frequently used by public men now, giving a fac-simile imitation of your letter and your signature. They took these awful publications, which I shall not name here, and stylographed them from one end to the other and put them in the mail, and they are being sent forth all over the country to young people.

Sir, there is no crime in the calendar, not even murder, that is worse than this. It saps the very foundation of society. It poisons the minds of the young; it outrages the sensibilities of the old. It is to get at that very thing that this bill is being enacted. I do not think the penalty is too great. If I were a judge upon the bench and found a man who had been guilty of this thing, I would put him in the penitentiary for life. He ought to be excluded from contact with society and with his kind. A fine of $5,000 is a mere bagatelle to such a man as that.

Mr. TELLER. I should like to suggest to the Senator that he ought to have made the crime a felony. It is a misdemeanor punishable by ten years in the penitentiary. I suggest that it be made a felony.

Mr. VEST. It is a felony. The punishment fixes the nature of the offense.

Mr. TELLER. The proposed statute declares that the offender "shall be deemed guilty of a misdemeanor."

Mr. VEST. That simply follows the Revised Statutes as the law is now.

Mr. TELLER. He would be guilty of a felony under this proposed statute; he may have the punishment of a felony.

Mr. VEST. The punishment would fix the nature of the offense; it makes no difference what it is called.

Mr. TELLER. It seems inconsistent to punish with such great severity a misdemeanor, if the crime is, and I have no doubt it is, just as bad as the Senator suggests.

Mr. VEST. The bill was drawn by the attorney of the Post-Office Department. I have not looked over it very carefully, because I took it for granted it was all right.

Mr. TELLER. It does not adjust the character of the crime to the punishment, as ought to be done in all instances, if we declare that it is but a misdemeanor.

Mr. VEST. I do not care what the name is; I have not the slightest objection to the name. All I want to do is to punish the crime.

The PRESIDENT *pro tempore*. Are there further amendments to the bill as in Committee of the Whole?

Mr. EDMUNDS. I move to amend the clause referred to in order to make it symmetrical, if there is no objection. In section 1, line 26, I move to strike out "be deemed guilty of a misdemeanor, and shall," and in line 27 to strike out the second word "and," so as to read:

Shall, for each and every offense, upon conviction thereof, be fined not more than $5,000, or imprisoned at hard labor not more than ten years, or both, at the discretion of the court.

Mr. VEST. I have no objection to that.

Mr. TELLER. That will make it a felony.

Mr. VEST. That is all right.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The same language occurs in the second section.

Mr. EDMUNDS. In section 2, line 24, I move to strike out the words "be deemed guilty of a misdemeanor, and shall;" so as to read:

Shall, for each and every offense, be fined upon conviction thereof not more than $5,000, or imprisoned at hard labor not more than ten years, or both, at the discretion of the court.

Mr. HAWLEY. Mr. President, I will make another suggestion to the Senator having the bill in charge. There has been a good deal of serious discussion at one time and another during the history of the Government concerning the sacredness of the post-office, and it is well founded to so treat it, of course. If I have any hesitation about this bill it is not because I would have any more mercy than the Senator from Missouri upon the scoundrels who misuse the post-office, especially for those immoral and indecent purposes. No gentleman has the slightest sympathy for them. I am thinking, however, of the great discretion that you repose in the postmasters of the country. There are some postmasters capable of judging of what is libelous and of course most of them of what is indecent; but there are others whom I should dislike to have full power to throw a postal-card or a paper into the waste-basket. I should rather be inclined in a bill of this sort to require them in such cases to inclose the indecent matter in a sealed wrapper and forward it to the Post-Office Department.

Mr. VEST. That is always done.

Mr. HAWLEY. Is it always done now?

Mr. VEST. Yes, sir.

Mr. HAWLEY. Does the law require it?

Mr. VEST. That is the practice of the Department. I am not so sure about its being the law.

Mr. HAWLEY. I am glad if it is the practice; I should have made it the law.

Mr. VEST. It is always done.

Mr. CALL. Mr. President, I quite agree with the object that this proposed law has in view. I am myself personally cognizant of some of the enormities which have been committed through the mails, in sending anonymous and indecent letters to persons of character and respectability by those who have some personal enmity towards them. But it is not true, in my opinion, that a very severe and unreasonable penalty will attain the object of enforcing the execution of a law, and there are very serious objections to it.

If we were entirely sure that every judgment of a court would be an honest judgment, and that the evidence which should be adduced would be such as reasonably or certainly proved the crime, then we might affix a severe penalty. But courts of justice are infirm; their processes are uncertain. There are many innocent people who are convicted and condemned in the proceedings of courts. Juries are often very weak—fallible and ignorant men seeking rather to please a prevailing public than to judge fairly and impartially; sometimes they are corrupt men, paid to betray their trust, and make their office an instrument for the punishment of those who have offended the rich and powerful.

You put an instrument in the hands of those whose malice and enmity corrupt the administration of justice. In enacting penal laws we should always have in view the fact that the processes of ascertainment of crime are in themselves very uncertain, and sometimes visit the innocent rather than the guilty. The whole spirit of our better civilization has been to temper mercy with justice, to forbid and exercise the malignant cruelty of a barbarous age, which punished with the severest penalty every departure from right, and made the law and the courts revel in human blood and suffering.

But a more practical consideration is that a very severe penalty defeats and does not enforce the execution of the law. Therefore I move to limit the period of imprisonment to not more than five instead of ten years.

The PRESIDENT *pro tempore*. The Senator from Florida moves to amend the bill. The amendment will be stated.

The CHIEF CLERK. In section 1, line 30, before the word "years," it is proposed to strike out "ten" and insert "five;" so as to read:

Be fined not more than $5,000, or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

Mr. HOAR. I think the Senator from Missouri will agree with me on consideration that the amendment proposed by the Senator from Florida should certainly be made in the first section of the bill, which only describes an offense of a threatening or defamatory character, and does not relate to the class of publications to which he alluded in his remarks.

I desire to say further that it is very seldom indeed that such an offense as the Senator from Missouri has described will be committed where but one single copy will have been circulated of the article which is made criminal, and therefore each offense is made by the bill separately punishable, so that if a man distributed scurrilous or defamatory or indecent matter in one single instance, five years would seem to be a reasonable punishment certainly. If he has done it in several instances he would have the five years multiplied by every instance of which he should be convicted.

So it seems to me not very important to retain the extreme penalty in the second section. I understand the present motion of the Senator from Florida applies only to the case of having on the outside of the envelope the matters which are therein described. I see that indecent matter is described also in the first section. I was mistaken in my glance at the bill.

Mr. VEST. The Senator will permit me to observe that there are two offenses which are included in this proposed statute.

The first is what is called the blackmailing process, for the collection of debts, being the use of envelopes which have put on the outside, "bad debts." Agencies have been in the habit of writing to a debtor inclosing an account or a demand for money, and they say to him, "If this demand is not acceded to, then a letter will be received by you in the within envelope." That envelope has in large letters "bad debts" or "uncollectible debts." The object of that is to advertise him as an insolvent person or a dishonest man who will not pay his debtor. That is one of the offenses.

In the second place, there are the obscene publications to which I have referred, about which I desire to say nothing here. As to the amount of punishment, as a matter of course I am not disposed to be at all strenuous. I think we could leave it to a judge as to whether it shall be $1 or $5,000 fine, or one day's imprisonment or five years' imprisonment. Every lawyer will agree with me that that is what Congress ought to do.

The observations of the Senator from Florida as to the administration of justice of course will apply as long as human nature exists, but we are bound to use the courts. We have no other instrumentality, and we are bound to vest much discretion in judges. My observation has been that it is a very rare thing to find a judge who abuses the discretion that is given to him by the penal statutes.

Mr. FRYE. Is not the minute about up?

Mr. VEST. That is all I wish to say. I hope a vote will be taken.

Mr. CALL. Mr. President, I do not propose to delay the Senate——

Mr. VEST. I will agree to make the maximum five years, so as to shorten debate. I promised the Senator from Maine that I would not take up any time. I am not particular about it. Make it five years and let us pass the bill.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Florida will be stated.

The CHIEF CLERK. In section 1, line 30, before the word "years," it is proposed to strike out "ten" and insert "five;" so as to read:

Or imprisoned at hard labor not more than five years.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to debate the question?

Mr. CALL. I do not intend to say more than a word. I wish to say as a matter of contrary statement to that made by the Senator from Missouri that it has been my misfortune in my life to witness a great abuse of discretion by judges in the exercise of the penal authority given to them. I have seen some drunken judges upon the bench, and I have seen cases in which very depraved men whom I would not trust in private life in any transaction administer judicial power. We should have the protection of the innocent as well as the guilty in view in prescribing severe penalties.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair did not understand whether the maximum punishment was to be changed from ten years to five years in both sections or merely in the first section.

Mr. CALL. That was my intention.

Mr. VEST. It ought not to be.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Florida to section 2 will be stated.

The CHIEF CLERK. In section 2, line 28, before the word "years," it is proposed to strike out "ten" and insert "five;" so as to read:

Or imprisoned at hard labor not more than five years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purpose, agreed to the nineteenth amendment of the Senate to the bill with an amendment, and asked a conference with the Senate on the disagreeing votes of the two Houses.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8962) for the relief of Anthony L. Woodson, agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. STOCKDALE, Mr. STONE of Kentucky, and Mr. BROWER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 2190) granting a pension to Jane Smallridge;

A bill (H. R. 5155) granting a pension to John S. Bryant;

A bill (H. R. 5156) for the relief of Andrew R. G. Smith;

A bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia;

A bill (H. R. 9263) granting a pension to Abraham J. Buckles;

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey;

A bill (H. R. 9830) for the relief of Lachlan H. McIntosh; and

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BECK. I move, at the request of the chairman of the Committee on Appropriations, that the Senate agree to the conference asked for by the House on the sundry civil bill.

Mr. HALE. Is there a request for a conference?

Mr. BECK. Yes; but the House has not named its conferees.

Mr. EDMUNDS. Let us hear the message read.

The Secretary read the action of the House of Representatives on the amendments of the Senate.

Mr. EDMUNDS. There are no conferees named by the House.

The PRESIDING OFFICER (Mr. BERRY in the chair). The message asks for a conference but does not name the conferees on the part of the House.

Mr. HALE. It can be sent back and the conferees named, I suppose.

Mr. BECK. The object of my motion was that the Senate insist upon its amendments and ask for a conference with the House, and that the Chair name the conferees on the part of the Senate.

Mr. EDMUNDS. It will need more than the ordinary motion, because as to some of the amendments the House has concurred with further amendments. Therefore I think the proper motion would be, if leaving it open at all, to disagree to the House amendments to the Senate amendments. I believe they have asked a conference on the whole, have they not? Let the Secretary read the last clause again.

The PRESIDING OFFICER. The last clause will be again read.

The Secretary read as follows:

Resolved, That the House ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EDMUNDS. That raises a question, because it respects the amendments of the House to the Senate amendments, of which there are two or more; and there are others as to which there is no disagreement.

Mr. BECK. An amendment to our amendments is a disagreement.

Mr. HALE. Certainly an amendment to an amendment is a disagreement.

Mr. EDMUNDS. I should think not, but I do not know that I care about it. Whenever we have asked a conference on a matter of that kind we have insisted on the amendments we have made, and asked a conference on them, not because the House has disagreed, but we have a right to ask a conference on any proposition that we send to the House. However, I do not care how it is done so that we get the Journal right.

The PRESIDING OFFICER. Will the Senator from Kentucky state his motion again?

Mr. BECK. My motion was that the Senate insist on its amendments disagreed to by the House, which I suppose means those they amended as well as the others.

Mr. EDMUNDS. I would add "and disagree to the amendments made by the House to the Senate amendments."

Mr. BECK. Yes.

Mr. HALE. And that the conferees be named by the Chair, and then the message should be sent back to the House to have the conferees named there.

Mr. EDMUNDS. Of course. If they do not name the conferees, the bill is hung up.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. BECK].

The motion was agreed to.

The PRESIDING OFFICER. The Chair, by unanimous consent, will appoint as the managers of the conference on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

BUST OF GARIBALDI.

Mr. EVARTS. I present a resolution to be passed by the Senate acknowledging the gift to the United States of a bust of Garibaldi, the Italian patriot, and I ask that it lie on the table and on Wednesday next I shall request the indulgence of the Senate to make some remarks upon it.

The resolution is as follows:

Whereas the Italians, residents of the city of Washington and citizens of the United States, have, through the president of the Society for a Monument to Garibaldi, presented to the United States a life-size marble bust of that great patriot and distinguished representative citizen of Italy, Guiseppe Garibaldi; and

Whereas the Joint Committee on the Library have, under authority of the statute (Revised Statutes, section 1831), accepted the same for and in behalf of the United States: Therefore,

Be it resolved, That Congress, through the Senate of the United States, express its due sense of the patriotism and liberality which prompted this noble gift and fine work of art, from these adopted citizens of Italian birth, and extend to them, the countrymen of the great champion of Italian liberty, the assurance of the admiration of the people of this land for his noble life and distinguished deeds.

LOUISIANA ELECTION.

Mr. FRYE. I move that the Senate proceed to the consideration——

Mr. CHANDLER. I ask the Senator from Maine to yield in order that I may give a notice. I desire to give notice that on Wednesday next I shall ask the Senate to take up the resolution in reference to the investigation of the Louisiana election, and that I shall submit some remarks thereon.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed, in open executive session, to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The reading of the Journal of the last open executive session will be dispensed with, if there be no objection. The Executive Clerk will report the treaty by its title.

The EXECUTIVE CLERK. A treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Louisiana [Mr. GIBSON].

Mr. FRYE. I ask unanimous consent that the following arrangement may be agreed to as an order of the Senate:

That at 1 o'clock each day the debate on the treaty shall proceed, and shall close on Monday next at 6 o'clock, the friends of the treaty having the last two hours. On Tuesday at 12 o'clock the final votes shall be taken on all amendments, motions, and the resolution of ratification.

The PRESIDENT *pro tempore*. Is there objection? [A pause.] The Chair hears none, and it is so ordered.

Mr. MORGAN obtained the floor.

ADJOURNMENT TO MONDAY.

Mr. COCKRELL. I move that when the Senate adjourn to-day it be to meet at 11 o'clock on Monday next.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. Will it interrupt the Senator from Alabama for me to submit a conference report now?

Mr. MORGAN. Will it take any length of time?

Mr. HALE. That I can not say.

Mr. MORGAN. I should not like to have it taken up for consideration just now.

Mr. HALE. Then I will not urge it.

Mr. MORGAN. I have no objection to its being submitted.

Mr. HALE. I will withhold it for the present.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the fisheries treaty in open executive session. The Executive Clerk will state the motion of the Senator from Louisiana [Mr. GIBSON], which is pending.

The EXECUTIVE CLERK. A resolution to recommit the pending treaty with Great Britain to the Committee on Foreign Relations with certain instructions.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion of the Senator from Louisiana?

Mr. MORGAN. Mr. President, I am entirely conscious, as I think a majority of the members of the Senate must be, that a great deal of the debate on the pending treaty has been very irrelevant, I might say entirely apart from the real issues that are presented for our consideration. What we desire to know about this matter is whether the treaty is one that should meet the approval of the Senate of the United States representing the American people; but a great deal of the debate that has obtained here has been upon matters totally irrelevant to that particular feature of this case. I have participated in it along with other Senators, because I felt that it was my duty, and the necessity of the situation seemed to require it of me that I should try to meet as well as I could all these extraneous matters, these make-weights, in the debate of this very important question. I have endeavored to get them out of view, so that when the treaty came to be read by articles and we had to consider the real merits of the negotiation our minds might to some extent at least be disembarrassed of those influences which are so calculated to mislead the judgment and to present these grave questions in a false light to the consideration of the American people.

In speaking during this very warm afternoon upon this question I speak with a consciousness that the treaty will not be ratified. I am obliged to admit, after the vote which was taken in the Senate on yesterday, that every feature of this case will be controlled and decided according to the influence of party politics, and those of us who may deprecate that situation can do no more than leave upon the record here the vindication of our own action in support of or in opposition to the treaty, as the case may be.

I trust that I shall be able to speak upon this treaty dispassionately, and with no other motive influencing a word that I shall say or a sentiment that I shall express than merely a desire to serve the country in what I conceive to be a grave emergency.

In looking over the diplomatic correspondence between this country and Great Britain, the vast number of communications which have passed between the two governments, the judicial decisions which have been made in this country and Great Britain and in the provinces touching this vexed question of the construction of the treaty of 1818, and the debates in the Senate of the United States and in the Canadian Parliament upon these questions, I find that there has not been an agreed or conceded fact or principle in respect of any one of the questions which have arisen out of this long historical embroilment.

Nothing has reached the stage of a definite agreement, that has been in real controversy during all these years, until we reach the negotiation now before the Senate.

I can not call to mind now a single question which has ever arisen and been mooted in a serious way between these governments in regard to the proper construction of the treaty of 1818, or, for that matter, of the treaty of 1783, which has received the open and firm consentive sanction of both governments. I do not believe that any Senator on this floor can point out any agreement which has been entered into by these great powers which has finally and forever settled any controversy—involving a matter of principle, I mean—that has risen upon the surface of this vexed sea of discussion and controversy.

The question has been discussed here in all its historical bearings,

back to the very foundation of the right about which we are controverting; and I expect that an impartial judgment would be that more has been brought forward in this discussion which is calculated to throw light upon the real merits of this controversy than has ever before appeared either in the diplomatic correspondence of the country, or in the judicial decisions to which I have referred, or in the debates which have hitherto occurred, at least in the Senate of the United States and the Dominion Parliament.

While a good deal of this debate has been attended with partisan acrimony, some of it with unpleasant incidents, there is nevertheless to be found in these debates the most intricate research that I think can be found in any of the papers which have heretofore been written, or in the speeches which have been made upon these questions. I refer with pleasure, along with others, to the speech of the Senator from Mississippi [Mr. GEORGE], who bestowed great care in the investigation of these questions, and who has presented here a historical and philosophical view of the origin of the rights and the progress of the controversy about them which I think does very great credit to that honorable Senator, and to which I think the country in after years will refer, if these controversies are to be still kept alive, with a great deal of satisfaction. Others have also presented powerful arguments and earnest and diligent research, for which the country will thank them in time to come.

I make my sincere acknowledgments to all the honorable Senators for the light they have shed upon this great controversy.

I am spared on this occasion any necessity of going back over this long historical journey for the purpose of attempting to throw any ray of light upon any question which has been presented here that has not already reached its most intricate recesses.

In addition to the aid they have given me I shall also be greatly assisted by the sincere and exhaustive presentation of the true issues between the United States and Great Britain found in the labors of Hon. Hamilton Fish while he was President Grant's Secretary of State.

I have said that nothing had been settled as to the fisheries disputes between these countries. Nothing but the nature and limits of the controversy has been settled. A solution of the questions involved in the controversy has never yet been finally reached. I believe that the treaties of 1854 and 1871 were intended to be a permanent settlement and disposal of these contentions, but, unfortunately I think, we inserted an article in each of those treaties whereby either government after the lapse of ten years, becoming dissatisfied, might put a termination to them, and thereby reopen, as has now twice been done, all of this imbroglio clear back to the bottom. We are in that category now where every difficulty, every controverted point that has ever yet arisen out of the construction of the treaties of 1818 and 1783 seems to be presented for the purpose of having its weight in the determination to which we shall arrive. So much have we said and done and so little have we settled.

But in the progress of the negotiations between the two countries, as I have just observed, they have agreed, and solemnly agreed—I do not mean by compact, but they have agreed without a compact between each other—as to what is the real subject-matter of the controversy now presented in issue before the Senate of the United States. I propose to accept the statements of both governments, because they were currently made, as to what is now the real matter in controversy between these two powers, as presenting in a concise and authoritative if not an obligatory form upon both powers the matters of dispute that require to be settled.

I think I may safely assume in the presence of recorded facts and upon their authority that the real merits of these questions do not lead us back beyond a recent date in history, and are fixed by the attitude of this country solemnly and deliberately taken in 1871. Equally it may be affirmed that the real matters in dispute were presented by the British Government in 1871, and nothing has occurred since 1871 to change the attitude of either Government towards the other in the slightest degree. The question is now precisely what it was then.

If I can establish by recorded facts, by the committals of both these Governments, what the real controversy was in 1871, and that it has not been in any degree altered from that time to this, I think I shall be able to present to the Senate and to the country a very distinct view of what the President was called upon to settle when he entered into this negotiation.

In 1871 the Government of the United States, having just emerged from a most unfortunate civil war, found itself embarrassed by events which had occurred during that war, and by unsettled questions which were pending at the time the war began, with the greatest of the European powers, as we think—the Government of Great Britain. There existed toward that Government, in consequence of certain sympathies which had been expressed for one of the contending parties in the United States, and in consequence of certain acts which had occurred during that struggle, a feeling of extreme jealousy, I might say of great bitterness, and it required the control of the very best minds and of the most patriotic men on both sides of the Atlantic Ocean to bring these subjects within reach of negotiation in such form as that they might be settled forever. They were very numerous and very grave subjects of diplomatic settlement, and they were urgent. No time could be safely lost in their settlement.

The Senate of the United States, upon the recommendation and request of the President, took into consideration the whole situation as presented between Great Britain and the United States in that time of great international heat and controversy. It was debated in this body with carefulness, with wisdom, and with patriotism. The whole subject was gone over in the most careful way, and nothing that then remained open between these two Governments was omitted from consideration.

Our Government organized what was called a joint high commission, under the authority of the President of the United States and the Senate, not by an act of Congress; and that joint high commission was intrusted with the preliminary arrangement of all the questions which were then open between the United States and Great Britain. I suppose, sir, indeed I know, that unless it was the commissioners who settled the question of peace between the United States and Great Britain just after the Revolutionary war, no body of diplomatists were ever intrusted with such great questions, and none were ever invested with higher powers of negotiation than the gentlemen who comprised that commission. Mr. Fish was then Secretary of State and General Grant was President of the United States. In a note addressed to Mr. Schenck, the same note being addressed afterwards to each of the other joint high commissioners on our behalf, Mr. Fish says:

You will receive herewith a confidential memorandum or brief, embodying a reference to correspondence of this Department, and to the history of several of the questions which may be discussed by the commission, namely:

I. The fisheries.
II. The navigation of the St. Lawrence.
III. Reciprocal trade between the United States and the Dominion of Canada.
IV. Northwest water boundary and the island of San Juan.
V. The claims of the United States against Great Britain on account of acts committed by rebel cruisers.
VI. Claims of British subjects against the United States for losses and injuries arising out of acts committed during the recent civil war in the United States.

I apprehend there was never grouped together six more important and difficult questions than were presented on that occasion, and I am entirely justified in saying that it was the object of those joint high commissioners, as it was of the Government of the United States and also of Great Britain, that a treaty should result in the settlement of all these questions, and was expected and intended to compose all of the difficulties of any material consequence then existing between the United States and Great Britain.

Our relations with Great Britain, always important and delicate, and requiring the most careful handling, were then extremely sensitive and vitally important.

It therefore became a matter of the very highest consideration that our Government in giving its instructions to Mr. Fish, Judge Nelson, Mr. Schenck, Mr. Hoar, and Mr. Williams, our commissioners, should present the whole question, and all the facts relating to each one of these controversies, in such form as had been determined and agreed upon by our Government in settling its policy, not merely in a tentative form or in an experimental way, but in such form as our Government had solemnly concluded would present the merits of the controversy in respect of each one of these great leading topics, and would eventuate in a full and final settlement that would be acceptable alike to our own people and those who are kindred in blood and language to our people. In the highest sense of unity that belongs to a common origin we are identical, and our divisions are found only in our forgetfulness of our race alliance.

So the Secretary of State, after the Senate and the President had authorized this joint conference, proceeded to give his instructions at length separately upon each and every one of these various topics to which I have just alluded; and so on the part of the British Government, with less of detail, but no less of certainty, the instructions were issued to their members of this Joint High Commission. The subjects to which the British Government said their attention would probably be directed were—

1. The fisheries.
2. The free navigation of the river St. Lawrence and privilege of passage through the Canadian canals.
3. The transit of goods through Maine, and lumber trade down the river St. John.
4. The Manitoba boundary.
5. The claims on account of the Alabama, Shenandoah, and certain other cruisers of the so-styled Confederate States.
6. The San Juan water-boundary.
7. The claims of British subjects arising out of the civil war.
8. The claims of the people of Canada on account of the Fenian raids.
9. The revision of the rules of maritime neutrality.

Copies of all the correspondence which have been presented to Parliament respecting these questions will be forwarded for your use.

Here we shall find the two Governments concurring as to every one of the subjects that were made a matter of discussion, doubtless, in the Senate, certainly in the State Department, that were to be settled in regard to all of these unsettled points of controversy between the United States and Great Britain, except that in respect to the Fenian raids, which was never considered by that commission because our commissioners had no instructions which reached to that point in the case.

When the British Government came to state in respect of the fisheries

what the particular question in controversy was, they presented it as follows:

The two chief questions are: As to whether the expression "three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions" should be taken to mean a limit of 3 miles from the coast line, or a limit of 3 miles from a line drawn from headland to headland; and whether the proviso that "the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever," is intended to exclude American vessels from coming inshore to traffic, transship fish, purchase stores, hire seamen, etc.

It occurs to me that there has been a great waste of learning and a great waste of toil and investigation by the learned Senators who have participated in this discussion upon the treaty, to arrive at what was the British contention, when we find that, in respect of the fisheries, it was thus clearly and definitely stated in the instructions to the British commissioners. Not only do I not object to the development of this learning and research with which the Senate has been favored, but I am very much gratified that it has occurred, because as I think it fortifies the position of Senators here on our side of this question very materially by having established the fact, as they have traced it through the history of the fisheries questions, that the British contention from the beginning and throughout the whole line of this history down to the date of these instructions was precisely what it is stated here to be in the instructions to the British commissioners. As I will presently show, the two governments, while arguing to opposite conclusions, have all the time discussed the same points of controversy, and on the same facts.

Before debating that matter any further, I desire to present the inquiry, what is it that we are trying to do here? Occupying, as it has been frequently stated by Senators and without objection from anybody, the position in this Chamber of negotiators, as I term it, of the second degree, but, being engaged here now in the consideration of a negotiation with a view to its improvement, its ratification, or its rejection, what is the real question which is here presented?

It is not what we are disposed to concede to be the absolute, certain, and undeniable right of Great Britain in respect of these various features and forms of controversy, but the question is whether this has been the state of the controversy entertained and presented by Great Britain hitherto, and whether the controversy upon its face is so intelligent, so easy of understanding as that it can not well be mistaken, whether it is definite so that we can meet it with a counter proposition if we choose to do so; and over and above everything else, whether it is entertained with sincerity by that Government.

When one of the great powers of the earth, or the small ones either, is engaged in a diplomatic debate or disputation with the United States upon matters which concern both Governments, we do ourselves excessive discredit if we continue to negotiate with those people when we are compelled by the stress of the truth to say that the pretensions they set up are false, insincere, and are not advanced in good faith. Whenever a government negotiating with another occupies such an attitude that the motives which influence its pretensions are liable to this sort of questioning, there is nothing remaining to be done but to terminate the negotiation at once, and that upon the ground that the government has stultified and defamed itself by the presentation of a false clamor or a false question, knowing that it has no foundation in truth or justice.

I believe, Mr. President, that we have not quite advanced to that condition in respect of any controversy which Great Britain has ever yet presented to us. I would not choose, if I could prevent it, to be a party to inflicting upon the reputation of the men to whom we are of so close kin as we are to those of Great Britain such a scandal as would necessarily result from a declaration on the part of the Senate of the United States or the President of the United States that that Government was presenting an unfounded, a false, a simulated, a fraudulent, an insincere pretension, and of putting that down as the basis of diplomatic negotiations with us. If I had the power and felt that it was my duty to say such a thing as that about the British Government, I should prefer to have it said with closed doors; and immediately upon that declaration having been avouched by a vote of this body I should contend that that Government should never any more hold diplomatic relations with the United States Government, and that after that hour the controversy between them should be settled only by wager of battle.

Here is a statement which I have just read from the instructions to the joint high commissioners in 1871 of the full measure, the full outline and substance of the British contention as they presented it through their instructed agents to our diplomatic agents on this side. It is as simple as anything can be. It is as direct and as plain as anything can be. It involves, first of all, what is called here the headland theory, which, by the way, is such an indefinite expression that sometimes it is very misleading in its application; but it involves the question here so clearly stated, whether it is called a headland theory or by some other name.

I will again read the statement of the question as it was stated by the British foreign office to their diplomatists on the Joint High Commission of 1871:

The two chief questions are: As to whether the expression "3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions" should be taken to mean a limit of 3 miles from the coast line, or a limit of 3 miles from a line drawn from headland to headland—

You see that is the first question that they present. That is what they insist upon. Also—

and whether the proviso that "the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, is intended to exclude American vessels from coming inshore to traffic, transship fish, purchase stores, hire seamen, etc.

I do not believe that a pleading was ever presented in a court of justice that more distinctly set forth the rights of the complainant or the defendant, as the case might be, than this statement of these instructions to their commissioners set forth what was in 1871 the British contention; and, now, for Senators to say that that was not then the British contention is simply to stultify Great Britain, or else it is to impugn the veracity of that great power, and more than that, to cast odium upon its respectability.

This matter is fully confirmed and as clearly stated on the other side of this great controversy by the instructions which we gave to our commissioners. Of course the British Government had nothing to do with our instructions, nor had we anything to do with their instructions, but here was a concurrence of statement between these two governments as to its own understanding of the history of the controversy about the fisheries.

I do not know that truth has a greater support than when its substance is stated in almost identical terms by the opposing parties to a great controversy, they not having had any conference or debate that would bring their conclusions into the same channel and produce the same results, while each was acting for itself and both are found arriving at the same conclusion.

Mr. Fish, in the conclusion of his instructions to our commissioners on June 3, 1870, made this statement:

Mr. Thornton communicated officially to the Department the instructions issued to the commander of the British naval forces, by which it would appear that, notwithstanding the decision of the umpire in 1853, Her Majesty's Government in 1866 were "clearly of the opinion that by the convention of 1818 the United States have renounced the right of fishing, not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek; but that they are not disposed, for the present, to enforce what they regard as their rights."—*Foreign Relations*, 1870, page 419.

Mr. Fish makes that quotation from Foreign Relations of 1870, page 419, and hands it to the commissioners as presenting a phase of the British contention which they were expected to meet.

The whole correspondence—

He proceeds to say—

in the book last cited, from page 407 to page 434, bears directly upon the issues now raised.

And so it does.

Mr. Thornton—

Continues Mr. Fish—

informed Mr. Fish that he had "received instructions from Earl Granville to explain to Mr. Fish that the instructions respecting the limits within which the prohibition of fishing is to be enforced against the United States fishermen are not to be considered as constituting an arrangement between the Governments of the United States and of Great Britain, by which Canadian rights are waived or the United States fishermen invested with any privilege.

Can anything be more distinct than that?

Based upon that statement, drawn largely from the communication of the British minister to our Government, Mr. Fish proceeds to give a summary of the conclusions for the guidance of our diplomatists to whom these high powers were intrusted.

SUMMARY OF THE CONCLUSIONS ESTABLISHED BY THE FOREGOING REVIEW.

I. That the acquisition of the right to American fishermen to fish on the inshore fisheries, from which they are now excluded, is more important as removing danger of collision than as of great intrinsic value. Its money value is probably overestimated by the Canadians.

That is his first conclusion in the summary.

II. That the British headland doctrine has no foundation in the treaty, has been decided against Great Britain in a cause where it was the only issue, and is now insisted upon theoretically rather than practically.

III. That the right now asserted to exclude American fishermen from the open ports of the Dominion; to prevent them from purchasing bait, supplies, ice, etc.; to prevent them from transshipping their fish in bond, under color of the provisions of the convention of 1818, is an assumption and a construction of that instrument which was never acquiesced in by the United States; and is carrying out in practice provisions which were proposed to the United States commissioners by the British commissioners in 1818, and were rejected by the former.

IV. That the mackerel fishery, out of which the trouble mostly comes, is a matter that has come into existence since the negotiation of the treaty, and it is a subject for consideration whether the terms of the convention are fairly applicable to it.

If the "British headland doctrine" had been abandoned before 1871, why should Mr. Fish be then found controverting its soundness, thereby admitting its existence?

There we have the issue made up. Mr. Fish states no less distinctly than the British secretary of state what was the British contention, but he takes care in making that statement to show how far we controvert it. We do not, according to his statement, controvert it absolutely and entirely, but in certain points we do. There is the issue joined between the two governments in 1871. As to the fisheries, it was upon the basis of that issue that the arrangement of 1871 was made.

The treaty of 1871 was predicated upon that with some slight modifications—not of principles, but with a provision by which the question which had been in controversy, admitted to have been in controversy, between the two governments were—not settled, but passed and substituted by another arrangement which involved upon our part payment at least of $5,500,000 and during the whole period of the prevalence of that treaty the surrender on our part of all duties upon fish and fish-oil of every description I believe, or almost every description.

Now, let me ask why this consensus, why this concurrence of opinion and statement thus solidly made and presented by each Government to its commissioners, does not amount to such an understanding between the two Governments of what the real controversy was as that it could be the subject of negotiation—that they might take up the question where the Government left it in 1871 and proceed to base their negotiations on those conceded facts?

Where is the use on the part of either Government or her statesmen, jurists, or publicists to go into the depths of ancient history on these questions? Why are they reaching back to the date of the first origin of the controverted rights, tracing them down through all the mutations of affairs, all the changes of government, all the different causes that might have affected their presentation with more or less of force at one period or another? Why do they examine all of the different shades and shadows that have been thrown upon these questions by the opinions of different men—for men will differ not only in their opinions but in the manner of expressing their opinions—where was the necessity for a diplomatist who undertook to represent the American side of this question to go back through these ancient archives, to traverse these hidden, dust-covered paths of the past, with a view to see whether he could not find something that might alter the British attitude, prove its absurdity or its insincerity, when our own Government in the statement of it to her own commissioners had presented the British contention in the identical form in which it was presented by Great Britain to her commissioners in 1871?

Can not the American people get their consent to consider at least that in 1871 the issues were formed about which future diplomacy or future controversy might be conducted?

I shall therefore, Mr. President, base the argument that I have to make in this case upon the fact—I shall not call it an assumption, for it is no assumption at all—I will base my argument upon the fact that these instructions thus given to the commissioners present in the very clearest form, with the most distinct outline, and in absolute perfectness, what was the issue between Great Britain and the United States in respect of the interpretation of the treaty of 1818.

On the British side was the issue called here in debate and in Mr. Fish's instructions the "headland theory," a theory that we denied, at the same time stating in our denial that that was what we denied. That was the British contention, upon which we took issue. We set out the plea, sir, upon which we took issue in our papers in order that it might be definitively understood by our own commissioners precisely what the issue was.

This term "headland" or the "headland theory" has had a sort of application from time to time in the dispatches and papers that have passed between the governments, and even in the courts, which is somewhat misleading and confusing. In the first instance, the headland theory, as it was termed, was presented by the British Government when the Java commenced making seizures before 1818, 50 or 60 miles from the coast of New Brunswick, when she was roaming about in the seas there, capturing American or French ships that were found anywhere prepared to fish within 50 or 60 miles of land.

Why was the Java there? What was the British idea at that time? Why, it was the idea that was so clearly stated by the Senator from Mississippi [Mr. GEORGE], and argued with so much force and clearness and upon such authentic and indisputable historical facts, that in the ancient times there prevailed in that part of the world precisely the same idea that prevailed later in Russia in relation to the Behring Sea, that any great power had the right to extend its jurisdiction out over any sea within the power of its military and naval control, or had the right, in the first instance, to possess itself, and after awhile, when it should grow into a prescriptive right, to claim against all the powers of the world the exclusive privilege of taking fish within vast areas of broad open waters that were appurtenant—not those that belonged within the jurisdiction of the country absolutely, but belonged as a sort of appanage of power. The Senator from Mississippi claimed in his speech that it was within a very late date that the British Government, in treating with the French Government, provided a limitation of 60 miles from land——

Mr. GEORGE. Ninety miles.

Mr. MORGAN. Ninety miles from land, across which a Frenchman did not dare to go with his fishing vessel unless he dared to beard the British lion and take the consequences.

As the question was presented here yesterday—it was first explained by the Senator from Mississippi [Mr. GEORGE]—we became a party to the admission of this ancient theory in regard to the control of the fisheries and fishing rights when in the treaty of 1783 we accepted from the British Government the right of fishing on the Banks of Newfoundland. Senators get up here and make great declamation, fulminate oratorical periods, powerful and round, and reverberating throughout the earth, in respect of the absurdity, as they call it, of Great Britain having passed to us in 1783 the right to fish on the high-seas—a right they say that had been possessed by the people of all nations from time whereof the memory of man runneth not to the contrary. We have got to the point, though it is only a modern instance, where we say that the people of every nation on earth have a right to fish in the great oceans and seas, provided they do not come within the jurisdictional limits of some other power; but the jurisdictional limits always mark the rights of fishing and have always done so.

When the Java was going about and picking up American and French ships, 60 or 90 miles from the shore of New Brunswick, carrying them in and having them condemned, she was acting on this old idea which had then not entirely disappeared. There was a reminiscence of it left, strong enough in the contemplation and judgment of the publicists of that day to justify the Java in making these seizures thus far from the coast of the British possessions.

Then the British Government fell back to another line, a line that they called the "headland line," within which they attempted to justify their jurisdictional power and say that their jurisdictional right to control in all matters of civil polity reached beyond the fringe of 3 miles or a marine league out to that part of the sea which might be included in a headland line drawn from promontory points far distant from each other, but still in the direction of the trend of the coast.

As to that, Mr. President, we have never made the slightest concession, but the British Government, assuming what is termed the "headland theory" in subsequent proceedings, afterward applied it to the construction of the treaty of 1818; and they call that a "headland theory" which is, by the way, no theory at all, but a question of mere construction of the words of the treaty. There is no theory of law about it—no theory of general or of international law, but the construction, barely, of the words of the treaty when it is read within its four corners.

Two great contentions were presented by that Government in 1871, and our Government concurred that they were the real contentions between the two governments. The first related to what is termed the headland theory, which is the right to fish within 3 miles of the bays, harbors, creeks, etc., in Her Majesty's dominions; and the other is in regard to the right of the fishermen of the United States to go into Canadian ports and harbors for any purpose other than the purpose of purchasing wood and obtaining water and for repairing damages and gaining shelter.

To show the care with which this conclusion was arrived at by our Government I will call attention to the remedies which were proposed on our part—that our commissioners might suggest or might incorporate in the treaty that they were about to negotiate:

8.—REMEDIES.

It is suggested that this class of questions may be adjusted, either—

I. By agreeing upon the terms upon which the whole of the reserved fishing-grounds may be thrown open to American fishermen, which might be accompanied with a repeal of the obnoxious laws, and the abrogation of the disputed reservation as to ports, harbors, etc.; or, failing that—

II. By agreeing upon the construction of the disputed renunciation; upon the principles upon which a line should be run by a joint commission to exhibit the territory from which the American fishermen are to be excluded.

Before passing from this part of this second suggestion of a remedy, let us recur to the fact that in the treaty of 1854 for the first time it was attempted to mark the boundaries in which the Americans had the full liberty of fishing jointly with the British people and those parts of the coasts of the provinces on which they had no right to fish, and ample provision was made for the demarkation of these boundary lines. So as early as 1854, and long before that, indeed, the necessity existed for having some demarkation, some manner of designation of the line outside of which the Americans might fish. That occurred to all the diplomatists on both sides, and Mr. Fish, approving the idea which Mr. Seward had presented, through Mr. Adams, to the British Government, of having a demarkation or limit of fishing-lines by a joint commission, urged upon our joint high commissioners that that would be one of the available remedies for the then existing difficulties between the two countries. The second point that he refers to under the second head is:

And by repealing the obnoxious laws, and agreeing upon the measures to be taken for enforcing the colonial rights, the penalties to be inflicted for a forfeiture of the same, and a mixed tribunal to enforce the same.

So they followed Mr. Seward again. There was no provision of that kind in the treaty of 1854, but it was evident that there was recognized in these instructions the necessity that I have frequently urged before this body, that the treaty of 1818 was totally defective in respect to the measures to be taken for the enforcement of colonial rights and the penalties to be inflicted, and they were silent as to the tribunal to which these different troubles as they arose might be referred for adjudication.

It was obvious to Mr. Fish, as it has been to every American statesman, until somebody was found who was under the necessity of raking up every manner of criticism and objection that human ingenuity could find for the purpose of visiting disparagement and even contempt upon the present Administration—every American citizen and statesman who ever read the treaty of 1818, and who had followed the course of events which led to the collisions growing out of the imperfections of that treaty, recognized, what Mr. Fish recognized in these instructions,

that it was necessary as one of the remedies to be secured; that there should be an agreement upon the measures to be taken for enforcing the colonial rights and the penalties to be inflicted for a forfeiture of them, as well as a tribunal to enforce the same.

Mr. Fish proceeded:

It may also be well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American colonies.

Where did this idea originate, or how did it find its way into the treaty of 1871? I have read to you now the British instructions, and they say nothing about free fish, but as far as they go they do, as I have several times now read, state the two grand leading contentions between the two governments, and when they admit the right which was secured to our fishermen by the treaty of 1818 of entering their harbors, bays, and creeks, they deny that we have got any other rights than those of shelter and obtaining wood and water and making repairs, and they resist our claim that our vessels have the right when going inshore for these purposes to traffic, to transship fish, or to purchase stores.

There is the British Government standing on the treaty of 1818 denying what we claimed. We present in these instructions what is the British contention, as we understand it, just as broadly as they present it, and, when our Government came to suggest a remedy, Hamilton Fish says:

It may also be well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American colonies.

I should like to know, Mr. President, how any American Senator can get up here and say that the present contention of the British Government in respect of the construction of this treaty is stimulated entirely by a desire to have their fish brought free into the United States when Mr. Hamilton Fish, in the remedies which he proposed for existing evils, in 1871, suggested and imposed as an injunction upon our commissioners that they should propose to the British Government the admission of fish free of duty for the purpose of getting rid of the evils of the time and all this accumulated contention, controversy, friction, collision, seizures, damages, and strife that had affected the history of both nations, and their peace, more or less, then, for a period of about fifty years.

Mr. GEORGE. The British Government did not originate it?

Mr. MORGAN. The British Government did not say anything about it; in its instructions to its commissioners it said not one word about it. The proposition was strictly an American proposition, and came from a Republican administration.

Now, Senators may ignore these statements; they can not deny them; they can not overturn them with facts; logic will not drive them out of this case; rhetoric will not banish them from the minds of the American people; abuse can not be heaped upon them until they be smothered to death. Here they stand like beacon lights to warn the people of the United States that the men who are now making great clamor about fresh fish are the men who made the overtures to the British Government in the instructions to their own commissioners in 1871. That is the state of the case, Mr. President. It is of no use going back sixty or seventy years for the purpose of finding out what were the Canadian motives or what bad or evil things the Canadians have done heretofore, when Mr. Fish, who had a perfect view of the whole case, as I shall show you presently—of every single fact in it—prepared these instructions, and after he had stated what was the British contention, concluded with this advice which I have read, to his commissioners, he being one of them, as to what they should do.

The question was asked of Mr. Fish by Mr. Schenck, I think, whether or not these instructions were to be considered as obligatory. Mr. Fish's reply was this: "I am one of these negotiators; I can not instruct my colleagues. Although I am Secretary of State I can not give you instructions; but these are the views of the Government." And the views of the Government, it must be remembered, had been presented to the Senate of the United States, and here they were thoroughly debated, and that, too, before these instructions went out.

Mr. GEORGE. Had the question of free fish been presented to the Senate?

Mr. MORGAN. Everything, as I understand it, had been presented to the Senate for its consideration before that Joint High Commission was raised.

Mr. GEORGE. That proposition distinctly?

Mr. MORGAN. I do not say in distinct terms, or in distinct form. The record will show. I proceed with the reading:

In addition to the authorities hereinbefore cited there is in the archives of the Department of State a copious and well-arranged memoir upon the subject of the fisheries by Richard D. Cutts, esq., of the Coast Survey, which will be placed at the disposal of the commissioners.

Now, although it looks as if it might take some time, it is worth while, for the sake of the exact truth of history and for the sake of what may hereafter be predicated upon the debates of this body on this occasion and upon their action on this occasion, that this historical summary, which is called "Confidential Memoranda for the use of the Commissioners on the part of the United States in the American and British Joint High Commission, Washington, 1871," title, "Fisheries," should be put into the RECORD. It will appear from an examination of this chronological statement of all the different facts that entered into the consideration of this question that a keen, penetrating, shrewd, statesmanlike eye had passed over every fact and weighed every one which entered into this case and which bore upon that question presented in 1871, which is precisely the same question that is presented now, because it is the question of the proper construction of the treaty of 1818.

I will not read while I stand at my desk all of this, but I will put it in the RECORD as part of my remarks.

1. RIGHTS AS DEFINED BY TREATY.

The convention of 1818, hereinafter referred to, gives to American fishermen—

1. The right, in common with British fishermen, to fish within 3 marine miles of the land on all the coasts marked red, blue, and yellow, respectively, on the annexed map.

A map accompanies these instructions, and the coloring is such as to indicate what we know to be the limits which measure and bound the rights of the respective parties in their joint use of the fisheries.

2. Prior to the negotiation of the treaty of 1818, France had secured for her fishermen, by treaty with Great Britain, a similar right on all the coasts marked red. Hence it follows that the American fishermen, as to that portion of the coast, enjoy the right to fish in common with the French as well as the British fishermen.

That makes three tenants in common there on that part of the coast—the British, the French, and the Americans. It is worth while to observe as we go along here that every statute of the provinces and every act of Parliament and every regulation of the Privy Council which in any wise has affected the rights of the American fishermen has been applied equally to the French fishermen and to all foreigners, but particularly to Americans and French, because these two had the joint right, along with the British subjects, of fishing upon the parts of the coast to which I have just alluded. When we take to ourselves the whole burden of the offense alleged in regard to these provincial laws, the French Government have just the same right to complain of them that we have—just the same in respect to all that part of the coast where they had secured fishing rights by treaty with Great Britain.

But we do not hear of any French complaint about them. Occasionally there is a seizure of a French vessel over there for a violation of these statutes. They go into the provincial courts and have their rights determined, but we do not see French fleets coming over for the protection of French fishermen, or English fleets coming over for the purpose of regulating French fishermen. They do not seem to take the view of the question that we do. Perhaps they are not so aggressive in the assertion of their rights, and yet I believe I have never heard of a Frenchman neglecting any right secured by a treaty.

3. The additional right as to the coast marked blue to land, and dry, and cure fish, so long as the coast is unsettled.

[As to this right, it is to be observed that it is said to be important as to the cod-fisheries, but unimportant as to the mackerel fisheries. The cod are usually split and dried on shore; the mackerel are cured on board.]

4. The "privilege" is also reserved to the American fishermen to enter the British North American bays or harbors, not included within the limits of coast so marked in colors, "for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever."

[The United States claim that this is a privilege to their fishing vessels to go in and out of those bays and harbors for the purposes named without the custom-house formalities, and is not to be confounded with the right which all vessels which bear the flag of the United States have to enter the open British ports for the purpose of trade, or any other purpose lawful under the customs of nations.]

The word "right" is put in italics there, but it seems to me that an undue emphasis is laid upon it when we come to consider our own doctrine in respect of the liberty, I will call it, of a British ship to enter the port of New York. I do not understand that a British ship, otherwise than by treaty arrangement, has the right to enter the port of New York. Strike out all treaty engagements between us and Great Britain, and she has not got the right to come into the port of New York. She has permission to do so under our laws, but we could repeal those laws any day and exclude her, unless prohibited from doing that by some treaty stipulation. So I think undue emphasis was given to this right of ours—to all vessels bearing the American flag to enter Canadian ports. Nobody, I believe, has ever really designated this as being a right, because we can not say that it was secured to us by compact or by treaty; it is a permission, a liberty. However, that is an immaterial matter.

5. Except as above defined, the United States renounce forever the liberty to take, dry, or cure fish within 3 marine miles of any of the coasts, bays, creeks, or harbors of the British dominions in America.

2. CHARACTER OF THE FISHERIES.

The fisheries are known as the deep-sea and inshore fisheries.

The latter are principally for herring and mackerel; and are understood to have been the principal cause of the trouble. The former include, and in fact mainly consist of, the cod and halibut fisheries.

Now we have got to the point where the particular element of trouble came—out of the herring and mackerel claim.

The third item here is as follows:

3. VALUE OF THE BRITISH COLONIAL MARINE FISHERIES.

The value of these fisheries, as given in the latest accessible returns, is—

Quebec	$1,046,240.46
New Brunswick	638,576.00
Nova Scotia	2,501,507.00
Newfoundland	7,005,807.40
Prince Edward Island	169,580.00
Magdalen Islands	71,356.00
Total	11,433,067.00

The total value has gone very much beyond that since; but I shall not now present those facts.

The fisheries of Newfoundland are principally deep-sea fisheries. The consul at Halifax gives it as his opinion that "of the aggregate products of the whole colonial fisheries, the inshore fisheries—which are pursued chiefly for mackerel and herring—constitute the smaller portion; probably not more than one-fourth of the whole."

The next relates to—

4. VALUE OF THE AMERICAN FISHERIES.

Mr. Mortimer Jackson, the consul at Halifax, says: "The number of American fishing vessels engaged in the deep-sea fisheries off the coasts of the British North American Provinces is, as near as can be estimated, about 1,400, with an aggregate tonnage of nearly 100,000 tons, employing about 17,000 men. They pursue the fisheries on the Banks of Newfoundland, in the Gulf of St. Lawrence, and on the Western Banks. On the Banks the fisheries are pursued for cod and halibut, and in the Gulf of St. Lawrence principally for mackerel.

"The capital employed in these fisheries is estimated at between eight and nine millions. The aggregate annual yield is about $7,000,000. The deep-sea fisheries are exclusive of the inshore fisheries, which were alone affected by the abrogation of the reciprocity treaty. During the existence of that treaty, and subsequently, to a limited extent, under the license system, the inshore fisheries were pursued by our fishermen chiefly for mackerel. The quantity so taken, however, did not exceed, on an average, in any one year, more than one-fourth of the whole catch of that description of fish."—*Manuscript dispatch No.* 397, January 23, 1871.

Mr. E. H. Derby, of Boston, says: "The fisheries of the State of Massachusetts for whale, cod, mackerel, and herring produce yearly about $12,000,000, of which less than a sixth are usually drawn from our fisheries in the Gulf of St. Lawrence."—*Manuscript review of the Ottawa review of the President's message.*

Item 5 relates to "markets for Canadian fish," upon which it was remarked as follows:

5. MARKETS FOR CANADIAN FISH.

The Newfoundland-cured codfish find a large market in Spain, Portugal, the Mediterranean, South America, and the West Indies.

With that exception, the United States furnish the best market. This market, especially as to mackerel, has not been injured by the abrogation of the reciprocity treaty.

That is a point worth noticing:

The Newfoundland-cured codfish find a large market in Spain, Portugal, the Mediterranean, South America, and the West Indies.

With that exception, the United States furnish the best market. This market, especially as to mackerel, has not been injured by the abrogation of the reciprocity treaty.

Quoting now from the report of the consul at Halifax:

It was fully demonstrated, during the existence of the reciprocity treaty, that the admission of American fishing vessels to a common participation in the privileges accorded to British vessels, instead of being injurious, was, on the whole, beneficial to the interests of the provincial fishermen.—*Manuscript report of the consul at Halifax*, January 23, 1871.

Now we commence with the—

6. DIPLOMATIC HISTORY.

The inshore fisheries were acquired to Great Britain by the treaty of Paris (1763), which terminated the French dominion on this continent, and were enjoyed from that time till the Revolution by the inhabitants of the original thirteen States in common with the other inhabitants of the British Empire.

So the British people throughout the world had just the same interest in these fisheries as the people of the colonies, according to this, during the twenty years that we held them before the treaty of 1783 was made. That right of which I speak with so much confidence as being one of the rights of our country, was one enjoyed twenty years before the treaty of 1783, even by the British people, and all of the British people, whether they lived beyond the Atlantic Ocean or lived on this side, had the same right in the colonial fisheries that we had.

Mr. GEORGE. Because they were British.

Mr. MORGAN. Simply because they were British people. The benefits of the treaty of Paris inured to all the subjects of the British crown, it made no difference where they were in the world.

November 30, 1782:

In the negotiations preceding the treaty of 1783 an attempt was made to induce the American commissions to give up the fisheries, which John Adams met by saying, "I will never put my hand to any article without satisfaction about the fisheries." Finding the commissioners firm on this question, the provisional articles were signed November 30, 1782, and

"The definitive treaty of peace" was signed, of which the third article (being identical with Article III of the provisional article) read thus:

"ARTICLE III.

"It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

Proceeding, the Secretary says:

The fisheries were among the questions discussed by the commissioners for negotiating the treaty of peace that closed the war of 1812. The United States commissioners claimed that the treaty of 1783 conferred no new rights upon the United States; that it was an agreement as to a division of property which took place on the division of the British Empire after the success of the American Revolution, and was not in that respect abrogated by war. The British commissioners, on the other hand, held that, while the treaty of 1783 recognized the *right* of the United States to the deep-sea fisheries, it conferred *privileges*—

Italicizing the word—

as to the inshore fisheries and the use of the shores which were lost by a declaration of war, the parties being unable to agree. (See American State Papers, Foreign Relations, volume 3, pages 732 *et seq.*).

There the Secretary of State takes the distinction in the settlement that was made of this matter in 1818, between privileges granted us in respect of the inshore fisheries and the rights which belonged to us as was alleged and was admitted of fishing anywhere in the deep sea.

The treaty of Ghent was concluded without allusion to the fisheries.

Lord Bathurst instructed the governor of Newfoundland that "on the declaration of war by the American Government, and the consequent abrogation of the then existing treaties, the United States forfeited, with respect to the fisheries, those privileges which are purely conventional; and, as they have not been renewed by stipulation in the present treaty, the subjects of the United States can have no pretense to any right to fish within the British jurisdiction, or to use the British territory for purposes connected with the fisheries."—*Review of President's message*, Ottawa, December, 1870.

Making the distinction between the rights that are obtained to fish on the high seas under the treaty of Paris, and the privileges which were conceded to us under the treaty of 1783 to fish and to use the shores for landing and drying fish and the like.

This position resulted in a long correspondence between Mr. John Quincy Adams and Lord Bathurst, which ended by the British Government adhering to its position.

That was in 1815–'16.

The correspondence may be found in Foreign Relations, volume 4, page 352, *et seq.*

Mr. Bagot, British minister at Washington, reasserting Lord Bathurst's construction of the treaty of 1783, and of the effect of the war, proposed a new arrangement upon the basis of a concession of the right to cure fish on certain coasts, to fish within British limits on certain coasts, and of a renunciation of the right to fish within those limits on all other coasts. The first proposition made was not an acceptable one.

December 31 of the same year, 1815 I believe it was—

Another proposition was made, which, although not accepted, appears to have been the basis of the subsequent arrangement. (*Ibid.*, page 365 *et seq.*)

August 8, 1817.—Instructions having been issued by Great Britain to seize foreign vessels fishing or at anchor in any of the harbors or creeks in Her Majesty's British North American possessions, or within their maritime jurisdiction, and send them to Halifax for adjudication, several vessels were seized, and information officially communicated to this Government. (*Ibid.*, page 379.)

That was to seize foreign vessels, not "American vessels," but all foreign vessels fishing in Her Majesty's possessions or within their maritime jurisdiction. On the 22d day of May, 1818—

Mr. Gallatin, envoy extraordinary and minister plenipotentiary to France, and Mr. Rush, envoy extraordinary and minister plenipotentiary to Great Britain, were then empowered "to agree, treat, consult, and negotiate of and concerning the general commerce between the United States and Great Britain and its dominions or dependencies, and such other matters and subjects interesting to the two nations as may be given to them in charge, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises." (*Ibid.*, page 372.)

Their instructions related to the prolongation of the treaty of commerce of 1815 (8 Statutes at Large, 228) to the commerce and intercourse with the British colonies in the West Indies and North America; to indemity to the owners of slaves carried away after the ratification of the treaty of Ghent; to the boundary line between the United States and the British possessions; and to the fisheries. (*Ibid.*, pages 371, 372.)

They arranged for all these points, except the commerce with the colonies, in which the British ministry of that day were not disposed to allow the United States to share. (*Ibid.*, page 380.)

September 17, 1818.—At the third conference of the commissioners the American plenipotentiaries submitted their proposed articles, among which was the following relating to the fisheries:

Article A is as follows:

ARTICLE A.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States *shall continue to enjoy, unmolested, forever*, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, and the western and northern coast of Newfoundland from the said Cape Ray to Quirpon Island, on the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, here above described, *of the Magdalen Islands*, and of Labrador, *as here above described*; but so soon as the same, or *either of them*, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such *settlement* without previous agreement for *that* purpose with the inhabitants, proprietors, or possessors of the ground; and the United States hereby renounce any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, and harbors of His Britannic Majesty's dominions in America not included in the above-mentioned limits.

There is a foot-note to the print of this article, which is called "Article A." The foot-note says:

The words in italics were erased as the article was finally agreed to, and in most cases other words substituted in their places. (See *post.*)

The only words to which I shall call attention that were erased subsequently and other words substituted in their place are in the proviso to this proposition which they submitted to the British commissioners. It has been very frequently stated here that this proposition emanated from the Americans, and the words of the proviso as they presented them are as follows:

Provided, however, That the American fishermen shall be admitted to enter such bays and harbors for the purpose only of obtaining shelter, wood, water, and bait, but under such restrictions as may be necessary to prevent their drying or curing fish therein, or in any other manner abusing the privilege hereby reserved to them.

That was our language. I refer to this, now, more particularly for the purpose of putting at rest all this discussion that has occurred here about the privilege of obtaining bait. As we presented the proposition the words followed each other as follows:

Of obtaining shelter, wood, water, and bait, but under such restrictions as may be necessary to prevent their drying or curing fish therein, or in any other manner abusing the privilege hereby reserved to them—

Putting it distinctly, not upon the ground of a right, but on the ground of a privilege of our entering there. Not a right that in any form whatsoever countervailed or qualified the right which we had renounced of fishing within those limits, but adding in our behalf to that renunciation the privilege which is here stated.

The words "and bait" were stricken out; the privilege of obtaining bait was stricken out; and it seems to me to be a very narrow refinement to discuss the question whether or not that gave us the right to catch bait and buy bait. The words "obtain bait" cover the whole field. "Obtain" is a very much broader word than "buy" or "catch." It includes both, and we were shut out from the privilege of obtaining bait.

Mr. GEORGE. From every method of getting bait.

Mr. MORGAN. "Obtain" includes every method of getting bait. Now, it does seem to me that after this commission had proposed this language and the British commissioners rejected it, we must be precluded from saying that the treaty of 1818 conveyed to us either a right or a privilege of obtaining bait within either harbors or bays. I do not urge that or state it, except for the purpose of showing that it at least in some sort justified the British contention on that subject.

I do not understand that we have the right to prescribe to the British Government what construction they should put upon the language of this treaty or any other treaty; we are not sitting in judgment on their claims at all; we are negotiating with them; we are treating with them about this matter, trying to come to an accommodation with them about it. And, as I remarked at the outset of my speech to-day, the question that most concerns us, and in fact the first question that concerns us, is whether or not the contention that they present is one that is included within the purview of the instrument we are controverting about, and the next is, whether it is sincere, for if it is sincere it is a proper subject-matter of negotiation; if insincere, it is a subject-matter of an indignant refusal to discuss it.

Then the British commissioners came back, and they struck out this matter of purchasing bait; but they put something else in which seemed to have a bearing on our vessels at the time:

October 6, 1818.—At the fifth conference the British plenipotentiaries presented a counter project, of which the part relating to the fisheries was in the following language:

"ARTICLE A.

"It is agreed that the inhabitants of the United States shall have liberty to take fish of every kind on that part of the western coast of Newfoundland which extends from Cape Ray to the Quirpon Islands, and on that part of the southern and eastern coast of Labrador which extends from Mount Joli to Huntingdon Islands. And it is further agreed that the fishermen of the United States shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of the said south and east coast of Labrador, so long as the same shall remain unsettled; but as soon as the same, or any part of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

"And it is further agreed that nothing contained in this article shall be construed to give to the inhabitants of the United States any liberty to take fish within the rivers of His Britannic Majesty's territories, as above described; and it is agreed on the part of the United States that the fishermen of the United States resorting to the mouths of such rivers shall not obstruct the navigation thereof, nor willfully injure nor destroy the fish within the same, either by setting nets across the mouths of such rivers or by any other means whatever.

"His Britannic Majesty further agrees that the vessels of the United States, *bona fide* engaged in such fishery, shall have liberty to enter the bays and harbors of any of His Britannic Majesty's dominions in North America for the purpose of shelter or of repairing damages therein, and of purchasing wood and obtaining water, and for no other purpose, and all vessels so resorting to the said bays and harbors shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein.

"It is further well understood that the liberty of taking, drying, and curing fish, granted in the preceding part of this article, shall not be construed to extend to any privilege of carrying on trade with any of His Britannic Majesty's subjects residing within the limits hereinbefore assigned to the use of the fishermen of the United States for any of the purposes aforesaid.

"And in order the more effectually to guard against smuggling, it shall not be lawful for the vessels of the United States engaged in the said fishery to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of the fishery or the support of the fishermen while engaged therein, or in the prosecution of their voyages to and from the said fishing grounds. And any vessel of the United States which shall contravene this regulation may be seized, condemned, and confiscated, together with her cargo."

The American plenipotentiaries replied to that last part and several other items that are in here, as follows:

"FISHERIES. (October 7, 1818.)

"The American plenipotentiaries are not authorized by their instructions to assent to any article on that subject which shall not secure to the inhabitants of the United States the liberty of taking fish of every kind on the southern coast of Newfoundland from Cape Ray to the Rameau Islands, and on the coasts, bays, harbors, and creeks from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, and also the liberty of drying and curing fish in any of the unsettled bays, harbors, and creeks of Labrador, and of the southern coast of Newfoundland, as above described, with the proviso respecting such of the said bays, harbors, and creeks as may be settled.

"The liberty of taking fish within rivers is not asked. A positive clause to except them is unnecessary, unless it be intended to comprehend under that name waters which might otherwise be considered as bays or creeks. Whatever extent of fishing ground may be secured to American fishermen, the American plenipotentiaries are not prepared to accept it on a tenure or on conditions different from those on which the whole has heretofore been held. Their instructions did not anticipate that any new terms or restrictions would be annexed, as none were suggested in the proposals made by Mr. Bagot to the American Government. The clauses forbidding the spreading of nets and making vessels liable to confiscation in case any articles not wanted for carrying on the fishery should be found on board are of that description and would expose the fishermen to endless vexations."

October 9, 1818.—At the sixth conference the American plenipotentiaries declared that they could not agree to the article on the fisheries brought forward by the British plenipotentiaries at the preceding conference. (*Ibid.*, page 392.)

October 13.—The British plenipotentiaries presented the following article as to the fisheries:

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America:

"It is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belle Isle; and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

"And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood and obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privilege hereby reserved to them."

This article was accepted by the American commissioners, and is identical with article incorporated in the convention. (8 Statutes at Large, page 248.)

So that that proposition came from Great Britain as a final proposition, they having inserted the word "forever" after the word "renounce," so as to make our renunciation of our fishing rights perpetual and to continue through all conditions, peace or hostility.

October 20, 1818.—The comparison of this article with the article submitted by the American commissioners, on the 17th of September, shows that the only material change made, so far as the present discussion is concerned, was in the exclusion of the word "bait." It is represented that the "bait" referred to in the treaty must have been bait for "cod," which were caught in those waters, as the mackerel fisheries in those waters did not begin till several years after that time.

That was drawing it very fine. You can not blame an American plenipotentiary for putting in the very best words he can find in favor of his own Government, and we can not blame a British diplomatist for doing the same thing. Mr. Fish says:

It was, therefore, within the letter and spirit of the convention to deny to American fishermen the right to catch that bait in those waters. The favorite bait for the mackerel is said to be caught only off the coast of Maine, and not to be found in Canadian waters. If this is correct, it could not have been intended to deny to our fishermen the right to purchase that bait in British ports.

That is the argument presented by Mr. Fish after the instructions given his negotiator.

June 14, 1819, was passed in the Imperial Parliament the "Act to enable His Majesty to make regulations with respect to the taking and curing fish on certain parts of the coast of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a convention made between His Majesty and the United States of America." It is by this statute declared to be unlawful for persons, not natural-born British subjects, to fish for, in a foreign vessel, take, dry, or cure any fish within 3 marine miles of any coasts, bays, creeks, or harbors whatever, in any British port in America, not included within the limits specified and described in the first article of the convention of 1818.

It is further declared that it may be lawful for the United States fishermen to enter into such bays or harbors for the purpose of shelter and repairing damages therein, and of purchasing wood, and of obtaining water, and for no other purpose whatever; that the governor of Newfoundland is invested with power to order such persons to depart; and that persons refusing to depart after notice, or neglecting to conform to regulations, shall forfeit £200.—*Sabine's Fisheries*, 394.

That very severe statute was enacted on June 14, 1819, the next year after the treaty of 1818 had been formulated. I believe the treaty was ratified in October, 1818. Within eight months of that time the British Parliament enacted this stringent regulation. In 1819 it was established that the penalty for the violation of that law should be the forfeiture of £200, and it was also established that the governor of Newfoundland should have the right to order such persons to depart, and the person so refusing to depart should be thus fined £200. Since 1819 down to this present Administration no Secretary of State and no President has ever found it necessary to make any demand for the repeal of that harsh statute.

There was a clear declaration within seven or eight months after the adoption of the treaty of 1818 that the instrumentality to be employed by the British Crown for the purpose of enforcing the rights under this treaty, and the restrictions also under the treaty, and all of the laws that might be enacted by the British Parliament, and all the orders in council that might be proclaimed, was the local government, New-

foundland, New Brunswick, Nova Scotia, Quebec, or whatever government it was upon whose coasts these difficulties might occur. Why did not the Government of the United States, with all those splendid men around the Capitol and within reach of its advice, make some complaint in 1819 or 1820 against the passage of that law?

Why was it not then suggested that the Empire of Great Britain had no power to confer upon those local jurisdictions the power of executing her laws under the treaty of 1818? The argument answers itself. It does not need any answer; it is too palpable. The Government of the United States, in the very initiation of the whole controversy, acknowledged, first, the power of Great Britain to enforce these penalties by act of Parliament; and, secondly, to employ the governor of Newfoundland as the instrumentality through whom these orders could be given, thus putting the matter in his executive discretion.

Mr. GEORGE. Upon that point may I ask the Senator whether it is not required, in the event of the execution of a judgment against any of our vessels, that it must be with the consent of an imperial officer?

Mr. MORGAN. Yes; the governor-general of Canada is an imperial officer, and, more than that, it provides for a special tribunal to be organized for the purpose of trial and near to the point of seizure.

Mr. GEORGE. But the point that I desire to have understood is this: That there can be no effective procedure against one of our fishing vessels without the consent of an imperial officer responsible to the Crown of Great Britain under the proposed treaty.

Mr. MORGAN. There can be no condemnation. The judges in those courts may go on and pronounce their judgments, but they are worth nothing until that officer confirms them, as I understand the treaty.

Now the fun commences. In 1823, about five years after the treaty of 1818 was ratified—

In the spring of the year the schooner Charles was seized for a breach of this act in returning to a harbor a second time after warning, "the weather being fine and moderate the whole time."—*Senate Executive Document* 100, Thirty-second Congress, first session, page 5.

The governor of Newfoundland warned off the Charles, or some of his subordinate agents warned the Charles off. He had the right under this act of the British Parliament to warn the Charles off. He did warn her off. She went off and came back and was seized.

June 10, 1824.—It appearing that the Charles, during her detention, had been used as a British cruiser, the vessels captured by her were restored, and official information thereof given.—*Ibid.*, page 11.

Now let us get a little more into the particulars about the Charles. The Charles was seized for these reasons, and only for these reasons: She was found in that bay in good weather, having been there before and warned not to come back. Within a very few hours, and on the same day after the lieutenant of the Argus had seized the ship, as soon as he reported, they hauled down the American flag and put another officer on board of her and sent her down the bay, and she cruised until the 20th of the month and returned. On the day she was seized, and before she had been libeled and carried into court, she went out and seized another schooner for smuggling, and also a British schooner charged with the same offense. She went about over the sea as a British man-of-war or a vessel of the British revenue marine.

I do not know which character they gave her—with the British flag flying at her peak the American flag had disappeared. She got back on the 20th day of June, 1824, and then she reported to the custom-house officer as a ship that had been seized. She was libeled on the 21st day of June, and immediately, before any libel proceeding was disposed of or heard, she was sent out again as a cruiser to catch smugglers and the like. She was carried right into the British service, and that was in those spirited and splendid days of our Republic when John Quincy Adams was Secretary of State. Mr. Adams protested against it, especially the insult to our flag. But what became of that? The Charles was condemned afterwards in that court, and being condemned, there was but one consequence that followed, and that was that she having seized this American ship, which she said was smuggling before she was condemned, that ship was turned loose with no apology, no reparation, no disputation about the authority of that officer of the Newfoundland government to warn her off.

Whether it was not so well understood in that day and time as it is now by the gentlemen who expound these laws, I can not say, but American patriotism and American spirit seem to have had a wonderful improvement since Cleveland came in.

This thing rested until Cleveland came in, and immediately the American conscience waked up to that sensitiveness that causes the Senators now on the other side of this Chamber to declaim with great and eloquent vehemence about insults offered to the American flag. Of course, it is something new—a new act. We are appearing in a new rôle entirely. I can not blame them for enjoying the opportunity once in their lives, although some of them are getting pretty old now in statesmanship and years, of finding an atmosphere in which there will be some response to declamation about insults to the American flag.

February 5, 1826.—Mr. Vaughn informed Mr. Clay that "the Charles had been regularly condemned in the vice-admiralty court of the province of New Brunswick, and that it was not expected that the Government of the United States would lend further countenance to the complaints of the owners." (*Ib.*, page 54.)

The British Government there took the ground that because the Charles had been condemned in one of their own colonial courts that estopped the Government of the United States from saying anything about it.

Condemned in the vice-admiralty court—

Says Mr. Vaughn, writing to Henry Clay—

of the province of New Brunswick, and that it was not expected that the Government of the United States would lend further countenance to the complaints of the owners.

Why? Because there was a general and universal admission at that day of the right and the jurisdiction of that court, and it made no difference what perjury might have supervened or what rascality or even bribery of witnesses might have occurred, the British Government felt itself not only warranted but bound to respect the judgment of its own courts, upheld them, and said to the American Government, when a protest was presented about the Charles, it was not expected that the Government of the United States would lend further countenance to the complaint of the owner. And they did not either; and the thing dropped right there. They did not have anything to say about it.

Says Mr. Fish, continuing:

It does not appear that there was any further correspondence about this vessel.

There was a case in point. What did Mr. Fish put that in his instructions for except to emphasize the American concession that the local courts did have jurisdiction, and when they had passed judgment upon a case we did not interfere with it? Those courts had the right when a vessel was libeled to condemn her, and the whole power of the British Government would be exerted to see that the condemnation should be sustained, but Great Britain could not separate herself from her courts and tribunals and say we will approve of part and disapprove of part.

1824-'26.—More or less correspondence took place about the Reindeer and the Ruby, which were rescued by force after having been seized by a British cruiser.

There the boot got on the other leg. The Reindeer and the Ruby were seized by a British cruiser. They were fishing in the Bay of Fundy, 15 miles or more from shore, and passing along by the coasts of Maine with this prize in hand the Yankees living along the coast concluded they would not put up with it, and so they manned some boats they had and fired upon the Dotterel that had seized the Ruby and the Reindeer and rescued these ships and took them away; and thereupon Great Britain commenced complaining very earnestly about the matter.

April 29, 1826.—The last letter on the subject (from Mr. Vaughn to Mr. Clay) does not appear to have been ever answered. From that time until 1836 there is no evidence of complaint on the files of the Department of State, so far as known.

That brings us down to 1836, but in the period between 1818 and 1836 we had the most crucial test of the rights and powers of these local courts and the right of Parliament to pass laws for the purpose of executing this treaty and also of construing it.

1836.—Some complaints of trespass were made by Great Britain this year, but on investigation they appeared to have little foundation. (*Ibid.*, pages 55, 56, 57, and 58.)

1836.—In this year the statute of Nova Scotia was passed, authorizing officers to go on board vessels hovering within 3 miles of the coast or harbors; to stay on board; to require the vessel to depart; to bring it into port if it did not do so within twenty-four hours; to examine the master on oath; to condemn him to a forfeiture of £100 if he did not make true answer; and also authorizing a forfeiture of the vessel or cargo found fishing within forbidden waters. There were many other extraordinary, onerous, and unjust provisions in this act, for which reference is made to the act.—*Senate Executive Document No.* 100, Thirty-second Congress, first session, page 108.

1838.—The same colony, in an address to the Queen, prayed for "a naval force to put an end to American aggressions;" to which the colonial secretary replied that "it had been determined for the future to station, during the fishing season, an armed force on the coast of Nova Scotia to enforce a more strict observance of the treaty by American citizens."—*Sabine's Fisheries*, page 399.

It was in 1838 that this resolution was come to; but an armed force went there and continued to escort and convoy those fishing ships; but our Government did not resort to that sort of retaliation or any retaliation; neither did it resort to any effort during all that period of time to have a better understanding and explanation of the meaning of the treaty of 1818.

The seizures which followed this course were numerous. (*Ibid.*, page 400.)

As soon as ships of war got there.

August 14, December 29, 1839.—The voluminous correspondence which grew out of these seizures will be found in the Senate Executive Document already cited, pages 59 to 103. The results are summed up in a report from the acting Secretary of State, Mr. Vail (page 92), and in a report from Lieutenant Commanding Paine to Mr. Forsyth (page 98). Mr. Vail "is unable to state whether, in the cases under consideration, there has been any flagrant infraction of the existing treaty stipulations" (page 95).

There is our Secretary of State unable to make any such statement as that.

He appears to think that most of the cases were connected with alleged violations of the customs laws. Lieutenant Paine reports that "the authorities of Nova Scotia seem to claim a right to exclude Americans from all bays," "and also to draw a line from headland to headland;" "that the provincial authorities claim a right to exclude vessels, unless in actual distress;" and "would exact that American fishermen shall have been supplied on leaving home with wood and water for the cruise." (*Ibid.*, pages 99, 100.)

This seems to be rather a critical report. Lieutenant Paine seems to

take definitions here that Senators on this floor are oblivious of as to what was the contention of the British people. He says:

The authorities of Nova Scotia seem to claim a right to exclude Americans from all bays, and also to draw a line from headland to headland.

Mr. Fish presents this without demur. He presents it as one of the necessary facts of the case to enable the Joint High Commission to make a wise judgment about this matter. It is part of the instructions, part of the history of the case:

February 20, 1841.—Mr. Forsyth informed Mr. Stevenson, the United States minister in London, that the provincial "authorities claim a right to exclude our vessels from resorting to their ports unless in actual distress, and American vessels are accordingly warned to depart or ordered to get under way and leave a harbor whenever the provincial custom-house or British naval officers suppose, without a full examination 'of the circumstances under which they entered, that they have been there a reasonable time,' and instructed him to 'immediately remonstrate against the illegal and vexatious proceedings of the authorities of Nova Scotia toward our fishermen, and request that measures be forthwith adopted by Her Majesty's Government to remedy the evils arising out of this misconstruction on the part of the provincial authorities of their conventional obligations.'" He also gave strong and explicit instructions asto the Nova Scotia act of 1836. (*Ibid.*, pages 106-108.)

The reasoning of Mr. Forsyth, on pages 107 and 108, upon the Nova Scotia law of 1836, is applicable, without changing a word, to the Dominion laws of 1868 and 1870.

Here Mr. Fish was writing to these Joint High Commissioners—this memorandum is not dated, I believe, but it was immediately before the Treaty of Washington was negotiated—and he informed them of what had taken place, and he then says:

The reasoning of Mr. Forsyth, on pages 107 and 108, upon the Nova Scotia law of 1836, is applicable, without changing a word, to the Dominion laws of 1868 and 1870.

That would have been a most admirable time to have introduced a protest against these laws and a demand for their repeal or modification so as to come within the limits that we thought they had the right to enter by their enactment. But nothing of that sort occurred. Mr. Fish in a very quiet way informs the commissioners of what the state of the case is, and that these two later laws are open to the very objections that Mr. Forsyth had stated in respect of the law of 1836 passed by Nova Scotia.

March 27.—Mr. Stevenson brought to Lord Palmerston's notice: 1. The claim to exclude American vessels from waters "within 3 miles of a line drawn from headland to headland, instead of from the indents of the shores of the provinces." 2. That the authorities of Nova Scotia had "put upon the stipulations of the treaty (as to the entry to harbors, etc.) a construction directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States." 3. The objectionable law of Nova Scotia. 4. The assertion, said to be untenable, "that the Gut of Canso is a narrow strip of water completely within and dividing several counties of the province." (*Ibid.*, pages 113, 114, and 115.)

Mr. Stevenson brought that to Lord Palmerston's notice and said these are the things you are contending for that we object to. Of course we objected to them. We were right in objecting to them. Nevertheless it was true that they contended for them, and when it is said that Mr. Bayard has had some supererogatory negotiation in respect of the Gut of Canso, we have but to refer to these and many very much more modern instances than the one I am now quoting from to show that the British contention from time to time has been that these are in so far close waters, waters that are private, that they have the right to put lights up and charge light dues, and they had the right to prevent the intrusion of fishermen in that narrow strait by stopping there to fish either in the entrance or elsewhere, and that it was within the meaning of the treaty of 1818 a bay to which all the provisions of that treaty were applicable as to fishermen. That was their contention.

We do not admit the contention. We contend that that is a part of the high seas connecting one sea with another, just as we contended that the Strait of Simonoseki, connecting the Sea of Japan with the great eastern waters, was, and in 1863 we went to war with Japan upon that subject.

There is enough here to show that the question about the Gut of Canso and what might be the dominant right of Great Britain or of the colonial provinces there in the control of that little strait of water was a subject that had received attention all the way through, and it would have been a very unwise piece of negotiation for an American statesman to have left that out of the treaty if he could get it in.

It resulted from this note that the law officers of the Crown were inquired of and gave their opinions: 1. Sustaining the colonial "headland" doctrine, on the assumption that the word "headland" is used in the convention. No such word is there found. 2. Giving an answer as to the use of ports, which is immaterial in the present aspect, but which was favorable to the American fishermen so far as it went. 3. Say nothing about the objectional clauses in the law. 4. Affirming the colonial doctrine about the Gut of Canso.—*Sabine Fisheries*, pages 405 and 406.

It does not appear that this document was ever officially communicated to this Government.

1843-'44.—In a discussion, however, which took place at London between Mr. Everett and Lord Aberdeen in regard to the schooner Washington, captured in the Bay of Fundy, these views of the Crown law officers were officially asserted, but without referring to them.—*Senate Executive Document No.* 100, as above, page 210 *et seq.*

So we find how these questions come forward and plant themselves in the controversy continually. They bristle out of it every time a question is raised.

March 10, 1845—Lord Aberdeen informed Mr. Everett that while the British Government did not concede that the United States had a right to the fisheries in the Bay of Fundy, "they are prepared to direct their colonial authorities to allow henceforward the United States fishermen to pursue their avocations in any part of the Bay of Fundy provided they do not approach, except in the cases specified in the treaty of 1818, within 3 miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick." (*Ibid.*, page 136.)

In this long discussion—

Mr. Fish continues—

Mr. Stevenson's complaints as to the restrictions upon the use of ports seem not to have been noticed by the British Government, unless the last clause quoted from Lord Aberdeen's note to Mr. Everett is to be construed as an implied reassertion of the doctrine.

September 17, 1845.—Sir Robert Peel's government having meanwhile fallen, Lord Stanley wrote to Lord Falkland that the British Government had abandoned the intention they had on the subject, and should adhere to the strict letter of the treaties, except in so far as they may relate to the Bay of Fundy.

July 5, 1852.—No collision of authority, however, occurred, or was threatened, until Mr. Crampton gave notice that a force of war steamers and sailing vessels was coming to the fishing grounds to prevent encroachments of vessels belonging to citizens of the United States on the fishing grounds reserved to Great Britain. (*Ibid.*, page 154.)

This was done after an ineffectual attempt to induce the United States to conclude a reciprocity treaty.—*Sabine's Fisheries*, pages 436, 437, 438.

July 6, 1852—Mr. Webster, Secretary of State, thereupon issued a circular notice to the American fishermen. The following passage is quoted with approbation in the pamphlet review of the President's message already cited (page 15), and appears to be relied upon by Canadian authorities:

"It would appear that by a strict and rigid construction of this article fishing vessels of the United States are precluded from entering the bays or harbors of the British provinces, except for the purpose of shelter, repairing damages, and obtaining wood and water. A bay, as is usually understood, is an arm or recess of the sea entering from the ocean between capes and headlands, and the term is applied equally to small and large tracts of water thus situated; it is common to speak of Hudson's Bay, or the Bay of Biscay, although they are very large tracts of water."

There has been a modern improvement on that, and I propose to quote the language of the Senator from New York [Mr. EVARTS] in his definition of a bay. This was on the 14th of August:

Mr. GRAY. Will the Senator yield to me right there?

Mr. EVARTS. Certainly.

Mr. GRAY. I beg to ask the Senator from New York if, while he is discussing this most interesting topic of debate, he will give us his conclusions in regard to the definition which Mr. Webster, when Secretary of State and engaged in this very subject-matter, made of the word "bay," to wit:

"A bay is, as usually understood, an arm or recess of the sea entering from the ocean between capes or headlands, and the term is applied equally to large and small tracts of water thus situated."

Mr. Webster at that time being engaged in an investigation of this very treaty of 1818. I hope I have not interrupted the line of the Senator's remarks.

Mr. EVARTS. Not a bit. Mr. Webster took precisely the same view that I have advanced here, that geographies and maps may call great areas of water "bays," but in the question of expropriation from the high seas and appropriation to the advantages of ports and bays and harbors when you are dealing with a demarkation between the high seas and their engagement with the appropriation to the greater needs, it is not the greater needs of fishing, but it is the greater needs of land occupation and of land subordination of these inlets of the high seas. "Bay" is to be treated in the treaty of 1818 and in the treaty of 1783 on the principle of *nascitur à sociis*, bays, harbors, ports, creeks; and now we are told that this is to run clear out all over the seas whenever anything by a geographer or a map-maker has been called a bay which is an area of the high seas. This course of argument, if it is to be used, would include Baffin's Bay and Hudson's Bay, and the Bay of Biscay for aught I know.

So Mr. Webster thought; but that is *lucus à non lucendo*. I do not quite see what improvement has been made upon Mr. Webster's very clear language in this matter. Mr. Webster alludes to Hudson's Bay and the Bay of Biscay, and he gives a very clear definition of what a bay is usually understood to be. Says Mr. Webster:

The British authorities insist that England has a right to draw a line from headland to headland, and to capture all American fishermen who may follow their pursuits inside of that line. It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England, since the United States has usually considered that those vast inlets or recesses ought to be opened to American fishermen as freely as the sea itself to within 3 marine miles of the shore.

Mr. Fish proceeds:

The reviewer claims that Mr. Webster's "sound judgment compelled him to recognize the legal force of the British claims to the only point then in dispute, namely, the headland line."—*Review of President's message*, page 16.

To reach that result he suppresses the following language from the close of the same circular:

"Not agreeing that the construction thus put upon the treaty is conformable to the intentions of the contracting parties, this information is, however, made public to the end that those concerned in the American fisheries may perceive how the case at present stands and be on their guard."—*Sabine's Fisheries*, page 441.

As Mr. Webster notified the fishermen so we notify the people of the United States that while we do not concur in the British interpretation of the treaty of 1818, yet they are clearly and distinctly put forward as British constructions and British contentions, and that is what we have to meet either by diplomacy, or by retaliation, or by an abandonment of our rights and our claims. Mr. Webster did not hesitate to state what the British contention was, and to warn the American fishermen that that being their contention there was danger in intruding upon that ground. "You let them alone until the Governments can arrange it. Be on your guard."

Mr. Webster's notice was July 6, 1852, and August 23, 1852, the provincial secretary of Nova Scotia issued his notice, as follows:

August 23, 1852.—The provincial secretary of Nova Scotia issued a notice that "No American fishing vessels are entitled to commercial privileges in provincial ports, but are subject to forfeiture if found engaged in traffic. The colonial collectors have no authority to permit freight to be landed from such vessels, which, under the convention, can only enter our ports for the purposes specified therein, and for no other."—*Review of President's message*, page 12.

That was a Roland for Mr. Webster's Oliver. It was a practical retort upon the great American statesman on his assertion of what he con-

ceived to be American rights notwithstanding the British contention, which he admitted at the time had some foundation in the letter of the treaty of 1818.

Mr. President, that was in 1852. The arrangement of 1830 was then twenty-two years old. It had been recognized, and understood, and acted upon. Daniel Webster, the great impersonation of American ability, and talent, and genius, and manhood, and patriotism, a wise statesman, who saw the reply made to his proclamation by the colonial secretary denying all commercial privileges to our fishermen, made no protest, and then come the Senator from Maine and his colleagues upon that side of the Chamber and impliedly rebuke Mr. Webster be cause, I suppose, instead of issuing the proclamation that he did, warning our people to be on their guard, he did not send his ships of war and punish the men who dared to issue this insolent proclamation:

No American fishing vessels are entitled to commercial privileges in provincial ports, but are subject to forfeiture if found engaged in traffic. The colonial collectors have no authority to permit freight to be landed from such vessels, which under the convention can only enter our ports for the purposes specified therein and for no other.

It did not occur to the minds of the most eminent of our American statesmen, Edward Everett, Daniel Webster, and all of that great list of magnificent men by whom they were surrounded, that the commercial arrangement of 1830 had any effect upon the treaty of 1818. That one fact ought to settle this whole question. Here was the British navy coming in, sent in to protect British fishermen. Mr. Crampton had given notice that a force of steam vessels and sailing vessels was coming to the fishing ground to prevent encroachments. What were the encroachments? The efforts of our fishermen to go in there, not to fish, but to claim commercial rights in provincial ports.

1853-'54.—The case of the Washington (one of the vessels whose seizure was discussed by Mr. Everett) came before the joint commission for settlement of claims, in London, and on disagreement of the commissioners was decided by the umpire (Mr. Joshua Bates), who said:

"The question turns, so far as relates to the treaty stipulations, on the meaning given to the word 'bays' in the treaty of 1783. By that treaty the Americans had no right to dry and cure fish on the shores and bays of Newfoundland, but they had that right on the coasts, bays, harbors, and creeks of Nova Scotia; and as they must land to cure fish on the shores, bays, and creeks, they were evidently admitted to the shores of the bays, etc. By the treaty of 1818 the same right is granted to cure fish on the coasts, bays, etc., of Newfoundland, but the Americans relinquish that right and the right to fish within 3 miles of the coasts, bays, etc., of Nova Scotia. Taking it for granted that the framers of the treaty intended that the words 'bay or bays' should have the same meaning in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing 10 miles from the shore, violated no stipulations of the treaty.

"It was urged, on behalf of the British Government, that by coasts, bays, etc., is understood an imaginary line, drawn along the coast from headland to headland, and that the jurisdiction of Her Majesty extends 3 marine miles outside of this line; thus closing all the bays on the coast or shore, and the great body of water called the Bay of Fundy, against Americans and others, making the latter a British bay. This doctrine of headlands is new and has received a proper limit in the convention between France and Great Britain of 2d August, 1839, in which 'it is agreed that the distance of 3 miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays the mouths of which do not exceed 10 miles in width, be measured from a straight line drawn from headland to headland.'

"The Bay of Fundy is from 65 to 75 miles wide and 130 to 140 miles long; it has several bays on its coasts; thus the word bay, as applied to this great body of water, has the same meaning as that applied to the Bay of Biscay, the Bay of Bengal, over which no nation can have the right to assume the sovereignty. One of the headlands of the Bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The islands of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographies, are situate in the Atlantic Ocean. The conclusion is, therefore, in my mind irresistible that the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818."—*Report of Decisions of Commission*, page 181.

July 18, 1853.—Mr. Richard Rush, one of the negotiators of the treaty of 1818, wrote to the Secretary of State (referring to that instrument): "In signing it we believe that we retained the right of fishing in the sea, whether called a bay, gulf, or by whatever term designated, that washed any part of the coast of the British North American provinces, with the simple exception that we did not come within a marine league of the shore. * * * We inserted the clause of renunciation. The British plenipotentiaries did not desire it."

Mr. Rush was defending himself then against the strictures Mr. Webster had put upon him by that criticism he had made upon the looseness of the language of the treaty of 1818. Mr. Fish puts that fact in. That is a piece of the information he wants to give to the Joint High Commission. Mr. Fish continues:

June 5, 1854.—The conclusion of the reciprocity treaty rendered the reassertion of the disputed claim by the Nova Scotian secretary of no importance, and disposed of all the other questions for the time being. (10 Statutes at Large, page 1089.)

March 17, 1865.—Notice was given to abrogate the reciprocity treaty, the abrogation to take effect in one year from the notice.

1866.—The Canadian Government then resorted to the system of licensing American fishermen to fish in the inshore fisheries. The number of licenses taken out the first year is reported to have been 354. (Review of President's message, page 23.) The fee is stated to have been 50 cents per ton. (Manuscript review of the review, page 27.)

1867.—The license-fee the next year was $1 per ton. (Manuscript review, etc., page 27.) The number of licenses was 281. (Review, etc., page 23.)

1868-'69.—The license-fee was again doubled, namely, to $2 per ton (Manuscript review, etc., page 27); only fifty-six licenses were taken out in 1868, and in the following year (1869) only twenty-five licenses were taken out.—*Review of President's message*, page 23.

May 22, 1868.—The Dominion "act respecting fishing by foreign vessels," passed in 1868, and the third section, amended in 1870, contains, among other provisions, the following:

Section 1, authorizing the granting of licenses.

Section 2, authorizing officers to board ships, vessels, or boats within any harbor of Canada, or hovering within 3 marine miles of the coasts, etc., and to stay on board.

Section 3, as amended, provides that any one of such officers, etc., may bring any ship, etc., hovering, etc., into port and search her cargo; and may also examine the master on oath touching the cargo and voyage; and that if true answers are not given the master shall forfeit $400; and that if the ship, etc., be foreign or not navigated according to the laws of the United Kingdom or Canada, and shall have been found fishing or preparing to fish, or to have been fishing (in British waters) within 3 marine miles of any of the coasts, etc., not included in the limits named in the convention of 1818, the ship, etc., with its tackle, etc., shall be forfeited.

Section 4 provides that every person opposing an officer shall forfeit $800. Section 10 provides that in case of seizure the burden of proving the illegality shall be upon the owner or claimant. Section 12 requires heavy security to be given before a seizure can be contested. Section 14 limits a right of action for an illegal seizure to three months.

This statute contains in an exaggerated form the worst features of the Nova Scotia statute of 1836.

Mr. Forsyth, in his instructions to Mr. Stevenson, already alluded to, said that that statute was a "violation of well-established principles of the common law of England, and of the principles of all just powers and of all civilized nations, and seemed to be expressly designed to enable Her Majesty's authorities with perfect impunity to seize and confiscate American vessels, and to embezzle, almost indiscriminately, the property of our citizens, employed in the fisheries on the coasts of the British possessions." Mr. Everett stigmatized it as "possessing none of the qualities of the law of civilized states but its forms." And it was styled by a Senator of that time as "evidently designed to legalize marauding upon an industrious enterprising class of men, who have no means to contend with such sharp and unwarrantable weapons of warfare."—*Sabine's Fisheries*, page 478.

Those are heavy strictures. Even the Senator from Maine could scarcely exceed the denunciation which Mr. Forsyth bestowed upon these statutes. But there they stood, and this was Mr. Fish writing the account of them. Does Mr. Fish recommend that in consequence of this state of affairs we shall resort to retaliations? Does he recommend that his commissioners shall go instructed into that Joint High Commission for the purpose of getting damages of the British Government or the colonial people for the enactment and the enforcement of such barbarous laws as these are alleged to be? Nothing of that kind. He proceeds then with the instructions which I read of April, 1870, which quote Mr. Thornton's official communication. Mr. Thornton officially communicated to Mr. Fish:

April, 1870.—Mr. Thornton officially communicated to Mr. Fish the intention of the Canadian Government to issue no more licenses to American fishermen.

Mr. Thornton communicated officially to the Department the instructions issued to the commander of the British naval forces, by which it would appear that, notwithstanding the decision of the umpire in 1853, Her Majesty's Government in 1866 were "clearly of the opinion that by the convention of 1818 the United States have renounced the right of fishing not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek; but they are not disposed, for the present, to enforce what they regard as their rights."—*Foreign Relations*, 1870, page 419.

The whole correspondence in the book last cited, from page 407 to page 434, bears directly upon the issues now raised.

I repeat what I read awhile ago.

July 21, 1870.—Mr. Thornton informed Mr. Fish that he had "received instructions from Earl Granville to explain to Mr. Fish that the instructions respecting the limits within which the prohibition of fishing is to be enforced against the United States fishermen are not to be considered as constituting an arrangement between the Governments of the United States and of Great Britain, by which Canadian rights are waived, or the United States fishermen invested with any privilege.

Now I have gone through with all that instruction. There is the case presented by the American Secretary of State to the Joint High Commission, and no fact is omitted from it which would bear the slightest weight in favor of the American contention or against the British contention. There it all is. I maintain, Mr. President, that no man can add anything to it and you can subtract nothing from it. It is scarcely open to a criticism, being a fair and full statement of the whole historical situation, including every point in the case which was considered worthy of the attention of the American Government in 1871, at a time when we were on the alert in respect of every right and privilege which we enjoyed in connection with Great Britain.

That is the case. Now, that case has not been altered down to this day. There is the admission of the British contention. There are all the historical incidents upon which the contention is based, enforced, or modified There is every allusion to any letter or modification or change in British orders, in the enforcement of their statutes, and their construction of the treaty. There is in fact a perfect photograph of every material point and fact which concerns this case, even from the origin of the treaty of 1783 and before that time down to the present day.

I should say that these protestations, accusations, and criticisms which are now thrown into the teeth of the present Administration continually in respect of their conduct in the making of this treaty will not hold for a moment when we compare the treaty of 1888 with the treaty of 1871, when after all this array of fact which puts the British Government in just as strong a light of offense towards us as the facts which were recited and the comments upon them would justify, followed up by a proposition on our side to pay a money value for the difference between the rights of fisheries which we enjoyed under the treaty of 1818 and fishing rights which we gave them in our waters by the treaty of 1871, which resulted in the payment of $5,500,000 as an amercement, and then the voluntary overture coming from us in Mr. Fish's own

summary and conclusion, and the remedies which he proposed for this state of affairs, free fish and fish-oil to the Canadians. I say, Mr. President, when you come to contrast the treaty, the treaty of 1871, with the treaty of 1888, those gentlemen who are committed through their party and without objection on their part, and who have stood committed and stood silent upon the treaty during these twenty years, ought to feel a little abashed when they get up here and make these bald accusations against the present Administration.

Mr. GEORGE. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. GEORGE. The question I desire to ask the Senator from Alabama is this: Are the rights of importation of free fish and other things which were granted under the convention of 1871 greater than those demanded under the fifteenth article of the pending treaty? I should like to have the Senator compare the rights about free fish as offered by the treaty of 1871 and as offered by the fifteenth article of the pending treaty.

Mr. MORGAN. Under the twenty-first article of the treaty of 1871 it was agreed:

That, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island, shall be admitted into each country, respectively, free of duty.

The fifteenth article of the treaty of 1888, which, by the way, is not an article of that treaty at all, provides——

Mr. GEORGE. It is a proposition.

Mr. MORGAN. It is a mere overture, and not an overture made to the Senate, the treaty-making power, but made to Congress. The fifteenth article provides that—

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil)—

The exception here is in the treaty of 1871—

except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil—

I return to the treaty of 1888—

being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador—

This omits Prince Edward Island—

as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to the fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

There the Senator can draw in his own mind what could be the different advantages of the different articles as to the freedom of fisheries, if this fifteenth article should ever go into operation, which, of course, it never will under this treaty. By comparison that treaty was a very much more liberal one than the fifteenth article of the present treaty, because the treaty of 1871 gave them what they did not have a right to at all, the right to fish inshore on our coast down to the thirty-ninth degree of north latitude.

Mr. FRYE. We got the right to fish in their shore-line in the same treaty.

Mr. MORGAN. Those places to which we had not made a renunciation.

Mr. FRYE. All their shore-line.

Mr. MORGAN. That included only the places we had not previously renounced?

Mr. FRYE. Yes.

Mr. MORGAN. That made all; but they had no right in our waters to fish at all before the treaty of 1871. They had under the treaty of 1854, but that was out. At the time the Treaty of Washington was formed they had no right to fish on our coast. The Treaty of Washington gave them the right to fish down to the thirty-ninth degree of north latitude, and then after having given them that, it gave them the right to bring in free fish of all kinds and fish-oil. That included lobsters, oysters, shell-fish, mackerel, and every kind of fish. It did exclude the fish of the inland lakes and the rivers falling into them. That was the only exception.

That was a splendid come-off, and the country was well satisfied with it, too—it was a splendid come-off for all the details of the wrongs and injustice of which Mr. Fish himself complained almost as loudly as the Senator from Maine. Mr. Fish wound it up by offering to them free fish and five and a half million dollars for the inshore fisheries, our inshore fisheries to be granted to them and to be taken into the account as to the comparative value of the two grants, and then, in addition to that, really the passing over and condonation of all the troubles we had had before that. Flags torn down, American vessels taken for cruisers, the barbarities of the laws of the provinces of Great Britain in regard to these matters, and all that, were given up for the treaty of 1871.

Then General Grant, not content with that, in 1874 sent his recommendation to the Senate for the approval of a treaty containing a very much broader reciprocity. One hundred and forty classes of articles were made free, including fish and fish-oils of all descriptions, as broad as it is here, and broader, too. He did that because he thought he would be able (and he would have been able if the treaty had been ratified) to get rid of the $5,500,000 that was given against us in the Halifax award.

Mr. President, I believe I have succeeded in presenting to the Senate what is the true state of the question and in showing that when the treaty of 1871 was abrogated by our act in 1885, within a few months after Mr. Cleveland came into office, we fell right back upon the treaty of 1818 with all the contentions existing about it, which had been merely kept out of view or smothered during the twelve years when the treaty of 1871 was in operation. We came right back in contact with that treaty and in contact with all the British contention in the very form in which it had been officially stated by Mr. Fish to his negotiators.

It will not do for us to say that when Mr. Bayard confronted this question he did not confront the questions that Mr. Fish said were in the case when he instructed his Joint High Commissioners. No man can conscientiously claim that ground. The American people can not sustain a Senator who maintains that Mr. Bayard found this question in any other form at the end of that treaty than it was in when Mr. Fish by the treaty of 1871 merely put these questions to sleep. The treaty of 1871 operated as a soporific, as an anæsthetic upon all the quarrels and troubles and contentions we had had clear back to 1818.

Mr. GEORGE. Without settling one of them.

Mr. MORGAN. Without settling one of them; and the very moment we put an end to the treaty of 1871 they came right back and addressed themselves to the present Administration in that solemn official form which had been given to them by a great diplomatist, a great statesman, an honest and a sincere American, Mr. Hamilton Fish—in that form which they had been acted upon by the Republican Senate in 1871, who were so much impressed with the value and weight of these contentions that they bought their way out of them by the payment of five and a half million dollars, by granting the right of inshore fisheries down to the thirty-ninth degree of north latitude, by the smothering out of all these questions, and by free fish and free fish-oil.

I say, Mr. President, that I think a great deal of time has been wasted. Probably I have done as much as anybody in the Senate in that direction; but I really think that time has been wasted when we come to consider the judicial bearings of these questions as well as their diplomatic bearings. Here is the issue presented by Mr. Fish, and all the efforts we may make to get rid of that presentation, to change it or to say that the facts did not exist, is time merely thrown away.

Mr. GEORGE. Before the Senator sits down I should like to have him answer a question.

I desire to ask the Senator from Alabama, who is more familiar with this matter than any of the rest of us, if the fifteenth article of the treaty is not this and no more: It binds the Government of Great Britain without binding us at all. It binds that Government at any time hereafter until the treaty, if it be ratified, shall be set aside to grant us the privileges specified in the fifteenth article, leaving it to us at any time hereafter to take advantage of any circumstances which may arise of benefit to us to accept it, without being under any obligation on our part to accept it at any time. Is it not the sole effect of the article that it is a continuing offer which they can not withdraw as long as the treaty remains in force, leaving to us to accept it at any time according to our will?

Mr. MORGAN. That is plain on the face of the papers, but it is made still plainer when we recur to the correspondence between Mr. Bayard and Mr. Phelps on our part and the several British ministers and secretaries of state with whom they had correspondence. They brought these subjects forward and attempted to introduce them into these negotiations. Mr. Bayard at once said, "I have no right to do this; I have no power to do it; I can not effect questions of this kind; they must originate with the House of Representatives; they are matters which relate to the revenue laws of the United States; the Senate can not originate a bill of that kind, and therefore I will not consider it;" and he threw it entirely out as a matter of negotiation. They then said, "We want to propose it to Congress." Mr. Bayard said, "If you want to propose it to Congress I can not prevent you from doing that."

Mr. GEORGE. Now, will the Senator allow me to ask him another question?

Mr. MORGAN. Certainly.

Mr. GEORGE. Is there any word or phrase in the pending treaty which, by the slightest implication, imports a promise or even a hope held out by the United States that the provisions of the fifteenth article would be accepted by our Government?

Mr. MORGAN. Nothing at all. It could not be the case. Mr. Bayard expressly refused to consider it, and it was for the Congress of the United States to act. No hope was held out; no inducement was held out; but when the British Government makes itself a party to an agreement of this kind in consideration of Congress having remitted these duties on fish and fish-oil and the like, then she becomes bound by the treaty obligation, from which she can not get away, and it rises into a right very far superior to that right of comity and indulgence and freedom which it is said comes out of the arrangement of 1830.

The Committee on Foreign Relations in its majority report distinctly announce that the arrangement of 1830 is not obligatory upon anybody. Those orders in council, based upon the British statutes, can be revoked at any moment that they please. They may close their ports against us if they find it to their interest to do so. We can at any moment pass laws, if we have not got them already on the statute-book, to authorize us in like manner to close our ports, because it is a mere matter of comity.

Mr. President, when I entered into the arrangement this morning with the Senator from Maine [Mr. FRYE] I supposed that to-morrow at least would be one of the days to be devoted to the discussion of the treaty. I wish to ask unanimous consent that on Monday, instead of commencing the consideration of the treaty at 1 o'clock, as was the agreement to-day, we shall have the right to commence its consideration at the close of the routine business in the morning, for it will take me an hour and a half to complete my argument upon this case.

Mr. HOAR. Besides the two hours reserved for the close?

Mr. MORGAN. I do not propose to make the argument in the close. I reserved that time for such gentlemen as might see proper to follow me. I understood the Senator from New York [Mr. EVARTS] desired to make some observations on the treaty. I think we are treating him rather badly, because he has announced his intention to speak further. I fully expected when I made the arrangement with the Senator from Maine that we would have to-morrow to continue the discussion, but the action of the Senate in agreeing to adjourn from this evening until Monday cuts us off. So, if it would be agreeable to the Senator from Massachusetts [Mr. HOAR], I suggest that the debate be continued until Tuesday at 2 o'clock.

Mr. HOAR. I think other Senators have made their arrangements in regard to the vote on Tuesday. I know they have. Two or three Senators have told me that they have made their arrangements to depart Tuesday afternoon, and they desire to record their votes on the treaty. So we should either accept the suggestion of the Senator from Alabama first, that we should go on upon Monday immediately after the reading of the Journal, or else we should rescind our order to adjourn over to-morrow, which we have it in our power to do.

Mr. PLATT. Why not reconsider that vote, and go on to-morrow?

Mr. MORGAN. Will the Senate indulge me, without my reading them, to put in the RECORD at this moment and in this connection a series of extracts from the speeches made in the Canadian Parliament, upon which I desire to make comment?

Mr. DAWES. On this subject?

Mr. MORGAN. On this subject, of course; all relating to this treaty.

Mr. DAWES. You mean since this treaty has been pending?

Mr. MORGAN. Yes; the debate on this treaty. By putting these papers in the RECORD, and one or two others I have here, I could let my remarks go over until Monday; but I would very much prefer that we should commence on Monday, say at the conclusion of the routine business, because I do not like to cut off the Senator from New York [Mr. EVARTS] from the opportunity of replying to my speech.

The PRESIDENT *pro tempore*. The matter suggested by the Senator from Alabama will be inserted in the RECORD, if there be no objection.

Mr. MORGAN. I first present a table showing the tonnage of American fishing vessels from 1815 to 1886. This table shows the fluctuations of the fishing investments and ventures, which, it will be found, are influenced much more by the "catch" of fish than by the prices, or the duties on their importation into the United States.

Tonnage of American fishing vessels, other than whale, for each year from 1815 *to* 1886, *inclusive.*

[From Senate Committee Report No. 41, first session Thirty-sixth Congress, to 1849; from House Executive Document 78, second session Forty-ninth Congress, from 1850.]

Year.	Tonnage.	Year.	Tonnage.	Year.	Tonnage.
1815	26,510	1839	121,252	1863	157,579
1816	37,879	1840	96,195	1864	148,244
1817	53,990	1841	71,977	1865	100,436
1818	58,552	1842	66,037	1866	89,386
1819	69,045	1843	66,677	1867	68,207
1820	60,843	1844	94,350	1868	74,763
1821	51,350	1845	91,239	1869	55,145
1822	58,405	1846	108,979	1870	82,612
1823	67,041	1847	101,629	1871	82,902
1824	68,239	1848	126,211	1872	87,403
1825	70,626	1849	116,824	1873	99,542
1826	63,535	1850	143,758	1874	68,490
1827	73,710	1851	138,015	1875	68,703
1828	74,946	1852	175,265	1876	77,314
1829	97,889	1853	159,840	1877	79,668
1830	94,018	1854	137,235	1878	71,566
1831	103,450	1855	124,553	1879	66,543
1832	99,153	1856	125,703	1880	64,935
1833	107,294	1857	132,901	1881	66,345
1834	113,555	1858	140,490	1882	67,014
1835	113,555	1859	147,647	1883	84,322
1836	104,837	1860	153,619	1884	72,609
1837	121,866	1861	182,106	1885	73,975
1838	120,623	1862	203,459	1886	70,437

I will now present a table prepared by Mr. Collins, of our Fish Commission, showing the production of the provincial fisheries in the northeastern waters in 1885, 1886, and 1887:

Summary of tables prepared by Mr. I. W. Collins, assistant in charge of fisheries division.

TABLE A.

Value of the products of Canadian fisheries, exclusive of Newfoundland, in 1886 ..... $18,679,286

TABLE B.

Value of fishery products imported into the United States from Canada and Newfoundland in 1886 ..... $2,176,610

TABLE C.

Value of fishery products imported into the United States from Canada and Newfoundland in 1887 ..... $2,613,337

TABLE D.

American mackerel fishery in the Gulf of St. Lawrence in 1887:

Number of vessels	181
Net tonnage	14,048.15
Barrels mackerel (pickled) taken	17,432
Value of mackerel	$226,616

TABLE E.

American cod fishery in the Gulf of St. Lawrence in 1885, 1886, *and* 1887.

Year.	Vessels.	Tonnage.	Pounds taken (salted).	Value.
1885	5	300.58	544,320	$14,350
1886	2	127.97	250,880	6,800
1887	2	122.05	250,000	7,977

TABLE F.

Value of New England fisheries in 1886:

General vessel fisheries	$5,221,849
Menhaden	324,121
Shell-fish	647,013
Shore boats, trap, and weir	202,508
Total	6,395,491

I now present a table that shows the rate of duties on fish imposed by our tariff laws since the foundation of the Government:

Duties on fish from 1789 *to* 1883.

[Compiled from Senate Committee Report No. 12, first session Forty-eighth Congress.]

Description.	July 4, 1789.	March 26 and 27, 1804; March 3, 1807; March 4, 1808.	July 1, 1812; February 25, 1813; July 20, 1813; March 3, 1815; February 5, 1816.	April 27, 1816; April 20, 1818; March 3, 1819.	May 24, 1824, and all others to August 30, 1842, inclusive.	August 30, 1842.
Fish, dried or smoked	50 cents per quintal.	50 cents per quintal.	$1 per quintal	$1 per cwt	$1 per cwt	$1 per cwt.
Fish, pickled, not otherwise provided	75 cents per barrel.					
Mackerel, herrings, pickled or salted		60 cents per barrel.	$1.20 per barrel	$1.50 per barrel.	$1.50 per barrel.	$1.50 per barrel.
Salmon, pickled		$1 per barrel	$2 per barrel	$2 per barrel	$2 per barrel	$2 per barrel.
All others, pickled, in barrels		40 cents per barrel.	80 cents per barrel.	$1 per barrel	$1 per barrel	$1 per barrel.
All others, otherwise than in barrels						20 per cent.
Sardines and other fish in oil						20 per cent.

Duties on fish from 1789 *to* 1883—Continued.

Description.	July 30, 1846.	March 3, 1857.	March 2, 1861, and all others to June 6, 1872, inclusive.	February 8, 1875, and all others to December 23, 1882, inclusive.	March 3, 1883.
All foreign caught not in barrels or half barrels, and not otherwise provided for	20 per cent	15 per cent.	½ cent per pound.		
All fresh, for daily consumption		15 per cent.	Free.	Free	Free.
All in oil, not otherwise provided for		30 per cent.	30 per cent.		
All pickled, in barrels, except herring, mackerel, and salmon, not otherwise provided for			$1.50 per barrel.		
For bait			(*)	Free	Free.
Herrings, pickled or salted				$1 per barrel	½ cent per pound.
Mackerel				$2 per barrel	1 cent per pound.
Salmon				30 per cent.	25 per cent.
Salmon, pickled				$3 per barrel	1 cent per pound.
All other prepared fish, not otherwise provided for				35 per cent.	25 per cent.
All other fish pickled, in barrels				$1.50 per barrel	1 cent per pound.

*Bait free under acts July 14, 1870, and June 6, 1872.

I now present two tables, the first showing the amount of duties collected on fish imported from Canada to the United States from 1850 to 1887, and the second showing the duties collected, for the year 1887 on each of the several varieties of dutiable fish:

Duties collected on fish from Canada.

[House Executive Document, No. 78, second session Forty-ninth Congress, page 45.]

	Amount.
1850	$106,532.60
1851	152,850.80
1852	116,251.80
1853	169,089.60
1854	178,816.20
1855	161,432.20
(Treaty of 1854 in force September 11, 1854, to March 17, 1866.)	
1866	$19,762.95
1867	340,758.21
1868	217,437.09
1869	279,439.25
1870	292,351.75
1871	300,293.50
1872	308,985.25
1873	372,090.00
(Treaty of 1873 in force July 1, 1873, to July 1, 1885.)	
1886	297,028.05
Total	3,113,119.25
1887	345,843.00
	3,458,962.25

Duties collected on each of the several varieties of dutiable fish during 1887.

Description of fish.	Rate of duty in United States tariff.	Average rate, as shown by returns, 1887.	Value of fish imported from—		Duty paid on fish from—		Total duties.
			Canada.	Newfoundland and Labrador.	Canada.	Newfoundland and Labrador.	
		Per cent.					
Anchovies and sardines, packed in oil or otherwise.	10, 5, and 2½ cents per box and 40 per cent. ad valorem.	26.95, 21.76, 29.14, 40=29.46.	$1,601		$471.65		$471.65
Cod, haddock, hake, and pollock, dried, smoked, or pickled.	Dried, smoked, ½ cent per pound.	17.02	237,179	$77,584	40,367.86	$13,204.80	53,572.66
	Pickled, $2 per barrel	17.76					
Herring:							
Dried and smoked	½ cent per pound	32.03	76,803	102	24,600.00	32.64	24,632.64
Pickled or salted	$1 per barrel	14.32	128,611	23,932	18,417.00	3,427.06	21,844.15
Mackerel, pickled	$2 per barrel	23.03	638,312	2,230	147,003.25	513.57	147,516.82
Salmon, pickled		13.68	44,693	24,305	6,114.00	3,324.92	9,438.92
All other, nearly all which came from the north	Various	Various.	203,624	1,489	16,551.87 5,654.26 9,712.38 17,803.87		49,722.38
Total duties on fish from Canada and Newfoundland in the year 1887.							307,199.22

N. B.—Converse: Canada collected about $56,000 duty on American oysters and other shell-fish.

I now present a list of the fishing vessels of the United States that have taken out licenses to fish in the ports of the Dominion under the provisions of the British protocol to the treaty of 1888. This does not include the ports of Newfoundland, in which many such licenses have been issued. The sums paid for licenses are stated in each case:

Names of American fishing vessels that have been licensed under the "modus vivendi"—1888.

Name of vessel.	Port of registry.	Amount of fee.
Bertha May	Gloucester, Mass.	$112.50
Louisa Polleys	do	103.50
Annie C. Hall	do	126.00
Plymouth Rock	do	138.00
Martha A. Bradley	do	108.00
Willie M. Stevens	do	114.00
Flora Dilloway	do	115.50
Gladstone	do	145.50
Laura Sayward	do	96.00
Hattie B. West	do	79.50
Alert	do	130.50
Bessie M. Wells	do	138.00
Gertie May	Portland, Me	145.50
Octavia A. Dow	Belfast, Me	57.00
Chester R. Lawrence	Gloucester, Mass.	129.00
Bounding Billow	do	81.00
Henry N. Phillips	do	114.00
Addie Emma	do	52.50
Maud M. Storey	do	108.00
Nellie May	Portland, Me	97.50
John Somes	do	93.00
Edward Trevay	Gloucester, Mass	132.00

Names of American vessels that have been licensed, etc.—Continued.

Name of vessel.	Port of registry.	Amount of fee.
Oresa	Gloucester, Mass.	$123.00
Grace L. Fears	do	126.00
Lizzie J. Greenleaf	do	132.00
A. T. Gifford	do	121.50
Margaret	do	66.00
Gracie C. Young	Rockland, Me	124.50
Bertha M. Miller	Gloucester, Mass.	63.00
Willie G.	Southport, Me	84.00
Helen H. Powers	Salem, Mass.	25.50
Cynosure	Booth Bay	103.50

FISHERIES DEPARTMENT, *Ottawa, August* 9, 1888.

It covers the names of vessels for which returns have been received to date. This department has no information as to the licenses issued by Newfoundland, although instructions have been given that they are to be recognized whenever presented at Canadian ports.

The inclosed letter from United States Consul Molloy to Mr. Rives, Assistant Secretary of State, shows the form in which licenses were granted in Newfoundland until the new regulations were put in force to execute this protocol, and also the rates of harbor and light dues that are charged vessels in Newfoundland ports:

UNITED STATES CONSULATE,
St. John's, Newfoundland, June 23, 1888. (Received July 6, 1888.)

SIR: I have the honor to inclose herewith a copy of a license issued by Col-

lector Noonan to Peter McAuley, master schooner A. E. Whyland, of Gloucester, also a copy of license issued to C. H. Nute, master schooner Fernwood.

I am, etc.,

THOS. N. MOLLOY,
United States Consul.

Hon. G. L. RIVES,
Assistant Secretary of State, Washington, D. C.

ST. JOHN'S, *June* 11, 1888.

Received from Peter McAuley, master of the schooner A. E. Whyland, of Gloucester, 123 tons, from the Grand Banks, the sum of $184.50 for tonnage dues, as prescribed by act passed 9th May, 1888. This receipt to answer all purposes of a license until the regular form of license is furnished in lieu thereof.

JAS. L. NOONAN, *Acting Collector.*

CUSTOM-HOUSE, ST. JOHN'S, NEWFOUNDLAND.

Received of McAuley, master of A. E. Whyland, from Banks, register tonnage 123, the sum of $38.67, being on account of the under-mentioned dues:

Light dues	$29.50
Water rates	6.15
Harbor master's dues	3.00
Total	38.67

JAS. L. NOONAN, *Acting Collector.*

ST. JOHN'S, NEWFOUNDLAND, *June* 11, 1888.

Received from C. H. Nute, master of the schooner Fernwood, of Gloucester, 124 tons, from the Grand Banks, the sum of $186 for tonnage dues, as prescribed by act passed 9th May, 1888. This receipt to answer all purposes of a license until the regular form of license is furnished in lieu thereof.

JAS. L. NOONAN, *Acting Collector.*

CUSTOM-HOUSE, ST. JOHN'S, NEWFOUNDLAND, *June* 11, 1888.

Received of Nute, master of the Fernwood, from Banks, register tonnage 124, the sum of $9.20, being on account of the under-mentioned dues:

Light dues (St. Jacques)	.....
Water rates	$6.20
Harbor master's dues	3.00
Total	9.20

JAS. L. NOONAN, *Acting Collector.*

Light dues at rate 24 cents per ton would be nearly $30, making $39.20.

Mr. President, so much has been said about the rejoicing of the Canadians over the advantages they are to get from this treaty, and these assertions have been so persistently made on this floor, that for the sake of the truth I will insert rather extensive extracts from the speeches of eminent members of the Dominion Parliament made on this treaty during the present year. I do this with a degree of reluctance because it is not a seemly way to discuss any such question.

If we are guided by Canadian opinion as to the merits of this treaty, it must be for the reason that we find no good ground for confidence in our own opinions. But on the other side of the Chamber a degree of authority has been attributed to the statements and opinions of Sir Charles Tupper, which seems to be intended to destroy the force of reason and the arguments of any American who may controvert them. As the weight of Canadian authority is adopted as a guide to control our conclusions and to settle our votes upon a great question in which the United States is vitally interested, I present the following extracts from speeches of these eminent Canadian statesmen, without further apology:

[Mr. Jones, Halifax, April 13, 1888.]

Looking at the bill from the beginning to the end, and regarding it very carefully in the light of the explanation given by the honorable the minister of finance, and the honorable the minister of justice, I have arrived at the conclusion that every concession which the Americans demanded in 1886, under Mr. Bayard's proposal to Lord Salisbury, has been granted. Those demands made by Mr. Bayard in that year were indignantly rejected by the Canadian cabinet in language strong and emphatic, as has already been read to this house by the member for Queen's, Prince Edward Island [Mr. Davies]. We sustained the action of the Government on that occasion, we sustained them in defending the fisheries, and in every word I ever uttered in this house or out of it I guarded myself against using any language which might be used by the Americans or their advocates in depreciating the value of our fisheries.

The questions which were submitted by Mr. Bayard in 1886 were of a character which formed part of the present treaty and negotiations. We find that under this treaty all those demands made by Mr. Bayard have been yielded. The honorable minister of finance asked us the other day not to press him in this discussion to compel him to say anything in defense of the treaty which might be used against its adoption on the other side of the line. The honorable gentleman need not have been laboring under any anxiety on that account. Ingenious as the honorable minister of finance is in his public discussions, with all the fertility of his imagination and resources, and I admit they are great, the honorable gentleman was not able, during that long and able address with which he favored the house on that occasion, to point out one single or solitary advantage which the people of Canada would gain if this treaty was put into effect, except that it removed doubts on certain points for which the Americans were contending, but which we on this side and the British Government behind us had always as steadily maintained. If it was negotiated to surrender points in favor of which we had been contending, which international law and treaty obligations showed we had a clear right to demand ever since 1813, if it was to give up those treaty rights to the Americans under the operation of this treaty, I do not think the minister of finance could point to them as any advantage to the people of Canada in this direction.

I was then fearing that the honorable gentleman was pressed, as I believe he was—for it is all very well for him to stand up here and say that he was nobly sustained by his co-plenipotentiaries from Great Britain—I believe that he was sustained so long as he kept in the line of their desires; I believe that there was a strong, steady, persistent desire manifested by those plenipotentiaries for the settlement of this question, and I believe that the honorable gentleman was forced to yield to an arrangement which, under other circumstances, he would never have given way to. I say, with all due deference to that honorable gentleman, and without any desire to exalt him in the opinion of his country, that I would rather have had one Sir Charles Tupper at that commission alone than ten Right Hon. Joseph Chamberlains that England ever produced. The one was familiar with the wants of our people. He understood the condition of affairs, and if he could have acted independently in regard to Canadian interests and Canadian sentiments, alone, I believe he never would have conceded these points, which are all the Americans want, and obtained nothing whatever for the fishing interests of Canada in return.

I repeat, with all due respect to those distinguished gentlemen who were on the commission with the minister of finance, that their desire was, and their sole desire was, to bring about a settlement of questions which had been of an irritating character between the United States and England; and we have been told by Mr. Chamberlain publicly since his return to England that he came out here to make a treaty, that he had effected it and had brought about a peaceful solution of a difficult question which he believed was going to extend for many years between the two countries.

I have gone very carefully over the treaty, and I do not find that, while the treaty gives to the American fishermen the right to enter our ports without paying any harbor dues or light dues or other similar dues or pilotage, the same privileges are not extended to our fishermen in the ports of the United States. That is a very important omission, if I am right, because our fishing vessels visit Portland and Boston very frequently, and they should at least have the same privileges in American ports that American fishermen have in our own. I speak with reserve, but I have looked over the treaty pretty carefully.

Then, the other day, I noticed that the minister of marine, in reply to a question put by the honorable member for West Ontario (Mr. Edgar) with regard to the dues paid by our fishermen, lays down the law on that occasion, and says:

"In Halifax harbor-masters' dues are not paid by any vessels under 20 tons, nor by coasting vessels, which include fishing vessels. At Pictou and Sydney harbor dues are, by acts of Parliament, exacted from all vessels over 40 tons register; whether, in practice, fishing vessels are exempt when over 40 tons can not be stated without correspondence with the harbor-masters of these ports."

I call attention to this because, while the treaty would exempt American fishermen from these dues in visiting the harbors of Pictou and Sydney, the Nova Scotia fishermen would be obliged to pay the dues if the honorable gentleman's answer is according to the law. These are important places. Pictou is often visited by American fishermen *en route* to the North Bay, and to Prince Edward Island, and Sydney harbor is also an important place of call, and if our fishermen are obliged to pay all those dues which the honorable gentleman says they are on all vessels over 40 tons register, and the American vessels are exempt under the operations of the treaty, it follows as a matter of course that our own fishing vessels are placed at a very considerable disadvantage.

The question with regard to bait is one of the greatest possible importance. It is one which lies at the root of the fishery question, and the Americans justly understood and appreciated its value when they secured the privilege of obtaining bait under this treaty. The result of the operation of this will be that the bankers going to the Western banks commonly use clam bait, but those going to the Grand Banks, where they get the fish which are suitable for the larger markets, can not expect to catch those fish without the use of fresh bait. They are a long way away from their own home, and their fresh bait will only last a short time, and if they are compelled to return to their own ports to get fresh bait if they can, and the supply is doubtful, and they can not always get it, they would practically be almost compelled to give up the business altogether. But now all they have to do is to run into any near port on the Nova Scotia coast, from Cape Breton all along the coast to Halifax, and they will get their bait and be out on the fishing grounds again in a few days competing with our own people. This is still further a disadvantage to our own fishermen, though I do not say it is a disadvantage to our people, because they double the price of bait to our own fishermen.

The whole thing seems to have been a sacrifice to peace, not a sacrifice in the interests of our people, but a sacrifice to conciliate the Americans, who raised their hands, after all that had taken place and after they have been irritated to such an extent that they threatened—that is the word—the Dominion of Canada if we did not withdraw what they thought interfered with their people along the coast, that they might retaliate in a manner which would be unpleasant to us. I say this clause with regard to purchasing supplies is one that is likely to lead to a great deal of misconception. I contend that under the operation of that clause vessels may come in, as the minister of finance says, and may procure their provisions, including their salt, and if they take salt, why not take barrels, and if barrels, why not take bait? We have the word of the minister of justice, it is true; but I am disposed in this matter to accept the opinion of the minister of finance in preference, because the minister of finance doubtless is aware what was the intention of it, and the intention evidently appears to be that the Americans are to get those supplies under those circumstances. I say that Mr. Bayard asked for all those privileges two years ago.

In a schedule attached to his proposal for the settlement of all questions in dispute in relation to the fisheries on the northeastern coast of British North America, he lays down certain propositions. First, he asked to have the headland question settled in favor of the Americans. The Government have yielded, and have given up a contention which the British Government have made for the last seventy years, and which the Americans have practically admitted under the treaties which have been made since that time, and which they practically confirmed by the decision in their own courts with regard to the seizure made by a Confederate vessel in the mouth of one of their own bays—all of which bore out the contention which the British Government put upon the headland question. I am not saying whether it was right or wrong to have yielded it, but it was asked by Mr. Bayard in 1886, and the honorable gentleman has yielded it and has given the Americans just what they asked.

The concessions made in this treaty I might almost say preclude all possibility of the Americans ever opening their market to our fish; and how are we to compete with them in the same sea when they have all the advantages of our ports and of our proximity to the fishing grounds given to them, and when, in addition to that, they can take their thousand barrels of mackerel to the United States and sell them for $2,000 more than our fishermen can get for a thousand barrels in the same market? It is only by opening the markets of the United States that our great fishing industry can be extended. Our market is there, and the Americans know it as well as we do. They have been told it by the honorable first minister and others again and again. All our fish must go there, and we have to pay the duty on what we send, because their fishermen take the largest portion, and our fish must go in at the market value minus the duty they impose on us. I say, looking at the position of our fishermen at the present moment, I regard this treaty as a most fatal blunder and as an injury to our fishermen which they will not be able to survive v ry long.

They have been hoping year after year that as soon as they gave up those advantages which they possess in the fisheries they would be placed on an equal plane of competition with the Americans; but they see all these advantages swept away, and they are obliged to compete with the Americans with these disadvantages against them. Under these circumstances I am very sorry I can not give the honorable gentleman that credit which has been given to him from imperial as well as colonial sources. If in the interest of the Empire it is absolutely necessary that we should make these concessions, let us understand it, and I shall be prepared to make them and to take my share of the responsibility. But let us not put the matter under any false pretenses—and this treaty

has been submitted to this House under false pretenses, if I may use such an expression, and if it is not unparliamentary——

Some honorable MEMBERS. Order.

Mr. JONES. I do not think it is out of order. This treaty has been submitted to this House with the representation that it is in the interest of our own people, and I say it is against the interest of our own people who are engaged in that industry. It is in the interest of peace, I admit, and I admit that as part of the Empire we are obliged to make some concessions; and if the honorable gentleman will put it on that high level, and appeal to the people on the ground that we are obliged to make sacrifices for the sake of imperial interests and to maintain a good understanding between two great peoples, I would be with him to a certain extent. But he has taken another ground; he has defended the treaty on the ground that it is in the interest of our own people, which is not the case. I repeat that if it would bring about a better understanding between the United States and the people of this country, which is very much to be desired, that is one point in its favor. It is the only point in its favor. If there was no other point, that would commend this treaty to me, but if it would remove all causes of difference between the Americans and ourselves—if it would remove all those causes of irritation which have been brought about by the unwise fiscal policy of the present government—if the Americans are led by it to see that there are five millions of people in this country who are anxious to establish trade relations with them which would be of mutual advantage to both countries, and are willing to make concessions under this treaty in order to obtain unrestricted reciprocity, then I say the sacrifice, injurious as it is to the fishermen along our coasts, if it leads in the future to those greater advantages of wider commercial relations between the two countries, will possibly not have been made in vain.

[Mr. Eisenhauer, April 13.]

As was pointed out by the senior member for Halifax (Mr. Jones), the provisions of the treaty will enable American fishermen to secure larger quantities of fish for their market, and it will consequently reduce the price for our fish. The privilege of transshipment of their fish in our ports enables those vessels to catch larger quantities of mackerel than they were formerly able to do, because the time they lost in going to ports in the United States with their fares and coming back to the fishing grounds will be saved to them. I do seriously think, and believe, that this treaty will work very injuriously to our fishermen. I must say that I anticipated the result of this Washington commission all along. I knew very well that the home Government was very anxious to have this matter settled, and that they would be quite ready to settle it in a manner very much contrary to our interests, so that I am not at all surprised at the result. That is very unfair to us; we were the weakest party of the three and we got the worst of it.

This treaty if ratified will injure the county which I have the honor to represent more than any county in the Dominion that I know of, for the reasons I have already given, and I think it would be only well that the Government should pause before ratifying this treaty, which will work so injuriously to all our deep-sea fishermen. Now, I do not wish to take up the time of the House, but I would repeat again, in the interests of the fishermen of the county I represent, and in the interests of the fishermen of the country generally, that I consider that the government has made some very valuable concessions. The junior member for Halifax (Mr. Kenny), who has just taken his seat, seemed to think that the concessions do not amount to much. Well, if that honorable gentleman goes down into his county I think he will find that the fishermen there will tell him a different story. I think the concessions are very valuable; in fact I think the Americans have got almost all they wanted, while we have got nothing in return. The honorable member said there were concessions on both sides, but he failed to point them out, and I have failed to hear any honorable member point out the least concession which we have got from the Americans.

[Mr. Mitchell, April 13.]

Sir, I listened with great attention to the very able and eloquent speech of the honorable the finance minister, and while I have always admired that gentleman's ability, and acuteness, and dignity and eloquence, perhaps on no occasion has he ever presented a case to the house in which a bad case was so well put as that put by the honorable gentleman on Tuesday last. Sir, I listened to him with great attention when he asked this house to believe that the government of which he was a member and the commission of which he was one of the representatives of England, in securing this treaty had performed a feat which would command the admiration of Canada, and inure to the benefit of her people. Sir, on these points I differ with him, but though I may differ with him in relation to the praise that he takes for the commission and the laudation which he gave to gentlemen connected with it on the British side, and to the conclusions at which he arrived in reference to the benefits it would be to this country, I must say that, looking at it, and looking at it in the consequences which the perpetuation of peace with our great neighbors on the south will bring about, although I look at the treaty as completely giving away the interests of Canada in almost every particular, I must tell this house that "give away" as it is, whatever the consequences of it may be, we have got to confirm and to carry out the treaty. We have got to do that, sir, not because it is a just or a fair treaty to Canada, which it is not, and before I sit down I think I will be able if not to satisfy gentlemen on that side of the house I will be able at all events to induce the honorable the minister of finance to say that he certainly has colored the advantages which he alleged Canada would receive rather too highly. I speak now not for the purpose of opposing the treaty, but I speak for the purpose of putting the case of Canada fairly before this house and before the country.

Now, sir, in the record which I have read of concessions yielded year after year by Her Majesty's Government, I think my honorable friend will fail to perceive that any strong ground has been taken or any material support given in the interest of Canada, such as he spoke of in his introductory remarks on Tuesday last. Sir, I think it is a record which is a discredit to Great Britain—to have the interests of a great colony, the greatest in the Empire, and one she is proud of, frittered away by piecemeal, as I have said. It is a record of concessions which have been made step by step without even consulting the people who are interested in them. I think the record of the last thirty years, at least the last twenty years, is a disgrace to the British Empire and the British Government. In saying what I do I do not intend to cast any reflections on the action of my honorable friend and his colleagues at Washington. He has very patriotically and very magnanimously taken the blame for the shortcomings in this treaty on himself. It is natural for him to do that in such cases; but I know him too well, I know the facts too well, and I have had too much experience in dealing with the fisheries not to know that what he did there he did under pressure. Although he spoke of the largest power in the world being behind him, as a matter of fact that power was not there.

It was there in name, but not in power; and if there has been an act since the formation of this Dominion which has tended to loosen the bonds between Canada and the Empire, if there has been an act which will tend to produce dissatisfaction and to promote distrust in the British Empire with reference to the affairs of Canada, it is this last act of hers in abandoning us and taking away our fisheries, in face of the fact, as I have shown from the dispatches I have read, that she stood pledged to maintain the interests of Canada as they stood when they were suspended in 1854. When the treaty lapsed by the act of the United States, where was the British Government? Read Sir Edward Cardwell's, Lord Kimberley's, and the Earl of Aberdeen's dispatches. The only man among the whole of them who has fairly stood by us was the Earl of Clarendon. Yet every one of them, one after another, assured us that England intended to stand by us in maintaining the exclusive rights which the British Government claimed and enforced up to 1854; and, sir, every one of them save Lord Clarendon went back on his record and left us to see our rights taken away from us by piecemeal and under false pretenses. That is the position of the British Government towards Canada for the last twenty years—and I speak of it with regret, for I have ever been as loyal a subject as any that stands in the Dominion of Canada. I have been loyal; in fact I have been more, I have been also loyal in sentiment; but the sentiment is knocked out of me, and I fear that a great many others feel as I do; and when we see the interests of Canada frittered away as they have been in this case, I fear that any desire to create a more permanent loyalty will ooze out of us, and we will become a dissatisfied people. They talk about the federation of the Empire—the veriest rot that ever was spoken. What interest have we in common with the other side of the Atlantic? We owe to England our existence as a semi-nation, it is true; we owe to her our language and our laws, and we are proud of both; but while England has been one of the greatest colonizing nations of the world, there is no nation has worse administered her colonies. Take the case of Cape Colony, a record of years of mismanagement, misrule, and misgovernment. Look at her treatment of us in regard to the boundary of Maine, as well as the Oregon boundary, in each of which cases an immense tract of territory was abandoned, either by ignorance or imbecility, to the United States; and again look at the St. Juan affair. They are all, as our Bering's Sea interests will I fear be, a complete give-away, as our fishery rights, in my opinion, have been. In future we will have to look to ourselves to protect our interests, and want no more diplomatic interference by such men as Chamberlain and Sir Sackville-West. Indeed, what would Canada have been in the past without the administrative powers of the Canadians themselves?

Mr. MITCHELL. Look at the record in this case. I, who was intimately connected with the whole affair and felt deeply the necessity of standing up for our rights; I, who spent day after day, and week after week, pressing these claims on the British Government and keeping them up to the mark, found them always receding at the first opportunity—and now everything is gone. My honorable friend speaks of the advantages this treaty has given us; he speaks of the limit of space which is described by the points of the treaty; he speaks about the delimitations which are named in the treaty. Sir, let any man take up a map—and I regret that my honorable friend should have made the excuse he did about not producing a map—for it was his duty to produce one. His excuse is, that there is a provision made for the appointment of a commission for the delimitation on the treaty. True, there is; that is the official delimitation. But it was the duty of the Cabinet to have prepared a map and to have it submitted to Parliament so that we could appreciate and understand these advantages my honorable friend has so eloquently described, but which I can not see. I may tell my honorable friend that, looking to the contentions of Canada and England as propounded in 1818 and maintained up to 1854, when they were suspended for twelve years under the treaty of Lord Elgin, after which they were urged to be in force again and recognized by the British Government from that time out, until they were again suspended in 1871 by a new treaty.

I say, if a map based on those contentions was taken from headland to headland, and those exclusive rights of the bays delineated upon it, this House would see what the difference is between the delimitation in that map and the concessions given up to the Americans. If I can understand the meaning of the statements in the great mass of dispatches which I have had to wade through in order to define how we have endeavored to maintain the interests of Canada I should say that the men who wrote them were bound in honor to have stood by Canada and enforced those rights. If they had done so we would have stood to-day with our headland system maintained and our rights to bays recognized, because all that was wanted was a little firmness some twenty years ago, and we would not be in the position of having to beg for reciprocity. About the inshore fisheries, it was never disputed that we had an absolute right to them, and yet my honorable friend comes here with his eloquent tongue and persuades us—he knows he can do anything in this country, for he can do what none of us can do, he can control the first minister, as he saved him in the contest of a year ago—he comes with his eloquent tongue and persuades us that in this delimitation which the treaty provides for we have obtained a great concession.

Sir, we have abandoned everything, and while we have done that my honorable friend has forgotten one thing. Did he know there were two ends to the shores of America on the Atlantic? Where is the provision in the treaty to give the Canadians the same rights in the Delaware and Chesapeake, in Boston Bay, and Narragansett, and Albermarle, and from the Cape of Florida past the mouth of the Mississippi, that they have captured from us? Do we find that the interpretation which they set upon their shores, bays, and coasts is the same as they ask us to set upon ours? Have they not rights which they claim from headland to headland, and which are enforced even among themselves, and from which we are excluded? Where is our right to enter their bays? It is true it is the separate States own them there, but that does not alter the law or right on the question. Where has my honorable friend provided in the treaty that we should have the use of those bays to the south of where our boundary terminates? Why have we not secured the same privileges in the American bays, straits, and headlands that they demand in ours? There is no such provision in the treaty. Let a Canadian fisherman go down to Delaware and Boston, or the Sound, or go down amongst their oyster bays and attempt to fish and he will soon find himself in prison. Where is the withdrawal of the outrageous American pretension in reference to Bering's Sea, and why was the settlement of that outrageous claim omitted from the treaty?

Did my honorable friend forget all about these important questions? I am sure not. But my honorable friend found himself in Washington with instructions in Mr. Chamberlain's hands to make a treaty, and as to what that treaty should be neither Chamberlain nor the British Government nor Sir Lionel Sackville West cared, and the only man who did care was my honorable friend Sir Charles Tupper, and he had to obey his instructions as a servant of the British Government and representing their interests. He was handicapped, weighted down, and overborne by the influence of that greatest empire of the world, of whose power boasted. I feel I have taken up too much of the time of the house to-night, but I felt it to be my duty, even at the risk of wearying the house, to place upon record the history of this fishery question, not for the purpose of éclat to myself, but as a duty I owe the country, that we may be able to trace in some available way the history of the iniquitous manner in which the British Government has treated this colony of ours.

I am as loyal a subject as any man, and I hope to remain so, but I will remind the house that the time is fast coming when, if the British Government continues to allow our interests to be frittered away in this way, she will find the colony itself frittered away before long. It is as well some plain speaking should be heard. I do not wish to be understood to express the opinion that I desire it. I should regret it notwithstanding this treatment, and while I have heretofore felt proud of belonging to a colony of England, Canada can not and will not always remain a colony, and I should not be surprised to find that this treaty will promote such change. Children do not always remain in their father's house, and we are gradually growing into the position when the interests of Canada demand we should branch out for ourselves. I do not desire to see this for some time to come, but a few more cases like this and I would not give much for the power of England in this colony of Canada. There are a great many points I wanted to talk upon, but I have taken up so much time in submitting the proof of these matters in order to sustain my contention that I

think it would be trespassing too much on the time of Parliament for me to continue. I will therefore not take up the time of the house any longer in discussing this painful matter. I felt I had a duty to perform, and I only regret that I have performed it so inefficiently.

Of course this treaty will pass; there is no doubt about that; but I disapprove of it entirely, as I think the Americans have got everything and we have got nothing. I speak with knowledge of the subject when I say that we have got nothing. The delimitations that are spoken of are simply allowing us to retain an infinitesimal part of what Britain has over and over again declared we had an absolute right to, and has for nearly forty years enforced before the treaty put them in abeyance. Our rights revived when that treaty ceased, and what did we find? We found that taken from us by the commission which sat under the authority of the British Crown. I regret very much that England should have so much humiliated herself before her children here, and it is a humiliation, and I regret that it should be done by a nation which professes to have kept faith, especially with her colonies. I regret that I have to speak as I am now speaking of England, but I say this as a duty to my country, Canada, as a duty to myself, and as a duty to this house.

[Mr. Foster, speaking April 13.]

Mr. MILLS (Bothwell). Nine-tenths of the water area for which she contended has been given up, and nineteen-twentieths on the coast of Newfoundland.

Mr. FOSTER. That is a point on which my honorable friend and myself can not agree.

Mr. MILLS (Bothwell). I am perfectly willing to accept the measure of any competent surveyor who will undertake to compare the two lines.

[Mr. Foster, April 13.]

Now, what will honorable gentlemen opposite do with reference to this treaty? All through the country their papers have denounced this treaty in the strongest terms. Sir, the headlines that have been printed with reference to this treaty ought to be preserved. "Canada lies a-bleeding," says the Mail.

Mr. MITCHELL. And truly, too.

Mr. FOSTER. "A complete surrender," says the Globe; "Secretary Bayard's victory," says the Mail; "A complete give-away," says the Halifax Chronicle; "Canada betrayed," says the Ottawa Free Press; "So far as the United States are concerned they have got everything they ever contended for," Hon. Peter Mitchell; "The great Tupperian surrender," Halifax Recorder; "A base, beggarly, blundering surrender," Attorney-General Longley. These are some of the statements made by the party opposite outside.

Mr. MITCHELL. Do I understand the honorable gentleman to use my name in connection with this?

Mr. FOSTER. Yes.

Mr. MITCHELL. What did Peter Mitchell say?

Mr. FOSTER. "So far as the United States are concerned they have got everything they ever contended for."

Mr. MITCHELL. So I say now.

Mr. FOSTER. Now, sir, in closing, I have just this to say in reference to the treaty. Every one knows the length of time that this controversy has existed; everybody who has read the history of this question knows the difficulty which has surrounded it, the irritation which it has provoked. Sir, I believe that the Dominion of Canada, in its large and broad heart, from end to end, will be in favor of this treaty, not because it holds every contention that Canada has made, not because it carries out everything that Canada could wish had been carried out, but because it is, as stated by the President and Secretary of the United States, a fair and honorable arrangement on both sides, in which neither country gets the full of its contention, but in which neither country suffers great injury by the concessions that have been made. Taking into account the future of Canada, her future interests as well as her present interests, taking into account the fact that we are to live beside one great and powerful neighbor, that we form part of another great and powerful empire, that we have conserved our interests to a very large degree, and that there is a prospect for the future of a permanent settlement of this question, I believe that the great heart of Canada, notwithstanding the head lines and the strong assertions, will beat with this one sentiment, and after all this long controversy of year upon year, it is a happy, a fair, a good settlement, one that has been made in the interests of peace and in the interests of the two great countries which ought to live beside each other in amity and good feeling.

Sir, the executives of the four countries of Newfoundland, Canada, Great Britain, and the United States have lifted this question from its troubled condition, have taken it out of the arena where it has been discussed as an irritating question for seventy years, and they have come to a final and permament solution, so far as they are concerned. They say that this arrangement is fair to all parties concerned, and they relegate it now to the Parliaments and Congresses of the great nations. Notwithstanding all that may be said for party purposes and all that may be argued from interested motives, I believe that if the voice of the country could penetrate to the halls of all those Parliaments and Congresses and have its way, it would result in an approbation of this treaty and of this instrument as a conclusion, final, honorable, and on the whole advantageous to all parties concerned. It is in that view that I support the treaty, and it is with those feelings that I hope the treaty will be finally ratified by all the powers concerned and will put an end to a vexed and troublesome question in what I consider a truly honorable and happy way.

[Mr. Mills, of Bothwell, April 16.]

What does the minister of finance hope to gain by this house affirming that treaty? Does he propose, or is it his desire, to convince an exasperated nation that those who represented them on this commission made a bad bargain, and that the arrangement which was made is so satisfactory to the people of Canada that they have not hesitated to accept it immediately and without dispute? That is to call upon us to make an affirmation which we know to be false. We know what our position is. We know that it is one of humiliation, and we ought to be spared the further humiliation of having these extraordinary concessions rejected by those to whom they have been made. The minister of finance has told us in his speech that the protection of the fisheries has never been made a party question. I believe that is true. I believe that the protection of the fisheries was earnestly desired by both sides of the house, but the protection of the fisheries, and the concession to another country of the sovereignty over our fisheries, or a common right to our fisheries, is a wholly different thing; and when the honorable gentleman speaks of the protection of the fisheries and then refers to the provisions of this treaty, he is referring to two things as far apart as they can be.

This treaty does not provide for protection; it is a surrender. The conditions in this treaty which, possibly within the next twenty-four hours, the United States will either have postponed or rejected, are not provisions by which proper protection is to be given to our fisheries, but is a concession of more than half of the area which we claim to be within the jurisdiction of this country. There are many thousands of square miles, which we claim to be under Canadian jurisdiction, or under the jurisdiction of Newfoundland, which are proposed to be surrendered to the United States under this treaty.

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The most important provision of this treaty is that relating to the surrender of our sovereignty over a large area of water—an area which must embrace in the neighborhood of 20,000 square miles. The honorable gentleman has but to look at the map to see what an extraordinary area of what we supposed to be a part of our Dominion, and in that I include Newfoundland as well, we have given up.

Why, sir, it would at least have been dignified if the honorable gentleman had waited a short time to see whether the American people would approve of what has been done. The honorable gentleman knows that to-morrow his treaty will be postponed or rejected, and before it is postponed or rejected he wants to commit this house to this proposition, so that it must be made the starting point in all future negotiations. The honorable gentleman feels that the position of the Government is one of humiliation and that the Parliament of this country ought to be made sharers in the discredit of the work that has been done.

[Sir Richard Cartwright, April 16, 1888.]

Then, in the second place, I believe, whatever quibbles may be used, that all the concessions are on the side of Canada. I have been unable to see from any statement which has been made by honorable gentlemen that they have gained one single thing for which they have contended. Still further, I notice that all matters favoring Canada were carefully eliminated from the second treaty of Washington as they were from the first. There were other matters affecting our fisheries which should have been dealt with on the northwest coasts of this Dominion as well as on the northeast, and, in dealing with any other power than the United States, the British Government would have insisted that the negotiations should have included all the fishery matters in dispute, including the fisheries action of the United States officers in the Behring's Sea, of which we have as much reason to complain, at least, as the United States have to complain of the action of our officers in regard to their fishermen in the northeastern corner of the Dominion. Why was not that allowed to be made a part of the discussion by the commissioners?

I am afraid that it was eliminated for the same reasons for which the undoubted wrongs of Canada were passed over and were unnoticed in 1871, because it was not convenient for the American Government to be called upon to enter into that question at that time, because every argument which they could use in favor of the action of their officers in the Behring's Sea would have been in antagonism with their contentions in regard to the St. Lawrence and the Atlantic fisheries. I fail to see where we have obtained any support from the British authorities on this subject. Undoubtedly, dealing with any other power, the British authorities would have insisted that the negotiations should cover these points, but in our case these points were eliminated from the discussion, and even Mr. Chamberlain himself stated that our legal rights in Canada were surrendered in this matter, and he justified that action on the ground of the vast importance of the friendship of the American people to the people of England. Sir, under these circumstances, it is utterly impossible for us to pretend that we had any substantial assistance whatever from the presence of the English plenipotentiaries; and I heartily indorse the statement of the honorable member for Northumberland [Mr. Mitchell] that the interests of Canada would have been much more likely to have been attended to successfully if we had, in a matter which concerned us chiefly, been allowed to name our own negotiators and conduct our own negotiations, and until we have the power to do that, I do not believe, for my part, that we have any very great chance of carrying such negotiations to a successful termination.

Apparently the Government of Canada have adopted this one guiding rule, and this one only, to brag and bluster and bully, and then when you are confronted with a determined foe haul down your flag. That appears to be the policy of the government and nothing else. That was the policy pursued with the Province of Manitoba. Have we forgotten, sir, how a year ago this house re-echoed with denunciations of the gentlemen on this side because they propose a course in accordance with right and justice to Manitoba? Sir, the concession was not made in answer to remonstrances; the concession was made in answer to threats, and not until those threats had assumed the most formidable proportions did honorable gentlemen relax their tyrannical interference with the rights of our sister province. So, sir, has it been in the case with those fisheries. There was bully and bluster and brag and various vexatious customs relations, which irritated and exasperated the Americans, as my honorable friend told us, and then, sir, when they are brought face to face with the results of their own conduct, and when they found there was serious peril, they hauled down their flag, and we are compelled to make this capitulation, for it is nothing else, and this surrender of our admitted legal rights.

[Mr. Laurier, April 16, 1888.]

The policy of the opposition upon this question is simply this: That, while asserting that the treaty is a surrender of most valuable rights that belong to Canada, still it is the duty of Canadians to adopt this treaty, because it will put an end to a most dangerous state of things. That is the only reason we have to advance for the course which we propose to take on this occasion. The treaty is a concession of rights that belong to us, that should have been retained to us; but still, sir, in face of the dangerous aspect which events have taken, it is better to adopt the treaty and have this vexed question settled forever.

[Mr. Ellis, April 16, 1888.]

The treaty before the House which we are now discussing is pretty good evidence of the change that has come over the ministry on that point. Take up the treaty itself: the first eight articles relating to the headland question, and compare them with what the first minister said last year on that point. He said:

"There are only two questions in which there can be any contention. The first is the headland question, which we are all acquainted with. We all know what that means. We adhere to the position taken by the British Government from the time of Lord Bathurst until now, that the 3 miles are to be taken from the headlands and not from the sinuosities of the bay."

With regard to the headlands question, I observe that the treaty itself follows the proposition of Mr. Adams in 1886, as modified by Mr. Bayard. That proposition has been accepted by the Government. I do not propose to find any particular fault with the arrangement made. Some compromise was absolutely necessary, and this is perhaps not worse than any other that might be made. Mr. Bayard, in supplementing Mr. Adams's proposal, proposed that bays and harbors from which American vessels are in future to be excluded are:

"Agreed to be taken to be such bays and harbors as are 10 or less than 10 miles in width, and the distance of 3 marine miles from such bays and harbors shall be measured from a straight line drawn across the bay or harbor in the part nearest the entrance at the first point where the width does no exceed 10 miles."

The Privy Council thus replied to that proposition:

"This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of territorial waters which, by the law of nations, have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country."

By the tenth and eleventh articles we have receded very far from the ground originally taken by the public authorities, and have undoubtedly placed the American fishermen in a better position to enjoy the rights and privileges they were to enjoy under the treaty of 1818. I have gone carefully over the treaty, and the contentions made by our own state department, and I have made a summary, which I trust the house will permit me to read, of the concessions made:

"We have, by the very act of making this treaty, receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the treaty of 1818, thus enlarg-

ing the limitations of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.

"We have almost wholly abandoned the contention that fishing vessels are a class by themselves, and therefore not entitled to any commercial privileges.

"We entirely and forever abandon the 3-mile headland theory.

"We forever admit the right of United States fishermen to navigate the Straits of Canso.

"We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

"We relieve them from the obnoxious operations of the customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

"We free them from harbor, pilotage, and other dues which were sometimes inhospitably, and often capriciously imposed upon them, even in cases when they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

"We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.

"We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

"We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outer voyages."

The second section of Article XI does not name bait, but there will be no difficulty whatever of purchasing bait under it.

"By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1886.

"We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessel is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases $3 a ton is the highest fine which can be imposed.

"We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

"And, lest the punishment of an infraction of the new treaty, or that of 1818, should seem to be unjust, and to prevent the danger of giving offense to the United States, the Government of Canada can reverse the judgment of the court."

The United States negotiators, on the other side, recognize that we are not required by the treaty of 1818 to sell their fishermen bait, ice, or general outfits, to transship cargoes, or to ship men, in ordinary cases, but by the protocol we give them the privilege of doing those things, although the minister of justice said:

"If the provinces are to be the judges it is most prejudicial to their interests that United States fishermen should be permitted to come into their harbors on any pretext, and it is fatal to their fishery interests that those fishermen, with whom they have to compete at such a disadvantage in the markets of the United States, should be allowed to enter for supplies and bait even for the pursuit of the deep-sea fisheries."

Certainly the minister has abandoned that position. And so going through the whole correspondence, through all the warnings, through all the rigorous custom-house regulations, through the utterances of the press, through the declarations of the ministers, and you will find a thorough and complete change of attitude on almost every point in this controversy. What we have lost by what we have surrendered I do not know. If we consider what we have lost by the efforts which have been made to prevent our coming to any arrangement, we must have lost a great deal. As to the jeopardy in which we are placed, it has been described by the minister of finance. I think we have made very many concessions indeed. But I regret that we have been compelled, in an ungracious way, to do a gracious act.

The main ground upon which this treaty can be defended, the ground upon which I support it, is that it is friendly to the United States. It is a treaty of peace. What we surrender may not be very great. It is absolutely necessary for us to live on the most friendly terms with the United States. It is a most desirable thing that all the arrangements between the two countries and all the relations between them shall be of the most harmonious character, so as to prevent trouble and discord among the two peoples. We are constantly, in winter and summer, the recipients of favors from the people along the coast. Therefore, Mr. Speaker, I support this treaty because of its friendliness to the United States, because it sweeps away restrictions which are unnecessary, which are of no benefit to ourselves, and when removed may be of great benefit to that people and to ourselves in the way of peace both for this country and the empire at large.

[Mr. Landry, April 16.]

The only question respecting which I can to some extent agree with honorable gentlemen opposite when they spoke of having made a surrender, and I can not help giving expression to my opinion in this House, was that so far as I interpret what is given by us under this treaty, although the matters may not be very valuable in view of the interests of peace, good government and relationship which we hope will always exist between this country and the United States, and I say those matters were not a great deal to surrender to secure those objects—yet if there was anything surrendered I believe it was surrendered by us and not by the United States.

[Mr. Edgar, April 16.]

Now, sir, as to this treaty itself, the concessions do seem to be all on one side. There is very little in the treaty at all. It is spread over a good deal of ground, it is like very thin butter spread over a large slice of bread. It looks very much as if the plenipotentiaries, after spending nearly three months, came to the conclusion that for the credit of themselves, every one of them, they must do something; that it would never do for them to go home without coming to some settlement, and so they patched up a little arrangement about the head-lines; they made concessions to the Americans about entries in the customs ports, and they gave nothing on earth to Canada, except a provision in the twelfth clause, that Canada is to have the same rights for her fishing vessels on American fishing grounds as were conceded to the United States. But even that, the minister of finance in his speech, had to admit did not amount to anything at all; he was almost ashamed for it, and he apologized for it. So, while not desiring to oppose the treaty as it stands now, I think it is comparatively harmless, but I think it contains a great many provisions which should have been conceded by us without negotiations by the delegates at Washington. I am sorry to say that it does not contain free access to the United States markets for fish for our people down by the sea, and that is one great desideratum that they all seem clamoring for.

[Mr. Jones, Halifax, April 17.]

When this bill was under discussion on a previous occasion I took the opportunity to draw the attention of the house to the concessions made to the American fishermen under this and the previous clause, showing, according to my judgment, that we had under these clauses yielded up the whole value of our fishing privileges, and had obtained nothing whatever in return. I maintain that the use of our ports for the purpose of securing bait and supplies and the transshipment of cargoes is a privilege of inestimable value, so far as the American fishermen are concerned, and that the honorable gentleman, the minister of finance, and the other gentlemen who spoke on that side, have not been able to show a single advantage gained by the Canadian fishermen on our side.

For instance, I stated that the privilege of transshipment was a great privilege which they sought, and I felt that, under that section, although it might not be intended to give them that privilege, the section could be so construed as practically to give them that right of transshipment. I pointed out that United States fishing vessels, according to the section, entering the "ports, bays, and harbors of the eastern and northeastern coasts of Canada, under stress of weather or in consequence of any casualty, may unload, reload, transship or sell (subject to customs laws and regulations) all fish on board, when such unloading, transshipment, or sale is necessary as incidental to repairs."

And I asked, as I now ask, who is to judge whether it is necessary as incidental to repairs or not? Nobody can judge. The captain may say, "I propose to remain here two or three days, and, in my opinion, my fish are in such a condition that I must transship them." It is not to be supposed that the collector of customs in each port is to have the right to interpret the treaty. That right is not vested in him. The result is that that section will be so construed that the privilege of transshipment, the most valuable privilege that the American fishermen have asked for, is practically conceded to them. According to the seventh section the master of any United States fishing vessel who has received a license may obtain—

"Such provisions and supplies as are ordinarily sold to trading vessels, and any such vessel, having obtained a license in the manner aforesaid, shall also be accorded, upon all occasions, such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels."

Now, the honorable gentleman says that this treaty does not give them the right to purchase bait. It seems to me that bait is a part of the outfit of a fishing vessel. At any rate it is so argued, and I think can be successfully argued. If a captain says, "I have lost my bait in this storm and I want to purchase more," the treaty says that he may, and all I have contended for is that this treaty, which is said to be an interpretation treaty, which is said to be intended to make matters clear, has simply made them so confused and so difficult to understand that practically the right to purchase bait and the right of transshipment can not be refused to American fishermen.

Now, I have already called the attention of the minister to the seventh section, and I repeat my request for information in regard to it. The first part of that section says:

"The minister of marine and fisheries, and any officers of the Government of Canada whom he may authorize for that purpose, shall grant promptly, and upon application, and without charge, licenses to United States fishing vessels to purchase in established ports of entry of the aforesaid coasts of Canada, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels."

And the latter part of the section goes on to say:

"Any such vessel, having obtained a license in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels."

Now, the first part of the section would lead any one who was seeking to find out its interpretation to believe that it was only after the master of the vessel had closed his voyage and was going home and required some small supplies which he would need for that homeward voyage that he would be entitled to obtain the necessary supplies; but the latter part of the section seems to have a different effect. It appears to state that any vessel which has once obtained a license shall in future on all occasions have the same facilities for the purchase of supplies as are ordinarily granted to trading vessels. Of course there will be a great deal of controversy as to what "casual and needful provisions and supplies" are. My impression is that this treaty will receive at the hands of this Government, if it be adopted, and from the officers of the Government a very broad and liberal interpretation. My opinion is that the Canadian officers hereafter will not be very astute in examining the demand of the American fishermen under this treaty to purchase supplies or to purchase bait or anything else.

They will practically give them what they want, but it seems to me that this clause is very curiously worded, and I ask whether a license once obtained is intended to inure for the following season, or whether, when a license is obtained in the early part of the summer, the party is only to be entitled to purchase supplies as he needs them from time to time during the then season. If that is the case, that will enable these men to do what the minister of justice and the minister of fisheries have declared would be fatal to the fishing interests of the maritime provinces. I do not desire to prolong the controversy on these points, which I think have been put very fairly before the house and the country, but the quotations which have been put before the house from the minutes and the state papers show clearly that, in the opinion of those ministers, it would be fatal to the interests of every one, and especially to the interests of the fisheries in the maritime provinces, if the American fishermen were allowed to come in there and make their purchases of bait, if they were allowed to make the harbors and shores of the maritime provinces the base for carrying on their fishing operations. Now, it appears to me that if an American fisherman can come into port and claims that, by casualty, he has lost his outfit, he may purchase a new outfit, as the sixth section says. I think that the word "outfit" of a fishing vessel includes bait as a part of it.

[Mr. Davies, Prince Edward Island, April 17.]

The honorable gentleman says that my mouth is closed because I told the house that I did not intend to move any resolution against the treaty, but that it ought to be accepted. I did say the treaty ought to be accepted, and I said that with the full knowledge, as the honorable gentleman repeats my words, that we could not alter a line of it. Why did I say so? The honorable gentleman knows well that in that very speech to which he refers I pointed out the concessions which, in my opinion, Canada had made—concessions which, if the opinions of the honorable gentleman and his colleagues, the honorable minister of justice and the honorable the minister of marine and fisheries, were correct, would be fatal to the interests of Canada.

But I said this, that if the honorable gentleman's statement was correct; if the relations between Canada and the United States had become strained to the extent he said they had; if we were brought face to face with a condition of facts not far removed from war; if, to use Mr. Bayard's language, we had "entered upon a career of embittered rivalry staining our long frontier with the hues of hostility;" if, to use the honorable gentleman's own language, we had cemented 65,000,000 people and their entire press in bitter hostility to the people of Canada—I said then, as I do now, that such being the case, any settlement which was not absolutely dishonorable should be accepted in order that we might get out of the humiliating and dangerous position to which the policy of the government had brought us.

[Mr. Mitchell, April 17.]

Whatever other gentlemen may do, they can answer for themselves; whatever motives may have influenced them, that is their business; for myself I want it placed on record that the reasons why I do not oppose this treaty are not that we have got the rights we are entitled to get under the treaty of 1818, rights which were clearly recognized for many years in the correspondence and dispatches between the Governments of England and the United States, but it is because I see in it a prospect of peace and more cordial relations with our neighbors.

Mr. HOAR. I ask unanimous consent (and that certainly is not in

the least inconsistent with anything which has been agreed to) that the Senate at the conclusion of the reading of the Journal on Monday go into open executive session on the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to so far modify the order previously made that on Monday at the conclusion of the reading of the Journal the Senate will proceed in open executive session to the consideration of the fisheries treaty. Is there objection?

Mr. CALL. I wish to say that I shall not interpose any objection to the understanding proposed, but I ask that it be so modified as to allow me the opportunity of having a joint resolution, which I have introduced and which the Committee on Epidemic Diseases, I understand, will report, to be acted upon by the Senate on Monday morning. The joint resolution relates to the prevalence of yellow fever in the State of Florida and the necessary means of suppressing it. Its consideration is regarded by the people there, as well as by the Surgeon-General and by medical officers in charge of the sanitation there, as very important to have immediate action. I therefore ask the Senator from Maine and the Senator from Alabama to so modify the agreement upon this subject as to allow such portion of the time as may be necessary on Monday morning to consider the joint resolution.

Mr. HARRIS. I am bound to notify the Senators from Alabama and Maine and other Senators that the consideration of the joint resolution referred to by the Senator from Florida will consume some time when it is taken up.

Mr. CALL. I appeal to those Senators in a matter of humanity and public necessity that the joint resolution shall have whatever time may be necessary.

Mr. MORGAN. I move that we rescind the order by which the Senate agreed to adjourn over until Monday, and that we meet here to-morrow at 12 o'clock. ["No!" "No!"] We shall have no votes. I do not care if no Senator is here but myself.

Mr. HOAR. I hope the Senator from Florida will not interpose. I know from what I have heard Senators say that there will be a good deal of debate on the joint resolution to which he refers.

Mr. CALL. But when a terrible epidemic is threatening a whole people and a multitude of human lives, in the opinion of the public authorities, are in danger, my first duty is to insist upon such action as I may be able to obtain.

Mr. HOAR. If we make the arrangement proposed, to take up the treaty at the time specified on Monday, I think the Senator from Florida will find that after the completion of the speech of the Senator from Alabama on Monday afternoon the Senate will be ready to take up the joint resolution.

Mr. CALL. In the presence of an epidemic which is banishing a whole people from their homes and scattering them through the country, and such an appalling thing as an epidemic of yellow fever, would the Senator hesitate to let the treaty be displaced for even a day if necessary? Its consideration, surely, has nothing of the urgency that the prevention of this epidemic has.

Mr. HOAR. If the Senator will pardon me, the Senate has already agreed to take up the treaty on Monday at 1 o'clock, so that there will be only two hours on Monday before that time. It is not a question of the terrible nature of the epidemic, but whether the Senate is likely to consider favorably the particular measure of relief which the Senator from Florida proposes. I understand that there is a great deal of difference of opinion about that in the Senate. I propose myself to do in regard to the matter what the representatives of the afflicted region desire, if they agree.

Mr. CALL. I rely entirely upon the Senator from Massachusetts to do so, as he always does, but it is my duty by whatever means in my power to obtain if possible the consideration of the measure at the earliest opportunity. I have here a number of dispatches from the leading citizens and authorities there urging its immediate consideration. Here is a petition from the people of Tampa, another portion of Florida which is threatened with the epidemic, urging with very great earnestness the immediate consideration and passage of the joint resolution. I may further say that within a few days, if action is taken, the epidemic may be arrested. Time is a matter of the greatest importance, and if there were present here this evening a sufficient number of Senators to act upon it I should ask that it be considered now. But some friends of the measure are away.

Mr. FRYE. If the Senator will allow me, of course after the action of the Senate the Senator from Florida could not call up his proposition to-morrow, because there will be no quorum of the Senators here, and if there is a contest a quorum will be required; but he could call it up the first thing on Monday morning, provided the time was not occupied by the treaty.

I do not see any better way to dispose of this matter than to reconsider the vote by which we agreed to adjourn over to-morrow, and let the Senator from Alabama and those of us who desire come here to-morrow at 12 o'clock and the Senator from Alabama can then finish his speech. There would be no vote on anything to-morrow. There can not be any possible objection to that. I hope that the vote to adjourn over will be reconsidered, and that the Senator from Alabama will finish his speech to-morrow. That will give the Senator from Florida a chance on Monday morning with his joint resolution, and will give the Senator from New York [Mr. EVARTS] and the Senator from Massachusetts [Mr. HOAR] an opportunity to speak on the treaty on Monday.

Mr. GEORGE. Is that agreeable to the Senator from Alabama?

Mr. MORGAN. It is. I make that motion.

Mr. EVARTS. That would hardly be considered, it seems to me, quite fair to Senators who may have left the Chamber supposing that the resolution had been adopted to adjourn until Monday.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Alabama to move to reconsider the vote by which the Senate agreed to adjourn from to-day until Monday?

Mr. MORGAN. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to reconsider the vote by which the Senate agreed that when it adjourn to-day it be to meet on Monday next. [Putting the question.] By the sound the Chair is unable to decide.

Mr. HOAR. I hope the Chair will decide without a count.

Mr. FRYE. I hope Senators will allow this to be done.

Mr. HOAR. It is merely to come here to-morrow and hear the speech of the Senator from Alabama. No business will be done.

A division being called for, there were on a division—ayes 16, noes 2.

The PRESIDENT *pro tempore*. A quorum has not voted.

Mr. MORGAN. If the Senate will indulge me I shall go on. I can speak from now until midnight.

Mr. CALL. Will the Senator from Alabama allow me——

Mr. MORGAN. No, sir; I shall not allow anything. I am going to speak right on until I get through my speech.

Mr. CALL. Will not the Senator consent to continue the debate until Tuesday at 2 o'clock?

Mr. MORGAN. No, sir; we can not get that. That is against the convenience of half a dozen gentlemen, some of whom are under great pressure to go away. That has all been considered, and I shall merely occupy the time of the Senate until I get through.

Mr. FRYE. I should like to try it once more, if the Senator will allow me.

Mr. MORGAN. No; I do not ask any Senator to come here to hear me make a speech. I did not propose to speak to the Senate. I want my speech to go in the RECORD, and Senators need not read it; I want the country to read it.

Mr. HOAR. If the Senator from Alabama will allow me, I wish to ask if the Chair will entertain a motion that the Senate take a recess until 11 o'clock to-morrow?

The PRESIDENT *pro tempore*. The Chair would suggest that the absence of a quorum having been disclosed, business is not in order.

Mr. FRYE. Will the Chair entertain a request for consent?

The PRESIDENT *pro tempore*. The Chair can not entertain a request for consent while no quorum of the Senate is present.

Mr. PLATT. Is a motion to adjourn until to-morrow at 11 o'clock in order?

The PRESIDENT *pro tempore*. It is not in order.

Mr. TELLER. Let us have the roll-call then.

Mr. MORGAN. I prefer to retain the floor.

The PRESIDENT *pro tempore*. The Chair can not recognize the Senator from Alabama for that purpose, the absence of a quorum having been disclosed.

Mr. MORGAN. The business which has intervened was not in order; it was really all done by unanimous consent.

The PRESIDENT *pro tempore*. But the duty of the Chair is plain under the rule. The recent vote discloses the want of a quorum, and there is nothing left for the Chair to do except to order a call of the roll. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bate,	Daniel,	Hoar,	Pasco,
Berry,	Dawes,	Ingalls,	Platt,
Blair,	Dolph,	Jones of Arkansas,	Saulsbury,
Brown,	Evarts,	Jones of Nevada,	Spooner,
Call,	Frye,	Manderson,	Stewart,
Cockrell,	George,	Mitchell,	Teller,
Coke,	Gray,	Morgan,	Walthall.
Colquitt,	Harris,	Paddock,	

The PRESIDENT *pro tempore*. Thirty-one Senators have responded to their names—not a quorum.

Mr. COKE (at 5 o'clock and 20 minutes p. m.) I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore* What is the further pleasure of the Senate?

Mr. DOLPH. Some Senators have just come in.

Mr. HARRIS. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Secretary will call the roll of Senators. Several Senators have come in since the last roll-call.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Blair,	Cockrell,	Daniel,
Bate,	Brown,	Coke,	Dawes,
Berry,	Call,	Colquitt,	Dolph,

Evarts,	Hoar,	Morgan,	Spooner,
Frye,	Ingalls,	Paddock,	Stewart,
George,	Jones of Arkansas,	Pasco,	Teller,
Gray,	Jones of Nevada,	Platt,	Walthall.
Harris,	Manderson,	Saulsbury,	
Hiscock,	Mitchell,	Sawyer,	

The PRESIDENT *pro tempore*. Thirty-four Senators have answered to their names—not a quorum. What is the further pleasure of the Senate?

Mr. EVARTS. Something has been said in regard to——

The PRESIDENT *pro tempore*. The Chair would remind Senators that debate is not in order.

Mr. EVARTS. Not by unanimous consent?

The PRESIDENT *pro tempore*. No unanimous consent can be given by less than a quorum of the Senate.

Mr. EVARTS. Then I do not see that I can contribute anything to solve the situation.

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. STEWART. Let us have a call of the Senate.

Mr. HOAR. I suggest that it has been the universal practice of the Senate, when a call of the Senate was going on in the absence of a quorum, to permit, by unanimous consent, Senators to make suggestions which relate to the particular condition of affairs.

The PRESIDENT *pro tempore*. The Chair will have the rule read—the third clause of Rule V.

The Chief Clerk read as follows:

RULE V.

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3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HOAR. My suggestion is that it is the universal custom—I do not speak of the time pending the execution of an order—when the want of a quorum has been disclosed, to permit by unanimous consent Senators to make suggestions with a view of extricating the Senate. I never knew the Chair to interpose such an objection before in the twelve years I have served here.

Mr. STEWART. I move that the Sergeant-at-Arms be directed to request absent Senators to attend.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. [Putting the question.] By the sound, the noes have it.

Mr. STEWART. I call for a division.

The motion was agreed to, there being on a division—ayes 18, noes 8.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms is directed to request the attendance of absent Senators.

Mr. SAULSBURY. Did a quorum vote on the motion?

The PRESIDENT *pro tempore*. Less than a quorum can direct the attendance of absent Senators.

Mr. CALL. If there is anything that I can do by agreeing to the proposition of the Senator from Maine [Mr. FRYE] so as to avoid this difficulty, I will consent to withdraw any objection I made, that there may be unanimous consent to proceeding on Monday as the Senator from Alabama desired.

Mr. COCKRELL. It is too late now.

After a pause—

Mr. HARRIS. Pending the execution of the order of the Senate, I move that the Senate adjourn.

The motion was agreed to, there being on a division ayes 18, noes 10; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, August 20, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 17, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ANTHONY L. WOODSON.

The SPEAKER laid before the House the bill (H. R. 8962) for the relief of Anthony L. Woodson, with amendments of the Senate thereto.

On motion of Mr. FINLEY, the House non-concurred in the Senate amendments and agreed to a conference.

ASSOCIATE JUSTICES SUPREME COURT, DAKOTA.

The SPEAKER also laid before the House the bill (S. 1497) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes.

Mr. SPRINGER. Mr. Speaker, a House bill for the same purpose having already passed, I move that this bill be indefinitely postponed.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNE, of Indiana, indefinitely, on account of sickness.

To Mr. BLANCHARD, for one week, on account of sickness.

To Mr. CUMMINGS, for three days, on account of important business.

To Mr. SAWYER, for this day, on account of sickness.

To Mr. ATKINSON, indefinitely, on account of important business.

To Mr. WASHINGTON, indefinitely, on account of sickness.

To Mr. ENLOE, an extension of his leave, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia;

A bill (H. R. 5155) granting a pension to John S. Bryant;

A bill (H. R. 2190) granting a pension to Jane Smallridge;

A bill (H. R. 5156) for the relief of Andrew R. G. Smith;

A bill (H. R. 9263) granting a pension to Abraham J. Buckles;

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey;

A bill (H. R. 9830) for the relief of Lachlan H. McIntosh; and

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

ORDER OF BUSINESS.

Mr. FORNEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Senate amendments to the bill known as the sundry civil appropriation bill. My object is to ask the House to agree to the report of the Committee on Appropriations, and to request a conference.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. FORNEY]?

Mr. PAYSON. Mr. Speaker, I think there ought to be some explanation by the gentleman as to the substantial amendments which have been made, with a view to determining whether or not some of them ought not to be debated in the House. As I understand, the question of the Congressional Library is involved, and also the question of establishing a park out upon Rock Creek, which may require an expenditure of two or three millions of dollars; and if that be so, I certainly think there ought to be an opportunity for debate.

Mr. FORNEY. In reply to that I have to say that the report of the committee has been printed in the RECORD for ten days, and it shows that the committee recommend non-concurrence in the amendments to which the gentleman alludes. Hereafter if the House authorizes the committee of conference to concur in those amendments, the subjects can then be debated.

Mr. ADAMS. What is the object of the proposition of the gentleman from Alabama [Mr. FORNEY]? This bill, with the Senate amendments, is now on the Calendar, and can be called up at any time, I suppose. What is the purpose?

Mr. FORNEY. The object is simply to get a conference.

Mr. ADAMS. What is the object of getting a conference now instead of considering the amendments regularly?

Mr. FORNEY. To see to what extent the two Houses can agree; and where we disagree the House can hereafter direct the conferees to insist on disagreement or to concur. That is a matter to come up hereafter.

Mr. DINGLEY. The separate items pass out of the control of the House the moment it goes into a conference.

Mr. FORNEY. No, sir; they are always in the hands of the House.

Mr. DINGLEY. We know how that matter is by our own experience.

Mr. PAYSON. I object to the proposition of the gentleman from Alabama [Mr. FORNEY].

Mr. CANNON. I hope my colleague [Mr. PAYSON] will allow me a word before he objects. The Committee on Appropriations has recommended non-concurrence in these amendments, suspecting that many of them are proper enough. But the Senate placed on the bill many amendments in respect to which no estimates had been submitted to the House, and in regard to which, on account of the lateness of the session, the documents which might give information have not been communicated to us. In such cases it was almost impossible for the Committee on Appropriations to investigate the questions fully. Hence the committee, not being itself properly advised, thought it wise to recommend non-concurrence, in the hope that the Senate would be enabled to give in a conference such information touching the new affirmative matter inserted in the bill as would be satisfactory to the House conferees and enable them to make a satisfactory report to the House. As to the two amendments in reference to which my colleague [Mr. PAYSON] has particularly inquired, the sense of the House committee was that on their merits they ought to be non-concurred in; but I will say to my colleague I have no doubt that before those amendments are disposed of, and after all information that can be given by the Senate conferees has been given, those two amendments will be reported to

the House for discussion upon the merits and for its instruction one way or the other.

But there are a great many amendments, some of them unimportant, but which collectively would take very considerable time for their consideration by the House in detail, and I think without much profit; whereas later on, upon a report from the conference committee, the material questions can be brought to the attention of the House. Hence my own opinion, as one member of the Committee on Appropriations, was, and still is, that the proposed action, especially in consideration of the stage of the session, is wise.

Mr. BLOUNT. Does the gentleman desire the House to understand that before any agreement on the part of the conferees of the two Houses shall take place it is expected and is probable that the House will have an opportunity to pass on the amendments relating to the zoological garden and the public Library?

Mr. CANNON. I was not a member of the subcommittee that had charge of this bill; but from my understanding in the committee I certainly expect it. Here are two gentlemen present who have been members of the subcommittee and who can speak for themselves.

Mr. BLOUNT. I thought the gentleman was on the subcommittee.

Mr. RYAN. I will answer the question of the gentleman from Georgia, so far as I feel authorized to do so; I will answer at least for myself. I think, so far as those two important amendments are concerned, there is not likely to be and will not be any final action by the conferees without submitting the questions to the consideration of the House, though I do think it important there should be a conference upon those subjects before there is action by the House.

Mr. ADAMS. Will the gentleman state why?

Mr. RYAN. For the simple reason——

Mr. PAYSON. If there can be a distinct understanding that before final action on those questions there shall be opportunity to debate them in the House, I will withdraw my objection.

Mr. ADAMS. Well, I object.

Mr. RYAN. I will answer the inquiry made a moment ago by the gentleman from Illinois [Mr. ADAMS]. One of the propositions is a measure for which there was no estimate whatever. It originated in the Senate; and doubtless the Senate has valuable information upon the subject which the conferees would be able to bring before the House and present for its consideration.

Mr. ADAMS. How long have the Senate amendments been on the Calendar?

Mr. FORNEY. About ten days.

Mr. RYAN. So far as concerns the proposition with reference to the Library, even if that be finally concurred in, as perhaps it ought not to be, I presume it would not be done without first submitting the proposition again to the House. So far as I am concerned, I think that would be the better course. It is at best somewhat crude in its form; and I have no doubt that in conference it would be unanimously agreed that certain amendments at least ought to be made. Hence, it would be unwise, in my judgment, to concur in it now in its present form. But in any event, my own idea about those two amendments is that before any final conclusion should be arrived at by the conferees the consideration of them ought to be brought before the House.

Mr. FORNEY. I will state to the gentleman that I agree with my colleague on the committee; and if the Senate does not recede, of course the House should have the opportunity of passing upon the propositions.

Mr. PAYSON. I withdraw my objection with that understanding, on the statement made by the gentleman from Alabama.

The SPEAKER. But the gentleman's colleague has renewed the objection.

Mr. HENDERSON, of Iowa. I understand that will also be withdrawn under the circumstances.

Mr. ADAMS. I do not insist.

Mr. HOLMAN. I would like to have it understood that the amendment numbered 118 of the Senate, in which concurrence is recommended, be also non-concurred in, as I desire to submit some remarks to the House on that question.

Mr. FORNEY. I am satisfied that that is right.

The SPEAKER. The question is first whether the report shall be taken up or not.

If there be no objection, the committee will be discharged, and the question is on agreeing to the report as amended by the gentleman from Indiana, to non-concur in the amendment of the Senate numbered 118.

Mr. FORNEY. I hope that will be done.

Mr. PAYSON. What is the amendment?

Mr. HOLMAN. It is in regard to the depredations on public timber lands.

Mr. HENDERSON, of Iowa. All right.

The report as amended by Mr. HOLMAN was adopted, and a conference asked on the disagreeing votes thereon.

Mr. FORNEY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SYMES. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill H. R. 1264——

Mr. BURNES. Mr. Speaker, in pursuance of a pledge I made to the House last evening I am compelled to demand the regular order. I move that the House dispense with private business for to-day.

The question was taken; and on a division there were—ayes 77, noes 15.

Mr. LYMAN. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. LYMAN and Mr. BURNES were appointed tellers.

Before the division began,

Mr. LYMAN said: I withdraw the point of order.

Mr. BOWDEN. I renew it.

The SPEAKER. The Chair will appoint the gentleman from Virginia [Mr. BOWDEN] and the gentleman from Missouri [Mr. BURNES] as tellers.

Mr. BOWDEN. At the request of gentlemen around me I will not insist upon the demand.

So (no further count being demanded) the motion to dispense with private business was agreed to.

The SPEAKER. Private business having been dispensed with, except by unanimous consent, public business will proceed to-day as on other days, and there is an hour for the consideration of bills called up by committees.

Mr. SPRINGER. I ask by unanimous consent to dispense with the morning hour for the reports of committees.

Mr. JACKSON. With the understanding that reports may be filed?

Mr. BURNES. I hope there will be no objection to that.

Mr. JACKSON. With that understanding I shall not object.

Mr. SPRINGER. I make the request that gentlemen having reports to make from committees be permitted to file them at the Clerk's desk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

MRS. R. S. HORTON.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8) to restore Mrs. R. S. Horton to the pension-rolls; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BURTON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11143) for the relief of William Burton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. W. HARPER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 11144) for the relief of A. W. Harper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES P. CHASE.

Mr. LAFFOON, from the Committee on Public Lands, reported back with amendment the bill (H. R. 9925) for the relief of James P. Chase; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GIRLS' REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. ATKINSON, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUSINESS FROM THE COMMITTEE ON INVALID PENSIONS.

The SPEAKER. The call of committees having been dispensed with, the hour for the consideration of bills begins at 12 o'clock and 25 minutes p. m. The call rests with the Committee on Invalid Pensions. The question is on the demand of the gentleman from Kansas [Mr. MORRILL] for the previous question on agreeing to the resolution as proposed to be amended.

Mr. BLAND. Is not this private bill day?

The SPEAKER. The House, by a vote, having dispensed with private business, public business is in order as on other days. The Chair will cause the rule to be read.

The Clerk read as follows:

Paragraph 3 of clause 7 of Rule XXIV:

On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar, and if this motion fail, then public business shall be in order as on other days.

The SPEAKER. The Clerk will also read the first clause of Rule XXVI.

The Clerk read as follows:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

The SPEAKER. The question is on the demand for the previous question; and upon this the yeas and nays have been ordered. A vote was taken and no quorum appeared. The Clerk will proceed to call the roll.

Mr. ANDERSON, of Kansas. I ask that the resolution be again reported.

The Clerk read as follows:

Resolved, That it is hereby ordered by the House that Wednesday, May 2, and Thursday, May 3, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Invalid Pensions in such order as may be designated by said committee, but not to interfere with revenue bills, appropriation bills, or prior orders; and if displaced by these or by any cause the same days on each subsequent week shall be substituted for those herein named until two days, or so much thereof as shall be necessary, are devoted to the consideration of measures reported by said committee.

The amendment proposed by Mr. MORRILL was read, as follows:

Strike out "May 2" and "May 3" and insert "August 29" and "August 30."

Mr. PETERS. Mr. Speaker, my colleague from Kansas on the Invalid Pensions Committee is not present, but I have sent for him to the committee-room. I do not know what his wishes are in this regard, and I do not feel authorized to ask unanimous consent in his absence.

Mr. MORRILL. Mr. Speaker, I understood that this resolution would not come up on Friday, this day being set apart for private business?

The SPEAKER. Private business has been dispensed with for to-day.

Mr. MORRILL. Then I ask that the roll-call proceed.

The question was taken; and there were—yeas 119, nays 5, not voting 200; as follows:

YEAS—119.

Adams,	Dougherty,	Lehlbach,	Post,
Allen, Mich.	Farquhar,	Lind,	Rice,
Anderson, Ill.	Finley,	Lyman,	Romeis,
Anderson, Kans.	Flood.	Lynch,	Ryan,
Atkinson,	French,	Macdonald,	Scull,
Bacon,	Fuller,	Mahoney,	Seney,
Baker, Ill.	Gear,	Maish,	Smith,
Bayne,	Gest,	Matson,	Springer,
Boothman,	Goff,	McCreary,	Stahlnecker,
Bowen,	Grout,	McCullogh,	Stephenson,
Brewer,	Hall,	McKenna,	Symes,
Brower,	Haugen,	McKinley,	Tarsney,
Brown, J. R., Va.	Hayes,	Merriman,	Taylor, J. D., Ohio
Bunnell,	Henderson, Iowa	Milliken,	Thomas, Ky.
Burnes,	Henderson, Ill.	Morrill,	Thomas, Wis.
Butterworth,	Hermann,	Morrow,	Thompson, Ohio.
Bynum,	Hires,	Neal,	Tracey,
Cannon,	Hitt,	Nelson,	Townshend,
Caruth,	Holman,	Nutting,	Turner, Kan.
Caswell,	Hopkins, Ill.	O'Donnell,	Vance,
Cheadle,	Hopkins, Va.	O'Neall, Ind.	Vandever,
Chipman,	Houk,	O'Neill, Pa.	Warner,
Cogswell,	Hovey,	O'Neill, Mo.	Weaver,
Conger,	Hunter,	Outhwaite,	Weber,
Cox,	Jackson,	Owen,	Wilkinson,
Crouse,	Johnston, Ind.	Parker,	Williams,
Darlington,	Laffoon,	Payson,	Wilson, Minn.
Davis,	La Follette,	Penington,	Yoder,
Dingley,	Laidlaw,	Perkins,	Yost.
Dockery,	Lawler,	Peters,	

NAYS—5.

Breckinridge, Ky.	Johnston, N. C.	McRae,	Newton.
Dibble,			

NOT VOTING—200.

Abbott,	Carlton,	Gaines,	Landes,
Allen, Mass.	Catchings,	Gallinger,	Lane,
Allen, Miss.	Clardy,	Gay,	Lanham,
Anderson, Iowa.	Clark,	Gibson,	Latham,
Anderson, Miss.	Clements,	Glass,	Lee,
Arnold,	Cobb,	Glover,	Lodge,
Baker, N. Y.	Cockran,	Granger,	Long,
Bankhead,	Collins,	Greenman,	Maffett,
Barnes,	Compton,	Grimes,	Mansur,
Barry,	Cooper,	Grosvenor,	Martin,
Belden,	Cothran,	Guenther,	Mason,
Belmont,	Cowles,	Hare,	McAdoo,
Biggs,	Crain,	Harmer,	McClammy,
Bingham,	Crisp,	Hatch,	McComas,
Blanchard,	Culberson,	Hayden,	McCormick,
Bland,	Cummings,	Heard,	McKinney,
Bliss,	Cutcheon,	Hemphill,	McMillin,
Blount,	Dalzell,	Henderson, N. C.	McShane,
Bound,	Dargan,	Herbert,	Mills,
Boutelle,	Davenport,	Hiestand,	Moffitt,
Bowden,	Davidson, Ala.	Hogg,	Montgomery,
Breckinridge, Ark.	Davidson, Fla.	Holmes,	Moore,
Browne, T. H. B., Va.	De Lano,	Hooker,	Morgan,
Browne, Ind.	Dorsey,	Hopkins, N. Y.	Morse,
Brown, Ohio	Dunham,	Howard,	Nichols,
Brumm,	Dunn,	Hudd,	Norwood,
Bryce,	Elliott,	Hutton,	Oates,
Buchanan,	Enloe,	Jones,	O'Ferrall.
Buckalew,	Ermentrout,	Kean,	Osborne,
Burnett,	Felton,	Kelley,	Patton,
Burrows,	Fisher,	Kennedy,	Peel,
Butler,	Fitch,	Kerr,	Perry,
Campbell, F., N. Y.	Foran,	Ketcham,	Phelan,
Campbell, Ohio.	Ford,	Kilgore,	Phelps,
Campbell, T. J., N. Y.	Forney,	Lagan,	Pidcock,
Candler.	Funston,	Laird,	Plumb,
Pugsley,	Sayers,	Stewart, Vt.	West,
Randall,	Scott,	Stockdale,	Wheeler,
Rayner,	Seymour,	Stone, Ky.	White, Ind.
Reed,	Shaw,	Stone, Mo.	White, N. Y.
Richardson,	Sherman,	Struble,	Whiting, Mich.
Robertson,	Shively,	Taulbee,	Whiting, Mass.
Rockwell,	Simmons,	Taylor, E. B., Ohio	Whitthorne,
Rogers,	Snyder,	Thomas, Ill.	Wickham,
Rowell,	Sowden,	Thompson, Cal.	Wilber,
Rowland,	Spinola,	Tillman,	Wilkins,
Russell, Conn.	Spooner,	Turner, Ga.	Wilson, W. Va.
Russell, Mass.	Steele,	Wade,	Wise,
Rusk,	Stewart, Tex.	Walker,	Woodburn,
Sawyer,	Stewart, Ga.	Washington,	Yardley.

No quorum voted.

During the roll-call,

Mr. WILLIAMS said: I am paired with Mr. STONE, of Missouri, but have voted for the purpose of making a quorum.

Mr. MCKENNA. I am paired with Mr. THOMPSON, my colleague, and it was understood between us that I should vote on this question; and if he were present, he would also vote "ay."

Mr. RICE. I am paired with Mr. T. H. B. BROWNE, of Virginia; but being satisfied that he would vote in the affirmative, I have accordingly voted in the affirmative.

Mr. HOPKINS, of Illinois. I am paired with Mr. HOWARD, of Indiana, but I understand that he would vote in the affirmative, so I have felt at liberty to vote.

Mr. ANDERSON, of Iowa. I was detained and was not in my seat when the roll was called, but I would like to vote.

The SPEAKER. The Chair knows of no rule under which the request of the gentleman can be granted.

Mr. PERKINS. I am paired with the gentleman from Tennessee, Mr. WHITTHORNE. I do not know how he would vote on this question, but I have taken the responsibility of voting for the purpose of making a quorum.

Mr. PAYSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. CRISP. I object.

The following were announced as being paired on all political questions until further notice:

Mr. MCCLAMMY with Mr. WOODBURN.
Mr. FELIX CAMPBELL with Mr. COOPER.
Mr. MCSHANE with Mr. YARDLEY.
Mr. WASHINGTON with Mr. FINLEY.
Mr. HUTTON with Mr. SEYMOUR.
Mr. BARRY with Mr. DALZELL.
Mr. WILKINS with Mr. PUGSLEY.
Mr. CATCHINGS with Mr. MCCORMICK.
Mr. PEEL with Mr. RUSSELL, of Connecticut.
Mr. ANDERSON, of Mississippi, with Mr. DE LANO,
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. HUDD with Mr. ARNOLD.
Mr. MCMILLIN with Mr. BURROWS.
Mr. JONES with Mr. BOUND.
Mr. LANE with Mr. KERR.
Mr. YOST with Mr. SNYDER.
Mr. BRECKINRIDGE, of Arkansas, with Mr. BROWN, of Ohio.
Mr. HEMPHILL with Mr. GALLINGER.
Mr. HOGG with Mr. HOLMES.
Mr. VANCE with Mr. WICKHAM.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.
Mr. MCKINNEY with Mr. OSBORNE.
Mr. SHAW with Mr. LAIDLAW.
Mr. CARLTON with Mr. MOFFITT.
Mr. HARE with Mr. PLUMB.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CRISP with Mr. ROWELL.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. FORD with Mr. STEELE.
Mr. LODGE with Mr. BURNETT.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. ROBERTSON with Mr. DORSEY.
Mr. WILLIAMS with Mr. STONE, of Missouri.
Mr. PERRY with Mr. SPOONER.
Mr. CLARDY with Mr. WADE.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. ROWLAND with Mr. NICHOLS.
Mr. BRYCE with Mr. KENNEDY.
Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.
Mr. DARGAN with Mr. WEST.
Mr. BOUTELLE with Mr. WISE.
Mr. RANDALL with Mr. KELLEY.
Mr. GROSVENOR with Mr. ENLOE.
Mr. HAYDEN with Mr. HERBERT.

Mr. COX with Mr. BAKER, of New York.
Mr. COTHRAN with Mr. LONG, for two weeks from August 9.
The following were announced as being paired on all questions until further notice:
Mr. GREENMAN with Mr. SHERMAN.
Mr. COMPTON with Mr. GOFF.
Mr. FISHER with Mr. KEAN.
Mr. CLEMENTS with Mr. KETCHAM.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. SCOTT with Mr. CLARK.
Mr. OATES with Mr. GUENTHER.
Mr. PIDCOCK with Mr. HIRES.
Mr. GRANGER with Mr. ROCKWELL.
Mr. GLOVER with Mr. BROWNE, of Indiana.
Mr. O'FERRALL with Mr. MASON.
Mr. MCADOO with Mr. HARMER.
Mr. FORAN with Mr. HOUK.
Mr. BUCKALEW with Mr. BAYNE, on all political questions and French spoliation claims.
Mr. TILLMAN with Mr. HOPKINS, of New York.
Mr. ABBOTT with Mr. ROGERS, on this vote.
Mr. WHITTHORNE with Mr. PERKINS, for this day.
Mr. MILLS with Mr. LAIRD, for this day.
Mr. SOWDEN with Mr. STRUBLE, for this day.
Mr. LANDES with Mr. FUNSTON, on this vote.
The result of the vote was then announced as above stated.
Mr. PAYSON. I move a call of the House.
The motion was agreed to; and accordingly a call of the House was ordered. The Clerk proceeded to call the names, when the following-named members failed to answer:

Allen, Mass.	Cutcheon,	Kean,	Rockwell,
Allen, Miss.	Dalzell,	Kelley,	Rowell,
Anderson, Miss.	Dargan,	Kennedy,	Russell, Conn.
Arnold,	Davenport,	Kerr,	Russell, Mass.
Baker, N. Y.	Davidson, Ala.	Ketcham,	Rusk.
Barry,	De Lano,	Laird,	Scott,
Belden,	Dorsey,	Landes,	Seymour,
Belmont,	Dunham,	Lane,	Shaw.
Biggs,	Elliott,	Lodge,	Shively,
Bingham,	Enloe,	Long,	Simmons,
Blanchard,	Ermentrout,	Maffett,	Snyder,
Bliss,	Felton,	Mason,	Spinola,
Bound,	Fisher,	McAdoo,	Spooner,
Boutelle,	Fitch,	McClammy,	Steele,
Breckinridge, Ark.	Foran,	McComas,	Stewart, Tex.
Browne, T. H. B., Va.	Ford,	McCormick,	Stewart, Ga.
Browne, Ind.	Gaines,	McKinley,	Stewart, Vt.
Brown, Ohio	Gallinger,	McKinney,	Stone, Mo.
Brumm,	Gay,	McShane,	Struble,
Bryce,	Gibson,	Milliken,	Taylor, E. B., Ohio
Buchanan,	Glover,	Moffitt,	Thomas, Ill.
Buckalew,	Granger,	Montgomery,	Thompson, Cal.
Burnett,	Greenman,	Morse,	Tillman,
Burrows,	Grosvenor,	Nichols,	Wade,
Butler,	Guenther,	Norwood,	Washington,
Campbell, F., N. Y.	Hare,	Oates,	West,
Campbell, Ohio	Harmer,	O'Ferrall,	White, N. Y.
Carlton,	Hatch,	Patton,	Whiting, Mass.
Catchings,	Hayden,	Peel,	Wickham,
Clardy,	Heard,	Perry,	Wilber,
Clark,	Hemphill,	Phelps,	Wilkins,
Clements,	Hogg,	Pidcock,	Wilson, W. Va.
Cockran,	Holmes,	Plumb,	Woodburn,
Collins,	Hopkins, N. Y.	Pugsley,	Yardley,
Cooper,	Howard,	Randall,	Yoder,
Cothran,	Hudd,	Rayner,	Yost.
Crain,	Hutton,	Reed,	
Cummings,	Jones,	Robertson,	

After the doors were closed, the names of absentees were called for excuses.
Mr. ALLEN, of Massachusetts: No excuse offered.
Mr. ALLEN, of Mississippi: No excuse offered.
Mr. ANDERSON, of Mississippi: No excuse offered.
Mr. ARNOLD: No excuse offered.
Mr. BAKER, of New York: No excuse offered.
Mr. BARRY: No excuse offered.
Mr. BELDEN: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BIGGS: No excuse offered.
Mr. BINGHAM: No excuse offered.
Mr. BLANCHARD.
Mr. LAGAN. Mr. BLANCHARD is absent by leave of the House.
Mr. BLISS: No excuse offered.
Mr. BOUND: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BRECKINRIDGE, of Arkansas: No excuse offered.
Mr. THOMAS H. B. BROWNE: No excuse offered.
Mr. BROWNE, of Indiana: No excuse offered.
Mr. BROWN, of Ohio: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCHANAN: No excuse offered.
Mr. BRYCE: No excuse offered.
Mr. BUCKALEW: No excuse offered.
Mr. BURNETT: No excuse offered.
Mr. BURROWS: No excuse offered.
Mr. BUTLER: No excuse offered.
Mr. FELIX CAMPBELL: No excuse offered.
Mr. CAMPBELL, of Ohio: No excuse offered.
Mr. CARLTON: No excuse offered.
Mr. CLARDY: No excuse offered.
Mr. CATCHINGS: No excuse offered.
Mr. CLARK: No excuse offered.
Mr. CLEMENTS: No excuse offered.
Mr. COCKRAN: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COTHRAN: No excuse offered.
Mr. CRAIN: No excuse offered.
Mr. CUMMINGS: No excuse offered.
Mr. CUTCHEON: No excuse offered.
Mr. DALZELL: No excuse offered.
Mr. DARGAN: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Alabama.
Mr. COBB. I ask that my colleague [Mr. DAVIDSON] be excused, on account of sickness.
There was no objection.
Mr. DE LANO: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. ELLIOTT: No excuse offered.
Mr. ENLOE: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FELTON: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FITCH: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FORD: No excuse offered.
Mr. GAINES: No excuse offered.
Mr. GALLINGER: No excuse offered.
Mr. GAY: No excuse offered.
Mr. GIBSON: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GUENTHER: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HEARD: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of New York.
Mr. NUTTING. I ask that my colleague [Mr. HOPKINS] be excused indefinitely, on account of sickness.
There was no objection.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. HUTTON: No excuse offered.
Mr. JONES: No excuse offered.
Mr. KEAN: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LAIRD: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LODGE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MASON: No excuse offered.
Mr. MCADOO: No excuse offered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCORMICK: No excuse offered.
Mr. MCKINLEY: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MILLIKEN. No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.

Mr. O'FERRALL: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSSELL, of Massachusetts: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SHIVELY: No excuse offered.
Mr. SIMMONS: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. STRUBLE: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. THOMPSON, of California.

Mr. MCKENNA. I ask that my colleague [Mr. THOMPSON] be excused. He has been indisposed, and I am satisfied that if he were well he would be present.

There was no objection.

Mr. TILLMAN: No excuse offered.
Mr. WADE: No excuse offered.
Mr. WASHINGTON: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. WICKHAM: No excuse offered.
Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WILSON, of West Virginia: No excuse offered.
Mr. WOODBURN: No excuse offered.
Mr. YARDLEY: No excuse offered.
Mr. YODER: No excuse offered.
Mr. YOST: No excuse offered.

The SPEAKER. Upon this call 174 gentlemen have answered to their names.

Mr. DOCKERY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. I desire to ask the number of minutes remaining of the hour for the consideration of bills.

The SPEAKER. There are eight minutes remaining.

Mr. DOCKERY. I ask unanimous consent——

The SPEAKER. The House is operating under a call of the House, and no business can be transacted until that is completed or dispensed with.

Mr. PAYSON. I move to dispense with further proceedings under the call.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. CRISP. I ask for a division.

The House divided; and there were—ayes 68, noes 5, and so further proceedings under the call of the House were dispensed with.

Mr. DOCKERY. To avoid a further call of the roll which may disclose the lack of a quorum, and thus prevent a pension session to-night, I ask unanimous consent that the hour be considered as having expired.

Mr. MORRILL. I do not know what course I shall pursue until I know how many minutes remain of the hour.

The SPEAKER. It will expire in six minutes, the hour beginning at 25 minutes past 12. Is there objection to considering the hour as having expired?

Mr. LYMAN. I object.

Mr. CRISP. I move that the House do now adjourn.

The question was taken; and on a division the ayes were 25, noes 51.

Mr. CRISP. I ask for tellers.

The question was taken on the ordering of tellers.

The SPEAKER. Thirty-five members have risen on this question, a sufficient number, and tellers are ordered. The Chair will appoint as tellers the gentleman from Georgia [Mr. CRISP] and the gentleman from Iowa [Mr. LYMAN.]

The tellers reported—ayes 10, noes 59.

So the House refused to adjourn.

The SPEAKER. The hour for the consideration of bills has expired.

Mr. PAYSON. I ask unanimous consent that this order of business be continued until the resolution offered by the gentleman from Kansas [Mr. MORRILL] shall be considered.

Mr. WEAVER. I hope that will be done.

Mr. DUNN. Regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The message further announced that the Senate had passed the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, in which concurrence was requested.

FIRST NATIONAL BANK, PORTLAND, OREGON.

Mr. TAULBEE. Mr. Speaker, I desire to present a report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 1761, entitled "A bill for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor, in building the United States revenue-cutter Thomas Corwin," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and, with the following amendment, agree to the same:

Insert after the word "iron," in line 15, page 2, of the Senate amendment, the following:

"To Coffin & Hendry, of San Francisco, the sum of $1,575 for furnishing sails and rigging."

All of which is respectfully submitted.

W. P. TAULBEE,
B. HERMANN,
THOMAS L. THOMPSON,
Managers on the part of the House.
JOHN H. MITCHELL,
WM. M. STEWART,
E. K. WILSON,
Managers on the part of the Senate.

The conferees on the part of the House submitted the following statement:

The undersigned managers on the part of the House on the disagreeing votes of the two Houses on the bill H. R. 1761 respectfully submit the following:

The effect of the Senate amendment is to include certain small claims of laborers who performed work on the United States revenue-cutter, and also a claim for sails and rigging, which were omitted from the Senate amendment. That all may stand on an equality it was found just that a reduction of 50 per cent. be made from the original claims.

It is the opinion of the managers that the claims are just and should be agreed to.

W. P. TAULBEE.
BINGER HERMANN.
THOS. L. THOMPSON.

The question was taken on agreeing to the report of the committee of conference; and there were—ayes 58, noes 2.

Mr. LYMAN. No quorum.

Mr. TAULBEE. Mr. Speaker, I ask unanimous consent to withdraw the report.

Mr. HERMANN. I do not think anybody will object to this report.

Mr. TAULBEE. The point is made that no quorum has voted.

A MEMBER. I hope the gentleman from Iowa will withdraw the point.

Mr. LYMAN. I will not withdraw it.

Mr. TAULBEE. Mr. Speaker, in connection with the request for leave to withdraw the report I ask that the report and statement as read be printed in the RECORD.

The SPEAKER. They will go into the RECORD.

FORT HALL RESERVATION.

Mr. PERKINS. I desire to present a privileged report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add to said amendment the following:

"*Provided*, That all lands acquired by said railway company near its station at Pocatello, for its use for station grounds, depot buildings, shops, tracks, side-tracks, turn-outs, yards, and for water purposes, as hereinbefore provided, shall,

whenever used by said railway company, or its assigns, for other purposes, be forfeited and revert to the United States and be subject to the other provisions of this act."

Also insert, after the word "provided," in line 8, page 9 of the bill, the word "further."

And the Senate agree to the same.

S. W. PEEL,
JOHN M. ALLEN,
B. W. PERKINS,
Managers on the part of the House.

H. L. DAWES,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The SPEAKER. There does not seem to be a statement accompanying this report.

Mr. PERKINS. There is no statement.

Mr. HOLMAN. Will the gentleman state what the bill provides as to the compensation that is to be paid by the railroad company for these lands?

Mr. PERKINS. The railroad company is required to pay to the Indians $8 an acre for their lands, and in addition to that is required to pay the appraised value, the same as is to be paid for the lands which under the provisions of the bill are opened to settlers. That is the Senate amendment. The amendment was prepared by the Interior Department, and is recommended by that Department; but we do not agree to it except with the qualification that in the event the railroad company shall cease to use the land for railroad purposes, then it shall revert to the Government of the United States, and shall be subject to the other provisions of the bill which open the land to settlers at its appraised value.

Mr. BLOUNT. I hope the gentleman will make a statement of the object that is to be accomplished by the amendment.

Mr. PERKINS. The Senate amendment, as I have suggested, proposed to give the railroad company the right to purchase an additional 150 acres of land for railroad purposes. That amendment was recommended by the Interior Department and was put upon the bill at the recommendation of the Department. The House conferees consented to the amendment, with the qualification I have stated, namely, that if the railroad company should cease to use the land for railroad purposes—if they should attempt to speculate with it or to use it for any other than legitimate railroad purposes—then it is to revert to the United States and become subject to the other provisions of this bill, which are that these lands shall be opened to settlers for town-site purposes, lots to be sold to actual settlers at their appraised value.

Mr. BLOUNT. That is in the House bill.

Mr. PERKINS. That is in the House bill.

Mr. BLOUNT. That is not a matter of disagreement between the two Houses.

Mr. PERKINS. There is no difference between the two Houses in regard to that.

The report of the committee of conference was agreed to.

Mr. PERKINS moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANTHONY L. WOODSON.

The SPEAKER. The Chair will appoint as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 8962) for the relief of Anthony L. Woodson, the gentleman from Mississippi, Mr. STOCKDALE, the gentleman from Kentucky, Mr. STONE, and the gentleman from North Carolina, Mr. BROWER.

GEORGETOWN BRIDGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

Mr. COMPTON. I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

BARNES COMPTON,
JOHN T. HEARD,
Managers on the part of the House.

H. H. RIDDLEBERGER,
ISHAM G. HARRIS,
C. B. FARWELL,
Managers on the part of the Senate.

The following statement of the House conferees, submitted under the rule, was read:

The managers on the part of the House on the disagreeing votes of the two Houses on the Senate bill 2252, to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, respectfully submit the following statement:

The Senate receded from its disagreement to the amendments of the House, and thus the bill is left exactly as it passed the House.

The question being taken on agreeing to the conference report there were—ayes 43, no 1.

Mr. LYMAN. No quorum.

Mr. COMPTON. I ask leave to withdraw the report.

There being no objection, the report was withdrawn.

IMPORTATION OF ENGLISH STEAM-SHIP FOR DREDGING PURPOSES.

Mr. DUNN. I desire to make a privileged report. I am directed by the Committee on Merchant Marine and Fisheries to report the two resolutions which I send to the desk, and recommend their passage.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 6, 1888.

Mr. BUCHANAN submitted the following resolution; which was referred to the Committee on Merchant Marine and Fisheries:

"Whereas it appears by a letter from the Secretary of the Treasury to the collector of customs at the port of New York, dated June 2 instant, that the said Secretary is in receipt of a letter from the Secretary of War in which, upon recommendation of the Chief of Engineers, he requests that Joseph Cumings, who has a contract under the War Department to deliver 800,000 cubic yards of material from the main ship-channel in New York Harbor, may be permitted to import through our ports without payment of duty thereon and use for the purpose of fulfilling this contract a large foreign vessel adapted to the necessary powerful machinery; and

"Whereas upon receipt of said letter from the Secretary of War the said Secretary of the Treasury instructed the said collector as follows: 'Under the circumstances you are authorized to comply with the request of the Secretary of War;' and it is alleged that under the said instructions the steam-ship State of Alabama, built at Glasgow in 1873, has been so entered and is being fitted up at Erie Basin, in the city of Brooklyn, N.Y., with machinery owned by an English syndicate, for such work: Therefore,

"*Be it resolved*, That the Secretary of War be, and he is hereby, directed to transmit to this House copies of said recommendation of the Chief of Engineers, of his said letter to the Secretary of the Treasury, and of all correspondence on file in his Department relating to said matter."

The amendment reported by the committee was read, as follows:

Amend by adding the words: "Together with his reasons for such action."

Mr. DUNN. I ask that the amendment be agreed to; and on agreeing to the amendment and adopting the resolution I call the previous question.

The SPEAKER (having put the question on ordering the previous question) said: The ayes seem to have it.

Mr. LYMAN. Division.

The question being again taken; there were—ayes 43, noes 3.

Mr. LYMAN. No quorum.

Mr. DUNN. I ask leave to withdraw both reports.

The SPEAKER. The reports will be withdrawn, if there be no objection.

Mr. FARQUHAR. As a member of the committee which has reported this resolution, I wish to say to the House that the object of the resolution is simply to obtain information which must be had before we can proceed any further in this matter.

Mr. DUNN. I withdraw the report.

Mr. FARQUHAR. I hope the gentleman from Iowa [Mr. LYMAN] will withdraw any objection to the consideration of the resolution.

Mr. COX. Who was it objected?

The SPEAKER. The gentleman from Iowa [Mr. LYMAN] has made the point that no quorum voted; and the report is withdrawn.

Mr. COX. The original resolution came from that side of the House.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. Pending that motion I ask unanimous consent to make an explanation not exceeding one minute in duration.

The SPEAKER. The gentleman from Missouri asks unanimous consent to make a statement not to exceed one minute.

Mr. LYMAN. I object.

Mr. BUTTERWORTH. I would like to ask my colleague on the committee [Mr. BURNES] whether the general discussion in Committee of the Whole with reference to the French spoliation claims has not been completed.

Mr. BURNES. No, sir.

Mr. BUTTERWORTH. How much time for that discussion remains?

Mr. BURNES. The general discussion on that subject will take about two hours more.

Mr. SPRINGER. A little more than that—one hour and thirty-six minutes on one side, and forty-seven minutes on the other.

Mr. BURNES. Two hours and about twenty minutes.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

Mr. LYMAN. Division.

The question being taken, there were—ayes 93, noes none.

Mr. LYMAN. No quorum.

The SPEAKER. The gentleman from Iowa raises the point that no quorum has voted. The Chair appoints as tellers the gentleman from Iowa [Mr. LYMAN] and the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DOCKERY. I will make a parliamentary inquiry. I desire to know whether, if this roll-call should not show the presence of a quorum, the parliamentary effect would not be to destroy the pension session for this evening?

The SPEAKER. The Chair can only answer that inquiry by saying that when the record of the House discloses the fact that no quorum is present, no other business can be done during the same legislative day until a quorum appears.

Mr. DOCKERY. Then there could be no business transacted at the pension session to-night.

Mr. PAYSON. It is very evident to this side of the House that we can get no pension legislation.

Mr. BURNES. I desire to present a parliamentary inquiry. I understand that the reason——

[Cries of "Regular order!"]

Mr. BURNES. I am presenting an inquiry—a statement upon which I desire the opinion of the Chair. As I understand, the reason we have no quorum is that a great many gentlemen on the one side and the other are restrained from voting because of being paired with gentlemen who are absent. If it be a proper inquiry, I would like the Chair to decide whether, upon a question with reference to a general appropriation bill, there being no politics involved, it is improper or unlawful to disregard such pairs for the purpose of making a quorum.

The SPEAKER. That is a question which each gentleman must decide for himself according to the circumstances existing at the time.

Mr. CANNON. I would be glad, Mr. Speaker, to have the Clerk read the usual pair between members.

The SPEAKER. That is in the nature of debate, but it can be done by consent. In some cases the pair is on all political questions, in others on all questions, and in some there are stipulations, how many the Chair does not know, that members shall have the right to vote when necessary to make a quorum. The Chair is advised this clause is contained in all of the pairs.

Mr. DOCKERY. That is my understanding.

The question recurred on Mr. BURNES's motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of general appropriation bills.

The question was taken, and there was no quorum; there being—yeas 158, nays none, not voting 166; as follows:

YEAS—158.

Abbott,	Dibble,	Lagan,	Romeis,
Adams,	Dingley,	Laidlaw,	Rowland,
Allen, Mich.	Dockery,	Lanham,	Rusk,
Anderson, Ill.	Dougherty,	Latham,	Ryan,
Anderson, Kans.	Dunn,	Lee,	Sayers,
Bacon,	Farquhar,	Lehlbach,	Scull,
Baker, Ill.	Finley,	Lind,	Seney,
Bankhead,	Flood,	Lynch,	Shively,
Barnes,	Forney,	Macdonald,	Simmons,
Bayne,	French,	Mahoney,	Smith,
Bland,	Fuller,	Mansur,	Sowden,
Blount,	Funston,	Martin,	Springer,
Boothman,	Gay,	Matson,	Stahlnecker,
Bowen,	Gear,	McKenna,	Stephenson,
Breckinridge, Ky.	Glass,	McRae,	Stewart, Vt.
Brewer,	Goff,	Moore,	Stockdale,
Brower,	Grimes,	Morgan,	Struble,
Brown, J. R., Va.	Hall,	Morrill,	Symes,
Bunnell,	Haugen,	Morrow,	Taulbee,
Burnes,	Hayes,	Neal,	Taylor, J. D., Ohio
Butterworth,	Heard,	Nelson,	Thomas, Ky.
Bynum,	Henderson, Iowa	Newton,	Thomas, Wis.
Candler,	Henderson, N. C.	Nutting,	Tracey,
Cannon,	Henderson, Ill.	O'Donnell,	Townshend,
Caruth,	Herbert,	O'Neall, Ind.	Turner, Ga.
Caswell,	Hermann,	O'Neill, Pa.	Vance,
Cheadle,	Hiestand,	O'Neill, Mo.	Vandever,
Chipman,	Hires,	Osborne,	Walker,
Cobb,	Hitt,	Outhwaite,	Warner,
Cogswell,	Holman,	Owen,	Weaver,
Compton,	Hooker,	Parker,	Weber,
Conger,	Hopkins, Ill.	Payson,	Wheeler,
Cowles,	Hopkins, Va.	Penington,	Whiting, Mich.
Cox,	Hovey,	Perkins,	Whitthorne,
Crisp,	Jackson,	Peters,	Wilkinson,
Crouse,	Johnston, Ind.	Phelan,	Wilson, Minn.
Culberson,	Johnston, N. C.	Post,	Yoder,
Darlington,	Kilgore,	Rice,	Yost.
Davidson, Fla.	Laffoon,	Richardson,	
Davis,	La Follette,	Rogers,	

NAYS—None.

NOT VOTING—166.

Allen, Mass.	Buchanan,	Davidson, Ala.	Harmer,
Allen, Miss.	Buckalew,	De Lano,	Hatch,
Anderson, Iowa	Burnett,	Dorsey,	Hayden,
Anderson, Miss.	Burrows,	Dunham,	Hemphill,
Arnold,	Butler,	Elliott,	Hogg,
Atkinson,	Campbell, F., N. Y.	Enloe,	Holmes,
Baker, N. Y.	Campbell, Ohio	Ermentrout,	Hopkins, N. Y.
Barry,	Campbell, T. J., N. Y.	Felton,	Houk,
Belden,	Carlton,	Fisher,	Howard,
Belmont,	Catchings,	Fitch,	Hudd,
Biggs,	Clardy,	Foran,	Hunter,
Bingham,	Clark,	Ford,	Hutton,
Blanchard,	Clements,	Gaines,	Jones,
Bliss,	Cockran,	Gallinger,	Kean,
Bound,	Collins,	Gest,	Kelley,
Boutelle,	Cooper,	Gibson,	Kennedy,
Bowden,	Cothran,	Glover,	Kerr,
Breckinridge, Ark.	Crain,	Granger,	Ketcham,
Browne, T. H. B., Va.	Cummings,	Greenman,	Laird,
Browne, Ind.	Cutcheon,	Grosvenor,	Landes,
Brown, Ohio	Dalzell,	Grout,	Lane,
Brumm,	Dargan,	Guenther,	Lawler,
Bryce,	Davenport,	Hare,	Lodge,
Long,	Montgomery,	Russell, Conn.	Thompson, Cal.
Lyman,	Morse,	Russell, Mass.	Tillman,
Maffett,	Nichols,	Sawyer,	Turner, Kans.
Maish,	Norwood,	Scott,	Wade,
Mason,	Oates,	Seymour,	Washington,
McAdoo,	O'Ferrall,	Shaw,	West,
McClammy,	Patton,	Sherman,	White, Ind.
McComas,	Peel,	Snyder,	White, N. Y.
McCormick,	Perry,	Spinola,	Whiting, Mass.
McCreary,	Phelps,	Spooner,	Wickham,
McCullogh,	Pidcock,	Steele,	Wilber,
McKinley,	Plumb,	Stewart, Tex.	Wilkins,
McKinney,	Pugsley,	Stewart, Ga.	Williams,
McMillin,	Randall,	Stone, Ky.	Wilson, W. Va.
McShane,	Rayner,	Stone, Mo.	Wise,
Merriman,	Reed,	Tarsney,	Woodburn,
Milliken,	Robertson,	Taylor, E. B., Ohio	Yardley.
Mills,	Rockwell,	Thomas, Ill.	
Moffitt,	Rowell,	Thompson, Ohio	

No quorum voted.

During the roll-call,

Mr. SOWDEN stated he was paired with Mr. STRUBLE, but a quorum not having voted he would record his vote in the affirmative.

Mr. ANDERSON, of Kansas, moved that the reading of the names be dispensed with.

Objection was made.

The following additional pairs were announced:

Mr. LANDES with Mr. NICHOLS, on all political questions, until further notice.

Mr. CUMMINGS with Mr. FELTON, for to-day.

The vote was then announced as above recorded.

Mr. BURNES. How many members have answered to their names?

The SPEAKER *pro tempore*. One hundred and fifty-eight, which is not a quorum.

Mr. BURNES. Then I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Abbott,	Cothran,	Hunter,	Plumb,
Allen, Mass.	Crain,	Hutton,	Pugsley,
Allen, Miss.	Cummings,	Jones,	Randall,
Anderson, Miss.	Cutcheon,	Kean,	Rayner,
Arnold,	Dalzell,	Kelley,	Reed,
Atkinson,	Dargan,	Kennedy,	Robertson,
Baker, N. Y.	Davenport,	Kerr,	Rockwell,
Barry,	Davidson, Ala.	Ketcham,	Rowell,
Belden,	De Lano,	Lagan,	Russell, Conn.
Belmont,	Dorsey,	Laird,	Russell, Mass.
Biggs,	Dunham,	Landes,	Sawyer,
Bingham,	Dunn,	Lane,	Scott,
Blanchard,	Elliott,	Lind,	Seymour,
Bliss,	Enloe,	Lodge,	Shaw,
Bound,	Ermentrout,	Long,	Snyder,
Boutelle,	Fisher,	Maffett,	Spinola,
Bowden,	Fitch,	Maish,	Spooner,
Breckinridge, Ark.	Foran,	Mansur,	Steele,
Brower,	Ford,	Mason,	Stewart, Tex.
Browne, T. H. B., Va.	Gaines,	McAdoo,	Stewart, Ga.
Browne, Ind.	Gallinger,	McClammy,	Stone, Mo.
Brown, Ohio	Gibson,	McCormick,	Tarsney,
Brumm,	Glover,	McCullogh,	Taylor, E. B., Ohio
Bryce,	Granger,	McKinney,	Thomas, Ill.
Buchanan,	Greenman,	McShane,	Thompson, Ohio
Buckalew,	Grosvenor,	Milliken,	Thompson, Cal.
Burnett,	Grout,	Mills,	Tillman,
Burrows,	Guenther,	Moffitt,	Wade,
Butler,	Hare,	Montgomery,	Washington,
Campbell, F., N. Y.	Harmer,	Morse,	West,
Campbell, Ohio	Hatch,	Nichols,	White, Ind.
Campbell, T. J., N. Y.	Hayden,	Norwood,	White, N. Y.
Carlton,	Hemphill,	Oates,	Whiting, Mass.
Catchings,	Herbert,	O'Ferrall,	Wickham,
Clardy,	Hogg,	Osborne,	Wilber,
Clark,	Holmes,	Owen,	Wilkins,
Clements,	Hooker,	Patton,	Wilson, W. Va.
Cockran,	Hopkins, N. Y.	Peel,	Woodburn,
Collins,	Houk,	Perry,	Yardley.
Compton,	Howard,	Phelps,	
Cooper,	Hudd,	Pidcock,	

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The doors will be closed and the names of the absentees will be called for excuses.

The names of absentees were called, as follows:

Mr. ABBOTT: No excuse offered.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ALLEN, of Mississippi: No excuse offered.

Mr. ANDERSON, of Mississippi: No excuse offered.

Mr. ARNOLD: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLANCHARD: No excuse offered.

Mr. BLISS: No excuse offered.

Mr. BOUND: No excuse offered.

Mr. BOUTELLE: No excuse offered.

Mr. BOWDEN: No excuse offered.

Mr. BRECKINRIDGE, of Arkansas: No excuse offered.

Mr. BROWER: No excuse offered.
Mr. THOMAS H. B. BROWNE: No excuse offered.
Mr. J. R. BROWN: No excuse offered.
Mr. BROWNE, of Indiana: No excuse offered.
Mr. BROWN, of Ohio: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BRYCE: No excuse offered.
Mr. BUCHANAN: No excuse offered.
Mr. BUCKALEW: No excuse offered.
Mr. BURNETT: No excuse offered.
Mr. BURROWS: No excuse offered.
Mr. BUTLER: No excuse offered.
Mr. FELIX CAMPBELL: No excuse offered.
Mr. TIMOTHY J. CAMPBELL: No excuse offered.
Mr. CAMPBELL, of Ohio: No excuse offered.
Mr. CARLTON: No excuse offered.
Mr. CATCHINGS: No excuse offered.
Mr. CLARDY: No excuse offered.
Mr. CLARK: No excuse offered.
Mr. CLEMENTS: No excuse offered.
Mr. COCKRAN: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COMPTON: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COTHRAN: No excuse offered.
Mr. CRAIN: No excuse offered.
Mr. CUMMINGS: No excuse offered.
Mr. CUTCHEON: No excuse offered.
Mr. DALZELL: No excuse offered.
Mr. DARGAN: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Alabama: No excuse offered.
Mr. DE LANO: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. DUNN: No excuse offered.
Mr. ELLIOTT: No excuse offered.
Mr. ENLOE: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FITCH: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FORD: No excuse offered.
Mr. GAINES: No excuse offered.
Mr. GALLINGER: No excuse offered.
Mr. GIBSON: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GROUT: No excuse offered.
Mr. GUENTHER: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HERBERT: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOOKER: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. HUNTER: No excuse offered.
Mr. JONES: No excuse offered.
Mr. KEAN: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LAGAN: No excuse offered.
Mr. LAIRD: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LIND: No excuse offered.
Mr. LODGE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAISH: No excuse offered.
Mr. MANSUR: No excuse offered.
Mr. MASON: No excuse offered.
Mr. MCADOO: No excuse offered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCORMICK: No excuse offered.
Mr. MCCULLOGH: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MILLS: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. OSBORNE: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered
Mr. ROWELL: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSSELL, of Massachusetts: No excuse offered.
Mr. SAWYER: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEELE: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. TARSNEY: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. WADE: No excuse offered.
Mr. WASHINGTON: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of Indiana: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. WICKHAM: No excuse offered.
Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WILSON, of West Virginia: No excuse offered.
Mr. WOODBURN: No excuse offered.
Mr. YARDLEY: No excuse offered.

The SPEAKER *pro tempore*. One hundred and sixty-two members have answered to their names, which, with the occupant of the chair, constitutes a quorum of the House.

Mr. BURNES. Mr. Speaker, I move that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. The Chair will state that the motion would not now be in order, as the House is now operating under a call of the House.

Mr. PAYSON. I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. BURNES. I now move that when the House adjourns to-day it be to meet on Monday next.

The question was taken; and on a division there were—ayes 80, noes 16.

Mr. LYMAN. No quorum.

Mr. BURNES. I beg leave to withdraw the motion.

The SPEAKER. The motion will be withdrawn.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

The SPEAKER. That is the pending motion, on which the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 151, nays none, not voting 173; as follows:

YEAS—151.

Abbott,	Bankhead,	Brown, J. R., Va.	Caswell,
Adams,	Barnes,	Bunnell,	Cheadle,
Allen, Mich.	Bland,	Burnes,	Chipman,
Anderson, Iowa	Blount,	Butterworth,	Cobb,
Anderson, Ill.	Boothman,	Bynum,	Cogswell,
Anderson, Kans.	Bowen,	Candler,	Conger,
Bacon,	Breckinridge, Ky.	Cannon,	Cox,
Baker, Ill.	Brewer,	Caruth,	Crisp,

Crouse,	Hires,	Moore,	Shively,
Culberson,	Hitt,	Morgan,	Simmons,
Darlington,	Holman,	Morrill,	Smith,
Davidson, Fla.	Hooker,	Morrow,	Springer,
Davis,	Hopkins, Ill.	Neal,	Stahlnecker,
Dibble,	Hopkins, Va.	Nelson,	Stephenson,
Dingley,	Hovey,	Newton,	Stockdale,
Dockery,	Hunter,	Nutting,	Stone, Ky.
Dougherty,	Jackson,	O'Donnell,	Struble,
Farquhar,	Johnston, N. C.	O'Neall, Ind	Symes,
Felton,	Kilgore,	O'Neill, Pa.	Tarsney,
Finley,	Laffoon,	O'Neill, Mo.	Taulbee,
Flood,	La Follette,	Osborne,	Taylor, J. D., Ohio
Forney,	Laidlaw,	Outhwaite,	Thomas, Ky.
French,	Lanham,	Owen,	Thomas, Wis.
Fuller,	Latham,	Parker,	Tracey,
Funston,	Lawler,	Payson,	Townshend,
Gay,	Lee,	Penington,	Turner, Ga.
Gear,	Lehlbach,	Perkins,	Vandever,
Glass,	Macdonald,	Peters,	Walker,
Goff,	Mahoney,	Phelan,	Warner,
Grimes,	Martin,	Post,	Weaver,
Hall,	Matson,	Richardson,	Weber,
Haugen,	McComas,	Rogers,	Whiting, Mich.
Hayes,	McCreary,	Romeis,	Whitthorne,
Heard,	McCullogh,	Rowland,	Wilkinson,
Henderson, N. C.	McKenna,	Ryan,	Wilson, Minn.
Herbert,	McKinley,	Sayers,	Wise,
Hermann,	McRae,	Scull,	Yost.
Hiestand,	Merriman,	Seney,	

NAYS—None.

NOT VOTING—173.

Allen, Mass.	Cummings,	Kelley,	Rockwell,
Allen, Miss.	Cutcheon,	Kennedy,	Rowell,
Anderson, Miss.	Dalzell,	Kerr,	Russell, Conn.
Arnold,	Dargan,	Ketcham,	Russell, Mass.
Atkinson,	Davenport,	Lagan,	Rusk,
Baker, N. Y.	Davidson, Ala.	Laird,	Sawyer,
Barry,	De Lano,	Landes,	Scott,
Bayne,	Dorsey,	Lane,	Seymour,
Belden,	Dunham,	Lind,	Shaw,
Belmont,	Dunn,	Lodge,	Sherman,
Biggs,	Elliott,	Long,	Snyder,
Bingham,	Enloe,	Lyman,	Sowden,
Blanchard,	Ermentrout,	Lynch,	Spinola,
Bliss,	Fisher,	Maffett,	Spooner,
Bound,	Fitch,	Maish,	Steele,
Boutelle,	Foran,	Mansur,	Stewart, Tex.
Bowden,	Ford,	Mason,	Stewart, Ga.
Breckinridge, Ark.	Gaines,	McAdoo,	Stewart, Vt.
Brower,	Gallinger,	McClammy,	Stone, Mo.
Browne, T. H. B., Va.	Gest,	McCormick,	Taylor, E. B., Ohio
Browne, Ind.	Gibson,	McKinney,	Thomas, Ill.
Brown, Ohio	Glover,	McMillin,	Thompson, Ohio
Brumm,	Granger,	McShane,	Thompson, Cal.
Bryce,	Greenman,	Milliken,	Tillman,
Buchanan,	Grosvenor,	Mills,	Turner, Kans.
Buckalew,	Grout,	Moffitt,	Vance,
Burnett,	Guenther,	Montgomery,	Wade,
Burrows,	Hare,	Morse,	Washington,
Butler,	Harmer,	Nichols,	West,
Campbell, F., N. Y.	Hatch,	Norwood,	Wheeler,
Campbell, Ohio	Hayden,	Oates,	White, Ind.
Campbell, T. J., N. Y.	Hemphill,	O'Ferrall,	White, N. Y.
Carlton,	Henderson, Iowa	Patton,	Whiting, Mass.
Catchings,	Henderson, Ill.	Peel,	Wickham,
Clardy,	Hogg,	Perry,	Wilber,
Clark,	Holmes,	Phelps,	Wilkins,
Clements,	Hopkins, N. Y.	Pidcock,	Williams,
Cockran,	Houk,	Plumb,	Wilson, W. Va.
Collins,	Howard,	Pugsley,	Woodburn,
Compton,	Hudd,	Randall,	Yardley,
Cooper,	Hutton,	Rayner,	Yoder.
Cothran,	Johnston, Ind.	Reed,	
Cowles,	Jones,	Rice,	
Crain,	Kean,	Robertson,	

No quorum voted.

Mr. WEAVER. I ask unanimous consent to dispense with the recapitulation of the names.

There was no objection.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). No quorum has voted.

Mr. BURNES. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 58, noes 48.

Mr. JACKSON, Mr. LYMAN, and others demanded the yeas and nays.

The yeas and nays were ordered, 31 members (more than one-fifth of the last vote) supporting the demand.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DINGLEY. I desire to ask if the House should now adjourn, if that would not vacate the evening session set apart for the consideration of pension bills?

The SPEAKER *pro tempore*. It would.

Mr. ROGERS. Of course it would; that question has been already answered several times to-day.

Mr. PAYSON. Would it be in order to ask unanimous consent to take a recess?

The SPEAKER *pro tempore*. It would not, as the record shows the absence of a quorum.

Mr. BURNES. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURNES. I wish to ask if it is not a fact, under the parliamentary law, the record having disclosed the want of a quorum on the last vote, that the evening session for pension bills is necessarily dispensed with? In other words, can there be any business whatever transacted unless the record discloses the fact that a quorum is present?

The SPEAKER *pro tempore*. When the record discloses the fact that no quorum has voted it is the duty of the Chair to take notice of the same, and no business can be transacted in the absence of a quorum.

Mr. BURNES. Then there is no use remaining in session longer this evening, and I insist on the motion to adjourn.

The SPEAKER *pro tempore*. The yeas and nays have been ordered——

Mr. MATSON. I move to reconsider the vote by which the yeas and nays were ordered, with a view to moving a call of the House, so that a quorum may be obtained in order to proceed with the evening session for pension bills.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. Is it not true that if a call of the House is ordered, and pending the call further proceedings under it are stopped, that then it will be in order to move to take a recess until 8 o'clock with a view that pension matters may be taken up as usual?

The SPEAKER *pro tempore*. But the Chair will call attention to the fact that the record of the last vote shows, on the motion of the gentleman from Missouri, only 151 members have voted, less than a quorum.

Mr. CANNON. Very true; but when there is a call of the House, and during the call of the House further proceedings are dispensed with, of course that obliterates the former record.

The SPEAKER *pro tempore*. If the call of the House reveals the presence of a quorum, any character of business can be transacted which would be in order under the rules; but until the record shows there is a quorum present there can be no business transacted except such as is necessary to secure the attendance of a quorum or to adjourn.

Mr. MATSON. I withdraw the motion to reconsider the vote by which the yeas and nays were ordered, as I understand that by the rising vote on the motion to adjourn, if the motion to reconsider the yeas and nays be adopted, the House would stand adjourned. I hope the motion to adjourn will be voted down.

Mr. ROGERS. Can the gentleman withdraw his motion to reconsider, except by unanimous consent?

The SPEAKER *pro tempore*. He can.

Mr. MACDONALD. Allow me to suggest to the gentleman from Missouri [Mr. BURNES] that he withdraw his motion to adjourn and move that the House take a recess until 8 o'clock, with a view to proceed with the usual order for the consideration of pension bills on Friday evening.

Mr. BURNES. But the roll-call having disclosed the fact that no quorum is present, no motion is in order but a call of the House or to adjourn.

Mr. HOOKER. I beg to suggest to the gentleman from Missouri that if he would go on and execute the order of the House we could ascertain the fact whether there is a quorum in the city, and I think there is a quorum here.

Mr. ROGERS. It has been ascertained.

Mr. BURNES. I have no doubt there is a quorum in the city.

Mr. HOOKER. But you have not ordered the Sergeant-at-Arms to bring in the absentees.

Mr. ROGERS. It would do no good, because so many are paired, and would not vote, that if present we would not still have a quorum on a yea-and-nay vote.

Mr. WEAVER. I simply wish to remark that it is now apparent that the House made a great mistake on yesterday when it refused to revoke the leaves of absence.

The SPEAKER *pro tempore*. The motion to reconsider the vote by which the yeas and nays were ordered having been withdrawn, the question is on the motion of the gentleman from Missouri that the House do now adjourn, and the Clerk will call the roll.

The question was taken; and it was decided in the negative—yeas 49, nays 90, not voting 185; as follows:

YEAS—49.

Abbott,	Dougherty,	Martin,	Rusk,
Barnes,	Dunn,	McKinley,	Sayers,
Breckinridge, Ky.	Gay,	Merriman,	Stockdale,
Burnes,	Glass,	Moore,	Stone, Ky.
Bynum,	Grimes,	Morgan,	Taulbee,
Campbell, T. J., N. Y.	Heard,	Neal,	Walker,
Candler,	Henderson, N. C.	Newton,	Whitthorne,
Cheadle,	Kilgore,	O'Neall, Ind.	Wilkinson,
Cobb,	Laffoon,	Outhwaite,	Wilson, Minn.
Cowles,	Laidlaw,	Rice,	Wise.
Cummings,	Lanham,	Richardson,	
Davidson, Fla.	Latham,	Rogers,	
Dibble,	Lawler,	Rowland,	

NAYS—90.

Adams,	Boothman,	Cannon,	Darlington,
Allen, Mich.	Bowden,	Caswell,	Davis,
Anderson, Iowa	Bowen,	Chipman,	Dingley,
Anderson, Kans.	Brewer,	Cogswell,	Dockery,
Baker, Ill.	Brown, J. R., Va.	Conger,	Farquhar,
Blount,	Butterworth,	Crouse,	Finley,

Flood,	Hopkins, Va.	Nutting,	Sowden,
Forney,	Hunter,	O'Donnell,	Springer,
Fuller,	Jackson,	O'Neill, Pa.	Stahlnecker,
Funston,	Johnston, N. C.	O'Neill, Mo.	Stephenson,
Gear,	La Follette,	Osborne,	Struble,
Gest,	Lehlbach,	Owen,	Symes,
Goff,	Lind,	Parker,	Thomas, Ky.
Hall,	Lyman,	Payson,	Thomas, Wis.
Haugen,	Macdonald,	Penington,	Tracey,
Herbert,	Matson,	Perkins,	Vandever,
Hermann,	McComas,	Peters,	Warner,
Hiestand,	McCreary,	Post,	Weaver,
Hires,	McCullogh,	Romeis,	Weber,
Hitt,	McRae,	Ryan,	Wheeler,
Holman,	Morrill,	Scull,	Yost.
Hooker,	Morrow,	Seney,	
Hopkins, Ill.	Nelson,	Shively,	

NOT VOTING—185.

Allen, Mass.	Crain,	Kean,	Rowell,
Allen, Miss.	Crisp,	Kelley,	Russell, Conn.
Anderson, Miss.	Culberson,	Kennedy,	Russell, Mass.
Anderson, Ill.	Cutcheon,	Kerr,	Sawyer,
Arnold,	Dalzell,	Ketcham,	Scott,
Atkinson,	Dargan,	Lagan,	Seymour,
Bacon,	Davenport,	Laird,	Shaw,
Baker, N. Y.	Davidson, Ala.	Landes,	Sherman,
Bankhead,	De Lano,	Lane,	Simmons,
Barry,	Dorsey,	Lee,	Smith,
Bayne,	Dunham,	Lodge,	Snyder,
Belden,	Elliott,	Long,	Spinola,
Belmont,	Enloe,	Lynch,	Spooner,
Biggs,	Ermentrout,	Maffett,	Steele,
Bingham,	Felton,	Mahoney,	Stewart, Tex.
Blanchard,	Fisher,	Maish,	Stewart, Ga.
Bland,	Fitch,	Mansur,	Stewart, Vt.
Bliss,	Foran,	Mason,	Stone, Mo.
Bound,	Ford,	McAdoo,	Tarsney,
Boutelle,	French,	McClammy,	Taylor, E. B., Ohio
Breckinridge, Ark.	Gaines,	McCormick,	Taylor, J. D., Ohio
Brower,	Gallinger,	McKenna,	Thomas, Ill.
Browne, T. H. B., Va.	Gibson,	McKinney,	Thompson, Ohio
Browne, Ind.	Glover,	McMillin,	Thompson, Cal.
Brown, Ohio	Granger,	McShane,	Tillman,
Brumm,	Greenman,	Milliken,	Townshend,
Bryce,	Grosvenor,	Mills,	Turner, Kans.
Buchanan,	Grout,	Moffitt,	Turner, Ga.
Buckalew,	Guenther,	Montgomery,	Vance,
Bunnell,	Hare,	Morse,	Wade,
Burnett,	Harmer,	Nichols,	Washington,
Burrows,	Hatch,	Norwood,	West,
Butler,	Hayden,	Oates,	White, Ind.
Campbell, P., N. Y.	Hayes,	O'Ferrall,	White, N. Y.
Campbell, Ohio	Hemphill,	Patton,	Whiting, Mich.
Carlton,	Henderson, Iowa	Peel,	Whiting, Mass.
Caruth,	Henderson, Ill.	Perry,	Wickham,
Catchings,	Hogg,	Phelan,	Wilber,
Clardy,	Holmes,	Phelps,	Wilkins,
Clark,	Hopkins, N. Y.	Pidcock,	Williams,
Clements,	Houk,	Plumb,	Wilson, W. Va.
Cockran,	Hovey,	Pugsley,	Woodburn,
Collins,	Howard,	Randall,	Yardley,
Compton,	Hudd,	Rayner,	Yoder.
Cooper,	Hutton,	Reed,	
Cothran,	Johnston, Ind.	Robertson,	
Cox,	Jones,	Rockwell,	

So the House refused to adjourn.

During the roll-call,

Mr. RICHARDSON said: I ask unanimous consent to dispense with the reading of the names.

There was no objection, and it was so ordered.

The following additional pairs were announced:

Mr. WILSON, of West Virginia, with Mr. JOHNSTON, of Indiana, for the remainder of to-day.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, until Monday next.

The result of the vote was then announced as above stated.

Mr. MATSON. I move a call of the House.

The question was put; and the Speaker *pro tempore* (Mr. DOCKERY) announced that the noes seemed to have it.

Mr. MATSON. I call for a division.

The House divided; and there were—ayes 53, noes 42.

So a call of the House was ordered.

Mr. RICHARDSON. I move that the House do now adjourn.

The question was put; and the Speaker *pro tempore* announced that the ayes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 68, noes 40.

Mr. JACKSON. I demand the yeas and nays.

The question was taken on ordering the yeas and nays; and

The SPEAKER *pro tempore* said: Twenty-one gentlemen have risen, not a sufficient number. The ayes are 68, noes 40; and the motion to adjourn is agreed to.

Accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ALLEN, of Massachusetts: A bill (H. R. 11192) granting a pension to Emeline Carman—to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11193) for the relief of Mrs. Rebecca Gaddy—to the Committee on War Claims.

Also, a bill (H. R. 11194) for the relief of Sovereign Popplewell—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: A bill (H. R. 11195) granting a pension to Clarence McLefresh—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 11196) to incorporate the Columbia Central Railway Company—to the Committee on the District of Columbia.

Also, a bill (H. R. 11197) to remove the political disabilities of Henry A. Ramsey—to the Committee on the Judiciary.

By Mr. FINLEY: A bill (H. R. 11198) for the relief of Michael Lawler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11199) for the relief of S. S. Farris—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 11200) granting a pension to Mary B. Peck—to the Committee on Invalid Pensions.

By Mr. MACDONALD: A bill (H. R. 11201) for the relief of William L. Rosecrans—to the Committee on Military Affairs.

By Mr. STOCKDALE: A bill (H. R. 11202) for the relief of Henry M. Gastrell—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 11203) granting a pension to Dorcus C. Fenton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of citizens of Dent County, Missouri, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. DUBOIS: Petition of Thomas Kennelly and 9 others, citizens of Idaho Territory, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. FINLEY: Petition of William O. Murrell, for a pension—to the Committee on Pensions.

Also, petition of George W. Garner, of H. W. McCorkle for Spicy E. Huff, of James Doolin, and of T. T. Bradshaw, administrator of Seth Bradshaw, of Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Papers in the case of John Allen and of Thomas Waltz, of Pennsylvania—to the Committee on Invalid Pensions.

By Mr. MAISH: Petition of Joseph K. Null, for a pension—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of A. A. Majors and others, of Fowler, Kans., for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: Petition of Edmund T. Riggs, of Ballard, Ky., for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for the repeal or modification of the internal-revenue tax of $25 levied on druggists were received and severally referred to the Committee on Ways and Means:

By Mr. CARUTH: Of druggists of Georgetown, Ky.

By Mr. FINLEY: Of druggists and physicians of Kentucky.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. TRACEY: Of citizens of Cohoes, N. Y.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 18, 1888.

The House met at 12 o'clock m.

The Journal of the proceedings of yesterday was read and approved.

J. J. PULLIAM.

The SPEAKER laid before the House the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased.

Mr. GLASS. I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to re-examine and settle the claim of the estate of J. J. Pulliam, deceased, late of Fayette County, State of Tennessee, for wood taken by the United States forces during the late war from 125 acres of land located near the village of La Grange, in said State; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum that may be found due said estate: *Provided*, That the amount shall not exceed $4,167.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Let the report be read.

The SPEAKER. This is a Senate bill.

Mr. GLASS. The House committee have adopted the report of the Senate committee.

Mr. HOLMAN. Then let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 10949) for the relief of the estate of J. J. Pulliam, deceased, have considered the same, and report as follows:

The committee find the facts in this case fully and accurately stated in Senate report from the Committee on Claims of the present Congress, which report is hereto annexed and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

SENATE REPORT.

This bill has been three times favorably reported by the Senate Committee on Claims and has passed the Senate twice—in the Forty-eighth and Forty-ninth Congresses.

The facts of the claim are stated in the report which was made by this committee in the Forty-ninth Congress, as follows:

"The original claim of Mr. Pulliam against the United States Government belonged to that class which, by the act of June 16, 1874, the Secretary of the Treasury was directed to report at the commencement of each session of Congress to the Speaker of the House of Representatives, who should lay the same before Congress for consideration.

"On the 10th day of January, 1882, the Secretary of the Treasury, in compliance with the act referred to, transmitted to the Speaker of the House of Representatives lists of 1,359 claims, of which Mr. Pulliam's claim was one. By the act of May 1, 1882, all these claims were allowed.

"The committee, in its report on the bill for the allowance of these claims, make the following statement about Mr. Pulliam's claim:

"'John J. Pulliam, of Fayette County, Tennessee, is allowed in this bill the sum of $1,223. We are satisfied that Mr. Pulliam ought to have been awarded a larger sum by the accounting officers of the Treasury, but your committee do not feel justified in delaying the passage of this bill by amending it, even for the purpose of doing justice to Mr. Pulliam.

"'If Mr. Pulliam hereafter makes a claim for the balance equitably due him, and such claim is referred to your committee, as we now understand the matter, we will favor the payment to him of some additional amount.'

"Mr. Pulliam's claim is for quartermaster's stores actually furnished to the Army of the United States."

The bill now pending for the relief of his estate provides simply for a re-examination of this claim by the proper accounting officers of the Treasury and for payment to his representatives of the amount found to be due. We think that this course is due the claimant. Not only the Senate Committee on Claims, as is shown by the extract from their report in the Forty-seventh Congress, quoted above, were of the opinion that Mr. Pulliam had not been fully paid, but also the Second Comptroller of the Treasury has recorded his opinion to the same effect. The claim was presented to him in 1881, and his conclusion is given as follows:

"If this case was free from the question whether the accounting officers can lawfully exceed the recommendation of the Quartermaster-General, I should be disposed to allow a much larger amount, but I am not prepared to depart from what has been the usage on that point, and I accordingly affirm the balance certified by the honorable Third Auditor.

"W. W. UPTON, *Comptroller.*"

We therefore recommend the passage of the bill.

Mr. HOLMAN. Now, Mr. Speaker, I ask that the bill be again read. I think it was not distinctly understood.

The bill was again read.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. GLASS] that this bill be now considered?

Mr. HOLMAN. I wish to make a suggestion to the gentleman. The averment in the bill is that there was a mistake as to the amount that should have been reported in favor of the estate. The facts before the House so far do not establish that with sufficient clearness to justify the statement in those positive terms. I suggest, therefore, to the gentleman having the bill in charge that he consent to amend the bill by inserting the words "as is alleged," so as to avoid making the positive statement. I suggest also that the bill be amended by striking out the name of "the Secretary of the Treasury," where it occurs in the bill, and substituting "the Quartermaster-General," who is the proper officer, under the act of 1864, to adjust these claims.

There is no objection to directing the Secretary of the Treasury to pay the amount that is reported to be due by the Quartermaster-General.

Mr. JACKSON. I wish to ask the gentleman from Indiana [Mr. HOLMAN] whether he is familiar with the facts of this case.

Mr. HOLMAN. Somewhat.

Mr. JACKSON. At what time was this wood taken—before the war or during the war?

Mr. HOLMAN. During the war. This is a claim under the act of 1864 called the Fourth of July act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I have no objection, provided those two amendments are made.

Mr. GLASS. I accept the amendments.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GLASS moved to reconsider the vote by which the bill as amended was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 10949 for the same purpose was laid on the table.

JAMES MILLINGER.

The SPEAKER also laid before the House the bill (S. 602) for the relief of James Millinger; which was read twice, and referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WEBER, for ten days from August 2, on account of important business.

To Mr. MCCULLOGH, indefinitely, on account of private business.

To Mr. PENINGTON, indefinitely, on account of sickness.

To Mr. SAWYER, indefinitely, on account of important business.

To Mr. ELLIOTT, until Tuesday next.

To Mr. BAKER, of New York, an extension of leave for one week, on account of important business.

To Mr. COGSWELL, indefinitely, on account of sickness in his family.

To Mr. RICE, indefinitely, on account of sickness in his family.

To Mr. MAISH, for this day, on account of business.

LEAVE TO PRINT.

By unanimous consent, Mr. SAYERS obtained leave to revise and extend in the RECORD his remarks on the fortifications bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate further insisted upon its amendments nonconcurred in by the House to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, disagreed to the amendment of the House to the amendment numbered 19 of the Senate, and agreed to the conference requested, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message also announced that the Senate had passed a bill (S. 3447) amendatory of an act relating to postal crimes, and amendatory of the statutes therein mentioned, approved June 18, 1888, and for other purposes, in which the concurrence of the House was requested.

SUNDRY CIVIL APPROPRIATON BILL.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the sundry civil appropriation bill, Mr. FORNEY, Mr. BURNES, and Mr. RYAN.

INVESTIGATION OF GOVERNMENT PRINTING OFFICE.

On motion of Mr. RICHARDSON, by unanimous consent, an order was made to print the usual number of copies of the testimony taken by the Select Committee to Investigate the Affairs of the Government Printing Office.

PUBLIC BUILDING, PUEBLO, COLO.

Mr. SYMES. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 105) to provide for the erection of a public building at Pueblo, Colo., and that the bill be put upon its passage. A House bill for the same purpose has been reported favorably by the Committee on Public Buildings and Grounds. The Senate passed the bill appropriating $175,000. The House committee report a bill appropriating $100,000, and I ask unanimous consent that the House bill be laid on the table and the Senate bill be amended so as to make the amount $100,000, and that the bill so amended be now considered.

Mr. BRECKINRIDGE, of Arkansas. I must object to the consideration of any such bill at this time.

Mr. SPRINGER. Then I demand the regular order.

Mr. SYMES. Will the gentleman from Arkansas [Mr. BRECKINRIDGE] withhold his objection while I make a brief statement about the bill?

Mr. BRECKINRIDGE, of Arkansas. The gentleman has made a statement, and no statement can alter the facts I have in view.

Mr. SYMES. I have not made a statement regarding the merits of the bill.

Mr. BRECKINRIDGE, of Arkansas. Well, Mr. Speaker, there are doubtless many good bills which gentlemen would like to get through here, but we have already passed at this session a two years' quota of public-building bills.

Mr. DIBBLE. I would like the gentleman to explain to the House what he calls a "two-years quota."

Mr. BRECKINRIDGE, of Arkansas. Bills which have already passed and become laws under a recent computation amounted to nearly $4,000,000; nearly $2,000,000 had passed the House and was pending before the Senate. There was also pending over $2,000,000 of Senate increases. This makes over $8,000,000 of bills passed into law and in position to become law. The appropriations for the last Congress were hardly more than this, amounting to, say, $9,000,000.

Mr. DIBBLE. There have not become law bills amounting to that much, and that amount is not up to the quota of the two years' work of any Congress of late years.

Mr. TAULBEE. Mr. Speaker, is it not in order to submit a conference report?

The SPEAKER. The regular order is demanded.

Mr. TAULBEE. I did not demand the regular order.

The SPEAKER. The Chair so understood.

Mr. BLAND. I demand the regular order.

Mr. SYMES. I believe I am allowed to make one short statement in regard to this bill.

The SPEAKER. The regular order has been demanded by several gentlemen.

FIRST NATIONAL BANK, PORTLAND, OREGON.

The following conference report, sent to the desk by Mr. TAULBEE, was read:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 1761, entitled "A bill for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and, with the following amendment, agree to the same:

Insert, after the word "iron," in line 15, page 2 of the Senate amendment, the following:

"To Coffin & Hendry, of San Francisco, the sum of $1,575 for furnishing sails and rigging."

All of which is respectfully submitted.

W. P. TAULBEE,
B. HERMANN,
THOMAS L. THOMPSON,
Managers on the part of the House.
JOHN H. MITCHELL,
WM. M. STEWART,
E. K. WILSON,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying this report was read yesterday and is in the RECORD. The question is on agreeing to the report.

The report was agreed to.

Mr. TAULBEE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FILING OF REPORTS.

Mr. SPRINGER. I ask unanimous consent that leave be given to file reports with the Clerk during to-day for appropriate reference.

There being no objection, the leave requested was given.

PERSONAL EXPLANATION.

Mr. DOCKERY. I desire to make a brief personal explanation.

The SPEAKER. Is there objection to permitting the gentleman from Missouri [Mr. DOCKERY] to make a brief personal explanation? The Chair hears none.

Mr. DOCKERY. Mr. Speaker, I notice in the Washington Post of this morning a statement that on yesterday I resorted to "filibustering tactics" to prevent the consideration of general pension legislation. I did ask unanimous consent (there being only eight minutes of the hour remaining) that the hour be considered as having expired; but my purpose was, as appears by the RECORD, to avoid a call of the roll, which call I apprehended would disclose the lack of a quorum and prevent the pension session last night. The result of that roll-call failed to show the presence of a quorum and my fears were fully realized. The statement to which I have referred is therefore an error (unintentional no doubt) and without any foundation whatever in fact.

CHINESE IMMIGRATION.

Mr. MCCREARY. Mr. Speaker, Senate bill No. 3304 was referred to the Committee on Foreign Affairs on the 10th instant with authority to report the bill at any time for consideration. I now report back favorably with an amendment, and for immediate consideration, the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

The SPEAKER. Is the reading of the bill at length demanded? It was read when previously before the House.

Mr. MORROW. This is the bill which I asked to have considered a few days ago.

The SPEAKER. As the Chair has stated, the bill has heretofore been read; and unless the reading be now demanded it will not be read again.

The bill is as follows:

A bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the 12th day of March, A. D. 1888, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided.

SEC. 2. That Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity, shall be permitted to enter the United States, but in order to entitle themselves to do so they shall first obtain the permission of the Chinese Government, or other government of which they may at the time be citizens or subjects. Such permission and also their personal identity shall in such case be evidenced by a certificate to be made out by the diplomatic representative of the United States in the country, or of the consular representative of the United States at the port or place from which the person named therein comes. The certificate shall contain a full description of such person, of his age, height, and general physical features, and shall state his former and present occupation or profession and place of residence, and shall be made out in duplicate. One copy shall be delivered open to the person named and described, and the other copy shall be sealed up and delivered by the diplomatic or consular officer as aforesaid to the captain of the vessel on which the person named in the certificate sets sail for the United States, together with the sealed certificate, which shall be addressed to the collector of customs at the port where such person is to land. There shall be delivered to the aforesaid captain a letter from the consular officer addressed to the collector of customs aforesaid, and stating that said consular officer has on a certain day delivered to the said captain a certificate of the right of the person named therein to enter the United States as a Chinese official, or other exempted person, as the case may be. And any captain who lands or attempts to land a Chinese person in the United States, without having in his possession a sealed certificate, as required in this section, shall be liable to the penalties prescribed in section 9 of this act.

SEC. 3. That the provisions of this act shall apply to all persons of the Chinese race, whether subjects of China or other foreign power, excepting Chinese diplomatic or consular officers and their attendants; and the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

SEC. 4. That the master of any vessel arriving in the United States from any foreign port or place with any Chinese passengers on board shall, when he delivers his manifest of cargo, and if there be no cargo, when he makes legal entry of his vessel, and before landing or permitting to land any Chinese person (unless a diplomatic or consular officer, or attendant of such officer), deliver to the collector of customs of the district in which the vessel shall have arrived the sealed certificates and letters as aforesaid, and a separate list of all Chinese persons taken on board of his vessel at any foreign port or place, and of all such persons on board at the time of arrival as aforesaid. Such list shall show the names of such persons and other particulars as shown by their open certificates, or other evidences required by this act, and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

The master of any vessel as aforesaid shall not permit any Chinese diplomatic or consular officer or attendant of such officer to land without having first been informed by the collector of customs of the official character of such officer or attendant. Any refusal or willful neglect of the master of any vessel to comply with the provisions of this section shall incur the same penalties and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 5. That from and after the passage of this act no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the collector of customs of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said collector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said collector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of the Treasury, and for any false swearing in relation thereto he shall incur the penalties of perjury. He shall also permit the collector to take a full description of his person, which description the collector shall retain and mark with a number. And if the collector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return. If the last named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States. The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the collector of customs at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States. And no Chinese laborer shall be permitted to re-enter the United States without producing to the proper officer of the customs at the port of such entry the return certificate herein required. A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of the Treasury.

SEC. 8. That the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in Articles II and III of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles. And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished with a fine of not les than $500 nor more than $1,000, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year nor more than five years, in the discretion of the court.

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessel shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term of not more than five years.

SEC. 12. That before any Chinese passengers are landed from any such vessel,

the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law; and the collector shall in person decide all questions in dispute with regard to the right of any Chinese passenger to enter the United States, and his decision shall be subject to review by the Secretary of the Treasury, and not otherwise.

SEC. 13. That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came. But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district. A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section. And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Treasury Department, without production of other evidence than that of personal identity.

SEC. 15. That the act entitled "An act to amend an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved May 6, 1882," approved July 5, 1884, is hereby repealed.

Passed the Senate August 8, 1888.

Attest: ANSON G. McCOOK, *Secretary.*

The amendment reported by the Committee on Foreign Affairs was read, as follows:

Strike out section 15 and insert:

"That the act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved May 6, 1882, and an act to amend said act, approved July 5, 1884, are hereby repealed, to take effect upon the ratification of the pending treaty, as provided in section 1 of this act."

Mr. McCREARY. Mr. Speaker, the President of the United States on the 16th of March, 1888, transmitted to the Senate of the United States for constitutional approval a convention or treaty, signed and concluded in the city of Washington on the 12th of March, 1888, under his direction, between the United States and China, to prohibit Chinese laborers from coming into this country for a period of twenty years, and providing further that if six months before the expiration of said period of twenty years neither government shall formally have given notice of the termination of the treaty to the other, it shall remain in full force for another like period of twenty years. Hon. Thomas F. Bayard, Secretary of State, acted as plenipotentiary of the President of the United States, and Chang Yen Hoon, envoy extraordinary and minister plenipotentiary, acted as plenipotentiary of the Emperor of China.

The provisions of the treaty preclude the return of Chinese laborers who are not now in this country, and forbid the coming into the United States of Chinese laborers from any quarter whatsoever; but from this inhibition are excepted any Chinese laborer who has a lawful wife, child, or parent in the United States or property therein of the value of $1,000, or debts of like amount due him and pending settlement. And Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity are permitted to enter the United States, but in order to entitle them to do so they are required to first obtain the permission of the Chinese Government, evidenced by certificates duly made out by the diplomatic representative of the United States in the country, or of the consular representative of the United States at the place from which the person named therein comes. On the 7th of May, 1888, the Senate ratified the treaty with two amendments, as follows:

To Article I:

And the prohibition [of Chinese laborers] shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

To Article II:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificates herein required.

These not very important amendments have delayed the ratification of the treaty for several months. The Chinese minister is now in Peru, and it will not probably take effect until the latter part of the present year, as the treaty with the Senate amendments must be resubmitted to the Chinese Government for approval. If the Senate had ratified the treaty without amendments, then as soon as we pass the pending bill, which came to the House of Representatives about one week ago, and it is approved by the President, Chinese laborers would be absolutely prohibited from coming to the United States.

The Chinese Government may refuse to accede to the changes in the treaty proposed by the Senate. If this occurs, the whole negotiation will fail; but as it is probable the amendments will be agreed to, in view of the public interest taken in the question of Chinese immigration, and the necessity for legislation to carry into effect the provisions of the treaty as soon as it is properly approved and ratified, the pending bill and amendment should pass without delay.

The object of the bill is to give effect to the treaty when the ratifications are exchanged, and it presents questions which are worthy of the most careful consideration and the most deliberate discussion.

In order to understand and appreciate the great demand for the treaty and for the bill it is proper that I should briefly refer to the treaties heretofore made between the United States and China, and also to bills passed by Congress to give effect to those treaties.

The treaty of amity and commerce between the United States and China which existed in 1869 was supplemented by another treaty ratified in that year, and commonly known as the Burlingame treaty. By Article V of this treaty the right was conferred upon all Chinese subjects to emigrate to the United States either for purposes of curiosity or trade or for permanent residence.

Article VI conferred a similar right upon citizens of the United States in respect to Chinese territory at such places only where foreigners were permitted to reside.

The practical effect of this treaty was soon found to be pernicious and injurious to the States and Territories of the United States bordering on the Pacific Ocean.

While very few Americans desired to become permanent residents of China, vast hordes of ignorant and immoral Chinese were brought into the United States and thrown into competition with American labor.

Earnest appeals for relief were made by the citizens of the Pacific States and Territories, and Congress in 1877 appointed a joint committee, consisting of three Senators and three members of the House of Representatives, to visit the Pacific coast and investigate the subject. The committee made a full and fair investigation and an exhaustive report, and the following paragraph indicates the views of the committee:

Many of the people of the Pacific coast believe that this influx of the Chinese is a standing menace to republican institutions upon the Pacific and the existence there of Christian civilization. From all the facts they have gathered for and against the Chinese, the committee believe that this opinion is well founded. They believe that free institutions founded upon free schools and intelligence can only be maintained where based upon intelligent and adequately paid labor. Adequate wages are needed to give self-respect to the laborer and the means of education to his children. Family life is a great safeguard to our political institutions.

Chinese immigration involves sordid wages, no public schools, and the absence of a family. This problem is too important to be treated with indifference. Congress should solve it, having due regard to any rights already accrued under existing treaties, and to humanity. But it must be solved in the judgment of the committee, unless our Pacific possessions are to be ultimately given over to a race alien in all its tendencies which will make it practically provinces of China rather than States of the Union. The committee recommend that measures be taken by the Executive, looking toward a modification of the existing treaty with China, confining it strictly to commercial purposes, and that Congress legislate to restrain the great influx of Asiatics to this country.

It is not believed that these measures will be looked upon with disfavor by the Chinese Government. Whether it is so or not, a duty is owing to the Pacific States and Territories which are suffering under a terrible scourge and are patiently waiting for relief from Congress.

The injurious effects of Chinese immigration became so burdensome and produced so much indignation that in 1879 the Forty-fifth Congress attempted to correct the wrong. A bill was passed by both Houses providing that no vessel entering any port of the United States should thereafter land more than fifteen Chinese passengers on any one trip, and the bill also directed the President to abrogate Articles V and VI of the Burlingame treaty conferring mutual rights of permanent residence on Chinese and Americans. This bill was vetoed by President Hayes March 20, 1879. Steps were then immediately taken to effect a modification of our treaty obligations, and on the 27th of November, 1880, commissioners of the United States negotiated at Pekin a new treaty with the Chinese Government, the first article of which provided:

Whenever, in the case of the Government of the United States, the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interest of that country or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may come to the United States as laborers, other classes not being included within the limitations.

The Forty-seventh Congress passed an act to give effect to this treaty, containing a provision absolutely prohibiting Chinese immigration for a term of twenty years. President Arthur vetoed this bill April 4, 1882. Congress thereupon passed another bill which became a law May 6, 1882, suspending the immigration of Chinese laborers for a term of ten years, but providing that return certificates should be issued to laborers who were in the United States at the time of the ratification of the treaty of 1880 or who should arrive in the United States within ninety days of the passage of the act. This law was amended July 5, 1884, by adding additional restrictions, but notwithstanding their attempt to make it effective it was found that the flood of Chinese immigration continued to increase, a very large portion of the influx being ascribable to the fraudulent use of return certificates. Legislation was attempted by the Forty-eighth and Forty-ninth Congresses, but without success.

The Senate bill now under consideration is substantially the same as House bill No. 10605, which was unanimously reported by the Committee on Foreign Affairs on the 23d of June last, but inasmuch as the final exchange of ratifications of the treaty must necessarily be delayed

for some months on account of amendments made to the treaty by the Senate, the Committee on Foreign Affairs believed that the passage of the bill in the shape in which it came from the Senate repealing the restriction act of 1882 from and after the approval of the bill might throw open our ports to unrestricted Chinese immigration for probably several months or until there shall have been time for the exchange of ratifications of the amended treaty, and they therefore presented the amendment which has been reported giving effect to the repealing clause from and after the exchange of ratifications instead of from and after approval of the act.

Mr. Speaker, I have thus given a brief history of the treaties between the United States and China and the laws enacted to carry them into effect. This I have done not only for a proper understanding of the bill, but also to show the earnest efforts that have been made to reach the position taken in the treaty sent by the President to the Senate on the 16th of March, 1888.

In my opinion too much credit can not be given to President Cleveland and his able Secretary, Hon. Thomas F. Bayard, for their success in negotiating a treaty far in advance of any ever negotiated between the United States and China, and which, I think, will furnish an effective remedy for the evils of Chinese immigration so long complained of.

Mr. BLOUNT. What is there in this bill to prevent the immigration of Chinese to this country that will make it more effectual than the previous legislation we have had on that subject?

Mr. McCREARY. The gentleman was not in when I read extracts from the Burlingame treaty and also extracts from the Pekin treaty of 1880. The treaty recently negotiated goes further than any previous treaty made with China. It absolutely prohibits the coming of Chinese laborers to the United States, and the bill under consideration provides all proper means for carrying the treaty into effect when ratified.

Mr. BLOUNT. I propose to go as far in this matter as the gentleman from Kentucky. My only object now is to ascertain whether this bill meets all the difficulties of the situation.

Mr. McCREARY. We think it does. The bill has been carefully considered by the Committee on Foreign Relations of the Senate and carefully considered by the House Committee on Foreign Affairs. We think the bill is prepared in accordance with the treaty, and that it is a step very much in advance of any action which has been taken heretofore. We believe it will prohibit the coming of Chinese laborers to the United States.

Mr. HERBERT. Will the gentleman explain the penalties and safeguards this bill carries?

Mr. McCREARY. The bill provides that the master of any vessel arriving in the United States from any foreign port or place with any Chinese passengers on board shall, when he delivers his manifest of cargo or makes legal entry of his vessel, and before landing or permitting to land any Chinese person (other than a diplomatic or consular officer or attendant of such officer), deliver to the collector of customs of the district in which the vessel shall have arrived the certificates and letters identifying Chinese persons, together with a list of all such persons taken on board of his vessel, and such list shall be sworn to by the master of the vessel.

The master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed, any Chinese laborer or other Chinese person, in contravention of the provisions of the bill, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished with a fine of not less than $500 nor more than $1,000, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year nor more than five years, in the discretion of the court.

The bill further provides that any Chinese person or persons of Chinese descent found unlawfully in the United States or its Territories may be arrested upon a warrant issued upon a complaint under oath filed by any party, on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.

These are some of the important provisions of the bill. I think if the gentleman from Alabama [Mr. HERBERT] will examine the bill he will be satisfied with it.

Mr. Speaker, a demand comes from the States and Territories on the Pacific coast asking for legislation on the Chinese question which must be heeded. A cry of distress comes to us from millions of people of our own race which should be responded to promptly.

In the language of another, they have said to us—

That everything which men hold dear, their traditions, their liberties, their sympathies, social habits, and political rights, are all in jeopardy unless a check shall be put to the incoming and terrible wave of an approaching Mongolian overflow of everything like Christian or American civilization in the States of the Pacific Slope.

The history of the world does not show an illustration of greater unanimity of feeling on the part of a people expressing their wishes and desires than was shown by an election held in California under an act of the Legislature wherein the question as to whether Chinese immigration was beneficial or otherwise was submitted to the vote of the people. The vote showed this significant result—for Chinese immigration, 883; against Chinese emigration, 154,638. Less than one-half of 1 per cent. of the voters of that population expressed their wish for non-interference with Chinese immigration, and over 99½ per cent. testified to their hatred and abhorrence of it.

I am in favor of opening our ports to the worthy of every land and of giving them a cordial welcome to a country, which is the freest and best in the world; but the Chinese have not proved themselves worthy to enjoy the blessings and benefits of our country. They do not appreciate our institutions nor our laws, and they only come here for temporary purposes, and they do not desire to become a part of our civilization.

We therefore have to choose between the civilization of the United States and the civilization of China—between the social, political, and religious institutions of the United States and the customs, manners, and heathenism of the Chinese. Their habits, interest, customs, manners, aspirations, and system of labor are totally different from ours. I believe that "labor should be honorable and honored, and not degraded by being compelled to compete with this debased and servile race."

In the struggle between Chinese labor and free white labor the latter is at a heavy disadvantage. The cooly brings neither wife nor family with him; therefore he can underbid the American laborer. He comes here for the sole purpose of accumulating money, and it is said that the conflict of the two races in California has so far only been a question of "the survival of the cheapest, and not a survival of the fittest."

The permanent prosperity of a country depends upon fair dealing and a proper regard for the interests of those who labor. A just distribution of the wealth of labor among the producers of it is an axiom which all should appreciate and uphold. The appeal of the representative assembly of trades and labor unions of the Pacific coast fitly and appropriately express the situation in California. They say:

It has been calculated that the number of Chinese in California is about 150,000, or nearly 20 per cent. greater than is the number of mail whites capable of bearing arms.

Although forming one-sixth of the total population of California, they pay less than one four-hundredth part of the revenue required for the State government. They send nearly $8,000,000 home annually to China from the Pacific coast. They underbid our white men in the labor market, purchase little or no American products and manufactures, live squalidly, crowded together, constantly engendering disease. Unlike white emigrants, they do not come to make homes with us and help build up the country; they come without wives and children.

They do not and can not assimilate with the Caucasian race, they continue their heathenish religion and customs, evade our laws, especially internal revenue, whenever possible; use the State and Federal laws frequently to carry out sentences which have been awarded by their own secret tribunals, and also keep Chinese women in a state of bondage and prostitution, these poor creatures being openly bought and sold among them; have secret tribunals of their own for trying and punishing those who dare to rebel against the arbitrary authority of the Chinese Government which under the name of benevolent associations virtually control nearly all the Chinese in the State.

The bill now under consideration, taken in connection with the sweeping concessions of the pending treaty, seems to apply a more effective remedy to the evils so long complained of than any bill ever presented to the Congress of the United States.

It receives the hearty indorsement of the Department of State and is in accordance with the provisions of the treaty.

Its prompt passage is earnestly desired by millions of our countrymen, and I hope the bill will pass with the amendment reported by the committee.

I append the message of the President and the treaty with my remarks.

To the Senate:

I have the honor to transmit herewith, and recommend for your constitutional approval, a convention signed and concluded in this city on the 12th instant, under my direction, between the United States and China for the exclusion hereafter of Chinese laborers from coming into this country.

This treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States.

In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of this treaty should be made public, and I respectfully recommend that an order to that effect be made by your honorable body.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 16, 1888.

TREATY OF MARCH 12, 1888.

Whereas on the 17th day of November, A. D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to and their residence in the United States; and

Whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States; and

Whereas the Government of the United States and the Government of China desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries;

Now, therefore, the President of the United States has appointed Thomas F. Bayard, Secretary of State of the United States, as his plenipotentiary; and His Imperial Majesty the Emperor of China has appointed Chang Yen Hoon, min-

ister of the third rank of the imperial court, civil president of the board of imperial cavalry, and envoy extraordinary and minister plenipotentiary, as his plenipotentiary; and the said plenipotentiaries, having exhibited their respective full powers found to be in due and good form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited; and this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

ARTICLE II.

The preceding article shall not apply to the return to the United States of any Chinese laborer who has a lawful wife, child, or parent in the United States or property therein of the value of $1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate from their Government or the Government where they last resided, visaed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

In pursuance of Article III of the immigration treaty between the United States and China, signed at Peking on the 17th day of November, 1880, it is hereby understood and agreed that Chinese laborers, or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

Whereas Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries in their persons and property at the hands of wicked and lawless men, which unexpected events the Chinese Government regrets, and for which it has claimed an indemnity the legal obligation of which the Government of the United States denies; and whereas the Government of the United States, humanely considering these injuries and bearing in mind the firm and ancient friendship between the United States and China, which the high contracting parties wish to cement, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected; therefore, the United States, without reference to the question of liability therefor (which as a legal obligation it denies), agrees to pay, on or before the 1st day of March, 1889, the sum of $276,619.75 to the Chinese minister at this capital, who shall accept the same on behalf of his Government as full indemnity for all losses and injuries sustained by Chinese subjects as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

ARTICLE VI.

This convention shall remain in force for a period of twenty years, beginning with the date of the exchange of ratifications; and if, six months before the expiration of the said period of twenty years, neither Government shall formally have given notice of its termination to the other it shall remain in full force for another like period of twenty years.

[Mr. MORROW withholds his remarks for revision. See APPENDIX.]

Mr. HOOKER. Mr. Speaker, I presume there is not much difference of opinion in this House as to the propriety of adopting the bill which has been reported back by the Committee on Foreign Affairs. It is intended to be in aid of and in execution of the treaty which has been negotiated by the present Administration of the United States with the Government of China, and which has just been brought to a conclusion. I must be permitted to say, Mr. Speaker, that I regard it as extremely unfortunate for the interest of both governments after the amicable adjustment of the questions in dispute between the Government of the United States and the Government of China that the Senate of the United States should have made any amendment of that treaty which necessitated delay in its promulgation by the two respective governments who are parties to it.

I say that it is unfortunate that the Senate of the United States should have made any amendment to this treaty, inasmuch as they are in my judgment immaterial and unnecessary for the purpose of effecting the amicable object which seems to be of as much interest to one Government as to the other, and in which one Government is as earnest in its desire to execute as is the other. There should be no delays in giving relief to our people upon the Pacific coast against what they consider an evil. If there is any impediment to giving prompt, immediate, and instant relief against what they regard now as an unfortunate condition of affairs, it is to be attributed to these amendments which engender this debate. As the chairman of our committee presented the various treaties which we have made with China from time to time, beginning with the earliest treaty that that Government made with us and down to the present time, I need not go into detail, Mr. Speaker, in reference to them, but desire to address myself particularly to this treaty, and to this law which is intended simply to carry out the treaty.

The history of the two governments, Mr. Speaker, in regard to treaties between them is one in which whatever may be said about the civilization of the nineteenth century as demonstrative of the advance and progress of our Anglo-Saxon race, I say that in the spirit and temper of the two governments in regard to this treaty, the Government of the United States can claim nothing in advance of civilization over the Government with which we have been treating. The history of the matter may be briefly stated to be this. At the time that we sent the commissioners from the United States as envoys extraordinary to the Chinese Government—Mr. Burlinghame and Mr. Stanton—for the purpose of breaking down the Chinese wall, as it was termed, and inducing that Government to enter into a treaty of amity and commerce between the United States and China, it was looked upon almost as a hopeless effort to secure the various provisions which we desired to secure from the Chinese Government.

We were the parties seeking negotiations. We were the parties asking to have treaties of amity and commerce between the two countries. Ours was the Government asking that our commercial men should be allowed to carry to China whatever we had that the Chinese desired to buy, and bring back from China whatever our people wanted from that country. It was considered an almost hopeless task, and these two distinguished gentlemen were selected for the purpose of endeavoring to accomplish these results between China and the United States. And when that grand commission landed at San Francisco on their return, no two men in the United States ever received such an ovation as Mr. Burlingame and Mr. Stanton.

They were congratulated upon their accomplishment of the treaty which is designated in the history of the country as the Burlingame treaty. Not only on the slopes of the Pacific were they received with such demonstrations of regard, but they were taken from the cars at Pittsburgh and a great ovation given them; and that ovation continued all along their line of travel up to the capital. They were welcomed as having consummated a great treaty, and that treaty was ratified by the two Governments. It gave rise to the first large importation of Chinese into this country. Subsequently it was found that they came from a race of people who it was not desired should be mixed with the American population.

Mr. MORROW. Do I understand the gentleman to say that the Burlingame treaty gave rise to the first importation of Chinese?

Mr. HOOKER. Oh, no; but the Burlingame treaty broke down the wall of partition between the two governments. But, as I was about to say when interrupted by the gentleman from California, after this treaty was ratified between the two governments we found that we were receiving a race of people that were not desirable or that we would not desire should come to this country. We found that they were not a people we would desire to amalgamate with our own people and become a part of ourselves. We found that they isolated themselves, were estranged from our American population, did not desire citizenship, and we did not desire that they should have citizenship. Hence it became necessary, Mr. Speaker, that we should modify the Burlingame treaty.

Mr. MCCREARY. If the gentleman will permit me to interrupt him, it was Article V of the Burlingame treaty which conferred the right upon all Chinese subjects to immigrate into the United States, either for purposes of curiosity, trade, or as permanent residents.

Mr. HOOKER. Undoubtedly so. And I will embody in my remarks the provisions of the Burlingame treaty upon that subject, and also some of the other treaties that we have made since, but I do not think it necessary to occupy the time of the House now in discussing them.

The first article of the treaty provides—

SECTION 1. Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interest of that country, or to endanger the good order of said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Mr. Speaker, I was going on to give a history of the negotiations and treaties between the two countries in relation to this subject. Under the Burlingame treaty we found that we were receiving a large population that was not disposed to intermingle with our people, and hence we proposed amendments to the Burlingame treaty. The first amendment that we proposed was to exclude all Chinese criminals. The Government of China at once responded, "yes, we agree to that." We then proposed to prevent the coming of persons who were afflicted with disease, and that was assented to by China. Then the bill of 1882 was introduced and engineered through this House by a gentleman then rep-

resenting one of the districts of California, Mr. Page, which bill proposed to prevent all Chinese from coming to this country.

There was a provision in the later treaty which we had made with China assenting to another amendment to the Burlingame treaty and another modification, namely, that the Government of the United States should have the power by law—not by treaty, but by law—to prohibit the immigration of Chinese for a reasonable period of time; that is, our Government should have the right by law to suspend the right of Chinese immigration. The Chinese Government agreed to that modification, and under the power thus conceded by China to exist in the legislative department of the Government of the United States the act of 1882 was introduced into Congress.

That act proposed to prevent the landing of all Chinese coolies or laborers in this country for a period of twenty years. I rose in my place in this House—for I was a member of the House then—and proposed an amendment to the bill introduced by the gentleman from California, Mr. Page. I stated that in my judgment the extension of the period to twenty years was a violation of the spirit of the treaty, and I proposed ten years instead of twenty. The gentleman who was engineering the bill through the House, Mr. Page, declined to accept that amendment.

I predicted in my place here that the then President of the United States, animated by a desire to maintain our treaty obligations, as he ought to have been whether he was the President of one party or the President of another party, would insist upon preserving the treaty and would veto the bill of the gentleman from California, even if it should pass. The gentleman declined to listen to my word of warning. He passed his bill through the House and through the Senate, and it went to the Executive Mansion and it was vetoed by the President. In the same session of Congress the very amendment which I had proposed was adopted by the gentleman from California, and the bill so amended passed both Houses and became a law.

Now, Mr. Speaker, I say that the Chinese Government has in all respects exhibited the most liberal spirit whenever we have proposed to prevent the immigration of its subjects to this country. There was a very memorable commission created in connection with this Chinese question a few years ago in the Senate of the United States, and at the head of it was the then leader of the Republican party in the Senate, Governor Morton, of Indiana. He went to California and investigated the question of the Chinese and of their influence upon the labor of the Pacific coast. He came back and made a report to the Senate in which he took the ground that the Chinese did not seriously at that time interfere with labor on the Pacific coast, that they had been instrumental in building many of the railroads in California, in reclaiming the lands of that country, and that they had been, in the main, a peaceable and law-abiding class of people. He says in his report:

> At a time when those countries have adopted a liberal policy, and in that respect have yielded to Western civilization, and have especially recognized the force of the example and policy of the United States, it is proposed that we shall take a step backward by the adoption of their cast-off policy of exclusion. The argument set up here in favor of this is precisely that which was so long used to excuse or justify the same policy in China and Japan, namely, that the admission of foreigners tended to interfere with their trade and the labor of their people, and corrupt their morals and degrade their religion.

That was the report made by the commission that was presided over by Governor Morton.

Subsequently the indisposition to have these people come to the Pacific coast has increased, and we have proposed now another treaty with the Chinese Government, and this Administration, at the head of which stands Mr. Cleveland as the President of the United States, and Mr. Bayard as his Secretary of State, have recently negotiated a new treaty, and again we have the spectacle presented of prompt and ready acquiescence on the part of the Chinese Government. If that treaty had been ratified in the Senate as it left the hands of the men who made it, the plenipotentiaries of the two Governments, it would be to-day the law of the land and this Administration would have the credit, as it should have, of inducing the Chinese Government to accede to an agreement by which all Chinese immigration into this country shall be excluded for a period of twenty years; but the amendments made in the Senate have given rise to delay and probably necessitated the passage of this bill.

I may be permitted to say, sir, that I am credibly informed that the Chinese Government is not only willing, but that it is absolutely desirous and anxious to prevent its subjects from emigrating to the United States. It will be found, when in my speech shall be read the paragraph from the Burlingame treaty to which I have referred, that the correlative rights were embraced in that treaty of our citizens going to China and Chinese citizens coming here, and when we obtained that right it was looked on as a great achievement.

It was regarded as a wonderful and memorable feat that we had induced the Chinese Empire, an empire embracing 400,000,000 of the people of this earth, nearly one-half of the entire population of the globe, to abandon its time-honored policy. China had lived within the limits of her own wall, having her own people and her own wants to provide for, and she had supplied her wants from the labors of her own people for centuries.

I here insert Articles IV and V of the treaty:

> The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China, on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country.
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> ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity, of trade, or as a permanent residence. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

Up to that period of time China had been an exclusive nation; and her history, Mr. Speaker, has been one of very extraordinary advancement. Her civilization, it may be said, dates back of the earliest stages of civilized government in the world, back of that in this country or in the country from which our ancestors, speaking a like language with our own, came. It goes back to the days of Confucius; and far beyond the time of Confucius this august dynasty extends, until its origin is lost in the twilight of fable.

China is a great nation, great in power, great in intellect, great in numbers, great in resources. When has she displayed her greatness more conspicuously than in the generous concessions which she has been at all times disposed to make in response to the demands of our Government for fair and liberal treaties? When we found that we did not want her population, that her people were not homogeneous with our own and never would become so, that it would be undesirable they should become so, we proposed that they should be excluded, and she assented to every such proposition, as she has now assented to this treaty which has been formed between the two governments, absolutely excluding the importation into our country of Chinese except those who may come here as plenipotentiaries, as merchants, as students, or in some other of the accepted classes.

It is provided by treaty stipulation that the vast body of the laboring population of that nation shall be excluded from this country for the period of twenty years—the very period which, when embraced in the original bill of 1882, was regarded by Mr. Arthur, then President of the United States, as violative of the spirit of the treaty, he having based his veto on that ground. China has agreed to this restriction in a spirit of liberality which challenges the admiration of the enlightened world. She has agreed to a treaty which embraces the very provision embodied in the original act of 1882, which was vetoed by a Republican President of the United States.

Mr. Speaker, I have said thus much in regard to the treaties formerly existing between the Chinese nation and our own in order that I might pay a just tribute to that nation, with whom we have been upon such friendly terms. She has assented to every modification of every treaty that we have ever proposed from the time when she violated what had been her traditions and history for centuries, and agreed to the provisions of the Burlingame treaty, conceding to us not only the right to carry our commerce to that country, selling to her our products and getting hers in return, but absolutely according to our ministers of the gospel the opportunity to go there and preach Christianity without let or hinderance. No more liberal treaty was ever entered into between any two nations than those which China has always been willing to enter into with the United States.

Article XXIX of the treaty provides as follows:

> The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested.

I say, therefore, Mr. Speaker, that when I found this treaty had been amended in the Senate it was to me a subject of regret. I am in favor of this bill. I hope it will receive the votes of a large majority of the House on both sides. I am in favor of it because it is in keeping with and is in spirit a part and parcel of this treaty, which has been negotiated by the plenipotentiaries appointed by Mr. Cleveland and by the Chinese Emperor. I believe it would have been better if this treaty had received the approbation of the United States Senate in the form in which it came from the hands of the plenipotentiaries, and had been in that form ratified and promulgated, leaving us to enact whatever laws might become necessary for the purpose of carrying the treaty into effect. While the amendments which have been incorporated in the treaty by the Senate may possibly be acceptable to the Chinese Government, we do not know that such will be the case, and I think it a great misfortune that in this way the Senate should have risked anything in regard to the ratification and promulgation of this very liberal treaty.

Mr. CHIPMAN. Mr. Speaker, as a member of the Committee on Foreign Affairs I approve of this bill, and as a member of this House it

is my intention to vote for it. I am not prepared to say that I think it goes as far as it might go. I am not prepared to affirm that it will effectually exclude a very large class of Chinese people who, we are told, slip across our northern and Mexican borders and thus become residents of our country, and mix with the business of the people; but the bill, so far as it goes, is a good bill; it is in the right direction, and for that reason I accept it, and shall heartily support it.

Mr. Speaker, this bill is offered here under the treaty-making power. It would, in my judgment, make very little difference under what power of the Constitution it might come here. The Constitution is affluent in power to protect our labor, in power to protect the integrity of our institutions, to protect the purity and decency of our race. The courts have decided this matter. As far back as Gibbons vs. Ogden (a remarkable case and a leading one) the doctrine was announced that commerce does not include mere traffic, but that it means intercourse; that immigration, like importation, is embraced within this power. So far as I can learn, this has never been questioned by a justice of the Supreme Court, save by Chief Justice Taney, in the passenger cases, who held that the same power which regulated foreign commerce regulated commerce "among the States," and that as Congress could not prevent a citizen from going from one State to another and living therein, that because the power over domestic and foreign commerce were collocated in the same clause, that therefore the same interpretation should be put on the power of Congress in each case. I need not say that was folly—the folly of a wise lawyer, but still folly.

We know now the radical difference between the power over commerce "among the States" and foreign commerce, and I need not pause to cite the multitude of decisions up to the present moment which respect the decisions of Chief-Justice Marshall on this point. Then there is the power of naturalization, which, undoubtedly, implies a choice as to who Congress will permit to be naturalized. Beyond all this is the power of self-protection and the responsibility the United States as a nation must bear as to the status of every foreigner who enters our borders.

True, sir, the civilization of the Chinese is not our civilization; true, they have neither capacity nor desire to become citizens of this country; and it is true, too, that they are offensive in many respects to our own people. But I will not enter into that question. I hail this bill as a step in favor of liberty—a step to protect the laboring men and women of this country against the evils of a cheapening competition; and I beg to say, while it is right to exclude the Chinese, they are not the only enemy who are at our door.

Labor is threatened in many forms by immigrants of various nationalities; threatened—nay, not only threatened but actually suffering. The crime of which the Chinese are guilty is the crime against labor. The crime of working too cheaply, the crime of depleting wages. That is their exact crime, and that is the exact reason why this legislation excluding them entirely from this country is justifiable. In the section of country from which I come our lumber woods are filled with Canadian aliens, our shipping is navigated through the lakes by the same people. Why? Because they will work for less wages. We hear the same complaint in regard to the shipping on our Atlantic coast. Why, gentlemen, have you not read the testimony taken lately by the Ford committee; if you have, you must have noticed that the labor employed in the great industries of the country has been nearly blotted out of existence by the importation of cheap pauper labor from abroad.

Take the cigar industry, for instance (it is a great industry in my city). The testimony given in regard to that industry is appalling. It is the same in reference to industry after industry. Why, sir, our committee last winter went into the coal regions of Pennsylvania. Go into mine after mine in that regions and you will see American labor denied adequate compensation by being brought into competition with cheap pauper labor from all parts of the world. In every contest of labor for proper compensation the world is drawn on for re-enforcements, which are hurled against our workingmen to snatch victory from them.

Our workingmen are called on to fight against such odds a losing battle. In this country where manhood suffrage is the rule, decent, well-housed, well-clothed, educated families are a necessity. We are pledged to the future; to the great American race which time will evolve from the mingling of blood and the fusion of nationality. These decent, well-housed, well-clothed, educated folk are the only foundation upon which the perpetuity of our institutions can rest. Yet by the importation of cheap pauper labor, brought into competition with our labor, it has become impossible to protect and preserve the dignity of our laboring men, and it is to prevent the continuance of that evil that restrictive legislation has been found to be absolutely necessary.

Mr. HERMANN. Let me ask the gentleman from Michigan what avail this legislation will be if we permit the introduction of the products of Chinese cheap labor into the ports of the United States to be brought into competition with the products of American free labor?

Mr. CHIPMAN. We will come to that in a minute. I expected before the debate was concluded you would come to that. You say that you protect our labor against the product of Chinese cheap labor. I will not say you, because I do not know, but I do know somebody brings in this pauper labor, and that it comes into competition with our laboring men. I do not find them in the employ of the farmers of the country, I do not find them in the employ of the humble artisan, but I do find them in your great mills. I find them amid the whirl of machinery, I find them in all of your protected industries, I find them in the great manufactories, I find them in the employment of the railroads of the country, I find them everywhere in the army of capitalists. You find them driving out our own labor.

There is a remedy needed. Something must be done for the protection of our own labor. Something must be done to keep up the free character and dignity of our own labor. Something must be done in order to insure the continuance of the stock of American labor for the future. Unless it is done it will be replaced by this cheap pauper labor from abroad.

How does this imported labor come into the country? You have statutes against it. Let two hundred men strike against inadequate wages, and like magic two hundred men from abroad will take their places. It is so in all parts of the country, and in every department of industry.

How are these men brought into the country? The provisions of the statutes prohibit their coming into the country, and yet their coming does not seem to be prevented, but, on the contrary, is constantly on the increase. The cry is, still they come. The evil still continues.

Day after day, hour after hour, minute after minute, the cry of our laborers goes up that they are being crushed to the earth by the competition of this cheap pauper labor from abroad. The present law seems to be inefficient, and something must be done either here or abroad by which this cheap labor can be prevented from destroying our own home labor. Something must be done to insure our laboring men against this ruinous competition.

It has been proposed we shall have inquiry made by our consuls abroad to ascertain whether every man who comes here intends to become a citizen of the United States. It is proposed that before coming here they shall in some way be compelled to make a declaration of their intention to become citizens of the United States, and in that way to prevent the influx of cheap pauper labor under contract, which has been so ruinous to our own labor.

That might be done. We have done it in regard to coolies. We impose the duty upon consuls to ascertain the business of parties coming here. We have acted upon that already. We have done it in the case of Japanese and Chinese. Why not do it in the case of these others? Why not do it in the case of every man who comes here and is willing to work for less than that which will keep him and his family in a decent living? I think, sir, that no man should be allowed to work in this country who has not at least taken out his first papers (to use a common phrase), who has not declared his intention to become a citizen of the United States.

You say that you can not do that without amendment of the laws. We can amend the laws, but I would give him a shorter time than the laws give him now. They give him the two years out of the five years necessary to become a citizen just before the expiration of the full five years. He may do it the moment he comes here. Any man who wishes to be a citizen may declare his intention the very day he enters the country. I would require him to do it within three to six months after his immigration.

I would require a man who came among us to make his living to give a hostage in some form that he would become a citizen of this country, that he would help us to accumulate wealth, that he and his children would be our soldiers and our voters, and that they would be good citizens. Why should we not make such a provision? Is there any good reason to the contrary? Under our present system of immigration when an immigrant lands he may declare his intention to become a citizen if he chooses.

There is nothing to prevent him. Then in five years he can take out his final papers. Why should not his time to take out his first papers be limited to three, to six months? Say to him, "If you intend to make your living in this country and to compete with our workingmen, you must declare your intention to become a citizen in a reasonable time, during which time you may work, and if you do not do it in that time you shall not earn wages until you do it."

A man who comes here and intelligently and honestly intends to be a settler and citizen would certainly do it and put himself under the obligations of the Constitution and the protection of the flag. My experience, which has been large upon the bench and otherwise, is that immigrants should take out their first papers as soon as possible. In my State the Irish, the Germans, and the Poles have come in great numbers. Every one of them, as soon as possible, goes to court and takes out his first papers. As a rule they are good citizens. But on the contrary, on the whole northern frontier there is another class who never shouldered a musket, who never paid a dollar's tax, who never spent a cent in the country that they could help, but who take every dollar they can out of it, and compete with our own people. They are white Chinamen, of our own color, but not of our own spirit.

To every man of every race and nationality and to every honest man who comes to us to become one of us and undertakes to become a good citizen of this country, and who comes here without the marks of hand-

cuffs around his wrists, I say welcome! welcome! whatever his nationality may be; but when the halt, the lame, and the blind, morally, when the refuse of prisons, when the beggars and the wicked and criminals come amongst us, then it is surely time to make laws to protect our own, whether naturalized or native-born.

A man who debauches the price of labor is a public enemy, and when many men come for that purpose you have a greater public enemy to be resisted with the full power of the Republic. I would have the world understand that this country is not a hunting ground for every adventurer who chooses to come here; that the hearths of our homes are not El Doradoes for reckless speculation: that the happiness of our people and the permanency of our institutions are founded in the necessities of our best nature. No power may surround with imported labor as in a grand *battue* the workingmen of this country and hunt them to indecency and discomfort.

I would have the world understand that our people will not greet every adventurer who chooses to make this country a home; that our workingmen are not outlaws. I would have it understood that American citizenship and American labor and American homes shall be sustained in all the dignity which the Constitution and the laws throw around them and confer upon them, and that none shall be permitted to come in who would depreciate or lower that high standard.

To be an American, a child of the Republic, is to be a great one of the earth. Wherever we may be born, the institutions of our country are alike our shrine and defense. A grand American spirit in the hearts of all citizens, native-born or naturalized, is the fortress of our strength, the assurance of self-government forever.

Mr. McCREARY. It is very important that we should take a vote upon this bill this evening, and I ask unanimous consent that debate shall close at 4.30, and that the previous question shall be considered as ordered upon the pending amendment and the third reading of the bill; the time for debate to be equally divided between both sides.

Mr. CANNON. I think the gentleman had better let the debate run on until 4 or half past 4 o'clock, and then take the sense of the House as to when it shall close.

Mr. McCREARY. If we let it run on until that time we shall not be able to get a vote to-day. Mr. Speaker, how much time did the gentleman from Michigan [Mr. CHIPMAN] yield to the gentleman from Missouri [Mr. O'NEILL]?

The SPEAKER *pro tempore*. The gentleman from Michigan spoke twenty minutes, and he has yielded the remainder of his hour, forty minutes, to the gentleman from Missouri.

Mr. MORROW. Mr. Speaker, would it not be proper for the Chair to recognize some one on this side of the House at this time?

The SPEAKER *pro tempore*. The Chair will endeavor to divide the time equally.

Mr. McCREARY. It appears that we are all agreed upon this bill, and I desire we shall reach a vote this evening.

Mr. FELTON. I suggest that leave be given to gentlemen to print remarks upon this bill.

Mr. McCREARY. I ask unanimous consent that members may be permitted to extend their remarks in the RECORD, or to print remarks upon this bill.

There was no objection, and it was so ordered.

Mr. HOPKINS, of Illinois. I think the House is ready now to vote upon this bill.

Mr. CANNON. I have no objection, nor, so far as I know, have the gentlemen around me any objection, to voting upon the bill now, but if there is to be debate I suggest to the gentleman that he let it run on until 4 or half past 4.

Mr. McCREARY. Mr. Speaker, I find that there are several gentlemen who desire to speak on this subject, so I withdraw my request for the present.

Mr. O'NEILL, of Missouri. Mr. Speaker, I thank the gentleman from Michigan [Mr. CHIPMAN] for his courtesy. I have ever found him a true friend and earnest worker for the cause of labor whenever labor measures were before the House.

And now, Mr. Speaker, concerning the pending bill, while I favor it, I think it but proper to suggest that every two years or thereabouts we have a bill passed by Congress in regard to the Chinese. It is one of the incidents of a political campaign. A campaign does not appear to be complete without some additional Chinese legislation. We have now pending this bill, which has passed the Senate, and is it not a singular coincidence that at this same time we have also a committee of this House taking testimony in the city of New York in regard to violations of previous laws passed by Congress to prohibit the importation of contract labor, and thereby protect the workmen of this country?

My object in taking the floor to-day is to call the attention of the country to the fact that the passing of laws by Congress will not remedy these evils until you have a public opinion that will respect and back up those laws and carry them out. Whenever you have a public opinion in California that will enforce the laws you will need but little additional legislation upon this subject.

Mr. FELTON. Will the gentleman permit me to interrupt him for a moment?

Mr. O'NEILL, of Missouri. With pleasure.

Mr. FELTON. Does the gentleman think there is a man beyond the Rocky Mountains who is not firm and pronounced in his opinion upon this question? The record of the vote given in the State of California, which has been read by the gentleman who opened this discussion, is conclusive upon that point.

Mr. O'NEILL, of Missouri. I will answer the gentleman, whom I regard as an honest friend of this bill and opposed to the Chinese, that it was my pleasure some two or three years ago to visit California, and I then found that instead of being an object of ostracism, an element that the people desired to eliminate from their midst, the Chinaman as a servant or laborer was a favorite with a certain class of people. I found that from the moment you landed at the Palace Hotel, when the Chinese hotel servant came up to remove the marks of travel from your clothes, through all the hotels, in the private residences, and in the vineyards, and in the orange groves of California, in the mines, in the flumes, on the railroads, the Chinaman was to be found. And it is because they want him that the Chinaman is in California to-day. I have talked with laborers there and they have told me that men who go to that country under the impression that there are fields of employment open to them are compelled to leave because the Chinese laborer is preferred. He is more docile, more servile, and answers better the purposes of that class of employers who, with the importers of contract labor, would prefer slaves if they could get them.

I know that the laborers of the Pacific coast are asking for this legislation; but it is your so-called better classes; it is your gentlemen in your banks, in your hotels, and in your counting-houses, your mining and railroad owners, that employ the Chinaman. And Chinese labor is not always cheap labor. People will tell you there that they pay their Chinese cooks $40 or $50 a month, and their other Chinese servants in proportion. It is not always cheap labor. Wherever you turn you will find the Chinaman. That was my experience, and I went over a good deal of the gentleman's State.

Mr. FELTON. They are compelled to employ the Chinese from the fact that they can get no other labor. The presence of the Chinamen there, and the fact of their peculiarly docile nature and their industry, prevent the coming in of other labor which would compete with them. I will admit this fact, that there is a class of men who always buy everything as cheap as they can; but I tell this House that the moral sentiment of the community, the feeling pervading all classes there is that they would like to do away with this labor and substitute for it a labor which would be homogeneous with our people and would be a part and parcel of our civilization. It is but as a *dernier ressort* that we have been compelled to do things which otherwise we would not do.

Mr. O'NEILL, of Missouri. If the people of the Pacific coast, instead of adopting the *dernier ressort*, would take the first remedy at hand and advertise the fact that they desired and had employment for laborers and servants, they would find in this city, in every city of the Union, even in the cities in his own neighborhood, hundreds and thousands of laborers and servants who would be glad to have employment, many of whom have gone out there and have been obliged to come back, finding no chance for employment.

Mr. FELTON. Will you pay their passages?

Mr. O'NEILL, of Missouri. Oh, there have been cheap rates offered often, and they have gone there, but they have had to come back empty-handed because they could not find employment.

Mr. Speaker, what I have said about Chinese legislation is true also in regard to the importation of contract labor. We pass laws upon that subject, and when they are evaded we amend them. But what is the result? Americans, citizens of this country, men who have their money invested in business enterprises, and who care no more about the humanities of life than they do about the animals they employ, send for cheap European laborers and bring them over here and employ them to the exclusion of our people. It is ignoring the rights of our own citizens; it is ignoring the humanities of life, because after they have used these poor fellows, either for the purpose of breaking down a strike or reducing wages, they turn them out on the hillsides, utterly careless whether they starve to death or not. That has been the experience in the mining regions; that has been the experience in the manufacturing regions.

We are talking to-day about the question of labor. That is the question that is paramount to all others. Your tariff question is recognizable as a question only in so far as it affects labor. Gentlemen, we will pass this bill, as you have passed many other labor bills in this Congress, and I believe that this Congress will go into history as having accomplished more for the cause of labor than any other Congress that has ever sat here, and I intend to add to my remarks an abstract of the various labor measures that have passed this House, namely: The bill creating a Department of Labor, the arbitration bill, convict-labor bills, letter-carriers' eight hour bill, prohibiting employment of alien labor, and to protect laborers, servants, and mechanics in their wages; not to encumber this discussion I will have them printed in the RECORD as an appendix.

Mr. Speaker, I want to go back to this question of public opinion. But is it not remarkable that Governor Waterman, the governor of the State of California—a State where they propose to do so much for labor—should write to members of this Congress appealing to them to

defeat the convict-labor bill, the passage of which every laboring man in this country is now asking, in order to protect honest labor from convict labor? The governor of that State has sent his letter here to various members, basing his appeal on the ground that their prison is now making money out of this labor, and that it would be unfortunate to displace it. What a commentary on protecting labor when mere matters of dollars and cents are weighed against the homes and the welfare of the wives and children of the workmen of this country! What does he care if prison labor destroys every trade in this land? If your prison contractors can wipe out one trade after another, what does he care? It is with him a mere question of dollars and cents—a mere question how far human labor can be used for the purpose of making money out of it. And that is pertinent to this bill; it is involved in this discussion, being a greater evil than the Chinese question.

We want the Chinese excluded, not as a matter of race prejudice, but because their seething population could be dumped upon our shores by the hundreds of thousands; and it is a matter of self-preservation, "the first law of nature," that we should protect ourselves against an inroad of that kind, and their habits and manners do not admit of their assimilation with our people. But the Chinese question, I again tell the members of this House, is not the only remaining question involving the interests of labor to be disposed of by this House. When you have passed this bill, together with the other labor bills which have been passed by this House, you have not answered the demands of labor. Petitions have come to this House representing over 300,000 laborers of this country who have asked this Congress to pass a bill to protect honest labor against convict labor. Members can not defend themselves at home in their opposition to a measure of this kind on some legal quibble or by stating that they refuse to give a day to the cause of labor because a day is not granted for the consideration of pension legislation. There is not a pensioner in this country who will indorse a sentiment of that kind. Every such man would say, "I want what I believe to be just, but in order to secure that I do not ask you to injure my fellow-men; do not refuse an opportunity to protect them against a more insidious enemy than Chinese labor." Chinese labor, in the competition which it creates, is not nearly so disastrous and far-reaching as convict labor. The representatives of trade after trade have come here and told us that where formerly hundreds of men were employed the shops are now closed and the men idle. In one case it is 50 per cent. of the hollow-ware trade that has been absorbed by convict labor; in another case it is 40 per cent. of the matting industry, the coopering industry, or the harness trade; in another case it is 15 per cent. of all the shoe trade of the country.

I am bringing this home to you, gentlemen, for the reason that your workmen will tell you the question of protecting free American labor against convict labor is more important than even protecting the home labor against the pauper laborer of Europe or against Chinese labor. You have here a live issue; and I have seized this opportunity of appealing to the patriotism of this House. I appeal to the love which members profess, and I believe nearly all of them honestly feel, for the cause of labor, and ask them to stand by me in securing a day for the consideration of the labor bills still pending in the House.

I have about finished all I desire to say. I believe the pending bill ought to be passed. [Applause.]

APPENDIX.

ABSTRACT OF LABOR BILLS PASSED BY THE HOUSE OF REPRESENTATIVES, AND CONVICT LABOR BILL AS AMENDED AND PREVIOUS QUESTION ORDERED ON ENGROSSMENT.

[H. R. 8560. Introduced by Mr. O'NEILL, of Missouri, passed both Houses, and signed by the President.]

An act to establish a department of labor.

That there shall be at the seat of Government a department of labor, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

The department of labor is under the charge of a Commissioner of Labor appointed by the President, by and with the advice and consent of the Senate, who holds his office for four years unless sooner removed, and to receive a salary of $5,000 per annum.

The Commissioner of Labor is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully-specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living, and the kind of living. "It shall be the duty of the Commissioner also to ascertain and report as to the effect of the tariff, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness on farmers;" and what articles are now controlled by trusts, and what effect said trusts have had on limiting production and keeping up prices. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. The Commissioner of Labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employés as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The Commissioner of Labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so, from whence.

The Commissioner of Labor shall also annually make a report in writing to the President and Congress of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Department. He is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subjects in his charge requires it.

The Commissioner of Labor is provided with a large force of clerks, statistical experts, stenographers, special agents, traveling agents, and other employés deemed necessary, and the Government appropriates nearly $170,000 per annum for the successful working of this department.

[H. R. 1645. Introduced by Mr. MCADOO. Passed both Houses, and signed by the President.]

An act to limit the hours that letter-carriers in cities shall be employed per day.

Be it enacted, etc., That hereafter eight hours shall constitute a day's work for letter-carriers in cities or postal districts connected therewith, for which they shall receive the same pay as is now paid as for a day's work of a greater number of hours. If any letter-carrier is employed a greater number of hours per day than eight, he shall be paid extra for the same in proportion to the salary now fixed by law.

[Amendment to H. R. 6437, enforcing eight hour law in Government Printing Office. Proposed by Mr. O'NEILL, of Missouri, February 17, 1888, passed by both Houses, and now a law.]

And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

[H. R. 3405. Introduced by Mr. O'NEILL, of Missouri.]

An act to protect mechanics, laborers, and servants in their wages.

Be it enacted, etc., That for all personal services rendered by any person acting in the capacity of mechanic, laborer, or servant in the District of Columbia and Territories of the United States, to an amount not exceeding $100, no property shall be exempt from seizure and sale under execution: *Provided*, That in order to secure the benefits of this act such mechanic, laborer, or servant shall commence their action within six months next after the last service shall have been rendered.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Passed the House of Representatives March 20, 1888.

Attest: JNO. B. CLARK, *Clerk.*

[H. R. 3406. Introduced by Mr. O'NEILL, of Missouri.]

An act to prevent the product of convict labor from being furnished to or for the use of any Department of the Government, and to prevent the product of convict labor from being used upon public buildings or other public works.

Be it enacted, etc., That from and after the passage of this act, it shall be unlawful for any agent or officer of the United States Government to purchase, or, if under his control, to permit the purchase, of supplies of every description to be furnished to or for the use of Army or Navy of the United States or other Government Department, or for use among any of the Indian tribes, or any of the Departments, or materials to be used in the erection, construction, or completion of public buildings or other public works, when said supplies or materials are, in whole or in part, the product of convict labor: *And provided further*, That in all advertisements for the purchase of supplies to be furnished to or for the use of any of the Departments, or for the erection, construction, or completion of public buildings or public works, and in all contracts made under or in pursuance of such advertisements, there shall be inserted a condition that no convict or prison labor whatsoever, or the product thereof, shall be used by or furnished to any Department of the Government, or employed or used upon any public building or work, or in the preparation or manufacture of any of the articles, materials, or supplies contracted to be furnished therefor.

SEC. 2. That any willful breach of any of said conditions by any contractor shall authorize and work a forfeiture of the contract, and shall constitute a complete defense in bar against any claim or action against the United States for the recovery of any sum or sums under said contract; and it shall be the duty of the officer letting any such contract, upon being advised that any contractor has knowingly violated the terms of such contract, to declare the same forfeited.

Passed House of Representatives March 21, 1888.

Attest: JNO. B. CLARK, *Clerk.*

[H. R. 8724. Introduced by Mr. TARSNEY.]

An act to prevent the employment of alien labor upon public buildings or other public works and in the various departments of the Government, and so forth.

Be it enacted, etc., That in all advertisements for the erection or construction or completion of public buildings or other public works, and in all contracts made under or in pursuance of such advertisements, there shall be inserted a condition that no person who is not a bona fide resident within the limits of the United States, and who is not a citizen, or who has not declared his intention to become a citizen thereof, in the manner provided by law, shall be employed in the erection, construction, or completion of any public building or other public work.

SEC. 2. That any willful breach of any of said conditions by any contractor shall authorize and work a forfeiture of the contract, and shall constitute a complete defense in bar against any claim or action against the United States for the recovery of any sum or sums under said contract; and it shall be the duty of the officer letting any such contract, upon being advised that any contractor has knowingly violated the terms of such contract, to declare the same forfeited.

SEC. 3. No person shall be employed in any department of the Government of the United States (except persons employed in the consular or diplomatic service abroad) who is not a citizen and resident of the United States, or who has not previously declared his intention to become a citizen of the United States.

Passed the House of Representatives March 21, 1888.

Attest: JNO. B. CLARK, *Clerk.*

[H. R. 8665. Introduced by Mr. O'NEILL, of Missouri.]

An act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in inter State and Territoral transportation of property or passengers and their employés.

Be it enacted, etc., That whenever differences or controversies arise between railroad or other transportation companies engaged in the transportation of

property or passengers between two or more States of the United States, between a Territory and State, within the Territories of the United States, or within the District of Columbia, and the employés of said railroad companies, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then in such event the railroad company is hereby authorized to select and appoint one person, and such employé or employés, as the case may be, to select and appoint another person, and the two persons thus selected and appointed to select a third person, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies; and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth.

SEC. 2. That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, and requiring the production of papers and writings relating alone to the subject under investigation now possessed and belonging to United States commissioners appointed by the circuit court of the United States; but in no case shall any witness be compelled to disclose the secrets or produce the records or proceedings of any labor organization of which he may be an officer or member; and said board of arbitration may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not inconsistent with the provisions of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination. Each of said arbitrators shall take an oath to honestly, fairly, and faithfully perform his duties, and that he is not personally interested in the subject-matter in controversy, which oath may be administered by any State or Territorial officer authorized to administer oaths. The third person so selected and appointed as aforesaid shall be the president of said board; and any order, finding, conclusion, or award made by a majority of such arbitrators shall be of the same force and effect as if all three of such arbitrators concurred therein or united in making the same.

SEC. 3. That it shall be the duty of said board of arbitration, immediately upon their selection, to organize at the nearest practicable point to the place of the origin of the difficulty or controversy, and to hear and determine the matters of difference which may be submitted to them in writing by all the parties, giving them full opportunity to be heard on oath, in person and by witnesses, and also granting them the right to be represented by counsel; and after concluding its investigation said board shall publicly announce its decisions, which, with the findings of fact upon which it is based, shall be reduced to writing and signed by the arbitrators concurring therein, and, together with the testimony taken in the case, shall be filed with the Commissioner of Labor of the United States, who shall make such decision public as soon as the same shall have been received by him.

SEC. 4. That it shall be the right of any employés engaged in the controversy to appoint, by designation in writing, one or more persons to act for them in the selection of an arbitrator to represent them upon the board of arbitration.

SEC. 5. That each member of said tribunal of arbitration shall receive a compensation of $10 a day for the time actually employed. That the clerk appointed by said tribunal of arbitration shall receive the same fees and compensation as clerks of United States circuit courts and district courts receive for like services. That the stenographer shall receive as full compensation for his services 10 cents for each folio of an hundred words of testimony taken and reduced to writing before said arbitrators. The United States marshals or other persons serving the process of said tribunal of arbitration shall receive the same fees and compensation for such services as they would receive for like services upon process issued by United States commissioners. That witnesses attending before said tribunal of arbitration shall receive the same fees as witnesses attending before United States commissioners. That all of said fees and compensation shall be payable by the United States in like manner as fees and compensation are payable in criminal causes under existing laws: *Provided*, That the said tribunal of arbitration shall have power to limit the number of witnesses in each case where fees shall be paid by the United States: *And provided further*, That the fees and compensation of the arbitrators, clerks, stenographers, marshals, and others for service of process, and witnesses under this act shall be examined and certified by the United States district judge of the district in which the arbitration is held before they are presented to the accounting officers of the Treasury Department for settlement, and shall then be subject to the provisions of section 846 of the Revised Statutes of the United States; and a sufficient sum of money to pay all expenses under this act and to carry the same into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated: *And provided likewise*, Not more than $5,000 shall be expended in defraying the costs of any single investigation by the commission hereinafter provided for.

SEC. 6. That the President may select two commissioners, one of whom at least shall be a resident of the State or Territory in which the controversy arises, who, together with the Commissioner of Labor, shall constitute a temporary commission for the purpose of examining the causes of the controversy, the conditions accompanying, and the best means for adjusting it; the result of which examination shall be immediately reported to the President and Congress, and on the rendering of such report the services of the two commissioners shall cease. The services of the commission, to be ordered at the time by the President and constituted as herein provided, may be tendered by the President for the purpose of settling a controversy such as contemplated, either upon his own motion, or upon the application of one of the parties to the controversy, or upon the application of the executive of a State.

SEC. 7. That the commissioners provided in the preceding section shall be entitled to receive $10 each per day for each day's service rendered, and the expenses absolutely incurred in the performance of their duties; and the expenses of the Commissioner of Labor, acting as one of the commission, shall also be reimbursed to him. Such compensation and expenses shall be paid by the Treasurer of the United States on proper vouchers, certified to by the Commissioner of Labor and approved by the Secretary of the Interior.

SEC. 8. That upon the direction of the President, as hereinbefore provided, the commission shall visit the locality of the pending dispute, and shall have all the powers and authority given in section 2 to a board of arbitration, and shall make careful inquiry into the cause thereof, hear all persons interested therein who may come before it, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust such dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept in the office of the Commissioner of Labor, who shall cause a copy thereof to be filed with the secretary of the State or Territory or States or Territories in which the controversy exists.

SEC. 9. That in each case the commissioners who may be selected as provided shall, before entering upon their duties, be sworn to the faithful discharge thereof. The Commissioner of Labor shall be chairman *ex officio* of the commission, and may appoint one or more clerks or stenographers to act in each controversy only, which clerks or stenographers shall be compensated at a rate not exceeding $6 per day each, and actual expenses incurred shall be reimbursed.

SEC. 10. The Commissioner of Labor shall, as soon as possible after the passage of this act, establish such rules of procedure as shall be approved by the President; but the commission shall permit each party to a controversy to appear in person or by counsel, and to examine and cross-examine witnesses. All its proceedings shall be transacted in public, except when in consultation for the purpose of deciding upon the evidence and arguments laid before it. The chairman of the commission is hereby authorized to administer oaths to witnesses, in all investigations conducted by the commission, and such witnesses shall be subpœnaed in the same manner as witnesses are subpœnaed to appear before United States courts and commissioners, and they shall each receive the same fees as witnesses attending before United States commissioners: *Provided*, That said temporary board of commissioners shall have power to limit the number of witnesses in each case where fees shall be paid by the United States.

SEC. 11. All fees, expenses, and compensation of this commission shall be paid as hereinbefore provided in section 5 of this act.

Passed the House of Representatives April 18, 1888.

Attest:

JNO. B. CLARK, *Clerk*.

[H. R. 8716. Introduced by Mr. O'NEILL, of Missouri, pending in the House as amended, and previous question ordered on engrossment.]

A bill to protect free labor and the industries in which it is employed from the injurious effects of convict labor by confining the sale of the goods, wares, and merchandise manufactured by convict labor to the State in which they are produced:

Be it enacted, etc., That every person who knowingly transports, or causes to be delivered for transportation, for commercial purposes, from the State or Territory in which they are in whole or in part manufactured, any goods, wares, or merchandise, in whole or in part manufactured by convict labor in any penitentiary, prison, reformatory, or other establishment in which convict labor is employed, to or into any other State or Territory, or into the District of Columbia, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment at the discretion of the court, and such goods, wares, or merchandise shall be forfeited to the United States. The importation for commercial purposes of all goods, wares, or merchandise from any foreign country into the United States, which in whole or in part were manufactured or produced by convict labor, is hereby prohibited, and it shall be the duty of the Secretary of the Treasury to prescribe rules and regulations for the enforcement of this provision and to enforce the same. Every person who knowingly violates this provision shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties and punishment provided in this act. And the words goods, wares, and merchandise are intended and shall be construed to include coal, iron ore, lead ores, all kinds of marble products, lumber in all its forms, and all other articles of commerce produced, wrought, cut, or mined by convict labor.

SEC. 2. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act by any person making the complaint under oath, and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed.

SEC. 3. That this act shall take effect at the expiration of two years from and after its passage, except as to goods, wares, and merchandise manufactured under existing contracts that have been made by any State for the employment of its convict labor, and in such cases this act shall take effect immediately upon the expiration of such contracts.

Mr. O'NEILL, of Missouri. I yield the balance of my time.

Mr. YOST. Will the gentleman allow a question?

Mr. O'NEILL, of Missouri. Certainly.

Mr. YOST. Will you tell the House where the objection to the consideration of the convict-labor bill came from?

Mr. O'NEILL, of Missouri. The last objection came from the gentleman from Iowa [Mr. LYMAN].

Mr. YOST. No, sir; the objection came from the gentleman from Alabama [Mr. OATES].

Mr. O'NEILL, of Missouri. As the gentleman from Alabama is not present, I can not refer to him.

Mr. YOST. The gentleman from Alabama objected to setting apart a day for the Labor Committee unless the convict-labor bill was excluded.

Mr. O'NEILL, of Missouri. I said that the last objection came from the gentleman from Iowa.

Mr. LYMAN. I never objected to the consideration of a labor bill on this floor.

Mr. O'NEILL, of Missouri. You objected to a day being set apart for the consideration of labor legislation.

Mr. LYMAN. I did not. I simply asked the gentleman to modify his request for a day for the Labor Committee by including a day for the Invalid Pensions Committee; and I shall continue to ask that.

Mr. O'NEILL, of Missouri. The record will bear me out. It was the gentleman's objection which prevented us from getting a day; it was not his asking me a question.

Mr. JOHNTSON, of Indiana. Has the gentleman any information as to the reason why the Committee on Rules does not report in favor of giving a day to the Labor Committee?

Mr. O'NEILL, of Missouri. I know of no reason on earth except that they have not so reported.

Mr. JOHNSTON, of Indiana. They can do so, can they not?

Mr. O'NEILL, of Missouri. I think this House in its wisdom can give us a day.

Mr. BYNUM obtained the floor.

The SPEAKER *pro tempore* (Mr. COX). The gentleman from Indiana now has the floor for twenty minutes. The gentleman from Michigan [Mr. CHIPMAN] occupied twenty minutes of his hour, yielded twenty minutes to the gentleman from Missouri [Mr. O'NEILL], and there are twenty minutes remaining.

Mr. BYNUM. Twenty minutes will not be sufficient to enable me to conclude what I have to say, and unless the members of the committee are willing that I should occupy probably forty minutes, I will give way to the gentleman from Illinois [Mr. HITT], reserving my right to speak hereafter.

Mr. HITT. I suggest that the gentleman go on now, with the understanding that the time shall be equally divided.

The SPEAKER *pro tempore*. The Chair will endeavor to divide the time equally.

Mr. McCREARY. I now renew my proposition that the debate on this question be closed at half past 4 o'clock.

Mr. HOPKINS, of Illinois. I move to amend that proposition so as to name 3 o'clock.

Mr. BYNUM. I do not yield for any purpose of that kind.

Mr. McCREARY. I ask that at half past 4 o'clock the debate be closed and the previous question be considered as ordered on the pending amendment and on the third reading of the bill.

Mr. HOPKINS, of Illinois. I move to amend by naming 3 o'clock instead of half past 4 o'clock.

Mr. BYNUM. I decline to yield for that motion.

Mr. HOPKINS, of Illinois. Mr. Speaker, have I not the right to offer an amendment to the motion of the gentleman from Kentucky?

The SPEAKER *pro tempore*. The gentleman from Kentucky has not the floor to make any motion. The gentleman from Indiana [Mr. BYNUM] is entitled to the floor.

Mr. McCREARY. I hope the gentleman from Illinois will not press his proposition, but will permit us to agree to the proposition I have stated, so that we may have a vote this evening.

Mr. HOPKINS, of Illinois. If we are going to have a vote this evening, we might as well have it at 3 o'clock.

Mr. McCREARY. Does the gentleman withdraw his proposition?

Mr. HOPKINS, of Illinois. No, sir; I insist upon it.

Mr. McCREARY. Then I withdraw my motion.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. BYNUM] is now entitled to the floor.

Mr. BYNUM addressed the House.

The SPEAKER *pro tempore* (after twenty minutes had expired). The gentleman's time has expired.

Mr. BYNUM. No, I think not, as I was to occupy forty minutes of my own hour.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Michigan yielded twenty minutes of his time to the gentleman from Indiana.

Mr. BYNUM. Yes; and it was also understood that I would then proceed for forty minutes in my own hour. I expressly stated that I would proceed to submit my remarks upon that understanding, and that after the twenty minutes yielded to me by the gentleman from Michigan had expired I would then continue for forty minutes in my own hour. I would not have proceeded under any other understanding. The twenty minutes yielded to me by the gentleman from Michigan having expired, I now proceed to occupy forty minutes of my own hour.

Mr. FELTON. Allow me to ask the Chair whether there has been any understanding arrived at by which the debate on this question is limited, and whether any understanding has been reached to take the vote at half past 4 o'clock?

The SPEAKER *pro tempore*. No limitation of the debate has been provided for, nor has any agreement been come to that the vote shall be taken at half past 4 this afternoon as at one time was suggested.

Mr. FELTON. I do not object to the gentleman from Indiana proceeding upon that understanding.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman from Indiana will proceed.

Mr. BYNUM. Mr. Speaker, I shall make no apology to the House for occupying the floor at this time. I desire to bring to the attention of the members of the House and to the attention of the people some matters of record, and I avail myself of this opportunity to do so.

The subject of legislation affecting the interests of the laboring classes has become an important matter.

Our wage-workers are in a great measure an organized class, and as such have become a most potent factor in educating and influencing the masses upon political questions. All parties, therefore, are making great efforts to win their approbation and support.

The most ardent professions for their interest and welfare have been and will be expressed in platforms and proclaimed upon the stump.

This class of our citizens, however, have long since realized that but little faith could be put in the pledges of platforms or the professions of politicians, and that the only sure guide to the principles which control a party is to be found in the record which it has made.

The members of the Republican party are boastful in their professions of devotion to the interests of American labor. They profess to be its special protectors, and without their guardianship one would conclude, from their pretensions, that our laboring classes would long since have been reduced to a condition of dependency and servitude more deplorable than that of the poorest-paid labor of Europe.

I shall attempt at this time to do little more than call attention to some of the legislation which seriously affected the welfare of our laboring classes, so that they may readily fix the responsibility for their enactment or non-enactment where it rightfully should be.

In 1864 Congress passed an act substantially entitled an act to encourage immigration. This was its ostensible purpose, but its real object was to clothe contractors, mine-owners, and manufacturers with power to contract with and import laborers from Europe to supplant American workmen and to reduce the price of American wages.

Senator SHERMAN, in reporting this measure to the Senate, very adroitly tried to conceal its real purpose, but inadvertently disclosed the secret before concluding his statement. He said:

> The special wants for labor in this country at the present time are very great. The war has depleted our workshops and materially lessened our supply of labor in every department of industry and mechanism. In their noble response to the call of their country our workmen in every branch of the useful arts have left vacancies which must be filled or the material interests of the country must suffer. The immense amount of native labor occupied by the war calls for a large increase of foreign immigration to make up the deficiency at home. The demand for labor never was greater than at present, and the fields of usefulness were never so varied and promising.

It was true, as stated by Senator SHERMAN, that there was "a noble response to the call of their country" by the workingmen, but while absent fighting its battles their vacant places should not have been filled with cheap laborers imported from Europe under contract. Paupers unable to get to this country under the terms and provisions of this law could virtually enslave themselves in foreign countries to American contractors and American manufacturers, and the contract would be enforced here to the fullest extent.

The second section of this law reads as follows:

> SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude. (U. S. Stats. at Large, vol. 15, 1863-'65.)

The extent to which the authors of this measure knew they were going is apparent from the last lines of this section—"but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States or creating in any way the relation of slavery or servitude."

When we ask Republicans why they took advantage of the absence of the wage-workers who were in the Army, they say it was necessary! Labor was scarce and wages were high! Will they answer why, when the war was over, when the armies disbanded and the men returned home to take their places, this law was not repealed? Will they inform us why, when a half million or more of men were discharged from the mills and factories in 1873, this law was kept upon the statute-books? Will they answer why during that long period of depression, when hundreds of thousands of men were out of employment and seeking work, it was necessary to import, as was done under this law, large numbers of European laborers? The fact that this statute remained in force nearly twenty years, eighteen after the war had closed, and that every effort to repeal it in the interest of American labor was thwarted is sufficient to satisfy the most skeptic person that it was fashioned and framed in the interest of the contractor and manufacturer. From the time of the enactment of this law till its repeal over 6,500,000 immigrants came to our shores. How many of these left their native land and came to us voluntarily upon their own resources because of their admiration for our institutions, and how many debased and vicious characters were brought here under this contract system can not be told. Laborers were imported under the provisions of this law up to the time of its repeal, and the statutes now in force prohibiting the same are being evaded in every possible way by the men who cry loudest "protection to American labor!" The Republican party, supreme in all the Departments of the Government, was cognizant of the fact, but no step was taken to protect American labor from this competition.

Dump all the paupers and criminals of Europe and all the Mongolians of Asia in here. What cared the manufacturers? Labor was made more dependent and wages cheaper. This was the policy and is the policy of that party to-day. Open wide the doors for the importation of cheap labor, but close them tight against the importation of cheap clothing and cheap food. Let us see if the attention of the Republican members of Congress was ever called to this matter.

On the 13th of December, 1869, Senator Wilson, of Massachusetts, introduced a bill (S. 378) to regulate the importation of immigrants under contract. This bill was called up by him on the 22d of April, 1870, and its consideration urged; but Senator Ferry, of Michigan, objected, and the bill was referred to the Committee on Commerce, a majority of whom were Republicans, who reported against its passage. They were unwilling to consider a bill to even regulate the subject four years after the war was over.

On the 5th of February, 1870, Senator Wilson introduced another bill (S. 563) to make the importation of immigrants under contract unlawful. He made several efforts to secure consideration of the same without reference to a committee, but objections were made, and on December 12, 1870, it was referred to the Committee on Education and Labor and was never heard of again. No power was strong enough to carry a bill through the committee; the ears of Republicans were deaf to all appeals. They saw American workmen out of employment,

wages going down, strikes and lock-outs daily occurring, but none of these aroused their attention. It remained for a Democratic House of Representatives to repeal this odious and injurious measure, and to force the Republican Senate to take action before anything could be accomplished. On the 8th of January, 1884, the gentleman from Ohio [Mr. FORAN] introduced a bill (H. R. 2550) to prohibit the importation of foreign labor under contract. This bill passed the House on the 19th of June, 1884.

The bill was sent to the Senate, where it was referred to the Committee on Education and Labor. It was reported back at an early day, and repeated but fruitless efforts made to secure consideration of it until in February, 1885, when it finally passed that body. I ask every intelligent workingman in the country to examine without prejudice this record, and if he does not come to the conclusion that those who upheld this law for the importation of contract labor for so many years were not his friends, I shall doubt his ability to select them.

CHINESE IMMIGRATION.

There is another equally important and interesting question which affected the welfare and prosperity of American labor to which I desire to call attention. The capitalists of the country, not satisfied with the law giving them the power to import and enslave the pauper labor of Europe, looked with wistful eyes across the Pacific to Asia, where 300,000,000 of Chinese laborers of greater skill and talent could be obtained at still lower wages. On the 28th day of July, 1868, the Republican administration negotiated a new treaty with the Chinese Government, which is known as the Burlingame treaty. Articles V and VI of this treaty provide as follows:

5. The United States of America and the Emperor of China cordially recognize the inherent and inestimable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other for the purpose of curiosity, of trade, or as permanent residents, etc.

6. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nations; and reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nations, etc.

The Republican party claims to have superior intelligence and wisdom in negotiating treaties with foreign governments. They insist, without the least hesitation, that the rights of American citizens can safely be intrusted to none but themselves; but you search in vain to find what additional rights and benefits American citizens secured by the Burlingame treaty.

Senator Grimes, in calling attention to this fact in the Senate, said:

It may strike the Senate with surprise on a careful reading of the treaty of 1868 to find that in no one of the eight articles composing it is there to be found one substantial right of value to any American citizen which he could not enjoy under the former treaties, while to Chinese subjects in the United States every privilege, except citizenship, is thrown wide open, even the ownership and working of our mines of gold and silver, which are liberties never freely granted to a foreigner by any other government in the world.

I shall not stop to inquire what the motives of the administration were in negotiating this treaty or what power instigated it. Directly it had but one effect, and that was to deluge the Pacific States with Chinese laborers. In 1867, the year before the adoption of this treaty, only 3,863 Chinese landed upon our shores; while in 1869, the year after, 14,614 came; and thus it continued until 1882, when the number had increased to 35,614.

Under the law of 1864, protecting and enforcing contracts made with immigrants, rich and powerful companies, after the adoption of the treaty, organized for the importation of this class of laborers. The cooly trade was revived and they came by hundreds and thousands, consigned to one of these companies like so many horses or cattle, and were by them hired out to work in manufactories, in mines, upon railroads, and in every place where American labor had profitable employment. The rapid increase of their numbers soon alarmed the people of California. They were an undesirable population from every consideration. They were debased beyond conception; vice and immorality unspeakable were universal amongst them. Their abodes reeked with filth and their dens with infamy. Their presence was degrading to society and to civilization. They consumed but little, and therefore worked for wages so low that no white laborer could live in competition with them. The people of the Pacific Slope, without regard to party, arose and with one voice demanded that this immigration should cease. The evils resulting from such an influx of population were so disastrous to all classes that there was no division of sentiment. No one but those profiting by it could be found to express any other sentiment than that its continuance would be ruinous.

The American wage-workers were fast being crowded out and their appeals to Congress to save them from degradation were sincere and unanswerable, but their voice was unheeded, capital reigned supreme in the councils of the Republican party; the contractor, the manufacturer, the mine operator demanded cheap labor, and their demands were heeded.

Mr. Speaker, I want here to call attention to a statement made by the gentleman from Nevada [Mr. WOODBURN], and I do so with great reluctance, because I believe this portion of his speech is about all there is left that has not already been shown to be incorrect. He said:

Mr. Chairman, it was not the Democratic party but the Republican party that passed the anti-pauper immigration bill. It was not the Democratic but the Republican party that passed a bill prohibiting the importation of cooly laborers under contract.

Mr. Speaker, I have already shown that the first proposition was not true. The Republican Senate never considered the question until driven to do so by a Democratic House. I now propose to show that the Republican party never passed, at any time, a bill to prohibit the importation of Chinese laborers under contract, but that in one or the other end of the Capitol there was a majority of the Republican votes against every such a measure. I not only propose to show this, but to show that the Republican party was not only opposed to the passage of any such bill, but, upon the contrary, was in favor of conferring greater rights and privileges upon the Chinese. Further, I shall show that their candidate for the Presidency, General Harrison, when present, without exception, voted against every bill to restrict or suspend immigration, voted in favor of every amendment which gave greater freedom and conferred greater rights, even to that of citizenship, upon the Chinese. The repeated efforts that were made by the Representatives and Senators from the Pacific States and elsewhere to check the importation of Chinese laborers were without avail. Like the efforts to have repealed the statute authorizing and protecting the importation of laborers from Europe, no attention was paid to them or the proposed measures were summarily dealt with.

On the 6th of December, 1869, Senator Williams, of Oregon, introduced a bill (S. 279) to regulate the immigration of Chinese and prohibit their importation under contract. On the 24th of February, 1871, Senator Chandler, of Michigan, a Republican, from the Committee on Commerce, to which the bill had been referred, asked to be discharged from its further consideration, and moved that it be indefinitely postponed. The motion was agreed to.

On the 10th of January, 1870, Mr. Johnson, of California, introduced a joint resolution (H. Res. 102) to regulate and restrict Chinese immigration, which was referred to the Committee on the Judiciary. The committee, a majority of whom were Republicans, refused to report it back to the House.

On the 6th of June, 1870, Senator STEWART, of Nevada, introduced in the Senate a bill (S. 973) to prohibit contracts for servile labor, but even this measure could not meet with favor at the hands of a Republican Senate, and it was defeated.

On June 7, 1870, Mr. Sargent, of California, introduced a bill (H. R. 2168) to prohibit contracts for servile labor, which was referred to the Committee on the Judiciary, but the influences were strong enough to prevent this measure from ever being reported back to that body.

On July 7, 1870, Mr. Mungen, of Ohio, introduced a joint resolution (H. Res. 362) in regard to the protection of our laboring classes against Chinese immigration, which was referred to the Committee on Foreign Affairs, but there it remained. This was not the way to protect labor in the opinion of the Republican party, and the resolution was pigeonholed.

On July 9, 1870, Mr. Cake, of Pennsylvania, introduced a resolution against the importation of Chinese coolies under contract and directing the Committee on Education and Labor to investigate the subject. The resolution was referred to that committee, but was never heard of afterwards.

On the 18th of December, 1871, Mr. Coghlan, of California, introduced a bill (H. R. 755) to prohibit contracts for servile labor, which was referred to the Committee on the Judiciary. The reference of this bill was subsequently changed to the Committee on Education and Labor, which reported a substitute, which was recommitted to the same committee, and that was the last of it.

On the 30th of April, 1872, Senator Casserly, of California, a Democrat, having previously received a memorial on the subject from the Legislature of his State, introduced a bill (S. 1058) to prohibit contracts for servile labor and to amend and enforce existing laws against the cooly trade. This bill, like all others of its kind, was referred to a hostile Republican committee, and was never heard of again. What a record of devotion to the interests of American labor this is! Their petitions spurned, their resolutions ignored, and their bills strangled in committee by the Republican party.

This, however, is not all; it is only the beginning of the record of that party. The time arrived when they were compelled to meet the question. After ten years of agitation the laboring classes and their friends secured the consideration of measures for their protection against the further importation of Chinese, and what record did the Republican party make when forced to take a decided position? Of the three bills considered, but one received a majority of the Republican votes in the House, and not a single one received a majority of the Republican votes in the Senate. All the leading Republican Senators, including the Republican candidate for the Presidency, General Harrison, voted against every measure, when present, that was proposed.

General Harrison now says that he voted against the different measures because he thought they violated our treaty obligations and because he did not fully understand the necessity of the legislation.

With all due respect to General Harrison, the record he made, to say the least, does not support his statements. These late statements and discoveries should, when visions of the White House, however dim and remote, loom up, be accepted with little faith. There was

not a shadow of an excuse at any time for any Senator or Representative to vote against either of the measures proposed because its provisions violated our treaty stipulations with China. There would have been in case of the enactment of the first measure proposed an abrogation of some, and if the Chinese Government so determined, of all our treaty stipulations, but no violation. There would have been a repeal, but not a violation. It was a contract terminable at the will of either party. The administration had for ten years neglected and failed, and therefore I say refused, to make an endeavor to secure any modification of the treaty of 1868, and there was no other course open for relief except through legislation. This question was fully and unanswerably met upon the consideration of the measure first proposed.

Senator Sargent, February 13, 1879, said:

It is also objected, and I desire to advert to these considerations very hastily in passing, that there is a treaty with China with which, if this law is passed, there will be a conflict, and that a treaty is the supreme law of the land; that we have no right to legislate so as to abrogate a treaty or contravene its provisions. If this were true it would be a fatal objection to this legislation. That it is not true in principle is settled by the practice of this Government from time immemorial. It is not true as shown by the action of our executive department and our judicial authorities.

In 1851 John J. Crittenden, Attorney-General of the United States, in what was called the Florida claims case, decided that a subsequent law of Congress repealed a prior treaty, set it aside. In 1870 the same doctrine was held by Attorney-General Ackerman. The doctrine was held by the United States circuit court in a case where the interests of Russia were involved, where by treaty with Russia we had provided that hemp from Russia should be received at as low a rate of duty as that from any other country whatever, and subsequently we passed a tariff law which provided that Russian hemp should pay $40 a ton and Manila hemp should pay $20 a ton.

An action of assumpsit was brought in a United States court against the collector of New York to recover the difference in the duties, on the ground that the rights of the parties were measured by the treaty and could not be affected by the subsequent statute. The United States court held that a subsequent law repealed *pro tanto* the prior treaty, and that the power must reside in Congress, because the President and Senate could not have the power to bind the interests of the people beyond any relief by Congress, placing it upon the high ground that Congress itself, composed of the Senate and House of Representatives, and the President of the United States were those who must have the final decision upon all questions involving treaties and the power to set them aside. From that decision down through the Clinton bridge case, through the Choctaw case and others, the courts have uniformly held to this doctrine, and I only regret that I have not time to call the attention of the Senate to these decisions *in extenso*. The last decision was made by the United States Supreme Court recently, fully sustaining the doctrine to which I advert.

Senator Allan G. Thurman, of Ohio, said:

Mr. President, I have a very few words to say on this bill, and scarcely anything at all upon the general question involved in it. I shall assume the arguments already made at this session and at previous sessions have convinced the Senate that a limit ought to be placed upon the emigration of Chinese to the United States, if, indeed, that migration ought not to be stopped altogether. What I shall say, therefore, will relate mainly to the mode by which a stop or limit is to be put to that migration. It has been said that it can only be done by the negotiation of a new treaty. I do not know that that proposition has been distinctly advocated upon this floor, but if it does lurk in the mind of any Senator, I beg him to listen to the very few observations that I have to make upon it. To me it seems perfectly clear that the proposition can not for a moment be sustained, and that it would be ruinous to this country or to any other to hold that a treaty can only be put an end to by the negotiation of another, for that would put you completely at the mercy of the party with whom you had negotiated a treaty. Take, for instance, this very case. If we can only put an end to this treaty by negotiating a new treaty with China, then it is in the power of China, by refusing to negotiate a new treaty, or such a one as we desire, to hold us to this treaty, however detrimental to our interests it may be.

Mr. HAMLIN. Will the Senator allow me to ask him if he knows of any one who holds that doctrine?

Mr. THURMAN. I said I did not know.

General Harrison had not been discovered at that time. [Laughter and applause on Democratic side.]

Mr. Thurman continuing, said:

Treaties are like partnerships. There is no such thing as an indissoluble partnership. There is no such thing as an indissoluble treaty. Either party may declare it abrogated.

I say, therefore, Mr. President, that the true way is, there having been no modification of this treaty by the treaty-making power, and, so far as we know, no attempt having been made to modify it, there having been nothing of that kind done, many, many years having elapsed since the treaty was made and the evils growing every year greater and greater, and the danger to which we are exposed by this migration becoming every year more and more imminent, it is now the duty of Congress without delay to take this matter in hand.

[Applause on Democratic side.]

Could there have been a doubt in the mind of any Senator or any other person upon this question? There was nothing left for Congress to do but to pass the bill and repeal the provisions of the treaty. The Republican administration, the treaty-making power, for ten years had ignored the appeals of all classes and failed to take any steps whatever. The Democratic party and its representatives were not so tender of the feelings of the Chinese Government that they were willing to longer tolerate this abomination. Our own citizens were the sufferers; their rights were in peril, and it was no time to stop to see whether the proposed measure for their relief met the approval of the good graces of the Emperor of China or not. House bill No. 2423, to restrict Chinese emigration, by limiting the number of emigrants to be transported by vessels to the United States to fifteen each trip, passed the House of Representatives on the 28th of January, 1879, by the following vote: Yeas—Democrats 104, Republicans 51, total 155. Nays—Republicans 56, Democrats 16, total 72.

A majority of the Republican members voted against the bill, while of the Democratic members more than six out of seven voted in favor of it. In the Senate the vote was as follows: Yeas—Democrats 22, Republicans 19, total 41. Nays—Republicans 20, Democrats 8, Independent 1, total 29. In order that there may be no controversy about the votes on this and other measures to which I shall call attention, I have here and shall append to my remarks a tabulated vote upon all of them.

This bill was vetoed by President Hayes. His objections were not that Congress had no power to enact such a law, but that it contravened articles 5 and 6 of the Burlingame treaty. Upon the question as to whether the bill should pass, the objections of the President to the contrary notwithstanding, the vote in the House of Representatives was as follows: Yeas—Democrats 88, Republicans 22, total 110. Nays—Republicans 81, Democrats 15, total 96. Eighty-eight Democrats voted for its passage over the President's veto and only 15 against it; while 81 Republicans voted against its passage and only 22 for the same. The bill failed for the want of a two-thirds majority.

The Republican party not only prevented legislation on this subject as long as they had the power to do so, but when unable to longer suppress it a large majority of them voted against the proposed legislation, and, when defeated in Congress, the veto of the President was used as a last resort. The administration, in the fall of 1880, realized that something must be done; that public sentiment would no longer tolerate inaction. A new treaty was negotiated with China; or, more properly, the Burlingame treaty was modified so that the Government of the United States might regulate, limit, or suspend for a reasonable period the immigration of Chinese laborers.

Under this treaty, made on the 17th of September, 1880, we reacquired the power to limit or suspend the immigration of Chinese laborers for a reasonable period of time.

General Harrison became a member of the Senate on the 4th of March, 1881. The objections that had been urged against the bill in the prior Congress, namely, that it contravened our treaty stipulations, if there was the least excuse for them, did not, in the remotest degree, lie against a bill regulating, limiting, or suspending the immigration of Chinese laborers after the ratification of the new treaty. In conformity with the provisions of the modified treaty, Senator Miller, of California, introduced a bill (S. 71), the first section of which was as follows:

That from and after the expiration of ninety days next after the passage of this act and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers into the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come or having so come after the expiration of ninety days to remain within the United States.

This was the first bill General Harrison was called to vote upon. Where were the treaty stipulations to be found that would be violated by its passage? If General Harrison was so firmly convinced that this bill would so violate our obligations that his conscience would not permit him to support it, why did he not rise in his place in the Senate and give to the country, and especially to his constituency at least, a brief statement of his objections? The opportunity was tendered to him. The gage of battle was thrown down by Senator MORGAN, of Alabama, who said:

Has the power been denied, or will any Senator here rise in his place and deny it, that the Congress of the United States by the enactment of a statute has the right to repeal any treaty that has been adopted and ratified by the treaty-making power?

Will any Senator undertake to say that the treaty-making power of this country is not after all subordinate to the legislative power? If he does he will deny the whole legislative history of our country, and he will set aside and hold for naught the opinions of the Supreme Court of the United States. It is the right and province of the legislative power of this country to repeal treaties where they are found to contravene the best interests or general welfare of the people.

Was General Harrison's opposition because of the length of time proposed? There was no other conceivable objection. How conscientious he must have been. No matter what hardships were being inflicted upon American laborers; no matter what their sufferings might be, every doubt must be resolved in favor of the Chinese. Sir, had he borne a commission to the United States Senate from the Emperor of China instead of from the State of Indiana, he could not have served his majesty more faithfully or guarded with greater vigilance the interests of his subjects.

General Harrison's opposition to this measure was upon other grounds. The amended treaty was as plain as language could make it. The power to suspend the immigration of Chinese laborers was, in plain terms and express words, surrendered to the United States, and that was all that it proposed to do. If the time, in his judgment, was unreasonable, why did he not seek to shorten it? This shallow pretext that he now makes might be believed by members of his own party if his record upon the subject ended here, but it does not; his subsequent votes too clearly disclose the convictions he entertained and which influenced and controlled his actions.

It is not, however, with General Harrison alone that I am dealing, but with the Republican party as well. He entertained the views of his party upon this question. The opposition made to this measure by the leading Republican Senators was not that it was in violation of any treaty, but that it was in violation of the natural rights of the Chinese. Upon the passage of this bill in the Senate the vote was as follows: Yeas—Democrats 30, Republicans 8, total 38. Nays—Republicans 22, Democrat 1, Independent 1, total 24. In the House of Representatives it was as follows: Yeas—Democrats 98, Republicans 61, Independents 8, total 167. Nays—Republicans 62, Democrats 4, total, 66. If the gentleman from Nevada will cast his eyes over this vote he

will find that in the Senate 22 Republican Senators voted against the bill and only 8 in favor of it, while in the House 61 members of his party supported it, and 62 voted against it, a majority of his party in both Houses voting against it. It, however, by Democratic support, passed, but fell a victim to the veto of President Arthur. In a short paragraph of the President's veto message may be found the secret of the opposition of himself and his party to this legislation. In speaking of the Chinese he said:

No one can say that the country has not profited by their work. They were largely instrumental in constructing the railways which connect the Atlantic with the Pacific. The States of the Pacific Slope are full of evidences of their industry.

Here, summed up in a few words, may be found the secret of the opposition of General Harrison and his Republican colleagues in the Senate to the bill.

Chinese labor was cheap; it was profitable; and the contractors, the manufacturers, and the owners of mines, who have always controlled the Republican party, wanted it and were loath to see it excluded from the country.

When the bill was returned to the Senate with the objections of the President the vote as to whether it should pass notwithstanding the same resulted as follows: Yeas—Democrats 31, Republicans 6, total 37. Nays—Republicans 28, Independent 1, total 29; Harrison voting in the negative.

The bill vetoed by President Arthur was then modified so that the suspension of immigration should be for ten instead of twenty years. This bill, which originated in the House, contained the following sections:

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

This bill passed the House of Representatives by the following vote: Yeas—Democrats 103, Republicans 91, Greenbackers 7. Nays—Republicans 34, Democrats 3. This was the first and only vote, either in the House or the Senate, during this long struggle, in which a majority of the Republicans voted in favor of the suspension of emigration.

This bill was reported to the Senate and referred to the Committee on Foreign Relations. It was reported back at an early day, the committee proposing a number of amendments, amongst others to strike out sections 14 and 15. Section 15 simply provided that the words "Chinese laborers" should include both skilled and unskilled laborers and miners.

It was at this point and upon this amendment that General Harrison threw off that mantle of frigid silence which had continually concealed his great wisdom and statesmanship about which we hear so much of late. He could content himself no longer. His forbearance ceased at this attempt to include within the provisions of the law the skilled Chinaman who could delve in the mine, work upon the cigar-maker's bench, labor in the shoe factory and in the tailor shop. Rising from his place in the Senate, he said:

Will the Senator from Oregon allow me to make a suggestion to him? He read an extract from a paper to the effect that the word "laborers" as used in the treaty or as used in the law may be limited by a meaning applied to those who are unskilled. If the courts should so decide, giving that meaning to the word "laborers" as used in the treaty, would the Senator from Oregon be in favor of going beyond what we are authorized to do by our treaty?

Mr. Speaker, this, substantially, was all the utterance of this great statesman and extremely conscientious Senator to this entire legislation. How extremely careful of the interests of his Chinese constituency. The Chinese embassy, it had been stated, had no objection to that provision of the bill, but General Harrison could not think of allowing the same to be adopted. The sacred rights of the Chinamen were constantly before his mind. He could think of nothing else, could see nothing else. Why quibble over such a petty matter when the happiness, the welfare, and almost the life of American men and women depended upon the speedy adoption of some measure of relief? General Harrison knew, if he knew anything about law, that the definition, if too broad, could do no harm; he knew that words were more strictly construed in penal statutes than elsewhere, and that it was always safest, if words were used in such enactments in their broadest sense, to so define their meaning. He, however, was not alone upon this proposition. His Republican colleagues were nearly all with him. Upon the motion to strike out section 15 the vote stood as follows: Yeas—Republicans 31, Democrat 1, Independent 1, total 33. Nays—Democrats 29, Republicans 3, total 32. Harrison voted in the affirmative.

This amendment, although agreed to in Committee of the Whole, was rejected in the Senate, Harrison still voting in the affirmative. Upon the amendment to strike out section 14, which prohibited the courts from admitting Chinese to citizenship, the vote stood as follows: Yeas—Republicans 28, Democrat 1, Independent 1, total 30. Nays—Democrats 31, Republicans 5, total 36; Harrison voting in favor of the amendment. The vote upon the final passage of the bill in the Senate stood as follows: Yeas—Democrats 32, Republicans 9, Independent 1. Nays—Republicans 24, Democrat 1; Harrison voting against the bill. If the gentleman from Nevada will investigate the vote on the passage of this measure he will find that 24 Republican Senators voted against it, and only 9 for it. Mr. Speaker, does it require more proof to satisfy the great body of the American people as to grounds of the opposition of General Harrison and his party to this legislation?

It was not that they believed it a violation of existing treaties, but because they believed that Chinese laborers, skilled and unskilled, and all other classes, should have the right to come here, not only to labor, but to vote, to hold office, to legislate, to govern as well as be governed by American labor. What other motive influenced General Harrison to vote to admit them to citizenship? This section in no wise violated any provision of our treaty with China. It was to carry out and enforce such a provision. In all the later treaties made between the United States and China it had been expressly stipulated that nothing therein contained should be construed to confer the rights of citizenship upon the citizens of either in the other country. The late Mr. Orth, at the time a member of this House from Indiana, in speaking upon this subject, said:

He takes no interest in our Government! Do you mean by this that he does not immediately on his arrival repair to the "sand lots" of San Francisco and harangue the boisterous multitude upon their special duty on election days? This objection comes with a poor grace when it is known that we refuse to give him an interest in our Government or permit him to assume the rights and responsibilities of citizenship. We deny to him the rights which we cheerfully accord to every other immigrant, and, as if to emphasize this denial, the fifteenth section of this bill provides that hereafter no State court or court of the United States shall admit Chinese to citizenship, and all laws in conflict with this act are hereby repealed.

Senator HOAR, of Massachusetts, April 25, 1882, said:

I will not deny to the Chinaman, any more than I will to the negro, or the Irishman, or Caucasian, the right to bring his labor, bring his own property to our shores and the right to fix such a price upon it as according to his own judgment and his own interest may seem to him best. I denounce this legislation not only as a violation of the ancient policy of the American Republic, not only as a violation of the rights of human nature itself, but especially as a departure from the doctrine to which the great party to which I belong is committed in its latest declaration of principles.

Here we have a clear and bold statement of the position of the Republican party upon this question. This statement was unchallenged. No Republican Senator repudiated it either for himself or his party. General Harrison heard, acquiesced, and accepted it as the reason for his opposition to the measure; and the paltry, trifling, and frivolous excuse he now attempts to make, in the hope of winning the support of the laboring classes he did not deign to consider for a moment in the dozen or more votes that he cast, will only subject him to greater ridicule and contempt. This is not all the evidence going to show that his opposition to this legislation was because he wished to open wide the doors to Chinese emigrants and to welcome them to full fellowship as citizens of this Republic.

In 1880 in the city of Indianapolis a number of Chinamen were induced by Republicans to declare their intentions of becoming citizens. Upon this declaration they were marched to the polls and voted the Republican ticket. That General Harrison was cognizant of the intentions of his party to vote these persons there can be no doubt. He was the candidate of his party for the United States Senate, active in politics, and the oaths were administered to them by his most intimate friend and loyal supporter. In addition to this it has been publicly charged in the Indianapolis Sentinel, and not denied by him, that during the agitation of this question he read a production before a literary club in that city advocating in strong terms the right of the Chinese to become citizens of the United States.

Why, Mr. Speaker, the Republican party had such a tender regard for the rights of the Chinese that it placed joss-sticks and joss-lights on the free-list while the Bible was made to bear a duty of 25 per cent. [Laughter and applause on Democratic side.]

I notice, however, that General Harrison and his friends offer another excuse for his position on this question. They say that he did not understand the question at the time, but that he has since learned all about it and is all right now. Of all the subterfuge that has been attempted this certainly is the shallowest. This question had engaged the serious attention of the American Congress, when he entered the Senate, for more than ten years.

In February, 1879, Mr. Thurman said in the Senate:

Mr. President, this is no new subject. It can not be contended for a moment that this subject is sprung upon the American Congress now for the first time. Every Senator who has held a place upon this floor from the Pacific coast since I have had the honor to sit here, without regard to his political proclivities, without regard to his party connections or affiliations, has been urging and earnestly urging upon us the enactment of some such law at this. I believe the same thing may be said of every Representative from the Pacific slope in the other branch of the Legislature. They have called our attention to it again and again; they have called it by resolutions; they have called our attention to it by the able arguments of their Senators and Representatives; they have called attention to it by their laws and their constitutional conventions; they have caused the two great political parties of this country to consider it in their national conventions. And it will not do to say now that this thing is sprung here in hot haste upon the Senate of the United States. It is time, in my judgment, Mr. President, for us to act upon it and now is the proper moment.

It had agitated the minds of the people and especially the laboring classes for over twelve years. General Harrison's entire absence of association with and want of sympathy for the great masses of the people may have destroyed his intuition of this question, but if he had never heard of the subject before he entered the Senate, he heard enough during the debate to have satisfied any person with one spark of sympathy for that class of our citizens who were compelled to earn their bread by the sweat of their brow. He may daily mount his platform during this

campaign and declare "that the standard of American wages must be maintained," but I challenge any one to point out a single word or expression of sympathy by him for the wage-workers during this entire debate. From the beginning to the end he remained callous, heartless, and immovable to every appeal. [Applause.]

Senator JONES, of Nevada, presented the question of protection to our own laborers most eloquently and truthfully, and, coming from a Republican, there is a double significance and force in his language as applied to the present. He said:

I have noticed, Mr. President, that most of those who are in favor of the largest liberty being extended to the Chinese immigrant to this country are also in favor of a tariff—a tariff which has been urged as necessary to protect the American laborer from the degradation of competition with the pauper labor of Europe, as it is usually termed. In reality, if we may judge of their motives by the action of the men who are now advocating a tariff, it was not the American laborer they wished to protect against the pauper labor of Europe, but it was the American capitalist, the lordly manufacturer, that they wished to protect against the free competition of the capitalist of Europe. Our capitalist manufacturer wanted a larger interest on his money than the capitalist of Europe was willing to accept, and he was given the benefit of a tariff.

Let us see how that tariff works. It works in this wise, that everything that the capitalist manufacturer has to sell he sells in a protected market, he sells in a market in which foreign capitalists can not compete with him.

How is it with what he has to buy? For the principal article he has to buy—to wit, the labor of men—he demands free trade in the broadest sense, not only free trade in bringing in laborers of our own race who can soon accommodate themselves to our conditions of life, but the bringing in a class of laborers who have been inured to poverty by thousands of years of training. The capitalist asks the broadest free trade for that, his own market in any event being protected.

Now, how is it with the laborer? Everything he wants to buy he has to buy from his capitalist master in a protected market; everything he has to sell, to wit, his labor (and, unlike the capitalist, he can not hold it away from sale; unlike the capitalist, he can not wait for better times, or travel here and there where he pleases to sell it, but he must sell it every day), he must sell in the openest market in the world. This is the theory in favor of the laborer that the gentleman [Mr. DAWES, of Massachusetts] propounds to us. We reject it, and by this bill propose to bar out this degrading, this shocking competition with our own people. And yet he tells us we are striking a blow at labor, that we are proposing to inflict injury on the laborers of our country.

Ah! sir, when the artisans and laborers of this country shall be made to understand that they are subjected to free trade in labor they will demand as one of the conditions of their existence that they shall have an open market in which to buy that which they want if it is an open market in which they must sell their labor, the only thing they have to sell. They will never consent to a tariff on bales and boxes and hampers of goods coupled with free trade in human brain and muscle.

The Senator from Massachusetts [Mr. DAWES] told us that he wanted the American people to know that this bill was a blow struck at labor. Yes, sir, it is a blow struck at degraded, underpaid, underclothed, underfed labor, and it is a blow in favor of that fair remuneration which the forces of our civilization up to this hour have decreed that the laborer should get.

Senator GEORGE, of Mississippi, presented the question with a fervor and sentiment that would have aroused the innermost feelings of the very soul of a man who had one atom of sympathy for those doomed to endless toil. He said:

It will really and truly protect American labor. It furnishes no sham protection in the shape of a tax levied on all the labor of the country for the benefit of the capitalist, in the hope (often, if not always, a vain one) that he will divide it and give some small part to that inconsiderable number of laborers whom he employs.

This bill protects the American laborer directly and clearly, and not in a roundabout and second-hand way. It gives this protection by its own force and the vigor of its own beneficent provisions, independent of either the magnanimity or the charity of another, and that other too directly interested in withholding the protection.

As so well shown in the very able and exhaustive discussion of this subject by the Senator from California [Mr. Miller], the Chinese laborer has an advantage over the American laborer. This is an undue advantage. It does not arise from superior industry, larger intelligence, or greater skill. It comes from the simple fact that the one is an American citizen, with the hopes and aspirations of an American citizen, and charged with the performance of the high duties to his country and his family incident to American citizenship; the other has none of these. For ages he has from necessity been inured to that hard and scanty sort of living, joined to incessant toil, which barely supports life. To compete with him the American laborer must be reduced to the same standard of living, condemned to the same ceaseless toil.

Are we prepared, sir, to invite the American laborer to this competition—to yoke him with this fellow to plow the fields, delve in the mine, or work in the shops of capital seeking the cheapest labor? Sir, we want no such laborers, either foreign or native. We want no class that can or will accept the bare necessaries of life only as the price of its labor. We want no class to whose vision is forever closed all prospect of advancement, comfort, independence, and progress. If there be such now anywhere in this broad land, it would be our first and highest duty, so far as we had constitutional power, to lift the dark veil of despair which shuts out the prospect of elevation and advancement. It is our duty to dignify and ennoble labor, not to debase and degrade it.

* * * * * * *

It is, sir, in my judgment, our duty to pass this bill. To reject it is to invite to our shores millions of an inferior and degraded race to drag down to their own level the American laborer.

Here was General Harrison's opportunity to show his sympathy for the wage-earners of his own country. Here was a test. He refused to recognize them in a time of need and they will not accept his company now, however much he may boast of his friendship for their cause. Their motto is to put none but tried and true on guard. Mr. Coghlan, of California, tersely but truly stated the real animus of the opposition of the Republican party to this legislation when he said:

But the opposition to this bill which I most fear comes neither from ignorance of the enormities of the Chinese slave-trade nor from a misapprehension of the character of the Chinese. It comes from the capitalists' cry that the influx of Chinese cheapens the wages of labor. This is the true enemy of this bill, let gentlemen sugar-coat it as they will.

Mr. Speaker, the injuries inflicted upon the working men and women of California can not well be conceived by those of us whose States and cities have never been blighted by this immigration. They constitute about one-fourth of the working population of San Francisco to-day. In the manufacture of clothing, cigars, boots and shoes, and in fact in all the industries, they are rapidly making their way and excluding American workmen from employment. From the report of the special committee of the board of supervisors of San Francisco in 1885 on the condition of the Chinese quarters I quote the following:

In the manufacture of clothing, ladies' underwear, shirts, etc., 1,245 sewing machines are kept actively at work all operated by male laborers with a skill that is equal to the best efforts of the American woman, as well as the American man, in this direction, and all run with such quick-handed, untiring energy, that it suggests one of the most curious physiological problems of the day to understand how a people, nurtured and fed as they are, can possess the vitality and physical force necessary to the results which they achieve in this direction.

Most of this labor is carried on by "piece work" and to fill orders for large "down-town commercial houses" engaged in the sale of the class of goods thus produced. The heavy, strong-stitched jean overalls which find so large a market on the coast are made by the Chinese workmen at the rate of about 55 cents per dozen pairs. The work thus produced—at a price which would reduce the American worker, male and female, to a lower level than the "woman" in "The Song of the Shirt"—the Chinaman thrives upon and is prosperous and happy. But it is a prosperity and happiness that is based upon a mode of life that a homeless cur upon the streets might not envy, upon which the American laborer could not exist until a succession of generations had so brutalized and blunted his race proclivities that he had degenerated into a condition worse than barbarism and become a curse to civilization, instead of what he is to-day, the vital strength of a nation.

We are now told, however, that in 1884 and in 1886 the Senate passed measures to restrict the immigration of Chinese, and that General Harrison did not oppose them, and that his silence should be accepted as an indorsement of them. What strange logic! If he had changed his opinions, if he had acquired new light on this question, is it not more reasonable that he would have said so than that he would have mutely disavowed his long-cherished principles and stultified his most conspicuous record?

His friends are boastful of his powers of speech—they say he is no Lilliputian—yet upon these occasions upon a matter of great interest and importance he did not open his mouth to explain his position when the action of the Senate was to be in direct contravention of his principles and his record. Sir, this is but a poor apology to those whose interests were so vitally affected by this immigration and who had won their victory in spite of the opposition of General Harrison and a majority of his party.

The passage of the act of 1882 forever settled the policy of this Government upon the subject of Chinese immigration. Since then no Representative or Senator has raised his voice in favor of it. General Harrison knew in 1886 that more than twenty-five thousand organized wage-workers in Indiana were, without regard to their political opinions, opposed to this immigration, and as a candidate for re-election to the Senate he dared not even call attention to his former votes, much less again place himself on record as favorable to it, so he silently let the bills pass. Whether he voted for them or against them, or whether he slipped into the cloak-room and did not vote at all, the records do not disclose. Is it possible that a record of more than a dozen votes against the restriction of this immigration and two in favor of conferring the rights of citizenship upon these people vanishes upon the mere silence of this august personage?

The Republican members of the Senate never passed a measure restricting this immigration or permitted one to pass until a majority of their votes were recorded against it, until after the act of 1882 became a law, but since then they have been swift to legislate upon this question. The bill under consideration, if it had been passed by the House as it came from the Senate, would have left us without any law whatever upon the subject except at the pleasure of the Chinese Government. Instantly it would have repealed existing laws, while its other provisions would not have taken effect until the Chinese Government ratified the pending treaty.

The bill under consideration is in conformity with a treaty negotiated by our Government with China on the 12th of March last. The first section of the proposed treaty provides—

That for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

The Senate amended this section by adding the following:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

The treaty as first negotiated was certainly strong enough in its provisions. It was satisfactory to everybody who for twenty years had been contending for a prohibition of this immigration, but it seems that its terms were not sufficient to satisfy the Republican members of the Senate, who had up to that time opposed every measure of restriction. That this amendment has had a reverse effect to its provisions is perfectly evident. By its adoption the treaty had to be again sent to the Chinese Goverament for ratification in its amended form. That Government can withhold its ratification until every Chinaman holding a return certificate gets back. The complaints are numerous that our present laws are not effective, and that Chinese laborers are coming in

daily in violation of them. The delay, therefore, occasioned by the Senate amendment, will not only let all those that hold certificates have time to return, but will also allow all those that may be able to get in in violation of law. Its adoption has therefore resulted in increasing instead of restricting the number of immigrants.

The Senate is so earnest in its efforts to now exclude the Chinese that it can not wait for a ratification of the treaty, but has passed this bill to take effect upon the happening of that event. They refused to even consider a measure to regulate this evil for ten years. I have shown that bill after bill was introduced in the Senate from 1869 to 1879, and not one of them was even taken up and considered. A large majority of the Republican members of that body voted against the bills to suspend immigration for twenty and ten years, as I have specifically shown, and upon the grounds that the Chinese had a natural right to come here and to bring their property and to work at what and for what they chose. But now that the Chinese have consented to remain away for twenty years, they can not wait for that Government to ratify the treaty before passing a law to enforce its provisions.

What, Mr. Speaker, has brought about this sudden change? Why this abandonment, without a struggle and without a word, of the great principles of the Republican party for which the Senator from Massachusetts so earnestly contended.

I have searched the records but can find no expressions of repentance, no confessions of sins, no prayers for forgiveness—all is darkness. Can it be, Mr. Speaker, that this great, sudden, silent and mysterious change has taken place because an election is to be held in the coming November.

I hope this bill will unanimously pass. The Democratic members of this House can give it an earnest support without swallowing their words or stultifying their records. [Great applause on Democratic side.]

Vote in the House of Representatives, January 28, 1879, on the bill (H. R. No. 2423) to restrict Chinese immigration.

YEAS.

DEMOCRATS—104.

Acklen, La.	Davidson, Fla.	House, Tenn.	Rice, Ohio
Aiken, S. C.	Dibrell, Tenn.	Hunton, Va.	Robertson, La.
Atkins, Tenn.	Dickey, Ohio	Jones, Ala.	Ross, N. J.
Banning, Ohio	Durham, Ky.	Jones, N. H.	Scales, N. C.
Beebee, N. Y.	Eden, Ill.	Kenna, W. Va.	Sayler, Ohio
Bell, Ga.	Elam, La.	Kimmel, Md.	Singleton, Miss.
Benedict, N. Y.	Ellis, La.	Knapp, Ill.	Southard, Ohio
Bicknell, Ind.	Evins, S. C.	Landers, Conn.	Slemons, Ark.
Blackburn, Ky.	Ewing, Ohio	Ligon, Ala.	Smith, Ga.
Bliss, N. Y.	Felton, Ga.	Lockwood, N. Y.	Sparks, Ill.
Blount, Ga.	Finley, Ohio	Luttrell, Cal.	Steele, N. C.
Boone, Ky.	Garth, Ala.	Mackey, Pa.	Stenger, Pa.
Bright, Tenn.	Gause, Ark.	Maish, Pa.	Throckmorton, Tex.
Buckner, Mo.	Gibson, La.	Manning, Miss.	Townshend, Ill.
Cabell, Va.	Giddings, Tex.	Martin, W. Va.	Turner, Ky.
Caldwell, Ky.	Glover, Mo.	Martin, N. Y.	Turney, Pa.
Caldwell, Tenn.	Gunter, Ark.	McMahon, Ohio	Vance, N. C.
Chalmers, Miss.	Henkle, Md.	Mills, Tex.	Walker, Va.
Clark, Mo.	Hewitt, Ala.	Money, Miss.	Whitthorne, Tenn.
Clarke, Ky.	Hewitt, N. Y.	Morse, Mass.	Wigginton, Cal.
Cobb, Ind.	Herbert, Ala.	Muldrow, Miss.	Williams, Ala.
Cook, Ga.	Hamilton, Ind.	Patterson, Colo.	Willis, Ky.
Covert, N. Y.	Harrison, Ill.	Potter, N. Y.	Wilson, W. Va.
Cox, N. Y.	Hatcher, Mo.	Rea, Mo.	Wright, Pa.
Cravens, Ark.	Hartzell, Ill.	Reagan, Tex.	Yeates, N. C.
Crittenden, Mo.	Hooker, Miss.	Reilly, Pa.	Young, La.

REPUBLICANS—51.

Aldrich, Ill.	Davis, Cal.	Hiscock, N. Y.	Pound, Wis.
Bailey, N. Y.	Deering, Iowa	Hubbell, Mich.	Robinson, Ind.
Baker, Ind.	Ellsworth, Mich.	Ittner, Mo.	Ryan, Kans.
Baker, N. Y.	Errett, Pa.	Keightley, Mich.	Sapp, Iowa
Bayne, Pa.	Evans, Ind.	Ketcham, N. Y.	Shallenberger, Pa.
Blair, N. H.	Fort, Ill.	Killinger, Pa.	Townsend, N. Y.
Brentano, Ill.	Foster, Ohio.	Majors, Nebr.	Ward, Pa.
Brewer, Mich.	Freeman, Pa.	Metcalfe, Mo.	White, Ind.
Calkins, Ind.	Hale, Maine.	Neal, Ohio	Williams, Oregon
Campbell, Pa.	Hanna, Ind.	O'Neill, Pa.	Willits, Mich.
Cole, Mo.	Harmer, Pa.	Page, Cal.	Wren, Nev.
Cox, Ohio.	Hayes, Ill.	Peddie, N. J.	Van Vorhes, Ohio.
Cummings, Iowa	Hazelton, Wis.	Pollard, Mo.	

NAYS.

DEMOCRATS—16.

Bouck, Wis.	Hardenbergh, N. J.	Morgan, Mo.	Swann, Md.
Bragg, Wis.	Harris, Ga.	Pridemore, Va.	Waddell, N. C.
Candler, Ga.	Hart, N. Y.	Robbins, N. C.	Warner, Conn.
Cutler, N. J.	Phelps, Conn.	Stephens, Ga.	Williams, Del.

REPUBLICANS—56.

Bacon, N. Y.	Conger, Mich.	Joyce, Vt.	Robinson, Mass.
Bagley, N. Y.	Crapo, Mass.	Lathrop, Ill.	Sampson, Iowa
Banks, Mass.	Danford, Ohio	McCook, N. Y.	Sexton, Ind.
Bisbee, Fla.	Denison, Vt.	McGowan, Mich.	Sinnickson, N. J.
Briggs, N. H.	Dunnell, Minn.	Mitchell, Pa.	Smalls, S. C.
Brogden, N. C.	Dwight, N. Y.	Monroe, Ohio	Smith, Pa.
Burchard, Ill.	Eames, R. I.	Norcross, Mass.	Starin, N. Y.
Burdick, Iowa	Harris, Mass.	Overton, Pa.	Stewart, Minn.
Bundy, N. Y.	Hendee, Vt.	Patterson, N. Y.	Strait, Minn.
Cain, S. C.	Henderson, Ill.	Pugh, N. J.	Thompson, Pa.
Cannon, Ill.	Humphrey, Wis.	Rainey, S. C.	Tipton, Ill.
Caswell, Wis.	Hungerford, N. Y.	Randolph, Tenn.	Townsend, N. Y.
Chittenden, N. Y.	James, N. Y.	Reed, Me.	Watson, Pa.
Clark, Iowa	Jones, Ohio	Rice, Mass.	Williams, Wis.

Vote in the Senate, February 15, 1879, on the bill H. R. No. 2423.

YEAS.

DEMOCRATS—22.

Bailey, Tenn.	Eaton, Conn.	Lamar, Miss.	Shields, Mo.
Barnum, Conn.*	Eustis, La.	McDonald, Ind.	Thurman, Ohio
Bayard, Del.	Garland, Ark.	McPherson, N. J.	Voorhees, Ind.
Beck, Ky.	Gordon, Ga.	Maxey, Tex.	Wallace, Pa.
Coke, Tex.	Grover, Oregon	Morgan, Ala.	
Dennis, Md.	Hereford, W. Va.	Ransom, N. C.	

REPUBLICANS—19.

Allison, Iowa	Dorsey, Ark.	Paddock, Neb.	Sharon, Nev.
Blaine, Maine	Jones, Nev.	Patterson, S. C.	Spencer, Ala.
Booth, Cal.	Kirkwood, Iowa	Plumb, Kans.	Teller, Col.
Cameron, Pa.	Mitchell, Oregon	Sargent, Cal.	Windom, Minn.
Chaffee, Col.*	Oglesby, Ill.	Saunders, Nebr.	

NAYS.

DEMOCRATS—8.

Butler, S. C.	Hill, Ga.	Kernan, N. Y.	Randolph, N. J.
Davis, W. Va.	Jones, Fla.	McCreery, Ky.	Withers, Va.

REPUBLICANS—20.

Anthony, R. I.	Conover, Fla.	Hoar, Mass.	Matthews, Ohio
Bruce, Miss.	Dawes, Mass.	Howe, Wis.	Merrimon, N. C.
Burnside, R. I.	Edmunds, Vt.	Ingalls, Kans.	Morrill, Vt.
Cameron, Wis.	Ferry, Mich.	Kellogg, La.	Rollins, N. H.*
Conkling, N. Y.	Hamlin, Maine	McMillan, Minn.	Wadleigh, N. H.*

INDEPENDENT.

Davis, Ill.

Vote in the House, March 1, 1879, to pass House bill No. 2423 over President Hayes's veto.

YEAS.

DEMOCRATS—88.

Atkins, Tenn.	Dibrell, Tenn.	House, Tenn.	Rice, Ohio
Banning, Ohio	Dickey, Ohio	Jones, Ala.	Robertson, La.
Beebe, N. Y.	Durham, Ky.	Jones, N. H.	Ross, N. J.
Bell, Ga.	Eden, Ill.	Kenna, W. Va.	Sayler, Ohio
Blackburn, Ky.	Eickhoff, N. Y.	Kimmell, Md.	Scales, N. C.
Boone, Ky.	Elam, La.	Knott, Ky.	Shelley, Ala.
Budges, Pa.	Evins, S. C.	Ligon, Ala.	Singleton, Miss.
Cabell, Va.	Ewing, Ohio	Luttrell, Cal.	Slemons, Ark.
Caldwell, Ky.	Finley, J. J., Fla.	Maish, Pa.	Southard, Ohio
Carlisle, Ky.	Finley, Ohio	Manning, Miss.	Sparks, Ill.
Chalmers, Miss.	Forney, Ala.	Martin, W. Va.	Steele, N. C.
Clark, Mo.	Garth, Ala.	Mayham, N. Y.	Stenger, Pa.
Clarke, Ky.	Gause, Ark.	McKenzie, Ky.	Townshend, Ill.
Cobb, Ind.	Giddings, Tex.	McMahon, Ohio	Turner, Ky.
Collins, Pa.	Glover, Mo.	Mills, Tex.	Turney, Pa.
Cook, Ga.	Goode, Va.	Money, Miss.	Walker, Va.
Covert, N. Y.	Gunter, Ark.	Muldrow, Miss.	Whitthorne, Tenn.
Cox, N. Y.	Hamilton, Ind.	Muller, N. Y.	Wigginton, Cal.
Cravens, Ark.	Hartzell, Ill.	Patterson, Colo.	Williams, Ala.
Crittenden, Mo.	Henkle, Md.	Rea, Mo.	Willis, Ky.
Culberson, Tex.	Henry, Md.	Reagan, Tex.	Wright, Pa.
Davis, N. C.	Herbert, Ala.	Reilly, Pa.	Yeates, N. C.

REPUBLICANS—22.

Bayne, Pa.	Errett, Pa.	Hayes, Ill.	Neal, Ohio
Brentano, Ill.	Evans, Pa.	Hazelton, Wis.	Page, Cal.
Butler, Mass.	Fort, Ill.	Hubbell, Mich.	Shallenberger, Pa.
Cole, Mo.	Foster, Ohio	Jorgensen, Va.	Williams, Oregon.
Davis, Cal.	Hale, Me.	Majors, Nebr.	
Deering, Iowa	Harmer, Pa.	Marsh, Ill.	

NAYS.

DEMOCRATS—15.

Bliss, N. Y.	Harris, Ga.	Morse, Mass.	Warner, Conn.
Candler, Ga.	Harris, Va.	Phelps, Conn.	Williams, Del.
Cutler, N. J.	Hewitt, N. Y.	Pridemore, Va.	Willis, N. Y.
Hardenbergh, N. J.	Landers, Conn.	Waddell, N. C.	

REPUBLICANS—81.

Aldrich, Ill.	Danford, Ohio	Lapham, N. Y.	Sinnickson, N. J.
Bacon, N. Y.	Denison, Vt.	Lathrop, Ill.	Smalls, S. C.
Bagley, N. Y.	Dunnell, Minn.	Lindsey, Me.	Smith, Pa.
Baker, N. Y.	Dwight, N. Y.	McCook, N. Y.	Starin, N. Y.
Ballou, R. I.	Eames, R. I.	Mitchell, Pa.	Stewart, Minn.
Banks, Mass.	Evans, Ind.	Monroe, Ohio	Stone, Iowa
Blair, N. H.	Frye, Me.	Norcross, Mass.	Stone, Mich.
Boyd, Ill.	Gardner Ohio	Oliver, Iowa	Strait, Minn.
Brewer, Mich.	Garfield, Ohio	Overton, Pa.	Thompson, Pa.
Briggs, N. H.	Harris, Mass.	Patterson, N. Y.	Townsend, N. Y.
Browne, Ind.	Henderson, Ill.	Peddie, N. J.	Townsend, Ohio
Bundy, N. Y.	Humphrey, Wis.	Phillips, Kans.	Wait, Conn.
Burchard, Ill.	Hungerford, N. Y.	Price, Iowa	Ward, Pa.
Burdick, Iowa	Hunter, Ind.	Pugh, N. J.	Watson, Pa.
Camp, N. Y.	Ittner, Mo.	Rainey, S. C.	White, Ind.
Cannon, Ill.	James, N. Y.	Randolph, Tenn.	White, Pa.
Caswell, Wis.	Jones, Ohio	Rice, Mass.	Williams, N. Y.
Clark, Iowa	Keifer, Ohio	Robinson, Mass.	Williams, Wis.
Conger, Mich.	Kelley, Pa.	Robinson, Ind.	
Crapo, Mass.	Ketcham, N. Y.	Sampson, Iowa	
Cummings, Iowa	Killinger, Pa.	Sexton, Ind.	

Vote in the Senate, March 9, 1882, on the bill (S. No. 71) to restrict Chinese immigration for twenty years.

YEAS.

DEMOCRATS—30.

Bayard, Del.	Garland, Ark.	Jonas, La.	Slater, Oregon
Beck, Ky.	George, Miss.	Jones, Fla.*	Vance, N. C.
Call, Fla.	Gorman Md.	Maxey, Tex.*	Vest, Mo.
Camden, W. Va.*	Grover, Oregon*	McPherson, N. J.*	Voorhees, Ind.
Cockrell, Mo.	Hampton, S. C.*	Morgan, Ala.	Walker, Ark.
Coke, Tex.	Harris, Tenn.	Pendleton, Ohio*	Williams, Ky.*
Fair, Nev.	Jackson, Tenn.	Pugh, Ala.	
Farley, Cal.	Johnston, Va.*	Ransom, N. C.	

*Paired.

REPUBLICANS—8.

Cameron, Wis.	Hill, Colo.	Miller, Cal.	Sawyer, Wis.
Hale, Me.	Jones, Nev.	Miller, N. Y.	Teller, Colo.

NAYS.

DEMOCRATS—1.

Brown, Ga.

REPUBLICANS—22.

Aldrich, R. I.	Edmunds, Vt.	Lapham, N. Y.	Rollins, N. H.*
Allison, Iowa	Frye, Me.	McDill, Iowa	Sewell, N. J.*
Anthony, R. I.*	Harrison, Ind.*	McMillan, Minn.	Sherman, Ohio*
Blair, N. H.	Hawley, Conn.*	Mitchell, Pa.*	Van Wyck, Nebr.*
Conger, Mich.	Hoar, Mass.	Morrill, Vt.	
Dawes, Mass.	Ingalls, Kans.	Platt, Conn.*	

INDEPENDENT—1.

Davis, Ill.

Vote in the House, March 23, 1882, on the bill (S. No. 71) to restrict Chinese immigration.

YEAS.

DEMOCRATS—28.

Aiken, S. C.	Curtin, Pa.	House, Tenn.	Simonton, Tenn.
Armfield, N. C.	Davidson, Fla.	Hutchins, N. Y.	Singleton, Miss.
Atkins, Tenn.	Davis, Mo.	Jones, Ark.	Sparks, Ill.
Belmont, N. Y.	Deuster, Wis.	Kenna, W. Va.	Speer, Ga.
Berry, Cal.	Dibble, S. C.	King, La.	Springer, Ill.
Blackburn, Ky.	Dibrell, Tenn.	Klotz, Pa.	Stockslager, Ind.
Blanchard, La.	Dowd, N. C.	Knott, Ky.	Talbot, Md.
Bliss, N. Y.	Dugro, N. Y.	Leedom, Ohio.	Thompson, Ky.
Blount, Ga.	Ermentrout, Pa.	Martin, Del.	Tillman, S. C.
Buckner, Mo.	Finley, Fla.	Matson, Ind.	Townshend, Ill.
Cabell, Va.	Flower, N. Y.	McKenzie, Ky.	Tucker, Va.
Caldwell, Ky.	Forney, Ala.	McLane, Md.	Turner, Ga.
Cassidy, Nev.	Garrison, Va.	McMillin, Tenn.	Turner, Ky.
Chalmers, Miss.	Geddes, Ohio	Mills, Tex.	Upson, Tex.
Chapman, Md.	Gibson, La.	Money, Miss.	Vance, N. C.
Clark, Mo.	Gunter, Ark.	Moulton, Ill.	Warner, Tenn.
Clements, Ga.	Hammond, Ga.	Mutchler, Pa.	Wellborn, Tex.
Cobb, Ind.	Hardy, N. Y.	Phelps, Conn.	Whitthorne, Tenn.
Converse, Ohio	Harris, N. J.	Phister, Ky.	Williams, Ala.
Cook, Ga.	Hatch, Mo.	Randall, Pa.	Willis, Ky.
Covington, Md.	Herndon, Ala.	Reagan, Tex.	Wilson, W. Va.
Cox, N. C.	Hewitt, N. Y.	Richardson, S. C.	Wise, Pa.
Cox, N. Y.	Hoblitzell, Md.	Robertson, La.	Wise, Va.
Cravens, Ark.	Hoge, W. Va.	Robinson, N. Y.	
Culberson, Tex.	Holman, Ind.	Rosecrans, Cal.	

GREENBACKERS—8.

Brumm, Pa.	Ford, Mo.	Jones, Tex.	Murch, Me.
Burrows, Mo.	Haseltine, Mo.	Ladd, Me.	Rice, Mo.

REPUBLICANS—61.

Aldrich, Ill.	Farwell, Ill.	McClure, Ohio	Smith, N. Y.
Bayne, Pa.	Fulkerson, Va.	McCook, N. Y.	Smith, Pa.
Belford, Colo.	George, Oregon	McKinley, Ohio	Spaulding, Mich.
Bingham, Pa.	Guenther, Wis.	Miller, Pa.	Strait, Minn.
Brewer, Mich.	Harmer, Pa.	Morey, Ohio	Thomas, Ill.
Butterworth, Ohio	Hazelton, Wis.	O'Neill, Pa.	Townsend, Ohio
Calkins, Ind.	Heilman, Ind.	Pacheco, Cal.	Updegraff, Ohio
Campbell, Pa.	Hill, N. J.	Page, Cal.	Valentine, Nebr.
Cannon, Ill.	Hiscock, N. Y.	Paul, Va.	Van Horn, Mo.
Caswell, Wis.	Horr, Mich.	Payson, Ill.	Washburn, Minn.
Cornell, N. Y.	Houk, Tenn.	Peele, Ind.	Webber, Mich.
Darrall, La.	Hubbell, Mich.	Pound, Wis.	Willits, Mich.
Davis, Ill.	Hubbs, N. C.	Scranton, Pa.	Wood, N. Y.
De Motte, Ind.	Jorgensen, Va.	Shallenberger, Pa.	
Dezendorf, Va.	Lewis, Ill.	Sherwin, Ill.	
Errett, Pa.	Marsh, Ill.	Smith, Ill.	

NAYS.

DEMOCRATS—4.

Bragg, Wis.	Hardenbergh, N. J.	Hooker, Miss.	Morse, Mass.

REPUBLICANS—62.

Anderson, Kans.	Farwell, Iowa	McCoid, Iowa	Spooner, R. I.
Barr, Pa.	Grout, Vt.	Norcross, Mass.	Stone, Mass.
Briggs, N. H.	Hall, N. H.	Orth, Ind.	Taylor, Ohio
Browne, Ind.	Hammond, N. Y.	Parker, N. Y.	Thompson, Iowa
Buck, Conn.	Harris, Mass.	Ranney, Mass.	Tyler, Vt.
Camp, N. Y.	Haskell, Kans.	Reed, Maine	Updegraff, Iowa
Candler, Mass.	Hawk, Ill.	Rice, Ohio	Urner, Md.
Carpenter, Iowa	Henderson, Ill.	Rice, Mass.	Wadsworth, N. Y.
Chace, R. I.	Hepburn, Iowa	Rich, Mich	Walt, Conn.
Crapo, Mass.	Humphrey, Wis.	Richardson, N. Y.	Walker, Pa.
Cullen, Ill.	Jones, N. J.	Ritchie, Ohio	Ward, Pa.
Dawes, Mass.	Jacobs, N. Y.	Robinson, Mass.	Watson, Pa.
Deering, Iowa	Joyce, Vt.	Russell, Mass.	White, Ky.
Dingley, Maine	Kasson, Iowa	Ryan, Kans.	Williams, Wis.
Dunnell, Minn.	Ketcham, N. Y.	Schultz, Ohio	
Dwight, N. Y.	Lord, Mich.	Skinner, N. Y.	

Vote in Senate, April 5, 1882, to pass Senate bill No. 71 over President Arthur's veto.

YEAS.

DEMOCRATS—31.

Bayard, Del.	Garland, Ark.*	Jones, Fla.*	Saulsbury, Del.*
Beck, Ky.	Gorman, Md.	Lamar, Miss.	Slater, Oregon
Call, Fla.	Grover, Oregon	McPherson, N. J.	Vance, N. C.*
Cockrell, Mo.	Hampton, S. C.	Maxey, Tex.	Vest, Mo.
Coke, Tex.	Harris, Tenn.	Morgan, Ala.	Voorhees, Ind.
Davis, W. Va.	Jackson, Tenn.*	Pendleton, Ohio	Walker, Ark.
Fair, Nev.	Johnston, Va.	Pugh, Ala.	Williams, Ky.*
Farley, Cal.	Jonas, La.*	Ransom, N. C.*	

REPUBLICANS—6.

Cameron, Wis.	Jones, Nev.	Miller, N. Y.	Teller, Colo.
Hill, Colo.	Miller, Cal.		

NAYS.

DEMOCRATS—none.

*Paired.

REPUBLICANS—28.

Aldrich, R. I.	Ferry, Mich.*	Logan, Ill.*	Plumb, Kans.
Allison, Iowa*	Frye, Me.	Mahone, Va.*	Rollins, N. H.
Anthony, R. I.	Harrison, Ind.	McDill, Iowa*	Saunders, Nebr.*
Blair, N. H.	Hawley, Conn.	McMillan, Minn.	Sawyer, Wis.
Conger, Mich.	Hoar, Mass.	Mitchell, Pa.	Sewell, N. J.
Dawes, Mass.	Ingalls, Kans.	Morrill, Vt.	Sherman, Ohio
Edmunds, Vt.*	Kellogg, La.	Platt, Conn.	Windom, Minn.

INDEPENDENT.

Davis, Ill.

Vote in the House, April 17, 1882, on the bill (H. R. No. 5804) to restrict Chinese immigration for ten years.

YEAS.

DEMOCRATS—103.

Aiken, S. C.	Cravens, Ark.	Hodge, W. Va.	Robinson, N. Y.
Armfield, N. C.	Culberson, Tex.	Holman, Ind.	Rosecrans, Cal.
Atkins, Tenn.	Curtin, Pa.	House, Tenn.	Ross, N. J.
Beach, N. Y.	Davidson, Fla.	Hutchins, N. Y.	Shackelford, Ala.
Berry, Cal.	Davis, Mo.	Jones, Ark.	Shelly, Ala.
Blackburn, Ky.	Deuster, Wis.	Kenna, W. Va.	Simonton, Tenn.
Blanchard, La.	Dibble, S. C.	Klotz, Pa.	Singleton, Miss.
Bland, Mo.	Dibrell, Tenn.	Knott, Ky.	Sparks, Ill.
Blount, Ga.	Dowd, N. C.	Latham, N. C.	Speer, Ga.
Buchanan, Ga.	Ermentrout, Pa.	Leedom, Ohio	Springer, Ill.
Buckner, Mo.	Evins, S. C.	Le Fevre, Ohio	Talbott, Md.
Cabell, Va.	Finley, Fla.	Manning, Miss.	Tillman, S. C.
Caldwell, Ky.	Flower, N. Y.	Matson, Ind.	Townshend, Ill.
Carlisle, Ky.	Forney, Ala.	McKenzie, Ky.	Turner, Ga.
Cassidy, Nev.	Geddes, Ohio	McLane, Md.	Turner, Ky.
Chalmers, Miss.	Gibson, La.	Money, Miss.	Upson, Tex.
Chapman, Md.	Gunter, Ark.	Morrison, Ill.	Vance, N. C.
Clardy, Mo.	Hammond, Ga.	Mosgrove, Pa.	Warner, Tenn.
Clark, Mo.	Hardy, N. Y.	Moulton, Ill.	Wellborn, Tex.
Clements, Ga.	Harris, N. J.	Muldrow, Miss.	Wheeler, Ala.
Cobb, Ind.	Hatch, Mo.	Nolan, N. Y.	Whitthorne, Tenn.
Colerick, Ind.	Herbert, Ala.	Oates, Ala.	Williams, Ala.
Converse, Ohio	Herndon, Ala.	Phelps, Conn.	Willis, Ky.
Cook, Ga.	Hewitt, Ala.	Randall, Pa.	Wise, Pa.
Covington, Md.	Hewitt, N. Y.	Reagan, Tex.	Wise, Va.
Cox, N. Y.	Hoblitzell, Md.	Robertson, La.	

GREENBACKERS—7.

Burrows, Mo.	Haseltine, Mo.	Ladd, Me.	Rice, Mo.
Ford, Mo.	Jones, Tex.	Murch, Me.	

REPUBLICANS—91.

Aldrich, Ill.	George, Oregon	Mason, N. Y.	Ryan, Kans.
Anderson, Kans.	Guenther, Wis.	McClure, Ohio	Scranton, Pa.
Bayne, Pa.	Harmer, Pa.	McCook, N. Y.	Shallenberger, Pa.
Belford, Colo.	Haskell, Kans.	McKinley, Ohio	Sherwin, Ill.
Bingham, Pa.	Hawk, Ill.	Miles, Conn.	Smith, Ill.
Burrows, Mich.	Hazleton, Wis.	Miller, Pa.	Smith, N. Y.
Butterworth, Ohio	Heilman, Ind.	Morey, Ohio	Smith, Pa.
Calkins, Ind.	Hill, N. J.	Neal, Ohio	Spaulding, Mich.
Camp, N. Y.	Hiscock, N. Y.	O'Neill, Pa.	Spooner, R. I.
Campbell, Pa.	Horr, Mich.	Pacheco, Cal.	Steele, Ind.
Cannon, Ill.	Houk, Tenn.	Page, Cal.	Strait, Minn.
Caswell, Wis.	Hubbs, N. C.	Paul, Va.	Townsend, Ohio
Chase, R. I.	Jacobs, N. Y.	Payson, Ill.	Tyler, Vt.
Cullen, Ill.	Jadwin, Pa.	Peele, Ind.	Updegraff, Ohio
Darrall, La.	Jones, N. J.	Peirce, Ind.	Urner, Md.
Davis, Ill.	Jorgensen, Va.	Pound, Wis.	Valentine, Nebr.
De Motte, Ind.	Kasson, Iowa	Prescott, N. Y.	Van Horn, Mo.
Dezendorf, Va.	Kelley, Pa.	Reed, Me.	Wait, Conn.
Dunnell, Minn.	Ketcham, N. Y.	Rich, Mich.	Webber, Mich.
Errett, Pa.	Lacy, Mich.	Robeson, N. J.	West, N. Y.
Farwell, Ill.	Lewis, Ill.	Robinson, Mass.	White, Ky.
Fisher, Pa.	Lord, Mich.	Robinson, Ohio	Willits, Mich.
Fulkerson, Va.	Marsh, Ill.	Russell, Mass.	

NAYS.

DEMOCRATS—3.

Bragg, Wis.	Hardenbergh, N. J.	Morse, Mass.	

REPUBLICANS—34.

Bowman, Mass.	Farwell, Iowa	Orth, Ind.	Stone, Mass.
Briggs, N. H.	Grout, Vt.	Parker, N. Y.	Thompson, Iowa
Buck, Conn.	Hall, N. H.	Ranney, Mass.	Van Aernam, N. Y.
Carpenter, Iowa	Hammond, N. Y.	Ray, N. H.	Van Voorhis, N. Y.
Crapo, Mass.	Humphrey, Wis.	Rice, Mass.	Wadsworth, N. Y.
Dawes, Mass.	Joyce, Vt.	Rice, Ohio	Ward, Pa.
Deering, Iowa	McCoid, Iowa	Ritchie, Ohio	Williams, Wis.
Dingley, Me.	Moore, Tenn.	Shultz, Ohio	
Dwight, N. Y.	Norcross, Mass.	Skinner, N. Y.	

The following sections were in the above bill (H. R. No. 5804) when sent to a Republican Senate by a Democratic House of Representatives:

"SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

"SEC. 15. That the words 'Chinese laborers,' wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

The Senate Committee on Foreign Relations recommended that the above sections be stricken from the bill.

On April 25, 1882, when section 14 of the bill was reached, Senator Farley, of California, said:

"I hope that amendment [to strike out] will not be adopted. For many reasons I do not wish to take up the time of the Senate just now in the discussion of this amendment. At the time that it was put into the first bill I know that some distinguished Senators took the ground that there was no necessity for this provision because the statute already provided for it. But, notwithstanding that statute, the courts have been naturalizing Chinamen; and I shall insist on the rejection of the amendment at this time."

The vote on the amendment to strike out section 14 was then taken, as follows:

YEAS.

DEMOCRATS—1.

Brown, Ga.*

* Paired.

REPUBLICANS—28.

Aldrich, R. I.	Frye, Me.	Lapham, N. Y.	Rollins, N. H.
Allison, Iowa	Hale, Me.	McDill, Iowa.	Saunders, Nebr.
Anthony, R. I.	Harrison, Ind.	McMillan, Minn.	Sawyer, Wis.
Blair, N. H.	Hawley, Conn.	Miller, N. Y.	Sewell, N. J.*
Conger, Mich.	Hoar, Mass.	Morrill, Vt.	Sherman, Ohio.*
Dawes, Mass.	Ingalls, Kans.	Platt, Conn.	Van Wyck, Nebr.
Edmunds, Vt.*	Kellogg, La.	Plumb, Kans.	Windom, Minn.

INDEPENDENT—1.

Davis, Ill.

NAYS.

DEMOCRATS—31.

Bayard, Del.	Farley, Cal.	Jackson, Tenn.	Pugh, Ala.
Beck, Ky.	Garland, Ark.*	Johnston, Va.	Slater, Oregon
Butler, S. C.	George, Miss.	Jonas, La.	Vance, N. C.*
Call, Fla.	Gorman, Md.	Jones, Fla.	Vest, Mo.
Cockrell, Mo.*	Groome, Md.	McPherson, N. J.	Voorhees, Ind.
Coke, Tex.	Grover, Oregon	Maxey, Tex.	Walker, Ark.
Davis, W. Va.	Hampton, S. C.	Morgan, Ala.	Williams, Ky.
Fair, Nev.	Harris, Tenn.*	Pendleton, Ohio	

REPUBLICANS—5.

Cameron, Wis.	Hill, Colo.	Jones, Nev.	Miller, Cal.
Chilcott, Colo.			

So the amendment to strike out section 14 was rejected.

The next amendment reported by the Senate Committee on Foreign Relations was to strike out section 15.

On this amendment Senator Grover, of Oregon, said:

"I hope this amendment will not be agreed to. The Chinese embassy declare that they do not desire that artisans shall be excluded. This is proposed to exclude the artisans. If they are not excluded by the terms of this bill it will be found that nearly every Chinaman desiring to come to the United States will claim to be an artisan, and they will all be admitted; and thus the purposes of the late treaty will be avoided and the purposes of the bill will be avoided, unless this amendment is disagreed to."

The vote on the amendment to strike out section 15 was then taken, as follows:

YEAS.

DEMOCRATS—1.

Brown, Ga.*

REPUBLICANS—31.

Aldrich, R. I.	Frye, Me.	Lapham, N. Y.	Rollins, N. H.
Allison, Iowa	Hale, Me.	Logan, Ill.*	Saunders, Nebr.
Anthony, R. I.	Harrison, Ind.	McDill, Iowa	Sawyer, Wis.
Blair, N. H.	Hawley, Conn.	McMillan, Minn.	Sewell, N. J.*
Cameron, Pa.	Hill, Colo.	Miller, N. Y.	Sherman, Ohio*
Chilcott, Colo.	Hoar, Mass.	Morrill, Vt.	Van Wyck, Nebr.
Conger, Mich.	Ingalls, Kans.	Platt, Conn.	Windom, Minn.
Dawes, Mass.	Kellogg, La.	Plumb, Kans.	

INDEPENDENT—1.

Davis, Ill.

NAYS.

DEMOCRATS—29.

Bayard, Del.	Farley, Cal.	Jonas, La.	Vance, N. C.*
Beck, Ky.	George, Miss.	McPherson, N. J.	Vest, Mo.
Butler, S. C.	Gorman, Md.	Maxey, Tex.	Voorhees, Ind.
Call, Fla.	Grover, Oregon	Morgan, Ala.	Walker, Ark.
Cockrell, Mo.*	Hampton, S. C.	Pendleton, Ohio	Williams, Ky.
Coke, Tex.	Harris, Tenn.*	Pugh, Ala.	
Davis, W. Va.	Jackson, Tenn.	Ransom, N. C.*	
Fair, Nev.	Johnston, Va.	Slater, Oregon	

REPUBLICANS—3.

Cameron, Wis.	Jones, Nev.	Miller, Cal.

So the amendment was agreed to; and section 15 was stricken from the bill.

This action was taken while the Senate was in Committee of the Whole.

Senator MORGAN, of Alabama, then said:

"I give notice that I will reserve a vote on the question concerning skilled and unskilled laborers when the bill comes up in the Senate."

* * * * * * *

The PRESIDING OFFICER. Will the Senate concur in the last amendment, which has been reserved, striking out the fifteenth section of the bill?

* * * * * * *

After a number of speeches by Democratic Senators against striking out section 15, and by a number of Republican Senators in favor of striking it out, the vote in the Senate, on April 28, 1882, resulted as follows:

YEAS.

DEMOCRATS—1.

Brown, Ga.*

REPUBLICANS—31.

Aldrich, R. I.*	Frye, Me.	Logan, Ill.*	Rollins, N. H.*
Allison, Iowa	Harrison, Ind.	McDill, Iowa*	Saunders, Nebr.
Anthony, R. I.*	Hawley, Conn.	McMillan, Minn.	Sawyer, Wis.*
Blair, N. H.	Hill, Colo.	Miller, N. Y.	Sewell, N. J.*
Conger, Mich.	Hoar, Mass.	Morrill, Vt.	Sherman, Ohio
Dawes, Mass.	Ingalls, Kans.	Mitchell, Pa.*	Van Wyck, Nebr.
Edmunds, Vt.	Kellogg, La.*	Platt, Conn.	Windom, Minn.*
Ferry, Mich.*	Lapham, N. Y.	Plumb, Kans.*	

INDEPENDENT—1.

Davis, Ill.

NAYS.

DEMOCRATS—34.

Bayard, Del.*	Farley, Cal.	Jonas, La.	Saulsbury, Del.*
Beck, Ky.	Garland, Ark.	Jones, Fla.*	Slater, Oregon
Butler, S. C.	George, Miss.	Lamar, Miss.*	Vance, N. C.
Call, Fla.	Gorman, Md.*	Maxey, Tex.	Vest, Mo.*
Camden, W. Va.*	Grover, Oregon	McPherson, N. J.*	Voorhees, Ind.*
Cockrell, Mo.*	Hampton, S. C.	Morgan, Ala.	Walker, Ark.
Coke, Tex.	Harris, Tenn.	Pendleton, Ohio	Williams, Ky.
Davis, W. Va.*	Jackson, Tenn.*	Pugh, Ala.	
Fair, Nev.	Johnston, Va.	Ransom, N. C.*	

REPUBLICANS—4.

Cameron, Wis.	Chilcott, Colo.	Jones, Nev.	Miller, Cal.

So the amendment to strike out section 15 was rejected.

* Paired.

Vote in the Senate, April 28, 1882, on the bill (H. R. No. 5804) to restrict Chinese immigration for ten years.

YEAS.

DEMOCRATS—32.

Bayard, Del.*	Farley, Cal.	Johnston, Va.	Pugh, Ala.
Beck, Ky.	Garland, Ark.	Jonas, La.	Ransom, N. C.*
Butler, S. C.	George, Miss.	Jones, Fla.*	Saulsbury, Del.*
Call, Fla.	Gorman, Md.*	Lamar, Miss.*	Slater, Oregon
Cockrell, Mo.*	Grover, Oregon	Maxey, Tex.	Vance, N. C.
Coke, Tex.	Hampton, S. C.	McPherson, N. J.*	Vest, Mo.
Davis, W. Va.*	Harris, Tenn.	Morgan, Ala.	Walker, Ark.
Fair, Nev.	Jackson, Tenn.*	Pendleton, Ohio	Williams, Ky.

REPUBLICANS—9.

Cameron, Wis.	Hill, Colo.	Miller, Cal.	Saunders, Nebr.
Chilcott, Colo.	Jones, Nev.	Miller, N. Y.	Van Wyck, Nebr.
Hale, Me.			

INDEPENDENT.

Davis, Ill.

NAYS.

DEMOCRATS—1.

Brown, Ga.*

REPUBLICANS—24.

Aldrich, R. I.*	Edmunds, Vt.	Ingalls, Kans.	Morrill, Vt.
Allison, Iowa	Ferry, Mich.*	Kellogg, La.*	Platt, Conn.
Anthony, R. I.*	Frye, Me.	Lapham, N. Y.	Rollins, N. H.*
Blair, N. H.	Harrison, Ind.	Logan, Ill.*	Sewell, N. J.*
Conger, Mich.	Hawley, Conn.	McDill, Iowa.*	Sherman, Ohio
Dawes, Mass.	Hoar, Mass.	McMillan, Minn.	Windom, Minn.*

* Paired.

RECAPITULATION.

Final votes in Senate and House on bills to restrict Chinese immigration.

Date.	Democrats.		Republicans.	
	Yeas.	Nays.	Yeas.	Nays.
Senate.				
February 15, 1879	22	8	19	20
March 9, 1882	30	1	8	22
April 5, 1882†	31	0	6	28
April 28, 1882	32	1	9	24
Total	115	10	42	94
House of Representatives.				
January 28, 1879	104	16	51	56
March 1, 1879‡	88	15	22	81
March 23, 1882	98	4	61	62
April 17, 1882	103	3	91	34
	393	38	225	233
Total votes in Senate and House	508	48	267	327

† Vote to pass Senate bill No. 71 over President Arthur's veto.
‡ Vote to pass House bill No. 2423 over President Hayes's veto.

Mr. HITT obtained the floor.

Mr. DINGLEY. I ask the gentleman to yield to me for a moment to ask the gentleman from Indiana [Mr. BYNUM] a question.

Mr. HITT. Certainly.

Mr. DINGLEY. While the gentleman from Indiana [Mr. BYNUM] was speaking I attempted to ask him a question, but he declined to yield to me for that purpose, not having time then to answer it. I wish now to repeat that question.

I noticed the gentleman from Indiana, in describing the want of forwardness on the part of the Republican party in taking action against Chinese immigration, stopped at 1879. I now wish to ask the gentleman whether from 1879 to 1881, when the Democratic party had control of the Senate and House, this much-desired legislation was carried out?

Mr. BYNUM. I have not investigated the records [laughter and applause on the Republican side], but I wish to say to the gentleman from Maine——

Mr. DINGLEY. I observe——

Mr. BYNUM. Just wait; let me answer you, as you have asked me the question and yielded me the floor for that purpose. The question was not brought up by any of the Representatives of the Pacific Slope during that time nor any other member, for the reason, I presume, that President Hayes was hostile to the legislation.

Mr. DINGLEY. It was. The gentleman from California, Mr. Page, introduced a bill into this House, but that bill was not enacted into law by the House and Senate at that time, although the Democrats had control of both Houses. No Democrat asked for its consideration. [Laughter and applause on the Republican side.]

Mr. BYNUM. It was because the vetoes of the Republican President had cut off all such legislation. [Applause on the Democratic side.]

Mr. DINGLEY. No, the bill was vetoed in 1882. I am speaking of the years 1879 to 1881, when the Democrats had control of the two

Houses, in both the Senate and House, and when no Democrat undertook to legislate on the subject.

Mr. BYNUM. President Hayes vetoed the first bill in March, 1879; he continued to occupy the executive chair till March 4, 1881. The Congress next after Garfield's inauguration did not assemble till December, 1881, and the bill suspending immigration for twenty years was passed in March, 1882. If the gentleman will look at the votes in the two Houses on those bills he will find that the majority of the Republicans voted against the passage of those bills, while the majority of the Democrats voted in favor of them. I wish to call the gentleman's attention to that fact. [Applause on the Democratic side.]

Mr. WEBER. I should like to ask a question if the gentleman from Illinois will permit me. It is in connection with the statement which is made by the gentleman from Maine.

Mr. HITT. Certainly.

Mr. WEBER. I understood the gentleman from Maine to say that during the years 1879 and 1881 both Houses of Congress were in the hands of the Democratic party.

Mr. DINGLEY. Yes, both Houses; the Senate by a majority of 8 or 9, and the House by a large majority.

Mr. WEBER. I do not know whether that is so or not, but I wish to ask whether the gentleman from Indiana [Mr. BYNUM] did not get his information from the Speaker of this House, who in the October number of the Forum made the statement that not since the close of the war did the Democratic party have control of both Houses of Congress at the same time.

And if the gentleman is right, it will be in order to have that correction made, so that the country may be undeceived.

Mr. DINGLEY. In the Forty-sixth Congress the Democrats had the control both of the Senate and the House.

Mr. BYNUM. The majority in the Senate in favor of the Democrats was obtained by the vote of Senator Davis. That is my recollection. Our majority was never as great as stated by the gentleman from Maine. No action was taken, I presume, because of the opposition of President Hayes. Even the members from the Pacific Slope seemed not to have urged legislation during this period.

Mr. DINGLEY. The gentleman is mistaken.

Mr. BYNUM. It was a very slight majority. Judge Davis was elected as President of the Senate and voted with the Democrats upon most questions, but upon the Chinese question he voted mostly with the Republicans.

Mr. DINGLEY. Senator Davis held the balance of power in the Senate in the Forty-seventh Congress, but in the Forty-sixth Congress, from 1879 to 1881, the Democrats had a majority of 7 in the Senate, and yet there was no attempt to carry out this legislation.

Mr. CANNON. I want to ask the gentleman a question in that line. The treaty negotiated while Mr. Evarts was Secretary of State was concluded on the 17th of November, 1880, when this same Democratic Congress was in existence, and remained in existence until the 4th of March, 1881. Now, then, as stated by the gentleman from California [Mr. MORROW], there was no legislation to enforce the provisions of the treaty until 1882, and the Chinese came and went practically at will, while within thirty days after that treaty was concluded a Democratic Congress met and remained in session until the subsequent 4th of March and never even attempted to originate any legislation upon that subject. I ask the gentleman, why did he not refer to that omission?

Mr. HITT. I yield to the gentleman from California [Mr. FELTON]; but if the gentleman from Indiana [Mr. BYNUM] desires to respond, I will yield to him.

Mr. BYNUM. I do not think there is anything to respond to. I am not here to respond to what was not done. I am charging what was done by the Republican party, and the mere fact that no action was taken during a certain period is no answer to the charge of the continued opposition of the Republican party to this legislation.

Mr. KERR. To charge upon the Republican party what it did not do.

[Mr. FELTON withholds his remarks for revision. See APPENDIX.]

Mr. HITT. I yield ten minutes to the gentleman from Indiana [Mr. OWEN].

[Mr. OWEN withholds his remarks for revision. See APPENDIX.]

Mr. CANNON. I ask the gentleman from Illinois [Mr. HITT] to yield to me.

Mr. HITT. I will yield to the gentleman.

Mr. CANNON. If the gentleman will yield to me I will move that the House do now adjourn.

Mr. MCCREARY rose.

Mr. CANNON. I do not want to take the motion out of the mouth of the gentleman from Kentucky who has the bill in charge.

Mr. MCCREARY. Do I understand that the gentleman yields me the floor?

Mr. CANNON. I yield the floor for you to make that motion.

Mr. MCCREARY. I supposed that we might make some arrangement this evening about closing the debate. This bill was brought in here from the Senate. It was stated that it was very important that there should be immediate action upon it, and an effort was made to have a vote upon it without referring it to the Committee on Foreign Affairs. The Committee on Foreign Affairs reported the bill with an amendment, and I desire that the bill shall be voted upon. It is important that it should be disposed of at an early day, and we should vote upon this so that the bill and amendment could go back to the Senate. Now I suggest to gentlemen on the other side that we agree to a time when we shall take a vote upon the measure.

Mr. HITT. There are gentlemen not now present, but who have left the House, and who desire to speak upon this bill, and I would not want to cut them off.

Mr. MCCREARY. I would propose that debate be limited to two hours—one hour on each side.

Mr. MORROW. That is not fair.

Mr. HOPKINS, of Illinois. I desire to say a word in answer to the gentleman who has charge of this bill.

Mr. MCCREARY. I did not yield the floor; but I will yield in order that the gentleman may make a statement.

Mr. HOPKINS, of Illinois. I think the time should not be fixed limiting debate on this measure at the present time. At 3 o'clock to-day we were prepared to vote upon this question and get rid of this bill, but for political purposes the gentleman permitted gentlemen on his side of the House who were not members of the Committee on Foreign Affairs to make political speeches.

Now, it seems that until gentlemen on our side shall have time to look around and see who shall speak, the debate should not be closed. [Laughter on the Democratic side.]

Mr. MCCREARY. Does the gentleman concede that they are in trouble over there? [Renewed laughter on the Democratic side.]

Mr. DOUGHERTY. I believe I can make a suggestion ——

Mr. HENDERSON, of Iowa. I demand the regular order.

Mr. MCCREARY. I then give notice that after debate has proceeded for two hours longer on this bill I shall move the previous question.

Mr. DOUGHERTY. The gentleman from Kentucky has yielded the floor for me to make a suggestion.

The SPEAKER *pro tempore*. The Chair will state the time that has been consumed in the debate and what is remaining. The gentleman from California [Mr. MORROW] has five minutes of his hour remaining. The gentleman from Illinois [Mr. HITT], from the Committee on Foreign Affairs, has fifteen minutes of his hour remaining; and as between one side and the other, the Republican side has exhausted one hundred minutes and the Democratic side one hundred and fifty minutes.

Mr. MCCREARY. I desire to raise this point of order here: I was in charge of this bill and I was entitled to the floor. The gentleman from Illinois [Mr. HITT] yielded to the gentleman from Illinois [Mr. CANNON] for debate, and he then moved the adjournment of the House. I hold, sir, that under the rules of the House I am entitled to the floor.

The SPEAKER *pro tempore*. The gentleman from Illinois was entitled to the floor and yielded it.

Mr. MCCREARY. But did he have the right to make the motion to adjourn?

Mr. CANNON. The gentleman from Illinois [Mr. HITT] yielded the floor to me, and I yielded it to the gentleman from Kentucky [Mr. MCCREARY] for him to make that motion.

Mr. DOUGHERTY. Will the gentleman yield to me——

Mr. MCCREARY. I take the floor in my own right and move to adjourn.

Mr. CANNON. I only rose for the purpose of making the motion to adjourn, and I make that motion now.

The SPEAKER *pro tempore*. Pending that motion the Chair will lay before the House the following personal request:

The Clerk read as follows:

Mr. CANDLER asks leave of absence on urgent business.

There was no objection, and leave was granted as requested.

Mr. DOUGHERTY. I ask unanimous consent to make a suggestion. My suggestion is that there seems to be no difficulty about the passage of this bill. Both sides of this House seem to have agreed that the bill is a good one and ought to pass, but both of them seem to be anxious to appear as the most earnest friend of the workingman. They are both in favor of passing this bill, and why not take it up and pass it now?

Several MEMBERS. Regular order.

The question was taken on the motion to adjourn; and there were—ayes 50, noes 57.

Mr. BAYNE. I demand tellers.

Tellers were ordered.

Mr. BLAND (pending the report of the tellers). I move that when the House adjourns to-day, it adjourn to meet on Tuesday next.

Mr. HENDERSON, of Iowa. That is a motion that I would like to occupy one or two minutes upon. [Laughter.]

Before the completion of the count by tellers, the hour of 5 o'clock having arrived, the House under its previous order adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FITCH: A bill (H. R. 11204) for the relief of John Ziegeler—to the Committee on Invalid Pensions.

By Mr. SOWDEN: A bill (H. R. 11205) granting a pension to Solomon R. Ruch—to the Committee on Invalid Pensions.

By Mr. A. C. THOMPSON: A bill (H. R. 11206) for the relief of Madison Wall—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BACON: Petition of William E. Tuttle, Jacob O. Polhnus, of Rockland County, New York, for the passage of the bill for the relief of Jessie Isherham—to the Committee on Invalid Pensions.

By Mr. BARNES: Papers in the case of Edward Gallaher, for relief—to the Committee on War Claims.

By Mr. BELDEN: Petition of surviving soldiers and sailors of Cortland County, New York, asking passage of per diem pension bill—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of Hiram B. Snirely and Albert G. Lovell, executors of George Snirely, deceased, of Washington County, Maryland, and of Joshua Ahalt, of Frederick County, Maryland—to the Committee on War Claims.

Also, petition of 34 citizens of the Sixth Congressional district, Maryland, asking that the liquor-saloon nuisance be banished from the city of Washington—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. NEAL: Petition of administrator of Thomas McCallie, of Hamilton County, Tennessee—to the Committee on War Claims.

By Mr. ROGERS: Petition of administrator of Henry N. McCray, deceased, late of Saline County, Arkansas—to the Committee on War Claims.

By Mr. SOWDEN: Petition of Solomon R. Ruch, of the Tenth Congressional district of Pennsylvania, for pension—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *August* 20, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

NAMING A PRESIDING OFFICER.

Mr. HOAR called the Senate to order and said: The Secretary will read a communication from the President *pro tempore* of the Senate.

The CHIEF CLERK (Mr. C. W. JOHNSON) read as follows:

VICE-PRESIDENT'S CHAMBER, *Washington, August* 20, 1888.

I name the Senator from Massachusetts, Mr. HOAR, to perform the duties of the Chair to-day.

JOHN J. INGALLS,
President pro tempore.

Thereupon Mr. HOAR took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Journal of the proceedings of Friday last was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDING OFFICER (Mr. HOAR) announced the signature by the President *pro tempore* of the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 2190) granting a pension to Jane Smallridge;

A bill (H. R. 5155) granting a pension to John S. Bryant;

A bill (H. R. 5156) for the relief of Andrew R. G. Smith;

A bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia;

A bill (H. R. 9263) granting a pension to Abraham J. Buckles;

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey;

A bill (H. R. 9830) for the relief of Lachlan H. McIntosh; and

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Attorney-General, transmitting, in answer to a resolution of August 13, 1888, correspondence and communications passing between the Department of Justice and any officer thereof and any officer under the Government of the United States in the State of New York since the 1st of January, 1887, on the subject of registration, elections, or any matter connected therewith, or with the conduct, duties, powers, or compensation of any such officer in respect of registration or election matters; which, with the accompanying papers, was referred to the Committee on Privileges and Elections, and ordered to be printed.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of War, inclosing a report from the Quartermaster-General concerning the amount due to the State of South Carolina for the rent of the Citadel Academy, etc.; which, on motion of Mr. HAMPTON, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented a petition of a large number of citizens of Saline County, Kansas, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Las Vegas, N. Mex., praying that provision be made at the present session of Congress for the payment of Indian depredation claims filed in the Indian Bureau of the Interior Department by the pioneers and early settlers on the frontier; which was referred to the Committee on Indian Affairs.

Mr. REAGAN presented a petition of 19 citizens of Eastland County, Texas, praying that provision be made for the payment of Indian depredation claims; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Mississippi, reported it with an amendment.

Mr. PLUMB. I am also directed by the Committee on Public Lands to report adversely bill (S. 3362) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Mississippi, it being on the same subject and in the same terms as the House bill just reported favorably. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10525) to increase the pension of Edward Jardine;

A bill (H. R. 2908) to increase the pension of W. B. Stokes;

A bill (H. R. 5446) granting a pension to William H. Dowdall;

A bill (H. R. 9253) granting an increase of pension to Richard Hogan; and

A bill (H. R. 2120) granting a pension to Elizabeth Evans.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 2341) for the relief of Thomas Chambers, of Mackinac Island, Michigan; and

A bill (S. 3442) for the relief of E. R. Shipley.

GUSTAVUS W. SMITH.

Mr. WILSON, of Iowa. By direction of the Committee on the Judiciary I report favorably, without amendment, the bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith; and I ask that it may be considered at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3461) granting a pension to Harrison Landsdown; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3462) granting a pension to John Watson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 3463) granting a pension to Patrick H. McNamee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR (by request) introduced a bill (S. 3464) requiring the removal, by the commissioners of the District of Columbia, of breweries for the manufacture of beer or malt liquors beyond Boundary street, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL introduced a bill (S. 3465) to regulate tonnage and other charges on foreign vessels in the ports of the United States; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO THE FORTIFICATION BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The PRESIDING OFFICER. If there be no concurrent and other resolutions, the Chair lays before the Senate a resolution coming over from Friday last; which will be read.

The Chief Clerk read the resolution submitted by Mr. EDMUNDS August 15, 1888, as follows:

Resolved, That the Committee on Finance be, and it hereby is, instructed to inquire into the matter of deposits in the late Freedman's Savings and Trust Company of Washington, and report how many white depositors of said company there are who were in no way connected with the alleged mismanagement and failure of said company and the amount of deposits due to them respectively.

The PRESIDING OFFICER. The question is on the passage of the resolution.

Mr. BECK. That resolution was offered by the Senator from Vermont [Mr. EDMUNDS]. I stated the other day as fully as I cared to do so the reasons why I thought the matter should not be referred to the Committee on Finance, and why nothing more ought to be done about the Freedman's Bank in the way of extension to white depositors. As the Senator from Vermont [Mr. EDMUNDS] is not here this morning, I ask that the resolution go over until he comes in.

The PRESIDING OFFICER. The resolution will go over if there be no objection.

Mr. EDMUNDS entered the Chamber.

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] is now here.

Mr. EDMUNDS. I should like to ask the Senate to take up the resolution about the deposits in the Freedman's Bank. I see that my friend from Kentucky [Mr. BECK] is here.

Mr. BECK. I only asked that the resolution might be passed over until the Senator from Vermont came in.

Mr. EDMUNDS. Yes, I see.

The PRESIDING OFFICER. If there be no objection, the resolution will be again laid before the Senate. The question is on agreeing to the resolution.

Mr. EDMUNDS. Mr. President, I wish to make an appeal to my friend from Kentucky, as representing the Committee on Finance, to allow this resolution to be adopted, so that the committee may inquire into the matter. I do it upon this ground, which I press upon his consideration with absolute confidence, that when he examines the statute of 1865, which is the foundation of this institution, and examines the decisions of the Supreme Court upon precisely analogous questions as to the powers of corporations whose general object, as is the language of the act of 1865, is to receive the deposits of those who had been slaves and their descendants, on that examination I am confident that my friend from Kentucky will be perfectly convinced that the deposits of the poor white depositors were perfectly lawfully made and perfectly lawfully received, as at least a half dozen of these poor people have written to me and come to see me personally since the matter came up, stating that they were led to make these deposits in what they supposed, just as the colored people did, to be a Government institution, relying, just as the colored people did, upon the fact that the Government had the control of it, that the money was going to be invested in Government bonds, and so on, and that they would be perfectly safe.

If that turns out to be true, and my view of the legal construction (saying nothing about the morals of it, if these people were led in this way) is correct, as I am confident it is, and as the action of the Departments winding it up, and of the President in his message, make no distinction in reference to the rights, moral or legal, then I think it is not asking too much of my honorable friend and of that committee to make an inquiry and ascertain the number of these few, poor, sorrowful, broken-down persons who were taken in by the management of that bank, just as the colored people were; and if the committee are satisfied that in point of law and in point of moral justice the whites should not be excluded who were innocent and small depositors, they should make provision as readily as they would for the colored depositors.

That is the object of the resolution, and I should hope that the committee would be willing to have it sent to them for that purpose.

Mr. BECK. I have no objection, of course, to the reference, but I am very clear that any attempt to extend the relief beyond persons who were provided for by the act of 1865, for the reasons set forth in the report of the commissioner, will mean its absolute defeat to everybody. After full conversation with the Comptroller and a pretty thorough examination, I do not want the bill which we have passed to be defeated by any attempt to do something which will turn out to be ineffective and only result in the defeat of it. That is the only objection I had to the inquiry. Of course I make no objection to the reference of the question to the committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLAIMS OF POSTMASTERS.

The PRESIDING OFFICER. The Chair lays before the Senate another resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PLUMB August 16, 1888, as follows:

Resolved, That the Postmaster-General be directed to report to the Senate at the next session, so far as such claims have already been computed upon applications presented under the act of March 3, 1883, the amounts due postmasters and their representatives in the several States and Territories for services rendered the United States between July 1, 1864, and July 1, 1874, the gross amount of earnings for each biennial term of service to be stated on the basis of the act of 1854, and the amount of compensation paid for the same term of service to be deducted therefrom, showing the actual difference in each case between the salary paid and the compensation computed on the basis of the act of 1854 for each biennial term of service; such report to be limited to cases in which the compensation paid is 10 per cent. or more less than the compensation already computed on the basis of the act of 1854, and to be made to the Senate from time to time as the statement covering the claims from each State shall be completed.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had appointed Mr. FORNEY, Mr. BURNES, and Mr. RYAN managers at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1761) for the relief of the First National Bank of Oregon for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin, agreed to the conference asked by the Senate on the said bill and the amendments, and had appointed Mr. TAULBEE, Mr. HERMANN, and Mr. BIGGS managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, with amendments in which it requested the concurrence of the Senate.

CLAIMS FOR COMMISSARY AND QUARTERMASTER'S STORES.

The PRESIDING OFFICER. The Chair lays before the Senate another resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted by Mr. SPOONER August 17, 1888, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate, at the earliest practicable date, a list of the claims for commissary and quartermaster's supplies and stores, and for fuel, fences, and other property, alleged to have been taken and used by the armies of the United States during the late rebellion, upon which there has been adverse departmental action, with the names of claimants, alphabetically arranged, the State of the claimant's residence, and the nature and amount of each claim.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

Mr. COCKRELL. I am inclined to think that it would be better to make the resolution specific. It reads: "A list of the claims for commissary and quartermaster's supplies and stores, and for fuel, fences, and other property, alleged to have been taken and used by the armies of the United States during the late rebellion." I think it would probably be better to add, after the word "rebellion," the words "and presented to the departments under the act of July 4, 1864," so that there will be a limit. I know that is the object of the Senator from Wisconsin, and I think that amendment had probably better be made.

Mr. SPOONER. All I want is that the Committee on Claims of the Senate and the Committee on Claims of the House shall have in convenient form, for easy and ready reference, every claim, under whatever act it may have been presented, for quartermaster's stores and commissary's supplies growing out of the war which has been adversely acted upon by the Department.

The suggestion of the Senator from Missouri limits the scope of the resolution in a way which perhaps might defeat the accomplishment in part of the purpose which I desire to accomplish. There may be a great many claims which have been presented and which will now be presented before Congress which were not presented under the act to which the Senator refers, which were nevertheless fairly investigated and fairly considered, and probably justly decided. The Senator from Missouri, I think, is in entire sympathy with the purpose I desire to subserve.

Mr. COCKRELL. I have no doubt but that Congress ought to have before it the information. There is no question on that point at all; but the only law which authorized claims for commissary and quartermaster's stores in the non-insurrectionary States was the law of July 4, 1864. In the insurrectionary States all claims were required to be filed before the Southern Claims Commission. I do not know how it is, but I think there might be quite a number of claims in the insurrectionary States filed before the Quartermaster-General and the Commissary-General which were rejected or disallowed simply because they had no jurisdiction.

Mr. SPOONER. That would not go to the merit of the claim at all.

Mr. COCKRELL. But it would be difficut to set out that fact as the reason of the rejection.

Mr. SPOONER. I want information of each claim which has been acted upon, however it originated, by the department, which has been adversely decided. We can investigate afterwards the ground upon which the decision was made, and if it was made upon ground which does not go to the merits of the claim at all of course it will have no weight.

My friend will see that if the only claims which have been investigated by the department are those which were presented under the law to which he refers, the amendment he suggests is unnecessary, because the report of the department will only embrace such claims. But if, in addition to claims presented under that act, there are a large number of other claims which were presented and of which the department took jurisdiction, which they investigated and which they have passed

upon adversely, we ought to have a list of those claims, notwithstanding they were not presented under the law to which the Senator refers.

Mr. COCKRELL. The trouble will be the delay and the additional labor. Under the law of July 4, 1864, there were about sixty thousand claims filed before the Quartermaster-General. That is a very large number, and it will take an immense work to furnish them; but they have all those arranged in order. They have books in which they are already kept; they have them bound. I have been in the office of the Quartermaster-General and seen them; they are immense volumes. The report called for here will comprise four or five large volumes.

About forty-five thousand claims have been rejected by the Quartermaster-General, and probably seven thousand or eight thousand claims have been rejected by the Commissary General, making over fifty thousand claims which have been rejected by the two offices. They have all those claims already arranged in good order; but if you bring in other claims it will cause them to overhaul all their records and mix them up unless they keep them entirely separate.

The claims under the law of July 4, 1864, ought certainly to be reported to us separately, even if the other claims are reported. That is the point I want to get at. I want to get at those claims in the order in which they stand, so that they can be quickly and conveniently furnished.

Mr. SPOONER. The state of facts out of which grows the necessity for this information is one which perhaps I may properly bring to the attention of the Senate.

The Senator from Missouri states correctly (and his statements are usually accurate) that there have been rejected by the Quartermaster's Department about 45,000 of these Southern claims. There were rejected also by the Commissary of Subsistence about 10,000 of those claims. That makes 55,000 claims made by alleged loyal claimants in Tennessee and other States called "non-insurrectionary" States which have been carefully investigated by the department and rejected. Under the law as it stands to-day bills for the payment of these rejected claims are introduced in Congress accompanied by petitions very simple in form; they are referred to the committee, and referred by the committee to the Court of Claims for investigation. Sixteen hundred of these claims were referred to the Court of Claims by the War Claims Committee of the House and the Committee on Claims of the Senate in the last Congress, and 4,000 of them have been referred to the Court of Claims at this session of Congress, mostly by the committee in the House of Representatives.

It will happen, unless some means are taken to prevent it, that every one of these claims presented under law to the department, investigated by the department, and decided upon adversely by the department will be referred to the Court of Claims by Congressional committees, and bills based upon the reports from that court will be passed by Congress, so that notwithstanding the adverse action of the department they will all be paid.

I have looked somewhat into the methods by which these claims are investigated in the Court of Claims. What I say does not reflect at all upon the court, because the court must pass upon the evidence which is presented to it. It is not the function or the duty of the court to hunt up witnesses or superintend the taking of testimony. In many of the cases which I have examined, cases which have been reported upon by the court, I have gone to the trouble to go through all the testimony, which in some cases is very elaborate, and given attention to the method in which the witnesses were examined and cross-examined, so as to see to what extent and with what efficiency the interest of the Government was represented; and I will venture to say that no citizen of the United States would be willing to pay a claim adjudicated against him upon such testimony, testimony so produced, elicited by such methods of examination and cross-examination, as those which in most of the cases I have examined are the foundation of large claims against the Government.

Some of these claims have been investigated by the Quartermaster's Department and by the Commissary Department and reported adversely which probably are just claims, and there ought to be perhaps some method of reviewing the action of those departments upon them; but to-day the House of Representatives holds that as the Government has established a tribunal before which it invites its citizens to go it ought to be bound by the decision, and that therefore if the Court of Claims finds in favor of a claimant he should be paid.

There is great force in that position, but the trouble is in the proceedings out of court in obtaining the testimony upon which the court acts. I desire, however, that there shall be put in the hands of Senators and members of the House the list, alphabetically arranged, indicated by this resolution, to which one can easily turn, so that we may know whenever a claim of this character is presented and referred to the appropriate committee whether it has been acted upon by the department adversely. Then we can investigate without delay and easily the ground of the departmental action. That purpose is only subserved by having the resolution embrace cases which were presented to the departments under the law to which my friend refers and all others, because they all come to Congress, whether they were presented to the departments under the act of July 4, 1864, or not.

Mr. COCKRELL. We ought to have the information, and I will withdraw any objection so that the resolution may pass. I have no objection to the passage of the resolution. I only desired to make it more specific.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

ESTATE OF J. J. PULLIAM.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased.

Mr. HARRIS. I move that the Senate non-concur in the amendments of the House of Representatives, insist on its disagreement, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair appoints the Senator from Wisconsin [Mr. SPOONER], the Senator from Nevada [Mr. STEWART], and the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. Mr. President, I ask that you leave the Senator from Tennessee off the conference. The bill was reported by the present occupant of the chair [Mr. HOAR], and I move that the present occupant of the chair be made the chairman of the Senate conferees.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had announced the appointment of Mr. THOMPSON, of California, in the place of Mr. BIGGS, excused, as one of the managers of the conference on the part of the House on the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

CLAIMS OF POSTMASTERS.

Mr. COCKRELL. I enter a motion to reconsider the resolution passed this morning, presented by the Senator from Kansas [Mr. PLUMB], in regard to requiring the Postmaster-General to furnish certain information. I ask that it may be reconsidered, and then I will enter a motion to refer it to the Committee on Post-Offices and Post-Roads, and let that stay on the Calendar.

Mr. HALE. Let the motion to reconsider pass, and then let the matter stand on the table until the Senator from Kansas is present.

Mr. TELLER. Oh, no; let the motion be entered, and then let it pass.

The PRESIDING OFFICER (Mr. DAWES). The motion to reconsider will be entered.

AMENDMENT TO DEFICIENCY BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

THE FISHERIES TREATY.

Mr. FRYE. On Friday an agreement was made that after discussion during Friday, Saturday, and Monday on the fisheries treaty the vote should be taken on Tuesday. Afterwards, on Friday, the Senate agreed to adjourn over Saturday, and it adjourned on Friday night right in the midst of the speech of the Senator from Alabama [Mr. MORGAN]. While it was understood that the consideration of the fisheries treaty should be commenced at 1 o'clock each day, it seems to me just to the Senator from Alabama and proper that I should move now that the Senate go into executive session on the treaty.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The motion was agreed to.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Chief Clerk will report the treaty by title.

The CHIEF CLERK. Treaty (Executive M) between United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

Mr. MORGAN. Mr. President, by the indulgence of the Senate on last Friday evening I was allowed to place in the RECORD some matters which have not been fully read to the Senate, and to which I shall have occasion to refer in the course of the remarks I shall submit this morning in the conclusion of my argument upon the treaty itself.

It is proper that I should reiterate that in the discussions in which I have participated heretofore upon this subject, after I had joined with my colleagues upon the minority of the committee in offering a report which set forth our views of the matters in this negotiation, I have not undertaken a consecutive discussion of what I conceive to be its real value, but I have followed other Senators along from time to time in such discursive movements as they saw proper to make in pursuit of what I regarded as irrelevant and unnecessary debate.

The facts which I put into the RECORD on Friday in continuation of the remarks I was then making are collected from sources that are entirely authentic. They are official sources, and I believe that no question can be made of their strict correctness. I laid before the Senate then a statement of the tonnage of American fishing vessels from 1818 to 1886, for each year, supposing that the presentation of the official records of the tonnage of our fishermen would perhaps show as well as any other fact to which I could advert the real progress of our fishing industry on our Northeastern coast; in the computation of our fisheries, their value, etc., and the tonnage engaged in them, I believe that our Government has never paid any attention to those local fisheries which are stretched around the coast, I will say from Rhode Island to Mexico, through which a vast amount of food is obtained for the support of the people of this country and some of other countries, and from which a great amount of money is earned annually, and which employ more than twice the number of fishermen that are engaged upon the New England coast.

A recurrence to that tonnage table I think will prove of considerable value in the proper investigation of this question. But it will be seen, Mr. President, by any person who may choose to make a critical and philosophical examination of the facts that are presented in these authentic returns, that the fishing industry does not depend and has never depended solely upon the legislation of the United States, nor solely upon the condition of our treaty relations with Great Britain or Canada, but has been controlled in a very large degree by the fluctuations that are incident to the migration of the fish themselves, fluctuations that are not to be accounted for, I believe, upon any well-established theory now, and which seem to be by scientific men who are engaged in those researches referred more particularly to the temperature of the waters in different seasons than to any other fact.

However that may be I think we have enough figures and facts collected here to show some important results. Much the largest tonnage in the fishing business was in the years 1861 to 1865, while the civil war was in progress. That might be considered a remarkable fact, especially as our fishermen were then exposed to the raids of men like Admiral Semmes and others, who were searching the seas for spoils; and moreover, that was at a time when the reciprocity of the treaty of 1854 was in full operation and there was no duty on any kind of fish imported from the Canadian provinces during that entire period. The tonnage ran up very rapidly indeed. In 1861, that is, the close of the year 1861, about the time the hostilities between the two sections of the American Union had become flagrant, the tonnage was 182,106; in 1862 it ran up to 203,459; in 1863 it was 157,579; in 1864 it was 148,244; in 1865 it was 100,436 tons.

Now, I infer—I think it is a legitimate inference also—that this increase in the tonnage of our fishing-ships at that time was due to the fact that there were very largely increased demands for food in the United States, and the prices had gone up in this country, causing capitalists to make larger ventures than they had before that time.

I refer to this more particularly for the purpose of showing that it is not the effect of our tariff legislation and not the effect of our treaty relations with the Canadian provinces that seems to accelerate or depress the fishing industries in this country. We must look deeper than that to reach these causes; and I think it is the demand for food more than anything else which creates the first incentive and the strongest inducement to these investments. Next to that, when a fine year comes for fishing in these waters and larger catches are made, it has the same effect upon the fishing industries that the discovery of a new bonanza has in some remote part of our country to which the men interested in mining rush immediately and make large investments of money and labor for the purpose of extracting ores.

It will not do to philosophize upon this subject as if the whole of the fishing industry was one of those permanent things upon which you can draw with something like the assurance of success and continued prosperity as we can, for instance, upon agriculture and stock-growing, or upon the manufacture of timber or the production of iron and steel, or any other industry where the basis of it is solid and firm and the demand is a continuing one without any serious fluctuations.

In 1857 the duty on fresh fish was 15 per cent.; under the Walker tariff of 1846 it was 20 per cent.; under the treaty of 1854 Canadian fish was free; under the acts of February, 1875, and 1883, fresh fish was free and is still free.

The duties on fish from Canada, 1854, the last year before the reciprocity treaty went into effect, were $178,816,20. In 1867, the first year after the treaty of 1854 had terminated, they were $349,758.21.

Who can account for that enormous fluctuation? Here, just at the beginning, we see a very great depression in the amount of duties collected, when, as I have said, the tariff on fish was 20 per cent., having been reduced from the Walker tariff of 1846 5 per cent.; then passing through the period of free fish covered by the treaty of 1854, when we arrive at 1867, the tariff on the termination of that treaty the very first year produced a revenue upon Canadian fish of $340,758.21.

In 1872–'73 the duties collected ran up to $372,090 on Canadian fish. In 1886–'87, the first year after the treaty of 1871 ceased, the duties on fish from all the Provinces ran down to $307,199.72. Our tonnage had then run down to 70,457 from 159,480 in 1853.

Mr. FRYE. Will the Senator allow me a word?

Mr. MORGAN. Certainly.

Mr. FRYE. I wish to call the attention of the Senator from Alabama to the entire lack of safety in making deductions from fishery statistics in our country. In 1866 was the repeal of the bounty law, which, of course, must be taken into consideration. Then later than 1866 was an entire change in the method of measurement of vessels which decreased the tonnage of itself. Then again we have no statistics touching the vessels or the fisheries at all reliable. The United States has always neglected that branch of inquiry, and there never has been an expenditure provided for in an appropriation bill for fishery statistics until at this very session of Congress, when I had in the Senate an appropriation of $10,000 put on to obtain correct statistics as to the fisheries; while Canada, year after year, appropriates $75,000, and it was in that way she was enabled to overmatch us in one thing at Halifax, to overmatch us in arguments derived from statistics. I have investigated that carefully myself, and I became satisfied that arguments derived from these statistics were very uncertain and very strange, to say the least.

Mr. MORGAN. My attention was called to this subject by the frequent iterations of the Senator from Maine in the various discussions he has had of this question in the Senate, very able ones, too. I looked over the statistics he brought forward, on which he relied with great confidence to inform us on the merits and philosophy of our legislation and our treaty making and their effect upon the subject of the fisheries. I participate with the Senator somewhat in his distrust of the absolute accuracy of all these reports. At the same time the Senate and House of Representatives have resorted to the only means that were available to ascertain what are the true facts about this matter; and this table that I put in the RECORD on page 8447 is taken from Senate Committee Report No. 41, first session Thirty-sixth Congress, to 1849, and from House Executive Document 78, second session, Forty-ninth Congress, from 1850. So I suppose that these statements, which are the results of the labors of these committees, are perhaps accurate enough for the drawing of general conclusions about what ought to be and what is our true policy in respect of these very important matters.

But there is one fact undeniable, and that is that the amount of duty that we collect from the Canadians as you say, but as we say out of the people of the United States, from our tariff on fish imported from the British provinces is a very small sum of money. It is also a fact that the comparative amount of tonnage that we have employed in the fisheries through which we brought fish into the United States, of course free of duty, advanced very materially, being much larger during the first three years of the war than it was before or has ever been since.

These prominent facts, of course, are available in debate here and are reliable facts, although they may not be to a vulgar fraction absolutely correct. If the Senator from Maine can present anything in the nature of statements based upon authority more accurate than this, I shall be most happy to accept it and base any further argumentation I may make about this matter upon his own figures.

Mr. FRYE. The Senator from Maine can not, and it was only a pretty careful investigation of some statements which I made from the statistics themselves that led me to discover their weakness.

Right here the Senator finds a very heavy decline, I found an exceedingly heavy decline, a very sudden one, and I could not account for it. On further investigation I found that a large part of that decline was accounted for by a change in the measurement of vessels, and the Senator will find that to be the case on looking into it.

Mr. MORGAN. I do not know how that may be. I am entirely ignorant of the methods of tonnage measurement, but I suppose the careful committees of the House and Senate have taken a matter of that sort into consideration, and I regret if they have not done it effectively in a matter so important, and so delicate, so as to have brought the matters before the American people in a definite and correct form in order to properly estimate the results that flow from it. I know the Senator from Maine will pardon me for allusion, based on clear facts, to the attitude of parties on this subject. In 1860, under Democratic rule, our fishing tonnage had gone up to 153,619 tons. In 1884, under Republican rule, it had gone down to 72,609 tons.

Am I not authorized to infer logically from this that the Republican method which was resorted to in the treaty of 1871 and under the tariff of 1872 and the tariff of 1883 has had the effect of depressing the tonnage and cutting down the fisheries? whereas if you refer to the tables

I have presented you will find that under the Democratic rule from 1830 on down to 1861 there was a constant progressive increase in the tonnage of the American fisheries; and there was during that time, also, a constant progressive reduction of the tariff—not a sudden one, not an abrogation of it entirely, but a constant reduction of the tariff; so that, while under the Walker tariff of 1846, about which Democrats are given a good deal to boasting and with a good deal of justice, the duty on fish was 20 per cent. ad valorem, the next succeeding tariff of 1857 reduced it to 15 per cent. ad valorem.

By the very latest official returns the amount of money we collect in duties from Canadian fish of all kinds is $307,199.22. The Senator from Maine was not satisfied with the investigation made of this subject by the Senator from Massachusetts who now occupies the chair [Mr. HOAR], and thought it must be at least $600,000, but the fact is, as proven from official records, as I have just reported it.

And this sum is alleged to be the true bone of contention over which all this agitation is taking place! I have not been able to believe that at all, and I think I am as nearly able to disprove it as any proposition of the very general character of this can be disproved by facts that are easily in reach and by comments that I will call attention to after awhile from men in the Dominion Parliament, who, I suppose—in fact, I know—are quite as well informed upon this subject as we are, and in the consultation of the interests of their own section and their own people they are perhaps as diligent and dutiful and patriotic as we are.

You should take from this sum of $307,199.22 the fish we do not catch in those waters, namely:

Anchovies, on which the duty collected by us is	$471.65
Salmon, which the treaty has never affected at all	9,438.92
All other varieties, not caught by us in those waters and imported here under duty, pay a duty of	49,722.38
Making, in all	59,632.95

Deduct this sum from the whole amount of duties on Canadian fish of every kind and description, $307,199.22, and we have $247,566.27 as the sum of annual duties over which we are quarreling. This, distributed over our fishing tonnage for 1886, would be a tax of about 3½ cents per ton. If we take from this 40 per cent. of the duty, the protection of which is enjoyed by Canadians who are engaged in these fisheries, the sum would amount to $99,026.48, which the Canadians receive in consequence of their being sharesmen in our fishing vessels. There is left $146,445 annually of what is called protection that goes to American owners of ships and American fishermen. That is all that is left. The balance of it goes to the Canadians. If half of this goes to the fishermen and half to the vessel, the ship-owners get the advantage of the protection of duties to the amount of $73,222, to be spread over 70,437 tons, a little more than 1 cent per ton per annum; and the fishermen divide amongst themselves—I do not know how many there are of them, probably now as many as twelve or fourteen thousand—the protection derived from the other $73,222.

Now, Mr. President, these facts reduce this controversy to a minimum. These facts show that two great nations like the United States and Great Britain are not actually engaged in the effort to remove duties from salt fish in all this imbroglio in which we have been for so many years involved, but we are now engaged in that sort of chaffing with each other which is very well suited to the sensibilities of the British-born and British-blooded people, whether they are found in America or anywhere else, which comes from standing upon the ninth part of a hair whenever our rights are supposed to be brought into question. We are not less guilty of this folly, if it be a folly, than the British people are, for we are bone and flesh with them and inherit their peculiarities; and after all, Mr. President, the controversy in this case is one of a mental or sentimental character. It is a polemical question rather than a practical question; it is something to which the prejudice of both sides of this line addresses itself with keen interest; it is something that can not be overlooked, because it touches upon the question of right, because it impinges upon the sense of honor. However foolish we may appear in the eyes of the sensible people of the world, it is nevertheless true that we are not quarreling about this little modicum of tax upon fish or the little protection that a ship gets of about 1 cent a ton per annum, under our present tariff law, or the distribution that our fishermen get annually, which would not perhaps amount to $3 a fisherman. That is not what these countries are quarreling about. The matter lies deeper than that. It is in the inveterate prejudice growing out of the great rivalry of these two eminent nations, who are moving step by step with irresistible power for the accomplishment of the dominion of this world in the sense of their being the leading and most powerful nations that are and will hereafter be found upon this globe.

These are steps that we silently make in our march of progress towards universal dominion. I do not speak of universal power precisely, but of the dominion of the mental and will power of the Anglo-Saxon over that of any other race in the world. These are silent steps that we are taking, and while we do not recognize perhaps at every time and every step the deep motives connected with dominion that influence us, they are the influences which move us. I put in a protest here to-day that we shall not retard this great progress of ours by stopping on the way to have bickerings and collisions with each other about irrelevant and unnecessary matters, but insist we shall give to reason her full reign until we shall have accomplished for both these great peoples this very splendid, this very eminent destiny.

This country is not disquieted by the existing duty on salt fish. There is no quarrel between the South and the North, or the East and the West, or between the farmers and the fishermen, the consumer and the produces, about this little duty on salt fish. It does not rise to the surface even in the most violent agitations of the tariff controversy. It remains submerged and passed over as something that is not worthy of very much consideration. The Republicans made "fish, fresh, for immediate consumption," free of duty, and the small remnant of duty that they left on salt fish of every description and kind imported from Canada only amounts, as we see here, to $247,566.27 in respect of those kinds of fish where we are in competition with them, all of what are called the ground fish and the mackerel and the like, not the anchovies and sardines and many other varieties of fish that are caught there and imported for the delectation of men who have peculiar appetites. In the recent agitation which has been going on in the House of Representatives—the tariff bill is now before us—nothing was said about salt fish or the duty on fish. Nobody attempts to remove it. On the contrary, we attempt and we do in that bill restore to our fishermen the very essential part of the bounty about which they have been contending for many years.

The Democratic party, by the removal of the duty on salt in the bill that has come over to us, restores to the fishermen that go from the coasts of New England a very large and very valuable part of the bounty that was heretofore granted to them, sometimes in money, sometimes in remission of duties.

Mr. FRYE. Under a long-existing law they have had the right to draw their salt from bond for that purpose.

Mr. MORGAN. Then if we do not restore it to them we confirm it to them. No Democrat, so far as I am aware, has moved to reduce the duty on fish or to abolish it; and I am sure that no Democrat had anything to do with the abolition in the first instance of the duty on fresh fish.

Mr. PLUMB. On that statement will the Senator permit me to suggest that perhaps the fact that no Democrat has opposed the repeal of the duty on fish is because no Democrat uses fish. The Senator said the other day that he could disperse almost the entire Confederacy by taking one codfish among them.

Mr. MORGAN. Now, Mr. President, because the Senator from Kansas comes from a country where the people do not eat anything but beef, he must not understand that nobody eats fish in the South.

Mr. PLUMB. I was simply taking the Senator's own explanation as he made it the other day.

Mr. MORGAN. I have no doubt if the people of Kansas could get their taste cultivated up to a higher degree of civilization they would be very fond of fish. They have got all their tastes from the Indians, who have just been driven out of the country, and they live on beef.

But, sir, it is very true that the duty on fresh fish when the Republicans had the control of this Government, both by legislation and by treaty, was removed. Under the Walker tariff the duty on fish of all descriptions was 20 per cent. ad valorem. After that it was reduced to 15 per cent., and it stood there until the Republicans got absolute hold of the country, and they made free "fish, fresh, for immediate consumption." That includes now nearly the whole mass of fish brought in, and they made it free again in 1883 in the tariff they put through the House and the Senate—a tariff in respect of which they had power enough to revoke the action of both Houses through a committee of conference, and to put the duties on sugar and iron and steel in classifications and at a rate just to suit themselves.

By an absolute and outrageous violation of all parliamentary law and usage they framed that tariff to suit themselves. When they were violating the law of this body and of the other House also, and parliamentary usage at large, in respect to the duties on steel and iron and the like, why did it not occur to some of these Senators who are now so much interested in fish that they would put a little duty back on fresh fish? Why did they not put it where the Democrats had put it in the Walker tariff, the cynosure of every Democratic eye, as the best presentation of Democratic doctrine on tariff taxation that this country has ever yet had? These facts can not be denied.

Mr. DAWES. There might have been a reasonable construction.

Mr. MORGAN. A reasonable construction. That might be just as well; and yet that law has stood on the statute-book since 1871 or 1872, and has been construed by Judge Blodgett, as I am informed, of the United States circuit court, and has been construed by Republican Secretaries of the Treasury who have been in office down to the time when Mr. Manning came in. Mr. Manning took up their construction in the report he made to the House of Representatives and attempted to show how it could be avoided. Mr. Manning was a man of great ability. Could it not have been construed in the act of 1883? Was it not easy enough then for the Senator from Massachusetts to have done it, with his lore and wisdom and great acumen and decades of parliamentary experience?

It would have been so easy and so nice for him, representing these fishing interests as he does with such sincere devotion, to have gotten

up and said, "I propose, Mr. President, to amend this bill so that fish, frozen, shall not fall within the category of fish, fresh, for immediate consumption." It never occurred to him. He had to wait until Cleveland got in, and then in raking the world for opportunities against Mr. Cleveland they stumbled upon the fact that it would have been easy enough to have made some different interpretation of this law through some Secretary of the Treasury.

Mr. DAWES. It is pretty discouraging to attempt by phraseology to circumvent a settled purpose and pervert a law into a free-trade law. It is a great deal better to try to revolutionize the administrative power.

Mr. GRAY. Will the Senator from Alabama allow me to say——

Mr. MORGAN. I yield to a remark.

Mr. GRAY. The Senator from Massachusetts makes the remark that it is rather discouraging to try in a certain event the perversity of a Secretary of the Treasury who insisted upon putting such a construction upon that law in regard to frozen fish that that had to be admitted free of duty. Has the Senator forgotten what the Senator from Alabama (which I suggested to him just now) has just alluded to, that a circuit judge of the United States appointed long, long ago, perfectly free from any Democratic taint or bias, had solemnly decided, after solemn argument, that the construction which the Secretary of the Treasury has put upon this clause of the act in regard to frozen fish is correct, necessary, and obligatory?

Mr. DAWES. Will the Senator from Alabama allow me to respond to the Senator from Delaware?

Mr. MORGAN. Certainly.

Mr. DAWES. To say that I think the Senator from Delaware would find it difficult upon any other subject to show that "fish for immediate consumption" would cover fish so prepared as to be used six months or a year hence is not going very far, but if the Senator does not find any difficulty in such a construction as that——

Mr. GRAY. But are not the Senator from Massachusetts and the Senator from Delaware as well as the Secretary of the Treasury bound by a judicial construction of the law of the United States?

Mr. DAWES. Nobody is bound by the construction which a circuit judge may have put upon that law if it does not commend itself to the common sense and the convictions of the person who is called upon to administer it; and I put it to the common sense of the Senator from Delaware whether "fish, fresh, for immediate consumption" should cover fish so prepared as to be kept for a year or two years and then consumed?

Mr. MORGAN. The Senator from Massachusetts had his part, and a very prominent part, too, in making this very law. Until the Senator from Vermont [Mr. MORRILL] took the paternity of the tariff business, the Senator from Massachusetts was the leader on tariff legislation in the House of Representatives, and he made this law, put it on the statute-book, and his Secretaries of the Treasury have construed it, and judges have construed it, and he says he is not bound by the judgment of a judge of the United States circuit court in putting a construction of this sort that makes fresh fish out of frozen fish—he is not bound to it; why? Because as a representative of a people and a State he has the right to legislate. Why has he not done it? There is the act of 1883. Why was that left in that shape?

Mr. BECK. The Senator from Alabama will allow me to suggest that twice after the act of 1870 was passed putting fish on the free-list the present Senator from Massachusetts [Mr. DAWES] was chairman of the Committee on Ways and Means of the House of Representatives, and I was serving under him, and he never ventured to recommend a change of it.

Mr. DAWES. I venture to say to my friend from Kentucky that up to the time that I ceased to have anything to do with the tariff act nobody, not even the wise judge of the circuit court who lives somewhere, not even he whose effulgence so dazzles the eye of my distinguished friend from Delaware, had ever pronounced that fresh fish for immediate consumption could be fish so prepared as to be kept years and then consumed.

Mr. MORGAN. It went on the statute-book in 1871 with that language.

Mr. BECK. In July, 1870.

Mr. MORGAN. In July, 1870, the Senator from Kentucky says, with that language in it, and the Government through its Secretary of the Treasury and through its customs laws and officers collected the duty upon it right along, whether it was frozen or not frozen, down to 1873. Then the language of that law was again repeated in the statute, and they still collected the duty; the fishermen all the time controverting about it and the Secretaries deciding against them.

Then it came on down, ten years later, to 1883, with the same language in the statute and the same construction, and now the Senator from Massachusetts attempts to escape the responsibility for his party upon a question of that kind by throwing the onus of the decision upon some Secretary of the Treasury. Our responsibility on this floor is always present with us, because we have the right and the power to change legislation so as to relieve the statutes of the difficulties which Secretaries find in them when they come to construe the language of our enactments.

That will not do. That law was passed with the idea that the people along the New England coast would be benefited by having fish come in free if they were fresh, and that they could conduct packeries, places for the preparation of fish for the interior markets, and if they could get them in that way, they would have a large trade with the West by putting these delightful fish upon the tables of gentlemen in the far West, as far west as the Rocky Mountains, entirely fresh; but they found out that the job was too big for them, that their people would not monopolize in these advantages, that the rapid-transit railways would let in Canadian fish, and so, instead of coming up now and trying to repeal the duty on fish after four months of discussion in the House of Representatives in which no motion was made to change that statute, they come here now, and what do they undertake to do? They undertake to compel the President of the United States by a proclamation of non-intercourse, that would shake this country to its center in spite of all that the best men in it could do, to reinstate a prohibition on the importation of fresh fish caught in Canadian waters by Canadian fishermen.

That is the situation. I suppose I shall be thoroughly abused about making this statement, but I make it in the presence of the Senate, believing it to be a solemn truth.

Mr. Blaine came along the other day across the water in a magnificent steam-ship, the City of New York, I believe it is called, careering along with majestic pride and his white plume floating in the air of the sea, and he passed into a fog on the banks of Newfoundland, and while he was in that fog he had some conception that they were very foggy about the actual condition of the fishermen in this country, some of whom he found fishing for cod. Now, I want to read what he said. This is from his speech at Portland on the 15th day of August, after he had emerged from the fog and had recovered somewhat from his sea-sickness:

> Well, now, if there is anything in this question at all, if there is anything in the world about which the American people are concerned to-day touching this fishery question, it is the interest of the fishing fleet, and that is the very point which the voters of Maine, before whom Mr. Putnam appears as a candidate, are desirous of him to explain. For we believe—by we I mean those opposed to the treaty—that it is complete abandonment of the whole fishing interests of the United States; and I myself, following the example of Senator FRYE, at some future period of this campaign will take occasion to show the grounds of my charge. [Great applause.] I will promise you, if I do, I will not limit it in a small three-line parenthesis in the middle of a paragraph. [Great applause.]
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> On Monday of last week as the passengers on the steamer on which I was crossing the Atlantic rose from their breakfast there was suddenly one of the rumors that flow with wonderful swiftness even over the largest of steamers that we were in the midst of a fishing fleet. We had come to the banks of Newfoundland during the night, and as we rushed—those of us who were not seasick—to the deck we were surrounded by some twelve to fifteen sail of fishermen, partly French, partly Canadian, and more largely American.
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> The sea was very rough, so much so that at least half the passengers were very seriously disturbed with the most unpleasant sensation known to human nature. [Laughter.] But those of us who could get on deck—and I will honestly confess that I was not one of the swiftest myself—beheld in this rough sea the fishermen in their small boats, their little dories that were not more than 15 feet long, out on those waves that seemed to those on the steamer to be rolling half the height of this great room, and they were taking up their trawls with as little concern as a Maine farmer would mow his hay in July. And there was one universal burst of admiration on that steamer at the daring and the heroism and the splendor of the bravery that would risk life in a contest with such angry elements. [Great applause.] I said to myself then, as I say to you now, that in my judgment the United States would dishonor itself for all time if by any negotiation, or for any consideration, it should surrender one jot or one tittle of the rights of those gallant, generous, and brave men. [Great applause.]

If that occurred, Mr. President, that ex-Senator of the United States and ex-Speaker of the House of Representatives, along with his party in 1871, and 1873, and 1883, had given to the Frenchman, whose little dory was dancing upon the water, and to the Canadian, whose little bark was also by the side of the American fisherman, the same right to come in here with his fish, frozen, free of duty. That injustice was done under a Republican administration. It might have occurred to him that a "jot or tittle" of what had been claimed to have been the ancient right of these people had actually been surrendered by that doughty champion of protection—a man belaboring the world with his cudgel about protection and at the same time slipping a current of free trade under the keels of the fishermen. If he had thought of the facts he was much at sea and sadly befogged while this was going on. The fishermen owe the party that he controls for little else than free fish and liberal praise.

That may be very lovely; it may be very commendable. When the candidate of the Republican party at Indianapolis raised his blue eyes to the rising sun to welcome the coming of this great champion of Republicanism, under whose shadow he becomes a pigmy as if beneath the shadow of one of the great pyramids of Egypt, he must have forgotten that the chieftain of Republicanism was one of the men who had put free fish in the statute when he was in Congress, put it in that treaty of 1871, put it in the act of 1883, ordained free trade in fresh fish, and never attempted to regulate or interpret in any other wise than the Secretaries of the Treasury themselves thought it was right to do these acts of Congress.

There is another set of people engaged in the fisheries up there about which I will read a little from a recent publication by Edgar L. Wakeman. I got it from the Washington Evening Star of a recent date. He is speaking now about the eastern shore of the Grand Manan. That is a bold island that rises 400 or 500 feet towering upright in the mouth of the Bay of Fundy.

The eastern shore of Grand Manan is alone habitable. Here are found a half dozen quaint little hamlets where live perhaps three thousand fishermen and their families. They are almost child-like folk, and the same singular simplicity is characteristic of them that I have noticed as existing in so striking a degree among all the native waterside people of this northeast coast. Their toil is incessant, their piety unquestioning humility and faith, their content is tenderly beautiful. Indeed, there is something in all this remoteness from ordinary human activities and this ceaseless magical influence of the sea, which molds and softens character into kindliness and gentleness, I have never elsewhere found. Repeatedly coming upon it, one can not but wonder why it is not more the study of the sociologist. Were our great penal institutions set upon our coastwise islands, might not this beneficent influence have tendency to soften and reform, at least to a measurable and desirable degree, the savage and apparently unregenerate spirit of desperate criminals? These fishermen take herring, cod, and haddock along their own dangerous shores, and frequently join in perilous quest for cod in their little schooners as far as the Grand Banks with startling daring and intrepidity.

Doubtless Mr. Blaine saw some of these things—

Their wives and daughters, who are splendid types of women in form, strength, and carriage, are every whit the equal of the men in sea-lore and hardihood. It is no uncommon thing for them to serve long and arduous stints at the oars, or the hard watches among the dories; while their fearlessness and positive heroism in the frequent life-saving incidents of the dread and dangerous island shores entitle them to noble place in romance and song. The homes of these gentle people are strung along the eastern shore coves in picturesque cabins and cottages, and are invariably the prettiest and coziest retreats imaginable, and, considering their owners' occupation, their cleanliness and brightness are marvelous. Magnificent government-built roads lead from the nestling coves and homes to the lofty highlands of Grand Manan, and thence to its western and southern extremities.

The picturesque, weird, and sublime are on every hand. The eastern shore, with its near islands, its hundreds of fishers' sail, old boats, and rotting wrecks, a surf which breaks and tumbles ceaselessly, the odd costumes and utensils of the fishermen, the dainty villages and straggling settlements, all contrasting with a mighty background of strangely colored cliffs and verdure-clad heights; the northern shore, with its tremendous headlands above the ever-moaning sea; the western shore, with its succession of massive cliffs, its Indian Beach, where the Quoddy Indians come, Dark Cove, Kidd's Money Cove, and the savage maelstroms of Long's Eddy; and the southern shore, with its outlying Wood's Islands, Broad and Seal Coves, the majestic Southern Cross Promontory, Gannet Rock light-house, and Southwest Head, where thousands upon thousands of gulls breed, circle, and cry, are an endless source of delight, fascination, and joy.

Now, there is the other side of that picture. These appear to be the people with whom we are in a large degree in controversy about our fishery rights; and considering their poverty and their industry and the heroism that they always display in the endeavor to master the difficulties of the sea, I can not for my life get up any very serious feeling of malignity towards them. This gentleman who is writing here is, I think, a mere *littérateur*. I do not think he has anything to do with politics in describing the condition of the country. Though I have not been up there, it occurs to me that in those inlets and recesses of the sea, where the tides roll in sometimes 30 or 40 feet high and spread over 200,000 acres of country which two hours before was not flooded—that those tides upon all the shores of Newfoundland and Labrador and the Gulf of St. Lawrence and along the Cape Breton Islands and up the Bay of Fundy must be something that are majestic, and must tax the powers and fortitude of those men to the uttermost to deal with them and conduct their vocation of fishing in their midst.

So, on both sides, this is a perilous coast, a perilous business; and while I think of the heroism of our own fishermen, and that it makes almost a characteristic mark of splendor in the American character, I can not disregard the other men with whom we are dealing. I know that they are very poor, that their country is almost barren, and these harvests of the sea are all they have to depend upon for the food of life. I can not feel that I should deal with them in a spirit of harsh and cruel opposition. Let us do them justice. Let us determine in our own councils what justice is, and as we estimate it, and would enjoy it, and would be willing to receive it, let us administer it to those people.

Mr. FRYE. Will the Senator allow me a word?

Mr. MORGAN. I will.

Mr. FRYE. It is their own government which is treating them with injustice and cruelty. Those people have no greater anxiety to-day than to be permitted to sell to American and French fishermen their bait which they take on their shores, and to receive money for it. Their government stands between them and the opportunity, and those people to-day would be delighted to come under the ægis of the American flag all along that coast.

Mr. MORGAN. I have not a doubt of that at all. The Senator from Maine has properly presented that idea, and has often done so in a very beautiful way, and I have always accepted it with a degree of compassion and pity for those people. I believe that their government stands in the way. I believe that the politicians in that government are putting those people in an attitude toward our Government that is unjustifiable, that is unfortunate. But the politicians on this side are doing the same thing.

What I was appealing to was in reference to our own fishermen, not the policy of a party or the decrees of a caucus. I was going down to the very bottom of this question and trying to measure its merits by my own conception of what was right and due, and by that means we shall arrive at justice and we shall never get it otherwise.

But here comes along the grand chieftain of the Republican party dancing across the waves in a magnificent steam-ship, and he speaks to these poor Canadians on Grand Manan who are out there, men and women in their dories; he speaks also to American fishermen; he says, "Behold your chieftain, who after all has put these people of Grand Manan, and these Frenchmen, in such a position that they may come into the American markets with fresh fish free of duty and send them frozen to any State of the Union. I shall go home and proclaim *ex cathedra* that the party that opposes me and undertakes to ratify this treaty is a British party. I will thus denounce them, although I am one of the chief men who have admitted British fish free of duty and held on to it, never tried to revoke it, and never tried to change the interpretation of the Department of the Treasury." *Vive la humbug!* Never had such a cause such a captain. No man ever played the title-roll of chief humbug of the age with more success than that eminent chieftain of the Republican party, who after passing through a fog on the sea undertook to make some declamation from a stomach that had sickened at the sea about Republican and Democratic policies. I do not wonder he was sick when he saw the Canadian and New England fishermen enjoying Republican free trade in fresh fish, in common, under laws that his grand old party had enacted.

The Senator from Massachusetts [Mr. HOAR] is greatly lifted up with admiration when he refers to these fishermen. He insists that their cradles of the seas are the nurseries of our Navy. I want to put on record again the strong statements made by the Senator from Massachusetts on that subject, for it is entirely complimentary to the fishermen, and they, I have no doubt, will enjoy it very much. I wish, however, to state some facts bearing a little on the question. As to the breadth that the Senator gives to the conclusions that he draws from the statements he has made there may be some question.

First, he says:

Professor Baird estimates the number of persons employed in our fisheries in 1880 as 131,436. Of these 101,684 were Americans. The value of the fisheries of the sea, the great rivers, and great lakes was over $43,00',000. The fisheries of New England engaged 37,043 men; the South Atlantic States engaged 52,418 men; the Middle States, 14,981 men; the Pacific States and Territories, 16,803.

He then proceeds on page 6 of his pamphlet speech to say:

As we look back upon the war of 1812, there are some things which the people of New England may well wish had been otherwise. But if there were anything of disloyalty there, it all evaporated in words. A few disloyal phrases of a convention at Hartford, a little grumbling of a governor—what are they to the blaze of resplendent glory that rises from the deeds of her seamen? The men who censure the reluctance of the Federalists of that day to resent the provocation we had received from England do not always make sufficient allowance for the equal insult we were receiving from France. The party who opposed the war with England were eager enough to take arms against France. They were filled with a morbid horror of the power of Napoleon. But it was a horror into which no element of cowardice entered. They thought that in overcoming England we would overcome the last barrier against his universal empire, and that in attacking England we ranged ourselves on the side of universal tyranny against the last hope of constitutional liberty.

On page 9 he says, quoting from Admiral David D. Porter:

If we can in a week drill a mongrel crew so that every man knows his various stations on shipboard, how much easier would it be for us to do the same thing with a crew of New England fishermen, hardy and active in their persons and intelligent beyond any set of foreign seamen?

The question of protection to the New England fisheries and their seamen does not admit of argument, and in my zeal on the subject I may have gone out of my way to prove to you that which you know already.

I inclose you some statistics which, if you have not already got them, will give you the status of our fisheries throughout the United States.

If there is anything bearing on this subject you would like me to hunt up, please let me know, and I will endeavor to obtain it.

Then again, on page 10, the Senator from Massachusetts says as follows:

The fishermen are the only portion of a nation that maintain unimpaired their fighting quality during a long peace. Armies become enervated on a peace establishment. But the daily life of the fisherman is a constant discipline in fearlessness, endurance, and activity. Our fishermen are all we have left on the sea as a resource for a sudden occasion.

If anything further were wanting to show the importance of this occupation to national defense and to national wealth, it would be found in British and Canadian testimony. Our free-trade friends talk about the duties on fish. They tell us of the hardship of a tax on so cheap and wholesome a food. Mr. President, we pay $600,000 a year for West Point and Annapolis. Canada exported from the produce of her fisheries in 1887 a value of $6,843,388. Of this we took nearly a million and a half. Every dollar of that was a payment to our great rival, to our only possible enemy, towards the support of a naval school to which Annapolis or Greenwich is quite unimportant.

Again, on page 20, the Senator says:

But the important question is the substance of the treaty itself. If I am right—and if I am wrong the ablest statesmen of America in every generation have been wrong—if I am right this is no mere question of the investment of a few hundred thousand dollars and the employment of a few thousand men; these may be transferred to equal profit elsewhere. It is a question of the strength of the right arm of this nation. It is a question of its power to ward off or to return a blow in any future war. It is a question of that naval strength without which our commerce and our coast cities are alike to be at the mercy of any enemy who may attack them. It enters largely into the question whether as a maritime power we are to be equal, not to Great Britain, but even to Canada. It is a question, not of the price of fish, but of the limits and the efficiency of the American naval school.

Mr. President, I think a majority of American legislators concur with the Senator from Massachusetts. I know I have in years gone by, while looking back to the period of the war of 1812–'15, and the splendid achievements of our Navy during that time. We all feel a just pride in giving credit to the fishermen of the Northeast for a very large, if not a controlling participation in those magnificent naval victories of ours. I have always doubted whether we should be able to get along well without giving positive encouragement to those fishermen, and in what little I have had to say here about matters of the kind I have

never permitted myself to inveigh to any extent against either bounties or drawbacks or duties that might be supposed to encourage our fishermen. I confess that I have looked with some degree of painful solicitude at the fact that their natural protectors were in the habit of taking the foundations from beneath their feet and letting them down into the pit of free trade in fresh fish. It rather worried me, Mr. President.

We have seen that the tonnage of our fishing ships was increased during the war. That increase required a considerable increase in expert mariners. There is a very important fact, while we are philosophizing and trying to get reasonable deductions from facts. The fact, we all admit, is a very important one, that our fishing tonnage did increase during the war; the catch increased very largely, stimulated, no doubt, by the demand for that kind of food, or any kind of food. The prices of food increased here and the demand greatly increased. Of course that required that we should have expert mariners and fishermen in larger numbers out on the banks.

These are not waters that can be visited in vessels of small tonnage with safety, except by the most skilled and experienced seamen; and while the war was going on and the Federal Navy had great demands for expert seamen, we find that the fishing fleet continually increased. We know as a matter of fact that its increase must have been supplied largely, if not entirely, from men who were expert sailors, the best mariners of the New England coast. They went into the traffic of fishing and got good pay, and I am very glad they did.

Where did they get these people and what brought them out? Was it from Canada or from that reserve of fishermen along our coast who had retired from the sea when the Republican party put down the tariff on fresh fish? Where did these men come from to supply this increased activity in the fishing fleet during the period of the war?

After the war had drawn off so many fishermen to naval vessels of the United States, where did this large complement of fishermen come from? It came from the coasts of Massachusetts, from that class of men who had been compelled to abandon fishing as a business to take up other and more attractive pursuits and where they could make a living. I know of no cause for their doing so, except that the Republican party in 1871 by treaty, and in 1872 and 1873 and 1883 by law, put fish on the free-list and reduced the importation of fish of all kinds, as the Senator from Massachusetts has stated, from the provinces to the United States, down to a million and a half of dollars' worth per annum. The Canadians catch from eighteen to twenty-five millions and we take a million and a half. I can not think that these recruits, this fishing fleet during the war came from the Canadians entirely. I have to reason this point upon suppositions that seem to be entitled to credit.

The Senator from Massachusetts has greatly overdrawn the picture as to the indispensable defense of our country by the fishermen. I will state some facts which seem to lead to quite a different conclusion.

In 1861 there were 90 vessels in the United States Navy, of which 50 were sailing ships of all kinds, described as "obsolete as the galleys of Themistocles."

Of 40 steamers, one was on the Lakes, and 5 were unserviceable; 9 were laid up in ordinary, and 17 were in foreign service.

During the war the construction of 208 vessels was begun, and the most of these were completed; 418 vessels, of which 313 were steamers, were bought by the Government.

In the beginning of 1861 there were in the naval service 1,457 officers, of whom 322 resigned and entered the Confederate service, and 7,600 men.

During the war 7,600 officers of the Navy were appointed from civil life, and at the close of the war the number of men in the Navy was 51,500.

So we see that from the beginning of the war to its close the number of men in the Navy ran up from 7,600 to 51,500.

The only naval vessels that came into possession of the Confederates in 1861 were the Fulton, an old side-wheeler, laid up at Pensacola, the sunken and half destroyed hulks at Norfolk, of which the Merrimac was made available, six revenue-cutters, three coast-survey vessels, and six or eight light-house tenders, the most of which were sailing vessels, of little value. Several coasting or river steamers belonging to private parties, lying in Southern waters, were taken or bought by the Confederates. They altered and fitted out at New Orleans the Sumter, Enoch Train, Florida, Pamlico, McRae, Webb, Jackson, Mauripas, Pontchartrain, Ivy, General Polk, and some smaller vessels; the Governor and General Quitman, State vessels, and fourteen river steamers were taken and altered for a flotilla of rams for the defense of the Mississippi River.

The Confederates built at New Orleans the Livingston, Bienville, and Carondelet, and two ironclads, the Louisiana and the Mississippi.

By the latter part of 1862 the Confederates had purchased and altered 44 vessels, and had built and completed 24, and had 32 others in course of construction. Vessels were subsequently built at Mobile, Selma, Charleston, Savannah, in the North Carolina Sounds, and in the James River. The Florida (second), Alabama, Georgia, Shenandoah, and Stonewall were bought abroad. The number of enlisted men in the Confederate navy was probably less than 4,000 at any time.

There were "captured and destroyed" by the Federal forces 1,280 blockade-runners, and there were 280 miscellaneous captures. Eight hundred and seventy-five prizes of the Federal Navy were adjudicated in the courts.

Mr. President, there was a wonderful stimulation of enterprise on both sides. The Confederates were without any resources whatsoever for building ships or without any money for obtaining them, and the United States Government brought its Navy up to this large number of ships during four years of war and strife, and put on board of them 51,500 men. These men did not all come from the fishing fleets. Those magnificent attacks upon forts on the Mississippi River, at Fort Morgan, along the North Carolina coast, at Charleston, and along the entire Southern coast—those magnificent battles and sieges conducted by armed ships of war were not conducted even in large part by fishermen. It is all a mistake to suppose that the American people are not capable of furnishing all the talent that is necessary and all the skill and labor that are necessary for the manning of fleets even in the midst of war, for, sir, the achievements of fighting ships on both sides in that civil war prove the fact that the American people are just as capable in naval warfare as any people that ever existed in the world. They improvised ships and got men to put on board of them, not thinking of looking to the fishing fleets for the entire supply. More than that, the fishermen could not have gone largely into the Navy, because their fishing fleets increased almost in the same proportion as did the Navy. They increased 100 per cent. during the war.

What becomes of all this brilliant argument then? How far is it from the fact that the Government of the United States to-day is dependent upon the New England fishermen for instructed mariners as it is upon Annapolis for the training of her seamen, or West Point for the education of her soldiers? But the Senator from Massachusetts [Mr. HOAR] has a sentiment to indulge in respect of this matter, and I am very glad he has. I have no use for a man who has no sentiment for his own country or his own people or his own section. A man who can live in the Southern States without referring to our past quarrels and bickerings and strifes, and tell me that he has got just as much affection for the people in Oregon as he has got for the people in Georgia or Mississippi is a man who, I think, is a little too cold-hearted to make a faithful representative of anybody. I do not blame the Senator from Massachusetts in the slightest degree for feeling so affectionately towards his people.

It is, indeed, very pardonable in the Senator from Massachusetts that he should refer with pride and exultation to the part our fishermen took in the war of 1812–1815. Every American rejoices in that peculiar glory of that war.

But may it not be true in the future that the 52,418 fishermen of the South Atlantic States (as he states their numbers) may be worth as much to our Navy as the 37,043 fishermen of New England?

Besides, we have also the 14,981 fishermen of the Middle States to draw upon; and we have in addition to that 16,803 on the Pacific coast to draw upon. So that New England does not furnish one-half of the naval reserve of trained mariners to which we can resort in an emergency.

I will not discuss with the Senator from Massachusetts [Mr. HOAR] the challenge he seems to throw down to other States in the following paragraph of his speech on page 7, where he says:

> In her contributions, sacrifices, and achievements in this war, Massachusetts may well challenge comparison with any other American State. She raised 14,000 men in 1814. She paid $2,000,000 for bounties. One of her fishing towns, Marblehead, had more than 800 men in Dartmoor prison when the war ended. She furnished during those three years more men than any other State. The New England States, which opposed the war, sent more men into the field than the Southern States, which brought on the contest.

I did not know before this statement that the Southern States had brought on that war. I am very glad that they get the credit of it. I accept that acknowledgment of the Senator from Massachusetts with profound gratitude. They not only brought it on, it seems, but they whipped in the only fight of any great consequence during that war. I have only to say in reply to that paragraph of the Senator's speech, that General Pakenham had at New Orleans 8,400 men, and General Jackson had 5,600, all Southrons and all raw militia, opposed to many veterans who wore the badges of victory won in the severest battles of Wellington and Napoleon. Pakenham did not get away alive, and his splendid army carried no prisoners to Dartmoor. The survivors escaped to their ships, and the Mississippi Valley was saved from ruthless invasion and the Gulf of Mexico from hostile occupation.

So the little thrust at the Southern States, that the Senator seems utterly incapable of withholding whenever he gets his little dagger in position, has not penetrated the skin, has not made a scratch on it, turns aside from the panoply of our armor, and we just hold up Andrew Jackson and his men to show what they did with Lord Pakenham. That seems to answer the whole question about the fighting that was done in the Southern States. Whether we had more men in the war or fewer than Massachusetts, we had men one of whom could whip two British men, it appears. I do not know but that led us into the belief that we could do this in 1861 when we came to fight Yankees; but we found we could not do that all the time.

Now, Mr. President, I have got through, and I am very glad I have,

with all the matters that may be considered as preliminary or irrelevant to the real merits of this fisheries controversy.

I come now to the delimitations of the treaty of 1888. The delimitations of the treaty of 1888 are to be measured on the basis of the contentions of the two countries, if we would ascertain what each has yielded to the other.

Not upon the basis, Mr. President, of what we are willing to admit is the right of opposing countries or what they are willing to admit is our right, for if we had to have a measurement on that basis we should never have any. We tried that under the treaty of 1854, where a most elaborate and precise arrangement was made for the delimitation of the boundaries under the treaty of 1818, but when Mr. Cutts, at the head of our commission of admeasurement, undertook to lay lines down upon the bosom of the earth and on the seas he found himself at once unable to progress for the reason that the diplomatic powers had never settled precisely where this line was to run. The matter had been abandoned, for this reason, under the treaty of 1854. Then came Mr. Seward, and when he suggested a *modus vivendi* as the predicate of a future treaty also with Great Britain in respect to the boundaries and delimitation he at once referred to the fact that we had attempted it in the treaty of 1854 and that Mr. Cutts had given some valuable information about this matter. He thought it would be well to look at that, and urged upon our minister to Great Britain the necessity of having some agreement between ourselves and the Government of Great Britain for marking out the delimitations.

Where was the necessity for making the delimitations if the ground to be included in the delimitation was understood? If two adjoining proprietors of a tract of land or a lot in the city of Washington know precisely where the dividing lines are they find no occasion for sending for a surveyor to run them and mark them out upon the surface of the earth. So with us, the difficulty under the treaty of 1818, as suggested in the treaty of 1854, and as was afterwards repeated by Mr. Seward in his protocol that he tendered to the British Government, was that an unsettled question was there. That unsettled question was "Where is the boundary of fishing rights between the United States and Canada under the treaty of 1818?"

In the treaty of 1854 we provided for the demarkation of a line before we had agreed as to where the line of renunciation of fishing rights should be fixed.

When we come down to 1871, nothing having been accomplished except to increase strife, contention, and harassment, Mr. Fish took the only view of the question that was possible, and took precisely the same view of it that the British Government did, that the fishing boundaries or the boundaries of the renunciation under the treaty of 1818 were not established, were not agreed upon; they were the subject of diplomatic correspondence and future agreement, if agreement should be possible. That was the situation.

I will read from page 8438 of the RECORD an extract from a book printed by the United States Government, which sets forth all that took place preceding the ratification of the treaty of Washington, setting forth the British contention, in which this question about the boundary of the renunciation of the treaty of 1818 as it was understood by the British Government is stated with perfect clearness:

> The two chief questions are: As to whether the expression "3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions" should be taken to mean a limit of 3 miles from the coast line, or a limit of 3 miles from a line drawn from headland to headland.

That is the first proposition. Now, that being the British contention, having been accepted as the British contention, having been made by Mr. Seward as well as by Mr. Fish the basis of the diplomacy between the two countries, having been put upon the record in distinct form as the British contention, when we come to measure the result of the delimitations presented in this treaty of 1888 and to ascertain whether it is just must we not make the calculation of what we have gained or lost with reference to this conceded British contention, or must we compute it by some vain or idle theory that some Senator may choose to advance, upon which he thinks he can establish that this British contention was either foolish or insincere.

We must take things as we find them, especially when we are negotiating a treaty with a great power. We can not make the other side of the case. All we have to do is to take care of our own side, and if we find that the two governments are sincere in the presentation of their demands upon each other, then we look for some middle ground of concession and conciliation between the two, if we think that reasonable concessions by both parties are wiser and better than continued strife.

In such controversies between such powers a fair settlement is a boon to both.

That is precisely the shape in which this subject was presented to the consideration of Mr. Bayard and Mr. Cleveland in the middle of the year 1885, July 1, when the fisheries treaty of 1871 had been terminated. Then the treaty of 1818 rose like a rock out of the sea in front of the very prow of the ship of state, and we had to back water, or change the course, or come to an anchor and debate about it. Otherwise we should have been a wreck, or if not a wreck, we should have wrecked somebody else. We can not flatter ourselves that there was no danger in this situation to our people, and to the British people.

When we come to measure these delimitations, we want to find out whether a wise or a foolish thing has been done, whether a patriotic thing has been done, looking at it from the American standpoint, or whether it has been a surrender to the British and the Canadians by a Democratic President. On that occasion he did not happen to be representing any action of the Democratic party taken before that time, he was not representing, as these Senators are here, a declaration of a great political party in national convention. The Democratic party had made no declaration about the treaty. The question is, whether a Democratic President, left free to serve the whole American people without respect to partisan bias or committal, has taken a wise view of this subject. He did not take a Democratic view of it, he did not take a Republican view of it, so far as we knew or suspected, until by an act of more recent date the Republican party saw proper to go upon record and condemn this treaty in that low speech, which no great convention ought ever to have uttered, as "a pusillanimous and cowardly surrender."

The minority of the committee undertook to go to the bottom of this question, and while the majority were content to present their conclusions in a very general and loose way about the areas included in the delimitations, we sought for the best information that was possibly available. We had heard it stated in committee time and again by eminent Senators that we had actually surrendered 150,000 square miles of fishing waters under this treaty. Then they dropped down to 100,000 square miles, and finally some of them got down to 50,000 square miles. They were guessing, as men do over questions in forecasts of weather, as to whether it is going to rain next Monday, to-day a week, or whether it is going to be dry. It was mere guessing.

The minority of the committee, as I say, took especial pains to present this question in a true light. No Senator on that side has controverted one single statement that has been made. In all these debates, searching through and through this record for every little speck of dust and straw with which to obstruct the progress of the treaty towards a ratification, they have never called in question the facts stated by the minority of the committee upon this point, which I proceed now to read:

> It is alleged by some that this treaty yields to the British Government 50,000 square miles of exclusive fishing grounds beyond what we yielded in the treaty of 1818.
>
> Taking the contention of the United States that no headland theory is to be found in the treaty of 1818, and that the exclusive fishing limit is a line 3 miles from the shore, at low water, that enters all harbors, bays, and creeks that are more than 6 miles wide at the entrance, and follows the sinuosities of the coast thereof, this estimate of the area surrendered in this treaty is greatly exaggerated.
>
> This is the narrowest limit to which we have confined our renunciation in the treaty of 1818 of the common right of fishery in our contentions with Great Britain.
>
> The total area as to which we renounced the common right of fishing, according to this construction of that treaty, is 16,424 nautical square miles.
>
> The additional area of renunciation under the delimitations of the proposed treaty now before the Senate is 1,127 square miles, being 6.8 per cent. addition to the former area of exclusion.
>
> The total area of bays, creeks, and harbors not more than 6 miles wide at their mouths is about 6,599 square miles, and is included in the above-mentioned measurement of 16,424 square miles.
>
> The British claim as the true construction of the agreement in the treaty of 1818, that it fixed the line within which we renounced the common right of fishery at the distance, measured seaward, of 3 miles from the entrance of all bays, harbors, and creeks of His Majesty's dominions. This would add an area of 3,489 square miles to the exclusive fishing grounds claimed by the British Government, while the area in which we have renounced the common right of fishing in those bays, harbors, and creeks under the proposed treaty now before the Senate is 1,127 square miles.
>
> Thus, under the British contention that Government yields, in this treaty, 3,489 square miles of exclusive fishing waters to the people of the United States as a common fishery, and we yield 1,127 square miles to the British Government as exclusive fishing waters, which we now claim to enjoy with them as a common fishery under our construction of the treaty of 1818, which they refuse to admit.
>
> They yield more than two-thirds of their claim to us, and we yield less than one-third of our claim to them, for the sake of settling forever a dispute that has lasted for seventy years, and has been in every way a costly and disturbing contention to our people.

Then reference is made in the minority report to the official statement, marked D, of the Coast Survey of the United States, where these figures are all worked out and stated by the Coast Survey officials. I have stated the cold facts about this matter. In view of this statement, how can any man get his own consent to declaim against this treaty as a base, pusillanimous, and cowardly surrender to the British Government of our fishing grounds when they yield two-thirds of the claim that they made to the exclusive right of fishing, as stated by Hamilton Fish, and we yield only one-third of our contention, which follows the sinuosities of the bays back and forth in all bays 6 miles and more wide? How are we justified in declaiming against this settlement of fishing boundaries in this sort of opprobrious and unparliamentary speech, this array of unjust accusation, whose value consists in the adverbs or adjectives with which they may be bolstered up for American observation?

How can we do this when we go back to Edward Everett and quote in the Senate of the United States what he said, and when we go to the table of the Committee on Foreign Relations and find there laid

upon that table by a majority vote of that committee other declarations of Edward Everett that we do not dare to bring in and put before the British people? How can we thus censure the President when we find Daniel Webster, in a circular issued to the fishermen of the United States, warning them to be upon their guard respecting intrusions upon grounds claimed in British contentions, when the British Government claimed exactly what Mr. Fish set out subsequently, as I have read? How can we do this when the honorable Senator from New York, formerly a Secretary of State for the United States, himself admitted that the treaty of 1818 was one of doubtful interpretation? How shall we reconcile it to ourselves after the Coast Survey, has officially measured these respective delimitations upon the hydrographic map of Great Britain, to declaim against this in party platforms and otherwise as a cowardly and pusillanimous surrender?

Sir, the heat of partisan politics may excuse for a moment, but it will come back to vex Senators who have indulged in this ferocious sort of speech, so unjustifiable, so inexcusable in respect of this subject. I will let those delimitations stand there, measured by our own Coast Survey, as an irrefutable denial of statements made on that side of the Chamber in respect of this matter. No Senator has ever denied these figures; they can not do it.

Mr. President, I want to say something about what is the Canadian view upon this subject of the delimitations. Those people up in Canada are as careful about their fisheries as we are about a wheat crop, or about the tariff on wool and sugar, or about the protection and care we give to our steel and iron industries of this country. It is pretty much all they have to depend upon. Those vast treasures of wealth so graphically portrayed before the Senate by the Senator from Massachusetts are to those people the most deeply interesting and valuable of all the possessions they have had under the benefaction of God. So they care for them, look after them, watch over them; and I have believed all the time it was nothing but the weakness of those people that ever caused them to consent to divide the rich annual harvest of the fish of those coasts with the people of the United States upon any theory we could name on which they have divided it.

Mr. HOAR. If you will pardon me, Sir Charles Tupper says, and so do several other Canadian parties, that we have never asked them to make any such division.

Mr. MORGAN. This is not the treaty of division. I am speaking about former treaties, the treaties of 1783 and 1818. I wonder we ever got their consent to give up what was so rich, when it was all they had. It was like a man being compelled to permit another man to come into his domicile, take a corner of his habitation, and sit down there and enjoy himself as though he was one of the members of the family. In the Canadian Parliament, Mr. Mitchell, who had been commissioner of fisheries of Canada for many years, and doubtless a very able man, who understands the subject of Canadian fisheries as well I suppose as any man in the world, in speaking of this delimitation says:

I say, if a map based on those contentions was taken from headland to headland, and those exclusive rights of the bays delineated upon it, this house would see what the difference is between the delimitation in that map and the concessions given up to the Americans.

That was April 13, 1888.

If I can understand the meaning of the statements in the great mass of dispatches which I have had to wade through in order to define how we have endeavored to maintain the interests of Canada, I should say that the men who wrote them were bound in honor to have stood by Canada and enforced those rights. If they had done so we would have stood to-day with our headland system maintained and our rights to bays recognized, because all that was wanted was a little firmness some twenty years ago and we would not be in the position of having to beg for reciprocity. About the inshore fisheries, it was never disputed that we had an absolute right to them, and yet my honorable friend comes here with his eloquent tongue and persuades us—he knows he can do anything in this country, for he can do what none of us can do; he can control the first minister, as he saved him in the contest of a year ago—he comes with his eloquent tongue—

That is, Sir Charles Tupper—

and persuades us that in this delimitation which the treaty provides for we have obtained a great concession.

Sir, we have abandoned everything, and while we have done that my honorable friend has forgotten one thing. Did he know there were two ends to the shores of America on the Atlantic? Where is the provision in the treaty to give the Canadians the same rights in the Delaware and Chesapeake, in Boston Bay, and Narragansett, and Albemarle, and from the Cape of Florida past the mouth of the Mississippi, that they have captured from us? Do we find that the interpretation which they set upon their shores, bays, and coasts is the same as they ask us to set upon ours? Have they not rights which they claim from headland to headland, and which are enforced even among themselves, and from which we are excluded? Where is our right to enter their bays? It is true it is the separate States own them there, but that does not alter the law or right on the question. Where has my honorable friend provided in the treaty that we should have the use of those bays to the south of where our boundary terminates? Why have we not secured the same privileges in the American bays, straits, and headlands that they demand in ours? There is no such provision in the treaty. Let a Canadian fisherman go down to Delaware and Boston, or the Sound, or go down amongst their oyster bays and attempt to fish and he will soon find himself in prison. Where is the withdrawal of the outrageous American pretension in reference to Bering's Sea, and why was the settlement of that outrageous claim omitted from the treaty?

Here is a man of large experience, a patriotic Canadian. Many of the Senators whom I address at this moment know him personally. They know the elevation of his character, the strength of his will. He is a great man, and speaking upon this question in the Canadian Parliament he understands that they have given up two-thirds of what has been always their contention under the treaty of 1818, and that we yielded one-third of our contention. He knows it and he states it. I shall read what Mr. Foster says, speaking on the same subject, April 13. Mr. Mills, of Bothwell, had the floor, and said:

Nine-tenths of the water area for which she contended has been given up, and nineteen-twentieths on the coast of Newfoundland.

That is what they understood they had given up. Mr. Foster replied:

That is a point on which my honorable friend and myself can not agree.

Mr. MILLS (Bothwell). I am perfectly willing to accept the measure of any competent surveyor who will undertake to compare the two lines.

Mr. Foster, on the same day, said:

Now, what will honorable gentlemen opposite do with reference to this treaty? All through the country their papers have denounced this treaty in the strongest terms."

Referring to the Canadian administration papers.

Sir, the headlines that have been printed with reference to this treaty ought to be preserved. "Canada lies a-bleeding," says the Mail.

Mr. MITCHELL. And truly, too.

Mr. FOSTER. "A complete surrender," says the Globe; "Secretary Bayard's victory," says the Mail; "A complete give-away," says the Halifax Chronicle; "Canada betrayed," says the Ottawa Free Press; "So far as the United States are concerned they have got everything they ever contended for," Hon. Peter Mitchell; "The great Tupperian surrender," Halifax Recorder; "A base, beggarly, blundering surrender," Attorney-General Longley. These are some of the statements made by the party opposite outside.

Mr. MITCHELL. Do I understand the honorable gentleman to use my name in connection with this?

Mr. FOSTER. Yes.

Mr. MITCHELL. What did Peter Mitchell say?

Mr. FOSTER. "So far as the United States are concerned they have got everything they ever contended for."

Mr. MITCHELL. So I say now.

Mr. FOSTER. Now, sir, in closing I have just this to say in reference to the treaty. Every one knows the length of time that this controversy has existed; everybody who has read the history of this question knows the difficulty which has surrounded it, the irritation which it has provoked. Sir, I believe that the Dominion of Canada, in its large and broad heart, from end to end, will be in favor of this treaty, not because it holds every contention that Canada has made, not because it carries out everything that Canada could wish had been carried out, but because it is, as stated by the President and Secretary of the United States, a fair and honorable arrangement on both sides, in which neither country gets the full of its contention, but in which neither country suffers great injury by the concessions that have been made. Taking into account the future of Canada, her future interests as well as her present interests, taking into account the fact that we are to live beside one great and powerful neighbor, that we form part of another great and powerful empire, that we have conserved our interests to a very large degree, and that there is a prospect for the future of a permanent settlement of this question, I believe that the great heart of Canada, notwithstanding the head lines and the strong assertions, will beat with this one sentiment, and after all this long controversy of year upon year, it is a happy, a fair, a good settlement, one that has been made in the interests of peace and in the interest of the two great countries which ought to live beside each other in amity and good feeling.

There is not a Republican in the United States to-day, when he reads that expression from this man who had been criticising this treaty as a surrender on the part of his own government, who will not regret that his party in Chicago had made a declaration that it is "a cowardly and pusillanimous surrender," and put a barrier between us and Canada, which, if it is carried into execution, must forever forbid those peaceful influences and relations to which this Canadian refers with so much of pathos and feeling. There is not a mean suggestion of a penny in that language. There is not any of that narrow and low reckoning about the dollars and cents concerned in this which that Canadian saw proper to compare with the benefits and blessings of a proper, a free, and a generous intercourse between people of our own blood and kindred.

Party politics may damn this treaty with all the hyperbole, all the adjectives it can use, but it can not extinguish in the American heart the honest and just appreciation of remarks like those which fell from the lips of Mr. Foster in the Canadian Parliament.

In these wide margins of differences thus sincerely expressed on both sides there is ample room for agreement, and there is no use for that harsh and gratuitous declaration made by the Committee on Foreign Relations through its majority report in saying that the time for negotiation on this subject has passed, and that this not a fit subject for negotiation.

Sir, that declaration discredits the whole of American history down to this time. It is a contemptuous sneer at General Grant and his fame, at Hamilton Fish and the Republican party as it was in 1871, when not only they saw that the same questions were fit subjects of negotiation and that then was a time for negotiation, but they brought on the negotiation which would put these questions at rest. They failed to meet them in a bold way and upon principle as we were compelled to meet them in later days. Now the issue is forced into those narrow straits where one of three things, it seems, must be done. We must abandon our rights, or negotiate for them, or fight for them. Palliatives like the treaties of 1854 and 1871 are no longer available for the purchase of peace and quietude on this subject.

Mr. HOAR. Can the Senator from Alabama refer, without inconvenience, to the declaration of the committee of which he speaks that the time of negotiation was passed? On what page is that?

Mr. MORGAN. I expect I had better do that, because on two occasions for want of time I have passed it over without reading it. It is on pages 23 to 25, I believe

Mr. EVARTS. I have given the Senator the pages.

Mr. MORGAN. I read on page 24:

Justly influenced, doubtless, by this message and by the state of affairs shown in the documents accompanying it, and by the evidence taken by and the report of the Senate Committee on Foreign Relations on the same subject made on the 19th of January, 1887 (Report No. 1683, Forty-ninth Congress, second session), Congress came to the conclusion that the period of negotiation and unavailing remonstrance had passed, and with almost absolute unanimity and without any party division enacted the act of March 3, 1887, hereinbefore mentioned, by which the duty was imposed upon the President of withdrawing from British North American vessels, etc., those liberties and advantages which by the pre-existing laws they were enjoying in the harbors and ports of the United States, whenever and as often as it should appear to him that similar rights and liberties were denied the United States fishing vessels, etc., in the ports, etc., of British North America, or whenever it should appear to him that American fishing vessels should have been subjected to outrageous or unjust treatment in the exercise of the rights secured to them by the treaty of 1818.

All that remained unprovided for according to the sense of self-respect and of just policy on the part of the United States was to obtain indemnity from the British Government for the injuries that had thus far been committed.

Either this committee took upon itself to declare that the period of negotiation and unavailing remonstrance had passed, or to make Congress responsible for that. They say Congress did determine it. Nothing is plainer in the history of the American nation than that that is not true. Congress came to no such determination. Here sat the honorable Senator from Missouri [Mr. VEST], who called the question up, and in the remarks I made favoring the bill I said expressly that it did not dispense with negotiation. On the contrary, it was then as much the understanding in Congress as the situation could be explained, that the very object of the act of 1887 was to inform the British Government that we were in earnest about our negotiations, and if we could not reach a solution of this question by negotiation we should have to resort to something else.

The committee can not put a gloss on this matter that will satisfy the world or that will do violence to the records of Congress. They assume the ground upon their own responsibility, not in that clause only, but in others of this same report, that the time for negotiation has passed, and they rebuke the President for having humiliated this Government to the extent they think he has done by engaging in any negotiation at all.

There is no doubt that this committee came to the conclusion, and they have enforced it with as much of assertion or asseveration as they thought was necessary to make it entirely conspicuous, that one of the chief faults in this whole business was that Mr. Cleveland should have undertaken any negotiation. The position has been assumed that it was his duty to commence with retaliation and not with negotiation—to begin with retaliation and wind up with negotiation, instead of beginning with negotiation and winding up with retaliation, if we could not come to a common and fair understanding.

Mr. HOAR. I should like to ask the Senator another question, if anybody on this side of the Chamber has used the word "retaliation" descriptive of any policy that he advocated?

Mr. MORGAN. I am really unable to say. I did not think that that sort of a dodge was in the case; I did not suppose that the word "retaliation" would be left out in order to deceive somebody, if that is what you mean. Non-intercourse, as you call it—it is nothing but retaliation after all. Perhaps the astute gentlemen on that side who are using all these things in reference to partisan and political purposes instead of the Government's advantage have omitted *ex industria* the use of the word "retaliation."

Very likely that is the case, but if you do not mean retaliation, what do you mean? The American people will have just the same result visited upon them whether this is done by proclamation of non-intercourse or by any other form. I understand it to be retaliation if we claim certain rights and privileges by comity or otherwise at the British or Canadian ports which they refuse to us, and we turn around and deny their fishing vessels those privileges and their commercial vessels the right to come into this country for purposes of traffic.

The first prominent point which touches the mind in looking over this treaty delimitation is the fact that the 10-mile admeasurement is applied to bays entering from the sea instead of a 6-mile admeasurement. That seems to strike some minds as being entirely novel and without any sort of justification or excuse.

We know very well from the statements of the Senator from Maine, which are perfectly true, and the statements of the Committee on Foreign Relations, of which I happen to be a member, which are also true, and from the great abundance of evidence set forth in the report of the committee, which lies before me, that the privileges of the inshore fisheries of every kind are almost valueless.

That has been asseverated and sworn to from time to time by witnesses and others in such form that I had lost all conception of the idea that there could be any great value attached to the inshore fisheries. I had supposed that the further we got from the main seas into the depths of those long bays the less value would attach to the inshore fisheries there. I stood upon the allegations which have been made here time and again, to which the United States Senate is certainly committed as broadly as it could be to any proposition at all, that the inshore fisheries were not of any value. When it came to the question of inshore fishing for squid, capelin, and other small bait, the Senator from Maine said it would be valuable to go in there and fish for them, but it would be cruel to the people to do it; that we ought not to do it, and that our fishermen prefer to employ those poor people to go and catch the fish and sell to us, for which we paid $100,000 or something like that a year, rather than go in there and take their living out of their mouths and to do it ourselves.

I have a pleasing opinion of the American fishermen and their generosity, in consequence of the remarks made by the Senator from Maine. I was led to believe that the question in respect of mackerel fishing concerned only those ports of the seas around the shores of that country where we could venture with our purse-seines that cost a thousand dollars a piece or more, and into waters that must be 20 or 30 fathoms deep.

The fisherman who ventures to let his nets down to take a shoal of mackerel or herring with a purse-seine in those coasts, whose bottoms are of stone honey-combed by the rush of waters over it, near the shore is almost certain to lose his seine, and that is worth a thousand dollars to him, half the profit, to say the least of it, of a whole voyage. So after all these statements had been made, and after the committee had investigated it, and after looking through the evidence carefully, which is here before me now and which proves what I say, I came to the conclusion that the inshore fisheries were not matters of much consequence to the people of the United States because of these changed conditions, and that the farther we went into the bays the less they were worth. That I believe to be the truth.

I will ask the learned Senators who put a question of that sort to me about a 10-mile limit, why was it that when we came to establish the boundary line between Mexico and the United States we went 10 miles from the coast into the Gulf of Mexico? Who can account for that? What business had the United States and Mexico 10 miles at sea fixing a boundary line between these two great Republics if it turns out by some rule of international law or by some arrangement of any kind that the jurisdictional fringe which surrounds these coasts is limited to a single marine league?

Why was it that Judge Kent looked out beyond our shores and claimed headlands from promontory to promontory as marking the civil jurisdiction of the United States? Why did Thomas Jefferson go still further out into the ocean and claim that that wonderful current, the Gulf Stream, should mark the outer boundary of the country that lay within the jurisdiction of the United States this side of it? What mean all these departures on our part in theory, and once at least in practice? When we came to fix the jurisdictional limits within which we might board a foreign ship approaching one of our ports 12 miles from shore what were we doing exercising jurisdiction over a foreign ship 12 miles from our own coast, and what kind of jurisdiction did we exercise? I can not stop to read the statute. I should like to have time to do it. Perhaps I may incorporate it in my remarks. Senators all know what it is.

We have the right to send our revenue-cutters with their masters and other officers out to sea 12 miles from our coast to board a ship destined to one of our ports, take possession of her, examine her cargo and manifest, compare them together, go into her captain's and officers' quarters and ward-rooms, and examine all that they possess, their log and everything concerning the vessel, and take absolute control of her, and bring her into port, and turn her over to a custom-house officer. A ship is thus made a prisoner 12 miles from the shore, merely because she is advancing in her voyage to one of our ports. Why do we do that? Because of that barbarity of maritime power and jurisdiction connected with the exercise of the customs authorities, which was discussed between the Senator from Delaware [Mr. GRAY] and, I believe, the Senator from Maine [Mr. FRYE] or the Senator from New York [Mr. EVARTS]; that barbarity which belongs to the customs regulations of all countries, the necessity of which is obvious when we come to consider how important it is that every country should be enabled to prevent smuggling upon her coasts.

The same idea runs through these Canadian regulations, the customs laws which they have applied to our fishermen going in there under the treaty of 1888—the same barbarism that we practice here precisely. It is found in our statutes, and operating against Canadians and all others. Only our statutes in many particulars are more severe than theirs. That is the truth, and let us respect it in considering this question.

When we go to the other side of the continent and discuss the question of the right of the fishermen of British Columbia in our Alaskan waters and upon our Alaskan coast, and in the Behring's Sea, we shall have a new puzzle to get along with.

We have come by purchase from the Russian Government to the control of one-half of what might be termed an unclosed sea. This brings us in contact with a question, perhaps you might call it a headland question, affecting the richest fisheries of this world—fisheries that are four or five times as extensive as those on the Northeastern coast, and far more abundantly stocked with food fishes. We shall come in practical contact with these questions in a very brief time, if we are not already in contact with them, and we shall find that they will come upon us in possibly a very unexpected way.

In view of what we acquired in the purchase of Alaska, and in view of what are the necessities of the situation upon that broken and rugged coast, I am not willing to admit that a 3-mile fringe of jurisdiction,

including the right of exclusive fishery within the line, and excluding the right outside of it, is the boundary of our rights upon a question of this kind. I can not do it without surrendering in advance those advantages which belong to us by nature as well as by compact with Russia, in favor of our fisheries upon the Alaskan coast and in the Behring's Sea and Straits. The American statesman who makes a surrender of these questions now in dealing with this treaty with Great Britain will find himself confronted with a difficulty the magnitude of which he does not now probably comprehend, which it seems to me will crush him as corn is crushed between the upper and nether millstone. The statesmanship that we are observing in this partisan higgling about the treaty of 1888 is of a character to betray us in respect to some of the most important rights that we possess on the Northwestern coast. It will affect the food-supply to the poorer classes of this country for generation after generation.

For the sake of a supposed temporary advantage with a few men who have some sort of prejudice against Great Britain, we have got so into the shambles of party power and party influence in this country; for such considerations, it seems, we yield up the contemplation of these grand and broad subjects, in which all the people of our country of this generation and of succeeding generations are interested, and we humbly submit our necks to the yoke and accept the party burden without any demur.

Mr. President, I am not willing to do this. I would rather see the Democratic party sunk out of sight in this campaign than to have that party commit itself to a policy which is unwise, unjust, ungenerous, and which would be on our part an act of sheer debasement. I would rather wait until the old ship should rise again above the waters, as she has often done, than to see her decks desecrated by a crew who would keep her afloat at the expense of the industrial people of this country and to the sacrifice of their food.

If the Democratic party is worth anything, it is because it stands by the rights of the common poor people of this land who have not the power and the influence to help themselves. It stands on truth and justice, and it stands fearlessly. When it wants to dodge, and dicker, and crawl, and creep into power for the purpose of getting a set of men into office or keeping them there, I do not care anything more about it. I am not the child of that party. It did not create me; it did not build me. What little God has given to me I claim from His hand direct as an honest American.

If that party should ever choose to surrender its principles for the sake of temporary expediency and to secure its hold on power, I shall float off and get away from the wreck. But, sir, there is not one line of such history in all the record of that great party. It has never attempted to negotiate nor to defeat a treaty with a foreign power in the seclusion of a party caucus.

There is another reason for this 10-mile rule to which I should like to advert. It is only my own conjecture, I can not tell whether it was the reason that operated or not, but inside these bays are living the people described by the gentleman from whose writings I submitted a literal extract in the earlier part of my speech to-day. In those quiet little hamlets there are a God-fearing people. They are a people who observe the Sabbath. They seem to be a religiously inclined people, modest and not aggressive, kindly and generous. They have settled down on the margins of those deep bays, far removed from the sea. They gather their little store of fish and lay it up for winter, and that is all they have; it is all they can get. They can not even raise Irish potatoes. Very few vegetables can be grown in that country. Fish is about all those people have to live upon. If I were providing laws for them, I should be clearly in favor of shutting out from contact with them the men who come from distant countries, whether from the United States or from France or from Portugal or elsewhere, unless they came in by special license or under some such provision, and when they got there submitted themselves to the laws of the land so that they could not take advantage of those people and do like they did in the Fortune Bay troubles. On that occasion our vessels went in there with twenty-one sail of a Sunday, spread their nets, and included all the fish in the bay to take the bread of life from those people for a year to come. They were held on shore by the laws, to which they rendered obedience, that no Newfoundlander should be found fishing in any form whatsoever on the Sabbath day.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Yes, sir.

Mr. FRYE. I dislike very much indeed to interrupt the Senator from Alabama, but on Friday an agreement was made that the debate should close to-day at 6 o'clock, and that the last two hours should be reserved for the friends of the treaty. The Senator from Alabama has occupied all the time up to the present. If the friends of the treaty claim the last two hours it seems to me that those who are opposed to it should be allowed some time.

Mr. MORGAN. That is fair, Mr. President. I wish to remark again that in my speaking upon this question as often as I have, I sometimes feel almost guilty of having transgressed the patience of the Senate on this matter; but I have not heretofore attempted to give an analysis of the treaty and my reasons for supporting it, and so I have been betrayed into rather a prolix investigation of it, much more, I am satisfied, than I need to have done. I will now yield the floor and let any gentleman on the other side take it who desires to do so, and then later on if no Senator desires to speak, I may resume it for the purpose of merely completing the remarks I have in part submitted to the Senate on the items contained in the treaty.

Mr. FRYE. If the Senator prefers to go on now and will yield a portion of the last two hours to the other side, that will be satisfactory.

Mr. MORGAN. Some Senators, I think, on this side will desire to speak in the last two hours.

The PRESIDING OFFICER. The question is, Will the Senate recommit the treaty to the Committee on Foreign Relations with the instructions proposed by the Senator from Louisiana [Mr. GIBSON]?

Mr. HOAR. Mr. President, I have stated at great length and with a good deal of care the opinion which I entertain and that which is entertained by the fishermen of Massachusetts, whom I in part represent, in regard to the effect of the proposed treaty upon their interests. I have also stated with equal care and at considerable length my opinion of the relation of this proposition to the interest and dignity of the country at large.

Nothing that has been said by the Senator from Alabama [Mr. MORGAN] or by any Senator on the other side of the Chamber has changed my convictions or has made it seem to be necessary to add to or modify the argument with which I endeavored as well as I could to defend them. I take the floor at this time only to call attention to three or four catch-words, or cries, or utterances which we have heard repeated many times in this debate, chiefly by the honorable Senator from Alabama, by which the friends of the treaty undertake to fasten upon its opponents positions or views which they not only never have uttered or believed, but which they have constantly, so far as they could, repudiated.

One of them is that there is any proposition on this side of the Chamber or anywhere, as far as we know, of what may be called retaliation. Another is that anybody has said that the time for negotiation had passed in any such sense as that which the Senator from Alabama put on it, or, indeed, that anybody has said that at all. Another of them is, it has been asserted not only in this Chamber, but elsewhere, that the grievances which have so stirred the hearts of that class of our fellow-citizens in whose breast an indignity to the American flag or to an American citizen pursuing his lawful occupation on the high seas or in foreign ports excites indignation at all, are so far provided for in the present treaty that they can not occur again hereafter if it is adopted.

I asked the Senator from Alabama if he had heard anybody on this side of the Chamber speak of retaliation, or propose retaliation, or propose anything which could be justly and fairly described as retaliation, as the policy which was proposed to be adopted? The Senator from Alabama replied that that was a dodge; that he did know that that dodge was proposed, and he did not know but that somebody over here might be trying to cheat somebody.

I do not call attention to this language on account of its want of civility. Indeed, I do not think the Senator from Alabama is conscious of the full meaning and significance of the language which he uses in the heat of debate, which he applies to his political opponents and to those who differ from him. I have been inclined, as I have heard that Senator speak hour after hour and day after day and week after week, to come to the conclusion that he is asleep during the great part of his own speeches; that they are the utterances of a man who is having a quiet slumber, and perhaps pleasant and delightful dreams, himself prompted by something very different from the clear intellect and kindly soul which belong to that honorable Senator while he is awake.

Now, just think of this proposition. I wonder if the Senator thought whom he was hitting when he described the repudiation of the phrase "retaliation." He spoke of it as a dodge, and as an attempt to cheat when it was applied to the proposed use of the legislation enacted by Congress. The Senator, if he had been serious and meant what he said, would have been attacking an eminent and honored Democratic statesman who has now gone to his grave. It is Mr. Daniel Manning, the recent Secretary of the Treasury, who in speaking of this subject most emphatically repudiated the notion that the use of this legislation in which we all united, Administration and all, should have been spoken of at all as a matter of retaliation. Here is what Mr. Manning said:

> A violation of comity may be looked upon as an unfriendly act, but not a cause for a just war. England may judge for herself of the nature and extent of the comity and courtesy she will show to us. In the present case we do not propose retaliation; we simply respond. We too suspend comity and hospitality.

And I am told on the highest authority that this sentence of Mr. Manning is but an adoption by him of a sentence uttered a week or two before that time in debate by the honorable Senator from New York, who has taken so considerable a share in the present debate on this side of the Chamber. What we propose I think the American people have sense enough to see and understand, without an exception, under whatever veil of cloud or fog it is sought to conceal it. The fishermen of the New England coast are somewhat used to steering their course through a fog, and they have been accustomed to fogs in the pursuit of their vocation almost, though not perhaps quite, as dense as the fog

which is sought to be thrown over this subject by the honorable Senator from Alabama. What we propose to say to Great Britain and Canada is exactly this: As has been stated before in this debate, every nation is the proper and fitting judge of the degree of comity and commercial hospitality which it shall show to the citizens and vessels of other countries in its own ports and within its own jurisdiction.

With that exercise of the discretion of Great Britain or of her dependency, Canada, we do not desire and we have no pretension to interfere; but all we have to say to her is that the degree of measure with which comity and hospitality shall be measured out shall be equal in the ports of both nations, and we are willing, as somebody must initiate the rule, in the first place to concede to her that opportunity and prerogative. If you say that because of the peculiar character of the vocation of the fisherman it is not fitting that the fisherman shall not go into one of your ports with a catch of fish which he proposes to sell in the United States and transship it there, very well. No Canadian vessel, then, shall come into a port of the United States with a catch of fish which it proposes to sell in the United States and transship it there.

I do not understand that that is retaliation. There is no element of punishment in it. There is no element of vengeance in it. There is no element of harm in it to Canada or to anybody else. It is a rule which must, from the nature of the case, exist everywhere where the exchanges of civilization and commerce prevail; and as there is no superior authority to these two anywhere, we are willing under the circumstances to say to Great Britain, "We will leave this matter of intercourse with you." It is that which Secretary Manning declared among the last acts of his eminent and honored public service:

We do not propose retaliation; we simply respond.

And it is Secretary Manning's pregnant and emphatic declaration of which the Senator from Alabama speaks as a dodge or as an attempt to cheat somebody.

Mr. President, there is another proposition which has been reiterated over and over again in this debate which I wish also to repudiate, and that is that it is the opinion of this side of the Chamber that the time has passed for negotiation. I do not suppose there is a Republican Senator who is not ready to negotiate or even to submit to arbitration our claims for damages for the breaches of the law of nations, of international law, which have taken place under the authority of Canadian officials as affecting our citizens.

The Secretary of State proposes, as I understand, to refuse to enter upon the immediate and pressing demand of these people, some of them poor, others men in very moderate circumstances, because of the very extraordinary reason that a bigger claim had been made against us for some seizures in Behring's Sea. That is a pretty easy way of getting rid of a national responsibility, if that is going to be a precedent in the future, to just trump up a bigger claim on the other side. This claim of Great Britain or Canada for what has taken place in Behring's Strait is either a well-founded claim for damages or it is not. If it be not, the sooner we enter upon it, deal with it, and dispose of it the better. If it be not, it ought not to be heard of in the mouth of an American diplomatist as a reason for not insisting upon the just rights and demands of his own country.

If it be well founded, then the honor of the United States is concerned that it be settled, paid, and ended. I am not one of those persons, if any there be, who desire to have my country rest under the just charge of having postponed or delayed justice to anybody. The answer which the honorable Secretary of State suggests for not having dealt with these rights to the validity of which he is committed by a hundred repetitions of the declaration of his opinion is a reason to my mind the very strongest for entering upon their consideration at once.

I am perfectly willing to enter upon negotiation. I am perfectly willing to submit to an honest arbitration whenever we can find the two countries in a temper which makes me believe that the arbitration will be entered upon, not as that which followed the treaty of 1871 was entered upon, when Great Britain forced Mr. Delfosse on us after she had herself declared he was not a suitable person even to be proposed by reason of the relation of Belgium to one of the arbitrating parties; I say I am perfectly willing to submit anything when I am satisfied that Great Britain will approach the matter in a temper of a sincere desire to do and to be done justice.

What we object to is to taking out and taking down from the walls, taking out of the pigeon-holes, from the dust-covered and ancient archives of these two governments the question of the meaning of the word "bays" in the treaty of 1818, which Great Britain and Canada have both confessed over and over again was perfectly settled, that that was not a matter for negotiation, to the undertaking to lay aside and pass by every living claim that his fellow-citizens had for outrage and wrong and suffering, to let all these pass by and go into an arbitration connected with some matter of ancient history old as the Pequod war, old as the deluge, old almost as the time which Sir Thomas Browne speaks of which I think of when I hear the speeches of the honorable Senator from Alabama—when Adam used to deliver long lectures to Methuselah and Methuselah used to deliver long lectures to Noah—that is, that time for negotiation and arbitration has gone by.

Mr. PAYNE. Will the Senator yield to me a moment?

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. HOAR. For what purpose?

Mr. PAYNE. I understood the Senator to say he was in favor of a resort to arbitration. I ask him now if he is content to have the proposition of the Senator from Louisiana [Mr. GIBSON] adopted, providing for submitting the whole matter to arbitration?

Mr. HOAR. I have not examined that resolution sufficiently to wish to be diverted from what I was saying on another point to the discussion of that resolution at the present time. It would take me too long. I do not propose, however, to enter upon any question of international arbitration until I am satisfied that it will be entered into by the other side with the same spirit in which the United States of America enter upon it. I do not propose to put this country again to the risk of having the Halifax award and the judgment of Mr. Delfosse repeated.

Mr. PAYNE. If the Senator will allow me there——

Mr. HOAR. I think I would rather not. I am trying in ten or fifteen minutes to sum up some general points. I am not going into the general debate. While I am perfectly willing to explain anything I have said, I do not care about being cross-examined upon things in general which I am not talking about.

Mr. PAYNE. I only wanted to say——

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. HOAR. Mr. President, another thing has been said here. It was said, I think, by the Senator from Delaware [Mr. GRAY]; it was certainly said by the President of the United States in his message; it was said two or three times at least by the Secretary of State—once in his letter to the people of Boston and once certainly in the interview, never by him disavowed, reported in the Baltimore Sun—and that is that the grievances under which our fishermen have suffered can not occur again if the proposed treaty shall come into force. I have studied that thing carefully, and I am not able to find a single one of the grievances which the Secretary of State and Mr. Phelps, our minister to England, have set forth the repetition of which is provided against in this treaty, with the exception of a very limited number, in regard to which, although they may not reappear in the same form, the treaty does not expose us to grievances of the same general character much more than we are exposed under the present condition of things.

Mr. President, I have had drawn off by a friend an analysis of these causes of complaint, seizures which were made by Canada in the years 1886 and 1887. But before going into that let me point out that there is no provision whatever for any removal of the causes of complaint growing out of the unjust provisions of the Canadian fishery laws. In the first place, here is the broad general question of the right of Canada to try our vessels at all. We have, if we are right, under the partition of 1783 and under the reaffirmation of our right in 1818 certain fisheries with rights annexed, which were awarded to us in the great partition of empire which took place upon this continent.

Now, I deny the right of any Canadian court or any Canadian ship of war or any Canadian official whatever to exercise an authority over an American ship when she is in the clear exercise of her right, or claims to be. There must be some international arrangement such as is contained in the other treaties which the Senator from Alabama read the other day, which it may have been a want of foresight in our diplomacy in the past not to have provided for here; but I say when an American ship leaves the port of Boston or of Gloucester or of Portland or of Provincetown and is within or without the distance of 3 miles from the Canadian shore, being in a place where her fishing rights are reserved, no Canadian cruiser has any more right to seize her and take her into port for trial under the claim or pretense that she is preparing or proposing to fish, or that she is actually going beyond her rights, or is, still less, proposing and intending to do something that she has not done, than she has to make a seizure of that kind in the port of Boston or in the middle of the Mediterranean Sea. That grievance is not only not removed, but it is expressly submitted to by the terms of the proposed treaty.

Mr. GRAY. Does the Senator from Massachusetts—and if he does I hope he will state it frankly—object to any interruption at all in the way of a question?

Mr. HOAR. I do not want to be led into an argument about this matter. If there is any mistake of fact which I make I shall be glad to be corrected; otherwise I prefer not to be interrupted.

Mr. GRAY. I hesitate to interrupt the Senator, but I should like to ask him a question.

Mr. HOAR. I will hear the question of the Senator from Delaware.

Mr. GRAY. It is this. Does the Senator from Massachusetts ever hope by any international arrangement to obtain for our fishermen what he complains has not been obtained for them by this treaty, to wit, the right when they are charged with trespassing on territorial waters of another country, that they should not be amenable to the municipal laws of that country, but should only be tried or brought to book by the authorities of their own country? Has he any precedent for such a hope?

Mr. HOAR. I not only believe and hope it, but if General Grant

had been in the chair of the White House when this thing came up, or if the reverse had been the case and England had been the party said to be offended and we the party undertaking to enforce the law against her, the thing would have been yielded in a fortnight. I do not say they should be tried wholly by the courts of their own country, but I say that they should be tried by an authority in which both parties have an equal share. There was, if I recollect aright, a provision in our early diplomacy by which the authority was given jointly to the commanders of the vessels of war of the two nations on the same cruising ground, and, if I am not mistaken, England has conceded that same thing within three years to France and Holland and other European nations in regard to fisheries on the coasts of her own islands.

Mr. GRAY. As I remember, the case referred to was an amicable arrangement made between the officers of the American and British cruisers.

Mr. HOAR. No, made by authority of the nations.

Mr. GRAY. The officers of the British and American cruisers agreed to consult with each other over every case of alleged infraction. But if the Senator will pardon me, for I should like to hear him on that point, does he go so far as to claim that if a Canadian fisherman were found within the jaws of the Chesapeake Bay, within its waters, fishing for oysters or perch or shad, and the State of Maryland or the State of Virginia, claiming territorial jurisdiction over those waters, should, under their municipal law in that regard, seize such Canadian fishermen for an infraction——

Mr. HOAR. I am not talking about that.

Mr. GRAY. Does the Senator claim that the Canadian would have a right to complain that he was brought to book under the law of Virginia or of Maryland?

Mr. HOAR. I am not talking about that case. I am talking about our rights under the partition of empire of 1783. I am not talking of petty larcenies committed on our shore; I am not talking about violations of our clear and undisputed rights in Chesapeake Bay; but I am talking of this fishing right which this country owns in her own right as an original part of her empire just as much as she owns Cape Cod or Cape Ann.

Mr. GRAY. I will try not interrupt the Senator further.

Mr. HOAR. I say this: If we had granted to Great Britain by treaty or she had reserved to herself by the treaty of independence of 1783 the right to have all her people fish as equals of the people of the United States in the Chesapeake Bay or Massachusetts Bay or the Albemarle Sound, if that had been an original right, Great Britain never would have submitted in the world to have the question whether that right was or was not exceeded in any particular case or by any particular fishermen dealt with by the courts of one country alone.

Mr. GRAY. That right was given her by the treaty of 1871 on our coast down to the thirty-ninth parallel.

Mr. HOAR. Wherever she got it. I am speaking of the fisherman in his right, a right pertaining to our nationality and our sovereignty and our citizenship, and I say that it is a grievance not removed but submitted to and consented to by this treaty that a local Canadian justice of the peace is to seize her and bring her in. Why, Mr. President, that Canadian fishing law describes more than twenty different classes of officers who may do this. Any officer either in the Canadian service or the British service, any justice of the peace, any officer of the customs, any sheriff or his deputy, and certain other officers whom I do not now remember—they were printed in the extract I gave the other day—every one of those officers, under the Canadian law, if he finds an American vessel in a spot which, as the Senator from New York showed us the other day so clearly, so ably, is a part of the grand highway of the commerce of all the world, and concludes in his own mind that that vessel is preparing to fish, having committed no offense whatever, but only meaning according to his fancy to commit one, he can take her into the nearest Canadian court having jurisdiction of the matter and confiscate her, ship and cargo.

That is only the threshold of it. What do they do next? Suppose it is a clear case of trespass. The man is altogether mistaken and has not got any probable cause. That Canadian fishing law says that you can only recover damages against him if you bring your suit within three months. What civilized government ever before made a statute of limitation for great causes like that, where a man's ship, everything he has on earth, ship and cargo and apparatus are all to be condemned, all taken and sold at a forced sale. It is too expensive to keep it, his voyage is broken up, and he has only as his remedy a suit which must be brought within three months.

Does the Senator from Delaware think that is a grievance or not? I wonder what the Senator from Alabama or the Secretary of State thinks of it?

But go a little further.

Mr. GRAY. The Senator does not want an answer now, does he?

Mr. HOAR. Go a little further. You must bring your suit within three months or it is gone—within three months from the time the cause of action accrued, that is, the seizure; but you can not bring it for two months after a notice which is to be served on the party seizing, at his place of abode. So if he dwells in Great Britain, or in Ottawa, or in Vancouver Island, if he is the captain of one of those fishing vessels, you have got to send your order of notice to the place of his dwelling and to wait two months from that time. If you have served your order of notice the next morning, that leaves you but a month. The right of action is gone in three months, and it can not begin for two. That grievance is not, so far as I can find, alluded to or affected in this proposed treaty.

Well, then, you have got next another grievance; and that is, as I observed when I spoke before, the statute expressly says that one-quarter of the whole confiscated property may be distributed among the crew of the seizing vessel and oral evidence may be taken. So, if you have got one of our fishing vessels, although worth with her outfit and cargo from $30,000 to $50,000, and she is seized by a little Canadian revenue-cutter, one-fourth is distributed as prize. There is a sum of from ten to twenty thousand dollars, perhaps, to be distributed among that crew; they are all bribed to swear to the facts which make out a good cause of seizure, which make out that the man has crossed the 3-mile line, or make out the fact that he is preparing to fish while perhaps he is as quietly saying his prayers as the Senator from Delaware would be on a Sunday morning.

Mr. GRAY. The Senator from Massachusetts will pardon me——

Mr. HOAR. Let me finish this statement, and then I will give the Senator an opportunity.

That is the first thing. If the magistrate before whom the case was tried says that, in his judgment, there was probable cause for seizure—that is, for instance, that the American shipmaster had been misled as to the place in a fog, or he had been told some fact wrongfully by one of his subordinates or by a spy, or a thousand things which may make up probable cause, when a man is as innocent as the Senator from Delaware would be in the case I have supposed, he is remediless. That is to say, if that certificate is given, the man whose vessel has been seized can have but 1 cent damages and 20 cents costs.

We are talking about a thing which is the absolute ruin, the absolute destruction of the rights of one of these hardy and admirable and industrious and enterprising American citizens. Whatever the Senator from Alabama or some other Senators may have said, I have heard no word of disparagement or contempt of this class of men from the lips of my friend from Delaware, and I do not expect to, for he lives in a State which furnishes such men itself, and he knows what the character of the fisherman is.

I say that if the local official, the judge of the local court, on the evidence of men bribed with a quarter of the entire vessel and cargo seized, simply certifies that there is probable cause for the seizure, the claim for damages is to be measured at 1 cent and the costs to be 20 cents.

Now I will hear the Senator from Delaware.

Mr. GRAY. I do not wish to interrupt the Senator because I can not say all I wish to say without trespassing upon his time; but I want to know whether he ever heard of a system of moieties in the United States in regard to seizures of vessels which were charged with violations of our customs laws.

Mr. HOAR. I do not think that is a fair argument or a fair question. I do not mean that the Senator is intentionally unfair, but I mean that his question is not fair in the sense of being apposite or appropriate to anything I am saying.

Mr. GRAY. I will not interrupt the Senator any further, but will reserve what I have to say until he concludes.

Mr. HOAR. Those cases at last have been abolished by the good sense of the American people largely. I remember when we wiped out the moiety system. I remember what an outrage it was. I do not think it is quite a good answer, if what I have said is true, and I challenge any Senator on that side of the Chamber to point out one particle or scintilla of exaggeration in it. There it is. I took the Canadian statute from the authorized edition of the Canadian laws, which I can show now to the Senator very easily; and I say again that, whether there is anything (which I utterly deny) which approaches in our customs laws anything of this kind, that undertakes to stop American fishermen in their own national right, lawfully pursuing their lawful avocation on the high seas, which are the common highway, the blessing of all mankind, is a grievance and an outrage; and I ask the Senator from Delaware, when he comes to reply to me, if he will be good enough to let the Senate know, not whether he can find grievances or errors or outrages in the legislation of Massachusetts or in the legislation of the United States, but whether that particular thing as applied to an American fisherman is an outrage or not.

Mr. Davies, of Prince Edward Island, one of the ablest lawyers and statesmen of the Canadian Dominion, formerly attorney-general of Nova Scotia and now one of the leading men in the Canadian Parliament, a man of such eminence that he was counsel for Canada, at the time of the Halifax award, before that commission, says that it is an outrage, and he says that it was put on the Canadian statute-book for the express purpose of worrying, vexing, and harassing the American fishermen. Now do you say it is an outrage or not? And if it be, will you be good enough when you reply to me to point out the clause in this treaty which provides against its recurrence?

Then there is this other matter which was spoken of the other day, the burden of proof. All these things which I have stated are not

enough, this limited right of action, this necessity for giving notice at the man's dwelling, if it be at Natal or Madagascar or anywhere else—Madagascar is not a British possession, I believe, just now—but at Calcutta or anywhere else, this deprivation of either damages or costs, this bribing of witnesses with a share of the articles seized, but in addition to all these, in the seizure made the burden of proof is put upon the owner of the vessel to show that the seizure was illegal.

The Senator from Delaware undertook to palliate it by pointing to the fact that in our statutes there was a provision that the burden of proof should be on the party claiming the property to establish his ownership. That is a very different provision. That is only where probable cause is first shown, by the express language of our statutes; that was only intended to reach and extend to the case where the owner was to produce merely a license or prove his ownership.

What I want to know is this: not whether you can not torture some United States statute into some construction which might work a wrong to somebody, and which we who sit here every year for the redress of grievances ought to prevent, but I want to know whether that thing put for the first time on the statute-book of Canada within ten years for the express purpose of compelling us to alter our domestic fiscal arrangements is or is not in the opinion of Senators on the other side of the Chamber a grievance, and if it be I want to know whether they adhere to their proposition that this treaty provides against the recurrence of every grievance that has hitherto existed?

But, now, Mr. President, let us take up the grievances. I have here, as I commenced to say a little while ago, an analysis of the causes of the seizure and the conduct in regard to the seizure of the officials of Canada in the years 1886 and 1887 alone. Here are eleven cases of vessels seeking shelter in Canadian ports who were ordered to leave before the storm abated. I read a letter from Mr. Gifford, my personal friend (and my colleague as well as myself knows him to be one of the most excellent citizens of Provincetown), formerly collector of that port and a member of our Legislature, Hon. James Gifford, who gave me a description of the way some of his neighbors had been ordered out into the storm.

Mr. GRAY. What is the name of that vessel?

Mr. HOAR. You will find it printed in the text of what I said the other day.

Here are eleven cases of vessels seeking shelter in Canadian ports who were ordered to sea before the storm had abated. The rights of American fishermen under the proposed treaty in regard to shelter in Canadian ports are no greater than the rights now secured to them by the treaty of 1818. All of these cases referred to above might have happened under the proposed treaty.

HARBOR OUTRAGES.

Sarah B. Putnam.—Beverly, Mass.; Charles Randolph, master. Driven from harbor of Pubnico in storm March 22, 1886.

Mollie Adams.—Gloucester, Mass.; Solomon Jacobs, master. Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.

Rattler.—Gloucester, Mass.; A. F. Cunningham, master. Warned off at Canso, Nova Scotia, June, 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered seeking shelter August 3, 1886. Kept under guard all night and released on the 4th.

Walter L. Rich (schooner).—Wellfleet, Mass.; Obadiah Rich, master. Ordered out of Malpeque, Prince Edward Island, in unsuitable weather for fishing, having been in harbor only twelve hours; forced to enter at custom-house at Port Hawkesbury, Cape Breton, on Sunday, collector fearing that vessel would leave before Monday and he would thereby lose his fee. (From statements of Obadiah Rich, owner and master, Wellfleet, Mass.)

Newell B. Hawes (schooner).—Wellfleet, Mass.; Thomas C. Kennedy, master. Made harbor at Shelburne, Nova Scotia, in face of storm at 5 p. m., and master immediately started for custom-house, 5 miles distant, meeting captain of cutter Terror on way, to whom he explained errand. On returning found two armed men from cutter on his vessel. At 7 o'clock next morning was ordered to sea, but refused to go in the heavy fog. At 9 o'clock the fog lifted slightly, and, though the barometer was very low and a storm imminent, vessel was forced to leave. Soon met the heavy gale, which split sails, causing considerable damage. Captain of Terror denied claim to right of remaining in harbor twenty-four hours. (From statements of T. C. Kennedy, part owner and master, Wellfleet, Mass.)

Helen F. Tredick (schooner).—Cape Porpoise, Maine; R. J. Noonan, master. July 20, 1885, entered Port Latour, Nova Scotia, for shelter and water. Was ordered immediately to sea. (From statements of R. J. Noonan, owner and master, Cape Porpoise, Maine.)

Alice P. Higgins (schooner).—Wellfleet, Mass.; Alvin W. Cobb, master. Driven from harbors twice in stress of weather. (From statements of Alvin W. Cobb, master, Wellfleet, Mass.)

Asa H. Pervere (schooner).—Wellfleet, Mass.; A. B. Gore, master. Entered harbor for shelter; ordered out after twenty-four hours. (From statements of S. W. Kemp, agent, Wellfleet, Mass.)

Pleiades (schooner).—Wellfleet, Mass.; F. W. Snow, master. Driven from harbor within twenty-four hours after entering. Warned off. (From statements of S. W. Snow, owner and master, Wellfleet, Mass.)

Eliza A. Thomas (schooner).—Portland, Me.; E. S. Bibbs, master. Wrecked on Nova Scotia shore, unable to obtain assistance. Crew not permitted to land or to save anything until permission was received from captain of cutter. Canadian officials placed guard over fish saved, and everything saved from wreck narrowly escaped confiscation. (From statements of C. D. Thomas, owner, Portland, Me.)

Stowell Sherman.--Driven out twice.

Under the treaty of 1818 we have the right of shelter in these harbors. Under the proposed treaty while vessels are in these harbors for the purpose of shelter no dues can be exacted, and entry and clearance are not required unless vessels remain in a harbor more than twenty-four hours. In the above cases rights under the new treaty as to time allowed to vessels to remain in a harbor for shelter are not in the least increased.

Mr. President, I think this is something of a grievance. These men know something of the signs of the weather. They are accustomed to the storm and the wind, the changes of the seasons, and all the celestial signs and the terrestrial signs in those regions, and they have no desire to stay in port. They want to be off to their fishing again unless the safety of their vessel require it. I wish when the Senator comes to answer me he will tell me where this grievance is prevented from occurring hereafter. They have made a little change in the matter of reporting.

VESSELS BOARDED.

There is another cause of complaint, and that is the constant and perpetual oversight and inspection and boarding and stopping of the vessel while the inspection is going on. There are two thousand and sixty-six cases reported in the years 1886 and 1887 where vessels were "boarded." This power "to board" is granted by a local statute, which is not in the least affected by the proposed treaty.

Here are the names of a few of them:

Shiloh.—Gloucester, Mass.; Charles Nevit, master. Boarded at Liverpool, Nova Scotia, August 9, and subjected to rude surveillance.

Julia Ellen.—Booth Bay, Me.; Burnes, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

Freddie W. Allton.—Provincetown, Mass.; Alton, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

Susie Cooper.—(Hooper?) Gloucester (?), Mass. Boarded and rudely treated by Canadian officials in Canso Bay, Nova Scotia, May 1886.

I do not deny that in a proper case, when we are in their ports or harbors, or within their jurisdictional waters, a vessel may be required to show her nationality. It may be done on the high seas by belligerents, if I do not mistake the law of nations. That is one thing. But the constant and perpetual and incessant and unnecessary use of such a national authority to be exercised by the officials of one nation over the vessels of another, is a grievance, a nuisance, and an outrage, and it is not at all the kind of treatment that these people meet or ever have met in any of our New England or other ports.

Here are 2,066 cases in two years of this haughty, arrogant, disgraceful exercise of this Canadian authority over our fishing vessels. It was not because they wanted to know their character; it was not because they wanted to keep them; it was because they wanted to make these laws as disagreeable and obnoxious to us as they knew how in order that they might have it to say to us and re-enforce the argument of the honorable Senator from Alabama. You give Canada your market and all these things will be added unto you.

Until they get the market this treaty provides no remedy; and how can the Secretary of State, how can the Senator from Delaware, how can the Senator from Alabama assert in the face of the American people that these grievances which the Department stated in its diplomatic discussion have been removed or remedied or mitigated by this proposition?

Mr. Phelps brought to the attention of the British Government the outrageous character of this constantly boarding of our vessels. I have here an extract from Mr. Phelps's dispatch to Lord Salisbury—I have not the date of it, but you will find it in Executive Document 113, page 37.

The right to board vessels within 3 miles of the shore, to search them, put the master on oath, etc., provided for by the laws of Canada, revised statutes, 1886, is not in any manner modified by the proposed treaty, and these outrages as above might therefore continue under the treaty.

This is what Mr. Phelps says about it:

By the provisions of this act any foreign ship, vessel, or boat (whether engaged in fishing or not) found within any harbor in Canada, or within 3 marine miles of "any of the coasts, bays, or creeks of Canada," may be brought into port by any of the officers or persons mentioned in the act, her cargo searched, and her master examined upon oath touching the cargo and voyage under a heavy penalty if the questions asked are not truly answered; and if such ship has entered such waters "for any purpose not permitted by treaty or convention or by law of the United Kingdom or of Canada, for the time being in force, such ship, vessel, or boat and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited."

Mr. Phelps very justly observes:

It is quite unnecessary to point out what grave embarrassments may arise in the relations between the United States and Great Britain under such administration as is reasonably to be expected of the extraordinary provisions of this act and its amendment, upon which it is not important at this time further to comment.

It will be for Her Majesty's Government to determine how far its sanction and support will be given to further proceedings, such as the United States Government have now repeatedly complained of and have just ground to apprehend may be continued by the Canadian authorities.

I wish these Senators or some of them—I am not now speaking of the Senator from Delaware—who seem to think an answer to all our complaint of these things is to get up and revile New England, revile the State of Massachusetts, revile the fishermen, revile the persons who are engaged in this business—I should like to have some Senator turn aside a little from that style of argument and tell me whether Mr. Phelps, the able, learned, patriotic, and moderate representative of this country at the court of St. James was right or wrong when he declared that Canadian statute and that Canadian practice to be an outrage which was likely to lead to serious embarrassment between the two governments; and if he was right, then I should like to hear as to the place in this proposed treaty where it is provided that that condition of things shall stop.

There is another. Here are fourteen cases in this list of vessels "warned off." Under the treaty of 1818 we renounced the right of fishing within certain limits. These vessels, I suppose, were all "warned off" on a mere suspicion that their masters were about to violate the treaty agreement. There is nothing in this treaty that would prevent similar warnings off hereafter in case of like suspicion. It only enlarges the territory from which the warning off is to be made. Indeed the opportunities for suspicion and consequently for warnings off are increased by the proposed treaty in that "preparing to fish" is by Article XIV for the first time made a breach of treaty obligation. In other words, you have not removed that serious grievance, but you have enlarged the territory to which it applies, and you have added to the ground of suspicion or complaint on which it can be based, which before rested on the act and not the intent, the offense of preparing to fish.

Here is a list of vessels warned off:

Seth Stockbridge.—Gloucester, Mass.; Antone Olson, master. Warned off from St. Andrews, New Brunswick, about April 30, 1886.

Annie M. Jordan.—Gloucester, Mass.; Alexander Haine, master. Warned off at St. Andrews, New Brunswick, about May 4, 1886.

Jennie and Julia.—Eastport, Me.; W. H. Travis, master. Warned off at Digby, Nova Scotia, by customs officers, May 18, 1886.

Lucy Ann.—Gloucester, Mass.; Joseph H. Smith, master. Warned off at Yarmouth, Nova Scotia, May 29, 1886.

Pioneer.—Gloucester, Mass.; F. F. Cruched, master. Warned off at Canso, Nova Scotia, September 9, 1886.

Martha W. Bradley.—Gloucester, Mass.; J. F. Ventier, master. Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.

Eliza Boynton.—Gloucester, Mass.; George E. Martin, master. Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.

Mascot.—Gloucester, Mass.; Alexander McEachern, master. Warned off at Port Amherst, Magdalen Islands, June 10, 1886.

Thomas F. Bayard.—Gloucester, Mass.; James McDonald, master. Warned off at Bonne Bay, Newfoundland, June 12, 1886.

Just think of it. Do you think any Canadian fisherman really supposed that Thomas F. Bayard was going to do any harm whatever to Canada that a vessel bearing his name should be warned off?

Golden Hind.—Gloucester, Mass.; Reuben Cameron, master. Warned off at Bay of Chaleurs, Nova Scotia, on or about July 23, 1886.

Boat (name unknown).—Stephen R. Balcom, master; Eastport, Me. Warned off at St. Andrews, New Brunswick, July 9, 1886, with others.

Druid (foreign built).—Gloucester, Mass. Seized, warned off, or molested otherwise at some time prior to September 6, 1886.

Caroline Vought.—Booth Bay, Me.; Charles S. Reed, master. Warned off at Raspebiac, New Brunswick, and refused water, August 4, 1886.

If these vessels were not fishermen, every one was a clear outrage. If they were fishermen and were not fishing, every one was a clear outrage.

Here is a list of complaints for refusal to sell supplies, refusal to sell wood and water. There are three cases, the Novelty, the Christina Ellsworth, and the Caroline Vought.

The right to buy wood and water was secured by the treaty of 1818. If this obligation is not observed by the Canadians what reason is there to suppose that it would be observed if imposed by a second treaty?

Here are forty-six cases of refusal to sell provisions and supplies.

By the proposed treaty our fishermen can "replenish outfits, provisions, and supplies damaged or lost by disaster." It does not appear from the facts given in regard to these outrages that the meager provision of the proposed treaty would have obviated a single case of complaint.

It is true that it is claimed by some Senators here that the provisions of Article XI secure the right to buy provisions and supplies in all cases, but it is enough to say that that also becomes a source of difference if the claims these Senators make should be set up afterwards by our Government, for it is very clear that the Canadian negotiators did not so understand it. Here is an extract from the speech in the Canadian senate of Mr. Howlan. They have not assented to anything except what is a mere act of humanity.

But we are told again with regard to this question of fishing vessels being allowed to go in and out of our harbors that we allow them to do what? To trade? If a vessel flying the American flag comes in with cargoes of cotton or sugar she can buy whatever she wants. Now, they are allowed to come in and purchase not what a fishing vessel can buy—

I pray the attention of the Senator from Delaware to this remark of the Canadian speaker—

not what a fishing vessel can buy, but necessary supplies to take her on her home voyage. Every vessel is allowed to come into the harbors of Canada without reporting to the customs officials if she does not stay longer than twenty-four hours. At one time such was not the case, when we had light dues, harbor dues, and other tolls to collect; but it is not so now. If an American fishing vessel comes in to buy supplies, she merely buys the necessaries she requires and goes away, and there is nothing more about it. Is it to be imagined that the masters of those vessels, who own them, and who have the earnings of a lifetime perhaps in one-fourth of the venture, will run the risk of losing his vessel for the purpose of doing what? Of trying to evade the law, knowing full well that behind them their own Government will not protect them in breaking the law—knowing full well that if they break the law their ship will be seized and confiscated.

Suppose they knew full well that their own Government would protect them if they did not break the law! Here is what Sir Charles Tupper says:

There was another concession. There is no doubt at all, sir, that there were rights which under the strict terms of the treaty of 1818 they could not demand, nor could they insist upon them being granted, but at the same time I think I am within the judgment of the House on both sides when I say that in the case of a vessel which is homeward bound and requires provisions or necessary supplies to take her home, if, for instance, she has some of her rigging carried away or some of her salt washed overboard, and is obliged to lose her voyage and going back to a distant port to refit, a provision that she may obtain casual and needful supplies of that kind was demanded in the interests of good neighborhood.

In thirty of the forty-six cases in this list the refusal to sell supplies resulted in broken voyages, and therefore the supplies could not have been desired for the homeward voyage.

REFUSAL TO SELL PROVISIONS AND FUEL.

And here is a long list of some forty cases of refusal to sell provisions and fuel. In all these cases the treaty would have relieved only those who wished to purchase provisions for the return trip.

Novelty.—Portland, Me.; H. A. Joyce, master. Warned off at Pictou, Nova Scotia, June 29, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Nova Scotia, July 24.

James G. Craig.—Portland, Me.; Webber, master. Crew refused privilege of landing for necessaries at Brooklyn, Nova Scotia, June 15 or 16, 1886.

Laura Sayward.—Gloucester, Mass.; Medeo Rose, master. Refused privilege of landing to buy provisions at Shelburne, Nova Scotia, October 5, 1886.

Jennie Seaverns.—Gloucester, Mass.; Joseph Tupper, master. Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.

Caroline Vought.—Refused water August 4, 1886.

Gertrude Summers (schooner).—Wellfleet, Mass.; N. S. Snow, master. Refused privilege of purchasing provisions, which resulted in injury to voyage. Found harbor regulations uncertain; sometimes could remain in port twenty-four hours; again, was ordered out in three hours. (From statement of N. S. Snow, owner and master, Wellfleet, Mass.)

Charles R. Washington (schooner).—Wellfleet, Mass.; Jesse S. Snow, master. Master informed by collector at Ship Harbor, Cape Breton, that if he bought provisions, even if actually necessary, he would be subject to a fine of $400 for each offense. Refused permission by the collector at Souris, Prince Edward Island, to buy provisions, and was compelled to return home 10th September, before close of fishing season. Was obliged to report at custom-house every time he entered the harbor, even if only for shelter. Found no regularity in the amount of fees demanded, this being apparently at the option of the collector. (From statements of Jesse S. Snow, owner and master, Wellfleet, Mass.)

Charles Haskell (schooner).—North Haven, Me.; Daniel Thurston, master. Obliged to leave Gulf of St. Lawrence at considerable loss, not being allowed to buy provisions. (From statements of C. S. Staples, owner, North Haven, Me.)

Cynosure (schooner).—Booth Bay, Me.; L. Rush, master. Was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bath, Me.)

Nellie M. Snow (schooner).—Wellfleet, Mass.; A. E. Snow, master. Was not allowed to purchase provisions in any Canadian ports or to refit or land and ship fish, consequently obliged to leave for home with broken trip; not permitted to remain in ports longer than local Canadian officials saw fit. (From statements of J. C. Young, owner, Wellfleet, Mass.)

Willie Parkman (schooner).—North Haven, Me.; William H. Banks, master. Unable to get supplies while in Gulf of St. Lawrence, which necessitated returning home at great loss, with a broken voyage. (From statements of William H. Banks, owner and master, North Haven, Me).

John W. Bray (schooner).—Gloucester, Mass.; George McLean, master. On account of extreme prohibitory measures of the Canadian government in refusing shelter and supplies, and other conveniences, was obliged to abandon her voyage and come home without fish. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)

Eddie Davidson (schooner).—Wellfleet, Mass.; John D. Snow, master. On the 12th of June, 1886, touched at Cape Island, Nova Scotia, but was not permitted to take on part of crew. Boarded by customs officer, and ordered to sail within twenty-four hours. Not allowed to buy food in ports of Gulf St. Lawrence. (From statements of John D. Snow, owner and master, Wellfleet, Mass.)

Lottie E. Hopkins (schooner).—Vinal Haven, Me.; Emery J. Hopkins, master. Refused permission to buy any article of food in Canadian ports. (From statement of Emery J. Hopkins, owner and master, North Haven, Me.)

Henry W. Longfellow (schooner).—Gloucester, Mass.; W. W. King, master. Obliged to leave Gulf of St. Lawrence with only 62 barrels of mackerel on account of restrictions imposed by Canadian Government in preventing captain from procuring necessary supplies to continue fishing. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)

Rushlight (schooner).—Gloucester, Mass.; James L. Kenney, master. Compelled to leave Gulf of St. Lawrence with only 90 barrels of mackerel, because of restrictions imposed by Canadian Government in prohibiting captain from purchasing supplies needed to continue fishing. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)

Belle Franklin (schooner).—Gloucester, Mass.; Henry D. Kendrick, master. Obliged to leave Gulf of St. Lawrence with 156 barrels of mackerel, on account of restrictions imposed by Canadian Government in denying the captain the right to procure necessary supplies to continue fishing. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)

Neponset (schooner).—Boston, Mass.; E. S. Frye, master. On 27th August, 1886, anchored in Port Hawkesbury, Cape Breton, and immediately reported at custom-house; being short of provisions, master asked collector for permits to buy, but was twice refused. The master expressing his intention of seeing the United States consul at Port Hastings, Cape Breton, 3 miles distant, the customs officer forbade him landing at that port to see the consul; he did so, however, saw the consul, but could get no aid, the consul stating that if provisions were furnished, the vessel would be seized. Master being sick, and wishing to return home by rail, at the suggestion of the consul he landed secretly and traveled through the woods to the station, 3 miles distant. (From statements of E. S. Frye, owner and master, Boston, Mass.)

We have some rights as to wood, as we should have under treaty.

Christina Ellsworth (schooner).—Eastport, Me.; James Ellsworth, master. Entered Port Hastings, Cape Breton, for wood; anchored 10 o'clock and reported at custom-house. At 2 o'clock was boarded by captain of cutter Hector and ordered to sea, being forced to leave without wood. In every harbor entered was refused privilege of buying anything. Anchored under the lee of the land in no harbor, but was compelled to enter at custom-house. In no two harbors were the fees alike. (From statements of James Ellsworth, owner and master, Eastport, Me.)

John M. Ball (schooner).—Provincetown, Mass.; N. W. Freeman, master. Driven out of Gulf of St. Lawrence to avoid fine of $400 for landing two men in the port of Malpeque, Prince Edward Island. Was denied all supplies except wood and water in same port. (From statements of N. W. Freeman, owner and master, Provincetown, Mass.)

Stowell Sherman (schooner).—Provincetown, Mass.; S. F. Hatch, master. Not allowed to purchase necessary supplies and obliged to report at custom-houses situated at distant and inconvenient places. Returned home with broken trip. (From statements of Samuel T. Hatch, owner and master, Provincetown, Mass.)

John Nye (schooner), Swan's Island, Me.; W. L. Joyce, master. After paying entry fees and harbor dues was not allowed to buy provisions at Malpeque, Prince Edward Island, and had to return home for same, making a broken trip. (From statements of W. L. Joyce, owner and master, Atlantic, Me.)

Electric Flash (schooner).—North Haven, Me.; Aaron Smith, master. Unable to obtain supplies in Canadian ports, and obliged to return home before obtaining full cargo. (From statements of Aaron Smith, master and agent, North Haven, Me.)

Daniel Simmons (schooner).—Swan's Island, Me.; John A. Gott, master. Compelled to go without necessary outfit while fishing in Gulf of St. Lawrence. (From statements of Mr. Stimpson, owner, Swan's Island, Me.)

Grover Cleveland (schooner).—Boston, Mass.; George Lakeman, master. Compelled to return home with only partial fare of mackerel, being refused supplies in Canadian ports. (From statements of B. F. DeButts, owner, Boston, Mass.)

Andrew Burnham (schooner).—Boston, Mass.; Nathan F. Blake, master. Not allowed to buy provisions or to land and ship fish to Boston, thereby losing valuable time for fishing. (From statements of B. F. DeButts, owner, Boston, Mass.)

Harry G. French (schooner).—Gloucester, Mass.; John Chisholm, master. Refused permission to purchase provisions or to land cargo for shipment to the United States. (From statements of John Chisholm, master and owner, Gloucester, Mass.)

Colonel J. H. French (schooner).—Gloucester, Mass.; William Harris, master. Was refused permission to purchase any supplies or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Mass.)

W. H. Wellington (schooner).—Gloucester, Mass.; D. S. Nicherson, master. Was refused permission to purchase any supplies or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Mass.)

Ralph Hodgdon (schooner).—Gloucester, Mass.; Thomas F. Hodgdon, master. Was refused permission to purchase any supplies or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Mass.)

Hattie Evelyn (schooner).—Gloucester, Mass.; James A. Cromwell, master. Not allowed to buy any provisions in any provincial ports, and thereby compelled to return home during the fishing season, causing broken voyage and great loss. (From statements of James A. Cromwell, owner and master, Gloucester, Mass.)

Emma W. Brown (schooner).—Gloucester, Mass.; John McFarland, master. Was forbidden buying provisions at any provincial ports, and thereby lost three weeks' time and was compelled to return home with only part of cargo. (From statements of John McFarland, master, Gloucester, Mass.)

Mary H. Thomas (schooner).—Gloucester, Mass.; Henry B. Thomas, master. Prohibited from buying provisions, and, in consequence, had to return home before close of fishing season. (From statements of Henry B. Thomas, owner and master, Gloucester, Mass.)

Hattie B. West (schooner).—Gloucester, Mass.; C. H. Jackman, master. Prevented from buying provisions to enable vessel to continue fishing; two of crew deserted in a Canadian port, and captain went ashore to report at custom-house and to secure return of men; was delayed by custom-officer not being at his post and ordered to sea by first officer of cutter Howlett before having an opportunity of reporting at custom-house or of finishing business; had to return and report on same day or be subject to a fine. Prevented from shipping men at same place. At Port Hawkesbury, Nova Scotia, while on homeward passage, not allowed to take on board crew of seized American fishing schooner Morro Castle, who desired to return home. (From statements of C. H. Jackson, master, Gloucester, Mass.)

Margaret S. Smith (schooner).—Portland, Me.; Lincoln W. Jewett, master. Twice compelled to return home from Bay St. Lawrence with broken trip, not being able to secure provisions to continue fishing. Incurred many petty inconveniences in regard to customs regulations. (From statements of A. M. Smith, owner, Portland, Me.)

Elsie M. Smith (schooner).—Portland, Me.; Enoch Bulger, master. Came home with a half fare, not being able to get provisions to continue fishing. Lost seine in a heavy gale rather than be annoyed by customs regulations when seeking shelter. (From statements of A. M. Smith, Portland, Me.

Fannie A. Spurling (schooner).—Portland, Me.; Caleb Paris, master. Subject to many annoyances and obliged to return home with a half fare, not being able to procure provisions. (From statements of A. M. Smith, owner, Portland, Me.)

Abbie M. Deering (schooner).—Portland, Me.; Emery Gott, master. Not being able to procure provisions, obliged to return home with a third of a fare of mackerel. (From statements of A. M. Smith, owner, Portland, Me.)

Cora Louisa (schooner).—Booth Bay, Me.; Obed Harris, master. Could get no provisions in Canadian ports and had to return home before getting a full fare of fish. (From statements of S. Nickerson & Sons, Booth Bay, Me.)

Eben Dale (schooner).—North Haven, Me.; R. G. Babbidge, master. Not permitted to buy bait, ice, or to trade in any way. Driven out of harbors, and unreasonable restrictions whenever near the land. (From statements of R. G. Babbidge, owner and master, Pulpit Harbor, Me.

Charles F. Atwood (schooner).—Wellfleet, Mass.; Michael Burrows, master. Captain was not permitted to refit vessel or to buy supplies, and when out of food had to return home. Found Canadians disposed to harass him and put him to many inconveniences; not allowed to land seine on Canadian shore for purpose of repairing same. (From statements of Michael Burrows, owner and master, Wellfleet, Mass.)

Nathan Cleaves (schooner).—Wellfleet. Mass.; P. E. Hickman, master. Ran short of provisions, and not being permitted to buy left for home with a broken voyage. Customs officers at Port Mulgrave, Nova Scotia, would allow purchase of provisions for homeward passage, but not to continue fishing. (From statements of Parker E. Hickman, owner and master, Wellfleet, Mass.)

Frank G. Rich (schooner).—Wellfleet, Mass.; Charles A. Gorham, master. Not permitted to buy provisions or to lie in Canadian ports over twenty-four hours. (From statements of Charles A. Gorham, owner and master, Wellfleet, Mass.)

Emma O. Curtis (schooner).—Provincetown, Mass.; Elisha Rich, master. Not allowed to purchase provisions, and therefore obliged to return home. (From statements of Elisha Rich, owner and master, Provincetown, Mass.)

Walter S. Rich.—Denied right to purchase provisions.

Newell B. Hawes.—Denied right to purchase provisions.

Asa H. Pervere.—Denied right to purchase provisions.

In all the above cases, the treaty would have relieved only those who wished to purchase provisions for the return trip.

As to the right to purchase wood and water, American fishermen gain by the treaty only in that they do not have to make entry when buying in out-of-the-way places.

John H. Kennedy (schooner).—Portland, Me.; David Dougherty. Called at a Nova Scotia port for bait but left without obtaining same, fearing seizure and fine, returning home with a broken voyage. At a Newfoundland port was charged $16 light-house dues, giving draft on owners for same, which, being excessive, they refused to pay. (From statement of E. G. Willard, owner, Portland, Me.)

James A. Garfield.—Gloucester, Mass. Threatened, about June 1, 1886, with seizure for having purchased bait in a Canadian harbor.

I have here, Mr. President, a long list of cases where other outrages and grievances not affected by this treaty at all are extracted. A very large number of them I have taken from the printed dispatches of Mr. Phelps complaining of grievances, and I shall submit them with my remarks.

SHIPMENT OF CREWS.

There are seventeen cases of complaint for denial of the privilege to ship crews.

By the proposed treaty shipment of crews is allowed only in case of death or sickness, unless the unrestricted right be purchased under Article XV by free fish. It does not appear that the provision of the treaty would have obviated a single case of complaint for this cause. Here are the cases:

Lady Elgin (schooner).—Southport, Me.; George W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

Abdon Keene (schooner).—Bremen, Me.; William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Me.)

William Keene (schooner).—Portland, Me.; Daniel Kimball, master. Not allowed to ship a man, or to send a man ashore except for water at Liverpool, Nova Scotia, and ordered to sea as soon as water was obtained. (From statements of Henry Trefethen, owner, Peak's Island, Me.)

Carleton Bell (schooner).—Booth Bay, Me.; Seth W. Eldridge, master. Occasioned considerable expense by being denied right to procure crew in Canadian harbors, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

Sir Knight (schooner).—Southport, Me.; Mark Rand, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

Ripley Ropes (schooner).—Southport, Me.; C. E. Hare, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

Jennie Armstrong (schooner).—Southport, Me.; A. O. Webber, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

Vanguard (schooner).—Southport, Me.; C. C. Dyer, master. Vessel ready to sail when telegram from authorities refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

Uncle Joe (schooner).—Southport, Me.; J. W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

Willie G. (schooner).—Southport, Me.; Albert F. Orne, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

D. D. Geyer (schooner).—Portland, Me.: John K. Craig, master. Being refused privilege of touching at a Nova Scotia port to take on resident crew already engaged, owner was obliged to provide passage for men to Portland at considerable cost, causing great loss of time. (From statements of J. H. Jordan, owner, Portland, Me.)

Good Templar (schooner).—Portland, Me.; Elias Tarlton, master. Touched at La Have, Nova Scotia, to take on crew already engaged, but was refused privilege and ordered to proceed. The men being indispensable to voyage, had them delivered on board outside of 3-mile limit by a Nova Scotia boat. (From statements of Henry Trefethen, owner, Peak's Island, Me.)

Florine F. Nickerson (schooner).—Chatham, Mass.; Nathaniel E. Eldridge, master. Engaged fishermen for vessel at Liverpool, Nova Scotia, but action of Canadian Government necessitated their transportation to the United States, and loss of time to vessel while awaiting their arrival; otherwise would have called for them on way to fishing gounds. Returning touched at Liverpool, but immediately on anchoring Canadian officials came aboard and refused permission for men to go ashore. Captain at once signified his intention of immediately proceeding on passage, but officer prevented his departure until he had reported at custom-house, vessel being thereby detained two days. (From statements of Kendrick & Bearse, owners, South Harwick, Mass.)

Bertha D. Nickerson (schooner).—Booth Bay, Me.; N. E. Nickerson, master. Occasioned considerable expense by being denied Canadian harbors to procure crew, and detained in spring while waiting for men to come from Nova Scotia. (From statements of Nickerson & Sons, owners, Booth Bay, Me.)

Hereward.—Gloucester, Mass.; McDonald, master. Detained two days at Canso, Nova Scotia, about July 3, 1886, for shipping seamen contrary to port laws.

Pleiades.—Not allowed to ship men.

Louisa A. Grant.

By the treaty right to transship and to ship crews is obtained only on condition of free fish, or as incident to needed repairs.

ALLEGED VIOLATIONS OF CUSTOMS AND PORT LAWS.

Seventeen of these cases are for alleged violation of customs and port laws. The precise nature of these violations is not evident from the statement of facts.

The treaty provides that fishing vessels putting into harbor for shelter or for repairs need not report, enter, or clear. The Pearl Nelson was seized because her master allowed men to land before reporting. The treaty would not have helped that case. Possibly the majority of these cases would not happen under the proposed treaty.

Joseph Story.—Gloucester, Mass. Detained by customs officers at Baddeck, Nova Scotia, in April, 1886, for alleged violation of the customs laws. Released after twenty-four hours' detention.

Two small boats (unnamed).—Charles Smith, Pembroke, Me., master. Seized at East Quaddy, New Brunswick, September 1, 1886, for alleged violation of customs laws.

City Point.—Portland, Me.; Keene, master. Detained at Shelburne, Nova

Scotia, July 2, 1886, for alleged violation of customs laws. Penalty of $400 demanded. Money deposited, under protest, July 12, and in addition $120 costs deposited July 14. Fine and costs refunded July 21, and vessel released August 26. Harbor dues exacted August 26, notwithstanding vessel had been refused all the privileges of entry.

Ella M. Doughty.—Portland, Me.; Warren A. Doughty, master. Seized at St. Ann's, Cape Breton, May 17, 1886, for alleged violation of the customs laws. Suit was instituted in vice-admiralty court at Halifax, Nova Scotia, but was subsequently abandoned, and vessel was released June 29, 1886.

C. P. Harrington.—Portland, Me.; Frellick, master. Detained at Shelburne, Nova Scotia, July 3, 1886, for alleged violation of customs laws; fined $400 July 5; fine deposited under protest, July 12; $120 cost deposited July 14; refunded July 21, and vessel released.

Howard Holbrook.—Gloucester, Mass. Detained at Hawkesbury, Cape Breton, August 17, 1886, for alleged violations of the customs laws. Released August 20 on deposit of $400. Question of remission of fine still pending.

A. R. Crittenden.—Gloucester, Mass.; Bain, master. Detained at Hawkesbury, Nova Scotia, August 27, 1886, for alleged violations of customs laws. Four hundred dollars penalty deposited August 28 without protest, and vessel released. Three hundred and seventy-five dollars remitted, and a nominal fine of $25 imposed.

G. W. Cushing.—Portland, Me.; Jewett, master. Detained July (by another report June) 3, 1886, at Shelburne, Nova Scotia, for alleged violation of the customs laws; fined $400; money deposited with collector at Halifax about July 12 or 14, and $120 for costs deposited 14th; costs refunded July 21, and vessel released.

Moro Castle.—Gloucester, Mass.; Edwin M. Joyce, master. Detained at Hawkesbury, Nova Scotia, September 11, 1886, on charge of having smuggled goods into Chester, Nova Scotia, in 1884, and also of violating customs laws. A deposit of $1,000 demanded. Vessel discharged November 29, 1886, on payment, by agreement, of $1,000 to Canadian Government.

William D. Daisley.—Gloucester, Mass.; J. E. Gorman, master. Detained at Souris, Prince Edward Island, October 4, 1886, for alleged violation of customs law. Fined $400, and released on payment; $375 of the fine remitted.

Pearl Nelson.—Provincetown, Mass.: Kemp, master. Detained at Arichat, Cape Breton, September 8, 1886, for alleged violation of customs laws. Released September 9, on deposit of $200. Deposit refunded October 26, 1886.

Everett Steel.—Gloucester, Mass.; Charles H. Forbes, master. Detained at Shelburne, Nova Scotia, September 10, 1886, for alleged violation of customs laws. Released by order from Ottawa, September 11, 1886.

N. J. Miller.—Booth Bay, Me.; Dickson, master. Detained at Hopewell Cape, New Brunswick, for alleged violation of customs laws, on July 24, 1886. Fined $400.

Flying Scud.—Gloucester, Mass. Detained for alleged violation of customs laws at Halifax, November 1, or about that time. Released November 16, 1886.

Matthew Keany.—Gloucester, Mass. Detained at Souris, Prince Edward Island, one day for alleged violation of customs laws, about May 31, 1886.

Marion Grimes.—Gloucester, Mass. Detained at Shelburne, Nova Scotia, October 9, for violation of port laws in failing to report at custom-house on entering. Fined $400. Money paid under protest and vessel released. Fine remitted December 4, 1886.

Wide-Awake.—Eastport, Me.; William Foley, master. Fined at L'Etang, New Brunswick, $75 for taking away fish without getting a clearance; again November 13, 1886, at St. George, New Brunswick, fined $20 for similar offense. In both cases he was proceeding to obtain clearances.

[Inclosure 4.]

Report of a committee of the honorable the privy council for Canada, approved by his excellency the governor-general in council, on the 18th November, 1886.

The committee of the privy council are in receipt of a telegram from the right honorable the secretary of state for the colonies, in the words:

"United States Government protest against proceedings of Canadian authorities in case of Pearl Nelson and Everett Steele, said to have put into Arichat and Shelburne, respectively, for purposes sanctioned by convention. Particulars by post. Send report soon as possible."

The minister of marine and fisheries, to whom the telegram was referred, submits a copy of a letter addressed by the commissioner of customs for Canada to the consul-general of the United States at Halifax, and also a copy of Mr. Phelan's reply thereto.

The minister submits that it is clear, from Captain Kempt's affidavit, that he was guilty of an infraction of the customs regulations in allowing men to land from his vessel before she had been reported, and the minister of customs having favorably considered Captain Kempt's representations as to his ignorance of the customs regulations requiring that vessels should be reported before landing either men or cargo therefrom, has remitted the fine of $200 which had been imposed in the case of the American schooner Pearl Nelson.

The minister further submits that it would appear from the collector of customs' report that his remark that "he would seize the vessel" had reference solely to her violation of the customs law, and that no evidence is given of any desire or intention of denying to the captain of the Pearl Nelson any treaty privileges he was entitled to enjoy.

The committee, concurring in the above, respectfully recommend that your excellency be moved to transmit a copy of this minute, if approved, to the right honorable the secretary of state for the colonies.

All of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

The minister of marine and fisheries, to whom the telegram was referred, submits that the schooner Everett Steele appears from the report of the collector of customs at Shelburne to have been at that port on the 25th of March last, and sailed without reporting. On her return to Shelburne in September she was detained by the collector of customs for an infraction of the customs law.

The captain having assured the collector that he had been misled by the deputy harbor-master, who informed him his vessel could remain in port for twenty-four hours without entering, and that he had no intention of violating the customs regulations, this statement was reported to the minister of customs at Ottawa, when the vessel was at once allowed to proceed to sea, and that no evidence is given of any desire or intention of denying to the captain of the Everett Steele any treaty privileges he was entitled to enjoy.

The committee, concurring in the above, respectfully recommend that your excellency be moved to transmit a copy of this minute, if approved, to the right honorable secretary of state for the colonies.

All of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council.

By Article XV fishing vessels putting into harbors for shelter or to repair damages need not report, enter, or clear. The Nelson did not put into the harbor for either of above purposes. See Document 113, page 68. It does not appear that the Everett Steele was in the harbor for either of these purposes.

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general in council, on the 16th November, 1886.

The committee of the privy council have had under consideration a dispatch, dated 12th October, 1886, from the secretary of state for the colonies, transmitting a copy of a letter from Mr. Bayard, United States Secretary of State, to the British minister at Washington, calling attention to an alleged denial of the rights guarantied by the convention of 1818 in the case of the American fishing schooner Crittenden by the customs officer at Steep Creek, in the Straits of Canso, Nova Scotia.

The minister of marine and fisheries, to whom the dispatch and inclosure were referred, submits a statement of the customs officer at Steep Creek, and observes that the captain of the Crittenden violated the customs laws by neglecting to enter his vessel, as requested by the customs officer, and landing and shipping a man clearly exceeded any treaty provision he was entitled to avail himself of.

Entry of vessel is required under proposed treaty save where it enters into a port in stress of weather, or for repairs, or wood or fuel, in case the entry is outside an established port. See Article X. Shipment of crew is allowed by treaty only in case fish is put on the free-list. See Article XV.

REFUSAL TO TRADE WHEN VESSELS WERE PROVIDED WITH PERMIT.

There are four cases of vessels the masters of which were denied the right to buy fish though provided with permit to touch and trade. The treaty would not help these cases, save by means of free fish.

Louisa A. Grant (schooner).—Provincetown, Mass.; Joseph Hatch, jr., master. Took permit to touch and trade. Arrived at St. Peters, Cape Breton, in afternoon of the 19th May, 1886. Entered and cleared according to law. Was obliged to take inexperienced men, at their own prices, to complete fishing crew to get to sea before the arrival of a seizing officer, who had started from Straits of Canso at 5 o'clock same afternoon in search of vessel, having been advised by telegraph of shipping of men. (From statements of Joseph Hatch, jr., owner and master, Provincetown, Mass.)

Ethel Maud (schooner).—Gloucester, Mass.; George H. Martin, master. Provided with a United States permit to touch and trade. Entered Tignish, Prince Edward Island, to purchase salt in barrels; was prohibited from buying anything. Collector was offered permit, but declared it to be worthless, and would not examine it; vessel obliged to return home for articles mentioned. On second trip was not permitted to get any food. (From statements of George H. Martin, owner and master, East Gloucester, Mass.)

Gertie May (schooner).—Portland, Me.; J. Doughty, master. Not allowed, though provided with permit, to touch and trade, to purchase fish-bait in Nova Scotia, and driven from harbor. (From statements of Charles F. Guptill, owner, Portland, Me.)

Zephyr (schooner).—Eastport, Me.; Warren Pilk, master. Cleared from Eastport 31st May, 1886, under register for West Isles, New Brunswick, to buy herring. Collector refused to enter vessel, telling the captain that if he bought fish, which were plenty at the time, the vessel would be seized. Returned to Eastport, losing about a week, which resulted in considerable loss to owner and crew. (From statements of Guildford Mitchell, owner, Eastport, Me.)

Naiad (schooner)—Lubec, Me.; Walter Kennedy, master. Presented frontier license (heretofore acceptable) on arriving at St. George, New Brunswick, but collector would not recognize same. Was compelled to return to Eastport and clear under register before being allowed to purchase herring, thus losing our trip. (From statements of Walter Kennedy, master, Lubec Me.)

B. B. B. (sloop)—Eastport, Me.; George W. Copp, master. Obliged to discontinue business of buying sardine herring in New Brunswick port, for Eastport canneries, as local customs regulations were during the season of 1886 made so exacting that it was impossible to comply with them without risk of the fish becoming stale and spoiled by detention. (From statements made by George W. Copp, Eastport, Me.)

Aside from the question as to the right of American vessels to purchase bait in Canadian ports, such a construction has been given to the treaty between the United States and Great Britain as amounts virtually to a declaration of almost complete non-intercourse with American vessels. The usual comity between friendly nations has been refused in their case, and in one instance, at least, the ordinary offices of humanity. The treaty of friendship and amity which, in return for very important concessions by the United States to Great Britain, reserved to the American vessels certain specified privileges has been construed to exclude them from all other intercourse common to civilized life and to universal maritime usage among nations not at war, as well as from the right to touch and trade accorded to all other vessels.

And quite aside from any question arising upon construction of the treaty, the provisions of the custom-house acts and regulations have been systematically enforced against American ships for alleged petty and technical violations of legal requirements in a manner so unreasonable, unfriendly, and unjust as to render the privileges accorded by the treaty practically nugatory.

It is not for a moment contended by the United States Government that American vessels should be exempt from those reasonable port and custom-house regulations which are in force in countries which such vessels have occasion to visit. If they choose to violate such requirements, their Government will not attempt to screen them from the just legal consequences.

But what the United States Government complains of in these cases is that existing regulations have been construed with a technical strictness and enforced with a severity in cases of inadvertent and accidental violation where no harm was done, which is both unusual and unnecessary, whereby the voyages of vessels have been broken up and heavy penalties incurred. That the liberal and reasonable construction of these laws that had prevailed for many years, and to which the fishermen had become accustomed, was changed without any notice given. And that every opportunity of unnecessary interference with the American fishing vessels, to the prejudice and destruction of their business, has been availed of. Whether in any of these cases a technical violation of some requirement of law had upon close and severe construction taken place, it is not easy to determine. But if such rules were generally enforced in such a manner in the ports of the world no vessel could sail in safety without carrying a solicitor versed in the intricacies of revenue and port regulations.—*Phelps to Salisbury*, No. 113, pages 36, 37.

Equally true under proposed treaty, unless by placing fish on the free-list the United States purchased the privileges enumerated in Article XV.

The gist of the American grievance in cases where the vessel is charged with fishing within prohibited waters is that the burden of proving the seizure illegal rests upon the vessel seized, etc.

The treaty does not remedy this injustice. Therefore the complaints made in the case of the David J. Adams would still be possible under the treaty.

SEIZURES FOR VIOLATIONS OF TREATY.

Highland Light.—Wellfleet, Mass.; J. H. Ryder, master. Seized off East Point, Prince Edward Island, September 1, 1886, while fishing within prohibited line. Suit for forfeiture begun in vice-admiralty court at Charlottetown. Hearing set for September 20, but postponed to September 30. Master admitted the charge and confessed judgment. Vessel condemned and sold December 14. Purchased by Canadian Government.

David J. Adams.—Gloucester, Mass.; Alden Kinney, master. Siezed at Digby, Nova Scotia, May 7, 1886, for alleged violation of treaty of 1818, act of 59 George III and act of 1883. Two suits brought in vice-admiralty court at Halifax for penalties. Protest filed May 12. Suits pending still, and vessel not yet released apparently.

The David J. Adams was, on the morning of the 5th day of May, 1886, as has already been stated, several miles within the Gut. She was not there for the purpose of "shelter," or "repairs," nor to "purchase wood," nor to obtain water. She remainded there during the 5th and the 6th of May, 1886; she was lying at anchor about half a mile from the shore, at a locality called "Clements West."

On the morning of the 6th of May, 1886, the captain made application to the owners of a fishing weir near where he was lying for bait, and purchased 4½ barrels of that article. He also purchased and took on board about 2 tons of ice. While waiting at anchor for these purposes the name of the vessel's "hailing place" was kept covered by canvas, and this concealment continued while she afterwards sailed down past Digby.

THE OFFENSE AS TO CUSTOMS LAWS.

The David J. Adams, as already stated, was in harbor upwards of forty-eight hours, and when seized was proceeding to sea without having been reported at any customs-house. Her business was not such as to make it her interest to attract the attention of the Canadian authorities, and it is not difficult, therefore, to conjecture the reason why she was not so reported, or to see that the reason put forward, that Digby is but "a small fishing settlement and its harbor not defined," is a disingenuous one. In going to the weir to purchase bait, the vessel passed the custom-house at Digby almost within hailing distance. When at the weir she was within 1 or 2 miles of another custom-house (at Clementsport), and within about 15 miles of another (at Annapolis). The master has not asserted that he did not know the law on this subject, as it is established that he knew the law in relation to the restriction on foreign fishing vessels.

The treaty does not remove compliance with customs law as to entry.

[Inclosure 2 in No. 393.]

Mr. Phelps to Lord Iddesleigh.

LEGATION OF THE UNITED STATES,
London, December 2, 1886.

MY LORD: Referring to the conversation I had the honor to hold with your lordship on the 30th November, relative to the request of my Government that the owners of the David J. Adams may be furnished with a copy of the original reports stating the charges on which that vessel was seized by the Canadian authorities, I desire now to place before you in writing the grounds upon which this request is preferred.

It will be in the recollection of your lordship, from the previous correspondence relative to the case of the Adams, that the vessel was first taken possession of for the alleged offense of having purchased a small quantity of bait within the port of Digby, in Nova Scotia, to be used in lawful fishing. That later on a further charge was made against the vessel of a violation of some custom-house regulation, which it is not claimed, so far as I can learn, was ever before insisted on in a similar case. I think I have made it clear in my note of the 2d of June last, addressed to Lord Rosebery, then foreign secretary, that no act of the English or of the Canadian Parliament existed at the time of this seizure which legally justified it on the ground of the purchase of bait, even if such an act would have been authorized by the treaty of 1818. And it is a natural and strong inference, as I have in that communication pointed out, that the charge of violation of custom-house regulations was an afterthought, brought forward in order to sustain proceedings commenced on a different charge and found untenable.

In the suit that is now going on in the admiralty court at Halifax, for the purpose of condemning the vessel, still further charges have been added. And the Government of Canada seek to avail themselves of a clause in the act of the Canadian Parliament of May 22, 1868, which is in these words: "In case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this act * * * the burden of proving the illegality of the seizure shall be on the owner or claimant."

I can not quote this provision without saying that it is, in my judgment, in violation of the principles of natural justice, as well as those of the common law. That a man should be charged by police or executive officers with the commission of an offense and then be condemned upon trial unless he can prove himself to be innocent is a proposition that is incompatible with the fundamental ideas upon which the administration of justice proceeds. But it is sought in the present case to carry the proposition much further, and to hold that the party inculpated must not only prove himself innocent of the offense on which his vessel was seized, but also of all other charges upon which it might have been seized that may be afterward brought forward and set up at the trial.

Conceiving that if the clause I have quoted from the act of 1868 can have effect (if allowed any effect at all) only upon the charge on which the vessel was originally seized, and that seizure for one offense can not be regarded as *prima facie* evidence of guilt of another, the counsel for the owners of the vessel have applied to the prosecuting officers to be furnished with a copy of the reports made to the Government of Canada in connection with the seizure of the vessel, either by Captain Scott, the seizing officer, or by the collector of customs at Digby, in order that it might be known to the defendant and be shown on trial what the charges are on which the seizure was grounded, and which the defendant is required to disprove. This most reasonable request has been refused by the prosecuting officers.

Under these circumstances I am instructed by my Government to request of Her Majesty's Government that the solicitors for the owners of the David J. Adams in the suit pending in Halifax may be furnished, for the purposes of the trial thereof, with copies of the reports above mentioned. And I beg to remind your lordship that there is no time to be lost in giving the proper direction if it is to be in season for the trial, which, as I am informed, is being pressed.

I have, etc.,

E. J. PHELPS.

The Adams would have had this cause of grievance under proposed treaty.

It has been pointed out in my note to Lord Iddesleigh, above mentioned, that the 3-mile limit referred to in this act is claimed by the Canadian Government to include considerable portions of the high seas, such as the Bay of Fundy, the Bay of Chaleur, and similar waters, by drawing the line from headland to headland, and that American fishermen had been excluded from those waters accordingly.

It has been seen also that the term "any purpose not permitted by treaty" is held by that Government to comprehend every possible act of human intercourse, except only the four purposes named in the treaty—shelter, repairs, wood, and water.

Under the provisions of the recent act, therefore, and the Canadian interpretation of the treaty, any American fishing vessel that may venture into a Canadian harbor, or may have occasion to pass through the very extensive waters thus comprehended, may be seized at the discretion of any one of numerous subordinate officers, carried into port, subjected to search and the examination of her master upon oath, her voyage broken up, and the vessel and cargo confiscated, if it shall be determined by the local authorities that she has ever even posted or received a letter or landed a passenger in any part of Her Majesty's dominions in America.

And it is publicly announced in Canada that a larger fleet of cruisers is being prepared by the authorities, and that greater vigilance will be exerted on their part in the next fishing season than in the last.

The treaty does not benefit the Americans in the matters referred to in this extract.

It is in the act to which the one above referred to is an amendment that is found the provision to which I drew attention in a note to Lord Iddesleigh of December 2, 1886, by which it is enacted that in case a dispute arises as to whether any seizure has or has not been legally made, the burden of proving the illegality of the seizure shall be upon the owner or claimant.

In his reply to that note of January 11, 1887, his lordship intimates that this provision is intended only to impose upon a person claiming a license the burden of proving it. But a reference to the act shows that such is by no means the restriction of the enactment. It refers in the broadest and clearest terms to any seizure that is made under the provisions of the act, which covers the whole subject of protection against illegal fishing; and it applies not only to the proof of a license to fish, but to all questions of fact whatever, necessary to a determination as to the legality of a seizure or the authority of the person making it.

It is quite unnecessary to point out what grave embarrassments may arise in the relations between the United States and Great Britain under such administration as is reasonably to be expected of the extraordinary provisions of this act and its amendment, upon which it is not important at this time further to comment.

It will be for Her Majesty's Government to determine how far its sanction and support will be given to further proceedings, such as the United States Government have now repeatedly complained of and have just ground to apprehend may be continued by the Canadian authorities.

This unusual provision would still be in force under the proposed treaty.

MISCELLANEOUS.

Sarah H. Prior.—Boston, Mass. Refused the restoration of a lost seine, which was found by a Canadian schooner, December, 1886.

Abbey A. Snow.—Injury to this vessel has not been reported to the Department of State.

Eliza A. Thomas.—Injury to this vessel has not been reported to the Department of State.

The whole thing is summed up in this: Until you have changed the spirit, the temper, and the purpose of Canada to compel, whatever may be the policy adopted by the American people, a change in our fiscal regulations, the admission of their fish free to our market, you will have these countless grievances still going on. I do not find that in any considerable number of cases it can be truly said that the probability of their recurrence is diminished, and wherever it can be so said you will find that an arrangement is made out of which more difficulty and dispute and disagreement, the purpose of Canada remaining the same, are likely to occur.

When I rose I supposed I should say what I had to say in ten or fifteen minutes; but I have been led to enlarge upon it somewhat, and I will not detain the Senate by going carefully or thoroughly through the whole range.

Mr. EVARTS. Mr. President, it can not be important for me to restate or reargue the positions which I took when I had occasion to address the Senate on the general attitude of the two great nations towards the subject of this fisheries treaty. I had then approached a stage in my observations when I should take up the detailed articles pointed out, not perhaps with so much precision as to what seemed to me a general and peremptory condemnation of them, nor shall I now undertake to occupy very much time with them.

But before I take them up, I must dispose of two topics that have been introduced here, narrow in their scope and yet of some importance. A justification has been attempted for this supervision, restraint, disturbance, and molestation of us in the exercise of our fishery rights in waters where we have a right, and where we are going and undertaking to go. These objections and complaints of ours are met by referring to ordinary cases of custom-house regulations and their enforcement. All nations in commercial relations understand the commercial necessities and the protection of the revenue by customs regulations. All inspect the provision in the laws of those with whom they have commercial intercourse; and wherever they find any element or any clause that interferes with justice and partakes of oppression, they bring it always to the notice of the Government with complaint, and have it conform to the necessity and just requisition of collecting the revenue, and not to go beyond it.

Now how does that operation take place—upon the vessel or the cargo or the master or the crew? When they have come into our ports they are to be submitted to our laws, and our laws are only to oblige them to conform to the commercial regulations which they have accepted and under which they have undertaken to carry on commerce. Summary and peremptory are the regulations, but they are neither unjust nor oppressive; and in our establishment of the customs by our statutes, whenever there comes to be an execution of a complaint that would end in a forfeiture or a fine, our statute opens it to the Secretary of the Treasury to remit it himself upon any evidence, not that the fault has not been committed, not that the forfeiture has not taken

place, but that the act complained of has not been done with intent to do wrong.

That makes it suitable between nations to execute these peremptory and universal regulations, but tempered always with the proposition that by a process as easy as almost any petition for remission of a fine upon satisfaction, not, I say, upon whether the forfeiture has taken place or the violation has occurred, but whether it was done with intent or has only been through ignorance or from inadvertence.

There is another and more serious point of encroachment upon our commercial intercourse, and that is a fraud perpetrated upon us through false invoices, undervaluations, or manifests that are corrupt. We have receded now from the extreme pretensions on that point, and have provided a regular process for condemnation, and in those causes the burden of proof is thrown on the person who entered the goods after proof that they were undervalued. We have required that, and required it to be a part of our condemnation to prove that there was fraudulent intent.

There is another subject. The Senator from Alabama [Mr. MORGAN] has alluded to our regulations in regard to commerce seeking our ports, the right within four leagues, I think it is, to board a vessel in reference to its manifest and its lading and all the inspection necessary to protect us against a surprise upon us in a meditated fraud. That does not rest upon any dominion over the seas that we have. That rests upon the control we have over vessels that are seeking our ports, and the moment we stop a ship that is not to come to our port we violate her rights.

Mr. MORGAN. Will the Senator allow me to ask him if the Canadian government has the same right over fishing vessels seeking her ports?

Mr. EVARTS. I am only discussing this. You may discuss your subject, but I will dispose of this. If we arrest a vessel which is not seeking our ports, an apology is to be made for interrupting her. We had no right to fire a gun across her bow; we had no right to board her, and if we do board her and find that she is not seeking our port then it is an interruption of her voyage which requires an apology.

I agree that nations are polite and conciliatory towards each other when no vexatious policy is shown on our part towards them, or on their part towards us. It is not a question of the domination of the sea. It is a question of the regulation of commerce, and this is a question of very great importance.

I had occasion to discuss with the Spanish Government when we had conditions of disturbance in the Island of Cuba, and that government was planning to exercise power to stop our vessels and board them in the pursuit of their commerce seeking the Gulf of Mexico in the channels that brought them within the 3 leagues that they claimed the right over. I contested any such right except in war, and the fact that they had no state of war on that island did not permit them to interrupt our commerce, although the channels and the currents between the island required us to pass within the 6 miles. That is the difference between the two subjects, and it is of great importance.

Now, I have undertaken to show that we have reached a stage when all that we needed to do was to take up with Great Britain in a direct, and, of course, a conciliatory temper, but in a direct intercourse on the question of what those claims about headlands are. Draw them on the map; let us see them, with the British contention behind them. We have never done that yet. We hear about headlands and headlands, and about bays and the jaws of the land, and all that sort of thing. What we want to know is what you intend to insist upon in regard to this headland notion, mention of which is not found in the treaty of 1818, nor any foundation for it whatever. What is it that you call headlands, and what are your lines across the high seas between headlands and headlands? And when we have heard what those lines are, we then have to say our lines are so and so. And if we can get along by a concession between us which admits of an arrangement by which harbors and bays that are accorded to you in that light may be receded from by us, but in regard to our fishing in regions that are open as part of the high seas, outside of the 3 miles, we propose to fish there, and we do not propose to fish there or to be excluded from fishing there by any domination on your side as to what the law and the interpretation of that treaty is.

But if it is necessary, as in the case of the French and English possession of a fishery, that the fishing grounds shall be patrolled by the ships of both nations, and an authority, a tribunal, and an examination that shall be summary, without oppression, and shall be impartial between them, then we take as matter of complaint one side or the other of the actual dimensions of our encroachments and of your insistence upon them, and then they are like other grievances that are to be adjusted between two nations according to the magnitude of the great interests between them, obliterating of course all these subjects of contention, all these great topics of peace, of enlargement, of civilization.

Now we have reached that stage. What would have been the very narrow subject then, even if contrary to the judgment of Congress a treaty was to be proposed? Why, it would not be confined to that subject to find out what this treaty of 1818 meant, and then how we could go on and exercise our competition until we brought it to a head, of finding our grievance a practical grievance. We have made up our minds by the action of Congress that the Government here need not trouble themselves about commercial intercourse, civilization, humanity, and all those topics.

We would settle them legally, but under no treaty that hampered us in regard to them, no definition of a treaty that was to lead us to submit in the change of circumstances by which Congress was open and rights were protected, and on our part every degree of hospitality and protection was open to every fishing vessel, though there was no treaty or act between us giving them any rights whatever in our waters. That was out. But the other course was taken; and now, adhering to the proposition that no occasion for such a treaty as this existed in the situation, where are we? Understood by the arguments and passages of the Senator from Alabama as to the propriety, the duty, the wisdom, the benevolence of this treaty, he will not hesitate to believe me when I say that I agree with him as he thought in 1886 and not as he argues or thinks now. He said then:

> I do not wish to volunteer any opinions about this subject before a question gets before the Senate, and I am compelled to act upon it, but my convictions are very strong; they are fixed; indeed, I may say that we can get along with the people of Great Britain on this subject without any further treaty at all and without any further legislation. If any one were to ask me what provisions of a treaty I would frame to compose and settle any question of fundamental law between us and Great Britain in respect to the fisheries, I could not suggest it, or if I were asked to propose an amendment to the Statutes of the United States so as to put the control of this intricate subject more completely in the hands of our Government, I would not know how to do it. I believe that both the treaty stipulations and the situations under the statutes are about as complete as we are able to make them. There may be other interests, and there are other interests lying between the people of the British possessions and the United States that I would like very much to see promoted by further negotiation, but I can not call to mind, there is no suggestion to my mind of any improvement that we could make under existing conditions of our rights in the fisheries of that northeastern coast.

Those are my opinions, and the whole course of my speech showed that I thought the relations between the two nations in regard to the intermediate provinces ought to be construed correctly, executed justly, in a friendly manner, without molestation, and that the arrangements we needed to make were not a new treaty, but to see that proper exercise of neighborly attitude to us was secured in respect to our rights, and that a proper term was put upon our fishermen and our fishing vessels by our Government if they were disposed to act in contravention of our right. As to humanity and civilization, we leave that to the attitude of these two nations, which must hold, let me say, an attitude towards each other that is much higher and much more comprehensive than our attitude about the Canadian fisheries.

Now, let us look at this treaty itself. In the first place, I believe it is not doubted that this is to be a permanent treaty. There is no limitation of time; there is no retraction. We are making now a third treaty with Great Britain. We have now in force that of 1783 to a certain extent, and that of 1818 so far as it takes the place of or encroaches upon the treaty of 1783; and now we are making a third treaty, not repealing either of the others. We are introducing, therefore, a wider area and a multiplication of regulations instead of simplicity, regularity, peace, respect, and orderly conduct of affairs between us.

This treaty has other important phrases which have nothing to do with the treaty of 1783, nothing to do with the treaty of 1818, and nothing to do with our shares and rights and their exercise in the northeastern fisheries. It deals with fisheries on our coasts, and from the farthest point on the seacoast of Maine down to the capes of Florida puts us under a permanent treaty submission of our coast fisheries to them. Has Great Britain conquered our fisheries? Are we making a partition in regard to rights that they have? Would you find Great Britain making a bargain with us to give us the fishery shores of Great Britain and their other dominions as a make-weight, as an idle circumstance to fill out our own concessions in giving them more than half of all our contention in what we had a common possession, and throwing in to boot, by a permanent treaty, our fishing interests on our coasts? Who started that? What people on the coast of Florida or Carolina or Virginia or the eastern coast started a notion that they wanted to give up to Great Britain by treaty never to be retracted this share in our fisheries? I do not know how that came about.

I shall now take up the articles of the treaty and show what they contain pretty briefly, for I believe the right to close the debate on the other side begins now very promptly.

Mr. GRAY. I am not going to interrupt the Senator a moment except to ask him if the remarks he last made relate to Article XII of the treaty?

Mr. EVARTS. Yes, I am going to comment upon that article, and upon Article XV, too. This article does not undertake to make a new treaty in regard to the fishing waters that are divided; it undertakes to make a treaty by which we shall agree that these delimitations are according to our renunciation. Did you ever hear of anything like that? Everybody knows that Mr. Gallatin, Mr. Rush, John Quincy Adams, Lord Castlereagh, and Lord Bute did not make these lines.

You can not find these lines within the four corners of the treaty of 1818. Are the American people to be made to believe that we are not now making a new treaty to give away by demarkation what we have sturdily refused to do in the clauses of the former treaties as framed,

and sturdily in our contentions up to this time as to what those treaties meant? Let us read this famous Article I. It is as follows:

The high contracting parties agree to appoint a mixed commission to delimit—

I suppose that means to mark off—

in the manner provided in this treaty, the British waters, bays, creeks, and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

That is the treaty proposed to us to sign our names to now, and that is a line drawn not according to a convention now agreed upon, but according to our renunciation in 1818. I do not know but that we can decide that, as it seems to me, if we understand what it means; but under it lurks a confession that all these new lines which we draw, which might be accommodated to our necessities, to our wishes, to our contention, must be in the delimitation of "the British waters, bays, creeks, and harbors of the coast of Canada and of Newfoundland." Do we agree that between headlands and the high seas, inclosing the high seas, that between great bays 21 miles wide all interior waters are British waters? Why make us confess that? All we have to do for the purpose of this convention is to say that we shall not fish there, and that is enough. Draw the line, we fish only on one side. But it is a matter of very great importance that under these generalities we should not be brought into a general confession that whatever we may agree to in regard to fishing on this line, or whether we are not to concede that of the other side, is British waters within the sense of closed seas.

Now, the third and fourth articles——

Mr. BLAIR. I should like to ask the Senator in regard to the first article, if that article should be adopted in the form in which it appears to be, substantially an agreement that the original treaty of 1818 was as there construed, is it not an abandonment of all our claims for damages, insult, and injury in the past, and an admission that in all those claims set up we were wrong?

Mr. EVARTS. Undoubtedly, if we with our open eyes sign the clauses of that treaty; and that may be a reason why the two thousand cases that are now in the evidence of this Government have not been made prominent up to this time.

Articles III and IV pursue these delimitations by lines. We have two lines here. The Senator from Alabama and others have done me the honor to refer to a phrase I used in regard to some obscurity and to a water demarkation. I expected to find in this treaty some improvement upon the line. There we had a water line drawn by man and nothing else, by whoever knows how to draw a line at sea without a shore to measure it by. Now, we have two arrangements here: first, of lines which mark themselves, the division between our fishing rights and theirs; and others that after the line is drawn give us 3 miles seaward out of a sea line.

Suppose these nations are unable to agree which side of 3 miles from the shore a vessel was found? Who under heaven could expect to find out whether a sloop was within or without a water line 3 miles from another water line, I should like to know? Why are we putting our heads into this mesh of inextricable quarrels? If they would only mark their lines and then put a light-house at each end of them and a foghorn there to warn us off, we might know where our lines were; but nobody could give us a line 3 miles seaward outside of a sea line. Is there any place there on that inner line where they can plant a cannon to reach out to seaward 3 miles in our exclusion? It is an idle and an absurd proposition, and shows with conclusive force the character of the pretensions of Great Britain. The treaty of 1818 never measured or undertook to measure anything but a water line from the shore, where we fished for twenty years without anybody's questioning it. I would not make a treaty of this kind unless I wished to give to Great Britain all that she wants and to cut off all that we now claim.

I come next to an extraordinary article, and that is Article V:

Nothing in this treaty shall be construed to include within the common waters—

That is, our waters. They do not wish to keep themselves out of common waters—

any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818.

What does that mean? It means, if it means anything, that there are fishing waters to which we have a right, even by the demarkations or delimitations, but that the currents and the tides may oblige us to seek that open fishing ground by keeping nearer the shore than 3 miles. Here, for the first time in the history of international arrangements, navigation—not fishing, but navigation—is shut to us within the 3 miles. I pointed out to the Senate, I think, by irrefragable authorities and reasoning that there is no pretense on the part of any nation that in time of peace it has a right to interfere with navigation on the high seas.

Do Senators know what that means? Do those who signed this treaty on our part know what it means? Why put it there unless it means something? It means what I have propounded or it means nothing. Shall we sign a treaty that we will give up the right of navigation because tide and currents fall within a 3-mile belt—between neighboring and friendly nations, too? Being inside, we were pursuing that treaty fishery there; but it seems there are some places where we could not get through without sailing within 3 miles. The treaty of 1818 does not curtail our right of sailing anywhere; it is only the right of fishing. Thus pitfalls are laid for us all along through this treaty.

Now we come to Article X, which submits us to local administration. We have never had a treaty before which effected that. In the Fortune Bay incident the topic of contention was whether when by treaty rights we could fish we were subject to regulations as to whether we were within the rights. What shall we do with a neighboring nation whose shores mark the fishing grounds if we go there from abroad on a contravening and a competing claim with ours and their courts are to be in judgment over us?

It is in this light that I have pointed out the utter failure of the application of custom-house regulations and forfeitures. We do not go there confessing that we are under forfeiture. The point in dispute is whether we are within our right or not. As I said in my observations the other day, when a cruiser there takes our vessel out of the 3-mile limit, that vessel has as good a right to reply by force as the other vessel has to exercise it.

Lord Salisbury relinquished any pretension that they had a right to make laws, after a treaty had been made with us, that contravened it or undertook to construe it or to enforce it, unless it was with our assent to that regulation. This is now actually thrown away and we submit by treaty our competing fishery to the marauding and molesting regulations of the shore fisherman's interest. How valuable to us is it to have that relation, as if we were going there as a ship with its cargo comes into our ports under our laws? We go up there to fish by our own right and by permission, and we do not intend, so far as my voice will go here, by treaty acknowledgment to agree that shore laws and shore courts shall be the judges of our international and treaty rights. I can not dwell as long as I should like to do upon this point.

Now we come to a very extraordinary clause. It is only the second clause of Article XI that I think I need to comment on; but because I pass over other clauses it does not follow that they are not objectionable. But we come to this great liberality in the second clause of Article XI:

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland—

It is at established ports of entry only at which we can make these purchases—

for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly upon application and without charge.

Supposing we need the supplies in the ports of refuge that we have gone into that are not ports of entry, how are we ever going to get out of them under this treaty by the relaxation, as it is called, of trading and protective arrangements? We do not encounter storms in front of ports of entry; we encounter them wherever we are fishing and wherever the storms and the waves rage about us. Now comes an extraordinary proposition:

. And such vessels, having obtained licenses in the manner aforesaid—

What can get those? None but vessels that are in these ports, desiring to provide for a homeward voyage. They can not then provide for going out to sea to continue their fishing. We did not go there for the sake of coming home; we went there for the purpose of fishing through the season on the high seas, having that fishery guarantied to us by the treaty of 1783, without molestation, and the resorts for shelter, for repairs, and, as I pointed out, for wood and water; for all that those coasts should furnish what we needed. Having got a right to go home, if we undertook to sail out fishing we should be forfeited clearly, because we would have violated their laws and had obtained a license under false pretenses. Having that right to load to go home, this clause was introduced:

And such vessels—

It seems to me to be plainly limited to "such," that is those having the predicament of a right to a license and getting it—

And such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from New York will suspend. Under the consent of a few days since, the debate was to close at 6 o'clock to-day, and the last two hours of that time were to be occupied by the friends of the treaty, as the present occupant of the chair understands the agreement referred to. It is the duty of the Chair simply to call attention to that fact at this hour, it being now 4 o'clock.

Mr. FRYE. I ask unanimous consent that the hour of 6 o'clock at which the debate was to stop be extended so much time further as the Senator from New York shall occupy in his argument.

Mr. MORGAN. This evening?

Mr. FRYE. Yes, this evening.

Mr. HOAR. And that the Senator from New York be permitted to proceed?

Mr. FRYE. Certainly.

Mr. HALE. My colleague does not want to interfere with the arrangement for taking the vote to-morrow.

Mr. FRYE. Oh, no.

Mr. EVARTS. I shall have occasion to detain the Senate for a very brief period longer.

Mr. PAYNE. There should be as much time given to one side as the other.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine, which is that the time for closing the debate shall be extended beyond 6 o'clock to the extent of the time occupied by the Senator from New York after 4 o'clock?

Mr. PAYNE. I ask that that be qualified by giving the same additional time to those who favor the treaty.

Mr. FRYE. It still leaves two hours to those who favor the treaty.

Mr. PAYNE. The two hours before the vote should not be required to be taken up in answering the argument of the Senator from New York.

Mr. EVARTS. There was no arrangement that we were to have no right to speak on our side.

Mr. PAYNE. I do not know anything about the arrangement; I was not a party to it; but I say if the time of the Senator from New York is extended half an hour the same extent of time should be given to the other side.

Mr. FRYE. It can not be possible that Senators on the other side will make any objection to the proposition. On Friday an agreement was made that the debate should continue until Monday evening at 6 o'clock, and stop. The friends of the treaty occupied every single moment of that time up to half past 2 o'clock to-day.

Mr. PAYNE. It was your own offer, I understand.

Mr. FRYE. My own offer was not that the friends of the treaty should occupy the whole time. I never dreamed of it. I supposed this side would have half of it at least, but instead of that, the friends of the treaty have taken the whole time except an hour and a half. I simply ask that the Senator from New York shall proceed half an hour longer, if he desires to occupy that length of time——

Mr. PAYNE. I do not object.

Mr. FRYE. And, to give the two hours to the other side, that the time shall be extended until half past 6.

Mr. GRAY. I have not the most remote idea of objecting to the arrangement suggested by the Senator from Maine, for I want the Senator from New York to have all the time necessary to complete his argument, or any gentleman on that side; but consulting the convenience and comfort of Senators, why can we not in our discretion, having it entirely at our own disposal, agree that any extension of the time that is made by the Senator from New York in his speech may be added to the time to-morrow morning before the vote is taken.

Mr. FRYE. The only difficulty about that is that I had a sharp conflict with my colleague [Mr. HALE], who insisted on Friday that the conference report on the naval appropriation bill must be taken up and considered; and I finally succeeded in quieting him and allowing the debate on the treaty to go on to-day.

Mr. PAYNE. I suppose there are other Senators here who have interests as well as the Senator Maine.

Mr. DAWES. Did the Senator from Delaware suggest that two hours should be given to-morrow?

Mr. GRAY. No; I said as much time to-morrow as is occupied by the Senator from New York after 4 o'clock to-day.

Mr. MORGAN. I have only to say that I have had very great difficulty in getting the little debate I have had on the merits of the treaty before the Senate. Twice I have spoken here, first Friday evening, when we were put off by an adjournment until Monday, and this morning, when, very kindly, the Senator from Maine moved to allow me to proceed earlier than I was entitled to do, so that I might conclude my remarks. This evening I feel very tired and very weary indeed. I hate to go on. I am willing not to ask any more than the two hours' time. I do not ask any more than that.

Mr. HOAR. If the Senator will pardon me, I am informed by the senior Senator from Maine [Mr. HALE] that he has no objection to having the time taken from 11 to 12 to-morrow. That will suit.

Mr. MORGAN. I have no objection to that.

The PRESIDING OFFICER. Does the Senator from Maine modify his request?

Mr. FRYE. I ask unanimous consent that the Senate agree to go into open executive session to-morrow morning after the reading of the Journal, and that the time from then until 12 o'clock may be consumed by the friends of the treaty.

Mr. TELLER. I do not think that ought to be done unless the Senator from New York takes that much time. If he takes an hour longer it will be all right.

Mr. GRAY. Whatever time is taken by the Senator from New York to-day will be given to-morrow.

Mr. TELLER. Everybody else is cut off.

Mr. GRAY. If he takes less than an hour to-day we shall not want an hour to-morrow.

Mr. MORGAN. We only want two hours in all.

Mr. GRAY. That is all.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine as modified?

Mr. CALL. I ask the Senator from Maine if he will not consent that some part of the time to-morrow morning may be taken up in the consideration of the joint resolution which I have introduced to take measures to suppress the yellow fever in the South?

Mr. FRYE. I hope the Senator will not bring that in again to disturb us. It broke us up on Friday when we would have reached a conclusion then without the slightest difficulty and occupied Saturday. The Senator could not get his resolution in from 11 to 12 o'clock to-morrow morning. The voting on the treaty will be through by 1 o'clock, probably, and then the Senator will have an opportunity to avail himself of the floor.

Mr. CALL. I only wanted to ask the Senator if he would consent.

Mr. GRAY. I understand the Senator from Maine to ask that to-morrow morning such time may be given to those who favor the treaty as is taken by the Senator from New York after 4 o'clock to-day.

Mr. FRYE. Yes.

Mr. GRAY. I make no objection to such an agreement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine as modified? The Chair hears none. The Senator from New York will proceed.

Mr. EVARTS. Out of whose time does the ten minutes come which has been occupied since I was stopped?

Mr. FRYE. Out of the time of the Senator from Alabama. [Laughter.]

Mr. MORGAN. I did not hear the remark.

Mr. EVARTS. It comes out of the two hours.

Mr. FRYE. The Senator from New York asked out of whose time the ten minutes came which have just been wasted here.

Mr. EVARTS. I did not say "wasted."

Mr. FRYE. I said so.

Mr. EVARTS. I said "occupied."

Mr. GRAY (to Mr. EVARTS). You can take all the time you choose.

Mr. FRYE. It is over three-quarters of an hour before five.

Mr. EVARTS. Mr. President, in reference to this famous Article V, I find that Sir Charles Tupper (or, rather, my attention was called to it) undertakes to give some explanation of this 3-mile navigation, and I understand that it concurs with my views.

As to Article XI, it is absurd to say that after you have permission to trade, etc., in aid of your voyage home, therefore at all times you have a right to purchase the casual or needful provisions and supplies without reference to going home. That is the pretension I mean. I should like to have it expressed if it is the meaning of the treaty. It does not mean it on any grammatical construction, and is not at all compatible with common sense. If it means something it would be well to have it put in such a phrase as to make an explicit expression that it may not make another quarrel. For myself I can see not the least support for that pretension.

Now comes Article XII. Article XII is the clause that takes up and parts with our exclusive fishery on our whole coast. What is the object of that? Who wants to give away our exclusive fishery on our coast? To whom should we give it? What is the consideration for it? With the provinces of Great Britain we have joint rights. We have two things here that the provinces may be interested in, and we as well. They want to exclude us from fishing grounds as far as they can. We wish to carry our fishing grounds as far as we rightly can. We wish hospitality, reciprocity, humanity, and execution of the clauses in the treaty of 1818 and in the treaty of 1783.

That means that we shall not be molested, and shall have resort to shelter and repairs. It means anything and everything in every civilized community that is appurtenant to our dealing and refitting and supplying. That is what we claim; and we want to hear Great Britain say, if she means to say it, that we are not under the clauses of 1818 and the clause that we shall be unmolested in our deep-sea fisheries by the treaty of 1783. I want here to say that she intends to execute against us the rigid and oppressive and inhospitable course that is inflicted upon us in these fisheries. Why is it done? It is that our fisheries may be encroached upon and we driven from them.

We are entitled, when we are dealing with a great and equal nation, to have it understood that one word is as good as articles as long as the Decalogue, when we are to have these advantages appurtenant to the enjoyment of our fisheries, of resort, of shelter, of repairs, of the purchase of what is essential. To us all restriction in courts, or your colonial system, or exclusion of trading vessels from your ports has all been blown away like a scroll. The treaty gave the fishermen a right to come in when you kept everybody out. Under that pretension we say, let them come in as traders and point to our ports for our hospitality for their fishing vessels. Under what? Under what was the supposed reciprocal trade relation in 1830? Now, Article XII says:

> Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

Can any one tell me what that means? We have undertaken by lines drawn to show where our rights up there were. Some of them are 10 miles from the bay line, drawn across bays at points within them of

10 miles wide; others are drawn 21 miles across, and all that. What does this mean? Where are your lines of demarkation down here? Where are your limits? At one fell swoop you introduce Great Britain into joint fishing interests along our coasts. Has England demanded it? Why should it be given? What are we paid for it? We are not paid by fishing rights up there, because the fishing rights we get are the fishing rights that the treaties gave us.

On the face of this delimitation it is to give us what was gained by the delimitations of our renunciation in 1818. Do the Florida, the North Carolina, and the Virginia fishermen, as well as the Jersey and the Long Island and the eastern coast fishermen, understand that this Government has waked up and traded away our exclusive fisheries, whatever by the law o. nations were so exclusive? If it means something less, point out to us what it means. The largest construction that will be put on it, after we have signed this treaty, we may rely upon the provincials insisting upon. If there is a limitation, show it; read it; let it not be a new quarrel as to what is accorded. If it comes to trading interests, we give them trading interests now by our own laws, by our own principles of intercourse and humanity. So it is not for that, but we give them now a great deal more than they give us. So it must be when you say that fishing vessels shall have all the privileges which are mentioned in this treaty. That means of course the other treaties, because this is ingrafted on to the other treaties. It means after this treaty is made, and is applied to the old one, and secured, and through all time.

Do the people of the United States think that they are in an attitude towards Great Britain or Great Britain towards us to demand that we shall share our fisheries with them? It is not within the four corners of the negotiation; it is not in the breast of an American unless in the breast of the Secretary of State and the signatories to this convention; nor is it in theirs with any consciousness of the extended and illimitable region that we are drawn into by the clauses of this article.

Article XIV has been commented on in detail by the Senator from Massachusetts [Mr. HOAR], who addressed us to-day. All this is a part of our treaty agreement, that our rights and their pursuit there are to be subject to the laws, the courts, and the processes of the courts there. I pointed out what I consider the rights. If we are to have a line drawn between us, then we are to have our treatment not as that of marauders any more than they are marauders when they interfere with us. This is not a case of prize condemnation; this is not a condition of constant hostilities; this is to be a treaty where under just claims there may come to be misunderstanding. When we are accused of perverseness, evasion, frauds, then let Great Britain complain to us of it, and we shall meet them in the way that any nation should meet imputations of that kind; but to say that across the line of disputation we are to submit to the exclusive control not only of laws that they have passed, but of any laws that they choose to pass, it will be a long while before a Senate of the United States will give its consent to put our yoke under a construction of disputed rights, honest claims against the treatment, decision, and enforcement of a foreign court.

It has been our subject of complaint all along, in 1843, in 1852, in 1856, when the alleviations were not intercepted by giving the free fish market to the provincials, that we were marauded. And I read the letter of Mr. Bayard, the Secretary of State, where he very intelligently and very firmly pointed out that the object of these procedures against us was to deprive us of our rights of fishing, and had drawn from an authority in the provinces the conclusion that that was exactly what he meant.

Article XV I do not need to talk about. It takes no effect, but it is a very extraordinary proposition to put in, that our giving our market is to be counterbalanced by what? By their giving us their market for fish that we catch. That is one of those interesting exchanges of equalities—as if we ever sent fish into their market. They have their own market to themselves. Down here we should like to have our own market. But then this admirable exchange is made: "Give us your market and we will give you our market!" "Coals to Newcastle!" An interesting interchange of commerce—our carrying fish there.

And then, what is thrown in? Why this very limited, close stipulation of what we shall get then? We shall not even barter up there. If they have got our market, and we have got fish to give for bait, we can not barter, or, if we have anything else to exchange, we can not barter. Yet the liberality is to be opened up, thrown wide open, because we give them our market. And here is a close enumeration of advantages that we shall have when, without any stipulation, we give them in our ports every privilege enumerated there, and every other that ordinary commercial intercourse and hospitality could give. And so it comes out exactly as I stated, that the demonstrations of our experience under the treaty of 1871 and under the treaty of 1854 showed us that the inshore fisheries that they thought so much of as an equivalent for an interchange with us for our market were of no value. It was demonstrated to them, although they pretended it was worth $15,000,000—and they got five and a half millions! So, too, the interchange of productions on each side of the line has been proved to our merchants and producers as not valuable to them.

As I said in my speech, they have nothing but molestation to trade in, in any reciprocating use, and they bring it here; and nothing that they give you is toward relaxing their irritations, their exclusions, but toward reduction of our entertainment and hospitality.

And now, after all that, there is another provision, for they must have equivalents all the time. The treaty says:

> The like privileges shall be continued or given to fishing vessels of Canada and Newfoundland on the Atlantic coasts of the United States.

One would suppose that when we left off at the close of the Revolution and became independent, although we owned a half of the fishery up there and obtained it by firm treaty, too, Great Britain owned half our fishery along our coast! For they come here and talk about dividing up and say, "Why, give us half your rights, too; why not? Among friendly nations who would stand on a question about a fishery?" It all comes to this: we thought that we, that Congress could settle the question of hospitality by reciprocal legislation.

What we had given them in advance and was denied to us we could redress, either by requiring equal hospitality there or refusing our hospitality here. Now, they take up that and say to us, "Well, if you will give us one-half of your fishery here, we will give up one-half of the hospitality to you that you show to us." And thus we swap off our privileges on this new equality between us. "We will accept your arrangement of giving up half your fisheries that are in dispute if you will give up half the hospitality." But no, they must have our coast fisheries to boot, from one end to the other, and our negotiators threw them in!

Mr. President, if the Senate rejects this treaty, as it will, you will see the opening to quiet and repose in the Northeastern fisheries. They are governed there by an addiction to their interests in common with the rest of the world, and our relations to them are vastly more important to them than their relations to us are to us. And we are not going to weigh and compare the arrangements of good neighborhood between us on a mere question of fisheries. We intend to have this neighbor of ours friendly in act and conduct from one end of its Atlantic to its Pacific coast on the principles of justice and equality.

Mr. GRAY. Mr. President, through the indulgence of my friend, the Senator from Alabama [Mr. MORGAN], who is to close this debate, I propose to take a very few moments to reply to some of the points that have been made this afternoon by those who are opposing the ratification of this treaty. I shall not be able in the time to which I have limited myself to reply fully to the questions of the Senator from Massachusetts [Mr. HOAR]. I should be glad to do so, because anything coming from that Senator is worthy of a reply; but I think that in the course of this debate these questions have all been sufficiently dealt with and put it out of the power of any one to say that the points made by him have not been adverted to and replied to by Senators on this side.

I am glad that the Senator from New York [Mr. EVARTS] has this afternoon supplemented his long speech of a few days ago, for I listened for two days to the Senator with great interest. His speech was a philosophical disquisition on a great many matters which I could not see specially touched the treaty now before the Senate; and I felt somewhat like the good old Scotch lady who, when asked by her minister whether she understood the sermon in which she appeared so much interested, replied "I wad na ha' the presumption." I do not know that I would have the presumption to understand the argument of the Senator from New York so far as the treaty was concerned in his two day's speech, although I was interested in it.

But to-day the Senator has come to discuss the articles of the treaty in detail, and we have from him a definite proposition; and I am glad, Mr. President, that it is now apparent that those who are opposing the ratification of this treaty have been driven by the stress of argument when they come at last to consider the treaty itself in the person of their most distinguished advocate to confess the weakness of the grounds of opposition that can be displayed in the Senate to making this most admirable treaty a part of the law of the land.

I understood the Senator from New York distinctly and categorically to say that he objected to this treaty because it gave to the fishermen of Canada and to the inhabitants of Great Britain complete, full, and absolute rights of fishery all along the Atlantic coast from Eastport to the southernmost points of Florida. That I understood to be his contention.

Mr. EVARTS. The Senator will allow me to put in a caution which I insisted upon. I was not giving the reasons that I had for not engaging in this negotiation or in this treaty. That was not my point. I had given the reasons against negotiation and against the treaty; but taking up the treaty to be looked at as if it were a negotiation made, and that ought to be made, I pointed out distinctly what precluded me from any possibility of supporting it.

Mr. GRAY. Exactly. I did not, then, misunderstand the Senator. He states now, and we are to infer from the prominence which he gives it, that a principal reason for his objecting to the ratification of this treaty is that the twelfth article thereof admits to a participation in all the fisheries of the territorial waters of the States from Maine to Florida the Canadian and British fishermen.

Having, then, a distinct proposition between us, if I can convince Senators on that side, or on any side of this Chamber, as I undertake here to do, that that proposition is utterly without foundation, is utterly groundless, then I think I have a right to call upon the Senator

from New York to say that, a large part and a principal ground of his opposition to this treaty having been removed, he will consider whether he can not support it.

I beg Senators to give me their attention for a moment. Article XII, the article in question, is as follows:

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges—

Now, mark you, "fishing vessels," not fishermen—

of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty—

Not any other treaty—

to United States fishing vessels.

Where?

In the aforesaid waters of Canada and Newfoundland.

Now, what are "the aforesaid waters of Canada and Newfoundland?" Why, Mr. President, they are all waters in which, by Article I of the treaty of 1818, we have renounced any right of fishing at all, and therefore the privileges that are secured to Canadian fishermen in our waters can not by any possibility refer to fishing rights.

The aforesaid waters as recited in Article I of this treaty are plainly shown. Let us read the article:

ARTICLE I.

The high contracting parties agree to appoint a mixed commission to delimit, in the manner provided in this treaty, the British waters, bays, creeks, and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

I put it to the candor of Senators, I put it to their judgment and conscience, whether an objection like this to this treaty needs any other answer than the one I have made by simply reading the language of Article XII and of Article I. I do not need to repeat the remarks I made the other day in regard to a paper over the name of Mr. Levi Woodbury, in which he made this contention—in which I referred to the fact that the privileges secured by this treaty were not and could not be tortured into being fishing privileges at all. This is not an independent treaty, conferring rights of fishery; it is a treaty of interpretation of the treaty of 1818, by which, as we contend, we have secured to American fishermen pretty much all those rights and privileges, commercial rights and privileges for which they have clamored so long.

I am glad, as I said at the outset, that the Senator from New York has based so large a part of his argument against this treaty upon grounds such as this. It shows the desperateness of the case when that distinguished statesman and distinguished lawyer finds nothing upon which he can dwell with more earnestness and more emphasis than this completely flimsy and groundless charge, that this treaty confers any fishery rights on Canadian or British fishermen in the territorial waters of the States of this Union.

I said something the other day to this effect, that a treaty that attempted to do this thing would never receive my support or the support, as I believe, of any Democrat in this body—that we do not believe that the Government of the United States has the right to barter away the territorial waters of any State, and that the State of Maryland and the State of Virginia, the State of Massachusetts and the State of Maine have each valuable territorial fisheries which can not be impaired, can not be diminished under the treaty-making power of the General Government. The treaty of 1871 did attempt to do that thing, and under its strict language Canadian fishermen could claim the right to fish in Chesapeake Bay, but I think that the State of Maryland could have asserted, and that the United States Supreme Court would have supported her in asserting, her territorial sovereignty over all those waters, and that her municipal law would, by its own vigor, have protected her own citizens from any encroachments attempted to be made by Canadian fishermen.

If that is the doctrine of Senators on the other side, that the United States can give away the territorial waters of a State, then I say the sovereignty of the States is not safe in their keeping. I do not believe that the people of this country distrust or ever have distrusted a Democratic administration as regards the foreign relations of this country. The conduct of those administrations in this regard has brought glory and honor to our country's name, and has added many an illustrious page to American history. If that be the doctrine of the Republican party, that the United States Government can so deal with the rights of the States, then I say we may fear trusting them as the custodians of our foreign relations where they may use as counters, in a political gamble, the sovereignty and jurisdiction of any of the States of this Union.

I do not believe, Mr. President, that notwithstanding all that we have heard here in the way of boastfulness as to the power of this country and as to what Republican administrations have done to maintain it, I do not believe that the people of this country are ready yet to transfer power into hands that would maintain a doctrine like this. We have endeavored, or this Administration, as we on this side believe, has endeavored to place our relations with Great Britain upon a basis, not only of friendship, but of justice advantageous to all our citizens.

It has endeavored to deal fairly, broadly, and magnanimously, and when that course fails this Administration will know how to protect the honor and the good name of this country. I fear me that there are some who have figured and do figure largely in this debate who are like the men of Ghent, who, as we are told in the old song, had trodden on the tail of the lion of Flanders when he was asleep. The song says:

Ere a leaf was fallen the lion he went
And growl'd a growl at the gates of Ghent;
But they bended low when they saw him awake,
And said that they trod on his tail by mistake.

This Administration, Mr. President, and the Democratic party, while maintaining the position of this country upright and four square toward Great Britain and all the world, do not propose to put this country in any such attitude as that we would be obliged to retract or apologize when we had trodden upon the lion's tail by saying that we had trodden upon it "by mistake."

What are some of the other features of this treaty which have been discussed this afternoon?

The twelfth article has been given a prominence by the Senator from New York which I admit no other Senator has given it. But Article IX has also been alluded to by him, and he has broadly denied, as the report of the majority of the Committee on Foreign Relations has broadly denied, that Article XI gives to American fishermen that large measure of commercial hospitality which the President asserts that it does, and which I contend that it manifestly does, within the four corners of that article.

The Senator from New York, as I understood him, contends that Article XI by its peculiar language gives these privileges of purchasing supplies that are ordinarily sold to trading vessels—for that is the measure of the privilege—all provisions and all supplies which trading vessels ordinarily need and procure, only to those fishing vessels that are on the homeward voyage. The President who sends us this treaty tells us that it means something else, and that the additional clause, "such vessels having obtained licenses in the manner aforesaid shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels," means just what it says, and that American fishing vessels on all occasions can supply themselves with provisions and everything that is ordinarily sold to a trading vessel.

If that be true, is not that a very large and broad provision for securing to American fishing vessels abundant facilities to supply themselves with what they need?

Mr. EVARTS. Will the Senator allow me to ask what was the privilege of the clause preceding, if there was a privilege?

Mr. GRAY. I will come to that in one moment, if the Senator will permit me.

Now, the report of the Committee on Foreign Relations admits that if this article has the meaning which I attribute to it, it would be a really broad provision, one which was intended to completely reverse the whole British pretension on the subject and put our fishing vessels upon all subjects of provisions and supplies upon the same footing that British fishing vessels occupy in the United States and that American trading vessels occupy in the British provinces.

So that it is admitted—admitted, I presume, by the Senator from New York, certainly admitted by the Committee on Foreign Relations, of which the Senator from New York is a member—that this is really an important concession, and, if susceptible of the construction which I now say belongs to it, would give to American fishing vessels a privilege in Canadian ports that is both valuable and large, one that never before has been conceded. And this is no longer to be a mere extension of comity or hospitality which can be withdrawn at pleasure, but a right secured forever by solemn treaty stipulation.

I said that the President conceived that to be the meaning of the article. We will not discuss questions of grammar or whether the article is somewhat confused in the juxtaposition of its clauses, for we are dealing with things far more important than this. But I would ask, if, in the opinion of any Senators, such a meaning as I contend belongs to this clause is not perfectly apparent, and if a more restricted meaning belongs properly to this clause of Article XI, why will they not consent to vote for an amendment which will make perfectly clear what may be obscure, and really put beyond cavil and beyond doubt what this article means? For I say very candidly to the Senator that if it does not mean what I say it does I am very much mistaken, and I am not willing to vote for the confirmation of this treaty without voting for its amendment in that respect.

Mr. CHANDLER. Will the Senator allow me to interrupt him?

Mr. GRAY. Certainly.

Mr. CHANDLER. The Senator must be aware that Sir Charles Tupper distinctly repudiates any such interpretation as he now puts upon the article. The Senator will allow me to read a clause from Sir Charles Tupper's remarks. He says:

I say that in a case of a vessel which is homeward bound and requires provisions or needful supplies to take her home, if, for instance, she has some of her rigging carried away or some of her salt washed overboard, and is obliged to lose her voyage in going back to adistant port to refit, a provision that she may obtain casual and needful supplies of that kind was demanded in the interests of good neighborhood, and it was not going too far to say that we would allow them to enjoy those advantages.

Mr. GRAY. Now, Mr. President——

Mr. CHANDLER. Will the Senator permit me just one moment?

Mr. GRAY. Very well.

Mr. CHANDLER. I ask the Senator whether he finds in Sir Charles Tupper's speech or in the article itself anything to give the slightest indication that these needful supplies and outfit are to be granted except for vessels having taken a license for the homeward voyage?

Mr. GRAY. I say that I find in the plain words of Article XI just the meaning which the Senator from New Hampshire [Mr. CHANDLER] says he does not find. I do not find that Sir Charles Tupper in the language quoted from his speech meant to say that the article in question had any narrower meaning than the one I gave to it.

Mr. CHANDLER. Mr. President——

Mr. GRAY. Will the Senator please wait one moment? Sir Charles Tupper was defending this treaty against adverse criticism in the Canadian Parliament—defending the treaty against the criticism of giving away the rights of Canadian fishermen. I would ask the Senator from New Hampshire, although it is a little irrelevant to the line of my present argument (for whatever Sir Charles Tupper says, we are dealing with the treaty and not his speech), what interpretation can be put upon this language:

If, for instance, she has some of her rigging carried away, or some of her salt washed overboard, and is obliged to lose her voyage in going back to a distant port to refit.

Mr. CHANDLER. Will the Senator permit me?

Mr. GRAY. Wait a moment—

a provision that she may obtain casual and needful supplies of that kind—

And so on. Now, then, if going back to her home port was the thing to be remedied, was the thing to be avoided by giving her this privilege, then plainly he did not mean that this license to purchase casual and needful supplies was to be limited to vessels on the homeward voyage.

Mr. CHANDLER. I would like to ask the Senator——

Mr. GRAY. I do not wish to consume the few minutes I now have upon a matter as irrelevant as Sir Charles Tupper's speech.

Mr. CHANDLER. I understand the clause in Sir Charles Tupper's speech to mean that the article applies to a ship that has started on her homeward voyage and is not to go back to any Canadian port to get supplies or refit. I want to ask the Senator whether the article does not accord facilities for the purchase of needful provisions only to vessels which have obtained a license in the manner aforesaid, whether there is any privilege given in that article excepting to vessels that have taken the license for the homeward voyage?

Mr. GRAY. I will tell the Senator in a very few words, because I have no time to dwell on this irrelevant matter of Sir Charles Tupper's speech, if the Senator will give me his attention.

The first member of that clause of the article provides for licenses to vessels on the homeward voyage to purchase such provisions and supplies as are ordinarily sold to trading vessels, which shall be granted promptly on application and without charge to such vessels. Now I read:

Such vessels——

Mr. CHANDLER. "Having obtained"——

Mr. GRAY. Just wait—

Such vessels—

That is, such United States fishing vessels—

having obtained licenses in the manner aforesaid——

Mr. CHANDLER. That is to go home.

Mr. GRAY. Well, no; let me put my interpretation on it.

Mr. CHANDLER. A license for the homeward voyage is the only license mentioned in the foregoing articles.

Mr. GRAY. A license for the homeward voyage is the only license mentioned in the first clause.

And such vessels—

Now, I interpret that to mean such United States fishing vessels—

having obtained licenses in the manner aforesaid—

Shall have the right to buy provisions at all times.

That is, having obtained licenses upon application and without charge, not necessarily, certainly, licenses obtained for a home voyage. I admit that that clause of the article is susceptible, by a dialectical ingenuity, of a construction, of a meaning such as the Senator from New York [Mr. EVARTS] has put upon it. But I do not think, taking the whole article together, that it is the natural meaning or the obvious meaning. But however that may be, I say to the Senator from New York that I will, with him, vote to make that article so plain that no one can object to it on that score, and put it beyond the range of cavil or of doubt.

Mr. EVARTS. The Senator can propose any amendment he sees fit.

Mr. GRAY. Of course I can, but I am appealing to the Senator from New York as a fair man, who objects to an article on a specific ground, and I say to him that I agree with him that if that is to be the interpretation which he puts upon it that fairly belongs to that article, it is not such an article as ought to be in this treaty. Then I say to him further that if he will propose an amendment that would make it what he says it should mean I will vote for it, and I think that it is a fair appeal to ask him whether he will vote for such an amendment if I should propose it?

Mr. EVARTS. I was proceeding to say that the Senator can move any amendment he pleases of this treaty, he being in favor of the treaty, while it would not be fair for me to move an amendment while, after it was made, the whole scope of the treaty would be unpalatable to me.

Mr. GRAY. Well, Mr. President, I can not say that I exactly expected that answer from the Senator from New York, for I believe the Senator to be a fair man, as he is an able and distinguished one, but I am still sure that the position that I take in regard to that article is a fair one, and is one that ought to commend itself to those who are opposing this treaty on the ground that Article XI is not as broad as its friends say it is. And when we have the Senator from New York [Mr. EVARTS] consuming the last hour of the debate on that side in debating upon Article XI and Article XII, resting his whole objection, so far as he objects to the conceding part of this treaty, on these two articles, when I tell him that I am willing to vote for an amendment that will make it all that he pretends it should be, all that the Committee on Foreign Relations say that it ought to be, in order to be really a broad provision, one which would completely reverse the British contention for seventy years on this subject—when I tell him that I will vote for that, when I have shown, as I think I can say I have shown, that his objection to Article XII is utterly groundless, then what becomes of this debate between him and me? Where is the question now in regard to the ratification of this treaty? Those are the two articles upon which the Senator from New York has expended most of his time in objecting to this treaty. I think that any fair, impartial listener to this debate, who is qualified to give a judgment, would have to say that the contention of the other side has been completely overthrown in regard to those two most important objections made by them.

Mr. BLAIR. I should like to ask the Senator a question in regard to his suggestion that the argument of the Senator from New York was faulty in that the phrase "waters aforesaid," as used in the twelfth article, referred only to the waters mentioned in the first article. I wish to say that by such examination as I have been able to make of the treaty it seems to me that the Senator's assumption is entirely groundless, and that the "waters aforesaid," the phrase as used in the twelfth article, must refer to the Canadian waters, bays, and localities of the fishing as mentioned in all that precedes the twelfth article, and if that be so, or if it be doubtful that that be not so, then the Senator's reply to the Senator from New York is of no avail. I think if he will read the treaty he will find that I am quite correct.

Mr. GRAY. I had passed from that, Mr. President; but I should be glad to answer the Senator from New Hampshire [Mr. BLAIR], so far as his remarks require answering, if I had not limited myself to a very few moments. I am very sure that if he will read the treaty attentively, and without bias, he will agree with me, for I have that opinion of him——

Mr. BLAIR. Will the Senator permit me?

Mr. GRAY. I hope the Senator will not interrupt me again, for I have to go on. I should very gladly submit to the interruption if I had ten minutes more time, but I am sure the Senator will excuse me.

Mr. BLAIR. I would ask the Senator if he would have me read the treaty with less bias than he has read it himself?

Mr. GRAY. No, I would not. I would ask the Senator to read it without any more bias than I have read it myself. That is all.

Mr. BLAIR. I will try to do so. I think I have done so.

Mr. GRAY. Now, Mr. President, I can not trespass more than a few moments longer on the time which remains for the Senator from Alabama [Mr. MORGAN] who has all along expected to close this debate.

I think that what I have said in regard to the two points has been sufficient—at any rate I am vain enough to think so—to convince all Senators who for the first time have had their attention directed to the articles of this treaty and to what it really attempts to secure and does secure, to convince them that this is a most important achievement in our diplomacy, and is not open to the denunciations that have been so unsparingly heaped upon it.

The Senator from Massachusetts [Mr. HOAR] has consumed a great deal of time in this debate in objecting to any negotiation at all with Great Britain, as it appears to me, for instead of dwelling upon what has been done and accomplished by this treaty, he has confined his remarks largely to a recital of what he calls the outrages, some of them undeniable and some of them very questionable, committed by Canadian authorities upon American fishermen in those waters.

Now I have not attempted to consider as I should like in deference to the Senator from Massachusetts to have considered the questions that he raised this afternoon. But in connection with these seizures which he had examined—a large number in a list which we have not time to examine now and which he says will be printed—he spoke of forty-six of them, saying that they were cases of refusal to furnish facility for provisions and supplies. And yet he tells us that this treaty does not remove any of the causes of complaint or diminish the probability of seizures on grounds upon which they have heretofore been made in those waters. Yet as to forty-six cases on the list which he had he says the complaint was that they were for a refusal of facility to furnish provisions and supplies.

Now, I should like to ask Senators whether Article XI, as I contend it should be read—as it can be made to read; as the negotiators understood it to read—does not remove these causes of complaint, in the fact that it gives to all vessels at all times the right to obtain a license upon application and without charge, to purchase all needful provisions and supplies that are ordinarily sold to trading vessels?

Mr. HOAR. Will the Senator please state his authority for saying that the negotiators so understood it?

Mr. GRAY. I can. The President of the United States, who was the negotiator on our side, so far as he adopts the work of his subordinates, tells us that this Article XI means just what I say it means. I was just now, while the Senator was out, speaking upon Article XI.

Mr. HOAR. I have heard what the Senator said about it. I was not out.

Mr. GRAY. If it does not in the opinion of Senators mean what the President says it means, then I say we are here to co-operate with Senators on that side in inserting such an amendment as to put it beyond doubt or cavil.

Mr. HOAR. I have not been out of hearing of the Senator's voice. I have heard his remarks. My question to him was what his authority was for saying the negotiators so understood it?

Mr. GRAY. I say that the President of the United States was my authority, in his message, of course, I mean, for I have had no other communication with him. In his message communicating this treaty to the Senate he calls attention to Article XI, and he says about it just what I say.

Mr. BUTLER. And none of the negotiators have ever denied that construction.

Mr. GRAY. And none of the negotiators, as my friend from South Carolina says, have denied that construction. Sir Charles Tupper, in the language quoted by the Senator from New Hampshire, certainly does not deny it.

What then, Mr. President, is to be the position that Senators on that side would take after this attempt at negotiating a fair and reasonable treaty of interpretation of the convention of 1818 has been rejected, and we are thrown back into the condition of things in which we have been since the treaty of 1871 was abrogated, without any consensus between the two countries as to what the rights of the respective parties to that convention of 1818 are?

The Senator from New York says that it will be much better than it is with this treaty; that a condition of irritation, a condition that involves complaint, that gives opportunity under varying interpretations of treaty phrases for the seizure of American vessels, is a condition of things that is more desirable than a settlement and composure of such things!

Mr. EVARTS. Than such a settlement.

Mr. GRAY. That we are likely to be on better relations, and not worse, with Great Britain if this treaty should not be ratified! I must confess that that pleasing fancy of the Senator from New York makes no impression upon me; I wish it did. I should be glad to be in that happy frame of mind which he seems to be in, when he can calmly and with composure contemplate a condition of things that at any time may result in a difference which will be followed by a collision.

The Senator from New York said the other day that somebody on this side talked about war, and had threatened war. I have heard no threat of war. That we should be anxious as to the results of irritating questions between the two countries is not a menace of war. It is not that any Senator on this side of the Chamber fears war in the sense that he wishes to avoid it where there is just cause for it to come, or that there is any threat on the part of Great Britain of war, that I have ever heard. It is not that, but I will tell you what we fear. We do fear that the relations of this country with Great Britain may lapse into a condition, not in which she will declare war against us, but in which we may be compelled by a just regard to our honor, to our national reputation, to consider for ourselves the question of war with her, and for that reason, as a great, powerful, and magnanimous nation, I wanted to see my country placed in a position where she could say to all the world, "We desire to settle difficulties when they arise and to remove the causes of irritation and collision, and, so desiring and so offering, we are content then to leave the responsibility to others if war should actually come." It seems to me a poor and mean position to put this great country in that we sit here quarreling and nagging and making faces at these little provinces up there on our Northern and Northeastern border, that instead of seeking to compose we should be seeking to excite causes of difference, to exaggerate them, and to promote them. I do not dwell upon that picture with pleasure. It is not my idea of what this country ought to be amongst the nations of the earth.

It ought to be the great exemplar of that strength and self-containment which would advance the civilization and promote the happiness of all the dwellers upon the earth. It ought to be such that any man who was proud of his country, who loved her institutions, and whose heart swelled as he thought of her great and magnificent future, should feel and say, "This is the position for my country, great, strong, powerful, and filled with a brave and intelligent people, to assume toward all other nations of the earth, whether they be powerful or weak, great or small."

Now, Mr. President, I can not consume any more of the time of my friend from Alabama. I have trespassed, I am afraid, too long upon it already. Nor can I answer some of the questions of the Senator from Massachusetts which I had hoped to have time to answer. But I propose now to offer as an amendment to this treaty that in Article XI, in place of the word "such," on line 159, and before the word "vessel," on line 160, there be inserted the words "all United States fishing;" so it shall read:

And all United States fishing vessels having obtained licenses in the manner aforesaid.

Mr. FRYE. You will have to strike out "in the manner aforesaid."

Mr. GRAY. Then strike it out.

Mr. FRYE. Let me call the Senator's attention——

Mr. GRAY. Just one moment.

The PRESIDING OFFICER (Mr. DAWES in the chair). The Chair understands that the motion is not in order at this time.

Mr. GRAY. Then I will give notice that I will offer such an amendment; and also, after the word "licenses," on line 160, to strike out "in the manner aforesaid;" so that the section may read:

And all United States fishing vessels, having obtained licenses, shall also be accorded, upon all occasions, such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels.

And so on.

Mr. HOAR. I ask the Senator from Delaware why he would strike out the clause as to the manner of obtaining licenses?

Mr. GRAY. I only intend to make the article read as I think it was intended it should read. Where the negotiators for some good reason supposed it was necessary in according this privilege that a license should be had, inasmuch as this was an exceptional state of things for a fishing vessel to have a trading license, they provided that a license should be given in certain cases upon a certificate to a vessel as being entitled to a privilege under this treaty. I do not know any other reason. It certainly can not be a very serious objection that a privilege should be got upon a license without charge. I think that amendment will remove the most serious objection of the report of the Committee on Foreign Relations—I mean that that seems to me of all that was said in that report to be the only place where a criticism legitimately hung on this treaty. As to all the rest of the objections, they have been treated by the Senator from Alabama [Mr. MORGAN]. I can not longer occupy his time.

Mr. MORGAN. I wish to inquire of the Chair how much time I have?

The PRESIDING OFFICER. Of the two hours, not counting the preliminary talk, one-half hour was consumed by the opponents of the treaty.

Mr. MORGAN. How much time, then, is left to me?

Mr. HOAR. I would say to the Chair that I looked at the clock when the Senator from New York [Mr. EVARTS] ended, and called the attention of other Senators to it. It was then just half past 4. It was ten minutes past 4 when that Senator resumed his speech. He occupied twenty minutes after 4 o'clock.

Mr. MORGAN. How much time have I now?

The PRESIDING OFFICER. The Senator can ascertain that as well as the Chair.

Mr. MORGAN. I simply wanted to know what was the understanding of the Senate about it.

Mr. HOAR. The Senator has just an hour.

The PRESIDING OFFICER. If twenty minutes were taken from the two hours, the Senator would have until twenty minutes after 6 o'clock, and if the Senate adjourns at 6 o'clock the Senator would have twenty minutes in the morning.

Mr. HOAR. The Senator has one hour in all.

Mr. MORGAN. The Senator from Delaware [Mr. GRAY] did not occupy an hour, and we had two hours in which to close.

The PRESIDING OFFICER. Unless the Chair has made a mistake in keeping the time, the Senator from Alabama is entitled to an hour and twenty minutes.

Mr. EVARTS. The Senator has a right to speak until 6 o'clock without reference to the new arrangement; that is forty minutes, and he gets from me twenty minutes, which I consumed. That comes to an hour.

Mr. MORGAN. The Senator from Delaware occupied a half hour, and we have two hours in which to close. I do not understand how that leaves me only an hour.

Mr. HOAR. The Senator from Delaware has occupied an hour with the exception of interruptions.

Mr. GRAY. Oh, no. I call the attention of the Senator from Massachusetts to the fact that the Senator from New York stopped at half past 4, and I spoke until about a quarter past 5.

Mr. MITCHELL. The Senator from Delaware spoke fifty minutes.

Mr. FRYE. The Senate, by unanimous consent, goes into executive session immediately after the reading of the Journal. To-morrow morning the reading of the Journal will certainly be completed by ten minutes past 11, and I do not believe any Senator will object to the Senator from Alabama occupying the time from then until the vote is taken 12 o'clock.

Mr. BLAIR. I do not know that the Senator from Maine can say that.

The PRESIDING OFFICER. The Senator from Delaware began at half past 4 and closed at a quarter past 5. That is three quarters of an hour, as the Chair understands.

Mr. MORGAN. Well, Mr. President, I will proceed. In the conduct of this debate it has fallen to my lot to speak at odd times when other Senators were not prepared to proceed with the debate, and in that way I have been compelled to break in fragments the remarks that I desired to make, and so have not had an opportunity for making a consecutive argument upon the articles of the treaty. I never attempted it until I took the floor on Friday, when I was cut off by an interference with the arrangement for closing the debate which the Senate knows about. I have deferred a discussion of the merits of the treaty until I could hear from Senators on the other side, and until we could get out of the way a concerted series of collateral and unnecessary issues under which it has evidently been the purpose to bury this question and confuse the public mind.

When I was cut off to-day by our agreement I had a hope that I should have an opportunity of going on until I could get through with my argument this evening. If Senators do not wish to stay until so late an hour, I suppose the Presiding Officer will remain. We can get a prothonotary to take down my remarks, and I can have the benefit of a part of the time of which I was deprived by the adjournment over Saturday, by the action of Senators on this side, in disregard of the unanimous consent of the Senate.

When I was taken from the floor this morning under that broken agreement, I had taken the position, which I reiterate now, as it has been reiterated by other Senators, that in the delimitations made in the treaty of 1888 Great Britain gave up two-thirds of her pretensions in regard to the area of the renunciation in the treaty of 1818, and we gave up one-third, so that there was a reciprocity, a sufficient reciprocity in that feature of the treaty of 1888 for excluding the American fishermen from certain bays that are therein designated, and with reference to which certain fixed delimitations are made in the treaty itself.

I was also proceding to show that some of these people who reside back in the very interior of these countries to which these long bays extended were doubtless anxious to have shut out from intercourse and communication with them foreign fishermen, because they have had a great many severe trials on this subject, not the least among them being that Sunday incident of our fishermen in Fortune Bay, in reference to which the Senator from New York [Mr. EVARTS] is said to have achieved such a wonderful victory in getting some $75,000 for a Sunday morning's fishing there by our people. Smuggling has been carried on, according to the British contention and British representation, freely in those deep bays and secluded creeks and coves of the rock-bound shores, and other practices by foreign fishermen that were offensive to the moral sense of the quiet and orderly Acadians who live in quiet simplicity in the hamlets described by Mr. Waggerman.

It is a subject to which the Government of the United States has had its attention called by the British Government on several occasions, and I take it that it is the right and duty of the Government of Great Britain, so far as it may be able to do so, to regulate the approach of vessels that have a commission to approach the coast in such a manner as that they shall not be engaged in smuggling or have opportunity to smuggle or to rudely disturb the peace of those people. I, therefore, have not felt that we were giving up anything that was of any real value to us, and were securing them against intrusion, because the Committee on Foreign Relations have said that the fishing there was of no value at all, and that has been reiterated by the Senator from Maine time and again, as to the value of the right of fishery in these bays. In some of these discursive debates that we have had here I have also called attention to the fact that the British fish commission have established fish hatcheries and propagation establishments within the bay of Miramichi and some others of these bays the names of which I can not recall to mind, and it was doubtless with the view of protecting these fishing establishments, which are for the benefit of all mankind, that some of these fixed delimitations were put into this treaty.

But, sir, the right of fishing in those bays was a trifling matter and it has been so asserted by your Committee on Foreign Relations and by the Senators who oppose this treaty. And that surely can not be a substantial argument against a delimitation which includes bays that are less than 10 miles wide. The example for that, as I have had occasion to mention in some remarks made by me heretofore, is found in the arrangements between maritime countries in their modern treaties relating to fishing. They have changed the rule so as to shut out foreign fishermen from access to the coasts of their bays that are less than 10 miles wide, and they will not permit any fishing ship to come within 3 miles of a line drawn across the mouth of a bay which measures less than 10 miles in width. There is no reason that I know of why the American Government should not adopt that particular arrangement, especially as we have to make some arrangement before a great while, I suppose, with reference to our Alaska fisheries—fisheries that are of very great value and to which I have often adverted. If we have to go over to the Pacific with a line 3 miles from our shore, established upon a principle of acknowledged international law, we are to admit the people of all nations to come and fish in our waters, and shall give that up to foreign countries without any reciprocal advantage at all. We will do this recklessly upon a conceded principle of international law that this Senate is about to decree; we shall give up some of the most important rights and advantages that this nation can have in the future.

With those remarks I pass from the subject of the delimitations in this treaty, making a reference, however, to the rights of the fishing vessels on our coast, under our own laws, which I will now read:

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within 3 leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of $500, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Some of the Senators who have been discussing this matter this afternoon, some of the strongest and ablest Senators on that side, have indicated the straits to which they have been driven by the stress of this debate in a way that is very remarkable. The have culled out from this very long debate the points on which they wanted to make a final stand after they had really been routed horse, foot, and dragoons from the other points in the case; and the Senator from New York submitted that fifth article of the treaty and committed himself to propositions here, sir, which would do no great credit to a mere novice in diplomacy and in legal construction. This treaty relates only to those portions of the waters from which we had been excluded by our renunciation in the treaty of 1818. That is distinctly stated in the first article. Then following along in consecutive order and making no reference to any other waters except those from which we have been excluded, and, in fact, having no occasion to make reference to any other waters, for this treaty touches no other waters than those, the portion of it regarding delimitation, Article V, provides:

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818.

That the Senator from New York said was a navigation clause—a clause that prohibited navigation. It is a clause put in there merely for the purpose of indicating with absolute certainty that these waters, the shores of which stand within 6 miles of each other, are not waters to any part of which any article of this new treaty was to apply. Then going forward to Article XII of the treaty the negotiators say:

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

And there the Senator from New York in his distress finds himself compelled to reason on a forced construction of Article XII of this treaty, and to ignore the express words of the first article in order to find a ground of opposition to this treaty, after minute search that is utterly untenable, a treaty that would give the people of the United States, if it should be ratified, such very important advantages. The Senator from Delaware [Mr. GRAY], however, disposes of that matter so completely that argument is absolutely unnecessary.

The ninth article starts off on an independent subject. It says:

Nothing in this treaty shall interrupt or restrict navigation of the Strait of Canso by fishing vessels of the United States.

Sufficient reference has been made in the instructions given by Mr. Fish to the Joint High Commission to show that that Strait of Canso in 1871 was a disputed matter between the United States and Great Britain, and especially it was disputed in respect of the right of our fishing vessels to go through that strait. Was there any harm, or can there be any harm, in clearing up that question? This treaty makes it entirely clear so far as fishing vessels are concerned; and what is the real ground of objection to that? Mr. President, there can be none. It is idle to say that some national sensibility is offended by our concession that there could be a dispute about our right to pass with all our ships through the Gut of Canso. We had paid more than $3,000 light dues there before the treaty of 1871 was made, and Mr. Fish called the attention of our Joint High Commissioners to the fact in his instructions to them.

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

There can certainly be no objection to that, requiring them to conform to the harbor regulations which apply to the Canadian vessels and also to the French vessels or any other vessels that may enter those ports.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water.

Is not that an advantage given to our fishermen, even above the advantage that we confer upon foreign fishermen or foreign vessels of any kind entering our ports. We require them to report, to enter, and to clear when entering into such bays and harbors for any purpose at

all, for shelter, for repairing damages, for obtaining wood and water, for commercial purposes, and what not; so that if we would put the British fishing vessels under our statutes upon a parity of privileges with our own, that article would be found of great advantage to our fishermen. We do not do that. We deny to them privileges which are secured in this Article X by treaty obligations in favor of our fishermen. The advantage to us under this clause is palpable.

I read the exception as to reporting, etc.:

Except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

Now, compare that with our own statutes. It is claimed here that all that is demanded by the gentlemen who want commercial privileges or privileges of hospitality is that there shall be extended to our ships in Canadian ports the same hospitality that we extend to theirs. I submit the different statutes which apply to that part of this case to show that when vessels enter our ports and harbors for any purpose whatever, even those which are in distress, they are required to report within twenty-four hours and to enter.

SEC. 2773. If any vessel, having arrived within the limits of any collection-district, from any foreign port, departs, or attempts to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master with the collector of some district, the master shall be liable to a penalty of $400; and any collector, naval officer, surveyor, or commander of any revenue-cutter may cause such vessel to be arrested and brought back to the most convenient port of the United States. If, however, it is made to appear by the oath of the master, and of the person next in command, or by other sufficient proof to the satisfaction of the collector of the district within which such vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the departure or attempt to depart was occasioned by stress of weather, pursuit or duress of enemies, or other necessity, the penalty imposed by this section shall not be incurred.

SEC. 2774. Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel; and he shall, within forty-eight hours after such arrival, make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in, and verified like, a manifest. Every master who shall neglect or omit to make either of such reports and declarations, or to verify any such declaration as required, or shall not fully comply with the true intent and meaning of this section, shall, for each offense, be liable to a penalty of $1,000.

SEC. 2867. If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection district, or within 4 leagues of the coast, any part of the cargo of such vessel shall be unladen for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of $1,000 for each such offense, and the merchandise so unladen shall be forfeited, except in case of some unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress, the master of such vessel shall give notice to, and together with, two or more of the officers or mariners on board such vessel, of whom the mate or other person next in command shall be one, shall make proof upon oath before the collector, or other chief officer of the customs, of the district within the limits of which such accident, necessity, or distress happened, or before the collector or other chief officer of the collection district within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within 4 leagues of the coast of the United States. The collector, or other chief officer, is hereby authorized and required to administer such oath.

How does this, our hospitality, compare with this clause of the treaty, or with the complaints of Senators about Canadian inhospitality? If our ships are repaired under the treaty of 1818, or under this treaty, we charge a duty of 50 per cent. on the repairs.

SEC. 3114. The equipments, or any part thereof, including boats, purchased for, or the expenses of repairs made in a foreign country upon a vessel enrolled and licensed under the laws of the United States to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per cent. on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited.

A fisherman is scarcely wise who takes out a license to touch and trade under such penalties of forfeiture for non-payment of 50 per cent. customs dues, when he returns home after his vessel has been wrecked in Canadian waters and repaired in Canadian ports under the treaty of 1818. A stern issue is anxiously noticed by Senators arising upon the fact that this treaty requires the number of the fishing vessel to be painted on her nose. The debate here has been lively and profound, by turns, on this method of identifying ships. It will be instructive to know what our statute requires on this subject:

SEC. 4334. Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of $20. [See section 4178.]

A fisherman who prefers to conceal the name and number of his vessel would probably agree with Senators who take a stern view of this question, but I think that question has been magnified into undue prominence through the sensibilities of some Senators on a matter of etiquette.

I do not like the next section of our statute on this subject. It has a tendency to bring our moiety system into disrepute.

SEC. 4178. The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than 3 inches in length. If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of $50; recoverable one-half to the person giving the information thereof, the other half to the use of the United States.

If Canada had enacted a law in these words against our ships, we should have had a war by this time over these stern issues. I am grateful to our negotiators that they have transferred these ship-marks to the noses of our vessels. It will save us from the moiety hunters.

I suppose that Canada must have some law like the following to justify or excuse the great number of boardings of vessels about which the Senator from Massachusetts complains:

SEC. 4336. Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of $100.

That is almost barbarous, but it is not harder than the iron doors with which we close our doors when "thieves would break through and steal." We seem to resemble the Canadians in our diligent guards against smugglers.

SEC. 3125. If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of the nine preceding sections, such master shall forfeit and pay to the United States the sum of $20 for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States.

That is a general sweeping penalty wisely devised to keep our shipmasters awake to their duty in obeying the law.

I regret that these things are needed, but such has been the judgment of all ages amongst maritime powers.

We are also particular in our laws about landing passengers and baggage.

SEC. 3121. The master of any vessel with cargo, passengers, or baggage from any foreign port shall obtain a permit and comply with existing laws before discharging or landing the same.

A fisherman can not land on our coasts without a permit. Why do we claim this privilege in Canadian ports? Why do we rage with Republican heat when our fishermen are arrested for going ashore without a permit? Mr. Bayard, however, has healed this national wound in this treaty if we would accept it.

SEC. 4364. Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

So far as I am informed by the facts that have been disclosed in this debate, no American vessel licensed to fish and trade that has made her manifest and left it on record with the collector of the port from which she departed has ever yet presented that manifest and that permit to a Canadian custom-house and demanded to be admitted as a vessel of commerce. They do not go out with cargoes; they go out for fishing purposes alone, with a mere outfit for those ventures.

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within 3 leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of $500, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Suppose one of our fishing vessels going to Canada is there found violating these statutes, would we not fight Great Britain if, under a colonial statute, in the same words, one of her provinces should inflict these penalties upon our ship and for these causes?

I do not find any exception in favor of Canadian fishing vessels in the following statute:

SEC. 2774. Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel; and he shall, within forty-eight hours after such arrival, make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in, and verified like, a manifest. Every master who shall neglect or omit to make either of such reports and declarations, or to verify any such declaration as required, or shall not fully comply with the true intent and meaning of this section, shall, for each offense, be liable to a penalty of $1,000.

The treaty of 1818 does not exempt our vessels from making such reports and entries. But this much-reviled treaty of 1888 provides a full release from these duties for the benefit of our fishermen.

Here is the sort of bail or replevin we give to property that we seize for confiscation:

SEC. 3086. All merchandise or property of any kind seized under the provisions of any law of the United States relating to the customs, shall, unless otherwise provided for by law, be placed and remain in the custody of the collector or other principal officer of the customs of the district in which the seizure shall be made, to abide adjudication by the proper tribunal, or other disposition according to law.

I can not see that Canada has greatly exceeded our barbarity, as their conduct is styled, in this method of holding property subject to the judgment of our courts.

Neither are we less careful than they are in collecting the costs under prosecutions for violations of their customs regulations:

SEC. 3089. Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than $250, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution.

Is not this a strong temptation to the moiety men?

The Senator from Massachusetts [Mr. HOAR] would call this legislative bribery if it was found in a Canadian statute.

Here is another sweeping clause to fill up every chink that might otherwise afford a means of escape to customs delinquents:

SEC. 4380. All penalties and forfeitures which shall be incurred by virtue of this title may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed.

Article X continues:

They shall not be liable in any such bays or harbors for compulsory pilotage.

Could we extend to the Canadian fishermen those same privileges in the United States? Those States which have laws requiring compulsory pilotage would not be at all satisfied. In fact we have no right under the Constitution, as I understand it, to break down the State laws in respect of compulsory pilotage; and the States which have such statutes would object most seriously to having their statutes repealed by a treaty or by an act of Congress. But here in this treaty we secure to our fishermen in all these Canadian states, which have much the same autonomy of government that we have, the privilege of entering into their bays and harbors without any liability for compulsory pilotage.

Nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or obtaining water, shall they be liable to harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

Here our statutes, which I also submit, bristle with requirements in regard to harbor dues, tonnage dues, buoy dues, and light dues, and other similar dues, which we impose upon British fishermen and British commercial vessels when they enter our ports. Ours are to go there, though, under a treaty obligation without paying any of these dues. Is not that an advantage in favor of the American fishermen, and a very decided one.

Our laws provided that—

SEC. 4225. A duty of 50 cents per ton, to be denominated "light-money," shall be levied and collected on all vessels not of the United States which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

We exempt our fishing vessels from tonnage tax, while we tax Canadian fishermen.

SEC. 4220. No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty if such vessel be licensed, registered, or enrolled. (See section 2793.)

This treaty relieves this unseemly disparity, and gives to our fishermen in Canadian ports what our laws deny to Canadian fishermen in our ports.

The Senator from New York can trace no civil jurisdiction in this statute to the distance of 12 miles from our shores.

SEC. 2760. The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States, or within 4 leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

If it is not civil jurisdiction, rightfully exercised, it is a forcible trespass, and would be piracy if the intent was capture or plunder and no governmental authority supported the invasion on the high seas.

Is this the exercise of civil jurisdiction in the fringe of the 3-mile limit? If so, what sort of jurisdiction is it beyond that limit? I read further:

SEC. 2765. Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the revenue service, the master of such cutter or boat may fire at or into such vessel which does not bring-to after such pendant and ensign has been hoisted and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail. [See section 4843.]

I can not think of a higher jurisdiction than this, or of greater immunity to an officer who may take life in trespassing upon an innocent ship.

I am astonished that we should carp at Canadian laws regulating arrests when we give indemnity to our revenue officers in cases like these.

I read further:

SEC. 970. When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent.

Here we pardon the offender and condone the offense if probable cause for a wrongful seizure is found by the court.

Our strictures on Canadian laws are in bad taste when we read our own enactments.

See how we, like the Canadians, indemnify the men who execute our laws against costs:

SEC. 971. If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs.

See how we punish with double costs one who fails in his complaint against our officers.

When the claimant wins his suit we do not allow him to have his property until he pays his costs:

SEC. 979. When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid.

This is almost as bad as the statutes of Canada that the Senator from Massachusetts [Mr. HOAR] has examined, after Mr. Seward, Mr. Fish, Mr. EVARTS, and Mr. Frelinghuysen had allowed them to be utterly forgotten for twenty-five years.

Now we come to Article XI, about which there has been debate here this afternoon.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

That is called hospitality.

I read for the purpose of bringing to the attention of the Senate the state of the law in the United States upon the subject of hospitality what this barbarous Government does in regard to vessels which are brought in in a state of distress:

SEC. 2867. If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection district, or within 4 leagues of the coast, any part of the cargo of such vessel shall be unladen, for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of $1,000 for each such offense, and the merchandise so unladen shall be forfeited, except in case of some unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress, the master of such vessel shall give notice to, and, together with two or more of the officers or mariners on board such vessel, of whom the mate or other person next in command shall be one, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress happened, or before the collector, or other chief officer of the collection-district, within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within 4 leagues of the coast of the United States. The collector, or other chief officer, is hereby authorized and required to administer such oath.

SEC. 2868. If any merchandise, so unladen from on board any such vessel, shall be put or received into any other vessel, except in the case of such accident, necessity, or distress, to be so notified and proved, the master of any such vessel into which the merchandise shall be so put and received, and every other person aiding and assisting therein, shall be liable to a penalty of treble the value of the merchandise, and the vessel in which they shall be so put shall be forfeited.

The provisions connected with the unloading of vessels in distress show that we exercise the most complete and arbitrary vigilance over these ships. We put them in the charge of an officer the moment they land, and they are to remain in his custody until the vessels are unloaded and the cargo is put into a warehouse or is otherwise disposed of.

So when we come to speak about the hospitalities which are secured in Article XI and the natural hospitalities which are due from every maritime power to every other one in the world, and come to look at our own statutes upon that subject, we find that we have gained in favor of our fishermen rights and privileges when they are in distress, and shall enter the ports of Canada, which are far in advance of any we give to vessels of any kind approaching a port of the United States. When we come to survey our own laws and to realize the fact of the privileges of hospitality the Canadian fisherman and the Canadian merchantman may have in our ports under our statutes, and we find they are so far short of the privileges secured in Article XI in favor of our fishermen going into Canadian ports, I think it is time we had paused and considered whether we are not stultifying ourselves.

Then comes this license question about which the Senator from Delaware [Mr. GRAY] and others think there may be some difficulty of construction. The President of the United States in his message accompanying this treaty says in respect to that:

The articles permitting our fishermen to obtain provisions and the ordinary

supplies of trading vessels on their homeward voyages, and under which they are accorded the further and even more important privilege on all occasions of purchasing such casual or needful provisions and supplies as are ordinarily granted to trading vessels are of great importance and value.

Upon that the majority of the Committee on Foreign Relations say:

And if such a really broad provision as is supposed was intended to be inserted in the treaty—one which was intended to completely reverse the whole British pretension upon the subject and put our fishing vessels, for all purposes of provisions and supplies, upon the same footing that British fishing vessels occupy in the United States and that American trading vessels do in the British provinces—it certainly should, and probably would, have been stated in language incapable of sincere misunderstanding.

Whether the misunderstanding may be sincere, I do not question it in that particular at all. At the same time it seems to me that it is the plainest language almost that could be employed to indicate that vessels homeward bound have the right of taking out the license without the payment of any fees to obtain supplies such as are ordinarily sold to trading vessels, and also such vessels, United States vessels, not homeward bound vessels, but the vessels last named in the clause preceding.

And such vessels, having obtained licenses in the manner aforesaid—

How in the manner aforesaid? By making an application and getting it without fee or reward. That is the whole matter—

shall also be accorded upon all occasions—

Whether homeward bound or outward bound, it makes no difference what the occasion is—

such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels.

There the words "casual or needful provisions" are the words which mark the right. A man can not go and throw his provisions overboard or go without provisions into a port there and seek to buy in the Canadian ports; but if having gone upon his voyage some casualty or some necessity arises, if something of course that was unexpected should arise——

Mr. GRAY. Not necessarily unexpected.

Mr. MORGAN. If something that would probably be unexpected should arise, then he has the right upon all occasions by taking out a license, without fee or reward, to purchase such supplies as are ordinarily granted to trading vessels.

It is suggested, why should he take out a license at all? Merely from the fact that it is necessary to identify him as the man who is a fisherman and who is entitled to this privilege under the treaty with Great Britain.

Mr. GEORGE. The license is to cost nothing.

Mr. MORGAN. The license is to cost nothing, but he is to take out a license as a means of identification, not only convenient to the Canadian Government, but also convenient to the Government of the United States in the event of the denial or refusal of any such privilege as this guarantied under the treaty.

I do not think that it is necessary to amend this feature of the treaty, but we are here, as has been often stated and argued, as negotiators. We are trying, if we are doing our duty, or attempting to do it, to amend this negotiation so as to take out of it every shadow of doubt and misconstruction that is possible; and if there are provisions omitted from it which are necessary to be inserted for the better security of American rights it is our duty to put them in.

But the other side of this Chamber take the ground that this is a treaty which can not be improved. If the treaty can not be improved, Mr. President, what are you going to do when you have to make another negotiation? The Senator from Massachusetts in his concluding remarks to-day committed himself positively to the proposition that negotiation with Great Britain was necessary, and took issue with me upon my assertion, several times made in the Senate, as to whether the Committee on Foreign Relations had ever taken any different view of that question. He asked me to produce the passages from the report in which a different view had been taken. Here is one that of itself covers the subject fully. There are others, however, almost quite as emphatic and distinct as this one is. The committee proceed to say:

In view of the plain history of these transactions and of the matters hereinbefore stated, it does not seem to the committee that the existing matters of difficulty are subjects for treaty negotiations.

Mr. GEORGE. There can not be any dispute about that.

Mr. MORGAN. There can not be any dispute about it.

Not only that, but the President of the United States is criticised, and an attempt has been made to shame him. The question has been urged in this report as to whether he was a self-respecting President, because he entered upon negotiation, and the other question was raised and distinctly put whether he was not under the instructions of the Senate of the United States, and also the act of Congress of March 3, 1887, which forbade him from making any negotiations at all. Both these propositions are put at him in the report, both intended to convey to Great Britain, to the world, as well as to the executive department of this Government, the conclusion to be reached by the Senate on the rejection of the treaty, that from this time forward there was nothing but retaliation.

The Senator from Massachusetts also found it necessary to inquire of me if any Senator on that side of the Chamber had used the word "retaliation." Has there been a human being in the United States who has paid any attention to this debate or this controversy, taking form in 1886, who has not understood that our policy in respect of Great Britain was one of retaliation? No human being has ever thought of such a thing. The President of the United States in his reply to Mr. Steele, which is copied in the minority report of the committee, uses this language in regard to the attitude of the Government:

The act of Congress approved March 3, 1887, authorizing a course of retaliation, through executive action, in the event of a continuance on the part of the British-American authorities of unfriendly conduct and treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity, and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

The President of the United States understood that act. He knew what its meaning was just as well as every Senator in this Chamber knows it now and knew it in 1887. He knew that it was intended to be an act of retaliation, and Mr. George Steele conceiving it to be such, picked out the subject of retaliation, and wrote to the President of the United States and urged upon him that he would confine the retaliation simply to the subject of fish, thereby seeking by indirection to put the prohibition upon fresh fish being imported into this country, which the Republican House of Representatives and Senate on various occasions both as legislators and as treaty-makers had made free. Nobody misunderstood that this was a mere oppugnation, a mere response. Everybody understood then and understands now that it is retaliation.

If after this treaty has been rejected the wrongs and injustices of which we have been complaining so much should be repeated the President of the United States, under the implied instruction of the action of the Senate, would scarcely have the liberty of an option any longer in regard to the execution of the law, and that feature of the act of 1887 which gave him the discretion and made him responsible for the exercise of that discretion in resorting to retaliation would now be considered as absolutely mandatory, when he should issue his proclamation under this mandatory condition of affairs and should say, "I will exclude fish from coming to the American markets," or "I will exclude grain," or "I will exclude barley," or wool, or copper, or iron ores, or timber, or lumber, or anything of that kind—"I will exclude all Canadian productions from coming into the United States under my proclamation until you have done what Congress has prescribed that you shall do in respect of granting commercial privileges to our people." No man who understands the meaning of the English language would ever hesitate to say that that proclamation inaugurated retaliation.

But the Senator from Massachusetts has been compelled, yes, he has been driven into these nice refinements upon words and words only. He has been driven to deny that the majority of the committee have declared that the time for negotiation has passed, and that this is not a fit subject of negotiation in order to clear the ground in front of him.

Mr. HOAR. May I ask the Senator if he is alluding to me?

Mr. MORGAN. Yes, I allude to you. He admitted that when he introduced his resolution here providing for that committee of which he is chairman for the purpose of taking into consideration all these matters relating to the relations between the United States and Canada; and, as I observed before, he was merely making a soft bed on which to fall after this treaty had been ended.

The PRESIDING OFFICER. Will the Senator from Alabama suspend for a moment? The Chair understands the agreement to be that debate for to-night shall cease at 6 o'clock.

Mr. MORGAN. How much time shall I have to-morrow?

The PRESIDING OFFICER. Half an hour, the Chair understands.

Mr. HOAR. I understood the Senator from Alabama to prefer to complete his remarks to-night by an extension of the time after 6. I hope there will be unanimous consent.

Mr. GEORGE and others. Oh, no; do not do that.

Mr. MORGAN. I would prefer to do it personally, but my friends are tired, as they have a right to be.

Mr. HOAR. Will the Senator from Alabama allow me to utter one single sentence before he sits down?

Mr. MORGAN. I have no objection to the Senator uttering a sentence.

Mr. HOAR. The statement of the committee to which the Senator alludes was that the time of "negotiation and unavailing remonstrance" had passed. I merely want to have that appear.

Mr. MORGAN. Well, take both words together.

The PRESIDING OFFICER. Does the Senator from Alabama ask unanimous consent to complete his remarks to-night?

Mr. MORGAN. No, sir.

Mr. HOAR. Would it be agreeable to the Senator from Alabama if I now move that the Senate adjourn?

Mr. MORGAN. Yes, sir.

Mr. HOAR. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 1 minute p. m.) the Senate adjourned until to-morrow, Tuesday, August 21, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 20, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDERSON, of Mississippi, indefinitely, on account of sickness.

To Mr. HEMPHILL, for two weeks.

To Mr. KELLEY, indefinitely, on account of ill health.

To Mr. MAHONEY, indefinitely, on account of important business.

To Mr. SHIVELY, for two days, on account of important business.

To Mr. ALLEN, of Michigan, for three days, on account of important business.

To Mr. CROUSE, for six days from Monday, August 20, on account of urgent business.

To Mr. DINGLEY, indefinitely, on account of important business.

To Mr. MCKINLEY, for five days, on account of important business.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that that body had disagreed to the amendments of the House to the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, and asked for a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. SPOONER, and Mr. STEWART as managers of said conference on its part.

It further announced the passage of the bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith.

ORDER OF BUSINESS.

Mr. MARTIN. Regular order.

The SPEAKER. The regular order is demanded by the gentleman from Texas. This being Monday, the regular order is the call of the States and Territories for the introduction of bills and resolutions for reference.

BUSINESS OF COMMITTEE ON EXPENDITURES, TREASURY DEPARTMENT.

Mr. WHEELER offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Thursday, August 23, and Saturday, August 25, be set apart for the consideration of bills reported from the Committee on Expenditures in the Treasury Department.

ABUSES UNDER THE TARIFF LAWS.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 11207) to correct certain abuses arising under the present tariff laws in relation to bagging for cotton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

He also introduced a bill (H. R. 11208) to correct certain abuses arising under the present tariff laws in reference to sugars fit for consumption; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

He also introduced a bill (H. R. 11209) to correct certain abuses arising under the present tariff laws in relation to coal-oil; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

He also introduced a bill (H. R. 11210) to correct certain abuses arising under the present tariff laws in relation to alcohol; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

He also introduced a bill (H. R. 11211) to correct certain abuses arising under the present tariff laws in relation to cotton-seed oil; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. SPRINGER. Mr. Speaker, I wish to inquire of the gentleman whether these bills relate to abuses growing out of the formation of trusts. If so, I would like to have one of the bills read.

Mr. BRECKINRIDGE, of Arkansas. The abuses are involved in the formations known as trusts, though I dare say that there are some individual instances of such extortion outside of trusts. The abuses to which the bills relate are simply the legitimate consequences of the partial features of the existing tariff laws in their respective lines.

The SPEAKER. The bill can not be read at this time unless by unanimous consent.

Mr. SPRINGER. I withdraw the request.

REPORT ON "TRUSTS."

Mr. ADAMS introduced the following resolution; which was referred to the Committee on Printing:

"*Resolved by the House of Representatives of the United States of America (the Senate concurring therein)*, That there be printed for the use of the House and Senate 5,000 copies of the report (with evidence) lately made by the Committee on Manufactures of the House in relation to the sugar trust and the Standard Oil trust, 3,000 copies for the use of the House and 2,000 for the use of the Senate.

PENSIONS.

Mr. LANE introduced a bill (H. R. 11212) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUNISHMENT OF "TRUSTS."

Mr. ANDERSON, of Iowa, introduced a bill (H. R. 11213) to define "trusts" and to provide for the punishment of persons connected with them or carrying them on; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMANDERS OF MERCHANT VESSELS, ETC.

Mr. ANDERSON, of Iowa, also introduced a bill (H. R. 11214) to regulate commanders and crews of certain merchant, fishing, and whaling vessels; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

REPORT OF PACIFIC RAILROAD COMMISSION.

Mr. ANDERSON, of Iowa, also introduced the following resolution; which was referred to the Committee on Printing:

Whereas there was appointed by authority of an act of Congress approved March, 1887, a commission to investigate the affairs of the Union and Central Pacific Railroads and their branch lines, and to report thereon to the Fiftieth Congress by the first Monday in December, 1887; and

Whereas said commission discharged the duties enjoined by said act and procured a vast amount of evidence and information touching the affairs of said roads, and made report thereof as by law required; and

Whereas said report and the evidence and information on which the same is based was procured at an expense of $100,000; and

Whereas the report and the evidence and information accompanying it and made a report thereof comprise a history of the construction and management of said lines of railway involving an expenditure of a great many millions of the people's money, and involving, all circumstances considered, momentous interests of the highest concern to the American people; and

Whereas said investigation was had for the purpose of enlightening the public mind as to the best policy on the part of the Government in further dealing with these roads; and

Whereas said investigation disclosed a most scandalous law-breaking career on the part of the management of said roads in their relations to the United States and the people, from the organizations of said companies down to and including the time covered in making said investigation; and

Whereas there seems to be a disposition in certain quarters to suppress and withhold from the public said report and the evidence and information accompanying it; and

Whereas such success has attended the effort at suppression as very largely to nullify the purposes of the investigation and render the $100,000 expended in making the same a useless expenditure of the people's money; and

Whereas the publication of said report, and the evidence and information accompanying it, will show to the country the most reckless and profligate prostitution of these great public highways to the selfish uses of a few corrupt men who, through the manipulation of these roads and other railway and commercial corporations, numbering more than seventy-five, organized in connection therewith, the whole constituting a great and powerful combine dominating the entire business interests of the larger portion of the States and Territories west of the Missouri River, and in its unchecked and unrestrained unlawful career the prolific source of demoralization to the business interests of the whole country: Therefore,

Be it resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and hereby is, authorized and required to print 10,000 copies of the report of said Pacific Railroad Commission, and the evidence and information accompanying said report, and that the same be properly indexed.

BRIDGES ACROSS KENTUCKY RIVER, ETC.

Mr. CARUTH introduced a bill (H. R. 11215) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONDUIT PIPES ACROSS OHIO RIVER.

Mr. CARUTH also introduced a bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VIOLATION OF NAVIGATION LAWS.

Mr. DINGLEY introduced the following resolution; which was referred to the Committee on Merchant Marine and Fisheries:

Whereas it is alleged by evidence adduced by the committee of the House of Representatives appointed to investigate immigration that in many instances foreigners are commanding, and in some instances owning, vessels registered or enrolled as vessels of the United States and engaged in the coasting trade; and

Whereas the laws of the United States provide that only vessels registered or enrolled as vessels of the United States shall participate in the coastwise trade, and that no vessel shall be registered or enrolled as a vessel of the United States unless it is wholly owned by citizens of the United States and commanded by a citizen of the United States: Therefore,

Resolved, That the Secretary of the Treasury be requested to inform the House whether the Treasury Department has information of such violation of the laws of the United States, and if so, what steps have been taken to vacate the register or enrollment of such vessels and to prosecute persons who have violated our navigation laws.

RESERVATION OF SENECA INDIANS OF NEW YORK.

Mr. NELSON (by request) introduced a bill (H. R. 11217) to provide for judicial proceedings for the removal from the reservation of the Seneca Nation of Indians of New York of persons other than Indians trespassing thereon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

COTTON BAGGING ON THE FREE-LIST.

Mr. MORGAN introduced a bill (H. R. 11218) to amend the revenue laws by placing bagging for cotton on the free-list; which was read a first and second time (the second reading being in full upon the demand of Mr. MORGAN), referred to the Committee on Ways and Means, and ordered to be printed.

REPORT ON "TRUSTS."

Mr. BUCHANAN introduced the following resolution; which was referred to the Committee on Printing, and ordered to be printed.

Resolved, That there be printed 30,000 copies of the testimony taken by the Committee on Manufactures, including the testimony relating to the sugar, Standard Oil, and whisky "trusts," with the report of the committee thereon; 10,000 copies for the use of the Senate and 20,000 copies for the use of the House.

DRAWBACK ON COTTON BAGGING.

Mr. SIMMONS introduced a bill (H. R. 11219) to allow importers of cotton bagging a drawback to the full amount of the duty on said article during the continuance of what is known as the "cotton-bagging trust;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT HENDERSON, N. C.

Mr. SIMMONS also introduced a bill (H. R. 11220) for the construction of a public building at Henderson, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ILLEGAL USE OF THE MAILS.

Mr. GROSVENOR submitted the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Whereas it is charged in the public journals and by responsible persons that gross violations of the postal laws are being committed in the State of Ohio, and which violations are being openly and notoriously committed by officers of the postal service and others: Therefore,

Resolved, That the Postmaster-General be requested to communicate to this House whether it is true that an enormous edition of a certain publication, called the "Tax-Reform Advocate," was sent and distributed in violation of the postal laws through the mails, being sent out from Columbus, Ohio, and to all, or nearly all, the post-offices of the State; and if such is the case, whether any officer or officers of the Post-Office Department has been guilty of such acts, or has known of the same, and has not taken any steps to prevent the same; and also what further legislation by Congress is necessary to enforce the laws of the United States in regard to the postal service, and to prevent the repetition of such offenses; and also the honorable Postmaster-General is requested to report what steps, if any, have been taken by the Department to punish such offenses and to prevent their recurrence.

PROBATION AGENT, DISTRICT OF COLUMBIA.

Mr. LEE introduced a bill (H. R. 11221) for the appointment of a probation agent for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIQUOR TRAFFIC WITH CERTAIN FOREIGN COUNTRIES.

Mr. CHEADLE. I am requested by my colleague, Mr. OWEN, who is absent from the city, to present the following resolution, which I ask to have read and properly referred.

The resolution was read, as follows:

Whereas a large liquor traffic is being carried on between this country and the Congo and the South Pacific Islands;

Whereas the civilized nations have been importuned to prohibit, by international treaty, such traffic to these countries:

Resolved, That the honorable Secretary of State be, and he is hereby, respectfully requested to submit to this House such information as his office possesses concerning said traffic, and all correspondence or action in reference thereto.

The resolution was referred to the Committee on Foreign Affairs.

DECISIONS OF INTERSTATE-COMMERCE COMMISSION.

Mr. HERBERT introduced a joint resolution (H. Res. 215) providing for the printing of 800 copies of the reports of the decisions of the Interstate Commerce Commission; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

FIRST NATIONAL BANK OF PORTLAND, OREGON.

The SPEAKER. A few days ago the gentleman from Kentucky [Mr. TAULBEE] made a report from the conference committee on House bill 1761, for the relief of the First National Bank of Portland, Oregon. In the report it is stated that the House "receded from its disagreement to the amendment of the Senate, and with the following amendment agreed to the same." It appears that there were two amendments of the Senate, one being, however, only to the title of the bill; and if there be no objection the vote by which this report was agreed to will be reconsidered, and it will be amended so as to make it read, "amendments of the Senate," which will complete the bill.

There was no objection, and it was so ordered.

DETAILS OF MILITARY OFFICERS FOR EDUCATIONAL INSTITUTIONS.

Mr. WARNER. Mr. Speaker, I move to suspend the rules and pass the resolution introduced two weeks ago and modified as follows, which I ask the Clerk to read.

The SPEAKER. The resolution proposed by the gentleman from Missouri as modified will be reported.

Mr. TOWNSHEND. I ask, Mr. Speaker, if the regular order is not the consideration of a pending motion submitted by myself?

The SPEAKER. The Chair will state the condition of the pending motions.

On the third Monday of last month the Committee on Military Affairs was called in its regular order for motions to suspend the rules; whereupon the gentleman from Illinois [Mr. TOWNSHEND] moved to suspend the rules and pass the resolution in relation to the celebration at Gettysburgh, the Chair thinks; which motion was not disposed of, a second being demanded, on which no quorum voted. On the first Monday of the present month the regular order was demanded, and the gentleman did not then call up for action that motion which was pending. It not having been called up at that time, the Chair supposed the gentleman had abandoned the motion, and thereupon recognized the gentleman from Missouri [Mr. WARNER]. If, however, the gentleman from Illinois insists upon his motion, the Chair thinks it is the pending motion and has precedence.

Mr. TOWNSHEND. My reason for not pressing the motion was that I did not wish to interfere with the gentleman from Missouri, and I supposed also that the motion would go over properly to the third Monday, that is for to-day.

Mr. WARNER. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER. Will the motion to which I have referred be in order immediately after the motion of the gentleman from Illinois is disposed of?

The SPEAKER. The motion of the gentleman from Missouri is the pending motion, but no second has been ordered, and hence it is subject to modification, if the gentleman desires to modify it, as he has intimated his intention to do so.

Mr. HOOKER. Mr. Speaker, I wish to give notice that I shall raise the point of order on the motion the gentleman from Missouri now proposes to call up.

The SPEAKER. The gentleman does not call it up, as the Chair understands.

Mr. HOOKER. I mean when the motion is called up.

Mr. TOWNSHEND. I am authorized by the Committee on Military Affairs to withdraw the motion which has just been mentioned by the Speaker, and offer the bill S. 186, the bill detailing officers of the Army or Navy to educational institutions; and I move to suspend the rules and pass that bill.

The SPEAKER. That, however, is a separate motion, and the motion of the gentleman from Missouri has priority, because that is a pending motion.

Mr. TOWNSHEND. I will ask the gentleman from Missouri to allow me to have action first on this motion.

Mr. WARNER. I do not wish to lose any rights to which I may be entitled.

The SPEAKER. The motion of the gentleman from Missouri will come up immediately after this is disposed of.

Mr. WARNER. With that understanding I will yield to the gentleman from Illinois.

Mr. TOWNSHEND. This matter will take but a few moments to dispose of.

I now move to suspend the rules and pass the bill to which I have referred.

The SPEAKER. The bill will be read, after which the Chair will ask for a second.

Mr. TOWNSHEND. I propose to pass the Senate bill as amended by the House committee.

The SPEAKER. It appears that this bill has been partially considered by the House already during the hour set apart for the consideration of bills, and some amendments have already been agreed to. Does the gentleman's motion also include those amendments?

Mr. TOWNSHEND. That is the motion I have made. I ask that the bill be read as amended by the House when this bill was up for consideration, and also as proposed to be amended by the committee.

The bill was read, as follows:

Be it enacted, etc., That section 1225 of the Revised Statutes of the United States, as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established military institute, seminary or academy, college or university, within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army or Navy to act as superintendent, or professor thereof, but the number of officers so detailed shall not exceed fifty from the Army, and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging

to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required:" *Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February 26, 1879, entitled "An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;" and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section 1260 of the Revised Statutes.

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

The SPEAKER. Did the gentleman give attention to the reading of the bill, so as to know whether it included the amendments that were adopted?

Mr. TOWNSHEND. It was amended in Committee of the Whole.

The SPEAKER. The amendments adopted in committee have been read.

Mr. TOWNSHEND. I move to suspend the rules and pass the bill as amended in the House.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill with the amendments adopted in the House. Is a second demanded?

Mr. BLAND. We had better have a second.

The SPEAKER. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Illinois [Mr. TOWNSHEND].

The House divided; and there were—ayes 83, noes 8.

So a second was ordered.

The SPEAKER. The ayes have it, and under the rules of the House thirty minutes are allowed for debate; fifteen minutes on each side, and the Chair will recognize the gentleman from Illinois [Mr. TOWNSHEND] to control the time in support of the bill and the gentleman from Missouri [Mr. BLAND] to control the time in opposition to the bill.

Mr. TOWNSHEND. The bill having been so fully discussed the last time it was under consideration in the House, I do not feel like occupying the attention of the House this morning in discussing it any further, but I will ask to have the report read by the Clerk for the information of the House. The House report substantially adopts the Senate report.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 186) entitled "A bill to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.," having considered the same, report as follows:

The committee fully concur with the report of the Senate Committee on Military Affairs (which is hereto appended) as to the merits of this bill.

And, in order that it may not conflict with the act of Congress of February 26, 1879, authorizing the President to detail officers of the Engineer Corps of the Navy to scientific schools, and to the end that the scope of the bill may be slightly extended, the committee recommend the following amendments:

In line 9 of section 1225 of the printed bill, after the word "established," insert the word "academy."

In line 12 of section 1225 of the printed bill, after the word "Army," insert the words "or Navy."

At the end of section 1225 add the following:

"*Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools and colleges as now provided by act of Congress approved February 26, 1879, entitled 'An act to promote a knowledge of steam engineering and iron ship-building among the students of scientific schools or colleges in the United States.'"

After the amendment last recommended insert the following:

"And the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government, on the terms and conditions hereinbefore provided, to any college or university to which a retired officer of the Army may be assigned, as provided by section 1260 of the Revised Statutes."

As thus amended, the committee recommend that the bill do pass.

[Senate Report No. 99, Fiftieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 186) entitled "A bill to amend section 1225 of the Revised Statutes concerning details of Army officers to educational institutions," having had the same under consideration, report in favor of the passage of the same, with some amendments.

Section 1225 of the Revised Statutes, which the bill (S. 186) proposes to amend, authorizes the President, upon the application of any established college or university in the United States having capacity to educate not less than one hundred and fifty male students, to detail an officer of the Army to act as military instructor therein, and prescribes that the number of officers so detailed shall not exceed thirty at one time. It also authorizes the Secretary of War to issue, under certain conditions and regulations, small arms and field artillery for the purpose of military instruction of and practice by the students in such institutions.

On the 5th of July, 1884, Congress amended this law by providing that the number of officers so detailed should not exceed forty at any one time. By the provisions of the act of July 2, 1862 (see 24 United States, chapter 130, page 503), commonly known as the "agricultural college grant," military tactics are required to be taught in the colleges intended by that act.

Your committee do not deem it necessary that they should more than suggest the great good that has been accomplished by this military instruction in the colleges that have procured instructors from the Army of the United States under the beneficent provisions of these acts. Such instruction tends to better the discipline and improve the physical and mental condition of the pupils who are thus taught.

The bill under consideration proposes to increase the number of officers authorized to be detailed from a maximum of forty to a maximum of fifty, and it also provides that the State institutions, which, as beneficiaries under the act of July 2, 1862, are required to teach military tactics, shall be preferred in the apportionment of the detail contemplated by the act.

Your committee are advised that the number of officers authorized to be detailed under the existing law is insufficient to meet proper demands therefor by the State institutions of learning, and that several colleges that have become beneficiaries under the agricultural college act of July 2, 1862, have not been able to secure the detail of military instructors to teach military tactics, as required by that act. The existing law gives them no priority, as it puts all established colleges and universities on the same footing in this respect.

Your committee referred this bill to the Secretary of War for his suggestions in relation thereto, and attaches hereto his letter of January 23, 1888, by which it will be seen that he now, as he did heretofore, strongly recommends its passage. It is apparent, also, from his letter that the General commanding the Army also approves. The suggestion is made by him that the words "small arms or pieces of field artillery," in lines 27 and 28 of section 1, be stricken out, and that in lieu thereof there be inserted the words "ordnance and ordnance stores."

Upon full consideration, it is deemed well by your committee that the number of instructors to be detailed should be increased to a maximum of sixty, of which fifty shall be detailed from the Army and ten from the Navy. Your committee therefore recommend the passage of the bill with the following amendments: In section 1, line 14, after the word "fifty," insert "from the Army and ten from the Navy, being a maximum of sixty." In same section, in lines 27 and 28, strike out the words "small arms and pieces of field artillery" and insert the words "ordnance and ordnance stores;" and amend the title of the bill so as to read: "A bill to amend section 1225 of the Revised Statutes concerning details of officers of the Army and Navy to educational institutions," and that as thus amended the bill pass.

WAR DEPARTMENT, *Washington City, February 17, 1887.*

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, requesting the views of this Department upon Senate bill 3100, Forty-ninth Congress, second session, "to amend section 1225 of the Revised Statutes, concerning detail of Army officers to educational institutions, etc."

In reply, I beg to advise you that the Lieutenant-General regards the proposed changes in the existing law, extending to fifty the number of officers that may be detailed to colleges, and specifying the institutions to which they shall first be apportioned, as a decided improvement upon the present system.

The Chief of Ordnance also commends the proposed increase in the number of officers to be detailed, and recommends that on line 27 the words "small-arms or pieces of field artillery" be stricken out, and the words "ordnance and ordnance stores" substituted, inasmuch as accouterments and ammunition are now issued in addition to small-arms and field artillery, as being necessary for military instruction, and the proposed amendment will cover such issue.

These views and recommendations are concurred in by this Department.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. CHARLES F. MANDERSON,
Of the Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, *Washington City, January 23, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing Senate bill 186, Fiftieth Congress, first session, to amend section 1225 of the Revised Statutes, and requesting my views upon the proposed legislation.

In reply, I beg to inform you that the present bill, which is herewith returned, appears to be identical with Senate bill 3100, Forty-ninth Congress, second session, which formed the subject of my letter to you of February 17, 1887, copy herewith. The Lieutenant-General at that time reported favorably upon the proposed increase in the number of officers to be detailed, and their appointment to certain institutions, and the Chief of Ordnance also favored these amendments, and recommended the substitution on line 27 of the bill of the words "ordnance and ordnance stores" for "small-arms or pieces of field artillery."

In this recommendation I concurred; and with the change made in line 27 the present bill will fully accord with the views of the Department.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. CHARLES F. MANDERSON,
United States Senate.

Mr. HENDERSON, of Iowa. I would like to ask the gentleman from Illinois a question. There is doubt in the minds of some gentlemen about this bill. It is believed that the passage of the bill will cancel the details that are now made at certain schools and colleges. A number of the colleges are anxious about this, and have so much feeling on the subject that I want to know whether this bill will have the effect of changing the details.

Mr. TOWNSHEND. The gentleman desires to know whether the bill is intended to affect the present details?

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. TOWNSHEND. As I understand, the bill does not affect the present details. The purpose is to enlarge the number of details.

Mr. HENDERSON, of Iowa. Would it not require a reassignment and thus effect a change of details?

Mr. TOWNSHEND. The assignments are left with the War Department. I have no reason to believe there will be any change; and there is nothing in the bill that I know of that would effect such a change.

Mr. HENDERSON, of Iowa. You mean there is nothing in the bill compelling the Secretary of War to change the present details?

Mr. BLOUNT. Does not that necessarily involve some rearrangement?

Mr. TOWNSHEND. The present law is upon that basis. I do not know, and of course can not answer for the War Department, but my understanding and impression is that there will be no change in the present details. The bill does not require it. It is a matter left entirely with the War Department. I have no reason to think there will be any change.

Mr. BLAND. I would like to ask how many officers there are in the United States Army and how many in the Navy?

Mr. TOWNSHEND. There are something like 2,000 officers in the Army, but how large a number in the Navy I do not know. [To Mr. HERBERT.] How many are there?

Mr. HERBERT. A thousand or twelve hundred.

Mr. BLAND. How many privates.

Mr. BLOUNT. What does my friend from Alabama mean? Are they on shore duty or sea duty?

Mr. HERBERT. The question is asked me suddenly as to the number of officers. For the line there are 730; engineers about 170. There are about 220 engineer officers, but the number is gradually being reduced to 170. Besides this there are surgeons and staff officers. Altogether the number of officers in the Navy will be about 1,100.

Mr. BLAND. How many privates?

Mr. HERBERT. Seven thousand five hundred men and boys is the number; and it is probably not kept up to the full quota.

Mr. BLOUNT. Are more than one-third of these officers on sea duty?

Mr. HERBERT. I should suppose more than one-third, but I will state that the number of ships in the old Navy is being very rapidly reduced. There are not now more than twenty-six or twenty-seven vessels, and as a matter of course there are a great many officers at home and not on sea duty. Quite a number of these, and very nearly all of them, are on useful duty inspecting steel and other things; and the number of officers is much less, I think not half as many as in the Army.

Mr. TOWNSHEND. In order to prevent any misapprehension in the minds of any gentleman, I wish to state that this bill does not propose to increase the number of officers. The bill does not increase the number of Army or Navy officers at all, nor does it impose upon the Treasury any appropriation. The bill is really for the purpose of enabling the colleges and academies of the country to avail themselves of the instruction which the Army and Navy officers can give them, and to take those who are off duty. We have a surplus number of officers, and it is believed that the best use we can put them to is to detail them for this purpose to colleges and academies asking their services.

Mr. MACDONALD. I wish merely to say for the information of gentlemen who have made the inquiry that in the early part of the winter I made application to have a detail made for a university of our State, and in doing so the matter was discussed with the Department and an examination of the law was made.

The present law, without any amendment, provides for the assignment of these officers among the different States upon the basis of population, and the Adjutant-General informed me that, inasmuch as population was changing all the time, unless a law was passed by Congress authorizing the Department to increase the number of these assignments, it would be necessary for him in the course of the coming year to change the assignments already made in compliance with the requirement that the assignment shall be on the basis of population. The passage of this bill, therefore, will have the effect to prevent the disturbance of the assignments already made. The object of it is to enable the Secretary of War to assign officers of this class to States such as the one which I have the honor in part to represent, and which are now unable to procure assignments under the law. The bill seems to be entirely unobjectionable.

Mr. TOWNSHEND. Mr. Speaker, I desire to give the gentleman from Missouri [Mr. BLAND] a statement of the exact number of officers in the Army. It is 2,174.

Mr. BLAND. What is the number of privates?

Mr. TOWNSHEND. It is difficult to state that exactly, because the number is all the time changing, but I think there are between 17,000 and 18,000.

Mr. BLAND. Can the gentleman give the House information as to the salaries of the officers of the Army and those who are on the retired-list? Can he let us know what we are paying for officers who are doing nothing?

Mr. TOWNSHEND. I can give the gentleman that information, but I now desire to reserve the remainder of my time.

The SPEAKER. The gentleman has only one minute remaining.

Mr. TOWNSHEND. Very well; I reserve that.

Mr. BLAND. Mr. Speaker, I regret very much that the Committee on Miltiary Affairs have not reported a bill here reorganizing the Army and dismissing every unnecessary officer. I do not know what amount this Government is paying to-day to gentlemen who are on the retired-list of the Army, officers without any command. We have over 2,000 officers to about 16,000 or 17,000 privates. At this time, Mr. Speaker, when the Treasury is overflowing with money, when bills are pending of all sorts and sizes for appropriations for disbursements, for elevating gentlemen above their present rank in order to give them a little more pay, we find other bills brought in here to create a necessity or an excuse, if you please, for continuing in the public service gentlemen who are now holding sinecures and who ought to be in private life earning their own living. I say I regret that the chairman of the Committee on Military Affairs has not responded to the popular demand in this country that all sinecures and unnecessary offices shall be abolished and those who hold them relegated to private life. It is not necessary in this country to continue 2,000 Army officers with only 17,000 soldiers.

Mr. WHEELER. There are 25,000 soldiers.

Mr. TOWNSHEND. The actual number is not so large as that.

Mr. BLAND. Nor is it necessary to pass laws here furnishing a pretext for assigning these men, who are pensioners upon the Federal Government, to the private institutions of the States. Why not pass the Blair bill itself? Why not let the Federal Government take charge of all the schools in the States and send out its civil officers and its military officers as school-teachers all over the country to aid and direct the State governments in performing their proper functions? Such legislation is contrary to the theory of our Government, and contrary to the popular demand of the people. The people demand that all these unnecessary officers shall be thrown upon their own resources, to make their own living, as the people themselves have to do. For that reason, sir, I oppose this bill.

Mr. Speaker, it is time that Congress should announce to the people of this country that it intends to return to the original principles of republican institutions; that this is not a paternal Government to take care of the States or of the institutions of the States, or to collect large sums of money for the purpose of sending out an army of officers or teachers through the country to interfere with State institutions in any way. Let the States, upon their own responsibility and at their own expense as independent sovereigns, take care of their own institutions, and let Congress pursue its proper line of duty within the limits of the Constitution and the theory of our Government. I yield now to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, the House has been told that this is a proposition to increase by ten the number of officers that may be detailed from the Army for the purposes indicated, and also to increase by ten the number of officers who may be in like manner detailed from the Navy; and it is said that as these officers are now a charge upon the Government——

Mr. BLAND. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman had twelve minutes of his time remaining when he yielded the floor, and the gentleman from Georgia [Mr. BLOUNT] has consumed two minutes.

Mr. BLAND. I desire to yield two minutes to the gentleman from Ohio [Mr. GROSVENOR] and the balance of my time to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I should like to know how much time I am to have, so that I may measure my speech accordingly.

Mr. BLAND. The gentleman from Georgia will have eight minutes remaining after the gentleman from Ohio [Mr. GROSVENOR] shall have occupied two minutes.

Mr. GROSVENOR. Mr. Speaker, when this bill was under consideration in Committee of the Whole I offered an amendment including in the provisions of the bill the Ohio Soldiers and Sailors' Orphan Home. That is an institution which has about eight hundred students, and it is a graded school, the higher branches of which have a curriculum about equivalent to that of an ordinary academy. The vote was taken upon that proposition, and an overwhelming majority—nine out of ten, or more than that—voted in favor of the amendment. But the point of no quorum was made. And now the chairman of the Committee on Military Affairs selects such amendments as he sees fit to put into this bill and excludes that amendment in favor of the institution I have the honor to represent. Therefore I will oppose this bill, not only by speech but by every means within my power, so as to teach the gentleman that he will have to treat public institutions of the character of this one with at least as much respect as he does the promiscuous academies of the country.

Mr. TOWNSHEND. The gentleman does me injustice, and I know he does not want to do it. I have simply asked to incorporate in the bill the amendments already adopted by the House.

Mr. GROSVENOR. The amendments which the gentleman proposes to incorporate were adopted simply as mine was.

Mr. TOWNSHEND. Every amendment adopted by the House is incorporated in the bill as now perfected.

Mr. GROSVENOR. If the gentleman is in favor of my amendment will he let me offer it now?

The SPEAKER *pro tempore* (Mr. SPRINGER). The Chair is informed that the amendment of the gentleman from Ohio [Mr. GROSVENOR] was agreed to.

Mr. GROSVENOR. Certainly it was; and now the gentleman from Illinois demands the previous question, leaving out my amendment and putting in those that happen to suit him. This bill is not to be passed in that sort of way.

Mr. TOWNSHEND. The gentleman's amendment was lost the other day——

Mr. GROSVENOR. I have said the amendment was not lost.

Mr. TOWNSHEND. If the gentleman had not thrust in his amendment the other day the bill would have passed then.

Mr. GROSVENOR. If the gentleman had treated my amendment as he did the others we would not have got into this controversy.

The SPEAKER *pro tempore*. The Clerk informs the Chair that the amendment of the gentleman from Ohio was adopted, and in the pres-

ent motion is included among the amendments to be incorporated in the bill.

Mr. GROSVENOR. Unfortunately it is not.

The SPEAKER *pro tempore*. The Clerk so informs the Chair.

Mr. GROSVENOR. I listened very carefully, and heard nothing of the kind.

The SPEAKER *pro tempore*. The motion was to adopt the bill with the amendments already agreed to by the House. If that amendment was agreed to, it is included in the motion.

Mr. GROSVENOR. But in the copy which was read by the Clerk my amendment was wholly omitted.

The SPEAKER *pro tempore*. But that does not govern the House. The bill will include the amendments which were adopted, whether the printed copy be correct or not.

Mr. BLOUNT. Mr. Speaker, am I not entitled to the floor?

The SPEAKER *pro tempore*. The gentleman has eight minutes remaining.

Mr. BLOUNT. It has been stated to the House that this bill proposes simply to allow the assignment or detail of not more than fifty Army officers and ten officers of the Navy to these institutions; that these officers are now supported by the Government and therefore may, without additional expense, be utilized in giving instruction in the various academies or institutions of learning herein designated. Now, I wish to call attention to the fact that there is much more in this bill than this statement of its effect would imply. It provides that—

> The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section.

It will be seen, Mr. Speaker, that the bill provides not only for detailing officers for this service, but also for supplying ordnance and ordnance stores to these schools "for military instruction and practice." Will any gentleman undertake to say that this will not cause a large amount of expenditure? There is no limitation in this respect except in the discretion of the Secretary of War, who may issue to these institutions such amount of ordnance and ordnance stores as in his judgment "can be spared for the purpose." When this practice has been once inaugurated, our expenditure for ordnance and ordnance stores will no doubt be immensely enlarged.

This is but the beginning. When you shall have passed this measure—when fifty officers of the Army and ten officers of the Navy shall have been assigned to these institutions of learning, there will come a demand (and you will be compelled to yield to it) in favor of making to other institutions similar details of officers and similar allowances of ordnance and ordnance stores. Thus you are inaugurating a system which will surely become a burden upon the Treasury of the United States. So that this is very much more than a mere question of the detail or assignment of unoccupied officers of the Army and Navy.

Sir, in regard to our idle officers of the Army and Navy, right reason suggests a remedy far better than this.

Mr. TOWNSHEND. Will the gentleman allow me?

Mr. BLOUNT. No, sir; I can not. The gentleman understands that my time is limited.

Mr. Speaker, we have several hundred officers of the Navy for whom there is not one particle of use. We have those on sea duty, those on shore duty, and those on furlough, all receiving pay under the law. According to the present practice of the Government, there is no such thing as furlough pay. There is a fiction that when an officer is not at sea he is engaged on shore, although in fact he may be actually doing nothing. This is now the case in numbers of instances. There was a time in the history of this country, before the war, when a healthy conception of the interests of the service and of the duty of Congress to the people provided a law for retiring all useless officers; and several hundred were retired. If you now have hundreds of officers doing absolutely nothing, traversing the country under pretense that they are on shore duty, although, in fact, rendering no service to the Government—and that this is so is a matter known to every one—why not meet the case by providing a means of getting rid of them?

Mr. TOWNSHEND. The law at present provides——

Mr. BLOUNT. I do not yield to the gentleman.

Mr. TOWNSHEND. I thought you wanted to be corrected.

Mr. BLOUNT. No, sir; not by the gentleman from Illinois, because I know as much about this matter as he does.

If you have these still doing nothing, you do not meet the situation by adding ten more. If they are idle, why not take them all? When you take hundreds and assign them to schools throughout the country, and provide them with such ordnance stores as may be needed for practice, your magnificent, gigantic system would astonish the country and the public sense would restrain you.

We should stop it. We had at one time seventy; we got back to forty, and the proposition now is for sixty. Here is a proposition to supply ordnance and ordnance stores to these schools. It continues to grow gradually and stealthily, and you will find you have inaugurated a system that you will not be able to get rid of very soon.

If this is to be done, I do not want it to be done blindly. If this bill is suffered to be passed detailing officers, I want gentlemen to know what it comes to when we are also to furnish ordnance and ordnance stores. This House knows what it costs to move artillery from here to Fortress Monroe, and for practice there. Every gentleman who has paid attention to the subject knows what it will amount to when you have multiplied that amount by schools all over the country. I want them to understand it means nothing in the world but the inauguration of a wasteful system. To establish such a system would seem to be actuated only by a desire to get rid of the surplus in the Treasury by all means.

Mr. HERBERT. Will the gentleman from Georgia allow me to interrupt him?

Mr. BLOUNT. No, sir; not now.

Mr. Speaker, the time was when the Democratic party took possession of the House that it would not have been thought of. Men who inaugurated systems of economies and brought us to triumph in those days seem to have lost their potency here. Extravagance upon extravagance is fastening itself upon this side of the House. There need be no such flattering unction that we are preserving the record for economy upon which we came into power.

Mr. HERBERT. Yield to me for a minute.

Mr. BLOUNT. I can not. And I warn gentlemen on this side of the House against this extravagant legislation on the plea that there is no expense to come upon the Government. If ordnance and ordnance stores are left out there may be some probability——

Mr. TOWNSHEND. The gentleman from Georgia is straining at a gnat to-day, when the other day he swallowed a whale in the increase of the appropriation for the postal service nearly $5,000,000.

I now yield to the gentleman from Alabama [Mr. WHEELER].

Mr. HERBERT. I ask my friend to yield to me to make one statement.

Mr. WHEELER. I will yield to the gentleman for half a minute.

Mr. HERBERT. In the half minute yielded to me I desire to state to the House that the naval appropriation bill now reported and ready for passage amounts in the aggregate to $20,000,000. In 1858, thirty years ago, it was over $14,000,000. At that time the expense per capita of population amounted to 48 cents. The expense has not increased, so far as the Navy is concerned, therefore, but on the contrary has been reduced, as the per capita to-day is only 33 cents.

Mr. BLOUNT. You have no more of a Navy to-day than you had then.

The SPEAKER. The gentleman from Alabama is entitled to the floor.

Mr. WHEELER. Mr. Speaker, I desire to express myself as thoroughly in favor of the bill under consideration. In a country like this our Army can be little more than a school of military instruction, and there is no duty to which its officers can devote themselves more usefully than instructing the youth in our colleges. Besides extending military knowledge among the people, this character of duty is in many ways beneficial to the Army. It instructs and improves the officers thus engaged, and also performs the important function of bringing the Army near to the people.

The gentleman from Georgia [Mr. BLOUNT] and the gentleman from Missouri [Mr. BLAND], who oppose this measure, are quite mistaken in their assumption that it involves any considerable expenditure. It does not authorize any increase in the number of officers either of the Army or Navy. It merely permits a most advantageous use of fifty officers of the Army and ten officers of the Navy who are now on other and less important duty. It does not authorize the purchase or construction of any ordnance, but simply permits the temporary use of ordnance by State colleges for purposes of instruction. Is not that better than for these guns to remain where at present they are of no use whatever?

Some gentlemen insist that they do not want to see any increase in the military spirit of our country. I desire to most emphatically dissent from such wishes or opinions.

Section 1225 of the Revised Statutes already provides for the detail of forty officers for this purpose, and the small increase provided for in this bill has been frequently recommended by the War Department.

After years of experience with details of this character, the Secretary of War and Commander of the Army join in recommending the increase authorized by the measure now before the House. I say to Congress, let us give respectful consideration to the views of these officials. On January 23, 1888, the Secretary of War, Hon. William C. Endicott, wrote:

> I beg to inform you that the present bill, which is herewith returned, appears to be identical with Senate bill 3100, Forty-ninth Congress, second session, which formed the subject of my letter to you of February 17, 1887, copy herewith. The Lieutenant-General at that time reported favorably upon the proposed increase in the number of officers to be detailed, and their appointment to certain institutions, and the Chief of Ordnance also favored these amendments, and recommended the substitution, on line 27 of the bill, of the words "ordnance and ordnance stores" for small-arms or pieces of field artillery.
>
> In this recommendation I concurred; and with the change made in line 27 the present bill will fully accord with the views of the Department.

I wish our people could understand how little we are doing to keep

up with the world in military service. We have a magnificent corps of officers, anxious to study, investigate, and improve, and it is the duty of Congress to give them proper opportunities. To show how the opponents of the bill misunderstood its purpose and practical operation, I will read from the Senate report which accompanied this bill when reported to that body:

Section 1225 of the Revised Statutes, which the bill (S. 186) proposes to amend, authorizes the President, upon the application of any established college or university in the United States having capacity to educate not less than one hundred and fifty male students, to detail an officer of the Army to act as military instructor therein, and prescribes that the number of officers so detailed shall not exceed thirty at any one time. It also authorizes the Secretary of War to issue, under certain conditions and regulations, small arms and field artillery for the purpose of military instruction of and practice by the students in such institutions.

On the 5th of July, 1884, Congress amended this law by providing that the number of officers so detailed should not exceed forty at any one time. By the provisions of the act of July 2, 1862 (see 24 United States, chapter 130, page 503), commonly known as the "agricultural college grant," military tactics are required to be taught in the colleges intended by that act.

Your committee do not deem it necessary that they should more than suggest the great good that has been accomplished by this military instruction in the colleges that have procured instructors from the Army of the United States under the beneficent provisions of these acts. Such instruction tends to better the discipline and improve the physical and mental condition of the pupils who are thus taught.

The bill under consideration proposes to increase the number of officers authorized to be detailed from a maximum of forty to a maximum of fifty, and it also provides that the State institutions, which, as beneficiaries under the act of July 2, 1862, are required to teach military tactics, shall be preferred in the apportionment of the detail contemplated by the act.

Your committee are advised that the number of officers authorized to be detailed under the existing law is insufficient to meet proper demands therefor by the State institutions of learning, and that several colleges that have become beneficiaries under the agricultural college act of July 2, 1862, have not been able to secure the detail of military instructors to teach military tactics, as required by that act. The existing law gives them no priority, as it puts all established colleges and universities on the same footing in this respect.

Your committee referred this bill to the Secretary of War for his suggestions in relation thereto, and attaches hereto his letter of January 23, 1888, by which it will be seen that he now, as he did heretofore, strongly recommends its passage. It is apparent also from his letter that the general commanding the Army also approves. The suggestion is made by him that the words "small-arms or pieces of field artillery," in lines 27 and 28, of section 1, be stricken out, and that in lieu thereof there be inserted the words "ordnance and ordnance stores."

Upon full consideration, it is deemed well by your committee that the number of instructors to be detailed should be increased to a maximum of sixty, of which fifty shall be detailed from the Army and ten from the Navy.

In reply to the inquiry of the gentleman from Missouri [Mr. BLAND] as to the number of officers and soldiers in the Army, I will state that the last report of the Secretary of War stated the number of officers on the active list at 2,200 and the total enlisted men of the Army at 24,236. The last report of the Secretary of the Navy states that on June 30, 1887, there were 8,342 enlisted men and apprentices in the Navy, and I find from other reports that there are 973 officers of the line of the Navy, 547 officers of the staff, and 184 warrant officers, making a total of all grades of 1,704 officers.

The limited few who oppose this measure always vote to keep up the Army and Navy, and I feel certain they will agree with the large majority who favor the bill that, maintaining an army and navy as we do, we should sanction all wise legislation which is necessary to make the best use possible of these great arms of national defense.

[Here the hammer fell.]

Mr. TOWNSHEND. I now ask for the vote.

The SPEAKER. The question is on the motion of the gentleman from Illinois to suspend the rules and pass the bill with amendments, which have been read.

The question was taken; and on a division there were—ayes 83, noes 25.

Mr. BLAND. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLAND and Mr. TOWNSHEND were appointed tellers.

Mr. ANDERSON, of Iowa. I demand the yeas and nays.

The yeas and nays were not ordered, 9 members only voting in favor thereof.

The House again divided; and the tellers reported—ayes 103, noes 22.

Mr. KILGORE. No quorum.

The SPEAKER. That point has been already made.

Mr. BURNES. I ask unanimous consent that this matter be laid aside with a view to taking up the general deficiency bill.

Mr. TOWNSHEND. That can not be done when there is no quorum voting.

Mr. BURNES. No further count will be demanded, I presume.

The SPEAKER. Unless this proposition now pending is withdrawn the tellers will continue the count.

Mr. BURNES. I hope the Chair will submit the request for unanimous consent to lay aside this matter and proceed to the consideration of the general deficiency bill.

Mr. TOWNSHEND. I can not consent to that. If we have not a quorum to pass this bill we have not a quorum to pass the deficiency bill.

Mr. McCREARY. If it is intended not to pursue this subject further, I desire to call up the bill (H. R. 3304) in relation to Chinese immigration, which went over from last Saturday.

The SPEAKER. But the gentleman from Illinois declines to yield.

Mr. WEAVER. Mr. Speaker, on last Friday I gave notice that I would on to-day, if a quorum failed to appear, submit a resolution revoking all leaves of absence except in cases of sickness. At the request of several members I withhold that motion until to-morrow.

Mr. McCREARY. It is evident that there is no quorum in the city; and with the consent of the gentleman from Illinois I desire to call up the bill I have indicated, which came over from Saturday.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). That can be done now only upon the withdrawal of the pending proposition.

Mr. SPRINGER. But unanimous consent can be given to do that.

Mr. McCREARY. If I thought there could be a quorum I should not object to continuing the matter. But it is evident that no quorum is now present.

Mr. TOWNSHEND. If I understand the proposition of the gentleman from Kentucky, he now asks consent to lay this matter aside temporarily with a view to taking up the Chinese bill, and after the consideration of that, that the House will again proceed to consider the pending question?

Mr. McCREARY. That is it.

Mr. TOWNSHEND. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to proceeding with the consideration of the Chinese bill without disturbing the *status quo* of the present proposition?

Mr. TOWNSHEND. I have no objection.

Mr. WARNER. I wish to make a parliamentary inquiry first.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WARNER. Will that leave the suspension business in the same order as now?

The SPEAKER *pro tempore*. It will. The gentleman from Missouri will have the same rights that he now has.

Mr. BURNES. Mr. Speaker, I do not understand why the proposition of the gentleman from Illinois should be left hanging on as a standing order in the face of the general business of the House, and especially in the front of the general appropriation bills.

Mr. SPRINGER. It will not be after to-day until the first Monday in September.

Mr. TOWNSHEND. I understand we are now within fifteen of a quorum, and with the hope that that number of members may drop in during the course of the discussion on the Chinese bill, I want to have the right to return to this question so as to take a vote on it to-day.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky?

Mr. KILGORE. I object.

The SPEAKER *pro tempore*. The tellers will resume their places and resume the count. The Chair will state that there is no way of getting this bill out of the way on suspension day except by a direct vote or by the withdrawal of the bill.

Mr. O'NEILL, of Missouri. Mr. Speaker, I rise for the purpose of asking for the yeas and nays. It is time we got a quorum here; and if we can not get it any other way, why then let us revoke the leaves of absence granted.

Mr. McCREARY. I think the gentleman from Texas is now willing to withdraw his objection.

Mr. KILGORE. On the explanation made to me by the gentleman from Kentucky, I will not insist.

Mr. O'NEILL, of Missouri. I renew the objection.

Mr. HOPKINS, of Virginia. I object.

Mr. O'NEILL, of Missouri. I want to ask the gentleman from Kentucky this question, if in order——

The SPEAKER *pro tempore*. All of this is proceeding by unanimous consent.

Mr. O'NEILL, of Missouri. I understand that. Is it not true that this treaty has been sent to China to be ratified there, and that that ratification must be first returned, and that it will involve a delay of some months? I understand that it can not be expected here before December, and therefore I do not see the necessity for this haste.

Mr. McCREARY. The Senate amended the treaty, and these amendments have been sent to China to be ratified by that Government——

Mr. O'NEILL, of Missouri. And as to this——

Mr. McCREARY. Let me answer the question first. Because of the absence of the Chinese minister to this country, who is now in Peru.

It is very important that we pass the bill without delay, so that as amended it may go to the Senate, and the Senate have an opportunity to concur in the amendment. We have no time for delay, for as soon as the treaty shall be agreed upon we ought to have a law ready to enforce the provisions of the treaty.

The gentleman from Illinois [Mr. TOWNSHEND] having for the present withdrawn the bill called up by him, I will call up Senate bill 3304 for immediate action.

The SPEAKER *pro tempore*. The Chair was not paying attention at the time the gentleman made his statement, and would request that he make it again.

Mr. McCREARY. I call up for immediate consideration Senate bill 3304.

The SPEAKER *pro tempore*. The gentleman has no right to the floor for the purpose of calling that bill up. The gentleman from Illinois [Mr. TOWNSHEND], from the Committee on Military Affairs, has moved a suspension of the rules to pass a bill; and pending that all proceedings are by unanimous consent.

Mr. MCCREARY. I thought the gentleman from Illinois had agreed that this bill should go over to the next day for the suspension of the rules.

The SPEAKER *pro tempore*. Objection was made by the gentleman from Texas [Mr. KILGORE], which was withdrawn, and was renewed by the gentleman from Virginia [Mr. HOPKINS].

Mr. TOWNSHEND. I did not consent that it should go over to the next day, but withdrew it for the present.

Mr. MCCREARY. Then it does not require unanimous consent——

Mr. HOPKINS, of Virginia. I withdraw my objection.

Mr. MCCREARY. Then I make this request, that we take up the Senate bill 3304 for immediate consideration——

Mr. TOWNSHEND. On condition that it does not disturb the status of the bill under consideration.

Mr. DOUGHERTY. I would like to ask the gentleman from Kentucky how long they are going to debate that bill?

Mr. MCCREARY. We will try to make an agreement about the length of time that it shall be debated.

Mr. DOUGHERTY. We all know about this bill, and why not just vote upon it at once?

The SPEAKER *pro tempore*. Does the gentleman from Florida object?

Mr. MACDONALD. I object.

The SPEAKER *pro tempore*. The tellers will take their places.

Mr. BUCHANAN. Mr. Speaker, the tellers have been occupying their places about one hour, and I demand that they shall report.

The SPEAKER *pro tempore*. They have reported, but a quorum has not voted.

Mr. BUCHANAN. Then I will move a call of the House.

The SPEAKER *pro tempore*. The tellers have announced that on this question the ayes were 120, the noes 27. No quorum has voted, and the gentleman from New Jersey moves a call of the House.

Mr. SPRINGER. I hope the gentleman from New Jersey will withdraw that motion.

Mr. BUCHANAN. I will withdraw it if business is to be done.

Mr. MACDONALD. I withdraw my objection.

The SPEAKER *pro tempore*. The gentleman from Minnesota has withdrawn his objection. Is there further objection? The Chair hears none.

CHINESE IMMIGRATION.

Mr. MCCREARY. I call up for consideration the Senate bill 3304, entitled "An act to prohibit the coming of Chinese laborers into the United States," which is now before the House for consideration. The gentleman from Illinois [Mr. HITT] is entitled to the floor, and I yield it to him; but before anything is done I desire to make an agreement in regard to the debate. There ought to be a limit to the debate, and I desire to make an agreement with the other side on that subject. How much time will the gentlemen on the other side want?

Mr. HITT. On this side of the House we have not had the same proportion of time for debate the gentlemen have had on the other side, and I request that we have two hours and twenty minutes. I understood that the gentleman agrees that twenty minutes be given to the gentleman from Maine.

Mr. DOUGHERTY. Now, Mr. Speaker, we have talked about this bill——

The SPEAKER *pro tempore*. There is another proposition pending, and when it is disposed of the Chair will recognize the gentleman from Florida.

Mr. MCCREARY. I understand the gentlemen on the other side desire two hours' debate. This side has already had one hundred and fifty minutes and the other side has had one hundred minutes. Now, to equalize, I propose that we give to the Republican side two hours for debate and to this side an hour and ten minutes, which will make three hours and ten minutes.

Mr. BLOUNT. I would like to suggest to the gentleman from Kentucky that such an arrangement would carry the debate past 5 o'clock.

Mr. MCCREARY. I am aware of that, and desire to reduce the time for debate,

Mr. MORROW. I do not see how we could consent to that; but we could extend the session until the bill is disposed of.

Mr. MCCREARY. Then I ask unanimous consent that the session be extended beyond 5 o'clock, and after we have consumed the time agreed upon that the previous question be considered as ordered upon the pending amendment and upon the engrossment and third reading of the bill, and that the previous question also be considered as ordered on the passage of the bill.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that all debate on the pending bill be closed in three hours and ten minutes—two hours to be allowed the side on the left of the Chair and one hour and ten minutes to be allowed to the side on the right of the Chair; that the time for the adjournment be extended, and that the previous question be considered as ordered on the amendments and the engrossment and third reading of the bill, and also on the passage of the bill.

Mr. DOUGHERTY. Will the gentleman permit me? The House seems to be unanimously in favor of this bill, and why can not we proceed to vote upon it now?

Mr. MCCREARY. I would be quite willing to vote upon this measure now, but our friends on the other side desire to be heard.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MCCREARY. I want to state, so that all members will be present, that this agreement contemplates taking a vote this evening.

The SPEAKER *pro tempore*. The session is extended so that a vote shall be reached this evening.

Mr. HITT. Mr. Speaker, the bill now before us to prohibit the coming of Chinese laborers into the United States, which has already passed the Senate, is a bill that will actually do much to prohibit the coming of Chinese laborers. It will do it as far as it can be done by a bill framed under the authority and terms of the new treaty, to carry out which and in anticipation of which this bill is proposed. The measure is a good one. It is most carefully framed to do all that is possible. It presses to the very verge of our authority under the treaty to legislate, and notwithstanding the suggestions of the gentleman from Illinois [Mr. SPRINGER], that he distrusts any measure on Chinese immigration that comes from the Republican Senate, I feel assured that the most searching discussion of this bill to the very bottom in the most thorough manner will only the more certainly secure for it the assent of every member of the House.

The bill is necessarily limited to doing what is allowed or authorized by a treaty, as it deals with a question relating to a foreign nation—a question about which we have entered into solemn treaties. However eager we may be to prevent the almost intolerable evil of the influx of Chinese labor, we are and have been always compelled to deal with it in the light of our national obligations, because we are bound by plighted national honor; and the zeal of members to press the views of their constituents and to protect what they believe to be the interests of the country has ever been modified in the best minds in this House and in the Senate by that highest duty and noblest sentiment, the observance of national faith. We can not drive out or exclude a foreigner belonging to a nation with which we have a treaty except in the manner or in the degree set down in the treaty.

This has been the trouble really in all our legislation touching the Chinese labor question. The treaty was not all that we desired. Our treaties with China were in the first instances wrung from a reluctant power, and only recently have any suggestions from our Government been at all welcome in that country when we have proposed anything—either enlarged intercourse as we used to urge, or restrictions as we have done lately. Our first treaty which was of amity and commerce, that of 1844, negotiated by Caleb Cushing, was unwillingly assented to by China. The Tientsin treaty, of 1858, by Reed, was one that we obtained by co-operating with other powers that were harshly pressing China, and was extorted from a prostrated nation at the close of a disastrous war. When Mr. Burlingame, our own countryman, came back here in 1868 as a representative of China to offer us a liberal treaty of intercourse, with freedom of immigration, it was a great and signal event in the history of nations.

There had already been a large influx of Chinese labor into California; more than a hundred thousand Chinese had arrived since 1851; but there was an enthusiastic welcome to Burlingame and his proposed treaty everywhere by all parties, in California and here. It was only by the forethought of Mr. Conness, then a Republican Senator from the State of California, that the Senate was induced to add to the treaty a provision which prevented the naturalization of Chinamen in this country. The treaty itself seemed to contemplate with favor the coming of Chinese if they came freely and voluntarily; its restrictions were aimed only at the coolie trade, involuntary emigration from China.

When the Trescott-Angell treaty was made in 1880 we had already discovered the deplorable effects of the incoming of Chinese labor into California, and our commissioners pressed hard upon China to obtain as broad terms as possible to check this evil flood. They did secure the right to regulate, limit, or suspend the entry of Chinese laborers into California. The protocols show how China maintained her dignity, and it was reluctantly agreed to by a power jealous of all foreigners, with the door still only half open and with a profound distrust of all influences or propositions from without.

It is under that treaty that we have had to legislate ever since, and when in this House in 1884 a bill was presented, as stringent as could be framed without manifest and flagrant violation of treaties, there were many conscientious men who, earnest and strenuous as they might be in their desire to check the incoming of Chinese labor, said: "We can not vote for such a bill because national faith would be violated by it." For instance, that bill proposed, among other things, to subject any merchant coming here from China to a series of indignities and of inquisitorial questions, how much money he was worth, where it was,

what was his business, where was he going, who was his father, who was his grandfather, whom did he know here, etc.

This, although we had agreed in the treaty to an express declaration that Chinese merchants coming to this country should have the same right to enter, travel, reside, and depart as citizens of the most favored nation; and this was just as bad faith and as gross violation of international right as to pass a law declaring that no Englishman, no Frenchman, no German, no European of any nation should land in New York without undergoing all these indignities. The pressure of public interest or the necessities of national policy are a justification of the construction of an ambiguous treaty as far as possible in our own interest; but never for its violation.

In truth, there was no urgent necessity at that time for the act, because there had just been a lull in the flood of Chinese immigration. The fact was brought out on this floor—I remember it yet—that there had not been a Chinese laborer landed at San Francisco for a number of steamers, and that there had not been five hundred of them landed since the beginning of the year. The Chinese Government, recognizing the change of sentiment in this country, and also its own interest in avoiding as far as possible all causes of irritation with the United States, had forbidden the issue of certificates to Chinamen to come here, and generally discouraged the movement. There was also, perhaps, an apprehension of the passage of the act then in prospect, which tended to prevent the agents of that immigration from great activity. At all events the immigration itself had slackened very much, while there was evident at the same time a marked change of disposition on the part of China.

That act of 1884 was passed. Then nothing could be done beyond that except by a new treaty. Public attention was called to the need of a new treaty in that debate. The press of the country emphasized the matter with great force everywhere, especially on the Pacific coast. A new administration was just coming in, and this was a burning question demanding the earliest action, for the Chinese immigration rose again, full and strong and troublesome as ever.

In the letter of the Secretary of State transmitting the new treaty that we have before us to-day to provide for and anticipate by this bill, he says himself that shortly after the advent of this Administration, in view of the manifest popular discontent in the Pacific States at the presence of the Chinese and the uselessness of laws to prevent their coming, it was considered advisable that an effort be made for relief by treaty. I do not wonder that the new administration found out what everybody knew, what had been discussed so recently on this floor and in the press. What was done? The case was urgent.

Three years and more have elapsed, and we have been all this time waiting without power to proceed a step further in legislating until now. In prospect of the treaty contemplated by this act we hope to pass a law which will tend at least to prohibit the further immigration of Chinese labor. It is much to be regretted that we have had to wait so long. There are evidences that in all this our Government has a willing party to deal with, at least to a great degree, so far as is consistent with its dignity, in the Chinese Government. I have seen it stated unofficially that a decree or order has been issued by the Chinese Government forbidding Chinese subjects who are laborers to come to this country; and the gentleman from Kentucky [Mr. McCREARY] intimated the fact that this negotiation has been, in unofficial ways, made known by the State Department to the Committee on Foreign Affairs of this House, and I think also of the Senate. There is no doubt a willingness on the part of China to come to an agreement with us as soon as possible. They have long been willing to agree that we shall not only regulate, limit, and suspend, but totally prohibit all immigration of Chinese labor.

I regret exceedingly that I can not agree with the views of my colleagues on the committee—the gentleman from Kentucky [Mr. McCREARY] and the gentleman from Mississippi [Mr. HOOKER]—that the treaty as negotiated by the Secretary of State was complete or satisfactory. It was a defective instrument as he sent it to the Senate. Had the Senate not attached to the treaty the two amendments which now appear, there is every reason to believe that the prohibition would have been evaded—evaded by thousands. Those two Senate amendments have stopped great holes in this treaty. It was largely in pursuance of suggestions in the opinions of the courts that those amendments were made.

While the words of the first article of the treaty seemed to prohibit absolutely the coming of Chinese laborers to this country, they did not touch the question which there was strong reason to believe the courts would soon touch, as my friend from California [Mr. MORROW] brought out so distinctly—the question as to the right of return of those Chinese not now in the United States, and who had certificates that they had been here and might return. The courts might hold that according to the terms of the existing treaty and the certificates they should be considered outstanding obligations on the part of this country. Then the whole flood of these certificated Chinese would again pour in. It was well and wisely thought by the Senate that this should be prevented in advance, and the amendment to the treaty was added that none should enter even if holding return certificates.

So, too, as to the second article, wherein the treaty specifies the exceptions of Chinese laborers who may come back if they carry away certificates; that is, Chinamen who leave here a child, a wife, a parent, or a thousand dollars' worth of property. Under the principles recognized by our courts, a Chinaman who pretended that he had lost his certificate would be allowed to prove by ordinary means or oral evidence his right to come into the country under this provision even if he had no certificate in hand. But the ordinary means of proof as existing among Christian nations are of very little value among Chinamen, with whom perjury is so cheap.

Hence it was prudently provided by the Senate at the end of that section, in accordance with the view in a judicial decision cited by my friend from California in his remarks on Saturday, that the returning Chinaman should bring the written evidence, the certificate itself made by our officer, which he could not falsely prove, when he pretended it was lost, by Chinese witnesses, however great the stock of cheap perjury so familiar to the courts of San Francisco. It is a severe provision, but justified by public interest and the certainty of false testimony if it is allowed. In this matter you are dealing with a subtle race, with a body of men most cunning and evasive, who have studied all the arts possible to human ingenuity, so as to search their way through every crevice into the ports and borders of the Pacific coast. Hence no precaution should have been neglected by the Senate, and the amendment was a wise one.

The gentleman from Kentucky [Mr. McCREARY] finds fault with the Senate, and says it has delayed the ratification of the treaty by this. The delay is not long, and the object is of real importance and worth three weeks' time after we have waited on your State Department for over three years to make an imperfect treaty. Had the gentleman urged that the Senate had imperiled the treaty and added what China would refuse her assent to it would have been a serious charge. But he knows, we all know, that there will not be any question whatever about the assent of China. The whole tenor of the discussion from the beginning makes it evident that China is ready to assent to this provision or any other consistent with the dignity and interest of that nation. We are certain of her assent. I am, therefore, not at all alarmed by the misapprehension which the gentleman professes to have as to the consequences which may come from those Senate amendments so much deplored by him and other gentlemen on the Democratic side of the House. I am glad that the Republican Senate, in dealing with this Chinese question to-day, as well in acting on the treaty as in passing this bill to carry it out, has proceeded with that promptness, that searching care and vigilant energy which have characterized it in years gone by whenever the question of Chinese labor came up. I would that we in this Democratic House had kept abreast of the Senate.

There are some provisions of the treaty that I could have wished our State Department had ripened and perfected more fully. That provision which allows free transit of Chinese laborers throughout this country without any limit of number is one that may lead to trouble. They are left free to pass under such regulations as the Government may prescribe. It puts too great a power in the hands of a single officer—the Secretary of the Treasury of the United States.

I would have preferred to see a question so grave as this more determinately settled by the words of the treaty, or in accord with its provisions, by specific and detailed enactment of law. No man should have such discretion in his hands, no matter how high his station, as to be able, even by neglect or mistake, to let loose the floodgate of this Chinese immigration.

Unlike the circumstances in 1884, when we last discussed this question here, when there were few Chinamen coming into this country, there is now a great stream pouring in, more than a thousand every month, nearer fifteen hundred sometimes. The indefinite number who slip in illegally at the ports can not be ascertained, nor those who succeed in making their contraband way through the mountains upon the northern border.

The question is a present one, a great and rising question; pressing upon us and demanding action. I would myself go further in interpreting the authority granted in the words of the treaty on that subject to-day than I would have gone in 1884. Circumstances and the necessities of public interest and national policy give a meaning to words and justify action amongst friendly nations which might not otherwise be adopted.

This treaty makes no provision, and can not make any, to put an end to the irregular influx of Chinamen on our northern border by land. It is said, and I believe it to be true, that they pour through the mountain trails along the borders of British Columbia in great numbers. It is apprehended they will come, and some have come, from the southern border. That was at one time a grave source of apprehension on the South towards Mexico, when the great cooly-immigration scheme was on foot in Mexico. The Burlingame treaty anticipated in part that impending trouble. It has not come, fortunately.

The Secretary of State, in his communication I have already referred to transmitting this treaty, remarked that the attention of the Administration was called to this whole subject very early after its entry into power—to the manifest popular discontent in the States bordering on the Pacific growing out of the presence of Chinese labor there, and that

owing to its lack of sympathy with our own citizens there was a necessity of something being done beyond the statute law for the relief of this situation by treaty. Yet not the first word has been heard suggesting treaty, convention, or anything else with Great Britain, the power that controls the chief point of departure in Asia of that Chinese labor which torments us, or the point of arrival, Vancouver, and the long border on the north also.

As a matter of fact Chinese laborers come to this country very rarely from China direct, but they embark from the English port of Hong-Kong. Great numbers, in spite of the local hostility of British Columbia, in spite of adverse legislation there, land at Vancouver, and they percolate through our northern borders. I would have been very glad, when the attention of this Administration was called more than three years ago to the necessity of doing something to stop this exasperating and irritating influx of pagans, if the President had thought of some convention, treaty, or arrangement with the power really in control of the whole subject.

The gentleman from Kentucky [Mr. McCREARY] said the Committee on Foreign Affairs were familiar with the fact that negotiations had been long pending for the relief of the people of the Pacific Slope from this great evil. I agree that I have heard of much informal and lately of formal negotiation with China, but it has been taken with very deliberate steps. The Chinese rulers themselves are much annoyed by the existence of this source of irritation. Yet notwithstanding all this discussion, we have not yet had a remedy provided by any treaty, negotiation, or arrangement with Great Britain by which to put an end to it and to stop it at once.

There may be reasons unknown to members of Congress that prevent any concerted action with the English Government; and I do not profess to know of the influences that govern our diplomacy now. I know that they can not be always understood in all their bearings outside of the Department. I am well aware, too, that a criticism of this kind should always be made in a spirit of fairness, and not of carping fault-finding. But I submit, sir, in all fairness, it is a just criticism of this Executive, who states that for three years the Administration has been considering this source of irritation, which can only be cured by treaty, that it has never even thought of that which is so self-evident to the plainest man on the Pacific Slope, who feels himself wronged by the presence of the pagan laborer at his side. Certainly there was no delay in entering upon negotiations with Great Britain concerning our fishing interests. Only eight days after the inauguration that unfortunate and precipitate correspondence began with the British Minister, that was learned with such surprise and alarm by the whole fishing interest

There is urgent need of early action in regard to this treaty, and I am sorry to delay the House a single minute from voting upon this bill. I was desirous that we might vote as soon as it was called up the other day, when it came back from the committee, by the gentleman from Kentucky, as no extended debate seemed necessary. I was desirous, as were all of our friends on this side of the House, that this bill should be taken up for action the moment it came in from the Senate, notwithstanding the expression of distrust by the distinguished representative Democrat from Illinois [Mr. SPRINGER] who sits before me and honors me with his attention, who said he distrusted all measures of his kind coming from a Republican Senate.

He ought to have taken the word of his own Democratic Committee on Foreign Affairs, which had examined it as well as the Department, that the Senate, Republican as it is, has in this matter done its work well; and the bill, when it came here, might have been considered at once, and I think the President's signature would not have been withheld a moment. In that case it would have been law to-day. But it went to the Committee on Foreign Affairs upon his objection. When it came back it would have been passed here after a brief debate, upon its own proper merits had not a violent partisan speech by the gentleman from Indiana [Mr. BYNUM], not aimed at Chinese immigration, but at the November election, been interjected into the debate, which thrust it over another day and brought on this prolonged discussion and delay. Who are the friends of speedy action here, and which side is causing all this delay?

But the bill is, as I have already said when I began, one that I am sure we must all of us on both sides, in fairness and in patriotism, assent to, though it does come from a Republican Senate, and I trust we will not adjourn to-day, Mr. Speaker, without passing it through the House.

I now yield to the gentleman from California [Mr. McKENNA].

Mr. SPRINGER. Before the gentleman takes his seat let me ask him if the bill has not been somewhat improved by an amendment of the House put upon it?

Mr. HITT. The amendment offered by the distinguished Republican member from California [Mr. MORROW] in the committee, and accepted by the committee, is one of precaution, which I think is wisely proposed and has been wisely accepted.

Mr. McCREARY. Before the gentleman from Illinois takes his seat I, too, would like to ask him a question.

Mr. HITT. Certainly, if the gentleman from California will yield to me for a moment.

Mr. McCREARY. I understood the gentleman from Illinois to say that the bill ought to have been passed, and thinks it could have been passed as it came from the Senate to the House?

Mr. HITT. I said that it would have been taken up if there had been no objection the moment it came in from the Senate. I think, myself, our scrutiny of the bill has done it no harm.

Mr. McCREARY. Does the gentleman think it ought to have been passed in the form it came from the Senate?

Mr. HITT. I think, as I have said, that the amendment of the House, suggested by the gentleman from California [Mr. MORROW], who asked to have it taken up, was a wise one and a necessary one.

Mr. McCREARY. Because I was about to call the attention of the gentleman to the fact that the Committee on Foreign Affairs had added to the bill an important amendment, and if that amendment should not be adopted, or if the bill as it came from the Senate had been adopted, then between the time of approval of this bill and the ratification of the treaty there would have been no law whatever to prevent the Chinese from coming to this country.

Mr. HITT. I have stated that the amendment was a wise one.

Mr. MORROW. I wish to state that I had drawn that amendment and was prepared to offer it personally when the bill as it came from the Senate was before the House for consideration.

Mr. HOPKINS, of Illinois. And it would have been settled without a reference of the question to the committee at all.

Mr. HITT. Yes, at once. I now yield to the gentleman from California [Mr. McKENNA].

The SPEAKER. How much time does the gentleman yield?

Mr. HITT. One hour.

Mr. McKENNA. Mr. Speaker, I have attended to this debate with interest, and especially to the speech of the gentleman from Indiana [Mr. BYNUM]. It did not surprise me much. I have got used to such exhibitions on this floor. I am not sure, sir, that it is necessary to reply to it. It was so artificial and affected and interested, and so visibly so, that it could deceive nobody, or if it could deceive, its deception was, and is, intended for another audience than that to which it was addressed. The speaker held the floor exclusively. The author stuck to his manuscript exclusively. As there was none of the spontaneousness of debate about it, he had resolved that there should not be any of the truth that springs from debate about it. It was to be sent rank to the voters of Indiana, in the full "blossom of its sins unhouseled and unaneled." I am told, sir, that contemporaneously with its delivery it was setting up or even before its delivery, it had been set up in the Government Printing Office and furnished in advance to the New York press, so that its poison could be hastened through all the channels of communication to a credulous people. We can not follow it, sir. Its distribution will shun the day. We need not follow it. This year Indiana can defy its surreptitious poison or any poison like it.

Mr. Speaker, when my colleague [Mr. MORROW] moved to immediately consider the pending bill—when it came from the Senate and was laid before the House by the Speaker—he could not have expected opposition to his motion from a Democrat. A Californian—Republican or Democrat—having regard to what his State was entitled to, rather than what it could get, might have objected. But the treaty, and the bill is but the enaction of the treaty, is the best that this Administration can do or will do. It is not what the situation demands and will one day insist on. But as it is the best that this Democratic Administration will do or can do, opposition—no, not even impediment was expected from a Democrat. The Speaker did not expect it, or he would not have recognized my colleague; but objection was made by Democrats and the bill was maneuvered into the Committee on Foreign Affairs. I will not say that this maneuvering had other purposes than what appeared in this debate—to give the Democratic party a chance to attack Mr. Harrison. It is significant, Mr. Speaker, that no member of the committee has done so; and it is as pleasant as it is significant. Maybe the members of the committee were too dignified to do so, or too fair; and the gentleman from Indiana was pushed forward, or rushed forward, to a congenial and invidious service for his party. It would have been better taste if he had deputed the office to another. He is a fellow-citizen of General Harrison. This did not check him. The distresses of the Democratic party could not await on the amenities of life. Things must be getting awfully rough in Indiana. [Laughter.] Dire necessity obliged, or I am sure the gentleman from Indiana would not have volunteered or could not have been forced to the disagreeable and invidious rôle he enacted on Saturday.

I will not complain therefore of him. He need not, however, have dropped into the vulgarity of sneering. He could not hurt General Harrison by it; he did himself injustice. Big men do not sneer; only little men do that. It is only little men that have to do that. It is the only way that they can drag down to their low level the merit they can not attain to, and because they can not attain to it hate it, and sneer at it, and spitefully use it. [Laughter and applause.]

The gentleman from Indiana had no such excuse, and I wonder at him. Mr. Speaker, some things occur here that would be diverting if they did not become tiresome by their repetition. I do not know, sir, that the fantastic tricks that are played in this House make the angels weep, because I do not know that the angels are regarding us much, or concerned about us much. But I do know that the fantastic tricks

that are played in this House, and before the country, are fit to sadden men and to disgust men.

There must be an infinite gullibility on the part of the people, or at least the Democratic party thinks so. It may be, sir, that this is the only way it can account for its existence and success. But at any rate, sir, it must think that there is such gullibility, or it would quit its perpetual play of politics and would do business for the business sake; would do good, if it were capable of doing good, for good's sake; and not always, as it will, help one party and hurt the other. Can not it forget for one instant the offices and the spoils? It seems not. Can not it rise for one instant above the petty practice of being the servant, I had almost said the tool, of politics and politicians? It seems not.

But, sir, the attempt to make politics out of the Chinese question is ludicrous. It is even ludicrous in a Democratic Congress. [Laughter.] If there is any question that I had supposed was settled, that has passed from dispute to conviction, and which engrosses us all, and is the destruction of none, it is the Chinese question, and how thoroughly idle it is, how thoroughly wearisome it is, how thoroughly nauseous it is to recur from the final and settled stages of a question to the first and disputable stages I need not emphasize. But, sir, it appears that the Democratic party is always doing this. It loves to delve among dead things, and is never so happy as when it is fondling a corpse or buzzing about a corpse. Why, sir, from the action of some of its members I should think that the only life that it likes and aims at is the life that infests dead things, and that the only light that it cares to shine by is the light of decay and putrescence.

But I am surprised at the gentleman from Indiana. He has been an active member—his face to the front, and to the future. He has not heretofore appeared in the rôle of the antiquary or the grub. [Laughter.] This has been the office of the antique Congressmen who have been in so many Congresses that they have become fond of relics, and think the mummy of an issue better than a live issue.

But, Mr. Speaker, as the gentleman from Indiana has always been an active member and has always lived in the present, he ought to have known, and I have no doubt did know, that in the rawness of the first stages of the question opposition is excusable. Afterwards it may be reprehensible; afterwards the important inquiry is not whether one was reluctant to begin, but how strong one is now. Not when one began, but how long has he held out and will he hold out.

Judas Iscariot commenced very early, but he quit as early. Saul of Tarsus commenced later, and preceded his commencement with bitterness and persecution, but his conversion was thorough and constant afterwards, and his teaching and example marched down the ages, and will march down the ages forever and forever. [Applause.]

And, Mr. Speaker, as I can recall the time and movements of his magnificent mission and the glorious eloquence of his addresses to the Ephesians and Corinthians, the eager, entranced multitudes that followed him and loved him, I can also recall some pitiful, piddling Democratic Gentile from an ancient Indiana snapping and snarling and frantically squealing, "Look at his record!" "Look at his record!" [Laughter and applause.]

Mr. Speaker, what would have been the destiny of Christianity if that ancient Indiana Democrat could have been heard? [Laughter.] Look at records! The Democratic party should be the last to recall records. No party—I do not say it in accusation; I quit that taunt years ago—no party—and I commend it to the gentleman from Indiana [Mr. BYNUM] who honors me with his presence—no party has claimed so much or has received so much from the charity which forgets and forgives as has the Democratic party.

Its constant hope has been that Time's lengthening shadow would at last reach and hide its deformities, and I say to the gentlemen on the other side of the House if we on this side do not lift the "blanket of the dark" from your crimes, do you not lift it from our faults. If we are willing to let bygones be bygones, you should be. Gentlemen, turn from the past. Hail with us the light of the new issue. Its sun has full high advanced and is advancing. Do not avoid or deny it. In the language of another you may raise a smouldering smoke that may obscure it from your own eyes, but you can not strike it from the heavens. But I do not blame you. In its light there is no gladness for you or hope. To you it is the "sun of Austerlitz."

But, sir, the gentleman from Indiana may hold and compose himself in peace. He need not worry about the record of General Harrison, and he may be assured that the concern of the people of this nation is not what General Harrison was, but what he is and will be, not what the Democratic party was, but what it is and will be, and they can not be juggled from that concern by any artful politics or artful politicians.

But if we must minutely examine records, if we must peruse with microscopic gaze, motives and men, as does the gentleman from Indiana, I think, sir, we may challenge the boasting of the Democratic party and can easily detect and pierce the gaudy gloss of its Chinese record. The gentleman should have known that it is common experience that an early concession is often an interested concession. It may be as swift to desert or as soon to grow tired as it was swift to comply. The gentleman should have thought of that before he challenged investigation or view of the Democratic record.

There is evidence to raise a suspicion that what it did in the Chinese matter was the interested, I will not say the demagogic, attempt of a minority party to catch at every aspect of popularity, and often reckless as to how it catches at it, too. It is very certain that the Democratic party soon grew inactive. The gentleman from Indiana, in his headlong rush and charge, forgot that criminal omission of 1880 and 1881—for criminal omission it was, because he himself has quoted Mr. Thurman to show that ignorance was inexcusable even at an earlier period, and he himself, as eloquently as truly, displayed the importance of immediate and always action.

The gentleman forgot, I repeat, the criminal omission of a Democratic Congress in 1880 and 1881. From this omission sprang and is springing all the evils we are contending with. From this omission came the evil, if evil there was, in General Harrison's action or non-action. If the Democratic party had performed its duty then there would not have been any evil for General Harrison to have assisted or avoided, and it is proper and significant retribution, fulfilling the proverb, that the gentleman from Indiana did not utter a single malediction but the instant it flew from his mouth it returned to roost on his own head.

The gentleman forgot the significant halt of his party in the Forty-ninth Congress. This has been referred to, sir, but I will refer to it again for the sake of continuity in my argument, and also for the purpose of drawing attention to some aspects of it that have not been referred to. My colleague [Mr. MORROW] introduced a bill in the Forty-ninth Congress restricting Chinese immigration the very first bill day of the session. It was adequate to the situation, completely adequate to the situation, and I ask the attention of the gentleman from Indiana to the fact that it was very much better than the pretentious treaty. It would have been more useful, besides because it came at a more critical time. It provided for twenty years' exclusion. It was reported for only ten years. The Democratic committee could not raise itself to the height of twenty years. It was reported, therefore, for ten, which would make sixteen years in all, including the time of the old law not expired. It provided against every abuse and would have prevented every fraud. It was inexcusable to have dawdled about it as the gentleman from Kentucky [Mr. MCCREARY] said the Democratic party dawdled about it in the vain hope that the Democratic Administration would negotiate a treaty.

Mr. MCCREARY. I did not understand the gentleman's reference to me.

Mr. MCKENNA. I said that the Morrow bill was so good and so perfect, so adequate and so complete, that it was inexcusable to dawdle about it as the gentleman from Kentucky [Mr. MCCREARY] said the Democratic party did dawdle about it in the vain hope that the Democratic Administration would negotiate a treaty.

Mr. MCCREARY. I desire to say to the gentleman from California [Mr. MCKENNA] that I did not say that the Democratic party had dawdled about it.

Mr. MCKENNA. I have not yielded to the gentleman.

The SPEAKER *pro tempore*. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. MCKENNA. No sir. He will have to ask me before I yield.

Mr. MCCREARY. I am sure the gentleman does not wish to misrepresent me, and I desire to correct his statement.

Mr. MCKENNA. Go ahead.

Mr. MCCREARY. I did not make the remark which the gentleman attributes to me.

Mr. MCKENNA. No, Mr. Speaker, the gentleman did not use the word "dawdle," but that is my description of his action and of the Democratic committee's action, and it is a true description, too. [Laughter.]

Now, sir, what was there—the gentleman can answer in his own time—what was there in the Morrow bill (which was but a complete fulfillment of the existing treaty) to prevent a Democratic Administration from negotiating another treaty? Not a word, not a syllable nor an idea. Why, sir, that bill was not even reported from the Democratic committee until the importunities of the California delegation had not only become fatigued but had become a nuisance.

Mr. MCCREARY. It was put on the Calendar May 1, 1887.

Mr. MCKENNA. The gentleman will please not interrupt me. He has plenty of time to make any statement he desires.

It was never passed, Mr. Speaker. Where was the Democratic zeal then? "High-reaching Buckingham grew circumspect." Was it not important that it should be passed? Why, the gentleman from Kentucky on last Saturday did not want to wait even two hours; and to-day he metes out the minutes as if meting out precious jewels of time. Then it certainly was important to be passed. The gentleman himself stated in eloquent tones that by the continuance of Chinese immigration the very institutions of the country were put in peril; and my colleague [Mr. MORROW] showed that during the time the Democratic House waited and wasted, 20,000 Chinamen came to the country to compete with those already here against our wage-earners.

But, Mr. Speaker, for fear that this non-action would not be pro-Chinese enough, for fear it would not denote with emphasis enough the Democratic party, the Democratic committee reported and the Democratic House passed a Chinese bill. It passed the bill to give $147,000

to the victims of the Rock Springs riot. There was no legal obligation to do it. The Secretary of State said so. No international obligation to do it. The Secretary of State said so. Yet it was done, and speedily done. I did not vote for that bill, nor will I stop to question its merits. For argument's sake I will concede its merits. But it was not more meritorious than the restriction bill and the great and dear interests that depended on the restriction bill.

Mark you, sir, ignorance was inexcusable; the gentleman from Indiana thinks he has proved that; Republican institutions were menaced, labor was threatened with degradation and impoverishment; the gentleman from Kentucky has proved that. Yet the Democratic House of Representatives, with its 43 Democratic majority, abandoned institutions and laborers, and marched right up to the tune of $147,000 for dead Chinamen, but would not stir one inch for menaced white men.

Oh, yes; you had abundant zeal, gentlemen. And the gentleman from Indiana was in Congress then. He says that Mr. Harrison remained in his seat in the Senate in cold and abhorred silence, while burning eloquence was uttered all about him of the sufferings of men. "Callous, heartless, immovable," is the gentleman's language. Why was the gentleman from Indiana silent in the Forty-ninth Congress? There was plenty of chance then for burning eloquence for the sufferings of men. But dumb he was, and dumb remained. Dumb his party was, and dumb remained. He and it sat "callous, heartless, and immovable." [Laughter and applause on the Republican side.] In bitterest words the gentleman has pronounced his own phillipic.

Here was a chance—I think I quote the gentleman correctly—here was a chance "to present the question with a fervor and a sentiment that would have aroused the innermost feelings of the very soul of any man who had an atom of sympathy for those doomed to endless toil"—eloquent language from the gentleman from Indiana. But, alas, the gentleman did not feel the "fervor" in the Forty-ninth Congress, or he knew that his party would have been as insensible to it as a stick or a stone. At any rate he did not try, but waited over two years; ay, three years of a Democratic administration to go by, and the gentleman comes out of his silence and thinks that he has done his duty and his whole duty when he denounces General Harrison for the omissions that he was guilty of himself. Ah, Mr. Speaker, it is a common experience that people who live in fragile places will throw stones.

The bill for the payment of $147,000 was the inspiration of a Democratic Secretary of State. It was whispered, and somewhat forcibly whispered, too, that its passage was necessary to smooth the path of negotiations. Democratic diplomacy had to be pioneered by a gift of $147,000. Is it not strange, Mr. Speaker, that Democratic diplomacy must always concede the nation's rights, as with Canada, or buy them, as with China? [Applause.] The gentleman from Indiana has taught me to feel and express indignation at this.

The Democratic party, he said, in describing its action on one of the bills, was not tender—I think I quote him correctly—"was not tender of the feelings of the Chinese Government." Should a Democratic Secretary of State, then, have been tender of the feelings of the Chinese Government? Should it have paused to make the rights of American citizens and the American nation a matter of bargain and barter with the Chinese Government? Should it have paused, "if our citizens were suffering, to see whether the proposed measure" (I am using the language of the gentleman from Indiana) "for the relief of the citizens met the approval of the Emperor of China or not?"

A Democratic Secretary of State who would do so, in the gentleman's denunciation, is abject and un-American. Such a Secretary "would, indeed"—I again quote the gentleman; he has equipped me with words and suggested their use—"such a Secretary would, indeed, be conscientious, and he could not have better performed the wishes of the Emperor of China if he bore the imperial commission rather than the commission of the United States"—language substantially that the gentleman used about General Harrison. If it is true of the Secretary of State, it is true of more than he. The Secretary is but the minister of the Administration. If it is true of him, it is true of the Democratic President of the United States, of the Democratic candidate for the Presidency, if we must get down to politics. And, sir, it is as true of the President and of the Secretary of State as it is of General Harrison. Let us be fair. In no sense is it true of either—in no absolute sense, nor in the remotest transferred or metaphorical sense—for whatever else President Cleveland and Secretary Bayard may be, I do not think they are "abject and un-American," and I will not allow the bad example of the gentleman from Indiana make me say so.

So, sir, the Democratic party paused in the Forty-ninth Congress. Its Secretary of State paused; he had been an early zealot. Its House of Representatives paused; it too had been an early zealot. Whether either started again, and how, we shall consider hereafter.

Let us now contrast a Republican Senate with the Democratic House, Mr. Harrison with his accusers.

Mr. Fair, of Nevada, introduced in the Senate a counterpart of the Morrow bill. It was the Morrow bill. It was entirely of Mr. MORROW'S composition. Senator Fair did not prepare a word or letter of it. And it is always so, Mr. Speaker, all the intelligence that has been usefully exerted in this matter, all the push and activity, have come from Republicans. No Democrat in any useful sense has devised means or pointed out the way.

The bill passed the Senate and it came to the House. It was referred to the Committee on Foreign Affairs, and there it was smothered; and smothered, it is fair to infer from the language of the gentleman from Kentucky, by the connivance of the Secretary of State and the Democratic Administration.

Mr. MCCREARY. I deny the statement of the gentleman from California.

Mr. MCKENNA. Well, the gentleman can explain in his own time why it was not reported. It was kept in committee, it is said, so negotiations should go on. If it was kept there, was it not kept there by the connivance of the Secretary of State and the Democratic Administration? And the Administration must also be held responsible for the sin of allowing twenty thousand Chinamen to come into the country, and for those which may come until the treaty is ratified.

Mr. MCCREARY rose.

Mr. MCKENNA. I do not yield. The gentleman from Indiana [Mr. BYNUM] was unfortunate. He should not have drawn attention to the Democratic record. The best parts of it is drawn into suspicion by the conduct of the party when off its guard or when it has other interests. Why, I ask, if you were so zealous, gentlemen—why did you not report the Felton bill? It regarded the respect and the dignity of the nation—the respect and dignity of China, but——

MCCREARY. I understand the gentleman addressed me a question.

Mr. MCKENNA. You do not give me time to finish my sentence, but jump up and interrupt me.

The SPEAKER *pro tempore*. The Chair asked the gentleman whether he yielded.

Mr. MCKENNA. I do not yield to interruptions, but notwithstanding my refusal the gentleman jumps up in the middle of a sentence and throws me off the line of my remarks by interpolating questions.

Mr. PETERS. He does not even ask for permission.

Mr. MCKENNA. I repeat, why did not the committee report the Felton bill? It was dignified and respectful to this nation; it was dignified and respectful to the Chinese Government, and it provided for perpetual prohibition of Chinese immigration. Why did not the committee report the Henley bill? It was harsher in its method than the Felton bill, but it also provided for perpetual prohibition of Chinese immigration.

The gentleman from Kentucky said there was a treaty obligation in the way. The gentleman from Indiana says we should observe none, and denounces Mr. Harrison for his scruples, which he intimates were sentimental and hypocritical.

Mr. MCCREARY. I merely wish to state that the committee did report the Morrow bill, and placed it upon the Calendar.

Mr. MCKENNA. Why did you not pass the Morrow bill? The gentleman constantly asks questions to divert me from the point. If there were treaty obligations, the Felton bill regarded them. Were you not bound to report it? It is the duty of a government—and you were the government then—to prevent all the evil it can prevent; to do all the good it can do. If it neglects either it is reprehensible. A great man once said:

He who sleeps on his watch betrays his cause as much as he who deserts to the enemy.

[Applause.]

In the light of all this how can the Democratic party escape just condemnation? Why, sir, you can not tell when the party is sincere or when it is showing off. [Laughter.] Mr. STEWART, Senator from Nevada, the other day related a significant fact of history about it. He said that Mr. Thurman, the Democratic Vice-Presidential candidate, and one whom you are proud to say and name as "the noblest Roman of you all," that even he would play at politics, and, for the purpose of partisan advantage, risked the dearest interests of his country, and maneuvered, with Sumner and Schurz, and others like them, to force Chinese naturalization on the country. I hope, sir, that he was moved only by partisan purposes. I hope that he was not moved by the grosser and baser purposes that if Chinese naturalization should be forced upon the country he could claim for his party Chinese suffrage as the reward of his valuable aid.

I do not believe that he was so influenced, but adopting the style of criticism of the gentleman from Indiana I might say he was so influenced.

Mr. Speaker, I am tired already of the exposure of Democratic brag, and tired of enumeration of Democratic omissions, and yet I am not done.

How stands its Secretary of State? Its Secretary of State was for many years a great, able, and distinguished Senator of the United States. The office of Senator of the United States is an eminent office and its duties should be discharged with grave and balanced care and deliberation. In a special sense, under the Constitution, is committed to a Senator of the United States the preservation of international obligations and the keeping of the nation's honor. What Mr. Bayard should observe as Secretary of State Mr. Bayard should have observed as Senator of the United States. Can any one deny it? Did

he do it? I will let the Secretary of State answer for the Senator; I will let the Senator answer for the Secretary of State.

The gentleman from Mississippi [Mr. HOOKER], in his dignified and statesman-like eloquence, related to the House how Chinese exclusiveness was forced or cajoled by the nations of the earth. Our method was not force, as England's was. Ours was adroit diplomacy, and we crawled through the breaches made in the Chinese wall by the guns of other nations; and, sir, we had become so used to the act and attitude of crawling that we have not stood up straight since. [Laughter.] But we got in, and we all remember with what gush and flourish the Burlingame treaty was ratified; with what Democratic gush as well a Republican gush, for we all gushed.

That treaty, sir, declares, with pompous explicitness and the usual verbal salams and genuflections of showy courtesy, that it is the inalienable right of all men, Chinese as well as American, to change their residence and their allegiance at their pleasure. Mr. Bayard, as Senator, construed this to mean all Americans, any number of Americans, but only fifteen Chinamen at a time, and voted for the so-called fifteen passenger act bill, which prohibited any vessel from bringing more than fifteen Chinamen at a time. I would not patiently listen to any one who would dispute with me that if, under the explicitness of the treaty, the coming of Chinamen could be limited to fifteen, it could not be limited to a less number, but whether to a less number or not, only fifteen at a time was practical prohibition. We have approached no such remedy since. Bayard, Senator, had no scruples. They come to Bayard, Secretary of State. President Hayes vetoed the bill, and Bayard, Senator—no prophecy then of Secretary of State—with nimble alacrity voted to pass the bill over the veto. The bill was distinctly vetoed on international grounds.

I will not follow the gentleman from Indiana in his attempt to attribute sinister purposes to President Hayes. The country acquiesced in the President's views. Negotiations were started to modify the Burlingame treaty, and mark you, Mr. Speaker, the negotiations were not proceeded or accompanied by the gift of $147,000 or of a dollar or of a cent. It is Democratic diplomacy, not Republican diplomacy, which needs such adventitious aids. A new treaty was negotiated. It qualified the universal permission of the Burlingame treaty, and allowed us to suspend or limit the coming of Chinese to this country for a reasonable time, but not to prohibit it.

A bill was introduced in the Senate by Mr. Senator MILLER to execute the new treaty. It provided for the suspension or prohibition of immigration for twenty years. It is useful to remember the time of suspension, for it will be significant hereafter. Mr. Bayard, Senator—no prophecy yet of Secretary of State—voted for that bill. It was vetoed, and he voted again actively to pass the bill over the veto. I am not afraid, you see, to give a Democratic Senator's record. Then the ten-year bill was passed. A few years elapse and Bayard, Senator, becomes Bayard, Secretary of State, and represents, I presume, the Democratic party; and is to execute its zeal against the Chinese. Then, of course, full remedy, peace, and rest. Was he not an active, nimble Senator. No treaty obligations bound as Senator his bold and fierce Americanism, his devoted love for "laborers doomed to endless toil." He was no miserable, mercenary Republican, if I may paraphrase the language of the gentleman from Indiana, adoring only capitalists and dollars, and helping capitalists to cheap labor, but a great Democratic chieftain. Of course he recommended a fifteen-passenger act; he had voted for one. Of course he recommended a twenty years' exclusion act; he had voted for one. Of course he recommended another ten years' exclusion act; he had voted for one.

Alas, no, Mr. Speaker. Bayard, Senator, had disappeared; Bayard, Secretary of State, was another man. Not a recommendation, not a movement. Three years of administration, and not an anti-Chinese sign or sound. Not a sound but the sound of revelry by night from the balls at the Chinese minister's with the Democratic Secretary of State in attendance. [Laughter.] It is not reported, sir, whether the chopsticks that were used on those festal and Oriental nights by the Democratic members of the House and Senate who attended were the same chopsticks that the naughty Republican party let in free of duty and taxed Bibles, as the gentleman from Indiana charged.

Seriously, sir, how can this various conduct of the Senator and the Secretary—the inactivity of the Secretary of State be reconciled with the bragging of the gentleman from Indiana? Did treaty obligations restrain the Secretary? They did not restrain the Senator. Can they bind the Secretary and not bind the Senator? I said I would make the Secretary answer for the Senator. I have done so, and if the answer vindicates the Secretary it condemns the Senator—if it condemns the Senator it vindicates General Harrison. He had no more scruples than the Secretary of State, and his scruples did not cost anything. The scruples of the Secretary of State will cost the country the sum of $147,000, the amount of the indemnity bill, and $276,619.75, the amount provided to be paid by the new treaty, and which is worse, 20,000 Chinese immigrants to compete with the labor of our country.

The gentleman from Indiana says that Mr. Harrison voted for Chinese naturalization. A falser statement, or rather deduction, was never made. It is the last accusation of interest and despair. It is the forlorn hope of partisan misrepresentation.

Even as the gentleman from Indiana made it Mr. Harrison denied it. This should have been and should be enough, on account of Mr. Harrison's character. Even the charge against him admits he is fearless and no demagogue. His reputation shows him truthful. But with some men honesty is nothing, evidence everything; and a circumstance which can be tortured and turned any way is dwelt on, while worth and character are contemptuously slurred away. I will not allow myself to be afraid of such an effort as to General Harrison. If such an effort could succeed, there would indeed be nothing "serious in mortality, * * * renown and grace would be dead."

Against the accusation I put General Harrison's word—against the accusation I put a worth and a reputation which have made him eminent in Indiana, which have made him renowned in the nation, and which have selected him and fitted him for the splendidest station on earth. I disdain to discuss the charge further.

As to the statement of naturalization of Chinese in Indiana I am surprised. Can any one think it is important or reflects on General Harrison? If it is important there is record evidence of the naturalization. But not the record is produced, but only hearsay of the record. Even a member of the House of Representatives, as the gentleman from Indiana is, nor a Senator of the United States, as Mr. VEST is, can prevail by hearsay against the legal and natural presumption which marks as false a fact which is rested on secondary evidence when primary evidence is accessible. That Chinamen were voted by Mr. Harrison's law partner has been denied by his law partner.

If the gentleman from Indiana had asserted it on his personal or representative responsibility I should accept it; but when he rested it on the evidence of a Democratic clerk in a Democratic Department, I may suspect a kinship with the Morey letter. It comes, then, with all the signs and badges of that infamous imposition. But the people can not be duped again. In this satisfaction I dismiss the subject.

Now, Mr. Speaker, I come to the consideration of the treaty. It is the boast of the Democratic party and measures that party's merit. I would fain have regarded it as a gift horse and shrunk from the ungraciousness of looking in its mouth. I was willing to take it at its worth. I can not take it at what the gentleman from Indiana says it is worth. I might have left it with the mild and modest assumption of merit for the Administration by the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Kentucky [Mr. MCCREARY]. Their manner would have induced me to more than that, for in their manner and dispositions to the question California knows that it can only receive adequate solution.

California here, as she does at home, would keep it out of politics. She would make it not Republican, not Democratic, but American. She would enlist the patriotism of all, and make the question, not the bragging competition of the Democratic party or Republican party, but the emulation of all as citizens, not pausing at party, but eager for the good of the country.

If such dispositions had earlier prevailed the remedy for the evil we complaim of would be further advanced. The treaty is not adequate. It was very insufficient when it was submitted to the Senate. As it was before then, I can not account for and not condemn the Secretary of State. The evil of the old restriction bills was not in the period of exclusion; the period of exclusion was their merit. The evil was in the exceptions from exclusion. The treaty does not correct this evil; it increases it so as to make the treaty without the Senate amendments no advance on existing law.

There was infinite simplicity in the State Department or carelessness when the treaty was agreed to. If I was of the temper of the gentleman from Indiana; if my party was in the distress his party is in and I could bring myself to help it by invidious criticism, I should say that the ignorance which appears to have presided and prevailed when the treaty was agreed to by the State Department can not be reconciled with ability and learning and zeal in the Secretary of State.

Was his simplicity deceived by oriental diplomacy? Did not he care? Did he linger, like Cinderella in the child's story, too long at the Chinese ball, and all the brave zeal of his party wither to rags at the stroke of the hour that he had forgotten, and made him rush for refuge into anything? The Senate resolution, which I shall quote hereafter, may have startled him.

But to continue. The exception to the prohibition of Chinese immigration in existing law is of the laborers who were here at the ratification of the last treaty or who had departed from this country before the passage of the existing law. Provisions to identify the laborers who were entitled to come and for the exclusion of all others apparently made the old treaty perfect. This seemed simple, but the laborers who were entitled to come multiplied beyond the multiplication of the loaves and fishes in the miracle, and the whole population of China seemed to be able to prove a prior residence in this country.

The new treaty is as facile to Chinamen. The new treaty makes one of the exceptions to prohibition to consist in the return of any laborer who has a debt of a thousand dollars due him and pending settlement. A debt from whom? From anybody; from another Chinaman. Must I stop to argue to this intelligent body, or to any body, that the identification of a Chinaman, as in the old acts, is rendered easier by the addition of the circumstance that a debt shall be due him and pending settlement, as in the new treaty.

The productive perjury of Chinese witnesses which so easily invents

a place and a time and the circumstances of a prior residence will invent without straining a debt of a thousand dollars pending settlement. The treaty you will see, sir, is not a very perfect remedy.

What do the Senate amendments add? The Senate amendments include in the prohibition of the treaty all those laborers who are not at its date in the United States; and if the amendments do not make the giving of the certificate as they ought to do an executive question exclusively, they make the fact and the sufficiency of the certificate when produced an executive question exclusively, and irresponsible courts and habeas corpuses and bail bonds are made impossible.

The Senate amendments, therefore, are an improvement to the treaty and give it the only vitality it has or good it has. The pending bill is also a Senate measure, and is better again than the treaty even as amended, and all therefore that is tolerable in the treaty and bill is the work of the Republican Senate.

I have referred, sir, to the delay of the Administration. It is significant that on the 1st day of March of this year the Senate passed the resolution which I now read:

Resolved, That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States, under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China, containing a provision that no Chinese laborer shall enter the United States.

This resolution was delivered to the President on the 3d, and on the 12th the treaty was signed. Did the Senate resolution cause the treaty? It is certain the resolution hastened the treaty. Longer delay was possible. So everywhere the Republican Senate's care and vigilance and prompting are conspicuous.

Mr. Speaker, I said in the beginning of my remarks that while the treaty is the best the Administration will do or can do it does not satisfy the situation. Indeed, the whole proceeding shows still a want of appreciation on this side of the continent of the evil, and that Eastern sentiment has not yet reached the height of the argument.

But the Pacific coast does not despair. The day of full relief is at last breaking. Its light streams from the Republican platform.

A few words more, sir, and I am through with this question. The opposition to Chinese immigration by the Pacific coast was once referred by those not of the coast and native to the evil as an unreasoning race prejudice. It was not thought to be, as it was and ever has been, the chosen conduct of men taught in the traditions of a free country and reverencing its principles, hoping always to live by them and ready if need be to die for them; willing, always willing to extend them to all people capable of receiving, preserving, and perpetuating them; never willing nor ever will be of debauching and shaming them by making them the profit of Chinese parasites.

It was evident to us that the Chinese could not to become as Americans, that Americans ought not to become as Chinese. One or the other might have to be. We could not raise the Chinese to us. We should not stoop to them. One or the other we might have to do. In these alternatives, the alternatives of their continued immigration, we thought we had and think we have dear and grave interest, and while reverencing the principles and institutions of a free country and knowing all the hope there is in them for mankind, we can not but discern that any effort to extend them to China and the Chinese will be impossible—as impossible to them as destructive to ourselves. And, believe me, sir, let Chinamen come as they are coming, and will come if not restrained, and you will as surely destroy this free Government as though, to use a figure of Wendell Phillips, you should put gunpowder under the Capitol.

Mr. Speaker, I shall have to skip a good deal of what I desired to say, and will go to the part, and to that part which I really consider the most important in the discussion. I do not regard it as very important what the Republican party has done heretofore, because I consider the important thing is what it is now. It is important to inquire why the gentleman from Indiana has made this attack on General Harrison. I think, sir, the purpose is palpable.

The Democratic party has threatened the industries of the country, and it stands appalled at the doom that awaits it from the indignant workingmen of the country. It is trying to deflect the blow to General Harrison by a conjuration of the Chinese question; but, Mr. Speaker, the attempt will not succeed. The object and purpose of it is too evident. Besides, the principles of that party, if consistently carried out, lead directly to Chinese immigration. I do not mean to say that Democrats are not sincere in their position, but I say if they were consistent under the declaration of their principles they would favor cheap Chinese labor. It is a natural deduction from the economic doctrines they have announced. Not swallow their words or stultify their record, to use the language of the gentleman from Indiana. They will have to swallow a whole dictionary of words and encyclopedia of bad policy and bad principles before they can consistently support the bill. They declare that they are in favor of cheap goods. Why not be in favor of the cheap cause of cheap goods?

I would like to have time to elaborate that, but I must hurry on. General Harrison opposes Chinese immigration. He has declared so, or he could not be the candidate of the Republican party at this time on its platform; because, sir, coincidently with clear declarations for the protective system is as clear a declaration for the absolute prohibition of Chinese immigration, and the declaration is consistent and just. The prohibition of Chinese immigration is the concretest form of protection to American labor. Under it all the evils of cheap foreign goods and cheap foreign labor is seen the distinctest and felt the bitterest. Through it and on account of it the country has been forced to the conviction that the time has at last come to consider, not to whom it can extend its civilization, but for whom it can preserve it; not to whom it may give liberty, but for whom it may lose liberty; not to whom it may give bread, but for whom it can save bread. These are the alternatives of free trade and protection, and from them. There is also forced this other consideration, that equality and freedom are not alone to be the radiance of the heights, heaven-kissed enough, of ease and wealth, but must illumine and adorn the slopes and levels where struggle is and where labor is, where the nation is and forever must be, and where grace and beauty and happiness must come to it if they come at all. And if they come at all they can only come and stay and grow from protection to American labor. The very essence of the protective system, the very essence of the principles of the Republican party, is exclusion to cheap goods and cheap men, and General Harrison is its chieftain and will be its President.

[Applause on the Republican side.]

During the delivery of the foregoing remarks the following proceedings were had:

Mr. PETERS. I ask unanimous consent that the gentleman from California be allowed to finish his remarks.

Mr. BYNUM. You have time which you can give to him.

Mr. PETERS. I ask unanimous consent that the gentleman from California [Mr. MCKENNA] have sufficient time to conclude his remarks, and that the same amount of time be granted to the other side.

The SPEAKER *pro tempore*. That changes the order of the House, and would necessitate a like extension of the time for adjournment beyond 5 o'clock.

Mr. HEARD. If it is expected to reach a vote upon this question to-day, this will compel us to stay just that much longer.

Mr. PETERS. It will; but I will make the request that the hour for adjournment be postponed the necessary time.

Mr. MCCREARY. That order has already been made.

The SPEAKER *pro tempore*. The agreement was that one hour and fifty minutes be given to those on the left of the Chair, and an hour and ten minutes to the side on the right of the Chair, and that the necessary extension beyond 5 o'clock be made so as to permit that to be done. But if there is an extension of the time to either side it must be accompanied with an additional order for extending the duration of the session.

Mr. HEARD. I have no objection to extending the time of the gentleman from California, but I do not want to be kept here so much longer in order to get a vote this evening.

Mr. PETERS. I will state my proposition in this way. I ask unanimous consent that the gentleman from California be allowed sufficient time to complete his remarks in addition to the ten minutes which have been given to him, and that an equal amount of time be consumed on the other side.

The SPEAKER *pro tempore*. Then it will be necessary that there be an extension to a corresponding time beyond 5 o'clock.

Mr. MACDONALD. As it is understood that we are to have a vote this evening, I will object.

Mr. ANDERSON, of Kansas. Then I ask that the vote be taken to-morrow instead of taking it this evening, and that the time of the gentleman from California be extended.

Mr. DIBBLE. I object.

The SPEAKER *pro tempore*. The gentleman from South Carolina objects.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. MCCREARY. How much time does the gentleman require?

Mr. MCKENNA. I did not know how much time it would take me, and I may have miscalculated the time, but I think it will take thirty minutes, which will be twenty minutes additional time.

The SPEAKER *pro tempore*. Objection is made to the request, and the regular order is demanded.

Mr. CHEADLE. I do not think objection ought to be raised. By unanimous consent we extended the time of my colleague [Mr. BYNUM] on Saturday. This speech is a reply to his, and there ought to be no objection.

Mr. MCKENNA. How much time have I left?

The SPEAKER *pro tempore*. The gentleman will be allowed ten minutes.

Mr. MCCREARY. I yield twenty-five minutes to the gentleman from California [Mr. THOMPSON].

Mr. THOMPSON, of California. Mr. Speaker, it is not my desire to take up unnecessary time in discussing a measure that I am sure, when it comes to a vote, will pass this House with scarcely a dissenting voice. But the matter under consideration is of such vital importance, not only to the people of the Pacific coast, whom in part I have the honor to represent, but to the people of all the States of this Union when they come to understand it as we do in California, that I am constrained at

least to voice the sentiment of my constituency in assuring the members of this Congress and the people they represent that, notwithstanding what may have been in the past, there is now but one side to the issue of Chinese immigration in California. It has been my province to see with my own eyes for thirty years the formation of the hideous Mongolian incubus upon that fair State, which has robbed it of much of its natural growth and prosperity. No tongue can convey or pen portray the ugliness of the monster. Personal inspection alone will convey anything like an adequate idea of the moral degradation of Chinese laborers wherever they are herded together in any considerable numbers in this or any other country.

Had I time to do so, Mr. Speaker, I would like to tell the people of the Atlantic States, from this floor, a good deal about the character and habits of this unassimilative alien race as we have seen it on the Pacific shores.

The Chinese are purely a clannish, selfish, grasping people, totally devoid of all moral instincts and endowed with an endurance unequaled by any other class of laborers. A distinguished writer, thirty years ago, describing them in their own country, said:

Facts of daily occurrence brought to the knowledge of the missionaries reveal the prevalence of the most fearful immoralities and furnish a melancholy insight into the desolating horrors of paganism. Female infanticide in some parts openly confessed, and divested of all disgrace and penalties everywhere; the dreadful prevalence of all the vices charged by the Apostle Paul upon the ancient heathen world; the alarming extent of the use of opium (furnished, too, by British and American merchants), destroying the productions and natural resources of the people; the universal practice of lying and dishonest dealings; the unblushing lewdness of old and young; harsh cruelty towards prisoners by officers, and tyranny over slaves by masters—all forming a full unchecked torrent of human depravity, and proving the existence of a kind and degree of moral degradation of which an excessive statement can scarcely be made or an adequate conception hardly be formed.

Such is their condition in the midst of Christian civilization in California to-day. With few exceptions, places from whence they have been driven by popular uprisings of the people, every town or village has its Chinese quarter, and every Chinese quarter has its gambling hells, opium joints, and other dens of infamy—a constant menace to the moral welfare of American children, both boys and girls, thousands of whom, contracting the opium habit, become hoodlums and outcasts and are ruined for life.

Pitiable it is to behold these wan-faced victims of Mongolian debauchery upon our streets. They appeal to the civilization of America to save them, and this can only be done by driving back this yellow tide from Asia that threatens to inundate and ruin our country and its people. This, I know, is strong language and may be considered by some unnecessarily extravagant, but when I view the black contaminating pall of paganism that has spread itself over our glorious land of sunshine and flowers within a quarter of a century, and reflect that it is supported by four hundred and fifty millions of such people as I have described, I confess that it produces in me a sense of alarm for the future of this free land, this asylum of nations. Would to God that I had the gift of language and the power of eloquence to arouse my countrymen to a sense of the danger that threatens them.

Talk about Christianizing the heathen Chinee! Why, Mr. Speaker, the most carefully collected statistics on that subject showthat—

In proportion to population the "Joss-house" is more common in Chinatown, San Francisco, than are the edifices of the Christian church in other portions of that city.

Let me quote further from an exhaustive and carefully prepared report made to the board of supervisors of that city by the present mayor and other members of that body:

So far in San Francisco "the heathen Chinee" has, in the slang parlance of the day, "got in his work" with the same irresistible force as that with which Boston's other "slugging" champion has always displayed in his ring encounters. And Senator HOAR, and his followers, who would fain open wide our gates to the "little brown man," that he may be converted to Christianity and share in the blessings of American citizenship, may possibly find food for new reflection by a careful study of some of the naked facts which your committee have been enabled to present upon this branch of the subject. * * *

Idols of the most hideous form and feature squat upon their altars, from which license, in the belief of the Chinaman, sufficient to justify crime or vice of any degree may be had for the asking. Idols that typify not the precepts of morality taught by Confucius, carved and created by the mechanical fancy of the most skillful Mongolian artist into every conceivable distortion of feature and limb, more frequently represent and give license to the practice of a vice than a virtue to be inculcated and lived up to. Even the "Goddess of Prostitution" sits enthroned upon her altar in more than one Joss-house in San Francisco, and licenses her votaries to the practice of nameless indulgences and the most bestial gratification of their sensuous lusts. Let the skeptic who views this statement as an exaggeration or misrepresentation of fact visit the Joss-houses of San Francisco and he will no longer doubt; for it is the truth.

While the Chinese have thus planted their idolatry among us with all its attendant vices, while they have undermined the morals and the physical health of our youth, and defied our laws, what has Christianity to show, through the aid of its missionaries or otherwise, in its conflict with Asiatic heathenism, whether it be in the advance of Christian morals or the Christian religion?

In morals, nothing! And no one can possibly so pervert the truth as to maintain otherwise. In religious teachings let the evidence of the missionaries themselves speak for itself. Thirty-five or thirty-six souls saved by the missionary work of Mr. Gibson, eighty by Mr. Loomis, making one hundred and fifteen in all, deducting nothing for backsliders, in a maximum period of seventeen years, that being the term of the administration of Mr. Loomis! Against this, thousands of young men debauched and diseased for life by reason of their presence among us; innumerable young men and young women confirmed in the opium habit from the same source; the laboring classes deprived of work and impoverished, their children graduated in the school of "hoodlumism;" the laws set aside and defied; a filthy and disgusting mode of life set up by a clannish population in the fairest and best portion of the city, and made a constant menace to the welfare of the community by reason of the danger from fire and disease that will some day spring from that locality. All this to offset the salvation of a few score of souls of beings whose miserable lives and souls ought not in the aggregate to bear a feather's weight against the deep damnation of the curse they have inflicted upon our race, and the ruin and everlasting misery they have brought upon thousands—if the Christian religion be "the true faith" by which human souls are to be saved.

In San Francisco over 35,000 Chinese are huddled together in the space of twelve blocks of that city, occupying what was once the fairest and best portion of it, and in all that great population there are less than sixty families living as such with legitimate children. Three thousand of these Mongolians are employed in various manufactures within the Chinese quarters, and many more thousands outside of it, supplanting white labor in almost every industry. As a race they have no regard for this country or its laws. They defy its authority, have a system of government of their own, and resist the payment of taxes whenever they can do so, paying in San Francisco only about one three-thousandths part of the tax, and for the State at large less than one four-hundredths part of the revenue required to support the Government. The cost of keeping Mongolian prisoners in the State prison is more than double the whole amount of the property tax collected from the Chinese population of the State. As has been most fittingly defined, the Chinese population of this country is like a huge sponge, which absorbs all it can in America and is then squeezed out in China.

The record of the Republicans, including my colleagues of that party in this House, on the subject of the pending treaty of exclusion and legislation to enforce it, has certainly been an anomalous one.

Believing that a treaty of exclusion was our only remedy against the Chinese evil, a year ago last April I came to Washington to urge upon the authorities that measure. I was encouraged to do so by what President Cleveland had said in his letter of acceptance bearing upon the Chinese issue as identified with the labor question, and I was assured that such negotiations would be pushed to a conclusion as rapidly as was practicable. When I returned to this Congress I found them still in progress, and never had a doubt of the success of the negotiations if it was in the power of the President and our Secretary of State to perfect them. My Republican colleagues, however, were not so confident, and ridiculed the idea of a treaty of exclusion. The Senate also was incredulous, as on the very threshold of its accomplishment a resolution suggesting a treaty was submitted by that honorable body and responded to by the President, as follows:

To the Senate:

A copy of the following resolution, passed by the Senate on the 1st day of the present month, was delivered to me on the 3d instant:

"*Resolved*, That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States."

The importance of the subject referred to in this resolution has by no means been overlooked by the executive branch of the Government charged under the Constitution with the formulation of treaties with foreign countries.

Negotiations with the Emperor of China for a treaty such as is mentioned in said resolution was commenced many months ago and has been since continued. The progress of the negotiation thus inaugurated has heretofore been freely communicated to such members of the Senate, and of its Committee on Foreign Relations, as sought information concerning the same. It is, however, with much gratification that I deem myself now justified in expressing to the Senate, in response to its resolution, the hope and expectation that a treaty will soon be concluded concerning the immigration of Chinese laborers which will meet the wants of our people and the approbation of the body to which it will be submitted for confirmation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 8, 1888.

When the treaty, through the graciousness of the Senate, after much delay, and in contravention of the President's recommendation that it be immediately made public, was given to the people it was generally denounced by the Republican representatives and newspapers of California. The State convention of that party, when it met to send delegates to the Chicago convention, also denounced it in the following language:

We denounce the treaties suggested by the President and his Secretary of State as mere trifling with a great question, and unworthy the support of any good citizen.

The bill reported to this House by the Committee on Foreign Affairs, through its chairman, Mr. BELMONT, which, as has been stated by the acting chairman of that committee, Governor MCCREARY, was substantially the same as the bill now under consideration, was repudiated through the press of San Francisco by my worthy colleague, Mr. MORROW, who was so anxious a few days ago to rush the pending bill through this House without reference or debate. The passage of the bill at that time, without amendment, as has transpired, would have repealed immediately the restriction laws now in operation and opened our ports indefinitely to an influx of Chinese coolies. This was of course an oversight on the part of my esteemed but in that instance overzealous colleague, and I congratulate him as well as our constituency upon the happy escape made from such a public calamity.

I fear our Republican friends have also made a mistake in causing delay in the ratification of the treaty through the amendments suggested by the Senate. At the rate they are coming now, more Chinese will get in pending the unfortunate delay of the treaty than would be kept out in the same space of time under the operation of the unnecessary amendments.

The essence of the treaty is exclusion, and it remains only for Congress to provide the laws to carry out its provisions. I do not admit that this Government is unable to enforce its laws. It can, and, under this Democratic Administration, will do so, despite the efforts of any power, domestic or foreign, to set aside or ignore them.

The Democratic party has at all times been united in opposition to the coming of Chinese to this country. In the earliest days of our State's history it legislated against them through the enforcement of a miners' tax of $20 per month. This law as amended from time to time was in successful and effective operation until the provisions of the fourteenth amendment to the Federal Constitution cut it off. The tax was undoubtedly the means of checking the influx of these people from the time of its enactment early in the fifties until it was declared unconstitutional under the operation of the Federal Constitution. The following figures, showing the arrivals and departures of Chinese at the port of San Francisco during the time the foreign miners' tax law was in force and subsequent thereto, demonstrate this fact:

In 1852 the arrivals were 20,026 and the departures 1,768. In 1862 the arrivals had dropped off considerably, while the departures had increased, the figures being 8,175 arrivals and 2,792 departures.

Ten years later 9,770 arrivals and 4,890 departures. It was about this time that the tax was removed under the operation of the fourteenth amendment, and in 1882 there were 45,665 arrivals and 13,414 departures; in 1885, 40,221 arrivals and 18,703 departures; in 1886, under operation of the restriction acts, there were 6,714 arrivals and 12,267 departures. In 1887 there were 11,572 arrivals and 9,919 departures. During the first six months of the current year there have been 7,422 arrivals and 1,734 departures. The total Chinese arrivals in this country through the port of San Francisco have been 366,636 and 179,095 departures, leaving a balance of 187,541. In addition to these, large numbers have come in at other ports or have been transported across the boundary from Mexico and British Columbia.

It is said that all the Chinamen who were employed on the Canadian Pacific Railroad have since crossed the boundary into the United States, and it is safe to estimate that there are now on the Pacific coast 200,000 Chinese, 125,000 of whom are in California, and probably 50,000 in San Francisco. It is further stated that the returns of the Chinese population in British Columbia show a reduction of 25 per cent. during the past year, 4,000 Chinamen having been smuggled thence into the United States.

It is not my desire to make invidious comparison between political parties on this subject, but it is a fact well known to the people of my State that the first importation of Chinese coolies to this country was cotemporaneous with the building of the continental railroads. They were brought here under Republican auspices because they could be hired for less than a dollar a day to take the place of white men in building those roads, and to-day the greatest, if not the only obstacle in the way of the enforcement of the restriction laws in San Francisco grows out of the fact that the rulings of two distinguished Republican Federal judges of that city have nullified the intent and spirit of the law to such a degree as to destroy its effect and to cause the people of that city, with the voice of a united public press, to demand of this Congress the impeachment of those judges.

In conclusion, Mr. Speaker, I quote from President Cleveland's letter of acceptance four years ago, and as a Democrat point with pride to the treaty of exclusion which the bill now pending before this House is designed to enforce—an evidence of the President's fidelity to principle and the faithful performance of every promise made to the people:

THE DIGNITY OF LABOR.

A true American sentiment recognizes the dignity of labor and the fact that honor lies in honest toil.

Contented labor is an element of material prosperity. Ability to work constitutes the capital of the wage laborer, the income of a vast number of our population; and this interest should be jealously protected.

Our workingmen are not asking unreasonable terms, but as intelligent citizens they seek the same consideration which those demand who have other interests at stake. They should receive their full share of the care and attention of those who make and execute the laws, to the end that the wants and needs of employers and employés should alike be subserved and the prosperity of the country—the common heritage of both—be advanced.

As related to this subject, while we should not discourage the immigration of those who come to acknowledge allegiance to our Government and add to our citizenship protection, yet, as a measure of protection to our workingmen, a different rule should prevail concerning those who, if they come or are brought to our land, do not intend to become Americans, but will injuriously compete with those who are entitled to our labor.

The laboring classes constitute the main part of our population. They should be protected in their efforts peaceably to assert their rights when endangered by capital, and all statutes on this subject should recognize the care of the state for honest toil and be framed with a view of improving the condition of the workingmen.

Mr. HITT. I yield ten minutes to the gentleman from California [Mr. VANDEVER].

Mr. VANDEVER. Mr. Speaker, the bill under consideration appears to meet the approbation of both sides of this House. The subject-matter of the bill is not new. It has been before the country for years, and has evoked much discussion in and out of Congress. It may be truthfully said that public sentiment has been conducted to a general approval of the purposes of this bill. In the beginning of the consideration of the subject of Chinese immigration into this country wide differences of opinion prevailed. California and the whole Pacific Slope was then as now chiefly affected by the question. California, in common with the whole country, approved the Burlingame treaty, chiefly because it was thought desirable to establish commercial relations with this heretofore secluded country, and to open in China a market for our products in exchange for her teas. But when at length the incidental effect of reciprocal trade with China began to manifest itself by an inundation of undesirable immigrants from that country, who sought our shores not because they loved our civilization, our institutions, and the religious views and precepts upon which they were founded, nor because they desired to become assimilated to these, nor to remain in the country and assume any part in promoting the welfare of the land and the virtue of the people, but that their advent among us was prompted by purely selfish and mercenary motives and purposes; that they one and all rejected the idea of renouncing allegiance to their native soil; that they persistently adhered to the ancient manners and customs of their people, and almost without exception set at defiance many of the rules of morality and decency observed in Christian communities, buying and selling their own flesh, and indulging with impunity in the most revolting vices and heathenish practices; and that they seemed to be practically without moral sense or conscience; that the solemnity of an oath from their lips was in their estimation idle breath without obligation. And beside these offensive characteristics, they here enter into competition in many branches of industry with the wage-earners who constitute the basis of our own prosperity as a people, and upon whom we rely to defend the country in time of peril.

The evils of Chinese immigration, so manifest and overpowering in California and other exposed parts of the Pacific coast, were a long time in becoming apparent to the eastern parts of the country, but now at last these evils have come to be generally admitted, and to-day we consider in Congress as a non-partisan measure the law under consideration for the exclusion of Chinese, a law offered in pursuance of a recently negotiated treaty with China. Both governments agreeing to the exclusion, both the great political parties of this country agreeing to the exclusion, and there appearing no opposition from any quarter, the passage of the law is assured.

Why, then, it may be asked, this extended controversy, which has lasted two full legislative days, regarding this law. The law originated and was passed in the Senate; it came to the House and was referred to the Committee on Foreign Affairs; that committee has unanimously reported it back to this House, recommending its passage. Why then discuss the measure? As a fact, the measure has not been discussed; it has been explained by members of the committee that reported it, and we are all agreed that the bill shall be passed into law. But some members of the other side of the House have seized upon this, as they have on other occasions, whether opportune or not, to promulgate and defend the dogmas of the Democratic national platform as the ruling purpose of their minds, to be thrust into every debate and to be put above every public interest.

Half admitting the untenable and delusive character of the policy of the Democratic party and of its leading measure, framed at the dictation of the head of that party for the suppression of American enterprise and prosperity, they thrust the subject forward at all times and on all occasions, showing by this course that doubts exist in their own minds as to whether their theories of revenue are worthy the adoption by the people. They have but one leading idea, and that embodied in the Mills bill is tariff for revenue, tending to free trade.

I wish to say in regard to the charges made by the gentleman from Indiana against General Harrison on the Chinese question, and this is proved by the record, that General Harrison never favored nor advocated Chinese immigration into this country. He stood by a treaty stipulation, and opposed a willful and violent infraction of it. He advocated a stipulation for suppressing Chinese immigration into this country and voted for such a proposition in the Senate, as has been shown; and I say without fear of contradiction that General Harrison is a more reliable friend of California and its products, and better disposed to protect its industries from Chinese or other competition than the gentleman from Indiana [Mr. BYNUM] or any other member of his party. [Applause on the Republican side.]

The tariff bill supported by the Democratic party as the leading measure upon which it bids for support puts upon the free-list the leading products of the Pacific coast—its lumber and its wool; and when the free-lumber clause of the Mills bill was under consideration in the House and a proviso was offered to the effect that lumber coming from British Columbia or elsewhere, the product of Chinese labor, should be made dutiable as under the present law, every Democrat in the House, with possibly one or two exceptions, voted against it.

Of the products of California placed on the free-list by the Democratic Mills bill we find olive-oil, one of our rising productions, which if moderately protected would in a few years run the spurious foreign article out of the market, and supply a pure American article at a moderate price. Quicksilver, borax, chrome iron, beans, figs, and a variety of other products of California they propose to transfer to the free-list.

On fruits coming in direct and successful competition with the foreign product the Mills bill proposes a reduced rate of duty. Raisins that within the past few years have come to be successfully produced in Fresno and other counties of Southern California of a quality fully

equal if not superior to the foreign article is struck at by the Democratic tariff, and that, too, in compliance with the demand of the foreign producers upon recommendation of a Democratic Secretary of State. California in the production of fruits and olive-oil will soon come to be justly regarded as the Italy of America.

Does any one suppose that such a screed of misstatements as is made in Democratic prints and by Democratic orators, relating to General Harrison's record on the Chinese question, will drive California from the support of Harrison and Morton to the support of Cleveland and Thurman and of the tariff policy of the Democratic party, that aims deadly blows at her industries, to the sorrow of thousands of homes in our State? November will tell a tale to make the ears of Mr. Cleveland and his free-trade allies to tingle.

The evil effect resulting from Chinese immigration into our Western ports, and the abuses of our hospitality in admitting through Eastern ports any who may come or be sent to us from Europe, brings us face to face with the necessity of scrutinizing the character of those who seek our shores from abroad, the means by which they are induced to come, and the purposes for which they come. And it shows, that as a measure of public safety, only those should be received who are capable of becoming good citizens and useful members of society, who are of good moral character and well dispose to the peace and good order of society.

A committee of this House is now sitting in New York, charged with the duty of investigating infractions and evasions of the emigration laws, and violations of the contract-labor statutes. Enough has already been elicited to show that European governments are fast falling into the practice of making our shores a dumping ground for their refuse pauper and dangerous criminal classes, and that steam-ship lines plying between New York and various European countries, moved by cupidity, connive in this nefarious work; that by false representations of their agents, thousands of poor and deluded victims are induced to leave their native shores, where they have always lived in squalor and poverty, and come to our seaport cities in search of work of a more remunerative kind than their own country affords. Having no means of subsistence when they arrive, not finding employment, and being unable to return whence they came, they are cast upon us to be supported by charity or at the public expense.

It has ever been the policy of our laws to invite and cordially welcome to our shores from foreign lands those who are attracted by love of our free institutions, who are well disposed to the peace and good order of society, and are capable of assuming the duties of citizenship. Especially we invite and welcome those who have the mind and the ability to earn a living by honest toil of whatever nationality or form of Christian faith, and who do not claim the right to become our rulers too soon after landing; but we reserve the right and hold it to be our duty to reject the vicious and the bad, and those who are sent to us to become a public charge.

The influx of a countless horde of semi-civilized Mongolians upon the western shore of this continent has grown into a greater and more menacing evil to the welfare and good order of society on the Pacific coast than even the refuse and in many instances enforced emigration to this country of indigent or dangerous classes from Europe. Those coming into our eastern ports are at least from Christian and civilized communities, and may in time become assimilated with our people, but those coming to our western ports from over the sea are heathen; they despise us as a people; they practice with impunity the grossest vices, and they demoralize communities where they locate in any considerable numbers; they cultivate no family relations; they buy and sell their women for immoral purposes; they are to-day substantially as they have been for the past thirty centuries; they are not fit for citizenship in a civilized country; they contribute nothing to our national strength or renown; they all expect to return whence they came, and consider it a calamity and an eternal disgrace if, when they die, their dust is left to mingle with our soil; they take the morsel from the mouth of honest American toil, are a curse to the rising generation and a menace to the moral purity of society; they should be rejected and sent back whence they came.

True we invited them here, and many who from philanthropic impulses hailed the Burlingame treaty as an achievement to be thankful for now deplore that concession as an unfortunate blunder and give their assent to a total revocation of the treaty. Even the Government of China manifests its willingness to abrogate and annul all treaty stipulations for the further admission of Chinese to our shores. The two Governments, China and the United States, having agreed to stop further Chinese immigration into the United States, and the people demanding that this desire and intention be carried out, what possible objection can there be on the part of Congress to the passage of this bill?

The welfare of the community, the dignity and interest of labor, and dictates of humanity all concur in demanding the exclusion of Chinese from the hospitality of our shores and the abrogation of treaties that have heretofore admitted them. Good men, who have felt that a moral obligation rested upon us to observe treaty obligations with China, now see the necessity of erecting barriers against the overflowing tide of emigration from that country. The Chinese Government consents to the exclusion by treaty stipulation. It assents to the terms of restriction and exclusion proposed by this bill. No objection comes from any quarter to the passage of this law. Why, then, not pass it without further delay and waste no more time in making excuses for the blunders of the Democratic party that the country may be relieved from a further influx of this offensive class of immigrants. [Applause.]

Mr. HITT. I now yield five minutes to the gentleman from Oregon [Mr. HERMANN].

[Mr. HERMANN withholds his remarks for revision. See APPENDIX.]

During the delivery of Mr. HERMANN'S remarks the following proceedings took place:

The CHAIRMAN (at the expiration of five minutes). The time of the gentleman has expired.

Mr. HERMANN. I ask unanimous consent for three minutes more.

Mr. McCREARY. Mr. Speaker, I do not rise to oppose the extension of the gentleman's time, but it is known to members that we desire to take a vote upon this bill this evening, and I suggest to the gentleman from Illinois [Mr. HITT] that he give the gentleman from Oregon [Mr. HERMANN] some of his remaining time. He has fifteen minutes left.

Mr. HITT. That time has been promised to another gentleman.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Oregon that his time be extended three minutes?

Mr. MACDONALD. I object. I have had to object to another similar request already.

Mr. HITT. I yield the remainder of my time, eighteen minutes, to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, I should not have detained the House a single moment in any remarks upon this bill, but should have contented myself with simply voting for it, if the gentleman from Indiana [Mr. BYNUM] upon Saturday had not digressed from the immediate subject before us for the purpose of assailing the Republican candidate for the Presidency and the Republican party. In the course of the gentleman's remarks, as reported in the CONGRESSIONAL RECORD, I find him saying:

> Dump all the paupers and criminals of Europe and all the Mongolians of Asia here. What cared the manufacturers? Labor was made more dependent and wages cheaper. This was and is the policy of the Republican party to-day. Open wide the doors for the importation of cheap labor, but close them tight against the importation of cheap clothing and cheap food.

It is possible, Mr. Speaker, that the exigencies of the Indiana campaign, from the standpoint of so strong a partisan as that gentleman, may furnish some excuse for so flagrant a misrepresentation of the Republican party. Certainly nothing else can. [Laughter.]

The gentleman from Indiana [Mr. BYNUM] is one of the Democratic majority of the Committee on Ways and Means who have just secured the passage through this House by a nearly solid Democratic vote of a bill imposing a duty of 68 per cent. on imported raw sugar and 100 per cent. on imported cleaned rice, almost the only articles of food imported, and as necessary as flour in every poor man's family, and moreover articles produced here to so comparatively small an extent that home production affects the price so little that the duty is nearly all added to the cost.

Yet the Republican members of this House as solidly voted against the 68 per cent. duty on sugar and the 100 per cent. duty on rice, and to reduce the duty on each to about 41 per cent.

And in the face of these facts the gentleman from Indiana [Mr. BYNUM] has the hardihood to charge that the Republican party desires to "close the doors tight against the importation of cheap food," and to claim that the Democratic party proposes to open the doors to such importation. [Applause on the Republican side.]

And the same bill, nearly solidly supported by the Democratic majority of this House, proposes to "close the doors" against "cheap clothing" to the extent of giving the manufacturer of clothing 45 per cent. protective duty and the manufacturer of woolen cloth 40 per cent. protective duty, precisely the same average duty as is imposed by the present tariff, outside of the compensatory wool duty, while the only reduction in duty that is made in woolen clothing is in the farmers' wool.

And yet in the face of the fact that the manufacturer of woolen cloth and clothing has "the door closed" against the competition of the "cheap clothing" of Europe to the extent of 40 per cent. by the bill which the gentleman from Indiana assisted in framing, and the Democrats of this House in passing, while, so far as woolen goods are concerned, only the farmer is compelled by his bill to compete with the cheap labor and cheap land of South America, the gentleman has the assurance to charge that the Republicans, who have simply voted to give the farmers' wool the same proportionate protection that the Mills bill gives the manufacturers' woolen cloth, are endeavoring to look out for the manufacturers alone. [Applause.]

Before commenting on the charge that the Republicans favor "opening wide the doors to cheap imported labor," I desire to call attention to the fact that the gentleman from Indiana now acknowledges, what he and the gentleman from Texas and other gentlemen on the other side steadily denied all through the tariff debate, to wit, that there is in other countries cheaper labor than ours. The gentleman from Texas based his whole argument on the assumption that the cost of labor,

measured by results, is less in this country than in any country in the world; and I remember that when he made this declaration gentlemen on the other side applauded him to the echo. It is refreshing even at this late day to have gentlemen on the other side confessing that there is much cheaper labor than ours, and that to bring such labor into competition with ours at the wages it is accustomed to receive abroad would do great harm.

Mr. Speaker, the gentleman from Indiana offers only one fact to sustain his charge that the Republican party favors the importation of cheap labor, and that is the fact that in midst of the war when five hundred thousand citizens were in the field fighting to preserve the Government, and when it was found that there was insufficient labor to produce the food and furnish the supplies needed by our Army and our population, on recommendation of President Lincoln an act was passed to encourage immigration by authorizing immigrants to make agreements to pay for their passage out of their earnings after arrival.

It is the judgment of eminent military men that this act materially aided to strengthen the Union cause, without reducing the wages of a single workman.

If our blockade of the Southern coast had not prevented the South from receiving substantially the same aid, the contest for the preservation of the Government might have been greatly prolonged.

The gentleman from Indiana complains that this act was not repealed as soon as the war closed. It should be borne in mind that immediately after the war there was such an increased demand for labor in consequence of the revival of suspended industries, particularly railroad building, and such a desire to recuperate our resources by filling up the far West with settlers, that many States took measures on their own account to encourage immigration, and it is not surprising that these facts led the General Government to delay the repeal of the act passed during the war. It is not surprising also that the Democratic party, which controlled both Senate and House from March 4, 1879, to March 4, 1881, should not have thought it necessary to repeal the law.

When, however, it became evident that the act of 1864 was being used to import laborers under contracts made abroad at lower wages than prevailed here, the Forty-eighth Congress, composed of a Democratic House and a Republican Senate, united in repealing it and in unanimously enacting a new law prohibiting the importation of contract labor, paupers, convicts, and other undesirable immigrants. This act was approved by a Republican President.

Why the gentleman from Indiana should take all the credit to the Democrats for an act passed under such circumstances, can be explained only on the ground that "drowning men," even in a political sense, "catch at straws." [Applause.]

Surely, Mr. Speaker, there is nothing in all this, nothing in the fact that all parties are united in excluding Chinese laborers since the treaty permitted this, to justify the charge of the gentleman from Indiana that the Republican party favors "opening wide the doors for the importation of cheap labor."

Since the act prohibiting such importation was unanimously passed by Congress and approved by a Republican President, its ultimate enforcement has been in the charge of President Cleveland, who has never indicated to Congress that it needed any modification or strengthening. Whatever failure of enforcement there may have been, therefore, lies at the door of the Democratic and not the Republican party.

Yet confessedly, during the three and a half years in which the act has been in force, the importation of cheap contract labor has increased, until, if we may believe the evidence gathered by the House committee who are now investigating the subject, it has grown to grave proportions, although but few instances have been made known in which this was done by manufacturers, and in those cases reported wages nearly as high as those prevailing here have been paid. I know that during this period hundreds of cheap Italian laborers, landed at New York in defiance of the law, as I believe, have been sent to my own State, like squads of coolies, to work on railroads, contrary to the wishes of our own people, and contrary to the public interests. [Cries of "That is so!"]

Still, I can not ascertain that these wholesale importations have engaged the attention of the Cabinet, or that any order has been issued by the President to district attorneys or other United States officials to better enforce the law. I wish, however, to make one exception. A newspaper reported that a few Canadian fishermen had come to Gloucester under an engagement to go on a fishing trip, whereupon the President immediately directed that the district attorney should prosecute the offenders to the extent of the law.

But, so far as I can learn, the fact that thousands of Italian padrones, practically bound by contract to serve at the beck of an overseer, and not intending to become American citizens, have landed at New York since the act of 1885 was passed, has not elicited even a passing notice from the President.

The gentleman from Indiana may find in this fact reasons for implicating the Republican party, but the public sentiment of the country will hold another party responsible. [Applause on Republican side.]

I notice by the published testimony taken by the House Immigration Committee in New York that many vessels registered or enrolled as vessels of the United States, and yet either owned by foreign capitalists or commanded by foreigners, who have been imported to serve at cheaper wages than American citizens would serve, are engaged in our coastwise and lake trade in defiance of a law which has been on our statute-books nearly a hundred years, and which provides that only American vessels shall participate in this trade, and that no vessel shall be registered or enrolled as an American vessel unless it is wholly owned by American citizens and commanded by a citizen of the United States.

Would not it be well for the gentleman from Indiana to admonish the officials of the Administration to enforce the laws before he mounts an Indiana stump to tell the people that the Republican party favors the importation of cheap labor.

Mr. Speaker, it is not difficult to discover in the manner in which the gentleman from Indiana couples the importation of contract labor with a protective tariff, and the shrewd manner in which he appeals to workingmen to vote for free trade, that there may be the same reason for laxity in enforcing the contract labor importation act, and neglect to recommend amendments, as for the refusal for many months to purchase bonds with the surplus—to wit, a desire to use labor importations in defiance of law, as the surplus has been used, as a lever to overthrow protection.

It will not be surprising during the present campaign to hear the same orators who have been using the fact of a large surplus in the Treasury, kept there by a refusal of the Administration for many months to use it in purchasing the bonded debt and stopping interest, as a lever to overthrow protection, using the facts gathered by the Immigration Committee as evidence that the Republican party is trying to restrict the importation of the products of cheap labor and at the same time to promote the importation of the cheap labor itself; while the impression will be given that the Democratic party proposes to reverse the plan.

I desire here and now, Mr. Speaker, to repeat what the platform of the Republican party declares, what the votes of the Republican members of this House have so often emphasized, that the Republican party stands for protection to home industries, not only through the imposition of duties on imported competing products of cheaper labor abroad, but also by the prohibition of the importation of contract labor, paupers, and criminals, or any other immigration that does not come here on its own motion to become American citizens, adopt American civilization, and demand American wages. [Applause on the Republican side.]

I believe that I speak for this side of the House when I say that we have always been ready, that we are ready now, to amend or strengthen the present law prohibiting contract labor, if the President shall inform Congress that it needs amendment in order to accomplish the end sought; and that we further ask that it shall be faithfully enforced. [Applause.]

In view of the intense competition which exists in the various industries in this country, there will here and there always be found men who seek to obtain an advantage by importations of contract labor if they find no obstacle, just as here and there have been found selfish woolen manufacturers who favor the Mills bill because it gives them protection and at the same time furnishes them free wool by depriving the farmer of the same kind of protection that they have.

The logic of protection requires that it should be applied not only to the imported products of cheap labor, but also to imported labor under contract made abroad to work at foreign cheap wages. The sober, industrious, voluntary immigrant who comes here to improve his situation and become an American in every sense of the term, and who has entire freedom of choice after his arrival, demands and soon receives American wages, and their coming in such numbers as they are likely to voluntarily leave old homes will not reduce the wages of labor.

On the other hand, the logic of free trade in the products of foreign labor inevitably calls for free trade in imported labor; for if the American producer is to be compelled to compete freely with the foreign producer, he must be given the privilege of getting his labor in the cheapest market. The latter is the correlative of the former, as Henry George has so clearly shown in an article pointing out that the Democratic leaders, in professing to desire to restrict the incoming of foreign labor, are simply convicting themselves of inconsistency. Every argument presented in the late tariff debate in favor of free trade or the removal of restrictions on importations, applies with equal force to the free importation of labor.

Indeed, the position taken by the gentleman from Indiana, and made the keystone of his argument by the gentleman from Texas [Mr. MILLS], that our labor measured by results accomplished is the cheapest in the world, is as decisive an argument against restricting the importation of contract labor as it was claimed to be against restriction of importations of products.

It is evident, Mr. Speaker, that the appeal of gentlemen on the other side to the workingmen to vote to remove restrictions on the importation of the products of cheap labor, in order to punish a few men who, in defiance of law and largely because the Democratic Administration has not properly enforced the law, have imported cheap labor under contracts made abroad to work at foreign wages, is only a shrewd device of free-traders to obtain assistance in tearing down that system of protec-

tion which makes it possible to maintain more than 50 per cent. higher wages on the average in the United States than in Great Britain.

Mr. Speaker, this transparent device will fail. [Prolonged applause on the Republican side.]

Mr. McCREARY. I now yield five minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I desire to take up the thread of this discussion where my distinguished friend from Maine [Mr. DINGLEY] has just left it. He says that Henry George has written a very true and logical article on the subject of the importation of the products of labor and the importation of the labor itself; and the gentleman has just announced gravely to the House that the same logic which asks for the bringing in the products of labor free would also require the bringing in of the laborer free.

If my distinguished friend from Maine will give me his attention I will suggest to him that if his proposition be true the converse of the proposition would also be true, and the logic is just as sound that those who proclaim in favor of allowing the importation of free labor must also favor the importation free of the articles produced by labor. According to his own reasoning I propose to convict the gentleman of having been a free-trader. Because, Mr. Speaker, as much as it will astound the House, when the question was up for consideration to restrict Chinese immigration in the past the gentleman from Maine on more than one occasion held the ground that it was wrong to do so and improper to keep out the Mongolian race, and voted to allow them to come in. [Applause on the Democratic side.]

Mr. DINGLEY. The gentleman is mistaken.

Mr. McMILLIN. What does the gentleman say?

Mr. DINGLEY. That the gentleman from Maine said nothing of the kind.

Mr. McMILLIN. The gentleman was not paying attention to me. I did not say he "said it." I said he held and voted it. It was his own act, and it has even more force than the mere saying it.

Mr. DINGLEY. I declined to vote for a bill that I believed was in contravention of an existing treaty.

Mr. McMILLIN. Ah! my friend says it contravened the treaty. Let me state his predicament for him: Whenever you hold that where there is a treaty once established which can never be broken, except with the consent of both the parties making it, you make it everlasting, if it is to the interest of your opposing power to keep it in force. And a state of facts might arise where the Government could never escape from a treaty.

Mr. DINGLEY. Not at all.

Mr. McMILLIN. Now, sir, before you get up here and criticise the Democratic party, saying it is for free labor, because it wants a remission of excessive duties, see to it that your own skirts are clear, and that you are free from blame before you proceed very far to criticise others.

Mr. HERBERT. And the gentleman should also remember that that was a Republican treaty, and the Republicans did not want it broken.

Mr. McMILLIN. Certainly; a treaty made by the gentleman's own party, and he voted against excluding the Chinese. That is the whole of it. And now he tries to correct that record.

> Oh, what a tangled web we weave;
> When first we practice to deceive!

[Applause.]

Mr. DINGLEY. I have three times voted for the exclusion of the Chinese.

Mr. McMILLIN. And the treaty remained just the same all the time! How does the gentleman reconcile his logic? Why did he vote against the act restricting Chinese immigration at all?

Mr. DINGLEY. The act itself will tell.

Mr. McMILLIN. The gentleman has himself simply done what his candidate for the Presidency has done and is doing; he has heard from the people on that question. [Laughter and applause on the Democratic side.]

Mr. DINGLEY. The act itself was so modified as to conform to the treaty, and in my judgment the objections were removed.

Mr. McMILLIN. Now, I do not want this fought out on any improper line, nor shall it be if I can prevent it. We are to have the tariff fight fought over on this subject, it seems. The gentleman would have been deeply interested in getting up a tariff fight, or a chicken fight, or a bull fight, or any other fight that would obscure his own record from the public gaze. He was not content with voting it once, but he voted over and over again against bills to exclude Chinese for all time, and then voted against excluding them for even ten years! That is the consistency that has characterized him. If I am to be criticised and my party is to be hounded down, at least give us the delectable pleasure of being criticised and hounded down by those who have consistent records on the question themselves. [Applause.]

But, Mr. Speaker, I observed a little article in the San Francisco Chronicle to which I wish to call attention, commenting upon the fact that this bill was not considered on the day it was brought in (the wisdom of which action has been demonstrated in the fact that it was found necessary to amend the bill in committee before it commended itself to its most ardent friends, and all confess that). This paper contains the following in speaking of this bill:

> It was taken up in the Senate and discussed for six hours and passed unanimously. In the face of this remarkable and almost unprecedented unanimity of approval, for BRECKINRIDGE of Arkansas, McMILLIN, HOOKER, and SPRINGER, all Democrats, to object to its consideration because they stated that there should be more time for its consideration is absurd.

This is utterly false as to me.

I have always opposed Chinese immigration and voted against it, as I do now and always will. I have held that our people have a right to protect themselves against the Chinese. After the consideration of the bill then was impossible, it was I who got the order made by which it could be reported at any time, as will be seen from the following, copied from the RECORD of that day:

> Mr. McMILLIN. And I ask unanimous consent that the committee have leave to report the bill back at any time.
> Mr. FARQUHAR. Have they not that authority under the rules?
> Mr. McMILLIN. No, sir.
> The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] asks unanimous consent that the Committee on Foreign Affairs have leave to report the bill back at any time for consideration.
> Mr. SPRINGER. The bill will then be privileged?
> The SPEAKER. It will be. Is there objection to the proposition that the bill be referred to the Committee on Foreign Affairs with leave to report it back at any time for consideration?
> Mr. HOOKER. If in order, I would like to include in the proposition a designation of Tuesday next as the time for the consideration of the bill.
> Mr. McMILLIN. The proposition I have made will allow the committee to report it before Tuesday, if they are ready.
> The SPEAKER. The committee can report the bill at any time. The Chair hears no objection to the proposition; and in the absence of objection, an order will also be made for the printing of the bill.
> A MEMBER. Let the bill be made a special order for Tuesday next.
> The SPEAKER. It will be a special order whenever reported—on Monday, if reported then.
> Mr. McMILLIN. Mr. Speaker, my request, as I understand, is agreed to?
> The SPEAKER. The Chair heard no objection, and the order is that the bill be referred to the Committee on Foreign Affairs with leave to report it back at any time for consideration.
> Mr. McMILLIN. That makes it privileged.
> The SPEAKER. It does.
> Mr. McMILLIN. I am in favor of the bill, and desire its early consideration.

The truth thus appears that it was on my motion that this bill became privileged; and upon my motion, therefore, that it is up before the House for action to-day. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. McCREARY. I now yield seven minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, much in the way of denunciation of the Republican party was said on Saturday last by the gentleman from Indiana [Mr. BYNUM] on account of the act of July 4, 1864, entitled "An act to encourage immigration." This act provided for the appointment of a commissioner of immigration and three clerks to assist him, whose duty it was to promote and encourage immigration from Europe, and assist and protect the immigrants.

It also authorized that contracts made by immigrants from foreign countries to the United States to repay the expenses of their immigration should be valid in law when made in pursuance of regulations prescribed by the commissioner of immigration and should be a lien on their wages for twelve months; with other provisions beneficial to the immigrant.

This legislation was had in pursuance of the repeated and urgent recommendations of President Lincoln, who in his annual message to Congress in December, 1863, recommended as follows:

> I again submit to your consideration the expediency of establishing a system for the encouragement of immigration. Although this source of national wealth and strength is again flowing with greater freedom than for several years before the insurrection occurred, there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well of iron and coal as of the precious metals.
>
> While the demand for labor is thus increased here, tens of thousands of persons, destitute of remunerative occupations, are thronging our foreign consulates and offering to emigrate to the United States if essential but very cheap assistance can be afforded them.
>
> It is easy to see that under the sharp discipline of civil war the nation is beginning a new life. This noble effort demands the aid and ought to receive the attention and support of the Government.

A special committee of the House was appointed to consider this clause of the message, consisting of Elihu B. Washburne, Mr. Grinnell, Mr. Baldwin, Republicans; Mr. Law, of Indiana, and Mr. Rollins, of Missouri, Democrats. On the 16th day of April, 1864, the committee, through Mr. Washburne, its chairman, unanimously reported the bill, which was enacted into law, setting out in the report the great necessity for promoting immigration, so that the emigrants could work in the field, on the farm, in the mine and factory, to assist in sustaining the million and a quarter of citizens who were in the field fighting the battles of the Republic.

The record shows that the attention of the gentleman from Indiana [Mr. HOLMAN] was given to the measure, and the gentleman now occupying the chair from New York [Mr. COX] said: "This is an important bill and properly guarded. I am in favor of it, but I hope the gentleman will not undertake to call the previous question upon it without reasonable discussion upon it." This was on the 20th of April, 1864. The consideration of the bill went over until the next day, and on the 21st of April, 1864, Mr. Washburne called it up, and without amendment or opposition it was unanimously passed by the House.

On the 27th day of June, 1864, it was called up in the Senate by Mr. SHERMAN, and after explanation was unanimously passed by the Senate and approved by Lincoln. This is the bill the passage of which is so roundly denounced by the gentleman from Indiana [Mr. BYNUM]. Now, sir, it was passed during the very white heat of the war, and did much to carry it to a successful conclusion. It was passed at a time when the gentleman's party, with whom I believe he has always been in harmony, was meeting in national convention, declaring the war a failure and demanding a cessation of hostilities.

It was passed at a time when General Harrison, whom the gentleman so viciously denounces, was at the front fighting the battles of the Republic. The gentleman from Indiana [Mr. BYNUM] then proceeds to denounce the Republican party for not repealing this act when the war closed.

The truth is that Congress did repeal the act when it was ascertained that the interests of the Republic required it. But the gentleman complains it was not repealed soon enough. Sir, there is no body on earth that more quicky responds to the public sentiment which creates it than the Congress of the United States.

But if it was not repealed soon enough, claims the gentleman, whose fault was it? The Democrats had a majority of almost two-thirds in the House of Representatives from the 4th of March, 1875, to the 4th of March, 1881, and two years of that time a majority of eight in the Senate of the United States. Mr. COX, of New York, Mr. HOLMAN, of Indiana, Messrs. MCDONALD and VOORHEES, of Indiana, and Judge Thurman, were all in Congress, yet no move was made to repeal this act of 1864. Finally, in 1884–'85, it became patent that its repeal was demanded by the best interests of all the people, so in the Forty-eighth Congress it was repealed and a severe penalty affixed for promoting immigration by contract.

The House was Democratic and passed this act without a division, both Democrats and Republicans voting for it. It went to a Republican Senate, and on the 18th day of February, 1885, it passed the Senate by a vote of 50 yeas and 9 nays.

Amongst those voting for it was General then Senator Harrison. Those voting against it were all Democratic Senators but one, and listen while I read their names: BUTLER of South Carolina, Groome of Maryland, HAMPTON of South Carolina, Maxey of Texas, MORGAN of Alabama, SAULSBURY of Delaware, VANCE of North Carolina, and Williams of Kentucky.

Several Republican MEMBERS. And all Democrats.

Mr. CANNON. I believe they are Democrats. [Laughter.] And yet within the last ten days men in another place, some of them, have gotten up in their places and denounced and misrepresented ex-Senator Harrison, after steeping their tongues in gall, for his record touching immigration. They are a pretty set of ducks to talk about immigration. [Laughter.]

A Republican President, Chester A. Arthur, approved this bill prohibiting contract immigration, and it became a law on the 26th of February, 1885.

President Cleveland was inaugurated on the 4th of March, 1885, and although the law was very stringent the abuse still continued, largely from a failure to enforce the law by this Administration. An amendatory act was passed and approved by the Forty-ninth Congress on the 23d February, 1887.

The bill was reported by Mr. O'NEILL, of Missouri, in the House. I had something to do in helping to shape it and perfect it.

I read from the CONGRESSIONAL RECORD, showing its consideration in the House.

Mr. CANNON. I suggest an amendment to strike out "without compensation," in line 40, and insert "and shall be entitled to reasonable compensation therefor, to be fixed by regulation prescribed by the Secretary of the Treasury."

Mr. O'NEILL, of Missouri. I accept the amendment.

Mr. HOLMAN. The gentleman has no power to accept the amendment.

Mr. O'NEILL, of Missouri. I am aware of that. The gentleman, of course, understands what I mean—that I have no objection to its adoption.

Mr. HOLMAN. I do not see the motive of making this change. I take it for granted the Committee on Labor has reached the conclusion that this service will be performed by these organizations without charge to the Federal Government; and the service is a matter of as much moment to the State and local authorities as to the General Government, in some instances of more moment.

On this account, it seems to me, the matter may well be left in a large degree under the charge of the State authorities, subject to regulations to be prescribed by the Secretary of the Treasury, otherwise you bring together much more directly the exercise of power by the local authorities and by the Federal Government than you would by the provision as it stands.

Under the provision in its present form the local authorities will exercise power permissively, so to speak, as regards the General Government. Under the provision as proposed to be amended those local authorities will become, in a certain sense, officers of the Government.

Mr. CANNON. In reply to the gentleman from Indiana I desire to say that section 8 without this amendment will make it the duty of certain boards or persons to be designated by the Secretary of the Treasury to perform certain duties without compensation. Now, to my mind that is pure trifling, because everybody understands that when you devolve a duty upon any persons and for this purpose make them officers of the General Government, while at the same time you say the duty shall be performed without compensation, the provision is in effect—I speak without disrespect—a cheat and a fraud, because everybody knows that something can not and will not be done for nothing.

Now, if this legislation means anything, it is designed to prohibit the importation of this class of labor and to provide the money necessary to make this prohibition effectual; otherwise it is a mere empty enactment abounding in words only, and without practical strength or force.

This act of 1887 makes it the duty of the Administration to see to the enforcement of the law. It has the power to use all the customs force for that purpose, with a permanent annual appropriation of $5,000,000. It has the power to use the State boards and local authorities and all other necessary persons and pay them from the Treasury of the United States. The Administration has never asked for a dollar or provision for the purpose of enforcing this law but Congress has promptly and fully complied with its request. What is the result? The law has been a dead letter upon the statute-book, as shown by the evidence now being taken by a committee of this House in New York. The President and his Secretary of the Treasury, with ample means at hand, have made no considerable effort to enforce this law.

But the gentleman from Indiana [Mr. BYNUM] complains that the Republican party and General Harrison have not favored legislation to prevent Chinese immigration. I have not the time to go into the detail of legislation touching the Chinese. That has been ably and fully covered by my colleagues, Mr. HITT, Mr. MORROW, Mr. MCKENNA, and others; suffice it to say that the most complete, stringent, and effective bill ever proposed in either branch of Congress was the bill proposed by the gentleman from California [Mr. MORROW] in connection with the judges of the courts in California.

This bill was introduced in the Republican Senate by Senator Fair, referred to the Committee on Foreign Affairs of the Senate, of which General Harrison was a member, favorably and unanimously reported by that committee to the Senate, and unanimously passed by the Senate. It came to the Democratic House and was never considered by the House, although the gentleman from California [Mr. MORROW] week after week and month after month, in season out of season, used every parliamentary effort known to the rules to secure its consideration. But the Democratic House would not, and the bill "sleeps the sleep that knows no waking."

And yet, Mr. Speaker, the gentleman from Indiana in his speech on Saturday, amongst other things, in substance, states that the Republican party was opposed to the repeal of the contract immigration law, opposed to the passage of laws restricting the immigration of the Chinese, and that General Harrison was opposed to the restriction of Chinese immigration, and desired to confer the right of citizenship upon the Chinese.

The gentleman from Indiana [Mr. BYNUM] denounces General Harrison as an enemy of labor. In reply I say General Harrison risked his life for years in the Army in defense of labor. It does not lie in the mouth of the gentleman to denounce him as the gentleman from Indiana did denounce him; and while I listened to the misrepresentations of the gentleman from Indiana touching the Republican party and its candidate for the Presidency, I thought then that if the gentleman had lived at the beginning of the Christian era, and that if misrepresentation and garbling the records of public men and of a great party had been a crime, as it was to keep money from the common treasury, and he had been there, Ananias would have had a surname, and it would have been Bynum. [Laughter.]

Mr. Speaker, a word in conclusion. I am satisfied that the great mass of the people in this country now, as heretofore, are ready to welcome all people who will voluntarily come to the United States, and in good faith cast in their lot with us, and become good citizens of the Republic, support the Constitution, and render an equivalent for that which they receive, assimilating with our people, and none others need apply. This is the position of the Republican party and its candidates.

[Here the hammer fell.]

Mr. MCCREARY. I yield fifteen minutes to the gentleman from Indiana [Mr. BYNUM].

[Mr. BYNUM withholds his remarks for revision. See APPENDIX.]

Mr. MCCREARY. Mr. Speaker, at the time I addressed the House when this bill was first reported, I did not expect to say anything more; but during the debate statements have been made which make it necessary for me to briefly address the House again.

It has been said the bill should not have been submitted to the Committee on Foreign Affairs, but should have been acted on as soon as it came to the House from the Senate. Why should there be such haste? What necessity is there for undue haste in action on this bill? The Senate ratified the treaty with two amendments. Those amendments were sent to China for ratification. It will be months before they can be ratified, and there is no necessity for undue haste in our action on this bill.

The proper course for the bill to take was to go to the Committee on Foreign Affairs; and that course was adopted. The bill was sent to the Committee on Foreign Affairs of this House, and was reported back to the House in less than one week from the date of its reference to the committee. It was very important that this bill should be sent to the committee, because there was in the bill a provision repealing the act of 1882, and the amendment thereto passed in 1884, to enforce certain treaty stipulations prohibiting Chinese laborers from coming to the United States; and if we had agreed to the Senate bill as it came to the House and adopted it, when the President approved the bill all the ports of the country would have been thrown open to the importation of Chinese laborers without restriction until the exchange of ratifications of the pending treaty between United States and China.

Mr. MORROW. There would have been no danger of that, because I had the amendment drawn at the time the Senate bill was under consideration.

Mr. McCREARY. Well, if the gentleman had, he did not say anything about it.

Mr. MORROW. Mr. Speaker, I presented that amendment to the committee, and also to the gentleman from Kentucky when he returned.

Mr. McCREARY. Yes, but that was after you had tried to get the Senate bill through the House without referring it to the Committee on Foreign Affairs.

Mr. MORROW. But as soon as the gentleman from Kentucky returned I presented it.

Mr. McCREARY. But not until after the bill was attempted to be passed.

Again, sir, it is alleged that the legislation of the Forty-ninth Congress was not as prompt as it should have been on the Chinese question. The gentleman from California [Mr. McKENNA] tried to make capital to-day on the ground that we had not been as expeditious as we ought to have been in that Congress, and as prompt to stop the incoming of the Chinese laborers to this country as we ought to have been. But what are the facts? The gentleman from California [Mr. MORROW] introduced a bill in the Forty-ninth Congress, which was referred to the Committee on Foreign Affairs, on the 21st day of December, 1885.

That bill was promptly considered by the Committee on Foreign Affairs, favorably reported to the House, and put upon the Calendar on the 1st day of May, 1886, three months before the adjournment of the first session of the Forty-ninth Congress.

Mr. MORROW. Nearly five months having elapsed.

Mr. McCREARY. But at that very time, as has been said here this evening, the treaty which the President and Secretary of State have so successfully negotiated, and which was sent by the President for constitutional approval on the 12th day of March, 1888, to the Senate, was under consideration.

I want to say in this connection that I believe the treaty-making power of this country is subordinate to the legislative power, and this position, as all know, is in accordance with the legislative history of the country, and is sustained by the decisions of the Supreme Court of the United States, but as there were negotiations looking to a treaty absolutely prohibitory, no action was taken by the House on the bill reported by the Committee on Foreign Affairs May 1, 1886.

The Foreign Affairs Committee has always promptly, expeditiously, and as soon as possible, considered every bill that has been referred to them looking to the stopping, restraining, or suspending the immigration of Chinese labor.

It has been asserted, also, that we did not report the Felton bill. Mr. Speaker, it was not proper to report the Felton bill after we had favorably reported the Morrow bill. These bills were substantially the same, but neither of them changed existing law much, and neither of them were as full and comprehensive as the situation on the Pacific coast demanded. The report of the committee on the Morrow bill declares:

> The main features of this bill, which differ from those which have preceded it, are as follows: It provides, first, that no Chinese laborer shall have the right to emigrate to the United States for the term of ten years from and after its passage; second, it provides for the means of identification by photographic representations of any Chinaman who shall seek to go abroad; third, it prescribes and limits the number of Chinese according to tonnage that may be brought over in any one ship or vessel.

Now, at that very time the treaty of Pekin, concluded in 1880, was in force. At that very time the act of 1882 and the amendment of 1884 suspending Chinese immigration to the United States for ten years were in force.

Mr. Speaker, it is very late and I desire to be brief. In closing I wish to remind the members of this House that an examination of all the treaties negotiated between the United States and China shows that the Burlingame treaty, which was ratified in 1869, allowed Chinese of every description to come to this country for the purpose of pleasure, or trade, or for permanent residence, and this treaty was negotiated by a Republican administration. The next treaty was that of 1880, known as the Pekin treaty. This treaty is still in force and provides that the United States may regulate, limit, or suspend the coming of Chinese laborers into the United States, but not absolutely prohibit it. This treaty also was negotiated by a Republican administration.

What is the record of the Democratic Administration on this subject since it came into power in 1885? A treaty has been negotiated absolutely prohibiting the coming of Chinese laborers to the United States.

The bill under consideration is to carry that treaty into effect. After many years we have at last reached a position where we may with confidence believe that we have an effective remedy for the evils so long complained of, and that the treaty and the bill now under consideration will when they take effect furnish the relief so long desired.

The Democratic party is entitled to the credit of taking every step that can be taken to prohibit the coming of Chinese laborers into this country. Mr. Speaker, I now ask that a vote be taken on the amendment.

The SPEAKER *pro tempore*. The previous question has already been ordered. The Clerk will read the amendment.

The Clerk read as follows:

> Strike out section 15 and insert:
> "That the act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved May 6, 1882, and the act amending said act approved July 5, 1884, are hereby repealed, to take effect upon the ratification of the pending treaty, as provided in section 1 of this act."

The amendment was agreed to.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DOCKERY. As this is the completion of the special order, I move that the House do now adjourn.

Mr. McCREARY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FARQUHAR: A bill (H. R. 11222) granting a pension to Elizabeth Heckler—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 11223) to increase the pension of George A. Glover—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11224) for the relief of the legal representatives of C. H. Stibolt—to the Committee on Claims.

By Mr. HEARD: A bill (H. R. 11225) granting a pension to Robert C. Thomas—to the Committee on Pensions.

Also, a bill (H. R. 11226) for the relief of William R. King—to the Committee on Claims.

By Mr. J. S. HENDERSON: A bill (H. R. 11227) for the relief of Henry Setzer—to the Committee on the Judiciary.

By Mr. O'DONNELL: A bill (H. R. 11228) granting a pension to Emily Onderdonk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11229) granting a pension to Fletcher Galloway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11230) granting a pension to George Thornton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11231) granting a pension to Stilson A. Shepard—to the Committee on Pensions.

Also, a bill (H. R. 11232) granting a pension to Julia Phelan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11233) increasing the pension of Nelson Rich—to the Committee on Pensions.

Also, a bill (H. R. 11234) for the relief of Charles Potter—to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 11235) granting a pension to John W. Shields—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 11236) granting a pension to Bloomfield Foreman—to the Committee on Invalid Pensions.

By Mr. STRUBLE: A bill (H. R. 11237) to remove the charge of desertion against James W. Armor—to the Committee on Military Affairs.

By Mr. YOST: A bill (H. R. 11238) for the relief of George W. Skelton—to the Committee on War Claims.

Also, a bill (H. R. 11239) for the relief of Jacob H. Lindsey—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND (by request): Petition of Charlotte Smith, President of the Woman's National Industrial League of America, praying for the passage of a law by Congress to punish the sending of women and girls to houses of ill fame, and detaining them therein for purposes of prostitution—to the Committee on Labor.

By Mr. BUTLER: Petition of Wade H. Smith, of Hawkins County, Tennessee, and of A. T. Smith, heir of Thomas Smith, of Hawkins County, Tennessee, for reference of their claim to the Court of Claims—to the Committee on War Claim.

By Mr. CARUTH: Petition of retail druggists, of Kentucky, favoring repeal of the license tax—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of Giles N. Elam, administrator estate Elisha Farrow, deceased, of Cherokee County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LYNCH: Petition of William Hancock and others, citizens of Wyoming, Pa., praying for the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition of 30 citizens of Dimondale, Eaton County, Michigan, asking for the removal of the charge of desertion

from the record of Charles Potter, late a member of Company L, Fifth Michigan Cavalry—to the Committee on Military Affairs.

By Mr. PETERS: Petition of Grand Army of the Republic, No. 319, Raymond, Kans., favoring pension to Francis M. Gibson—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of W. B. Graves and 43 citizens of Amesville, and of Z. R. Evans and 85 citizens of Royal, N. Y., in favor of per diem pension bill—to the Committee on Invalid Pensions.

By Mr. SHIVELY: Petition of citizens of Elkhart, Ind., for amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. T. L. THOMPSON: Memorial of General George Stoneman, praying the passage by Congress of special act authorizing the appointment of the memorialist on the retired-list of the Army with the rank and pay of a colonel of infantry—to the Committee on Military Affairs.

By Mr. WILKINSON (by request): Petition of Marie Hill, widow, and heirs of Alexander Hill, deceased, of Orleans Parish, Louisiana, for the reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of Jonathan W. Thatcher, of Berkeley County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, *August* 21, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* announced his signature of the enrolled bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes; which had yesterday been signed by the Speaker of the House of Representatives.

ORDER OF PROCEEDING.

The PRESIDENT *pro tempore*. The Chair understands that yesterday, by unanimous consent, it was agreed that at the close of the reading of the Journal this morning the Senate would proceed to the consideration of the fisheries treaty in open executive session. As the Senator from Alabama [Mr. MORGAN], who, as the Chair is informed, was upon the floor and is entitled to resume it this morning, is not present, it may suit the convenience of the Senate to postpone informally the execution of that order for the reception of formal morning business.

Mr. EDMUNDS. It may be that some other Senator would like to speak.

Mr. HALE. The understanding is that when the Senator from Alabama shall come into the Chamber the regular business will be resumed.

The PRESIDENT *pro tempore*. It may be as the Senator from Vermont [Mr. EDMUNDS] suggests, that some other Senator is ready to proceed at this moment upon the fisheries treaty.

Mr. BUTLER. My recollection of the understanding is that after the formal morning business it was agreed that the Senator from Alabama should take the floor.

The PRESIDENT *pro tempore*. The RECORD reads "at the conclusion of the reading of the Journal."

Mr. HALE. That was the arrangement.

Mr. BUTLER. I was misinformed, then.

The PRESIDENT *pro tempore*. If no Senator desires to proceed, the Chair will take it as the sense of the Senate that the formal routine morning business may be received, and that the order of the Senate shall be executed whenever the Senator from Alabama comes in.

PETITIONS AND MEMORIALS.

Mr. MITCHELL. I present a petition of the board of county commissioners of Yakima County, Washington Territory, praying for a modification of the act of Congress approved March 3, 1885, so that the cost and expenses of criminal prosecutions coming up for trial in the courts of that county for offenses committed by Indians on the Yakima Indian reservation may be charged to the General Government instead of the county of Yakima.

I will state in this connection that a bill in precise accordance with this petition has already passed the Senate at the present session, and has gone to the other House, where I hope it will be acted upon very soon.

I move that the petition lie on the table.

The motion was agreed to.

Mr. MITCHELL presented a petition of citizens of Oregon, praying that provision be made for the payment of claims of settlers on the frontier who have suffered from Indian depredations; which was referred to the Committee on Indian Affairs.

WITHDRAWAL OF PAPERS.

Mr. MITCHELL. I ask for the following order:

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John Wightman.

Mr. EDMUNDS. Subject to the rule.

The PRESIDENT *pro tempore*. The order will be made subject to the rule.

REVENUE-CUTTER THOMAS CORWIN.

Mr. MITCHELL. Would a conference report be in order now?

The PRESIDENT *pro tempore*. A conference report would be in order.

Mr. MITCHELL. I submit a conference report.

The PRESIDENT *pro tempore*. The Secretary will read the report.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1761) entitled "A bill for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and, with the following amendment, agree to the same: Insert, after the word "iron," in line 15, page 2, of the Senate amendment, the following:

"To Coffin & Hendry, of San Francisco, the sum of $1,575 for furnishing sails and rigging."

All of which is respectfully submitted.

JOHN H. MITCHELL,
WM. M. STEWART,
E. K. WILSON,
Conferees on the part of the Senate.
W. P. TAULBEE,
BINGER HERMANN,
THOS. L. THOMPSON,
Conferees on the part of the House.

Mr. EDMUNDS. Let us hear the amendment read and the House proceedings, and see how the bill will read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 26, 1888.

Resolved, That the House non-concur in the amendment of the Senate to the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoint Mr. TAULBEE, Mr. HERMANN, and Mr. BIGGS managers on the part of the House.

Mr. EDMUNDS. I want to hear the other proceedings of the House read so as to see what the amendment is.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Chair observes the arrival of the Senator from Alabama [Mr. MORGAN]. The Senate in pursuance of the order of yesterday proceeds in open executive session to the consideration of the fisheries treaty. The reading of the Journal of the proceedings of yesterday's open executive session will be dispensed with, if there be no objection. The Secretary will report the treaty by its title.

The EXECUTIVE CLERK. A treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. The Senator from Alabama is entitled to the floor.

Mr. MORGAN. Mr. President, before proceeding further with the argument for the treaty this morning I desire to call the attention of the Senate to a resolution that was forwarded to me to-day by a friend from Philadelphia, which has some bearing on the motion of the Senator from Louisiana [Mr. GIBSON] to recommit the treaty under instructions. In the letter addressed to me, dated Philadelphia, August 20, 1888, the writer says:

Hon. JOHN T. MORGAN,
Senate, Washington, D. C.:

RESPECTED FRIEND: I am just home from the twenty-second anniversary of the Universal Peace Union, at Mystic, Conn. Four thousand to six thousand persons present. The following resolution, after being discussed, passed unanimously:

"*Resolved*, That the fisheries treaty should be speedily adopted, with power to amend as experience may prove it advisable, in the common interests of the United States, Canada, and Great Britain."

Yours, respectfully.

I am very much gratified to know that the people of the United States are getting hold of this question and looking narrowly into it, and that although the efforts which we have been making here to lay the facts before the country have been protracted, sometimes almost exasperating in their prolongation, still the debate has called this subject to the attention of the people, and I think that they are taking a very reasonable view of the situation.

Yesterday when my remarks were broken in upon by the occurrence of the hour of 6 o'clock, which terminated my right to hold the floor, I had passed through the discussion of the various articles of this treaty down to and including the twelfth article.

The discussion which has taken place upon Article XIII of the treaty has rather abated in its zeal. When we first started out, and in the report of the majority of this committee, very especial care was taken to bring prominently forward the insult that was alleged to have been

offered to our fishermen by the requirement that the numbers of the fishing vessels should be upon the bow of the vessel. It always occurred to me that that was a very unnecessary quarrel with this treaty, for it certainly is to our interest and also the interest of the people of Canada and the government of the provinces of the Dominion that those of our fishermen who are accredited to those waters should be so designated as that they should be entitled to receive all of the protection and all of the benefits of this treaty, whatever they may be, and should also be entitled to the protection of our own Government in the event that any of the treaty stipulations respecting our fishing vessels were violated. Unless they are numbered in some distinctive way, there might be serious difficulty in applying to them the advantages and liabilities fixed by this treaty.

Mr. President, an examination of our statutes in connection with the complaints made against the Canadian legislation, as I have already presented them, will show that they have been pursuing in a general way almost exactly the policy we pursue in respect of vessels of any kind or character coming into our ports. I do not deny that there have been abuses of authority in Canada, and that they have been aggravated and serious; neither do I deny that they have been put upon us for the purpose of vexing and harassing us. Nevertheless, when we come to argue upon the authority that was left to them by the treaty of 1818, as local legislators to enact laws of this kind, we are bound to concede to them what we claim for ourselves, the right and privilege of passing statutes like those upon our statute-books for the protection, as they may think, of their commerce or their ports or their people along their shores.

I neither mitigate nor excuse in any sense at all Canadian interference with our commerce and with our fishing vessels, nor do I seek to palliate the gravity of the offenses which have been committed against us; but here has stood our parallel systems, having respect in a large part to the treaty of 1818, enacted in its most vigorous and offensive form in 1819 by the British Parliament, and afterwards re-enacted in various forms by the provincial governments. Here they have stood during all these administrations since 1814, and there has not been a demand made in solemn form by the Government of the United States upon the Government of Great Britain that their statutes should be repealed.

The first direct effort that was made in that direction was made in the treaty of 1888, now pending, not by demanding that they should repeal their statutes, but by putting into the treaty provisions which remove and restrain the effect of those laws, which should stand as the supreme law of both countries, which should stand above the power of legislative tribunals to repeal, alter, or amend them. The provisions are found displayed in this treaty in such a way that the Committee on Foreign Relations has been compelled to admit in their report that privileges have been granted to us, especially under the eleventh article of the treaty, which, if understood in the light that the President understands them, would meet the various complaints almost entirely that we have been making in respect of the denial to us of commercial privileges in that quarter.

So it must be admitted by every candid mind that the provisions of the fourteenth article of this treaty do dispense with almost every possibility of abuse that can arise under the administration of the local laws of the provinces in respect of our fishermen. I submit that fourteenth article in my remarks without taking the time to read it. Of course the Senate know what it is.

It is as follows:

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and for other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all $3 for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense, order it to be held at some other place adjudged by him more convenient. Security for cost shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defense only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the governor-general of Canada in council, or the governor in council of Newfoundland before the same are executed.

This article is a broad and comprehensive remedy, fixed the supreme law, and beyond the reach of legislative amendment or repeal, which covers the grievances of which we have so long complained.

The fifteenth article of the treaty is not really to be considered on its ratification as an article of the treaty until it is made so by an act of Congress. Mr. Bayard, as I have often observed in the course of this debate, declined all negotiation with these gentlemen on the subject of an interference in any form or shape with our revenue system. Mr. Bayard understands the Constitution of the United States in a Democratic sense, and that is, that the Senate, the treaty-making power, denies to itself all power that is not expressly granted in the Constitution to it, or that by a necessary implication arises in its favor out of some express grant. So he holds to the doctrine as tenaciously as the Senator from Ohio [Mr. SHERMAN] does, that the Senate of the United States and the President combined, as the treaty-making power of this country, have no right to interfere with anything that affects the regulation of the revenues of this Government; that all matters of that kind when they are touched by a treaty in this country must be referred by the treaty itself to the Congress of the United States, in whose action under the Constitution the House of Representatives would have the origination of bills relating to the revenues which might be affected by such treaty.

So Mr. Bayard discarded absolutely this subject from the negotiation. But the proposition which Great Britain made through her negotiators to us was simply this: "We will make this proposition and become bound to it as a treaty obligation, if the Congress of the United States—not the President and the Senate—shall hereafter choose to adopt and to ratify that agreement." Senators get up here and descant upon the nature of that article as if they had any control of it. Article XV puts the control of this subject entirely in the hands of the Congress of the United States, and it is for these two bodies and the President, concurrently, acting in a legislative capacity, to determine whether the provisions of the fifteenth article will ever be admitted as an operative part of the treaty. If Congress should ever admit those provisions to vitality, then we should have the advantage of having a treaty obligation on the part of Great Britain to grant to us the privileges that are proposed to be conferred in the fifteenth article from which Great Britain could never withdraw until we released her from the treaty, and there is no provision, it must be remarked, in this treaty for any release. After such an arrangement should be made, if any should ever be made, we would stand related to Great Britain upon the footing of a treaty obligation for securing that which is now represented and is being claimed as a privilege only by the flimsy and uncertain comity that is said to exist and to have arisen out of the act of 1830.

The so-called reciprocity of 1830 has had a conspicuous bearing upon this debate, and yet when we look back over all that was done in the time of General Grant and from that time back through all the Republican administrations, I do not remember that any allusion, even, has been made to it as conferring upon us rights that we could claim from Great Britain—a mere question of grace and comity; precisely as our admission of their products into our ports and into our country is likewise a question of grace and comity. It would be very well, I think, in these neighboring countries that our relations in respect of the admission of productions into either country from the other should be regulated by positive and obligatory treaty stipulations, upon which the people could rely with absolute certainty and for all time to come. We could, by an arrangement of that kind, give a sedateness and a steadfastness to commercial operations that would be greatly beneficial not merely to the trade that exists between the two countries but largely beneficial to those operations of a commercial and mercantile character in which our people are jointly interested, in corporations and in copartnerships, with the people of Canada.

Our relations with that country are very intimate and they are very delicate. It has transpired during the course of this debate and in the experiences we have had since the effort of March, 1887, to compel retaliation, that there was a very subtile and sagacious purpose on the part of the Republican Senators, and especially those from New England, when they declined to allow the railroad intercourse between the United States and Canada to be interrupted by the proclamation of the President. Why did they reserve that interest from exposure to danger when the act of March 3, 1887, exposed the entire commerce with Canada, with that exception, to being embargoed or controlled and regulated by the proclamation of the President? It was because they had large amounts of money there, and it was because under the treaty of 1871 and the regulations following it the ports from which shipments might be made into Canada of goods in bond were designated ports, and every one of them was a New England port.

They got the trade and benefits of Article XXIX of the treaty of 1871, and when we came to legislate in March, 1887, they held on to it; and what has been the result? Canada has been cheating us day by day under the various provisions of the treaty of 1871. Our people, according to the spirit and the very letter of that treaty, are entitled to carry their commerce across their canals without the charge of any tolls; to carry it to United States ports or to carry it through the St. Lawrence River to British or foreign ports, wherever they chose to go. What has been the result? The Canadians are not only building more lines to get the complete control of all this matter of transportation into their own hands, but, while they would nominally charge their vessels tonnage dues for the passage through the canals so as to put them upon an apparently equal footing with our ships, when they came to the final arrangement of the matter they would give a rebate to their own people upon commerce that was destined to Canadian or British ports, thus abusing our treaty rights in a very serious way.

That is an abuse, and a glaring abuse. But what can the President do about this? It was a doubtful question, I say a very doubtful question, whether Article XXIX of that treaty is in force. Perhaps, sir, the judgment of the majority of this Senate would resolve it in the affirmative, that the twenty-ninth article of the Treaty of Washington

was abrogated when we abrogated the fisheries clauses of that treaty, and that therefore the Canadian Government has never had the right since the termination of that treaty to have her goods carried in bond through the United States and over our railways into Canadian territory. There is no doubt, however, of one proposition, and that is that the privilege had been accorded to Canada before the treaty of 1871 was ratified—no doubt of that. Under what law this was permitted, I think no man can tell. These New England ports were open to goods shipped in bond free of duty across our territory prior to 1871 under Republican administrations when there was no law to justify it at all, and afterwards when by an enactment of Congress we carried the Treaty of Washington into effect, it being a treaty that did not execute itself without provision by act of Congress, it was expressly provided that this privilege should exist and should continue in favor of the Canadians only so long as the fisheries clauses of the treaty should stand.

This act of Congress is operative to maintain and continue this privilege under the twenty-ninth article of the treaty of 1871, notwithstanding that article has been terminated by our act.

I submit it to the Senate of the United States whether or not that act of Congress ought not to be repealed, whether or not we should not have some authentic legislative determination in respect of the operation of the twenty-ninth article of the Treaty of Washington? We see how they are practicing abuses continually against us under this treaty, and yet the action of Congress, after its ratification and promulgation, in the provisions of law enacted for the execution of the treaty of 1871 stands across the pathway to full redress of these wrongs until Congress removes them. Not merely is this unrepealed law an instruction to the President of the United States as to the will of Congress, but it is a prohibition upon him to do anything for the ratification of these matters that are claimed to exist rightfully in favor of Canada under the treaty of 1871.

Now, sir, when we reject this treaty we are plunged again into darkness and chaos. After this treaty is rejected there is nothing under our feet but the treaty of 1818; and the dark shadow of the declaration of the Committee on Foreign Relations overclouds the subject, and proclaims to the American people and to the British people that this is not a fit subject of negotiation, and that the time for negotiation and remonstrance has passed. Then, Mr. President, we shall have need to survey the ground with a good deal of circumspection. We are not confronted with a weak and pusillanimous or a cowardly party in Great Britain, however it may suit the tastes and feelings of Senators on the other side of this Chamber thus to decry, to disparage, to outrage and slander the American name and fame as presented in its Executive. We are not confronting a cowardly or pusillanimous people. We go back deliberately with this declaration of the Committee on Foreign Relations; we go back into this period of doubt and difficulty and distrust. More than that, we do not turn our faces in this direction until we have threatened the President of the United States with impeachment if he does not dare to carry our will into effect. It is so threatened in the following language in that report:

> These "plenipotentiaries" came to a conclusion of their labors on the 15th of February, 1888, and the offices of "plenipotentiaries" terminated, and the result was reached without the advice and consent of the Senate having been asked or taken concerning the selection of these public ministers, and without any communication to either House of Congress concerning this most important subject.
>
> It is not difficult to see that, in evil times, when the President of the United States may be under influence of foreign and adverse interests, such a course of procedure might result in great disaster to the interests and even the safety of our Government and people.
>
> It is no answer to this suggestion to say that an arrangement thus concluded can not be valid or effectual without the advice and consent of the Senate, for the rights and interests of the people of the United States might be so neglected, misunderstood, abandoned, or sold by President's "plenipotentiaries" as to greatly embarrass, if not defeat, their ultimate reassertion in better times and under better administrations, though it is hoped that such will not be the case in respect of these negotiations.
>
> The document submitted to the Senate by the President as the outcome of these negotiations may, it is thought, well illustrate the dangers of such methods.
>
> But holding in reserve, for the time being, these grave questions touching usurpations of unconstitutional powers, or the abuse of those that may be thought to exist on the part of the Executive, the committee thinks it sufficient for the present occasion to deal with the document itself.
>
> The subject with which, according to the message of the President transmitting it, this document professes to deal, is "the settlement of the questions growing out of the rights claimed by American fishermen in British North American waters."

That is what is threatened to be done in this majority report, and in no unmeaning terms. True, it is a little covered up, I suppose for the sake of the delicate sensibilities of the gentlemen who thus threaten the President of the United States, and after that, when concluding their report, they bowed themselves in humble submission before Queen Victoria and begged her to take care of our interests in the fisheries. We go into it with a threat of impeachment of the President of the United States. Why that was put there is only known to the gentlemen who framed that very peculiar statement in this report. It was referred to in the minority report; it has been referred to in speeches here. It has not produced, I think, very much impression on the country. The people who voluntarily met in convention in Connecticut, as they met on the day before yesterday, five or six thousand of them, and passed their resolutions without one dissenting voice supporting this treaty and applauding the President for having made it—these people and many millions of others stand behind him because they know that his attitude in regard to this treaty is just, upright, honest, true, and American in every sense.

So these vain fulminations of this eminent committee who think, as it appears from their utterances, that they have their grasp upon the President of the United States to compel him to do obedience to their will, and who think that by their supplications directed to the British throne they can mitigate and assuage the conduct of Queen Victoria with respect to our fisheries and our fishermen are harmless. These gentlemen can fulminate their idle bulls against the President and against the policy involved in this treaty, they can accept uncertainty and darkness in the place of light, insecurity in place of the firm rock upon which this treaty would place the rights of the American people, they can create agitation in the land, but, sir, the people of the United States are revolting against these high assumptions on the part of this committee. They are revolting against the idea that the Senate of the United States, that can not declare war of its own motion and by its own resolution, should put this country in a category where war is one of the dismal prospects of the near future in the contemplation of many men who are as firm in their integrity, as bold in their defense of right as any on that side, and who, perhaps, are just as fearless of the results of war as any who have declaimed against this treaty on that side. It does not shame us or alarm us to look the truth in the face, and to be willing to admit and act upon whatever we know to be true.

The Senate to-day forces the people of the United States into rough and immediate contact with the most dangerous question that can possibly be stated, and that under the depressing influence and shadow of a report which is brought in here by the Committee on Foreign Relations that is intended and well calculated to prevent the British Government from doing anything further in respect of negotiation with us, except merely to find out what we mean by these declarations. I repeat the remark I sometimes have had occasion to make in this debate, that if this were the action of the British Parliament, and if a treaty that we had approved or were willing to approve had been laid before that Parliament by the Queen, and if it had been debated as it has been debated here, and if a committee of the House of Commons had made the same report that we make here in respect of the American people, if they had charged us with outrageous, willful violations of a treaty, if they had declared that the time for negotiation with us in respect of this matter had passed and that this was not a fit subject of negotiation, I can not be so mistaken in American opinion as not to feel entirely warranted in saying before the Senate to-day we would accept that as a challenge to war.

Now, how they may accept it is not for me to say or even to conjecture, for I know not. I trust in God that the events which seem to lie before us, which will repeat those wrongs of the past as well as cause others of the same nature that are to come, about which we have had so much trouble, may not be of such an aggravated character as to force these two great and magnificent peoples into collision with each other about so small a matter as the duty on salt fish. I trust so.

Will that side of the Chamber pardon me for saying, however, that when you have gone to that extent, and when these calamities occur and these trials are pressing on our country, her interests, her feelings, her sensibilities shall all be ours and we will march breast to breast with you with the same alacrity as if we had never divided in opinion with you on this question or any other, and what the majority shall decree to be the will of the American people in respect to these controversies in the future shall be our will? With one united voice we will go into any contest that may arise, Mr. President, notwithstanding all the sneers and slurs, the contumely and contempt that have been thrown upon the gentlemen on this side of this Chamber because of their connection with the late rebellion and their advocacy of this treaty. We shall prove just as true as you are to the flag of the American Union. We will spend our money just as freely as you do and more freely than many of you have done. We have shed our blood where some of you have not dared to shed it in times that have passed, and you will find the old spirit animating the Southern Democracy. You will find that the man who can lead the American hosts to victory in the contests you may bring about and the wars you may provoke will receive from the united Democracy of the country that sort of support and love and affectionate reverence which our fathers bestowed upon Andrew Jackson, and which will cling to his memory in Democratic hearts in the South while time itself shall last, if this shall still be a nation.

Andrew Jackson had the Democratic and patriotic view of retaliation, and, in a controversy with France when he had been provoked almost beyond endurance by the action of the French Assembly towards him personally and as President of the United States, he stated to Congress the views I now present, as the true Democratic attitude on the policy of retaliation.

President Jackson thus advised Congress, in his sixth annual message (1834), as to the policy of such action:

> Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest

of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens, or permitting solemn treaties for their indemnity in cases of flagrant wrong to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful and, to my mind, conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France without at the same time in some degree embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government, and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom.

Nor is it impossible that such a course of legislation would introduce once more into our national councils these disturbing questions in relation to the tariff of duties which have been so recently put to rest; besides, by every measure adopted by the Government of the United States, with the view of injuring France, the clear perception of right which will induce our own people, and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just, will be obscured, and the support rendered to us, in a final resort to more decisive measures, will be more limited and equivocal.

There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered, and that not the slightest pretense should be given to France to persist in her refusal to make payment by any act on our part affecting the interests of her people. The question should be left as it is now, in such an attitude that when France fulfills her treaty stipulations all controversy will be at an end.

THE STATUES FROM NEW JERSEY.

Mr. McPHERSON. Mr. President, I rise to ask the indulgence of the Senate for a few moments on the motion I am about to make, which is that the pending order may be postponed for a few minutes only, in order that formal action may be taken upon the resolutions I introduced a few days ago and gave notice of my intention to call up this morning, for the formal acceptance of the statues of Richard Stockton and General Philip Kearny. Similar action will be taken in the other House to-day, and a committee of the Legislature of New Jersey are here to take part in the proceedings. I do not think it will take more than thirty minutes, as I wish to speak but a few minutes to the resolution and my colleague [Mr. BLODGETT] will take only three or four minutes of time. Therefore I ask that the pending order be laid aside informally in order to proceed to the consideration of the resolutions I have mentioned.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the pending order be informally laid aside to enable him to move to proceed to the consideration of a resolution, the title of which will be read by the Secretary.

The CHIEF CLERK. A concurrent resolution of Mr. McPHERSON tendering the thanks of Congress to the governor and through him to the people of New Jersey for marble statues of Richard Stockton and General Philip Kearny.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The resolution will be read at length.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the governor and through him to the people of New Jersey for the statues of Richard Stockton and Philip Kearny, whose names are so honorably identified with the history of the State and of the United States.

Resolved, That these works of art are accepted in the name of the nation, and assigned places in the old Hall of the House of Representatives already set aside by act of Congress for statues of eminent citizens, and that a copy of this resolution signed by the President of the Senate and the Speaker of the House of Representatives be transmitted to the governor of New Jersey.

Mr. BECK. Let the second resolution be read again. I want to hear it.

The PRESIDENT *pro tempore*. The second resolution will be read.

The Chief Clerk read the second resolution.

Mr. BECK. I think the words ought to be "Congress of the United States." I have no objection to calling this a nation with a big N, but I think the Congress of the United States ought to accept the statues in the name of the United States and not in the name of "the nation." I make that suggestion.

Mr. McPHERSON. I was about to move the amendment suggested by the Senator from Kentucky, and I was on my feet for that purpose. In the first line of the second resolution, I move to strike out the word "nation" and insert the words "United States."

Mr. SHERMAN. If that is a departure from the usual words in such resolutions, I shall object to it. I think this is a nation with a great big N, and I shall not vote to strike that word out.

Mr. McPHERSON. I do not know that there is any difference, but this is an acceptance by the United States. We admit the fact, I believe, that we are the United States.

Mr. SHERMAN. Similar resolutions have been adopted over and over again. If this is according to the usual form it is all right, but I would not change the form of the resolutions which have been heretofore adopted, merely to satisfy a scruple about the word "nation." I believe this is a nation.

Mr. HOAR. I hope the Senator from New Jersey will not press his amendment. I think the Senator will see that if the resolution had been originally proposed as the Senator from Kentucky suggests, nobody would have made any question, but as it has been offered in this way, to amend it by striking out the word "nation" will amount to a declaration by Congress apparently that that was not an appropriate description of the country.

Mr. McPHERSON. I only wish to say, in reply to the Senator from Massachusetts, that I have no particular choice myself as to the term to be used, but it will be seen that this is a contribution by the State of New Jersey to the United States in answer to a resolution of Congress asking each State to send statues of two of its distinguished citizens for the purpose of being placed in the old Hall of the House of Representatives. Therefore I think that the words "United States" would be far better and more appropriate under the circumstances. However, I shall not press that.

Mr. President, in selecting from the illustrious dead of the State of New Jersey the two most worthy to be represented by statues in the old hall of the House of Representatives, it seemed to the senate and general assembly of that State appropriate to choose the names of Richard Stockton and Philip Kearny—one the most accomplished and distinguished statesman, one of the few, the immortal names that signed the Declaration of American Independence; the other the patriot soldier and gallant leader, who gave first an arm and then his life in maintaining the principles of American liberty, to which cause our fathers pledged their lives and sacred honors.

Both of these distinguished men were prominent in their country's history in times of great public distress and danger.

The first lived and suffered amid the stormy scenes which ushered in the birth of the Republic. The second witnessed the full fruition of complete and glorious manhood, and when assailed by fratricidal foes into his brave heart received joyfully the death wound intended for her own. Little thought the one who rocked the cradle of Liberty and guarded that of Independence, and who went down into the grave rejoicing in the belief that the lives then shed were sacrifices enough, that during the lifetime of the other these dearly-bought liberties must needs be maintained by the lives of three hundred thousand of her sons, who with equal courage and devotion laid down their lives in its defense. Happy are they who died before that time and we who have survived it.

The great-grandfather of Richard Stockton came from England in the year 1670 and first settled upon Long Island, in the colony of New York; thence he came to New Jersey and purchased a large tract of land of which Princeton, N. J., is nearly the center. and commenced a settlement. His father inherited the family seat at Princeton. He was a man of great power and influence, and filled for many years the position of chief judge of the courts in the county in which he lived. Here Richard Stockton was born on the 1st day of October, 1730, was graduated at the New Jersey College, then located at Newark, studied law and was admitted to the bar in 1754, in which he soon attained great reputation. He rose so rapidly in his profession that in 1763 he received the degree of sergeant at law, a high distinction in the English courts, and then recognized in the American colonies.

In 1766 he embarked for London and exerted himself especially to remove the prevailing ignorance regarding the American Colonies. While in Scotland his personal efforts induced Dr. John Witherspoon to reconsider his refusal to become the president of Princeton; the same Witherspoon who afterwards was elected to the Continental Congress and signed the Declaration of Independence. On the 1st day of July, 1776, when the subject of the Declaration of Independence was discussed, a distinguished member observed "that the people are not ripe for independence." Dr. Witherspoon replied, "In my judgment, sir, we are not only ripe but rotting." Mr. Stockton returned from England in September, 1767. In 1768 he was made a member of the executive council of the province. In 1774 he was raised to the supreme bench of New Jersey.

He strove at first to effect a reconciliation between the colonies and the mother country, and on the 12th of December, 1774, sent to Lord Dartmouth an expedient for the settlement of the American disputes, in which he proposed a plan of colonial self-government; but he soon became active in efforts to organize a prudent opposition, and on the 21st of June, 1776, was chosen by the provincial congress a member of the Continental Congress then in session in Philadelphia. His silence during the opening debates on the question of independence, which has been chronicled by Dr. Benjamin Rush, leads to the conclusion that at first he doubted the expediency of the declaration, but at the close of the discussion he expressed his concurrence in the final vote in a short but energetic address. He was re-elected to Congress, where he was an active member, and in September, 1776, at the first meeting of the State delegates under the new constitution, he was a candidate for governor, and on the first ballot received an equal number of votes with his opponent, Mr. Livingston, who was afterwards elected. Mr. Stockton was then chosen chief-justice by a unanimous vote, but declined.

On the 26th of September, 1776, Richard Stockton and George Clymer were appointed a committee to inspect the Northern army under General Schuyler. On the 30th of November, at night, he was captured by a party of loyalists at the house of John Covenhoven, in Monmouth, N. J., where, with his family, he had taken refuge to prevent their capture by the British army, then pursuing Washington and his little band across New Jersey. His host shared his fate. Mr. Stockton was thrown into a common prison in New York. He remained in prison

some time, and on account of his position as one of the signers of the Declaration of Independence he was treated with great severity. Congress passed a resolution directing General Washington to inquire into the circumstance, remonstrate with General Howe, and ask whether he chooses this shall be the future rule for treating all such on both sides as the fortune of war may place in the hands of either party.

Mr. Stockton was shortly afterward exchanged, but the hardships he endured shattered his constitution, and when he found himself almost a beggar, through the vandalism of the British in destroying his estate and his library, and by the depreciation of the Continental paper currency, he was seized with a despondency from which he never recovered. He died on the 28th of February, 1781, in the fifty-first year of his age. Richard Stockton left a long line of descendants not less distinguished than himself in all that reflects honor and glory upon themselves, the State, and nation. His son Richard was also a lawyer of great eminence, who, besides serving his State in many high positions, represented the State of New Jersey in the lower House of Congress and also in the Senate of the United States. The second, Richard's son, Robert Field Stockton, studied at Princeton College, and before completing his course he entered the United States Navy as a midshipman.

His long and brilliant career as a naval officer is part of the history of the country. After the close of the Mexican war and the acquisition of California, in all of which he was a prominent actor, he resigned his commission in the Navy, and was elected to the United States Senate in 1851, but resigned in 1853 in order to retire to private life. Next in line of descent from Robert Field Stockton, better known as Commodore Stockton, comes John Potter Stockton, well known to many members of this Senate, having served long, ably, and faithfully as a member of this body. He has also filled with great credit to himself and satisfaction to the people of New Jersey almost every position of great trust and responsibility in the State, as well as representing the National Government in foreign lands.

It would be a delicate task to attempt to assign to General Kearny his exact rank, considering his opportunities, among those who have fought their country's battles in this and former centuries. There are laws of perspective in time as well as space, whereby a small eminence seems to outclimb the distant Alps, but history will inscribe in making up her final and impartial judgments to Philip Kearny a high place among the world's heroes, and differing only from them as one star differs from another star in glory. As a patriot, a public officer, and a soldier Philip Kearny was a grand example, worthy of study, imitation, and commemoration; as a general unsurpassed, wherever and whenever he was tried, for courage, fidelity, self-sacrificing energy, and ability. His glory is his country's glory, for which he fought and died. General Scott said of Kearny: "The bravest man I ever knew, and the most perfect soldier."

Though an American by birth, and intensely American in his sympathies, General Philip Kearny carried in his veins blood that distinguished the leading nations of Europe. On his father's side he was Irish, and thence he derived all the impulsive, danger-loving characteristics of that race. On his mother's side were two diverse elements not often combined in one person, the strong native sense of the Scot and the ardent soul and chivalric bearing of the Gaul. His very name in its original spelling in Celtic or Gælic signifies "soldier." Kearny was thus not only a soldier by name, but by nature, and a true inheritor not only of the designation but of the spirit of his race. In his veins the blood of the Cavalier predominated over that of the Puritan. His remote ancestry were distinguished in the military annals of the times in which they lived and served their country, and the career of Philip Kearny is even more glorious than theirs.

Philip Kearny was born on the 3d day of June, 1814, in the city of New York, but of New Jersey parentage and ancestry. In his early youth he evinced the military spirit which in after life crowned his career with such a halo of glory. He took high rank as a scholar and was beloved as a pupil. While still in college his grandfather, seeing his inclination for the Army, and not wishing him to be exposed to its vicissitudes, which had cost him the most brilliant of his sons, offered to secure to him $1,500 a year, a very handsome allowance in those days for a young man, if he would study for the ministry. Young Kearny declined his grandfather's liberal offer, preferring the saddle to the pulpit. As he was compelled, however, to choose a civil profession much against his will, he selected the law, taking the usual course in a law office.

The death of his grandfather in 1836 left young Kearny free at last to follow his own inclinations, and he applied for and obtained a commission as second lieutenant in the First United States Dragoons, then commanded by his uncle, General Steven Watts Kearny, an officer of high distinction.

Upon receipt of his commission, although by inheritance in possession of a splendid fortune, with all which that implies to a young man of his age and temperament, he abandoned all to join his command at Jefferson Barracks in Missouri, and applied himself with great ardor to mastering the details of his profession. His after life proved that with a man born with the genius to command experience is not so indispensable. Genius will always compensate for the want of experience. In proof of this witness the magnificent achievements of Frederick and Napoleon. In 1839 young Kearny, who had been promoted to be first lieutenant, was sent with two other officers to France, by the then Secretary of War, for the purpose of going through the regular course at the Royal School of Cavalry at Saumur, and who on their return were to compile a work on cavalry tactics, molded on that of the French system, but made suitable to the needs of our service. The result of their labors are the cavalry tactics now in use in the United States Army, which are considered superior to anything introduced.

While at Saumur, Kearny obtained a leave of absence and accompanied the Duke of Orleans on one or two of his campaigns in Africa. An old African trooper, speaking of Kearny, said, "He was a very brave man; I have often seen him charging the Arabs with his sword in one hand, his pistol in the other, and his reins in his teeth." In Algiers he learned the enormous capabilities of a well-trained force of light infantry. The lessons he there learned in practical warfare from the most advanced and accomplished soldiers of the age turned to his account in after years. Lieutenant Kearny returned from Europe in 1840, and served as aide-de-camp to General Macomb and Maj. Gen. Winfield Scott until April, 1844, when he joined his regiment at Fort Leavenworth, making an expedition against the Indians to the South Pass of the Rocky Mountains. All this, however, to a real soldier like Kearny, was inactivity, and, chafing under the monotony of garrison-life after having tasted the excitement of actual service in Algiers, on the 2d day of April, 1846, he tendered his resignation, which was accepted on the 6th of that month. Had he dreamed that a war was upon us he would never have done so.

The war with Mexico, which soon after followed, aroused all the ardor of his patriotic soul. He sought to recall his resignation, applying to the Government to be restored to his former rank and position in the Army, and shortly afterward he was reinstated. He applied himself for a time to recruiting new material for his company, being determined that it should be a model troop in every respect, and to this end chose for his recruiting ground the city of Springfield, in the State of Illinois. Here he formed the acquaintance of Abraham Lincoln, afterward President Lincoln, then a resident lawyer of Springfield, who was touched by the enthusiasm of the young dragoon and entered heartily into his plans. The young lieutenant whom he assisted then was after Mr. Lincoln became President of the United States made a brigadier-general, one he always styled his general, and one whom he destined for the highest command had not an untimely shot put an end to the life of the man of his choice.

Kearny was not ordered into Mexican territory until after the capture of Monterey, and the fighting for the year was over. In the latter part of November, when General Scott determined to withdraw about five thousand troops from General Taylor for a new line of operations, his first selection was couched in the following words:

> You will * * * put in movement for the mouth of the Rio Grande the following troops. About five hundred regular cavalry of the first and second regiments of dragoons, including Lieutenant Kearny's troop.

In December following, Kearny was promoted to the captaincy of his company. He fought in all of the subsequent battles of that war, losing his left arm in the battle of Churubusco, and being the first to enter the city of Mexico.

In 1851 he was sent to subdue the Rogue River Indians, the most war-like of all of the Indian tribes of the Pacific coast. He awed the savages, pacified the district, and made the route safe between Oregon and California. Kearny was one of those restless spirits who could not brook repose, and whose only home was the field of battle. In October, 1851, he again tendered his resignation, and we next hear of him under the burning skies of Italy, acting as the aid of General Morris at the battle of Solferino, in which General Kearny so distinguished himself as to win a second time the cross of the Legion of Honor; the first American who had ever been thus honored for military services.

In 1859 and 1860 he resided in Paris, and was one of the efficient advocates of the union cause in Europe. In the spring of 1861, the crisis towards which all the great events of American history for many years had been tending broke in the roar of the cannon which opened on Fort Sumter, whose reverberations, like the hollow moan of an earthquake, stirred the very foundations of the iron and almost century-bound frame-work of our Government, till every thing heaved and rocked on its foundations. Our Declaration of Independence—the everlasting and immutable principles of human rights—were again to be battled for. No sooner had the tocsin of alarm resounded across the Atlantic than Kearny's patriotism, all aflame, responded to the appeal. "I am an American citizen" was his boast and his pride.

For his country he had braved death on every battle-field from Vera Cruz to Mexico, and at the hands of the hostile savages, and he again hastened to offer his sword and, if needs be, his life in defense of the cause of the unity of these States. Failing to secure immediate recognition from the General Government on his application for service and a command suited and due to his ability and experience, and acting under the advice of General Scott, he hastened back to his native State and applied for a major-general's commission, carrying with him a personal letter from General Scott to Governor Morgan, which reads as follows:

To his excellency Governor Morgan, of New York:

SIR: I beg leave to suggest Maj. Philip Kearny, of New York, late a distin-

guished officer of the Army, for a high commission in the New York Volunteers. Major Kearny's long and valuable experience in actual military service seems to commend him as a useful as well as a valuable commander and disciplinarian. He is among the bravest of the brave and of the highest military spirit and bearing.

With the highest respect, your excellency's most obedient servant,
WINFIELD SCOTT.

Refused a commission by Governor Morgan, rejected by the State where he was born and bred were reverses calculated to wound his proud and manly spirit. But his undying patriotism no longer stood upon rank or right, and he proclaimed his willingness to serve in any capacity, even offering himself as a private in the ranks—for which position he was disqualified by reason of the loss of an arm. Like a caged lion did the restless spirit of the patriot hero chafe at the delay, but his hour was soon to come. The battle of Bull Run satisfied the President that his one-armed applicant for a generalship was needed at the front. He was thereupon commissioned a brigadier-general on the 25th day of July, 1861, and assigned to the command of the First New Jersey Brigade, in Franklin's Division of the embryo Army of the Potomac.

This noble and gallant brigade, composed of the First, Second, Third, and Fourth Regiments, New Jersey Volunteers, asked that Kearny should command them. The history of the war shows that nothing was wanting in either men or leader. To recount the brilliant services of that famous brigade and its gallant commander during the year that followed would fill volumes. In March, 1862, General McClellan, then in command of the Army of the Potomac, tendered General Kearny the command of a division, a promotion to which he was long entitled. General Kearny was more than glad to accept, only desiring that his first New Jersey brigade, whose efficiency he had perfected with so much toil, expense, and zeal, a trust especially confided to him, and who loved and trusted their leader, should be permitted to follow him. This being denied, he generously declined the promotion and remained with his New Jersey brigade. The patriotic people of New Jersey exhibited their gratitude, admiration, and attachment for General Kearny's self-sacrificing devotion to them in the following manner.

On the 20th day of March, 1862, the Legislature passed a resolution declaring—

That New Jersey highly appreciates the distinguished fidelity of General Philip Kearny in declining proffered promotion rather than separate himself from the command of Jerseymen intrusted to him.

And on the 28th of the same month a set of resolutions were passed and forwarded to the honorable Secretary of War, asking that all the New Jersey troops on the Potomac be mobilized into one division and placed under the command of General Kearny.

Thus it was that General Kearny, born in New York and bound to her by all the ties of blood and parentage, became by adoption the child of New Jersey's love, and because of her appreciation and affectionate regard bound him to her with hooks of steel.

It is not my purpose here to speak of those great achievements which marked the footsteps of General Kearny from Alexandria to Williamsburgh, from Fair Oaks, including the seven days' battle, to Malvern Hill, and from thence to Chantilly, where he met his death on September 1, 1862, where passed from life to death one of the greatest military chieftains of the age. I need not speak of these events. Into the currents of our national history the heroic deeds of this great soldier have passed. His name history will never willingly permit to die.

The three distinguishing characteristics of General Philip Kearny were great personal bravery, coolness in the hour of peril, and an excellent judgment. It was his wonderful, almost marble-like calmness in the most sudden and extreme danger that struck even heroes with amazement. By the decision of an army of heroes he was called the "bravest of the brave." Such a distinction among the men and in the times he lived was not won by ordinary actions.

In the smoke and carnage of battle, when other men would become confused in the confusion around them, he remained cool and clear as ever, and was able frequently to redeem the day when everything seemed lost.

The overthrow of the enemy absorbed every thought within him and he had none to give to danger or to death.

Brave, restless, and daring, he roamed the world in search of adventure, and never seemed so much at home as when in danger.

His mind was always in a state of activity and he was lashed through the world by a nature to which repose seemed torture.

His career was bright and promising, and especially as the champion of liberty he seemed destined to one of the highest niches in the temple of fame. As the commander-in-chief of the Federal forces the war would have ended in a single year.

His death was in keeping with his life. One would expect him to die in the joyous frenzy of the fight, and that the spirit, which ever sought the whirlwind in life, should go out of the world in the smoke of battle. He died under fifty years of age. At an age when many of our generals began their careers he ended his.

New Jersey feels proud of her illustrious sons, and has caused statues in marble and bronze to be made representing as well as artists' skill can do the well-loved sons of that State, and asks Congress, in behalf of the American people, to accept them as theirs and place them with the immortal circle in the American pantheon, there to remain until they also turn to dust.

Mr. BLODGETT. Mr. President, it is obvious that I can add nothing to the careful and full historical sketch submitted by my colleague, whose long service in the Senate makes it his peculiar right and duty to demonstrate how well and faithfully the State of New Jersey has responded to the request of Congress for two statues of representative men in her history.

With such glorious names as Rev. Dr. John Witherspoon, president of Princeton College, who John Adams describes as a "son of liberty," and Bancroft "as a Scottish minister, a descendant of John Knox, a man of great ability, learning, and liberality," Jonah Dickinson Sergeant, William Patterson, Frederick Frelinghuysen, and many others, the selection was most difficult.

As New Jersey by reason of her location was the battle-ground of the Revolution, her citizens of necessity were tories or patriots; hence she could alone worthily fill every niche in the Temple of Fame set apart by Congress.

In the choice of Richard Stockton, the signer, and General Philip Kearny, the soldier, you have two patriots who gave up their lives to their country, the former from the effects of a cruel imprisonment endured to establish the Government, the other on the battle-field for its conservation.

This is far from the only claim that Richard Stockton has to live in marble in the national Capitol.

His patriotism and principles have in a remarkable degree descended to his family all through the generations to this day. His son Richard, the great lawyer, his grandson, Commodore Robert F. Stockton, and his great-grandson, John P. Stockton, have in turn served the country in the United States Senate. It may be added that the great-great-grandson of the signer and the son of John P. Stockton has lately discharged the duties of minister at The Hague.

Of Commodore Stockton it may be fairly said that his genius excelled any of the family. At Gibraltar, while in the Navy, he taught the British naval and military officers that American courage and honor could not be challenged with impunity. With a daring that was almost reckless he established the Republic of Liberia in the interest of the Colonization Society, and with an audacity that was his own he was the first to take possession of California.

There is probably no more notable example of what high and honorable service will contribute to the public weal than is displayed in the history of this family, nor a more marked reward and appreciation of such public service. It surely inculcates the lesson that he who best serves his country leaves the most valuable and enduring legacy to his descendants.

I make these few observations more than anything else to show my hearty concurrence in what has been so well said by my colleague.

I now move, Mr. President, the adoption of the resolutions.

Mr. SHERMAN. To show that my objection to the modification of this resolution was not a captious one, I wish simply to refer to the precedents to show that the same form of resolution as the one introduced by the Senator from New Jersey [Mr. MCPHERSON] is the one that has been adopted from the commencement of the acceptance of statues under the resolution of Congress. I have before me the Journal of January 5, 1886, in which the words are:

Resolved, That this work of art is accepted in the name of the nation, and assigned to a place in the old Hall of the House of Representatives.

I find among the very first of the resolutions of this character that were introduced one which was offered by the Senator from Vermont [Mr. MORRILL], which contains the same language:

Resolved, That this work of art is accepted in the name of the nation, etc.

I have no doubt that every resolution of acceptance is in the same form, and that that form is founded upon the express provision of the statute which provided for the accepting of two statues from each State, which is in these words:

The President is authorized to invite all the States to provide and furnish two statues * * * of deceased persons who have been citizens thereof, and illustrious for their historic renown, or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration.

I suppose the word "nation" has been carried into such resolutions from the statute.

I also find a still older precedent. I find that the words "nation" and "national" were constantly used by the early founders of the Government. I find a statute passed on the 29th of March, 1800, in honor of Captain Truxtun, in which the same word is used.

That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

So the words "national" and "nation" in all documents, especially of this character, have been used from the beginning, and I hope will continue to the end.

Mr. BECK. Mr. President, there is no doubt about these things being of a State character or of a national character and that could be expressed in various ways properly. The only criticism I made was that every act and every resolution that ever passed Congress, as far as I was aware—there may be some exceptions, for I do not know what has happened lately—is in this form, "Be it enacted by the Senate and House of Representatives of the United States of America in Con-

gress assembled," and when we pass a joint resolution the same language substantially is used, and I should think it very strange if the suggestion had been made, "Be it resolved by the Senate and House of Representatives of the nation in Congress assembled." I suggested that it would be wise to follow the old form and not to throw a slur on the fact that this is still the United States. I care nothing about it, however.

Mr. MCPHERSON. I desire to make an explanation. In draughting the resolution I followed what seemed to be the line of precedents. I did not notice at the time that the words "United States" would have been much better to use in that connection than the word employed in the resolution. But, as I say, having followed the line of precedents, though I am convinced a better term could have been employed, I withdraw the amendment I offered to the resolution, because I do not wish to raise any controversy on this occasion on the simple phraseology of the resolution.

Mr. GEORGE. I have no objection to the use of the word "nation" as expressed in the resolution under consideration. I take my constitutional law on that subject from a very great judge.

Mr. TELLER. We can not hear the Senator in this part of the Chamber.

Mr. GEORGE. I take my constitutional law on that subject from a great judge, Chief-Justice Taney, and I happen to have in my hand now a quotation from one of his great judgments which expresses my ideas exactly. He said, speaking of the scheme of the Constitution, that it was to make us "one people, with one common country, for all the great purposes for which it was established," (See Passenger Cases, 7 How., U. S. R., page 283.) So that, in my judgment, wherever the Constitution has granted any jurisdiction within that limit we are one people, with one country; and are, therefore, one nation. I stand upon this enunciation of constitutional law made by this illustrious judge.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? The Senator from New Jersey moves that the Senate agree to the resolutions which have been read.

The resolutions were agreed to unanimously.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Senate, as in open executive session, resumes the consideration of the fisheries treaty, the question being on the motion to commit with instructions, offered by the Senator from Louisiana [Mr. GIBSON].

Mr. GORMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. I ask that the resolution be read.

The Secretary read as follows:

Resolved, That the pending treaty be committed to the Committee on Foreign Relations, with instructions either to frame and report such amendments thereto as shall appear meet to remove any ambiguities, and to remedy any defects of said treaty, if any there be; or

To frame and report a plan for arbitration by which all differences between the Government of the United States and the Government of Great Britain, in respect of the rights and liberties of the people of the United States, and of the subjects of Her Britannic Majesty respectively, in the North American fisheries under the treaty of 1818, shall be determined and settled, and by which it may be further determined and settled whether citizens of the United States engaged in the business of fishing on the eastern coast of British North America are or are not justly entitled to all the advantages and benefits of the mutual arrangements of 1830 and the mutual rights of transit under the treaty of 1871.

And by which it may be further determined and settled what, if any, damages, indemnity, or compensation may be due for the alleged unlawful treatment, detention, and seizures of the fishing vessels of citizens of the United States, and violation of rights and privileges of said citizens of the United States, under the treaties, arrangements, and conventions above recited.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the resolution to commit with instructions.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the Senator from Delaware [Mr. SAULSBURY], but I understand an arrangement has been made whereby that pair is to be transferred. Therefore I vote "nay."

Mr. TELLER (when Mr. BOWEN'S name was called). My colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. CALL]. If my colleague were present, he would vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea," and I understand he would vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

Mr. FARWELL (when Mr. CULLOM'S name was called). My colleague [Mr. CULLOM] is paired with the Senator from North Carolina [Mr. RANSOM]. If my colleague were present, he would vote "nay."

Mr. RANSOM. My pair has been transferred to the Senator from Louisiana [Mr. GIBSON], who is absent.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. If the Senator from Vermont were present, I should vote "yea," and I suppose he would vote "nay."

Mr. MANDERSON (when Mr. PADDOCK'S name was called). My colleague [Mr. PADDOCK] is absent and is paired with the Senator from Louisiana [Mr. EUSTIS]. If my colleague were present, he would vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were present, I should vote "nay."

Mr. TELLER (when his name was called). I have been paired with the Senator from Louisiana [Mr. GIBSON], who is sick, but that pair has been transferred to the Senator from Illinois [Mr. CULLOM]. Therefore I vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HARRIS. I suggest to the Senator from Minnesota [Mr. SABIN], he being paired with the Senator from West Virginia [Mr. KENNA], and I being paired with the Senator from Vermont [Mr. MORRILL], that we transfer the pairs, and he and I can both record our votes, if agreeable to the Senator.

Mr. SABIN. Very well; I should be glad to do so.

The PRESIDENT *pro tempore*. The votes of the Senators from Tennessee and Minnesota will be recorded.

Mr. HARRIS. I vote "yea."

Mr. SABIN. I vote "nay."

Mr. GRAY. I rise to announce that my colleague [Mr. SAULSBURY] is paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If my colleague were present, he would vote "yea."

The result was announced—yeas 29, nays 31; as follows:

YEAS—29.

Bate,	Colquitt,	Jones of Arkansas,	Turpie,
Beck,	Daniel,	McPherson,	Vest,
Berry,	Faulkner,	Morgan,	Voorhees,
Blackburn,	George,	Pasco,	Walthall,
Blodgett,	Gorman,	Payne,	Wilson of Md.
Brown,	Gray,	Pugh,	
Cockrell,	Hampton,	Ransom,	
Coke,	Harris,	Reagan,	

NAYS—31.

Allison,	Edmunds,	Ingalls,	Sawyer,
Aldrich,	Evarts,	Jones of Nevada,	Sherman,
Blair,	Farwell,	Manderson,	Spooner,
Chace,	Frye,	Mitchell,	Stewart,
Chandler,	Hale,	Platt,	Stockbridge,
Davis,	Hawley,	Plumb,	Teller,
Dawes,	Hiscock,	Quay,	Wilson of Iowa.
Dolph,	Hoar,	Sabin,	

ABSENT—16.

Bowen,	Cullom,	Kenna,	Riddleberger,
Butler,	Eustis,	Morrill,	Saulsbury,
Call,	Gibson,	Paddock,	Stanford,
Cameron,	Hearst,	Palmer,	Vance.

So Mr. GIBSON'S resolution was rejected.

The PRESIDENT *pro tempore*. The reading of the treaty by articles will be continued.

The Secretary read as follows:

ARTICLE II.

The commission shall consist of two commissioners to be named by Her Britannic Majesty, and of two commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

The commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as commissioner instead of the commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this treaty shall be marked upon British admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the commission, be signed by the commissioners in quadruplicate, one copy whereof shall be delivered to the Secretary of State of the United States and three copies to Her Majesty's Government. The delimitation shall be made in the following manner, and shall be accepted by both the high contracting parties as applicable for all purposes under Article I of the convention of October 20, 1818, between the United States and Great Britain.

The 3 marine miles mentioned in Article I of the convention of October 20, 1818, shall be measured seaward from low-water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the convention of October 20, 1818, at points more than 3 marine miles from low-water mark, shall be established by the following lines, namely:

At the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point light; at the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the southeasterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the southeast point of Cape Fogo to White Island, thence to the north end of Peckford Island, and from the south end of Peckford Island to the east headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be 3 marine miles seaward from the following lines, namely:

At or near Barrington Bay, in Nova Scotia, the line from the light on Stoddard Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; at Mira Bay, the

line from the light on the east point of Scatari Island to the northeasterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

ARTICLE V.

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818.

ARTICLE VI.

The commissioners shall from time to time report to each of the high contracting parties, such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the high contracting parties, and be binding after two months from such proclamation.

ARTICLE VII.

Any disagreement of the commissioners shall forthwith be referred to an umpire selected by the Secretary of State of the United States and Her Britannic Majesty's minister at Washington; and his decision shall be final.

ARTICLE VIII.

Each of the high contracting parties shall pay its own commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the umpire, shall be paid by the high contracting parties in equal moieties.

ARTICLE IX.

Nothing in this treaty shall interrupt or effect the free navigation of the Strait of Canso by fishing vessels of the United States.

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage, nor when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada, or of the coasts of Newfoundland, under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster, and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter nor purchased for resale or traffic.

Mr. GRAY. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Delaware proposes to amend the eleventh article of the treaty.

Mr. GRAY. I had indicated yesterday the general nature of the amendment which I proposed to offer to-day. Since then I have drawn out at length the amendment that I wish to offer. I do not propose at all to abuse the agreement which has been made in regard to debate on this subject, but merely to say that inasmuch as——

The PRESIDENT *pro tempore*. Debate can proceed only by unanimous consent. Is there objection?

Mr. GRAY. I wish to say three words, that my object in offering the amendment may be apparent. Inasmuch as there is what seems to be a sincere difference of opinion as to——

Mr. CHANDLER. I rise to object to debate.

Mr. GRAY. I am not debating.

Mr. CHANDLER. I rise to object.

Mr. GRAY. I was proceeding to state——

Mr. CHANDLER. I object to anything in the nature of debate.

Mr. GRAY. As to what this Article XI really means.

The PRESIDENT *pro tempore*. The Senator from Delaware will pause one moment. Under the agreement and the rule of the Senate the Chair thinks that the Senator from Delaware would be strictly limited to the presentation of the amendment which he proposes. Any statement of the effect or object or purpose of the amendment would be in the nature of debate, and therefore excluded by the agreement.

The Chair asked whether there were objections to the Senator from Delaware proceeding, and the Senator from New Hampshire stated that he objected to anything in the nature of debate.

Mr. GRAY. Then I send the amendment to the Secretary's desk and ask that it be read.

The PRESIDENT *pro tempore*. The amendment proposed to Article XI by the Senator from Delaware will be read.

The CHIEF CLERK. It is proposed to amend Article XI, by striking out all after the word "charge," in line 159, down to and including the word "aforesaid," in line 160, and inserting in lieu thereof:

And all United States fishing vessels shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels of the United States upon obtaining licenses for this purpose, which shall be granted to all United States fishing vessels upon application, promptly and without charge.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. GRAY].

Mr. GRAY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

Mr. FARWELL (when Mr. CULLOM'S name was called). My colleague [Mr. CULLOM] is paired with the Senator from Louisiana [Mr. GIBSON]. If my colleague were here, he would vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). I announce the pair of the Senator from West Virginia [Mr. KENNA] with the Senator from Vermont [Mr. MORRILL]. I record my vote "yea."

Mr. SABIN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. KENNA], but I understand that my pair has been transferred to the Senator from Vermont [Mr. MORRILL]. I vote "nay."

Mr. GRAY (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY] is paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If my colleague were present, he would vote "yea."

Mr. VANCE (when his name was called). I am paired, as I have heretofore announced, with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BUTLER. On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea" and he would vote "nay," I understand.

The result was announced—yeas 28, nays 30; as follows:

YEAS—28.

Bate,	Coke,	Hampton,	Pugh,
Beck,	Colquitt,	Harris,	Ransom,
Berry,	Daniel,	Jones of Arkansas,	Reagan,
Blackburn,	Faulkner,	McPherson,	Vest,
Blodgett,	George,	Morgan,	Voorhees,
Brown,	Gorman,	Pasco,	Walthall,
Cockrell,	Gray,	Payne,	Wilson of Md.

NAYS—30.

Aldrich,	Evarts,	Jones of Nevada,	Sherman,
Allison,	Farwell,	Manderson,	Spooner,
Blair,	Frye,	Mitchell,	Stewart,
Chace,	Hale,	Platt,	Stockbridge,
Chandler,	Hawley,	Plumb,	Teller,
Dawes,	Hiscock,	Quay,	Wilson of Iowa.
Dolph,	Hoar,	Sabin,	
Edmunds,	Ingalls,	Sawyer,	

ABSENT—18.

Bowen,	Davis,	Morrill,	Stanford,
Butler,	Eustis,	Paddock,	Turpie,
Call,	Gibson,	Palmer,	Vance.
Cameron,	Hearst,	Riddleberger,	
Cullom,	Kenna,	Saulsbury,	

So Mr. GRAY'S amendment was rejected.

The PRESIDENT *pro tempore*. The Secretary will continue the reading of the treaty by articles.

The Secretary read as follows:

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition, by every United States fishing vessel, of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all $3 for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense order, it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be

proper appeals available to the defense only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the governor-general of Canada in council, or the governor in council of Newfoundland, before the same are executed.

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being re-imposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

Supplies may not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coast of the United States.

ARTICLE XVI.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by Her Britannic Majesty, having received the assent of the Parliament of Canada and the Legislature of Newfoundland; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, this 15th day of February, in the year of our Lord 1888.

T. F. BAYARD.	[SEAL.]
WILLIAM L. PUTNAM.	[SEAL.]
JAMES B. ANGELL.	[SEAL.]
J. CHAMBERLAIN.	[SEAL.]
L. S. SACKVILLE WEST.	[SEAL.]
CHARLES TUPPER.	[SEAL.]

The PRESIDENT *pro tempore*. Are there further amendments to the treaty as in Committee of the Whole? If there are none, it will be reported to the Senate.

The treaty was reported to the Senate without amendment.

Mr. MORGAN. I ask that the resolution of ratification be read.

The PRESIDENT *pro tempore*. The treaty is still open to amendment in the Senate. If there be no amendment in the Senate, the resolution of ratification will be read.

The Chief Clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

Mr. MORGAN. I ask unanimous consent that the resolution may now be acted upon.

Mr. FRYE. That was agreed to before.

The PRESIDENT *pro tempore*. The resolution of ratification was included, the Chair thinks, in the original agreement.

Mr. HARRIS. Under the rule it requires unanimous consent to consider it the same day on which it was reported.

The PRESIDENT *pro tempore*. On the same day on which it is proposed. The question is on agreeing to the resolution of ratification which has just been read.

Mr. MORGAN. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays will be entered upon the Journal.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

Mr. FARWELL (when Mr. CULLOM'S name was called). My colleague [Mr. CULLOM] is paired with the Senator from Louisiana [Mr. GIBSON]. If my colleague were here, he would vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], I have arranged with the Senator from Minnesota [Mr. SABIN] that I transfer that pair to the Senator from West Virginia [Mr. KENNA], with whom the Senator from Minnesota has been paired, and I therefore announce the pair. The Senator from West Virginia [Mr. KENNA] would vote "yea," if here, and the Senator from Vermont [Mr. MORRILL] would vote "nay." I record my vote "yea."

Mr. RANSOM (when his name was called). As I stated before, I was paired with the Senator from Illinois [Mr. CULLOM], and he would vote "nay" while I would vote "yea" as to this treaty, but my pair has been transferred to the Senator from Louisiana [Mr. GIBSON], and I vote "yea."

Mr. SABIN (when his name was called). I was paired with the Senator from West Virginia [Mr. KENNA], but the pair has been transferred to the Senator from Vermont [Mr. MORRILL], and I therefore vote "nay."

Mr. VANCE (when his name was called). I am paired on this question with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. COCKRELL. The Senator from Tennessee [Mr. HARRIS] and myself were paired with the Senator from Vermont [Mr. MORRILL] on the vote on the resolution of ratification. I transfer my pair to the Senator from Indiana [Mr. VOORHEES], as the Senator from Tennessee has transferred his to the Senator from West Virginia [Mr. KENNA], and I vote "yea."

Mr. GRAY. I rise to announce that my colleague [Mr. SAULSBURY] is paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If my colleague were present, he would vote "yea."

Mr. MANDERSON. I announce the pair between my colleague [Mr. PADDOCK] and the Senator from Louisiana [Mr. EUSTIS]. If my colleague were present, he would vote "nay."

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Bate,	Coke,	Hampton,	Pugh,
Beck,	Colquitt,	Harris,	Ransom,
Berry,	Daniel,	Jones of Arkansas,	Reagan,
Blackburn,	Faulkner,	McPherson,	Vest,
Blodgett,	George,	Morgan,	Walthall,
Brown,	Gorman,	Pasco,	Wilson of Md.
Cockrell,	Gray,	Payne,	

NAYS—30.

Aldrich,	Evarts,	Jones of Nevada,	Sherman,
Allison,	Farwell,	Manderson,	Spooner,
Blair,	Frye,	Mitchell,	Stewart,
Chace,	Hale,	Platt,	Stockbridge,
Chandler,	Hawley,	Plumb,	Teller,
Dawes,	Hiscock,	Quay,	Wilson of Iowa.
Dolph,	Hoar,	Sabin,	
Edmunds,	Ingalls,	Sawyer,	

ABSENT—19.

Bowen,	Davis,	Morrill,	Stanford,
Butler,	Eustis,	Paddock,	Turpie,
Call,	Gibson,	Palmer,	Vance,
Cameron,	Hearst,	Riddleberger,	Voorhees.
Cullom,	Kenna,	Saulsbury,	

The PRESIDENT *pro tempore*. The requisite number not having voted therefor, the resolution of ratification is not agreed to.

Mr. MORGAN. I move that the President of the United States be notified of the action of the Senate upon this treaty.

The PRESIDENT *pro tempore*. It will be so ordered under the rules.

Mr. HOAR. It requires no order.

The PRESIDENT *pro tempore*. The Chair awaits the pleasure of the Senate about longer continuance in open executive session.

Mr. EDMUNDS. I suppose that order has exhausted itself.

Mr. FRYE. I move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. If there be no objection the Senate will proceed to the consideration of legislative business. The Chair lays before the Senate, as in Committee of the Whole, the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. MCPHERSON. Pending that I desire to present morning business.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive morning business.

Mr. MITCHELL. When the Senate went into open executive session it had under consideration the report of the committee of conference on House bill 1761. I ask that that be proceeded with now.

The PRESIDENT *pro tempore*. If there be no objection, the consideration of the conference report will be continued.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. The conference report submitted by the Senator from Oregon [Mr. MITCHELL] is in order, but the Chair will receive morning business, if there be no objection.

Mr. MITCHELL. I yield for morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present the petition of the counsel of the Thomson Houston Electric Company, of Boston, Mass., in which they say they have a principal place of business at Boston, and a manufacturing establishment at Lynn, Mass., where they employ some fifteen hundred

hands in addition to a large number of persons who are employed in construction all over the country; that they have recently contracted with the Eckington and Soldiers' Home Railway Company, a street-railroad corporation in the District of Columbia, to furnish said company with electrical apparatus complete and necessary to furnish all needed motive power for the construction of its road; that the apparatus which is proposed to be furnished is absolutely safe and incapable of destroying human life or inflicting any serious injury on the human body; that the charge of electricity which it is to contain is not to exceed 400 volts or electric units; that the electrical apparatus and wires, including the wire for conducting the electricity, have been furnished by them to various corporations in various parts of the United States and other portions of the world; that the managers of the petitioning company and persons in their employ and other persons are in the habit of frequently handling such wires when fully charged without the slightest injury; that a much more powerful charge of electricity than is ever used in that apparatus would be absolutely harmless to human life or health; that the interference by the authority of the Senate with the execution of that contract would not only cause them damage and loss in the particular instance referred to, but if it is put on the ground that their apparatus is dangerous, it is likely to be a serious injury to their business elsewhere in the country and all over the world.

They state that they are ready to prove all the facts herein alleged to the satisfaction of the Senate. They therefore pray that your honorable body will cause the facts herein set forth and all other allegations which shall be made before them bearing upon the subject-matter of the petition to be promptly investigated by some committee. To these statements the young gentlemen, who are the creators and managers and principally interested in this matter and who are commended to me as citizens of high character and intelligence, make affidavit.

I move that this petition be committed to the Committee on the District of Columbia with instructions to grant the petitioners the hearing they pray for.

The PRESIDENT *pro tempore*. The petition will be received and referred to the Committee on the District of Columbia.

Mr. SPOONER. Mr. President, I do not know why every petition or every resolution that is to be sent to the Committee on the District of Columbia should be accompanied by instructions from the Senate. That committee will give, without being formally instructed by the Senate, a proper hearing to whatever interest is entitled to it.

Mr. HOAR. This is a prayer for a hearing, and therefore it is not an ordinary bill or resolution. It is the prayer of these gentlemen for a hearing, and therefore it seemed appropriate that this course should be taken without any disrespect to the committee, so that some committee should be designated with instructions to grant the hearing. Of course the Committee on the District of Columbia is the proper committee to take charge of this subject.

Mr. SPOONER. It properly goes to that committee, but that committee has always granted on proper occasions hearings without any instruction of the Senate.

The PRESIDENT *pro tempore*. Does the Senator desire to have the instructions added to the motion to refer?

Mr. HOAR. I think that would be the proper way, if the Senate has no objection.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia with instructions, if there be no objection. The Chair hears none.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3389) to erect a public building at Yonkers, N. Y., reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 10017) granting a pension to Samuel Anderson, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Epidemic Diseases, to whom was referred the joint resolution (S. R. 78) appropriating $100,000 for the prevention and extirpation of yellow fever in the United States, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States, reported it with an amendment.

Mr. CALL. I ask the consent of the Senator from Oregon [Mr. MITCHELL] to consider at this time the joint resolution just reported by the Senator from Tennessee [Mr. HARRIS].

Mr. MITCHELL. I will state to the Senator from Florida that the conference report in my charge has been read and I think the Senate is ready to vote on it. It will take but a moment.

Mr. CALL. I give notice then that as soon as that is terminated, I shall ask the consent of the Senate for the consideration of the joint resolution reported by the Committee on Epidemic Diseases.

Mr. STEWART. I will state to the Senator from Florida that I desire to rise to a question of personal privilege as soon as the conference report is acted on.

BILLS INTRODUCED.

Mr. MCPHERSON introduced a bill (S. 3466) granting a pension to Catharine Flicke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 3467) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Epidemic Diseases.

Mr. PLATT. I introduce a bill, and I wish to say in a word what the bill is. It is a bill simply to pension the widows of soldiers without reference to the cause of the death of the soldier provided they were married during the service of the soldier, and I commend it to the attention of the Committee on Pensions. It is a single feature relating to pensions, which, it seems to me, Congress ought to adopt. When we incorporate in a bill a number of features relating to pension legislation, and it goes over to the other wing of the Capitol, it sleeps the sleep of death in that legislative cemetery. It is possible that a single measure of this manifest justice, if passed here by itself, might be considered and become a law.

The bill (S. 3468) relating to the pensions of widows was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3469) granting a pension to Elizabeth T. McRitchie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 3470) to remove the political disabilities of Henry A. Ramsay; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. BLACKBURN introduced a bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3472) to authorize the Union Gas Company to lay conduit pipes across the Ohio River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3473) for the relief of the Thingvalla Line; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (H. R. 2962) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims and ordered to be printed.

Mr. STOCKBRIDGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. VANCE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL and Mr. MCPHERSON submitted amendments intended to be proposed by them, respectively, to the fortification appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF THE THINGVALLA LINE.

Mr. BLACKBURN submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the claim of the Thingvalla Line, a bill to pay which is now pending for "head money" paid by said parties, for the sum of $1,177.50 be, and the same is hereby, referred to the United States Court of Claims, to be heard under section 14 of the act approved March 3, 1887.

PRINTING OF A MEMORIAL.

Mr. MCPHERSON. I move that the memorial of James R. Haskell, relating to armament of fortifications and the use of dynamite projectiles in multi-charge guns, referred to the Committee on Appropriations on the 1st of August, be printed for the use of the Senate.

The motion was agreed to.

REVENUE-CUTTER THOMAS CORWIN.

The PRESIDENT *pro tempore*. The Senate resumes the considera-

tion of the report of the committee of conference on the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin, which has been read. Is the Senate ready for the question on agreeing to the report?

The report was concurred in.

PERSONAL EXPLANATION.

Mr. STEWART. I rise to a question of privilege, and send to the Secretary's desk a copy of the New York Herald of August 20, and ask the Secretary to read first what is marked on page 4.

The PRESIDENT *pro tempore*. The Secretary will read the extract indicated, if there be no objection.

The Secretary read as follows:

A DUTY FOR SENATOR STEWART.

Our Washington correspondent tells us that during a debate on the sundry civil bill Senator STEWART, of Nevada, offered an amendment, apparently formal, which was passed. Innocent on its face, it now appears from a statement of Land Commissioner Stockslager that it was in the interest of mining corporations—that its effect would be to invite a complete denudation of the public timber. The Land Commissioner has communicated these objections to Congressman BURNES, of Missouri, who will be expected to defeat the amendment in the House.

The Land Commissioner apparently has done a wise and proper thing. But he has either done Senator STEWART a great wrong or that Senator has deceived the Senate. To impose upon his fellow Senators, under the pretense that it was "formal" matter, an amendment of so grave an import, depriving the people of their rights and in the interest of a rapacious corporation, is the gravest possible violation of duty and honor. Senator STEWART should not rest under this imputation, but should meet it in the open Senate, and show that his amendment was as innocent as he claimed it to be.

Mr. STEWART. I will now ask the Secretary to read the telegraphic dispatch contained on the eighth page of that paper, which is the basis of the editorial.

The Secretary read as follows:

A NIGGER IN THE WOODPILE—PROPOSED LEGISLATION THAT THREATENS THE PUBLIC TIMBER LANDS.

[By telegraph to the Herald.]

HERALD BUREAU, CORNER FIFTEENTH AND G STREETS, N. W.,
Washington, August 19, 1888.

Senator STEWART offered an amendment to the sundry civil bill a few days ago, which the Senate adopted under the impression, apparently, that it was little more than formal. The amendment provided "that no part of the money appropriated by this act shall be used in the investigation of any case, or the prosecution of any person in the mining regions of the United States for cutting for mining or domestic purposes dwarfed or scrubby timber unfit to be sawed into lumber of commercial value."

Land Commissioner Stockslager, who usually knows what he is talking about, said to-day to the Herald correspondent that in his judgment the amendment is extremely impolitic and prejudicial to the welfare of the residents of the Western country and to the interests of the country at large. If allowed to become a law it will, he says, open the way to a complete denudation of the public timber lands, and thereby result not only in depriving the settlers upon the public domain of the timber legitimately needed for their mining claims, farms, and ranches, but also in irretrievable injury to the soil and climate in all the mining sections of the public domain.

IN THE INTEREST OF RICH CORPORATIONS.

"The proposed legislation," says Mr. Stockslager, "is purely in the interest of large and wealthy mining corporations, foreign as well as native, and also in the interest of railroad corporations who have in many portions of the country monopolized the cord-wood cutting and charcoal industries. I am warranted in stating that it originated in the desire to prevent the prosecution of anticipated suits which have since been ordered, upon the recommendation of this office, against the Richmond Mining Company and the Eureka Consolidated Mining Company, owning mines in Nevada, for the recovery of $9,517,461. The total value of wood and charcoal derived from timber cut by and for these companies upon the public lands aggregate, 1,305,964 cords of wood, from a portion of which were derived 28,704,662 bushels of charcoal.

TIMBER LANDS DENUDED.

"These two companies alone have literally laid bare the hills, mountain ranges, and canyons within a radius of 35 miles from Eureka, not sparing the undergrowth, but taking everything from 3 inches and upward, not simply 'dwarfed and scrubby timbers,' but mahogany, cedar, and pine trees. Even the stumps of the trees have been removed. These depredations are rendered the more aggravating by the fact that the Richmond Mining Company is exclusively a foreign and British corporation, organized in London, England, having for its manager an alien, who is a British nobleman connected with the Duke of Northumberland.

"I am convinced that the effect of the proposed legislation will be inimical to the public interests involved in the preservation of the public lands and protection of the timber thereon in every State and Territory where there are mining lands and mines already opened, and will be a great injustice and hardship to the large class of honest, thrifty, and hard-working settlers endeavoring to make homes for themselves and posterity, and who, in order to enable them to remain and work out their laudable purpose, must have the timber, of however inferior character, saved to them for fuel and other domestic necessities."

Mr. Stockslager will send a letter embodying his views to Congressman BURNES, of Missouri, who has charge of the bill in the House, and the House will probably refuse to concur in the Senate amendment.

Mr. STEWART. Mr. President, the amendment to which reference is made in the extracts which have been read was offered by me in the Senate to the sundry civil appropriation bill, and referred to the Committee on Appropriations and reported by that committee. It reads as follows:

That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value.

This was offered as a limitation upon the vast appropriation contained in the bill for lawsuits, spies, and detectives to harass and persecute all the people in the West who are endeavoring to make homes upon the public land, the innocent as well as the guilty. The following items are in the bill for that purpose:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $100,000.

Expenses of hearings in land entries: For expenses of hearings held by order of the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $30,000.

Settlement of claims for swamp land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "Depredation on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation.

Then there is an appropriation of $100,000 for surveys, with a provision that $20,000 shall be used for various investigations, making with other items in this bill for investigating the wrong-doings of the people of the West about $350,000.

The system adopted, and which has grown up, I suppose, is more abominable in character—I speak of the system—than anything ever heretofore done in the United States. The idea of having a system costing $350,000 a year for the purpose of sending spies into the country and trying men without a hearing! The Western country is infested by innumerable spies. They make their investigations and they make their reports secretly. They are not called upon to make them in the open daylight, but they send them to the Department and their names are concealed, and there is plenty of time, and rarely a lack of opportunity, after they have made the investigation for those who are really guilty to buy their peace; and it is the universal testimony of all my correspondents that the rogues buy their peace and the innocent settlers are persecuted, so that no settlement can be made there.

The whole appropriation of this vast sum for this mode of persecuting the people of that country is abominable. I did not attack this system; but I thought I would save my people from special persecution. It is alleged in the article which has been read that I offered this amendment on account of some investigation started by the Department here against rich corporations. The statement is unqualifiedly false. That was not the motive; it did not come from that.

For nearly the last forty years the miners have been permitted to cut this scrub timber, and there was no other way to mine without this timber. Those crags and peaks from which they got it were not in the market, and could not be brought into market. There was no way of mining at all without it. It has been recognized as right and proper from the very beginning. Nobody ever regarded the scrub timber in these interior Territories as timber to be protected by law, and it was regarded as legitimate and proper for the miners to take it and develop that country; and in doing that on their account they have poured into the Treasury of this country hundreds and hundreds of millions of dollars by their hard toil; and now it is proposed to go back and prosecute them as criminals.

There is not in my State east of the Sierra Nevada Mountains an acre of legitimate timber land but there are scattered pines, cedar, and manzanita bushes, sometimes called mahogany, in the clefts of the rocks that poor men get and sell to miners. It is all used, not wasted. It is stated that they dig up the stumps. Yes, they do, because it is absolutely essential to have timber to mine at all, and by it the mining companies have produced millions of dollars to the Treasury. It is true that one of the companies mentioned in the articles read is a foreign corporation; and Mr. Probert, its manager, is denounced, though not by name. Although he and I have not been on good relations—I have been employed as an attorney against his company—I must say of him that he has been an enterprising man and has been concerned in many new processes for the working of mines that have been of vast benefit to my State, and the attack on him is entirely unjustifiable.

In order that my motives in acting in this matter may be known, I will call attention to some correspondence that I had early in the session with regard to the question. I send to the Clerk's desk a letter to me from a gentleman who is highly respected in my State. He is a Democrat and I am only going to have Democratic evidence read. Democratic evidence is good enough for me. The Democrats are my constituents and my friends, the same as the Republicans, and as citizens I rely on them as much as I do on Republicans, and represent them all the same.

Although I have many letters from Republicans upon this subject, and although the Republican newspapers have commented upon it at length, I shall confine myself to Democratic evidence; but will print in my remarks a very able and pertinent letter from one Republican, Hon. Thomas Wren, to the Eureka Sentinel, an ex-member of Congress from Nevada. I send to the desk a letter to me from J. H. MacMillan, an attorney and counselor-at-law, of Winnemucca, Nev. Mr. MacMillan was the last Democratic candidate for Congress, and was beaten not because he was not a good man but because there were more Republican votes than there were Democratic votes in the State at that time. My attention was first called by the letter I send to the desk to the fact that there had been inaugurated a new policy and that a persecution had been commenced which had never been heard of or dreamed of before in that region.

The PRESIDING OFFICER (Mr. PLATT in the chair). The letter will be read, if there be no objection.

The Secretary read as follows:

WINNEMUCCA, NEV., *February* 28, 1888.

DEAR SIR: The United States attorney for Nevada has brought criminal actions against six Italians for cutting wood in Bullion mining district, Lander County, all of which wood was used for mining and milling purposes. I do not think any crime has been committed, and the mining companies are very indignant and say, very truly, all the mining industries of Eastern Nevada will be paralyzed if such a construction can be placed on the act of Congress of June 3, 1878.

What I desire of you is to send me decisions, instructions, and regulations of the General Land Office from Secretary Teller's time down to the present. Mr. Teller wrote a very able letter of instruction to Commissioner McFarland, interpreting the act in question, and which shows clearly that the defendants are guilty of no crime whatever.

You may hear further from me on this subject at an early day.

Yours, truly,

J. H. MACMILLAN.

Hon. WILLIAM M. STEWART,
Washington, D. C.

Mr. STEWART. I replied to that letter and commented upon the statute. I told Mr. MacMillan the uniform construction of the statute had been that the cutting of timber in the mining region of the character that these Italians were cutting was lawful. That the Senate may judge of the statute I shall read it again:

That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

This law has been uniformly regarded as a sufficient warrant for cutting what was necessary for mining purposes of this scrubby timber in the mining region. I wrote to Mr. MacMillan my view upon it, and shortly thereafter I received another letter from him, which I send to the desk and ask to be read.

The PRESIDING OFFICER. The letter will be read, if there be no objection.

The Secretary read as follows:

WINNEMUCCA, NEV., *April* 11, 1888.

DEAR SIR: Yours of the 3d instant received and noted, for which many thanks. The defendants in the wood chopping cases were tried before Judge Sabine on the 2d instant, and were acquitted on the grounds that the proof failed to show they had been guilty of cutting any timber under 8 inches in diameter.

The judge declared the law to be that no timber of less than 8 inches in diameter of any kind can be cut without committing a misdemeanor under the United States laws. This is going to work a great hardship to miners, as the scrub cedar, nut pine, and mountain mahogany which grow on our mountain tops, very seldom get to be of that diameter and are entirely useless except for fire-wood, and should be taken out of the provisions of the act of June 3, 1878.

Thanking you for your courtesy, I remain, yours, truly,

J. H. MACMILLAN.

Hon. WILLIAM M. STEWART,
Washington D. C.

Mr. STEWART. In reply to that I stated to Mr. MacMillan that at the first opportunity I would offer an amendment making the law plain and prevent these vexatious prosecutions. To carry out my promise I offered and had adopted the amendment in question. After the amendment was adopted I received another letter from Mr. MacMillan, which I ask may be read.

The PRESIDING OFFICER. The letter will be read if there be no objection.

The Secretary read as follows:

WINNEMUCCA, NEV., *August* 14, 1888.

DEAR SIR: Yours of 7th instant in relation to the "wood chopping" matter received and noted. I desire to thank you on my own account and on that of every miner and mill man in Eastern Nevada.

I can not let this opportunity pass without saying that the State of Nevada has in you a representative, of whom all her citizens, without distinction of party, can feel proud.

Yours, truly,

J. H. MACMILLAN.

Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.

Mr. STEWART. The following is the letter of ex-Congressman Wren to which I referred, published in the Eureka Sentinel of August 11:

MR. WREN'S OPINION REGARDING THE ALLEGED UNLAWFUL CUTTING OF GOVERNMENT TIMBER.

EDITOR SENTINEL: For some weeks past our community has been somewhat exercised over the report of a timber agent sent out here to spy out timber depredations, and his ridiculously absurd report that our two principal mining companies had purchased and were liable for wood cut upon the public land valued at several millions of dollars. Many, no doubt, have been at a loss to understand how it happened that a timber agent was sent here at all.

A reference to section 4751 of the Revised Statutes of the United States reads as follows:

"All penalties and forfeitures under the provisions of sections 2461, 2462, and 2463, title 'The Public Lands,' shall be sued for, recovered, distributed, and accounted for under the direction of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors when seized," etc.

Sections 2461, 2462, and 2463 relate to cutting timber upon the public domain, fixing the penalties, etc. One-half of all these millions to be recovered from our mining companies goes to the informer or informers.

Who is the happy informer, or the happy informers? What lucky dog living amongst us is the prospective millionaire. Can any one guess? What fun it is to be the fortunate fellow, no doubt, but it will be rough on the companies to have to pay all of these millions.

But compelling the mining companies to pay all these millions is only the beginning of the end. Every one who has burned a cord of wood in Eureka is equally liable, if the Commissioner of the Land Office be correct in regard to the law. In fact, so far-reaching is this new departure that nearly every mining company that has operated in this State for the last thirty years is liable to the Government for the wood they have used, as well as most of the citizens of every town in the State.

There are partial exceptions along the east base of the Sierras, and not elsewhere. Why not go a step further and commence action against every company and individual who extracted gold and silver from the public domain prior to the passage of the law of 1866. They are equally liable. The original license to cut timber from the public mineral lands of the United States dates from the same period, 1848, that the license to extract the precious metals dates from and was coequal in every respect with it.

In 1866 the license to extract the precious metals from the public lands, and to appropriate water thereon, was crystallized into law. The license to take timber was not mentioned, but continued as theretofore until 1878, during the administration of President Hayes, when Carl Schurz, then Secretary of the Interior, seized through his timber agents, in the dead of winter, all of the wood in Helena, Mont., and peddled it out to the freezing citizens for a dollar a cord. For this act he was denounced in the Senate by one of the foremost of American statesmen, and a law was immediately passed to cover all such cases and prevent future troubles.

But notwithstanding, under some strained construction of the law, the Commissioner of the General Land Office, reversing the policy of the Government, a policy settled when Ewing was at the head of the Interior Department, and Clay, Webster, Calhoun and their cotemporaries were in Congress, after able and exhaustive discussion, now proposes to prosecute criminally as well as civilly all parties who have cut the scrubby pine and cedar from our mountain sides for domestic use. I am sure the Secretary has been misinformed in regard to the real facts or he never would have entertained the idea, and some one in our midst is responsible for the misinformation.

Senator STEWART has already taken steps to stop this something worse than folly, and with fair hopes of success.

Yours, etc.,

THOMAS WREN.

Mr. STEWART. I shall now read some extracts from the three leading Democratic papers in my State. The Silver State, published at Winnemucca, Nev., a Democratic paper, in commenting upon the act of June 3, 1878, says:

As milling is a necessary adjunct to mining, the act authorizes the felling and removal of wood from the public domain for fuel or reduction works, as well as for domestic purposes. As miners, millmen, and householders can not go into the mountains to cut such timber as they may need, the custom has been to purchase the wood of men who make a business of chopping and hauling it to mining camps and settlements. If this custom is a violation of the regulations of the Secretary of the Interior as provided in the act, it is somewhat remarkable that the Federal officials have not before now discovered it. Any other construction of the act than that given it by custom would stop mining in Central and Eastern Nevada and deprive the citizens of towns and villages of the means of cooking their food.

I have here an extract from the Elko Independent, a Democratic paper, of February 27, 1888. The heading shows what it is. I ask the Secretary to read the two extracts which I send to the desk.

Mr. BECK. I did not quite understand how this matter came up.

Mr. STEWART. As a question of privilege.

Mr. BECK. As a matter of personal privilege?

Mr. STEWART. Yes.

Mr. BECK. Upon the complaint made in regard to the letter written by Mr. Stockslager, the Commissioner of the General Land Office, to the committee of the House of Representatives.

Mr. STEWART. I have not seen that. If you will look at the New York Herald you will see the article upon which I am speaking.

Mr. BECK. The House, I understand, has disagreed to the amendment of the Senate, and that is right.

Mr. STEWART. If you will wait a little until I get through with my statement, I should like to have the letter read.

Mr. BECK. I was about to read the letter now.

Mr. STEWART. Not right in the middle of my remarks. Let me have these extracts read.

Mr. BECK. I beg pardon. Go on.

The PRESIDING OFFICER. The extracts will be read as requested, if there be no objection.

The Secretary read as follows:

[From the Elko Independent, a Democratic paper, of February 27, 1888.]

OUR TIMBER THIEVES.

"Were we to hear of 'timber thieves' being arrested in that part of Nevada which runs up on to the Sierra Nevada Mountains we might believe that the arrested persons had been stealing timber, but when we learn that men have been arrested for stealing timber in Lander we wonder where they found the timber. In this State it seems to be difficult to say where brush ends and timber begins. That which is called timber appears to be almost anything from a greasewood bush to a stately sugar pine. In Kansas, in the early days, three mullein stalks and a hazel bush constituted a grove, and it would seem that in Nevada all arboral growth of the length of a stick of cord-wood is called timber."

The above from the Virginia Enterprise is brief and to the point, as Nevada is practically destitute of timber as contemplated by the United States statutes which forbid the destruction of timber on Government lands. We have in the mountains, it is true, a limited amount of scrubby pine, groves of mahogany which at a little distance look like old apple orchards, and an occasional grove of stunted cedars which, with much labor and expense, serve to furnish fuel for the furnaces at the various mines and for general consumption, posts for fencing and "timbers" for numerous mining properties, all of which is taken from Government land which no one would ever think of purchasing as "timber lands" even at $1.25 per acre.

But suppose this "timber act" were construed as applying to the scraggy growth found upon the mountains of Eastern Nevada and persons prohibited from using it; the result would be that the furnaces at Tuscarora, at Bullion, and other places would have to shut down, mining would necessarily be suspended, ranchmen would have to abandon fencing, the people would be deprived of fuel, and the consequences would be disastrous to every industry in our State.

The law is intended to protect forests of valuable timber, and as such it is a good one and should be enforced; but the attempt to apply its provisions to the greasewood, sage-brush, etc., of Eastern Nevada is a farce, and we trust that the authorities will take a proper view of the matter and abandon the prosecution of "Nevada timber thieves," proceedings against whom were evidently instituted for selfish motives by persons who expected to be pecuniarily benefited by their arrest and conviction.

[From the Silver State of February 28, 1888.]

ALLEGED TIMBER THIEVES.

The United States marshal has arrested six wood-choppers on Bullion Mountain, Lander County, for alleged timber stealing. It is charged that they have been violating the laws of the United States by cutting timber on the public domain and selling it for mining and domestic purposes. If that is a crime everybody in the country who hauls a load of wood to town and disposes of it, is guilty and liable to be arrested. This is the second time the men have been arrested, Justice Parks, of Battle Mountain, having discharged them the first time. They will now be taken before Judge Sabin, of the United States district court, at Carson.

Mr. STEWART. I now call as a witness Mr. Cassidy, who represented the Democratic party in the other House for two terms and declined to run at the last election. He is now a candidate for re-election. He is a gentleman who may be known to a good many here. He certainly has the reputation in Nevada of being an honest man, devoted to his constituents, and he was a useful, active member. He is the editor also of the Eureka Sentinel, published at Eureka, where he resides, and these alleged enormous frauds occurred about that town. Both the Richmond and Eureka companies are located in Eureka. I send to the desk a letter on this same subject written by him since the adoption of the amendment to the sundry civil appropriation bill.

The PRESIDING OFFICER. The letter will be read if there be no objection.

The Secretary read as follows:

LOS ANGELES, CAL., *August* 12, 1888.

MY DEAR SENATOR: Yours of July 26, as to timber cutting in Nevada, reached me here. I was at home in Eureka when one Temple, a special agent, came there. He had no conversation with me. I heard after he left that he had told others that certain parties had cut about six millions' worth and converted it into charcoal for smelting purposes. Based on that information I wrote a humorous paragraph for my paper, the Sentinel, directing attention to the fact that the law permits the use of timber for mining and domestic purposes in certain of the Western States and Territories, and holding that charcoal for smelting the minerals from the ores was as essential to the business of mining as the timber used in the mine to prevent its caving, or the logs and boards which are used in the miner's cabin, or the sticks with which he cooks his pork and beans. I regard the alleged investigation of the special agent and his findings as nonsensical in the extreme, and that it could result in nothing more than to harass people who had been guilty of no infraction of law, fairly construed according to the spirit of the statute as we of the mining regions have always construed it. I do not know from whom this special agent drew his inspiration while in Eureka, but I have a suspicion that it may have been from persons who would likely be benefited by litigation with the leading mining companies there.

I think your idea a good one, to lodge with the courts the whole subject of investigating trespass on the timber lands of the West, especially in those cases where the statutory exception runs regarding the use of public timber for mining and domestic purposes. It is my recollection that this agent had visited Eureka before you made your speech on the question.

Am here on business and hope to get home in about ten days. If I can then supply you further information, command me.

Sincerely, your friend,

GEO. W. CASSIDY.

Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.

Mr. STEWART. I now send to the desk the article from the Sentinel of which Mr. Cassidy writes in the letter.

The Secretary read as follows:

[From the Eureka Sentinel, a Democratic paper, of July 6, 1888, written by George W. Cassidy.]

A STUMP DETECTIVE.

The Eureka Sentinel of the 14th instant says: "During the week George T. Temple, a timber inspector of the Government, has been investigating matters on the Base Range. We understand that he found that depredations had been committed on Government timber in this county by R. Sadler, John Torre, Pete Hansen, and other coal-burners, to the enormous amount of six millions and a half dollars. We knew the above-named gentlemen possessed large sacks, but we had not rated them quite so high. We had been sizing them at about a million each. This Government agent can hardly be familiar with the law. The use of timber for mining and domestic purposes is especially permitted in the United States Statutes. The charcoal for smelting the ores is as much an adjunct of mining as the cabin the miner lives in."

Mr. STEWART. If the Senator from Kentucky will read the letter from Mr. Stockslager now I will conclude my remarks after the letter is read.

Mr. BECK. I did not know at first what was the question pending, but it grows out of an amendment in the sundry civil appropriation bill in which the House of Representatives has refused to concur. A letter was written by Mr. Stockslager, the Commissioner of the General Land Office, to Hon. JAMES N. BURNES, of the House of Representatives, and a copy was sent to me, I suppose because I was one of the conferees. It is well for the Senator from Nevada first to know the ground on which the House rejected the amendment, and next to be advised after the reading of the letter what steps to take to fortify the position that he thinks is right. Mr. Stockslager writes as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 18, 1888.

SIR: In reply to your verbal request for my views upon the advisability of retaining in the sundry civil bill (H. R. 10540) the amendment introduced in and passed by the Senate, to wit, "that no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting for mining or domestic purposes dwarfed or scrubby timber unfit to be sawed into lumber of commercial value," and desiring such information upon the subject as this office can furnish, I have the honor to state that the amendment is, in my judgment, extremely impolitic and prejudicial to the welfare of the residents of the western country and to the interests of the country at large. If allowed to become a law, it will open the way to a complete denudation of the public timber lands, and thereby result not only in depriving the settlers upon the public domain of the timber legitimately needed for their mining claims, farms, and ranches, but in irretrievable injury to the soil and climate in all the mining sections of the public domain.

The proposed legislation is purely in the interests of large and wealthy mining corporations, foreign as well as native, and also in the interest of railroad corporations who have in many portions of the country monopolized the cord-wood cutting and charcoal industries.

I am warranted in stating that it originated in the desire to prevent the prosecution of anticipated suits which have since been ordered upon the recommendation of this office against the Richmond Mining Company and the Eureka Consolidated Mining Company, owning mines in Nevada, for the recovery of $9,917,461, the total value of wood and charcoal derived from timber cut by and for these companies upon the public lands, aggregating 1,305,964 cords of wood, from a portion of which were derived 28,704,662 bushels of charcoal.

These two companies alone have literally laid bare the hills, mountain ranges, and cañons within a radius of 35 miles from Eureka, not sparing the undergrowth, but taking everything from 3 inches and upwards, not simply "dwarfed and scrubby timber," but mahogany, cedar, and pine trees. Even the stumps of the trees have been removed.

These depredations are rendered the more aggravating by the fact that the Richmond Mining Company is exclusively a foreign and British corporation, organized in London, England, having for its manager an alien who is a British nobleman connected with the Duke of Northumberland. Its stock is owned in London, where its dividends, amounting to many millions within the last seventeen years, are declared. The only citizen shareholders are among the employés of the company, to whom a few shares have been assigned to give the organization a show of legality. Thus do the profits of our American public domain go to enrich the already wealthy lords, noblemen, and gentry of foreign lands at the expense of our own citizens, actual settlers and their children, for whose benefit the public lands should be saved in all their richness of soil and wealth of timber, agricultural, and mineral products.

The Eureka Consolidated Mining Company is a corporation resident in California and reaps all the benefits of the timber in Nevada.

What these two companies have done is being done by other mining companies in Nevada and their attendant charcoal burners and smelters, who have been for the past ten years or more, and yet continue, felling the timber upon the public lands, sweeping clean large tracts of every vestige of timber, "small and scrubby" though it be.

Complaints against this class have frequently been sent to this office by the honest bona fide settlers, among them appeals from the most respectable and worthy citizens of that State; and upon these complaints and appeals for the aid of this office towards suppressing such complete havoc of their supply of timber, which, though small and inferior, is all they have to depend upon for fuel and other domestic needs, and its frugal use is therefore rendered all the more essential, I directed a special agent to look carefully into the matter and report thereon. What he found and reported has, in substance, been above stated, and fully justifies all the complaints which have been made; and is also corroborated by facts personally communicated to me by a reliable gentleman of high character and standing in Nevada, who reports that these depredations and others of like character are being daily perpetrated.

He refers also to the very same amendment that has been offered, and states that "it is occasioned by the contemplated action of the Government against these several companies" herein mentioned. He states further that "as a result of these and other depredations of a like character" in Nevada where "timber is very scarce," "and all is very inferior, the agricultural settler often finds it difficult to obtain the necessary quantity for fencing and other domestic purposes," and that "such legislation is manifestly in the interest of large corporations, including several railroad companies who have for many years made it a large portion of their business to purchase quantities of cord wood and charcoal and timbers along the lines of their roads and transports and sell the same in various places, and in some instances these railroad companies have monopolized this line of business."

"The country has been denuded in large tracts;" "the Government lands have become valueless," "and the settler either upon arable or mineral lands finds it devoid of one of the essentials to his occupancy. The timber, although described as 'dwarf and scrubby,' attracts moisture, and in many localities is followed by and lays the foundation for better soil, more rainfall, and a better and more valuable growth of larger timber."

With the communication above referred to was inclosed a clipping, which the writer states is from one of the most influential Republican newspapers in Nevada, which is a lament upon the destruction of the former "splendid growth of nut-pine trees" which once covered "the Palmyra Mountains, Como district," states that this species of pine "is native to the soil and flourishes without artificial irrigation." Reference is made to a "sparse growth of young pines now springing up all over these mountains," and urges that "this sort of growth should be encouraged in all parts of the country if the mountain tops are ever to be covered with rain-attracting foliage."

Official reports from the mining States and Territories show that timber for smelting purposes is not an absolute necessity, in view of the fact that coke and coal can be had, and that it is only a question of time before wood and charcoal for smelting purposes and reduction works will give way entirely to coke and coal.

I am convinced that the effect of the proposed legislation will be inimical to the public interests involved in the preservation of the public lands and protection of the timber thereon in every public land State and Territory where there are mining lands and mines already opened, and will be a great injustice and hardship to the large class of honest, thrifty, and hard-working settlers, endeavoring to make homes for themselves and posterity, and who, in order to enable them to remain and work out their laudable purpose, must have the timber, of however inferior character, saved to them for fuel and other domestic necessities, and for an aid in promoting the moisture and fertility of their lands.

I earnestly hope, therefore, in the interests of good government and for the general benefit of all classes of our citizens—miners as well as agriculturists—that earnest endeavor will be successfully made to defeat the amendment now

proposed mainly in the interest of greedy wealth and aliens, and which, if agreed to by the House, will result in rendering unhabitable and valueless large portions of the public domain.

Very respectfully,

S. M. STOCKSLAGER, *Commissioner.*

Hon. JAMES N. BURNES,
House of Representatives.

Mr. STEWART. I am delighted that that letter has been read.

Mr. BECK. It is a very valuable letter, if it is true.

Mr. STEWART. It is only valuable for one purpose, to show what enormous cases can be made by *ex parte* spies. In the main the letter is entirely false from beginning to end. Of course a long statement would drop on facts occasionally, but as a rule it is false.

I denounce as willfully false any insinuation that my amendment had any reference whatever to the Eureka or Richmond companies. I have given the history of it. It came from what I regarded as a wicked attempt to persecute a lot of poor people who were cutting scraggy timber on the mountains. The Commissioner talks about mahogany and other kinds of timber, calling them by name. I do not suppose Mr. Stockslager ever saw any of the classes of timber that he describes.

Mr. PLATT. There is no mahogany in this country.

Mr. STEWART. It is sometimes called mahogany. It is a little scrubby thing, better known as manzanita. It is a bush, and not a tree. I do not think that the Commissioner has any means of information. No man under this system of spies can be possessed of any correct information. Three hundred and fifty thousand dollars will buy a great deal of false information from spies and informers, enough to convict all the world. What Senator would like to be tried by these spies? The Commissioner attempts to convince me and my constituents by them.

I appeal to every citizen of Nevada, if a greater outrage could be conceived than a general prosecution of the persons who have cut timber for mining and domestic purposes from those hills. I appeal to the Senator from California [Mr. HEARST], if I am not right, and if it would not be a most unmitigated outrage to prosecute those poor people who have cut timber they could get in no other way, and who have done it to enrich this country; and to arrest them and take them a long way from their homes, as they have commenced to do here, is cruel persecution. Can anything more outrageous than that be conceived? With this $350,000 of spy-money you are destroying that country. The people are getting no titles. The evil ones are not exposed; they can buy all the land.

It is only the poor who suffer, who are arrested and dragged a long way from their homes for having done what was recognized as proper by the Government for forty years, without which no mining could be done. To show that they did not waste it they even dug out the stumps and used every particle of timber in that country where there is so little.

The pretense that rich railroad corporations are engaged in this business is preposterously false. Any man who has crossed the continent from Utah to the Sierra Nevada Mountains and looked on either side will know himself that the Central Pacific Railroad could get very little timber from the surrounding country. He will not see any timber at all back in the mountains, except a little scrub timber. The railroad uses timber from the Sierra Nevada Mountains or coal for fuel. It is absurd that all this raid is now made upon these two mining companies, and that the force of the Government is to be sent against them. They have paid out vast sums of money in Nevada. Their dividends are small compared with the vast amount of money they have paid out to laboring men.

They have built up that country and made it possible for settlers to go there and have farms. There is no news so joyful in that region as a new discovery in the mines. Every farmer, every settler is delighted with it, because it makes a market, and it would be utterly impossible for them to mine at all without cutting this timber.

Mr. Stockslager says they can get coal and coke. That might be possible now, but it was not possible in early days when most of this timber was cut. Those two companies have been cutting the timber for about twenty-five years—for over twenty years at all events. There were no railroads. They had to pay enormously for this timber, which the poor laborers went out on the hills and collected together and threw down from the crags of the mountains, and they have been pouring a constant stream of gold and silver in your Treasury. This foreign company have spent $10 in that country where they have one to England. It is wonderful that they have made dividends at all.

I submit that there are not ten men in Nevada who would not feel outraged by this prosecution; and if any man has written here for the purpose of advocating it, it is because he is either an enemy of mankind or expects to be employed as a lawyer or as a spy to prosecute these people. The statute never contemplated that those people should not cut this timber. In Arizona, New Mexico, Idaho, and Montana, and throughout the mining region they are situated in the same way.

If you prosecute all who have been guilty you will have to prosecute in the different States and Territories more than half a million men, and you will prosecute them for what has been practiced with the sanction of the Government for a generation. You would prosecute them for doing what was necessary in order to live in that country and build up the Territories. To say that they shall be dragged from their homes is monstrous. When Mr. MacMillan called my attention to the fact that they were actually arresting men for climbing the mountains and getting this timber for mining and domestic purposes, and that they were going to put a new construction upon the law, I wrote him that I would do all in my power to rectify it, and that was months ago.

Mr. PLUMB. I rise to a point of order.

The PRESIDENT *pro tempore.* The Senator from Kansas will state his point of order.

Mr. PLUMB. I do not know how much it may be proper to say as a matter of privilege in regard to every conceivable thing under the sun, but there ought to be some limit to it at all events. I appreciate fully the feeling which the Senator from Nevada has about the characterization which was read from the newspapers, especially coming from the source it did, but I hope he will spare the Senate from an infliction of the kind he is proceeding now to administer under the shelter of personal privilege.

Mr. STEWART. I hope that I may be allowed to proceed in order, and I shall call the attention of the Senator from Kansas to some legislation which might relieve the situation.

Mr. PLUMB. I suggest that it is not in order. I have no doubt of the value of what is said, but I submit that on a question of personal privilege whatever is said should be in relation to that which is personal to the Senator making the explanation or replying to the insinuation or whatever it may be, and that it does not and can not embrace a discussion of every conceivable thing under the shining sun, things in being and things supposed to be, and so on, and thus under the shelter of a privilege allow a person to go generally into the discussion of questions which are not related to the personal aspect of the case.

The PRESIDENT *pro tempore.* While it is undoubtedly true from the parliamentary standpoint that questions of privilege and personal explanation thereunder should be confined strictly to the subject-matter about which the complaint is made, yet it is equally true that there is no practical limit to debate in the Senate, and the Chair knows of no rule except the sense of propriety that can be applied in any such case.

Mr. STEWART. I shall now call attention to some legislation which treats those people as alien enemies who are now trying to make homes in the West for the information of the Senator from Kansas, who is chairman of the Committee on Public Lands. It is this provision:

In all cases where any person has contested, paid the land office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of $1 for the giving of such notice, to be paid by the contestant, and not to be reported.

There is a bid to any person who will contest a homestead or a pre-emption entry that he can have the land if he can win it. He can own the land if he can win it, and complaints have constantly come to me of these special agents who are alleged to be instigating persons to contest honest claims of settlers for technical errors. I only state what comes to me in letters. Many of the special agents are suspected of engaging people to find flaws so as to divide with them and get the lands away from honest settlers. Heretofore when there was any defect in the entry the register and receiver always corrected it, from time immemorial. Now, we have here in 1880 a law on the statute-book which gives the man the land if he will get it away from settlers on a technicality.

I say that this legislation places the whole people there in jeopardy, and that the appropriation of $350,000 to be used for investigation will bring $350,000 worth of lies. If they did not make false representations they would not find business. The business will increase each year as long as you have this *ex parte* proceeding, and as long as you continue to investigate those people.

I tell you the time is coming, and now is, when the name of the Commissioner of the General Land Office has become a synonym for all that is oppressive, all that is crooked, all that deprives a man of getting a home. Under your system of spies and of *ex parte* statements I say that you are bringing reproach upon this Government.

I do not say that Mr. Stockslager is any more guilty than anybody else who attempts to administer any such absurd laws. It is no way to investigate the titles to land by *ex parte* examination. It is reported as official. The reports of the agents upon which the Commissioner basis his charges are against the testimony of all the press of Nevada, against the Democratic leaders of that State, against the leading citizens of the State. Here we have an *ex parte* agent who goes out there and brings these tales, and it is then given to us as official information for the action of a committee.

If these prosecutions are continued you would not get a dollar into the Treasury. Many of the companies have exhausted their mines. The men who cut the wood and sold it to them are scattered about. They are poor men, some of them, and they are all workingmen, and the idea of indicting a whole people after you have tolerated it for a generation is absurd; and so is the idea of the Commissioner of the Gen-

eral Land Office making a personal attack upon me and falsely asserting that I was actuated by any consideration for the mining or railroad companies.

The Commissioner has outraged himself and disgraced his office to rely on false information to attempt to brand me thus. If this is to proceed, the people of the Western States and Territories will know who are their friends, because in those mining States and Territories every man who has any regard for himself agrees with me. The names of the parties who have written these letters are not given, and they would not like to have their names known in that country. No respectable citizen in that State wants to be connected with the infamy of prosecuting every poor man who has cut timber to sell to the mining companies, or who has cut it to cook his provisions.

Now, with $350,000 appropriated in the sundry civil bill he does not want to confine himself to the timber region where lumber has been cut. He is not willing for the coming year to confine himself to that, although he says that is enough; he must go to the barren regions of the interior to expend this money, and, in regard to this bad legislation, if he can during the coming year prosecute the people of my State who live in that country where there is no timber, properly speaking, if he can have them dragged up before the courts and punished, and also the people of Idaho, Montana, and other sections over there, if he can do that, there will be a great deal of damage done.

I think the Land Commissioner might be ordered to call a halt and to have this matter investigated by somebody other than a wandering special agent. My amendment simply provides that the present appropriation shall not be used to prosecute miners, and it is for this that he has assaulted me in the Herald and in his official communication. He is in great haste; after thirty years of delay he can not wait a single year to learn the real facts, but insists upon prosecuting the people of my State and of all the Territories for what I know to be false and which all the people know to be false; and they will all bear witness that it is so. It is the mere assertion of a spy or a blackmailer upon which the Commissioner proceeds.

If the Commissioner of the General Land Office or if the Administration thinks it necessary to prosecute a whole community to get nothing, just to show its virtue, and if it will not discriminate between the just and the unjust, between those that have committed wrong and those that have not, it will do very great harm. I have had occasion already to protest against the prosecution of the people of California residing upon lands patented in the fifties when Thomas A. Hendricks was Commissioner of the General Land Office, and to protest against prosecuting the innocent because frauds have been committed. Can it be the policy of the Administration to refuse to discriminate between the innocent and the guilty, and prosecute a whole people upon *ex parte* statements of spies, informers, and blackmailers? I can not believe such is the case, but the system in vogue has led the officers of the Government into outrageous and unjustifiable proceedings.

The very name of the Interior Department is being brought into disrepute. It will be regarded as the enemy of the people. Why do they not make open charges, and let the Interior Department act upon information openly given, and not upon information from these spies? Spies will mislead it all the time, and make it odious.

I say to my Democratic friends that this is not a political question. The Democrats of my State take as much interest in it as the Republicans, and neither party wants the administration of the Interior Department to be regarded as the most criminal and wicked persecutor that was ever inflicted upon men. Why, I tell you, Senators, that in all the history of the persecution of these colonies by Great Britain, there never was such a system invented as is covered by this appropriation of $350,000 for compensation to spies in my country, there never was such an unjust, unfair proceeding so oppressive and dishonest as this is. I do not charge it upon any individual, because the system breeds it. Spies and informers in times of war are bad enough, but to adopt the principle of using spies and informers in time of peace is all wrong. They will corrupt every branch of the Government service, especially if they find that a high officer of the Government will rely upon them and call their *ex parte* stuff official information.

PACIFIC RAILROAD INDEBTEDNESS.

Mr. MORGAN. I give notice that, after consultation with the chairman of the Select Committee on the Pacific Railways, he not feeling at liberty to make the motion I propose to make, to-morrow at the close of the routine business of the morning hour I will ask the Senate to proceed to the consideration of Senate bill 3401, which has been unanimously reported from the committee on the President's message relating to the Pacific Railway companies.

Mr. STEWART. What has become of the Washington Territory bill?

Mr. MORGAN. I should like to remark that our report is unanimous from the Select Committee on Pacific Railroads, and corresponds with what has been reported from the Committee on the Judiciary, and the bill corresponds precisely with the bill reported unanimously in the other House.

This subject, Mr. President, is one of such magnitude and of such pressing demand, the Union Pacific Railway being in such real want of assistance by way of legislative action, that I feel warranted in asking, on behalf of the minority at least of the select committee, that to-morrow we take up that bill and proceed with its consideration.

Mr. PLUMB. I should like to ask before the Senator takes his seat whether it is his purpose to simply address the Senate upon the bill?

Mr. MORGAN. No, sir; I want to bring the bill up for action.

Mr. PLUMB. I wish to say, then, that, for reasons to which I will advert later, when that bill comes up before the Senate I shall have an amendment to offer to it. I had not thought that the bill would be pressed for passage at this session. I have an amendment to offer, and if it becomes necessary when the time comes, I shall ask the Senate to let the bill go over for that amendment alone. Besides, I shall desire to be heard upon the bill myself.

Mr. MORGAN. The bill will probably occupy a day or two, perhaps two or three days.

Mr. PLUMB. I rather think it will occupy a longer time, probably as long as the fisheries treaty did.

Mr. MORGAN. Perhaps so.

Mr. PLATT. I desire to say a word in reference to the matter about which the Senator from Alabama has given notice. The bill for the admission of Washington Territory has been upon the Calendar now for a long time as unfinished business. It has been crowded out of its course and place by the fisheries treaty; and that being over, I must insist that that business shall be proceeded with without delay, and also that the two bills following, which were made special orders for the 24th of May, namely, the bills to admit North Dakota and Montana as States into the Union, shall also be disposed of. I think they have the right of way. I should insist upon their being pressed to-morrow, except that I understand the Senator from New Hampshire [Mr. CHANDLER] and the Senator from Iowa [Mr. WILSON] have given notice that they desire to take up some matters for the purpose of addressing the Senate upon them. But as soon as that is over I must insist upon going forward with these measures to the exclusion of everything else.

RAILROAD THROUGH FORT LEAVENWORTH RESERVATION.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 1992.

The PRESIDENT *pro tempore*. Pending the consideration of the unfinished business, the Senator from Kansas [Mr. PLUMB] moves that it be informally laid aside so that he may move the consideration of the bill whose title will be read from the desk.

The SECRETARY. Order of Business 1992, the bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 13 to strike out "one hundred" and insert "fifty;" and in line 23 to add:

And said company, its successors and assigns, shall occupy and use said right of way and depot grounds subject to removal therefrom, and the revocation of the license and authority herein given, whenever the public service, in the judgment of the Secretary of War, may require such revocation and removal.

So as to make the bill read:

Be it enacted, etc., That license and authority are hereby granted to the Leavenworth Rapid Transit Railway Company to construct and operate its railroad from its present terminus at the south boundary of the military reservation at Fort Leavenworth, Kans., into and through said military reservation to a point and terminus near the military prison, and at its said terminus near said military prison to construct a depot and such side-tracks, turn-tables, and other facilities as may be necessary for the convenient operation of its said railroad; and for the purpose aforesaid the use of a strip of land 50 feet wide for its right of way extending from the south boundary line of said military reservation to said terminal point near said military prison, and the use of a tract of land not exceeding 2 acres in area for said depot, side-tracks, and terminal facilities, are hereby granted to said railway company: *Provided*, That the route of said railroad through said military reservation and the location of the depot grounds and the plans of the depot and all other buildings to be erected by said railroad company on said military reservation shall be submitted to and shall be subject to the approval of the Secretary of War; and said company, its successors and assigns, shall occupy and use said right of way and depot grounds subject to removal therefrom, and the revocation of the license and authority herein given, whenever the public service, in the judgment of the Secretary of War, may require such revocation and removal.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMING OF CHINESE LABORERS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States, which was to strike out section 15 and insert in lieu thereof the following:

SEC. 15. That the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, and the act to amend said act, approved July 5, 1884, are hereby repealed, to take effect upon the ratification of the pending treaty, as provided in section 1 of this act.

Mr. DOLPH. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate concur in the amendment made by the House of Representatives.

Mr. VEST. Let me inquire of the Chair if that is the anti-Chinese bill?

The PRESIDENT *pro tempore*. It is.

Mr. VEST. I would ask the Senator from Oregon whether I am correct in understanding that the amendment made by the House of Representatives simply causes this act to be operative until the ratification of the treaty?

Mr. DOLPH. The amendment is simply formal. The bill itself as it passed the Senate provided that its provisions should not take effect until the treaty was ratified. By the last section of the bill, the fifteenth section, existing laws are repealed. I think myself that the amendment is unnecessary, but it does no harm. It simply says that the repeal of the present laws shall not take effect until the ratification of the treaty.

Mr. VEST. It continues existing laws until the treaty is ratified?

Mr. DOLPH. That is all. As the bill passed the Senate it would not take effect until the ratification of the treaty, but the House thought differently and has made the amendment, and I think it should be concurred in.

The amendment was concurred in.

MACHINERY AND ARMS FOR NAVAL VESSELS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Navy; which was read:

NAVY DEPARTMENT, *Washington, August* 14, 1888.

SIR: By a resolution of the Senate adopted January 25, 1888, this Department was called upon for information on various matters connected with the construction and armament of naval vessels contracted for since March 4, 1880. The requirements of the resolution are stated therein as follows:

"*Resolved*, That the Secretary of the Navy be directed to transmit to the Senate information concerning all naval vessels, and machinery and armor for the same, and all naval ordnance and gun metal for constructing or furnishing which contracts have been made by the Navy Department since March 4, 1885, as follows:

"1. Copies in the case of each contract of the advertisement and of the written or printed conditions and rules for tests and inspections upon which proposals were invited.

"2. A schedule of the proposals received and awards made.

"3. A copy of the contract made.

"4. A statement showing the time within which the contract was to be performed, and the present condition of the work, and the payments made thereon, with copies of the reports and correspondence upon which each payment was made. And that the Secretary be directed also to inform the Senate whether or not, since said contracts have been made, any of the terms or conditions of any of them have been altered, or any agreements have been made for changes in the quality of material or work, or any of the stipulations or rules for tests and inspections have been relaxed or varied; and, if so, to state the circumstances and causes of any such alteration, change, or variation."

In compliance with said requirements I have the honor to transmit herewith—

First. A copy of each advertisement inviting proposals for vessels, machinery, armor, naval ordnance, and gun-metal, for constructing or furnishing which contracts have been made by the Navy Department since March 4, 1880; also copies of the written and printed conditions and rules for the tests and inspections upon which proposals were invited.

Second. Schedules of the proposals received and awards made.

Third. Copies of the contracts made.

Fourth. A statement showing the time fixed for the completion of the contract in each case; the present condition of the work; and the payments made thereon, with copies of the reports and correspondence upon which each payment was made.

In reply to the requirements of the concluding paragraph of the resolution, namely: that the Senate be informed, whether or not, since said contracts have been made, any of the terms or conditions of any of them have been altered, or any agreements have been made for changes in the quality of material or work, or any of the stipulations or rules for tests and inspections have been relaxed or varied; and, if so, of the circumstances and causes of any such alteration, change, or variation, I have to state that the information requested is contained in the accompanying copies of correspondence relating to the construction or furnishing of vessels, machinery, armor, and armament contracted for since March 4, 1880, other than that transmitted with a letter dated July 31, 1888, in answer to a resolution of the Senate adopted February 1, 1888, concerning the Chicago, Boston, Atlanta, and Dolphin, and that contained in Senate Executive Document No. 153, Forty-ninth Congress, first session.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. J. INGALLS,
President pro tempore United States Senate.

Mr. CHANDLER. I move that the communication and the accompanying papers be referred to the Committee on Naval Affairs, and printed.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy; which was read, as follows:

NAVY DEPARTMENT, *Washington, August* 14, 1888.

SIR: Referring to the resolution adopted by the Senate January 25, 1888, as follows, namely:

"*Resolved*, That the Secretary of the Navy be directed to inform the Senate what plans, designs, drawings, or specifications of ships or marine engines have been purchased or procured in foreign countries by or on behalf of the Navy Department, and from whom they have been obtained, and to state what plans, designs, drawings, or specifications so purchased or procured have been adopted, in whole or in part, for vessels or engines now under contract or construction; and also to transmit to the Senate a statement of the cost to the Government of each of such plans, designs, drawings, and specifications, and also an account of all expenditures made by the Navy Department since March 20, 1885, under the appropriations for information from abroad, and for emergencies and extraordinary expenses arising abroad"—

I have the honor to transmit herewith the information thus called for:

First. As to the plans, designs, drawings, and specifications, purchased or procured in foreign countries, which have been adopted, in whole or in part, for vessels or engines now under contract or construction, together with the names of the persons or firms from whom the same were obtained and the cost to the Government of each of such plans, designs, drawings, and specifications.

This information is contained in the accompanying schedule marked A.

Only three designs purchased abroad for hull and machinery of new vessels for the Navy have been adopted by the Department, namely: Design No. 5, which has been adopted in the construction of cruiser No. 2 (Charleston); design No. 27, which has been adopted in the construction of cruiser No. 3 (Baltimore); and the designs for the armored battle-ship Texas, which have been adopted in the construction of that vessel.

The facts connected with the purchase and adoption of "design No. 5" and "design No. 27" are stated in this Department's annual report for 1886 (page 7), as follows:

"The Department has, since March, 1885, accumulated a large amount of information in the way of plans, showing the latest advances in the art, which, it is believed, have been availed of to a very important extent by the technical officers of the Department in the work upon the new ships now about to be undertaken. I believe it to be the true policy of the Department to gather such information from every quarter and at the same time to depend entirely upon our own resources for the construction of our vessels. The Department, during this time, has kept itself in consultation with the leading ship-builders of the country, who feel themselves greatly concerned and interested in the success of the Department in these matters. The Department having in the course of its efforts purchased plans, including the detailed drawings of the motive power of the two most recent productions of Sir William Armstrong & Co., was strongly recommended by the several practical ship-builders who were consulted to reproduce the machinery in two of the new ships, and to construct the other three upon the designs of its bureaus. This course has been adopted. This intention has greatly stimulated the work of the Department, and it is hoped that the 4,000-ton ship designed by the bureaus will mark not only a very great advance over the last ships designed by them, but even over those built on the plans which have been obtained from abroad. All the time necessary for the preparation of the plans has been patiently permitted and every encouragement given to the successful solution of the problems involved."

The circumstances attending the award of a prize for the design of the Texas are stated in the annual reports of 1886 and 1887, as follows:

"ANNUAL REPORT FOR 1886.

"Congress at its recent session authorized the construction of two ironclads of about 6,000 tons each. The subject has been referred to the Bureaus of Construction, Steam Engineering, Equipment and Recruiting, and Ordnance to take the necessary steps to prepare plans for the letting. The Department has also deemed it wise to offer to all approved naval architects and ship-builders an opportunity to compete with the work of the Department in the designs for these new ships, and the sum of $15,000 has been offered as compensation for any accepted design for either of the vessels, the working drawings to be the subject of subsequent agreement. There are many distinguished architects who, of late years, have had much greater experience in new work than the liberality of our Government has made it possible for our own to enjoy, and in starting upon the creation of a new navy the Department has no embarrassment in desiring to avail of the best talent anywhere to be found in placing the new work upon a par with the best of other countries, from which point it is entirely safe to predict that the ingenuity and talent of our own countrymen will suffice to keep us in the front rank for future work.

"No time will thus be lost, even if no designs are submitted or accepted, for the process of preparing necessary plans is going on simultaneously in the Department.

"ANNUAL REPORT FOR 1887.

"As explained in the last annual report of the Department, it was decided to invite the submission of plans for these vessels by naval architects in civil life at home and abroad, and a prize of $15,000 was offered for any accepted design. Plans were received from various sources and much interest was elicited. A board of naval experts was appointed to consider the same and the award was unanimously made to the Barrow Ship-building Company, of England, for plans prepared by the eminent naval architect, Mr. William John. One of these vessels will therefore be built upon the plans of the Department and one upon those of the successful competitor."

In this connection it is proper to state that on the adoption of the plans, designs, etc., for the armored battle-ship Texas, and the award of the prize of $15,000 therefor, it was deemed for the advantage of the Department to have the working drawings prepared by the same parties whose design had been adopted. The amount to be paid for such drawings was, after mutual consideration, agreed upon at $6,900, and it was made a condition of the award that satisfactory drawings should be furnished at that price, payable on the completion and acceptance of the drawings. This sum yet remains to be paid, the delivery of the drawings, although in progress, not yet having been completed.

Referring to so much of said resolution as calls for information concerning plans, designs, etc., purchased or procured abroad by the Department, I have to state that, while it is the duty of this Department to advise itself fully as to the naval strength of other maritime powers and to be prepared to inform its own officers, in time of war, of the characteristics of every vessel which they shall chance to meet, such information being necessary to enable an officer to form a reliable judgment as to his own course, and while it is also the policy of the Department to advise itself of the improvements making from time to time in the plans of ships of war, for the information and use of the Department, and while all information on this subject possessed by the Department is made available to its own officers, it is largely received through confidential sources and it is not, in my judgment, compatible with the public interests that such information should be made public to the extent of designating all plans, designs, etc., purchased or procured in foreign countries, or the persons from whom they have been obtained; and the Department asks to be excused from making further answer to said resolution except as to the plans, designs, drawings, etc., which have been adopted by the Department, as before stated.

Secondly, referring to the remaining part of said resolution, which calls for "an account of all expenditures made by the Navy Department since March 20, 1885, under the appropriations for information from abroad, and for emergencies and extraordinary expenses arising abroad," I have the honor to transmit herewith an account, marked B, of expenditures under the appropriations for "information from abroad," since March 20, 1885, and to state that during the same period there were no expenditures under the appropriations for "emergencies and extraordinary expenses arising abroad."

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. J. INGALLS,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The exhibits accompanying these various communications are lying on the floor at the right hand of the

desk, and the Chair thinks that perhaps before they are printed it might be well to have them referred to the Committee on Printing for examination.

Mr. CHANDLER. I move that they be referred to the Committee on Printing.

I desire to state that the answer of the Secretary of the Navy to the resolution in reference to the foreign plans, the plans procured abroad for vessels, is not long, and that was the communication which I supposed was being referred to the Committee on Naval Affairs and was ordered to be printed. I make that motion now with reference to the communication which has just been read by the Secretary. The other two communications are those which are accompanied by the very bulky documents. I desire that this be referred to the Committee on Printing before the order to print is made.

The PRESIDENT *pro tempore*. The communications all bear the same date, but refer to resolutions adopted at different times, and the Chair had them read in the order of the priority of the times at which the resolutions were offered. The first one read with the accompanying papers will be referred to the Committee on Printing. The one last read will be referred to the Committee on Naval Affairs and printed. The one that is now submitted with the accompanying documents will be referred to the Committee on Printing.

The communication was read and referred to the Committee on Printing, as follows:

NAVY DEPARTMENT, *Washington, August* 14, 1888.

SIR: In accordance with the following resolution of the Senate, adopted February 1, 1888, namely:

"*Resolved*, That the Secretary of the Navy be directed to transmit to the Senate a statement of the changes made from the original plans of the Chicago, Boston, Atlanta, and Dolphin in addition to those specified in a communication from the Navy Department to the House of Representatives of February 11, 1885 (constituting House Executive Document No. 220, Forty-eighth Congress, second session), and in a communication from said Department to the Senate of May 24, 1886 (constituting Senate Executive Document No. 153, Forty-ninth Congress, first session), together with the cost of such additional changes in each case; and that the Secretary be directed also to furnish the Senate with copies of all documents and correspondence on file in said Department written since March 5, 1886, in any way concerning the aforesaid vessels, which are not contained in the annual reports of said Department, including all reports of boards and of commanding officers and engineer officers, and all log-books kept while the vessels have been in motion since said date, and all the evidences of settlements and payments made since said date by the United States, and of any unsettled claims on account of said vessels; and that the Secretary be directed further to state the present condition of the Atlanta, Boston, and Chicago, and the reasons for the delay in their completion and reception into active service, together with the reasons of the action of the Department in each case reported under this resolution, and those passed by the Senate on ths 25th of January last; and also to state the presen, condition of the monitor Miantonomoh and her armament"—

I have the honor to transmit herewith the following information, arranged under the several heads of inquiry specified in the resolution, namely:

1. "A statement of the changes made from the original plans of the Chicago, Boston, Atlanta, and Dolphin in addition to those specified in a communication from the Navy Department to the House of Representatives of February 11, 1885 (constituting House Executive Document No. 220, Forty-eighth Congress, second session), and in a communication from said Department to the Senate of May 24, 1886 (constituting Senate Executive Document No. 153, Forty-ninth Congress, first session), together with the cost of such additional changes in each case."

The answer to so much of this requirement as relates to "cost of such additional changes in each case" is included in the statement showing the actual cost of each additional change from the original plans of the Chicago, both hull and machinery, and from the original plans of the machinery of the Boston and Atlanta; also the aggregate cost of all the enumerated changes from the original plans of the hulls of the Boston and Atlanta, respectively, it being impracticable, in consequence of the destruction, by fire, of the detailed accounts of such expenditures, to furnish an itemized statement of the cost of each change from the original plans of the hulls of the two vessels last above named. There were no additional changes from the original plans, either of hull or machinery, for the construction of the United States steamer Dolphin.

2. "Copies of all documents and correspondence on file in said Department written since March 5, 1886, in any way concerning the aforesaid vessels which are not contained in the annual reports of said Department, including all reports of boards and of commanding officers and engineer officers, and all log-books kept while the vessels have been in motion since said date," and to and including April 30, 1888.

3. Copies of "all the evidences of settlements and payments made since said date (March 5, 1886) by the United States, and of any unsettled claims on account of said vessels" to and including April 30, 1888.

Referring to this requirement, I have to say that the statements of actual cost of changes, as herewith furnished, indicate two classes of expenditures connected with the construction of said vessels, namely:

1. Changes, the cost of which is properly chargeable to the Government.

2. Changes, the cost of which remains to be charged either against the Government or against the contractor, which question having, when the changes were made, been left open for further consideration, no final action has yet been had thereon. These cases constitute "unsettled claims," the "evidence" relating to which is embraced in the copies of correspondence herewith transmitted.

IV. "The present condition of the Atlanta, Boston, and Chicago, as shown by the reports," copies of which, marked A, B, C, D, and E, are herewith transmitted.

V. "The reasons for the delay in their completion and reception into active service, together with the reasons for the action of the Department in each case reported under this resolution and those passed by the Senate on the 25th of January last."

The reasons alluded to, so far as they relate to the three vessels last above-named, will be found in the several reports and correspondence transmitted herewith—and when not fully appearing will hereafter be communicated if, upon consideration of the whole matter, the same shall seem necessary. So far as the requirement relates to other vessels, the answer thereto will be embraced in a separate communication.

VI. "The present condition of the monitor Miantonomoh and her armament" is stated in reports from the chiefs of the Bureaus of Construction and Repair, Steam Engineering, and Ordnance, dated, respectively, June 29, July 3, and August 7, 1888, copies of which are herewith transmitted.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. J. INGALLS,
President pro tempore United States Senate.

EFFECT OF IRRIGATION ON LOWER VALLEYS.

Mr. PLUMB. I desire to offer a resolution to be read and to lie on the table until to-morrow, when I will ask for its consideration.

The PRESIDENT *pro tempore*. The resolution of the Senator from Kansas will be read for information.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be directed to inquire and report to the Senate at its next session the extent to which the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado, for irrigation or other purposes, affects the flow of the water of those streams in the lower valleys, and especially during the growing season; and whether the title conveyed by the Government to lands fronting on said streams covers the privilege of diverting water therefrom beyond that necessary for use thereon for irrigation and mining purposes, and to report what action is needed to protect the rights of riparian owners along the course of said streams in the States of Kansas and Nebraska.

The PRESIDENT *pro tempore*. The resolution will lie on the table, and be printed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present the report of the conference committee on the naval appropriation bill.

The PRESIDENT *pro tempore*. The Chair will receive it. Does the Senator from Maine desire to have the report acted upon now?

Mr. HALE. I so desire.

Mr. VEST. If that will lead to much debate will the Senator permit me to make a report from the Judiciary Committee?

Mr. HALE. This will be out of the way in five minutes, I have no doubt.

The Secretary read the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10556) "making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 8, 21, 22, 23, 24, 25, 27, 28, 29, 46, 47, 48, 55, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 15, 18, 34, 35, 37, 38, 39, 40, 49, 51, 57, 59, 65, 66, 67, 68, 70, 72, 73, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Insert after the word "same" in line 9, page 4, of the bill the following: "and to enable the Naval War College to be conducted at said island up to January 1, 1889;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "after said date;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$625,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate numbered 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,367,156.47;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,325.53;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 20, page 26 of the bill, strike out "fifty-one" and insert in lieu thereof "seventy-one;" and in lines 21 and 22, same page, strike out "one hundred and ninety-eight" and insert in lieu thereof "two hundred and eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,494.20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$674,080.20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$917,213.77;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 63 and 64, and agree to the same with an amendment as follows: In lieu of the matter inserted and stricken out by said amendments insert the following:

"One armored cruiser of about 7,500 tons displacement, to cost, exclusive of armament, not more than $3,500,000; and three gunboats, or cruisers, neither of which shall exceed 2,000 tons in displacement nor $700,000 in cost, excluding any premium that may be paid for increased speed and the cost of armament; said three gunboats, or cruisers, to be built either wholly of steel or with steel frames."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the Senate amendment numbered 69, and agree to the same with amendments as follows: Substitute for said House amendments to said Senate amendment the following:

Page 33, line 26 of the bill, strike out the word "on" and insert in lieu thereof the word "and."

Page 33, line 26 of the bill, after word "Congress," insert the following: "with their engines, boilers, and machinery."

Page 34, line 1 of the bill, strike out the word "on" and insert in lieu thereof the word "and."

Page 34, line 3 of the bill, strike out the word "on" and insert in lieu thereof the word "and."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted insert the following: "Vessel or vessels;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the Senate amendment numbered 75, and agree to the same.

EUGENE HALE,
C. B. FARWELL,
JAS. B. BECK,
Managers on the part of the Senate.
H. A. HERBERT,
WM. McADOO,
JOHN R. THOMAS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. ALDRICH. I would like to have the Secretary read once more the amendment which was agreed to in the conference committee to Senate amendments numbered 3 and 4.

The PRESIDENT *pro tempore*. The Secretary will read what is desired.

Mr. ALDRICH. Simply the amendments made to Senate amendments 3 and 4.

The amendment to Senate amendment No. 3 was read.

Mr. ALDRICH. I would like to ask the Senator from Maine representing the Committee on Naval Affairs whether it is the intention by the language used in that amendment to limit the discretion of the Secretary of the Navy as to the location of the naval war college?

Mr. HALE. Not in any way, Mr. President. The Secretary of the Navy under the law has the power, without any command on the part of Congress, to consolidate the two. He has had that in his mind for some time. This amendment was suggested by the House conferees as a matter of precaution, so that nothing would be done that would touch the duties now being performed in connection with the war college, and that was agreed to, as was the next amendment in connection with that college, and it was not intended to affect it in any way.

Mr. ALDRICH. That explanation is satisfactory to me. The people of Newport are very much interested in the war college, and if it were intended to commit Congress to its removal I should desire to enter a protest.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island desire to have the amendment to Senate amendment No. 4 read?

Mr. ALDRICH. No, sir.

Mr. MITCHELL. I desire to ask the Senator from Maine whether there are any changes made in the appropriation for navy-yards and docks on the Pacific coast—whether the appropriation for that purpose remains the same?

Mr. HALE. The appropriation remains the same.

Mr. BECK. There is only one thing that I desire the chairman of the committee of conference to explain to the Senate, and that is in regard to the provisions that we in the Senate inserted and the provisions that were struck out in the Senate, and what changes have been made by reinserting? That is the only important question, I understand.

Mr. HALE. The only agreement which could be reached without a protracted conference was to adopt the propositions of both the House and the Senate and embody them both in the bill. They are both here. The House would not agree to the Senate proposition alone, the Senate would not agree to the House proposition alone, and, in the end, in the interest of the increase of the Navy, both propositions were adopted.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

COURTS IN MISSOURI.

Mr. VEST. I desire to make a report from the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The report will be received, if there be no objection.

Mr. VEST. I report favorably from the Committee on the Judiciary Senate bill No. 1604 with an amendment in the nature of a substitute. I will ask the Senate to consider the bill now. It simply changes the terms of the Federal courts in Missouri, and there is only a very short time intervening now before the first of the terms will be held.

The PRESIDENT *pro tempore*. The bill will be reported by its title.

The SECRETARY. A bill (S. 1604) to change the time of the sessions of the circuit court of the western division of the western district of Missouri.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and insert:

That the terms of the circuit court of the United States for the western division of the western district of Missouri shall begin and be held at Kansas City, in said State, on the first Mondays in March and September annually.

That the terms of the district court of the United States for the western division of the western district of Missouri shall begin and be held at Kansas City, in said State, on the first Mondays in May and October annually.

That the terms of both the circuit and district courts of the United States for the Saint Joseph division of the western district of Missouri shall begin and be held at Saint Joseph, in said State, on the first Mondays in April and November annually.

That the terms of both the circuit and district courts of the United States for the central division of the western district of Missouri shall begin and be held at Jefferson City, in said State, on the third Mondays in April and November annually.

That the terms of the district court of the United States for the southern division of the western district of Missouri shall be held at Springfield, in said State, on the third Mondays in May and October annually. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 2. All process issued from the clerk's office of said courts when the act takes effect shall be taken and considered as returnable to the term or terms hereby established in lieu of the term or terms existing at the time such process was issued.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to change the times of the sessions of the circuit and district courts for the western division of the western district of Missouri."

Mr. VEST. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives thereon.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate insist upon its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. WILSON of Iowa, and Mr. COKE were appointed.

BRIDGE BETWEEN EL PASO AND PASO DEL NORTE.

Mr. COKE. I ask unanimous consent to be allowed to call up Order of Business No. 2115, House bill No. 11118.

There being no objection, the bill (H. R. 11118) to authorize the construction and operation of a street-railway and wagon bridge across the Rio Grande between the city of El Paso, Tex., and Paso del Norte, Mexico, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. BRIGGS.

Mr. SAWYER. I desire to present a conference report.

The PRESIDENT *pro tempore*. The report will be received if there be no objection.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 899) for the relief of Mary M. Briggs having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to an amendment as follows, namely: Before the word "pension" where it last occurs insert the word "widow's;" and the Senate agree to the same.

PHILETUS SAWYER,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.
CARLOS FRENCH,
A. C. THOMPSON,
Managers on the part of the House.

The report was concurred in.

PRIVATE PENSION BILLS.

Mr. DAVIS. I ask unanimous consent that the Senate proceed to the consideration of private pension bills favorably reported.

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. DAVIS] asks unanimous consent that the unfinished business be informally laid aside so that he may move the consideration of private pension bills on the Calendar to which there is no objection.

Mr. BROWN. If all the private pension bills are to be taken up under that motion I ask the Senator from Minnesota to be kind enough to allow me to have one bill considered before he takes them up. It is a very short bill.

Mr. DAVIS. Without prejudice to my request?

Mr. BROWN. Without prejudicing the request of the Senator from Minnesota.

Mr. COCKRELL. I did not hear the request of the Senator.

The PRESIDENT *pro tempore*. The request of the Senator from Minnesota is that the Senate proceed to the consideration of private pension bills favorably reported on the Calendar to which there is no objection.

Mr. COCKRELL. Favorably reported; very well.

Mr. CALL. I should like to appeal to the Senator from Minnesota to allow me to ask the Senate to take up the resolution reported by the Committee on Epidemic Diseases, for the suppression of yellow fever.

Mr. BROWN. I think I addressed the Chair before the Senator from Florida did.

The PRESIDENT *pro tempore*. The Senator from Georgia has the floor.

Mr. BROWN. I understood the Senator from Minnesota to consent that I have a short bill disposed of before the pension bills are taken up.

The PRESIDENT *pro tempore*. But the Senate has not yet given its unanimous consent for the consideration of the private pension bills.

The Chair was about asking whether there was objection to the consideration of the private pension bills on the Calendar to which there is no objection.

Mr. CALL. I do not like to object, but I will ask the Senator to withdraw his request in order that this yellow-fever matter may be taken up.

Mr. DAVIS. It will not take half an hour to go through the private pension Calendar of unobjected cases. I would a little rather proceed now.

Mr. CALL. Very well.

Mr. BROWN. The bill I desire taken up is Order of Business 2066, House bill 3480.

The PRESIDENT *pro tempore* The title of the bill will be reported from the desk.

The SECRETARY. Order of Business 2066, being the bill (H. R. 3480) for the relief of John D. Munnerlyn.

The PRESIDENT *pro tempore*. Is there objection to the consideration of this bill?

JOHN D. MUNNERLYN.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $1,496.21 for the payment of the salary of John D. Munnerlyn, of Georgia, for services as assistant assessor of internal revenue from December, 1865, to September, 1866, for which he has never received the pay allowed by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Secretary will state the first private pension bill on the Calendar favorably reported.

Mr. DAVIS. On conference with the Senator from Florida [Mr. CALL] I feel that I ought to yield to the urgency of his business.

The PRESIDENT *pro tempore*. The order is then revoked, and the Senator from Florida [Mr. CALL] asks unanimous consent that the unfinished business may be informally laid aside for the purpose of considering the joint resolution reported this morning by the Senator from Tennessee [Mr. HARRIS].

Mr. CALL. It was reported from the Committee on Epidemic Diseases.

The PRESIDENT *pro tempore*. It is not in the hands of the Secretary, not yet having been sent back from the Printer.

Mr. COCKRELL. We had better go on with the pension bills, then.

Mr. CALL. Before that is done I desire to thank the chairman of the Committee on Pensions for his kindness and consideration in this matter.

The PRESIDENT *pro tempore*. The first private pension bill on the Calendar will be reported by its title.

ELIZA A. WILLIAMSON.

The bill (H. R. 9672) granting a pension to Eliza A. Williamson was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mrs. Eliza A. Williamson, widow of Eustace Hunt, an ensign in the Fifth Regiment Virginia Militia, who served in the Army of the United States in the war of 1812, notwithstanding her marriage to George Williamson, now deceased about thirty-two years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I should like to hear the report read in that case which has just been passed.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report submitted by Mr. SAWYER August 1, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 9672) granting a pension to Eliza A. Williamson, have examined the same, and report:

The committee concur in the House report upon which the bill was passed, and which is as follows:

"Mrs. Eliza A. Williamson is an old lady, in greatly reduced circumstances. She has now been a widow about thirty-two years. Her first husband, Eustace Hunt, was an ensign in the Fifth Regiment Virginia Militia, who served in the war of 1812. But for her second marriage to her late husband, George Williamson, she would be entitled to a pension under the general law.

"Your committee think, under all the circumstances, that Mrs. Williamson's name should be placed upon the pension-roll; and therefore recommend the adoption of the accompanying substitute, and that the original bill (H. R. 6494) lie upon the table."

The bill is reported favorably, with a recommendation that it do pass.

Mr. COCKRELL. I should like to inquire if there is not quite a large number of such widows, and if this applicant does not come within a class of widows that ought to be provided for by general law and not by special legislation of this kind? Is there any difference between this widow and probably fifty or one hundred or five hundred other widows who married soldiers of the war of 1812, whose husbands died leaving them widows, and who afterwards married and their second husbands have died? Is there not a large number of that class?

Mr. SAWYER. If so I am not aware of it. The committee have universally made it the rule in cases of that kind to report a bill. I think there are very few such cases.

The PRESIDENT *pro tempore*. The bill has passed.

MRS. CATHARINE REED.

The bill (H. R. 7717) granting a pension to Mrs. Catharine Reed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Catharine Reed, the widow of Eben P. S. Reed, late of Company D, One hundred and second regiment of Ohio Volunteer Infantry.

Mr. CALL. I understand the joint resolution which I asked to be considered a moment since has been found, and I now ask the chairman of the Committee on Pensions if he will allow it to be brought up for consideration?

Mr. DAVIS. Let this bill pass, and then I will yield very willingly.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. DAVIS. I yield to the Senator from Florida.

Mr. CHANDLER. I desire to ask the Senator from Florida whether he wishes to act on that resolution in the absence of the chairman of the Committee on Epidemic Diseases?

Mr. CALL. I am anxious to have the resolution considered at the very earliest possible moment. Certainly if I can not have it done I do not wish to interfere with the pending business. I withdraw the application for the time being.

Mr. SAWYER. Let us go on with pension cases, then.

The PRESIDING OFFICER (Mr. CHACE in the chair). The Secretary will report the next pension bill on the Calendar.

ANDREW MUCKLIN.

The bill (H. R. 5232) granting a pension to Andrew Mucklin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew Mucklin, late of Battery C, Fifth Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESIA FICHTER.

The bill (S. 3269) granting a pension to Theresia Fichter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theresia Fichter, widow of Paul Fichter, late of Company E, of the Fifth Regiment of Pennsylvania Cavalry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. QUAY July 26, 1888:

The Committee on Pensions, to whom was referred the bill (S. 3269) granting a pension to Theresia Fichter, widow of Paul Fichter, having had the same under consideration, respectfully report as follows:

The committee report that it appears said Paul Fichter was a private of Company E, Fifth Regiment of Pennsylvania Cavalry Volunteers, from 1861 to 1864, and was honorably discharged; that while in said service and line of his duty he was badly wounded and injured by being struck by a shell, and also had his health and constitution destroyed, from the effects of which he became paralyzed, and died May 29, 1870; that his widow, the said Theresia Fichter, claimed a pension, and her claim was rejected by the Pension Bureau on the ground, as alleged, that the cause of said soldier's death was not due to his military service; that it appears the physician who attended him at the time of his death, a Dr. Smith (since deceased), not only made a mistake in returning the cause of his death as apoplexy, but also in his occupation, and even in his name.

The following is a synopsis of the evidence filed in the case, showing that said soldier's death resulted from his military service:

William Rosinsky testified that he was orderly sergeant of said soldier's company, and that about June or 1st of July, 1864, on the Weldon Railroad, Virginia, said soldier was badly wounded and injured by a shell which struck him in the right side, which carried away a portion of his clothes and made him, from his thigh to his waist, as black as a black felt hat, and by reason of which wound or injury he was disabled for further duty. Saw him a year or so after his discharge, and he was complaining of his wound.

William Friebold testified that he was a private in his company and corroborates the former witness as to said Fichter being out on the Weldon Railroad, Virginia, on a raid; and this witness saw him when he came into camp wounded in right leg, from his groin down, which was black and blue, and he had to be helped, and his clothes were shot away on that side, and he was totally disabled for any duty afterwards while in the service.

Isabella Sands testified that she saw him at about the time of his discharge from the Army in 1864, and he was then sick all over and complained of being sick and feeling bad, and of pains in his side from wound in his side and hip. She lived near neighbor and saw him from the time of his discharge to his death, and he complained of pains in his head, and in his shoulders, and in his hip; thinks he had rheumatism from his wound. Was not able to do but little work after he came from the Army, only a day or two, once in awhile; that soon after his discharge he was attended by a doctor who said his condition was caused by exposure in the Army and from his injury; that she is certain his death was caused by his army service, as he was never any good after he came from the Army; he was bed-fast for several weeks before he died, and was paralyzed on one side, and for two days before he died he could not speak, though conscious.

Robert Harris testified that he saw the soldier about the time he came from the Army at the time of his discharge in 1864, and he looked all broke up, and he got it in the Army; and his disability appeared to be greatly from a wound or injury of his side, but he was sick and all broken in health; and a Dr. Smith attended him soon after he came home, and continued to attend him more or less till he died; and he was not able to work but very little after he came home from the Army; only able to work a day once in a while, and was always complaining of his injured side, thigh, and hip, which made him lame; and was paralyzed on that side, as was stated by the doctor who attended him, who has since died.

Rachel Fichter testified that she saw him at discharge and return home in 1864, and he was then sick, and was lame from a wound of right side or leg, and he showed her his blouse and pants torn and blackened by the shell that struck him, and a piece of the leather of the saddle that was shot away when he was wounded; and he seemed to have a cold also when he came home, and he was

greatly broken down and could not work and support his family on account of his wound and bad health he got in the Army. He was hearty and strong when he enlisted in 1861; he was always complaining and never had any good health after his discharge. She saw him every day for two weeks before he died, and from a Thursday to the following Saturday, when he died, he was helpless, and had a difficulty with his throat and chest.

Anna Gow, his daughter, testified that she lived at home when her father came home from the Army at his discharge in 1864, and afterwards to near the time he died; and when he was discharged he was crippled up from a wound in his right side near the groin, which made him lame; and he complained of his throat very much afterwards, and was weak in his chest and unable to work but very little; and his wound broke out a couple of weeks or so after his discharge, and broke out in sores every little while till he died. He got weaker, and for two weeks before he died he was sick in bed, and for four days before death was helpless.

Emma Grouse testified that she saw him at the time of his discharge, and he was suffering from wound in side and groin, and was kind of drawn up and stiff, and was sick and broken down, and he was well and hearty when he went away in 1861. Saw him two or three times a week after his discharge, and he was not able to work; do not think he worked six days during the six years he lived after his discharge on account of his wound and bad health; that for two weeks before his death she helped to nurse him; that about two weeks after his said discharge he was attended by a Dr. Smith (since deceased) for a trouble in his throat and for his wound, and again for a week before his death, and he could not move his right side and could not talk, and his death was caused by his army service, she is certain.

The committee believe, in view of the evidence recited, that the said soldier died from the effects of a lingering disability, the result of wound or injury incurred in the military service and line of duty, resulting, finally, in paralysis, of which he died.

We, therefore, report the bill favorably and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. PFEIFFER.

The bill (S. 3087) granting a pension to Mary A. Pfeiffer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Pfeiffer, widow of Charles L. Pfeiffer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MONOHAN.

The bill (S. 3085) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers, and to pay to the child, or to his guardian, the remaining pension that he would have received had not his name been stricken from the roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORIAN LISCHEWSKY.

The bill (S. 3083) restoring to the pension-roll the name of Florian Lischewsky was considered as in Committee of the Whole. It proposes to restore the name of Florian Lischewsky, late a private in Company C, Twenty-ninth Regiment New York Volunteers, to the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINOR CHILDREN OF GEORGE R. M'GUIRE.

The bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Victor, Gertrude, Margaret, and Helen, the minor children of George R. McGuire, late a lieutenant of Company I, Thirteenth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. F. ST. SURE LINDEFELT.

The bill (H. R. 3055) for the relief of A. F. St. Sure Lindefelt was considered as in Committee of the Whole. It directs the Secretary of the Interior to hear and determine the claim of A. F. St. Sure Lindefelt, late surgeon of the Fifteenth Wisconsin Volunteers, for pension, and upon proper case made, to pension him the same as if he had been regularly mustered as assistant surgeon of the Twelfth Wisconsin Volunteers, May 1, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. SANDERS.

The bill (S. 2599) granting a pension to George L. Sanders was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of George L. Sanders, Company A, One hundred and twenty-first Pennsylvania, and Company I, Two hundred and second Pennsylvania.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA M. EDIE.

The bill (S. 3325) granting an increase of pension to Julia M. Edie was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia M. Edie, widow of the late Capt. and Bvt. Maj. John R. Edie, Ordnance Department, United States Army, and daughter of the late Commodore C. S. McCauley, United States Navy, at $40 per month, in lieu of the pension which she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMANUEL H. CUSTER.

The bill (H. R. 9387) for the relief of Emanuel H. Custer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emanuel H. Custer, dependent father of Thomas W. Custer, who was a captain in Company C, Seventh United States Cavalry, at $50 a month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. NANCY E. SPENCER.

The bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Nancy E. Spencer, widow of Charles L. Spencer, late of Company H, Forty-seventh Regiment Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. JONES.

The bill (H. R. 775) granting an increase of pension to John D. Jones, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Jones, late a private in Company G, Seventh Kansas Cavalry, at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. BAKER.

The bill (H. R. 9792) to increase the pension of Charles S. Baker was considered as in Committee of the Whole. It proposes to increase the pension of Charles S. Baker, late a private of Company B, Seventy-second Regiment New York State Volunteers, to $45 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUSSEL L. DOANE.

The bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Sanilac County, Michigan, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Russel L. Doane, of Peck, Sanilac County, Michigan, dependent father of the late Demster Doane, late of Company D, Thirty-fifth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN ASH.

The bill (S. 3283) granting a pension to Reuben Ash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private in" and insert "first lieutenant of;" in line 7, after the word "Company," to strike out the letter "B" and insert the letter "E;" and in line 9, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Ash, late first lieutenant of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 a month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HELEN B. BROWN.

The bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Helen B. Brown, widow of George H. Brown, deceased, late a private of Company B, First Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY A. JORDAN.

The bill (H. R. 9463) granting a pension to Lucy A. Jordan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy A. Jordan, widow of James W. Jordan, late of Company C, Fifth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMERON J. PATCHIN.

The bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin was considered as in Committee of the Whole. It proposes to grant to Almeron J. Patchin, late of Company E, Twentieth Regiment Ohio Infantry Volunteers, a pension of $45 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CROTSLEY.

The bill (H. R. 8617) granting a pension to Henry Crotsley was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Henry Crotsley, late private of Company H, Fifteenth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA MATILDA SELFRIDGE.

The bill (S. 3414) granting a pension to Emma Matilda Selfridge was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma Matilda Selfridge, widow of James L. Selfridge, late colonel of the Forty-sixth Pennsylvania Volunteers and brevet brigadier-general, at the rate of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT O. ROBB.

The bill (H. R. 9399) granting a pension to Albert O. Robb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert O. Robb, formerly a private in Company K, Twenty-third Regiment of Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL FRANCIS.

The bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll was considered as in Committee of the Whole. It proposes to reinstate on the pension-roll the name of Nathaniel Francis, late private in Company D, Forty-eighth Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE BUSSEY.

The bill (H. R. 333) granting a pension to Catharine Bussey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Bussey, widow of Frederick Bussey, late a private of Company K, Fifth Kentucky Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SOUTH.

The bill (H. R. 6848) for the relief of Elizabeth A. South was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth A. South, the widow of John B. Wills, late private in Company B, Twenty-first Kentucky Volunteers in the late civil war, as though she had not again married.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. MOORE.

The bill (S. 3339) granting an increase of pension to Charles H. Moore was considered as in Committee of the Whole. It proposes to increase the pension of Charles H. Moore, late private Company H, Eleventh Connecticut Volunteers, to $25 a month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN A. STARKWEATHER.

The bill (S. 3426) granting a pension to Susan A. Starkweather was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan A. Starkweather, widow of Wallace Starkweather, late of Company A, One hundredth Regiment New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CORR.

The bill (S. 3091) granting a pension to John Corr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Corr, late a member of Company K, Fifth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. HARWOOD.

The bill (S. 3114) granting a pension to Joseph H. Harwood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph H. Harwood, late of Company I, Twenty-sixth Regiment Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. T. MAPHET.

The bill (H. R. 217) granting a pension to C. T. Maphet was considered as in Committee of the Whole. It proposes to place on the pension-rolls C. T. Maphet, he having been a private in Company D, Fifteenth Regiment Kansas Cavalry, and now living at Olcott, in Reno County, Kansas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER J. COLLINGE.

The bill (H. R. 2176) granting a pension to Alexander J. Collinge was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alexander J. Collinge, late a member of Company A, Thirty-ninth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CHILDREN OF ORISON S. BALDWIN.

The bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin was considered as in Committee of the Whole. It proposes to place upon the pension-roll the names of the minor children of Orison S. Baldwin, deceased, late of Company G, Fourth Illinois Cavalry, at the rate prescribed by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WILSON.

The bill (S. 3201) granting a pension to Elizabeth Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Wilson, widow of Henry H. Wilson, late captain of Company F, Sixteenth Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS STRODDER.

The bill (H. R. 8087) for the relief of Thomas Strodder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the words "Company K," to strike out "One hundred and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed to place the name of Thomas Strodder, late of Company K, Fourth Regiment United States Colored Volunteers, on the pension-rolls, subject to the limitations and provisions of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE A. WASHBURN.

The bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike out "one hundred" and insert "seventy-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of George A. Washburn, late major of the Sixteenth Connecticut Volunteers, at the rate of $72 per month, in lieu of the amount ($45) per month he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MARSTON.

The bill (S. 3112) granting an increase of pension to William H. Marston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "sum of," to strike out "fifty" and insert "forty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to increase the amount of pension allowed William H. Marston, late of the Seventeenth Michigan Infantry, to the sum of $45 per month, in lieu of the amount he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

D. G. RUMMEL.

The bill (S. 3109) granting a pension to D. G. Rummel was considered as in Committee of the Whole. It proposes to place the name of D. G. Rummel on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RITCHEY.

The bill (H. R. 5123) to increase the pension of Charles Ritchey was considered as in Committee of the Whole. It proposes to place on the invalid pension-roll the name of Charles Ritchey, late a sergeant of Company K, Thirty-ninth Indiana Infantry Volunteers, at the increased rate of $40 per month, for the loss of both lower limbs.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. PLATT. I should like to hear that bill read once more.

The Chief Clerk read the bill.

Mr. PLATT. The loss of both lower limbs brings $72 a month, does it not? I think there is some mistake about the language of the bill. I think it was intended to increase the pension perhaps $40 from what it now is. My recollection is that the rate for loss of both lower limbs is $72. I think the bill had better be passed over for the time being until we can investigate it.

Mr. BECK. Where is the soldier from?

The PRESIDING OFFICER. From Indiana, the Chair is informed.

Mr. BECK. The bill was reported by the Senator from Indiana [Mr. TURPIE], and I expect it is right. That is all I desire to say.

The PRESIDING OFFICER. The Senator from Connecticut requests that the bill be passed over. If there be no objection, that disposition will be made of it.

Mr. PLATT subsequently said: With reference to the bill which I spoke of a moment ago, I find by the report that the facts are—

That he is now drawing a pension of $16 per month for such disability, which is paralysis. He makes application now for an increase of his pension on the ground of total disability in the loss of both of his lower limbs, which occurred since he has been drawing his pension, by being run over by a railway engine while crossing the track, he being unable to get out of the way on account of the paralysis for which he was pensioned. His claim was rejected in the Pension Office on the ground that he was drawing all the law would allow for paralysis.

The committee find from the testimony in this case that it is reasonably certain that if the soldier was not suffering from paralysis he would not be injured by the engine aforesaid.

I still think that the bill ought to have been at the rate of $72 a month; but under these circumstances, it being understood and reported by the Senator from Indiana, I make no objection to it.

The PRESIDENT *pro tempore*. The consideration of the bill will be resumed, if there be no objection, and the question is on its passage.

The bill was passed.

NANCY BALDWIN.

The bill (H. R. 4504) granting a pension to Nancy Baldwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Baldwin, widow of Reuben Baldwin, deceased, late of Company B, Fifty-eighth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN SINGLETON.

The bill (H. R. 9130) granting a pension to Susan Singleton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Singleton, dependent mother of Dudley P. Singleton, late a private in Company H, Fifty-ninth Indiana Volunteers.

The bill was reported to the Senate without amendment ordered to a third reading, read the third time, and passed.

JESSE M. STILWELL.

The bill (H. R. 6371) granting a pension to Jesse M. Stilwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "of," to strike out "Lionsville" and insert "Zionsville;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Jesse M. Stilwell, of Zionsville, Boone County, Indiana, late of Company A of the Seventieth Regiment Ohio Volunteers, upon the pension-roll, at the rate of $16 a month, subject to the regulations of the Pension Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARTHA F. LEE.

The bill (H. R. 9704) granting a pension to Martha F. Lee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha F. Lee, widow of William F. Lee, late a private in Capt. Isaac S. Vincent's company of Georgia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL PIERCY.

The bill (H. R. 3710) granting a pension to Samuel Piercy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Piercy, who served in Company E, Ninth Kentucky Volunteer Infantry, in the late civil war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL E. WILSON.

The bill (H. R. 8931) for the relief of Samuel E. Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel E. Wilson, late a member of Company G, Fifty-sixth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. W. PORTER.

The bill (H. R. 4792) to pension J. W. Porter was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of John W. Porter, late private of Company E, Battalion of Missouri Mounted Volunteers, for services in the Army in the establishment of military posts, and for services on the frontier during the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT WATSON.

The bill (H. R. 9824) for the relief of Albert Watson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert Watson, the invalid son of Peter D. Watson, late a private of Company B, Seventy-sixth Regiment Illinois Volunteers, at $18 per month for and during his natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES WALSTER.

The bill (H. R. 5503) granting a pension to Charles Walster was considered as in Committee of the Whole. It proposes to place the name of Charles Walster, late a private in Company C, Thirteenth Illinois Cavalry, and Company M, Second Illinois Light Artillery, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA E. AMBROSE.

The bill (H. R. 7508) granting a pension to Julia E. Ambrose was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia E. Ambrose, widow of Joseph N. Ambrose, Company G, Eleventh Regiment Ohio Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB NEWHARD.

The bill (H. R. 4855) granting a pension to Jacob Newhard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Newhard, of Carey, Wyandot County, Ohio, late a lieutenant in Company F, One hundred and first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORA HEATH.

The bill (H. R. 5529) granting a pension to Flora Heath was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Flora Heath, an invalid daughter of Samuel Heath, late a private of Company C, Third Regiment of Indiana Cavalry, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. WILSON.

The bill (H. R. 549) granting a pension to Joseph S. Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph S. Wilson, late a private in Company F, First Pennsylvania Reserve Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET J. M'QUARY.

The bill (H. R. 8571) granting a pension to Margaret J. McQuary was considered as in Committee of the Whole. It proposes to place the name of Margaret J. McQuary, daughter of Perry McQuary, late a sergeant of Company B, Ninety-ninth Indiana Volunteers, who was killed in battle before Atlanta, Ga., July 28, 1864, upon the pension-rolls, at $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELIA NEWMAN.

The bill (H. R. 7013) to place the name of Delia Newman on the pension-roll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Newman," to strike out the words "of Company ——, —— Regiment," and insert "a member of Capt. James Bradley's company;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Delia Newman, widow of late Will-

iam Newman, a member of Capt. James Bradley's company of North Carolina troops of war 1812, on the pension-roll, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZA A. WOODS.

The bill (H. R. 8885) granting a pension to Eliza A. Woods was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Eliza A. Woods, widow of Richard Woods, who was an ensign and lieutenant in Captain Jones's company, Colonel Anderson's regiment of United States Infantry, war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL MORGAN.

The bill (H. R. 10607) granting a pension to Rachel Morgan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Morgan, mother of Louis Dixon, who is shown by the report of the War Department to have died of wounds received while serving with the Fifth Regiment United States Colored Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN COOK.

The bill (H. R. 9228) for the relief of Nathan Cook was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathan Cook, late of Captain Vincent's Company, Georgia Volunteers, Cherokee war, and to pay him a pension from the date of his application, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY NEWTON.

The bill (H. R. 9227) for the relief of Mary Newton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Newton, the daughter and only surviving heir of John Jordan, of the Continental Line, in the war of the Revolution, at the rate of $12 per month.

Mr. COCKRELL. Let us hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER August 13, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 9227) granting a pension to Mary Newton, have examined the same, and report:

Upon an examination of the evidence in this case the committee find that the facts are fairly presented in the report of the Committee on Pensions of the House of Representatives made the first session of the Fiftieth Congress, which facts, in the opinion of the committee, are sufficient to entitle the claimant to the relief granted by the bill.

The committee therefore adopt said report, and recommend the passage of the bill.

The report is as follows:

"That the claimant, Mrs. Mary Newton, is the only surviving child of John Jordan, who was a soldier for three years in the war of the Revolution. She is now in her eighty-fifth year, having been born, as shown by the family record before your committee, on the 2d day of July, 1804, and in her old age applies to Congress for relief.

"It is shown by the records of the soldiers who served in the Virginia Continental line that John Jordan served as bombardier in Colonel Harrison's regiment of artillery (Virginia quota) for three years from and after the 20th of December, 1776. A land-warrant was issued to him by the State of Virginia in November, 1783. It appears that during his term of service he was captured by the British and confined on board a prison-ship for over three months.

"The identity of the soldier who rendered the above-mentioned service with the father of the applicant is fully established by the testimony of very estimable people, whose affidavits were filed in the pension claim of the widow of the soldier more than forty years ago. One of these witnesses, Jincey Riddle, testified that when she was a small child she well remembers John Jordan came to her father's house in Greenville County, Virginia, having just been released from a British prison-ship, and that there was a great stir among the women of the settlement to have some clothes made for the soldier before he went back again to join the Army.

"The death of the mother of the applicant occurred on the 6th day of July, 1847.

"Your committee return the bill to the House, with the recommendation that it do pass."

Mr. COCKRELL. This is going further, I think, than the Senate has ever gone in these cases. I simply desire to enter my protest against this principle of pensioning the grandchildren of Revolutionary soldiers, or of any other soldiers. There is neither justice, equity, nor right in it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HOAR subsequently said: I move to reconsider the vote by which the Senate passed the bill (H. R. 9227) for the relief of Mary Newton.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to reconsider the vote by which House bill 9227 was passed.

The motion was agreed to.

The PRESIDENT *pro tempore* If there be no objection, the vote by which the bill was ordered to a third reading will also be reconsidered. The Chair hears no objection, and the bill is open to amendment.

Mr. HOAR. I should like to hear from the Pension Committee in relation to that case.

Mr. DAVIS. I was not present at the meeting of the committee when that bill was considered and reported. I was not in the city at the time. The Senator from West Virginia [Mr. FAULKNER], who reported it, is not in his seat. I ask that it be passed over.

Mr. HOAR. I suggest that it should be recommitted to the committee. All that appears in the report of the committee is that the lady in question is the daughter of a Revolutionary soldier. She was born in 1804, and is an aged lady, undoubtedly entitled to respect and sympathy; but the naked statement of that fact certainly, it seems to me, suggests no reason for putting the person on the pension-roll. She was born long after the war, never a dependent child of a Revolutionary soldier; and if we extend the pension-roll to that degree it will involve adding enormously to the burden of the pension-roll in favor of persons who never had any claim of their own, making the right to a pension an inheritable matter. If there be any extraordinary circumstances connected with this lady, it seems to me that they should appear in the report, and not merely have the naked facts stated which I have narrated.

The PRESIDENT *pro tempore*. Does the Senator move to recommit the bill?

Mr. HOAR. I make that suggestion, but I will not insist upon any disposition as to the mode of proceeding against the wish of the chairman of the committee.

Mr. DAVIS. It not infrequently happens that the discretion of the committee is powerfully appealed to in cases of an exceptional character where, of course, it would be conceded that under any pension legislation now existing the beneficiary is not entitled to relief.

As I said, I was not in the city at the time this report was made and I knew nothing about it, not having been present at the meeting of the committee. The bill was reported by the Senator from West Virginia, who is not in his seat.

Mr. PLATT. He is here now.

Mr. DAVIS. I did not observe that he was here. I should prefer for my part that the bill be passed over instead of being recommitted to the committee as if it had not been properly considered.

Mr. HOAR. I do not question but that the case has been thoroughly considered, but I thought perhaps the grounds upon which the committee proceeded might be a little more fully stated in the report. The Senator from West Virginia, who made the report, is now here.

The PRESIDENT *pro tempore*. The vote by which the bill was passed and also the vote by which it was ordered to a third reading have been reconsidered. The bill will remain on the Calendar without prejudice.

THOMPSON D. HATFIELD.

The bill (S. 3335) granting a pension to Thompson D. Hatfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "month," to add, "this sum to be paid only to the legally appointed guardian of said Thompson D. Hatfield, an insane person, for the purpose of his support and maintenance;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thompson D. Hatfield, at the rate of $25 a month, this sum to be paid only to the legally appointed guardian of said Thompson D. Hatfield, an insane person, for the purpose of his support and maintenance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE C. VAN ARNUM.

The bill (S. 3422) granting a pension to Kate C. Van Arnum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Kate C. Van Arnum, widow of John W. Van Arnum, late a private in Company D, Fourth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. M'VEAN.

The bill (S. 3421) granting a pension to Mary B. McVean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary B. McVean, widow of Donald C. McVean, late major First Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. BRADSHAW.

The bill (S. 3208) granting a pension to William S. Bradshaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, to strike out "Sixty-fifth" and insert "Sixty-third;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of William S. Bradshaw, late first lieutenant of Company C, Sixty-third Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN M'LAUGHLIN.

The bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war and late a private in Company D, Third United States Infantry, was considered as in Committee of the Whole. It proposes to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry, to $25 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISHMAEL JONES.

The bill (H. R. 889) granting a pension to Ishmael Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ishmael Jones, of Utica, N. Y., late of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID MYERS.

The bill (S. 3342) granting a pension to David Myers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Myers, late a private in Captain Whitmore's company, Colonel Goodwin's regiment of Florida Volunteers in the Florida war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY ALWARD.

The bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Alward, dependent father of Henry M. Alward, deceased, late a private of Company H, Fortieth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. VINCENT.

The bill (H. R. 10356) granting a pension to John T. Vincent was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John T. Vincent, of Clinton County, Kentucky, late a private in Company D, Twelfth Regiment of Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. BROWN.

The bill (H. R. 9684) granting a pension to William J. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Brown, late a private soldier in Company G, Third Regiment Kentucky Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY K. RICHARDS.

The bill (S. 3306) granting a pension to Mary K. Richards was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary K. Richards, widow of Edwin F. Richards, late captain Company D, Fifty-ninth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADALINE A. SMYTH.

The bill (S. 2765) granting a pension to Adaline A. Smyth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Adaline A. Smyth, a volunteer nurse in the war of the rebellion, and to pay her a pension during life of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

ZO. S. COOK.

The bill (S. 3249) for the relief of Zo. S. Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 3, after the word "paid," to insert "under certificate numbered 8308;" so as to make the bill read:

Be it enacted, etc., That the pension now paid, under certificate numbered 8308, to Zo. S. Cook, of Wilcox County, Alabama, a soldier in the war between the United States and Mexico, be, and is hereby, increased to the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BITTINGER.

The bill (S. 3047) granting increase of pension to William Bittinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Bittinger, late of Company G, Twefth Regiment Pennsylvania Reserves, and pay him at the rate of $36 per month, in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB COPES.

The bill (H. R. 8534) granting a pension to Jacob Copes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Copes, late a private in the Fifth Illinois Militia Volunteers in the Black Hawk war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DEAN.

The bill (H. R. 9372) granting a pension to John Dean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Dean, formerly a private in Company A, Thirteenth New York Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH L. IRWIN.

The bill (H. R. 10418) granting a pension to Hannah L. Irwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannah L. Irwin, widow of Cyrus E. Irwin, deceased, late of Company D, Thirteenth Regiment of Pennsylvania Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JANE POTTS.

The bill (H. R. 5525) granting a pension to Mrs. Jane Potts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jane Potts, widow of Noah Potts, late of Company D, Seventh Regiment Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MOLSEED.

The bill (H. R. 8889) granting a pension to Charles Molseed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Molseed, late of Company E, One hundred and fiftieth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH F. GARRETT.

The bill (H. R. 6501) to grant a pension to Joseph F. Garrett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph F. Garrett, who was a soldier in Spy Battalion, Fourth Illinois Regiment, in the Black Hawk war, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL HARGAIN.

The bill (H. R. 4575) granting a pension to Michael Hargain was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $8 per month, the name of Michael Hargain, seaman on the United States schooner Otsego.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP NEUMAN.

The bill (H. R. 10789) granting a pension to Philip Neuman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philip Neuman, late of Company H, Eighth Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK C. SHAW.

The bill (H. R. 204) granting a pension to Frederick C. Shaw was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick C. Shaw, late Company B, Third Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH HUNTER.

The bill (H. R. 10275) granting a pension to Joseph Hunter, M. D., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Hunter, M. D., late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. TONCRAY.

The bill (H. R. 6344) granting a pension to William J. Toncray, of Tennessee, was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of William J. Toncray, late a member of Company F, Second Tennessee Mounted Infantry, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. FRAILY.

The bill (H. R. 6001) granting a pension to Sarah J. Fraily was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah J. Fraily, as widow of Shepherd Fraily, late a private Company D, Forty-eighth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT REED.

The bill (H. R. 8494) granting a pension to Gilbert Reed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Gilbert Reed, at the rate provided by law for a second lieutenant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIDEL GATES.

The bill (H. R. 10906) granting a pension to Fidel Gates was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Fidel Gates, late a private in Company G, Ninety-third Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL PURCELL.

The bill (H. R. 8545) for the relief of Samuel Purcell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Purcell, who was a private in Company A, First Indiana Volunteers, in the Mexican war, at $30 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD JARDINE.

The bill (H. R. 10525) to increase the pension of Edward Jardine was considered as in Committee of the Whole. It proposes to place the name of Edward Jardine, late colonel and brevet brigadier-general United States Volunteers, on the pension-roll at the rate of $50 per month, in lieu of his present pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. B. STOKES.

The bill (H. R. 2908) to increase the pension of W. B. Stokes was considered as in Committee of the Whole. It proposes to increase the pension of William B. Stokes, late a colonel of the Fifth Tennessee Cavalry, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. DOWDALL.

The bill (H. R. 5446) granting a pension to William H. Dowdall was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of William H. Dowdall, late of Company I, One hundred and forty-fourth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD HOGAN.

The bill (H. R. 9253) granting an increase of pension to Richard Hogan was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Richard Hogan, a private of Company B, First Regiment of United States Dragoons, in the war with Mexico, at $30 a month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH EVANS.

The PRESIDENT *pro tempore*. The bill (H. R. 2120) granting a pension to Elizabeth Evans is the next pension bill on the Calendar. The Chair is informed that it has not yet been sent in from the Printer, and it is therefore not on the files.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STONE of Kentucky, Mr. WILKINSON, and Mr. THOMAS of Wisconsin managers at the conference on the part of the House.

The message also annouced that the House had concurred in the resolution of the Senate concerning the statues of Richard Stockton and Philip Kearny, presented by the State of New Jersey.

WAR CLAIMS OF CALIFORNIA, OREGON, AND NEVADA.

Mr. DOLPH. I move that the Senate proceed to the consideration of the bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion. It is a bill unanimously reported by the Committee on Military Affairs, merely authorizing an inquiry into the claims of certain States.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the pending business may be informally laid aside to enable him to move the consideration of the bill indicated by him.

Mr. REAGAN. I ask the Senator from Oregon to allow me to have a little bill passed for the relief of a postmaster, proposing to pay him $53 on account of loss of postage-stamps by his house being burned up, and which is favorably reported from the Committee on Post-Offices and Post-Roads.

Mr. DOLPH. I think this bill will lead to no discussion whatever. It is a short bill, and the Senate will concur in it.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Texas afterwards.

Mr. REAGAN. Very well.

The bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add:

And the Secretary of War shall also report the circumstances and exigencies under which, and the authority by which, such expenditures were made, and what payments have been made on account thereof by the United States; and the money necessary to enable the Secretary of War to comply with the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DAWES. I should like to inquire how much the last clause of the amendment covers?

Mr. DOLPH. Simply the expenses of the examination. There is a board already appointed who have these accounts under consideration. The circumstances were peculiar.

Mr. DAWES. It covers nothing more than the expense of the inquiry?

Mr. DOLPH. Nothing more.

Mr. DAWES. It does not appropriate money to pay what may be found due?

Mr. DOLPH. Oh, no; nothing of that kind.

Mr. STEWART. It only proposes to pay the expenses which may be incurred in the inquiry.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. I move to recommit to the Committee on Military Affairs the bill (S. 2918) to reimburse the State of Nevada for moneys expended on obligations incurred by said State and the Territory of Nevada, and afterwards assumed and paid by said State, in the suppression of the war of the rebellion, and for guarding the overland mail and emigrant route. I will state that the subject-matter is to be investigated under the provisions of the bill just passed, but which does not provide for the payment of the amount found due. I desire to have the bill in the hands of the Committee on Military Affairs. It may be considered at the next session.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nevada to recommit the bill to the Committee on Military Affairs.

The motion was agreed to.

M. M. GIBSON.

Mr. REAGAN. I ask unanimous consent that the Senate consider the bill (H. R. 8012) for the relief of M. M. Gibson.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to adjust and settle the claim of M. M. Gibson, postmaster at Clio, Tex., for $53.75, on account of loss sustained in the destruction of postage-stamps and stamped paper by fire on the 9th of November, 1884.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM COLLINS.

Mr. FRYE. I ask unanimous consent to call up the bill (H. R. 793) for the relief of William Collins.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to William Collins $167.80, for a fishery bounty due him as master of the fishing schooner Sarah Franklin, hailing from Castine, Me.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. WEEKS.

Mr. BECK. I ask unanimous consent to call up the bill (H. R. 5516) for the relief of John H. Weeks.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John H. Weeks, of Fayette County, Kentucky, $2,880, being the value of quartermaster's stores taken from him by the United States forces during the late war and appropriated to their use, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA B. MOORE.

Mr. RANSOM. I ask leave to call up the bill (H. R. 3902) for the relief of Sophia B. Moore.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Court of Claims to grant a rehearing in the case of Sophia B. Moore *vs.* The United States, with full power and jurisdiction to hear and determine and render judgment for the proceeds of the rosin and turpentine claimed to have been seized by the United States officers at the capture of New Berne, in March, 1862, and belonging to William P. Moore, jr., which rosin and turpentine are claimed to have been taken to Philadelphia, libeled, and sold by the marshal of the eastern district of Pennsylvania, under the direction of the Federal court, and the proceeds thereof deposited in the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. C. MARKHAM.

Mr. WILSON, of Iowa. I ask unanimous consent to call up the bill (H. R. 165) for the relief of H. C. Markham.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Military Affairs with amendments, in line 6, to strike out "issue to" and insert "accept the resignation of;" and, in line 7, to strike out "an honorable discharge from the service of the United States" and insert "tendered on March 27, 1863, as of date April 23, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion resting upon the military record of H. C. Markham, late assistant surgeon Nineteenth Regiment Wisconsin Volunteers, and to accept the resignation of said H. C. Markham, tendered on March 27, 1863, as of date April 23, 1863.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

JAMES H. BACON.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (S. 1959) for the relief of James H. Bacon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to suspend and declare null and void the proceedings and sentence of the court-martial in the case of Private James H. Bacon, late of Company A, Second Maine Volunteers, and to grant him an honorable discharge from the service, all pay and allowances forfeited by the proceedings of the court-martial to be paid him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I simply desire to say in reference to that bill that I did not want to object to its passage, but I dissent from the view in regard to the power of Congress to set aside and annul the proceedings of courts-martial.

Mr. HAWLEY subsequently moved to reconsider the votes by which the bill was ordered to a third reading and passed; and the motion was agreed to.

RAILROAD THROUGH HOT SPRINGS RESERVATION.

Mr. BERRY. I move that the Senate proceed to the consideration of the bill (S. 2110) granting the right of way for the construction of a railroad through the Hot Springs reservation, State of Arkansas. I will state that the bill was read on a former occasion when an objection was made by the Senator from Maine [Mr. HALE] in regard to it. I should like to have the amendments reported from the Committee on Public Lands concurred in and the bill passed.

The PRESIDENT *pro tempore*. Does the Senator state that the bill was objected to when reached on the Calendar?

Mr. BERRY. Several weeks ago the bill was reached on the Calendar, and after it was read the Senator from Maine asked that the bill might be passed over at that time, retaining its place on the Calendar.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendments reported from the Committee on Public Lands will be stated in their order.

The first amendment was, in section 6, line 6, after the word "way," to insert:

And no blasting shall be done on Hot Springs Mountain except as authorized by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was to add to section 6 the following proviso:

Provided, That this grant shall not be construed to abridge the authority of the Secretary of the Interior over the portion of the reservation included in the right of way.

The amendment was agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That the alignment and profile of the proposed route shall first be submitted to the Secretary of the Interior for his approval.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

SEC. 8. That this act shall be in force from and after its passage.

The amendment was agreed to.

The next amendment was to add a new section as section 7, as follows:

SEC. 7. That said company shall cause a map showing the proposed route of its line through the reservation to be filed in the office of the Secretary of the Interior, and said location shall be approved by the Secretary of the Interior before any grading or construction on any part of the line shall be begun, and the right of way shall be lost and forfeited unless the road is completed and in running order within two years after the passage of this act.

The amendment was agreed to.

The next amendment was to add a new section as section 8, as follows:

SEC. 8. That the company or its assignees to whom this right of way is granted shall annually pay to the Government of the United States for the improvement of the permanent reservation at Hot Springs, Ark., 3 per cent. of its gross earnings. And Congress hereby reserves the right to at any time amend, add to, alter, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Committee on Public Lands report to strike out the preamble. The preamble will be disagreed to, if there be no objection.

LANDS OF UNITED PEORIAS AND MIAMIES.

Mr. DAWES. I ask unanimous consent to call up the bill (H. R. 8074) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the provisions of chapter 119 of the acts of 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," are hereby declared to extend to and are made applicable to the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, now located in the northeastern part of the Indian Territory and to their reservation, in the same manner and to the same extent as if said tribes had not been excepted from the provisions of said act, except as to section 6 of said act, and as otherwise hereinafter provided.

That the Secretary of the Interior is hereby authorized and directed, within ninety days from and after the passage of this act, to cause to be allotted to each and every member of the said Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, upon lists to be furnished him by the chiefs of said tribes, duly approved by them, and subject to the approval of the Secretary of the Interior, an allotment of land equal to 200 acres, out of their common reserve, to each person entitled thereto by reason of there being members of said tribes by birth or adoption; all allotments to be selected by the Indians, heads of families selecting for their minor children, and the chiefs of their respective tribes for each orphan child. All

differences arising between members of said tribes in making said allotments shall be settled by the chiefs of the respective tribes.

The land so allotted shall not be subject to alienation for twenty-five years from the date of the issuance of patent therefor, and said land so allotted and patented shall be exempt from levy, sale, taxation, or forfeiture for a like period of years. As soon as all the allotments or selections shall have been made as herein provided, the Secretary of the Interior shall cause a patent to issue to each and every person so entitled, for his or her allotment, and such patent shall recite in the body thereof, that the land therein described and conveyed shall not be alienated for twenty-five years from the date of said patent, and shall also recite, that such land so allotted and patented is not subject to levy, sale, taxation, or forfeiture for a like period of years, and that any contract or agreement to sell or convey such land or allotments so patented entered into before the expiration of said term of years shall be absolutely null and void.

SEC. 2. That in making allotments under this act no more in the aggregate than 17,083 acres of said reservation shall be allotted to the Miami Indians, nor more than 33,218 acres in the aggregate to the United Peoria Indians; and said amounts shall be treated in making said allotments in all respects as the extent of the reservation of each of said tribes respectively. If, in making said allotments, any difference shall arise between said tribes, all such matters of difference shall be determined by the Secretary of the Interior. After the allotments therein provided for shall have been completed, the residue of the lands, if any, not allotted, shall be held in common under present title by said United Peorias and Miamies in the proportion that the residue, if any, of each of the said allotments shall bear to the other. And said United Peorias and Miamies shall have power, subject to the approval of the Secretary of the Interior, to lease for grazing, agricultural, or other purposes from time to time and for any period not exceeding ten years at any one time, all of said residue, or any part thereof, the proceeds or rental to be divided between said tribes in proportion to their respective interests in said residue.

At the expiration of twenty-five years from the date of the passage of this act, all of said remaining or unallotted lands may be equally divided among the members of said tribes, according to their respective interests, or the same may be sold on such terms and conditions as the President and the adult members of said tribe may hereafter mutually agree upon, and the proceeds thereof divided according to ownership as hereinbefore set forth: *Provided*, That before any division of the land is made, or sale had, that three-fourths of the bona fide adult members of said tribes shall petition the Secretary of the Interior for such division or sale of said land: *Provided further*, That sections 1 and 2 of this act shall not take effect until the consent thereto of each of said tribes separately shall have been signified by three-fourths of the adult male members thereof, in manner and form satisfactory to the President of the United States.

SEC. 3. That any act or part of acts of Congress heretofore passed that may conflict with the provisions of this act, either as to land or money, are hereby repealed.

SEC. 4. That full jurisdiction is hereby conferred upon the Court of Claims to hear and determine what are the just rights at law, or in equity, of those Wea, Peoria, Kaskaskia, and Piankeshaw Indians, and of their children, or heirs at law, or legal representatives, who became citizens of the United States, under the provisions of article 28 of the treaty of February 23, 1867, made with the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws in the invested funds and other common property of the said confederated tribes. And the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be impaired by any ruling or determination upon such rights heretofore made in the Interior Department. Suit may be instituted against the United States in said Court of Claims within twelve months after the passage of this act, but not later, on behalf of said Indians who so became citizens of the United States, their heirs and legal representatives, in the name and style of "The Citizen Wea, Peoria, Kaskaskia, and Piankeshaw Indians," in accordance with the practice of said court, for the hearing and determination of such rights at law and in equity as are claimed for said citizen Indians, or any of them, in such suit, which rights or equities arise out of the provisions of said treaty, or any law of the United States relating to the invested funds and common property of said confederated tribes. Said "confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws" may be made a party defendant in said suit, on petition in that name to be made such party defendant, to be filed within three months from the date of the bringing of such suit, but the United States, through its proper officers, shall defend said suit on behalf of said Indians, whether or not they shall become parties to the same. Said court shall determine what are the legal and equitable rights and interests of the Indians who separated from the tribes to which they belonged, removed to the Indian Territory, and became citizens of the United States under said treaty, and of the heirs and legal representatives of such of them as are dead, and shall ascertain the value thereof after deducting what has been paid to each of said Indians on account of such invested funds and common property. And such sums shall be paid to the persons who are respectively entitled to the same out of any money or funds held in trust by the United States for and on account of said confederated tribes of Peoria, Kaskaskia, Wea, and Piankeshaw Indians. Out of the funds so found due to said citizen Indians, said Court of Claims may allow a reasonable compensation to the counsel or attorneys of such Indians, to be ratably apportioned upon and paid out of the sums due them respectively; and a like compensation may be made, in the discretion of the court, to the counsel or attorneys of the said confederated tribes, to be paid out of any sums to their credit in the Treasury of the United States, if said confederated tribes become a party defendant to said suit.

SEC. 5. That the Secretary of the Interior shall transmit to said Court of Claims, upon its request, certified copies of any records, documents, or papers that relate to the rights of any of said Indians involved in such suit.

Mr. DAWES. I move to amend the amendment by striking out, in section 1, line 15, the words "as to section 6 of said act, and;" so as to read:

Except as otherwise hereinafter provided.

The amendment to the amendment was agreed to.

Mr. DAWES. After the word "land," in line 24 of section 1, I move to insert the words "by legal subdivisions;" so as to read:

An allotment of land, by legal subdivisions, equal to 200 acres.

The amendment to the amendment was agreed to.

Mr. DAWES. In section 1, line 29, after the word "tribes," I move to insert "subject to the approval of the Secretary of the Interior;" so as to read:

And the chiefs of their respective tribes, subject to the approval of the Secretary of the Interior, for each orphan child.

The amendment to the amendment was agreed to.

Mr. DAWES. In section 1, line 32, after the word "tribes" I move to insert "subject to the approval of the Secretary of the Interior;" so as to read:

Shall be settled by the chiefs of the respective tribes, subject to the approval of the Secretary of the Interior.

The amendment to the amendment was agreed to.

Mr. DAWES. After the amendment just adopted I move to add the following proviso:

Provided, That before any of the allotments herein provided for shall be made there shall be set apart not to exceed 20 acres in all for school, church, and cemetery purposes, the location of the same to be selected by the chiefs of said tribes, subject to the approval of the Secretary of the Interior, in such quantities and at such points as they shall deem best, which together with all improvements now existing or which may hereafter be made by the tribes thereon shall be held as the common property of the respective tribes. If in making the selections as herein provided for the sites of present school buildings should not be retained, then all improvements thereon may be removed. If not removed, then they shall be sold after appraisement by the chiefs of the tribes, the sale to be approved by the Secretary of the Interior, and the proceeds placed to the credit of the proper tribe. If any religious denomination, with the consent of either or both of said tribes, should erect a building for church purposes upon any of the land selected for church use, the said building shall be held as the property of such religious denomination so long as they shall occupy the same for religious or school purposes.

The amendment to the amendment was agreed to.

Mr. DAWES. In section 1 of the amendment, line 46, after the word "sell," I move to strike out the word "or" and insert after "convey" the words "or create any lien upon;" so as to read:

And that any contract or agreement to sell, convey, or create any lien upon such land or allotments so patented, entered into before the expiration of said term of years, shall be absolutely null and void.

The amendment to the amendment was agreed to.

Mr. DAWES. I move to strike out the third section of the amendment in the following words:

SEC. 3. That any act or part of acts of Congress heretofore passed that may conflict with the provisions of this act, either as to land or money, are hereby repealed.

The amendment to the amendment was agreed to.

Mr. DAWES. Let the subsequent sections be numbered 3 and 4.

The PRESIDENT *pro tempore*. The clerical change will be made by the clerks. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for allotment of land in severalty to United Peorias and Miamies, in Indian Territory, and for other purposes."

Mr. DAWES. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLATT, and Mr. MORGAN were appointed.

MATHEW H. FULTON.

Mr. SAWYER. I ask the Senate to proceed to the consideration of the bill (H. R. 2710) for the relief of Mathew H. Fulton.

The Senate as in Committee of the Whole proceeded to consider the bill. It proposes to pay $337.02 to Mathew H. Fulton, postmaster at Bucyrus, Ohio, being the amount of money stolen from the safe and from registered letters in the post-office at Bucyrus on the night of May 9, 1883, and which sum he made good to the claimants from his own means.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MANDERSON. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I wish the Senator would withhold that motion for one moment. I have been waiting to call up a bill.

Mr. MANDERSON. A short bill?

Mr. HOAR. Yes.

Mr. MANDERSON. Very well; I shall withhold the motion.

M. S. HELLMAN.

Mr. MITCHELL. I ask that the Senate proceed to the consideration of the bill (S. 3358) for the relief of M. S. Hellman, of Canyon City, Oregon.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to M. S. Hellman, of Canyon City, Oregon, $5,542.55, the balance due him on a contract of May 23, 1871, with the Quartermaster's Department, for the delivery of grain at Camp Harney; and also $550.72, currency, due him for flour furnished at Camp Harney, under a contract with the Commissary Department, of date of July 5, 1871. All claims for damages held by the Commissary Department against Hellman, by reason of his failure to deliver flour at Camp Warner, as per contract of date of July 5, 1871, are canceled, he having been prevented from complying with such contract by reason of unforeseen and unavoidable accident.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHURCH OF ST. PETER AND ST. PAUL AT CHATTANOOGA, TENN.

Mr. HARRIS. I ask the Senate to proceed at this time to the consideration of Order of Business 2093, being House bill 1073.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn. It authorizes the Secretary of the Treasury to pay to the Rev. Joseph Rademacher, Roman Catholic bishop of Nashville, or his successors in office, in trust for the use and benefit of the Roman Catholic Church of St. Peter and St. Paul of Chattanooga, Tenn., $18,729.09, in full for all the damages claimed by the church, or any person heretofore or hereafter claiming or to claim to represent it, for stone and all other building materials taken and used during the war between the States of 1861 to 1865, by and under the military authority of the United States.

The bill was reported to the Senate without amendment.

Mr. FRYE. Does that come from a committee?

Mr. HARRIS. It is a precise copy of a Senate bill. While the House bill was being read I noticed the reading and compared it with the Senate bill, which was reported from the Committee on Claims by the Senator from Oregon [Mr. MITCHELL], and I hold the report in my hand.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HARRIS. I ask that the bill (S. 78) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., which is a copy of the House bill which has just been passed, may be indefinitely postponed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. MITCHELL subsequently said: There was a House bill passed a moment ago at the instance of the Senator from Tennessee [Mr. HARRIS]. A Senate bill on the same subject was reported by me from the Committee on Claims. My attention has been called by some other members of the Committee on Claims to some phraseology of the House bill that they think objectionable. I ask unanimous consent that the vote by which the bill was passed be reconsidered, and that the bill be laid over for the present until we can look into it.

Mr. HARRIS. I hope it will not be laid over. The House bill and the Senate bill are literally the same, the one copied from the other. I have just compared them. Indeed, I compared them when the Secretary was reading the House bill at the desk.

Mr. MITCHELL. Are the bills precisely alike?

Mr. HARRIS. The same precisely with the exception of the name of the bishop, which was amended in the House.

The PRESIDENT *pro tempore*. The Senator from Oregon can accomplish his purpose by entering a motion to reconsider.

Mr. MITCHELL. I will enter a motion to reconsider the vote by which the bill was passed, and I promise the Senator that I will call it up at an early day.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to reconsider the vote by which the bill, the title of which has been just read, was passed. The motion to reconsider will be entered.

LIFE-SAVING STATION ON NANTUCKET ISLAND, MASSACHUSETTS.

Mr. HOAR. I ask the Senate to proceed to take up two bills, both relating to the same subject. The first is Order of Business 1968, House bill 8752.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts.

The Committee on Commerce reported an amendment, in line 6, after the word "recommend," to strike out "at a cost not to exceed $5,000;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to establish an additional life-saving station at such point on Nantucket Island, Massachusetts, as the General Superintendent of the Life-Saving Service may recommend.

The anendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to a third reading, read the third time, and passed.

LIGHT-SHIP OFF GREAT ROUND SHOAL, MASSACHUSETTS.

Mr. HOAR. Now I ask to take up Order of Business 1976, being House bill 10183.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.

The Committee on Commerce reported the bill with amendments, in line 5, after the name "Nantucket," to strike out the words "the cost of which shall not exceed the sum of $60,000," and in line 9, after the word "ship-yards," to insert "and the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That there be constructed and established a first-class light-ship, with a steam fog-signal, off Great Round Shoal, seacoast of Massachusetts, near Nantucket: *Provided*, That the construction of said light-ship shall be let to the lowest responsible bidder after advertisement, and that said light-ship shall be built in American ship-yards, and the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HOAR. I move in regard to that bill, and also in regard to the previous one, that the Senate insist on its amendments and ask for a conference with the House of Representatives on both bills.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PALMER, Mr. DOLPH, and Mr. RANSOM were appointed.

PUBLIC BUILDING AT SMYRNA, DEL.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of Calendar number 1896, being the bill (S. 2863) to provide for the erection of a public building in the town of Smyrna, Del. The bill was reached at another time, read, considered in Committee of the Whole, and amended, so that I think the question now is on its engrossment and third reading.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2863) to provide for the erection of a public building in the town of Smyrna, Del.

The PRESIDENT *pro tempore*. The bill has been read at length as in Committee of the Whole, and the amendment reported by the Committee on Public Buildings and Grounds agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE IN PAMLICO SOUND.

Mr. MANDERSON. I move that the Senate proceed to the consideration of executive business.

Mr. RANSOM. I hope the Senator from Nebraska will waive that for one moment while I secure the passage of a little bill.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate do now proceed to the consideration of executive business.

Mr. MANDERSON. If the Senator from North Carolina feels it important, I will give way to him; but I think we ought to have an executive session.

Mr. RANSOM. I shall be very much obliged to the Senator.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield?

Mr. MANDERSON. I yield to the Senator from North Carolina.

Mr. RANSOM. I ask to take up Order of Business 1977, House bill 7604.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina.

The Committee on Commerce reported an amendment, in line 4, after the name "North Carolina," to strike out "at a cost not to exceed $30,000" and to insert "and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That a light-house and fog-signal be established at or near Gull Shoal, Pamlico Sound, North Carolina, and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT OFF PAMLICO POINT, NORTH CAROLINA.

Mr. RANSOM. Now I ask for the consideration of Order of Business 1976, House bill 7421, which is of the same character as the other.

There being no objection, the bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina, was considered as in Committee of the Whole.

The Committee on Commerce reported the bill with amendments, in line 5, after the name "North Carolina," to strike out "at a cost not exceeding $25,000;" and at the end of the bill to add "And the sum of $25,000, or so much thereof as is necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That a screw-pile light-house be established on the shoal at or near Pamlico Point, entrance to Pamlico River, Pamlico Sound, in North Carolina, to replace the present light on the shore at Pamlico Point. And the sum of $25,000, or so much thereof as is necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. RANSOM. I move that the Senate insist on its amendments to the two bills just passed, and ask for a conference on each of them.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. FRYE. I suggest that the same conferees be appointed as were appointed on the bills of the Senator from Massachusetts [Mr. HOAR].

The PRESIDENT *pro tempore*. The Chair will appoint on the two bills last passed as the conferees on the part of the Senate the Senator from Michigan [Mr. PALMER], the Senator from Oregon [Mr. DOLPH], and the Senator from North Carolina [Mr. RANSOM].

Mr. MANDERSON. I now renew my motion.

EXTIRPATION OF YELLOW FEVER.

Mr. CALL. Before that motion is put I will ask the Senator from Nebraska to withdraw it for a moment in order that I may ask unanimous consent to place on the Calendar the joint resolution adversely reported by the Committee on Epidemic Diseases, so that it may be considered to-morrow morning with the joint resolution which was reported favorably.

The PRESIDENT *pro tempore*. The joint resolution reported by the Senator from Tennessee [Mr. HARRIS] from the Committee on Epidemic Diseases, being the joint resolution (S. R. 78) appropriating $100,000 for the prevention and extirpation of yellow fever in the United States, having been indefinitely postponed, that order will be reconsidered, and the resolution will be placed on the Calendar with the adverse report.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. MANDERSON] moves that the Senate proceed to the consideration of executive business. The question is on that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 22, 1888, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 21, 1888.

PROBATE COURT JUDGES.

Thomas J. Brandon, of Davis County, Territory of Utah, to be judge of probate in said county, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Pardon Dodds, of Uintah County, Territory of Utah, to be judge of probate in said county, *vice* J. A. Glines, whose term has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

John Houston, of Garfield County, Territory of Utah, to be judge of probate in said county, *vice* David Cameron, whose term has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

John A. Marshall, of Salt Lake County, Territory of Utah, to be judge of probate in said county, *vice* E. A. Smith, whose term has expired, as provided by section 19, chapter 397, laws of 1887, volume 24, United States Statutes at Large.

UNITED STATES CONSULS.

Ernest W. Smith, of Massachusetts, to be consul of the United States at Mozambique, to fill a vacancy.

J. Russell Parsons, of New York, to be consul of the United States at Aix-la-Chapelle, *vice* L. Austin Spalding, transferred to Brunswick.

L. Austin Spalding, of New York, now consul at Aix-la-Chapelle, to be consul of the United States at Brunswick, *vice* William C. Fox, recalled.

INSPECTOR-GENERAL'S DEPARTMENT.

Col. Roger Jones, inspector-general, to be inspector-general with the rank of brigadier-general, August 20, 1888, *vice* Baird, retired from active service.

APPOINTMENT IN THE ARMY.

In accordance with an act of Congress approved August 1, 1888, I nominate the person herein named for appointment in the Army of the United States, with a view to his name being placed on the retired-list of the Army, William W. Averell, late captain Third Cavalry, to be captain in the Army, August 17, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 14, 1888.

POSTMASTERS.

Thomas Beesley, to be postmaster at Provo City, in the county of Utah and Territory of Utah.

Gilman L. Sleeper, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts.

Charles E. Flanery, to be postmaster at Akron, in the county of Washington and State of Colorado.

Joseph M. Graham, to be postmaster at Buena Vista, in the county of Chaffee and State of Colorado.

James G. Peck, to be postmaster at East Providence, in the county of Providence and State of Rhode Island.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts.

Samuel B. Herdman, to be postmaster at Newark, in the county of New Castle and State of Delaware.

Henry Jayne, to be postmaster at Taylorville, in the county of Christian and State of Illinois.

Jesse L. Cravens, to be postmaster at Fayetteville, in the county of Washington and State of Arkansas.

Mary E. Winfield, to be postmaster at Forrest City, in the county of St. Francis and State of Arkansas.

Executive nominations confirmed by the Senate August 21, 1888.

POSTMASTERS.

Maxwell Cameron, to be postmaster at Corry, in the county of Erie and State of Pennsylvania.

John T. Fitzpatrick, to be postmaster at Winchester, in the county of Franklin and State of Tennessee.

Simon States, to be postmaster at Everett, in the county of Bedford and State of Pennsylvania.

Patrick J. Langan, to be postmaster at Hawley, Wayne County, Pennsylvania.

PROMOTIONS IN THE ARMY.

Fourth Regiment of Infantry.

First Lieut. George O. Webster, to be captain.

Second Lieut. Silas A. Wolf, to be first lieutenant.

Fifth Regiment of Infantry.

Lieut. Col. Nathan W. Osborne, of the Sixth Infantry, to be colonel.

Sixth Regiment of Infantry.

Maj. Robert H. Hall, of the Twenty-second Infantry, to be lieutenant-colonel.

Twenty-second Regiment of Infantry.

Capt. William H. Powell, of the Fourth Infantry, to be major.

REJECTIONS.

Executive nominations rejected by the Senate August 14, 1888.

POSTMASTERS.

George E. Mecklem, to be postmaster at West Point, in the county of Orange and State of New York.

John Duane, to be postmaster at West Medford, in the county of Middlesex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 21, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

UNITED STATES PRISONERS.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting a letter from the United States marshal for the district of Kentucky, inclosing a statement of the amounts due jailors for the support of United States prisoners; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'DONNELL, indefinitely, on account of important business.

To Mr. THOMAS, of Wisconsin, for this day, on account of important business.

To Mr. WHITING, of Michigan, for ten days, on account of important business.

To Mr. MILLIKEN, indefinitely.

To Mr. OWEN, indefinitely.

Mr. O'NEILL, of Missouri. In regard to the leaves of absence. Can the leaves of absence that are being granted now be revoked at any time?

The SPEAKER. Certainly. The House has the power to do it.

PERSONAL EXPLANATIONS.

Mr. MORROW. Mr. Speaker, I rise to a question of privilege. Yesterday my colleague, Mr. THOMPSON, during my temporary absence from the Hall, in addressing the House, made use of the following language, which I will ask the Clerk to read from the desk.

The Clerk read as follows:

The bill reported to this House by the Committee on Foreign Affairs, through its chairman, Mr. BELMONT, which, as has been stated by the acting chairman of

that committee, Governor McCREARY, was substantially the same as the bill now under consideration, yet was repudiated through the press of San Francisco by my worthy colleague, Mr. MORROW, who was so anxious a few days ago to rush the pending bill through this House without reference or debate, the passage of which, without amendment, as has transpired, would have repealed immediately the restrictive laws now in operation, and opened our ports indefinitely to an influx of Chinese coolies. This was of course an oversight on the part of my esteemed but in that instance overzealous colleague, and I congratulate him as well as our constituency upon the happy escape made from such a public calamity.

Mr. MORROW. I do not believe that my colleague intended to do me an injustice in these remarks, but he did not state my position correctly.

Mr. BRECKINRIDGE, of Arkansas. I would call the gentleman's attention to the fact that his colleague is not present.

The SPEAKER. He is present; but this is not a matter of privilege. The gentleman asks unanimous consent to make a personal explanation.

Mr. MORROW. The remarks of my colleague misrepresented my position on this question. It is true that some months ago I did state to a correspondent that what was called the Belmont bill was not sufficient to prevent Chinese immigration. That bill has not been reported to this House. There was introduced into this House in April a bill by Mr. BELMONT, but a few days later I introduced one myself, and a few days after that a bill (S. 2854) was introduced in the Senate by Senator STEWART. We had several conferences and compared the three bills and took such provisions from each as we supposed to be necessary to execute the provisions of the treaty, and that bill was the result. The same bill was referred to the Senate committee, and was by myself presented to the Committee on Foreign Affairs of the House and was adopted, but the bill which was adopted is not the bill introduced by Mr. BELMONT. His bill is H. R. 9534; the substitute bill which we brought to this House is H. R. 10605; and the Senate bill is still another bill.

Now, one word in reference to the matter of this amendment that has been suggested as an important addition to the bill. I think the history of that amendment ought to be placed upon the record of this House. When the Senate bill came over from the Senate I applied to you, Mr. Speaker, for permission to ask to take the bill up and have it passed. I then went to one of the young gentlemen at the desk, Mr. Phillips, and we took the Senate bill and compared it word by word with the House bill. When we reached the final amendment, in reading it over I discovered, as I supposed, a peculiar wording in the amendment. We did not compare this bill with the expectation of finding anything in that particular amendment, but it was with a view of seeing whether or not the Senate bill was identical with the House bill, and was done simply in the line of following the ordinary precaution which lawyers take in the comparison of papers. When we came to the last section I found this peculiar phraseology, and I was led to propose this amendment which is now deemed to be of so much importance.

I did not see my colleague, Mr. McKENNA, before calling up the bill, but I did immediately afterwards see him, and it was agreed to present this amendment. I saw the chairman of the Committee on Foreign Affairs, Governor McCREARY, on his return from his home. I presented it to him, and if the gentleman were present in the House I should be glad to have his confirmation of a statement of what occurred respecting this amendment; but he is not present, and I deem it improper to attempt to recite what occurred in reference to this amendment. It is sufficient for me to say that upon the meeting of the committee I offered this amendment and it was adopted.

This is the history of it from the beginning to the end. Whatever merit there is in the matter of proposing this amendment, I desire to say that it does not come from the Democratic side of the House. The first section and one or two others were taken from the Belmont bill, as prepared by the State Department.

Mr. THOMPSON, of California. I would like to ask the gentleman if Mr. BELMONT'S bill that he refers to does not contain the same features contained in this bill.

Mr. MORROW. The first section and one or two others were taken from the Belmont bill as prepared by the State Department.

Mr. THOMPSON, of California. I send to the Clerk's desk an extract from the San Francisco Chronicle, which I ask to have read.

The Clerk read as follows:

BELMONT'S BILL—CONGRESSMAN MORROW PICKS IT TO PIECES—A LOOPHOLE FOR THE CHINESE TO TAKE ADVANTAGE OF—AMENDMENTS TO THE NEW TREATY UNDER CONSIDERATION BY THE SENATE—THE PRIOR RESIDENCE CLAIM.

[Copyright, 1888, by the California Associated Press.]

WASHINGTON, *April* 20.

"I would prefer not to express my views concerning Belmont's bill relating to Chinese immigration," said Representative MORROW to a California Associated Press correspondent to-day. "Mr. BELMONT'S effort illustrates very forcibly the vague notions prevailing here as to the proper methods of restriction. I am disposed to think that BELMONT is in favor of doing something to remedy the evils prevailing under the present treaty and law, but he does not wish to go to the extent of absolute exclusion, and hence he has draughted a bill that would be much worse than the present law.

"Take, for instance, his provision relating to return certificates. He requires that a Chinaman shall apply for a return certificate to the collector of the port at the place of his departure at least a month prior to the time when he wishes to leave. The collector is required to investigate the circumstances of the case, and, if the collector decides to issue a permit to return, he shall sign and give to the person applying a certificate containing the number and description which the collector has made of the Chinaman to be returned.

A CHANCE FOR FRAUD.

"This takes place a month before the Chinaman's proposed departure, and of course the practical working of such a law would be that dummies would go to the collector's office and get certificates for their friends in China, and with the certificates would send a description that with care the incoming Chinaman would be made to fit the certificate.

"Under the present law the return certificate is not delivered to the departing Chinaman until he is aboard the ship, so that unless the custom-house officials are dishonest, a Chinaman leaves the country for every certificate issued, but under Belmont's bill a Chinaman may or may not go after he gets his certificate. If he does not go no provision is made for ascertaining the fact, and the Chinaman may go again and again and get certificates, which he can then send to his friends in China, and as Chinamen are nearly all alike a certificate will fit one about as well as another."

Mr. MORROW. That criticism is correct. I moved to amend that by providing as follows: "And if the collector, after hearing proof and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place sign and give to the person applying a certificate containing the number and description last aforesaid." Every error that is pointed out in that article I called attention to, and the amendments were adopted and are now in the Senate bill.

Mr. THOMPSON, of California. Mr. Speaker, I repeat that there has never been an anti-Chinese measure that came before this House from a Democratic source since this Congress met that the gentleman has not criticised.

Mr. MORROW. Yes; and offered amendments to the bills in good faith.

Mr. BYNUM. Mr. Speaker, I ask permission to make a short statement.

There was no objection.

Mr. BYNUM. When the gentleman from California [Mr. MORROW] asked consent of the House for the consideration of this bill when it first came from the Senate, he took occasion to speak of the importance of the legislation, and during the two or three minutes that he occupied he never once called the attention of the House to the fact that the bill needed amendment. It is certainly a very singular thing that he would urge upon this House the immediate consideration of a measure which he had found faulty, and should assume to himself the exclusive wisdom of amending it, instead of allowing it to be referred to the Committee on Foreign Affairs. It is very strange, I say, that he should ask to have the bill taken up and passed at once when he knew that it was faulty and inadequate for the purpose for which it was designed, and that its passage would leave us without any law at all upon this subject, and at the mercy of the Chinese Government, and that instead of having the bill referred to a committee to be carefully considered and amended, he should assume to be the embodiment of wisdom upon this subject and undertake to make the amendments himself.

Mr. MORROW. When I asked that the Senate bill should be taken up for consideration, if I had attempted to explain the provisions of the bill the Chair would have informed me that the question before the House was not as to the merits of the bill, but as to whether it should be considered or not. With reference to the confidence that I had in my own wisdom on this subject, permit me to say that that confidence is not shaken at all now, because the amendments which I then proposed have all been adopted.

Mr. BYNUM. The gentleman did not propose any amendment until after this bill had been referred to the committee.

Mr. THOMPSON, of California. Mr. Speaker, as probably affording some explanation of the great interest taken in this question, I ask the reading of the marked newspaper article which I send to the desk.

Mr. HERMANN. What is the paper?

Mr. THOMPSON, of California, It is a high-tariff paper, and supported General Butler, I believe, in the last Presidential election.

A MEMBER. What is the name of the paper?

Mr. THOMPSON, of California. It is the New York Sun.

The Clerk read as follows:

John hurrahs for Harrison. A great Republican boom overwhelms the laundrymen of San Francisco.

Mr. MORROW. Mr. Speaker, that has nothing to do with the matter which I have presented to the House, and I object. [Laughter.]

A MEMBER. Regular order.

J. J. PULLIAM.

The SPEAKER. The Chair lays before the House the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, with amendments of the Senate thereto. The Senate has disagreed to the House amendments and asked for a conference, and if there be no objection the House will agree to the conference requested.

There was no objection, and it was so ordered.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. STONE of Kentucky, Mr. WILKINSON, and Mr. THOMAS of Wisconsin.

MARY M. BRIGGS.

Mr. THOMPSON, of Ohio. I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs, having met, after full and free conference have agreed to recommend and do recommend to their respective houses as follows:

That the House recede from its amendment and agree to an amendment as follows: Before the word "pension," where it last occurs, insert the word "widow's;" and the Senate agree to the same.

CARLOS FRENCH,
A. C. THOMPSON,
Managers on the part of the House.
PHILETUS SAWYER,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

Mr. THOMPSON, of Ohio. This report was presented two or three days ago and withdrawn, and I wish to make a brief statement with reference to it for the benefit of gentlemen who may not have heard what was said at that time.

Mr. McMILLIN. Let us have read the statement accompanying this report.

Mr. THOMPSON, of Ohio. No statement has been prepared.

Mr. McMILLIN. Why not?

Mr. THOMPSON, of Ohio, This is the bill which was up the other morning, when the gentleman waived the demand for a written statement; and I at that time made a short explanation, which I desire to repeat now.

Mr. McMILLIN. In view of the gentleman's explanation I shall not insist upon the accompanying statement in this case; but I think that the rule which requires a written explanatory statement to accompany a conference report is so well founded that in the future I shall insist on the enforcement of that rule. The written statement is frequently important in order to explain the action of the two Houses.

Mr. THOMPSON, of Ohio. This is a bill granting a pension to Mary M. Briggs. As it came from the Senate, it proposed a pension of $25 a month. The House committee amended it by striking out "$25" and inserting "$12." The claimant was an army nurse; and we sought to put her on an equality with other army nurses whose claims have been before the Committee on Invalid Pensions. It now appears (the fact not having been known at the time to our committee) that this lady is already drawing a pension of $12 a month as the widow of a soldier. But she served as an army nurse during four years—through almost the entire war.

Mr. COX. What is her age?

Mr. THOMPSON, of Ohio. She is now sixty-seven years of age.

Mr. COX. Her name is Mary—what?

Mr. THOMPSON, of Ohio. Mary M. Briggs.

Mr. COX. We will all vote for the bill, if her name is Mary.

Mr. THOMPSON, of Ohio. The bill as agreed upon by the committee of conference gives her a pension of $25 a month—$12 as the widow of a soldier and $13 in view of her services during four years as an army nurse. I move the adoption of the report.

The report was adopted.

Mr. THOMPSON, of Ohio, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HERMANN. Has the regular order been demanded?

The SPEAKER. It has been by two gentlemen.

Mr. BURNES. I move to dispense with the morning hour for the call of committees; and I ask unanimous consent that reports may be filed with the Clerk.

The SPEAKER. The gentleman from Missouri asks unanimous consent that gentlemen having reports to make be allowed to present them at the Clerk's desk for appropriate reference. Is there objection? The Chair hears none. The question is now on the motion to dispense with the morning hour.

The motion was agreed to.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

PORT OF DELIVERY AT PORT ANGELES, WASH.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back favorably the bill (S. 28) to create a port of delivery at Port Angeles, in the district of Puget Sound, Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES MILLINGER.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (S. 602) for the relief of James Millinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. VAN BUSKIRK.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10824) granting a pension to Mary A. Van Buskirk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH W. PENNY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2261) to increase the pension of Elijah W. Penny; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM E. PRINCE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3608) to grant an increase of pension to William E. Prince; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 11008) granting a pension to John Smith; and

A bill (H. R. 11009) granting a pension to James Calnon.

A. B. CARTER.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11094) granting a pension to A. B. Carter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM FISHER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 11164) for the relief of William Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF A. J. BEALE, DECEASED.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 9098) for the relief of the legal representatives of A. J. Beale, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH WELSH.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9975) granting a pension to Joseph Welsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ALMIRA J. TOWNER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JENNY BUELL.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10159) granting a pension to Jenny Buell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLARA M. OWEN.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11052) granting a pension to Clara M. Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MURPHY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3198) granting a pension to Mary Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE L. HAM.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3197) granting a pension to Abbie L. Ham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. HARRINGTON.

Mr. WEAVER, from the Committee on Patents, reported back favor-

ably the bill (H. R. 2660) for the relief of John R. Harrington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1760) for the relief of the First National Bank, of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue cutter Thomas Corwin.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3304) "to prohibit the coming of Chinese laborers to the United States."

The message further announced that the Senate had passed a bill (H. R. 11118) to authorize the construction and operation of a street railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico.

The message also announced that the Senate had passed a bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans., in which the concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills; but before that question is put I will yield for a moment to the gentleman from Mississippi [Mr. HOOKER], who, I understand, wishes to introduce a bill.

MEETINGS OF CONGRESS.

Mr. HOOKER. I desire to introduce the bill which I send to the desk; and I ask that a day may be fixed for its consideration.

Several MEMBERS. Oh, no.

Mr. HOOKER. Oh, yes. It is a bill to change the time of the assemblage of the Congress of the United States, a very important measure, and one which I suppose the House will be willing to consider, whether it be desirable to amend it or not. I ask for the reading of the bill.

Mr. BLOUNT. I have no objection to the bill being introduced for reference.

The SPEAKER. The Chair understood the gentleman from Missouri to yield only for the purpose of having the bill presented for reference.

Mr. BLOUNT. I understood the gentleman from Mississippi to ask that a day be fixed for its consideration.

The SPEAKER. The gentleman asks also the reading of the bill.

Mr. BLOUNT. I object. I do not think we ought to put anything in the way of the more important business of the House.

Mr. HOOKER. Then let the bill be read and referred.

There being no objection, the bill was read, as follows:

A bill to change the time of the assemblage of the Congress of the United States.

Be it enacted, &c., That the Congress of the United States shall assemble on the first Monday in March in each and every year instead of the first Monday in December in each and every year, as provided for in paragraph 2 of section 4 of the Constitution of the United States.

SEC. 2. That this change in the time of the assemblage of the Congress of the United States shall apply to and begin with the Fifty-first Congress of the United States.

SEC. 3. That this act shall take affect from and after its passage.

Mr. HOOKER. I ask the reference of this bill to the Judiciary Committee; and I hope that committee will make an early report upon it.

The bill (H. R. 11240) was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HOOKER. I ask that the Committee on the Judiciary may have leave to report this bill at any time.

The SPEAKER. That has been objected to, as the Chair understands, by the gentleman from Georgia [Mr. BLOUNT].

Mr. HOOKER (to Mr. BLOUNT). Do you object?

Mr. BLOUNT. Certainly, I do; why not?

ORDER OF BUSINESS.

Mr. BURNES. Pending the motion that the House resolve itself into Committee of the Whole on the state of the Union, I ask unanimous consent that the gentleman from Iowa [Mr. LYMAN] be allowed to make an explanation. I trust there will be no objection to this request.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? The Chair hears none.

PERSONAL EXPLANATION.

Mr. LYMAN. Mr. Speaker, for four years I was a Union soldier. I have the honor to represent upon this floor many thousands of Union soldiers. It has been my effort throughout the course that I have seen proper to pursue on this floor for the last few days to secure shamefully neglected pension legislation. That has been the object which has actuated me, and that has been the sole purpose of the course that I have taken here. From almost the first day of the present session of Congress the various friends of ex-soldiers of the Union army have been endeavoring to get legislation that was needed, and that was just, in behalf of the Union soldiers. Early in the session resolutions were introduced into this House and referred to the Committee on Rules, fixing a time for the consideration of legislation of this class. We have had no report from that committee upon these resolutions up to this hour. After the introduction of the resolutions in question every Republican member of this House signed a petition addressed to the Committee on Rules, asking that a meeting of that committee should be had and these resolutions considered and reported. No attention whatever has been paid to that petition. I am informed that the Committee on Rules has had no meeting since the month of April last. I am also informed that the Republican members of that committee have time and again requested that a meeting of the committee should be called; but no action has been taken looking to acquiescence in their request.

Mr. Speaker, that committee has failed to report to this House any resolution which provides for the fixing of a time for the consideration of legislation of any class, because, forsooth, and we have the right to presume that is the reason, they dared not do it, for so soon as a report shall be made here fixing a time for the consideration of any legislation an amendment will be at once offered fixing a time for the consideration of pension legislation. Hence there has been no relief, notwithstanding the efforts which have been made, to be obtained from the Committee on Rules.

A few days ago the Committee on Invalid Pensions was called in the regular course of the business of the House. A resolution was reported from that Committee fixing a time for the consideration of this pension legislation, which I am so anxious in behalf of my constituents and the Union soldiers generally of the country to have brought up and considered; but what was the result? By dilatory tactics, by demands for a quorum, insisted upon not on this side of the House but upon the other side, the hour allotted to the committee was frittered away and nothing done. The other side of the House sat in their seats and refused to vote in order that a quorum might not appear. The second day came and the second hour for the consideration of this legislation, and the same tactics were pursued; refusals to vote, no quorum appearing, and then, the hour having expired, the resolution dies and goes upon the Calendar of unfinished business, where it can never be again reached by any possibility during this session of Congress.

On last Friday the other side of the House by an adjournment prevented the evening session fixed for that day in order that the Union soldiers might have the poor benefits that are to be derived from one evening in the week set apart for the consideration of private pension bills.

Mr. MCMILLIN. Mr. Speaker——

The SPEAKER. The gentleman from Iowa is entitled to the floor.

Mr. LYMAN. By this course the responsibility for this shameful failure of pension legislation has been fixed. It is now fixed and emphasized upon the shoulders of those who sit here on the other side of the House by reason of the victories of the Union Army and by the magnanimity of Union soldiers and patriots.

Now, it was thought that a quorum was necessary in order that that simple resolution fixing a day for the consideration of this legislation might pass, and if that were true, I thought it not at all unreasonable that a quorum should be present for the consideration and adoption of such matters as appropriation bills, carrying millions of dollars of the public moneys, and that if a quorum was necessary in the one case it was equally necessary in the other. But, Mr. Speaker, the bill which I understand the gentleman from Missouri [Mr. BURNES] now desires to bring to the attention of the House, the deficiency appropriation bill, is in line with the class of legislation that I have been seeking to secure action upon in the House. Very many items in that bill are for the benefit of ex-soldiers of the Union, and I am loath, exceedingly loath, to further obstruct the passage of that bill; for so many of these men are to be benefited by its provisions that I might be counted as unfaithful to them, and to their interests, if by any act of mine I should prevent or delay its passage. For this reason, Mr. Speaker, and for this reason alone, I shall not now raise the point of no quorum upon the motion of the gentleman from Missouri to proceed to the consideration of that bill.

Mr. MCMILLIN. Mr. Speaker, I ask unanimous consent to make a brief statement, simply with a view of answering one point suggested by the gentleman from Iowa, as I think it is unfair to endeavor to shift the responsibility for the failure of the evening session of last Friday for pension bills from that side of the House to this.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

Mr. McMILLIN. The gentleman from Iowa says that on Friday last the evening session was lost——

Mr. LYMAN. I object.

Mr. McMILLIN. Do I understand the gentleman from Iowa to object to my making a statement?

Mr. LYMAN. I demand the regular order.

Mr. McMILLIN. A more ungracious thing was never done by a Representative upon this floor.

Mr. LYMAN. All right, sir.

Mr. McMILLIN. The gentleman knows that he himself forced the House to adjourn on pension night.

Mr. LYMAN. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Missouri, that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

ORDER OF BUSINESS.

Mr. CRISP. I ask unanimous consent to introduce a bill merely for reference.

The SPEAKER. The gentleman from Tennessee [Mr. BUTLER], the Chair understands, also desires to introduce a bill, but the regular order has been demanded. Does the gentleman from Iowa insist upon the demand?

Mr. LYMAN. I have no objection to withdrawing it to enable the gentleman to introduce a bill for reference.

COMMUNICATION OF CONTAGIOUS DISEASES BETWEEN STATES.

Mr. CRISP, by unanimous consent, introduced a bill (H. R. 11241) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MISSISSIPPI CENTRAL RAILROAD COMPANY.

Mr. BUTLER, by unanimous consent, introduced a bill (H. R. 11242) for the relief of the Mississippi Central Railroad Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GENERAL DEFICIENCY BILL.

The motion of Mr. BURNES, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills, was adopted.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of appropriation bills, and the Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The CHAIRMAN. This bill is before the committee for debate on the fourth section, the time for which has not yet been exhausted.

Mr. BURNES. I will ask how much time remains to each side?

The CHAIRMAN. One hour and thirty-four minutes remain to those having the affirmative of the question and forty-seven minutes to those having the negative.

Mr. BURNES. Then I will suggest to my friend from South Carolina [Mr. DIBBLE] that he proceed with the consumption of all his time, except that which he proposes to retain for himself.

Mr. DIBBLE. The gentleman from Massachusetts [Mr. LONG] charged me to give time to several members of the House out of this one hour and thirty-four minutes, but the members are not present and I do not wish to occupy that time; therefore I will reserve it for one person only.

Mr. BURNES. Mr. Chairman, I yield forty minutes to the gentleman from Ohio [Mr. SENEY].

Mr. SENEY. I would like the House to permit me to continue my remarks for ten minutes beyond the time yielded me.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may continue his remarks ten minutes beyond the time yielded him. Is there objection? The Chair hears none.

Mr. SENEY. Mr. Chairman, it is not my purpose at this time to discuss the question as to the validity or invalidity of French spoliation claims. This has been done ably and learnedly and, perhaps, sufficiently by the gentlemen who have preceded me in this debate, and to follow them in the same line of argument would be of no profit to the House. I prefer to use the time at my disposal in stating some of the reasons why I am unwilling to vote money out of the Treasury to pay the demands which these claimants make against the Government of the United States.

It is not necessary to be learned in the law to understand the nature of these demands. The average mind, having no legal education, will be sufficiently informed as to their nature when it is stated that ninety years ago some American vessels peacefully pursuing legitimate voyages upon the high seas were detained, seized, condemned, and confiscated by authority of the Government of France. The owners of these vessels and those who had cargoes on board and those who held insurance risks on vessel or cargo, or both, when living, claimed that the Government of the United States was, on account of these wrongs upon the part of the French Government, liable to them for their losses, and these claims are still pressed for payment by parties who claim under the original claimants. More than this need not be stated in speaking of the nature of these demands.

From this statement it will be seen that the French spoliation claims are of very long standing. They are not only old, but very old. All law books say that such claims are stale, and if not barred by the lapse of time the obligation to pay is more equitable than legal. It is true, sir, that the Government of the United States has been asked to pay these claims year after year for many years, but instead of paying them or acknowledging in any way the liability, it has always and ever denied it. The claimants have insisted that the Government of the United States is obligated for a consideration received from France to pay these claims. This the United States has always denied. The claimants aver that France has admitted the justice of their claims, and that this admission makes the United States liable for their payment.

The United States Government denies this. We have, then, a plain, square, and well-defined issue between these claimants and the Government, and until this issue is determined against the Government by high judicial authority no money ought to come out of the Treasury for these claimants. It is to be observed that the questions presented in this controversy are of no ordinary character. I would remind the House that the proper solution of these questions depends largely, if not altogether, upon the construction of treaties made with France, the treaty of 1795 with Great Britain, and the proclamation of neutrality by President Washington in 1793.

In addition to these papers we have, bearing more or less upon the question of this liability, several acts of Congress; also the action of the French Government respecting those alleged wrongs. And more than all this, the controversy is seriously complicated by grave questions of maritime and international law. When thinking upon this subject we must bear in mind that the French spoliation claims aggregate many millions of dollars. The report of the Committee on Appropriations, now before me, states that these claims exceed $40,000,000; and it states, also, that the number of vessels seized was 2,300.

In support of this statement the Attorney-General, in his late annual report, tells us that the petitions filed in the Court of Claims in the French spoliation cases number 5,560, representing 2,386 vessels and about $30,000,000.

The House will also bear in mind that the bill now before it proposes to pay $741,606.63 for what happened to 30 of these vessels, and as to the others, 2,356, the amount to be paid on account of their seizure we will not know until further advised by the Court of Claims. But if we can judge of the amount to be paid on account of the 2,356 vessels by the sum the pending bill asks us to pay on account of the 30 vessels, the aggregate amount of these claims will far exceed $40,000,000.

But whatever these claims may aggregate no one doubts that if we pay those provided for in this bill we will have to pay all which the Court of Claims may, from time to time, report. In other words, an appropriation, to-day, to pay a part of these claims means an appropriation, at a subsequent day, to pay the whole. Sir, in a controversy involving such a vast sum of money, and involving questions of law, if not of fact, intricate and difficult to decide, what tribunal, if not the Supreme Court of the United States, ought to hear and determine it?

Sir, the judgment of an inferior court, much less the mere findings of a local court, having no power except to find and report, are not satisfactory in matters of such magnitude and moment. Learned and able as the Court of Claims may be, its findings in the cases reported have no force or value, except as mere opinions of five competent lawyers. Five other lawyers of equal merit and standing might find for the Government. These findings conclude no one, not even the Government, or any one of the claimants. They are without any effect as judicial judgments. In the act of Congress authorizing these findings to be made Congress expressly reserves the right to judge for itself as to the liability of the Government respecting these claims.

The Court of Claims, by the plain words of the act, is constituted an adviser, not a judge. For the information of Congress the Court of Claims finds and reports. It will be seen, therefore, that all of the questions involved in this controversy are still open for Congressional judgment, the same as if no findings had been made in the Claims Court.

While it is true that these findings show the Government to be liable for the payment of some of the French spoliation claims, still, in my judgment, no payment ought to be made, or liability acknowledged, before Congress is further advised by the judgment of the Supreme Court of the United States. In my judgment the Congress of 1885 made a great mistake in asking the Court of Claims for advice as to the validity of these claims.

It would have been better for the Government and perhaps better for the claimants if the act had authorized the Court of Claims to ren-

der judgments instead of making findings, and provided for an appeal in all cases by either party to the Supreme Court of the United States. Sir, it will do no good to stop at this point and place the blame for this mistake. Yet certain it is that in this legislation these claimants secured an undue advantage over the Government. The interests of the Government seemingly had no attention when the act of 1885 was under consideration in the Senate or the House; but, sir, do you doubt that when the bill was about to be voted into a law the corridors of this Capitol were crowded with the agents and attorneys of these claimants, to aid by their presence, if in no other way, the passage of the bill?

In amending the act of 1885 by authorizing an appeal to the Supreme Court at the instance of either party, it does not follow that all the cases now pending in the Court of Claims will, after findings are made in that court, be transferred by appeal to the Supreme Court. The Attorney-General may determine for the Government and the claimants may determine for themselves as to the cases to be taken to the Supreme Court. The cases made by these claims admit of classification. All claims affected by the same legal principle may be put into one class and those affected by a different principle may constitute another class, and so on until each claim is classified. From these classes selections may be made and appeals may be perfected in these selected cases, and all other cases may await and abide the judgment of the Supreme Court in the appealed cases.

This course no doubt would be entirely satisfactory to all who believe that the Government of the United States has rights respecting these claims which should be passed upon by her highest court, and it ought to be more than satisfactory to these claimants, who, except by the grace of Congress, have no rights against the Government which they can enforce. But more than all this, Congress in opening the door of the Court of Claims to these claimants authorized the Department of Justice to represent the Government in that tribunal, and that Department in a late report tells Congress that, for the protection of the interests of the Government, it ought to provide for an appeal in these claim cases to the Supreme Court of the United States.

Sir, when the vote is taken upon the pending bill we will know whether or not this House will assume a responsibility from which its boldest member might well shrink. These views upon this feature of this dispute were entertained by me in the Committee on the Judiciary, and when I joined my colleagues of the committee in the minority report, and nothing has occurred in the course of this debate to change them in a single particular. Upon the opposite side of this question the gentleman from Maryland [Mr. RAYNER] and the gentleman from Kentucky [Mr. BRECKINRIDGE] were pleased to remark that these cases would be out of place in the Supreme Court, because the controversy presents no questions of law.

The only questions involved, say the gentlemen, are political, and with such questions the Supreme Court has nothing to do. My honorable friends differ with the distinguished lawyer at the head of the Department of Justice. The learned Attorney-General in his late report to Congress says that the questions involved in this controversy are of a judicial character, involving difficult questions of maritime and international law, and this is the very reason the Attorney-General assigned for authorizing appeals to the Supreme Court. The gentleman from Maryland says if these cases go to the Supreme Court that the delay to these claimants will be long and wearisome. My reply to this is that it is only the fewest number of the claimants that expect something, and even they would be greatly surprised to receive anything.

The gentleman from Maryland and those acting with him speak for legal representatives in the third and fourth generations. May I not, with equal right, speak for the legal representatives in the fifth generation? No matter that the third and fourth are living and the fifth is not yet born. By the highest test that can be applied to these claimants—the test of merit—neither the third nor the fourth generation of the legal heirs of the original claimants have any advantage over those in the fifth. But there need be no delay. The appeals may be advanced for hearing in the Supreme Court, if not by the existing rules of that court then by the act authorizing the appeals.

Mr. Chairman, if there be among these countless claimants one who is unwilling that the Government shall be heard, in its own defense, before the court of last resort, he can have little if any confidence in the justice of his claim, and to him payment should be denied. In my judgment nothing short of a liability fixed by the judgment of the Supreme Court of the United States will satisfy the people that these claims ought to be paid out of their Treasury. It may be, sir, that even then they will be dissatisfied. We must not forget that the people understand that every Congress for eighty years, with two exceptions, refused to give to these claimants relief. Once a bill for their relief passed Congress, but was vetoed by President Polk.

Again Congress passed a bill for their relief and it was vetoed by President Pierce. These claims are not only stale, but, with the lapse of time, they have largely increased in amount. From papers before me I judge that when, eighty years ago, payment was first demanded of the Government these claims did not exceed $5,000,000; now they are $40,000,000. Heretofore all bills before Congress for the payment of these claims limited the appropriation to $5,000,000, and the bills provided that this sum should be distributed pro rata among all of the claimants, and further provided that it should be received in full of all their demands against the Government.

In the light of present surroundings it would seem incredible, nevertheless it is true, that until a recent period these claimants valued their demands at $5,000,000 and for many years labored in season and out of season to get this sum allowed. It may be that those who had to do with these claims when they were new and fresh knew less about them than those whose acquaintance began when they were old and stale. Sir, what the people do not now know about French spoliation claims they surely will be told by the daily press if this Congress appropriates any money to pay them.

Possibly our constituents may not call an appropriation of $40,000,000 to pay these claims an organized raid on the Treasury, or a forcible reach for almost half of the surplus, but we must expect that sooner or later it will occur to them that all of the original claimants and all of their immediate descendants are dead, and then, unless members of Congress are above suspicion, there may be votes to explain. We must not deceive ourselves. In whose hands are these claims, and to whom will the money we appropriate for their payment go? The original claimants and their immediate descendants are in their graves.

The remote kindred of the original claimants, those who perhaps stand in the third and fourth generation from their ancestors, may possibly get a mere trifle of the money. But aside from the cold law of descent their claims are without merit, and they out of the way, possibly, if not probably, their shares would remain in the Treasury as an escheat to the Government of the United States. What proportion of these claims are in the hands of the dealers in stale Government demands, at a nominal cost, or at no cost at all, we will never know unless Congress gives these marauders a picnic inside of the Treasury vaults. [Laughter.]

What per cent. of the appropriation to pay these claims will be distributed among the innumerable horde of agents, helpers, blowers, strikers, comers and goers, who year in and year out for sixty years past have infested this Capitol lobbying for the French spoliation claims? In all seriousness I put the question to the House, what proportion of the money proposed to be appropriated at this time and hereafter, as often as the Court of Claims reports, will reach the hands of those who hold these claims by inheritance from their ancestors?

Will such claimants receive one-fortieth part of the money? Never; no, never. If it were possible to ascertain at this time the proportion of the $40,000,000 which the legal representatives of the original claimants would receive in case this and subsequent appropriations are made, it might be best to pay them that proportion and thus end this long-pending controversy. But of course this can not be done. Shall we then waive all past denials, acknowledge the liability, and appropriate $40,000,000 to pay the claims, when we are morally certain that where the legal heirs of the claimants will receive $1 of the money others to whom the Government is under no obligation whatsoever will receive $40? Sir, we ought not to so deal with great public interests. The money in the Treasury is not under the control of Congress for any such purpose.

On yesterday I received a letter from a constituent stating that he wrote me at the request of a certain claim attorney, from whom he had just received a letter informing him that if Congress would make an appropriation to pay French spoliation claims some money would be coming to him, and urging him to write immediately to his member of Congress to vote for the appropriation. My notion is that this claim attorney has an interest in these spoliation claims many thousand times greater than my constituent.

Sir, there may be other members of the House who have received similar letters containing like requests. If so, it is to be hoped that in the interests of reputable legislation they will not keep secret the fact, but make it known to the House. It is charged that there is a combine in the House to secure the passage of an appropriation to pay these claims, but I do not believe that such a combine exists. Those making this charge call attention to the vote of the House in December last on the resolution to instruct the Committee on Appropriations to put into the general deficiency bill an appropriation for these spoliation claims. When that resolution was under consideration it was stated that what it proposed was without precedent, and to many no doubt it then did, and still doth, appear to be a strange method of legislating. The vote on the passage of the resolution was 163 yeas, nays 84, not voting 77. Of this vote it is better to believe the statement of some of the gentlemen voting in the affirmative that their votes were cast under a mistake, rather than suspect that a combine exists to recognize these claims and order them paid at the Treasury.

The gentleman from Mississippi [Mr. HOOKER] in urging the House to pay these claimants used no mild words in speaking of those who voted to send them to the Claims Court, but now refuse to vote for an appropriation to pay their demands. Listening to the remarks of the honorable gentleman, particularly upon this point, there was reason to believe that he would explain why he was now on the claimant's side of this controversy, when in December last he voted against the resolution directing the Committee on Appropriations to report an ap-

propriation to pay these demands. But no such explanation was made. In the speech of the gentleman, which appears in the CONGRESSIONAL RECORD of Tuesday last, he gives the names of all members who voted for and against and of those not voting for the bill to send these claimants to the Claims Court, but for reasons best known to himself he omits all mention of the names of those who voted for or against the House resolution of December last.

It has been said, if not on this floor certainly elsewhere, that the Representatives who talk most and work most for this bill have constituents who expect to receive no small sums of money in case it becomes a law. That there is one member of this House who is a legal representative of one of the original claimants is no secret, and that his vote was cast against the House resolution of December last appears in the CONGRESSIONAL RECORD, page 102.

An additional honor awaits this member when he votes on the question of passing the bill, for it is reliably stated that he will vote nay. There may be other members who are of kin to some of the original claimants, but as to this there are those who are better informed than myself, and then the rules of the House provide for voting in such cases. The distinguished gentleman from Massachusetts [Mr. LONG] in opening this debate told the House that the bill to pay French spoliation claims is not sectional, for it is for the payment of money due men who lived all along the coast of the thirteen original States from New Hampshire to Georgia, and whose descendants, now scattered throughout the Union, demand its passage.

Mr. Chairman, no one doubts that these descendants may be found in large numbers in the seaboard cities and towns and in the regions around about in the original States, but how many may be found in the twenty-five other States, to say nothing of the eight organized Territories? We hear of a descendant in Ohio, but he does not demand that this bill be passed. The only demand of which I have any knowledge is one made by a claim-attorney, whose residence is far distant from Ohio, and not far distant from the seaboard. [Laughter.]

"Scattered descendants throughout the Union," says the gentleman. I beg to inquire what proportion of these descendants live in that part of the Union which has been made since these alleged losses occurred, or their payment was first demanded from our Government? These scattered descendants—now far away from the Atlantic seaboard—how many of them know or even care about the bill now before the House, and who of them is demanding its passage, or expects to receive any of the money? The bill, sir, may not be sectional as to the States bordering upon our eastern seacoast, but how is it in this respect as to all of the other States? From the remarks of the honorable gentleman from Massachusetts I judge that he has neither patience with or respect for the minority of the Judiciary Committee, or with, or for, their views respecting French spoliation claims.

Still these views, in my humble judgment, can be successfully maintained even against the ability and learning of so able and learned a gentleman as my friend from Massachusetts. In reading those views in connection with the gentleman's remarks it occurred to me that my friend from Arkansas [Mr. ROGERS], who wrote those views, had the better understanding of the real merits of this controversy.

Mr. Chairman, the patience and respect of the gentleman from Massachusetts must have been very heavily taxed, and he under very great strain, otherwise he would not have gone so far out of his way as to say that in one particular these views were a contemptibly, unpatriotic, and cowardly admission, which he did not believe would weigh even in the days of this Administration.

Does the gentleman mean to be understood as saying that the present Administration is unpatriotic, cowardly, and contemptible, or worse? If so, my reply is that in devotion to the people's interests no Administration since the foundation of the Government excels that of President Cleveland; and allow me to add that I sincerely believe this to be the judgment of the American people. [Applause.] Do French spoliation claimants believe that this Administration is opposed to the payment of these claims that their friends on this floor call it hard, ugly, and unbecoming names? There is nothing before the House showing whether the present Administration is for or against the validity of these claims, and our responsibility is the same whether we know or do not know.

Mr. Chairman, if there be a place in this controversy for politics the gentleman from Massachusetts pointed it out by assailing an administration that has not only the heartfelt support of every Democrat, but, to a very eminent degree, in integrity and purity of purpose, has the confidence of every fair-minded man in this country. [Applause.]

Sir, he must be an indifferent observer of the course of political events who believes that any political party in this country can stand before the people and defend the payment of $40,000,000 to French spoliation claimants in the face of an honest denial upon the part of the Government for almost a century of all liability. [Applause.] No such a load shall be put on the Democratic party with my consent. [Renewed applause.]

The spotless record of the present Administration ought not to be stained by an affirmative vote of this House on paying French spoliation claims. Democrats in the pending political contest have no scandals to defend against, and they will have none if their Representatives on this floor keep the Treasury doors locked against French spoliation claimants. [Applause.] Sir, if these demands are just, why were they not acknowledged and paid when the Republican party was in control of the Government? Why is it, sir, that French spoliation claims met with no favor under the Republican administrations of Lincoln, Grant, Johnson, Hayes, Garfield, or Arthur? Surely the gentlemen who take the lead in advocating their payment at this time ought to be able to tell the House and the country why, during the twenty-four years rule of these six Republican Presidents, no French spoliation claimant was allowed to get within sight of the public Treasury?

Sir, if we had no surplus in the Treasury the French spoliation claims would not be pressed upon the House at a time when the thermometer stands at 90 in the shade. If a tax for their payment was to be levied upon the people the measure would have no disinterested advocates.

Impose upon some articles of imports or upon some articles of our own production the $40,000,000 which is demanded from the Government in satisfaction of these claims, and how many votes would the measure have in this House? In my judgment not one. Sir, if the House would not levy a direct tax upon the people, or upon articles they use or consume, to pay these claims, ought money raised by such taxation now in the Treasury be appropriated for their payment?

There is but one answer to this question. Sir, the Treasury surplus belongs to the people. Notwithstanding this money is out of their hands and for the time being at the disposal of Congress, still it is the money of the people. Taxation took it from their pockets to pay what the Government says it owes and not to pay what the Government says it does not owe. French spoliation claims ninety years ago, when their merits were better understood than they are or can be at this day, the Government refused to acknowledge their justice, and since Congress again and again refused to appropriate money for their payment, and by these repeated refusals said to these claimants and said to the people of this country and to the French Government that they are unjust demands against the Government of the United States.

Will this House say that it is wiser and better informed respecting these claims than were those who occupied seats upon this floor in all the years which are behind us, and that they in disputing the liability of the Government acted wrong, and that we in acknowledging their validity would do right? We are nearing the close of a ten hours' debate respecting these claims, and all that has been said—ably and learnedly said—has put no mind in shape to decide intelligently and understandingly the grave questions upon which the liability of the Government depends. Such questions can not be satisfactorily determined in the heat of a legislative debate. In the more cool and considerate deliberations of a court even and exact justice is done. What we need before we commit the Government to the payment of French spoliation claims is judicial wisdom as to the disputed question of liability. No legislative wisdom can enlighten our judgments upon this point.

The liability of the Government upon these claims has been denied since the day they originated, now near ninety years ago. This great lapse of time might well be used as a complete bar to legislative relief. Between individuals a few years bar judicial relief upon all obligations. Against these claimants time, perhaps, ought not to be used in bar of their rights. Let time be waived. They insist, in effect, that the Court of Claims shall determine the liability of the Government, while those acting in the interest of the Government more than in the interest of the claimants insist that the liability shall be determined by the Supreme Court of the United States. Into the Supreme Court these claimants refuse to go, and for this refusal, no matter for what reason, Congress ought not to appropriate a dollar for the payment of their claims.

Mr. Chairman, we hear and read of schemes for emptying the Treasury of its surplus, but what scheme in audacity is equal to the scheme of the French spoliation claimants? Why, sir, look at their demands. Upon their face may be seen one veto by one President and another veto by another President. Read the Congressional debates for seventy-five years past and learn how often Congress has refused to have anything to do with French spoliation claims. Before us in plain view is the refusal of these claimants to submit their demands to the judgment of our highest judicial tribunal. What, then, ought this Congress to do? Send these claimants to the United States Treasurer with an order for $40,000,000? They ask the House to do this. What audacity, what cheek!

Three weeks ago this House, in response to an imperative demand of the people, voted to reduce taxation $80,000,000 a year. To-day it is proposed by the friends of this bill to put on the people a tax burden of $40,000,000 to pay questionable, if not invalid, demands made upon the Government. Those of us who are under pledge to vote no money out of the Treasury except to meet the economical wants of the Government must be careful of the record we make on French spoliation claims. The gentleman from Kentucky [Mr. BRECKINRIDGE], always eloquent, but never more eloquent than when speaking for these claimants, tells the House that the Government did in the long, long ago acknowledge the justice of these demands, and upon this assumption, to

my mind the sheerest of assumptions, he, in touching and feeling words, appeals to the House to empty the Treasury into the pockets of these claimants.

Will my honorable friend permit me to remind him that whether or not the Government has acknowledged the justice of these demands or in any way obligated itself to pay them are matters of dispute between the Government and these claimants, and that upon these points nothing is to be assumed but everything is to be proven. The loose sayings or doings of diplomats make no binding acknowledgment or obligation.

Has the Congress of the United States by any enactment, with or without executive approval, acknowledged the liability or obligated the Government to pay these demands? No one so pretends. Is the acknowledgment or obligation to be found in intentional words in any treaty to which our Government is a party? The Government says not. How, then, is the Government obligated to these claimants?

Sir, we must look at the matters before us in the light of to-day, and not amid the surroundings of fifty or eighty years ago. Congress, by the act of 1885, put the executive department of the Government—which the gentleman from Kentucky as well as myself believes to be wise and pure and upright—between the Treasury and these claimants, and now through the law-advising head of that department we have the information, for such it is in effect, that the Court of Claims in finding for the claimants did wrong, and that this wrong can be righted in no other way than by authorizing appeals to the Supreme Court and refusing payment to all claimants until the disputed questions are determined in this appellate court.

The question, then, which confronts us is not whether these claims are just or unjust, but whether we have care enough for the interests of the people as to heed the disinterested opinion of their legal adviser, the Attorney-General of the United States, who tells the Congress to make no payments upon them at this time, but, instead, authorize the Supreme Court to judicially ascertain whether they are valid or invalid demands against the Government. But to all this the gentleman from Kentucky says no. The recommendation of the law arm of the Government respecting this legal dispute the gentleman puts under his feet. Clay, Webster, Clayton, Cushing, and Sumner, says the gentleman, believed these demands to be just, and their belief is my belief, says my friend; and to the same effect speaks the gentleman from Maine [Mr. DINGLEY]. That these men were gifted and great and commanding in public affairs in their day it gives me pleasure to state; yet it is a most significant fact, and I would commend it to the thoughtful consideration of my friends from Kentucky and Maine, that they were unable to impress the opinions they held as to French spoliation claims either upon Presidents, or Congresses, or upon any considerable number of their contemporaries.

But it may be said, indeed it is said, by the advocates of these claims that a refusal upon the part of Congress to appropriate money to pay them would be an act of repudiation upon the part of the Government. Sir, this is beggary, but it is a part of the claimants' side of this controversy. Upon the opposite side it may be said that as long as the Government disputes its liability and as long as these claimants are unwilling to go into the Supreme Court of the United States to have the question of liability determined there is no repudiation of these claims. When the highest judicial tribunal in our land shall adjudge the Government of the United States liable for the payment of French spoliation claims, then the question may be more thoughtfully considered than it can be at this time whether the duty of the Government with respect to these claims may not be fully and honorably discharged by paying such of them as may be in the hands of the legal representatives of the original claimants and refusing to pay those held by purchase or otherwise for mere speculative purposes.

Mr. Chairman, for the legislation of this House the Democratic party is responsible to the country. As an humble and unpretending member of that party I desire to say to my fellow-members upon this floor that in my deliberate judgment the people are in no temper to stant the kind of legislation proposed by this bill. At no time in the past has our party been as strong in the confidence of the people as it is ad this hour. This confidence we must not abuse.

If we do our part the people will do theirs, and a triumphant victory awaits us in the contest before us. But, sir, if this Democratic House opens the doors of the Government Treasury to let in the hungry and greedy horde known to the country as French spoliation claimants to take and carry away forty millions of money, it is my humble belief that the Democratic party will meet with rebuke at the polls in November. [Loud applause.]

The CHAIRMAN. The time of the gentleman has been extended for five minutes, and a similar request will be granted on the other side.

STATUES OF RICHARD STOCKTON AND PHILIP KEARNY.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a resolution—

That the thanks of Congress be presented to the governor, and through him to the people, of New Jersey for the statues of Richard Stockton and Philip Kearny, whose names are so honorably identified with the history of the State and of the United States.

The committee resumed its session.

DEFICIENCY BILL.

Mr. BURNES. I yield five minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. The gentleman from Maine [Mr. DINGLEY], in his remarks in support of this proposed appropriation, stated the ground upon which these claims are based so briefly and so clearly that in order that we may exactly appreciate the question before us I desire to read from them, at page 9750 of the RECORD:

By the treaty of 1801 the United States, for a valuable consideration, relieved France from whatever obligations she was under to pay American citizens for spoliations of their property, and in doing so she equitably assumed such obligation on the part of the Government.

Now, Mr. Speaker, the whole ground of argument in support of these claims is summed up in that statement. If it is true that the Government of the United States did for a valuable consideration release France from the obligations that that country was under to American citizens, then in doing so this Government equitably assumed the payment of the obligation so released, and there is a basis for the claim made upon the Treasury of the United States at this time, no matter how long ago this treaty may have been negotiated, nor however many different opinions there may have been expressed as to the justice of these claims. After all, this House is called upon to determine whether or not the Government of the United States did release France from certain claims of American citizens and was in consideration thereof itself relieved from certain demands in favor of France.

It is entirely obvious that this question is to be determined solely by consideration of the terms of the treaty made in 1801, and that it is entirely useless in ascertaining the justness of these claims against the Government of the United States to consider at all whether or not there had been contentions between the governments of the two countries in regard to these claims prior to the treaty.

So long as the claims remain claims against the French Government there is no pretext of liability of the United States Government. It is always to be remembered that these claims originated against another government and are asserted and can only be sustained against the American Government by showing that it used them as the consideration for its release from claims against it. Until it is shown that these claims as against the French Government have been discharged by the act of the United States Government and that they were the consideration of a release of claim against the latter government there is no basis for a demand upon the part of the owners of these claims against it. Until these two points are established it is immaterial to consider the merits or amount of the claims as against France.

It is for the claimants to show these two facts as a preliminary to the consideration of any other question relating to these claims. The treaty itself and the proceedings relating to the ratification of it furnish the best, if not the only, material evidence upon this subject. The instructions to and reports of the negotiators may be referred to to explain any ambiguity in the treaty, but can furnish no other aid in determining whether these facts existed. Neither are the subsequent acts of different branches of our Government of any importance, except for the same purpose. These claims as against our Government are dependent solely upon the treaty of 1801.

Therefore, to determine these questions, and because I desire to do exact justice to the people interested in them, I have taken the time to look up a little of the history of these claims. I would first call the attention of the House to the instructions which were given to the ministers plenipotentiary by the then Secretary of State, Mr. Pickering.

American State Papers, volume 2, page 302:

At the opening of the negotiation you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents. And all captures or condemnations are deemed irregular or illegal when contrary to the law of nations generally received and acknowledged in Europe, and to the stipulations in the treaty of amity and commerce of the 6th of February, 1778, fairly and ingenuously interpreted, while that treaty remained in force.

At page 303, Mr. Pickering, further instructing, writes:

Claims may be presented to the board during two years, commencing with the day on which the commissioners shall first assemble to proceed to business; and in particular cases, in which it shall appear to them reasonable and just, they may extend the time of receiving claims to any reasonable term after the expiration of the two years.

All sums which the board may award to American claimants France should stipulate to pay in gold and silver, without any deduction, at such place or places, and at such time or times, as the commissioners shall appoint. The awards should comprehend a reasonable allowance of interest on the amount of the original losses and damages, or, instead of prompt payment, the whole may constitute a transferable capital, bearing interest until the debt be discharged.

The board should also take cognizance of the claims which may be presented to them by American citizens for merchandise or other property seized by the French in their own ports or elsewhere, and not comprehended under the head of captures; and for their vessels arbitrarily and unreasonably detained in French ports, and for the losses and damages thereby sustained, the board

should award equitable compensations to be paid in the manner prescribed in the case of captures.

The claims of the United States, as distinguished from those of their citizens, for injuries received from the French Republic, or its citizens, should be submitted to the same board; and whatever sums they award, France should stipulate to pay, in the manner before mentioned in the case of captures.

As the French Government have heretofore complained of infringements of the treaty of amity and commerce by the United States, or their citizens, all claims for injuries thereby occasioned to France, or its citizens, are to be submitted to the same board; and whatever damages they award will be allowed by the United States, and deducted from the sums awarded to be paid by France.

If, however, the French Government should desire to waive its national claims, you may do the like on the part of the United States. Doubtless the claims of the latter would exceed those of the former; but to avoid multiplying subjects of dispute, and because national claims may probably be less definite than those of individuals, and consequently more difficult to adjust, national claims may, on both sides, be relinquished.

All claims for sums due to American citizens, by contracts with the French Government or its agents, which may be presented to the board, France should stipulate to pay within the shortest periods possible to obtain, with interest, at the rate agreed on; or, if no agreement about interest appears, then at the rate to be fixed by the board and from the time when the sums were respectively payable by contract. This also may be in transferable stock.

Acting under these instructions, our ministers went to Paris and entered upon these negotiations. Here are some fifty pages of fine print showing what occurred between the negotiators for the two countries; and they finally reached this result, as reported by our negotiators to the Secretary of State:

It only remained for the undersigned [our ministers] to quit France, leaving the United States involved in a contest, and, according to appearances, soon alone in a contest, which it might be as difficult for them to relinquish with honor as to pursue with a prospect of advantage; or else to propose a temporary arrangement, reserving for a definite adjustment points which could not then be satisfactorily settled, and providing in the mean time against a state of things from which neither party could profit. They elected the latter, and the result has been the signature of a convention.—*American State Papers*, volume, 2 page 343.

In other words, after every expedient that could be devised by the representatives of the United States to effect a settlement of the claims for spoliations had been exhausted, they were compelled to give up the hope of ever reaching a treaty which should cover the complicated claims against this Government, and of this Government as representing its citizens, against France, and accordingly we find that they made the treaty of 1801.

Article II of that treaty is as follows:

ART. II. The ministers plenipotentiary of the two parties not being able to agree, at present, respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and conventions shall have no operation, and the relations of the two countries shall be regulated as follows.

Its effect is open to no dispute, and amounts to an agreement that these respective claims should be laid aside for further negotiations and for settlement by a treaty to be thereafter made between the two countries; and that these claims on our side so deferred were solely the spoliation claims is obvious from the fact that in Article V of the treaty, which is as follows:

ART. V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations (American State Papers, volume 2, page 296);

It is agreed that claims other than for spoliation "shall be laid in the same manner as if there had been no misunderstanding between the two States; but this clause shall not extend to indemnities claimed on account of captures or confiscations.

[Here the hammer fell.]

Mr. BACON. I ask unanimous consent for two minutes more in which to conclude my remarks.

The CHAIRMAN. The gentleman asks for two minutes more to conclude his remarks without having it charged to the time for debate to the respective sides. Is there objection? The Chair hears none.

Mr. BACON. That treaty was transmitted to the Senate of the United States by the President with the following message:

[Executive Journal, volume 1, page 359.]

Gentlemen of the Senate:

I transmit to the Senate, for their consideration and decision, a convention, both in English and French, between the United States of America and the French Republic, signed at Paris on the 30th day of September last by the respective plenipotentiaries of the two powers. I also transmit to the Senate three manuscript volumes containing the journal of our envoys.

JOHN ADAMS.

UNITED STATES, *December* 15, 1800.

After discussion running through several sessions the Senate adopted by a vote of yeas 22, nays 9, the following resolution:

[Executive Journal, volume 1, page 377.]

Resolved by the Senate of the United States (two-thirds of the Senators present concurring therein), That they do consent to and advise the ratification of the convention between the French Republic and the United States of America, made at Paris, the 8th day of Vendemiaire, of the 9th year of the French Republic; the 30th day of September, anno Domini, 1800.

Provided, The second article be expunged, and that the following article be added or inserted:

It is agreed, that the present convention shall be in force for the term of eight years, from the time of the exchange of the ratifications.

After this resolution was adopted the convention as thus changed was then submitted to the French Government, and the First Consul returned it to the President of the United States with the statement that the Government of France accepted and ratified the convention with the retrenchment of Article II, well understanding by this retrenchment that the two states renounced their respective pretensions which were the object of the aforesaid article.

Because of that peculiar phraseology the President of the United States again submitted the treaty to the Senate, and he did so with this message:

[Executive Journal, volume 1, page 397.]

Gentlemen of the Senate:

Early in the last month I received the ratification by the First Consul of France of the convention between the United States and that nation. His ratification not being pure and simple in the ordinary form, I have thought it my duty, in order to avoid all misconceptions, to ask a second advice and consent of the Senate before I give it the last sanction by proclaiming it to be a law of the land.

TH. JEFFERSON.

DECEMBER 11, 1801.

Thereupon the Senate of the United States having taken the message under consideration adopted this resolution:

[Executive Journal, volume 1, page 398.]

Resolved, That the Senate of the United States consider the convention between the United States and the French Republic as fully ratified, and therefore return the same to the President of the United States for the usual promulgation.

Yeas 22, nays 4.

I call the attention of the House to the fact that while the Senate in the first case consented to and advised the ratification of the convention as amended by it in the other case it asserted that the ratification was complete, thus treating the parenthetical statement of the First Consul—of his understanding of the effect of the ratification—as being a matter which was not in the treaty, which had not been settled in the negotiations, and therefore as not taking away from the force of the ratification.

As a result of these proceedings there was no clause in the treaty of 1801 by which the French Government released the United States from claims which the French Government or its citizens might have against it, nor was there any provision by which the United States released the French Government from claims made against it by citizens of the United States.

Now, as a matter of legal construction of those documents and resolutions, one of two things must be true: Either there was no ratification of this treaty, or else there was no convention between the two governments which waived the claims of citizens of the Government of the United States against France, and in either event the citizens of the United States have not been deprived of any right which they had, nor has the Government of the United States received any consideration for such an assumption of responsibility as is now sought to be charged upon it.

Mr. Chairman, there remains after an examination of these papers no ambiguity in their language or their meaning, to explain which we can safely refer to the subsequent negotiations or to reports of Congressional committees or to the opinions of eminent public men. Upon their face it is entirely plain that there is no foundation to be found in them in support of the excellent and complete statement of the cause he was advocating made by the gentleman from Maine, to wit:

By the treaty of 1801, the United States for a valuable consideration released France from whatever obligations she was under to pay American citizens for spoliations.

The only basis upon which the liability of the Government is asserted appears upon an examination of the original papers not to exist. This House, even with a surplus in the Treasury, can not, because their claims are large, because some of our citizens suffered unjustly in the past, because of any feeling of sympathy for the sufferers, or because of opinions favorable to their claims expressed by eminent men in the past, after what examination and under what circumstances we do not know, take from the Treasury a sum of money and pay it to persons worthy or unworthy, but not creditors of the Government.

Mr. Chairman, I appreciate that this Government is slow, exceedingly slow at times, in paying just claims against it. I favor at all times a speedy settlement and payment of every just demand due from it. But it is never to be forgotten nor overlooked that the money in the Treasury of the United States is the property of all its citizens, each having an undivided but beneficial interest in every dollar of it, and that the representative members of this House have no moral right to take away that interest, small though it be, from any citizen and bestow it upon any or all others.

I regret, sir, that I am compelled by these ideas of my right and duty, and by the conclusion I am forced to by an examination of the treaty documents which form the basis upon which these claims are rested, that there is no rule of law, equity, or natural justice which sustains them as valid debts against the Government, to vote against the passage of a bill for the payment of a part of these old and long-pressed claims.

I regret it the more, sir, because these claimants have been led by

vain hopes, encouraged by careless legislation, and probably careless legislators, to carry on a long and expensive struggle to get these claims paid.

There is, however, no other vote which seems to me consonant with the discharge of the duty and obligation to the whole people which is imposed upon this House and its members, and it is to be hoped that it will be emphatic enough to put an end forever to this attempt to get money from the Treasury.

Mr. BURNES. I yield the remainder of my time to the gentleman from Arkansas [Mr. ROGERS].

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. ROGERS. Mr. Speaker, there were two objections to the bill reported by the minority of the committee for the disposition of these claims, and the discussion seems to have rested finally upon those two points. The first point is that those cases which have been already reported to Congress are not provided for by the bill. That is an error. The bill itself as reported provides that the Court of Claims may, in those cases already reported to Congress, render final judgment against the Government, they, like the others, being subject to the right of appeal.

The other contention is that these cases are not to be advanced upon the docket, and that, consequently, serious delay will occur. I propose to amend that bill in conformity with the recommendations of the minority of the Judiciary Committee, so as to provide that it shall be the duty of the Supreme Court of the United States to advance the hearing of all such appeals so that every case that may be appealed, either by the Government or by the claimants, shall be advanced and be disposed of within six or eight weeks after it gets upon the docket.

There is one other point that I want to present. It is said that this is a political question, and that the right of appeal to the Supreme Court will not put that court in possession of these cases so that they will be adjudicated, because it will be a political rather than a judicial question.

This, of course, is denied; but grant that it be true; grant that this is a political question and that the Supreme Court should decline to adjudicate the question at all, what would be the effect? For want of jurisdiction these cases would be dismissed from the Supreme Court. Then how would the claimants stand? They would stand before the Congress of the United States, fortified by the final judgment rather than the report of the only court which could pass upon these claims. So that, in either aspect of the case, the remedy sought to be afforded by the Judiciary Committee, instead of weakening the case, puts these parties in possession of a final judgment against the Government of the United States if they should be dismissed from the Supreme Court; and to that extent their case would be strengthened.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE] is now entitled to the floor.

Mr. DIBBLE. For how much time?

The CHAIRMAN. For one hour and thirty-four minutes, unless, on account of the extension of the time upon the other side of the question, a corresponding extension of time be made.

Mr. DIBBLE. How much time was covered by the extension on the other side?

The CHAIRMAN. Seventeen minutes.

Mr. DIBBLE. As only nine minutes intervene before the coming up of the special order fixed for to-day, I submit to the committee whether it is worth while for me to proceed now. I am perfectly willing to do so.

The CHAIRMAN. The gentleman may proceed.

Mr. DIBBLE. Mr. Chairman, the gentleman from Ohio [Mr. SENEY] who has addressed the committee this morning stated in the opening of his propositions that there were two issues involved in this debate—one whether the United States received consideration for the surrender of these claims to France, and the other whether France had admitted them. I had supposed the gentleman would go on and discuss those propositions; but instead of that, the points which he has raised have nothing to do, I submit, with the questions which we have to decide. He has said the claims are stale. Can the statute of limitations be pleaded by the Government of the United States with dignity against its duty, if the payment of these claims is a duty? If the claims are just, their venerable age is no disadvantage, because these claimants could not sue their sovereign, the Government. The law maxim is that to the vigilant, and not to the sleeping, is the assistance of the law rendered. These claimants have not been sleeping; but they have had no tribunal which could adjudicate their claims against the Government.

The truth is, Mr. Chairman, I deny the assumption of the gentleman from Ohio that he represents the United States, and, for the United States, is authorized to deny consideration for the surrender of the claims, and to deny the admission of their validity by France. I claim, in common with every advocate of the payment of these claims upon the floor, that when we take them up for examination we also represent the sovereign people of the United States. We do not stand here to represent antagonists of the Government We come here to join with the gentleman for the purpose of determining, upon deliberation and on behalf of the Government as the representatives of the sovereign people—as the political power of the Government—what is the duty of the Government to its own citizens who come here and say they have a grievance which the Government should satisfy.

I represent no claimants. I had the honor to introduce the resolution which the gentleman criticised. I am no attorney for any claimant. I represent none of them. I stand here simply as one of the representatives of the people; and I claim that this is the tribunal to settle this vexed and long-pending question. There are difficulties in the settlement of issues like these in a body like the present. This body, even through its committees, is not well constituted to go into the details of every individual case, to find out whether a particular ship was an American ship, what vessel seized it, where it was condemned, together with the value and ownership of the ship and the cargo. These are matters which it would be hard to decide with the machinery of this body; and being decided on *ex parte* testimony by our committees, the decision might be in some cases erroneously against the Government. But we have done with these claims what supplies that deficiency. We have called to our assistance the Court of Claims to settle all these facts. We provided that the Attorney-General of the United States, with his able assistants, should go into that court and represent the Government as if the Government were sued; and the claimants have been there with their counsel. Under the rules of evidence the facts have been sifted and are now presented to us here.

It may be said that those facts should be sifted by the Supreme Court of the United States. I contend, first, that, so far as the Supreme Court of the United States is concerned, it will not take cognizance of evidence or review the facts. It will only take cognizance of the questions of law. The best security which any system of jurisprudence can provide has been provided here against the success of fraudulent and unfounded claims. Both sides are represented, and can object to the evidence, in the Court of Claims.

But even if the proposition of the gentleman from Arkansas [Mr. ROGERS] should prevail, and these cases should be sent to the Supreme Court of the United States they would go there simply upon the facts as found by the Court of Claims, and without the evidence on which the finding as to those facts is based. When the Court of Claims was established there was a provision in the statute that there should be an appeal to the United States Supreme Court; that then the cases should be certified by the Treasury Department and reported by that Department to Congress in the estimates, a discretion being left with the Treasury Department as to the time of that report.

What did the Supreme Court do in the case of Gordon *vs.* The United States? Why, they dismissed the first appeal for want of jurisdiction on the ground that the Supreme Court, a co-ordinate branch of the Government, would not render a judgment if it was to be reviewed by anybody, and declined to render judgment which required a subsequent law to provide an appropriation to carry it out. What was the result? The Congress of the United States amended the law. They struck out that section which might render the judgment nugatory. They provided that the final judgment should go into the appropriation bill; and the Supreme Court of the United States adopted a set of rules to govern them in that class of appeals, and took cognizance of them; and among those rules is the rule that the Court of Claims must not send any of the evidence to the Supreme Court; that they will only review the errors at law; that the matters of fact they will take to be as the Court of Claims finds them; and where a record is sent up which includes the evidence the Supreme Court of the United States sends it back for amendment. They require of the Court of Claims simply the findings of fact, and on these findings of fact they review the law.

I cite this, Mr Chairman, to show that the Supreme Court of the United States will not undertake under its rules, and that it is not its function, to go down into the matters of fact and sift out the claims; and that the Court of Claims, with both sides present, is the proper tribunal of the Government for that purpose; and, so far as that part is concerned, it is already accomplished, and an appeal to the Supreme Court of the United States will not change it.

The opinion of Chief-Justice Taney, in the Court of Claims case, Gordon *vs.* United States, where the Supreme Court dismissed the appeal for want of jurisdiction, contains the following, namely:

> Nor can Congress authorize or require this court to express an opinion on a case where its judicial power could not be exercised and where its judgment would not be final and conclusive upon the rights of the parties and process of execution awarded to carry it into effect. * * * And whether the appropriation will be made or not will depend upon the majority of each House. The real and ultimate judicial power will therefore be exercised by the legislative department, and not by that department to which the Constitution has confided it.

After Congress had stricken out the section of the Court of Claims act. the Supreme Court exercised jurisdiction on appeal as to matters of law only; and provided by rule as to findings of fact, as follows:

> The facts so found are to be the ultimate facts or propositions which the evidence shall establish, in the nature of a special verdict, and not the evidence on which these ultimate facts are founded. (Rules December term, 1865, 3 Wall., vii.)

The CHAIRMAN. Under the previous order of the House, the committee must now arise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the general deficiency bill, had come to no resolution thereon.

PRESENTATION OF STATUES, NEW JERSEY.

The SPEAKER. The Clerk will report the special order fixed for to-day at 2 o'clock.

The Clerk read as follows:

Resolved, That Tuesday, the 21st day of August, at 2 o'clock in the afternoon, be set apart for the consideration of the resolutions accepting two statues from the State of New Jersey.

Mr. PHELPS. With the consent of the House, I will call up the Senate concurrent resolutions.

The SPEAKER. If there be no objection, the House resolution will be laid aside and the Senate resolutions taken up for consideration.

There was no objection.

The SPEAKER. The Clerk will report the Senate resolutions.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the governor and through him to the people of New Jersey for the statues of Richard Stockton and Philip Kearny, whose names are so honorably identified with the history of the State and of the United States.

Resolved, That these works of art are accepted in the name of the nation and assigned places in the old Hall of the House of Representatives, already set aside by act of Congress for statues of eminent citizens, and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of New Jersey.

Mr. PHELPS. In response to the invitation of 1864, New Jersey to-day tenders to Congress the statues of Richard Stockton and Philip Kearny. They are two of her citizens who are illustrious for their historic renown, which was acquired by the one in the civil service and by the other in the military service of his country. As you may imagine, she looked long at the line of heroes that have illustrated her history before she could call out from it the fortunate two who shall for all time represent the Commonwealth of New Jersey at the Capitol. She had essayed in vain to make the selection had she not determined to choose a statesman and a soldier, a citizen of the distant past and a citizen almost of the immediate present, that these marble figures might tell at the first glance that the sons of New Jersey at all periods and in all callings had but one supreme motive—the welfare of their country.

Richard Stockton, the statesman, was born at Princeton in 1730, of the earliest and best New Jersey lineage. He received the best of academic and collegiate educations; he pursued the profession of the law and became the head of the New Jersey bar. For personal improvement he spent two years in Great Britain, and received there the distinguished attention his disposition and talents entitled him to. He was presented to the King in London and consulted there with Rockingham, Chatham, and other good friends of his distant home. Edinborough gave him the freedom of the city, and in Dublin he gave the Irish that sympathy his countrymen at this distant day still feel for that unfortunate Ireland. Upon his return in 1768, he was appointed a member of the King's council, and six years afterwards one of the judges of His Majesty's supreme court. In June, 1776, he was elected by the provincial congress of New Jersey to be one of its representatives in the General Congress then sitting at Philadelphia. As such representative he signed the Declaration of Independence. In September the Legislature, in selecting a governor, divided its suffrages between him and William Livingston. Upon Stockton's withdrawal from that contest, he was elected a few months afterwards chief-justice. Before assuming these duties he visited the Congressional army as one of a Congressional committee on investigation intrusted with extraordinary powers, which were wisely used. Returning to his home to superintend the removal of his family, whose safety was threatened by the approach of the British army, he was himself captured. He was imprisoned in Amboy and New York under circumstances of such cruelty that his health was lost. After his release, which was made the concernment of General Washington by a special resolution of Congress, he retired to the ruins of his home at Princeton a broken man, and died there aged fifty years.

Philip Kearny, the soldier, was born in New York in 1814. He received a fair education, and when of age entered the Army as a second lieutenant of dragoons. He fought on the frontier with the Indians; he was sent to Europe to report on French tactics, and fought the Algerines so well as to win the decoration of the Legion of Honor. Returning, he went to the Mexican war; he was made captain in 1846 for gallantry at Contreras and Churubusco; he was breveted major. He pursued the flying enemy into the city of Mexico, and was the first to enter its gates. In accomplishing his escape he lost his left arm. Afterwards he rendered service in California, and is entitled to a large share of the credit of adding that territory to our national domain. He went to Europe, continued his studies, and served in the Italian war in 1859. When the civil war broke out he came back, and May 17, 1861, took command of a New Jersey brigade. His promotion was rapid, won by gallantry in many a familiar field—Williamsburgh, Fair Oaks, Centreville. He was a major-general at Warrenton Junction. At Chantilly, telling orderly and aids to keep back, he rode forward himself to see the position and was killed September 1, 1862, only forty-eight years old.

Could two characters have been more different, or two careers? Contemplation and action. Peace and war. Stockton was the model of a statesman; fond of study and contemplation; a man fitted at every point for the duties of peaceful society. Kearny was the model of a soldier, fond of excitement and action, a man fitted at every point for the stern duties of war. Their supreme devotion to patriotic duty was the only trait in common. They were two most dissimilar types of character, and their grouping in equal honor on this occasion teaches as another lesson that an earnest purpose and not a special temperament is all that is necessary to make a man some way useful to his fellow men. The Quaker blood in Stockton gave him that moderation which philosophy says is the one essential of statesmanship. The Irish blood in Kearny kindled in him that ardor which gives the courage to despise obstacles and to anticipate success, qualities which are indispensable to military leadership. Stockton did everything after mature consideration upon a judgment carefully instructed by study and experience. He was the great lawyer, the wise counselor, the prudent statesman; he did not lack in courage, physical or moral. He wounded and fought off a robber who assaulted him in the streets of London, and met the physical privations of his capture without a murmur.

Nor did he hesitate longer than to convince his judgment, before he declared his independence of a sovereign who had shown him personal courtesy and given him public office and honor. But, for all that, he was a natural conservative, who preferred to run no risks, but to stand by all precedents where honor would permit it. He had a love for a complete decorum in all relations, which made him as careful with the mint and anise and cumin as in the weightier matters of the law. As farmer, lawyer, judge, member of Congress, son, husband, father, and friend, he was a model. The well-rounded symmetry of his character always reminded me of Washington whose friendship he enjoyed. Except that Stockton's life and character had no military tinge, there was a striking resemblance between these two men. They were both perfect gentlemen of the antique world: courteous, dignified, methodical, never forgetting themselves, and in justice let me say, never forgetting any one else whom they ought to remember. Just as I can picture Washington at Mount Vernon, I can picture this New Jersey gentleman sitting on the broad acres of Princeton which his grandfather had acquired in the seventeenth century. I can believe he had no greater pride than in recalling his stainless and distinguished line of ancestry, unless Providence had kindly lifted for him the veil of the future that he might behold his son, his grandson, and his great-grandson occupying seats in the Senate by their merits as regularly and as surely as if they were a Stockton heirloom.

How different from this picture is the active life and restless genius of Phil Kearny. He cared nothing for details; he ignored them all that he might concentrate all his energies upon the great principle for which he strove. Toward that object he rolled in molten stream his past, his present, his future, his memories and hopes, his courage and his parts, all that there was in him. Such enthusiasm could not wait for the slow processes of reason. He appealed often to instinct, knowing that he was a child of genius and that genius was kind to her children. The appeal was often not in vain, and then Indian and Mexican and Algerine and Italian and Confederate looked upon him in his rapid strategy and magnificent charge as an inspired madman; and yet when, unwilling to trust to these dangerous gifts, he appealed to the ordinary processes of mankind, he would show the power to plan and organize, which is the basis of the most solid military character. His intensity of nature, however, generally controlled him and brought with it all its natural advantages and disadvantages. He could see only the object at which he aimed, and in pursuit of that object he would ride roughshod over anything in his way—not from indifference, not from unkindness, but his look was focused on the distant object, and it could not be changed. Had this fierce enthusiasm, this concentration of fiery genius been for an unworthy object, it would have been inexcusable and baneful. Fortunately it was almost always directed to a noble and unselfish end, and those over whom he rode healed their wounds and forgave him, knowing that he was riding desperately at a common enemy. Brave as a lion, tender as a woman, his portrait remains the beau ideal of a soldier, and the picture of that slim, handsome figure riding all alone to its death at Chantilly, with his bridle in his teeth and his only remaining arm waving his sword, goes down to history as symbolic of the character and conduct of this gallant leader, the Murat of our volunteer Army. Soldier and statesman, hail! farewell! May our country never lack the unselfish wisdom in her later councils which Richard Stockton gave in her earliest, and may she never lack in the execution of them the self-devotion which made Philip Kearny, for his country's sake, ride to death as to a festival. [Great applause.]

Mr. MORROW. Mr. Speaker, the people of California would unite to-day with their brethren of New Jersey in paying a grateful tribute to the distinguished character and eminent public services of General Philip Kearny.

The name of Kearny is familiar to our people in the far West, more,

perhaps, on account of the conspicuous figure of General Stephen W. Kearny in public affairs on the Pacific in that eventful period which marked the transfer of authority in California from Mexican rule to American occupation and control. But General Philip Kearny, who was a nephew of our distinguished pioneer, was himself identified with some of the important events in the early history of the Pacific coast.

He came to California immediately after the close of the war with Mexico, holding an important command in the Army. In this position he rendered most timely and gallant services against the hostile Indians then infesting Northern California and Southern Oregon.

General Philip Kearny was admired as an able and daring soldier, and as one of the conspicuous heroes who won for this country the rich and fruitful territory stretching from the Rio Grande to the Pacific, and with Texas including a domain equal to one hundred and four States as large as the State of Massachusetts.

It may be that there were political motives involved in the war with Mexico that would not now receive popular approval or partisan support, but the results achieved were inevitable.

The treaty of Guadalupe Hidalgo was not merely the terms of peace agreed upon for the cessation of hostilities between two contending armies. It was the necessary and unavoidable readjustment of boundaries for the United States to accommodate the activities of an expanding civilization. It anticipated the advance of an enterprising, adventurous people and the needs of a growing, industrious population.

The mighty forces of nature that formed this continent and made a way for the waters of the north to descend to the Gulf decreed that in the economy of human affairs the great interior basin should become the home of one great homogeneous people, united in the ties of a common government and actuated by the hopes of a common destiny.

It was also then established that this same people, whose energy and enterprise should subdue the forces of nature along the banks of the Mississippi, would follow the course of the stars and p'ant their flag by the shores of the Pacific.

The prophetic vision of Bishop Berkeley saw all this in the very dawn of the movement when he wrote—

> Westward the course of empire takes its way;
> The four first acts already past,
> A fifth shall close the drama with the day;
> Time's noblest offspring is the last.

But through what infinite trials, tribulations, and human hardships all this was to be accomplished. Precious lives were to be sacrificed. Brave men were to face dangers and prove their loyalty to their country at the extremest peril. General Kearny was one of these brave men. His country was on the march and he took commanding service.

He knew no fear. As a soldier he was always in the very midst of the fiery conflict. He was the first at the breach and the last to abandon the assault. He never retreated. He was always in advance. He was the first man in the American Army to enter the city of Mexico during the progress of hostilities.

There were heroes before Agamemnon. There have been many since, but none more deserving of special distinction for personal bravery than General Philip Kearny.

Where was there a more attractive figure among all the military heroes of our late civil war? He was the embodiment of the restless patriotism of the Union forces. His coming anywhere on the field of battle was an event. He represented the fury of the storm when the elements are at war. He was the man for the supreme moment of a crisis. Such men always command the confidence of their friends and the respect of their foes.

"We all knew him and respected him," says General Longstreet of General Kearny.

There is something grand in the lofty spirit of these grim warriors facing death at every turn and even perceiving humor in catastrophe. General Kearny lost his left arm at the attack on the San Antonio Gate at the entrance to the city of Mexico. General Howard lost his right arm at Fair Oaks in the civil war. Kearny was present when Howard's shattered arm was being amputated. Howard, looking at Kearny's empty sleeve, remarked, "We will buy our gloves together hereafter."

The two brave commanders were in accord.

It is proper that such a brave soldier as General Kearny should be honored by his native State, and that his splendid military figure should be placed in this Capitol to remind the coming generations of men of the distinction the Republic would confer upon those who fearlessly and loyally serve her cause. [Applause.]

Mr. BUCHANAN. The few scattered settlements along the Atlantic seaboard had grown into vigorous and thriving colonies. Covenanter and Quaker, Huguenot and Catholic, Roundhead and Cavalier, the shamrock and the thistle had here mingled, and from them had sprung a new people, hardy in body, strong in mentality, indomitable in purpose, and tireless in industry. The stern austerity of the Pilgrim father had yielded to the mellowing touch of association with those of less rigid mold, but in turn he had imparted to them his love of right, his devotion to duty, and his sturdy love of self-government. The mother country had viewed with apprehension the rapid growth of her vigorous child. Her Parliament had sought by successive enactments to bind its young but sturdy limbs, oppressive taxes had been levied, home manufactures had been repressed, and rulers of alien spirit and hostile purpose had been sent to govern, and to bring into subjection a people restless under oppression. The greedy King had fixed his eyes, bleary with debauchery, upon the wealth gathered by the colonists as the result of years of hardest toil, and had prodded his Parliament to more oppressive acts. The murmurs of the colonists had grown to vigorous remonstrance, and when remonstrance had failed, it had been succeeded by resistance stout and determined, and the guns of Lexington, of Concord, and of Bunker Hill had ushered in the bloody drama of the Revolution.

In all these stirring scenes New Jersey had borne no laggard's part, and now as active war came upon the land she organized her council of safety, elected her provincial congress, put her foreign-appointed governor to flight, and sent her full quota of delegates to the Continental Congress. Her sons were found in every conflict, while within her borders the fields of Monmouth, of Trenton, and of Princeton became historic. Her provincial congress, in session in the city of Burlington, N. J., July 2, 1776, two days before the promulgation of the immortal Declaration of Independence, had framed a constitution and form of government so perfect that for sixty-eight years thereafter it remained unaltered save by the substitution of the word "State" for "colony."

The Declaration of Independence was receiving its final touches at the hands of Jefferson and his colleagues at the time when these New Jersey patriots, in the preamble to their constitution, declared:

> Whereas all the constitutional authority ever possessed by the Kings of Great Britain over their colonies or their other dominions was by compact derived from the people and held of them for the common interest of the whole society, allegiance and protection are in the nature of things reciprocal ties, each equally depending upon the other and liable to be dissolved by the other's being refused or withdrawn; and
>
> Whereas George the Third, King of Great Britain, has refused protection to the good people of these colonies, and by assenting to sundry acts of the British Parliament attempted to subject them to absolute dominion of that body, and also made war upon them in the most cruel and unnatural manner for no other cause than asserting their just rights, all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

Two days later the old bell in Independence Hall rang out "Liberty throughout the land unto all the inhabitants thereof," and the formal declaration of separation from and independence of the mother country was given to the world. The names of the delegates from New Jersey attached to this immortal instrument are Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, and Abraham Clark.

Richard Stockton was born October 1, 1730, near Princeton, N. J., upon an estate purchased by his great-grandfather, who emigrated from England in 1670, and in 1682 founded the first English settlement in that vicinity. Bred to the law, he early rose to eminence in his profession, and soon amassed a competency for those early days. Retiring from his profession, he spent a year in study and travel abroad, and visiting England studied carefully the sentiment there on the part of the ruling classes toward the colonies. He presented to the king an address from the trustees of the College of New Jersey, expressing their pleasure and satisfaction at the repeal of the stamp act, and, mingling freely with all classes, obtained information of great subsequent value to him and his country. Returning to America, he was given a seat in the supreme council, and was afterward made a judge of the supreme court.

In June, 1776, he was elected a member of the Continental Congress, and at once took high rank there by reason of the extent of his learning, the soundness of his views, and the patriotism of his purposes. His observations during his visit abroad had fitted him to understand the temper and motives of the King and Parliament, and added greatly to the value of his counsels. He was selected with another to visit and inspect the Army, to correct abuses, ascertain and provide for its wants, and add in every possible way to its effectiveness, and discharged this duty with fidelity and success.

Upon his return he visited his family to remove them to a place of safety, but was captured by the enemy, was conveyed to New York, thrown into a wretched prison, denied all comforts, deprived for a time of even the coarsest fare, and was treated in every way with the greatest severity. General Washington, at the request of Congress, interceded with General Howe and secured his release, but not until the seeds of incurable disease had been sown in the system of the captive. The army of the enemy about this time overran his plantation, burning his buildings, his library, and his papers, and he came from the prison broken in health to find his home desolated and himself in want. He could not resume his seat in the Congress, and, finally, February 28, 1781, when but a little more than fifty years of age, death came as a merciful relief from his sufferings.

Of him a biographer has well said:

> He was a man of general science and universal knowledge. He was the first chief-justice of his native State under the new constitution.
>
> As a lawyer he stood pre-eminent; as a judge he was impartial, sound, and lucid; as a statesman able, discreet, and wise; as a patriot firm, fearless, and devoted; as a gentleman polished, urbane, and graceful; as a citizen liberal, peaceful, and generous; as a friend true, sympathetic, and charitable; as a husband kind, affectionate, and provident; as a father faithful, tender, and instructive; as a Christian open, frank, and consistent; as a man honest, noble, and brave; and as a whole he was an ornament in society, an honor to his country, and a blessing to mankind.

Philip Kearny was a soldier. His profession was his idol. The

smoke of battle was sweet incense to his nostrils and the shriek of the shell was music to his ears. He knew, absolutely, no fear. Where the fight was thickest he was to be found. In a charge he was in his glory, and a hand-to-hand engagement gave him intensest joy. Having lost an arm in the Mexican war, he was exempt from service in the war of the rebellion. But no disability could keep Kearny out of the Army when a war was in hand, and no assignment of forces could keep him out of a fight when once within the Army. To others has been allotted the task of speaking in detail of his achievements, and I but simply allude to this dominant trait in his character. September 1, 1862, at Chantilly, Va., while in advance of his forces he came unexpectedly upon a detachment of the enemy, and was summoned to surrender. He knew not the meaning of the word, and dashed off—the rifles rang out—and that fiery spirit left the body forever.

To-day, in response to the invitation given by this Congress for each State to place within Statuary Hall the statues of two of her most eminent citizens, we have placed in that hall the statues of Stockton and Kearny, and now tender them to the nation for acceptance. In their persons and in their lives these two men typify the dominant traits of the American character, wisdom and courage. The one was a statesman, the other a soldier; the one by wise counsels aided in the formation of the Government, the other drew his sword for its preservation. Both gave their lives a sacrifice for it. One represents well the patriotism and statesmanship which led his State thus early to declare the government of King George at an end, to join in the subsequent general Declaration of Independence, to sign the Articles of Confederation, and to be among the first to ratify the Federal Constitution. The other speaks as truly for that heroism which gave the Jersey troops to the Continental Army, which reddened the snows of Princeton, the grasses of Monmouth, and the slopes of the Assanpink, which poured out its blood in the war of 1812, and which gave from that State alone an army to the Union cause in the late war.

The statue of Stockton is of marble, that of Kearny is of bronze, a union of purity and of strength. They stand in their places teaching to us the lesson of these two lives, a lesson of patriotism, of courage, of sacrifice.

And as others come after us, to fill the places we occupy here and whose mission it shall be to take up the work of legislation where we lay it down—as they pass and repass among those reminders of other men and other days, of great deeds and of noble action, of wise statesmanship and of heroic courage, may the God of nations, the God of battles give them to see and to apprehend something of the spirit of wisdom and of statesmanship in which our fathers laid the foundations of the Republic, and something of the spirit of devotion to the Union which gave life and everything to its preservation, and so seeing and so apprehending may they discharge most wisely and in His fear the duties devolved upon them. [Applause.]

Mr. COX. Mr. Speaker, the distinguished soldier and statesman, General Schenck, on his return from his Brazilian mission, made a remark to a Boston audience which is as full of beauty for the natural selection of the illustration as for its appositeness.

He said that while in a foreign country he had forgotten all party allegiance, bitterness, and association. His beloved country looked to him like one forest in its garniture of green, and its waving line upon the remote horizon. He could not and he would not distinguish any particular tree of the forest. Whether hickory, or ash, or what not, they were all one to his patriotic observation. It was one and only one cluster of States that he saw, and therefore he was enabled when peril came to our country to contend for its unity both in the field and forum.

UNPARTISAN AMERICAN SPIRIT.

I may not, Mr. Speaker, from my short absence abroad, have learned the liberalities of philosophy and politics with such nice heed and courageous devotion, but certainly absence as well as the lapse of time has rounded the angles and smoothed the edges of asperity. It has made our country seem like one vast and beautiful scene of blended land, water, and sky, having one flag, with its patriotic motto, "Many in one."

When some one asked the author of "Hail, Columbia," what was the inspiration of that national lyric, he replied "that it was to inspire an American spirit which should be independent of and above the interests and passion and policy of parties, so that we might look and feel exclusively for our honor and our rights."

This song, which, I may say with some pride, was penned by one of my own blood, although written for a theatrical representation in Philadelphia, had much to do with harmonizing the American spirit and the American Congress, which was sitting in that city at the time. It is even said that it was sung by members of Congress in the streets at night, to show their devotion to the one great thought of American unity.

Such occasions as the present give cogent emphasis and untarnished beauty to the undivided patriotic sentiment of the American people. And no one State, sir, so illustrates what my friend from New Jersey [Mr. PHELPS] calls the self-devotion of these martial and civic heroes whom we honor to-day, as the State of New Jersey.

New Jersey stands out into the vexed Atlantic as one of the most prominent parts of our coast, to beat back its storms.

The colony of New Jersey stands out in our history as a barrier upon which our Revolutionary contests broke with unexampled fury.

The Balkans have been considered the battle-ground of the Oriental question, as Belgium of the European question.

New Jersey was the battle-ground of our Revolutionary struggle. Our history is full of the brave contests of the Whigs and patriots of New Jersey against the British and hired Hessian foe.

I am not to speak to-day of the soldier, only of the civilian. No poor rhetoric shall tarnish the martial laurels of the gallant Kearny. If I were entirely frank I should say that I welcomed with more heartiness the civilian within the precincts of the Capitol devoted to legislative and peaceful methods. I am called upon to speak as to only one of these Revolutionary heroes. The accomplished member from New New Jersey [Mr. KEAN], the successor of my grandfather, General James Cox, in Congress from the Monmouth district, along with my friend [Mr. PHELPS], has tendered to me that honor. I appreciate it as a conspicuous honor, because almost every household story of my younger life, and much of the fervor which belongs to my later years in behalf of our beloved land, are imbound with associations connected with my ancestral State.

It may not be improper to say that among those who signed the Declaration of Independence, two of them at least, Francis Hopkinson and Governor McKean, are those to whom these ancestors were related.

"There were giants in those days." What a company of splendid scholars, statesmen, and patriots composed that Congress of 1776. The Adamses, the Carrolls, the Franklins, the Lees, the Rutledges, the Wolcotts, the Witherspoons, the Gerrys, the Jeffersons, and the Harrisons of that day had sympathetic association with the man whose statue we to-day place within our Capitol.

It is a proper subject of satire and irony when those who are degenerate boast of their ancestry. But the present attorney-general of New Jersey, ex-Senator John P. Stockton, and his gallant son, who is a representative of our country abroad, Richard Stockton, and the five others of that name, who are impearled in our history, have a right to boast of the man whose effigy we add to our pantheon.

In the court of bankruptcy, in which we all appear sooner or later, especially when we pay the debt of nature, it may be well to remember that—

> Those who on glorious ancestors enlarge,
> Produce their debt, instead of their discharge.

But the Stocktons of our later day have discharged their obligation.

The Senator, who even as a Federalist shone in Congress during our last war with Great Britain, was the worthy father of that naval officer who served on the Guerierre, who aided in the defense of Baltimore against the British, who fought the Algerian pirates in the Mediterranean, and whose name, connected with a beautiful city of California, is forever associated with our golden coast and the organization there of our first civil government, have fulfilled every obligation implied in the maxim "*Noblesse oblige.*"

The chief among these worthies of this historic name is that Richard Stockton who signed the Declaration of Independence. The gentlemen from New Jersey have eloquently spoken upon his merits.

It is sufficient for me to say that he was born within their own domain, and which is now included in the classic precincts of Princeton; that he was a lawyer of great reputation; that after acquiring a competency in his profession he visited the old country, where he received many honors and where he endeavored to remove the gross ignorance then prevailing in Great Britain regarding the American colonies. It was his grave and thoughtful pen that dictated to Lord Dartmouth, on the 12th December, 1774, a paper entitled "An expedient for the settlement of the American disputes." He was a calm and dispassionate but defiant opponent of the English arrogance and prerogative against parliamentary and colonial privilege and human liberty; and although, by the testimony of Dr. Rush, he was not forward at first in the debates in the Continental Congress which looked toward independence, yet, sir, when the time came he gave his reflective and hearty concurrence to the final vote and to an energetic address in its behalf.

There is one episode in his life which his family and which those who come from the old Monmouth patriotic stock never can forget. While Mr. Stockton was sojourning in Monmouth County the barbarous loyalists of that region captured him in his temporary home. They immured him in the common prison in New York. There he was treated with such indignity and cruelty that his health was broken, and his life was ended at the early age of fifty-one.

This rare lawyer, this accomplished scholar, this ardent patriot was nursed in a school of active life. It gave him, as his biographer has written, great courage and agility, both as a horseman and a swordsman.

It may be a trivial matter to record, but it is a fact, that to the fifth Richard Stockton it was my pleasure to send a medal for saving life on the Monmouth coast at the peril of his own.

But above all, we remember Richard Stockton as the signer of the

Declaration. We place his statue in our gallery, among the foremost men of the Republic, because he was imbued with those virtues by which our Republic was made possible. Out of such brains the Republic leaped forth, as if born in a moment from the goddess of wisdom. He was representative of a State settled by the Dutch, Swedes, and English. They were of a tough Teutonic and Norse stock. They dared the unknown sea for new adventures in a new hemisphere, and they had the intrepid virtue to make sacrifices adequate to the momentous occasion of our independence.

Richard Stockton was born in America. Indeed, all the signers of the Declaration were natives of America, except eight. The majority of them were men of refined education. They understood how to draw on ancient models and cotemporaneous teaching, so as to imbue our young Republic with the instinct, genius, form, and structure of our peerless polity.

Besides, sir, they were men of means. They used their means to build up the fabric of our Government. They used their means without stint and with great wisdom.

The members of that Congress of 1776, who signed the Declaration, were men of affluence, and the more affluent they were, the more unselfish. From the oldest member—Benjamin Franklin—to the youngest—Edward Rutledge—they kept their faith when they pledged their lives, their fortunes, and their sacred honor. Not one of these signers was false to his pledge. Many of them were called to high offices after the success of their republican experiment. Two of them—Adams and Jefferson—became Chief Magistrate. All of them cluster as a grand constellation so brilliant and serene, pinnacled in a splendid heaven—like the Milky Way in the heavens—we can hardly distinguish the exceeding great magnitude of one from the other; or wherein one star in our early firmament differs from another star in glory. [Applause.]

Mr. KEAN. Mr. Speaker, New Jersey to-day, in response to the invitation of Congress to each of the States, presents the statues of two of her distinguished sons, one a leader in the struggle for the foundation of the Union, eminent as a jurist and statesman, the other distinguished for his bravery, dash, and military accomplishments in the war for the preservation of the Union.

It is not my purpose, nor is it my hope, that I may be able to add anything to the eloquent words of my distinguished colleague and the distinguished gentleman from New York, or to the distinction of the illustrious Stockton and brave Kearny, whose statues we unveil to-day.

The lives of these men, although brief, were none the less eventful, as has been so well told by my colleague. Both died before reaching the age allotted to man—Stockton before the end of the great struggle in which he had taken and was taking such an active part, and without knowing the blessings which his act on the 4th day of July, 1776, had given to mankind; Kearny before the successful termination of the cause for which he had contended and for which he yielded prematurely his young life.

I shall not attempt to analyze their characters. In the old Hall of the House of Representatives we place the statue of Richard Stockton by the side of his companion, George Clinton, of New York. His memory lives not alone in marble, but will live in history long after that marble has crumbled, "for the name of the legislator is engraved on the everlasting monuments of antiquity."

In that hall where stands the statue of Greene, of Rhode Island, we place that of Kearny, of New Jersey. Greene fought for national independence and the establishment of the Union, Kearny for the preservation and perpetuation of the Union.

Mr. Speaker, with the progress of time an increasing interest will be felt in the lives and forms of those illustrious statesmen who laid the foundation of this great American Republic and of those brave soldiers who in the hour of their country's peril sacrificed home, fortune, and life to preserve it. The one object of the placing of these statues in the old Hall of the House of Representatives is to demonstrate and quicken the reverence and love of the American people of all orders for the founders and preservers of our liberties—the one who laid the foundation of that great charter which has conducted us from the weakest to the strongest of civilizations, the other the soldier who assisted in adding to our territory a vast empire, and when civil strife threatened dissolution gave his life that it might be united. Let these names descend with the years, and their memories and brave deeds ever be remembered by their countrymen. [Applause.]

Mr. PHELPS. I now move the adoption of the resolution.

The resolution was unanimously adopted.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE] is entitled to the floor, and has occupied ten minutes of his time. One hour and twenty-four minutes of the time yet remains.

[Mr. DIBBLE withholds his remarks for revision. See APPENDIX.]

Mr. BURNES. Mr. Chairman, this is the conclusion of the nine hours of general debate. Under the rule I suppose that, having been in charge of the bill, I would be entitled to an hour, but it will not be expected that I shall commence what I have to say this evening.

Mr. DIBBLE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. As to the hour which the gentleman claims, I presume he alludes to the hour which he will have in the House after the committee reports the bill to the House. We do not concede that he has an hour in committee. On the general debate, which was closed before this special debate was entered upon, the gentleman did occupy his hour and gave it away to other gentlemen on the floor, but we do not admit that he can now come in with another hour at the close of this debate. We concede that when the previous question is ordered in the House he may have some time at his disposal as the member in charge of the bill, but we do not concede that he has any such privilege in Committee of the Whole.

Mr. BURNES. I beg that the gentleman will not press the consideration of his point of order now, because it was not my intention to urge that issue at this time.

Mr. DIBBLE. I have simply made this statement lest silence should seem to give consent.

Mr. BURNES. Well, I shall make that claim to-morrow. Now, Mr. Chairman, in a spirit of perfect fairness to gentlemen on both sides of this question and on both sides of the House, I desire to say that, having reached the limit prescribed for general debate, I propose to submit a point of order against all of these propositions inserted in the general deficiency bill for the payment of French spoliations. The point may be considered as applying to each particular item or to the whole in general if we consider it in that way. I make this announcement and I make the point of order now, in order that gentlemen may have an opportunity to consult the authorities and to be prepared to present their views with regard to this proposition when it shall come up for consideration either in the House or in Committee of the Whole. I shall make the point of order, and it may be considered as made now, as there may be some doubt as to when it ought to be made, that there is no law authorizing appropriations for the payment of these claims; that the claims are not germane to this bill; that the insertion of them in the bill is in express violation of several rules of the House of Representatives, amongst others clause 3 of Rule XXI.

Mr. DIBBLE. Will the gentleman mention the other rules? "Several" is rather a comprehensive word.

Mr. BURNES. I may not be able to refer to them all at this moment, but I will mention Rule XI, clauses 30 and 31, which requires private bills to be referred either to the Committee on Claims or the Committee on War Claims; Rule XXII, clauses 1 and 2, which directs the manner in which private claims shall be presented to the House; and also clauses 3 and 5 of Rule XXI. Clause 5 of that rule requires that all private bills shall be referred to one of the three or four committees having private measures under consideration. But the greater includes the less, and the principal point I make is based on Rule XXI, clause 3.

Mr. BUCHANAN. I suppose the gentleman will be perfectly willing that when his point of order is made, points of order may be presented against his right to make the point.

Mr. BURNES. Undoubtedly. I presume, however, that the gentleman does not mean that he has any right to object to my making the point of order.

Mr. BUCHANAN. I do mean just that.

Mr. BURNES. Well, I give notice now, so that no snap judgment may be taken, and so that every gentleman may be prepared to consider the questions of law and order involved. Now, Mr. Chairman, I move that the committee rise.

Mr. McCOMAS. I ask the gentleman to yield to me for a moment in order to correct a name in the bill. I ask unanimous consent to return to page 12, line 12, and I move to strike out the name "Ralph," and insert in lieu thereof the name "Raleigh."

There was no objection, and the amendment was agreed to.

Mr. BURNES. Now, Mr. Chairman, I renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 10896 (the general deficiency bill), and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. BUCHANAN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of George B. Houston.

LEAVE TO PRINT.

On motion of Mr. BUCHANAN, general leave was granted to members to print in the RECORD remarks on the resolutions accepting the statues of Stockton and Kearny.

Mr. McMILLIN. I move that the House do now adjourn.

The question was taken; and there were—ayes 38, noes 16.

The motion was agreed to; and the House accordingly, at 4 o'clock and 59 minutes p. m., adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CONGER: A bill (H. R. 11243) granting a pension to Mary E. McQueen—to the Committee on Invalid Pensions.

By Mr. FORD: A bill (H. R. 11244) for the relief of Charles W. Rose—to the Committee on Invalid Pensions.

By Mr. LEE (by request): A bill (H. R. 11245) for the relief of Sallie Hardmond—to the Committee on War Claims.

By Mr. MATSON: A bill (H. R. 11246) granting a pension to Elizabeth Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11247) granting a pension to Philura Tappan—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11248) for the relief of E. B. Carter—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CRAIN: Petition of citizens of Galveston, Tex., praying that the terms of the Federal courts at that place may not be abridged by act of Congress—to the Committee on the Judiciary.

By Mr. McCREARY: Papers in the case of Mrs. Martha A. Bibb, of Danville, Ky., for relief—to the Committee on War Claims.

By Mr. O'DONNELL: Joint resolution providing for the payment of the claim of John H. Hamlin—to the Committee on Military Affairs.

By Mr. J. J. O'NEILL: Memorial of the St. Louis Typographical Union No. 8, in favor of the Chace international-copyright bill—to the Committee on Patents.

By Mr. RICHARDSON: Papers in the case of the Presbyterian church of Murfreesborough, Tenn., for payment of war claim—to the Committee on War Claims.

SENATE.

WEDNESDAY, *August* 22, 1888.

The Senate met at 11 o'clock a. m.

Prayer by Rev. A. W. PITZER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. DAVIS presented a petition of citizens of Ramsey County, Minnesota, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Fergus Falls, Minn., praying for the passage of House bill 9234, for the relief of William Gaffer and others; which was referred to the Committee on Public Lands.

Mr. CALL presented a petition of citizens of Tampa and other places in Hillsborough County, Florida, and a petition of the Tampa (Fla.) Board of Trade, praying for the passage of a bill appropriating $200,000 for the purpose of protecting the country against the spread of yellow fever; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 2696) for the relief of John J. Crooke, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3448) granting a pension to Charles H. Green, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DOLPH. I am directed by the Committee on Public Lands, to whom was referred the veto message of the President on the bill (S. 1870) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park, to report the message back with a recommendation that the bill be passed over the President's veto. I desire to state that this report is the report of the majority of the committee, and that the minority do not concur in the report, but I understand do not propose to submit a formal minority report.

The PRESIDENT *pro tempore*. Does the Senator from Oregon desire to have the report now acted upon?

Mr. EDMUNDS. It had better go on the Calendar.

The PRESIDENT *pro tempore*. The bill with the message will be placed on the Calendar.

Mr. DOLPH. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (S. 1686) for the relief of George S. Fisher, to submit an adverse report thereon. In the absence of the Senator from Nebraska [Mr. MANDERSON], who introduced the bill, I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 2601) for the relief of the Baptist Female College, of Lexington, Mo., reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich., reported it without amendment.

Mr. DAVIS. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, to report it with an amendment in the nature of a substitute. I desire to give notice that at an early date I shall call the matter up for consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 1278) for the relief of James A. Terrell, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas, reported it with an amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was recommitted the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge, reported it without amendment, and submitted a report thereon.

RELATIONS WITH CANADA.

Mr. SHERMAN. I present a report from the Committee on Foreign Relations, which I ask to have read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

Mr. SHERMAN, from the Committee on Foreign Relations, submitted the following report, to accompany the resolution of the Senate of February 8, 1888, directing the committee to prepare certain information in regard to Canada:

The Committee on Foreign Relations, to which was referred the resolution of the Senate of February 8, 1888, begs leave to report that it has been proceeding in the execution of the duties imposed upon it and has accumulated a considerable mass of information, a large part of which was compiled by Henry V. Poor; that the Senate having since committed the same subject to a select committee, this committee asks that it may be discharged from the further execution of the aforesaid order of the Senate, and it returns with this report the documents and papers referred to.

Mr. SHERMAN. I submit the motion stated in the report, to refer the information I send to the desk to the select committee of which the Senator from Massachusetts [Mr. HOAR] is chairman.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. EDMUNDS. And the Committee on Foreign Relations will be discharged.

The PRESIDENT *pro tempore*. The Committee on Foreign Relations will be discharged from the further consideration of the subject.

GEORGE F. RIDER.

Mr. FAULKNER, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 410) entitled "A bill for the relief of George F. Rider," now pending in the Senate, together with all of the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act.

LA ABRA SILVER MINING COMPANY.

Mr. MORGAN, from the Committee on Foreign Relations, reported the following resolutions; which were referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations have leave to require the attendance of witnesses before said committee or a subcommittee thereof to give evidence under oath respecting the claim of La Abra Silver Mining Company against the Government of Mexico; and said committee or subcommittee shall have power to administer oaths to such witnesses; and the expenses of their attendance and other necessary expenses in the execution of this order shall be paid out of the funds appropriated for the contingent expenses of the Senate, on certificates issued by the chairman of said committee or said subcommittee.

Resolved, 2. That counsel for or against said claimants shall be authorized to appear before said committee or subcommittee and examine and cross-examine any witnesses under the authority of this resolution.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 3474) amendatory of an act "authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo.," approved February 3, 1887; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DOLPH introduced a bill (S. 3475) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. REAGAN. Some days ago I introduced a bill defining trusts

and providing for the punishment of those connected with them. I found on examination that it needed amendment, and instead of amending it I propose to introduce a substitute bill on the subject with an additional section relating to the jurisdiction of the United States courts.

The former bill was referred to the Committee on Finance on account of some previous reference to that committee. I should like very much, inasmuch as the bill I now introduce contains a new section relating to the jurisdiction of United States courts, that it should go to the Committee on the Judiciary, and I shall move that it be so referred.

The bill (S. 3476) to define trusts and to provide for the punishment of persons connected with them or carrying them on, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAWYER introduced a bill (S. 3477) granting a pension to Minerva Griffith; which was read twice by its title, and referred to the Committee on Pensions.

THE SINKING FUND.

Mr. BECK. I desire to offer an amendment to House bill 9051, which is the House tariff bill, and I ask that it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

SEC. —. That all laws or parts of laws requiring the maintenance of a sinking fund or the purchase of any of the outstanding bonds or obligations of the United States for that purpose be, and the same are hereby, suspended until the further order of Congress.

Mr. BECK. I ask that the amendment be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Finance, and printed.

Mr. BECK. I offer the following bill on the same subject, being a bill to repeal all laws requiring the further maintenance of a sinking fund; it is very short:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws and parts of laws requiring the further maintenance of a sinking fund or the purchase of bonds of the United States for that purpose be, and the same are hereby, repealed.

I ask that the bill may lie on the table, so that I can see what becomes of the amendment I have sent to the Finance Committee.

The condition of things is this, as I see by the papers this morning: The premium on the 4 per cent. bonds we are purchasing has gone up in the last five months from 124¼ to 129, and the four-and-a-halfs, which have less than three years to run, have gone up from 106 to 108⅛. The meaning of that is that we refuse to reduce taxation and have so arranged our laws that we are obliged to keep up the taxes, $50,000,000 a year more than the needs of the Government require, to provide a sinking fund, which now calls for $50,000,000 a year and increases annually, when we have already bought and canceled from the principal of our indebtedness over $700,000,000 of bonds—more than anybody pretends the sinking fund calls for, which is only 1 per cent. a year—and when we have only a fraction over $200,000,000 that we can by any possibility buy before 1907 without paying whatever premium the holders of the bonds ask. We have enough idle money lying in the Treasury to-day to pay off now every one of the 4½ per cent. bonds of 1891 without any embarrassment to the Government. Of course all the 3 per cents. have been paid off long ago.

The pretended requirement of the sinking fund, so called, which has been a fraud for the last ten years, is kept up simply to maintain high and needless taxation. I have tried time and again to have it repealed so as to enable us to bring taxes down. The sinking fund is not only encouraging trusts and combinations of bondholders to increase the premium on our bonds, but our outstanding indebtedness is in such a condition now that I can name ten men in the United States who by combinations can purchase all our outstanding bonds and hold them, and under the law as it now stands force the Secretary of the Treasury under our laws to pay $200,000,000 for every $100,000,000 of bonds he obtains from them, and he is compelled by law to buy annually over $50,000,000 of them even if he pays 100 per cent. premium.

I insist that the sinking fund now is maintained for no other purpose than to put money in the pockets of the bondholders and to enable them to combine together, as the Secretary of the Treasury is compelled to buy bonds under the laws as they now stand at any prices they ask. They have already advanced 5 per cent. They will advance these premiums 25 or 50 per cent. within a year unless we repeal the sinking-fund laws.

It is an outrage on the tax-payers of the country and an outrage on decent legislation to maintain the sinking-fund laws any longer. I want the bill I have offered kept on the table until I see whether the Finance Committee will not agree to suspend the operation of these laws, which I insist are now kept on the statute-books simply to enrich a few men of wealth at the expense of the tax-payers of the country. If they fail to report the amendment, I shall urge the Senate to pass the bill.

Mr. SHERMAN. What is it? Is it a resolution?

Mr. BECK. No, sir; I have offered an amendment to the tariff bill by which I hope the Senator from Ohio will suspend the operation of the sinking-fund law, which he, against the will of many of his associates, imposed upon the country.

The PRESIDENT *pro tempore*. The proposed amendment, which has been referred to the Committee on Finance, is now offered as a bill. The bill will be read the first time at length, if there be no objection.

Mr. TELLER. I rise to inquire if this question is a proper subject of debate now?

The PRESIDENT *pro tempore*. It is not. The bill has not yet been read the first time.

Mr. BECK. I hope it is. I should like to have it debated.

Mr. TELLER. If it is, I propose to take a hand in the debate.

Mr. BECK. I should be glad of it. I should like to hear somebody deny what I have said.

Mr. TELLER. I think we can show that there would have been no purchase of bonds at all if this Administration had not been compelled by law to purchase them.

Mr. BECK. It is one thing to have a surplus with which to buy, and another to be required by law, whether you have a surplus or not, to keep up taxation for the purpose of compelling the Government to buy the bonds at any premium combinations may demand. That is what is done now.

Mr. TELLER. There never would have been a dollar of bonds bought if the Administration had not been compelled to do so by law.

Mr. SHERMAN. I should like to know what this is about.

The PRESIDENT *pro tempore*. The bill will be read the first time at lenth for information, and the Chair will then submit the question whether it shall be read the second time.

The bill (S. 3478) to repeal the laws relating to the sinking fund was read the first time at length, as follows:

Be it enacted, etc., That all laws and parts of laws requiring the further maintenance of a sinking fund or the purchase of bonds of the United States for that purpose be, and the same are hereby, repealed.

Mr. BECK. That is all of it.

The PRESIDENT *pro tempore*. The bill having been read the first time, is there objection to its second reading?

Mr. SHERMAN. I think it would be better to have it read the second time and take the usual course, unless the Senator from Kentucky wants to make another speech on it.

The bill was read the second time by its title.

Mr. BECK. I have already referred a similar amendment to the tariff bill to the Finance Committee, and I propose that this bill shall remain on the table so as to see what becomes of the amendment I have sent to the Finance Committee.

The PRESIDENT *pro tempore*. It is so ordered, the bill having been read twice.

Mr. BECK. Then I can call it up.

AMENDMENT TO A BILL.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota; which was ordered to be printed.

HOUR OF MEETING.

Mr. EDMUNDS. I offer the following resolution, and ask for its present consideration:

Resolved, That hereafter, and until otherwise ordered, the daily sessions of the Senate shall commence at 12 o'clock meridian.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I think it had better go over until to-morrow, in the absence of the chairman of the Committee on Appropriations. Personally I have no objection to it myself.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule and be printed.

Mr. HOAR. I offered the resolution for meeting at 11 o'clock, the adoption of which has enabled the Senate to accomplish a good deal of business, and I am now quite contented to agree to the present proposition of the Senator from Vermont, but I should like to suggest to my honorable friend from Vermont that he so frame the resolution that we may change the hour of meeting towards the close of the session, if a majority of the Senate desire to do so, without the point of order standing over the resolution to do it for a day. It is quite convenient near the close of a session sometimes to make that change, and if when the resolution comes up to-morrow he will so modify it that it will enable the Senate at any time any day to fix the time of meeting on the next day at 11 o'clock, I should think it would be better.

Mr. EDMUNDS. That would be a change of the standing rule, and it would be difficult to accomplish it; but it can always be accomplished, if anybody objects, by a simple motion to adjourn to a given hour the next day.

Mr. HOAR. That requires a quorum.

Mr. EDMUNDS. So does a resolution.

The PRESIDENT *pro tempore*. The resolution lies over.

Mr. HOAR subsequently said: I desire to-morrow morning, when the

resolution of the Senator from Vermont [Mr. EDMUNDS] comes up in regard to the time of meeting, to move an amendment to it. I ask leave to offer the amendment now and have it printed. It is not necessary to have it read.

The PRESIDENT *pro tempore*. The amendment will be printed if there be no objection.

The amendment is to add to the resolution the words:

Unless a majority of Senators present when the Senate shall adjourn shall vote to adjourn to another hour.

DISTURBANCES IN COREA.

Mr. MITCHELL. I offer a resolution to be read and ordered printed. I desire to submit some observations in connection with it before it is referred to the Committee on Foreign Relations. I shall ask the courtesy of the Senate to-morrow, immediately after the morning business, for about fifteen minutes, for that purpose.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of State be, and he is hereby, directed to transmit to the Senate copies of all official correspondence between his Department and the minister resident and consul-general of the United States at Seoul, Corea, and between the Department of State and the Corean envoy extraordinary and minister plenipotentiary resident in Washington, occurring since January 1 last, including that relating to the recent disturbances and alleged massacre of Coreans in the streets of Seoul, Corea, on or about June 20, 1888, and touching the causes inciting thereto, if any.

Mr. COCKRELL. Let the resolution lie over.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

Mr. SHERMAN. I wish to enter a motion to refer the resolution to the Committee on Foreign Relations.

Mr. MITCHELL. Mr. President——

Mr. SHERMAN. I do not ask that the motion be acted on now, but if I should be absent when it comes up I wish to have it pending.

Mr. MITCHELL. If the chairman of the Committee on Foreign Relations had heard what I said when I offered the resolution, his suggestion would have been unnecessary. In submitting the resolution I stated that before I should move its reference to the Committee on Foreign Relations I desired to submit a few observations.

Mr. SHERMAN. I have no objection to that; but the form of the resolution being out of the ordinary course, I did not like to have it acted upon without a motion pending to refer.

Mr. MITCHELL. It is my intention to move, myself, to refer the resolution to the Committee on Foreign Relations.

Mr. SHERMAN. All right.

The PRESIDENT *pro tempore*. The resolution will lie on the table, and be printed.

ACCOUNTS OF SUPERVISORS OF ELECTIONS.

Mr. SPOONER. Some time since I introduced a resolution calling upon the Treasury Department for copies of correspondence between the First Comptroller of the Treasury and certain other governmental officers, and the commissioners and chief supervisors of elections. The resolution was laid over, I believe, because of the absence of the Senator from Alabama [Mr. PUGH], who had suggested a desire to offer an amendment to it. I ask that the resolution be laid before the Senate at this time, and considered now.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. SPOONER June 4, 1888, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate copies of all correspondence, statements of accounts, and inclosures which, during the incumbency of the office of First Comptroller of the Treasury by the present occupant, such officer or his deputy has had with any United States commissioner, or any chief supervisor of elections, and of all replies thereto received by said First Comptroller; and also to inform the Senate whether the several supervisors of elections appointed by the respective circuit courts at and for the election of 1886, at which Representatives in Congress were chosen, or for any registration held prior thereto and for said election, were paid for the respective number of days, not exceeding ten, for which their accounts were presented, and if such payments were not made the reasons therefor, and for what number of days they were not allowed and paid; and also to transmit to the Senate copies of all correspondence upon such subject-matter had between the First Comptroller of the Treasury and the Attorney-General or any United States marshal.

The PRESIDENT *pro tempore*. If there be no further morning business, the Senator from Wisconsin moves that the Senate proceed to the consideration of the resolution which has been read.

Mr. EVARTS. If the morning business is over, I will ask permission to call up the resolution covering the gift of the bust of Garibaldi to the United States, of which I gave notice.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion at this time, a previous motion having been made by the Senator from Wisconsin.

Mr. CALL. I ask the Senator from Wisconsin to withdraw his motion so as to allow me to move to take up the joint resolution reported from the Committee on Epidemic Diseases yesterday morning, proposing an appropriation to be expended in the suppression of yellow fever in the South.

Mr. SPOONER. I think this resolution will not take much time. I very much prefer that it should be passed upon by the Senate. It has been on the table for some time. I desire the information which it is designed to elicit, and I desire it at as early a date as possible. If it consumes much time, I will say to the Senator from Florida that I shall not want to antagonize his measure.

The PRESIDENT *pro tempore*. Strictly speaking, the morning business being concluded, the Calendar under Rule VIII is in order. The first bill under Rule VIII on the Calendar will be stated by title.

The CHIEF CLERK. Order of Business 1944, a bill (S. 320) for the relief of John D. Adams.

The PRESIDENT *pro tempore*. This bill being in order, the Senator from Wisconsin moves that the Senate proceed to consider the resolution which has just been read.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and the question recurs upon agreeing to the same.

The resolution was agreed to.

LOUISIANA ELECTION.

Mr. CHANDLER. I move to postpone the consideration of the Calendar and to take up the resolution which I submitted on the 19th of July for an investigation of the Louisiana election.

Mr. MORGAN. I inquire of the Senator from New Hampshire whether he wishes to take up the resolution for action or merely for the purpose of delivering some remarks?

Mr. CHANDLER. For the purpose of making some remarks thereon, but not with the intention of asking a vote to-day if any Senator desires to speak or desires that the resolution shall go over.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the resolution to which he has referred.

Mr. CALL. I appeal to the Senator from New Hampshire to yield——

Mr. WALTHALL. I desire to call the attention of the Senator from New Hampshire to the fact that both the Senators from Louisiana are absent on account of sickness. The senior Senator from Louisiana [Mr. GIBSON] has been confined to his bed for three or four days and the junior Senator from Louisiana [Mr. EUSTIS] has been absent from the Chamber and from the city for several weeks under the injunction of his physician, as I know.

Mr. CALL. Mr. President——

Mr. CHANDLER. I will yield to the Senator from Florida in a moment. My attention has been called to the fact that both the Senators from Louisiana are absent. The junior Senator from Louisiana [Mr. EUSTIS] has been absent for a long period of time and, I am informed, does not expect to return during the session.

This subject has been postponed from time to time by arrangement between myself and the senior Senator from Louisiana [Mr. GIBSON] until such a period that it is impossible for me, without great inconvenience, to postpone it any longer. I therefore sent word to the Senator from Louisiana [Mr. GIBSON] that I desired to go on with my remarks, which are in no direct sense personal either to himself or to the junior Senator from Louisiana, giving him a full opportunity to reply at his earliest convenience.

Mr. WALTHALL. I desire to say that so far as the junior Senator from Louisiana [Mr. EUSTIS] is concerned, I know it is his purpose to return to the Senate as soon as he is able to do so.

Mr. CHANDLER. I did not mean to say that the junior Senator from Louisiana did not desire to return, but that I had been informed that his health was such that in all probability he would not be able to return. Undoubtedly he desires to come here if he can. I now yield to the Senator from Florida.

Mr. CALL. I appeal to the Senator from New Hampshire to withdraw that motion, and I appeal to the Senate to allow the joint resolution reported by the Committee on Epidemic Diseases to be considered at the present moment.

The PRESIDENT *pro tempore*. The Chair would remind Senators that under the rules the question of proceeding to the consideration of any subject during the morning hour is not open to debate.

Mr. CALL. I ask unanimous consent to proceed.

The PRESIDENT *pro tempore*. The Chair hears no objection to the Senator from Florida proceeding.

Mr. CALL. I wish to say to the Senator and to the Senate that this is a matter of humanity. The necessity for some action on the part of Congress with reference to the epidemic which is beginning to get hold of the Southern States is a pressing emergency, one of the greatest importance to the country at large; and as a matter of humanity I appeal to the Senator and the Senate to let its consideration be had at the present time.

Mr. CHANDLER. If the resolution which I have moved shall be taken up and be before the Senate, I will yield to the Senator, provided the Senator from Tennessee [Mr. HARRIS] be present; but I do not think the subject which the Senator from Florida wishes to take up ought to be considered in the absence of the chairman of the Committee on Epidemic Diseases.

Mr. CALL. I ask unanimous consent further to say that the Senator from Tenpessee is somewhere about the building. He has had notice of this application, and this dreadful disease does not stay its rav-

ages because the Senator may or may not be here. I have no doubt he is within the building somewhere.

Mr. CHANDLER. If my resolution is taken up, I will yield to the Senator from Florida.

The PRESIDENT *pro tempore*. The question recurs upon the motion of the Senator from New Hampshire that the Senate do now proceed to the consideration of the resolution which has been referred to, touching the election in Louisiana. The question is on that motion.

The motion was agreed to.

Mr. CALL. Mr. President——

Mr. CHANDLER. Before the Senator from Florida proceeds I desire to say that I am very glad to yield to him, as I now see the Senator from Tennessee is in his seat; and I have also agreed to yield to the Senator from New York [Mr. EVARTS], in order that he may submit some remarks in connection with the reception of the Garibaldi statue. After that I shall not be willing to consent to yield for any other subject.

PERSONAL EXPLANATION.

Mr. VOORHEES. Mr. President, I do not propose to participate in any debate about yellow fever or State rights, but to refer to a matter pertaining to myself, which is called to my attention.

I see that the Associated Press saw fit to announce and spread it all over the United States that I was absent and not voting yesterday on the fisheries treaty. It is not a matter of very great consequence so far as the treaty itself is concerned, but for the truth of history I desire to say that the announcement was made by the Senator from Missouri right in front of me [Mr. COCKRELL] that I was paired with the Senator from Vermont [Mr. MORRILL]. The agent of the Associated Press—I presume he was in his seat—was within 10 feet of the Senator from Missouri when that announcement was made, and it so appears in the RECORD; but that does not help anything, as nobody reads the RECORD; but people do read the Associated Press dispatches, so I want to correct the statement, and give the press a chance to correct it also.

SUPPRESSION OF INFECTIOUS DISEASES.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that the pending order be informally laid aside to enable him to move the consideration of a joint resolution the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Epidemic Diseases with an amendment, to strike out all after the enacting clause and insert:

That in addition to the unexpended balance of the contingent fund heretofore appropriated, the sum of $200,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, to prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. CALL. The only difference of any importance between the joint resolution which I introduced and the one reported by the committee is in the omission of the words:

To seize and destroy, under conditions and regulations to be prescribed by the Secretary of the Treasury, any infected personal or other property which is communicating infection and disease in the interstate commerce, and such condemned property shall be paid for out of the money herein appropriated.

I desire these words to be contained in the resolution or law that shall be passed. The words used by the committee, "in the discretion of the President," are quite as broad as these are. Certainly, unless there be some objection in the invasion of the power of the States, the discretion of the President would be under the terms used by the committee as broad as in this definition and prescription of the duty to be performed; but they are not so regarded in the Treasury Department. If it be necessary, in order to prevent contagion and infection, to destroy the clothing and bedding of persons who have been in an infected locality, the question remains in doubt whether or not it can be paid for, and it is agreed by all persons that there is no other method of obtaining the infected clothing except by a knowledge of the fact that it will be paid for immediately.

Persons either before or after taking the trains and traveling through the country with baggage, with woolen clothing and articles which are ascertained to communicate this infection, will not disclose it, will not produce it unless they can be paid for it, and it is believed in the city of Jacksonville, which is now threatened with an epidemic—but for the great purity of the atmosphere there, certainly there would be a very fatal and destructive epidemic which would spread to all the great cities—it is believed that it has been brought there by travelers and others wearing and bringing their baggage or clothing that had been exposed in infected localities elsewhere.

Mr. SPOONER. May I ask the Senator from Florida a question?

Mr. CALL. Certainly.

Mr. SPOONER. I should like to inquire of the Senator simply whether there is any report of the Treasury Department indicating that this appropriation is necessary?

Mr. CALL. There is a letter from the Surgeon-General of the Marine Hospital Service which accompanied the resolution that I offered here.

Mr. HARRIS. I sent a letter of inquiry to the Secretary of the Treasury on the question the Senator from Wisconsin raises, and if the Senator from Florida will yield for the purpose I will send it to the Secretary's desk and let it be read.

The PRESIDENT *pro tempore*. It will be read, if there be no objection.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *Washington, August* 15, 1888.

SIR: Referring to your letter of the 13th instant, requesting information as to the balance of money remaining unexpended from the appropriation for preventing the spread of epidemic diseases, I have to inform you that, in round numbers, there is about $150,000 remaining of this appropriation.

You further inquire whether this unexpended balance is sufficient. I have to say that at present it is impossible for any one to forecast the necessities of the present season. The amount of money is undoubtedly sufficient if the fever should not extend beyond the limits of Florida, within which State it is hoped it may now be confined. The measures taken, owing to the establishment of fumigation stations, the employment of guards, physicians, and other employés, will probably require the expenditure of $50,000 within the State. As to the amount required for the destruction of property which can not successfully be fumigated, no estimate can be given at this time.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. ISHAM G. HARRIS,
United States Senate, Chairman Committee on Epidemic Diseases.

Mr. CALL. In addition to that I will state to the Senator from Wisconsin and to the Senate that there is a letter which was referred to the Committee on Epidemic Diseases, which I suppose is amongst the papers from the Surgeon-General of the Marine-Hospital Service in reply to a request which my colleague and I made of him that he would ascertain how far this money might be used for all the purposes which, in his judgment, were necessary to suppress this contagious disease and prevent its spread into the other States, and for the destruction of property which was communicating the contagion and infection, which he had recommended should be destroyed. His reply to that letter was as follows:

TREASURY DEPARTMENT,
OFFICE SUPERVISING SURGEON-GENERAL,
UNITED STATES MARINE-HOSPITAL SERVICE,
Washington, August 9, 1888.

SIR: Referring to our conversation of this morning, I have called at the Department and conferred with Assistant Secretary Maynard in regard to the matter, and have to say that the Department is of opinion that no existing law will authorize the destruction of any infected house in a State, but if Congress should make an appropriation to reimburse the State of Florida, or the individual owner, for the destruction of any house deemed infected, so that disinfection could not be effectively performed, there would be no objection to the officers of this service acting as appraisers to determine the value of the property and superintend such destruction. It would probably be necessary for the governor of the State to give the order for the destruction of any property. An order for the destruction of bedding and clothing infected beyond effective fumigation has this day been given.

Respectfully, yours,

JOHN B. HAMILTON,
Supervising Surgeon-General M. H. S.

Hon. WILKINSON CALL,
United States Senate.

That was the response which the Surgeon-General received to this application to know whether under the law as it now exists and, as the report of the committee allows it to continue, in the discretion of the Surgeon-General of the Marine Hospital Service the money could be used to pay for contagious or infectious clothing, bedding, or wooden houses which were in such juxtaposition to the tide of travel as to communicate infection and contagion to it.

Mr. President, that is the whole question. Shall we define and make clear, so that there will be no trouble in regard to it, the law so as to authorize to the extent of the appropriation, in the discretion of the executive officers of the Government, the money to be applied to payment for such clothing, such bedding, and such infected houses as are communicating disease to the interstate commerce of the country as in their judgment may be absolutely necessary?

There is no other method of preventing the spread of this destructive and fatal disease or of extirpating it from the interstate commerce of the country except by the destruction of the clothing and bedding and the houses in the immediate locality where it commences or finds a lodgment. This is the object of this appropriation. Why shall it not be made plain and clear beyond all doubt?

I have here the law as it stands, and I am only asking in this resolution that the law as it stands shall be made plain and relieved of all doubt. Let us see what it is. The act of June 2, 1879, is referred to in the later acts upon the subject. In the act of July 1, 1879, these words are contained:

And the board of health shall have power, when they may deem it necessary, with the consent and approval of the Secretary of the Treasury, as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect temporary quarantine buildings and to acquire on behalf of the United States titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section.

That is the act of July 1, 1879; and the section referred to is the third section of the act of June 2, 1879, and that section is:

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another.

The places referred to are the places where it is necessary to acquire houses, to buy real estate, or rent houses for the prevention of the introduction of contagion and its spread from one State to another. We have, therefore, by the express terms of the existing law, authority to expend this money to acquire real estate, to build houses, to own houses for the purpose of preventing the spread of this infection from one State to another, at such places as may be necessary.

Now, the question arises, there being power under this act to own this property, if the property acquired be a source of contagion or infection to interstate commerce, does the public safety require its destruction, and is there power to destroy it? If we have not, or if it be a matter of doubt whether under this act we have given the power, what reason can be given when the disease is spreading into the interstate commerce of the country from an infected house, what reason can we have, if we can authorize the Government to buy the uninfected locality for the purpose of preventing the contagion, for refusing or failing to destroy and pay for a house which is spreading the contagion?

Mr. President, I wish to impress upon the Senate, and for myself to avow my support of a public policy which requires that the power of the Government to wrestle with this question of epidemic disease shall be exercised, and that it shall be brought to the point clearly and unequivocally of doing what has already been made the law in respect to the animal industry of the country, and that the contagion shall be arrested, if necessary, by the purchase and destruction of property wherever it is necessary to prevent the destruction of human life.

Mr. President, I wish the Senate to understand the magnitude of this danger which is threatening the country; which is not less, but is greater, than if an armed force were invading the country from the shores of the Gulf of Mexico. I affirm that the proposition is true beyond all question, whether in respect of property or the protection of the lives of the people of the United States, an epidemic of this, the most fatal, the most contagious, the most dreadful in many of its forms, of all diseases known, is more threatening to us than any organization of armed force which could assail the country.

To show the possible eventualities in our great towns and cities of this disease which is now obtaining a foothold in the most salubrious, the most healthy, and the purest atmosphere in the world, to show what may be the result, as has been in former years in Savannah, in Charleston, in Norfolk, in New Orleans, along the whole valley of the Mississippi, to present what may be the result of any negligence on the part of the authorities of the Government, of any ignorance and narrow views, of any defect in our laws, of any failure to do what is possible to be done, I wish to read a few lines from a statement in reference to the character which this epidemic has assumed elsewhere and which it may assume in this country. From the consular reports made to the State Department, which will be found on file there, I quote the following:

The vomito appeared at San Blas, an island on the Pacific coast of Mexico, after the absence of a century. The town had 3,000 inhabitants. One-third of those who remained died, says the American consul in his report of March of this year. So violent was the disease that in a large percentage of cases death occurred simultaneously with the first warning and while the person was feeling well and looking comparatively well. Vomiting generally appeared simultaneously with the attack, and many are said to have choked to death. It partook more of the nature of pyæmia, and attacked the stomach as the objective part with more malignity than the ordinary black vomit, but at a different stage. The consul says he is constrained to believe in the germ theory, and that the inoculation may have been so fatal that being taken up at once into the circulation its effects operated precisely as any other deadly poison.

This is not unprecedented. The small-pox at different times has destroyed entire populations. One-fourth, I see in this report, of the population was destroyed and the capital of Thibet in the East was deserted for three years. We have the history of the terrible plague, called the "black plague," in Europe in the Middle Ages, which destroyed whole populations, whole nations, and which made a desert of many of the most populous portions of the world.

Thorold Rogers, in his book on Work and Wages, says:

The black death is alleged to have had its origin in the center of China in about the year 1333, and is reported to have been accompanied by various phenomena, in the earth and atmosphere, of a very novel and destructive character, such, indeed, as were noticed as long ago as in the plagues of Athens and the simultaneous visitations at Rome or the mortality which prevailed in Northern Europe near three centuries before our era, and at the terrible pestilence which visited the known world in the age of Justinian. So, in later times, the cholera and influenza were traced to particular spots in India or China, which had been desolated by earthquakes, as Justinian's plague was said to have had its origin at Pelusium.

Nearly every infectious or contagious disease which has desolated mankind appears to have had its origin in the East and to have traveled along thence to Europe, although the yellow fever is said to be a product of the West. It is alleged that before it reached the West the black death exhausted itself in the place of its origin. Like most other plagues it was infinitely more destructive at the commencement of its career than after it had endured for a time. * * * We are told that it killed the strong * * * as with Asiatic cholera when it is most virulent; many of those attacked perished speedily, and before the disease had developed its most characteristic symptoms. It appears, indeed, and the impression is confirmed by scientific research, that when some new infection or contagion is developed the whole population is speedily liable to the assaults of the disease, and that sometimes it may totally perish, as in all likelihood the ancient occupants of the ruined cities in Central America have disappeared without leaving any sign, other than their stupendous buildings, of their existence.

The black death, as our forefathers called it from the dark purple blotches which appeard on the skin when the blood and tissues had become wholly disorganized through the virulence of the disorder, still lingers in the East under the name of the Levant, or the Oriental plague. Even now we are occasionally informed of an outbreak * * * where the * * * Turk has reduced every one to squalid poverty and misery, and whence Europe is again threatened. * * * The black death visited Christ church, Canterbury, every lightly for a century before the friars had laid in pure water from the hills to the monastery.

The black death first attacked Europe in Cyprus at about the end of 1347, and was accompanied by great convulsions of the earth and by atmospheric disturbances. Many persons who were seized with the disorder died instantly. * * * It appeared in Avignon, January, in 1348; * * * in Florence, by the middle of April; * * * France and Germany, in August; * * * on 1st of August in the seaport town of Devonshire, in England; and in Russia in 1351.

The mortality was enormous and appalling. It is probable that one-third of the population perished. * * * The immediate consequence was a dearth of labor and excessive wages. Crops rotted in the fields, cattle and sheep roamed at large, and land went out of cultivation. But the progress of sanitary science has put an end to the worst ravages of a disease which was so terrible more than five centuries ago.

Now, I wish to ask, Mr. President, if any theory of government that neglects or forbids the use of the means by which a calamity so widespread, involving the existence of whole races of people shall be ignored—whether it is reasonable or unreasonable, whether it is wise or narrow and impracticable? But we have here the precedents, the example, the authority.

The Surgeon-General of the Marine Hospital Service has declared that the destruction of infected houses where this disease exists in some cases is an absolute necessity for preventing the spread of the disease. He has declared what is obviously true and what has now become a recognized fact in sanitary science, that the woolen clothing which is exposed in an infected locality will carry for months or years, until a favorable combination of atmospheric forces occurs, the cause, whatever it is, of this disease, and therefore the necessity of the destruction of such clothing or such houses.

What I ask is that this law shall be made definite and clear, and if there be a building which is declared by competent sanitary authorities who represent the Government under regulations to be prescribed by the Secretary of the Treasury that can not be so fumigated and cleansed and disinfected as to deprive it of its death-giving property, that they shall be authorized to burn it, and, if so, to pay for it, the State authority and laws consenting and co-operating. The only question is whether the State of Florida, or the State of South Carolina, or the State of New York, or some other State in which this disease may exist should incur this expense. I reply in regard to that that it would be entirely reasonable, so far as its local benefit extends, the State should pay it, and the cities should pay it, but in so far as it affects the interstate commerce of the country the General Government should pay its proportion of the expenses.

Mr. SPOONER. Why should it be paid for at all if it has become so infected that the public health and the public interests require its destruction, any more than you would pay for a building which it becomes necessary for the fire department to pull down and destroy to prevent the spread of fire?

Mr. CALL. I will answer the question. Why shall you compensate any man for his private property taken for public use?

Mr. SPOONER. But the Supreme Court of the United States has decided, and it would seem to need no decision, that property destroyed in order to prevent the spread of infection is not "taken for public use," within the meaning of the Constitution, so as to require compensation.

Mr. CALL. Is not the preservation of the lives of other people a public use? The man in the infected district can live in it with impunity, and his family who have become acclimated and whom the fever can not hurt can live there with impunity, but other people in the trains and in other places who may sit by the side of the man that has woolen clothing which has been in the yellow-fever locality may take the fever and die, while the man who owns and wears it escapes—it has no effect upon him. Now, in whose use is it that the clothing should be taken, the public or his?

Mr. SPOONER. I would not have the Senator from Florida infer from my question that I am opposed to this appropriation. I am in favor of it.

Mr. CALL. I understand that. I wished to show the reason of it. The taking of the property of the individual when it is not for his benefit, but for that of the public, is a taking for the public use.

There is a reason of public policy which these officers urge in addition. They say that unless the poor man having little property, with perhaps but one suit of clothes, with but one bed, knows he will be paid immediately upon the delivery of the articles, he will escape the law and not be where they can be taken from him, and if he does not his wearing apparel can not be taken and leave him without clothing. Therefore some one must pay for it.

In respect to this existing epidemic which now threatens this country, and other places more than Florida, there has been no provision in the laws of Florida because the existence of an epidemic there of yellow fever or of anything else has been heretofore unknown, with the exception of one or two localities. With that exception the State of Florida has been exempt from epidemics of every kind, and there-

fore there is neither money nor authority there now to meet this evil which is threatening the whole country with sorrow and death and will not admit of longer delay.

Mr. President, Florida is far in the South. It approaches in its southernmost point the Island of Cuba, where the yellow fever is domesticated, and from which it spreads to other portions of the world. It is true that its wonderful purity of atmosphere and healthfulness of climate have heretofore preserved Florida from invasion by it to any large extent except in a few localities, but the tide of travel which now comes constantly from Cuba through Florida on to all parts of the United States, the more intimate commercial and social relations that have grown up since a line of steamers has been established, with their biweekly trips to Havana, is a cause for constant vigilance and of constant danger not only to Florida but all the cities on the Atlantic seaboard, and, since the experience of Memphis, to the cities of the valley of the Mississippi and even of the Ohio. Therefore it is a question of the greatest importance that whatever means may be successfully introduced and used now to suppress this threatened epidemic before it fastens its deadly grasp shall be used, and not only such measures as are ascertained and known, but those which are experimental and probably useful for that purpose.

I urge now upon the Senate that the discretion which these laws already give of buying property in all places where it can be used for the prevention of this epidemic and its spread from one State to another be so defined that the property when bought can be destroyed if it is necessary to destroy it for that purpose, and that this express power and discretion shall by law be vested in the President and his Secretaries and their proper officers.

Mr. BLAIR. I understand that the provision which the Senator is urging is analogous to that made in the pleuro-pneumonia law.

Mr. CALL. I said so.

Mr. BLAIR. And it would seem to be reasonable if we may stop the cattle plague that we may stop yellow fever; but I would ask the Senator if his proposition contains any provision for quarantining the individual and seizing the clothing and destroying it, whether he be willing or unwilling?

Mr. CALL. That is so. My amendment of course goes as far as the Federal authority can. It authorizes the payment when the property has been seized in pursuance of State authority.

Mr. BLAIR. I thought the Senator contemplated throwing out a bit of temptation to the infected person to produce his clothes or bring in his old buildings and get his pay for them.

Mr. CALL. That undoubtedly is true not only of this resolution but of all other bills for the payment for either property or services.

Mr. BLAIR. It seems to me the Senator or somebody should undertake to make a law like that we have enacted to prevent the spread of pleuro-pneumonia or cattle diseases, hog cholera, and all that sort or thing. I do not see any reason why human life is not as properly entitled to protection, and why we may not as well pay out money, notwithstanding the doctrine of State rights, to prevent the spread of yellow fever all over this country as we may pay for cattle to prevent the general distribution of the cattle plague. But it does seem to me that the Senator rather than by introducing a measure here, such as I think his proposition is, to tempt people to come along with old clothes and all manner of old truck to get pay for it, should make a proposition which would give a chance to exercise some power on the part of the nation, which is to pay the money, to quarantine and inspect, and to take away from people their clothes, their wearing-apparel, when there is fair evidence that they are infected, and then pay for them.

Mr. CALL. I shall be very glad to accept any suggestion of amendment which will effect the purposes of this resolution.

Mr. BLAIR. We have not the yellow fever in New Hampshire, but we will pay our share of the money if the Senator will produce the proper sort of law.

Mr. CALL. I thank the Senator for his suggestion, and I will very gladly accept any amendments which may be offered by any one which will protect the public and secure the proper expenditure of money appropriated to prevent or extirpate the disease, and also the proper expenditure of money in reference to cattle, and in reference to every form in which money can be expended under appropriations. I supposed that this was already sufficiently protected, first by the discretion of the Secretary to establish the rules under which this money should be paid, so that the rags and old clothing which were sought to be paid for should not be paid for unless it was proved that they were full of contagion and death, and their destruction necessary to prevent the passage of contagion from one State into another.

I think that is a duty and a discretion that may be intrusted to the Secretary of the Treasury. I should be very willing to intrust it to the Senator from New Hampshire if he were Secretary of the Treasury, or to any other man who is fit to be Secretary of the Treasury. I should be willing to give the discretion of making rules by which it shall be made certain that the rags and the bedding are really contagious.

Mr. BLAIR. Is not power given in the resolution as reported by the committee to expend the money necessary, in the discretion of the President, who may use such measures as he may think are calculated to suppress the disease, using this money to enforce those measures, and if the Senator's proposition be a sensible method of extirpating the disease, it is fair to presume that so sensible a man as the President or the Secretary of the Treasury will resort to that method to pay for these clothes and rags and old buildings, and proceed in that way?

Mr. CALL. That is all very true; but if the Secretary entertained that opinion, and if when the Surgeon-General went to him he had said, "I have that discretion, I will pay for that building, I will pay for those clothes, when it is proved to me that they are spreading death in the country," I should not have introduced this resolution; but it is because the Surgeon-General, who is the head and source of the executive distribution of this fund, has said that he has consulted the Secretary, and has been advised that he does not so construe the law, that I was forced to introduce this joint resolution.

Mr. BLAIR. Then would it not seem to follow that neither the President nor the Secretary of the Treasury nor the Surgeon-General considers the suggestion of the Senator a sensible one, and that it is not necessary to resort to this method?

Mr. CALL. It is not my suggestion. I do not know anything about it. I have never expressed an opinion about it. I have never seen a case of yellow fever in my life, and I do not desire to see one. It is the suggestion of the Surgeon-General of the Marine-Hospital Service, and he says in this letter that he has ordered a destruction of bedding and clothing which were sources of contagion, and which were beyond the reach of fumigation and disinfection. It is an ascertained proposition in sanitary and quarantine science now, and recognized and known of all men. So I understand, though I am not an expert nor an authority upon that subject.

Mr. BLAIR. Does the Senator's proposition empower the President to seize property and destroy it?

Mr. CALL. It does not.

Mr. BLAIR. Then I do not see that the Senator makes any proposition which will be of the slightest avail here. The Surgeon-General says he has pointed out infected property that ought to be destroyed and he can not destroy it, and the Secretary of the Treasury and the President say they have not the authority to do it, and they need authority to do it. Now, why does the Senator not make a proposition that this property when it is evident that it is infected, may be seized and destroyed just as you destroy a sick ox?

Mr. CALL. The difficulty in the case, and I think I can have the Senator from New Hampshire see it, is that I am not asking for authority to seize any property; I do not know that we have the power to enter into a State *manu forti* and take a man's property for this purpose or strip the clothing from his wife and children.

Mr. BLAIR. Not even to prevent the spread of yellow fever all over the whole country to kill the whole nation?

Mr. CALL. No; not even for this end. It is an open question, and there are points involved which it is not necessary to raise. Sufficient it is that there are many persons who do not think with the Senator, and it is not necessary to exercise this power now, even if it was clear that we possessed it. If you give the money, and give the President and the Secretary express and certain power to use it, there will be no need of power to compel any one to take it, and if there should be the State authority will furnish it.

I am asking that the Secretary of the Treasury be authorized to pay for the clothing and bedding which under proper regulations may be ascertained to be causes of death, and that it may be clear that he has the power and it is his duty in a proper case to apply the money for that purpose. That is all. The Secretary now says it is not clear. The President said he thought if there was any doubt about it that the law had better be made clear. And as these are the officers whose opinion will control the expenditure of the money and its payment, it is necessary, if that is to be done, that it shall be made clear and beyond doubt. What sensible reason can Senators give for their argument and their proposition that the law should be left obscure and uncertain. I confess I am amazed at this strange proposition of Senators and the zeal with which they urge it. To what end shall the law be left uncertain?

Mr. BLAIR. But the Senator's proposition, if he will pardon me, is simply this, as I understand it: That when somebody comes along and says that he has got the yellow fever about him and wants pay for the clothing he is wearing, this money may be used to pay for these old clothes and their destruction; but if he chooses to travel with the yellow fever on his person, wherever he pleases, in any State whatever, there is doubt of the power of the Government to seize his clothing, whether in his possession or otherwise, to prevent the spread of the disease; and the President says he wants power by law to do that. The Senator does not make any proposition to give him that power. He still leaves it to the will of the individual who has the property to dispose of. There is where his proposition seems to me to be deficient.

Mr. CALL. I do not make any such proposition as that to start with. I think if you find a man traveling upon the trains or public conveyances, who has yellow fever or has baggage or clothing which contains it, there is no question of the power of the Government to seize it; but when a man is not traveling upon the cars, but is in a place from which

he is liable to go upon the trains or public conveyances and where he probably will go upon them, and where clothing and baggage are about to be shipped, but are not yet in the interstate commerce, I think there is a region of doubt whether or not it can be seized; but be that as it may, I did not say that the President said he wanted power. When I applied to him with my colleague and the rest of the delegation from Florida on this subject, in response to the request which I shall now read, the President said he thought that if there was any doubt on the part of the Treasury Department, or in the law, whether the power existed of paying for this infected property, it had better be provided for by an act of Congress; and I think his opinion is very clearly a correct and sensible one, and I can not understand how any one can entertain a different opinion.

This resolution provides not "that a man coming along and saying he has the yellow fever, or cholera, or any other disease, shall be paid for his clothes, whether good or bad," but that when the board of medical men charged with this duty under the law and under the regulations of the Department shall say this man and his clothing will communicate in all probability this disease because of recent exposure to it in an infected locality, and the public safety and the public health demand that this property shall be destroyed—when that safeguard has been carefully observed, then I say that the money ought to be paid upon the proof of those facts; and it is proper that the law should so plainly declare, and it is not in any respect wise or sensible to impose on any officer the responsibility of interpreting at his peril a doubtful law. When Congress makes the law it is its plain duty to make it clear and certain, definite and precise in its provisions, and this has never been doubted or denied before.

Mr. BLAIR. Will the Senator indulge me there?

Mr. CALL. Certainly.

Mr. BLAIR. I now understand the Senator to ask that by this proposed statute we give to the President power to interfere with persons and property before they have in any way become identified with the interstate commerce, and that the President would like this matter of power cleared up by legislation.

Mr. CALL. Oh, no.

Mr. BLAIR. Well, is this not the difficulty of the Senator in his States-rights view of this thing, that there is no constitutional power, as he holds, to interfere with this person and this property until they have come within the domain of the interstate-commerce clause of the Constitution? If that be so, how is it possible for us to pass a statute interfering with that domain, so outside of our national constitutional jurisdiction? Is he not, in other words, asking us to pass an unconstitutional law to meet a difficulty of the Senator from Florida?

Mr. CALL. I do not think there is any great difficulty about that. That is an old question which we have argued here time and time again in endeavoring to arrive at some legislation which would harmonize the different views which were prevalent in respect to State authority and power and the power of the General Government in reference to sanitation, quarantine, and the prevention of the spread of epidemic diseases. Of course there are those points to be met, but we arrived at a common agreement in the act of 1879, and in the appropriations made in different appropriation bills from that time to this, to exercise the power of the General Government as to interstate commerce in respect to the prevention of the spread of disease amongst animals as well as infectious diseases amongst men in the interstate commerce by requiring it to be done in harmony with the State laws. The great principle of constitutional interpretation in this country is an interpretation that shall effectuate the powers of the General Government in harmony with the powers of the State governments.

I do not care to discuss that question, and therefere in the amendment which I introduced I provided that it should be done subject to and in accordance with the authority of the State, and the money is appropriated to do those things in the States, which the National Government could not do, and without the exercise of forcible power the act to be done being within the domain of State authority, yet being an act necessary to prevent injury to the interstate commerce of the country, this power and this duty is recognized in all this legislation.

I will remark further to the Senator that the laws expressly say in so many words that this money shall be appropriated to do certain things in aid of the authority of the State boards of health and of the State quarantine regulations, and this law, which has been reaffirmed from 1879 until now, in every case gives this money under the authority of the Surgeon-General of the Marine Hospital Service to effectuate the State quarantine in those matters where the Federal authority was not recognized by law to extend.

Mr. BLAIR. Will the Senator allow me to ask him a question there?

Mr. CALL. I will.

Mr. BLAIR. How in case the State authorities should refuse to receive the money and this contagious disease, we will suppose already so destructive in Florida, should be spreading over the entire country?

Mr. HARRIS. If the Senator from New Hampshire and the Senator from Florida will allow me, I beg to call the attention of the Senator from Florida to the fact that he is somewhat mistaken when he says that moneys have been appropriated from the Federal Treasury at any time to aid State or municipal boards of health in doing anything except to so regulate commerce as to prevent the infection of contagion from foreign countries into this country or from one State into another. That is the limitation; and it is for that purpose that moneys have been appropriated to aid State and municipal boards, and for no other purpose.

Mr. CALL. The Senator will allow me to say that I think I have said that every time I have said anything. Certainly that is true; but it does not affect this argument in any respect whatever. Our sole authority is to prevent the infection from one State into another. Everybody must understand that. But of what import is that to this question? If the doing of a certain act, if the seizing of a man with baggage infected before he takes the car within the limits of a State, if the burning of a house which is breeding cholera in juxtaposition to a line of travel, a highly contagious form of disease, within a State is necessary to the prevention of it in interstate commerce, what concern does that have with the question that our only authority is to prevent the infection of this disease from passing from one State to another if the burning of that house is necessary to do that thing? That is what I have asserted, and I have said that in this law, I repeat again, which the Senator from Tennessee was largely instrumental in framing, the authority was given to buy that infected house or any other house in express terms already; and shall it be said if, having bought it, it is producing death and contagion; having bought it for the purpose of preventing contagion from one State into another, and it is producing contagion, that the Government may not destroy that which is its own for the very purpose for which it bought it?

Mr. HARRIS. The Senator from Florida will allow me to ask him a question?

Mr. CALL. Certainly.

Mr. HARRIS. The authority as to the house the Senator refers to was given to build or buy a house to be used as a quarantine station, was it not?

Mr. CALL. I will read you the law:

> To prevent the infection from one State into another—

Those are the words of the law—

> of contagious or infectious diseases.

Mr. HARRIS. That part of the law which authorizes the buying of a house is simply a house to be used as a quarantine station.

Mr. SPOONER. It does not authorize the purchase of houses to be destroyed.

Mr. HARRIS. By no means, nor does it squint at it.

Mr. CALL. Let us see and let us examine that in the light of reason. The Senator from Tennessee says it is to buy a house for a quarantine station. Now I want to ask him why does the law authorize you to buy a house for a quarantine station? Tell me that.

Mr. SPOONER. For a public use.

Mr. CALL. What public use?

Mr. SPOONER. To isolate the persons who are supposed to be infected.

Mr. CALL. What do you want to isolate them for?

Mr. SPOONER. To prevent the spread of contagion.

Mr. CALL. Exactly so, to prevent the spread of contagion. Now, you undertake to say that it is a reasonable proposition to buy a house to prevent the spread of contagion, and having bought the house and found that it spreads contagion and is a cause of death, there is no constitutional power to allow you to destroy it?

Mr. SPOONER. Does the Senator make this proposition, that if the health authorities of the State decide that given premises are infected and that the public health requires that the premises should be immediately destroyed, that is a taking of property for a public use which requires the payment of compensation?

Mr. CALL. I do. I will state it a little differently. I say that the taking of property to protect the public health—and I challenge the Senator to produce a single plausible reason why it is not—is a taking of private property for public use.

Mr. SPOONER. In the State of Iowa they passed a law under which certain brewery property was destroyed, and the point was made as to its constitutionality, that while it was a taking of private property for public use the law provided no compensation, and the Supreme Court of the United States decided that property taken in the interest of the public health, under the police power, was not "taken for public use" in the constitutional sense of the phrase, and that no compensation was required to be made. In the case I supposed a little while ago of a fire, if the fire was spreading and it became necessary in the judgment of the officers of the city, the fire department or the commissioners, to destroy my friend's house in order to prevent the spread of the fire and the utter destruction of the city, that property may be destroyed without compensation being made for it. It is an emergency, an overwhelming public necessity, which is not the taking of private property for public use within the legal sense and meaning of that expression.

Mr. CALL. We are reasoning now about this, I take it. The Senator has given an illustration and I will give one. A war is raging, it is flagrant, and men are needed, for what? To protect the soldier and everybody else; but the soldier is taken and my friend and myself are left. Why pay him anything? It is the public welfare, it is the

public protection. You and I are protected, and he, too, exactly alike; and why pay him for devoting his life and his services?

Mr. SPOONER. The Senator must refer to a draft, I suppose, where a soldier is taken for public use against his will.

Mr. CALL. I do not care whether it is a draft or not. The significance of the idea and the reasoning is that you take that which is personal and you devote it to a public use, which includes the person as much as anything else. I do not desire to argue the question whether or not——

Mr. BLAIR. The Senator will allow me to suggest in connection with his illustration that the power to take the individual for the public use in war is not a power that carries along with it the right of compensation on the part of the individual at all. He is given pay for his services for the time he is in the field, but he is not paid for his life. He has no right to his pension even, except by statutory provision. But the innate power in government is to command the force of every living individual for the common protection of all, and that, too, without compensation, as is demonstrated in the case where the individual, body and soul, may be taken, even up to death, and then there is certainly no compensation.

Now, is not this the distinction, I will ask the Senator, that wherever property be taken or wherever property be taken and destroyed, which property is not taken for the public use, but taken for the purpose of its own destruction, it may be for the general welfare, but in that case the individual runs his risk as a member of society, and he is not entitled to compensation. That is the principle. But where the thing taken is for the public and is subsequently valuable to the public and continues to exist as property and is property of the public, instead of that of the individual, then there is the right to compensation; but where for the common good a thing is destroyed, whether a man, or a beast, or property, there is no right to compensation.

Mr. SPOONER. I want to know if I really understand my friend from Florida to insist that where the Government calls a soldier into the military service it is in the exercise of the power of eminent domain—in other words, if he means to insist that there is any parallel in the cases?

Mr. CALL. I thought my friend was too good a logician to ask me such a question.

Mr. SPOONER. I think the fault in logic is in my friend, not in me.

Mr. CALL. Of course I am very willing if I am wrong to bear the blame. But in my view of society and government, as I understand it, dating from the time of Justinian and the civilization of the Roman Empire to this day, as recognized by all enlightened people, rights are founded in beneficent use and application. They originate in good for mankind. There is no foundation of right but beneficence. Power, concession from the people, has its origin in a beneficent purpose and use, and therefore I say that when the soldier takes the place of the Senator from Wisconsin, and gives his life and his time and his personal ease to allow him or me to do without the sacrifices which he makes, he has a right, not in the naked sense of power or of eminent domain, but in the higher and better sense of beneficent legislation, of proper action on my part and his, to compensation for that greater part which he has done for the public than he or I.

Mr. SPOONER. The resolution as presented by the Senator from Florida does not discriminate in any manner whatever between the property for which perhaps there ought to be some compensation made and the class of property or property so situated or infected that any lawyer must concede the owner is not entitled to be paid for it. He provides here:

That the Surgeon-General of the Marine-Hospital Service is authorized, on the request of the governor of any State, to seize and destroy, under conditions and regulations to be prescribed by the Secretary of the Treasury, any infected personal or other property.

That is, property already infected which ought to be destroyed in the interest of human life—

Or other property—

That is, property already injured to the owner, property which it is almost a crime in the owner to maintain and permit the existence of—

which is communicating infection and disease in the interstate commerce, and such condemned property shall be paid for out of the money herein appropriated.

That is, property condemned must be paid for out of this Government appropriation. Suppose the authorities of the State order it to be destroyed and the Government authorities acting in harmony and by way of aid to the State authorities concur, must all the appropriation or payment be made out of the Government appropriation? If so, why?

Mr. CALL. It does not bear any such interpretation. The resolution says the Secretary of the Treasury shall have power to say for what this money shall be paid, for what property and under what circumstances; that is all.

Mr. SPOONER. It says all property condemned shall be paid for out of this appropriation.

Mr. CALL. Condemned under what? Under the rules of the Secretary of the Treasury. That is all. The Secretary of the Treasury shall say what shall be condemnation and what shall not.

Mr. President, I am of course solicitous that this measure shall pass, but I wish to place it before the Senate and to assume my own position in regard to it. The justification of this proposed resolution depends on whether it is beneficent or not. Is it authorized under our powers of government or not? Can we authorize a veterinary surgeon or a Commissioner of Agriculture to seize and destroy thousands of cattle and appropriate $800,000 for it within the limits of a State in pursuance of State law, and shall we hesitate to authorize the Secretary of the Treasury to destroy infected property in the States under regulations which shall be prescribed by him in cases where, like in the case of infected cattle, disease and death are being spread?

That is all. Is it beneficent or not, and is it wise? If this epidemic, as the Surgeon-General has certified, can only be stopped in that way, then we should provide the proper means; and I have here a communication which I shall ask the Senate to print with my remarks without reading it. It is time that this body should wake up to a realization of the great questions of the age in which we live, to a proper sense of the fact that the danger to life, society, and government is more in the fatal plagues of disease and pestilence than of armed men and organized force. That we have something else as statesmen to do besides organizing armies and building navies, and paying for them, and providing policemen. We have other and greater ends of government and legislation than these.

Mr. BLAIR. I should like to ask the Senator, in connection with this very proper and eloquent appeal, this peroration, a question that I think goes to the root of the matter, why will he not ask the Senate then to strike out of the proposition the words "on the request of the governor of any State," and not leave the whole nation of sixty-five millions of lives dependent upon the caprice of the governor of Florida or of any other State where this disease happens to be located? If the Senator will move to strike out the words "on the request of the governor of any State" I shall be very glad to vote for his proposition. Then it will read:

SEC. 2. That the Surgeon-General of the Marine Hospital Service is authorized to seize and destroy, under conditions and regulations to be prescribed by the Secretary of the Treasury, any infected personal or other property which is communicating infection and disease in the interstate commerce, and such condemned property shall be paid for out of the money herein appropriated.

Do you want to leave the lives of the people of the whole nation dependent on the will and caprice and pestilential States-rights views of the governor of Florida? The worst pestilence there is in this country is this States-rights doctrine, upon which theory the Senator has introduced his resolution. If he will strike that out, we can get along well enough, and we can control yellow fever and other worse things in this country.

Mr. CALL. I think I can give the Senator a very good reason for that. First, it is impracticable. There is such difference of opinion that we can not make any legislation that will harmonize with his views. That is one reason. Another reason is because the law for the suppression of pleuro-pneumonia, the law for the suppression of contagion and infection in the interstate commerce, has adopted a different rule. The precedents, therefore, are for this action and not for the manner of legislation which he advises. That is the practical reason why, whether he is right or wrong, I should not do what he proposes to do.

But I have said that I have made this motion in pursuance of the better and established sanitary and medical opinion of the day, and that we are confronted now with an enemy of the most formidable character, whose power over human life and human happiness, not in one State, but in all the States, has been evidenced in the most convincing manner on repeated occasions, and therefore we are called upon to do, experimentally and practically, whatever may be probably efficacious to stop the advance of this enemy.

I have this telegram from Jacksonville, signed by gentlemen of great intelligence, of eminent humanity, and of the highest integrity of character, who are now devoting themselves in the commencement of this epidemic, which I hope may be stayed, and which, if this country is wise, will be stayed and extirpated where it is. I have this telegram from them:

JACKSONVILLE, FLA., *August* 14, 1888.

To Hon. WILKINSON CALL, *Washington, D. C.:*

I am instructed by citizens' association to urge immediate passage of your relief bill, and to make part of the appropriation available here for strong measures to suppress yellow fever.

J. J. DANIEL,
President Jacksonville Auxiliary Sanitary Association.

JACKSONVILLE, FLA., *August* 18, 1888.

Senator CALL, *Senate Chamber, Washington, D. C.:*

We are instructed to communicate to you the following resolution adopted by the executive committee of the Citizen's Auxiliary Sanitary Association, held this day, with the request that you adopt such measure as will in your judgment best promote the objects in view:

"*Resolved*, That while we do not feel it necessary to appeal to the charity of the public at large for the present, at least trusting that our people in the spirit of self-reliance which animates them will furnish means until their resources are exhausted, we realize the importance to the entire State of Florida, and the United States generally, that extraordinary efforts be made to stamp out the

disease which has been introduced into our city and prevent its possible spread to other communities, and to this end it may be necessary to destroy buildings which have become foci of the infection, and undertake works of a public nature to remove all possible danger. We feel that the United States Government can most appropriately devote such funds as are available for the prevention of infectious disease to enable us to carry on these works and thus avoid a long and disastrous epidemic, in which event we would no doubt be compelled to seek the aid which has been so kindly tendered to us from many quarters."

J. J. DANIEL, *Chairman.*
J. W. ARCHIBALD, *Mayor.*
NEAL MITCHELL,
President Board of Health.

Colonel Daniel, who heads these signatures, is one of our most distinguished citizens, both for ability and eminent virtues of all kinds, and all these are gentlemen of intelligence and merit and distinction. The people of Jacksonville, with commendable liberality, have devoted their resources entirely to this great public duty, and have not asked for public charity nor for aid from the Government; but seeing that it is possible, with means greater than they have, to stamp out the present infection by destroying the places of infection, they have submitted to the Government this request that the authority in the laws shall be made plain and clear and beyond mistake and quibble.

Now, here is this epidemic, from which the pure and healthy climate of Florida exempts the State generally, but which has extended from Key West to the city of Jacksonville on its way to the great cities; which has attacked several towns along the line of railroad, commencing at Tampa, which is now comparatively free from it, and pausing in Jacksonville—a climate unfriendly to its propagation—this epidemic in its present state is easy to control with adequate means. The Surgeon-General has stated—and I think it will be found in his report—he has stated to me that in the little town of Manatee, which is adjacent to Tampa, some 40 miles distant on the bay, there was a nest of houses, and that all through the winter his expert and accomplished physician, Dr. Murray, whose opinion I know the Senator from Tennessee will state to be valuable, a patient, self-denying, intelligent, studious, thoughtful man, laboring in the interest of humanity and science, has reported to him that the entire origin of that disease, with a guard of fifty men around it, seeking to prevent persons going in and coming out, has been from a series of old buildings, where for a space of seven or eight months this disease has been generated in that immediate locality, from those houses, and communicated all through the country and now threatening the whole Atlantic coast and all the great cities, including Washington.

Mr. President, I have said all I desire to say to the Senate upon this subject. If we are refused this legislation so clearly required by the public interest, after having given $800,000 to seize animals and kill them, with the consent and co-operation of State authority, to prevent pleuro-pneumonia; having given authority to buy and destroy property of all kinds in the different States, cattle-yards, places where the contagion and infection of pleuro-pneumonia exists, which the Senator finds no objection to—destroying cattle-yards and paying for them under our laws—why not destroy the houses that are spreading disease and death all through the land? I care not for these unreasonable distinctions upon this subject. I am for the beneficent exercise of this power harmoniously with the power given to the States.

I insist that the power of the Federal Government and the power of the States can in all cases be harmoniously and beneficently exercised in co-operation, the one aiding the other; and I contend that that is the sole principle, the great life-giving principle, of the Constitution in respect of its distribution of powers. I do not believe that you need to coerce the States into the exercise of any authority given to them; but you need to aid them, as all this legislation does from the beginning until now, by appropriating money to aid the States in doing those things which may affect disastrously the general interstate commerce of the country, affect the national and public interests in respect to the powers and subjects over which the General Government has power.

Now, Mr. President, I ask leave to publish with these remarks a paper sent to me by Dr. Souvielle, who states that he is lately a surgeon in the French army, a member of the St. Thomas Hospital, London, and now of Hot Springs, Ark. While I am not a judge of and know nothing about these matters, it seems to me to be a valuable contribution to the studies of the age upon the subject of yellow fever and its prevention, and illustrates the necessity of this action on the part of Congress, showing that this contagion may be prevented.

The paper is as follows:

HOT SPRINGS, ARK., *August* 14, 1888.

I have learned through the "St. Louis Republic" of the development of a few cases of yellow fever in your midst, though I hope the reports of the prevailing state of panic among your citizens are somewhat exaggerated. My interests in the present case are double—that which I feel for the cause of science, and also that which I have in the welfare of the city and people of Jacksonville.

The generally unknown character of the yellow fever renders it more dreaded than it would be were it "more familiar grown," and to make it so should be the first care of the scientific physician, for only by the intelligent co-operation of the authorities, and of every individual of a community, can his labors to combat its inroads meet with the success they merit, and would certainly bring about were they thus supported.

The city of Havana, where yellow fever is always present, is never subject to panic on its account, for every one knows something of its characteristics and treatment but those who are its victims are new-comers who are afraid of it, and whose very fears are almost certain to make them succumb. The mind has a more powerful influence toward a good or an evil termination than can be fully understood, though well authenticated.

In a letter to your valuable paper (Times-Union, Jacksonville, Fla.) of the date of November 7, 1887, I gave a short account of yellow fever, and its origin and history, which I will not occupy space to repeat, though of great interest just now; but now that it is actually present among you, it is absolutely necessary to meet it boldly and intelligently. To do this it is expedient to know first what we have to combat, then where to look for lurking danger, and afterwards to consider the means.

That it is a microscopical living organism is well known. That it is carried by currents of air, that it is propagated in foul air and follows lines of travel are all facts equally well understood. That it requires moisture in order to exist is also true, as in a state of absolute dryness of the atmosphere it is harmless. Impure water and improper food convey it into the system, and all products and processes of fermentation serve to communicate it, to extend its ravages, and to intensify its virulence. High barometer retards its development and aids towards recovery those who are suffering from it, while a state of low barometer at the sea level is favorable for its propagation and the invasion of new regions. The low barometer due to elevation has an exact opposite of this, for in the dry atmosphere of high altitudes it can not develop.

We have now reviewed a few of the more important general conditions and forms in which we have to meet this intangible and insidious enemy. Of the requirements of the city generally, which are in a great measure peculiar and local, and of the means necessary to be adopted by the corporation, I hope to speak further, and for this I, as an individual, must wait for proper encouragement and support, which the authorities alone can render, but to other individuals quite as personally concerned as myself I give the following directions: If those who would benefit by them will bear in mind the previous portion of this letter, the reasons for the precautions and measures to be mentioned below will be at once apparent.

As I wish to be understood by those whose means or circumstances or business affairs will not permit them to leave the city, but who must remain to meet the emergency of the hour as best they can, I shall be very concise and put what I have to say in the simplest and most practical shape possible. They are immediately available for every person, while by their careful observation three-fourths of the cases can be prevented even after the infection has obtained the ascendency, and by their timely use it would never become an epidemic.

The subjects requiring attention are food and drink, sanitary regulations, and ventilation, prophylactics, and disinfection, to be considered in their order.

Only the very freshest gathered and cooked vegetables and freshly killed and newly cooked meats should be eaten, while no warmed over or left over food of any kind should be partaken. The use of ice and ice-water should be particularly avoided. From one-half to one ounce of chloride of sodium or common salt should be taken with food during every twenty-four hours. This acts as a prophylactic in the blood, and being extremely important and an easy condition to observe it should on no account be neglected.

All water which is to be used for drinking purposes should be boiled and kept closely covered while cooling, or bottled while boiling hot, and never allowed to be exposed to the air. Vegetable tar should be put in it, and this with small quantities of wine be the only beverage allowed. A half teaspoonful of flowers of sulphur should be taken twice in each twenty-four hours, and tonics of all kinds are also of extreme value.

The air of houses in damp weather and at nights must be kept as dry as possible, this being best effected by open fires. All sleeping apartments and the sick chamber should be in the highest story of the house, and the latter especially of large dimensions and well ventilated.

Burn all dejecta of the sick with the assistance of coal or vegetable tar (and the clothing and bedding suspected of contagion should be also burned), as these matters are a prolific source of propagation when allowed to remain in vaults or sewers or buried in the earth. All the water-closets should be disinfected daily, and a quantity of charcoal kept under the seat to absorb the evolved gases. Ice melting in the receptacle will also prevent the formation of gases.

Over (or within) each manhole or vent of the city sewers, and over all private sewers, should be placed, suitable in size to the opening, a cylinder or other filter of charcoal to absorb the gases escaping therefrom. As charcoal will retain about one thousand times its own volume of gases it is almost a permanent safeguard in such situations. The air from below is to be filtered through the charcoal, so that the bottom of the cylinder must be perforated, or what is better, made of coarse wire or wickerwork or lattice. The whole may be made of either of these materials, and it is to be preferred,

Dampness must be carefully avoided, and every person suspected of contagion sponged with alcohol; but above all do not anticipate or fear an attack. The fatality of yellow fever is always exaggerated in the public mind, as in the most widespread of all recent epidemics, that of 1878, the percentage of recovery was eight out of ten cases, and the tendency is generally to a favorable issue, unless complications exist. The sick should be all removed by the city authorities on steamers to the mouth of the river and kept there in salt atmosphere, which will greatly aid in recovery.

The steamers must be disinfected morning and night, and all the sanitary regulations as before mentioned carefully observed. Cities near the ocean should always have their hospitals near the seashore, and those in inland situations should so utilize the greatest altitude available. Physicians ought not to visit from house to house in the ordinary clothing, but should wear linen or a rubber gossamer while on such duty. Should the disease become beyond control, which condition obtains when it becomes epidemic, then sulphuric-acid gas should be artificially produced in the atmosphere in the following manner: At the intersection of the streets place iron cylinders or other vessels which will contain about 20 gallons each. These should have substantial bases and be filled with the following mixture, which is then to be slowly burned:

Take coal or vegetable tar, to each gallon of which is added 5 ounces of gunpowder, 1 ounce of flowers of sulphur, and one-half to 1 gallon of coal oil, this to be continued for several nights or until subsidence of the disease. By this means ozonification will be effected, and complete destruction of the infection thereby secured.

All the processes for the prevention and arrest of the epidemics, and the purification and protection of the air of cities from the exhalations from sewers are covered by a patent granted to me by the United States Government, but to the suffering city of Jacksonville for the present emergency I hereby give the right to use for her own benefit all my methods, which I have freely described, to relieve her in her hour of imminent danger and affliction.

M. SOUVIELLE, M. D.,
Late Surgeon French Army and late Member St. Thomas Hospital, London, England.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Florida will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. If there be no objection, by unanimous consent the unfinished business will be laid aside informally, and the consideration of the joint resolution continued.

Mr. WILSON, of Iowa. I desire to suggest an amendment to the amendment reported by the committee to the pending resolution. The amendment reported by the committee seems to provide for the pro-

tection of all parts of the United States except the District of Columbia. It provides this protection:

To prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another.

I suggest as an amendment to the committee's amendment to add, at the end of that amendment, the following:

Or into the District of Columbia from any State or Territory, or into any State or Territory from said District.

Mr. HARRIS. There can be no objection to that amendment.

Mr. CALL. Mr. President, this resolution is of no value as the committee have reported it. It is idle. The point is that the officials who have the power to spend this money do not consider that it gives them the power to pay for bedding and clothing and infected houses and to destroy them. Surgeon-General Hamilton was sent there to ascertain this, and he has reported that they thought they had not the power. In the cattle laws we have provided expressly that the money shall be applied to the payment for property. Why, then, talk about enacting here a law which is a delusion, under which the Departments will not pay the money for the only purpose for which it can be, and you have amended carefully the cattle laws so as to seize and kill cattle in the States and destroy the infected yards?

Why is it that you oppose without reason this humane and necessary amendment in favor of human life? Is it because I have no power to impress so plain and so unmistakable a thing upon the Senate? That may be true. We have but to look at the cattle laws to see all that this amendment provides. Why, then, shall all this objection be made to making that plain which you declare is intended to be covered by the general provision, but which is so general, so obscure, so vague that it may and will be interpreted to mean nothing and will leave the money in the Treasury unused, and leave the people to die without assistance or relief?

Mr. SPOONER. Will the Senator from Florida look for a moment at the substitute reported by the committee?

Mr. CALL. Certainly.

Mr. SPOONER. Will the Senator be kind enough to look at it a moment? I wish to call his attention to the amendment.

Mr. CALL. I will hear what the Senator has to say.

Mr. SPOONER. Would it not remove the objection by inserting after the word "prevent," in line 9, the words "by such means as he shall deem best;" so as to read:

To be expended, in the discretion of the President of the United States, in aid of State or municipal boards of health, or otherwise to prevent, by such means as he shall deem best, the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another.

Mr. CALL. Will the Senator allow me to ask him why shall we confine it to that expression? Suppose he says "I do not consider that I have the power under this law?"

Mr. SPOONER. The Senator answers my question by asking me another. I would be glad if he would answer my question, whether the insertion of these words would not clearly give to the President the power to purchase property and destroy it if in his judgment it became necessary?

Mr. CALL. I think so, and I think he has that power now under the law; and I think his discretion would be wisely aided by that suggestion of the Senator. I think if the resolution is to pass in this form it is a wise suggestion, but I think it would be better still to do what we have done in the cattle laws, to say that you may expend this money to pay for property. That we have done in reference to pleuro-pneumonia.

Mr. BLAIR. The Senator upon that point seems to be under a misapprehension. Whatever has been done under our law relating to the extirpation of pleuro-pneumonia in connection with State authorities has been done in connection with those authorities constituted by legislation and existing as a result of the action of the legislative power.

Mr. CALL. What legislative power?

Mr. BLAIR. The creation of State boards and the authorization on the part of State boards to seize cattle and destroy them, and they have gone so far and been so kindly in their relations to the National Government that when the National Government, through them, will assist in the extirpation of disease by paying all the expenses, they will accept the money from the United States. That is the extent to which they have gone. But the point to which I call the Senator's attention is this—that the power to seize property and extirpate disease by destruction of the property is one which is exercised in the State by virtue of the action of the Legislature, the creation of State boards by authority of law, and I would like the Senator's attention, because it is necessary that the Senator's views be understood.

The Senator from Florida comes to us with this proposition, that the Government of the United States, upon the request of the governor of a State, may step inside the State jurisdiction and exercise a power for the destruction of property with no other authority but an authority which, on his theory, the United States does not now possess—upon no other authority save the request of the governor of the State.

Now, the question I wish to put to the Senator is this: Can it be possible that the mere request of a governor can confer jurisdiction upon the United States Government to step inside the limits of a State and perform these acts?

Mr. CALL. No, certainly not; beyond all doubt. I answer the Senator from New Hampshire—I believe the answer is very plain—by saying certainly not. The request of the governor gives no authority, except in the specified case of the Constitution where there is an invasion of State territory.

Mr. BLAIR. That is for the suppression of insurrection and to repel invasion.

Mr. CALL. Certainly.

Mr. BLAIR. That is a constitutional power. Now, the Senator denies the right of the General Government to go inside the territory of a State, within State jurisdiction, and destroy property to prevent the spread of disease. He denies that power.

Mr. CALL. I do.

Mr. BLAIR. His theory denies it; and now he produces a resolution and asks us to vote for it, which, upon the request of the governor of the State alone, will induce this foreign and alien and subversive power of the United States to destroy property within a State, when, as I understand him now, the legislative authority is indispensable before it can be exercised.

Mr. CALL. This joint resolution says the governor shall do it not without the legislative authority, but assumes that he has legislative authority.

Mr. BLAIR. But it does not say he shall do it subject to the legislative authority. The joint resolution provides this:

That the Surgeon-General of the Marine-Hospital Service—

Not even the President, but—

the Surgeon-General of the Marine-Hospital Service is authorized, on the request of the governor of any State, to seize and destroy, under conditions and regulations to be prescribed by the Secretary of the Treasury, any infected personal or other property which is communicating infection and disease in the interstate commerce, and such condemned property shall be paid for out of the money herein appropriated.

There is no provision that the governor must first be authorized by legislative power within the State.

Mr. CALL. Well, Mr. President, that is not the question. The question is, does the Senator from New Hampshire recognize the fact that in the prevention of epidemic or contagious disease in the interstate commerce of this country from one State to another it is wise to appropriate and pay the public money, under regulations prescribed by the President or his executive officers, for property necessary to be destroyed to prevent contagion?

Mr. BLAIR. I certainly do.

Mr. CALL. If the Senator recognizes that, let him amend the resolution. If he thinks "request of the governor" is improper language let him say "subject to the legislative authority." The reason for putting in the request of the governor was that inasmuch as a dreadful epidemic threatens to-day the people of Washington, of New York, of Philadelphia, of Charleston, and Savannah, more than it does the people of Florida, where its pure climate and its piney woods may and probably will shorten its natural course, the question is whether in that state of things and no Legislature sitting, the request of the governor can be assumed to be subject to the State authority. I am asking for this, that this resolution shall say that the President or somebody may apply the public money to do that specific thing which the people there and everybody says ought to be done now, namely to pay for and destroy property which has spread contagion throughout the United States. Amend it in any way you choose to do.

Mr. BLAIR. I will say to the Senator that his facts, his conclusions, all repel the entire structure which he has offered to the Senate. It is inadequate; it is absurd. The Senator makes an effort to preserve his consistency with this, as I said before, pestilential States rights theory, which, notwithstanding it has already cost us billions of money and hundreds of thousands of lives, has been nourished and nurtured and has continued to remain the intellectual conviction of many as to the relations between the Government of the United States and the States. It is just as sure to result in great wars in future as it has in the past.

I say the Senator in his effort to be consistent in that wicked doctrine which is dead and buried or ought to be and has been understood to be as the result of the war, produces here a joint resolution based upon that theory; and then when pressed to be consistent with himself or to abandon his theory and to make his resolution what it ought to be and give the national power the right or the particular States the right to go where the disease is which concerns, as he says, the people in New York more than it does those in Florida, because there are so many more of them, what do we find? A hundred thousand men may be extirpated in Florida while in New York there are millions who are interested in the result of the spread of this disease and in the result of this legislation, it may be, and now he asks me to perfect his resolution, and he asks me, if the consent of the governor, which alone he provides for, is not sufficient, and he admits it is not, to amend it to make necessary the consent of the State Legislature. I do not act upon that theory at all. I deny the whole theory.

The consent of the State in no manner whatever is necessary. The National Government has the right under the national welfare, the

national defense, to go within the limits of a State and extirpate any disease which is liable to spread over the remaining portions of the country. It is its duty to do it, and but for this doctrine the Senator would get legislation which would take care of Florida and all other portions of the country threatened by yellow fever or by cholera or those diseases which imperil cattle in every direction, he would get legislation vastly more for the general good and promotive of the general welfare.

Mr. CALL. I will say that the Senator from New Hampshire is not only courteous, but he is eloquent and he is learned and is not stupid. I will accord all those things to him, and I will be willing to be regarded by the Senator as stupid and as ready to propagate a very wicked doctrine, although I am not a doctrinaire. I am not at all dogmatic or doctrinal in respect to my opinions as to the exercise of power. All I want is to stop the epidemic of yellow fever, doctrine or no doctrine. All I want is the Senate to say that the President shall have power, in his discretion, or the Secretary of the Treasury, or anybody else that can be trusted, to pay the public money herein appropriated for houses which are places of infection or contagion to the people of this country. That is all. And I do it, not because it may be the best thing to do for the man who owns the house, but because as a matter of practical legislation, property that is infected will be destroyed when it is known that compensation will be made, and as a matter of practical legislation it will not be destroyed, neither the clothing nor the houses, unless it is known that money will be paid for them. It is the practical result that I desire, and therefore I have introduced the joint resolution in the very likeness and almost the words of the laws relating to the suppression of pleuro-pneumonia, almost the exact words, and if it does not suit Senators in the respects criticised I have not the slightest objection to amending it.

All I ask and all I want to do is to make the issue here and now that in the dreadful epidemics which threaten this country the power of the General Government, whether in the appropriation of its money to pay for property in the State or out of the State which is spreading contagion and infection to the whole people, shall be exercised. That is all, and I want to make that point.

It is true I am making it to-day for the State of Florida, which is now threatened and is the present source of the danger to all the other States, but I am as ready to make it and as ready to vote it in any form for Massachusetts, or New Hampshire, or New York, or Oregon, or any other State as I am for Florida.

That is why I want this resolution amended. It is because the Treasury Department, that is to spend this money, has said and the President has said that he does not recognize in that law the clear and unquestionable power to pay the money and make the regulations which may insure the destruction of property communicating contagion to interstate commerce. It is a practical question, and the Department is not ready to put that construction on it, and therefore I have asked that the law as it is admitted to be shall be made clear. That is the question. Is there any difficulty or doubt as to the propriety of making the expressions of the law clear so as to do that thing which it is designed to do? If there is, let the Senator from Tennessee give the reason why a law should be made obscure and doubtful. That is the only point. It is admitted that is the law, and it is also known that that is not recognized to be law. Now, let us make it clear and plain.

Mr. HARRIS. Mr. President, the Committee on Epidemic Diseases, from the day of its organization down to the present time, has believed and held that the only authority it has to deal with contagious or epidemic diseases was derived from the power to regulate international and interstate commerce. That committee has frequently asked Congress to pass bills and resolutions to so regulate commerce with foreign nations and among the several States as to strip it of contagion, believing, as the committee always has believed and still believes, that that power is clearly possessed by Congress, and that it is the duty of Congress to exercise it whenever and wherever necessary. For the last seven years there have been from year to year appropriations made, to be used within the discretion of the President of the United States, for the purpose of preventing the introduction of contagion from foreign countries into this country or from one State into another. To that extent legislation has gone. From year to year in the sundry civil appropriation acts these appropriations have been made.

The second section of the joint resolution of the Senator from Florida requires that upon the application of the governor of a State it shall be the duty of the Surgeon-General of the Marine-Hospital Service to seize and to destroy any property, personal or other, which may be so infected as that it may breed and communicate contagious diseases. I undertake to say that under the substitute reported by the Committee on Epidemic Diseases the President has in his discretion the clear and indisputable right to perform any act which may be necessary or to use this money in any way which may be necessary to prevent the introduction of contagion from foreign countries into this country or from one State into another. He needs no additional power.

It is absolutely clear that he can use this money for that purpose, and it is within his discretion as to how it shall be used to best effectuate and accomplish that purpose. But it does not legislatively direct him that he shall, upon the application of the governor of a State, burn property and pay for the property. It might be a question, even if it was found necessary to destroy the property, as to how far it would be right or just or proper or lawful to make compensation for property destroyed because it was so infected as to be destructive to the public health. Indeed, the Senator from Wisconsin [Mr. SPOONER] has referred to decisions of the Supreme Court of the United States which clearly show that such property is not to be construed as taken for the public use; that it is not to be compensated for as property which is taken for the public use; that it is property which is destroyed in the public interest and is not to be compensated for. Such is the property to which the Senator from Florida refers.

The Committee on Epidemic Diseases, with absolute unanimity, were ready to vote any amount of money which may be necessary and which can be constitutionally used in preventing the spread of this contagion from Florida to other States, or from any one State into another. The report of the Secretary of the Treasury shows that there is now a fund of $150,000 subject to the uses of the President, within his discretion, for this purpose; but in order "to make assurance doubly sure" (for if the necessity arises at all it will be an imperative necessity, and we can not measure the extent of it in advance), the committee consented to add to that fund the sum of $200,000, so as to give an amount ample for any possible contingency that may arise. That amount is subject to the use of the President, within his discretion, for the accomplishment of the only constitutional purpose to which it can be appropriated, that of so regulating commerce as to prevent the introduction of contagion from one State into another, or from foreign countries into this country.

That at all events has been the construction placed upon the powers of that committee and the powers of Congress by the Committee on Epidemic Diseases. To that it adheres. We have provided by the substitute which is reported from the committee the additional appropriation of $200,000, which will be added to the $150,000, making a sum of $350,000, and it is to be presumed, if not taken absolutely for granted, that the President will use it in such a way as is necessary to accomplish the object and the only object for which it is legitimate and proper to make the appropriation.

I do not care to prolong this debate. The committee is unanimous in favor of making an appropriation of any amount of money which may be necessary and which can be used legitimately for the purpose, and I take it for granted that every Senator is ready to vote any amount of money which can be legitimately used.

Mr. HOAR. Before the Senator from Tennessee sits down I should like to ask him a question.

Mr. HARRIS. Very well.

Mr. HOAR. It is not perhaps very pertinent to what is now going on, but it is a matter of interest to the public and will be to the Senate. When this subject was under discussion a few years ago, when there was a much more extensive alarm in regard to the spread of this pestilence than there is now, there were some eminent physicians here from the South, one from New Orleans, I remember, who thought that a method of preventing the spread of yellow fever by something akin to inoculation or vaccination had been discovered in Brazil, and there was some proposition to appropriate a sum of money for investigating that matter by our Government. Is the Senator from Tennessee, who is chairman of the Committee on Epidemic Diseases, aware whether that expectation has been verified or whether anything has turned out to be true of what was then believed by those physicians?

Mr. HARRIS. I am not aware of the fact that any commission of scientists has been appointed or sent to make the investigation which was then suggested and contemplated. My information, however, is that it is still a matter of grave and serious doubt in the opinion of medical scientists as to whether a prevention or certain remedy can be found by the idea then suggested. Yet there are advocates of that theory, and there are many scientists, I understand, who believe that yellow fever may be prevented by a system of inoculation.

Mr. REAGAN. In response to the question asked by the Senator from Massachusetts, I will state that, although I have no official information, I was advised recently by Dr. Davis, of Massachusetts, who took great interest in that question and in securing the appointment of the gentleman who was to conduct the investigation, that the physician so appointed had reached the conclusion that there was perhaps nothing in the theory propounded by the doctors in Mexico and one in Brazil; but he still thought it worth while to prosecute the investigation further to see whether some discovery could not be made.

Mr. HOAR. The question perhaps was not very pertinent to this subject, but I thought Senators would like to be informed what had resulted from that inquiry.

Mr. CHANDLER. Mr. President, I desire to say that I have the honor to be a member of the Committee on Epidemic Diseases, together with the Senator from Maine [Mr. HALE] and the Senator from Michigan [Mr. STOCKBRIDGE]; and I appeal to the Senator from Tennessee to state, if he has not already done so, that from the first all the members of that committee have been not only willing but earnest and insistent that enough money should be provided to the Treasury Department to enable that Department to stamp out yellow fever on its appearance in this country. I myself called the attention of the chairman of that

committee to the necessity of being ready, and it was ascertained that there was then subject to the control of the Treasury Department between $200,000 and $300,000 applicable for that purpose. I insisted that the chairman should make certain that that money was available, and he did so.

It was perfectly well understood that not only the Southern members of the committee, but the Northern members of the committee, were willing and anxious to do everything in their power not only to prevent the introduction of the disease of yellow fever, but to prevent its spread in this country if the disease should make its appearance.

Mr. HARRIS. The Senator from New Hampshire, I imagine, was not in his seat when I distinctly stated that the committee were absolutely unanimous in favor of appropriating any amount of money that was necessary for the accomplishment of the object.

Mr. CHANDLER. When the proposition of the Senator from Florida came before the committee the other day there was equal unanimity in the committee in favor of making new and additional appropritions sufficient to give the Treasury Department no excuse for not preventing the introduction of the disease or the spread of the disease if money or the precautions which money would bring could prevent its spread. That is where we stand to-day, not only the Southern members of the committee, but also the Northern members of the committee; and I ask the Senator from Michigan [Mr. STOCKBRIDGE] to make his statement on this point, because, inasmuch as the Senator from Florida puts himself in the attitude of complaining of the action of the committee, it is important that the position of the committee should be distinctly understood.

If there is any lack of power to-day on the part of the Treasury Department we want to confer that power. If it is necessary to destroy property, and the power is doubtful, we want to confer the power to destroy property, and we want to keep the treasury of the officers who are in charge of this subject at all times filled with national money, so that there shall be no excuse for any neglect whatever.

The only point on which we differ with the Senator from Florida is that we are not willing to appropriate in advance money to go into an appraisal of any of the bedding, or any of the furniture, or any of the clothing which may be presented by the citizens of Florida to be appraised and purchased and destroyed by the United States for fear it may have about it the infection of yellow fever. I ask the Senator from Michigan if he will not state his view on this subject.

Mr. STOCKBRIDGE. Mr. President, after the discussion which has been had on this measure I think it is hardly necessary for me to add much to it. I will simply state, however, that with the other members of the Committee on Epidemic Diseases I was in favor of any appropriation which was thought necessary to be made in this direction, but for one I wanted to be careful to have the conditions so applied that there should be no complaint of an attempt to infringe upon the powers and rights of the States in this matter. As I understand the amendment of the committee, it was made with especial reference to that view of the case; and the committee were, as has been stated, unanimously in favor of the report.

Mr. CALL. Mr. President, I take it that we are here in this body to reason about the subjects which come up before us. If we have any function it is that of discriminating as to what is reasonable and what is not.

The Senator from Tennessee [Mr. HARRIS] says that we can do whatever is necessary to prevent the spread of the contagion from one State to another; that that is all the power. I grant that—everybody grants it—but that is not the question here. Nobody has raised any such question as that. The question here is, what is necessary to do it? What is the specific thing? The Senator from Tennessee says that the specific thing is included in what the committee report. He says that a law which provides not what specific thing shall be done, but what a specific man thinks ought to be done, is the sort of a law to pass, although you have knowledge that the particular thing that is required is in the opinion of that man not the thing to be done. The Senator makes the proposition that we should make a law as follows: "*Be it enacted*, That all our power is to prevent contagion passing from one State into another, and to that end the President shall do what he thinks best," not that which Congress thinks, not the act that everybody thinks is necessary, but what he thinks, and that makes it all constitutional; if he thinks a house ought to be destroyed it is right to do it. That is what the Senator from Michigan says. The Senator from New Hampshire thinks that that is States rights, to give the President an unlimited power to do something that he thinks is right. I say that is not reasonable; that that is no hypothesis for an argument.

I have proof here that the opinion of the learned and scientific and practical people of this country is that in this contagion and infection the destruction of the infected *foci* is a necessary fact; that all experience has demonstrated that fact. I have asked that that particular thing shall be declared the thing for which the public money shall be expended; and I am met with the argument that the committee have always believed that the only power they had was to strip commerce of contagion.

I want to make my record here. I do not entertain any such opinions. I do not want to stand upon them. I want to stand upon the proposition that in this great scheme of government, of national powers and State powers, the national powers are intended to aid the State powers, and that they are to be beneficently and beneficially construed, and not beaten about the bush by the idea that the only power the Government has is to prevent contagion as it affects interstate commerce. Certainly that has nothing to do with the purpose in view.

I wish to avow and maintain some reasonable and useful exercise of the powers of Government. I wish to be known as advocating the appropriation of the public money to the specific purposes within or without a State as will extirpate and prevent contagion and infection and the spread of plague and pestilence. If it be necessary to buy and burn houses, I advocate their purchase and the burning of them.

Mr. HARRIS. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. Certainly I will.

Mr. HARRIS. Do you not think that the President, with such instrumentalities as he may employ for the purpose of investigating the exact condition of affairs in any given locality at this moment, is better prepared to decide what step is necessary to prevent the introduction of contagion from the State where it exists to another State than we are to-day prepared to dictate to him that certain property that the governor of the State may request to have seized shall be seized, and we decide to-day that it shall not only be seized and destroyed but shall be paid for out of moneys appropriated from the Federal Treasury?

Mr. CALL. I agree entirely with the Senator, and if I had introduced any such proposition as that here I should abandon it and vote with him.

Mr. HARRIS. Will you let me show that you have introduced exactly that sort of proposition?

Mr. CALL. If I have introduced any such proposition I will abandon it and vote with you.

Mr. HARRIS. Section 2 of the joint resolution, as introduced by the Senator from Florida, provides:

That the Surgeon-General of the Marine-Hospital Service is authorized, on the request of the governor of any State—

Mr. CALL. Mark the word "authorized."

Mr. HARRIS. I mark the words as you have marked them.

Mr. CALL. The word is "authorized." I want you to emphasize that.

Mr. HARRIS. Then you propose to leave the entire discretion with the Surgeon-General. Is that your construction?

Mr. CALL. Oh, no.

Mr. HARRIS. The language is—

That the Surgeon-General of the Marine-Hospital Service is authorized, on the request of the governor of any State, to seize and destroy, under conditions and regulations to be prescribed by the Secretary of the Treasury, any infected personal or other property which is communicating infection, etc., and disease in the interstate commerce, and such condemned property shall be paid for out of the money herein appropriated.

If your proposition does not mean what I describe it to mean, I should like to know what it does mean.

Mr. CALL. It is just about as far from what you describe it to mean as any two things on the face of the earth. What you described was that I asked for a law that should require property so infected to be seized on the request of the governor pointing it out, whereas the resolution that I have introduced and which you have adversely reported authorizes it to be done. The difference between "authorize" and "require" is just the difference between the sun and absolute darkness. It authorizes; it permits.

Mr. HARRIS. Then will the Senator allow me again? It authorizes the Surgeon-General of the Marine-Hospital Service, upon the request of the governor——

Mr. CALL. Yes; so far.

Mr. HARRIS. Then, if your construction as you now give it is the true construction, you leave the whole discretion to the Surgeon-General of the Marine-Hospital Service, or else you impose upon him the imperative duty to seize and destroy. The one or the other is evident.

Mr. CALL. I am surprised that so bright a man and so forcible a logician should in the presence of the Senate make that proposition. I undertake to say that if I have done that I will abandon the resolution and vote with the Senator. But what I have done is just as far from what he says as it is possible for any two things to be.

I introduced a joint resolution authorizing the Surgeon-General of the Marine-Hospital Service, on the request of the governor, under the authority and the conditions, and with the consent and direction of the President or the Secretary of the Treasury, which is the same thing, to do those thing, not in the discretion of the Surgeon-General, but in the discretion of the President and his advisers. You can order it any way you please.

It is to be done with the consent or request of the governor. Where do I get that from? There is no Legislature in session. The Constitution provides that the National Government, in the exercise of one of the most important functions in aid of the State's well-being, shall do certain things. Therefore if I am wrong I am wrong in the language of the Constitution of the country in assuming that when certain matters of internal regulation are to be done the governor shall be

the inviting and consenting power when they are to be done in the States.

But why be so critical? The difference between the Senator from Tennessee and myself is not that difference. The difference is not in the appropriation of public money; the difference is in the question whether that money will be of any service as appropriated in the amendment proposed by the committee.

I have said that the joint resolution does not extend the power of the Government at all. Let that be the point. I have proposed in this emergency to apply the former appropriation of $150,000 to do what the Senator from Tennessee says, to prevent the contagion from spreading from one State to another. I want it distinctly understood in the country that before I asked the Committee on Epidemic Diseases of the Senate to act in the matter I applied to the Department to use this money as the Government servants in charge of this business declared was necessary for this purpose, and the Secretary of the Treasury and the officers there told me they had not the authority under the form of language which the committee and the Senate are imposing upon them.

Mr. President, I want to say just a little more upon this subject in reference to what Congress shall do to prevent the spread of contagion, as to what steps it shall pursue, and what that power means in practical use, not in general affirmation, which, like the text of the Scripture, is applied by every sect in support of their peculiar doctrine. What does the power to prevent contagion spreading from one State to another in interstate commerce mean? That is what we are talking about, not this old saw which covers everything of the latitudinous extension of the power to regulate interstate commerce. Let us see what it means in practical application. On the 18th of April, 1879, I find this act, which the Committee on Epidemic Diseases themselves recommended and which passed the Senate—the same committee that can not now appropriate this money to pay for the old rags and clothing, not of the citizens of Florida, but of the citizens of New Hampshire who are in Florida, for we have some there, and very excellent people, and I am asking it for your people as well as mine——

Mr. BLAIR. You have no old rags of citizens of New Hampshire down there.

Mr. CALL. Oh, yes, we have, and new rags, too; they all get old after awhile.

Now, let us see what this same committee did—what specific act—to prevent the spread of contagion. Bear in mind it is this same committee to which my friend belongs who can not find it in their conscience——

Mr. CHANDLER. I do not know what the Senator is going to read, but he looks at me almost as eagerly as he urges this appropriation. I wish to call his attention to the fact that I was not on the committee at that time.

Mr. CALL. I know, but then you have adopted its methods and doctrines now.

Mr. CHANDLER. Will the Senator then be kind enough to look at the Senator from Tennessee [Mr. HARRIS], for instance, when he emphasizes his point against the committee?

Mr. CALL. I look at him as a veteran who believes in this vast power to regulate interstate commerce, and I want to show what specific act he is willing to do to regulate it, and to see how far it goes beyond the purchase of old rags and bedding. Let us see:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized—

Just like I propose to authorize the Secretary of the Treasury—

to contract—

For what?

for the purchase or construction—

You can not only buy, but you can build—

of such steam vessel—

And what else?

And refrigerating machinery.

If you can freeze yellow fever out, surely you can burn it out. If you can build a boat to freeze it out or purchase a boat to freeze it out, surely there is no great constitutional difficulty in purchasing a house to burn it out. If there is I can not see it. I may be very obtuse, or I may be, as my friend says, very stupid and wicked as to States rights, but I can not see that, and I am willing to acknowledge it, if that be obtuseness.

Or to arrange with the Navy Department for the use of such vessel as may be recommended by the National Board of Health—

That does not require even the Secretary of the Treasury or the President; it is the National Board of Health, whose recommendation is to build this refrigerating machinery—

to disinfect vessels and cargoes from ports suspected of infection with yellow fever or other contagious disease; the construction of the same, if such construction shall be recommended by said Board of Health, to be under the inspection of an officer of the Bureau of Steam Engineering of the Navy, who may, at the request of the Secretary of the Treasury, be detailed by the Secretary of the Navy for that purpose; and for the purpose of such purchase or construction, the sum of $200,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Here you have the building of a ship and refrigerating machinery to freeze out yellow fever and keep it from spreading, because the only object of that provision is to keep it from spreading in the interstate commerce of the country. I have asked Congress to make an appropriation of $200,000 to do what? Not in the recommendation of a board of health to buy or build a house, but in the recommendation and under the discretion and the guard of the Secretary of the Treasury and the Marine-Hospital Service to do what they have recommended to be done, to purchase and destroy houses that are known now to be diffusing the yellow fever through the country, and which by such purchase and destruction may beyond all question, not as experimentally here, but beyond all possible doubt destroy the infection.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CALL. Yes, I will.

Mr. SPOONER. The power which the Senator proposes by section 2 of the joint resolution he introduced to vest in the Secretary of the Treasury is a Federal power, is it not?

Mr. BLAIR. It is to be vested in the Surgeon-General of the Marine-Hospital Service.

Mr. SPOONER. Well, the Surgeon-General of the Marine-Hospital Service. Is it a Federal power?

Mr. CALL. What power?

Mr. SPOONER. The power to seize and destroy, under the conditions and regulations prescribed by the Secretary of the Treasury, infected personal or other property.

Mr. CALL. Why is it Federal power?

Mr. SPOONER. Why is it vested in a Federal officer, then, by this proposed act of Congress, if it is not a Federal power?

Mr. CALL. I will tell you why.

Mr. SPOONER. If it be a Federal power——

Mr. CALL. Does my friend want me to answer?

Mr. SPOONER. Will my friend permit me to finish my question?

Mr. CALL. I will.

Mr. SPOONER. If it be a Federal power, a power conferred by the Constitution upon the General Government, to be carried out by governmental officers, upon what theory is its exercise made dependent upon the request of the governor of a State?

Mr. CALL. I will tell the Senator why, and I am surprised that he should ask me that question. It is a good deal like the old argument in Shakespeare between the grave-digger and Hamlet. It is a distinction without a difference; a play on words.

Mr. SPOONER. I want this measure made so that there shall be the fullest power in executing the provisions of the act. If it shall be found necessary, in order to preserve the interstate commerce of the country, to prevent the spread of the yellow fever or of the cholera, that a house shall be destroyed or that a vessel shall be destroyed, I want the fullest authority given by legislation upon the Treasury Department to destroy it; but I do not want the exercise of that power, which is in the general interest, in the interest of the whole people, in the interest of the entire commerce of the country, to be made to depend upon the consent or upon the request of the governor of Florida or the governor of any other State.

My question was not an idle question; it was not put to the Senator for the purpose of casting any ridicule upon his measure; and I should like to have it answered in the same spirit in which it was put.

Mr. CALL. I am very glad to answer it. I am always entirely courteous to the Senator, and his suggestions I appreciate. It is not my habit to answer questions otherwise than in the spirit in which they are put.

Mr. SPOONER. I do not put it as an absurd question.

Mr. CALL. The question is, why do I put what I regard the exercise of the power, which in this respect and to the extent it can properly be used is a Federal power, the seizing of this property, in conjunction with the State authorities? That is what the Senator asks. I will answer it if he will listen to me. It is because many persons think, the Senator from Tennessee thinks, I think, that there are certain things within a State, within its jurisdiction and power, which as an exercise of power can not be done by the Federal Government.

Mr. SPOONER. But this relates only to interstate commerce. What jurisdiction has the State over interstate commerce to the exclusion of the Federal Government?

Mr. CALL. There is a very plain answer to that question. Here is a house or here is an animal within a State; it is not engaged in interstate commerce, but there is the existence of infection and disease in it. I hope the Senator will listen to me. If he wants me to answer I will do it.

Mr. SPOONER. I am listening.

Mr. CALL. Here is an animal within a State. It is not now the subject of interstate commerce, but the fact of its having a contagious disease, as pleuro-pneumonia, affects interstate-commerce *manu forti;* the Federal Government can not go there and take that property by any process, nor pass a law to do it. That is the opinion of a great many, and I think so, too. Be it right or be it wrong, it is certainly the opinion of many persons. There is that house in that locality not engaged in interstate commerce. Perhaps the man who has the yellow fever and the infected house has not and never will have anything to do with interstate commerce, but the fact of the infection of the house or of the

man's having it affects the interstate commerce. Yet it is in the jurisdiction absolutely of the State and the State law. I say with the consent of the State authorities the power of the Federal Government should be exercised to establish a wise system of policy by which that house and that man will no longer be a source of contagion. That is all there is in it. What does the law say?

I shall not detain the Senate longer. I had the statutes here in relation to the prevention of the spread of pleuro-pneumonia, by which I wished to show that in all these cases they have acted in harmony with the State authorities and the State board of health and all the local authorities on the request of the governor. For that reason I introduced the joint resolution in the form in which it is, and for the further reason that there is no other authority in the State of Florida existing to-day except the governor which is authorized to represent the State in respect to this matter.

Now, this is a practical question; that is all there is about it. I am willing to commit myself to the proposition, and I desire the issue distinctly made, that the money of the Federal Government shall be applied to the specific thing with the consent of the State authorities to do whatever is necessary to be done for the prevention of the spread of contagious disease from one State to another, whether it is paying for property to be destroyed, the removal and support of people liable to the disease, or any other thing useful or necessary to the suppression of an epidemic, contagious, or infectious disease.

I want to make that record, and I want to put in the RECORD, with the consent of the Senate, these acts in regard to the prevention of pleuro-pneumonia in the animal industries. What I have asked and what the Senator from Tennessee now refuses to do for the fever-stricken people of Florida and of the Atlantic coast, is the specific thing which has been done in regard to animals in the prevention of pleuro-pneumonia, that is the purchase and destruction of the infected property which is spreading the infection, while in this case it is the diseased and infected house. In the animal-industry law both can be done. They can seize and kill the animal. Of course you can not do that with a human being, but they also seize and destroy, with the consent of the State authorities, the infected property. They burn and destroy that. No man can find a distinction between seizing and destroying infected property in the two cases.

The Congress of the United States and the public policy of this country should be bound to do what the Senator says the law does not require them to do. When they take a man's house for the purpose of preventing the spread of contagion which would affect the interstate commerce, whether it is in Wisconsin or in Florida, the law should provide that the United States shall pay for it, that distinct issue would be made. And when they take the clothing from a poor man and his wife and children in order that it may not spread a contagion in the interstate commerce, although it still continues to clothe the people who are not subject to the contagion, I want the law to say that this poor man shall be paid for it, and I want it not only for the benefit of the sufferer himself, but I want it for the benefit of the people of the whole country, because that is the only possible method in which the infected property can be brought to light and destroyed, and to such a conclusion have all the authorities in Florida who have been in contact with this disease arrived. These are principles of legislation which should be recognized. Florida is the healthiest State in the Union. This fatal disease will soon pass away from her, but without this legislation it will find a lodgment in other cities and other States.

Mr. PASCO. Mr. President, I am very reluctant, after so much time has been consumed in discussing this matter, to trespass further upon the patience of the Senate and upon the courtesy of the Senator from New Hampshire [Mr. CHANDLER], who has very kindly given way in order that this measure might be taken up at the present time. But before a vote is taken I should like to state very briefly the question that is before the Senate.

There seems to be no hesitancy upon the part of the committee or upon the part of the Senate as to the wisdom and propriety of making this appropriation for the suppression and prevention of the spread of this disease. The committee has unanimously favored the amount recommended by my colleague in his joint resolution, and there seems to be no unwillingness on the part of any member of the Senate to give such relief as is needed by the fever-stricken people of my State. The question of difference seems to be as to the manner in which the appropriation should be used.

The Senator from New Hampshire [Mr. CHANDLER] referred to this matter from a sectional point of view. He stated that the Senators from the North were perfectly willing to assist in making this contribution. That statement, though kind, was certainly unnecessary, for we have been made to feel in the past, whenever any question of this sort has come before the people of the country, and has come before the Congress of the United States for action, that it is one of those great subjects which rises superior to all party considerations, superior to all sectional considerations, and that whether the scourge is the yellow fever in the South or the cholera in the North the people of all parts of the country are willing to join hands heartily in taking such means to suppress it as are judicious and practicable.

Florida in this case is in the front rank of exposure to the epidemic. But it is a menace to other parts of the country. It may extend to all the Southern States. It may next appear in Savannah, or in Charleston, or in Norfolk, or it may traverse farther west and appear again in Memphis. If not successfully resisted in Florida, its ravages may be extended far and wide.

The people of Jacksonville are scattered all over the country. They have been compelled to leave their homes; they have been compelled to abandon their business; they have been compelled to flee to other parts of the country in order that they may have a refuge. So this is not a question in which my State or in which any particular city, town, or county is interested. It is a matter in which the people of the whole United States are concerned, and though the fight is now upon the Florida line it may very soon be removed farther north or west.

We are all agreed as to the necessity of meeting the danger and resisting the progress of the disease, and I believe that there is a substantial agreement as to the amount of the appropriation, and if the question were put at this moment the report of the committee as to the amount would be sustained by the unanimous vote of the Senate; but the question is as to the way in which the money shall be expended.

Without desiring to consume too much time, I should like to call attention to the recent action which has been taken with reference to this matter in the last Congress. On page 524 of the acts of the Forty-ninth Congress this power is given to the President:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved August 4, 1886, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger; and the President is further authorized to use of the same unexpended balance a sum not exceeding $10,000 for the purpose of investigating the merits of the method practiced in Mexico and Brazil for preventing yellow fever by inoculation.

At a former session of the Forty-ninth Congress, on page 247, this power is given to the President, similar to the other:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved March 3, 1885, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

Under this power the question has been raised whether the destruction of property could properly be authorized under that section, and whether when the property was destroyed the appropriation now proposed could be made available to pay for it. My colleague has already referred to the letter—perhaps he read it—from the Surgeon-General upon this very point. I will read the clause of the letter which refers to this matter. It was written in response to a verbal request on the part of the delegation from my State, Senators and Representatives, who waited upon the Supervising Surgeon-General and talked this matter over with him, after my colleague had talked with the President in reference to it, and I think our conferences also included one with the Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE SUPERVISING SURGEON-GENERAL,
UNITED STATES MARINE HOSPITAL SERVICE,
Washington, August 9, 1888.

SIR: Referring to our conversation of this morning, I have called at the Department and conferred with Assistant Secretary Maynard in regard to the matter, and have to say that the Department is of opinion that no existing law will authorize the destruction of any infected house in a State, but if Congress should make an appropriation to reimburse the State of Florida, or the individual owner, for the destruction of any house deemed infected so that disinfection could not be effectively performed, there would be no objection to the officers of this service acting as appraisers to determine the value of the property and superintend such destruction.

* * * * * * *

JOHN B. HAMILTON,
Supervising Surgeon-General.

Hon. WILKINSON CALL,
United States Senate.

It is believed by many eminent physicians who are acquainted with this disease that it is often necessary to destroy personal property and sometimes buildings where there are decayed timbers exposed or other conditions which render them dangerous by affording lurking places for the seeds of the disease in whatever shape they may exist, and it was for this reason that this matter was brought to the attention of the Department and the President.

From the letter just read it seems that under existing law the power to destroy houses and buildings is not recognized, and it was the desire of my colleague in offering the joint resolution to put it down in unmistakable terms, when further aid was rendered to the people of the country generally for the suppression of those diseases, that this power does exist; that the destruction of such property shall take place under the direction of the Government, under proper regulations, whenever the necessity for such destruction is believed to exist.

I find in looking over the acts of the last Congress, on page 491, that this power has been given and probably exercised with reference to the destruction of animals to prevent the spread of pleuro-pneumonia:

And the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of

this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another, $100,000 of this sum or so much thereof as may be necessary to be immediately available.

Then, on page 103 of the acts of the first session of the Forty-ninth Congress, the following appears:

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $100,000; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased animals whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another.

Mr. President, I do not consider it material as to this argument as to what section of the Constitution this power has been exercised under. It seems to be the policy of the Government to prevent the spread of disease among cattle by purchasing property and destroying it, and I do not propose in this discussion to turn to the article or section or line of the Constitution under which this authority is exercised or upon which this policy is based. If the last Congress did right in thus legislating to prevent the spread of disease among cattle there is no reason why that same power should not be exercised to preserve human life and to protect the people of this country from infectious and contagious diseases.

I regret that the committee has not clearly expressed this power and has not taken some action to incorporate the proposition in the joint resolution which has been offered, so as to give it in unmistakable terms in some manner under such regulations as may be necessary. The form is perhaps immaterial, but it should be expressed in some shape that Senators can agree upon, so that it may hereafter be exercised in accordance with law whenever it may be necessary. This power undoubtedly has been recognized as existing in the past, and I trust it will be clearly incorporated in our present legislation, either by adopting the joint resolution in the shape in which it was originally offered in the Senate or by making some appropriate amendments to the substitute reported by the committee which shall carry out the design in view when the joint resolution was first introduced.

The agreement of the Senate is manifest as to the amount, and I trust we shall find some way to lay down in unmistakable terms the grant of the power to destroy infectious property whenever it may be the means of spreading disease, so that the interstate commerce of the country and the postal arrangements of the country and the business of the country at large may not be impeded and rendered dangerous.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. WILSON] to the amendment of the Committee on Epidemic Diseases.

Mr. HARRIS. There is no objection to that amendment. It is proper.

The PRESIDING OFFICER. Without objection, it will be agreed to.

Mr. HARRIS. Let it be read. I do not know that the clerks have it.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to add to the amendment of the committee:

Or into the District of Columbia from any State or Territory, or into any State or Territory from said District.

The amendment to the amendment was agreed to.

Mr. PASCO. I should like to offer an amendment to the amendment of the committee. I move to add after the word "otherwise," in line 9, "by such means as he shall deem best."

Mr. SPOONER. I suggest to the Senator to add the words "including the destruction of property when necessary."

Mr. COCKRELL. I hope that will not be added; I think that is going a little too far.

Mr. SPOONER. Very well.

Mr. BLAIR. Will the Senator agree to add a provision for adequate compensation when necessary?

Mr. COCKRELL. No, I am opposed to that.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida [Mr. PASCO] to the amendment of the committee will be stated.

The CHIEF CLERK. In line 9, after the word "otherwise," it is proposed to insert "by such means as he shall deem best;" so as to read:

To be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, by such means as he shall deem best, to prevent the introduction of cholera or yellow-fever into the United States from foreign countries, or into one State or Territory from another, or into the District of Columbia from any State or Territory or into any State or Territory from said District.

The amendment to the amendment was agreed to.

Mr. PASCO. After the word "best," in the amendment just agreed to, I move to insert "including the destruction of property;" so as to read:

To be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, by such means as he shall deem best, including the destruction of property, to prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another.

Mr. PLUMB. It seems to me that that matter might be left to the action of the States. We are undertaking here to do that which is largely within the purview of the States. Florida, Louisiana, and all the Southern States, of course, have some interest in this matter, and we are proceeding somewhat generously, I think, although necessarily and advisedly; but when it comes to enter upon the question of the destruction of property, it is entirely within the range of possibility that old buildings and things of that kind desired to be disposed of may be unloaded on the United States. I think if property is to be paid for it had better be paid for by the States themselves. At all events, we had better let that remain until we know more about what this measure is likely to result in.

Mr. CHANDLER. I hope the Senator from Florida will withdraw the amendment to the amendment, otherwise it will result in a prolonged debate. When the President of the United States, the Secretary of the Treasury, and the board that has the suppression of yellow fever in charge, are given authority to do anything which they see fit to do, when they are given absolute power without any limitation whatever, it seems to me the Senator had better let that power remain as it is, and not undertake to introduce specifications, because if you are going to introduce one specification, you may as well undertake to introduce another and another.

I beg the Senator not to press the issue in a shape which endangers the passage of the measure which he and his colleague affect to think is an important one for immediate passage, but to leave it where it is. With the amplest supply of money, the fullest possible power to do anything under heaven the officials in charge see fit to do, I beg the Senator not to leave the impression on the Senate and let the impression go to the country that they are anxious to have some property in Jacksonville, real estate and personal property, or anything else, sold to the United States at a valuation. I trust the Senator, in the interest of what he is trying to accomplish, and what he and his colleague have been urging upon the Senate, will withdraw the amendment to the amendment, and not ask the Senate to vote it down, as I am sure it will.

Mr. BLAIR. I would like to ask my colleague [Mr. CHANDLER], who was upon the committee, whether he understands that the resolution now includes the power to destroy property?

Mr. CHANDLER. Not in terms.

Mr. BLAIR. Well, in fact?

Mr. CHANDLER. Unquestionably in fact.

Mr. BLAIR. Then there is no need of the amendment.

Mr. CHANDLER. Unquestionably to stop pestilence they can do anything they please, and when the Senator from Florida puts in "including the destruction of property" he is limiting the resolution in fact, and by insisting upon it he creates the impression that there is a determination down there somewhere to have something destroyed that it is not necessary to destroy in order to stop the yellow fever, and the cholera if it comes into Florida.

Mr. PASCO. The necessity for that, I will say to the Senator, is the fact that the Department at present does not seem to think that the existing law goes so far as to allow it.

Mr. PLUMB. The Senator will either have to speak a little louder or Senators will not hear him. I can not hear anything he is saying.

Mr. PASCO. I will state again, then, that the importance of placing that clause in the resolution comes from the fact that the Department at the present time does not recognize that the existing law, which is nearly as broad as the resolution now reads, gives that power. I will also call the attention of the Senator from New Hampshire and the Senator from Kansas to the fact that that power exists, as broadly as here, in the law which I read awhile ago in reference to these cattle, and that no harm seems to have come to the country from the very broad power that has been given to the Commissioner of Agriculture in those statutes.

It does not seem to me that there can be any danger of giving too much power by putting in such a provision as this. While not willing to call for the yeas and nays on the subject, I should like to have the views of the majority of the Senate with reference to it, and will cheerfully yield to the action of the majority whatever it may be. In the other act referred to, power was given to the Executive Departments to destroy property in the shape of cattle without resulting in any harm, and I do not think any danger will result by giving a like power under this resolution.

Mr. PLUMB. But there is this very important difference between the two cases: In the power which is embraced in the bill called the "pleuro-pneumonia bill" there is a very narrow limitation in regard to cost or in regard to the price to be paid, which practically prevents any possible abuse of the power.

Mr. REAGAN. And it must be done under State authority.

Mr. PLUMB. And it has to be done, besides, under the State authority, as suggested by the Senator from Texas [Mr. REAGAN]. While I am willing myself to do everything I can to supply funds and give authority to meet the situation as it exists or as it may exist, I do not believe that it is wise to encumber this resolution now with something that is liable to lead to very great abuse, but that we had better proceed under the more limited authority, as I think, which is contained in the original proposition, until we see that it is necessary, because it can not be held that this would add to the efficiency of the proceeding, but it would only enable somebody to get paid for the property de-

stroyed, and offer an inducement to proceed to a length which perhaps might not be necessary. It would be entirely possible, of course, by the deposit of a single yellow-fever patient in a row of buildings in the suburbs of Jacksonville or Tampa to make an assumed necessity for the purchase and destruction of the entire property, although it might, for all purposes of sale or occupancy, be unnecessary to resort to such a step.

While we are on the threshold now of a class of legislation to which we have heretofore given very little attention, it seems to me we ought not to go into any domain which will leave us in any doubt as to the result, or as to what may be absolutely necessary for the suppression of diseases. The question of compensation to property owners can very well come in later; but I think that very much less cost in that matter will arise if we do not provide for it than if we do.

Mr. HALE. I can add nothing to this discussion, except to say that as a member of the committee that reported this measure I gave it some careful attention. Let me suggest to the Senator from Florida, who offered this amendment [Mr. PASCO], that there are two reasons why he should not press it. In the first place any exercise on the part of the General Government of its discretion, its authority in the direction indicated by his amendment, should be most carefully done. It should receive no encouragement in the direction of amplifying any such authority.

I met this morning the gentleman who is at the head of the bureau in the Department of the Treasury which has charge of this matter, Dr. Hamilton, who was journeying South for the purpose of giving personal supervision to this most important subject. He asked me, as was natural, what I thought was the extent of his power, and referred to this resolution as reported by the Committee on Epidemic Diseases. I was able to say to him, from my own conviction, that if it became necessary in order to prevent the introduction or the spread of cholera or of yellow fever (we were talking about yellow fever mainly) he might under the measure that the committee had reported exercise the power of the destruction of property; that in an extreme case it might be done under this general authority. I have no doubt that he might do that in an extreme emergency.

But let me suggest to the Senator from Florida that if he insists on urging this amendment and its voted down, as I make little or no doubt that it will be, he is then confronted with a vote which puts the burden on the other side and would render it difficult and perhaps impossible for the officers of the Government executing this law to destroy property under any circumstances. He will have got the negative action of the Senate on that proposition. Therefore, for that thoroughly practical reason I hope he will not insist on his amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. PASCO] to the amendment.

Mr. COCKRELL. Upon that I call for the yeas and nays.

Mr. BROWN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. After the word "best," in line 9, it is proposed to insert "including the destruction of property;" so as to make the provision read:

To be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, by such means as he shall deem best, including the destruction of property, to prevent the introduction of cholera or yellow fever into the United States.

The PRESIDING OFFICER. On the adoption of this amendment the Senator from Missouri [Mr. COCKRELL] calls for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. I hope the Senate will vote down this amendment. That we should undertake to pay for every house in Florida in which yellow fever may exist, and that we should undertake to pay for all the clothing worn by the people of Florida who may come in contact with the yellow fever, is, it seems to me, too absurd a proposition for argument.

Mr. CALL. If there is anything that is more absurd than the statement which the Senator from Missouri [Mr. COCKRELL] has made, I can not imagine what it is. Nobody asks that Congress shall pay for all the clothes that the people wear in the State of Florida nor that they shall pay for all the houses in the State of Florida, nor are the Senators from Florida at all affected by the idea that the country will understand that they are begging the United States to buy some property in Florida. These are very poor suggestions and quite unworthy of so important a subject.

Mr. President, this resolution, if passed, will not probably cost the Government of the United States $20,000, and yet the passage of this amendment will save the Government of the United States probably two millions of lives of people and millions of money, for who can tell what day the yellow fever in its most flagrant form may be communicated to Savannah, to Charleston, to Washington City, to New York, and what man stands here to say that he can reasonably guaranty or can give even a probable reason for supposing that the infection will not spread with the rapidity which it has done in former years and in communities where they have not the salubrity of climate and atmosphere that we have.

What an absurdity for men to attempt to predicate legislation, in the presence of a danger of such a character, upon such a hypothesis as that it will not spread or that the President of the United States will buy all the clothes that the people of Florida wear. What a proposition is that, that you can not trust your executive officers with the expenditure of $200,000 for fear that they will be corrupted into buying property to a large extent in the State of Florida. Why, Mr. President, the suggestion is unworthy of this place, of the magnitude of the occasion, and of the great object to be accomplished.

I appeal to the Senator from Kansas [Mr. PLUMB], whom I supported in inserting into the pleuro-pneumonia bill the provision "to expend any part of this sum of $200,000 as he may deem necessary in the purchase and destruction of diseased or exposed animals." You can buy a diseased animal, and you give only twenty or a hundred dollars or $500 for it, and I say to the Senator from Kansas that many of these animals so diseased are of greater value than many of the poor houses that will be burned under this appropriation; and yet these houses are all that some poor people have. One of these cows provided for in the pleuro-pneumonia bill costs more money and is worth more money than the poor houses of some poor people that will be destroyed in Florida.

Our people are feeding themselves. We have not accepted the offer of rations from the Government of the United States. They are sending away the people of other States who are themselves too poor to go, at the expense of the people of Jacksonville; and with magnificent liberality and charity they have declined aid for any other purpose than that which is absolutely necessary. But they have appealed here by these resolutions, and have said, by a consensus of opinion of all the people there and of the medical force there, that these houses which are the *foci* of infection, as they term it, ought to be destroyed, and they have not the money from private charity to pay for them, nor is it right that they should spend their money to prevent infection in the interstate commerce. Here is your legislation about animals providing that the same thing may be done to save animal property which we ask may be done to save human life.

Mr. PLUMB. Let me call the attention of the Senator from Florida to the fact that there is no parallel in the cases cited by him, nor could there be, unless the bill he read from had provided for the destruction of the stables in which the animals were housed. So there is nothing in that comparison at all.

Now, the Senator has undoubtedly got in mind some houses that he wants destroyed and paid for. If he would enumerate them, that would be a different thing. I do not want to interfere with any particular object that the Senator has in view. If he has any special interest of that kind to subserve, any constituents whose houses he wants taken off their hands, I would feel like obliging him in that particular.

Mr. CALL. I should like to ask the Senator from Kansas if he thinks that is an argument that he is making, the suggestion that the Senator from Florida has some houses in mind that he wants destroyed in order to benefit some of his constituents! I ask him if he thinks that is an argument in reply to the statements made by all the medical and experienced authorities and laymen who have been in contact with this great scourge, who say that they are of opinion that certain houses which are ascertained by them—not by the Senator from Florida, but by these people—and which may be decided by the President or the Secretary to be spreading contagion in the interstate commerce ought to be destroyed. What a reply to that proposition that the Senator from Florida doubtless has "some houses" in his mind that he wants destroyed to benefit his constituents!

Mr. PLUMB. The Senator said that the expenditure would not exceed $20,000, and he must have known where it was to be paid. He said the houses belonged to poor people in Jacksonville and were not of as great value as a single animal named in the pleuro-pneumonia bill. I was therefore justified in saying that he knew where the money was to be spent and for whose benefit.

Mr. CALL. Let me relieve the mind of the Senator from Kansas by saying that I do not know of a single house in Jacksonville that is the focus of any contagion, nor a single house that ought to be destroyed any more than the Senator from Kansas has knowledge of any cows that should be destroyed under the authority given in the pleuro-pneumonia bill, and I would be ashamed to suggest that the Senator in his strenuous advocacy of the pleuro-pneumonia bill had for his object the payment to his constituents for some Kansas cows.

Mr. EDMUNDS. I should like to ask the Senator from Florida, though not in connection with the precise matter he is discussing with the Senator from Kansas, what is the reason that the State of Florida, like the State of Vermont, is not capable in point of law and able in point of means to get rid of a local infection which exists in a particular part of her territory, at her own expense? That is a point I should like to understand.

Mr. CALL. I will endeavor to explain that to the Senator from Vermont [Mr. EDMUNDS]. In the first place, there is no Legislature sitting or which has been sitting in Florida for, I think, over a year—that is one reason—and there is no appropriation. Then the State of Florida has never before had an epidemic of this fever that has remained so long and extended so far into other localities. Heretofore it has been confined for a few months to one or two ports. On this occasion it has spread since last summer, when it was an epidemic on the coast, one place and in Key West. It has followed the line of railroad—

the new lines of communication—to the extreme verge of the northern part of the State, stopping in one or two localities. The State of Florida has no legislation at this time applicable to the case. The epidemic does not stay its ravages for the Legislature to assemble.

Mr. EDMUNDS. How long does it take the governor of Florida—I suppose he has the constitutional authority—to call a special session of the Legislature, if you have no general laws bearing on that subject?

Mr. CALL. I suppose it would take the governor thirty days to extend information throughout the State and gather the members from the State in all directions. I will ask my colleague if he does not agree with me in that?

Mr. PASCO. Fully.

Mr. CALL. I will say further that the people of Florida in many of these localities are scattered widely and there is a panic through the country, so that the times are not favorable for considering adequate legislation. And further I say, with all the legislation of Congress looking to the prevention of the spread of contagion from one State to another, voted for by the Senator from Vermont, that in cases where the cause of the contagion is being directly communicated from the State of Florida to the interstate commerce it is proper that the interstate commerce should bear its part of the cost.

I will add that the State of Florida, under all circumstances, will have to pay nine-tenths of the cost of suppressing this epidemic. Give them this $200,000, burn every house which it will buy and all the infected clothing, and still the State of Florida will have paid its million dollars for the prevention of this contagion in the interstate commerce. Do all you can, and still the burden will lie there and with our people, and the sorrow and the grief and the calamity will be theirs. No people have ever done more; none have ever shown more beneficence, virtue, and generosity, and they need fear no comparison with Vermont or any other State for public spirit or personal virtue.

Mr. COCKRELL. In order to save time, as I believe the amendment will be voted down, I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. Is there objection to a withdrawal of the order for the call of the yeas and nays? The Chair hears none. The question recurs on the amendment of the Senator from Florida [Mr. PASCO] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

Mr. EDMUNDS. Let it be read as amended.

The PRESIDING OFFICER. The amendment as amended will be read.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause and insert:

That in addition to the unexpended balance of the contingent fund heretofore appropriated, the sum of $200,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended, in the discretion of the President of the United States, in aid of State or municipal boards of health, or otherwise, by such means as he shall deem best, to prevent the introduction of cholera or yellow fever into the United States from foreign countries or into one State or Territory from another, or into the District of Columbia from any State or Territory, or into any State or Territory from said District.

The PRESIDING OFFICER. The question is on the amendment as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I doubt very much whether the word "contingent" ought to be there. I doubt very much whether the statute makes that fund by legal title a "contingent" fund, and the use of that word might embarrass the President.

Mr. HARRIS. The statute provided that the money shall be expended upon the contingency of an existing or threatened epidemic of the diseases named.

Mr. EDMUNDS. Yes, but that does not make the fund a contingent fund, and if the word "contingent" be struck out no technical disadvantage can result.

Mr. HARRIS. There can be no difficulty about striking out the word "contingent."

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

The CHIEF CLERK. It is proposed, in line 3, to strike out the word "contingent;" so that the clause will read:

That in addition to the unexpended balance of the fund heretofore appropriated the sum of $200,000 be, and the same hereby is, appropriated, etc.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole, as amended, was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 915) granting a pension to Susan Edson;

An act (S. 2253) granting a pension to Mrs. Alvis J. Hockey;

An act (S. 2579) granting a pension to Mrs. Maggie A. Ward, formerly Miss Maggie A. Egan;

An act (S. 1325) for the relief of John McKernan;

An act (S. 1609) for the relief of James McLaughlin;

An act (S. 1122) granting an increase of pension to Willian Collinsworth; and

An act (S. 3248) for the relief of John W. Durr.

BUST OF GARIBALDI.

Mr. EVARTS. Mr. President, I had given notice that I should call up this forenoon the resolution relative to the statue of General Garibaldi, and I now find a protracted debate and another one coming on. I propose, therefore, to give notice that in the morning hour to-morrow I will make the observations I had intended to make to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith; and it was thereupon signed by the President *pro tempore*.

JACKSON, MISS., MUNICIPAL ELECTION.

Mr. WILSON, of Iowa. I desire to state that to-morrow, after the morning business, and at the conclusion of the remarks of the Senator from New York [Mr. EVARTS] of which he has given notice, it is my purpose to ask the Senate to proceed to the consideration of the resolution reported from the Committee on the Judiciary in respect of the municipal election at Jackson, Miss.

J. W. PORTER.

Mr. COCKRELL. Yesterday afternoon the Senate passed a bill (H. R. 4792) to pension J. W. Porter. I laid it aside at the time. I find that there was a very grave error made in the report made in the other House and which was adopted by the Senate committee. I therefore move that the House be requested to return the bill to the Senate, and I enter a motion to reconsider the vote by which this bill was passed.

The PRESIDENT *pro tempore*. The title of the bill will be reported.

The CHIEF CLERK. A bill (H. R. 4792) to pension J. W. Porter.

Mr. COCKRELL. I will state that it is a pension to a member of what is known as Powell's Battalion of Missouri Mounted Volunteers. In the report, which is copied from the House report, there is this statement:

The Adjutant-General further states that although the battalion was called into service under the act of Congress of May 13, 1846 (providing for volunteers for the war with Mexico), yet it was used for the purpose of laying out a route to Oregon, and did not serve in the war with Mexico.

That regiment, Mr. President, was not formed under that act at all, but was organized under the act of May 19, 1846—"An act to provide for raising a regiment of mounted riflemen and for establishing military stations on the route to Oregon;" and if the Adjutant-General ever made such a report as that it was not founded on the record or on the facts.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the House of Representatives be requested to return to the Senate the bill whose title has been read. It will be so ordered, if there be no objection.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I move to postpone the special order, and take up the resolution in relation to the investigation of the Louisiana election.

The PRESIDENT *pro tempore*. That was agreed to in the morning, and the resolution was laid aside informally to allow the Senator from Florida [Mr. CALL] to call up the joint resolution which has just been disposed of.

Mr. CHANDLER. I understood that, but I also understood that it was superseded at the expiration of the morning hour by the special order.

Mr. COCKRELL. The Senator from New Hampshire is entitled to the floor.

Mr. CHANDLER. I beg pardon of the Chair. The action of a previous occupant of the chair misled me.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. CHANDLER. I ask for the reading of the resolution submitted by me July 19, 1888, with respect to the recent election in the State of Louisiana.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections be instructed to inquire (1) into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there were chosen State officers and also a Legislature, which has since elected two United States Senators; and especially

to ascertain and report whether the 136,746 votes returned for the candidate of the dominant party for governor were actually cast, in view of the fact that at no previous election had the votes for such candidate of such party exceeded 88,794; and also why in the parish of Madison there were returned 3,530 votes for one party and none for the other; in East Feliciana Parish, 2,276 for one party and only 5 for the other; in Morehouse Parish, 1,584 for one party and only 14 for the other; in Ouachita Parish, 2,994 for one party and only 5 for the other; in Sabine Parish, 1,441 for one party and only 2 for the other; in Tensas Parish, 4,627 for one party and 113 for the other; and why there were similar returns from other parishes; and also to ascertain and report whether or not at said State election there was any violence, intimidation, or fraud which prevented a fair election, and particularly whether or not there were any false canvasses or false returns made by the local election officers or included in the final canvass of the votes.

And in case said committee shall find that such illegalities as violence, intimidation, or fraud, false canvasses or false returns prevailed in connection with such election, then said committee shall further inquire—

2. Whether any of the acts or omissions of the officials or other persons responsible for or connected with such illegalities were contrary to the Constitution of the United States or the amendments thereof, or were violations of any of the statutes of the United States, especially the provisions of chapter 7, Title LXX, of the Revised Statutes, punishing crimes against the elective franchise and civil rights of citizens, and if so, whether any prosecutions have been or ought to be commenced in the United States courts for such offenses.

3. Whether such illegalities are likely to be repeated in connection with the election to be held in said State on the 6th of November next for Representatives in Congress; and if so, whether there is occasion for the alteration by Congress of any of the regulations prescribed by said State for holding elections for such Representatives in Congress.

4. And said committee shall also inquire whether there were in connection with the aforesaid State election illegalities, frauds, false canvasses, and false returns so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators, and to provide methods for the appointment of electors for President and Vice-President of the United States.

PATENT OFFICE ATTORNEYS' FUND.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Commissioner of Patents, transmitting, in response to a resolution of August 2, 1888, a statement showing the names of persons and the amount of their deposits with Levi Bacon, financial clerk of the Patent Office, in what was called the "attorneys' fund," at the time of the death of said Bacon in 1887, etc.; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

THE LOUISIANA ELECTION.

The PRESIDENT *pro tempore*. The unfinished business being informally laid aside, the resolution which has just been read is before the Senate, and the Senator from New Hampshire is entitled to the floor.

Mr. CHANDLER. Mr. President, it is my purpose to state the facts and principles which require and justify the investigation proposed by the resolution which has been read of the State election in Louisiana said to have taken place on the 17th of April last, which has already resulted in the choice of two United States Senators who will claim to sit in this assembly.

The first fact is the suspicious character of the face of the returns, which show 136,746 votes and 84,753 majority for Francis T. Nicholls for governor, when the vote for Cleveland and Hendricks in 1884 was only 62,540, and their majority only 16,193. The returns also show overwhelmingly Republican parishes as having cast the following votes:

Parishes.	Votes cast.		Registered votes.	
	Nicholls.	Warmoth.	White.	Colored.
Madison	3,530	0	279	3,081
East Feliciana	2,276	5	1,072	1,775
Morehouse	1,584	14	780	1,683
Ouachita	2,994	5	918	2,183
Sabine	1,441	2	1,173	329
Tensas	4,627	113	471	3,689
Total	16,452	139	4,793	12,740

It must be admitted in the outset that there has been some difficulty in ascertaining what has been the official count of the vote of the State. No official promulgation of it has ever yet appeared in any Democratic newspaper that I am aware of. False countings and the killing of voters, although the principal Democratic methods of carrying elections in Louisiana, yet are not often found recorded in the Democratic newspapers, and never in the local newspapers. Frightful as are the constantly recurring political and other butcheries of the negroes of the South, yet that section is not so lost to all shame that there does not exist a desire to keep such brutal deeds out of the newspapers of the vicinity. Hence they usually come to public view in newspapers that are distant from the occurrences, to which papers some letter or telegram has found its way, and which venture to publish facts which the local papers dare not mention. For instance, I find in the Washington Critic of August 20, 1888, the following telegram:

NEGROES KILLED BY A MOB.

NEW ORLEANS, *August* 20.

News is received of the killing of two negroes by a mob at Sylvarena jail, in Smith County, Mississippi, last Friday night. Four negroes were under arrest for killing a white man named Lee. The mob broke into the jail, but were unable to get into the cage where the accused negroes were confined, so they thrust their guns through the bars and shot two of the prisoners to death.

I undertake to say that there will be no account of that transaction in the Democratic paper of Smith County or of Sylvarena, and yet it happened there last Friday night. That murder of these negroes took place under precisely the same circumstances as those under which were slaughtered Judge William Wallace Chisolm and his son and daughter. They were imprisoned in jail, and a mob broke into the jail, thrust their guns through the bars of the cell, and shot this innocent father, this son, and this daughter to bloody death, and the local papers of Mississippi said nothing upon the subject, but the information came by telegraph to some metropolitan journal.

I find in the Sunday Herald, published in this city on August 19—last Sunday—the two following telegrams. There seems to be an epidemic of negro killing going on at the South about this time, and it prevails there to a much greater extent than does either cholera or yellow fever:

SHOT HIM TO DEATH.

APALACHICOLA, FLA., *August* 18.

A lynching took place at Ocheekhee, Calhoun County, Wednesday. Nash Griffin, a negro, wrote an insulting note to a young white lady, Miss Kimmie Griffin. She showed the note to white men, who caught Griffin, gave him one hundred lashes, and ordered him to leave the county. He did not go, when forty masked men caught and shot him to death. No arrests have been made.

Undoubtedly Griffin ought not to have written the note, if he did write such, but that is not the way to measure out justice.

I read the next:

NEGROES SLAUGHTERED BY REGULATORS.

NEW ORLEANS, *August* 18.

Reports from Freetown and from other sources indicate that more than twenty negroes were killed on Thursday by regulators, and that several others were severely injured.

Now, I believe that not in any local paper published at Apalachicola will there be any account of the shooting to death of Nash Griffin, nor will there be at Freetown, or in any of the local papers published in that vicinity, any account of the negro killing, but they come out in several directions, sent on to metropolitan or to Northern newspapers.

Here is an item from the Washington Star of August 18 last:

TWENTY NEGROES KILLED BY REGULATORS.

NEW YORK—

Meaning New Orleans—

August 18.

Reports from Freetown and from other sources indicate that more than twenty negroes were killed on Thursday by regulators, and that several others were severely wounded. A special dispatch to the Picayune from Shreveport says: "A reliable report has been received here that on Tuesday last a negro was hanged by a mob near Big Cypress Bayou, in Bossier Parish, for breaking into a store and stealing a sum of money."

Bossier Parish is one of the bulldozed parishes of Louisiana, and that negro was not killed for breaking into a store and stealing a sum of money, atrocious as it would be to kill him for that reason, but he was killed as a preparation for the fall election; and I believe it can never be shown that the local newspapers at Shreveport published any report of that transaction.

The Washington Post of August 18 (that was Saturday last) has an account of the Freetown transaction, which is as follows:

A WAR OF RACES—EIGHT NEGROES AND ONE WHITE KILLED IN LOUISIANA.

NEW ORLEANS, *August* 17.

E. P. Smith, a civil engineer of New Iberia, was killed yesterday at Freetown by citizens of that place for stirring up trouble among the negroes.

It will appear in a later account of the transaction that that statement is incorrect.

The affair grows out of the whipping of some disreputable parties at Abbeville on Friday by regulators. * * * The worthless negroes who had been ordered out of Iberia took refuge at Freetown, where they armed themselves and prepared for war. On Thursday the property owners ordered the negroes to disperse and surrender their arms. Some obeyed, but others went to Rev. H. Nora's house, in his absence, and defied the whites.

That is, these terrible negroes who had been ordered out of one place, and, as the dispatch says, "prepared for war," took refuge in the house of their pastor, a negro preacher.

They were given twenty minutes to lay down their arms. Finally a volley was fired into the house. Smith left the attacking party to enter the house and was slain. The negroes finally became panic-stricken and fled. The bodies of eight negroes lay on the floor of the house when the firing ceased.

There will never be any account of that butchery in the local newspapers of that county.

I find in the Weekly Pelican, of New Orleans, Saturday, August 4, this account from the State of Georgia:

HORRIBLE.

The telegraph brings the information from Jackson, Ga., that a colored man named Sanders was attacked in his house on Thursday night, July 26, by a mob of eight or ten masked men.

Breaking down the door, they rushed in, and laying hold of Sanders, his wife, and son, a boy of twelve years, beat them almost to death before the woman and boy could make their escape to give the alarm. Sanders is a cripple, having been shot last fall by two white men so badly that his leg had to be amputated. The men were to be tried and Sanders was the only witness against them. In June last Sanders's home was attacked by a masked mob, who, after

beating him and his family, gave him fifteen days to leave the county under penalty of death, stating that he should never testify against the men who shot him.

On Thursday night the mob beat the old negro almost to death. Being a cripple and old and helpless he fell an easy prey to the disguised demons, who never left the house until they were notified by watchmen, whom they had stationed around the house, that the alarm had been given, and that the people of the town were being awakened. They quietly withdrew, leaving the old negro covered in blood and in a failing condition, while his wife and child ran from house to house calling for help as the blood flowed copiously from every part of their bodies.

There is no account of that bloody deed, I undertake to say, in the newspapers of Jackson, Ga., but it was telegraphed to New Orleans and published in the Pelican. Doubtless Mr. Sanders will become converted to the principles of the Democratic party, and vote for Cleveland next November.

But notwithstanding the difficulty in ascertaining the facts in relation to the frauds, false countings, and political murders at the South, there is some obtainable evidence concerning the vote in Louisiana in April, as returned or finally counted by the secretary of state. We have, first, the statement published by the Senator from Kansas [Mr. INGALLS] in his speech of May 1, 1888. That was published in the New Orleans Bee of April 24, and the Senator from Kansas, while giving it to the Senate, remarked that the returns "were still coming in;" and they did continue to come in.

The statement in the Bee gave Nicholls 131,899 votes and Warmoth 48,699 votes, a majority for Nicholls of 83,200.

The New Orleans Bee is a newspaper printed in the French language. I have been unable to find the full canvass of the votes of the State in any Democratic newspaper, but in the Weekly Pelican of May 12, a New Orleans newspaper of which John L. Minor is the managing editor, I find the following:

THE VOTE AS RETURNED.

The entire vote of the State, as counted for Nicholls and Warmoth, and officially promulgated by the secretary of state, Oscar Arroyo, is as follows:

Parishes.	Francis T. Nicholls, Democrat.	Henry C. Warmoth, Republican.
Acadia	1,688	149
Ascension	2,715	1,334
Assumption	1,902	2,159
Avoyelles	2,425	1,310
Baton Rouge, East	1,984	2,606
Baton Rouge, West	1,712	454
Bienville	1,923	37
Bossier	4,213	95
Caddo	4,802	324
Calcasieu	2,297	708
Caldwell	671	276
Cameron	402	2
Carroll, East	2,680	285
Carroll, West	420	81
Catahoula	992	885
Claiborne	2,397	768
Concordia	4,219	145
De Soto	1,865	74
Feliciana, East	2,276	5
Feliciana, West	2,038	377
Franklin	987	4
Grant	582	402
Iberia	1,923	590
Iberville	1,802	2,610
Jackson	963	7
Jefferson	855	1,281
La Fourche	2,702	1,548
La Fayette	1,708	1,234
Lincoln	1,273	.....
Livingston	766	192
Madison	3,530	.....
Morehouse	1,584	14
Natchitoches	3,373	285
Ouachita	2,994	5
Orleans	27,824	11,142
Plaquemines	971	1,678
Pointe Coupée	1,946	1,465
Rapides	4,678	449
Red River	1,679	78
Richland	1,287	63
Sabine	1,441	2
St. Bernard	904	396
St. Charles	172	1,377
St Helena	846	370
St. John the Baptist	593	1,216
St. James	898	2,181
St. Landry	3,909	3,278
St. Martin	1,107	1,624
St. Mary	2,885	1,649
St. Tammany	912	615
Tensas	4,627	113
Terre Bonne	1,687	2,033
Tangipahoa	1,249	629
Union	2,369	91
Vermilion	1,687	619
Vernon	947	.....
Washington	763	271
Webster	1,506	325
Winn	1,196	83
Total	136,746	51,993

Nicholls's majority, 84,753.

I said that the first fact which will justify an investigation is the face of the returns. I do not know that the Senator from Louisiana or any other Senator will venture to assert on the floor of the Senate that there were actually cast 136,746 votes on the 17th of April last in the State of Louisiana for Francis T. Nicholls. I doubt whether any Senator will say that he honestly believes that that number of votes for Nicholls found their way into the ballot-boxes and that the result returned proceeds from an honest and fair count.

Be that as it may, I denounce that pretended vote as false, fraudulent, and fictitious beyond all known records of manufactured majorities. I denounce it as the result of a deliberate conspiracy of wrong and crime on the part of Governor Samuel D. McEnery and Governor Francis T. Nicholls, two stupendous criminals against free suffrage; two instigators of the intimidation and murder of voters; two guilty leaders of thousands of reckless, law-breaking election officers and desperate, cruel, brutal torturers and murderers of black citizens of their own State. I denounce this return of 136,746 votes as a crime against the Republicans of Louisiana, not only against those who are living, but against those who are dead, butchered by bloody ruffians, agents of the State governments of McEnery and Nicholls, in order to make a Democratic victory. I denounce it as a crime against republican government, which it tends to destroy; as a subversion of the Senate of the United States, which is to be invaded as one of its results; as an outrage upon humanity, which is being degraded and dishonored by the frauds, forgeries, whippings and killings of innocent citizens of our country of boasted freedom and liberty in order that Grover Cleveland may be again President of the United States.

Mr. President, compare the apparent result in Louisiana on the 17th of April last with the results of elections in previous years in the State of Louisiana.

I have here a statement of the votes cast in all previous elections since 1852, which I will insert in the RECORD:

Louisiana elections.

PRIOR TO THE REBELLION.

Years.	For whom vote was cast.		Total No. of vote.
1852	Scott		17,255
	Pierce		18,647
1856	Fillmore		20,709
	Buchanan		22,164
1857	American party candidate for auditor		16,325
	Democratic candidate		21,402
1859	Opposition for governor		15,587
	Democratic candidate		24,434
1860	Bell		20,204
	Breckinridge	22,681	
	Douglass	7,625	
			30,306

SINCE THE REBELLION.

1865	Wells, for governor		22,312
	Allen		5,497
1867	For convention		75,085
	Against convention		4,006
1868	Spring election:		
	Warmoth, for governor		65,270
	Taliafero, for governor		38,118
	Grant		33,263
	Seymour		80,225
1870	Republican auditor		66,428
	Democratic auditor		40,960
1872	Grant by one count		59,975
	Grant by another count		71,653
	Greeley by one count		66,467
	Greeley by another count		57,029
	Kellogg, by one count		55,973
	Kellogg, by another count		72,890
1872	McEnery, by one count		65,579
	McEnery, by another count		54,079
1876	Hayes, by one count		75,315
	Hayes, by another count		77,174
	Tilden, by one count		70,508
	Tilden, by another count		83,723
	Packard, by one count		76,624
	Packard, by another count		76,477
	Nicholls, by one count		71,198
	Nicholls, by another count		84,487
1879	Beatty, for governor		42,555
	Wiltz, for governor		74,098
1880	Garfield		38,637
	Hancock		65,067
1882	Republican Congressional vote		26,422
	Democratic Congressional vote		58,825
1884	Spring election:		
	Stevenson, for governor		43,502
	McEnery, for governor		88,794
	Blaine		46,347
	Cleveland		62,540
1886	Republican Congressional vote		22,923
	Democratic Congressional vote		60,134
1888	Warmoth		51,993
	Nicholls		136,746

I have also a table of the Louisiana Congressional votes from 1870 to 1886, which I will insert.

Louisiana Congressional votes, 1870–1886.

Districts.	1870.				1872.		1874 (redistricted).				1876.		1878.	
	White males over twenty-one years of age.	Colored males over twenty-one years of age.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.	White males over twenty-one years of age.	Colored males over twenty-one years of age.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.
First district	15,150	11,000	10,221	15,716	12,225	12,299	15,150	14,000	15,720	11,121	14,876	11,978	12,419	7,113
Second district	17,282	12,717	7,640	17,512	15,453	17,068	17,000	15,000	13,900	13,500	14,145	11,516	10,263	6,076
Third district	15,307	19,019	8,123	13,220	7,724	18,610	12,370	13,600	11,921	13,273	14,695	15,782	10,296	7,163
Fourth district	13,871	19,240	7,171	11,786	7,752	13,787	9,985	14,400	11,785	7,593	12,136	11,540	14,423	1,756
Fifth district	11,188	18,875	6,713	9,521	8,597	14,060	9,776	17,390	11,033	12,279	13,016	14,428	17,257	4,905
Sixth district, 1873	.....	.....	.....	.....	.....	.....	12,700	15,240	12,865	13,156	15,550	11,147	13,997	7,605
Totals	72,798	80,851	39,868	67,755	51,751	75,824	76,981	89,630	77,224	70,922	84,418	76,391	78,655	34,618

Districts.	1880.				1882.		1884.		1886.		1884.		1888.	
	White males over twenty-one years of age.	Colored males over twenty-one years of age.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.	Democratic vote.	Republican vote.	Registered white voters.	Registered colored voters.	Pretended and returned vote for Nicholls, Democrat.	Pretended and returned vote for Warmoth, Republican.
First district	23,215	10,123	15,526	5,296	8,498	4,852	5,685	3,361	11,350	1,649	.....	.....	.....	.....
Second district	24,532	10,843	10,032	6,722	7,701	2,789	6,103	7,446	7,930	6,537	.....	.....	.....	.....
Third district	21,105	21,308	7,795	13,551	15,564	10,848	15,302	18,940	14,782	11,692	.....	.....	.....	.....
Fourth district	13,428	19,337	12,446	1,638	5,765	(*)	12,269	1,377	5,747	(*)	.....	.....	.....	.....
Fifth district	11,398	25,535	15,305	3,318	13,295	3,968	17,205	2,505	13,618	495	.....	.....	.....	.....
Sixth district, 1873	15,142	20,781	8,036	4,246	8,002	3,965	9,927	6,197	6,707	2,550	.....	.....	.....	.....
Total	108,820	107,927	69,140	34,771	58,825	26,422	66,491	39,826	60,134	22,923	108,644	110,262	136,746	51,993

* No opposition

Moreover, here is a table which shows how the apparent result of the April election was obtained. It contains the returned vote of twenty-four parishes, compared with the registered voters. Some of the twenty-four cases are already recited in the resolution which is before the Senate.

Parishes.	1888.			1884.		
				Registered voters.		
	Nicholls, Democrat.	Warmoth, Republican.	Total.	White.	Colored.	Total.
Bienville	1,923	37	1,960	1,409	840	2,249
Bossier*	4,213	95	4,308	1,002	2,600	3,602
Caddo	4,802	324	5,126	2,495	4,245	6,740
Concordia*	4,219	145	4,364	448	3,753	4,201
De Soto	1,865	74	1,939	1,684	1,840	3,524
East Carroll*	2,680	285	2,965	233	2,343	2,576
East Feliciana	2,276	5	2,281	1,072	1,775	2,847
Franklin	987	4	991	591	715	1,306
Jackson	963	7	970	691	423	1,114
Lincoln	1,273	.....	1,273	1,664	876	2,540
Madison*	3,530	.....	3,530	279	3,081	3,360
Morehouse	1,584	14	1,598	780	1,683	2,463
Natchitoches	3,373	285	3,658	2,137	2,673	4,810
Ouachita	2,994	5	2,999	918	2,133	3,051
Rapides	4,678	449	5,127	2,455	2,739	5,194
Red River*	1,679	78	1,757	510	671	1,190
Richland	1,287	63	1,350	819	975	1,792
Sabine	1,441	2	1,443	1,173	329	1,502
St. Mary	2,885	1,649	4,534	1,942	4,887	6,829
Tensas*	4,627	113	4,740	471	3,689	4,160
Union	2,369	91	2,460	2,079	1,048	3,127
West Baton Rouge*	1,712	454	2,166	504	1,307	1,811
West Feliciana	2,038	377	2,415	557	2,091	2,648
Webster	1,506	325	1,831	1,071	1,160	2,231
Total	60,904	4,881	65,785	26,984	47,876	74,860

* Vote returned larger than the whole number of registered voters.

It is not, however, necessary to rest the demand for an investigation upon the face of the returns, which I have already exhibited, although it seems to me that so far as the country is concerned, so far as the Senate is concerned, and so far as the common sense of every intelligent citizen is concerned, it must be apparent that an investigation is justifiable on the presumption that no such vote as 136,746 was ever honestly cast and properly counted for Francis T. Nicholls.

But, in addition, Mr. President, I have here a large mass of evidence which ought to convince any one of the true character of the pretended election in Louisiana on the 17th of April. We will take first the parish of

BOSSIER,

which gave 4,213 votes for Nicholls and only 95 votes for Warmoth according to the returns, there being 1,002 white voters in the parish and 2,600 colored voters.

A statement of Mr. B. F. O'Neal is as follows:

Vote polled at Democratic primary election held by wards December 21, 1887, *to elect delegates for gubernatorial convention.*

Ward.	Nicholls vote.	McEnery vote.	Total.	Regular white voters.	Regular colored voters.
1	25	28	53	60	800
2	78	63	141	150	1,100
3	60	49	109	125	250
4	51	76	127	140	250
5	79	52	131	150	350
6	86	86	172	200	450
Total	379	354	733	825	3,200
Majority	25	.....	.....	.....	2,375

Memorandum and copy of vote at Democratic primary election held March 20, 1888—*a close contest for district judge and for Legislature.*

Ward.	For Legislature.			District judge.			
	Curry.	Boggs.	Total.	Snider.	Druse.	Boon.	Total.
1	1	25	26	22	4	.....	26
2	78	45	123	68	55	2	125
3	73	43	116	57	57	2	116
4	44	108	152	61	87	4	152
5	93	42	135	77	48	14	139
6	76	71	147	88	59	3	150
Total	365	334	699	373	310	25	708
Majority	31	.....	.....	63	.....	.....	.....

In the primary, 21st December, 1887, a full vote was polled, the full strength of the Democratic party proper.

The contest was very strong and exciting in the election of December 21. Nicholls's popular majority in the parish was 25 votes. In the primary of the 20th of March Boggs and Curry were run on the issue that Boggs was a McEnery man and Curry a Nicholls man in the contest for governor; and also, if elected, that Curry would support BLANCHARD for United States Senator, while Boggs was for Jonas. Curry's popular majority was 31 against 25. The following vote was returned and promulgated at the general election as between McEnery and Stevenson for governor, April 1884:

Ward.	McEnery vote.	Stevenson vote.	Total.
1	354	.....	354
2	913	214	1,127
3	234	71	305
4	194	46	240
5	443	36	479
6	207	319	526
Total	2,346	685	3,031
Majority	1,661	.....	.....

The full Democratic strength of Bossier Parish is less than 800. The vote polled April, 1884 (total, 3,031), shows this parish to have 2,231 Republican voters, if we admit that all Democrats voted in 1884 who vote in the Democratic primary elections. It is openly admitted by the masses of the Democratic party that they manipulated the votes in all of the wards except Ward 6. It can be seen that Ward 6 is the largest white ward of the parish, and, being the court-house ward, has 200 whites and 450 blacks. It voted 526 votes at the general election in 1884, 112 Republican majority, and polled 319 Republican votes out of 685 which was returned for the whole parish. Col. J. A. Snider and Judge R. C. Druse were both candidates before the people at the general election in 1884, and the Republican tickets were divided between them equally. Out of 6,000 tickets ordered for the parish, 3,000 were for Snider, judge, and 3,000 for Druse, judge.

It was hoped that when these tickets were taken from the ballot-box they would be counted for Stevenson as governor, as well as for Snider or Druse, whoever was so lucky as to get the Republican ticket voted with his name on; but this was not done. The friends of Snider and Druse watched closely for Druse and Snider names and counted every one voted for them, whether it was on the Republican or Democratic ticket, at some of the boxes, and at others they divided the Republican tickets equally between Snider and Druse, and threw the Republican tickets out and put in Democratic tickets. These facts are made known publicly in contending for the claims of Druse and Snider by their friends. I simply state these facts to show that combination can not amount to much for the Republican ticket and a fair count where the Republicans are so largely in majority and their success so certain, if a fair chance is given them.

Respectfully, etc.,

B. F. O'NEAL.

This was before the election.

On April 6 Mr. O'Neal writes again:

BELLEVUE, LA., *April* 6, 1888.

DEAR SIR: We have lost all hopes of forming any combination with the Democrats or indorsing any man as our independent candidate who would assist us to secure us a fair count of the ballots for the Republican ticket. The campaign throughout North Louisiana, and especially here (in Bossier Parish) is being conducted by the Democrats on the color or race issue, claiming none but known white Democrats shall control the affairs of the local or State government.

The Republicans in this parish have no representation on the registration or at any of the voting places, and our success is left entirely to the tender mercies of the Democratic party, who claim the whole management to themselves. Our sheriff, Maj. R. E. Wyche, and, in fact, every Democrat of this parish, speak out bodly and tell the Republicans that while they counted out the Republican ticket at last general election in 1884, giving Stevenson but 685 votes in this parish, they do not wish to deceive the Republicans by telling them they will not do the same thing again. And Sheriff Wyche says that it makes no difference whether the negro registers or not or goes to the poll or not the Democrats will vote him all the same, and as to our complaints that we only got 685 votes returned for Stevenson and the Republican ticket in 1884, he will tell us now very plainly that Warmoth may not get as many allowed him. It depends upon what vote his party (the Democrats) want returned from Bossier.

What they would give Warmoth? They may give him 1,000, or more, as the case requires. These are the exact words of Maj. R. C. Wyche, sheriff, and is also the true sentiment of the Democracy of Bossier Parish. I state these facts so you may fully appreciate the situation here and know what to expect. There is a great interest felt by the negroes, and I fear some excitement or trouble may occur at any time—though there is no objection to the negro going to register and vote; the Democrats know they have the counting and returning of the whole matter to themselves, and therefore they feel no danger of a defeat. But if the negroes should become dissatisfied at the result or want to contend for a fair count, they would be put down at once. Rev. James Marks called on me and left a few tickets. We will want about four thousand more. Send us some by mail. They will be given to the voters, whether counted out or not.

Yours, very respectfully,

B. F. O'NEAL.

Hon. ANDREW HERO, Jr.,
New Orleans, La.

On the 19th of April Mr. O'Neal wrote a letter, which is to be found in the speech of the Senator from Kansas [Mr. INGALLS], which shows the result, as follows:

BELLEVUE, LA., *April* 19, 1888.

DEAR SIR: I have just wired you the returns of Bossier Parish. Total vote returned, 4,308. Nicholls, 4,213; Warmoth, 95; total, 4,308.

There was a large turnout, and a full Republican vote was polled. There seemed to be no trouble or hinderance about the negro voting the Republican ticket, and it is safe to say at least 3,500 votes were polled for Governor Warmoth and the Republican ticket, but they were counted out.

The work and proceedings of stuffing the boxes is no secret here; the Democrats talk plainly and boldly about how they did it.

Yours, respectfully, etc.,

B. F. O'NEAL.

Hon. ANDREW HERO, Jr.,
New Orleans, La.

Here is a letter from the same parish from L. W. Williams:

PANDURA STORE PLANTATION, *April* 19, 1888.

MR. HERO:

I will say one word to you. The Benton ward, Bossier Parish, Louisiana, gave you every black vote that was cast, and that was six hundred and some odd, and the white people took them all out and put in Democrat tickets and said we all voted Democrat ticket; but I will say that they did not cast one Democrat ticket, and I can give you the names of one hundred right here, not far from me—you can reach them—and they will say the same thing; and I will say if you let that pass I am done. They did the same thing at Rochia. You can write or send some to see and you will find out that all the tickets that are cast by the blacks are Republican. We don't want our tickets counted out, as we are not Democrats. Let me hear from you at once.

L. W. WILLIAMS.

Shreveport, La., is my post-office now.

Here is a letter from a number of voters of Bossier Parish:

BENTON, LA., *April* 19, 1888.

Governor HENRY CLAY WARMOTH:

We want to hear from you at once. The tickets we voted were for you. The Democrats took them out, and we have some of them at the house. We cast not less than 500 votes at Benton, Bossier Parish, and now they say that we thought we were voting the Republican ticket, but it was the Democratic ticket, and you ask the following if it is true:

Lewis Williams, West Scruggan, Carrol Scott, Allen James, Bob Williams, Bill Smith, Jim Rodgers, Ed. Reed, Hy. Adam, Dozier Williams, Dick Adkins, Henry Mercuria, Levry Williams, Robt. Dickson, G. W. Cooper, Martin Craper, J. S. Stokes, Willis Rochellia, S. Feller, Carter Williams, L. Hill, Adrien McNeal, William Jamison, Bill Escuse, Hy. McNeal, Jim Beck, Mitchel Marshall, Hy. Marshall, Geo. Duckett, A. J. Cooper, A. J. Miller, J. A. Cooper, Bob. Johnson, Luke Ware, Sam. Edward, Lewis Thimes, Jeff. Johnson, Mc. Austin, Ben. Escuse, Lewis Bell, Jeff. Gadser, Buck Garder.

Now take the parish of

AVOYELLES,

which returns 2,425 for Nicholls, 1,310 for Warmoth; there being in the parish 2,290 white voters and 2,235 colored voters. I will read a letter from Westley Coleman:

EOLA, LA., *April* 20, 1888.

DEAR SIR: There were 304 votes polled at Bunkie. We had two men that stood near the door to keep an account of every man's ticket. Every one of our voters voted the straight Republican ticket, which gave us a majority of 196 over the Democrats. Now, after the polls were closed and our two talesmen went inside of the building to keep account with the commissioners, they were ordered to go on the outside, and were not allowed to look on to see their rights. So they refused to obey them, and they were forced by the sheriff to the outside, and the box counted for the Democrats, so it gave them a majority of 196 votes over us at Bunkie.

Yours,

WESTLEY COLEMAN.

Hon. P. F. HERWIG.

And here is a letter from Mr. James H. Ducote:

MARKSVILLE, LA., *April* 19, 1888.

DEAR SIR: Inclosed please find statement of votes as compiled by the returning officer of Avoyelles. At three of our strongest precincts the ballot-boxes in which the voting was done was substituted by stuffed boxes prepared beforehand for the occasion, and were counted as genuine. At the Hamburg precinct, where there are but 23 Democratic voters, they returned 183 votes for the Democratic ticket and 21 votes for ours. At the Evergreen precinct there are 160 Democratic votes; they returned 320 for their ticket and 54 for ours.

At the Holmesville precinct an effort was made by the Democrats to prevent an election taking place, but Judge Cullom held the election and our ticket got 150 majority, all of which were counted out by the returning officer. Never were frauds so openly and boldly perpetrated. In all the Democratic precincts no frauds were committed, and the result shows that one-third of the Democratic voters supported and voted our ticket. It was only by substituting our majorities to their ticket that they defeated us. All of the above are facts which can be proven if necessary. The vote really cast for governor is as follows: Nicholls, 1,907; Warmoth, 1,975.

The Republican parish ticket ran 300 or 400 votes ahead of the State ticket. Let me know as soon as possible what we should do in the premises. If you wish any more information or particulars let me know.

Yours, truly,

JAS. H. DUCOTE.

Maj. ANDREW HERO, Jr.

Now take the parish of

ASCENSION,

in which the vote was for Nicholls 2,715, for Warmoth 1,334, there being in the parish 1,520 white voters and 2,987 colored voters.

LANE POST-OFFICE, LA., *April* 19, 1888.

DEAR SIR: We write this to you to let you know something concerning our election in our ward (ninth), parish of Ascension. First, we had not one commissioner on our side of the house at the box. Secondly, the Democrats had fourteen deputies on their side; we were ignored, we had no say at all. We can take a solemn oath that there were 175 cast for Governor Warmoth and J. J. Sullivan. Now, look at the tally sheet, only giving about 12 or 13 for Warmoth and two for Sullivan. Sir, our votes were taken from us, and therefore we appeal to you and the rest of the State Republican men that are at the front of the Republican party. No representation at the box. The box was placed back into a small room and no one allowed in there but Democrats. Sir, the colored people of our ward did not sell out as they will allege. We just may as well leave and go out of the State if our voices can not be heard. We never before saw the Republicans perform their duty as they did last Tuesday at the box, and to our surprise we were robbed totally. I would write more but we are excited and do not know what to do. This is the true state of affairs in this ward.

HANDY WATSON.
R. H. BUTLER.

Mr. VIGERS.

In the parish of

WEST FELICIANA,

there were returned 2,038 for Nicholls, 377 for Warmoth; when there

were 557 white voters and 2,091 colored voters. The following shows how it happened:

ROW LANDING, *April* 21, 1888.

DEAR SIR: I write you a few lines to let you know how things went on here at Row Landing poll. Two hundred and fourteen votes cast for our ticket. At the Raccourci Island poll they robbed the box; they took 80 or 90 votes from the Republicans. At 2 o'clock 105 votes were polled, about 70 or 80 of them Republican votes. We had four men from our side of the river to work at that poll. They worked faithfully for the party. One hundred and thirteen votes were polled, and they gave us only 5 votes. The Democrats stole our votes all over the parish.

Respectfully,

CLEM. SEWELL, *Chairman.*

Hon. P. F. HERWIG.

RAPIDES PARISH.

Here the vote returned was 4,678 for Nicholls, 449 for Warmoth, from 2,455 white voters and 2,739 colored voters. I have here a letter taken from the remarks of the Senator from Kansas in which Mr. George Y. Kelso states the case:

ALEXANDRIA, LA., *April* 20, 1888.

SIR: The election passed off quietly. We being without representation at any of the polls, the Democrats could make up the returns to suit themselves.

At the Alexandria box it was situated in a room in the court-house with a door opening in a hall, which was easy of access; the box was placed on a table and two or three gentlemen (Democrats) sat upon the table by the box from the time that the polls opened until they closed, and when a Republican voted in nearly every case one of the commissioners would take his ballot to put it in the box; but very few, if any, ever were put in the box. They were generally put on the table behind the box, and towards the closing of the polls the floor under the table was covered with the tickets taken from the colored voters by the commissioners to put in the box, which they failed to do; there were but few colored men allowed to deposit their votes.

At Cheneyville Mr. Barrett, the Republican candidate for State senator, distributed 180 votes to colored men, and they voted the tickets he gave them, and about half past 5 o'clock in the morning Mr. Barrett went to get a drink of water. He was absent from the poll about five minutes, and when he returned he saw a small crowd of white men enter the room where the ballot-boxes were; and when he inquired what was the matter he was told that the polls had closed and that the commissioners were about to commence the counting of the votes; it was then a few minutes after 6 o'clock. Mr. Barrett staid until 9.15 p. m.; up to that time 300 votes had been counted, all straight Democrats, and not one Republican vote.

This Mr. Barrett could not understand, as he and a friend had kept a tally all day and had been absent but five minutes, and according to their tally there were but 260 votes cast, and 180 of them Republican; but the commissioners returned six hundred odd Democratic majority, though there were not 300 votes in the box. At Lamourie, out of a vote of over 300, they give us but 44. They had about 45 voters, but the commissioners gave them a majority of 300, and the same can be said about Wiel's Store; only a few of our voters voted. At Boyce I am told that the whole poll-list was counted of that ward as a majority for the Democrats.

Truly, etc.,

GEORGE Y. KELSO.

Maj. A. HERO, Jr.

I come next to

WEST BATON ROUGE.

I insert a letter from I. S. Tappin, chairman, which shows the stuffing of the ballot-box in that parish, where 1,712 votes were returned for Nicholls and 454 for Warmoth.

PARISH OF WEST BATON ROUGE, FOURTH WARD,
State of Louisiana, April 17, 1888.

We, the undersigned, committee appointed on the above date to assist or witness the counting of the votes cast for both Nicholls and Warmoth and the remainder of the two tickets, declare that the commissioners closed the doors for about fifteen minutes, at which time the ballot-box was stuffed with Democratic tickets, and they made away with all the Republican tickets but 34, and counted themselves or their State ticket 409, which is more votes than are in the ward.

E. Tappins and A. J. Jadot tallied every vote, both white and colored; we therefore enter our solemn protest against the Fourth ward of the parish aforesaid, and we, the voters, are willing to come down at any time and swear to the above statement.

I remain, yours, respectfully,

I. S. TAPPIN, *Chairman.*

In the parish of

ASCENSION,

2,715 votes for Nicholls were returned, 1,334 for Warmoth. At the court-house in this parish the count was openly carried on by tallying 25 or 50 votes for Warmoth as so many votes for Nicholls. The vote is just reversed; in the return instead of Warmoth 1,334; Nicholls 2,715, it should be Warmoth 2,715; Nicholls 1,334.

In

ST. MARY'S PARISH,

2,885 were returned for Nicholls and 1,614 for Warmoth, where there are only 1,942 white voters and 4,887 colored voters.

Dr. Chester B. Darrall, ex-member of Congress, well known to many Senators on this floor, writes:

A statement will be prepared showing how the fraud was perpetrated. We could only guard the vote at three polls and our vote was the largest ever polled. We can show that we put in the box over 3,000 votes for our ticket, more than half of which they counted for Nicholls. I have the written refusal of the returning officer to give us any showing in the count.

I will here insert a copy of a petition of B. F. Winchester, of St. Mary's Parish, who was candidate for judge of the nineteenth judicial court, at the election on the 17th of April, in which he shows how he was counted out and shows by what means the large colored parish of St. Mary's was made to show a Democratic majority:

To the honorable the judge of the nineteenth judicial district of the State of Louisiana, holding session in and for the parish of St. Mary:

The petition of Benjamin Felix Winchester, who resides in the parish of St. Mary, raspectfully represents, that at the general State election held in the State on the 17th day of April, A. D. 1888, he was a candidate for the office of judge of the nineteenth judicial district, composed of the parishes of St. Mary and Terrebonne, and that he was duly and legally elected judge of said district for the office of judge of said district, that A. C. Allen, who resides in the parish of St. Mary, his opponent, the present defendant, who was defeated at said election, he fears and alleges will be returned elected and put in possession and enjoyment of the office and its emoluments through fraud and ill practices on the part of the returning officer, the commissioner of elections, the clerks of election, and other officers and persons.

Petitioner avers that as soon as he became aware of who were to be the commissioners of election for the parish of St. Mary he called on Emmett O'Neill, the returning officer, and complained that some dozen persons were put by him as commissioners of election who could not write nor read, and suggested the names of intelligent, honest persons able to write and read, without regard to party, and that the returning officer refused petitioner's request. Petitioner shows that though he was a Democratic candidate for the office of judge of the nineteenth judicial district, he was also indorsed by the Republican party, and that C. B. Darrall, the chairman of the Republican campaign committee for the parish of St. Mary, in the interest of fair play and the law, called on Returning Officer O'Neill, and asked to have other commissioners appointed instead of the incompetent commissioners, which again was refused by said O'Neill. All to the injury and wronging of petitioner.

Petitioner avers that the commissioner and clerk at the Pattersonville poll (Fifth ward) conspired together to defraud your petitioner and placed over 500 ballots in the box which were never voted, and counted said fraudulent votes for A. C. Allen and against your petitioner. That the commissioner and clerk at the Julien poll (Seventh ward) voted and counted 150 illegal and fraudulent votes for A. C. Allen which were never voted, and refused to count 35 votes received and voted for petitioner. Petitioner avers that the commissioner and clerk made false and fraudulent returns of the vote cast at the Baldwin poll, where petitioner received 220 votes and his opponent, A. C. Allen, only received 15 votes; that the returns from the Glencoe poll were false and fraudulent, for your petitioner actually received three-fourths of all the votes cast at said poll. Petitioner avers that he received over 50 votes at the Kramer poll when the returns only show 1 vote for petitioner, and that the return of said poll was false and fraudulent, and that the aforementioned several polls if counted correctly would give the return of the election in favor of petitioner and against the defendant by a large majority as will be shown on trial.

Petitioner avers that for some time before the election and up to the close of the election the friends of petitioner's opponent inaugurated a reign of terror in the parish of St. Mary, except in the Sixth ward; that certain colored leaders were whipped, others made to leave the parish, when suspected of supporting your petitioner or of distributing tickets for him, and that the whole machinery of election had become converted into a means of defeating the popular will, thereby depriving your petitioner of 1,000 votes; that the colored voters in the Third ward at the Franklin precinct were not allowed to vote without exhibiting the ticket to parties adverse to petitioner, whereby many tickets for petitioner were changed, some destroyed, and all freedom to vote freely was absolutely nullified under the reign of terror carried on in the interest of petitioner's opponent, A. C. Allen, the defendant named herein, and that the threats and intimidations practiced on the colored voters in the Second, Third, and Fifth wards deprived your petitioner of over 800 votes that he should and would have received from the colored Republican voters in the parish, and who were prevented by fear, threats, and intimidation from voting as they desired.

Petitioner says he would have obtained at a legal, fair, independent, and peaceful election 1,000 votes majority over his opponent aforesaid, and that the short time to prepare this contest prevents petitioner from adding further detail of the fraud and ill-practices, but which will be more fully set forth in a supplemental petition hereafter to be filed, and of which notice is here given to defendant.

Wherefore, the premises considered, petitioner prays that A. C. Allen be duly cited to answer this petition, and after due hearing there be judgment in favor of your petitioner and against the defendant, A. C. Allen, declaring Benjamin Felix Winchester to have been duly elected judge of the nineteenth judicial district, at the general election held on the 17th day of April, 1888, and that he is entitled to the dignity and emoluments of said office; that A. C. Allen be declared not elected to the office of judge of the nineteenth judicial district, and that he pay the costs of this suit, and petitioner further prays for all other general and equitable relief in the premises as in duty bound.

B. F. WINCHESTER,
Attorney for Petitioner.

CLERK'S OFFICE, *St. Mary's Parish, Louisiana, April* 26, 1888.

I certify the above and foregoing to be a true and correct copy of the original petition in suit B. F. Winchester *vs.* A. C. Allen, No. 8514, of the docket of the nineteenth judicial district court, on file and making part of the record of my office, filed therein April 26, 1888.

[SEAL OF COURT.] J. B. VERDUN, JR., *Clerk.*

CONCORDIA.

This parish was returned 4,219 for Nicholls and 145 for Warmoth, with 448 white voters and 3,753 colored voters in the parish. The statement that has been furnished me says that—

We had at each poll citizens who tallied the vote as cast, each voter casting an open ticket, and their returns under their signatures show in six polls out of eleven as follows:

Voting place.	Warmoth.	Nicholls.
Rivers poll	295	32
Forest poll	390	12
Home place	321	20
Vidalia	375	53
Black Hawk	231	10
Poll 9	270	37
Total	1,882	164

Yet Warmoth is only given 145, while 4,219 were returned for Nicholls.

I will read a letter from Andrew Hero, jr., dated July 9, 1888, addressed to myself:

NEW ORLEANS, *July* 9, 1888.

Hon. W. E. CHANDLER,
Washington, D. C.:

DEAR SIR: Herein find postal of C. G. Wade of date April 18, 1888, asserting that 231 votes were cast for Republican ticket at Black Hawk poll, in Concordia Parish. The Democratic returns only award 145 for the entire parish.

The postal card which I have is as follows. It is addressed to—

Hon. D. Young, on board T. P. Leathers, lying at Black Hawk, La.

BLACK HAWK, LA.

DEAR SIR: Election free and fair.

Warmoth's vote	231
Nicholls's vote	10
Warmoth's majority	221

S. Lemeurier, clerk, will try to have box thrown out, because 37 voters were allowed to vote under oath. They are all registered voters, but Clayton left their names off the poll-book. Everything passed off peaceably.

C. G. WADE.

APRIL 18, 1888.

Mr. Hero proceeds:

I send by express three memorandum books, which were kept at three other precincts in Concordia Parish by Republicans who tallied each ballot as it was deposited, and have each signed their respective books, showing at Vidalia: Republican vote, 375; Democratic, 53. At Poll 9: Republican vote, 270; Democratic, 37. At Rivers poll: Republican vote, 295; Democratic, 32. And at Forest poll the actual vote was: Republican vote, 390; Democratic, 12.

Yours, etc.,

ANDREW HERO, JR.

I have in my hands the three tally-books which were kept by the Republicans, forwarded to Major Hero, and sent to me. Here are the books. [Exhibiting.] One is as follows:

RIVERS POLL, THIRD WARD, CONCORDIA PARISH.

Rivers poll, Third ward:

	Tallies.
Warmoth's vote	295
Democratic vote	32

T. P. JACKSON.
JAKE JONES.

The next is the original tally-book of poll No. 9, and I have made a copy of it, thus:

CONCORDIA, POLL 9.

Tuesday, April 17, 1888.

For governor:

	Tallies.
H. C. Warmoth	270
Francis T. Nicholls	37

ALEXANDER BUSH.

The Vidalia tally-book I have here, and I have made a copy of that:

VIDALIA VOTE.

	Tallies.
Warmoth	375
Nicholls	53

That is on the cover.

Republicans, Vidalia:

	Tallies.
R	375
D	53

C. H. SHUMAKER.

These tally-books were forwarded, as Major Hero states, from the men who kept them to him, he being one of the candidates on the State ticket. And notwithstanding all these proofs which I have given of the votes actually cast, Concordia Parish was only allowed by the Democratic canvassers 145 votes for Warmoth.

I come next to

THE PARISH OF IBERIA.

The following statement has been furnished me as showing the true condition of affairs in the parish which was returned 1,923 for Nicholls, 590 for Warmoth:

In the parish of Iberia Governor McEnery made a revolutionary speech one week before the election. He said, in substance, that the negroes should not be permitted to vote; and if they did vote, such vote should not be counted; that there was danger of Warmoth's election, and that the white people ought to stand firmly together and roll up a majority against him.

From the day after this revolutionary speech a reign of terror commenced and bulldozers went out every night armed with Winchester rifles belonging to the State militia and terrorized the negroes. This continued up to and including the night before the election. Many leading negroes were ordered either to leave the parish or vote the Democratic ticket.

On the Sunday before election a prominent negro leader, the son of a well-to-do negro planter, Joseph Barabin, jr., was waited on at Jeanerette and offered money to support the Democratic ticket, which he declined. That evening he boarded the up train for New Iberia, and on his starting to get off the train at New Iberia he was met by some eight or ten bulldozers, who, after assaulting him with a stick, ordered him to get back on the train and leave the parish. He went to an adjoining parish, returned to his home the next day, and was again visited by the bulldozers, on whom he fired, wounding one of them and killing two horses. This caused a stampede, and when the force was renewed Barabin had managed to get out of the way, and he is now a refugee from his home and family.

On the morning of the election it was evident that no Republican votes would be counted as cast. The returning officers appointed the commissioners of election only the night before election day. These commissioners turned up and were only known to the Republicans when they seated themselves in the polling places on the morning of the election. They were all Democrats and of the lowest order. No representation was allowed the Republicans in or around the polling places. At the New Iberia poll the State militia, under command of Capt. Dudley Avery, were present under arms for the ostensible purpose of protecting the Democratic commissioner of election. Voting commenced at 7 o'clock a. m.; a large crowd of negroes were present desiring to vote. The commissioners commenced by delaying the voting by taking from ten to twenty minutes to find the name of the proffered voter on the poll-book and in many cases by refusing the vote on the ground that the name was not on the poll-book. This practice was kept up until about 10 o'clock, when bulldozing commenced at the poll and negroes were clubbed and abused and were run off.

About 11 o'clock, finding that the negroes persisted in trying to vote, another plan was adopted and effectually carried out. That plan was this: Some Democrat would fire off a large fire-cracker sounding like a pistol-shot in the court-house where the polling-place was located, and, upon this signal being given, the State militia would rush to the windows of the court-house and point their Winchester rifles at the crowd of negroes below them.

This conduct, which was repeated several times, had the desired effect, and nearly all the negroes left the court-house yard, and were told later in the day by their white Republican friends to go home and not attempt to vote any more. Notwithstanding the fact that only about half the registered vote of the ward was actually polled, when the count was made it showed a full registered vote, all polled for the Democratic State and parish ticket.

To further illustrate the situation, it may be stated that Mr. Merchant, a prominent lawyer and banker, was running on the Republican ticket for State senator against Mr. Avery, a planter and Democrat. At the poll above referred to the commissioners give Mr. Avery 484 votes and Mr. Merchant 80 votes. It can be conclusively shown that Mr. Merchant received more Democratic votes than his opponent and a solid Republican vote.

In the Fifth ward of Iberia Parish, where Capt. C. T. Cade, another militia commander, was in charge—

And I ask Senators who do me the honor of listening to me to mark the name Capt. C. T. Cade, for we shall presently hear from his operations on Friday last—

the bulldozers took a colored ward-leader by the name of Robertson Coleman, stripped and whipped him in the presence of the voters who had assembled to vote, then put him in a chicken-coop, kept him there near the poll under guard until evening, when they made him vote the Democratic ticket. A negro was beaten nearly to death for offering to distribute Republican tickets.

This sort of conduct was carried on all over the parish, and the election was a complete mockery, fraud, and count-out.

On the morning after the election Mr. Merchant stated openly that he intended to contest and show up the frauds. The evening of that day he was waited on at his banking-house by Captain Cade, of the State militia, and some of his strikers, and told that he had twenty-four hours in which to close his business and leave the parish. Captain Cade refused to give any reason for his act other than that he represented others in the matter.

Mr. Merchant notified the Democrats who had supported him at the election of what had occurred, and on Thursday morning they, about forty in number, armed themselves and went to Captain Cade and his strikers and demanded their reason for their conduct towards Mr. Merchant, and upon their refusal to give any they were informed that they must retract their order and apologize for their conduct, which they did under pressure. Mr. Merchant has made up his mind to close up his business at any sacrifice and leave the State.

He has held many offices of profit and trust, among others that of postmaster at New Orleans, and his personal and official record is beyond reproach His only crime is that of being a pronounced Republican, and for that he is boycotted in his business and not given any chance.

Mr. Merchant has emigrated to El Paso, Tex., and has gone into business there. I imagine that he is safe there if he does not make his Republicanism very pronounced. If he does, it is most likely that he will have to leave Texas as he had to leave Louisiana.

Mr. SPOONER. Is a white man safe there?

Mr. CHANDLER. I think they prefer, as an election method in Texas, to hang negroes rather than whites, and that if the Texas Democrats were left to their own minds they would kill negroes in preference to white men. I think, therefore, that Mr. Merchant is safe for a little while at El Paso, Tex., if he does not meddle with politics.

Mr. REAGAN. Will the Senator permit me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. REAGAN. I am surprised at the statement just made by the Senator from New Hampshire. I live in a county where the population is about equally divided between blacks and whites. There has never been a disturbance at an election in that county since the negroes have been free. Republicans all over the State take their position and discuss the issues just as they would do in New Hampshire or anywhere else, and they are as free from molestation as they would be in New Hampshire. If the gentleman knew the facts he certainly would not make such a statement as he makes here now.

Mr. EDMUNDS. In what county is that?

Mr. REAGAN. Anderson.

Mr. EDMUNDS. Not Washington?

Mr. CHANDLER. I suppose the Senator from Texas does not refer to Washington County, Texas. If he does he is entirely mistaken. The Republicans of Texas, in a Democratic county which they do not try to carry Republican, are tolerably safe from murder, but whenever there is a Republican county which remains Republican in a Southern State, enough killing is pretty sure, after awhile, to be done to change it from Republican to Democratic. That was exactly the case in Washington County, Texas.

The Senator knows very well that at the last election held there, in November, 1886, when there was a large Republican majority, three negroes, Shadrach Felder, Alfred Jones, and Stewart Jones, were taken from jail by a mob and hanged, exactly as Judge Chisolm was put in jail and murdered, strictly in accordance with the favorite Southern method of getting rid of Republicans, which is this: First get up a false charge against the Republicans, put them in jail, and then break into jail and murder them. The Senator probably did not have Washington County, Texas, in mind when he said that Republicans were just as free to make speeches and to vote in Texas as they are at the North.

Mr. REAGAN. I know that there was a disturbance in Washington County, but I am not advised of the actual facts connected with it. In order that the Senate may understand the recklessness with which the Senator from New Hampshire speaks, I will state that there are perhaps twenty or twenty-five counties in Texas where there are negro majorities and where they vote majorities habitually at all the elections.

Mr. CHANDLER. I will ask the Senator how many Republican counties there are in Texas that remain firmly and continuously Republican counties?

Mr. REAGAN. I can not enumerate them all now, but I will tell the Senator some of them. Harrison is Republican by about 1,100 majority, and there has never been anybody killed or hung or hurt there for voting. And there are Montgomery, Walker, Fort Bend, and Brazoria Counties, and two or three counties below Brazoria. I do not recall the names now, but there are more than twenty counties with habitual Republican majorities.

Mr. CHANDLER. How many, may I ask?

Mr. REAGAN. I can not give the specific number, but I tell the Senator——

Mr. CHANDLER. Does the Senator not know the number of counties in his own State? How many counties are there in the whole State?

Mr. REAGAN. About one hundred and eighty.

Mr. CHANDLER. And of that number there are twenty Republican counties. Will the Senator tell us about how many colored voters there are in the State of Texas?

Mr. REAGAN. That I can not say, but perhaps nearly one-third of the voters of Texas are colored voters—more than one-fourth of them.

Mr. CHANDLER. Is the Senator through?

Mr. REAGAN. If the Senator will allow me, I will say that the colored population of the State is in a part of the State that was settled a good while back. A very large part of the State has been settled since the war, and in that part of the State the colored population is very limited. In El Paso I suppose there may be some colored people, but I do not know whether there are or not.

Mr. CHANDLER. The State of Texas, I think, almost comes up in its returned majorities to the State of Louisiana. I think the State of Texas returns a majority of about 136,000. I will concede to the Senator from Texas that it is not quite so dishonest as the 84,000 returned for Nicholls in Louisiana.

Mr. REAGAN. The Senator is reckless, and falsifies the facts when he talks about illegal voting in Texas as a rule.

Mr. CHANDLER. As the Senator has admitted that he does not know anything about this Washington County outrage, which has been under investigation by the Senate here for a year and a half, I think it would be well for him to make an investigation, and then he will be able to tell, when he is asked about it, all the facts as he understands them.

Mr. REAGAN. I live remote from Washington County, and I have never seen a witness or a line of testimony on the subject yet.

Mr. CHANDLER. I have no idea the Senator wants to, either.

Mr. REAGAN. The Senator ought not to exercise such reckless impudence in making a speech.

The PRESIDENT *pro tempore*. The Senator from Texas transcends the bounds of parliamentary propriety and order in debate when he applies epithets like those to the Senator from New Hampshire.

Mr. REAGAN. I am willing to withdraw them.

Mr. CHANDLER. Am I at liberty to reply to the use of the word "impudence?"

The PRESIDENT *pro tempore*. The Senator is not, unless he proceeds in order.

Mr. CHANDLER. I shall endeavor to rest comfortably under the infliction. I am glad that I can not be subject to any worse stigma.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Texas to withdraw his language.

Mr. COKE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. CHANDLER. Certainly; I will yield to anybody from a State where negroes are murdered on account of their politics.

Mr. COKE. I desire to say that I have quite an intimate acquaintance with the transactions in Washington County, which have been under investigation by the Senate Committee on Privileges and Elections. The testimony has been taken by the committee, but it has not yet been published, it has not yet been laid with the report upon it on the desks of the Senators, and I submit that it is hardly fair to comment upon the transactions involved in that testimony until it is published and until a report is made upon it. Whenever a report is made upon it, and whenever that testimony is laid before the Senate, I am prepared to show that the election in Washington County has not been such as it is represented to have been by the Senator from New Hampshire, and I am prepared to vindicate Washington County and the State of Texas against the aspersions that are being cast upon them.

Mr. SPOONER. Mr. President——

Mr. CHANDLER. I yield to the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I quite agree to the proposition made by the Senator from Texas, that before the incoming of the report from the Committee on Privileges and Elections in regard to the alleged outrages in Washington County, Texas, the discussion of transactions there ought to be deferred. I regret that the Senator from Texas did not content himself with that statement instead of going beyond that to notify the Senate and the world what he would do when the time came by way of defending Washington County and the State of Texas against any imputation upon the fairness of her elections.

I do not intend to go into any elaborate discussion of the alleged outrages—I withdraw from this time forth the word "alleged," which by politeness has been used thus far in connection with the election in Washington County, Texas—the outrages I will say. But when the Senator says he proposes to vindicate that county and State from the charge of gross outrages upon the elective franchise and upon the rights of citizens, he undertakes to do what no mortal man can do.

Mr. COKE. Will the Senator allow me to interrupt him?

Mr. SPOONER. Yes, sir; I will.

Mr. COKE. I will say, Mr. President, that whenever the testimony taken in that investigation is laid before the Senate and a report made upon it, and the Senate is asked to consider it, I can and will show by comparison with reports of investigations which have been made by the Senate and the House into elections in many other States that the election in Washington County is not more liable to criticism than the elections in numerous counties in New York, in Massachusetts, in Rhode Island, in Connecticut, and in other States. I do not pretend to say that I can defend the transactions in Washington County which have been investigated, wherein the law is alleged to have been violated. I do not intend to attempt a defense of anything unlawful in Washington County.

Mr. SPOONER. Then I misunderstood the Senator.

Mr. COKE. But I can show and I shall show that the hands of the people of Washington County are as clean in that regard as are those of the people of a hundred counties in Northern and Eastern States which have undergone similar investigations.

In other words, Mr. President, I propose to show, and I can show by the testimony, that the people of Texas are exactly like other people, neither better nor worse, and that the elective franchise in Texas is exercised as it is elsewhere, and that the violations of law in this respect are no greater than they have been in every age of the world, in every country where the elective franchise has been enjoyed.

That is all I have to say until the matter comes legitimately before the Senate. I am willing to put the Texas record by the side of the record of New York, of Massachusetts, of Rhode Island, and of Connecticut.

Mr. PLATT. Does the Senator mean to be understood as saying that there has been any investigation of elections in Connecticut by Congress?

Mr. COKE. I think there has been. I will not be positive.

Mr. SPOONER. Mr. President——

Mr. COKE. Will the Senator allow me——

Mr. SPOONER. Certainly; I thought you were through.

Mr. COKE. I simply say I can show that there is no peculiar wrong in Texas that does not exist commonly in the States of this Union where the right of suffrage is concerned, and that while a few instances are shown where force and violence have been used in Texas elections, I can and will show a great many more instances in which fraud and intimidation have been used in the elections in the Eastern and Northern States of this Union. Fraud and force are classed together in all the law-books.

Mr. SPOONER. They existed together in Washington County.

Mr. COKE. They are equally odious. For every instance of force that you can show in Washington County I can show twenty instances of fraud and intimidation in counties in Massachusetts, in Rhode Island, in New York, and in Pennsylvania. A comparison of Washington County with counties in these States will vindicate Washington County in respect to the charges made against her people.

Mr. SPOONER. Mr. President, I understood the Senator from Texas to give notice that when he came properly to speak upon the Texas investigation he would vindicate the State of Texas and the county of Washington against the charge that the elective franchise had been trampled upon and outraged in that State and in that county. I understand him now to say that he does not expect to undertake that herculean task; that he will not attempt to justify what took place in Washington County so far as it constituted an infraction of the law; that his attempt will be to show that the State of Texas, including the county of Washington, is comparatively decent in its treatment of Republican voters; that is to say, by comparison with other States——

Mr. COKE. We do not pretend to be better.

Mr. SPOONER. That by comparison with other States it will be found that the State of Texas is as good as to the purity and peacefulness of its elections as those other States. The Senator may show by a comparison with some other States conditions as bad in those States as were shown to exist in Washington County, Texas; but I beg to inform him that if he succeeds in doing that he will be obliged to limit his comparison to States south of Mason and Dixon's line.

Mr. COKE. I will say to the Senator——

Mr. SPOONER. I am not through yet.

Mr. COKE. Very well.

Mr. SPOONER. The Senator says that he will find frauds in the elections in Northern States with which he can successfully compare the frauds in Texas. I admit it, perhaps. He will find Democratic frauds year after year, at election after election, in the great city of New York which I think even Texas will be powerless to excel; but he can not compare with any Northern State, or any election which ever occurred in any Northern State, what transpired in Washington County, Texas. That was not simply fraud in the count. I do not know that at that election there was any fraud in the count. There was force in Washington County, Texas. There was bloodshed in Washington County, Texas. There was murder in Washington County, Texas.

Where at any election north of Mason and Dixon's line can you find these elements? I have known of none. In Washington County, Texas, three men were taken out and hanged, in the gray of the morning, without having committed offense except that they were colored and that they were Republicans. Poll after poll in Washington county, Texas, was raided and the ballot-boxes and ballots forcibly taken.

Mr. COKE. Will the Senator allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. COKE. The Senator's statement is not correct. There was a negro, perhaps two negroes——

Mr. SPOONER. Oh, three negroes.

Mr. COKE. Three negroes.

Mr. SPOONER. You see the Senator evidently does not know as much about it as I do. The Senator does not even remember the number of negroes hung; a trifling matter, however.

Mr. COKE. They were taken out of jail in the town of Brenham, in Washington County, and hanged by a mob, not because they were Republicans, not because they were negroes, but because they had murdered in cold blood a white man, Young Bolton, at one of the election precincts in Washington County.

Mr. SPOONER. The Senator has had before him every line and word of the testimony which has been taken by the committee, and I am astounded that he should assert that those men were guilty, or in good faith charged with being guilty, of killing this man Bolton, who was shot down, as he ought to have been shot down, and as more men just like him ought to be shot down, when he sought at the threshold of the polls, when they were counting the vote in a peaceable and quiet way, to wrest by force from the officers of the election the poll-list and the ballots in order that the latter might not be counted and returned, he and his associates being in disguise.

But beyond all that, sir, murder and the robbery of the ballot-boxes, there is more and almost worse. Three men whose names were signed to that petition, upon whose prayer this testimony was taken, are today exiled from the law-abiding State of Texas, one of them living in Los Angeles, Cal.; another living in your own State, Mr. President, and engaged in business there, succeeding well at Topeka, who could not even live in Washington County, Texas. Those men are just as completely exiled from that State, precluded from living there with their families, as if they were fugitives from justice.

Mr. EDMUNDS. Because they had petitioned?

Mr. SPOONER. Yes, because they had petitioned for one reason, and next because they dared to be Republicans and to make Republican speeches in that county.

I did not intend to speak at all upon the Washington County outrage matter until the testimony had been laid before the Senate accompanied by the report, and have been led to do so thus briefly only by the Senator's promise in advance of a complete vindication. I have been speaking in the time of the Senator from New Hamphire, for which I really owe him an apology. I simply desire to say further that I hope within a very short time that testimony and the report will be laid before the Senate and the country in order that they may judge between the Senator from Texas and the committee. I shall then present this case with some care, and it will interest the Senate, I am certain.

Mr. COKE. If the Senator from New Hampshire will allow me——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. CHANDLER. The Senator does not want to be long?

Mr. COKE. Just a moment. I only desire to say that the statement made by the Senator from Wisconsin with reference to the three persons who filed a memorial here is incorrect.

Mr. SPOONER. How is that?

Mr. COKE. I say that your statement with reference to those three persons who signed and presented a memorial upon which the investigation of Washington County was based is incorrect, when you speak of them as being good citizens and prominent men.

Mr. SPOONER. Every Democratic witness who was examined before that committee, brought here by my friend from Texas, testified to the good character for citizenship and integrity of one of those men, Mr. J. L. Moore.

Mr. COKE. I know that, as to Moore.

Mr. SPOONER. Yes; and I had a letter from him last night lamenting that, being an American citizen, he yet could not go back to his old home in Texas and live there. He is with the rest as much a fugitive as if he had been expelled upon a charge.

Mr. COKE. I simply have this to say in reply to the Senator from Wisconsin, that this man Moore is absent by his own choice. He had been trying to sell his property in order to move to California for more than a year before this election trouble occurred, and he is not supposed by anybody in Washington County to want to go back. Hundreds and even thousands of Republicans live in peace in Washington County, and why could not this man Moore do the same?

Mr. EVARTS. Mr. President——

Mr. CHANDLER. I yield to the Senator from New York [Mr. EVARTS].

Mr. EVARTS. If the Senator will allow me, I do not propose to trespass upon any of the proprieties in a discussion on what will be undoubtedly fully discussed in the Senate upon the report on the Washington County outrage; but I am unwilling that there should go for one moment an impression that these unfortunate colored men were hanged by a mob because even a mob thought that they had been engaged in an act of violence against a white man.

Five of these colored men were seized by authority of law and imprisoned with no charge at all against them, and then, thus inclosed, they were not defended against a mob by the authorities; and three of them were taken out and hanged because they proved that Bolton, the white man, was not slain in pursuance of any peaceful right of his. For that reason they were secured, and for that reason they were not saved from the mob, and for that reason they were hanged, that they might not speak the truth in the evidence that should be given.

Mr. REAGAN. May I ask the Senator from New Hampshire to yield a moment? I know nothing about the transaction referred to in Washington County. What I wish to say is that I have a very extensive acquaintance with the people of Texas and their action, and if it be taken for true that there were violence, wrong, and murders committed there, I do not think it justifies the wholesale slandering of the State of Texas and charging the whole State with actions of a particular kind.

Mr. SPOONER. I agree with that.

Mr. REAGAN. Taking the whole State together I doubt not it is as orderly, as law abiding a State as there is in the American Union.

Mr. SPOONER rose.

Mr. CHANDLER. I yield to the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. In this connection I desire to say one thing further about this case. The evidence can not be disputed and will not be disputed, that these negroes were hanged by a mob. I doubt if any man who hears me could read what they said when they were led out to die without shedding copious tears, if he has any heart or soul in him.

It appeared from the testimony of all the witnesses, including ex-Governor Ireland, who was governor of the State at the time those negroes were murdered, and including the county judge, Kirk, in office then, in office now, who was the boss devil of the whole business, that no effort had been made to apprehend the men who committed these murders.

Although the fact had been brought to the attention of the governor, no reward, he testified, had been offered for their discovery and conviction. The testimony showed that in the county neither the prosecuting attorney, nor any of the magistrates, nor any one had taken any step towards the discovery of the men who had hung those colored men, towards bringing them to justice.

Mr. DAVIS. Did the grand jury investigate it?

Mr. SPOONER. Did the grand jury investigate it? No; it never was brought before a grand jury of the county, and no more attention was paid to it after a farcical inquest than if three little dogs had been shot down in the streets of Brenham, and everybody glad to get rid of them.

Mr. COKE. Mr. President, just allow me to say——

Mr. CHANDLER. Certainly; this Texas debate, Mr. President, may go on until the end, so far as I am concerned.

Mr. SPOONER. I am not quite through. I sought in the examination of a large number of witnesses to ascertain why it was that these white men, the petitioners to the Senate, were to be driven from Washington County, Texas, why it was that they could no longer live in safety there, what they had done, and the universal answer was that they had made incendiary speeches to the negroes and had sought to hold them to vote the Republican ticket.

This was a strong Republican county and these precincts which were raided were strong Republican precincts. I examined those witnesses in order to ascertain what constituted in their opinion an incendiary speech, and none of them gave a definition of an incendiary speech. I asked them, "What did these men say to the negroes at the meetings that you consider incendiary?" Among other things some testified, "Why they told the negroes that if the Democratic party succeeded their wages and the price of cotton would go down, and if the Republican party succeeded their wages would not go down."

Down there in Washington County, Texas (which, I believe, has the honor of being a constituency of Hon. ROGER Q. MILLS, the great economic statesman), it is a crime to discuss protection at a negro gathering. It is incendiary for a white man, no matter how sincere he

may be, to say in a public speech to a colored audience that his interest and his well-being in a material sense lie in the direction of the success of the Republican party.

Principally, as I remember it, the test as to what constituted an incendiary speech, as given by these witnesses, was that they were appealed to to stand by the Republican party in the interest of high wages and a better condition and more liberty, as against the Democratic party in the interest of low wages and a lower prosperity, and that that tended to make the negroes discontented with their situation.

Mr. COKE rose.

Mr. BLAIR. I wish to say——

The PRESIDENT *pro tempore*. Does the Senator yield to the Senator from New Hampshire?

Mr. BLAIR. I was only going to observe that I hoped this discussion would impress upon the Senators from Texas the necessity of the passage of the educational bill. [Laughter.]

Mr. COKE. All I desire to say at this time in reply to the Senator from Wisconsin is that the testimony from which he quotes, in my judgment, utterly fails to justify any such conclusion as he draws, and I think I shall be able to show the truth of that assertion whenever the case comes up for debate. That is all I wish to say.

Mr. SPOONER. I am willing to stand trial on that.

Mr. CHANDLER. Mr. President, about the only thing in connection with the State of Texas which the Senator from that State, who interrupted me, does not seem to know is this transaction in Washington County. I hope that before long he will find out and tell the Senate why it was that on the 2d day of December, 1886, Shadrach Felder, Alfred Jones, and Stewart Jones were taken from the jail in Brenham and hanged.

Mr. President, we will pass from the killing of colored people, because they are Republicans, in Texas, to a renewed consideration of the killing of Republicans in Louisiana because they are Republicans. I have in my hand the Times-Democrat, of New Orleans, of Saturday, August 18. I find a notice of myself in that sheet, and I ask the particular attention of Senators to three extracts from this journal of Saturday last.

[Special to the Times-Democrat.]

WASHINGTON, *August* 17.

The bloody shirt will once more wave in the Senate on Wednesday. Mr. CHANDLER gives notice that he will call up for consideration his resolution in regard to the investigation of the Louisiana elections. He proposes to make a speech in support of his resolution, but no one suspects him of a desire to have the investigation started.

We will see about that when we get to a vote.

As the matter stands at present, it gives Mr. CHANDLER an opportunity to repeat all those old time-worn stories about Southern "outrages." He thinks that during this campaign the Republican party will be benefited by the digging up of those old bones, and thereby, in effect, admits that the G. O. P. is in a mighty poor way, and needs all the props and supports it can possibly secure, even though some of them are rotten.

I turn to the left side of this same sheet which speaks of these stories as time-worn and rotten, and as old bones, and will read an extract:

Opelousas is in St. Landry Parish. It returned 3,909 votes for Nicholls and 3,278 for Warmoth. The white voters numbered 5,507, and the black voters numbered 4,659. St. Landry is a parish where the black voters are trying to hold their own. This is the extract:

ON TRIAL FOR MURDER.

[Special to the Times-Democrat.]

OPELOUSAS, *August* 17.

Before District Judge Lewis to-day the case of Deputy Sheriff John W. Seeley, Louis Young, Alfred Young, Riviere Richardson (colored), Valle Bellare, and Lucien Chapman, charged with the murder of George Anderson and the shooting and stabbing of Louis Jackson, both colored, came up for a hearing on a writ of habeas corpus to show cause why they should not be admitted to bail.

At the close of this report proceedings were still pending and will probably continue another day.

According to the testimony elicited before Coroner Dr. Littell and Judge Lewis, it transpires that the two men were arrested in Bellaire Cove, near Ville Platte, charged with violating the hoodlum act, in other words, disturbing the peace.

I undertake to say from what I know of such transactions that those men were charged with no substantial offense whatever.

Deputy Sheriff Seeley executed the warrant, and with his prisoners tied and bound, and accompanied by Richardson and Chapman, whom he had pressed into service, proceeded in a hack on the way to jail at Opelousas. When about 7 miles from town, on the Ville Platte road, the party was stopped and both prisoners shot, Jackson being also stabbed. The wounded men were then continued on their way to jail and incarcerated by the deputy sheriff, who gave no explanation of the affair or made no report to the sheriff.

Anderson subsequently died, and in his dying declaration charged Seeley—

That is, the deputy sheriff—

with the shooting, just to please Louis Young.

The other victim, who is dangerously wounded, in his testimony implicates Seeley and the Youngs, with whom he about a year ago had a previous difficulty before Judge Lewis.

Richardson made a clean breast of his share in the business by telling, among other things, that he shot Frank Caroline, a colored man, who, with his family, they met on the road in a buggy. He swears that the deputy sheriff had nothing to do with it.

Considerable indignation is felt in this community and the act is severely denounced, despite the previous good standing of the accused. The idea of prisoners, tied and helpless, being shot while in custody so stirred up the people that during last night the jail was guarded for the protection of the accused.

The attacks on the prisoners is attributed to the combined influences of liquor and an alleged old grudge of the Youngs against Jackson, growing out of a previous difficulty over a game of cards where Young, senior, got the worst of it.

Mr. President, I make the prediction that nobody will ever be punished for that dastardly, and I believe, premeditated murder of those two negroes against whom a false charge was made and who were arrested in order that they might be killed by the very officer of justice who arrested them.

Mr. BUTLER. What paper is that?

Mr. CHANDLER. The Times-Democrat of Saturday, August 18.

Mr. BUTLER. Published at New Orleans?

Mr. CHANDLER. Published at New Orleans.

Now, on the outside of this same paper, which says it is my intention to bring up rotten and time-worn stories of Southern outrages, I find an account written for this Democratic newspaper by a reporter whom it sent to the spot for the purpose of making a report, and who was undoubtedly a Democrat, of the New Iberia outrage, to which I called the attention of the Senate when I first commenced my remarks; and in connection with this extract before it is read I want Senators to recall the fact that Capt. C. T. Cade was the man who drove William B. Merchant out of the parish of Iberia, and compelled him to take refuge in the tender mercies of the peace-loving and orderly citizens of the State of Texas.

I will ask the Senator from Maine [Mr. FRYE] to read the article in the Times-Democrat of August 18, headed "Eleven men killed." This was only last Thursday.

Mr. FRYE read as follows:

ELEVEN MEN KILLED. FIGHT BETWEEN A SHERIFF'S POSSE AND NEGROES IN IBERIA. THE NEGROES OPEN FIRE ON THE POSSE, AND KILL MR. E. PAYSON SMITH—THE FIRE RETURNED, AND A SHARP BATTLE ENSUES—TEN NEGROES KILLED, AND ONE WOUNDED.

[Special to the Times-Democrat.]

NEW IBERIA, *August* 17.

The funeral of E. P. Smith, who was killed at Freetown on Thursday, took place here to-day. His remains were exposed in the Episcopal Church, on Main street, and at 5 o'clock, the hour fixed for the funeral, the church was crowded to its utmost capacity. Rev. Mr. Kramer officiated. The remains were interred in the Episcopal cemetery, the funeral cortegé including the Iberia Guards, Lieutenant Burkhart in command; the Attakapas Rangers, Lieutenant Smedes; Phœnix Bucket Fire Company, of which deceased was a member; and the entire fire department. The floral offerings were numerous and beautiful.

Mr. Smith came to New Iberia in 1869 and embarked in land speculations. He was a native of the city of Chicago. At one time he was in partnership with J. C. M. Robinson, but the partnership was dissolved some years ago.

Mr. Smith, who was forty-two years of age, was unmarried and had no relatives in this section of the country. He was an active member of the Iberia Guards, and a national Republican, but in all local issues he voted the Democratic ticket and was an active worker for that party.

The causes which led to the sad and untimely taking off of the deceased were briefly narrated in Thursday morning's Times-Democrat, and with a view of obtaining the full particulars of the fight a staff correspondent of the Times-Democrat was dispatched to the scene, arriving in due time at New Iberia, where very little difficulty was experienced in obtaining the particulars of the deplorable tragedy.

So as to make the story clear to those unacquainted with this section of the country and give them a proper conception of the situation, it is necessary to begin with the organization of the "regulators," which took place some weeks ago.

The objects of the association are to punish the wicked by whipping parties found guilty of improper conduct. In all the Attakapas parishes the regulators grew and flourished until they became quite strong, so strong, in fact, that to resist them seems to be an impossibility. They claimed that they were a necessity, as the morals of the lower class of whites and blacks were becoming terribly bad.

Near New Iberia, about 10 miles to the westward, is situated the little village of Freetown, a place occupied entirely by colored people, who own property, raise crops, and live very much as they please. Some of these colored people are quite respectable and wealthy, while it is alleged that others are decidedly bad.

When the attempt was made to regulate affairs at Abbeville, Vermilion Parish, on August 10, some of the refugees from that place went, so it is said, to Freetown, where the bad negroes agreed to protect them from the regulators. They openly made threats that they would protect any and all colored refugees, and would regulate the whites if they attempted to regulate them.

These are the reports which reached New Iberia and other towns, and the whites began to feel that it was time to act. During the beginning of the week the complaints from Freetown became more frequent and alarming, and it was reported that the colored people were drilling every night, riding rough-shod over people's places, and in other ways conducting themselves in a manner considered very objectionable. This was the condition of affairs when the following letter was received by Captain Cade:

"POTEAU, PARISH OF IBERIA, *August* 15.

"To Capt. C. T. CADE, *New Iberia, La.*

"DEAR SIR: We, the undersigned citizens and residents of the Fifth ward of the parish of Iberia, Louisiana, do respectfully beg you to come out with your company on the nearest future day to preserve the peace in our neighborhood among the negroes. They are all under arms and ready to do some bad work among the whites. We assure you that they are all armed and ready for fighting, especially in Freetown and at old Tom Simons's place.

"Awaiting to be helped, yours."

Signed by Euclieu Norres, Duplic Romero, Jos. Remero, Burese Delahoussaye, Dema Delahoussaye, Horner Romero, Dupre Romero, Cenesse Delahoussaye, Jos. Norris, R. F. Drouen.

Captain Cade, who is a deputy sheriff, showed the letter to numerous influential citizens, and after discussing the matter thoroughly he concluded to go with a posse and demand the surrender of guns and arms held by the negroes. The party consisted of eight men, and Captain Cade left New Iberia at 1 a. m. on Thursday, August 16, and reached a point beyond at 11 o'clock.

In passing near Freetown Captain Cade was informed that assistance would soon join him. After a wait of some minutes Captain Cade was joined by squads of armed men from Vermilion and Lafayette Parishes. Thus augmented, the posse numbered about one hundred and fifty men. A brief consultation resulted in a plan of action, and the posse was divided into two squads and rode into town.

It was now just 1 o'clock and very few negroes were found in the streets. Thomas Simon, one of the most respectable negroes in this section, was sent for and he came to the posse. Simon was sixty-five years of age, had a large fam-

ily, and owned property. He was friendly, or pretended to be, to Captain Cade, and Captain Cade asked him to call the negroes out and get them to surrender their arms, promising if they did so that no harm would come to them. Simon had a consultation with the negroes, who had congregated in a large two-story house owned by Celestin Nore, a preacher. Old Simon returned from his trip with the information that the negroes had scattered and could not be found. He said that the posse would have to come some other day if they wanted to see the negroes.

While this conversation was going on one of Captain Cade's men saw a number of powder-horns, guns, etc., in the house, and so informed the captain. Simon then left the captain, but lingered in the vicinity.

A negro named Kokee was then pressed into service. He was sent into the house by Captain Cade with instructions to tell the negroes that they would be given five minutes in which to surrender their arms, promising if they did so that no harm would come to them.

The five minutes elapsed and then Kokee came to the door with one negro, who stated he was willing to surrender. The posse had been in front and around the house for over two hours. They had used every effort to get the negroes to surrender their weapons, but apparently without effect.

The one negro who appeared at the door with Kokee held his gun in his hand. One of Captain Cade's men call out to him to drop the gun. He did it, and as he did the negroes in the house opened fire. The fire was returned by the posse. Volley after volley was exchanged.

Then the fire became more ragged, but for over thirty minutes was kept up. Then the responses from the house where the negroes were surrounded began to grow faint and finally ceased entirely. Captain Cade approached the house and attempted to push aside a window-curtain so as to see inside. As he did so he was fired on, but retreated unhurt.

Then E. Payson Smith and Alfred Lasalle approached the door. Captain Cade ordered them to return, but they persisted. His commands were unheeded, and the men boldly rushed into the house to ascertain the result of the fire of their comrades. Just as they entered they were fired on.

A cloud of smoke filled the doorway and Lasalle emerged out into the open air, pistol in hand, firing into the house as he retreated. Smith was not with him, and at once it flashed through the minds of the posse that he had been killed. Smith's name was called again and again, but no answer was received. Lasalle said he thought Smith had been killed.

At this moment a number of negroes from the other end of town came up and surrendered their guns. They were not molested. One of them, Marshall Degas, was directed by Captain Cade to enter the house and bring out Smith's body. The firing had stopped on both sides and not a sound emanated from the building.

Degas did not enter. He looked in at the window and saw that Smith was dead. He reported that fact to Captain Cade, and, as he was not strong enough to carry the body out, asked for help.

Another negro was sent to his assistance, and they brought the dead body out. It was found out that one-half of Smith's face had been shot off and that his heart was filled with buckshot. His weapons had been taken from him. The same negroes who had previously entered the house were ordered to go back again and draw the curtain, so that the posse could see how to fire into the room.

As the negro entered two negroes jumped out and ran into the field. They were shot down as they ran. By this time the negroes, who had been so ordered, pulled down the curtain, and the posse saw that the window was covered on the inside by a feather mattress. The mattress was seen to move, and in an instant it was riddled with bullets.

Death, certain and instantaneous, came to those behind it. It was now growing late, and the house was still surrounded, but its batteries appeared to be silenced. Celestin Nore, the owner of the house, arrived at this time and was sent by Cade into the house to ascertain if any one was still alive.

Celestin is a colored preacher, and he entered fearlessly. He came out and said that all were dead. It was not considered safe to believe him, however, and he was ordered to take other negroes to assist him and to bring out the corpses. This he did, and soon what appeared to be the bodies of five dead negroes were laid out in the grass. The posse congregated around the bodies.

One of Captain Cade's men thought he detected signs of life in one of them. He said: "Captain, here is a negro shamming; he ain't hurt." The body was turned over and over and examined carefully, but not a scratch could be found.

All this time the supposed corpse remained perfectly motionless. One of Captain Cade's men raised his heavy riding whip and it fell with stinging force on the body. Unable to stand the pain, the negro, who had taken such desperate chances for his life, sprang to his feet and was instantly riddled with bullets. There being no longer any doubt as the fate of the negroes, the posse began collecting the arms, and secured twenty rifles and guns and any number of pistols. The negroes who had been captured were given their liberty; they, of course, turning over their arms to the posse.

A list of the killed among the colored is as follows: Sam Kokee, Thomas Simon, Antonio Michel, alias Smith; Ramson Livingston, jr.; John Simon, Peter Simon, and four others, whose names could not be learned.

Only one negro, Alexis Lade, was wounded. His injuries are not serious.

In speaking with Captain Cade as to the causes which led to the organization of the regulators and to the subsequent trouble, it was learned that shortly after the regulators were organized a colored man was whipped for unbecoming conduct at a point 2 miles from Freetown.

Then two men, one named Alcee and the other François Brouare, were ordered to leave the parish. The negroes then became aroused. Two weeks ago Captain Cade was asked by old Simon to regulate his own boys, as they would not work or do anything. The idea with them seemed to be that they were going to be ordered to leave town. Captain Cade assured Simon that he would not be troubled, nor would his sons be.

Of late the blacks at Freetown, Captain Cade said, had been growing very dangerous, and at night they would commit numerous depredations, fire guns, etc. They defied the white people residing in the vicinity. This caused the letter to Captain Cade, and the row ensued as stated above, Captain Cade holding that he was simply acting as a deputy sheriff.

Freetown is situated on a small hill. Its population is composed of colored people exclusively. It was founded by Celestin Nore, Thomas Simon, old man Nelson, and Romson Livingston and others. Livingston purchased the land and sold it to the other colored people who wanted to purchase small farms. The settlement dates its beginning some time in 1870. Its present population is about 300 all told. The voters number from 75 to 100. The seventh ward of Iberia Parish includes Freetown. It is about 4 miles from Royville, the same distance from Cade Station, and 10 miles from New Iberia.

During the evening it was rumored that the negroes at Petit Anse had armed, and an excursion in that direction at one time seemed to be in preparation. Later, during the evening, negotiations were opened with Captain Cade, and all the negroes in Petit Anse agreed to surrender their arms, provided they would not be molested or whipped.

Deputy sheriffs will go out in the morning and get the guns and weapons of the negroes.

The coroner's jury late at night returned to Iberia from Freetown. The report of ten negroes being killed was verified. Their bodies, with the exception of one, had been buried before the jury, which left New Iberia at 2 p. m., arrived.

The dead negroes were interred by their friends and relatives. Alexis Lade, the only one wounded during the fight, stated to the coroner that the firing was begun from the house by the negroes. He is the man who came out of the house and surrendered when the shooting began. All is quiet here now.

Mr. CHANDLER. "Old bones," Mr. President; "time-worn stories!" Why, the quivering flesh and the fresh blood of these negroes is to be found in the streets of Freetown this very day. This occurred but last Thursday, and this murder of negroes was as atrocious almost as any one that can be found in all the annals of this bloody business of keeping the South solidly Democratic; it is as damnable as the murder of eight negroes in Spanish Camp, Tex., the facts of which I hope will be presented to the Senate at some time by the Senator from Wisconsin [Mr. SPOONER], and I commend to the Senators from Texas an investigation, if they want to know what is going on in their State, of the bloody butchery, the shooting down, near a cabin where they had taken refuge and from which they were driven by setting it on fire, of nine negroes, about February 28, 1883, at Spanish Camp, Wharton County, Texas.

Mr. President, these negroes at Freetown, La., were peaceable; they were doing nothing wrong, yet they were to be subjected to the processes of what are called "the regulators," who are engaged in the business of whipping negroes in Iberia Parish in order that they may be in such a state of intimidation that next November they will not attempt to go to the polls and vote for Cleveland.

Mr. SPOONER. You mean Harrison.

Mr. CHANDLER. Yes, for Harrison; but according to the modern Democratic theory, they are all dying to vote the Democratic ticket; certainly a good many of them are dying without doing it.

Take the facts in this case. This gang of Captain Cade, which is engaged in bulldozing Iberia Parish, it appears from the statement which the Senator from Maine read, killed Thomas Simon, and the meanest and most dastardly and wicked thing of all is that they killed this very Sam Kokee, whom they pressed into the service and sent into the house. Among the list of the killed we have Sam Kokee, Thomas Simon, Antonio Michel, Ramson Livingston, jr., John Simon, Peter Simon, and four others.

Here was a settlement of colored people owned by Thomas Simon mainly, and these negroes, hunted for no cause, while exercising only the rights which they are supposed to have as American citizens, took refuge in the house of the clergyman, their pastor, and were shot to death, as this Democratic reporter states in the report which he makes to a Democratic newspaper, and this is called "raking up old stories!" Why, Mr. President, this sort of business is a political movement, a perpetual political movement of the Democratic party in the Southern States, especially in the States of Louisiana, Mississippi, and South Carolina, and it is carried on for the purpose of keeping the South solid while violating and annihilating the fifteenth amendment to the Constitution of the United States.

I come now, Mr. President, to

EAST CARROLL,

which was returned as casting 2,680 votes for Nicholls and 285 votes for Warmoth. The white voters registered in the parish are 233; blacks, 2,343. These 233 whites, if the color line was drawn, cast 2,680 votes, while 2,343 colored voters were only able to cast 285 votes!

The following statement as to the condition of affairs in East Carroll has been furnished me by a person of the highest character, whose name I will give to the committee of investigation:

If the voters of the Northern States are willing to submit to this condition of things, I say their Southern masters ought to take charge of them and make them slaves for life. We are powerless to do anything here. There is no pretense of any honesty in elections in Louisiana. At our election in April there was at no one place in this parish any connection whatever between the votes cast and those counted—no attempt to influence voters, and no attempt to disguise the fact that they count out of a different box. For instance, in one ward where there are about 260 voters, about 11 of whom are Democrats, the Republicans had tickets printed with red letters instead of black, and the votes went in about as above; but when they took the ballots out to count them there were only about 10 red tickets in the box, and the balance, about 250, were straight Democratic votes.

In one little far-back precinct, where there are only 43 registered voters, 2 of whom are Democrats, they returned 123 votes for the Democratic ticket and none for the opposition. None but registered voters have the right to vote. The law requires a list of voters to be brought from each polling-place and deposited with the clerk; but from no one place was this brought in, though demanded of each set of commissioners.

So, you see, they do not pretend honesty in elections here. You see in the papers that the negroes are turning to be Democrats, and some of our local papers commented on this just after the election. Those who read such articles here recognize them as jokes. When my attention was called to some such article I remarked that there could be no harm in mixing up a little plain lying with the greater felonies that are being committed.

There are about 2,500 voters in this parish, 313 of whom are Democrats and the balance Republicans; and the Democratic State ticket received 2,785 votes. What I hope for is to see the thing rebuked by a solid North, and the election of Harrison. I think this question overtops all others before the people, and feel that such a towering outrage on popular government can not always be allowed to exist.

In my hand I have the Democrat, the "legal organ of the parish of East Carroll" and "the official organ of the town of Providence," published in Providence, and dated Saturday, April 7, 1888, which has the State Democratic ticket headed by Governor Nicholls at the head of its columns. The leading editorial is headed "Dangerous and damaging doings."

DANGEROUS AND DAMAGING DOINGS.

The threatened "revolution" has already been inaugurated by driving from

their homes several prominent negroes in Madison Parish, with the warning that they must not return until after the election on the 17th of April.

The lawlessness of such doings is beyond question, and every law-abiding citizen will denounce such high-handed measures as unjust and destructive of the best interests of the people.

Taken from the same number of the Democrat, I ask the Secretary to read the letter of E. J. Delony, candidate for judge in that judicial district, giving the appeal that he makes for a fair election on the approaching 17th of April.

The Secretary read as follows:

TO MY FRIENDS IN EAST CARROLL.

I have been called upon during the past few days by several of my white friends and a member of the Democratic campaign committee and requested to withdraw my candidacy for the office of judge in this judicial district. These requests have been based upon the grounds that I would not be given the votes which would be cast for me; in other words, that though I might receive a large majority of the votes cast, they would not be counted for me, but given to my opponent. It was also intimated to me that it I went to any polling-place and interposed when I saw that the ballot-boxes were about to be stuffed or exchanged, I would put my life in danger. I was also informed that if I did not withdraw I would be injured in my private business in the future.

In answer to the gentlemen who made these statements, I replied that I would not withdraw and that I would continue my candidacy, even if I should be swindled out of every vote cast for me.

It is certainly a terrible condition of affairs if in this boasted land of freedom and under the ægis of the great Democratic party a citizen is not to be allowed to apply for office unless he does so through a Democratic convention, and if he does apply and receives a majority of the votes cast he is not allowed them, but they are taken from him and counted for his opponent. And yet this seems to be the plan of carrying the election on the 17th of this month by the Democrats of East Carroll; and I am informed it is indorsed by nine-tenths of the property-owners in the parish.

It is nothing more nor less than a declaration of political slavery to every man who does not yield to the behests of the so-called Democratic leaders of the parish and vote for and support the Democratic ticket.

The commissioners of election can prevent fraud at the election if they desire, and no man or set of men can take the ballot-boxes from them and put others in their places unless it is done by violence or their consent.

Therefore I desire to say to my friends and supporters to go quietly and peaceably to the polling places on the day of election and deposit their ballots in the box and not allow others to put them in for them, for you have the right to do this for yourselves; then when the election is over I want every man who voted for me to send me his name and the precinct at which he voted, and I shall endeavor to find out why the votes were not counted for me. I do not intend to be robbed out of the votes cast for me without making an effort to expose the parties guilty of the robbery, even if I jeopardize my life in doing so.

Respectfully,

E. J. DELONY.

Mr. CHANDLER. At the time that letter was written Mr. Delony, who was an independent candidate for district judge, thought that he might be able to run as a candidate, but a little later he concluded that it would not be safe for him to run and he addressed the letter, which I ask the Secretary to read, addressed to his colored friends in East Carroll. This judicial district consists of the parishes of East Carroll and Madison.

The Secretary read as follows:

To my colored friends in East Carroll:

It is with sincere regret I announce to you my honest convictions that it will be utterly impossible to have a free and fair election on Tuesday next, the 17th of this month.

I firmly believed at one time that our good, intelligent, and law-abiding citizens would see and appreciate the fact that the deprivation of any voter of his right of suffrage, whether by violence or fraud, would be liable to disturb the peaceable and quiet condition of affairs which have existed for several years in the parish, and they would so openly and positively disapprove and discountenance such methods of carrying the election as to deter the reckless and lawless persons who might desire to practice them; but I am sorry to say that in this I am disappointed, and from all information I have been able to gather you are to be deprived of your votes for me or any candidate, and the ballots you may cast will be counted against you unless they be given for the nominees of the Democrats from governor to coroner. Therefore, under the circumstances, it will be utter folly for you to go to the polls and vote; and should you do so, you would to some extent be a party to the frauds to be committed by allowing those who commit them to use your name on the list of voters to fraudulently increase the vote of the Democratic candidates.

I know that I am almost your unanimous choice for re-election to the office of district judge, but being an independent candidate I am not to be allowed to receive your votes, notwithstanding the fact that I am a Democrat, and have been ever since I have been a voter, now about thirty years.

This is a sad state of affairs, but I am compelled to recognize the fact that it is so, and to say that I am powerless to prevent it without at least the moral support of the substantial citizens of the parish.

Therefore, under these circumstances I shall withdraw as a candidate and advise you to remain at home and not go to the polls on the day of the election. Be quiet, peaceable, and orderly, and show to the white people of your parish that you are law-abiding and will not create trouble even though you are deprived of your political rights.

If you do not go to the polls those who would commit frauds and violate the law will not be able to do so and in that way you will contribute to an observance of the law by removing the pretext for its violation.

I thank you for the kind feelings you have exhibited towards me, and assure you I shall always appreciate the support which you have tendered me (unsought upon my part) during this campaign.

I address this to you that you may understand why I have withdrawn, and that my reasons for doing so may not be misrepresented to you.

Respectfully,

E. J. DELONY.

Mr. CHANDLER. I have in my hand the Chicago Daily Inter-Ocean of Saturday, July 7, 1888, which contains a letter from W. Herman Dinkgrave, dated at Topeka, Kans. Topeka, Kans., seems to be a favorite refuge for Republicans who are driven out of the South because of their politics. Mr. Dinkgrave is, I think, a brother of Dr. B. H. Dinkgrave, and I desire to state that Dr. B. H. Dinkgrave was one of the Louisiana victims. I quote from reliable authority:

That leading white Republican of Ouachita Parish was Dr. B. H. Dinkgrave, a native Louisianian, son-in-law of the chief-justice of the State—

That was, I think, Chief-Justice Ludeling—

and a man of spotless character and fearless courage. He was notified that if he did not desist from organizing Republican clubs harm would happen to him.

This was in 1875, I think.

He disregarded the warning. On the 30th of August on the highway, at noon, on his way to dinner, he was shot dead by a disguised assassin, who rode off unmolested and unpursued, protected by the sympathies of the Democrats at Ouachita.

The letter, to which I have referred, of Mr. W. Herman Dinkgrave, published in the Inter-Ocean of July 7, 1888, is as follows:

PLAIN TALK—A NATIVE LOUISIANIAN ON THE FRAUDS AT THE ELECTION IN THAT STATE—BOURBONS DO NOT CONCEAL THEIR INTENTION TO COUNT OUT AND RESORT TO FRAUD—METHODS PUT IN FORCE WHICH WOULD MAKE MACKINS AND M'COYS BLUSH WITH SHAME—STARTLING REVELATIONS.

TOPEKA, KANS., *June* 26.

TO THE EDITOR: In answer to certain questions that have been submitted to me (as to the political situation in the South generally, and in Louisiana particularly), I will say: If I can in any honorable way be the means of enlightening the fair-minded voters of the nation as to the real condition of political affairs at the South, and of bringing them to a realization of the importance of doing their duty and overthrowing the political slavery that exists in the South by the forcible and fraudulent suppression of the Republican vote, I consider it my duty as a citizen who believes in the supremacy and enforcement of the laws to do whatever I can to effect this result. I am frequently asked if the reports of ballot-box stuffing and bulldozing at the recent election in Louisiana are true.

In reply, I will as briefly as possible give some facts concerning that election, it being one for State and parish officers, and was held in April last.

I am a native of Louisiana and have up to this time lived there all my life. At the time of this election I was a resident and a voter of the parish of East Carroll, which is one of the large cotton parishes lying on the Mississippi River—

Which is the same parish from which Mr. Delony wrote his letter—

the voting population consists of about 3,000 negroes and 350 to 400 white men. Like all the parishes of the State where the negroes predominate, it is by right largely Republican, for I assert without fear of successful contradiction that the colored voter is almost unanimously, by conviction, by education, and by sentiment, a Republican, and, if not prevented by force or fraud, votes with that party. It does not need much reasoning to understand this. He knows that it was the Republican party that advocated and gave him his freedom, and which favored and passed the laws which at the time were deemed sufficient to guaranty and protect him in the exercise of that right, and he knows, too, that the Democratic party has always, on every occasion, opposed these measures.

The registered vote of my parish (East Carroll) was (in round numbers) about 3,000. Out of this the whole vote amounted to not quite 400. That the negroes voted the Republican ticket solidly even the Democrats down there do not pretend to deny, and one of their United States Senators, in the recent debate on this subject in the Senate, could find no other answer to the question except "that it was none of the business of the North" how the elections in Louisiana were carried.

The "plan of campaign" differed in different parishes. In some the negroes were permitted to go to the polls and vote as they chose, and then the ballot-boxes were stuffed and substituted, and the Republican votes counted out; in others a system of intimidation was resorted to, prominent negroes were driven from their homes by armed men, and such a reign of terror inaugurated that the Republican voters would not go the polls at all, and in some counties like Ouachita—the home of Governor McEnery—they were actually so completely terrorized and demoralized that they went to the polls and voted the Democratic ticket.

Taking East Carroll Parish for example, after the governor of the State had publicly proclaimed that the "law should be suspended until the danger was passed," and had issued his now notoriously official letter to the returning officers of the different parishes, to wit: "Warmoth is developing too much strength; see to it that your parish is returned strongly Democratic at all hazards." No attempt even to conceal their intention to count out and resort to fraud was made; in fact it was boldly admitted that they intended to resort to such methods, and they did, by counting out the Republican majority of 2,800 and substituting one for the Democratic ticket of some 2,900 majority. It was in this parish that Judge E. J. Delony, a life-long Democrat, at the time district judge of the State court and an independent candidate for re-election, gave astounding evidence of the truth of what I assert by issuing a few days before the election a letter under his signature, addressed to the colored voters, in which he, an officer of the State, a conservator of the peace, makes the startling admission that he is convinced "that a fair and free election can not be held; advises the negroes to abstain from voting, as their votes will not only not be counted as cast, but be counted against them," and frankly says "that while such a condition of affairs is to be deplored, he is powerless to prevent it," stating further "that he had even been warned that if he persisted in running as an independent he might jeopardize his life, and announcing for these reasons his withdrawal as a candidate."

It was in this parish—East Carroll—that a member of the Legislature, a prominent citizen and attorney-at-law of Lake Providence, La., Mr. J. M. Kennedy, and the acknowledged leader of the Democratic party in that parish, frankly stated that the Republican votes would be counted out, and that it was the intention of the Democrats to do so.

On the day of the election a clergyman of the county seat of my parish called on me at my residence, and as a friend begged me not to go to the polls and attempt to secure a fair count, saying that armed men were then being sent to that particular box to enforce their programme, "at all hazards," and I would risk my life in any endeavors to thwart their plans. The armed men did come to this box—Benhams, East Carroll—and remained until the pretended count was completed, and although at this box there were actually cast some 280 or 290 Republican votes, and but about 15 Democratic ones, the vote as returned gave the Republican ticket but 35 votes, and a Democratic majority of about 255!

An undeniable evidence of the frauds perpetrated at this box was that the Republicans voted tickets printed on white paper in red ink, and yet when the box—pretended to be the one in which the votes were cast—was opened and counted, there was not one single red ticket in it, and the 35 Republican votes found therein were all printed in black ink, thus showing conclusively that a stuffed box had been substituted.

This was done in every ward of this parish; and thus a Republican majority of 2,800 was converted into one for the Democratic ticket of 2,900.

In the adjoining county—that of Madison—colored men were whipped and driven from their homes. Armed men were imported into the parish, who rode over it and terrorized the voters, and though having more than 3,000 colored voters, not a Republican vote was returned.

It is too lengthy to copy in full, but as part of my authority for this statement I refer you to a letter by H. B. Holmes, the sheriff of that parish, an inde-

pendent candidate for re-election, and a Democrat, published in the New Orleans Pelican of April 28, 1888, which he closes thus: "The governor of the State proclaimed that the law should be suspended until what that official was pleased to term 'the danger was passed.'" Following this remarkable utterance of the chief executive of the State armed men were introduced into the parish and have been kept here ever since without, so far as I could see, the slightest cause or necessity, the negroes being perfectly quiet and seeming to seek nothing but to be protected. My only chance to succeed would be to follow the advice of his excellency the governor of the State and suspend the law until after the election, and meet force with force. In short, by bringing on civil war. Rather than do this I have concluded to give up my rights and withdraw from the race."

Now, bear in mind this is a Democrat who wrote the above.

With such a state of affairs is it to be wondered that not a single Republican vote was returned? This fraud or violence or both was practiced all over the State, especially in all the parishes where the negroes largely outnumbered the white voters, and the unprecedented majority of 83,200 for the Democratic ticket was returned. Now, what is the North going to do about it? What are the Republicans and the patriotic citizens of other parties, even outsiders of the Southern States, going to do?

Will they rest content with Senator EUSTIS's reply that it is none of their business?

Is it none of their business that the rights of the millions of American citizens in these States are denied them and that liberty and freedom of speech is a farce?

Is it none of their business that by these illegal and un-American methods a Democratic majority in Congress is made possible?

Is it none of their business that the vote of one Democrat in the South calls for as much as that of ten in the other States of the Union?

Is it none of their business that by these frauds and this suppression of the Republican votes the electoral votes of States like Louisiana, Mississippi, etc., are prevented from being cast for the Republican candidates, where they of right belong?

Is it none of their business that the guaranties under the United States Constitution are ruthlessly violated, and the protection which that document is supposed to cast around each and every American citizen, is, in the South, a vain mockery?

Senator INGALLS believed it was some of the business of the people outside of Louisiana, and the spirit manifested at the Chicago convention, together with the platform, shows that the nation thinks so, too!

In closing now, I desire to distinctly say that I do not wish it to be inferred that all the people of Louisiana approve or condone this lawlessness and these outrages. On the contrary, there are hundreds, yea, thousands of good law-abiding citizens, and Democrats, too, who are not in favor of such methods, but because they fear that any open opposition will draw on themselves the displeasure of this organized autocratic minority and injure their business, or because they lack the moral courage to openly resist, they remain silent and inactive—as they did in 1860, when, notwithstanding the State voted largely against secession, it was carried out of the Union.

I believe that this class of citizens will be glad to see a change occur, be glad to see law and order prevail, and will be glad to see the time come when a free ballot and a fair count shall be had, because they know that this above all other inducements will bring to Louisiana's fair domain that wealth, energy, and enterprise that come with capital and immigration, and which her unparalleled soil, her delightful climate, and her unlimited resources entitle her to.

W. HERMAN DINKGRAVE.

I now come to the parish of Terre Bonne——

Mr. EDMUNDS. If the Senator from New Hampshire will yield, I will move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 23, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 22, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. T. H. B. BROWNE, for two days, on account of important business.

To Mr. STEPHENSON, for ten days, on account of important business.

To Mr. HAYES, indefinitely, on account of important business.

To Mr. THOMAS, of Kentucky, indefinitely, on account of ill health.

To Mr. BROWER, indefinitely.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled the bill (H. R. 11062) for the removal of the political disability of Gustavus W. Smith; when the Speaker signed the same.

PERSONAL EXPLANATION.

Mr. DIBBLE. I ask unanimous consent to make a personal explanation.

The SPEAKER. Is there objection? The Chair hears none.

Mr. DIBBLE. Mr. Speaker, in replying yesterday to the gentleman from Ohio [Mr. SENEY], who stated that some member on the floor had been attorney for some French spoliation claimants, I stated that I "represented none of them." I intended to convey the idea that I was not attorney for any of them, not that there were no persons among my constituency who were interested in the matter. I am satisfied that some of my constituency have presented claims to the Court of Claims under the act of 1885. I know nothing of the particulars of their claims as I have not been their attorney; but I make this statement so that my remark may not be misinterpreted.

ORDER OF BUSINESS.

Mr. HERMANN. I ask unanimous consent to call up for present consideration House bill 5009.

Mr. MARTIN. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I desire to present a conference report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) "making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 18, 19, 22, 24, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 23, 26, 28, 29, 30, 31, 32, and 34, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Insert, after the word "change," in line 19, page 5 of the bill, the words "or over any of the bond-aided Pacific railroads;" strike out, in line 21, same page, the words "last-named railroad" and insert in lieu thereof the word "railroads;" and in lieu of the matter proposed to be inserted by said Senate amendment insert the following:

"*And provided further*, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall be limited to transportation in kind, not including sleeping or parlor car accommodations, over said free roads, over bond-aided Pacific railroads, and by conveyance belonging to the said Department."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out, in line 5 of said amendment, the words "and increased facilities for their manufacture;" and strike out, in line 12, the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out, in lines 12 and 13 of section 2 of said amendment, the words "three Army officers and three" and insert in lieu thereof the words "the superintendent of the Military Academy and two;" and strike out, in lines 20 and 21 of said section, the words "War Department" and insert in lieu thereof the word "Army;" strike out all after the words "New York," in section 3 of said amendment, down to the end of said section, and insert in lieu of the matter stricken out the words "$700,000, or so much thereof as may be necessary;" in lieu of the sum named in section 4 of said amendment insert "$3,500,000;" insert, after the word "shall" where it occurs the second time, in line 8 of section 5 of said amendment, the words "have or;" strike out section 6 of said amendment; change the number of section 7 of said amendment to section 6; and strike out section 8 of said amendment and insert in lieu thereof the following:

"SEC. 7. The appropriations provided for in sections 3, 4, 5, and 6 shall be available until expended, and shall be expended under the direct supervision of a board, to consist of the commanding general of the Army, an officer of ordnance, and an officer of artillery, to be selected by the Secretary of War; and said board shall be under the direction and control of the Secretary of War and subject to his supervision in all respects."

R. W. TOWNSHEND,
LEVI MAISH,
JAMES LAIRD,
Managers on the part of the House.
W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

The statement of the House conferees, submitted under the rule, was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, submit the following written statement in explanation of the effect of the action recommended on the Senate amendments as compared with the bill as it passed the House:

On amendments numbered 1, 2, 3, and 4: Limits the pay and traveling expenses of contract surgeons, hospital matrons, and veterinary surgeons to not exceeding $50, $160, and $14, respectively, and reduces the appropriation therefor from $100,000, as provided by the House, to $85,000.

On amendment numbered 5: Limits the number of paymasters' messengers to not exceeding thirty.

On amendment numbered 6: Restores the House provision for payment of a clerk attendant on the collection and classification of military information from abroad, $1,500, and authorizing the officers detailed to obtain the same to receive mileage and transportation and commutation of quarters while on this duty.

On amendments numbered 7, 8, and 9: Limiting the mileage to officers when traveling on duty without troops to cases where authorized by law only, and to the shortest usually-traveled routes, and makes the appropriation $150,000 instead of $100,000, as provided by the House.

On amendments numbered 10 and 11: Provides for limiting the transportation to be furnished by the Quartermaster's Department to officers traveling without troops to transportation in kind over free railroads and bond-aided Pacific railroads and by conveyance belonging to said Department.

On amendment numbered 12: Makes a verbal change only.

On amendments numbered 13, 14, and 15: Strikes out the provision providing for commutation in lieu of rations to enlisted men competing in rifle contests at places of contest, and limits the amount for payment of civilian employés of the Subsistence Department to $110,000 instead of $120,000, as provided by the House.

On amendments numbered 18 and 19: Restores the provision of the House allowing the hire and transportation of the necessary agents and employés of the Army.

On amendment numbered 20: Reduces the amount for Army transportation from $2,800,000 to $2,700,000.

On amendment numbered 21: Strikes out the following proviso in House bill: "That no expenditure authorized by this act from the appropriations made herein for the Quartermaster's Department of the Army, including the transportation of troops and their supplies, and the expenses incident thereto, shall be made except by the Quartermaster-General, under the direction of the Secretary of War, unless an emergency exists that demands immediate action; and in such case the expenditure necessary to meet the emergency may be made upon the order in writing of the general commanding the Army, or upon the order in writing of a division or department commander in whose jurisdiction the emergency arises; but every such order from a division or department commander shall certify that an emergency exists requiring immediate expenditure, stating the emergency necessary to be met."

On amendments numbered 22, 23, 24, and 25: Provides under the medical and hospital department for general sanitation instead of limiting to post sanitation, includes medical supplies for the Army and Navy Hospital at Hot Springs, reduces the appropriation for Medical Department from $205,000 to $200,000, and limits the amount which may be expended for civilian employés to $42,000.

On amendment numbered 26: Provides an appropriation of $2,500 for repairs to sea-wall and wharf at Willets Point, New York.

On amendment numbered 27: Strikes out the proposed appropriation of $1,000 for repairs to the works on old Fort Barrancas, Florida.

On amendment numbered 28: Provides for horse equipments for artillery as well as for cavalry.

On amendment numbered 29: Provides for the manufacture, repair, and issue of arms at national armories, instead of the National Armory.

On amendment numbered 30: Provides that the cost to the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," which appropriation for 1889 and thereafter shall be available until exhausted.

On amendment numbered 31: Provides that the pneumatic dynamite guns and carriages to be purchased shall be all complete and mounted in place ready for military use.

On amendment numbered 32: Excludes from examination and test of the ordnance, etc., provided for in the amended paragraph, plants for gun-carriages, etc., and includes aerial torpedoes.

On amendment numbered 33: Makes provision for the following:

For the manufacture, or purchase, and test of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, powders, fuses, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving-ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $500,000: *Provided*, That all purchases of materials under this provision, excepting samples, shall be of American manufacture: *Provided*, That of the above sum $10,000 may be used for increasing facilities for the manufacture of projectiles.

On amendment numbered 34: Provides for an appropriation of $5,000 for the Signal Service of the Army in lieu of $3,000 as proposed by the House.

On amendment numbered 35: Makes provision for the following purposes:

SEC. 2. That the Secretary of War be authorized to enter into negotiations for the purchase of the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, or so much thereof as he may deem necessary for the purposes of the Military Academy, and to receive offers for the sale of their interest in such land from such of the heirs of said Kinsley as are competent and willing to sell such interests; and the Secretary of War is authorized to submit all offers so made and the question of the value of said 225 acres to a board to consist of the Superintendent of the Military Academy and two competent civilians, who shall make due investigation and report concerning said value; and the Secretary of War shall submit said offers and the report of said board, with his opinion, to Congress, at its next session. The expenses of said board and compensation at the rate of $10 a day for not more than ten days for each of the civilian members shall be paid from the appropriation for contingencies of the Army.

SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., $700,000; or so much thereof as may be necessary.

SEC. 4. For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $3,500,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

SEC. 5. The material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made shall have or agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers specified in the advertisement, at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the material for said guns shall be manufactured in the United States.

SEC. 6. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000.

SEC. 7. The appropriations provided for in sections 3, 4, 5, and 6 shall be available until expended, and shall be expended under the direct supervision of a board, to consist of the Commanding General of the Army, an officer of ordnance, and an officer of artillery, to be selected by the Secretary of War, and said board shall be under the direction and control of the Secretary of War, and subject to his supervision in all respects.

Amount of the bill as passed the House	$24,639,300
Amount of the bill as passed the Senate	31,531,800
Amount of the bill as agreed to in conference	29,381,300

Mr. BLAND. Mr. Speaker, is not this subject to be considered in Committee of the Whole?

The SPEAKER. It is not.

Mr. BLAND. I hope the gentleman from Illinois will agree that the report shall be printed and go over.

Mr. TOWNSHEND. I believe I have the floor.

The SPEAKER. The gentleman from Missouri has the right to make a point of order.

Mr. BLAND. I desire to make the point of order that this matter ought first to be considered in Committee of the Whole.

The SPEAKER. The point of order is overruled. This is a conference report. And these amendments have all been considered in Committee of the Whole.

Mr. BLAND. Then I hope that the gentleman will agree that the report be printed and go over till to-morrow.

Mr. TOWNSHEND. I hope the gentleman from Missouri will not interrupt me except by a point of order.

Mr. BLAND. I simply desired to ask unanimous consent.

Mr. TOWNSHEND. I have not yielded the floor for that purpose.

The SPEAKER. The gentleman from Illinois will proceed.

Mr. TOWNSHEND. I move the adoption of the report. Before proceeding to debate it, I will say that if no other gentleman desires to enter upon its discussion, I shall move the previous question.

Mr. BLAND. I move to postpone the consideration of the subject——

The SPEAKER. The gentleman from Illinois has the floor for the present.

Mr. TOWNSHEND. I repeat that unless there be a disposition to discuss the report, I shall move the previous question. If no other member desires to discuss it, I certainly shall do so.

Mr. SAYERS. I ask the gentleman from Illinois whether he will not consent to have the report published in the RECORD for the information of the House, and that this matter may be considered to-morrow morning. It is a privileged question and can be called up at any time.

Mr. HOLMAN. I hope that proposition will be agreed to. This is a long report.

Mr. TOWNSHEND. If my friend from Texas wishes to discuss it——

Mr. SAYERS. I would have no objection to discussing the question awhile to-day; but I desire that the report be published in the RECORD before it is finally acted on.

Mr. HOLMAN. I hope the gentleman from Illinois will consent to that course, and I also trust that there will be some agreement as to the length of time during which the matter shall be considered to-morrow—say, a couple of hours.

The SPEAKER (after a pause). The question is upon agreeing to the report.

Mr. TOWNSHEND. I have no desire to press this matter at present, if it is the desire of gentlemen here that it shall go over till to-morrow, so that members may see the report in print. I, however, desire that some agreement be made as to the length of time to be occupied.

Mr. SAYERS. I would suggest that at least three hours be allowed for the discussion of this report.

Mr. HOLMAN. An hour and a half on each side.

Mr. SAYERS. Yes.

Mr. BLAND. I do not know why we should undertake to limit the discussion before we enter upon it. We can determine to-morrow the time that shall be occupied in discussion.

Mr. TOWNSHEND. I am willing that an agreement be made——

The SPEAKER. The gentleman from Missouri objects, as the Chair understands, to any agreement in advance as to limitation of discussion.

Mr. SPRINGER. I rise to a parliamentary inquiry. This report will be printed in the RECORD; will it not?

The SPEAKER. It will be.

Mr. SPRINGER. And this being a privileged matter, it can be called up at any time?

The SPEAKER. The Chair has so decided repeatedly.

Mr. SPRINGER. So that if the report be now withdrawn, it can be called up at any time hereafter.

The SPEAKER. The gentleman from Illinois does not propose to withdraw the report, but simply to let it lie over.

Mr. SPRINGER. I hope the time fixed for the consideration of this report will be Friday next, so that notice can be given to the country, as a yea-and-nay vote will undoubtedly be demanded upon it, and if forced to a vote in the present condition of the House the fact of no quorum will most likely be developed. I also desire, there being to-morrow, as I hope, no appropriation bill in the way, to proceed with the consideration of the bill providing for the organization of the Territory of Oklahoma. That bill has been pending for some time, and to-morrow it will be the regular order except as to appropriation bills. I suggest, therefore, that the time fixed for the consideration of this report on the Army bill will be such as not to interfere with the Oklahoma bill.

Mr. SAYERS. After a conference with the gentleman from Illinois in regard to the consideration of this report, we have agreed, for the purpose of submitting it to the House for its ratification, that a limited discussion will take place upon the report this morning, and that the report shall then be printed in the RECORD, and go over to be called up to-morrow morning.

Mr. ROGERS. Why not say Friday?

Mr. SAYERS. We have agreed on to-morrow.

The SPEAKER. The Chair did not understand the gentleman from

Texas to indicate what length of time was to be consumed this morning, or whether there was any intimation of the time.

Mr. TOWNSHEND. The understanding between the gentleman from Texas and myself is to the effect that the debate is to proceed for a limited time, not to exceed an hour, neither of us having much desire to occupy the attention of the House this morning more than to make a brief explanation of the views we entertain about the various amendments adopted in conference.

The SPEAKER. The gentleman means to limit the time this morning?

Mr. TOWNSHEND. I think my friend from Texas and myself will be able to agree upon that without any further controversy. I shall make but a brief statement myself. It is agreed between us that there shall be debate not exceeding one hour this morning, and the bill then go over until to-morrow morning after the reading of the Journal.

The SPEAKER. Being a privileged report, it can be called up at any time.

Mr. TOWNSHEND. The gentleman from New York [Mr. TRACEY] desires thirty minutes of the hour this morning.

The SPEAKER. Is there objection to the suggestion of the gentleman from Illinois with reference to the disposition of this report?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed House bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina;

A bill (H. R. 7604) for the establishment of a light house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts;

A bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.;

A bill (H. R. 165) for the relief of H. C. Markham;

A bill (H. R. 1604) to change the time of the sessions of the circuit court of the western division of the western district of Missouri;

A bill (H. R. 8074) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory;

A bill (H. R. 8087) for the relief Thomas Strodder;

A bill (H. R. 7013) to place the name of Delia Newman on the pension-roll; and

A bill (H. R. 6371) granting a pension to Jesse M. Stilwell.

The message further announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 204) granting a pension to Frederick C. Shaw;

A bill (H. R. 217) granting a pension to C. F. Maphet;

A bill (H. R. 333) granting a pension to Catharine Bussey;

A bill (H. R. 549) granting a pension to Joseph S. Wilson;

A bill (H. R. 775) granting a pension to John D. Jones;

A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;

A bill (H. R. 793) for the relief of William Collins;

A bill (H. R. 889) granting a pension to Ishmael Jones;

A bill (H. R. 2176) granting a pension to Alexander J. Collinge;

A bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Salinac County, Michigan;

A bill (H. R. 2710) for the relief of Mathew H. Fulton;

A bill (H. R. 2908) to increase the pension of W. B. Stokes;

A bill (H. R. 3710) granting a pension to Samuel Piercy;

A bill (H. R. 4504) granting a pension to Nancy Baldwin;

A bill (H. R. 4575) granting a pension to Michael Hargain;

A bill (H. R. 4792) to pension J. W. Porter;

A bill (H. R. 4855) granting a pension to Jacob Newhard;

A bill (H. R. 5123) to increase the pension of Charles Ritchey;

A bill (H. R. 5232) granting a pension to Andrew Mucklin;

A bill (H. R. 5446) granting a pension to William H. Dowdall;

A bill (H. R. 5503) granting a pension to Charles Webster;

A bill (H. R. 5516) for the relief of John H. Weeks;

A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;

A bill (H. R. 5529) granting a pension to Flora Heath;

A bill (H. R. 6001) granting a pension to Sarah J. Fraily;

A bill (H. R. 6344) granting a pension to William J. Toncray, of Tennessee;

A bill (H. R. 6501) to grant a pension to Joseph F. Garrett;

A bill (H. R. 6848) for the relief of Elizabeth A. South;

A bill (H. R. 7508) granting a pension to Julia E. Ambrose;

A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed;

A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;

A bill (H. R. 8494) granting a pension to Gilbert Reed;

A bill (H. R. 8534) granting a pension to Jacob Copes;

A bill (H. R. 8545) for the relief of Samuel Purcell;

A bill (H. R. 8571) granting a pension to Margaret J. McQuary;

A bill (H. R. 8617) granting a pension to Henry Crotsley;

A bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war and late a private in Company D, Third United States Infantry;

A bill (H. R. 8885) granting a pension to Eliza A. Woods;

A bill (H. R. 8889) granting a pension to Charles Malseed;

A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin;

A bill (H. R. 8931) for the relief of Samuel E. Wilson;

A bill (H. R. 9130) granting a pension to Susan Singleton;

A bill (H. R. 9228) for the relief of Nathan Cook;

A bill (H. R. 9253) granting an increase of pension to Richard Hogan;

A bill (H. R. 9372) granting a pension to John Dean;

A bill (H. R. 9387) for the relief of Emanuel H. Custer;

A bill (H. R. 9399) granting a pension to Albert O. Robb;

A bill (H. R. 9463) granting a pension to Lucy A. Jordan;

A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;

A bill (H. R. 9672) granting a pension to Eliza A. Williamson;

A bill (H. R. 9684) granting a pension to William J. Brown;

A bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown;

A bill (H. R. 9704) granting a pension to Martha F. Lee;

A bill (H. R. 9792) to increase the pension of Charles T. Baker;

A bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll;

A bill (H. R. 9824) for the relief of Albert Watson;

A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;

A bill (H. R. 10356) granting a pension to John T. Vincent;

A bill (H. R. 10418) granting a pension to Hannah L. Irwin;

A bill (H. R. 10525) to increase the pension of Edward Jardine;

A bill (H. R. 10607) granting a pension to Rachel Morgan;

A bill (H. R. 10789) granting a pension to Philip Newman;

A bill (H. R. 10906) granting a pension to Fidel Gates;

A bill (H. R. 8012) for the relief of M. M. Gibson;

A bill (H. R. 3902) for the relief of Sophia B. Moore;

A bill (H. R. 3055) for the relief of A. F. Saint Sure Lindefelt; and

A bill (H. R. 3480) for the relief of John D. Munnerlyn.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2590) granting a pension to George L. Sanders;

A bill (S. 2765) granting a pension to Adaline A. Smyth;

A bill (S. 3047) granting a pension to William Bittinger;

A bill (S. 3083) restoring to the pension-roll the name of Florian Lischewsky;

A bill (S. 3085) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;

A bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;

A bill (S. 3087) granting a pension to Mary A. Pfeiffer;

A bill (S. 3091) granting a pension to John Corr;

A bill (S. 3109) granting a pension to D. G. Rummel;

A bill (S. 3112) granting an increase of pension to William H. Marston;

A bill (S. 3114) granting a pension to Joseph H. Harwood;

A bill (S. 3201) granting a pension to Elizabeth Wilson;

A bill (S. 3208) granting a pension to William S. Bradshaw;

A bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers;

A bill (S. 3249) for the relief of Zo. S. Cook;

A bill (S. 3269) granting a pension to Theresa Fichter;

A bill (S. 3283) granting a pension to Reuben Ash;

A bill (S. 3306) granting a pension to Mary K. Richards;

A bill (S. 3325) granting an increase of pension to Julia M. Edie;

A bill (S. 3335) granting a pension to Thompson D. Hatfield;

A bill (S. 3339) granting an increase of pension to Charles H. Moore;

A bill (S. 3349) granting a pension to David Myers;

A bill (S. 3358) for the relief of M. S. Hellman, of Canyon City, Oregon;

A bill (S. 3414) granting a pension to Emma Matilda Selfridge;

A bill (S. 3421) granting a pension to Mary B. McVean;

A bill (S. 3422) granting a pension to Kate C. Van Arnum;

A bill (S. 2110) granting the right of way for the construction of a railroad through the Hot Springs reservation, State of Arkansas;

A bill (S. 2863) to provide for the erection of a public building in the town of Smyrna, Del.; and

A bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed on the 21st instant bills of the following titles:

An act (H. R. 8592) for the erection of a public building at Jackson, Mich.;

An act (H. R. 6233) for the relief of Jesse Coe;

An act (H. R. 422) for the relief of William Gray;

An act (H. R. 6110) for the relief of William Lavery; and

An act (H. R. 6232) for the relief of Nancy G. Alexander.

The message also announced that the bill (H. R. 10165) for improving the mouth of the Brazos River, Texas, had been presented to the President on the 9th instant, and not having been returned by him to the House in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

The message also requested that the House return to the Senate bill H. R. 4792, to pension J. W. Porter.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, at this time I shall state very briefly the facts in regard to the amendments which were discussed and disposed of in the conference on the Army appropriation bill, so that the House may learn the nature of the amendments and the agreements which have been reached in regard to them.

This bill when it left the House made an appropriation of $24,639,300, which is somewhere in the neighborhood of a half million dollars more than the amount appropriated last year.

The bill as it passed the Senate provided an appropriation of $31,531,800, being an increase of $6,892,500 on the bill as it left the House. The House conferees were successful in securing a reduction of the amount placed on the bill in the Senate to the extent of $2,150,000, reducing thereby the total appropriations of the Senate to $29,381,300. As the bill stands now there is an increase over the amount as it left the House of $4,742,000. The increase to which I have referred is entirely occasioned by the amendments which were attached in the Senate relating to the establishment of a gun factory and the purchase of steel forgings for the manufacture of heavy ordnance. There were thirty-five amendments placed upon the bill by the Senate, of which number four, I think, relate to the question of the gun foundry and the steel forgings referred to. The other amendments relate to the ordinary details of the military establishment, and upon them—thirty-one in number—the bill as it stands now makes a reduction of $58,000 in the amount that it carried when it went to the Senate; so that there is practically a reduction upon the bill, outside of the ordnance amendments, of the amount I have named.

The ordnance amendments, as I have stated, aggregate $4,742,000. Those amendments provide for the establishment of the gun foundry and the purchase of the steel forgings. The Senate appropriated $750,000 in one of its amendments for a gun factory, upon which a reduction was obtained in conference of $50,000. Another amendment that was attached to the bill by the Senate provided for the purchase of $5,000,000 of steel forgings out of which heavy ordnance should be fabricated. The House conferees secured a reduction of that to $3,500,000. My desire, I can say, acting for myself, was that the amount should be reduced at least $1,000,000 more, leaving the appropriation for this purpose at $2,500,000. But the final amount agreed upon in conference, after full discussion, was $3,500,000, which is now recommended for adoption.

I have no desire further to occupy the time of the House this morning, but will wait until I hear from the gentleman from Texas [Mr. SAYERS] and others who may participate in the debate.

I now yield thirty minutes to the gentleman from New York [Mr. TRACEY].

Mr. TRACEY. Mr. Speaker, if we analyze the opposition to the acceptance of this report, we will find it composed, first, of those who see with regret that this subject is being intrusted to any other than the Appropriations Committee; second, by those who dislike to vote for large appropriations for any purpose; third, by those who believe there is no likelihood of our being attacked, and who think we may as well trust to the chances of getting on without coast defenses; and, fourth, by those who are willing that large sums be expended, but want private enterprises encouraged especially, and who profess to have no confidence in the ability of the Ordnance Department of the Army. During the discussions which have already taken place the members of the Committee on Military Affairs have called the attention of the House to the fact that the amendments practically originated here, and are but portions of a bill which early in the session was unanimously presented with a favorable report by the House Committee on Military Affairs. It was further urged that since to that committee were referred questions of public defense and appropriations, therefore the House could with propriety permit the committee to at once dispose of this vexatious subject by settling it in conference if possible, for these several amendments certainly have to do with public defense.

To the gentlemen who oppose large appropriations, and to those who think that we should run along taking the chances of no war coming on, and to those who, living at a distance from the coast, are disposed to feel but little concern about this question as not being one of interest to their constituents, I extend an earnest request for attention to the reasons which may be given why their duty to the entire country calls upon them to accept this report.

It is probable that in all the cities on the coast and throughout the country adjacent to these cities the entire population will gratefully appreciate action by this body that will at once give some relief from the anxiety felt as to possible losses in case of any foreign government sending war-ships to bombard our ports.

I can not understand why so many of our members feel that there is practically no danger. Were we in a position to be defiant it would be natural to have this sense of security. But why should we assume that other powers who are well aware of our defenseless condition and their ability to work us injury will readily yield on any point? Will any one assert that our people would be satisfied if the Government, knowing our danger, were from timidity to concede all questions in dispute? We know well that an outburst of indignation throughout the whole country would follow close upon the action indicating want of courage on the part of our Government. No, Mr. Speaker, we must admit that if the honor of our country is at stake, this very House of Representatives must even vote to declare war. In that event do we discover danger from attack? We do indeed. England, France, Germany, Russia, Italy, Turkey, Austria, Denmark, Holland, Spain, Brazil, Japan, and Chili, each has war ships that could destroy our cities, and we could do nothing to prevent.

What consolation would it be for us to march into Canada or capture Cuba as an offset to great disasters? Let us estimate the possible losses that could be inflicted upon us by hostile fleets. In New York City property could be destroyed worth more than $1,800,000,000; Jersey City, $100,000,000; Portland, Me., $33,000,000; Boston and Cambridge, $531,000,000; Baltimore, $220,000,000; San Francisco, $181,000,000; Newport, $24,000,000; Philadelphia, $790,000,000; New Orleans, $175,000,000; and in New London, Wilmington, Savannah, Mobile, Galveston, Portsmouth, New Haven, Norfolk, Charleston, St. Augustine, San Diego, Portland, Oregon, and important points on the Great Lakes an aggregate of about two billions more, making about $6,000,000,000 worth of destructible property.

Many will claim that these comparatively small amounts we are appropriating will not give means to effect any formidable defense. Mr. Speaker, we must do the best we can. I have given careful examination to this subject and can see that, while a perfect system of fortifications would necessitate an expenditure of more than a hundred millions, it will not require many millions to provide guns and other instruments of defense mentioned in this bill in sufficient quantity to place our coast cities in comparative security and to make the several governments heretofore alluded to cautious in pressing unreasonable demands.

I want to give some attention to those who are opponents of these amendments and who distrust the Army. The assertion is made that the Ordnance Department discourages private enterprises, and that measures should be taken to have this subject handled by commissions independent of the War Department. I find by investigation that a few years ago the enemies of the Ordnance Department stated that both the Navy and Army were unfortunate in not having capacity to do the work of finishing and assembling the guns at Government gun factories. It was then asserted that private enterprise was alone competent to give the Government a complete gun.

These establishments, to be sure, wanted a little help. They asked that the Government issue bonds, as it had done in the cases of the Pacific railroads, and that it thus supply funds to the private establishments.

This did not find favor with the Army officials, and the Gun Foundry Board, in its report in 1884, page 49, says:

> With Government gun factories established for both the Army and the Navy, there will be still needed the hearty co-operation of the private industries of the country. This can not be aroused unless there is held out to them a fair prospect of remuneration. The board does not approve of a partnership in business between the Government and private firms. All history warns against such a course. But it does believe that joint, and at the same time independent, action between them can be made to work harmoniously towards the common national purpose.

Later on, following vigorous efforts made by my friend from Tennessee [Mr. WHITTHORNE], gentlemen, among whom was my friend from Texas [Mr. SAYERS], secured such amounts on the Navy appropriation bill as enabled the Navy Department to give satisfactory evidence that its ordnance officers were competent to attend to all duties assigned them. This once demonstrated, the advocates of independent private enterprises ceased their attacks and centered all their abuse upon the Army.

It would be quite extraordinary if this corps were not well adapted to attend to all ordnance duties. The officers are gentlemen who graduate at West Point, serve a time in some other branch of the Army, and after passing a severe competitive examination, are placed in the Ordnance Department. They are obliged, in line of their duty, to often report upon proposals made to the Department, give evidence before Congressional committees and to faithfully report the result of their investigations and tests of new inventions.

In the performance of these duties it has not been possible to avoid offending disappointed inventors and persons seeking to force the Government to adopt schemes which would not benefit it, but would enrich the proposers. The consequence has been that malicious reports

have been spread, and even members of Congress have been induced to charge waste and inefficiency upon this department. It has been stated that many millions have been appropriated during the past twenty years and no guns made. The facts are that during the period of twenty years from July 1, 1866, to July 1, 1886, there was expended by the War Department less than $1,500,000 for the manufacture and purchase of cannon, including field guns and all larger calibers. This includes the cost to the Government for the procurement, preparatory to test, of the very considerable number of experimental guns authorized by Congress during the period, and also the cost of three hundred and eighteen cannon which are now in use or available for service, to wit:

One 20-inch and twenty-six 15-inch Rodman smooth bores; one 12½-inch muzzle-loading rifle, tubed; five 11-inch, one 10-inch and two hundred and ten 8-inch muzzle-loading converted rifles, tubed with wrought iron or steel; four 8-inch breech-loading converted rifles; one 12-inch muzzle-loading rifled mortar; one 8-inch breech-loading steel rifle; seven $3\frac{2}{10}$-inch breech-loading converted rifles; twenty-five $3\frac{2}{10}$-inch breech-loading steel rifles; thirty-six Hotchkiss breech-loading mountain guns, steel.

The millions referred to were judiciously expended for the purposes to which they were only applicable. The money could not be used in any other ways than those specifically stated, as I here give the statement:

Amounts appropriated in general appropriation bills to be expended under the direction of Ordnance Bureau.

ORDNANCE SERVICE.

1868	$300,000.00	1880	$110,000.00
1869	200,000.00	1881	110,000.00
1870	200,000.00	1882	110,000.00
1871	150,000.00	1883	125,000.00
1873	200,000 00	1884	115,000.00
1874	200,000.00	1885	100,000.00
1875	125,000.00	1886	100,000.00
1876	125,000.00	1887	90,000.00
1877	100,000.00	1888	80,000.00
1878	100,000.00		
1879	100,000.00	Total	2,740,000.00

For current expenses of the ordnance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tools, fuel, and lights; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service, and those attending practical trials and tests of small-arms, and ordnance supplies, including payment for mechanical labor in the office of the Chief of Ordnance.

ORDNANCE, ORDNANCE STORES AND SUPPLIES.

1873	$383,000.00	1882	$310,000.00
1874	700,000.00	1883	395,000.00
1875	370,000.00	1884	400,000.00
1876	370,000.00	1885	400,000.00
1877	330,000.00	1886	405,000.00
1878	315,000.00	1887	255,000.00
1879	315,000.00	1888	255,000.00
1880	320,000.00		
1881	310,000.00	Total	5,833,000.00

For manufacture of metallic ammunition for small-arms.

For overhauling, cleaning, and preserving new ordnance stores on hand at the arsenals.

For purchase and manufacture of ordnance stores, to fill requisitions of troops.

For mounting and dismounting guns and removing the armament from forts being modified or repaired, including heavy carriages returned to arsenals for alteration and repairs, and other necessary expenses of the same character, and for repairing ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, and for extra-duty pay for enlisted men detailed for ordnance service.

For infantry, cavalry, and artillery equipments, consisting of clothing-bags, haversacks, canteens, and great-coat straps, and repairing horse equipments for cavalry troops.

MANUFACTURE OF ARMS AT NATIONAL ARMORIES.

1873	$150,000.00	1882	$300,000.00
1874	100,000.00	1883	400,000.00
1875	100,000.00	1884	401,000.00
1876	150,000.00	1885	400,000.00
1877	100,000.00	1886	400,000.00
1878	100,000.00	1887	400,000.00
1879	150,000.00	1888	400,000.00
1880	250,000.00		
1881	300,000.00	Total	4,101,000.00

For manufacture, at national armories, of the new model breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872.

PURCHASE OF GUNPOWDER AND LEAD.

Nothing.

TESTS OF HEAVY RIFLED ORDNANCE.

1873	$270,000.00
1874	50,000.00
Total	320,000.00

For testing three models of heavy ordnance selected by a board under act of June 6, 1872. Statutes at Large, volume 17, page 261.

TESTS OF IRON AND STEEL.

1874	$25,000.00

Applied to the purchase of the testing machine now at Watertown arsenal.

EXAMINATION OF HEAVY ORDNANCE AND PROJECTILES.

1882	$25,000.00

Expenses of the Board on Heavy Ordnance under act of March 3, 1881.

MACHINE GUNS.

1884	$20,000.00	1887	$1,246.57
1885	20,000.00		
1886	50,000.00	Total	94,246.57

Purchase of Gatling guns, caliber .45 inch, and Hotchkiss guns, caliber 1.5 inches.

ARMAMENT OF FORTIFICATIONS.

1877	$165,000.00	1884	$400,000.00
1878	175,000.00	1885	400,000.00
1879	187,500.00	1886	450,000.00
1880	182,500.00	1887	38,219.17
1881	400,000.00		
1882	325,000.00	Total	2,823,219.17
1883	100,000.00		

For the armament of seacoast fortifications, including heavy guns, Gatling guns, and howitzers for flank defense, carriages, projectiles, fuses, powder and implements, their trial and proof, and all necessary expenses incident thereto.

ARMING AND EQUIPPING THE MILITIA.

[Permanent appropriation.]

1866, to and including 1887, twenty-two years, at $200,000 per annum	$4,400,000.00
1888	400,000.00
Total	4,800,000.00

Section 1661, Revised Statutes, provides that—

"The annual sum of $200,000 is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by or on account of the United States." (Act 23d April, 1808.)

SUMMARY OF APPROPRIATIONS 1866 TO 1888, BOTH INCLUSIVE.

Ordnance service	$2,740,000.00
Ordnance, ordnance stores, and supplies	5,833,000.00
Manufacture of arms at national armories	4,101,000.00
Purchase of gunpowder and lead	
Tests of heavy rifled ordnance	320,000.00
Tests of iron and steel	25,000.00
Examination of heavy ordnance and projectiles	25,000.00
Machine guns	94,246.57
Armament of fortifications	2,823,219.17
Arming and equipping the militia (permanent appropriation)	4,800,000.00
Grand total	20,761,465.74

I wish to call to the attention of the committee that the desire of the Army is in this matter of gun-making to do precisely what is being done by the Navy, *i. e.*, to purchase the steel forgings from manufacturers and to only finish and assemble the guns at the gun foundry. A different impression may have been given by gentlemen speaking carelessly in opposition to this bill.

The extract I read from the Gun Foundry Board report shows that objection is not made to encouraging private enterprises nor to outside establishments finally being allowed to make complete guns; but it is of the utmost importance that the Government should be in a position not to allow private parties to obtain excessive profits. At times, in emergencies, the Government may deem it wise to pay an extra amount to obtain necessary work, as, for instance, at present the Navy Department is having some guns finished and assembled on trial at a cost of $3,600 each, while it does the same work itself at an expense of but $2,000 a gun.

Two draughts of fortifications bills have been pressed upon the Senate and House committees. One was introduced in the Senate as an amendment to this Army appropriation bill, but voted down. In both these bills among other provisions we find the following:

That if any gun or guns made principally of steel or principally of cast-iron shall be provided which withstand the prescribed test of two hundred rounds with the prescribed weight and velocity of the projectile, at least twenty rounds of which were fired consecutively within two hours, all such guns shall, if the producer of the gun desires, be further tested at the expense of the Government, under the joint direction of the party producing such gun or guns and the said board, until it is fully determined which of the steel guns and which of the cast-iron guns are the most durable and serviceable, and that the steel gun so selected and the cast-iron gun so selected as the best of its kind shall be contracted for by the said board with the party or parties producing such steel gun and such cast-iron gun, the contracts to be for fifty of the steel guns and thirty of the cast-iron guns. And the test of the trial gun or guns so selected must be such as to make it reasonably certain that firing from service guns made on any such system twenty rounds in two hours, of the standard weight of projectiles, with a velocity of 2,000 feet per second, would not disable the service gun. In case of two guns of equal endurance, as shown by their tests, that one shall have preference for contract which has shown the best degree of accuracy as determined by the test for accuracy at different ranges, while being tested for accuracy, range, and endurance. The contract for the fifty steel guns to be made at a price not exceeding $75,000 each, with a carriage suitable for each gun, to be delivered therewith, the price of the carriage to be one-third that of the gun, the carriage to be bought of the party who produces the gun, provided he or they will furnish such carriages suitable in all respects for use therewith. The contracts to include some projectiles for each of these guns, to be of such kind and number as the board shall determine, and shall be furnished by the party who furnishes these service guns, on condition that the board can make satisfactory contract therefor.

* * * * * * * *

That when the tests for endurance of guns, which may be made for test under the provisions of this section, have been completed for the guns of any of the specified 14-inch, 16-inch, or 20-inch calibers, a contract shall be made by the said board with that party or parties who shall have made the best 14-inch, 16-inch, or 20-inch guns, respectively, which gun or guns has been fired at least two hundred rounds with the prescribed charges, and as shown, by all the tests thereof for endurance and accuracy, made as herein provided, that it is superior to all other competing guns of its class. The contract for these guns of either class to be for twenty, which shall be equal in all respects to the trial gun tested, on which test the contract is or may be based. And the said board shall also contract for a gun-carriage suitable for use for each such gun contracted for, and

for a few projectiles for each of said guns. The carriages shall be furnished by the party or parties who furnish the guns for which they are made, provided such party or parties will furnish carriages suitable for use of their guns; and that party furnishing any such service gun shall furnish the projectiles therefor, provided the said board can make suitable contract with them therefor.

That the prices of said service guns shall be as follows: For 14-inch rifle guns, not to exceed $135,000 each; for 16-inch rifle guns, not to exceed $225,000 each; and for 20-inch rifle guns, not to exceed $510,000 each; and the prices of the carriages for each of these respective guns shall be one-third of the price of the gun for which it is or shall be furnished.

It will be clear to all that the gun having been accepted the maker could demand the maximum price.

The Ordnance Corps having been called upon for a criticism of this draught produced it; and I find that, after touching matters generally, it gives the following

CONCLUDING REMARKS.

Twenty-inch guns are not considered a necessity to-day. Indeed, for most purposes, the 12-inch gun is sufficient; although in exceptional cases and for the most important ports they should be supplemented by 16-inch guns. This was the verdict of the Fortifications Board. The maximum thickness of armor afloat to-day does not exceed 24 inches of wrought iron, the belt of the Inflexible; or 21.7 inches of steel, the belt the Duilio. There are under construction two ships having 29.5 inches thickness of steel on the turrets for Italy.

The penetration of the 12-inch rifle is about 26 inches of wrought iron at the muzzle, 23 inches at 1,000 yards, and 17.5 inches at 3,500 yards; the penetration of the Krupp 15½-inch gun is about 35 inches of wrought iron at muzzle and 30 inches at 3,500 yards.

To commence at once with the fabrication of the largest calibers means that the Government shall bear the total expense, and all at once, for the entire plant, probably for the production of the steel as well as the finishing of the guns. On the other hand, should the work begin with the smaller calibers in the gradual development of the plant, much outside work would be done, as the production of shafting, marine work, etc., so that the cost of the plant would be more evenly distributed amongst the consumers.

Taking the highest price for gun-steel to-day, say from 38 to 40 cents per pound, and allowing about two-fifths of the cost of the material as the proportional cost for finishing, we obtain for the cost of 14-inch, 16-inch, and 20-inch guns of the weights named in the bill the following, namely:

	14-inch.	16-inch.	20-inch.
Cost	$93,632	$144,000	$289,000
The prices named in the bill are	135,000	225,000	510,000
Differences	41,368	81,000	221,000

Making a total difference for the sixty guns proposed in the bill of $6,867,000 (nearly), which allows about (more) than three times what the Foundry Board estimated was necessary for the establishment of the two separate plants for the production of the steel and the finishing of the guns.

Thus the effect of this bill is to compel the Government to erect expensive steel and gun plants largely for the benefit of private manufacturers, besides being at the additional expense of establishing a gun factory for the Navy and another for the Army, while it is believed that the creation of the board proposed in the bill is tantamount to the creation of a new Ordnance Bureau.

The prejudice against the Army is so strong on the part of some members that they might be disposed to dispute the accuracy of these figures. I have therefore procured estimates from the Navy Department, and they corroborate the statements of the Army experts.

COMMENTS ON A PROPOSED FORTIFICATIONS BILL, DATED JULY 7, 1888.

The Navy estimates on steel guns, as based on the manufacture of the 10-inch steel gun at Washington navy-yard, are as follows: For assembling and finishing guns at the navy-yard gun factory, the steel being furnished at about 33 cents per pound—the present price for 12-inch rifle forgings under the Navy contract with the Bethlehem Works—in the following quantities, and to be completed within five years, namely:

Caliber.	Number.	Cost per gun.
12 inches	10	$50,700
14 inches	6	80,300
16 inches	6	119,900
20 inches	3	235,800

The estimated cost, if the work is done by outside parties—the steel being procured as before at about 33 cents per pound, the plant valued at $1,500,000 and allowing the high rate of 6 per cent. interest thereon—would be as follows:

Caliber.	Number.	Cost per gun.
12 inches	10	$69,800
14 inches	6	106,200
16 inches	6	153,900
20 inches	3	288,900

The difference in cost arises from the fact that the Government is assumed to own a plant, with all facilities for working, and to pay no rent, taxes, or insurance; receive no profit or interest on money invested—all of which is directly the reverse with private parties.

The Navy estimate $22,000 per gun as an approximate price for 12-inch breech loading cast-iron guns, as against $20,000 per gun estimated by the Ordnance Department.

The estimates for steel guns, furnished by the Ordnance Department to the House subcommittee on the fortifications bill, were as follows:

Caliber.	Number.	Cost per gun.
12 inches	50	$55,000
14 inches	20	93,632
16 inches	20	144,000
20 inches	20	289,000

The above price for the 12-inch steel gun was based on the price of the 12-inch Krupp rifle, which has been published as about $53,000. The prices for the larger calibers were arrived at as follows:

To the finished weight of the gun 20 per cent. was added for the weight of the rough-finished forgings; the price per pound was assumed at about 33½ cents, or a little more than that paid for 12-inch rifle forgings under the Navy contract with Bethlehem, and which allows for a good profit on the rough-finished forgings; then to the cost of the rough forgings was added two-fifths, or 40 per cent., of their cost for the finishing and assembling. These figures are thought to be fair, for the allowance on gross weight is much greater than the actual—it being only 17 per cent. of the finished weight for a 12-inch gun, and much less as the caliber increases. The cost per pound is about the same price as was bid under a call by the Navy Department, involving the small sum of only about $852,000* for gun forgings, and under which the bidders were obliged to erect the necessary plant for its production; the price allowed for finishing is probably nearly double the actual cost, or 40 per cent., against 25 per cent., of the cost of rough forgings. The figures given are therefore believed to cover all risks, etc., and to insure fair profits.

The estimates of the Department, on which the House fortifications bill is based, were even more liberal than the above, and are as follows:

Caliber.	Number.	Cost per gun.
12 inches	50	$64,346
14 inches	20	105,177
16 inches	20	154,405

which are almost identical for the 14-inch and 16-inch guns with the estimates furnished by the Navy Department, where the work was to be done by outsiders, but where a very much less number of guns, namely, twelve against forty, were involved.

But attention is invited to the much lower cost of the guns, as shown by the Navy estimates, when made at a Government factory than at private shops. It is, for the different calibers, as follows:

Caliber.	Difference in cost per gun.	Number of guns required in bill.	Total difference in cost for number of guns required in bill.
12 inches	$19,100	50	$995,000
14 inches	25,900	20	518,000
16 inches	34,000	20	680,000
20 inches	53,000	20	1,062,000
Total difference			3,215,000

And yet using the estimates allowed by the Navy Department, where these guns are made by outside parties and in very limited number, as compared with the number proposed in the bill, the difference between the total amount for the 12-inch, 14-inch, 16-inch, and 20-inch rifles and that proposed in the bill is still $6,680,000—or, omitting the 12-inch guns, $6,420,000—which represents the excessive profits permissible under the bill.

But the fact that the Navy Department can make guns for less than outside parties must operate to bring down the prices charged by outside parties to about the same figures. This is the case in England. The Royal Gun Factory at Woolwich turns out a finished 12-inch breech-loading rifle for about $35,000, and the Elswick Works furnish a similar gun for the same price; while the low prices for all other calibers made at the Elswick Works show the influence of the Royal Gun Factory competition. Thus the price charged for the Elswick 110-ton gun of 16½ inches caliber is only $95,000.

Mr. Speaker, I deem it fortunate that the Government has an Ordnance Department so upright and conscientious and careful of the interests of the Government as to, when called upon, give statements correctly as quoted, and that does this knowing well that the officers will incur the hatred thereby of disappointed schemers. The gentleman from Ohio [Mr. BUTTERWORTH] said that the fortification bill had been prepared two months ago. I think if he reflects he will remember that a bill carrying these obnoxious provisions was the bill of two months ago and not the fortification bill which passed.

It has been insinuated that my interest in urging appropriations is due to the fact that guns are being made at the Watervliet arsenal and the gun factory is located there. The conference committee has seen fit to reduce the amount to a smaller sum than the fortification bill allows. I know that this reduction will make it more difficult to complete the works at Watervliet, but I willingly accept it rather than take the chances of what I feel sure will happen in the Senate in the way of efforts being made to load the fortification bill with such schemes as the ordnance officers thwarted in the House, thanks to the evidence given by them at the request of the gentleman from Texas [Mr. SAYERS]. The amount of three millions and a half for steel forgings is a suitable sum for the proper placing of contracts; but I regret that the conference committee did not make it smaller, so as to satisfy many

*This was the bid of the Cambria Steel Works who bid on gun forgings alone; the Bethlehem Works bid, in addition to gun forgings, on steel armor-plates to the amount of about $3,610,707, making a total bid of $4,462,221.

gentlemen here. We should not deceive ourselves. Mr. Speaker, the case is clear. Putting aside all question of committee rights, or even admitting that the Appropriations Committee has the right to include all the provisions they have embodied in their fortification bill, we find before us an opportunity, properly and in order, by our vote now to give the country what it calls for.

The fortification bill would be a good bill were it not for the fact that the point of order striking out the part allowing the money for steel purchases to be available until 1893 destroys the bill. I know it will be said the Senate can correct this defect; but who can say what its fate may be in the Senate? It has gone there to meet the efforts of men who declare they will never let it pass unless these private-enterprise schemes are ingrafted upon it. When it comes back here it will have been amended; we are sure of that. We can then decide how to meet it. The responsibility for failure to avail ourselves of the opportunity now presented will rest with members of the House of Representatives, and those who vote against accepting the report can not shield themselves by quibbling about rights of committees and dignity of the House. No, Mr. Speaker, they can not escape the consequences of, by their action, having delayed the work of coast defense.

The location of the gun foundry having been fixed in this bill, I would make no allusion to it were it not for the fact that I am aware that members have been urged to prevent legislation in this Congress so as to give an opportunity to have the location changed from Watervliet to Pittsburgh.

I can assure the member from Pennsylvania that efforts of this kind will only prevent sales of steel forgings by their manufacturers and do no good to Pittsburgh. I will give some reasons for this conclusion.

Watervliet arsenal, at West Troy, N. Y., is centrally situated, and has the immense advantage as a location for machine finishing shops on gun work of being located on tide-water. No other Government arsenal affords at the same time a place more secure from hostile operations and possessing such advantages for both rail and water transportation to the seacoasts and the Great Lakes. The Delaware and Hudson Railroad passes close by the grounds, and will give an easy grade into the shops of the arsenal. Within the distance of a few miles it connects with the great railroad center at Albany. The Erie Canal passes through the grounds, and shipments can be made direct to or from the Great Lakes or pass through the outlet of the canal into the Hudson River by this cheap means of transportation. In addition to this, the arsenal has a wharf upon tide-water in the Hudson River. The finished guns can be transported with but little trouble and expense to the testing grounds at Sandy Hook.

The Government factory to be erected will not include plant for forging or casting steel or other metals for guns. These products, it is clearly understood, are to be left to private manufacturers.

The Government factory is to be a finishing shop where the parts of guns made at various other places in private shops are to be finished and put together. Note, also, that the guns to be made there are principally intended to arm the coasts. Let us suppose a point far in the interior, such as Pittsburgh, to have been selected. Then, the parts of guns made in Massachusetts or New Hampshire, at Cleveland, Ohio, or Philadelphia, Bethlehem, or Johnstown, Pa., must be transported once to Pittsburgh and afterwards back again as finished guns over substantially the same ground to reach their destination in the forts on the seacoast. Even for the material for guns furnished in Pittsburgh it can be readily seen that it is much easier to provide rail transportation to the seaboard for the separate parts of guns than for the heavy and cumbersome weights found in the complete guns.

It is by no means clear that rail transportation can be used for shipping the completed guns of the heaviest types that will be called for. A 16-inch gun will weigh about 120 tons, and a 20-inch gun (if such be ever made) will weigh about 230 tons, whilst the very best equipped railroads in the country will not now undertake to carry a piece weighing more than 80 tons.

The water-power used at the Watervliet arsenal reduces the amount of fuel required for making power, and the Legislature of the State of New York has recently passed an act to give such increased water facilities as may be needed.

Watervliet arsenal is safe from hostile operations; it has never yet been in possession of an enemy, although it has been on the line of hostile operations in two wars with Great Britain. In 1777 Burgoyne surrendered at Saratoga, and in 1814 the advance was stopped by our victory on Lake Champlain. If we succeeded then in keeping the enemy away, how much more easily can it be done now with our organized militia and vast population to draw upon? The arsenal proper needs no defensive works; we are seeking to fortify our exposed coasts. No one believes or fears that an enemy can successfully carry out an incursion with a field force over a distance of 200 miles into our territory, especially along the line from the Canadian frontier to Albany, which, on our side, can be so readily covered by the concentration of available forces.

The Allegheny arsenal, at Pittsburgh, Pa., and the Watervliet arsenal, at West Troy, N. Y., have each been examined by the same board with reference to the selection of a site for a Government gun factory. The Gun Foundry Board visited both places in 1884 for this purpose and decided in favor of Watervliet. This board was composed of Navy officers, and engineer, ordnance, and artillery officers of the Army, and in the same tour of inspection visited nearly all the principal gun factories in Europe. When the Flagler board was organized in 1887, and again chose Watervliet, there was no question of the selection of Allegheny arsenal, for it had been passed over by the previous board. The Government land at Allegheny arsenal comprises but 36 acres, which is hemmed in by the environments of a large city and is cut in two by one of its main thoroughfares; and great expense would be incurred in grading the present ground for a large factory and in purchasing adjoining lands for a suitable extension of the present property. This arsenal has no wharfage facilities whatever, and must depend entirely upon railroad transportation for direct shipments. The uncertain and very limited water transportation from the city of Pittsburgh bears no comparison in facilities or directness in shipments to points where the completed guns must be delivered with that which is afforded at the Watervliet arsenal.

Watervliet arsenal is sufficiently near the centers of trade to make it unobjectionable on that ground, and is yet properly isolated from a large city and gives ample room for building purposes. The arsenal grounds comprise over 100 acres. About one-fourth of this land, lying between the canal and Hudson River, is subject to partial overflow by the spring floods. The present shops are principally located on that area, but have been in operation for many years without serious detriment from any overflow. However, the new gun shop is on the high ground west of the canal and the new buildings for an extension of the gun factory would also be placed there upon good building sites with rock foundations.

Mr. SAYERS. Mr. Speaker, I shall not occupy the attention of the House but for a very few moments this morning, reserving for to-morrow the remainder of the time to which I may be entitled. For some time past the question has been before the House as to whether the amendments of the Senate which are embraced in the report under consideration should have been attached to the Army or to the Fortifications bill. The decisions of the constituted authorities of this House have been adverse to the Army bill, and there has been no appeal from these decisions. But it would be well for the House to know why it was that these amendments are before us in their present shape. A gentleman whose opinions are entitled to the highest credit has—elsewhere than in this House—given us the reason, and that, too, in a plain, straightforward manner. What he has said upon the subject is to be found on page 8376 of the CONGRESSIONAL RECORD, which I will ask the Clerk to read.

The Clerk read as follows:

The Senator from Kentucky [Mr. BECK] makes a very proper and wise suggestion, in which I very heartily concur, concerning the loading of appropriation bills with legislation that does not pertain directly to expenditures under existing laws. But nobody is better aware than one with that Senator's experience, that both Houses of Congress have come to resort to that course in despair in many cases as the only way of getting important public business done. That is not the fault of this branch; I do not say whose fault it is. I have known a legislative department in which it has been systematically the practice to bury things they did not quite like, and not to give their own body a chance to vote upon them.

I will suppose a case. I will suppose that these very amendments that I offered to the Army appropriation bill were pending in the form of an independent bill in the other House, and suppose that there was to be no chance whatever for them there as an independent bill and that we here thought that as they were entirely germane to an Army bill we would place them, in the form of an amendment, on the Army appropriation bill. In an ideal Congress that perhaps would not be the wisest way always to let such amendments be considered in connection with an appropriation bill, but in a practical Congress we have found it a practical way of getting at the result, to put on an appropriation bill some wise and indispensable legislation because that train was going through anyhow and we did not know whether we could catch a freight train or not. That is the vicious way that Congress has sometimes to legislate.

Mr. SAYERS. This gentleman says he is the author of these amendments; he makes known his motives for seeking to have them placed on the Army bill; he acknowledges it to be a vicious way of legislation. At the same time, however, he takes care to throw the responsibility upon a legislative department, not the one which he was then addressing.

But, sir, it is due to this House; it is due to the Committee on Appropriations; it is due to gentlemen upon this floor to say that, at the very time these utterances were being delivered, a House bill embracing the subject-matter of these amendments was then pending in the Senate.

Mr. BLOUNT. I wish to ask the gentleman from Texas a question. He said that the remarks which have just been read were uttered by some one other than a member of this House. I want to know if they were not uttered by a Senator?

Mr. TOWNSHEND. The gentleman knows that that is entirely out of order. I have allowed the gentleman from Texas to quote this matter and use it in his own way; but now when the gentleman from Georgia [Mr. BLOUNT] attempts to bring out a statement which he knows is entirely unparliamentary——

Mr. BLOUNT. Yes. The unparliamentary course began elsewhere, and the only point I want to bring out is the fact that a Senator has announced that the purpose is to force this House to the consideration of this matter.

Mr. TOWNSHEND. Well, I make the point of order, and I thought the gentleman from Georgia had been here long enough to know that his question was entirely out of order.

Mr. BLOUNT. The gentleman from Georgia has been here long enough to conduct himself properly without instructions from the gentleman from Illinois.

Mr. TOWNSHEND. Well, Mr. Speaker, I make the point of order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SAYERS] has the floor.

Mr. TOWNSHEND. Then I make the point of order that the gentleman from Georgia has asked a question that is not in order. He has inquired in reference to a debate which he says occurred in the Senate, and the rules of this House peremptorily forbid the quotation in debate here of anything which has taken place in the current session of the Senate. I leave that point for the Chair to determine.

Mr. BLOUNT. In determining it I trust the Chair will determine whether it is a proper thing for this House to consider a violation of its privileges and its dignity by the declaration of a Senator that there has been a purpose on the part of the Senate to force the House to the consideration of a measure which can not be reached under its own rules or by a mode of procedure prescribed by itself. I trust the Chair will consider that view of the matter as well as the one suggested by the gentleman from Illinois.

Mr. SAYERS. Mr. Speaker, if the point of order raised by the gentleman from Illinois to the interrogatory propounded by the gentleman from Georgia be not sustained, I am perfectly willing to answer the question.

Mr. TOWNSHEND. Then I submit that the Chair should rule upon the inquiry as to whether it be in order or not.

Mr. SAYERS. I do not desire to keep anything back. I would like for the House and the country to be fully informed as to the methods adopted for securing the appropriations covered by the pending report.

Mr. BLOUNT. Mr. Speaker, as it is a great secret where these utterances were made, I will withdraw my question. [Laughter.]

Mr. TOWNSHEND. The gentleman has discovered that I am right and he is wrong.

Mr. BLOUNT. Not at all.

The SPEAKER *pro tempore*. The Chair is ready to rule upon the point of order, but that is unnecessary, as the question is withdrawn.

Mr. SAYERS. Sir, it is enough for me to call the attention of the House to what has just been read by the Clerk. Further criticism, even if it were proper, would not be necessary. The language speaks for itself. It is too explicit to be misunderstood. It plainly discloses what has heretofore been but a matter of suspicion. It is a full, a frank, and an unsought confession of the motives which underlie this extraordinary attempt to secure these appropriations in defiance of and contrary to the rules of the House and in a manner wholly at variance with a proper method of legislation. It will be remembered, Mr. Speaker, that while the fortifications bill was under consideration in the House the gentleman from Illinois [Mr. TOWNSHEND] raised points of order upon the following provisions in the bill:

That the sums of money appropriated in this section and in section 4 of this act shall remain available for expenditure until and including the fiscal year 1893.

* * * * * * *

That the President of the United States shall appoint a board on defense, advisory to the Secretary of War, to consist of three officers of the Army, etc.

These points of order were sustained and the provisions complained of were stricken from the bill.

But what follows? Directly after this action of the presiding officer, the gentleman goes to the conference committee between the two Houses on the Army bill and assents to if he does not procure the following amendment to that bill:

The appropriations provided for in sections 3, 4, 5, and 6 shall be available until expended, and shall be expended under the direct supervision of a board, to consist of the commanding general of the Army, an officer of ordnance, and an officer of artillery, to be selected by the Secretary of War; and said board shall be under the direction and control of the Secretary of War and subject to his supervision in all respects.

It is proper to say that this provision was not in the Army bill when it went into the hands of the conference committee. It has been entirely an afterthought upon the part of those who are engaged in pushing the Senate amendments through Congress.

What a demonstration of parliamentary skill!

Now, I submit that the House conferees in their deliberations ought to have observed the rules of the body which they were representing. They should have followed the practice of the Senate conferees, who, as stated by the distinguished chairman of the Senate Appropriation Committee, are always guided more by the wishes of the Senate than by their own individual opinions.

A few words, Mr. Speaker, as to the amounts involved in this report and which will be appropriated if it should be adopted.

This House, a few days since, passed a fortifications bill, and in order that the members may be fully informed as to the difference between that bill and the pending measure, I ask leave to read the following tabular statement:

Items of appropriation.	Fortifications bill as it passed the House and now in the Senate.	Senate amendments to Army bill.	Senate amendments to the Army bill as agreed on in conference.
Protection, etc., of fortifications	$100,000	$1,000	.....
For sea-walls	117,000	3,500	$2,500
For torpedoes	200,000	600,000	100,000
Manufacture and test of cannon, etc	400,000	600,000	500,000
To complete, under fabrication	158,000	.....	.....
Gun foundry at Watervliet	750,000	750,000	700,000
Purchase of gun steel	1,500,000	5,000,000	3,500,000
For mortars	500,000	.....	.....
Total	3,725,000	6,954,500	4,802,500

I earnestly invite the attention of the House to the relative merits of these two measures, and am quite sure that the fortification bill will successfully endure the comparison.

But the gentleman from New York [Mr. TRACEY] has delivered a carefully prepared speech, in which he very properly criticised a certain bill now pending in the Senate. That bill is not at all like the one reported from the House Committee on Appropriations and which has passed the House. It is a very different measure, and I am glad that he has brought it to the attention of the House and the country, though foreign to the present discussion.

Now let us see how the pending report presents the matter, and contrast it with the provisions of the fortification bill. It will be remembered that no fortification bill has passed Congress for four years. The fortification bill as passed this session by the House appropriates for necessary repairs of fortifications—for instance, at Fort Niagara and other places—$100,000. The Army appropriation bill makes no provision for that purpose. For sea-walls—such as Governor's Island—the fortification bill, following the estimates sent in by the War Department, makes an appropriation of $117,000, whereas the Army bill as agreed on in the conference report makes provision for an expenditure of only $2,500 for this purpose. The evident object in cutting down or abandoning the appropriations for these particular purposes was to preserve as far as possible this appropriation of $5,000,000 for the purchase of steel, so that we have now in this report a recommendation that Congress appropriate $3,500,000 for the purchase of steel. Sir, one of the best officers in the Ordnance Bureau, a gentleman of high intelligence, of experience, and of industry, has told the Committee on Appropriations that if the Watervliet arsenal should be operated energetically and to its utmost extent it could not possibly consume more than $100,000 worth of steel per annum.

Mr. TRACEY. Only $100,000 worth?

Mr. SAYERS. One hundred thousand dollars' worth of steel per annum. I call the gentleman's attention to page 103 of the notes of hearings before the Committee on Appropriations upon the fortification bill. When Capt. C. S. Smith, of the Ordnance Bureau, was before the committee, I put to him this question:

In the present circumstances, how large an amount in value of steel forgings could be used within the next two years, the work at the arsenal being constant and effective?

Answer. About $200,000 worth in value of steel forgings.

Mr. TRACEY. The gentleman from Texas will allow me to say that when Captain Smith made that statement he alluded to the present condition of the Watervliet arsenal.

Mr. SAYERS. That is so. But, Mr. Speaker, it will take at least three if not five years within which to expend the $700,000 upon Watervliet arsenal so as to equip it to manufacture 10-inch and 12-inch guns. Congress convenes every year, and when this arsenal shall get into a condition to consume a greater quantity of steel, other appropriations for the purchase of steel can and will be made.

Mr. TRACEY. How long will it take to prepare the steel forgings? Will it not take just about the same time?

Mr. SAYERS. No, sir; it will not take that time. It may take that time to prepare three and one-half million dollars' worth; but we do not want so much.

Now, Mr. Speaker, the appropriation of $3,500,000 for the purchase of steel may be a very small matter as compared with the annual revenues which flow into the Treasury; but, sir, I submit that if this House undertakes to adopt this report covering such an appropriation it will be knowingly guilty of an extravagance which is entirely unwarranted by the circumstances which surround us. The purchase of three and a half million dollars of steel, when our appliances, present and for years to come, will not permit us to consume effectively more than $100,000 worth per annum, will be a reckless and an unnecessary expenditure. I do not wish to offend the feelings of any gentleman or to violate parliamentary courtesy, but I do say that it will amount to little less than a robbery to appropriate three and a half million dollars for the benefit of a few steel manufacturing establishments.

Mr. TOWNSHEND. Mr. Speaker, a word in reply to the gentleman from Texas. At this time there is but one establishment in the country which can furnish these steel forgings——

Mr. SAYERS. Allow me to say to the gentleman that when the Secretary of the Navy published his advertisement inviting proposals or bids in this matter, there were three competing establishments——

Mr. TOWNSHEND. Yes, I know that.

Mr. SAYERS. There were three competing establishments for the furnishing of steel to the amount of $1,000,000.

Mr. TOWNSHEND. My friend, however, will not deny this statement—that there is but one establishment in this country that is equipped for making these heavy steel forgings; that is the establishment at South Bethlehem, which has already the contract for making steel forgings for the Navy Department. If, then, the amount should be reduced to one and a half million dollars, the sum which the fortification bill proposes, it would be practically, as I said the other day, a vote in favor of putting that sum of money into the possession of the only establishment in the country which can produce those forgings. If the amount be reduced to the sum which the gentleman from Texas has insisted upon, it would be practically a vote in favor of creating a monopoly in this country for the manufacture of steel forgings, and the Government would be compelled to yield to the demands of that monopoly. By offering to purchase a larger amount, which will be needed later on, we shall create competition.

It requires a cost of half a million to a million of dollars to create a plant which will enable these steel manufacturers to make these heavy steel forgings. If your call is only for a million and a half or a million you will keep off the capitalists from establishing new plants to come into competition with the one now in existence, whereas if a larger amount of steel were to be purchased instead of to the value of a half million or a million of dollars (and it takes half a million or a million of dollars to establish such a plant), then there would be an inducement on the part of the capitalists of the country to establish such plants and provide competition with the existing establishment.

Now the object of the War Department and the object of the Senate was that the Government might offer for such an amount of steel to be supplied as would stimulate other establishments in the country to build plants and thereby cause competition between these various establishments, and thus enable the Government to purchase this steel at a much lower sum than it will be able to do it if we assign it to the amount which the gentleman from Texas demands.

Mr. BUTTERWORTH. Permit me to ask the gentleman a question.

Mr. TOWNSHEND. If the gentleman will not go on and make a speech I will yield to him for a question; I wish to close the debate.

Mr. BUTTERWORTH. I understand this is to go over and be voted on to-morrow.

Mr. TOWNSHEND. I will yield to the gentleman.

Mr. BUTTERWORTH. If one of the competing establishments, by reason of superior advantages, can crowd the others out on the margin they can make on $1,500,000, they could do the same thing more certainly if the sum is increased and the time extended.

Mr. TOWNSHEND. I do not agree with my friend from Ohio. If the amount be three and a half millions of dollars the establishment would take into consideration the cost of building up a plant. If there is such inducement, the South Bethlehem Works will not be able to prevent competition. If these manufacturers are going to have a large demand for these heavy steel forgings, sufficient to enable them to build up new plants, I do not believe that the South Bethlehem Iron Works will be able to crowd them out.

Mr. BUTTERWORTH. I only want to add a word in addition.

Mr. TOWNSHEND. The object of the War Department, of the Senate, of the committee is to avoid putting the Government entirely into the power of the present plant and to create a monopoly in the country in reference to the supply of these steel forgings. What we wish to accomplish is to encourage the building up of other steel factories. We will thereby prevent jobbery. Talk about jobbery! The jobbery is in offering them so small an amount that no other establishments will compete with the existing establishment. There is where the jobbery is. There is the jobbery to-day in the manufacture of steel forgings. What we wish to do is to strike down that monopoly and to bring about a competition which will enable the Government to get its supply at a much lower price.

The SPEAKER *pro tempore*. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. TOWNSHEND. I will for a question, but not for a speech.

Mr. BUTTERWORTH. I wish to submit another question or proposition. The bids for a million dollars' worth of steel brought into the field three competitors. Now it is clear if you solicit bids for $1,500,000 worth, other competitors will enter the field, in view of the fact that additional quantities of steel will be required in the near future. But if at this time you solicit bids for three and one-half millions, and that supply will last ten or twelve years, what will there be to invite or create competition? Will not the establishment the gentleman refers to crowd out all competitors?

Mr. TOWNSHEND. The gentleman is going over the same road which has already been traveled in this debate.

It is true at that time the Government only offered to purchase $1,000,000 worth of steel forgings for guns, but it was made known that $3,000,000 worth more would be bought for steel armor for ships. And that is the inducement which led two or three establishments to compete for it.

The SPEAKER *pro tempore*. The time limited for this debate has expired.

Mr. SAYERS. I ask unanimous consent to call attention to another fact. I wish it to go to the country. I ask only five minutes——

Mr. TOWNSHEND. I think it is best to let it go over, as the subject itself has been postponed until to-morrow, when we can have this matter debated on both sides.

Mr. SAYERS. Then I will ask for unanimous consent to extend the remarks which I have already submitted when they come to be printed in the RECORD.

Mr. TOWNSHEND. I have no objection to that.

There was no objection, and it was so ordered.

Mr. BUTTERWORTH. I would like to submit a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The gentleman will state it.

Mr. BUTTERWORTH. I understand this report will come up to-morrow as unfinished business?

The SPEAKER *pro tempore*. It is a conference report, and being privileged can be called up at any time.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. Mr. Speaker, I submit the report of the conference committee on the bill H. R. 10556, being the naval appropriation bill.

The SPEAKER *pro tempore*. The Clerk will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 8, 21, 22, 23, 24, 25, 27, 28, 29, 46, 47, 48, 55, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 15, 18, 34, 35, 37, 38, 39, 40, 49, 51, 57, 59, 65, 66, 67, 68, 70, 72, 73, and 74, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3, and agree to the same with an amendment as follows: Insert after the word "same" in line 9, page 4, of the bill the following: "and to enable the Naval War College to be conducted at said island up to January 1, 1889;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add to the end of said amendment the following: "after said date;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$625,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate numbered 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,367,156.47;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,325.53;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 20, page 26 of the bill, strike out "fifty-one" and insert in lieu thereof "seventy-one;" and in lines 21 and 22, same page, strike out "one-hundred and ninety-eight" and insert in lieu thereof "two hundred and eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,494.20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "674,080.20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$917,213.77;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 63 and 64, and agree to the same with an amendment as follows: In lieu of the matter inserted and stricken out by said amendments insert the following:

"One armored cruiser of about 7,500 tons displacement, to cost, exclusive of armament, not more than $3,500,000; and three gunboats, or cruisers, neither of which shall exceed 2,000 tons in displacement nor $700,000 in cost, excluding any premium that may be paid for increased speed and the cost of armament; said three gunboats, or cruisers, to be built either wholly of steel or with steel frames."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the Senate amendment numbered 69, and agree to the same with amendments as follows: Substitute for said House amendments to said Senate amendment the following:

Page 33, line 26 of the bill, strike out the word "on" and insert in lieu thereof the word "and."

Page 33, line 26 of the bill, after word "Congress," insert the following: "with their engines, boilers, and machinery."

Page 34, line 1 of the bill, strike out the word "on" and insert in lieu thereof the word "and."

Page 34, line 3 of the bill, strike out the word "on" and insert in lieu thereof the word "and."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 71, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "Vessel or vessels;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the Senate amendment numbered 75, and agree to the same.

H. A. HERBERT,
WM. McADOO,
JOHN R. THOMAS,
Managers on the part of the House.

EUGENE HALE,
C. B. FARWELL,
JAS. B. BECK,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses beg leave to submit the following statement as to the effect of the recommendations of the conference report:

Of the amendments from which the Senate recedes the following do not involve any increase or decrease of appropriations, but the changes made are in phraseology, 6, 8, 20, 21, 22, 23, 24, 25, 27, 28, 29, 48. Some of the above relate to totals affected by other amendments.

No. 5: Senate receded from No. 5, which increased by $700 the amount of appropriation for clerk at Coasters' Harbor Island.

No. 7: Amendment appropriating for torpedoes, $100,000. Senate receded.

No. 46: Amendment increasing appropriation for steam machinery, Bureau of Steam Engineering, $30,000. Senate receded.

No. 47: Amendment increasing appropriation for purchase and handling materials, Bureau Steam Engineering, by $50,000. Senate receded.

No. 55: Amendment increasing pay of chief clerk in office quartermaster of marines. Senate receded.

No. 56: Increase of pay of clerk in office of quartermaster at Philadelphia. Senate receded.

Of the amendments from which the conferees recommend that the House recede, the following do not involve any appropriations, to wit, 15, 35, 38, 40, 41, 51, 57, 59, 65, 66, 67, 68, 70, 73, and 74.

House recedes from its disagreements to—

No. 14: Amendment appropriates $ 0,000 to erect building in Brooklyn navy-yard destroyed by fire since annual estimates were submitted.

No. 18: Appropriates $30,000 for purchase of adjustable stern-dock.

No. 34: Increase of $5,000 for Hospital Park, Portsmouth, Va.

No. 37: Gives a clerk to Bureau of Provisions and Clothing, Washington navy-yard, $1,200.

No. 49: Gives draughtsman, Portsmouth, N. H., $1,100.

No. 72: Reduces appropriation for increase of Navy by $500,000.

With amendments:

Nos. 3 and 4: House recedes with verbal amendments.

No. 11: Amendment appropriating $50,000 additional for equipment of vessels reduced to $25,000 additional.

No. 16: An amendment in phraseology agreed upon, and the amount of the appropriation remains at $15,000, the Senate also agreeing to the insertion of the Atlantic coast.

Senate amendments:

No. 45: Increases amount for repairs of vessels by $85,000. Senate and House agree on $50,000 instead of $85,000.

No. 53: House agrees to additional $20,000 for boat-house at Naval Academy.

Nos. 58, 60, 62: Change of phraseology.

Nos. 63, 64: The Senate recedes from its objections to the armored cruiser in the House bill, and the House agrees to the three gunboats or cruisers recommended by the Senate.

No. 69: Is an amendment in phraseology.

H. A. HERBERT,
JOHN R. THOMAS.

Mr. HERBERT. Mr. Speaker——

Mr. HOLMAN. Before the gentleman from Alabama commences I hope he will cure what appears to be a defect in this report by stating the exact condition of this bill as it passed the House and as it passed the Senate, and also the amount recommended by the conference committee.

Mr. HERBERT. I had intended to do that, having the figures before me.

Mr. HOLMAN. It seems to be omitted from the report.

Mr. HERBERT. The estimates of the Department on which the bill was based amounted to $23,003,624.12. The bill as it passed the House carried an appropriation of $20,008,074.25; as it came from the Senate, $20,188,092.03; and as reported by the conference committee to the respective Houses it carries an appropriation of $19,943,225.45, or a reduction of $240,866.58 from the amount of the Senate bill.

Now, sir, I am ready to answer any question gentlemen may desire to ask me.

Mr. HOLMAN. I hope my friend will at least explain—as I gather but a faint idea of the bill from the report which has been read—what, taking the House bill as it now stands according to the report of the conference, will be the extent of the proposed increase of the Navy.

Mr. HERBERT. The extent of the increase authorized is four cruisers and three gunboats, being seven in all. As the bill passed the House it provided for three unarmored cruisers and one armored cruiser, being four in all. In the Senate the armored cruiser was stricken out, and three gunboats or cruisers of 2,000 tons each added in lieu of the armored cruiser. The House conferees were very anxious to authorize the armored cruiser, but the Senate conferees insisted upon the gunboats. There was quite a long conference and two long sessions on this very question, and it was finally determined that the House should yield to the Senate and the Senate to the House, and that is the recommendation of the conference committee.

Mr. ADAMS. Mr. Speaker, of course I do not wish to delay the adoption of the report, and do not suppose that I could if I would; but I should be very glad to have the gentleman from Alabama state just what took place between the two Houses in reference to the question of the armored cruiser. I want to say that according to my information, which I do not pretend by any means to be general upon the subject, an armored cruiser is an anomaly in modern naval operations. I do not object to experiments, and this may be a valuable experiment; but it seems to me that the best experience of modern times has demonstrated the fact that an armored vessel is a vessel of defense and a cruiser a vessel of offense, while the armored cruiser is neither the one nor the other, and has no place in modern naval warfare at all. I do not see, unless an armored cruiser can perform some functions not ordinarily performed by war ships, why it was that the House was willing to spend $2,000,000 for that one vessel, when according to my impression the same amount of money might have provided two or three cruisers which would have served the purposes of cruisers and been equally efficient for the defense of the seaboard.

Mr. HERBERT. The remarks of the gentleman from Illinois are calculated to bring out very pointedly the questions of difference between the House and the Senate conferees on this question. The House insisted on the armored cruiser for the simple reason that experience shows, and all advanced nations have demonstrated it by their own naval construction, that an armored cruiser of that tonnage can be made to give a speed of 19 knots an hour, and it is expected that this armored cruiser will go 19 knots. It is such a vessel as might go and would go abroad in time of war as a commerce destroyer, and among unarmored cruisers it would be the monarch of the seas. With 12 inches of armor it would be superior to any unarmored cruiser afloat.

Mr. ADAMS. What is the armor proposed?

Mr. HERBERT. About 12 inches.

Mr. ADAMS. At the water line?

Mr. HERBERT. Well, yes; at the water line and for several feet above, and sloping down gradually to say 7 feet below the water line.

Mr. ADAMS. Can the gentleman state exactly the caliber of a gun which would pierce that armor at the first fire?

Mr. BUCHANAN. Of course any modern gun can do it.

Mr. ADAMS. I am informed that any modern gun can penetrate the armor of that thickness.

Mr. HERBERT. That is a mistake, sir. No 10-inch gun or 8 or 6 inch gun can do it unless at very close range and very squarely struck; but then it is largely matter of opinion.

Mr. ADAMS. Do I understand the gentleman to say that an 8 or 10 inch gun can not penetrate it?

Mr. HERBERT. No, sir; it can not; not 12-inch armor—that is to say, that though a 10-inch gun will pierce 12 inches of steel in a target yet the opinion of experts seems to be that under the varying conditions of a combat at sea 12 inches would be a protection against a 10-inch gun. It would be very rarely the case that the impact of a shot against the side of a vessel at sea would be as direct as against a target.

As to the small gun-boats or cruisers of 2,000 tons. They would have the advantage of giving employment to and training for more officers, but it is impossible to make a small vessel as small as 2,000 tons go as much as 19 knots an hour without sacrificing the capacity for coal, crew, and armament. There are vessels——

Mr. ADAMS. Then that would admit my whole question. I supposed that if you put armor on these vessels you must sacrifice something. You must either have speed or defensive power. Now, did I not understand the gentleman that an armored cruiser with 12 inches of armor and this displacement and tonnage could not only go 19 knots an hour, but that it has not sacrificed anything in carrying capacity?

Mr. HERBERT. Of course the more armor you put on the more coal-carrying capacity you sacrifice. But a vessel of 7,500 tons can carry her armor and coal enough besides to give her great endurance, besides carrying her 19 knots an hour. This is not a new experiment. Spain is now building six of between six and seven thousand tons which are to make 19 knots an hour.

Mr. ADAMS. With 12-inch armor?

Mr. HERBERT. That is probably as much as would be carried by such cruisers.

Mr. ADAMS. Would that be sufficient to resist penetration by 12-inch guns?

Mr. HERBERT. I do not know. I could not say that. But they are effectively armored, and are to go 19 knots an hour.

Mr. BUCHANAN. Are they turreted?

Mr. HERBERT. I do not know whether they are or not. Many armored cruisers are turreted.

Mr. ADAMS. An armored cruiser is not a turreted vessel.

Mr. HERBERT. It is—sometimes.

Mr. ADAMS. I supposed that it was not the custom to put turrets except upon armored ships. But one more question, and I will not interrupt the gentleman further. The cost of this vessel which will make 19 knots will make how many unarmored vessels?

Mr. HERBERT. It would pay for three vessels of 3,000 tons each, unarmored vessels.

Mr. BUCHANAN. I would like to ask the gentleman a question, if it would not interrupt him too much at this time. Has the gentleman examined far enough as to the penetrative qualities of modern ordnance to determine whether or not in the case of vessels the limit of flotation will not be reached before the limit of penetration?

Mr. HERBERT. I think it is agreed generally among naval experts that guns can be put on vessels that will penetrate any armor.

Mr. BUCHANAN. That can be floated.

Mr. HERBERT. That will float. But the power of guns to penetrate armor upon ships, which are perpetually shifting as they float and can not often be struck squarely, will probably when fairly tried be found very different from their power to penetrate targets. However this may be, I can safely say that the general result of the experience of experts throughout the world, so far as it has gone, is in favor of armored vessels.

Mr. ADAMS. Armored cruisers?

Mr. HERBERT. Yes, sir; and quite a number of them are now being built.

Mr. ADAMS. I am surprised to hear that.

Mr. HERBERT. England is building a number now, or rather has just built several.

Mr. ADAMS. Armored below the water-line?

Mr. HERBERT. All that are armored are armored for some distance above and below the water-line. I have examined this question with a great deal of care, but I am not an expert and can only speak of the general results. My information is derived from the opinions of experts. There are a great many armored cruisers in the world, and their speed and sea-going qualities have been tested. We have only two armored vessels provided for before this, not counting the monitors.

The gentleman will remember that when this Administration came in we had five monitors, the Miantonomoh, Monadnock, Terror, Amphitrite, and Puritan. One of these, the Miantonomoh, was armored, except as to her turret; the other four are to be armored. They are antiquated in type and not by any means first-class, but the Administration believed that it would be better to armor them than to throw them away.

Mr. ADAMS. For harbor defense.

Mr. HERBERT. For harbor defense. They think that they would make very effective coast-defense vessels.

Now we have already authorized before this bill two armored cruisers—the Texas and the Maine. If this passes, we shall have only three.

Mr. ADAMS. Is this a mate for the other two, or of about the same capacity?

Mr. HERBERT. It is about 1,000 tons larger.

Mr. ADAMS. How nearly complete are those vessels?

Mr. HERBERT. They are not near completion. There has not been any very great progress made upon them. The armor is to be obtained under a contract with the Bethlehem Iron Works. It will require, perhaps, four years to complete those vessels. It will require possibly five years to complete this one. It will be built gradually. To sum up, then, in answer to the gentleman's question, I will state that the House conferees preferred that one cruiser to these three unarmored 2,000-ton vessels proposed by the Senate, because these little vessels will not be as fast and will not be as effective in battle; but 18 knots an hour can be obtained from these 2,000-ton vessels and that will make them fast vessels.

I have had a calculation made which shows that in the French navy and in the English navy only 9 per cent. of all their vessels will make 18 knots an hour; so that these cruisers, which the House conferees were really averse to taking, but which they finally concluded to recommend, if they make 18 knots an hour, will be fast enough to escape from 91 per cent. of all the vessels of France or of England, and therefore they will be valuable. For myself I would prefer not to build any cruiser that could not make 19 or 20 knots an hour. I believe that, commencing now as we do our modern navy, we ought to have the very best navy afloat. I think we ought to have less dead material in it than there is in any other navy, and, in point of fact, we shall have less. This Administration is making every effort to have our vessels just as fast as possible and fully up to the requirements of the age. I believe that one of the reasons why we were so successful in the war of 1812 was that when the Constitution and her sister ships were being laid down under the law of 1794, the very best shipwright in the whole country, Mr. Rumsey, of Philadelphia, was employed, and they were made a little better and a little faster than other vessels of their class.

Mr. O'NEILL, of Pennsylvania. The old Constitution never yet has been excelled in speed by a sailing vessel.

Mr. HERBERT. No. The old Constitution once made 13½ knots an hour under sail. Now, as I have said, this Administration is trying to build very fast vessels, and I would prefer not to take these small vessels; but they can be made to make 18 knots an hour, and that, too, without the sacrifice of any sea-going qualities.

There are vessels of 1,800 tons, such as the Forbin, of the French navy, that make 19 knots an hour; but they have very little armament and very little endurance, that is they can not carry a large supply of coal.

Mr. BUCHANAN. My inquiry was as to how many of those smaller vessels are carried by the bill as agreed upon in conference?

Mr. HERBERT. Only three.

Mr. CANNON. A single word, Mr. Speaker. I hesitate even to say a word on this subject, because I will state very frankly that what I do not know about the construction of cruisers would make not only a book, but a whole library. But I have some recollection that for many years I have sat as a member of this House year after year, and have seen appropriations for the Navy opposed and attacked. As to these five monitors which the gentleman [Mr. HERBERT] speaks of, and which are now being finished, I recollect that for several years it was claimed here that they were totally worthless, fit for nothing except to be broken up. I recollect that at one time the country from ocean to ocean was electrified with the statement that if one of these monitors, the Puritan, I believe, should even be launched she would sink. Still, whether they are worth anything or not, they are being finished.

So far as I have knowledge, and I have given some little attention to the subject, I believe that after we get our fast cruisers—and in my opinion it is not important that they should be heavily armored—after we get our fast cruisers, and our harbor defenses complete, through the best obtainable torpedo system with some good guns and gunboats, we shall probably have gone as far as we can go with profit now; and I very much doubt the wisdom of expending over $3,000,000 in the building of one armored cruiser. I think the money would be better expended in smaller ships less expensively built, but, as I believe, substantially as useful.

Mr. BUCHANAN. And fitted to cruise wherever American enterprise goes?

Mr. CANNON. Certainly; fitted to cruise anywhere.

I suppose that this conference report will be adopted. I wanted to say this much; and having given expression to my doubts, my fears, and beliefs as to this cruiser, I wish to express my surprise at another matter. A few minutes ago I noticed sitting on the other side of the House the gentleman from Indiana [Mr. HOLMAN], whose voice in former years, in one Congress after another, rang out like a bugle in this House, and was heard throughout the length and breadth of the country, announcing the doctrine year after year that this nation was great enough, and strong enough, and grand enough without ships and without defenses to protect herself against the other nations of the earth; and I have rarely heard as great applause as met that remark on the other side of the House. The trouble is not that we are getting a navy too fast—such a navy as we need—but that we are liable, as I believe, in this case to expend upon costly, I was about to say extravagant, experiments large amounts of money which I fear will be wasted.

Mr. TOWNSHEND. Will the gentleman allow me to correct his impression in regard to the gentleman from Indiana [Mr. HOLMAN], who I see is not now present? The objection of the gentleman from Indiana in regard to large appropriations does not apply to anything for the Navy, but has application to the Army only. It is only with reference to the Army that he apprehends the danger of extravagant and unnecessary appropriations—not with regard to the Navy.

Mr. CANNON. I know not what may be the present state of mind of the gentleman from Indiana; but I was speaking of his opinions and expressions within less than six years, as declared in this House.

Mr. TOWNSHEND. Did not those remarks refer to appropriations for the Army? I presume the gentleman from Indiana did not make any such remarks about the Navy.

Mr. CANNON. The remarks to which I refer had reference to naval appropriations.

Now, I believe I have said about all that I wanted to say. In conclusion, let me remark that I do not wish to criticise any proper expenditure; but I do think, at least touching this cruiser, that the appropriation might well and profitably have been omitted from this bill; and I shall be agreeably surprised if, in the future, when this cruiser is constructed, my fears shall prove to have been unfounded.

It is well enough at this time to recollect that homely old story of the Dutchman's calf. He said it was the strangest calf he ever saw. "By Chove," he said, "I had to pull dot calf's ears off to get it to suck, and den I had to pull its tail off to get it away."

Very slowly did our Democratic friends come to this question of a navy. To get them there we had almost to pull the hair and the ears from their head; but by and by they got there; and now I am not sure but that the tail-hold ought to continue a little longer so far as concerns this cruiser of doubtful expediency.

Mr. HERBERT. Mr. Speaker, in order to relieve the gentleman's doubts as to the propriety of building this cruiser, I will call his attention to what other nations are doing and will answer a little more specifically the question put to me by the other gentleman from Illinois. I have here (and it was appended to the report accompanying this bill) a résumé of the armed vessels built and building by other nations, together with the speed that they make. I find that England has built or is building—I shall only allude to those vessels which are fast, effective cruisers, which would be good commerce destroyers—England has seven, France two, Italy five, Russia four, making eighteen of these vessels which make 18 knots or more an hour; and Spain is building six, as I have said, which make 19 knots an hour.

And now, sir, as I have answered the gentleman's question, I hope I may be indulged in a brief retrospect, as this bill closes up the appropriations for our Navy for the first hundred years of our national existence.

In the early history of our country there was some difference of opinion among statesmen as to the extent to which we ought to main-

tain a navy, but events so shaped themselves as in a few years to formulate a policy on which all men agreed.

After our "quasi war" with France and our four years' war with Tripoli came the war of 1812, followed by another short war with the Barbary powers in 1815. From the close of that last war forward no party in America has ever dared to question before the bar of public opinion the duty of the Government to keep and maintain an efficient navy to aid our diplomacy in time of peace and defend our rights in war. During all these wars, except that with France, the Democratic, or, as it was then called, the Republican party, had been in power. In 1816, when peace was assured, secure in popular favor, its statesmen had ample opportunity for deliberation.

They all agreed upon the necessity of an efficient navy, and when 1820 had come their plan of gradual increase had matured into a scheme for creating and maintaining a force of 12 line-of-battle ships, 14 first-class frigates, 3 second-class frigates, and 6 sloops, in all, 35 ships of war, besides a proper number of smaller vessels. If any individual Democrat since that day has ever, for a moment, claimed that we ought not to maintain a navy it was simply because he was driven temporarily, by shockingly extravagant expenditures, into a state of such exasperation that he forgot, for the moment, the teachings of the fathers. James K. Polk, who was a typical Democrat, expressed the matured Democratic theory when, in his message of December 2, 1846, he said:

> It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people, and be dangerous to public liberty. Our reliance for protection and defense on the land must be mainly on our citizen-soldiers, who will be ever ready, as they have ever been ready in times past, to rush with alacrity at the call of their country to her defense. This description of force, however, can not defend our coasts, harbors, and inland seas, nor protect our commerce on the ocean or the lakes. These must be protected by our navy. Considering an increased naval force, and especially of steam vessels, corresponding with our growth and importance as a nation, and proportioned to the increased and increasing naval power of other nations, of vast importance as regards our safety and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

THE DEMOCRATIC PARTY BUILT OUR SHIPS.

There have been many acts authorizing the construction of vessels, but it so happens that all the most important laws authorizing new ships after this century began and prior to our civil war were passed under Democratic administrations. I do not undertake to cite all the laws. I mention only those that stand out prominently in the history of the Navy. Madison approved the act of April 29, 1816, appropriating for construction $1,000,000 annually for eight years, under which were built eight 74-gun ships and eight 44's. Monroe approved the act of March 3, 1821, appropriating thereafter for construction for six years $500,000 per annum, under which were built six 44's. Van Buren approved the act of March 3, 1841, which inaugurated our steam navy.

It appropriated $2,000,000 for "increase and repairs," and under this, aided, however, afterwards by $2,000,000 granted by an act signed by Tyler August 4, 1842, were built seven 22-gun sloops, five 10-gun brigs, and the Princeton, Michigan, and Massachusetts.

Polk signed the act of March 3, 1847, for the construction of the four first-class steam-ships, Susquehanna, Powhatan, Saranac, and San Jacinto. Pierce signed the act of March 3, 1857, for the Brooklyn, Lancaster, Hartford, Pensacola, and Richmond, as he had before approved the act of April 6, 1854, under which the celebrated six screw frigates were constructed. They were the Merrimac, Minnesota, Wabash, Roanoke, Colorado, and Niagara. These ships were, in their day, in hull, and rig, and machinery, and armament, the finest vessels that ever floated on the seas, and when the first one of them anchored in an English port, it not only excited the admiration of all who came to see, but naval constructors everywhere went to work to emulate and imitate, even as in later days those still greater creations of American naval genius, the iron-clad Merrimac and the indomitable little Monitor, by their great combat in Hampton Roads, made Europe to resound with the blows of the hammer and revolutionized ship-building all over the world.

AND THE DEMOCRATIC PARTY USED OUR NAVY.

And, Mr. Speaker, if in that long period that preceded our civil war it was the Democratic party that built our ships, it was still more emphatically the Democratic party that used them to hold high our flag among the nations of the earth and to maintain and to defend the rights of our citizens.

It was one of the fathers of the Democracy, James Madison, that declared war against Great Britain; it was James K. Polk that declared war against Mexico; and when in 1853 that gallant naval officer, Lieutenant-Commander Ingraham, in the presence of an Austrian marine force twice his own, cleared for action the decks of the St. Louis and saved the political refugee, Martin Koszta, from an Austrian prison, because this Austrian had taken his first steps to become an American citizen, it was a Democratic Secretary of State, William L. Marcy, and a Democratic President, Franklin Pierce, who adopted and defended the act, and succeeded by their ability and courage in ingrafting firmly upon the stock of international law the doctrine that he who has legally declared his intention to become an American citizen is entitled to and will receive the protection of the American flag.

THE NAVY IN OUR CIVIL WAR—EXHIBITION OF AMERICAN GENIUS AND COURAGE.

The Navy played a great part during our civil war. To the Union its services in blockading and depriving the Confederacy of the necessaries of life and of munitions of war were simply invaluable; and if those four years of bloody war illustrated beyond cavil any one thing, it was the genius of Federals and Confederates, Americans all, in the building of war ships and their courage and skill in fighting them.

It was the inventive genius and energy of the Confederates that raised the sunken Merrimac, armored her, sent her forth to destroy the Cumberland and the Congress, and for a time spread consternation throughout the land. A ship of war more formidable than the world had ever seen had been invented.

But American genius was on the Union side, too. It was an American that invented the Monitor; it was American enterprise that built her in ninety days; and it was an American naval officer and crew that had the courage to go down in her unto the sea that continually rolled over her decks, as she made her way to meet and confront and halt the proud Merrimac in her career of destruction.

It was the Confederates who built the Albemarle, and with her fought to a drawn battle almost all day long a whole flotilla of vessels; and it was an American naval officer, Cushing, who by an exhibition of genius and daring which, though it may somewhere in history have a parallel, certainly is not surpassed in human annals—it was this typical American sailor who with a crew of thirteen men passed at night the Confederate pickets and batteries and unobserved till he had neared the Confederate ironclad, then ran his little boat, amid a storm of shot and shell, over the defensive outwork of logs that floated around the Albemarle, lowered his torpedo, blew up the vessel, and escaped, after unheard-of adventures, to tell alone his tale of triumph twenty-four hours afterwards to the wondering officers of the Federal fleet.

It was the Confederates who, with an ingenuity and skill the world had never before seen equaled, developed the torpedo, and it was the Federal naval vessels that rode over them to victory in Mobile Bay. That four years of fratricidal strife demonstrated that our country united can make of her Navy just what she will.

LESSONS OF THE PAST.

The civil war closed in the spring of 1865. Since then we have been at peace with all the world. But gentlemen must not therefore conclude the time has come, or that it ever will come this side of the millennium, when we can count on perpetual peace. We can only judge the future by the past.

During the century of our national existence that is to close on the 4th of next March our Navy has been engaged in war with France we may count three years, with Tripoli four years, with Great Britain three years, with the Barbary powers again, and for the last time, seventy days, with Mexico two years, and in our civil war four years—in all sixteen years and more, or about one year in every six. Certainly this Government needed its Navy during every one of those years.

There is no fear now of domestic trouble and the danger of a foreign war is, I hope, afar off; but, sir, we can remove it still farther from us. We have only to prepare ourselves to command the peace.

What nation is there on this earth that will dare to refuse us our rights if only we are ready to maintain them? The moral power of a great nation like this is at all times great, but it will be greater still when we have arms in our hands or within our reach. Sir, I venture to say that this country has not had, in recent years, a diplomatist negotiating with a foreign nation—I care not whether it was Lowell or Phelps, demanding of England the rights of our fishermen, or Morton or McLane or Pendleton, protesting that no American be held to military service by a foreign power—who did not feel that he would stand on firmer ground and that he could insist on the extreme measure of our right with more of that assurance of success that ought to inspire the representative of a great nation, if there had only been a present navy behind him.

France in 1797 drove us to hostilities because she thought she could with impunity harass us into a declaration of war with Great Britain. Great Britain compelled us to declare war against her in 1812 because she had a contempt for our little Navy and believed she could easily sweep it from the seas. In these latter days we have grown great and powerful on land, but on the seas we are still weak, very weak. Counting out our few modern vessels, we are far weaker than we were thirty years ago, while other nations, formerly almost unknown upon the seas, have built up great modern navies.

In the days of wooden sailing vessels it was possible in some sense to improvise a navy to meet an emergency. Both the English and Americans in the war of 1812 built and put to sea good fighting ships from timber that thirty days before had been standing in the forests by the lakes. But this is the day of steel, and not wooden vessels; of steam, and not of sail power. It will scarcely ever be possible to build a modern vessel in less than the ninety days which Ericsson took for the Monitor, and the slowest steaming vessel in any European navy can cross the Atlantic in twenty days.

Wars in future will be short, sharp, and decisive, whether on sea or on land. Prussia humbled the power of Austria in one great battle at Sadowa, seventeen days after a declaration of war; the Germans in the

Franco-Prussian war were in Paris within ninety days from the commencement of hostilities, and the French fleet destroyed the Chinese navy in the Minn River within fifteen minutes. The nation that would defend itself in future must hold itself prepared.

With the close of our civil war closed the era of wooden navies. We had demonstrated to the world that the future ship of war was to be built of iron or steel, and other nations had learned the lessons taught by our experience.

I need not cite you what these other nations have done. The power of modern navies is the wonder of the world. What have we done? How much money have we spent since the new era of iron-ship building began on our Navy and what have we to show for it? I will not speak now of the expenditures during the spring of 1865 and the year and more that followed till July 1, 1866. The fleets of the Union had wonderfully expanded during the war. There were, when hostilities ceased, over 50,000 officers and sailors in the naval service. But the time from April, 1865, to July, 1866, was or ought to have been enough to bring the Navy down to a peace footing.

By the act of July 25, 1866, the number of officers and men and boys in the Navy was limited to 10,260. This limit was never changed till August 2, 1882. Even then it was not very greatly lowered. It was made 9,549, where it has since remained. I cite these laws to show that the vast difference between the expenditures of the two decades I am about to compare did not result, except to a very limited extent, from any difference in the amounts paid out to officers and sailors. To make this still more certain I present here a table showing the amounts paid to the *personnel* of the Navy each year during both decades. The average difference each year was $864,202 more for the first than for the second of these two decades.

Amounts paid to personnel of the Navy.

FIRST DECADE.

July 1, 1866, to July 1, 1867	$9,023,391.32
July 1, 1867, to July 1, 1868	8,962,635.74
July 1, 1868, to July 1, 1869	8,525,952.84
July 1, 1869, to July 1, 1870	7,854,330.53
July 1, 1870, to July 1, 1871	7,093,732.07
July 1, 1871, to July 1, 1872	7,213,133.75
July 1, 1872, to July 1, 1873	7,093,929.00
July 1, 1873, to July 1, 1874	7,549,855.94
July 1, 1874, to July 1, 1875	7,248,996.83
July 1, 1875, to July 1, 1876	7,077,943.00
Total	77,643,901.02

SECOND DECADE.

July 1, 1876, to July 1, 1877	$7,021,758.45
July 1, 1877, to July 1, 1878	7,215,082.36
July 1, 1878, to July 1, 1879	6,868,275.00
July 1, 1879, to July 1, 1880	6,351,892.21
July 1, 1880, to July 1, 1881	6,903,581.35
July 1, 1881, to July 1, 1882	6,771,135.24
July 1, 1882, to July 1, 1883	6,902,777.87
July 1, 1883, to July 1, 1884	6,765,523.67
July 1, 1884, to July 1, 1885	7,249,589.41
July 1, 1885, to July 1, 1886	6,952,264.28
Total	69,001,879.84
Difference in two decades	8,642,021.18
Average annual difference	864,202.11

Now, bearing in mind this sum, which is to be deducted when we come to consider the net results of our comparison, let us look at the

DECADE FROM JULY 1, 1866, TO JULY 1, 1876.

This was an era during which there was, so far as expenditures were concerned, but one party in the Union, or rather only one party that had power to make itself felt in the councils of the Government. A Democratic House was elected in the fall of 1874, but it did not convene till December, 1875, and the first fiscal year for which it appropriated money began July 1, 1876, and ended June 30, 1877.

Now, the yearly expenditures upon the Navy during this decade—from July 1, 1866, to July 1, 1876—when Republicans had full control, of all expenditures averaged, as shown by the table I have here, in round numbers, $23,419,000.

Here it is:

Statement of expenditures for the United States Navy from the fiscal year 1867 *to the year* 1876, *inclusive.*

July 1, 1866, to June 30, 1867	$31,034,011.04
July 1, 1867, to June 30, 1868	25,775,502.72
July 1, 1868, to June 30, 1869	20,000,757.97
July 1, 1869, to June 30, 1870	21,780,229.87
July 1, 1870, to June 30, 1871	19,431,027.21
July 1, 1871, to June 30, 1872	21,249,809.99
July 1, 1872, to June 30, 1873	23,526,256.79
July 1, 1873, to June 30, 1874	30,932,587.42
July 1, 1874, to June 30, 1875	21,497,626.27
July 1, 1875, to June 30, 1876	18,963,309.82
Total	234,191,119.10

Yearly average, $23,419,111.91.

Admiral Porter, in his "Naval History of the Civil War," says on page 828:

When the war ended the United States had attained a position, as a naval power, never before reached by the Republic, and could claim to be able to meet either France or England upon the ocean.

In May, 1876, the same distinguished officer was examined before the Whitthorne committee, and he says (see page 7 of Report No. 704, first session, Forty-fourth Congress):

Our Navy, taken as a whole, is worth nothing, and the sooner the country understands that fact the better.

Commodore Nicholson, Commander Meade, and other officers testify to the same effect. Now, how was it possible that, notwithstanding an expenditure in the mean time upon it of $234,000,000, our Navy could have been brought down in ten years from the proud position which Admiral Porter says it occupied when the war closed to the pitiable plight in which he said it was when he testified before the Whitthorne committee? To emphasize and make still more startling this question, Mr. Speaker, let me call your attention to another decade, the

DECADE FROM JULY 1, 1876, TO JULY 1, 1886.

This second decade of our naval history, after the close of our civil war, began with the advent of a Democratic House of Representatives at the session of 1875–'76. The expenditures of the Navy for the fiscal year beginning July 1, 1876, the first year for which a Democratic House appropriated, were $4,904,274.46, in round numbers $5,000,000 less than for the previous year. The House has been Democratic in every Congress, save one, since 1875, and the decade of expenditures which began with the advent of Democratic rule here shows a saving of largely over $80,000,000. Here are the figures, and they speak for themselves. The saving in ten years has been enough to build a great navy:

Expenditures of the Navy from the year 1877 *to the year* 1886, *inclusive.*

1877	$14,059,035.36
1878	17,365,361.27
1879	15,125,126.84
1880	13,536,984.74
1881	15,686,671.66
1882	15,032,646.26
1883	15,283,437.17
1884	17,292,601.44
1885	16,021,079.67
1886	13,907,887.74
Total	153,310,832.15
Yearly average	15,331,083.21½
Total first decade, 1867 to 1876, inclusive	234,191,119.10
Total second decade, 1877 to 1886, inclusive	153,310,832.15
Difference	80,880,286.95

THE DIFFERENCE AND THE REASONS FOR IT.

If we deduct from this sum of $80,880,286.95 the sum of $8,642,019.18, which is the difference between the amounts paid in the two decades to the *personnel* of the Navy, we have still left the vast amount of $72,238,267.77 as the difference between the two periods, or an average of $7,223,000 saved every year after the Democrats began to have power in the Government; and I think I shall be able to show, Mr. Speaker, before I get through, that if the administration of this Government continues to be for ten years from the date when Grover Cleveland came in, such as it has been so far we shall build a good navy for a far less sum devoted each year to its increase than a Democratic House is fairly entitled to claim it actually saved to the country during the ten years ending with June, 1886.

I do not propose to go back into the facts developed by the investigations by a Democratic House of Representatives twelve years ago. To substantiate my proposition as to actual saving on the one hand and wasteful extravagance on the other I have cited the record made since that investigation, the contrast between the decades preceding and following that investigation, the figures showing the expenditures in the one and in the other, and I now need only to call attention, as samples of waste and extravagance, to a few of the legacies handed down from that first decade even to this day. These speak a language which can not be misunderstood.

One of the legacies to which this Administration succeeded is a lot of timber. We have on hand now, in our different navy-yards, live-oak timber that cost the people of this country $1,807,502.25. This is the table furnished at my request by the Bureau of Construction and Repair, showing the amounts of timber on hand in different navy-yards:

LIVE-OAK.

New York, 113,961 cubic feet, at $2	$227,922.00
Mare Island, 58,956 cubic feet, at $2	117,912.00
Portsmouth, 169,944 cubic feet, at $2	339,908.00
Boston, 425,045½ cubic feet, at $2	724,145.99
League Island, 6,601½ cubic feet, at $2	4,227.05
Washington, 44,030½ cubic feet, at $2	78,430.62
Norfolk, 233,287 cubic feet, at $2	314,956.59
Total	1,807,502.25

Here is a table that shows when that timber was purchased:

1866–'67	$168.00
1867–'68	29.50
1868–'69	1,534.75
1870–'71	99,942.23
1871–'72	264,982.58
1872–'73	561,494.99
1873–'74	464,624.75

1874–'75	$478,302.04
1875–'76	514,943.84
1876–'77	322,677.64
Total	2,708,700.32

It was practically all bought at a time, from 1870 to 1877, when all the world was passing rapidly away from wooden ships, at a time when no expert, no man of even common intelligence, could for a moment have believed it was a prudent purchase; and to-day it is absolutely worthless. It is impossible to sell it for any purpose. The manner in which money was wasted in the Bureau of Construction and Repair is further illustrated by the Secretary in his report for 1887. I read:

THE TENNESSEE.

Among the vessels dropped from the Navy Register and sold during the past year is the Tennessee.

The account of the sale is stated elsewhere.

The history of this vessel is quite interesting and most illustrative. She had a short life, but, as a consumer of money, a brilliant one. Her hull was built and she was equipped in the New York navy-yard. Her machinery was designed and built under contract by the eminent engineer, Mr. John Ericsson, costing $700,000. Her total original cost was $1,856,075.81. Upon her trial trip, in January, 1867, she ran about 1,000 miles. She attained a speed of 16 knots, and made a run of 15 knots per hour for four hours. She encountered a perilous storm, described as a hurricane, which continued over twenty-four hours. The ship suffered considerably. The report of her commander says:

"The engines moved off finely and worked perfectly during all the storm. * * * Her machinery is as perfect as it needs to be. It has undergone the severest test and not once found wanting. She is the fastest ship I have ever seen."

The chief engineer says:

"If the strength and workmanship of the machinery can not be depended upon then no reliance is to be placed upon the performance of any steam machinery with which I am acquainted."

Two years afterwards she underwent what was called "repairs," and the sum of $576,799.61 was spent upon her; all but $73,000 of this was put on her hull and equipment. It was the full price of a new wooden hull of her size at that time. This was from 1869 to 1871. She then made a cruise of three months and went into the hands of Mr. John Roach to enable him to take out the machinery and boilers of John Ericsson and substitute others of superior character. It was among other things expected to give the ship a 14½-knot speed for twenty-four hours.

When she had her trial of this new machinery in 1875 her maximum speed was 10¾ knots, and she had had put upon her an expense of $801,713.60 in addition to the value of her machinery and boilers taken in trade by Mr. Roach at $65,000. This machinery had cost $700,000; had not been in actual service six months; had never been surveyed and condemned by a board of Government officers, nor its value fixed by any Government board, but it was sold to Mr. Roach as old iron.

That is to say, between 1869 and 1875 the Tennessee had had three months' service and had cost in repairs and improvements $1,443,513.21.

This was largely in excess of a fair price for a new ship of her characteristics.

Twelve years afterwards (on April 4, 1887) she is condemned by the Statutory Board as unseaworthy and not worth repairing, and ordered sold, having had put upon her between 1875 and 1887 the additional sum of $577,716.17. She brought $34,525 at the auction sale. She had cost the Government $3,800,000 in round numbers and had done about ten years of active service, outside of repair shops and navy-yards.

Another specimen; look at a table I have here, and which I shall allude to further hereafter. It gives, among other things, the names of our present wooden vessels, the dates when they were built, and the cost per ton of displacement. The Alliance, a wooden vessel, was built from 1873–1876. She cost $446.20 per ton. The Enterprise, a wooden vessel, was built from 1873–1876. She cost $402.37 per ton. The Yantic, a wooden vessel, was built in 1864. She is the only war-built vessel remaining. She was built when, if ever, extravagance was excusable, built at a time when currency was at a much greater discount than it was from 1873 to 1876; and yet her cost was only $258.61 per ton; not much more than half the cost of the Alliance and the Enterprise.

The waste, the profligacy, was everywhere, in all the bureaus; and out of the débris left over in our navy-yards and store-houses from that first decade, the figures for which I have cited, it has been possible to effect economies even during the present Administration. To illustrate:

The first bill appropriating money for the Navy after this Administration came in was passed during the first session of the Forty-ninth Congress.

For the ordinary current expenditures of the Navy for the fiscal year ending June 30, 1887, the appropriations in that bill were less by $493,136,42 than for the previous year. The amounts appropriated, however, were sufficient, for the deficiencies under the bill were less, as the results show, than $8,000, and more than that sum was turned back into the Treasury. In addition to the reductions in appropriations for that year the House Committee on Naval Affairs recommended and the Congress turned back into the Treasury moneys theretofore standing to the credit of the Bureau of Provisions and Clothing, and operating, because not needed, as a continuing temptation to extravagance, the sum of $250,000 from the clothing fund and $75,000 from the small-stores fund.

How these results were accomplished will be partly shown by reading some extracts from what I said on this floor in explanation of the bill when it was before the House in May, 1886. Speaking of the extravagance of the Bureau of Provisions and Clothing and alluding to frauds in connection with that bureau, which had been committed many years back, but the effects of which reached down to the present, I said:

As far back as 1843 the present system was established by which the Government furnishes to sailors their clothing, charging them cost price for it, and the fund which was appropriated originally for that purpose is turned over and over again and not paid back to the Government. It is a continuous appropriation. For a long time 10 per cent. was added to the cost in order to cover waste and other expenses. Some ten or twelve years ago it was deemed this was unfair to the sailor, and the 10 per cent. was omitted, and since that time only the cost price has been charged to the sailor. There is on hand now in money belonging to this bureau for clothing $562,000; of clothing goods in store, $437,000; on shipboard, $241,000, making in all $1,242,000 in money and in clothing. We ask ourselves the question, what is the use for all this?

It turns out that the average amount of expenditures for clothing the Navy for a year is $276,000. So that here is a supply on hand of money and clothing for four years and a half. The last appropriation that was made was in 1875. All the time since that date this—all that has not been wasted—has been on hand in that bureau. Now, what has been the consequence? The answer is, waste and extravagance. There has been a loss on sales of condemned clothing in the last ten years of $272,000. And there has been a loss by the reduction in the price of clothing on hand which had to be reduced in order to adjust it to the prices ruling in a falling market, of $438,000. In other words, this Government has lost in this bureau, from these two causes, in ten years, $710,000, and this does not account for the losses on clothing now on shipboard. And the losses do not stop here. We found, on investigation, that we had 6,069 pea-jackets on hand which originally cost about $15 apiece, the present price being $11.50. We have 6,217 monkey-jackets on hand valued now at $9.50 apiece. We called for a list of the different articles on hand and the sales of each during the last fiscal year, and found that the number of pea-jackets taken by the sailors in 1885 amounted to ninety-six. If these pea-jackets could last so long and not rot and the sales should continue at the rate of ninety-six per annum, the Chief of the Bureau of Clothing might go to sleep and sleep as long as Rip Van Winkle, yes, as long as old Epimenides, his prototype, that is, fifty-seven years, and wake up and find, after his nap was finished, that he still had a year's supply of pea-jackets on hand.

But the truth is that these pea-jackets have become so worthless that the sailors refuse to take them. When the Secretary orders, as he will, a sale to clear out the worthless goods on hand the Government will pocket another loss of more than $100,000. We have on hand five and one-half years' supply of monkey-jackets, four and one-half years' supply of blue cloth trousers, three and one-half years' supply of satinet, twelve years' supply of canvas duck, four and one-half years' supply of caps, twenty years' supply of mattress covers, twenty years' supply of boots.

Again I read, further on:

We next come to the Bureau of Equipment and Recruiting. The business of this bureau, as its name implies, is to provide sails, anchors, chains, ropes, and everything that goes to equip a ship. When we look into this bureau we find some things which are very astonishing, but they are things for which the present distinguished chief of the bureau is in no sense responsible. For instance, we find that there is on hand now in the Bureau of Equipment and Recruiting "canvas enough to fit out the whole British navy; canvas enough to give two suits of sails and a foretopsail to the whole British navy." That is the expression of Commodore Schley. Altogether, according to the calculation which I have made upon his figures, we have enough to serve our present Navy for thirteen years. * * *

Then we find extravagance in other things. For instance there are these spectacle-irons, used in rigging sails. We have on hand of these spectacle-irons or clews 75,099 pounds. It is estimated that these are worth $18,744. Upon the estimate of a thousand to a ton and sixty to two suits of sails we have enough on hand to last us for over fifty years. These were bought a long time ago, in 1871 and 1872.

Mr. Speaker, it is well known that old and condemned property, property that has ceased to be valuable to the Government, brings very little at public sale. Now, Secretary Whitney, in order to get rid of what was utterly valueless to the Government, has had a thorough overhauling of the navy-yards made, an inventory taken, and sales have followed. During the year ending June 30 last these sales realized $313,204.16. Here is the table.

List of condemned property sold by the Navy Department during the year 1887–'88.

Old vessels	$105,665.88
Condemned marine clothing	115.88
Condemned public property	308.37
Condemned miscellaneous articles	453.11
Bureau of Yards and Docks	1,734.39
Bureau of Provisions and Clothing	20,558.94
Bureau of Construction and Repair	57,796.51
Bureau of Steam Engineering	33,492.83
Bureau of Medicine and Surgery	32.33
Bureau of Navigation	1,584.53
Bureau of Equipment and Recruiting	32,365.95
Bureau of Ordnance	59,095.44
Total	313,204.16

Now, sir, I have said enough on this point. There can be but one verdict from the public. First, that must be that the administration of naval affairs from 1866 to 1876 was absolutely indefensible. Secondly, that a Democratic House has, since 1875–'76, saved to the country enough money to build a great navy.

Now let us inquire what was the condition of our Navy at the beginning of the third decade after the close of our civil war, that decade which began, as we are counting, July 1, 1886?

DECADE BEGINNING JULY 1, 1886—CONDITION OF THE NAVY.

It is all shown here in this table, prepared in the spring of 1886, for the House Committee on Naval Affairs, by Lieutenant Rodgers of the Intelligence office. It shows first the condition of the Navy in 1886. Then it compares the Navy of 1886 with the Navy of 1861:

OUR NAVY IN 1886.

Vessels serviceable.

First rate	1
Second rate	11
Third rate	19
Fourth rate	5
Torpedo rams	2
	38

Unserviceable, requiring extensive repairs.

First rates	4

Iron-clad vessels requiring more or less repairs to make them serviceable.

Monitors (fit for harbor defense only)	14
Monitors launched and waiting appropriation in order to complete them	5
Tugs	13
Wooden sailing vessels	12
	44
Total	86

It will be seen that there are thirty-eight steamers classed as serviceable. Of this number eight were already in commission in 1860, and sixteen were in commission in 1865. Not one is of modern type, nor has any one of them modern machinery or armament.

The four first rates requiring extensive repairs are old steam frigates of obsolete type and quite unfit for active service. The fourteen ironclads are of the old type of monitor, ill protected, of exceedingly low speed, armed with guns long since out of date, and fit for harbor service only.

The five armored vessels launched and awaiting appropriation are the double-turreted monitors, for the completion of which appropriation is now desired.

Tugs and sailing vessels can not be counted as forming part of a nation's fleet, so that in examining our naval strength to-day we find that it consists of thirty-eight steamers of obsolete type, two-thirds of which were designed or completed before the close of the civil war.

This statement does not include the steel cruisers now approaching completion.

Strength of the Navy in 1860 *and* 1886.

1860.

Description.	No.	Tonnage	Displacement.
SAILING VESSELS.			
Ships of the line	6	16,377	26,039
Frigates	10	17,163	27,426
Sloops of war	20	19,251	25,026
Brigs	3	763	992
Store-ships, receiving ships, etc.	9	7,682	10,854
Total	48	61,236	90,337
STEAMERS.			
Frigates	6	20,980	28,990
First-class sloops	10	19,956	29,732
Second-class sloops	9	8,291	13,151
Third-class sloops	9	4,213	*5,476
Tenders	2	599	*792
Total	36	54,039	†78,141
Grand total	84	115,275	168,478

1886.

Steamers serviceable:			
First rate	11	2,840	4,844
Second rate	11	17,585	31,550
Third rate	9	13,560	28,880
Fourth rate	5	2,516	3,465
Torpedo-rams	2	749	1,950
Total	38	37,250	‡70,685
Armored vessels needing considerable repairs:			
Monitors ⁂	14	7,268	27,600
Monitors awaiting appropriations	5	6,974	21,260
Total	19	14,242	48,860
Miscellaneous unfit for service at sea:			
First rate	4	12,663	19,047
Tugs	13	2,775	*4,639
Sailing vessels	12	15,070	23,586
Total	29	30,508	47,272
Grand total	86	82,000	166,817

*Estimated.

† The steamer displacement, 78,141 tons, was all effective and of most approved types.

‡ Of the serviceable steamer displacement, 70,685 tons, 16,275 tons belong to vessels which were in service in 1860.

⁂ Fit for harbor defense only.

This table shows that we had, all told, 84 vessels in 1860 and 86 vessels in 1886; but if we count out tenders, store-ships, and receiving-ships we had in 1860 73 vessels, and counting out the unserviceable ships we had in 1886 only 38 vessels. The tonnage of the 73 vessels we had in 1860 was 106,994; the tonnage of the 38 serviceable vessels we had in 1886 was 37,250. If we count all the vessels we had in 1886, including those in rotten row, their tonnage was only 82,000, while the tonnage of all our vessels in 1860 was 115,573.

When we take into consideration the further fact that in 1860 our guns and ships were largely of the most approved types, and that in 1886 we had not afloat a gun or vessel equal to the requirements of a modern navy, we can form some idea of what was the real situation when our new navy was begun. Since this table was made out some of these ships have gone out of service, and we have now only twenty-five of the old vessels left, and these are passing rapidly away. It is now nearly a year since the Chief Constructor said, in his report, that in six years we should have but four of our present wooden vessels left, and that in nine years they would all be gone. The Hartford is already so much decayed that she can not be repaired for 20 per cent. of her original cost, but the House of Representatives has passed a special act for her preservation. If the Senate, which has now had the bill for months, will only agree to it, she is to be kept, like the old Constitution, as a memorial, a patriotic relic of the historic past.

To give a still clearer idea of our old Navy, I have another table here, prepared in the Bureau of Construction and Repair. It is the table that shows, as I said, the cost of each of our wooden vessels. It gives also the date when each vessel was built, its cost, and the cost of repairs. In connection with this table, and as bearing on the same subject, I have here an indorsement made by Secretary Whitney in due course of business on a recommendation that he should order certain repairs on the Palos. I will not stop to read these papers now, but will publish them in the RECORD, and if gentlemen will read them there and study them I think they will justify what your committee have insisted on both in the last Congress and in this, that is, the cutting down with firm hand of the appropriations for repairing our old ships.

We have sought to exercise a wise liberality in the repair and preservation of our navy-yards, in putting three of them, the Norfolk, Brooklyn, and San Francisco yards, in condition to build and repair modern ships with modern tools; we have appropriated money enough to fully equip the Washington navy-yard to build the very best class of modern guns, but we do not believe it prudent or wise to expend large sums of money in repairing our old ships. Let gentlemen study this table and this indorsement for themselves.

Table showing wooden ships of old Navy, when built, probable length of service, etc.

[From Bureau of Construction and Repair.]

Name of vessel.	When built.	Displacement.	Original cost, including machinery and equipment.	Cost per ton of displacement.	Amount of repairs up to July, 1887.	Cost of repairs per ton of displacement.	Probably future length of service.
							Years.
Trenton	1873–'77	3,900	$1,451,592.37	$372.20	$615,477.29	$157.81	6
Lancaster	1858	3,250	670,081.00	206.14	770,857.94	231.03	3
Brooklyn	1858	3,000	417,921.00	139.30	1,732,517.78	577.55	6
Pensacola	1858–'62	3,000	773,573.02	257.85	2,048,222.28	682.74	6
Hartford	1858	2,900	502,650.00	138.84	1,597,600.21	550.68	*9
Richmond	1858	2,700	556,259.00	209.72	1,554,480.81	575.73	5
Omaha	1867–'69	2,400	892,178.84	371.07	678,595.56	282.76	6
Vandalia	1872–'76	2,100	899,337.44	428.25	421,292.01	200.61	9
Juniata	1862	1,900	364,820.00	192.01	1,184,697.45	623.52	3
Ossipee	1861	1,900	407,064.20	214.24	1,510,991.10	794.73	5
Quinnebaug	1871–'77	1,900	720,113.69	139.00	113,228.29	59.59	(†)
Swatara	1872	1,900	605,648.65	318.76	514,687.13	270.88	6
Galena	1871–'78	1,900	841,730.12	443.01	158,316.60	83.32	4
Marion	1871–'75	1,900	742,319.41	390.69	303,886.27	159.94	4
Mohican	1872–'83	1,900	409,895.12	215.73	71,601.50	37.68	9
Iroquois	1858	1,575	307,155.00	195.01	1,114,967.31	707.91	6
Kearsarge	1861	1,550	286,918.00	184.84	1,082,672.68	697.85	6
Adams	1874–'76	1,375	500,879.98	364.27	329,031.37	240.02	5
Alliance	1873–'76	1,375	613,533.45	446.20	279,446.05	203.24	5
Essex	1874–'76	1,375	539,384.31	392.26	301,453.98	219.24	5
Enterprise	1873–'76	1,375	553,266.86	402.37	307,218.81	223.44	5
Nipsic	1873–'79	1,375	516,038.61	374.57	179,394.56	130.47	4
Tallapoosa	1874	1,270	306,669.15	241.49	303,449.77	238.97	5
Yantic	1864	900	232,757.15	258.61	623,426.40	692.69	2
Despatch	1874	560	106,222.84	295.06	239,850.64	428.30	1
Thetis	(‡)						9

*If repaired. †Six months. ‡Purchased from England.

NOTE.—Vessels put permanently out of commission since March 4, 1885, Powhatan, Tennessee, Shenandoah, Wachusett, Lackawanna.

[Indorsement—Palos.]

NAVY DEPARTMENT, SECRETARY'S OFFICE, *August* 1, 1887.

This indorsement suggests the expenditure of the sum of about $56,000 upon the Palos.

The Palos is an iron tug of about 300 tons; twenty-two years old and is in no respect a war vessel as now understood. She cost originally, in 1865, $125,000 when iron was twice its present price, and could probably be built new now for $50,000. She has cost in repairs since she was originally built $183,248.69. She is kept on the China station as a substitute for a vessel of war on account of her light draught, which enables her to visit the rivers and shallow bays.

I do not approve of these proposed repairs. We are not responsible for the maintenance or non-maintenance of the Navy; but we are for the proper expenditure of our appropriation. The excuse that we must keep her afloat, or otherwise we shall have no vessel to take her place, is a matter for Congress. We can not justify spending $50,000 upon the old iron tug as a vessel of war, except upon the ground that Congress has not made other provision for this service, which is a matter for Congress and not for us to consider.

Nothing has done so much to defeat the appropriations as the willingness of the Department to spend money upon worthless things.

These reports show that an expenditure of about $4,000 will put the Palos in shape for another year and a half, within which time something could be built fitted for the service, and which would not disgrace the country in case of war. One good shot from even a modern machine-gun would destroy the machinery of the Palos and end her career. I do not believe in spending money on this kind. I do not fail to appreciate and credit the responsibility which the bureaus feel; but I think that by this time, after I have antagonized so often this kind of reasoning, I ought to be relieved from this sort of recommendation.

W. C. WHITNEY,
Secretary of the Navy.

I have come now to the period of Democratic control of the Navy. To be entirely fair, I desire to say here that since President Cleveland came in the Republicans in both Houses of Congress have voted with the Democrats for all the appropriations for the new Navy. Now the first question this Democratic Administration had to deal with in relation to the Navy which it had determined to build up was as to what should be done with the monitors the gentleman from Illinois [Mr. CANNON] has spoken of. He says he has frequently heard Democrats on this floor say they were worthless and ought to be thrown away.

That, sir, was a very serious question. What should be done with them? They had been begun in 1874 and 1875 without any authority of law. After the fashion of those days, the Navy Department was a law unto itself. These vessels, when completed, would be very slow, but Secretary Whitney considered the question without reference to whether these vessels ought even to have been commenced, without any political bias, which very naturally often influenced Democrats on this floor when they were outraged at the lawlessness and extravagance of Republican administration in those days, and he decided that, while he would not have laid down or become responsible for such vessels as these, yet, as so much money had been expended upon them and as they would be effective as coast-defense vessels, slow as they were, it would be better to armor them and complete them. So he requested the House Naval Committee to have their completion lawfully authorized.

We use these vessels like we sometimes use the canvass, the canvass we have fallen heir to, even though it is not the best—use it because it is more economical and better than to throw it away.

This is a splendid illustration of the spirit that animates this Administration in all its branches—the good of the country first and all the time. We seek no advantage to party at the sacrifice of country.

When this Administration came in it also found three new steel cruisers, the Chicago, Boston, and Atlanta, and a dispatch boat, the Dolphin, contracted for under Secretary Chandler and authorized by the act of March 3, 1883, well on the way towards completion. These have all been practically completed.

The Administration also found authority, under the act of March 3, 1885, to build two cruisers and two gunboats. Under this act contracts were made with Cramp & Sons, at Philadelphia, to build the cruiser Newark and the gunboat Yorktown; with the Union Iron Works, at San Francisco, to build the cruiser Charleston, and with the Columbia Iron Works, at Baltimore, to build the gunboat Petrel. The Secretary of the Navy, impressed with the conviction that an unarmored cruiser to be useful must be swift, required of the builder of the Newark, though she was of only 4,083 tons displacement, a guaranty that the engines should develop 8,500 horse-power, and for the Charleston, 3,730 tons, he required 7,000 horse-power. This, it is expected, will secure very fast vessels, vessels of, say, from 18 to 19 knots an hour.

From the gunboat Yorktown is expected at least 16, probably 17, knots speed, and from the little Petrel, of 890 tons, about 13 knots. Small vessels can not attain great speed without the sacrifice of seagoing qualities. To fill them full of the machinery necessary to drive them rapidly would absorb the space and capacity necessary for coal and crew and armament.

ACTS PASSED DURING PRESENT ADMINISTRATION.

The first act approved by President Cleveland for the increase of the Navy was the law of August 3, 1886. Under this act contracts have been made, first, for the swift cruiser Baltimore, 4,413 tons, with a guaranty of 9,000 horse-power, which, it is expected, will secure at least 19 knots an hour, and, secondly, for the Vesuvius, carrying pneumatic guns to throw dynamite shells, and warranted to make 20 knots an hour. Under this act the Secretary has also begun to build the Maine, an armored battle-ship of 6,648 tons, in the New York navy-yard, and the Texas, an armored cruiser of 6,300 tons, at Norfolk.

This was the act authorizing the completion of the double-turreted monitors Puritan, 6,000 tons displacement, and the Amphitrite, Monadnock, and Terror, of 3,815 tons displacement each. These are to be heavily armored, and contracts have been made with the Bethlehem Iron Company, near Philadelphia, to furnish armor for these and other vessels which it is believed will equal the best in the world.

The next act for the increase of the Navy was the law of March 3, 1887. Under this law contracts have been made with the Union Iron Works for the construction of the San Francisco, and with Cramp & Sons for the construction of the Philadelphia, both to be swift cruisers guarantied to make not less than 19 knots an hour. Under the same act contracts were made with N. F. Palmer & Co. for the construction of the gunboats Concord and Bennington, sisters to the Yorktown.

The total limited cost of all the vessels so far begun or contracted for by this Administration, including the armoring of the monitors, is $19,993,046.

I present herewith a table from which it will be seen that the price of each vessel under contract is largely within the limit affixed by law. In this table is shown the exact condition of every appropriation which has heretofore been placed at the disposal of this Administration for the construction of vessels.

ACT MARCH 3, 1885.

Name of ship.	Limited cost.	Contract price.	Paid on account. Hull.	Machinery.	Reservation.	Net paid.	Remarks.	Amount appropriated.	Balance on hand June 1, 1888.
Newark (cruiser 1)	$1,300,000	$1,248,000.00					No payment made.	$1,895,000	$788,535.97
Charleston (cruiser 2)	1,100,000	1,017,500.00	$344,550.00	$265,950.00	$61,050	$549,450.00	Six payments		
Yorktown (gunboat 1)	520,000	455,000.00	214,000.00	150,000.00	36,400	327,600.00	Eight payments		
Petrel	275,000	247,000.00	46,700.00	27,400.00	7,410				
Less penalty, 78 days, $25					1,950	64,740.00	Three payments		
						*90,536.34			
Total	3,195,000	2,967,500.00				1,032,326.34			

ACT AUGUST 3, 1886.

Baltimore (cruiser 3)	$1,500,000	$1,325,000	$601,854.99	$325,645.01	$92,750	$834,750.00	Seven payments	$2,500,000	$1,322,382.76
Dynamite gun cruiser	350,000	350,000	133,000.00	112,000.00	73,500	171,500.00	do		
Maine	2,500,000	Building at New York yard.				59,720.41			
Texas	2,500,000	Building at Norfolk yard.				16,850.00			
Torpedo-boat	100,000								
Tools to build Maine and Texas	150,000								
Puritan, Amphitrite, Monadnock, Terror.	3,178,046					†18,469.79			
						‡43,157.46			
Total	10,278,046					1,144,447.66			

ACT MARCH 3, 1887.

Philadelphia (cruiser 4)	$3,000,000	$1,350,000	$132,170.45	$2,829.55	$13,500	$121,500	One payment	$1,500,000	$1,342,933.42
San Francisco (cruiser 5)		1,428,000					No payment		
Concord (gunboat 3)	550,000	490,000	16,950.20	32,049.80	4,900	44,100	One payment		
Bennington (gunboat 4)	550,000	490,000	11,607.52	37,392.48	4,900	44,000	do		
						§17,412.53			
Total	4,100,000	3,758,000				227,112.53			

The sum of $2,420,000 was appropriated under the above act to complete the five double-turreted monitors, the four vessels authorized by the act of March 3 1885, and the vessels authorized by the act of August 3, 1886. Expended out of the above appropriation on account of completing the Miantonomoh at the New York yard, $115,572.07, for building the new turrets, pilot-houses, armored ventilation and smoke-stack, alteration of hull and decks to receive the above work, and miscellaneous work required to complete the hull, boats, blocks, furniture, etc. Balance on hand, $2,299,393.69.

* Expended in making and altering designs, copying and preparing specifications, making model, preparing schedule of material, miscellaneous work at the several navy-yards, weighing and inspecting material, making detail plans of all parts of the vessel during construction as taken from the work; making masts, spars, boats, blocks, furniture, cooperage, etc., for Yorktown, and all other work not required by the contract coming under the cognizance of this bureau.

† Expended for docking, cleaning, and painting; ship-keepers; care and preservation; making plans and specifications.

‡ Expended in making designs; copying plans and specifications; laying down Maine and Texas; making patterns and models; preparing schedules of materials; miscellaneous work at the several ship-yards; weighing and inspecting materials, making detail plans of all parts of the vessels during construction as taken from the work; miscellaneous work not required by the contract.

§ Expended for making new designs, copying plans and specifications, preparing schedule of materials, miscellaneous work at the several navy-yards, weighing and inspecting materials, making detail plans of all parts of the vessels during construction as taken from the work, making models, etc.; miscellaneous work not required by contract.

RECAPITULATION.

Act.	For what purpose.	Total limited cost.	Amount appropriated.
Mar. 3, 1885	To build Newark, Charleston, Yorktown, Petrel	$3,195,000	$1,895,000
Aug. 3, 1886	To build Baltimore, dynamite-gun cruiser, Maine, Texas; to complete Puritan, Amphitrite, Monadnock, Terror; to purchase tools	10,278,046	2,500,000
Mar. 3, 1887	To build Philadelphia, San Francisco, Concord, Bennington	4,100,000	1,500.000
Mar. 3, 1887	To complete the five double-turreted monitors, the four vessels authorized by act of March 3, 1885, and the vessels authorized by act March 3, 1886	2,420,000	2,420,000
	Total	19,993,046	8,315,000

Total cost of the above vessels, limited under the different acts	$19,993,046
Total appropriated	8,315,000
Total required to complete	11,678,046

I have here another table that shows at a glance the character, the displacement tonnage, the actual, expected, or guarantied speed or horse-power, and the armament of every vessel built, building, or projected for our new navy. It also shows the new ships carried in this bill.

Here it is:

Tables of vessels of the United States Navy.

ARMORED VESSELS—DOUBLE-TURRETED.

Name of vessel.	Type.	Keel laid.	Where built.	Condition.	Length between perpendiculars.	Breadth.	Mean draught.	Displacement.	Maximum indicated horse-power.
					Ft.	*Ft.*	*Ft.*	*Tons.*	
Puritan	Double-turreted monitor	1875	Roach's yard, Chester, Pa	Awaiting completion	280	60	18	6,060	3,500
Miantonomoh	do	1874	do	do	250	55½	14 1¾	3,815	1,426
Amphitrite	do	1874	Harlan & Hollingsworth, Wilmington, Del.	do	250	55½	14 1½	3,815	1,600
Monadnock	do	1874	United States navy-yard, San Francisco, Cal.	do	250	55½	14 1¾	3,815	1,600
Terror	do	1874	Cramp's, Philadelphia, Pa.	do	250	55½	14 1¾	3,815	1,600
Armored battle-ship	Belted		United States navy-yard, Norfolk, Va.	Preparing ways	290	64 1/12	22 6	6,300	8,600
Armored cruiser	do		United States navy-yard, New York.	do	310	57	21 6	6,648	8,750
Coast-defense vessel			Plans being perfected						

Name of vessel.	Type of engines.	Speed in knots.	Batteries. Main.	Batteries. Secondary.	Armor. Sides.	Armor. Turrets and barbettes.	Cost of hull and machinery.	Date of act authorizing building.
Puritan	Twin-screw horizontal compound.	13	4 10″ B. L. R.	2 6-pdrs. R. F., 2 3-pdrs. R. F., 2 37mm R. C., 2 Gatlings.	12″	11½″	To complete, $3,178,046.	Mar. 3, 1885, Aug. 3, 1886, Mar. 3, 1887.
Miantonomoh	Twin-screw inclined compound.	10.5	do	2 6-pdrs. R. F., 2 37mm R. C., 2 Gatlings.	7″	11½″		Do.
Amphitrite	do	12	do	do	7″	11½″		Do.
Monadnock	do	12	do	do	7″	11½″		Do.
Terror	do	12	do	do	7″	11½″		Do.
Armored battle-ship	Twin-screw vertical triple expansion.	17	2 12″ B. L. R., 6 6″ B. L. R.	6 6-pdrs., 4 3-pdrs., 2 1-pdrs., 4 47mm R. C., 4 37mm R. C., 4 Gatlings.	12″	12″	$2,376,000	Aug. 3, 1886.
Armored cruiser	do	17	4 10″ B. L. R., 6 6″ B. L. R.	4 6-pdrs., 4 3-pdrs., 4 47mm R. C., 9 37mm R. C., 4 Gatlings.	11″	10½″	2,484,503	Do.

The present bill carries another armored cruiser of 7,500 tons displacement. She is expected to make 19 knots. The first five vessels above named are the monitors spoken of as begun without any authority from Congress and partially built by former administrations from time to time out of general appropriations.

UNARMORED STEEL AND IRON VESSELS.

Name.	Type.	Keel laid.	Where built.	Condition.	Dimensions. Length between perpendiculars.	Dimensions. Beam.	Dimensions. Mean draug't.	Displacement.	Max. indicated horse-power.	Type of engines.	Speed in knots.	Batteries. Main.	Batteries. Secondary.
					Feet.	*Feet.*	*Feet.*	*Tons.*					
Chicago	Protected cruiser.	1883	Roach's	Commissioned.	315	48½	19	4,500	*5,000	Twin screw compound, overhead beam.	14.0	4 8″ B. L. R. 8 6″ B. L. R. 2 5″ B. L. R.	2 6-pdrs. 4 47mm R. C. 2 37mm R. C. 2 1-pdrs. 2 Gatlings.
Boston	do	1882	do	do	270	42	17	3,189	3,780	Single screw horizontal compound.	14.0	2 8″ B. L. R. 6 6″ R. L. R.	2 Gatlings. 2 6-pdrs. 2 3-pdrs. 2 47mm R. C. 2 37mm R. C. 2 1-pdrs.

*Estimated.

UNARMORED STEEL AND IRON VESSELS—continued.

Name.	Type.	Keel laid.	Where built.	Condition.	Dimensions.			Displacement.	Max. indicated horse-power.	Type of engines.	Speed in knots.	Batteries.	
					Length between perpendiculars.	Beam.	Mean draug't.					Main.	Secondary.
					Feet.	*Feet.*	*Feet.*	*Tons.*					
Atlanta	Protected cruiser.	1882	Roach's	Commissioned.	270	42	17	3,189	3,511	Single screw horizontal compound.	16.33	Same as Boston.	Same as Boston.
Dolphin	Dispatch vessel.	1882	do	do	240	32	14¼	1,485	2,240	Single screw vertical compound.	15.5	1 6″ B. L. R	4 47mm R. C. 2 6-pdrs. 2 Gatlings.
Newark	Protected cruiser.		Cramp's	Building	310	49⅓	18¾	4,083	*8,500	Twin screw horizontal, triple expansion.	18.0	12 6″ B. L. R	4 6-pdrs. 4 37mm R. C. 1 1-pdr. 2 3-pdrs. 2 Gatlings.
Charleston	do	1887	Union Iron Works.	do	300	46	18½	3,730	*7,500	Twin screw horizontal compound.	18.0	2 8″ B. L. R 6 6″ B. L. R	4 6-pdrs. 4 R. C. 2 3-pdrs. 1 1-pdr. 2 Gatlings.
Baltimore	do	1887	Cramp's	do	315	48½	19⅓	4,413	*10,500	Twin screw horizontal, triple expansion.	19.0	4 8″ B. L. R 6 6″ B. L. R	2 Gatlings. 4 6-pdrs. 2 3-pdrs. 1 1-pdr. 4 37mm R. C.
Philadelphia	do		do	do	315	48½	19 5/4	4,324	*10,500	do	19.0	12 6″ B. L. R	Same as Baltimore.
San Francisco	do		Union Iron Works.	do	310	49½	18¾	4,083	*10,500	do	19.0	do	Do.
Yorktown	Cruiser	1887	Cramp's	do	230	36	14	1,700	*3,400	do	16.0	6 6″ B. L. R	2 Gatlings. 2 6-pdrs. 2 3-pdrs. 1 1-pdr. 2 37mm R. C.
Petrel	do	1887	Columbian Iron Works, Baltimore.	do	175	31	11 7/12	890	*1,300	Single screw horizontal compound.	13.0	4 6″ B. L. R	2 Gatlings. 2 3-pdrs. 1 1-pdr. 2 37mm R. C.
Bennington	do		N. F. Palmer jr., & Co., Chester, Pa.	do	230	36	14	1,700	†3,400	Twin screw horizontal, triple expansion.	16.0	Same as No. 1	Same as No. 1.
Concord	do		do	do	230	36	14	1,700	†3,400	do	16.0	do	Do.
Vesuvius‡		1887	Cramp's	do	246½	26 5/12	9	725	*3,200	Twin screw vertical, triple expansion.	20.0	3 dynamite guns 10½″ caliber.	2 3-pdrs. 1 1-pdr. 2 R. C. 2 Gatlings.
First-class torpedo boat.			Herreshoff	do	135	15	3 7/12	100		do	22.0	8 automobile torpedoes.	2 3-pdrs.

*Estimated. †Guarantied. ‡Launched.

In addition to above the present bill carries one cruiser of 5,600 tons, guarantied to make 20 knots; two of 3,000 tons each, guarantied to make 19, and three of 2,000 tons each, expected to make 18 knots.

This table shows that of the three unarmored cruisers begun before this Administration came in, the Chicago and Boston are 14-knot vessels; that the Atlanta has attained 16.33 knots, and that the Dolphin, also begun under a former administration, has made 15.5 knots an hour; that of the other unarmored vessels, all begun by Secretary Whitney, three gunboats, the Yorktown, Bennington, and Concord, are expected to make at least 16 knots an hour, and the little Petrel 13. Of the unarmored cruisers, begun by the present Secretary, the Newark and San Francisco are expected to make 18¾ knots, the Charleston 18½, and the Baltimore and Philadelphia over 19 knots.

So when this bill is passed we shall have provided for, including the five monitors and the four Roach cruisers, twenty-nine vessels for our new navy, besides two torpedo-boats.

Premiums are offered for increase of speed or horse-power over the guarantied rates, and it is confidently expected that greater speed than that specified in the table will be in most instances obtained. It is the policy of this Administration, just as it was of the Government that laid down the Constitution and her sister ships nearly one hundred years ago, to have our own ships of war the very fleetest and best of their class.

We are never, I hope, to have need for a navy as large as that of England or France. But swift cruisers we want for commerce-destroyers, to turn loose everywhere upon the ocean and drive our enemy's shipping from the seas. Having such, no nation like England, with 20,400,000 tons of shipping on the waters, depending too upon these ships for her food and her very means of subsistence, would dare to make war upon us. When the vessels contained in this bill and those now under way shall have been completed we will have twelve fast cruisers, making from 18 to 20 knots an hour, and all laid down by this Administration, and I sincerely hope that this Government will never be persuaded to build, to send out on the high seas as a cruiser, another slow vessel.

Consider for a moment. A vessel making only 16 knots an hour could not catch a fast merchant ship; it could not get away from a larger-sized cruiser and could not escape from an armored cruiser, for most of the armored vessels recently built make over 17 knots an hour. What gentleman here would take the responsibility of sending a 15 or 16 knot unarmored cruiser out upon the seas as a commerce-destroyer? Why should we build ships for our enemies?

Sir Edward Reed is one of the most celebrated naval architects and critics in the world. He recently delivered a lecture in England on "fast cruisers," and he fully sustains the position your committee are endeavoring to maintain. He quotes from a correspondent who writes:

Admiral Fremantle declared himself a "great advocate of speed," and asks what a naval commander is to do in time of war "with horrible things that can not go fast enough to catch anything or run away from anything."

And then he adds:

I know not whether Admiral Fremantle used these words, but whether he did or not, it is certain that they do not greatly, if at all, exaggerate our condition; and to my mind the only remedy for our deficiency in respect of fast cruisers is to induce the admiralty to put a complete stop to the building of slow ones and to expend the money voted by Parliament for cruisers only upon fast and efficient vessels.

For myself I should prefer never to build another vessel that was to go out on the high seas that could not make at least 19 knots an hour.

ESTABLISHMENT OF PLANT.

One of the achievements of Secretary Whitney is the establishment in America of a plant to manufacture forgings for heavy steel guns. When this Administration came in there had long been contentions in Congress as to what was the best gun. The Government had spent large sums of money in testing guns. But a Senate committee, appointed during the Forty-eighth Congress, after a thorough examination reported to the Forty-ninth Congress in favor of the built-up all-steel gun.

All the Army experts and Navy experts in ordnance favored this gun. All European countries had adopted it, and, seeing these facts, the Naval Committee of the House at the request of the Secretary reported in favor of, and Congress agreed, March 3, 1887, to an appropriation of $4,000,000 in one sum to furnish gun and armor steel for all the vessels then and theretofore authorized. This appropriation, added to others previously made, placed Secretary Whitney in condition to make a contract.

There is in the Navy Department an admirable intelligence office, inaugurated by Secretary Chandler and carefully fostered by this Administration, to furnish prompt and accurate information of the progress of naval affairs throughout the world.

After studying the whole subject thoroughly, Secretary Whitney advertised for gun-steel and armor-plates and bolts in quantities large

enough to justify contractors in putting up plants. He prescribed tests which, it is believed, will secure the best possible material, and succeeded in making a contract with the Bethlehem Iron Company of Pennsylvania to furnish the steel at satisfactory prices.

The Secretary has also induced the Hotchkiss Manufacturing Company to establish in Connecticut the necessary plant for the manufacture of modern rapid-firing guns, under a contract to sell at reasonable prices to the Government.

So that at last, in the manufacture of vessels of war, armored and unarmored, and of guns, great and small, America is independent of the world.

Another factor, which it is believed will be of great importance, has been added to our Navy under this Administration, the Zalinski pneumatic gun, throwing dynamite projectiles. The Vesuvius is to carry guns which will throw shells containing from 200 to 600 pounds of dynamite, and they will propel the smaller sized shells more than a mile. This vessel is guarantied to make over 20 knots an hour. A knot is about 1½ statute miles.

I have here, sir, a table showing the condition of the appropriations made under this Administration for armament and armor. Here it is:

Appropriation "Increase of the Navy, armament," (for gun plant at the Washinton navy-yard). Section 8, act approved August 3, 1886		$1,000,000.00
Appropriation "Increase of the Navy, armor and gun steel." Section 4, act approved March 3, 1887		4,000,000.00
Appropriation "Increase of the Navy, armament" (guns). Section 4, act approved March 3, 1887		2,128,362.00
Aggregate		7,128,362.00
Obligated:		
Appropriation "Increase of the Navy, armament" (gun plant Washington navy yard)	$530,842.61	
Appropriation "Increase of the Navy, armor and gun steel"	4,463,392.29	
Appropriation "Increase of the Navy, armament" (guns)	1,046,325.00	
		6,040,559.90
Amount available		1,087,802.10
Appropriation "Vessels and monitors" (for the manufacture, purchase of and experiments with torpedoes). Section 10, act approved August 3, 1886		75,000.00
Appropriation "Torpedoes." Section 3, act approved March 3, 1887		50,000.00
Aggregate		125,000.00
Obligated:		
Appropriation "Vessels and monitors." Act August 3, 1886		1,017.14
Amount available		123,982.86

Here is a statement showing the progress we are making in the manufacture of guns, "breech-loading rifles" of the very best modern type. The manufacture of these guns was begun under the previous administration. Those made by the Washington navy-yard have heretofore been cheaper than those made by contract. The guns made are believed to be equal to any in the world and the plant is being procured to enable us to build the largest sized guns.

Number of guns made at the Washington navy-yard: Six-inch breech-loading rifles, 10; 8-inch breech-loading rifles, 4.

Number of carriages made at the Washington navy-yard: Six-inch breech-loading rifles, 21; 8-inch breech-loading rifles, 8.

Number of guns made by contract (steel furnished by Department): Six-inch breech-loading rifles, 11; 8-inch breech-loading rifles, 4.

Number of 10-inch guns made at Washington navy-yard, etc.: One 10-inch breech-loading rifle finished; one 10-inch breech-loading rifle, nine-tenths finished; one 10-inch breech-loading rifle, seven-tenths finished; one 10-inch breech-loading rifle, steel under contract, time allowed for delivery not yet expired.

One 10-inch breech-loading rifle gun-carriage finished; three 10-inch breech-loading gun-carriages, three-tenths finished.

WHAT OUR TRUE NAVAL POLICY IS.

It was never the policy of the statesmen of the past that America should have the largest navy in the world, and it is not our policy now. But it was, in the days that are gone, and is now, the true policy for our country to have a navy respectable in size, with ships equal to any that float, demonstrating at the same time to the world our ability to increase that navy to any extent that may be required. In procuring the establishment of a plant for making gun steel and armor, and of another for the manufacture of rapid firing guns, we have taken a long step towards the consummation of that policy.

HOW MUCH MONEY PER ANNUM NECESSARY HEREAFTER.

And now, sir, in going forward with the plan of building up our new Navy, now that the work has been successfully inaugurated, it ought not to be at any time in the future necessary to appropriate as much money as was carried in the act passed at the last session of the Forty-ninth Congress. That act carried in round numbers $25,780,000. But it contained $1,732,000 for public works—that is, for the erection of docks and buildings—which up to the Forty-ninth Congress had always been embraced in the sundry civil act; and it contained for the increase of the Navy $11,048,000.

This enabled us not only to contract for vessels, but to procure the establishment, as I have said, of the great plant for the manufacture of gun-steel and armor. We have now four great docks provided for, one each at New York, Philadelphia, Norfolk, and San Francisco. We need one more, and that should be at some point on the Gulf. We have provided in this bill for a commission to make a thorough examination and report to the next Congress the best place for such navy-yard. It may be at the old site at Pensacola or near by on Pensacola Bay, or it may be elsewhere. When we shall have fitted up a yard on the Gulf we will have provided for the East, the West, and the South. We have appropriated for a complete outfit of modern tools for building and repairing ships at three yards.

The liberal provisions we have made will put our yards in good condition, and there is no reason why any appropriation hereafter should ever exceed the amount contained in this bill, $19,943,225.45, which is in round numbers, $5,824,000—nearly six millions—less than the bill of last year. We have brought down the ordinary expenses of our naval establishment to a point lower than ever before since our civil war began. Leaving out public works, new plant for navy-yards, which should last for many years, the new practice-ship, and sums to increase the Navy, and the bill, as agreed upon in conference, carries only $12,678,225.45.

Our appropriations are especially low for repairs. Perhaps they can never touch a lower point, for as old vessels go out new vessels will come in, and of course all ships in use will, from time to time, need more or less repairs. But if steel ships are to last as long as some have estimated—that is, an average of thirty-three years—then there is no reason why annual appropriations as large as that carried in this bill will not be amply sufficient not only to build up but to maintain our Navy, and after we have built ships enough we may largely decrease expenditures, and this will be at an early day.

Certainly such a sum annually as that contained in this bill need never be exceeded if, by maintaining a navy of moderate but respectable size and by being prudent in other respects, we shall be able, as I trust we will, to maintain peace with all the world.

Since this Administration came in, although we have largely, very largely, increased the work done at navy-yards, we have nevertheless actually decreased the number of persons employed in what is called the "civil establishments" in navy-yards; that is to say, clerks, writers, messengers, etc.

If current ordinary expenses be held down as now, twenty millions annually appropriated to the naval establishment will give, until we have ships enough, say six millions each year towards increase of the Navy—that is for a time. Then as new ships come in more money will be needed for repairs, as all vessels in use will require some repairs, but no greater sum will be required, because we will be gradually coming to the point where we will need fewer new ships. When we shall have built new ships enough we ought to be able to maintain the Navy in a state of efficiency for a much less sum than twenty millions per annum. In fact, I believe we can build up our Navy rapidly enough on nineteen millions per annum. This will support the whole establishment and build as many new ships as we need.

Even that amount seems a large sum; but look back at the past. Twenty years ago, 1868, our naval expenditures were $25,775,502.72. That was when the Navy was going down. Our population was then, say, 38,000,000; a tax of about 69 cents per capita on the people of the United States. Thirty years ago, 1858, in the days of Democratic rule, expenditures were $14,053,264.64; about 46 cents per capita of the then population. In 1848 expenditures were $9,408,476.02; about 42 cents per capita of the population then; and in 1838 expenditures were $6,131,583.53; about 38 cents per capita. With this bill at $20,000,000, and our population estimated at 60,000,000, we are building up a navy, and the whole expense of new ships, guns, and officers and men is 33 cents per capita.

If gentlemen would take in the full meaning of the contrast between this 33 cents for 1888 and the 48 cents per capita expended thirty years ago, in 1858, they must bear in mind how much more costly the modern ship is and the modern gun than were the ships and guns in 1858. Then the ship was of wood, now it is of steel; then the gun was cast-iron, now it is of wrought steel. And then compare the present expense of the Navy and the Army. The average annual expenditures on the Army amount to twenty-three and one-half millions of dollars. Think of it, twenty-three and a half millions for the maintenance of an army, guns and fortifications not included, when on land, as all the world knows, we are invincible by any force that can be sent against us, and only $20,000,000 for a navy, ships, guns, officers, men, and all, when, as against the ships of an enemy who was bombarding our cities, our millions of citizen soldiers, without guns or ships, would be absolutely helpless.

They might gather in countless numbers, like the leaves of the forest. They could only look on and curse the lawmakers who had left them without the means of defense. How did this ever come to pass that we are expending so much on our Army and have for twenty years? If it were a new question, if a permanent policy were to be established now, could any gentleman on this floor justify himself in voting $23,700,000 annually to maintain an army, and less than $20,000,000 for a navy? And yet for the Navy we do not now, and I hope we will not hereafter, ask more than $20,000,000. That is enough.

If we authorize no more ships till we shall have completed the seven included in this bill, and the eighteen heretofore authorized, which includes the monitors, we shall be occupied fully four years in completing them, and during this time we shall not need to expend more than eighteen or at most eighteen and one-half millions per annum.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference.

The report was adopted.

Mr. HERBERT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. BURNES. I move to dispense with the morning hour for the presentation of reports.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

Mr. BURNES. I ask unanimous consent to return to appropriate places in the bill for the purpose of offering amendments which will meet, I doubt not, the sanction of the entire committee.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to some portions of the bill already passed, for the purpose of moving amendments proposed by the Committee on Appropriations. Is there objection?

Mr. MCKENNA. Before consent is granted, I would like to hear what the amendments are.

The CHAIRMAN. The gentleman from Missouri will submit the amendments, after which the Chair will ask whether there is objection.

Mr. BURNES rose.

Mr. BUTTERWORTH. I wish to offer an amendment to pay to the widow of the late Chief-Justice one year's salary, at the proper place, wherever that may be.

The CHAIRMAN. The Clerk will now read the amendment moved by the gentleman from Missouri [Mr. BURNES].

The Clerk read as follows:

Page 25, line 6, insert:

"That the unexpended balance of the sum of $25,000, appropriated by the deficiency appropriation act approved March 30, 1888, to enable the Interstate-Commerce Commission to properly carry out the objects of the act to regulate commerce, be, and the same is hereby, reappropriated and made available for expenditure during the year 1889."

The CHAIRMAN. Is there objection to considering the amendment at this time?

There was no objection.

The amendment was agreed to.

Mr. BURNES, from the Committee on Appropriations, moved the following amendment, which the Clerk read, as follows:

Page 27, line 14, insert:

"For inland transportation, railroad routes, $562,482."

The CHAIRMAN. Is there objection to returning to that part of the bill and to considering the amendment at this time?

There was no objection.

Mr. BUCHANAN. What is the appropriation for?

Mr. BURNES. Mr. Chairman, in reply to the question of the gentleman from New Jersey, I need only say that the Postmaster-General has found this deficiency to exist in the appropriations for payment of railroads for transportation of the mails. It was estimated last year the service would be extended over 7,000 miles of new railroad, whereas in fact it has been extended over 13,000 miles of new roads. In consequence of that increase over estimates the Postmaster-General urgently asks for this deficiency.

I may add that the distinguished gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads, to whom the estimate has been submitted, gives his hearty concurrence to the granting of this appropriation for this deficiency.

Mr. BUCHANAN. Mr. Chairman, I have nothing to say in reference to the merits of this proposition, but I wish to call the attention of the Committee of the Whole House on the state of the Union to the fact that I introduced some weeks ago a resolution of inquiry to investigate certain allegations against the Public Printer in relation to the purchase of English felting. The other day, upon one of the very few occasions during this session when I have been absent, the Committee on Printing reported that resolution back adversely, embracing in its report a letter from the Public Printer in which he denied having made use of any such article. The committee seems to have accepted the plea of the defendant as a verdict of acquittal. [Laughter.] The resolution was laid upon the table, the committee insisting upon this action, although attention was called to the fact that I was then absent, and now no official investigation can be had.

But, Mr. Chairman, I desire to say here and now, whether that investigation is ordered by this House or not, it will go on in some way. I had and have facts in my possession which I thought justified me in offering the resolution, and the resolution itself recites the names of our witnesses. These facts, I believe, justify further inquiry. It seems to me it would have been as well for the Committee on Printing, instead of accepting the plea of the defendant as final, to have made at least a call on me for any information which I might have in my possession.

Mr. BLOUNT. I hope the gentleman will print in the RECORD the letter of the Postmaster-General.

Mr. BURNES. I do not understand the gentleman from Georgia to object to the amendment.

Mr. BLOUNT. No, not at all; but I simply ask the gentleman to have printed in the RECORD the letter of the Postmaster-General.

I will add, notwithstanding the estimate for 7,000 miles the Postmaster-General has put service upon 6,000 additional miles during the fiscal year just closed; thereby showing the wonderful growth and prosperity of our country as well as the increase in the mail service performed by railroads.

Mr. BURNES. The letter of the Postmaster-General has already been printed as a public document, but in compliance with the gentleman's request I will have it printed in the RECORD.

Mr. BLOUNT. It is quite short, and should be inserted.

Mr. BURNES. It is as follows:

TREASURY DEPARTMENT, *August* 10, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Postmaster-General of this date, submitting an estimate of deficiency in the appropriation for railway mail transportation for the fiscal year ended June 30, 1888, of $562,482.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

POST-OFFICE DEPARTMENT,
Washington, D. C., August 10, 1888.

SIR: As will be seen from the accompanying report of the Second Assistant Postmaster-General made to me on the returns of business of this Department for the fiscal year ended June 30, 1888, there is a deficiency in the appropriation for railway mail transportation for that year in excess of that contemplated in the estimates submitted by my predecessor in his annual report for 1887 at page 395.

It will be observed that the estimate for that deficiency was based upon the supposition that the increase of railroad service for the fiscal year ended June 30, 1888, would not exceed 6,000 miles; whereas the amount of new railroad service actually ordered for that year was 12,764.50 miles. I have the honor to submit, therefore, an estimate of $562,482 as the deficiency for railroad transportation, and to request its transmission to the Congress.

The returns of business of this Department for the past fiscal year justify the gratifying comment, in connection with this estimate, that the liberal and unprecedented increase of service has been followed by an equally unprecedented increase of postal revenue. The excess of cost over revenue for the past fiscal year will be less by several millions than in any year in the history of the Department since the general reduction of the rates of postage.

The Department has endeavored to keep pace with the demands of population and business, notably in the West and Northwest, under a policy adverted to in the accompanying report, which has been amply justified as a sound one by the returns of business and the satisfaction of the people.

I have the honor to be, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. SECRETARY OF THE TREASURY.

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., August 8, 1888.

SIR: In compliance with your request for an estimate of the amount that the appropriation for railway mail transportation will fall short of the requirements of the service for the fiscal year ended June 30, 1888, I have the honor to submit the following statement:

Annual rate of expenditure June 30, 1888	$17,532,195.80
Estimate of amount withheld from aided and non-aided Pacific railroad companies	1,378,441.64
	16,153,754.16
Appropriation for mail transportation	15,867,962.00
Deficiency	285,792.16
Add for 6,723.21 miles unadjusted service on June 30, 1888, estimated at an annual rate of cost of $60 per mile for six months	201,690.00
Total deficiency for mail transportation proper	487,482.00

As service on the entire new mileage will not date from the beginning of the fiscal year the cost is estimated at $60 per mile for one-half year. By reference to the Postmaster-General's report of 1886, page 83, you will observe that my estimates for railway mail transportation for the fiscal year 1887-'88 were based on the belief that the new service to be ordered would not exceed 6,000 miles. This belief was founded on the reports forwarded to this office by the General Superintendent of the Railway Mail Service, by division superintendents, and on information gained from authoritative railway publications. By reference to the Postmaster-General's report of 1887, page 395, you will perceive that I therein anticipated a probable deficiency of not less than $250,000, and this estimated deficiency would not have been much exceeded had only the 6,000 miles of new railroad service as estimated for been ordered, but in point of fact during the last fiscal year there was an unprecedented extension of railroad construction, especially in the West and Northwest, and the consequence was that the amount of new postal service on these new railroads ordered was 12,764.50 miles during the last fiscal year.

Under the general policy adopted by you, expressed in instructions, the building, equipment, and operation of any new railroad line or routes have been taken as evidence that mail service was there needed, and it has been promptly put on on the examination and report of the General Superintendent of the Railway Mail Service and on obtaining the written assent of the railroad companies to assume the service on the terms and conditions prescribed by law. To this uniform rule and practice now prevailing in the Department I can not recall an

exception. It is but natural, therefore, and not any matter of surprise, that the deficiency is double what I anticipated, as the new service thus ordered during the last fiscal year is double the amount which was estimated for. To the above amount of deficiency for railroad transportation, to wit, $487,482, must be added the following amount for weighing mails, temporary service, rent, light, and fuel for railway mail service, and other miscellaneous items chargeable to railroad transportation, to wit, $75,000, making a total deficiency for this item, to wit, railroad transportation, of $562,482 for the fiscal year ended June 30, 1888.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

Hon. DON M. DICKINSON, *Postmaster-General.*

Mr. CANNON. What is the cost of the railway mail service for transportation?

Mr. BLOUNT. I have not the figures in my mind just now.

Mr. CANNON. About what?

Mr. BLOUNT. Over $15,000,000.

Mr. CANNON. Over $15,000,000?

Mr. BLOUNT. More than doubled in the last ten years.

Mr. CANNON. I ask my friend whether that committee has considered proposed legislation looking toward a different method for compensating railroads, which would reduce the cost for this service, and whether, in his opinion, such legislation should not be had?

Mr. BLOUNT. I think unquestionably, Mr. Chairman, that it should be. Various schemes have been proposed and are being examined by the Department; and it is to be hoped that a conclusion will be reached whereby a proper reduction can be made.

Mr. CANNON. How long has the matter been under investigation?

Mr. BLOUNT. For many years. There have been various reports by various commissions to the House, but they have not been accepted, and nothing has been done so far. Bills have been reported to the House—at one time from the Committee on Appropriations on the subject; but the criticisms on the bill in the House resulted in its failure.

Mr. CANNON. Has the gentleman's committee considered the question?

Mr. BLOUNT. To some extent we have, but we have been embarrassed by these former difficulties. The matter is under advisement in the Department, however.

Mr. CANNON. Well, I want to say, while I think this appropriation should be made and the service paid for according to existing law, yet I do believe that the Committee on the Post-Office and Post-Roads could most profitably investigate this whole subject; and I believe that legislation ought to be had that when carried out will reduce the compensation of the railways for this service largely—probably 25 per cent.

Mr. BLOUNT. I concur with the gentleman in that respect, and do not think the gentleman's estimate is at all exaggerated.

The CHAIRMAN. The question is on agreeing to the amendment which has been read.

The amendment was adopted.

The CHAIRMAN. The Clerk will now report the next amendment proposed by the gentleman from Missouri.

The Clerk read as follows:

On page 32, after line 20, insert: "That the Attorney-General is hereby authorized and directed to cause Charles Grandison, Frank Seiver, alias George Selvin, and Anthony Stewart, alias Johnson, alias Frank Harris, who were received in the State asylum for insane convicts at Auburn, N. Y., while undergoing sentence in the New York State prison at Auburn for crimes committed in the District of Columbia, and whose sentences have expired since they thus became insane, to be removed to the Government Hospital for the Insane, at Washington, D. C., by the United States marshal for the northern district of New York, the necessary and actual expenses incurred in the same to be payable from the appropriation for fees and expenses of marshals."

The CHAIRMAN. Is there objection to the present consideration of the amendment?

There was no objection.

The amendment was adopted.

Mr. BURNES. I ask leave to insert in the RECORD a letter from the Attorney-General and one from the Superintendent of the Insane Asylum in regard to this question.

There was no objection.

The letters are as follows:

DEPARTMENT OF JUSTICE, *Washington, January 4, 1888.*

SIR: I beg to inclose herewith a copy of a communication from C. F. MacDonald, medical superintendent of the State Asylum for Insane Criminals at Auburn, N. Y., relative to certain insane persons now in that institution who were at the time of their admission United States convicts from the District of Columbia, and who were placed in the asylum under the provisions of chapter 465, page 104, Supplement to the Revised Statutes. The term of sentence in each case has long since expired, and the parties are, as far as can be ascertained, entirely friendless. For several years a special appropriation has been made by Congress to meet the cost of their maintenance and care at the Auburn asylum, but it has now become necessary, as indicated in the inclosed letter, that provision for their removal should be made, and as authority to act in such cases is not conferred upon the Attorney-General, the matter seems to be one which should be disposed of by Congress.

I therefore respectfully suggest the introduction of a bill directing and authorizing the Attorney-General to cause Charles Grandison, Frank Seiver, alias George Selvin, and Anthony Stewart, alias Johnson, alias Frank Harris, who were received in the State asylum for insane convicts at Auburn, N. Y., while undergoing sentence in the New York State prison at Auburn, for crimes committed in the District of Columbia, and whose sentences have expired since they thus became insane, to be removed to the Government Hospital for the Insane, at Washington, D. C., by the United States marshal for the northern district of New York, the necessary and actual expenses incurred in the same to be payable from the appropriation for fees and expenses of marshals.

Very respectfully,

A. H. GARLAND, *Attorney-General.*

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

STATE ASYLUM FOR INSANE CRIMINALS,
Auburn, N. Y., August 7, 1888.

DEAR SIR: I am officially informed that the building for insane convicts, erected on the grounds of the Government Hospital for the Insane, Washington, D. C., will open for the reception of patients within a month.

I am further informed the authority for the transfer of insane convicts to that institution rests with your Department.

There are in this asylum three insane United States convicts who terms of sentences have expired, and whom I desire to have removed at the earliest possible date, owing to our very much overcrowded state and the need there is of room for more active cases. For more particulars regarding these three cases I would respectfully recall your attention to my letters of the 15th December, 1887, January 4 and May 16, 1888. Also to your reply, dated January 9, 1888 (initials "F. S., file No. 9513, 1885). Requesting an early response to this communication, I remain,

Most respectfully, yours,

CARLOS F. MCDONALD,
Medical Superintendent.

Hon. A. H. GARLAND,
Attorney-General of the United States, Washington, D. C.

DEPARTMENT OF JUSTICE, *Washington, August 13, 1888.*

SIR: I beg to inclose herewith a copy of a letter which was transmitted to you by the Attorney-General on January 4 last, relative to the necessity for the removal of three insane persons from the Auburn insane asylum, who were admitted to the institution as insane convicts, but whose sentences have since expired, and to suggest that proper action in the matter may be taken, if practicable, at the present session of Congress.

The request for their removal has been renewed, and is urgent; a copy of the same is inclosed for your information.

Very respectfully,

G. A. JENKS, *Acting Attorney-General.*

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

The CHAIRMAN. The Clerk will now report the next amendment proposed by the gentleman from Missouri.

The Clerk read as follows:

On page 44 strike out lines 13 and 14; on page 47 strike out lines 7 and 8; and on page 51, in lines 19, 20, and 21, in lieu of the sum total proposed, insert $345,712.58.

Mr. HOLMAN. Let the Clerk read the original item proposed to be stricken out.

The Clerk read the lines proposed to be stricken out.

Mr. BURNES. Mr. Chairman, the object of this amendment is this: In certifying the judgments of the Court of Claims these three claims were included. It has been ascertained, as we are informed, that some error in the calculations was made, in consequence of which motions for new trials have been entered, and we are advised that the judgments are to be reviewed and the amounts changed one way or the other. The parties interested in the judgments, as well as the Fourth Auditor, have requested that this be stricken out now, in order to have the exact amounts ascertained and reported to the House hereafter.

There being no objection to the consideration of the amendment, it was adopted.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 63, after line 18, insert:

"For reimbursing Kentucky for expenses incurred in suppressing the rebellion, being the amount certified to be due by the Secretary of the Treasury under the law of August 16, 1888, $38,861.18."

The CHAIRMAN. Is there objection to the present consideration of the amendment?

Mr. HOLMAN. Let some explanation of this be given first.

Mr. BURNES. This is an allowance to the State of Kentucky for moneys expended in support of the Union cause during the war, duly allowed by the accounting officers of the Treasury, and no doubt will be included in the usual report to the Senate, which will be called for by that body during the consideration of this bill. The gentleman from Kentucky [Mr. BRECKINRIDGE] asks to have it inserted here, and I have in my hand a letter from the Secretary of the Treasury certifying to the regular allowance of the claim——

Mr. ADAMS. There is a provision in the bill already upon this subject.

Mr. BURNES. This goes to that provision.

The CHAIRMAN. Is there objection to the present consideration of the amendment?

Mr. HOLMAN. I wish to inquire whether this involves a matter of interest.

Mr. BURNES. It has been investigated and is certified up just as other allowances have been in behalf of nearly all of the other States, and stands upon precisely the same footing with the allowances made to other States for the same purpose, and to Kentucky now in this bill.

Mr. HOLMAN. But an allowance has already been paid to Kentucky, and quite a large one.

Mr. BURNES. Yes, sir; I am aware of that, but that fact does not

affect the legality or justice of the present item. I will have read in this connection the letter of the Secretary of the Treasury.

The Clerk read as follows:

TREASURY DEPARTMENT, *August* 16, 1888.

SIR: In reply to your verbal request of this date, I have the honor to advise you that an account has been stated by the accounting officers of the Treasury in favor of the State of Kentucky for expenses incurred in suppressing the rebellion under the provisions of the acts of Congress of July 27, 1861, June 8, 1872, and March 3, 1881, amounting to $38,861.18.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. WILLIAM C. P. BRECKINRIDGE,
House of Representatives.

Mr. WILSON, of Minnesota. I think there ought to be some explanation of the nature of this claim.

Mr. BURNES. I will state that under several statutes of the United States amounts owing to the States on investigation by the accounting officers of the Treasury are found due to the several States for expenditures in organizing and supplying troops during the war, and when so found they are certified to Congress for appropriation and payment.

Mr. WILSON, of Minnesota. Has there ever been an investigation of these claims except by the Secretary of the Treasury?

Mr. BURNES. By the accounting officers of the Treasury, under the law and the direction of the Secretary of the Treasury. This is a very ordinary circumstance, and these appropriations from Congress to Congress in behalf of the States are being constantly made.

Mr. WILSON, of Minnesota. Has it been passed on by any committee of the House or Senate?

Mr. BURNES. It has been informally passed upon by the Committee on Appropriations. I have investigated this as much as any such claim usually receives.

Mr. CARUTH. Will the gentleman from Missouri permit me to ask a question?

Mr. BURNES. Certainly.

Mr. CARUTH. Do I not understand you to say that you have investigated it sufficiently to say that it is a just claim?

Mr. BURNES. There is no question, I think, about that.

Mr. WILSON, of Minnesota. He does not say that it has been investigated by a committee of the Senate or the House.

Mr. CARUTH. I understand that there has been an informal investigation by the Committee on Appropriations to such an extent as to show that this is a just claim which the Government owes and which it ought to pay without further question.

Mr. SENEY. I would like to ask what the gentleman means by an "informal investigation."

Mr. CARUTH. I quoted the language of the gentleman from Missouri, but I think I know what is an informal investigation by a committee. It means, while there might not have been any aggregate meeting of the committee, that this matter was discussed enough among the members of the committee so that more than a majority of that committee are satisfied as to the justness of the claim.

Mr. RYAN. I would like to ask my friend from Missouri a question. This may be a just claim. I do not know anything about it, and I do not propound any question with a view to antagonizing the matter; but I am not aware, so far as I am concerned, that this question has ever been before the Committee on Appropriations, formally or informally.

Mr. BURNES. I will state that it was not formally considered by the committee in session, but by several of the members individually or informally, and that it came to the committee in the usual way. I have spoken to the members of the committee as I have seen them. But I did not speak to my colleague [Mr. RYAN]. And I wish to say furthermore that a practice has obtained in regard to these audited claims in behalf of States, and this claim is within that practice and stands upon the same footing as do the various claims of the State of the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I understand the character of the claims, and in a general way we have investigated them, and they are a character of claims that are just; but still the subject has never been investigated by the Committee on Appropriations.

Mr. BURNES. No, sir.

Mr. RYAN. And it sometimes happens that a State is indebted to the United States and there are set-offs. I do not know that there are any in this case, as I have never investigated the subject. Perhaps the gentleman can give us some information upon that point.

Mr. BURNES. I am wholly unable to say whether there are any sets-off or not.

Mr. RYAN. I want to say, in respect to my own State, that a claim of this character was paid; but it was claimed that our State was indebted to the United States for direct taxation, and that was to that extent a set-off against the amount due the State from the United States.

Mr. BLOUNT. May I ask the gentleman from Kansas [Mr. RYAN] if that was reported for an appropriation?

Mr. RYAN. Oh, yes.

Mr. BLOUNT. I would like to ask the gentleman from Missouri [Mr. BURNES] if it is not true that by established law the accounting officers of the Treasury are made to investigate and pass upon these claims, and that whenever the Auditor and Comptroller have approved the same if it is not binding upon the United States, and if it is not out of the power of the Secretary of the Treasury to order a review of the case, even?

Mr. BURNES. Yes, sir; it requires the action of Congress to have a review. But the reports of these accounting officers are not final so far as Congress is concerned.

Mr. BLOUNT. There is nothing unusual about it, it seems to me, as it was reported to the House.

Mr. RYAN. I want to state, though I have not examined this claim, and I am not here to antagonize it, because I do not know enough about it to do that, that I have no doubt the claim is just, and it is of the same character as many other claims. I do not know anything about any informal action upon it, and I do not understand whether there is any obligation or indebtedness due from the State to the United States which might properly be a set-off against this claim.

Mr. BLOUNT. Will the gentleman allow me?

Mr. CARUTH. I desire to state to the gentleman from Kansas [Mr. RYAN] that Kentucky paid the direct tax in full.

Mr. RYAN. You speak about a direct obligation. I am not speaking about the direct tax particularly. Any other obligation would do as well.

Mr. CARUTH. There is no other obligation on the part of Kentucky to the United States Government. She pays her honest debts in full, dollar for dollar, and she does not owe the United States a cent.

Mr. RYAN. The gentleman seems to have the idea that my question implies some reflection upon his State, which is absurd. I do not intend anything of that kind.

Mr. CARUTH. I know that.

Mr. RYAN. I want to say, further, that, so far as I am concerned personally, the gentleman's statement is entirely satisfactory to me.

Mr. BURNES. I wish to call attention, and especially the attention of my colleague from Kansas [Mr. RYAN], to the fact that in this bill there are already two items of appropriation for Kentucky allowances up to the time of the last report then received. Now, those allowances stand upon precisely the same footing as this. They are audited by the same officers, reported in the same way, and are incorporated in this bill; and I will ask my friend whether he investigated either one of those claims when they were before the committee to any greater extent than he has this one, whether he deemed it necessary to go into the elements of the account; that is to say, to go behind the action of the accounting officers of the Treasury Department?

Mr. RYAN. I will answer the gentleman by saying that I was not a member of the subcommittee that was charged with that duty, but I supposed that in a general way subcommittees always gave some sort of investigation even to claims of this character.

Mr. BURNES. That is right. And in the same manner I suppose the subcommittee have given this item the same consideration that was given to the other items in behalf of Kentucky which are already in the bill, and this is just as meritorious as those.

Mr. RYAN. There is this distinction, however, between the two cases: If the subcommittee have examined this item they have never reported it to the full committee, and the full committee have never had any information upon the subject. And now I want to repeat that I am not antagonizing this appropriation. I simply wanted to get some information upon the financial relations existing between the State of Kentucky and the United States.

Mr. HENDERSON, of Iowa. I wish to ask the chairman of the committee one question. Has this matter come to us since the bill was made up?

Mr. BURNES. Yes, sir; within the last few days.

Mr. HENDERSON, of Iowa. And has it been considered by all the members of the subcommittee?

Mr. BURNES. I can not say that they have all been consulted.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Iowa will allow me, I think I can explain the matter. This is simply an item of the same character as the items that are already in the bill. One of those is "for reimbursing Kentucky for expenses in suppressing the rebellion, $2,314."

Another is "for reimbursing Massachusetts for expenses incurred and paid in protecting harbors and strengthening fortifications on the coast, etc., $114,951."

After this bill was reported to the House, and after so much of it as was precedent to the French spoliation claims had been considered, I received from the Secretary of the Treasury information that there had been audited in the office of the Third Auditor (the proper officer) other claims of the State of Kentucky to the amount of $38,000, of exactly the same character as these, but which had not been passed upon when this bill was reported, and I telegraphed for official information so that I might offer an amendment to the bill. And, acting as I always try to do in such matters, in concert with the chairman of the committee in charge of the bill, I carried the dispatch which I had received to my friend, the gentleman from Missouri [Mr. BURNES], and submitted it to him. He suggested that I had better have it in the shape of an official letter from the Secretary of the Treasury, rather than in the form of a dispatch; whereupon I spoke to the Secretary

about it upon the day on which we supposed the matter would be reached, and received in reply this letter:

TREASURY DEPARTMENT, *August* 16, 1888.

SIR: In reply to your verbal request of this date I have the honor to advise you that an account has been stated by the accounting officers of the Treasury in favor of the State of Kentucky for expenses incurred in suppressing the rebellion, under the provisions of the acts of Congress of July 27, 1861, June 8, 1872, and March 3, 1881, amounting to $38,861.18.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. WILLIAM C. P. BRECKINRIDGE,
House of Representatives.

I showed this letter to the chairman of the Committee on Appropriations and asked the very efficient clerk of that committee, who is far more expert in such matters than I am, to draught an amendment to come in with the other items, this being a claim of precisely the same nature as the others. The State of Kentucky has not been indebted to the United States at all for twenty-six or twenty-seven years past. So far as I know, there has never been any claim on the part of the United States against the State since the direct tax of 1861, and in that case Kentucky took advantage of the provision of the act which allowed a State to pay the money and receive a certain discount, 15 per cent. Therefore these amounts, certified by the proper auditing officer, are claims against the General Government in favor of the State, without any offset at all. This claim is precisely of the same nature as the other items already passed in the bill; precisely the same, for instance, as the twenty-four thousand dollar item in line 10 of this page for refunding to States expenses incurred in raising volunteers.

Mr. HENDERSON, of Iowa. When this item came up, being for so large a sum, I felt it my duty to ascertain for the information of myself, as well as other members of the House, the nature of it, the matter not having been brought to my attention before, although I am a member of the Committee on Appropriations. But, as we know from the debate that occurred here only a few weeks ago, these allowances from the various auditing offices of the Government are matters that are coming in all the time; and when they come in after the bill is made up we make an effort to have them incorporated, so that the parties interested will not be delayed. After the explanations which have been made I believe this claim belongs to that class of cases; and upon the assurance of the chairman of the subcommittee that he has given it personal investigation and has consulted the majority at least of the subcommittee, I, for one, shall be entirely satisfied to have this amendment favorably acted upon.

Mr. BRECKINRIDGE, of Kentucky. I promised to yield for a question to my friend from Georgia [Mr. BLOUNT].

Mr. BLOUNT. The gentleman from Kentucky stated, as I understood, that the Auditor had examined this claim and allowed it.

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. BLOUNT. The law requires more than that; it requires also the action of the Comptroller.

Mr. BRECKINRIDGE, of Kentucky. I did not mean to say that the claim had been acted on by the Auditor only; I meant that it had passed through the proper auditing office.

Mr. BLOUNT. I understood the gentleman to use the word "auditor." Subsequently, however, he read a letter showing, to use the language of the letter, that the claim had been examined by the accounting officers. I wanted to know, therefore, whether there had not been action by the Auditor and the Comptroller in accordance with law.

Mr. BRECKINRIDGE, of Kentucky. I will say to my friend that the first information I received on this subject was from the Secretary of the Treasury, and was embraced in this dispatch:

The amount of Kentucky State claim is $38,861.18.

C. S. FAIRCHILD, *Secretary.*

Upon receiving that dispatch, I asked a fuller statement and received by telegraph the following:

It is understood that the Senate will make a call for a supplemental list of claims allowed by the accounting officers since date of last report after the deficiency bill reaches that body. When the call is received here, the claim of the State of Kentucky will be reported with the rest.

C. S. FAIRCHILD, *Secretary.*

The dispatch I have just read is dated August 15, 1888. On the 16th of August, this bill not having yet passed, I consulted with the gentleman in charge of the bill [Mr. BURNES], who said he would have the claim put on here with the other amendments. I then went to the Secretary of the Treasury and asked for and received the letter which I have read. The amount has been audited according to law by all the proper officers and stands on the books of the Treasury Department as a properly audited claim of the State of Kentucky against the Government.

Mr. BLOUNT. That is what I understood.

Mr. BRECKINRIDGE, of Kentucky. And against it there is no offset.

Mr. MCCREARY. Mr. Chairman, after the very lucid statement made by my colleague from Kentucky [Mr. BRECKINRIDGE], it is not necessary that I should say much on this question. It is clear to my mind that this claim should be allowed; and I hope it will be considered and adopted immediately. As I understand the case, the subcommittee of the Committee on Appropriations has reported in favor of it. The gentleman in charge of the bill is in favor of it; and the Secretary of the Treasury has sent here a letter in which he says:

An account has been stated by the accounting officers of the Treasury in favor of the State of Kentucky for expenses incurred in suppressing the rebellion, under provisions of acts of Congress of July 27, 1861, June 8, 1872, and March 3, 1881, amounting to $38,861.18.

As this claim has been properly audited, and as the Secretary of the Treasury approves it, and as the Committee on Appropriations is in favor of it, I hope the amendment will be adopted.

Mr. BURNES. I yield for a moment to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I was a member of the subcommittee on this deficiency appropriation bill, but I had not my attention called to this matter until the amendment was moved. Still, from the letter of the Secretary of the Treasury, I understand that the claim has been passed by the accounting officers. If Kentucky owes the United States anything, the amount of such indebtedness would, as I understand, in accordance with a provision of the Revised Statutes, be set off, even if this appropriation be made; a balance would be struck before payment of the claim. From the letter of the Secretary of the Treasury, I presume the Government owes this money; and I have no doubt that, pending the settlement of Kentucky with her late State treasurer, she needs the money. [Laughter.]

Mr. STONE, of Kentucky. In reply to what the gentleman from Illinois [Mr. CANNON] has just said, I want to say that the people of Kentucky are able to take care of their State treasury. But the United States Government owes the State this money, and the debt has remained unpaid for twenty-odd years. It ought now to be paid without a word.

The amendment was agreed to.

Mr. CANNON. I ask unanimous consent to submit the amendment which I send to the desk.

The Clerk read as follows:

On page 34, after line 23, insert:

"To enable the Clerk of the House to rent during the fiscal year 1889, rooms for the use of the clerks employed under the direction of the Committee on Rules in preparing the general index of the Journals of Congress, $1,200."

There being no objection, the amendment was considered and adopted.

Mr. HOPKINS, of Virginia. I move the following amendment.

The CHAIRMAN. The amendment will be read, subject to objection.

The Clerk read as follows:

To pay H. B. Keffer as additional pay between the pay of a folder and that of messenger, for the present session of Congress, $280.

The CHAIRMAN. Is there objection?

Mr. KERR. Yes; I object unless the gentleman from Virginia assigns some special reason why this should be done.

Mr. HOPKINS, of Virginia. I know this man; he is a married man.

A MEMBER. That is enough. [Laughter.]

Mr. HOPKINS, of Virginia. He was removed from the folding-room to the place of doorkeeper, at the same pay of $60 a month. It merely provides for making his pay equal to that of those discharging precisely the same duties. He is efficient and faithful, and this discrimination should not be made in the case of a married man with a large family, when he has been transferred to this position from another one. I hope the gentleman from Iowa will withdraw his objection.

The CHAIRMAN. Is there objection?

Mr. BRUMM. Why not make it general? There are a number of people in the same condition. If that be done, I do not think there will be objection. I object if any one is singled out.

The CHAIRMAN. Objection being made, the amendment is not before the committee.

Mr. BUTTERWORTH. I offer the following amendment, to come in on page 30, under the heading "Department of Justice."

The Clerk read as follows:

To pay to the widow of Morrison R. Waite, late Chief-Justice of the United States, $10,000.

Mr. MCMILLIN. I object to that. The law designates the compensation of these officers. It also fixes a large compensation when they are retired. I think we should stand by the general law.

Mr. BUTTERWORTH. Chief-Justice Waite died in March or May. He was clear in his great office. We all concede that. He left his widow with no estate. In performing the duties devolved on him, both in his office and out of it, he consumed his salary. He had no other income. This amendment gives to his widow one year's salary. I offer it on the suggestion of numerous gentlemen on both sides of this House. And in this case I am proposing to follow the worthy example so often set by us on the death of a Member or Senator who dies while on duty at his post. Chief-Justice Waite won the confidence and esteem of the whole country by reason of the great ability, ripe learning, and unquestioned integrity he brought to the discharge of his duties as Chief-Justice of the Supreme Court of the United States. He deserved well of the people, and in voting this one year's salary for the support of his widow we do but do an act of simple justice and testify the country's appreciation of his great worth. We honor ourselves in voting this appropriation, and we do honor to the Government.

Mr. WILSON, of Minnesota. I wish to ask the gentleman a question.

The CHAIRMAN. Objection is made to the amendment.

Mr. WILSON, of Minnesota. I ask the gentleman what this $10,000 is to be paid for?

Mr. BUTTERWORTH. It is to be paid to the widow of the late Chief-Justice Waite.

Mr. WILSON, of Minnesota. I know to whom it is to be paid, but I want to know for what it is to be paid.

Mr. BUTTERWORTH. In payment of the great and inestimable services rendered by the late Chief-Justice.

Mr. WILSON, of Minnesota. Well, when?

Mr. BUTTERWORTH. When! Rendered during his long term of service and to be paid under the same rule of right and just precedent which authorizes this House to pay to the widow of a deceased member a year's or two years' salary. The justice of such payment in the case of a member has not been, and in my judgment can not be, questioned, and certainly as little can the justice of the proposed appropriation be doubted.

Mr. WILSON, of Minnesota. I submit that is wrong——

Mr. McMILLIN. Permit me to ask a question. Was any appropriation made to pay to the family or the estate of Chief-Justice Marshall or of Chief-Justice Chase or of the other Chief-Justices who preceded him?

Mr. BUTTERWORTH. I do not know whether there was such appropriation or not, but if it were needed by the widow of Chief-Justice Marshall and this House failed to make it, I say they were derelict in their duty.

If Chief-Justice Marshall, after his long and brilliant career and invaluable public service, had left a widow without proper provision for her comfortable support and maintenance, and the Congress of the United States had failed to make that provision at least to the extent and in the manner here suggested, one year's salary, then Congress was remiss in its duty. But I understand that there was present in the cases to which the gentleman has referred no such necessity. If there was such necessity, and it was not met, it was the fault of Congress, and a humiliating disregard of a just obligation, and no excuse whatever for our refusal in the present instance.

The CHAIRMAN. Objection has been made to the amendment.

Mr. WILSON, of Minnesota. I object to the amendment.

Mr. BUTTERWORTH. Do I understand that the point of order is made against the amendment?

Mr. McMILLIN. I objected to the introduction of the amendment.

Mr. BUTTERWORTH. Very well.

Mr. McMILLIN. And as the gentleman has made quite a lengthy speech——

Mr. BUTTERWORTH (interrupting). Oh, no, not at all.

Mr. McMILLIN (continuing). I hope the House will indulge me also for a moment.

Mr. BUTTERWORTH. I did not make an extended speech, but only answered objections. The gentleman from Tennessee has objected; if he persists the matter must rest here.

Let me say, however, Mr. Chairman, that I understood from my friend from Missouri [Mr. BURNES] that if we were allowed to return to offer amendments to the bill I was to be permitted to offer this amendment and have it considered. I understood the gentleman to say, in response to my suggestion, "Very well." I thought it was by unanimous consent that we returned to consider the several amendments just submitted; and he will remember that I called his attention to the amendment I have had read.

The CHAIRMAN. But the Chair will state that the gentleman from California [Mr. McKENNA] required that each amendment should be read and consent given to the introduction in every case, separately.

Mr. BUTTERWORTH. I did not hear the objection.

Mr. McMILLIN. I did not wish or intend to be discourteous to the gentleman from Ohio——

Mr. BUTTERWORTH. I understand that. The gentleman is always courteous.

Mr. McMILLIN. Or unjust to the widow of this great officer, for he was a great man and a good man. But the law fixes the salary, and I thought by the law we ought to stand, especially when, as in this case, the salary is a very good one—a large one.

This Congress has been prodigal to a degree that does not do it any very great credit. The House has been lavish enough, and the Senate has added more than $19,000,000 to the bills that have already passed the House and been sent over there; and I think it is time now to call a halt, and especially, when we are within the law, this is a very good place to halt.

Mr. BUTTERWORTH. I trust my friend from Tennessee will not urge the objection that in order to limit appropriations and preserve the surplus we are to refuse to do an act of plain justice.

Mr. McMILLIN. No, I put it on a higher ground.

Mr. BUTTERWORTH. Very well; there let it stand.

Mr. McMILLIN. I put it on the very highest ground known to a legislator, that the people's money, of which we are the custodians, money paid in by men who are earning but $200 or $300 a year, and who have to pay the taxes into the Treasury, is a sacred trust; and for one I do not propose to give it out in largesses to any favored class.

Mr. BUTTERWORTH. That was not the point the gentleman made against the amendment; and certainly no voice comes from any part of the country urging that justice shall not be done to the widow of our late Chief-Justice, Morrison R. Waite. Now, when the men who earn the $200 or $300 a year complain that what is here proposed is unjust, or that it is proposed to pay it to a favored class, I will withdraw my amendment.

Mr. McMILLIN. Unfortunately the men who earn the $200 or $300 are not here. It is not often enough that they have an opportunity of being heard here.

Mr. TARSNEY. I ask unanimous consent now to offer an amendment.

Mr. FORNEY. I object to going back.

The CHAIRMAN. Objection is made.

Mr. TARSNEY. Let it be read.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. FORNEY. I object to going back over any part of the bill which has been passed.

Mr. FARQUHAR. I ask unanimous consent to offer an amendment.

Mr. FORNEY. I object.

Mr. HOPKINS, of Virginia. I understand the objection is withdrawn to the request I made a few moments ago.

Mr. FORNEY. I object to that also.

Mr. FARQUHAR. I understood the original agreement on this point was that these propositions should be read and then objection asked for.

The CHAIRMAN. No; the gentleman is mistaken.

Mr. FARQUHAR. Then why should objection lie against a proposed amendment before it is known what is embodied in it?

The CHAIRMAN. This part of the bill has been already concluded and can now be recurred to only by unanimous consent. The gentleman may ask consent simply to return without mentioning any amendment at all, and if objected to by any member present, of course it could not be done.

Mr. FARQUHAR. Then I offer this as an amendment to come in just preceding the French spoliation part of the bill. That has not yet been passed away from.

The CHAIRMAN. That amendment is not now in order.

Mr. FARQUHAR. I wish to submit a parliamentary inquiry. What is the pending amendment?

The CHAIRMAN. The consideration of the clauses of section 4 has not been entered upon, the gentleman from Missouri [Mr. BURNES] having presented a point of order which is to be first disposed of before the section is before the committee for consideration under the five-minute rule.

Mr. ADAMS. I have an amendment that does not involve any change of appropriation, and I ask unanimous consent to recur to that portion of the bill to which it applies for the purpose of moving the amendment which makes no change in the amount of the bill. I was absent when that part of the bill was under consideration, but I do not urge that as a perfect excuse for offering it now. I desire to say, however, that the amendment is simply to change the existing law in one respect, which, I think, will commend itself to the committee, and does not relate to the appropriations covered by the bill at all.

Mr. FORNEY. I am willing to have it read for information.

The CHAIRMAN. The amendment will be read, after which the Chair will ask for objection to its present consideration.

The Clerk read as follows:

On page 3, line 18, strike out "one year" and insert "three months;" so that it will read:

"That the act approved February 23, 1887, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant within a reasonable time, say, three months, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services."

Mr. McMILLIN. At present it is one year. That, I understand, will encourage this violation of the law.

Mr. ADAMS. It would discourage a violation of the law.

Mr. O'NEILL, of Missouri. I object; I hope the investigation now going on may result in placing in the penitentiary the capitalists who have violated the law.

The CHAIRMAN. Objection is made, and the amendment can not be considered.

Mr. BURNES. I would like to have an understanding now as to whether the different paragraphs of section 4 shall be read through and the point of order be considered as applying to each paragraph, or whether the point of order made on yesterday will be considered sufficient to reach all the paragraphs in section 4.

The CHAIRMAN. The point of order applies to the whole section, and until that is disposed of it is not in order to proceed to the consideration of the section by paragraphs under the five-minute rule.

Mr. HOLMAN. It seems to me that the point of order should be decided in the first instance.

Mr. DIBBLE. I raise the point of order that no point of order or anything else can be brought against this until the section has been read.

The CHAIRMAN. The reading of this section and the whole bill was dispensed with in the first instance, and the question now is the reading of the paragraphs for consideration; but the period for consideration has not yet been reached in view of the fact that the gentleman from Missouri makes the point of order against the whole section.

Mr. DIBBLE. I do not mean to consume the time by reading the whole matter through, but I think to do it in due form one of the paragraphs at least should be read for the information of the House, and then the point of order can be made.

Mr. BURNES. I would like to understand whether under the rules and practice of the House it is competent to consider the point of order as pending and reserved with no decision thereon until the whole section shall have been read and considered.

The CHAIRMAN. The practice of the committee is to the effect that the point of order and its disposition precede consideration of the proposition under the five-minute rule. The point of order is against this section, and will remain until it is disposed of. If it should be held to be out of order, then consideration would be disposed of; so that the decision is generally prior to consideration. However, by unanimous consent, the committee could proceed to consider this section with the point of order still pending against the whole section.

Mr. HOLMAN. I hope the decision will be given on the point of order, and I call for the reading of the first paragraph.

The Clerk read as follows:

SEC. 4. To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

On the schooner Industry, Benjamin Hawkes, master, namely:
Thomas Cushing, administrator of Marston Watson, $6,555.

Mr. ROGERS. That I understand to be the first paragraph of the section. I suppose the point of order could be made now.

Mr. BURNES. Now I will make the point of order on this paragraph the same as I did yesterday, and if it be the pleasure of the Chair to consider the question I will proceed.

The CHAIRMAN. It is the duty of the Chair to consider the point of order.

Mr. BLOUNT. I would like to know what the point of order is on the first paragraph.

Mr. BURNES. It is suggested that the first paragraph of the section and the first item in the section should be taken together, as the latter carries an appropriation.

The CHAIRMAN. The Chair will consider the section as beginning at line 11 and continuing to the provision for the first item as in the paragraph that has been read and on which the point of order is made.

Mr. BURNES. Mr. Chairman, I desire to call your attention in the first place to the fact that ordinarily no question can possibly be raised against the exclusion of such a proposition as the one just read. Every gentleman upon this floor understands that such a claim as this has no place in a general appropriation bill unless by some express action or authority on the part of the House its insertion is directed. For there is no law authorizing these claims to be inserted in a general appropriation bill. On the contrary, there is an express prohibition under the rules, and we all understand that mere claims against the Government, however meritorious they may be, unless growing up by contract under existing law, can not be appropriated for in a general appropriation bill. But on the 19th day of December last a resolution was offered in the House directing the Committee on Appropriations to insert in the general deficiency bill certain specified reports from the Court of Claims in relation to so-called French spoliation claims under the law of January 20, 1885. The resolution was adopted on the day first mentioned.

When this Congress met on the first Monday of December last there were precisely 225 members returned who were not members of the Forty-eighth Congress, when the act in relation to these French spoliation claims was passed. There were 225 members who had perhaps never read the history or the story of such claims and knew but little if anything of their merits or demerits. A hundred members of the Forty-eighth Congress may have been present, and that is all that could have been present at that time. I know, sir, how quickly members of Congress become educated to the pending and even questions of legislation; but within the space of ten days after the assembling of this Congress they could not have ascertained or investigated either the law or the facts involved.

This resolution was offered and adopted directing the Committee on Appropriations to report these claims in the general deficiency bill. The resolution was discussed. Many statements made in that debate by gentlemen who are insisting on the payment of the claims will now be found exceedingly interesting in the present connection. I recommend gentlemen to go back and read that debate. The adoption of the resolution, in the opinion of many, imposed upon the Committee on Appropriations an obligation to report these claims in the general deficiency bill. But on the 19th day of December there had been no rules adopted by the House—none. We were acting entirely without rules. The committees had not been appointed, with the single exception of the Committee on Rules. The House was practically unorganized. The 19th of December was near the eve of the holiday adjournment and a great many members, including myself, were at their homes. This resolution thus passed seemed to impose an obligation on a committee thereafter to be formed.

But, sir, on the 21st day of December, two days after the passage of this resolution, the Committee on Rules reported the present rules of the House, which were practically the rules of the Forty-ninth Congress with some amendments, and they were adopted as the rules of the House until further ordered.

Whatever the prior order was—and you may call it a prior statute—it undertook to direct the Committee on Appropriations to do a certain thing, but two days afterwards the House, by the adoption of our present rules, made a later statute, if we call it so, expressly forbidding the Committee on Appropriations, when organized, from inserting any item of the nature of these claims now under consideration in any general appropriation bill.

These rules or statutes of the House for the government of the members, for the government of the various committees, and for the orderly transaction of business were repugnant to the prior statute of the 19th of December, and both could not and can not stand together. They were inconsistent with each other. One directed a certain thing to be done, the other, and the later, prohibited it from being done. The first said, do it. The last said, it shall not be done.

On the 19th the House ordered us to put it in the bill. On the 21st the House ordered us by a solemn and obligatory rule not to put it in the bill. Now, who can reconcile these two laws? If a conflict exists, a repugnancy that is irreconcilable, how shall we determine which one is to be followed and have force and validity?

The rule is believed to be well settled. The authorities are not conflicting. The later statute, order, or direction must prevail and be observed. If a repeal of a prior statute by implication is not favored, it is yet well understood that such repeals occur. This is a case above any in the books where the principle of repeal by implication should apply. No rights intervene. No third party was to be affected. The House simply made a general and a uniform rule applicable to all claims, and did not care to preserve any exception which the resolution of the 19th of December contemplated.

The supreme court of Ohio in the case of Cass *vs.* Dillon, 2 Ohio State Reports, 607, Judge Allen G. Thurman delivering the opinion, say, "None but the inconsistent then were abrogated. But how were they abrogated? Not by any express words of repeal, for there are none such. It follows that they fell simply because of their inconsistency. Had they been consistent they would have continued. Being inconsistent they ceased." Judge Ranney, who dissented because of other matters, was even fully as strong as Judge Thurman regarding the question we are considering. Both of them sustain our proposition that where there are two statutes, or two orders, if you please, two directions, two rules of action, which are in conflict with each other, the later one must govern.

Now, by one rule of action we were authorized to put these items in the appropriation bill, and by the other rule of action we were prohibited from putting them in the bill. There was, then, a repugnancy and an inconsistency existing between the two rules of action. Now, which shall prevail? Gentlemen will be unable to controvert the proposition by any respectable authority that under such circumstances, where such an incongruity exists between two statutes or two rules, the later one must prevail, and the former statute or rule of action must yield because of its incongruity and inconsistency with the later one.

I submit that there are half a dozen rules of this House which would be violated by an execution of the order of December 19, or rather which are in conflict with it. These rules I will specifically refer to, so that every gentleman may have a ready reference to the authorities bearing upon the point of order.

I call attention first to Rule XI, clauses 30, 31, and 50.

Mr. DIBBLE. Will the gentleman please read them?

Mr. BURNES. I will read, first, the third clause of Rule XI:

To appropriation of the revenue for the support of the Government, as herein provided, namely: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions, and for all deficiencies: to the Committee on Appropriations.

These are the subject-matters that go to the Committee on Appropriations. Nothing else is authorized by this rule to go to that committee.

I read now clause 30, of Rule XI:

To private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims.

That is to say, that bills relating to claims shall be referred to the Committee on Claims.

I read, also, clause 31, which has reference to war claims:

To claims arising from any war in which the United States has been engaged: to the Committee on War Claims.

These claims, we contend, if they are anything, are war claims; not war claims against the United States, but war claims in a broader and higher sense—war claims against France under the law of nations.

I have already cited clauses 3, 4, and 5, of Rule XXI, and I need not read them. I refer also to Rule XXII, clauses 1 and 2, which I read:

1. Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the Official Reporters of debates for publication in the RECORD.

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

Each one of the clauses and each one of the rules to which I have called attention, stands in direct and palpable conflict with the order of the 19th of December. That order therefore is repugnant to seven or eight positive enactments made by the House of Representatives at a time two days later than the date of the order giving authority to the Appropriations Committee to insert these claims in the appropriation bill.

There is one other ground that I had almost forgotten to state. The order made on the 19th of December had reference exclusively to such claims as had then been reported to Congress, and the claims then reported amounted to $448,000. Now, the Committee on Appropriations has not only inserted in this bill the claims embraced in the resolution, amounting to $448,000, but has inserted claims to the amount of $741,000—about $300,000 in excess of the amount which they were authorized to report. So that these items are in excess of the amount authorized to be reported, and therefore clearly and unmistakably in conflict with the resolution itself as well as with the specific rules to which I have referred.

It follows, therefore, that as this portion of the bill is bad in part under any circumstances it is bad in whole for the purposes of this question of order; and these claims ought to go out even upon that ground, if there were not higher and better ground upon which to exclude them under the rules of the House.

Mr. DIBBLE. Mr. Chairman, the points raised by the gentleman from Missouri are of that technical character coming under the rule *qui hærit in litera hærit in cortice*. They are simply superficial. There is not a member on this floor who does not understand the true intent and meaning of the instructions given to the Committee on Appropriations. That committee itself rightly understood and acted upon those instructions. It interpreted the resolution correctly according to its intent and meaning. Although a number of the members of the committee were opposed to these claims, the committee obeyed the instruction as it was intended in putting the claims upon the bill.

Why is it that the committee has included claims to the amount of $741,000, embracing the reports received subsequently to the order of December 19, at which time there had been reported claims to the amount of only $448,000? The reason is, Mr. Chairman, that this was a standing order of the House in relation to this subject. The expression is "reports of the Court of Claims." At that time there had been presented to this particular House but one report. But the word is in the plural—"reports." This resolution was offered as a rule of action applying to this entire class of cases. It had already been provided by law, as the chairman will remember, that the report of the Court of Claims upon these matters was to be made from time to time to Congress for final action. That is the provision in the statute of 1885. Therefore, as I have already stated, the action of the Committee on Appropriations showed that they appreciated this resolution as a standing order of the House, and obeyed it according to its true intent and meaning.

When the gentleman from Missouri intimates that this order was adopted because of the absence of a great many members of the House, himself among the number, and that only about two hundred and twenty-five members were present, I am willing to assert it as my belief that as many of the absentees were in favor of that resolution as were opposed to it. And besides, Mr. Chairman, if every absentee had been present and had voted against the resolution, it would still have prevailed, because it was carried by a vote of 163 yeas—a majority of the entire House. In a House only two-thirds full, a majority of the whole number of members elected voted in favor of this standing order.

Mr. Chairman, this is a standing order of the House relating to a special subject. The rules are general in their action. If the rules and the standing orders of the House can be construed together, it is the duty of the Chair so to construe them, in order that the will of the House, expressed with no uncertain sound, may be carried out. When the House has said, "We will in accordance with the law bring this matter before us at a certain time and in a certain bill for final action as the law provides," it is the duty of the Chair to construe that standing order in conformity with the expression of the will of the majority of the House, and not to supersede that expression by reference to general rules not interfering with this order, and which never would have been adopted had it entered into the conception of any of those who voted for this standing order that the general rules of the House would supersede its specific instruction in this matter.

Mr. Chairman, I presume the gentleman from Missouri put forward in the first instance his strongest proposition; and that is, that these matters are obnoxious to Rule XXI, clause 3:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

What is meant by "expenditure previously authorized by law?" When you speak strictly no expenditure is authorized by law until the appropriation is made therefor. There may be authority in relation to the subject-matter upon which the expenditure is proposed, but that is what the rule means. The expenditure is really authorized by the appropriation.

The meaning of the rule, therefore, is that the subject-matter should come up for final action by appropriation under some existing law; and in accordance with that I find in this bill, properly here on pages 37 and 38, or ten pages thereafter, judgments of the Court of Claims, in which the Court of Claims has said that certain parties are entitled to certain moneys, and yet the expenditure of that money is not authorized by law until the appropriation bill is passed. The officer can not spend it.

So the very bill itself shows the construction I place on the rule is the correct one—that it must be a subject-matter upon which there is a law which authorizes Congress to consider the matter of the appropriation under its rules.

Now, that is provided for as fully in the clause of this bill as it is in the clause of the law which requires the Court of Claims to report its judgments, so far as the fact of consideration is concerned. The act says:

The report is to be made to Congress for final action.

It is, therefore, provided in the act of 1885 that Congress is to take final action in this matter in regard to confirming or refusing to confirm the judgments of the Court of Claims. And this is put in this bill for the purpose of consideration, in order that the final action authorized by law shall be taken.

The distinction which might be drawn in relation to final and other judgments, that this is not a final judgment, does not affect the question of consideration here, because the very act provides that final action in this case shall be taken by Congress, and the resolution merely covers that point bringing in that final action; but the matter of putting it in an appropriation bill is not that final action, either in the case of report of final judgment, nor is it in the case of these claims? That is not the final action, because it is competent for Congress by an amendment to strike out; and it did strike out some of them for certain reasons which have been presented by gentlemen on the floor.

Therefore the question of consideration is the same in both Houses. In one case the Court of Claims report to Congress for appropriation, and in the other for final action, or for appropriation, provided Congress chooses to make it.

Now, as to the rules and regulations of the committee of this House——

Mr. BLOUNT. Has the gentleman the resolution of the House which he is discussing?

Mr. DIBBLE. I have.

Mr. BLOUNT. If the gentleman has no objection I should like to have it read by the Clerk.

Mr. DIBBLE. I will comply with the request of the gentleman from Georgia, and send the resolution to the Clerk to be read.

The Clerk read as follows:

Resolved, That the reports of the Court of Claims under the act of Congress entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885, be referred to the Committee on Appropriations when appointed, with instructions to report to this House all such claims as have been decided favorably to the claimants and so reported by the Court of Claims in the general deficiency bill for the consideration of the House.

Mr. DIBBLE. Rule XI has been cited in relation to the duties and powers of the respective committees of the House. It says:

All proposed legislation shall be referred to the committee named in the preceding rule, as follows, namely: Subjects relating.

2. To appropriation of the revenue for the support of the Government, as herein provided, etc.: to the Committee on Appropriations.

It is part of the question of the support of the Government that the Government should pay all of its debts that it heretofore has failed to pay, or its obligations of any kind, and they are all provided in the appropriation bills. The deficiency bill is the place to provide for judgments of the Court of Claims. If it does not mean this is for the support of the Government, they will have to go out. Support of the Government does not mean the future maintenance of the Government in all its provisions, but it means sustaining the credit of the Government by meeting such obligations as are justly due.

As to private and domestic claims and demands upon the Government, they go to certain committees in certain contingencies; but these do not go there. The Speaker, under the rules of the House, did not send them there, and he has by his own action construed this standing order of the House, and construed it to mean that those rules did not apply, because he referred all of these, obeying the instructions of the House, which has a right to make its standing order as well as its

rules, to the Committee on Appropriations for embodiment in the appropriation bill.

The other suggestion of the gentleman from Missouri about putting them in the petition-box, I really think, Mr. Chairman, is hardly deserving of an answer. The rule to which he refers there applies exclusively to the cases of members introducing private bills. They go into the petition-box. I can not conceive that the gentleman means to apply the terms of that rule—Rule XXII—to a construction that would say that these reports of the Court of Claims, when presented by the Speaker of the House to the House, should be put into the petition-box and sent to the Private Claims Committee of the House; and yet that follows inevitably if the gentleman invokes Rule XXII to sustain his position, for it relates exclusively to that subject.

Now, Mr. Chairman, the rules themselves state that they are general rules, and I will cite in support of that Rule XLV:

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

The language is not "until otherwise ordered." It is not an expression which relates only to future orders of the House, but the expression is distinct, "unless otherwise ordered." That is, that it excepts all standing orders that the House may make, and special orders as well, as the case may be; and when these rules were passed there was an order already made that if there is anything in conflict in the rules, had ordered otherwise.

By the express terms of that rule, which applies to all standing or special orders of the House, they are to be the rules of the House unless it has been otherwise ordered by the House, or unless it shall be otherwise ordered by the House. The expression used in the rule is broad enough to include both forms of expression, and shows that the intention of the rule was not to supersede the express and specific instructions of the House.

That distinction between the standing orders of the House and the rules of the House is also made in the forty-fourth rule incidentally where it provides:

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House, etc.

Showing that the House is governed by both rules and orders; and when you read the two rules together, the forty-fourth and the forty-fifth rules, it means this, sir, that the House has standing rules and it has orders, and that the rules govern the House except in those cases provided for by the orders of the House. And therefore, even on a technical and literal construction of the rules of the House, there is nothing in the rules inconsistent with the consideration of this proposition in this bill.

One thought more, Mr. Chairman, and I am done, and that is in regard to the technical point made by the gentleman from Missouri, that the order under which these claims have been reported in this bill includes only those reported to the House up to the 19th of December, 1887, the date of the adoption of the resolution, and that $440,000 only were so reported, and not $740,000 as appears in the bill. I wish to say in relation to that, in addition to what I have already said, that that does not enter as an objection against the first paragraph which we are now considering, because, as a matter of fact, this paragraph about "Thomas Cushing, adminstrator of Marston Watson, $6,555," on which the point of order is now being made, was already reported to the House, having been reported on the 6th day of December, 1886, and therefore was literally within the terms of the order, whatever might be said as to those embraced in the latter part of the bill after the $440,000 were exceeded; and therefore, so far as that point is concerned, it is not pertinent to the pending question of order.

In conclusion, therefore, Mr. Chairman, the House having power and control over its own rules of procedure under the Constitution, by a vote of a full majority of the House has laid down an order and an instruction to the Committee on Appropriations. It would have been contempt of this House for that committee to have disregarded that instruction. They were bound to put these claims into the bill. They put them in without hesitation; but they put them in unwillingly. A number of members have said that they had put them in unwillingly. The committee embraces amongst its memberhood some of the older members, skilled parliamentarians of the House, and they put the claims into the bill without dissent as to the act of obedience to the instructions of the House. The object of that was that when we came to these claims we should consider them.

We have the facts found definitely and in detail and particularly by the Court of Claims, which Chief-Justice Taney said, in the case of Gordon *vs.* The United States, was "a tribunal which Congress might well create for its assistance in deciding political cases relating to the obligations of the Government; and that it could well construct that machinery to assist it in cases which were not judicial in their nature." And we have the facts found by the court. We passed a solemn enactment that that court should find these facts; that they should report them to Congress, and the object of that report was for Congress to consider and take final action upon them; that we would take also the views of that eminent body of trained men—trained in judicial investigation—and that we ourselves would make the final decision. In compliance with that law, which otherwise would be inoperative, they have been placed in this bill.

We have gravely consumed hours after hours in discussing the obligations of the Government in this regard; and now, Mr. Chairman, a purely technical and surface objection, refined and strained in its character, is interposed in order to throw one more obstacle in the way of the House having its will and providing for these matters which it deliberately said it would discuss in this bill and nowhere else.

I insist, therefore, that the point of order is not well taken.

Mr. HOLMAN. Mr. Speaker, the argument of my friend from South Carolina [Mr. DIBBLE] is able and ingenious, and undoubtedly the best that could be made against the point of order of the gentleman from Missouri [Mr. BURNES]. But it seems to me that both the gentleman from Missouri and the gentleman from South Carolina have gone into much greater detail than the real question involved would seem to require or justify. For it is impossible to avoid the fact that the very first point presented by the gentleman from Missouri covers the ground and decides the case. It is the strongest position that can be taken, and to my mind absolutely conclusive. The mere statement of fact is the strongest argument that can be presented. You weaken the matter by enlarging upon it. The fact simply is that on the 19th day of December last the House directed the Committee on Appropriations to insert certain claims in a general appropriation bill. That became the rule of the House and the law of the Committee on Appropriations as to those, and as a matter of course that committee would obey that order.

It is not an unusual practice to pass such resolutions and make such orders. There have been a great many instances within the last twenty-five years when such orders have been made. Orders are made on a given subject-matter which make them in order when otherwise they would not be in order on an appropriation bill. At that time the rules authorized to be made by the House by the Constitution of the United States for the government of the House had not been adopted. The House was acting from the necessity of the case under the common law of parliamentary bodies. To ascertain what that law was at the time reference of course was had to what had been the rules of preceding Congresses, especially the last, for they better than any other parliamentary law would express the common law applicable to the House of Representatives, so that on the 19th day of December this order was made, this rule was established as to the French spoliation claims. On the 21st of December the House, in performing one of its highest constitutional duties, adopted rules of procedure, and by almost express words annulled that order and rule of the 19th of December as effectually, as distinctly, and as unmistakably as if the resolution of the 19th day of December had been expressly named.

They adopted a rule that claims, such as referred to in the order of the 19th of December, shall go to the proper committee—the Committee on Claims. As referred to by the gentleman from Missouri, the House declared in that deliberate act that no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto in any instance not previously authorized by law. That is clear and definite. On the 19th of December the House directed that matter not authorized by law, having no legal status or recognition on the part of the United States, should be in order upon an appropriation bill. The rules adopted afterwards on the 21st of December in express terms declare that such matter shall not be in order on an appropriation bill. Of course where two legislative measures cannot be reconciled, the former act must give way, the subsequent and last legislative action must control. This rule is too clear to admit of debate.

Mr. DIBBLE. If the gentleman will permit me I will ask him what has been the practice here? Does the Speaker usually refer these reports which have been coming in since under the rules or under the standing order? What construction has the Speaker of the House made in relation to this matter?

Mr. HOLMAN. I am not able to answer, but I have no doubt the Speaker of the House, whenever these reports came, has referred them to the Committee on Appropriations. The Speaker would naturally do that. The Speaker would not undertake to settle this question of jurisdiction until it was raised, and inasmuch as there was a special order the Speaker would naturally make that reference. Why not? I would suggest to my friend from South Carolina that the act of the Speaker would be done *pro forma* in the current procedure of business, and there is no point in that as to what committee it should be referred to. Such *pro forma* action decides nothing.

Mr. DIBBLE. Except that the Speaker recognized the standing order to be still in force notwithstanding the subsequent adoption of the rules.

Mr. HOLMAN. The Speaker perhaps never had his attention called to the subject. It is a question which never——

Mr. DAVIS. Would not the course have been to obey the general rule if his attention had not been directed to the matter?

Mr. HOLMAN. I think so. It does not appear that the attention of the Speaker was called to the subject. After the adoption of the gen-

eral rules the prior order in conflict with them must give way. The action of the Speaker in the absence of calling his attention to the subject under this rule proves nothing, decides nothing.

Now, sir, the only question that can remain is whether by the act of 1885 Congress in any way gave validity to these claims or made them lawful demands against the Government. I remember very well the history of this measure as it has been here for many years. It was the first series of claims against the Government that came to my notice after I entered Congress.

Notwithstanding the long series of years during which this class of claims have been pressed upon the Government, that measure could not have got through the House if it had not contained the provisions to which I now call attention, and which show that Congress simply called upon the Court of Claims for information upon the subject of these claims, treating the court, not as a judicial tribunal, but as an advisory board to report the law and the facts.

That is the way in which these matters were referred to the Court of Claims, and Congress further declared that notwithstanding its action in thus referring the subject to the court as an advisory board, it was not to be bound by any action of the court resulting from proceedings under that law. I think, sir, that if such an extraordinary measure as this had to pass Congress it was at least creditable to Congress that the provisions to which I call attention were incorporated in it, as showing that Congress was unwilling blindly, without further information, to enter upon a course which would involve the expenditure of millions of money on claims more than three-quarters of a century old. There is the provision:

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress.

The "claimant or Congress." This law all the way through treats these matters as claims; not as demands that have been established, but as claims. The law goes on to say:

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

"Claims" again, not ascertained matters, not final adjudications, but simply "claims," which under the rules of this House should go to the Committee on Claims.

Therefore, sir, without undertaking to speak at this time in regard to the other rules which are violated by the presence of these claims in this bill, I desire simply to urge again one consideration upon the Chair. That is, the point first presented, that the order under which these claims were permitted to be put upon this bill has been abrogated and rescinded, presents the case just as forcibly, just as completely as it can be presented. It covers the entire case. The point is clear and well taken beyond question. No possible argument can break the force of the fact that the order under which these claims were allowed to be placed upon this bill was abrogated and is not now the law of this House.

Mr. ADAMS. Mr. Speaker, when the gentleman from Missouri [Mr. BURNES] opened this discussion on the point of order he referred to the fact that at the time of the adoption of this resolution on the 19th of December there were two hundred and twenty-five members of the House present who, not having been members of the Forty-eighth Congress, were presumably unfamiliar with the French spoliation claims. The only logical inference from that remark would be that the House must be presumed not to have acted deliberately or with full information in regard to the effect of the resolution then adopted, and I concede that that is a logical way of arguing the question.

Mr. BURNES. If the gentleman will allow me to interrupt him for a moment, I said what I did say on that point in consequence of the fact that it was stated on this floor on the 19th of December that this was "the usual course with other reports of the Court of Claims."

Mr. ADAMS. On what page does that appear?

Mr. BURNES. On page 98. Now I wish to say to my friend from Illinois [Mr. ADAMS] and to the House that this is not the usual course with other reports from the Court of Claims.

Mr. ADAMS. I admit it.

Mr. BURNES. It is the usual course with regard to judgments rendered, but not with regard to reports, and I call the gentleman's attention to the numerous reports from the Court of Claims in cases under the Bowman act, precisely the counterpart of these claims, as directly refuting the statement which was made upon this floor and which I have just quoted.

Mr. ADAMS. Mr. Chairman, I am very glad to have been reminded by the gentleman from Missouri [Mr. BURNES] that this proceeding was an unusual one in this class of claims, because that was exactly the fact which I was about to bring to the attention of the Chair. I was about to direct the attention of the Chair to the fact that the unusual character of the proceeding was brought clearly before the House at the time and that the House on full debate deliberately voted by yeas and nays in favor of the adoption of the resolution, understanding perfectly what its effect would be. The remark just read by the gentleman from Missouri [Mr. BURNES] occurs in an earlier period of the debate, for he says it is to be found on page 98. After considerable debate the following statement was made by Mr. REED. It is found on page 100 of the RECORD:

Mr. REED. Mr. Speaker, this is, after all, a practical question. At least three-score of the members present now know, and the rest of them before the end of the session will know, that there are a great many ways of killing a bill besides a direct negative vote of the House. Among the methods, one is to send it to a committee, and especially to the Committee on Claims, which is so overburdened with work that it can report on but very few of the matters that are referred to it.

The present proposition is to send this to the Committee on Appropriations with directions to report it upon a deficiency bill for the action of the House. The Committee on Appropriations can consider these items and report against them or report for them, but in no event will they be allowed to prevent the House from voting on them.

That statement runs on all-fours with the other statements made in the course of that debate. There was a wide difference of opinion among the members of the House who took part in the debate as to the propriety of adopting the resolution, but I think a cursory examination of the debate will convince any one that there was no division of opinion as to the effect of the resolution in case the House chose to adopt it. I have read an excerpt from page 100. Here is what fell from the gentleman from South Carolina [Mr. DIBBLE] at the conclusion of the debate.

Mr. DIBBLE. Mr. Speaker, the Committee on Appropriations is composed of able and experienced members of the House. If this question is referred to them they will report back in a bill, and there is no precluding them from making remarks or presenting their opinion upon their own report. If their report as to any one of these claims comes before the House it comes up, not for favorable action, necessarily, by the House, but for such action as the House shall see proper to take.

The logical inference from this entire debate is that the House was determined that these French spoliation claims should be considered, not necessarily that they should be allowed or that they should be rejected, but that this House should at least have the privilege of voting yea or nay on every report that had come from the court. Thereupon, after all this debate, the question was voted upon by yeas or nays, and there were 163 votes in the affirmative and 84 in the negative.

The gentlemen who voted in the negative, including the gentleman who is now in the chair [Mr. SPRINGER], certainly could not have found much reason for opposing the adoption of the resolution if they supposed that when the question came up in the House the objection of a single member could throw these items out of the bill. The gentleman now in the chair opposed the resolution, and his argument against it was based on the privileged character which the adoption of such a resolution would give to these claims.

There would be no sense in the remarks made by almost every member who spoke against the adoption of this resolution if it had been supposed that after its adoption any member could have these items thrown out of the bill on a mere point of order. This resolution, then, is the deliberate judgment of the House expressed on a vote by yeas and nays after full debate and upon a clear statement of the matter.

Now, what was the action of the House in the adoption of the rules? If it is proper, Mr. Chairman, to refer, as the gentleman from Missouri did refer, to the fact that a large number of members then present were unfamiliar with the French spoliation claims, it is at least equally proper for me to refer to the circumstances, which I know will be fresh in the mind of the Chairman, under which the rules of the Forty-ninth Congress were adopted by this House on the 21st of December last. The Committee on Rules came in with a report, of which I will read the first two paragraphs:

The Committee on Rules, to which was referred various propositions to amend the rules of the House, has had the same under consideration, and make the following partial report:

The committee has not had time to conclude its consideration of all the propositions referred to it, and therefore reports back to the House such measures only as it deems necessary to be disposed of in order to complete the organization of the House.

It is true that the report of the committee did declare that the rules of the Forty-ninth Congress should be adopted until the further order of the House, with the exception of certain definite modifications. But when that report of the Committee on Rules came to be discussed I I think the gentleman now in the chair [Mr. SPRINGER] took part in the discussion. I took some part in it myself, and without reading what fell from various gentlemen as to the effect of adopting that "partial report," I will refer to a parliamentary question which I asked of the Speaker near the conclusion of the whole debate:

Mr. ADAMS. I desire to ask a parliamentary question. This proposition being to adopt, with some modifications, forty-six rules of the House of Representatives of the last Congress, is not the question divisible?

The SPEAKER. The Chair thinks that a separate vote may be called for on any proposition contained in the report.

Mr. ADAMS. Another question: After the previous question has been ordered, would it be in order for me to move that the consideration of all rules of the Forty-ninth Congress in regard to which the Committee on Rules has not recommended a modification be postponed till the first Wednesday in January?

The SPEAKER. Those propositions to amend the rules on which the committee has made no report are not before the House.

Mr. ADAMS. But, Mr. Speaker, the report, as I understand, is that the rules of the House as they existed in the Forty-ninth Congress be adopted as the rules of the present House. If I am incorrect in that impression, I am very glad to learn it.

The SPEAKER. The report proposes to adopt the rules of the Forty-ninth Congress with certain modifications, until the further order of the House; that

is the statement contained in the report. The report also states that there are other propositions pending before the committee which are hereafter to be considered and reported upon.

Mr. Chairman, the rules referred to by the gentleman from Missouri—clause 3 of Rule XXI, and other rules—are to-day the rules of this House, because the Committee on Rules declined to make any further report. I do not mean to say that this interferes with the validity of the rules which were adopted. I do not mean to affirm that they are not in full force to-day as rules of the House. But when the gentleman from Missouri claims that this standing order of the 19th of December last is vacated by the action of the House on the 21st of December, I think it fair to call the attention of the Chair to the character of the action of the House on those two separate occasions. On the first occasion there is not the slightest possibility of doubt as to the deliberate intention of this House.

I submit that those rules adopted on the second occasion, until the further order of the House, on the statement of the Speaker, the chairman of the Committee on Rules, and of the gentleman from Pennsylvania [Mr. RANDALL], a member of the committee, that the committee would make a further report—I submit that rules adopted in that way are not in such full sense the deliberate action of the House as was the action by which, after full debate and upon a vote by yeas and nays, this resolution was adopted, many gentleman voting against the resolution simply because they foresaw that the effect of its adoption would be precisely what we claim. The judgment of the House as thus expressed was not intended to be vacated by what the House did two days afterward in adopting the rules of the Forty-ninth Congress.

Mr. LODGE. Mr. Chairman, the principal point made by the gentleman from Missouri [Mr. BURNES], and the only point made by the gentleman from Indiana [Mr. HOLMAN], is that the adoption of the general rules vacated this special order. If that was the case, it did so on the 21st of December, when those general rules were adopted; and if the position of those gentlemen be correct, the Speaker of this House has since that time been wiongly referring to the Committee on Appropriations these claims subsequently reported. The gentleman from Indiana intimated that the Speaker did this without reflection, in the general current of business. But, sir, our Speaker is one of the most acute parliamentarians in the country, and has had his eye on all the business of the House. Moreover, the Committee on Appropriations, hostile to these claims, has only discovered at this eleventh hour that they are out of order.

That committee has had plenty of opportunity to change the reference of these claims. If the original order was vacated, the committee could have changed the reference at any time; but they have put these claims into the bill in accordance with the special order; so that they at least never doubted the effect of that order until now.

Mr. BURNES. Will the gentleman allow me a moment? He informs us that the Speaker of this House, an acute parliamentarian, referred these reports of the Court of Claims to the Committee on Appropriations.

Mr. LODGE. I mean those presented subsequently to the adoption of the order; those beyond the $448,000.

Mr. BURNES. The gentleman did not mean to assert that those claims reported prior to the order of the 19th of December were so referred by the Speaker?

Mr. LODGE. They were referred by the order of the House. I simply meant to say that the Speaker, in his subsequent references, recognized the force of that order.

Mr. BURNES. Undoubtedly the point had not occurred to the Speaker, nor had it occurred to many members on this floor.

Mr. LODGE. That was the point I meant to make—that it had not occurred to the committee until now.

Mr. BURNES. It had occurred to some of us.

Mr. LODGE. In the debate at that time, Mr. Chairman, when it was well known to members of the House that the rules of the House had been adopted, in the debate on the resolution you, sir (Mr. SPRINGER in the chair), said:

> This resolution takes away from the Committee on Claims its jurisdiction under the rules of the House and makes the Appropriations Committee a claims committee.
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> * * * * * * *
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> This resolution proposes to make these claims privileged, and to refer them, not to the Committee on Claims, to which they should properly go, but to the Appropriations Committee, which is a privileged committee, with authority to report at any time, and the resolution further instructs the Appropriations Committee to report these claims in the deficiency bill. * * *

This resolution commits the United States at once to the payment of these claims. That is the interpretation put on it during the debate, and I wish simply to call attention to the facts in settling this point of order.

Mr. SENEY. Mr. Chairman, I suppose that paragraph 3, of Rule XXI, is controlling on this point of order, if there be nothing else in the way, and if this paragraph is given its full and proper effect, then section 4, providing for the payment of French spoliation claims, must go out of this deficiency appropriation bill.

This clause is in these words:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

I do not understand that it has been claimed by either of the gentlemen who preceded me that section 4 in this bill is rightly there if this paragraph is decisive of the point under debate. In other words, whether or not section 4 be rightly in or should go out of this bill depends on the construction and effect we will give to the paragraph I have just read.

It is claimed that section 4 is rightly in this bill from the fact that the House in December last passed a resolution instructing the Committee on Appropriations to put it there. This claim, Mr. Chairman, I dispute. I insist the House did no such thing. In addressing the House on yesterday for the mere purpose of debate, I treated the resolution of December last as an instruction upon the part of the House to the Appropriation Committee to report in the general deficiency bill an appropriation to pay French spoliation claims; but such, sir, is not the meaning of that resolution.

Allow me to read the resolution:

> *Resolved*, That the reports of the Court of Claims under the act of Congress entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885, be referred to the Committee on Appropriations, when appointed, with instructions to report to this House all such claims as have been decided favorably to the claimant, and so reported by the Court of Claims, in the general deficiency bill for the consideration of the House.

The question before the House, then, is, what is the right meaning or legal effect of the resolution I have just read? Does the resolution instruct the Committee on Appropriations to appropriate money in the Treasury for the payment of these French spoliation claims? I do not think any gentleman who will carefully and thoughtfully read the resolution will dispute me when I say the House gave no such instructions to the Appropriations Committee.

Now, what did the House do? I think the gentleman from South Carolina [Mr. DIBBLE] said something in his remarks about the intent of this resolution.

He, as I understood his remarks, wanted the House to depart from the words of the resolution and follow him in his construction as to what was the intent of the House in passing that resolution. It may be that the House did intend to instruct the Appropriations Committee to appropriate money to pay these spoliation claims, but to my mind the resolution of the House which I have just read signally fails in expressing that intent.

Mr. DIBBLE. I will state, with the permission of the gentleman from Ohio, that I did not assume the position that the Appropriation Committee was to do anything more than to report these claims in their bill for the consideration of the House. That is not an appropriation of money at all. The appropriation of money is an act of the House itself.

Mr. SENEY. We are talking, as I understand it, whether section 4 ought to be in or out of this deficiency bill. The proposition now before the House is that it be stricken out; that it is improperly there; that it has no business there, and that under the rules of the House it is out of place. The proposition before the House is that the House shall act upon its own rules and strike it from the bill. This I understand to be the question, and no other question is before us.

Sir, it is a mere begging of the question to say that we must be controlled by what the House intended. The resolution tells the intent, and nothing but the resolution is authority on this point. I insist that we be controlled by what the House did, and when we cast about for evidence as to what was done in December last by the House respecting these spoliation claims we have nowhere else to look save and except to the record for the resolution, which speaks for the House. Instead of instructing the Committee on Appropriations to appropriate money out of the public Treasury for the payment of these claims, the resolution does nothing more nor less than instruct the Committee on Appropriations to report the claims for the consideration of the House.

Now, sir, to my mind there is a very wide difference between instructing the Appropriations Committee to appropriate for the payment of claims and instructing that committee to report the claims to the House for its consideration. I do not know, sir, how these claims got into the room of the Committee on Appropriations. By the act of 1885, it occurs to me, that the proper thing to have done with the report when it came from the Court of Claims was for the Speaker from his chair to lay it before the House for its consideration. The act of 1885 expressly authorizes and requires that the report of the Court of Claims shall be made to Congress; not to the Appropriations Committee, but to Congress.

I take it, sir, that that means to both Houses of Congress, the Senate as well as the House; but by some custom or practice, or in some way with which I am not familiar, this report seems to have been lodged with the Committee on Appropriations, and the friends of these spoliation claimants, taking advantage of that circumstance, brought before the House a proposition that those claims should be brought out of that committee-room and into the House; and they did nothing else by that resolution. The House instructed the committee to report the claims, just as any other matter is reported, and I submit to any fair-minded man, I submit to the legal talent of the House, whether that act on the part of the House means an instruction to the Appropriations Committee that they shall appropriate money to pay them? I say it does not.

It is not the way in which business of that sort is done; and it may be—not being familiar with the custom in that regard—it may be, sir, that I am mistaken and that this was the proper resolution to put through the House. But I undertake to say that if the matter had been submitted to my judgment I would have used words very different from those employed in the resolution if I wanted to force the Appropriations Committee to appropriate money out of the Treasury to pay the spoliation claims.

Mr. ADAMS. Will the gentleman allow me to call his attention to the fact, since he is commenting on the word "report," used in that resolution to which he refers, that it is precisely the word which, existing in the rule, is now cited as an objection against the claims being in this bill, the language of the rule being:

No appropriation shall be reported, etc.

Mr. SENEY. Well, sir, in answer to the gentleman from Illinois, I will say to the House that if I had been draughting a resolution with a view of having money appropriated to pay these claims in lieu of giving instructions to the Committee on Appropriations to report these claims to the House I would have used words something like these:

To appropriate in the general deficiency bill for the payment of such claims as the Court of Claims had duly reported upon.

But I was going to remark when interrupted by the gentleman, that the words used in the resolution do not authorize or direct the Committee on Appropriations to make an appropriation for the payment of the claims.

I ask you, Mr. Chairman, whether when a committee is instructed by this House to report a claim which is before it, that instruction means that the committee shall appropriate money for the payment of it? Why, sir, if this House was to instruct the Committee on War Claims or Accounts to report a given claim or account to the House, would any gentleman assert that that committee had the power to appropriate money for the payment of the claim? Well, sir, if the War Claims Committee, or the Committee on Accounts would have no such power, I ask the gentleman from South Carolina what it is that confers that power upon the Committee on Appropriations?

Mr. DIBBLE. I will answer the gentleman by saying that the Committee on Appropriations do not appropriate the money. They present a proposition for the consideration of the House in accordance with the express wording of the resolution.

Mr. SENEY. Why, if that resolution means anything at all, it means that what the Court of Claims reported to Congress should be brought from that committee-room into the House that the House may consider what the Court of Claims did in these cases. It means nothing else. It can mean nothing else. But the Committee on Appropriations do appropriate money, and report that appropriation instead of reporting the claims, giving the names of the claimants, amounts found in their favor, the nature of the claims, etc.

Mr. BRECKINRIDGE, of Kentucky. If it does not interrupt the gentleman from Ohio——

Mr. SENEY. Not at all.

Mr. BRECKINRIDGE, of Kentucky. If that is what the resolution means, how then is it contrary to the rules of the House? And how does that, which by order of the House is laid before the House for its consideration, become disorderly for the House to consider?

Mr. SENEY. It is not contrary, nor does it conflict, in my judgment, with clause 3 of Rule XXI. There is no difficulty in my mind in solving this point of order; none whatever. Clause 3 of Rule XXI is controlling, absolutely and completely, upon this question; and if we will deal rightly with the question, we will dismiss from our thoughts entirely the House resolution of December last, for it plays no part at all in this controversy.

The resolution is a mere instruction to the Committee on Appropriations to report to the House what the Court of Claims reported to it. The resolution said to the Committee on Appropriations, you have got upon your files the action of the Court of Claims in the French spoliation cases, and we want that action reported to the House. We want it for the consideration of the House; we want it for the judgment of the House. And I insist, Mr. Chairman, that under that resolution the Committee on Appropriations, and I say it respectfully, transcended its power. It would have no right except by authority of this House to appropriate a single dollar to pay the spoliation claims. The House never instructed it to do so. The House never gave it authority to do so. It has been stated that the majority of the Committee on Appropriations are opposed to the payment of these spoliation claims. I am glad this is so, if the statement be correct.

Mr. DIBBLE. Will my friend permit me to ask him a question?

Mr. SENEY. Certainly.

Mr. DIBBLE. Was not the instruction specific that this was to be reported in the general deficiency bill? And I will ask him whether that does not comply with the ordinary form?

Mr. SENEY. It might just as well have been an instruction for the Appropriations Committee to report it on the sundry civil bill or any other appropriation bill. The resolution simply indicated to the committee the bill under which the House wanted the matter brought before it. That is what the House did. Under the rules of this House I insist that if there be an appropriation to pay these claims, a bill for that purpose must be introduced just as other bills are introduced, and be referred, reported on, and considered in the same manner precisely as all other bills.

Now, Mr. Chairman, I have said there is no conflict at all between paragraph 3 of Rule XXI and the House resolution of December last. To my mind this matter is a problem easily solved. It seems to me there is no difficulty whatsoever if we give to the resolution of December last the meaning so plainly and clearly indicated by its express terms. If the gentlemen who draughted, or in whose interest it was draughted, failed to make the resolution what it should be to accomplish their wishes, upon them and upon nobody else rests the blame. In the greed and haste to get into the Treasury for money for these French spoliation claimants they did not move in the right direction. They failed to get into that resolution that which would effect their purpose, and I repeat, sir, that at their doors lies all the blame.

Mr. CANNON. I want to speak to the point of order without referring to the merits of the proposition. The majority of this House referred this resolution by an order to the Committee on Appropriations. I have not the resolution before me, but in substance it ordered the committee to report these claims for the consideration of the House. Two days after this action the rules were adopted that are said by inference to repeal the order of the House. I believe that is the position taken here. Now I take it that the Chairman of the committee knows the whole subject so well that he would not construe the resolution unless he was forced to do so in such manner as to deprive the majority of the House from doing whatever it sees proper to do.

Mr. BURNES. That is the rule.

Mr. CANNON. The right of the House to do what it chooses is always advanced by the Speaker in the construction of the rules. The rules are made for the use of the House, not the House for the rules. For instance, take Rule XI:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating to, etc.

The Chair is familiar with the rule. Yet it has always been held, notwithstanding the rule, that the House may make a different reference, and when the different reference is made it gives jurisdiction to the committee notwithstanding the letter of the rule.

Now, I do not see that there is much trouble in letting the order made by the House under which these claims are reported stand, and let the rule stand. It is the plainest, commonest principle of construction that provisions or statutes covering the same subject shall be so construed as to uphold each provision if possible. I do not know that I could say any more if I were to talk two hours. It seems clear to me that the point of order is not well taken.

Mr. O'NEILL, of Pennsylvania. If the gentleman will let me interrupt him a moment I will say that the gentleman did not say whether he had looked to Rule XXVIII. That has a bearing on the order made on the 19th of December, and I will read it:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion thereof.

Now, there was no formal or technical notice given that the order made on the 19th of December should be rescinded. It stood there. Although the Committee on Rules did report the rules of the House on the 21st of December, there was no formal rescinding of the order which was made on the 19th of December. I call the attention of the gentleman to that fact; but I know he has knowledge of the rules.

While I am on my feet, if you will permit me, I desire to say the Committee on Rules never touched the order made by this House on the 19th of December. I do not mean to say that I know; I do not know what might have occurred inside of the meeting-room, but that committee made their report on the 21st day of December, and it is found by the records of this House that the Speaker still continued to refer these reports to the Committee on Appropriations. I presume he, of all men, would know what occurred in the meetings of the Committee on Rules. Now, the general rules of the House were reported to be adopted; yet, sir, there was no formal motion made for the rescinding of this order; and I take it upon that point, and upon the points which have just been discussed, that the order stands, because it has not been rescinded.

Mr. BURNES. I ask the gentleman to yield to me a moment. Mr. Chairman, the hour of adjournment is almost at hand, and unless we can have an understanding that this debate shall close at once the committee may as well rise.

Mr. O'NEILL, of Pennsylvania. I will only say in conclusion, Mr. Chairman, that there stands the order of the House made on the 19th of December; no motion was ever made to rescind that order as required by the rules. It stands there, and you can not efface it.

Mr. COBB. Let me remind the gentleman that the rules of the House have no retroactive effect at all, and that therefore the rule which he has read has no relation whatever to what had been done preceding the adoption of the rules.

Mr. O'NEILL, of Pennsylvania. But preceding their adoption notice was given upon the record that the House desired that the Committee on Appropriations should have jurisdiction over this subject. That jurisdiction was conferred by a direct vote of this House, by a direct order of the House. Now, the House has never rescinded that

order, and even the adoption of these general rules for the government of the House can not rescind it.

Mr. BUCHANAN. And it was never intended to do so.

Mr. O'NEILL, of Pennsylvania. No.

Mr. WILSON, of Minnesota, was recognized, but yielded to Mr. BURNES.

Mr. BURNES. Mr. Chairman, in order to test the judgment of the committee, I ask unanimous consent that the session may be continued for half an hour, at the end of which time the Chairman shall pass upon the point of order.

Mr. BLAND. We have the whole fall to discuss this matter, so why need we extend the session to-day? [Laughter.]

Mr. BURNES. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

The House then, on motion of Mr. KILGORE (at 4 o'clock and 55 minutes p. m.), adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CLARDY: A bill (H. R. 11249) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887—to the Committee on Commerce.

By Mr. LIND: A bill (H. R. 11250) granting a pension to Braddock F. Stocking—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 11251) for the relief of William W. Beck—to the Committee on Naval Affairs.

By Mr. MCCREARY: A bill (H. R. 11252) for the relief of James Clark—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DOUGHERTY: Petition for the extension of the Government telegraph line from Jupiter, Fla., to a point on Lake Worth—to the Committee on Military Affairs.

By Mr. MCCOMAS: Petition of F. O. Medley, for payment of his war claim—to the Committee on War Claims.

By Mr. MACDONALD: Petition of 40 citizens of the Third district of Minnesota, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PAYSON: Petition of Job E. Meggnier, of Livingston County, Illinois, for an increase of pension—to the Committee on Pensions.

SENATE.

THURSDAY, *August* 23, 1888.

The Senate met at 11 o'clock a. m.

Prayer by Rev. A. W. PITZER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

SARAH C. ANDERSON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2370, entitled "An act granting a pension to Sarah C. Anderson and children under sixteen years of age."

William H. Anderson, the husband and the father of the beneficiaries named in this bill, enlisted on the 27th day of August, 1862, and is reported as sick or absent a large part of his short term of service. He was discharged April 23, 1863, to date November 5, 1862, on a surgeon's certificate of disability for "tertiary syphilis, with ulcerated throat and extensive nodes on the tibia of both legs."

He never filed an application for pension; he was admitted to an insane asylum in September, 1883, suffering with epilepsy, chronic diarrhea, and dementia, and died of pneumonia on the 26th day of February, 1884.

His symptoms and troubles after his discharge, so far as they are stated, are entirely consistent with the surgeon's certificate of disability given at the time of his discharge, and there seems to be an entire lack of testimony connecting in any reasonable way his death with any incident of his military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SHERMAN. I move that the bill, with the accompanying message, be referred to the Committee on Pensions, and printed.

The motion was agreed to.

JOHN W. REYNOLDS—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States: which was read:

To the Senate:

I return without approval Senate bill No. 1542, entitled "An act granting a pension to John W. Reynolds."

The bill describes this beneficiary as being "late of the One hundred and fifty-seventh Ohio Volunteer Infantry."

He filed a claim in 1872 that he was a deputy United States provost-marshal for the Twelfth Ohio district from October, 1864, to March, 1865, and that in December, 1864, while ascending a stairway to arrest two deserters who had been drafted, a barrel of cider was rolled down upon him, by which he was severely injured.

The claim having been rejected on the ground that the claimant was not entitled to a pension as a civil employé of the Government, he afterwards, and in January, 1888, informed the bureau that he was drafted in November, 1864, while serving as assistant deputy provost-marshal, and was sworn in and reserved for home duty, and was discharged from the One hundred and fifty-first Ohio Volunteers. The records of the War Department show that John W. Reynolds served in the One hundred and fifty-first Ohio Regiment from May 2, 1864, to August 27, 1864.

It is perfectly apparent that this beneficiary was injured while acting as a deputy assistant provost-marshal, arresting deserters for the pay and rewards allowed him, and that his injuries were not at all connected with actual military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill, with the accompanying message, be referred to the Committee on Pensions, and printed.

The motion was agreed to.

JAMES E. KABLER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2616, entitled "An act granting a pension to James E. Kabler."

This beneficiary enlisted August 10, 1862. He is reported as absent sick for November and December, 1862; present for January and February, 1863; on the rolls for March and April he is reported as deserted, and for May and June as under arrest. On the 17th of September, 1863, after having been in the service a little over a year, he was mustered out with his company with the remark, "Absent without leave and returned to duty with loss of fifty-two days' pay by order of General Boyle." The charge of desertion does not appear to have been removed.

He filed a claim for pension in 1870 on account of quinsy alleged to have been contracted about December 7, 1862, with some evidence to support the claim. Three medical examinations fail to establish the existence of this disease in a pensionable degree, and it is reported to me from the Pension Bureau that in March, 1882, the family physician of the beneficiary stated that though he had practiced in his family for eight or nine years, he had no recollection of treating him for quinsy or any other disease.

It seems to me that neither the service nor the alleged disability of this beneficiary are of a meritorious character.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions, and printed.

The motion was agreed to.

P. E. PARKER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 3038, entitled "An act for the relief of P. E. Parker."

Mr. Parker was a surety with six other persons upon an official bond given by one Franklin Travis, a collector of internal revenue, which bond was dated on the 9th day of May, 1867. A few years after that the collector became a defaulter to the Government for something over $27,000. Suit was commenced against the sureties upon the bond, and the defense was presented in their behalf that by reason of the imposition of new duties and responsibilities upon the collector after the execution of the bond, his sureties were released. Judgment however, passed against them, and the property of the beneficiary named in this bill was sold upon said judgment, for the sum of $2,366.95. But only $1,793.16 of such amount was paid into the United States Treasury, the remainder having been applied to the payment of fees and expenses.

After the application of this sum to the payment of the judgment, a bill was passed by the Congress relieving all these sureties from liability upon the bond. It appears that the amount above stated was all the money collected thereupon. The grant of the relief of these sureties by the Congress apparently was the same interposed by them to the suit in which the judgment was recovered.

The present bill directs the Secretary of the Treasury to pay to the surety, Parker, the sum of $2,336.95, the entire amount for which his property was sold, though the Senate committee, to which the bill was referred, reported in favor of reducing this sum to $1,793.16, the amount actually received by the United States upon its indebtedness.

It seems to me that the action of Congress in relieving these sureties was generous in the extreme, and if money was to be refunded which was apparently legally recovered and collected it should not exceed the amount the Government actually received. The Government is in no default and should be put to no expense in refunding the small sum recovered on account of the defalcation of its officer, whose good conduct this beneficiary guarantied. I think it would better subserve public interests if no further relief should be granted than that already afforded.

There is another fact reported to me which deprives this surety of any equitable claim for further relief. It appears from an examination of this matter that the man who is now attempting to be reimbursed this money from the Government Treasury commenced a suit against his co-sureties for this identical money on the ground of their liability with him, and that he actually collected from two of them in such suit the sum of $1,747.16.

If this is true it is speaking mildly of the claim he now makes against the Government to say that it should not have been presented.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SHERMAN. I ask from what committee was the bill reported?

The PRESIDENT *pro tempore*. From the Committee on Claims.

Mr. SHERMAN. I move that the bill and message be referred to the Committee on Claims, and printed.

The motion was agreed to.

DAVID H. LUTMAN—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2206, entitled "An act granting a pension to David H. Lutman."

The beneficiary named in this bill was pensioned in 1885 on account of spinal irritation, the result of measles.

In 1886 he filed a claim for increase of pension, alleging rheumatism, and the board of examining surgeons at Cumberland, Md., upon an examination, found no evidence of spinal irritation or rheumatism, and he was dropped from the pension-rolls on the ground that the disability for which he was pensioned had ceased to exist.

He afterwards filed medical and lay testimony tending to show that he suffered from disease of the back, legs, and arms, and he was thereupon and on the 8th day of October, 1886, again examined by the board of examining surgeons at Hagerstown, Md., who reported as follows:

"We have stripped him, and find a splendid specimen, square built from the ground up, muscles well developed, his appearance indicative of perfect health; no curvature of spine, disease or irritation of spinal cord; no atrophy of any muscles nor evidence of weakness; no impairment of motion anywhere."

If there is any value to be placed upon the reports of these examining boards, the refusal of the Pension Bureau to restore this beneficiary to the rolls was fully justified; and this is not a proper case, in my opinion, for interference with that determination.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the message, with the bill, be referred to the Committee on Pensions, and printed.

The motion was agreed to.

MRS. MARGARET B. TODD—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 645, entitled "An act granting a pension to Mrs. Margaret B. Todd."

This bill does not describe the beneficiary as related to any soldier of the war, but from other data it is found that she is the widow of Frank G. Todd, who served as a private in the One hundred and eighteenth Volumteer Infantry from July, 1863, to May, 1864, when he was transferred to the Navy. It appears that he served in the Navy from May 13, 1864, until April 10, 1866. He died in January, 1878, from exhaustion, as stated by the physician who attended him.

There is scarcely a particle of satisfactory evidence showing his condition from the time of his discharge to 1871, and there is almost an entire lack of proof showing a connection between his death and any incident of his service. The widow in her application to the Pension Bureau for a pension states that she has children who were born in 1870, 1871, and 1878.

There seems to be no record of any disability during the husband's service in the Army, and the only mention of disability while in the Navy is an entry on the 30th of May, 1864, showing that he was admitted to treatment for "syphilis secondary."

The widow's claim is still pending in the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions, and printed.

The motion was agreed to.

NATIONAL-BANK DEPOSITS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of August 15, 1888, the names of national banks designated as depositories of public money, the location thereof, the amounts deposited therewith, and the amount and kind of securities pledged for the repayment of such deposits, August 1, 1888; which, on motion of Mr. SHERMAN, was, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed.

SUPPRESSION OF INFECTIOUS DISEASES.

The PRESIDENT *pro tempore*. The joint resolution (S. R. 78) appropriating $100,000 for the prevention and extirpation of yellow fever in the United States will be indefinitely postponed, if there be no objection, Senate joint resolution No. 102, on the same subject, having been passed yesterday.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Powell, Wenigmann & Smith, cigar manufacturers, citizens of New York City, N. Y., praying for the repeal of the special-stamp tax on the boxes of imported cigars; which was referred to the Committee on Finance.

Mr. SPOONER presented a petition of citizens of Fox Lake, Wis., and vicinity, praying for the enactment of a law whereby the widow of the late Norman Powers may be again placed upon the pension-roll; which was referred to the Committee on Pensions.

Mr. TURPIE presented a petition of the Indiana Soldiers' Monument Committee, Department of Indiana, Grand Army of the Republic, at Indianapolis, Ind., praying that an appropriation be made to assist in the erection of a soldiers and sailors' monument in Indianapolis; which was referred to the Committee on Appropriations.

Mr. BUTLER presented the petition of C. M. Furman and other citizens of South Carolina and Florida, praying for the confirmation of the title of a certain Spanish land grant to Jesse Fish, sr., of Florida; which was referred to the Committee on Private Land Claims.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I report back from the Committee on the Judiciary a petition of citizens of Texas, praying for an investigation into the circumstances attending the alleged murder of a man named John F. Graham at sea on the ship Comal, with a short written report stating that it appears to the committee, on an examination of the papers, that there is no legislation required; that it is a matter for departmental inquiry and investigation; and the committee has accordingly sent information to the Attorney-General upon the subject. We ask to be discharged from the further consideration of the petition.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition, if there be no objection, and it will lie on the table, and the report will be printed.

Mr. EDMUNDS. I venture to report in behalf of the Committee on the Judiciary the bill (H. R. 4239) for the relief of P. H. Winston, which we have not considered, but which was evidently misreferred. A bill just like it was considered by the Committee on Claims, and reported by that committee, and passed by the Senate. In the mean time the House of Representatives passed a bill of the same character and sent it here, and by some inadvertence or want of recollection in regard to the former report it was sent to the Committee on the Judiciary. I therefore venture on behalf of the committee, without any formal order from it, to report the bill back and ask that the committee be discharged, and that the bill be sent to the Committee on Claims, which has already had the subject at this session under consideration.

The report was agreed to.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin as United States district judge for the district of Nevada, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment intended to be proposed by Mr. WILSON, of Iowa, to the general deficiency appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST. I am instructed by the Committee on Commerce to report favorably without amendment the bill (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887.

Mr. President, under the peculiar circumstances of the case, I ask the Senate to consider this bill now. I will state the whole effect of the amendment. It will be remembered by Senators who took any interest in the matter that some time ago we passed a bill authorizing the construction of a bridge at St. Louis, Mo., which elicited considerable debate, but finally passed unanimously through the Senate and through the other House, and became a law. That bill prohibited a stockholder in any other bridge company on the Mississippi River, from its head to its mouth, from owning any stock in this corporation. It was intended at the time honestly to prevent any idea of collusion between this company and any other bridge company on the river.

It is found now, when the bonds of the company are attempted to be negotiated, that the objection is made by capitalists that if they put their money into an enterprise with that sort of a clause in the act of incorporation, the forfeiture of the franchise would be imminent, because the stockholders in other bridge companies might obtain stock without the knowledge of the officers of this corporation, and by the terms of the act, which is now the law, the simple fact of a stockholder in any other bridge company being a stockholder in this company would work *eo instanti* a forfeiture.

When I simply state the fact that the Chicago, Burlington and Quincy Railroad Company have a bridge across the Mississippi River above St. Louis which belongs to the corporation, the Chicago, Burlington and Quincy Railroad, and that that corporation has ten thousand stockholders scattered all over the Union, it will be seen at once that no capitalist would put a dollar into this enterprise if the fact that one of the Chicago, Burlington and Quincy stockholders being the owner of a single share of stock in this corporation would work a forfeiture of its franchise.

This amendment of the recent act simply strikes out the word "stockholder" and provides that a stockholder in no other corporation shall be a director or officer.

Mr. CULLOM. I should like to inquire——

The PRESIDENT *pro tempore*. The Chair will first ascertain whether there be objection to the present consideration of the bill. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. CULLOM. I should like to inquire of the Senator if the provisions of the bill otherwise than he has described are such as were in the act recently passed.

Mr. VEST. They are exactly the same. That is the only amendment.

Mr. EDMUNDS. I think the bill ought to be amended where the word "bridge" occurs in the first line on the second page. It speaks of the consolidation of one bridge with another. I think it is a mere clerical mistake. It should be "bridge company."

Mr. VEST. Yes; that is right.

Mr. EDMUNDS. It occurs twice.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The CHIEF CLERK. In line 14, after the first word "bridge," it is proposed to insert the word "company;" and in the same line, after the second word "bridge," it is proposed to insert the word "company;" so as to read:

The St. Louis Merchants' Bridge Company, or its successors or assigns, shall not agree or consent to the consolidation of this bridge company with any other bridge company across the Mississippi River, or to the pooling of the earnings of this bridge company with the earnings of any other bridge company on said river, etc.

Mr. VEST. That is right.

The amendment was agreed to.

Mr. EDMUNDS. I move to add as an additional section:

The right to amend or repeal this act is hereby expressly reserved.

That probably is not necessary, but——

Mr. VEST. That is in the original act, and I suppose it would apply to this enactment.

Mr. EDMUNDS. But I think it is safer to have it in.

Mr. VEST. I have not the slightest objection to it. It is the ordinary provision.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be stated.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. 2. The right to amend or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF CLINTON G. COLGATE.

Mr. STEWART, from the Committee on Claims, reported the following resolution:

Resolved, That the bill (S. 2771) entitled "A bill for the relief of the estate of Clinton G. Colgate, deceased, late of the city of New York," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of the acts entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, and "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of said acts, and report to the Senate in accordance therewith.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 3479) granting a pension to Sarah J. Powers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3480) granting a pension to Henry Mitchell Youngblood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3481) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value for each of said buildings from the evidence now on file in the Interior Department; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 3482) to enable parties to construct, maintain, and operate a wagon-road to the top of Pike's Peak, in the State of Colorado; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3483) for the relief of David R. Gregg and William P. Gregg; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN introduced a joint resolution (S. R. 106) for the distribution of the award in favor of the La Abra Company; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO BILLS.

Mr. CHANDLER and Mr. EVARTS submitted amendments intended to be proposed by them, respectively, to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

KANSAS RAILROAD GRANTS.

Mr. PLUMB. I offer the following resolution, and ask for its present consideration:

Resolved, That the letter of the Secretary of the Interior of May 15, 1888, in response to the resolution of the Senate of January 17, 1888, together with accompanying letter of the Commissioner of the General Land Office, papers, and map, be withdrawn from the files of the Senate, and returned to the Secretary of the Interior.

I will simply state for the information of the Senate that that document has been printed, and it is desirable now to have it returned to the Secretary of the Interior in order that he may certify it, to be used in a suit in which the Government is the complaining party.

Mr. EDMUNDS. I have looked at it. There is no objection to the course suggested by the Senator from Kansas.

The resolution was considered, by unanimous consent, and agreed to.

ALLEGED TIMBER DEPREDATIONS.

Mr. STEWART. I offer the following resolution, and ask for its present consideration:

Resolved, That the Commissioner of the General Land Office be, and he is hereby, directed to furnish the Senate without delay with copies of all reports, affidavits, and communications upon which he based the statements in his letter to Hon. JAMES N. BURNES, of the House of Representatives, dated August 18, 1888, with regard to the following amendment to the sundry civil appropriation bill:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VEST. Let that go over, Mr. President.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule, and be printed.

Mr. STEWART. Is there objection to its present consideration?

The PRESIDENT *pro tempore*. There is.

Mr. STEWART. Then I shall ask leave to-morrow morning to call it up and submit a few remarks explanatory thereof.

Mr. EDMUNDS. It will come up to-morrow of itself.

Mr. STEWART. I shall submit some remarks on it to-morrow.

The PRESIDENT *pro tempore*. The resolution will be laid before the Senate to-morrow morning in its order.

Mr. STEWART. That will do.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Vermont [Mr. EDMUNDS] with the amendment proposed by the Senator from Massachusetts [Mr. HOAR], coming over from yesterday.

The resolution submitted yesterday by Mr. EDMUNDS was read, as follows:

Resolved, That hereafter, and until otherwise ordered, the daily sessions of the Senate shall commence at 12 o'clock meridian.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. The amendment is to add to the resolution:

Unless a majority of Senators present when the Senate shall adjourn shall vote to adjourn to another hour.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment.

Mr. COCKRELL. Let the resolution be read as it will be if the amendment is agreed to.

The PRESIDENT *pro tempore*. The resolution will be read as proposed to be amended.

The Chief Clerk read as follows:

Resolved, That hereafter, and until otherwise ordered, the daily sessions of the Senate shall commence at 12 o'clock meridian, unless a majority of Senators present when the Senate shall adjourn shall vote to adjourn to another hour.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The resolution as amended was agreed to.

EFFECT OF IRRIGATION ON LOWER VALLEYS.

Mr. MANDERSON. I ask the unanimous consent of the Senate that it consider the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge, which was reported by the Senator from Indiana [Mr. TURPIE] yesterday.

The PRESIDENT *pro tempore*. There is further morning business.

Mr. MANDERSON. I will delay, then, until that is disposed of.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution presented on a previous day by the Senator from Kansas [Mr. PLUMB].

The Chief Clerk read the resolution submitted by Mr. PLUMB August 21, 1888, as follows:

Resolved, That the Secretary of the Interior be directed to inquire and report to the Senate at its next session the extent to which the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado, for irrigation or other purposes, affects the flow of the water of those streams in the lower valleys, and especially during the growing season; and whether the title con-

veyed by the Government to lands fronting on said streams covers the privilege of diverting water therefrom beyond that necessary for use thereon for irrigation and mining purposes, and to report what action is needed to protect the rights of riparian owners along the course of said streams in the States of Kansas and Nebraska.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. TELLER. What committee does the resolution propose shall investigate the question? I did not understand it.

Mr. PLUMB. It is a call on the Secretary of the Interior for information.

The PRESIDENT *pro tempore*. The resolution will be again read.

The resolution was read.

Mr. TELLER. Has that just been offered?

The PRESIDENT *pro tempore*. It was offered by the Senator from Kansas [Mr. PLUMB] on a previous day.

Mr. TELLER. I should like to look at it. It is a most remarkable proposition. I think that it needs some amendment. I am not prepared to move an amendment in haste, now.

Mr. PLUMB. I will consent that the resolution shall go over until to-morrow without action.

The PRESIDENT *pro tempore*. The resolution will lie over until to-morrow.

ORDER OF BUSINESS.

Mr. MANDERSON. I will renew my request for unanimous consent for the consideration of Senate bill 3276 at the conclusion of the remarks of the Senator from New York [Mr. EVARTS], who I understand desires to proceed this morning.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. MITCHELL. I offered a resolution yesterday relating to disturbances in Corea, which on my own motion was laid over until to-day. It would naturally come up in regular order this morning. I desire to detain the Senate about fifteen minutes when it does come up. If my friend from New York [Mr. EVARTS] desires to go on with his speech I shall not call it up at this time, but I shall reserve the right to call it up at some convenient time during the day with the permission of the Senate.

The PRESIDENT *pro tempore*. If there be no further morning business the Calendar, under Rule VIII, is in order, and the first bill on the Calendar will be stated.

The CHIEF CLERK. Order of Business 1944, a bill (S. 320) for the relief of John D. Adams.

BUST OF GARIBALDI.

Mr. EVARTS. I ask that now may be taken up the resolution of the Senate which was reported from the Joint Library Committee and laid on the table, accompanied by a notice on my part that when it was taken up I would ask leave to accompany it with some observations.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution reported from the Committee on the Library August 17, 1888, as follows:

Whereas the Italians, residents of the city of Washington and citizens of the United States, have, through the president of the Society for a Monument to Garibaldi, presented to the United States a life-size marble bust of that great patriot and distinguished representative citizen of Italy, Guiseppe Garibaldi; and

Whereas the Joint Committee on the Library have, under authority of the statute (Revised Statutes section 1831), accepted the same for and in behalf of the United States: Therefore,

Resolved, That the Senate of the United States expresses its sense of the patriotism and liberality which prompted this noble gift from these adopted citizens of Italian birth, and extends to them, the countrymen of the great champion of Italian liberty, the assurance of the admiration of the people of this land for his noble life and distinguished deeds.

Mr. EVARTS. Mr. President, the Joint Committee on the Library has authority by law to accept in behalf of Congress any gift that may be made of works of art and to take order for their disposition and display in the Capitol. In pursuance of that authority the committee accepted in behalf of Congress this gift of the Italian patriotic citizens who have presented to the Government this noble work of art and this fitting monument to the great character and the great fame of Garibaldi.

The death of Garibaldi occurred in 1882, when he was, I think, in his seventy-fifth year. Very soon after that a body of Italian citizens of the United States, residents here, formed a society for the purpose of making some permanent commemoration of their great admiration of Garibaldi and of their great respect and affection for the United States, their adopted home.

Under the lead of an eminent physician and a public-spirited citizen of this city, Dr. Verdi, this organization proceeded to procure the execution of a work of art which should be an illustration, as well, of the genius in the art of the sculptor that their country is so prolific in. An eminent artist, Giuseppe Martegani, has produced as fine a work as could be offered from any sculptor, and of as beautiful a specimen of the famous marble of Italy as could be selected from all its quarries.

The committee have taken order, on the receipt of this completed bust, that it should be placed on a suitable pedestal, which accompanied the gift, in the principal corridor of the Senate galleries, over the main entrance to the Senate-house on the eastern front. There, undoubtedly, many of the Senators have examined this beautiful work, and those who have had any opportunity to compare it with the descriptions of this famous general and patriot, will have perceived that it is an accurate representation of his features and a noble expression of his character.

Garibaldi was born in very humble circumstances. A native of Nice, the son of a sailor, and the grandson of a sailor, he was brought up to the sea in the ordinary capacity of a sailor before the mast. Nor had he any great associations, either in respect of education or of kinship; and from the beginning, until he opened into an illustrious path of the glory of his country and of himself, his lot was cast in the most ordinary condition of life.

But this great good fortune happened to him. In early life he was thrown into companionship with some of those burning spirits among the students of Italy, whose names afterwards became famous as patriots, and his native genius drank in from these cultivated minds all the inspiration that had moved their hearts and inflamed their hopes.

It is a notable thing of Garibaldi that, without education and without other than the casual associations that I have mentioned, there grew up in him a spirit of wide investigation, a thorough appreciation of and a deep reverence for the great glory of Rome as transmitted from ancient times. His spirit, too, was lighted, as by a torch, with an inextinguishable hate to tyranny in every form. But with this deep reverence for ancient Rome he also nursed and cherished a dear love for Italy as it lay before him, dismembered and bound by tyranny.

As early as 1834 he had become so enlisted and so ardent and courageous that rather a fantastic desire than a formed hope for the liberty of Italy first brought him to public notice. He by good fortune escaped from Genoa in disguise, to avoid arrest, and a few days afterwards he saw for the first time his name in a newspaper, and that name was coupled with a sentence of death.

Garibaldi pursued this ordinary tenor of life, his wandering fortunes, always honest and laborious, planning for nothing but for an opportunity to arrive when he could play his part in securing the unity of Italy. We find him, after 1840, for some years fighting in South America in behalf of Montevideo against the oppressions of a neighboring nation.

One would not expect to find in this experience much of a school (for he was, through these years, afloat or on land as might be, in the lead of any force that would follow him) for the great scenes that were to await him in Europe. Nevertheless the same great powers of mind, of authority, of predominant impetuosity and courage, his readiness to try conclusions against tyranny and oppression at whatever odds, found here a preparation of spirit and of discipline better than any schools of military science or tactics could give him.

He was back in Italy at the period in 1848–'49 when all Europe was pervaded with a spirit of revolution, and he bore a part, with the great triumvirs of whom Mazzini was the chief, in that short-lived effort of founding a Roman republic.

That failing, Garibaldi became for two years a resident of New York or its vicinity, where he became well known to our citizens, and his marked character, although not then distinguished by great achievements, encouraged in the knowledge and expectations of those about him the hope that he would have great things to do for Italy.

Although Garibaldi was turning everything in his mind and in his action towards the great consummations which he aimed at, it was not until 1859 that there came the first opportunity of opening that brilliant career of arms that dazzled the world.

As general-in-chief of the volunteers he took part in the war between France and Italy allied and the Austrian Empire. That war ended with the peace of Villa-franca, and, practically, with the annexation of Lombardy to Piedmont under Victor Emanuel. This constituted the first stage of Italian unity and independence.

These preparations, these movements, and first steps towards unity and strength among the divided provinces or kingdoms of Italy had, in 1860, reached a point where Garibaldi found that he could strike a decisive blow, and he descended upon the island of Sicily with only a thousand soldiers. The Kingdom of Naples, under King Bomba, as he is generally called in history, had thirty thousand troops on the island, and it was well fortified throughout.

By ingenious strategy, Garibaldi, after effecting a landing, threw himself, with his thousand men, into Palermo, and there, raising the population to follow his flag, he encountered the 20,000 troops of the King in that city, and fought them through every street, and hand to hand, till Palermo was under the control of Garibaldi and the 20,000 royal troops expelled from it. In less than three months he overran the whole island, meeting at every point and beating such rallies as the King's forces could make, until Garibaldi was the master of all of Sicily, and the royal troops were driven from it.

Victor Emanuel at this point, under some complication of diplomacy, sent an order to Garibaldi to be satisfied with this acquisition, and not attempt the Kingdom of Naples. Garibaldi sent back to the King a message, "You know how much I love you, but your order comes too late; Italy must be free." Crossing the Straits of Messina he entered Naples alone, the population carrying him in triumph, the King and his troops flying in panic from the city. Here for the first time a name was given to Garibaldi by his grateful fellow-citizens that has never ceased to be a part of his fame. "Liberator"—"Liberator of Italy"—hailed him as he entered the city of Naples.

But, Mr. President, the king did not surrender, and with 50,000

troops made a stand at a point of resistance of his own choice in the open plain, and defied the approach of Garibaldi with his troops of only 20,000 men, at Volturno. With these new levies, new soldiers, but lovers of freedom and of Italy, through a stubborn fight lasting a whole day, before sunset Garibaldi and his 20,000 followers routed the 50,000 troops of the king. King Bomba retired from his kingdom and never returned. In a few days after this final triumph Garibaldi met the king, Victor Emanuel, who would have stayed his hand, and took off his cap to him, with this simple salutation: "The Kingdom of Naples is yours."

Mr. President, we can all feel, I think, that there never was in a career of arms or in a triumph of a great cause a career or triumph that more completely turned on one man. It may be conceded that without Garibaldi these things would not have happened, and with Garibaldi and all who aided him these were great things to accomplish, either by himself or with his followers. Garibaldi refused every honor and every emolument, retired to Caprera, his little island home, off the coast of Sardinia, but 3 miles wide and 5 miles long. This place that he greatly loved he has made illustrious. Never for one moment, from the first step he made toward public action, public fame, public achievements, did he desire or accept any honors or emoluments for his great deeds for Italy.

Here for two years he meditated how he could compass the conquest of the Roman States, for without that acquisition Italy was not and could not be united. The time, however, had not arrived, as was supposed, when the Kingdom of Italy, so far as it had been consolidated, could attempt a solution of this great problem of the Roman States. While in his little home of Caprera the frigates of Victor Emanuel watched its shores to prevent his reaching the mainland. But Garibaldi escaped and undertook, then obviously prematurely, an attack upon Rome. At Aspromonte he was met by King Victor Emanuel's army, an army that he could not contend with either in strength or in the affections of his heart; but to him it was a bitter disappointment that he should thus be turned away from his purpose and checked in his own advancing glory for Italy by the king and the kingdom which he had so much exalted.

In 1863 Garibaldi by invitation visited England. His fame was great. The enthusiasm of the people of England for him was unbounded. It lit such a flame that the Government of that sedate kingdom found itself in an awkward predicament towards this guest; but at length it was politely intimated to Garibaldi that he should not prolong his stay. It was my fortune, Mr. President, to be in England at that time, and my delight there to make the personal acquaintance of Garibaldi.

I assure you that, with this remarkable career behind him, yet to be followed to more brilliant results, with this unbounded enthusiasm that agitated England in all quarters, in all circles of the great and of the common mass, Garibaldi's appearance, dress, attitude, conversation was as simple as you would conceive it to have been and as it was in which he appeared on the deck of one of his own South American corsairs or among the first thousand men which he threw into Palermo.

In 1866 the war broke out between Prussia and Italy against Austria, and Garibaldi was put in command of 50,000 troops to invade Austria and wrest from that great power the Tyrol provinces, which properly belonged, as Garibaldi and the Italians thought, to Italy. He carried everything before him, penetrating rapidly into the very heart of the country that he was to occupy and subdue. But, alas, again his own government stayed his hands; but then upon the very necessary and proper situation that by the loss of the battle of Sadowa and the armistice that followed, the war with Austria was at an end. But this was a bitter disappointment to Garibaldi, for acquisition, restoration, of what belonged to Italy was the darling passion of his heroism and of his statesmanship; and thus, when these provinces were in his grasp, to retire by the martial situations that had been produced elsewhere was a great disappointment to him.

In 1867 Garibaldi, still acting on his own movements and on his own resources of volunteer followers, undertook an attack upon Rome and was carried almost to the gates of Rome. But at Mentana he was met by the French army, which was then protecting the Roman states and Rome in the interest of the engagements which France had made, and it was impossible for him to proceed further. His time was not long delayed. In 1870 war came up between France and Prussia, and all the resources of the French were needed to cope with the great adversary that was waging that terrible war.

Then Italy by its King and by its troops entered Rome and Italy was united. But Garibaldi was not ready to relinquish his career of arms for liberty against strong power, though he had thus triumphed for his own country and for himself. He offered his services to the French Republic to carry on the war against Prussia, and there he won battle after battle with great prowess and great distinction. He had the singular honor, it is said, of taking the only battle trophy taken by the French from the Prussians throughout that war. It was a terrible battle at Dijon for that flag, and it was lost and won, back and forth, over heaps of corpses, but Garibaldi carried it off and kept it for France. The phrase went in France, as the war went against them, that if there had been more Garibaldis there would have been more victories for France.

He was chosen by the French in three departments a member of the Assembly of the Republic, but finding the scene uncongenial, he resigned and returned to Italy. At one time after his first triumphs for Italy he was chosen a member of the first Italian Parliament before the unity of all Italy had been accomplished. He went there, it is said, only for the purpose of reproaching Cavour that he had surrendered Nice to France, and immediately resigned and returned to Caprera. Hard fate for Garibaldi, born in Nice, that in the accomplished unity of Italy his own birthplace should be alienated to France!

From 1870 to 1882, when his death occurred, his health and his strength much broken, he passed his time in honorable occupations and efforts, but without any public rewards or desire for rewards.

In 1882 he was chosen to the Parliament of Italy, but his health wholly gave way and he retired to Caprera to die.

Mr. President, when all modern nations have looked back to ancient Rome, its long history, its crowd of geniuses, of heroes, of patriots, it would seem not likely in the renovation of Italy there should be found a name that should be added to that list and lose thereby no luster. Heroes, statesmen, lawyers, wise men, philosophers, and poets make out the long roll of ancient Roman glory. But, after all, though these, for history and for scholars, may make up the illustrious groups, for universal human nature there must be found, if the names are to live in the hearts and be ever on the lips of the human race, some "touch of nature that makes the whole world kin." The name of Lucretia, whose outraged virtue could bear no lighter expiation than her own life taken by her own hand, and whose blood, thus spilt, could brook no lesser vengeance than that the whole name and lineage and race and brood and breed of tyrant kings should be forever driven from the polity of Rome and a republic founded; of Cornelia, whose bright example of the fame and frame of Roman matronhood, throws into insignificance the pomps and attires and decorations of women; whose jewels of the Gracchi stand out to all the world as the glory of woman, as the mother of sons; of Horatius, who set his own strength and his own life against the tide of war at the bridge to hold it back long enough to cover the safety of the city; of Regulus, the monument of Roman faith, the hostage sent by Carthage to give advice to Rome concerning peace, and his promise to return if peace did not follow, who advised the Senate, for the glory and the interest of Rome, to make no peace with Carthage, and returned to Carthage to torture and to death—these names and such as these are names to be remembered by the world. These are the names of power, of fame; the names to conjure with; and Garibaldi's name, Garibaldi's inextinguishable name, shall be a name to conjure with, for liberty and love of country, so long as and wherever those great sentiments shall warm the human breast. [Applause.]

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble and resolution proposed by the Senator from New York.

The preamble and resolution were agreed to unanimously.

SARAH A. WOODBRIDGE..

Mr. CHANDLER. Mr. President——

Mr. MANDERSON. I ask the Senator from New Hampshire to give way to me for a moment.

Mr. CHANDLER. Certainly.

Mr. MANDERSON. I ask the consent of the Senate that it may consider a pension bill, which is the only remaining one upon the Calendar. It is Order of Business 2161.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the pending business may be informally laid aside, that he may move the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge.

Mr. MANDERSON. Before the bill shall be read I simply desire to state that this bill was introduced by the Senator from Ohio [Mr. SHERMAN] and has been reported by the Senator from Indiana [Mr. TURPIE], who is a member of the Committee on Pensions. I urge the consideration of this last remaining pension bill upon the Calendar, although not introduced or reported by me, for the reason that the recipient of this proposed pension is the mother of the adjutant of my regiment, who was killed at the battle of New Hope Church. This aged woman lost her husband and two sons during the war of the rebellion. She was the recipient of a pension as a widow, and some ten or fifteen years ago married again, which occasioned the loss of her pension. She married a Dr. Woodbridge, who is now a man of eighty years of age, nearly blind, without property, utterly unable to support her, and in fact he has virtually abandoned her for the last five years. Mrs. Woodbridge, who was Mrs. Brewer, is now nearly eighty years of age, and I hope there will be no opposition to the present consideration and passage of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to restore to the pension-roll the name of Sarah A. Woodbridge, widow of Anson L. Brewer, major and paymaster United States Army, her pension having been suspended by reason of her remarriage.

Mr. HARRIS. Is there a report in that case?

The PRESIDENT *pro tempore*. The report will be read, if the Senator desires.

The Chief Clerk read the following report, submitted by Mr. TURPIE August 22, 1888:

The Committee on Pensions, to whom was referred the bill (S. 3276) granting a pension to Sarah A. Woodbridge, widow of Anson L. Brewer, late major and paymaster in United States Army, have examined the same, and report:

The object of this bill is to restore the claimant to the pension-roll. She was ormerly a pensioner of the United States on account of the death of her husband above named, who lost his life in a steam-boat explosion on the Mississippi the 3d of March, 1866, while traveling in the line of his duty as paymaster. Her son, Robert F. Brewer, was killed at the same time while in the line of duty in the same service. Another son, Capt. Charles Brewer, was killed in battle at Dallas, Ga., on the 28th day of March, 1864.

Shortly after the war the claimant remarried one Dr. Timothy Woodbridge, whereupon her pension ceased. This case was once before considered by this committee and was reported adversely, upon the ground that the facts alleged in support of her restoration to the pension-roll were not verified. The report was adopted by the Senate, and the bill indefinitely postponed July 24, 1888, but since that time the claimant has filed for the consideration of said committee a new application and new evidence, all verified under oath, stating the facts of her present condition.

The action of the Senate above spoken of has been reconsidered and the bill has been again referred to this committee.

From the affidavits of J. H. Wallace and Thomas W. Sanderson, as well as from her own sworn application, it appears that the second husband of the claimant, the said Dr. Woodbridge, is about seventy-eight years old, quite infirm, and almost blind, has no means of supporting his said wife, the claimant, and has contributed nothing toward her support for the last four years, and has, in fact, abandoned her.

The claimant herself is quite old and infirm; for the last two years she has been unable to do anything toward her own support and maintenance, is consequently dependent to some extent upon the aid of others.

Her condition is not likely to improve, rather apt to become worse. Her income from her little property inherited from her mother is not sufficient to afford her a maintenance.

The committee, therefore, under these circumstances, recommend her restoration to the roll and the passage of the bill herewith reported for that purpose.

Mr. HARRIS. Unless the Senate is prepared to liberalize the principles of the general pension laws so as to allow the dependent widows of deceased soldiers in all cases to continue their pensions after remarriage, I think this is a very dangerous precedent to be set in a special bill; and for that reason, and that reason only, I shall record my vote against the passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans.; and

A bill (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 4792) to pension J. W. Porter.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1604) to change the time of the sessions of the circuit court of the western division of the western district of Missouri, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. ROGERS, and Mr. CASWELL managers of the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 165) for the relief of H. C. Markham;

A bill (H. R. 6371) granting a pension to Jesse M. Stilwell;

A bill (H. R. 7013) to place the name of Delia Newman on pension-roll; and

A bill (H. R. 8037) for the relief of Thomas Strodder.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I move to postpone the consideration of the Calendar and take up the resolution in regard to the Louisiana election investigation.

The motion was agreed to; and the Senate resumed the consideration of the resolution submitted by Mr. CHANDLER July 19, 1888, with respect to the recent election in the State of Louisiana.

Mr. CHANDLER. Mr. President, the incursion into this debate yesterday of the Senators from Texas was not unwelcome, for it served usefully to call the attention of the Senate and also of those Senators to the hanging of three colored Republicans in Flewellyn and Graball precincts in Washington County, Texas, on the 2d day of December, 1886, and also to the massacre of nine negroes on the 28th day of February, 1888, at Spanish Camp, Wharton County, Texas, who were surrounded in a dwelling which the courts had adjudged to be theirs, and after the building was set on fire and they were one by one driven out, were shot to death by a Wharton County mob. The Senators have promised that they will give attention to these proceedings with which they affect not to be familiar, and at some time to tell the Senate and the country their opinion of those outrages; and they have also, at least one Senator has promised the Senate, rashly I think, that he will show that such occurrences are common in the North——

Mr. COKE. Does the Senator allude to me in that remark?

Mr. CHANDLER. I had the honor to allude to the distinguished Senator.

Mr. COKE. Then the Senator has entirely misunderstood my remarks on that subject.

Mr. CHANDLER. The remarks are of record.

Mr. COKE. I did not say that I would show that occurrences of that character were common in Northern and Eastern States. I said nothing of that sort. I did say that I would show that frauds upon the elective franchise, upon the right of suffrage, and intimidation upon those who were entitled to it, were much more common in the Northern and Eastern States than force was in the South.

Mr. CHANDLER. The Senator's statement is of record. If he proposes to make Democratic frauds in the North an offset to Democratic political murders of negroes in the South, I shall find no fault.

But the diversion led me to omit some portion of the statement which I desired to make in reference to the parish of Iberia, Louisiana, and I desire now to read a statement from a Louisiana Republican, whose name I withhold at present, but which I will give, with his permission, to the committee if an investigation is ordered. He writes me as follows:

IBERIA PARISH.

The telegraphic news from Washington this morning is that you will call up your resolution next Wednesday relative to the late election here. In this connection I desire to state that, if possible, in referring to the author of any of the facts furnished not to mention my name; not that everything sent you by me is not the truth and to prove which I guaranty, but the fact is I am a colored man and affairs are so "ticklish" here that in the event of your resolution failing to pass they might work themselves up into a spirit that would force me to leave the State or else kill me. If the resolution passes I care not for them, as the investigation and its results upon the Presidential election will hold them in check. In the event of the failure to elect Harrison and Morton I shall have to leave, and that pretty quick afterward. But to the Republicans in this neck of the woods it looks as if the loyal North would oust the free-trade Democratic-Confederate Administration from power.

The correspondent also says:

I mail you this day copy of the Picayune and Messenger, both marked.

The articles to which your attention is called refer to the killing of negroes in Iberia and other parishes of the Third Congressional district, now represented by Mr. GAY.

There seems to be a preconcerted plan on the part of the Democrats to so demoralize and terrorize the Republican vote of the district that in the election this fall the Democrats may again carry it. The district is Republican by a majority of 7,000, and would surely elect a Republican to Congress if bulldozing and other methods were not resorted to by the Democrats. In Lafourche, St. Mary, and Assumption Parishes the killing of negroes is a weekly occurrence. In St. Martin Parish the colored justices of the peace and constables, as well as three colored members of the town council of St. Martinsville, were forced to resign. The only charge against them is that they are Republicans. Besides the office-holders who were forced to resign, a number of colored Republicans have been made to leave the parish.

In this way another vote is to be made in the House of Representatives in favor of a high tariff duty on sugar, but for the destruction of all the other protected industries of the country except perhaps rice. The correspondent says:

Iberia Parish is noted for the so-called uprisings of the negroes. At every recurring election the daily press here abound with long articles, especially concocted, about the threatened danger to the whites by the negroes of Iberia Parish. The facts in the case are simply these: In Iberia Parish there are over 800 white Republicans, and they together with the black Republicans make the parish Republican by some 500 or 600. To do away with this majority the Democrats generally stuff the ballot-boxes or murder the voters. In the April election they did the former; in the contest now coming on they are doing the latter.

To show you the extent of their intolerant spirit I refer you to a letter written by Mr. W. B. Merchant to Senator SHERMAN, under date of April 24, 1888.

Mr. Merchant resided in New Iberia Parish for a number of years, is an ex-Confederate soldier, a man of pluck and brains. He committed a crime in the eyes of the white people when he became a Republican. Under President Arthur he was postmaster of New Orleans, and in the State election in April last was a candidate for State senator from the Eleventh senatorial district, composed of Iberia, Lafayette, and St. Martin Parishes. In Iberia Parish Mr. Merchant considered that he had been cheated out of his vote and talked of making a contest. The Democrats hearing of this became nervous, went to the court-house, abstracted the election returns from the clerk's office, and Captain Pharr, of the State militia, backed by a small mob, waited upon Mr. Merchant and ordered him to leave. Mr. Merchant has since left the State, and is now located at El Paso, Tex., engaged in the law and banking business.

I also have in my hand the petition of Frederick Veasy addressed to the judge of the twenty-first judicial district court in and for the parish of Iberia, in which he claims that he was elected sheriff, and that Alfred G. Farmer, the opposing candidate, was not elected, although he has been counted in.

I will not insert this petition in the body of my remarks, but will ask permission to place it in an appendix.

I come now to the parish of

TERRE BONNE,

where the vote returned was 1,687 for Nicholls, 2,033 for Warmoth, with 1,957 white voters and 2,596 colored voters, and I have in my hands a letter from R. B. Johnson, dated at New Orleans, April 25, 1888, written to Maj. Andrew Hero, which was introduced by the Senator from Kansas in his speech of the 1st of May, and which I will not read. It shows the terrorism attempted in Terre Bonne Parish, and par-

ticularly the participation therein of Mr. Tobias Gibson, a brother of the Senator from Louisiana.

NEW ORLEANS, *April* 25, 1888.

SIR: On Friday morning between the hours of 1 and 2 o'clock I was awakened by hearing some one calling at my gate. I did not answer, but quietly jumped out of bed and went to the window, peeped through the blinds to see who was calling me. I knew it was Mr. Tobias Gibson, the brother of Senator RANDALL GIBSON, but to be sure it was him calling me I got up on a chair in my house and peeped through the blinds, as I always keep the upper blind open, and in looking through the opening I saw and recognized Mr. Gibson, and I am sure that it was him who was calling me. He called me for at least fifteen minutes, but I did not answer. I also recognized Mr. Millard Thomas, the Democratic candidate for the house of representatives, and Mr. John R. Grinnage, also a Democratic candidate for the house of representatives at the election held April 17, 1888, and several others that I well knew. There was about fifteen or twenty other persons that I did not know.

After failing to answer Mr. Gibson he said: "Johnson, if you do not come out, I will come in and get you." He then ordered his men to open fire on my house and kill everybody therein; they fired about thirty or forty shots with their Winchester rifles. I returned the fire from inside for the purpose of keeping them from breaking the door and taking me out. They then began firing again and fired about as many shots as before or more; they failed to hit me, as I was between the armoir and the wall. In my house was my family, composed of my wife and two boys, also three other women; they would have been killed only for my coolness and presence of mind in getting them to lay flat on the floor. I do not think they would have left as quick as they did, but I suppose they thought that they had killed everybody in the house; but Providence let it so happen that no one was killed.

I infer that the cause of the trouble was my action in the late canvass. The Republicans met in convention at Morgan City, La., and indorsed the nomination of Judge B. F. Winchester for judge of the nineteenth judicial district, comprising the parishes of St. Mary's and Terre Bonne. We made this indorsement by the request of one wing of the Democratic party of Terre Bonne. A day after the indorsement was made the Democratic executive committee of the parish of Terre Bonne also nominated Judge Winchester. They then met the following night in the Firemen's Hall, in the town of Houma, in a meeting numbering 150 or 200, all Democrats. No Republican was admitted. The meeting was called to order by Mr. Thomas L. Winder, chairman of the Democratic campaign committee, who used the following language in his speech: "For twenty-five years this parish has been held in bondage by the Republican party with a negro majority; by the eternal God we shall deliver ourselves from the bondage of the negro and the Republican party. This is a white man's government, and this parish shall be placed in the column of the other Democratic parishes, regardless of the cost and what may be the penalty, if it takes blood to do it." Speeches as violent were made by the other speakers.

These speeches alarmed the colored people much. Knowing that they have a majority of at least 600 votes in Terre Bonne Parish, the leaders of the Republican party made an appeal to the planters and stated that if they would give them the protection of life and safety of the ballot and a fair count they would support the candidate of their choice for judge. They pledged themselves to do that, and they did so; they asked of the Republican sheriff to appoint a planter as a deputy sheriff at each poll. The sheriff did so. There was no trouble all the day of election because of the presence of each planter (deputy sheriff) with a Winchester rifle on his shoulder. By that means we succeeded in electing the Republican State ticket and all the Republican parish officers, and Judge Allen, whom the Republican leaders promised to support. Being unable to carry out their threats and plans before the election, they sought revenge after the election by calling one man from his house and putting thirty bullets through him. After killing one man they came to my house to kill me also, but I was not fool enough to go to the door and be led out by them.

This man Tobias Gibson was the captain and leader of the mob. He said he wanted to have the two Democratic members of the house of representatives elected in order to secure those two votes for his brother as United States Senator.

This man Gibson was a candidate on the Democratic ticket for district attorney.

I was compelled to leave my home in Terre Bonne Parish to save my life; also a large number of Republicans were compelled to leave, and are now refugees in your city.

Respectfully, yours, etc.,

R. B. JOHNSON.

Maj. ANDREW HERO, Jr., *City*.

I have also the original statement of Butler Adams, dated at New Orleans, July 13, 1888, a copy of which I give:

NEW ORLEANS, *July* 13, 1888.

While living in Houma, Terre Bonne Parish, my former home, during the month of April, some time before the last election, I was approached by one Henry Hellier, candidate for ward constable on the Democratic ticket, and by him requested to vote for him and the Democratic ticket; which I declined to do.

On the night of April 17 (election day) I was again approached and asked by this Hellier whether I had voted for him and the Democratic ticket, and upon my answering in the negative, he said it was all right, that he would "fix it all right." Some four or five days thereafter I was waited upon by a committee of four, namely, William Lirette, Charles Nicholls, Millard F. Thomas, and Clay Chauvin, and was told by them that in the future I would have to vote the Democratic ticket or else leave the parish forever. Again, some three days after, a committee of three, namely, Charles Nicholls, William Lirette, and Millard F. Thomas, waited on me and requested me to deliver up my rifle, which I refused to do, knowing that it was my property and paid for. They went away and returned again the next day, repeating the same demand, saying that they were sent by a committee of one hundred to get the rifle from me. I again refused.

Then on the night of May 17, at about 11 o'clock, about forty men came to my house, stood about 50 yards off, and riddled my house and premises full of bullet holes. My life was saved almost by a miracle, as I had moved my family from there about two hours previous. I was hunted down and had to leave the parish by night, leaving behind me some $3,000 worth of property, real estate, etc., unprotected.

The Democratic committee of Terre Bonne Parish have sworn that no colored man shall vote nor enjoy political rights in the parish unless they vote the Democratic ticket.

BUTLER ADAMS.

An informant, known to me to be a reliable person, makes this statement about Mr. John F. Patty:

John F. Patty, a colored man of high standing and late Republican candidate for secretary of state, has not been in his parish, St. Mary, since the night of the election. Mr. Patty was not molested, but would have been if he had waited until a band of sixteen Democrats, armed with Winchester rifles, arrived at his poll, as they did a few minutes after he took to the woods. Mr. Patty is a practicing lawyer, having the most of his business before the nineteenth judicial district court, composed of the parishes of St. Mary and Terre Bonne. In Terre Bonne he has remained most of the time since the election, but a band of Democrats have waited upon him and told him that his presence before the court was not to their liking, and also forbidding him to practice. The only thing that the judge has done is to say that "he sympathizes with Patty."

The Weekly Pelican, of New Orleans, of Saturday, July 28, 1888, states the Patty case thus:

THE PATTY CASE.

Hon. J. F. Patty has been ordered to leave Houma.—*Morgan City Free Press.*

Patty has not been ordered to leave Houma. He has been notified that his presence as a practicing attorney before the district court is objectionable. It seems that the same rule prevails in St. Mary.—*Houma Courier.*

For cool cheek this comment of the Courier beats all bobtail. Here in plain English it states that Patty is objectionable to the court. And why is he objectionable? Is it because of any offense, any ungentlemanly act, or is he objectionable simply because he opposed the present judge's candidature? The latter would seem to be the case. In any event an outrage has been committed upon Mr. Patty that is a burning disgrace and shame not only to the people of the nineteenth judicial district but likewise to all the citizens of Louisiana. The simple reason for the non-permitting of him to practice his profession is because he is a Republican, and a stalwart one at that.

The Democratic party of Louisiana must learn to respect the opinions and ideas of its political opponents; it must give to every man the right of political freedom; it must shelve its before-the-war sentiments if it would see prosperity within the borders of the State. Until it does so it will find the Republican party antagonistic to its interests, be they material or political, and the uncalled-for and unjust treatment of Mr. Patty but makes the party more determined than ever to see that political freedom and political honesty are respected in the Pelican State.

MADISON PARISH.

In Madison Parish 3,530 votes were returned for Nicholls and none for Warmoth; 279 white voters in the parish, 3,081 colored voters. Not a vote was returned for the Republican ticket. Hon. Frank Morey, candidate for the Legislature, well and most favorably known here as a former member of the House, saw the casting of 220 Republican votes at Omega, yet not one was returned or allowed for Warmoth or for any of the local candidates except Democrats.

W. W. Johnson and Governor Hawkins, two colored men, had been members of the State house of representatives elected four years before on a combination ticket; they had voted for Mr. EUSTIS for Senator, and had participated in the Senatorial caucus which by one majority nominated EUSTIS over Jonas; were going to run again on a combination ticket with independent Democrats composed largely of the then present incumbents, Capt. H. B. Holmes included, for sheriff, who will be spoken of later. This independent movement was broken up, and Johnson and Hawkins were compelled to leave their homes in Madison Parish three weeks before election; and instead of their being elected J. G. Hawks was elected or returned elected to the Legislature, and we shall see where we find Mr. Hawks when we consider the next letter which I shall put into the case, as illustrating the impossibility of obtaining any justice or any redress of any of the outrages which I am narrating either by proceedings in the courts or before the Legislature of Louisiana. I ask the Secretary to read this.

The Chief Clerk read as follows:

NEW ORLEANS, LA., *June* 13, 1888.

HONORED SIR: I noticed by the special correspondence from Washington, which appeared in New Orleans Times-Democrat of the 12th instant, that the credentials of R. L. GIBSON, as United States Senator from this State, were ordered by the Senate to lie over until the presence of the chairman committee on contested election. I am one of three contestants claiming to have been elected to the house of representatives of this State, contesting, together with Messrs. C. B. Wilson and Joseph Farbacker, the seats of Messrs. J. C. Gilmore, Will I. O'Donnall, and W. J. Grady, Democrats, each of whom voted in the Democratic caucus and in the joint assembly for both GIBSON and White. These same seats, excepting J. C. Gilmore, was contested also by the Democratic candidates, belonging to an organization known as the "Young Men's Democratic Association." We simply ask for a recount of the boxes. This plea was joined in by the contestants just referred to. We went to the courts through our attorney, J. Madison Vance.

The district court, presided over by Hon. A. L. Tissot, granted our petition and ordered the boxes produced in court, which was done. Two officers employed in the courts were appointed as tellers. The count proceeded to poll three, there being eleven precincts in the third representative district, it being the largest in the parish of Orleans, when a prohibitory order was granted by the supreme court and the count was stopped. As far as the count had gone discrepancy after discrepancy was found. The ballots in the boxes showing more votes for us, as Republicans, than the tally-sheets. We were then forced to make our fight before the Legislature and before a committee of nine, only two of whom being Republicans; and the chairman, J. G. Hawks, a prince of bulldozers, who claims to represent Madison Parish, where Warmoth was only accredited with 1 vote, and there being little over 3,700 black voters. Our attorney appeared in person before the committee; our petition went through the regular channels, and we now learn that the committee will not grant a recount, fearing "to unearth too many frauds." This is the most important case in our State, and the only one that was regularly carried through every legal channel. I respectfully call your attention to these facts, hastily written, and will hold myself in readiness to substantiate these and other positive allegations.

I am, very respectfully,

S. S. FRANCISCO,

Corner Baronne and Perdido streets, or 51 Bertrance street.

Hon. W. E. CHANDLER,
Washington, D. C.

Mr. CHANDLER. Mr. Francisco's appeal to the Legislature for justice was put before a committee, of which Mr. J. G. Hawks was chairman, returned elected from Madison Parish. I will put in the RECORD an extract from the Louisiana Standard of August 11, 1888, in reference to the Madison Parish fraud:

[The Louisiana Standard, New Orleans, August 11, 1888. T. B. Stamps, editor and proprietor.]

MADISON PARISH FRAUDS.

Hon. Frank Morey appears to have stirred up something of a Democratic hornet's nest. He had the manliness to get up in the so-called immigration convention and say something of the frauds in Louisiana elections.

That was the one thing of all others to be choked off. Mr. Morey was choked off by an adjournment. Mr. Morey, all the same, got in a few pertinent facts. We propose to add what he was not able to fairly explain.

Madison Parish was the point at issue. Let us here give the Madison Parish figures. We will begin with the United States census.

	Blacks.	Whites.	Total.
1880	12,645	1,261	13,906
1870	7,663	936	8,599
Gain, ten years	4,982	325	5,307

Continue the proportionate increase, as shown, to 1888:

	Blacks.	Whites.	Total.
1880	12,645	1,261	13,906
Gain, 1880 to 1888	6,576	350	6,926
Population, 1888	19,221	1,611	20,832

Calculate for voters upon the usual estimate found holding good for the country parishes, of 1 to 4½ of population:

	Blacks.	Whites.	Total.
1888 (4½)	19,221	1,611	20,832
Voters	4,271	358	4,269

These are the figures as fairly deduced from the United States census. They must be accepted as approximately correct. There should be, presumptively, not far from the 4,271 colored to 358 white voters in Madison Parish.

This shows the negroes as in the actual majority by not far from 3,900 on a total vote.

We follow with the official registration as promulgated by the secretary of state:

	Blacks.	Whites.	Total.
1888	3,368	330	3,698
1886	3,070	263	3,333
Gain two years	298	67	365

Compare the last registration with estimate of voters as made from United States census:

	Blacks.	Whites.	Total.
Census estimate	4,271	358	4,629
Registration	3,368	330	3,698
Non-registered	903	28	931

The showing gives us 903 colored, as against 28 white voters failing to register. The presumption is that the figures are not far out of the way.

We come next to the official returns of the election. We give the figures, side by side, with the last registration.

REGISTRATION.		OFFICIAL VOTE.	
Blacks	3,368	Nicholls	3,530
Whites	330	Warmoth	

The total reported registration is 3,698; there are the 3,530 votes returned for Nicholls. Ex-Governor Warmoth is given not one single vote. Now for bottom facts.

Madison Parish vote as actually cast.

Ward.	Nicholls.	Warmoth.
1	100	190
2	40	215
3	88	703
4	52	868
5	260	314
6	15	69
7	27	393
—	6	65
Total	588	2,817

This gives an actual majority for Warmoth of 2,229.

We might give something more, possibly, regarding the registration. We confine ourselves to figures. We give the figures, then, as officially reported. We add the figures of the vote as actually cast.

Mr. Nicholls received, honestly, his 588 votes. He is credited with 3,530. Here is Democratic lie No. 1, of 2,924 votes, stolen out of whole cloth. Mr. Warmoth and the Republican ticket had actually deposited the 2,817 votes, thus giving him, in honesty, 2,229 majority. Here is Democratic lie No. 2, and Democratic steal again of, in fact, 4,458 votes, the vote being reversed. The Hon. Frank Morey told only part of the truth. We give the facts. Let the Democratic howlers call for proofs if they dare.

I find in the New York Tribune of August 10 that General Frank Morey was hauled over the coals at a convention of the former citizens of Northern and Western States living in Louisiana which assembled in New Orleans on the 8th day of August. When he made a remark that the committee on resolutions of which he was chairman had "ignored all political questions," he was not allowed to state even this without cries of "Order!" from all parts of the hall. This seems to have stirred him up to some extent, and he thereupon made the declaration:

I have lived in Madison Parish for the last twenty years, own property and pay my taxes there. At the last election I cast my vote for H. C. Warmoth and it was counted for F. T. Nicholls.

OUACHITA PARISH.

I come now to the last parish, to the details of the election in which I shall call the attention of the Senate. That is the parish of Ouachita, where there were returned 2,994 votes for Nicholls, 5 for Warmoth, with a voting population of 918 whites, 2,133 blacks.

Ouachita is the headquarters of the bulldozers; here Governor Samuel D. McEnery resides; here McEnery and Senator GIBSON, Senator EUSTIS, and ex-Senator Jonas and Mr. E. A. Burke made their famous speeches October 13, 1887, in which they vied with each other in their claims for the credit of the redemption of the State in 1876.

This parish was noted in connection with the election of April 17, 1888, for the murder of William Adams. I insert in the RECORD first a paragraph concerning the assassination of William Adams, from the Daily City Item of April 25, and which was printed by the Senator from Kansas in his speech:

[From the Daily City Item, Wednesday evening, April 25.]

WAS IT ASSASSINATION?—REMARKABLE ACCUSATIONS FROM MONROE.

The Item yesterday received information from Monroe to the effect that on Sunday, April 22—

Meaning April 15—

William Adams, a resident of Ouachita Parish, was shot to death by unknown parties at the court-house in that town. According to this authority Adams was first shot outside of the court-house, wounded in the nose and arm, and was subsequently captured and taken into the building, where he was killed by the mob. The provocation that led to this assassination is said to be as follows:

William Adams was a Republican, and just before the election he came to this city and obtained from Governor Warmoth authority to distribute the Republican tickets in Ouachita, Franklin, and other parishes of that district, and rendered himself very obnoxious to those who dominated the politics of that district, and that this led to his assassination. The number of men engaged in the affair could not be ascertained. On inquiring why no telegrams or other intelligence had been sent to the city, the gentleman said that there was an apparent reign of terror in Monroe, and that the people did not dare send out this news for fear of being assaulted.

Still another statement is that he was first shot in the court-house yard, wounded in the nose and arm; that he then retreated to his house, from which he subsequently returned to the court-house. Upon entering the court-house a scuffling was heard, and it is supposed that he was killed with knives. Shortly after a carriage was driven away from the court-house, which is supposed to have contained his body, which has not been found.

In my hands is an anonymous letter which I desire to read. The writer gives his reasons for not signing his name, and the Senate will judge whether those reasons are good, and whether the facts that he states are worthy of consideration in deciding whether there shall be an investigation.

MONROE, LA., *June 14, 1888.*

Senator CHANDLER, *Washington, D. C.:*

DEAR SIR: Seeing your resolution in the Senate in regard to the legal election recently held in Louisiana, I thought I would give you the facts as they transpired in Ouachita Parish, town of Monroe. I think I can explain how it was that there was 2,994 Democratic votes and only 5 Republican votes cast. In the first place the bulldozing committee of the parish would not allow any one to distribute Republican tickets or vote them either; they killed one man, Mr. William Adams, for trying to electioneer for the Republican party. It happened in this way: On Sunday morning, before the election, about 10 o'clock, as Mr. Adams was passing the court-house a man came out of the court-house with a flag wrapped around him so as to disguise himself, and fired two shots from a double-barreled shotgun at Mr. Adams, one shot striking him in the arm and the other striking him in the nose. After the assassin had fired the two shots he ran back into the court-house, and there was not any one in the offices of the parish that would try to prosecute or find out who did the shooting. Then that evening the candidate for sheriff there—he is the sheriff now—went to Mr. Adams's house and had his supper, and got Mr. Adams to go with him to the court-house, and that was the last seen or heard of Adams until about one week ago his body was found in Bayou Desiard, a stream about 4 miles from town. The next morning after the sheriff got Mr. Adams to come to the court-house there was a pool of blood on the floor, and out across the steps of the court-house. The sheriff that I speak of is named Captain Theobald.

A name notorious in Louisiana politics, and to which I shall allude later.

He is the chief of the bulldozers. There is a gang here of about fifty, and if a person don't do like they say they will hang him and that is the last of it, and there is no chance to get them indicted, for all of the parish officers belong to the gang. The next day after the murder of Mr. Adams, one Mr. Millsop, president of police jury, said it was a shame to let such things as that go on without trying to stop it. The next morning there was a committee, consisting of Mr. F. P. Stubs, Mr. F. Hudson, prosecuting attorney of the parish, and Mr. L. D. McLain, and they notified Mr. Millsop that he must keep his mouth shut or he would go the same way.

There was one Dr. Cage here. He undertook to distribute Republican tickets, and a committee of the bulldozers met him 2 miles out of town and took his tickets away from him and burned them up, and told him that if he undertook to distribute any more they would hang him. I think the leaders of the gang are named Captain Theobold, sheriff of parish; Mr. Fred. Hudson, prose-

cuting attorney; Judge R. W. Richardson, Mr. F. P. Stubs, Mr. L. D. McLain, Mr. E. Wheatley, Mr. Mitchener, Mr. Bob and John Logan, Mr. R. Fullum, Mr. John Parker, Mr. George Philips, and Mr. Brown.

I know beyond a doubt that if there could be some way devised so that the negroes of this parish could get protection of their lives and a free ballot and a fair count this parish would give a Republican vote of 2,000. It is nothing unusual for them to take the negroes up and whip them to make them vote as they want them to. I think if you want a verification of these facts if you will subpœna the following-named gentlemen you can probably get from them all the facts. The names are—

I omit the twenty names which he gives.

I shall not sign my name to this paper, for if I did and it was found out here I would not live twenty-four hours. Hoping you may make a true case out of this, I remain, as ever,

Yours,

——— ———.

Another statement which has been furnished me by a reliable citizen of Madison Parish is as follows:

THE FATE OF "BILL" ADAMS, AT MONROE, PARISH SEAT OF OUACHITA COUNTY, THE NEXT BUT ONE TO MADISON COUNTY.

Mr. Adams was distributing Republican tickets previous to the election in Ouachita. He was warned to desist, but did not; and on the Sunday before the election, as he was going along on the side of the street opposite the court-house, while people were going to church, a load of buckshot from a shotgun was fired at him from back of the court-house fence. One shot went through his nose and another went through his left arm. After denouncing the unseen shooter as an assassin and coward, Adams being unarmed went home. He was told to come to the court-house, where he would be protected from harm. He went to the court-house; a hack stood in front of the door; he was never seen afterwards. After dark the hack drove away. There was blood on the hack the next day and on the floor of the court-house. A citizen heard cries of murder in the afternoon and nothing more. The next day he told what he heard. He was waited on by a committee of leading citizens and told that unless he stopped talking they could not protect him. Everybody knows what that means. Not a paper in Northern Louisiana spoke of the occurrence.

The Louisiana Standard of New Orleans, Saturday, August 18, 1888, gives some facts in reference to William Adams not previously known to me. I will read the article:

LOUISIANA FICTION VS. FACTS.

There are the two ways of lying. There is the lie direct, in the statement of that which is false. There is the lie indirect, in the holding back and thereby suppressing the truth. The latter is, perhaps, the most effective. The lie direct may be exposed, may thereby bring out the facts. The lie indirect has at least the chances of remaining unknown.

Our prominent Louisiana press, then, have been doing a world of indirect yet powerful lying in regard to Louisiana affairs.

They have thus heralded the result of the Louisiana election. They have persistently withheld the facts as to how the results were brought about. They have lied, in effect, in that they have failed to tell the truth.

There was the murder of William Adams, in Monroe. Monroe is in the parish of Ouachita. It is the home of ex-Governor McEnery. It was the center from whence issued the famous "Ouachita plan;" the plan of organized outrage and general intimidation as an element of Democratic success. William Adams was a white man and an ex-Confederate soldier. He had been one of McEnery's ardent friends and supporters.

He refused to follow McEnery in the final deal whereby Louisiana was to be handed over through outrage and fraud to General Nicholls. He knew that the Ouachita country was in honesty largely Republican. He saw no reason why it should not so vote. He came to New Orleans in company with one of McEnery's old-time trusted officials. He was introduced to Governor Warmoth. He undertook to work the Ouachita country in the Republican interest.

William Adams was somehow inveigled into the court-house in Monroe. It was of a Sunday's eve. The Monroe ladies were on their way to church. William Adams was in the hands of Democratic assassins.

They somehow closed in on him unawares. His throat was cut from ear to ear.

Why was he killed? He had committed the unpardonable crime; he was guilty of distributing Republican tickets.

The body was smuggled into a country hack. It was so carried to an out-of-the-way point on the bank of the Ouachita River. It was loaded with chains. It was next put into a small boat. The boat was paddled into midstream. William Adams was given his watery grave.

Did our prominent Louisiana press have anything to say? The matter was no secret. There was not the man, woman, or child in Monroe but heard of the facts.

The scene of the murder was just by the telegraphic office door. There were the regular news correspondents. Had somebody broke a leg or arm the fact would been duly dispatched. Here was most foul and horrible murder. Here was the almost open disposition of the murdered body. What was said or done? What was published by our leading press? What has ever been heard of an investigation? Nothing.

The parish of Ouachita is one of the fifteen parishes making up the Louisiana Fifth Congressional district. The district as a whole is reported as casting a a vote of 30,993 for Nicholls as against 2,737 for Warmoth.

The official registration is 14,102 whites to 28,183 blacks. There are evidences of better than 10,000 negro voters remaining unregistered. The district is honestly Republican by at least 15,000 majority even on the registered vote. It should stand for Warmoth by fully 10,000 majority to-day. The murder of William Adams did the business in Ouachita. The parish of Madison was returned with 3,530 for Nicholls, Warmoth with nothing. The actual vote was 2,817 for Warmoth, to 588 for Nicholls. Warmoth received the 2,229 majority. The 2,817 Warmoth votes counted for Nicholls, makes the 5,634 of the Democratic steal in the single parish. There are others we propose to show up in the same way. This system of indirect lying by our prominent Louisiana press needs be exposed.

It seems that they do not allow mugwumps in Louisiana, they kill them. Here was William Adams, a white man, a Confederate soldier, and a Democrat, but at this election he had concluded to support the Warmoth ticket, and he was not allowed to live, but at Monroe, in the home of Governor Samuel D. McEnery, he was shot to death, his throat cut, and he was thrown into the river, in order to enable Ouachita Parish to give the votes which were returned from it for Francis T. Nicholls.

Mr. President, it is worth while to digress a little to notice that election outrages like these to which I have adverted are common affairs in Louisiana and proceed from an old custom of the State. Forty-four years ago, precisely, the same frauds were being perpetrated in Louisiana that prevailed at the last election, and they will be committed at the coming election. The name Plaquemine is a stench in the nostrils of the American people.

In 1840 Harrison had 11,296 votes in Louisiana, and Van Buren only 7,616. In 1844 Polk had nominally 13,782, and Clay 13,083, making a nominal majority for Polk of 699. The vote returned from Plaquemine Parish was 37 for Mr. Clay and 1,007 for Polk. We all know how the Presidential election of 1844 was carried, that Mr. Polk had 65 majority over Mr. Clay; 170 electors for Polk and 105 for Clay, of which Louisiana gave 6 and New York gave 36.

In the private correspondence of Henry Clay by Calvin Colton, page 523, there is a statement in a letter from B. Johnson Barbour to Mr. Clay, dated at Barbourville, February 16, 1845, which is singularly applicable to the present day, which will find a counterpart forty-four years later in the coming Presidential election. Mr. Barbour says:

Plaquemine and Tammany have stifled the voice of the American people, and the late contest has only established the melancholy fact that frauds upon the ballot-box have perfect impunity, that mediocrity is a merit, and that every excess may be committed in the name of a spurious Democracy.

The Secretary will please read from Colton's Life and Times of Henry Clay, volume 2, page 433, Mr. Colton's statement concerning the Plaquemine frauds.

The Chief Clerk read as follows:

The notorious Plaquemine frauds of Louisiana had not even the decency of disguise, but were open and violent, the judges and public officers taking lead in them. Law was trampled under foot and anarchy ruled for the occasion. Several hundreds of non-residents of the parish were freighted in steam-boats from New Orleans, carried down to the precincts of Plaquemine and induced to walk the rounds of voting two or three times each, some under the same names, being furnished with tickets of the right kind, which were opened by the inspectors, in violation of law, before being deposited, to be sure they were right. Nearly all the Whig votes offered were refused; challengers were silenced; all attempts to invoke the authority of law treated with contempt and menace, and Whig tickets after being delivered were changed for others. It was proved that the parish was entitled to less than 500 votes. The number deposited was 1,044, and only 37 for the Whig electors.

Mr. CHANDLER. At the same time in 1844 that the Plaquemine frauds were going on in Louisiana similar frauds were being perpetrated in the city of New York. The popular vote of New York in 1844 was counted for Mr. Clay, 232,482; for Mr. Polk 237,588, and for Mr. Birney, 15,812. Mr. Polk had nominally about 5,000 majority over Mr. Clay. New York City, which was a Whig city, and should have given a majority for Mr. Clay, gave for him only 26,385 votes; for Mr. Polk 28,296 votes, and for Mr. Birney 117 votes. Mr. Colton tells how the majority for Polk was obtained. The Secretary will please read the extract.

The Chief Clerk read as follows:

[From Colton's Life and Times of Henry Clay, volume 2, page 436.]

The frauds in the city and State of New York were probably more systematized, consequently more productive, and practiced on a larger scale than anywhere else. It was admitted on all hands that the party which should gain that State would, in all probability, secure the General Government. It was therefore an object of supreme importance.

* * * * * * *

The well-known ability and practice of passing the same naturalization papers from one hand to another, and of using dead men's papers—as in the case of the poor widow at Baltimore who sold the use of her dead husband's right seventeen times at one election for $1 each—comprehend a large list of frauds in the city of New York. In this way an adopted citizen's right is not only many times more available during his life than that of a citizen native born, but it continues to be used with a multiplied power after his death!

The volunteer practice of obtaining what is called a legal residence in several wards, and in several districts of the same ward, and then appearing as many times at the polls to vote, in a different dress, and in other ways disguised, is another mode of fraud practiced to a large extent. Hundreds of young men go the rounds of the city the whole of an election day, frequently changing dress, and offering their votes, which are often received without being challenged, and when challenged, they pass on to another, making open boast of it, and saying, "He is a fool that will not vote as many times as he can."

But a new mode of fraud is alleged and believed to have been practiced on a large scale in the city of New York in 1844: that of employing men for at least six months before the election to obtain residences in every ward and district of the city (district 79), at the cheap boarding-houses, that could be sworn to, if necessary, they being known as boarders at all these places, though not always there.

Being entirely devoted to the task, and paid for it, they could visit each place frequently, and be recognized as residents. In this single mode, thousands of fraudulent votes are believed to have been given in the city of New York, at the Presidential election of 1844. The funds necessary were raised by betting, and advanced. Considering all the various modes by which fraudulent votes were obtained, 5,000 for the city of New York, and 15,000 for the State would probably be an underestimate. The greatest possible effort of this kind was made, inasmuch as the relative strength of parties in the State, at that particular juncture, was more uncertain than in almost any other State, and it was therefore difficult to determine what amount of fraud would answer the purpose of victory.

Mr. CHANDLER. While John Slidell was carrying Louisiana for Mr. Polk by the Plaquemine frauds, Isaiah Rynders and his gang were carrying New York for Mr. Polk by such contrivances as Mr. Colton describes; and as time went on New York City improved upon its earlier rascalities. In 1860 the Democratic vote in New York City for President was 62,293. In 1864 McClellan had 73,709. In 1866 John T. Hoffman had for mayor 80,677. In 1867, for local officers, the Democrats cast a vote of 85,764; but when the Presidential election of 1868 came around the Democratic vote in New York City leaped from 85,764 to 112,522 for Hoffman for governor, while John A. Griswold had 43,372. The Seymour vote was counted at 108,316, the Grant vote 47,738. The

vote for governor in the whole State was for Hoffman 439,301, for Griswold 411,355, a majority for Hoffman of 27,946. For Seymour, 429,883; Grant, 419,883; showing a majority for Seymour of only 10,000 counted for him as against 27,946 counted for John T. Hoffman for governor.

Now this is the way, Mr. President, that the State of New York in 1868 was counted for Hoffman and Seymour and taken away from Griswold and Grant: The process was exactly the reverse of that which prevailed at the recent election in Louisiana. In Louisiana word was sent out from New Orleans to the parishes where the frauds were to be committed to make large returns in favor of Nicholls and against Warmoth. In 1868, in New York, the frauds could not be perpetrated in the country but could be committed in the city of New York, and therefore word was sent into the country districts to telegraph the state of the vote early so that the country Republican majorities might be overcome by manufactured Democratic majorities in the city. This circular was sent out by Samuel J. Tilden and William M. Tweed:

ROOMS OF THE DEMOCRATIC STATE COMMITTEE, *October* 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person in three or four principal towns, and each city of your county, and request him (expenses duly arranged for this end) to telegraph to William M. Tweed, Tammany Hall, at the minute of closing the polls, not waiting for the count, such person's estimate of the vote. Let the telegraph be as follows: "This town will show Democratic gain (or loss) over last year of—— (number)." Or this one, if sufficiently certain: "This town will give a Republican (or Democratic) majority of ——." There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in telegraphic communication over lines before actual results begin to be declared, and before the associated press absorb the telegraph with returns and interfere with individual messages, and give orders to watch carefully the count.

Very truly yours,

SAMUEL J. TILDEN, *Chairman.*

And when, as the result of this circular, Mr. Tilden and Mr. Tweed found out how the country districts in the State of New York had gone they knew exactly what majority to count for the Democratic State and national tickets in the city of New York, and they contented themselves with moderate majorities, of 27,000 for Hoffman and 10,000 for Seymour. But when Governor McEnery sent word to the election officers of the country parishes of Louisiana to return majorities for Nicholls, as Warmoth was developing too much strength, these election officers did not know precisely how much was wanted. They determined to make their false returns large enough, and hence we have the enormous majority of 84,753 returned by the election officers and counted and promulgated by the secretary of state.

Mr. VEST. Will it interfere with the line of remarks of the Senator if I ask him a question here that is of historical reference?

Mr. CHANDLER. Not in the slightest.

Mr. VEST. I ask the Senator from New Hampshire if it is not true that in 1881 the Republican managers of the election in Pennsylvania, then under the political control of the present chairman of the national Republican committee, did not telegraph from Philadelphia to Pittsburgh after the polls closed at 7 o'clock in the afternoon:

Republican majority in Philadelphia, 20,000. We can make it 40,000 if necessary.

I ask if that was not published, and if it is not well known and notorious?

Mr. CHANDLER. I have no knowledge on that subject.

Mr. VEST. Does the Senator say he never saw or heard that statement?

Mr. CHANDLER. Has the gentleman finished his inquiry?

Mr. VEST. That is my inquiry.

Mr. CHANDLER. I have never heard of the occurrence before. I have no knowledge on the subject. I believe the telegram to be false. I do not believe that such a telegram was ever sent.

Mr. VEST. We shall see.

Mr. CHACE. Will the Senator from New Hampshire allow me to say a word?

Mr. CHANDLER. Certainly.

Mr. CHACE. I believe I know about that circumstance, and it is a pure canard manufactured *ab initio*, and there is not a particle of truth or foundation for it from the beginning to the end and it can not be proved.

Mr. VEST. That is an assertion easily made. It was published in the newspapers of the country and in the Pittsburgh papers at the time and it has stood on record ever since, and the gentleman whose name was signed to it has never contradicted it.

Mr. CHACE. The Senator from Missouri himself said but a few days ago on the floor of the Senate that a Senator whose life or liberty had to depend upon the truthfulness of newspaper reports had a small chance.

Mr. VEST. Will the Senator from Rhode Island, who has injected himself into this question which I put to the Senator from New Hampshire, tell me what we have had here yesterday and to-day but newspaper extracts, pure and simple, and the character of a sovereign State and of the people of a sovereign State of this Union is to be taken away by these extracts, but when the medicine is given to that side of the Chamber it is worth nothing?

Mr. CHANDLER. Does the Senator want to ask any other question?

Mr. VEST. No, sir.

Mr. CHANDLER. I always like to hear a speech from the Senator from Missouri. I yielded to him for a question, but I enjoyed his speech very much. I take occasion to denounce the telegram as a forgery. I do not believe it was ever sent. It is more than probable that some telegram got into the hands of a Democrat who put in the last clause and then published it in some newspaper. It is perhaps a Morey letter; certainly it has not made much progress in the public news, for I never heard of it before, and I do not believe there are any Republican Senators on this side, certainly not many, who ever did hear of it. But that Mr. Tilden and Mr. Tweed, by means of the circular I have read, which gave them information what the vote had been in the Republican counties of New York, counted out Grant and Griswold and counted in the Seymour electors and Hoffman there can be but little doubt. A Senator asks me whether anybody doubts that Mr. Tilden and Mr. Tweed sent out that circular. In answer to that I will put in a letter from Mr. Greeley to Mr. Tilden, headed "A Letter to a Politician," in which Mr. Greeley charges the circular upon Mr. Tilden and undertakes to hold him responsible for the fraudulent vote in the State of New York in the election of 1868, to which I have alluded.

LETTER TO A POLITICIAN.

"NEW YORK, *October* 20, 1869.

SIR: You hold a most responsible and influential position in the councils of a great party. You could make that party content itself with the polling of legal votes, if you only would. In our late constitutional convention I tried to erect some fresh barriers against election frauds—did you? The very little that I was enabled to effect in this direction I shall try to have ratified by the people at our ensuing election—will you? Mr. Tilden, you can not escape responsibility by saying, with the guilty Macbeth,

"Thou canst not say I did it; never shake
Those gory locks at *me!*"

for you were at least a passive accomplice in the giant frauds of last November. Your name was used, without public protest on your part, in circulars sowed broadcast over the State, whereof the manifest intent was to make assurance doubly sure that the frauds here perpetrated should not be overborne by the honest vote of the rural districts. And you, not merely by silence, but by positive assumption, have covered those frauds with the mantle of your respectability. On the principle that 'the receiver is as bad as the thief,' you are as deeply implicated in them to-day as though your name were Tweed, O'Brien, or Oakey Hall.

"And, though our city has since largely increased its population, the lower wards were quite as populous then (1840) as they are to-day, several of them more so. * * * Now look at the vote of four of these wards in 1840 and 1868, respectively:

	President, 1840.		Governor, 1868.	
Four wards.....	4,793	5,521	2,840	20,283

"Van Buren's majority, 726; Hoffman's majority, 17,443.

"Mr. Tilden, you know what this contrast attests. Right well do you comprehend the means whereby the vote of 1868 was thus swelled out of all proportions. There are not 12,000 legal voters living in those wards to-day, though they gave Hoffman 17,443 majority. Had the day been of average length, it would doubtless have been swelled out to 20,000. There was nothing but time needed to make it 100,000, if so many had been wanted and paid for. Now, Mr. Tilden, I call on you to put a stop to this business. You have but to walk into the sheriff's, the mayor's, and the supervisor's offices, in the City Hall Park, and say that there must be no more of it: say it so that there shall be no doubt that you mean it, and we shall have a tolerably fair election once more.

"Will you do it? If we Republicans are swindled again as we were swindled last fall, you and such as you will be responsible to God and man for the outrage.

"Yours,

"HORACE GREELEY.

TO SAMUEL J. TILDEN,
Chairman Democratic State Committee.

Although the circulars to which Mr. Tilden's name was attached had been previously published by the Tribune, and fully implicated him in the frauds charged, yet he was as silent under the accusation as a stone. Had he been innocent of the charge, and had he been desirous of purging the ballot-boxes, he would instantly have come to the front, demanded an investigation, and volunteered to go all lengths in their correction. But had he done so he never would have been governor of the State of New York, nor would he have had the least show for the Presidency. He, of all men, was the most interested in perpetuating them as a means of climbing to political power.

Mr. Tilden, so far as I know, never made any public or authentic repudiation of that circular, and the purpose of the circular is manifest on its face.

Returning from this digression to the Louisiana election, I next proceed to maintain that this enormous fraudulent vote which has been returned is the product not of local fraud perpetrated on the mere motion of the local election officers, but is the result of a deliberate conspiracy entered into by Samuel D. McEnery, the governor, and Francis T. Nicholls, the candidate for governor, and I wish to call the attention of the Senate to Governor McEnery's powers concerning elections. By the election law of Louisiana, act 101, of July 5, 1882, it is provided:

That for all elections in the several parishes, the parish of Orleans excepted, the governor shall appoint a returning officer for each parish, who shall appoint the commissioners of election and designate the polling places in each election precinct.

The campaign in Louisiana which has produced the result now exhibited to the country was very famously opened on the 12th of Octo-

ber last at Monroe, La., and I have in my hand a copy of the Times-Democrat, which contains an account of the meeting held at that time, from which I shall make copious extracts. The newspaper is published by Maj. E. A. Burke, who was present at the meeting. The account proceeds as follows:

THE GOVERNOR'S ARRIVAL AND RECEPTION.

MONROE, LA., *October* 12, 1887.

Governor McEnery, accompanied by Senators J. B. EUSTIS, B. F. Jonas, RANDALL L. GIBSON, Maj. E. A. Burke, Col. Richard Sinnott, George W. Dupré, and Albert Gibson, arrived here at 4 o'clock this evening.

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In the procession they carried two banners: on one was "Ouachita's honored son;" on the reverse side of this banner was, "The People's Governor." The other banner bore the words "Louisiana's Governor, welcome home."

THE MEETING.

MONROE, *October* 13.

This pretty little place, the home of Governor McEnery, was alive with Democrats this morning from the various wards of Ouachita Parish, who had been attracted by the announcement that Governor McEnery and other prominent gentlemen would address their fellow-citizens.

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The following was the programme of the proceedings: Addresses, Governor S. D. McEnery; music; RANDALL L. GIBSON, United States Senator; music; J. B. EUSTIS, United States Senator; music; Hon. B. F. Jonas; music; Hon. E. A. Burke; music.

What could not be done in Louisiana by this precious crowd could not be done by anybody.

Mr. Franklin Garrett said in opening the meeting:

"Fellow-citizens * * * He who holds the destiny of nations in the hollow of His hand grant that our deliberations here to-day may be influenced by that spirit of harmony which is so necessary to the success of the grand old party [cheers], and when we depart from here we may be filled full and running over with the immutable principles of the Democratic party."

Whether what they wished to be filled full of and to be running over with was the "rum and molasses" which the Senator from Mississippi [Mr. GEORGE] thinks was the equivalent given by the United States for the commercial arrangement with Great Britain in 1830, or whether it was corn whisky, I am not informed, but certain it is, from the character of the campaign that they inaugurated and carried out to completion on the 17th of April, that the spirit that they were filled with was the spirit of the devil. In Governor McEnery's speech he said:

The revolution inaugurated in 1876 did not stop with the events of that day. The people of Tensas, Natchitoches, and Caddo had to place themselves in line with Democratic North Louisiana. The same feelings and impulses which gave rise to the great movement throughout Louisiana in 1876 influenced the people of those parishes to overthrow the same despotism in 1878. If the people were justified in 1876 in their revolution against oppression and wrong, so were they justified in 1878. Governor Nicholls may or may not have sympathized with the Tensas and Natchitoches prisoners. His feelings are not matter of importance. They are the emotional parts of his nature, and without an outward expression there is no means of analysis; and his outward expressions are matter of little moment in the moral aspect of the movement, unless some injury is done to those who are affected by its expression.

Gentlemen from Natchitoches and Tensas were on trial on a serious charge. The offense with which they were charged had passed beyond the line of locality and had become national. The whole gravamen of the crime alleged against them was that they had done certain things in a Congressional election for political purposes. This was the question to be determined by the court before which they were arraigned. It was the question before Congress and before the nation in its moral aspect.

It is not proper for even a person in private station to condemn before a hearing, to use expressions as to the guilt or innocence of the accused that may affect the verdict of a jury. In a person occupying a high station it is the less excusable, and there was at least a want of prudence when Governor Nicholls brought the attention of the Legislature to the matter. No legislation was proposed to correct evils which may have promoted the disturbances in Tensas. It was a judicial question pending before a judicial tribunal. Yet the governor, on the very issue to be determined by the court, said in his message of 1879:

"The proximate cause of that trouble was the going, at night, of a party of men, numbering from twenty to twenty-five, to the house of one Fairfax, a colored political leader in Tensas Parish, which act resulted in the killing of Peck (who seems to have been the leader of the party) and the wounding, by Peck's companions, of three colored men who were in Fairfax's house, one of whom afterwards died. The visit of these men to Fairfax was utterly wrong in my opinion, utterly without justification, and whilst attempted to be justified upon the ground that they went in the interest of peace to expostulate against a rumored proposed attempt of the colored people to force the quarantine lines at the town of St. Joseph, I am satisfied that such was not the purpose, but that it had a political object."

It is not surprising, then, that this opinion of the governor was used by United States District Attorney Leonard in his speech on the trial and by Senator TELLER in the Senate of the United States.

Senator TELLER used this language: "The testimony as to the condition of affairs in Tensas Parish does not rest upon the testimony of colored men or Republicans; it rests upon the testimony of a Democratic governor, given to the people in his annual message."

It seems that where these gentlemen met together—at Monroe on this occasion—I understand the Senator from Louisiana [Mr. GIBSON] was there accidentally. They went into a quarrel as to who had redeemed the State in 1876. Nicholls and his adherents claimed that it had been done by corrupt negotiations with members of the Packard Legislature. The McEnery-Burke party disputed the Nicholls pretension and contended that the State had been redeemed in two ways: First, bulldozing Republicans in the country parishes, and next by the negotiations of Burke and others in Washington. This quarrel among themselves, Nicholls not having then been nominated for governor over McEnery, starts out in all the speeches made. But notwithstanding the differences among themselves they all united in their determination not to allow Republicans to vote in the State of Louisiana. I continue to read from the speech of Governor McEnery:

But in the history of this period as detailed by the reform canvassers where come in the heroic efforts of the men of Caldwell and Ouachita, Franklin and Morehouse, Union and Lincoln, who assembled along the banks of the Ouachita and made that desperate struggle? Where are the efforts of East and West Baton Rouge and of East and West Feliciana? Where are the hero, the immortal Ogden, and the men of January 9, 1877, who marched on that morning to the supreme court room, and marched from there to the State-House, and remained there through the day and night, exposed to the cold blasts of winter? Oh, where are they, these gallant patriots in all the long recitals of our reformers? We hear nothing of these men and their long and heroic efforts. We hear nothing of the diplomacy at Washington of Burke, the accredited agent of General Nicholls and our representatives.

The efforts, the patriotism of all these able and devoted men pale into insignificance before the great efforts to "break a quorum" by skirmishing legislators and the promise of patronage and the payment of money!

He continues to show that it was the troops which turned out and gave them victory. His speech all through sounds like a victorious general describing a military conflict, as it had been in fact.

In the name of the people of this State, I protest against such arguments. I will go back to the governor's proclamation where he, on the 24th of March, 1877, informed the people in response to their repeated protests, that their government had been organized without a compromise of their rights.

Believing then, and believing now, that the people of the North had been enlightened as to our true condition, and the determination of our people to submit no longer to negro domination, I repeat what I said in 1884 in New Orleans, at Faranta's Hall, and what has not been controverted.

With the State in such a condition, all hope of relief shut off from abroad and nothing under the then existing government to be expected but a continuance of the same misgovernment, violence, and corruption in the interest of the radical party, what wonder then that the fierce passions of revolution should be engendered and the tragic period of 1876 enacted?

The Nicholls government became a fixed fact from the moment the authorities at Washington realized the terrible earnestness of our people, and that the temper of the people was such that it would be dangerous to tamper with it, and that no other government than the one they had elected would be tolerated—a government born of your patriotic hearts and inaugurated by your strong right arms.

If the Nicholls government was organized so easily by the ready purchase of negroes, who, like rats, were ready to quit a sinking ship, and sold out cheap, what crimes were committed in what are known as the bulldozing parishes? Who is there, then, that can refer to his record, his watchfulness by day and by night, the responsibilities he assumed, and the risks he encountered? None; not one!

When Federal troops were ordered to Monroe in order to destroy the good work done by the Democrats, and when they gathered negroes from every quarter and every plantation, marched them to mass-meetings under the protection of their guns, the people of Ouachita, who had become desperate, deputed Captain Theobalds, with a well-chosen force, to put a stop to this marauding and political marching of Federal troops.

And this Captain Theobalds, who has been doing this bloody work for these many years for the Democrats of Louisiana, is the same wretch who is responsible for the murder, on the 15th of April of this year, of William Adams.

The negroes gathered in almost untold numbers at St. James Chapel. The Federal troops were there under their officers, consisting of two companies of infantry. Theobalds had two well-armed companies of riflemen.

It was on this occasion that he announced with determination to the Federal officers that we had submitted to all that we intended to endure, and henceforth no more campaigning would be permitted with Federal troops.

With flashing saber and angry voice the officer proclaimed that that was a Republican meeting, and he was there to protect it. Said Theobalds: "If you interfere here to-day I will sweep you and your command from off the face of the earth."

The commanding officer of the United States troops at that time gives a different account of this affair, but he confirms the statement that the voters of the region were intimidated, and that nobody was allowed to vote the Republican ticket in the bulldozed parishes.

From that time forward we had no further interference with Federal troops; they quietly camped inside of our picket line. Theobalds spoke then for the people of Louisiana. He only voiced a sentiment that was in every heart and a determination that strengthened every man's nerve. It was this determination of the people of the State that established Democratic government in Louisiana. GIBSON so understood it, and so spoke from Washington. Burke so understood it, and so addressed Grant. The people of the nation so understood it, and so sustained Hayes.

Although the Federal troops were no longer political factors in the contest, the radicals, negroes, carpet-baggers, and scallawags did not give up the contest, but determined secretly to mass the entire negro population in the town on the day of the election. A long line, reaching through the Chovan swamp through the colony on the river, was established. It was too long, and the order was given to fall back and inclose the town in a small compass. It was then that the men of Union, Lincoln, Morehouse, Richland, Caldwell, and Ouachita stood elbow to elbow ready to receive the expected attack from the negroes.

They had no more expectation of an attack from the negroes than they had of going to heaven.

Away in the night Fred Cann's cannon, on the right, announced the movement, and the sharp quick crack of the rifle along the whole line told that the negroes were well drilled and instructed in the plans and lines of march to the city.

Could anything be more absurd than the idea that the negroes of that section were planning to attack Captain Theobald, and all the assembled white ruffians of that vicinity?

The contest was quick and decisive, and the cessation of rifle reports and the silence of Cann's cannon announced that on to-morrow peace and quiet and victory would be with a long-suffering people. What was done in Ouachita was also done in the Felicianas and East Baton Rouge, and it was the determined spirit of the people that gave to Louisiana her emancipation from the negro-carpetbag domination and elected Francis T. Nicholls governor.

Anterior to this there had been a constant and increasing resistance to the reign of terror inaugurated by the Federal Government, which culminated in the successful struggle of 1876. When the memorable 14th September was being enacted in the city of New Orleans I was on that night with a company from Trenton, under McLeod, and a company from Monroe and vicinity, under Logan, holding in check riotous negroes on the De Siard.

That is Bayou De Siard, and the same in which the body of William

Adams was found murdered, because he dared to be a Louisiana Republican. The speech of Governor McEnery goes on:

When the mercenaries of Kellogg were tramping through South Louisiana I was arranging with Col. C. H. Moore with two hundred men from Richland to capture the entire force at Carpenter's station in that parish. The lamented Dan Byerly had sent the dispatch announcing their expected appearance in North Louisiana to reinstate the Greens, whom Patterson had driven away at the head of a hundred men in the town of Vienna. Thus, in every locality was shown a restless and determined spirit during the long, disastrous, and oppressive reign of this alien government. Governor Nicholls was brought to the front, not because of his identification with any of these events but because of his Confederate record and maimed condition to arouse the sympathies of the people and enlist them in one united and concerted effort.

We all recollect his intense conservatism, his unwillingness to continue an aggressive campaign by which Louisiana alone could be saved.

Had his advice been followed our redemption would have been long deferred. I well remember the Friday evening on which General Nicholls made his entry into Monroe. As he got off the cars Theobalds was filing by, with his squadron of cavalry, returning from the suppression of the island riot.

One would not suppose, Mr. President, that Governor McEnery here was describing an election in the United States. One would think he was describing a battle.

I remember when I called on Mr. Spofford, who was one of the campaign party at the Monroe House that night, how genuine was his alarm lest we should be aggressive.

Mr. Spofford was undoubtedly the Louisiana Democrat who had been a claimant for a seat in the United States Senate from Louisiana under some election or pretended election.

As I held his feverish hand as he lay in bed, he clung to mine and pressed it with earnestness, and exclaimed, "My young friend, do not do anything that will mar the great victory that awaits us. Oh, if you had been at Natchitoches and had seen the blaze of enthusiasm among the people you would do nothing to mar the fruit of our victory."

Governor McEnery sneeringly remarks concerning Mr. Spofford's plan of campaign:

It is needless to say that in Natchitoches, where a conservative campaign was conducted, the Radicals polled their entire strength. The contest for our liberation had been fought and won strictly on the color line. The negroes had drawn it.

What an absurdity!

The negroes had drawn it, the carpet-baggers used it, and we accepted the issue and broke it into fragments, with the full belief and confidence that we were establishing a white man's government. It was this that nerved us for so many years.

In view of this bloody speech of Governor McEnery I think I ought here to state in justice to the Nicholls faction that there is some difference between its members and the members of the McEnery faction in their policy concerning frauds in elections and the killing of Republicans. The Nicholls faction is undoubtedly opposed to any unnecessary fraud and any unnecessary murder. Its members wish to have committed just as many frauds and just as many murders as are necessary to carry the State Democratic, and no more.

But the members of the McEnery faction are willing to commit frauds and murders without any limitation whatever. That is the only distinction between them. Governor McEnery next says:

I believe with that eminent divine, Dr. Palmer, that God Almighty has himself drawn the color line and that our civilization has to be worked out by white brains, white muscle, and white sympathies, and that the other race must work out its redemption in the line appointed by Providence under the leadership and direction of the white race.

It is noticeable how pious and godly all these Louisiana Democrats become when they are planning the commission of frauds upon the suffrage and the murder of Republican voters.

No nation ever yet divided its power or shared its administration with an inferior race that did not in time meet with the recorded verdict of history. There will be wasting of energy and consuming of power. It is a denial of the divine calling of the nation which has been borne to its fulfillment by the Father.

Blasphemously invoking the Divinity in aid of his crimes against humanity, and he rhetorically concludes his advocacy of political murders:

Such a nation will be swept out of existence, and all that will be discovered of it will be in the colossal fragments of its architecture, erected in the noontide of its splendor. The dates in its cycle will be vainly sought in the fading lines and scattered stones of its building.

Senator GIBSON was allowed to follow Governor McEnery. I give only two extracts from his speech, but they clearly mark the character of the contest that was going on in Louisiana.

Mr. GIBSON spoke on the second epoch, the period of reconstruction, the enforcement of the amendments. This in the South meant destruction instead of reconstruction.

Referring to the contest of 1876, he said:

At this time there was a contest in Louisiana between the whites and blacks. General Nicholls represented the whites and Packard the blacks.

So that the Senator from Louisiana in that speech distinctly announced that the condition of things which the Democrats of Louisiana would not tolerate was the enforcement of the amendments to the Constitution, and he stated the issue correctly. The white people of Louisiana and of the South have distinctly declared to the North and throughout the whole Union that the enforcement of the amendments to the Constitution shall not be allowed.

The Senator from Louisiana [Mr. EUSTIS] also made a speech, which is reported in the Times-Democrat, an abstract from which I will insert, but will not read. It is contained in the speech of the Senator from Ohio [Mr. SHERMAN] made early in this session. The Senator from Louisiana in his speech distinctly asserts that the white voters of Louisiana shall rule Louisiana, that the black voters shall not by their votes control elections in Louisiana, and that this question of the enforcement of the fifteenth amendment is to be settled in absolute defiance of Northern sentiment.

Senator EUSTIS said:

In our State we find a very peculiar and serious condition of affairs confronting us. Two distinct races almost equally divided in numbers coinhabit the same territory and live under the same government and under the same institutions. It is not the fault of the white man—it is not the fault of the colored man—that race antagonism exists; it is sentiment, an instinct, a passion beyond the control of either. Therefore as much as it may be regretted, yet owing to causes inherent in human nature itself, at any moment and under provocations how unforeseen a spark may produce a conflagration in our midst. The dream of the Yankee crank is that this question can be solved by miscegenation; but my judgment is that, deplore it as we may, the inexorable logic, forced upon us by the unchangeable and eternal laws of human nature itself, is that we have to determine whether the negro will govern and rule the white man or whether the white man shall govern and rule the negro.

That is the question which we have to determine by our elections, and on that issue I need not tell you that every interest, every instinct of pride, every impulse of manhood, every element of Caucasian civilization, every personal right, every guaranty which upholds society, every function and every principle of representative government is directly at stake. It is far beyond and above the personal ambition of any individual, however illustrious or distinguished he may be as a citizen of Louisiana.

When called upon to determine to whom of these two gentlemen I am willing to confide the political leadership in this State, I have no hesitation whatever in making and in declaring my choice. I can not reconcile the safety of the State with what I understand to be the extremely conservative ideas of General Nicholls upon this race question.

General Nicholls has recovered from his conservatism.

Upon this issue I consider that he and Governor McEnery represent two opposite and irreconcilable schools of political thought and systems of political action.

In considering this question I am willing to omit what occurred before 1878; but his course and his policy in regard to the Tensas case create a strong impression in my mind that however pure were his motives it can never receive my political approval or political indorsement. He had then a grand opportunity to defy and resent Northern opinion upon this subject—to prove that it is the duty of a Democratic executive in the State of Louisiana in a crisis of race conflict to sympathize with the white people. The sooner we let the Northern people understand that their opinions on this race question will not influence or control our action in any degree the better it will be for our safety.

That is the spirit of the whole speech.

This is a domestic question; a home-rule question; one affecting our interests and our destiny; one which we understand; one which we intend to solve regardless of Northern sentiment, and in the solution of which in my judgment a policy of conservatism and of conciliation means incontestably the domination of the whites by the negro race. To accomplish the results which we now enjoy and which we had hoped we had permanently secured has cost the people of Louisiana trials, sacrifices, and tribulations which no people have ever endured since society was organized and government was first founded. From the time that the reconstruction measures were passed up to 1876, when we first succeeded in installing a Democratic governor, every election was equal to a revolution.

Military power, disfranchisement, fraud, crime, violence—every agency that has ever been known to diabolism—was used and exerted to crush the spirit of our people. It was the Democratic leaders who for eight long years preceding 1876, by their repeated appeals to the manhood, patriotism, and heroism of the Democratic white masses of the State, marshaled those brave serried ranks of loyal Democrats, those brave men who faced every vicissitude, confronted every peril, who resisted the allurements and defied the terrors of power. It was they who, appreciating the terrible significance of this race problem, created that indomitable spirit of enthusiasm in the Democratic party which rendered the victory of 1876 possible. One of them was Governor McEnery, to whose efforts and conviction the people of Louisiana are largely indebted for their emancipation from the blighting oppression of Radical rule.

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And he says the conflict is not ended, but is to be perpetual.

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But there is an additional reason, in my judgment, why, if the people of Louisiana desire that peace and prosperity in the future which we now enjoy, Governor McEnery should be re-elected to the executive office. We are as far today from the solution of this negro problem as we were the day when it was first imposed upon us. We understand Governor McEnery's views, his convictions, and his policy, and I maintain that it would be a guaranty to our security and to our safety to have one whose firmness, independence, and resolution have been tested occupy that important office.

Those were the views of these distinguished Democratic leaders in October before Governor Nicholls was nominated. I proceed now to some events immediately connected with the canvass which ensued.

After it opened Governor Warmoth concluded to favor the policy of having Republicans unite with some of the various Democratic factions in the election of local officers, and he wrote a letter to this effect. I find it in the Times, of Greenville, Miss., Saturday, March 3, 1888, as follows:

WARMOTH'S GAME—WARMOTH OUTLINES THE REPUBLICAN POLICY AS TO LOCAL AFFAIRS.

[Special to Times-Democrat.]

BATON ROUGE, *February* 25.

The following letter from ex-Governor Warmoth to the local head of the Republican party has excited no little interest and comment in political circles:

"MAGNOLIA PLANTATION,
"*Lawrence Post-office, February* 23, 1888.

"DEAR SIR: I am in receipt of your favor of the 21st, in which you inform me that harmony exists among the Republicans of the parish of East Baton Rouge, and that you contemplate a union with the McEnery faction on local officers in your parish. You also ask my advice relative thereto. I cordially indorse the policy which you propose to inaugurate, and trust that it will find a ready acceptance at the hands of your neighbors. I regard any movement which will create good feeling and harmony between the two races and tend to obligate the race question in politics as of the highest importance to the colored people.

"In times past some of our colored friends have been inclined to draw the color line themselves, under the advice of selfish men, who were ignorant or heedless of the misfortunes which such a course would entail upon them. The proscription and injustice under which you have suffered so long may not have been without compensation if it has taught the necessity and policy of cultivating the most friendly relations with your white neighbors.

"You can not get along without them, and they would sustain a great loss if deprived of your population. We are essential to each other's prosperity, and the man who would engender discord in our midst means no good to either race.

"I regard your movement of more importance to you and the welfare of the people than any question of office or emoluments. I congratulate you and the white people of your parish on the good sense and good feeling which you say prevail. In this parish the Nicholls faction has combined with the colored people on the local offices, and have shown the utmost liberality in the distribution of the honors. It is becoming of the McEnery men of East Baton Rouge to do the same, and I hope the disposition so commendable in your neighbors will spread to every parish in the State.

"Very truly, yours,

"H. C. WARMOTH.

"Mr. ANTHONY BENJAMIN,
"*President Parish Committee, East Baton Rouge.*"

Thereupon the Greenville Times, seeing that these unions of Republicans with Democrats in the local elections might result eventually in a free vote and an honest count for the Republican State ticket, publishes directly after Governor Warmoth's letter what it calls "Madison Parish's Checkmate" to this kind of an arrangement, which I will ask the Secretary to read.

The Secretary read as follows:

MADISON PARISH'S CHECKMATE.

Whereas in this State the dominant white race only has the intelligence, education, experience, and influence necessary to secure the proper administration of parochial and State governments, and also own probably forty-nine fiftieths of the realty in the State; and

Whereas in the riparian parishes of the State north of Red River, the white Republicans do not number probably one in thirty of the white population, and of this number those who are Republicans purely from principle either cooperate with white Democrats, or remain passive, prompted so to do by considerations connected with local duties of higher or good citizenship, the few who take an active part in politics being of that unworthy class who would willingly sacrifice the interest of the country and the peace of society in the reckless, self-seeking effort to secure political office; and

Whereas these few political vampires are the active organizers of the ignorant and corrupt would-be "political leaders" among the negroes—and so associated, this pestiferous band seek to create antagonisms and strife between the races; and

Whereas the right of society to defend itself against the invasion of an enemy or enemies is an essential right of manhood and citizenship: Now, therefore,

Resolved, That we, the white citizens of Madison Parish assert

First. Our earnest fealty to both Federal and State governments.

Second. We, without regard to party affiliations, serve notice on all and each disturber of the peace of our parish and inciters of race antagonisms and conflicts to instantly desist. And for once and the last time we admonish them not to be slow about it. We mean business.

Third. That we denounce as unworthy of recognition socially, recreant to race obligations and the duties of honest citizenship, any white citizen who will allow his name to go on a political ticket formed, or attempted to be formed, by corrupt negro politicians, urged and incited to activity by the despicable, loathsome, and self-seeking relics of the carpet-bag rule which immediately followed and was only made possible by the temporary disruption of society resulting from the civil war.

Fourth. We assure our colored fellow-citizens that we have for them only the kindest feelings, and that the action which we now take is to prevent the miserable, corrupt party hacks and tricksters from creating trouble between them and the white citizens, who are by every instinct of birth and property interests their best friends. We therefore urge our colored fellow-citizens to denounce these would-be disturbers of the existing kindly relations between the races, and to keep away from them, that the innocent may not share punishment that may at any time overtake disturbers of the peace of society.

Mr. CHANDLER. The Secretary will read from the Southwestern Christian Advocate a statement from the Shreveport Democrat of what they propose to do with "Independentism."

The Secretary read as follows:

THE "HIGHER CIVILIZATION OF LOUISIANA."

The Shreveport Democrat, the recognized organ of the Nicholls Democrats, and the most influential paper in North Louisiana, recently gave the following article to its readers:

"WHAT SHALL WE DO WITH INDEPENDENTISM?

"It is now but six weeks till the people of this State will be called on to decide at the polls what officers shall serve for the next four years. With regard to the State ticket there is practically no division of sentiment among the Democrats of Louisiana, but we regret to see that in many of the parishes Independentism is raising its head, and that only strict party discipline, rigidly enforced, will prevent local catastrophes to the Democracy.

"The question therefore very naturally arises, shall our attitude towards the Independents be the same as towards the Republicans? Shall we adopt the same heroic measures in getting rid of the one as the other? The Democrat has an answer ready at hand: The Democrats of Louisiana must apply the same forcible logic to Independentism that we apply to Republicanism. One is as great a menace to the continuance of good government as the other and both must be rooted out."

Mr. CHANDLER. Now I present a copy of the Madison Times, R. C. Weightman, editor and proprietor, P. W. Hickey, publisher, Saturday March 24, 1888, which contains the Democratic ticket at the head of its columns, and has an editorial headed "Governor McEnery," continuing as follows:

GOVERNOR M'ENERY.

This gentleman made a speech at Tallulah last Monday, that deserves some comment, in view of the position he occupies.

* * * * * * *

The governor of the State of Louisiana whose public proclamation that there shall be a fair and free election has been spread from one end of the State to the other, burgeons forth as the most violent and unscrupulous of bulldozers. In his speech at Tallulah he pictured in burning language the evil of carpet-bag rule. He turned back the pages of history fourteen years, and portrayed in language calculated to arouse the fiercest passions the hideous and unparalleled state of affairs then existing, and declared that rather than witness the return of such evils he would prefer to see the State wrapped in revolution from the Arkansas line to the Gulf, and so would every true man. He painted the evils that would result in case Warmoth should be elected, urged the necessity of presenting an unbroken front to the common Republican enemy, and wound up by declaring that during the present contest the law should be suspended until the danger was past.

The speech, throughout, was a plain and unvarnished plea for the strictest drawing of the color line, and a call on the white men of the State to unite, to defeat by fair means or foul the aspirations of the Republican party, through its most conspicuous and ablest lieutenant—Warmoth. Coming from a private citizen such utterances, mean nothing but the vaporings of a narrow-minded individual, but coming from the governor of the State of Louisiana it means far more. It means that the boasted political freedom of this State is a fraud, that political freedom means only to vote the Democratic ticket, and nothing else, it means that the Northern men who are invited and urged to bring their families among us and settle are deceived; it means that Louisiana is to be set back at least twenty years in her march to prosperity and progress; it means that the negro is a Democrat only by compulsion; and it means that failing to be governor, that Governor McEnery cares not for the prosperity of the State, and the welfare of its people.

The Madison Times, of April 7, 1888, follows up this editorial by another:

WHICH DOES HE MEAN?

Not a Democratic paper in the State has ventured to challenge the strictures made in the Times of March 24 on Governor McEnery. It is hard to overcome cold facts, and Governor McEnery did publicly pledge himself to see that there should be a free vote and a fair count. General Nicholls never wanted anything else, and it has been the proud boast of the public men of Louisiana that the State was Democratic on a fair vote. The Times-Democrat and the States both stoutly maintain that there is to be a free vote and fair count, and place implicit confidence in Governor McEnery's pledge to that effect. The Times does not. The governor can not mean that he will see to it that there shall be a free vote and a fair count, and that in order to secure it he will countenance suspension of the law until the count is accomplished. If he intends that there shall be a fair election there is no occasion for a suspension of the law. A free vote and a fair count do not run hand in hand with a suspension of the law, and Governor McEnery can not be sincere in advocating both.

It is a beautiful and instructive position for the governor of this State to occupy, publicly pledging himself that the election shall be absolutely fair and above suspicion, in one breath, and in another advising the suspension of the law. If he is seeking notoriety, he is seeking well, he will surely get it, for he is the most conspicuous figure in this State to-day, and his fame will become national. He holds the election machinery of the State in his hands. He can use it to insure a fair election and close his administration with a crowning glory, or he can prostitute it to the basest uses and retire from office buried under a load of everlasting infamy.

The following article appears in the same paper:

WHAT IT MEANS.

Governor McEnery's utterance at Tallulah, "let the law be silent until the danger is passed," could not be more significant if volumes had been written and it is a plain and unvarnished warning to those who would jeopardize the public safety, that they must expect the direst consequences.—*Tensas Gazette.*

That is about the way Governor McEnery was interpreted here. Any one can interpret such an utterance. "He who runs may read." It authorizes any villainy, murder, assassination, anything vicious and cowardly, whether it was intended to mean it or not, and that is wherein it is so infamous.

The Madison Times of Saturday, April 14, contains the following editorial:

NEARLY OVER.

The agony is nearly over. In a few days the election will have been held and the result known. Whether the horrible advice to suspend the law has been heeded or not will then be known. On Governor McEnery will fall the odium of promulgating such an outrage on civilization, and on him in any event will fall the horror of political darkness forever. He has effectually destroyed any political aspirations he may have entertained, and no administration can afford to publicly reward the apostle of such a creed. In her most desperate straits Louisiana never witnessed the open and avowed advocacy of such measures, and it remained for Governor McEnery to be the first public man in the State to not only indorse but to advise the suspension of the law. He may have hoped to be a judge of the supreme court of the State, but he has placed it beyond the power of any administration with any self-respect to place him in such a position.

Yet, Mr. President, that judgeship was kept vacant by Governor McEnery until after he had succeeded in electing as his successor Francis T. Nicholls by the means which have been described, and then Governor Nicholls appointed Samuel D. McEnery to fill that judgeship, and he is now a judge for fifteen years in the State of Louisiana as the reward of the deeds which have appeared in the testimony which I have submitted.

Will the Secretary read the letter of H. B. Holmes, stating to the public why he, an independent Democrat, retired from the canvass?

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

TO THE PUBLIC.

After the excitement of the campaign is over and men take time to reflect, no one will doubt that I was the choice of a majority of the resident voters of this parish for the office of sheriff and that my nomination in the mass-meeting was fraudulently defeated by the votes of non-residents imported for that purpose. The refusal of my opponent to accept my proposition to submit our claims to the State central committee, of which the member from this parish was his earnest supporter, would of itself be sufficient, if any evidence was needed, to prove this fact, which is now a matter of public notoriety. We agreed afterwards to submit our claims to a primary election, but before the time fixed for the election the parish executive committee, composed mainly of the strong supporters of my opponent, instructed the delegates to the district convention to stay out of it unless allowed the representation which this parish committee desired.

This was a usurpation of power unheard of before in politics, and was in effect an order to disband the party. My opponent was one of the delegates to the convention, and took part with the rest in bolting the district convention and in putting up an independent district ticket, headed by his strong personal friend, Mr. Montgomery, for the senate. I then became convinced that it would be useless for me to expect that a parish committee which had ordered and an

opponent who had taken part actively in the independent movement would be controlled by any party rules, and recognized that I would have opposition in any event, and therefore I withdrew from the primaries and announced my candidacy as the rightful nominee of the party.

Since that time I have been opposed by a campaign of calumny and abuse, and although it was found impossible to obtain a basis on which to rest any charge against my past conduct, either as a citizen or as an official, the minds of the people have been kept constantly inflamed with base and malicious charges, all founded on what it was alleged I intended or was in the act of doing. All malicious falsehoods, but so systematically and carefully concocted and so industriously circulated that in most instances I was the last to hear of them, and in every instance it was impossible to trace one to its source. Then an alarm was raised, lest we should be forced to submit to negro supremacy and again of danger to the State ticket. It is of course true that there was no foundation for either of these war cries. One has only to reflect a moment to know that negro supremacy could not exist unless supported by Federal bayonets, and that the election machinery of the State renders the election of a Republican State ticket an impossibility. Still these alarm cries served their purpose, in that they alarmed and inflamed the public mind, and when properly supported by judicious lying, had a strong tendency to prejudice the public against my candidacy.

Next the State administration entered the race—removed the returning officer, a life-long Democrat and a sterling officer, whose only offense was that he supported my candidacy, and placed in his stead the nephew of my opponent, who worked actively for the election of the Republican ticket four years ago, and in the person of the governor of the State proclaimed that the law should be suspended until what that official was pleased to term "the danger" was past. Following this remarkable utterance of the chief executive of the State, armed men were introduced into the parish, and have been kept here ever since without, so far as I could see, the slightest cause or necessity, the negroes being perfectly quiet, and seeming to seek for nothing except to be protected, and the real object being, as I am convinced, to prevent my re-election to the office of sheriff.

My conviction as to this is strengthened by the fact that the worst of the raids was made in the section owned mainly by my warm personal friends and supporters. If I continue to be a candidate I must expect to meet these men, who have been imported, at every polling place. My only chance to succeed would be to follow the advice given by his excellency the governor of the State and suspend the law until after the election by bringing in an equal number of men (which I could do) and meeting force with force; in short, by bringing on a civil war. Rather than do this I have concluded to give up my rights and withdraw from the race.

H. B. HOLMES.

Mr. CHANDLER. There we see another Democratic candidate disappear. Whether he will be first a mugwump and then join the Republican party, or whether the bulldozers have effectually whipped him in, remains to be seen; but this is a Democratic exposition of the election methods of Governor McEnery.

The Madison Times of Saturday, April 21, 1888, in an editorial headed "Of no use," says:

The honorable Sam is a terror when he turns himself loose. He is such a hard man to base calculations on. He will promise on his word of honor that there shall be a free vote and a fair count, and before these words have time to get cool he will fiercely advocate the suspension of the law. No one knows better than he does what it means, yet he deliberately proclaims it, and while doing it has his covetous eyes fixed on the vacant judgeship. He a judge! Why, the very stones would cry out in indignant protest. A man sworn to execute the law advising the suspension of the law he is pledged to execute, hoping to be made judge! Why, General Nicholls would prove false to every public utterance he has ever made and to his own manhood to recommend such a man for judge. He could not do it.

But Governor Nicholls did it. I ask the Secretary to read the editorial in the same number of the Madison Times, headed "The law was suspended."

The PRESIDENT *pro tempore*. The article will be read by the Secretary.

The Chief Clerk read as follows:

THE LAW WAS SUSPENDED.

Governor McEnery has covered himself with glory. He is, in the first burst of enthusiasm, inspired by party success, hailed as the saver of his State, and for a brief moment is invested with heroic attributes. But his triumph will be brief; with the sober second thought will come the consideration of the results of the suspend the law process. The ridiculous majority of over 60,000 (or perchance 70,000) will make trouble in local and district matters; the unparalleled Democratic majority will excite derisive sneers through the North, and will go far towards electing a Republican President (though as opposed to Mr. Cleveland that would not be a terrible misfortune), and when these things come about the curses both loud and deep showered on the head of S. D. McEnery will make him quail in dismay before the storm.

Only a suspension of the law could produce such an unnecessary and exaggerated majority, and Louisiana, and the Democratic party, if it indorses such methods, will become a by-word and a reproach. A weapon has been put into Republican hands to break Democratic heads, and the heads will surely suffer. A mistake has been made, and it won't be long before everybody will know it.

Mr. CHANDLER. I now come to the letter of Henry C. Warmoth, dated at New Orleans, April 13, 1888, addressed to his fellow-citizens of Louisiana, the whole of which I shall put in the RECORD. I will state the material points of his allegations against Governor McEnery. His charge is that Governor McEnery and General Nicholls were reconciled after Nicholls was nominated; that an arrangement was entered into by which McEnery agreed to take the stump for Nicholls; that Nicholls when elected would appoint him on the supreme bench in the place of Justice Todd, whose term had expired, the vacancy to be left open in order to allow the arrangement to be carried out; that McEnery opened the campaign on the 15th of March, in his speech at Tally's opera house, declaring that the laws should be silent, and demanding that the power of the negroes to organize should be broken up in its incipiency. Governor Warmoth further charges that Governor McEnery wrote to the returning officers as follows:

Warmoth is developing too much strength. We must beat him. See to it that your parish returns a large Democratic majority.

And Governor Warmoth also says:

I dare Governor McEnery to deny that he has written this letter, not to one, but to many returning officers, besides many other leading Democrats.

The charge of Warmoth against Governor McEnery was made in the former's circular of April 13, 1888; it was read in this Chamber on the 1st day of May, 1888, by the Senator from Kansas [Mr. INGALLS] in his speech, and so far as I know it has not been denied by Governor McEnery that he sent out such letters to the returning officers. On this state of facts it seems to me that I can join with Governor Warmoth in his charge that Governor McEnery "organized a conspiracy to have the votes of the Republicans suppressed throughout the State of Louisiana," and that it was "his purpose to have ballot-boxes stuffed, returns falsified, and results declared which are false, and men put into office by fraud and violence."

I insert the whole of Governor Warmoth's letter, as follows:

NEW ORLEANS, LA., *April* 13, 1888.

Fellow-citizens of Louisiana:

I address you in the interest of law and order, decency and fair play. I accepted the Republican nomination for governor with the greatest reluctance, and with the fullest assurances from Governor McEnery that we would have a "free and fair election." He has repudiated his pledges, falsified his word, and has organized a conspiracy to carry the election by fraud and violence.

Governor McEnery, in his speech in New Orleans, in January, just before the election of delegates to the nominating convention, said: "So far as my administration of the election laws is concerned, I pledge you to-night that not only in the city of New Orleans, but throughout the State of Louisiana, I will see an honest and fair election; that every vote cast is counted as deposited, and that no substitution of ballots is practiced, but that the voice of all the voters in the State as deposited in the ballot-box shall find expression and receive recognition, and the officers elected commissioned. To that end, I will remove any registrar or returning officer in the city or State that I have reason to believe will aid in the suppression or changing of the popular will."

When the executive of the State, charged with the enforcement of the laws, and having absolute control of the elections in all their details, announces that he will this time make an exception to the rule, and pledges his word that he will "see an honest and fair election, will allow no substitution of ballots, and that the voice of all the voters of the State shall find expression and receive recognition," we are expected to believe that the man will stand by his word of honor, though he failed as an officer to observe his oath.

The convention was held on the 10th of January, and after a bitter and protracted contest General Nicholls was nominated for governor over Governor McEnery. The Nicholls men on the committee on resolutions were asked to report a resolution indorsing Governor McEnery's administration. The question was submitted to the caucus of Nicholls men, who voted it down. J. D. Houston, a McEnery leader, informed the Nicholls caucus that unless the vote was reconsidered and Governor McEnery indorsed, he would offer a resolution in the convention declaring that the Democratic party demanded a "free vote and a fair count." Terrified by this threat, the Nicholls caucus reconsidered the vote by which they refused to endorse Governor McEnery's administration and adopted the resolution. It was reported by the committee on resolutions, adopted by the convention, and no resolution was introduced on the subject of a "free vote and a fair count."

No intercourse was had between McEnery and Nicholls for several weeks after this convention. The manner in which McEnery spoke of Nicholls showed the utmost bitterness and contempt for him. He repeated again and again his determination to have a "free election and a fair count." Republicans were told by him to go ahead; that there would be no bulldozing and no cheating at this election; that as Nicholls had denounced him and the Ouachita and Tensas plan, he should have a fair election "just once, and see how he liked it."

This condition of affairs continued till I decided to accept the nomination for governor on the Republican ticket. In an interview between Governor McEnery, General McMillen, and myself at the St. Charles Hotel, Governor McEnery reiterated his declaration that he would see that a free, honest, and fair election should be held in April. These assurances were again and again repeated by Governor McEnery to a number of persons whose names can be forwarded.

About the second week of March certain Federal officials brought Governor McEnery and General Nicholls together, and over a dinner at Moreau's these two belligerent leaders were united in friendship. The details of the trade are not known to me, but it was reported and generally believed throughout the State that McEnery would take the stump for Nicholls and that he would be appointed on the supreme bench in place of Justice Todd, whose term has already expired. Whatever the agreement may have been, McEnery began the campaign at Shreveport on the 15th of March at Tally's Opera House.

Speaking of my election, he said:

"I tell you there is danger, and North Louisiana will have to save this State from disgrace. If you permit the negroes to organize, you will have to break it by power, and go right now and break it in its incipiency. Before I will see such another state of affairs I will wrap the State in revolution from the Gulf to the Arkansas line. The white people under the Radical régime were fast going towards the condition of Hayti, and I now ask you to establish to the world that we, the white people, intend to rule the destinies of this country. We have now a Gaul at our doors, and it is time we shall say that the law shall be silent, and uphold our liberties at all hazards."

Governor McEnery was followed by Colonel Jack, of Natchitoches, who said:

"You have heard the assurances of our chief executive, that come what will or may, he will wrap this State in revolution, from the Arkansas line to the Gulf, rather than have Radicalism come into power. And I tell you we are in danger, with the astute and wily Warmoth as a leader—the wily, crafty, and insidious gentleman from New Orleans.

"If this state of affairs should confront him, all Governor McEnery would have to do would be to issue his fiat or manifesto, and the people of North Louisiana would come to his rescue and redeem the State as they did before; and if what I say is treason let them make the most of it."

McEnery and Jack made similar, but more extreme speeches at Monroe and Tallulah, and McEnery has followed it up in other speeches throughout the State.

Not satisfied with this he has written to his returning officers, whose duty it is to fix the polling places, appoint the commissioners and clerks of election, and return the votes in all of the parishes of the State, as follows:

"Warmoth is developing too much strength. We must beat him. See to it that your parish returns a large Democratic majority."

I dare Governor McEnery to deny that he has written this letter. Not to one, but to many returning officers, besides many other leading Democrats.

The result of all this is that the Republicans will have no commissioner at any single polling place in the State of Louisiana. There are over one thousand polling places in the State of Louisiana. There are three commissioners of election appointed by the returning officer to each poll. Not one of these 3,000 officials will be a Republican; every one of them will be a Democrat, and most of them

selected for the purpose of not counting the votes, but to cheat the Republicans out of their votes.

Is General Nicholls in this conspiracy? Will he accept the high office of governor when it is stolen for him? Will he dare to put a man on the supreme bench of the State who has been guilty of all the offenses he ever charged him with, and added his broken oath as executive of the State?

I charge that Governor McEnery has organized a conspiracy to have the vote of the Republicans suppressed throughout the State of Louisiana, and that it is his purpose to have ballot-boxes stuffed, returns falsified, and results declared which are false, and men put into office by fraud and violence.

I appeal to the honest people of Louisiana in the name of all that is honorable and right to condemn this conspiracy.

H. C. WARMOTH.

Mr. President, it may be said that all my remarks hitherto have proceeded upon the theory that all the colored voters in Louisiana desire to vote the Republican ticket, and do vote the Republican ticket whenever they have an opportunity to vote. The contrary of this was alleged by the Senator from Louisiana [Mr. GIBSON] in his speech on the 1st day of May, contained in the RECORD of May 5. I read from that speech:

When that election shall be investigated through and through you will find that the colored people as well as the white people rallied around Nicholls.

I have here extracts from some of the papers of Louisiana, among them extracts from papers edited and owned by colored men, in which they urge the colored voters to cast their votes for Nicholls.

He also says:

The leading Republican organ in the city of New Orleans, edited and owned by white men and Republicans, the Item, says.

And then proceeds to quote the statement that there has been a voluntary accession of the negro vote to the Democratic party. I have first to say that the statement of the Senator from Louisiana that the Item is the leading Republican organ in the city of New Orleans, edited and controlled by white men and Republicans, is incorrect. I do not understand that it is a Republican paper or has ever pretended to be; I do not know whether it is owned in whole or in part by Republicans; but I have in my hand a copy of the Daily City Item, New Orleans, Monday evening, July 9, 1888, and I find at the left of the heading the words, "A strictly impartial paper." I do, however, find that the Item is publishing paragraphs which I do not see in the regular Democratic papers. I ask the Secretary to read one taken from the Item of June 28, headed "Enfranchisement of the ballot."

The PRESIDENT *pro tempore*. The Secretary will read as requested.

The Chief Clerk read as follows:

ENFRANCHISEMENT OF THE BALLOT.

"*Editor of The Item:*

"As ex-Governor McEnery had suspended the law until the election of April 17, 1888, for governor was over, I would like to know if the law stands suspended until the November election is past? You will greatly oblige a subscriber.

"L. P. S. A.

"P. S.—Be kind enough to publish this and your answer in to-morrow's Item."

Governor McEnery of course did not intend to, nor could he, control the action of his successor in his construction of the constitutional mandate to take care that the laws be faithfully executed. The alleged suspension of the election law could only have been intended to count in the State contest.

This presented a most extraordinary phase. The bare possibility that Warmoth might be elected and thus undo the political reforms of ten years appealed to a man of Governor McEnery's patriotism with the force of threats of insurrection or invasion. Desperate cases require desperate remedies. The governor came to the rescue, and the State was happily saved by a majority of more than 80,000.

As Governor Nicholls is pledged to the policy of a free ballot and a fair count, we take it that the apprehension of our correspondent is ill-founded. We have a double assurance that no suspension of the election laws will be permitted in November, for not only is the governor specially pledged to their enforcement, but there will be no necessity for such an exercise of unlimited power. Besides this, the laws of the United States will have some bearing on the November election, and the governor of a State can not legally suspend a Federal law, even for a patriotic purpose.

Mr. CHANDLER. I also submit another article from the Item—I do not know the date—headed "A Nut for the Whitewashers:"

A NUT FOR THE WHITEWASHERS—IT MIGHT CRACK WITH A LOUD REPORT—A WITNESS ON ELECTION METHODS.

Recently the business office of the Item sent out letters to a number of country subscribers who had fallen behind in payment of subscriptions. Among them was one to an able and distinguished Democrat, who has rendered his State and party good service, both before and since the war, and was an ardent champion of Nicholls and reform in the late State campaign.

His response to the demand to "pay up" is not only worthy of production for its philosophical acceptance of fate's stern decrees, but contains a hint to the Baton Rouge committee that is so vigorously stirring up the processes which it was found necessary to adopt to save the State from falling back into Radical misrule:

"———, *July 4*, 1888.

"*Business Manager of the Item, New Orleans, La.:*

"Your favor reached me in due course of mail. I do know that a paper can not be run without cash, and am very sorry to add, as another fact that I am too familiar with, that a farm has to be run without it.

"Such is and has been my condition for twenty months. It is the result of too much confidence in those I transacted business with, and of the political iniquities of the last election. I was an independent candidate for ———, and was certainly elected by the voters by a large majority, but was methodically counted out by the Democratic immaculate commissioners of election on account of the unprecedented popularity of Nicholls (whom it was known I supported) and the correlative unpopularity of Warmoth.

"I am the victim of a partnership and an Isaac on the altar of Democracy. He escaped immolation by the faith of his father, and I hope I may be able to survive and recuperate by an unconquerable will and unexhausted energy. Bear with me; I am working like a mule, and as soon as I can will pay like a man. I will not go into bankruptcy.

"I am planting cotton, raising corn, potatoes, pinders, pigs, calves, and chickens, and as many rats as a 70-acre farm can provide for. Have the finest grass crop you ever saw in spite of every effort to kill it.

"Yours, truly, "——— ———."

If Messrs. White, Rogers, and Crandall desire the name and parish of our correspondent they may have them on application to the Item.

The Secretary will please read an article from the Item of July 9, 1888.

The PRESIDENT *pro tempore*. The article will be read.

The Chief Clerk read as follows:

If the returning officers at the late State election had made the majority, say, eight, instead of eighty thousand, thus leaving Louisiana seemingly in the happy condition of being "doubtful" in the Presidential contest, there is no reasonable favor or consideration that our Representatives might have asked of Congress that the two parties would not have scrambled over each other in their eagerness to grant. And this might have been done just as well as not. In the hands of such able political managers as we are blessed with, the State would be quite safe for the Democracy, regardless of nominal majorities. As it is, we are so superfluously and irreclaimably "solid" that, as the Item showed from the CONGRESSIONAL RECORD a day or two ago, when eleven of the items of appropriation to Louisiana water courses were stricken from the river and harbor bill, by the Senate, not a solitary voice was raised in their defense and on behalf of the just claims of our people, by either a Democrat or Republican. Our local leaders should study "practical politics."

Mr. CHANDLER. The other newspaper cited by the Senator from Louisiana [Mr. GIBSON] was the New Orleans Progress. He says:

I read now from a newspaper edited by a colored man, in the city of New Orleans—the New Orleans Progress.

I have received a copy of the New Orleans Progress, which is an interesting document. This number is that of April 28, 1888, volume 1, No. 8. So, being a weekly paper, it had been then published about eight weeks. I will read an editorial from the Progress which shows what kind of a colored Democratic paper this is:

We have several times been asked, "Who owns the Progress?" In reply we here give the names of the coproprietors, some holding, of course, larger and other smaller interests. The paper was started, not as a business venture, but as a channel for the expression of the views and opinions of its proprietors.

It was started as a matter of fact about eight weeks before the election, at the instigation of the Democratic party, in order to afford some excuse for the enormous fraudulent majorities which they knew their returning officers were about to send to the secretary of state:

An estimate of the probable weekly expenses was made and was divided into a certain number of parts or shares, each proprietor or associate, according to his ability, taking, or rather pledging himself to pay weekly, one share, two shares or more, or a fraction of a share, or his pro rata thereof, as the case might be. The agreement is verbal, but has been faithfully kept by every member, though we are glad to state that after the first few issues the paper has supported itself thus far, and bids fair to become permanently self-sustaining.

Then the names are given:

L. A. Martinet, New Orleans; M. G. Bobe, Madison; Abe Davis, St. Mary; Dan W. Williams, St. Mary: Alex. Brent, Iberia; Ovide P. Martin, Ascension; Frank Harris, Assumption; Simon Lee, New Iberia; Wm. Gorgous, St. Mary.

Mr. Gorgous is the only white man who has any interest whatever in the paper.

Men who contribute of their substance to express their faith and to support the Democratic cause can be reckoned as faithful Democrats. Hence a colored Democrat is not such a rarity in Louisiana. But it will be observed that these men, with the exception of the chief editor, are employés of the mint—

All of them except one—

appointed for their service to the party at the request of their Congressmen, and herein is a lesson for the young men's Democratic association. They have just elected a city government with the aid of the colored voters. Let them use their influence with the officials elect and see to it that their deserving allies are as fairly and justly dealt with, and when next time comes around they will be able to rely on a very large proportion of the colored vote of this city without any effort to secure it.

That is the Progress, a Democratic colored paper in New Orleans—all but one of its owners Cleveland office-holders.

Further, on this question whether the colored people voted the Democratic ticket and whether the Progress represents the colored people of Louisiana, I ask the Secretary to read the letters which I send to the desk.

The PRESIDENT *pro tempore*. The letters will be read.

The Chief Clerk read as follows:

REPUBLICAN STATE CENTRAL COMMITTEE,
New Orleans, La., July 15, 1888.

DEAR SIR: Your favor dated New York, July 11, 1888, in which you state that the Democrats in the Senate will complain of our assumption that all colored voters are Republicans, and will claim that thousands of colored men voted for Nicholls, and will cite the New Orleans colored Democratic paper's utterances to prove this, received yesterday.

In reply thereto I would state that to the best of my knowledge and belief there is only one paper published in New Orleans, edited and controlled by colored men, which supported the candidacy of Nicholls, and which claims to be Democratic in principle, namely, the Progress. This paper was first issued on Saturday, March 10, 1888, making six issues prior to the election on the 17th of the past April. This paper is still in existence, and is supposed to be published by the Progress Publishing Company, with L. A. Martinet as editor, M. G. Bobe associate editor, and Abe. Davis business manager. The first two mentioned persons are very fair in complexion and would never be taken for negroes, unless they were specially pointed out. A list of the stockholders will be forwarded you. With one exception they are all colored men; and again, with another exception, they are all employed in the Federal service in this city (the mint).

The editor of this paper, Mr. Martinet, was for many years supposed to be a Republican, he having affiliated with that party up to and including the Presidential election of 1884. In 1872 he was elected to the Legislature from St. Martin Parish, and was re-elected in 1874. Both times he was elected as an avowed Republican by Republican electors. While in the Legislature he was appointed deputy naval officer at this port under the then naval officer, Mr. A. F. Riard. The position was worth $2,500 per annum, and he was retained therein until the winter of 1876, when he was either removed or permitted to resign, it being claimed against him that he voted in the State election of that year for Nicholls, the Democratic candidate for governor.

Whether true or not he did not leave the Republican party, for in 1880 he was found supporting the cause of General Grant for President, and in the Congressional election of the same year supported the Republican nominee in his district (the Third), the Hon. C. B. Darrall.

In the same year a split was brought about in the Republican party of this

State, and Mr. Martinet allied himself with what was known as the Beattie faction (Beattie was the Republican candidate for governor in 1879), and was made either secretary or a member of the Beattie executive committee of the Republican party of this State, which was supposed to be in direct antagonism to the regular Republican organization, the most conspicuous member thereof at that time being Senator Kellogg. In fact, the two factions were generally known as the Beattie and Kellogg factions. In the latter portion of 1881 or the earlier portion of 1882 Mr. Martinet succeeded in getting General Badger, collector of customs at this port and a warm personal friend of Mr. Kellogg, to appoint him a clerk in his office. In a few months thereafter, or just preceding the appointment of Governor Pinchback by President Arthur as surveyor of customs at this port, Mr. Martinet was appointed deputy surveyor of customs, the salary of which was $2,500 per annum.

About this time Mr. Martinet left the Beattie wing of the party, and as he lived in the same Congressional district as Mr. Beattie and Governor Kellogg, and both of these gentlemen being candidates for the Republican nomination for Congress, he supported the claims of Mr. Kellogg, who was nominated. Beattie ran as an Independent Republican, but was defeated, Kellogg being elected. Martinet was secretary of the Kellogg campaign committee. In 1883 Mr. Martinet was editor of a Republican paper, the Louisiana Standard, which was published in this city and owned by Federal employés. In the State election of 1884, which occurred in the spring, Mr. Martinet was a delegate to the Republican State convention (at the same time being president of the Republican committee for St. Martin Parish) which nominated John A. Stevenson, lately deceased, for governor, and supported his candidacy. In the same convention he was elected a delegate to the National Republican convention of 1884 to represent the Third Congressional district, attended that body, and voted for President Arthur.

Returning home, Mr. Martinet advocated the election of Blaine and Logan, not only doing so through the columns of the paper which he edited, but also from the hustings of the Third Congressional district. After the national convention of 1884 he became dissatisfied with Mr. Kellogg (the man whom he had supported for Congress in 1882), and refused to give him his support for re-election, preferring Mr. Gay, the Democratic nominee, who was indorsed by a faction of Republicans headed by Mr. Martinet. In October of the same year he resigned his position as deputy surveyor of customs. Be it remembered that all of this time he was supporting Blaine and Logan. After the result of the election had been ascertained to be Democratic, it was announced that Mr. Martinet had espoused Democracy and all its attendant horrors.

Later on he was offered the position of assistant book-keeper in the United States mint, this city, by a Democratic superintendent. This he declined, his reasons I have heard stated being that he wanted something better, something that would compensate him for his so-called martyrdom in his support of Mr. GAY. Later on he succeeded in getting his brother-in-law, a white man, appointed to a position in the coiner's department of the mint; he has since been discharged. He also succeeded in 1885 in getting his brother appointed to a position in the railway mail service, running out from this city.

In 1886 he was appointed a trustee of the Southern University by Governor McEnery. This school is a State institution for the education of persons of color.

At the election of officers he was a candidate for secretary of the board of trustees, an office which pays $50 per month, but through the instrumentality of the colored members of the board (they are half colored and half white) he was defeated and a white man elected. His wife is a teacher in this school. So unpopular is he with the colored people of this city that a mass-meeting of them was held, he was denounced, and a committee appointed to wait upon the governor and ask his removal. When interviewed by a daily paper here (I believe the Times-Democrat) as to the causes of his unpopularity with the colored people and the reasons for their denunciations of him, he answered in sum and substance that it was because of his being a Democrat. This answer of his completely refutes his assertions, made recently in the Progress, that a considerable number of negroes in Louisiana were Democratic and voted for Nicholls. For if they denounced him because of his being a Democrat it does not stand to reason that they would vote for a Democrat.

Mr. M. G. Bobe, the associate editor of the Progress, was a Republican as long as the Republican party kept him in office and for a few years prior thereto. His first office of importance was received at the hands of the Republicans of Madison Parish, in 1879, he being elected in that year to the constitutional convention of 1879 as a Republican. He was nominated by the Republicans in the same year for secretary of state on their ticket headed by Mr. Beattie. In 1884, having lost the position of deputy collector of internal revenue for his district (the Fifth Congressional), he supported the candidacy of J. Floyd King, Democrat, as against General Frank Morey, Republican, although advocating the election of Blaine and Logan. In 1885 King succeeded in having Bobe appointed to a laborer's position in the coiner's department of the mint, which place he now holds. In the fall of last year he resigned as a member of the Republican State central committee from the Fifth Congressional district.

Abe Davis, business manager of the Progress, lives at Franklin, St. Mary's Parish, which is in Congressman GAY's district. For a number of years prior to the Presidential election of 1884 Davis had been postmaster at Franklin, La., which is a Presidential office, and had always been a Republican, bold and aggressive, supporting Blaine and Logan and Kellogg in 1884. When the present Administration came into power Davis had nigh two years of his original four to serve before the expiration of his commission. The Democrats of Franklin were divided as to whom should be postmaster, so Congressman GAY, to avoid antagonisms, allowed Davis to serve out his time, and Davis, evidently feeling in a reciprocal mood, commenced to feel the spirit of Democracy taking possession of him, and so well did he impress the facts of his conversion upon the Democrats of his section that last year when he retired from his postmastership they brought him to New Orleans and put him to work in the United States mint, where he now is.

I will supplement this letter by another to-morrow.

Very respectfully,

P. F. HERWIG,
President Republican State Central Committee.

Hon. W. E. CHANDLER,
Washington, D. C.

NEW ORLEANS, LA., *July* 16, 1888.

DEAR SIR: Inclosed you will find copy of the Progress with article relative to the stockholders of the same. (See page 3, marked.) Excepting Mr. Martinet and Mr. Bobe, all of the gentlemen mentioned as stockholders reside in the Third Congressional district of this State, now represented by Mr. GAY. They one and all, excepting the white man (of whom I know nothing except that he is not a late convert to Democracy), advocated the election of Blaine and Logan in 1884, and probably will be great admirers of Harrison and Morton after the 6th of November next.

While upon this subject I would state that it is my candid and honest opinion that there are not five hundred colored men within the borders of Louisiana who voluntarily vote the Democratic State ticket. The Democrats claim that they do, and cite as an instance the stockholders of the Progress, who (probably excepting Mr. Martinet, and he is an erratic Frenchman), together with several other colored men in the Federal service here, claim to be Democrats, and who became such simply because the Republicans refused to give them an office, or else because the Democrats have given them one.

I trust that your resolution will pass the Senate, for I feel assured that the publishing of the evidence brought out before an investigating committee will but make votes for Harrison and Morton, as well as show up the rottenness of the Democracy.

Any further service that I can render you will be cheerfully done.

Very respectfully,

P. F. HERWIG,
President Republican State Central Committee.

Hon. W. E. CHANDLER,
Washington, D. C.

Mr. CHANDLER. As still further bearing upon the question whether the Louisiana negroes vote the Democratic ticket, I will put in an editorial from the Louisiana Standard, edited by T. B. Stamps;

NEW ORLEANS, *August* 11, 1888.

The Louisiana negroes, then, did not vote the Democratic ticket. They voted wherever permitted to vote at all for the Republican nominees. There is not to-day in all Louisiana the one Democratic negro to the five hundred Republicans. Possibly it might be better if there were. It might conduce, maybe, to the greater division among the whites. We are not discussing theories. We are dealing with actual facts. The one Democratic negro out of five hundred we count a reasonable estimate. Where found, again, he is almost invariably so Democratic through Democratic boodle. The four hundred and ninety-nine are unswervingly Republican. We are not here dealing with local issues. Locally, the negroes may vote for Democratic candidates.

They are Republicans all the same upon a square party fight. They were here unquestionably true and zealous enough. They voted straight, or not at all.

The Louisiana election was but the wholesale cheat and a lie. That better than 80,000 majority for Nicholls was made up out of whole cloth. It is the result of ballot-box stuffing, and falsified returns. The Republican ticket should in honesty have been duly returned. The Hon. Henry Clay Warmoth and the Hon. Andrew Hero should to-day in honesty be governor and lieutenant-governor of Louisiana. No really intelligent man in Louisiana believes for a moment that Nicholls was elected. Even his most ardent friends decline to so claim. It would be an insult to his intelligence to assume that he believed it himself.

Louisiana was stolen. That is the long and short of it. The Democratic officials are filling their stolen offices.

The larger proportion of the members of the Louisiana General Assembly were returned through stolen negro votes. The fraudulent members, so fraudulently returned, went through the farce of a fraudulent election for two United States Senators.

These are but the plain unvarnished facts. They are the facts which will be brought out should the Chandler resolution result in a Senatorial investigation. May the Northern Mugwumps, with the Springfield Republican, make the most of them.

Ex-Governor Henry C. Warmoth has written me a letter on this point, which I send to the desk.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

THE OAKLAND HOTEL, ST. CLAIR SPRINGS, MICH., *July* 16, 1888.

MY DEAR SIR: The statement that at the late election in Louisiana the colored people in any considerable numbers voted the Democratic ticket is absolutely false.

If the negroes were Democrats, why was it that the Nicholls managers, having become alarmed, sought McEnery, whom they had abused from one end of the State to the other, covering his name with the vilest epithets ever applied to a man in his position, and begged him to apply the methods by which he had carried the negro parishes heretofore so successfully, methods which General Nicholls had bitterly denounced in his speeches and which Governor McEnery had defended as necessary in order to keep the State in the hands of the Democrats and to "save white civilization from destruction?"

It is susceptible of proof that the greatest consternation existed among the Nicholls leaders for fear McEnery would carry out his threat "to see an honest and fair election."

It is also well known that a conference was brought about between Nicholls and McEnery, and that it resulted in an agreement that McEnery should use his unlimited power to elect Nicholls, and that McEnery should have the vacant judgeship on the supreme bench, which McEnery kept open for months after it should have been filled, in order that Nicholls might give it to him on his accession to office. This consideration was too much for McEnery. It is an office having a term of twelve years and a salary of $6,000 per annum. He went shamelessly back on his public pledge made in January: "So far as my administration of the election laws is concerned, I pledge you to-night that not only in the city of New Orleans, but throughout the State of Louisiana, I will see an honest and fair election; that every vote cast is counted as deposited, and that no substitution of ballots is practiced, but that the voice of all the voters in the State as deposited in the ballot-box shall find expression and receive recognition and the officers elected commissioned. To that end I will remove any registrar or returning officer in the city or State that I have reason to believe will aid in the suppression or changing of the popular will."

If it is true that the negroes were Democrats, why did McEnery take the stump after this conference and agreement, and in the most shameless manner draw the color line, tell the people that the contest was between the white and black races; that the State was in the greatest danger of Africanization, and that they must rise and save their civilization. Why did he tell the people that the negroes "regarded Warmoth as a demigod, and would rally to his support as one man;" why declare in his speeches all over the State, "I tell you there is danger. If you permit the negroes to organize you will have to break it by power, and go right now and break it in its incipiency."

Why did he "suspend the law till the danger was over." Why is it that independent Democrats who were running for local offices with the support of the Republicans were told that they were "helping to establish negro rule, and that unless they withdrew from their candidacy they would be killed."

Why were returning officers, the personal and political friends of Governor McEnery, removed from office when suspected of being friendly to the Independent ticket in the parishes? If it is true that the colored voters were Democrats, why did the Democratic press and orators unanimously denounce the Republicans for being a negro party and intending "negro rule?" Why were Hawkins and Johnson, the colored candidates for the Legislature in the parish of Madison, driven away from their homes by the members of the Democratic committee? Why were the one hundred men whipped, killed, or driven away from the parish of St. Mary just prior to the election, all colored people? Why did the brother of Senator GIBSON and his band of night riders in the parish of Terrebonne visit the homes of colored men only, killing some, whipping others, and firing volley after volley into the houses of others, whose only crime was that they were Republicans, and would not come out of their houses to be killed or whipped? Why was William Adams shot down in the streets of the city of Monroe on the Sunday morning before the election? Having failed to kill him, why was he decoyed into the court-house on a promise of protection and there

murdered by having his throat cut from ear to ear, and his body dropped into the middle of the Ouachita River? This parish gave the Republican ticket 5 votes, and Nicholls was returned 2,994.

If all the colored people and all the white people were Democrats, why did the returning officers refuse to give the Republicans representatives among the commissioners of election at the polls, in two-thirds of the parishes of the State, and all of the largely negro parishes?

Why did General Nicholls's trusted personal and political friend, Colonel Patten, the register of voters in New Orleans, appointed by Governor McEnery, at the request of Nicholls, just before, and to conduct, the election, refuse to accord the Republicans a commissioner of election, at the polls in New Orleans? Why did Judge White, one of the senators-elect, his attorney and the manager of the Nicholls campaign, contest so vigorously this right, and yield only after we had obtained a decree from two of the State courts and had it confirmed by the Supreme Court?

If the negroes and white people are Democrats in Louisiana, why was it necessary for the Young Men's Democratic Association of the city of New Orleans, whose independent ticket the Republicans supported for city offices, find it necessary to turn out en masse with Winchester rifles and sit up with the boxes for two days and nights to prevent the roughs under the lead of the Democratic managers from falsifying the count or destroying the boxes?

If the negroes were inclined to vote the Democratic ticket, why did they not do it in the localities where the elections were conducted with some show of fairness? Why is it that it is claimed they did it only in localities where we had no representative at the polls, where the colored people were in very large majorities, and where they were almost unanimously returned as having voted the Democratic ticket? If the colored voters are Democrats in Louisiana, where did I get the 51,000 votes for governor at the late election which the returning officers generously returned for the Republican State ticket? It is one of the marvels how it occurred that in fourteen parishes I received 20,919 votes, and Nicholls 20,177, while in 27 other parishes, in which the bulk of the Republican vote is known to be, Nicholls received 60,659 votes, while I only had 3,013 returned for me.

This can be accounted for as the effect of the resolution adopted by the Democratic State committee, in which it declared that the representation in any State convention to be called thereafter should be apportioned on the vote cast at the coming election for Nicholls. This extraordinary action, taken on the eve of the election and months before a state convention was to be called, was known at the time to be intended as a bribe to the desperate men who rob the ballot-boxes in Republican parishes to repeat the awful practices throughout the State which had made Tensas, Ouachita, Madison, and the Felicianas to be known as "McEnery parishes," and under which and by which means fifty or sixty thousand Republican votes were stolen and given to the candidates on the Democratic State ticket.

If the Senate decides to investigate this election it need not summon Republicans as witnesses. It will find hosts of honest Democrats who know the facts and will willingly tell them. No honest man need fear the truth.

Yours, very truly,

H. C. WARMOTH.

Hon. W. E. CHANDLER.

PARISHES WHERE THE ELECTIONS WERE CONDUCTED WITH SOME SHOW OF FAIRNESS.

Parishes.	Nicholls.	Warmoth.
Calcasieu	2,297	708
Catahoula	992	885
Claiborne	2,397	768
East Baton Rouge	1,984	2,606
Iberville	1,802	2,610
Jefferson	855	1,271
La Fayette	1,708	1,234
Plaquemines	971	1,678
St. Charles	172	1,377
St. James	898	2,181
St. John Baptist	593	1,216
St. Landry	3,909	3,278
St. Martin	1,107	1,624
	19,685	21,436

M'ENERY'S BULLDOZED PARISHES.

Acadia	1,688	149
Bienville	1,923	37
Bossier	4,213	95
Caddo	4,802	324
Cameron	402	2
Concordia	4,219	145
De Soto	1,865	74
East Feliciana	2,276	5
East Carroll	2,680	285
Franklin	987	4
Jackson	963	7
Livingston	766	192
Madison	3,530	
Morehouse	1,584	14
Natchitoches	3,373	285
Ouachita	2,994	5
Rapides	4,678	449
Red River	1,679	78
Richland	1,287	63
Sabine	1,441	2
Tensas	4,627	113
Union	2,369	91
Vernon	947	
West Baton Rouge	1,712	454
West Carroll	420	81
Winn	1,196	283
	60,659	3,413

Mr. CHANDLER. The colored voters of Louisiana will certainly find encouragement for voting the Democratic ticket when they contemplate the long line of negro massacres which have taken place in that State, beginning with the Mechanics' Institute massacre on the 30th of July, 1866, where two hundred persons were killed, the larger portion of them negroes, and where Dr. Dostie and several other white leaders were killed; when they consider the Colfax massacre, in Grant Parish, April 13, 1873, when the court-house was set on fire and afterwards fifty-nine dead bodies of negroes found; when they consider the facts stated in General Sheridan's report in 1875, in which he estimates that three thousand five hundred persons, mainly colored, had been killed or wounded in Louisiana for political reasons. Would the eight negroes who were shot dead on Thursday last in Freetown, New Iberia Parish, where they had sought the house of their pastor, Rev. Mr. Nora, have voted for Cleveland next fall if they had lived? Consider the fearfully wicked Coushatta and Red River murders and the St. Landry riots of 1868, and the estimates made by General Hatch in 1868 of the riot in Canal street, where three white men and one hundred negroes were killed, and his estimate that two hundred and ninety-seven blacks were killed in one month—all these murders being political.

The Louisiana Standard of August 18, 1888, is getting a little impatient over these wholesale massacres of colored people. I ask the Secretary to read the editorial which I send to the desk from that paper.

The Chief Clerk read as follows:

THE END HAS COME.

The killing of colored men at Lockport, Lafourche Parish, and the Abbeville, Vermillion Parish, affair this week, is the straw that breaks our patience. We say to the governor and the white people of this State that this must end. We call upon the church people and their ministers and all classes of our people to assemble in mass meeting immediately for the purpose of taking steps to remove our people from these hell-holes on earth. What a crying shame to the people of this State, who will witness not only political murder, but interference in a man's private business. If this is "regulating," there are some pretty big guns in this State needing a little of this medicine.

Mr. CHANDLER. The Richmond Planet, John Mitchell, jr., editor, has been keeping an account of the lynchings of colored men in the South, and I find this list in the Planet of Saturday, July 21, 1888, which I will send to the desk, and which certainly affords encouragement to the negroes for voting the Democratic ticket, for the murderers of these negroes were all Democrats.

The Chief Clerk read as follows:

NUMBER OF PERSONS LYNCHED.

Date.	Name and residence.	No.
1887.		
July 26	Reuben Cole, at Surry C. H., Va	1
Oct. 28	Colored boy, Carpenter Station, Tenn	1
Nov.	Aaron Jones, Caddo Parish, Louisiana	1
5	George Hart, Opelika, Ala	1
16	Harrison Scott, Mexico, Mo	1
	Stepdaughter of Harrison Scott, Mexico, Mo	1
23	John H. Bigus, Frederick, Md	1
	Five colored persons shot in Louisiana	5
26	Frank McCutcheon, sixteen years of age, at Modesta, Cal	1
28	William Williams, Mascot, Mo	1
	Colored men killed in Louisiana	33
Dec. 3	Three colored men shot to death at Charleston, Miss	3
11	Colored men hanged and roasted near Owensborough, Fla	2
16	John Perkins, at Quitman, Ga	1
1888.		
Jan. 2	Oscar Cogers, Tuscumbia, Ala	1
	Colored men shot in Marboro County, North Carolina	2
12	Henry Burney, Laurens County, Georgia	1
22	Bob Yenders (innocent)	1
27	John and Matthew Blount, Patterson Spruitt	3
28	Ben Edwards, Amite City, La	1
Feb. 9	Colored man, Ponchatoula, La	1
14	Alonzo Holley, Pineneyville, Ill	1
28	Sam Price and Bill Reams, Clinton, Ky	2
28	Nine colored persons at Spanish Camp, Tex	9
Mar. 4	Aaron Dickey, Cuthbert, Ga	1
9	Will Thomas, Tunnel Hill, Ga	1
15	John Skinner, Hopkinsville, Ky	1
18	Jeff Curry, Blue Creek Mines, Ala	1
	Eli Davis, Woodland Mills, Tenn	1
20	Two colored men at Wharton, Tex	2
29	Theo. Calloway, Hayneville, Ala	1
April 12	Jerry Smith, Memphis, Tenn	1
16	Hardy and Ben. Kaigler, Jos. Prescott, Pike County, Mississippi	3
18	Isaac Kirkpatrick and wife, Gallatin, Tenn	2
23	Hardy Posey, Bessemer, Ala	1
30	Henry Pope, Summerville, Ga	1
	Jim Harris, Vicksburg, Miss	1
	Bill Porkman and Henry Williams, Brooks' Mill, Merriweather County, North Carolina (roasted)	2
May 6	Dan. Sale, Danbury, Ga	1
10	Joe Smith, Bowling Green, Ky	1
13	Dave Southall, Pointe Coupée, La	1
	Colored man skinned alive, Craven County, North Carolina	1
	Colored woman, Rockahock, N. C	1
	Allen Sturgis, McDuffie County, Georgia	1
June 11	James Foster, Henderson, Ky	1
9	Dennis Williams, Ellerville, Fla	1
26	Wallace Mitchell, Syracuse, Kans	1
27	John Risbee and Wyley Lee, Chetopa, Kans	2
July 15	Jno. Humphreys, Asheville, N. C	1
	William Smith, near Christianburgh, Va	1
	William Moore, Charleston, Ill	1
	Robert Bryan, sixteen years of age, Smith Mills, Tenn	1
	Total number reported to date	108

"Shall this barbarity continue until the God of retribution martials his strength against the barbarians?"

Mr. CHANDLER. It is now my desire to state briefly the principles which it seems to me justify an investigation as proposed by the resolution. I do not know that objection will be made to it, or that it will be contended that it is not within the province of the Senate to make the investigation.

One eminently justifiable object is thus stated in the resolution: To see whether Louisiana has a republican form of government as the result of her recent April election. If not, her Legislature had no right to elect GIBSON or White or to perform any act of government; the Senators should be rejected and legislation by Congress should provide for establishing a republican government in Louisiana.

If the facts are as they now appear upon the evidence which I have submitted, such Congressional interference is imperatively called for.

In this connection I submit a letter furnished to me, showing the unfairness of the Democratic apportionment and the kind of a Legislature likely to result in Louisiana upon a fair election:

NEW ORLEANS, *August* 19, 1888.

SIR: I addition to the facts contained in my letter of yesterday to you, I desire to state additionally, in reference to Republican representation in the General Assembly of the State of Louisiana, that the same has been curtailed by the Democrats through bulldozing and ballot-box stuffing. The General Assembly is composed as follows: Senate, 26; house of representatives, 98; total, 124. In the senate there are only 4 Republicans, when upon a free ballot and a fair count we should have 16 members at the very lowest.

In the house of representatives we have 12 Republicans, when of a verity we should have 60, as the following statement will show. The parishes enumerated are those reported by the secretary of state in his report of 1888 (a copy of which I sent Senator INGALLS) as having a majority of blacks; consequently they are, when the votes are allowed to be cast without intimidation, Republican.

Parishes.	Black majority.	How represented.	
		Democrats.	Republicans.
Ascension	1,584	1	.....
Assumption	643	2	.....
Avoyelles	346	2	.....
Bossier	2,425	1	.....
Caddo	1,776	2	.....
Claiborne	93	2	.....
Concordia	2,752	1	.....
De Soto	591	2	.....
East Baton Rouge	1,662	.....	2
East Carroll	2,404	1	.....
East Feliciana	851	2	.....
Franklin	218	1	.....
Iberia	866	1	.....
Iberville	3,734	.....	2
Jefferson	10,072	.....	1
Madison	3,038	2	.....
Morehouse	1,592	1	.....
Natchitoches	666	2	.....
Ouachita	1,826	1	.....
Plaquemines	622	.....	1
Pointe Coupée	1,782	1	.....
Red River	558	1	.....
Richland	505	1	.....
St. Bernard	77	1	.....
St. Charles	1,612	.....	1
St. James	1,565	.....	1
St. John Baptist	940	.....	1
St. Landry	239	3	.....
St. Martin	722	.....	1
St. Mary	3,222	2	.....
Tensas	3,707	2	.....
Terre Bonne	759	.....	2
Webster	171	1	.....
West Baton Rouge	1,283	1	.....
West Carroll	67	1	.....
West Feliciana	2,250	1	.....
Total	.....	39	12

In addition to the above parishes, which are undoubtedly Republican, if intimidation and frauds are not resorted to, there are the parishes of Caldwell with one member, Catahoula with one, Grant with one, Washington with one, St. Helena with one, and the seventh, fourteenth, and fifteenth representative districts of the parish of Orleans with two, one, and one members, respectively, that are Republican, made so by the votes of white people. Again, in apportioning the State the Democrats gave to parishes like Concordia with 4,104, Ascension with 5,312 voters, Pointe Coupée with 4,436 votes, and St. James with 5,235 votes only one representative from each parish, while to parishes like De Soto with 2,899 votes, the Second ward of Orleans, with 3,910 votes, the Fifth ward with 3,830 votes, the Ninth ward with 3,511 votes, the Tenth ward with 4,426 votes, the Eleventh ward with 4,452 votes, two representatives are given each ward, and to the Third ward of Orleans with 5,708 votes, three representatives are given. This statement shows that in making the apportionment the Democrats conceded the first-named parishes, and wards of the parish of Orleans to the Republicans, or else why not have given them as big a representation as were given to the last-mentioned parishes and wards, always conceded to be Democratic?

Hon. W. E. CHANDLER,
Washington, D. C.

2. The investigation it seems to me would be justifiable in order to determine whether or not the fourteenth and fifteenth amendments have been violated; whether the right of suffrage has been denied to any citizen contrary to those amendments, with the view of having steps taken by Congress either to reduce the representation of the State in Congress, or to protect citizens in their right of suffrage.

3. The investigation is required to determine whether or not any of the existing statutes of the United States have been violated, and whether prosecutions have been or ought to be instituted to punish any violations.

4. The investigation is called for to enable the Senate to determine whether legislation is demanded for the purpose of altering the regulations prescribed by Louisiana for the election of Representatives in Congress.

5. There is a broader ground of inquiry, to see whether the State of Louisiana properly performs her functions as a local government, with a view to remonstrating with her for her failure. The power to investigate is not limited by the power to legislate.

I do not wish to enlarge, Mr. President, upon these reasons, but to my mind they are each and all sufficient.

Mr. President, the transactions in Louisiana to which I have called the attention of the Senate and of which I ask an investigation are a part of an elaborate system adopted not merely in Louisiana but by the Southern rulers of this nation for the wholesale suppression of the votes of colored citizens in deliberate defiance of the fifteenth amendment of the Constitution. Declarations innumerable might be cited in proof of the purpose of our Southern masters, and that the national Democracy adopt their platform. I will refer only to a few in addition to the Louisiana utterances already given.

In the Weekly Pelican of August 4, 1888, is an article which I send to the desk and ask the Secretary to read.

The PRESIDENT *pro tempore*. The Secretary will read the article.

The Chief Clerk read as follows:

THURMAN A NEGRO HATER.

Allen G. Thurman, the Democratic candidate for Vice-President of the United States, was a negro hater before the war and has always been one since. In 1867 he was a candidate for governor of Ohio, and here is a copy of the ticket as voted:

"DEMOCRATIC—WHITE MAN'S TICKET—IN FAVOR OF EQUAL TAXATION.

On constitutional amendment (giving negroes the right to vote and hold office), No.

"For governor—Allen G. Thurman.
"Lieutenant-governor—Daniel S. Uhl.
"Treasurer of State—Cochran Fulton.
"Auditor of State—John McElwee.
"Attorney-general—Frank H. Hurd.
"Supreme judge—Thomas M. Key.
"Comptroller of the treasury—William Sheridan, jr.
"Board of public works—Arthur Hughes."

Not satisfied with running on such a ticket (luckily he was defeated), he again came to the front in 1868 with his negro-hating propensities, and in a speech delivered at Mansfield, Ohio, on January 21, he said:

"Of all the delusions I have ever known, the idea of political equality between the white and black races seems to me the greatest. For more than four thousand years the history of this world has been written, and in all that time there is not a recorded annal of a civilized negro government; there is not one instance of political equality between the two races that has not proved injurious to both; and yet it is proposed to confer upon an inferior race the dominion over one-third of the Republic, and to make it a balance of power that nine times out of ten would, for that reason, control the whole country. There can be but one end to this scheme, if it be much longer prosecuted. It is impossible that the race to which we belong can submit to negro domination; it is impossible that so inferior a race as the negro can compete with the white man in the business much less the politics of the country. The extermination of the negro or his expulsion from this country must be the inevitable result of the Radical policy if persisted in. But before that happens what untold evils may await us? What anarchy, what confusion, what impoverishment, what distress! Worse than Mexico, worse than the South American republics will be the condition of a large portion of this country if that policy prevails.

"And here let me caution you, my friends, that the question of negro suffrage was not settled by your votes last October. It is true that you voted it down in Ohio, but it is equally true that what you refuse to permit here you are asked to impose upon others. It is equally true that what you have solemnly condemned a Radical Congress may impose upon you in spite of your condemnation—impose upon you by an amendment to the Constitution of the United States, ratified by other States, though rejected by Ohio. If you would guard against political equality with the negro you must not be satisfied with sending its opponents to the Legislature of your own State, but you must keep its advocates out of the halls of Congress."

Mr. CHANDLER. The minority of the Senate Reconstruction Committee of 1872 (Forty-second Congress, second session, report No. 41), Messrs. Frank P. Blair, Thomas F. Bayard, S. S. COX, JAMES B. BECK, and others, made utterances as follows:

We do not propose to discuss at large the question of negro government in these pages.

* * * * * * *

No government can long exist "half black and half white."

* * * * * * *

The mind of every thinking man is troubled about our future. He knows that a conflict of races must be the inevitable result of such a policy.

* * * * * * *

There can be no permanent partition of power nor any peaceable joint exercise of power among such discordant bodies of men. One or the other must have all or none.

* * * * * * *

But whenever that party—

The Republican—

shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent.

* * * * * * *

Pseudo philanthropists may talk never so loud and eloquently about an "equality before the law" where equality is not found in the great natural law of race ordained by the Creator. That can not be changed by statute which has been irrevocably fixed by the fiat of the Almighty. Wherever the two races exist coequally by compulsory legislation, antagonism will exist also. There can be no peace or harmony in such a condition of political organization, especially

when the natural repulsion is intensified by the teachings of recreant portions of the opposite race.

* * * * * * *

It will be the political death of the negro on this continent. So far as it relates to his future solidity as a race, commingled with the whites within the Union, he will be in a worse condition than he was in a state of slavery, for the inevitable tendency will be to segregate him from the white race, and, if not transported to some other country, he will slowly but surely pass away like the aborigines, and his place among us, like that of the Indian, will be known no more forever.

FRANK P. BLAIR,
T. F. BAYARD,
S. S. COX,
JAMES B. BECK,
And others.

In the Birmingham (Ala.) Age, a protection Democratic paper, so called, is the following paragraph:

Senator EDMUNDS, from the committee, reported favorably, and the Senate passed, a resolution yesterday to investigate the suppression of the colored vote in the recent municipal election at Jackson, Miss. What is the use investigating it? Even the newspapers at Jackson do not deny that the negro vote was suppressed. The white people of that city had grown tired of negro misrule. It was in reality a struggle for supremacy between the two races, and, of course, the whites won. This is the whole story, and a Congressional investigating committee will learn nothing but the facts already publicly admitted by the people of Jackson. Now, Senator EDMUNDS, the question is, what are you going to do about it?

The Democracy of New Hampshire stand upon precisely the same platform. Hon. Harry Bingham, the leading and typical Democrat, in a debate in the New Hampshire Legislature on national resolutions expressed himself as follows:

Mr. Bingham said he did not believe it was desirable to have a government of the people in which negroes and white men participated in common and on an equality. He believed that the negro was not capable of self-government; and if he was to be present with white men at all it must be as subject to the control of white men. Only in that way could he be made useful to society.

The result in those Southern States where the colored voters mainly live is in accordance with the authentic declarations of the purposes of the Democracy. No colored citizen votes and has his vote counted in any Southern State where that vote will affect the result of the election. He may vote the Democratic ticket if he chooses; he can not vote the Republican ticket. And while suppressing the votes of the colored people the Southern Democrats also smother the votes of any white Republicans who may unhappily live within their borders. With this avowed and universal defiance of the fifteenth amendment is the American Republic confronted on the threshold of the momentous Presidential election of 1888.

The question thus presented is of more importance than any other now pending or which can be imagined as likely at any time to arise. It is the fundamental question in a republic. Shall all legally qualified voters be allowed to vote as they choose and to have their votes honestly counted? If the answer is to be in the negative, there is no republic. The Government is either that of a despot or of an oligarchy. Threatened with such a subversion of our institutions the whole nation should arouse itself to meet the supreme issue which is of more importance than banks or tariff, currency or commerce, lands or houses or goods. Shall the vital principle of free suffrage embodied in our Constitution be a living force in the Government or shall it be disregarded, trampled upon, and destroyed by means of murder and other violence, false returns, and other frauds, adopted as ordinary political methods by the Southern Democrats to enable them to again control and govern the nation which they tried to destroy by secession and destructive and bloody civil war? If the nation will not meet and rightly settle this issue, which is above and beyond all other issues, it cares not for republicanism; it is unworthy of either liberty or prosperity.

The question is of immense importance to the North. Shall the South control the nation by unfair, dishonest, and unconstitutional methods, and while thus kept in power attack and destroy Northern industries? From 1800 to 1860 the South, with the exception of the four years of John Quincy Adams, governed the nation either by Southern Presidents or by Northern Presidents who were tools of the South. They believed they controlled Mr. Adams when they elected him, and for his subsequent independence they deprived him of a second term. The South was able thus to control the Government for the sixty years before the slave-holders' rebellion because they had additional Congressional and electoral representation based upon three-fifths of the colored population. They sought to extend slavery into free territory. When the North resisted they brought on the deadly civil war which at last resulted in freedom and in suffrage for the colored people. Then the South assumed greater Congressional and electoral representation than ever, based upon the five-fifths of the colored population. As soon as possible they suppressed the votes of the whole colored race, and by doing this ever since 1874, excepting in one Congress, they have controlled the national House of Representatives, and in 1884 they took possession of the Presidency.

A fair estimate of the representation in the national House and in the electoral colleges, based upon three-fifths of the colored population, is 24; add 16 for the other two-fifths, and 40 is to-day the number of Southern Representatives and electors based upon that population; and the increase of 16 has been given to the South as a reward for their causeless and bloody rebellion. These 40 votes were in 1884 all cast for Cleveland for President; 19 of them would have chosen Blaine, and all the colored men entitled to wield the power of these votes earnestly desired to effect Blaine's election. Of the 40 votes 10 would have made the present House of Representatives Republican, and would have prevented the passage of the Mills tariff bill, which is threatening so many American industries.

Aided by this unfair and extraordinary inequality obtained by reason of the colored people, whose votes they suppress and nullify, the South has secured the executive branch of the Government; it almost controls the legislative; it is reaching forward to the judicial branch. It threatens the manufacturing and all other industries of the North. It means to hold in its hands the decision of all our national questions, those of foreign policy, tariff, finance, internal improvements, and all expenditures, and to "get even" with the North on account of the temporary ascendency of the latter during the era of rebellion and reconstruction.

Will the North consent submissively to a perpetual political control of the country based upon a flagrant disregard and defiance of one of the principal fundamental conditions upon which the war was terminated, and which is now a part of the Federal Constitution?

If the North does so submit, by reason of that commercial spirit which led it before 1860 to acquiesce in the arrogant demands and infamous encroachments of slavery until a terrible civil war aroused the money-getters of the North to some sense of manhood, it will deserve to endure the injury and degradation which will be imposed upon it by the revived and omnipotent Southern oligarchy.

Above all, the question of free suffrage is of vital importance to the colored citizens of America. The ballot was not given to them in order to promote the success of the Republican party. The most thoughtful Republicans feared that the decision would result in the defeat of their party. It was given to them as a great act of wisdom and justice, in order that civil government at the South, which was to follow the rebellion, might be reorganized on a basis which would enable the freedman to protect himself in the enjoyment of his newly acquired right of life, liberty, and the pursuit of happiness as a citizen on a legal equality with every other citizen. Without suffrage given the donation of freedom would have been a mockery and a snare. Without suffrage enjoyed, with suffrage permanently suppressed, the condition of the colored man at the South will grow worse and worse. His wages will be kept low; he will be robbed of his earnings. Ignorance and degradation and semi-slavery will be his ultimate portion.

Not then as a duty to the North, not out of gratitude to the Republican party, which, while it has done much for the colored man, yet has weakly faltered in its work, but as a duty to himself, to his wife, to his children, to his race, which is to multiply at the South until its numbers are as great as those of the sands upon the sea-shore, the colored citizen must cling to the ballot and never cease his efforts to vote for the principles and the candidates of his choice.

If the Republicans of the North, who prescribed universal suffrage as the last and final condition of the settlement with the South for its causeless and bloody rebellion, and embodied this condition in the fifteenth amendment of the Constitution, have not the fidelity, persistency, and courage to demand and secure its observance, but submit to its nullification by the oligarchy which now rules both the North and the South; and if they thus abandon the colored people to the wrongs and oppressions which now encompass them, they will deserve no better fate than to have the whips and the fetters from which Abraham Lincoln freed the bondmen applied to their own backs and clasped upon their own limbs.

Mr. President, I ask permission to insert as an appendix a petition of Frederick Veazey, to which I adverted, and a previous paper on this general subject prepared by me and heretofore published.

The PRESIDENT *pro tempore*. The Chair hears no objection.

APPENDIX.

[The Weekly Pelican, New Orleans, La., Saturday, May 19, 1888.]

THE FRAUD EXPOSED—IBERIA PARISH RETURNED DEMOCRATIC SHOWN TO HAVE GONE REPUBLICAN—VEAZEY, REPUBLICAN CANDIDATE FOR SHERIFF OF IBERIA PARISH, FILES A CONTEST AND SHOWS THE DIRTY WORK UP—THE PETITION IN FULL.

To the honorable the Judge of the Twenty-first Judicial District Court, in and for the Parish of Iberia:

The petition of Frederick Veazey, a citizen of the State of Louisiana, a duly qualified voter thereof in the parish of Iberia, and a resident thereof, with respect shows: That in pursuance of the laws of the State a general election was held throughout the State on the 17th day of April, 1888, for the offices of sheriff of the several parishes, among other offices. That your petitioner was a candidate for the office of sheriff of the parish of Iberia at said election, and that Alfred G. Barnard was a candidate for the same office in opposition to your petitioner.

Now, petitioner avers that with a fair, free, honest, and peaceable election he would have been returned elected to said office by a majority of over 400 votes.

That in order to defeat your petitioner fraud, violence, and intimidation were used at the Third, Fourth, Fifth, Sixth, Eighth, and Ninth wards, which will more fully appear on the trial of this case.

That the election throughout the parish, with the exception of the First, Second, and Seventh wards, was a most shameful fraud perpetrated by the commissioners of election and returning officer, thereby defeating the will of the people in its choice of parish officers.

That the returning officer fraudulently and illegally made returns to the secretary of state of the general result of the election for the office of sheriff aforesaid to be as follows, namely: Total vote for Alfred G. Barnard, 1,775; total vote for Frederick Veazey, 377; thus giving the said Barnard, candidate for sheriff for said parish, an apparent majority of 1,398 votes.

Now, petitioner avers that the said return is illegal and false and fails to show the true and correct state of the vote of the parish in so far as the office of sheriff is concerned, for the following reasons, all of which were and are fully known to the returning officers:

That at all the precincts of the parish of Iberia no commissioners of the party opposed to those in power were appointed in order to assist in holding the election as required by law.

It being openly boasted by the leaders of the Democratic party of the parish of Iberia that the only way to defeat your petitioner and the other Republican candidates in said parish was by fraud and counting out, your petitioner, four or five days previous to the election, in company with the candidate for clerk of the district court, called on the said returning officer and demanded the appointment of commissioners to represent the Republican party at each voting precinct as required by law, which request was refused by the said returning officer, thereby showing that fraud was intended throughout the parish; that if fraud and "ballot-box stuffing" were not intended there could have been no valid or legal objection to the presence of a Republican commissioner at each voting precinct as required by law.

On the day previous to the election your petitioner again called on the returning officer and asked to be simply furnished with a list of commissioners of election appointed by said returning officer, for each voting precinct, which was refused by the said returning officer, all in direct violation of the election laws of the State, which require that the appointment and selection of said commissioners shall be made at least ten days and published at least six days previous to the election.

Petitioner avers that at the second ward in said parish there was a fair, free, and legal election; that there were thereat on the day of election cast for sheriff aforesaid 215 votes by the voters of the ward, of which, after due and proper count, 156 votes were returned cast for your petitioner as candidate for sheriff aforesaid, and 46 votes for Alfred G. Barnard, his opponent; that no legal or valid reason exists why the said votes should not be counted; that due return thereof was made by the commissioners of election of said ward, but that notwithstanding the returning officer of the parish, in violation of the law and of petitioner's rights, and with a view to defeat his election, did fraudulently, corruptly, and illegally disregard the votes cast, as aforesaid, and ignore them from his return; that in law and justice these votes should be counted, and the petitioner is entitled to the full benefit and effect of their count.

Petitioner further avers that at the Third ward his opponent is made to appear as having received a majority of votes, when in truth with a fair, free, and honest election, your petitioner's majority would have been at least 75 votes. That in order to defeat the will of the people, the voting precinct was placed on the west side of the bayou, on which side there are only about 12 voters residing, and the voters on the east side of the bayou in order to cast their votes had to cross Bayou Teche on a ferry or flatboat owned by a Democrat, who refused to cross over said voters unless they had in their hands a Democratic ticket and pledged themselves to vote said ticket and against your petitioner, thereby depriving a large majority of the voters of said ward from casting their votes for your petitioner, and to deprive him of the office to which he would have been legally elected, with an honest, fair, free, and peaceable election.

Petitioner further avers that at the Fourth ward, by "ballot-box stuffing," and the false and fraudulent returns of election at said ward, his opponent is made to appear as having received a majority of 234 votes, when in truth, as will appear on the trial of this case, less than 200 voters cast their votes, out of which your petitioner received 67 votes, and his opponent received 131 votes. That the commissioners of election at said ward precluded all entrance to the room in which the voting was done, by locking the door thereof and excluding all other officers and persons. That no commissioner of opposing political party was named or served, all being of the Democratic party.

That the returns, if any, made of the election in said Fourth ward are null, void, and of no effect, because the pretended "tally-sheets and statements of votes," now on file in the clerk's office of this parish, are not sworn to by the said pretended commissioners as the law directs.

Petitioner further avers that at the Fifth ward, by the false returns of election, his opponent is made to appear as having received a majority of 35 votes over your petitioner, when in truth, as will appear on the trial of this case, with a fair, free, honest, and peaceable election your petitioner's majority would have been over 125 votes, but in order to defeat your petitioner and the will of the people fraud, violence, and intimidation was used.

That the commissioners at said ward fraudulently deprived duly qualified voters from casting their votes, unless said voters would cast their votes against the Republican candidates and against your petitioner, all of which will more fully appear on the trial of this case.

That at the said Fifth ward the Republican leaders and voters were clubbed and driven away from the poll by the Democrats with the use of rifles, shotguns, and pistols. That the voters throughout the said Fifth ward were notified by "Democratic couriers" that if they came to vote it would be at the risk of their lives, all of which will more fully appear on the trial of this case.

Petitioner further avers that at the Sixth ward in said parish, by the false, illegal, and fraudulent returns of election his opponent, Alfred G. Barnard, is made to appear as having received a majority of 305 votes, when in truth, with a free, fair, honest, and peaceable election, your petitioner would have defeated his opponent by a majority of at least 100 votes. Petitioner further avers that at the said Sixth ward in said parish the polling place was held at the court-house, in the town of New Iberia, and the commissioners of election so arranged the voting box that it could not be distinctly seen by any person but themselves.

That they precluded all entrance to the room in which the voting was done by locking the door thereof and grating the windows where the voters casted their votes.

That no commissioner of opposing political party was appointed or served, all being of one political party, in direct violation of the laws of the State.

Petitioner further avers that the said court-house wherein the election was held in the said Sixth ward was in possession of the State militia from the opening of the poll on the 17th day of April to the 18th day of April, 1888.

That the members of said militia and others were armed with rifles and shotguns and made all kinds of demonstrations in said building and through the windows in full view of the voters of said ward, discharging and firing said guns, and in general by clubbing, striking, and driving the voters from the poll and taking by force of arms tickets from their hands, saying, "Unless you vote the Democratic ticket you can not vote here."

Petitioner further avers that on the grated window through which the voters casted their votes was a label containing the following words, namely, "What is the use?" the meaning of which was that it was useless to vote.

Petitioner further avers that numerous parties voted whose names were not on the poll-book and who were not residents and voters of this parish.

That the voting-box was stuffed wilh ballots not voted, with the knowledge and connivance of the commissioners of election. That at said Sixth ward the commissioners of election fraudulently continued to hold an unfair election with a view to defeat your petitioner and to deprive him of the office to which, with a fair, free, and peaceable election he would have been legally elected.

That the returns, if any, made of the election in said Sixth ward are null, void, and of no effect, because the pretended "tally-sheets" now on file in the clerk's office of this parish are not sworn to by the said pretended commissioners as the law directs.

That the "statement of votes" made of the election in said Sixth ward are null and void and of no effect, because it is not signed nor sworn to by the said commissioners as the law directs.

Petitioner further avers that at the Eighth ward, by the false, illegal, and fraudulent returns of election, his opponent is made to appear as having received 89 votes, and none for your petitioner; that in truth, as will fully appear on the trial of this case, less than 30 voters cast their votes in said ward and that the voting-box was stuffed with ballots not voted, with the knowledge and connivance of the commissioners of election.

Petitioner further avers that at the Ninth ward, by the false, illegal, and fraudulent returns of election his opponent is made to appear as having received a majority of 455 votes, when in truth, as will fully appear on the trial of this case, with a free, honest, and peaceable election, your petitioner would have defeated his said opponent by a majority of 300 votes, but in order to defeat your petitioner fraud, violence, and intimidation were resorted to.

That at the said ninth ward in said parish, the commissioners so arranged the voting-box that it could not be distinctly seen by any person but themselves.

That they precluded all entrance to the room in which the voting was done, by locking the door thereof and excluding all other persons.

That no commissioners of opposing political party were appointed or served, all being of one political party.

That the voting-box was "stuffed" with ballots not voted, with the knowledge and connivance of the commissioners of election.

That at said Ninth ward the commissioners fraudulently continued to hold an unfair election and to make false returns with a view to defeat your petitioner.

Petitioner therefore avers that the returns made of the election held on the 17th day of April, 1888, and the votes cast at the First, Second, and Seventh wards should be counted.

That the returns made of the election of the Third ward should both be rejected and ignored in the counts as fraudulent and illegal.

That the returns made of the election of the Fourth, Fifth, Sixth, Eighth, and Ninth wards should both be rejected and ignored in the counts as fraudulent and illegal, and the following substituted for such illegal and fraudulent returns, to wit: Third ward, Alfred G. Barnard, 72 votes; Frederick Veazey, 148 votes; fourth ward, Alfred G. Barnard, 131 votes; Frederick Veazey, 67 votes; fifth ward, Alfred G. Barnard, 128 votes; Frederick Veazey, 253 votes; sixth ward, Alfred G. Barnard, 337 votes; Frederick Veazey, 445 votes; eighth ward, Alfred G. Barnard, 28 votes; Frederick Veazey, 6 votes; ninth ward, Alfred G. Barnard, 156 votes; Frederick Veazey, 458.

Petitioner avers that a petition signed by at least 20 voters of the parish of Iberia, asking the court to examine the facts of the election in so far as your petitioner's candidacy is concerned and to decide thereon, has been presented to the court and filed according to law.

Finally he avers that the emoluments of the office in controversy exceed $2,000 per annum.

Wherefore, the premises considered, petitioner prays that Alfred G. Barnard be cited to appear and answer this petition according to law and after due proceedings and trial by jury as provided by law, that it may please the court to decree and adjudge that the pretended returns of the alleged elections at the third, fourth, fifth, sixth, eighth, and ninth wards are fraudulent, illegal, null and void, and be entirely rejected from the count of votes at the election of April 17, 1888, in the parish of Iberia for candidates for sheriff of said parish, and the following substituted for such illegal and fraudulent return, to wit: Third ward, Alfred G. Barnard, 72 votes, Frederick Veazey, 148 votes; fourth ward, Alfred G. Barnard, 131 votes, Frederick Veazey, 67 votes; fifth ward, Alfred G. Barnard, 128 votes, Frederick Veazey, 253 votes; sixth ward Alfred G. Barnard, 337 votes, Frederick Veazey, 445 votes; eighth ward, Alfred G. Barnard, 28 votes, Frederick Veazey, 6 votes; ninth ward, Alfred G. Barnard, 156 votes, Frederick Veazey, 458 votes. That the returns made of the votes cast at the second ward are proper and legal and that said votes shall be counted for the respective candidates for sheriff aforesaid, in accordance with the returns thereof.

That petitioner be decreed and adjudged to have been elected sheriff for the parish of Iberia, at the election of April 17, 1888, and entitled to the office according to law, and that he have judgment to that effect, against said Alfred G. Barnard.

And he prays for costs and for general relief as in duty bound.

A. & C. FONTELIEU,
Attorneys for Petitioner.

"OUR MODERN SOUTHERN MASTERS."

[An article by Mr. CHANDLER in the Forum for July, 1888.]

The political control of the United States is now in the hands of a Southern oligarchy as persistent and unrelenting as was that which plunged the nation into the slave-holders' rebellion. Its members own President Cleveland, constitute the majority in the national House of Representatives, and include 24 of the 37 Democrats of the Senate, where 38 Northern Republicans, aided by 1 from the South, precariously hold nominal control. This complete Southern domination of the Government is as evidently founded on the colored people of the South as it was when the cries and groans of the bondmen invoked the vengeance of heaven on their oppressors.

Then, as now, the negroes entered into the basis of representation in Congress and the electoral colleges. Now, as then, the negroes have no voice or vote in the elections; but the white men vote for them and wield their power, and thereby rule the North and the nation. The excuse offered for thus trampling ruthlessly, by murder and fraud, upon the right of suffrage as guarantied by the fifteenth amendment to the Constitution is that negro suffrage would produce negro supremacy, and negro supremacy would curse the country. Is this attempted justification of wrong and crime sufficient?

In an article in the Forum for June Senator WADE HAMPTON attempts to establish the proposition that the "political supremacy of the negro" would involve "total and absolute ruin to the South, and infinite and irreparable loss to the whole country." In proof of this assertion, with which he begins his article, he recounts the history of South Carolina when "turned over to the negroes and their carpet-bag allies," and he makes this recital his whole contribution.

Believing as I do that the bestowal of suffrage upon the negro, whatever the consequences to the South, was an overwhelming and inevitable necessity under the circumstances then existing, it is not necessary for me to controvert the truth of the charge that the first civil government established in South Carolina, at the close of the bloody rebellion which that State had begun (which government, solely through the fault and malevolence of the white rebels, was composed of a large majority of loyal negroes), fell into corrupt practices, deserving a portion at least of the characterizations which have constituted the sole excuse for a forcible overthrow of that government by the white Democrats, quite as unjustifiable and cruel in its character as their original secession and war against the Union.

It may be that, in the providence of God, the temporary ascendancy of the negro was designed as a special chastisement of the guilty authors of the rebellion, and that the sins of the fathers were intended to be visited upon the children, even unto the third and fourth generations. Consider the lamentation of President Lincoln:

"The Almighty has his own purposes. 'Woe unto the world because of offenses, for it must needs be that offenses come, but woe to that man by whom the offense cometh.' If we shall suppose that American slavery is one of those

offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a loving God always ascribe to him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondmen's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, so still it must be said, 'the judgments of the Lord are true and righteous altogether.'"

Any defense of the so-called negro and carpet-bag government of South Carolina may well be left to Daniel H. Chamberlain, its refugee governor. He has meekly kissed the hand which smote him, and is now a New York City Democrat, a maligner of the Republican party and a defender or apologist for every crime of the Democratic party. Another similar outcast, ex-Governor Rufus B. Bullock, has purchased his peace and a safe return to Georgia by publicly advocating, while yet claiming to be a Republican, the deliberate abandonment by the North of the fifteenth amendment.

The account given by James S. Pike, of Maine, of the "Black Parliament" of South Carolina, which makes a large share of Mr. HAMPTON'S proofs, was written in the winter of 1872-'73, directly after the disastrous defeat of Horace Greeley, whom Mr. Pike had followed into the Democratic party because of the Republican policy of reconstruction; and his narrative is necessarily intended as a justification of himself and Mr. Greeley, and is an exaggeration and caricature. The redeeming features of "negro rule" he and Mr. HAMPTON wholly omit. Mr. George W. Cable wisely reminds us that the reconstruction party, though the upper ranks of society warred "as fiercely against its best principles as against its bad practices, planted the whole South with public schools for the poor and illiterate of both races, welcomed and cherished the missionaries of higher education, and when it fell, left them still both systems, with the master-class converted to a belief in their use and necessity."

(See Mr. Cable's thoughtful, philosophical, and candid article on "The Negro Question," published first in the New York Tribune, and lately by the American Missionary Society, 56 Reade street, New York City.)

The constitutions and the governments established in the Southern States under the reconstruction policy of the Republican party have all been torn down by fraud, violence, and murder; and these revolutions have been submitted to by the complaisant Northern people, tired of war and controversy, and anxious for commerce and money. The immediate question now is not one of negro supremacy, but of white equality; not whether the negro shall be the political superior of the white man at the South, but whether the white Southerner shall be the political superior of every citizen at the North.

It is necessary to look at the case historically. President Johnson began reconstruction with a proclamation, May 29, 1865, granting wholesale amnesty and pardon, and absolute impunity for their treason to all the rebels except certain specified classes, who were probably not one-tenth of the Southern whites, and he promised special pardons to the excepted persons. At the same time he authorized and directed the re-establishment of the Southern State governments. The only conditions which he imposed were that each State should assent to the thirteenth amendment abolishing slavery, and should repudiate all rebel war debts. Under these circumstances the Southern States made rapid work in reconstruction; and when the Thirty-ninth Congress assembled in December, 1865, Senators and Representatives appeared from the late insurrectionary States, headed by Alexander H. Stephens, the late vice-president of the Southern Confederacy. Legislating for the freedmen the Southern Legislatures had enacted infamous labor laws almost as restrictive and oppressive as slavery itself.

Although alarmed at President Johnson's policy and its results, Congress took no hasty action. June 18, 1866, the report from the Committee on Reconstruction was made, signed by W. P. Fessenden, James W. Grimes, Ira Harris, J. M. Howard, George H. Williams, Thaddeus Stevens, Elihu B. Washburne, JUSTIN S. MORRILL, John A. Bingham, Roscoe Conkling, George S. Boutwell, and Henry T. Blow.

The following extracts from that report show the reason why the loyal North, as a condition of recognizing President Johnson's reconstructed governments in the rebel States, determined to propose and demand nothing less than the adoption of the fourteenth amendment:

"By an original provision of the Constitution representation is based on the whole number of free persons in each State, and three-fifths of all other persons. When all become free, representation for all necessarily follows. As a consequence, the inevitable effect of the rebellion would be to increase the political power of the insurrectionary States whenever they should be allowed to resume their position as States of the Union. * * * It did not seem just or proper that all the political advantages derived from their becoming free should be confined to their former masters, who had fought against the Union, and withheld from themselves, who had always been loyal. Slavery, by building up a ruling and dominant class, had produced a spirit of oligarchy adverse to republican institutions, which finally inaugurated civil war. The tendency of continuing the domination of such a class, by leaving it in the exclusive possession of political power, would be to encourage the same spirit, and lead to a similar result.

"* * * The question before Congress is then whether conquered enemies have the right, and shall be permitted at their own pleasure and on their own terms to participate in making laws for their conquerors; whether conquered rebels may change their theater of operations from the battle-field, where they were defeated and overthrown, to the halls of Congres and through their representatives seize upon the Government which they fought to destroy; whether the national Treasury, the Army of the nation, its Navy, its forts and arsenals, its whole civil administration, its credit, its pensioners, the widows and orphans of those who perished in the war, the public honor, peace, and safety shall all be turned over to the keeping of its recent enemies without delay and without imposing such conditions as, in the opinion of Congress, the security of the country and its institutions may demand. The history of mankind exhibits no example of such madness and folly.

The instinct of self-preservation protests against it. The surrender by Grant to Lee and by Sherman to Johnston would have been disasters of less magnitude, for new armies could have been raised, new battles fought, and the Government saved. The anti-coercive policy which, under pretext of avoiding bloodshed, allowed the rebellion to take form and gather force, would be surpassed in infamy by the matchless wickedness that would now surrender the Halls of Congress to those so recently in rebellion until proper precautions shall have been taken to secure the national faith and the national safety. * * * Your committee came to the conclusion that political power should be possessed in all the States exactly in proportion as the right of suffrage should be granted, without distinction of color or race. This it was thought would leave the whole question with the people of each State, holding out to all the advantage of increased political power as an inducement to allow all to participate in its exercise. Such a provision would be in its nature gentle and persuasive, and would lead, it was hoped, at no distant day, to an equal participation of all, without distinction, in all the rights and privileges of citizenship, thus affording a full and adequate protection to all classes of citizens, since all would have, through the ballot-box, the power of self-protection.

In accordance with these views the Republican Congressional plan of reconstruction adopted in June (by the Senate, 33 to 11—by the House, 138 to 36) took issue with, and negatived that of, President Johnson, by requiring the addition to the latter of the fourteenth amendment. That amendment merely provided—

1. That no person who had been in Congress, or a United States or State officer, and had, therefore, sworn to support the United States Constitution, and had afterward become a rebel, should be capable of holding office unless Congress should by a two-thirds vote remove his disability.

2. That if in any State the right to vote should be denied on account of color, its right of representation in the lower House of Congress and in the electoral colleges should be proportionately reduced.

Before March, 1867, the fourteenth amendment had been adopted by twenty-one loyal States, which, with Iowa and Nebraska afterward acting, made twenty-three States, five less than the three-fourths of all the States necessary to ratification. It had been negatived by Delaware, Maryland, and Kentucky, and was unceremoniously rejected by ten insurrectionary States, as follows:

		For.	Vs.
Texas, October, 1866	Senate	.....	.....
	House	5	67
Georgia, November, 1866	Senate	0	36
	House	2	131
North Carolina, December, 1866	Senate	1	44
	House	10	93
South Carolina, December, 1866	Senate	.....	.....
	House	1	95
Florida, December, 1866	Senate	0	20
	House	0	49
Alabama, December, 1866	Senate	2	27
	House	8	69
Arkansas, December, 1866	Senate	1	24
	House	2	68
Virginia, January, 1867	Senate	.....	Unan.
	House	1	.....
Mississippi, January, 1867	Senate	0	27
	House	0	88
Louisiana, February, 1867		.....	Unan.

The Democratic party of the North persistently opposed the fourteenth amendment. Ohio and New Jersey, which, while they were Republican States, had adopted it, subsequently became Democratic and rejected it. But the six States of Arkansas, Florida, North Carolina, South Carolina, Louisiana, and Alabama, when reconstructed, adopted it, and July 20, 1868, Secretary Seward, in a characteristic paper, certified that it was ratified by twenty-nine States, if Ohio and New Jersey had no right to retract. July 21, 1868, Congress declared it ratified, the Senate without a count, the House by 125 yeas to 32 Democratic nays. June 30, 1868, Frank P. Blair, who became Democratic candidate for Vice-President, declared that "there is but one way to restore the Government and the Constitution, and that is by the President elect to declare these acts null and void, compel the Army to undo its usurpations at the South, disperse the carpet-bag State governments, allow the white people to reorganize their own governments and elect Senators and Representatives. The House of Representatives will contain a majority of Democrats from the North, and they will admit the Representatives elected by the white people of the South, and, with the co-operation of the President, it will not be difficult to compel the Senate to submit once more to the obligations of the Constitution." The Seymour and Blair convention of 1868 declared as follows: "We regard the reconstruction acts, so called, of Congress as such, as usurpations, unconstitutional, revolutionary, and void." And as late as February 6, 1879, Senator, now Mr. Justice Lamar, and Senators Bayard and Garland, voted "no" on the proposition that the constitutional amendments had been legally ratified and that Congress ought to protect all qualified citizens in the right to vote for Representatives in Congress.

It was, therefore, found impossible to make the fourteenth amendment a part of the Constitution under the Johnson plan of reconstruction. This defiant rejection of the fourteenth amendment by the rebel States and the Democratic party, aided by President Johnson, who had betrayed and abandoned the Republican party, took place before March 23, 1867, the date of the first of the reconstruction measures of Congress looking toward negro suffrage. A fair estimate of the representation in the national House and in the electoral colleges, based upon three-fifths of the colored population, is 24; add 16 for the other two-fifths, and 40 is to-day the number of Southern Representatives and electors based upon that population; and under the Democratic plan of reconstruction the increase of 16 was to be given to the South as a reward for their causeless and bloody rebellion. These 40 votes were, in 1884, all cast for Cleveland for President; 19 of them would have chosen Blaine, and all the colored men entitled to wield the power of these votes earnestly desired to effect Blaine's election. Of the 40 votes 10 would have made the present House of Representatives Republican, and would avert all danger of the passage of the Mills tariff bill which is threatening so many American industries.

It was simply impossible that the victorious North should submit to such an immediate return to national political power of Southern rebels. Language can not add to the forcible expressions on this point in the reconstruction report, already quoted, from the pen of that strong and brilliant writer and speaker, William Pitt Fessenden. There were but two courses possible: One to keep the Southern States for an indefinite period under military domination; the other to organize Southern civil governments upon some plan which would afford justice and protection to the colored people and security against increased Southern power and rebel rule in the nation. Continued military control was repugnant to both North and South, and found few advocates. Therefore there inevitably came the reconstruction measures of Congress, based upon manhood suffrage. This, whether wise or unwise, the Southern leaders brought upon themselves by their contumacy and obstinacy in demanding to control, with more than their old power, that country which by deadly war they had fought for four years to destroy.

It also seems clear, after this lapse of years and with all our experiences, good and bad, of negro suffrage, that it was right and best in itself. The Southern whites, during their brief period of reconstruction under President Johnson's plan, had shown that they accepted the abolition of slavery as a form merely, and that, by means of atrocious vagrant and labor laws, they intended again to reduce the colored race to a state not far removed from slavery.

Without suffrage for the negro Northern public sentiment and honor would have demanded the constant interposition of the Federal power in the Southern States for the protection of the always loyal and now free colored citizens. The Southern whites would have broken any promises which they might have made, and would have evaded or defied any national laws not enforced by Federal officials. A perpetual irritation would have resulted from the measures of national protection extended to the disfranchised colored people. Any expedient for their protection which did not include the ballot in their own hands would have proved futile.

Senator HAMPTON, in 1879, said:

"When the negro was made a citizen it followed as a logical consequence, under the theory of our institutions, that he must become a voter. My objection

to his enfranchisement, therefore, is confined to the time when and the mode in which this privilege was conferred upon him."

In 1888 we find him laboring to prove that "negro supremacy would bring disgrace and ruin to any State of the Union, and would be a perpetual menace to our republican institutions." His point is difficult to understand. Since 1876, when he became governor of South Carolina, the votes of the negroes of that State have been effectually suppressed, and for twelve years there has been no danger of what he calls "negro supremacy." Has the time yet come when the privilege of suffrage can be conferred upon the colored men of South Carolina and they be allowed freely to exercise it without the danger of "negro supremacy?" Doubtless not, in Mr. HAMPTON'S opinion; and such a time never will come so long as those colored men persist in the desire to vote with the Republican party. When they decide to give up their efforts to vote as they please, and conclude to vote as Mr. HAMPTON wishes them to do, the "time when and the mode in which" will in his opinion have arrived, and their votes will cease to threaten "negro supremacy," "disgrace and ruin" to the State, and to be "a perpetual menace to our republican institutions."

In adoption of manhood suffrage as the basis of reconstruction there was included no injurious proscription of the whites. All male citizens twenty-one years of age were allowed to vote and to hold office in the conventions to frame constitutions, except the limited class disqualified from holding office by the proposed fourteenth amendment. The constitutions so made left the right of suffrage in the hands of the great mass of Southern whites. If they had freely and in good temper participated in the work of reconstruction, all the bad government of which so much complaint has been made would have been avoided. But the Southerners who had perjured themselves to become rebels, and who were therefore under limited and temporary disfranchisement, were sullen and indignant.

They were encouraged by the utterances of the Northern Democrats, and were renewing with them their former political relations, with the view again to rule the nation by a solid South allied with a contingent of Northern Congressional and electoral votes. They kept the white men aloof from reconstruction. They stigmatized as a "carpet-bagger" every Northern man who for any purpose made his home in the new free South and became a Republican. They even more bitterly denounced as a "scalawag" any Southern white man who joined in organizing civil government. They preferred anarchy and chaos to impartial suffrage. They never for one moment rendered true allegiance to the new governments, and as soon as they dared they began to tear them down by violence and political murders.

This page of American history is more disgraceful, if possible, than were the crimes of slavery and rebellion. The bloody deeds planned and incited by cruel and brutal men, who yet claimed to be civilized and refined, and who even now consider themselves the only natural rulers of free America, can never be hidden or obscured by interposing the faults and defects of those loyal governments under which a race of slaves, unaided, despised and hated by their unrepentant and unsubdued late masters, were slowly groping their way from a condition allied to that of the brutes up to manhood, from bondage to liberty, and from ignorance to knowledge, performing as well and nobly as they could their new duties of freemen and citizens.

The State of Louisiana will always be dishonored by the political massacres of the Mechanics' Institute, of Bossier, Caddo, St. Landry, St. Bernard, Colfax Parish, Grant Parish, Coushatta, Catahoula, Tensas, and Ouachita; the State of South Carolina by those of Hamburgh and Ellenton; and the State of Mississippi by those of Clinton, Copiah, and Kemper; and the records of the Kuklux outrages, the cruelties, the assassinations, and the frauds which characterized the destruction by the Southern Democrats encouraged by Northern Democrats, of the only lawful and the first free governments of the South are, without exception, the most shameful and infamous in the annals of civilized humanity. The words of Reverdy Johnson, a Democrat, while unsuccessfully defending before a jury some of the Kuklux ruffians, will bear repeating:

"I have listened with unmixed horror to some of the testimony which has been brought before you. The outrages proved are shocking to humanity; they admit of neither excuse nor justification; they violate every obligation which law and nature impose upon men; they show that the parties engaged were brutes, insensible to the obligations of humanity and religion."

To the pre-eminent dishonor of Jackson, the capital of Mississippi, that city has furnished the latest illustration of Southern political methods. In order to overthrow a city government, simply because it was Republican, the Federal officials there resident, J. Bowmar Harris, United States district attorney, Samuel Livingston, deputy United States marshal, and R. E. Wilson, deputy collector of internal revenue, headed a movement to prevent the colored citizens from voting.

A secret, oath-bound, white league was organized to lynch negroes, and to attend, armed, at the voting precincts, the leading spirit in which band of assassins was one John H. Martin, editor of the New Mississippian. The movement was successful on January 2, 1888; but mark the sequel! On the 2d day of May, 1888, at Jackson, Martin wantonly shot General Wirt Adams, the postmaster, a man sixty-nine years of age, and of the highest character. Adams returned Martin's fire, and both fell dead in the streets. The young men of the South, who are encouraged by the most influential citizens to resort to murder as an ordinary political agency, will never refrain from using their fatal revolvers for private revenge.

And now so it is that the South, which during more than half a century dominated the nation by means of slavery and the power which slavery gave, has, after a period of rebellion caused by slavery, and a period of reconstruction prolonged by crimes against the freedman, again seized the reins of government, and has rewarded itself for its rebellion by increased representation in Congress, and in the body of electors which chooses a President. The North is supposed to have conquered. The Union is saved in form. The terms of peace, reunion, and reconciliation were the thirteenth amendment, abolishing slavery; the fourteenth, omitting the colored people from the basis of representation in States where they are not allowed to vote; and the fifteenth, giving to colored citizens the ballot in all elections, State or national.

The thirteenth amendment alone is in force—the fourteenth and fifteenth are a dead letter, openly and flagrantly disobeyed. Suffrage at the South for the black man does not exist; for the white man, even, it is almost a farce. A few leaders in each State, combining with similar coteries in other States, form an oligarchy which wields the whole political power of the solid South. United with the Democratic party of the North, who expect to control by corruption or fraud a few Northern States, their "plan of compaign" is exactly what it was before 1860. Our later Southern masters are not different from those of former years. They are able, always alert, and, whenever not opposed, are plausible, courteous, and full of kind and patriotic professions; resisted, their gentleness proves like that of tigers—they become fierce and defiant, sometimes brutal.

The North needs to undeceive itself. The South is in the saddle, and it means to stay there. It has the executive branch of the Government; it almost controls the legislative; it is reaching forward to the judicial branch. It threatens the manufacturing and all other industries of the North. It means to hold in its hands the decision of all our national questions, those of foreign policy, tariff, finance, internal improvements, and all expenditures, and to "get even" with the North on account of the temporary ascendency of the latter during the era of rebellion and reconstruction. The South will not again make the mistake of secession. It is easier and safer to rule the nation from the inside. The power which the election of 1884 gave will not be relinquished if murder and fraud at the South, and unlimited corruption and fraud in New York City, can retain it. If another Democratic administration is elected the Northern people will soon realize what the new Southern control involves, and will be loaded to the full with the burdens of which our Southern masters during the last three years have imposed only a small part.

Will the North consent submissively to a perpetual political control of the country based upon a flagrant disregard and defiance of one of the principal fundamental conditions upon which the war was terminated, and which is now a part of the Federal Constitution? Let it be borne in mind—it can not be too often repeated—that if the Constitution were in force Blaine, instead of Cleveland, would now be President, and the national House would be Republican and in favor of protection instead of Democratic and in favor of the Mills bill. If the colored citizens could vote and have their votes counted as cast, the election next fall would, with hardly the form of a contest, be Republican, and on the 4th of March, 1889, Cleveland would surrender the executive power to a Republican President, who would be sustained by a Congress Republican in both branches.

Although in the coming contest the votes of the negro will be unconstitutionally suppressed, and the South perhaps solidly Democratic, our Southern masters can be defeated if the commercial interests of the country are sufficiently aroused. They will do well to take the alarm. The indifference of the business men of the North to the encroachments of slavery made the war possible, and compelled the expenditure of six thousand millions to preserve the Union. It is better to protect our industries by a contest now, when they are yet undestroyed, than to fight to restore them after they have been stricken down and chains are riveted upon our limbs.

If victory is achieved, the conditions of reconstruction enforced, obedience to the constitution in all its parts compelled, and the vote of the Northern man, white or black, made equal to that of the Southern man, white or black, neither the North nor the South need fear negro supremacy.

Manhood suffrage was first tried immediately after a war, made by the masters to strengthen their hold on their slaves, had resulted in the discomfiture of the former and the freedom of the latter, but had disorganized society. In its reorganization the late masters refused to participate; the freedmen went ahead and did as well as they could. The failure, if it be such, of the first experiment, will not be repeated under new conditions and better auspices. The charge that the two races can not live side by side in the Southern States in political equality, the voters of each race freely participating in all elections, has not been proved. It is a mere clamor raised to excuse the suppression of the negro vote in order to obtain partisan power in State and nation. Wherever the experiment of impartial suffrage has been tried with any approach to fairness and good-will on the part of the whites, it has been remarkably successful. The colored men are not aggressive; they are docile, well-disposed, and anxious, if allowed to enjoy what they know to be their constitutional rights, to live peacefully with their white neighbors.

They submit readily to what is sometimes to them so offensively called the superior intelligence of the whites. They do not seek social equality. They are patient and long-suffering. But they will never permanently abandon the ballot, and whenever they reach the polls they will insist upon their right to vote the Republican ticket if they so wish. Their interests and their desires make them an ever-eager army of seven millions of people seeking their rights under the fifteenth amendment. In addition to this pressure, the manhood, the dignity, the self-respect, and the honor of all citizens of the North require that they should compel our modern Southern masters to desist from their attempt perpetually to rule, through crimes against the black man and against the Constitution, that country which they wickedly but vainly tried to destroy in order to fasten more firmly the chains of slavery, and to extend its accursed power and influence into the Territories of the Union.

HOUSE BILL REFERRED.

The bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation in Arizona, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. EDMUNDS. I present an amendment from the Committee on the Judiciary intended to be proposed to the deficiency bill, or some other proper bill, which I ask may be printed, together with the memoranda accompanying it, and referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. SPOONER in the chair). It will be so ordered if there be no objection.

JACKSON (MISS.) MUNICIPAL ELECTION.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. WILSON, of Iowa. Mr. President, yesterday I gave notice that I should to-day move that the Senate proceed to the consideration of the resolutions reported from the Judiciary Committee relative to the suppression of the vote of colored citizens in Jackson, Miss. I move that the pending measure be laid aside, and that the Senate proceed to the consideration of those resolutions.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the pending business be informally laid aside to enable him to move the consideration of the resolutions which will be read.

The Chief Clerk read the resolutions reported from the Committee on the Judiciary July 23, 1888, as follows:

Resolved, That the Senate, in view of the report made to it in obedience to its resolution of January 12, 1888, in respect of the suppression of the votes of the colored citizens of the city of Jackson, Miss., and the participation in such suppression by certain United States officers as set forth and described in said report, does hereby express its strong condemnation of the conduct of said officers; and it also expresses its deliberate judgment that every officer of the United States so engaged or participating should be promptly dismissed from the public service as soon as authentic knowledge of such engagement or participation is brought to the attention of the appointing power.

Resolved, That a copy of this report, and of the testimony on which it is based, be communicated to the President of the United States.

The PRESIDENT *pro tempore*. The resolutions are before the Senate, if there be no objection, and the question is upon agreeing to the same.

Mr. WILSON, of Iowa, addressed the Senate. Having spoken one hour and fifteen minutes——

A message, in writing, was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. EDMUNDS. With the permission of my friend from Iowa, I move that the Senate do now adjourn.

[For the speech of Mr. WILSON, of Iowa, complete see the proceedings of the 27th.]

Mr. MORGAN. I hope an adjournment will not be had. I hope the Senator from Vermont will not press the motion. I understand the President of the United States has sent a message to the Senate which ought to be laid before us.

Mr. EDMUNDS. I think the message can wait till to-morrow.

Mr. MORGAN. Hardly.

The PRESIDING OFFICER (Mr. SPOONER in the chair). The Senator from Vermont moves that the Senate do now adjourn.

Mr. EDMUNDS. I make that motion.

Mr. MORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. It is moved by the Senator from Vermont that the Senate do now adjourn, on which motion the Senator from Alabama asks for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote if present, and therefore I shall refrain from recording my vote.

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], and I ask his colleague [Mr. EDMUNDS] whether I shall observe my pair on this motion to adjourn.

Mr. EDMUNDS. I am clear that my colleague, if present, would vote for adjournment at this time of day.

Mr. HARRIS. Then I announce myself paired with the Senator from Vermont [Mr. MORRILL].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. PASCO (when his name was called). I am requested to announce the pair of the Senator from West Virginia [Mr. FAULKNER] with the Senator from Pennsylvania [Mr. QUAY]. I vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON] with this condition, that when there is less than a quorum I may vote. I withhold my vote for the present.

Mr. RANSOM (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were here, I should vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CULLOM. I voted a moment ago, forgetting that I was paired with the Senator from Delaware [Mr. GRAY]. I now transfer the pair to the Senator from Rhode Island [Mr. ALDRICH], and will therefore let my vote stand.

Mr. BECK. I inquire if the Senator from Maine [Mr. HALE] has voted?

Mr. FRYE. He has not voted.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. HALE] is not recorded.

Mr. BECK. Then I desire to transfer my general pair with the Senator from Maine [Mr. HALE] to the Senator from Indiana [Mr. VOORHEES], and I vote "nay."

Mr. MANDERSON. I have a general pair with the Senator from Kentucky [Mr. BLACKBURN]. That pair is transferred, and I vote "yea."

Mr. ALLISON. I am paird with the Senator from Delaware [Mr. SAULSBURY]. I do not know whether he has voted or not.

The PRESIDENT *pro tempore*. The Senator from Delaware is not recorded.

Mr. HARRIS. If it suits the Senator from Iowa we may transfer our respective pairs. I am paired with the Senator from Vermont [Mr. MORRILL] and the Senator from Iowa [Mr. ALLISON] with the Senator from Delaware [Mr. GRAY]. We can transfer our pairs and vote.

Mr. ALLISON. That is quite agreeable to me, and therefore I vote "yea."

Mr. VANCE. My pair has been transferred, and I vote "nay."

Mr. SAWYER (after having voted in the affirmative). I wish to withdraw my vote. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. EDMUNDS. The pair of the Senator from Delaware has been announced with another Senator.

Mr. SAWYER. Then I will let my vote stand.

Mr. HEARST. I am paired with my colleague [Mr. STANFORD] on all political questions. This looks to me as bordering on politics, and therefore I shall not vote.

The result was announced—yeas 23, nays 21; as follows:

YEAS—23.

Allison,	Dolph,	Hoar,	Sherman,
Blair,	Edmunds,	Ingalls,	Spooner,
Chace,	Evarts,	Manderson,	Stewart,
Chandler,	Farwell,	Mitchell,	Stockbridge
Cullom,	Hawley,	Plumb,	Wilson of Iowa.
Davis,	Hiscock,	Sawyer,	

NAYS—21.

Bate,	Colquitt,	Pasco,	Vest,
Beck,	George,	Payne,	Walthall,
Berry,	Hampton,	Pugh,	Wilson of Md.
Brown,	Harris,	Reagan.	
Cockrell,	Jones of Arkansas,	Turpie,	
Coke,	Morgan,	Vance,	

ABSENT—32.

Aldrich,	Dawes,	Hearst,	Quay,
Blackburn,	Eustis,	Jones of Nevada,	Ransom,
Blodgett	Faulkner,	Kenna,	Riddleberger,
Bowen,	Frye,	McPherson,	Sabin,
Butler,	Gibson,	Morrill,	Saulsbury,
Call,	Gorman,	Paddock,	Stanford,
Cameron,	Gray,	Palmer,	Teller,
Daniel,	Hale,	Platt,	Voorhees.

So the motion was agreed to; and (at 4 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 24, 1888, at 12 o'clock, m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 23, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

VETO MESSAGE—W. S. CARPENTER.

The SPEAKER laid before the House the following veto message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Claims, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 2088, entitled "An act for the relief of W. S. Carpenter."

This bill appropriates the sum of $126.26, to be paid to the beneficiary named therein for his salary as an employé in the railway mail service from the 3d day of October until the 20th day of November, 1882.

Mr. Carpenter was employed as a railway postal clerk at a salary of $800 per annum. He abandoned his route about the 2d day of October, 1882, without any leave of absence or explanation at the time, leaving his work in charge of one Jones, another railway postal clerk. He appears to have been paid for all the work he did, unless it be for two or three days in October, for which he apparently makes no claim.

There is nothing in the Post-Office Department showing that the absence of Carpenter was claimed to be on account of sickness, though there are a number of communications relating to the case.

The regulations of the Department permit the performance of the duties of a postal clerk by an associate in case of sickness, but never without the written permission of the division superintendent after an arrangement between the parties in writing, signed by them and filed with the superintendent.

Among a number of communications from railway mail service officials relating to the conduct of Carpenter, all tending in the same direction, there is a letter from the chief clerk of the railway mail service at Peoria, Ill., under whose immediate supervision Mr. Carpenter performed service, written to the superintendent of the sixth division of said service at Chicago, and dated November 16, 1882, containing the following statement:

"I desire to call your attention to the case of W. S. Carpenter, Gilman and Springfield R. P. O., as follows: October 10 he was requested to appear at the post-office at Springfield, Ill., for examination on Illinois scheme. I went to Springfield for the purpose of examining him, but he failed to put in an appearance. Upon my return home I found a letter from him stating that he did not expect to remain in the service, hence his failure to report for examination; and, furthermore, that he would send in his resignation to your office by the first of the following week. This he had not done the 12th instant. He has not been on duty but two days since October 1. He left the run in charge of Mr. Jones, of the same line, telling him he did not know when he would return and for Jones to keep up the run. He has no leave of absence, either verbally or otherwise. What his motives are for conducting himself in this manner I can not imagine. I have written him on the subject, but can not hear from him. When in Springfield the 3d instant I requested the postmaster there to not pay Carpenter for October until he received notice to do so. I then notified you of the facts in the matter. I would respectfully recommend that Carpenter be relieved from further duty and a successor be appointed. He is of no account at the best; has no interest in the work, and should be removed. I would also recommend that he be paid for but the two days' run in the month of October."

Four days after the date of this letter Mr. Carpenter was notified that an order had been issued discontinuing his pay and services.

These facts stated present the case of an employé of the Government abandoning his duties without leave or notice, in direct violation of rules, and claiming compensation for work done in his absence by another employé whose entire services were due the Government.

To allow a claim so lacking in merit would endanger discipline and invite irregularity and loose methods in a very important branch of the public service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 22, 1888.

LIGHT OFF PAMLICO POINT, NORTH CAROLINA.

The SPEAKER also laid before the House the bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina, with amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the conference requested. The only difference between the two Houses in relation to the bill is this: The Senate have amended it so as to provide for an appropriation of money to erect the light-house, while the House has merely authorized its erection. The House in passing bills of this character does not make an appropriation in the bill, but simply authorizes the erection of the structure and leaves the appropriation to be made by the Committee on Appropriations.

Mr. McMILLIN. I think the gentleman is quite right in asking that the House non-concur.

There was no objection, and it was so ordered.

LIGHT-HOUSE, ETC., GULL SHOAL, PAMLICO SOUND.

The SPEAKER also laid before the House the bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina, with amendments of the Senate thereto.

Mr. CRISP. That bill is in the same condition as the preceding one, and I ask unanimous consent that the House non-concur in the Senate amendments and agree to the conference requested.

There was no objection, and it was so ordered.

LIFE-SAVING STATION, NANTUCKET, MASSACHUSETTS.

The SPEAKER also laid before the House the bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts, with amendments of the Senate thereto.

On motion of Mr. CRISP, the House non-concurred in the Senate amendments and agreed to the conference requested.

LIGHT-SHIP, GREAT ROUND SHOAL, MASSACHUSETTS.

The SPEAKER also laid before the House the bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass., with amendments of the Senate thereto.

On motion of Mr. CRISP, the House non-concurred in the amendments of the Senate and agreed to the conference requested.

H. C. MARKHAM.

The SPEAKER also laid before the House the bill (H. R. 165) for the relief of H. C. Markham with amendments of the Senate thereto; which was referred to the Committee on Military Affairs.

CIRCUIT COURT, WESTERN DISTRICT OF MISSOURI.

The SPEAKER also laid before the House the bill (H. R. 1604) to change the time of the sessions of the circuit court of the western division of the western district of Missouri, with an amendment of the Senate thereto.

Mr. CULBERSON. I ask that the House non-concur in the Senate amendment and agree to the conference requested.

Mr. HOLMAN. What is the amendment?

Mr. CULBERSON. It refers only to the time of holding the courts.

The SPEAKER. The Senate has adopted a substitute for the entire bill, but the gentleman from Texas [Mr. CULBERSON] states that it relates only to the time of holding the courts. If there be no objection, the amendment will be non-concurred in and a conference agreed to.

There was no objection, and it was so ordered.

LANDS FOR PEORIA AND MIAMI INDIANS.

The SPEAKER also laid before the House the bill (H. R. 8074) to provide for the allotment of lands in severalty to the united Peoria and Miami Indians in the Indian Territory, with amendments of the Senate thereto.

Mr. NELSON. I move that the House non-concur in the amendments of the Senate, and agree to a conference.

Mr. ADAMS. I object.

The bill and amendments were referred to the Committee on Indian Affairs.

THOMAS STRODDER.

The SPEAKER also laid before the House the bill (H. R. 8087) for the relief of Thomas Strodder, with an amendment of the Senate thereto.

The SPEAKER. This is merely a formal amendment correcting the number of the regiment in which the beneficiary served. The amendment will be read.

The Clerk read as follows:

Line 2 strike out "one hundred and."

The amendment was concurred in.

DELIA NEWMAN.

The SPEAKER also laid before the House the bill (H. R. 7013) to place the name of Delia Newman on the pension-roll, with an amendment of the Senate thereto.

The SPEAKER. The amendment of this bill is also formal. It will be read by the Clerk.

The amendment was read, as follows:

Line 3, strike out "of company regiment" and insert "a member of Capt. James Bradley's company."

The amendment was concurred in.

JAMES STILLWELL.

The SPEAKER also laid before the House the bill (H. R. 6371) granting a pension to Jesse M. Stillwell with an amendment of the Senate thereto.

The SPEAKER. This amendment also is merely formal.

The amendment was read, as follows:

Line 2, strike out "Lionsville" and insert "Zionsville."

The amendment was concurred in.

RAILROAD THROUGH FORT LEAVENWORTH MILITARY RESERVATION.

The SPEAKER also laid before the House the bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation of Fort Leavenworth, Kans.; which was read a first and second time.

Mr. MORRILL. Mr. Speaker, a bill similar to this has been reported unanimously by the Committee on Military Affairs of this House. The object of the bill is simply to allow the Rapid Transit Railway Company, now in operation from Leavenworth to Kansas City, to extend its line about a mile and a half up to the fort, so as to afford facilities for the transportation of Government freight, as well as of officers and soldiers connected with the fort, and persons who may desire to visit it. I ask unanimous consent that the bill be considered now.

Mr. HOLMAN. Let the bill be read.

The Clerk read as follows:

Be it enacted, etc., That license and authority are hereby granted to the Leavenworth Rapid Transit Railway Company to construct and operate its railroad, from its present terminus at the south boundary of the military reservation at Fort Leavenworth, Kans., into and through said military reservation to a point and terminus near the military prison, and at its said terminus near said military prison to construct a depot and such side-tracks, turn-tables, and other facilities as may be necessary for the convenient operation of its said railroad; and for the purpose aforesaid, the use of a strip of land 50 feet wide for its right of way extending from the south boundary line of said military reservation to said terminal point near said military prison, and the use of a tract of land not exceeding 2 acres in area for said depot, side-tracks, and terminal facilities, are hereby granted to said railway company: *Provided*, That the route of said railroad through said military reservation and the location of the depot grounds and the plans of the depot and all other buildings to be erected by said railroad company on said military reservation shall be submitted to and shall be subject to the approval of the Secretary of War. And the said company, its successors and assigns, shall occupy and use said railway and depot grounds subject to removal therefrom and the revocation of the license and authority herein given, whenever the public service, in the judgment of the Secretary of War, may require such revocation and removal.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TOWNSHEND. I wish the gentleman from Kansas would explain the difference between this bill and the House bill which he has stated is on the Calendar.

Mr. MORRILL. The bill reported by the Committee on Military Affairs of this House proposes to give a right of way of 100 feet; the Senate bill restricts the right of way to 50 feet. In addition to that, the Senate bill includes a clause providing that the Secretary of War may at his pleasure revoke this privilege. The franchise proposed to be granted to the railroad company is to be subject to revocation at any time by the Secretary of War.

Mr. ROGERS. The bill contains no grant of land?

Mr. MORRILL. No grant of land.

Mr. HOLMAN. There is virtually a grant of land as to two acres.

Mr. MORRILL. Not exceeding two acres.

Mr. HOLMAN. Land to that extent is granted by the bill, unless the Secretary of War should in the future think proper to reclaim the land. Now, it is to be presumed that in the course of time this reservation will be turned over to the Interior Department as a part of the public domain, and will no longer be subject to the jurisdiction of the Secretary of War. It seems to me it should be provided that if the reservation should at any time, by its abandonment for military purposes, become a part of the public domain, the right of the railroad company as to these two acres of land shall cease.

Mr. MORRILL. The contingency which the gentleman contemplates is extremely remote, because the Fort Leavenworth reservation is the most important military reservation in the West. It is the largest of such reservations, and the Government is annually expending there a large amount of money. It is scrupulously holding this reservation.

This right of way has been restricted to 50 feet, because General Sheridan said he was utterly opposed to having any more land taken than might be absolutely necessary. This measure has been favorably reported upon by General Merritt, commandant of the Department of the Missouri, also by General Sheridan while living, as well as by Secretary Endicott. The amount of land granted can not exceed two acres; and is to be fixed and located by the Secretary of War.

Mr. HOLMAN. I think the general policy has been in such cases to grant a right of way without requiring compensation; but I do not

think we have been in the habit of granting so large a body of land as two acres for depot purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TOWNSHEND. Quite a number of bills granting right of way through military reservations have been reported by the Committee on Military Affairs, and are now on the Calendar. I think it would be well to have some time set when they may all be taken up and disposed of, for I do not believe there is any good reason to object to any of them.

I do not object to this measure proposed by the gentleman from Kansas, and commend him highly for his industry and ingenuity in getting his military reservation bill through. I hope, however, that the House will before very long give the Military Committee a day to dispose of quite a number of bills of a similar character, which are entirely unobjectionable.

Mr. HOLMAN. Does not the gentleman from Illinois think that a railway company obtaining such privileges as are here granted could afford to pay for the land, at all events?

Mr. TOWNSHEND. I think that in a great many instances it will be of much convenience to the reservations to have the railroads through them. It is a measure of economy in some cases, saving the cost of transportation, and certainly a matter of great convenience.

Mr. HOLMAN. I shall not object in the present instance to the request of the gentleman from Kansas, but it strikes me that a railroad corporation deriving such a privilege as this ought to be willing to make compensation.

Mr. TOWNSHEND. If the gentleman from Indiana thinks this is an undue favor to a railroad corporation, then he ought not to withdraw his objection.

Mr. HOLMAN. Inasmuch as the gentleman from Illinois, the chairman of the Committee on Military Affairs, thinks it is unobjectionable as affecting the military reservation under the control of his committee, I hardly feel myself justifiable in interposing an objection.

Mr. LAIRD. It is recommended by your Secretary of War, any way.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. In the absence of objection the bill (H. R. 8639) on the same subject will be laid on the table.

There was no objection, and it was so ordered.

H. C. MARKHAM.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent to set aside the order made this morning with reference to the bill (H. R. 165) for the relief of H. C. Markham. This is a bill to remove a charge of desertion, and the amendments of the Senate seem to be merely formal in character.

The Clerk will report the amendments.

The amendments were read at length.

The SPEAKER. The gentleman from Iowa asks unanimous consent to concur in the Senate amendments; and if there be no objection the order by which this bill was referred this morning will be rescinded, and the Senate amendments will be concurred in.

There was no objection, and it was so ordered.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House Senate bills; which were read twice and referred as follows, namely:

The bill (S. 2110) granting the right of way for the construction of a railroad through the Hot Springs reservation, State of Arkansas—to the Committee on Public Buildings and Grounds.

The bill (S. 2863) to provide for the erection of a public building in the town of Smyrna, Del.—to the Committee on Public Buildings and Grounds.

The bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion—to the Committee on War Claims.

The bill (S. 2590) granting a pension to George L. Sanders—to the Committee on Invalid Pensions.

The bill (S. 2765) granting a pension to Adaline A. Smyth—to the Committee on Invalid Pensions.

The bill (S. 3047) granting a pension to William Bittinger—to the Committee on Invalid Pensions.

The bill (S. 3083) restoring to the pension-roll the name of Florian Lischewsky—to the Committee on Invalid Pensions.

The bill (S. 3085) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased—to the Committee on Invalid Pensions.

The bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire—to the Committee on Invalid Pensions.

The bill (S. 3087) granting a pension to Mary A. Pfeiffer—to the Committee on Invalid Pensions.

The bill (S. 3091) granting a pension to John Corr—to the Committee on Invalid Pensions.

The bill (S. 3109) granting a pension to D. G. Rummel—to the Committee on Invalid Pensions.

The bill (S. 3112) granting an increase of pension to William H. Marston—to the Committee on Invalid Pensions.

The bill (S. 3114) granting a pension to Joseph H. Harwood—to the Committee on Invalid Pensions.

The bill (S. 3201) granting a pension to Elizabeth Wilson—to the Committee on Invalid Pensions.

The bill (S. 3208) granting a pension to William S. Bradshaw—to the Committee on Invalid Pensions.

The bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers—to the Committee on Invalid Pensions.

The bill (S. 3249) for the relief of Zo. S. Cook—to the Committee on Invalid Pensions.

The bill (S. 3269) granting a pension to Theresa Fichter—to the Committee on Invalid Pensions.

The bill (S. 3283) granting a pension to Reuben Ash—to the Committee on Invalid Pensions.

The bill (S. 3306) granting a pension to Mary K. Richards—to the Committee on Invalid Pensions.

The bill (S. 3325) granting an increase of pension to Julia M. Edie—to the Committee on Invalid Pensions.

The bill (S. 3335) granting a pension to Thompson D. Hatfield—to the Committee on Invalid Pensions.

The bill (S. 3339) granting an increase of pension to Charles H. Moore—to the Committee on Invalid Pensions.

The bill (S. 3342) granting a pension to David Myers—to the Committee on Pensions.

The bill (S. 3358) for the relief of M. S. Hellman, of Canyon City, Oregon—to the Committee on Claims.

The bill (S. 3414) granting a pension to Emma Matilda Selfridge—to the Committee on Invalid Pensions.

The bill (S. 3421) granting a pension to Mary B. McVean—to the Committee on Invalid Pensions.

The bill (S. 3422) granting a pension to Kate C. Van Arnum—to the Committee on Invalid Pensions.

UNITED PEORIAS AND MIAMIES.

Mr. NELSON. Mr. Speaker, I ask unanimous consent that the bill (H. R. 8074) to provide for allotment of lands in severalty to United Peorias and Miamies in the Indian Territory may be permitted to remain on the Speaker's table. The gentleman from Kansas [Mr. PERKINS] is interested in that bill, and I ask that it remain on the table until he is in his seat.

The SPEAKER. If there be no objection, the order heretofore made this morning with reference to the bill in question will be withdrawn, and it will be allowed to remain upon the table.

There was no objection, and it was so ordered.

RETURN OF A BILL TO THE SENATE.

The SPEAKER also laid before the House a request of the Senate for the return of the bill (H. R. 4792) to pension J. W. Porter.

The SPEAKER. Without objection the order returning this bill will be made, and the Clerk of the House will be directed to return the bill to the Senate.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSTON, of North Carolina, for ten days, on account of sickness.

To Mr. LAWLER, indefinitely, on account of important business.

To Mr. HOLMES, until Tuesday next.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of the following members as managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 1604) to change the time of the session of the circuit court of the western division of the western district of Missouri: Mr. CULBERSON, Mr. ROGERS, and Mr. CASWELL.

MERCHANT MARINE AND FISHERIES.

Mr. BOOTHMAN. I desire to present a privileged report from the Committee on Accounts, which I ask may be disposed of now.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 12, 1888.

Resolved, That the Committee on Merchant Marine and Fisheries be allowed an annual clerk, to be paid out of the contingent fund of the House, until March 3, 1889, at the rate of $2,000 per annum; and the Committee on Appropriations are hereby instructed to make provision for such clerk at the said rate of $2,000 per annum, from said March 3, 1889.

The committee to whom was referred the resolution by Mr. DUNN, chairman

of the Committee on Merchant Marine and Fisheries, asking that the clerk of said committee be made an annual clerk with pay at the rate of $2,000 per annum, until March, 1889, having had the same under consideration, and not seeing clearly the necessity for such action, report back said resolution without recommendation.

Mr. BOOTHMAN. The report being without recommendation by the direction of the committee, I now yield the time to the gentleman from Arkansas.

Mr. DUNN. I desire to state to the House the reasons which induced me to submit that resolution. The clerk of the Committee on Merchant Marine and Fisheries is a session clerk. The jurisdiction of that committee has been very largely extended, taking not only all legislation relating to the merchant marine but also to the fisheries. There is an important investigation pending, which the committee will have to make a request of the House for authority to continue during the recess of Congress. There is also another resolution ordered to be reported, providing for another investigation relating to the menhaden fisheries, which the House will probably order when it is presented. These investigations, taken with the extended range of legislation which has been sent to the committee, is enlarging the work of the committee very greatly, requiring a rapidly-increasing and extensive correspondence to enable the committee to act advisedly in all these matters, and my experience on other committees has taught me, by comparison with the importance and magnitude of this work, that this committee ought to be provided with an annual clerkship. If it is made annual now, it will enable the committee to avail itself of the services of that clerk in these investigations during the recess of Congress—and they must be continued during that recess—and also keep up the extensive correspondence which is necessary in relation to the legislation pending before the committee. I therefore ask the House to agree to the resolution before the committee, so that I may know whether to ask for authority to employ a clerk in these investigations or whether we shall use this clerk. I will therefore ask the previous question on the adoption of the resolution.

The previous question was ordered, and under the operation thereof the resolution was agreed to.

Mr. DUNN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WATER-RESERVE LANDS, WISCONSIN.

Mr. GROSVENOR. Mr. Speaker, I call up the bill S. 1880.

The SPEAKER. That is the special order.

Mr. GROSVENOR. This bill will only take a moment or two to dispose of. It is in regard to the right of way on certain reserved lands in the State of Wisconsin.

The SPEAKER. The Clerk will report the title, as the bill has been read. On the suggestion of the gentleman from Indiana [Mr. HOLMAN], consideration was postponed until this morning.

The Clerk read as follows:

A bill (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875.

Mr. ROGERS. I should like to hear that bill read.

The bill was read, as follows:

Be it enacted, etc., That all lands in the State of Wisconsin described in and withdrawn from sale by the proclamations of the President of the United States issued March 22, 1880, April 5, 1881, and November 28, 1881, for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same is hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain act of Congress, entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however*, That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River or its tributaries: *Provided further*, That the railroad companies availing themselves of this act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location of their proposed lines of railroad, over said water-reserve lands, in the office of the Secretary of War, and until the approval of said maps by the Secretary of War no right to occupy said lands shall vest in such companies; and no location shall be permitted which takes for right of way or stations lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system; or shall any railroad company be permitted to take material for construction from any of said reservoir lands outside the right of way granted herein.

Mr. GROSVENOR. This bill simply declares the former action of Congress relating to certain public lands is intended to cover lands known as water-reserved lands, subject, however, to additional provisos that are adopted in this bill. This bill was examined by the Committee on Rivers and Harbors. Inasmuch as reservations at the head of the Mississippi River are contemplated in that bill to be made in the interest of navigation, the bill was referred to the Secretary of War, and the provisos that he thought necessary were put in this bill. I know but little about it beyond what is disclosed in the record and the report of the committee.

Mr. HOLMAN. I think this bill ought to have been considered by the Committee on Public Lands. It was, however, referred to another committee. I have not had an opportunity of looking into the subject myself and am not at all aware whether this is a proper measure or not. I only wanted to know why the matter, being one which affected public lands, did not go to that committee. Assuming the statement of the gentleman from Ohio [Mr. GROSVENOR] to be correct, I am aware of no objection to the bill.

Mr. GROSVENOR. So far as I know there was no sinister purpose in sending this bill to the Committee on Rivers and Harbors. It was sent in the course of business at the Clerk's desk, not at the request of anybody. The only question is upon the construction of the reservations of water at the head of the Mississippi River. I suppose myself that no present member of Congress will probably ever engage in that work, although of course I can not say. But the bill is so guarded that it can not unfavorably affect the work whenever the time comes to construct it.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. GROSVENOR moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

PIMA LAND AND WATER COMPANY.

Mr. SMITH, of Arizona. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation in Arizona, and for other purposes, and that the bill be now put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Pima Land and Water Company, a corporation duly organized under the laws of the Territory of Arizona, is hereby granted the right of way, 500 feet in width, for their aqueduct and irrigating canal to, from, across, through, and out of the Fort Lowell military reservation, and the right to construct dams, water ways, and canals for the purpose of developing water and for the purpose of storing the same; and for that purpose sufficient land for the construction and maintenance of the same, not to exceed, however, 1,000 acres and not to interfere with any buildings or improvements on said reservation: *Provided, however*, That the said company shall supply the garrison, gardens, and orchards of Fort Lowell, free of charge, such quantities of water as may be required for irrigating purposes, not to exceed 100 miner's inches, and the location of the said canals and water ways to be subject to the approval of the Secretary of War.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I ask to have the report read.

The report (by Mr. MAISH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3060) granting right of way to Pima Land and Water Company across Fort Lowell military reservation, in Arizona, submit the following report:

The Pima Land and Water Company have a canal in course of construction from the Santa Cruz River, for the purpose of conveying water to the desert lands lying between the Fort Lowell military reservation and the city of Tucson, Ariz., and also for the purpose of supplying water to said city. In order to accomplish these laudable purposes it is necessary to cross said reservation. The projectors of the enterprise agree to furnish water to said military post.

The bill has been favorably recommended by the Secretary of War and the General of the Army, which letters are hereto appended and made part hereof. The proposed canal will be a great benefit not only to said post, but to the lands through which it passes.

Your committee therefore recommend that said bill do pass.

WAR DEPARTMENT, *Washington City, March 2, 1888.*

SIR: In reply to the request of your committee, dated the 7th ultimo, for the views of the Department upon House bill No. 3060, Fiftieth Congress, first session, "granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes," I have the honor to inclose a report upon the subject, dated the 29th ultimo, by the Lieutenant-General of the Army, and to concur in his opinion that in view of the proviso in the concluding lines of the bill its passage would be of no detriment to the service.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs, House of Representatives.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 29, 1888.

SIR: I have the honor to return herewith a bill, H. R. 3060, Fiftieth Congress, first session, referred by you for my report, with the remark that its passage, in view of the proviso incorporated in the concluding lines of the bill, would be of no detriment to the service.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 29, 1888.

SIR: I have the honor to return herewith bill H. R. 1938, Fiftieth Congress, first session, referred by you for my report, with the remark that the bill should be modified by substituting in section 1, lines 8, 11, and 12, for "four miles" the words "five miles."

The strip of land that would thus be retained in the reservation embraces the principal sources of the water supply of the past, and should not be surrendered.

If the bill is modified as suggested its passage would be of no detriment to the service.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

Mr. MACDONALD. What is the extent of the right of way granted?

Mr. SMITH, of Arizona. I think it is 500 feet in width, sufficient to permit of the protection of the banks of the canal. The report explains the matter.

Mr. TOWNSHEND. Has the bill been considered by the Committee on Military Affairs?

Mr. SMITH, of Arizona. It is reported by that committee.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES K. ERWIN.

Mr. THOMAS, of Wisconsin. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 10862) for the relief of Charles K. Erwin, and that the bill be now put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND. Let the report be read.

The report was read.

Mr. BLAND. Has this matter ever been before Congress until now?

Mr. THOMAS, of Wisconsin. It never has been.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I object.

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.

Mr. STRUBLE. I desire to remind the Chair of the special order assigned for this morning.

Mr. TOWNSHEND. I call up for consideration the conference report on the Army appropriation bill.

The SPEAKER. That is a matter of higher privilege. The special order will come up afterwards.

Mr. TOWNSHEND. Before proceeding further with the consideration of the conference report, I desire that some limit may be fixed for the debate.

The SPEAKER. The previous question is applicable to this report at any time when it is moved.

Mr. TOWNSHEND. I am aware of that; but I am willing that there shall be further debate if gentlemen wish, although I have no desire myself to debate the report at any considerable length.

I ask the gentleman from Texas [Mr. SAYERS] to indicate what time he desires.

Mr. SAYERS. It occurs to me that two hours and a half will be sufficient for the discussion of this matter, the time to be equally divided between those in favor of the report and those opposed to it.

QUESTION OF PRIVILEGE.

Mr. DUBOIS. Mr. Speaker, I rise to a question of privilege. I send to the desk a resolution which I desire to have read.

The Clerk read as follows:

Whereas on the 13th day of August, 1888, the following resolution was introduced by Mr. DUBOIS: "*Resolved*, That the Attorney-General be requested to furnish to the House of Representatives a list of pardons granted by the President of the United States to persons convicted of the crimes of unlawful cohabitation, adultery, and polygamy in Utah and Idaho Territories since March 4, 1885, giving the name, date of sentence, length of sentence, and date of pardon in each case," and referred to the Committee on the Judiciary on said day, and the same has not been reported to the House within the one week as provided by the rules: Therefore,

Resolved, That the committee be discharged from the consideration of the resolution, and the same be now considered by the House.

Mr. ROGERS. Mr. Speaker, the gentleman from Texas [Mr. CULBERSON], the chairman of the Judiciary Committee, is not present at this moment, and I have no knowledge myself of this resolution——

Mr. DUBOIS. I believe I have the floor. I will yield to the gentleman after I shall have made a statement. I desire to disavow any intention to cast a reflection on the Judiciary Committee of the House. The honorable chairman of that committee and two of its members have told me that they would be glad to report the resolution, but the chairman informed me that there was a bare quorum of the committee in the city, and I think that two ineffectual attempts were made last week to get a quorum together. Owing to the lateness of the session, and for fear that a quorum of the committee may not be got together, and for no other reason, I have introduced the resolution which has just been read.

Mr. CULBERSON. Mr. Speaker, I have just come in. What is the proposition before the House?

The SPEAKER. The gentleman from Idaho [Mr. DUBOIS] offers a resolution to discharge the Committee of the Judiciary from the further consideration of a resolution of inquiry introduced by him in regard to prosecutions under the law against polygamy, and to bring the resolution before the House for consideration at this time.

Mr. CULBERSON. I desire to say that the Committee on the Judiciary have not had an opportunity to hold a meeting for the last two or three weeks on account of the absence of some of our members. It is now understood, however, that we can have a meeting to-morrow with direct reference to this resolution and a resolution in relation to the charges against a district judge in California in connection with the admission of Chinese. I hope, therefore, that the gentleman from Idaho [Mr. DUBOIS] will withdraw his proposition.

Mr. DUBOIS. I suggest that the resolution lie over for two days.

The SPEAKER. If there be no objection, the resolution will lie over, subject to the right of the gentleman from Idaho to call it up at any time. The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887.

CONSTITUTIONAL AMENDMENT.

Mr. CRAIN, by unanimous consent, introduced a joint resolution (H. Res. 216) proposing an amendment to the Constitution of the United States authorizing the President to veto separate items in appropriation bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, with reference to the discussion of the conference report on the Army appropriation bill, it has been agreed between the gentleman from Illinois [Mr. TOWNSHEND] and myself that the debate may be limited to one hour and a half, the time to be divided equally between those in favor of the report and those opposed to it.

Mr. TOWNSHEND. That is satisfactory.

The SPEAKER. Unanimous consent is asked that debate on the conference report upon the Army appropriation bill be closed in one hour and a half, the time to be equally divided between the supporters of the report and those opposed to it.

Mr. HOLMAN. Yesterday I believe an hour was occupied on this subject, and most of the time, I think, was used in support of the report. Has that matter been taken into consideration?

Mr. SAYERS. Yes, sir. I do not wish to say anything at all to-day. I am willing to give away all my time.

The SPEAKER. Is there objection to the proposition? The Chair hears none, and it is so ordered.

MRS. GENERAL WARD B. BURNETT.

Mr. STRUBLE. I desire to make a request in regard to the special order fixed for to-day. I think it evident that no quorum is present this morning. I therefore ask unanimous consent that if it be disclosed during the day that a quorum is present I may call up the special order, not, however, to interfere with appropriation bills, conference reports, or the Oklahoma bill, and that if action be not taken to-day, I may call the bill up one week from to-day for final disposition so far as this session is concerned.

A MEMBER. Is it a pension bill?

Mr. STRUBLE. Yes, sir; it is the bill increasing the pension o Mrs. General Ward B. Burnett.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] asks unanimous consent that if the bill increasing the pension of Mrs. General Ward B. Burnett be not reached to-day, he shall have the right to call it up one week from to-day. Is there objection? The Chair hears none, and it is so ordered.

Mr. STRUBLE. Is it understood that I may call the bill up to-day?

The SPEAKER. That right will rest with the gentleman. The order is that if the bill be not called up to-day, the gentleman shall have the right to call it up one week from to-day.

BUSINESS OF COMMITTEE ON PATENTS.

Mr. WEAVER. I ask unanimous consent that on Tuesday next the House take a recess from 5 o'clock until 8 o'clock, the evening session to be devoted to bills on the Calendar reported from the Committee on Patents to which there may be no objection.

Mr. BUTTERWORTH. From the character of the bills reported from that committee it would be well, I think, that they be considered during a day session.

Mr. BLAND. Why fix a night session? We are going to be here all the fall anyhow.

Mr. WEAVER. I did not hear the remark of the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. I say that from the character of the bills

which have been presented in regard to patents I think it would be well to have them considered during a day session. My friend knows that the attendance here during the day, even when a quorum is in the city, is very slim; and in the evening there would be practically nobody here—only enough to organize.

Mr. WEAVER. In view of the suggestion of the gentleman from Ohio I ask that Saturday week, after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Patents.

The SPEAKER. The gentleman now omits the clause limiting the order to bills to which there is no objection?

Mr. WEAVER. Yes, sir.

The SPEAKER. The gentleman from Iowa asks unanimous consent that Saturday week, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Patents. Is there objection?

Mr. LYMAN. Unless the gentleman will embody in that request a proposition fixing a day for the consideration of legislation from the Committee on Invalid Pensions, I shall object.

Mr. WEAVER. I am not a member of the Committee on Invalid Pensions and am not running its business. I am voting for all pension bills; and I am as much in favor of pension legislation as my colleague [Mr. LYMAN]. But the Committee on Patents has had no hearing at all during this session, which has now extended over eight months. I hope the gentleman will not interpose objection.

The SPEAKER. The gentleman from Iowa [Mr. LYMAN] objects, unless the request be modified.

Several members called for the regular order.

ARMY APPROPRIATION BILL.

The SPEAKER. The discussion on agreeing to the conference report on the Army appropriation bill will now begin at three minutes after 1 o'clock.

Mr. SAYERS. I yield fifteen minutes to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, it is not my purpose to detain the House but a very few minutes. Nor do I propose to discuss the merits of the Army bill proper. It may be a good bill, and it may have defects, I am not sure, but I am willing to accept and confirm the action of the gentlemen who prepared it, and report it, subjected as it has been to the scrutiny of the House.

I desire to call the attention of the House, not to the items that are properly in the Army bill, but to the fact that under the guise of amending the Army bill the rules of the House have been violated and defied by adding to the bill the provisions of the fortifications bill, and in so doing the House is treated with disrespect.

The real question is not whether the Army bill as prepared by the Military Committee of this House, and as passed by this body, possesses merit which entitles it to favor, but will this House in the conduct of its business maintain its sense of self-respect and preserve its own dignity. That is the precise question.

If in point of fact the Senate had reported in the same bill an amendment which provided for building two cruisers, another which appropriated $200,000 for experiment in the manufacture of sorghum, and another giving $50,000,000 for pensions, there is not a member of this House belonging to either one of these committees who felt any respect for himself or for the authority of the rules of the House who would not indignantly resent the usurpation.

That is the precise question now before us, though in a less aggravating form, whether that kind of legislative juggling will be permitted or not. It is a great deal more important to the House to maintain its rightful authority and defend its jurisdiction and the rights of its committees than it is to become seriously troubled to determine whether we will appropriate $1,500,000 or $3,000,000 for the purchase of steel ingots. If the House is satisfied to submit to this indignity I must submit. If it is satisfied to permit the members of one committee to violate the rules governing our legislative proceedings, and in so doing insult another committee, I am sure I can stand it.

One word touching that aspect of the matter to which my friend from New York [Mr. TRACEY] referred yesterday. He said it has been intimated, if I understood him, that he was solicitous about the plant at Watervliet arsenal, because it would aid him in his canvass. Now, I honor him for doing all he can for his constituency, and he deserves honor for every proper effort to secure that great plant for his district. I have no criticism to offer on his conduct. On the contrary, it is thoroughly commendable. But I want to say to my friend, if this House consent for any purpose to an utter disregard and defiance of its rules, then the House has proved itself to be of such character that he need not be thoroughly anxious to acquire a seat upon this floor. That is putting it strong. It is putting it justly.

Now, as to competition in the purchase of steel. The item does not belong to this bill, and hence is not a proper subject for this discussion. You have already passed the fortification bill providing for the purchase of a plant and the purchase of steel. You have made abundant provision, in the judgment of the War Department and in the judgment of the House, for all these things. You have done it in the exercise of rightful jurisdiction, through a committee of this body, and that bill is now being considered in the Senate. Hence those items covered by that bill and improperly injected into this are not proper subjects for discussion at this time. It is not a question whether we will purchase one or five million dollars' worth of steel ingots for guns, but whether we will provide for it by orderly methods and in a manner worthy of this legislative body.

But since it has been adverted to I will say a word touching the proposed purchase of steel for heavy ordnance. The gentleman from Illinois [Mr. TOWNSHEND] has argued that we must purchase at least three times as much as will by any possibility be required, in order that we may be able, presumably, to get it at a cheaper rate. His argument is to the effect that if we purchase but $1,500,000 worth of steel we must purchase it from one plant, since there would be, as he claims, but one bidder, all other competitors being crowded out. He says the purchase of but $1,500,000 worth of steel will enable one plant now in the business, by reason of its supposed advantages, to bid for the steel at a rate to exclude all competition; and for that reason we must purchase a vastly larger quantity, regardless of our needs, as a means of securing competition and a lower rate. I call his attention to the fact that if a single plant now in existence can crowd out all others where the amount of steel to be purchased is but $1,500,000—in other words, if there is enough margin on $1,500,000 worth to enable them to crowd out all competition, will he tell me how it occurs that they can not do the business on a closer margin and successfully crowd out all competition when the amount is three times as great, and the time within which additional steel will be wanted is extended to ten years or more?

To state the proposition differently, if they can manufacture steel at a margin of, say, 10 per cent. where $1,500,000 worth is purchased, and can crowd out competition, can they not more successfully do it where there is $3,500,000 worth to be bought, added to the other fact that no additional quantity will be required for ten or twelve years? Is not that sound logic and business sense? The Secretary of the Navy advertised for $1,000,000 worth of gun-steel, and what was the result? He had three bidders. As my friend very properly says, there was in that instance additional steel to be bought. But that is just the point exactly that I want to make here. Now the War Department testified before our committee. It spoke through the Ordnance Corps that $1,500,000 worth of this steel would last five or six years, the Government working at its utmost bent, and that no more steel would be required in all that time.

Mr. TOWNSHEND. Will the gentleman allow me a question?

Mr. BUTTERWORTH. Certainly.

Mr. TOWNSHEND. The gentleman put that question several times to me, and now I want him, as a frank and candid gentleman, as I believe him to be——

Mr. BUTTERWORTH. I do not think you are mistaken about that. [Laughter.]

Mr. TOWNSHEND. I want the gentleman to give me his opinion on this point: if it is not a fact that when the Government advertised at the time to which he refers for the purchase of $1,000,000 worth of steel for heavy ordnance, it was not understood at the same time that there was to be an additional purchase of $3,000,000 and over for armor plates? Now, the people who desired to manufacture the steel if the Government, when it wanted only $1,000,000 worth of steel, and had advertised for that amount, with the understanding that no more was to be wanted—it is not likely that they would have made the bids to which the gentleman has referred. But it was clearly understood at the time that $3,000,000 of purchase was to follow very soon, and now will the gentleman tell me as a fair and candid man if the bidders for $1,000,000 worth of steel in that case were not induced to become bidders by the hope of securing the other order for the remainder. In other words, I repeat, if the Government having purchased $1,000,000 worth of steel for the guns was not also expected to purchase some three millions more for armor plates? And was not that really the inducement?

Mr. BUTTERWORTH. That is precisely the point I have been making, if the gentleman had paid attention to me; that is just the logic I want to apply here. Now turn it and let us see. We propose to purchase $1,500,000 of steel. Bids to supply that quantity will be made with knowledge of the fact that three or four times as much will be required in the near future. This will induce competition to supply the first lot in the hope of getting contracts to supply a part of the quantity needed afterwards. But if there is but one plant fully equipped, and a proposal is submitted for all the steel needed in the next ten or fifteen years, as my friend proposes, the result will be, first, that the established plant will crowd out all competition, because there will be no other steel required for ten or twelve years, and, second, the advantages resulting from improved metal and improved methods of producing it will be lost to the Government.

My friend must not forget that the processes for producing steel are being constantly improved. They make better steel now and at lower cost than they did a few years ago, and we have every reason to believe that the art will not cease to develop, but that this same improvement and reduction of cost will advance with the coming years. But yet in the presence of that knowledge my friend would authorize a contract to be entered into with one plant already established, giving them a contract for ten or twelve years to supply steel, thus at

once practically reducing the chances for competition, but holding out inducement to combine, and excluding all possible advantage to result from the advent of methods for improving the quality and cheapening the cost of production. Beyond that it is by no means clear that a new metal or alloy may not at any time supersede those now in use; so that, to my mind at least, the purchase of vast quantities of steel confessedly in excess of what will be needed in ten years, thus presuming that we have reached the end of the march of improvement in the production of metals and in the manufacture of guns, has no trace of wisdom or economy in it, and suggests advantages to the contractor rather than to the Government.

Mr. HERBERT. Will the gentleman allow me to interpose here a little correction?

Mr. BUTTERWORTH. Certainly.

Mr. HERBERT. Both gentlemen seem to be mistaken as to the fact they are using to illustrate their arguments. At the time to which the gentleman refers, when the gun steel for the Navy was advertised for, there was also an offer for the armor. The whole four millions was offered at the same time, but there were three separate bids for the gun steel, ranging from about $833,000 up to nearly $1,000,000, but only one bidder for the armor and armor plates. But all of these bids were offered at the same time.

Mr. BUTTERWORTH. Certainly; but there were three bidders for the steel forgings for guns, as the record discloses.

Mr. HERBERT. I also take this opportunity to correct the RECORD. My friend from Kansas [Mr. RYAN] called my attention to the fact that the RECORD the other day had it that in answering a question of this kind I had said there was $1,000,000, when what I really did say was $4,000,000.

Mr. BUTTERWORTH. I understand that steel forgings require a certain kind of plant. One million dollars was for the purchase of steel for guns and there were three competitors.

Mr. TOWNSHEND. Will not the gentleman admit that the same establishment which can turn out steel forgings for guns can turn out steel forgings for armor.

Mr. BUTTERWORTH. That is very likely, but I do not know whether it can or not. The machinery would of course be vastly different.

Mr. SAYERS. But they did not bid for that.

Mr. BUTTERWORTH. They did not bid for steel forgings for guns.

Mr. FARQUHAR. Did not the successful bidding firm get both contracts?

Mr. BUTTERWORTH. I do not know, and I do not care. It is not of the slightest concern whether it did or not. Even if it were true, it would not justify the purchase of a supply for ten years during the development in gunnery and in metals and in the manner of producing them, which is of constant and accelerating growth.

But this whole matter properly belongs to the appropriation bill already passed by the House and now pending in the Senate; and it is not justly a pertinent question at this time of whether we shall buy more or less steel. These items have no business on this bill. And this House by a vote of nearly ten to one has determined what amount of steel ought to be purchased, and the bill carrying those items has passed and is now pending in the Senate, and I protest that it is not proper to consider them in this connection and upon this bill, because it is otherwise ordered in the rules, and because they are here in utter defiance of the mandate and the well-established precedent and practice of the House and in utter defiance of the rights of the Committee on Appropriations.

Now, it is not of consequence to me more than to other members of this body, but I feel some little spirit of resentment when the House indicates in any degree a disposition to permit one of its committees to be thus insulted by having subjects specially committed to their care taken in charge by another committee and reported in direct and inexcusable violation of the law governing our procedure.

I do not criticise the gentlemen of the committee, except in this: that after the Senate, in disregard of the rules of the House, and regardless of our rights, added these amendments, the Committee on Military Affairs aggressively assume that they have, by this action of the Senate, been clothed with full jurisdiction the same as if it had been conferred by the affirmative action of the House.

The Senate can not, by its action, oust or confer jurisdiction in cases where the House has conferred or denied it by distinct rules ordained for the government of its proceedings.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TOWNSHEND. I yield fifteen minutes to the gentleman from Pennsylvania [Mr. MAISH].

Mr. MAISH. If I am not mistaken, Mr. Speaker, no fortification bill has been reported to this House from the Committee on Appropriations, to use the elegant language of the gentleman from Missouri, since the "Committee on Appropriations has been deflowered." Now, Mr. Speaker, there has not been a bill for fortifications passed that has been introduced into this House by that Committee on Appropriations for the two years, or since the rules have been changed, and therefore the practice of this House for many years affords no argument in favor of the Committee on Appropriations. I had hoped that the question of jurisdiction had been disposed of and would not be entered into again. I thought that the House had heard as much of it as it cared to hear. I maintain that the dignity of this House has not been insulted, and I maintain further that the jurisdiction of no committee has been trespassed upon. I hold, and I think no lawyer can give a fair and candid examination to the rules who will not hold, that the subjects incorporated in the Army bill by the Senate legitimately belong to that committee. Mr. Speaker, the report from the Committee on Appropriations itself suggests that the members of that committee have some other idea of the word "fortifications" than the gentlemen of the committee have given to it on this floor. They say in their report upon the fortifications bill that—

> The Committee on Appropriations in presenting the accompanying bill making an appropriation for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial, and service, and for other purposes.

They incorporate, according to their own admission, a very great many subjects in their bill outside of all they themselves have said to be embraced in the word "fortifications."

Now, Mr. Speaker, I am almost ashamed to go over this subject again; it has been so frequently presented to this House. The rule, for it is but one rule, defining the powers and authority of the various committees provides, as follows:

> All proposed legislation shall be referred to the committees named under the preceding rule, as follows:

Then it proceeds:

> Subjects relating,
> 1. to the election of members: to the Committee on Elections.

Then it goes on to enumerate the various committees, defining their powers, until we reach clause 3, which I do not find at this moment, but which I will state from memory, gives among the subjects belonging to the Committee on Appropriations the subject of "fortifications."

Then we come down to clause 12, in which we have the following words:

> To the military establishment and public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs.

Now, I maintain that a fair interpretation of this rule gives to the Committee on Military Affairs jurisdiction—if not exclusive jurisdiction, at least concurrent jurisdiction—of the matters which the Senate has chosen to incorporate into the Army bill. If concurrent jurisdiction, then it is within the power of the House to confide this subject either to the Committee on Military Affairs or to the Committee on Appropriations. Because the House voted a few days ago to appropriate $1,500,000 for the purchase of steel ingots in the fortifications bill, that does not bar it from voting to-day $3,500,000 in the Army bill.

Does the gentleman from Ohio [Mr. BUTTERWORTH] suppose that the materials to be purchased with the $1,500,000 appropriated the other day will be consumed in one year? Yet the principal objection he has made to the appropriation of $3,500,000 is that it can not be consumed within a year, or until this House meets again and may make another appropriation. The scheme of his committee spreads over a period of six years. According to the showing of the report of the Committee on Appropriations $1,500,000 will procure ninety steel guns of various calibers. Ninety guns for the defense of 4,000 miles of coast! Three million five hundred thousand dollars will purchase, according to the estimate given by the Committee on Appropriations, two hundred and ten guns of various calibers. Two hundred and ten guns for the defense of the entire coast of the United States of America, exclusive of Alaska! It is wholly insufficient. We want at least a thousand of these guns for the defense of our coast.

I wish also to call attention to the fact that the armory at Watervliet is now capable of turning out guns of 10-inch caliber, and, as General Benét states in his letter to the Committee on Appropriations, in one year it may be put in a position to turn out guns of 12-inch caliber. So that we do not need to wait one, two, or three years for the erection of the new works at the Watervliet armory. It can turn out now the 10-inch caliber guns provided for in the bill, and within a year it can begin to turn out the 12-inch gun, and thus within a very short period, two or three years, it will be practicable, in my judgment, to commence the construction or the assemblage of 14 and 16 inch guns. The gentlemen who are so excessively sensitive upon this question of jurisdiction seem at the same time to be exceedingly anxious that some provision shall be made for the defense of our country, but I can see no hope in the direction of the Committee on Appropriations. They brought into this House a bill a few days ago providing for the construction of guns by private corporations. An analysis of that bill will show that it is utterly impracticable.

I would like to ask the gentleman from Ohio [Mr. BUTTERWORTH], if he were in his seat, how many tests would be made under the provisions of the bill which his committee has reported and by which they hope to put the country in a proper state of defense.

It provides that guns of a certain type, equal to the best in the world, shall be purchased if they meet the required tests. All the tests may

be made in one year. Two million five hundred thousand dollars is the maximum limit of expenditure, but the ultimate expenditure may reach an amount beyond $13,000,000. According to the bill which that committee reported the Government of the United States may be made liable for the payment of more than $13,000,000 for ordnance within one year, and after the Government has contracted for their purchase they become utterly worthless as compared with guns improved after that period. The bill also proposes that the construction of ordnance shall be submitted to the competition of private corporations for the purpose of encouraging home manufacturers; but, Mr. Speaker, I do not understand that the bill limits the competition to American manufacturers.

As I understand it, the Government would be required to purchase guns of the manufacturers of the Old World if their ordnance should be found to be superior to those manufactured by American manufacturers.

Mr. SAYERS. To what bill does the gentleman refer?

Mr. MAISH. I refer to the bill reported by the Committee on Appropriations.

Mr. SAYERS. Let me correct the gentleman. The provisions of that bill require not only that the material shall be of American manufacture, but that the parties engaged in manufacturing the guns shall be bona fide residents of the United States.

Mr. MAISH. I ask the gentleman to refer to the provisions of the bill. I say, sir, that the bill enables foreign manufacturers to compete with American manufacturers for the sale of ordnance.

Mr. SAYERS. I call the gentleman's attention to page 10 of the bill, where it is provided that all materials purchased under the provisions of this section shall be of domestic production.

Mr. MAISH. I have noticed that provision.

Mr. SAYERS. Very well. Then there was an amendment adopted by the House, with the consent of the Committee on Appropriations, providing that any person engaged in the manufacture of steel for which the fortifications bill provides shall be a resident of the United States.

Mr. MAISH. But, Mr. Speaker, does that answer my objection? I allege that the bill reported by the Committee on Appropriations would allow foreign manufacturers of ordnance to compete with American manufacturers, and I ask the gentleman to point out the provision in the bill which prohibits them from doing that.

Mr. SAYERS. I will read to the gentleman from section 4:

That all tools, machines, and materials for said guns shall be manufactured in the United States.

Mr. MAISH. Yes, sir; I admit that the bill contains that provision; but it does not provide that the guns which are to be submitted to test shall be manufactured in America.

Mr. SAYERS. I do not see the gentleman's point.

Mr. MAISH. If the gentleman can persuade this House that by "material" is meant the finished piece of ordnance, I grant he is correct.

But, Mr. Speaker, whilst we are contending over questions of jurisdiction no progress is being made towards putting the country in a state of defense. I have felt the weight of a great responsibility. I have endeavored to discharge my duty. When a grave public necessity confronts us, I care very little how it is met; my chief anxiety is that it should be met. When the subject of the public defense was, by the action of the Senate, committed to the committee of which I am a member, the question that presented itself to me was whether their action was right.

The warning words of Samuel J. Tilden made a deep impression upon the minds of the people of this country. They feel that it would be a criminal neglect of duty for this Congress to procrastinate the subject longer.

The report of the Board of Ordnance, submitted to President Cleveland on May 12, 1885, presents the defenseless condition of our country in language that can not be too solemnly considered:

It is of no advantage to conceal the fact that the ports along our seacoast—a length of about 4,000 miles, not including Alaska—invite naval attack; nor that our richest ports, from their greater depth of water and capacity to admit the largest and most formidable armored ships, are of all the most defenseless.

The property at stake exposed to easy capture and destruction would amount to billions of dollars, and the contributions which could be levied by a hostile fleet upon our seaports should be reckoned at hundreds of millions.

It is impossible to understand the supineness which has kept this nation quiet—allowing its floating and shore defenses to become obsolete and effete—without making an effort to keep progress with the age, while other nations, besides constructing powerful navies, have not considered themselves secure without large expenditures for fortifications, including armored forts.

Our nearest neighbor, though, reasoning from the past, she should have no occasion to dread a naval attack from us, has nevertheless constructed armored forts at Halifax and Bermuda, both as a refuge for her fleets and as outposts for offensive operations.

In the mean time we have acquired great riches and apparently dreamed that prosperity should inspire friendship and not envy in less favored peoples—forgetting that riches are a temptation, and that the plunder of one of our seaports might abundantly reimburse an enemy for the expenses of a war conducted against us.

Had another policy prevailed and been consistently pursued towards the formation of a suitable coast defense, we should at the present moment have nothing more serious to engage our attention than a measured development in the strength of the works of defense and in the power of guns, in order to keep pace with the gradual progress in the means of attack.

Unfortunately the immense labor of novel constructions must be undertaken under circumstances where careful workmanship is required and haste would be impossible. Under the most favorable conditions a long period would be required to place the defense upon a secure basis, and who shall guaranty that this can be effected free from complications with foreign powers? The Gun Foundry Board has estimated that it would require at least three years to establish proper plant for the construction of modern guns. It would in all probability require two years more to get out and prove the first 16-inch gun. That there may be no delay in mounting the guns as fast as completed, the work upon the extensive foundations for the gun emplacements, as well as magazines, shell-rooms, engine-rooms, and other constructions necessary for the service of the guns, should be commenced at the earliest moment.

No stronger justification for the action of the Committee on Military Affairs can be produced, and I think it will be found ere long that we pursued the only course that promised any relief for this acknowledged demand of the country.

[Here the hammer fell.]

Mr. SAYERS. I yield fifteen minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I suggest that one of the propositions discussed by the gentleman from Pennsylvania [Mr. MAISH] is not involved in this debate; that is, as to what committee had jurisdiction of this subject-matter under the rules of the House. My friend has discussed that as though it were still an existing question. That question has been disposed of by the deliberate action of the House. The House has decided that the subject-matter involved in these Senate amendments connected with fortifications belongs to the Committee on Appropriations. That has not only been decided by the presiding officer, but acquiesced in by every gentleman on this floor; yet the Senate of the United States with full knowledge of this fact, for it appeared of public record before this report was prepared, insists that the House shall acquiesce in a policy which lowers the dignity of the House and violates its rules. I hope the House will not allow this to be done. If there were nothing else involved here but that single question, I hold that this House owes it to its own dignity not to consent that its rules shall be violated by the Senate with a full knowledge of the fact.

I have had the honor to represent in part the House on a good many conferences, and I have never yet known the Senate to consent that a proposition placed upon an appropriation bill in violation of its rules should become law. Yet, for a long period our rules were in direct conflict with those of the Senate. We allowed legislation on appropriation bills when in the interest of economy; the Senate did not. Yet, whenever that issue came up between the House and the Senate, the House, inasmuch as it was trenching upon a rule of the Senate, uniformly receded. The Senate never receded in a single instance that I can call to mind.

If the House should now recede from its position in regard to these matters pertaining to fortifications as involved in the amendments of the Senate to this bill, the House will do what up to this time the Senate has never done; it will forget its own dignity. The Senate at least has not forgotten that in the controversies between that august body and this House it has always maintained that its rules should be respected. If, therefore, there were no other question involved here, I should insist that the House owes it to itself to see to it that the Senate shall be informed that the House of Representatives expects to be treated with the consideration and respect which have uniformly been accorded by the House to the Senate.

But, Mr. Speaker, we are confronted with a question which goes away beyond that. We are to determine in connection with this report how far this side of the House will disregard the obligation assumed by gentlemen here when they were elected to seats on this floor, the obligation to see to it that the affairs of this Government should be economically administered. I know that there are two forces at work here which render a reasonable economy almost if not absolutely impossible. There is a state of things which renders frugal and honest government practically impossible. The great surplus in the Treasury is demoralizing Congress. The hard earnings of the people hoarded in the Treasury is the prize that organizes these lobbies and loads down the appropriation bills. With organized forces in your corridors from all sections of the country, forces increasing every hour with plausible schemes to reach your Treasury, the idea of economy and honesty in Government is simply out of the question. Experience demonstrates its impossibility. No greater misfortune could fall upon the country than these hoarded millions.

But to add further to our misfortunes and make a record for the present session of Congress which will be a source of indignation at least to our constituents, there comes in a new factor in addition to the corrupting surplus in the Treasury, a state of the rules of this House which offers facilities for improvident legislation. The spectacle of a controversy between two committees of the House over large expenditures is not encouraging, a controversy as to which committee has proper jurisdiction of an important matter affecting the public interest! Gentlemen must now see what a fatal mistake has been made. The whole country will see that there has been committed a serious mistake somewhere as to measures tending to economical government. Under your present rules I predict that in less than three years more, if this fatal surplus remains and the rules remain unchanged, your com-

mittees will be rivaling each other as to which shall make the heaviest drains upon the public Treasury.

The old rule as to a responsible Appropriation Committee, and the rule of the Forty-fourth Congress of frugal appropriations, were safeguards for prudent and frugal legislation. If our promises to the people in the future are to be fulfilled they must be restored. Neither of them has ever been departed from in any material degree without the departure resulting in the extravagant and lavish expenditure of the public money. Let us consider the matter. An Army appropriation bill carrying $29,381,300, and our Army composed of twenty-five thousand men! A Naval appropriation bill of $19,943,225.45. I do not blame gentlemen who represent States where these vast sums of money are to be expended, especially in erecting public establishments. As a rule, all gentlemen here display the same anxiety to have money appropriated for expenditure in their districts. No one questions all this.

It is perhaps proper enough; no gentleman has the right to complain of it. When a gentleman here yields to the instruction on the part of his constituents, and asks for an appropriation for a public building in his district, it is all proper enough to do. The gentleman from New York [Mr. TRACEY] and other gentlemen who represent districts where the large amounts of public money are to be expended, can with equal propriety ask for these large appropriations, but can the other Representatives on this floor, can the Representatives on this side of the House, who fill seats on this floor by virtue of the plighted faith of the Democratic party that the Government shall be economically administered, can they afford to permit it to be done?

Think of it, gentlemen, $19,943,225 for the naval service; $29,381,300 for the Army! And yet the conference report actually reduces the Navy from the amount named in the bill when it passed the House.

Mr. TRACEY. I object to the gentleman from Indiana making such insinuations as to my motives. It is not parliamentary.

Mr. HOLMAN. I have not said a word about the gentleman's motives.

Mr. TRACEY. I would vote for the appropriation because I believe it to be right, just the same as if it were for an appropriation not to be expended in my district.

Mr. HOLMAN. I think there is nothing in the remarks made by me which the gentleman can make objection to. I referred to the practice indulged in by gentlemen in yielding to the demands made by their constituents in asking for appropriations for public buildings.

Highly as I esteem my friend, I doubt whether he would feel the same interest in this bill if the appropriation were for Rock Island instead of Watervliet arsenal. Nor, sir, would I expect him to feel the same interest in one case as in the other.

Over nineteen millions for the Navy for this year, more than twenty-nine millions for the Army, nearly fifty millions altogether—nearly equal to the entire expenditures of the Government only thirty years ago!

Mr. TOWNSHEND. Why did not the gentleman from Indiana make opposition to the large increase in the Navy—ten millions last year and five millions this year? Why did not the gentleman make opposition then?

Mr. HOLMAN. I have always maintained the same opposition against extravagant appropriations. I opposed as well as I could the bills referred to. I have found opposition to such appropriations under the present rules useless, and wholly without effect.

You can have no economy under the present rules, and must yield to the constant demands of the Senate to enlarge the appropriations. I now give notice that I shall introduce next Monday a resolution, for reference to the Committee on Rules, for the restoration of the old order of things, under which severe economy was accomplished, and honest and upright government was preserved.

I can speak more freely now on this subject as I am not a member of the Committee on Appropriations. What I predicted at the beginning of the Forty-ninth Congress, when the rules were changed in this regard—what I predicted would happen has already been more than fulfilled. With the corrupting surplus and under the change of the rules economical government can not be maintained.

Mr. TOWNSHEND. The gentleman from Indiana does not want to do injustice?

Mr. HOLMAN. Certainly not.

Mr. TOWNSHEND. The Committee on Appropriations most undoubtedly has been fully as extravagant as any other committee. When it brought in an Army bill appropriating $24,000,000, why did he not criticise that committee?

Mr. HOLMAN. The demoralization under the new rules affects that committee as well as the other committees. It has, it is true, a larger number of bills, and the demoralization will and does affect that committee as it does any other committee of the House. It is absolutely impossible to avoid it.

Where the committee has but one appropriation bill, or only partial appropriations, it becomes impossible to preserve economy. It becomes unconsciously the mouthpiece of every bureau of the Department and every interested party in and out of the Departments. The pressure is irresistible with an overflowing Treasury. However anxious my friend may be, and I am certain he is, to reduce the appropriations to the actual needs of the public service, he will find it impossible to do so. He can not keep the appropriations down to the proper figure. Take the single item of transportation in the Army bill, which involves millions of dollars. It was expected there would be a reduction in that item.

Mr. TOWNSHEND. I served on the Committee on Appropriations for four years, and aided my friend from Indiana in the preparation of the Army appropriation bill, and I do not see why he should especially select the Committee on Military Affairs, when the Committee on Appropriations, as we both know, reported these large increases.

Mr. HOLMAN. Here you report over $29,000,000.

Mr. TOWNSHEND. Those are the Senate amendments. And in the bills reported from the Committee on Appropriations for the support of the Army the amounts carried by the bill varied from $23,000,000 to $24,000,000.

Mr. HOLMAN. Certainly; the appropriations ran all the way from twenty-three to twenty-four million dollars.

Mr. TOWNSHEND. And twenty-four millions is just what we report in this bill. The Senate have made the increase.

Mr. HOLMAN. Certainly; but the report involves over $29,000,000. I did not myself have charge of this particular bill at any time.

Mr. TOWNSHEND. I think, if the gentleman will recollect, in the Forty-eighth Congress he, the gentleman from Alabama [Mr. FORNEY], and myself had charge of the bill as a subcommittee of the Committee on Appropriations.

Mr. HOLMAN. That may be, but I never had special charge of the bill—I mean in the sense of having the control of it on the floor of the House.

But, sir, the idea of these enlarged expenditures is impressed upon the minds of gentlemen in the name of the most sacred impulse that can animate an American citizen, the impulse of patriotism. Gentlemen who represent the great constituencies of this country ought not to underestimate the greatness of their country, and yet that is just what we are doing when we insist that the expenditure of vast sums of money is now necessary for the defense of our coast.

The foremost of the nations, with the greatest resources possessed by any nation; with millions of men ready to defend the honor of the nation at any moment; a nation great by the arts of peaceful industry, with no schemes of conquest or plans of injustice, isolated from the traditional feuds and hatreds which monarchy has inspired and kept alive for centuries, ought not to oppress its people by vast warlike expenditures. It is not the fear of foreign invasion that prompts these warlike preparations.

[Here the hammer fell.]

Mr. TOWNSHEND. I now yield five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, so far as the question of the conflict of jurisdiction in regard to appropriations between the House and the Senate is concerned, arising from the supposititious violation of the rules of the House by the Senate, I have nothing whatever to say, because I am frank to own that individually I do not feel that my part of the dignity of this House has suffered anything, and consequently those gentlemen whose dignities suffer may rise and resist the injury while I will take my time for something else.

I notice that whenever you scratch the Committee on Appropriations the antique character from Indiana rises to defend it, to assert the jurisdiction of the Committee on Appropriations, and to deny the existence of a nation and the functions that go with it. We are asking of the Congress of the United States an appropriation which shall manifest the existence of the military power of the Government, to-day evidenced alone by an occasional flag strung up between the heavens and the earth at some post or barrack, and 30,000 miles of our coast undefended.

The Committee on Appropriations shows a very commendable or noncommendable disposition to absorb everything and swallow up all the powers which the Congress of the United States in its grace has seen proper to confer upon the various committees of the House; and it has kept on absorbing with the same unsatisfied greed until it has succeeded in swallowing up the surplus, much to the disgust of the gentleman from Indiana and others on his side, I take it. [Laughter.] And this effort of the Committee on Appropriations is evidenced by the speech of the gentleman from Indiana and the members of the Committee on Appropriations who preceded him, and the whole proceeding will be evidence to those gentlemen who keep their eyes open that the purpose of the committee and its friends is to swallow up the apparently frank and open effort now made to secure legislation on this subject.

The clamor and cry about a conflict of jurisdiction in the House, and the invasions of the House by the Senate, and the placing of amendments upon the Army appropriation bill by that body, I say here, Mr. Chairman, are nothing but a trick and a contrivance by which it is attempted to array the prejudice of the House against the merits of this legislation and thereby destroy the only chance the country has of any possible legislation, if you want it. If you want legislation upon the subject, here it is now, and take it. The Committee on Appropriations arises by itself and its next friend in its behalf and asks the House not

to take it. The gentleman from Indiana is peculiarly, unhappily, chronically the defender of economy; and yet he comes here and champions a bill committing the country to an expenditure of $19,000,000 as against an act of Congress now pending and in conference which carries but about $5,000,000 for the same object.

Mr. HOLMAN. The gentleman is entirely mistaken; the House passed no such bill that I championed.

Mr. LAIRD. It has passed a bill which commits you to the policy of appropriating $19,000,000——

Mr. HOLMAN. Oh! no; nothing like it; only some three and a half millions.

Mr. LAIRD. I repeat, $19,000,000, as the bill shows, is the amount it carries; and against it we offer you a bill carrying but five millions. Now, you talk of economy. You say you want economy in the public expenditures, and yet your purpose, I submit, is perfectly apparent to defeat the legislation itself.

Mr. SAYERS. Here is the bill which the gentleman says carries nineteen millions. It carries less than four millions.

The SPEAKER *pro tempore*. The time of the gentleman from Nebraska has expired.

Mr. LAIRD. Well, I would like to have an hour more of time.

Mr. SAYERS. I now yield five minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. Mr. Speaker, the House is the proper authority to decide the question of jurisdiction as between its various committees; and at the proper time it will undoubtedly exercise that jurisdiction and determine the disputed question. If the Senate has by its amendments invaded any of the rights of this House, I am for resisting such invasions. But underlying all of this question is that of the propriety of making these appropriations as proposed by the bill now under consideration and what is known as the fortifications bill.

Living upon the coast of the United States, and living, too, upon a section of that coast which is entirely unprotected, either by forts or by fleets, I am free to say that I believe all this kind of expenditure is entirely unnecessary at the present time. Why? Because all that we need in this country in the way of a navy (and that is to be considered in such bills as this under consideration and the bill which has been sent to the Senate)—all that we need in the shape of a navy are some powerful monitors to guard the principal harbors of the country; because it is well known that of all vessels now afloat the monitor is the most impervious to shot.

The defense of the coast by fortifications is utterly impracticable at the present time, because a fort only protects that portion of the coast immediately within range of its guns, from 6 to 7, or, if you please, 10 miles; and what then becomes of the balance of the coast uncovered and unprotected by forts?

Mr. Speaker, the torpedo system of this country is in such a condition that any harbor upon our coast could be in a few days put in shape so that no man even in a White Hall row-boat could safely enter it, much less a man-of-war. These heavily armored vessels, belonging to the various foreign powers of which we hear so much, the only ones from which we have anything to fear, are naturally slow sailers, and it would not be possible for one of them under any ordinary circumstances to cross the Atlantic within less than ten or twelve days on an average passage. During that time information as to what was being done could be disseminated all over our country, all along the coast, and the purpose the vessel had in view in sailing to our shores be known. In that time we could, as a rule, be pretty well prepared to meet it.

What we need is a few heavy guns in addition to the monitors; they, too, can be moved quickly, and in that way we can amply protect our entire coast. Much criticism has been indulged in about the condition of the Navy and our defenseless coast line; but all the navy we need for foreign service is a few first-class and as swift cruisers as can be built, while all we need to guard our coasts, I repeat, is the torpedo and the monitor systems, and the monitors do not cost anything like as much as the cruisers.

Now, whenever you come to consider the question of the expenditure of vast sums of the public money, I am always ready to vote liberally when any general benefit is to be derived from such expenditures; but, Mr. Speaker, I am unable to see the necessity for the passage of bills providing for any such expenditure at the present time. Years ago, when different conditions prevailed, it might have been necessary; but that condition does not now exist. It is no longer necessary, for the reason that the only power with which we as a people are ever likely in the future to have any trouble with, which trouble might lead to war, is the Government of Great Britain. I think, all gentlemen will admit, that so far as any member of this House can speak with anything like an approach to a spirit of prophesy upon this subject, this is a fair if not an undeniable proposition. If, however, there shall be trouble arising in the future, or if difficulties occur between the Government of the United States and that of England, they will never attempt to invade this country through our seaboard, but they will come, if at all, from the Dominion of Canada.

And besides that, Mr. Speaker, while the gentlemen talk about English fleets appearing on the coast of the United States and destroying, or laying under tribute our great cities, the fact is that in our day war is conducted on a different and more human principle, and is not like the old religious or civil wars that carried with them in the past the murder of women and children and the destruction of cities; but the nations of the earth have themselves provided laws, so to speak, which regulate the carrying on of civilized warfare. In addition to that, the statesmen who are in charge of the affairs of the English Government at the present time are men of great character and ability, and they would allow no step to be taken by the commanders of their armies, or of their fleets which would lead to such retribution as would be visited upon them, for the destruction of cities or by laying them under tribute in the manner that has been suggested here.

It might be true that at this time we are unprepared for war with any great power, but is any war imminent? We had unfortunately and unnecessarily among ourselves the greatest civil war of modern times. I hope and think it is the last war with which this country shall be cursed.

What and what power are we to fear? We have had serious trouble and war only with England and Mexico in the past.

In comparison with the power and resources of our country those of Mexico were so insignificant as to make our series of victories at this day look somewhat insignificant.

If we ever have serious war with any power, it will be with England, whose traditions, form of government, and policy have always been and now are opposed to our system of government *in toto*.

It might be true that the English navy could do some damage on the coast; I do not know how war can be carried on anywhere without some damage to person and property. But can it be supposed for an instant that war between the United States and any foreign power would be carried on with no regard to the usages of civilized warfare? Most certainly not.

Like almost all governments, and I know of but one exception, and that was in the action of our own, England has dealt with all weaker powers in a spirit of domination and dictation unworthy of such a power. In the last two hundred years she has never, unaided, overcome upon the battle-field any power which matched her in numbers, or in resources, or in implements of war.

The war in the Crimea was her last great war, and if history be true, the French army, to say the least, gave her great assistance Since then she has contented herself with and reaped the glories of her arms afloat and ashore from battles in which she met semi-civilized and savage peoples, with the exception of the Boors in South Africa.

Except the demands made upon this Government when engaged in a war for its preservation, she has in the time mentioned committed no act of real hostility against any even respectable power.

Let her have the glory and prestige of bombarding with the most powerful fleet afloat the city of Alexandria, defended by antique cannon manned by half-starved Egyptian fellahs. Why, sir, that bombardment was a blot upon civilization! If those half-starved, rice-fed people had had modern guns of smaller caliber, comparatively speaking, they had not strength to lift the shots even by machinery to load them, and the shock and recoil of a 6-inch rifle would knock down a whole gun's crew of them.

Much has been said from time to time upon this floor about what England could do in the defenseless state of our country, which is one reason I speak thus of that power on the seas and upon the land.

Her great victories upon land certainly in the last century, where she had not the assistance and presence of the troops of other nations, have been confined to the slaughter of savages and semi-civilized people, armed either with guns that would not hurt a rabbit if he could be hit with one at sixty paces, or sharp sticks, when her own troops were provided with all the conveniences and armed with the most approved weapons of modern warfare.

All such appropriations as this bill carries are unnecessary at this time. We certainly are not going to declare war ourselves until we are ready, and how is any power to fight us unless they come over here to do so? We have no outlying provinces to protect, and the power so often mentioned here on this floor has them all over the world, in every continent, in every zone.

The first result of a war with England would be the loss of Canada to her if we wanted it, and a declaration of war would bring into the field an army of veterans here which upon this land would be invincible by any force which could be landed by England or all the European powers combined. The shock of the first gun fired would sever forever the chains which bind Ireland to England.

This much is not said in any spirit of bravado; with England we are friendly, it is to be hoped we shall remain so. We are of the same race, descended from a common stock, reared in one of the greatest countries upon earth.

The statesmen in charge of the conduct of the affairs over there are not barbarians, neither do they lack the ability to keep up the dignity and standing of that vast empire among the nations of the earth. War will never be declared without grave cause, and when in progress, if ever, will be carried on according to the usages of civilized nations.

We would have to wait for their fleet to come here, or invade Canada and make that the battle-ground. In that we have a great advantage.

We have a fine torpedo system, which makes, when used, our harbors inaccessible. Failing that, we have some monitors, the most im-

pervious to shot of any class of war vessels, and can have more when necessary. They can be moved to any point threatened. We have a few and need more fine fast cruisers to carry our flag abroad and upon which to train and discipline our officers and sailors.

Such ships are now in process of construction or provided for, or will be provided for, and they should be as fine and fast as any in the world; they probably will be.

All this fear or probability of destruction and laying of tribute amounts to nothing. The question of the people of this country, any portion of them, paying tribute was settled long ago, and when the time comes the "millions for defense" will be forthcoming, but "never a cent for tribute."

Boasting never amounts to or accomplishes anything, neither am I ever given to it in the name of my country or for myself; but can any intelligent man doubt that the outcome of war between the United States and England or any other power would end in defeat and disaster for the latter? The end would come, and if any property of any kind was wantonly destroyed; if upon the levy of tribute the demand for it being refused, as it should be, and would be, was followed by the ruthless sacrifice of the lives of women, children, and non-combatants by England or any other power, retaliation upon the part of this Government would be entirely justifiable and fearful to contemplate.

After a time we would get prepared for war by land and sea, and the rulers of all powers know it. They know, too, with our wealth, population, mechanical and inventive genius, and illimitable resources, that the time would be short which we would require for preparation. Whenever any emergency has arisen the people of the United States have proven themselves equal to it.

Whenever England or any other power or powers shall so act towards this country as fears are sometimes expressed here they may, will, or can act, ancient history will be repeated in these enlightened days.

Rome destroyed Carthage. Let England or any other power or powers violate the rules of war, let there be any wanton destruction of life or property, let there be any tribute laid upon the cities or people of this land, in case of war, and the nation committing such deed or deeds will have its power broken and pay tribute for generations.

Mr. SAYERS. Mr. Speaker, it has been charged upon this floor time and again, and it has been especially charged by the gentleman from Nebraska [Mr. LAIRD], who addressed the committee a few moments ago, that the fortifications bill, which passed the House, carried with it $19,000,000. I desire simply to call the attention of the House to the exact items which passed this House and which make up the aggregate of that bill, showing that the gentleman is very far in error in the statement that he has made. The items making up the total of the bill are as follows:

For protection, preservation, and repair of fortifications and other works of defense	$100,000
For sea-walls and earth embankments	117,000
For torpedoes for harbor defense, the purchase of submarine mines, etc	200,000
For the manufacture or purchase and test of cannon and carriages, etc.	400,000
To complete guns now under fabrication	158,000
For gun foundry at Watervliet	750,000
For purchase of steel	1,500,000
For purchase of mortars	500,000
Being a total of	3,725,000

That is the amount of the bill which passed this House and is now pending in the Senate. I will reserve the balance of my time.

Mr. RYAN. I wanted to call my friend's attention to a fact which I presume he has already brought to the attention of the House, but which I did not hear as I was not here during the time he made his remarks. That is in relation to this provision of the Senate amendments for the expenditure of five millions of money for the purchase of steel.

The SPEAKER *pro tempore*. How much time does the gentleman from Texas yield?

Mr. SAYERS. Whatever the gentleman from Kansas needs.

Mr. RYAN. The point I desired to speak of was that this five millions of money is to be expended in the purchase of steel forgings for 8, 10, and 12 inch guns. It is admitted that it will take at least ten years for the Ordnance Department to manufacture and assemble these guns.

Mr. MAISH. The gentleman is mistaken; it is $3,500,000.

Mr. RYAN. That is correct, and I thank the gentleman for the correction. This $3,500,000 instead of five millions is to be expended for the purchase of steel forgings for 8, 10, and 12 inch guns, to be assembled by the Ordnance Department, which will take at least eight years. Then what have we got? We will not then have a single, solitary gun from this enormous expenditure of money to cope with the high power guns of all the European nations. You have not a 14-inch gun; you have not a 16-inch gun; you have nothing under heaven with all this expenditure of money, after eight years of labor by your Ordnance Department, to cope with the higher-power guns of the world. Now, if it is wise at all to expend such a large sum of money for the purchase of steel, it ought to contemplate the manufacture by our own Ordnance Department, which has been so much lauded by the Military Committee, of guns of equal power at least with those that now exist and that can be brought to bear against us at any time. Why should we go to work here and give your Ordnance Department steel forgings that will employ them for a period of eight years and not receive from them a single, solitary gun that can cope with modern guns.

It seems to me, Mr. Speaker, that that would be unbusiness like and would be the very height of folly. Besides, sir, if we are to go any further than to provide steel forgings to give employment to our Ordnance Department for the assembling of 8, 10, and 12 inch guns, we should not purchase steel four or five years in advance of the time it can be used. The processes of steel manufacture have been gradually advancing so as to bring prices down year by year, and that condition of things is liable to go on in the future.

These are some of the business reasons that suggest themselves to me as sufficient of themselves to move this House and every man in it to disagree with the report, and ask at least of this committee that if they are to purchase three and a half millions' worth of steel forgings that they shall make provision for some guns of equal power with those now manufactured by the other nations of the world.

Mr. SAYERS. How much time have I remaining, Mr. Speaker?

The SPEAKER *pro tempore*. Five minutes.

Mr. SAYERS. I yield to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I care to say nothing upon the subject of the amount in the several bills in relation to fortifications. I do not care to repeat what I have said on a former occasion in relation to the issue between the two Houses. I regret very much that my friend from Indiana [Mr. HOLMAN] has seen fit to raise the question as to the appropriate division of appropriation bills at this time. I think the real issue is of too much importance to have the mind of the House diverted for a single instant by a controversy as to whether or not the division of the appropriation bills made under the rules of the House has resulted in disadvantage to the public service or no. If there is any advantage in bringing that proposition before the House, I fail to see it. If there is any purpose of inducing a conclusion by raising a prejudice against the several other committees, other than the Committee on Appropriations, who have charge of appropriation bills, I am unable to comprehend its wisdom; and I think my friend in his eagerness on that matter has injected it here, where, if it has any effect at all, it is to prejudice the real issue.

For one, I do not believe that the appropriations for fortifications ought to have been placed upon the Army bill by the Senate; but I am not willing that to facilitate the rejection of that amendment the country shall understand that the separation of these bills has brought about an action on the part of the several committees having appropriation bills to make them as large as possible. I happen, sir, to represent one of those committees, and I challenge the truthfulness of the statement of the gentleman from Indiana as to that. I know, sir, that so far as the work of that committee is concerned, having served on the Committee on Appropriations and having had charge of the postal appropriation as a member of the Committee on Appropriations, and having likewise had charge of the same appropriations as a member of the Committee on the Post-Office and Post-Roads, that the separation has resulted in a far better consideration of the bills and without the slightest disposition to magnify the appropriations. I believe that is true in reference to the bills of the other committees of the House.

I stand here, sir, supporting the claims of the Committee on Appropriations at this time, because I think that it is our duty in the interest of an orderly procedure of business that they shall have the matters allotted to them; that they are responsible for the consideration of other measures which give them peculiar advantages in reaching right conclusions. And I likewise claim, sir, the same thing obtains as to the bills of the other committees; that they have had much better consideration, and that they have produced more careful legislation. I protest against any effort in a matter disconnected with the question here that the gentleman from Indiana shall revive an old struggle in which he failed at the beginning of this session, and which, I believe, in the light of the experience we have had in the matter of separation of these bills, will bring him to failure again. I do not think the gentleman from Indiana does himself justice when he arraigns the several committees of this House having charge of these appropriations here, charging them with an effort to make the largest appropriations possible.

Mr. HOLMAN. My friend does not quote me exactly. What I said was that inside of three years there would be an actual rivalry between the committees as to which should appropriate the most money.

Mr. BLOUNT. I wish the gentleman would cite instances. It is very easy to make a statement that there is a rivalry amongst the committees as to which shall report the largest appropriations, but it is not just to the country or to the committees or to the gentleman himself to make such a charge without giving the House some facts to justify it.

Mr. HOLMAN. It is my prediction.

Mr. BLOUNT. Ah, the gentleman says it is a prediction. I have nothing to do with his prophecies.

Mr. HOLMAN. It was a prediction that I was making.

Mr. BLOUNT. The House did not so understand you.

LEAVE TO PRINT.

Mr. DOUGHERTY and Mr. MAISH, by unanimous consent, obtained leave to extend in the RECORD their remarks on the report of the committee of conference on the Army appropriation bill.

ARMY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, how much time is left?

The SPEAKER *pro tempore*. All the time allowed in opposition to the report has been exhausted.

Mr. TOWNSHEND. How much time have I remaining?

The SPEAKER *pro tempore*. Twenty-five minutes.

Mr. TOWNSHEND. Mr. Speaker, if the House will give me its ear for a few moments I will direct attention to the real issue presented here. There is no question of jurisdiction now pending or involved in the vote that will soon be cast. There is no question of order that can be raised, as has been ruled, not by the present occupant of the chair, but by the Speaker of the House. All this talk of the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Indiana [Mr. HOLMAN] about the "insult" which the Senate has cast upon the House, and about the infringement by the Senate of the right of the House to be governed by its own rules, is mere child's play and absurd. I will not impute to these gentlemen that it is their purpose to indirectly divert by such assertions the attention of the House from the real issue, but that is the effect of the line of discussion which they have pursued. There is not a member of this House who is not intelligent enough to understand that the Senate is an independent body, and that it has the right to amend in its own way any bill which this House may send to it. The Senate has no right to dictate to this House as to how it shall frame its rules in regulating its order of business, nor has this House any right to dictate to the Senate how it shall frame its rules or methods of procedure.

Now, what are the facts? The Senate has seen proper to place upon the Army appropriation bill amendments establishing a gun factory and authorizing the purchase of, from American manufacturing establishments, steel forgings out of which guns shall be made at its gun factory. That is the sum and substance of the amendments which the House conferees have agreed to in conference. I do not propose to argue the question of order. I have heretofore asserted, and will maintain when it is in order to do so, that under the rules of this House, it this was a new proposition, it would be in order to place these amendments on this bill, and that they come rightfully within the jurisdiction of the Committee on Military Affairs. In other words, that committee has the right to make appropriations to establish a gun factory and provide for the purchase of steel forgings to make steel guns or any other kind of guns for the Government. That is really all that is involved in these amendments. The only amendment which the Senate placed upon this bill which in my judgment encroached upon the right of the Committee on Appropriations of the House we non-concurred in. That was an appropriation for Fort Barrancas, in Florida. The House conferees, recognizing the right of the Committee on Appropriations to control that item, insisted on rejecting that amendment, and the Senate conferees agreed that, as it involved a question of making appropriations for fortifications, it might go out of the bill and be left for the fortification bill. The striking out of that amendment left the bill, in my judgment, stripped of every amendment which would in any degree infringe the rules of this House. But, as I have already stated, the question of jurisdiction is not involved here. The Senate, exercising their rightful authority under the Constitution, has amended the Army bill in accordance with its own judgment, and the sole question now is as to the merits of the proposition, and that is what I propose to discuss. Before I do so, however, I must say a word with reference to the remarks of the gentleman from Indiana [Mr. HOLMAN]. In my judgment there are some, but very few in number, who will vote against these amendments because they think they ought to go upon some other bill. I do not attribute such a motive to the gentleman from Indiana or to any considerable number of members of this House. The opposition which appears under that pretext comes from gentlemen who are opposed to any appropriation for making guns for the defense of the coast.

That is the real ground of their opposition, in my judgment, and that, I think, is the real objection of the gentleman from Indiana. Now, with these gentlemen we have a square issue, and I am ready to meet them in argument. I am one of those who believe that we ought to make some effort to prepare for the defense of the country in case danger should arise from complications with foreign countries, which may sooner than many gentlemen apprehend.

Why, sir, what are the facts of this matter? It is stated by the War Department that there is not one single modern steel gun owned by the Government of the United States which is capable of coping with the modern guns possessed by European governments, by China, Japan, and by one or two of the South American republics. It is stated that there is not to-day a first-class nation on the earth which could not, with a mere fraction of its navy, pass by any guns or fortifications that we possess, and bombard and lay under tribute any city upon either our Atlantic or our Pacific coast; and that if we were involved in war with any of these powers to-day, and had enlisted ten millions of men with muskets in their hands, they would be unable to defend any city on the seaboard. It has therefore been thought wise by the War Department that some steps should be taken looking to the protection of the coast by building heavy steel guns which will be capable of coping with the heavy guns which form the armament of the navies of the governments I have mentioned. It may be that we may not for many years need such guns; I trust we may not, but the far-seeing discover signs of danger which ought not to go unheeded. It is in times of peace that we should prepare for war. The guns that these amendments provide will be needed if war occurs, no matter if a hundred years or more may intervene.

Years ago one of the wisest statesmen this country has produced foresaw the need for this legislation. I refer to that distinguished gentleman whom we elected President of the United States in 1876—Samuel J. Tilden. [Derisive cries on the Republican side.] And he addressed to the Speaker of this House a letter containing as forcible an argument as could be framed, to the effect that the surplus in the Treasury of the United States could be put to no better purpose that that of fortifying our seacoast. I ask that this letter of his be incorporated in my remarks:

LETTER OF MR. TILDEN TO HON. JOHN G. CARLISLE ON OUR SEACOAST DEFENSES.

GRAYSTONE, YONKERS, N. Y., *December* 1, 1885.

DEAR MR. CARLISLE: As public opinion points to you as the Speaker of the next House of Representatives, I desire to submit a suggestion as to one of the public objects for which an appropriation ought to be prompt and liberal.

In considering the state and management of the public revenues the subject involves the questions whether we shall extinguish the surplus by reducing the revenue, or whether we shall apply the surplus to payments on the public debt, or whether we shall seize the occasion to provide for our seacoast defenses, which have been too long neglected. I am of the opinion that the latter is a paramount necessity which ought to precede the reduction of the revenue, and ought also to precede an excessive rapidity in the payment of the public debt.

The property exposed to destruction in the twelve seaports—Portland, Portsmouth, Boston, Newport, New York, Philadelphia, Baltimore, Charleston, Savannah, New Orleans, Galveston, and San Francisco—can not be less in value than five thousand millions of dollars. To this must be added a vast amount of property dependent for its use on these seaports. Nor does this statement afford a true measure of the damage which might be caused to the property and business of the country by a failure to protect these seaports from hostile naval attacks.

They are the centers not only of foreign commerce but of most of the internal trade and exchanges of domestic productions. To this state of things the machinery of transportation of the whole country has become adapted.

The interruption of the currents of traffic by the occupation of one or more of our principal seaports by a foreign enemy, or the destruction of them by bombardment, or the holding over them the menace of destruction for the purpose of exacting contribution or ransom would inflict upon the property and business of the country an injury which can neither be foreseen nor measured.

The elaborate and costly fortifications which were constructed with the greatest engineering skill are now practically useless. They are not capable of resisting the attacks of modern artillery.

A still greater defect exists in our coast defenses. The range of the best modern artillery has become so extended that our present fortifications designed to protect the harbor of New York, where two-thirds of the import trade and more than one-half of the export trade of the whole United States is carried on, are too near to the great populations of New York City, Jersey City, and Brooklyn to be of any value as a protection.

To provide effectual defenses would be the work of years. It would take much time to construct permanent fortifications. A small provision of the best modern guns would take several years. Neither of these works can be extemporized in presence of emergent danger. A million of soldiers, with the best equipments, on the heights surrounding the harbor of New York, in our present state of preparation, or rather in our total want of preparation, would be powerless to resist a small squadron of war steamers.

This state of things is discreditable to our foresight and to our prudence.

The best guaranty against aggression, the best assurance that our diplomacy will be successful and pacific, and that our rights and honor will be respected by other nations is in their knowledge that we are in a situation to vindicate our reputation and interests. While we may afford to be deficient in the means of offense, we can not afford to be defenseless. The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, arrogance, and insult at the hands of foreign nations.

It is now more than sixty years since we announced to the world that we should resist any attempts, from whatever quarter they might come, to make any new colonizations on any part of the American continent; that while we should respect the *status quo* we should protect the people of the different nations inhabiting this continent from every attempt to subject them to the dominion of any European power, or to interfere with their undisturbed exercise of the rights of self-government.

This announcement was formally made by Presinent Monroe, after consultation with Mr. Madison and Mr. Jefferson. It was formulated by John Quincy Adams. Our Government has firmly adhered to the Monroe doctrine, and even so late as 1865 it warned Napoleon III out of Mexico. It is impossible to foresee in the recent scramble of the European powers for acquisition of colonies, how soon an occasion may arise for our putting in practice the Monroe doctrine. It is clear that there ought to be some relation between our assertion of that doctrine and our preparation to maintain it.

It is not intended to recommended any attempt to rival the great European powers in the creation of a powerful navy. The changes which have rapidly occurred by the diminution of the relative resisting power of the defensive armor of ironclads, and by the increased efficiency of modern artillery—which on the whole has gained in the competition—suggest that we should not at the present enter largely into the creation of armored vessels.

In the questions that beset this subject until they shall have reached a solution, we can content ourselves with adding but sparingly to our Navy. But what we do add should be the very best that experience and science can indicate. This prudential view is reinforced by the consideration that the annual charge of maintaining a war vessel bears an important proportion to the original cost of construction.

In constructing permanent fortifications and in providing an ample supply of the best modern artillery the annual cost of maintenance is inconsiderable. Nearly the whole expenditure is in the original outlay for construction.

If we do not make the expenditure necessary to provide for our seacoast defenses when we have a surplus and have no need to levy new taxes, we cer-

tainly will not make those expenditures when we have no longer a surplus in the Treasury.

To leave our vast interests defenseless in order to reduce the cost of whisky to its consumers would be a solecism.

The present time is peculiarly favorable for providing for this great national necessity, too long neglected. Not only does the surplus in the Treasury supply ample means to enable us to meet this great public want, without laying new burdens upon the people, but the work can now be done at a much lower cost than has ever before been possible. The defensive works would consist almost entirely of steel and iron. These materials can now be had at an unprecedentedly low price. A vast supply of machinery and of labor called into existence by a great vicissitude in the steel and iron industries offers itself to our service. We should have the satisfaction of knowing that while we were availing ourselves of the supplies which would ordinarily be unattainable, we were setting in motion important industries and giving employment to labor in a period of depression. With encouragement by the guaranty of work, or perhaps by the Government itself furnishing the plant, the inventive genius of our people would be applied to the creation of new means and improved machinery, and establishments would spring into existence capable of supplying all the national wants, and rendering us completely independent of all other countries in respect to the means of national defense.

I endeavored to impress these ideas upon Mr. RANDALL the last time I had the pleasure of seeing him.

With my highest regards to Mrs. Carlisle and yourself, I remain,

Very truly yours,

S. J. TILDEN.

Hon. JOHN G. CARLISLE.

This letter was written at the beginning of the present Administration. But, sir, it seems that not only the advice of Tilden, but the urgent recommendations of this Administration have been unheeded by the so-called economists of this House.

Mr. Speaker, I sometimes doubt the soundness of the economy of my friend from Indiana [Mr. HOLMAN]. The other day we had presented to us from the Committee on Appropriations a bill which involved appropriations of over $19,000,000. I resisted the consideration of that bill, and called on my friend from Indiana to aid me. To my amazement, sir, instead of aiding me to prevent the consideration of so extravagant and unwise bill, he joined hands with those who were urging its consideration in this House; and with his assistance the friends of that bill succeeded in voting me down. The bill then proposed to be brought up, as the gentleman from Texas [Mr. SAYERS] stated in his report, involved appropriations of over $19,000,000.

Mr. SAYERS. Mr. Speaker——

Mr. TOWNSHEND. I am going to do the gentleman justice.

Mr. SAYERS. I want to correct you right here.

Mr. TOWNSHEND. I can not yield my time. Let me get through with my statement.

The SPEAKER *pro tempore*. The gentleman from Illinois refuses to yield.

Mr. HOLMAN. The bill to which the gentleman refers carried only about three and a half million dollars.

Mr. TOWNSHEND. Mr. Speaker, it is true, upon a point of order made by myself, that bill was stripped of nearly $16,000,000 of appropriation that it carried; and it was finally sent to the Senate with a little less than $4,000,000 of appropriation. But at the time we voted to consider it, there were over nineteen millions in it. Now, if the gentleman from Indiana had been a true economist he would, in my judgment, have held up my hands in my effort at that time to prevent the consideration of that bill, which endangered the Treasury to the extent of more than $19,000,000. And it was an unwise measure in other respects.

Mr. HOLMAN rose.

Mr. TOWNSHEND. I took that course because of the amendments on the present bill which called for appropriations of only about $6,000,000, and which in conference we have since been able to reduce to less than five millions.

Mr. HOLMAN. Will the gentleman let me ask a question? He speaks of a bill carrying $19,000,000. Did not that bill as passed appropriate $3,725,000?

Mr. TOWNSHEND. I have already stated that upon points of order made by myself the bill was stripped of about $16,000,000 of appropriation, and as finally passed appropriated only $3,725,000.

Mr. HOLMAN. And I helped to make the points of order.

Mr. SAYERS. Mr. Speaker——

Mr. TOWNSHEND (to Mr. SAYERS). Do not take up my time.

Mr. SAYERS. I want to correct the gentleman.

Mr. TOWNSHEND. Well, be very brief.

Mr. SAYERS. The gentleman from Illinois knows very well that by raising the point of order on the occasion referred to he struck from the bill the very last hope that the private industries of this country had of competing with the Government establishments in the manufacture of guns.

Mr. TOWNSHEND. I can not yield for a speech.

Mr. SAYERS. Just one sentence more. Further, the gentleman knew that it would require thirteen years to expend that money if it were expended at all.

Mr. TOWNSHEND. Now, Mr. Speaker, I have permitted the gentleman to make his explanation. He confesses what I have stated—that his bill did carry appropriations of $19,000,000 or more. He says that it would take years to expend that sum of money; but nevertheless the bill proposed to make a drain upon the Treasury to the extent of more than $19,000,000. And the gentleman from Texas had as a coadjutor on this floor the gentleman from Indiana, who, if he had been the faithful "watch-dog of the Treasury" that I have known him to be in the past, would have joined with me in seeking to prevent the consideration of so extravagant and unwise a measure.

Now, what danger has the passage of that bill put the Treasury in? The bill has gone through the House; it is in the Senate. When it is reached there is danger that the Senate may substitute for it one or the other of two very extravagant bills now pending in that body. One of these has been introduced by a very influential Senator from Maryland, a Democratic Senator, and involves an appropriation of $38,000,000. The other of those bills, having in view the same purposes as the fortification bill reported by the Committee on Appropriations, has been introduced by a Republican Senator from Oregon, and makes an appropriation of $125,000,000. Now, when you strike down the Senate amendments to this bill you open up the opportunity to the Senate to wade into the Treasury, if it should suit their pleasure and we permit it, to the amount of perhaps $125,000,000. What do we do in this report? We put it beyond the power of the Senate, if this report be adopted, to make an appropriation of more than $4,742,000 for that purpose. If you accept the Senate amendments to this bill, you guard against a vast drain upon the Treasury; you prevent a larger appropriation for this purpose than the $4,742,000 contained in this bill.

Those of you who are in favor of $19,000,000, or $38,000,000, or $125,000,000, as provided in the bills to which I have referred, ought to join with the gentleman from Texas [Mr. SAYERS] and vote down these Senate amendments. But if you wish to confine appropriations within the limited sum of $4,742,000, as fixed in this bill, you will accept the amendments of the Senate now and put at rest this matter, so as to avoid during this session larger appropriations for this purpose.

Mr. FARQUHAR. Will the gentleman permit me to ask him a question?

Mr. TOWNSHEND. My time is very limited.

Mr. FARQUHAR. I will detain the gentleman but a moment. As the fortification bill has gone to the Senate, what is standing between the House and legislation of the Senate in making an appropriation of $38,000,000? Is there anything of dignity, or the rules, or regulations, or courtesy in the way?

Mr. TOWNSHEND. No, sir; there will be no question of dignity or other question in the way, as the gentleman from New York has said, in passing the fortification bill as it left the House with the sum of $38,000,000, except it may be prevented by passing this bill. If you wish to find the line of economy you will do it on the bill providing for the establishment of a gun factory for the purchase of necessary steel forgings to make heavy guns, etc., as limited by this bill to the cost of $4,742,000.

Now, the gentleman from Indiana [Mr. HOLMAN] sat here and kept his temper when they increased the appropriations for the Navy last year over $10,000,000, and when this year the appropriations for the Navy were increased over what it formerly was of $5,000,000. When these large increased appropriations are made to build ships of war, if such increases of appropriation are deemed to be necessary and proper, why is it wrong to do something of the kind for the Army? We need an efficient Army as well as a Navy. If it is right as you say to-day to make an appropriation to build a gun factory at the navy-yard in this city for the Navy, to increase the appropriation for the Navy $10,000,000, why is it not proper and necessary to allow the Army to have the necessary guns to resist invasion in time of danger?

Now, this appropriation of $4,742,000 is not intended to be expended this year. The gentleman from Kansas who last spoke said it would take eight years to expend the money. Therefore it is but a small sum of money which the bill carries for this year or annually. It will take three years to build and equip the gun factory, and eight years to make the guns.

Mr. RYAN. It would be eight years before you could have a gun.

Mr. TOWNSHEND. But a very small portion of this money is appropriated to be expended during the present year.

Mr. RYAN. You do not answer my question. Will it not be eight years before you will have a gun under this appropriation?

Mr. TOWNSHEND. I have not time to go into that. How much time, Mr. Speaker, have I remaining?

The SPEAKER *pro tempore*. The gentleman has six minutes remaining.

Mr. TOWNSHEND. The gentleman from Ohio [Mr. BUTTERWORTH] has time and again repeated the question which the gentleman from Kansas asked the other day, that a million of dollars of proposal by the Government some years ago to purchase steel to make guns for the Navy brought forward three competitors for the contract, and asks, why would we not get competition now for a million and a half dollars' worth of steel? But the fact has been thrown into the face of gentlemen that the offers of the Government were for $4,000,000 of steel, and that statement has been verified by the gentleman from Alabama. He said that while only one million and a half were then offered for guns, the fact was made known there would be three and a half millions more required for plate armor for the ships.

Mr. RYAN. Two of the bidders for guns did not bid for armor.

Mr. TOWNSHEND. When the Secretary of the Navy offered to buy one million of steel forgings for guns, the South Bethlehem Iron Works said to the Navy Department, "We will not bid for your million of steel

forgings unless you at the same time give us the right to also bid for the steel to make the heavy steel plates for armor for vessels."

Mr. RYAN. There were two other bidders.

Mr. TOWNSHEND. The other two bidders said, "We will take the chance of making steel forgings for the guns with hope of contracts for the other forgings," but the South Bethlehem Iron Works said, "No, we will not allow our bid to be considered unless you give us the chance now for the whole $4,000,000." So the Bethlehem Iron Works got it because they could underbid the other with their bid for $4,000,000, instead of $1,000,000, as limited to others. Now, they have the only plant in this country, and if you adopt the fortification bill as it came into the House you will establish a monopoly of that company, and the Government will be forced to meet all the demands of that monopoly.

Mr. HERBERT. Will the gentleman allow me to state the facts in relation to that bid?

Mr. SAYERS. Yes, let us have the facts.

Mr. RYAN. Give us all the facts.

The SPEAKER *pro tempore*. The gentleman has three minutes.

Mr. TOWNSHEND. I will yield one minute, then, to the gentleman from Alabama.

Mr. HERBERT. The fact was, the offer was made at the same time for armor and armor plates, and also for steel forgings for guns. The advertisement said preference would be given to persons bidding for both; and the Bethlehem Company did bid for both. There were three bidders beside which bid for the steel forgings for guns and made no bid for armor plates. When the bids had all been received, the Bethlehem company, according to the terms of their offer, claimed that they were entitled to the contract. That is the whole of it.

Mr. RYAN. That is true. The Bethlehem company put in a bid for each, one for armor and one for steel forgings.

Mr. HERBERT. They bid for both, and claimed that they were entitled to both or none.

Mr. TOWNSHEND. I decline to yield further. So far as the actual amount involved is concerned, there is $1,000,000 difference between the fortifications bill, stripped of its extravagant and in my judgment unwise provisions and appropriations, and the Senate amendments on the Army bill. You will not recognize that fortifications bill after it comes back here if you defeat this action now. You will either defeat all possibility of making appropriations for the Army or else you will force the adoption of a fortification bill with a large increase of appropriations. If you want economy, if you want efficiency of service, my honest conviction is that the wisest course to pursue is to adopt this report and put at rest all further controversy over this question of fortifications and coast defenses. I now call for the previous question on the report.

The previous question was ordered.

The question then recurred on the adoption of the report.

The question was put, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. TOWNSHEND. Let us have a division.

The House divided; and there were—ayes 34, noes 61.

Mr. TOWNSHEND. I do not wish to raise the question of no quorum, but I ask for tellers so that there may be a further test upon the question.

Mr. BYNUM. Does it not require a vote of one-third of the House to order tellers?

The SPEAKER *pro tempore*. The tellers can be ordered by one-fifth of the vote.

Mr. BYNUM. It requires a third; and the Chair can only ascertain that by a count.

The SPEAKER *pro tempore*. You can ask for a division.

Mr. BYNUM. It is not necessary to ask a division; but I say there must be a count.

The question was then put as to ordering tellers.

The SPEAKER *pro tempore* (after the count). Fifty gentlemen have risen, evidently a sufficient number for the ordering of tellers, and the Chair will appoint the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Texas [Mr. SAYERS] as tellers.

The House again divided; and the tellers reported there were—ayes 38, noes 61.

Mr. TRACEY. I make the point of no quorum.

Mr. TOWNSHEND. I desire to say here that so far as I am concerned I deem the action of the House as a verdict of the House upon these amendments; and if I am on the conference committee again, I shall make that fact known, leaving the question entirely with the Senate to determine. I have done my utmost consistently with the interests of the country to secure this legislation, and shall accept the decision of the House upon these amendments. [Applause.]

Several MEMBERS. That is right.

Mr. TRACEY. I had raised the question of no quorum, and I desire to make an explanation here. I am strongly of the opinion, Mr. Speaker, that the majority of this House is in favor of these amendments if we had a quorum, as a vote was taken some time ago which practically decided the question by a majority of thirty, but many gentlemen are away at present, and I would like the vote continued until a larger number of members can be procured.

Mr. BURNES, Mr. MCMILLIN, and others. You can get it on the report of a further conference.

The SPEAKER *pro tempore*. The point of no quorum was not made in time.

Mr. TRACEY. I made the point of no quorum at once.

The SPEAKER *pro tempore*. The Chair will accept the statement of the gentleman that the point of no quorum was made in time. Does the gentleman demand the yeas and nays?

Mr. TRACEY. Mr. Speaker, my belief is that the desire of the House is that not so large a sum as $3,500,000 shall be appropriated for the purchase of steel forgings. I think that is evident from the fact that many gentlemen who had informed me of their intention to support the Army appropriation bill with a sum similar to the amount in the fortification bill have voted against the acceptance of this report. Now, with the opportunity and expectation that the matter may be regulated in a further conference, I withdraw the point of no quorum.

Mr. SAYERS. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House insist upon its disagreement to Senate amendments 26, 27, 33, and 35, on House bill 10234, and that the House request the Senate to appoint a committee for further conference on the disagreeing votes of the two Houses.

The resolution was agreed to.

Mr. SAYERS moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURNES. I move to dispense with the morning hour.

Mr. RICHARDSON. I desire to submit a report from the special committee to investigate the Government Printing Office.

Mr. BURNES. I will yield to the gentleman from Tennessee after action on the motion I have made.

The morning hour was dispensed with.

ADMINISTRATION OF GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON. I now desire to submit a report of the special committee on the investigation of the Government Printing Office, and wish to ask that the minority have a reasonable time in which to file their views.

The SPEAKER *pro tempore*. Without objection, that will be agreed to, and the report will be laid on the table and ordered to be printed.

There was no objection, and it was so ordered.

Mr. RICHARDSON. I desire to ask that 5,000 copies of the report of the committee, with the views of the minority, be printed.

Mr. BUCHANAN. Does that include the testimony?

Mr. RICHARDSON. It does not include the testimony. That has already been ordered printed by the House.

There was no objection, and it was so ordered.

Mr. RICHARDSON moved to reconsider the vote by which the motion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BURNES. I ask unanimous consent that gentlemen having reports to present from committees be permitted to file them with the Clerk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

HIGHWAY BRIDGE ACROSS LAKE CHAMPLAIN.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (S. 54) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER MISSISSIPPI RIVER.

Mr. CRISP also, from the Committee on Commerce, reported back favorably the bill (H. R. 11249) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES OVER THE KENTUCKY RIVER.

Mr. PHELAN, from the Committee on Commerce, reported back favorably the bill (H. R. 11215) to authorize the construction of two bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNION GAS COMPANY.

Mr. PHELAN also, from the Committee on Commerce, reported back favorably the bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. PHELAN also, from the Committee on Commerce, reported back favorably the bill (S. 1786) to regulate appointments under the Marine-Hospital Service of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PAYNE, JAMES & CO.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (H. R. 575) for the relief of Payne, James & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COLLIN & ADAMS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11146) for the relief of Collin & Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL DEFICIENCY BILL.

Mr. BURNES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes. The pending question is the point of order raised by the gentleman from Missouri [Mr. BURNES], on which the gentleman from Minnesota [Mr. NELSON] has the floor.

Mr. NELSON. Mr. Chairman, I desire to submit a few considerations in respect to this question of order. It struck me last evening at the end of the discussion on the point of order that the real question involved in the point of order is, after all, nothing but a pure question of law, and in that light, and in the view I take of it as such, I will discuss the question. The House by its special order on the 19th of December conferred jurisdiction upon the Committee on Appropriations to insert this matter of the French spoliation claims into the deficiency bill and gave that committee ample power for that purpose. Subsequently, however—in fact but two days later—the House adopted a set of rules, one of which contains a subdivision which is in direct conflict with the previous order of December 19th made in respect to *this matter*. The subdivision of the rule to which I refer and call the attention of the House is subdivision 3 of Rule XXI, and reads as follows:

No appropriation shall be reported in any general appropriation bill or be in order as amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such works and objects as are already in progress, etc.

And here I pause to remark, first, that there is no question that this deficiency bill is a general appropriation bill. That is an accepted verity. In the next place, it conceded as matter of fact and of law that the payment of these French spoliation claims is not an "expenditure previously authorized by law." In other words, leaving out of view the special order which was made on the 19th of December, this third clause of Rule XXI, which I have quoted, would fit the case exactly, and would necessarily by its own vigor eliminate these French spoliation claims from the deficiency bill.

We have, then, in this case a special act—I will use that expression—if you please—a special act made on the 19th of December conferring jurisdiction on the Committee on Appropriations to insert these claims in the deficiency appropriation bill; and then, two days afterwards, we have an express direction in these rules—in the subdivision cited—that nothing of that kind shall be inserted in any such bill. For be it observed, that if you apply this subdivision of the rule to the facts of the case, and leave out of the view the special order of the 19th of December, the subdivision of the rule would read as regards this matter: "No French spoliation claims, the same not being an expenditure previously authorized by law, shall be inserted in the deficiency bill or in any general appropriation bill."

First, then, we have an act—for I treat the order of the House and its rules as equivalent to a legislative act—first, then, we have an act, that of December 19, giving jurisdiction to the committee to insert these items, and then we have a subsequent act, to wit: a set of rules, one of which contains a provision totally inconsistent with the prior order and which in express terms forbids the insertion of these items. Now, what is the rule that governs courts of justice in such cases? For if we understand that rule, I apprehend it is the rule we ought to follow in this case, for it keeps us in a safe and beaten path, and this is of the utmost importance both because of the amount involved in this controversy and because of the importance of the question in its general aspects.

I will now bring the attention of the Chair and the committee directly to the law on this subject as I understand it. I read first from Maxwell on the Interpretation of Statutes, page 46:

When two passages of an act are so repugnant as to be mutually destructive, the earlier passage gives way to the later, which is taken, as in a will, to speak the latest intention.

That, as you note, is true even where these conflicting provisions occur in the same act. So where the last section, or the last provision, of an act conflicts with the first or with any prior section or provision the later section or provision of the act operates to the extent of such conflict as a repeal of the prior section or provision. But our case does not go to this extent, for here we have two distinct acts, if I may use that expression.

Again, the same writer says, page 134:

When the later of the two enactments is couched in terms which are negative in form—

That is precisely the case here—"No appropriation shall be incorporated," etc.—

When the later of the two enactments is couched in terms which are negative in form or in effect it is difficult to avoid the inference that the earlier one is impliedly repealed by it. For instance, if an act exempts from the licensing regulations the sale of a certain kind of beer, and a subsequent one enacts that "no beer" shall be sold without a license it would obviously be impossible to save the former from the repeal implied in the later.

I next call attention to Sedgwick on Statutory and Constitutional Construction, page 104. I read:

But, on the other hand, it is equally well settled that a subsequent statute which is clearly repugnant to a prior one necessarily repeals the former, although it do not do so in terms; and even if the subsequent statute be not repugnant in all its provisions to a prior one, yet if the later statute was clearly intended to prescribe the only rule that should govern in the case provided for, it repeals the original act. *Leges posteriores priores contrarias abrogant.* "Subsequent laws abrogate prior contrary laws,"

which is very bad English. [Laughter.]

Again:

It has been repeatedly declared that every statute is by implication a repeal of all prior statutes, so far as it is contrary and repugnant thereto, and that without any repealing clause.

To the same effect is Potter's Dwarris on the Construction of Statutes, page 154. Here is what the author says:

If a subsequent statute, contrary to a former act, have negative words, it shall be a repeal of the former act. Every affirmative statute is a repeal of a precedent affirmative statute, where its matter necessarily implies a negative; but only so far as it is clearly and indisputably contradictory and contrary to the former act "in the very matter."

I refer also to the language of the Supreme Court of the United States in Daviess *vs.* Fairborn, 3 Howard, in which that court goes even further than the authorities I have already cited:

There are cases, however, where, though the latter statute be not repugnant to a former one and no express provision in the latter repealing the former, if the latter prescribe the only rules which shall govern—

Which is the case here—

it repeals the former one in all those respects in which it differs from the latter as to the governing rule.

I read further from a note to Dwarris, on page 156:

A subsequent act making a different provision on the same subject—

Which is exactly the case here—

is not to be construed as an explanatory act, but an implied repeal of the former, if the latter act be incompatible with the former.

I will now call your attention to the case of the Columbian Manufacturing Company *vs.* Vanderpool, 4 Cowen, 556, a case directly in point. I will read the syllabus, and then make a brief statement of the case:

The real and personal estate of manufacturing companies are, by the act for the assessment and collection of taxes passed April 23, 1823 (sess. 46, ch. 262, s. 14), rendered subject to taxation; and that act virtually repeals the act for the encouragement of manufactures within this State, passed February 28, 1817 (sess. 40, ch. 64).

The facts of the case were these: In 1817 the Legislature of New York passed an act exempting the buildings, machinery, and the manufactured articles of certain manufacturing companies from taxation, for the purpose, I presume, of aiding such corporations to start in business. Subsequently, in 1883, the Legislature passed a general tax law containing no express words of repeal of the act of 1817, but making the real and personal property of all manufacturing companies subject to taxation. The court, in commenting on the act of 1823, says:

The fourteenth section provides that all incorporated companies receiving a regular income, etc., shall be considered persons within the meaning of the act, and assessments shall be made and taxes imposed and levied upon them and collected in the same manner as upon individuals; and that the cashiers of banks, secretaries of insurance companies, and secretaries or treasurers of all manufacturing companies shall make and deliver to the assessors, etc., a list containing the real estate occupied by such company, if any, and the amount of capital actually paid in (except, etc.), and the assessors shall insert in their assessment-roll, opposite to the name of such company, the amount of such real and personal property.

Then the court goes on and comments in this language:

The language of the fourteenth section is as broad and comprehensive as it is capable of being made, and in terms renders the real and personal estate of all manufacturing companies subject to taxation. Does it not, then, in relation to the act of February 28, 1817, fall within the general principle that *leges posteriores, priores contrarias abrogant?*

The one declares that all the buildings, machinery, etc., of every cotton, woolen, and linen manufactory shall be exempted from taxation; the other, that the assessments shall be made and taxes imposed, levied, and collected upon all incorporated companies, etc., as upon individuals; that the secretaries or treasurers of all manufacturing companies shall deliver a list of the real estate occupied by such company, and the amount of capital actually paid in, to the assessors, who shall insert it in their assessment roll, etc.; and that the secretary or treasurer shall pay the tax imposed upon such company.

Two statutes more directly repugnant to each other could not well be penned. Though the language of the later statute is not couched in negative terms—

Mark this language—

Though the language of the later statute is not couched in negative terms—

As is the case with the third clause of Rule XXI—

yet it appears to me necessarily to imply a negative, and virtually to repeal the former.

I will call attention to one other case, and then stop. I refer to the case of Moore *vs.* Westervelt, 3 Sandford, 762. Before the adoption of the Code of Procedure of the State of New York, with which all lawyers are familiar, there was an old statute providing that if a public officer was sued for anything in connection with the duties of his office and he obtained judgment against the plaintiff in such suits, he should be entitled to double costs. Afterward the Code of Procedure was adopted, and without repealing the former act giving double costs, prescribed among other things the costs to which the prevailing party in a suit would be entitled. The court, in the case I have cited, held that the adoption of this code making provision for the recovery of costs by the prevailing party, and specifying what those costs should be, operated as an implied repeal of the former act giving double costs. I beg leave to quote a definition contained in this decision as to what constitutes a "repugnant and inconsistent" act which goes further than is necessary to go in the present case, but which is so apt and brief that I will read it:

A prior law is inconsistent with a subsequent when, if suffered to remain in force, it would defeat or frustrate in any degree the object and intent of the latter; and this it may do, even when the terms of the laws are perfectly consistent and imply no contradiction that would prevent the provisions in both from being carried into effect.

What can be stronger, clearer, and more to the point than that? Mr. Chairman, nothing can be clearer than that the special order adopted December 19, directing the Committee on Appropriations to insert these French spoliation claims in the deficiency bill, is repugnant to and inconsistent with the rules of the House as adopted two days subsequently. If you shut your eyes to that special and prior order of the House, leave it out of sight altogether, it must be apparent and clear to everyone, that under the third subdivision of Rule XXI, it would be utterly irregular and unlawful to insert these items—these French spoliation claims—in the deficiency bill. Under that third subdivision these claims could find no home or resting place in that bill.

And is not that the true test of repugnancy and incompatibility? If under that third subdivision of the rule standing alone, without the prior order of December 19, these French spoliation claims could not be inserted in this general deficiency bill, then evidently it requires no argument more than to state the case to show the repugnancy to and inconsistency with the prior rule.

It follows, then, Mr. Chairman, it follows to my mind, at least, from a judical standpoint, and in accordance with the authorities cited, that the adoption of our rules on December 21 operated in law and fact, under the judicial constructions with which we are familiar and to which I have briefly directed your attention, as a repeal of the former special rule, and that we are now acting, so far as these spoliation claims are concerned, under subdivision 3, of Rule XXI, and that the special order of the 19th of December is repealed and obsolete.

There are other of our rules, Mr. Chairman, which perhaps have a bearing on this question; but I believe in going right to the root of the matter, and I put this question in its true legal basis, as a court of law would put it in construing repugnant and inconsistent statutes. And I think that right here and on this occasion, owing to the importance of the subject, we ought to be governed by the same rules of law, and the same principles of construction which hold and are good in courts of justice. For these reasons, Mr. Chairman, I think these French spoliation claims have no place in this deficiency bill. [Cries of "Rule!" "Rule!"]

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, permit me again to call your attention to Rule XXVIII—I called your attention to it before we adjourned—and to notice that the two words "order" and "rule" occurred—"that no order or rule shall be altered without one day's notice," etc. Rule XXVIII makes a distinction between "rules" and "orders." The Committee on Rules have to consider the rules of the House. They have nothing to do with an order which has been made by the House. The two words are distinct. An order of the House controls the Committee on Rules, as it does every other individual member of the House. In its capacity as the Committee on Rules it has nothing to do with an order of the House, I do not care whether made the day before the rules were reported or on the first day of the session. There is the distinction, and that rule has prevailed so long as I have known anything about the House of Representatives. The Committee on Rules are not asked or requested or in any way obliged to interfere with any order made by this House. That order is directed to the Committee on Rules just as it is to other members of the House until rescinded in a formal manner.

Mr. DIBBLE. Mr. Chairman, I shall not detain the committee long, but simply wish to remark in reply to the points which have been raised. There is, I conceive, one very important distinction between the precedents which have been cited in relation to statutes and the precedent which is now before this House. Even in the case of statutes, Mr. Chairman, as distinguished a jurist as Lord Kenyon has said:

It can not be contended that a subsequent act of Parliament will not control the provisions of a prior statute, if it were intended to have that operation; but there are several cases in the books to show that where the intention of the legislature was apparent that the subsequent acts should not have such an operation, then, even though the words of such statute, taken strictly and grammatically, would repeal the former act, the courts of law judging for the benefit of subject, have held that they ought not to receive such a construction. [Sedgwick on Statutory and Constitutional Law, page 124.]

Now, I desire to call the attention of the Chair to the distinction to which I allude. In the construction of statutes of courts of justice they are construing the action of bodies foreign to themselves; but even in such cases, as Lord Kenyon has ruled, where the intention of the legislature is apparent that the subsequent acts, strictly and grammatically, have repealed the former act, the courts of law have held they ought not to receive such a construction.

But here we are, the very body that passed both the order and the rule. We are here, and we know what we intended. We know that we deliberately, by a vote of the majority of this House, 163 out of 325 of its members, made a solemn order that our Committee on Appropriations should do a certain thing. We know that when we did that we were already in the act of organizing, and had made arrangements to get our general rules for adoption, and that the very day on which the rules were adopted was a matter of little purpose in this connection. It was a contemporaneous act with the adoption of the rules themselves. We had taken the initial steps for the adoption of the rules; two days before that this order was passed, and the day we adopted the rules we adopted a provision in the rule which excepted expressly such orders as had been made.

We adopted it in a clause in a resolution in which the rule was not read. It was adopted with the whole code of rules. You, Mr. Chairman, and I and the rest of us know that this never entered—this particular item of the special rules that govern the Appropriations Committee—never entered into the intention in which we adopted a sweeping set of rules, that the rules of the last Congress should govern us except in certain particulars. The only thing in which the House could actually make its intention perfectly clear was in the changes in the body of the rules which it adopted. This was a body recently assembled. A large number of its members, if not a majority of them, were not present in the Forty-ninth Congress. Can it be said that there was an intention to repeal the purpose of the rule to which I have heretofore called attention, in the mode of the adoption of the general rules?

I hold as a matter of fact that we know what the intention was. We know that it was not the intention to repeal that order of the House. It was not contemplated when the rules were passed that such was the intention, and even if the Chair should construe it that the words "The rules of the House shall be the rules unless otherwise ordered" do not except from their operation orders of the House, yet you have the fact of the manifest intention of which we are able to judge on the part of the House when it adopted the rules, and that that manifest intention should prevail in this case.

Mr. YOST proceeded to address the committee.

Mr. STONE, of Missouri. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STONE, of Missouri. The gentleman from Virginia is not addressing himself to the point of order.

Mr. CANNON. Mr. Chairman, I wish to make a suggestion. It is impossible, of course, for anybody to tell what bearing the speech of the gentleman from Virginia may have on the point of order until he progresses a little further; but I would be very glad if the gentleman from Missouri would waive his point and let the gentleman have a few minutes longer.

Mr. YOST. I shall not consume more than ten or fifteen minutes.

Mr. STONE, of Missouri. The pending question is the point of order as to whether or not the French spoliation claims, reported by the Committee on Appropriations in the general deficiency bill, are properly a part of that bill. The gentleman from Virginia is addressing himself to the Blair educational bill. I have no objection to his printing his speech, but I insist on the objection.

Mr. CANNON. A word, Mr. Chairman. I have listened with great care to the arguments made to the Chair touching the point of order. I have heard gentlemen argue the question of the amount of money that was involved in the claims, and all that kind of thing, as well as the history of claims themselves. I think, on the whole, I have heard some arguments during the course of this discussion at a little further distance from the point of order than that of the gentleman from Virginia, if anything.

The CHAIRMAN. The Chair is of opinion that the gentleman should not address himself to the subject, that seems to be contemplated in his remarks up to this time, at a moment when the commit-

tee is engaged in considering a question of order on a provision in an appropriation bill. The Chair has no doubt that the committee would indulge the gentleman later on and enable him to complete the remarks that he has commenced. But the Chair must sustain the point of order.

Mr. GEAR. I ask unanimous consent that the gentleman may have fifteen minutes to proceed now.

Mr. BURNES. If my friend from Virginia will yield a moment, I will make this suggestion: There will be further opportunity during the consideration of this bill for discussion, and I am satisfied the gentleman can have the reasonable time he asks at another time, but not now.

Mr. CANNON. I will ask unanimous consent after the point of order is disposed of that the gentleman may have fifteen minutes.

Mr. GEAR. He may as well have it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. NUTTING. Mr. Chairman, I wish to be heard briefly on the point of order. I understand the practice to be that the rules of one House or one Congress are the rules of another House or another Congress until new rules are made. We find, sir, by an examination of the rules now prevailing that Rule XXI, that has been under discussion here, was a rule of the Forty-ninth Congress. The same clause which is claimed would allow the Chair to strike these spoliation claims from the bill on this point of order was a clause in the rules of the Forty-ninth Congress; and until the rules of the Fiftieth Congress were made the rules of this House——

Mr. BLAND. Let me interrupt the gentleman right there to ask if he pretends that one House can fix rules to bind another—that the Forty-ninth Congress can fix a rule binding the Fiftieth?

Mr. NUTTING. I undertake to say that the Speaker of this House has decided that the rules of the former Congress are the rules of this Congress until rules have been adopted.

Mr. BLOUNT. I say the gentleman can not produce any authority of that kind.

Mr. NUTTING. The Fiftieth Congress passed a resolution that the rules of the Forty-ninth Congress were the rules of the Fiftieth Congress until rules were adopted. At least that is what I am informed.

Mr. BLOUNT. Until that is done they are not the rules.

Mr. NUTTING. But that had been done at the time the order of December 19 was made, and the rules of the Forty-ninth Congress were in operation in this House on the 19th day of December. If that be true, and it is true, then this third clause of Rule XXI was in operation when the resolution of December 19 was passed. That being the case, the Chair must see and must hold that the order of the 19th of December was made with the very object to do away with the effect of clause 3 of Rule XXI. Now, if the House, in deliberate action, passed the special rule of December 19, to do away with the clause which is now claimed to be in the way, I think it is important for us to look very carefully before it is decided, that two days afterwards, when the rules were adopted and when the House simply adopted a rule which had been in force, it intended to abrogate the order of the 19th of December.

If you can, by looking into the intention of the makers of the law, hold that the two statutes are compatible with each other, then you must do it and let both stand. Mr. Chairman, let me go further. Here was clause 3, Rule XXI, in force at the very time the order of December 19 was made by the House for the purpose of giving this committee jurisdiction of this matter, notwithstanding clause 3, Rule XXI. Now, you must see that the order of the 19th of December was passed with the very view of doing away with this clause, which they claim is in force now, and which is claimed to be so dangerous to the spoliation claims in this bill, and upon which this point of order must be held good if at all.

Now, the House of Representatives, by this order of 19th of December, gave this committee authority and made it a duty that it put these spoliation claims in this very bill which is now in the House and report them to the House for its action.

Gentlemen have argued that that made no difference, because it did not appropriate money. Why, how poor that argument is! What was it made by the House for? What did the House order these spoliation claims put in the bill for? They had them put in the bill that they might come into the House for consideration and appropriations be made to pay them if the House thought best.

Will the Chair say by his decision that two days after the House had by special order given jurisdiction to the committee that it decided it would pass this rule so as to do away with the special order? Was it the intention of the Committee on Rules, and the House when they adopted the rules which the Committee on Rules reported, to do away with the order of the 19th of December? You must say that it was not. And when you say that, then this point of order is of no value.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. NUTTING. Now, one thing further in order to sustain my position. The chairman of the Committee on Rules is the Speaker of this House, and no one will question his being a parliamentarian. Immediately after these rules were adopted by the House he treated and continued to treat this subject as if the order of the 19th of December was in force. He did not believe that clause 3 of Rule XXI had abrogated the order of the 19th of December. If he had then, Mr. Chairman, he would not have referred to this committee the French spoliation claims as they came in. It will not do for you to say, nor will it do for this House to say that the Speaker of the House, in making these references, did not recollect that the rules being adopted the order was abrogated. It will not do for this House to say that it made a special order, and two days afterwards by an act, such as adopting the rules, annulled it. That would be to stultify its own action. That would be boy's play.

A special act or law is not abrogated by a subsequent general act or law, unless the special act or law is mentioned or intelligently referred to in the subsequent act or law.

Here we have a special act passed by the House, in this order of December 19. Clause 3 of Rule XXI does not in any way refer to that order. Rule XXI and clause 3 of that rule is precisely the same that it had been for many Congresses past.

The CHAIRMAN (Mr. SPRINGER). The House of Representatives on the 19th of December last passed a resolution to the effect that the reports of the Court of Claims under the act of Congress in reference to French spoliation claims should be referred to the Committee on Appropriations, when appointed, with instructions to report back "such claims as have been favorably decided, in the general deficiency bill." On the 21st day of December the gentleman from Pennsylvania [Mr. RANDALL], from the Committee on Rules, submitted a report, which was to the effect that the committee recommended the adoption of the rules of the Forty-ninth Congress until the further order of the House, with certain changes which were therein set forth.

Among the changes was one amending clause 4 of Rule XXI so as to provide that bills of a private nature should be delivered to the Clerk, as in the case of memorials and petitions, and referred to appropriate committees. There was also a change in clauses 1 and 2 of Rule XXII, which were amended so as to provide that bills of a private nature should be delivered to the Clerk and indorsed with their names, and referred to appropriate committees, and it was expressly provided that if such bills should be improperly referred such erroneous reference should not give jurisdiction to the committee to which they might have been erroneously sent. This was the substance of the report of the committee, with some additional rules not necessary to be mentioned in this connection.

The rules were adopted on that day, namely, December 21. The rules of the Forty-ninth Congress contained, as has been stated in argument, clause 3 of Rule XXI, which is to the effect that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

That rule also provides, clause 5, that—

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, namely: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

These provisions were in the rules of the Forty-ninth Congress, as well as the provisions contained in clause 3 and clauses 30 and 31 of Rule XI, which define the jurisdiction of the respective committees that might have jurisdiction of this subject.

The gentleman from Missouri [Mr. BURNES] makes the point of order that the rules of the House of Representatives, as adopted on the 21st of December, are in conflict with the special order or rule of the House, adopted on the 19th of December, in regard to the French spoliation claims. Gentlemen have referred in argument, especially the gentleman from South Carolina [Mr. DIBBLE], to the fact that the findings of the Court of Claims in the French spoliation cases were referred by law to this House "for final action." Such "final action," when those reports reach the House, must be taken in accordance with the rules of the House, and when the House proceeds to take action upon them that action must be taken under the rules as they exist at the time.

What, then, are the rules of the House of Representatives at this time? Do they embrace the special rule adopted on the 19th of December, as well as the code of rules adopted on the 21st day of that month? The gentleman from Pennsylvania, in front of the Chair [Mr. O'NEILL], has called attention to Rule XXVIII, requiring that one day's notice shall be given of any proposed change or suspension of a rule. The gentleman will observe that that rule was adopted on the 21st day of December, and relates to the rules then adopted. It was not adopted on the 19th, and therefore it has no reference to the rule adopted on that day, which was adopted without qualification, and subject to any future action of the House.

Mr. O'NEILL, of Pennsylvania. The same rule, word for word, is to be found in all the books of rules going back through many Congresses.

The CHAIRMAN. Certainly. The Chair understands. It has been adopted by Congress after Congress. But that rule, adopted by this Congress on the 21st day of December, requiring a day's notice of any proposed change or suspension of a rule, did not have a retroactive effect, so as to apply to a rule adopted on the 19th day of December.

The gentleman from New York [Mr. NUTTING] referred to the fact that there had been some decision of the Speaker to the effect that by the very terms of the forty-fifth rule of the House the rules of the Forty-ninth Congress were the rules of this Congress until they were changed. The Speaker of the House has held, and other Speakers have frequently held, that under the Constitution of the United States, Article I, section 5, clause 2, each House may determine the rules for its own government, and that no House of Representatives could bind a future House in regard to its rules. And, in harmony with that view, the Speaker of this House has held on several occasions that there were no rules of this House until they were adopted by it.

The question, then, before the Chair is, as stated by the gentleman from Minnesota [Mr. NELSON], whether the rules adopted on the 21st of December are inconsistent with and repugnant to the special rule adopted on the 19th of December. If there is such repugnance, then, according to the authorities cited by the gentleman from Minnesota and other authorities, to which the Chair will refer, such repugnance will destroy the former rule and leave the subsequent rules only in force.

The maxim of the law cited by the gentleman from Minnesota [Mr. NELSON] and universally recognized is to the effect that prior laws are abrogated by subsequent laws which are contrary to them—*leges posteriores, priores contrarias abrogant.* Gentlemen will observe by referring to one of the authorities cited in Potter's Dwarris on Construction of Statutes (page 154, note) that this same rule of construction is maintained in the Code Napoleon as to statutes of the French nation. In the same work (Potter's Dwarris, pages 144–5, note) will be found numerous citations to American authorities, all of which are to the same effect.

The gentleman from Missouri [Mr. BURNES] cited yesterday a leading case (Cass *vs.* Dillon, 2 Ohio, 607), in which the opinion of the supreme court of Ohio was delivered by Judge Thurman when a member of that court. [Applause on the Democratic side.] In the syllabus of that case it is stated:

> It follows that all laws in force when the latter took effect, and which were not inconsistent with it, would have remained in force without an express provision to that effect, and all inconsistent laws fell simply because they were inconsistent; in other words, all repugnant laws were repealed by implication.

This was the decision of the court pronounced by Judge Thurman. And, further:

> The repugnancy which must cause the law to fall must be necessary and obvious. If by any fair course of reasoning the law and the constitution can be reconciled, the law must stand.

In the case decided by the Ohio supreme court contention was as to whether a special law of the Legislature had been repealed by implication by the adoption of a new constitution. The court held that the two were not repugnant; but had there been repugnancy, the court was unanimously of the opinion that the prior special act would have been repealed.

Following the lines of this decision, if the two provisions now in question can be construed together so as to give both effect they must both stand. But in this case now presented to the Chair there seems to be a positive repugnance between the resolution adopted by the House on the 19th of December and the third clause of Rule XXI, which prohibits on a general appropriation bill any appropriation for an expenditure not previously authorized by law.

In the case in 2 Ohio Reports there was a dissenting opinion by Judge Ranney, which held that there was a repugnancy in the provisions in question; and that learned judge held even more pointedly to the effect that repugnant provisions of subsequent laws repealed prior statutes. The Chair has been unable to find a decision or a text-book which lays down a different doctrine. The gentleman from Minnesota [Mr. NELSON] has cited in argument several authorities which seem to the Chair conclusive on this point, and he invites members of the committee to give them a careful consideration.

From the examination which the Chair has been able to make in the brief time permitted, it seems that the rule is universally established in all courts of law that subsequent statutes which are inconsistent with prior statutes repeal such prior statutes by implication. If there is a repugnancy between the two, the former statute falls.

The Chair is therefore of opinion that the rules of the House, and especially clause 3 of Rule XXI, are utterly inconsistent with and repugnant to the special order of the House adopted on the 19th of December, and that the order adopted on that day was by implication repealed, and is no longer operative in this House or upon this committee.

The gentleman from New York has cited the fact that the Speaker of the House has continually referred these reports to the Committee on Appropriations, and it has also been urged that the Committee on Appropriations has reported these items in the bill. That is very true. It was the duty of the Committee on Appropriations to report this provision. It was not in the power of that committee to raise a question of jurisdiction with the House of Representatives. The Speaker, performing a perfunctory duty, had sent these claims to that committee. But if the claims had gone to the committee even by a resolution of the House, if subsequently to the 21st of December the House, by a vote of yeas and nays, had referred these reports to the Committee on Appropriations without instructions, the committee under clause 3 of Rule XXI, could not report these items in a general appropriation bill, but would be simply authorized to report them as other committees report bills of a private nature, which, when reported, take their places upon the Private Calendar.

If these reports had gone to the Committee on Appropriations by the direct action of the House, that committee, under the rules and practice of the House, could only report them back as other committees report back private bills. If, after December 21, under the suspension of the rules by a two-thirds vote or by unanimous consent, the House had passed the resolution of December 19, such subsequent action would have repealed *pro tanto* the rules of the House and such claims would now be in order on this bill.

The gentleman from Ohio [Mr. SENEY] made an additional point: that the resolution of December 19 of itself did not authorize the committee to report appropriations to pay these claims, but simply to report them back to the House. If there were no other question raised here, that would be a very important point for the consideration of the Committee of the Whole and the Chair. But as the other matter which has been cited is of so controlling a nature, the Chair is of opinion that one good reason is sufficient; and that is found in the perfect and complete inconsistency between the resolution adopted on 19th of December and the rules of the House as adopted on the 21st of December. Therefore, for the reasons stated, the Chair sustains the point of order raised by the gentleman from Missouri [Mr. BURNES] as to each of the items or paragraphs in section 4 of the bill.

Mr. DIBBLE. Mr. Chairman, inasmuch as that order of the House of December 19 was adopted by a recorded vote of a quorum of the House in its favor; inasmuch as even in statutory proceedings it has become a maxim that repeals by implication are not favored; inasmuch as the Speaker of this House has, under the instruction of that order, referred these matters to the Committee on Appropriations, and that committee, composed of able parliamentarians, has obeyed that instruction, notwithstanding the general terms of the rules of the House adopted December 21; inasmuch as, whatever technicalities may be interposed——

Mr. BLAND. I raise a question of order.

Mr. DIBBLE. I am about to state the reasons for my action. I am in order.

The CHAIRMAN. The gentleman is in order.

Mr. HOLMAN. Oh, no; there is nothing before the House.

Mr. DIBBLE. I propose to appeal from the decision of the Chair, and I am stating the reasons.

Mr. BLAND. That is what I supposed, and I submit that an appeal is not debatable.

Mr. DIBBLE. It is debatable; the gentleman is mistaken.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DIBBLE. Inasmuch——

Mr. ALLEN, of Mississippi. I rise to a question of order. Is an appeal debatable before it is taken? [Laughter.]

Mr. DIBBLE. I have stated my purpose to take an appeal.

The CHAIRMAN. The committee will be in order.

Mr. DIBBLE. Inasmuch, Mr. Chairman, as this is a very important matter in regard to precedent—a matter of much larger proportions than the special items under consideration, for it involves the question whether, when the House has deliberately made an order and that order has been acted on time after time and day after day, as the subject-matter arose, the general provisions of the rules are to supersede such an order so deliberately made; and in fine, Mr. Chairman, as we are the very body that made the order, as we are the ones who can best decide whether we intended as a matter of fact on the 21st of December to repeal our deliberate action of two days before and become, as the poet has said,

> Variable as the shade
> By the light, quivering aspen made,

in order to relieve the Chairman of heavy responsibility in a matter which concerns us, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee? Is the committee ready for the question? [Cries of "Vote!"]

The committee divided; and there were—ayes 61, noes 55.

Mr. DIBBLE. I call for tellers.

Tellers were ordered; and Mr. DIBBLE and Mr. BURNES were appointed.

The committee again divided; and the tellers reported—ayes 65, noes 60.

Mr. DIBBLE. I make the point of no quorum.

Mr. HALL. I am paired with Mr. SHAW, of Maryland, and have only voted to make a quorum.

Mr. DIBBLE. I understand an important message from the Executive is here, and I ask by unanimous consent that the committee informally rise for the purpose of receiving it.

There was no objection.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the deficiency appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was delivered to the House by Mr. PRUDEN, one of his secretaries.

RELATIONS WITH CANADA.

The SPEAKER laid before the House the following message from the President of the United States:

To the Congress:

The rejection by the Senate of the treaty lately negotiated for the settlement and adjustment of the differences existing between the United States and Great Britain concerning the rights and privileges of American fishermen in the ports and waters of British North America, seems to justify a survey of the condition to which the pending question is thus remitted.

The treaty upon this subject concluded in 1818, through disagreements as to the meaning of its terms, has been a fruitful source of irritation and trouble. Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexatious interferences and annoyances; their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

This conduct has been justified by Great Britain and Canada, by the claim that the treaty of 1818 permitted it, and upon the ground that it was necessary to the proper protection of Canadian interests. We deny that treaty agreements justify these acts, and we further maintain that, aside from any treaty restraints, of disputed interpretation, the relative positions of the United States and Canada as near neighbors, the growth of our joint commerce, the development and prosperity of both countries, which amicable relations surely guaranty, and above all, the liberality always extended by the United States to the people of Canada, furnish motives for kindness and consideration higher and better than treaty covenants.

While keenly sensitive to all that was exasperating in the condition, and by no means indisposed to support the just complaints of our injured citizens, I still deemed it my duty for the preservation of important American interests, which were directly involved, and in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate by a fair and just treaty these ever-recurring causes of difficulty.

I fully believe that the treaty just rejected by the Senate was well suited to the exigency, and that its provisions were adequate for our security in the future from vexatious incidents and for the promotion of friendly neighborhood and intimacy, without sacrificing in the least our national pride or dignity.

I am quite conscious that neither my opinion of the value of the rejected treaty nor the motives which prompted its negotiation are of importance in the light of the judgment of the Senate thereupon. But it is of importance to note that this treaty has been rejected without any apparent disposition on the part of the Senate to alter or amend its provisions, and with the evident intention, not wanting expression, that no negotiation should at present be concluded touching the matter at issue.

The co-operation necessary for the adjustment of the long standing national differences with which we have to deal, by methods of conference and agreement, having thus been declined, I am by no means disposed to abandon the interests and the rights of our people in the premises or to neglect their grievances, and I therefore turn to the contemplation of a plan of retaliation as a mode, which still remains, of treating the situation.

I am not unmindful of the gravity of the responsibility assumed in adopting this line of conduct, nor do I fail in the least to appreciate its serious consequences. It will be impossible to injure our Canadian neighbors by retaliatory measures without inflicting some damage upon our own citizens. This results from our proximity, our community of interests, and the inevitable commingling of the business enterprises which have been developed by mutual activity.

Plainly stated, the policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves. There is also an evident propriety as well as an invitation to moral support, found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines. And above all things the plan of retaliation if entered upon should be thorough and vigorous.

These considerations lead me at this time to invoke the aid and counsel of the Congress and its support in such a further grant of power as seems to me necessary and desirable to render effective the policy I have indicated.

The Congress has already passed a law, which received Executive assent on the 3d day of March, 1887, providing that in case American fishing vessels being or visiting in the waters or at any of the ports of the British dominions of North America, should be or lately had been deprived of the rights to which they were entitled by treaty or law, or if they were denied certain other privileges therein specified, or vexed and harassed in the enjoyment of the same, the President might deny to vessels and their masters and crews of the British dominions of North America any entrance into the waters, ports, or harbors of the United States, and also deny entry into any port or place of the United States of any product of said dominions, or other goods coming from said dominions to the United States.

While I shall not hesitate upon proper occasion to enforce this act, it would seem to be unnecessary to suggest that if such enforcement is limited in such a manner as shall result in the least possible injury to our own people, the effect would probably be entirely inadequate to the accomplishment of the purpose desired.

I deem it my duty therefore to call the attention of the Congress to certain particulars in the action of the authorities of the Dominion of Canada, in addition to the general allegations already made, which appear to be in such marked contrast to the liberal and friendly disposition of our country as in my opinion to call for such legislation as will, upon the principles already stated, properly supplement the power to inaugurate retaliation already vested in the Executive.

Actuated by the generous and neighborly spirit which has characterized our legislation, our tariff laws have, since 1866, been so far waived in favor of Canada as to allow free of duty the transit across the territory of the United States, of property arriving at our ports and destined to Canada, or exported from Canada to other foreign countries.

When the treaty of Washington was negotiated in 1871, between the United States and Great Britain, having for its object very largely the modification of the treaty of 1818, the privileges above referred to were made reciprocal and given in return by Canada to the United States, in the following language, contained in the twenty-ninth article of said treaty:

"It is agreed, that for the term of years mentioned in Article XXXIII of this treaty, goods, wares or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States, which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue, as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares or merchandise may be conveyed in transit without the payment of duties from such possessions through the territory of the United States, for export from the said ports of the United States.

"It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions under such rules, and regulations, and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and under like rules, and regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions."

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country, and ever since that time such shipment has been denied.

The privilege of such shipment which had been extended to our fishermen was a most important one, allowing them to spend the time upon the fishing grounds, which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation. In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty the Canadian authorities deprived us of the only facility dependent upon their concession, and for which we could supply no substitute.

The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory and to and from our ports, though great in every aspect, will be better appreciated when it is remembered that for a considerable portion of each year the St. Lawrence River, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.

During the last six years the imports and exports of British Canadian provinces carried across our territory, under the privileges granted by our laws, amounted in value to about $270,000,000, nearly all of which were goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchanges of goods between Great Britain and her American provinces brought to and carried from our ports in their own vessels.

The treaty stipulation entered into by our Government was in harmony with laws which were then on our statute-book, and are still in force.

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

There need be no hesitation in suspending these laws arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that Article XXIX of the treaty of 1871, which was the only article incorporating such laws, terminated the 1st day of July, 1885.

The article itself declares that its provisions shall be in force "for the term of years mentioned in Article XXXIII of this treaty." Turning to Article XXXIII we find no mention of the twenty-ninth article, but only a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and that "they shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

I am of the opinion that the "term of years mentioned in Article XXXIII," referred to in Article XXIX as the limit of its duration, means the period during which Articles XVIII to XXV, inclusive, and Article XXX, commonly called the "fishery articles," should continue in force under the language of said Article XXXIII.

That the joint high commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject: "The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

In addition to this very satisfactory evidence supporting this construction of the language of Article XXIX, it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." After providing, in its first and second sections, for putting in operation Articles XVIII to XXV, inclusive, and Article XXX of the treaty, the third section is devoted to Article XXIX, as follows: "SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, and merchandise arriving," etc., following in the remainder of the section the precise words of the stipulation on the part of the United States as contained in Article XXIX, which I have already fully quoted.

Here, then, is a distinct enactment of the Congress limiting the duration of this article of the treaty to the time that Articles XVIII to XXV, inclusive, and Article XXX should continue in force. That in fixing such limitation it but gave the meaning of the treaty itself, is indicated by the fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that this law appears to have been submitted before the promulgation of the treaty, to certain members of the Joint High Commission, representing both countries, and met with no objection or dissent.

There appearing to be no conflict or inconsistency between the treaty and the act of the Congress last cited, it is not necessary to invoke the well settled principle that in case of such conflict the statute governs the question.

In any event, and whether the law of 1873 construes the treaty or governs it, section 29 of such treaty, I have no doubt, terminated with the proceedings taken by our Government to terminate Articles XVIII to XXV, inclusive, and Article XXX of the treaty. These proceedings had their inception in a joint resolution of Congress passed May 3, 1883, declaring that in the judgment of Congress these articles ought to be terminated, and directing the President to give the notice to the Government of Great Britain provided for in Article XXXIII of the treaty. Such notice having been given two years prior to the 1st day of July, 1885, the articles mentioned were absolutely terminated on the last named day, and with them Article XXIX was also terminated.

If by any language used in the joint resolution it was intended to relieve section 3 of the act of 1873 embodying Article XXIX of the treaty from its own limitations, or to save the article itself, I am entirely satisfied that the intention miscarried.

But statutes granting to the people of Canada the valuable privileges of transit for their goods from our ports and over our soil, which had been passed prior to the making of the treaty of 1871 and independently of it, remained in force; and ever since the abrogation of the treaty, and notwithstanding the refusal of Canada to permit our fishermen to send their fish to their home market through her territory in bond, the people of that Dominion have enjoyed without diminution the advantages of our liberal and generous laws.

Without basing our complaint upon a violation of treaty obligations, it is nevertheless true that such refusal of transit and the other injurious acts which

have been recited constitute a provoking insistance upon rights neither mitigated by the amenities of national intercourse nor modified by the recognition of our liberality and generous considerations. The history of events connected with this subject makes it manifest that the Canadian Government can if so disposed administer its laws and protect the interests of its people without manifestation of unfriendliness and without the unneighborly treatment of our fishing vessels of which we have justly complained; and whatever is done on our part should be done in the hope that the disposition of the Canadian Government may remove the occasion of a resort to the additional executive power now sought through legislative action.

I am satisfied that upon the principles which should govern retaliation our intercourse and relations with the Dominion of Canada furnish no better opportunity for its application than is suggested by the conditions herein presented; and that it could not be more effectively inaugurated than under the power of suspension recommended.

While I have expressed my clear conviction upon the question of the continuance of section 29 of the treaty of 1871, I, of course, fully concede the power and the duty of the Congress in contemplating legislative action to construe the terms of any treaty stipulation which might upon any possible consideration of good faith limit such action; and likewise the peculiar propriety in the case here presented of its interpretation of its own language as contained in the laws of 1873, putting in operation said treaty, and of 1883 directing the termination thereof; and if in the deliberate judgment of Congress any restraint to the proposed legislation exists it is to be hoped that the expediency of its early removal will be recognized.

I desire also to call the attention of the Congress to another subject involving such wrongs and unfair treatment to our citizens as, in my opinion, require prompt action.

The navigation of the Great Lakes, and the immense business and carrying trade growing out of the same, have been treated broadly and liberally by the United States Government, and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our citizens.

The canals and other public works built and maintained by the Government along the line of the Lakes are made free to all.

In contrast to this condition, and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By Article XXVII of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada, on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we being Americans and interested in American commerce would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers, as well as vessel owners, were to enjoy the equality promised.

And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own is to fulfill a promise with the shadow of performance.

I recommend that such legislative action be taken as will give Canadian vessels navigating our canals, and their cargoes, precisely the advantages granted to our vessels and cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

The course which I have outlined, and the recommendations made, relate to the honor and dignity of our country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations. If we invite our people to rely upon arrangements made for their benefit abroad, we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately, and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly, with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 23, 1888.

[The reading of the message was greeted with loud applause on the Democratic side.]

The SPEAKER. The message will be printed and referred to the Committee on Foreign Affairs.

Mr. McCREARY. Before leaving this subject, Mr. Speaker, I desire to ask unanimous consent that the Committee on Foreign Affairs be allowed to report upon the message at any time.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HITT. I would suggest to the gentleman from Kentucky, the acting chairman of the Committee on Foreign Affairs, that there be a larger number than usual of this document printed for the use of the House.

Mr. O'NEILL, of Missouri. Yes, it is a good campaign document.

Mr. BUCHANAN. I would also suggest that there be printed with this message copies of the various treaties and laws therein referred to.

Mr. STRUBLE. That is very proper.

The SPEAKER. The gentleman from Illinois suggests to the gentleman from Kentucky to modify his request for unanimous consent to report on the message at any time, by submitting at the same time a request that a larger number than usual of the documents be printed. What number would the gentleman suggest?

Mr. McCREARY. I am perfectly willing that there shall be printed a hundred thousand copies, if the gentleman wants it.

Mr. O'NEILL, of Missouri. Let us have a hundred thousand.

Mr. HITT. I think 5,000 copies ought to be printed at least.

The SPEAKER. The House on its own motion has no power to order the printing of any document in excess of $500. If the cost exceeds that sum a concurrent resolution will be necessary.

Mr. HITT. I would suggest that 5,000 copies be printed, which will probably not exceed the limit.

Mr. McCREARY. I think we ought to have more than that, and I would suggest at least 15,000 copies.

Mr. O'NEILL, of Missouri. Let us have $500 worth, anyway.

The SPEAKER. The gentleman from New Jersey [Mr. BUCHANAN] asks unanimous consent to embody in the order for printing the treaties and statutes referred to in the message of the President, which of course would increase the cost.

Mr. BLAND. Let that be done in a separate resolution.

The SPEAKER. If there be no objection, the proposition to print 15,000 copies of the message with the treaties and statutes referred to will be referred to the Committee on Printing, which committee can ascertain and report the cost.

There was no objection, and it was so ordered.

Mr. HITT. That would include only the one treaty and the statutes relating to that.

The SPEAKER. There are two treaties referred to in the message, that of 1818 and of 1871.

Mr. FARQUHAR. I hope the order will also include the act passed on March 3, 1887, which was the act retaliatory.

The SPEAKER. It includes that, because it is mentioned in the message.

Mr. FARQUHAR. What number of the document is proposed to be printed?

The SPEAKER. It is proposed to refer the matter to the Committee on Printing with a view to ordering 15,000 copies printed.

Mr. FARQUHAR. Very well; I think that is better.

Mr. GROSVENOR. The whole matter of printing had better go to the Committee on Printing. I am inclined to think that perhaps some of our friends will not be so anxious to have it printed when it goes there.

The SPEAKER. The order has been made to refer to the Committee on Printing the question of printing 15,000 copies of the message with the several treaties and statutes referred to in the message.

Mr. HITT. Including that referred to by the message as having been negotiated?

The SPEAKER. The order will include the printing of all statutes or treaties referred to in the message, and the Committee on Printing can report to the House the cost.

RIGHTS OF AMERICAN FISHERMEN.

Mr. WILSON, of Minnesota, by unanimous consent, introduced a bill (H. R. 11257) to empower the President to carry out the purposes of an act to protect and defend the rights of American fishermen, approved March 3, 1887; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to have that bill printed in the RECORD.

The SPEAKER. Without objection, that order will be made.

There was no objection.

The bill is as follows:

A bill (H. R. 11257) to empower the President more effectually to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, and to authorize the President to protect American interests against unjust discrimination in the use of canals in the British dominions of North America.

Be it enacted, etc., That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes," approved March 3, 1887, it should be lawful for the President in his discretion, by proclamation to that effect, to suspend in whole or in part the transportation in bond and without the payment of duty of goods, wares, and merchandise imported or exported from any foreign country except Canada to or from the British dominions in North America across the territory of the United States.

SEC. 2. Whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River canals, the Chambly Canal, or either of them, whether by tolls, drawbacks, refund of tolls, or otherwise, which is or may be detrimental to the interests of the United States or any of its citizens, it shall be lawful for the President in his discretion to issue a proclamation to that effect; whereupon there shall be collected a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal, and the Secretary of the Treasury may authorize and direct any of the customs officers to collect the tolls levied under this act. The President, when satisfied that such discrimination has ceased, may issue his proclamation to that effect in his discretion, whereupon the tolls authorized by this act shall no longer be collected.

SEC. 3. The Secretary of the Treasury is authorized to make any regulations needful to carry this act into effect.

Mr. BURNES. Regular order.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The tellers will resume their places, and the count will proceed on the appeal of the gentleman from South Carolina from the decision of the Chair.

Mr. BURNES. I would ask what the vote is at this time.

The CHAIRMAN. The tellers have reported—yeas 70, nays 63.

Mr. BURNES. I am satisfied, Mr. Chairman, that within the limit of the session we can not expect a quorum.

Mr. DIBBLE. There are ten minutes more. [After a pause.] I move that the committee rise.

Mr. MCMILLIN. Has the result been announced?

The CHAIRMAN. The tellers have reported—ayes 71, noes 63. The point of no quorum having been made, it is the duty of the Chair, under the rule, to report the fact to the House. If there be no objection, however, the Chair will omit the provision of the rule which requires that the roll shall be called.

Mr. DIBBLE. I ask unanimous consent that it be dispensed with.

The CHAIRMAN. If there be no objection, the call of the roll will be dispensed with and the committee will rise.

There was no objection, and it was so ordered.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

Mr. BURNES. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BELDEN: A bill (H. R. 11253) for the relief of Nathaniel Goff—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: A bill (H. R. 11254) granting a pension to Elvira A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11255) granting a pension to Joshua Harper—to the Committee on Invalid Pensions.

By Mr. HOVEY: A bill (H. R. 11256) for the relief of John D. Spencer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. COLLINS: Petition of W. G. Halpin for copies of his petition and evidence to support his claim against the Government of Great Britain for damages for unlawful imprisonment—to the Committee on Foreign Affairs.

By Mr. DUBOIS: Petition of the Grand Army of the Republic of Idaho, asking an appropriation of $200,000 for head-stones for deceased Union soldiers—to the Committee on Military Affairs.

By Mr. LAIDLAW: Petition of citizens of Allegany and of Cattaraugus Counties, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. WILKINSON (by request): Petition for the relief of John W. Youman, of New Orleans, La.—to the Committee on Claims.

SENATE.

FRIDAY, *August* 24, 1888.

Prayer by Rev. A. W. PITZER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FISHING RIGHTS OF THE UNITED STATES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Congress:

The rejection by the Senate of the treaty lately negotiated for the settlement and adjustment of the differences existing between the United States and Great Britain concerning the rights and privileges of American fishermen in the ports and waters of British North America, seems to justify a survey of the condition to which the pending question is thus remitted.

The treaty upon this subject concluded in 1818, through disagreements as to the meaning of its terms, has been a fruitful source of irritation and trouble. Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexatious interferences and annoyances; their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

This conduct has been justified by Great Britain and Canada, by the claim that the treaty of 1818 permitted it, and upon the ground that it was necessary to the proper protection of Canadian interests. We deny that treaty agreements justify these acts, and we further maintain that, aside from any treaty restraints, of disputed interpretation, the relative positions of the United States and Canada as near neighbors, the growth of our joint commerce, the development and prosperity of both countries, which amicable relations surely guaranty, and, above all, the liberality always extended by the United States to the people of Canada, furnish motives for kindness and consideration higher and better than treaty covenants.

While keenly sensitive to all that was exasperating in the condition, and by no means indisposed to support the just complaints of our injured citizens, I still deemed it my duty for the preservation of the important American interests, which were directly involved, and in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate by a fair and just treaty these ever-recurring causes of difficulty.

I fully believe that the treaty just rejected by the Senate was well suited to the exigency, and that its provisions were adequate for our security in the future from vexatious incidents and for the promotion of friendly neighborhood and intimacy, without sacrificing in the least our national pride or dignity.

I am quite conscious that neither my opinion of the value of the rejected treaty nor the motives which prompted its negotiation are of importance in the light of the judgment of the Senate thereupon. But it is of importance to note that this treaty has been rejected without any apparent disposition on the part of the Senate to alter or amend its provisions, and with the evident intention, not wanting expression, that no negotiation should at present be concluded touching the matter at issue.

The co-operation necessary for the adjustment of the long standing national differences with which we have to deal, by methods of conference and agreement, having thus been declined, I am by no means disposed to abandon the interests and the rights of our people in the premises or to neglect their grievances, and I therefore turn to the contemplation of a plan of retaliation as a mode, which still remains, of treating the situation.

I am not unmindful of the gravity of the responsibility assumed in adopting this line of conduct, nor do I fail in the least to appreciate its serious consequences. It will be impossible to injure our Canadian neighbors by retaliatory measures without inflicting some damage upon our own citizens. This results from our proximity, our community of interests, and the inevitable commingling of the business enterprises which have been developed by mutual activity.

Plainly stated, the policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves. There is also an evident propriety as well as an invitation to moral support, found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines. And above all things the plan of retaliation if entered upon should be thorough and vigorous.

These considerations lead me at this time to invoke the aid and counsel of the Congress and its support in such a further grant of power as seems to me necessary and desirable to render effective the policy I have indicated.

The Congress has already passed a law, which received Executive assent on the 3d day of March, 1887, providing that in case American fishing vessels being or visiting in the waters or at any of the ports of the British dominions of North America, should be or lately had been deprived of the rights to which they were entitled by treaty or law, or if they were denied certain other privileges therein specified, or vexed and harassed in the enjoyment of the same, the President might deny to vessels and their masters and crews of the British dominions of North America any entrance into the waters, ports, or harbors of the United States, and also deny entry into any port or place of the United States of any product of said dominions, or other goods coming from said dominions to the United States.

While I shall not hesitate upon proper occasion to enforce this act, it would seem to be unnecessary to suggest that if such enforcement is limited in such a manner as shall result in the least possible injury to our own people, the effect would probably be entirely inadequate to the accomplishment of the purpose desired.

I deem it my duty therefore to call the attention of the Congress to certain particulars in the action of the authorities of the Dominion of Canada, in addition to the general allegations already made, which appear to be in such marked contrast to the liberal and friendly disposition of our country as in my opinion to call for such legislation as will, upon the principles already stated, properly supplement the power to inaugurate retaliation already vested in the Executive.

Actuated by the generous and neighborly spirit which has characterized our legislation, our tariff laws have, since 1866, been so far waived in favor of Canada as to allow free of duty the transit across the territory of the United States, of property arriving at our ports and destined to Canada, or exported from Canada to other foreign countries.

When the treaty of Washington was negotiated in 1871, between the United States and Great Britain, having for its object very lagely the modification of the treaty of 1818, the privileges above referred to were made reciprocal and given in return by Canada to the United States, in the following language, contained in the twenty-ninth article of said treaty:

"It is agreed, that for the term of years mentioned in Article XXXIII of this treaty, goods, wares or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States, which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue, as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares or merchandise may be conveyed in transit without the payment of duties from such possessions through the territory of the United States, for export from the said ports of the United States.

"It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions under such rules, and regulations, and conditions for the protection of the revenue as the government of the said possessions may from time to time prescribe; and under like rules, and regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions."

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country, and ever since that time such shipment has been denied.

The privilege of such shipment which had been extended to our fishermen was a most important one, allowing them to spend the time upon the fishing grounds, which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation. In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty the Canadian authorities deprived us of the only facility dependent upon their concession, and for which we could supply no substitute.

The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory and to and from our ports, though great in every aspect, will be better appreciated when it is remembered that for a considerable portion of each year the St. Lawrence River, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.

During the last six years the imports and exports of British Canadian provinces carried across our territory, under the privileges granted by our laws, amounted in value to about $270,000,000, nearly all of which were goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchanges of goods between Great Britain and her American provinces brought to and carried from our ports in their own vessels.

The treaty stipulation entered into by our Government was in harmony with laws which were then on our statute-book, and are still in force.

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

There need be no hesitation in suspending these laws arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that Article XXIX of the treaty of 1871, which was the only article incorporating such laws, terminated on the 1st day of July, 1885.

The article itself declares that its provisions shall be in force "for the term of years mentioned in Article XXXIII of this treaty." Turning to Article XXXIII we find no mention of the twenty-ninth article, but only a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and that "they shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

I am of the opinion that the "term of years mentioned in Article XXXIII," referred to in Article XXIX as the limit of its duration, means the period during which Articles XVIII to XXV, inclusive, and Article XXX, commonly called the "fishery articles," should continue in force under the language of said Article XXXIII.

That the joint high commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject: "The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

In addition to this very satisfactory evidence supporting this construction of the language of Article XXIX, it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." After providing, in its first and second sections, for putting in operation Articles XVIII to XXV, inclusive, and Article XXX of the treaty, the third section is devoted to Article XXIX, as follows: "SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, and merchandise arriving," etc., etc., following in the remainder of the section the precise words of the stipulation on the part of the United States as contained in Article XXIX, which I have already fully quoted.

Here, then, is a distinct enactment of the Congress limiting the duration of this article of the treaty to the time that Articles XVIII to XXV, inclusive, and Article XXX should continue in force. That in fixing such limitation it but gave the meaning of the treaty itself, is indicated by the fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that this law appears to have been submitted before the promulgation of the treaty, to certain members of the Joint High Commission, representing both countries, and met with no objection or dissent.

There appearing to be no conflict or inconsistency between the treaty and the act of the Congress last cited, it is not necessary to invoke the well-settled principle that in case of such conflict the statute governs the question.

In any event, and whether the law of 1873 construes the treaty or governs it, section 29 of such treaty, I have no doubt, terminated with the proceedings taken by our Government to terminate Articles XVIII to XXV, inclusive, and Article XXX of the treaty. These proceedings had their inception in a joint resolution of Congress passed May 3, 1883, declaring that in the judgment of Congress these articles ought to be terminated, and directing the President to give the notice to the Government of Great Britain provided for in Article XXXIII of the treaty. Such notice having been given two years prior to the 1st day of July, 1885, the articles mentioned were absolutely terminated on the last-named day, and with them Article XXIX was also terminated.

If by any language used in the joint resolution it was intended to relieve section 3 of the act of 1873 embodying Article XXIX of the treaty from its own limitations, or to save the article itself, I am entirely satisfied that the intention miscarried.

But statutes granting to the people of Canada the valuable privileges of transit for their goods from our ports and over our soil, which had been passed prior to the making of the treaty of 1871 and independently of it, remained in force; and ever since the abrogation of the treaty, and notwithstanding the refusal of Canada to permit our fishermen to send their fish to their home market through her territory in bond, the people of that Dominion have enjoyed without diminution the advantages of our liberal and generous laws.

Without basing our complaint upon a violation of treaty obligations, it is nevertheless true that such a refusal of transit and the other injurious acts which have been recited constitute a provoking insistance upon rights neither mitigated by the amenities of national intercourse nor modified by the recognition of our liberality and generous considerations. The history of events connected with this subject makes it manifest that the Canadian Government can if so disposed administer its laws and protect the interests of its people without manifestation of unfriendliness and without the unneighborly treatment of our fishing vessels of which we have justly complained; and whatever is done on our part should be done in the hope that the disposition of the Canadian Government may remove the occasion of a resort to the additional executive power now sought through legislative action.

I am satisfied that upon the principles which should govern retaliation our intercourse and relations with the Dominion of Canada furnish no better opportunity for its application than is suggested by the conditions herein presented; and that it could not be more effectively inaugurated than under the power of suspension recommended.

While I have expressed my clear conviction upon the question of the continuance of section 29 of the treaty of 1871, I, of course, fully concede the power and the duty of the Congress in contemplating legislative action to construe the terms of any treaty stipulation which might upon any possible consideration of good faith limit such action; and likewise the peculiar propriety in the case here presented of its interpretation of its own language as contained in the laws of 1873, putting in operation said treaty, and of 1883 directing the termination thereof; and if in the deliberate judgment of Congress any restaint to the proposed legislation exists it is to be hoped that the expediency of its early removal will be recognized.

I desire also to call the attention of the Congress to another subject involving such wrongs and unfair treatment to our citizens as, in my opinion, require prompt action.

The navigation of the Great Lakes, and the immense business and carrying trade growing out of the same, have been treated broadly and liberally by the United States Government, and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens.

The canals and other public works built and maintained by the Government along the line of the Lakes are made free to all.

In contrast to this condition, and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By Article XXVII of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada, on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we being Americans and interested in American commerce would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers, as well as vessel owners, were to enjoy the equality promised.

And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own is to fulfill a promise with the shadow of performance.

I recommend that such legislative action be taken as will give Canadian vessels navigating our canals, and their cargoes, precisely the advantages granted to our vessels and cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

The course which I have outlined, and the recommendations made, relate to the honor and dignity of our country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations. If we invite our people to rely upon arrangements made for their benefit abroad, we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately, and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly, with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 23, 1888.

Mr. SHERMAN. I move that the message of the President be printed and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the message of the President of the United States be referred to the Committee on Foreign Relations and printed.

Mr. EDMUNDS. On that motion I should like to say a few words, although I am in favor of the motion.

If I were five or six years younger than I am I should be surprised at this message, but I am not. I am, for one, very highly gratified at the patriotic expressions, the hopes, wishes, almost intentions of the President of the United States in regard to the protection of American interests and American rights.

But the peculiarity of the situation, as it seems to me, is that having had a statute providing for self-defense, approved by the present President of the United States and passed by the substantially unanimous vote of both Houses (if that made any difference to his duty in faithfully executing the laws), and after full consideration of all its points and bearings, of the extent to which it should go and the objects to which it should be limited, and the circumstances under which it should be brought into play, a period of eighteen months, in round numbers, has gone by, and we are now informed by the President of the United States—for I take it that is what it means, although there is no word of that kind in the message—that no step of any kind has been taken to carry into execution the plain provisions of that law.

It is true the law did not require the President to put it into effect in the way of self-defense (as I prefer to call it rather than retaliation) until a case should have arisen of the wrong and injustice mentioned in the statute, which should satisfy the President of the United States that American rights and interests were being unjustly dealt with.

Now, what has happened since the passage of the act? If nothing has happened, if there have been no instances of unjust denial of American rights, of unjust treatment of American citizens in the provinces of the Dominion, then of course the President has been entirely right in taking no step in respect of the matter. If in his opinion, however, as he now states it, there have been instances of the denial of just rights to American citizens engaged in the business described in the act of 1887, why is it that he has not taken any step in the exercise of the power that the law imposed upon him, and in the exercise of his duty that the Constitution imposes upon him of taking care that the laws are faithfully executed?

Here was a law that he was to execute when the contingency should arise of the existence of a particular fact. He being satisfied that the fact existed, then it was his duty to take steps to obtain redress in the method that the statute pointed out.

So, then, we have the case of a period of nearly eighteen months during which, as he now states to us in this message, in some respects, not all (because the message refers to matters in some parts that the act of 1887 does not refer to in regard to a *casus* for action in some respects), the very rights that were defined in the statute of 1887, the very injuries that were pointed out for his observation and for his action when he should observe that they had occurred, have existed ever since the passage of that act; for in one instance he tells us that as early as 1886 an American fishing vessel, catching fish on the high seas outside of

the 10 and the 20 mile delimitation that a treaty which is said to have been before the Senate provided for, and sailing as a purely commercial enterprise to a port of British North America for the purpose, as a commercial matter, of sending her cargo of fish by rail to Boston, has been by a general order, a sweeping order, denied that privilege and excluded.

The President says, and says justly, that that was a great, a most important, a grievous injury to American interests and to American rights. Why has he been silent for eighteen months, with the whole power of the law in his hands and the easy means of exerting all the functions that the law imputed to him in such a case to try it? Why has he remained inactive? Doubtless under the patriotic advice of the gentlemen who compose his Cabinet, or the heads of Department, and doubtless with the most patriotic motives, that it would be well to submit to what is now declared to be a gross and grievous wrong, with the means at hand to redress it or defend against it, and to enter into a discussion with the wrong-doer to provide for a new arrangement on a broader basis of British territoriality and a new arrangement on a broader basis of British free trade.

So I must suppose that these important and urgent powers that Congress unanimously put into his hands to be exercised as a duty in case he found the fact to exist that was described in the statute have been suspended by executive authority, by prerogative, as I think it is mentioned in some of the minority reports of some of the committees here, as if one of the attributes of the President has been suspended by prerogative, as an English King in some old time would undertake to suspend an act of Parliament—not to carry it into execution as long as you could talk with the nation that was continuing, while it was talking peace, the very wrong that is now so fully and well set forth in this message.

I must confess, Mr. President, my astonishment at such a course of action on the part of the Executive of the United States. I must express my surprise and my regret, and, using his language, not the regret of a partisan, but the regret of a citizen, that here for more than a year, with the means in his hands to redress it, he has failed to take any step, and now sends to us a message asking that additional powers, bearing as he supposes upon a broader field of retaliation and covering other topics, be given to him, and, as I must suppose, on the principle that he has already acted upon, that until they are given to him he will do nothing at all.

This business is very odd. I wish to call attention to one incident of this message which also struck me with a good deal of surprise, for referring to this treaty, which he says has been disposed of, we apparently do not now know what was the course of the negotiations that led to the treaty; we apparently do not now know what substipulations, and engagements, and understandings, and protocols, and glosses, and declarations existed. The President sent us the treaty with, I believe, one protocol, which was simply a formal one. He sent us another letter, I believe, in which our commissioners, or whatever they were called, our plenipotentiaries, declined to go into the customs duties question; and then on a resolution of the Senate, passed as every Senate from the beginning has passed such resolutions, asking for all the papers, the minutes, the protocols, the information, so that the Senate could see it in the light that our supposed representatives and the President had seen it, to understand how far it went and what it meant, what was proposed and what was denied, we were told that we had received all the information that it was thought proper to communicate, because there was an understanding that the discussions and propositions should be confidential. We know how that understanding came out in another country than our own. It was not confidential as to them, so far as now appears.

But here I find in this message a thing to which I wish to call the especial attention of the Senate. In his discussion as to whether the twenty-ninth article of the treaty of 1871 is in force or not, and as supporting the opinion that it is not (as gravely erroneous as in my judgment that opinion is, and as has been so often agreed in this body in former discussions of topics that touch this question, and as was agreed when we passed the act directing the President to terminate the other articles named), I find this statement:

> That the joint high commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject: "The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

What bearing that has upon the question as to whether the twenty-ninth article is in force it is impossible for me to see. As we can sometimes learn from Canada, the question as to whether this article continued in force after the notice of termination, which took effect in 1885, we readily ascertain from the Canadian discussions of it, from the Canadian pretension in respect of the shipping of our fish from their ports by railroad to our own; for so far as I yet know, and I think so far as anybody knows, the Canadian Government have not refused to transship fish upon the ground that that article was not in force. They have made no such pretension. They have refused to transship fish on the ground that that article did not override the convention of 1818, by which an American fishing vessel was not to come within 3 miles of the land for any purposes whatever except the four specially named. That was their point.

So, without at this time going into any broad consideration as to whether the twenty-ninth article is in force or not, I have only to say that it is of no consequence to the purpose we now have in hand whether it is in force or is not in force, and whether the act of 1866 is in force or is not in force.

In order to have anybody who shall read these discussions understand precisely what the powers of the President are in this connection, I ask the Secretary to read the fisheries act of 1887—the whole of it, from beginning to end.

The Chief Clerk read as follows:

CHAP. 339.—An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States, the President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved March 3, 1887.

Mr. EDMUNDS. In the same connection, as a kind of glossary or protocol to that statute, I ask the Secretary to read the report made by my friend from Alabama [Mr. MORGAN], my friend from Maine [Mr. FRYE], and myself as the managers of the conference on the part of the Senate on the disagreeing votes of the two Houses upon the bill which resulted in that law.

The Chief Clerk read as follows:

Mr. EDMUNDS, Mr. FRYE, and Mr. MORGAN, managers on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes, submitted the following report:

The managers on the part of the Senate of the conference on the disagreeing votes of the two Houses on their disagreeing on the amendments proposed by the House to the bill (S. 3173) respecting the fisheries, respectfully report that the bill passed the Senate on the 24th day of January, 1887, and on February 23 was returned from the House of Representatives with an amendment striking out the whole of the Senate bill and proposing one entire House amendment in its place.

On the 24th the bill was laid before the Senate, and the House amendment was disagreed to and a committee of conference asked and the papers ordered to be printed.

On the 25th instant the House agreed to the conference, and on the 26th the managers on the part of the House met the Senate managers in the afternoon of that day and the differences in the views of the two Houses fully discussed. The House conferees did not object to the substance of any part of the bill as it passed the Senate so far as it goes, but the first part of the first section of the House amendment undertakes to restate the enumeration of the cases and injuries mentioned in the Senate bill by entirely dropping the classifications or groups of vessels made in the Senate bill and to bring all vessels of the United States, of whatever character or class, within one definition.

The ground on which the Senate bill went in this respect was that United States fishing vessels purely had their rights regulated and measured by the treaty of 1818, as having the absolute right of fishing inshore in certain parts of the marine territories of the British dominions in North America and being prohibited from fishing in other parts, but still having the right to enter those other waters for the purposes enumerated in the treaty, and not to be abused with a view to fishing in prohibited waters.

The second classification of United States vessels made in the Senate bill covered precisely the same vessels, but having also a commercial character ob-

tained by having not only a license to fish, but also under the laws of the United States a permit to touch and trade in foreign ports, and which, therefore, in their character as trading vessels, would not, as it was thought, be under the prohibitory provisions of the fishery treaty of 1818.

The third classification covered all other vessels of the United States not falling within the two preceding classes.

It was thought by the Senate, in passing the bill in that form, that a more clear understanding could be had of its application and enforcement than if all the vessels had been massed under one description. The Senate bill then proceeded to provide for cases not merely of the denial of treaty rights to purely fishing vessels, or the denial of lawful trading rights to fishing vessels otherwise to touch and trade or lawful rights to purely trading vessels, but to include also unjust vexation and harassment as well as exclusion from rights to trade accorded to the vessels of the most favored nation.

The House amendment applicable to the whole of this part of the subject purports to provide for the cases of vessels of the United States which "are denied in the ports or territorial waters of the British dominions in North America rights to which such vessels are entitled by treaty or by the law of nations or are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations."

It is, with great respect to the House of Representatives, thought by the Senate managers of the conference that this provision is not nearly so adequate to the condition of affairs as the provisions of the Senate bill which have been already described. There is no treaty in existence between the United States and Her Majesty's Government on the subject of the treatment of American vessels in British North American waters or ports, other than the provisions already referred to concerning purely fishing vessels and contained in the treaty of 1818, with possibly an exception as it respects one or two particular ports, and with the exception of such provisions as are contained in the treaty of 1871, which provisions in this last-named treaty are in these respects not applicable to the now existing difficulties. What positive rights "the law of nations" mentioned in the House amendment United States vessels entering British North American waters are entitled to the Senate managers think it would be somewhat difficult to define or explain. For, it is believed, by what is called the "law of nations" no vessel of the United States would have a right to enter British waters at all other than under an implied and tacit consent of the sovereign of that country, which could, at any moment, be positively withdrawn consistently with the understood sovereign rights of all nations. The Senate managers, therefore, think that this definition, measured by the law of nations, is really not much more than a definition measured by the will of the British Government so far as exclusion or the regulation of conduct in such waters might happen to go.

The next phrase in the House amendment proposed to take the place of the enumerations and descriptions mentioned in the Senate bill purports to provide for cases in which American vessels "are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations."

The Senate managers are of opinion that this phrase, so far as it applies to purely fishing vessels, may go beyond the treaty rights of such vessels as measured by the treaty of 1818. Whether the phrase was intended to include treatment and reasonable privileges secured between neighboring and friendly nations by treaty, such as exists in respect of British vessels of Her Majesty's dominions in Europe in waters of the United States and American vessels in European British waters, does not appear to be at all clear. If it be meant to cover such cases, then the provision would be entirely inapplicable to the case in hand. If it be meant to make the test that of the conduct of neighboring and friendly nations in the absence of a treaty concerning the respective rights of their vessels in the waters of the other, then the cases occurring in the last year of the treatment of American vessels in British waters of North America might be considered the standard to which this language would apply, for Great Britain is, in respect of her dominions of North America, a neighboring, and, in a public sense, a friendly nation. But if it were taken in general as applied to the general good neighborhood of nations, the standard would probably vary more or less, whatever country should be resorted to for finding the measurement of administration in regard to foreign vessels.

But, as has been before stated, the House managers, so far as we can understand, do not appear to find fault with the substance or the essential phraseology of the Senate bill.

The irreconcilable point of difference between the managers on the part of the two Houses is the insistance, on the part of the House managers, upon adding to the scope of the Senate bill, and so going beyond it, the further provision that, in case of injurious treatment to our vessels in British North American waters, it shall be within the competence of the President of the United States to absolutely stop intercourse not only by water, but by land, between the people of the United States and the people of the British territories adjacent, thus absolutely cutting off the continuous movement of railway trains from the British provinces to any part of the United States, and, in effect, reciprocally from the United States to British dominions, either on the northern border of Minnesota, at the river St. Mary, at Port Huron, at Detroit, at Grosse Isle, at Buffalo, at Niagara Falls, at Rouse's Point, at Highgate, Franklin, Richford, Troy, Derby, and Norton, on the northern border of Vermont, and on the northern and eastern borders of Maine; at all of which places it is understood there now exist interior railroad lines crossing the boundaries of the two countries—in some cases operated and practically owned by British subjects, and in other cases operated and practically owned by American citizens.

The Senate managers have felt it to be a duty to decline to go to this extent, and have thought it to be clear that the provisions for the protection of American interests set forth in the Senate bill, and in that part of the House amendment applicable to any British violation of the treaty of 1877, are entirely adequate to the peaceful end in view, and that there is no present justification for reposing in the Executive this further enormous power proposed by the House of Representatives in its amendment, and insisted upon by the House managers.

It seems clear to the Senate managers, and has not been controverted by the House managers, that the things the President is authorized to do by the Senate bill in the cases named are none of them in derogation, either directly or indirectly, of any treaty right, or of the peaceful business intercourse of nations, but that this Government in these respects is absolutely free to act in the manner proposed without being subject to the imputation that it is either in any way infringing the most liberal interpretation of any treaty or doing any act that nations at peace have not hitherto found themselves from time to time justified in doing, not in a spirit of belligerency, but merely as a matter of countervailing business regulations.

The Senate managers offered to the House managers to add to the Senate bill the provision contained in the House amendment providing that, if there should be any violation of Article XXIX of the treaty of 1871 on the part of Great Britain, the President should be authorized reciprocally to withdraw from British subjects the benefits of the same article with certain changes of phraseology, which, it is understood, were satisfactory to the House managers.

The Senate managers also expressed their willingness to accede to the third section of the House amendment, although the propriety of its form and substance is open to very considerable question.

The result of the conference, therefore, has been that the House of Representatives, through its managers, not objecting to the Senate bill, but desiring to add a new and enlarged provision to the Senate bill and to adopt measures additional to those mentioned in the Senate bill, and not necessarily dependent thereon, and the Senate managers unwilling to go to that extent, and so disagreeing to the House proposition, decline to make even the provision that has passed the Senate in respect of the subject of the protection of our fishing and other vessels, and to which the House makes no objection so far as it goes, unless the Senate will consent to make further legislative provisions which it believes to be unwise. It would seem needless to say that such a pretension, made by one of two co-ordinate legislative bodies, is quite untenable.

The essential principle upon which the two Houses have almost universally hitherto acted, and without which no legislation whatever could be accomplished when there was not perfect accord on all points, has been that when either House proposes legislation that is satisfactory to the other so far as it goes, and the other House desires to go further and make affirmative and additional law, if it can not convince its co-ordinate body that it is desirable to go further, the House proposing the affirmative additional legislation must recede. This principle is vitally important to the independence of each House, and so indispensable to the practical legislation of the country that the Senate managers have felt it to be a paramount duty to refuse to accede to this further House proposition, both as unnecessary and unwise, and as in derogation of the equal rights of the two bodies.

The Senate managers have felt it to be a duty in this important matter to report this state of things at once to the Senate for its information.

GEO. F. EDMUNDS.
WM. P. FRYE.
JNO. T. MORGAN.

Mr. EDMUNDS. So it will be seen that one of the very things that the President of the United States is now apparently for the first time solicitous upon was brought directly to the attention of the two Houses of Congress preceding the passage of this law, and that the Senate was of the opinion that the provisions contained in the law as it was proposed and as it finally passed were entirely adequate to the protection of American rights and interests in the respects in which they had been intruded upon and assailed. And we took into view, as Congress did when it passed the act providing for the annulment of the fisheries articles of the treaty of 1871, the fact that the twenty-ninth article of the treaty of 1871 was in force, both Houses did, and in order to legislate so that that would not stand in the way of redress we passed this statute (which the President in his message says a statute may do) to authorize him to deny Canadian vessels and Canadian goods access to our ports if they denied the right of our fishermen to transship fish; that the treaty had nothing to do with it; that if Great Britain, the treaty being in force, violated it on her side and denied to us a right that we had under it, we were no longer under any obligation to grant to her a right that she had under it, and it did not need a statute to do that. There are gentlemen within the hearing of my voice now who have occupied positions as Cabinet ministers of Presidents of the United States, there are others who have not who have been students of public law, and my friend from Alabama [Mr. MORGAN] I can appeal to as one of the best of them, and they know that when one nation having a treaty with another chooses to break it or to refuse or refrain from carrying it into reciprocal and equal effect, the other nation is no longer bound, and it is at the option of her Executive, whose business it is to see that the laws are faithfully executed, and that nothing else is executed, shall stand up for the rights of the nation that is thus wronged, just as the Senator from New York [Mr. EVARTS] did under a treaty with some power of whom we are now speaking, who told them that if they chose to put a certain interpretation upon that treaty then he would regard it, under the direction of the President of the United States, as an end of the treaty.

Mr. VEST. May I ask the Senator a question?

Mr. EDMUNDS. Certainly.

Mr. VEST. Do I understand the Senator from Vermont to assert that under the act of March 3, 1887, known as the retaliation act, the President had the power to retaliate as to the grievances of which he complains, and which are set forth in his message?

Mr. EDMUNDS. Yes.

Mr. VEST. That is the position of the Senator?

Mr. EDMUNDS. That is the position.

Mr. VEST. I understand him further to state that without any statute the general power exists in the President of the United States to retaliate whenever there has been an infraction of a treaty?

Mr. EDMUNDS. I have not said that. I will try to state my position again. I stated some time ago, I think, that the message of the President contains a reference to some topics of discontent that he has for the first time communicatod to Congress, although very old ones, and the attention of Congress was called to them in reports of committees long ago, touching the canals, for instance, that this act of 1887 does not touch at all, because the preamble, so to speak, the introduction of the act, the basis upon which the President is to exert his power, refers to the treatment of American vessels and not to the treatment of Americans who are in the Welland Canal. If the Canadian authorities treated the vessel there wrong that might do, perhaps; but to the ordinary land carriage it did not. It was really the fisheries question; but that being ascertained, the case of the denial by the Canadian authorities of the right of the Americans to transship their fish from Halifax to Boston when they brought them from the Grand Banks, and as a means of commerce, having, as the President of the United States says, the right to do that under the twenty-ninth article of the treaty of 1871, the President of the United States, first by force of this act of 1887, was justified and it was his duty to deny to Canadian fish, or any other Canadian goods, transportation across our country just so far and so fast as he should deem it an adequate redress for the wrong committed upon us; and then I added that if we had no such statute,

our fishermen having a right to transship their fish from Halifax to Boston, where they have caught them on the high seas, and that being denied to them, under the twenty-ninth article of the treaty of 1871, it was within the competence and the duty of the President of the United States to inform the British Government that we regarded that article as no longer of force, for it could not be in force on one side and not on the other at the same time. That is what previous Presidents and Secretaries of State have done, to the honor and benefit of the American name and of American interests.

Now, sir, I want to read on the subject of this twenty-ninth article of the treaty of 1871 being in force a letter from the Secretary of State, addressed to Hon. Mr. REAGAN, a Senator of the United States, in connection with investigations of the Interstate Commerce Committee, and which was laid before that committee by the Senator from Texas in the course of his duty as a member of that committee, and it is now on the files of the committee, technically speaking, although, in fact, it is in my hands:

DEPARTMENT OF STATE, *Washington, January 7, 1887.*

SIR: I had the honor to receive late yesterday afternoon your telegram asking to be informed "when was the treaty of Washington between the United States and the Dominion of Canada abrogated? When did its provisions cease to operate?"

The information you desire is found in the accompanying document, containing the correspondence which took place between this Department and the British minister in 1885, and the President's proclamation in regard to the termination of the fisheries articles of the treaty of Washington.

This document is reprinted in full in the recently printed Executive Document in relation to the rights of American fishermen in British North American waters (Executive Document No. 19, House of Representatives, Forty-ninth Congress, second session, pages 199-210), a copy of which is also inclosed herewith.

The treaty of Washington between the United States and Great Britain did not relate solely to the Canadian fisheries. Only the fishery articles thereof were abrogated, as enumerated in the President's proclamation of January 31, 1885. The remaining articles, comprising those which relate to commercial intercourse between the United States and the British North American possessions, are still in force.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

HON. JOHN H. REAGAN,
U. S. Senate.

Those enumerated articles did not, as the President says in his message, contain Article XXIX. They named the articles that were annulled by the force and in the method provided for in the treaty itself by the action of Congress, and when Congress came to pass the law which required the President of the United States to give notice of the termination of those articles, it named them, and then it provided for reinstating the laws of the United States which were then in a state of suspense as it respected those abrogated articles. With this careful phraseology, which, as I have said, was adopted because Congress perfectly understood, as every lawyer on investigation perfectly understood, as the Secretary of State, himself a great lawyer and statesman, understands, that Article XXIX is still in force, Congress provided for setting on foot again all the laws, etc., "so far as it relates to the articles of said treaty so to be terminated shall be and stand repealed and be of no force on and after the time of the expiration of said two years."

So much for that. We have got them, as we stand now in respect of the only fisheries wrong that the President mentions in this message of his as of crying and loud importance, as it is, the denial by the Canadian authorities, persisted in, as the President says, from 1886 until now, and now continued, of the right of American fishermen fishing on the high seas under that Article XXIX or under commercial reciprocity and kindness to transship their fish to Boston or New York, while a Canadian fisherman or any other British vessel coming to any one of our ports is by the force of that article and our friendly laws authorized to carry his fish to Canada or from Canada to New York for exportation without the payment of any duty, there is the fact; and the President tells us that it has existed now for two years.

Following that fact, which he says is a gross outrage and injury, is this statute of the United States, which says that when he is satisfied of that fact he shall apply the means of redress that the statute has put in his hands. Why does he not do it? I should be glad to have somebody say, I should be glad intellectually if the President of the United States has said in this message what the reasons are, what the impediments are to his endeavoring to faithfully execute the statute of the United States upon a state of circumstances that he officially reports to exist, when that statute makes it his duty to employ the means that the law has given to accomplish it. Oh, no. I believe in the time of the late war, if I may refer to that without offense, it was said from time to time that the more troops a certain Union general, or perhaps more than one general were supplied with, the greater difficulty they found in moving on the enemy, and were continually telegraphing to President Lincoln that they could not go until they had more force. Does the President of the United States really mean to say to Congress that he can not take any step provided for in the act of 1887 until Congress shall give him further powers, and particularly and chiefly the very powers that on full discussion eighteen months ago the Senate thought it was unfit to give him?

My friend from Alabama united with my friend from Maine and myself, and the Senate agreed with us, in saying that there was no necessity for reposing in the President such an enormous power as that, and that it ought not to be done certainly until it should have been found, by a faithful execution of the proposition that we did send to him and that he agreed to, that those means were inadequate, then we could consider what should be done next.

Alas, I think it is an infinite pity somewhere—perhaps it is the fault of this side of the Chamber or the other, or of somebody—it is an infinite pity that in so simple a case with adequate and full statutes, the force or weakness of which, if they have any weakness, has never yet been tested by the President, the law should remain unexecuted and in "a state of innocuous desuetude" until the President of the United States, these wrongs before his eyes as he says, could see whether Congress put any more ammunition into his hands before he fires.

Mr. HOAR and Mr. MORGAN addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

Mr. MORGAN. Does the Senator from Massachusetts desire to submit any remarks on this motion?

Mr. HOAR. I rose for that purpose.

Mr. MORGAN. Proceed then.

Mr. HOAR. I recognized the entire propriety when the Senator from Alabama rose at the same time that one on that side should be recognized, and if the Senator from Alabama desires, I will yield to him.

The PRESIDENT *pro tempore*. The Senator from Massachusetts first addressed the Chair.

Mr. MORGAN. Proceed; I do not desire to take the floor just now.

Mr. HOAR. Mr. President, confession is good for the soul, and it is a subject of considerable satisfaction to a benevolent mind to witness the working of the grand Democratic confessional which seems to have established itself in the White House. We got a message a short time ago, within three months, from the President of the United States which contained this language:

As the documents and papers referred to will supply full information of the positions taken under my administration by the representatives of the United States, as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient to repeat them in this message. But I believe the treaty will be found to contain a just, honorable, and, therefore, satisfactory solution of the difficulties which have clouded our relations with our neighbors on our northern border.

The whole subject-matter of our relations with our neighbors on our northern border so far as on the 20th day of February they seemed to require the removal of any cloud, were dealt with in a treaty which the President of the United States sent to us and which he and the head of the Department of State and every Democratic Senator who has dealt with the subject, so far as I now remember, loudly and vociferously declared removed every cause of offense or prevented its existence in the future which the American people had against the Dominion of Canada; and we were told when we pointed out grievance after grievance which was not touched, that we were proposing retaliation, that that was a most dangerous and abominable thing, never to be thought of or heard of, if it could be helped, among friendly nations, and that if we did not look out we should get the country into a war.

The Senators on that side of the Chamber having laid down before the demands and threats and pretentions of the little Dominion of Canada, they thought they were lying down by the side of the President to comfort him in his own position. Now, behold, poor man, the President undertakes to get up and shake the mud from his own coat and leaves them where they have placed themselves.

Why, sir, if this thing which is now set forth, and which has been affirmed by Republican Senators who have raised two committees of this body to address themselves to the charge that Canada has been all this time violating the treaty of 1871 in regard to our use of her canals and other transportation facilities, and in regard to the engagement made by Great Britain that she should afford us equal facilities to those afforded to her in our territory—if, I say, that is true, as we on this side of the Chamber have been affirming, how happens it that the Administration and the negotiators of this treaty have been dumb during the last two years on that subject?

If, when the representatives of Great Britain were in Washington, the Administration called their attention to this breach of faith on the part of Canada and Great Britain, to this wrong which the President now says demands the instant and prompt measure of retaliation, and they rejected a demand for redress, how happens it that that part of the negotiation was kept wholly secret from the Senate and from the people of the United States, how happens it that the President sent to us a treaty which it was claimed removed every cause of offense and complaint on the part of the American people so far as their relations with Canada were concerned? If, on the other hand, he did not call this to the attention of the representatives of Great Britain; if, on the other hand, our negotiators in negotiating a treaty of peace and amity were silent, then in what attitude does he now seek to place the people of the United States, or would they have been placed but for the intervention of the Senate in rejecting the proposed treaty? He would have had a long negotiation with Great Britain extending through months, he would have declared to her that the results of that negotiation were perfectly satisfactory to the country he represented, and then the moment the treaty to which she had consented had been ratified and accepted, he

would have been prepared to turn around upon her with this hostile measure of retaliation.

Which of these two things is true? Has the President believed all the time he was urging upon us this treaty as a complete solution of this matter that it was not a complete solution, and that these grave causes of offense still exist to be prosecuted and pursued, and kept that belief the whole time from the representatives of the American people on the one side and the representatives of Great Britain on the other?

Now, the President of the United States comes in and asks of Congress additional power. These facts have been known to the Secretary of the Treasury for the past several years, and of course to the Administration, if we are to take the information conveyed to us in this message. On the 30th of January, 1888, the Senate passed a resolution asking the Secretary of the Treasury to communicate to Congress whether any communication had been had with the Dominion of Canada in reference to these grievances, and this is his reply under date of February 7, 1888:

In reply to the first inquiry, I have to state that no communication has been had with the Dominion of Canada, nor have any agreements been arrived at touching the transportation of goods since the abrogation of the articles of the treaty referred to.

Down to the 7th day of February, 1888, according to the communication of the Secretary of the Treasury, this Administration had been as dumb before Canada in regard to this ground of complaint as a sheep before the shearer. But in the next place the President claims—and I do not propose to add anything to what has been said by the honorable Senator from Vermont [Mr. EDMUNDS] on that subject, nor to express any opinion of my own in regard to it at the present time—the President claims that the twenty-ninth article of the treaty of 1871 has been abrogated, and that each nation therefore is at liberty without further negotiation, if it shall see fit, to proceed to regulate its own conduct in reference to this subject-matter of complaint without regard to any binding obligation of one toward the other. Very well; if that be true, then the Administration has all this time—and I desire to call the attention of the Senate to this proposition—had absolute power and control and discretion over the whole matter. The authority which the President asks, so far as it relates to the transporting of Canadian goods in bond over our railways or canals, or so far as stopping the employment of Canadian railroads and canals by our shippers of goods, is already complete. I ask the Secretary to read sections 3005 and 3006 of the Revised Statutes of the United States.

The Secretary read as follows:

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

Mr. HOAR. My view of this matter is that the statute gives to the President of the United States or to the Secretary of the Treasury, who is under his authority and control, absolute power to do everything that he chooses in this matter, and to show that is the opinion of the Department itself and of the Administration, I desire to call the attention of the Senate to two circulars issued from the Treasury.

My proposition is that the transportation of merchandise coming from American railroads or canals or other modes of carriage through Canada is, by section 3006 of the Revised Statutes, to be conducted under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the moment the Administration was informed that this discrimination was made by Canada against our interests, the President had the right instantly to interpose and put an end to the entire traffic at once—just what he asks the special authority of Congress to do at the present time.

I desire to have read circular 102 and circular 116 of the year 1885.

The Secretary read as follows:

CIRCULAR.

TERMINATION OF CERTAIN ARTICLES OF THE TREATY OF WASHINGTON.

[1885. Department No. 102. Division of Special Agents.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 2, 1885.

To collectors of customs:

Notice having been given by the proclamation of the President, dated January 31, 1885, of the abrogation of Articles XVIII to XXV and Article XXX of the treaty of Washington, collectors of customs are hereby notified that article 844 of the Customs Regulations of 1884, which is identical with article 19 of the Regulations of March 30, 1875, made pursuant to Article XXX of said treaty, will cease to be in force from and after this date.

Shipments of merchandise in transit from one port or place within the territory of the United States to another by a route a part of which is by land carriage through the Dominion of Canada, and a part by the Great Lakes and the rivers connecting the same, or by the river St. Lawrence, in either British or American vessels, from ports on the northern frontier of the United States to ports on the Canadian frontier for transshipment to railway cars, and from points on the Canadian frontier, at the termini of railway transportation, to ports on the northern frontier of the United States, will hereafter be treated in all respects as ordinary importations from foreign contiguous territory.

DANIEL MANNING, *Secretary.*

Mr. HOAR. Now it will be seen that the Secretary of the Treasury, conceiving at the time that the twenty-ninth article of the treaty of 1871 was terminated, instantly exercised his authority under the statute of 1866, re-enacted by the Revised Statutes as section 3006, and declared that all merchandise coming from Canada as a part of the joint transportation routes should be subject to the ordinary customs duties, showing the opinion of the President and the Secretary who was the head of his Treasury Department that he possessed the ample power to accomplish this thing.

Now I ask the Secretary to read circular 116.

The Secretary read as follows:

CIRCULAR.

TRANSIT OF MERCHANDISE THROUGH THE DOMINION OF CANADA.

[1885. Department No. 116. Division of Special Agents.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 24, 1885.

To collectors and other officers of customs:

Under the authority contained in section 3006 of the Revised Statutes, imported merchandise, in bond or duty paid, and products and manufactures of the United States, may, with the consent of the proper authorities of the British provinces, be transported from one port in the United States to another port therein over the territory of such provinces, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe.

Therefore, so much of Circular No. 102 of this Department, dated the 2d instant, as rescinded article 844 of the Customs Regulations of 1884 is revoked, and said article is hereby amended in such manner as to restrict the transportation therein referred to to American vessels. Customs officers will be governed accordingly.

The salaries of officers stationed in Canada to supervise transshipment from vessels to cars, and *vice versa*, must be reimbursed to the Government by the transportation companies interested.

DANIEL MANNING, *Secretary.*

Mr. HOAR. This is a repetition of the policy pursued in regard to the purchase of bonds. This Administration wanted to pile up a great surplus in the Treasury in order that it might be used as a lever or argument for an attack on our protective system, and accordingly they affected to have great doubts whether the act of Congress gave the Secretary of the Treasury power to expend that surplus in the purchase of the bonded debt of the United States, and after the mischief was all done and the surplus was distributed among the national banks of the country without interest, instead of being expended in the reduction of the accumulation in the Treasury, the President sent in to Congress a message saying that he thought he ought to have authority to expend the money in buying bonds; and on both Houses of Congress passing a resolution pointing out to him that he had the authority already, he said "On the whole I guess I have," and he proceeded to make his purchases.

Here is this Administration by two unmistakable, unquestionable acts affirming its authority to suspend this business as it sees fit or to impose upon it such terms, regulations, and conditions as the Secretary of the Treasury might see fit to impose, and yet with that power exercised on two important occasions—the exercise called out by our relations to Canada under the treaty of 1871—the President allows it to slumber during all these years when as he informs us these outrages on the part of Canada were going on, and even now refrains from its exercise and comes in and asks the Senate and House of Representatives to grant him a power which he knows perfectly well and believes already exists——

Mr. SPOONER. And he wants aid and counsel.

Mr. HOAR. And he wants the aid and counsel of Congress to enable him to exercise a power which he believes he has the right to exercise, and which his Secretary of the Treasury had twice already exercised during his administration.

I ask again, has the President of the United States called the attention of anybody to this wrong which it was fully in his power to have stopped and redressed at any moment? Did he call our attention to it in his annual message either of 1886 or 1887? Did he call our attention to it when, without a single suggestion that it was insufficient and did not reach this case, he signed the statute of 1887 passed by the two Houses of Congress? Did he call our attention to it when he sent in the treaty? How can he reconcile it with any national dignity or the national honor if the attention of the commissioners and envoys of Great Britain was not called to this when the treaty was negotiated, to have sent in a treaty declaring to us that it provided for every case of wrong which we were suffering from the Canadians on our northern border and being silent about this matter of informing us or the American people that a demand had been made on Great Britain which had been rejected, or if no such demand was made and his negotiators induced Great Britain to believe the treaty was full, satisfactory, and comprehensive of every cause of difference—how can he reconcile it either to our honor or our dignity if this treaty had been ratified to immediately after its ratification turn around to Great Britain and state, "Now that I have got this treaty signed I am going to declare non-intercouse with you on another ground, which I never mentioned during the entire negotiation?"

Now, see what he says in regard to our social and commercial intercourse in his message transmitting the treaty:

Our social and commercial intercourse with those populations who have been placed upon our borders and made forever our neighbors is made apparent by a list of United States common carriers, marine and inland, connecting their lines with Canada, which was returned by the Secretary of the Treasury to the Senate on the 7th day of February, 1888, in answer to a resolution of that body; and this is instructive as to the great volume of mutually profitable interchanges which has come into existence during the last half century.

This intercourse is still but partially developed, and if the amicable enterprise and wholesome rivalry between the two populations be not obstructed, the promise of the future is full of the fruits of an unbounded prosperity on both sides of the border.

The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefits, in the conviction that mutual advantage and convenience are the only permanent foundation of peace and friendship between States, and that with the adoption of the agreement now placed before the Senate a beneficial and satisfactory intercourse between the two countries will be established so as to secure perpetual peace and harmony.

Mr. President, if the patriotic and American spirit of a majority of this Senate had not scorned the surrender contained in the treaty just rejected, the American people would never have heard from the Executive a lisp of a desire to affirm and maintain and defend and establish their rights of equality and mutuality in relation to the system of transportation between this country and the Canadian provinces. The Senate has called the attention of the public and the Administration to it. It has demanded from time to time of the Secretary of the Treasury the information in his possession, and it has got a few brief, meager lines which are contained in the communications which have come in. It has raised two special committees in addition to the investigation of the Committee on Foreign Relations to collect the facts on this subject which this dilatory and halting Administration has failed to deal with. These facts were set forth in part in the spirited and able speech of the Senator from Illinois [Mr. CULLOM], and they are set forth in part in the collections already made under the direction of the Committee on Foreign Relations; and it is idle for the President of the United States to undertake at this day to cover up his retreat, to cover up the surrender which would have been made but for the spirit and patriotism of the Senate, by undertaking to come to the front in regard to this matter.

Mr. MORGAN. Mr. President——

Mr. HOAR. Will the Senator from Alabama allow me a word before he proceeds?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Certainly.

Mr. HOAR. I desire to add one sentence which I accidentally omitted when I was on the floor. I desired before I sat down to say that for myself, and no doubt for this side of the Chamber—I have no right to speak for them; of course I do not know the opinion of a large majority of the Senators—I should be in favor of giving to the President of the United States any authority in this matter which on examination shall be found in any respect to be needed. There is no difference of opinion on that subject.

Mr. MORGAN. Mr. President, the message which came in yesterday afternoon and has been read this morning seems to have given a great shock to the Senators on the other side of this Chamber. The first effect of it was to cause the Senator from Vermont [Mr. EDMUNDS] to interrupt the Senator from Iowa [Mr. WILSON] in his loved employment of speaking upon the political situation in the South, and to ask him to give way until he could make a motion to adjourn.

Mr. EDMUNDS. I may interrupt the Senator to say that he is entirely mistaken.

Mr. MORGAN. Am I?

Mr. EDMUNDS. You are.

Mr. MORGAN. Then I am mistaken in what my eyes revealed to me.

Mr. EDMUNDS. The Senator is mistaken, if he will pardon me. Of course it is a matter of no public consequence. I had suggested, as the Senate Chamber was nearly empty, and knowing nothing of the contents of this paper which he is now speaking of, to my friend from Iowa that he had better let us adjourn, and he said that the moment he got to the end of the paragraph he would, and he did.

Mr. MORGAN. And thereupon, being very greatly surprised at what was going on here, and that the President of the United States should be treated with such excessive discourtesy, to say the least of it, I informed the Senator from Vermont in the open Senate that a message had been brought into this body which related to the fisheries treaty, and thereupon the Senator from Vermont informed the Senate and myself that the reading of that message could wait.

Mr. EDMUNDS. That is true.

Mr. MORGAN. Thereupon, in order possibly to get the Senators on that side of the Chamber to forget the dictation of their caucus arrangement for a little while upon this matter, I called the yeas and nays, and the vote revealed a party division upon the question as to whether the President's message should be read, for that was the substance of it. We are not in the habit of adjourning at 4 o'clock these afternoons when the business of the Senate is very pressing.

Now, this morning, without our having had an opportunity to read the message, except through the indulgence of the House, finding it in the RECORD in the House proceedings, not having heard it read at the desk of the Senate on yesterday, we are precipitated into a debate about it. But I wish to say to the Senator from Vermont that his tactics are not available. There is no precipitation of debate that can ever put the friends of this message and of the President of the United States in the slightest degree of trepidation or bring to us the slightest degree of discomfort, because he has laid before the people of the United States in such a clear, manly, true, and American way the actual situation in respect of our relations with Canada that no covering up, no finesse, no apology, no excuse, no *post mortem* examination of this caucus victim that has been thrown before the country can have any possible effect to disparage or in any way to lessen the weight and influence of that message upon the honest American mind.

Mr. EDMUNDS. Will the Senator from Alabama pardon me for a moment? Referring to the most important part of this whole affair, and that is a discourtesy to the President of the United States, which I should be the last man knowingly to be guilty of, in adjourning with the message on the table, I find on taking up the CONGRESSIONAL RECORD of this very day, that yesterday morning there was laid before the Senate immediately after the Journal was read, no less than six messages from the President of the United States, which had been delivered to the Senate on the day before or some preceding day, and which had not been laid before the Senate because it was convenient for the Senate to adjourn before they were; and so it is the case almost every day in the session.

Mr. MORGAN. We do not know what the reason was for withholding the reading of those messages until yesterday morning. That is a matter of no consequence at all. But in this case attention was distinctly called to the fact, and the Senator from Vermont knew what the message related to. Therefore it was nothing else, I think—we feel that it was nothing else—than a petulant effort on the part of the Senator from Vermont to show the President of the United States that he entertained a sovereign contempt for him. Well, sir, I believe the President of the United States and the Democratic party both can stand that without the slightest tremor in their nerves. I think we shall survive that. The Senator from Vermont withheld his advice, which is so very valuable to the people of the United States, during all of the long discussion upon the treaty. He did that, I dare say, because he did not think that it was appropriate to speak upon that treaty or upon any treaty in the open sessions of the Senate; and yet the Senator thought that it was appropriate by his vote to force us to do it. His vote would have saved us from that necessity. His vote would have saved this country from all the scandal and clamor and vituperation that has gone out of a political character against the Executive and against the policies of his administration.

That honorable Senator forced by his vote the Democratic party to an open defense of this treaty and to allusions to every fact that was possibly in reach in its defense and in its support, and he retired from the Chamber in lofty indignation at the idea that we would undertake to debate a question in open session that we were forced to debate by his own vote. Perhaps if we had enjoyed the advantage of his counsel during the progress of that negotiation we might have arrived at some amendment of the treaty, for it was amendable, by which the President of the United States would have been saved the necessity of sending in this message and trying to get us to adopt a policy which he thinks is a wise one and is least dangerous to our own people in trying to correct what is wrong and unjust and violative of treaty obligations on the part of Canada.

But in the progress of this whole affair, from the time the President sent his first message into the Senate in 1886 down to this moment, it now turns out, as we think the evidence clearly establishes, that the purpose of all this opposition to the President in respect of his dealing with these fisheries has not been to get the interests of the people of the United States into a better shape, but it has been to entrap the Executive, to put him in side lines, in a political strait-jacket. The effort seems to have been to put him where he would do the bidding of the representatives of the minority of the people of the United States who have in this Chamber the majority and deprive him of the option to do anything else than what they required and commanded. This party have gone so far that they have even threatened him with impeachment if he dared to disobey their commands and to countervail their will. I do not know that I was ever more disagreeably astonished in my life than I was when I read in the majority report of the Committee on Foreign Relations upon that treaty the language I will now put in the RECORD.

These "plenipotentiaries"—

Say that committee——

Mr. EDMUNDS. On what page?

Mr. MORGAN. I am reading from the RECORD, page 8509, an extract that I made from the report.

These "plenipotentiaries" came to a conclusion of their labors on the 15th of February, 1888, and the offices of "plenipotentiaries" terminated, and the result was reached without the advice and consent of the Senate having been asked or taken concerning the selection of these public ministers, and without any communication to either House of Congress concerning this most important subject.

It is not difficult to see that, in evil times, when the President of the United

States may be under influence of foreign and adverse interests, such a course of procedure might result in great disaster to the interests and even the safety of our Government and people.

That declaration in their report has been followed by frequent asseverations that the President of the United States was under the influence of foreign and adverse interests, and that he was conniving at and attempting to assist the British interests in the treaty of 1888, which he laid before the Senate, and which we rejected.

The report proceeds:

It is no answer to this suggestion to say that an arrangement thus concluded can not be valid or effectual without the advice and consent of the Senate, for the rights and interests of the people of the United States might be so neglected, misunderstood, abandoned, or sold by President's "plenipotentiaries" as to greatly embarrass if not defeat their ultimate reassertion in better times and under better administrations, though it is hoped that such will not be the case in respect of these negotiations.

The word "hoped" is used there for the purpose of indicating that it is the belief of the committee that such will be the result. It is their expectation that such will be the result, but hoping, however, against hope, they pray that it may not so turn out.

The report further proceeds:

The document submitted to the Senate by the President as the outcome of these negotiations may, it is thought, well illustrate the dangers of such methods.

But holding in reserve for the time being these grave questions touching usurpations of unconstitutional powers, or the abuse of those that may be thought to exist on the part of the Executive, the committee thinks it sufficient for the present occasion to deal with the document itself.

That is a distinct threat. Withholding for the present any dealing with the President of the United States in this matter, they think it is quite "sufficient for the present occasion to deal with the document itself"—the treaty. The dealing that they propose to have with him is in respect to the alleged abuse of his constitutional power.

The subject with which, according to the message of the President transmitting it, this document professes to deal is "the settlement of the questions growing out of the rights claimed by American fishermen in British North American waters."

The Senator who prepared that paper never means anything but what he says, and he never says anything idly. Therefore those who read these paragraphs in the report of the majority understand that one distinct feature of this movement was that the President of the United States was to have a rod held over him, and in the event that he did not see proper to conform his policy to suit the wishes of the majority in this body or to suit the wishes of the majority of the Committee on Foreign Relations he might expect hereafter that these alleged abuses of his constitutional powers will be brought in judgment against him.

I am very much gratified to know that the President is not alarmed at this at all. I think the country appreciates the fortitude of the man who can stand up against the utterances of the honorable Senator from Vermont and with cool, quiet complacency still pursue the line of duty without tremor and without any departure.

So we like him better since this message has come in. We have more confidence in him since he has been able to withstand this terrible rebuff. We think more of him since he has been able on this and on all other occasions to exercise the high functions of his executive office in the choice of the measure which he considers that it is necessary to pursue and the best to pursue in order to deliver and relieve his country from embarrassments growing out of misconduct of our neighbors in Canada.

The Senator from Vermont, at the head of the subcommittee about which he has spoken to-day, made a declaration to this body which I shall read. After having summed up the evidence taken by that committee, and having gone over a historical review of many of the facts connected with our treaty and other relations with Canada and Great Britain regarding the fisheries, he proceeds to say——

Mr. EDMUNDS. On what page?

Mr. MORGAN. Page 583.

It will be seen from the correspondence and papers submitted by the President in his message on the subject, of the 8th of December last (Executive Document No. 19, Forty-ninth Congress, second session), and from the testimony taken by the committee, that some of these instances of seizure or detention, or of driving vessels away by threats, etc., were in clear violation of the treaty of 1818, and that others were on such slender and technical grounds, either as applied to fishing rights or commercial rights, as to make it impossible to believe that they were made with the large and just object of protecting substantial rights against real and substantial invasion, but must have been made either under the stimulus of the cupidity of the seizing officer, sharpened and made safe by the extraordinary legislation to which the committee has referred, whereby the seizing officer, no matter how unjust or illegal his procedure may have been, is made practically secure from the necessity of making substantial redress to the party wronged, or of punishment, or else they must have arisen from a systematic disposition on the part of the Dominion authorities to vex and harass American fishing and other vessels so as to produce such a state of embarrassment and inconvenience with respect to intercourse with the Provinces as to coerce the United States into arrangements of general reciprocity with the Dominion.

Now, a more distinct arraignment of a government was never made than was thus made by the Committee on Foreign Relations of this body, of Great Britain for the actual, willful, intentional violation of the treaty of 1818, with the exception that the Senator from Vermont in preparing this indictment against Great Britain did not specify the particular instances in which Canada had willfully and intentionally violated the treaty of 1818. He made a broad sweep at a very large number of cases which had occurred before that time, not stopping in his examination of them until he got back to the beginning of the treaty, so that all antecedent acts on the part of the provincial courts and authorities of which complaint was made in this report are referred to in support of the proposition that the treaty of 1818 had been intentionally and willfully violated by the Government of Great Britain, and that the acts, which are mentioned in a general way, of seizures and detentions, and driving vessels away by threats, etc., were in clear violation of the treaty of 1818.

I repeat that nobody can draw a paper in which a clearer accusation is made against the Government than is made in this report of the willful and intentional violation of the treaty of 1818 by the acts which are referred to in the preceding part of that document.

That report was made on the 19th day of January, 1887, and it was upon that report that the act of March 3, 1887, proceeded, which the Senator from Vermont now insists, as I understand him, was mandatory upon the President of the United States that he should enter upon retaliation and should abandon any resort to his constitutional right of attempting to get through with these troubles with Canada by the exercise of the treaty-making power.

The act of March 3, 1887, was carefully prepared by the Senator from Vermont so as to throw the entire responsibility of action upon the President. It was entirely competent after the declaration which he made in this report for him to have prepared a law containing as a recital, if you please, the matter set out in the report in *hæc verba*, and commanding the President of the United States because the treaty had been violated to proceed to retaliate, and then to have supplied him with the men and means to have made that retaliation effectual.

Here is the declaration, followed by what? By an act that left it in the discretion of the President of the United States to do or not to do these things. In the debate which attended the passage of that law, the Senator from Missouri [Mr. VEST] wanted to know whether it was the purpose to force the Government of the United States into retaliation as the result of the action of Congress upon this question. The House of Representatives had passed a law very similar in its tone and purport with that which the Senate passed, but containing the additional stipulation—I do not quote the language, but I quote the substance of it—that the President of the United States should have the right by proclamation to exclude railway trains from coming into the United States, and thereby shut out completely intercourse between the people. Not merely commercial intercourse, but also, necessarily, to a large extent to prevent intercourse of a social character, to prevent families from having the opportunity of visiting each other, to prevent our delectable bank-robbers from having a chance of making a ready escape into Canada for the purpose of getting rid of responsibility to the law and finding shelter there.

The provision on that subject about which the Senator from Vermont has been reading from the report of the committee of conference has no sort of relation to the subject of the passage of goods in bond back and forth between these countries, not the slightest, as it was found in the House bill. That subject was left to be disposed of according to the treaty of 1871, and according to the laws of the United States based upon and enacted in connection with that treaty. When the Senate conferees objected to the conferring of this enormous power into the hands of the President of the United States, the objection was distinctly based upon the ground that it was too near an approach in our legislation to actual hostility. The ground was taken in debate by myself and other Senators that when we prohibit intercourse between the people of two countries, then we have got to a position where we would not be able to hold our own people in restraint, as I announced on that occasion, and could not do it for a month at a time unless we involved the countries in a state of actual war.

Mr. SHERMAN. I should like to ask the Senator from Alabama a question to see if I understand him. Does he claim that the twenty-ninth article of the treaty of 1871 was abrogated by the later notice?

Mr. MORGAN. I have not got to that, Mr. President; I am not near that.

Mr. SHERMAN. I understood the Senator to say——

Mr. MORGAN. The Senator will please indulge me. I shall discuss that question, but just now I do not want to have it interpolated in this particular part of my remarks.

What I am discussing is this: What power was it that the Senate committee of conference wanted to deny to the President of the United States in respect of this act of retaliation? It was the power to prohibit actual intercourse between the people of Canada and the people of the United States so far as the running of railroad trains was concerned. That was the whole thing. It had no more reference to the question of the transshipment of goods in bond through Canada to the United States or through the United States into Canada than it had to one of the Psalms of David. The subjects stand entirely apart, and so great a lawyer as the Senator from Vermont is confessedly placed in a questionable attitude before the people of the United States when he undertakes to discuss these questions as if they were one, or as if they were of the slightest kin to each other. We did not want—I did not want to put the discretionary power in the hands of the President of the United States, not that I distrusted him, to forbid intercourse between the United States and Canada absolutely as a measure of retaliation, but because I do not be-

lieve that in the absence of a declaration of war by Congress we could put a measure upon the statute-book that was more warlike in all its aspects than just that.

If we were to pass an act to-day that the people of Mexico and the people of the United States should not pass the border, that the railroad trains should not deliver freights to each other, that there should be no commercial intercommunication and no means of transit between the two countries, we would place ourselves in such an attitude towards Mexico as that a war would become necessary within a month's time. The Congress of the United States has not got the power to hold the American people back behind an imaginary line—on our side of it—by an enactment of that kind, until they bring the war power to bear; declare a state of actual war between the two countries, and then bring into actual operation all of the great and arbitrary powers which belong to a state of war.

So when the House of Representatives, as I thought, without due consideration, brought forward that feature in that bill, it occurred to me that for no purpose whatsoever relating to the then relations between the United States and Canada could that be supported as wise legislation, and I opposed it for that reason, and so stated on the floor of the Senate.

In all of that debate, so far as I remember it, and I think I do remember it, the question of the transshipment of fish in bond was not even alluded to. On the contrary, this report of the Committee on Foreign Relations before me shows that it was then the belief of the committee that the legal relations between the United States and Canada were such, whether they grew out of the treaty of 1871 or out of our own acts of Congress, as that goods might be admitted from Canada in bond and passed through our country without the payment of duties, and, on the other hand, that goods might pass through our country into Canada in bond, upon like terms. There was no disposition at that time to disturb that relation between the people of the United States and the people of Canada, for then this question of the proper way to deal with the fisheries question had not got into the narrow condition and shape that it is now, since the rejection of the treaty of 1888.

I am compelled here to make a statement which I regret the necessity of making at all. In 1886 and 1887, when we were passing this retaliation law, we were looking forward to some means of healing up the difficulties between Canada and the United States which had so long embroiled the two countries. Every man on the floor of the Senate knew that the time would arrive sooner or later in his history or in that of a successor in office when he should have to consider this matter upon a treaty between the two countries. If we retaliated and Canada yielded we could not consent that that retaliation and that yielding or concession should be a mere ephemeral matter that would pass away in a day. It was obligatory upon us and the Government with which we were dealing that whatever conclusion might be reached between the two, whether under the stress of retaliation or whether by a consensus of opinion or an agreement absolutely obligatory upon both governments, the final result should be stated in an agreement between the two countries, and be ratified as a treaty.

Why was this necessary? Because, as has been so often repeated in the debate upon the treaty of 1888, the interests between the people of Canada and the United States in these fisheries are joint interests—interests that can never be controlled and regulated by laws of retaliation. Two partners can not conduct business jointly when they are continually endeavoring the one to swindle the other, or when one is trying to get the advantage in accounts of the other, or when one is evincing a personal hostility to the other, or when one is interfering with the affairs of the other. Much more so is it the fact in respect of the joint tenancy in the fisheries, where men must anchor their ships side by side upon the banks and fish together, or where they must draw their seines if they are near the shore in the same waters, or where the bait that they throw upon the waters shall attract the fish so that each vessel may catch the fish from its own deck. So every Senator, when he was considering this retaliation law, knew that the only effect of it that was possible was to bring Canada nearer to the line of what we believed to be correct in her dealings with us, and that we could thereby establish a basis and foundation for a new treaty upon which we would, as we hoped, be soon required to act. Therefore in the discussion of that law of retaliation I was discussing a law that was looking to a treaty as its result. But it appears the Senator from Vermont was discussing a law that looked to war for its result.

I was not for retaliation then for the purpose of destroying Canada, much less for the purpose of destroying our own people. I was for putting it in the power of the President of the United States to retaliate and thereby to convince Great Britain and Canada that we had armed our own local authorities here with power enough to rectify whatever of wrong they might do us, and that we meant to execute that purpose unless they came to some wise and just and honorable agreement with us. If there was a Senator on this floor who had it in his mind to do something else, let him avow it. If there is a Senator here who believed that it was the duty of the President of the United States immediately to proceed to retaliate upon Canadian commerce for injustice and wrong which before that time had been done to us, let him avow it.

Mr. EDMUNDS. Lest by silence I should be taken by the public—and I am very sensitive about that—to have acceded to all that my friend says, I wish to state, if he wants me to answer him now, that I am very far from avowing that anybody in the Senate thought the President under the law was to proceed to obtain redress for matters that had occurred before the passage of the law, unless they had then very recently occurred, for the statute itself, which my honorable and distinguished friend was so useful in helping to frame, provided that the occasion for the President's action should be something which when he came to act should have then recently occurred. We were looking undoubtedly chiefly to the future.

But I must say also in answer to my friend's question that I had no expectation and I did not know anybody then who had, that it was a lever for a treaty, and that that was all it was. The report of the committee, I believe, was carefully read over to every member of the committee, in 1887, and all concurred in it just as it was presented to the Senate; and I think that it is difficult for anybody now to read that report and fail to understand that the report thought the case could be much better treated by legislation than by negotiation, as all our relations with Canada, except for two short intervals that were referred to, had been carried on by what is called retaliation on former occasions until reciprocal legislation adjusted them. That is as far as I ought to go as a mere answer to my friend's question.

Mr. MORGAN. I think the Senator ought to go a good deal farther.

Mr. EDMUNDS. Then I will, if you desire.

Mr. MORGAN. I think the Senator might answer with a good deal more clearness than he has yet on this occasion. His answer was in one particular pretty clear until by his subsequent remarks he got it thoroughly under a cloud and in a fog.

Mr. EDMUNDS. Let me try it again.

Mr. MORGAN. I object to your trying it any more until I have discussed all that you have already laid before us. The Senator says that there were some events of a then recent occurrence in respect of which he thought retaliation would and ought to take place.

Mr. EDMUNDS. No, I did not say that.

Mr. MORGAN. Then I misunderstood him.

Mr. EDMUNDS. You have misunderstood me, if I may interrupt you.

Mr. MORGAN. Yes.

Mr. EDMUNDS. I say that the law having passed, the statute was carefully framed not to go into a retaliation for the events which had taken place, but it may have been dependent upon what the President found to have been then recently occurring. The act was passed on the 3d of March. If on the 2d of March, for instance, or the 28th of February, or the 1st of February, or the 1st of January, there was a case where, in a fair and public sense, a great official like the President of the United States would say this outrage has now recently occurred which Congress was looking to, he was authorized to act. He had a right to go behind the date of the act in that respect, because the description of the event upon which he was to act was made as clear as it was possible for language to make it.

Mr. MORGAN. That committee in its report gave a statement of cases by name, by the date of the occurrence, and some memorandum also of the facts upon which the committee thought that the Government of the United States might properly make the declaration which the committee drew up with so much of clearness and force, that the treaty of 1818 had been violated willfully and intentionally by Great Britain. There are the cases stated by the Senator from Vermont, and there is the declaration, and some of those cases were then very recent.

Mr. EDMUNDS. What was the last date?

Mr. MORGAN. I do not know that these are put here in chronological order so that I would be able to give the last date.

Mr. EDMUNDS. Do not give yourself trouble about it. I will look it up.

Mr. MORGAN. The Senator can easily find it, because he has presented the list of cases to which he of course thinks his remarks made in this report have the greatest application. Then the Senator drew this law. If he knew the cases then recently occurring that violated the treaty of 1818, why did not the honorable Senator put those cases in and make them the basis of legislation? Why did he not say to the President of the United States, "These cases have occurred, and this treaty has been violated, and here are the facts lying before you; and the Congress of the United States declares in a bill that retaliation shall take place, that the time for negotiation has ended, and that these cases are not a fit subject for negotiation?" Why not put all that in your law instead of requiring of the President of the United States first that he shall ascertain at his own peril what cases there were that were in the mind of the Senator from Vermont that he did not put in black and white upon any sheet of paper; why did not the Senator state the cases that had then recently occurred, or "lately" in the language of the act? Why was not all this disclosed, if the object of this legislation was to compel the President of the United States to put our commercial interests in jeopardy by declaring an embargo between us and Canada? Why were not the cases mentioned? Why

was not the event specified? Why did not the honorable Senator from Vermont have the courage to come up then and say, "I will accept the responsibility as a legislator, and I will declare here in the presence of the world, not merely that this treaty has been violated, and willfully and intentionally and purposely violated, but it has been violated in these recent special cases that I now mention, and here is my remedy for that?" Why was not that done, instead of leaving it to the discretion of the President of the United States to ascertain these cases and act upon them? Instead of making it the duty of the President to hunt up something that is hidden from him, why did not the Senator from Vermont come boldly forward and say, "I will make the declaration of what the American duty is, and Congress shall back it, and we will have retaliation upon these people?"

I take occasion here to repeat a remark that I put into that minority report, that if it was the actual intention of the framers of this law to compel retaliation for what had occurred before its enactment, then the Congress of the United States abdicated its duty, and in a way that gives no credit to it at all, when it attempted to shift the responsibility upon the shoulders of the President of the United States.

In a matter that came before the Committee on Foreign Relations recently about three ships or three ship companies we made demands upon a little government for redress for some injuries that we asserted had been done to those men, who were acting under a contract with that government, which had been violated and abused and broken. We brought in, through the chairman of the Committee on Foreign Relations, a joint resolution, which is now upon our table, in which we declare that Venezuela is in default about this matter, and that she must be made to settle speedily—I am not quoting the language—and all the forces of the United States are put by that joint resolution at the command of the President of the United States to compel settlement to be made. That means a declaration of war most plainly unless Venezuela pays the money within some reasonable time, or unless she enters into some negotiation or arrangement by which that money is to be paid.

Suppose you had put the language of the joint resolution in the act of 1887, then the President of the United States would have had no doubt or difficulty about the meaning of the law. But instead of doing that there is that sort of shambling about the matter which Canada and the people of the United States alike understand to amount to a mere declaration on our part that the causes which had lately taken place, some of which we did not specify, would justify us in retaliation if the President saw proper to resort to it; and if such occasions arose in the future that they would justify retaliation. But even in respect of that it was left to his discretion whether he would issue his proclamation or not.

Now, I will read the language of this act, because it becomes important in this connection to show precisely what it was that the Congress of the United States required the President of the United States to do:

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places.

The President must be satisfied that these things have occurred. The Senator from Vermont was satisfied that they had occurred. He so stated in his report, but instead of expressing that conclusion of his own honest mind in an act of Congress and predicating his legislative action upon that, he abdicated the duty of directing the President of the United States to proceed to retaliate and retired to the ground of leaving it to the President to become satisfied, as he was satisfied.

The President of the United States has a right to be excused, notwithstanding the omnipotence of the Senator from Vermont in the Republican party, from taking his counsel on every occasion and under all circumstances as being infallible. The Senator from Vermont very modestly declined to put himself in the front of this matter and to assume the responsibility which every fair-minded man in this world would say devolved upon him after the declaration he had made in the report upon which the bill was predicated, that Great Britain had violated intentionally and willfully the treaty of 1818. He had not only made a statement of that kind in the report, but had gone on to argue in a most scathing manner against the Canadian authorities, that they had done it in this way, in that way, and the other way, all and each of which were utterly disreputable in their motives. Then the act of 1887 proceeds:

Or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation.

That is the second branch of the subject upon which the President is to be satisfied. Then there is a third:

Or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters, or ports, or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessel shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish, or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act.

Then come the penal parts of the statute, which punish with considerable severity any violation by any person of a proclamation of non-intercourse or of retaliation that is issued by the President of the United States.

There was a very broad field of power conferred upon the President of the United States to be exercised upon two predicates. The first was that he must be satisfied of the existence of these wrongs, and the next was that he must consider that, in his discretion, this is the best way to reach the subject and cure the evil.

If the President of the United States had gone forward under that act and had declared non-intercourse or had precluded by proclamation the coming of railroad trains loaded with passengers, supplies, timber, coal, iron, or anything else than fish, he, sir, would have gotten himself not only into the hot water that had been already heated for him, but he would have gotten this entire country embroiled, perhaps, in a war.

The language is "cases then lately occurring." Why was it that the Senator from Vermont put his statute of limitations upon the power of the President to inquire into these matters? When was "then lately?" Cases that had occurred in one year, or two years, or ten years, or twenty years?

Mr. GEORGE. Or three months?

Mr. MORGAN. Or three months. They were to be "cases then lately occurring."

Mr. President, there was a reason for that. That honorable Senator had been connected with distinguished administrations of this Government for many years back, holding a seat in the Senate of the United States and being of just right its leader on that side of the Chamber in almost every particular. He knew all about the treaty of 1871. He knew all about the history of these fishery controversies. He knew of the large number of cases lying back through Republican administrations as well as Democratic that had been unadjusted, which cases contained every feature and form of vexation that is found in those which had occurred during the present Administration; but he wanted to put a statute of limitations in there to prevent the President of the United States from resorting to retaliation, when his party before that time had not done it when they had possession of the Government by a two-thirds majority in each House, and knew of all these occurrences and had never opened their mouth in the way of protest.

Mr. EDMUNDS. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Alabama yield to the Senator from Vermont?

Mr. MORGAN. Yes, sir.

Mr. EDMUNDS. I am sure that my honorable and distinguished friend from Alabama would not mean, even by implication, to make a misstatement or a distortion of the truth; and so I must assume that my friend from Alabama has forgotton that from 1854 to 1865, speaking roundly, there was no reasonable possibility of any occurrence connected with the fisheries taking place which would be of any special consequence; and that he also knew that from 1871 to 1885 a similar condition existed. Therefore it would not be quite just in him to say that the motive of the Senator from Vermont was ostensibly trying to do his public duty as one citizen of the United States charged with some part of its interest, to draw a contrast between a Democratic and a Republican administration and make a statute of limitations.

I submit to my friend from Alabama that he on reflection will be satisfied that that not only is not just, but it could not be, from the circumstance that the 1st day of July, 1885, was the first ending of the arrangements which produced—which saved us from any discontent—I will put it in the strongest way, stating it as he would; and that the treaty did not practically terminate (whatever overstepping of boundary there might have been by Mr. Bayard with the best intention) until the end of the fishing season of that year. There was, therefore, no contrast to be drawn.

Then, if I may remind my friend, he was a member of the Committee on Foreign Relations. He was as much consulted as, perhaps more than, any other gentleman in committee; and he is just as responsible for every

part of that report (which I should be glad if I were alone responsible for, as a mere matter of pride, but I have no right to claim it) and for the language of the act itself which his great ability and skill helped to frame as the humble Senator from Vermont.

I submit to him, therefore, that it is not quite just to say that the Senator from Vermont was looking to party considerations in the framework of that bill.

Mr. MORGAN. Mr. President, there was a period prior to 1854, reaching back to 1818, during which there was a terrible record made of occurrences and wrongs by Canadians and provincial authorities, and oftentimes by the British navy, against the fishermen of the United States, and with the exception of the cases of the Washington and the Argus, which were arbitrated before the commission that was organized under the treaty of 1853, no redress had been sought for those evils, and they remained there rafted up in vast masses of wrong at the time that that report was written, when they are referred to.

Mr. EDMUNDS. But, Mr. President, if my friend will pardon me, as we are trying to get at the truth, the Senator will certainly agree that the convention of 1853, of which the Washington and the Argus were two instances, covered every previous wrong of a similar character, and all the cases that could be proved were allowed, and those that could not were disallowed. There was nothing, therefore, left to the action of the commission by the treaty of 1853 that the United States had the slightest right to complain of.

Mr. MORGAN. The treaty of 1853 was a convention for the purpose of settling damages that were due from the Government of Great Britain to our citizens individually and personally. It did not take into consideration any national questions at all, such as dishonor of the flag, invasion of the treaty. No question of that sort came before the convention of 1853, and it could not come before it. The Government of the United States, whose flag had been dishonored and outraged, had omitted to make any demand of reparation for these private citizens; but a convention was formed in 1853 to consider the question of damages between a private individual of the United States and a foreign government. Then they came in of their own motion and got their damages; and now, because the private citizen got his money for the property that was taken from him, it is argued by the Senator from Vermont that that was a condonation and a healing up of all the international questions concerning the construction of the treaty of 1818 and the wrongs that had been done to our flag and country.

No, sir, those questions remain there undisposed of. They were violations of the treaty, not the mere capture of private property under circumstances that did not warrant capture. What the Senator from Vermont complained of in his report was the persistent and intentional violation of the treaty by these governments, not by their petty courts in the colonies or elsewhere. That is not the question—far short of it.

Mr. EDMUNDS. The Senator says that the treaty of 1853 did not cover these subjects, and so on; but the fifth article says:

> The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention—

Whether presented to it or not. I appeal to my friend to say what public claim the United States had against Great Britain after this treaty of 1853-'54 had been executed.

Mr. MORGAN. After the Senator from Vermont has spent twenty years in the Senate of the United States and is one of the most eminent jurists in the country, that he should put a question of that kind to me surprises me. It astonishes me that he should attempt to identify the governmental responsibility between these two great powers for the violation of the treaty, with settled purpose, with the claim for damages to which that convention of 1853 clearly limits the jurisdiction of that commission. I do not think I need to occupy my time in going over that ground on the floor of the Senate. I prefer to pursue the tenor of the argument that I was making.

Then, here we have these unrequited evils, these misinterpretations of the treaty, these abuses of our fishermen in violation of the treaty of 1818 by the colonial legislatures, which is complained of in this report, and that occurred before 1854. Then came a period between 1865 and 1871 during which all of these troubles that have been engendered always by the treaty of 1818, when it came into control of the relations between the two countries, flared up into a bonfire. The whole country was in anxiety and in distress because of the renewals of these troubles between 1866 and 1871.

This treaty of 1871 was put into the extraordinary form that it was in order that the Republican party might buy its peace rather than meet these questions face to face and settle them. We gave the Canadians fishing rights down our coast to the thirty-ninth degree of north latitude, which they did not have before. We gave them, as it turned out, five and a half million dollars in money for the purchase of this peace, and we gave them free fish and free fish-oil.

That was considered good Republican doctrine then, and we used the fishery rights and all of the influences to be brought to bear upon British and Canadian cupidity by agreeing to large relaxations of the duty on fish, in making the treaty of 1871, in order to get money from the British Government to pay over to the insurance companies of the country, to compensate them for their losses by the Confederate cruisers.

I do not wonder that the Senator from Vermont wanted Mr. Cleveland to limit his proclamations of non-intercourse to cases then lately occurring, but it would have been a most convenient thing, an entirely just and manly thing, when these cases were put for him to consider and to investigate and to act upon, that there should have been some indication of what those cases were and what was meant to be included in the words "then lately." I think it was nothing but a trap set for the President. That is my judgment about it.

Mr. BECK. Suppose he had done then what he wants to do now?

Mr. MORGAN. The Senator from Kentucky asks me this question: Suppose that he had done then what he asks the authority to do in this message, what would we have done about it? We would have said, "You are acting outside of your authority; we did not put in that power at all; we did not give you any jurisdiction and control over that branch of the subject. It was not even debated in the Senate, it was withheld; and all we gave you the power to do was to prevent ships and goods from coming into the country, not from passing through it in bond. That subject was not mooted." And if he had done it I suppose that the threat which I have read here would not have been held in reserve, but it would have been executed or attempted to be executed against him by presenting articles of impeachment against him.

This report of the majority of the committee on the treaty of 1888 went into the question, to some extent, about the twenty-ninth article of the treaty of 1871, and says:

> In February, 1883, however, as the period was approaching when these provisions could be terminated on notice, both Houses of Congress unanimously (or certainly without any division) passed resolutions terminating Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII of said treaty, which articles covered the whole fishery subject as well as certain matters of navigation, etc. This termination took effect on July 1, 1885.
>
> By the twenty-ninth article of the same treaty, which is still in force, the United States engaged that all goods, wares, and merchandise arriving at certain ports named and destined for the British possessions in North America, should have entry and transit without the payment of duty, and it was reciprocally agreed on the part of Great Britain that all goods, wares, and merchandise arriving at any of the ports of British North America and destined for the United States, should also have the right of free entry and transit to the United States, etc.
>
> That the forgoing mentioned article of the treaty of 1871 covered and included the transmission of fish from American fishing vessels as well as other goods is evident, not only from the plain and comprehensive language of the article, but from the statements of the formal British case laid before the Halifax Commission in 1877, wherein the right of the transshipment of fish from Canadian ports to the United States free of duty, covered by that article, was made the ground of claim for compensation.

So this committee commit themselves absolutely to the proposition that the right of transshipping fish by American fishermen was included in the twenty-ninth article of the treaty of 1871.

They then proceed to the following deduction:

> It inevitably follows:
>
> 1. That the right of American fishing vessels to transship their fish from Canadian ports to those of the United States was not derived from the fisheries articles and did not depend upon them;
>
> 2. That such right clearly existed by force of Article XXIX and did not depend upon any other; and
>
> 3. That Article XXIX not having been terminated, the right of American fishing vessels to enter Canadian ports for the purpose of transshipping their cargoes is as clear and unquestionable as that of any other American vessels.
>
> Under the treaty of 1871, with all the privileges granted to Americans in respect of fishing in British waters, the practical result was the diminution of American fishing interests and a corresponding large increase of the Canadian fishing interests, owing to the superior facilities of the Canadians in fishing near their own homes, and their right guarantied by that treaty to dispose of their fish in American ports free from all duties and impositions. It was this, doubtless, that led the British Government to refuse to terminate the fisheries article of 1871 when it had already obtained $5,500,000 as the established recompense for the superior (alleged) advantages obtained by American fishermen under that treaty.
>
> After the final termination of the fisheries articles of the treaty of 1871, it being apparent that the United States could not be persuaded or beguiled into a renewal of the so-called reciprocity with Canada, the former methods of unfriendly coercion and harassment were again resorted to and with great exaggeration. New Canadian laws, sanctioned by the home government, were enacted, calculated and evidently designed to effectually frustrate and destroy all the substantial rights that American fishermen were entitled to enjoy under the treaty of 1818, and to destroy the mutuality of the act of 1830 and the benefits of Article XXIX of the treaty of 1871.

Suppose those declarations were true at the time they were made, they were not affected in the slightest degree by the treaty Mr. Bayard negotiated.

Mr. EDMUNDS. Will the Senator kindly refer me to the page from which he is reading?

Mr. MORGAN. On pages 13 and 14.

Mr. EDMUNDS. Of what report?

Mr. MORGAN. Of your report.

Mr. EDMUNDS. The report of 1887 or the report on the treaty?

Mr. MORGAN. The report on the treaty.

Mr. HOAR. Will the Senator from Alabama kindly yield to me, that I may offer a resolution?

Mr. MORGAN. I will yield now to any morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appro-

priations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes; that the House further insisted upon its disagreement to Senate amendments 26, 27, 33, and 35 to the said bill, and asked a further conference with the Senate on the disagreeing votes of the two Houses.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. B. 204) granting a pension to Frederick C. Shaw;
A bill (H. R. 217) granting a pension to C. T. Maphet;
A bill (H. R. 333) granting a pension to Catharine Bussey;
A bill (H. R. 549) granting a pension to Joseph S. Wilson;
A bill (H. R. 775) granting an increase of pension to John D. Jones;
A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;
A bill (H. R. 793) for the relief of William Collins;
A bill (H. R. 889) granting a pension to Ishmael Jones;
A bill (H. R. 2176) granting a pension to Alexander Collinge;
A bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Salinac County, Michigan;
A bill (H. R. 2710) for the relief of Mathew H. Fulton;
A bill (H. R. 2908) increasing the pension of W. E. Stokes;
A bill (H. R. 3710) granting a pension to Samuel Piercy;
A bill (H. R. 4504) granting a pension to Nancy Baldwin;
A bill (H. R. 4575) granting a pension to Michael Horgain;
A bill (H. R. 4855) granting a pension to Jacob Newhard;
A bill (H. R. 5123) to increase the pension of Charles Ritchey;
A bill (H. R. 5232) granting a pension to Andrew Mucklin;
A bill (H. R. 5446) granting a pension to William H. Dowdall;
A bill (H. R. 5503) granting a pension to Charles Walster;
A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;
A bill (H. R. 5529) granting a pension to Flora Heath;
A bill (H. R. 6001) granting a pension to Sarah J. Fraily;
A bill (H. R. 6344) granting a pension to William J. Toncray;
A bill (H. R. 6501) to grant a pension to Joseph F. Garrett;
A bill (H. R. 6848) for the relief of Elizabeth A. South;
A bill (H. R. 7508) granting a pension to Julia E. Ambrose;
A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed;
A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;
A bill (H. R. 8494) granting a pension to Gilbert Reed;
A bill (H. R. 8534) granting a pension to Jacob Copes;
A bill (H. R. 8545) for the relief of Samuel Purcell;
A bill (H. R. 8571) granting a pension to Margaret J. McQuary;
A bill (H. R. 8617) granting a pension to Henry Crotsley;
A bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war and late a private in Company D, Third United States Infantry;
A bill (H. R. 8885) granting a pension to Eliza A. Woods;
A bill (H. R. 8889) granting a pension to Charles Molseed;
A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin;
A bill (H. R. 8931) for the relief of Samuel E. Wilson;
A bill (H. R. 9130) granting a pension to Susan Singleton;
A bill (H. R. 9228) for the relief of Nathan Cook;
A bill (H. R. 9253) granting an increase of pension to Richard Hogan;
A bill (H. R. 9372) granting a pension to John Dean;
A bill (H. R. 9387) for the relief of Emanuel H. Custer;
A bill (H. R. 9399) granting a pension to Albert O. Robb;
A bill (H. R. 9463) granting a pension to Lucy A. Jordan;
A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;
A bill (H. R. 9672) granting a pension to Eliza A. Williamson;
A bill (H. R. 9684) granting a pension to William J. Brown;
A bill (H. R. 9697) granting a pension to Mrs. Ellen B. Brown;
A bill (H. R. 9704) granting a pension to Martha F. Lee;
A bill (H. R. 9702) to increase the pension of Charles S. Baker;
A bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll;
A bill (H. R. 9824) for the relief of Albert Watson;
A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;
A bill (H. R. 10356) granting a pension to John T. Vincent;
A bill (H. R. 10418) granting a pension to Hannah L. Irwin;
A bill (H. R. 10525) increasing the pension of Edward Jardine;
A bill (H. R. 10607) granting a pension to Rachel Morgan;
A bill (H. R. 10789) granting a pension to Philip Newman;
A bill (H. R. 10906) granting a pension to Fidel Gates;
A bill (H. R. 8012) for the relief of M. M. Gibson;
A bill (H. R. 3055) for the relief of A. F. Saint Sure Lindefelt;
A bill (H. R 3480) for the relief of John D. Munnerlyn; and
A bill (H. R. 11118) to authorize the construction and operation of a street-railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico.

TOLLS ON GOODS EXPORTED TO CANADA.

Mr. HOAR. The Senator from Alabama very courteously allows me to offer a resolution which I had designed to offer at the appropriate time in the morning business, and as I am going to leave the Senate Chamber in a short time to be absent until Monday, I shall ask for the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That the President of the United States be requested, if not in his judgment incompatible with the public interest, to communicate to the Senate copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that government against the wrongs and unfair treatment to our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland and other Canadian canals nearly the entire tolls if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage, and the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation. Also copies of any demand made by his direction upon Great Britain for the redress of such wrongs and the replies of Great Britain to such communication and demand.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MORGAN. I want time to examine it. Let it go over and be printed.

Mr. EDMUNDS. The resolution will be printed.

The PRESIDENT *pro tempore*. It will lie over and be printed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of July 5, 1888, a report of the Commissioner of the General Land Office in regard to improper and unlawful selections under the swamp and overflowed land-grant acts of 1850 and subsequent years; which, with the accompanying papers, was, on motion of Mr. EDMUNDS, referred to the Committee on Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3017) for the relief of Daniel Donovan, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 4239) for the relief of P. H. Winston, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. STOCKBRIDGE, and intended to be proposed to the general deficiency appropriation bill, reported it favorably, and moved its reference, accompanied by a report, to the Committee on Appropriations, which was agreed to.

ERROR IN AGRICULTURAL APPROPRIATION ACT.

Mr. PLUMB. I am directed by the Committee on Appropriations to report back House joint resolution 201, and as it is simply to correct an error in an appropriation bill which has passed, and is necessary in order that the money appropriated for a specific object may be made available, I ask unanimous consent that the joint resolution may be considered now.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield for that purpose?

Mr. MORGAN. Yes, sir.

Mr. PLUMB. I report back the joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The Secretary read the joint resolution, as follows:

Resolved, etc., That an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, designating the "Ladies' Silk Culture Society of California" as the "California Ladies' Silk Culture Association of California" be corrected so that the same shall read, "Ladies' Silk Culture Society California."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PLUMB. There is an amendment to be moved. Before the word "California," in the last line of the joint resolution, I move to insert the word "of."

I wish to say that the language found in the bill as it passed was precisely as it came from the House of Representatives. The Senate had no information on the subject, and in addition this association was described by the precise name in the last preceding agricultural appropriation bill. But it has been discovered that in order that the

money may be drawn it will have to be otherwise named, and hence the necessity for the passage of the joint resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas to insert the word "of" before "California" in the last line of the joint resolution.

The amendment was agreed to.

Mr. PLUMB. In accordance with the suggestion of the Senator from Vermont [Mr. EDMUNDS], and inasmuch as the joint resolution will have to go back to the House of Representatives any way on account of the amendment which has already been made, I will move to further amend the joint resolution by striking out the word "corrected," in line 8, and inserting the word "amended."

Mr. EDMUNDS. There is one other place of the same kind where that improper language is used.

Mr. PLUMB. In view of the language in the first part of the joint resolution, I think I will let it stand just as it is.

Mr. EDMUNDS. Yes; let it go.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3484) to empower the President more effectually to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, and to authorize the President to protect American interests against unjust discrimination in the use of canals in the British dominions of North America; which was read the first time by its title.

Mr. BECK. Let the bill be read at length; it is not long.

The PRESIDENT *pro tempore*. The bill will be read at length for information, if there be no objection.

The bill was read at length, as follows:

Be it enacted, etc., That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes," approved March 3, 1887, it should be lawful for the President in his discretion, by proclamation to that effect, to suspend in whole or in part the transportation in bond and without the payment of duty of goods, wares, and merchandise imported or exported from any foreign country except Canada to or from the British dominions in North America across the territory of the United States.

SEC. 2. Whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River canals, the Chambly Canal, or either of them, whether by tolls, drawbacks, refund of tolls, or otherwise, which is or may be detrimental to the interests of the United States or any of its citizens, it shall be lawful for the President in his discretion to issue a proclamation to that effect; whereupon there shall be collected a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal, and the Secretary of the Treasury may authorize and direct any of the customs officers to collect the tolls levied under this act. The President, when satisfied that such discrimination has ceased, may issue his proclamation to that effect in his discretion, whereupon the tolls authorized by this act shall no longer be collected.

SEC. 3. The Secretary of the Treasury is authorized to make any regulations needful to carry this act into effect.

The PRESIDENT *pro tempore*. The bill will be considered as read the second time, if there be no objection, and referred to the Committee on Foreign Relations.

Mr. SHERMAN. I would rather the bill should go over until the President's message is acted upon. Let it go until the President's message is disposed of.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to object to the second reading of the bill to-day?

Mr. SHERMAN. I do; but at a later period, if the President's message is referred to-day, I should be glad to have the bill read the second time and referred.

The PRESIDENT *pro tempore*. The bill having been read the first time, will lie on the table.

Mr. TELLER introduced a bill (S. 3485) restoring the homestead right of Charles Weitfle; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAMPTON introduced a bill (S. 3486) for the relief of the State of South Carolina; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL (by request) introduced a bill (S. 3487) to subdivide the internal-revenue collection district of Florida; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO DEFICIENCY BILL.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. By consent of the Senator from Alabama, I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

FISHING RIGHTS OF THE UNITED STATES.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Ohio [Mr. SHERMAN] to refer the message of the President of the United States to the Committee on Foreign Relations.

Mr. MORGAN. Mr. President, it is proper now that I should make some examination of our statute laws as they relate to the subject of the twenty-ninth article of the treaty of 1871, not for the purpose of trying to demonstrate that the twenty-ninth article of the treaty is in existence or trying to demonstrate that it is not in existence. A majority of the Committee on Foreign Relations, in the report which they made upon the treaty which has just been rejected by the Senate, affirmed that the twenty-ninth article was in existence and continued to be in existence and that it applied to the transshipment of fish in bond from American fishing vessels through Canada to the United States. That view of the case has been denied by the British Government, and the colonial governments have refused and given notice of their refusal to permit fish to be transshipped by our fishermen in bond under the provisions of that treaty, contending that the fisheries clauses of the treaty of 1871 had no reference at all to the twenty-ninth article and were not covered by it in any respect, and that Article I of the treaty of 1818 prohibited our fishermen from the right to enter their ports for the purpose of transmitting their fish in bond through Canada.

It is well enough to look back a little at the history of this matter. Before we had enacted any statute on the subject of the Canadians having the right to go through our country with their produce in bond, the regulations of the Treasury Department based upon some law—and I do not know what it is—permitted goods to pass to and fro between Canada and the United States in bond without the payment of duties——

Mr. SHERMAN. That was the law of 1866.

Mr. MORGAN. It was before that.

Mr. SHERMAN. Before 1866?

Mr. MORGAN. Yes, sir; before 1866.

Mr. SHERMAN. There must have been a law for it.

Mr. MORGAN. I do not think there was any law for it. I think there was no positive statute for it, no statute bearing directly upon the subject at all. It was a regulation of the Treasury Department, which found its way, however, into practice, as I am informed. I am not complaining of it at all, because I think that it was——

Mr. GEORGE. Will the Senator from Alabama allow me to ask him or the Senator from Ohio [Mr. SHERMAN] whether the act of 1866 was the first statute on that subject?

Mr. MORGAN. That is the first statute, but the practice I allude to obtained before that.

Now I want to read section 5 of that act of 1866, and let us get at something of the meaning of it.

SEC. 5. *And be it further enacted*, That from and after the passage of this act all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel, Tex., or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house and conveyed in transit through the territory of the United States without the payment of duties, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may prescribe.

Mr. TELLER. What act is that?

Mr. MORGAN. The act of July 28, 1866, Thirty-ninth Congress, first session.

Now, in respect of goods arriving at New York, Boston, and Portland, or any other port of the United States which may be specially designated by the Secretary of the Treasury, to fall within the provisions of this law they must be goods destined for places in the adjacent British provinces, not goods coming from the British provinces and passing out of our ports, but goods coming to our seaports and passing duty free under bond into places in the British provinces. I do not know by what legislative authority it is asserted here, or ever has been asserted, that goods coming from Canada may pass free through the United States to foreign countries. That act does not provide for it, and there is no act providing for it that I have been able to find.

This act was re-enacted in the Revised Statutes, changing one word in it from "Point Isabel" to "Brownsville," and making only that change, and no other change was made or suggested at all; so that until we came to the treaty of 1871 there was no authority for passing Canadian productions through the United States under bond conferred by any statute of the United States that I have been able to lay my hands upon. It was a one-sided arrangement, we providing for the legislation on our side in anticipation that the Dominion Parliament, or whoever had authority there, would pass laws of a parallel kind granting the same concessions to us.

It was a mere case of parallel legislation; but it appears that the other side of the case has never been provided for, and therefore we have never passed any act at all to permit Canadian productions to pass into the United States duty free and out from our ports to foreign countries. Therefore it was the duty of the Secretary of the Treasury to issue that circular that the Senator from Massachusetts read here to-day, to impose duties on goods passing through the United States

destined for exportation to foreign countries. The Senator from Massachusetts argued and stated that this had been done by the present Administration and by previous administrations, if I remember correctly his statement on this subject; and he referred to it as being something that was recognized as being legitimate and right under the provisions of the law as it stood upon our statute-books, but that it was in violation of the treaty of 1871. If I understood the circulars he read, I think he mistakes their application.

When criticising the President of the United States we might just as well, Mr. President, become students of the statutes of this country, for it appears, after all, that he takes a more critical view of them than do Senators on this floor. There is no law of Congress unless it may be the law keeping—if there is a law keeping—in force the treaty of 1871 that authorizes us to admit Canadian goods free of duty and pass them out from our ports to foreign countries.

I wish to refer now, after passing that point, to the language of the act of Congress ratifying and confirming and putting into effect the treaty of Washington of 1872——

Mr. EDMUNDS. Eighteen hundred and seventy-one; yes.

Mr. MORGAN. Yes; I was referring to the date of the ratification rather than to the date of the signature of the instrument.

Mr. EDMUNDS. That was the act of 1873—the act to carry out the treaty.

Mr. MORGAN. Section 2866 of the Revised Statutes provides for the carrying into execution of the treaty of 1871. It is as follows:

From the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May 8, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty, and so long as said articles remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

There is the first time that there occurred any legislation in respect to goods coming from Canada into the United States and passing through in bond for export to foreign countries, and that was to execute the treaty of 1871.

Now, let us see the language of it in one particular. The language is "and so long as said articles remain in force."

Now, what articles? The enumerated articles—"Articles XVIII to XXV, inclusive, and Article XXX of said treaty." The express language of our act is that so long as these articles, which are mentioned in the statute itself, remain in force these privileges shall be extended to Canadian commerce coming into the United States for export to foreign countries, and also shall be granted to Canadian commerce coming to ports of the United States destined for places within Her Majesty's possessions in North America.

Now, are those articles in force? Beyond all question they are not. The act which executed the treaty of 1871 put a limitation by act of Congress—declaring the will of Congress upon the right—it made no difference what it might be under any construction of the treaty of 1871—put a limitation upon the right either of bringing goods in bond and carrying them through the territory of the United States for exportation, or goods landed at our ports destined for Canadian ports. Here are the various articles mentioned—from Article XVIII to XXV, inclusive, and Article XXX in the statutes.

Mr. GEORGE. Is it not merely a Congressional construction?

Mr. MORGAN. It is not merely a Congressional construction, but a construction and declaration of the ultimate power of the people of the United States, for no doctrine is better settled in this country than that Congress has the right to repeal a treaty whenever it pleases to do so. Therefore it can give a treaty operation just as long as it chooses to do so. If in doing so it chooses to interfere with the language of the treaty or its purpose the treaty falls. The supreme legislative power in the United States resides in the Congress of the United States and is not found in the treaty-making power lodged in the President and in the Senate. And a most happy circumstance it is, sir; for we should be here continually repealing laws by making treaties with foreign countries, revenue laws and all manner of laws that are not agreeable to the President of the United States and the Senate, if we had the supreme power to impose on this country obedience to our decrees and thereby to override the will of Congress.

So the President of the United States finds himself confronted with an act of Congress here. The act of March, 1887, made no reference to section 2866, Revised Statutes, not the slightest, nor has that act or that of 1866 in any way been modified by the retaliation law of 1887. It makes no difference what interpretation we give to the act of Congress in respect of the repeal of Article XXIX of the treaty of 1871, there stands that act of Congress to prevent the President of the United States from accepting the conclusion that that treaty is operative any longer than the very hour that is mentioned in the body of that statute.

They now say, why did he not bring this subject up? Well, Mr. President, why did not we bring it up? The President of the United States has been conducting his negotiations with the Government of Great Britain with the view of getting our fishery rights upon a reasonable and firm foundation. So far he has not attempted to touch our general commercial rights, neither those matters relating to the mutuality of the right of passage on the canals and through the Lakes, nor this right of transmitting goods under bond through the United States. These subjects have been omitted from the diplomatic negotiations which have occurred between these two countries, but they have not been forgotten. We had quite enough to do. It was a duty immediately pressing upon us that we should reform and reconstruct that treaty of 1818, which has been a very Pandora's box in this country, and it was the duty of a good negotiator to keep out of that treaty every question between us and the Empire of Great Britain which might have a tendency in the least degree to embarrass it. The Senator from Maine who sits before me objected to this negotiation before the Senate, because it did not go far enough. Among other objections to the treaty he complained that it did not go far enough; that it should have included all these troubles that have sprung up among our commercial men in respect of discrimination in tolls upon our vessels passing through the canals to the Lakes.

Mr. HALE. Does the Senator refer to some remarks made by me?

Mr. MORGAN. Yes.

Mr. HALE. Let me ask the Senator now whether, in view of this message from the President calling attention to the subject-matters which he has seen fit to embrace in his communication, the Senator does not believe that it would have been better in laying the keel of this negotiation to have included in it the subject-matters which for the first time we learn are now grievances in the eyes of the President of the United States? Would it not have been better to have had an all-embracing treaty, and was there not force in the objection made by myself at that time?

Mr. MORGAN. An all-embracing treaty would have included not only this question of the fisheries, but it would have included the Monroe doctrine, and the Clayton-Bulwer treaty, and it would have included quite a number of other matters.

Mr. HALE. Well, why not?

Mr. MORGAN. The Senator may say "why not"——

Mr. HALE. If these are involved in our relations with the people of Canada, if they arise, as I believe they do, in treating upon our commercial relations with the people of Canada, why not embrace them in the negotiation of a treaty that shall settle all these things? Why not make a treaty which, whether confirmed or not, would relieve us of the necessity of being confronted by a message from the President of the United States dealing with subject-matters that were not contemplated in the treaty that has been rejected and had no more to do with it than the Declaration of Independence?

Mr. MORGAN. I can give the Senator several answers to that, either one of which is good, and the first is that they are not kindred subjects, they are not correlated at all; for example, our rights in the Behring Sea and our rights in the Canadian fisheries.

Mr. HALE. If that is so, why has the President of the United States waited until the rejection of the treaty by the Senate to launch these subjects on the Senate? If they have no relation to the treaty why bring them up at this time?

Mr. MORGAN. The Senator evidently did not understand what I said. I said the subject of the Behring Sea fisheries has no bearing upon the subject of the fisheries on the northeastern coast any more than the Monroe doctrine has; not a bit. They are various and very different things, and each of them requires the attention of more than one man. There are always two parties to a treaty. Great Britain did not send her plenipotentiaries here charged with the duty of negotiating with us as to anything except the treaty of 1818. She limited the discussion to that. We could not have brought it in if we had chosen to do so. Certainly no man could say to Great Britain, "Because you bring in a modification of the treaty of 1818 you must conclude to bring in also every subject of discussion between the two Governments, no matter how disconnected with the subjects immediately in hand, before we can agree upon the subjects you propose to discuss."

Mr. HALE. Do I interfere with the Senator by asking him a question?

Mr. MORGAN. No, I do not know that the Senator does.

Mr. HALE. Will the Senator claim, if one power proposes to negotiate upon a certain basis with another and a coequal power with regard to a certain subject-matter, that it is not in the line of diplomacy, strictly, for the other power to suggest and insist that the negotiation shall take a wider range? The Senator must know that in the course of negotiations between the great powers and the small powers of the earth that is continually being done? One great fault I found with the negotiation of the rejected treaty (and that was one of the points I made at the time alluded to by the Senator from Alabama) was that when a proposal was made to negotiate, instead of keeping it narrowed down to the subject-matters that were considered, they should have made it em-

brace other subject-matters, and there is nothing that bears testimony to the force of that proposition so much as the message the President has just sent to us upon these various subject-matters. They ought all to have been combined and negotiated upon, and then there would have been no occasion for retaliation.

Mr. MORGAN. If we had to take Republican opinion from all the variety of conflicting sources from which it is derived here, or from which it is promulgated, we should have a variable batch of it. Here is one committee and there are various Senators denouncing the President of the United States for entering into any negotiation on the subject of the fisheries at all, or any other subject, so far as that is concerned. Other Senators come in here and ask why the President did not take the universal world into the scope of his negotiation.

Mr. HALE. The President selected a subject-matter that did not need the interposition of the treaty-making power, and has now called our attention to these other matters that his Administration neglected entirely.

Mr. MORGAN. I repeat, Mr. President, what I said awhile ago, that when we have commissioners accredited to this Government to treat on certain subjects, we are not expected to spread the treaty over a much longer list of topics.

We have had a number of propositions in regard to the fisheries treaty. Propositions were made by the commissioners at the time of the treaty of 1818 and the treaty of 1854 and the treaty of 1871, to which each replied, "My Government has not authorized me to treat on that topic at all, therefore I can not consider it." So in making the treaty of Ghent this matter of the fisheries was brought forward, but its discussion was refused. So when a commissioner comes here to make a treaty we must take him with his instructions and say that we will treat with him on that subject or we will not.

In regard to this fisheries treaty, the foreign commissioners came here specially charged to treat of that subject, and also to treat of reciprocity. Mr. Bayard and his associates said, "We are not authorized by the United States to treat of reciprocity at all, and we will throw that subject out"—an example found in the very case we are considering. So I think it is hardly worth while to discuss a question of that kind.

We are discussing the question of what are the relations of the United States and Canada as expressed by treaty, and we are trying to account for why it was that the President of the United States did not take up the treaty of 1871 and have an adjustment of it, and have an agreement made as to whether Article XXIX was in force or was not, and also whether Great Britain had broken the treaty regarding the transportation of goods and passengers across the Canadian canals and on the northern lakes.

Mr. HALE. I will not interrupt the Senator if he does not wish me to do so.

Mr. MORGAN. Well, I do not think there is any value in this debate at all.

Mr. HALE. Then I will wait until the Senator takes his seat.

Mr. MORGAN. When the President of the United States negotiated the treaty of 1888 he did not touch on this question—the twenty-ninth article of the treaty of 1871. You ask, "Why did he not do it?" I reply that it was not the subject of the instructions of the British commissioners. Our Government had never taken a stand upon that question in any of its departments; but you have now compelled the President of the United States to resort to retaliation by denying him the right and privilege of exerting his powers, his diplomatic powers, in respect of the fisheries treaty of 1818 or any fisheries right that we have got.

The Senate of the United States has notified him in the most solemn manner that it makes no difference what treaty he negotiates with Great Britain in respect of these fishery rights, it is not to have any consideration here. You say to him, "You must proceed with retaliation; you must take that discretionary law, that permissive law of March 3, 1887, and you must construe that now to be a mandatory law." The President of the United States says to you, "I find another statute in my way here, and I want you to remove it or I want you to explain it by Congressional action. I find a statute here which puts an end to the twenty-ninth article of the treaty of 1871 by its express terms." And it makes no difference how you construe the treaty or how anybody else may construe it, that article of the treaty has been destroyed in its operation and effect in this country, so far as the Executive power is concerned, by the act of March 1, 1873.

He comes to the Congress of the United States and says "I am willing and anxious to do all I can to redress the wrongs of the American fishermen and the American people caused by Canadian interference, but I find this statute barring my way. I find that you omitted from the act of 1887 the power to retaliate by stopping Canadian goods from passing duty free through the United States. I think the safest retaliation is to exclude from the right of transit through the United States the products of Canada from ports abroad and from our ports of the United States into the ports of Canada amounting to very nearly $300,000,000 in the last six years without paying duty. I desire to stop this if I am under a compulsion to retaliate, because in doing so the heaviest part of this blow will fall upon the Canadian people, not upon our own people." And he asks the Congress of the United States whether he has the right to do that under the law as it stands. If he has not that right he asks for it. It was a Congressional act that put the difficulty in his way, if it is there, and he says, "Remove that if you want retaliation, and I will place an embargo upon the goods passing both ways, back and forth, unless they pay duty."

Mr. President, that is something that we ought to have considered. When we impose the duty on the President of the United States of making retaliation upon Canadian commerce at his discretion and after he has investigated the subject and at his peril, we ought to have been careful to see whether we would not violate the twenty-ninth article of the treaty of 1871. It seems that we adroitly shunned that question. No, sir. That was not the thing that was wanted to be done. These railroads—the Grand Trunk and the other lines running out from the northeastern parts through Maine, New Hampshire, and Vermont which have borne in six years about $300,000,000 of commerce back and forth to and from Canada, were valuable property. They were money-paying institutions. They were a great convenience to that country. They enriched the merchants at the terminal points and furnished facilities to the people along the way, and the earnest purpose that has attended every step in this whole legislative proceeding, and has marked every step in respect of this legislation with careful guards—the earnest purpose has been to keep the hands of Congress and of the President of the United States off these railroads. It made no difference who else it might fall upon, they were not to share the burden of the retaliatory law of 1887. They have been the pets of the Republican party of this Senate, nurtured by it, watched over, hugged to its bosom, and sheltered and protected against the amendments that were brought in here by the Senator from Maryland [Mr. GORMAN] and urged upon this Senate when the act of 1873 was passed.

Mr. FRYE. The Senator voted against it, did he not?

Mr. MORGAN. I did; I voted against it. I did not then believe that that act as the House passed it could be made effective without stopping intercourse with Canada. I believe it now firmly in the new form presented in the message we are discussing. The evidence has satisfied me that I was wrong about it. My vote ought to have been given to include those railroads in the power of the President to prohibit intercourse. I did not then believe that we meant commercial war by the act of 1887. Now I do believe it. I am now quite satisfied that if we will give the President of the United States power to prevent the passage of goods in bond free of duty over these railroads we will touch the whole subject right at the core, and then two sets of people will be convinced that a fair treaty is the best remedy. The railroads and their managers in the Northeastern States, and the Canadians, will be convinced, and then we will have peace on the basis of a fair treaty. Then we will have an agreement, and whether Mr. Cleveland is elected or whether Mr. Harrison is elected it will make no difference. The winds of December will not have blown across this country until Canada and the people of the United States will be in accord through a treaty that will have been brought here, and we will ratify it, notwithstanding our solemn declaration in the report of the Committee on Foreign Relations that the fisheries treaty of 1818 and the fisheries question are not fit subjects of negotiation.

You compel the President of the United States to retaliate, and yet you take the greatest possible care that in the exercise of the power of retaliation certain of your great and overmastering railroad interests shall be taken care of, and shall not be interfered with. Your candidate for the Vice-Presidency is now, or if he is not now he was up to a recent date, a director in one of those roads.

Mr. CULLOM. How about Mr. Brice and Mr. Barnum?

Mr. MORGAN. I expect they are in it; I have no doubt of it. I do not know whether they are against this treaty or for it; and I do not care.

Mr. CULLOM. They are directors of the road.

Mr. MORGAN. So is Mr. Morton a director.

Mr. FRYE. No, Mr. Morton resigned long ago.

Mr. MORGAN. How long ago?

Mr. FRYE. Long before the date of his nomination.

Mr. MORGAN. Well, I would not go by the date of his resignation. The time of his resignation is probably very recent; the date of his resignation is probably old.

Mr. EDMUNDS. I desire to say on behalf of, but without any authority from, Mr. Morton, the Republican candidate for the Vice-Presidency, who is dragged into this debate (which I supposed was nonpartisan), that Mr. Morton is not the man who antedates papers, and that his honor in that regard is as clear as that of my honorable friend from Alabama. Mr. Morton plays no tricks on the people of the United States.

Mr. MORGAN. Well, now, we have a sort of *ex cathedra* utterance from the Senator from Vermont not based on any fact he knows about it.

Mr. EDMUNDS. Based on some facts that I do know about it.

Mr. MORGAN. I expect that when the Senator comes to the bottom facts in this matter he will be perhaps at liberty to change his judgment. We do not hear of Mr. Morton's having sold his stock. I suppose he must have done so. He must have been a stockholder in order to be a director. His resignation out of the directory does not amount to much if he is still a stockholder.

But what I wish to say about it is that gentlemen of both the great political parties are interested in these railroads in carrying, not merely fish, but all manner of production under bond and free of duty through the territory of the United States. If we stop it and let the Canadians take the St. Lawrence River as their mode of exit to the sea and their channel of importation, then you will find that that will make some impression on the Dominion and upon Great Britain also; then you will find that the Canadian Pacific Railroad will not be absorbing all the business of the different railroads of this country and threatening at this date to bankrupt the Union Pacific and the Central Pacific Railroads, over which we are holding a debt to-day of $113,000,000——

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MORGAN. Yes, sir.

Mr. EDMUNDS. I wish to ask the Senator whether his views have undergone any change since the time that we passed this law that is now in force?

Mr. MORGAN. In respect to what?

Mr. EDMUNDS. In respect to the extent to which it was sufficient to go in the way of retaliation.

Mr. MORGAN. Yes, sir; my views have undergone a change.

Mr. EDMUNDS. The Senator no longer, then, stands on this paragraph which he signed gladly in the report of the Senate conference committee on the 28th of February, 1887:

> The Senate managers have felt it to be a duty to decline to go to this extent, and have thought it to be clear that the provisions for the protection of American interests set forth in the Senate bill, and in that part of the House amendment applicable to any British violation of the treaty of 1877, are entirely adequate to the peaceful end in view, and that there is no present justification for reposing in the Executive this further enormous power proposed by the House of Representatives in its amendment and insisted upon by the House managers.

Mr. MORGAN. I have no occasion to change any view or any expression contained in the statement, but I do have occasion to object that the Senator from Vermont [Mr. EDMUNDS] should undertake to identify what we were opposing or objecting to in that bill with the right of transmission or transshipment of goods under bond and free of duty through the United States or through Canada. They have not the remotest connection with each other.

Mr. EDMUNDS. Then may I ask the Senator another question?

Mr. MORGAN. Yes.

Mr. EDMUNDS. I will ask the Senator whether in his opinion the twenty-ninth article of the treaty of 1871 is in force?

Mr. MORGAN. I think it is not.

Mr. EDMUNDS. If the Senator will pardon me—I do not wish to go on without his permission——

Mr. MORGAN. Certainly, go on.

Mr. EDMUNDS. In his minority report on the fisheries treaty, which I had here a moment ago, the Senator, I think, had a different view—I think so; I will not speak with positiveness until I turn to it. Yes, on page 41 of "Miscellaneous Document No. 109, Fiftieth Congress, first session," being the minority report on the treaty, the Senator from Alabama [Mr. MORGAN], after first saying that Articles XVIII to XXV of the treaty of 1871 were abrogated, and no other articles in the treaty related to the fisheries, says:

> Article XXIX was not terminated, but it never had the least reference to the fisheries treaty of 1818, etc.

But the Senator now says it was terminated, just as Mr. Bayard in his letter to a member of the Interstate Commerce Committee—a public letter, of course, for public information—also stated.

Now, whether Article XXIX is reciprocal in respect of the transmission of fish over the United States and across Canada is of course another question. The British contention is that it is not, because they say the treaty of 1818 (about seventy years before) overrode the treaty of 1871, seventy years afterward.

Mr. MORGAN. What was the question to which I was addressing myself at that time? The Senator from Vermont had stated in his majority report that Article XXIX of the treaty of Washington was not terminated.

Mr. EDMUNDS. Yes.

Mr. MORGAN. Why, the act of Congress which terminated all the other articles from XVIII to XXV inclusive, and Article XXX——

Mr. EDMUNDS. Yes, and the Senator says the same thing in his minority report.

Mr. MORGAN. I now say the same thing. Terminated by what? Terminated by the action of the United States Government in giving notice under the treaty. Now, I think the Senator from Vermont is lawyer enough, and I think he will credit me with being lawyer enough, to use phrases that have reference to the very subject at hand. I was referring to the question whether or not it was terminated by the act of Congress which gave notice to Great Britain of the termination of those articles of the treaty under the provisions of Article XXXIII. Therefore I used the word "terminated." If the Senator from Vermont had not hid an idea, as I think surely he must have done because of his very keen introspection into the statute, in respect of the limitation put upon the articles of the treaty by the act of Congress of 1873, perhaps he would have branched out in his argument and said something to us as to whether or not Congress had put a limitation upon its operation. And, whether Congress had terminated it or not, Congress had declared that that article should not have operated one day longer than the other articles operated.

Mr. EDMUNDS. Why, Mr. President——

Mr. MORGAN. I should like to know now whether the Senaotr denies that?

Mr. EDMUNDS. I do distinctly deny that, because the act of Congress does not profess to affect the force or duration of any article in the treaty.

Mr. MORGAN. What act?

Mr. EDMUNDS. The act of Congress of 1873, to which my honorable friend refers. The act of Congress is providing for the conduct of the public servants of the United States connected with the revenue, and it says that so long as that treaty, or some part of it, I do not care what part or how much, is in force, every officer of the United States in regard to the revenue shall do so and so, and that is all it says.

It would be a very extraordinary performance on the part of the Senate of the United States, that being an intelligent and honorable body, after ratifying a treaty, and proceeding to pass a statute to carry out that treaty, to say that part of it ought not to be operative. The treaty provides that that article can be got rid of like the others, under suitable notice.

Mr. MORGAN. Then the President of the United States, under his oath to see that the laws are faithfully executed, can say that the treaty is not in force, because the act of Congress puts a limitation on it.

Mr. EDMUNDS. The act of Congress does nothing of the kind. Will the Senator please read it?

Mr. MORGAN. I have read it carefully to the Senate. No, sir; the act of Congress of 1873 and the treaty of 1871, in their apparent conflict, stand as a bar across the way of the President of the United States when he comes to demand duties upon those importations brought in under bond. It is an apparent conflict that Congress ought to remove. It ought to give him a clear field of operations before he is required to execute any law or piece of legislation which excludes Canadian goods from coming here. He has a right under the act of March 3, 1887, in his discretion to determine the existence of the cause on which he would base a proclamation for the exclusion of Canadian goods, and of the necessity for such action, and to select the articles upon which it is to operate. He says here, "I find the treaty at an end, terminated by the limitations of an act of Congress, according to my construction of it, and I propose to make a proclamation that the Canadians shall not bring goods in here free of duty under bond. If I may exclude goods that pay duties, why may I not exclude those that pass through duty free? Now, let Congress say whether or not they are in earnest about this matter."

Why will you expose the general commerce of this country in which all of the small dealers, the small merchants, the agriculturists, the miners and the timber-men, all the industrial interests are concerned—why will you expose them to injury in your act of Congress, requiring the President of the United States, as you say you have required him (and you threaten to impeach him if he does not do it), to put an end to the commercial intercourse that we have had between these two peoples, and yet leave your great railroads and the rich traffic they enjoy out of the question?

Mr. GEORGE. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. GEORGE. I wish to ask whether the recommendation of the President, if carried out, relative to the transshipment of goods as provided for in Article XXIX of the treaty of 1871, will that simple act injure anybody in the United States except the railroad companies who do business with Canada?

Mr. MORGAN. Not a human being. These railroad companies are thrown into direct competition with the St. Lawrence River. It is a question whether they would carry those goods or whether the St. Lawrence River steamers would carry them. When the St. Lawrence River is blocked up with ice, then the goods would have to come this way, and they would have to pay duties. As a matter of certainty the whole arrangement would hurt the Canadians and benefit our own people. But that is not the disposition evinced here.

The President of the United States is censured and threatened because he dares to stand between the interests of the people of the United States and the blow they must receive from this act of Congress. The demand that it shall be executed according to their will includes the demand also that he shall abdicate his constitutional powers—refuse to exercise his power—of treating with Great Britain upon the fisheries question until he has done something for the supposed betterment of the fisherman in the way of retaliation, and that will produce serious commercial distress to our own people, at the same time retain in favor of the railroad companies all this harvest of money that they have been gathering in carrying over their road three hundred millions' worth of property that they have been earning back and forth in the last six years. That is all there is of it. The question is not going to be submerged under the dust blown over it, and it is not to be buried out of sight. It will force itself upon the attention of the people of the United States, and the President's wise and beneficial recommendations in this message will receive their hearty approval.

Mr. SHERMAN. Mr. President——

Mr. HALE rose.

The PRESIDENT *pro tempore*. The Senator from Ohio.

Mr. SHERMAN. I yield the floor to the Senator from Maine.

Mr. HALE. I shall occupy but a very little time.

The President's message is a desperate attempt to recover lost ground. It is a confession that the attitude taken by him and his Administration as to the treaty which has just been rejected by the Senate is an attitude that has no force in it. The treaty was presented and urged and has been kept before the American people as the panacea for all the ills that affect business and communication between the people of the United States and the people of Canada. That treaty has been rejected by the Senate, upon which the President of the United States, instead of acting upon the statute already passed giving him the power of retaliation as to the relations between our people and the people of Canada, comes in with a message demanding more law to enable him to set right grievances which for the first time he has brought out here, that rest upon our people owing to certain acts of the people of Canada or of their government.

Now, Mr. President, nothing has shown more clearly than has the President's message the wisdom and patriotism of the course taken by the Republican Senate in rejecting this treaty as a worthless treaty.

The President, by reason of the action of Republican Senators in rejecting this treaty because it was worthless, and because it did not reach the case, is now coming nearer to the position which any American administration that fittingly represents the American people ought to occupy. He is driven to that by the fact that his treaty which was urged upon us month in and month out as the panacea for all evils is dead and buried. And at once, in his distress, his treaty having failed and he and his Administration having been discredited, as we are learning by the English newspapers (which influence the Administration more than our newspapers do), the President attempts to take the view that we have been taking for months past. One can well imagine the conference of the familiars of the President, if he have any, after the defeat of the pet measure of the Administration, and when they realized the view that was to be taken, not only here, but by the world outside, that the Administration was defeated and humiliated—one can understand how the President and his associates, his familiars, turned to some new method of securing the confidence of the American people.

In some remarks that I had the honor to submit to the Senate in the month of June last I called attention to the fact that in dealing with this subject-matter the Administration had not embraced grave subjects which are now made the basis of the President's communication.

On that occasion I inquired why it was that in making up these negotiations the grave subjects to which I referred had not been included, and I predicted then that until a treaty was negotiated upon the basis of all these subject-matters there would be no accord between the countries affected, and no satisfactory result reached.

The Senator from Alabama [Mr. MORGAN] who has just taken his seat says that that could not have been done because the representatives of the British Government, when they appeared here, were not authorized by their letters of instruction to treat of these subject-matters. Why, Mr. President, that was not the time when the Administration first took cognizance of the subject. When the ship had brought here Mr. Chamberlain and his assistants, and when the railroads had brought down his Canadian associates upon the board, that was not the time for the Administration to interfere. Negotiations, like everything else between two nations or individuals, are set afoot long before the final instructions are given to the negotiators, and all the subject-matters that should be embraced in a negotiation are the subject of communications back and forth between the one power and the other before they are agreed upon. When the Administration determined that it would treat with Great Britain upon questions arising in the relations between the Canadian people and our people, all of these subjects ought to have been embraced. That is precisely what I said two months ago, and the Senator from Alabama was not able to make me an answer.

The President now sends in a message covering these very points. Why has he waited until this time? What is this message but the desperate attempt of the President to recover lost ground with the American people after the rejection of the treaty which fell dead in the Senate a few days ago, when the Senate voted it down? There is not a single subject-matter of the message that was in any way discussed, or considered, or alluded to by the negotiators of that treaty.

In arraigning the Administration at the time of which I have spoken, I distinctly referred to these very things—the transshipment of fish by us through Canadian territory; the treatment that is visited upon our people in the British territory and water ways, where the Canadians discriminate against us; the almost incalculable advantage that the Canadian railways gain by transporting their goods through our territory over and above what we gain from them, setting aside all the questions that arise on the Pacific Ocean. I stated distinctly that the treaty had nothing whatever to say as to these important questions. Why has the President waited until this treaty was rejected before presenting this appeal to the Congress of the United States? Is it because he and his administration are discredited, and this is the effort to recover lost ground? Why, sir, if the treaty had been accepted by the Senate and it had been ratified, there was nothing in it that should prevent the President from coming in and making this same demand with regard to the subject-matters of this message.

The American people will understand this. They will appreciate that the President has said to Congress and to the country that this treaty was wise and all-embracing; that it covered everything, and would be a final settlement of our difficulties. And we have had it dinned into our ears day after day by the Senator from Alabama and others that this side of the Chamber was unpatriotic because it did not accept the treaty. We have been told that the underlying objection on our part was a partisan desire to gain a partisan advantage! And now, after all that has been said, the President himself comes forward with a message demanding more legislation upon subject-matters that, as I have already said, are no more embraced in the treaty than are the words of the Declaration of Independence.

With the infirmity which has characterized the Administration up to this time, with the lack of ability to do anything in a direction that is American, the President does not now propose to do anything. He comes before us after having failed in his much vaunted treaty, to find fault with the statute that was passed by a Republican Senate and by a House of Representatives in sympathy with him—a statute putting the power of action into his own hands, which he has waited for eighteen months without putting into execution. He now states that that statute is not enough; that there is no power given to him to retaliate against Canadian aggression!

Why has the Administration been able to deal with the situation when it was not a question of our being protected, but when it was a question of giving undue advantages to Canadian railways and Canadian shipping companies? Then the Administration had no difficulty in dealing with the question of the shipment of goods across our territory or across the Canadian territory. The act of the Secretary of the Treasury that permitted a British line of steam-ships to take foreign imported goods at San Francisco, a port of ours, and transport them without duty to another port of ours, and to the terminus therefrom of the Canadian Pacific Railway in Canada, so that they might receive the benefit of the freightage of those goods, was something as to which this Administration did not hesitate.

There was no message sent to Congress then demanding that we should settle the point whether or not the Administration had power to give this immense advantage to that line of British steam-ships. When Secretary Fairchild issued his letter of September 4, 1886, giving this British company that advantage, making it practically an addition to the Canadian Pacific Railway, giving it the privilege of taking goods from one port of ours, San Francisco, and transferring them to another port in the North, and from thence to the Canadian Pacific terminus, nobody heard then that there was any question that Congress should give a construction of the right that the Secretary of the Treasury had as shown by his letter of September 4, 1886. The whole of that privilege was given by the Secretary, and that British steamship company has the same right now to come into our port of San Francisco that an American company has, and to take goods there and to touch and trade at ports of ours; and instead of our companies being given the benefit of freightage on all this vast amount of goods that come in, the benefit goes to the Canadian railway companies.

The attitude of this Administration is not one that raises a question between the railroads and the people, as the Senator from Alabama has said. The question is whether the roads that have been built by American money, the roads that have pierced the continent, and under which our great cities and towns have grown up, shall receive, as they should receive, the benefit of the commerce crossing the continent, or whether British companies, Canadian companies, whose roads were built by governmental subsidies (by subsidies that Great Britain herself gives for the purpose of increasing her military power and of increasing the thrift of her Canadian cities and towns) shall have the benefit, and not our companies and railroads. On that question the President of the United States never hesitated as to the power of his Administration; he did not apply to Congress for more legislation or more authority.

Mr. President, that act of retaliation, passed by Congress and approved by the President of the United States, gives him ample power. It is an act that is farther reaching and more extensive than any act that has ever been called forth in the history of the American Government to be exercised by any administration. These grievances that he now arrays before us so strongly have existed for the last two years or more, and it does not lie in the mouth of the President, with such an act as that at his command, to attempt here to recover fallen fortune and set back the tide of battle (which has been going against himself and his Administration) by this attempt to gain favor again with the American people. The American people will see through it.

Mr. VEST. May I ask the Senator from Maine a question?

Mr. HALE. Yes.

Mr. VEST. Do I understand the Senator now to assert that under the retaliation act of 1887 the President of the United States would have the power to retaliate as to the acts stated in his message? Would he have the right to retaliate as to anything except as to fishing vessels and the objects specified in the act of 1887?

Mr. HALE. I might answer the Senator, and it would be a very complete answer, by saying that I would be willing to wait and see

whether the President would execute that act even on the narrow basis on which the Senator from Missouri sees fit to put it.

Mr. VEST. That is an entire evasion, if the Senator will permit me. He arraigns the President of the United States, as I understand him, very distinctly, because with the power in his hands the President has not exercised it.

Mr. HALE. I arraign the President of the United States because, for the first time, after his treaty has been rejected——

Mr. VEST. Ah!

Mr. HALE. For the first time, now, he comes in here and speaks of these grievances which have been existing for years. If he has not the power under the retaliation law to act in these matters, there is no sense in his having waited until now to ask for more power. The situation is the same as it has been for years past, and there is no sense in the President coming here now and making this demand after, as the foreign papers admit, the defeat of himself and his administration by the rejection of this treaty.

Mr. VEST. Then I understand the Senator to say, by implication at least, that that power does not exist under the act:

Mr. HALE. I have no doubt an act could be made that would give him more power, but under that he has such plenary power as if exercised in his discretion would at once bring this matter straight to a head, and we should know where we stood.

I did not mean when I rose to take up so much of the time of the Senator from Ohio, and I thank him for his courtesy.

Mr. SHERMAN. Mr. President, I must confess that the message of the President of the United States gave me more pleasure than I usually derive from documents coming from that high authority. It is the first assertion made by the President of the United States of what I consider his patriotic duty in the protection of American citizens in their rights. Therefore I welcome his message with pleasure, even although I look upon it as rather in the nature of a political movement than as a movement in defense of American rights. I think very much as the Senator from Maine [Mr. HALE] has expressed himself, that this is a movement to retrace lost ground, because it is manifest that the treaty which we have been acting upon for a number of days did not excite the support of any portion of the American people except so far as it was dictated by political reasons to support a Democratic administration. So far as I know in the expression of public opinion there was a general condemnation of that treaty as totally insufficient to secure the rights of our fishermen or any American rights, as lowering the tone, under British influences and British promises, of the position hitherto taken by American diplomatists. Therefore I regard the message of the President with pleasure.

If the President of the United States had based his treaty upon the principles laid down in this message, there would have been no difficulty about the treaty; it would have been ratified, I believe, by the unanimous consent of all, because this message does assert the rights of American citizens, it does complain of the injuries done by the Canadian authorities. I do not extend that complaint to the British authorities, because I believe all these difficulties were merely local, growing out of a desire of the maritime provinces of Canada to press unduly what they claimed to be their rights. Therefore the assertion by the President of the United States of the wrong done to our fishermen and the rights of our people and the misconduct and injustice done by the Canadian authorities gives me pleasure; and, as I have said, if the treaty had been based on these principles we should have had none of this long debate; we should have had the assertion of American rights under the law of 1866. This law was passed in cooperation with Canada, for notwithstanding the impression of the Senator from Alabama [Mr. MORGAN] our statute was supported by Canadian law of a reciprocal character. This statutory arrangement was carried on for seventeen years, to the vast benefit of both countries. Those were reciprocal rights provided for, first, by our legislation, and next, by Canadian legislation, and under the laws of those two countries this exchange of products, this giving to them a short passageway to the ocean, especially in the winter time when the River St. Lawrence is closed, has taken place. It was based upon reciprocal legislation of the Canadian Dominion and of the United States of America. It was not based simply upon the laws of the United States.

Now, Mr. President, the main question in discussion here to-day is whether or not the twenty-ninth article of the treaty of 1871 was abrogated by the notice given in 1883 and by the subsequent action of Congress. This is made the principal point by the President of the United States, he affirming on the one hand that the twenty-ninth article was abrogated as the necessary result of the measures I have already alluded to. It seems to me upon reading his argument a very plausible one, and if I were to rest my judgment entirely upon the facts stated by him in his message I should be inclined to think that Article XXIX, being only tributary and incidental to the articles that were designated by the act of 1883, was abrogated with them; but this is a question that I would not decide upon the mere reading of the message, especially in view of the strong authorities to the contrary. It seems that the conferees on the part of the Senate, the Senator from Alabama [Mr. MORGAN] and the Senator from Vermont [Mr. EDMUNDS], concurring, agreed on a conference report to the Senate on the retaliatory act of 1887 in which they say expressly that Article XXIX is still in existence and was not abrogated by the law of 1883. I will read but a single paragraph from it. This was signed by these conferees, eminent gentlemen, distinguished as lawyers and members of the Committee on Foreign Relations, and therefore presumed to be familiar with the subject. They report:

> When the United States abrogated these articles, that completely ended the influence of that treaty over our fishing rights. Article XXIX was not terminated, but it never had the least reference to the fisheries treaty of 1818, to enlarge its scope, change its meaning, or in any way to affect any right to which that treaty related. Yet, if that is not the true meaning of the twenty-ninth article of the treaty of 1871, this present treaty in no way affects that article, and it stands for all that it was ever worth in favor of our fishermen.

It was subsequently treated by the Senator from Alabama in his minority report at this session on the fishery treaty and also by the majority report as still in existence. Whether it be or be not has no bearing upon the merits of this question. If Article XXIX was abrogated, and is no longer a part of the law of this country, then, as a matter of course, there still exists the reciprocal legislation of 1866. If the article is abrogated, then we are remitted to the act of 1866; and what is that act? That act is simply a reciprocal agreement made to continue during the pleasure of the two parties, which by the express provision of our statute the Secretary of the Treasury might at any time for the causes stated nullify or revoke, and no doubt the Canadian authorities might at any time abrogate it—a mere legislative agreement made between two powers to exist only while the two powers consented to it. And what was the law of 1866? It has been read here several times and I will not have it read again, but it plainly conveys the authority to the people of Canada to send through the United States for foreign shipment their property, goods, chattels, and merchandise, without the payment of duty. There is a provision, also, on the part of the United States that all these goods shall go out free, but subject at any time to the regulation—I do not now recall the exact language—but subject entirely to the approval of the Secretary of the Treasury; so that it could be at any time abrogated.

I remember that the same law applies to Mexico, and at one time it was my duty to examine as to the power of the Treasury Department over that matter, and for a time the free passage of goods was suspended with Mexico by the Secretary of the Treasury. The plain provisions of the law authorized it to be done. At a time when there was difficulty on the Mexican border, when our whole commerce was suddenly arrested by forays and raids by Mexicans, the Government of the United States, through its executive officers, suspended the operation of this act and refused to allow shipments to pass through on the Mexican border. This was at a time when the laws of the United States were constantly violated by introducing for consumption free of duty articles that were dutiable in plain evasion of the law. The same power was exercised properly by Mr. Manning in the two orders that were read by the Senator from Massachusetts [Mr. HOAR].

I say, therefore, that whether Article XXIX stands or not, the power of the United States and the power of the executive authorities over the subject-matter is ample and full under existing law. If, as the President thinks, that article has been abrogated, the Secretary of the Treasury can exercise the powers provided for by the act of 1866 by suspending the transit of goods when the Canadian authorities do not observe reciprocal obligations.

If it is not abrogated it is none the worse for the American nation. If Article XXIX stands, we shall see that this matter is entirely within the control of the executive authorities upon the basis stated by the Senator from Alabama and the Senator from Vermont. The first clause of that article is as follows:

> It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

This, therefore, gives to Canada on the one side the right to send her goods to foreign countries or to pass through our country back into Canada again, all the rights that are now claimed and which she has enjoyed to the extent of $270,000,000 in the last few years. But on the other hand, what right have we? Here I wish Senators to see what rights the United States have by virtue of this article of the treaty of 1871:

> It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

This is as clear language as can be framed by mortal man. It gives every American citizen the right to convey any goods, wares, or merchandise in the broadest terms possible, free entrance into every port and through any possession in the British dominions on this side of the water, the right to transship, the right to move them into our own country without let or hinderance, without exception or qualification, and without duty. That is the right we have under the treaty. If that is a subsisting provision of the treaty they can not deny to our fishermen the right to land in their ports, enter their harbors, transship their catch, and sell it in the markets of the United States. You can not frame language clearer. The British Government acted upon that construction, and during the existence of certain articles of this treaty, and until 1883, American fishermen did exercise this right, did go into the port of Halifax and other ports along the coast there and transship their goods. And they have that right to-day if the twenty-ninth article of the treaty is in force. If it is not in force, then they have the right, which stands unrepealed by the acts of the two countries, under the laws of 1866.

I will now read section 6 of the law in this connection, so that it will be seen according to the plain provisions of the treaty and of the law, one or the other of which is in force, that the reciprocal rights of both American and Canadian fishermen to free transit of goods and merchandise are equally prohibited by the law and the treaty.

SEC. 6. That imported goods, wares, or merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the provinces or republic aforesaid, be transported from one port or place in the United States to another port or place therein, over the territory of said provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the goods, wares, and merchandise so transported shall, upon arrival in the United States from the provinces or republic aforesaid, be treated in regard to the liability to or exemption from duty, or tax, as if the transportation had taken place entirely within the limits of the United States.

That is, we had absolute, under this act, so far as the laws of the two countries provided for it, free trade or reciprocity. That law still stands upon the statute-book. So in either horn of the dilemma, whether we rest upon the treaty or rest upon the law, the rights of our fishermen are clear and unquestionable.

That is not all. The British Government, however, did put an end, according to the message of the President, to these rights under the treaty. At that moment the President of the United States ought to have acted, or if he had not the power he should have promptly, on the meeting of Congress, called our attention to the fact. Here is this significant passage in the message of the President of the United States:

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country, and ever since that time such shipment has been denied.

Two years ago that notice was given by the British Government and the right of the citizens of the United States conferred by this treaty, or conferred by these reciprocal laws if the treaty does not exist, was nullified, rejected, set aside by a formal notice to our authorities. What was done in consequence of that? Was any action taken? Was the attention of Congress called to it? Was there any proclamation made? Why, sir, under this state of circumstances stated by the President himself, the very moment this action was taken by the Canadian authorities, the clear and unquestioned right of the United States and of every executive officer of the United States was to disregard the reciprocal provision in their favor just as broadly as it might be thought to be for the interest of the United States to exercise that right. When Great Britain notified us that she would no longer concede to us the rights conferred upon the United States by that treaty, that moment the reciprocal rights conferred on her were at the mercy of the executive authority, and if the Executive had not power enough to give that notice as the British Government did, then he should have called on Congress for power to declare that the reciprocal rights conferred upon the people of Canada were at an end.

Mr. HALE. Will the Senator allow me right there to ask whether it was not upon the heels of this act of Canada notifying us that our privilege of transit and transshipping fish was to be taken away from us, that the Secretary of the Treasury granted this great privilege to these British lines upon the Pacific coast?

Mr. SHERMAN. I do not know much about that.

Mr. HALE. It was almost at the same time.

Mr. SHERMAN. No doubt the Senator is correct in his statement. I do not know about it myself, but I do know about this. In consequence of offensive acts by the local authorities, and especially the denial by the British Government of our rights under the treaty or of our rights under their law to transship our fish, etc., from Halifax and other ports, Congress in due time did pass the retaliatory act, which provides that the President of the United States shall have power—

To deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

So the President now has the power to prohibit any goods from coming into the United States and through our ports as well as fish. It is not confined to fish. My own opinion is——

Mr. GEORGE. Will the Senator allow me?

Mr. SHERMAN. Yes, if I am in error in anything I have stated.

Mr. GEORGE. I desire to call the attention of the Senator to the words in the statute he has read. It applies only to goods coming from the Dominion to the United States, and not to goods coming from any foreign country to a port in the United States to be transshipped to Canada.

Mr. SHERMAN. It includes all "goods" as well as fish. These come from citizens of the United States; they are brought by citizens of the United States. Our interests in the fisheries on the coast of Newfoundland are just as much part of our territorial rights as the State of Mississippi. They come from a region where we have territorial rights admitted on all hands, and come into their ports, the law plainly allowing all goods, wares, and merchandise of citizens of the United States to be brought within any port of the Canadian Dominion and to be transshipped. The fish here are not goods transported from England by way of Halifax into the United States, but they are goods transported from our own country, because on those Newfoundland coasts it is admitted on all hands we have an equal right with Great Britain and enjoy that right. The Canadian fishermen catch fish side by side with the Yankee fishermen, and they take their goods into the harbor of Halifax and ship them over a railroad built and owned by American citizens through the State of Maine to the city of New York and supply our people with fresh fish preserved on ice, while the American vessel catching fish alongside the Canadian vessel is not allowed to go into Halifax and transship those goods. Why? Because Great Britain denies that right in the face of the twenty-ninth article of this treaty that exists between the United States and Great Britain. But if, as the President thinks, that treaty is abrogated, we have the right under the law as it stands to demand reciprocity and to give to them the same measure that they deal to us.

Mr. President, this, it seems to me, covers the point. What I wish to say in all seriousness, and I say it without the slightest party feeling, is that I am glad we are likely to come together and harmonize on this old contention. I hope the Senators on this side of the Chamber are willing to make proclamation according to the ideas now advanced by the President. I say we can not be expected to permit Canadian fish caught on the Banks of Newfoundland to be carried over our railroads into the American market free of duty when the Canadian authorities will not permit American fishermen to ship fish caught at the same place to be transported over the same roads to the same market. Let it be understood that the American Senate is united upon that proposition, that we will insist either upon the enforcement of the treaty or the law; that we will have equal rights or that we will deny them the rights that they deny to us. If you are willing to stand upon that position, we will all act together. If the President needs more authority to carry out that doctrine we will give it to him without stint or limit. I do not see myself that he needs it, because either the law stands or the treaty stands; and the nullification stands according to the statement of the President. What more do you wish to do than simply to deny to them the same privileges and rights which they deny to us?

I assure you that the English people will not resist this plain proposition. They may negotiate in aid of their Canadian subjects and do what they can to protect and give the Canadian fishermen advantages over American fishermen, but when it comes to a question of equal rights between equal nations and equal peoples we will have no controversy with Great Britain. And this message of the President is a sign that he is willing to stand there, and if so I do not think there will be much trouble about this fishery question.

I do not want to weary the Senate now, as all this matter has to be debated over again; but I wish to say a word upon the other branch of the question, which is entirely distinct. Even there I am perfectly willing to stand where the President does. But it is entirely a distinct proposition, not yet considered by us. It ought to have been considered before. The Senator from Maine called our attention to it early in the session. I refer to the discrimination made against us all along the northern lakes by the provincial laws of the Dominion Parliament, about some of which I know, having looked into the laws.

What is the condition? When we construct a public work in aid of commerce, we make it free to all the world. The Canadian fishermen can go through the Sault Ste. Marie Canal without paying one cent of toll. They come into our harbors without any port charges or any taxes whatever that are not imposed upon American citizens. The general policy of our people in the Northern States is to encourage the Canadians, help them along, give them privileges and rights. But how do they do when we enter their jurisdiction? When we go through the Welland Canal we have to pay toll. That is not objectionable if the Canadians pay toll, because then we are on a footing of equality. They never have agreed to allow their canals to be free of tolls as we have, but they charge tolls with a view to their maintenance and improvement. But now it turns out, according to the President, that they collect the tolls from us and keep them in their treasury when the goods are shipped to American ports, but when they are paid by Canadian vessels to the same amount, and the Canadian vessels go to Montreal or any other Canadian port, they are refunded.

That is a condition of gross inequality far worse than any which the interstate-commerce law was intended to correct. That is not right. We ought not to submit to it, and we ought here again to agree that

whatever measure they mete to us we will mete out to them. If they make discriminating tolls against us, we should make discriminating tolls against them. There is no other principle upon which two nations side by side can live.

Our nation is like a great big boy, with an overflowing Treasury, bountiful and generous, and careless what we do, not only for our own people but for all the world. When we are dealing with the Canadian people they are more careful. They look out for the dollar much more sharply than any of the Yankees that you think are so careful; they look out carefully, and now they are practically levying discriminating duties against our vessels so that there is an object in carrying American produce to Montreal to be shipped from Montreal instead of from New York or Oswego or Buffalo.

We ought not to submit to that; we ought to say so at once; have a united vote in the Senate, when this matter shall be reported back to the Senate, that we will insist upon reciprocal treatment.

This arrangement of sending goods through Canada and then to Portland is a matter of mutual benefit to the people of both countries, and if conducted fairly and properly there can be no complaint about it. If we get a portion of their commerce, or our neighbors get a portion of carrying goods across the continent, well and good; that is all right as long as we are on equal terms, and when we are not on equal terms, then an injustice is done to our people that we ought not to submit to.

Mr. President, that is all I have to say about this question. Let it go to the Committee on Foreign Relations and be considered there. This question of law and fact will be presented no doubt in due time. But I wish to say one thing more about the President's message.

It seems to me that the position taken by the President is a good deal like that held by him as to the payment of the public debt. My former old and honored colleague [Mr. Thurman] is going around through the country talking about the surplus money in the Treasury there accumulated all because we Republicans will not let it out. Of all the financial management that I have read or know of the worst is that by the present Administration. Here there was an accumulating surplus in the Treasury day by day and year by year since the first day Mr. Cleveland entered the Presidential chair. What did he do with that surplus revenue? He did not make proclamation of it for two or three years, but let it accumulate and accumulate until he did not know what to do with it. Finally the attention of the Administration was called to the fact that they ought to buy bonds with it. Well, Mr. Cleveland, with his sharp construction, thought he had not the power to buy bonds; he thought he could not do it legally. The law confers the power upon the Secretary of the Treasury.

The President had no more power over it than the Senator from Connecticut before me [Mr. PLATT] has. The law confers it upon the Secretary; it was his duty to buy bonds. What untold sums have been lost by his failure to comply with that law. Until recently, during nearly all the administration of Mr. Cleveland, the 4 per cent. bonds have been sold in the market at about 123. I have here the American Almanac giving the value of the 4 per cent. bonds during his administration, and they have been usually sold at 123. If the United States had quietly watched the opportunities in the way the present Secretary's predecessors had done, he could have gone into the market and absorbed those bonds to the amount of half a million or a million at a time and bought them up at the market price, 123; and then how much money would have been saved to the Government of the United States.

My former colleague says they have over $100,000,000 of surplus. If they had applied that one hundred million in the purchase of bonds they would have saved 4 per cent. per annum for three years—that is, 12 per cent. And besides, they would have saved 6 or 7 per cent. lost by the advance of bonds. At any time during the administration of Mr. Cleveland, if his Secretary of the Treasury had exercised the power conferred on him by the law, he might have saved the Government of the United States from 12 to 16 per cent. on the whole hundred million of dollars if he had invested it in bonds of the United States. But he would not do it because he had not the power. So the President sent to Congress and asked for power, just as he has done in this case, when he had ample power, and both Houses declared unanimously that he had the power, and then, after the bonds had gone up to 127 or 128, when he had lost three years' interest on a large portion of this accumulation, he commenced to buy bonds and complains that they are too high, and that he calls wise financial management. So now here is a law on the statute-book for over a year, to enforce a demand on the Canadian authorities that our fishermen who are there carrying on their hazardous enterprise should have the right to enter the port of Halifax and ship their goods under the plain provisions of the treaty or the law, and if that right was denied, then here was the law expressly prepared for that particular case to authorize the President, not to do any violent act of retaliation, not to involve us in any dangerous or delusive measure which would excite the public mind and probably create animosities between these two great countries. But suppose he had simply said, "Well, if you deny to the Yankee fishermen the right to transship their fish, we deny you the right to bring fresh fish into Maine, Boston, and New York, and scatter them all over, cured by ice," for that is the effect of it—ice takes the place of salt.

That simple remedy which would be the natural dictate of any ordinary man was never applied; but it could have been applied, and no man knows that better than Senators on the other side of the Chamber. And now when we have had a seven weeks' debate on the treaty, and the Senator from Alabama has filled, I believe, fifty or sixty columns of the RECORD in favoring the treaty, and it has finally been rejected, now all at once we are surprised with a demand for more power, more power, more power! Why, he has power enough to bring the Canadians to terms in twenty-four hours.

The mere declaration of these two points I have mentioned, that we will not submit to allow free fish to come into our market as long as they deny our fishermen the rights guarantied to them by treaty, and we will not allow them to discriminate against us in the use of their great transportation lines, but if they are free to one they must be free to both, if there is a toll to be paid that toll must be paid honestly, not paid back to one and never refunded to the other—if we should deal with the Canadians upon the principle of justice and equality and right, we should win their favor rather than cause their opposition.

I said the other day that I believe the measure of the future is more thorough, generous, liberal interchange of commodities between these peoples, and I think the result of all ought to be the union of the Dominion of Canada and the United States. It would be better for all. The very friction that is encountered by this fisheries trouble away off on the coast, all this question about the canals between Lake Erie and Lake Ontario, and all this question of shipping from San Francisco around to Portland in order to get cheap transportation over the Canadian Pacific Railroad, all the controversies that occurred in Manitoba when Manitoba revolted against Canadian authority and built a railroad to connect with one of our railroads—all these irritating circumstances are likely to increase from time to time, and they are increasing until the time may come when two great and powerful nations involve themselves in more dangerous controversies, which God forbid!

I believe that a policy on the line I have indicated, of generosity, but always of equality and of liberality, will finally bring these two countries together in one harmonious government, and that is what we ought to desire to see.

Mr. MORGAN. Will the Senator from Ohio allow me to inquire whether it was not the Republican party that put fresh fish on the free-list?

Mr. SHERMAN. Yes, sir; we did it to secure reciprocal advantages. We did it—what return did we get for it?

Mr. MORGAN. I do not know.

Mr. SHERMAN. If your Administration would only enforce reciprocity, for you have had time to do it, it would be all right. It would have been corrected if this was a Republican administration; but the treaty of 1871 could not be terminated until during your administration, and you took no measures to correct it.

Mr. MORGAN. If the Senator will allow me, I will say that we are trying to correct all the errors we can as fast as we can, if your party will permit it.

Mr. SHERMAN. Well, Mr. President, the Senator from Alabama does himself great injustice to make a party allusion of that kind. But if you leave the Republican party to prescribe the measures to get us out of this difficulty in which your Administration has involved us, we will make short work of it. [Applause in the galleries.]

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Alabama will please suspend. The Chair desires to admonish spectators, who are present by the courtesy and the privilege of the Senate, that demonstrations of applause or disapproval are not permitted, and if they are repeated the galleries will be cleared.

Mr. MORGAN. I am sure the Republican party through its caucus has had perfect control over the recent treaty which we have destroyed.

Mr. SHERMAN. The Republican party will take the responsibility of destroying that treaty.

Mr. MORGAN. I am glad to hear it.

Mr. SHERMAN. And will take great credit for it.

Mr. BECK. I rise to ask the Senator a question, if he will yield to me.

Mr. SHERMAN. Certainly.

Mr. BECK. I ask whether there have not been three changes of our tariff laws, one in 1872, one in 1875, and one in 1883, the Senator from Ohio [Mr. SHERMAN] being chairman of the Finance Committee during two of those changes; and I ask whether he ever suggested that free fish should not be longer allowed? I wish further to ask whether or not in the tariff bill that has been under discussion for the last eight months in the other branch any Republican member of the House of Representatives ever suggested it during all that time?

Mr. SHERMAN. Let me answer the first question. During the time the Senator refers to he knows as well as I do that we were in treaty relations, and had bound ourselves by a treaty for ten years and two years longer until notice was given, and during that time we could not refuse to admit fish free without violating the treaty, and the Republican party never proposes to violate a treaty with any foreign nation.

On the other question, as to what was said over in the House about free fish, I do not know. I have never looked through the voluminous debates there. Will the Senator vote for such a proposition?

Mr. BECK. To do what?

Mr. SHERMAN. To put a tax on fish.

Mr. BECK. I said in a speech I made the other day that the whole object of this entire difficulty is to have the importation of fish prohibited, so that you can hire poor Canadians for little or nothing in the interest of Gloucester syndicates, and you dare not venture to stop the railroads in Vermont and Maine that are subsidized by the Canadians, as the President proposes, and if he had attempted to do it without asking for a law to do it the Senator from Ohio and the Senator from Vermont would have tried to impeach him for it.

Mr. SHERMAN. Let me answer the Senator from Kentucky who has not answered my question, by asking another. Is the Senator from Kentucky in favor of allowing free fish to come in to our market from Canadian fishermen when they deny to our fishermen the right to enter according to the terms of the treaty the harbors of the Canadian coasts, so as to exclude our people from competing with them?

Mr. BECK. I will answer that by saying that I will not punish the poor individual fisherman nor deprive the people of the United States of the right to eat fish. I will punish the Government of England or the Government of Canada that passes those laws and enforces them, as the President now proposes to do.

Mr. SHERMAN. Then the Senator from Kentucky is very much in favor of the poor Canadian fisherman, but he has no care for the poor American fisherman who is cheated out of his life-long employment and of the right that he has inherited from his ancestors for two hundred years.

Mr. President, I wish the heart of the Senator from Kentucky beat as warmly and generously for the Yankee fishermen of Gloucester—he seems to have a great pique at Gloucester; I do not know anything about the town; I have never been there—as for the Canadian. The great trouble is that he has no care for the poor fishermen of Gloucester, but for the Canadian fishermen his heart goes out like a gentle stream——

Mr. EDMUNDS. Like an impetuous fountain.

Mr. SHERMAN. Yes, like an impetuous fountain. That is better. I have said all I wish to say in reference to this question, which no doubt will be the subject of further debate after the matter has been acted on by the Committee on Foreign Relations.

Mr. GEORGE obtained the floor.

Mr. BECK. The Senator from Mississippi having the floor, will he allow me to say a word before he proceeds?

Mr. GEORGE. Certainly.

Mr. BECK. I wish to say to the Senator from Ohio that it having been believed to be the policy of the American people and in their best interest to allow fresh fish to enter this country free of duty, I do not propose, when trusts and combinations have been built up at Gloucester and Boston and everywhere else along that coast, to make all the people of this country pay $2 a barrel more for fish than they do now by pretending to punish Canada and England for something they have done, to repeal our own tariff law in a respect that no Republican has ventured to offer to repeal either in 1883 or during this long debate. But I will reach out, if we have power to punish at all, for the men who are guilty of the great wrongs that have been complained of, and I will not allow the bonded goods to go through the country, even if the subsidized roads in Maine and Vermont do have to suffer. I repeat that when the President comes in a manly way and deals with a great subject, and a bill is now introduced in the other House, and another in the Senate, I want to see how far those patriotic gentlemen will go to reach the evil complained of.

When they said there was no power and no right to negotiate any longer, if the President had dared to do what he now says ought to be done, the gentlemen on the other side of the Chamber would, as they have threatened to do in their report, have held him responsible for a violation of this very thing, and your articles of impeachment would have been attempted to be brought up before now.

He has met the issue in a fair way; and the Senator from Ohio gets away from the treaty and talks about this Administration not buying bonds and how much we could have saved because they have raised the price. I am done with that; I am not going into that; but I want to say that he himself was the man, both as Secretary of the Treasury and as chairman of the Committee on Finance, who arranged our debts in such a way that we could not pay them, and fastened this sinking fund upon us, that made us tax ourselves $50,000,000 a year more than there was any necessity for or more than the Government required, in order to enable the bondholders to rob this people out of the premiums now placed before them.

We are trying to get clear of those laws by reducing taxes, and for three years the Republican party have sat in the House of Representatives and have resisted every effort at reduction, and when a vote was taken two years ago for leave to bring in a bill, 140 men voted for it and only 4 Republicans could be found to do it; and when we tried again they voted it down. They resisted even the little effort made in the other House at this session, and to-day, after four years of cogitation to see what they can do, they dare not present a bill on which they will go before the country.

Mr. SHERMAN. I wish very briefly to answer the Senator from Kentucky.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. It is getting so late that I believe I shall resign the floor entirely and let this debate go on.

Mr. SHERMAN. I wish to answer very briefly the stump-speech made by the Senator from Kentucky, and I will do it in a reverse order.

He says I am responsible for the fact that there is the prolonged period of thirty years to the 4 per cent. bonds. He knows, because he was here the other day when I showed from the public record, that the Senate of the United States proposed to pass a bill to issue bonds running only twenty years with the right of redemption after ten years; and if the law had been passed in that form in which it was sent from the Senate none of this trouble would have existed; but it was changed by the House of Representatives, of which the Senator from Kentucky was then a member. I believe he voted for the House proposition against the Senate proposition by which the time was extended to thirty years, and they were not redeemable during that time. Yet I am charged with the responsibility of lengthening these bonds.

Whatever my sins, I can claim to have always favored the right to redeem the bonds of the United States as the five-twenties and the ten-forties were issued to be redeemed; and if I had had my way we would have had the same kind of bonds issued instead of the thirty-year bonds. Now, enough for that.

The Senator talks about trusts. Mr. President, the great trusts of this country are in the control of the Democratic party. They are like the thief who is crying, "Thief!" "Thief!" If the Senator from Kentucky will do as much as I to prevent wrongful trusts he will have hard work to follow. I believe that any agreement whatever, whether in the form of a trust or any other form, that tends to restrain competition in trade or to prevent production in this country is unlawful by the common law and ought to be made so by statute law in every State in the Union and by laws of the United States.

The Senator lugs in trusts as if they were a Republican invention. Who controls the whisky trust in his own State, and the other trusts? Who controls the great sugar refinery trust? Who controls the great body of trusts that deal in domestic products? Ah, this talk about trusts as a party cry has spent its force. They are the common enemies of the people of the United States, and I trust that all parties will take their share in preventing illegal combinations to put up the price of property, or to restrain production, or to advance the necessaries of life.

The Senator talks about the tariff. Well, sir, I am responsible for all the sins of the tariff, you may say, although I am only one out of several hundred who passed those laws. I believe the tariff laws of the United States since the war have been a most bounteous stream of wealth, have conferred increased wages, and done more for the health and comfort of the people of the United States than any other cause in the world.

The Senator is opposed to it all. He believes in the free trade that he brought from the old country with him, though I have no doubt the views are honestly entertained by him. I believe that it is the duty of the United States to give the American market to American productions, and to put such a rate of duty on every article we can manufacture in this country as will induce its manufacture here. I would make everything free that we can not produce here. Under the tariff laws as they exist (and the Senator says I have been responsible for their passage) more than one-third of the products imported from foreign countries are absolutely free of duty, and the other two-thirds are articles that enter into competition with our industries. We put protective duties upon those, and I shall continue to vote to do so.

My friend from Kentucky is very much in favor of the Mills bill. He thinks it is a little bit of a bill. It is just little enough to destroy one hundred industries from the very beginning, to cripple and paralyze great branches of trade, to reduce the wages of every laboring man in the country, to destroy the hopeful prospects in the Southern States, to bring desperate disaster and poverty where now there is comfort and comparative luxury.

The Senator from Kentucky and I differ and honestly differ, no doubt, upon this subject as widely as the poles. If I had the power alone and unsupported I would protect every industry and every branch of this country, North and South, East and West, without favor or discrimination; and to fully compensate the difference between the cost of labor in this country and in Europe I would make the duty so steady and so strong that everybody would be interested in it and interested in the development of this country; and then I would protect that policy from all combinations at home and abroad, from all trusts, and especially from consignments by Europeans to our country with a view to undervaluation.

That is my idea in regard to trusts and the tariff. Whether I have skipped any points made by the Senator's argument I do not know;

but if I have there will be time enough in the future to correct any error.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi [Mr. GEORGE] yield to the Senator from Kentucky [Mr. BECK]?

Mr. GEORGE. Certainly.

Mr. BECK. There will be time enough, if we can ever get a tariff bill before the Senate, to discuss all these things. I desire to say to the Senator from Ohio, if he thinks that I brought free-trade ideas to this country with me, that that was a good while ago, when I was perhaps a little bigger than these pages. I may have brought them with me, but I have endeavored as far as I knew how, and with the best lights before me since I have been a public man, to do what I thought was for the best interests of the country. That is all I care to say about that.

But when the Senator from Ohio talks about his own part in the transactions in this country I will show him, since he has challenged me and the matter is to be brought up, that he above all other men is responsible for the present condition of affairs in this country and for the surplus in the Treasury. Why, sir, in 1875, after we had reduced the war tariff only 10 per cent. in 1872, he raised the cry that the sinking fund was in danger, when he knew and had to report the very next year after he had passed the bill restoring that 10 per cent., increasing the taxes upon sugar, upon tobacco, and upon distilled spirits, and restored the 10 per cent., that the sinking fund was ahead of all its requirements $225,000,000. He so reported the very next year, when he became Secretary of the Treasury.

His predecessor in the Department, William A. Richardson, had furnished a report that he had in his hand when he came into the Senate, and under it the war tariff that had been reduced in 1872 on the demand of the Senator from Iowa [Mr. ALLISON] and all the leading Republicans in both Houses of Congress was restored, when he knew that the clamor that the sinking fund was in danger was untrue, and the record showed it, and he proved it himself the next year.

The Senator from Ohio talks about the sugar trust, and says that it is very dangerous. In 1883 I sat here day after day and night after night to endeavor to bring down the taxation upon the sugar that went through the refineries so that the people of this country could get it, and we made it 2½ cents, and he went into a conference committee with no Democrat in the Senate on it——

Mr. SHERMAN. Because they refused to go.

Mr. BECK. He brought it back when the other House never considered it, and none of them had ever looked at it, and added 25 cents a hundred on refined sugar, making it $2.75 per hundred instead of $2.50, which was the maximum that they could obtain for it by a vote of this body upon a dozen trials; and in that conference committee, without daring to tell that he had done it, when he came on the floor of the Senate on the last night of the session, when I was attacking his conference report, he walked into yonder cloak-room and never opened his mouth, and never told us that he had added on the additional taxation in that secret conference, which made the sugar trust possible to-day.

That the record shows, and the printed bills will show it. While there may have been some difference of opinion as to what should be the true rate of taxation, the Senate had agreed and the House had not disagreed, that $2.50 per hundred was all that they could have. He gave them $2.75, and put them beyond the control of foreign competition.

On the 13th day of last March, I believe it was, when I was making a speech on this floor and was proving, as I thought, that trusts were maintained to the extent of the tariff tax which excluded other competition, he rose in his place and denied that there were any trusts in this country, and the RECORD shows it. Now the Senator says he will go as far as I will to destroy them. We will see when the time comes.

We had taken off every burden that was imposed by the internal revenue upon our manufactures, upon incomes, upon everything but whisky and tobacco. Three hundred and odd million dollars were at one time collected from internal taxes, $127,000,000 of which came from manufactures alone. The tariff was increased because of those burdens; they have all been removed, and to-day with the tariff at 47 per cent., while the average paid as wages to workmen is less than 25 per cent. difference between here and abroad, an attempt to reduce the tariff from 47 per cent. to 42 per cent. is called a robbery, and free trade, and an alliance with the English and other foreign people to starve out our manufacturers!

The truth is that the struggle now is not to help American labor, for the Senator from Ohio stood by the importation of Chinese to the last minute, to degrade the American laborer. He stood by the bill that was enacted in 1864 to allow the importation of foreign laborers until after Mr. Cleveland was elected, whereby not only could men be brought from all parts of the world free of duty at the cheapest rate to drive American laborers out of the manufacturing establishments, but their importers could follow them and take away their little homesteads if they dared to run away from the men who brought them here, and sell the homestead over their heads whenever they ventured to leave the men who imported them.

All that met the sanction of the Senator from Ohio for twenty-odd years; there was not a complaint made about it; and now he comes out as the champion of American labor! He and his policy have beggared the farmers of this country until the mortgages upon men's farms are the rule rather than the exception. Our farmers have to sell in foreign markets at foreign prices and compete with the paupers of the world, and they are not allowed to buy what they must have unless it is from Mr. Carnegie or somebody who gets a million and a half a year by the bounty of Congress, and then has "the fat fried out of him" for a corruption fund, as Mr. Foster and your other men have demanded, to build up them and their machinery, for those are the only things that are protected.

Now the Senator comes and intimates that we are not acting in the interest of this Government if we dare to say that the war taxes shall be reduced. But I did not intend to go on with this matter now; I will hereafter, and I shall prove all I have said, and more too.

I will say this—and the Senator from Ohio may as well look out—that if it had not been for that very sinking fund which he proposed in 1875 an increased taxation to maintain, adding from $40,000,000 to $50,000,000 a year, the present condition of things could not have existed; and when the Senator from Iowa [Mr. ALLISON] rose in his place and told him what would be the effect of it, and that he would have to pay premiums to those people, he shut his eyes to all the assertions that were made, and not only fixed the time of payment, which was all perfectly right, and perhaps the longer the better, but refused to reduce the taxes, refused to remove the burden of $40,000,000 or $50,000,000 a year from the sinking fund, which could not be paid off before the bonds were redeemed.

That has brought about the condition of things that exists now. But when I brought up the question years ago to repeal that law and wanted him to give us a chance to reduce taxes, upon a call of the yeas and nays, we, with, perhaps, but one exception, voted for it, and he and his Republican brethren voted against it, as I shall show by the record.

Mr. SHERMAN. Although it is late in the evening there are two or three points I wish to answer, and I hope the Senator will bear patiently with me. He used rather harsh language, but I shall not reply to that; it is not my way of doing business.

He talks about a conference committee reporting the tariff act of 1883. Mr. President, the most cowardly act of the Democratic party that I have ever seen in my long public life was the refusal on that side to appoint a conference on the tariff bill as it was sent to us from the House of Representatives. Just think of it! I doubt whether in the history of the Government, from the foundation of the Government to this time, there was ever before the absolute refusal of one great party controlling nearly a majority of the Senate to take part in a conference.

In that case a conference was requested by the House of Representatives, and a conference committee was appointed on the part of the Senate. Two Democrats, the Senator from Kentucky [Mr. BECK] and the then Senator from Delaware, Mr. Bayard, and three Republicans, according to the rule, were appointed. The Democrats refused to serve. When before was that ever done?

The Senator talked about my daring to do anything. It is not worth while to say that to me, because I dare do anything that I think is right. I ask him if that was not a cowardly refusal by a great party, and then to come right back here and say that we are responsible?

We are responsible for the tariff act of 1883. We are responsible for some reductions in that tariff that ought not to have been made, and for which we paid severely, and for which the Democratic party arraigned us; but it was the Democratic party in refusing to serve on the committee of conference that made it a one-sided report. Gentlemen on the other side ought to remember that; and it is the last thing they ought ever to mention.

Now, as to the sinking fund. The sinking fund we provided for by a law in one of the earliest financial acts passed during the midst of the war, in which we set aside 1 per cent. of the revenues annually, to be increased by yearly accretions, to pay the public debt. The Senator says that in 1875 I insisted upon the payment of that sinking fund. I did. He says that there was an accumulation of the sinking fund. So there was. For several years the surplus revenues of the Government were more than the amount of the sinking fund, and they were applied to the payment or the public debt.

The Senator from Kentucky claimed that the accumulated revenue which was applied to the public debt in excess of the sinking fund should be counted out of the future sinking fund. That was a hobby of his; and I think the sinking fund is probably the chief hobby he has, because every Congress he introduces bills to repeal the sinking fund, and yet they never pass.

I did maintain the sinking fund as a matter of honor, as a matter of right. It is maintained by this Administration. Where is the recommendation from Secretary Fairchild, or from President Cleveland, or any other Democrat except the Senator from Kentucky in favor of repealing the sinking fund? He stands solitary and alone. His associates around him vote with him out of a kind of respect for him. He is a good fighter, there is no doubt about that. They do not believe

in it. I know there are men in my eye who do not believe in the abolition of the sinking fund, who look upon it as a violation of public faith, but they vote with him because they know it is a harmless amusement, and they indulge him by voting with him to repeal the sinking fund all the time; and he says I am responsible for it. Well, I am a pretty good scape-goat for all such sins as that. I am in favor of the sinking fund.

My friend again refers to the Chinese. Mr. President, I do not often talk about my record. Ever since 1872, when I saw the Chinese in California, I have been satisfied that the importation of Chinese laborers was a mistake, and that it ought to be ended, and I have voted for every bill upon the subject when the treaty between China and the United States allowed it. I would not violate a treaty with any foreign nation, especially with China. We had sent our embassador to China and we had boasted, all of us, Democrats and Republicans alike, that we had broken down for the first time in two thousand years the seclusion of that great empire of 300,000,000 people. It was a feather in our cap. When Mr. Burlingame came back with his laurels fresh upon his brow he was toasted and fêted in every part of the United States, and nowhere more than in California. They thought he had performed a great achievement for modern civilization, opened wide the doors of a vast empire.

But when the Chinese immigrants came in it was found that they did not affiliate with us; that they did not sympathize with us; that they did not bring their wives along; that they only came to gather what money they could and then go back to the country from which they came. Therefore an alarm sprung up against them, and as soon as the treaty could be changed to enable us to exclude them I was in favor of their exclusion. I have reported three bills here in the Senate for the exclusion of the Chinese. Every bill for the last two or three years except the one reported at this session at my request by the Senator from Oregon [Mr. DOLPH] has been reported by me as chairman of the Committee on Foreign Relations. The committee have considered the bills without regarding it as a party question.

I have voted for the exclusion of the Chinese except only when the treaty would not allow it, and before the treaty was changed I would go up to the extent of the treaty, and when the treaty was changed I went on from step to step, until now probably the Chinese are excluded by a law as mandatory as any law can be made.

What does the Senator throw that into my face for, when men of his own party were of the same opinion, when all of us around here were of the same opinion? I dare do anything but violate a treaty obligation, and I would not do that to save the Senator from Kentucky I do not know from what fate. I should dislike to have him meet a very severe one, but certainly I would not vote to violate a treaty under any circumstances except one of dire necessity, involving the fate of our country. That is the theory upon which a treaty rests. It is an obligation between two proud and spirited nations, and it ought never to be violated except by mutual consent. That is the ground upon which we on this side of the Chamber have acted.

My friend now who is candidate for President of the United States, and who I sincerely believe will be elected, stood in the same position. He was a member also of the Committee on Foreign Relations. The Senator from Vermont and the rest of us around here all voted for these bills just as rapidly and as fast as our treaty relations would allow us to do, and we went to the extreme verge. The last bill was passed in the Senate before the last treaty negotiated by this Administration was ratified by the contracting parties, and we sent it to the House and they passed it in the form in which we had passed it.

Now, it is merely a tub to the whale to talk about Chinese in the Senate of the United States. It would do very well in the far inward counties of Kentucky, clear on the hill tops; it would not be good in Lexington or Louisville, or any such place, but he might possibly tell that in the mountains of Kentucky.

The Senator said something about trusts. He says I said there were no trusts. What I said was that there were no considerable trusts in the foreign trade. The only trusts that exist there are trusts by commission where manufacturers in Europe send over their goods, transmit them to a commission merchant as a trustee, because he becomes a trust sometimes for many merchants in the same line of trade. That kind of trust has been exposed. Suppose a particular merchant or dealer in New York should be made a consignee and a trustee for a great many houses producing a particular line of goods, and they are sent all to him and no market price is fixed. He becomes a trustee. That kind of trust I have always been in favor of breaking down, and I think the Senator from Kentucky is; but when you come to some other trusts he is not so anxious about them. But we shall have enough time in the future to talk about trusts.

I hope now that the message of the President will be referred.

Mr. CULLOM. I am satisfied we shall not be able to conclude the disposition of the question to-night. I move, therefore, that the Senate do now adjourn.

Mr. BUTLER. The Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. CULLOM. I thought he relinquished it.

The PRESIDENT *pro tempore*. The Senator from Mississippi was recognized by the Chair, and yielded to the Senator from Kentucky [Mr. BECK] and to the Senator from Ohio [Mr. SHERMAN].

Mr. CULLOM. I do not desire to interfere with the Senator from Mississippi taking the floor on this question if he wishes to do so. Does the Senator desire to proceed to-night?

Mr. GEORGE. I do not; but I should like to have the floor and go on with my remarks on Monday morning.

Mr. CULLOM. The Senator desires to take the floor, but not to address the Senate to-night. I yield to the Senator from Wisconsin [Mr. SPOONER] for the purpose of submitting a conference report.

APPRAISERS' WAREHOUSE IN NEW YORK.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, and 7, respectively, and agree to the same with the following amendment: In lines 17 and 18, first page, strike out the words "seven hundred" and insert in lieu thereof the words "six hundred and fifty;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "three" in said amendment and insert the word "two" in lieu there of;" and that the Senate agree to the same.

JOHN C. SPOONER,
WM. M. EVARTS,
JNO. W. DANIEL,
Managers on the part of the Senate.
SAMUEL DIBBLE,
S. S. COX,
Managers on the part of the House.

Mr. EDMUNDS. Let us hear the action of the House read.

Mr. SPOONER. The House has adopted the report.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 24, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3486) for the relief of the State of South Carolina, reported it without amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8074) to provide for allotment of land in severalty to the United Peorias and Miamis in Indian Territory, it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLEN of Mississippi, Mr. COBB, and Mr. PERKINS managers at the conference on the part of the House.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole resumes the consideration of the unfinished business, being Senate bill No. 12, the title of which will be reported by the Secretary.

The SECRETARY. "A bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes."

Mr. GEORGE. I should like to know if it is the understanding that I am entitled to the floor on Monday morning on the question of referring the message of the President.

The PRESIDENT *pro tempore*. The unfinished business has been laid before the Senate and will be the regular order at 2 o'clock, being the bill to admit the Territory of Washington as a State. The Senator from Iowa [Mr. WILSON] was interrupted in the midst of a speech yesterday afternoon by a motion to adjourn, which prevailed. He would properly have been entitled to the floor this morning to finish his remarks, but the debate upon the motion to refer the President's message continued by unanimous consent and without interruption until the present time.

Mr. WILSON, of Iowa. I desire to state that it is my wish to take up the resolutions reported from the Committee on the Judiciary, which were before the Senate yesterday and on which I commenced my remarks, after the morning business on Monday, in order that I may conclude my observations on those resolutions.

The PRESIDENT *pro tempore*. The motion to refer the message of the President of the United States to the Committee on Foreign Relations will not be resumed on Monday except by the affirmative action of the Senate.

Mr. CULLOM. I renew my motion that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, August 27, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 24, 1888.

The House was called to order at 12 o'clock m. by Mr. CRISP, as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., August 24, 1888.

SIR: Hon. C. F. CRISP is designated to preside at the session of the House today as Speaker *pro tempore*.

J. G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

UNITED PEORIAS AND MIAMIES.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 8074) to provide for the allotment of lands in severalty to the United Peorias and Miamies in the Indian Territory with Senate amendments.

Mr. PERKINS. Mr. Speaker, I ask that the Senate amendments be non-concurred in, and that the conference asked for be agreed to. I would say in explanation that this bill provides for the allotment of lands in severalty to the United Peorias and Miamies in the Indian Territory. The bill in the first instance authorized the sale of land in excess of 260 acres, and that provision has been stricken out by the Senate, and it confines the allotment to 200 acres and provides that the excess shall be held for them. Then it also strikes from the original bill the proviso which authorizes the sale of the land which the Indians owned in Kansas. It has been found that these lands were sold and that there is no necessity for that provision, and we ask that the amendments be non-concurred in and the conference agreed to.

Mr. ADAMS. That was the reason that I objected to it before.

Mr. HOOKER. I call for the reading of the amendments.

The Clerk proceeded to read the amendments.

Mr. HOOKER. I ask now that the further reading be dispensed with. Does it require unanimous consent to consider this at this time?

The SPEAKER *pro tempore*. It does.

Mr. HOOKER. Then I object.

Mr. PERKINS. I hope the gentleman will withdraw the objection. I would like to say that the bill as it passed the House had the unanimous report of the Committee on Indian Affairs. It does not provide for the sale of any of this land; it does not open it to settlement, and does not take it out of the possession of the Indians. The Indians had a delegation here asking for this legislation; it is recommended by the Interior Department. The House committee have reported unanimously in its favor, and I do hope that there will be no objection. The chairman of the committee [Mr. PEEL] will be appointed one of the conferees.

Mr. HOOKER. Do you move to non-concur in the Senate amendments?

Mr. PERKINS. That is the motion that I make.

Mr. HOOKER. Then I will withdraw my objection.

The SPEAKER *pro tempore*. The request is that the House non-concur in the Senate amendments and agree to the conference asked. Is there objection. The Chair hears none, and it is so ordered.

SUPPRESSION OF INFECTION.

The SPEAKER *pro tempore* also laid before the House the joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

Mr. HOOKER. I ask, in reference to the resolution which has just been read by the Clerk, whether it is in order to consider it now?

The SPEAKER *pro tempore*. It would not be except by unanimous consent.

Mr. HOOKER. I was about to ask unanimous consent for its consideration, but my friend from Florida [Mr. DAVIDSON] says that he desires to propose an amendment. I do not make the request.

The SPEAKER *pro tempore*. The resolution will be referred to the Committee on Appropriations.

Mr. DAVIDSON, of Florida. I ask that the Committee on Appropriations have leave to report at any time.

The SPEAKER *pro tempore*. The gentleman from Florida asks unanimous consent that the Committee on Appropriations have leave to report at any time upon the joint resolution which has just been referred to that committee. The title will be again read by the Clerk.

Mr. MORRILL. Have not the Committee on Appropriations the right to report at any time?

The SPEAKER *pro tempore*. On general appropriation bills they have, but perhaps not on matters of this character.

The Clerk again reported the title.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON, of West Virginia, for one week, on account of important business.

To Mr. MCKINNEY, indefinitely, on account of sickness.

To Mr. ALLEN, of Massachusetts, indefinitely, on account of sickness.

To Mr. CAMPBELL, of Ohio, for ten days.

To Mr. BUTTERWORTH, for six days, on account of important business.

To Mr. THOMAS H. B. BROWNE, for five days, on account of business.

APPRAISERS' WAREHOUSE, NEW YORK.

Mr. DIBBLE. Mr. Speaker, I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, and 7, and agree to the same with the following amendment: In lines 17 and 18 of the first page, strike out the words "seven hundred" and insert "six hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "three" in said amendment and insert "two" in lieu thereof; and the Senate agree to the same.

SAMUEL DIBBLE,
S. S. COX,
Managers on the part of the House.

JOHN C. SPOONER,
WM. M. EVARTS,
JOHN W. DANIEL,
Managers on the part of the Senate.

The conferees on the part of the House submitted the following statement:

The managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, respectfully submit the following statement with the conference report, for the information of the House:

All of the Senate amendments except the fifth simply add words providing for acquiring a site by condemnation as well as by purchase, and to these the House agree, with an amendment changing $700,000 as the limit for the building to $650,000, elsewhere provided in the bill for building.

The fifth Senate amendment will be understood from the following explanation: The bill provides for the purchase of a site not to exceed in cost $850,000, and the erection of an appraisers' warehouse thereon, not to exceed in cost $650,000, and the House and Senate have not disagreed on this, but the bill also provides that the Secretary of the Treasury shall have the discretion to purchase a site large enough to embrace a custom-house building also, as well as an appraisers' warehouse, or two sites near each other, for these two purposes, instead of a site for an appraisers' warehouse only; and in this contingency the House bill fixed a limit of $1,500,000 for the cost of such double site or sites, and the Senate increased this limit to $3,000,000. The conference report recommends $2,000,000, the House conceding $500,000 and the Senate conceding $1,000,000 in order to an agreement.

SAMUEL DIBBLE,
S. S. COX,
Managers on the part of the House.

Mr. DIBBLE. Mr. Speaker, unless some gentleman desires some additional information on this subject or desires to discuss this report, I move its adoption.

Mr. HOLMAN. I wish to inquire of the gentleman whether there is not an entirely new item in the bill which has not been considered by the Committee of the Whole.

Mr. DIBBLE. There is no new item in the bill that I know of which has not been considered by the Committee of the Whole. There was a clerical error in the bill where in one place it prescribed that the cost of the appraisers' warehouse should not exceed $650,000, and in the next sentence said that the plans for it should not exceed an estimate of $700,000. We corrected that latter amount by bringing it down to $650,000. The part of the bill relating to the appraisers' warehouse—$850,000 for the site and $650,000 for the building—has been agreed upon by both Houses, and also some amendments in relation to putting in words of condemnation as well as of purchase. The other part of the bill, giving the Secretary discretion to purchase a double site so as to put the custom-house near the appraisers' warehouse, which is generally regarded as desirable or necessary, was in the House bill and was considered in Committee of the Whole, and the House fixed the limit for the purchase of such a site at $1,500,000.

Mr. BLOUNT. A double site?

Mr. DIBBLE. A double site; that is, in case the Secretary thinks that it is better than to put the building on the single site, which is provided for, and the provision for which has passed both Houses regularly. That has all been considered in Committee of the Whole, and the House in Committee of the Whole fixed the limit for the purchase of that double site at $1,500,000. The only change made in the Senate was as to the amount. They put it at $3,000,000. We had two conferences on it. At the second conference the House committee and the Senate committee agreed on the amount of $2,000,000, the House committee going up $500,000 and the other committee coming down $1,000,000. That is, in case the Secretary, instead of buying the site the price of which is limited to $850,000, and putting up simply the appraisers' warehouse, should think it better to have the custom-house and the warehouse at the same place, then he is given the right to pay for the site for both buildings as much as $2,000,000, which is half a million higher than the House limit and a million lower than the Senate limit. There is no provision in the bill that was not considered in Committee of the Whole.

Mr. HOLMAN. I hope the gentleman from South Carolina [Mr.

DIBBLE] will explain to the House the condition of affairs in New York City in regard to the custom-house and the appraisers' office, as to the land which is owned by the Government as well as the buildings.

Mr. DIBBLE. I will proceed to do that; and what I shall say in regard to it is the result of an investigation made by a subcommittee of the Forty-ninth Congress, so that I know the situation from personal inspection and from consultation with the officers there. The appraisers' warehouse in New York, as was stated to the House when this bill was passed, and which it may be well to recall to gentlemen's minds at this time, is an old building, badly arranged and poorly adapted to the purposes for which it is used. It was formerly either a soap factory or a sugar refinery, and we were told by the officials that it was very difficult to inspect and appraise fine goods there without their getting damaged.

The accommodations are so poor that sometimes when goods are brought there it takes several hours before they can be unloaded; so that they may not get through the appraisement until the day after.

I do not suppose there is anywhere in the whole country greater need for a public building of this character. The business transacted there affects the whole country. Because of the large proportion of imports coming into New York, there is no case where there is such need as in the city of New York of the Government owning its appraisers' warehouse. At present the Government occupies rented property under a lease which will expire, I think, next year—certainly by the year after. The rent paid by the Government is $64,000 per annum, which at 3 per cent. is the interest on an investment of over $2,000,000. This rent has been going on for some time, and every time the lease runs out there is an increase in the amount paid.

Mr. BLOUNT. Does this bill appropriate money or simply authorize——

Mr. DIBBLE. It appropriates the money. In that form it passed the House and the Senate. I am speaking now as to the appraisers' warehouse. That is not now in conference. That part of the matter of which I am speaking has been agreed upon by both Houses.

Mr. BLAND. I understood that the bill, as passed by the House, authorized the sale of certain property.

Mr. DIBBLE. It did not. There was no property to be sold, because the appraisers' warehouse is rented property. The matter in regard to the purchase of ground sufficient for the custom-house as well as the appraisers' warehouse being left to the discretion of the Secretary of the Treasury, it may become necessary to provide for the sale of the custom-house property, because, if the interests of the Government required provision for another custom-house, it would be necessary to sell the present property and buy a new site.

As to the present custom-house, I will say that we went through it and inspected it thoroughly. We saw the collector of the port, and went through the different departments. We visited the place during working hours and saw how business goes on day by day. We talked with importers in relation to the matter. That custom-house has not to-day sufficient capacity for the public business. A large portion of adjacent property is now rented for some of the offices, and a bridge has been carried across the street to connect the annex. Still there is general complaint of insufficient accommodations for business; and by the crowd in the general office, where business with the merchants is directly attended to, we saw that there were not such accommodations as the public business requires. Merchants are sometimes delayed twenty-four hours in the transaction of their business. There certainly ought to be enlarged accommodations for the custom-house. And it is the opinion of the collector of the port that the custom-house should be near the appraisers' warehouse.

The distance between these two establishments is now a mile and a half. The appraisers' warehouse is in that section of the city where the steamers land which bring importations; and the importing business has accommodated itself to this location, the appraisers' store being now rather intermediate between where the goods land and where the importers' warehouses are. The custom-house, however, is a mile down town. Papers have to be sent back and forth between the collector and the appraiser by messenger; and sometimes the time thus lost occasions a delay of twenty-four hours to business men. It is the general opinion that these two establishments of the Government should be near each other. Hence, while providing for an appraisers' warehouse, we also, after consultation with the Secretary of the Treasury, put in this clause, giving him authority to buy ground which would provide for both.

Mr. HOLMAN. That is a new feature in the bill?

Mr. DIBBLE. No, that was in the bill of last session.

Mr. HOLMAN. I mean it is new in the bill as passed by the House.

Mr. DIBBLE. No, sir; it was in the bill as introduced last session; it was also in the bill introduced by the gentleman from New York [Mr. COX] at this session, and it was in the bill as reported.

Mr. BLAND. I understood the gentleman from New York [Mr. COX] to claim that under the bill property owned by the Government would be sold and the proceeds of the sale would pay the expense of a new building.

Mr. DIBBLE. I will go on and explain that matter. If the Secretary of the Treasury should adopt the course about which there is now no difference between the two Houses, both having already agreed upon that point, that is, if a square of ground be purchased and an appraisers' warehouse simply be erected thereon, then there will be no sale of Government property at all, because the present appraisers' warehouse is a rented building, and the custom-house will remain where it is. But if the Secretary of the Treasury should come to the conclusion that it would be better to buy a site large enough for the appraisers' warehouse and custom-house both, then, of course, as soon as the new custom-house accommodations are completed the present custom-house with its site could be and would be sold. The gentleman from New York [Mr. COX] stated the other day (and I think that is the subject to which the gentleman from Missouri [Mr. BLAND] alludes in his question) that in his judgment, on account of the situation of this property, the present site being in Wall street where property is exceedingly valuable, the old site in that location would bring, if sold, about three million of dollars, which amount would pay for this double site entirely, and would then leave a million of dollars over to put up a new custom-house, which ought to complete it.

And if the double site was purchased, of course it would involve in future the sale of the present custom-house property. There is no section of the city of New York, as I am informed by those who are familiar with the subject, where land commands as high prices as on Wall street owing to the consolidation of great business interests there, and therefore the land which is proposed for the new appraisers' warehouse and custom-house combined, in case both should be built, could be bought at a much cheaper figure than the old site would bring.

The Government paid many years ago for the present custom-house site—it was the old Merchants' Exchange Building which is used for that purpose—I think, a million dollars, at a time when property was considerably lower than it is now; because it is estimated by those who know the facts that this site alone has increased in value to such an extent as to be worth $3,000,000, in consequence, as I have said, of the concentration of great business interests in that immediate neighborhood. Of course, property in other parts of the city would not be so high, and a less sum than that for which this could be sold would purchase the double site for the custom house and appraisers' ware-house, in the opinion of the House committee.

We put it into the bill two years ago at one and a half million dollars. Mr. COX introduced the bill in that shape, and we so reported it back. The Senate Committee said that in their opinion it would take $3,000,000 to purchase a double site for both buildings; but we did not agree on that, and finally fixed the maximum as here embodied at $2,000,000.

Mr. HOLMAN. What are the two buildings to cost, the appraisers' warehouse and the custom-house, provided the custom-house is to be built?

Mr. DIBBLE. It is provided that the appraisers' warehouse shall not cost over $650,000; and that amount is fixed in accordance with estimates obtained from the Architect's Office, which show that that amount will be sufficient.

It is also provided that it is to be a plain brick building, without porticos or needless ornamentation, but shall be constructed at the same time specially with a view to the convenience of the transaction of that particular business. So that it will be an economically-constructed establishment, designed expressly for the purpose to which it is to be applied. That amount is fixed in the event of the purchase of a single or a double site. In either event that amount will be applied to the construction of this building; but there is no provision, I will say to the gentleman from Indiana, or anything said about the erection of a custom-house building, or the sale of the present custom-house property. In case the Secretary of the Treasury should purchase a double site, it would be for Congress to determine how much the custom-house building should cost, and also provide, I suppose, when this new building, if it is constructed at all, shall be finished and ready for occupancy, that the present site and building should be sold. I have already stated the opinions of those who know as to its value.

In this matter we did not act—those of us who went to New York and looked into the matter—upon our own judgment alone, but we invited a conference with every member then representing New York; and Mr. Hewitt, of New York, was kind enough to spend a half a day with us on our inspection and gave us very many valuable suggestions and much useful information, which assisted materially in framing the original bill on which this report is founded. The Secretary of the Treasury was also consulted in relation to the matter.

It is, in my judgment, absolutely necessary in the first instance that we should have an appraisers' warehouse; and the price fixed, according to the ascertained facts in New York, are for the building $650,000 and for the site $850,000. That part of the plan is already established. It is also a matter of economy, I think, to the Government that the Secretary of the Treasury should not be tied to that plan alone, if he finds on an examination of the subject that he can buy the double site at a reasonable price, which will facilitate the customs business of the Government, and erect the building within a reasonable limit. But, in the opinion of the committee, the sale of the old custom-house site

will certainly bring more money than the site for both the new buildings will cost. Then, of course, provision will be made for building a custom-house. It is about as economical a disposition of the matter, which is of great interest to the country, as could possibly be made in the opinion of the committee.

I yield now ten minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, my object in taking the floor at this time is not specially for the purpose of opposing this report, but to call attention to what I deem to be a serious error beginning to take firm hold upon this House. We have witnessed recently a struggle between two of the committees of this House in reference to jurisdiction over appropriations, which struggle it is hoped has been finally and well disposed of. We likewise have on one of the general appropriation bills a provision for the payment of a vast number of claims exceptional in their character and contrary to the ordinary mode of procedure here.

Now, sir, we have a conference report from the Committee on Public Buildings and Grounds on a bill reported from that committee, which committee is charged under the rules of the House with the consideration of bills authorizing the construction of public buildings throughout the country. We have in it not only the exercise of the authority to construct the building, but to appropriate the money necessary for that purpose, and it is now proposed under a conference report to appropriate $2,000,000 for that purpose in the present instance.

Under the rules of this House the appropriations for public buildings belong to the Committee on Appropriations, and are provided for in the sundry civil bill of the bills committed to them. The appropriations under the rules are distinctly committed with certain exceptions—postal, Navy, etc.—to the Committee on Appropriations, and wisely. There should be one committee in this House charged with the examination of the expenditures of the Government, having the subject-matter in view, of having the right to examine and regulate them accordingly. Now, I undertake to say that there is no member in this House who can say at this time what are the expenditures for public buildings. I had occasion when one of these bills was before the House to inquire whether any appropriations were contained in it, and I was assured that there were none. I have been assured on more than one occasion that the Committee on Public Buildings and Grounds were not reporting bills with appropriations. Here, sir, is a single item of $2,000,000 that the Committee on Public Buildings and Grounds have no more right to consider than the Committee on Manufactures.

Mr. HOLMAN. It is $2,650,000.

Mr. DIBBLE. The House bill was $1,500,000; but this is the conference report.

Mr. HOLMAN. It makes the amount $2,650,000.

Mr. DIBBLE. The House bill carried really a million and a half.

Mr. HOLMAN. If the Secretary of the Interior thinks proper to purchase the double site——

Mr. DIBBLE. It would go to $2,150,000.

Mr. HOLMAN. By the action of the Senate, if agreed to by the House, this bill will involve $2,650,000.

Mr. DIBBLE. That will be the action on the conference report; that is not the subject to which I understood the gentleman from Georgia to be taking exception, but to the action of the Committee on Public Buildings and Grounds reporting appropriations. It is out of the hands of the committee, and is in conference.

Mr. BLOUNT. I concede that; and I stated that my objection was not so much to oppose this specific matter as to suggest that it is entering upon a grave error of sufficient importance to call to the attention of the House. While this is the conference report, I understand from the observations of the gentleman from South Carolina the original House bill provided an appropriation of a million and a half dollars.

Mr. DIBBLE. That is my impression. I have sent for the bill.

Mr. BLOUNT. The point I make, Mr. Speaker, is that they have no right to recommend any appropriations at all.

In the history of the rules of this House it appears from the RECORD that an ay-and-no vote was taken as to whether the Committee on Public Buildings and Grounds should have authority to recommend appropriations, and it was distinctly voted down.

Mr. DIBBLE. Will my friend from Georgia say when that was?

Mr. HOLMAN. At the beginning of the Forty-ninth Congress.

Mr. BLOUNT. My friend from Indiana says at the beginning of the Forty-ninth Congress. My impression was it occurred at the beginning of the Forty-eighth Congress.

Mr. DIBBLE. I think it is further back than that, as it has not been done since I have been here.

Mr. BLOUNT. No matter how far it is back, it is true that from that time until this every succeeding House has refused to the Committee on Public Buildings and Grounds the right to recommend appropriations to the House. I find, contrary to these rules, this committee are bringing in these recommendations that belong to the Committee on Appropriations, and it is a matter which the House *eo nomine* committed to that committee.

Mr. HOLMAN. It is almost impossible to ascertain the public expenses at any one time on that point.

Mr. BLOUNT. As my friend from Indiana has stated it is almost impossible to ascertain the expenditures for public buildings at any one time. If you take up the sundry civil bill, which provides moneys under the rules of the House for the construction of public buildings, to ascertain the amount therein contained a superficial observer would think that would indicate the expenditures had been kept within a given amount. If he should follow closely the legislation on public buildings he will find that there are a great many additional amounts; here in one single instance is an appropriation of a million and a half in violation of the rules of the House. Now, Mr. Speaker, we have been on a series of measures: first, a contest between two committees of this House as to fortifications; second, a contest now pending as to the payment of claims on appropriation bills, and here is a matter of $2,000,000 reported and in the hands of a conference who have no responsibility to this House on the subject of expenditures.

Mr. Speaker, my sole purpose has been accomplished if members of the Committee on Public Buildings and Grounds in this matter of appropriations for public buildings shall conform to what I believe is the right course in the matter of appropriations.

Mr. DIBBLE. Mr. Speaker, the rule of the House is that the Committee on Public Buildings and Grounds is to have jurisdiction of matters relating to the public improved and unimproved grounds of the United States other than appropriations therefor.

But, Mr. Speaker, in this instance the bill came to us with a provision for an appropriation in it, and as it was a case of extreme urgency, we reported it in that form. And so far as that is concerned I am rather inclined to believe that when the House refers a matter to us it authorizes us to report back the matter which it refers, with our opinion as to whether it ought or ought not to pass. It is not always the case that the House refers a matter to the committee prescribed in the rules, and when the House by its order of reference sends to us a bill which provides, as some of these bills do, an appropriation of so much money in increase of a limit, in such cases we examine the bill and report it back; but our usual form of bill has no appropriation in it. Now, conceding all the gentleman has said about the rules of the House, I maintain that there is no more vicious rule in relation to economy in the transaction of the public business than the very rule which the gentleman seeks to have enforced. It has been frequently the case in my observation since I have had the honor to be a member of this House that that rule has worked against economy.

At the present session of Congress, in the interest of economy, I introduced a proposition, which was sent to the Committee on Rules, that our committee should be put on the same footing as, if you please, the Post-Office Committee, of which my friend from Georgia is chairman, stands with reference to Post-Office appropriations, or that we should be put on the same footing as the Committee on Rivers and Harbors with reference to appropriations for rivers and harbors (which also are a matter of public improvement); and it would be in the interest of economy that that proposition should be adopted, for this reason: If a limit is fixed at the time the bill is passed and an appropriation up to that limit is made, so as to render the fund available, it enables contracts to be made on a large scale instead of splitting the building up into a lot of little contracts, a method which greatly increases the expense. The plan I propose would enable contracts to be made for the entire work, and in that way, I am assured by the Supervising Architect and by those who are experienced in building, large amounts of money could be saved which under the present system of piecemeal appropriations are lost.

Mr. BLOUNT. Will the gentleman permit a question for information?

Mr. DIBBLE. Yes, sir.

Mr. BLOUNT. The gentleman says that some bills are reported by his committee containing appropriations and some without. I wish to ask him how much money has been appropriated by bills originating with the Committee on Public Buildings and Grounds, and about how many instances there have been of that kind?

Mr. DIBBLE. I am unable to state that, but they are exceptional. We have a form of bill, and when members consult any member of the committee or come to the committee-room and consult the committee in advance of introducing a bill, we furnish them a blank form which conforms strictly and rigidly to the rule of the House, and of course contains no appropriation. But in some instances, which are exceptional—I can not state the number or the amount, but they are exceptional cases—we have reported appropriations.

If a measure of emergency came to the Committee on Public Buildings and Grounds now, at this late stage of the session, when the appropriation bills have passed from the hands of the Committee on Appropriations, we should probably, in accordance with our custom, report it back to the House; because otherwise there might be a failure of appropriation and a delay of the work. But, as I have said, these cases are exceptional. I have been speaking as to what ought to be the rule, and I say that in the interest of economy the best way would be to have the committee which investigates and fixes the limit have

charge of the appropriation also. In the last Congress I had occasion to go back and search through the appropriations that had been made under the old system and under the present system, and I found it to be the case that in some instances, as the result of the practice of these piecemeal appropriations, when a building had progressed so far as to come within, say, $25,000 of exhausting its limit, the Committee on Appropriations, through inadvertence, would give it perhaps $70,000, and in that way exceed the limit by $50,000; whereas if all the money had been appropriated at the beginning the building would probably have been constructed within the limit. The instances are numerous—I do not know but they amounted to a majority of the cases at the time of that investigation, two or three years ago—in which the Committee on Appropriations, under this piecemeal system, gave a building an amount over and above the limit that had been fixed. The appropriation has always been held by the executive department to amount to a repeal of the limit to the extent of the appropriation, and in all such cases these excessive appropriations have been used, a thing which would not have been possible if in the first instance the appropriation had been in the same hands which fixed the limit. That is one feature.

Again, in one or two instances, under this divided system, appropriations have been made which Congress did not really contemplate at all. If I had by me my notes of that investigation I could cite instances.

I have always contended since I have had any understanding of this subject that when the House is considering the question of a public building the proper plan is to take up the question as a whole and dispose of it in that way; and that we should, in providing for the building, appropriate the money. I grant that in case of a large appropriation which can not be expended at once, there might be an appropriation of a certain amount to be available this year, a certain amount next year, and so on. But if the course which I have suggested were adopted there would not be creeping in the appropriation bills and passing without question amounts of fifty, seventy-five, or one hundred thousand dollars for this or that public building—amounts in many instances in excess of the original limit. Therefore, I say that the rule now followed by the House is not the best, although the committee of which I have the honor to be chairman has observed that rule with a very few exceptions, which we thought were justified by the fact that the bills came to us with appropriations in them, and the cases were matters of immediate urgency or exigency. I think the case now before us is such a case. It ought to have been provided for long ago. There is need this very day of this appraisers' warehouse in the city of New York. This is a case which ought to be made an exception to the general rule.

The gentleman having said that our committee has no jurisdiction over appropriations, I will say that we have never inserted an appropriation in a bill which has come to us without an appropriation. A great many bills reported by us with appropriations in them have been Senate bills which have invariably come over to us in that form. In such cases we report the bills back with or without amendment, as the case may be. In other cases where we have reported bills containing appropriations, the House has referred the bills with the appropriation clause in; and we have left it in. The committee has never itself inserted an appropriation in a bill, within my recollection. The form of bill which we have adopted does not contain the appropriation clause. At the same time we consider that the rule adopted by the House is a bad one for economy. We can see that its operation every day is to open an easy way for getting beyond the limits imposed by the House, the appropriations being obtained from another committee, and sometimes, no doubt, granted inadvertently. In the multiplicity of cases, it is a hard thing to go back in every instance and count up the little piecemeal appropriations year after year, sifting them out from different bills. In that way appropriations in excess of the limits imposed creep in sometimes by inadvertence. If we had the power of appropriation in every instance this could not happen, because if an increase of appropriation were asked for bona fide meritorious reasons, the matter would be referred to us, we would investigate it, and submit the facts to the House; and the House would take it up as an independent proposition, which is not done now, these appropriations being usually passed wholesale in a general appropriation bill.

Now, Mr. Speaker, unless some gentleman wishes to address the House in relation to this subject, I will ask the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report was agreed to, there being—ayes 30, noes 19.

Mr. DIBBLE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROACHES TO NATIONAL CEMETERY, SALISBURY, N. C.

Mr. HENDERSON, of North Carolina. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk, and that it be now considered and passed.

The bill (H. R. 10187) to provide for grading and paving the approaches to the national cemetery near Salisbury, N. C., was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BLAND. Let us have the report read.

The report was read.

Mr. BLAND. I hardly think it proper for Congress to go into the work of grading and improving the roads to all these various cemeteries. There is a little cemetery near my town in regard to which I would like to have a measure of this kind passed. In a great many other localities the people would like to have the Federal Government improve the roads to these national cemeteries. I believe I must object.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

ADDIE BELL.

Mr. NUTTING. I ask unanimous consent for the present consideration of the bill (S. 1506) for the relief of Addie Bell.

Mr. BLAND. I call for the regular order.

Mr. NUTTING. I hope the gentleman from Missouri [Mr. BLAND] will withdraw that demand for a moment, so that I may state what this bill is. If he will listen to a brief statement I think he will not object to the bill.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is demanded. This being Friday, the regular order is the call of committees for reports of a private nature.

Mr. BURNES. I move to dispense with private business for this day.

Mr. GALLINGER. With the understanding that members may file reports with the Clerk.

Mr. BURNES. Yes, sir.

REPORTS OF COMMITTEES.

The SPEAKER *pro tempore*. The gentleman from Missouri, pending the motion to dispense with private business, asks unanimous consent that members be allowed to file reports with the Clerk for appropriate reference. Is there objection? The Chair hears none.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

MARY A. HOLLAND.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10874) granting a pension to Mary A. Holland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA GIDDING.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4101) granting a pension to Martha Gidding, formerly Martha Priest; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN V. HENNESSEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2321) granting a pension to John V. Hennessey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NELSON J. CROOK.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3801) granting a pension to Nelson J. Crook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAMAN L. BOWERS.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10433) for the relief of Leaman L. Bowers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompaning reports ordered to be printed:

A bill (H. R. 3802) granting a pension to William J. Scarborough;
A bill (H. R. 425) granting a pension to Elisha L. Elam;
A bill (H. R. 4888) granting a pension to F. E. H. Biller; and
A bill (H. R. 2616) granting arrears of pension to W. J. McGlade.

JOHN W. ELLIS.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10094) granting a pension to John W.

Ellis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN E. MUSSMAN.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2157) granting a pension to Ann E. Mussman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTINA LESSITT.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9567) granting a pension to Christina Lessitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CAROLINE TAYLOR.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3175) granting a pension to Mrs. Caroline Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN KELLEY.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4820) granting a pension to Ellen Kelley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET GRAY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11057) granting a pension to Margaret Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE JOHNSON.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2887) granting a pension to George Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES A. STOCKMAN.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10260) to place the name of Charles A. Stockman, of Dundee, Mich., on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCY WAGOR.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEINRICH HERGET.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10215) granting a pension to Heinrich Herget; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRUS MILLINS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SHADRACK W. BROWN.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8993) for the relief of Shadrack W. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN N. BOVEE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3018) granting an increase of pension to John N. Bovee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SUSAN V. WILCOX.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. 10472) granting a pension to Joseph Jenkins;

A bill (H. R. 224) granting a pension to William Dobbs; and

A bill (H. R. 11010) to restore to the pension-roll the name of Almon B. Blodgett.

BENJAMIN FRANKLIN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5193) granting an increase of pension to Benjamin Franklin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRENE RUCKER SHERIDAN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 11113) granting a pension to Irene Rucker Sheridan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL TAXATION—ACT OF MARCH 3, 1875.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported back with a substitute the bill (H. R. 11039) for the relief of certain persons who paid additional taxes assessed against them under the act of March 3, 1875; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARLES HAHNEMAN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 11021) to increase the pension of Charles Hahneman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUT. GEORGE T. RUSSELL.

Mr. THOMPSON, of California, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2788) granting a pension to Lieut. George T. Russell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JASPER N. WARREN.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3316) granting a pension to Jasper N. Warren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY HOOPER.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10504) granting a pension to Mary Hooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 204) granting a pension to Frederick C. Shaw;
A bill (H. R. 217) granting a pension to C. T. Maphet;
A bill (H. R. 333) granting a pension to Catharine Bussey;
A bill (H. R. 549) granting a pension to Joseph S. Wilson;
A bill (H. R. 775) granting an increase of pension to John D. Jones;
A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;
A bill (H. R. 793) for the relief of William Collins;
A bill (H. R. 889) granting a pension to Ishmael Jones;
A bill (H. R. 2176) granting a pension to Alexander Collinge;
A bill (H. R. 2507) granting a pension to Russell L. Doane;
A bill (H. R. 2710) for the relief of Mathew H. Fulton;
A bill (H. R. 2908) increasing the pension of W. E. Stokes;
A bill (H. R. 3055) for the relief of A. F. St. Sure Lindefelt;
A bill (H. R. 3480) for the relief of John D. Munnerlyn;
A bill (H. R. 3710) granting a pension to Samuel Piercy;
A bill (H. R. 4504) granting a pension to Nancy Baldwin;
A bill (H. R. 4575) granting a pension to Michael Horgain;
A bill (H. R. 4855) granting a pension to Jacob Newhard;
A bill (H. R. 5123) to increase the pension of Charles Ritchey;
A bill (H. R. 5232) granting a pension to Andrew Mucklin;
A bill (H. R. 5446) granting a pension to William H. Dowdall;
A bill (H. R. 5503) granting a pension to Charles Walster;
A bill (H. R. 5525) granting a pension to Mrs. Jane Potts;
A bill (H. R. 5529) granting a pension to Flora Heath;
A bill (H. R. 6001) granting a pension to Sarah J. Frailey;
A bill (H. R. 6344) granting a pension to William J. Toncray;

A bill (H. R. 6501) granting a pension to Joseph T. Garrett;
A bill (H. R. 6848) for the relief of Elizabeth A. South;
A bill (H. R. 7508) granting a pension to Julia E. Ambrose;
A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed;
A bill (H. R. 8012) for the relief of M. M. Gibson;
A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;
A bill (H. R. 8494) granting a pension to Gilbert Reed;
A bill (H. R. 8534) granting a pension to Jacob Copes;
A bill (H. R. 8545) for the relief of Samuel Purcell;
A bill (H. R. 8571) granting a pension to Margaret J. McQuary;
A bill (H. R. 8617) granting a pension to Henry Crotsley;
A bill (H. R. 8697) to increase the pension of Martin McLaughlin;
A bill (H. R. 8885) granting a pension to Eliza A. Woods;
A bill (H. R. 8889) granting a pension to Charles Molseed;
A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin;
A bill (H. R. 8931) for the relief of Samuel E. Wilson;
A bill (H. R. 9130) granting a pension to Susan Singleton;
A bill (H. R. 9228) for the relief of Nathan Cook;
A bill (H. R. 9253) granting an increase of pension to Richard Hogan;
A bill (H. R. 9372) granting a pension to John Dean;
A bill (H. R. 9387) for the relief of Emanuel H. Custer;
A bill (H. R. 9463) granting a pension to Lucy A. Jordan;
A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;
A bill (H. R. 9672) granting a pension to Eliza A. Williamson;
A bill (H. R. 9684) granting a pension to William J. Brown;
A bill (H. R. 9697) granting a pension to Mrs. Ellen B. Brown;
A bill (H. R. 9704) granting a pension to Martha F. Lee;
A bill (H. R. 9792) to increase the pension of Charles S. Baker;
A bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll;
A bill (H. R. 9824) for the relief of Albert Watson;
A bill (H. R. 9399) granting a pension to Albert O. Robb;
A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;
A bill (H. R. 10356) granting a pension to John T. Vincent;
A bill (H. R. 10418) granting a pension to Hannah L. Irwin;
A bill (H. R. 10525) increasing the pension of Edward Jardine;
A bill (H. R. 10607) granting a pension to Rachel Morgan;
A bill (H. R. 10789) granting a pension to Philip Neuman;
A bill (H. R. 10906) granting a pension to Fidel Gates; and
A bill (H. R. 11118) to authorize the construction and operation of a street railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed, with an amendment in which the concurrence of the House was requested, a joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the Senate had passed a bill (S. 3276) granting a restoration of pension to Sarah A. Woodbridge; in which the concurrence of the House was requested.

LANDS FOR PEORIA AND MIAMI INDIANS.

The SPEAKER *pro tempore* appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 8074) to provide for allotment of lands in severalty to United Peorias and Miamis in the Indian Territory Mr. ALLEN of Mississippi, Mr. COBB, and Mr. PERKINS.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is now on the motion of the gentleman of Missouri [Mr. BURNES] to dispense with the consideration of private business for this day.

Mr. PERKINS. I presume the gentleman from Missouri would not object to the consideration of private business after we dispose of the deficiency appropriation bill, if we should do so in a short time.

Mr. BURNES. Certainly not.

Mr. PERKINS. I understand the gentleman's object is simply to go into Committee of the Whole to dispose of that bill.

The SPEAKER *pro tempore*. The motion of the gentleman from Missouri is to dispense with the consideration of private business, with the understanding that when the deficiency bill shall have been disposed of, private business may be entered upon.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. When the committee rose it was dividing by tellers on the question whether the appeal from the decision of the Chair should stand as the judgment of the committee. The tellers will resume their places and the vote will be again taken.

Mr. DIBBLE. Is not the question whether the fourth section, embracing the French spoliation claims, is in order on this bill?

Mr. HOLMAN. The question is whether or not the decision of the Chair shall be sustained.

The CHAIRMAN. The Chair held that the several paragraphs of section 4 were not in order on this bill. From that decision the gentleman from South Carolina [Mr. DIBBLE] appealed. The question is, Shall the decision of the Chair stand as the judgment of the committee? The tellers [Mr. BURNES and Mr. DIBBLE] will resume their places and the vote will again be taken.

The committee proceeded to divide.

Before the announcement of the result of the division—

Mr. HOLMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. Is it not understood that a quorum has been called on this vote, the point of order being made that no quorum voted? That being the case is it not a fact that gentlemen who are paired are, under the general rules of pairing, permitted to vote in order to make a quorum? I would like the views of the Chairman upon that point.

The CHAIRMAN. The point of no quorum has not been made, the result of the vote by tellers not as yet being announced.

Mr. DIBBLE. Mr. Chairman, gentlemen on both sides of the House have been voting, notwithstanding the pairs, under the impression that the point of no quorum was a pending point.

Mr. DUNN. I ask the Chair to announce the result of the vote by tellers.

The CHAIRMAN. For the purpose of ascertaining if the demand for a quorum will be made, the Chair will announce the result as reported by the tellers.

The result was announced as—ayes 82, noes 62.

Mr. DIBBLE. That is not a quorum, Mr. Chairman.

The CHAIRMAN. The point of order being made that no quorum has voted, the tellers will resume their places and continue the count.

Mr. DUNN. Mr. Chairman, I desire to call the attention of the gentleman from South Carolina [Mr. DIBBLE] to the fact that 82 is a majority of a quorum, and that it is impossible for him to defeat it; and therefore further proceedings will simply delay the business of the House.

Mr. DIBBLE. I have simply this to say, Mr. Chairman, in response to the matter of arithmetic so kindly suggested by my friend from Arkansas, and which I realize—that I consider that the proposition which I have maintained in the course of the debate on this question, and which I maintain now, has been sustained by a vote on this floor of a majority of all the members of the House—163 members sustaining me on a yea-and-nay vote.

Mr. BURNES. Mr. Chairman, I beg leave to deny that any yea-and-nay vote was taken upon this proposition.

Mr. DIBBLE. And owing to the absence of many of the members of the House——

Mr. PAYSON and Mr. BURNES demanded the regular order.

Mr. DIBBLE. I am perfectly willing to proceed with the regular order, but was only replying to what the gentleman from Arkansas [Mr. DUNN] had said.

Mr. DUNN. I had not completed what I wanted to say, if the gentleman wants to reply. I was going on to remark——

Mr. DIBBLE. I believe I have the floor if any one is entitled to it.

The CHAIRMAN. The regular order being demanded neither gentleman is entitled to the floor, but the count by tellers will proceed.

Mr. ALLEN, of Mississippi. I would like a little more speech-making on this question. [Laughter.]

Mr. DIBBLE. I am ready to oblige the gentleman if the House will give me the privilege of proceeding.

The CHAIRMAN. The tellers will resume their places and continue the count.

Mr. BURNES. I am advised, Mr. Chairman, that many gentlemen are refraining from voting under the impression that this is a continuation of the vote begun on yesterday.

The CHAIRMAN. The Chair has stated already that this vote would be taken *de novo* this morning; and the Chair hopes that all gentlemen present will vote one way or the other, so that the committee will not find itself without a quorum.

Mr. DIBBLE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. I am informed that the gentleman from North Carolina [Mr. SIMMONS] voted under a misapprehension, and has stated that he desires to change his vote from the affirmative to the negative.

Mr. SIMMONS. I expected to make that request myself as soon as the vote by tellers was announced. I am obliged to the gentleman.

The CHAIRMAN. The tally clerk will take notice of the change.

Mr. DIBBLE. I ask the Chair to state the present condition of the vote.

The Chair announced the vote as—ayes 84, noes 68.

Mr. DIBBLE. As there is evidently no quorum present, I move that the usual proceedings be taken to terminate the call. I have made the point that no quorum has voted, which point I now insist upon, and ask that the roll be called.

The CHAIRMAN. The Committee of the Whole House on the state of the Union having found itself without a quorum, under clause 2, of Rule XXIII, the Clerk will now call the roll.

Mr. BURNES (one of the tellers). One more vote in the affirmative.

Mr. DIBBLE (the other teller). I object to the announcement of any other votes by tellers after the statement has been made by the Chair.

The CHAIRMAN. It will not change the result.

The Clerk will call the roll.

The roll was called, and the following members failed to answer to their names:

Allen, Mass.	Dalzell,	Kennedy,	Reed,
Anderson, Iowa	Dargan,	Lagan,	Rice,
Atkinson,	Darlington,	Landes,	Robertson,
Bacon,	Davenport,	Lawler,	Rowell,
Baker, N. Y.	Davidson, Ala.	Long,	Russell, Conn.
Barry,	De Lano,	Macdonald,	Russell, Mass.
Belden,	Dingley,	Maffett,	Rusk,
Belmont,	Dorsey,	Mahoney,	Scott,
Biggs,	Dunham,	Mason,	Seymour,
Bingham,	Ermentrout,	Matson,	Shaw,
Blanchard,	Felton,	McAdoo,	Shively,
Boutelle,	Finley,	McClammy,	Snyder,
Bowen,	Fisher,	McComas,	Sowden,
Brewer,	Fitch,	McCullogh,	Spinola,
Brower,	Ford,	McKinley,	Spooner,
Browne, T.H.B., Va.	French,	McKinney,	Stephenson,
Brown, Ohio	Funston,	McMillin,	Stewart, Tex.
Brumm,	Gaines,	McRae,	Stone, Ky.
Buchanan,	Glover,	McShane,	Struble,
Buckalew,	Goff,	Milliken,	Taulbee,
Burnett,	Granger,	Mills,	Taylor, E. B., Ohio
Burrows,	Greenman,	Moffitt,	Taylor, J. D., Ohio
Butler,	Grosvenor,	Montgomery,	Thomas, Ky.
Campbell, F., N. Y.	Guenther,	Morrow,	Thomas, Ill.
Campbell, Ohio	Hare,	Morse,	Thompson, Cal.
Campbell, T.J., N.Y.	Harmer,	Norwood,	Tillman,
Candler,	Hatch,	Oates,	Wade,
Carlton,	Hayden,	O'Donnell,	Weber,
Catchings,	Hayes,	O'Ferrall,	West,
Chipman,	Hemphill,	Outhwaite,	White, N. Y.
Clardy,	Hires,	Owen,	Whiting, Mich.
Clark,	Hogg,	Patton,	Whiting, Mass.
Cockran,	Holmes,	Peel,	Wickham,
Cogswell,	Hopkins, Ill.	Perry,	Wilber,
Collins,	Hopkins, N. Y.	Phelps,	Wilkins,
Cooper,	Houk,	Pidcock,	Wilson, W. Va.
Cothran,	Howard,	Plumb,	Woodburn,
Cox,	Hudd,	Post,	Yardley,
Crouse,	Johnston, N. C.	Pugsley,	Yoder.
Cummings,	Jones,	Randall,	
Cutcheon,	Kelley,	Rayner,	

Mr. PENINGTON: The gentleman from Michigan [Mr. CHIPMAN] left the House a few moments ago feeling quite unwell, and I desire to make this announcement on his behalf.

Mr. DAVIS. I desire to ask that my colleague [Mr. WHITING, of Massachusetts,] be excused on account of sickness, unless he already has leave of absence.

The CHAIRMAN. The time for making excuses will be when the roll is called in the House.

The committee will now rise, and the Clerk will report the names of the absentees to the House, to be entered upon the Journal.

Mr. LAFFOON. I would like to ask that my colleague [Mr. STONE] be excused, on account of sickness.

The CHAIRMAN. That can be done in the House.

The committee will now rise.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 10896, the deficiency appropriation bill, had found itself without a quorum, whereupon he had directed the roll to be called, and now reported the names of the absentees to the House.

The SPEAKER *pro tempore*. The names of the absentees will be entered upon the Journal. No quorum has answered upon the call.

Mr. BURNES. I move a call of the House.

The motion was agreed to.

Mr. COWLES. My friend and colleague, Mr. JOHNSTON, of North Carolina, is absent from the House on account of sickness.

The SPEAKER *pro tempore*. Excuses will be in order on the second call of the roll. The Clerk will call the roll.

The Clerk called the roll, when the following-named members failed to answer:

Abbott,	Biggs,	Bunnell,	Cockran,
Allen, Mass.	Bingham,	Burnett,	Cogswell,
Anderson, Iowa	Blanchard,	Burrows,	Collins,
Arnold,	Bland,	Campbell, F., N. Y.	Cooper,
Atkinson,	Boutelle,	Campbell, Ohio	Cothran,
Bacon,	Brower,	Campbell, T.J., N.Y	Cox,
Baker, N. Y.	Browne, T.H.B., Va.	Candler,	Crain,
Barry,	Brown, Ohio	Carlton,	Crouse,
Bayne,	Brumm,	Chipman,	Cummings,
Belden,	Buchanan,	Clardy,	Cutcheon,
Belmont,	Buckalew,	Clark,	Dalzell,
Dargan,	Hopkins, Ill.	Morrow,	Snyder,
Darlington,	Hopkins, N. Y.	Morse,	Sowden,
Davenport,	Houk,	Norwood,	Spinola,
De Lano,	Howard,	Oates,	Spooner,
Dingley,	Hudd,	O'Donnell,	Stephenson,
Dorsey,	Johnston, N. C.	O'Ferrall,	Stewart, Tex.
Dunham,	Jones,	Outhwaite,	Stewart, Vt.
Ermentrout,	Kelley,	Owen,	Stone, Ky.
Felton,	Kennedy,	Patton,	Struble,
Finley,	Lagan,	Peel,	Taulbee,
Fisher,	Landes,	Perkins,	Taylor, E. B., Ohio
Fitch,	Latham,	Perry,	Taylor, J. D., Ohio
Ford,	Lawler,	Phelps,	Thomas, Ky.
French,	Lee,	Pidcock,	Thomas, Ill.
Funston,	Long,	Plumb,	Thompson, Cal.
Gaines,	Maffett,	Pugsley,	Tillman,
Glover,	Mahoney,	Randall,	Wade,
Goff,	Mason,	Rayner,	Weber,
Granger,	McAdoo,	Reed,	West,
Greenman,	McClammy,	Rice,	White, N. Y.
Grosvenor,	McComas,	Robertson,	Whiting, Mich.
Guenther,	McCullogh,	Rowell,	Whiting, Mass.
Hare,	McKinley,	Russell, Conn.	Wickham,
Harmer,	McKinney,	Russell, Mass.	Wilber,
Hatch,	McMillin,	Rusk,	Wilkins,
Hayden,	McRae,	Ryan,	Wilson, W. Va.
Hayes,	McShane,	Scott,	Woodburn,
Hemphill,	Milliken,	Seymour,	Yardley,
Henderson, Iowa	Mills,	Shaw,	Yoder.
Hogg,	Moffitt,	Shively,	
Holmes,	Montgomery,	Simmons,	

The SPEAKER *pro tempore*. The doors will be closed and the names of absentees called for excuses.

The names of absentees were called as follows:

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ANDERSON, of Iowa: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BACON: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: No excuse offered.

Mr. BINGHAM. No excuse offered.

Mr. BLANCHARD.

Mr. WILKINSON. I ask that my colleague, Mr. BLANCHARD, be excused on account of illness.

There was no objection.

Mr. BOUTELLE: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. T. H. B. BROWNE.

Mr. YOST. My colleague, Mr. BROWNE, of Virginia, has leave of absence.

Mr. BROWN, of Ohio: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BUCKALEW.

Mr. LYNCH. I ask that my colleague, Mr. BUCKALEW, be excused, as he is absent on account of important business.

There was no objection.

Mr. BURNETT: No excuse offered.

Mr. BURROWS: No excuse offered.

Mr. FELIX CAMPBELL: No excuse offered.

Mr. CAMPBELL, of Ohio: No excuse offered.

Mr. TIMOTHY J. CAMPBELL: No excuse offered.

Mr. CANDLER: No excuse offered.

Mr. CARLTON: No excuse offered.

Mr. CHIPMAN.

Mr. PENNINGTON. Mr. CHIPMAN was in the House an hour ago and left, as he was feeling very unwell; and I ask that he be excused.

There was no objection.

Mr. CLARDY: No excuse offered.

Mr. COCKRAN: No excuse offered.

Mr. COGSWELL: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. COOPER: No excuse offered.

Mr. COTHRAN: No excuse offered.

Mr. COX: No excuse offered.

Mr. CRAIN: No excuse offered.

Mr. CROUSE: No excuse offered.

Mr. CUMMINGS: No excuse offered.

Mr. CUTCHEON: No excuse offered.

Mr. ALLEN, of Michigan. Mr. Speaker, is it necessary and proper to render excuse for gentlemen who are absent by leave of the House?

The SPEAKER *pro tempore*. Unless the House makes some other order it is not necessary. It is not necessary to render excuse for gentlemen who have leave of absence.

Mr. ALLEN, of Michigan. I ask that, because the RECORD makes no mention of the fact that members are absent by leave of the House in a proceeding of this kind, but there appears opposite the names of those who do not answer, "No excuse offered."

The SPEAKER *pro tempore*. The RECORD does contain notice of the leave of absence granted to a member, but not perhaps at the particular point where there are proceedings under the call of the House.

Mr. WARNER. I would raise the question, because I find on looking at the RECORD that members who were excused by order of the House appear in the RECORD in proceedings under a call of the House with "No excuse offered" opposite their names, and nothing appears in the RECORD of that day to show that they were excused by order of the House. It seems to me that the RECORD should show that members were absent by the leave of the House.

The SPEAKER *pro tempore*. The Chair has observed that that is the practice, that although members are excused by leave of the House the roll-call shows according to the RECORD that no excuse was offered. That, however, has been the practice of compiling the record of the House and that is a practice of the propriety of which the present occupant of the chair thinks there may be some doubt.

Mr. ALLEN, of Michigan. Would it be in order to move that the RECORD should show who of those absentees had leave? I found myself in that category a few days ago, when I had been excused. I do not care to appear as one of the "foolish virgins."

The SPEAKER *pro tempore*. The present occupant of the chair would be glad that that question might be made at some time when the regular presiding officer of the House is in the chair.

Mr. DALZELL: No excuse offered.
Mr. DARGAN.
Mr. DIBBLE. I ask that my colleague, Mr. DARGAN, be excused.
There was no objection, and it was so ordered.
Mr. DARLINGTON: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DE LANO: No excuse offered.
Mr. DINGLEY: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FELTON.
Mr. MCKENNA. I ask that my colleague, Mr. FELTON, be excused. He is unavoidably absent on important business.
There was no objection.
Mr. FINLEY: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FITCH: No excuse offered.
Mr. FORD: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. GAINES: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GOFF: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GUENTHER: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HAYES: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of Illinois: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. JOHNSTON, of North Carolina.
Mr. HENDERSON, of North Carolina. My colleague, Mr. JOHNSTON, is absent on account of sickness, and I ask that he be excused.
There was no objection.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. LAGAN: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LATHAM: No excuse offered.
Mr. LAWLER: No excuse offered.
Mr. LONG: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAHONEY: No excuse offered.
Mr. MASON: No excuse offered.
Mr. MCADOO.
Mr. KEAN. Mr. Speaker, I ask unanimous consent that my colleague, Mr. MCADOO, who is out of the city on business, be excused.
There was no objection, and it was so ordered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCULLOGH: No excuse offered.
Mr. MCKINLEY: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCMILLIN: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MILLS: No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORROW: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES.
Mr. COBB. I desire to say that my colleague, Mr. OATES, is absent on duty for the House.
Mr. O'DONNELL: No excuse offered.
Mr. O'FERRALL.
Mr. WISE. My colleague, Mr. O'FERRALL, is absent on account of important business. I ask that he be excused.
There was no objection.
Mr. OUTHWAITE: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL.
Mr. DUNN. Mr. Speaker, my colleague, Mr. PEEL, is absent by leave of the House. Is it necessary to ask that he be excused?
The SPEAKER *pro tempore*. It is not.
Mr. PERRY: No excuse offered.
Mr. PHELPS.
Mr. KEAN. I ask that my colleague be excused on account of important business.
There was no objection.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. RICE: No excuse offered.
Mr. ROBERTSON.
Mr. WILKINSON. My colleague, Mr. ROBERTSON, is absent on leave.
Mr. ROWELL: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSSELL, of Massachusetts: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. RYAN: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SHIVELY: No excuse offered.
Mr. SIMMONS: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SOWDEN.
Mr. SAYERS. Mr. SOWDEN'S wife has been quite unwell for ten or fifteen days, and on Wednesday he left to take her home to Pennsylvania. I therefore ask that he be excused.
There was no objection.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEPHENSON: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STONE, of Kentucky.
Mr. LAFFOON. I ask that my colleague, Mr. STONE, be excused on account of sickness.
There was no objection.
Mr. TAULBEE.
Mr. BRECKINRIDGE, of Kentucky. My colleague, Mr. TAULBEE, was suddenly called home by illness in his family on last Sabbath, and I ask that he be excused.
There was no objection.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. JOSEPH D. TAYLOR: No excuse offered.
Mr. THOMAS, of Kentucky: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. WADE: No excuse offered.
Mr. WEBER: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Michigan: No excuse offered.
Mr. WHITING, of Massachusetts.
Mr. DAVIS. I ask that my colleague, Mr. WHITING, be excused on account of illness.
There was no objection.
Mr. WICKHAM.
Mr. ROMEIS. I ask that my colleague, Mr. WICKHAM, be excused on account of sickness.
There was no objection.

Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WILSON, of West Virginia: No excuse offered.
Mr. WOODBURN: No excuse offered.
Mr. YARDLEY.
Mr. McCORMICK. I ask that my colleague, Mr. YARDLEY, be excused on account of important business.
There was no objection.
Mr. YODER: No excuse offered.
Mr. HOVEY. I ask that my name be called.
Mr. LA FOLLETTE. Mr. Speaker, will the names of those who are excused by the House appear in the RECORD as absent on leave?
The SPEAKER *pro tempore*. Under the practice of compiling the RECORD the Chair thinks that the RECORD of that day will not show the fact that members are absent on leave. It is the practice that has obtained, that those who have had previous absence will not be shown in the RECORD.
Mr. LA FOLLETTE. Then I desire to state that my colleague, Mr. CLARK, of Wisconsin, is absent with leave of the House.
The SPEAKER *pro tempore*. One hundred and fifty-eight gentlemen have answered when their names were called, not a quorum.
Subsequently the following-named members appeared, and under the rule reported their presence to the Clerk:
Mr. ABBOTT,
Mr. ARNOLD,
Mr. BAYNE,
Mr. BLAND,
Mr. BUNNELL,
Mr. FRENCH,
Mr. HENDERSON, of Iowa,
Mr. LEE,
Mr. McRAE,
Mr. PERKINS,
Mr. STEWART, of Vermont,
Mr. STRUBLE, and
Mr. THOMPSON, of California.
Mr. BURNES. I offer the resolution which I send to the desk.
The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution was agreed to.
Mr. KEAN. Mr. Speaker, I ask unanimous consent that my colleague, Mr. McADOO, who is out of the city on business, be excused.
There was no objection, and it was so ordered.
Mr. DIBBLE. I ask that my colleague, Mr. DARGAN, be excused.
There was no objection, and it was so ordered.
Mr. DUNN. Mr. Speaker, my colleague, Mr. PEEL, is absent by leave of the House. Is it necessary to ask that he be excused?
The SPEAKER *pro tempore*. It is not.
Mr. DIBBLE. Mr. Speaker, I rise to a parliamentary inquiry.
The SPEAKER *pro tempore*. The gentleman will state it.
Mr. DIBBLE. I wish to ask the Chair how many members are shown to be present by the roll-call and the list of members who have since reported to the Clerk?
The SPEAKER *pro tempore*. One hundred and fifty-eight members answered on the call, and eleven have since reported, making the total number one hundred and sixty-nine.
Mr. DIBBLE. That being a quorum, I desire to ask unanimous consent to make a proposition.
Mr. BURNES. I move that further proceedings under the call be dispensed with.
The motion was agreed to.

ORDER OF BUSINESS.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole for the further consideration of appropriation bills.
Mr. DIBBLE. I ask unanimous consent to submit a proposition for unanimous consent.
The SPEAKER *pro tempore*. Pending the motion of the gentleman from Missouri [Mr. BURNES], the gentleman from South Carolina [Mr. DIBBLE] asks unanimous consent to submit a proposition. Is there objection?
There was no objection.
Mr. DIBBLE. Mr. Speaker, my proposition is founded upon the fact that on examining the pairs of absentees I find that quite a number of those who would vote on the side of the question which I represent have been unable to get here in time, and that the number of absentees on that side is much larger in proportion than on the other side. In view of that fact, in order that both sides may have an equal opportunity to have members present, so that there may be a full vote on this question, I ask unanimous consent that it be made a special order for Tuesday next at 1 o'clock, so that on this day we may go into committee and settle the question. At that time I will raise no point as to a quorum, and I do not think any such point will be raised. I do not think the necessity for raising it will exist. This arrangement will give an opportunity to members who desire to be present so that we may have a full vote and a fair and proper settlement of this question. A number of telegrams have been received from members, I suppose on both sides, expressing a desire to be present when the final vote is taken. Therefore, in the interest of the dispatch of business I submit what I think is a fair proposition.
Mr. BURNES. Mr. Speaker, I presume I shall have unanimous consent to make a reply to the proposition of the gentleman from South Carolina. We have under consideration one of the general appropriation bills of this House. We are near the close of August and there are gentlemen who are claiming that we are detaining the Senate in session. At any rate we are considering a general appropriation bill. We have upon our Calendars probably ten thousand claims of equal merit, to say the least for them, with the claims now under consideration. Why, then, should we be so anxious to retard the general business of Congress, to disappoint the expectations of the country, and to keep ourselves here struggling in a close House with closed doors over this business, when at best but $448,000 of these claims could be considered in this bill under any view of the point of order pending, and the forty millions that are trooping on behind are certainly as meritorious as those which by chance, possibly, but perhaps design, have got to the front?
The general public business of Congress is now paralyzed for certain private claims of a century's age, and we keep ourselves here housed in the heat of the dog-days for no better purpose than that of securing special advantage for a class of claims no better, but much worse, than other classes of claims also pending.
It seems to me that the general welfare of the whole people and public laws rather than private ones should be preferred. Sixty millions of people should be preferred over five thousand people in whose names these spoliation claims are preferred and pressed with a persistency unparalleled. The proposition of the gentleman from South Carolina contemplates the postponement of a general appropriation bill now under consideration. I oppose such delay. Gentlemen who are absent are under the same obligations to be present that we are.
I decline the proposition of the gentleman from South Carolina, and I do it with all proper respect to him and in all kindness. This general appropriation bill has a right to be passed upon and considered without delay. Furthermore, there are only five thousand people, at the most, interested in these claims, while in this bill, exclusive of these claims, there are to my certain knowledge ten thousand people, equally meritorious, whose claims are beyond dispute—soldiers of the Republic, their widows and their orphans, who have little appropriations in this bill, Treasury allowances for bounty, back pay, commutation of rations, lost horses, and the like, the allowance of which will carry sunshine and happiness to their little homes. Shall we then postpone this general appropriation bill as such, and take the usual and ordinary course with these spoliation claims?
Sir, the time is now here—this moment—when the House of Representatives, regardless of party policies, should declare for the transaction of the public business of the Congress and the country, and rebuke any and all attempts to give any class of claims such an exclusive consideration as the proposition involves. Already this attempt to secure special privileges for one class of claims over all other classes has cost us much valuable time and long delayed the passage of a bill against which (with spoliation claims eliminated) there is not a single voice. With my consent there shall be no further delay. I take occasion to notify the House and the country that I shall lose no occasion to press this bill to a final passage.
Mr. DIBBLE. Mr. Speaker——
The SPEAKER *pro tempore*. For what purpose does the gentleman rise?
Mr. DIBBLE. Has the regular order been demanded?
Mr. BLAND. I demand the regular order.
The SPEAKER *pro tempore*. As the Chair understands the situation, the gentleman from Missouri [Mr. BURNES] moved that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of appropriation bills, and pending that the gentleman from South Carolina [Mr. DIBBLE] obtained unanimous consent to submit a proposition to the House. The Chair understands that proposition to be objected to, and the question now recurs upon the motion of the gentleman from Missouri [Mr. BURNES] that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of appropriation bills.
Mr. DIBBLE. Pending that I move, as a quorum has now been developed, that the House take a recess until 8 o'clock to-night.
The question being taken on the motion of Mr. DIBBLE, there were—ayes 58, noes 54.
Mr. BURNES. I make the point of no quorum, and call for tellers.
The SPEAKER *pro tempore*. No quorum having voted, the Chair will order tellers.
Mr. DIBBLE. I suppose we had better have the yeas and nays.
Mr. DOCKERY. I hope the gentleman will not ask for the yeas and nays

Mr. DIBBLE. The gentleman from Missouri has made the point of no quorum, and the yeas and nays will be the best way to settle the question.

The SPEAKER *pro tempore*. Does the gentleman call for the yeas and nays?

Mr. DIBBLE. Well, let the count by tellers go on.

Mr. BURNES and Mr. DIBBLE were appointed as tellers.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. DIBBLE] will please give his attention for a moment. The Chair understands the gentleman's motion to include the idea that the evening session be devoted to the consideration of the business which has heretofore been set apart for Friday evenings.

Mr. DIBBLE. I presume so, of course.

Mr. ANDERSON, of Kansas (before the tellers had announced their count). Mr. Speaker, would it be in order to inquire how the vote stands?

The SPEAKER *pro tempore*. If all gentlemen who desire to vote have done so, the Chair will announce the result.

Mr. BURNES. Before the announcement is made, I would like to make a very brief statement.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent to make a statement.

Mr. DIBBLE. I suppose I shall be included in that request.

The SPEAKER *pro tempore*. The gentleman from Missouri and the gentleman from South Carolina each desires to make a statement. Is there objection?

Mr. CULBERSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will announce the result. On this question the ayes are 68, the noes 62. No quorum has voted.

Mr. FARQUHAR. No one made the point.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BURNES] made the point, and thereupon the Chair ordered tellers.

Mr. FARQUHAR. The point has not been made since the announcement by the Chair.

The SPEAKER *pro tempore*. Upon the point of "no quorum" being made, tellers were ordered by the Chair; and unless the gentleman from Missouri withdraws his point, the Chair will certainly not consider it withdrawn.

Mr. BURNES. I desire very much to make a statement, which I think would be of interest to the House. [Cries of "Go on!"]

Mr. DOCKERY. I hope my colleague [Mr. BURNES] will have the opportunity he asks.

Mr. DIBBLE. I hope I shall be included in the same privilege.

The SPEAKER *pro tempore*. The Chair will again put the question. Is there objection to the gentleman from Missouri [Mr. BURNES] and the gentleman from South Carolina [Mr. DIBBLE] making each a statement to the House?

Mr. CULBERSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded, which is equivalent to an objection.

The tellers resumed their count.

Mr. BURNES (before the count was concluded). I ask unanimous consent for one minute of time to be occupied by the gentleman from South Carolina and myself.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent that the gentleman from South Carolina and himself be allowed one minute each, in which to make an explanation. Is there objection? The Chair hears none.

Mr. BURNES. Mr. Speaker, I have every disposition in the world to preserve the pension session to-night; and if this remaining half hour of to-day's session shall be devoted to the consideration of a general appropriation bill, I pledge myself that I will do no act which will place upon the record the fact that there is no quorum; so that the pension session can go on.

Mr. DIBBLE. Mr. Speaker, it so happens that just at the present the gentleman from Missouri would have to make the point of "no quorum" in order to defeat the pension session.

Mr. BURNES. I beg pardon; I would not have to make that point; and the Chair has so decided. The point has already been made.

Mr. DIBBLE. So far as that is concerned, I have only this to say: We can not transact any business in the half hour remaining of to-day's session. I do not think it right that we should be forced to vote on a question in regard to which a great many who think with us are, as I have stated, absentees. Therefore I suggest to my friend that he withdraw the point of "no quorum" and allow the recess to be taken, as a majority of those present have voted in favor of it. I made that motion simply because I am consistent with my record on the French spoliation matter. I am proposing to sustain a general order of the House. Therefore, if the gentleman will withdraw his point, the recess will simply be taken one half-hour earlier than usual. Otherwise we shall waste that half hour, and be no further along than we are now.

Mr. BURNES. Mr. Speaker, I reserved the balance of my time, and use it now simply for the purpose of saying that I am gratified to hear from the gentleman from South Carolina that upon the pending point of order he can speak for all the absent friends of these claimants and these claims. I am gratified that he can with perfect certainty count on every friend of these spoliation claims who is absent as being in favor of the pending point of order. The interest they have shown for their payment must be deemed paramount to a just decision of the law on the point of order. I hope they are not all "made that way."

Mr. DIBBLE. I will take the balance of my time to say that I intend they shall have the opportunity, so far as I can procure it for them, whether, when they come back here, they vote for or against the claims. They have been favorable to them heretofore; and while those who are favorable to them now present appear to be in the minority, I believe that those who are favorable to them are in the majority of those absent from the House.

Mr. DUNN. Does the gentleman from South Carolina speak for all those who are absent? Some of them, like some of those present, may have changed their opinions.

Mr. DIBBLE. I am in favor of giving those who are absent an opportunity to record themselves upon this question, whether their views be changed or not.

PRINTING PRESIDENT'S MESSAGE.

Mr. RICHARDSON. Mr. Speaker, on yesterday the House directed the Committee on Printing to investigate and report to the House the cost of printing the President's message on the subject of our relations with Canada, and the statutes and treaties therein referred to. The committee has made the investigation and find that it will cost $356.40 to print 15,000 copies of the document referred to. I ask the Chair now if I may submit the report pending this count by tellers?

The SPEAKER *pro tempore*. It could only be done now by unanimous consent.

Mr. RICHARDSON. I ask unanimous consent to submit the report at this time.

The SPEAKER *pro tempore*. Is there objection to suspending the present proceedings temporarily to enable the gentleman from Tennessee to submit a report from the Committee on Printing for present consideration?

There was no objection.

Mr. RICHARDSON. I now send to the desk the report, which I ask to have read.

I want to state, Mr. Speaker, that there was no resolution introduced on yesterday, and hence we can not report one back to the House, but simply report back the proposition ordered to be investigated by the Committee on Printing, and on which we base the report. I now make the report, and follow it with a motion to print 15,000 copies of the message and documents referred to.

Mr. FARQUHAR. I would like to ask, Mr. Speaker, if the order of the House made on yesterday is a matter of record on the minutes this morning? I refer to the order instructing the Committee on Printing to make this report.

The SPEAKER *pro tempore*. The Chair supposes the Journal will show everything that was done in that connection.

Mr. FARQUHAR. There was no resolution offered at the time; simply a verbal motion; and I want to know if, as a matter of fact, the Journal of the proceedings of yesterday shows that there was sufficient authority given to the committee to make this investigation and report?

Mr. RICHARDSON. The order was formally made upon the committee to submit a report.

Mr. FARQUHAR. The Speaker has not so stated.

The SPEAKER *pro tempore*. The Journal Clerk states that he himself reduced the motion to the form of a resolution, the form in which it appears upon the Journal.

The Clerk will read the report submitted by the gentleman from Tennessee.

The Clerk read as follows:

The Committee on Printing have considered the proposition to print 15,000 copies of the President's message on the subject of the relations with Canada, together with the treaties and statutes therein mentioned, which was referred to this committee on yesterday by the House. The committee find that the estimated cost of printing same is $356.40. They therefore direct me to make report to the House and recommend that 15,000 of said documents be printed for the use of the House.

The report was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The tellers will resume their places and the count will be renewed upon the proposition submitted by the gentleman from South Carolina, that the House now take a recess until 8 o'clock, upon which motion no quorum has yet voted.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PETERS. If the hour of 5 o'clock arrives while this count is

progressing without the appearance of a quorum, can there be any business transacted at the evening session set apart for to-night?

The SPEAKER *pro tempore*. Unless there is record evidence that there is no quorum voting when the House resumes its session at the evening session to-night, unless some question of quorum shall then be raised, the present occupant of the chair thinks it will be entirely in order to proceed to transact the usual business fixed by the special order. When the hour of 5 o'clock arrives it will be the duty of the Chair under the previous order of the House to declare the House in recess until 8 o'clock, the evening session to be devoted to the consideration of pension bills. It occurs to the Chair that it would not follow, because no quorum is present on a vote by a division at the hour of recess, that there might not be a quorum at the hour of the reassembling of the House.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. If we remain on the floor until 5 o'clock, there can be an evening session as usual?

The SPEAKER *pro tempore*. The present occupant of the chair thinks that when the hour of 5 o'clock arrives, under the order of the House, it is the duty of the Chair to declare the House in recess until 8 o'clock.

Mr. DIBBLE. And the fact that a quorum has not voted by tellers when the hour of 5 o'clock arrives would not necessarily preclude the work of the night session?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. BURNES. I rise to a parliamentary inquiry. Can gentlemen who have passed between the tellers change their votes?

The SPEAKER *pro tempore*. The Chair will state that he sees no objection to that.

Mr. BURNES (after further proceedings under the count). I withdraw the point of no quorum.

Mr. DIBBLE. With the understanding that the gentleman from Missouri will repeat the motion for a recess, I will state that I will not make the point of no quorum.

The SPEAKER *pro tempore*. On this question the yeas are 64, the nays 69; the noes have it and the House refuses to take a recess.

Mr. BURNES. I move that we take a recess until 8 o'clock p. m.

The motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. CRISP, the Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the evening session is held.

The Clerk read as follows:

Resolved, That, until further ordered, on each Friday, at 5 o'clock p. m., the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiciary removing political disabilities, shall be considered, and no other business shall be transacted at such evening sessions, and the House shall adjourn on each of said evenings not later than 10.30 p. m.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole to consider bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order.

Mr. MATSON. Mr. Chairman, I ask, by unanimous consent, that the roll of members be called in alphabetical order, and each member present, when his name is called, be allowed to call up a bill for consideration. I also ask that the names of delegates be included in the list.

The CHAIRMAN. If there be no objection, the request of the gentleman from Indiana will be taken as the order of the House. [After a pause.] The Chair hears no objection, and it is so ordered.

The Clerk proceeded to call the roll.

DANIEL WILLBORG.

Mr. ADAMS. I ask consideration of the bill (H. R. 2073) granting an increase of pension to Daniel Willborg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Daniel Willborg, late of Company C, Forty-third Illinois Volunteers, from $4 per month to $16 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. LANE) was read, as follows:

The committee, to whom was referred the bill (H. R. 2073) granting an increase of pension to Daniel Willborg, have duly considered the same, and beg leave to submit the following report:

That the claimant now draws a pension of $4 per month for injury to hip and thigh; that he bases his claim for increase of pension on the ground that he was ruptured.

The Department refused to grant the increase on the ground that he failed to show origin of rupture in service.

Hugo M. Starkloff, being duly sworn, testifies that he was formerly surgeon of the Forty-third Regiment of Infantry, Illinois Volunteers; that he was acquainted with Daniel Willborg, who was a private of Company C of said regiment; that at the date of his enlistment he was in sound bodily health and free from hernia. He further says that claimant, while in line of duty, guarding baggage train during the march from Bethel to Jackson, received an injury by a wagon tipping over upon him, said injury being hernia and injury to hip; that he was disabled thereby, and that he was honorably discharged for said disabilities.

Dr. Charles W. Johnson, being sworn, testifies that he has been engaged in the practice of medicine seven years; that he has examined claimant and found that he has an extensive suppurating sore on left hip; that he is also ruptured, and can not wear a truss on account of said sore; that he is entirely unable to work and walks about with the assistance of a cane.

Dr. M. Youngstedt, a regular practicing physician of fifteen years' standing, testifies that he examined claimant and found him ruptured and suffering from suppurating sores on left hip; that he is unable to wear a truss and is, therefore, entirely unable to perform manual labor. He says, further, that in his opinion said claimant will never be able to perform any manual labor.

Your committee think these facts warrant us in the conclusion that the claimant is entitled to an increase of pension, and we therefore respectfully recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE C. QUICK.

Mr. BAKER, of Illinois. I call up for consideration the bill (H. R. 10738) to increase the pension of George C. Quick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to continue the name of George C. Quick, late a private in Captain Miller's company of Illinois Mounted Rangers, in the war with the Indians commonly called the Black Hawk war, on the pension-roll, subject to the provisions and limitations of law, at the rate of $45 per month, in lieu of the pension of $16 per month now received by said Quick.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10738) to increase the pension of George C. Quick, have considered the same, and report as follows:

The claimant was a private in Captain Miller's company of Illinois Mounted Rangers in the Black Hawk war. He was honorably discharged in August, 1832. His name was placed on the pension-roll at the rate of $8 per month from July 15, 1882, for disease of feet, and his pension has since been increased to $12, and then to $16 per month, as the disability increased. The increase to $16 was granted from the 5th day of December, 1883.

The board of examining surgeons at St. Louis, Mo., under date of December 5, 1883, stated as follows:

"The examination of applicant reveals the following conditions: The arch of both feet is increased, contraction of plantar muscles. Skin of feet thin and scaly. Locomotion much impaired. Complains that walking causes cramps. Says that he can not perform manual labor, which statement we believe to be true."

On August 6, 1884, the board of examining surgeons at Duquoin, Ill., stated: "We find the plantar surfaces of both feet congested, soft, and tender."

There has also been filed with your committee the testimony of Drs. S. F. Wehr, C. G. Rayhill, and M. S. Carr, all reputable physicians, who testify to the condition of claimant's feet, and who state that he is unable to perform any manual labor.

The claimant is seventy-three years of age, and in poor financial circumstances. As his disability is such as to incapacitate him for manual labor, he should be allowed an increase of pension to $30 per month, which is the rate allowed in similar cases for such a degree of disability.

Your committee, therefore, recommend the passage of the bill, amended, however, by striking out the words "forty-five," in line 8, and inserting in lieu thereof the word "thirty."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY WOODWORTH.

Mr. BOOTHMAN. I ask consideration of the bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Mary Woodworth, widow of Ebenezer F. Woodworth, late of Company L, Second Regiment Michigan Cavalry Volunteers, on the pension-roll, at the rate prescribed by existing provisions of law.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7657) for the relief of Mary Woodworth, submit the following report:

Mary Woodworth is the widow of Ebenezer F. Woodworth, late a private in Company L, Third Regiment of Michigan Cavalry Volunteers. Said soldier enlisted at Detroit, Mich., October 1, 1861. The company descriptive book reports him deserted from camp near Farmington, Miss., May 12, 1862. Muster-out roll of the company, dated October 24, 1864, reports him deserted May 12, 1862, near Farmington, Miss.

Claimant filed an application for pension July 15, 1867, and the claim was rejected October 7, 1878, on the ground that the soldier was a deserter. The claim has been in the hands of several special examiners and the testimony secured seems to establish the facts that the soldier was a dealer in a small way in tobacco and cigars and that he was allowed certain privileges by his captain, with whom he was at times very intimate; that he (the soldier) loaned money often and came to be called the "banker;" that he loaned money to the captain; that not long before his alleged desertion he and the captain had a quarrel.

One comrade testifies that he knew the soldier (Woodworth) to have had several hundred dollars about his person when last seen with his company. On the day on which he was last seen he was left in his tent caring for a sore leg, and several other men were left in camp during that day, while the company went with the regiment on a scout and was absent all day. On the return it was reported that the soldier Woodworth had deserted. The captain (Thomas H. Botham) did not, as was usual, report said soldier "absent without leave" or "missing," but at the first roll-call after he was found absent said to the orderly, "Mark him a deserter, G—d d—n him," as shown by the affidavit of First Lieut. Oliver C. Leonardson. Said Lieutenant Leonardson further makes oath that at the time he protested that to mark the said soldier a deserter was an "outrage." Said Lieutenant Leonardson further makes oath that about two

months after this time said captain resigned because, as he (Lieutenant Leonardson) was informed and believes, he (Captain Botham) feared death at the hands of his own men for the many acts of injustice towards them.

Joseph W. Huston, a first lieutenant of Company C of the same regiment, makes affidavit that—

"Botham was held in very low esteem by the officers of said regiment, on account of his brutal instincts and his licentious and dissipated habits. He was continually engaged in quarrels and personal altercations with the members of his company, which not infrequently resulted in personal violence. That Botham should have, in a moment of passion (for his temper was uncontrolled either by judgment, moral principle, or education), or for the gratification of personal malice, wrongfully or inconsiderately have charged any member of his company with desertion or any other offense, would seem to affiant to be strictly consonant with the nature and character of the man."

Captain Botham did not order any hunt or make any inquiry as to the whereabouts of the missing man, but his comrades testify that on the day when the soldier was left in camp as aforesaid, while the company went on a scout, he went to a creek within the lines to wash clothing and that on the next day some of his clothes were found on the bushes near the creek. Comrades also testify that near the missing man's clothing so found were discovered wheel tracks not made with an army wagon. The tendency of the testimony is to show that the soldier, on account of his sore leg, was obliged to use a crutch or cane, or both, to travel, and that he could not on that account have deserted; also, that at this time they were in close proximity to the enemy, and for that reason the soldier could not have deserted, as skirmishes were almost daily occurring; also, that he would not be inclined to desert when the men and officers were owing him sums of money. A part of the testimony given shows that the man, Ebenezer F. Woodworth, came to his death at the hands of his comrades who were left in camp with him on the day on which he was last seen.

Joseph W. Huston, a first lieutenant of Company C of the same regiment, makes affidavit that he firmly believes that the said soldier gave up his life for his country; that the charge of desertion is "undeserved, false, wicked, malicious."

Dr. Andrews, surgeon, writing to a daughter of the said soldier, says:

"I do not now see any reason why your father's army record should not be corrected in accordance with the facts. It is now certain that the whole story about your father's desertion originated with Captain Botham, who was regarded in the Army as a passionate half-lunatic."

J. K. Mizner, major Fourth United States Cavalry, late colonel Third Michigan Cavalry, in a letter written in December, 1885, says:

"Unless the fact of desertion can be established by good and sufficient evidence the act of desertion should not be assumed, and your father's family allowed to suffer from an error in reporting him as a deserter."

Lieut. Monroe C. Carlton makes oath that—

"He has no recollection that it was charged or believed at the time that the said E. T. Woodworth had deserted."

The committee recommend that the bill do pass.

Mr. KILGORE. I did not hear the reading of the report distinctly, and I will ask if I am to understand that this bill is to pension a man who deserted from the Army?

Mr. BOOTHMAN. This man was a soldier in a Michigan regiment who was left in camp unable from a crippled limb to get around without a stick or crutch. He went from his camp to a little stream near by to do some washing. That was the last that was seen of him. His captain was a very passionate man and had had some trouble with him a few days before, and a few days after he was missing he directed the officer to mark him as a deserter.

Mr. KILGORE. Would it not be just as reasonable to say that he deserted and came over to our side?

Mr. BOOTHMAN. The evidence shows that he was murdered.

Mr. KILGORE. What evidence is there on that point?

Mr. BOOTHMAN. His clothes were found there. His disappearance occurred at a time when there was a large amount of money due him from some members of the company and regiment, and when there was no motive that the man could possibly have had for deserting. Nothing has been heard of him since; and this is to place his widow on the pension-roll the same as other widows.

Mr. KILGORE. I am very much disposed to antagonize this bill.

Mr. BOOTHMAN. I wish to read for the information of the gentleman a letter about Mrs. Woodworth's daughter.

CLEVELAND, OHIO, *August* 6, 1888.

DEAR SIR: * * * Mrs. Woodworth's daughter, who has worked up all the evidence to get the charge of desertion removed from her father's memory, is now lying at the point of death, and I want to see this bill pass the House before she dies. She is the bravest little woman I ever saw. Six years ago I had a pension agent look into the case, and after a thorough investigation he told me that it was impossible to have the charge of desertion removed. Well, the little girl said her father was not a deserter. She wrote letters to the colonel and all the officers and nearly all the men in her father's regiment and secured evidence that he was murdered instead of being a deserter. She visited the officers at their regimental reunion, spoke to them, and had a hall full of wild men in tears before her. The regiment then took action in her father's behalf, all of which is before Congress. She has worked herself out to get this pension for her old mother.

* * * * * * *

Yours, truly,

JOHN C. CAVERT.

While the letter was being read,

Mr. KILGORE. That is sufficient. How much do you want? [Laughter.]

Mr. BOOTHMAN. All that is asked is $12. The same as other widows.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY VANBUSKIRK.

Mr. BUNNELL. I call up the bill (H. R. 11029) for the relief of Mary Vanbuskirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Vanbuskirk, widow of John E. Vanbuskirk, private in Company G, First Regiment United States Artillery, Florida war, and pay her a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11029) granting a pension to Mary Vanbuskirk, have considered the same, and report as follows:

The claimant is the widow of John B. Vanbuskirk, who was a soldier from January 23, 1836 to January 23, 1839, in Battery G, First United States Artillery. He served in the Florida Indian war.

The widow is nearly seventy years of age, and in need of relief, as it is shown by a numerously-signed petition of her neighbors and townsmen.

She is entitled to a service pension under the bill recently reported by this committee for the survivors and widows of survivors of the Indian wars.

You committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN E. LATTURE.

Mr. BUTLER. I call up the bill (H. R. 11030) granting a pension to Susan E. Latture.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Susan E. Latture, widow of Jacob Latture, late a private of Company D, Fifth Tennessee Volunteers, Mexican war, subject to the limitations and provisions of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11030) granting a pension to Susan E. Latture, have considered the same, and report as follows:

The husband of the claimant was a soldier in the war with Mexico. He served as a private in Company D, Fifth Tennessee Volunteers, for that war, having been enlisted November 7, 1847, and discharged July 20, 1848. He died in January, 1883, from catarrh and diabetes mellitus.

His widow's claim for pension was rejected upon the ground that the disease of which the soldier died was not due to his military service.

Your committee have examined the papers in the claim, with other evidence produced before them, and find the following facts to be established, namely: That the soldier was sound when he enlisted for the Mexican war; that he contracted disease while in service and continued diseased until his death.

Col. George R. McClennan, who commanded the regiment in which soldier served, testifies that while in Mexico and in the line of duty the soldier contracted chronic diarrhea and chills and fever of a malignant form, and that he remained in bad health ever after the war until his death.

John McCrary, a fellow soldier, testifies to a similar state of facts.

Dr. M. M. Martin treated claimant from 1872 until the time of his death for chronic diarrhea, and also for chronic catarrh and diabetes, and that death was due directly to diabetes.

Other testimony shows that diarrhea and chills and fever continued to affect soldier from discharge up to 1872 and since, and while it may not be established according to the rules of pathology that diabetes was due to the chronic diarrhea and malaria, this would seem to be a case wherein the benefit of the doubt should be cast in favor of the widow of the soldier.

Moreover, the widow in a few years will reach the age when she would be entitled to a service pension by reason of her husband's services in Mexico. She is now in a dependent condition and a worthy object for pension.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD PORTER.

Mr. CARUTH. I call up the bill (H. R. 10241) increasing the pension of Richard Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to pay to Richard Porter, late a private in Company B, One hundred and ninth Regiment United States Colored Troops, a monthly pension of $72, instead of $4, the amount now paid, the said Richard Porter being totally blind.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10241) increasing the pension of Richard Porter, submit the following report:

The soldier, Richard Porter, was a member of Company B, One hundred and ninth United States Colored Troops. He enlisted June 13, 1864, and was mustered out with his company February 6, 1866.

The evidence of the surgeon of the regiment, Dr. S. H. Gratzny, shows that—

"Richard Porter, an enlisted man in Company B, while in Texas, was afflicted with rheumatism and scurvy, and was also suffering from dengue fever, from the effects of which he was entirely disabled for duty. The said claimant's eyes were also affected from the dengue fever."

The captain of the company, Edward Keplinger, swears—

"That after Porter's return from the hospital to the company he was troubled with inflamed and watery eyes; continued to have this trouble as long as they were together in the service."

The proof shows that this eye trouble continued after the discharge, he having been treated by several physicians and specialists until total blindness was the result.

In April, 1885, Porter filed an application for a pension. In April, 1888, he was granted a pension and rated at $4 a month. There seems to be a controversy among the medical men as to the actual cause of this loss of sight, hence the small rate allowed. However, the fact remains that this soldier of the Union had a disease of the eyes in the Army which might result in loss of sight; that he is totally blind now; in destitute circumstances; an object of charity. The doubts as to the origin of the disease which led to this blindness should be resolved in favor of the soldier. In the opinion of the committee his pension should be increased. They therefore recommend that the words "seventy-two," in the sixth line, be stricken out and the word "forty" be substituted therefor, and when so amended the bill do pass.

Mr. KILGORE. I ask the gentleman from Kentucky whether he will not compromise on $25 a month in this case?

Mr. CARUTH. No, sir; I will not compromise on $25 a month in

this case, and the gentleman from Texas would not ask it if he knew the circumstances of the case.

Mr. KILGORE. How could this man be down in Texas as a Federal soldier and lose his eyesight?

Mr. CARUTH. He was trying to whip you fellows into submission to that flag. [Laughter.]

Mr. KILGORE. Did he not get his sore eyes after the war?

Mr. CARUTH. No, sir; he got them during the war.

Mr. KILGORE. I never heard of any Federal soldiers in Texas during the war. This must be an ingenious device to pension some Confederate soldier, because that is the only kind of soldier that was there during the war. [Laughter.]

Mr. CARUTH. The trouble, I suppose, with the gentleman from Texas is that during the war he did not want to hear or see anything about Federal soldiers in Texas. [Laughter.] He probably did not come within either seeing or hearing distance of the Union soldiers. [Laughter.] The fact remains that this soldier was there, and that from the effects of the Texas fever, which is politely called by another name in the report, he got sore eyes; that he became disabled, and that after the war his defective vision continued until it eventuated in an entire loss of sight, and he is now blind—a blind beggar upon the streets of Louisville. And, although I have upon this docket a number of cases for white people, men and women, soldiers and widows of soldiers, I have preferred, as a matter of justice and as a matter of charity, to call up to-night for the consideration of the House this claim for this poor blind negro soldier of the Union Army who may, for aught I know, and I suppose who will, vote the Republican ticket [laughter], because he will not know any better, as he can not see. [Laughter.]

Mr. KILGORE. If he gets this pension how will he probably vote? [Laughter.]

Mr. CARUTH. He is a sensible man, and he knows a good Representative in Congress when he sees him, so he will certainly vote for my re-election. [Renewed laughter.]

Mr. KILGORE. Mr. Chairman, I am inclined to move to amend this bill so as to make the amount $30 instead of forty. [Cries of "No!" "No!"]

Mr. CARUTH. Upon the Committee on Invalid Pensions there are two physicians that I know of. One of them is the gentleman from New Hampshire [Mr. GALLINGER], and the other is my colleague [Mr. HUNTER]. I give them both a free advertisement when I say that they are skillful men in their profession, and they were of the opinion from the examination of these papers that this man should have been granted the full rating under the law, $72 a month, and that rate ought to have been given in the Pension Office, but there was a disagreement of medical authorities. I introduced the bill here for $72 a month, and he would have gotten that amount if he had obtained his rights; but the committee decided to report the bill at the rate of $40 a month, and I think that is quite little enough under the circumstances.

Mr. GALLINGER. If the gentleman will permit me to say a word, we followed the universal rule in the committee. During this Congress we have passed four or five bills at $40 a month in cases identical in their nature with this.

Mr. KILGORE. I understand that where there is no question as to the cause of the blindness that is the rule.

Mr. GALLINGER. No; it is the rule where there is question. If there were no question the Pension Office would have allowed the pension. The committee, having examined the case, gave the man the benefit of the equity, and reported the bill at $40 a month.

Mr. KILGORE. Did the Pension Office refuse him a pension entirely?

Mr. CARUTH. No; they granted him a pension of $4 a month.

Mr. KILGORE. Well, I will move to amend by striking out "$40" and inserting "$30."

The amendment was rejected.

The question recurring on the amendment of the committee to strike out "$72" and insert "$40," the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH G. SCOTT.

Mr. CASWELL. I call up the bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Elizabeth Goodale Scott, widow of Robert N. Scott, deceased, late lieutenant-colonel Third United States Artillery, at the rate of $50 per month, in lieu of the amount now received by law.

Mr. CHEADLE. I give notice that I shall object to the consideration of any of these bills granting a higher rate of pension than that authorized by law.

Mr. CASWELL. It seems to me that if the gentleman would hear this report read he would not object. This is the case of the widow of an army officer who served the country faithfully for thirty years. She is not a resident of my district nor my State. In fact, I never saw her in my life. In asking favorable action on this bill I am actuated only by a desire to do justice to the widow of a very worthy officer with whom all the older members of this House, I presume, had an intimate acquaintance while he was in charge of the records of the war here in this city. When he died he left his widow destitute, she being dependent, as I understand, upon her relatives for support. It seems to me the case is full of merit, and I trust the gentleman will not object to its consideration. I am perfectly willing to abide by the vote of the Committee of the Whole.

The CHAIRMAN. The gentleman from Indiana [Mr. CHEADLE] does, however, object.

Mr. CASWELL. I do not understand that the gentleman has the right to object.

The CHAIRMAN. He has no right to object; but as the Chair understands, he intimates his purpose to insist on a quorum.

Mr. CASWELL. Then, Mr. Chairman, I will withdraw that bill and ask leave to present another.

The CHAIRMAN. The gentleman from Wisconsin [Mr. CASWELL] withdraws the bill just sent up, and, if there be no objection, will call up another.

HARRIET WELCH.

Mr. CASWELL. I now call up the bill (S. 2899) granting a pension to Harriet Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Harriet Welch, widow of Cyraneous Welch, late a private in Company C, Thirty-eighth Regiment Wisconsin Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

From an examination of the facts as stated in the Senate report made herein, and which is adopted and made a part hereof, they believe that this is a meritorious case, and they therefore recommend that the bill do pass.

[Senate Report No. 1321, Fiftieth Congress, first session.]

Harriet Welch is the widow of Cyraneous Welch, who was a private in Company C, Thirty-eighth Regiment Wisconsin Volunteers. Her husband was severely wounded in the service and line of duty, and the Pension Office gave him a pension on account of his wounded leg, and, inasmuch as the disability was progressive, the pension was increased. His lameness continued to grow worse; so much so as to disqualify him for manual labor and to make him to a considerable extent helpless. He again applied for an increase of pension, and while the claim was pending he was ordered to Green Bay for examination by the medical board in order to determine the degree and rating due to his increased infirmity. On his return from Green Bay, the 7th of September, 1877, he fell from the cars upon the track and was killed. In reference to this accident, John Hammer testified that Welch's leg was so crippled that it often failed him, and it is his belief that his leg gave out and caused him to fall between the cars when he was crushed to death.

During the first session of the Forty-ninth Congress a bill for the relief of the widow of this soldier was passed by the Senate and House of Representatives, and was vetoed by the President. In his objections to the bill the Executive says:

"The widow's claim, based upon this state of facts, was rejected by the Pension Bureau on the ground that the accident resulting in death was not the result of his military service; and on an appeal taken to the Secretary of the Interior, on that determination, the same was sustained."

The committee were at the time aware of the action of the Bureau of Pensions and of the justification of its decision by the Secretary of the Interior. It was for the reason that an allowance of pension under the general laws could not be made that an appeal for relief was made to Congress; that a bill for her benefit was introduced and passed. The propriety of special legislation in certain cases is not questioned. In many instances in which severe hardship is the result of inability to comply with the requirements of the Pension Office as to proofs the Commissioner of Pensions admonishes the claimant that his or her only alternative is to appeal to Congress. Such appeals are often made, and in a majority of instances they are successful.

The committee know of no reason why the case of this widow should be made an exception. Her husband, by reason of his service, was made practically helpless. In his crippled condition he was unable to do anything for her support. In consequence of his untimely death the pension ceased. From that time to the present she has been in the lowest depths of poverty. In a letter to the Senator who makes this report, dated May 4, 1888, she describes her condition in pathetic terms. She says she is so poor she had to spend the winter with some friends. She is unable to work, has no friends upon whom she has a claim, no money, no home, no comforts. She appealed to the poor-master for relief, and he said he would send her to the poor-house, and she asks:

"Is this the fate of a soldier's wife? I pray that the President will open his heart and let me have my pension; I pray he may never suffer for lack of food as I have done."

The committee, in reporting this bill, assume with entire confidence that Congress is not exceeding its powers in extending relief by special enactment in this and like instances. They also agree with the President that this is indeed a pitiable case, and they believe, with a full understanding of it, it will meet his approval.

The bill is reported favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN ROBESON.

Mr. CHEADLE. I call up the bill (H. R. 6201) granting a pension to John Robeson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put on the pension-roll the name of John Robeson, late of Company H, Sixty-eighth Regiment of Indiana Volunteers, and to grant him a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

Claimant was enrolled August 5, 1862, in Company H, Sixty-eighth Indiana Volunteers, and was discharged November 21, 1862, "because of asthma, with which he has been afflicted from his infancy," as stated in certificate of discharge.

In declaration filed October 24, 1879, he alleges that "while in line of duty at Lebanon, Ky., on or about September 1, 1862, he was severely attacked with asthma, and previous to being so attacked he had been greatly exposed night and day while on guard, doing such duty, etc." The claim was rejected on the ground that the alleged asthma existed prior to claimant's enlistment.

The case has been very thoroughly investigated by special examiners, and after a careful examination of the evidence by the committee we believe that it is fully shown by a large preponderance of testimony that the claimant was a sound, healthy man at the time of enlistment, and that the disability for which he claims pension was incurred while serving in the Army and in line of duty. Special Examiner Robertson, who made a very exhaustive examination of the case, in closing his report says:

"The witnesses who have testified before me in this case are all reliable as to truth and veracity. While there is some difference as to prior soundness, in my opinion the weight of testimony is in favor of the claimant, and I recommend that this claim be allowed."

We deem it unnecessary to encumber the record by submitting extracts from the voluminous testimony on file, and therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

VICTORIA MAY.

Mr. CHIPMAN. I ask for the consideration of the bill (H. R. 10944) granting a pension to Victoria May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place the name of Victoria May, widow of Paul May, late a private of Company K, Second Regiment of Michigan Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

Victoria May is the widow of Paul May, late a private in Company K, Second Regiment Michigan Volunteer Infantry. He enlisted at the beginning of the war in 1861, and served to the close in 1865. Several witnesses testify, as is shown by the files of the Pension Bureau, among them his lieutenant-colonel, that he was a sound, healthy man when he enlisted. His hospital record and the testimony of comrades and officers show that he was badly wounded in the back at Jackson, Miss., in July, 1863. He died in 1872. The testimony further discloses that he was broken down when he left the Army and continued so until he died, so much so as to be unable to perform hard labor.

Several witnesses of good reputation state that he habitually complained of the wound in his back as painful up to the time of his death. Dr. Truedell, a physician, attended him from immediately after his discharge until his death, was with him in his last sickness, and examined the wound, which was on the right of the dorsal vertebra, finding swelling, great soreness, and pain extending clear around to the right lung, and testifies that in his opinion the wound had never been cured, but that a tumor had been formed in that region reaching his right lung, which, in time, became affected, and was the cause of his death.

All this testimony was elicited on her claim for pension, which was rejected on the ground that the death was not caused by his military service. The reasons given for this are that the record of the city clerk's office in Detroit states that May died of bilious fever, and because the reputation of Dr. Truedell is not good. Who made the certificate on which the record is founded does not appear, as there was nothing in the clerk's office to show it.

As to Dr. Truedell's reputation there is no statement save that of the examiner; who assailed him is not disclosed; yet the claim was rejected on the ground that the physician who testified to cause of death "is old and unreliable." Dr. Truedell has resided over forty years in Detroit, is a regular physician, and practices largely in the portion of the city where the claimant lives. That the wound was in bad condition up to the soldier's death is proved by many witnesses, who testify that it was black, discolored, during his life and when he was prepared for the grave. It is not claimed that Dr. Truedell ever made any other statement, nor that he was cognizant of the death certificate.

The soldier, besides the widow, left several young children.

We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACKSON CHAPMAN.

Mr. CONGER. I call up for consideration the bill (S. 2721) granting a pension to Jackson Chapman.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jackson Chapman, late a member of Company E, Forty-fifth Regiment of Iowa Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions is as follows:

"The case covered by the bill was before this committee at the first session of the Forty-ninth Congress, when it was examined and reported on by Senator SAWYER. His report, adopted by the committee then and laid before the Senate May 4, 1886, is approved by the committee now, with the recommendation for the passage of the bill. It is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 2075) granting a pension to Jackson Chapman, have examined the same, and report:

"The petitioner was in the Iowa infantry, as a private, from December, 1862, to April, 1863; enlisted again for one hundred days, and was mustered out with his company September 16, 1864. This is record testimony, and it is all there is except the almost invariable statement that the records furnish no evidence of disability, and that 'the regimental hospital records are not on file.'

"The soldier alleges that he was ruptured while lifting timbers to strengthen the fort at Moscow, Tenn., in anticipation of an attack from General Forrest when he made his raid in the spring of 1864. The event with which he connects his injury is a historical fact, and the record verifies his presence there at the time.

"In a letter to the Pension Office he makes this appeal:

"'I wish to know how I can get in possession of the surgeon's records that were kept the spring of 1863 on the quarantine island below St. Louis, while I was member of Company H, Thirty-seventh Iowa Infantry, then doing duty at St. Louis. I think it was some time in March. I was quarantined with smallpox, as the surgeon's book will show.'

"The War Department records furnish no information corroborative or contradictory of the statements made by the claimant; nevertheless the committee do not see that it is incumbent upon them to ignore what he says on account of the delinquency of those by whom the record is supposed to have been kept, or because the Government is unable to disprove his story. The existence of hernia at the present and for a long time heretofore is shown by the examining surgeon, who says:

"'He has inguinal hernia of the left side. The intestine readily descends into the scrotum when his truss is removed.'

"In reference to the matter Senator WILSON has stated in a letter to the committee that he has known the claimant several years, and for a considerable part of the time saw him almost every day; that he has been and is a poor man, and depends on his daily efforts for the support of himself and family; that during all the time he has known him he has presented the appearance of a man suffering from physical disability; that he has often talked with him about his pension claim, and was and is impressed that he stated his case truthfully, and that it ought to be allowed.

"In a letter to the Pension Office he speaks of having procured and forwarded the affidavit of the captain of his company, but it is not on the files; he also admits his inability to supply the proof required.

"The soldier's service record is good, and he is respected for his upright character by his neighbors. The war records do not supply what is required to prove or disprove his claim, but it has no record except that which verifies his service. There is no testimony to disprove his statements, but there is corroborative proof from the most reliable sources.

"The man is sixty-six years old, broken in health, and a daily sufferer from the injury he alleges, and the committee feel that it would be an act of cruelty to deny him the small relief for which he has been a long and patient suitor.

"The bill is reported favorably, with a recommendation that it do pass."

Since the preparation of the foregoing report claimant has filed the affidavit of two comrades, Jacob F. Garver and Welcome Beach, who testify that they were stationed at Moscow, Tenn., during the months of July and August, 1864; that some time during the latter month, while employed in placing heavy timbers upon Fort Kendrick for its defense, claimant received an injury to the abdomen, of which he complained during the remainder of his term of service. Affiants derived their knowledge from being present at the time and place above mentioned.

Your committee are of opinion that this additional evidence is fully corroborative of claimant's allegations, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELEANOR D. HEATH.

Mr. CROUSE. I ask for the consideration of the bill (H. R. 7457) granting a pension to Eleanor D. Heath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor D. Heath, mother of Lewis Heath, late of the One hundred and fourth Regiment Ohio Infantry, based on the evidence on file in the office of the Commissioner of Pensions as case entitled "Mother, No. 311115, Lewis Heath, private Company H, One hundred and fourth Regiment Ohio Infantry."

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Examination of the claimant's case shows that Eleanor D. Heath was mother of Lewis Heath, late a private in Company H, One hundred and fourth Regiment Ohio Infantry. The soldier, Lewis Heath, was the support of his mother. He drew a pension by certificate No. 131763, and this pension was part of the means of support which soldier was able to give to his dependent mother. The soldier died from the result of injuries received in the service and in line of duty. Soon after soldier died his widow died. Soldier's mother is old, destitute, and without means of support, her son, the said Lewis Heath, having been her support notwithstanding that he had married and left a widow, whose death was not long after the soldier's death.

The Pension Bureau can not allow the mother to draw a pension for the death of her son, her support, because the soldier died leaving a widow.

The committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY ROSE.

Mr. DOCKERY. I call up the bill (H. R. 10007) for the relief of Henry Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll the name of Henry Rose, late private in Capt. William S. L. Deering's company, Maj. William Lauderdale's battalion, Tennessee troops in the Florida war, subject to the provisions and limitations of the pension laws.

The report of the Committee on Pensions (by Mr. BLISS) was read, as follows:

The claimant was a private in Captain Dearing's company, Tennessee militia, Florida war, from November 1, 1837, to May 10, 1838. He filed a claim for pension for right inguinal hernia in February, 1884, but he was unable to find witnesses to prove that the disability was incurred during his military service in line of duty, though two comrades testify that they know he was suffering from said injury while in service, and that he claimed he had received it by lifting a log of wood in the performance of his duty.

The claimant is seventy-three years of age, affected by inguinal hernia, and in need of aid. He would be entitled to a service pension under the general bill recently reported by this committee to the House.

Your committee therefore recommend the passage of the bill.

Mr. KILGORE. Mr. Chairman, I wish to make a point of order on that bill. My understanding of the order authorizing this Friday night meeting for the consideration of private pension bills is that it is limited to pensions for soldiers in the late war.

Several MEMBERS. No.

Mr. KILGORE. If I am not mistaken—I may be mistaken—that is the limitation of the order.

Mr. CARUTH. I make the point of order against the gentleman.

Mr. KILGORE. Let the order be read.

The CHAIRMAN. The order embraces reports from the Committee

on Pensions as well as reports from the Committee on Invalid Pensions.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON RYAN.

Mr. ENLOE called up the bill (H. R. 10629) granting a pension to Washington Ryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Washington Ryan, who was a private soldier in Captain Netherland's company of Tennessee Volunteers in the Florida Indian war of 1836, and to pay him a pension at the rate of $25 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensons, to whom was referred the bill (H. R. 10629) granting a pension to Washington Ryan, have considered the same, and report as follows:

The claimant served twenty-two days, including travel, as third corporal, Capt. Richard Netherland's company, Third Regiment, Second Brigade, Tennessee Volunteer Militia—Indian war. He is now seventy-one years of age, old, infirm, and unable to earn a living by manual labor. Hon. J. D. C. Atkins and Hon. James D. Porter, of Tennessee, certify that the claimant is worthy and credible.

He is entitled to a service pension, in the opinion of your committee, and the passage of the bill is therefore recommended.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHANNA GEYER.

Mr. FARQUHAR called up the bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Johanna Geyer, widow of Gustav W. Geyer, late a private of Company H, One hundred and eighty-seventh New York Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer, have had the same under consideration and beg leave to submit the following report:

Gustav W. Geyer served as private of Company C, One hundred and eighty-seventh New York Volunteers, from September 19, 1864, to July 1, 1865. He applied for pension August 18, 1879, on account of rheumatism and deafness. The claim was not completed at time of his death, which occurred December 13, 1883, but was subsequently allowed and the pension paid to the widow. Her claim has been rejected on the ground that the injury to head, from the effects of which he died, was not chargeable to the soldier's military service.

Robert Willax and George Schank testify:

"They saw the soldier when he was run over and thrown against the curbstone by a horse attached to a buggy, December 7, 1883, near his house on Locust street, Buffalo, N. Y.; soldier was crossing the street and did not observe the approach of the buggy, and the driver called to him several times, but being too deaf, he did not hear the warning, and was knocked down. Affiants ran to his aid, picked him up, and aided him to his house. He was unconscious and never recovered. Had he not been deaf he could have heard the alarm and escaped death."

Dr. F. W. Bartlett, of Buffalo, N. Y., states:

"As attending physician of the soldier he endeavored to obtain all the information possible regarding the cause of the accident, and found that every effort was made to notify him of his danger, but that he paid no attention to the warnings given, and evidently did not hear them. Has no doubt that his deafness prevented his doing so—it was so great that he could not work in shops."

There is other testimony corroborative of above. While the action of the Pension Office in rejecting the widow's claim was proper under the rules governing the adjudication of pension claims, yet your committee are of opinion that had it not been for the disability contracted in the service soldier would have escaped the injury which resulted in his death, and therefore report favorably an accompanying bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES P. VERNON.

Mr. FUNSTON called up the bill (H. R. 7912) for the relief of Frances P. Vernon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frances P. Vernon, widow of Richard B. Vernon, late of Company M, Sixth Regiment Kansas Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7912) granting a pension to Frances P. Vernon, widow of Richard B. Vernon (deceased), a private of Company M, Sixth Kansas Militia, having had the same under consideration, make the following report:

The application for pension, and letters and papers accompanying this bill, show that Richard B. Vernon, the husband of the applicant, was enrolled on the 9th day of October, 1864, at Mound City, Kans., and ordered into active service as private in Company M, Sixth Kansas Militia, at same date, and that he was killed by stragglers of Price's army while at his home on the 24th day of October, 1864.

His widow, Frances P. Vernon, made formal application for pension, which was rejected on the 19th day of February, 1868, for the reason that the soldier was not in line of duty as a soldier when killed.

The affidavit of A. W. Long, who was captain of the company of which Richard B. Vernon was a private, is as follows:

"That he was captain of Company M, Sixth Kansas State Militia, in the war of the rebellion, and was personally acquainted with Richard B. Vernon, who was a private in the same company in said regiment. That affiant was personally and intimately acquainted with the said Richard B. Vernon prior to his enlistment in the service aforesaid, and with his wife, who is making this application for pension. That in the month of October, 1864, while affiant's command was in camp at Big Blue, in Jackson County, Missouri, the said Richard B. Vernon (deceased) obtained a leave of absence for a few days to visit his wife and children, who resided about 50 miles down the Missouri line in Bates County, Missouri, on account of sickness in his family.

"That the said Richard B. Vernon, while at his home on said leave of absence, was shot down and killed in the presence of his family by stragglers belonging to General Price's army. Captain Long further states that his own father was shot down and killed on the same day by the same troops, and that he attended the funeral of his father, and at the graveyard saw the dead body of the said Richard B. Vernon."

The committee is of the opinion that the affidavit of Captain Long fully establishes the fact that the soldier was absent with leave; and while it can not be said that he was strictly in line of duty when killed, it can be said that he was acting in accord with the wishes and permission of his commanding officer, and that he was killed by the enemy because he was a soldier of the Government.

His widow was left with a family of six children, whom she cared for as best she could in her poverty; and now, at the age of sixty, she comes to Congress with what we believe to be a meritorious case, and therefore the committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN T. BAKER.

Mr. GALLINGER called up the bill (S. 2825) granting an increase of pension to Benjamin T. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Baker, late a quartermaster on the United States steamer Spuyten Duyvil in the United States Navy, and pay him at the rate of $72 per month, in lieu of that which he is now receiving.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2825) granting an increase of pension to Benjamin T. Baker, have had the same under consideration, and beg leave to submit the following report:

Benjamin T. Baker enlisted in Company H, First Regiment New York Engineers, January 27, 1862, and was discharged on surgeon's certificate of disability July 4, 1863, because of general disability and partial paralysis of both legs, from fatigue and exposure in ponton drill and in active service on Folly Island, South Carolina. He re-entered the Navy as quartermaster on the steamer Spuyten Duyvil, July 27, 1864, and was discharged March 13, 1865, because of chronic bronchitis and general debility. During that service he was also treated for chronic rheumatism and suffered from a strain of side from a fall received while assisting in raising an anchor.

Baker is now a pensioner at the rate of $24 per month on account of chronic bronchitis.

The last medical examination, November 7, 1887, shows as follows:

"A poorly nourished old man; muscles atrophied, soft and flabby; skin over abdomen hangs in folds; chest is flat, dullness on percussion over both lungs; rude respiration in all parts of lungs, with moist rales here and there; respiration shallow; heart's action very weak. Claimant is very feeble, and is unable to perform any manual labor, but his condition is in part due to old age."

Because of this opinion no higher rate of pension than heretofore stated will be granted by the Pension Office.

The pensioner is now entirely helpless, as known by the writer of this report. He has no means of support, and, together with his wife, a complete invalid, and a daughter, likewise an invalid, is supported and taken care of by another daughter, a widow, who, having met with severe financial losses a few years ago, is also dependent upon her own exertions for a livelihood.

From all the evidence before your committee we are of opinion that the pension now paid in this case is entirely insufficient for the care and maintenance of this poor and helpless soldier, whose disabilities are so well established as chargeable to his service, and that some relief should be granted. The bill is therefore returned, with the recommendation that it do pass, amended, however, by striking out the words "seventy-two," in line 6, and inserting therein instead the work "fifty."

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA ANN WILBUR.

Mr. GEST called up the bill (H. R. 8200) granting a pension to Lydia Ann Wilbur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Lydia Ann Wilbur, sister of John M. Wilbur, who was a soldier in Company A of the Seventy-seventh Regiment of Illinois Infantry Volunteers, in the war of the rebellion, and was killed in battle May 22, 1863, and pay to her a pension of —— per month, subject to the provisions and limitations of the pension laws.

The amendment of the committee was read by the Clerk, as follows:

Strike out the words "of —— dollars per month," so it will read:

"And pay to her a pension subject to the provisions and limitations of the pension laws."

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8200) granting a pension to Lydia Ann Wilber, have considered the same, and submit the following report:

John M. Wilber was a brother of the claimant. His mother died when he was a baby. His father remarried, and shortly after died. Benjamin Wilber was another brother, a few years older. Upon the death of their mother the care of these brothers fell upon Lydia, and she cared for them in their childhood and in their young manhood with the care of a mother.

Their father was a clergyman, with but little property, and what he had went to his widow, his second wife, upon his death. The children were left penniless. The claimant was always frail in health and strength, but she cared for and supported these boys by teaching school and other employment. They lived together until the boys entered the Union Army, mutually helping one another. The claimant is now fifty-four years old and in feeble health of both body and mind, and is dependent absolutely on friends for support, having no means whatever. While the boys were in the service they sent to her a portion of their wages for her support.

John M. Wilber was killed in battle in the assault upon Vicksburg, May 22, 1863, and Benjamin died in hospital at New Orleans while in the service. The death of these brothers completely prostrated the claimant, from which she has not recovered and there is no prospect that she ever will.

The proof shows clearly that the boys had stated many times to neighbors and friends that they would provide and care for their sister in the future.

They were both unmarried, and the claimant has never married. These facts are abundantly substantiated by numerous witnesses, almost all of whom have known the entire family since the childhood of these boys, and been their immediate neighbors.

E. E. Wallace, a resident of Warren County, Illinois, in which the claimant and her family resided, testifies:

"That he has known claimant since 1847, and knew Benjamin and John M. Wilber during their lives; that their mother died in their infancy, when John was about one year old and Benjamin a few years older; that claimant gave to them both the care and attention of a mother as long as they lived, enduring great labor and self-denial; that she is now and for a number of years has been in delicate health and is without property and dependent on others, and in too delicate health to care for herself properly."

Anne G. Phelps, of said county, testifies to the same substance as the preceding witness (Wallace), adding that she knew of the confidence of the claimant, that the boys would take care of her, and of the claimant's prostration for three years after their deaths.

R. Ogden, now of Bedford, Iowa, swears to about the same state of facts.

Edwin Bundy and C. L. Bundy, now of Bedford, Iowa, swear to about the same.

Eugene Ogden, of Monmouth, Warren County, also corroborates these statements.

Franklin Ogden and Zephaniah Lewis, now of Knox County, Illinois, adjoining Warren County, swear they knew these boys and claimant from their childhood; of the death of their mother and father, leaving them penniless; of the care of Lydia for her brothers; that her physical and mental health broke down; that previous to their enlistment the boys helped to support her.

Narcissa C. Ogden, of Warren County, swears to the same facts, and adds that she knows—

"That the said brothers did intend to provide for their said sister, and did send her a part of their soldiers' wages; that John M. Wilber directed his guardian, who was deponent's nephew, to pay to his said sister all his means, and that said guardian did so."

Leander Chamberlin, Urania Chamberlin, and Orsan H. Patterson, of Henry County, Illinois, swear to their personal knowledge, for many years, of the labor and care of claimant for her brothers and of her destitution since their deaths.

E. P. Phelps swears to his knowledge of the care by claimant of her brothers from their infancy, and of her poverty and ill health since their death.

Rachel A. Bilden, Huldah G. Calkins, L. W. Hardenbrook, Harriet O. Spicerman, and F. D. Ogden swear that claimant cared for and supported these boys in childhood; that her health became broken down and still is; that she has no means of support, and is unable to support herself; that John particularly promised and intended to support his sister, and their deaths cut off her only means of support.

Your committee recommend the passage of this bill.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC HURD.

Mr. HALL called up the bill (H. R. 9935) to increase the pension of Isaac Hurd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Isaac Hurd, a veteran of the war of 1812, Vermont Militia, from $8 per month, the amount now allowed him, to $30 per month.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9935) granting an increase of pension to Isaac Hurd, have considered the same, and report as follows:

The claimant was a private in Captain Strait's company of Vermont Militia from September 17, 1812, to November 30, 1812. He now draws a pension of $8 per month.

He is ninety-five years of age, is in a helpless condition, of weak mind, and has no income of any kind except his small pension. He has a daughter of sixty years, who is also in feeble health and destitute circumstances. About thirty of his neighbors request that he be given a larger pension.

Your committee recommend that the bill do pass, amended by inserting the words "Vermont Militia" after the word "twelve," in line 5.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNIBAL KIMBALL.

Mr. HAUGEN called up the bill (H. R. 10245) granting an increase of pension to Hannibal Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Hannibal Kimball, a soldier of the war of 1812, at the rate of $40 per month, in lieu of the amount now received by him under the law.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10245) granting a pension increase to Hannibal Kimball, have considered the same, and report as follows:

The claimant served in Captain Pratt's company of the Twenty-first United States Infantry in the war of 1812, from March 10, 1813, to March 10, 1815. He is in receipt of a pension at the rate of $8 per month. He is ninety-one years of age; his wife is seventy-two years of age. The claimant is very feeble, almost helpless, and unable to dress himself alone. He has no property, except a few acres of land without buildings, which afford him an income of $25 per annum. His son, who has been the chief means of his support, has met with reverses in business, and has a large family of his own to support.

The facts are established by the testimony of several neighbors and by the certificate of the county judge, county clerk, circuit court clerk, county treasurer, register of deeds, and postmaster, all residents of Clark County, Wisconsin.

Your committee in similar cases have allowed an increase to $30 per month.

They recommend the passage of the bill, amended, however, by striking out the word "forty," in line 7, and inserting in lieu thereof the word "thirty."

The amendment of the committee was agreed to, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELLA M. GROVER.

Mr. HERMANN called up the bill (S. 2254) to increase the pension of Mrs. Ella M. Grover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ella M. Grover, widow of Cuvier Grover, late colonel of the First United States Cavalry, and pay her a pension at the rate of $50 a month in lieu of that she is now receiving.

Mr. CHEADLE. The gentleman had better withdraw it, as I will raise the question of no quorum.

Mr. HERMANN. I ask for the reading of the report so we may know what the facts in the case are, and why the gentleman objects to it.

The Clerk proceeded with the reading of the report.

Mr. MACDONALD. I move that the further reading of the report be dispensed with. If the point of no quorum is to be made it is a mere waste of time.

Mr. HERMANN. I ask for the reading of the report so the House may know what the facts are and how just this case is.

The CHAIRMAN. The gentleman from Oregon insists upon the reading of the report, and the Clerk will proceed to read it.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2254) to increase the pension of Mrs. Ella M. Grover, have had the same under consideration and beg leave to submit the following facts:

The bill proposes to increase the pension of the widow of Cuvier Grover, who died June 6, 1885, while holding the rank of colonel of First Regiment United States Cavalry. She is now a pensioner at the rate of $30 per month, the highest rate allowable under the general pension laws.

Cuvier Grover entered the service in 1846. At the breaking out of the late war he held the rank of captain, but was soon promoted to brigadier-general of volunteers. In that rank he served with the Army of the Potomac in the Virginia Peninsular campaign. Took part in the siege of Yorktown and battle of Williamsburgh. For gallant services in the latter he was breveted lieutenant-colonel in the regular Army. For like services in the battle of Fair Oaks he was breveted colonel. General Grover was at the battles of Savage Station, Glendale, and Malvern Hill. In the Northern Virginia campaign of 1862 he took part in the action at Bristoe Station and second Bull Run. From December 30, 1862, to July, 1864, he commanded a division of the Nineteenth Corps in the Department of the Gulf and participated in the occupation of Baton Rouge and Port Hudson, where he commanded the right wing of the besieging army.

From August to December, 1864, he commanded a division of the Nineteenth Corps in the Shenandoah campaign, and on October 16 he was brevetted major-general of volunteers for gallantry at the battles of Winchester and Fisher's Hill. He was severely wounded in the battle of Cedar Creek on the same day. From January to June, 1865, General Grover was in command of the district of Savannah, and in March, 1865, he was brevetted brigadier-general and major-general in the Regular Army. From the close of the war until his death General Grover served most of the time on the frontier post.

The immediate cause of his death was hemorrhage of the lungs arising from pulmonary abscess, after having been a sufferer from nervous prostration for many years, unquestionably due to his long and faithful field services during the late war, and great exposures to which he was subjected at different times, as shown by the testimony of members of his staff and medical officers of the Army. In particular was he a great sufferer from facial neuralgia due to extraordinary exposure during the Banks campaign.

Mrs. Grover has a very limited income, with three small children to provide for. The long and gallant services of her husband heretofore referred to, which are made more conspicuous by the testimonials of his superior officers, on file with your committee, would seem to entitle her to the relief asked for, which Congress, in many other cases less meritorious, has so cheerfully granted.

For these reasons the accompanying bill is returned with the recommendation that it do pass.

Mr. CHEADLE. I object to the consideration of the bill.

Mr. HERMANN. I wish to call attention to one point in this case different from that in any other to which the gentleman has referred.

Mr. CHEADLE. For the sake of argument I am willing to admit all the gentleman has said, but I wish to say to that gentleman and to the committee, and through them to the country, that when a claimant is receiving the highest pension known to the law they ought to be satisfied with it.

Mr. HERMANN. The gentleman has forgotten one fact stated in that report, and that is that General Grover's rank in the Army was that of a brevet brigadier-general and also major-general. Does not that make this an exception to the cases to which the gentleman formerly objected?

Mr. CHEADLE. I desire to be heard briefly in answer to what the gentleman has said, showing the ground of my objection.

Mr. WILLIAMS. I demand the regular order.

The CHAIRMAN. The regular order is proceeding. The gentleman from Oregon is entitled to the floor.

Mr. SENEY. Regular order.

Mr. HERMANN. I have desired to call the attention of the gentleman from Indiana to the fact that this is a peculiar and an exceptional case. I have a right to present this case, and I insist upon my right.

Mr. SENEY. Mr. Chairman, I make the point of order that objection having been made to the consideration of this bill, the gentleman from Oregon is not entitled to the floor. Why, then, take up the time of the committee?

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the gentleman from Oregon is entitled to the floor and that an ob-

jection can not be made at this time. When the gentleman from Oregon yields the floor the Chair will submit the question to the committee, at which time it will be proper, if any gentleman desires to do so, to make an objection.

Mr. HERMANN. I have called the attention of the gentleman from Indiana to a peculiar point which I claim is embodied in this case, and which should merit his kind indulgence and make it an exception to cases of this class to which he has heretofore objected. The fact is that General Grover was brevetted a brigadier-general and a major-general for gallant services on the field of battle, and he died a colonel in the regular Army, for which his widow has been receiving a small pension heretofore. She is in necessitous circumstances, with three small children to support. The gallant military career of her husband is well known to all students of history, and I need not mention it now. He was a grand man, a brave soldier, a true patriot, and won his epaulets upon the most bloody fields of the late war. He leaves his widow and little children to his country. They have but little other independent income than the very inadequate sum now received. They appeal to the Government their loved protector so gallantly fought and bled to save. But, Mr. Chairman, rather than delay the passage of other bills to which no objection is made through the committee to-night, and in view of the fact that objection has been made to this case, I will trust to securing favorable action of the House on it at some future time, and ask unanimous consent now that it may be passed over informally, retaining its place upon the Calendar.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

RANSOM RILEY.

Mr. HUNTER. I call up for present consideration the bill (H. R. 9182) granting a pension to Ransom Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and dir-cted to place on the pension-roll the name of Ransom Riley, late private of Company G, Fifth Regiment Kentucky Volunteer Cavalry, at the rate of $8 per month.

The report (by Mr. HUNTER) was read, as follows:

It appears that claimant was enrolled at Burkesville, Cumberland County, Kentucky, on the 3d day of October, 1861, as a private in Company G, Fifth Regiment Kentucky Volunteer Cavalry, and while serving with that command at Columbia, Ky., in January, 1862, he was sent to hospital near that place for treatment for rheumatism and lung trouble contracted in the line of duty, and remained there until the 10th day of February, 1862, when he was granted a sick furlough by the surgeon in charge and permitted to go to his home in Cumberland County, Kentucky. A few days after reaching home he was captured by the Confederate forces and taken as a prisoner of war to Salisbury, N. C., where he was confined until June, 1862, when he was exchanged.

He was so disabled on his return home from prison from the effects of the rheumatism and lung trouble heretofore stated, and the confinement in prison, that he was unfit for further military duty, and did not, therefore, rejoin his regiment to be mustered into the United States service.

He is still a great sufferer from the causes above stated, but can not obtain relief through the Pension Bureau on account of his failure to be mustered into the service. He therefore appeals to the generosity of Congress and asks that his name be placed on the pension-roll.

In view of the foregoing facts your committee feel that this is a meritorious case, and report the bill back with a favorable recommendation.

Amend by striking out all after the word "cavalry," in the sixth line, and add "subject to the provisions and limitations of the pension laws."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY R. ARMSTRONG.

Mr. JACKSON. I call up the bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary R. Armstrong, mother of George R. Armstrong, late a member of Company L, Eleventh Regiment Pennsylvania Volunteers.

The report (by Mr. LYNCH) was read, as follows:

That we adopt the Senate report, which is as follows, and recommend the passage of the bill:

"George R. Armstrong, son of the claimant, enlisted September 25, 1861, as a private in Company L, Eleventh Regiment Pennsylvania Cavalry, and remained in the United States service until his discharge, August 13, 1865.

"The claimant alleges that the decedent contracted chills and fever on the eastern shore of Virginia in 1864 and 1865; that he never fully recovered therefrom, and that his death, on August 19, 1868, at Fort Bridger, Wyo., was due to that disease.

"No medical evidence is produced showing the contraction of the disease, owing to the fact that decedent's company was on detached duty at the time, in Accomack County, Virginia, and therefore he was not treated by the regimental surgeon, but by Drs. West and Parmer, resident physicians, whose present whereabouts she can not trace. The physician who attended him after his discharge is now deceased. Nor can she find the physician who attended him at Fort Bridger, Wyo., where he died.

"She produces, however, the affidavits of five members of his company (including a lieutenant), showing his ill-health from chills and fever, or malaria, contracted while on detached duty; and showing, moreover, that he was in such an enfeebled condition at the time of his discharge as to render it necessary for some of his companions to escort him home. The affiants state also that the decedent enjoyed good health at the time of his enlistment.

"Other affidavits filed in the case establish the fact that decedent's disability continued after his discharge, and that he went West with a view to the restoration of his health.

"Mary R. Armstrong, the claimant, is now seventy-one years old, and has been a widow since April 23, 1884.

"In view of these facts, your committee recommend the passage of the accompanying bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP THOMPSON.

Mr. JOHNSTON, of Indiana. I call up for present consideration the bill (H. R. 10210) to increase the pension of Philip Thompson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Philip Thompson, late a private of Company D, Seventy-first Regiment of Indiana Volunteers, from $10 per month to $72 per month, as now specified in pension certificate No. 56297.

The report (by Mr. MATSON) was read, as follows:

The claimant is pensioned for gunshot wound of left knee. He made application to the Pension Bureau for increase on account of injury to right knee and heart disease, and the same was rejected on the ground of insufficient evidence to establish incurrence of said disabilities in line of duty.

As to heart disease, John and Barbara Lock testify—

"That they have known claimant since 1863, and that after his return from the Army he was always sickly and not able to perform labor. They lived with him and have observed that he was sick and confined to his bed most of the time. He always complained of pain in heart and in the left breast. He was compelled to walk very slow, otherwise he was taken with sharp pains in his heart. He did not suffer so much from his affliction during the first years they lived with him, but during the last years he suffered very much, and was confined to his house most of the time."

Benjamin L. Tribble, of same company and regiment—

"Has known claimant before and since the war. Knows that claimant was sound and healthy at time of enlistment. Since his discharge he has seen him very frequently, and he has always complained of heart disease which greatly unfits him for manual labor."

Asst. Surg. G. Schmidth states—

"That he knew claimant in 1863; treated him for injury to knee, and at the same time he complained of pain in the heart, and as I treated him at Indianapolis for rheumatism I took the same treatment, and as rheumatism at all times will have certain effects on the heart, I made my diagnosis accordingly."

The claimant states in his application for increase that he received the injury to his right knee cap by being run over by an ammunition wagon at the battle of Richmond, Ky. There seems to be no positive evidence, in fact, no evidence except claimant's own statement, as to injury to right knee. There is an injury to the right knee, and a number of his neighbors testify that it is their belief that said injury was incurred in the service as stated.

It seems to the committee that the incurrence of heart disease in line of duty is sufficiently established to warrant recommending favorable action on the bill. We therefore recommend that the bill be amended to read as follows: Strike out "Thompson" wherever it occurs in said bill and insert "Thomas;" strike out all after the word "volunteers," in line 6, and insert " for injury to right knee and heart disease, subject to the provisions and limitations of the pension laws;" and when so amended we recommend the passage of the bill.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

TEMPY M. JOHNSTON.

Mr. JOSEPH. I ask present consideration of the bill (H. R. 9169) granting a pension to Tempy M. Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Tempy M. Johnston, widow of John Johnston, late sergeant Company B, Eleventh Regiment Kentucky Volunteers.

The report (by Mr. HUNTER) was read, as follows:

This claimant, Mrs. Johnston, has been twice married. Her first husband, John G. Allen, was a private in Company K, Eleventh Kentucky Volunteer Infantry, and died in service of wounds received at the battle of Stone River. The claimant was pensioned as his widow from the date of his death up to October 18, 1868, when she married John Johnston.

Johnston was also a soldier in the war of the rebellion, having served as a sergeant in Company B, Eleventh Kentucky Volunteer Infantry, and at the battle of Atlanta, Ga., August 6, 1864, he received a gun-shot wound of right arm, which necessitated amputation. Mr. Johnston was a pensioner for the loss of the arm, and at the time of his death received $24 per month. He died November 26, 1885. Concerning the cause of his death Dr. W. H. Yost testifies as follows:

"I knew him previous to his enlistment and that he was healthy. He was wounded in the arm in 1864, for which he had his arm amputated. He came home with gangrene on the stump. After he recovered from gangrene he had scurvy for quite awhile. In 1880 he was attacked with diabetes, for which I attended him up to his death."

The widow's claim was rejected by the office on the ground that the death of the soldier Johnston was not due to his military service. Dr. David G. Craig also testifies in the claim:

"That during the last sickness of Johnston he visited him frequently as a neighbor, and dressed him after his death. That for several days prior to his death the stump of the arm was enlarged to twice the size of the natural arm, and was of a purple color and indicated mortification."

Several other affiants testify to this condition of the right arm just preceding death, and to its troubling him frequently for years previous.

While it is impossible to state that the diseased arm did or did not occasion the death cause, yet, there being a doubt in the matter, it is proper that the benefit thereof should be given to the soldier's widow. Moreover, the pension ought to be restored to her which she drew for the death in service of her first husband, and which she forfeited by her remarriage to the soldier Johnston. The honorable Commissioner of Pensions has recommended restoration of pension to a widow who had been deprived of it by a remarriage, in cases similar to the one under consideration.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY M. SHATTUCK.

Mr. KERR. I ask to call up the bill (S. 3076) granting a pension to Mary M. Shattuck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Shattuck, widow of Merritt Shattuck, late a private in Company H, Thirty-fifth Regiment Iowa Infantry.

The report (by Mr. SAWYER) was read, as follows:

The facts and evidence appearing in the Senate report, hereto attached and made a part hereof, satisfy the committee that this is a meritorious case, and they report favorably and recommend that the bill do pass.

[Senate Report No. 1462, Fiftieth Congress, first session.]

The petitioner is the widow of Merritt Shattuck, late a private in Company H, Thirty-fifth Regiment Iowa Infantry. He was enrolled on the 4th of August, 1862, and was mustered out August 10, 1865, having served three continuous years. He was pensioned for varicocele and general debility at the rate of $4 a month, and at the time of his death he had a pending claim for increase. The widow filed a claim in 1883 for pension for herself and children, which was rejected on the ground that he died of pneumonia, a disease not shown to be due to his military service.

The case, as it comes from the Pension Office, is very imperfectly briefed, but in the opinion of the committee there is ample testimony in the file to show that the soldier went into the service a sound man, came out of it broken down, diseased, debilitated, and that death was a result of his army life.

The record reports show that he was sick and in hospital at different times with fever and diarrhea. The soldier claimed that he had rupture, which was due to hard marching.

Dr. R. M. Youngkin, who was soldier's family physician, testifies:

"Prior to and at the date of enlistment he was a sound, able-bodied man, especially free from rupture or any disabling cause of the kind. Given from personal knowledge."

Dr. Cobb, late surgeon of the Thirty-fifth Iowa Regiment, testifies:

"Treated said Shattuck for bilious intermittent fever, attended with diarrhea. He never was robust after the fever, and was troubled with diarrhea more or less during the remainder of his term in the service. Was able for duty only a part of the time. He now, November, 1880, is not robust, and has varicocele of left scrotum and extending up the cord, which troubles him very much."

Martin Rice, an orderly sergeant of Company H, swears that in the spring of 1864 Shattuck, on the march up Red River, gave out; that the hard marching and weight he had to carry caused a rupture. This from his personal knowledge.

Benjamin Hill, another comrade, swears to the same statement, and says he was ruptured in the left side.

Two other comrades, Godfrey and Ferguson, swear to the rupture and the cause.

Dr. Youngkin says his disability was such as to disqualify him for labor a greater portion of the time.

Joseph Owen and C. H. Easttack testify in 1882 that they knew the soldier from the time he came home; that he was debilitated, and a sufferer from varicocele to an extent to disqualify him for manual labor.

Two other neighbors, Rice and Chapnew, swear that he had rupture when he came home, and that he was generally broken down. They knew this from seeing him daily and from being well acquainted with him before.

Dr. Forlet, who is an official examiner, and who examined him in 1880, says his disability is varicocele of more than ordinary severity, that he suffers all the inconveniences belonging to the same. Its volume is that of a hen's egg and extends as far up as the external ring of the inguinal canal.

The examining board at Cedar Rapids, Iowa, say: "We find a varicose condition of vessels of spermatic cord, left side," and close with this brief and unsatisfactory statement.

This testimony given in support of the soldier's claim for invalid pension establishes the fact of the incurrence of the worst form of varicocele, which some of his comrades called "rupture," and of the serious and permanent impairment of his health.

In the widow's claim there is evidence connecting his disabilities with his death. Dr. Youngkin says he knew the soldier from his boyhood; was his father's family physician; always considered him healthy; treated him after his return from the Army for several years for varicocele and twice for pneumonia; always considered his lungs very weak; he suffered from a cough; was pale and emaciated; treated him for chronic diarrhea.

Dr. Skinner often saw him during the three or four years prior to his death. In April, 1883, found him sick with catarrhal pneumonia, affecting the tissues of both lungs; constantly attended him to the time of his death. His general appearance prior to his last illness indicated an impoverished condition of the system, and had always regarded him as suffering from pulmonary disease, though he did not prescribe for him or make an examination prior to his last illness.

Isaac B. Johnson and E. F. Johnson, of Mechanicsville, Iowa, testify that they were well acquainted with the soldier at the time of his discharge. He was brought to their house weak and poorly; had been sick for some time. He was much debilitated with chronic diarrhea and tendency to weak lungs; never recovered from affection of lungs and weakened condition. Soon after his return home he had an attack of pneumonia, and required the best of care. He was never restored to health; had pain in the lungs and side on the least exposure. When affiants heard of his death from pneumonia they were not surprised, for they had personal knowledge of his continuous bad health.

From a careful examination of the evidence filed the committee are convinced that it furnishes a connected history of the incurrence, progress, and fatal ending of the soldier's disabilities. It is shown that he had chronic diarrhea, varicocele, lung affection—diseases that caused constant suffering, and the progressive effects of which may consistently and properly be connected with his death. The testimony of the physicians, official and lay, it may be admitted, is lacking in detail; but with the honest statements of the affiants, who knew the man, there is sufficient to justify the admission of the claim by the Commissioner of Pensions.

The committee report the accompanying bill for the relief of the widow and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY MITCHELL YOUNGBLOOD.

Mr. KILGORE. I call up for present consideration the bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Henry Mitchell Youngblood, who served in Captain Richard Sloan's company, First Regiment Drafted Georgia Militia, Indian war, 1836, under the name of Michael Youngblood, and pay him a pension at the rate of $8 per month.

The report (by Mr. BLISS) was read, as follows:

The claimant, under the name of Mitchell (or Michael) Youngblood, as shown by the report of the War Department, served in Capt. Richard Sloan's company, First Regiment Drafted Georgia Militia, from June 4 to July 16, 1836, and was paid for one month and twenty-five days. The claimant and his wife are each seventy-one years of age, invalids, and in destitute condition. He should have a service pension as a survivor of the Indian wars.

Your committee recommend the passage of the bill amended by striking out the word "eight," in line 9, and inserting in lieu thereof the word "thirty."

During the reading of the report,

Mr. GALLINGER said: This is evidently a meritorious claim; and I ask that the further reading of the report be dispensed with.

Mr. MACDONALD. I object——

The CHAIRMAN. The report is quite brief.

The Clerk resumed and concluded the reading of the report, as above.

Mr. MACDONALD. I did not want to object to the request to dispense with the reading of the report.

Mr. KILGORE. Do you mean to object to the bill?

Mr. MACDONALD. I object to the amount fixed in the bill. I propose to do in this case what the gentleman from Texas proposed in one of the preceding cases. Inasmuch as this bill has been introduced for $8 a month, and the committee recommend $30, I propose to amend it by making it $20 a month.

Mr. KILGORE. We accept that.

Mr. MACDONALD. That is business.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN DAUPER.

Mr. LAIRD. I call up the bill (H. R. 10342) granting a pension to John Dauper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of John Dauper, late of Company I, Eighteenth Regiment of Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

John Dauper was a corporal in Company I of the Eighteenth Regiment of Ohio Volunteer Infantry. He enlisted April 24, 1861, for three months, and was mustered out August 28, 1861. He applied for pension because of disability resulting from diarrhea and disease of stomach, liver, kidneys, and bladder, contracted in said service in the line of his duty. The examiner who had charge of the case recommended its admission for chronic diarrhea and disease of kidneys and bladder, and its rejection for disease of the liver; but the office rejected his claim, because, as they allege, "of claimant's inability to furnish satisfactory evidence that he contracted any of the alleged diseases while in service, there being no record thereof; and it appears that he can not furnish medical evidence of the existence thereof while in the service or until some years after discharged."

Now, while there is no record or medical evidence to show the existence of the alleged diseases while in service, yet it is clearly shown by the affidavit of his second lieutenant, John Andres, and by the affidavits of two comrades, Vincent Ratcliff and Cleveland Lackey, that while in camp near Parkersburgh, W. Va., on or about the 10th day of June, 1861, during a rainy night, the soldier, for want of tents, was compelled to lie all night on the bare ground, and in consequence of this exposure contracted a severe cold, which was followed by diarrhea; that he was sick from that time forward, and complained of diarrhea, his stomach, kidneys, and bladder; that they have known him from that time until the present, and that he has been sick and disabled in the manner stated from the time said disease was contracted as aforesaid until the present time. There is ample testimony to show that he was a sound, healthy, able-bodied man when he enlisted, and ample testimony, medical and lay, to show that since his return from the service he has been continuously afflicted with disease in the manner stated. We have no doubt that he is disabled in a pensionable degree, and that his disability was incurred in said service in the line of his duty, and we therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. MASON.

Mr. LANE. I ask consideration of the bill (H. R. 10121) granting a pension to Sarah A. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Mason, widow of John Mason, late private of Company D, Forty-ninth Regiment of Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The committee beg leave to report that they have considered this case and find that the claimant was the wife of the soldier, John Mason, late a private in Company D, Forty-ninth Regiment Illinois Volunteers; that the said John Mason was taken prisoner by the Confederate government and was imprisoned in Andersonville prison, where he died some time in 1863; that after his death the claimant drew a pension as the widow of said soldier up to March, 1870, when she was dropped from the pension-roll for the reason that she had remarried.

The facts in regard to such remarriage the committee find to be that the said widow was drawing $8 per month for pension, which was not sufficient to support her, and that one Moses Bray induced her to marry him under the false and fraudulent representations and statements that he was a man of property and was amply able to support her, and relying on such statements she was induced to marry him, and after she was married to him she found that she was deceived, and such statements as to his property were false and fraudulent,

and that in a very short time after such marriage he left her, carrying away with him some of her little property, which he sold and converted to his own use and never returned to her and never provided her with a support.

The committee find from the evidence in this case that the claimant was fraudulently induced to enter into said second marriage, and that the said Moses Bray at the time of said marriage did not intend to live with her, and that he has since deserted her, and that she has secured a decree of divorce from said Bray on the ground of fraud and desertion, and that she is now sixty years of age, unable to work because of disease, and has no property to provide her with support and has no person liable to support her, and if she does not get relief here she will become a public charge on the community for her support.

On a full consideration of this case the committee recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM F. PIKE.

Mr. LEHLBACH. I ask consideration of the bill (S. 3166) granting a pension to William F. Pike.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William F. Pike, late of Company H, Thirteenth Regiment United States Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the bill (S. 3166) granting a pension to William F. Pike, submit the following report:

The report of the Senate committee is adopted, and the passage of the bill is recommended.

SENATE REPORT.

William F. Pike, the claimant under this bill, enlisted in Company H, Thirteenth Regiment United States Infantry, July 2, 1866, and was discharged July 27, 1867, at Camp Cook, Montana Territory, on a surgeon's certificate of disability, because of "incipient phthisis pulmonalis."

He made application for pension October 6, 1879, alleging—

"That at Camp Cook, Montana Territory, July, 1867, he was detailed to carry off adobes used in building quarters, etc.; sustained an injury something like a rupture on left side of abdomen above groin, and was injured just above left hip-joint."

The claim was rejected by the Commissioner of Pensions, December 15, 1887, on the ground—

"That record evidence and a special examination fail to show origin of claimant's disability in the service and line of duty."

The records of the War Department show no evidence of the alleged disability.

The claimant was eighteen years of age at enlistment. His soundness at this time is well established. William B. Ross, C. C. Martin, Richard Branigan, Joseph Veil, Simon Moeller, and Thomas Ross, comrades, all swear to incurrence of the disabilities as alleged by claimant.

The testimony showing continuance since discharge is full and complete, showing the inability of claimant to perform manual labor more than one-half the time.

The board of examining surgeons at Leavenworth, Kans., under date of June 28, 1882, report "no rupture," and make no rating for "injury to back." He was further examined by the board at Kansas City, July 2, 1884. They make no rating for alleged disabilities, but rate him C sixteen-eighteenths for disease of lungs, etc. H. F. Bender, special examiner, reports—

"That in his opinion the disability was contracted, as alleged, in line of duty, and that he is greatly disabled thereby, and has been ever since his discharge. * * * I do not believe it is really essential to investigate the case any further. Prior soundness, origin, and continuance are shown in this report, and I recommend admission."

W. S. Mayer, special examiner—

"Is of the opinion the claim is one of doubtful merit."

* * * * * * *

J. G. Townsend, special examiner, gives the opinion—

"That claimant was injured in the way which he claims, and that the case is probably a meritorious one, and recommend further examination."

A. H. Sweeter, special examiner, concludes his report by saying:

"From the evidence submitted I believe this claim to be meritorious; and believing further that, notwithstanding all minor discrepancies, it has been proven with reasonable sufficiency, I respectfully recommend its admission."

Your committee concur in this conclusion, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN FRANKLIN.

Mr. LIND. I have a constituent here who had the misfortune to lose both arms and both legs. There is not a parallel case. He is now drawing a pension of $72 a month, and the committee this morning amended the bill so as to increase the allowance to $100 a month. The report has not been printed. If any one desires to object on that account I wish he would signify it now, because I do not want to consume the time of the committee.

Mr. KILGORE. I object.

Mr. LIND. I desire to say to the gentleman that this man has lost both arms and legs, and is almost blind.

Mr. MACDONALD. This is a meritorious case.

Mr. KILGORE. Did he lose them both in the war?

Mr. LIND. He lost them in the Indian war in Minnesota.

Mr. KILGORE. I withdraw my objection.

The bill was read, as follows:

A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Franklin, late of Company H, Second Regiment of Minnesota Cavalry, and pay him a pension of $150 per month, in lieu of the pension of $72 per month heretofore granted, and which he is now receiving for loss of both legs and both arms.

Mr. LIND. The committee recommend an amendment to strike out $150 and insert $100. I will print the report to-morrow.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH LINCOLN YOUNG.

Mr. LODGE. I call up for consideration the bill (H. R. 2474) granting a pension to Joseph Lincoln Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Lincoln Young, son of Joseph Young, late a private in Third Maine Volunteers, for the pension formerly received by him as the minor child of a soldier who died in service.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2474) granting a pension to Joseph Lincoln Young, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill is the child of Joseph Young, who died August 21, 1864, at Andersonville prison, while a private of Company H, Seventeenth Maine Volunteers, to which command he was transferred from Company H, Third Maine Volunteers.

His widow drew pension until her death, January 20, 1868, whereupon his minor children were placed upon the pension-roll, and continued to receive pension until November 6, 1878, on which date the youngest, Joseph Lincoln, became sixteen years of age.

It appears from the evidence before your committee that Joseph Lincoln Young is incapable of taking care of himself by reason of a mild type of insanity, and that he is dependent upon others for support. The probate court of Essex County, Massachusetts, has declared him insane, and appointed a guardian.

Congress having on many occasions liberally responded to the requests for relief in this class of cases, your committee feel warranted in returning the accompanying bill with the recommendation that it do pass, amended, however, by striking out all after the word "private" in line 7, and insert therein instead the words "of Company H, Seventeenth Regiment Maine Volunteers, at the rate of $18 per month, payable to his legally constituted guardian."

The amendment was agreed to, and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ARLINGTON M. HARRINGTON.

Mr. LYMAN. I call up for consideration the bill (H. R. 3152) for the relief of Arlington M. Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arlington M. Harrington, late a private in Company B, Sixteenth Regiment Kentucky Volunteer Infantry, in Mexican war, at the rate of $12 per month, in lieu of the pension he now receives.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3152) granting a pension to Arlington M. Harrington, have considered the same, and report as follows:

The claimant served for a period of a year and three months in the Mexican war in Company B, Sixteenth United States Infantry. He is in receipt of a service pension of $8 per month under the act of January 29, 1887. He desires his pension to be increased to $12 per month on account of his disabled condition. About ten years ago he applied for pension, claiming that he contracted a disease of heart and Bright's disease of the kidneys while in Mexico. His claim was rejected because he could not find comrades and officers who remembered his diseases. The records show that he was sick in January and February, 1848, and he shows by the testimony of reliable witnesses that he has been an invalid ever since 1848. For several years he has been dependent upon the county in which he lives for part subsistence.

Your committee are of the opinion that an exception should be made in his case, and his reasonable request for increase be granted.

The passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MIGHILL H. PATTEN.

Mr. MACDONALD. I call up for consideration the bill (H. R. 10672) granting a pension to Mighill H. Patten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension-roll the name of Mighill H. Patten, late of Captain Hereford's company, First Regiment Maine State Militia, and now a resident of Waterford, Minn., subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10672) granting a pension to Mighill H. Patten, have considered the same, and report as follows:

The claimant served in Capt. James Huxford's company of light infantry (drafted), of Maine, called into actual service by the State for the protection of the northeastern frontier. His term of service extended from February 20 to April 25, 1839, and he was detached to First Regiment, First Brigade, Third Division, commanded by Maj. Gen. Isaac Hudsdon.

This command was called into service by the governor of Maine to repel a threatened military invasion from New Brunswick into the territory of Maine. The State was reimbursed for its expenses incurred in the campaign by act of Congress, and the rolls of the drafted and enrolled militia turned over to the War Department of the General Government.

The full circumstances of the use of the troops on the northeastern frontier of Maine are given in Senate Report 419, Twenty-sixth Congress, first session, and that report states that the exigency contemplated by the Constitution had arisen to warrant the governor of Maine in calling upon the militia force of the State to defend the frontier, exposed as it was to an immediate attack.

The claimant filed his claim before the Pension Bureau for pension, but it was rejected on the ground that the company was not mustered into the military service of the United States.

The claimant was allowed a land-warrant for his services in said campaign.

The period of service was prior to the war with Mexico, and your committee are of the opinion that a service pension should be granted to the claimant. They therefore recommend the passage of the bill, amended, however, by changing the word "Hereford's," in line 5 of the bill, to "Huxford's;" and also by striking out, in lines 7 and 8, the words "subject to the provisions and limitations of the pension laws" and inserting in lieu thereof the words "and to pay him a pension at the rate of $8 per month."

The amendments were agreed to; and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH WELSH.

Mr. MAISH. I ask consideration of the bill (H. R. 9975) granting a pension to Joseph Welsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Joseph Welsh, of York, Pa., father of Albertus Welsh, J. Franklin Welsh, and Howard H. Welsh, all of whom are now deceased, soldiers in the Union Army in the war of the rebellion, on whom the said Joseph Welsh was dependent for support during the said war.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9975) granting a pension to Joseph Welsh, submit the following report:

Joseph Welsh had four sons, all of whom served in the Union Army during the war of the rebellion, one also having served his country in our war with Mexico.

Albertus Welsh, his oldest son, died early in the war, whilst in the service, from disease contracted in the service.

J. Franklin Welsh, another son, was wounded at the battle of Winchester, and was disabled for life. He died about five years ago.

Howard H. Welsh, also a son, contracted a disease in the service from the effects of which he was partially disabled until he died, about ten years ago.

Edward P. Welsh, another son, died in 1882.

Two of his sons lived with their father and mainly supported him and their mother at the time when they entered the Army, and they all contributed to his support whilst they were in the service, and afterwards until they died. Joseph Welsh's wife died about six months ago.

Joseph Welsh is now eighty-three years old, and is utterly bereft of those on whom he could lean for support in his old age, all of his children being dead. He states in this affidavit "that he is now in a destitute condition and has nothing but what is given him by charitable friends."

It is proposed that the bill be amended by inserting the words, in line 10, after the end of the sentence, as follows: "and pay the said Joseph Welsh a pension of $25 per month."

As thus amended the bill is reported favorably, with the recommendation that it do pass.

The amendment was agreed to; and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JONATHAN W. LEIGHT.

Mr. MARTIN. I ask consideration of the bill (H. R. 2716) granting a pension to Jonathan W. Leight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to put on the pension-roll the name of Jonathan W. Leight, late hospital steward of the Sixty-seventh Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2716) granting a pension to Jonathan W. Leight, beg leave to report as follows:

Jonathan W. Leight was hospital steward of the Sixty-seventh Ohio Infantry Regiment. In the summer of 1862 he was ruptured while lifting a box of hospital stores into a wagon. The team started sudden and threw the heavy weight of the box on him, thereby severely rupturing him. No officer was present, and the claimant, being a hospital steward, and also a partially educated physician, treated himself. His only proof is in the existence of the rupture at and after discharge, and in the fact that he was thoroughly examined physically at enlistment, when he was pronounced to be a remarkably sound and healthy man. In short, he had the same trouble in proof that constantly arises in rupture.

We think the fact that he was not ruptured at enlistment and was at discharge is, under the circumstances, sufficient proof of the fact, especially as he naturally treated himself instead of calling upon a surgeon, as a non-professional person would have done.

Claimant also contracted rheumatism, which was proven to the satisfaction of the Pension Office. On June 30, 1882, the office issued him a certificate, to terminate, however, on October 6, 1883, at which time the office claimed his disability had terminated.

The existence of the rheumatism, and its increasing violence after the termination of the certificate, is testified to by Dr. J. H. Forrester, Dr. S. T. Stewart, Wilson Brown, David Olden, and A. Alexander (all witnesses of excellent repute), but the examining physicians of the Government find a disability for rupture (which the Department holds is not sufficiently proven), but none for rheumatism, which the Department holds is proven.

Under these circumstances we think that his disability to labor—which is conceded—arises from his military service, and that he ought to be pensioned.

We therefore recommend the passage of the bill.

Mr. MARTIN. It is proposed to amend the bill by adding "subject to the provisions and limitations of the pension laws."

Mr. KILGORE. How much pension is asked in that case?

The CHAIRMAN. It is to be subject to the provisions and limitations of the pension laws.

The amendment was agreed to, and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MARGARET QUINTON.

Mr. MATSON. I call up the bill (H. R. 10122) granting a pension to Margaret Quinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Margaret Quinton, an army nurse during the late war of the rebellion, and pay her a pension at the rate of $12 per month.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10122) granting a pension to Margaret Quinton, have considered the same, and report:

It appears from the papers on file with the committee that Margaret Quinton was employed by the surgeon in charge of a hospital established at Danville, Ky., immediately after the battle of Perryville or Chaplin Hills, in October, 1862, and served as matron of said hospital until March or April, 1863, when she became prostrated by sickness from overwork. At that time she was forty-seven years of age, and until said service had had good health and been capable of earning a comfortable living as tailoress. Since said hospital service she has never recovered her former health, and since 1880 has been entirely disabled from work by weakness and blindness, and dependent on the kindness of friends for subsistence.

The physicians who attended her in her sickness at Danville are both dead, and she is therefore unable to procure medical testimony of said sickness. She has never been married, and is now seventy-three years of age; has no means whatever; is unable from physical weakness to earn anything, and she is entirely dependent upon her neighbors and friends for support.

Dr. Hanna says:

"She has been sick and under his professional care since February, 1887, to the present time, and during all this time she has been confined to her room and a great part of the time to her bed, requiring attention from others; and at no period during this time has she been able to make a support for herself, nor is it probable that she ever will be able to even take care of her room and prepare her own food though the same should be furnished her without cost."

There is ample proof that the claimant served as stated; that she was in good health at the time of her employment; that her health was greatly impaired by reason of said service, and by reason of said sickness has been unable to earn a living by manual labor. In view of her said services, her great age, and her extreme poverty, we believe that the relief asked for ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

WILLIAM FAIRBANKS.

Mr. MCCORMICK. I call up the bill (H. R. 10103) granting a pension to William Fairbanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Fairbanks, late a private in Company A, Fifteenth Regiment New York State Engineers.

The report (by Mr. SAWYER) was read, as follows:

The claimant served as a private in Company A, Fifteenth New York Engineers, from January, 1862, until February, 1865.

He claims pension for rupture of right side and a wound of head. Claim was rejected because satisfactory evidence was not filed showing origin or treatmnet in service, and claimant has alleged he can furnish no further testimony. Evidence of claimant shows that while on detached duty under Sergeant Moore, who is now dead, guarding a ponton bridge over the Rappahannock, at Branch Ford, while walking upon post was struck in the head and wounded by a piece of shell; he was rendered unconscious, taken to field hospital, and treated for a month or more. From that time until the present he has been a constant sufferer from the effect of said wound. As he was upon detached duty at time of injury it is difficult for claimant to furnish evidence of eye witnesses of incurrence of injury.

Comrades Canavan and Powers, who saw him soon after he received injury, swear he was suffering from wound in the head. They further say that until he was discharged he complained of and was troubled by continual pain in the head and dizziness, and Comrade Canavan says this continued until 1869, until which date he frequently saw him.

Two witnesses who knew claimant before enlistment swear he was a sound, healthy man when he enlisted, that when he returned and until 1873, during which time they frequently saw him, he was feeble, unable to perform manual labor, and constantly troubled with his head.

The medical board at Utica, N. Y., who examined claimant in September, 1886, found a depression, groove-shaped, 1 inch long and one-eighth of an inch deep, over left parietal bone.

The claimant is seventy-five years old, feeble in body and mind. Your committee think the bill should pass, and so recommend.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE ROBINSON.

Mr. MCRAE. I call up the bill (H. R. 9148) to grant a pension to Jane Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane Robinson, dependent widow of Harai Robinson, late a colonel in the First Louisiana Cavalry, United States Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9148) granting a pension to Jane Robinson, have considered the same, and now report:

Col. Harai Robinson, husband of the applicant, at the time of his death was drawing a pension for gunshot wound of nates, received in the battle of Sabine Cross-Roads, Louisiana, April 8, 1864. He died suddenly at Gogona, Panama, December 14, 1886, but the exact cause of death could not be ascertained, and hence no application for pension was made at the Pension Office.

Daniel C. Halliday, a physician of twenty-five years' standing, testifies that he was called upon to examine Colonel Robinson's wound some time after he was suffering from it. He found him debilitated from long continued and extensive suppuration of the whole tract, which sometimes diminished in quantity, but never wholly ceased. He adds:

"The long continued suppuration and necessarily constant drain upon his system was productive of alarmingly debilitating effects, and rendered the patient suffering therefrom subject to loss of appetite and loss of flesh and constantly progressive weakness and loss of flesh, which must have brought him to a premature grave, wholly caused by the nature of his wound and its effects."

Colonel Robinson left a lucrative mercantile business and gave his services in behalf of the Union cause. Maj. Gen. W. B. Franklin says:

"Colonel Robinson was distinguished for bravery, energy, and efficiency. He worked hard always, and brought his command to a high state of discipline and efficiency. At the battle of Sabine Cross-Roads he was wounded. I believe that, while Colonel Robinson was in my command, he was as efficient and meritorious an officer as there was in the Department of the Gulf."

The widow of Colonel Robinson, the claimant herein, is proved to be, by competent testimony, in a totally dependent and destitute condition. Favorable action on her application for Congressional relief is earnestly recommended by the Grand Army of the Republic, Department of the Gulf, and a large number of officers and past officers of that department, as well as others, as in every way worthy of asked-for relief. In view of the fact that Colonel Robinson was drawing a pension at the time of his death, that in all human probability the wound for which he was pensioned was the cause of his death, his efficient services as a Union soldier, and the destitute condition of his widow, the committee submit a favorable report and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. VAN BUSKIRK.

Mr. MORRILL. I call up the bill (H. R. 10824) granting a pension to Mary A. Van Buskirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Mary A. Van Buskirk, widow of Charles F. Van Buskirk, late of Company F, Fourth Regiment of Missouri State Militia Cavalry, subject to the provisions and limitations of the general pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10824) granting a pension to Mary A. Van Buskirk, submit the following report:

The husband of claimant served nearly two years in Company F, Fourth Regiment Missouri State Militia. He contracted diseases of the liver and rectum, for which he was receiving a pension at the time of his death. Dr. W. B. Campbell, a reputable physician of Troy, Kans., testified February 17, 1888:

"I have treated Charles F. Van Buskirk, of Troy, Doniphan County, Kansas, as his physician during his last sickness, for chronic disease of liver and rectum, of which disease he died February 1, 1888."

The examining board by whom the soldier was examined December 22, 1886, reported that he was in the last stages of phthisis. It is, it seems to your committee, a question of difference of opinion between doctors as to the existence of diseases closely connected and often mistaken one for the other. The evidence submitted in proof of the soldier's claim shows that he incurred his disability in the service; that it continued and increased until it caused his death. While the decision of the medical referee, based upon the report of the examining board, made fifteen months before his death by physicians who were strangers to the deceased and only saw him for a few moments, may be technically in accordance with the rules of the office, your committee prefer to accept the decision of the family physician, who was his constant attendant and treated him up to the hour of his death. They therefore report the bill back with the recommendation that it pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS RAINS.

Mr. NEAL. I call up the bill (H. R. 1085) granting a pension to Thomas Rains.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be placed upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Rains, late captain Company B, Fifth Tennessee Mounted Infantry Volunteers.

The report (by Mr. HUNTER) is as follows:

Thomas Rains, the claimant, from April, 1863, to September, 1864, was engaged in scouting and recruiting for the Federal Army in Kentucky and Tennessee. On September 23, 1864, he was mustered in as captain of Company B, Fifth Regiment Tennessee Mounted Infantry, and served from that time with and as captain of the company up to July 13, 1865, the date the regiment was mustered out, he being mustered out with his company. He alleges that while a member of that company and in the line of duty at Cleveland, Tenn., about the 15th of December, 1864, he was attacked by inflammation of the eyes caused by cold and exposure while on duty.

The evidence is conclusive that he suffered from soreness and inflammation of the eyes for some time previous to his muster out, and that he has so suffered ever since, and that he is now almost totally blind, and unable for the performance of manual labor. The Pension Office rejected the claim because the alleged disability, in the opinion of the examiner, existed prior to enlistment.

While there is some evidence to sustain such a theory, the preponderance and weight of the evidence certainly sustains the claimant, that the disease was contracted in the service about the time alleged.

He is sustained by the testimony of men of high character and standing, among them A. J. Carson, who has been sheriff of Bradley County, Tennessee; Daniel McDonald, deputy sheriff and tax collector; J. C. Tipton, chairman of the county court of said county, and some fifteen or twenty other citizens and comrades, who knew him before his enlistment or muster in, during his service, and after his muster out.

The first intimation in the record as to whether the eyes of the claimant were diseased prior to enlistment is in a letter to the Department by Dr. G. W. Remage, surgeon of the regiment, that he was of the opinion that the disease of the eye existed prior to enlistment; but when his testimony was taken, it appears that Dr. Remage first joined the regiment the last of February, 1865, and that he had never seen Captain Rains until that time, and that was some time after Captain Rains's eyes had become diseased. No reason is assigned for his opinion, and, in fact, he corrects his opinion. The other evidence as to sore or inflamed eyes prior to muster is hearsay, inferential, and unsatisfactory.

As already stated, the evidence seems to be overwhelming that this disability was contracted in the service, and even if the evidence *contra* should raise a doubt, that doubt should be resolved in behalf of the helpless soldier.

The committee recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARY A. COVEY.

Mr. PARKER. I call up the bill (H. R. 6309) for the relief of Mary A. Covey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary A. Covey, widow of Henry G. Covey, late a private in Company A, Sixtieth New York Volunteers, at the rate of $8 per month, otherwise subject to the conditions and limitations of the pension laws.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6309) for the relief of Mary A. Covey, submit the following report:

The claimant, Mary A. Covey, is the widow of Henry Covey, late a private of Company A, Sixtieth Regiment of New York Volunteers.

The soldier married the claimant in 1870, and left surviving him at his decease the widow and two daughters, one of whom has become sixteen years of age during the present year, and the other will reach that age in March, 1889.

This soldier enlisted September 9, 1861; was honorably discharged July 19, 1865; applied for a pension July 19, 1866; he was pensioned at the rate of $8 per month for "disease of right arm." He died April 22, 1885, of disease alleged to be typhoid pneumonia.

The claim of the widow was rejected upon the ground that "the fatal pneumonia not accepted as dependent on disease of right arm; said death cause is not otherwise shown to be due to the service."

The facts appear from the documents on file as follows:

The Assistant Adjutant-General says:

"Roll of Company A, dated July 17, 1865, reports the soldier absent sick since November 18, 1865."

Another report by same officer reports that—

"Roll of Company A for May and June, 1865, reports the soldier sick in New York since November 18, 1864, and subsequent rolls report him the same."

A report dated February 14, 1887, signed by Adjutant-General Drum, says:

"The soldier was enrolled in Company A, Sixtieth New York, September 9, 1861, for three years, and is reported present on rolls from enlistment to December 31, 1862; January and February, 1863, present sick in regimental hospital; March and April, 1863, present, so reported to December 31, 1863. Re-enlisted as a veteran volunteer December 14, 1863, and is reported present on rolls from January 1 to October 31, 1864; November and December, 1864, absent sick in division hospital since November 18, 1864. * * * He was mustered out on invalid-roll at United States Army Hospital, Troy, N. Y., July 19, 1865."

Surgeon-General's record shows that the soldier—

"Was admitted to general hospital, Troy, N. Y., April 5, 1865, from McDougal General Hospital. Diagnosis chronic diarrhea and rheumatism."

Another record from the Surgeon-General's Office says that this soldier—

"Was admitted to McDougal General Hospital, Fort Schuyler, New York Harbor, March 19, 1865, from Savannah, Ga., for treatment for rheumatism and diarrhea, and was transferred to Troy, N. Y., April 4, 1865."

Another report from the Surgeon-General's Office, dated February 11, 1887, shows this soldier—

"Admitted to hospital December 14, 1864, with diarrhea, where he remained until January 22, 1865; also, admitted to general hospital Savannah, Ga., with rheumatism, and was afterwards transferred to hospital steamer S. R. Spaulding, March 13, 1865; diagnosis chronic rheumatism; entered McDougal Hospital with rheumatism and diarrhea, and entered the hospital at Troy with diarrhea and rheumatism, and was furloughed April 23, and readmitted May 20, 1865."

Although the pension was granted for "disease in the right arm," the evidence filed shows that the claimant was a weak and broken-down man from his discharge to the time of his death.

He was subject to a swollen body and to swollen feet and legs, the disease sometimes affecting his brain.

A. M. Larkin, M. D., in an affidavit dated March 28, 1887, says:

"That he was the family physician of this soldier for three years previous to his decease. * * * From the facts and my previous treatment, the disease of his right arm had invaded his whole system, his general health and physical; also his constitution was totally broken down, consequently Henry G. Covey fell an easy prey from the attack of pneumonia, which was the fatal effect of the army trouble which he was afflicted with."

D. C. S. Merrill, a practicing physician of West Liberty, Muscatine County, Iowa, testifies that he knew the soldier for a year just before his death, and says:

"That he knew him as constitutionally broken down; in this condition he was seized with typhoid pneumonia and in ten days succumbed. This disease was the immediate cause of his death, but in my judgment it was but a sequel to the constitutional dyscrasia resulting from his army life."

In a later affidavit the same witness reports the condition of the deceased more fully, and concludes.

"The relation between his diseased condition and the fatal termination of his pneumonia is substantially the relation of cause and effect."

In view of the evidence the committee can but believe that the disabilities from which he suffered, and which was the result of his army life, in part contributed to the death of the soldier, if they were not the principal cause thereof, and that his widow is entitled to the relief sought to be given by this bill, and they therefore recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD WATERS.

Mr. PETERS. I call up the bill (H. R. 201) granting a pension to Edward Waters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place the name of Edward Waters, late a private in Company K, Ninety-third New York Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 201) granting a pension to Edward Waters, submit the following report:

Soldier enlisted in Company K, Ninety-third New York Volunteer Infantry, January 14, 1862, and served until January 27, 1865. In his declaration he claims for rheumatism, contracted in the fall of 1864. The case was rejected by the Pension Office because there was no record of the applicant to show that he suffered from rheumatism during the war, and because he could not produce sufficient proof of the origin of rheumatism in the service. There is no doubt about the applicant having been a sufferer from rheumatism for years, and the only question in the case is whether this rheumatism was contracted in the service.

Jacob Gunston says: "I know Edward Waters; have known him since 1857." He also says: "I have boarded in the same family with him, and worked with him in the same malt-house off and on from 1857 to 1862." He says he was a young man about twenty years of age when he enlisted and was in good health

all the time he knew him. "I never knew him to be sick. He also seemed to be strong, hearty, and able-bodied."

Edward Hoghn testifies:

"I knew Edward Waters; have known him since 1857. He worked for my father for about three years in the malt business. He went into the Army in 1862, and was at that time in good health. He was never sick while he worked for my father. When he came back from the Army, in 1865, I saw him at West Troy. He was then weak and sickly. He was suffering from rheumatism and complained to me several times of rheumatism in his arm."

George C. Sambrook, of the same company, testifies that he was a portion of the time with the soldier and knew that he was always in fair health; that he, the affiant, was wounded and went to hospital, and went home to New York in 1864, where he met the soldier, who was then at home on sick furlough; that said Waters was then in bad health, in a very weak condition, and he thought he was suffering from chronic diarrhea; that after the war Waters and himself went into partnership in the buying of some property; that he was with him a great deal, and that he suffered a great deal from rheumatism in the arms, and at times was unable to lift his hand to his head.

Two druggists also testify to having sold him some medicine for rheumatism immediately after the war.

This and other testimony shows that the soldier was sound at enlistment; had never been sick any; that he was sick and on furlough in 1864; that he had rheumatism at that time; that he was sick and had rheumatism in 1865, and from that time on; that he obtained patent medicines for this disability. He has had rheumatism since his discharge during each and every year.

We think, from all the evidence, that it is reasonable to conclude that rheumatism was incurred in the service and in the line of duty, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole on the Private Calendar, reported that they had had under consideration sundry bills and had directed him to report them to the House with various recommendations.

HOUSE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;

A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth;

A bill (H. R. 11029) for the relief of Mary Vanbuskirk;

A bill (H. R. 11030) granting a pension to Susan E. Latture;

A bill (H. R. 6201) granting a pension to John Robeson;

A bill (H. R. 10940) granting a pension to Victoria May;

A bill (H. R. 7457) granting a pension to Eleanor D. Heath;

A bill (H. R. 1007) for the relief of Henry Rose;

A bill (H. R. 10629) granting a pension to Washington Ryan;

A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustave W. Geyer;

A bill (H. R. 7912) for the relief of Frances P. Vernon;

A bill (H. R. 9969) granting a pension to Tempy N. Johnston;

A bill (H. R. 10342) granting a pension to John Dauper;

A bill (H. R. 10121) granting a pension to Sarah A. Mason;

A bill (H. R. 3152) for the relief of Arlington M. Harrison;

A bill (H. R. 10122) granting a pension to Margaret Quinton;

A bill (H. R. 10103) granting a pension to William Fairbanks;

A bill (H. R. 9148) to grant a pension to Jane Robinson;

A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk;

A bill (H. R. 1085) granting a pension to Thomas Rains;

A bill (H. R. 6309) for the relief of Mary A. Covey; and

A bill (H. R. 201) granting a pension to Edward Waters.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10738) to increase the pension of George C. Quick;

A bill (H. R. 10241) increasing the pension of Richard Porter;

A bill (H. R. 8200) granting a pension to Lydia Ann Wilber;

A bill (H. R. 9935) to increase the pension of Isaac Hurd;

A bill (H. R. 10245) granting an increase of pension to Hannibal Kimball;

A bill (H. R. 9182) granting a pension to Ransom Riley;

A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood;

A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin;

A bill (H. R. 2474) granting a pension to Joseph Lincoln Young;

A bill (H. R. 10672) granting a pension to Mighill H. Patten;

A bill (H. R. 9975) granting a pension to Joseph Welsh;

A bill (H. R. 2716) granting a pension to J. W. Leight; and

A bill (H. R. 10210) to increase the pension of Philip Thompson (title amended by striking out "Thompson" and inserting "Thomas").

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed.

A bill (S. 2899) granting a pension to Harriet Welch;

A bill (S. 2721) granting a pension to Jackson Chapman;

A bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong;

A bill (S. 3076) granting a pension to Mary M. Shattuck; and

A bill (S. 3166) granting a pension to William F. Pike.

The bill (S. 2825) granting an increase of pension to Benjamin T. Baker (reported from the Committee of the Whole House with amendment) was taken up, the amendment agreed to, the bill as amended ordered to a third reading, read the third time, and passed.

Mr. MORRILL moved to reconsider the various votes by which bills reported from the Committee of the Whole House had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM S. LATHAM.

Mr. SYMES. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 10563) granting a pension to William S. Latham, and that the bill be now put on its passage.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William S. Latham, late a private of Company E, Eighty-seventh Regiment of Illinois Volunteers.

The report (by Mr. HUNTER) is as follows:

The records of the War Department show that claimant was enrolled on the 15th day of August, 1862, at McLeansborough, Ill., in Company E, Eighty-seventh Regiment of Illinois Volunteers, to serve three years or during the war, and was mustered into the service as a corporal on the 22d day of September, 1862, at Shawneetown, Ill.

On the muster-roll of Company E of that regiment for the months of January and February, 1863, he is reported absent without leave since January 22, 1863. Roll for March and April, 1863, reports him "deserted" at Shawneetown, Ill., January 22, 1863. Roll for May and June, 1863, reports him present.

Reported as a deserter January 22, 1863, but, upon the following facts being ascertained, was restored to his company. He obtained a furlough at Shawneetown, Ill., to go to his home in Hamilton County, Illinois, but was taken sick and not able to return until January 6, 1863. Roll from June 30, 1863, to February 29, 1864, reports him "in general hospital, Memphis, Tenn., since July 4, 1863." Roll for March and April, 1864, reports him present. Muster-out roll, dated June 16, 1865, reports him mustered out with company at Helena, Ark.

He filed an application for pension on the 8th day of January, 1870, and alleged in his declaration disability from dropsy of chest, palpitation of heart, and rheumatism contracted in the line of duty; but the claim was rejected by the Pension Bureau on account of the charge of desertion, which appears to have been erroneously entered in his military record, as shown by the corrected record of the Adjutant-General of the Army, above referred to.

In support of his declaration he filed on the 8th day of January, 1870, the following affidavit of Capt. Hiram Angel, who was captain of claimant's company and regiment:

"That he was captain of Company E, Eighty-seventh Regiment of Illinois Volunteers, and that he well knew William S. Latham, who was a corporal of said company and regiment; that while in the service aforesaid, and in the line of duty at the siege of Vicksburg, Miss., on or about June 20, 1863, the said Latham became disabled for the performance of military duty by reason of dropsy of chest, palpitation of the heart, and rheumatism, which were contracted at the time and place aforesaid while doing duty in said sieges, caused by exposure and hard service; that said soldier was in good health at the time of enlistment, and that the diseases aforesaid affected him while in said service and at the time of his discharge so as to render him partially disabled for the performance of military duty."

He also filed in the case an affidavit of Dr. Daniel Berry, who was assistant surgeon of claimant's regiment, which is as follows:

"That while in rear of Vicksburg, Miss., he (claimant) was sent to general hospital February 3, 1863, sick with phthisis.

"That while at Marganzia, La., he was treated for diarrhea and sent to general hospital May 9, 1864. That his means of knowledge are from personal examination and memoranda."

On the 30th day of January, 1870, he filed an affidavit of Dr. W. S. A. Cox, and one of Dr. J. N. Goalden, both of Hamilton County, Illinois, who testify as to having treated claimant for said troubles after his discharge.

He also, on the 30th day of November, 1887, filed an affidavit of Dr. James A. Mahan, and Dr. Augustus Lewis, of Todd County, Kentucky, as to having treated him for his alleged diseases.

Dr. J. R. Bailey, United States examining surgeon at Ferguson, Logan County, Kentucky, made an official examination of claimant on the 21st day of May, 1884, and reports his disability total from the causes stated.

In view of the foregoing facts, your committee feel that this is a meritorious claim, and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SYMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL NEIKIRK.

Mr. SENEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 7185) granting a pension to Samuel Neikirk, and that the bill be now put on its passage.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Samuel Neikirk, of Republic,

Seneca County, Ohio, late a private in Company K, One hundred and first Regiment Ohio Volunteer Infantry.

The report (by Mr YODER) was as follows:

Samuel Neikirk, private of Company K, One hundred and first Ohio Volunteer Infantry, enlisted August 15, 1862, and was discharged April 15, 1863. Served subsequently from May 2, 1864, to August 27, 1864, in Company K, One hundred and sixty-eighth Ohio Volunteer Infantry. Filed his declaration for pension in the Pension Office March 31, 1879, alleging disease of the heart and liver and stomach, contracted on a forced march from Louisville, Ky., to Nashville, Tenn., about December 12, 1862. The hospital record shows him sick in convalescent camp since December 26, 1862, to February, 1863. In April was discharged by order of General Rosecrans, at Nashville, for disability.

S. L. Rice, assistant surgeon United States Volunteers, in charge of hospital at Nashville, Tenn., April 15, 1863, certifies that he has carefully examined said private, Samuel Neikirk, finding him unable to perform duties of a soldier because of hypertrophy of the heart attended with excessive action fit.

Dr. H. K. Spooner testifies that he knows from personal knowledge that claimant was sound and able to perform all kinds of labor up to April, 1861. After affiant returned from service, in September, 1865, he found him suffering from disease of the heart, liver, and stomach, which have now become chronic. Affiant has treated claimant continuously for said disease, with only palliating results. He is disabled from performing all manual labor permanently.

H. K. Spooner, M. D., testifies that he was family physician of claimant prior to his enlistment, and that he was sound and free from rheumatism, heart disease, and liver complaint; states also that he treated him in 1865, and he was one-half disabled by reason of disease of heart, liver, and stomach.

His application for pension was rejected, after having been recommended by special examiners of the board of review, upon the technical ground that the disease had existed prior to enlistment. But, after a careful examination of all the evidence on file, which is very voluminous, your committee believe this to be a meritorious case, and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The hour of half-past 10 o'clock having arrived, the House, in accordance with its order, stands adjourned till to-morrow at 12 o'clock m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CARUTH: A bill (H. R. 11259) for the relief of Joseph Haxthausen—to the Committee on Claims.

By Mr. GROUT: A bill (H. R. 11260) granting a pension to Leonard Person—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 11261) granting a pension to Helen A. De Russy—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 11262) authorizing the construction of bridges across the Kentucky River and its tributaries by the Richmond, Nicholasville, Irvine and Beattyville Railroad Company—to the Committee on Commerce.

By Mr. MORRILL: A bill (H. R. 11263) granting a pension to William H. Coppinger—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11264) granting a pension to George W. Cahill—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: A bill (H. R. 11265) granting a pension to James H. Worthin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petitions of 25 citizens of Carlton, Kans., for legislation protecting women—to the Committee on the Judiciary.

By Mr. GEAR: Resolutions of Shriver Post, No. 177, Grand Army of the Republic, of Vernon, Iowa, relative to pensions—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of J. J. Scarbery and 30 others, of Washington County, and of C. B. Jeffers and 40 others, of Athens and Meigs Counties, Ohio, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of C. B. Jeffers and others, of Ohio, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McCREARY: Petition of Margaret Driskell, to have her claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of James Winton, for payment of war claim—to the Committee on War Claims.

By Mr. WHEELER: Petition of William L. Bradford, for removal of disabilities—to the Committee on the Judiciary.

IMPORTATION OF CHINESE LABORERS.

Mr. O'NEILL, of Missouri, under leave to print on Senate bill to prohibit importation of Chinese laborers, presented the following letter and memorial:

SAN FRANCISCO, *July* 30, 1888.

DEAR SIR: Inclosed you will please find a copy of the memorial adopted at the great anti-Chinese mass meeting held in this city July 25. We would thank you to lay it before the Committee on Labor, of which you are a member.

Respectfully,

H. C. KINNE, *Chairman*.

Hon. JOHN J. O'NEILL.

To the Senate and House of Representatives:

The people of San Francisco, in mass meeting assembled for the purpose of devising some means to save our State from the incoming of Chinese coolies, whose immigration is expressly prohibited by the laws passed by you, do represent as follows:

We recognize that Congress has responded to the wishes of the people of the United States by adopting such legislation as we all deemed necessary to and adequate for that end. That such legislation would have been sufficient to accomplish the end for which it was intended had it been enforced in good faith, according to the spirit in which it was devised, there can be no doubt.

Although the law has been upon the statute-books since 1882, and was amended four years ago with the intent to strengthen its provisions in order to meet the technical objections raised by the judiciary on the Federal bench of this coast, the fact remains that a larger number of Chinese are entering the port of San Francisco to-day than have entered at any other time in our history. There are practically no greater restrictions upon the entry of Mongolians than upon that of Europeans, the only difference being that a head tax is imposed upon Mongolians for the benefit of the courts instead of the Treasury.

Thus have the efforts of Congress to protect American labor from ruinous and degrading competition with a servile race been defeated. The situation is so alarming as to endanger the peace of this State, because the judges whose duty it is to uphold the law have brought the administration of the law into contempt.

If not to the law, where can the people look for protection? If the efforts of Congress heretofore to protect the people shall continue to be thwarted, the people must and will protect themselves.

By your act of 1882, as amended, it was provided that certain certificates would be the sole evidence of the right of any Chinaman to land. The administration of this law was placed in the hands of the collector of customs. In the attempt to carry out the provisions of this law the customs officials have been thwarted at every step by the mandates of the Federal courts. By the abuse of the right of habeas corpus the administration of the act has been taken from the hands of the collector of customs and usurped by the courts. The examination of Chinese on board ships by the customs authorities provided for in your act—which was the greatest safeguard against the fraudulent landing of coolies—has been vetoed by the Federal courts, although it was approved by the President. So determined have been the judges to defeat the plain and only purpose of the law that they have gone the length of threatening with imprisonment the customs officials who have sought to perform the sworn duty imposed upon them by the Congress and President of the United States.

Since you ordained in 1884 that no Chinaman should enter this country without possessing a certain certificate showing his right to land, nine thousand have been landed by habeas corpus. This violation of law has been accomplished through the agency of the Federal judges, who have set up a standard of their own above and in defiance of the law. Clothed with that discretion which is inseparable from a proper exercise of the judicial office, they have in every instance used it in behalf of the Chinese and against the spirit of the law. Every doubt has been resolved against the interests of the people. Had they been paid attorneys of the Chinese while sitting on the bench they could not have worked more persistently and eagerly at throwing down the guards which you set up against this immigration. Each cooly landed by habeas corpus represents legal fees amounting to $20. The circuit court, which is the conduit through which this Asiatic filth flows, has for its fee-receiving clerk a near relative of the judge. So great has been the inpour of this profitable, though forbidden, immigration, that the regular machinery of the court has proved inadequate to the demand.

A subsidiary court not contemplated by statute has been created for the admission of Chinese, and no fee now goes to waste. This subsidiary court receives a fee of $3 for every Chinaman landed, and does its work at the rate of one Chinaman every ten minutes during business hours. At the present time there are in San Francisco's Chinatown no less than 4,000 certificateless coolies landed upon habeas corpus, turned loose on bail and awaiting examination. Many of them have been on shore as long as six months. The only proof of prior residence required by the circuit court and its annex from these men is an ability to answer certain questions to show a slight familiarity with the geographical features of San Francisco, and the entry of their names in the books of the Chinese Six Companies or in the accounts of a Chinese merchant. Every one of this army of coolies can secure his final discharge at the expense of a false oath and the payment of the required fees. Meantime this swarm of Asiatics who are supposed by law not to be in the country, are actively competing with American labor in all branches of industry and aiding in the reduction of the scale of wages to the Chinese level. The amount represented on the bonds for which Chinese residents are sureties is already in excess of the assessed valuation of all the propeaty owned in San Francisco by the Chinese population.

That the interpretation placed upon the law by Judges Sawyer and Sabin and Commissioner Houghton is not a necessary, but an arbitrary interpretation, is shown by the brief sitting of Judge Ross of the southern district of California. This jurist was recently invited to sit upon the circuit bench in this city. His rulings were such as to exclude the Chinese, and such as to spread dismay and panic among the whole colony of fee-receiving officials, coolie brokers, attorneys, straw bondsmen, and all other parasites who are living and fattening upon the decaying remains of the restriction act.

Judge Ross's sitting was brief. He has not been invited to sit on the circuit bench again. He has been dropped from Judge Sawyer's visiting list.

We, the people of San Francisco, appeal to Congress to end this monstrous conspiracy, to save the Pacific coast and the country from the consequences of an abuse of judicial power unparalleled since the time of Jeffreys.

The House of Representatives has created a committee to investigate the subject of contract labor. We invite that committee to visit this city. We promise to place before it facts which will demonstrate the truth of every allegation made in this memorial. When this proof has been made and submitted to Congress we demand remedial action. What that action should be is self-evident. No law which you have placed upon the statute-books has been able to withstand the hostile and destructive assaults of the Federal judges of this coast. You have given us a new treaty and contemplate the passage of a still more stringent exclusion act. We are grateful for these honest efforts to save us from Chinese association and competition, but in the light of experience what confidence can be felt that any law or any treaty will be carried into effect while its administration rests in the hands of judges who have annulled every existing statute. While they remain upon the bench Chinese exclusion is impossible.

We demand the impeachment and removal of Lorenzo Sawyer, judge of the United States circuit court of the ninth circuit, and of George M. Sabin, district judge for the district of Nevada.

Adopted in mass meeting of trades unions and citizens of San Francisco July 25, 1888.

H. C. KINNE, *Chairman*.
HAMILTON H. DOBBIN, *Secretary*.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 25, 1888.

The House met at 12 o'clock m., and was called to order by the Clerk of the House.

ELECTION OF SPEAKER PRO TEMPORE.

The Clerk directed the reading of the following:

WASHINGTON, D. C., *August* 25, 1888.

DEAR SIR: As I will be absent from the Capitol until Monday, you will please ask the House to elect a Speaker *pro tempore*.

JOHN G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The CLERK. The rules of the House provide that, when the Speaker is absent and has failed to designate some member to preside, it becomes the duty of the House to elect a Speaker *pro tempore* to act during the temporary absence of the Speaker. Nominations for that purpose are now in order.

Mr. BLOUNT. Mr. Clerk, I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Hon. CHARLES F. CRISP, a Representative from the State of Georgia, be, and is hereby, elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

Mr. CRISP, on taking the chair as Speaker *pro tempore*, was greeted with applause.

Prayer was offered by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

NOTIFICATION TO THE SENATE.

Mr. BLOUNT submitted the following resolution:

Resolved, That the Clerk be directed to notify the Senate that the House has elected Hon. CHARLES F. CRISP, a Representative from the State of Georgia, as Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

Mr. HOLMAN. I call for the regular order.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER *pro tempore* laid before the House the amendment of the Senate to the joint resolution (H. Res. 201) to correct an error in an act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER *pro tempore*. This is merely a formal amendment to insert the word "of" before the word "California" where it occurs in the bill; and if there be no objection the amendment will be concurred in.

There was no objection, and it was so ordered.

REFERENCE OF SENATE BILL.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge; which was read twice, and referred to the Committee on Invalid Pensions.

BRIDGE ACROSS THE MISSISSIPPI AT ST. LOUIS.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887; which was read twice.

Mr. O'NEILL, of Missouri. Mr. Speaker, a similar bill to this has been unanimously reported from the House Committee on Commerce. The Senate bill strikes out the word "stockholder" where it is used in the House bill in connection with the holding of stock in other bridge companies. There is no objection, I understand, to it whatever as it has passed the Senate, and I ask unanimous consent that it be now taken up and considered.

Mr. ADAMS. What is the state of the House bill?

Mr. O'NEILL, of Missouri. It has been unanimously reported from the Committee on Commerce.

Mr. ADAMS. And is now on the Calendar?

Mr. O'NEILL, of Missouri. It is.

Mr. ADAMS. The request is what?

Mr. O'NEILL, of Missouri. To take up the Senate bill and pass it.

Mr. ADAMS. I presume there will be an explanation of the bill if consent is given.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri?

Mr. PAYSON. Let an explanation be made first, reserving the right to object.

Mr. O'NEILL, of Missouri. It will be remembered that in the bill passed during the last Congress there was a proviso—I refer now to the bill granting the right to construct a bridge across the Mississippi River at St. Louis, passed last winter, for the purpose of enabling the merchants of that city to build a bridge to compete with the present bridge structure there—which proviso prohibted any of the stockholders from being also interested in the stock of any other bridge company. It has been found that by the insertion of the word "stockholders" in that connection it will be difficult if not impossible to secure this competing bridge for the reason that the owning of stock in any other bridge company by any of the stockholders of the proposed company operates as a forfeiture of its charter.

The House will understand that the merchants of St. Louis are the prime movers in the demand for this bridge. The incorporators and stockholders comprise many of our best citizens. It is they who ask for this amendment, and I am willing to aid them in removing any obstacle to the building of this bridge and giving our people the relief from the excessive tolls of the present bridge company, and also furnish ampler facilities for the handling of freight.

I earnestly hope there will be no objection made, and this the last obstacle to the building of this additional commercial highway thereby removed.

All the rights of the people in regard to protecting them in the construction of this bridge and tolls thereon appear to be amply covered without it, and that provision which the Senate proposes to eliminate interferes with the placing of the bonds and the building of the bridge. I repeat, it is unanimously reported from the Committee on Commerce.

Mr. DOCKERY. I join with my colleague from Missouri in expressing the hope that there will be no objection to the consideration of this bill. It is quite important not only to the people of St. Louis, but to the State of Missouri.

Mr. ADAMS. Does the gentleman believe that the other provisions embodied in the bill are ample to secure protection?

Mr. O'NEILL, of Missouri. I do.

Mr. ADAMS. Is it a high bridge?

Mr. O'NEILL, of Missouri. Yes, sir.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

Be it enacted, etc., That section 11 of the act entitled "An act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo.," approved February 3, 1887, be, and the same is hereby, amended by striking out the words "stockholder or" wherever they occur in said section, so as to make said section read as follows:

"SEC. 11. That whereas a principal reason for giving authority to build the bridge herein contemplated is to secure reasonable rates and tolls for corporations and individuals for passing over the same, the St. Louis Merchants' Bridge Company, or its successors or assigns, shall not agree or consent to the consolidation of this bridge with any other bridge across the Mississippi River, or to the pooling of the earnings of this bridge company with the earnings of any other bridge company on said river, nor shall any person who is or may be a director or manager of any other bridge over said river be a director or manager of the bridge herein provided for: *Provided*, That if this provision of this act shall at any time be violated in any of these particulars, such violation shall, without legal proceeding, at once forfeit the privilege hereby granted, and said bridge shall become the property of the United States, and the Secretary of War shall take possession of the same in the name and for the use of the United States."

SEC. 2. The right to amend or repeal this act is hereby expressly reserved.

Mr. O'NEILL, of Missouri. I demand the previous question.

Mr. FARQUHAR. I would like to ask the gentleman from Missouri a question. Was not the word "stockholders" incorporated originally in the bill which passed the House as a safeguard against any monopoly in respect to the new bridge company against the old, which has been regarded as a monopoly? I would like to know from the gentleman why the word "stockholder" is now to be eliminated.

Mr. O'NEILL, of Missouri. For the reason that they find it very difficult to build a bridge and place the stock with such a provision that if any person owning stock in the new bridge should own any stock in any other bridge company it would forfeit the charter. They say that it leaves the charter in this position, that the very parties they are trying to prevent from interfering could by simply having one share of stock in this bridge—that fact would destroy their charter.

Mr. FARQUHAR. Why was there not a qualifying expression used, such as "shall not hold shares in any competing bridge company?" That would cover the ground. Now, I understand the people of St. Louis desire this as a competing bridge, and the safeguard by the use of the word "stockholders" in that connection was embodied in the bill, and was thought originally to be one of the very strongest points in favor of giving the right to build the bridge when the House bill was sent to the Senate. It is manifest, if this change is made, that the protection sought to be thrown around it will be entirely eliminated, because at the end of a year they will have a new board of directors, and by securing control of the stock that board may be able to control both bridges. In other words, they can change the present management. I simply ask for general information.

Mr. O'NEILL, of Missouri. I think, if the gentleman will pardon me, the very thing he refers to is in their power. The managers of the competing bridge by purchasing even one share of the stock in the new bridge could succeed in destroying the charter.

Mr. FARQUHAR. Does the new bill exclude them from the right of purchasing?

Mr. O'NEILL, of Missouri. No power can do that when bonds are openly sold.

Mr. FARQUHAR. Then, having bought the shares, they can, of course, by buying enough have control of both.

Mr. O'NEILL, of Missouri. Yes; but if they buy one share under the bill they would destroy the charter, and that provision prevents the merchants of St. Louis from going forward and constructing the bridge. We are now at the mercy of and practically controlled by the one company owned by Gould.

Mr. FARQUHAR. Yes.

Mr. O'NEILL, of Missouri. And our business men are trying to build a competing bridge.

Mr. FARQUHAR. Then the friends of the bridge favor this amendment?

Mr. O'NEILL, of Missouri. It is my understanding that the merchants of St. Louis are asking that this change be made. The Senate passed this unanimously, and the House Committee on Commerce has reported unanimously in favor of it. It is entirely acceptable to our people who are building the bridge.

Mr. FARQUHAR. I am glad to understand that. I only asked for information.

Mr. HENDERSON, of Iowa. Is it the understanding that this bil will prohibit the company from owning stock in another bridge?

Mr. O'NEILL, of Missouri. It is, and there is ample protection in the bill against pooling the earnings.

Mr. HENDERSON, of Iowa. By buying any stock in this company it works the forfeiture of the charter of this company.

Mr. ADAMS. The gentleman will see that it is absolutely essential that this provision should be stricken out, because if it is not stricken out the power to buy one share implies the power to buy one share more than the majority. Therefore there should be some provision in another part of the bill against their pooling.

Mr. O'NEILL, of Missouri. That is amply protected in other provisions besides this.

I now move the previous question upon the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, House bill No. 11249, similar to the Senate bill just passed, will lie on the table.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GALLINGER, for this day, on account of important business.

To Mr. ARNOLD, for two weeks, on account of important business.

To Mr. MCKENNA, for four days, on account of important business.

To Mr. FRENCH, for to-day, on account of important business.

To Mr. SIMMONS, for two weeks, on account of sickness in his family.

To Mr. BOWDEN, for one week, commencing from Monday next, on account of important business.

To Mr. GAY, for two weeks, on account of ill-health.

To Mr. STEWART, of Vermont, indefinitely, on account of sickness.

ENROLLED BILL.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title:

A bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 1661 for the erection of an appraisers' warehouse in the city of New York, and for other purposes.

POLYGAMY LAWS.

Mr. KILGORE. I demand the regular order.

Mr. ROGERS. I rise to a question of privilege. I am directed by the Committee on the Judiciary to report back the resolution requesting the Attorney-General to furnish certain information in reference to the pardon of persons convicted under the anti-polygamy laws, and ask that the same lie on the table; and also to report a substitute favorably, which they ask be adopted at this time.

The SPEAKER *pro tempore*. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Attorney-General be requested to furnish to the House of Representatives the number of convictions for polygamy, adultery, and unlawful cohabitation had in the Territories of Utah and Idaho under the provisions of the anti-polygamy law of 1862, and the act of 1882 amendatory thereof, and the act of March 3, 1887, and the dates thereof as shown by the records of the Department of Justice, together with the amount of fines, forfeitures, and costs collected from said prosecutions, with the date of judgments under which said several sums were collected; a list of pardons granted by the President of the United States to persons convicted of such crimes of polygamy, adultery, and unlawful cohabitation, respectively, in the said Territories of Utah and Idaho, giving the name, date of sentence, time of imprisonment, amount of fine, date of pardon, and the reason for granting the same in each case.

Mr. ROGERS. The Clerk has read the substitute.

The SPEAKER *pro tempore*. The Clerk informs the Chair that he has reported the substitute.

Mr. ROGERS. I think the original should be disposed of first.

Mr. PETERS. I would like to hear the original resolution.

The Clerk read as follows:

Resolved, That the Attorney-General be requested to furnish to the House of Representatives a list of pardons granted by the President of the United States to persons convicted of the crime of unlawful cohabitation in Utah Territory and in Idaho Territory since March 4, 1886, giving the name, date of sentence, length of sentence, and date of pardon in each case.

Mr. ROGERS. I ask for the reading of the accompanying report.

The Clerk read as follows:

The Committee on the Judiciary, having had under consideration the resolution "requesting list of persons pardoned who had been convicted of polygamy," report the same back, and recommend that it be laid on the table.

And the committee also report a substitute in lieu of said resolution, and recommend the passage thereof.

The reason that induced the committee to report the substitute is that the original resolution limited the inquiry to a very narrow field, not even embracing the several crimes created and made punishable under the anti-polygamy law; whereas the committee thought that if the information which the resolution calls for was desirable, and they thought that it was, that the field of inquiry should be so extended as to put the House in possession of all the facts relating to the enforcement of the anti-polygamy laws and the pardon of persons convicted thereunder in the Territories named in the resolution.

Mr. ROGERS. Mr. Speaker, I furnished on yesterday morning to the representative from Idaho Territory, who is the author of the original resolution, a copy of the substitute resolution, which I understood from him was satisfactory, but he desires to make a brief statement to the House, and in order to enable him to do so I will now yield him five minutes, or ten if necessary.

Mr. DUBOIS. I desire a little more time than five minutes.

Mr. ROGERS. Ten minutes?

Mr. DUBOIS. Perhaps ten or fifteen minutes.

Mr. ROGERS. Then, Mr. Speaker, I retain the floor and yield the gentleman ten minutes.

Mr. DUBOIS. Mr. Speaker, I am very glad that the Judiciary Committee saw fit to enlarge the scope of the resolution which I had the honor to introduce. I am satisfied that a great deal of valuable information will be furnished as a consequence of the adoption of the resolution. In addition to the request which was embodied in my original resolution, that a list should be furnished of the pardons which have been granted to those convicted of unlawful cohabitation, adultery, and polygamy, the committee have added a request that the number of convictions had for these various crimes shall also be furnished. This information will absolutely and utterly refute a statement which has been brazenly made and reiterated by the agents of the Mormon Church here that only 1½ per cent., or less, of their people are in polygamy.

When you talk about people being in polygamy you do not refer to babies in arms or to children of tender age. Only those of such an age as to assume the duties and responsibilities of married life can be considered as fit subjects of discussion in regard to polygamy. The information which will be furnished in accordance with the resolution as enlarged by the committee will show that more than 1½ per cent. have been convicted of these crimes in the Territory of Utah. When a man is convicted of polygamy or unlawful cohabitation that means that three persons at least are in that relation. A man can not be in polygamy without having at least two wives, so that, as I have said, for every conviction there are at least three persons in polygamy. Now, there are not more than sixty thousand adult Mormons in Utah Territory, and the information called for by this resolution will prove beyond question that more than the number which they persistently state are in polygamy have been convicted under the law, and no man who has any regard for truth and veracity will undertake to say that one-twentieth of those who are in polygamy have been convicted.

The number of indictments out is larger than the number of convictions, and it is notorious that those people resort to every means to evade the law. Those who are indicted flee and hide, and a great many who are not suspected are in this relation. I stand by the statement which I had the honor to make before the Senate committee, that about one-half of the adult Mormons in Utah are in polygamy. As regards Idaho, I had the evidence before me as United States marshal of the Territory to demonstrate that at least one-third of the adult Mormons in that Territory were in polygamy. The enlarged resolution also asks for a statement of the amount of fines and forfeitures collected. For that I thank the committee. The Mormon Church has known for years that it was contrary to law for a church to hold property in excess of $50,000. Since the passage of the Tucker-Edmunds law the Government has wrested from them several hundred thousand dollars which they had wrung from the poor dupes of their church in order to fasten the shackles on them more firmly. You will find, too, that whereas in almost all cases of conviction for unlawful cohabitation a fine of $150 or $300 is imposed in addition to the sentence, scarcely one of the parties convicted pays the fine.

They hold that a man has to be exalted in a certain degree in order to enter into this relation; that he must be picked out for some special merit, and the opinion is prevalent that they never take a second wife unless they can provide for her. There is not one in twenty of those convicted who, at the expiration of his term, does not go before the

proper officer and swear that altogether he is not worth $300, and thus escape further imprisonment under the "poor man's oath." Those men have two or three families, and yet they are not able to raise $300 with all their property! These facts will be shown when this resolution is answered, because I speak from the record, and the records will confirm what I say. What sort of families can such people bring up? What sort of a crime is it for men to raise families in such poverty? The number of pardons which have been granted to Mormons who have violated the Edmunds and the Edmunds-Tucker law is quite large; and I should say that in Utah nearly 10 per cent. of them have received Executive clemency. The effect of this is to encourge them in their immoral practices, to fill them with false hopes as regards the disposition of the Government towards their institution. The judges in Idaho and in Utah have adopted a practice of asking a Mormon, who is convicted of unlawful cohabitation, what his intentions are in the future in regard to obedience of the law.

If he promises to obey the law sentence is suspended. This is the invariable custom in both these Territories. The judges insist that this promise to obey the law does not prevent parties from taking care of their second or third or other families, but that it is their duty to do so. They must cease, however, to hold out their plural wives as wives in public or in private, and must so act as to make it known that they do not regard them as wives.

The intention of the judges and other officers in Utah and Idaho is and has been to be lenient and charitable, and to encourage the devotees of this very peculiar institution to break away from their criminal organization and obey the laws. As I have said, it is not necessary for one of them to go to the penitentiary. All that he has to do is to promise to obey the law and he will escape.

One of the objects of punishment for crime is to reform. Executive clemency should never be granted, except in unusual cases, unless the criminal at least promises repentance and shows a disposition to lead a better life. Nothing was further from my intention in introducing my resolution than to ascribe improper motives in the matter of these pardons either to the President or to the Attorney-General. I receive inquiries very frequently from Utah and Idaho asking why this or that person should have been pardoned, and by whom the pardon was recommended. It is also inquired of me if efforts are being made to get certain persons released, how many have been pardoned, etc. This is a matter of very great concern to the law-abiding citizens of Utah and Idaho, who have been battling there on the frontier these many years to maintain the law and break down this polygamous institution. I have no doubt that plausible reasons have been given in each case, and that no protests of an adverse kind have been filed in individual cases. It may be that some of those pardoned have asked pardon on a written promise to obey the laws in the future. I myself cheerfully recommended a pardon based on the ground of future obedience to the law. I am satisfied that the information asked for will show no improper motive on the part of President Cleveland.

The representative of the Mormon Church on this floor, the distinguished gentleman from Utah, is very energetic in all matters affecting his Church, and is indefatigable in his efforts to secure pardons for this class of criminals, both in his own Territory and mine. No one would object more strongly than he, however, if one of these poor fanatics wished to promise to obey the law, and thus escape punishment in the first place.

The Mormon emissaries who have been lobbying here all winter have made very many cunning statements and empty promises in behalf of their church; and I imagine that many of these statements will be found indorsed on the applications for pardons. The truth is that there is no sign in Utah or Idaho that the Mormon Church has abandoned or intends to abandon polygamy. They do not teach and proclaim it so publicly as in past years because of the severity of recent laws and because of an ill-founded hope that they may deceive Congress into granting them statehood for Utah. In the Territory which I have the honor to represent, the Gentiles—Democrats and Republicans—united in the Legislature in passing a law which takes away the right to vote, to sit on a jury, or to hold office from any one who belongs to an organization which teaches or practices or encourages polygamy. I will read a part of our law referring to the oath which an elector must take:

I do further swear that I am not a bigamist or polygamist; that I am not a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or resulting from membership in such order, organization, or association, or which practices bigamy or polygamy, or plural or celestial marriage, as a doctrinal rite of such organization; that I do not, and will not, publicly or privately, or in any manner whatever, teach, advise, counsel, or encourage any person to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a religious duty or otherwise.

Mr. Speaker, that law disfranchised every Mormon in Idaho Territory. It has been in force during four years. It has been passed upon by the courts and sustained, and not one of those Mormons has taken that oath.

I have seen in various newspapers harsh criticisms of President Cleveland based on the frequency with which he grants these pardons. I believe his motives are misunderstood, and I believe also that he sees but one side of this question, and that clemency has the effect to encourage and not to check polygamy. I trust there will be no opposition to the adoption of this resolution.

Mr. ROGERS. I now yield twenty minutes to the Delegate from Utah Territory [Mr. CAINE].

Mr. CAINE. Mr. Speaker, the purpose of those who originated this resolution was plainly political. As to the resolution as reported from the Judiciary Committee I not only have no objection, but I most earnestly favor its adoption. The information it calls for will show conclusively that undue leniency has not been shown to convicted persons in Utah and Idaho, and at the same time it will demonstrate under whose administration the laws in question have been most rigidly enforced.

The President, by the sixth section of the anti-polygamy law of 1882, was given authority to grant amnesty to certain classes of offenders guilty, before the passage of said act, of bigamy, polygamy, or unlawful cohabitation. During the debates in Congress upon this bill while on its passage it was clearly foreshadowed that the then existing status of the polygamists in Utah would be recognized and amnesty granted to those living in that relation. Bygones were to be bygones; the past was to be forgiven; the people were to be granted an opportunity to start anew. I need not say that no such opportunity has been afforded. No amnesty to classes has been granted; all alike have been prosecuted. Out of the hundreds convicted in Utah and Idaho very few have been granted pardons, and only to those who have served a portion of their time in the penitentiary. None, however, have been pardoned except in cases of extreme old age, sickness, or for other good reasons. No such pardon has been granted except upon the recommendation of the United States district attorney who prosecuted the case. Some petitions have been favorably indorsed by the judges who tried the cases, and sometimes the governor of the Territory, the United States marshal, and other Federal officials have joined in the request.

The petitions for executive clemency which have been presented through me, have been mostly signed by non-Mormons, the bankers, merchants, and other prominent business men of Utah, who while strong advocates of the enforcement of the anti-polygamy laws, do not consider it necessary to the safety of the nation and the perpetuity of American institutions that men over seventy years of age should be imprisoned for unlawful cohabitation.

I will not attempt to notice any criticisms made upon the President for his action in granting a few pardons to sick and aged men in Utah and Idaho. I believe that the President is abundantly able to take care of himself, and if this resolution is adopted the Attorney-General will give such reasons for the President's action in these matters as will be entirely satisfactory to this House and to the country.

The intemperate remarks of the gentleman from Idaho do not call for any reply from me. The whole history of the Mormon people—what they are, what they have done in Utah, Idaho, Arizona, and elsewhere—furnishes the refutation for stale slanders like those he has treated us to. Facts speak louder than words.

But, Mr. Speaker, with the indulgence of the House I propose briefly to show what efforts the people of Utah have made within the last two years to settle the so-called Mormon question, and to bring that much-abused Territory into harmony with the rest of the nation. To do so satisfactorily to myself, and intelligibly to the House, I must go back and speak of the causes which lead up to the existing state of things in Utah.

Forty-two years ago a body of people, abandoning their homes, set out to find an abiding place where, unmolested by mob violence, they might rear their tabernacles and temples and worship God in peace and earn an honest living by the sweat of their brows. In all the history of mankind there is not the record of another undertaking comparable to that of the pilgrimage from Nauvoo, on the banks of the Mississippi, to the valley of the Great Salt Lake. Ten thousand people within a little more than two years transplanted themselves from the immediate neighborhood of the Mississippi River to a desert region more than 2,000 miles distant. The migration, considered in all its aspects, I repeat, is without parallel in the annals of the human race. The exodus began in the dead of winter, the pioneer band crossing the Mississippi River on the ice. Save a few hundred miles the way was through a country possessed by savages, never friendly and often hostile to intruding white men. The road had to be marked out, bridges built, and means of crossing great rivers provided. The hostile Indians had to be conciliated, settlements formed, crops planted and grown to provide provisions for the thousands who followed. From the beginning to the end perfect discipline was maintained. There was no collision with the wild Indians. There were hardships and sufferings endured, but none died of hunger. Disease, exposure, anxiety, toil, homesickness did their work, and the graves of loved ones marked every resting-place along that 2,000 miles of pilgrimage.

Triumphing over every obstacle, heroically overcoming every difficulty, the desert valley, on the shores of the Great Salt Lake, was reached. The region was not then the domain of the United States; it was the territory of Mexico, with which we were at war. One of the first acts of the pioneer band was to scale a lofty mountian peak, unfurl the Stars and Stripes, and take possession in the name of the United States.

The weary wayfarers came to the valley through Emigration Cañon. No more uninviting and heart-discouraging prospect ever met the gaze of emigrants than that which spread out west, north, and south. To-day the prospect is pleasing and grand, because the mountains, the lakes, the streams, are settings to a picture which the patient endeavors of an industrious people have wrought. Then the grandeur of the setting but added to the dull, dead monotony of alkali plains covered with sage-brush, the emblem of depressing solitude.

The men who led, the thousands who followed, were Americans to the core. They were of the best lineage New England, New York, Pennsylvania, and Ohio can boast. Their sires and their grandsires had fought for liberty and human rights, for the principle of local community self-government, and the rights of freemen, during the war of 1812, and the glorious struggle for independence. More than one in five of their able-bodied sons were then serving their country as volunteers in the war with Mexico. They were of the stock that helped to win for you and for me our great heritage of freedom and grand domain. Their descendants, Mr. Speaker, have ever cherished as priceless that heritage. They realize the inestimable blessings they have enjoyed under the Constitution of the United States, and they revere t as the work of men who were inspired by God for that special service.

I have said, Mr. Speaker, that the desert region of Great Salt Lake Valley presented an uninviting prospect in 1847. But it was the land to which an exiled people had been led under the direction of Divine Providence. The winter which followed was one that men who were children then will remember to the hour of their death. Even now, in dreams, they experience anew the pangs of awful hunger endured during the terrible winter and succeeding spring, when but for the roots which the Indians taught them to dig and eat many scores must have perished.

The work which the settlers of Utah have done speaks for itself. It is not alone the material development they have wrought; the conversion of a desert region into an earthly paradise; the transformation of the dreariest and most forbidding of waste places into fruitful fields; the building of great and flourishing cities and towns; the founding of settlements and the planting of colonies; the construction of railroads and the opening of mines. They founded a commonwealth; they laid broad and deep the foundations of a community which has been much maligned, but which one day will receive the recognition its intrinsic worth entitles it to. It is a community of 200,000 souls, with material possessions worth not less than $250,000,000—a community, Mr. Speaker, as thoroughly American as any one on this continent; a community, sir, with a less percentage of foreign-born population than many others of your Territories; a community where the percentage of illiteracy is the same as that of the State of Connecticut; a community where the general morality, the industry, the sobriety, the thrift of the people have excited the admiration of every unprejudiced Old World traveler who has visited Utah; a community where 90 per cent. of the heads of families own their homes.

Where on this earth will you find another people of whom this can be said? There is not an almshouse nor the necessity for one in any settlement where my people alone are found. We have no labor problem, no socialistic tendencies, and the dread specter of anarchism does not disturb us in our waking or sleeping moments. We are largely an agricultural and pastoral people; our possessions are chiefly lands, herds, and flocks, and the distribution thereof per capita presents none of the inequalities which elsewhere, even in our country, cause just alarm among reflecting men. Among my people the rich are not growing richer and the poor poorer. For more than forty years the public affairs of a great and growing community have been administered with a wise conservatism which ought to excite your highest admiration. The opportunities an arid country, where cultivation of the soil depends upon irrigation, offers the few for self-aggrandizement must be apparent to every thinking man. Water sources are easily secured by the first comers, and incorporated companies can easily monopolize control of water rights. Point me to another region in the Western country where the system of irrigation is a necessity and the tillers of the soil are not dependent on capitalists who sell water by the inch.

My people have dug their own ditches, made their own canals by a system of community co-operation, and hence we have no land nor water monopolies. The public works of Utah, our roads and bridges, our Territorial institutions, will compare favorably with those of any of the Territories. We have a common-school system which is non-sectarian, and the excellence of which has been highly commended by your Commissioner of Education. We have not incurred obligations for the future, but have paid our way from current receipts. There is not a dollar of county, municipal, or Territorial bonded indebtedness, save in Salt Lake City, where bonds were issued in a relatively small amount to build an irrigating canal more than 20 miles long, for the benefit of the municipality. This indebtedness has been largely anticipated by redemption of the bonds before they were due. The aggregate assessment of the property in the Territory is $38,000,000, while its actual value is over $250,000,000. The rate of taxation is very low, being only 6 mills on the dollar for Territorial and school purposes, not to exceed 6 mills for county expenses, while the cities have not assessed over 5 mills for municipal purposes.

Mr. Speaker, there is no longer a possibility of objecting to Mormons on account of polygamy. That is a dead issue. It can not be vitalized. But undoubtedly our opponents will be most reluctant to abandon the old cry which has served them so long and so well. They will, however, have to abandon the cry against polygamy, because it has ceased to exist. It has been suppressed by act of Congress, and the great bulk of the Mormon people have accepted the situation.

What does the record show? It shows that recently in regular judicial proceedings in Salt Lake City, the fact was proven by a high church official that the Mormon Church no longer gave permission for plural marriages. The late Chief-Justice Zane of the supreme court of Utah, in answer to an inquiry from General McClernand, one of the Utah commissioners, says no case of polygamy occurring since the passage of the Edmunds-Tucker law has come under his judical notice. Moreover, the Territorial Assembly adopted a resolution in regard to the laws enacted by Congress known as the Edmunds, and Edmunds-Tucker acts, respectively of March 22, 1882, and March 3, 1887, which is as follows:

Resolved, That said Assembly are in favor of a just, humane, and impartial enforcement of said laws of the United States, in the same manner as other criminal laws are enforced, under the Constitution and laws of our country, to the end that said offenses may be effectually prohibited.

And further, the Legislative Assembly has enacted, and the governor has approved, a marriage law for the Territory prohibiting and declaring void a marriage "when there is a husband or wife living from whom the person marrying has not been divorced;" providing also that no marriage shall be solemnized without a license, for the issuing of which the most stringent regulations, under pains and penalties, are provided, and prescribing who shall solemnize marriages, and making it a penal offense, punishable by imprisonment in the penitentiary not exceeding three years or fine not exceeding $1,000, or by both fine and imprisonment, for any person knowingly, with or without such license, to solemnize a prohibited marriage. No State in the Union has a more complete and perfect marriage law, and few if any States have one in all respects so good.

I assert, moreover, and the official evidence supports my assertion, that since the constitutionality of the act of Congress of July 1, 1862, was affirmed by the Supreme Court of the United States plural marriages were exceptional and not general among the Mormons.

The act of Congress of March 22, 1882, as construed by the courts and the Utah Commission, disfranchised every person who was or had been living in polygamy. Retroactive as this law was in its effects, it was enforced, and the Supreme Court of the United States strained a point to sustain its constitutionality by holding that it merely prescribed a status, and did not inflict disfranchisement as a punishment. We had woman suffrage in Utah. Every man and every woman who had lived in polygamy, as well as those who were then in polygamous relations, were disfranchised. The total number thus disfranchised, according to the report of the Utah Commission, was about 12,000; so that, allowing for those who had ceased to live in polygamy, old men whose wives were dead, widows whose husbands were dead, and plural wives, the male polygamists could not, and did not then, exceed 2,500. I honestly believe there are to-day in Utah less than 2,000 males who can be termed polygamists, and of this number there are very few if any who are violating the law against unlawful cohabitation.

Mr. Speaker, intelligent and philosophical students of the dangers threatening our social life have no fears of Mormonism or of the continuance of polygamy in Utah. Hear what Bishop Spalding, of Illinois, a thoughtful and earnest man, has to say in the Forum for March, in considering the question, "Is our social life threatened?" He says:

Of Mormonism, too, as a social danger, much that is superficial and idle is spoken and written. The Mormons are sober, industrious, and thrifty, and their acceptance of polygamy is our only grievance against them. But polygamy, beyond all question, we need not fear at all. Even among the Mormons it exists in comparatively few instances.

This is sober truth. Less than 1 per cent. of the population of Utah to-day have been polygamists. The great majority of the Mormon voters have voted to make polygamy a crime punishable by fine and imprisonment. A Mormon Territorial assembly demands the enforcement of the laws of the United States against bigamy, polygamy, unlawful cohabitation, incest, adultery, and fornication. It provides a marriage law which imposes heavy penalties in the event of plural marriages being solemnized. This ought to satisfy reasonable men.

Among the 165,000 Mormons of Utah, as I have heretofore stated, there are not more than 2,000 men who have ever had a plurality of wives. Not one of these 2,000 men can, under the law, exercise any political rights. They can not vote, and they can not hold office. Before a citizen of Utah can register and be qualified to vote he must take the following oath:

I, ——— ———, being duly sworn (or affirmed), depose and say that I am over twenty-one years of age, that I have resided in the Territory of Utah for six months last past, and in this precinct for one month immediately preceding the date hereof; and that I am a native-born (or naturalized, as the case may be) citizen of the United States; that my full name is ——— ———; that I am ——— years of age; that my place of business is ——— ———; that I am a (single or) married man; that the name of my lawful wife is ——— ———, and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22,

1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," and that I will also obey the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March 22, 1882," in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

——— ———.

Subscribed and sworn to before me this ——— day of ———, 188—.

——— ———.

If the registrars choose they can require the applicant to take this additional oath:

I, ——— ———, further swear (or affirm) that I am not a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabiting polygamously with persons of the other sex, and that I have not been convicted of the crime of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication.

——— ———.

The only male citizens who can participate in political affairs in Utah are those who can pass the ordeal of the above oaths. They are the great majority, because only a small fraction of the Mormon men have ever practiced polygamy.

Mr. Speaker, the monogamous Mormons, those who not only have never practiced polygamy, but have solemnly sworn that they will obey the law of March 22, 1882, and that of March 3, 1887, and, further, that they will not directly or indirectly aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress as "polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication," have made and accepted a constitution under which they ask the admission of Utah as a State in the Union. That constitution provides, section 12 of Article XV:

Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

This section of the constitution can not be altered or amended without the consent of Congress and proclamation by the President of the United States. Section 1 of Article XVI provides:

That section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States, and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

Mr. Speaker, as a member of the convention which framed this constitution under which the people of Utah are asking admission to the Union, I repudiate with scorn the accusation which, in effect, is made against the men who framed that constitution and the thirteen thousand and odd hundred people who voted to ratify their work, that it was the result of a conspiracy hatched for the purpose of deceiving the people of the United States. I denounce as an infamous slander the insinuation that it was an attempt to gain admission to the Union under false colors and upon false pretenses.

Four several times the people of Utah have presented, in regular form, their application for admission to the Union. In numbers it was not questioned that they were sufficient, nor was it denied that the importance and extent of their territorial interests entitled them to statehood. The one obstacle which stood in their way, the one objection which was raised, was the practice of plural marriage or polygamy in the Territory. They were told that until this obstacle was removed, until this objection ceased to exist, they could not hope to secure admission to the Union.

When the Mormons insisted that plural marriages were sanctioned by their church, and that, according to their religious belief, such marriages were not sinful, the reply was that the practice was deemed detrimental to public morals, and hence came within the legitimate legislative domain. The State, while it could not prescribe or proscribe religious beliefs, could forbid practices which, although sanctioned by the Old Testament, and permitted by a new revelation, were deemed immoral. They were told, time and time again, that it was not a question of their religious belief, of their creed, of their church polity, of their ecclesiastical organization, but simply and solely the practice of polygamy. Indeed, they could have been told only this. The religious belief of a people, the creed of a church, its ecclesiastical organization, are subjects with which Congress could not and can not deal. The Constitution of the United States expressly and emphatically declares that all such questions are and must remain without the domain of legislative enactment.

Therefore the people of Utah had the right to believe that if they came with a constitution which prohibited polygamy, and made it an offense, and inflicted punishment therefor, and gave reasonable guaranties that in this respect they would not alter and amend it, they would be conceded the boon of statehood. I declare it to be my honest belief that the people of Utah, in perfect sincerity, adopted section 12 of the fifteenth article, prohibiting polygamy and making it punishable by fine and imprisonment, with the full knowledge of all that the language of that section implies and imports; that they did deliberately and unreservedly accept that section as part of the organic law under which they desire to live; and further, that it was and is their intention to enforce, without fear or favor, the infliction of the penalties therein prescribed against bigamy and polygamy.

And I declare that it is utterly false, without one element of truth, that the Mormons attach a meaning to the words "bigamy and polygamy" different from their common acceptation. The constitutional convention dealt with "bigamy and polygamy" as you and the people of the United States understand the words. It accepted them in the sense in which they are employed in the laws which Congress has enacted in reference to the offenses they describe. It accepted them as describing an offense which is constituted by a male person who, having one lawful undivorced wife, marries another woman.

It is the merest balderdash to insist that the Mormon Church has maintained, does maintain, or may hereafter maintain that plural marriage is one thing and bigamy and polygamy are other and entirely different things. The members of the constitutional convention who, as a committee, draughted section 12 of article 15, who voted to incorporate it in the constitution, and the people who voted to ratify the work of the convention did so without any mental reservation whatsoever. They knew perfectly well what they were doing. They intended that bigamy and polygamy should be made offenses in the future State, punishable by heavy fine and imprisonment, and they not only fixed the offense in the organic law and provided the penalty for the infraction thereof, but they provided that in this particular the constitution should not be "amended, revised, or in any way changed" without the approval of the Congress and the President of the United States.

Why should we be accused of insincerity? Why should we be suspected of bad faith? The whole history of the Mormon people gives the lie to the assertion that they are hypocrites. Even the majority of the Utah commissioners, men who have no love for us, are compelled to declare that "the Mormon people can not be called hypocrites." Of the 16,640 votes cast at the last election in Utah, 13,195 were for the ratification of the constitution with section 12 of Article XV, prohibiting polygamy and prescribing penalties for its infraction, and only 502 against it. Of the 16,640 voters who went to the polls, only 2,943 refrained from voting for or against the constitution. The 13,195 voters, I insist, were honest and conscientious men. They never had been polygamists. They never had violated the law against polygamy or against unlawful cohabitation. They had not accepted the revelation concerning plural marriages as mandatory and obligatory upon them. They had taken the stringent oath I have read; had solemnly sworn that they intended to obey the laws, and that they would not—

Directly or indirectly aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

It is a preposterous proposition to insist that a whole people have deliberately forsworn themselves. You must bear in mind that every man who sat in that constitutional convention, every man who recorded his vote in favor of that constitution, had, with uplifted hand, in the presence of his God, solemnly sworn that he was not a bigamist or polygamist, that he would obey the laws known as the Edmunds and the Edmunds-Tucker laws in respect to the crimes in said acts defined and forbidden, and that he would not, directly or indirectly, aid, abet, counsel, or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

There has been no act in the lives of the men who took this oath which justifies the monstrous calumny that they swore to a lie. Pardon me for saying that the man who will proclaim in print, or verbally, such an accusation against over thirteen thousand men, who, individually and collectively, are worthy members of a community that has a high standard of general morality, deserves to be branded the monumental slanderer of his time!

Why should these men be suspected of such crimes as perjury, of a purpose to gain the admission of Utah by wholesale fraud and deceit? They have never broken the law against bigamy or polygamy. Some of them, indeed many of them, had the opportunity to take more than one wife when there was no law forbidding them so to do. All but the youngest of them might have married repeatedly had they so desired, when the anti-polygamy law of 1862 was practically a dead letter upon the statute-books, no attempt being made to enforce it. They abstained from so doing. Why should they be suspected of a secret purpose to do so now or at some future time?

Mr. Speaker, the faction responsible for the misrepresentation and the misconception of the facts in regard to the sincerity and good faith of the great majority of the Mormon people have abandoned their insistance that the danger of the revival of polygamy is the ground of their opposition to Utah's admission to the Union. Their opposition is upon altogether different ground. In answer to an invitation to

take part in the formation of a constitution for Utah, the Republican Territorial committee said:

We are free to say (and we oppose the State organization and admission on that basis) that in so far as the institution of polygamy has been an obstacle in the way of the success of the scheme of statehood, we suppose that your organization is prepared to surrender to the public sentiment of the country and abandon it.

As the basis of their proposition they insisted that—

The masses of the people of Utah are adherents of an ecclesiastical system which forbids all harmonious relations with any system of civil government founded on the right of man to govern himself. The central idea of your system is that all lawful government emanates by revelation from God to His priesthood, and that it is the duty of all its followers to be advised by that priesthood on all subjects of a governmental as well as spiritual character.

The so-called Democratic organization in Utah, speaking by the chairman of its Territorial committee in response to a like invitation, declared:

Your party is the dominant church, and that church, as a political organization, constitutes your party. Nothing contained in one is wanting in the other, and neither contains what is not tolerated in the other. They are one and the same in their membership, so that independent political action by an individual can never occur except with apostasy from the creed.

Thus, Mr. Speaker, it will be seen that our local obstructionists who want Utah kept in Territorial bondage while admitting our "surrender to the public sentiment of the country" on the subject of polygamy, nevertheless insist that so long as Mormons "shall in numbers be superior to the non-Mormon population, Utah ought to be kept in bondage and Mormons deprived of all civil rights." They insist that the Mormon Church must be reorganized, that its present ecclesiastical system is incompatible with their notions of church government.

This objection, reduced to a simple proposition, is "the Mormon people are united, and, being in the majority, will control the State government; hence we oppose the admission of Utah into the Union as a State. For a time polygamy served our purpose, but that being removed we raise the howl about the union of church and state."

Mr. Speaker, the men who insist, for a purpose, that the Mormon people are in favor of a union of church and state know better. They know that when the Mormon people, in 1849, formulated a constitution for the state of Deseret, they declared in their bill of rights, among other things, that:

All men shall have a natural and inalienable right to worship God according to the dictates of their own consciences; and the general assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or disturb any person in his religious worship or sentiments; provided he does not disturb the public peace nor obstruct others in their religious worship; and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws; and no subordination or preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be ever required for any office of trust under this state.

The constitution which has been presented to Congress, the work of the convention of 1887, declares in its bill of rights, Article I:

SEC. 2. All free governments are founded on the authority of the people, and instituted for their equal protection and benefit.

SEC. 3. There shall be no union of church and state, nor shall any church dominate the state.

SEC. 4. The right to worship God according to the dictates of conscience shall never be infringed, nor shall the state make any law respecting an establishment of religion or prohibiting the free exercise thereof; nor shall any control of or interference with the rights of conscience be permitted. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief, or the absence thereof.

It is not true that the Mormon Church is an "ecclesiastical system which forbids all harmonious relations with any system of civil government founded on the right of man to govern himself." The book of Doctrine and Covenants, which, with the Bible and the Book of Mormon, form that church's standard of faith and practice, prescribes the following rule as to the relations of the church to the state:

We believe that governments were instituted of God for the benefit of man, and that he holds men accountable for their acts in relation to them, either in making laws or administering them for the good and safety of society. We believe that no government can exist in peace except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

We believe that religion is instituted of God, and that men are amenable to Him, and to Him only, for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others. We do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered and another proscribed in its spiritual privileges and the individual rights of its members as citizens denied. We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, provided that such dealings be for fellowship and good standing, but we do not believe that any religious society has authority to try men on the right of property or life; to take from them this world's goods, or put them in jeopardy either of life or limb; neither to inflict any physical punishment upon them. They can only excommunicate them from their society and withdraw from them their fellowship.

Is there one declaration in this promulgation by that church of its relations to civil government which any man can object to? Does it not conform in every particular to that famous embodiment of principles wherein Thomas Jefferson defined the respective limitations of civil and religious authority?

Mr. Speaker, I admit that the Mormon people are united, but I deny that their unity is due to ecclesiastical authority. Irishmen are united. Is their unity due to the fact that they are Roman Catholics? No, sir. It is due to the fact that they are determined to regain the right of community self-government, which they were wrongly deprived of, and which is unjustly denied them. The Mormon people are united because there has been, and there is, a settled purpose on the part of a small but persistent minority to deprive them of the right of local community self-government.

Mr. Speaker, I have endeavored thus briefly to show what the monogamic Mormons of Utah have done to place themselves and the Territory in accord with public sentiment and to solve a troublesome problem. Entertaining as they do the highest veneration for the institutions of their country, as well as a due respect for the opinions of the majority, they deliberately determined on the course they ought to pursue. They put their hands to the plow. They drew the furrow broad and deep. They will not look back.

Mr. ROGERS (having yielded one minute additional to Mr. CAINE) said, at the conclusion of that time: Mr. Speaker, the members of the Judiciary Committee, so far as I am advised, have no disposition to make any observations in relation to what has been said either by the gentleman from Idaho [Mr. DUBOIS] or the gentleman from Utah [Mr. CAINE]. Nor am I advised that any other member of the House desires to be heard on this question. As there are other matters pressing which prevent me from extending further the time of the gentleman from Utah, I ask unanimous consent that he may be permitted to extend his remarks in the RECORD.

There being no objection, leave was granted.

Mr. ROGERS. I now move the previous question on the adoption of the resolution reported by the Judiciary Committee as a substitute for that which was referred to them.

The previous question was ordered; and under the operation thereof the resolution reported as a substitute was adopted.

Mr. ROGERS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the original resolution will lie on the table.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BURNES. Mr. Speaker, I move to dispense with the morning hour for the call of committees, coupling the motion with the usual request that gentlemen having reports to make may file them with the Clerk.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

ADULTERATION OF FOOD.

Mr. LAIRD, from the Committee on Agriculture, reported back the bill (H. R. 10320) to prevent the sale, manufacture, or transportation of adulterated articles of food, drink, and drugs manufactured or made in one State and intended to be sold in another, or intended for export, or for sale in the District of Columbia, or any Territory or reservation of the United States, and to prevent the exportation or importation of adulterated food, drink, or drugs, and for creating a pure-food division in the Department of Agriculture; which was laid upon the table.

He also, from the same committee, reported back in the nature of a substitute for the foregoing, a bill (H. R. 11266) for the establishment of a pure-food division in the Department of Agriculture, to provide for the inspection of live stock about to be slaughtered at slaughter-houses, canning, salting, packing, and rendering establishments, the carcasses or products of which are intended for human consumption in any State or Territory other than where slaughtered, or for exportation to foreign countries; to prohibit the introduction of adulterated or misbranded food or drugs into any State or Territory or the District of Columbia from any other State or Territory or foreign country, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

W. H. COLLARDS AND OTHERS.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 7534) for the relief of W. H. Collards, John A. Elsaser, Peter Johnston, George Shade, M. G. Brown, Jonas F. Reitz, and L. H. Boyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY SETZER.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported back favorably the bill (H. R. 11227) for the relief of Henry Setzer; which was referred to the Committee of the Whole

House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN EBERT.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10337) granting a pension to John Ebert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. HARRISON.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8580) granting a pension to Sarah A. Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HURST.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7018) granting a pension to John Hurst; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAWRENCE DOUGHERTY.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9813) granting a pension to Lawrence Dougherty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JONAS DOERING.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 3141) granting an increase of pension to Jonas Doering; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ALICE WHITE.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the bill (H. R. 10079) for the relief of Mary Alice White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CAMDEN, N. J.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 10754) to amend an act entitled "An act for the erection of a public building at Camden, N. J.;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARLES RITCHEY.

Mr. YODER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10503) granting an increase of pension to Charles Ritchey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE TEEGARDIN.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10827) for the relief of Catharine Teegardin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EASTER GAVEN.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11005) granting a pension to Easter Gaven; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The motion to dispense with the morning hour was agreed to.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

Mr. DIBBLE. I would like to ask the gentleman from Missouri to withhold that motion until the time I suggested on yesterday, that is to say, Tuesday next at 1 o'clock, and I renew now the proposition I then made. I find that a great many interested in this question are absent; and an inspection shows that of those who are absent from the House now there are at least forty more absent on our side than on the side the gentleman represents. If he will postpone the matter until Tuesday next both sides will have an opportunity to be here. Some gentlemen are on their way now. I ask, therefore, that the course I have suggested be taken.

Mr. THOMPSON, of Ohio. Regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and on a division there were—ayes 62, noes 0.

Mr. DIBBLE. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. DIBBLE. I make the point of order that a quorum has not voted on the motion.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. BURNES and Mr. DIBBLE were appointed tellers.

The House again divided; and the tellers reported—ayes 56, noes 0.

Mr. DIBBLE. No quorum.

Mr. BURNES. Mr. Speaker, as there has been no vote in the negative, not even that of my colleague appointed to count the members, I feel constrained to demand a call of the House. I make that motion.

The motion for a call of the House was agreed to.

The roll was accordingly called, and the following members failed to answer to their names:

Allen, Mass.	Darlington,	Kennedy,	Reed,
Atkinson,	Davenport,	Lagan,	Rice,
Baker, N. Y.	Davidson, Ala.	Landes,	Robertson,
Barry,	De Lano,	Latham,	Rowell,
Belden,	Dingley,	Lawler,	Russell, Mass.
Belmont,	Dorsey,	Long,	Rusk,
Biggs,	Dougherty,	Maffett,	Scott,
Bingham,	Dunham,	Mahoney,	Seymour,
Blanchard,	Ermentrout,	Mason,	Shaw,
Boutelle,	Felton,	McAdoo,	Sherman,
Brower,	Finley,	McClammy,	Shively,
Browne, T. H. B., Va	Fisher,	McComas,	Simmons,
Browne, Ind.	Fitch,	McCullogh,	Snyder,
Brown, Ohio	Ford.	McKenna,	Sowden,
Brumm,	Funston,	McKinley,	Spinola,
Bryce,	Gaines,	McKinney,	Spooner,
Buchanan,	Gallinger,	McMillin,	Stahlnecker,
Buckalew,	Gay,	McShane,	Stephenson,
Burnett,	Glover,	Milliken,	Stewart, Tex.
Burrows,	Goff,	Mills,	Stewart, Ga.
Butterworth,	Granger,	Moffitt,	Stewart, Vt.
Campbell, F., N. Y.	Greenman,	Montgomery,	Stone, Mo.
Campbell, Ohio	Grosvenor,	Morrill,	Taylor, E. B., Ohio
Campbell, T. J., N. Y.	Grout,	Morse,	Taylor, J. D., Ohio
Candler,	Guenther,	Nichols,	Thomas, Ky.
Carlton,	Hare,	Norwood,	Thomas, Ill.
Catchings,	Harmer,	Oates,	Tillman,
Chipman,	Hatch,	O'Donnell,	Wade,
Clardy,	Hayden,	O'Ferrall,	Warner,
Clark,	Hayes,	O'Neill, Mo.	Weber,
Cockran,	Hemphill,	Outhwaite,	West,
Cogswell,	Hires,	Owen,	White, N. Y.
Collins,	Hogg,	Patton,	Whiting, Mich.
Compton,	Holmes,	Peel,	Whiting, Mass.
Cooper,	Hopkins, Ill.	Perry,	Wickham,
Cothran,	Hopkins, N. Y.	Phelps,	Wilber,
Cox,	Houk,	Pidcock,	Wilkins,
Crain,	Howard,	Plumb,	Wilson, W. Va.
Cummings,	Hudd,	Post,	Yardley.
Cutcheon,	Johnston, N. C.	Pugsley,	
Dalzell,	Jones,	Randall,	
Dargan,	Kelley,	Rayner,	

The SPEAKER *pro tempore*. The doors will now be closed and the names of the absentees called, on which call excuses are in order.

The names of the absentees were called, as follows:

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAKER, of New York: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLANCHARD: No excuse offered.

Mr. BOUTELLE: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. THOMAS H. B. BROWNE: No excuse offered.

Mr. BROWNE, of Indiana.

Mr. CHEADLE. I ask that my colleague, Mr. BROWNE, be excused on account of indisposition.

There was no objection.

Mr. BROWN, of Ohio: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BRYCE: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BUCKALEW: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BURROWS: No excuse offered.

Mr. BUTTERWORTH: No excuse offered.

Mr. FELIX CAMPBELL: No excuse offered.

Mr. CAMPBELL, of Ohio: No excuse offered.

Mr. TIMOTHY J. CAMPBELL: No excuse offered.

Mr. CANDLER: No excuse offered.

Mr. CARLTON: No excuse offered.

Mr. CATCHINGS: No excuse offered.

Mr. CHIPMAN.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CHIPMAN] asks leave of absence for this day.

There was no objection.

Mr. CLARDY: No excuse offered.

Mr. CLARK: No excuse offered.

Mr. COCKRAN: No excuse offered.
Mr. COGSWELL: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COMPTON: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COTHRAN: No excuse offered.
Mr. COX: No excuse offered.
Mr. CRAIN: No excuse offered.
Mr. CUMMINGS: No excuse offered.
Mr. CUTCHEON: No excuse offered.
Mr. DALZELL: No excuse offered.
Mr. DARGAN.
Mr. DIBBLE. I ask unanimous consent that my colleague, Mr. DARGAN, be excused. He has been absent on leave, but possibly the leave has expired within the last day or two.
Mr. PAYSON. Unless the gentleman is ill, I object.
Mr. DIBBLE. I move that he be excused for this day.
Mr. PAYSON. I would like a statement as to why the gentleman's colleague is absent.
Mr. DIBBLE. My colleague is absent on business, and I suppose had leave of absence for so many days. I was told on yesterday that it was just out; but I have no doubt that the business on which he obtained leave has detained him.
Mr. PAYSON. I suggest that the gentleman ought not to be excused, and I suppose that this is as good a time as any to state the reason why. A hundred and fifty of us are in constant attendance upon the sessions of the House, and the point of no quorum is made because those who are in what may be called an organized raid upon the Treasury decline to vote. No friend, therefore, of the gentleman ought to be excused except for valid reasons.
Mr. DIBBLE. I do not know how the gentleman would vote if he were present.
The question being taken on the motion of Mr. DIBBLE, it was rejected.
Mr. DARLINGTON: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Alabama: No excuse offered.
Mr. DE LANO: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DOUGHERTY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FELTON: No excuse offered.
Mr. FINLEY: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FITCH: No excuse offered.
Mr. FORD: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. GAINES: No excuse offered.
Mr. GALLINGER: No excuse offered.
Mr. GAY: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GOFF: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GROUT.
The SPEAKER *pro tempore*. The gentleman from Vermont [Mr. GROUT] asks leave of absence for this day.
Mr. PAYSON. I object, unless the reason is sickness.
Mr. GUENTHER: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYDEN: No excuse offered.
Mr. HAYES: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HIRES: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of Illinois: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. JOHNSTON, of North Carolina.
Mr. COWLES. My colleague, Mr. JOHNSTON, is absent on account of sickness, and I ask that he be excused.
The SPEAKER *pro tempore*. The Chair is informed that the gentleman has leave of absence.
Mr. JONES: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KENNEDY: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LATHAM: No excuse offered.
Mr. LAWLER: No excuse offered.
Mr. LONG: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAHONEY: No excuse offered.
Mr. MASON: No excuse offered.
Mr. MCADOO: No excuse offered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCULLOGH: No excuse offered.
Mr. MCKENNA.
Mr. MORROW. I ask that my colleague, Mr. MCKENNA, be excused. I think he has obtained leave of absence.
Mr. CHEADLE. He asked for leave of absence this morning.
The SPEAKER *pro tempore*. He has been granted leave.
Mr. MCKINLEY: No excuse offered.
Mr. MCKINNEY: No excuse offered.
Mr. MCMILLIN: No excuse offered.
Mr. MCSHANE: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MILLS: No excuse offered.
Mr. MOFFITT: No excuse offered.
Mr. MONTGOMERY: No excuse offered.
Mr. MORRILL.
Mr. ANDERSON, of Kansas. My colleague, Mr. MORRILL, was in the House this morning, but was called out on important business, and I ask that he be excused for one day.
Mr. PAYSON. I object.
Mr. MORSE: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'DONNELL: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. O'NEILL, of Missouri.
Mr. HEARD. I ask that my colleague, Mr. O'NEILL, be excused. I have personal knowledge that he was sent for by the head of one of the bureaus on important business, and I ask that he be excused.
Mr. PAYSON. Was it on account of public business?
Mr. HEARD. It was official business, and he will be back in a short time.
The SPEAKER *pro tempore*. Is there objection to Mr. O'NEILL being excused?
Mr. BLAND. I understand that he was sent for by the Department.
Mr. BLOUNT. On the assurance of the gentleman [Mr. HEARD] that his colleague is likely to be here soon I withdraw the objection.
The SPEAKER *pro tempore*. Is there further objection? The Chair hears none.
Mr. OUTHWAITE: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. POST: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RAYNOR: No excuse offered.
Mr. REED: No excuse offered.
Mr. RICE: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. RUSSELL, of Massachusetts: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SHERMAN: No excuse offered.
Mr. SHIVELY: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SOWDEN: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STAHLNECKER: No excuse offered.
Mr. STEPHENSON: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. JOSEPH D. TAYLOR: No excuse offered.
Mr. THOMAS, of Kentucky: No excuse offered.
Mr. THOMAS, of Illinois: No excuse offered.
Mr. TILLMAN: No excuse offered.
Mr. WADE: No excuse offered.

Mr. WARNER: No excuse offered.
Mr. WEBER: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITE, of New York: No excuse offered.
Mr. WHITING, of Michigan: No excuse offered.
Mr. WHITING, of Massachusetts: No excuse offered.
Mr. WICKHAM.
Mr. ROMEIS. I ask that my colleague, Mr. WICKHAM, be excused on account of sickness.
There was no objection.
Mr. YARDLEY: No excuse offered.
Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WILSON, of West Virginia: No excuse offered.
Mr. LYNCH. My colleague, Mr. BUCKALEW, is absent, and I would ask that he be excused.
Mr. PAYSON. I object.
Mr. HENDERSON, of North Carolina. My colleague, Mr. SIMMONS, has gone home on account of sickness in his family, and I ask that he be excused.
There was no objection.
Mr. CHEADLE. My colleague, Mr. HOVEY, is temporarily absent, and I ask that he be excused.
Mr. BLOUNT. I object.
The SPEAKER *pro tempore*. One hundred and fifty gentlemen have answered to their names.
Mr. PAYSON. I rise to offer a privileged resolution.
The SPEAKER *pro tempore*. The Clerk will report the resolution.
The Clerk read as follows:

Resolved, That the leaves of absence now in force, except for illness, be revoked, to take effect at the meeting of the House on Monday next, and that on and after that day, until further order of the House, no pairs will be filed or recognized in cases except where the absence of one of the members making the pair is on account of illness and leave granted therefor.

Mr. WEAVER. Will the gentleman yield to me?
Mr. PAYSON. I yield so much time as the gentleman from Iowa may desire.
Mr. WEAVER. I hope that the resolution will be adopted, and I welcome the gentleman as an able ally.
Mr. PAYSON. The gentleman enlisted at the first call.
Mr. STEELE. I want to know whether this is the regular order. It is not the regular order.
The SPEAKER *pro tempore*. It is the regular order.
Mr. STEELE. This is to revoke leaves of absence already granted. The question is——
The SPEAKER *pro tempore*. The Chair has announced that 152 gentlemen have answered to their names and that less than a quorum is present.
Mr. SENEY. Many of those absent may be still in the city.
Mr. TAULBEE. I rise to a question of order.
Mr. BLOUNT. I raise a question——
Mr. COBB. I rise to a parliamentary inquiry.
The SPEAKER *pro tempore*. The House will come to order.
Mr. TAULBEE. I desire to make the point of order against the resolution which has just been read, that it is not in order.
Mr. PAYSON. I present that as a privileged matter.
Mr. TAULBEE. We are proceeding under a call of the House.
Mr. PAYSON. There is no question that we are proceeding under a call. I was about to say that the Speaker passed upon this very question when it was presented by the gentleman from Iowa [Mr. WEAVER] some days ago. But, aside from precedent, there can be no doubt about it as a question of principle that the House has power to revoke leaves of absence.
The SPEAKER *pro tempore*. The Chair has no difficulty as to the first portion of the resolution being in order, that portion which proposes to revoke leaves of absence heretofore granted to members; because the Chair thinks the House must necessarily have that power, or else it would be unable to discharge its constitutional duty with a quorum; but upon the latter part of the resolution the Chair is not so clear.
Mr. PAYSON. I would like to be heard for a moment before the Chair decides the question.
The SPEAKER *pro tempore*. The Chair will hear the gentleman on the latter part of the resolution.
Mr. BLOUNT. Mr. Speaker, I suggest to the gentleman from Illinois that he modify his resolution by omitting the part about which the Chair has doubt, as practically nothing can come of it any way, because members can abstain from voting, and the gentleman accomplishes a very large part of his purpose by the first portion of the resolution.
Mr. PAYSON. But I submit to the gentleman from Georgia that striking out the last part of this resolution will not meet the difficulty, for this reason: Gentlemen pair only because they are permitted to do so by the rules of the House, and if a pair is pronounced improper and is not recognized by the House, then of course I assume that members will not enter into pairs. There is no rule in express terms providing for the making of pairs between members, but there is a rule which recognizes the existence of the practice, and it is a part of the common law of this body that gentlemen of opposite political parties do enter into this pairing arrangement, which is recognized tacitly if not by the express terms of our rules. But the difficulty is that gentlemen who are absent for purposes of pleasure, and for such purposes alone, make pairs with gentlemen who remain in constant attendance here, and when those gentlemen who remain here are asked to vote and besought to vote to make a quorum they say, "As a matter of honor I can not vote; I am paired with A, B, or C, who is at Atlantic City or up at Oakland, and I can not vote."
I insist that the burden of public duty does not rest, or ought not to rest, with any more weight upon me than upon gentlemen who are away for their own pleasure; and when they come back here to draw some more money from the Sergeant-at-Arms and go away again [laughter] and say, "We have had a very pleasant time," I do not receive that sort of statement with any sort of complacency. [Laughter and applause.] It is the business of the Representatives of the American people to stay here and transact the public business, instead of leaving the House to go through such a performance as this [applause], for it is only a performance that we have been going through here day after day.
What good are we doing by sitting here and answering to roll-calls when one gentleman on the other side, representing a lot of claimants against the Government, and those who side with him sit back and refuse to vote? We are sitting here going through what is worse than a performance. I use broader and stronger language yet. I say it is a shame and disgrace to the American Congress that this thing can be carried on day after day. I am ashamed of the part I have been compelled to take in it, in sitting here unresistingly while others are away solely for pleasure, and I give notice now that I take part in it no longer and that there will be a quorum present here to transact the public business if gentlemen who think as I do will join with me in demanding it and will stand by that demand, as I think I have the courage to do.
Now, Mr. Speaker, the second part of the resolution is necessary, because it is a part of the common law of this body that gentlemen enter into pairs, and the House recognizes them. That is proper enough under ordinary circumstances; but as we are now situated it is an abuse, and it is to prevent gentlemen who remain here being put in the position I have described that I now propose that after the meeting of the House on Monday next no pair shall be recognized, unless one of the gentlemen paired is compelled to be absent by illness. Why should we continue to permit this? What business has a member of Congress away from here for purposes of pleasure or for any other purpose, neglecting the sessions of this House and leaving one hundred and fifty or one hundred and sixty men to sit here idle, with a Calendar crowded with business which ought to be considered and acted upon one way or the other?
Mr. BLOUNT. I wish to renew my suggestion, with this remark——
Mr. PAYSON. For what reason should this clause be stricken out of the resolution? I should be very glad to make the modification, if any good reason were presented; but I confess I see not the shadow of one. I will yield to the gentleman from Georgia [Mr. BLOUNT] as many minutes as he may desire, reserving the balance of my time.
Mr. BLOUNT. The Chair has already announced that he has some doubt in relation to the latter portion of the resolution, and I can conceive a reason for that. It changes a rule of the House, and I think my friend from Illinois, even if he differs from me in this regard, might very well offer two separate resolutions. Let us first dispose of the proposition to revoke leaves of absence—about which the Chair has no doubt—and then we may take up the other resolution about which the Chair entertains some doubt. I wish to have the matter presented in this shape, because I desire that no gentleman, in voting on the proposition to revoke leaves of absence, shall be restrained by any suggestion that there is any part of the resolution we may not act upon in this way.
I am in thorough accord in thought and feeling with all that the gentleman from Illinois has uttered in regard to our present situation as to the transaction of public business. I say it is a mortifying spectacle that, in spite of the late stage of the session, we have been endeavoring for days to pass the general deficiency bill and have been restrained from doing so by reason alone of the fact that there are certain claims which are brought in question and that we are told those gentlemen who are favoring these claims ought to be sent for.
Again, sir, the President of the United States has seen fit to call the attention of both Houses of Congress to our Canadian relations. The Committee on Foreign Affairs has had referred to it the President's message with a bill relating to that subject, and by reason of the exigency of the situation leave has been granted the committee to report on that subject at any time. Yet in so grave a condition of affairs we find ourselves without a quorum to transact business. Under these grave circumstances, the point of "no quorum" is raised because of certain claims pending. Sir, shall the machinery of the Government be stopped? Nearly two months of the new fiscal year have already passed; and are we to be told that we are not to pass the general appro-

priation bills, that we are not to take into consideration this question of great public concern in regard to our relations with Canada, that our business is to stand perfectly still until certain absentees known to be in favor of these claims now brought in question shall have time to reach here?

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. BLOUNT. Certainly.

Mr. DIBBLE. The point of order is made because of a ruling which affects the question whether a solemn order of the House has been superseded or not. That is the question on which the point of "no quorum" was raised by me, because I deem it just that those who voted for the order should be present in at least as large proportion as those who voted against it. And this is a question which should be decided by a quorum of the House, inasmuch as 163 members voted for the order.

Mr. BLOUNT. I put to the gentleman the question whether that "solemn order" is so solemn that by its solemnity our relations with Canada are to be affected, and bills providing for the general expenditures of the Government retarded?

Mr. TARSNEY. Michigan will take care of Canada.

Mr. BLOUNT. I am not willing to leave that matter to Michigan.

Mr. DIBBLE. I offered my proposition to take up the deficiency bill on Tuesday, because it would obviate all this difficulty.

Mr. BLOUNT. The gentleman from Illinois [Mr. PAYSON] has offered a resolution looking to a relief of the present situation, and let who will oppose it. For one, sir, I have endeavored to be moderate hitherto in relation to absentees, but the time has now come when I will co-operate with other gentlemen to see that there shall be a quorum of the House present, so that the absence of a quorum shall not offer an obstruction to the consideration of important public interests.

Mr. TAULBEE. Mr. Speaker, I regret exceedingly that in consequence of my own illness and illness in my family I have been absent from the House, and that by reason of the absence of others as well as myself, for various reasons, the House has recently found itself frequently without a quorum. I am in favor of adopting such measures as will induce members to attend the meetings of the House and secure the presence of a quorum for the transaction of business. But I do not consider the remarks of the gentleman from Illinois [Mr. PAYSON] or those of the gentleman from Georgia [Mr. BLOUNT] pertinent in the main to the question of order which I raised against the resolution. My point did not extend to that portion of the resolution which looks to the procuring of a quorum, but to that portion which proposes to interfere with the pairs made under the rules and practice of the House. If we adopt this resolution in its present form I do not understand that it can amount to anything in respect to these pairs. Members have a right to pair or not, as they choose; and if I understand the rules, members have the power not to vote even when present.

Mr. PAYSON. The gentleman will allow me to make a suggestion which may obviate further discussion. I modify my resolution by striking out so much of it as relates to pairs and will offer that later as a separate proposition. This will save all present difficulty about the point raised by the gentleman.

Mr. TAULBEE. I should like to have the resolution read as it has been modified. Perhaps it will save further controversy.

The SPEAKER *pro tempore*. The resolution will be read as modified.

The Clerk read as follows:

Resolved, That all leaves of absence now in force, except for illness, be revoked, to take effect at the meeting of the House on Monday next.

Mr. TAULBEE. I believe I have the floor. One suggestion and I am willing the matter shall be acted on.

Now, Mr. Speaker, I know of no right of this House which will compel a member to vote.

Mr. NELSON. We can punish a member for contempt in refusing to obey the orders of the House.

Mr. TAULBEE. True we have a rule to that effect, but in the event he does not choose to vote, although he is present in his seat, I know of no process under the rules of the House by which the House can compel him to vote. If you have a right to compel a member to vote you have the right by the same rule to indicate how he shall vote.

Mr. PAYSON. It is enough if a member is in attendance, for the rules require him to vote; and if he is present and declines to vote then the question is between him and his constituents.

Mr. TAULBEE. I am in favor of the passage of the resolution as it has been modified; and if it is necessary to do so I will withdraw my point of order.

Mr. CHEADLE. I would suggest to the gentleman to strike out "Monday" and insert "Tuesday," and I do it in behalf of members who are absent under leave of the House, and who can not reach here by Monday next.

Mr. HEARD. I hope the gentleman from Illinois will accept the modification. I agree with the gentleman from Indiana that it will be impossible for many members who are absent in the West to return to their seats by Monday next. They can not be here by Monday, and the time should be extended.

Mr. PAYSON. Many members are at neighboring watering places, who can get here by Monday next. It is necessary they should be here so business can go on at that time. As to gentlemen who are so remotely located that it is impossible for them to reach here by Monday next, when that excuse is made for them the House will unanimously grant it. I insist in the interest of the transaction of the public business the resolution shall be adopted.

Mr. HEARD. But we ought not to adopt an order which will render it impossible for members who live at so remote a distance from the capital that it will be impossible for them to be here at the time indicated. [Cries of "Vote!"]

Mr. CANNON. I very much doubt, Mr. Speaker, whether sending the Sergeant-at-Arms throughout the city to hunt up absentees will accomplish anything, and I doubt very much whether the passage of this resolution will have the effect to get members here. I know of but one way to get them here, and that is this: for the majority that organized the House and controls legislation and is responsible for it to realize its responsibility now as it should have done months ago, and get its members here, and when you get them here, my word for it the Republican minority will be on hand.

Mr. WEAVER. Do you think it is a good excuse for a member to make to state that he does not belong to the side responsible and for that reason absents himself from the sitting of the House?

Mr. CANNON. No; I do not think it is a good excuse for one elected as a member of the House to be absent from the sitting of the House unless called away on account of sickness or in case of some important emergency; nor is there any good excuse for this long session. If the majority had been reasonably efficient this session would have adjourned weeks ago. You control the House.

Mr. WEAVER. The absentees control it now.

Mr. CANNON. Get them here. But you will not do so by sending out the Sergeant-at-Arms after absentees.

Mr. WEAVER. We can make it unpleasant for them to be absent and leave the House without a quorum.

Mr. BURNES. Mr. Speaker, I wish to say a word in reply to my colleague on the Committee on Appropriations from the State of Illinois [Mr. CANNON]. In my judgment he misstates this question. This is not a political matter; this is not a party question, and I thank God for it. It is a question higher than party, higher than any consideration which influences men ordinarily.

Mr. PAYSON. Will the gentleman permit me to ask him a question?

Mr. BURNES. Wait a moment. In 1882 one of the most distinguished statesmen known in the annals of legislation took occasion in his place to tell us who it was that was responsible, and his remarks are so applicable to our present condition I beg to remind my friend from Illinois that it is not the Democratic party that is responsible for this condition of affairs on this bill; that it is not the Republican party who is responsible for the state of affairs by which we find ourselves surrounded, but it is because, in the language of a great American statesman whose name I will communicate to any gentleman who may desire it——

A MEMBER. Who is it?

Mr. BURNES. It is no less distinguished a gentleman than the Hon. JOHN SHERMAN, who said, for forty-nine years this question had been maintained by an army of nurses in Washington, and not only an army of nurses, but, to use his own language, an army of wet-nurses at that. [Laughter.]

This may be the cause of our troubles, and this may point somewhat to the party responsibility. The gentleman who has established his bureau up in the galleries of this House, and who seems to have that interest in our proceedings that the most extraordinary pecuniary considerations alone can determine——

Mr. DAVIS. I hope the gentleman will allow me to interrupt him for a question, and it is this: Whether the friends of the spoliation claims are responsible for the absence of the members of this House?

Mr. BURNES. I blame no member of this House, whether upon that side of the House or upon this; but it is our misfortune that we are divided, not as partisans, but because of the army of nurses who for forty-nine years have maintained their establishment in this town, and, as JOHN SHERMAN has put it, "wet-nurses at that."

Mr. CANNON. A word in reply to what the gentleman has just said. I did not propose to discuss the French spoliation claims or any other claims at this time. Each member of this body is responsible for his own actions and votes touching them. They stand upon their own merits, if they have any. I do not think the kind of declamation the gentleman from Missouri has just indulged in will either strengthen him in his own views or influence the views of anybody in the House or out of it as to the wisdom or unwisdom or justice or injustice of the proposed legislation.

My remarks had reference to the public business, so far as legislation is concerned, the condition thereof and the responsibility therefor.

It is notorious as a matter of fact in this House, and the country will take note of the fact, and possibly demand an explanation of it, that for at least thirty days our business here has been done practically by unanimous consent. The great appropriation bills for the public service for the year commencing the 1st of July last are not yet enacted. Much important general legislation has not yet been considered in the House. Already this is the longest session of Congress for a generation,

and nothing can be now done practically except by unanimous consent. The Democratic majority does not keep a quorum here and close up the business of the session, and the Republican minority is powerless to do it.

Mr. PAYSON. What occasion is there to bring politics into the question?

Mr. CANNON. I say to my colleague, the Republican minority is not responsible for the status of legislation in the House. I will not for myself assume any responsibility for it. So far as I have power I arraign the Democratic majority for its inefficiency in the performance of its duties, in its control of the House, in its failure to enact the general appropriation bills, and in its failure to consider and enact important legislation. The Democratic majority is responsible for the condition which confronts us to-day, and it will be arraigned for its sins of commission and omission before the country and ought to be, and I believe will be condemned by the country.

Mr. PAYSON. Before moving the previous question——

Mr. DUNN. Will the gentleman yield to me for a moment to allow an amendment to be read which I wish to offer?

Mr. PAYSON. I will yield long enough to permit it to be read and hear what it is.

Mr. DUNN. It is to direct the Sergeant-at-Arms to notify absent members by telegraph immediately of this order.

Mr. PAYSON. I have no objection.

The SPEAKER *pro tempore*. The proposed amendment will be read.

The Clerk read as follows:

And that the Sergeant-at-Arms be directed to notify all absent members of this order by telegraph immediately.

Mr. PAYSON. Before moving the previous question on the adoption of the resolution, Mr. Speaker, I desire at this time to express my regret that it has been thought necessary by my colleague from Illinois [Mr. CANNON], who is nearly always right——

Mr. STEELE. And he is right at this time.

Mr. PAYSON. And possibly right now, to embark upon the sea of politics with reference to the resolution which is before the House. The question of absenteeism, I am bound to say, is as much applicable to this side of the House as to the other, and is equally bad on both.

Mr. CANNON. But we do not have control of the House.

Mr. PAYSON. And the remarks I make here to-day apply as well to my party associates as against members who should be occupying the vacant seats on the other side of the House. The motive that inspires me in the introduction of this resolution is simply one of a business character, and that alone, without regard to parties or sides of the House.

No man has a right to say that because he is a Republican, and that the Democrats are in a majority in this Chamber, that he can absent himself from the performance of his public duties because of his party relations, and because his party is not responsible for legislation. It is the business of all gentlemen who occupy seats to be here. It is a duty they owe to their constituents and to their fellow-members. It is the business of the gentleman who sits just here on my right, Governor LONG, of Massachusetts—and I refer to him by name because he is within reach of my hand, and because I am a larger man, physically, than he is and am not afraid of him [laughter]—to be here in his seat unless he is excused on account of illness by the House, just as much as it is the duty of the distinguished chairman of the Ways and Means Committee to be here, who is this afternoon addressing the "unterrified" in the city of Chicago in my own State. [Renewed laughter.]

It is not a question of party politics, but it is a question of progress in the transaction of the business of sixty millions of business people under the oath of office that we took and for the salary that is paid us and for which we agreed to come here, and I hope gentlemen in voting on this question will not be diverted from the point in this resolution because they favor or are opposed to the French spoliation claims. That cuts no figure one way or the other. This is a very business feature.

Mr. JACKSON. Will the gentleman from Illinois yield for a question?

Mr. PAYSON. This is a matter as to whether pension legislation, general or special, matters from the Public Lands Committee, which matters alone could occupy the attention of this House for ten days or two weeks, shall be considered which are now on the Calendar. Yet because under the rules of this House one gentleman has the power by the use of two words to make the point of "no quorum," it is impossible to do any business, and we have to sit idly by. It is not a matter of politics, or whether the gentlemen on the other side are in a majority of 13 or of 70; it is the business of Representatives, if not ill, to be here and assist in and make possible the transaction of business. The responsibility is on both sides.

I reserve the balance of my time, but I will yield three minutes to the gentleman from South Carolina [Mr. DIBBLE].

Mr. JACKSON. Will the gentleman from Illinois [Mr. PAYSON] inform the House how long he has been back?

Mr. PAYSON. Yes, sir, and quickly. The gentleman from Illinois is able to say what perhaps very few other gentlemen in the House can say: This is my fourth term here, seven years of service, and, with the exception of twice that I have been to Illinois on account of death, and once, during the present session, when I was absent for a few days, I have been outside the limits of the city of Washington but three times in all these years from the time I came here at the commencement of each session until the adjournment of the House *sine die*. How many gentlemen can say that?

Mr. WEAVER. I can say that.

Several other MEMBERS. So can I.

Mr. PAYSON. I can say that with the exception of five days that I was in Chicago, and during which time the question of "no quorum" was not raised, and when it was the understanding between gentlemen on both sides of this House that they might go to the national conventions and that the point of "no quorum" would not be raised, I can say that I have not missed five roll-calls. Can the gentleman from Pennsylvania [Mr. JACKSON] say as much? I would be glad to answer any other question. [Laughter.]

Mr. DIBBLE. I simply wish to say that I hope the resolution will pass, and as a remark has been made here relating to "wet nurses," I hope there will be such an attendance of the members of the House as——

Mr. PAYSON. Let me ask the gentleman not to go into that.

Mr. DIBBLE. I am not going to be led into any controversy. I hope there will be such an attendance of the members of the House that there will be found to be a quorum when this matter is decided. There is no constituency in this country but what is intelligent enough to send members here that do not require any "wet nurses" to define their position, and that have the manliness to maintain the positions which they believe to be right.

Mr. DUNN. Will the gentleman from South Carolina yield to a question?

Mr. DIBBLE. Certainly.

Mr. DUNN. Did not a quorum appear here yesterday, and did not the gentleman submit the question to a vote, and when there was no quorum did he not move to take a recess and avoid a vote after the quorum appeared?

Mr. DIBBLE. I moved to take a recess, and I stated the reasons then. I believe that the gentleman and every gentleman in the House understood them. My proposition was that a vote on this question, which is a question involving the dignity of the House, and one of far higher privilege than that of the question of claims, that it should be the imperative duty of members to be present, and I asked that a vote be taken on it at 1 o'clock on Tuesday, by which time a quorum could be present. That proposition was declined. But I shall be very glad when a fair proportion of the members of this House are here that the question shall be decided, and to that decision we will cheerfully submit, whatever the decision may be.

Mr. PAYSON. I yield two minutes to the gentleman from Minnesota.

Mr. WILSON, of Minnesota. Mr. Speaker, I wish to say but a few words. I believe this House and the country should know the reason for the interruption of all business. It is not for want of a quorum, for we have a quorum of this House in the city. On yesterday, when we reached the point of taking a vote on the question of paying these French spoliation claims——

A MEMBER. Merely on the question of order.

Mr. WILSON, of Minnesota. We were ready to proceed directly to a vote on the question when the point of "no quorum" was made by the friends of this measure. We then had a call of the House which showed a quorum present. When passing through the House, I heard the friends of the measure suggest that they would not vote, but that they would "break the quorum" until they could get their friends in. And when a few minutes later a vote was taken the quorum was broken in pursuance of that plan.

Mr. DIBBLE. I deny that proposition as to yesterday, so far as I am concerned.

Mr. WILSON, of Minnesota. I do not say that the gentleman from South Carolina did this. I have not intimated, nor do I, that he has done aught else than his duty as he understands it, fearlessly and ably.

But I do say here, Mr. Speaker, on my responsibility, that the quorum was broken in the manner and for the purpose I have stated. I heard the remarks which I have repeated made by members whom I can name.

The amount involved in these claims is very large, some say as high as $30,000,000 or $40,000,000; no one can tell just how much. But it should be understood that it is the men who seek to get so deep into the public Treasury that are interrupting the business of this House. I know no reason why this measure should be so pressed to the detriment of the important interests of the country. Certainly not because such a number of lobbyists appear to be so deeply interested. Unless I am mistaken, and unless all signs are misleading, these lobbyists are the parties most interested.

Mr. PAYSON. I now yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has spoken about legislation being done here without a quorum

and about important legislation remaining unconsidered. The first Congress I had the honor to serve in was a Republican Congress, and the Revised Statutes were passed in this House in that Congress at night without a quorum and when there were not exceeding twenty members in the House. The legislative appropriation bill and other important bills were considered here at night when there was no quorum present. That has happened often. There is a quorum here, and it appeared on yesterday, so that but for other reasons we could have gone on with the public business. Again, sir, no Congress has ever adjourned during the time the gentleman and I have served here without leaving important legislation which had failed to receive consideration. There never has been a different condition of things in that respect, and very likely there never will be.

Therefore the inference of the gentleman is exceedingly unjust. So far as the responsibility of the Democratic party for the present condition of things is concerned and the condemnation of it by the country by reason of that responsibility, I have been accustomed in the past to those prophecies from that side of the House in regard to the Democratic party, and they do not alarm me. I have no despondency about the future of my party. But, Mr. Speaker, I am not here to multiply partisan speech. I feel as the gentleman from Illinois does—that it is my individual responsibility, and it is the individual responsibility of every member here, without regard to party, to cease party bickerings and to do his best to see that there are members enough present to transact important public business which demands our attention. I care not whence the motion may come, I care not with whom I act in concert, so that our action is for the interests of the people of this country.

Mr. PAYSON. Mr. Speaker, I promised to yield two or three minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. I am very desirous of a vote, and I will not occupy any further time.

Mr. PAYSON. Then I move the previous question on the resolution and the pending amendments.

The motion was agreed to, and the previous question was ordered.

The SPEAKER *pro tempore*. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That all leaves of absence now in force, except for illness, be revoked; to take effect at the meeting of the House on Monday next.

The SPEAKER *pro tempore*. To this resolution the gentleman from Arkansas [Mr. DUNN] has offered an amendment, which the Clerk will read.

The Clerk read as follows:

And that the Sergeant-at-Arms be directed to notify absent members of this order by telegraph immediately.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. CHEADLE] proposes to amend the resolution by striking out "Monday" and inserting "Tuesday." The question is first upon that motion.

Mr. WHEELER. Mr. Speaker, before that is put, is it in order to offer a substitute for the whole resolution?

The SPEAKER *pro tempore*. It is not. The previous question has been ordered. The question is on the motion of the gentleman from Indiana [Mr. CHEADLE] to strike out "Monday," and insert "Tuesday."

The House divided; and there were—ayes 42, noes 44.

So the motion was rejected.

The question recurring on the amendment of Mr. DUNN, it was agreed to.

The resolution as amended was adopted.

Mr. PAYSON. I now offer, under this call, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Speaker of the House issue the usual writ to the Sergeant-at-Arms for the arrest and production at the bar of the House of such of its members as are now absent from its sitting without its leave, as shown by the last call.

Mr. DUNN. I suggest to the gentleman from Illinois that he had better not press this proposition. I think the resolution just agreed to will accomplish every purpose.

Mr. PAYSON. We are now operating under a call of the House, without a quorum; and we can only do one of two things—either send for absentees or adjourn.

Mr. DUNN. But as I understand this resolution applies to members whose leave of absence has just been revoked.

Mr. PAYSON. Oh, no; the resolution adopted a few moments ago does not take effect until noon on Monday. This resolution applies only to those members absent at this time without leave.

Mr. DUNN. We know at any rate that nothing can be accomplished to-day.

Mr. BLOUNT. We can stay here and see.

Mr. BURNES. I believe a quorum is present in the House now; and if the Sergeant-at-Arms will gather in those members who are present in the city we shall probably have a quorum for the transaction of business to-day.

Mr. ALLEN, of Mississippi. I move to amend this resolution by striking out the words "as shown by the last call."

Mr. BLOUNT. Is there objection to modifying this resolution so as not to apply to members who are now present? A number of members have come in since the roll was called.

A MEMBER. They can report to the Clerk.

The SPEAKER *pro tempore*. The Chair will state that under a rule adopted this session, but not published in the book of rules, members who voluntarily appear during a call of the House are allowed, unless otherwise ordered by the House, to report to the Clerk and have their names enrolled.

Mr. ALLEN, of Mississippi. I stand reported. [Laughter.]

The SPEAKER *pro tempore*. The question is upon the amendment of the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. I withdraw the amendment. I had read the rules as printed, but I had not read this unreported rule.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, it seems to me we should not be unnecessarily hasty in this matter. There is reason to believe that the revocation of leaves of absence will promptly add to the attendance of members. More than that, as shown by the call upon successive days, there is a quorum here. The lack of a quorum upon the votes we take does not arise from the actual absence of a quorum, but from the complication of our business in reference to the French spoliation claim. Gentlemen knew very well that we might have present fifty more members than a quorum, and yet those who are the earnest advocates of this claim (which I am not proposing to criticise in any sense) would upon future occasions, as they have done in the immediate past, break that quorum, until we should have present a quorum constituted of a majority of the friends of that measure.

Mr. DIBBLE. Does the gentleman understand that I have proposed to indicate a certain day and period—1 o'clock on Tuesday next—for the taking of a vote?

Mr. BRECKINRIDGE, of Arkansas. And is not the gentleman as fully aware as I am of the fact that he has no power to get that day fixed? The antagonists of this claim will break a quorum when he attempts to fix a day. It is this claim—not the question of quorum or no quorum—that constitutes the impediment to the regular transaction of the ordinary business of the House.

Mr. BURNES. That is true.

Mr. DIBBLE. Then I understand the gentleman from Arkansas [Mr. BRECKINRIDGE] to say that those who oppose these claims would make the point of "no quorum" if the House should happen to have a majority in favor of the claims?

Mr. BRECKINRIDGE, of Arkansas. I believe they would. As I stated before, I do not propose to criticise the claims, and I am not criticising those who oppose them. I am simply calling attention to the unfortunate fact that we have an angry dispute about a claim which involves at least many millions of dollars. That is the trouble; and I do not see how a quorum is going to remove that difficulty, as the earnest advocates in the dispute on the one side or the other have the power to break a quorum until there can be brought about that condition, difficult to obtain, when we shall have present a quorum of gentlemen who are in favor of the claims.

Mr. DIBBLE. But I call the gentleman's attention to the fact that a vote can be had on Tuesday next at 1 o'clock which would settle what I consider a much more important question; that is, whether an order solemnly made by the House has been superseded.

Mr. BRECKINRIDGE, of Arkansas. Precisely; but yesterday when there was a quorum that question could have been settled, but in a manner adverse to the gentleman, and he then, as I understand, fled the issue in the face of a quorum. Therefore, sir, the solution of this dilemma is not in procuring a quorum, because it must be a certain character of a quorum or else nothing will be permitted to be done. It is necessary we should come to some understanding in reference to these claims.

Mr. DIBBLE. It is shown by calls of the House 169 members have answered, which is more than a quorum; and when a quorum fails to appear it is because members neglect to vote.

Mr. BRECKINRIDGE, of Arkansas. In the face of the record, I think the gentleman is mistaken.

Mr. DIBBLE. I think not.

Mr. BRECKINRIDGE, of Arkansas. I believe the report was that 168 or 169 members were present.

Mr. DIBBLE. There was equality in the voting on each side. I concede the gentleman's side——

Mr. BRECKINRIDGE, of Arkansas. The gentleman does not know what side I am on. I am without positive conviction as to what should be done with these claims. The gentleman knows in all these contests I have refrained from voting because I have grave doubts as to what should be done. I would be glad if this could go over until the next Congress, and be more carefully considered. Doubtless there are many gentlemen who are in doubt about it as I am.

But, sir, as to the difficulty in our proceeding, the presence of this claim is the difficulty, and it is not a mere matter of a quorum, and when we consider that is the difficulty we may solve the question of a quorum, as that question pure and simple has been solved at different times in preceding Congresses, without still having solved the special

question at this time of the claims. In view of that I think it is unnecessary to resort to hasty and harsh legislation in summoning members here, when, after all, we have no guaranty that it will solve the trouble.

Mr. PAYSON. Will the gentleman yield to me for a question?

Mr. BRECKINRIDGE, of Arkansas. Certainly.

Mr. PAYSON. Is not this the ordinary resolution which has been offered when the object is to secure the transaction of the public business? Is not this the only way in which it can be accomplished?

Mr. BRECKINRIDGE, of Arkansas. I think it is harsh and hasty.

Mr. PAYSON. What does the gentleman suggest instead of it?

Mr. BRECKINRIDGE, of Arkansas. I would suggest that the action we have taken repealing leaves of absence is sufficient for the present. Members are out over the country and they will return, and that is all that is necessary in addition to the customary mode of proceeding for obtaining a quorum; and better still is to try and defer the consideration of these claims to some time when we may reasonably expect a full House and the public business will not suffer by delay.

Mr. PAYSON. But that is not quite the situation at this moment.

Mr. BRECKINRIDGE, of Arkansas. I do not understand the gentleman.

Mr. PAYSON. There is this question of the want of a quorum pressing at this time, and it merely directs the Sergeant-at-Arms to compel the attendance of absent members.

Mr. BRECKINRIDGE, of Arkansas. Do I understand the gentleman to say that this merely proposes to compel the attendance of absent members who are now in the city?

Mr. PAYSON. That is all.

Mr. BRECKINRIDGE, of Arkansas. I have no objection to that.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution as modified.

Mr. STONE, of Missouri. I move that my colleague [Mr. HUNTER], on account of illness, be granted leave of absence.

There was no objection, and it was ordered accordingly.

Mr. BLOUNT. I ask by unanimous consent there may be another call of the House. Gentlemen are satisfied a quorum is present.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that 158 members are recorded as present.

Mr. WILLIAMS. I ask by unanimous consent that indefinite leave of absence be granted to Mr. MCKINLEY, who has been summoned home on account of the illness of his wife.

The SPEAKER *pro tempore*. The Chair is in doubt whether indefinite leave of absence can be granted at this time.

Mr. WILLIAMS. Then I ask that Mr. MCKINLEY be granted leave of absence.

There was no objection, and it was ordered accordingly.

Mr. ALLEN, of Michigan. I move that leave of absence be granted to the gentleman from Michigan [Mr. BURROWS] who was called away by the illness of his daughter; and also that the gentleman from Michigan [Mr. WHITING] be granted leave of absence as he was called away to get up a speech for the Thurman meeting. [Laughter.] I move each of those gentlemen be excused for one week.

There was no objection, and it was ordered accordingly.

Mr. GEAR. I ask unanimous consent that leave of absence be granted to my colleague [Mr. KERR]. He has met with quite a misfortune by the burning of his two houses, printing press, and other property, night before last, and it is necessary that he should go home to adjust the losses with the insurance companies. I ask that he be excused for ten days.

There was no objection.

Mr. DUNN. Mr. Speaker, for the purpose of getting out of the present embarrassment, I ask unanimous consent that the deficiency bill be recommitted to the Committee on Appropriations.

The SPEAKER *pro tempore*. The Chair will state that in the condition in which the House now finds itself that request would not be in order.

Mr. DUNN. I have asked unanimous consent.

The SPEAKER *pro tempore*. The Chair thinks that even by unanimous consent, in this condition of the House, no business can be transacted.

Mr. BURNES. I will state to the gentleman from Arkansas that personally I have no objection to his request.

Mr. ANDERSON, of Kansas. I move that the House do now adjourn.

Mr. BLOUNT. And on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 46, nays 89, not voting 189; as follows:

YEAS—46.

Abbott,	Gest,	Lee,	Rockwell,
Allen, Mich.	Grimes,	Lehlbach,	Romeis,
Anderson, Kans.	Haugen,	Lodge,	Russell, Conn.
Bowen,	Hiestand,	Lyman,	Sawyer.
Brewer,	Hooker,	Lynch,	Stockdale.
Brown, J. R., Va.	Hovey,	McCormick,	Turner, Kans.
Butler,	Jackson,	Morrow,	White, Ind.
Cheadle,	Kean,	O'Neill, Pa.	Whitthorne,
Conger,	Kerr,	Parker,	Woodburn,
Culberson,	Kilgore,	Perkins,	Yost.
Davis,	Laidlaw,	Peters,	
Dibble,	Laird,	Richardson,	

NAYS—89.

Allen, Miss.	Elliott,	Lind,	Stewart, Ga.
Anderson, Iowa	Enloe,	Macdonald,	Stone, Ky.
Anderson, Miss.	Farquhar,	Maish,	Struble,
Anderson, Ill.	Flood,	Mansur,	Symes,
Bacon,	Foran,	Martin,	Taulbee,
Baker, Ill.	Forney,	Matson,	Thomas, Wis.
Bankhead,	French,	McRae,	Thompson, Ohio
Barnes,	Fuller,	Morgan,	Tracey,
Bland,	Glass,	Neal,	Townshend,
Blount,	Heard,	Nelson,	Vance,
Bunnell,	Henderson, N. C.	Newton,	Vandever,
Burnes,	Henderson, Ill.	Nutting,	Walker,
Cannon,	Hermann,	O'Neall, Ind.	Washington,
Caruth,	Hitt,	Osborne,	Weaver,
Caswell,	Holman,	Payson,	Wheeler,
Clements,	Hopkins, Va.	Penington,	Wilkinson,
Cobb,	Hutton,	Phelan,	Williams,
Cowles,	Johnston, Ind.	Rogers,	Wilson, Minn.
Crisp,	Ketcham,	Rowland,	Wise,
Crouse,	Laffoon,	Ryan,	Yoder.
Davidson, Fla.	La Follette,	Sayers,	
Dockery,	Lane,	Scull,	
Dunn,	Lanham,	Smith,	

NOT VOTING—189.

Adams,	Cummings,	Hunter,	Rayner,
Allen, Mass.	Cutcheon,	Johnston, N. C.	Reed,
Arnold,	Dalzell,	Jones,	Rice,
Atkinson.	Dargan,	Kelley,	Robertson,
Baker, N. Y.	Darlington,	Kennedy,	Rowell,
Barry,	Davenport,	Lagan,	Russell, Mass.
Bayne,	Davidson, Ala.	Landes,	Rusk,
Belden,	De Lano,	Latham,	Scott,
Belmont,	Dingley,	Lawler,	Seney,
Biggs,	Dorsey,	Long,	Seymour,
Bingham,	Dougherty,	Maffett,	Shaw,
Blanchard,	Dunham,	Mahoney,	Sherman,
Bliss,	Ermentrout,	Mason,	Shively,
Boothman,	Felton,	McAdoo,	Simmons,
Bound,	Finley,	McClammy,	Snyder,
Boutelle,	Fisher,	McComas,	Sowden,
Bowden,	Fitch,	McCreary,	Spinola,
Breckinridge, Ark.	Ford,	McCullogh,	Spooner,
Breckinridge, Ky.	Funston,	McKenna,	Springer,
Brower,	Gaines,	McKinley,	Stahlnecker,
Browne, T. H. B., Va.	Gallinger,	McKinney,	Steele,
Browne, Ind.	Gay,	McMillin,	Stephenson,
Brown, Ohio	Gear,	McShane,	Stewart, Tex.
Brumm,	Gibson,	Merriman,	Stewart, Vt.
Bryce,	Glover,	Milliken,	Stone, Mo.
Buchanan,	Goff,	Mills,	Tarsney.
Buckalew,	Granger,	Moffitt,	Taylor, E. B., Ohio
Burnett,	Greenman,	Montgomery,	Taylor, J. D., Ohio
Burrows,	Grosvenor,	Moore,	Thomas, Ky.
Butterworth,	Grout,	Morrill,	Thomas, Ill.
Bynum,	Guenther,	Morse,	Thompson, Cal.
Campbell, F., N. Y.	Hall,	Nichols,	Tillman,
Campbell, Ohio	Hare,	Norwood,	Turner, Ga.
Campbell, T. J., N. Y.	Harmer,	Oates,	Wade,
Candler,	Hatch,	O'Donnell,	Warner,
Carlton,	Hayden,	O'Ferrall,	Weber,
Catchings,	Hayes,	O'Neill, Mo.	West,
Chipman,	Hemphill,	Outhwaite,	White, N. Y.
Clardy,	Henderson, Iowa	Owen,	Whiting, Mich.
Clark,	Herbert,	Patton,	Whiting, Mass.
Cockran,	Hires,	Peel,	Wickham,
Cogswell,	Hogg,	Perry,	Wilber,
Collins,	Holmes,	Phelps,	Wilkins,
Compton,	Hopkins, Ill.	Pidcock,	Wilson, W. Va.
Cooper,	Hopkins, N. Y.	Plumb,	Yardley.
Cothran,	Houk,	Post,	
Cox,	Howard,	Pugsley,	
Crain,	Hudd,	Randall,	

So the House refused to adjourn.

Mr. ADAMS. I am paired with a gentleman who is absent, but I consider that the pair does not apply to a motion to adjourn.

Mr. HERBERT. I withdraw my vote; I am paired with the gentleman from Massachusetts [Mr. HAYDEN]. I have been voting, as under the pair when the question of a quorum was raised that right was reserved. But in this case I understand the question of a quorum does not arise.

On motion of Mr. DUNN, by unanimous consent, the reading of the names was dispensed with.

Mr. ADAMS. I am informed that some gentlemen suppose there is some connection between this vote and the French spoliation claims. I therefore withdraw my vote, although I do not see the connection.

Mr. BYNUM. I am paired with my colleague from Indiana, Mr. OWEN, and withdraw my vote, the question of a quorum not coming up here.

The following pairs were announced on all questions until further notice:

Mr. BRYCE with Mr. ATKINSON.

Mr. LANDES with Mr. MORRILL.

Mr. SIMMONS with Mr. ARNOLD.

Mr. GAY with Mr. HIRES.

Mr. DOUGHERTY with Mr. STEPHENSON.

The following were announced as being paired on all political questions until further notice:

Mr. HAYES with Mr. FELTON.

Mr. BURNETT with Mr. BROWER.

Mr. BYNUM with Mr. OWEN.

Mr. MILLS with Mr. EZRA B. TAYLOR.

Mr. WILSON, of West Virginia, with Mr. MCCOMAS.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. LAWLER with Mr. DE LANO.
Mr. OUTHWAITE with Mr. MCKINLEY.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. HEMPHILL with Mr. MILLIKEN.
Mr. JONES with Mr. CROUSE.
Mr. MAHONEY with Mr. HIESTAND.
Mr. RAYNER with Mr. BROWN, of Ohio.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. RICE with Mr. WEBER.
Mr. SHIVELY with Mr. WICKHAM.
Mr. PIDCOCK with Mr. PHELPS.
Mr. DARLINGTON with Mr. MOORE.
Mr. CANDLER with Mr. FINLEY.
Mr. MCCLAMMY with Mr. WOODBURN.
Mr. MCMILLIN with Mr. BURROWS.
Mr. BUCKALEW with Mr. BAYNE, on all political questions and on the French spoliation claims.
Mr. TILLMAN with Mr. HOPKINS, of New York.
Mr. FELIX CAMPBELL with Mr. COOPER.
Mr. HUDD with Mr. ARNOLD.
Mr. JOHNSTON, of North Carolina, with Mr. SEYMOUR.
Mr. MCSHANE with Mr. YARDLEY.
Mr. BARRY with Mr. DALZELL.
Mr. WILKINS with Mr. PUGSLEY.
Mr. YOST with Mr. SNYDER.
Mr. HOGG with Mr. HOLMES.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.
Mr. CARLTON with Mr. MOFFITT.
Mr. HARE with Mr. PLUMB.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CRISP with Mr. ROWELL.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. ROBERTSON with Mr. DORSEY.
Mr. PERRY with Mr. SPOONER.
Mr. CLARDY with Mr. WADE.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. DARGAN with Mr. WEST.
Mr. BOUTELLE with Mr. WISE.
Mr. RANDALL with Mr. KELLEY.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. MCADOO with Mr. HARMER.
Mr. SENEY with Mr. ADAMS, until Tuesday next.
Mr. CRAIN with Mr. FUNSTON, on all questions for this day.
Mr. STONE, of Missouri, with Mr. GROUT, on all questions for to-day.
Mr. THOMPSON, of California, with Mr. MCKENNA, on all political questions for to-day.
Mr. COTHRAN with Mr. LONG on all political questions for two weeks.
The following are paired on all questions until further notice:
Mr. TURNER, of Georgia, with Mr. REED.
Mr. FORD with Mr. O'DONNELL.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. GLOVER with Mr. BROWNE, of Indiana.
Mr. GRANGER with Mr. ROCKWELL.
Mr. OATES with Mr. GUENTHER.
Mr. SCOTT with Mr. CLARK.
Mr. BELMONT with Mr. DAVENPORT.
Mr. BIGGS with Mr. MORROW.
Mr. FISHER with Mr. KEAN.
Mr. COMPTON with Mr. GOFF.
Mr. GREENMAN with Mr. SHERMAN.
Mr. HAYDEN with Mr. HERBERT, on all political questions until further notice, not to apply to taxation questions or naval affairs.
Mr. COX with Mr. BAKER, of New York, on all political questions, except the Oklahoma bill.
Mr. O'FERRALL with Mr. MASON, on all political questions, except the French spoliation claims.
Mr. SOWDEN with Mr. THOMAS H. B. BROWNE, until further notice on all political questions, also on French spoliation claims. If present Mr. BROWNE would vote for the claims, Mr. SOWDEN against them.
Mr. RUSSELL, of Massachusetts, with Mr. BACON on the French spoliation claims. If present, Mr. RUSSELL would vote for, and Mr. BACON against the claims.
Mr. GIBSON with Mr. MACDONALD on French spoliation claims. If present, Mr. GIBSON would vote for the claims and Mr. MACDONALD against them.
Mr. LEE with Mr. PEEL on French spoliation claims. If present, Mr. LEE would vote for the claims, Mr. PEEL against them.
Mr. ANDERSON, of Iowa, with Mr. DINGLEY, on the French spoliation claims. If present, Mr. DINGLEY would vote for the claims; Mr. ANDERSON would vote against them.
Mr. ROGERS with Mr. SHAW on the French spoliation claims. If present, Mr. SHAW would vote for the claims, Mr. ROGERS against them.
Mr. MARSH with Mr. ALLEN, of Massachusetts, on the French spoliation claims. If present, Mr. ALLEN would vote for the appropriation, Mr. MARSH against it.
Mr. COX with Mr. SPOONER on the French spoliation claims. If present, Mr. SPOONER would vote for the appropriation; Mr. COX would vote against it.
Mr. O'FERRALL with Mr. WASHINGTON on the French spoliation claims. Mr. O'FERRALL, if present, would vote "ay," Mr. WASHINGTON "no."
Mr. WILSON, of Minnesota, with Mr. DALZELL on the French spoliation claims. If present, Mr. DALZELL would vote for the claims, Mr. WILSON against them.
Mr. HARE with Mr. COLLINS on the French spoliation claims. If present, Mr. COLLINS would vote for the claims, Mr. HARE against them.
Mr. LANDES with Mr. WHITE, of New York, on the French spoliation claims. If present, Mr. WHITE would vote for the claims, Mr. LANDES against them.
Mr. HUDD with Mr. FITCH on the French spoliation claims. Mr. HUDD would vote against the bill and Mr. FITCH for it.
Mr. ROGERS. I am announced as being paired. The pair extends only to the French spoliation claims.
Mr. WASHINGTON. I am paired with Mr. O'FERRALL on the spoliation claims alone, but not to interfere with the right to vote to make a quorum.
Mr. BACON. I observe that the Clerk read a pair between myself and Mr. RUSSELL, of Massachusetts. We are paired on the French spoliation claims. I desire to say that I understand that that was to apply only to the vote directly upon these claims.
Mr. WISE. It is announced that I am paired with the gentleman from Maine [Mr. BOUTELLE]. Under our agreement, I feel that I have the right to vote to adjourn.
Mr. MACDONALD. I understand that I was announced as being paired with Mr. GIBSON. We were paired last week, but I understood that pair to be disposed of.
The SPEAKER *pro tempore*. The pair read was only upon the French spoliation claims.
The result of the vote was announced as above reported.
Mr. HENDERSON, of North Carolina. I ask unanimous consent that the House take a recess until Monday at 11 o'clock.
The SPEAKER *pro tempore*. The Chair will state that is not in order at this time.
Mr. KEAN. I understand that a pair was read in my name. I am not paired with any one to my knowledge.
Mr. COWLES. I move that all further proceedings under the call be dispensed with.
The motion was rejected.
Mr. HOVEY. I move that the House do now adjourn.
The question was taken; and the Speaker *pro tempore* declared that the ayes seemed to have it.
Mr. BLOUNT. Let us have the yeas and nays.
The yeas and nays were ordered—ayes 20, noes 72.
The question was taken; and there were—yeas 64, nays 66, not voting 194; as follows:

YEAS—64.

Allen, Mich.	Dibble,	Kilgore,	Rockwell,
Anderson, Kans.	Foran,	Laffoon,	Romeis,
Bayne,	French,	Lanham,	Ryan,
Bound,	Gear,	Lee,	Sawyer.
Bowen,	Grimes,	Lehlbach,	Struble,
Brewer,	Hall,	Lodge,	Symes,
Brown, J. R., Va.	Haugen,	Lyman,	Taulbee,
Butler,	Henderson, N. C.	Mansur,	Thompson, Ohio
Cannon,	Hermann,	McCormick,	Turner, Kans.
Caswell,	Hiestand,	Morrow,	Weaver,
Cheadle,	Hooker,	Newton,	White, Ind.
Conger,	Hovey,	O'Neill, Pa.	Whitthorne,
Cowles,	Jackson,	Parker,	Williams,
Culberson,	Kean,	Penington,	Wise,
Davidson, Fla.	Kerr,	Perkins,	Yoder,
Davis,	Ketcham,	Peters,	Yost.

NAYS—66.

Abbott,	Crouse,	La Follette,	Scull,
Allen, Miss.	Dockery,	Lane,	Smith,
Anderson, Iowa.	Elliott,	Lind,	Steele,
Anderson, Miss.	Enloe,	Macdonald,	Stewart, Ga.
Anderson, Ill.	Farquhar,	Maish,	Stone, Ky.
Baker, Ill.	Flood,	Martin,	Stone, Mo.
Bankhead,	Forney,	Matson,	Thomas, Wis.
Barnes,	Fuller,	McRae,	Tracey,
Bland,	Gay,	Morgan,	Townshend,
Blount,	Glass,	Neal.	Vandever,
Breckinridge, Ark.	Heard,	Nelson,	Walker,
Breckinridge, Ky.	Henderson, Ill.	Nutting,	Washington,
Bunnell,	Hitt,	O'Neall, Ind.	Wheeler,
Burnes,	Holman,	Osborne,	Wilkinson,
Caruth,	Hopkins, Va.	Payson,	Wilson, Minn.
Clements,	Hutton,	Rowland,	
Cobb,	Johnston, Ind.	Sayers,	

NOT VOTING—194.

Adams,	Dargan,	Lagan,	Rice,
Allen, Mass.	Darlington,	Laidlaw,	Richardson,
Arnold,	Davenport,	Laird,	Robertson,
Atkinson,	Davidson, Ala.	Landes,	Rogers,
Bacon,	De Lano,	Latham,	Rowell,
Baker, N. Y.	Dingley,	Lawler,	Russell, Conn.
Barry,	Dorsey,	Long,	Russell, Mass.
Belden,	Dougherty,	Lynch,	Rusk,
Belmont,	Dunham,	Maffett,	Scott,
Biggs,	Dunn,	Mahoney,	Seney,
Bingham,	Ermentrout,	Mason,	Seymour,
Blanchard,	Felton,	McAdoo,	Shaw,
Bliss,	Finley,	McClammy,	Sherman,
Boothman,	Fisher,	McComas,	Shively,
Boutelle,	Fitch,	McCreary,	Simmons,
Bowden,	Ford,	McCullogh,	Snyder,
Brower,	Funston,	McKenna,	Sowden,
Browne, T.H.B., Va.	Gaines,	McKinley,	Spinola,
Browne, Ind.	Gallinger,	McKinney,	Spooner,
Brown, Ohio	Gest,	McMillin,	Springer,
Brumm,	Gibson,	McShane,	Stahlnecker,
Bryce,	Glover,	Merriman,	Stephenson,
Buchanan,	Goff,	Milliken,	Stewart, Tex.
Buckalew,	Granger,	Mills,	Stewart, Vt.
Burnett,	Greenman,	Moffitt,	Stockdale,
Burrows,	Grosvenor,	Montgomery,	Tarsney,
Butterworth,	Grout,	Moore,	Taylor, E. B., Ohio
Bynum,	Guenther,	Morrill,	Taylor, J. D., Ohio
Campbell, F., N. Y.	Hare,	Morse,	Thomas, Ky.
Campbell, Ohio	Harmer,	Nichols,	Thomas, Ill.
Campbell, T.J., N.Y.	Hatch,	Norwood,	Thompson, Cal.
Candler,	Hayden,	Oates,	Tillman,
Carlton,	Hayes,	O'Donnell,	Turner, Ga.
Catchings,	Hemphill,	O'Ferrall,	Vance,
Chipman,	Henderson, Iowa	O'Neill, Mo.	Wade,
Clardy,	Herbert,	Outhwaite,	Warner,
Clark,	Hires,	Owen,	Weber,
Cockran,	Hogg,	Patton,	West,
Cogswell,	Holmes,	Peel,	White, N. Y.
Collins,	Hopkins, Ill.	Perry,	Whiting, Mich.
Compton,	Hopkins, N. Y.	Phelan,	Whiting, Mass.
Cooper,	Houk,	Phelps,	Wickham,
Cothran,	Howard,	Pidcock,	Wilber,
Cox,	Hudd,	Plumb,	Wilkins,
Crain,	Hunter,	Post,	Wilson, W. Va.
Crisp,	Johnston, N. C.	Pugsley,	Woodburn,
Cummings,	Jones,	Randall,	Yardley.
Cutcheon,	Kelley,	Rayner,	
Dalzell,	Kennedy,	Reed,	

So the House refused to adjourn.

On motion of Mr. JACKSON, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was announced as above reported.

Mr. BURNES. I have become perfectly satisfied, so far as I am concerned, that a further struggle for a quorum to-day would be ineffective. I am not in favor, therefore, of attempting to obtain a quorum to-day, and I ask unanimous consent to move that the House do now adjourn.

Mr. TRACEY. I shall vote against that.

The SPEAKER *pro tempore*. Does the gentleman object? Is there objection to the motion of the gentleman from Missouri. [After a pause.] The Chair hears none.

The question was put and the motion was agreed to; and accordingly (at 3 o'clock and 38 minutes) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. A. C. THOMPSON: A bill (H. R. 11267) granting a pension to Jacob Thompson—to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 11268) for the relief of John G. Rose—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A bill (H. R. 11269) for the relief of Mrs. Fanny P. Murfree—to the Committee on War Claims.

By Mr. LAFFOON: A bill (H. R. 11270) for the relief of Rebecca S. Clark—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of Frank Richardson, of Gasconade County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Affidavits in the case of Ellen D. Scott, for a pension—to the Committee on Invalid Pensions.

By Mr. LAIDLAW: Petition of citizens of New York relating to pension legislation—to the Committee on Invalid Pensions.

By Mr. LYNCH: Petition of 76 citizens of the Twelfth district of Pennsylvania, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of citizens of Lackawanna County, Pennsylvania, for amendment to the interstate-commerce law—to the Committee on Commerce.

Also, petition of the Junior Order of United American Mechanics of Taylorport, Pa., to make February 22 a legal holiday—to the Committee on the Judiciary.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. W. C. P. BRECKINRIDGE: Of W. U. Averill and other citizens of Kentucky.

The following petition indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. DAVENPORT: Of citizens of Steuben County, New York.

SENATE.

MONDAY, *August* 27, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Mitchell County, Kansas, praying for the passage of a bill providing for the payment of claims for Indian depredations to citizens of Kansas; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Montcalm County, Michigan, praying for the passage of certain amendments to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1098) for the relief of the Sisters of the Holy Cross in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 3357) referring the claim of William F. Wilson to the Court of Claims, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2714) for the relief of Thomas Lannigan, reported it without amendment.

Mr. STEWART, from the Committee on Private Land Claims, to whom was referred the bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6394) for the relief of Hayem & Taylor, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 2196) for the relief of S. T. Marshall, reported it without amendment, and submitted a report thereon.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, to report it with amendments. I give notice that within a few days I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 239) confirming titles to certain lands in Columbia County, State of Florida, asked that the committee be discharged from the further consideration of the bill, and that it be postponed indefinitely; which was agreed to.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred a petition of the State Agricultural College of Florida on the same general subject as the bill just reported, to report it with the recommendation that the committee be discharged from its further consideration and that the petition lie on the table.

The report was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was recommitted the bill (S. 1585) providing for the location of scrip issued under the acts of August 31, 1852, and June 22, 1860, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HALE. I desire, for the Senator from New Hampshire [Mr. CHANDLER], who is absent, to file a report in his behalf to accompany the bill (S. 744) providing that the law regulating the pay and retirement of warrant officers in the Navy shall be construed to apply to the thirty-four officers serving as mates in the Navy, heretofore reported by him. I ask that the report be filed with the papers accompanying the bill and printed.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. PASCO, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2132) for the relief of Catherine Woodruff; and

A bill (S. 2970) for the relief of Calvin J. Cowles and George B. Hanna.

Mr. TELLER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2621) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits, to report it adversely, a bill having been already passed on that subject to accomplish the purpose in view.

The adverse report was agreed to, and the bill indefinitely postponed.

Mr. TELLER. I am also directed by the Committee on Public Lands, to whom was referred the bill (S. 2510) to amend an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, to report it adversely. Another bill is reported in its place. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2877) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes, reported it with amendments.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 3475) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3482) to enable parties to construct, maintain, and operate a wagon-road to the top of Pike's Peak, in the State of Colorado, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 201) granting a pension to Edward Waters;

A bill (H. R. 10007) for the relief of Henry Rose;

A bill (H. R. 1085) granting a pension to Thomas Rains;

A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;

A bill (H. R. 2474) granting a pension to Joseph Lincoln Young;

A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustave W. Geyer;

A bill (H. R. 2716) granting a pension to J. W. Leight;

A bill (H. R. 3152) for the relief of Arlington M. Harrison;

A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin;

A bill (H. R. 6201) granting a pension to John Robeson;

A bill (H. R. 6309) for the relief of Mary A. Covey;

A bill (H. R. 7185) granting a pension to Samuel Neikirk;

A bill (H. R. 7457) granting a pension to Eleanor D. Heath;

A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth;

A bill (H. R. 7912) for the relief of Frances P. Vernon;

A bill (H. R. 8200) granting a pension to Lydia Ann Wilber;

A bill (H. R. 9148) to grant a pension to Jane Robinson;

A bill (H. R. 9182) granting a pension to Ransom Riley;

A bill (H. R. 9935) to increase the pension of Isaac Hurd;

A bill (H. R. 9169) granting a pension to Tempy N. Johnston;

A bill (H. R. 9975) granting a pension to Joseph Welsh;

A bill (H. R. 10103) granting a pension to William Fairbanks;

A bill (H. R. 10121) granting a pension to Sarah A. Mason;

A bill (H. R. 10122) granting a pension to Margaret Quinton;

A bill (H. R. 10210) to increase the pension of Philip Thomas;

A bill (H. R. 10241) increasing the pension of Richard Porter;

A bill (H. R. 10245) granting an increase of pension to Hannibal Kimball;

A bill (H. R. 10342) granting a pension to John Dauper;

A bill (H. R. 10563) granting a pension to William S. Latham;

A bill (H. R. 10629) granting a pension to Washington Ryan;

A bill (H. R. 10672) granting a pension to Mighill H. Patten;

A bill (H. R. 10738) to increase the pension of George C. Quick;

A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk;

A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood;

A bill (H. R. 10944) granting a pension to Victoria May;

A bill (H. R. 11029) for the relief of Mary Vanbuskirk; and

A bill (H. R. 11030) granting a pension to Susan E. Latture.

The message also announced that the House had passed the following bills:

A bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong;

A bill (S. 2721) granting a pension to Jackson Chapman;

A bill (S. 2899) granting a pension to Harriet Welch;

A bill (S. 3076) granting a pension to Mary M. Shattuck;

A bill (S. 3166) granting a pension to William F. Pike; and

A bill (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887.

The message further announced that the House had passed a bill (S. 2825) granting an increase of pension to Benjamin T. Baker with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The message further announced that the House had elected Hon. CHARLES F. CRISP, a Representative from the State of Georgia, as Speaker *pro tempore* during the temporary absence of the Speaker.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3488) for the relief of the sureties of John S. Watrous, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BLAIR introduced a bill (S. 3489) to increase the pension of Mary A. Bedel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCPHERSON introduced a bill (S. 3490) granting a pension to Lewis McAllister, late fireman in the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3491) to carry out the findings of the Court of Claims in the case of Sarah E. B. Smith; which was read twice by its title, and referred to the Committee on Claims.

EFFECT OF IRRIGATION ON LOWER VALLEYS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PLUMB August 21, 1888, as follows:

Resolved, That the Secretary of the Interior be directed to inquire and report to the Senate at its next session the extent to which the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado, for irrigation or other purposes, affects the flow of the water of those streams in the lower valleys, and especially during the growing season; and whether the title conveyed by the Government to lands fronting on said streams covers the privilege of diverting water therefrom beyond that necessary for use thereon for irrigation and mining purposes, and to report what action is needed to protect the rights of riparian owners along the course of said streams in the States of Kansas and Nebraska.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. WILSON, of Iowa. The Senator from Colorado [Mr. TELLER] on a former day expressed his desire to be present when the resolution should be considered, inasmuch as it was his purpose to offer an amendment to it. I do not see him in his seat at this moment.

Mr. EDMUNDS. I ask unanimous consent that the resolution go over, retaining its place, to come up again.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House of Representatives on the Army appropriation bill.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 23, 1888.

Resolved, That the House non-concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. ALLISON. The conference report on the Army appropriation bill was agreed to by the Senate some days ago, and it has been disagreed to by the House of Representatives. It embraced a large number of amendments, some of which were receded from by the Senate and the disagreement to others was receded from by the House conferees. In sending the report here it is disclosed that the House insist upon their disagreement to four amendments without taking into account the other amendments which are in the air, the House having disagreed to the report.

I should be glad to take the advice of the Chair on the subject. I do not see my way clear to reach a conclusion respecting it. The House insist upon their disagreement to four amendments and have

not appointed conferees, whereas there are perhaps thirty-four amendments that are neither disagreed to nor agreed to.

The PRESIDENT *pro tempore*. There are two messages from the House bearing the same date. Both messages will be read, so that the matter can be fairly presented to the Senate.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 23, 1888.

Resolved, That the House non-concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES, *August* 23, 1888.

Resolved, That the House insists upon its disagreement to the Senate amendments 26, 27, 33, and 35 to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, and asks a further conference with the Senate on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The House having non-concurred in the report of the committee of conference, the amendments are all open, the same, the Chair thinks, as if no report had been agreed on by the former conferees. The Chair thinks it is entirely competent for the Senate to agree to the request of the House of Representatives for a conference on the four amendments named in the message.

Mr. EDMUNDS. But so far as the record goes, it does not show any action of the House upon the other thirty-odd amendments.

The PRESIDENT *pro tempore*. It shows that the report of the committee of conference dealing with those amendments was disagreed to; therefore the Chair thinks that the whole thirty-five amendments are open between the two Houses.

Mr. EDMUNDS. The present request for a conference is only on four amendments that are named by number.

Mr. ALLISON. The message from the House discloses that they still insist upon their disagreement to four particular amendments inserted by the Senate. Now, what becomes of the other amendments that were inserted by the Senate?

The PRESIDENT *pro tempore*. They are open between the two Houses.

Mr. ALLISON. They are still open between the two Houses?

The PRESIDENT *pro tempore*. They are still open between the two Houses. The Chair thinks it is entirely competent for the House of Representatives to ask for a conference on the four amendments, leaving the others to be disposed of hereafter.

Mr. ALLISON. I move that the Senate still further insist upon its amendments, not only the four amendments, but all of them, and agree to the conference asked for by the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate still further insist upon all the amendments made in the Senate to the bill of the House of Representatives, and agree to the request of the House for a conference upon the four amendments that have been enumerated. It will be so ordered if there be no objection.

Mr. ALLISON. Now, I will add to the motion that the Senate request a conference on the remaining amendments.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate request a conference with the House of Representatives upon the amendments not enumerated. It will be so ordered, if there be no objection. Upon the four amendments on which the conference is requested by the Senate, how shall the managers on the part of the Senate be appointed? ["By the Chair."] The Chair appoints Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN.

Mr. EDMUNDS. And on the others?

Mr. ALLISON. On the others I suppose the same conferees will be appointed.

The PRESIDENT *pro tempore*. Upon the other amendments the same managers are appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I present the conference report on the sundry civil appropriation bill, being House bill 10540, and I ask that it may be printed in the RECORD. I give notice that to-morrow morning I shall ask the Senate to consider this report. I will say to Senators that if they will take the House print of the bill and compare the numbered amendments with the report, they can see what the conferees have done with respect to the amendments.

Mr. EDMUNDS. I think the Senate had better have the conference report printed as a document as well, because we can get it in that way earlier than we shall in the RECORD.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. EDMUNDS. The message of the House had better be read, so that the Journal will show that the bill is before the Senate.

The PRESIDENT *pro tempore*. The title of the bill will be read and the conference report announced, and it will then be printed without reading, if there be no objection.

Mr. EDMUNDS. All right.

The CHIEF CLERK. A bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. The conference report will be printed in the RECORD and also separately as a document.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, 11, 12, 18, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 48, 51, 61, 63, 70, 71, 72, 73, 82, 83, 117, 125, 132, 139, 140, 144, 150, 151, 159, 167, 198, 202, 211, 218, 220, 225, and 237.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 10, 13, 14, 15, 16, 17, 20, 21, 23, 34, 35, 44, 45, 46, 47, 49, 50, 52, 53, 55, 57, 58, 59, 64, 66, 67, 68, 69, 81, 87, 88, 89, 90, 91, 93, 94, 95, 108, 109, 120, 126, 131, 135, 136, 137, 138, 142, 143, 145, 146, 147, 152, 155, 156, 157, 158, 160, 173, 195, 197, 200, 201, 206, 210, 212, 213, 215, 217, and 224, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to same with amendments as follows: In lieu of the sum proposed in said amendment insert "$75,000," and strike out of said amendment the word "completion" and insert in lieu thereof the word "commencement;" and the Senate agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House to Senate amendment numbered 19, and agree to the same with amendments as follows: In lieu of the sum proposed in said House amendment insert "$50,000," and add after said House amendment the following:

"For court-house, custom-house, and post-office at Brownsville, Tex.: For purchase of site and completion of building, $50,000.

"For court-house and post-office at Charlotte, N. C.: For purchase of site and completion of building, $85,000.

"For post-office at Ottumwa, Iowa: For purchase of site and completion of building, $40,000.

"For court-house and post-office at Statesville, N. C.: For purchase of site and completion of building, $75,000."

And the House agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "establishing and completing;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000," and add at the end of the amended paragraph the following: "*Provided*, That no oil-house erected hereunder shall exceed $500 in cost;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with amendments as follows: Strike out from said amendment the words "first-order" and in lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$16,000;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$925,000;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: After the word "Louisiana," in line 5, page 15 of the bill, insert the following: "At Chicot Pass and to mark navigable channel along Grand Lake, Louisiana;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,700;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,800;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,800;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,905;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,500;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "Columbia" and insert in lieu of the matter so stricken out the following: "shall be occupied, as at present, jointly, by the United States Commission of Fish and Fisheries, and the National Museum;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"For the construction and completion of an infirmary building for the sick, including all heating and ventilating apparatus for the same, $25,000."

And the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Strike out from said amendment all after the word "dollars" where it first occurs, and after the words "per capita" in said amendment insert the following: "under such regulations for the protection of minors as may be prescribed by the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate number 134, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted insert the following:

"Kaskaskia, Wea, Peoria, and Piankeshaw Indians: For the payment per capita under such regulations for the protection of minors as may be prescribed by the Secretary of the Interior to the Kaskaskia, Wea, Peoria, and Piankeshaw Indians, $40,000; to be charged to said Indians on the books of the Treasury and

the bonds representing the amount paid shall become the property of the United States."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "For completing magazine No. 4, $18,000; for repairing magazine No. 1, $1,150; in all, $19,150;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$30,000;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$30,000;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: Strike out all after the word "post" in said amendment, and insert in lieu of the matter so stricken out the following: "$3,000, or so much thereof as may be necessary: *Provided*, That a good and sufficient title to the property shall be first vested in the United States;" and the Senate agree to the same.

Amendment numbered 168. That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: Strike out from said amendment the following: "Or by a committee to be selected by him for that purpose;" and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$92,800;" and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum named in the amended paragraph insert "$50,000;" and the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For additional buildings required at the Pacific Branch, $10,000; in all, $90,000;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,088,944.60;" and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with amendments as follows: Strike out the word "For," where it first occurs, and insert in lieu thereof the words "Towards the construction of an;" and in lieu of the last sum named in said amendment insert "$55,000;" and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: Strike out all after the word "Representatives" where it last occurs in said amendment and insert in lieu of the matter so stricken out the following:

"And hereafter payments made upon vouchers approved by the aforesaid respective committees shall be deemed, held, and taken, and are hereby declared, to be conclusive upon all the Departments and officers of the Government: *Provided*, That no payment shall be made from said contingent funds as additional salary or compensation to any officer or employé of the Senate or House of Representatives."

And the Senate agree to the same.

On amendments numbered 105, 106, 107, 110, 116, 118, 119, 121, 127, 128, 221, 223, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.
W. H. FORNEY,
JAS. N. BURNES,
THOS. RYAN,
Managers on the part of the House.

ALLEGED TIMBER DEPREDATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate another resolution coming over from a former day, which will be read.

The Chief Clerk read the resolution submitted by Mr. STEWART August 23, 1888, as follows:

Resolved, That the Commissioner of the General Land Office be, and he is hereby, directed to furnish the Senate without delay with copies of all reports, affidavits, and communications upon which he based the statements in his letter to Hon. JAMES N. BURNES, of the House of Representatives, dated August 18, 1888, with regard to the following amendment to the sundry civil appropriation bill:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value."

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BECK. I have no objection to the resolution if the words are added "if not inconsistent with the good of the public service."

Mr. STEWART. I am opposed to the insertion of any such words.

Mr. BECK. I have no doubt the Senator is.

Mr. STEWART. I am certainly opposed to it. I do not believe it is possible for it to be inconsistent with the public service to have this matter thoroughly investigated.

Mr. BECK. All I know about it, if the Senator will allow me, is that a communication came to me as a member of the committee of conference on the sundry civil appropriation bill the other day which I handed to Mr. BURNES, of the House, and I have not got it with me now, in which the Commissioner of the General Land Office said that he had commenced two suits against two great corporations, and that if the information required by this resolution was given out it would just develop all the claim that the United States had and put it in the hands of two great corporations, one of them a foreign corporation, to break down the case. He said he might as well abandon the suits as to develop all the ground that he had for the prosecution against the corporations, and he insisted that it was not fair to the United States to make him lay before the country and before the corporations he is sueing the facts upon which he relied; and if that was done he would have to abandon the cases.

That was stated in his official communication, which I handed to Mr. BURNES. I did not know this matter would come up this morning and I have not got the communication with me now.

Therefore I say the words "if inconsistent with the good of the public service" ought to be inserted, because we ought not to break down the case of the United States in advance.

Mr. EDMUNDS. I think the Senator from Kentucky is right in the substance of his statement, though I should not wish to put it in that form. I will move to amend by inserting——

Mr. STEWART. I should like to be heard before any action is taken.

Mr. EDMUNDS. I will make my motion, and then the Senator can be heard. I do not think the Senator from Nevada will object to the amendment I propose. I move to insert after the word "communications," in line 3, the words "except such as in his opinion ought to be withheld for the purposes of justice."

Mr. BECK. That is all the Commissioner wants.

Mr. STEWART. Mr. President——

The PRESIDENT *pro tempore*. The proposed amendment will first be read.

The CHIEF CLERK. In line 3, after the word "communications," it is proposed to insert "except such as in his opinion ought to be withheld for the purposes of justice;" so as to read:

Resolved, That the Commissioner of the General Land Office be, and he is hereby, directed to furnish the Senate without delay with copies of all reports, affidavits, and communications, except such as in his opinion ought to be withheld for the purposes of justice, upon which he based the statements in his letter to Hon. JAMES N. BURNES, of the House of Representatives, dated August 18, 1888, with regard to the following amendment to the sundry civil appropriation bill:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercial value."

Mr. EDMUNDS. Now, Mr. President, in support of that amendment I wish to say a single word.

The putting in a resolution of this kind of an exception like this is not new in the Senate. On two or three occasions in former years information of this character has been moved for from some Department or other, and when there was a suggestion made by any Senator that matters in the course of judicial administration were still pending and depending upon that information, we have always thought it right for the interests of the United States and of justice to leave it to the Department officer to withhold such papers as were still confidential and were necessary to be kept confidential in order that the purposes of justice might be subserved. It might happen—very likely it is not so in this case, but we ought to act upon the principle—it might happen that some of these very affidavits that are referred to, if there be any, being disclosed would lead to the escape of the culprit whom they are now getting ready to arrest, or would enable, as the Senator from Kentucky says, some great corporation to get rid of the witnesses who had given the affidavits in advance. It seems to me, therefore, obvious that we ought not to compel the administrative department of the Government to disclose the testimony that it has in preparation for the trial of a cause.

Mr. STEWART. Mr. President, this is the third raid made upon the miners in the last twenty-five years. In 1865–'66 a scheme was very popular in some sections of the country, laboring entirely under a misapprehension, to sell the mines at auction, treating the miners who had located upon them as criminals. It was proposed to sell the

mines at auction and pay the national debt. After the miners had, by their own exertions and under the non-action of Congress, built up the country and established rules and regulations, and a common law had grown up among them which had been recognized by the courts and by the legislatures, it was proposed to raise a large army and send it into the mining regions and eject the miners from their claims, and a resolution was passed by the House of Representatives by more than a two-thirds vote instructing the Committee on the Public Lands to prepare a bill for that purpose. But after a discussion it was found that the miners were not criminals, that they had some rights, and the scheme was defeated.

In order that the question now under consideration and its merits may be understood, it is necessary to make a short statement of the history of the situation in which those miners are, and the action of the Government towards them, to show under what circumstances a general prosecution is now proposed against all the miners who have cut timber on the public lands for fire-wood.

In 1866 this question of the rights of the miners, whether they should be treated as criminals or whether their situation should be recognized and accepted. was thoroughly discussed in the two Houses of Congress. One proposition was, and that was the proposition of Mr. Julian, of Indiana, chairman of the Committee on Public Lands of the House, to raise a large army and sell the mines at auction by legal subdivisions, without regard to the rights of those who had discovered them. The debate was lengthy. A portion of my remarks were incorporated in the appendix to the Supreme Court Reports in 3 Wallace, and I will read a few extracts from the remarks I made then:

After the admission of California as a State, in September, 1850, Mr. Frémont, then Senator from that State, introduced a bill, the purpose of which was to establish police regulations in the mines. It imposed a small tax upon the miners to defray the expenses of the system. Many Senators, when the bill came up for discussion, expressed the opinion that the mines ought to be sold, or some means devised by which a direct revenue might be obtained from that source. Various amendments were offered to effect these purposes. But Mr. Benton took a leading part in the discussion, and contended throughout that good policy required that the mines should remain free and open for exploration and development. Mr. Seward sustained Mr. Benton.

The arguments of Senators in favor of free mining finally prevailed, and all amendments looking to sale or direct revenue were voted down, and the bill finally passed the Senate, without material amendment, in its original form, but failed in the House from want of time to consider it. Before the meeting of the next Congress the fact became known that the miners themselves had adopted local rules for their own government, which rendered action on the part of Congress unnecessary; and from that time to the present non-action has been the policy of the Government, with one single exception. The solemn declaration, however, just mentioned, on the part of the Senate, in favor of a just and liberal policy to the miners, was hailed by them as a practical recognition of their possessory rights, and greatly encouraged and stimulated mining enterprise, and laid the foundation for a system of local government now in full force over a vast region of country inhabited by nearly a million men.

The Legislature of California, at their following session, in 1851, had under consideration the subject of legislation for the mines, and, after full and careful investigation, wisely concluded to declare that the rules and regulations of the miners themselves might be offered in evidence in all controversies respecting mining claims, and when not in conflict with the constitution or laws of the States or of the United States should govern the decision of the action. A series of wise judicial decisions molded these regulations and customs into a comprehensive system of common law, embracing not only mining law (properly speaking), but also regulating the use of water for mining purposes. The same system has spread over all the interior States and Territories where mines have been found, as far east as the Missouri River. The miner's law is a part of the miner's nature; he made it, and he loves it, trusts it, and obeys it. He has given the toil of his life to discover wealth, which, when found, is protected by no higher law than that enacted by himself, under the implied sanction of a just and generous Government. Miners as a community devote three-fourths of their aggregate labor to exploration, and consequently are, and ever will remain, poor, while individuals amass large fortunes, and the treasury of the world is augmented and replenished.

This view of the case, that it would unjustly disturb the people, prevailed, and Congress was so strongly impressed with the facts that a bill passed both Houses, after a full discussion, fully recognizing their rights.

It was supposed as a matter of course that the right to mine as they were then doing carried with it the right to cut the necessary timber in the mining regions, which practice has been pursued without interruption, and it was presumed that it was lawful under the general laws for selling the mines and giving the right to work them. It was claimed that confirming the miners' rights, providing for their obtaining patents, and recognizing the system carried with it all the necessary incidents, and one was to cut the necessary timber to work the mines.

This proceeded uninterruptedly until 1878, when Mr. Schurz was Secretary of the Interior, and he undertook a system of reform. He started a reform administration, and as a part of the machinery of reform he sent his agents all over the Territories arresting miners for cutting wood with which to mine or to cook their meals. He had them arrested in the various Territories, and finally in the dead of winter he went to Montana and stopped the cutting of wood when the thermometer was at 35° below zero and the people could not live without it. He went there at that time, I say, and stopped the cutting of wood.

On that occasion, through the efforts of Mr. Sargent and Mr. Blaine, a law was passed which it was supposed was entirely sufficient to cover this question. Senators sometimes marvel why Mr. Blaine became so popular in the Western country. I will tell you why. It was for two speeches. One was his speech when he recognized the fact that the people on that coast could not live in company with Chinese, that where the Chinese came they destroyed American civilization. He recognized that fact and proclaimed it. When the people found that they were to be deprived of wood in the dead of winter by a new construction of what was supposed to be their right, he again came to their rescue and defended them in a speech which I have here. Before reading extracts from the speech of Mr. Blaine I shall first call the attention of the Senate to the report of the Committee on Public Lands of the Senate which resulted in the passage of the law allowing the miners to cut timber for mining and domestic purposes:

The committee have carefully considered the subject of timber and timber lands, and, after mature deliberation, with the view of devising the best methods of preserving, cultivating, and disposing of the same, have come to the conclusion that a distinction should be made between such trees as grow upon the mountains in the mineral districts and the forests of pine, oak, and other timber that grow in the more level portions of the country.

While the lumber of the latter is a regular and important article of commerce and is constantly being cut and transported in large quantities to ready markets, the character of the former renders the timber unfit for commercial purposes. Even were this otherwise, it is usually found in such inaccessible places as to preclude its transportation to market. Consequently it is used by the prospector, the miner, and other members of mining communities for domestic and other practical purposes incidental to the development of mineral districts. The committee do not believe that it would be wise policy on the part of the Government to seek to profit directly by the sale of this kind of timber nor to tax the pioneer by compelling him to purchase it. Except as a source of revenue by sale to the settler, it never can be of any value to the Government. Should the experiment be tried of requiring payment for it, it would be found that the cost of keeping agents for its sale and officers to prevent or punish infractions of the law at remote and widely separated settlements would largely consume all sums received for his timber by the Government. Thus, while it is practically of but little value to the Government, it is essential to the settler and indispensable to his occupation and development of the mineral lands. It has been the custom of Congress to encourage the exploration and development of the mineral regions of the United States; and in this connection it should be borne in mind that it is mainly to the indomitable energy, hardihood, and daring of the pioneer that we are indebted for the discovery and development of the rich gold and silver districts of the country. What would be the condition of this country to-day had it not been for our product of gold and silver during the last quarter of a century? The $100,000,000 annually added by the United States to the world's stock of bullion will amply pay for the use of the scattering timber found in those localities. Instead of imposing this timber as a tax upon this important branch of industry, the committee are of opinion that, under the restrictions provided in this bill and on the grounds of equity and public policy, the Government should allow its free use by the actual settler for the purposes alluded to herein.

In 1866 Congress, by express statute, authorized the occupation and use of these mineral lands, as follows:

"*Be it enacted, etc.*, That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs and rules of miners in the several mining districts, so far as the same may not conflict with the laws of the United States."

This is an express grant by the Government to the people who occupy this portion of the public domain. There was no law by which settlers could purchase either the timber necessary for such occupation or the land upon which that timber is found. It is a well-settled principle applied to grants that the grant carries with it all the incidents necessary to enable the grantee to make the grant available. It is absolutely necessary for settlers to have timber for domestic use in order to enable them to occupy these mineral lands. It would have been a mockery to make this grant without including such use of timber. It can not be said that it was ever intended the occupants should pay for this timber, since no provision has ever been made for its sale or purchase. The Government is more than paid for its value by the increased wealth added by mining operations to the grand total of taxable property. In view of these considerations the committee recommend the passage of the substitute, which contains limitations and guards for the protection of undergrowth and such other restrictions as seem just and equitable.

The language of the law, so far as material to this case, which was passed in pursuance of this report is as follows:

That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

The aggravating circumstances under which this law was passed show that the present case is but a repetition of the persecutions then inaugurated by the Secretary of the Interior.

The remarks of Senator Blaine are too long to read in full, but I shall read a few of them to show the then condition of things and the outrages which are again proposed to be repeated. He said:

That gentleman did me the honor—

He is referring to the Delegate from Montana, Mr. Maginnis—

That gentleman did me the honor to give me one of a series of petitions, several of which he has presented to the House of Representatives, signed he states by between four and five thousand adult male citizens of that Territory, addressed very peculiarly (I suppose from the terror that the Secretary of the Interior was creating out there they were addressed in this wise):

"*To the honorable the Secretary of the Interior, the Senate and House of Representatives of the Forty-fifth Congress of the United States.*"

You remember that Dogberry was very particular as to which name should be put down first, and the Secretary is here put down first: "To the honorable the Secretary of the Interior, the Senate and House of Representatives of the Forty-fifth Congress of the United States," the major premise first. The document may be a trifle overwrought in point of style, but I am going to detain the Senate to read this entire memorial:

"Your memorialists would respectfully represent that"—

I read this for the purpose of showing what the condition was then. I am about to compare it with the condition now—

"Your memorialists would respectfully represent that—

"Whereas the citizens of Montana have during their residence in this Territory exercised the same privileges as settlers upon the public domain as have been sanctioned and recognized by the Government and time-honored customs since the first settlement of land in the United States; and

"Whereas in the occupancy of the land in a new country, where markets are not established in which to purchase the real necessaries, such as fuel, building material, etc., it is as natural to procure these in the most convenient place as it is to breathe the free air of heaven; and

"Whereas in distant Montana, while the settlers are improving and making valuable the public domain and use the wood and timber for domestic purposes only, a tax of $1 per cord on wood and $2 per thousand on lumber is levied and collected by the Government officials among us, which is onerous, unjust, and a burden to all alike; and

"Whereas it has been represented to the Government that the people here were satisfied with and acquiesced in the taxes above enumerated"—

The tax was intended to stop it—

I believe the Secretary of the Interior's report which the honorable Senator from Ohio read contained a dispatch from the United States district attorney there that they were perfectly satisfied with it—

The petition goes on—

"we positively deny that any such satisfaction exists, and, on the contrary, assert that there is universal complaint and widespread dissatisfaction, and, believing the tax exorbitant and distressing to the general consumer, we respectfully ask that the order for the levy be rescinded, and in all cases where the tax has been paid that the money be returned; and

"Whereas the orders, as interpreted by the officials here, work a total prohibition to cut wood and lumber hereafter, we respectfully ask that they be instructed to grant us the same privileges and rights in the premises as have heretofore prevailed in this and in all new Territories; and

"Whereas it is necessary in Montana to cut wood in the winter, when the timber is frozen, for the next year's consumption, the prohibition to cut wood for any purpose, as now enforced, will, in another season, leave the people without fire to keep them warm and the mills and mines profitless for want of fuel and lumber; and

"Whereas the prohibition to cut timber ignores and makes it impossible to comply with the provisions of the pre-emption laws in acquiring agricultural and mineral lands, where fencing, buildings, and occupancy are necessary to obtain title (and these cannot be done without timber from the public lands), works a great hardship to emigrants who come expecting to settle and make homes on the public domain in Montana, we respectfully and most earnestly remonstrate against any tax whatever on fuel and lumber while the people here are struggling for existence in a country cut off from the conveniences and cheap living in the States. As well might His Majesty the King of Denmark levy a royalty upon the blocks of ice with which his subjects in Upernavick construct their humble dwellings as to hamper by taxes or lack of legislation the pioneers who carve out and make valuable to the Government of the United States vast areas of land which, without their industry and heroic struggles, might remain unsold and profitless forever; and

"Whereas the timbered lands of Montana are mostly unsurveyed, and are mountainous and not suitable for tillage, they are unlike those in the prairie States, which need but to be cleared to make them more productive, while ours are found on precipitous mountain sides, totally without any value except for their rocks and fire-wood; and

"Whereas we are left without any law by which we can either pre-empt homestead or procure title to any timber land, it is evident there must be relief, and that soon, or else we will be obliged to give up our homes, quit the country, and abandon the great and growing West for a retrograde movement upon the overcrowded communities of the East.

"And, as in duty bound, we will ever pray."

Mr. Blaine goes on to give the history very well. Now, as to the history of this transaction: After this law was passed it was supposed the question was settled. The miners went on to cut timber from then until this particular raid was inaugurated. And I want my friend from Kentucky [Mr. BECK] to listen to my statement on this subject. Last January some Italians were cutting fire-wood in the high mountains in Lander County, Nevada, in the mining region. They were arrested and taken to the United States district court at Carson. They employed Mr. MacMillan, a lawyer living at Winnemucca, a gentleman of character and who was the Democratic candidate for Congress at the last election, to defend them. Mr. MacMillan wrote to me what had occurred and spoke of this statute that had been passed and stated that the arrest was in conflict with their idea of the law. I told him that the law of 1878 was the only law on the subject, and that my idea was that the statute covered the case completely and that the Italians were not liable, and that the court would so decide. The case was brought up before the district court at Carson and the prosecution was unable to prove that these Italians had cut anything but brush, which was a fact, and the court immediately dismissed the suit as no case, and the question whether they had a right to cut any kind of timber that grew in that region could not be decided. The court said these men are not guilty, and disposed of the case properly without going into any questions that did not arise in it.

I told Mr. MacMillan, however, that I would see the Commissioner of the General Land Office and would try to effect what was wanted by some arrangement, so that the construction of the law would be certain and so that there would not be any mistake of that kind afterwards occurring. I had a talk with Mr. Stockslager about it. I did not understand that he disagreed with me. About March last a transaction occurred, however, to which Mr. Stockslager alluded in another publication, which I will ask the Secretary to read.

The Secretary read as follows:

CRITICAL SENATOR STEWART—LAND COMMISSIONER STOCKSLAGER'S SUGGESTIVE REPLY TO HIS CHARGES.

WASHINGTON, *August* 22, 1888.

Commissioner Stockslager to-day, in speaking of Senator STEWART'S criticism of the management of the General Land Office in the Senate yesterday, said:

"If the Senator will examine the interview referred to by him and my letter to Mr. BURNES he will find that no reflection was cast upon him in either one of them. I have no quarrel with him or any other member of Congress. I simply tried to defeat the amendment because I believed it ought to be defeated. Senator STEWART'S name was not mentioned by me, except incidentally as the author of the amendment. The Senator is pleased to charge, however, that I falsely asserted that he was actuated by consideration for the mining or railroad corporations, and that I had outraged myself and disgraced my office by relying on false information to attempt to brand him thus. As before remarked, this is simply imagination.

"And yet, since the Senator has been pleased to make this statement, it might not be amiss to say that, if he will recall the fact he will remember that two gentlemen, representing some of these corporations, called at the General Land Office and were presented by him a short time ago, who, in advance of any investigation, offered to pay a large sum to compromise trespasses committed upon the public lands. He will also recall the fact that I refused to do so, upon the ground that it would be necessary to have a special agent examine and report as to the extent of the trespass, and that they then insisted upon having an immediate examination. And it was at their request a special agent was sent to Nevada. And further, that the only investigations he has made are of these and other corporations, and none have been made of the poor settlers about whom he complained. Following these facts this amendment is offered, which would practically defeat our investigation of these corporations.

"The information which I have, and which the Senator says is false, was furnished by two sworn officials of the Federal Government and citizens of Nevada, of high standing, as well as by the written admission in their proposition of compromise made by some of these corporations. Its truth or falsity will be developed if the investigation goes on. If his amendment is adopted and it is defeated it will not be known."

Mr. STEWART. Mr. President, this is the first time that I have ever known an officer of the Government to go into the newspapers for the purpose of abusing a Senator for doing his duty. In this communication he denies that he did abuse me, that he did misrepresent me, that he made any attack upon me; but in order that the Senate may see how uncalled for his attack upon me has been, and how he misrepresented the facts, I must state the history of this matter a little further.

The gentlemen alluded to in the paper just read, who went with me to the Commissioner, were two lawyers from Nevada, one named Mr. Baker and the other Mr. Dorsey. Mr. Dorsey was a member of the St. Louis convention. Mr. Baker is a Republican. Both are gentlemen of high character and good lawyers. They came to this city under these circumstances: These Italians having been arrested and the question of the liability for cutting timber not having been determined by the court, and this new construction having been given to the statute, a Mr. Price (who had been the superintendent for several mining companies in Tuscarora, Nev., a place about 100 or 150 miles north of Eureka, the place alluded to by the Commissioner)—this question as to whether they were trespassers or not having been raised, Mr. Price said that as the corporations which he represented would soon be dissolved when the mines were worked out, and as he did not want to be harassed with litigation when nobody else would be responsible, he wanted to compromise for what his companies had used for fuel.

Mr. Baker and Mr. Dorsey came with the accounts of the amount of wood, etc., the companies had used in their mining operations and offered to pay 50 cents a cord. I told them I did not think the companies were liable, but they stated that they would rather pay and be out of trouble than take the chances of being prosecuted. I went with them to Mr. Stockslager, as they asked me to do, and I made to him the statement that I am now making. He stated that he declined to accept the proposition, and would send out a special agent to examine the facts. I told him that under the law they were not liable, but they wanted to settle. I showed him the law under which the companies had a right to cut timber for mining purposes, and told him that I thought this was rather a generous thing on their part, and if they would pay the money I thought he could afford to take it. He said he would send out a special agent. I told him the special agent could not find out anything but what these people would show him, because the fuel had been cut from isolated points about 40 miles around Tuscarora, and it would be impossible to find out anything in the mountains where they had cut the sticks. He sent out his agent.

On the 7th of July last, when the Committee on Appropriations were in session, I went before that committee, and, among other amendments to the sundry civil bill that I offered, I presented the following, and the committee will remember that I offered it, namely:

That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value.

This amendment does not, as alleged by Mr. Stockslager, prevent the prosecution of railroads or other corporations for cutting lumber on the public lands, and his tirades against corporations are wholly gratuitous. It simply prevents the Commissioner from using the money appropriated by Congress for prosecuting citizens from cutting wood and brush that can not be sawed or hewed into lumber for mining and domestic purposes. Every letter and publication made by the Commissioner is a gross misrepresentation of the character of the amendment, and a disgrace to the officer who made them.

The committee did not adopt it, but said that I might offer it in the Senate. After I had appeared before the committee I met the reporter of the San Francisco Chronicle, and he asked me what I had been doing in the committee-room, as reporters always do, and I told him about the irrigation amendment and also about the amendment in question. He telegraphed this to the San Francisco Chronicle. The

first time I had learned that an agent had gone to Eureka or of the contemplated suits against the Richmond and Eureka companies was by the following dispatch in the San Francisco Chronicle:

The Commissioner of the General Land Office has received a telegram from the special timber agent on duty at Eureka, Nev., to the effect that he had mailed a report of depredations on public lands by two corporations amounting to $10,000,000. The efforts to prevent appropriations to carry on these investigations, he says, should be checkmated.

This dispatch was in the San Francisco Chronicle of July 15. It reached me about July 22, two weeks after I had appeared before the Committee on Appropriations. Still the Commissioner has the audacity to officially state that the amendment was offered to stop these prosecutions, when, as I have shown, I did not know and had no means of knowing that any such proceedings were contemplated until two weeks after I had offered the amendment in the committee. The above dispatch undoubtedly was brought out by the other dispatch to the Chronicle stating that I had presented the amendment to the committee.

It would have been becoming and decent of Mr. Stockslager, when he got that dispatch from his agent, to have informed me of the fact that his agent had recommended these prosecutions, and that my amendment was, in his opinion, objectionable. He did not do so, but rushed into the papers and telegraphed it to San Francisco notwithstanding he knew I was trying to do what was right in the matter. On August 31 I offered my amendment in the Senate, and it was adopted. I offered the amendment because the people in the mining regions have the right to cut wood for mining purposes under the law. Then Mr. Stockslager, without coming to me or anybody that I know of, instead of attempting to ascertain the facts from the representatives of mining regions, attempted to make a politcial question out of this, and addressed a letter to Mr. BURNES and sent a copy of it to the Democratic member of the Senate Committee on Appropriations, Mr. BECK, and in it he uses the most severe and forcible language in relation to me. I read the following from his letter:

I am warranted in stating that it—

The amendment—

originated in the desire to prevent the prosecution of anticipated suits which have since been ordered upon the recommendation of this office against the Richmond Mining Company and the Eureka Consolidated Mining Company, owning mines in Nevada, for the recovery of $9,917,461, the total value of wood and charcoal derived from timber cut by and for these companies upon the public lands, aggregating 1,305,964 cords of wood, from a portion of which were derived 28,704,662 bushels of charcoal.

These two companies alone have literally laid bare the hills, mountain ranges, and cañons within a radius of 35 miles from Eureka, not sparing the undergrowth, but taking everything from 3 inches and upwards, not simply "dwarfed and scrubby timber," but mahogany, cedar, and pine trees. Even the stumps of the trees have been removed.

Then he goes on in a wild harangue against railroad corporations in his long letter, although he knew there was nothing in the amendment to prevent him from prosecuting railroad corporations to his heart's content or any other corporations or persons for cutting timber fit for commercial purposes. He did not rest content with this, but gave these false charges the widest possible publicity by an interview in the New York Herald, which I read in my remarks the other day. He accused me of deceiving the Senate. The article was headed "A nigger in the wood pile," etc. There was an editorial in the same paper, based upon the interview which I also read, and which is in the RECORD of the 22d instant, in which I am denounced by the editor of the Herald. When I stated the facts in the Senate he immediately rushed into print again.

I undertake to say that Mr. Stockslager had no right to infer that my amendment had any reference to any particular company. I say that it is false from beginning to end; that I did not know that he had sent out any agent to Eureka; did not know that he had made this recommendation with regard to the Eureka and Richmond companies at the time I presented the amendment to the committee, and had never dreamed of it. He was very careful not to let me know the secret intrigues of his department with spies and blackmailers. I presented it on account of the arrest of those Italians, and the fear in my State that these prosecutions were to become general, and on account of the large appropriations of nearly $300,000 in the sundry civil bill which could be used for such unworthy purposes. I desired to avert these calamities from my State and from the Territories that had been raided before under the Schurz administration, in consequence of which a law had been passed to protect them; which law fairly construed would cover this very case.

It is construed, I believe, now in the Department that it only refers to timber that grows on the mine itself. If that be so, the law has no meaning whatever, because very seldom timber grows on mines. If there should be any timber on the mine, it would belong to the miner, because he had the title to the mine and a right to cut the timber without the law, and consequently the act would have no meaning whatever unless timber in the mining regions off of the mines may be cut. This law was passed after deliberate discussion. It has been considered for more than ten years as a warrant for cutting this timber. I say it has no meaning whatever if Mr. Stockslager's construction was right. I introduced the amendment to prevent this very thing that was going on, and now he says I did it to protect railroad and other corporations. That is a very easy thing to say, and a very wicked thing to say when he knew that the amendment I offered could have no such operation; that it only prevented malicious prosecutions of persons in the mining regions for cutting fire-wood which was unfit for all commercial purposes, to be used for only mining and domestic purposes.

Every man who has built a fire in Nevada under his ruling is liable to be arrested, and because he has commenced proceedings against these corporations is there any virtue in that? His first proceeding was against these Italians, and they were taken about 200 miles from home, poor men, without having committed any offense. They were acquitted by the court and had to pay their own expenses. That was the moving case. Now he says that I am doing this to protect corporations. I will say of him that he is deceived, that the information he has got is false, that the law is against him. Whatever these people have done they had a right to do, and I want to know the information and I ask for it here. Has he any special discretion to keep such information?

If the cutting of timber is a public thing does he think the people of Nevada are going to leave that State to avoid a criminal prosecution, because it applies to all of them? There is no timber, properly speaking, that comes within the prohibition in the State of Nevada, which is east of the Sierra Nevada Mountains. There is a small portion of Nevada that extends up the east side of the Sierra Nevada Mountains. There the timber has been sold, the land sold, and the timber cut off. The timber used about Virginia City comes from California, from the heavily-timbered Sierra. But when you get 30 miles east from the western line of Nevada there is no timber. There never was a saw-mill in that region; there never was a saw-mill within 100 miles of Eureka; I do not think within 200 miles, unless there is one in Utah within that distance, where the timber is heavier. What scrub and sage-brush there is about Eureka nobody ever regarded as timber, and the people have cut it freely.

The Commissioner complains of these people for taking up the stumps. People do not dig the stumps where wood is plenty. The wood that they get in those mountains would never be used if there were no mining there. For 30 miles around Eureka there never would have been a farm opened or an attempt made to cultivate the land if it had not been for the market the mines afforded. The timber that is cut grows above in higher altitudes than farms can be cultivated. The timber line is on an average about 6,000 feet above the level of the sea in that region. It grows in the crags of the mountains, and any man who has seen it will agree with me that if the miners will go and develop the country and use this scrubby wood they ought to be left alone.

They not only use scrub wood but they take sage-brush. There have been thousands of acres of sage-brush cleared in that country for fuel and roots pulled up for mining and domestic purposes. A visit to Tuscarora, the other mining camp where Mr. Price's companies are, will show that nine-tenths of all the fuel they have used has been sage-brush. They have taken it for miles and miles around. These are the extremities to which these people are driven, and they have cut some of this scrubby wood and Mr. Price offered to pay for what had been taken simply to avoid the trouble of a prosecution. I went with his counsel to an officer of the Government, supposing I had a right to go there and represent my constituents. He goes into the New York Herald and attacks me for doing so. Has it come to this, that officers of the United States will attack gentlemen for doing their duty in the Senate? Does anybody want a practice of that kind inaugurated? If Mr. Stockslager had called upon me when he got this report from Eureka, I could have given him important information. He had no right to assume that I would do wrong. He had no right to telegraph to California that I was doing wrong. If you get to the bottom of this transaction you will find that it is a conspiracy of some men who want to blackmail the Richmond company and the Eureka company, and want to be employed as lawyers or as spies to make somebody disgorge, as they say. And that is the scheme, and this agent has fallen into it or he is the victim of it.

Mr. Stockslager says that he has reputable witnesses; that he has citizens of the United States, reputable men and officers of the Government, who have given him this information. I say that if any man has found cause for bringing suits in that region he has made a discovery that the people ought to know. If any man has found a reason for commencing a system of prosecution against all the people in my State and the people in all the Territories, let us know it, for if anybody has made the discovery that the Government has been robbed out of ten millions, I want to know by what process he does so, and the people of my State want to know it. Can it be for the interests of public justice that a man who has made such a discovery shall not be known? There is no danger of a lack of people in my State to prosecute. The timber will not be replaced. The roots are dug up.

I tell you this is a scheme to waste the public money to blackmail citizens of my State. It is a corrupt, outrageous scheme, and the information the Commissioner has acted upon is false, and he ought to be lawyer enough to know that this law covers the case, that the people had a right to cut this scrub timber. But to ask for three or four hundred thousand dollars to prosecute these people and have it granted

to a man with no more discretion or sense than that, and whose conduct in this transaction shows that he is not fit to be trusted with the use of any money, is preposterous. He shows no discretion at all. Think of a man who does not know better than to prosecute all the people of Nevada! And if he acted impartially he would prosecute all the people of Arizona, Montana, and Idaho. He must have the people of this whole region prosecuted when they have violated no law, and when there is an express statute authorizing them to do just what they have done.

Why the necessity of this haste to prosecute them now? He says if there is any delay great injustice will be done; that the Government will lose those ten millions of money. It has gone on now for almost ten years—yes, for thirty years, because before the passage of this law it was held that the right to mine carried with it the necessary incident of cutting this timber without which men could not mine at all. That I say was the construction before this law. He ought to have the fate of Schurz before him. No harm has come to the country. It is true the miners have cut wood, but there was very little of it, and none has been wasted at all. It has all been used even to the roots, and I say that any appropriation whatever for this is wrong, and Congress ought not to sanction it for a moment.

One thing more. I offered some evidence the other day of the views of a gentleman who is as able to judge as any member of this Senate or the other House, and who is well known in the Capitol. He represented Nevada during two terms of Congress, and was till recently a bank commissioner under this Administration. He is now a candidate for Congress, and is the editor of the Eureka Sentinel. He is one of the most prominent Democrats in our State, and a very popular man there, too. Here is what he said about this transaction. He has not heard of this last newspaper raid, but he has heard of the scheme to blackmail the citizens of Nevada. He says:

NOT MUCH IN IT.

[Eureka Sentinel, August 18.]

The story telegraphed from Washington that the Richmond and Eureka Consolidated Mining Companies are to be sued for $10,000,000 for cutting Government timber is nonsensical in the extreme. There is no ground for any such suit. If anybody at Washington imagines there is any Democratic politics in this sort of thing they are to be pitied for their stupidity. We incline to believe that the Department has been misled from this end of the line. The agent who came here (another importation from Iowa) knew nothing about the condition of Government timber nor anything else in Nevada. He seems not even to have had a decent conception of the provisions of the law under which he was supposed to be acting. The cutting of timber for mining and domestic purposes is especially permitted by the statute in the mining regions.

The cutting of timber and the conversion of it into charcoal with which to smelt the minerals out of the ores is as much a use for "mining purposes," within the spirit of the act, as is the appropriation by the miner of sticks to cook his pork and beans a use for "domestic purposes." One is as much a violation of the law as the other, both being especially allowable under the law. This has always been the doctrine held by everybody in the mines for twenty-five years, and it is ridiculous to place any other construction on the law. Nothing will come of the proposed suits. No jury in the State could be found who would not kick these cases higher than a kite in three minutes. No sane man believes that there has been any violation of the true spirit of the law. It looks a little like the Iowa agent may have been inspired in his report of this enormous trespass by some one who hoped to gain by harassing these companies with litigation. We would not give the Government 10 cents for its ten million suit.

When the people of Nevada see this enormous *pronunciamiento* from the Commissioner of the General Land Office and these publications in the New York Herald and the consternation which this thing produced in the other House—of course I do not blame members of Congress for getting excited over a thing of this kind, following the Commissioner of the General Land Office, for the presumption is that he is correct—they will be astonished. I tell you there is no politics in it. If any political party undertakes to carry out these prosecutions, I do not think it dare run a candidate in the State. No political party is responsible for it, and all are agreed that there ought to be no politics in it.

I agree with Mr. Cassidy that Mr. Stockslager is very much mistaken. If anybody attempts to force these prosecutions our people will resist the manifest wrong, as any people naturally would and ought to, as it is manly for them to do. No sensible, decent man would think of doing this thing, and Mr. Stockslager, if he had taken the trouble to consult me and get the information, or my colleague here, or my colleague in the other House, or the honorable Senator from California [Mr. HEARST], who knows all about this, five minutes' talk with him would have settled the whole question. He knows all about it, and can explain it to the Senate better than I can, because he is thoroughly practical in his ideas about these things, and knows just exactly what miners have done for the last forty-five years.

I say that the information was at hand, and instead of being imposed upon by a man who was sent out and stuffed by somebody who wants to levy blackmail, if he had consulted any of the representatives of that country or the Delegates from the Territories, they could have told him that there was no politics in this; the people would rebel against anybody who would attempt to prosecute them in that way, no matter whether Republicans or Democrats. They would be all the same on this question as on the Chinese question. They are the same on this question that they were from the beginning when they first commenced to struggle to have their rights acknowledged that they had acquired when they developed that country and made homes and developed the mines under rules and regulations made by themselves.

They were very tenacious that their rights should not be taken from them by forced sales at auction. They presented a solid front on that issue without regard to politics. After Congress granted that relief, and again when Mr. Schurz undertook to trample on their rights and prosecute them they presented the same solid front. Nobody asked whether he was Republican or Democrat. He was only asked whether he was willing that these people should be treated decently and whether he was in favor of stopping their cutting fire-wood in the dead of winter and arresting men when they were not violating the law, but building up homes and developing that far off country. They all felt the same about it.

When the law of 1878 was passed the men who were instrumental in getting it through became the idols of the people; and now in the face of the law and against justice this man, without giving any person from the Pacific coast whom the people trust an opportunity to explain, goes into the newspapers and attempts to arraign a Senator who has treated him civilly from the beginning, who never did him wrong or said a word in disparagement of him, for our relations were pleasant, and why should he attempt this raid? Now for Congresss to give him $350,000 in his discretion to punish these people would be an outrage that ought not to be tolerated in any civilized country, and I do not think it will be in either House of Congress when the facts are known.

Mr. BECK. Does the Senator desire a vote on this resolution now?

Mr. STEWART. I should like to have it acted on now.

Mr. BECK. I stated a short time ago that a communication had been sent by the Commissioner of the General Land Office stating that the effect of this resolution, if it were passed as presented, would be to prevent the United States from any possibility of succeeding in pending suits. Mr. BURNES has it. I sent for it, but he tells me he left it at home and I can not get it this morning.

Mr. STEWART. There is a copy of it in the RECORD.

Mr. BECK. Oh, no. The letter I refer to is bearing on this question, not on the other.

Mr. STEWART. Another letter?

Mr. BECK. Does the Senator desire a vote on the resolution to-day without that communication? If he does I have no objection, but I think it would be better for the resolution to go over until to-morrow.

Mr. HEARST. I think the Senator from Nevada had better consent to the resolution going over.

Mr. STEWART. I want the information laid before the committee in time for action.

Mr. BECK. Very well, let the matter go on, then. I can say in a few words what I desire to say.

Mr. STEWART. I have no objection to its going over if the committee will delay action until the information comes in.

Mr. BECK. That does not bear on this at all. I do not care anything about the resolution going over now. I will state in a moment what I have to say.

The PRESIDING OFFICER (Mr. PALMER in the chair). The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. EDMUNDS].

Mr. BECK. Let the amendment be read.

The CHIEF CLERK. In line 3, after the word "communications," it is proposed to insert:

Except such as in his opinion ought to be withheld for the purposes of justice.

Mr. BECK. I ask the Secretary to read what the Commissioner said he was doing in his letter to Mr. BURNES, that part of it, and then I will make a short statement.

The Chief Clerk read as follows:

The proposed legislation is purely in the interests of large and wealthy mining corporations, foreign as well as native, and also in the interest of railroad corporations who have in many portions of the country monopolized the cord-wood cutting and charcoal industries.

I am warranted in stating that it originated in the desire to prevent the prosecution of anticipated suits which have since been ordered upon the recommendation of this office against the Richmond Mining Company and the Eureka Consolidated Mining Company, owning mines in Nevada, for the recovery of $9,917,461, the total value of wood and charcoal derived from timber cut by and for these companies upon the public lands, aggregating 1,305,964 cords of wood, from a portion of which were derived 28,704,662 bushels of charcoal.

These two companies alone have literally laid bare the hills, mountain ranges, and cañons within a radius of 35 miles from Eureka, not sparing the undergrowth, but taking everything from 3 inches and upwards, not simply "dwarfed and scrubby timber," but mahogany, cedar, and pine trees. Even the stumps of the trees have been removed.

These depredations are rendered the more aggravating by the fact that the Richmond Mining Company is exclusively a foreign and British corporation, organized in London, England, having for its manager an alien who is a British nobleman connected with the Duke of Northumberland. Its stock is owned in London, where its dividends, amounting to many millions within the last seventeen years, are declared. The only citizen shareholders are among the employés of the company, to whom a few shares have been assigned to give the organization a show of legality. Thus do the profits of our American public domain go to enrich the already wealthy lords, noblemen, and gentry of foreign lands at the expense of our own citizens, actual settlers and their children, for whose benefit the public lands should be saved in all their richness of soil and wealth of timber, agricultural, and mineral products.

The Eureka Consolidated Mining Company is a corporation resident in California and reaps all the benefits of the timber in Nevada.

What these two companies have done is being done by other mining companies in Nevada and their attendant charcoal burners and smelters, who have been for the past ten years or more, and yet continue, felling the timber upon the public lands, sweeping clean large tracts of every vestige of timber, "small and scrubby" though it be.

Complaints against this class have frequently been sent to this office by the honest bona fide settlers, among them appeals from the most respectable and worthy citizens of that State; and upon these complaints and appeals for the aid of this office towards suppressing such complete havoc of their supply of timber, which, though small and inferior, is all they have to depend upon for fuel and other domestic needs, and its frugal use is therefore rendered all the more essential, I directed a special agent to look carefully into the matter and report thereon. What he found and reported has, in substance, been above stated and fully justifies all the complaints which have been made, and is also corroborated by facts personally communicated to me by a reliable gentleman of high character and standing in Nevada, who reports that these depredations and others of like character are being daily perpetrated.

Mr. BECK. All I have to add is, that these suits have been brought solely against those two great corporations, and information is now in the hands of the Commissioner that he thinks warrants him in saying that he will recover. The Senator from Nevada himself has said that a compromise was offered by the attorneys for some of these corporations, which was declined, of 50 cents a cord, and, according to the number of cords they used, that amounts to $620,000 and odd.

Now, when the United States has brought suit against these corporations, it is proposed that the Commissioner shall be required, at the request of the Senator from Nevada, and the Senate shall make itself a party to the transaction, to furnish all the affidavits, all the statements, all the papers, and develop all the facts on which he has proceeded, which can have no other effect—I will not say object—than to let the defendants understand what the case of the United States is, and enable them to run off all the witnesses, as Mr. Stockslager says they can, and break down the United States in the suits.

If the Senate is going to lend itself to any such purpose I shall be very much surprised.

All we ask is that we may have all the information, and these foreign corporations may have all the information, the disclosure of which is not inconsistent with justice or the public interests, but that the Senate will not bring private papers here upon which suits are brought, to develop them to the defendants, so that they may beat the United States—that is the proposition which is now made—and to allow the Commissioner to retain such papers as he thinks will destroy the case of the United States if made public——

Mr. STEWART. I should like to ask the Senator a question——

Mr. BECK. The amendment of the Senator from Vermont obviates the difficulty, and I will call for the yeas and nays on the adoption of that amendment.

Mr. STEWART. Before the Senator takes his seat I wish to ask him a question. If this matter was to be kept secret why did the Commissioner telegraph to San Francisco from here telling what had been done and how much timber had been cut? Why did he publish it in the New York Herald, and why does he continue to publish it? I undertake to say he has no such information.

Mr. BECK. All I know is that it was of sufficient importance for the Senator from Nevada to introduce lawyers of some of those corporations, who went and offered to pay 50 cents a cord as a compromise, as the Senator said awhile ago. When that compromise was declined, and an investigation was made and the suits are pending, is it right that the Senate of the United States should be used as a medium to break down the United States in such a case, and to develop the facts upon which the Government relies? Surely such a course never was pursued before and was never asked before in any court or offered in the Senate, as far as I am advised. It can have no effect whatever, except to aid two great foreign corporations who are charged by the United States as wrong-doers in avoiding punishment by getting rid of the witnesses on whom the Commissioner relies, as he says in the communication sent to me as a member of the committee of conference, and given to Mr. BURNES.

Mr. HEARST. Will the Senator from Kentucky allow me a word?

Mr. BECK. Certainly.

Mr. HEARST. The Senator speaks of these as foreign corporations. There is no foreign corporation there as I understand.

Mr. BECK. There is one. The Richmond Mining Company is a foreign corporation and the Eureka Company is foreign to Nevada.

Mr. STEWART. There is no Eureka corporation in Nevada.

Mr. BECK. The Richmond corporation is foreign to the United States.

Mr. STEWART. No, it is a corporation in Nevada.

Mr. BECK. The whole question is, has the United States a right to present its case without the Senate of the United States being called upon to make it develop its case in the interest of the defendants? Such a thing never was done, never ought to be done, and never was asked before, and I am amazed that the Senator from Nevada or any one else should ask that the United States should be required to break its own case down and enable these corporations to run off the witnesses and destroy any chance we have to recover, through the action of the Senate claiming that the Senate wants to look at the papers! The papers will do the Senate no good. The Senate ought not to make itself a party to this case in the interest of these corporations against the United States; and the amendment of the Senator from Vermont is so obviously correct that I shall be astonished if the Senate votes it down, and therefore I call for the yeas and nays upon it.

Mr. STEWART. I withdraw any objection to the amendment of the Senator from Vermont, and let the Commissioner conceal the names of these persons if he wants to.

Mr. BECK. Conceal them from the defendants.

Mr. STEWART. If there is anything secret about them, why did the Commissioner publish what he has in San Francisco, why did he go into the New York Herald and publish all the details, and why has he given it publicity, if it were a matter so secret as that?

Does he think all the people in my State are going to run out of it? I say that he has no reliable information as he says he has. I undertake to say if he has it is not worth a cent, because the people under the law had the right to cut the timber; and I say it is a matter of buncombe, going into the newspapers and publishing the matter, and then desiring to keep it secret for public purposes. He can use everything, put it in the newspapers, assail Senators, tell falsehoods about them, draw false inferences about them, charging them with what they have never heard of or thought of, and he says he does it on responsible and reliable evidence. He can publish that all over the world and then say "The evidence I have got is secret; these people convict Mr. STEWART; respectable citizens convict him; they convict him of trying to impose upon the Senate; but their names and what they say is a secret!"

Why did he publish the other, then? Why did he go into the newspapers and make a blackguard of himself and attack a Senator? Are there no privileges here? When a Senator is doing his duty, is it the right of a departmental subordinate to circulate slanders about him in the newspapers, and then when we call for the information on which these slanders are based the Commissioner says the people of Nevada will run away; there is danger to public justice; and a ten million dollar suit is involved for taking away the scrub timber around Eureka. The whole proposition is too absurd. Everybody knows the Government does not expect ever to get a cent. Everybody knows, who knows anything about this transaction, that it is simply a scheme of blackmail, and that the Commissioner has lent himself to an unworthy and an outrageous scheme which will reflect dishonor on the Government and on him. All the people of my State know it, Republicans and Democrats alike.

I will accept the amendment of the Senator from Vermont and let the resolution pass, and see what answer it will bring.

Mr. BECK. I thought the Senator would accept the amendment. I doubt whether he could get a vote against it but his own.

I desire to say, what the RECORD will show, that when the Senator speaks of the Commissioner of the General Land Office as making himself a blackguard and attacking him, the Commissioner states in the most courteous language that he disavows any such intention and never used the Senator's name except in referring to his amendment, for there is not a word that reflects on the Senator, and the position taken by the Commissioner from beginning to end is solely that of a man endeavoring to do his duty by bringing suits and endeavoring to withhold information from the defendants in the case which would destroy the case of the United States. There is not one word beyond that.

The interview in the Herald does not disclose anything that consists of an attack on the Senator. The Commissioner is acting as a good business man and a good officer would, and I have no reason to believe that the Senator is actuated by any other motive than to prevent what he thinks are persecutions, but the effect of his resolution to have the information called for without the amendment of the Senator from Vermont would be to destroy any chance the United States has to recover, and to give the corporations thus sued an opportunity to run off every witness and to break down the case of the United States in advance.

I do not say one word as to the merits of the matter, and have never said a word concerning them.

Mr. JONES, of Nevada. I should like to ask the Senator from Kentucky, when this work has been going on for twenty years in the presence of the people of the State of Nevada, does he believe there is any secret about it? Does he believe there is any fact about it that is secret?

Mr. BECK. I only say that the defendants have no right to this information.

The PRESIDING OFFICER (Mr. PALMER in the chair). The question is on the resolution of the Senator from Nevada [Mr. STEWART].

Mr. BECK. There is no objection to the resolution now as it is amended.

The PRESIDING OFFICER. Does the Senator from Kentucky withdraw his call for the yeas and nays?

Mr. BECK. Yes, sir.

The PRESIDING OFFICER. The amendment of the Senator from Vermont being accepted by the Senator from Nevada, the question is on the resolution as amended.

Mr. ALLISON. I ask the Senator from Nevada to modify the resolution so as to make it a call on the Secretary of the Interior instead of the head of a bureau. We do not usually call upon subordinates.

Mr. EDMUNDS. That is right.

Mr. STEWART. I will do that.

The PRESIDING OFFICER. The resolution as modified will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate without delay with copies of all reports, affidavits, and communications upon which he based—

Mr. EDMUNDS. That should read "upon which the Commissioner of the General Land Office based his statements"—

Mr. STEWART. That is right.

The PRESIDING OFFICER. The resolution will be so modified. The reading will be continued.

The CHIEF CLERK.

Upon which the Commissioner of the General Land office based his statements in his letter to Hon. JAMES N. BURNES, of the House of Representatives, dated August 18, 1888, with regard to the following amendment to the sundry civil appropriation bill:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercial value."

Mr. JONES, of Nevada. I wish to occupy the attention of the Senate for only a moment.

The cutting of the timber referred to by my colleague [Mr. STEWART] has been perfectly open and public for twenty-five years. The idea that there is any "secret information" which the Commissioner of the General Land Office has about it is therefore a surprise to me, as it will be a surprise to the people of Nevada. The region in which it has been cut is one that, if it were not for these mines, would never be penetrated by civilization. In any definition of the word "timber" this is not timber at all; it is scrubby stuff (called by the special agent "mahogany" and manzanita), which, when it gets dry and before it it is cut, splits all up, so that it is absolutely worthless for any commercial purpose whatever. The people of that country believe that under the law passed in 1878 they have a perfect right to cut this scrubby, gnarled stuff. According to the report here, they had to cover an area of 40 miles to get sufficient of it for the purposes of these two mines.

Mr. HEARST. Let me ask the Senator whether it is not the fact there is not a saw-mill within a hundred miles of there, and no timber that would make any sort of lumber?

Mr. JONES, of Nevada. It is true, as the Senator from California suggests, that there is not a saw-mill within a hundred miles, and there never was a stick of timber—what people here understand to be timber—within a hundred miles of the place that is the origin of these suits. While I do not question the integrity of Mr. Stockslager I can only say as to any special secret agents who would recommend the bringing of such suits, that they would have to be either grossly ignorant of the facts or actuated by sinister motives not far removed from blackmail.

Mr. BECK. I understand the suit is pending in the United States courts.

Mr. JONES, of Nevada. Why, sir, it is very easy to institute suits at any time and have them pending in the United States courts. The Government of the United States, with unlimited means and unlimited power, does not feel the hardship of going from remote parts of a State to the capital, but the people do feel it. For citizens to be driven from pillar to post and obliged to defend themselves at large expense, is a great hardship. No more baseless suit was ever brought.

The business of both the companies complained of is conducted in the most honorable manner and by most honorable men. Nine-tenths of the product of their mines is paid out in labor. The companies have dealt fairly with the Government and with all the world. The cost to them of every bushel of charcoal used at the time of which complaint is made was much more than the cost of the same quantity to people in more favored sections of the country, even where the timber lands had to be purchased of the Government.

The men who cut that "timber," Mr. President, were pioneers of our civilization; they were building up the country; they had to contend with all the rude forces of nature. It was impossible for them to think of using such coke as, in the absence of railroads, would have cost them $50, $60, or $70 a ton; yet it was entirely out of the question to have worked those mines without the use of coke or charcoal.

The parties charged with the offense in this case have a perfectly good defense; there will be no difficulty on that score. The United States can get no judgment against them. But the men are not rich, and they will feel the oppression keenly—all the more keenly from the consciousness of having violated no law. It will cost them a large sum of money to employ counsel and defray the other expenses necessary to be incurred in a suit brought against them by a great government with an overflowing treasury.

These men have helped very materially to build up the region to which they belong, and instead of being subjected to prosecution, they should receive encouragement from the Government. Had the Commissioner of the General Land Office inquired of those who have had every opportunity to know the facts—men who represent that State and adjoining States in this Chamber—he would have found that there was no foundation for any suit whatever. Those suits are outrages upon the companies referred to; they are outrages upon the people of Nevada. Why, sir, there is scarcely a man in my State against whom a similar suit could not be brought, and, of course, to his great injury and wrong.

Everybody at all acquainted with the country in which those mines are situated knows that not a stick of that timber would ever have been put to any use were it not for the mines in that vicinity. Without those mines that country would never have been opened.

The Commissioner of the General Land Office speaks about a "second growth" of that timber. Why, Mr. President, the growth that was cut down started, I suspect, at the dawn of creation and would not have produced a "second growth" before the crack of doom.

It is absolutely necessary that a law be passed to defend the people of that region in their rights, and to protect them from expensive and harassing litigation.

The system of employing secret agents to carry on the business of this Government in its dealings with its citizens is all wrong and should call forth the condemnation of Democrats and Republicans alike.

I hope the time will never come when the law-abiding people of the United States will have cause to fear the methods of inquiry adopted by their Government. I trust the system of "secret police," so odious wherever employed, is never to be incorporated into the legal and governmental machinery of this Republic.

The people of our Western States and Territories could more easily defend themselves against the treacherous ambuscades of hostile savages than against the sinister machinations of secret agents of the Government, lying in ambush in the very heart of their own communities. The Government owes a higher duty than that to its citizens, especially to those who, at infinite cost of sacrifice and patient toil, have built up the waste places of the Republic.

For my part, Mr. President, I hold that in cutting that wood the pioneers were but blazing the trail of western empire, and in burning it were lighting the fires of civilization on the mountains of the Pacific.

I trust the resolution offered by my colleague will be adopted, and that the motive for these prosecutions will be made plain.

Mr. ALLISON. I should like to have a little further information upon this subject. As I understand the statement of the Commissioner of the General Land Office, sent to the desk to be read by the Senator from Kentucky [Mr. BECK], this timber is said to have been cut by great railway corporations and by other great companies for charcoal purposes, carrying and conveying the idea that these parties are engaged in denuding this whole region of timber for the purposes of traffic and sale, and not for the purposes, as suggested now by the Senator from Nevada, of carrying on the necessary operations of mining in that high altitude. Inasmuch as an amendment in the sundry civil bill is the subject of this controversy and is pending before a conference committee, I should be glad to have some details given that will enlighten us, because on the face of the amendment it simply seems to require that people shall have the authority to go upon the public lands and cut certain timber for domestic purposes and necessary local purposes.

If, instead of that, this amendment is to be enlarged and construed as suggested by the Commissioner of the General Land Office, then, as a matter of course, the Senate should never agree to it, because no great corporation, whether it had its origin in London or in San Francisco, or in Nevada even, should be permitted to go in there and sweep away great regions of timber. Therefore I should be glad to have this subject ventilated a little further so that we may know exactly what there is at the bottom of it.

Mr. BECK. This resolution will bring it out so far as the Secretary of the Interior can give us the information, and I should like to see information furnished.

Mr. VEST. I do not know anything about the facts of this resolution or this debate. I supposed it was a sort of controversy between the Commissioner of the General Land Office and the Senator from Nevada [Mr. STEWART], and had not paid any particular attention to it. But a remark made by the Senator from Iowa [Mr. ALLISON] causes me to make one suggestion.

It has been my custom for several years, as I intended to do this summer, to visit the Western Territories, and especially the Territory of Montana, where a large number of my people are living, and where I feel as much at home as in my own State of Missouri, and where there is, permit me to say, the finest summer climate in the world, without any sort of exception. Being devoted to a large extent to field sports, especially to fishing, it has been my custom to travel over that Territory, and I have seen personally—and I do not speak from any documentary evidence—cañon after cañon utterly devastated and destroyed by these companies, one of them called the Montana Improvement Company, that has made certain specific arrangements with the Northern Pacific Railway Company, and then proceeded to move improved portable saw-mills up or down the railroad, as you please, speaking both directly from east to west, and left in their wake nothing but the stumps of trees, without actually a single tree standing.

Mr. STEWART. The amendment I offered does not reach that. It applies only to such timber as could not be moved or sawed into logs.

Mr. VEST. I am simply replying to the suggestion of the Senator

from Iowa. This abuse went on until the Commissioner of the General Land Office who preceded Mr. Stockslager came into office, a gentleman that I suppose succeeded in making more enemies to the square inch, as they say in the Western country, than any public man in this country. He attacked this enormous abuse in Montana. I believe him to be an absolutely honest man. As a friend of mine once said to a lady of his acquaintance, he was an absolutely honest and good man, but he had more winning ways to make people dislike him than any man I have ever seen in a public position, unfortunately.

He attacked this abuse among others, and issued an order that this improvement company should be prosecuted in the United States courts, and called upon the law department of the Government to institute the prosecution, and at the same time that no more timber should be cut upon the public lands. Immediately liberty lay bleeding in the forests, not in the streets, and the Commissioner of the General Land Office himself was attacked all over the Territory because he had prohibited the people from going upon the public lands in order to cut timber for their own use in the mines and for domestic purposes.

Now I come to the point of what little I propose to say. The Senator from Iowa says the people ought to be permitted to go upon these public lands to cut such timber as they need. That is true. It is impossible in a great many Territories for them to enter the land, the only way in which they can get timber for mining purposes—the land is not surveyed, as the Senator from California [Mr. HEARST] behind me suggests—and they are compelled to have timber to build houses, and as firewood in winter, and for mining purposes, and they must obtain it off the public land; but the difficulty is in defining what timber shall be used for these purposes in order to keep out those speculators who have denuded all the cañons along the Northern Pacific Railroad in the eastern part of the Territory of Montana. The difficulty is in that single point.

The PRESIDING OFFICER. The Chair must inform the Senator from Missouri that the hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. CULLOM. I hope the regular order will be laid aside to allow the Senator from Missouri to conclude his remarks.

Mr. VEST. I have very little to say, not so much as to even ask for the extension of half a minute.

The PRESIDING OFFICER. There being no objection, the Senator from Missouri will proceed.

Mr. VEST. I simply wanted to emphasize this point, that the difficulty of this whole question comes in when you attempted to give to the people of the Territories what they should have, the right to cut timber for their own use, and at the same time to keep out these speculating companies who have enriched themselves without any regard for the interests of the people and have put money into their own pockets and abused the orders of the Commissioner of the General Land Office and the laws of Congress in their own interest and to the detriment of the public.

It is very true that the Secretary of the Interior modified the order that was made by General Sparks, but it excited widespread indignation.

Mr. STEWART. I should like to call the attention of the Senator to the amendment so that he can talk directly to the point. This is not the case he is talking about. The amendment provides:

That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value.

Not used for railroads, but for mining and domestic purposes. Then the House this year have passed a very carefully prepared bill, and I was guided, although I did not have it before me at the time, by my recollection of the language they had used with reference to reservations for mining. They had a proviso in the bill that passed the House. This is the House provision of this session:

Provided, That it shall be lawful for the residents of either of the States of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana, to cut and remove timber on the public domain under existing law and the regulations thereunder for the period of six months after the passage of this act.

Mr. BECK. Is that in the bill now?

Mr. STEWART. That is in the bill as it passed the House, and I will call the Senator's attention to what they describe as timber. The description of timber would not make it unlawful to cut that kind of timber, any way. It has no reference to scrub timber, that can only be used for mining and domestic purposes.

Mr. VEST. As to that, I agree heartily with what the Senator from Nevada has said in regard to it. There ought to be no order, no law of Congress that prohibits people from using timber that is fit only for firewood, and there should be no order or law which interferes with the people in using such wood as is necessary for their purposes in building houses, and in mining, and for firewood; but the line ought to be drawn between that sort of use of timber upon the public domain and the speculative purposes which have obtained in some Territories, and personally, within my knowledge, in the Territory of Montana.

Lumber was cut up there, not used in the Territory but sent outside, and enormous dividends were declared by these companies because of the facilities for transportation they had by reason of their connection with the Northern Pacific Railway Company; and from the fact that they were not molested by the public servants at all they succeeded in carrying out vast quantities of lumber and selling it in other places.

Mr. TELLER. I rise to suggest to the Senator from Missouri, who has just addressed the Senate, that in behalf of the Committee on Public Lands this morning I reported a bill to meet the very case that he suggests, and I ask the attention of the Senate to it for I desire to call it up at a very early day. The senior Senator from Missouri [Mr. COCKRELL] and myself have given it a good deal of attention, and while it is not satisfactory perhaps to either of us and perhaps will not be satisfactory to the Senate, it was the best we could evolve.

Mr. VEST. Will the Senator state its general features?

Mr. TELLER. Its general feature is that, under some regulation to be made by the Secretary of the Interior, licenses may be granted to cut timber on the public lands. We had in view the very suggestion made by the Senator that the people should be allowed to cut for their own use what timber they wanted. Then we had also in view the fact that there are regions of country where the land can not be bought, where the timber can not be brought into private ownership under any circumstances, and where people must live; and even where they can make title to their farms, having no timber on their land, the timber being in the mountains, there is no method by which they can get a title to the timber. To save all questions of this kind, we have attempted to evolve out of a good many suggestions that we had from various sources and in various bills a measure that we think will partially at least meet the case. If not, we can amend it from time to time. I only call the attention of the Senate to it so that Senators may look at it.

Mr. BECK. I am glad the Senator has reported such a bill. I have seen men living on the great plains, where they had no timber, and there is no timber except in the mountains, which are almost inaccessible and never can be located, of course, by homestead or preemption, and some man would put up a little sawmill at the mouth of a cañon and the farmers would haul their logs to him—that is allowed I suppose under the bill; but every man can not erect a sawmill. There should be some place, however, where they can be allowed to have the timber that they cut from the mountains to use for their houses and fences and other things of that kind without being punished for it.

Mr. TELLER. I will say that we have put a provision in the bill that every settler may get permission upon the payment of a dollar, which is simply to pay the fee of the land office, to cut timber on certain lands to be designated for his own use; and I reported the bill this morning. Then, in addition to that, if a man desires to cut wood to furnish a town, for instance, he may take 40 acres, paying one dollar and a quarter for the land, and haul the timber into town and sell it.

I have lived for twenty-seven years in a community where there was no possibility of making title to timber. I saw many years ago a prosecution of the very poorest men in the community for cutting timber on the public lands, and when they were brought in the judge said to the prosecuting attorney: "How can you prosecute these men? With what grace can I sit here and try these men for cutting timber when I know that for the school-house in this town, the church in the town, the court-house in which I sit, the timber has been cut off the public land? And can I punish these men for this, although it may be within the strict technical rules of the law?" Those men were almost all of them men who had come out of the great war ruined in property, who left largely the State of Missouri and came to our community, and were poor and trying to make a living, and yet the Government had several hundred of them arrested.

In 1882 it was discovered in the Interior Department that one prosecuting attorney had five hundred affidavits made on which he intended to arrest five hundred different people in one of the mining Territories—a mere matter of fees. He knew and everybody knew that the community would be driven out if they could not cut timber. He knew that a community that was producing a large amount of bullion would be a desert so far as human habitation was concerned if they could not cut the timber. There is the inducement, the temptation for a public officer to make fees at the expense of the people. The then Secretary gave the law a construction that it has not borne in all time, either before or since, and there was no further trouble. This trouble has arisen recently by a return to what I think is an erroneous construction of the statute of 1878.

I hope I may be able to call up in a day or two—and I propose to ask its consideration at the first opportunity after it is printed—the bill to which I have alluded, and I trust Senators will look at it, so that suggestions may be made if there is any error in it, as there may be, and that we may speedily pass the bill and send it to the other House, where it may yet pass and become a law, and relieve not only the people, but relieve the Department, because I do not believe the Department seeks to disturb the business or the interests of the people. The Department officers believe it is a duty put upon them by

statute, and therefore they are trying to enforce what they think is the law, and they send out these agents, and the door is open for the grossest frauds in the world, and they will be perpetrated by these agents under any administration that ever has existed and they will be under any that may ever come hereafter. It is impossible to select a large number of men some of whom at some time will not go to work and do the most outrageous things.

Mr. BECK. I hope the Senator from Colorado will bring up his bill within the next three or four days and that we shall act upon it.

Mr. TELLER. I will bring it up as soon as it is printed.

The PRESIDING OFFICER. The question is on the adoption of the resolution of the Senator from Nevada [Mr. STEWART] as modified.

The resolution as modified was agreed to.

DISTRICT TAX SALES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes; in which the concurrence of the Senate was requested.

Mr. HARRIS. I ask the consent of the Senate that the resolution just received from the House of Representatives may be laid before the Senate. It is important that it go to the President before 3 o'clock to-day.

Mr. EDMUNDS, I ask the Senator to explain what is the matter about this business.

Mr. HARRIS. In a House bill which has gone to the President there is a mistake in a date. The House has sent this concurrent resolution asking the President to return the bill in order that the correct date may be incorporated.

The PRESIDING OFFICER. If there be no objection, the resolution will be now considered.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 27, 1888.

Resolved by the House (the Senate concurring), That the President of the United States be requested to return to the House the bill (H. R. 10060) prescribing the time for sales and for notice of sales of property in the District of Columbia for overdue taxes.

The resolution was considered and concurred in.

AMENDMENT TO A BILL.

Mr. JONES, of Nevada, submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TOLLS ON GOODS EXPORTED TO CANADA.

Mr. EDMUNDS. I submit an amendment intended to be proposed by me to the resolution offered by the Senator from Massachusetts [Mr. HOAR], further calling on the President for certain information, and ask that it may be placed with the resolution when it comes up to-morrow for the action of the Senate.

The PRESIDING OFFICER. The amendment will be received and printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on August 27, 1888, approved and signed the following acts and joint resolution:

An act (S. 2116) to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States;

An act (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon;

An act (S. 2106) granting a pension to William Kelsey;

An act (S. 2118) granting a pension to Richard H. Van Dorin;

An act (S. 2500) granting a pension to Gertrude K. Lyford;

An act (S. 1162) granting a pension to Susan E. Alger;

An act (S. 2724) for the relief of H. H. Helper;

An act (S. 3219) to increase the pension of Keyes P. Cool;

An act (S. 509) authorizing an increase of pensions in cases of deafness;

An act (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson; and

Joint resolution (S. R. 62) in recognition of the services of Joseph Francis.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5349) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters; and

A bill (H. R. 5888) for the relief of W. H. Boyd.

JACKSON, MISS., MUNICIPAL ELECTION.

Mr. WILSON, of Iowa. In pursuance of the notice which I gave on Friday last, I now move that the Senate proceed to the consideration of Calendar number 1922½, being the resolution reported from the Committee on the Judiciary in respect to the municipal election at Jackson, Miss.

Mr. PLATT. I suggest to the Senator that he vary his motion so that the unfinished business may be informally laid aside.

Mr. WILSON, of Iowa. I have no objection to that.

The PRESIDING OFFICER. What is the suggestion of the Senator from Connecticut?

Mr. PLATT. That the unfinished business be informally laid aside.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be informally laid aside.

Mr. WILSON, of Iowa. Now I ask for the consideration of the resolutions.

There being no objection, the Senate resumed consideration of the resolutions reported by Mr. WILSON, of Iowa, from the Committee on the Judiciary, July 23, 1888, in regard to the recent Jackson, Miss., municipal election.

Mr. WILSON, of Iowa. Mr. President, the Constitution of the United States declares that—

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution of any State to the contrary notwithstanding.

This is an unqualified affirmation of the supremacy of the Constitution. It was deemed essential to the scheme of government formulated in the Constitution. It is so self-evident that this Republic can not long survive a departure from this central idea of the Constitution that it behooves all who may be intrusted with participation in our public affairs to resist all tendencies in that direction. And it is a neglect of duty to postpone this resistance until a wrong tendency shall have acquired such strength as to endanger the public good and the general welfare. The evils and disasters which come to nations have their origin in such neglect of duty in almost every instance. Our experience as a nation bears witness to the correctness of this statement.

It is not sufficient to assure the stability of this Republic and the permanency of its institutions that the Constitution affirms its supremacy within the sphere of its application. It does this in the definite language which I have quoted. But does this dispose of the fact as completely as the doctrine is definitely stated? If the question be confined to the theory of government involved it does dispose of it. No theory can be more directly and concisely stated than the one that appears in the Constitution's own affirmation of its supreme character. The framers of the Constitution and the States which approved it meant that this should be more than mere theory, for in the same article from which I have quoted, it is expressly declared that—

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

This oath or affirmation as completely embraces the provision of the Constitution that declares its supremacy as it does any other within the text of the instrument. It covers the entire field of the Constitution and of the laws made in pursuance thereof, and it is as much the duty of the legislative officer to make all laws necessary to give full effect to the Constitution as it is of the citizen to obey the laws when they shall have been made.

Our Government is a constitutional republic. Its Constitution is written. It does not exist in prescription, custom, or tradition. It may not be changed except by the concurrence of the nation and the States, nor even by them without due deliberation. In many important respects it has been amended. Fifteen articles have been added to it in this way. Three of these articles are the results of necessities disclosed by the progress of the rebellion that was organized in the interests of human slavery to effect the overthrow of the Republic. These amendments abolished slavery, defined citizenship, and assured to the citizen the right to vote.

The first of these, known as the thirteenth amendment, reads as follows, namely:

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

So much of the fourteenth amendment as relates to the definition of citizenship and its definite protection reads as follows, namely:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * * * *

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The scheme of an assured equality of citizenship was not yet complete and the fifteenth amendment was proposed to the States and adopted by them, and reads as follows, namely:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

These several amendments became parts of the Constitution, in the order stated, on the following dates, namely, December 18, 1865; July 21, 1868; March 30, 1870.

It will be observed that specific care was had, in the preparation and adoption of these amendments, that their due enforcement never should be obstructed by disputations concerning the power of Congress to legislate in the premises. Much contention had taken place all along the line of the nation's progress in respect of the power of Congress to legislate on subjects not embraced in express delegations or incontrovertible implications of power. It was resolved that there should be no repetitions of these disputations so far as the three great subjects embraced in the amendments I have quoted might be concerned. Hence the express delegation of power to Congress to enforce said amendments by appropriate legislation.

Freedom, citizenship, and the right to vote, each for itself, possesses, by the most definite delegation of power to Congress, the right to demand protection against all assaults, and whenever Congress shall fail to make proper and effective response to this demand it will be recreant to the most solemn duty imposed on it by the Constitution, and however much political parties may have differed in respect of the wisdom of the policy and purpose which placed those amendments in the Constitution, the fact remains that they are present parts of that instrument to be respected and enforced. They are as supreme as any other provision of our national charter. They are above and beyond the field of the contentions of political parties. When the States ratified them the obligation of obedience at once attached itself to every citizen.

Mr. President, it is a matter of history that the Democratic party of the United States opposed the adoption of those amendments. In Congress, in State Legislatures, in its conventions, in its press, by every means in its power that party resisted their adoption. But in spite of all such opposition the will of the people and of the States prevailed, and freedom, citizenship, and the right to vote were no longer subject to the limitations of race, color, or previous condition of servitude. All that these great rights imply was embraced in the express and unqualified text of the Constitution, and no Senator or Representative in Congress, or member of a State Legislature, or executive or judicial officer of the United States or of a State can enter upon the occupancy of his office until he shall first have taken an oath or affirmation to support the Constitution in which these amendments are embedded and as supremely parts as any other of its provisions.

But here we are presented with a Democratic example of history repeating itself. That party opposed the adoption of the amendments; and now that they are parts of the Constitution it objects to their enforcement. But it is entitled to the credit of having served official notice that it would do so whenever and wherever it might have opportunity so to do. It did this boldly and officially. It gave the country full and explicit warning that when power might come to it it would disregard the amendments I have quoted and exclude the colored citizens from participation in political affairs. This is not my mere assertion. It is a historical fact, supported by official evidence, as I will now proceed to demonstrate.

The Forty-second Congress appointed a joint select committee "to inquire into the condition of affairs in the late insurrectionary States, so far as regards the execution of the laws, and the safety of the lives and property of the citizens of the United States." The committee made an exhaustive examination of the subjects committed to it. The result was a report from the majority of the committee composed of the Republican members thereof, and one from the Democratic members dissenting from the conclusions of the majority. These reports were made in the House of Representatives on February 19, 1872.

The minority report was signed by Frank P. Blair, T. F. Bayard, JAMES B. BECK, P. Van Trump, A. M. Waddell, J. C. Robinson, and J. M. Houks, Democratic members of the committee. This report is very lengthy, and gives very definite expression of the Democratic views of the subjects and rights embraced in the amendments of the Constitution to which I have directed the attention of the Senate. And as an official declaration of Democratic purpose in respect of the obligations imposed on the United States, the several States, and all officers and citizens by said amendments, I present a passage from the said minority report. In commenting on the conditions existing in South Carolina, the views of the minority are expressed in these words, namely:

As we have just remarked, we do not propose to discuss at large the question of negro government in these pages, but we feel that it would be a dereliction of duty on our part if, after what we have witnessed in South Carolina, we did not admonish the American people that the present condition of things in the South can not last. It was an oft-quoted political apothegm, long prior to the war, that no government could exist "half slave and half free." The paraphrase of that proposition is equally true, that no government can long exist "half black and half white." If the Republican party, or its all-powerful leaders in the North, can not see this, if they are so absorbed in the idea of this newly-discovered political divinity in the negro that they can not comprehend its social repugnance or its political dangers, or knowing it have the wanton, wicked, and criminal purpose of disregarding its consequences, whether in the present or in the future, and the great mass of American white citizens should still be so mad as to sustain them in their heedless career of forcing negro supremacy over white men, why, then "farewell, a long farewell" to constitutional liberty on this continent and the glorious form of government bequeathed to us by our fathers.

The mind of every thinking man is troubled about our future. He knows that a conflict of races must be the inevitable result of such a policy. In a struggle for the political power of the State this conflict is already as clearly marked as white is from black. The line of separation between parties there to-day is not only one of color and distinctive races, naked and unbroken, but it is a question of supremacy, of exclusive tenure to office, of the right to govern, and a separation of representation from taxation. Such an anomalous state of affairs as one race ruling another has never existed in any form of government, republican or monarchical, except by force and coercion. There can be neither sympathy nor harmony in any polity where such antagonism is attempted to be overcome by law. God's law is higher than man's law. Man's puny statutes can not repeal or nullify the immutable ordinances of the Almighty. Those whom God has separated let no man join together. There can be no partition of power, nor any peaceable joint exercise of power among such discordant bodies of men. One or the other must have all or none.

It is the very acme of folly and fanaticism to suppose, in this day of enlightenment and its consequent pride of feeling among the superior race, that there can be a reproduction of the ancient fable of tying the living and the dead together without causing the death of both. Who would have dreamed fifteen years ago, what highest and most far-seeing intellect among the great men who established this Government upon the basis of homogeneity of race and color, could have imagined that in the first century of its existence African freedmen, of the lowest type of ignorance and brutality, would rule a sovereign State of the Union and be the arbiters of the rights and property of a race who have ruled the destinies of nations ever since government was known among men? Such a state of things may last as long as the party shall last which had the power and audacity to inaugurate it, and no longer. But when that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent.

Mr. President, it does not require the aid of a forced construction to trace in the lines of this official Democratic declaration of doctrine and purpose a denial of every right guarantied to the colored citizens of the United States by the terms of the three amendments to the Constitution that I have presented to the attention of the Senate. Those amendments were all in force when this official utterance was placed upon the records of the nation and given to the world. They were as supreme then as were any other articles or sections of the Constitution. But the official report from which I have quoted denied their supreme character, and it appealed to God and His higher law in justification of the denial. It did all that I have stated, and did it not by implication, but in express terms. And that we may gather their full force and realize how emphatic they are, I here separate a few sentences from the body of the quotation I have made, but preserve their consecutive connection with each other. They are as follows, namely:

God's law is higher than man's law. Man's puny statutes can not repeal or nullify the immutable ordinances of the Almighty. Those whom God has separated let no man join together. There can be no permanent partition of power among such discordant bodies of men. One or the other must have all or none.

What does this mean? It does not seem to be in accord with that soulful proclamation of the Declaration of Independence which said to the world:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuits of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

This is the doctrine on which our Republic and its institutions were founded, and it is the doctrine of the constitutional amendments. Let it be observed by all of our people, and the color line in our politics will be obliterated. This would assure peace and contentment throughout all the borders of all of the States. It would lead to an era of good feeling between the races which would put an end to the barbarities that have so long been practiced in some of the Southern States. It would do more to upbuild the industries and develop the resources of those States than can be done by color-line, race-hating politicians in centuries of time by following the lines of political action on which they now move. Such results would delight the people of the Northern States. They have not been nursing hate towards the people of the South.

They have been mourning over the follies that have prevailed in that section. They would rejoice, as no people ever have rejoiced, if that good feeling which alone comes from an observance of justice in the affairs of governments and the relations of men could replace the wretched conditions that obtain in some sections of the South. Nor would this spring from mere motives of selfish desire. No such miserable forces as these nerved them to the sacrifices which they made in their determined struggle to subdue armed rebellion, preserve the Union, and perpetuate our free institutions. They fought to effect the purpose so tersely declared by the founders of our Government in the preamble of the Constitution, wherein it is written:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

For these purposes, the purposes of the Constitution, they fought, and it was to make these more secure that the amendments were placed in the charter of the Republic. They won the fight and saved the life of the nation. They had been sorely tried, but they endured all and triumphed. And when they returned to their homes from the fields of triumph where their victories had been won, not for themselves alone, but for the nation, they carried no hate in their hearts, nor is it in their hearts now. But they had memories, and these they took back to those homes, and there they abide to-day. The facts, the incidents, the sacrifices, the transactions, the mediate and immediate results of that great struggle went with them from those fields to those homes and have been living recollections through all the years that have passed

since peace supplanted war. They remember how they and the nation took high resolve that what had been saved in that unsurpassed conflict of arms should not again be endangered, and how this resolution was written in the Constitution in the text of the amendments.

They wanted no repetitions of the great trials and sore experiences of the years they had devoted to the conquering of armed rebellion. They wanted no grounds left on which disputations could ever again plant themselves in contentions in respect of the status of the colored citizens of the Republic. They remember that for this reason the Constitution was amended, and that this great work was not the offspring of hate, but the child of justice, and with these recollections active in their minds they are determened that justice shall not be dethroned in this Republic. They make no new exactions. They seek not to impose duties and obligations on others that they are not willing to assume and discharge themselves. Obedience to the Constitution and the laws is what they practice and demand in respect of all of the momentous questions involved in the strife that evolved the amendments to which I have directed the attention of the Senate, and when they are told, by such official utterances as I have quoted, that, in respect of the equality of rights guarantied by said amendments—

Such a state of things may last so long as the party shall last which had the power and audacity to inaugurate it and no longer. But whenever that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent.

Their reply is ready in the language of the Constitution, which says:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Mr. President, this answer is conclusive, but it is not new. It is one of the original provisions of the Constitution. Without it the Constitution would have been an unreliable contrivance with which to conduct the affairs and enforce the powers of this nation. It stood by the side of the Democratic members of the joint select committee of Congress when they placed on the records of the nation the minority report from which I have quoted. With it and them stood the entire Constitution, including the amendments to which I have referred. It was in that presence that it was written in said report in respect of the colored citizens of this Republic that—

There can be no permanent partition of power, nor any peaceable joint exercise of power, among such discordant bodies of men; one or the other must have all or none.

Did the authors of that declaration expect to induce the people of this country to strike from the Constitution the grand amendments which they had but just ingrafted on it, guarantying equal rights? No such expectation was then expressed, nor would any political party dare to go to the country on a definite proposition to repeal those amendments now. What, then, was the office of that report? Its declarations were positive. Its propositions were explicit. Its argument was direct. Its invocation of the higher law was definite. This latter element must have seemed like an obtruder to those formulators of Democratic faith, in view of their then but recent denunciations of it when suggested by one not of their political creed. But it is there in company with the other remarkable things grouped together in that report. Taken altogether it is a strange chapter in our recent political history. But it must have had some purpose underlying it.

As we look back over the years that have come and gone since 1872, when that report was written, we can read in the events that have transpired in some of the Southern States its true character, and when tried by this test it seems to be resolved into a kind of chart of political action. The unlawful, not to say barbarous, practices to which the colored voters in certain States and sections of the South have been subjected seem to have moved quite closely along the lines indicated on that chart. The movements have all tended in one direction. They all converge to the common point of exclusive possession of all political power, and at which there will be—

An end of the political power of the negro among white men on this continent.

It is not my purpose to enter upon a review of the points that have been disclosed in the several investigations that have been had in respect of the unlawful means resorted to in various parts of the South for the suppression of the votes of colored citizens. The testimony taken by the several Congressional committees charged with the duty of making such investigations, and the reports which they have submitted to their respective Houses, disclose a condition of affairs shocking in all of its aspects, violative of the common humanities, and a reproach to a country that boasts of the superior character of its free institutions. In the records presented all manner of crimes appear, from personal intimidations to murders most foul. I take no pleasure in treating of these most shameful events. I most heartily wish that none of them had ever happened; and I devoutly hope that there may never be repetitions of them.

But I greatly fear that like occurrences will again transpire unless the law-abiding people of this nation shall set themselves so resolutely against them that no political party will dare to practice them or give to their perpetrators the slightest degree of recognition or avail itself of any of the results. These crimes against the American ballot are horrible in their every aspect, and deserve unqualified execration wherever, however, and by whomsoever practiced. If there is any one thing which above others in a republican government should have absolute security in its lawful exercise it is the right to vote and to have it counted as cast. A non-observance of this rule will very soon subject any government to the control of the worst elements of its population. When this end is reached all the evils of corrupt government follow as matters of course, and this rule applies to all elections, whether they be national, State, county, city, town, or village.

The only safety in such cases lies in resolute action on the part of those citizens who desire to enjoy the security which good government only can give, to reassert the sacred character of the ballot by driving from power all who fail to give it the absolute protection to which it is entitled. An enforcement of this rule by means of consistent practice would change the political complexion of the national administration of this Republic at the next November election; for it abundantly appears in the facts which have been gathered in the cases that have been investigated by committees of Congress, that with a free ballot and a fair count the solid South would disappear.

Indeed, but for the crimes committed against the American ballot the present Administration could not have been elected in 1884, and on that account, even though no other cause were present in the political conditions of this year, the American people owe it to themselves, to their institutions, and to even-handed justice, to defeat the present Administration at the election in November next. But when there is added to the Democratic assault on the American ballot the Administration's own definite assault on American industries, it may be predicted with confidence that the people of this country will, at the near approaching national election, decree a replacement at the head of the affairs of the Republic of the Republican party, which has always been true to both.

Mr. President, the American people can not afford to misjudge the true character of the political conditions with which they have now to deal. The contentions about protection and free trade do not embrace the only political issues to be resolved or in some degree affected by the result of the election to occur next November. The economic issues now so dominant in the public mind do not stand alone in the field of our national politics. Alongside of them stand other questions no less important. The issue presented by the extract I have read from the report made to the Forty-second Congress is present in the contest. It can not be disposed of by declaring that it is a thing of the past and should be left there. Let us not forget history. The spirit of that report asserted itself in the Democratic national platform of 1868, and declared that the reconstruction measures of Congress were "unconstitutional, revolutionary, and void." Let it be remembered that on the 11th day of July, 1870, the following resolution was brought to a vote in the House of Representatives, namely:

Resolved, That the fourteenth and fifteenth articles of amendment to the Constitution of the United States, having been duly ratified by the Legislatures of three-fourths of the several States, are valid to all intents and purposes as part of the Constitution of the United States, and as such binding and obligatory on the Executive, the Congress, the judiciary, the several States and Territories, and all citizens of the United States.

Let it be remembered that the Democratic party as represented in the House of Representatives planted itself in opposition to the passage of this resolution, and that within two years thereafter the report from which I have quoted was made to Congress by the Democratic members of the committee. This action on the House resolution is in harmony with the platform of 1868, and the two together may have been, and doubtless was, the inspiration inducing the making of that report. Let it be remembered that on the 5th day of February, 1879, the Democratic party was brought to another test on the question of the validity of the amendments to the Constitution. On that day a yea-and-nay vote was had in this body on the adoption of the following resolution, namely:

Resolved, as the judgment of the Senate, That the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States have been legally ratified, and are as valid and of the same paramount authority as any other part of the Constitution; that the people of each State have a common interest in the enforcement of the whole Constitution in every State in the Union, and that it is alike the right and duty of Congress to enforce said amendments, and to protect every citizen in the exercise of all the rights thereby secured by laws of the general character already passed for, and by further appropriate legislation, so far as such enforcement and protection are not secured by existing laws; and that it is the duty of the executive department of the Government faithfully and with diligence to carry all such laws into impartial execution, and of Congress to appropriate all moneys needful to that end.

The vote on the adoption of this resolution was yeas 23, nays 17; all of the votes cast for the adoption of the resolution were given by Republican Senators; all of the negative votes were cast by Democratic Senators.

A second resolution was immediately put to a vote, and it was in language as follows, namely:

Resolved, further, That it is the duty of Congress to provide by law for the full and impartial protection of all citizens of the United States, legally qualified, in the right to vote for Representatives in Congress, and to this end the Committee on the Judiciary be, and it hereby is, instructed to prepare and report as soon as may be, a bill for the protection of such rights and the punishment of infractions thereof.

The vote on this resolution was the same as on the others—23 yeas, all Republicans; 17 nays, all Democrats.

This record is in perfect harmony with the action of the Democratic party in respect of the amendments referred to from the time they were severally introduced into Congress until finally ratified by three-fourths of the States, as required by the Constitution. That party opposed in both Houses of Congress the submission of the amendments to the States, and it opposed their ratification in the Legislatures of the several States. The amendments are parts of the Constitution in spite of the determined opposition of the Democratic party, and the record it has made in respect of them shows that it is now as much opposed to their enforcement as it was to their adoption by Congress and ratification by the States. These are facts which the people of this country can not afford to ignore. They are as much a part of the present Presidential contest as are any other facts and issues that will be considered during the current political canvass and be passed on at the polls in November next.

The Democratic party is not loyal to the Constitution as the States have made it. This fact can not be excluded from the political contentions of this year. The present national Administration does not hold its tenure of office by authority of a majority of the citizens of this Republic entitled to vote. It is a minority Administration. Had all of the legal voters of the several States who desired to vote in 1884 been permitted to exercise their constitutional right in that respect, and their votes had been legally counted, the present Administration would not be directing the affairs of this nation. It can not be continued into another term except by a repetition of the violations of the constitutional rights of citizens that were practiced in 1884. If continued at all it will be as the representative of the minority of the voters of the country. We claim to be a government in which the will of the majority rules. This is the theory of our system of government, but the practice is quite the opposite. Shall this continue? This question must be answered at the polls in November. It is one of the vital issues of the present national contest. Shall this work of excluding the colored voters of this country from all participation in political affairs and interests go on until we reach "the end of the political power of the negro among white men on this continent?" This is the end to which the Democratic party is working.

Mr. President, when on Thursday last I yielded the floor to the Senator from Vermont [Mr. EDMUNDS] that he might make the motion to adjourn, I was discussing the action of the Democratic party in respect of the adoption and enforcement of the amendments of the Constitution. I had arrived at the point in my observations having relation to the results that may be imposed on our country and its institutions if the people shall fail to properly consider and correctly resolve the question I had been discussing. I remarked that it was one of the vital issues involved in the present political activities which will assemble the voters of this nation at the polls in November next, and I can but assert my belief that if the Democratic party shall win success at the polls in the election then to transpire it will do more in the future than it has in the past in respect of the non-enforcement of the constitutional amendments.

Its success at that election will, in all probability, put it in possession of majorities in both Houses of Congress. It will be in control of the executive department of the Government. It will, in all reasonable probability, in one way or another, obtain a majority of the members of the Supreme Court within the next four years. With these conditions established, what shall stay that overthrow of the amendments so much desired by the "solid South," which constitutes the dominant wing and force of the Democratic party? And here it is well to bear in mind that one of the Senators who cast one of the Democratic votes in this body against the resolutions I have quoted, pronouncing the validity of the thirteenth, fourteenth, and fifteenth amendments of the Constitution, and declaring for their proper enforcement, is now a Justice of the Supreme Court of the United States. Let this be a warning to the people of this country against allowing the result of the approaching Presidential election to make probable the presence in that court of a majority of its members whose opinions in respect of said amendments shall concur with that held by the justice to whom I refer.

Mr. President, I do not suggest this warning because I believe that the Supreme Court may constitutionally assume jurisdiction of the political question presented by the contention relative to the validity of those amendments, for I do not so believe. But courts have done just what I suggest as one of the dangers involved in our present political contest. Some of them have assumed and exercised the political jurisdiction about which I am speaking. They have ignored the fact that under our system of government political questions committed to the political department of Government for action or solution when once by it determined excluded the intermeddling of the other departments. Such cases may repeat themselves.

The personal views of members of the courts as to what our system ought to be in this respect may successfully assert themselves in opposition to the adjustment made by the Constitution. Add to the force of personal views the pressure which the exigencies, real or supposed, of a political party may evolve, and a danger is at once present which is almost certain in cases involving political considerations to lead to jurisdictional usurpation. Often it happens that the personal conviction is surrendered to the established policy of the political party to which a judge or other public officer may belong. The Senator from Alabama [Mr. MORGAN], in his remarks on the fisheries treaty delivered in this Chamber on the 14th instant, gave expression to a very noble sentiment in these words, namely:

> I believe, what I fear many do not believe, that this Government was born in a revolution that was organized in the world eighteen hundred and eighty-eight years ago, and I believe the King that gave to us our liberties Himself sacrificed to the children of men His imperial power when He was surrounded by legions of angels for the purpose of establishing His authority among men as He chose, in either His temporal authority or His spiritual authority. I believe that revolution is the foundation of the system that we are practicing in the United States, and that it was the first declaration that was ever made by supreme authority of the right of a human being to participate in his own government and of his responsibility to human as well as divine authority for his conduct in that particular. I believe that there is laid upon our shoulders in this country by divine command, not the divine right of kings to rule and the duty of obedience to the possessor of a strain of blood that may come down to us through certain veins or certain loins, but the divinity of manhood with which we should be clothed and which we have put in force and are to continue to act out through the most successful examples that have ever been set to mankind in all the annals of government.
>
> That divinity is the right of a human being to participate in his own government and his responsibility to God and to man also for his political conduct. I believe a sin against the Government of the United States, wilfully perpetrated by an American citizen who is conscious of the wrong at the time he does it, is a very high moral offense. I believe that the Constitution of the United States, as it is and as it will be after we have amended it better to conform to our future experience, places us under a moral obligation which is almost the coequal of any that could be mentioned in respect of any duty that is to reach away into the depths of an unknown futurity. I have that sort of reverence for this Government and for this Constitution which inspires me with the belief that when I serve, when I obey, and when I honor it, I am obedient at least to that extent to the divine authority that rules amongst nations and also amongst men.

If the doctrine here expressed were dutifully obeyed throughout all of the States where slavery once obtained, this country would be rid of the most troublesome questions and threatening contentions which now disturb its political conditions; but it is not treated with a decent respect in those States. The Senator from Alabama can find but few, if any, members of his party in those States to agree with him in respect of the divine right to which he referred, and in his declaration that—

> That divinity is the right of a human being to participate in his own government and his responsibility to God and to man also for his political conduct.

I have great personal regard for that Senator, and can but express my regret that he is a victim to the unrelenting pressure which his party brings to bear in opposition to the noble sentiment that he uttered; and the pressure is so great upon him that his case is an apt illustration of the statement I have made relative to the danger which will confront this country in the matter of the usurpation of political jurisdiction by the Supreme Court should success attend the Democratic party at the polls in November and put it in possession of the possibility of securing a majority of its partisans in that tribunal. With his clearly expressed conviction of the divine right of man to participate in his own government that Senator has demonstrated that he can not withstand the pressure of his party when it demands that he shall follow it rather than his own personal opinions; for on the 5th of February, 1879, he recorded his vote in opposition to the resolution of this body affirming the validity of the constitutional amendment which declares that no citizen shall be deprived of the right to vote because of race, color, or previous condition of servitude.

He went down under the force of party pressure; and if this could happen in his case, what may we not expect of a partisan judge concerning the same question, should it by any means whatsoever be presented to him for determination? The State which he in part represents in this body is earnestly enlisted in the manufacture and practical application of this partisan pressure. This appears in the elections held in that State. In 1886 the total number of votes cast in the eight districts of Alabama for candidates for Representatives in Congress was 86,654, being an average for each district of 10,831. The First district cast the smallest number of votes, 4,236 being the total. The Fourth district cast the greatest number, the total being 20,958. Now, let me compare this with the result in Iowa at the same election. Iowa has eleven Congressional districts. The total number of votes cast in these districts for Representatives in Congress at the election of 1884 was 337,431, making an average for each district of 33,742. The lowest number cast in an Iowa district was 26,277. This was in the Eleventh district, which embraces the most sparsely settled portion of the State. But it will be observed that the number of votes cast in this minimum district of Iowa is 22,041 greater than was returned for the First district of Alabama.

But, Mr. President, this is a better showing than some of the other States of the South present. If we turn to the case of the State of Georgia we find that at the Congressional election of 1884 there were cast in her ten districts for a corresponding number of Representatives in Congress a total of 27,580 votes, being an average of 2,758. The highest vote cast in any one of the ten Georgia districts was 6,680. The lowest total vote cast in any one of the eleven Iowa districts was, as I have already stated, 26,277, or 23,519 more than the highest number cast in any one of the Georgia districts.

The total number of votes cast in the seven Congressional districts

of the State of Mississippi, at the election in 1886 for Representatives in Congress, was 45,354, making an average to each district of 6,436. The highest number of votes cast in any one of those seven districts was 12,117, or 14,160 less than were cast in the minimum Iowa district.

South Carolina has seven Representatives in Congress, and of course has a corresponding number of Congressional districts. At the election in 1886 there were cast in her seven districts a total of 39,072 votes for Representatives in Congress, or an average of about 5,585 to the district. The greatest number of votes cast in any one of these districts was 12,444, or 13,833 less than the lowest total of any Iowa district.

The four States of Alabama, Georgia, Mississippi, and South Carolina have thirty-two member of the House of Representatives. Now let us look at the results of the methods of the Democratic party in these four States from another standpoint, keeping in view that the officially declared purpose is to effect—

The end of the political power of the negro among white men on this continent.

The grand total of the votes cast at the Congressional election in 1886 in the thirty-two districts of the four States mentioned was 198,660, or 138,771 less than were cast in the eleven districts in the State of Iowa at the same election. The average number of votes cast for each of the thirty-two members of Congress in the four Southern Democratic States was about 6,189, while the average for each of the eleven members from the one Northern Republican State was 33,742. And right at this point let us remember that corresponding results are likely to occur at the national election next November, both in respect of the selection of members of the Fifty-first Congress and Presidential electors, except that in regard to the latter the number will be forty instead of thirty-two, owing to the fact that the number of Presidential electors to which these States are entitled equals the total representation of each in both Houses of Congress. Hence, if the vote cast in November next shall correspond with that stated for 1886, the average number which each Presidential elector in the four Democratic States will represent will be about 4,966 against 33,742 in the Republican State of Iowa, and the result in all of the other Northern States will be practically the same.

Mr. President, are not these facts and figures worthy of serious consideration by the American people? If the conditions of political affairs which they represent are to continue, what will become of that equality of the States in respect of which there has been from time to time so much fervid eloquence expended by Democratic orators in this country? Have they lost all regard for the equality of the States in the Union? Have they subordinated everything of this kind to the chances of party success? If so, it is quite time for the American people to take into serious account all of the facts and possibilities involved in the political canvass now in progress in this country. Not to do so will be criminal neglect of the highest duty of citizenship. If present practices and conditions are to continue, how long will it take to permanently establish the rule of the minority in this Republic? We have it now in the executive department of the Government and in the representation of the States in that branch of Congress whose majority is the result of the facts to which I have called attention.

If this is to continue through another four years of minority control, during which the membership of the Supreme Court may, by the course of nature or by legislation, be so changed as to place it on the side of this drift towards a revolution in our system of government, how will the nation ever recover its lost ground? A majority of the present members of this body will have no difficulty in recalling an incident that occured in this Chamber when, during the second session of the Forty-eighth Congress, one of the present justices of the Supreme Court, then a member with us here, declared with great vehemence:

No man shall in my presence call Jefferson Davis a traitor without my responding with a stern and emphatic denial.

Who can say that the sentiment of this utterance may not, at some time, be found incased in a decision of the tribunal of which its author is now a member if the present quiet but resolute revolution of our system of government shall go on until the minority shall be in full possession of all of its departments and the court shall bave usurped political jurisdiction?

The Constitution says that—

Treason against the United States shall consist in levying war against them, or in adhering to their enemies, giving them aid and comfort.

If Jefferson Davis did not place himself within this definition of treason, then no man ever did or ever can; and it is not pleasant to contemplate the fact that the time may come when a majority of the Supreme Court of the United States may hold to the view of one of its present members in respect of the crime of treason; and if the time shall ever come when a majority of that court may be of the opinion indicated, and its declaration can be of service in such an exigency as was forced on this nation in 1861, we may be now assured that it will be made. This is a possibility not more unlikely to transpire than was that other one which greeted the inauguration of President Lincoln with an actually existing state of war.

Mr. President, it will not dispose of the facts and suggestions I have presented to say that they are out of place and have no relation to the present political movements in this country. The results that have already come to this country through the unlawful practices and disregard of the constitutional rights of citizens to which I have directed attention, all bear witness to the truth of my diagnosis of our political case. Not a break in the line of movement towards that overthrow of the constitutional amendments which shall establish in their stead the Democratic doctrines officially pronounced in the extract I have, in the course of these remarks, read from the minority report of the joint select committee of the Forty-second Congress.

Amongst the more recent cases in which effort has been made to give effect to the doctrines of that report is that of the municipal election held in the city of Jackson, Miss., in January last. It was announced in the newspapers of the country, and was stated in communications of citizens that the votes of the colored citizens of Jackson had been suppressed by unlawful means, and that certain United States officers had participated in such suppression. The subject was brought to the attention of the Senate, and this body, by resolution passed on the 12th of January last, directed the Committee on the Judiciary to make investigation of the case. The committee discharged the duty imposed on it, and made report to the Senate. The report and all the testimony taken by the committee have been printed, and are at the command of all members of the Senate desiring to examine them. A majority of the committee had no difficulty in arriving at its conclusions, which were that there had been a total suppression of the votes of the colored voters of Jackson, and that the United States officers designated in the resolution directing the investigation had participated in the methods used in such suppression. A minority of the committee dissented and presented its views to the Senate in writing. This dissent has also been printed by order of the Senate.

Not only did the committee arrive at the conclusion which I have stated, but it became impressed with the belief that there has rarely been a case of interference with the right of voters to vote which had less justification than the one in question. It is doubtful if there is another city or town in Mississippi that can make as good a showing of desirable results of municipal government as were realized by the city of Jackson from January, 1874, when John McGill was first elected its mayor, down to January, 1888, when he was defeated at the election which has been investigated. During the fourteen consecutive years here indicated he exercised the powers and performed the duties pertaining to the office of mayor of the city of Jackson in a very efficient manner. The affirmative beneficial results of his administration of the affairs of the city are sufficient to explain his long continuance in office. He entered upon the administration of the city government in January, 1874. At that time the city was in bad financial condition in all respects. It was in debt to the amount of $50,000 on account of municipal expenditures. The credit of the city was at ruinous discount, its treasury warrants rating at about 30 per cent. below par. Its tax rate was 22½ mills on the dollar of valuation.

The streets were unlighted notwithstanding there were gas-works in the city. The streets were in bad condition, no grading had been done on them, and sidewalks were almost unknown in the city. In about every other respect the city was in bad condition. All of this was changed during the fourteen years of Mayor McGill's administration. The debt of the city was all paid off. The streets were lighted with gas, and several of them graded and graveled. Sidewalks appeared throughout the city. Needed bridges, other than the one over the Pearl River, were built. The city credit was restored to par, and the tax rate was reduced to 10 mills on the dollar of valuation. In every respect the city improved.

During these fourteen years the right of each voter in the city to cast his ballot was unobstructed. The colored and white voters were about equal in number. There was no division on the color line. So well satisfied was a pronounced majority of the voters of Jackson with the progress of the city and the conduct of its affairs that no serious opposition could be organized against the man who had been so efficient in the management of the interests of the city. For seven successive terms of two years each John McGill had been elected mayor. There was no race conflict between the white and colored voters of Jackson induced thereby. On the contrary, most amicable relations existed between the two races. This is clearly established by the testimony taken by the committee. No one will contend that this is not true. It is established by the sworn testimony of Republicans and Democrats who appeared before the committee.

The record made by the colored voters of Jackson during the fourteen years that John McGill was mayor of that city can stand unabashed in the presence of the most orderly community of white Democrats in the State of Mississippi. Indeed, so good was this record that the Democrats of Jackson despaired of ability to successfully attack it by the lawful methods of a peaceful election. But they watched and waited for opportunity to assert in the city of Jackson the officially disclosed Democratic doctrine that the colored race shall exercise no political power on this continent. It was a tedious process, and it was severely trying to the political patience of the Democrats of Jackson. The colored voters would be orderly citizens, would obey the law, would attend to their own affairs, would refrain from giving cause of offense to the impatient, hot-blooded Democrats of the city,

would persevere in a consistent effort to demonstrate that they were worthy to possess the right to vote.

This was hard on the Democrats of Jackson. They could not afford to assault this right of the orderly, law-abiding, and peaceful colored citizens of Jackson without some pretext behind which to hide the real purpose. The testimony taken by the committee proves beyond doubt the excellent character and conduct of the great mass of the colored citizens of Jackson. Indeed, there is a significant agreement between the report of the committee and the views of the dissenting minority, submitted in writing to the Senate in this report.

The report of the committee states that—

Nothing appears in the record of the testimony taken by this committee tending to show that the colored citizens of Jackson were not as observant of law, as devoted to good order, as peacefully inclined, as circumspect in conduct as, were the white citizens.

This statement is not controverted by the minority of the committee. Indeed, it is emphasized by the views of the minority submitted to the Senate, and from which I make the following quotation, namely:

There had been, even away back into the era of slavery, the kindest feeling between the two races in Jackson (see Spellman's testimony). The mass of both races, as stated by Mayor McGill, were of the best and most orderly of all people. The whites, though about equal in numbers to the blacks, had for fourteen years acquiesced in a government based mainly on negro suffrage. Though there were discontent and complaints, yet there was no organized opposition. Mayor McGill was proceeding with certainty to his eighth term as mayor of the city with the acquiescence of the great body of whites and with the active support of many who were not Republicans.

This is not a plea of confession and avoidance by the minority. It is a confession of the truth of the entire case as presented in the report of the committee in respect of the administration of the municipal affairs of the city of Jackson during the fourteen years of the occupancy of the mayoralty of John McGill, and of the conservative, law-abiding, and peaceful character of the colored citizens of the city. No excuse could be found in these respects upon which to organize an opposition to the re-election of McGill to another term as mayor. He was, as the minority of the committee admits—

Proceeding with certainty to his eighth term as mayor of the city with the acquiescence of the great body of whites, and with the active support of many who were not Republicans.

It would be a very severe reflection on the character of the citizens of Jackson, both white and colored, for any one to say that this condition of acquiescence was the result of bad government and corrupt practices. That the facts are all the other way the testimony taken by the committee and reported to the Senate establishes, and even the minority of the committee admits in respect of McGill that—

It was known to be difficult to beat McGill. His financial administration had been reasonably satisfactory. He was clever and popular; had been to a great extent non-partisan in his administration.

It was not for objections to the character of the municipal government as conducted by McGill, nor yet to that of the mayor himself, that the Democrats of Jackson were waiting and watching. "He was clever and popular." His government could not be successfully assailed. Something far different from these features of the case must be found. The task seemed hopeless; even the colored citizens of Jackson would not give cause or excuse to the restless spirits of the local Democratic leaders to raise the race issue. These colored citizens would insist on so conducting themselves that even the minority of the committee felt itself compelled to concede that they were "of the best and most orderly of all people." This was a disheartening state of affairs for the Jackson Democrats, who wanted to redeem their city from Republican rule.

But an exemplification of that much quoted saying that "it is the unexpected that happens" came to their relief. Christmas eve of 1887 transpired. It brought the opportunity to draw the color line, and it came about in this way: A number of young white men of Jackson so deported themselves on that particular Christmas eve as to bring about a conflict between some of their own number and a colored man. The white men were the aggressors. The result was that a young white man named McWillie Mitchell and a colored man called Bob Whitesides were killed. Concerning this happening the report of the committee makes the following statement, namely:

The excitement which followed the unfortunate events of Christmas eve was seized upon and turned to political account. McWillie Mitchell had been killed by a colored man known as Bob Whitesides, and the latter was killed by a white man. It is not pretended that the colored citizens of Jackson were any more to blame for the killing of Mitchell than were the white citizens for the death of Whitesides. Very few members of either race were in any way involved in the unfortunate transaction, and none of either race, so far as the testimony shows, gave it approval. None of the actors in the merry-making of that Christmas eve anticipated the results that transpired. Mayor McGill, in his testimony before the committee, said:

"Christmas eve and Christmas day with us is the day above all others of good feeling and rejoicing, and, among some, carousing and a good deal of disorder, more so than any other day in the year. It is observed more than any other holiday. Everybody stops work and everybody has a good time that is able to have it. Everybody has the best time they can, and people who are in the habit of drinking, if they drink at all, will drink on Christmas or Christmas eve night. We always have more disorder on Christmas eve night than any other night in the year. I know from fourteen years' experience that I always dreaded Christmas eve night and Christmas day following (p. 105)."

From such conditions come the acts that led on to the killing of the two men. McWillie Mitchell was a young man greatly liked by his associates. His death caused great excitement amongst the young white men of Jackson. They at once took steps to organize the White League, as hereinbefore stated. Quickly followed the political movement of the Democrats of Jackson, which placed candidates for mayor and aldermen in the field, and the appointment of the committee of one hundred. The guiding actors in the movement seem to have concluded that the existing excitement could be intensified to such a degree as to afford the opportunity by a suppression of the colored vote of relieving themselves of what they denominated "a just reproach upon them for so long suffer ng a Republican administration in the capital city of a Democratic State."

In this affair the Democrats of Jackson saw their opportunity. The testimony taken by the committee shows how thoroughly it was worked. It was turned to partisan account. On Tuesday night, December 27, the Young Men's White League adopted a series of resolutions, amongst which was the following, namely:

Driven by no sudden passion or blind impulse, but actuated by a firm and deliberate sense of the duty we owe to ourselves and to our race, we hereby warn the negroes that if any one of their race attempts to run for office in the approaching municipal election he does so at his supremest peril; and we further warn any and all negroes of this city against attempting, at their utmost hazard, by vote or influence to foist on us again this black and damnable machine miscalled a government of our city.

This was a definite and emphatic declaration of the establishment of the color line, and it was adhered to and practiced on to the extent of the suppression of the colored men's vote in the city of Jackson. This is the rugged part that can not be put out of the way by the special pleading and specious argument contained in the views of the minority of the committee.

On the same night that the resolution I have quoted was adopted by the White League the Democrats of Jackson held a convention and presented their case in a preamble and resolutions, which were published in the newspaper organ of their movement, as follows, namely:

Democratic white line resolutions, adopted by the Democratic convention at Jackson, Tuesday night, December 27, 1887.

Mr. Chairman, your committee on resolutions ask to present the following:

Whereas the Democracy of this city, recognizing the just reproach upon them for so long suffering a Republican administration in the capital city of a Democratic State, and having determined to no longer submit thereto: Therefore

Be it resolved by the Democrats of the city of Jackson, in mass meeting assembled, That we to-night nominate candidates for mayor and aldermen, and hereby avow our purpose to elect them.

Resolved, That, in general terms, we assert that the present city government has been inefficient, unsatisfactory, and objectionable; and especially has its police department been inefficient in the protection of both life and property, and we refer to the occurrence of the past few days in proof thereof.

Resolved, That the chairman of this meeting appoint a committee of one hundred to see that the ticket is elected.

Resolved, That all citizens of Jackson, without regard to past political affiliations, are invited to co-operate in the election of the candidates nominated by this meeting.

R. E. WILSON,
SAM'L LIVINGSTON,
D. P. PORTER,
JOHN T. TAPLEY,
THOS. P. BARR,
FRANK JOHNSON,
L. BRAME,
Committee.

It will be observed that the editor of this Democratic organ understood that his party was moving on the white line just as was the White League. It will be further observed that the preamble and resolution were the deliberate work of a committee that had been appointed to perform that particular work, and in order to place its authenticity beyond all doubt the several members of the committee signed their names to the report, two of them, Wilson and Livingston, being two of the United States officers mentioned in the resolution of the Senate directing the investigation in this case to be made. In the preamble we find the reason stated for the movement in which the Democrats of Jackson were then embarked. What was that reason? I repeat it here just as that Democratic convention expressed it and published it to the world. It was as follows, namely:

Whereas the Democracy of this city, recognizing the just reproach upon them for so long suffering a Republican administration in the capital city of a Democratic State, and having determined no longer to submit thereto: Therefore,

Resolved, etc.

Such is the high, public, political, and moral ground on which the Democratic party of Jackson planted itself! There is no denial that was the reason given by the organized Democracy of that city for the movement in which it was engaged. There is no pretense that it did not state the exact truth of the matter. Nor can it be denied that the purpose avowed would have been a dismal failure had it not been for the result induced by the co-operation of the White League and the Committee of One Hundred, which was the suppression of the votes of the colored citizens of Jackson. Now, let the men who put forward that reason as a justification for their action stand by their own work; and if they do they will not extend a vote of thanks to the minority of the Committee on the Judiciary for its endeavor to formulate a different case for them from that which they deliberately made for themselves.

The work of the White League and the committee of one hundred produced the desired result. The colored voters had registered with intent to vote at the approaching municipal election. There were about as many colored voters in Jackson as there were of white voters. A considerable majority of the colored voters were Republicans. They did not sympathize with the reason given by the Democratic convention for its desire to rid the city of Jackson of its Republican administration. That the white voters did not all concur in that reason for

political action is clearly shown by the result of the vote cast at the election. The whole number of votes cast, all being deposited by white men, was 392. Of these the Democratic candidate had 220 and John McGill 127. Had the colored men been allowed to vote McGill would have had a pronounced majority of the aggregate vote. The white line Democrats understood this from the start, and for that reason cooperated with the White League in a common endeavor to prevent the colored men from voting. A reign of terror was instituted and carried to such extent that the colored voters held a meeting on Wednesday evening, December 28, 1887, and adopted the following preamble and resolutions, namely:

Whereas the colored people have been reliably informed that the Democratic club or committee of Jackson have invited Democrats from various other places and adjoining counties to be here on election day for the purpose of preventing the colored voters from voting or participating in the city election next Monday, January 2, 1888: Therefore,

Be it resolved, That in the interest of peace and harmony and the protection of life and property, that the colored people refrain from voting or in any way participating in said election.

Resolved further, That the colored candidates for aldermen are hereby withdrawn.

Was this the voluntary action of men who for years had regularly registered and voted? Did they by some sudden change in their natures and inclinations conclude that after all the trouble they had subjected themselves to in respect of getting on the register of 1887, in order that they might vote at the near approaching election, it were better that colored men should not vote, and that all political power in the city of Jackson should be possessed by the white promoters of the movement to suppress the votes of colored citizens? The character of voluntary action here involved is like unto that which the highwayman induces the peaceable and unarmed traveller to practice when he places a revolver against his head and demands his money. Of course the money is surrendered; for the traveler would rather part with that than with his life. But who would think of calling that voluntary action? No more was the action of the colored voters of Jackson voluntary. This is attested by a very intelligent colored citizen of Jackson who testified before the committee and who said in respect of the action of the colored voters in the adoption of the resolution I have quoted:

If we had been assured at any time, however, that we could have voted without molestation, that we would have been protected in the right to vote, we would have voted; but we felt that there was no protection whatever, and the consequence was we felt that the safe course for us to pursue was to withdraw entirely. That meeting was attended by all the representative colored men, what are known as leading colored men, members representing various branches of industry there, societies, and so on.

But, Mr. President, no such assurances were given to the colored voters either before or after the meeting at which they passed the resolutions withdrawing their candidates, and avowing their purpose to abstain from voting. On the contrary, they had been informed that they would not be permitted to vote. This information was both direct and by deduction. That which came by the latter method was well defined by one of the colored men who gave testimony before the committee. From that part of his testimony in respect of the absence of the colored men from the polls I make the following quotation, namely:

Q. Did they vote at the last city election?
A. They did not.
Q. Why did they not vote?
A. Well, sir, on account of the reign of terror that existed at that time. They abstained from voting for fear that their lives would be sacrificed if they attempted it. That is the only reason.
Q. State, if you know, what caused them to believe that they would be interfered with if they should attempt to vote.
A. The utterances of the little squibs in the New Mississippian, and the expressions of the speakers at the capitol, and the invitation that the New Mississippian extended to voters to come there and carry the election. Now, people that don't live in Mississippi don't know so well how these things are, but when they say they are going to carry the election we know what that means; the colored people understand that. That is sufficient.
Q. What does it mean?
A. It means that they are bound to carry the election by fair means or foul. We know it; we don't want any more than just that. You don't need to shoot a man's head off to make him believe a thing.

Whoever will take the trouble to read the reports of other committees of the Senate on election outrages in Mississippi will readily comprehend the force of statements and deductions of this witness. The colored people of Mississippi have come to know by hard experience what such expressions, facts, and declarations as he refers to mean when applied to their race on the eve of an election. The correctness of this witness's deductions is verified by the deplorable and barbarous facts which crowd the pages of the reports to which I refer, and when we consider in connection with this deductive information that which came direct as to the purposes of the promoters of the white-line movement, we will not wonder at the extreme conservatism of the colored voters of Jackson. A part of this direct information consisted of a report of a declaration made by the secretary of the committee of one hundred, in one of the meetings held by that committee in respect of the methods to be used in preventing the colored citizens from voting. It appears in the testimony that while that meeting was in progress some one in attendance asked the secretary, Chiles, how he would prevent the colored men from voting, and his response was—

When they come up to the polls to vote take them by the nape of the neck and kick them away from the polls, and if they resent it, why then let the trouble commence.

Chiles was deputy sheriff, and it appears in the testimony that he returned to the sheriff's office on the adjournment of said meeting, and stated in respect of the proceedings had that—

We have resolved to carry the election, and we have appointed committees, or will appoint them, to attend each voting place in the city on election day, and if a single negro attempts to vote he will be pitched out of the window and his neck broke.

This method for disposing of the colored voters in case they should make effort to exercise their right to vote seems to have been well received by the members of the committee of one hundred, as will appear from the following quotation from the testimony given in this case by a witness who was present when Chiles made the declarations during the progress of the meeting referred to. The witness was examined in respect of the committee of one hundred, its purposes and proceedings, and the following questions and answers appear in his testimony, namely:

Q. What was the avowed purpose of that committee in respect of that election?
A. To elect the ticket that had been nominated by it.
Q. And by what methods?
A. They were going to carry the election.
Q. Was one of its avowed purposes that of preventing the colored voters of Jackson from voting?
A. I don't think a colored voter would have been permitted to vote.
Q. Why do you think so?
A. Because I think under the condition of affairs that existed then—the peculiar state of affairs that existed—the organization of the campaign was such that it would have just been impossible to permit the colored man to vote.
Q. Was Mr. William Henry, the then candidate for mayor, a member of that committee?
A. Yes, sir,
Q. Was he in full sympathy and accord with its movements?
A. I am under the impression that he was. He was always present. I never heard to the contrary.
Q. Do you know one Rev. J. B. Gambrell?
A. I do.
Q. Was he a member of that committee?
A. He was.
Q. Do you remember, in any meeting of the committee, of his asking how they were going to prevent the negroes from voting?
A. He did not ask the question in that way.
Q. How did he make the inquiry?
A. The question he asked was, how they were going to prevent the registered colored voters from voting.
Q. Who answered his inquiry?
A. Mr. L. F. Chiles.
Q. What did he say in answer to that?
A. He said, "Just take him by the nape of the neck and march him away from the polls," or something of that kind.
Q. Was L. F. Chiles a member of the committee of one hundred?
A. He was.
Q. Was there any opposition expressed to the method proposed by Mr. Chiles to prevent the negroes from voting?
A. Nothing was said one way or the other; he simply made that remark, and there was no discussion one way or the other about it; nothing more was said.

All of these facts, and many more of like character, were reported to the colored men of Jackson, and induced them, for their own safety and the peace of the community to refrain from voting, notwithstanding they had registered with intent to participate in the then approaching election just as they had been accustomed to do in a long series of preceding years.

Mr. President, did the colored voters misjudge the case that confronted them? Were they unduly alarmed? In giving answer to these questions let us keep in mind that the meeting of the colored voters at which they passed the resolution declaring their purpose to refrain from voting was held on Wednesday evening, December 28, 1887, and that on the next evening the Democrats held a convention and adopted the following resolutions, namely:

Resolved, That this convention having received the assurance that hereafter no negro aldermen or negro policemen will be a part of the city government, and that in the election to be held on Monday next none but white men will vote, negroes having voluntarily agreed to stay away from the polls: Therefore,

Be it resolved, The Democracy of the city of Jackson pledges that, so far as it can govern, the election shall be fairly and peaceably conducted.

It would be difficult to misunderstand or misconstrue the purport of these resolutions. The first resolution is a mere statement of the reason that induced the convention to adopt the second one. Because of the assurance received as stated in the first, the second was adopted. The word "therefore," which connects the two resolutions, is a potential force in determining just what the convention meant by their adoption. It shows as plainly as language can express an idea that if the colored voters had not resolved to stay away from the polls the Democratic convention would have given no pledge that the election should "be fairly and peaceably conducted," and the testimony taken by the committee abundantly shows that preparations had been made by those opposed to the re-election of John McGill as mayor to enforce their avowed purpose to have a "white man's election."

One colored voter concluded to tender his vote on the day of the election. He went to the polls to carry out his purpose. The result is shown by the following extract from the testimony of an eye-witness of the transaction:

On election day, at the poll where I voted myself, which was the only one that I attended during the day, there was a crowd there constantly all day of young men, men who did not live in that ward, men who had never been in the habit of taking an active part in that ward in our elections. The room was

crowded with them all day long. Only one colored man presented himself to vote at that precinct. He was an old crippled man. When he went in a young man took him by the back of the neck and hustled him out in a hurry. He told him, "Damn it, this is a white man's election, and you have no business in here." That was the extent of the offer to vote on the part of the colored people, so far as I know.

This single instance gives force and point to the belief of the colored voters that the committee of one hundred and the White League had adopted the suggestion of L. F. Chiles in a meeting of the former body, of which he was a member, that if a colored man should offer to vote—

Just take him by the nape of the neck and march him away from the polls.

Mr. President, it is proper at this point of the discussion that I should notice a complaint made by the minority of the committee in its views of dissent from the report of the committee in respect of this man Chiles. That such a complaint should have been made is a matter of surprise to me, and it has no support in the true history of the case. The complaint is embraced in the following language, namely:

And here we may say that expressions by Mr. Chiles looking the other way are not shown to have been participated in by others, and it is but due to him and those attempted to be injured by his alleged statement that we should here state that Mr. Chiles was denied the privilege by the committee of confronting his accusers and explaining his own meaning and language.

What are the facts? On the 17th day of April, 1888, it was given in evidence before the committee that L. F. Chiles was secretary of the committee of one hundred, and that at one of the meetings:

He suggested the idea that the negroes be prohibited from voting. Some one asked him how he would prevent them. Mr. Chiles said, "When they come up to the polls to vote, take them by the nape of the neck and kick them away from the polls, and if they resent, why, then, let the trouble commence."

On the 20th of April the Senator from Mississippi [Mr. GEORGE] presented to the subcommittee conducting the investigation a list of seven names of persons he desired to have subpœnaed as witnesses. One of the names presented was that of L. F. Chiles. A subpœna was issued for the entire list of witnesses, and a deputy Sergeant-at-Arms of the Senate proceeded to Jackson to serve it. He had no difficulty in finding all of the persons whose names were in the subpœna except L. F. Chiles, who was a resident of Jackson, and deputy sheriff of the county in which that city is situated.

Two or three days were wasted by the officer of the Senate in efforts to find Chiles that he might serve him. He then communicated with me for instructions. I waited on the Senator from Mississippi to ascertain what might be his wishes in the premises, and explained the situation to him. The result was that he requested me to telegraph to the deputy Sergeant-at-Arms to erase the name of Chiles from the subpœna, and to substitute that of L. F. Montgomery. This was done, and nothing more was heard of any desire to have L. F. Chiles subpœnaed as a witness until after the testimony before the committee was closed; and then the suggestion that he be sent for did not come from him, but from one L. Brame, in a letter not addressed to the committee, but to the Senator from Mississippi, of date July 6, 1888. The truth of the matter is, as I believe, that the said L. F. Chiles had no desire to appear before the committee as a witness, and he certainly never made any request to be called. These are the facts in the case of L. F. Chiles, and yet the minority extend their complaint in respect of him in the following remarkable paragraph, which I quote from the views it presented to the Senate, namely:

The undersigned deem they have just reason to complain of this action of the subcommittee and of the whole committee. They impute no improper motives to either; but whatever may be the motive the result is that a witness of character, whose language has been misreported and who would explain it so as to make it entirely valueless as evidencing a design to interfere with the negro vote, has been without just ground therefor, refused an audience. Moreover, important record evidence, in possession of the witness, impeaching the assumed fairness of the financial administration of McGill has been suppressed. If this were a lawsuit between private parties concerning a matter of mere property right this action of the committee would, in the opinion of the undersigned, be reprehensible; but when we consider that this proceeding attacks the character of men of fair standing, and also the good order and conduct of a whole community, it seems that a proper sense of justice would have forced an examination of this witness.

Mr. President, is it not remarkable, in view of the facts I have stated, the truth of which can not be successfully controverted, that the minority of the committee should state that this man Chiles was "refused an audience?" He never applied for an audience. Hence it could not have been refused him. A subpœna was sent for him and he could not be found. His name was erased from that subpœna, as I have stated, at the instance of the Senator from Mississippi [Mr. GEORGE], and that of L. F. Montgomery substituted therefor. If this be a refusal of audience to him, then it is for the Senator from Mississippi to explain why he did it. And I here utterly deny that there is any foundation in fact to support the charge contained in the quotation I have just read from the views of the minority, wherein it is alleged that—

Important record evidence in possession of the witness, impeaching the assumed fairness of the financial administration of McGill, has been suppressed.

The committee has done no such thing. No such record evidence was presented to it by Chiles or any other person. If he or any other witness had such evidence in possession why was it not presented? The record of the case forces me to believe that the minority of the committee was imposed on by this man, who could not be served with the subpœna that was sent for him, and that no such record evidence exists. And I am inclined to believe that the minority agree with me in this respect, for in the earlier part of the views presented by it the statement is made that—

It was known to be difficult to beat McGill. His financial administration had been reasonably satisfactory.

How could this be if there were "record evidence * * * impeaching the assumed fairness of the financial administration of McGill?" The admission and the imputation do not harmonize.

Mr. President, this reflection on the committee and on the administration of McGill had their origin in the necessities of the men who found themselves called to account in the investigation ordered by the Senate in respect of their criminal practices in connection with the Jackson city election. When by their criminal practices they had suppressed the votes of the colored citizens of Jackson, and by this crime against the American ballot had rid themselves of what they had declared in their nominating convention to be "a just reproach upon them for so long suffering a Republican administration in the capital city of a Democratic State," they found themselves confronted by this investigation; then they began to invent excuses for their unlawful conduct. Hence the testimony given before the committee by the implicated parties and their friends is crowded with the complaints they had never thought of during the fourteen years of Mayor McGill's administration. One of the leading complaints was the inefficiency of the police force of the city. It is complained that two murders other than those committed on Christmas Eve had occurred in the city, and it is said that reformation in this regard was the prime purpose of the movement to change the city government. A great reform was needed and would come with the change.

Well, the change was made by suppressing the colored votes. Did the reform come? On the 1st day of May last, John H. Martin, editor of the New Mississippian, a newspaper that had supported William Henry for mayor in opposition to McGill, and General Wirt Adams met on one of the public streets of Jackson, and being prepared for offensive and defensive operations, as most persons in that section of the country seem to deem necessary, opened fire on each other at once. The result was that both were killed. Martin had been one of the most extreme partisans in support of the candidacy of General Henry. General Adams was one of the most conservative and respected citizens of Jackson. He had manfully endeavored to arrest the madness of the white line movement at the late city election, and, in answer to a question put to him by the committee relative to General Adams, Mayor Henry stated under oath—

He is one of the best men I ever knew.

The reform had not yet arrived. Nor does it seem to have arrived as late as the 26th of July last, when the following Associated Press telegram was sent out to the country, namely:

JACKSON, MISS., *July* 25.

On Monday last Roderick Lowry, a nephew of Governor Lowry, went to the residence of Mayor Henry, where his wife had gone for protection. He gained access to his wife's room, and on his wife refusing to listen to proposals for reconciliation he seized her by the throat and choked and bit her in the most tigerish manner. He then seized a heavy water pitcher, which he broke over her head, and continued striking her in the most savage manner as long as a fragment of the pitcher remained. He then seized a quart bottle and broke that also by a blow on her face. This was supplemented by savage kicks as the woman was lying on the floor. Leaving her for dead, Lowry fled to the swamps. A posse of forty mounted men have so far failed to arrest the fugitive. Mrs. Lowry's condition to-day is somewhat improved.

Mr. President, suppose these things should have transpired during the last half year of John McGill's administration instead of in the first half year of William Henry's occupation of the office of mayor of Jackson, what do you suppose the law-respecting, conservative, conscientious men who organized the movement to gain a partisan success by suppressing the votes of the colored voters of that city would have said about them? It may well be doubted if amongst all the crimes that have ever been perpetrated in Jackson another one can be found so brutally barbarous as the one described in the telegram I have read. If it had been perpetrated in the residence of John McGill when he was mayor the changes that would have been rung upon it would have been without number and without end.

But it did not occur in his house. It transpired in the residence of Mayor Henry. Was he responsible for it? I do not say that he was. He was in the house in which it transpired, but in a part other than that in which it occurred. He is entitled to the benefit of the presumption that he was not cognizant of it. But he was nearer to it than John McGill ever was to any of the crimes that have been used to excite prejudice against him, and to justify the vote suppressing crime that defeated his late candidacy. The truth of the case is that the great outcry about the few crimes mentioned in the complaint of the suppressors of the votes of the colored men of Jackson is a mere pretext behind which to hide their own greater crime against the free ballot.

Crimes such as are complained of by the men involved in this investigation are more or less frequent in many communities wherein public order generally prevails, and where the customs of the people do not invite lawless acts, and it is irrational to expect better conditions to exist in those where the carrying of deadly weapons on the person is a common practice. This of itself induces crime. And it is

well to bear in mind that the crimes complained of in this case were not infractions of the municipal ordinances of the city of Jackson, but of the laws of the State of Mississippi. Hence it was the duty of the Democratic officials of the Democratic county of Hinds to move in the matter of bringing the culprits to justice. The minority of the committee says of the effect of the killing of McWillie Mitchell on the city government that—

Appalled and stunned at the crime and its consequences, it stood in helpless imbecility. It could neither protect life nor punish a murderer.

Well, if this be true, where was the Democratic sheriff and his exemplary deputy, the said L. F. Chiles? Probably it was as difficult to find the latter on that occasion as it was when the Deputy Sergeant-at-Arms of the Senate visited Jackson to subpœna him to appear before the committee in this case as a witness. Of course the city authorities could not punish a murderer. That function of justice belonged to the authorities of the State of Mississippi and of Hinds County. If they had acted promptly and efficiently it might have checked the excitement which the crime occasioned, and thus have deprived the white-line movement of one of its chief supports.

Mr. President, no one can read, with unprejudiced mind, the record of the testimony presented to the Senate in this case by the committee without coming to the conclusion that the excuses, defenses, and palliations interposed in behalf of the unlawful suppression of the votes of the colored citizens of Jackson at the late election are frivolous. There is one incontrovertible fact in the case that has not been and can not be suppressed. No white man was interfered with when he tendered his vote at that election. No matter what his views were in respect of the candidates being voted for or against; no matter whether he was a Democrat, a Republican, a Prohibitionist, or Anti-Prohibitionist, or anything else, when he offered his vote it was taken without question. But no colored man voted at that election. As I have already stated one old colored man offered his vote, and was at once ejected from the polling-place by a young white man, who, as he forcibly turned him away from the polls, remarked:

Damn it, this is a white man's election, and you have no business here.

And it is clearly shown by the testimony taken and reported to the Senate that the several United States officers mentioned in the resolution of this body directing the investigation participated in the methods which brought about this result. Therefore the committee stated the exact truth in its report when it said:

Two subjects were committed to the committee for inquiry and report. These were (1) the alleged suppression of the votes of colored citizens of Jackson, Miss., at the recent municipal election in that city; (2) the alleged participation in such suppression by the United States district attorney, and by a deputy collector of internal revenue, and a deputy United States marshal.

In pursuance of the duty imposed on the committee, and the power given to it by the resolutions of the Senate, a thorough investigation of the two subjects above stated has been had. Many witnesses have been examined, and the testimony of each is submitted to the Senate with this report.

The conclusions of the committee in respect to the two subjects committed to it for investigation are affirmative in both branches of the inquiry.

There was a suppression of the votes of colored citizens at the recent municipal election of Jackson, Miss. The suppression was not partial but total. No colored citizen voted at said election. This was exceptional. For years the colored voters of Jackson had voted without obstruction. This is an admitted fact. There is nothing in all of the testimony taken by the committee that tends to controvert it.

Mr. President, the minority of the committee found it difficult to meet these conclusions and determined to interpose a demurrer to the jurisdiction of the Senate. This it did in these words, namely:

The undersigned deem it their duty to call attention to the recommendation of the committee, and make some comments thereon, and on the legal attitude of these proceedings. The recommendation gives character to the whole proceeding, and shows the purpose of the investigation. This appears to be to secure a removal of certain United States officials or employés. To institute and carry on an inquiry for such a purpose is not only a grave assumption of power, but it is more. It is a deliberate proceeding on the part of the Senate to disqualify that body from performing properly a high constitutional function. The power of impeachment rests alone with the House of Representatives. As to them the Senate has the jurisdiction only of judges, sitting and acting under oath to be fair and impartial. Manifestly, therefore, where a proceeding in the legislative branch of the Government looks to the removal of an officer of the United States it should be by impeachment, that being the only constitutional means of legislative action in that way. Any action taken by the Senate in that direction without articles of impeachment is therefore not only a clear usurpation of power, but a grave error in the disqualification coming from a partial trial and the formation of opinions which would unfit Senators from being impartial judges.

The Constitution provides that—

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

The testimony in this case shows that J. B. Harris, the implicated United States district attorney, resigned his office before the investigation was ordered. He is not a civil officer of the United States. As to him, therefore, the demurrer of the minority must be overruled. The same result must follow in respect of Livingston and Wilson, for the minority specifically says:

As to Livingston, the deputy marshal, he is not even an officer of the United States.

And—

As to Wilson, the committee are equally at fault. He, like Livingston, is not even an officer of the United States, but the mere agent of the internal-revenue collector of that district.

If the minority is satisfied with the predicament in which it has placed itself in respect of the three implicated parties named I am quite sure that I will not attempt to disturb its equanimity. It has demonstrated that so far as those parties are concerned, the Senate has not infracted the provision of the Constitution relative to the impeachment of civil officers of the United States. There never was a more complete illustration of that frequently mentioned performance of "setting up a man of straw only to knock it down" than the minority has supplied in this instance.

The next step taken by the minority in its line of argument rounds up and completes the absurdity of its position. Following immediately after the last quoted paragraph this passage occurs, namely:

This is no new question. In the year 1834 the Senate undertook to perform a similar act towards General Jackson. The protest of that great man, dated April 15 of that year, contains a clear exposition of the constitutional powers and duties of the Senate, as well as a just rebuke of the action we are now commenting on. We refer the Senate to that protest as containing the true doctrine on the subject, contenting ourselves with one single quotation, as follows:

"It is only in the exercise of its judicial powers, when sitting as a court for the trial of impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President or any other public officer. * * * Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers that it should inquire into and decide upon the conduct of the President or other public officer; and in every such case its constitutional right to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its legislative or executive capacity, the inquiry must actually grow out of and tend to some legislative or executive action. The decision when expressed must take the form of some appropriate legislative or executive act."

Nothing of this kind is pretended here. No legislation is pretended to be necessary or is recommended.

The impeachment branch of this position has been disposed of by the minority itself, as I have already shown. General Jackson disposed of the rest of it when he wrote the lines which the minority quoted from him and which I have just read. Let me here repeat a sentence or two from this quotation in order to show how effectually General Jackson unhorsed the minority even before it had a chance to mount. He said:

Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers that it should inquire into and decide upon the conduct of the President or other public officer; and in every such case its constitutional right to do so is cheerfully conceded.

Well, if the Senate may inquire into and decide upon the conduct of the President or other officer, is it not in possession of the entire field covered by the report of the committee in this case? Is not this investigation connected with a subject on which the Senate had entered with legislative intent? Has the minority forgotten that there is now pending on the Senate Calendar a bill reported favorably from the Committee on the Judiciary, being a bill to provide inquests under national authority? The testimony taken in this case and reported to the Senate will throw no inconsiderable light on the subject in respect of the methods resorted to to prevent persons, because of race or color, from expressing opinions or voting as they may see fit, and thus aid the legislative judgment of the Senate in arriving at correct conclusions concerning said bill, and when the Senate shall have come to its resolves as to what ought to be done it will doubtless be found in perfect accord with the declaration of General Jackson, that—

The decision when expressed must take the form of some appropriate legislative or executive act.

The facts brought out in this case, though they relate to a local municipal election, are of value as guides in the consideration of legislative propositions for the protection of the voter and his vote at elections for officers whose positions are provided for by the Constitution and laws of the United States. The later amendments to the Constitution provide in express terms for their enforcement by Congress by the instrumentalities of appropriate legislation. If in advance of such legislation it is discovered by proper investigation that United States officers or agents or those to them sustaining the relations of deputies or aids are interfering with the rights of citizens to express opinions or to vote, it is but showing a decent respect for and proper courtesy toward the Executive to inform him of the discoveries made in due course of investigations pursued by committees of either House of Congress.

It is no sufficient answer to this statement to say that the officers complained against in this particular case were not appointed by the President. They are subordinates of his subordinates. He is the head of the executive department of the Government. If officers who receive appointments from him take into the public service men who violate law or do other things harmful to the rights of citizens or detrimental to the general welfare, he may, by proper admonition to his own appointees, effect the requisite reform in each case, and it is his duty to do so. But of course he must not be held responsible in such cases until he shall be informed of the facts involved. The office of the resolutions reported by the committee in this case is to convey to the President the information reported to the Senate. This, surely, is proper and respectful, and in no degree exceeds either the power or the duty of this body. Hence in every aspect of the case the resolutions reported to the Senate, and which we now have under consideration, have complete justification.

Mr. President, we hear and read much in these days of a new force that has appeared in the business affairs of this country. So much has been said of it that at least one branch of the present Congress has or-

dered that it be investigated. This new force is called the trust. It has asserted itself in many departments of business. We hear of the cattle trust, the Standard Oil trust, the sugar trust, and of many others. These various trusts are being most vigorously denounced as unlawful conspiracies against the public welfare, as they undoubtedly are, because they tend to such concentrated control of all branches of business in which they have asserted themselves as to render individuals, companies, partnerships, and corporations engaged in like pursuits practically helpless. They are absorbing the business of the country, dictating the terms under which any branch of it may be conducted, destroying the element of competition, and eliminating individual enterprise. Very resolute demands are coming up from the people for the suppression of these trusts, and these demands will at no far-away day be heeded. Business will be emancipated from the trust domination and methods will be devised for the effective protection of the rights of the individual citizen, so that he may pursue his lawful calling without paying tribute to a trust.

But, Mr. President, the business trust is not the only one that should attract attention and in respect of which remedial legislation should be enacted. There is one other quite as hateful and injurious as the business trust. This is the political trust. This, like the other, disregards the general welfare and individual rights. Consider the facts and figures that I have presented relative to elections in the several States of the Union to which they pertain, and no difficulty will obstruct the judgment in determining its character and detecting its membership. It has produced wonderful results already. The data which I have presented show that this political trust has discovered how to produce a maximum result from a minimum investment. The example that demonstrates this statement is presented by the fact that the trust with 198,660 votes in the States of Alabama, Georgia, Mississippi, and South Carolina elected, in 1886, thirty-two members of the House of Representatives, when at the same election the Republican State of Iowa polled 337,431 in the selection of eleven members. Now this can not have resulted from a lack of voters in the four States.

The number of persons resident in said States who were entitled to vote at said election was greatly in excess of those possessed of that right in Iowa. Why did they not vote? Simply because the political trust which dominates in those States was working to put an "end to the political power of the negro among white men on this continent." True, the fifteenth amendment of the Constitution gave them the right to vote, but the trust holds that that amendment is invalid, and resolved that one vote in those States should be equal in political effect to three votes in Iowa and other Northern States. The execution of this resolution of the trust assured the Democratic party the majority it now has in the House of Representatives.

It will endeavor to renew that majority in the next Congress, and at the same time elect forty electors of President and Vice-President of the United States. Suppress this political trust and give to each legal voter a fair chance to cast his vote and have it counted, and that would put an end to the political power of the Democratic party in the United States. Let this result come and the rule of the solid South would be broken, and a day of most hopeful promise would dawn upon this country. We might then expect to see the color line and race issue depart, and the voters of all of the States form their party associations in accordance with their views concerning the legitimate political questions and issues that may agitate the public mind from time to time.

Mr. President, the one thing most needed in this country now is just treatment to all of its legal voters. Whatever legislation is needed to effect this result should be enacted. This will interfere with no citizen's right, but, on the contrary, will assure the rights of all. The rich man, the poor man, the white man, and the colored man will be best served by putting into impartial practice that theory of our system of government which declares the equality of all men before the law. Then we may expect to re-establish and maintain the control of the majority now crushed under the feet of the political trust, which knows no law and regards no rights that obstruct its movements in perpetuation of the rule of the minority now in force, induced by its operations. We will not do our full duty if we stop short of giving our best endeavors to the enactment of such legislation as will tend to effect the end I have indicated.

The people of this country will not do their full duty to themselves until they shall have decreed that the political trust that has been so dominant in our public affairs shall be displaced from its seat of power, and that every citizen shall be protected in the full enjoyment of his constitutionally-declared rights without regard to his station in life, his condition of fortune, or the color of his skin. Nor can we safely allow this question to be obscured by any other one. It is present in our affairs, and it will remain to either bless us or plague us as we shall elect. How soon it shall bless us or how long it shall plague us the people will have opportunity to determine in November next. Their true interest and duty, hand in hand, will meet them at the polls and remind them of the supreme character of this question. I have confidence that they will not mistake the importance of the issue and that they will decide it right. They have the power to dissolve the political trust which has subjected this Republic to the rule of the minority. They can restore it to the control of the majority. No other result will fill the measure of the supreme duty that will confront each citizen who shall cast a vote at the November election.

Mr. WALTHALL. Mr. President, it seems now to have become a prominent feature in the system of Republican party tactics to bring before the Senate of the United States from time to time the internal affairs of the Southern States for discussion. On such occasions there is usually a fierce arraignment of the Southern people for alleged offenses clearly outside the sphere of Federal legislation; and they are sometimes bitterly assailed for the existence of conditions in their midst which, if all their assailants say were conceded, can not be ameliorated by the exercise of any Federal power. These attacks are unaccompanied by the suggestion of any practical plan of remedy or redress, and hitherto they have borne no fruit but crimination and recrimination, and have had no effect but to delay the era of good-will among a reunited people, which happily has come in spite of them. But still the attacks are periodically renewed, and are always most expected when some important political campaign is pending or approaching.

Sometimes the pretexts for them have been in the shape of propositions to "investigate" alleged wrongs in the South by committees of the Senate, sometimes to confer upon a Federal judge duties akin to the functions of a mere coroner, and sometimes to prescribe peculiar regulations for Federal elections in some Southern States which are not to apply to elections in any other quarter of the Union. But in whatever form these pretexts have appeared, the sole purpose apparently has been to gain for the dominant party here some advantage in a political campaign by the dissemination among the people of bitter sectional speeches delivered on this floor, or of partisan reports which never served, if indeed they were intended as the basis of any legislation by Congress or any action by the Senate. Significant illustrations of this are furnished by what has transpired in this body in the past in relation to the State which has honored me with a seat on this floor, and I bespeak the indulgence of the Senate while I review some of the measures which from time to time have been adopted or discussed here as to that State, seemingly with no end in view but the supposed benefit which would inure to one of the great political parties of the country.

In the month of March, 1876, when it was apparent the Republicans were to be hard pressed in the Presidential election then approaching, the Senate passed a resolution providing for the appointment of a committee to investigate the election in Mississippi of the year before. The committee, composed of three Republicans and two Democrats, were directed to report to the Senate before the end of the session.

This involved the prolonged absence from their posts of duty here, when important public business was being considered, of prominent members of the body, but it insured the publication of the reports in time for the fall campaign.

This committee commenced their labors in April and concluded them in time to submit in August their voluminous report, which, with the testimony taken, much of it wholly irrelevant, fills two volumes of about one thousand pages each. Even before the report was ready it was ordered that it be printed, and thus no delay could occur in sending it out to be scattered broadcast over the Northern States.

The majority of the committee reported, among other things, that negro voters were overawed by organizations of armed men, and election outrages were perpetrated in twenty-two named counties in Mississippi; that "the Democratic victory in the State was due to the outrages so perpetrated," and that the Legislature of Mississippi was "not a legal body, and that its acts are not entitled to recognition by the political department of the Government of the United States," etc.

The report concludes with three recommendations, one in these words:

2. States in anarchy, or wherein the affairs are controlled by bodies of armed men, should be denied representation in Congress.

Now, sir, if any consequence was attached to this report even by the political friends of the majority of the committee, except for the campaign uses it might serve, and if the investigation was really ordered that it might be seen whether the power, whose existence in Congress was implied in the resolution ordering it, should be so exercised that the colored people in Mississippi might have the equal protection of the laws, how could Congress, or at least the Senate on its part, do less than put forth that power to secure those people the free enjoyment of their constitutional rights? It might have been supposed that promptly on the coming in of this report, which had cost so much of time and money, and laying aside less important duties, the Republican Senate of the United States, who sent out this strong committee to inquire into the alleged wrongs and report to the Senate before its adjournment what legislation was necessary in the premises, would have been eager to recognize the laborious and protracted endeavors of the majority of the committee to meet Republican expectations by prompt and stringent legislation to right the wrongs complained of in Mississippi.

The domestic affairs of the State had been laid bare for the committee's closest inspection and scrutiny. There had been ample opportunity for the fullest investigation, and the report was most elaborate; but no action whatever was taken or proposed in the Senate. There had been a general arraignment of the white people of Mississippi in

discussing the resolution providing for the committee; this had gone to the country; the report followed as soon as it could be put in print; both did their work in the Presidential election, and those who set on foot the movement ostensibly to ascertain whether the constitutional rights of the negroes in that State were secure seemed entirely content.

At the next session of Congress the report of the majority was read at length and went into the record, but the campaign was over and Mr. Hayes had been inducted into office, the partisan report had served its party purpose, and a Senator elected by the Legislature which the committee had reported was not a legal body was admitted by a vote which lacked but one of being unanimous; and no question was ever afterwards raised upon the merits of his claim as affected by the fraud and force to which the election of the Legislature which elected him was charged in the report to be entirely due. And never from that day has that voluminous report cut any figure here, and none elsewhere except as a pretext for slanderous denunciations of Southern people in stump speeches and partisan newspapers.

But in 1884 another Presidential election occurred, in which the Republicans foresaw the danger of defeat, and early in the year they began their preparations for the contest. Among them was the passage, by this body, in the month of January of a preamble and resolution providing for an investigation, by the Committee on Privileges and Elections, of the election held in Mississippi in the preceding fall, and this time the State of Virginia was also included. The preamble in general was somewhat in the form usually employed when a pretext is desired for looking into the domestic affairs of a Southern State in connection with an election, but in the case of Mississippi the special matter recited was a newspaper report that at an election in November, 1883, in Copiah County—

There was an organized movement by members of one party to prevent members of another party from voting at that election, and to prevent free and open discussion and expression of political opinions; that this purpose was carried into execution by organized plans of terror and violence, etc.

And that a white man on election day was murdered in pursuance of a conspiracy by the members of one party because he voted with the other; that no effort was made to punish the murderers, and that the killing was approved by a public meeting composed of members of one party.

The resolution providing for the investigation of these charges was introduced by the Senator from Ohio [Mr. SHERMAN], and he discussed it at some length. In reference to what he termed "the allegations as to Mississippi" he said:

Still, if these allegations are true, it would be a cowardly shrinking from the gravest public duty to allow such events to deepen into precedents which would subvert the foundation of republican institutions and convert our elections into organized crimes. I do not say these allegations are true, but they come to us with such apparent seeming of truth that we are bound to ascertain their truth or falsehood by the most careful and impartial inquiry.

And in referring to the events in Copiah County he said:

But if these individual crimes involve the greater one of an organized conspiracy of a party, or a race, to deprive another party, or race of citizens, of the enjoyment of their unquestioned rights, accompanied with overt acts, with physical power sufficient to accomplish their purpose, then it becomes a national question which must be dealt with by the National Government.

The "truth or falsehood" of these charges must be ascertained, the Senator said; there must be no "cowardly shrinking from the gravest public duty," and if there was such an "organized conspiracy" as that referred to, it "must be dealt with by the National Government," and it seemed desirable to facilitate the investigation proposed, so that if the charges were true the strong arm of the United States Government might in some way be employed to redress the grievances complained of. Accordingly, on the 4th of February, 1884, it was resolved that the investigation might be made by the committee named, or any subcommittee thereof, and—

That said committee, or subcommittee, shall be authorized to proceed to said States, or either of them, and sit wherever it may be found necessary for the purposes of said investigation, etc.

Promptly the subcommittee for Mississippi was appointed, consisting of three Republicans and two Democrats, and by a party vote it was—

Resolved, That the committee proceed to New Orleans, La., for the purpose of taking testimony.

And we are doubtless expected to believe, if we can, that that point was selected as affording the greatest facilities for acquiring information as to the affairs of Mississippi, though 200 miles away from the scene of the alleged disturbances.

As I believe, there was no shadow of constitutional authority for this investigation, wherever conducted, and no justification for it in the precedents of the Senate.

The Mississippi election investigated in 1876 was a Federal election, being for Congressmen as well as State officers and members of the Legislature, and that fact was emphatically set forth in the preamble to the resolution which provided for the investigation, and, as originally offered by Mr. Morton, the preamble recited that the—

Legislature then chosen will have the election of a Senator to represent that State in this body.

And it was claimed that the Senate, being the sole judge of the election returns and qualifications of its own members, was competent to institute an inquiry into an election which involved the return of a Senator.

But, sir, I feel that the facts warrant the belief that that claim was no more than a flimsy pretext for an investigation, intended to subserve a purely party purpose, for there was no such pretext for investigating the election of 1883, but it was ordered by a Republican Senate, just as the other was, and presumably for the same reason. The election in 1883 was in no sense a Federal election, and it was not pretended that it was. There were no members of Congress elected and no Senator to be elected by the Legislature chosen. It was a local election for county officers and members of the Legislature, conducted under State laws, by State officials, and did not touch Federal elections at any point, nor did it furnish any semblance of a pretext for any Federal interference or investigation. It was not pretended that any law of the United States was violated by the occurrences in Copiah, and it can not be disputed that whatever wrongs or crimes may have been committed there were violations of State laws, and that the penalty for the infraction of these laws is judicial punishment in the State courts.

But passing over what seems a most indefensible invasion of the rights and powers of a sovereign State, let us see if the real purpose in the mission of this committee was, as it professed to be, to inquire into the condition of affairs in Mississippi. If it was, why was the investigation made too narrow and too shallow to compass its object? If light was wanted as to the real state of things there, why did the committee pass around the State to conduct their investigation in a city beyond its borders? To reach any well-founded conclusion there should have been an investigation into the whole social life of Mississippi, and yet no one of the committee set his foot within the limits of the State. If they really wanted the information in reliable form which they professed to be seeking, why did they not go to the scene of the wrongs which they were to investigate and get the whole truth and publish it to the world?

This that committee was careful not to do, for industriously they avoided setting foot on the soil of the very State whose affairs they professed to be investigating and the presence of the very people of whose conduct they claimed to be seeking information. It was not because of distance, nor from lack of time, for, starting from the Capitol, they went beyond the State, far away from the spot where the chief trouble existed, and which fair-minded men all over the country who were looking to the result of their inquest for facts thought might well have been made the seat of their investigation.

But, although the committee avoided Mississippi, the majority did not fail to fill their report with grave charges and sweeping statements, and thousands of copies were sent to the country.

These charges were published and republished, and were the means of causing great numbers of people in the Northern States to regard those of their own race and blood, in the locality to which the report referred, as a band of blood-stained murderers.

But, sir, beyond exciting prejudices and stimulating bitter animosities against the Southern people, what purpose did this report serve; what action was taken or attempted, or was ever intended to be had upon it, and how far did the Senate signify that it believed all that it contained? According to the report, there were the conspiracy, the overt acts, the sufficient physical force, and all the conditions to make "the national question, which must be dealt with by the National Government," according to the Senator from Ohio, the author of the resolution.

Was it so dealt with; and if not, why not? The Senator from Ohio had warned his colleagues that there must be no "cowardly shrinking from the greatest public duty," and the investigation had been ordered professedly to ascertain the "truth or falsehood" of the allegations made. If convinced that they were true, how could the Senate, after all that had been said and done, without an abandonment of duty, fail to take prompt and decided action under the power assumed to exist when the investigation was inaugurated? If there was no such power, then the whole movement was a pretense and a sham.

When the report came in, what did the Senate do? Not one move was made, not a single word was spoken indicating any purpose or desire to do anything more than to get it before the country during the pending campaign. The Senator from Massachusetts [Mr. HOAR], the chairman of the committee, introduced a joint resolution:

That there be printed for distribution 150,000 copies of the report of the committee who investigated certain occurrences in Copiah County, Mississippi, together with the testimony taken by said committee and the views of the minority.

And never afterwards, except in connection with printing the document, was his voice or any other Republican's voice heard on this floor upon the subject of that report, so far as I gather from the record. Certain it is that the investigation led to no practical results, and it did not give rise to even so much as a proposition to remedy the evils which the committee so graphically described.

The report figured in the campaign, however, and figured extensively and doubtless effectively in some quarters; but, sir, men were left to judge each for himself what the motive was in that Presidential year for flooding the country with such a publication, and whether there really was "cowardly shrinking" by a Republican Senate "from the gravest public duty," or an ascertainment after examination that al-

legations were unfounded which the report stated to be true, or a known lack of constitutional authority to make the investigation.

I have referred to these investigations of 1876 and 1884 that it may be seen and known how and why they were conducted, and that it may be fully understood that in both cases when the partisan purpose which seemed to be in view had been accomplished nothing was done and nothing attempted in the direction indicated as the pretext for the investigations.

But this is not all. There was an election for Congressmen in 1886, and it was given out before the campaign opened that a great struggle was to be made to reverse the majority in the House, so that the Republicans might have control there as here. Preparations for the coming conflict were begun early in the spring, and on the 26th day of March the honorable Senator from Massachusetts, abandoning the plan of "investigation," for reasons which he explained, introduced his Federal inquest bill, which never came to a vote, either at that session or the next, and died at the close of the Forty-ninth Congress, to be resurrected, however, at this session, and it may yet be made to do duty in another campaign. In the remarks which he submitted at the time he introduced this bill that Senator did not attempt to conceal that the measure, though general in its terms, had special reference to the State of Mississippi and to the Democratic party in that State. A deplorable race disturbance at Carrollton, in no way connected with politics or with any election so far as could be learned then or since, was seized upon as the pretext for this extraordinary measure and for the Senator's remarks, from which I extract the following:

Such occurrences have unhappily been too frequent in our history. When they are investigated by the Senate or the House of Representatives the investigation is very apt to take a political turn, and the persons who defend, or apologize, or extenuate the occurrence say that it has no political significance, it is an accident, or it is sporadic, or it is not approved by the community where it occurred. However that may be, one significant fact remains, that these things happen sometimes early in the year just before an important election, sometimes just as the campaign is beginning, and sometimes at the election itself, with one uniform result: It is all one way. In every one of these homicides the political opponents of the Democratic party are the victims and some Democrat is the murderer.

The time for holding elections in Mississippi is fixed by a public law which was in reach of the Senator when he made this statement. Had he sought the information he would have found that when the occurrence transpired of which he was speaking, there was no election pending in Mississippi and none appointed to occur for nearly eight months to come; that no political campaign was beginning or about to begin; that no conventions or primaries were being initiated or discussed; that out of the last election in that State, then several months past, had grown no strife nor animosity, and attending it and the campaign preceding it there was no political excitement.

When the Senator's remarks were made with deliberation and measured phrase there was not a scintilla of evidence offered and none, as I believe, existing—no fact stated in any reputable newspaper of either party showing that the Carrollton tragedy had its origin in politics or was traceable or due to any election, past, present, or to come. And it is a noteworthy fact that in a speech on this bill which he delivered during a debate on an adjournment resolution in the closing hours of the session and when it was absolutely certain it could not then become a law, the Senator read an extract from a pamphlet which he said was "printed in Washington in 1886 by Mr. Frederick Douglass, the most distinguished and conspicuous colored man in the country," distinctly stating that the occurrence in question took place "in the absence of all political excitement," and "when there was no pending election."

Yet, in the face of this proof offered by himself, and in face of the fact which can not be disputed, that this occurrence was a race disturbance, and in no sense political, the honorable Senator has seen fit to let his broad declaration stand with all its unjust and damaging implications that—

In every one of these homicides the political opponents of the Democratic party are the victims, and some Democrat is the murderer.

And whatever party advantage could be made to accrue to the Republicans in the North from the perversion of a great calamity resulting from race diversity in the South, into political oppression by the Democrats in that section, the Republicans enjoyed it in the campaign of 1886, though obtained, I respectfully submit, at the expense of the real truth of the case.

And when we consider the partisan uses that have been made in the past of the misfortunes and afflictions of the Southern people growing out of the great race problem which confronts them, we had no reason to be surprised at much that we have witnessed here during the present session of Congress. This is a Presidential year, and the last hopes of the Republican party are depending upon the result of the approaching election. Judging from the past it was to be expected that even earlier in the session than usual measures affecting the Southern States only should be introduced here, and that some Republican Senators, while offering no practical remedy for wrongs which they allege to exist, should make opportunities in season and out of season to discuss Southern affairs, and appeal to the bitterest and most unworthy sectional prejudices for political effect in the Northern States.

The production of a Senator's credentials from the State of Louisiana was made the pretext for the introduction of a resolution to investigate the late election in that State by a committee whose chairman had already furnished a number of reasons against that plan of proceeding. And in the discussion of that resolution in advance of the investigation, and in the absence of the facts which it is the professed purpose of the resolution to ascertain, the Senator from New Hampshire has sought to have the case prejudged, and for a large part of two days he belabored us with his scrap-book of Southern outrage items, which he seems to have been collecting from the time James K. Polk, a Southerner, was nominated for the Presidency down to the present day.

And when it was reported that at a mere municipal election in Jackson, Miss., plainly involving a question of race, in which the white voters, who were chiefly Democrats, prevailed, negro votes had been suppressed—as it has been reported that at an important State election held since then in the North, where the Republicans prevailed, white votes were openly and shamelessly bought in the market with money—a pretext was promptly found for an investigation of that unimportant election which occurred in a Southern State in which there was a triumph for the white race and for the Democracy, which comprises most of that race in that section.

The investigation has been completed, and the majority of the committee who made it have submitted their report to the Senate. That report furnishes no groundwork for any Congressional legislation and offers no practical suggestion of a remedy for any evil it recites, but when freely circulated it may engender prejudice and thus serve a party purpose in the present important campaign. Let us consider the matter of the Jackson election and the action taken upon it here and that which is proposed.

The Senate on the 12th day of January last instructed the Committee on the Judiciary to inquire into the suppression of the votes of colored citizens at that election, and the alleged participation therein of a United States district attorney, a deputy internal revenue collector, and a deputy United States marshal, "and to report the facts to the Senate." Promptly that able and dignified law committee of this body, through a subcommittee, entered upon the labor of collecting here the facts connected with a town election in a State remote from the capital, and after the investigation had extended through more than six months of the present important session of Congress, on the 23d of July they submitted the report of the majority.

This with more than four hundred pages of printed testimony, relevant and irrelevant, accompanied by the views of the minority, is now before the Senate. As the voluminous testimony is discussed in the reports, and the facts as before us speak for themselves, I shall not inflict upon the Senate any lengthy recital of details or particulars. Without quoting at large from the witnesses I shall content myself in the main with a presentation, as brief as I can make it, of the substance of the proofs, showing the conditions and occurrences at Jackson, and Senators who are interested to know the real truth of the case can test the accuracy of my statement by reference to the pamphlet before them, in which is embodied all the testimony that was admitted.

There is some conflict in the testimony, and under the circumstances this was to be expected, but the weight and effect of it amount to this in substance: For fourteen years, prior to December last, John McGill had been mayor of Jackson, Miss., in virtue of elections held biennially in that city, the capital of a Democratic State.

In the language of an intelligent witness, who has long been his friend and supporter—

He was a Republican, but he has never been elected as a Republican.

And another witness, himself a Republican, says McGill—

Has never run as a Republican.

His administration had been fairly good in respect of the city finances, but unsatisfactory and most inefficient as to the enforcement of police regulations against vice and immorality, the preservation of good order, and the suppression of crime. Concerning these there were serious and repeated complaints, and his maladministration in these respects went on from bad to worse, until, at the election held in 1884, there was an organized movement to defeat him with a "citizens' ticket." Some leading white Republicans were prominent in this movement, notably Hon. W. H. Gibbs, who had been a high officer of the State when his party was in power, and some leading colored Republicans, including ministers of the gospel and the head of the colored school in the city. In the canvass white and colored speakers severely arraigned McGill for the toleration of open immorality and for his failure to execute the laws and preserve the peace and order of the city.

It is a rare condition when any white man can hold the colored voters against the appeals of their preachers; but McGill had this power, and by adding the bulk of this vote to his white support he defeated the citizens' movement by a decisive majority. Ex-Chancellor Brame thus commented on this result in his testimony before the committee:

So far as numbers are concerned, the city government in Jackson has always had the advantage, because it combined the saloon-keepers, the gamblers, and those who were directly interested in the city offices, and could, as a rule, influence the negro vote. I say that these influences were combined on that side; I mean in the main that is true.

McGill had many elements of strength. He was plausible, sensible, and a shrewd politician. He had patronage to bestow, and some of this he conferred upon his political opponents. He was the foreman

of a fire company and belonged to the Knights of Labor and various other organizations, including, as one witness understood, "a colored benevolent society." His hold upon the body of the colored voters, the testimony shows, was well-nigh absolute, and he had some friends among the best men of the city.

After the election of 1884 some of the most active friends of law and order, as the last hope of ridding the capital of the State of the rule of so objectionable an officer as they considered McGill, appealed to the Legislature to repeal the city charter, and the testimony shows their efforts were successful to the extent of securing a favorable report from the judiciary committee of the house of representatives, though the Democratic Legislature declined to adopt so extreme a measure of relief. Upon this subject a witness says:

About four years ago the condition of the city under Mr. McGill's administration had become so bad that an application was made to the Legislature to repeal the charter of the town, and there was a good deal of feeling manifested about that. Bawdy houses were licensed everywhere (that is, permitted); lewd women made their appearance upon the streets anywhere, at any hour of the day; there was drunkenness, and no attempt to suppress it; there seemed to be no return whatever for the taxes which were paid. And then it was that an appeal was made to have Mr. McGill turned out.

Failing in all else, a law-and-order league was established, to aid by open and peaceable and legal means in the enforcement of the law. A prominent Republican, a leading member of this organization, testifies that it was necessary to form it, because the city administration would not enforce the laws, that it was composed of the best citizens of the community, and that it had "most, if not all, the ministers of the town as members." In reference to one of the open and constant violators of the law, whom the city administration seemed especially to favor, this witness said:

It was a notable fact that he had right there on the public street a saloon and a room adjoining that saloon, and this room had a window opening out on the pavement, and lewd women were seen there time and again, cursing, swearing, playing cards, and drinking, and we held that that was a disorderly house.

From these extracts, and many more might be quoted, some idea may be formed of the burdens the people of Jackson were bearing under a city administration fastened upon them mainly by colored votes; but graver calamities, including the bloodshed of some of their best citizens, were in store for that long-suffering community.

In the month of August, 1886, under the local-option law of Mississippi, there was an election in Hinds County, in which Jackson is situated, to test the sense of the voters in the matter of prohibiting the sale of intoxicating liquors.

Up to that time there had been the kindest relations and friendliest feelings between the races in Jackson, and in that election, and in all preceding it, there had been no interference with the colored voters and no pretense that their votes had not been always fairly counted. This is abundantly established by white and black witnesses alike, and is not disputed but expressly conceded in the report of the majority. J. J. Spellman, an educated colored man of Northern birth, a Republican politician, and an editor who has lived twenty years in Mississippi, and has held various high positions in both the State and Federal Governments, when his party was in power, testified as follows:

It has been a matter of pride with me, in my travels throughout the North, when people have asked me how it is that I have managed to live in Mississippi, I have told them that I enjoyed as much freedom in Jackson as I did in Massachusetts or in any other Northern State. There was a real good feeling there.

This witness says the first struggle between the two races was on the prohibition question.

The prohibition contest was in no sense a contest between the two political parties, and in the nature of the issue it could not be. Democrats and Republicans were on either side. With the Prohibitionists were the ministers, white and colored, and a majority of the white people. And of the opposition were some prominent whites, most of them friendly to McGill, McGill himself and his administration, and the body of the colored voters, who in this instance, as once before, could not, as Spellman testifies, be controlled by their colored preachers.

The campaign was heated and bitter to the last degree. As going to show the temper of the people and how the peace of the city was endangered, see what the witness Barr says in relation to an anti-Prohibition meeting:

This meeting was very largely attended by both sides; I went to the meeting myself, but I did not get in the room. It was a notable fact that the ammunition and arms belonging to the penitentiary had been brought down there and stored in the city hall, so that in case there was a riot there they could be used against the Prohibitionists. That building was surrounded that night by the police, the saloon-keepers, the gamblers, etc., who were all armed and took no pains to conceal their arms. They were heavily armed and ready for an attack. These policemen and other city authorities were there as participants and not as preservers of the peace. Their action all along during that campaign had been just in that line. They had been partisans and not preservers of the peace. I say there was apprehension on the part of everybody around there that there would be trouble.

In the election the Prohibitionists triumphed in the county at large, but were defeated in the city, mainly by force of the colored vote.

While the campaign was in progress a newspaper called the Sword and Shield, edited by Roderick Gambrell, was the Prohibition organ and the New Mississippian, published in the same building, edited by John H. Martin, who was Gambrell's personal friend, vigorously cooperated with the Sword and Shield in warmly supporting the prohibition cause.

The editors were both young men of capacity, courage, and much earnestness of character. They were the zealous and fearless champions of prohibition, and in their ardent advocacy of the cause they had at heart they sometimes dealt severely with those who differed from them in action and opinion.

This did not cease when the prohibition election had passed, and some prominent opponents of the movement were criticised unsparingly, and, as many thought, unjustly. Among these was Col. Jones S. Hamilton, a friend and supporter of McGill and the chairman of the anti-prohibition committee, a prominent Democrat, a member of the State senate, and a man of standing, influence and ability. The appearance of what is described in the testimony as a very violent article in the Sword and Shield assailing him, resulted in a meeting between him and Mr. Gambrell, in which Gambrell was killed and Hamilton desperately wounded; and since this investigation began Mr. Martin and General Adams, one of the oldest and most prominent citizens of the city, and its postmaster, have met and killed each other, the outcome of articles offensive to General Adams which appeared in the New Mississippian.

The testimony shows that many believe the deadly conflict between Gambrell and Hamilton could have been prevented if McGill's police had been vigilant and efficient, and some charged, though it has not been established, that the chief of police was implicated in the homicide.

I refer to these matters because they figure so extensively in the testimony that what the witnesses say concerning them can not be ignored, and many newspaper articles are brought forward and play a prominent part in the investigation, especially those taken from the New Mississippian.

John H. Martin, the editor of that paper, was a bold and brilliant writer, and the witnesses describe him as a man of extreme views, given to intemperate expressions; he was a decided Democrat and an uncompromising prohibitionist.

Naturally, such a man had a following. He was a lawyer by profession, and when Hamilton was charged in the courts with the murder of Gambrell, Martin was one of the attorneys for the prosecution. The preliminary investigation at Jackson, and Hamilton's jury trial, which on the State's application, was had in an adjoining county, excited the people of Jackson but little less than the prohibition election had done. The friends of Gambrell claimed that he had been murdered, and the friends of Hamilton claimed that he was innocent of any crime, and that the pursuit of him in the courts amounted to persecution. Hamilton has been acquitted by a jury since this investigation began. The excitement was kept alive and intensified by the prolonged investigations of the case, which were had, first, at Jackson on the preliminary inquiry, and afterwards in a neighboring town where the jury trial occurred, and also by the freest discussion in the press.

After Gambrell was killed, according to the testimony, the articles in the New Mississippian were even more intemperate than before.

The 2d day of January, 1888, was the time fixed by law for the mayor's election in Jackson, and that community had been under a constant and painful strain of excitement for more than a year from the causes to which I have alluded. McGill was a candidate, and those who opposed his election, whether because he was an active anti-prohibitionist or because they thought his administration afforded but little protection to life and property, had no purpose to present a candidate against him. It seemed hopeless to do so, in view of his influence, especially with the negro voters, though the condition of the city seemed to call loudly for some radical change in the administration of its affairs.

That condition as it existed on the day before Christmas is graphically described by a Republican witness, Mr. Baldwin, who was a warm supporter of McGill, on pages 123 and 124 of the testimony, and also in the Advertiser, a paper which was edited by one of McGill's stanchest Republican friends.

Various other witnesses describe it and aver that neither life nor property was safe in the city. According to the testimony ruffianism, vandalism, and general lawlessness prevailed, and it is not pretended, though McGill and his chief of police both testified before the committee, that any arrests were made or even attempted.

That night the community, in which there had been no cessation of extreme excitement for more than a year, and from causes with some of which, in the opinion of many of the white population, McGill had been identified, and for others they considered him directly responsible, was horrified by the brutal murder in the dark of a young white man by a negro butcher, abetted, as was charged, by two other negroes, one of them a policeman under McGill's administration. McWillie Mitchell, the young man so murdered, belonged to one of the oldest and most respected families in the State, and was connected by blood or marriage with a large number of the best citizens of the city. He was popular with all classes of the people, and the young men especially were devotedly attached to him.

Straightway, wrought up to the intensest degree of excitement by the sight of the bloody body of their comrade and by the details of the brutal murder, as they were recounted in their presence, some of these young men, under the leadership of a pronounced Republican who had

been repeatedly called by his party to positions of trust and distinction in their organization, formed what they termed the Young Men's White League, of which this Republican, Mr. L. F. Montgomery, was unanimously chosen the captain. The first act of this league was to pass a resolution for the appointment of a committee to ascertain the whereabouts of the two negroes supposed to be implicated in the murder of their young friend, the object of the league being, as Captain Montgomery described it, "to avenge the death of McWillie Mitchell," and the purpose was to do this if not by law then without law.

This league was an oath-bound society, and its membership was to be strictly concealed from the world. Witnesses differ as to its numbers, but a member of it called by the majority, who testified with a list before him, was not able to furnish the names of more than twenty-two who ever attended one of its meetings.

The proceedings of the White League, of limited membership, and composed of some young men under great exasperation, must not be confounded with the action of the body of the white people of Jackson. To confuse them will be to ignore the most important features in the testimony, and to do the grossest injustice to a very large majority of those people who, the testimony shows, openly condemned those proceedings, both individually and in a public meeting. I will revert to the action of these young men hereafter, and turn now to that of the main body of the people.

Young Mitchell was buried on Monday. There had been no inquest held to investigate the circumstances of the killing, McGill had the power under the law to hold this inquest and his attention was called to the matter, and in the murder of Mitchell, as he well knew, his own policeman was suspected of complicity. Two reputable white men living in the town witnessed the tragedy, but the chief of police was content to confine his "investigation" to talking to three colored men, one of them the policeman charged to be an abettor in the murder, two colored women, and two other parties not shown to have been present at the killing.

It could not be expected that the excitement in the city would very soon abate which had been created by the murder of young Mitchell by an enraged and powerful negro, who approached him from the rear and held him with one arm around his body while he cut his throat with a butcher knife. As the details of this atrocious deed were discussed it served but to intensify the indignation of the people. That the negro policeman abetted the murder of young Mitchell there seemed to them no doubt, and in the testimony no room for doubt is left. Some of the best men in Mississippi, intelligent and conservative, as their statements show, have proven that many of the people believed that neither life nor property was safe under that city government in which negroes held positions of responsibility and authority, and repeated acts of lawlessness and bloodshed had been committed which they believed were due to the inefficiency of the administration.

Under these circumstances of aggravation and insecurity, what wonder is it that the body of the white people, finding upon examination that they had a decided majority on the books of registration, were moved to take steps to secure McGill's defeat, that they assembled for this purpose and appointed a campaign "committee of one hundred," and that the movement was put upon a footing where white men of all parties might stand together—Democrats and Republicans, Prohibitionists and anti-Prohibitionists, those who loved their own race better than any other, reformers and all the friends of peace and law and order.

And it should be no matter of surprise that Republicans as well as Democrats were willing in that exigency that the revolt against what they considered bad government should be conducted under any party banner and with any political battle-cry which would serve best to rally the white voters of the city and draw from McGill that contingent of white support without which he must be defeated, though the solid negro vote were cast in his favor. Mr. Barr, a Republican, who had previously voted for McGill because he was his friend, speaking of the programme of the campaign committee, of which he was a leading member, as he had been one of the most active of those who inaugurated the movement against McGill, says:

My understanding of it was that we were to organize our forces, raise the Democratic standard, and force in all the Democratic voters. A great many of those, you understand, had been anti-Prohibitionists, and in many cases before had voted for McGill. The committee discussed that and determined to raise the Democratic standard and force all Democrats to come out, at the same time inviting all Republicans and anybody else who saw fit to participate in the election to come in.

He further says:

We discussed the popularity of our candidates. Mr. Henry was an anti-Prohibitionist, but he was not objectionably so, and we knew that we could concentrate the Prohibition vote on him—because he was not objectionable as an anti-Prohibitionist: we thought he was not committed to that cause—we knew that we could concentrate the Prohibition vote on him; we felt that he would also carry a certain class there—Hamilton's friends; Henry was in some way connected with Hamilton, I believe, and had been in the office with him in the Gulf and Ship Island Railroad, as secretary—that he could carry that vote, which had formerly voted with Hamilton for McGill. This is why we wanted to raise the Democratic standard to force all Democrats in, and by doing that we felt sure we could carry the election. That is the way I felt about it, at least.

And when reminded, in the course of his examination, that he was a Republican, participating in what was called a "Democratic meeting," he answered:

A. Yes, sir. The greatest idea with me was delivering the city from a corrupt and inefficient administration.

And he testified to his unqualified approval of the resolutions which were passed.

Among the Republicans who were in that movement, and some of them leaders in it, were several ex-Federal officers, a number of gentlemen who had represented their party in such positions as delegate to the national convention which nominated Blaine and Logan, secretary of the Blaine and Logan club, secretary of a Republican Congressional convention, secretary of a Republican county executive committee, as well as the chairman of the present Republican executive Congressional committee, and others less conspicuous.

It would have been strange indeed, under the exciting circumstances to which I have alluded, if there had not been some heated discussion and unguarded and intemperate expressions in the proceedings as they occurred or as they were reported or commented upon in the New Mississippian, so often referred to in the testimony. Naturally the editor of that paper, zealously supporting the reform movement, exhorted his readers to stand by the nominated ticket; he strove to arouse and stimulate his followers and to that end employed passionate expressions which others disapproved; and Republicans and Democrats, Prohibitionists and anti-Prohibitionists, alike appealed to the people to forget past differences and party affiliations for the time and join in the movement.

Under the excitement prevailing in that community, where there had been no repose in the popular mind, and as many thought no security for many months, there may have been, and doubtless were, some things said and done which will not square with our ideas of what was fitting when we deliberately consider the occurrences from a great distance and contemplate the scene and surroundings unaffected by the considerations which operated on the outraged community. Still, the proof makes it clear that the action of the people was in substance no more than to nominate a ticket to defeat a mayor under whose rule they did not feel safe, and to take steps through committees and otherwise to bring out the white voters to elect it.

The effort and intention, as the testimony shows, were not to suppress the negro votes, but to overcome it by a solid white vote. But the feeling of race antagonism, awakened by the murder of a white man by a negro, abetted by a negro officer, was running high in the community, and it is not surprising that the most sedate and thoughtful men in the city should have feared that the assembling of large bodies of whites and blacks on election day would lead to a race collision. For this reason such men, with the good of the community at heart, advised McGill, who had the negro vote at his command, to withdraw from the contest for the peace and safety of the city. This wise and timely counsel, though it came from his personal friends, he rejected, and proposed instead that the negroes themselves, over whom his control seemed absolute, should take no part in the election either as voters or candidates; and that thereafter no negro should be placed on duty as a policeman.

This proposition the campaign committee rejected as "impracticable and containing stipulations which they do not think any one is authorized to make and carry out," and a counter-proposition to submit the claims of the candidates to the white voters at a primary election which, unlike a regular election, is governed wholly by agreement, was rejected by McGill.

The negroes, after McGill had conferred with their leaders, formally resolved, on Wednesday before the election, that they would not vote and withdrew their candidates. And on the day following the publication of their resolutions the "red circular," purporting to be the resolutions of the White League, which cuts a prominent figure in the testimony, made its appearance on the streets.

This circular, which was issued and distributed through the town, apparently without any responsible authority, the testimony has since shown is attributed to John H. Martin, the editor of the New Mississippian and a member of the campaign committee, who, as it afterwards appeared, was also a member of the Young Men's White League. The testimony shows, and McGill himself says, the circular—

Was not the cause of the colored people coming to their determination.

And Mr. Clifton, his friend and supporter, says:

That was a matter entirely separate and apart from any movement to oust Mayor McGill from office.

This circular was promptly and repeatedly disavowed and condemned by the supporters of General Henry, who was nominated against McGill, and on the evening of the day it appeared a citizens' meeting, two-thirds of it composed of Henry's supporters and presided over by one of them, in which, a Republican supporter of McGill testifies, three-fourths or four-fifths of the property of the city was represented, unanimously passed the following resolution:

Resolved, That this meeting has no sympathy with, but strongly disapproves of any movement looking to the use of intimidation or violence at the ensuing municipal election; that it is the sense of this meeting that if any such movement is on foot it is the outcome of immature thought, and would be indefensible in any forum of law or morals, and that we implore any citizens who may contemplate it to pause, reconsider, and abandon it.

McGill was defeated at the election by a large majority, though he received a respectable white vote owing to causes which have been alluded to and in spite of the appeals for united action of the whites which had been made. The majority of the committee report that the negro vote was suppressed at this election, and endeavor by argument to fix the re-

sponsibility for what was done upon the Democratic party. To do this they are driven to contend that some identification has been established between the White League and the body of citizens, chiefly Democrats, who organized to defeat McGill, from whom the existence of the league was concealed by the few who knew of it, and to utterly ignore the mass of testimony which shows that many of the leading spirits in the movement were Republicans devoted to their party.

To support their conclusion they refer to inflammatory articles in the New Mississippian, a Democratic paper, when it appears that the course of that paper was disapproved by the supporters of General Henry. They even refer to a head-line printed above a notice which appeared in that paper as "an effective connecting link between it and the resolutions of the White League," when the author of the notice swore positively that the head-line, unobjectionable as he wrote it, was changed after it left his hands and the word "white-line" inserted by the printer or some other person.

To support their charge that "the two organizations were working in perfect harmony and to a common end" the majority emphasize the fact that Martin, the editor of the New Mississippian, was the author of the resolution known as the Red Circular, when the testimony shows that fact was not developed until this investigation began, and certainly those who were ignorant of it can not be prejudiced by it. And they lay great stress upon the alleged circumstance that "many members of the White League were also members of the committee of one hundred," when the witnesses named but few who belonged to both organizations (and some of these dispute the fact), and it is proven, that the members of the White League were bound by an oath to conceal their membership from all other persons.

Referring to the resolutions of the White League and the New Mississippian, the majority say:

> The spirit manifested in those resolutions and evinced by the articles published in that paper seem to have permeated the entire movement that supported the candidacy of Mr. Henry.

And they add:

> This is made clearly apparent by the evidence taken by the committee,

when it appears all through the testimony, if men of the highest character can be believed, that both the resolutions and the articles were disapproved by those engaged in the movement.

Claiming to have established the suppression of the colored vote, the majority proceed to argue that the officials, Harris, Wilson, and Livingston (the first having resigned and the other two being mere deputies), whose conduct in respect of the matter they were authorized to investigate, participated in the suppression, though they all appeared and made their sworn denials and were supported by every witness examined who was with them in the movement to defeat McGill.

The majority go further, and class with these officials mentioned two postal clerks named Fitzgerald, whose conduct they were not authorized to pass upon—for one of whom an alibi was distinctly proven, and the other denied, under oath, what is now charged against him and was supported by witnesses who can not be impeached.

The majority did not stop here; but under a resolution in terms limiting their authority to an investigation and report of "the facts," they venture to volunteer the advice that the officials named should be promptly dismissed the service, and they invite the Senate, by passing the resolutions which they propose, to join them in this and to send a copy of the report to the President for the purpose, apparently, of instructing him in the duties of his high office.

This gratuitous and, as it appears to me, unlawful action of the majority, is so thoroughly exposed in the views submitted by the minority that I desire to call attention to an extract from their report:

> As to Livingston, the deputy marshal, he is not even an officer of the United States. He is a mere representative of the marshal who appoints him and who is responsible for all the deputy's acts. It certainly can not be necessary to remind the Senate that no man can be an officer of the United States unless he be appointed by the President, or a head of a Department or a court of law. Livingston, then, being a mere agent of the marshal, and responsible to him for his acts, is beyond the power of the Senate or the President to remove. He would be removable alone by his principal, the marshal, but for a statute, which authorizes the judge of the circuit or district court in which he serves to remove him. (See Revised Statutes, section 780.) So it appears that the Committee on the Judiciary, in directing these resolutions to be sent to the President, has mistaken not only the power of the President, but has undertaken to interfere with the exercise of power vested in a judge. Possibly, the persecution of this man is not so important a thing as to warrant the Senate not only in transgressing the bounds of its own jurisdiction, but also in invading the sanctity of the judicial department itself.
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> As to Wilson, the committee are equally at fault. He, like Livingston, is not even an officer of the United States, but the mere agent of the internal-revenue collector for that district, who appoints him and is responsible for his acts. (See Revised Statutes, section 3148.) That an officer, responsible for many thousand dollars of the revenue of the Government, should be entitled to select his own agents, for whose acts he is responsible on his bond, as is declared by the statute above cited, seems too clear for dispute. Upon what principle, then, can his superior officer, the President, undertake to dictate to him as to whom he shall employ and whom he shall dismiss? So far as the President is concerned, the recommendation of the committee is that he shall, as the committee has done, usurp a power denied to him by the Constitution and laws, and to impertinently intrude his office into disturbing the relations between a public officer and his employé, for whose fidelity the public officer is responsible on his bond.
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> The Fitzgeralds are probably, what neither Wilson nor Livingston is, United States officers. But as to them the President has no power of appointment or removal. (See section 4025.) This can be done only by the Postmaster-General. A Cabinet officer is a constitutional and legal officer. The President, it is true, appoints him, and may remove him; but as to any power vested by law in him he is responsible to the law. Where he has a discretion, the President can not control it in any respect whatever. He is as much a constitutional officer as the President himself. He is as much responsible in the courts, including impeachment, as the President himself. The President may remove him if he don't desire to keep him, but the President can not perform the duties and functions vested in him by law, nor control him in their performance. The President is no autocrat; he is a mere servant of the people, as all other officers are. He has no powers not vested in him by law or the Constitution. He may appoint officers by and with the advice and consent of the Senate, but he can not discharge the duties of the offices.

The proposed resolutions may be adopted by a party vote, but if the action of the President which was applauded by the American people when this body last sought to dictate his duty to that highest functionary in the Government can be taken as an earnest of his future course and a fair exhibition of his official independence, the passage of these resolutions must prove vain and unavailing. This result is doubtless contemplated by the able lawyers and statesmen who proposed the resolutions; but their report will be sent to the country, and on its allegations the Democratic party, as a party, will be charged throughout the North in the pending campaign with all the responsibility and consequences of what was no more nor less than the outcome of race diversity—a phase of that endless problem with which it is the doom of the Southern people to be ever struggling and contending. For although many causes conspired to produce a condition at Jackson conducive to an outburst of popular excitement, there can be no room for doubt that the culmination sprang directly out of race prejudice, developed by the atrocious murder of a white man by a negro, abetted by a negro officer of the peace. All through the testimony this plainly appears, especially in the intemperate resolutions of the Young Men's White League, which older citizens discountenanced and deplored, in every line of which the spirit of race antipathy, suddenly aroused, is breathed in heated and passionate expressions. But nowhere in these resolutions does the word "Democrat" or "Republican" appear, and the very caption which they bear shows both their character and their source and forbids the idea that they originated with any political party or were intended to subserve any political or party purpose. That caption was:

> A blast from the youth. The young men of Jackson utter their ultimatum.

And, sir, even if the proof had shown that the effect of the action of a few young white men, under circumstances of great aggravation and intense excitement, was practically to disfranchise the negro voters of that city at that single election, their treatment of those voters without law was no harsher than other negro voters had received in this very city through the forms of law, without the same provocation or extenuation. The inviolability of negro suffrage and the right of the majority to rule are recognized by all parties here; but, sir, is the regard of the Republican party for negro suffrage as sacred as it is claimed to be? If so let me ask, why did a Republican Congress abolish it in the District of Columbia?

Why did they strike down the right of the majority to rule right here in the shadow of the national Capitol. The experiment of negro suffrage was tried in this District under more favorable circumstances to its complete success than is possible anywhere else on earth. Here the blacks occupy a higher plane of civilization than in any of the Southern States. There are more men of intelligence and moral character, more rich men among them here than in any other community on the continent of America. There were more safeguards against mistakes in the exercise of the right of suffrage and the legislation which might follow, in the power of Congress to revise and control such legislation. There were advantages and assurances against any evil to result from negroes voting here which no State could possess. Yet, sir, the Congress of the United States—a Republican Congress—with a single blow abrogated negro suffrage and destroyed the very existence of local self-government here in the District of Columbia. It may have been necessary—I am not discussing that—but it shows that there are interests of property and society which Republicans hold higher than the negro's right to vote or the majority's right to rule. And here I desire to call attention to the fact, and emphasize it, that the only reactionary measure on the subject of negro suffrage—the only Government action depriving the black man of his right to vote, already vested in his race—was the measure of a Congress of which the Senate and the House, as well the President, were Republican.

No sacred regard for the inviolability of suffrage and the rule of the majority can explain the investigations and the wholesale denunciations which we sometimes hear of alleged election wrongs in Democratic States in the South when great crimes against the ballot—if we are to believe all we hear which comes to us with the appearance of truth—are committed in Republican States of the North and pass unnoticed here. Those who feel able to do so should inform the people of this country why it is that an election fraud committed upon a negro in a Democratic State in the South is dealt with by Republicans here as a more damning crime than such a fraud committed upon a white man in a Republican State in the North? Is the intimidation which has been charged against the South more dangerous to public liberty than the corruption and bribery which are the weapons of milder partisans and shrewder political managers in some other quarters of the Union? Is not its influence less lasting and less fatal than the purchase of a Legislature by a rich monopoly or the control of elections by the financial contributions of wealthy and unscrupulous men?

On the 30th of April last the Senator from Ohio [Mr. SHERMAN] said on this floor that great election frauds had been committed in his own State in 1886, and that—

It is now conceded by men of all parties that those were shameless, scandalous, monstrous frauds, as bad as any that were ever committed in the South.

He charged that they were—

Purely the work of the Democratic party.

But it is the same party whose conduct in Copiah he made the pretext for his resolution to investigate the Mississippi election in 1883. Why, when he was able to prefer so grave a charge on his own responsibility, could he not have a Senatorial committee organized to invade Ohio and look into the internal affairs of that State in 1886, as he had done upon kindred accusations based upon mere hearsay in the case of Mississippi but three years before?

What is there that gives the Congress of the United States power over a sovereign State in the South, which no statesman is audacious enough to claim for it, when a Northern State is involved? Who will affront the intelligence of the American people by avowing the real ground of such discrimination to be that Mississippi is a Southern State, and Democratic, and Ohio is a Republican State in the North? And, Mr. President, how does it happen that the taking of human life, by a body of armed men, in violation of State laws, when it occurs in a Southern State, and negroes are the victims, gives rise to the introduction of a measure here which has no counterpart in the legislative history of America? If it be the province of Congress to deal with mobs, why was not its power turned upon the people of Cincinnati a few years ago when good order was subverted, and the foundations of society were shaken by a mob to a degree never known in any Southern State; where libraries were sacrificed, public records burned, and the blood of white citizens made to flow like water in the streets of the city.

How did the people of Chicago escape Senatorial investigation in the spring of 1886, when the mayor, in a public proclamation said there was—

The open defiance of the guardians of the peace by a body of lawless men who, under the pretense of aiding the laboring men, are really endeavoring to destroy all laws.

And where, according to the mayor—

These men by the use of weapons never resorted to in civilized lands, except in times of war or for revolutionary purposes, caused great bloodshed among citizens and the officers of the municipality who were engaged simply in the performance of their duties.

But, Mr. President, these monstrous crimes, and none such were ever known in any Southern State, were not committed upon negroes, and they can not, by any ingenuity, be associated with the political features of the negro question, and no fear can be plausibly pretended that possibly they may touch the exercise of the elective franchise and deprive the Republican party of votes which they assume to belong to them because they are negro votes. It is considerations like these which seem to impel some statesmen to discriminate between crimes in the North and South. This explains why they treat the violation of the negroes' rights of life and liberty as more to be condemned and more requiring the repressive action of the General Government than the violation of white mens' rights from the ordinary motives of criminals, and explains too why they utterly ignore the peculiar difficulties and embarrassments by which they know the Southern people are surrounded and from which their brethren of the North are wholly exempt.

Mr. President, the problem which confronts the Southern people is grave and serious enough to excite the sympathy and appeal to the patriotism of their fellow-citizens of the Northern States of every shade of political opinion. It is a problem full of doubts and difficulties and dangers, and it can never be solved or appreciated so long as the embarrassments which beset these people are overlooked or disregarded by those who would deal with the subject. It can not be solved through any of the agencies of mere partisan warfare. It is outside the domain of mere party politics, and what its solution is to be no statesman can safely foretell. But however and whenever the solution may come, it must be clear to all men that it can only be retarded and delayed if we persist in attributing to political differences and to these alone those results which are plainly due to race differences, though they may sometimes be developed in connection with elections.

This subject is engaging the attention of thoughtful and patriotic people everywhere, and they are tiring of the partisan treatment it has too long received and of the illiberality that has too often characterized its discussion.

I believe, sir, the people of this whole country—that the white people of the North, of whatever party, demand that there shall be no general condemnation here of the brethren of their own blood in the South without some consideration of their trying situation and their dangerous surroundings.

They know, as we know, that the present condition growing out of the relation of the races there is of necessity not in all things what they or we would have it; but they must realize that it is better than the world expected or had a right to expect it would become so soon. All who have impartially looked on while we have struggled with the grave race problem by which we are confronted, have seen the burdens we were bearing and the difficulties which beset us in establishing our new relations with a population of ignorant blacks who, having been our former slaves, suddenly, and without training or preparation, were not only set free amongst us, but set in power above the heads of their former owners, so far as a dominant political party could do this through any of the powerful agencies of the General Government.

I believe that the fair-minded people all over the country are now ready and able to appreciate and acknowledge the full difficulty of what we have had to do, and the full value of what we have done, and that they are now prepared to hold the great majority party of the North to a strict accountability for their action in connection with our affairs in past years when we were powerless in their hands. That this has not been so at an earlier day is largely owing to the passions and prejudices engendered by the war and afterwards kept alive by politicians to promote their own fortunes in public life.

But it has been partly due to the fact that people in those communities, where the whole population is of the same blood, the same habits of social life, occupying the same plane of civilization and intelligence, and with the same aims and aspirations, are slow to appreciate fully how vastly and painfully different the conditions are in communities composed of two distinct and in all respects widely dissimilar races. Both these obstacles to a fair consideration of Southern affairs are now in large measure removed, one by reaction and the lapse of time, the other by travel and communication between the sections and by free and friendly interchange of views and experiences between the people of those sections, by business identifications, by observation, reading, and reflection.

The white people of the South belong to the race that made this great country all that it is and will make it all that it is to be. No other race has ever stood before it or above it, and whether it be in this Republic or a subdivision of it, in a large community or a small one, no other race ever can or ever should.

This fact, accepted by all men as a fact, even though it may not justify, makes probable and unavoidable, and without reference to party causes is sufficient to account for, occasional disturbances and even collisions when there is the presence of another race in larger numbers upon the same theater of effort, especially when much of the training of the inferior race has been in the direction of distrust, suspicion, and hatred of the other.

The negro population of the South was brought among us as slaves from Africa when they were of the lowest order of humanity. At the end of a great war they were set free and invested not only with civil and political rights, but clothed also with political power, with no other fitness for such a change than they had gotten from a state of slavery. For years after the negroes were set free these two incongruous races with their diverse characters stood face to face in Mississippi, as in some other States, the blacks in the majority, backed up by Federal power and with all their teachings as to their newly acquired political rights coming from alien white leaders, whose mission seemed to be to poison their minds against the white Democracy, comprising then ninety-nine hundredths of the white people of the State.

These leaders, Republicans all, and most of them without character or standing in the States they hailed from, came among us to intensify the difficulties of our situation. The deluded blacks received them as missionaries from those who had set them free, and gave them their confidence, and by their votes, cast under the absolute dictation of these political adventurers, they made them the rulers of the State and placed them in all the positions of trust and profit within its limits. The government which these men, backed by their party here, gave to our helpless State was inefficient and corrupt in all its branches and in all its departments, wicked and wanton in its shameless disregard of every interest of every class, and degrading beyond expression to the white people, the only class within the State who had either the means or the intelligence to govern it.

After years of poverty and wretchedness, of humiliation and distress, added to four years of non-production and the waste of war, when the white people of the State had reached the very verge of despair, the wheel of political fortune turned and our alien and plundering rulers were hurled from the high places which they had disgraced. Since then, earnestly and honestly, temperately and discreetly as we could, we have been dealing with the perplexing problem before us, with its difficulties augmented and intensified by the evil teachings, the prejudices, and antagonisms planted in the minds of the blacks by their false friends and selfish leaders.

How far we have succeeded, while critics far removed from the scene have looked on to find fault; what progress we have made, while politicians for a purpose have denounced occasional disturbances arising from the contact of two incongruous races as the wrongful conduct of a whole community, let the growing prosperity of our State attest and the vastly improved and constantly improving condition of the relation of two races to each other.

The work we had to do could not be accomplished in a single decade, and it may require years to complete it. In fact the time may never come when these races will be so harmonious in all things and at all times that occasional interruptions of good order and even serious col-

lisions may not arise out of the differences between them to which I have alluded.

Some thoughtful Republican statesmen have not failed to appreciate the difficulties of our situation. Several years ago in the discussion of a kindred question these difficulties were considered and acknowledged. Here is what Mr. Blaine said:

I supposed if there was any people in the world that had a race trouble on hand it was ourselves. I supposed if the admonition of our own history were anything to us we should regard the race trouble as the one thing to be dreaded and the one thing to be avoided. We are not through with it yet. It cost us a great many lives; it cost us a great many millions of treasure. Does any man feel that we are safely through with it now? Does any man here to-day assume that we have so entirely solved and satisfactorily settled on a permanent basis all the troubles growing out of the negro race trouble that we are prepared to invite another one? If so, he views history different from myself. If any gentleman looking into the future of this country sees, for certain sections of it at least, peace and good order and absolute freedom from any trouble growing out of race, he sees with more sanguine eyes than mine.

Mr. Booth, of California, in that discussion used these strong and striking expressions:

We do not establish the distinctions of races and we can not obliterate them even by the most solemn political declarations; the laws of physical nature can not be repealed even by acts of Congress.

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As statesmen, looking before and after, we can not ignore the fact of race antipathies. No more difficult problem is ever encountered by any Government than the administration of a common system of laws over diverse races. It is a problem that is never peacefully solved. If the lessons of human experience are worth anything it never can be so solved.

* * * * * * *

The darkest pages of human history have been enacted when alien races have been brought in contact.

The distinguished Senator from Nevada [Mr. JONES], in a finished speech of great power, said:

The greatest war of modern times was the civil war of this country growing out of the existence here of two incongruous races, whites and blacks. The war was preceded by fifty years of controversy, always on the verge of open hostilities, concerning the proper relations which should exist between these races. It has been followed by fourteen years of divided counsels and excited passions as to the best method of reconstructing society and government where these races are intermixed. No satisfactory solution has yet been had, and it may be that another century will elapse before it is found.

The Senator last named treated lightly all "sentimental abstractions concerning the universal brotherhood of diverse races," and openly declared for his own race as better than any other.

The Senator from Vermont [Mr. EDMUNDS], in the same discussion, in advancing the opinion—

That no republic can succeed that has not a homogeneous population—

Used these words:

That was what was for so long a time the curse of our Southern sister States. It was the want of homogeneity that they thought was mitigated and helped out by the fact that the different races occupied different positions—one dominant, the other servile. It did not accomplish it then, as they will all tell you now, Mr. President, and the one great evil there now is, not that the white man is better than the black man or the black man better than or equal to the white man, but it is that there has not yet been time enough, if ever there may be, that in the real and best sense of a homogeneous order in a republic these two people can assimilate and coalesce so as to make such a democratic state as I am speaking of.

But we have stronger expressions from other high Republican sources. Upon the matter of white and black races here is what Mr. Lincoln once deliberately declared and said he had done so before, and I beg the Senator from New Hampshire to put this by the side of the little slip he read last Thursday attributing to Judge Thurman many years ago somewhat similar sentiments which the Senator denounced:

There is a physical difference between the two which, in my judgment, will probably forbid their ever living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

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I will say, then, that I am not nor ever have been in favor of bringing about in any way the social and political equality of the white and black races; that I am not or ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office or to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they can not so live, while they do remain together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

Upon the views of Mr. Lincoln the honorable Senator from Colorado [Mr. TELLER], as late as the year 1882, in this chamber made this comment:

I understand that Mr. Lincoln never changed upon the question of the inferiority and superiority of the races; but when in the logic of events it became necessary, absolutely necessary in my judgment and in the judgment of other people, that this class of men, our intellectual and mental inferiors, should have protection at the hands of this Government, we determined that the only and proper way to protect them was to give them the advantages of citizenship in all its terms. It was not a desirable thing to do, and nobody knew it better than the great-hearted men who sat in the Senate and helped do it. There was not an intelligent American who looked upon that problem at the time who did not fear that the result would be that the antagonism of the two races would eventually swamp this country.

An earnest and able memorial was before the last Congress, prepared by Mr. John F. Swift, of San Francisco, whose high standing and excellent opportunities for justly judging the subject he was dealing with, give great weight to his words. I make the following extract touching what is termed in the memorial "The curse of race heterogeneity:"

Out of that evil we have had one bloody war for which the nation has not yet thrown off its mourning. But the war was nothing to what it left behind. It is true that it has settled the slave question. But the negro question, the question of the relations between the white man and the black man, and the relations of each to the State has only just begun. Twenty generations of men will not see it ended.

And our fellow-countrymen at the South who are compelled to carry on a government under such conditions, to preserve order and maintain law and civilized society, are entitled to the sympathy of all thoughtful people; they have a task, the difficulties of which are not appreciated.

The memorial proceeds:

We doubt if a genuine republican government, as we Americans understand the term, meaning a government in which all the people govern, participate equally, under the conditions existing in the South, namely, with one-third of the population of one race and two-thirds of another, is a practical possibility. One race will always dominate the other, and no power can prevent it, except by destroying the liberties of both. They can only be equal in a common servitude that overwhelms both.

And again:

One race may be the superior for one place, and not for another. We only say they can not live well or happily together, and ought not to be made to do it.

The statesmen who look for a change that is to harmonize the South, so that both races shall stand equal and be equal, have never lived in any mixed community, and know nothing about it. They know nothing of the hereditary and instinctive race antagonism, always latent in every individual human breast, and always springing into active vitality on bringing together two different races or types of men into the occupancy of the same territorial habitation.

Such statesmen overlook an unfailing human quality of instinct, and one too universal not to have a profound purpose in the general economy of nature.

I do not fully concur in all this. If one race must rule it will surely be the white race, and I believe the whites and blacks may live together in the South with the rights of both respected, but subject at intervals to those jars which race causes inevitably produce.

Even this result, however, must come slowly if those who are honestly striving to accomplish what many think impossible are publicly denounced by leading statesmen of the country for those interruptions, which are sometimes due alone to the inconsiderate action of a few persons surrounded by peculiar circumstances, and sometimes to the commonest instincts of self-protection, whether in an individual or a community.

That these two races are not assimulative and that there are irreconcilable diversities of character from which disturbances must come when they live as equals in the same locality, however much the great mass of both races may deprecate it, and that the white race must have the superior position, seems to have been the orthodox Republican opinion, never questioned or disputed until for political reasons it became expedient to impose it on the Southern people, in seeming defiance of the laws of nature, to obliterate the distinctions of races. So far as this pertains to matters political, and so far as it is possible and proper, and further than many of the most sanguine and enthusiastic philanthropists and abolitionists of the North ever expected, this has been and is now being accomplished in Mississippi by the white Democrats of that State, and with no more strife or disturbance than grows unfortunately but directly and unavoidably out of race antagonisms.

The South is not the only section of this country where race antipathies have engendered serious trouble, and have even led to horrid deeds of blood, and the Southern people are not the only people living under this Government who have been visited by the calamities growing out of race diversities. We of the South have not been alone in our struggle with a great race problem, nor do we stand unsupported in our instinctive desire and in the purpose, so far as in us lies, that the Christian civilization of the white race of this Republic shall not be sacrificed in any section. This is no mere Southern sentiment, no mere interested Southern policy. It is, I believe, the plainly recorded will of the American people, when that will has asserted itself free from the influences which former slavery at the South has exercised upon the discussion of the question and relieved from the party consequences attached to its solution in that section.

The State of California, a great State of unlimited resources, peopled by a vigorous race, representing the brain and energy of every section of the Union, had to meet this question. The opportunities to acquire fortune which that State presented, attracted the harmless and docile Chinese to its shores, a race of people which, with all its defects, is far superior to the negro in cultivation and intelligence. They rapidly increased in numbers, and in a few years were in competition with the white labor of that country. They had no concern in parties or in politics and were invested with no civil and political privileges.

But by patience, humility, and industry they crowded the white man in fields of labor which hitherto had been all his own, and as their numbers increased they became a distinct body in that region, different in habits, repugnant in morals and adverse to those prejudices of our own race most easily excited.

The people of the Pacific coast became excited and indignant and hostile; but the Chinese had come under the guaranty of a treaty, to keep which we were bound by all the obligations of national honor. But the people of that coast appealed to their Government, and those in authority recognized that their first duty was the preservation of the Christian civilization of their own race; a mission was sent to China, and China consented to a modification of the treaty under which her

people had come to our shores, and the immigration of Chinese laborers was forbidden. But while this very negotiation was pending the race feeling on the Pacific coast found expression in scenes of violence which have no parallel in the collisions between the whites and blacks of the South.

In Colorado the outburst of popular sentiment was such that a riotous assault was made upon a peaceful Chinese settlement, life was taken, homes were burnt and property destroyed by a mob numbering over five thousand, which for more than eight hours kept up its lawless work.

In the Chinese minister's communication to the Secretary of State, dated January 21, 1881, he says:

The Chinese residents who were subjected to the wanton outrage of the mob came to this country under the right of treaties between China and the General Government of the United States, and not with Colorado or any individual State.

* * * * * * *

He says further:

I beg to call your attention to the following verdict of the coroner's jury:

"The evidence shows that the said mob could have been suppressed by the regular force had they fearlessly arrested the ringleaders, but which, owing to the disorganized condition of the police force of the city and the incompetency and inefficiency of its government by the proper authority and the failure of the county authorities to render the necessary aid and assistance required in such emergencies, the mob assumed such proportions as culminated in the destruction of human life and the disgrace of the city in not affording protection to life and property."

This verdict shows clearly that the local authorities had not brought into requisition all the means for the suppression of the mob.

Where was the spirit of Senatorial indignation and investigation then? We heard of no Federal inquest bill at that time nor of any kindred measure. Does it happen that Colorado was not a Southern State? Was it because the Chinaman was not a voter? Was it less infamous to murder and abuse a man protected by a treaty made in pursuance of a constitution than to kill a citizen protected by a constitution? However that may be, when the Chinese appealed to the only Government they knew in this country, declaring that they had come under the faith of a solemn treaty with this great nation and not with Colorado or any other State, what was Secretary Evarts's reply?

I will read you an extract:

As to the arrest and punishment of the guilty persons who composed the mob at Denver, I need only remind you that the powers of direct intervention on the part of this Government are limited by the Constitution of the United States. Under the limitations of that instrument the Government of the Federal Union can not interfere in regard to the administration or execution of the municipal laws of a State of the Union, except under circumstances expressly provided for in the Constitution. Such instances are confined to the case of a State whose power is found inadequate to the enforcement of its municipal laws and the maintenance of its sovereign authority; and even then the Federal authority can only be brought into operation in the particular State, in response to a formal request from the proper political authority of the State.

This sound declaration of constitutional law came from the acknowledged head of the American bar, then Secretary of State and now a distinguished Senator in this body, who has joined in the report of the majority upon the municipal election at Jackson, Miss. The American people who recognize his great powers might well, I submit, be informed how this wholesome doctrine can be reconciled with the idea that the Federal Senate or the Federal Government can invade a State's authority and take charge of the matter of a town election for the purpose of ascertaining whether it was lawfully conducted.

And the Secretary adds, what is not inapplicable to some deeds of violence for which the South has been roundly denounced:

It seems superfluous to recall to your attention the fact, but too well attested by history, that on occasions, happily infrequent, often without motive in their inception, and always without reason in their working, lawless persons will band together and make up a force in the character of a mob of sufficient power and numerical strength to defy, for the moment, the denunciations of the law and the power of the local authorities. Such incidents are peculiar to no country. Neither the United States nor China are exempt from such disasters.

I have not referred to this case in order to force a strained analogy, but because it enables me to show the difference in the standpoint from which we look at the same question.

But, sir, bloodier race-collisions have occurred elsewhere in the West. Why, in the very month of March, 1886, when the Senator from Massachusetts introduced his Federal inquest bill, which he said was "suggested by the reports of the recent occurrences at Carrollton, Miss.," when there had been no opportunity for investigation, but he was proceeding on mere newspaper reports, as he admitted, there was lying on his table or within his reach a special message from the President of the United States calling the attention of Congress a second time to a massacre of people of color at Rock Springs, in Wyoming Territory, where Congress has powers which it has not in any State, to which the most exaggerated representation of any Southern tragedy offers no parallel.

In his first annual message the President had adverted to—

The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the laws, were murdered by a mob; and the still more recent threatened outbreak of the same character in Washington Territory.

And had said that—

All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted on.

In this special message, dated March 2, 1886, he called attention to what he had said in his annual message, and said:

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects in September last, at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims, by any lawless or disorderly act on their part, contributed to bring about a collision. On the contrary, it appears that the law-abiding disposition of these people, who were sojourners in our midst under the sanction of hospitality and express treaty obligations, was made the pretext for the attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob.

He further said:

The note of the Chinese minister, and the documents which accompanied it, give, as I believe, an unexaggerated statement of the lamentable incident, and present, impressively, the regrettable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor, were a ghastly mockery of justice.

And he called attention to "the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties."

From the "unexaggerated statement" of the Chinese minister I call attention to the following extracts:

It appears that several hundred subjects of his Imperial Majesty the Emperor of China, having entered the territory of the United States in accordance with treaty stipulations, had located themselves at Rock Springs, in the Federal Territory of Wyoming; had there erected houses, and for a number of years past had been engaged in the lawful pursuits of peaceful industry. On the 2d of September last these subjects, while quietly engaged in their usual avocations, were suddenly attacked, without any provocation on their part, by a lawless band of armed men, said to have numbered about one hundred and fifty persons. With scarcely any warning the Chinese were ordered by the mob to leave their homes, but before an opportunity was afforded them to execute these orders a deadly fire of musketry was opened upon them, and they were compelled to abandon their houses and all their property and flee to the mountains for their lives.

In a short space of time all who were able had fled without offering any resistance, many of them being shot while in their homes or as they ran away from them. Fire was then set by the rioters to their houses, and the entire village, which constituted their chief place of abode, and all Chinese habitations outside the town of Rock Springs, were burned to the ground. As a result of the mob, twenty-eight Chinese were killed, fifteen more or less severely wounded, and a large amount of property (estimated at $147,748.74) was destroyed or appropriated by the rioters.

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A second fact shown is, that the events occurred "in broad daylight." One of the witnesses says, "I think nearly all the murderers can be identified, as no concealment was attempted, * * * but all done in daylight." It does not appear that any civil or other authorities made any attempt to prevent or suppress the riot. The judicial proceedings which followed the sad event are described as "a burlesque." The conduct of the coroner who investigated the causes of death seems to me strange, but with my imperfect knowlege of American procedure I prefer not to criticise it.

A further fact is stated by the consul at San Francisco. He says, "I am, after thorough investigation, firmly of the opinion that not one of these criminals who murdered the Chinese, burned and robbed them at Rock Springs, will or can ever be brought to punishment by the so-called Territorial or local authorities. In this opinion I am sustained not only by my own convictions, but also by the governor and prosecuting attorney of the Territory, and scores of citizens, residents and non-residents." This opinion would seem from subsequent events to have been well founded, as, according to the reports in the public press, all of those who had been arrested for participating in the riot have been released, and the grand jury of the county has refused to find any bills of indictment.

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In the first place, I desire to submit to the enlightened judgment of your excellency whether the present case is not, in one material respect, different from the occurrence at Denver, Colo. In the latter Mr. Evarts called attention to the fact "that the powers of direct intervention on the part of this Government are limited by the Constitution of the United States. Under the limitations of that instrument, the Government of the Federal Union can not interfere in regard to the administration or execution of the municipal laws of a State of the Union, except under circumstances expressly provided for in the Constitution." And after referring to those circumstances as applied to the Denver riot, he concluded that action "belongs exclusively to the government and authorities of the State of Colorado." But in the present case, if I have been correctly informed as to the governmental practice of your excellency's nation, the administration of justice and the protection of life and property belong exclusively to the Government and authorities of the Federal Union, and the limitations referred to, as hampering the immediate and direct intervention of the supreme Government in the Denver case, do not obstruct the action requested in this note.

Yet, sir, with these official papers before him, showing the murder of twenty-eight unoffending and law-abiding Chinese, when, as the President said, there was—

No allegation that the victims by any lawless or disorderly act on their part contributed to bring about a collision.

Showing that the—

proceedings in the name of justice for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice,

going to show, as the Chinese minister said, that the guilty parties might have been identified as no concealment was attempted, and calling attention as he did to the fact that this crime was committed in a Territory where the control of the administration of justice by the General Government was not hampered by the constitutional restraints which Secretary Evarts had said, as to the Colorado riot, prevented Federal interference.

In regard to the administration or execution of the municipal laws of a State of the Union.

With all this fresh before the honorable Senator from Massachusetts it required "reports of recent occurrences at Carrollton, Miss.," to suggest to him a Federal measure for the protection of the lives of

people in a State who are not of the white race. I have shown in discussing the Colorado riot that when the question of the relation between an inferior and superior race came before the American people, free from the disturbing element of former slavery, they decided deliberately that under no circumstances should the superior race be permitted to be endangered; that even the material prosperity of the white laboring man should not be threatened even by honest competition, when that cheap competition forced the white laborer to a lower plane of moral and intellectual life, and that the safety of the country forbade the degradation of its free white Christian civilization; and this has been emphasized by later action with which we are familiar.

Does the old element of slavery make any difference in the solution of the question as presented at the South? Whether it does or not there has been a wide difference between what has been done for the negro by those who formerly held him in servitude and those to whom he is mainly indebted for his freedom.

You who set him free must remember that the war delivered him to you as much of an alien as the Chinaman. You made him a citizen by an act as arbitrary and absolute as if you had made the Chinese citizens by a summary sweeping act of naturalization. You forced the negro, all unprepared, into politics as an element to be used for party purposes, and you left to us all the danger, all the difficulty, and all the responsibility growing out of the presence of this element in our midst. You gave him the ballot, but left the Southerner to feed him and clothe him and employ him.

Ours has been the constant contact with him and the constant liability to conflict arising from that contact; it has been yours to judge us harshly; to criticise and condemn as we have contended with the hard problem you gave us to solve. While the solution has been progressing, race disturbances have sometimes occurred as the result of race prejudice, and, as I have already said, they are liable to occur in the future, in spite of our efforts to prevent them. Still, the substantial advancement the negro has made in our midst and with our means shows how we have dealt with him and with the difficult question arising out of his relation to us and to the State.

In the twenty years and more since the negro has been free he has prospered wonderfully in the South. As a rule, when left free from external influences, he has done well. Bad men in the past, for political advantage, have sometimes excited his prejudices and his passions, and arrayed him against his white neighbors. But still it is a fact that while there have been serious interruptions in particular localities under peculiar conditions, the two races in Mississippi, as elsewhere in the South, have in general approached each other somewhat in a spirit of mutual concession and are tending towards harmonious co-operation in promoting the happiness, prosperity, and progress of the whole community.

If the movement succeeds the peril of race antagonism may possibly disappear. According to the assertions of some prominent persons, especially those living outside the State, it is not likely to succeed in Mississippi, but some cheering evidences to the contrary come to us from trustworthy citizens of both colors in that State. In this connection I desire to read an extract from an address delivered not very long ago by the most prominent and prosperous colored planter of Mississippi, who was once a slave.

At Vicksburg, on the 11th day of November, 1886, Mr. Isaiah T. Montgomery, as president of the Mississippi Colored Fair Association, in the presence of a large concourse of people, including the governor and other officers of the State, county, and city, as well as many leading business men, opened the exercises of the fair of 1886 with an address, in which he said:

> The object and intent of this association is to arouse the pride of our race in the product of their labors by bringing them into competition with each other and stimulate their dormant energies to the production of greater excellence in every avenue of life. And I wish here to make a public acknowledgment of the active sympathy, earnest counsel, and material aid afforded, and to other similar enterprises by the white people of all classes. I believe that their actions in these instances have, better than any words, given an answer to the vexed problem of the future of the two races in the South.
>
> Owing to unfortunate political differences grave fears have existed of a growing estrangement between them. Politics is a sentiment often deceitful and misleading in its tendencies; but what we have before us to-day is a truth and reality. By reference to our catalogue and supplemental list it will be observed that the subscriptions to our premium list in merchandise amount to near $650, and in cash to near $600, making a total of about $1,250. About 99 per cent. of this was subscribed by white people, and the amount could have been largely increased but for the limited time.
>
> We have as our guests honored representatives of our city and county governments and the distinguished chief magistrate of the State, Governor Robert Lowry, and a number of other prominent gentlemen. Besides, we have numerous letters containing profound regrets for non-attendance and words of goodwill and encouragement from eminent statesmen, jurists, clergymen, and representatives.
>
> Would this material aid be proffered, would these distinguished honors be conferred by enemies? No sane man can contend that they would be. Like the sunlight struggling through the mist and fog of the morning, the truth dawns upon us that we are friends for the future as we have been in the past; that together the two races will replenish our worn lands, hew down the boundless forests, and uncover the virgin soil to extend our triumphs in agriculture, manufacturing, and in the arts and sciences. Together they will rebuild our fallen fortunes and make our fair Southland in reality, what nature has endowed it to be—the fairest heritage of mankind.
>
> Ladies and gentlemen, in conclusion and on behalf of the association I thank you for your kind attendance here to-day. I thank the citizens of our city and county for their liberal assistance. I thank the press of the State, of the South generally, of Vicksburg in particular, for invaluable encouragement.

The speaker then introduced the Democratic governor of the State, who had been selected by the colored people as the orator of the day.

Other addresses in like tone and temper, delivered on similar occasions, at other times, by prominent colored Republicans, might be produced, but as they have been widely published it is not necessary.

If Senators with whom the condition of affairs as affecting the negro in Mississippi is the object of such especial interest would but go into that State, where the Democrats have been in power for twelve years and more, and see for themselves, as I trust some day they may be induced to do, I promise them they would find much there which they would heartily commend.

They would learn something of the trials of a people whose misfortune it has been for more than twenty years to have to deal with a stupendous problem arising out of the friction of two races which the world knows are not homogeneous. They would see much to deplore in the presence of an ever-threatening danger from the contact of these incongruous races, augmented by the fact that the inferior one is sometimes misguided by the leadership of the worst elements of the other. They would see the election laws and other laws sometimes broken there as elsewhere, criminals sometimes unpunished there as in other States of the Union, and the natural prejudices and antipathies of race producing their natural results there as in other quarters of the country; but in the main they would see the laws observed and enforced there as in their own States. They would see black men sitting on juries with white men and sharing in the administration of the laws. They would see schools for both races supported by the self-imposed taxes of the whites.

They would find that more than half of a large school fund, of which the negroes paid less than one-tenth, has been expended for the benefit of colored children, and more than 3,000 colored teachers employed in the State and in many cases receiving higher salaries than white teachers. They would find the negro absolutely secure in all his property rights and the courts dispensing justice with an even hand to both races and all classes. They would learn that the black man sits in the State Legislature and that white legislators earnestly co-operate with him in making laws for the interest and protection of his race. They would see a whole population busy in honest and energetic work, with scarcely a man among them not earning a support, and would find the black population secure in the wages for their labor.

They would hear of no strikes by the agricultural laborer there to show either discontent or oppression; but they would find the relations between the negro and his white employer better adjusted and more satisfactory to both than the relations are between employer and employé in any locality on the continent outside the South. They would find a material development in the common work of the white and black races, steady in its growth, despite the occasional outbreaks which race prejudice produces in particular localities, and utterly irreconcilable with the theory that the body of the white race is oppressing the body of the black race. In all these—in the school-houses and in the houses of worship, in the temples of justice, in the legislative halls, in the fields and in the factories—they would see and hear the testimony of the daily life of the State and witness the results of twelve years of white rule under Democratic auspices.

Look at Mississippi as it is to-day, and then look back to what it was when its government was in the hands of the Republican party. Take the year of 1870, when the control of that party there was absolute and unrestrained, and behold the contrast between the despondency of the people, the blight and depression which rested on every interest and paralyzed every energy then, and the signs of reviving hopes, the prosperity and progress which are now observable all over that State. Agriculture is the leading pursuit of the people there and as evidence of their present thrift I need only point to the fact that their corn crop last year was more than double that of 1870, and that in 1870 their cotton crop amounted to less than six hundred thousand bales against nearly a million and a quarter in 1887.

More than a thousand miles of railroad have been constructed in that State since 1876, traversing the finest timber forests on the continent and the richest agricultural lands in the world, and other important lines are now in process of construction. We have some manufacturing establishments, and they are every day increasing both in prosperity and numbers. In some sections of the State crops are now being considerably diversified, in some the lumber trade has of late years become very extensive and very profitable, and in others canning and creamery establishments, fruit-growing and market-gardening, stock-raising and the like are among our most remunerative industries.

The labor system, which had been wholly disorganized and unsettled, is every year becoming more adapted and better adjusted to those conditions which promise the best results to all interests and all classes. Our lands, which under the burdens of oppressive taxation imposed by our former rulers could not be considered the basis of any reasonable credit, now, since those burdens have been lightened under Democratic rule, bear a market value approximating their real worth and are eagerly sought after by those who live beyond our borders. In 1870, and during all the dismal years before and afterwards of Republican misrule in Mississippi, our fertile soil, mild climate, and the quality and variety of our boundless timber supply failed to tempt

investors to put their money in that State or settlers to cast in their lots with the fortunes of our people; but this is true no longer since intelligent, home-born citizens, identified with the best interests of the State, are controlling its destinies.

In 1870 there were less than two thousand teachers employed in the public schools in Mississippi, while last year there were more than six thousand, and half of these, or more, teaching the children of colored parents who contributed but a trifling proportion to the fund from which these teachers received their compensation. Taxation has been reduced, property is secure, the public institutions of the State are flourishing, the relations between the races more satisfactory and beneficial to both than they could ever have become under the government that formerly cursed the State. The evidences of improvement and prosperity are to be seen on every hand and the work of progress and development is steadily advancing.

Travelers from the North who have visited that State will attest the truth of this, and Northern investers and settlers who have gone there to improve their fortunes, whether they be Republicans or Democrats, will tell you that it would be a crime by any means, or under any law, to wrest the control of public affair s in Mississippi or any other Southern State, even if it could be done, from the hands of the only class who have the interest or the capacity to conduct them efficiently and honestly.

When we consider the social disturbances, the grinding taxation, the shameless disregard of public interest or private right, the official infidelity and reckless waste which marked the administration of the government in Mississippi during the years to which I have alluded, and then turn to the marvelous improvement which has since then been wrought under Democratic rule, in all interests, and in the condition of all classes of the people, and all in the face of the p eculiar difficulties and dangers to which the incongruities of race exposed them, I do not believe there is a Senator who hears me, whatever his politics, or wherever his home, who would see that great and growing Commonwealth remanded to the awful state from which it has emerged under Democratic guidance and control.

I do not believe there is a Senator here who would not, if he lived in that State, put forth all his powers to avert the horrors of black supremacy, and save his own people if he could from the calamities of such a curse. And I do not believe there is a white community in any Northern State who, if in our condition, would tamely and meekly submit to a reign of ignorance and venality under which honorable white men of intelligence and substance would be excluded from all the high places of official trust in the State, and all the possessions and most sacred interests of their race brought under the rule of uneducated, undisciplined, and irresponsible negroes. I pray I may not live to see the day when such a fate shall befall the people among whom my whole life has been spent, and on my faith in them I confidently build the hope that such a direful day can never come.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

J. W. PORTER.

Mr. COCKRELL. Several days ago on my motion the bill (H. R. 4792) to pension J. W. Porter, which had been passed by the Senate, was recalled from the House of Representatives and returned to the Senate. I ask that the vote by which the bill was passed may be reconsidered for the purpose of having it recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. The votes by which the bill was passed and ordered to a third reading will be reconsidered, by unanimous consent, and the bill recommitted to the Committee on Pensions. It is so ordered.

BENJAMIN T. BAKER.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2825) granting a pension to Benjamin T. Baker; which was, in line 6, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Baker, late a seaman in the United States Navy, and pay him at the rate of $50 per month, in lieu of that which he is now receiving.

Mr. BLAIR. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 201) granting a pension to Edward Waters;

A bill (H. R. 10007) for the relief of Henry Rose;

A bill (H. R. 1085) granting a pension to Thomas Rains;

A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;

A bill (H. R. 2474) granting a pension to Joseph Lincoln Young;

A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustave W. Geyer;

A bill (H. R. 2716) granting a pension to J. W. Leight;

A bill (H. R. 3152) for the relief of Arlington M. Harrison;

A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin;

A bill (H. R. 6201) granting a pension to John Robeson;

A bill (H. R. 6309) for the relief of Mary A. Covey;

A bill (H. R. 7185) granting a pension to Samuel Neikirk;

A bill (H. R. 7457) granting a pension to Eleanor D. Heath;

A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth;

A bill (H. R. 7912) for the relief of Frances P. Vernon;

A bill (H. R. 8200) granting a pension to Lydia Ann Wilber;

A bill (H. R. 9148) to grant a pension to Jane Robinson;

A bill (H. R. 9182) granting a pension to Ransom Riley;

A bill (H. R. 9935) to increase the pension of Isaac Hurd;

A bill (H. R. 9169) granting a pension to Tempy N. Johnston;

A bill (H. R. 9975) granting a pension to Joseph Welsh;

A bill (H. R. 10103) granting a pension to William Fairbanks;

A bill (H. R. 10121) granting a pension to Sarah A. Mason;

A bill (H. R. 10122) granting a pension to Margaret Quinton;

A bill (H. R. 10210) to increase the pension of Philip Thomas;

A bill (H. R. 10241) increasing the pension of Richard Porter;

A bill (H. R. 10245) granting an increase of pension to Hannibal Kimball;

A bill (H. R. 10342) granting a pension to John Dauper;

A bill (H. R. 10563) granting a pension to William S. Latham;

A bill (H. R. 10629) granting a pension to Washington Ryan;

A bill (H. R. 10672) granting a pension to Mighill H. Patten;

A bill (H. R. 10738) to increase the pension of George C. Quick;

A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk;

A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood;

A bill (H. R. 10944) granting a pension to Victoria May;

A bill (H. R. 11029) for the relief of Mary Vanbuskirk; and

A bill (H. R. 11030) granting a pension to Susan E. Latture.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 5349) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters; and

A bill (H. R. 5888) for the relief of W. H. Boyd.

PUBLIC BUILDING AT SIOUX CITY, IOWA—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 288, entitled "An act for the erection of a public building at Sioux City, Iowa."

On the 19th day of June, 1886, I was constrained to disapprove a bill embracing the same subject covered by the bill herewith returned. Further investigation on the second presentation of the matter fails to convince me that $150,000 should be expended at present for the erection of a public building at Sioux City.

From all the representations that are made in an effort to show the necessity for this building, I gather that the only two purposes for which the Government should furnish quarters at this place are a term of the United States court not specially crowded with business, and the post-office, which, though perhaps crowded, I am sure can get on very well for a time without a larger public building.

As far as the court is concerned, it was agreed when a term was located there in 1882 that it might be held in the county building, which, from the description furnished me, seems to be entirely adequate for the purpose and very well arranged. The term held in October, 1887, was in session for nine days.

I am decidedly of the opinion that if a public building is to be located at Sioux City, it better be delayed until a better judgment can be formed of its future necessity and proper size.

I see some of the parties interested have such confidence in the growth and coming needs of the place, that in their opinion the work ought not to be entered upon with a less appropriation than $500,000.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, August* 27, 1888.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass notwithstanding the objections of the President of the United States?

Mr. ALLISON. I am constrained to move that the bill and message be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. HAMPTON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims and ordered to be printed.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 28, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 27, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of Saturday was read and approved.

WILLIAM F. HUDSON.

Mr. WEAVER. I ask unanimous consent to submit for present consideration the resolution which I send to the Clerk's desk. Mr. William F. Hudson, the distributing clerk of the House, died suddenly on Saturday, and I ask leave to have the usual resolution in such cases considered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was read, as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to —— Hudson, father of William F. Hudson, deceased, late distributing clerk of the House, a sum equal to six months' salary as such clerk, and also the expenses attending his last illness and funeral, not to exceed the sum of $250.

The resolution was agreed to.

Mr. WEAVER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. BOYD.

Mr. RYAN. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5888) for the relief of William H. Boyd, and that it be considered by the House at this time.

The SPEAKER. The gentleman from Kansas asks that the Committee of the Whole House be discharged from the further consideration of the bill he has named. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. H. Boyd, late a commissioned captain of the Eleventh Regiment of United States Colored Troops, the full pay and allowances of a captain, from March 4, 1864, to October 20, 1864, less any moneys that may have been paid him by the United States for services rendered during that time.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. ALLEN, of Mississippi. Let us have the report read.

The report (by Mr. BROWER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5888) for the relief of W. H. Boyd, have considered the same, and submit the following report:

It appears from the records of the War Department that W. H. Boyd was promoted from quartermaster-sergeant in Second Kansas Battery to captain in the Eleventh United States Colored Troops by Special Orders, No. 90, War Department; and February 24, 1864, was mustered out of the said service as such sergeant to accept such promotion in accordance with the order, of which the following is a copy:

"ADJUTANT-GENERAL'S OFFICE, *Washington, February* 24, 1864.

"SIR: I forward herewith your appointment of captain in the Eleventh Regiment of United States Colored Troops, your receipt and acceptance of which please acknowledge without delay, reporting at the same time your age and residence when appointed, the State where born, and your full name correctly written. Fill up, subscribe, and return as soon as possible the accompanying oath, duly and carefully executed. You will report in person for duty to Maj. Gen. J. G. Blunt, United States Volunteers, Fort Smith, Ark.

"I am, sir, very respectfully, your obedient servant,

"C. W. FOSTER,
"*Assistant Adjutant-General.*"

Thereupon he complied with the terms of said order, and was, on the 15th of April next following, assigned to detached duty by order of General Blunt. The following is a copy of the order:

"[Special Order No. 51.]

"HEADQUARTERS RECRUITING COMMISSION,
"*Fort Smith, Ark., April* 15, 1864.

"Capt. W. H. Boyd, Eleventh Regiment United States Colored Troops, is hereby assigned to the recruiting duty, and will, on receipt hereof, immediately proceed to Fort Scott, Kans., for the purpose of recruiting for said regiment.

"II. On arriving at Fort Scott, Capt. W. H. Boyd will report to Col. Charles W. Blair, commanding post at Fort Scott.

"By command of Maj. Gen. J. G. Blunt.

"Lieut. Col. FRED. W. SCHAUSTE,
"*Superintendent in Charge of Recruiting,*
"*Eleventh United States Colored Troops.*"

This order he obeyed at once, and he remained on such detached duty until ordered to report to the commandant of the fort at Mound City, Kans., for duty in the field. This order he promptly obeyed, and was at once assigned to the command of a company of irregular troops pressed into service by Major-General Curtis to resist the invasion of the State by the Confederate General Price. He remained on this duty until after the forces of Price had been driven from the State. His regiment having been consolidated with another, he was finally honorably discharged from the service on the 20th day of October, 1864.

He was denied all pay and bounty as a sergeant after his muster-out for promotion, and because of such muster-out. He was never mustered or paid under his commission as captain, because he was not with his command, but was on detached service. He was denied muster under the provisions of the act of June, 1881, because his command did not have the requisite number of troops.

Your committee are of the opinion that Boyd should be paid the full pay and allowance as a captain from the time of promotion to that position, to wit, March 4, 1864, to the time of his discharge from the service, to wit, the 20th day of October, 1864, that being the time he was on actual duty under his commission as captain.

Your committee therefore recommend that the bill pass.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. CANNON. I see the gentleman from Indiana [Mr. BYNUM] is in his seat——

The SPEAKER. Will the gentleman from Illinois suspend for a moment. There is a bill under consideration.

Mr. CANNON. I understand that, and I rise to debate it.

Mr. TOWNSHEND. Is the bill debatable?

The SPEAKER. Unanimous consent has been given for the consideration of the bill.

Mr. CANNON. I will take the floor for a few moments, and I do it for the purpose of calling attention to the remarks of the gentleman from Indiana [Mr. BYNUM], made in the House on the 20th instant and telegraphed through the country, and inserted in the RECORD of the 26th. He says in his remarks:

The gentleman from Illinois [Mr. CANNON] rushes to the defense of his brother Benjamin, and it is highly proper that he should do so. There is an appropriateness in their companionship. It is a trite but true saying "that birds of a feather flock together." The gentleman from Illinois is a worthy champion of the record of General Harrison, his own record being akin to that of his candidate for the Presidency. I am of the opinion, however, that it will keep the gentleman busy this campaign to take care of his own record.

In the Forty-sixth Congress Mr. Goode, a Democrat of Virginia, on April 21, 1879, offered a joint resolution (H. Res. 9) to provide for the enforcement of the eight-hour law. On the 7th of May a member of the Committee on Education and Labor reported the resolution to the House with a favorable recommendation.

The gentleman from Illinois [Mr. CANNON] opposed the passage of the resolution. In reply to a question whether the last proclamation of President Grant did not declare that there should be no reduction in the wages of workmen employed by the Government of the United States on account of a reduction of the hours of labor he said:

"I do not now recollect, but it is not material; the fact is, the law as now executed is this: if they work ten hours they get ten hours' pay, and if they only work eight hours they only get eight hours' pay. In other words, they only get pay for what they earn. That is, the law is now being executed, and, so far as I am concerned, it will go on in that way, proclamation or no proclamation."

On motion of Mr. CANNON, the resolution was laid on the table, yeas 127, nays 90. Among those voting with the gentleman from Illinois are the following distinguished Republicans: BAYNE of Pennsylvania, BURROWS of Michigan, HISCOCK of New York, MCKINLEY of Ohio, REED of Maine, and Levi P. Morton of New York. [Applause on the Democratic side.]

Then there is an arraignment of the Republican party, in which he says, among other things:

They refused to execute the eight-hour law and defeated the resolution favoring its enforcement.

Now the gentleman finds this record, as he thinks—or as he does not think, for I believe I am justified in saying the latter—and parades it here because of the statement it contains that Mr. Morton, the present candidate for the Vice-Presidency upon the Republican ticket, voted as the gentleman has indicated. So far as my own record is concerned I am ready to take care of it, and I would not have called attention at this time to the remarks of the gentleman from Indiana [Mr. BYNUM] were it not that his statement is exactly contrary to the fact so far as Mr. Morton is concerned. I have in my hand the Journal record of the vote to which the gentleman referred, first session Forty-sixth Congress, May 8, 1879. If the gentleman consulted the RECORD he should have consulted the Journal also, and if he had done so he would have found that instead of 127 there were only 126 yeas on that vote and 90 nays. Mr. Morton, along with sixty-nine others, not voting.

Again the gentleman from Indiana [Mr. BYNUM] arraigns the Republican party for laying this resolution upon the table. Mr. Speaker, at that time the Democratic party had almost two-thirds of this House, and it had a majority of eight in the Senate, and the resolution when it failed failed in a Democratic House and a Democratic Congress. But the gentleman takes great care in his statement not only to misrepresent Mr. Morton, but also not to speak of the vote upon the same resolution in the second session of the same Congress. In the second session of that Congress, the Forty-sixth Congress, the same resolution was passed under a suspension of the rules, by a vote of—yeas 130, nays 51, and amongst those voting in the affirmative is found the name of Mr. Levi P. Morton. (See Journal, second session Forty-sixth Congress, pages 1490 and 1491, June 14, 1880.)

In stating the result of the first vote the gentleman from Indiana mentioned the name of certain Republicans, but he carefully omitted to mention the names of a large number of Democrats who voted the same way, amongst them Mr. BLOUNT, Mr. Clark, Mr. CULBERSON, Mr. FORNEY, Mr. Hammond, Mr. John T. Harris, Mr. Miles, Mr. MILLS, Mr. Morrison, Mr. REAGAN, Mr. Sparks, and many others.

Now, I repeat that I have not risen on this occasion for the purpose of discussing the merits of this proposition. I will take care of my record whenever I think it is necessary, and I only ask the gentleman from Indiana [Mr. BYNUM] to do as I do, at least in one particular. I ask that when he undertakes to take care of his record or to attack the record of other men, he will produce the record as it is and not state it exactly contrary to the fact.

Reserving my time, I yield the floor for the present.

Mr. BYNUM. If the gentleman from Illinois [Mr. CANNON] will examine the CONGRESSIONAL RECORD, volume 37, Forty-sixth Congress, first session, page 1161, he will find the following proceedings:

Mr. CANNON, of Illinois, moved to reconsider the vote just taken—

That is, upon the motion to lay the resolution upon the table.

Mr. COX called for the yeas and nays.
The yeas and nays were ordered, there being—ayes 38, noes 126.
Mr. RICE. I would like the Chair to state the question on which we are about to vote.
The SPEAKER. The question is upon laying upon the table the motion to reconsider the vote by which the joint resolution and amendment were laid on the table.
Mr. COX. Those in favor of the joint resolution will vote no.
The SPEAKER. And those who want to kill the proposition will vote ay.
The question was taken; and there were—ayes 127, noes 90—

And among those recorded as voting in the affirmative is Levi P. Morton, of New York, and Mr. CANNON, of Illinois.

That is the record upon which I made my statement.

Mr. CANNON. Does not the gentleman know that the daily CONGRESSIONAL RECORD is not the highest evidence in a matter of that kind? [Jeering laughter on the Democratic side.]

Mr. BYNUM. The RECORD is made daily and laid before members every morning, and they examine it with reference to their votes, and they never see them as they are recorded in the Journal.

Mr. CANNON. Allow me to state that the Journals of the House speak the action of the House; and I ask the gentleman now if he did not quote Mr. Morton from the CONGRESSIONAL RECORD as voting in a certain way, knowing that the Journal showed the contrary? Will the gentleman answer that question? [Applause on the Republican side.]

Mr. BYNUM. I say to the gentleman that I took this vote from the CONGRESSIONAL RECORD, and found it there just as I gave it; I examined no further. I was not aware that there was any variance between the CONGRESSIONAL RECORD and the Journal until the gentleman mentioned it just now, or I would have so stated when I first announced Mr. Morton's vote. I believe, however, Mr. Speaker, the RECORD to be correct. Mr. Morton was present, as the roll-calls show, on the 6th of May; they do not show that he was given any leave of absence on the 6th, 7th, or 8th, or that he was paired on this vote. I believe the RECORD to be the best evidence of who voted and how they voted. The yeas and nays in the RECORD are published the next morning in the RECORD of the previous day's proceedings—the vote as published from the original roll-call—while the Journal is not published till the end of the session. The vote as published is taken from a copy of the original. The principle that a copy can not be used so long as the original is at hand is as old as the common law itself. Of course the Journals of the House are official records and as such are evidence of the facts contained, but as a matter of fact the votes recorded in them are but copies, while the RECORD contains the original.

Mr. CANNON. Here is the Journal. I will show it to the gentleman, and I ask the gentleman again if he did not know that the Journal showed to the contrary of his statement?

Mr. BYNUM. Does the Journal show the yea-and-nay vote? [Cries on the Republican side of "Answer!" "Make him answer!"]

Mr. CANNON. It shows the yea-and-nay vote. Here it is.

Mr. BYNUM. Does the gentleman say that the vote on the motion to lay the resolution on the table is recorded in the Journal?

Mr. CANNON. Will the gentleman answer my question?

Mr. BYNUM. I say to the gentleman that the yeas and nays were not taken on the motion to lay the resolution on the table. They were taken on the motion to reconsider the vote. The RECORD shows that there was no yea-and-nay vote on the motion to lay on the table.

Mr. CANNON. Here is the Journal, and it shows not the 127 ayes as the gentleman stated, but 126, and Mr. Morton's name is not recorded as voting as the gentleman stated he voted.

Mr. BYNUM. Mr. Speaker, I say that the yeas and nays were not upon his motion to lay the resolution upon the table, but upon the motion to lay the vote to reconsider upon the table. While I am up I desire to call the attention of the House to a statement made in the RECORD——

Mr. CANNON. Oh, no, let us settle one thing at a time.

Mr. BYNUM. Oh, I have settled that to the satisfaction of the gentleman, I think; and when he comes here and attempts to contradict the RECORD with the Journal of the House, it is a question as to which is the best evidence of the fact. [Jeers on the Republican side.]

The SPEAKER. The House will be in order.

Mr. CANNON. The gentleman has not answered, and I do not believe he will answer that he did not know what the Journal showed.

Mr. BYNUM. I have stated to the gentleman that I did not examine the Journal, that I examined the RECORD only, and that I did not know that there was any variance between the Journal and the RECORD.

A MEMBER on the Republican side. That is not the question.

Mr. BYNUM. Here is McPherson's Handbook of Politics, publishing that same vote. This is an official record, so far as the Republican party is concerned; and upon this question Mr. Morton is reported in favor of laying the resolution on the table—the same as in the RECORD.

Mr. CANNON. That is McPherson's Handbook of what year?

Mr. BYNUM. Eighteen hundred and eighty.

Mr. CANNON. What page?

Mr. BYNUM. Page 178.

Mr. CANNON. Ah, the gentleman is now speaking of a vote taken the next session, the second session, of that Congress, when this same proposition was brought up; when Mr. Morton voted to suspend the rules and pass the resolution. He voted "ay." I have that Journal here and McPherson's Handbook, and they agree. [Applause on the Republican side.]

Mr. BYNUM. The gentleman is correct, I notice from a closer examination of the book which has just been handed me. Now, I desire to call the gentleman's attention to the record. The Journal which the gentleman reads from, I see, shows Mr. Morton as absent and not voting.

Mr. CANNON. That is what I have said.

Mr. BYNUM. I have not examined as to whether it is the same vote or not.

Mr. CANNON. Oh, yes; it is the same vote.

Mr. BYNUM. I have not, of course, had time to examine whether Mr. Morton was present on that day or not; but I will examine the records as to that fact. In the RECORD he is recorded as present and voting; he is not reported as being absent—showing conclusively to my mind that the RECORD is correct on this point. In the Journal he is recorded as being absent on that day and not voting at all.

As I have said, every member of the House sees a copy of the RECORD on the morning of its publication; and every member, so far as my knowledge goes, looks over the votes and corrects any vote if he is misrepresented or misrecorded. The Journal is never looked at by any member until after the session, because it is not published until then. While it may be an official record, I say to the gentleman it is not as good a record of the action of this House as the CONGRESSIONAL RECORD is. Another thing to which I wish to call the gentleman's attention is the fact that the names of members voting on any question are never read when the Journal is read each morning. The space is a blank, and is never filled till the record goes to the Printing Office.

So far as this matter is concerned, there seems to be some conflict between the Journal and the RECORD. If there is any way to ascertain which is correct, I shall do so. I would like to know how this variance can be accounted for. That is all I have to say on that point at present.

I notice in the remarks of the gentleman from Nevada [Mr. WOODBURN] the statement that the contract-labor law was repealed by the Forty-seventh Congress, not by the Forty-eighth Congress. The gentleman did not make that statement on the floor of the House, or I should have corrected him at that time. I can only attribute this statement of the gentleman to the fact that he was overzealous in trying to obscure the facts in reference to the matter. But it is a fact that the contract-labor act was repealed in the Forty-eighth Congress—not in the Forty-seventh.

Now, the gentleman from Illinois can not excuse himself before his constituents because he may have had some good company on the occasion referred to. The gentleman must answer to his constituents for his own vote; and Mr. Morton must answer for his vote; and every other leading Republican must answer to his constituents for his vote. It is not sufficient for the gentleman to come here and say that Democrats voted with him on that occasion.

Mr. CANNON. Mr. Speaker, I desire again to say that the gentleman's statement touching the vote of Mr. Morton is not true. It falsifies the record.

The statement that it so appears in the CONGRESSIONAL RECORD is mere pettifogging. The Journal of the House shows the action of the House, and shows, as I have stated, that Mr. Morton was not present, was not voting, and did not vote.

Again: I state at the next session, the second session of the Forty-sixth Congress, as shown by the Journal which I have in my hand, the motion was made to suspend the rules and pass this same eight-hour resolution, and it received 130 votes—yeas 130, nays 51, not voting 111, and amongst the 130 votes voting yea in that same Congress is the name of Levi P. Morton. [Applause on the Republican side.] There is the Journal.

Now the gentleman says I can not creep out by trying to associate with respectable men like BLOUNT and Morrison on his side of the House to justify my action by theirs. I have not tried to do so. I am responsible for my votes without reference to anybody. I have defended this vote and successfully before the working people and farmers of my country and my district, and I will do so again or I will go to the wall. But I will never do it by rising in my place in this House or out of this House and misstating the record, and especially when it is brought to my knowledge, by then rising and pettifogging instead of rising in my place and acknowledging my mistake and begging the country's pardon and Mr. Morton's pardon for misstatement of the record. [Applause on the Republican side.]

Mr. BYNUM. Do I understand the gentleman to say that I have misstated the record of Congress?

Mr. CANNON. Yes.

Mr. BYNUM (holding up the RECORD). Here is the RECORD, and the gentleman can not show it. I dare him to do it.

I will ask the gentleman another question. Have you ever examined the votes of the Journals of Congress to see whether you are recorded correctly or not? [Derisive laughter on the Republican side.]

Mr. CANNON. I always examine the votes as recorded upon the Journal of the House when a vote is called in question, and when I am seeking to find out how any gentleman is recorded, because it is notorious the vote recorded in the CONGRESSIONAL RECORD is often erroneous, and the Journal shows the true vote. No man who is careful of his own rights and the rights of other members will make a statement as to a vote in a former Congress without examining the Journal.

Mr. BYNUM. So far as the Journal shows the vote one way and the RECORD another the member at the time seeks to make the correction, and it may have been changed in that way.

Mr. CANNON. The CONGRESSIONAL RECORD of this morning has an error of the print which covers one hundred and fifty names.

A MEMBER. Sunday morning's RECORD?

Mr. CANNON. Yes; Sunday morning's RECORD, which has been corrected by an order of the House.

Mr. BYNUM. Have you examined the Journal to find out as to your vote?

Mr. CANNON. The Journal is not printed and laid on our tables, while the RECORD is laid upon our desks every morning.

Mr. BYNUM. Certainly it is; and that is just what I have been contending; and that the RECORD is corrected as it is published, while no one ever has an opportunity to see the votes as recorded in the Journal until the session is ended.

Mr. RYAN. I think the merits of the bill have been made quite clear by the discussion [laughter], and therefore I call for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES TRABUE ET AL.

Mr. ROGERS. I ask for unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 5349) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters, and put it upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums hereinafter stated, the same to be in full settlement of the claims of said parties for use and occupation of property by the United States, namely:

To James Trabue, $600.
To Thornton Thatcher, $93.33.
To Michael Callahan, $113.66.
To the widow of John Waters, $1,825.

Mr. HOLMAN. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The facts out of which this bill for relief arises will be found stated in House Report No. 3959, of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 3959, Forty-ninth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (S. 311) for the relief of James Trabue *et al.*, have carefuliy examined the same, and find the facts to be as stated in Senate Report No. 29, Forty-ninth Congress, first session, which report is hereto annexed and made a part of this report, and is as follows:

[Senate Report No. 29, Forty-ninth Congress, first session.]

We adopt the report hereto annexed, made by Mr. GEORGE, from this committee, in the first session of the Forty-eighth Congress, and recommend the passage of the bill.

The Committee on Claims make the following report on this bill:

CLAIM OF MR. CALLAHAN.

This claim was before this committee at the second session of the Forty-fifth Congress. We adopt their report, which is as follows:

"The claimant presents five certified quartermaster's vouchers for rent of property at Huntsville, Ala., during the months of August, September, October, and November, 1864, and January, February, March, April, May, June, August, September, November, and December, 1865, amounting to $113.66.

"The following is written on the face of the vouchers for the months prior to August 1, 1865:

"'To be settled hereafter as the Government may direct, the claimant being considered loyal.'

"The accounting officers of the Treasury rejected this claim on the ground that it was among those prohibited to be paid by them under the act of Congress of February 21, 1867.

"These claims were reported by the depot quartermaster at Huntsville, Ala., as being due, and were so borne upon their accounts.

"They were referred by the Third Auditor of the Treasury to the Quartermaster-General, by whom they were examined and found to be correct. In certifying the claims back to the accounting officers of the Treasury, the Quartermaster-General says: 'Payment is not conditional on proof of loyalty. The services have been reported to this office as required by the regulations.'

"In this case the loyalty of the claimant is vouched for on the face of each certificate given him during the period of hostilities, and it is not to be presumed that the officers of the Army would improperly or heedlessly give such a certificate to a disloyal person.

"Your committee recommend that the claim be allowed, and report as a substitute for the bill referred to them (S. 271) the following bill, and recommend its passage."

CLAIM OF T. THATCHER.

The committee find the following facts in relation to the claim of Thornton Thatcher embraced in the same bill:

That Capt. James P. Day of the Thirty-seventh Illinois Infantry, and assistant quartermaster of the post at Columbus, Tex., rented a house from the claimant for $53.33. The house was occupied and used for storing quartermaster and commissary supplies in November and December, 1865. The said Day gave regular vouchers therefor in due form, and reported the same to the proper Department.

The claim was disallowed by the Quartermaster-General and the Treasury Department solely on the ground that payment of it was prohibited by the Treasury Department, by section 300 B, of the Revised Statutes. This statute, however, has not been recognized or held to be an annulment of contracts of rent duly made, and claims of that sort have been uniformly paid by Congress. This claimant also presents a demand for $40 for rent at same place in August, 1865. The contract in this case was made by J. M. Culbertson, first lieutenant of Thirty-seventh Illinois Infantry, acting assistant quartermaster at this post, who gave a regular voucher for the same. This is in all respects like the former. The whole claim for $93.33 is just.

CLAIM OF JAMES TRABUE.

This claim was first presented in the name of W. B. Gosa, admintstrator of W. P. Grace.

It appears that the claim belonged to James Trabue, who gave it for collection to Gosa, who died, and his administrator claimed payment. The claim is now presented in the name of the true and original owner. It was reported on by the committee at the second session of the Forty-fifth Congress (Report No. 178). We adopt the report, which is as follows:

"W. P. Grace, administrator for W. B. Gosa, presents six certified vouchers of Army quartermasters for rent of property at Pine Bluff, Ark., during the months of September, October, November, and December, 1865, and January and February, 1866, stated at $100 each.

"Letters of administration to W. P. Grace accompany the vouchers.

"It appears from the accompanying papers that the accounting officers of the Treasury were prohibited from paying these vouchers by the act of Congress of February 21, 1867.

"By an indorsement on the face of some of the vouchers it appears that the store-house of the claimant had been taken possession of for Army purposes in August, 1864, without a contract of lease. The quartermaster of the post at Pine Bluff, Ark., issued regular vouchers, monthly, for the rent of the property, in the years 1865 and 1866, which were approved by the officer commanding the post and the accounts were duly reported to the Quartermaster-General, as appears by his indorsement on the papers.

"The building was used for offices and warehouses for the Subsistence Department of the Army at that post. No valid objection to the claim appears, and it is sufficiently established by the vouchers given to the claimant.

"Your committee report the accompanying substitute for the bill (S. 271) referred to them, and recommend its passage."

CLAIM OF JOHN WATERS.

This claim was before the committee at the second session of Forty-fifth Congress, and a favorable report thereon made. We adopt the report, which is as follows:

"Capt. A. W. Wills, who was assistant quartermaster of the Army, stationed at Memphis, Tenn., gave to John Waters two certificates on Form 22, for the rent of a dwelling, No. 15, on North College street, in that city. The first is dated December 31, 1863, and is for the rent of said house from June 1 to December 31, 1863, at $75 per month. The other is dated January 31, 1865, and is for the rent of the same house from the 1st of January, 1864, at $100 per month, the amount of said certificates being $1,825. On the face of each certificate is the following indorsement: 'Payable hereafter as the Government may direct.'

"These vouchers passed through the office of the Quartermaster-General and the offices of the Third Auditor and Comptroller of the Treasury, and were found correct, but payment was refused because the officers of the Treasury Department were prevented by the act of Congress of February 21, 1867, from settling and paying such claims when they originated in States lately in rebellion.

"The loyalty of John Waters is very clearly established. There is no reason to suppose that this dwelling-house was seized or taken possession of by the Army of the United States as captured or abandoned property. To the contrary, the certificates given him by the quartermaster indicate a lease by agreement, and he returned the property, as having been leased by him, in his reports to the Quartermaster-General's Office. The rate per month of the rental was stated in the certificates. Nothing was left open, but that the payment should be made as the Government might direct.

"Your committee are of the opinion that it is the duty of the Government to pay the debt according to the agreement as shown in the certificates of the quartermaster, and accordingly report the accompanying substitute for the bill referred to them (S. 271), and recommend its passage."

The above and the two other reports herein copied were made by the committee through Senator MORGAN, of Alabama.

It appears now that Waters is dead, and that this claim has been set apart by the proper court to his widow, as her right in his estate. The bill should be amended so as to require payment to her.

The committee find all the claims just, and recommend the passage of the bill, after it is amended by inserting in line 14, after the word "to," the words "the widow of."

The committee therefore adopt said Senate report as the report of this committee, and recommend that the accompanying bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ALLEN, of Michigan. I would like to ask the gentleman this question before consent is given, why all of these cases are bunched together in one bill? The parties appear to be widely separated as to territory, and, if I understood the reading of the report aright, some of them at least, as far as the question of loyalty is concerned, are not

vouched for. I do not want to object to the consideration of the bill if I can help it——

Mr. ROGERS. My colleague, Mr. BRECKINRIDGE, is much more familiar with the facts than I am. I will answer the gentleman's question as to the last-named party in the bill, Mrs. Williams, now Mrs. Waters, that she was at that time a resident of Nashville, Tenn., but has since married Williams and now lives in Arkansas. He can explain better than I can.

Mr. ALLEN, of Michigan. I can shorten this matter if the gentleman from Arkansas will permit me to ask a question as to whether the loyalty of these parties is proven?

Mr. BRECKINRIDGE, of Arkansas. Unquestionably; and that is stated very fully, if the gentleman had been able to hear the reading of the entire report.

Mr. ALLEN, of Michigan. I could not hear the reading of the whole report.

Mr. BRECKINRIDGE, of Arkansas. Bills for the relief of these parties have been passed three or four times by the House and by the Senate, but it happened that there was not concurrent action upon them in the same Congress, arising from one cause or another.

Mr. ALLEN, of Michigan. I have no objection to the consideration of the bill.

The SPEAKER. Without objection, the bill will be before the House for consideration.

There was no objection.

Mr. ROGERS. I send to the desk an amendment to be submitted to the bill in conformity to the report of the committee.

The SPEAKER. The Chair thinks that is already embodied in the bill. The report in the Forty-ninth Congress recommends an amendment, which appears to be embodied in the bill.

Mr. BRECKINRIDGE, of Arkansas. The Chair will observe that there is a slight change in the amendment. This lady has been married since that report was made.

The SPEAKER. The Clerk will report the amendment of the gentleman from Arkansas.

The Clerk read as follows:

Strike out "the," in line 14, and insert in lieu thereof the words "Annie M. Williams, late;" and insert after the words "John Waters," in the same line, the word "deceased;" so that it will read: "to Annie M. Williams, late widow of John Waters, deceased."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH L. LARIMER.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyo., and for loss of property taken by Sioux Indians.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read at length.

Mr. KILGORE. I demand the regular order.

Mr. WILLIAMS. I hope the gentleman will allow this bill to pass.

Mr. KILGORE. I insist upon the demand for the regular order.

Mr WILLIAMS. Will the gentleman not allow me a brief explanation?

Mr. BLAND. I think we had better have the regular order.

Mr. WILLIAMS. This is a good bill.

Mr. BLAND. It is a bad bill to begin with, but a good bill to demand the regular order to commence with.

EXPLANATION.

Mr. WILSON, of Minnesota. Mr. Speaker, I believe the matter which I ask to submit to the Chair is one of privilege. By the RECORD of yesterday morning it appears that my colleague [Mr. RICE] is absent without leave of the House. I will state that he had leave of absence, and that he is away from the House in consequence of sickness in his family.

The SPEAKER. The correction will be made.

The Chair will state in this connection that it seems to be the practice in the publication of the official record of the proceedings of the House to state opposite the names of absent members called during the call of the House that no excuse is offered; and this statement is made frequently in connection with the names of gentlemen not only who have leave of absence, but those who are absent by order of the House. The Chair suggests to the Journal Clerk that if he can furnish to the Official Reporters of the proceedings a list of the members absent with leave or by order of the House this apparent injustice could be avoided, and the Chair will endeavor hereafter to see that this is done.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. HUNTER on account of ill health.

WITHDRAWAL OF A BILL.

The SPEAKER. The gentleman from Missouri [Mr. HEARD] asks to have the following resolution passed, to recall a bill from the President, which seems to be necessary.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House the bill of the House No. 10060, prescribing the time for sales and notice of time of sales of property in the District of Columbia for overdue taxes.

Mr. HEARD. On behalf of the Committee on the District of Columbia, the chairman of which is temporarily absent, I ask at the request of the District commissioners immediate action on this resolution, because it is necessary that the Senate should also act upon it to-day as the time within which it must be disposed of by the President expires to-morrow.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HEARD. I would state that the object of this bill being to amend the law of the District of Columbia relating to the advertisement and sale of property for delinquent taxes, its recall is desired in order that certain dates therein may be changed so as to harmonize its provisions with those parts of the existing law which it is intended to perfect.

The SPEAKER. If there be no objection the resolution will be considered as agreed to.

The resolution was agreed to.

Mr. HEARD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

The SPEAKER. The Chair has received a number of telegrams from members of the House offering excuses for their absence, and asking to have their leave extended. If there be no objection, the Chair will lay these telegrams before the House. Some of them are sent from members who are sick, and some are from those who have sickness in their families. The Clerk will read them.

The Clerk read as follows:

WILLIAMSBURGH, KY., *August* 27, 1888.

To Hon. J. G. CARLISLE,
Speaker House of Representatives, Washington:

My family has typhoid fever. Can not be in city for some time.

H. F. FINLEY.
E. S. MOSS, M. D.

The SPEAKER. This telegram is signed by the gentleman himself and also by his family physician.

Is there objection to his being excused? The Chair hears none.

A MEMBER. The resolution of the House does not apply to these cases.

The SPEAKER. The Chair has not had opportunity to consult the resolution, but was of the opinion that leaves of absence were revoked of members who are not sick.

Mr. JACKSON. The resolution only excuses members for sickness.

The SPEAKER. The Chair thought it better to lay them before the House. The resolution of the House does not embrace those who were excused on account of sickness at the time, but the Chair is unable to ascertain without examination of the record who were excused on that account.

Mr. WEAVER. But where the sickness has terminated, the excuse ought not to be given.

The Clerk read as follows:

POLAND SPRINGS, ME., *August* 27, 1888.

JOHN LEEDOM,
Sergeant-at-Arms House of Representatives:

Can not come this week; am under care of physician and must remain. Have me excused.

JNO. A. McSHANE.

Mr. MACDONALD. Is it proper now to ask that Mr. McSHANE be excused?

The SPEAKER. It is.

Mr. MACDONALD. Then I ask that Mr. McSHANE be excused.

There was no objection.

The Clerk read as follows:

WHITE HOUSE, *New Jersey*, *August* 27, 1888.

To J. P. LEEDOM:

Am unwell; can not come to-day. Will as soon as I am able. Try and pair me or get me excused. Answer.

J. N. PIDCOCK.

Mr. CRISP. I move that Mr. PIDCOCK be excused.

Mr. TRACEY. Does Mr. PIDCOCK ask to be excused on account of sickness?

The SPEAKER. He says he is not well.

Mr. WEAVER. I would like to have the telegram read again.

The telegram was again read.

The SPEAKER. Is there objection to Mr. PIDCOCK being excused?
There was no objection.
The Clerk read as follows:

GAINESVILLE, *Ga.*, *August* 27, 1888.

Hon. J. P. LEEDOM, *Washington, D. C.:*

My daughter is critically ill. I can not leave her. I ask an extension of leave of absence.

A. D. CANDLER.

Mr. CRISP. I ask that Mr. CANDLER be excused.
The SPEAKER. Is there objection?
There was no objection.
Mr. CRISP. Is the understanding that it is indefinite leave?
The SPEAKER. It is.
The Clerk read as follows:

UTICA, N. Y., *August* 27, 1888.

J. P. LEEDOM,
Sergeant-at-Arms:

Very serious sickness in my family renders immediate return impossible.

J. S. SHERMAN.

Mr. MCCORMICK. I ask that Mr. SHERMAN be excused.
There was no objection.
The Clerk read as follows:

ONEONTA, N. Y., *August* 27, 1888.

The SERGEANT-AT-ARMS,
House of Representatives:

Am not well enough to come to Washington.

DAVID WILBER, M. C.

Mr. TRACEY. I ask that Mr. WILBER be excused.
There was no objection.
The Clerk read as follows:

ARLINGTON, MD., *August* 27, 1888.

J. P. LEEDOM,
House of Representatives:

Am not well; procure me leave of absence for few days.

I. RAYNER.

Mr. RUSK. I ask that my colleague, Mr. RAYNER, be excused.
There was no objection.
The Clerk read as follows:

ERIE, PA., *August* 27, 1888.

J. P. LEEDOM,
Sergeant-at-Arms, House of Representatives:

Notice received. Will return to Washington soon as sickness in my family will permit.

W. L. SCOTT.

Mr. MAISH. I ask that Mr. SCOTT be excused.
There was no objection.
The Clerk read as follows:

CANAAN, CONN., *August* 27, 1888.

Hon. J. P. LEEDOM,
Sergeant-at-Arms, House of Representatives, Washington, D. C.:

Dispatch just received. Not able to go. Reasons by mail.

M. T. GRANGER.

Mr. ROCKWELL. I ask that my friend Judge GRANGER be excused. I know that he is ill and I have paired with him.
There was no objection.
The Clerk read as follows:

MANHATTAN BEACH, CONEY ISLAND, N. Y., *August* 25, 1888.

J. D. O'CONNOR,
Clerk Census Committee, House of Representatives:

Really too unwell to be in Washington Monday. Have written.

S. S. COX.

Mr. BACON. I ask indefinite leave of absence for my colleague, Mr. COX. I have seen a letter from him, and he states that his physician says it is impossible for him to come to Washington.
There was no objection.
The Clerk read as follows:

LOGANSPORT, IND., *August* 27, 1888.

Hon. J. P. LEEDOM,
Sergeant-at-Arms, House of Representatives:

I asked leave of absence on account of serious illness in my family. Wired Mr. CHEADLE Tuesday requesting such leave. Answer if presence is ordered.

W. D. OWEN.

Mr. CHEADLE. I asked, as I thought at the time, indefinite leave of absence for Mr. OWEN, but I am told that the sickness did not appear of record. I ask that he be now given indefinite leave of absence.
There was no objection.
The Clerk read as follows:

BURKEVILLE, VA., *August* 27, 1888.

Col. J. P. LEEDOM,
Sergeant-at-Arms, House of Representatives:

Telegram received; convalescent; can not leave home for ten days; extension.

W. E. GAINES.

Mr. J. R. BROWNE. I ask that Mr. GAINES have the leave he requests.
There was no objection.
The Clerk read as follows:

MOUNT VERNON, OHIO, *August* 27, 1888.

Hon. A. C. THOMPSON,
House of Representatives:

Colonel COOPER is home sick under my care as his physician.

J. W. RUSSELL, M. D.

Mr. WILLIAMS. I ask that Mr. COOPER be excused.
There was no objection.

Mr. BRECKINRIDGE, of Kentucky. I do not object to the granting of these leaves of absence, but, as we are excusing everybody, would it be in order to move to rescind the resolution which was carried on Saturday last after a great deal of passionate rhetoric?
The SPEAKER. That would be in order.
Mr. BRECKINRIDGE, of Kentucky. It seems that the leaves of our absent colleagues are so universal that that would really be the effect of it.
Several MEMBERS. Regular order.
Mr. SPRINGER. Over one hundred and thirty telegrams were sent to members, and these are a few from whom responses have been received.
Mr. WEAVER. I think it would appear from these telegrams that Washington is a much healthier place than any other part of the country, therefore it would be in order to revoke the leaves of absence granted to our sick brothers, and ask them to come back here where they can be restored to health.
Mr. MCCREARY. I understand that the gentleman from Kentucky [Mr. BRECKINRIDGE] made no motion revoking the order of last Saturday. I hope nothing of that kind will be done. It is very important that we should have a quorum here this week.
The SPEAKER. The gentleman did not make a motion of that character. The Clerk will proceed with the reading of the telegrams.
The Clerk read as follows:

NEW BERNE, N. C., *August* 27, 1888.

JOHN S. HENDERSON,
House of Representatives, Washington, D. C.:

Have telegram Sergeant-Arms. My wife very ill. Can not come. Exempt me from resolution.

F. M. SIMMONS.

Mr. CRISP. I ask that the gentleman be excused.
There was no objection.
Mr. LYNCH. The RECORD does not show that I was present when the roll was called on Saturday. I was present and answered to my name.
The SPEAKER. A correction of the RECORD has been ordered.
Mr. CRISP. I received a letter this morning from Mr. BLANCHARD, of Louisiana. That gentleman is now in the city and has been here all the time. He has been quite sick for ten days and confined to his room. He desired this statement to be made; and I request that he be granted indefinite leave of absence from the House.
There was no objection.
Mr. MAISH. I have not noticed that any excuse or telegram has been received from Mr. RICE, of Minnesota. It has come to my knowledge that he was called home in consequence of the death of a daughter, and I therefore ask that he be excused.
The SPEAKER. The gentleman from Minnesota [Mr. WILSON] does not know whether his colleague was excused or not.
Mr. WILSON, of Minnesota. My colleague was excused before he left, and it was not on account of sickness but death in his family.
The SPEAKER. Then the RECORD does not show it.
Mr. MACDONALD. I move that he be excused indefinitely. He was excused on account of sickness in his family, and since then his daughter has died.
There was no objection.
Mr. MATSON. My colleague [Mr. HOWARD] was granted leave of absence some days since because of the critical illness of his daughter. I think his leave, which was for ten days, has expired. I know that he would return here but for his daughter's illness, and I ask that he be excused.
There was no objection, it was so ordered.
Mr. MAISH. Mr. Speaker, does it appear that my colleague [Mr. RANDALL] has been excused on account of sickness?
The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] was excused some time ago on account of sickness.
Mr. STOCKDALE. I find that in the list of members answering on the roll-call on Saturday my name is not recorded. I answered every time the roll was called.
The SPEAKER. The correction will be made.
A MEMBER. Regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. The regular order is the call of States and Territories for the introduction of bills and resolutions.

EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. WHEELER offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Thursday, August 30, and Saturday, September 1, be set apart for the consideration of bills reported from Committee on Expenditures in the Treasury Department.

CLAIMS OF THE CREEK INDIANS.

Mr. COBB introduced a bill (H. R. 11271) to authorize the Secretary of the Interior to investigate certain claims of the Creek Nation of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHANGES IN THE TARIFF LAWS.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 11272) to correct certain abuses arising under the present tariff laws relating to iron and steel railway bars; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 11273) to correct certain abuses arising under the present tariff laws relating to copper; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 11274) to correct certain abuses arising under the present tariff laws relating to structural iron; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 11275) to correct certain abuses arising under the present tariff laws relating to lumber; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 11276) to suspend the operation of laws relating to the sinking fund and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. BAYNE. Mr. Speaker, to what committee are these bills referred?

The SPEAKER. To the Committee on Ways and Means.

Mr. BAYNE. I should not think that that would be a proper reference of these bills. The Committee on Ways and Means have already reported a bill affecting matters coming under the tariff laws, and therefore to refer these bills to that committee does not strike me as the best way of securing action upon them.

Mr. BRECKINRIDGE, of Arkansas. The bill to which the gentleman refers, which was reported by the Committee on Ways and Means and passed by the House, does relate to the duty on lumber, and one of the bills just referred embraces the same subject, and like provisions, but the indications are that the bill which passed the House will not be very sedulously pushed in the Senate.

Mr. BAYNE. Do I understand my friend from Arkansas [Mr. BRECKINRIDGE] to agree that the bill reported from the Committee on Ways and Means, generally called "the Mills bill," requires modification and correction?

Mr. BRECKINRIDGE, of Arkansas. Not in the particulars referred to, and I am not suggesting any modification.

Mr. BAYNE. In any particular?

Mr. BRECKINRIDGE, of Arkansas. As I stated to the gentleman before——

The SPEAKER *pro tempore*. The Clerk will read clause 2 of Rule XI.

The Clerk read as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows:

Subjects relating to the revenue and the bonded debt of the United States to the Committee on Ways and Means.

The SPEAKER *pro tempore*. This last bill relates to the bonded debt of the United States, and should therefore under the rule be referred to the Committee on Ways and Means. The Clerk will proceed with the call.

Mr. VANDEVER introduced a bill (H. R. 11277) to provide means to exterminate the cottony cushion scale now threatening the destruction of citrus-fruit culture in California; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

BRIDGES OVER NAVIGABLE STREAMS.

Mr. DAVIDSON, of Florida (by request), introduced a bill (H. R. 11278) to prohibit bridges over navigable streams, bays, and harbors of the United States without the consent of Congress; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BANKS HOLDING GOVERNMENT MONEY WITHOUT INTEREST.

Mr. MASON offered a resolution to investigate certain national banks which hold and use Government money without interest, and to ascertain how much, if anything, is contributed by said banks for the use of said money to the Democratic national campaign committee; which was read and referred to the Committee on Banking and Currency.

AMENDMENT OF RULES.

Mr. HOLMAN introduced the following resolution; which was referred to the Committee on Rules and ordered to be printed in the RECORD.

Resolved, That the Rules of the House be amended as follows:

Rule X, clause 1, so that line 6 thereof will read as follows: "the Committee on Appropriations to consist of nineteen members."

Rule XI, so that clauses from 3 to 16 thereof, inclusive, will read as follows:

3. to appropriation of the revenue for the support of the Government: to the Committee on Appropriations.

4. to judicial proceedings, civil and criminal law: to the Committee on the Judiciary.

5. to banking and currency: to the Committee on Banking and Currency.

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures.

7. to commerce, life-saving stations, and light-houses, other than appropriations for Life-Saving Service and light-houses: to the Committee on Commerce.

8. to the improvement of rivers and harbors: to the Committee on Rivers and Harbors.

9. to the merchant marine and fisheries: to the Committee on Merchant Marine and Fisheries.

10. to agriculture and forestry: to the Committee on Agriculture.

11. to the relation of the United States with foreign nations: to the Committee on Foreign Affairs.

12. to the military establishment and the public defense: to the Committee on Military Affairs.

13. to the naval establishment: to the Committee on Naval Affairs.

14. to the post-office and post-roads: to the Committee on the Post-Office and Post-Roads.

15. to the lands of the United States: to the Committee on Public Lands.

16. to the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs.

PUNISHMENT OF TRUSTS.

Mr. ANDERSON, of Iowa, introduced a bill (H. R. 11279) to define "trusts," and to provide for the punishment of persons connected with them or carrying them on, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNATIONAL CONFERENCE OF RED CROSS ASSOCIATION.

Mr. BRECKINRIDGE, of Kentucky, introduced the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 5,000 copies of Senate Executive Document No. 231, first session, Fiftieth Congress, being letter of the Secretary of State transmitting a report of the fourth international conference of the Red Cross Association, and the report transmitted; said copies for the use of, and to be delivered to, the president of the American National Association of the Red Cross.

CANAL COMMUNICATION WITH CANADA.

Mr. DAVIS introduced the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States be requested, if not in his judgment incompatible with the public interest, to communicate to the House copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that Government against the wrongs and unfair treatment of our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland Canal and other Canadian canals nearly the entire tolls, if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage, and the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation; also copies of any demand made by his direction upon Great Britain for the redress of such wrongs, and the replies of Great Britain to such communication and demand.

MONUMENT TO JOHN ANTHONY QUITMAN.

Mr. STOCKDALE introduced a bill (H. R. 11273) to erect a monument in the State of Mississippi to the memory of John Anthony Quitman; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

CONSIDERATION OF BUSINESS FROM LABOR COMMITTEE.

Mr. O'NEILL, of Missouri, introduced the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Wednesday, September 5, after the reading of the Journal, be set apart for the consideration of bills and resolutions reported from the Committee on Labor.

Mr. O'NEILL, of Missouri. I wish to make a parliamentary inquiry. The Committee on Rules have, I believe, the right to report at any time?

The SPEAKER. They have.

REDUCTION OF LETTER POSTAGE.

Mr. BUCHANAN introduced a bill (H. R. 11280) to reduce letter postage to 1 cent per ounce; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

STATUE OF PÈRE MARQUETTE.

Mr. THOMAS, of Wisconsin, introduced a joint resolution (H. Res. 217) authorizing the State of Wisconsin to place in Statuary Hall at the Capitol the statue of Père Marquette; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PROTECTION OF SETTLERS ON MAXWELL LAND GRANT.

Mr. JOSEPHS introduced a joint resolution (H. Res. 218) for the protection of the actual settlers upon the Maxwell land grant, in the Territory of New Mexico and the State of Colorado; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. JOSEPHS called for the reading of the joint resolution; which was read, as follows:

Whereas, by virtue of the decision made by the Secretary of the Interior on the 31st day of December, 1869, all the land lying and being situate in the Territory of New Mexico and the State of Colorado, and within the limits of what is now known as the Maxwell land grant, was opened to settlement; and

Whereas, by reason of said order, individuals have occupied portions of said grant, believing in good faith that the same was a part of the public domain of the country, and have made improvements thereon and sought to acquire the same for homestead and pre-emption purposes, in accordance with the land laws of the United States; and

Whereas it has been decided by the Supreme Court of the United States that

said Maxwell land grant has been no part of the public domain since the act of Congress in reference thereto, of the 21st day of June, 1860: Therefore,

Be it resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to forthwith examine into the occupancy of the Maxwell land grant by those who hold adversely to the party or parties in whom the title thereto has been decided to be by the Supreme Court of the United States, and to report to Congress without unnecessary delay the extent of each adverse holding, the value of the land embraced within such holding, and also the value of the improvements upon said holding, and also the time at which said holding was first occupied, and also the name or names of the party or parties who now possess the same, with the view to indemnify such adverse claimants for the expenditures which they have incurred in good faith.

And be it resolved further, That during the pendency of such investigation and of the report thereon to Congress, all writs of ejectment be, and they are hereby, temporarily suspended.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. I present a conference report upon the disagreeing votes of the two Houses on the sundry civil appropriation bill. I ask that the report (together with the accompanying statement as an appendix to the report) be printed and that it lie over.

The SPEAKER. The gentleman from Alabama [Mr. FORNEY] submits a conference report on the sundry civil appropriation bill, and asks that the report, together with the statement of the managers on the part of the House, be printed and lie over.

Mr. FORNEY. I do not think it necessary to have it printed in the RECORD.

The SPEAKER. The gentleman desires to have it printed in document form?

Mr. FORNEY. Yes, sir.

The SPEAKER. The gentleman asks unanimous consent that the report and accompanying statement be printed and lie over for the present. Is there objection to this request? The Chair hears none; and it is so ordered.

PROTECTION OF SETTLERS ON MAXWELL GRANT.

Mr. SAYERS. I ask, by unanimous consent, that the Committee on Private Land Claims have leave to report at any time on the resolution referred to it on motion of the gentleman from New Mexico [Mr. JOSEPH], as it involves a matter of great importance.

There was no objection, and it was ordered accordingly.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. This being the fourth Monday, it has been set apart by the rules for the consideration of bills reported by the Committee on the District of Columbia.

Mr. HEARD. I am authorized to state in behalf of the Committee on the District of Columbia that, owing to the absence of several members of the committee, and in view also of the important general legislation demanding attention at this time, that committee will not claim to-day for the consideration of District business.

ORDER OF BUSINESS.

Mr. BURNES. Is it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union?

The SPEAKER. It is.

Mr. BURNES. I make that motion, with a view of resuming the consideration of general appropriation bills.

The SPEAKER. The rule of the House adopted at the present session provides that the second and fourth Mondays, after the call of States, shall be set apart for the consideration of certain business as may be presented by the Committee on the District of Columbia. Under that rule, if Monday is claimed for that committee, of course there is no hour for the call of committees; but not being claimed, there is a morning hour for the call of committees, unless it is dispensed with.

Mr. BURNES. I move that it be dispensed with for to-day.

Mr. MCRAE. I hope that will not prevail, unless with the usual stipulation that members having reports may be allowed to file them with the Clerk.

Mr. BURNES. There is no objection to that, and I will ask now by unanimous consent that members having reports may file them with the Clerk.

The SPEAKER. The Chair hears no objection, and it is so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

NANCY P. BROWN.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 10912) granting a pension to Nancy P. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING SERVICE PENSIONS.

Mr. BLISS also, from the Committee on Pensions, reported back the bill (H. R. 1634) granting pensions in certain cases; which was laid on the table.

He also, from the same committee, reported back, in the nature of a substitute for the foregoing, a bill (H. R. 11281) granting a pension to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONS.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2446) granting an increase of pensions in certain cases therein mentioned; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH HOT SPRINGS RESERVATION, ARKANSAS.

Mr. MCRAE, from the Committee on the Public Lands, reported back with amendments the bill (S. 2110) granting the right of way for the construction of a railroad through the Hot Springs reservation, State of Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. GRIFFEY.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back the Senate amendment to the bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll with the recommendation that it be concurred in; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. F. MOODY & CO.

Mr. CROUSE, from the Committee on War Claims, reported back with amendment the bill (H. R. 6569) for the relief of B. F. Moody & Co., or their legal representatives; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BATTELLE & EVANS.

Mr. CROUSE also, from the Committee on War Claims, reported back favorably the bill (H. R. 506) for the relief of Battelle & Evans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOTIER HOWE.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the bill (H. R. 11042) for the relief of Motier Howe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

Messages, in writing, were received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

The message further announced that the following bill, having been presented to the President on August 10, 1888, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his approval:

An act (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

The message further announced the approval of bills of the following titles:

An act (H. R. 1331) for the erection of a marine hospital at Evansville, Ind.;

An act (H. R. 3859) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York;

An act (H. R. 5494) for the relief of John T. Robeson;

An act (H. R. 5222) for the relief of A. M. Anderson and others;

An act (H. R. 6491) for the relief of Lowman & Co.;

An act (H. R. 4659) for the relief of George M. Ochiltree;

An act (H. R. 2611) for the relief of Joseph W. McClurg;

An act (H. R. 2592) for the relief of Andrew Gleeson;

An act (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased;

An act (H. R. 3329) to regulate the subdivision of land within the District of Columbia;

An act (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia; and

An act (H. R. 5156) for the relief of Andrew R. G. Smith.

SOLDIERS AND SAILORS OF THE UNITED STATES, ETC.

Mr. PERKINS, by unanimous consent, introduced a bill (H. R. 11282) to equalize the payment and do justice to the officers and soldiers and sailors of the United States in the late rebellion who were paid in currency commonly called greenbacks; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The morning hour was then dispensed with.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. DIBBLE. I have asked the House to make the special order of the matter of the general deficiency bill for to-morrow at 1 o'clock, stating as a reason therefor that there were a great many members absent, and that the vote would not, if taken, express the real sentiment of the House on the pending question of order. On a careful examination and scrutiny of the record of absentees I find of those who voted for the resolution in December last which instructed the Committee on Appropriations to put the claims approved by the Court of Claims upon the deficiency bill 46 more are absent than of those who voted against it.

Mr. BURNES. I rise simply for the purpose of making a parliamentary inquiry, and that is as to whether the motion I have made is subject to debate?

The SPEAKER. It is not. The Chair supposed the gentleman from South Carolina was going to make a suggestion in reference to the motion.

Mr. DUNN. Regular order.

Mr. BURNES. We have heard the remarks of the gentleman from South Carolina so often heretofore that they have become quite monotonous upon this subject; and I ask the regular order.

Mr. DIBBLE. I was just going to suggest to the gentleman the propriety of postponing the question until to-morrow.

Mr. O'NEILL, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. If this motion is voted down, then we would operate under the morning hour.

The SPEAKER. The morning hour has been dispensed with.

Mr. O'NEILL, of Missouri. I mean the hour for the consideration of bills.

The SPEAKER. If that hour should not be antagonized by a revenue bill.

Mr. O'NEILL, of Missouri. Then the transaction of business in that hour would proceed as usual if those motions were voted down, as I understand it.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

Mr. BUCHANAN. Is there not another hour to be devoted to the consideration of bills?

The SPEAKER. The Chair will cause the rule to be read. Under the rules of the House there is to be one morning hour, technically so denominated, which is the hour for the call of committees for reports. Then the hour follows for the consideration of bills which is provided for by a subsequent rule, or an amendment to the rule. The ninth section of Rule XVI provides as follows, which the Chair will direct the Clerk to read:

The Clerk read as follows:

9. At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. The gentleman will see that there are two classes of bills which have preference over the consideration hour, provided a majority of the House determines to consider them: the first, revenue bills, and the second, general appropriation bills. Either of these motions if adopted has priority. If these motions are not made, or if they are made and not agreed to by the House, then the hour for the consideration of bills follows under the other rule of the House.

Mr. BUCHANAN. I raised the question because that rule seems to be in conflict with the language of Rule XXIV, and desired a decision of the Chair upon the question.

The SPEAKER. It does appear so; but the practice has been to harmonize the rules in that way, and allow the two motions to be made giving preference to the consideration of important public bills.

Mr. BUCHANAN. If this motion is voted down, then the rule recurs, and there will be an hour for consideration.

The SPEAKER. There will be.

LEAVE OF ABSENCE.

The SPEAKER. Pending the motion of the gentleman from Missouri, the Chair desires to lay before the House certain requests for leave of absence.

The Clerk read as follows:

Mr. HOVEY, of Indiana, asks leave of absence for fifteen days from and after the 30th instant, on account of important business; and

Mr. MATSON asks leave of absence for fifteen days, on account of important business.

[Laughter and applause.]

Mr. BUCHANAN. Inasmuch as the campaign of Indiana has been fought out for some time in this House, I move that it be transplanted to Indiana, and that the leaves of absence asked for be granted. [Laughter.]

Mr. WEAVER. Mr. Speaker, what date is fixed for the leaves of absence?

The SPEAKER. The request is for fifteen days.

Mr. WEAVER. I do not like to object; but I do not see any greater reason for their absence than my own? When is this leave to begin?

The SPEAKER. From the 30th of the present month. Is there objection?

Mr. O'NEILL, of Missouri. I object.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. Is it in order to move to postpone the consideration of the motion of the gentleman from Missouri until to-morrow at 1 o'clock?

The SPEAKER. It is not. The only way to get rid of the motion is to reject it.

Mr. BAYNE. Is a motion in order to grant the leave of absence, which has just been refused, by unanimous consent to Colonel MATSON and General HOVEY?

The SPEAKER. The request was submitted to the House for unanimous consent but objected to.

Mr. BAYNE. Then I move that it be granted.

Mr. BUCHANAN. I have already made the motion.

The SPEAKER. The gentleman from New Jersey moves that the request for leave of absence in these cases be granted.

Mr. O'NEILL, of Missouri. Would it be in order to amend that, so as to include all other gentlemen who desire to go away for political reasons?

The SPEAKER. It would be in order to submit amendments.

The motion of Mr. BUCHANAN was adopted, and the leaves of absence were granted.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs on the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole House on the state of the Union to further consider general appropriation bills.

The question was taken; and on a division there were—ayes 88, noes 4.

Mr. DIBBLE. No quorum.

The SPEAKER. The Chair will appoint tellers.

Mr. DIBBLE and Mr. BURNES were appointed tellers.

Mr. BLAND. We had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and decided in the affirmative—yeas 160, nays 4, not voting 160; as follows:

YEAS—160.

Abbott,	Cowles,	Hovey,	Richardson,
Adams,	Crain,	Hutton,	Rogers,
Allen, Mass.	Crisp,	Johnston, Ind.	Romeis,
Allen, Mich.	Crouse,	Kilgore,	Rowland,
Allen, Miss.	Culberson,	Laffoon,	Russell, Conn.
Anderson, Iowa	Davidson, Fla.	La Follette,	Rusk,
Anderson, Miss.	Davis,	Laird,	Ryan,
Anderson, Ill.	Dibble,	Lane,	Sawyer,
Anderson, Kans.	Dockery,	Lanham,	Sayers,
Bacon,	Dougherty,	Lehlbach,	Scull,
Baker, Ill.	Dunn,	Lind,	Smith,
Bankhead,	Elliott,	Long,	Snyder,
Barnes,	Enloe,	Lyman,	Springer,
Bayne,	Farquhar,	Lynch,	Steele,
Bingham,	Flood,	Macdonald,	Stewart, Ga.
Bland,	Foran,	Maish,	Stockdale,
Bliss,	Forney,	Mansur,	Stone, Ky.
Blount,	French,	Martin,	Stone, Mo.
Bound,	Fuller,	Mason,	Struble,
Bowen,	Funston,	Matson,	Symes,
Breckinridge, Ark.	Gallinger,	McCormick,	Taulbee,
Breckinridge, Ky.	Gear,	McCreary,	Thomas, Wis.
Brewer,	Gest,	McCullogh,	Thompson, Ohio
Browne, Ind.	Glass,	McRae,	Tracey,
Brown, J. R., Va.	Goff,	Moore,	Townshend,
Buchanan,	Grimes,	Morgan,	Turner, Ga.
Bunnell,	Grosvenor,	Morrow,	Vance,
Burnes,	Hall,	Neal,	Vandever,
Cannon,	Haugen,	Nelson,	Walker,
Carlton,	Hayden,	Newton,	Warner,
Caruth,	Henderson, N. C.	O'Neall, Ind.	Washington,
Caswell,	Henderson, Ill.	O'Neill, Pa.	Weaver,
Catchings,	Hermann,	Osborne,	Wheeler,
Cheadle,	Hiestand,	Parker,	White, Ind.
Chipman,	Hogg,	Patton,	Whiting, Mass.
Clements,	Holman,	Payson,	Whitthorne,
Cobb,	Holmes,	Penington,	Wilkinson,
Cogswell,	Hooker,	Perkins,	Williams,
Compton,	Hopkins, Va.	Peters,	Wilson, Minn.
Conger,	Houk,	Post,	Woodburn.

NAYS—4.

Grout,	Hitt,	O'Neill, Mo.	Yost.

NOT VOTING—160.

Arnold,	Bryce,	Cooper,	Felton,
Atkinson,	Buckalew,	Cothran,	Finley,
Baker, N. Y.	Burnett,	Cox,	Fisher,
Barry,	Burrows,	Cummings,	Fitch,
Belden,	Butler,	Cutcheon,	Ford,
Belmont,	Butterworth,	Dalzell,	Gaines,
Biggs,	Bynum,	Dargan,	Gay,
Blanchard,	Campbell, F., N. Y.	Darlington,	Gibson,
Boothman,	Campbell, Ohio	Davenport,	Glover,
Bouteile,	Campbell, T. J., N. Y.	Davidson, Ala.	Granger,
Bowden,	Candler,	De Lano,	Greenman,
Brower,	Clardy,	Dingley,	Guenther,
Browne, T. H. B., Va.	Clark,	Dorsey,	Hare,
Brown, Ohio	Cockran,	Dunham,	Harmer,
Brumm,	Collins,	Ermentrout,	Hatch,